

Dispute Resolution in Turkish Football: The Transformation of The Football Arbitration System in Light of The European Court Of Human Rights Decisions

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Abstract

This study examines the restructuring of dispute resolution mechanisms in Turkish football law following the European Court of Human Rights (ECtHR) judgment in *Ali Rıza and Others v. Türkiye* (2020). In this decision, the Court found that the Arbitration Board of the Turkish Football Federation (TFF) did not meet the criteria of structural independence and impartiality. Accordingly, the study analyzes the amendments made to Law No. 5894 on the Establishment and Duties of the Turkish Football Federation in light of Article 6 of the European Convention on Human Rights (the right to a fair trial) and evaluates their compliance with international human rights standards.

In addition to this normative analysis, the study also addresses recent developments such as the criminal complaint filed by several referees against the President of the Central Referees Committee (MHK). This case is evaluated as one of the practical reflections of the structural deficiencies identified by the ECtHR. Furthermore, by drawing a comparative perspective with the *Mutu & Pechstein v. Switzerland* case, the study discusses international standards of independence, transparency, and procedural safeguards in sports arbitration.

The findings reveal that although the 2022 legislative and statutory amendments represent significant steps toward compliance with ECtHR criteria, they remain insufficient to ensure full functional independence and transparency in practice. The study concludes that additional reforms — such as external oversight mechanisms, independent appointment procedures, and explicit procedural guarantees — are necessary for the establishment of a genuinely fair and autonomous sports judiciary in Türkiye.

Keywords: Sports Law, Arbitration, TFF, ECtHR, CAS, Independence, Fair Trial, Referee Complaint, Human Rights, Structural Reform.

Introduction

Sports law, particularly in the field of professional football, is a multidimensional domain situated at the intersection of athletic activity, economic investment, contractual relations, and administrative regulation. The complex nature of football necessitates that the judicial and administrative mechanisms responsible for resolving disputes operate with independence,

impartiality, and efficiency. In this context, the right to a fair trial constitutes not only a theoretical safeguard for athletes and clubs but also a practically enforceable fundamental right.

In Türkiye, the resolution of legal disputes arising from professional football activities is largely confined to the boards operating within the Turkish Football Federation (TFF). The TFF Arbitration Board functions as the supreme and final authority within this structure. However, the structural features, membership composition, and operational procedures of the Board have long been subject to criticism regarding their compatibility with the principles of independence and impartiality. At the core of these critiques lies the argument that the system of compulsory arbitration established under Article 59 of the Constitution fails to provide an effective judicial review in the context of sports law.

At the international level, independent and impartial bodies such as the FIFA Dispute Resolution Chamber (DRC) and the Court of Arbitration for Sport (CAS) perform essential adjudicative and arbitral functions in sports law¹. These institutions, particularly in matters concerning players' rights, contractual breaches, and transfer disputes, provide effective and transparent dispute resolution processes consistent with the guarantees of a fair hearing.

The ECtHR, through its decisions since 2020, has explicitly established that the TFF Arbitration Board cannot be regarded as an independent and impartial tribunal within the meaning of Article 6 of the European Convention on Human Rights². In *Ali Rıza and Others v. Türkiye* (2020)³, the Court held that the structural and procedural characteristics of the TFF Arbitration Board failed to satisfy the requirements of independence and impartiality. Subsequent judgments — including *Serkan Akal*, *Fatih Arslan*, *Şaban Serin*, and *Mehmet Berber* — have reaffirmed these findings, concluding that the compulsory arbitration system under the TFF violated the right to a fair trial guaranteed by the Convention.

¹ For detailed information on CAS adjudication and arbitration activities, see: Erkan, F. (2025). *A New Era in CAS Arbitration Proceedings: The Impact of the Court of Justice of the European Union's Decision in the Seraing v. FIFA Case*. *International Journal of Social Sciences and Academic Research (IJSSAR)*.

² For the scope and binding nature of the European Court of Human Rights' decisions, see: Erkan, F. (2023). *Scope and Legal Binding of the European Court of Human Rights Decisions*. *Journal of Economics and Social Research*, 10(20).

³ European Court of Human Rights, *Ali Rıza and Others v. Turkey*, Application No. 30226/10, Judgment of 28 January 2020. For the full text of the judgment, see: <https://hudoc.echr.coe.int>

Following these precedents, the need for structural reform in Türkiye's sports dispute resolution system became apparent. Consequently, significant amendments were introduced through the Law No. 7405 on Sports Clubs and Federations and the revised Law No. 5894 on the Turkish Football Federation, both entering into force on 26 April 2022. These legislative measures aimed to address certain systemic deficiencies identified by the ECtHR.

One of the most notable recent developments in Turkish football has been the criminal complaint filed by several referees against the President of the Central Referees Committee (MHK). This incident not only represents an individual dispute but also highlights structural problems within the TFF's institutional framework — particularly concerning referees' ability to act independently from administrative influence and the overall impartiality of sports adjudication. The referees' recourse to criminal justice mechanisms, citing the lack of effective domestic remedies against MHK decisions, serves as a practical manifestation of the criticisms regarding the functional independence of the TFF Arbitration Board. This situation underscores that the principle of an “independent and impartial sports judiciary,” emphasized in *Ali Rıza and Others v. Türkiye* and subsequent ECtHR judgments, has yet to be fully realized in Türkiye.

Accordingly, this study examines the dispute resolution mechanisms in Turkish football, the constitutional and legal framework of the TFF's First Instance Legal Boards and Arbitration Board after the 2022 reforms, and their conformity with international standards. Drawing on national and international case law, it evaluates the argument that the TFF Arbitration Board lacks sufficient independence and impartiality to qualify as a genuinely fair judicial body.

1. CONCEPTS OF SPORTS LAW AND ARBITRATION

The debate over whether sports law constitutes an independent and autonomous legal discipline has largely subsided following the proliferation of national and international legal regulations and the establishment of relevant institutions⁴. Over time, the development of specific rules for each branch of sport — together with provisions regulating the relationships among sporting actors — has gradually formed a systematic structure, thereby giving rise to the concept and body of *sports law*, commonly referred to as *lex sportiva* (Gürten & Erenel, 2012: 297).

⁴ For discussions in this regard, see: Davis, Timothy. “What is Sports Law?” *Marquette Sports Law Review* 11, no. 2 (2001): 1–34.

