

TABLE OF CONTENTS

TABLE OF CONTENTS	5
LIST OF TABLES	14
PREFACE TO THE SEVENTH EDITION	15
PREFACE TO THE SIXTH EDITION	16
PREFACE TO THE FIFTH EDITION	17
PREFACE TO THE FOURTH EDITION	18
PREFACE TO THE THIRD EDITION	19
PREFACE TO THE SECOND EDITION	20
FOREWORD TO THE FIRST EDITION	21
ABOUT THE AUTHOR	23
ABOUT THE BOOK	25
A NOTE FOR THE FACULTY OF LAW AND POLITICAL SCIENCES STUDENTS	27
HOW TO USE THIS BOOK	29

CHAPTER 1: SOCIAL ORDER RULES

INTRODUCTION	35
1. SOCIAL ORDER RULES	36
1.1. Religious Rules	38
1.2. Customary Rules	40
1.3. Moral Rules	42
1.4. Legal Rules	42
1.5. Comparison of Social Order Rules	43
1.6. The Relationship among Social Order Rules	45
1.6.1. The Relationship between Law and Religious Rules	46
1.6.2. The Relationship between Law and Moral Rules	47
1.6.3. The Relationship between Law and Customary Rules	50
2. DEFINITION OF LAW	50
2.1. Main Objectives of Law	52
2.2. Main Types of Legal Sanctions	53
2.3. Characteristics of Legal Rules	53

3. SOURCES OF LAW.....	54
3.1. Constitution	56
3.2. Codes (Acts, Laws, Bills and Statutes).....	56
3.3. International Treaties	56
3.4. Presidential Decrees	57
3.5. By-Laws	58
3.6. Other Delegated Legislation (Subordinate Legislation)	59
3.7. Doctrine	59
3.8. Court Decisions	60
3.9. Hierarchy of Law	60
SELF-TEST QUESTIONS	62
FILL IN THE BLANKS QUESTIONS.....	64
TRUE/FALSE QUESTIONS	64
IN-TEXT QUESTIONS	65
SELECTED BIBLIOGRAPHY/FURTHER READING	65

CHAPTER 2: SYSTEMS OF LAW

INTRODUCTION	71
1. LEGAL SYSTEMS.....	73
1.1. Common Law System	75
1.2. Civil Law System	77
1.2.1. Comparison between Common Law and Civil Law	81
1.3. Religious Law System.....	82
2. SEVERAL CONCEPTS	83
2.1. Law & Justice	84
2.2. Legal Positivism & Natural Law.....	84
2.3. Domestic Law & International Law	85
2.3.1. Dualism	86
2.3.2. Monism	87
2.4. Substantive Law & Procedural Law.....	88
SELF-TEST QUESTIONS	89
FILL IN THE BLANKS QUESTIONS.....	91
TRUE/FALSE QUESTIONS	91
IN-TEXT QUESTIONS	92
SELECTED BIBLIOGRAPHY/FURTHER READING	92

CHAPTER 3: APPLICATION OF LEGAL RULES

INTRODUCTION	97
1. APPLICATION OF LEGAL RULES.....	98
1.1. Ascertaining the Applicable Rules.....	98
1.2. Determining Facts.....	99
1.3. Applying the Relevant Provisions of Rule	100
1.3.1. Syllogism	100
1.3.2. Argumentum a Contrario.....	101
1.3.3. Analogy (<i>Argumentum a pari</i>).....	101
2. BURDEN OF PROOF AND PRESUMPTIONS	102
2.1. Burden of Proof.....	102
2.1.1. Burden of Proof in Criminal Cases.....	103
2.1.2. Burden of Proof in Civil Cases	103
2.2. Presumptions.....	104
2.2.1. Statutory Presumption.....	105
2.2.2. Rebuttable Presumption	105
2.2.3. Irrebuttable Presumption	107
3. INTERPRETATION OF LEGAL RULES	107
3.1. Textual Interpretation.....	108
3.2. Historical Interpretation	109
3.3. Logical Interpretation	110
3.4. Teleological Interpretation	110
3.5. Unrestricted Interpretation	111
SELF-TEST QUESTIONS.....	112
FILL IN THE BLANKS QUESTIONS.....	114
TRUE/FALSE QUESTIONS	114
IN-TEXT QUESTIONS	115
SELECTED BIBLIOGRAPHY/FURTHER READING	115

