Content

Course Code	Course Name	Semester	Theory	Practice	Lab	Credit	ECTS
HUK452	Individual application to the constitutional court	8	2	0	0	2	2

Prerequisites	
Admission Requirements	

Language of Instruction	Turkish
Course Type	Elective
Course Level	Bachelor Degree
Objective	Examining individual application to the Turkish Constitutional Court in the light of the case law of the Constitutional Court and the European Court of Human Rights.
Content	1- The function of the individual application 2- Capacity to apply 3- The scope of the right to apply 4- The subject of the individual application 5- Conditions of application 6- The review of the complaint by the Constitutional Court 7- Decisions of the Constitutional Court concerning the application 8- Mid-term exam 9- Case law of the Constitutional Court and the European Court of Human Rights concerning fundamental rights in the scope of the individual application 10- Case law of the Constitutional Court and the European Court of Human Rights concerning fundamental rights in the scope of the individual application 11- Case law of the Constitutional Court and the European Court of Human Rights concerning fundamental rights in the scope of the individual application 12- Case law of the Constitutional Court and the European Court of Human Rights concerning fundamental rights in the scope of the individual application 13- Case law of the Constitutional Court and the European Court of Human Rights concerning fundamental rights in the scope of the individual application 14- Case law of the Constitutional Court and the European Court of Human Rights concerning fundamental rights in the scope of the individual application
References	Relevant case law of the Turkish Constitutional Court and the European Court of Human Rights ALTIPARMAK, Kerem/CENGİZ, Serkan/GÖZTEPE, Ece/ÖZDOĞAN, Sedef/SAĞLAM, Fazıl, Anayasa Mahkemesinin Kuruluş ve Yargılama Usulleri Hakkında Kanun Tasarısına İlişkin Çalışma Grubu Raporu, İzmir Barosu İçin Hazırlanan Rapor, 2011. Anayasa Mahkemesine Bireysel Başvuru, Ankara: TBB, 2011. Anayasa Yargısı, S. 21, Ankara: AYM, 2004. Anayasa Yargısı, S. 26, Ankara: AYM, 2009. Anayasa Şikâyeti-Vervassungsbeschwerde, Ankara: AÜHF, 2009. ARNWINE, Selin ESEN, “İspanya’da Bireysel Başvuru Yolu, AÜSBFD, 52(4), 2003, s. 249-271. AYDIN, Öykü Didem, “Anayasa Mahkemesine Bireysel Başvuru Yolu”, Gazi Üniversitesi Hukuk Fakültesi Dergisi, C. XV (2011), S.4, s. 121-174. ÇELİK, Burak/ESEN, Selin/GÖZTEPE, Ece/Mumcu, Ahmet/SABUNCU, Yavuz/SAĞLAM, Fazıl/ŞENOL, Talay, Anayasa Şikâyetinin Türkiye’de Yüksek Yargı Organlarınca Benimsenmesini ve Sağlıklı Bir Biçimde Uygulanmasını Sağlayacak Adımların Atılması Konusunda Görüşler, TBB İnsan hakları Merkezi İçin Hazırlanan Rapor, 2007. DOĞRU, Osman, Anayasa Mahkemesine Bireysel Başvuru Rehberi, İstanbul: Legal, 2012. European Commission for Democracy Through Law (Venice Commission), Study on Individual Access to Constitutional Justice, CDL-AD (2010)039

Constitutional Justice, CDL-AD (2010)039.

European Commission for Democracy Through Law (Venice Commission), Opinion on the Law on the Establishment and Rules of Procedure on the Constitutional Court of Turkey, CDL-AD (2011)040.

GÖREN, Zafer, “Anayasa Mahkemesi’ne Kişisel Başvuru (Anayasa Şikâyeti)”, Anayasa Yargısı, S. 11, Ankara: AYM, s. 97-134.

