Introduction To Turkish Law

The aim of each volume of this series Guides to Information Sources is to reduce the time which needs to be spent on patient searching and to recommend the best starting point and sources most likely to yield the desired information. The criteria for selection provide a way into a subject to those new to the field and assists in identifying major new or possibly unexplored sources to those who already have some acquaintance with it. The series attempts to achieve evaluation through a careful selection of sources and through the comments provided on those sources.

Public Law and Human Rights is a core module in the legal education of the United Kingdom (UK). Throughout the world it is known as common law. While common law consists of case-law and statutes, it has reached its present state by incorporating elements of international law, prerogative power and other legal and non-legal sources such as conventions and customs. This book closely examines the public law (constitution and administrative law) and human rights system of the UK (England and Wales in particular). The reason for the emergence of this book is that other publications do not explain such a complex issue in plain language, which makes it very difficult for those taking an interest, in particular A-level as well as LLB/LLM law students. This book does not repeat material that is available in many textbooks that are in print. Rather, it endeavours to present every topic in plain language and concludes every chapter with a fictitious, explanatory sample case.
This book will also assist students to prepare for examinations. It comes with a test that summarizes all the subjects contained in the book, which is appropriate to the first stage SQE (Solicitors Qualifying Examination) examination. This concise text brings clearly into focus the key elements of public law and human rights. The Q&A approach, examples and exercises provide an excellent way for students to both gain knowledge and apply that knowledge to this complex area of law. – Dr Ryan Hill, Deputy Head of School, Anglia Ruskin University, Law School, UK

This resource presents the core framework of Public Law and human rights within the United Kingdom, and also the key current debates surrounding this subject, in clear and accessible language. The technique of using fictional cases to work through practical issues is an excellent way for students to gain insight into the real world application of theoretical principles. Not only does this book help prepare learners for assessments, it also provides support in developing critical legal thinking which will be of great value in their professional lives. – Javier Garcia Oliva, Professor of Law, The University of Manchester, UK

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The core of this edited volume originates from a special issue of the Journal of the Ottoman and Turkish Studies Association (JOTSA) that goes well beyond the special issue to incorporate the stimulating discussions and insights of two Middle East Studies Association conference roundtables and the important work of additional scholars in order to create a state-of-the-field volume on Ottoman sociolegal studies, particularly regarding Ottoman international law from the eighteenth century to the end of the empire. It makes several important contributions to Ottoman and Turkish studies, namely, by introducing these disciplines to the broader fields of trans-imperial studies, comparative international law, and legal history. Combining the best practices of diplomatic history and history from below to integrate the Ottoman Empire and its subjects into the broader debates of the nineteenth-century trans-imperial history this unique volume represents the exciting work and cutting-edge scholarship on these topics that will continue to shape the field in years to come. Examining the on-going dilemma of the management of
diversity in Turkey from a historical and legal perspective, this book argues that the state’s failure to accommodate ethno-religious diversity is attributable to the founding philosophy of Turkish nationalism and its heavy penetration into the socio-political and legal fibre of the country. It examines the articulation and influence of the founding principle in law and in the higher courts’ jurisprudence in relation to the concepts of nation, citizenship, and minorities. In so doing, it adopts a sceptical approach to the claim that Turkey has a civic nationalist state, not least on the grounds that the legal system is generously littered by references to the Turkish ethnie and to Sunni Islam. Also arguing that the nationalist stance of the Turkish state and legal system has created a legal discourse which is at odds with the justification of minority protection given in international law, this book demonstrates that a reconstruction of the founding philosophy of the state and the legal system is necessary, without which any solution to the dilemmas of managing diversity would be inadequate. Adopting an interdisciplinary approach, this timely book will interest those engaged in the fields of Middle Eastern, Islamic, Ottoman and Turkish studies, as well as those working on human rights and international law and nationalism. This book discusses and analyses the dimensions of Turkey’s strategic rapprochement with the Eurasian states and institutions since the deterioration of Ankara’s relations with its traditional NATO allies. Do these developments signify a major strategic reorientation in Turkish foreign policy? Is Eurasia becoming an alternative geopolitical concept to Europe?
or the West? Or is this ‘pivot to Eurasia’ an instrument of the current Turkish government to obtain greater diplomatic leverage? Engaging with these key questions, the contributors explore the geographical, political, economic, military and social dynamics that influence this process, while addressing the questions that arise from the difficulties in reconciling Ankara’s strategic priorities with those of other Eurasian countries like Russia, China, Iran and India. Chapters focus on the different aspects of Turkey’s improving bilateral relations with the Eurasian states and institutions and consider the possibility of developing a convincing Eurasian alternative for Turkish foreign policy. The book will be useful for researchers in the fields of politics and IR more broadly, and particularly relevant for scholars and students researching Turkish foreign policy and the geopolitics of Eurasia.

