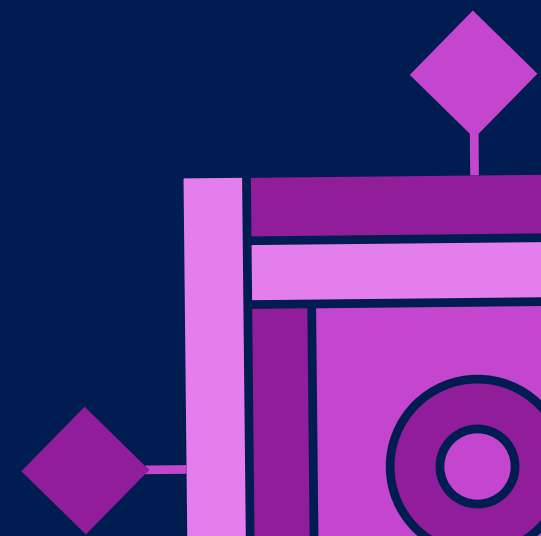





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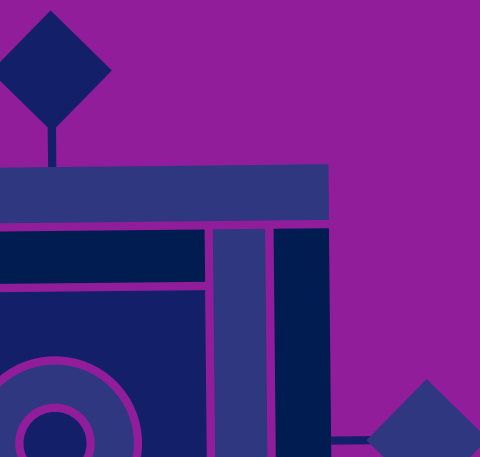
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CONSTITUTIONAL COURT DECISION ON THE NON-MANDATORY NATURE OF TURKISH ID NUMBERS IN PETITIONS





With its decision dated May 22, 2024, and numbered 2022/31465 and published in the Official Gazette dated October 22, 2024 and numbered 32700 ('Decision'), the Constitutional Court ruled that the applicant's right of access to the court, whose lawsuit was deemed to have not been filed due to the absence of the defendants' Turkish ID number and address information in the lawsuit petition of a partnership dissolution case, was violated.



SUBJECT OF THE APPLICATION

The Gümüşhane Civil Court of Peace ('the Court') gave the applicant a definite period of time to complete the missing information; however, the applicant did not fulfil the deficiencies within this period. As a result, the Court deemed the case as not filed and the appeal against this decision was rejected. Thereupon, the applicant, in her individual application to the Constitutional Court, stated that information such as the Turkish ID number of the defendants was not mandatory for filing a lawsuit, and that information such as the Turkish ID number was considered personal data.



LEGAL BASIS

The Constitutional Court emphasised that, pursuant to Article 119 of the Code of Civil Procedure, it is not mandatory to include the defendant's Turkish ID number in the petition. In the Decision, it is stated that it is unlawful for the courts to request the completion of this information, which is personal data.

RIGHT TO A FAIR TRIAL AND ACCESS TO COURT

The Constitutional Court found that the deeming of the case as not filed due to the lack of completion of the deficiencies constituted a severe interference with the applicant's freedom to seek justice. The Constitutional Court emphasised that the parties have a responsibility to collect information and documents, especially in complex legal processes such as partnership cases, but that this obligation must be proportionate and reasonable.


CONSTITUTIONAL COURT'S EVALUATION




CONSTITUTIONAL COURT'S EVALUATION

RESPONSIBILITY OF THE COURTS

The Constitutional Court has stated that the strict application of procedural rules may violate the right of individuals to access to court, taking into account the nature of the information and documents requested by the courts from the parties. In this respect, it was stated that some information, such as land registry records, can be obtained from public institutions, and for this reason, the courts may use the possibility of ex officio research before requesting information from the parties.



The Constitutional Court concluded that the deeming of the case as unfiled created a disproportionate burden and that this situation violated the right of access to the court within the scope of the right to a fair trial. Accordingly, it was ordered that the consequences of the violation be removed and the applicant's case be re-trialed. The judgement has once again demonstrated the importance of guaranteeing the freedom of individuals to seek their rights and the balance between the demands of the courts, especially in terms of procedural law.



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