

Content

Course Code	Course Name	Semester	Theory	Practice	Lab	Credit	ECTS
ÖHDR-349	Current Problems of the Law of Evidence	1	3	0	0	3	7

Prerequisites	
Admission Requirements	

Language of Instruction	Turkish
Course Type	Elective
Course Level	Doctoral Degree
Objective	Within the scope of this course, it is aimed to examine the basic concepts related to the proof activity and to reveal the relationship between proof and evidence. In this context, the aim of the course is to gain an advanced understanding of the concept of proof, burden rule, types of evidence and their properties, as well as the provisions regarding the law of proof. Combining current and advanced knowledge regarding the concepts, institutions and methods of the field of evidence law with original thought and research, and ensuring a development at the level of expertise in this respect; It is aimed for the student to reach a level where he/she can reach innovative, original definitions and qualifications regarding the concepts, institutions and methods in question. In this course, it is aimed that the student will be able to analyze the theory and practice of the law of evidence by combining it with the research he has acquired or his knowledge at the level of expertise, and thus to reach new and original results and ideas.
Content	Relationship Between Evidence and Proving Claims or Allegations Basic Concepts Regarding Proof Evaluation of Proof in Terms of Principles Governing Civil Procedure Law Determining the Time of Presenting Evidence The Relationship of Evidence with the Prohibition of Expanding or Changing the Claim and Defense Relationships Between Activity of Proving and Definitive / Circumstantial Evidence
References	Pekcanitez Hakan/Özekes Muhammet/Akkan Mine/Taş Korkmaz Hülya (Editörler), Pekcanitez Usûl Medenî Usûl Hukuku, 15. Bası, İstanbul 2017. 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	Relationship between proof activity and means of proof
2	Basic concepts regarding proof activity
3	Evaluation of the evidentiary activity with regard to the principles governing the law of civil procedure
4	Determining the timing of presentation of evidence
5	The relationship between the evidence and the prohibition on expanding or modifying the claim and the defense
6	Rule of proof in writing and its exceptions
7	Relationships between proof activity and definitive and circumstantial evidence
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