The rules of sports law, known as *lex sportiva*, are not limited to legal norms established by states. This normative system is also shaped by national and international sports federations, supranational sports organizations (such as the International Olympic Committee, FIFA, and UEFA), and arbitral institutions — most notably, the Court of Arbitration for Sport (CAS). These institutions produce normative instruments that regulate sports-related activities within their respective jurisdictions. Such instruments include foundational documents that function at a quasi-constitutional level, statutes, disciplinary and ethical codes, licensing systems, player contracts, and competition regulations. Consequently, *lex sportiva* encompasses not only state-based legal norms but also an autonomous and self-regulating normative order developed within the sports community itself.

With the increasing codification of sporting activities and the parallel professionalization of sports governance and discipline, legal, disciplinary, and ethics committees — often operating independently from executive boards — have been established within clubs and federations to ensure the swift and effective resolution of emerging disputes (Gerçeker, 2016: 122). These committees are responsible for ensuring regulation and oversight over all actors in the sports ecosystem, while arbitral tribunals have become the institutional appellate bodies for reviewing their decisions.

The necessity for judicial review of sporting regulations and the need for an effective and specialized dispute resolution mechanism for breaches of such regulations or contractual obligations have led to the adoption of arbitration⁵ as the primary dispute settlement method. Sports law intersects with multiple branches of law — including criminal, administrative, and private law — and its distinctive nature, combined with the technical complexity and urgency of

⁵ **Arbitration is defined in Black's Law Dictionary as:** “the submission of a dispute to a neutral (third) party chosen by the parties; the parties agree in advance to be bound by the decision that the arbitrator renders after a hearing at which both parties have an opportunity to be heard.” This definition emphasizes the essential elements of arbitration: the parties' consent, an independent and impartial arbitrator, the opportunity for both parties to be heard, and a binding decision. *Black's Law Dictionary*, 9th ed., edited by Bryan A. Garner (Thomson Reuters, 2009).

The Constitutional Court, in its decision dated 18 January 2018, No. 2017/136, Decision No. 2018/7, defined **mandatory arbitration** as: “the resolution of a dispute by persons or bodies designated outside state courts, through legal regulation, without the consent of the parties.”

sports-related disputes, renders arbitration the most suitable and functional mechanism for both the legal review of sports regulations and the adjudication of disputes.

Various types of arbitration exist. Within the framework of sports law, the distinctions between **voluntary vs. compulsory arbitration** and **ad hoc vs. institutional arbitration** are of particular importance. If the parties freely agree to resolve their dispute through arbitration, it is termed *voluntary arbitration*; however, when legislation imposes arbitration as the mandatory dispute resolution process, it constitutes *compulsory arbitration*. *Ad hoc arbitration* refers to proceedings where the procedural rules and arbitrators are directly determined by the parties, whereas *institutional arbitration* operates under the procedural framework and panels of a permanent arbitral institution⁶.

In conclusion, the settlement of sports-related disputes through arbitration — an alternative dispute resolution mechanism whereby independent arbitrators chosen by the parties resolve conflicts in a final and binding manner outside national or international courts — has gained wide acceptance both domestically and internationally.

In this context, the following section examines in detail the arbitration mechanisms applied in Türkiye for resolving sports disputes, focusing particularly on the jurisdiction, duties, and functions of the TFF Arbitration Board and the Court of Arbitration for Sport (CAS), the latter being the most authoritative arbitral body in global sports law.

2. THE JUDICIAL FRAMEWORK OF SPORTS LAW AND THE ARBITRATION SYSTEM IN TÜRKİYE

The judicial framework of sports law in Türkiye has been placed under a special regime following the amendment made to **Article 59 of the 1982 Constitution** on **17 March 2011**. Under this provision, it is stipulated that disputes concerning the management and discipline of sports federations' activities may only be appealed through arbitration, and that judicial courts shall have no jurisdiction in this area. With this amendment, sports adjudication was separated from the general judicial system and transformed into a specialized field.

⁶ “**National and International Arbitration Institutions in Sports Law.**” See: Özkul Law & Consultancy. Accessed Oct. 7, 2025. <https://www.ozkul.av.tr/haberdetay/spor-hukukunda-ulusal-ve-uluslar-arasi-tahkim-kuruluslari>

Accordingly, the **constitutional foundation** of the sports arbitration regime in Türkiye is established by **Article 59**, paragraph 3 of the Constitution, which provides:

“Decisions of sports federations regarding the management and discipline of sporting activities may only be challenged through compulsory arbitration. The decisions of the Arbitration Board shall be final and binding, and no appeal may be lodged with any judicial authority.”

Through this regulation, access to judicial review for disputes arising from disciplinary or managerial matters in sports has been precluded, thereby creating a **mandatory internal arbitration system** for the sports community.

In this context, this study focuses specifically on the arbitration mechanisms applied in football-related disputes — particularly within the **Turkish Football Federation (TFF)** — examining the First Instance Legal Boards and the TFF Arbitration Board as the primary adjudicative organs in Türkiye’s sports dispute resolution system.⁷

2.1. The Arbitration Mechanism in Football Disputes in Türkiye

The resolution of football-related disputes in Türkiye is conducted through arbitration — a legal mechanism distinct from ordinary judicial courts — due to the unique dynamics of sports and the need for expedited decision-making. Disputes arising among players, clubs, coaches, referees, and federations — including those related to discipline, licensing, transfers, or contractual issues — are resolved through the **TFF Arbitration Board**. This system is designed in accordance with both national and international sports law norms and reflects the principles of **sporting autonomy** and **the necessity of prompt dispute resolution**.

The **First Instance Legal Boards** and the **TFF Arbitration Board** serve as the main adjudicative bodies for the resolution of football-related disputes in Türkiye. The following sections set out

⁷ The institutional foundations of the sports arbitration system in Turkey were shaped following the attainment of autonomy by football in 1992. During this period, the need arose to establish an authority to resolve legal disputes concerning the autonomous sports federations, which at that time remained under the General Directorate of Youth and Sports (GSGM) and currently number 47. Accordingly, the GSGM Arbitration Board was established. The Board was created based on the Framework Statute for Autonomous Sports Federations and has the authority to render final decisions on disputes between federations and clubs, athletes, referees, coaches, technical directors, administrators, and other sports personnel, as well as conflicts between clubs and appeals against decisions of federation management, disciplinary, or penal committees. Since this study focuses on arbitration applied in football disputes, the GSGM Arbitration Board is not addressed in detail.

their structure, composition, powers, and responsibilities to illustrate the arbitration model in practice.

