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# THE CONSTITUTIONAL COURT'S REVIEW OF PROPORTIONALITY AND THE RIGHT OF ACCESS TO A COURT WITH RESPECT TO THE PROCEDURAL DISMISSAL OF UNQUANTIFIED CLAIM LAWSUITS IN LABOUR RECEIVABLES



## I. INTRODUCTION

The Constitutional Court ("CC"), in its decision dated April 15, 2025 and numbered 2019/1844 (the "Decision"), published in the Official Gazette dated January 6, 2026 and numbered 33129, examined whether the procedural dismissal of a lawsuit filed for the collection of labour receivables on the ground that severance pay and annual leave wage claims cannot be brought as an unquantified claim due to the absence of legal interest violated the right of access to a court and the right to a fair trial guaranteed under Article 36 of the Constitution

In the Decision, the CC examined whether the procedural dismissal of the lawsuit due to the selection of the lawsuit type as an unquantified claim lawsuit in a dispute concerning labour receivables complies with the principle of proportionality in terms of the applicant's right of access to a court and right to a fair trial. Within this scope, the manner in which the procedural provisions regarding unquantified claim lawsuits should be applied in the concrete case was also assessed.

## II. SUMMARY OF THE CC'S DECISION

In the concrete case, the applicant filed an unquantified claim lawsuit against the employer for the collection of severance pay, overtime pay, national holiday and general holiday wages, weekly holiday wages, and annual leave wages arising from the employment relationship. Karaman Labour Court (the "Local Court") determined that the annual leave wage claim was determinable in nature and therefore could not be subject to an unquantified claim lawsuit and accordingly decided to procedurally dismiss the lawsuit with respect to this claim due to the lack of legal interest.

Upon the appeal of the Decision, the Supreme Court concluded that the severance pay receivable was also determinable in nature and found the Local Court's acceptance of the severance pay claim to be erroneous, thereby reversing the decision. In compliance with the reversal decision, the Local Court, in line with the additional expert report obtained, decided to accept the lawsuit with respect to overtime pay and national holiday and general holiday wage receivables, and to procedurally dismiss severance pay and annual leave wage receivables on procedural grounds due to the absence of legal interest, on the ground that these claims could not be brought as an unquantified claim action.

The CC conducted its examination within the framework of the right of access to a court guaranteed under Article 36 of the Constitution. The CC emphasized that any limitations imposed on the right of access to a court must meet the requirements of legality, legitimate aim, and proportionality pursuant to Article 13 of the Constitution. Within this context, it stated that the primary purpose of procedural dismissal decisions is to prevent judicial authorities from being unnecessarily occupied with lawsuits that do not produce legal consequences and to direct parties toward appropriate procedural avenues suitable for producing a

resolution on the merits of the dispute. However, the CC also underlined that the essence of the right of access to a court must not be impaired while pursuing this purpose. Furthermore, the CC recalled that pursuant to the Code of Civil Procedure numbered 6100, in cases where the lawsuit type is incorrectly determined, the judge is granted the opportunity to allow the plaintiff time to clarify the claim instead of directly dismissing the lawsuit; accordingly, it stated that procedural law provides for milder intervention tools that enable the examination of the merits of the case.

According to the CC, the right of access to a court is one of the fundamental elements of the freedom to seek legal remedies, and the application of procedural rules must not excessively hinder the exercise of this right. In the concrete case, issuing a direct procedural dismissal based solely on a technical assessment concerning the determination of the type of action, without any examination of the merits of the case, constitutes a severe interference that effectively renders the applicant's access to a court impossible.

For these reasons, the CC determined that the direct procedural dismissal of the lawsuit due to the lack of legal interest on the grounds that the conditions of filing an unquantified claim lawsuit were not met excessively restricted the applicant's right of access to a court, without considering the milder and proportionate tools available under procedural law. Concluding that this interference failed to satisfy the requirements of necessity and proportionality, the CC ruled that the allegation of violation of the right of access to a court within the scope of Article 36 of the Constitution was admissible and that the right of access to a court as an element of the right to a fair trial had been violated.

## III. CONCLUSION

The CC ruled that the procedural dismissal of the lawsuit due to the lack of legal interest on the grounds that severance pay and annual leave wage claims cannot be subject to an unquantified claim lawsuit violating the applicant's right of access to a court guaranteed under Article 36 of the Constitution. In this respect, the CC decided that the application was admissible and that the right of access to a court had been violated and ruled that the case file be sent to the relevant judicial authority for retrial to eliminate the consequences of the violation.

The CC particularly emphasized that, during the retrial process, the Local Court, as the court of instance, must render a new decision capable of eliminating the consequences of the violation by considering the principles and assessments set out in the violation decision. This Decision sets forth significant principles regarding how procedural dismissal decisions rendered on the grounds of incorrect determination of the type of lawsuit in disputes concerning labour receivables should be assessed in terms of the right of access to a court and constitutes guiding jurisprudence with respect to the boundaries of unquantified claim lawsuits, which are frequently debated in practice.

Full text of the CC's Decision:

<https://www.resmigazete.gov.tr/eskiler/2026/01/20260106-8.pdf>

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