

Turkish Civil Litigation

A 2026 Legal Guide
for Foreign Companies

Jurisdiction • Pleadings •
Mandatory Mediation •
Interim Relief • Enforcement

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LITIGATION



JURISDICTION



MEDIATION



INTERIM RELIEF



ENFORCEMENT

Civil Litigation in Türkiye 2026

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Abstract

This article examines the procedural framework for civil litigation in Türkiye from the perspective of foreign companies and claimants. It considers subject-matter and territorial jurisdiction, international jurisdiction, mandatory mediation, service, pleadings, evidence, expert reports, security, interim relief and appeals. The discussion also addresses powers of attorney and the relationship between a favourable judgment and eventual recovery. Judicial authorities are considered with attention to their procedural and statutory context. The analysis argues that effective litigation requires early coordination of forum, admissibility, deadlines, proof and enforcement, rather than an exclusive focus on filing the substantive claim.

Keywords civil litigation, Türkiye, jurisdiction, mandatory mediation, evidence, foreign claimants

Introduction

For a foreign company, litigation in Türkiye should rarely begin with the question, "How quickly can we file?"

My first questions are usually different. Which Turkish court has subject matter jurisdiction? Which court has territorial jurisdiction? Is there a valid jurisdiction clause? Is mediation a condition of action? Is urgent protection required before the defendant moves assets or evidence disappears? Are the documents capable of being used in Turkish proceedings? Will security be required because the claimant is foreign? And if the claimant succeeds, where are the assets against which the judgment can actually be enforced?

These questions are procedural, but they are not technicalities. A strong substantive claim can lose significant time, leverage and money if the procedural structure is wrong at the outset.

Turkish civil litigation is principally governed by Code of Civil Procedure No. 6100, Hukuk Muhakemeleri Kanunu or HMK. Commercial disputes are also affected by Turkish Commercial Code No. 6102, while disputes containing a foreign element may engage Law No. 5718 on Private International Law and International Civil Procedure, MÖHUK.¹

¹ Code of Civil Procedure No. 6100, particularly Articles 1 to 20, 118 to 140, 266 et seq., and 389 et seq.; Republic of Türkiye Ministry of Justice, official statutory text. Turkish Commercial Code No. 6102, particularly Articles 4, 5 and 5/A; Republic of Türkiye Ministry of Justice, official statutory text. Law No. 5718 on Private International Law and International Civil Procedure, particularly Articles 40, 47, 48 and 50 to 59; Republic of Türkiye Ministry of Justice, Hukukî Konularda Uluslararası Adli İş Birliği Mevzuatı.



Turkish Civil Litigation Is Structured Around Written Pleadings

Türkiye follows a civil-law procedural system. Although oral hearings are important, particularly for preliminary examination, witnesses, experts and oral submissions, the architecture of the case is created principally through written pleadings and documentary evidence.

HMK Article 119 requires the statement of claim to identify the court and parties, state the subject and value of the claim where applicable, set out the material facts in numbered form, identify which evidence supports each factual allegation, state the legal grounds and specify the relief requested.²

This makes early case preparation particularly important. A foreign claimant should not send Turkish counsel only a contract and ask that "a lawsuit be filed."

Counsel should receive the commercial chronology, relevant correspondence, notices, invoices, payment records, corporate documents, technical material, settlement communications where legally usable, and information concerning the defendant's assets and legal identity.

The first pleading is part of litigation strategy.

Subject Matter Jurisdiction Must Be Distinguished From Territorial Jurisdiction

Turkish procedural law distinguishes görev, meaning subject matter jurisdiction, from yetki, meaning territorial jurisdiction.

The distinction has practical consequences. Under HMK Article 2, the Civil Court of First Instance, Asliye Hukuk Mahkemesi, has general jurisdiction over civil property and personal-right disputes unless another provision assigns the matter elsewhere.

The Civil Court of Peace, Sulh Hukuk Mahkemesi, does not simply deal with claims because they are of low monetary value. HMK Article 4 assigns it specific categories including tenancy disputes, partition and dissolution of co-ownership, certain possession matters and other matters expressly assigned by law.³

Commercial disputes must be classified under Turkish Commercial Code Articles 4 and 5. Certain disputes are commercial because both parties' commercial enterprises are involved; others are deemed commercial because they arise from legislation specifically listed in Article 4.⁴

For a foreign client, a contract labelled "commercial" does not by itself resolve which Turkish court must hear the case.