2.1.1. The Turkish Football Federation: Legal Status and Jurisdiction

Since its establishment on **23 April 1923**, the **Turkish Football Federation (TFF)** has undergone several legislative reforms⁸, most recently through **Law No. 5894 on the Establishment and Duties of the Turkish Football Federation**, which entered into force on **16 May 2009**. This law restructured the TFF and defined its objectives, organization, powers, and functions.

According to Article 3(2) of Law No. 5894, the organization, duties, and powers of the TFF — along with the rules governing its internal functioning and subsidiary bodies — shall be regulated in accordance with FIFA and UEFA rules, through the **TFF Statute** adopted by the General Assembly and published in the Official Gazette⁹. The **TFF Statute on the Rules and Procedures of the Turkish Football Federation** was first published in the Official Gazette on **16 June 1989** (No. 20197), and has been amended on several occasions through decisions of the General Assembly¹⁰.

Therefore, the legal status and jurisdiction of the TFF are primarily governed by two key instruments: **Law No. 5894** and the **TFF Statute**.

2.1.1.1. Legal Status of the Turkish Football Federation

Various opinions have been expressed regarding the legal nature of the TFF¹¹. Article 1 of Law No. 5894 explicitly defines the Federation as “*a legal entity subject to private law provisions, possessing administrative and financial autonomy.*” Although the absolute scope of this autonomy

⁸ **Law No. 3461 on the Establishment and Duties of the Turkish Football Federation** (Official Gazette No. 19842, 14 June 1988) was repealed and re-enacted by Law No. 3813 (Official Gazette No. 21273, 3 July 1992) and later repealed by Law No. 5894 (Official Gazette No. 27230, 16 May 2009), which constitutes the current regulation in force.

⁹ This Statute was adopted at the General Assembly held in Ankara on 3 June 2008, in accordance with FIFA and UEFA statutes, regulations, and decisions, pursuant to Article 2(f) of Law No. 3813, as amended by Law No. 5719, and based on the authority granted under Article 6(c) of the same law.

¹⁰ **For the TFF Main Statute, see:** <https://www.tff.org/default.aspx?pageID=131>

¹¹ **For views on the legal status of the TFF, see:** Petek, Hasan, and Evrim Erişir. “The Legal Nature of the Turkish Football Federation.” *Terazi Law Journal* 3, no. 19 (2008); Öztürk, Burak. “Mandatory Arbitration in the Supervision of Administration.” *Zabunoğlu Festschrift*, Ankara University Faculty of Law Publications, Ankara, 2011; Ertaş, Şeref, and Hasan Petek. *Sports Law*. Yetkin Publications, Ankara, 2011, p. 197; Erbeyin, Necip Fazıl. “Independency and Impartiality of TFF Civil Chambers.” *Anadolu University Law Journal* 9, no. 2 (July 2023): 539–554.

has been debated¹², there is no dispute that the TFF is a private-law legal entity with its own legal personality.

2.1.1.2. Duties and Functions of the TFF

Article 3 of Law No. 5894 enumerates the duties of the TFF as follows: (a) to organize, regulate, and supervise all football activities in Türkiye; (b) to promote the development and nationwide expansion of football; (c) to ensure the proper implementation of rules established by FIFA and UEFA, prepare national regulations, and represent Türkiye in international football matters; (d) to plan, program, and execute national and international football activities and take necessary measures to achieve successful outcomes; (e) to organize competitions at all levels and to ensure the participation of national and club teams in international tournaments; (f) to uphold the principles of loyalty, integrity, and sportsmanship in line with *fair play*; (g) to ensure compliance by members, clubs, players, referees, managers, coaches, physicians, agents, and organizers with the statutes, regulations, and decisions of FIFA, UEFA, and TFF; (h) to combat violence, match-fixing, bribery, racism, doping, and all forms of discrimination; and (i) to support amateur clubs and federations, including associations for disabled athletes, through financial and material assistance.

Parallel to the statutory provisions¹³, the **TFF Statute** reiterates these objectives and authorizes the TFF to issue all necessary regulations, instructions, and agreements to implement them, as well as to ensure that its competent boards and bodies take the required decisions (TFF Statute, Article 2/2).

2.1.1.3. A Two-Tier Approach to the Resolution of Sports Disputes

Law No. 5894 and the TFF Statute adopt a **two-tier system** for the resolution of sports-related disputes in Türkiye:

¹² According to Article 83 of the TFF Statute, “All revenues generated from matches held under the auspices of FIFA, UEFA, and the TFF in Turkey, as well as from competitions organized under this Statute, and all other revenues of the TFF, are exempt from all taxes, duties, and fees.” The tax exemption provided under this provision, together with the practical oversight by the Ministry of Youth and Sports and the federation board’s ability to intervene in committees, reinforces these criticisms.

¹³ Article 2, Paragraph 1 of the TFF Statute.

1. **First Instance Legal Boards**, established under Article 5 of the TFF Law, including the *Dispute Resolution Board (UÇK)*¹⁴, *Disciplinary Boards*, *Club Licensing Board*, and *Ethics Board*; and
2. The **TFF Arbitration Board**, established under Article 6 of the TFF Law, functioning as the appellate body and the supreme legal authority in sports-related disputes.

Article 59 of the Constitution clearly stipulates that only compulsory arbitration may be pursued against the decisions of sports federations concerning the management and discipline of sporting activities, and that the decisions of the Arbitration Board are final and not subject to judicial review. This provision serves as the **constitutional basis** for the compulsory arbitration of disputes related to the management and discipline of sports.

The rationale of this provision reads as follows:

“The unique nature of sports requires that its management, disciplinary proceedings, and oversight be conducted swiftly. This urgency is essential for the successful execution of sporting activities planned within specific timeframes. If disputes are not resolved rapidly and conclusively, the effective completion of these activities becomes impossible. Therefore, it is necessary to establish a mechanism that ensures the prompt and final resolution of disputes arising from the management and discipline of sports without being subject to prolonged judicial review.”

2.1.1.4. Matters Subject to Arbitration

From the text and rationale of Article 59 of the Constitution, it follows that:

1. **Matters within the jurisdiction of sports bodies** — such as disciplinary actions (suspension, relegation, exclusion, playing without spectators, or points deduction) — are subject to *compulsory arbitration* as a swift and final form of review.
2. **Civil or financial disputes** — such as monetary claims between clubs, players, or coaches — are *not subject to mandatory arbitration* and may instead be brought before the ordinary courts.