CHAPTER 4: BRANCHES OF LAW

INTRODUCTION	119
1. CORPUS IURIS CIVILIS	120
2. CRITERIA FOR THE DIVISION OF PUBLIC-PRIVATE LAW.....	124
2.1. Benefit Criterion	124
2.2. Free Will Criterion.....	125

2.3. Sovereignty Criterion	125
2.4. Equality Criterion	126
.....	127
SELF-TEST QUESTIONS	128
FILL IN THE BLANKS QUESTIONS	130
TRUE/FALSE QUESTIONS	130
IN-TEXT QUESTIONS	131
SELECTED BIBLIOGRAPHY/FURTHER READING	131
 CHAPTER 5: CONSTITUTIONAL LAW	
INTRODUCTION	135
1. DEFINITION OF CONSTITUTION	135
1.1. Contents of the Constitution	137
1.1.1. Preliminary Chapter (or Preamble)	137
1.1.2. General Principles Chapter	139
1.1.3. Institutions of the State Chapter	139
1.1.4. Fundamental Rights and Freedoms Chapter	142
1.1.5. Effectiveness and Amendment Chapter	143
1.2. Essentials or Requisites of a Good Constitution	145
2. CLASSIFICATION OF CONSTITUTIONS	146
2.1. Unwritten and Written Constitutions	147
2.1.1. Merits and Demerits of Unwritten Constitutions	148
2.1.2. Merits and Demerits of Written Constitutions	150
2.2. Soft and Rigid Constitution	151
2.2.1. Merits and Demerits of Soft Constitutions	151
2.2.2. Merits and Demerits of Rigid Constitutions	152
2.3. Frame and Regular Constitution	153
3. CONSTITUTIONALISM IN THE WORLD AND TÜRKİYE	154
3.1. The History of Constitutionalism in the World	155
3.2. The Constitutional History of Türkiye	159
SELF-TEST QUESTIONS	165
FILL IN THE BLANKS QUESTIONS	167
TRUE/FALSE QUESTIONS	167
IN-TEXT QUESTIONS	168
SELECTED BIBLIOGRAPHY/FURTHER READING	168

CHAPTER 6: ADMINISTRATIVE LAW

INTRODUCTION	173
1. THE CONCEPT OF ADMINISTRATION	174
1.1. Division of Public-Private Administration	175
1.1.1. The Way of Establishment	175
1.1.2. The Purpose of Establishment/Activity	175
1.1.3. The Determination of Activity Areas	175
1.1.4. The Exercise of Public Power	176
1.1.5. The Principle of Equality	176
1.1.6. The Principle of Legality	176
1.1.7. The Way of Termination	176
2. THE BIRTH OF ADMINISTRATIVE LAW IN FRANCE AND TÜRKİYE	176
2.1. The Birth of Administrative Law in France	177
2.2. The Birth of Administrative Law in Türkiye	178
2.3. The Features of Administrative Law	179
3. CONSTITUTIONAL PRINCIPLES OF TURKISH ADMINISTRATIVE STRUCTURE	180
3.1. Centralisation	180
3.2. Decentralisation	182
3.3. The Integrity of the Administration	183
3.3.1. Hierarchy	183
3.3.2. Administrative Tutelage	185
3.3.3. Devolution of Powers	186
SELF-TEST QUESTIONS	189
FILL IN THE BLANKS QUESTIONS	191
TRUE/FALSE QUESTIONS	191
IN-TEXT QUESTIONS	192
SELECTED BIBLIOGRAPHY/FURTHER READING	192

CHAPTER 7: TAX LAW

INTRODUCTION	197
1. DEFINITION OF TAX	199
2. TURKISH TAXATION SYSTEM	201
2.1. Tax Procedure	201
2.2. Substantive Tax Law	203
2.2.1. Personal Income Tax	203
2.2.2. Corporate Income Tax	205

2.2.3. Taxes on Goods and Services	205
2.2.4. Taxes on Property	209
2.2.5. Other Taxes	210
SELF-TEST QUESTIONS	212
FILL IN THE BLANKS QUESTIONS	214
TRUE/FALSE QUESTIONS	214
IN-TEXT QUESTIONS	215
SELECTED BIBLIOGRAPHY/FURTHER READING	215

