

## **AIHJA (IASAJ) exchange program: report on visit to Council of State of Türkiye**

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Please allow me to express **my sincere gratitude to AIHJA (IASAJ)** for the possibility to visit the Council of State of Türkiye from 17 until 21 November 2025.

The **objectives of the Association were fully achieved**, by promoting the exchange of views and experiences between the two Supreme courts of administrative jurisdiction.

During the visit I learned about the judicial system of Türkiye, in particular the **organisation and functioning of its administrative justice**, as well as the **digitalization of judiciary** and other law enforcement bodies.

I would like to **thank the host, Council of State of Türkiye (Danıştay): its members, rapporteur judges, prosecutors and personnel** for the kind reception, as well as for interesting and informative program.

### **Main meetings and presentations during the visit concentrated on following topics:**

- Welcome reception by the Secretary General, Mr. Levent Barış Tüfenkci. Explanation of the key aspects of the administration of the Council of State, as well as of qualifications and nomination of Members and Rapporteur Judges of the Council of State. Rapporteur Judges are examining case files, presenting them to the chambers or committees in charge and preparing the drafts of the judgments.
- Meeting with the First (Chief) Prosecutor Cevdet Erkan. Sharing the information about the structure and duties of the Chief Prosecutor of the Council of State. In Estonia there is no such institution at the Supreme (Administrative) Court.
- Presentation on Turkish Administrative Justice, the Council of State and its Duties - Rapporteur Judge of General Secretariat, Seran Karatari Köstü (see short description of Turkish (Administrative) Judicial system below).
- Appointment at the 10th Chamber of the Council of State, meeting with the president of the Chamber Ibrahim Topuz and other members of the Chamber. Exchange of views on administrative judicial procedures and state liability.
- Visit to the Case Law, Reporting and Statistics Unit, meeting with the Judge of the Case Law Reporting Unit Emel Can Şentürk. Presentation about the harmonization and dissemination of the case-law, statistics of the Council of State, Annual Report/Yearbook, as well as other official Publications of the Council of State. There is an Assembly of the Unification of Conflicting Judgments that intervenes in the event of a difference or conflict between decisions of judicial chambers.
- Ten hearings at the Council of State on issues of public and civil service law related to the health sector, in particular to specialization (relation between main speciality and subspeciality), as well as retirement age of medical doctors

(request for the annulment of the phrase “physicians who have reached the age of 60” of a Regulation concerning Outpatient Diagnosis and Treatment in Private Health Institutions). The hearing halls are decorated with the quotation of Mustafa Kemal Atatürk: „Adalet Mülkün Temelidir“(justice is a Foundation of everything). According to the Article 141 of the Turkish Constitution, the duty of the judicial system is to conduct the proceedings in due time and as cost effectively as possible (“It is the duty of the judiciary to conclude trials as quickly as possible and at minimum cost”).

- Getting to know the Plenary Session of Administrative Law Chambers, discussion with the Senior Judge of the Plenary Session of Administrative Law Chambers Tuğba Demirer Akar on drafting of judgments. According to Article 38 – Duties of the Chambers for Administrative and Tax Litigation – of the Law No. 3619/6, the Chamber’s Board reviews, by way of appeal, the insistence decisions rendered by the administrative courts. It also reviews, by way of appeal, the decisions rendered by administrative litigation chambers acting as a court of first instance. Similar stipulations concern the Tax Litigation Chambers Board on tax law matters. According to Article 5 – Decision-Making (of the same law), the decision-making bodies of the Council of State (Danıştay) are as follows:

- a) The Chambers,
- b) The Plenary Session of the Council of State,
- c) The Administrative Affairs Board,
- d) The Administrative Litigation Chambers Board,
- e) The Tax Litigation Chambers Board.

