

Legislation of Turkey

Legislative power is one of the basic elements and instruments of national sovereignty. The basic objective of legislation, consisting of administrative regulations made through powers given by the legislature and laws, is to assure the rights of citizens, ensure and maintain economic and social development, and protect the environment.

The legislation of Turkey is predominantly written legislation in the form of;

- Constitution,
- International Agreements
- Laws,
- Decrees having force of laws,
- Regulation (Tüzük)
- By-Law
- Administrative regulation, Decrees...

The duties of the General Directorate of Development of Legislation and Publication

According to Prime Ministry Organization Law (Law No. 3056 dated 10 October, 1984, article number 10) The duties of the General Directorate of Development of Legislation and Publication are as follows:

- Collecting and eliminating legal texts and identifying what is in force,
- Publishing current regulations as a single text by consolidating them,
- Keeping all the regulations up-to-date in legislative information technology system,
- Publication of the Official Gazette,
- To carry out the other related duties given by the authority.

The Legislative Information System

The content of legislative Information system are:

- Laws:
- Decrees having force of law
- Regulations
- By-laws
- Circulars
- Repealed Laws
- International agreements (only list)

Information about the system

- Free and easy online access to all public without any registration.
- Approximately 1.000.000. visitors monthly.
- Amendments are daily consolidated and principal regulation republished as a single text.

List of Some Type of Documents Published in Turkish Official Gazette

- Acts (including budget law)
- Parliamentary decrees
- Decrees having force of law
- International Agreements
- Presidential Decrees,
- Regulations
- Cabinet Decisions
- By-laws (by-law by Cabinet and by-law by Ministries or agencies)
- Communique
- Circular
- Decision of Constitutional Court
- Decision of the Grand Chamber of Supreme Court
- Decision of the Grand Chamber of Council of State
- Decision of Acquired and/or Deprived Nationality
- Assignment Decisions (by Presidency and by Cabinet)
- Some Announcements

How to search a legislation in this system?

Step 1: Choose the legislation of type on the main page (For example: If you want to choose to search a law, please click the “Kanunlar” button.)

The screenshot shows the website www.mevzuat.gov.tr/Default.aspx. The page features the Turkish coat of arms and the text "MEVZUATI GELİŞTİRME VE YAYIN GENEL MÜDÜRLÜĞÜ" and "MEVZUAT BİLGİ SİSTEMİ e.mevzuat". The navigation menu includes "ANASAYFA", "MEVZUAT TÜRÜ", "RESMİ GAZETE", "SIK KULLANILAN KANUNLAR", "KANUNLAR FİHRİSTİ", "FAYDALI LİNKLER", "HAKKIMIZDA", and "İLETİŞİM". The main content area has a search bar and a list of document types: "Kanunlar", "Kanun Hükmünde Kararnameler", "Tüzükler", "Yönetmelikler", "Tebliğler", "Mülga Kanunlar", and "Alfabetik Fihrist". The "Kanunlar" button is highlighted. The main text area contains information about the system and a "YENİ YENİLİKLER" section with three items. The right sidebar has a "29.01.2013 Tarihli Resmî Gazete Fihristi" and a list of links for various institutions.