The legal nature of the claim must be identified.

² Code of Civil Procedure No. 6100, particularly Articles 1 to 20, 118 to 140, 266 et seq., and 389 et seq.; Republic of Türkiye Ministry of Justice, official statutory text.

³ Code of Civil Procedure No. 6100, particularly Articles 1 to 20, 118 to 140, 266 et seq., and 389 et seq.; Republic of Türkiye Ministry of Justice, official statutory text.

⁴ Turkish Commercial Code No. 6102, particularly Articles 4, 5 and 5/A; Republic of Türkiye Ministry of Justice, official statutory text.



Yargıtay: A Commercial Transaction and a Commercial Lawsuit Are Not Necessarily the Same Thing

This distinction has been recognised repeatedly in Court of Cassation jurisprudence. The Ministry of Justice's formal training materials on commercial mediation cite Yargıtay 15th Civil Chamber, E. 2016/5445, K. 2017/4129, 27 November 2017, together with Yargıtay General Assembly of Civil Chambers, E. 2017/1658, K. 2017/1464, 29 November 2017.

The underlying principle is that the commercial character of a transaction does not automatically mean that every resulting lawsuit is legally classified as a commercial case. The statutory criteria governing commercial lawsuits must still be satisfied.⁵

That principle matters for foreign parties because court jurisdiction, mandatory mediation and procedure may depend upon the legal classification of the action rather than the business description used by the parties.

Territorial Jurisdiction Begins With the Defendant's Domicile, but That Is Only the Starting Point

HMK Article 6 provides the general rule that proceedings may be brought before the court of the defendant's domicile at the time the action is filed.⁶

Several important alternatives or exclusive rules may apply. A contractual claim may also be brought before the court of the place where the contract is to be performed under Article 10.

Claims concerning rights in rem in immovable property are subject to the exclusive jurisdiction of the court where the property is located under Article 12.

Tort claims may also be brought before courts connected with the place of the wrongful act, the place where the damage occurred or may occur, or the injured party's domicile under Article 16.⁷

The word exclusive matters.

Where jurisdiction is exclusive, the court examines it on its own initiative. Where jurisdiction is not exclusive, the defendant must generally raise the objection properly and in time. If the defendant does not do so, the court where the action was filed may become competent under Article 19.⁸

⁵ Yargıtay 15th Civil Chamber, E. 2016/5445, K. 2017/4129, 27.11.2017; Yargıtay General Assembly of Civil Chambers, E. 2017/19-1658, K. 2017/1464, 29.11.2017; Republic of Türkiye Ministry of Justice, formal commercial mediation training materials.

⁶ Code of Civil Procedure No. 6100, particularly Articles 1 to 20, 118 to 140, 266 et seq., and 389 et seq.; Republic of Türkiye Ministry of Justice, official statutory text.

⁷ Code of Civil Procedure No. 6100, particularly Articles 1 to 20, 118 to 140, 266 et seq., and 389 et seq.; Republic of Türkiye Ministry of Justice, official statutory text.

⁸ Code of Civil Procedure No. 6100, particularly Articles 1 to 20, 118 to 140, 266 et seq., and 389 et seq.; Republic of Türkiye Ministry of Justice, official statutory text.



Filing in the Wrong Court Does Not Always Mean Starting From Zero

A lack-of-jurisdiction or lack-of-venue decision does not invariably mean that the claimant must simply file an entirely new lawsuit. Under HMK Article 20, after a decision of lack of jurisdiction or venue becomes final, a party must apply to the court that issued the decision within two weeks and request that the file be sent to the competent court.

If no timely request is made, the court declares the action not to have been filed.⁹ That procedural mechanism is important, but it should not make a claimant relaxed about court selection.

A jurisdictional dispute can still cause significant delay and additional cost, particularly where limitation or forfeiture periods are approaching.

Correct classification remains the better strategy.