According to Article 17 – Administrative and Tax Litigation Chambers Boards (Law No. 5183/3 as amended in 2004), The Administrative Litigation Chambers Board consists of the presidents of the administrative litigation chambers and two principal and two substitute members from each chamber, appointed by the Presidency Board. The decisions in the board are taken by a simple majority. The board is assisted by a rapporteur judge. The Plenary Session reviews in certain cases the decisions of regional administrative courts as the first instance court and in certain cases the judgments of Council of State as a court of appeal.

- Meeting with Rapporteur Judge Sümeyra Özgen on training, judicial, administrative and international experiences.
- Description of the international relations of the Council of State - Murat Caglayan, Chief Clerk of International Relations Bureau of the Council of State and Nursima Kose from the same Bureau. The Council of State is a member of AIHJA (IASAJ) since 1987 and is also an observer member to the Association of the Councils of State and Supreme Administrative Jurisdictions of the

European Union (ACA-Europe). It has also joined the Superior Courts Network (SCN) of the European Court of Human Rights.

- Lecture at the Information and Technologies Centre (Introduction to “National Judiciary Informatics System” – UYAP). The whole Judicial System of Türkiye is integrated into the e-justice system UYAP. Questions about e-hearings, the use of AI tools and, if necessary, of the translation and interpretation of judicial documents and proceedings.
- Study visits to the Library of the Council of State which also offers legal literature in foreign languages.
- Stop at the Museum of the Council of State: Learning the history of the Council of State dating back to the Ottoman Sultan Abdulaziz who established the Şura-yi Devlet which started to work on 10 May 1868, functioned primarily as a consultative body and was with the foundation of the Republic of Türkiye transformed into the Council of State in 1923, gained then moreover the cassation authority and unlike the Supreme Court of Estonia has had also female presidents.
- In addition, it should be noted that the Council of State building hosts the Shop of the Prison Services where products fabricated by the inmates are on sale.

**A few additional words about the judicial system:** In Türkiye, where the number of public administrators is around the triple of the amount of the whole population of Estonia, the court system is divided into ordinary jurisdiction (Public Prosecution, first instance courts, regional courts of appeal and Court of Cassation), administrative jurisdiction (first instance courts, regional administrative courts and the Council of State), constitutional jurisdiction (Constitutional Court) and dispute jurisdiction (Jurisdictional Dispute Court). In addition to these, the election judiciary (Supreme Election Council) and the account judiciary (Court of Accounts) are also included in the judiciary system. Judicial review of the administrative actions and acts are conducted by the competent administrative courts.

**The main feature of the administrative justice** is that it is constructed under the roof of a “three-competent and three-stages” authority system. The Administrative Courts deal with the annulment actions and full remedy actions brought against the administrative bodies by means of implementing the administrative legislation and Tax Courts deal with tax disputes. Cases up to a certain amount are held by one judge, while the cases exceeding that amount are held by a chamber. Regional Administrative Courts examine all judgments rendered by Administrative and Tax Courts as an appellate court, except for cases below a certain amount and subject to serial proceedings, while the Council of State examines the judgments held by Regional Administrative Courts about the cases written in law and judgments of Administrative Courts subject to serial proceedings as an appeal court.

The Council of State has also **advisory functions:** it acts as a consultative body pursuant to presenting its opinion on concession treaties and contracts related to public services.

Besides the new aspects acquired about the legal system and administrative jurisdiction the program also offered **cultural experiences** in the framework of visits to the Nation's Library; the Anıtkabir: Atatürk Mausoleum; a guided tour to the Anatolian Civilizations Museum; visits to the old city and Castle of Ankara (Ankara Citadel), as well as participation at the concert of national music (Sevda Türküleri) at the CSO Ada Ankara – Symphony Orchestra Concert Hall.

Furthermore, I would like to inform you that I have shared my experiences gained at the Council of State of Türkiye with Estonian judges and other colleagues by **contributing** with a paper on Turkish Judicial System to the **Yearbook of Estonian Courts**.

Mustafa Kemal Atatürk has said that **the biggest battle is the war against ignorance**. In any case, the experience of another country's court system broadens one's horizons.