Content

Course Code	Course Name	Semester	Theory	Practice	Lab	Credit	ECTS
ÖHYL 401	Law of Proof Issues in Liability Law	2	3	0	0	3	7

Prerequisites	
Admission Requirements	

Language of Instruction	Turkish
Course Type	Elective
Course Level	Masters Degree
Objective	This course aims to examine the fundamental concepts of evidence in the context of tort law and to establish the relationship between evidence law and substantive law. Within this framework, the course aims to provide an advanced understanding of the concepts of evidence, burden of proof and its distribution, types of evidence and their characteristics, and the rules of evidence law in the context of tort law. It is also aimed to combine the latest and advanced information on the concepts, institutions, and methods of evidence law with original thinking and research, thus ensuring a development at the level of expertise; to enable the student to reach a level where he/she can make original and innovative definitions and qualifications regarding the aforementioned concepts, institutions, and methods. In this course, it is aimed that the student can analyze the theory and practice of tort law by combining it with his/her research skills, and thus understand the complex problems and solution proposals related to the subject.
Content	This doctoral-level course provides an in-depth and critical examination of the complex relationship between liability law and the law of evidence. The content begins by exploring theoretical foundations, including basic concepts, evidence systems, and the standard of proof. Subsequently, it analyzes how evidentiary activities are shaped by the guiding principles of civil procedure in both fault-based and strict liability cases. Following the evaluation of the foundational elements of evidence law—such as the documentary evidence rule, its exceptions, and evidentiary agreements—the course places a major emphasis on the burden of proof and its allocation in liability disputes. In the advanced stages, conclusive evidence (res judicata, deeds/written documents, oath) and discretionary evidence (inspection, expert opinion, witness testimony) are comprehensively examined within the context of liability law. The content is strictly designed to enable doctoral students to synthesize judicial decisions and current doctrinal debates, ultimately empowering them to make original, independent scientific contributions to the field.
References	• Pekcanıtez Hakan/Özekes Muhammet/Akkan Mine/Taş Korkmaz Hülya (Editörler), Pekcanıtez Usûl Medenî Usûl Hukuku, İstanbul 2025. • Erdönmez Güray, Medeni Usul Hukukunda Belgelerin İbrazı Mecburiyeti, 2.Baskı, İstanbul 2014. • Bolayır Nur, Hukuk Yargılamasında Delillerin Toplanmasında Tarafların ve Hâkimin Rolü, İstanbul 2014. • Teomete Yalabık Fulya, İngiliz ve Amerikan Hukuklarında Vakıaların Getirilmesi ile Delillerin Toplanmasında Hakimin Rolü ve Türk Hukuku Bakımından Değerlendirilmesi, İstanbul 2016. • Umar Bilge/Yılmaz Ejder, İsbat Yükü, 2.Bası, İstanbul 1980. • Alangoya Yavuz, Medeni Usul Hukukunda Vakıaların ve Delillerin Toplanmasına İlişkin İlkeler, İstanbul 1979. • Çiftçi Pınar, Medeni Yargılama Hukukunda İspat Hakkı ve Sınırlamaları, Ankara 2018.

Theory Topics

Week	Weekly Contents
1	1. Basic Concepts and General Information on the Law of Evidence
2	2. Evidence Systems, Measure of Proof, Definitions
3	3. The Relationship between the Law of Evidence and the Law of Liability
4	4. Fault Liability
5	5. No Fault Liability
6	6. Evaluation of the Proof Activity in terms of the Principles Governing the Civil Procedural Law and the Law of Liability
7	7. Rule of Proof by Deed
8	8. Exceptions to the Rule of Proof by Deed and the Place of Discretionary Evidence
9	9. Evidence Contracts

Week	Weekly Contents
10	10. Burden of Proof
11	11. Allocation of the Burden of Proof in Disputes Regarding Liability Law
12	12. Examination of Conclusive and Discretionary Evidence within the Framework of Liability Law
13	13. Conclusive Evidence: Final Judgement, Deed, Oath
14	14. Discretionary Evidence: Discovery, Expertise, Witness