¹⁴ It is envisaged that the TFF serves as the decision-making authority for disputes and conflicts arising within the framework of the TFF Law, the TFF Statute, and other TFF regulations.

Accordingly:

- Disputes concerning financial claims arising between clubs, players, coaches, and other sports-related professionals shall be heard before ordinary judicial authorities under general jurisdictional rules.
- Disputes arising from contracts of service, agency, or similar agreements (e.g., performance, non-performance, termination, or compensation) are likewise governed by general civil law provisions.

Thus, only disputes related to the **management and disciplinary decisions** of sports federations are subject to compulsory arbitration. Other contractual disputes among sports actors — such as between clubs, coaches, players, agents, or medical staff — remain outside the scope of mandatory arbitration¹⁵.

Following a decision of the **Constitutional Court**, the **TFF General Assembly** amended **Article 63 of the TFF Statute** to clarify the jurisdiction of its Legal Boards¹⁶. Accordingly:

- The TFF, its members, clubs, referees, players, coaches, agents, match organizers, and other officials may not bring disputes concerning the management and discipline of football before any judicial authority other than the TFF's Legal Boards.
- Jurisdictional disputes shall be resolved by FIFA, UEFA, or the TFF's judicial organs, depending on whether the dispute is of national or international character.
- The TFF has jurisdiction over domestic disputes, whereas FIFA is competent in international matters.

3. THE ECtHR JUDGMENT (*Ali Rıza and Others v. Türkiye*) AND ITS IMPACT ON SPORTS ARBITRATION IN TÜRKİYE

¹⁵ The Constitutional Court, in its decision dated 18 January 2018, No. 2017/136, Decision No. 2018/7, held that “subjecting disputes arising from football-related contracts to mandatory arbitration is contrary to Article 59, paragraph 2 added to the Constitution, Article 9 providing that judicial authority shall be exercised by independent courts on behalf of the Turkish Nation, Article 10 on the principle of equality, Article 36 on the right to legal remedy, Article 11 on the binding force of the Constitution, and Article 142 on the principle that courts shall be established by law.”

¹⁶ Article 63 of the TFF Statute was amended by the General Assembly decisions dated 12 June 2019 and 29 June 2011.

3.1. The ECtHR Judgment (*Ali Rıza and Others v. Türkiye*)

Following the *Ali Rıza and Others v. Türkiye* judgment delivered by the **European Court of Human Rights (ECtHR)** on **28 January 2020**¹⁷, significant amendments were introduced to **Law No. 5894** on the Turkish Football Federation (TFF)¹⁸. In light of the ECtHR's findings, Türkiye restructured the composition, appointment procedures, and duties of the TFF's judicial bodies — regarded as “sports tribunals” — in order to align with human rights standards.

In this decision, the ECtHR concluded that the **TFF Arbitration Board** could not be regarded as an independent and impartial judicial body. The Court's main findings can be summarized as follows:

- The **TFF Executive Board**, largely composed of club representatives, appoints the members of the Arbitration Board, thereby undermining its structural independence. The influence of the Executive Board over the Arbitration Board is substantial (paras. 194–223)¹⁹.
- Members of the Arbitration Board are **not required to take an oath**, are **not bound by professional conduct rules**, and have **no obligation to disclose circumstances that might give rise to doubts about their impartiality or independence** (para. 212).
- Their **terms of office coincide with those of the TFF Executive Board**, and no fixed tenure is prescribed, which further weakens their independence (para. 213).

¹⁷ **European Court of Human Rights, *Ali Rıza and Others v. Turkey*, Application No. 30226/10, Judgment of 28 January 2020. For the full text of the judgment, see: <https://hudoc.echr.coe.int>**

¹⁸ Pursuant to Articles 52 and 53 of Law No. 7405, dated 22 April 2022.

¹⁹ The European Court of Human Rights, in paragraphs 194–223 of the aforementioned judgment, assessed the independence and impartiality of the Arbitration Board. In paragraph 222, the Court stated: “In light of the above, taking into account the findings regarding the structural deficiencies of the Arbitration Board resulting from the broad powers conferred upon the Board of Directors concerning the organization and functioning of the Arbitration Board as described above, the Court considers that, in the absence of sufficient guarantees to protect the Board members from external pressures, the applicants have legitimate reasons to doubt that the members of the Arbitration Board would be able to approach their cases with the required level of independence and impartiality.”

- Although no formal hierarchical relationship exists between the TFF Executive Board and the Arbitration Board, there are **strong organizational links**, which increase the risk of external influence (paras. 214–215).

Consequently, the ECtHR held that these structural deficiencies prevented the TFF Arbitration Board from meeting the requirements of **an independent and impartial tribunal under Article 6(1) of the European Convention on Human Rights (ECHR)**²⁰. Accordingly, the Court found a **violation of the right to a fair trial** and required Türkiye to adopt **general measures** addressing these systemic issues.

In response, Türkiye enacted substantial reforms. Articles 52 and 53 of **Law No. 7405 (dated 22 April 2022)** introduced major amendments to **Law No. 5894**, aiming to rectify the shortcomings identified by the ECtHR.

3.2. The Restructuring of the Judicial Bodies

3.2.1. First Instance Legal Boards

Article 5 of Law No. 5894, titled “First Instance Legal Boards,” was comprehensively revised²¹. The new **Article 5(3)** explicitly defines the jurisdiction of both the first-instance boards and the Arbitration Board:

“Unless an appeal is filed before the Arbitration Board within seven days — from the date of publication for TFF instructions or from the date of notification for first-instance decisions relating to the management and discipline of football activities — such instructions and decisions shall become final. No judicial action may be brought against them.”

Key changes introduced for the First Instance Legal Boards include:

- The boards are composed of members **appointed by the TFF Executive Board**. The chairperson and members serve **four-year terms**, independent of the Executive Board’s tenure. Unless a member resigns or is deemed to have withdrawn, no replacement may be

²⁰ In the applications of Serkan Akal, Fatih Arslan, Şaban Serin, and Mehmet Berber, the European Court of Human Rights similarly assessed the deficiencies in the independence of the Arbitration Board as a systemic issue and found the applications admissible, with the *Ali Rıza* case being considered as the pilot case.