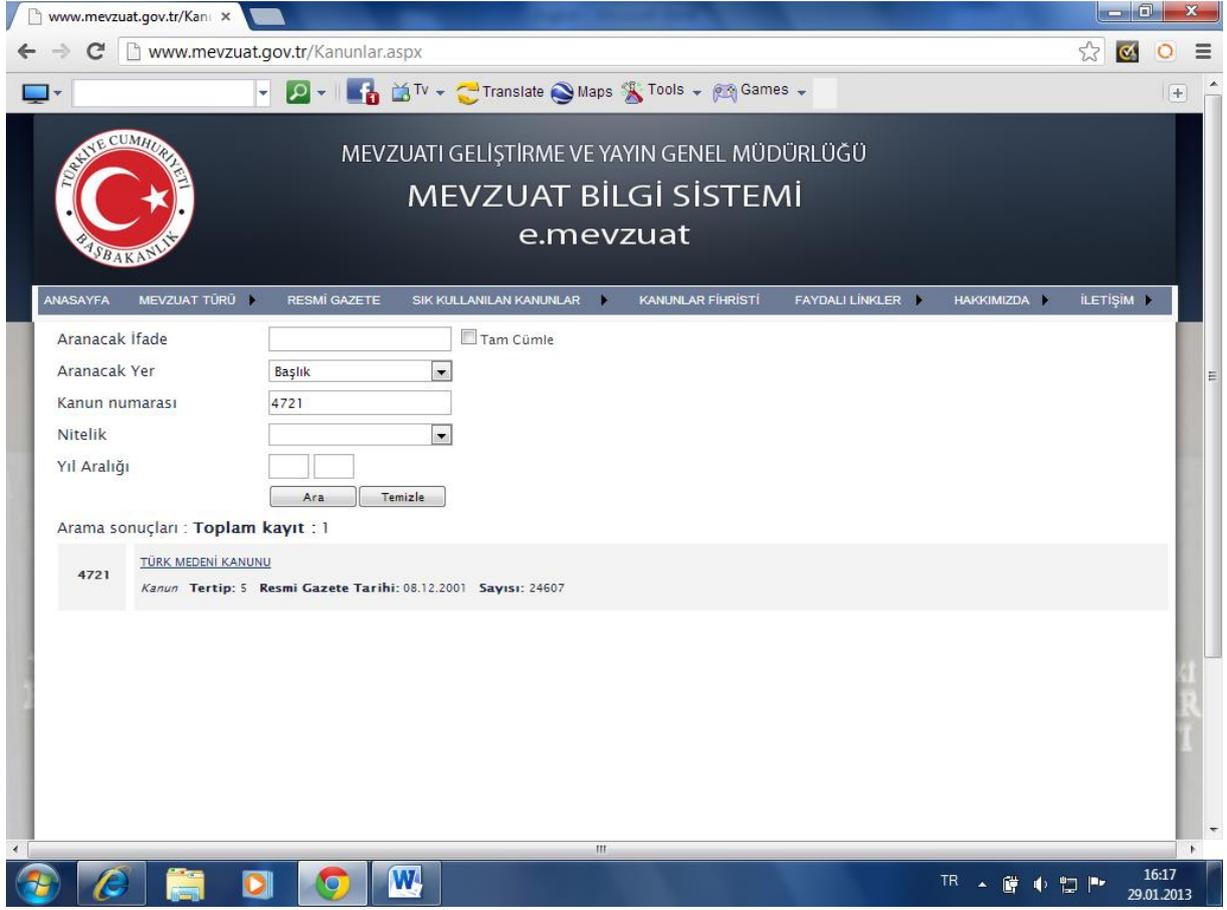
Step 2: On this page you can search a law with its number or name (You have to write its name correctly in Turkish).

The screenshot shows a web browser window displaying the search interface of the MEVZUAT BİLGİ SİSTEMİ e.mevzuat website. The browser's address bar shows the URL www.mevzuat.gov.tr/Kanunlar.aspx. The website header features the Turkish Republic of Turkey's coat of arms and the text "MEVZUAT GELİŞTİRME VE YAYIN GENEL MÜDÜRLÜĞÜ" and "MEVZUAT BİLGİ SİSTEMİ e.mevzuat". A navigation menu includes links for "ANASAYFA", "MEVZUAT TÜRÜ", "RESMİ GAZETE", "SIK KULLANILAN KANUNLAR", "KANUNLAR FİHRİSTİ", "FAYDALI LİNKLER", "HAKKIMIZDA", and "İLETİŞİM". The search form contains the following fields and options:

- Aranacak İfade:** A text input field.
- Aranacak Yer:** A dropdown menu with "Başlık" selected.
- Kanun numarası:** A text input field.
- Nitelik:** A dropdown menu.
- Yıl Aralığı:** Two text input fields for year range.
- Options:** A checkbox for "Tam Cümle" and two buttons: "Ara" and "Temizle".

The Windows taskbar at the bottom shows the system tray with the date "29.01.2013" and time "16:11".

Step 3: In this example we search Turkish Civil Code with its number which is 4721. The system was listed the law below the page. Then click it.

