

7-1-2010

Accessing Legal Information in Turkey

Pervin Dedeler Bezirci
University of Istanbul, hukkutup@istanbul.edu.tr

Follow this and additional works at: <http://scholarship.law.cornell.edu/ijli>

The *International Journal of Legal Information* is produced by The International Association of Law Libraries.

Recommended Citation

Bezirci, Pervin Dedeler (2010) "Accessing Legal Information in Turkey," *International Journal of Legal Information*: Vol. 38: Iss. 2, Article 9.
Available at: <http://scholarship.law.cornell.edu/ijli/vol38/iss2/9>

This Article is brought to you for free and open access by the Journals at Scholarship@Cornell Law: A Digital Repository. It has been accepted for inclusion in *International Journal of Legal Information* by an authorized administrator of Scholarship@Cornell Law: A Digital Repository. For more information, please contact jmp8@cornell.edu.

Accessing Legal Information in Turkey

PERVIN DEDELER BEZIRCI*

Introduction

Currently, in the field of law as well as in other fields, societal developments, global interaction, and the increasing importance of technology in acquiring information resources have led to a rapid growth in the number of information sources. Furthermore, this growth has resulted in greater access to various sources. The great majority of the users of law-related information are legal academicians, law students, practicing lawyers, judges, and law consultants.

The expectations and demands of these information users are very high. Relevant sources must be instantly accessible, the sources in question must be updated, accurate and comprehensive. In order to meet these expectations, librarians must know and apply the means and methods of access to the related information. Thus, this study is brief demonstration of the issue related to access to law-related-information in Turkey. This paper will address how one gains access to legal information in Turkey. While focusing on this question, the subject of legal resources will also be explained briefly.

Lastly, the existing law in Turkey in the field of electronic resources will be explained. As one can imagine, the rapid increase in the quantity and quality of electronic databases makes it practically impossible to master the content of all electronic databases. Books written in Turkey, as well as those published in other countries are increasing in number rapidly, as is the number of articles published in all subject areas. This gives rise to two fundamental questions:

1. What are the necessary legal resources, whether they are written in Turkish or in a foreign language?
2. Where and how can these books and articles be found?

* Dr.; University of İstanbul, Faculty of Law Library Director,
hukkutup@istanbul.edu.tr.

A bibliography will help answer the first question. One must go to a library for an answer to the second.

Sources of Law

In this section are primary information resources, legislation and resources that focus on court decisions. Later will be information on locating books and articles.

Encyclopedias

The first encyclopedia of Turkish law was published in 1933 by Professor Dr. Mustafa Resit Belgesay. The *Encyclopedia of Law* includes Turkish laws that may serve as exemplars. The encyclopedia's first volume was published by the Printing House, Balkanoğlu in Ankara in 1962. As an example of the writing form and content, all lawyers can benefit from this work. Other encyclopedias include:

- *Encyclopedia of Economics and Commerce* (1946-1960). This encyclopedia provides information about law and economics.
- *Encyclopaedia of Islam* was published in 1946.
- *Turkish Islamic Encyclopedia* (1943); it focused on subjects related to Islamic law.
- Between 1956-1958, the *Encyclopedia of Turkey* was published. It contained some information about major laws and regulations in Turkey.

Dictionaries

Law has its own specific terminology. This is why legal language is not easily understood by everyone. Those interested in law and law students understand the need to work with legal terminology. Below are listed some of the principal Turkish law dictionaries.

- Alper Tunga Akgülen, İngilizce Türkçe – Türkçe İngilizce Hukuk Sözlüğü, 2007.
- Arif Temir, Çalışma ve Sosyal Güvenlik Hukuk Sözlüğü, 2006.
- A. Nevzad Odyakmaz, Çalışma Hukuku Sözlüğü, 2007.
- A. Nevzad Odyakmaz, Türk Medeni Kanunu Sözlüğü, 2007.
- Belgin Erdoğan, Hukukta Latince Teknik Terimler Özlü Sözler, 2004