As the title suggests, A Revolution in the International Rule of Law: Essays in Honor of Don Wallace, Jr. is a European style Festschrift or Liber Amicorum, and compiles short essays by eminent scholars and practitioners who have known Prof. Wallace during his long and distinguished career as a Professor of law at Georgetown University Law Center and, among others, as the Chairman of the International Law Institute, the U.S. Delegate to UNCITRAL, the Legal Adviser to the USAID, President of the ABA Section on International Law, presiding officer of the UNIDROIT Foundation, and Of Counsel to a number of prominent international law firms including Winston & Strawn LLP, Morgan Lewis LLP, Arnold & Porter LLP, and Shearman & Sterling LLP.
The primary topics covered in the book are: Foreign Investment and Political Risk, International Investment Law and Arbitration, Unification of Private Law, Commercial Law Reform, Public Procurement, Rule of Law and Transitional Justice, International Business Law and Human Rights, Legal Aspects of the United States' Foreign Affairs: Public International Law, Separation of Powers and Terrorism. Professor Wallace's friends, including the co-editors, have submitted 45 essays including a biographical piece prepared by the editors to this volume.

In recent years Turkey's commercial connections with the rest of the world have grown dramatically. The relative inaccessibility of Turkish business law to lawyers, business persons, and students from other countries prompted the first edition of this book in 2001. This fully updated new edition reflects important changes - notably in the areas of foreign direct investment and conflict of laws rules - and adds additional chapters on banking law, commercial arbitration law, and intellectual property law."

With its contextualized analysis of the European Court of Human Rights' (ECtHR) engagement in Turkey's Kurdish conflict since the early 1990s, Limits of Supranational Justice makes a much-needed contribution to scholarships on supranational courts and legal mobilization. Based on a socio-legal account of the efforts of Kurdish lawyers in mobilizing the ECtHR on behalf of abducted, executed, tortured and displaced civilians under emergency rule, and a doctrinal legal analysis of the ECtHR's jurisprudence in these cases,
this book powerfully demonstrates the Strasbourg court's failure to end gross violations in the Kurdish region. It brings together legal, political, sociological and historical narratives, and highlights the factors enabling the perpetuation of state violence and political repression against the Kurds. The effectiveness of supranational courts can best be assessed in hard cases such as Turkey, and this book demonstrates the need for a reappraisal of current academic and jurisprudential approaches to authoritarian regimes.

A comprehensive account of modern Turkish attitudes, legislation, treaty engagements, and State practice based on historical attitudes and contemporary policies, with extensive use of Turkish language sources mostly unknown to a foreign readership. Following a general introduction to Turkish sources of law, geopolitical position, and elements of maritime power, the monograph focuses on internal waters, territorial sea, the Turkish Straits, continental shelf and deep seabed, exclusive economic zone, high seas, and the marine environment, followed by an extensive bibliography.

The real reason for the emergence of this book is that it is hard to find resources to explain complex issues of the EU Law in plain language, which makes it very difficult for those taking an interest, in particular law students. Moreover, many years of teaching experience in this subject and seeing students experience difficulties is the key driver behind this book. This book does not repeat material that is available in many textbooks that are in print. Rather, it endeavours to present every topic in plain language and concludes every chapter with a
fictitious explanatory sample case. In other words, it is an introduction to the subject of EU Law, the objective of which is to explain the topic both theoretically and in its application dimension. Additionally, this book will assist students to prepare for coursework/examinations. At the end of the book there is also a test that summarizes all the subjects contained in the book, which is appropriate to the first stage SQE (Solicitors Qualifying Examination) examination model that will be introduced in September 2021. EU Law Book by Dr Ç?nar is different than other textbooks in the market, as it is designed to make sense of a complex area of law in a simple yet comprehensive way. The book contains materials relating to EU law with all the notable cases and materials collected in one place. It is written in plain language in the form of question and answers. At the end of each chapter, there is a case study which helps to put theory into practice. EU Law is accessible, readable and user-friendly. I would recommend it without hesitation to legal scholars and practitioners. Dr Aysem Diker Vanberg, Senior Lecturer, University of Greenwich This clear and concise book provides a practical overview of EU law and will be an excellent study aid for law students. It explains the key topics of EU law in an accessible and engaging manner through a Q&A model and case studies that demonstrate how the law is applied. Dr Johanna Hoekstra, Lecturer, University of Essex The is an accessible, easy to read and very useful book covering all the essential areas of EU law making them easily understood. Dr Marios Costa, Senior Lecturer, City Law School, University of London CONTENTS: Abbreviations
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International and Foreign Legal Research: A Coursebook emphasizes legal research strategies applicable across the landscape of research sources, covering basic concepts as well as particular subjects of international law.  