GÖREN, Zafer, “Anayasa Şikâyeti: Külfetsiz, Masrafsız ve Sonuçsuz?”, Prof. Dr. Ergun Özbudun’a Armağan, C. II, Ankara: Yetkin, 2008, s. 293-337.

GÖZTEPE, Ece, Anayasa Şikâyeti, Ankara: AÜHF, 1998.

GÖZTEPE, Ece, “Türkiye’de anayasa Mahkemesine Bireysel Başvuru Hakkının (Anayasa Şikâyeti) 6216 Sayılı Kanun Kapsamında değerlendirilmesi”, Türkiye Barolar Birliği Dergisi, 2011 (95), s. 13-40.

Güncel Hukuk, Eylül 2013/9-157 (Anayasa Mahkemesine Bireysel Başvuru sayısı).

İNCEOĞLU, Sibel (Ed.), İnsan Hakları Avrupa Sözleşmesi ve Anayasa, İstanbul: Beta, 2013.

KANADOĞLU, Osman Korkut, Türk ve Alman Anayasa Yargısında Anayasal Değerlerin Çatışması ve Uyumlaştırılması, İstanbul: Beta, 2000.

La protection des droits fondamentaux par la Cour constitutionnelle, Strasbourg: Conseil de l’Europe, 1996.

ODER, Bertil Emrah, “Türkiye’de Anayasa ve Anayasa Yargısı”, http://www.konrad.org.tr/23.%20Journalisten%20tr/191-208.pdf.

PEKCANITEZ, Hakan, “Mukayeseli Hukukta Medeni, Yargıda Verilen Kararlara Karşı Anayasa Şikâyeti”, Anayasa Yargısı, S. 12, Ankara: AYM, s. 257-287.

SAĞLAM, Fazıl, “Anayasa Şikâyeti Kurumunun Türk Hukukuna Kazandırılması İle İlgili Sorunlar ve Çözüm Olanakları”, Anayasa Yargısı İncelemeleri, Mehmet TURHAN ve Hikmet TÜLEN (haz.), Ankara: AYM, 2006, s. 69-11.

SAĞLAM, Fazıl, “Türk ve Alman Hukukları Açısından Anayasa Yargısının Sorunları”, Erdoğan Teziç’e Armağan, İstanbul: Galatasaray Üniversitesi, s. 137-151.

SAĞLAM, Fazıl, “Hukuk Devleti ve Terör”, AÜSBF Dergisi (Yavuz Sabuncu’ya Armağan), 62:3, Temmuz-Eylül 2007, s. 291-317.

SAĞLAM, Fazıl, “Anayasa Şikâyeti Üzerine Düşünceler”, İlhan Unat’a Armağan, Ankara: Mülkiyeliler Birliği, 2011.

SAĞLAM, Fazıl, “Anayasa Şikâyeti-Anlamı, Kapsamı ve Türkiye Uygulamasında Olası Sorunlar”, Demokratik Anayasa, Ece GÖZTEPE ve Aykut ÇELEBİ (haz.), İstanbul: Metis, 2012, s. 418-466.

SAĞLAM, Musa (ed.), Bireysel Başvuru-“Anayasa Şikâyeti”, Ankara: HUKAB, 2011.

TAŞKIN, Ahmet (ed.), AİHM ve Türkiye II- Anayasa Şikâyeti ve AİHM, Ankara: TAA, 2010.

Theory Topics

Week	Weekly Contents
1	The function of the individual application
2	Capacity to apply
3	The scope of the right to apply
4	The subject of the individual application
5	Conditions of application
6	The review of the complaint by the Constitutional Court
7	Decisions of the Constitutional Court concerning the application
8	Mid-term exam

Week	Weekly Contents
9	Case law of the Constitutional Court and the European Court of Human Rights concerning fundamental rights in the scope of the individual application
10	Case law of the Constitutional Court and the European Court of Human Rights concerning fundamental rights in the scope of the individual application
11	Case law of the Constitutional Court and the European Court of Human Rights concerning fundamental rights in the scope of the individual application
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