

The Constitutional Court Ruling About the Application of Monetary Thresholds for Appeal and Cassation

I. Introduction

The Constitutional Court, in its decision dated December 12, 2024, which was published in the Official Gazette on January 1, 2025 under issue number 32798, ruled that the provision stipulating that the amount in effect on the date of the ruling should be taken as the basis for the application of monetary thresholds for appeal and cassation is unconstitutional. The decision will enter into force nine months after its publication in the Official Gazette, on October 30, 2025.

In this publication, the decision of the Constitutional Court regarding the unconstitutionality of the provision stipulating that the amount in effect on the date of the ruling should be taken as the basis for the application of monetary thresholds for appeal and cassation will be examined.

You can access the full text of the decision [here](#).

II. The Challenged Provision and the Application for Annulment

Pursuant to the provision added to Article 1 of the Code of Civil Procedure No. 6100 by Article 64 of Law No. 6763 dated 24.11.2016:

“... The monetary thresholds specified in Articles 341, 362, and ... shall be applied by increasing the monetary thresholds applied in the previous year in accordance with the revaluation rate determined and announced annually by the Ministry of Finance pursuant to the repeated Article 298 of the Tax Procedure Law No. 213 dated 04.01.1961, effective from the beginning of each calendar year.”

“... The amount in effect on the date of the ruling shall be taken as the basis for the application of the monetary thresholds specified in Articles 341, 362, and 369.”

In additional Article 1, the date of the ruling was taken as the basis for the application of monetary thresholds for appeal and cassation. The applicants of the constitutional complaint argued that this provision violates the constitutional principles of the right to legal remedies and equality.

In the application submitted to the Constitutional Court, it was stated that the monetary threshold for appeal and cassation could change annually due to the revaluation rate during the period from the date of filing the lawsuit to the time the dispute was adjudicated by the court and later by the appellate authority. The applicant argued that due to the said provision, a ruling that could have been appealed on the date the lawsuit was filed might fall below the appeal and cassation threshold on the date of the ruling, thereby violating the right to access a court, the principle of the natural judge, the right to request judicial review, legal certainty, legal foreseeability, and the principle of equality.

III. Assessment of the Constitutional Court's Decision

In its decision dated 04.12.2024, the Constitutional Court stated that, pursuant to the provision in additional Article 1, if the subject matter of the case, in terms of its value or amount, falls below the monetary thresholds in effect on the date of the ruling, it would not be possible to file an appeal or cassation against the decisions of the first-instance and regional courts. Furthermore, in its decision, the Constitutional Court determined that while monetary values are updated due to inflation during the process of applying for appellate review, the value of the subject matter or claim, which has lost its economic value due to inflation, is adversely affected, and this adverse effect is imposed on the parties whose right to seek legal remedies is thereby impaired.

The High Court also emphasized that due to the provision stipulated in additional Article 1, a ruling that could have been subject to appeal or cassation based on the monetary thresholds in effect at the time the legal relationship or claim arose may no longer be eligible for appellate review based on the monetary thresholds in effect at the time of the ruling, particularly in cases where proceedings are prolonged.

For the aforementioned reasons, the High Court concluded that the legal restriction imposed on the right to request judicial review through appeal or cassation was disproportionate and contrary to the principle of equality.

To illustrate the significance of the decision, if the duration of judicial proceedings varies among courts, one lawsuit filed on the same date may be subject to appeal or cassation due to reaching the monetary threshold, while another case, which concludes later, may fall below the threshold and be ineligible for appellate review. This situation undoubtedly leads to a violation of the principle of equality, which is enshrined in Article 10 of the Constitution and constitutes an integral part of the rule of law.

As highlighted in the Constitutional Court's decision, it is evident that, under the annulled provision, the burden borne by parties unable to seek legal remedies is disproportionate to the public interest in concluding judicial proceedings at the lowest cost and in the shortest time, thereby disrupting the balance to the detriment of the parties.

IV. Conclusion

The Constitutional Court, in its decision dated December 12, 2024 and numbered 2023/182 E., 2024/203 K., ruled that the phrase "...341st, 362nd..." in the second paragraph of additional Article 1 of the Code of Civil Procedure is unconstitutional and annulled the provisions stipulating that the amount in effect on the date of the ruling shall be taken as the basis for the application of monetary thresholds for appeal and cassation in civil court decisions. The annulment decision will enter into force on October 30, 2025.

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