English-speaking legal practitioners and academics will welcome this ideal introduction to the basic institutions, principles and rules of Turkish law. Encompassing all the major fields of legal practise, Introduction to Turkish Law provides an essential understanding of the Turkish legal system so that users can become familiar with the law and legal processes in Turkey and pursue further research on specific Turkish legal matters. Twelve chapters, written by Turkish experts in their areas of specialty, focus on particular fields and also provide the Turkish equivalents of the English terminology. The book covers the following topics: sources of Turkish law;
constititutional law; administrative law; legal persons and business associations; family law; law of succession; law of property; law of obligations; penal law; and laws of civil and penal procedure. The seventh edition reflects major changes in Turkish law which took place after the publication of the sixth edition. The most significant of these changes is the constitutional amendment of 2017, leading to a radical change of the system of government. Other notable novelties include the introduction of new versions of three major codes: Turkish Code of Obligations, Turkish Commercial Code, and Code of Civil Procedure. The new edition also contains a glossary of legal terms used in the book. This concise guide is sure to continue providing interested parties with a speedy and reliable opening to many areas of Turkish law, which they need to learn about when called upon to deal with legal matters concerning Turkey or containing a Turkish element.

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criminal procedure. The sixth edition reflects the continuing adaptation of Turkish law to international standards - especially in light of Turkey's hopes for membership in the European Union. These aspirations forced the Turkish lawmakers to modify some basic laws intensively or change them entirely. A short updated list of books and articles in English on Turkish law is appended.

This book discusses the history and institutional framework of the EU without becoming mired in the minutiae of 'black letter' law. It provides an accessible introduction for students to current critical academic commentary on European law.

This book evaluates the effectiveness of current international human rights law, and in particular the recent Istanbul Convention, in eradicating so-called honour killings in Turkey. So-called ‘honour killings’ have become an issue of concern for the international community. In Turkey, in particular, the practice still exists despite the adoption of the relevant human rights instruments. The book argues that the improvement of the status of women in Turkey in accordance with gender equality as well as the application of the principle of state due diligence, both requirements of the Istanbul Convention and international human rights law, are fundamental means towards eradicating the killing of women in the name of ‘honour’. Using feminist approaches, in particular the intersectionality approach, the study looks at the application of such standards as well as the current obstacles. Through such a lens, the study discusses the strengths and weaknesses of the
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Turkish Constitution, Turkish Civil Code, Turkish Penal Code and Law to Protect Family and Prevent Violence Against Women and questions the judicial approach to the implementation of the women’s right to life. It identifies the lacunae in the Turkish legislation that allow inadequate legal protection for women and the inconsistency of the judicial approach to the definition of the so-called honour killings in the judgements. The study then recommends some concrete amendments to the relevant legal provisions in order to better reflect the international framework and the feminist approaches. The book will be a valuable resource for academics, researchers and policy-makers in the areas of international human rights law and feminist legal theory.

This book provides essential information on the legal rights of employers and employees in Turkey, plus up-to-date sections on wages, working hours, employment contracts, discrimination laws, and unions. The work mainly consists of three parts: introduction, individual labour law, and collective labour law in Turkey. The extensive material and numerous court decisions presented in each chapter will introduce readers to the major current debates in labour law and encourage them to engage in critical and independent assessment. As such, the book offers an engaging and accessible overview of the development and status quo of labour law and industrial relations issues in Turkey.