Jurisdiction Agreements Require Careful Drafting

HMK Articles 17 and 18 allow traders and public legal entities to agree upon one or more competent Turkish courts for disputes arising from a defined or definable legal relationship, subject to the statutory requirements.

The agreement must be in writing, must identify the relevant legal relationship and must designate the chosen court or courts. Jurisdiction agreements cannot override exclusive jurisdiction or matters over which the parties do not have free disposition.¹⁰

Recent formal scholarship also records Yargıtay 12th Civil Chamber, E. 2024/170, K. 2024/5198, 22 May 2024. The Court's approach confirms that HMK Article 17 focuses on whether the parties themselves possess trader or public-legal-entity status. The fact that the underlying transaction is commercially characterised does not by itself give persons who do not satisfy that statutory status the ability to create an HMK Article 17 jurisdiction agreement.¹¹

For foreign companies using international templates, this is a reason to have Turkish forum clauses reviewed rather than assume that a clause valid elsewhere will automatically operate in Türkiye.

International Jurisdiction Requires a Separate MÖHUK Analysis

Where a dispute contains a foreign element, the first question is whether Turkish courts possess international jurisdiction. Under MÖHUK Article 40, Turkish courts' international jurisdiction is generally determined by the domestic territorial-jurisdiction rules.¹²

⁹ Code of Civil Procedure No. 6100, particularly Articles 1 to 20, 118 to 140, 266 et seq., and 389 et seq.; Republic of Türkiye Ministry of Justice, official statutory text.

¹⁰ Code of Civil Procedure No. 6100, particularly Articles 1 to 20, 118 to 140, 266 et seq., and 389 et seq.; Republic of Türkiye Ministry of Justice, official statutory text.

¹¹ Yargıtay 12th Civil Chamber, E. 2024/170, K. 2024/5198, 22.05.2024, discussed in Murat Emre Keküllüoğlu, "HMK Madde 17'de Aranılan Tacir Olma Şartının Milletlerarası Yetki Anlaşmaları Bakımından Uygulanması," Akdeniz Üniversitesi Hukuk Fakültesi Dergisi, Vol. 15, Special Issue, 2026, pp. 513 to 538.

¹² Law No. 5718 on Private International Law and International Civil Procedure, particularly Articles 40, 47, 48 and 50 to 59; Republic of Türkiye Ministry of Justice, Hukukî Konularda Uluslararası Adli İş Birliği Mevzuatı.



MÖHUK Article 47 also permits parties, under specified conditions, to agree that a dispute arising from an obligation with a foreign element will be heard by a foreign court where Turkish jurisdiction is not exclusive.

The agreement must be provable in writing. The statute also regulates when proceedings may nevertheless be heard in Türkiye.¹³ The relationship between MÖHUK and HMK jurisdiction clauses can become technically complex. A 2026 peer-reviewed study in the Akdeniz University Faculty of Law Journal examines the difficulties created by applying HMK Articles 17 and 18 to international jurisdiction agreements designating Turkish courts.¹⁴

For a foreign client, the practical lesson is simple. A jurisdiction clause should be reviewed before the contract is signed, not after the dispute has arisen.

Mandatory Mediation Is Broader Than Older Litigation Guides Suggest

This is one of the most important current-law points for 2026 practice. Law No. 7445, published on 5 April 2023, amended TTK Article 5/A. Since 1 September 2023, mandatory mediation applies within the statutory scope to commercial actions concerning monetary receivables and compensation as well as cancellation of objection, negative declaratory and restitution actions.¹⁵

The Ministry of Justice's formal mediation materials expressly explain that the amendment was intended to remove the uncertainty created by the earlier case law concerning negative declaratory and restitution actions.¹⁶

Accordingly, a 2022 Yargıtay decision holding that a commercial negative declaratory action did not require prior mediation was correct under the statutory wording then in force, but it should not be presented as the current 2026 rule.

That distinction is exactly the kind of point a publication-ready legal article should make clear.

Missing Mandatory Mediation Can Prevent the Court From Reaching the Merits

Where mediation is legally a condition of action and the claimant files without completing the required process, the court addresses the absence of that procedural condition before considering the substance of the claim.

