|  |
| --- |
| **COURSE INFORMATON**  |
| **Course Title** | *Code* | *Semester* | *L+P Hour* | *Credits* | *ECTS* |
| Appeal procedure and Arbitration | LAW 332 | 6 | 3+0 | 3 | 3 |

|  |  |
| --- | --- |
| **Prerequisites** |  |

|  |  |
| --- | --- |
| **Language of Instruction** | Turkish |
| **Course Level** | Undergraduate |
| **Course Type** | Compulsory |
| **Course Coordinator** | Asst. Prof. Dr. H. Afşın İlhan |
| **Instructors** | Asst. Prof. Dr. H. Afşın İlhan |
| **Assistants** | Res. Asst. Dilek Karademir |
| **Goals** | The course aims to teach appeal procedure can be applied as a result of first instance court judgments in the disputes relating to civil laf and alternative dispute resolution mechanisms such as arbitration, mediation |
| **Content** | Within the scope of this course, relevant provisions of new Code of Civil Procedure regarding waiving from legal action, accepting the case and compromise; relevant provisions of new Code of Civil Procedure concerning appeal. Furthermore, our legislation about arbitration and mediation is analysed.  |
|  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Learning Outcomes**  | **Program Learning Outcomes** | **Teaching Methods**  | **Assessment Methods**  |
| The student who has successfully completed this course would improve his/her ability of defining and resolving legal problems, his/her analytic and critical ability of thinking in the fields of: Qualification of the judgments of the first instance courts | 1,2,3 | 1,2 | A |
| Ending of a case by waiving from legal action, accepting the case and compromise | 2,3 | 1,2,3 | A |
| Appeal procedures can be applied against these judgments, manner of application of such appeal procedures and their application periods | 4,5,6,8,9,10 | 1,2,4 | A |
| Appeal provisions | 13,14 | 1,2 | A |
| How to apply arbitration and mediation, part of alternative dispute resolution mechanisms | 8,9,10 | 1,2,3 | A |
|  |  |  |  |

|  |  |
| --- | --- |
| **Teaching Methods:**  | 1: Lecture, 2: Question-Answer, 3: Discussion, 4: Case study / practical course  |
| **Assessment Methods:**  | A: Testing, B: Presentation C: Homework |
|  |  |

|  |
| --- |
| **COURSE CONTENT** |
| **Week** | **Topics** | **Study Materials** |
| 1 | Trial, terms of judgment and final judgment |  |
| 2 | Effects of judgment: final judgment, enforceability, creative effect, element effect, effects of final judgment in terms of cause of action and final evidence |  |
| 3 | Ending the case without judgment (waiving from legal action, accepting the case and compromising and cancelling case file) |  |
| 4 | Purpose of appeal procedure, introduction to provisions of Code of Civil Procedure regarding appeal procedure |  |
| 5 | Reasons to apply appeal, appeal period, conditions for appeal, judgments can be subjected to appeal |  |
| 6 | Results of appeal, decision of insistence, decision of compliance |  |
| 7 | MID-TERM EXAMINATION |  |
| 8 | Provision of Code of Civil Procedure about resorting to an upper court against decision of a trial court, reasosns to apply and periods |  |
| 9 | Reasons to apply istinaf, introduction to appeal to court of cassation |  |
| 10 | Reasons to apply appeal, appeal periods, judgments that can be subjected to appeal |  |
| 11 | Provisions of Code of Civil Procedure regarding appeal procedure, its comparison with former provisions |  |
| 12 | Revision of judgment |  |
| 13 | Arbitration procedure |  |
| 14 | Action for nullity which can be brought as a result of arbitral awards, provisions regarding mediation and its results  |  |

|  |
| --- |
| **RECOMMENDED SOURCES** |
| **Textbook** |  |
| **Additional Resources** |  |

|  |
| --- |
| **MATERIAL SHARING** |
| **Documents** |  |
| **Assignments** |  |
| **Exams** |  |

|  |
| --- |
| **ASSESSMENT** |
| **IN-TERM STUDIES** | **NUMBER** | **PERCENTAGE** |
| Mid-terms | 1 | 100 |
| **Total** |   | **100** |
| **CONTRIBUTION OF FINAL EXAMINATION TO OVERALL GRADE** |   | 60 |
| **CONTRIBUTION OF IN-TERM STUDIES TO OVERALL GRADE** |   | 40 |
| **Total** |   | **100** |

|  |  |
| --- | --- |
| **COURSE CATEGORY** | Expertise/Field Courses |

|  |
| --- |
| **COURSE'S CONTRIBUTION TO PROGRAM** |
| No | Program Learning Outcomes | Contribution |
| 1 | 2 | 3 | 4 | 5 |  |
| 1 | Ability to comprehend, solve, and to attain analytical and critical thought processes |  |  |  |  | x |  |
| 2 | Within the ambit of lifelong learning, to direct continuous renewal and cultivation of knowledge attained in the field of law |  |  |  |  | x |  |
| 3 | To master legal resources and legal precedents; to be able to conduct comparative legal analyses in national and international legal arenas |  |  |  | x |  |  |
| 4 | To improve settlement options; to implement creative and innovative solutions |  |  |  | x |  |  |
| 5 | To be equippet with comprehensive and comparative knowledge gained through the study of law, enabling the transfer of this knowledge into the social and economic fields. To attain analytical thinking between cross disciplines |  |  | x |  |  |  |
| 6 | To attain the ability to comprehend and solve legal problems pertaining to global economy |  | x |  |  |  |  |
| 7 | To obtain knowledge of current legal subjects, through the aid of the English language | x |  |  |  |  |  |
| 8 | To be able to utilize proficiency at an intermediate level foreign language | x |  |  |  |  |  |
| 9 | To attain professional and scientific ethical tenants in the field of law, as well as in society at large |  |  |  |  | x |  |
| 10 | To attain the ability to write, speak and listen effectively, in the field of law |  |  |  |  | x |  |
| 11 | To be open-minded, to be tolerant of different ideas, to be constructive, to have self-confidence, and to be responsible both during individual studies and/or during team studies. To work effectively and efficiently |  |  |  |  | x |  |

|  |
| --- |
| **ECTS ALLOCATED BASED ON STUDENT WORKLOAD BY THE COURSE DESCRIPTION** |
| Activities | Quantity | Duration(Hour) | TotalWorkload(Hour) |
| Course Duration (Including the exam week: 16x Total course hours) | 14 | 3 | 42 |
| Hours for off-the-classroom study (Pre-study, practice) | 14 |  2 | 28 |
| Mid-terms | 1 | 1 | 1 |
| Final examination | 1 | 2 | 2 |
| **Total Work Load** |  |  | 73 |
| **Total Work Load / 25 (h)** |   |  | 2,92 |
| **ECTS Credit of the Course** |  |  | 3 |