

28/09/12  
MIDDLE EAST TECHNICAL UNIVERSITY  
FACULTY OF ECONOMICS AND ADMINISTRATIVE SCIENCES  
DEPARTMENT OF INTERNATIONAL RELATIONS  
INTRODUCTION TO LAW  
ADM-2437  
FALL-2012

THE SYLLABUS

Instructor of Law: Erol Mucen  
Office F-05  
E-mail: emucen@metu.edu.tr

Office hours: FRIDAY 08:40-11:30 A.M

Required Textbooks: 1- The Principles of Turkish Law, Introduction to Turkish Law edited by Tugrul Ansay Ph.D. Professor of Law Koc University Faculty of Law Istanbul and D. Wallace, Professor of Law, Georgetown University Washington D.C., Kluwer Law International, Turhan Kitabevi 2000 Ankara.

2-Introduction to Law Rona Aybay, Ph.D. Professor Of Law Bilgi University Faculty of Law, Istanbul Bilgi University Press, Istanbul, 2008.

3-Introduction to Law-General Review of Law-Hukuk Baslangici-Genel Hukuk Bilgisi by Turhan Esener, Professor of Law, Seventh Edition, Alkum Kitabevi, Istanbul, 2004;

4-Introduction to Law-Hukuka Giris by S. Keyman, Near East University Publication, Nicosia, 1997.

5-Introduction to Law by Erol Mucen, the ADM-2437 Course Outlines, Ankara, 2012

Attendance : Mandatory.

Grading:

Midterm Exam	20%
Final :	30%
Attendance :	25%
Extra Curriculum:	15%
Legal Essay & Active Participation:	10%

COURSE DESCRIPTION AND OBJECTIVES:

Introduction to legal concepts, social environment and legal institutions by analyzing, evolution of legal systems, and societies, formation of modern legal society; actual effects and impact of legal issues; encounters of

individuals with legal conflicts; fundamental rights; Sources of laws; charters, constitutions, statutes, customs and usages, governmental regulations by laws; rights, obligations and privileges of individuals; the violations of individual rights by government; abuse of governmental powers, checks and balances of government, forms of government; separation of church and state; separation of powers, Executive, Legislative and Judiciary powers, public and private laws, international treaties; legal entities, law of European Union.

In order for students to organize their time in preparing the classes in advance the following schedule will be observed during the semester.

There can be changes in the schedule which will be announced in advance.

FIRST WEEK: Jurisprudence; The conception of law. The Justice, Human Nature and Conscious, Honesty, Integrity and Dignity. The Morale and the Law. The Fundamental Individual Rights and Freedoms. The Law and the Society; Peace and Order. The form of Laws, customs and usages; Written and Unwritten Laws, Constitutions; Statutes, Regulations, By-Laws; Civil and Common law Systems; The History of Legal Systems; Kings and Sultans, Church and Law of Islam. The social contract. The abolition of natural law of personal vendetta. The abolition of feudal chieftain and family laws. Individuality of legal obligations and responsibilities for honor and integrity.

SECOND WEEK: Separation of Religion and State; Free Exercise of Religion: Government cannot interfere with any Rule or regulation of the Church or Mosque. Neither the Church nor Mosque can interfere with the Government affairs, Federal State or Local. Establishment Clause; The Government cannot establish, interfere, regulate and influence the religion and faith; Fundamental Individual Rights to Freedoms from unlawful seizure, detention and arrest; unlawful restrictions on free expression, speech, opinion, belief, religion, peaceful assembly, freedom to own property and contract; equal opportunity to have employment and Equal Protection of Laws despite of race, nationality, creed, political opinion or religious belief. The elements of Rule of Law; all laws have an effective date for the future, a law with a retroactive effect is violation of human rights and breach of Rule of law; Natural Judge: all individuals must be tried in the general courts where they have lived, by the judges who have already been appointed to these general courts. Any Court with an extraordinary power or created to adjudicate certain crimes or certain type of individuals are illegal in violation of human rights and is breach of Rule of law

THIRD WEEK: Forms of Government: Monarchies, Democracies. Restrictions on the absolute power of English Monarchy by Magna Carta; The Religious Wars in Europe. In Ottoman

Empire, the Edict of Reformation, First Parliamentary Monarchy; Second Parliamentary Monarchy and Republic of Turkey. The Moderate Islamic Republic of Turkey. The Clash of Civilizations. The religious wars in The Middle East. Mosque, Church cannot interfere with any Rule or regulation of the People's Government Federal State or Local. Neither the Government can interfere, regulate and influence the religion and faith.

Separation of Powers; Checks and Balances; powers of executive branch to execute the laws of the country; legislature to legislate law; judiciary to interpret laws as a final arbiter of law between individuals as well as between the branches of the government, legislature and executive. Civil law and Common Law Systems in terms of separation of powers; separation of state and religion;

The Legislative Power as to make the budget and authorize the executive branch spent on public policies according to the laws. The state does not interfere with the internal affairs and administration of the Church.