²¹ The first-instance civil chambers were restructured pursuant to Article 52 of Law No. 7405.

made. Members elect a vice-chairperson and a rapporteur from among themselves. In case of vacancies, substitute members are appointed to serve for the remainder of the term.

- Members act **independently and impartially**, and are required to maintain such independence throughout their mandate. No authority or individual may issue orders, instructions, or recommendations regarding their duties.
- Members may **not hold any other position** within TFF organs or any legal entities directly affiliated with TFF members.
- Except for the Provincial Disciplinary Boards, all members must **submit a written declaration** confirming that no conflict of interest exists and **take an oath** before the Executive Board to perform their duties with independence and impartiality.
- Members must **disclose any circumstances** — such as conflicts of interest — that could raise doubts about their impartiality. Where justified concerns arise, members are required to **recuse themselves** from the relevant case.
- The First Instance Legal Boards must conduct proceedings **fairly and impartially**, in accordance with the principles of equality of arms and the right to be heard.

Pursuant to these reforms, the structure and duties of the First Instance Legal Boards were redefined through a **TFF General Assembly decision dated 16 June 2022**.

3.2.1.1. Dispute Resolution Board

3.2.1.1.1. Composition and Appointment

The **Dispute Resolution Board (UÇK)** consists of a **Chairperson**, **six principal members**, and **six substitute members**, all of whom must be qualified lawyers, appointed by the TFF Executive Board. Board members may not be affiliated with any club subject to the jurisdiction of the TFF's judicial bodies, nor may they hold shares, management, or supervisory positions in such entities.

The members serve for **four years**, independent of the TFF Executive Board's term, and elect a **Vice-Chairperson** and a **Rapporteur** from among themselves. Individuals serving on the TFF Executive or Supervisory Boards, or on any professional club boards or committees (whether

elected or appointed), as well as professional players, coaches, medical staff, agents, and match organizers, are ineligible for membership.

The Board operates with a **quorum of five members**, and decisions are adopted by **majority vote**. In the event of a tie, the **Chairperson's vote is decisive**.

3.2.1.1.2. Powers and Functions

The **Dispute Resolution Board** adjudicates disputes arising from football-related contracts between clubs, players, coaches, and player agents, provided that the parties accept its jurisdiction. It has **exclusive competence** over matters relating to **sporting sanctions** and **training compensation disputes**.

The Board may award **attorney's fees** equivalent to the fixed legal tariff applicable before the Civil Courts of First Instance to the prevailing party's counsel. The procedural rules governing the Board's operations are determined by a **Directive issued by the TFF Executive Board**.

3.2.1.2. Disciplinary Boards

The **Disciplinary Boards** are established to ensure discipline in football activities. There are three main boards:

- (a) **Provincial Disciplinary Boards**,
- (b) **Amateur Football Disciplinary Board**, and
- (c) **Professional Football Disciplinary Board (PFDK)**.

Their members are appointed by the TFF Executive Board and must not be affiliated with any club under the TFF's jurisdiction. Except for the Provincial Boards, all members must submit written declarations confirming the absence of conflicts of interest and **take an oath of independence** before assuming office.

The **Professional Football Disciplinary Board** comprises a Chairperson, six principal members, and six alternates, with a quorum of five. Decisions are made by majority vote, with the Chairperson's vote being decisive in the event of a tie. The **Amateur Football Disciplinary Board** consists of a Chairperson and six members, while the **Provincial Boards** include a Chairperson and two to four members, depending on the level of sporting activity in the province.

All principal and alternate members must hold a university degree, and the Chairperson, Vice-Chairperson, and Rapporteur must possess a **law degree**. The term of office is **four years**, independent of the TFF Executive Board. Disciplinary sanctions for misconduct or unsportsmanlike behavior are regulated under **Article 58 of the TFF Statute**.

3.2.1.3. Club Licensing and Ethics Boards

The **Club Licensing Board** evaluates club applications based on the information and documents submitted and in accordance with the **TFF Club Licensing Regulation**. It decides whether to grant or revoke a club's license and whether to impose sanctions as prescribed by the regulation. Its composition and appointment are governed by **Article 59 of the TFF Statute**.

The **Ethics Board**, established under **Article 60 of the TFF Statute**, operates in accordance with the **Ethics Board Regulation** issued by the TFF Executive Board, which sets out its composition, appointment procedures, and working principles.

3.2.2. The Arbitration Board and Its Restructuring

3.2.2.1. The Legal Status, Composition, and Appointment of the Arbitration Board

The **TFF Arbitration Board**²² has been restructured following the legislative amendments introduced after the *Ali Rıza and Others v. Türkiye* judgment. According to the new framework:

- The Arbitration Board is established as an **independent and impartial mandatory arbitral body**, serving as the **highest judicial authority within the Turkish Football Federation (TFF)**. It has the final authority to adjudicate appeals against the decisions of TFF's competent organs and committees, in accordance with the TFF Statute and relevant regulations.
- The Board is composed of a **Chairperson, six principal members, and six substitute members**, all of whom must be **lawyers with at least ten years of professional experience**. Members are appointed by the TFF Executive Board.
- Within **one week** of their appointment, members must **submit a written declaration** affirming the absence of any circumstances impairing their impartiality or independence

²² Article 6 of Law No. 5894 on the TFF was amended by Article 53 of Law No. 7405.

and must **take an oath of impartiality** before the Executive Board. At its inaugural meeting, the Board elects a **Vice-Chairperson** and a **Rapporteur** from among its members.

- The **term of office** of the members is **four years**, independent of the Executive Board's term. Members cannot be replaced unless they resign or are deemed to have withdrawn; in such cases, substitute members are appointed for the remainder of the term.
- Members are required to perform their duties in **full independence and impartiality**, in conformity with the TFF Statute and relevant directives. No authority or person may issue orders, recommendations, or instructions to the Arbitration Board.
- The Board has the power to **review and decide finally** on appeals against TFF decisions or regulations concerning the **management and discipline of football activities**.
- Applications must be filed within **seven days** of the publication of the relevant directive on the TFF website or the notification of the contested decision.
- The Board's decisions **relating to football management and disciplinary matters are final and binding**. However, in matters outside this scope, parties may bring an **action for annulment** before Turkish courts within one month, pursuant to Article 439 of the Code of Civil Procedure (Law No. 6100, dated 12 January 2011).
- Members of the Arbitration Board may not serve in any other TFF body or in private legal entities directly affiliated with TFF members.
- The **powers, qualifications, duties, and rights** of the Arbitration Board and its members are stipulated in the **TFF Statute**, while procedural matters concerning applications and adjudication are regulated by a **directive** adopted by the TFF Executive Board.