This can produce an avoidable procedural rejection even where the underlying commercial case is strong. Foreign claimants should therefore determine before filing whether the dispute falls within

¹³ Law No. 5718 on Private International Law and International Civil Procedure, particularly Articles 40, 47, 48 and 50 to 59; Republic of Türkiye Ministry of Justice, Hukukî Konularda Uluslararası Adli İş Birliği Mevzuatı.

¹⁴ Yargıtay 12th Civil Chamber, E. 2024/170, K. 2024/5198, 22.05.2024, discussed in Murat Emre Keküllüoğlu, “HMK Madde 17’de Aranan Tacir Olma Şartının Milletlerarası Yetki Anlaşmaları Bakımından Uygulanması,” Akdeniz Üniversitesi Hukuk Fakültesi Dergisi, Vol. 15, Special Issue, 2026, pp. 513 to 538.

¹⁵ Law No. 7445, Official Gazette No. 32154, 5 April 2023, Article 31 and Provisional Article 1, amending Turkish Commercial Code Article 5/A with effect from 1 September 2023.

¹⁶ Republic of Türkiye Ministry of Justice, Uzman Arabuluculuğa Giriş and current mediation training materials, explaining the 2023 statutory expansion of mandatory mediation and the effect on earlier case law.



commercial mandatory mediation, labour mandatory mediation, consumer mandatory mediation, or another statutory mediation category.

The analysis should be made according to the actual claim and legal relationship.

Filing and Case Management Through UYAP

Türkiye's court system is extensively digitalised through the National Judiciary Informatics System, UYAP. The official UYAP Avukat Portal allows Turkish lawyers to file civil and administrative proceedings electronically, submit documents, review authorised files, monitor procedural events, follow hearing dates and pay court fees and expenses online.¹⁷

For foreign companies, this means counsel can ordinarily manage substantial parts of litigation without the foreign client being physically present in Türkiye.

The client must still provide properly executed authority and the necessary evidence.

Digital filing does not eliminate documentary formalities.

Defence Deadlines Begin With Proper Service

Under HMK Article 127, the ordinary period for a defendant to file its statement of defence is two weeks from service of the statement of claim. Where preparing the response within that period would be very difficult or impossible, the defendant may request an additional period during the original response period, subject to the statutory limit.¹⁸

The exchange of pleadings is followed by preliminary examination. At that stage the court examines conditions of action and preliminary objections, identifies the disputed issues, addresses evidence preparation and encourages settlement where appropriate.¹⁹

This pleading timetable is one reason a foreign defendant should send a Turkish claim to local counsel immediately after service. Waiting for internal translation and corporate approvals can consume a significant part of the response period.

Evidence Must Be Planned Early

Turkish civil procedure does not generally reward a party for holding its important evidence until the end of the case. HMK Article 119 requires the claimant to identify the evidence supporting each factual allegation.

The defendant is subject to corresponding pleading obligations. At the preliminary examination stage, parties may receive a final period to submit documents already identified in their pleadings or provide the information needed for documents to be obtained elsewhere.²⁰

¹⁷ Republic of Türkiye Ministry of Justice, UYAP Bilişim Sistemi, official Avukat Portal and services guidance.

¹⁸ Code of Civil Procedure No. 6100, particularly Articles 1 to 20, 118 to 140, 266 et seq., and 389 et seq.; Republic of Türkiye Ministry of Justice, official statutory text.

¹⁹ Code of Civil Procedure No. 6100, particularly Articles 1 to 20, 118 to 140, 266 et seq., and 389 et seq.; Republic of Türkiye Ministry of Justice, official statutory text.

²⁰ Code of Civil Procedure No. 6100, particularly Articles 1 to 20, 118 to 140, 266 et seq., and 389 et seq.; Republic of Türkiye Ministry of Justice, official statutory text.



For foreign companies, this has practical consequences. Relevant evidence may be located in headquarters systems outside Türkiye, archived email environments, ERP platforms or foreign subsidiaries.

Evidence collection should begin before the Turkish filing deadline makes the process urgent.

Court-Appointed Experts Can Be Central to Commercial Litigation

Technical and financial disputes frequently involve court-appointed experts. Under HMK Article 266, an expert may be appointed where resolution of an issue requires specialised or technical knowledge beyond ordinary judicial knowledge.²¹

Foreign clients should not assume that an expert report automatically decides the case.