CHAPTER 8: INTERNATIONAL LAW

INTRODUCTION	219
1. THE CONCEPT OF THE STATE	222
1.1. The State and Society	223
1.2. The State and Nation	225
1.3. The State and Government	226
2. THE ELEMENTS OF THE STATE	227
2.1. Territory	227
2.1.1. Background Note on Aegean Disputes Between Türkiye and Greece	229
2.2. Population	234
2.3. Sovereignty	235
2.3.1. Internal Sovereignty & External Sovereignty	238
2.3.2. Real Sovereignty & Nominal Sovereignty	238
2.3.3. Legal Sovereignty & Political Sovereignty & Popular Sovereignty	238
2.3.4. De Jure Sovereignty & De Facto Sovereignty	239
3. THE THEORIES OF THE STATE	240
3.1. Voluntaristic Theories	240
3.2. Theory of the Contract	241
3.3. Coercive Theory	242
3.4. Environmental Circumscription	243
3.5. Political Evolution	244
SELF-TEST QUESTIONS	245
FILL IN THE BLANKS QUESTIONS	247
TRUE/FALSE QUESTIONS	247
IN-TEXT QUESTIONS	248
SELECTED BIBLIOGRAPHY/FURTHER READING	248

CHAPTER 9: CRIMINAL LAW

INTRODUCTION	253
1. THE DEFINITION OF CRIMINAL LAW	255
2. MAJOR ASPECTS OF CRIMINAL LAW	255
2.1. Definition of Crimes	255
2.2. Types of Crimes	259
2.3. Sanctions	263
2.4. Principle of Non-Retroactivity	267
3. THE AIMS OF PUNISHMENT	267
SELF-TEST QUESTIONS	271
FILL IN THE BLANKS QUESTIONS	273
TRUE/FALSE QUESTIONS	273
IN-TEXT QUESTIONS	274
SELECTED BIBLIOGRAPHY/FURTHER READING	274

CHAPTER 10: CIVIL LAW

INTRODUCTION	279
1. TURKISH CIVIL CODE	280
1.1. Preliminary Chapter (Articles 1-7)	280
1.2. Book One (Articles 8-117): Law of Persons	283
1.2.1. Classification of Persons	283
1.2.2. Beginning and End of Personality	284
1.2.3. Capacity	285
1.3. Book Two (Articles 118-494): Family Law	288
1.3.1. Filiation	288
1.3.2. Marriage	291
1.3.3. Divorce	292
1.4. Book Three (Articles 495-682): Law of Succession	295
1.4.1. Intestate Succession	296
1.4.2. Testate Succession	297
1.4.3. Agreement of Inheritance	298
1.4.4. Limit of Free Will	298
1.4.5. Reserved Portions	298
1.4.6. Disclaim of Inheritance	299
1.5. Book Four (Articles 683-1027): Law of Property	299
2. TURKISH LAW OF OBLIGATIONS	300
2.1. Contracts	300
2.2. Illegal Acts (Torts)	300
2.3. Unjust Enrichments	301
SELF-TEST QUESTIONS	302
FILL IN THE BLANKS QUESTIONS	304

TRUE/FALSE QUESTIONS	304
IN-TEXT QUESTIONS	305
SELECTED BIBLIOGRAPHY/FURTHER READING	305

CHAPTER 11: COMMERCIAL LAW

INTRODUCTION	309
1. GENERAL PRINCIPLES OF COMMERCIAL LAW	309
2. TURKISH COMMERCIAL CODE	311
2.1. Preliminary Chapter (Articles 1-10)	312
2.2. Book One (Article 11-123): Commercial (Business) Enterprises	315
2.3. Book Two (Article 124-644): Business Associations (Corporate Law)	317
2.3.1. Collective Company	318
2.3.2. Commandite Company	319
2.3.3. Joint Stock Company	319
2.3.4. Limited Companies	320
2.3.5. Cooperatives	320
2.4. Book Three (Article 645-849): Commercial Papers	320
2.5. Book Four (Article 850-930): Transport Business	322
2.6. Book Five (Article 931-1400): Maritime Law	322
2.7. Book Six (Article 1401-1535): Insurance Law	323
SELF-TEST QUESTIONS	324
FILL IN THE BLANKS QUESTIONS	326
TRUE/FALSE QUESTIONS	326
IN-TEXT QUESTIONS	327
SELECTED BIBLIOGRAPHY/FURTHER READING	327