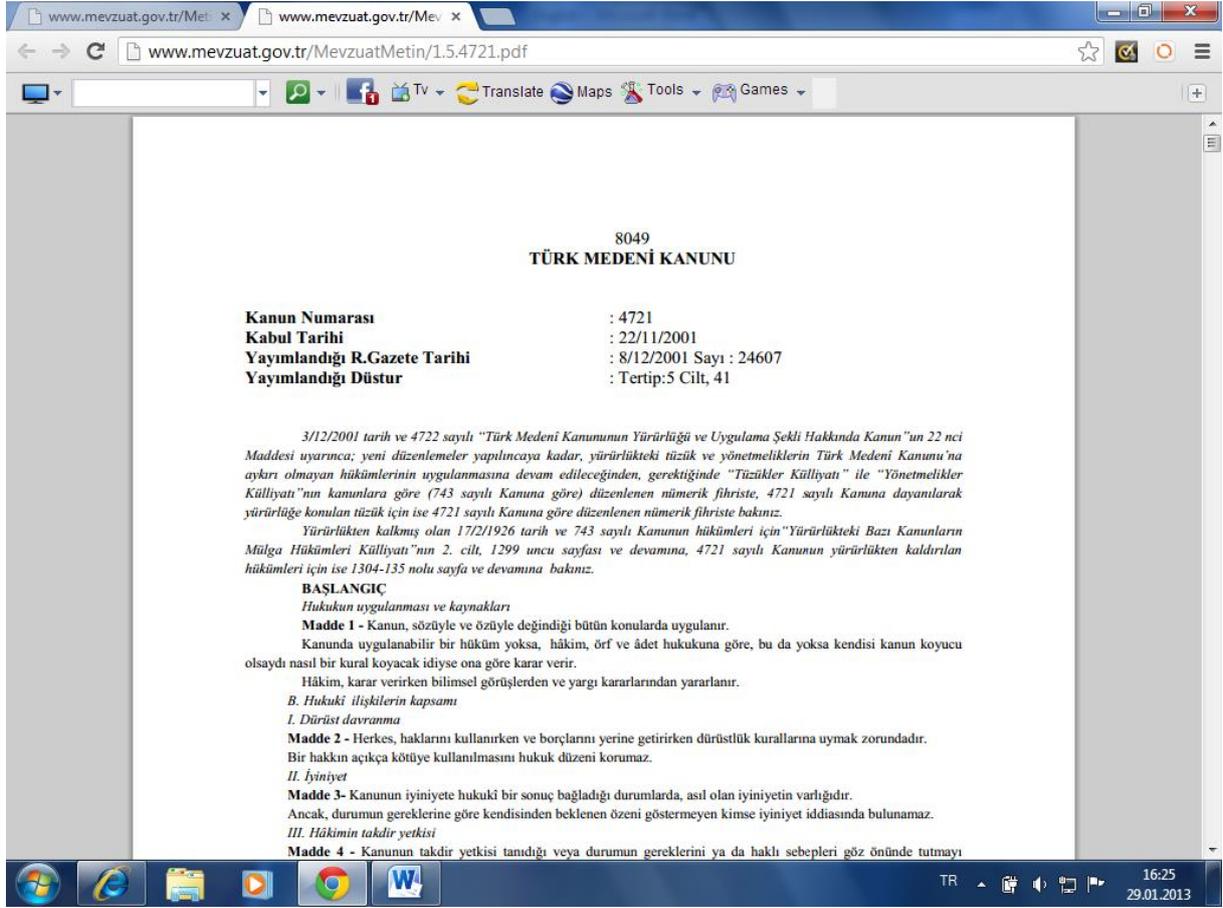


The screenshot shows a web browser window displaying the MEVZUAT BİLGİ SİSTEMİ e.mevzuat website. The page header includes the Turkish Republic of Turkey logo and the text "MEVZUAT GELİŞTİRME VE YAYIN GENEL MÜDÜRLÜĞÜ" and "MEVZUAT BİLGİ SİSTEMİ e.mevzuat". The navigation menu contains links for ANASAYFA, MEVZUAT TÜRÜ, RESMİ GAZETE, SIK KULLANILAN KANUNLAR, KANUNLAR FİHRİSTİ, FAYDALI LİNKLER, HAKKIMIZDA, and İLETİŞİM. The search form includes fields for "Aranacak İfade", "Aranacak Yer" (set to "Başlık"), "Kanun numarası" (set to "4721"), and "Nitelik". There are also checkboxes for "Tam Cümle" and "Yıl Aralığı". The search results show "Arama sonuçları : Toplam kayıt : 1" and a single result for "4721 TÜRK MEDENİ KANUNU" with details: "Kanun Tertip: 5 Resmi Gazete Tarihi: 08.12.2001 Sayısı: 24607". The Windows taskbar at the bottom shows the time as 16:17 on 29.01.2013.

Step 4: After clicked the link, you can choose pdf or word format.