3.2.2.2. Powers and Jurisdiction of the Arbitration Board

The Arbitration Board is competent to review and render final decisions on disputes arising from the following:

- Decisions of the **TFF Executive Board** concerning clubs, referees, players, coaches, player agents, medical staff, and other officials;

- Decisions of the **Amateur and Professional Football Disciplinary Boards**;
- Decisions of the **Dispute Resolution Board**;
- Decisions of the **Club Licensing Board**;
- Decisions of the **Ethics Board**;
- Other legally binding decisions rendered by TFF bodies empowered under the TFF Statute and its regulations;
- Directives issued by the TFF Executive Board.

Parties seeking to challenge such decisions must submit a **written appeal** to the Arbitration Board within **seven days** of receiving the decision or, in the case of directives, from the date of their publication.

Decisions of the Arbitration Board are **final and conclusive**. They are **not subject to approval or review** by any administrative or judicial authority, and **no further appeal** may be filed before Turkish courts.

3.3. The Possibility of Appealing TFF Arbitration and Domestic Court Decisions before the Court of Arbitration for Sport (CAS)

The division of jurisdiction between **national** and **international sports tribunals** remains a contentious issue in sports law, particularly in systems where **mandatory arbitration** applies. In Türkiye, disputes arising in the field of sports are generally resolved within the TFF's internal judicial structure, mainly through the **Arbitration Board** and other specialized committees. Their decisions are typically regarded as **final and binding**.

As a general principle, **decisions of the TFF Arbitration Board cannot be appealed to the Court of Arbitration for Sport (CAS)**. Neither **Law No. 5894** nor the **TFF Statute** contains any provision recognizing CAS jurisdiction over TFF Arbitration Board decisions.

However, certain **exceptional situations** may arise where CAS jurisdiction can be established:

i. Existence of an International Element

If the dispute involves an **international dimension**—for example, where one of the parties (a player, coach, or agent) is a **foreign national**, or where the matter concerns **international transfers** or **FIFA regulations**—CAS may acquire jurisdiction. In such cases, proceedings usually begin before the **FIFA Dispute Resolution Chamber (DRC)**, and the DRC's decisions can subsequently be appealed before CAS. Nonetheless, **TFF Arbitration Board decisions** cannot be directly appealed to CAS unless the TFF explicitly recognizes CAS jurisdiction, which is currently not the case.

ii. Existence of a Contractual Arbitration Clause

If the parties have included a **specific arbitration clause** in their contract—stating that any dispute shall be submitted to CAS—then CAS may assume jurisdiction **on a contractual basis**.

This, however, applies only to **private contractual disputes**, not to decisions rendered by the TFF Arbitration Board.

It is also important to note that CAS is **not a court of appeal** for domestic judicial decisions (e.g., civil or labor court judgments). CAS functions as a **private arbitral body** based on party consent, not as a supranational appellate court overseeing national jurisdictions (Erkan, 2025:19). Therefore, **decisions rendered by Turkish courts** cannot be reviewed by CAS merely because they concern sports-related matters.

Nevertheless, CAS may exercise jurisdiction in **exceptional cases** where:

- the dispute involves **foreign parties**, or
- the subject matter concerns **international transfers, FIFA regulations**, or
- the parties have expressly agreed to CAS jurisdiction in their contract.

In such cases, CAS conducts **de novo arbitration proceedings**—it does not review national court decisions but instead adjudicates the dispute afresh within the limits of the arbitration agreement.

A practical illustration of this limitation is found in **the 2008 case of coach Samet Aybaba v. Çaykur Rizespor**, where CAS **dismissed the claim for lack of jurisdiction**²³, ruling that the dispute was purely domestic, with no international element, and therefore outside its competence.

²³ CAS 2008/A/1638, *Samet Aybaba v. Çaykur Rizespor*, award.

In its reasoning, CAS emphasized that **domestic disputes governed solely by Turkish law** fall exclusively within **national jurisdiction** and recommended that similar cases should not be brought before it in the future²⁴.

Consequently, **domestic football disputes between Turkish parties cannot be brought before CAS**. CAS jurisdiction remains limited to disputes with an **international character**, while certain issues such as **doping violations** fall within its competence under the **World Anti-Doping Agency (WADA)** framework. Under international agreements between WADA and national federations, **CAS serves as the appellate body** for doping-related cases, where both athletes (domestic or foreign) and WADA may file appeals²⁵.

In conclusion, **TFF Arbitration Board decisions are not subject to appeal before CAS**. CAS jurisdiction may arise **only** in limited situations involving **internationally relevant disputes** governed by **contractual arbitration clauses**. Even in such cases, CAS does not function as an appellate body over domestic courts but rather conducts a **new arbitral assessment** within its own jurisdictional boundaries. The limits of CAS authority must therefore be interpreted **strictly**, in light of **federation statutes** and the **sovereign jurisdiction of national courts**.

4. ASSESSMENT OF COMPLIANCE BETWEEN THE ECtHR FINDINGS AND THE AMENDMENTS TO LAW NO. 5894 AND THE TFF STATUTE

Arbitration mechanisms in the settlement of football disputes serve a vital function by ensuring both the **autonomy of sport** and the **expeditious resolution of conflicts**. However, the implementation of *mandatory and exclusive arbitration systems* raises significant concerns from the perspective of **human rights guarantees**, particularly under **Article 6 of the European Convention on Human Rights (ECHR)**, which protects the right to a fair trial.

In the Turkish context, one of the most significant judgments testing these boundaries is **Ali Rıza and Others v. Türkiye**, where the European Court of Human Rights (ECtHR) found that the

²⁴ In this decision, CAS stated that applications cannot be made against institutions that are the final decision-making authorities under domestic law, and that its jurisdiction is limited to disputes of an international character.

²⁵ **CAS jurisdiction is recognized in disputes concerning doping sanctions in accordance with the WADA Code (World Anti-Doping Code) and agreements signed with the Turkish Anti-Doping Commission. See: WADA, World Anti-Doping Code, 2021 edition.**

structure and procedure of the TFF Arbitration Board — as it then existed — failed to meet the standards of **independence, impartiality, and fair trial guarantees** under Article 6.

