

Provisions of the Attorneyship Law on Disciplinary Offences and Sanctions Published and Entered into Force

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With the Law on Amendments to the Turkish Criminal Code and Certain Laws and Decree Law No. 631, published in the Official Gazette dated 25/12/2025 and numbered 33118 (the “**Legislative Amendment**”), the provisions of the Attorneyship Law No. 1136 (the “**Law**”) regarding disciplinary offences and sanctions, which had been annulled by the Constitutional Court (*Anayasa Mahkemesi* – “**CC**”) with its decision numbered 2025/50 E., 2025/47 K. and dated 06.03.2025, have been re-regulated and entered into force.



Constitutional Court Decision and Grounds for Annulment

In a dispute brought before the 20th Administrative Court of Ankara, the court concluded that Articles 134 and 135 of the Law were unconstitutional. Article 134 regulates that disciplinary sanctions stipulated in the Law shall be imposed on attorneys who engage in acts and conduct incompatible with the honor of the legal profession, its order and traditions, and professional rules, or who fail to perform their

professional duties or fail to act in accordance with the honesty required by their duty. Article 135 stipulates that the disciplinary sanctions applicable to attorneys consist of warning, reprimand, an administrative fine ranging from ten thousand Turkish liras to one hundred and fifty thousand Turkish liras, suspension from practice, and disbarment (for attorney partnerships, deletion from the bar association attorney partnership registry), and defines these sanctions.

The court referred the matter to the Constitutional Court through an objection (concrete norm review), arguing that the provisions violated the Constitution.

Within the scope of the application, it was asserted that Articles 134 and 135 of the Law relating to disciplinary offences and sanctions failed to set forth any principles regarding disciplinary practices; did not regulate which disciplinary sanctions would be applied to which disciplinary acts; granted the administration unlimited discretionary power in imposing such sanctions; allowed both the lightest and the heaviest sanctions to be imposed for the same act; and therefore failed to provide statutory safeguards in disciplinary offences and sanctions. It was further argued that individuals were not afforded a legal framework enabling them to foresee, with sufficient clarity and certainty, which legal sanction or consequence would be attached to which concrete act or fact, thereby violating the principle of legality of crimes and punishments, in breach of Articles 2, 13, and 38 of the Constitution.

Following its review, the Constitutional Court, maintaining its established case law, ruled with its decision numbered 2025/50 E., 2025/47 K. and dated 06.03.2025 that although Articles 134 and 135 enumerate the situations in which disciplinary sanctions may be imposed and specify the disciplinary sanctions, a sufficient link had not been established between disciplinary offences and sanctions. The Court held that the criteria for determining disciplinary sanctions based on the nature of the act did not provide sufficient legal safeguards for the addressees; that there were no adequate mechanisms to ensure a fair balance between the disciplinary misconduct and the imposed sanction; and that legal safeguards against arbitrary interpretation and application were not ensured. On these grounds, the Constitutional Court decided to annul the relevant provisions and ruled that the annulment would enter into force nine (9) months after the publication of the decision in the Official Gazette, i.e. on 22.02.2026.

Legislative Amendment and Its Grounds

Following the Constitutional Court's decision, the legislator enacted the Legislative Amendment, re-regulating the provisions based on the grounds summarized below:

- **Amendment to Article 59 of the Law:**
A provision has been added stipulating that, in cases where the disciplinary investigation awaits the outcome of criminal prosecution and action must be taken based on the decision rendered in such prosecution, the final decisions issued at the stages of first instance, appeal, and cassation, as well as the annotation of finalization issued by the heavy penal court, shall be notified to the

bar association with which the attorney is registered, in order to ensure that the relevant bar association is informed of such decisions.

- **Amendments to Articles 134 and 135 of the Law:**

The disciplinary sanctions applicable to acts defined as disciplinary misconduct have been specified as warning, reprimand, administrative fine, suspension from practice, and disbarment, and the acts requiring each sanction have been individually enumerated. For disciplinary sanctions other than suspension from practice and disbarment, acts similar in nature and severity to those listed in the relevant articles have also been defined as acts requiring the corresponding disciplinary sanction, with the aim of preventing such acts from remaining unsanctioned. Furthermore, a gradation has been introduced with respect to intentional crimes resulting in a sentence of imprisonment exceeding two (2) years as referred to in subparagraph (a) of the first paragraph of Article 5 of the Law, as well as other crimes specified in the article.

- **Amendment to Article 136 of the Law:**

The circumstances under which a higher or lower degree disciplinary sanction may be imposed, as well as the special application method of the sanction of disbarment, have been specified. It has been regulated that if an attorney who has been subject to any disciplinary sanction commits a new act requiring a disciplinary sanction within five (5) years from the date on which the sanction becomes final, the disciplinary sanction

prescribed for such act shall be imposed at one degree higher. However, if an act requiring suspension from practice is committed within five years from the finalization of a first-time warning sanction, the upper limit of the suspension from practice sanction shall be imposed instead of disbarment. Under the second paragraph, it is stipulated that an attorney who has once received a suspension from practice sanction shall be disbarred if they commit, within five years from the finalization of such sanction, an act requiring at least a reprimand. Under the third paragraph, it is provided that for an attorney who commits, for the first time, an act requiring a disciplinary sanction, a sanction one degree lighter than the prescribed sanction may be imposed, except in cases requiring disbarment. Attorneys for whom five years have elapsed since the finalization of a disciplinary sanction have also been allowed to benefit from this provision.

- **Repeal of Article 155/2 of the Law:** To ensure compliance with the amendments made to Articles 135 and 136 of the Law, the second paragraph of Article 155 has been repealed.
- **Amendment to Article 159 of the Law:** It has been regulated that, if the disciplinary board decides to await the outcome of criminal prosecution, the authority to impose a disciplinary sanction shall be time-barred upon the lapse of one (1) year from the notification of the finalized court decision to the relevant bar association. In addition, with a newly added paragraph, it has been

stipulated that filing a lawsuit against the administrative act established as a result of a disciplinary investigation or prosecution shall interrupt the limitation period, and that if the administrative act is annulled by a judicial decision, a new decision shall be rendered based on the renewed investigation or prosecution within a maximum of two (2) years from the notification of the court decision to the relevant bar association or the Union of Turkish Bar Associations (*Türkiye Barolar Birliği* – “*UTBA*”), in accordance with the court ruling.

➤ **Amendment to Article 160 of the Law:**

In addition to the existing provision allowing warning, reprimand, and administrative fines to be deleted from the disciplinary record after five (5) years, it has been regulated that suspension from practice sanctions may also be deleted from the record after five years; however, suspension from practice sanctions imposed by way of recidivism shall not be eligible for deletion from the record.



Conclusion

With the Legislative Amendment, the provisions annulled because of the Constitutional Court decision have been re-

regulated following the receipt of opinions from the Union of Turkish Bar Associations. These amendments aim to establish a fair balance between disciplinary misconduct and the imposed disciplinary sanctions in compliance with the principle of legality, to strengthen the deterrent effect of disciplinary sanctions, to ensure that sanctions are

imposed in an equitable manner, and to implement the principle of legal certainty more effectively. In this context, while ensuring that acts requiring disciplinary sanctions do not remain unsanctioned, the period within which disciplinary sanctions may be imposed has been clearly regulated in line with the principle of legal certainty.

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