The screenshot shows a web browser window displaying the e.mevzuat website. The address bar shows the URL: www.mevzuat.gov.tr/Metin1.aspx?MevzuatKod=1.5.4721&MevzuatIliski=0&sourceXmlSearch=&Tur=1&Tertip=5&No:. The website header features the Turkish coat of arms and the text "MEVZUATI GELİŞTİRME VE YAYIN GENEL MÜDÜRLÜĞÜ" and "MEVZUAT BİLGİ SİSTEMİ e.mevzuat". A navigation menu includes links for "ANASAYFA", "MEVZUAT TÜRÜ", "RESMİ GAZETE", "SIK KULLANILAN KANUNLAR", "KANUNLAR FIHRİSTİ", "FAYDALI LİNKLER", "HAKKIMIZDA", and "İLETİŞİM". The main content area is titled "TÜRK MEDENİ KANUNU" and displays the following information: "Kanun Tertip: 5 Resmi Gazete Tarihi: 08.12.2001 Sayısı: 24607". Below this information, there is a link to download the PDF version of the law, indicated by a PDF icon and the text "İlgili Kanunun Önceki Metinlerini Görmek İçin Tıklayınız...". The Windows taskbar at the bottom shows the system tray with the date "29.01.2013" and time "16:22".

Step 5: Turkish Civil Code is ready to use in Turkish language.



8049
TÜRK MEDENİ KANUNU

Kanun Numarası	: 4721
Kabul Tarihi	: 22/11/2001
Yayımlandığı R.Gazete Tarihi	: 8/12/2001 Sayı : 24607
Yayımlandığı Düstur	: Tertip:5 Cilt, 41

3/12/2001 tarih ve 4722 sayılı "Türk Medenî Kanununun Yürürlüğü ve Uygulama Şekli Hakkında Kanun"un 22 nci Maddesi uyarınca; yeni düzenlemeler yapıncaya kadar, yürürlükteki tüzük ve yönetmeliklerin Türk Medenî Kanunu'na aykırı olmayan hükümlerinin uygulanmasına devam edileceğinden, gerektiğinde "Tüzükler Külliyatı" ile "Yönetmelikler Külliyatı"nın kanunlara göre (743 sayılı Kanuna göre) düzenlenen nümerik fihriste, 4721 sayılı Kanuna dayanılarak yürürlüğe konulan tüzük için ise 4721 sayılı Kanuna göre düzenlenen nümerik fihriste bakınız.

Yürürlükten kalkmış olan 17/2/1926 tarih ve 743 sayılı Kanunun hükümleri için "Yürürlükteki Bazı Kanunların Mülgâ Hükümleri Külliyatı"nın 2. cilt, 1299 uncu sayfası ve devamına, 4721 sayılı Kanunun yürürlükten kaldırılan hükümleri için ise 1304-135 nolu sayfa ve devamına bakınız.

BAŞLANGIÇ
Hukukun uygulanması ve kaynakları

Madde 1 - Kanun, sözüyle ve özüyle değındığı bütün konularda uygulanır.
Kanunda uygulanabilir bir hüküm yoksa, hâkim, örf ve âdet hukukuna göre, bu da yoksa kendisi kanun koyucu olsaydı nasıl bir kural koyacak idiyse ona göre karar verir.
Hâkim, karar verirken bilimsel görüşlerden ve yargı kararlarından yararlanır.

B. Hukukî ilişkilerin kapsamı
I. Dürüst davranma

Madde 2 - Herkes, haklarını kullanırken ve borçlarını yerine getirirken dürüstlük kurallarına uymak zorundadır.
Bir hakkın açıkça kötüye kullanılmasını hukuk düzeni korumaz.

II. İyiniyet

Madde 3 - Kanunun iyiniyete hukukî bir sonuç bağladığı durumlarda, asıl olan iyiniyetin varlığıdır.
Ancak, durumun gereklerine göre kendisinden beklenen özeni göstermeyen kimse iyiniyet iddiasında bulunamaz.

III. Hâkimin takdir yetkisi

Madde 4 - Kanunun takdir yetkisi tanıdığı veya durumun gereklerini ya da haklı sebepleri göz önünde tutmayı

Official Gazette

Official Gazette of Republic of Turkey is the national and only official journal of the country publishing legislation. It is referred to as "Resmi Gazete" in short. It has been published since 7 October 1920. It is published every weekday including weekends. During national holidays. It can be published if the service requires it. Prime Ministry DG of Development and Publication of Legislation is responsible for its preparation, publication and distribution.

It was first published on Nov. 11, 1831 under the name of Takvim-i Vekayi as a weekly publication.

On April 23, 1920, the day Parliament opened, the name of the newspaper was changed to Ceride-i Resmîye and it was also changed into a daily. Later the name was changed to Resmî Ceride and finally to Resmî Gazete.

Improvement of e-Official Gazette System

All issues of the Official Gazette since 1921, when the first issue of the Official Gazette was published, were transferred to the e-Official Gazette system in 2011 and the searches of past regulations has been substantially facilitated. Also word searches in Official Gazette issues will be improved.