Executive Branch, President, Prime Minister and Cabinet. Public Service and Civil Administration. Central Government, Local Governments.

Judiciary Branch, Independence of Courts, Judges, Prosecutors.

The Missouri Case on Ten Commandments at the Courthouse Entrance. A partial and biased Judge. A conservative Attorney General who executed the law against his own conviction.

U.S. Iran Contra Affaire. U.S. v. Clinton. Impeachment.

FOURTH WEEK: Equal Protection Clause; Government's obligation to treat individuals in similar positions equally; Anti discrimination and Equal Employment laws; Due Process of Law; 'state shall not deprive any persons of life, freedom and property without due process of law; legal notice and judicial hearing; Prohibition to interfere with the substantive right of the freedom; Exception to regulate time and place to maintain peace and order;

FIFTH WEEK: Turkish Government; History of Ottoman Public Administration; Republican Governments and Public Service, Public Servants; Elected and Political Appointments; Governmental Agencies; Central and Local Governments; Federal and National Governments; Public Administration Departments; Supervision and Control of Administrative Services; Presidential, Ministerial and Legislative Supervision of Public Administration and Administrators; Administrative Laws; Judicial Review of Administrative Decisions, Acts and Omissions; Administrative Courts; Council Of State; Administrative Actions for Annulment,

Recovery and Compensation and Injunctions; Equal protection of individuals from discrimination for race, sex, aliance, religion, nationality, age, or handicap.

SIXTH WEEK: Law of Persons, Real and Fictitious Persons; Protections of Persons; Right to Privacy, Name Domicile, Individuality, Family, Infants; Fictive Persons; Legal Entities; Charitable Associations-Nonprofit Organizations Family Law, Divorce; Women's Right to divorce;

SEVENTH WEEK MIDTERM EXAM:

NOVEMBER 16, 2012, at 8:40-11:30 A.M.

EIGHT WEEK: Civil Law, person, legal entities, Right to privacy, protection of property in domicile; Protection from Governmental Interference; Polygamy, Equal Protection of Family, Women, Children, Custody, Alimony; Wills Estates; Right to Inherit, Devise and Bequeath; Public interest in Inheritance and Estate Taxes; Trusts; Islamic Law; woman has no right to inheritance;

NINTH WEEK: General Obligations and Contracts Law; Law of Agency; Ordinary Partnership Law; Torts Law.

TENTH WEEK: Commercial Law; Merchants; Sole Proprietorship; Ordinary and General Partnerships; Limited Partnerships; Business Corporations; Joint Stock Holdings; Joint Ventures; Negotiable Instruments; Notes; Checks; Insurance Policies;

ELEVENTH WEEK: Civil Procedure, Court Administration and Judiciary Law. Court System; Circuit Courts, Commercial Courts; Bankruptcy Courts; Peace Courts; Family Courts; Children Courts; Traffic Courts;

TWELVETH WEEK: Criminal Law and Procedure and due process of law. No crime that is not described in Criminal Code can be alleged. Arrest, probable cause, preponderance of guilt; The doubt in guilt must be interpreted in favor of suspect. Right to silence; right to defense; counsel; appeal, challenge and cross examine the witness; impartial judge; reject the court; Due Process of Law.

THIRTEENTH WEEK:International Private Law and Treaties; International Business Transactions International Sale; UCC, CISG, Litigation and Arbitration. International Criminal Court of Justice; Globalism, GATT; WTO-URUGUAY ROUND; KYOTO TREATY; DAVOS MEETINGS.

DUE DATE ON ASSIGNMENTS DECEMBER 21, 2012

FOURTEENTH WEEK: European Law; Anti Trust and Competition Laws.

FIFTEENTH WEEK:

Final Exam: TBA First week in June  
2012.

THE ASSIGNMENT:

Due on or before December 21, 2012.

Subject: Extracurricular Activity and Legal Essay:

The assignment in both subjects aims to enhance knowledge, cognition and capacity of the attendants to conceive and recognize the legal issues and understand the significance law and justice in life.

To be hand written on one sheet of paper;

On the first page with name and number extracurricular activities that you have had during the semester and on the back page an essay on a legal event or experience.

Extracurricular Activities must be performed during his semester and must relate to a current, present, regular or periodical vocation, occupation, a full or part time work in arts, science, sports, charity, humanities, innovations, research, languages, cultures, family duty, community work, a full or part time job or any assignment with responsibilities. The activities, duties and responsibilities must be explained in detail as to where, when, what and how performed.

Legal essay shall relate to a real legal event that has had a real impact in your life in terms of your conception of law and justice with your own approach to the event and the lesson drawn from it. Consumer transactions, simple contracts and rent disputes, self-serving interest and profit disputes will not be accepted as a subject and will not be graded.