The judge evaluates the expert opinion together with the other evidence. Nevertheless, in construction, accounting, valuation, engineering, intellectual property and other technically complex disputes, the questions put to the expert and the quality of the parties' objections to the report can materially affect the proceedings.

Counsel should therefore treat the expert phase as substantive litigation, not an administrative pause in the case.

Foreign-Language Documents Require Turkish Preparation

Turkish judicial proceedings operate in Turkish. Foreign-language contracts, emails, corporate records, expert materials and other documents may therefore require Turkish translation before they can be effectively relied upon in the proceedings.

For an international client, translation should be legally supervised. Commercial terminology, limitation-of-liability clauses, technical expressions and dispute-resolution language can lose meaning when translated literally.

The original version and Turkish translation should remain aligned throughout the case.

Foreign Claimants and Security Under MÖHUK Article 48

MÖHUK Article 48 provides that foreign natural and legal persons bringing proceedings, participating in proceedings or commencing enforcement in Türkiye must provide security determined by the court for litigation or enforcement costs and potential losses to the opposing party.

Article 48(2) requires the court to exempt the foreign party where reciprocity exists.²²

²¹ Code of Civil Procedure No. 6100, particularly Articles 1 to 20, 118 to 140, 266 et seq., and 389 et seq.; Republic of Türkiye Ministry of Justice, official statutory text.

²² Law No. 5718 on Private International Law and International Civil Procedure, particularly Articles 40, 47, 48 and 50 to 59; Republic of Türkiye Ministry of Justice, Hukukî Konularda Uluslararası Adli İş Birliği Mevzuatı.



Reciprocity may arise through treaty, legislation or actual practice. The Ministry of Justice expressly identifies the 1954 Hague Convention on Civil Procedure as one multilateral source of security exemption for qualifying parties.²³

A foreign claimant should have this issue checked before the litigation budget is approved.

Service Abroad Can Become a Major Timing Issue

Türkiye is a contracting state to the 1965 Hague Service Convention. Türkiye has declared its opposition to the methods of service under Article 10 and has also made declarations concerning Articles 8, 15 and 16.²⁴

This matters where a Turkish lawsuit must be served on a defendant abroad or foreign proceedings require service in Türkiye.

Cross-border service should not be treated as ordinary domestic mail. The correct treaty route, address, translation requirement and receiving authority should be identified before the expected litigation schedule is communicated to management.

Interim Relief Can Be More Important Than the Final Judgment at the Beginning of a Case

A claimant may need protection before the merits can be decided. Under HMK Articles 389 and 390, a court may grant an interim injunction where a change in circumstances could make enforcement of the right substantially more difficult or impossible, or where delay risks serious harm.

Where urgent protection is necessary, an injunction may in appropriate circumstances be issued without first hearing the opposing party. The applicant must identify the requested measure and establish its position to the required prima facie standard.²⁵

Separate rules also govern preservation of evidence. Under Article 400, evidence can be preserved before its normal evidentiary stage where delay creates a risk that the evidence will disappear or become substantially more difficult to present.²⁶

For foreign companies, interim strategy should therefore be considered at the first case meeting.

Appeals Should Be Built Into the Litigation Strategy

A first-instance judgment may, where the statutory conditions are satisfied, be taken to a Regional Court of Appeal. Further review by the Court of Cassation is available for qualifying decisions, subject to statutory subject-matter rules and monetary thresholds.

²³ Republic of Türkiye Ministry of Justice, “Yabancıların Teminat Yatırma Yükümlülüğü,” official guidance concerning MÖHUK Article 48, reciprocity and treaty-based exemptions including the 1954 Hague Convention on Civil Procedure.

²⁴ Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters; HCCH official treaty text and Türkiye declarations.

²⁵ Code of Civil Procedure No. 6100, particularly Articles 1 to 20, 118 to 140, 266 et seq., and 389 et seq.; Republic of Türkiye Ministry of Justice, official statutory text.

²⁶ Code of Civil Procedure No. 6100, particularly Articles 1 to 20, 118 to 140, 266 et seq., and 389 et seq.; Republic of Türkiye Ministry of Justice, official statutory text.



