# [TR] Media Act Disputed

**IRIS 2002-8:1/21**

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On 15 May 2002, the Parliament adopted Act no. 4756 amending the fundamental Act no. 3984 of 20 April 1994 on the organisation and broadcasting of radio stations and television channels. The amendments provide, inter alia, that the supervisory body Radyo Ve Televizyon Üst Kurulu (Supreme Radio and Television Council - RTÜK) should include representatives of the National Security Council, the State Supreme Education Council (YÖK), the Prime Minister and MPs.

According to the new Act, Internet services will also be monitored by the RTÜK. Internet Service Providers can therefore be obliged to have websites officially registered and to submit printouts of websites for approval. Penalties for breaches of content-related regulations (libellous remarks, dissemination of false information) have been laid down (fines of up to EUR 210,000). The previous ban on media companies tendering for government contracts has been lifted and the regulatory framework for media concentration relaxed. Furthermore, broadcasting frequencies will in future be assigned by the Telecommunications Council.

On 21 May 2002, the President referred the Act to the Constitutional Court for examination, since he thought its use of vague legal concepts was unconstitutional.

In an interim ruling at the end of June 2002, the Constitutional Court decided, following a complaint from several MPs, that the amendments concerning the demands on Internet services were not unconstitutional. Pending its final decision, the Court revoked the provisions on media concentration, the election of the RTÜK, the term of office of its members and the right of reply.

On 3 August 2002, Act no. 4771 was also passed, containing further amendments to Act no. 3984. A new provision was added to Article 4.1 of Act no. 3984, stating that radio and television programmes in the various languages and dialects traditionally spoken by Turkish citizens may be broadcast as long as they do not infringe the basic constitutional principles of the Turkish Republic nor the inseparable integrity of the territory and nation. Arrangements for monitoring and the principles for transmitting such programmes are to be laid down by decree.

The programming principles set out in Article 4.2 of Act no. 3984 are supplemented by provisions concerning the protection of privacy and the need to

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avoid promoting the use of violence or incitement to racial hatred.

The retransmission of radio and TV programmes is permitted under an amendment to Article 26.1 of Act no. 3984, provided it does not infringe the principles and requirements set out in the Act.

***Radyo Ve Televizyonlarin Kuruluş Ve Yayinlari Hakkinda Kanun, Basin Kanunu, Gelir Vergisi Kanunu İle Kurumlar Vergisi Kanununda Değişiklik Yapilmasina Dair Kanun, Kanun No. 4756, Kabul Tarihi : 15.5.2002***

http://www.tbmm.gov.tr/kanunlar/k4756.html

*Act no. 4756 of 15 May 2002*

***Çeşitli Kanunlarda Değişiklik Yapilmasina İlişkin Kanun, Kanun No. 4771, Kabul Tarihi : 3.8.2002***

*Act no. 4771 of 3 August 2002*

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