

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

Admission Requirements

Language of Instruction Turkish

Course Type Elective

Course Level Masters Degree

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.

Objective

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.

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

Akil, Cenk; İstinaf Kavramı, 2010.

Akkaya, Tolga; Medeni Usul Hukukunda İstinaf, 2009.

Bulut, Uğur; Medeni Usul Hukukunda Temyiz İncelemesinin Kapsamı ve Sınırları.

Kuru Baki / Aydın, Burak; Medeni Usul Hukuku El Kitabı, 2021.

Meraklı Yayla, Deniz; Medeni Usul Hukuku'nda İstinaf Kanun Yolunda Yeniden Tahkikat Yapılması, 2013.

Öztek, Sekçuk; Türk Medeni Yargılama Hukukunda İstinaf ve Temyiz, 2021.

References

Pekcantez, Hakan / Atalay, Oğuz/ Özkes, Muhammet, Medeni Usul Hukuku Ders Kitabı, 2022.

Pekcantez, Hakan / Özkes, Muhammet / Akkan, Mine / Taş Korkmaz, Hülya; Pekcantez Usul - Medeni Usul Hukuku, 2017.

Tok, Ozan; Temyiz Mahkemesinin Yapısı ve İşlevi, 2023.

Yıldırım, M. Kamil; Hukuk Devletin Gereği: İstinaf, 2000.

Yılmaz, Ejder / Arslan, Ramazan, Taşpınar Ayvaz, Sema / Hanağası, Emel; Medeni Usul Hukuku, 2022.

Yılmaz, Ejder; İstinaf, 2005.

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
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

<b>Week</b>	<b>Weekly Contents</b>
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