CHAPTER 12: PRIVATE INTERNATIONAL LAW

INTRODUCTION	331
1. CONFLICT OF LAWS	333
2. LAW OF NATIONALITY	335
3. LAW OF ALIENS (FOREIGNERS)	338
SELF-TEST QUESTIONS	345
FILL IN THE BLANKS QUESTIONS	347
TRUE/FALSE QUESTIONS	347
IN-TEXT QUESTIONS	348
SELECTED BIBLIOGRAPHY/FURTHER READING	348

CHAPTER 13: PROCEDURAL LAW

INTRODUCTION	351
1. THE LAW OF CIVIL PROCEDURE	352
2. THE LAW OF CRIMINAL PROCEDURE	354

3. THE LAW OF ADMINISTRATIVE PROCEDURE	362
SELF-TEST QUESTIONS	366
FILL IN THE BLANKS QUESTIONS	368
TRUE/FALSE QUESTIONS	368
IN-TEXT QUESTIONS	369
SELECTED BIBLIOGRAPHY/FURTHER READING	369

**CHAPTER 14: BRANCHES OF LAW WHERE PUBLIC AND PRIVATE LAW
CHARACTERISTICS ARE MIXED**

INTRODUCTION	373
1. LABOUR LAW	373
1.1. Individual Labour Law	375
1.1.1. Contract of Employment	376
1.1.2. Types of Employment Contracts	377
1.1.3. Termination of Labour Contracts	377
1.1.4. Obligations and Duties of Employer	381
1.1.5. Obligations and Duties of Employee	383
1.2. Collective Labour Law	383
1.3. Labour Judiciary	385
2. ENVIRONMENTAL LAW	386
3. BANKING LAW	389
SELF-TEST QUESTIONS	394
FILL IN THE BLANKS QUESTIONS	396
TRUE/FALSE QUESTIONS	396
IN-TEXT QUESTIONS	397
SELECTED BIBLIOGRAPHY/FURTHER READING	397

ALPHABETICAL INDEX OF THE POLITICAL ENTITIES AND CORRESPONDING LEGAL SYSTEMS	399
---	------------

GLOSSARY	407
-----------------------	------------

INDEX	413
--------------------	------------

LIST OF TABLES

TABLE 1- CONTENT OF MECELLE	40
TABLE 2- SIMILARITIES AMONG SOCIAL ORDER RULES	43
TABLE 3- DIFFERENCES AMONG SOCIAL ORDER RULES	45
TABLE 4- MAIN LEGAL SANCTIONS	53
TABLE 5- SOURCES OF LAW	55
TABLE 6- THE MOST COMMON LATIN PHARESES IN LEGAL TEXTS.....	78
TABLE 7- ARISTOTLE’S CLASSIFICATION OF CONSTITUTIONS	147
TABLE 8- CONSTITUTIONS IN THE WORLD	157
TABLE 9- REALISATION AND RATES OF IMPORTANT TAX TYPES IN TÜRKİYE.....	197
TABLE 10- TAX LIABILITY	204
TABLE 11- LIST OF VAT RATES APPLIED IN THE MEMBER STATES OF TH EU	207
TABLE 12- DIFFERENCES BETWEEN THE STATE AND SOCIETY	224
TABLE 13- DIFFERENCES BETWEEN THE STATE AND NATION	225
TABLE 14- DIFFERENCES BETWEEN THE STATE AND GOVERNMENT	227
TABLE 15- FORMS OF INTENT	258
TABLE 16- MODES OF PARTICIPATION IN CRIMES.....	260
TABLE 17- LIST OF OFFENCES IN THE TURKISH PENAL CODE.....	261
TABLE 18- TYPES OF CAPACITY IN TURKISH LAW	288
TABLE 19- DIFFERENCES BETWEEN THE CONSEQUENCES OF CERTAIN TYPES OF AFFINITIES.....	291
TABLE 20- COMPARISON OF TORTIOUS LIABILITY AND BREACH OF CONTRACTUAL OBLIGATION	301
TABLE 21- APPROVAL OF THE COMMERCIAL BOOKS	317
TABLE 22- CIVIL COURTS OF FIRST INSTANCE.....	353
TABLE 23- CRIMINAL COURTS OF FIRST INSTANCE	357
TABLE 24- THE BASIC PRINCIPLES OF THE LAW OF CIVIL AND CRIMINAL PROCEDURES	361
TABLE 25- ADMINISTRATIVE FEES FOR ENVIRONMENTAL DAMAGES BETWEEN 01/01/2026 AND 31/12/2026	389