

INTRODUCTION OF THE SOCIAL SECURITY SYSTEM IN TURKEY

The current social security system in Turkey is managed by the Social Security Institution (SGK) that emerged from the merger of three different organizations, namely, the Government Employees Retirement Fund for civil servants, the Social Insurance Institution for contractual and the Self Employment Fund (Bağ-Kur) for self employers. The Ministry of Labour and Social Security provides general supervision in all related areas.

Social protection in Turkey is based on two components: the contributory component (Social Insurance) and the non contributory component (Social Assistance and Social Services)

The social security scheme in Turkey is composed of two main branches. The long term insurance including old age, invalidity and death/survivorship and the short term insurance branch containing work accident and occupational disease, health and maternity. Unemployment insurance is governed by the Turkish Employment Agency which is responsible for unemployment benefits.

The Social Security system is compulsory and runs on a pay as you go basis. It is funded by contributions from employers, employees and the state (the state covers deficit as a third participant except for the unemployment insurance). Contribution to social security is based on total earnings up to a ceiling.

The long term insurance and the short term insurance branches are included in the contributory component. Beneficiaries of the non-contributory component are the poor, the disabled, the children in need of protection, the elderly in need, the people who cannot afford their medical expenses, the widows and orphans in need. A great majority of non-contributory payments are made under a green card system. A green card is provided to poor and uninsured citizens in order to provide them health services without payment. The state directly pays for the costs of medical care services for the poorest families.

The schemes find their legal basis in the Constitution of the Republic of Turkey and in different legal acts. The Constitution of the Republic of Turkey recognizes the right of social security for everyone. Article No 60. : “Everyone has the right to social security. The state shall take the necessary measures and establish the organization for the provision of social security”. In this context every citizen has the right to go to the Constitutional Court as a last resort of the judicial process according to the new change on the Constitution. The jurisdiction of the Court comprises both real and legal persons. But while public legal persons cannot lodge individual applications, private-law legal persons may apply solely on the ground that their rights concerning legal personality have been violated. Individual applications must be filed within thirty days after the notification of the final proceeding which exhausts legal remedies.

The Social Insurance and Universal Health Insurance Law no 5510 is the legal basis for status and implementation of the contributory system. The Law in question became fully enforced as of 1 October 2008. The law aims at creating a unified compulsory social insurance and medical insurance system for all professionally active persons irrespective of their status as civil servant, employee or self-employed.

The System also aims at providing a general health insurance system which covers the whole population and provides quality service with easy access.

Law on payment of pension to the old aged persons (65 years old and over) who are destitute No. 2022, Law on Social Assistance and Solidarity Fund No. 3294, General Directorate for Social Services and Child Protection Law No. 2828, Law on issuance of Green Cards for the citizens who are incapable to pay for Health Care Services No. 3816 are constituting the legal basis of the non-contributory system.