Those monetary thresholds are adjusted periodically and should be checked for the year in which the relevant procedural step is taken. Under HMK Article 345, the ordinary period for appeal to the Regional Court of Appeal is two weeks from formal service of the judgment, subject to special statutory provisions.²⁷

For significant foreign-company litigation, the case should therefore be prepared from first instance with the possibility of appellate review in mind.

A weak factual record cannot always be repaired effectively on appeal.

A Turkish Judgment Is Not the End of a Cross-Border Recovery Analysis

If the successful party needs enforcement in Türkiye, the location and nature of the debtor's Turkish assets become important. If a Turkish judgment must be enforced abroad, counsel should examine the recognition rules of the target jurisdiction.

Conversely, recognition and enforcement in Türkiye of foreign court judgments are governed principally by MÖHUK Articles 50 to 59, subject to applicable treaties.²⁸

This is why I prefer to discuss enforcement before litigation begins.

A successful judgment should be part of a recovery strategy, not merely a legal objective.

Power of Attorney and Foreign Corporate Documents

A foreign company can ordinarily litigate through Turkish counsel without its directors attending every hearing personally.

The authority given to counsel must, however, be properly documented. Where a power of attorney is executed before a foreign notary, the authentication route depends on whether the relevant country participates in the Apostille Convention and on the nature of the document.

The Ministry of Foreign Affairs' current consular guidance distinguishes between apostille and legalisation routes and notes that special formal requirements may apply to particular powers of attorney.²⁹

Corporate claimants may also need documents establishing the foreign company's existence and the authority of the persons issuing instructions.

The document package should be planned before an urgent filing is required.

²⁷ Code of Civil Procedure No. 6100, particularly Articles 1 to 20, 118 to 140, 266 et seq., and 389 et seq.; Republic of Türkiye Ministry of Justice, official statutory text.

²⁸ Law No. 5718 on Private International Law and International Civil Procedure, particularly Articles 40, 47, 48 and 50 to 59; Republic of Türkiye Ministry of Justice, Hukukî Konularda Uluslararası Adli İş Birliği Mevzuatı.

²⁹ Republic of Türkiye Ministry of Foreign Affairs, official consular guidance concerning powers of attorney executed abroad, apostille and legalisation procedures.



What Should a Foreign Client Look for in a Turkish Litigation Lawyer?

A foreign company should verify that counsel is registered as a Turkish attorney through the official Türkiye Barolar Birliği Baro Levhası / Avukat Arama system.³⁰

Professional registration is only the first question. For a substantial dispute, I would also consider whether counsel has relevant experience with the particular subject matter, commercial litigation, private international law, interim relief, expert evidence, enforcement and appellate procedure.

The foreign client should know who will actually draft the pleadings and attend important hearings.

It should understand what the engagement covers. Does the quoted fee include first instance only? Appeals? Interim measures? Enforcement? Translation management? Expert objections? Settlement negotiations?

A sophisticated client should also ask counsel a commercially important question:

What happens if we win?

A lawyer who can describe the judgment but has not considered recovery may be analysing only half of the dispute.

Frequently Asked Questions

Can a foreign company sue in Türkiye without establishing a Turkish subsidiary?

Yes, in principle. A foreign legal entity does not generally need to incorporate a Turkish company simply to bring a civil or commercial claim. Its legal capacity, representation documents, jurisdiction and security position should be checked for the particular case.

Must a foreign company physically attend hearings in Türkiye?

Not generally. Turkish counsel can represent the company under an appropriate power of attorney. Particular evidence or procedural circumstances may nevertheless require participation by representatives or witnesses.

Is every commercial lawsuit subject to mandatory mediation?

No. The specific statutory category must be examined. However, the scope is broader than it was before September 2023. Commercial monetary claims, compensation, cancellation-of-objection, negative declaratory and restitution actions within TTK Article 5/A are now expressly included.³¹

Is the old Yargıtay rule that negative declaratory actions do not require mediation still current?

No, not as a general statement for cases filed from 1 September 2023. Law No. 7445 amended Article 5/A and expressly included qualifying negative declaratory actions. Earlier Yargıtay decisions must therefore be read according to the legislation applicable at the time.³²

³⁰ Türkiye Barolar Birliği, official Baro Levhası / Avukat Arama professional registry.

