Content

Course Code	Course Name	Semester	Theory	Practice	Lab	Credit	ECTS
EHYL-378	Mediation in civil disputes	1	3	0	0	3	6

Prerequisites	
Admission Requirements	

Language of Instruction	Turkish
Course Type	Elective
Course Level	Masters Degree
Objective	The aim of this course is to teach out-of-court solutions at an expert level in resolving private law disputes, and to discuss current problems and solution proposals on the subject. In this context, the objectives of the course are to examine alternative dispute resolution methods, to understand mediation in all its stages, to discuss the concept of compulsory mediation, 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 related to mediation; It is aimed for the student to understand and make connections between mediation and fundamental rights and freedoms, and to use the knowledge gained in this field in the analysis of issues and problems related to legal theory and practice.
Content	Historical development of role of the parties and the judge in the administration of proofs in civil jurisdiction the relationship between the administration of proofs and proving activity Relation with basic concepts of civil procedure law Relation with dominant principles of civil procedure law Determination the time of presentation of evidence Relation with concentration principle Bill Duty to cooperate in the taking of evidence Oath Judgement Witness Expert Discovery Other related topics
References	Pekcanıtez Hakan/Özekes Muhammet/Akkan Mine/Taş Korkmaz Hülya (Editörler), Pekcanıtez Usûl Medenî Usûl Hukuku, 15. Bası, İstanbul 2017. Kuru Baki, İstinaf Sistemine Göre Yazılmış Medenî Usûl Hukuku Ders Kitabı, İstanbul 2017. 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 Arslan Aziz Serkan, 6100 Sayılı Hukuk Muhakemeleri Kanunu Çerçevesinde Medeni Usul Hukukunda Delillerin Toplanması ve Doğrudanlık İlkesi, Ankara 2012.

Theory Topics

Week	Weekly Contents
1	Concept of Alternative Dispute Resolution
2	Objective of Alternative Dispute Resolution
3	Disputes that can be resolved by alternative methods
4	Alternative Dispute Resolution Methods
5	Alternative Dispute Resolution in Turkish Law
6	Concept of Reconciliation
7	Notion of Mediation
8	Positive Aspects of Mediation

Week	Weekly Contents
9	Application of Mediation as a Dispute Resolution Method
10	Legal Infrastructure on Mediation
11	Principles Governing Mediation
12	Mediation Activity and Process
13	Legal Nature of the Agreement Reached as a Result of Mediation
14	Mandatory Mediation