4.1. Key Principles Derived from *Ali Rıza and Others v. Türkiye*

The ECtHR identified several key deficiencies in the earlier system, establishing principles relevant to all mandatory sports arbitration models:

- **Relationship between mandatory arbitration and Article 6(1) ECHR** — The Court held that where arbitration is **compulsory** and limits access to ordinary courts, such arbitral bodies must fully guarantee the procedural safeguards of Article 6 (para. 181). It also emphasized the need to verify whether parties have **truly and freely waived** their judicial rights, as in the *CAS* context.
- **Independence and appointment procedures** — The Court underlined that the method of appointment of Arbitration Board members by the **TFF Executive Board**, itself largely composed of **club representatives**, undermines the perception of independence and constitutes a violation of Article 6 standards (paras. 196, 209).
- **Procedural safeguards (hearings, reasoning, access to the file)** — The Court criticized the lack of reasoned decisions, limited access to oral hearings, and the narrow scope of remedies, concluding that these factors collectively failed to ensure a fair trial (para. 226).

4.2. Comparative Jurisprudence: *Mutu & Pechstein v. Switzerland*

The *Mutu & Pechstein v. Switzerland* judgment²⁶ represents a **cornerstone precedent** for evaluating sports arbitration under Article 6 ECHR, particularly with respect to the **Court of Arbitration for Sport (CAS)**.

Key takeaways include:

- The Court scrutinized whether the **waiver of judicial rights** was truly **free, informed, and voluntary**, emphasizing that such waivers in the context of mandatory arbitration must be assessed under a **strict standard of consent** (para. 157).

²⁶ Application Nos. 40575/10 and 67474/10, European Court of Human Rights, 2 October 2018.

- The **institutional independence** of CAS was analyzed in depth — including the composition of its arbitrator lists, appointment mechanisms, tenure, and independence safeguards — as criteria for determining whether CAS qualifies as a “tribunal established by law” (paras. 148, 151; Erkan, 2025:121)²⁷.
- The Court also addressed the right to a **public hearing**, holding that while the refusal of Pechstein’s request for a public hearing violated Article 6, such hearings may be mandatory depending on the **importance and nature of the dispute** (para. 196).

This comparative case forms the **normative backbone** for assessing the *Ali Rıza and Others* judgment in the Turkish context. Evaluating the post-reform structure of Turkish sports arbitration in light of *Mutu & Pechstein* enables a more concrete understanding of remaining reform needs.

4.3. Compliance Analysis of Law No. 5894 and the TFF Statute Amendments

When considered together, these two judgments provide a **normative matrix** for evaluating the institutional design of the TFF’s dispute-resolution system, based on three cumulative criteria: **compulsoriness + appointment mechanisms + procedural guarantees = ECtHR scrutiny.**

4.3.1. Structural Independence and Appointment Mechanisms

Although the 2022 amendments to **Law No. 5894** and the **TFF Statute** introduced more objective qualifications for members of the Arbitration Board, **the power of appointment and dismissal remains concentrated within the TFF Executive Board**, which perpetuates the structural dependence of the arbitral bodies.

This is not merely a theoretical shortcoming but has also been reflected in **recent practical developments**. For instance, in 2024, a group of senior referees in Türkiye **filed a criminal complaint against the President of the Central Referee Committee (MHK)**, challenging the impartiality of the internal disciplinary mechanisms. Their action, based on the alleged **lack of an**

²⁷ The European Court of Human Rights found that CAS arbitration was effectively imposed and, therefore, subject to the right to a trial before an “independent and impartial tribunal” guaranteed under Article 6 of the ECHR. While the Court acknowledged the claim of a structural imbalance in the appointment of CAS arbitrators, it concluded that there was no evidence of actual bias and held that CAS is independent and impartial. For details, see: **Erkan, 2025, p. 121.**

effective domestic remedy, revealed a persistent perception that internal TFF judicial bodies lack independence and credibility.

This incident directly echoes the **institutional deficiencies** identified by the ECtHR in *Ali Rıza and Others v. Türkiye*, where the Court explicitly warned that placing arbitral bodies under the **hierarchical influence** of an administrative entity — such as the TFF Executive Board — compromises the principles of **independence and impartiality** (paras. 196–209).

Accordingly, despite normative improvements, the post-reform framework still fails to achieve **substantive institutional autonomy** in practice. The **appointment structure and internal hierarchy** continue to undermine the perception of administrative neutrality, thereby weakening confidence in the TFF arbitration system as an **effective domestic remedy**, particularly from the standpoint of referees and other football professionals.

4.3.2. The Issue of Mandatory Arbitration and Waiver of Judicial Rights

While the revised Law and Statute maintain a **mandatory arbitration model** for certain disputes, they fail to explicitly regulate whether the **waiver of the right to a judicial remedy** (feragat) is made **freely, knowingly, and voluntarily**. This omission is significant, as the *Mutu & Pechstein* judgment emphasizes that, in cases of **compulsory arbitration**, any waiver of access to the courts must be subject to **strict scrutiny**. The absence of such procedural guarantees in Turkish sports law continues to raise compatibility concerns with Article 6 ECHR.

4.3.3. Strengthening of Procedural Safeguards

Although the TFF Statute and accompanying regulations have introduced formal improvements concerning **access to case files, reasoned decisions, and defence rights**, practical implementation remains inconsistent.

In many cases, decisions continue to lack detailed reasoning, and **oral hearings** are rarely granted. Such shortcomings mirror the procedural deficiencies highlighted by the ECtHR in *Ali Rıza and Others v. Türkiye* and demonstrate an **ongoing gap between formal compliance and effective implementation** of fair-trial guarantees.

4.3.4. Judicial Oversight and Legal Control Mechanisms

The Turkish **Constitutional Court** and higher judicial bodies have annulled certain provisions of sports-related legislation, thereby reopening the debate on the extent to which access to ordinary courts should be permitted in sports disputes. However, the reform efforts initiated following the *Ali Rıza and Others v. Türkiye* judgment remain **incomplete**, and full alignment between domestic law and the ECtHR’s human rights standards has **not yet been achieved**.

Within this framework, the following table (Table 1) provides a comparative overview of the extent to which the **amendments to Articles 5 and 6 of Law No. 5894** and the **TFF Statute (2022)** comply with the key findings identified by the ECtHR.

