

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.

3 Mar 2023

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 ("**Bağkur**") 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).

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