**Content**

| Course Code | Course Name | Semester | Theory | Practice | Lab | Credit | ECTS |
|---|---|---|---|---|---|---|---|
| ÖHYL-336 | Appeal of Court Awards | 1 | 3 | 0 | 0 | 3 | 7 |

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| Prerequisites | |
| Admission Requirements | |

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| Language of Instruction | Turkish |
| Course Type | Elective |
| Course Level | Masters Degree |
| Objective | The aim of this course is to teach the legal remedies that can be applied against the decision given as a result of the trial before the first instance court in private law disputes, and to discuss current problems and solution proposals on the subject.<br><br>In this context, the objectives of the course are to examine the legal remedies systems and their features, to understand all stages of the appeal trial, to examine the post-appeal appeal remedy, to be aware of the relevant Supreme Court jurisprudence and to analyze them effectively.<br><br>Apart from this, this course enables the student to develop and deepen their knowledge of the concepts and institutions or methods of legal remedies at the level of expertise; It is aimed for the student to understand and make connections between the concepts and rules regarding legal remedies and to use the expert knowledge he has acquired in this field in the analysis of issues and problems related to legal theory and practice. |
| Content | 1. General information about appeal systems: Purpose, function, types<br>2. Appeals to the Regional Courts of Justice: In general<br>3. Appealable decisions for the Regional Courts of Justice, binding by the reasons on the application of the appeal, persons who can apply for appeal by the Regional Courts of Justice<br>4. Appeal review by the Regional Courts of Justice and its features<br>5. Decisions that may be made as a result of the appeal review by the Regional Courts of Justice<br>6. Appeals to the Supreme Court: In general<br>7. Appealable decisions for the Supreme Court<br>8. Grounds of appeal by the Supreme Court<br>9. Persons who can appeal by the Supreme Court, and its application<br>10. Appeal Review by the Supreme Court<br>11. Decision given as a result of the appeal review by the Supreme Court<br>12. Reformatio in peius<br>13. The concept of procedural vested rights<br>14. Discussion and general evaluation of current legal provisions, Constitutional Court and Supreme Court decisions |
| References | Akil, Cenk; İstinaf Kavramı, 2010.<br>Akkaya, Tolga; Medeni Usul Hukukunda İstinaf, 2009.<br>Meraklı Yayla, Deniz; Medeni Usul Hukuku'nda İstinaf Kanun Yolunda Yeniden Tahkikat Yapılması, 2013.<br>Yıldırım, M. Kamil; Hukuk Devletinin Gereği: İstinaf, 2000.<br>Yılmaz, Ejder; İstinaf, 2005.<br>Öztek, Sekçuk; Türk Medeni Yargılama Hukukunda İstinaf ve Temyiz, 2021.<br>Tok, Ozan; Temyiz Mahkemesinin Yapısı ve İşlevi, 2023.<br>Bulut, Uğur; Medeni Usul Hukukunda Temyiz İncelemesinin Kapsamı ve Sınırları.<br>Kuru Baki / Aydın, Burak; Medenî Usul Hukuku El Kitabı, 2021.<br>Pekcanıtez, Hakan / Özekes, Muhammet / Akkan, Mine / Taş Korkmaz, Hülya; Pekcanıtez Usûl - Medenî Usûl Hukuku, 2017.<br>Yılmaz, Ejder / Arslan, Ramazan, Taşpınar Ayvaz, Sema / Hanağası, Emel; Medenî Usul Hukuku, 2024.<br>Pekcanıtez, Hakan / Atalay, Oğuz/ Özekes, Muhammet, Medenî Usûl Hukuku Ders Kitabı, 2024. |

**Theory Topics**

| Week | Weekly Contents |
|---|---|
| 1 | 1. General information about appeal systems: Purpose, function, types |
| 2 | 2. Appeals to the Regional Courts of Justice: In general |

| Week | Weekly Contents |
|---|---|
| 3 | 3. Appealable decisions for the Regional Courts of Justice, binding by the reasons on the application of the appeal, persons who can apply for appeal by the Regional Courts of Justice |
| 4 | 4. Appeal review by the Regional Courts of Justice and its features |
| 5 | 5. Decisions that may be made as a result of the appeal review by the Regional Courts of Justice |
| 6 | 6. Appeals to the Supreme Court: In general |
| 7 | 7. Appealable decisions for the Supreme Court |
| 8 | 8. Grounds of appeal by the Supreme Court |
| 9 | 9. Persons who can appeal by the Supreme Court, and its application |
| 10 | 10. Appeal Review by the Supreme Court |
| 11 | 11. Decision given as a result of the appeal review by the Supreme Court |
| 12 | 12. Reformatio in peius |
| 13 | 13. The concept of procedural vested rights |
| 14 | 14. Discussion and general evaluation of current legal provisions, Constitutional Court and Supreme Court decisions |