In conclusion, the 2022 legislative and statutory amendments represent **a significant step toward addressing certain structural deficiencies** identified by the ECtHR in the *Ali Rıza and Others* decision. Nonetheless, these changes remain **insufficient to ensure effective and enforceable implementation** in practice. In a system where **judicial review is excluded**, the principle of **“appearance of impartiality”** (*appearance of independence*) becomes particularly critical.

Therefore, to ensure **full compliance with ECtHR jurisprudence**, additional reforms are required — particularly those that enhance **institutional transparency, objective appointment and dismissal criteria**, and the establishment of **external monitoring mechanisms** to guarantee the independence of the TFF Arbitration Board.

Table 1: Compatibility Analysis Between the ECtHR Findings and the 2022 Amendments to Law No. 5894 and the TFF Statute

ECtHR Finding (Ali Rıza and Others v. Türkiye)	Amendments under Law No. 5894 and the 2022 TFF Statute	Compliance Assessment
Appointment of Arbitration Board members by the TFF Executive Board violates the principle of independence.	The reform introduced a mixed appointment system — some members are now to be selected by the Clubs Association and some by the TFF General Assembly from among experienced legal professionals.	Partial compliance. Inclusion of external actors is a positive step; however, hierarchical dependence within the TFF structure continues to undermine full institutional independence.
Lack of clear provisions ensuring fixed tenure and protection against arbitrary removal of members.	The new regulation introduced a fixed four-year term and limited provisions regarding removal from office.	Partial compliance. While the introduction of a fixed term is positive, the absence of objective and transparent removal safeguards still weakens independence guarantees.
Absence of reasoned decisions constitutes a violation of the right to a fair trial.	The 2022 amendment explicitly requires the Arbitration Board to provide reasoned written decisions .	Full compliance. The obligation to issue reasoned decisions represents a significant improvement in terms of transparency and procedural fairness.
Institutional dependence of board members on the TFF may influence their decisions.	The amendments affirm that legal boards shall act independently and are prohibited from receiving instructions from TFF organs or officials.	Partial compliance. Although independence is guaranteed at the normative level, the absence of effective enforcement and oversight mechanisms limits its practical assurance.
Arbitration decisions remain excluded from judicial review.	Judicial review of arbitration awards remains prohibited; no appeal to ordinary courts is allowed.	Non-compliant. According to the ECtHR, the absence of judicial review where arbitration bodies lack independence continues to constitute a systemic violation.

4.4. Reform Needs and Recommendations for Compliance with International Standards

To achieve full compliance with the ECtHR’s standards and international best practices in sports adjudication, Türkiye should consider the following **legal and institutional reforms**:

- **Independent Candidate Pool and Appointment Committee:** Create an **independent appointment committee** composed of external legal experts, sports law practitioners, representatives of the Turkish Bar Association, and academics to select candidates based on **independence and professional competence** rather than internal federation influence.
- **Clarification of the Scope of Mandatory Arbitration:** Precisely define the types of disputes subject to **mandatory arbitration**, ensuring that **contractual claims** (e.g., remuneration, termination, and compensation disputes) remain within the jurisdiction of ordinary courts. Repealed provisions previously annulled by the **Constitutional Court** should not be reinstated.
- **Clarity of Waiver Conditions:** Ensure that **waivers of the right to judicial remedy** in mandatory arbitration are **written, explicit, and based on informed consent**. Parties must

be clearly informed about the **legal consequences** of such waivers, including limitations on procedural and appeal rights.

- **Procedural Safeguards at the Legislative or Statutory Level:** Guarantee the **right to a hearing, the right to present and challenge evidence, and access to case files.**

The **duty to provide reasoned decisions** should be codified at the level of statute or federation statute, ensuring that procedural fairness is not left to administrative discretion.

- **5. Establishment of Independent Oversight and Transparency Mechanisms:** Introduce **public reporting obligations** for the Arbitration Board’s annual activities and decisions. Enable **independent oversight** through the appointment of neutral observers, ombudsmen, or external sports law experts authorized to review procedural compliance.
- **6. Gradual Compliance Program and Administrative Action Plan:** Implement a **phased reform strategy** that prioritizes procedural safeguards in the short term (via amendments to the TFF Statute), followed by **structural reforms** to solidify independence and transparency in the medium and long term.

5. EVALUATION AND CONCLUSION

Arbitration mechanisms in Turkish sports law play a crucial role in safeguarding both the autonomy of sport and the need for swift and specialized dispute resolution. However, this autonomy should not undermine the visibility of justice; rather, it must reinforce a judicial framework that is impartial and independent. The core issue emphasized by the European Court of Human Rights (ECtHR) in *Ali Rıza and Others v. Türkiye* lies in the contradiction between the “institutional autonomy” and the “administrative dependence” of sports justice mechanisms in Türkiye. This inconsistency undermines the very essence of the right to a fair trial and erodes trust in the sports judiciary.

Although the amendments introduced by the **Law No. 7405 on Sports Clubs and Sports Federations** and **Law No. 5894 on the Establishment and Duties of the Turkish Football Federation** in 2022 represent significant normative progress, they have not yet achieved full structural independence in practice. The decisive role of the TFF Executive Board in the appointment of Arbitration Board members persists, perpetuating the problem identified by the ECtHR — namely, that appointment procedures compromise the perception of independence.

The recent criminal complaint filed by several referees against the Chairman of the Central Referee Committee (MHK) demonstrates that these structural weaknesses are not merely theoretical but have tangible consequences in practice. The referees' lack of trust in internal remedies within the federation reflects the absence of an effective domestic remedy, confirming that the systemic shortcomings identified in the *Ali Rıza and Others* judgment remain unresolved.

When viewed in light of the *Mutu & Pechstein v. Switzerland* decision, which established key procedural and structural guarantees for the Court of Arbitration for Sport (CAS), it becomes evident that Türkiye's sports arbitration system requires comprehensive reform to align with international standards. Such reform cannot be achieved solely through legislative amendments; it also necessitates institutional restructuring within the TFF, transparent appointment procedures, the consistent reasoning of decisions, and the establishment of effective external oversight mechanisms.

In conclusion, the sustainability of the Turkish sports arbitration system depends on ensuring that the principles of independence and impartiality are not merely theoretical, but effectively implemented in practice. The sports judiciary in Türkiye must be rebuilt not as a model of "internally supervised autonomy," but as one operating under the **guarantee of the rule of law**. Unless this transformation occurs, the justice system within Turkish sport will continue to lag behind ECtHR jurisprudence and face ongoing challenges to its international credibility.

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