

The Constitutional Court decided on the violation of the right to a reasoned decision due to the decision made without evaluating all the evidence in the determination of the premium-based wage.

1 Feb 2024

The Constitutional Court decided that the violation of the right to a reasoned decision shall arise due to the failure to refer to the evidence put forward in the case of determination of the premium-based wage in the reasoned decision.

Upon the individual application, the Constitutional Court decided that the non-evaluation of another court's decision on labour receivables, which was also put forward by one of the parties, as evidence during the pending case for the determination of the premium-based wage is a violation of the right to a reasoned decision.

The individual application to the Constitutional Court relates to the claims that the right to a reasoned decision was violated due to the dismissal of the case without considering the evidence put forward in the case for the determination of the premium-based wage, and the right to a trial within a reasonable time due to the long duration of the proceedings. The applicant indicated that the base pay was determined in the labour receivables lawsuit. Due to the decision of dismissal of the case in terms of the wage paid in person without considering this evidence, the applicant complained that the result of the proceedings was unfair and claimed that the rights to a fair trial and social security were violated.

The Constitutional Court unanimously decided to reject the claim of violation of the right to a trial within a reasonable time and to accept the claim regarding the violation of the right to a reasoned decision.

In summary, the Constitutional Court based the decision on the following grounds:

- Although the Constitution does not explicitly mention the right to a reasoned decision, the courts are obliged to issue their decisions in a reasoned manner. The right to a fair trial also ensures the right to a reasoned decision. The right to a reasoned decision is one of the fundamental assurances of the right to a fair trial regulated.
- The right to a reasoned decision aims to ensure and control the fair trial of individuals. It is necessary for the parties to know whether the claims they have put forward during the proceedings have been examined in accordance with the rules, and it is also necessary in a democratic society to ensure that the public is informed of the reasons for judicial decisions taken on their behalf.
- It is a constitutional obligation to provide sufficient reasons in the decision to enable the applicant and third parties to objectively understand the reasons for the different outcomes of the related cases.
- It is concluded that the substantive claims and objections that may change the result of the decision have not been met and the right to a reasoned decision has been violated.

In summary, if the claims put forward during the proceedings have an influence on the outcome of the case, a violation of the right to a reasoned decision will arise if these issues are not reasonably addressed by the courts in the reasoned decisions.

Please see this [link](#) for the full text of the Constitutional Court's decision with the application number of 2019/38643, published in Official Gazette dated 14 December 2023. (Only available in Turkish)

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