

# MOROĞLU ARSEVEN

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The Law Act No. 7438, which is known as the “Regulation for Those Who were not Able to Retire due to Age” was published in the Official Gazette dated 03.03.2023 numbered 32121, and entered into force on the date of its publication.

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Insured persons who were not entitled to retirement solely due to their age will be able to benefit from old-age or retirement pension if they meet conditions other than age, following the effective date of the relevant bill of law.

Principally in Turkey, three (3) basic conditions are sought to retire: age, number of premium payment days, and insurance period. Recently, in accordance with the Law on the Amendment of the Social Insurance and General Health Insurance Law and the Decree Law Act No. 375 ("**Law**"), which entered into force on 03.03.2023, it has been determined that persons who have started to work as insured before 08.09.1999 will be entitled to retirement, if they meet with conditions other than the age requirement. However, those who have started to work after 08.09.1999 cannot benefit from the regulation.

The application requirements in order to be able to apply for retirement as per the Law are as follows:

#### **The Insurance Entry Date:**

- Those who started to work as insured before the date 08.09.1999 (inclusive) and
- Those who started to as insured after 09.09.1999 (inclusive) and with the borrowings they made in accordance with the provisions of the relevant legislation which allows to bring back the insurance starting date to a date prior than 08.09.1999 (inclusive)

#### **The Insurance Period and/or The Number of Premium Payment Days:**

In addition to the explanations above;

- It is required to complete the insurance period of 20 years for women and 25 years for men, and between 5000 and 5975 premium days, which varies depending on the insurance starting period, regarding persons who are insured under the Social Insurance Institution ("**SII**").

Charts with regards to premium payment days for women and men are as follows:

## The Women Covered by SII

The Insurance Entry Date	The Insurance Period	The Number of Premium Payment Days
Before 01.04.1981	20 years	5000 days
09.09.1981 – 23.05.1984	20 years	5000 days
24.05.1984 – 23.05.1985	20 years	5000 days
24.05.1985 – 23.05.1986	20 years	5075 days
24.05.1986 – 23.05.1987	20 years	5150 days
24.05.1987 – 23.05.1988	20 years	5225 days
24.05.1988 – 23.05.1989	20 years	5300 days
24.05.1989 – 23.05.1990	20 years	5375 days
24.05.1990 – 23.05.1991	20 years	5450 days
24.05.1991 – 23.05.1992	20 years	5525 days
24.05.1992 – 23.05.1993	20 years	5600 days
24.05.1993 – 23.05.1994	20 years	5675 days
24.05.1994 – 23.05.1995	20 years	5750 days
24.05.1995 – 23.05.1996	20 years	5825 days
24.05.1996 – 23.05.1997	20 years	5900 days
24.05.1997 – 23.05.1998	20 years	5975 days
24.05.1998 – 23.05.1999	20 years	5975 days
24.05.1999 – 08.09.1999	20 years	5975 days

## The Men Covered by SII

The Insurance Entry Date	The Insurance Period	The Number of Premium Payment Days
Before 08.09.1976	25 years	5000 days
09.09.1976 – 23.05.1979	25 years	5000 days
24.05.1979 – 23.05.1980	25 years	5000 days
24.05.1980 – 23.05.1982	25 years	5075 days
24.05.1982 – 23.05.1983	25 years	5150 days
24.05.1983 – 23.05.1985	25 years	5225 days
24.05.1985 – 23.05.1986	25 years	5300 days
24.05.1986 – 23.05.1988	25 years	5375 days
24.05.1988 – 23.05.1989	25 years	5450 days
24.05.1989 – 23.05.1991	25 years	5525 days
24.05.1991 – 23.05.1992	25 years	5600 days
24.05.1992 – 23.05.1994	25 years	5675 days
24.05.1994 – 23.05.1995	25 years	5750 days
24.11.1995 – 23.05.1997	25 years	5825 days
24.05.1997 – 23.11.1998	25 years	5900 days
24.11.1998 – 08.09.1999	25 years	5975 days

- 7200 premium days for women and 9000 premium days for men if they are insured under Social Security Organization for Artisans and the Self-Employed ("**Ba?kur**") and Retirement Fund.

Other regulations introduced by the relevant Law are as follows:

- The amount corresponding to five (5) points of the employer's social security support premium will be covered by the Treasury at the date of employment, if such employee has retired in accordance with the Law and started working again in their last private sector workplace within thirty (30) days following their resignation
- If the insured person who benefits from the social security support premium employer's share discount leaves the job, this discount will not be available again.

- Employees hired in public institutions and organizations, special provincial administrations and municipalities and their subsidiaries, and local government unions of which they are members, and those who have been transferred to employee status together or separately in companies with more than half of the capital belonging to special provincial administrations, municipalities and their affiliates; if they are entitled to a retirement pension, old-age or invalidity pension, the regulations requiring the termination of their employment contracts by the public institutions and organizations or companies they are employed will be repealed.

The Law on the Amendment of the Social Insurance and General Health Insurance Law and the Decree Law Act No. 375 entered into force on 03.03.2023, the date of publication.

Details of the Law can be found through this [link](#) (only available in Turkish).

## Related Practices

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