

Turquie
Conseil d'Etat

Turkey
Council of State

Hierarchy of Norms in Turkish Law

The Hierarchy of Norms in Turkish law consists of written sources such as constitution, law, statutory decree, international agreements, legislation, regulation. There are also doctrine (scientific opinions) and case law (judicial decisions) and non-binding issues in the Hierarchy of Norms in Turkish Law.

Constitution:

The Constitution is the of top ranks in the hierarchy of norms in Turkish Law. Whithin the competence of Parliament to the Constitution, it is legislated and amended different from law with more diffucult procedures.

The first constitution of the Republic of Turkey was adopted on January 20, 1921. Then, according the evolving needs of the Constitution was amended in whole or in part.

The current Constitution was adopted on 18 October 1982, and were made important amendments with a plebicite in the current Constitution on 12 September 2010.

Law:

The law which is legal text after the hiearchy of norms in the constitution, which is legislated according to the procedures laid down in the Constitution made by the Parliament.

The laws of Parliament shall be in accordance with the Constitution. This compatibility is reviewed by the Constitutional Court, on the application of authorized authorities. If contradictions are detected, the law will be cancelled whole in or partially. The court which considers that the law is unconstitutional, still has to apply it unless the the law has not been cancelled yet by the Constitutional Court.

Statutory Decree:

The Statutory Decree is the written legal norms on the definite topics regulated by the Council of Ministers, based on the authorization directly from the constitution or the Parliament. These decrees are binding equally by the law.

The empowering law regulates the statutory decree's purpose, scope, principles, expiration date and if it is possible to issue more than one degree within this period.

International Agreements:

International Agreements come into force with the publishment in the official gazette after being approved by the parliament and by the President of the Republic.

These agreements are rules which are binding by having the force of law in the hierarchy of norms of Turkish law. However, the international agreements have positioned superior to the law but low principled than the constitution in Turkish hierarchy of norms with the constitutional amendments made in 2004.

Statutes:

Statutes are the written rules of law which are issued by the Council of Ministers after the opinion of the Council of the State is received and come into force after being approved by the President of the Republic and published in the Official Gazette, which demonstrate the practice of law and the matters it orders.

The judicial review of the statutes are done by the Council of State. Statutes are binding for people and administration, but unlawful statutes may be ignored by the administrative judicial bodies.

Regulation:

The regulations are the written rules which are issued without prejudice to the law by the Prime Ministry, the ministries and public corporate entities to provide the implementation of the law and statutes about their assignations. Before the regulations have been issued neither the examination by Council of State, nor the approval of the President of the Republic is necessary.

In countrywide, Judicial review of the regulations should be implemented by Council of State, on the other hand, the judicial review of the regulations will be applied in definite region should be done by the Administrative Court.

Regulations are binding on the for people and administration, but unlawful legal regulations could be ignored by the administrative judicial bodies.