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| **COURSE INFORMATION** | | | | | |
| **Course Title** | *Code* | *Semester* | *L+P Hour* | *Credits* | *ECTS* |
| Appeal Procedure and Major Problems of Civil Procedure Law | LAW 568 | FALL-SPRING | 3 | 3 | 6 |

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| **Prerequisites** | - |

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| **Language of Instruction** | Turkish |
| **Course Level** | Postgraduate |
| **Course Type** |  |
| **Course Coordinator** |  |
| **Instructors** |  |
| **Assistants** | - |
| **Goals** | This course aims to teach appeal procedure that can be applied as a result of first instance court judgments in the disputes relating to civil law and major problems of civil procedure law. Students who successfully complete this course will be able to analyze the new concepts brought by the new Code of Civil Procedure (Act No: 6100) to Turkish Procedural Law, their impacts on practice, similarities and differences between the previous and the new Code. Also they may able to obtain deeper knowledge regarding appeal procedure. |
| **Content** | In this course, new concepts brought by the new Code of Civil Procedure (Act No: 6100), provisions in the Code that have been amended, and their outcomes in practice will be comparatively examined. The provisions regarding new appeal procedure are analyzed in detail. |

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| **Course Learning Outcomes** | **Program**  **Learning**  **Outcomes** | **Teaching Methods** | **Assessment Methods** |
| 1. May understand the close relationship between aims of the civil law and the civil procedure law. | 1,2,3 | 1,2 | 1,2,3 |
| 1. May distinguish and interpret the different types of legal remedies. | 2,3 | 1,2,3 | 1,2 |
| 1. May obtain deeper knowledge regarding appeal procedure. | 4,5,6,8,9,10 | 1,2,4 | 1,2 |
| 1. May have the capacity to analyze and resolve conflicts in the area of civil procedure law. | 1,3,5,7,11 | 1,2,3 | 1,2,3 |
| 1. May evaluate and criticize decisions given by courts related to civil procedure law in practice | 1,3,7 | 1,3 | 1,3 |

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| **Teaching Methods:** | 1: Lecture, 2: Question-Answer, 3: Discussion, 4: Case study / practical course |
| **Assessment Methods:** | 1: Presentation, 2:Homework, 3: Testing |

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| **COURSE CONTENT** | | |
| Week | Topics | **Study Materials** |
| 1 | Provisions regarding preliminary examination |  |
| 2 | Petty sessional court and ex parte proceedings |  |
| 3 | Trial, terms of judgment and final judgment |  |
| 4 | Ending of case without judgment (waiving from legal action, accepting the case and compromising and cancelling case file) |  |
| 5 | Effects of judgment: final judgment, enforceability, creative effect, element effect, effects of final judgment in terms of cause of action and final evidence |  |
| 6 | Purpose of appeal procedure |  |
| 7 | Provisions related to petition of the case |  |
| 8 | Results of appeal, decision of insistence, decision of compliance, revision of the judgment and appeal for the sake of law |  |
| 9 | Reasons to apply istinaf, introduction to appeal to court of cassation provisions of new Code of Civil Procedure |  |
| 10 | Reasons to apply appeal in new Code of Civil Procedure, appeal periods, judgments can be subjected to appeal |  |
| 11 | Provisions of new Code of Civil Procedure regarding appeal procedure, its comparison (similarities, differences) with former provisions |  |
| 12 | Appeal to court of cassation: Reasons, periods, judgments can be subjected to appeal. |  |
| 13 | Revision of the judgment |  |
| 14 | Temporary legal protections |  |

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| **RECOMMENDED SOURCES** | |
| **Textbook** | Kuru, Baki: Medeni Usul Hukuku, 2. Edition, 2016 Istanbul.  Pekcanıtez/Atalay/Özekes: Medeni Usul Hukuku, Yetkin Yayınevi, 14th edition, 2013.  Yılmaz, Ejder: HMK Şerhi, Yetkin Yayınevi, 2012.  Umar, Bilge: HMK Şerhi, Yetkin Yayınevi, 2013. |
| **Additional Resources** | Tanrıver, Süha: Medeni Usul Hukuku, 2016.  Arslan, Ramazan/Yılmaz, Ejder/Taşpınar Ayvaz, Sema: Medeni Usul Hukuku, Ankara 2016. |

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| **MATERIAL SHARING** | |
| **Documents** | - |
| **Assignments** | - |
| **Exams** | - |

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| **ASSESSMENT** | | |
| **IN-TERM STUDIES** | **NUMBER** | **PERCENTAGE** |
| Homework | 1 | 25 |
| Project | 1 | 25 |
| Final Exam | 1 | 50 |
| **Total** |  | **100** |
| CONTRIBUTION OF FINAL EXAMINATION TO OVERALL GRADE |  | 50 |
| CONTRIBUTION OF IN-TERM STUDIES TO OVERALL GRADE |  | 50 |
| **Total** |  | **100** |

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| **COURSE CATEGORY** | Expertise/Field Courses |

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| **COURSE'S CONTRIBUTION TO PROGRAM** | | | | | | | |
| No | Program Learning Outcomes | Contribution | | | | | |
| 1 | 2 | 3 | 4 | 5 |  | |
| 1 | Ability to comprehend, solve, and to attain analytical and critical thought processes. |  |  |  |  | **X** |  | |
| 2 | Within the ambit of lifelong learning, to direct continuous renewal and cultivation of knowledge attained in the field of law |  |  |  |  | X |  | |
| 3 | To master legal resources and legal precedents; to be able to conduct comparative legal analyses in national and international legal arenas |  |  |  |  | X |  | |
| 4 | To improve settlement options; to implement creative and innovative solutions |  |  | X |  |  |  | |
| 5 | To be equipped with comprehensive and comparative knowledge gained through the study of law, enabling the transfer of this knowledge into the social and economic fields. To attain analytical thinking between cross disciplines |  |  |  |  | X |  | |
| 6 | To attain the ability to comprehend and solve legal problems pertaining to global economy |  |  | X |  |  |  | |
| 7 | To obtain knowledge of current legal subjects, through the aid of the English language | X |  |  |  |  |  | |
| 8 | To be able to utilize proficiency at an intermediate level foreign language | X |  |  |  |  |  | |
| 9 | To attain professional and scientific ethical tenants in the field of law, as well as in society at large |  |  |  |  | X |  | |
| 10 | To attain the ability to write, speak and listen effectively, in the field of law |  |  |  |  | X |  | |
| 11 | To be open-minded, to be tolerant of different ideas, to be constructive, to have self-confidence, and to be responsible both during individual studies and/or during team studies. To work effectively and efficiently |  |  |  |  | X |  | |

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| **ECTS ALLOCATED BASED ON STUDENT WORKLOAD BY THE COURSE DESCRIPTION** | | | |
| Activities | Quantity | Duration (Hour) | Total Workload (Hour) |
| Duration (hour) | 14 | 3 | 42 |
| Prestudy | 14 | 3 | 42 |
| Homework | 1 | 20 | 20 |
| Project | 1 | 16 | 16 |
| Final Exam | 1 | 30 | 30 |
| **Total Work Load** |  |  | 150 |
| **Total Work Load / 25 (h)** |  |  | 6 |
| **ECTS Credit of the Course** |  |  | 6 |