The real reason for the emergence of this book is that it is hard to find resources to explain complex issues of the EU Law in plain language, which makes it very difficult for those taking an interest, in particular law students. Moreover, many years of teaching experience in this subject and seeing
students experience difficulties is the key driver behind this book. This book does not repeat material that is available in many textbooks that are in print. Rather, it endeavours to present every topic in plain language and concludes every chapter with a fictitious explanatory sample case. In other words, it is an introduction to the subject of EU Law, the objective of which is to explain the topic both theoretically and in its application dimension. Additionally, this book will assist students to prepare for courseworks/examinations. At the end of the book there is also a test that summarizes all the subjects contained in the book, which is appropriate to the first stage SQE (Solicitors Qualifying Examination) examination model that will be introduced in September 2021. ‘This is a clear and concise book with many helpful visual aids (diagrams, tables etc…) that make it very easy to follow. The content defines, explains and covers the key aspects of the English Legal System.’ Ms Amel Ketani, Barrister and Senior Lecturer at BPP University ‘Through explanation, questions and application examples, this book compliments traditional English Legal System textbooks in an easily accessible and practically useful way.’ Dr Ryan Hill, Deputy Head of School, Anglia Ruskin University Law School CONTENTS: Abbreviations About the author Foreword. CHAPTER I Introduction: History, Sources and Institutions CHAPTER II Sources of Law I: Domestic Legislation CHAPTER III Source of Law II: Case Law CHAPTER IV Source of Law III: International Law CHAPTER V The Civil Justice System CHAPTER VI The Criminal Justice System CHAPTER VII Legal Professionals in the English Legal System Summary: Sample Test Questions Answers Glossary of Legal Terminology. Recommended Reading List Index This introduction, now in its second completely revised and upgraded edition, is the ideal overview of Belgian law for foreign lawyers. It identifies the basic legal sources,
institutions and concepts of Belgian law. It offers an up to date, state of the art systematic and critical rendition of the principal branches of the law as practised, and it provides the necessary historical background and theoretical framing. The book consists of sixteen chapters, covering all major fields of Belgian law including constitutional and administrative law, procedural law, criminal law, family law and trusts and estates, property, contracts and torts, commercial transactions and company law, labour and social security law, tax law and conflicts of laws, and offering in depth studies of the general features of the Belgian legal system and legal culture. Every contribution is written by a generally recognized expert in this particular field of law. The authors cover the legislation at the different levels, guiding the reader through the multi-layered governance in the complicated federal structure of Belgium within the European Union, and pay ample attention to the reality of legal practice in court cases. Each chapter concludes with a very useful bibliography of works in both official languages (French and Dutch). Where available, basic works in English are listed. The book is written for a diversified, primarily non-Belgian readership including practising lawyers, business people, government officials, academic researchers and students interested in a reliable overview of Belgian law and institutions as a starting point for their research or inquiries. Marc Kruithof is a law professor at Ghent University. He holds a PhD in Law, as well as Licentiates in Law and in Economics, from Ghent University, and a Master of Laws from Yale Law School. Walter De Bondt is an emeritus professor at Ghent University and at the Vrije Universiteit Brussel (VUB). He holds a PhD in Law as well as a Licentiate in Law from Ghent University, and a Master of Laws from UC Berkeley. This book provides a critical evaluation of the statutory
framework for co-ownership regulations in Turkish law and it acquaints Turkish jurists with the existence of trust of land in English law. It is posited upon the argument that solutions to the problems observed in the administration and enjoyment of co-owned properties in Turkish law may be overcome by the introduction of a new institution, which is inspired by the trust mechanism in English law. This renders the existing Turkish regulation for the management of the co-owned properties outdated, unreasonably complex, and extremely artificial with some assumptions. After successfully establishing that the Turkish system is currently inadequate to provide an efficient system, this book provides the indications for a solution.

Being aware of the limitations of the Turkish legal system and the restricted possibility of the direct reception of trust, this book examines to what extent the current institutions in Turkish law would replace the functions of trust in the context of co-ownership. This examination results in searching for a new system as it is concluded that any of the trust-like devices in the current Turkish law could not effectively and comprehensively serve the purposes that the English trust does. Therefore, this book suggests that a new mechanism, inspired by the English trust of land, would provide the required mechanisms for an efficient managerial system for co-owned properties. Rather than asserting to solely focus on a comprehensive new system, this book discusses the possible solutions and urges further research about the matter. Hence, the so-called alien system, trust of land, and its capability to provide an alternative but efficient and productive solution to the managerial problems of the co-owned properties, would be made familiar with the Turkish jurists.

This book is a major work that focuses exclusively on ship finance and includes contributions on the
increasingly complex field of ship finance, which has over the last two decades become a key aspect in the world of shipping and ship owning. The book offers an enlightening mix of theoretical analysis and well-founded practical insights into the daily markets. Given that ship finance continues to develop dynamically around the world, the book covers subjects ranging from the German KG market to Islamic Finance, from loans to legal aspects and from asset pricing to risk management. Work first published in 1928 under the title: Law of nations.