³¹ Law No. 7445, Official Gazette No. 32154, 5 April 2023, Article 31 and Provisional Article 1, amending Turkish Commercial Code Article 5/A with effect from 1 September 2023.

³² Law No. 7445, Official Gazette No. 32154, 5 April 2023, Article 31 and Provisional Article 1, amending Turkish Commercial Code Article 5/A with effect from 1 September 2023. Republic of Türkiye Ministry of Justice, Uzman



Will a case be permanently lost if it is filed before the wrong court?

Not necessarily. HMK Article 20 provides a mechanism for requesting transfer of the file after a jurisdiction or venue decision becomes final. The request must be made within the statutory two-week period. Failure to do so can result in the case being deemed not filed.³³

Does a foreign claimant always have to provide security?

MÖHUK Article 48 establishes security as the general rule for foreign natural and legal persons within its scope, but the court must grant an exemption where reciprocity exists. Treaty and country-specific analysis is therefore important.³⁴

Can foreign-language evidence be used?

Yes, but Turkish translations will generally be necessary for use before Turkish courts. Important commercial or technical documents should be translated carefully and consistently.

Can a Turkish lawyer file a case electronically?

Yes. Turkish attorneys can use UYAP Avukat Portal for electronic case filing, document submission, file monitoring and other procedural functions.³⁵

How long does Turkish commercial litigation take?

There is no reliable universal period. Complexity, service, expert evidence, interim applications, court workload and appeals can materially affect duration. A substantial case that proceeds through appellate stages should be budgeted and planned as a multi-stage process rather than on the assumption of a quick final judgment.

Can the parties choose a foreign court in their contract?

In qualifying disputes with a foreign element, MÖHUK Article 47 permits foreign-court jurisdiction agreements subject to statutory requirements and the absence of exclusive Turkish jurisdiction.³⁶

Should enforcement be considered before filing the lawsuit?

Yes. The defendant's assets, security interests, solvency and likely enforcement jurisdiction can materially affect whether litigation is commercially rational.

Conclusion

Litigation in Türkiye is governed by a structured procedural framework, but the quality of a case often depends on decisions taken before the first pleading is filed. The correct court must be identified. Mandatory mediation must be checked under the law currently in force. Jurisdiction clauses must be

Arabuluculuğa Giriş and current mediation training materials, explaining the 2023 statutory expansion of mandatory mediation and the effect on earlier case law.

³³ Code of Civil Procedure No. 6100, particularly Articles 1 to 20, 118 to 140, 266 et seq., and 389 et seq.; Republic of Türkiye Ministry of Justice, official statutory text.

³⁴ Law No. 5718 on Private International Law and International Civil Procedure, particularly Articles 40, 47, 48 and 50 to 59; Republic of Türkiye Ministry of Justice, Hukukî Konularda Uluslararası Adli İş Birliği Mevzuatı. Republic of Türkiye Ministry of Justice, “Yabancıların Teminat Yatırma Yükümlülüğü,” official guidance concerning MÖHUK Article 48, reciprocity and treaty-based exemptions including the 1954 Hague Convention on Civil Procedure.

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analysed rather than assumed valid. Foreign claimant security should be addressed before costs are committed. Evidence should be assembled early. Cross-border service and foreign-document formalities should be incorporated into the timetable. Interim protection should be considered before assets or evidence disappear. And enforcement should be part of the strategy from the beginning.

The law has also changed in ways that make older litigation guides potentially misleading. In particular, the 2023 expansion of mandatory commercial mediation means that older case law concerning negative declaratory actions cannot simply be repeated as the current rule. For a foreign company, experienced Turkish litigation counsel should therefore do more than know how to file a case. The lawyer should understand how jurisdiction, procedure, evidence, interim relief, appeals and eventual recovery fit together as one litigation strategy.

Legal Notice

This article provides general legal information and does not constitute legal advice. The applicable legislation, regulations, administrative and judicial practice, documentation requirements, filing, notification or service dates and other deadlines where relevant, and the facts of the particular matter should be checked before any action is taken.



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