- Ejder Yılmaz, Hukuk Sözlüğü, , Yenilenmiş 8.Baskı, 2005.
- Ejder Yılmaz, Öğrenciler İçin Hukuk Sözlüğü, 3. Baskı, 2005.
- Ergin Ergül, Fransızca – Türkçe Hukuk Sözlüğü, 2002.
- Erhan Adal, Türkçe, İngilizce – İngilizce Türkçe Hukuk İşletme Ticaret Terimleri ve Kısaltmaları Sözlüğü, 2004.
- Erol Ulusoy, Almanca Türkçe – Türkçe Almanca Hukuk Sözlüğü, 1999.
- Ferit Devellioğlu, Osmanlıca – Türkçe Ansiklopedik Lûgat, 23. Baskı, 2006.
- Hüseyin Özcan, Hukuk Sözlüğü: Türk Hukuku, İslam Hukuku, Ekonomi, Ticaret, Maliye Terimleri, Ankara: Olgaç Matbaası, 1980.
- Kemal Dayınlı, Fransızca-Türkçe Hukuk Terimleri Sözlüğü, 2004.
- M. Sait Çakar, Türkçe - Almanca - Almanca - Türkçe Hukuk Sözlüğü, 2007.
- Mustafa Ovacık, İngilizce – Türkçe Hukuk Sözlüğü, 3. Baskı, 2000.
- Mustafa Ovacık, Türkçe-İngilizce Hukuk Sözlüğü, 5. Baskı, 2003.
- Necati Engez, Örneklili Türkçe-Fransızca Hukuk Terimleri Sözlüğü, 2003.
- Ömer Nasuhi Bilmen, Hukuk-u İslamiye ve İstılahat-ı Fıkhiyye Kamusu, İstanbul: İstanbul Üniversitesi Hukuk Fakültesi, 1949-1952.
- Remzi Alpdündar, Yeni Hukuk Sözlüğü (Kılavuzu), İstanbul: Eğitim Yayınları, 1997.
- Taner Akgün, Almanca-Türkçe / Türkçe – Almanca Hukuk ve İlgili Terimler Sözlüğü, 2004.
- Türk Hukuk Kurumu (haz.), Türk Hukuk Lûgatı, Ankara: Başbakanlık Mevzuatı Geliştirme ve Yayın Genel Müdürlüğü, 1991.
- Türk Hukuk Kurumu, Türk Hukuk Lûgatı, 4. Baskı, 1998.

Bibliographies

To thoroughly research an issue or topic, a researcher first must gather all the resources on the subject. There are an abundance of resources, published in different places and times. Because there are so many of them, trying to find them all can lead to unnecessary loss of time. Time is very valuable today, so one might consider beginning a research task by consulting a bibliography. Bibliographies answer two questions:

1. What books or articles are written on a topic?
2. Which books or articles are written by a particular author?

Bibliographies, including general and specialized bibliographies, are divided into two types.

1. bibliographies that classify books
2. bibliographies that classify articles

Of course, some bibliographies contain both books and articles. These are known as mixed bibliographies.

General bibliographies in Turkey

Bibliography of Turkey - This resource began running after the adoption of the new Turkish alphabet. It is published by and associated with the National Library of Turkey. It is prepared by the Bibliography Department.¹

Articles Bibliography of Turkey – This is the general national bibliography. It has been published since 1952 and classifies articles published in journals. It contains the first law bibliography in Turkey, which was created by Ord. Prof. Dr. Ernst E. Hirsch. Over the next few years, his study was continued by Ord. Prof. Dr. H. Ferit Saymen. This research initially took place at Istanbul University Faculty of Law Journal, but was later published in book form.

General law in Turkey, contained in published bibliographies, are listed below in alphabetical order by their authors/preparers.

- Bülent Erciyes, Yirmi senelik Türk Hukuk Bibliyografisi 1935-1954, Ankara, Ankara Üniversitesi Hukuk Fakültesi Hukuki Araştırmalar Enstitüsü, 1956
- Ejder Yılmaz, Türk Hukuk Bibliyografyası 1928-1942, (Ankara?), Türkiye Barolar Birliği, (1998?)
- Ejder Yılmaz, Türk Hukuk Bibliyografyası 1949, Ankara, Türk Hukuk Kurumu, 2001
- Ejder Yılmaz, Tacar Çağlar, 1970-1974 Türk Hukuk Bibliyografyası, Ankara, Adalet Bakanlığı, 1981
- Ejder Yılmaz, 1975-1979 Türk Hukuk Bibliyografyası

¹ Detailed information can be accessed from <http://www.mkutup.gov.tr/>.

- Ejder Yılmaz, Türk Hukuk Bibliyografyası 1980-1984, Ankara, Türkiye Barolar Birliği, 1999
- Ejder Yılmaz, Türk Hukuk Bibliyografyası, Ankara, Adalet Bakanlığı Eğitim İşleri Genel Müdürlüğü, 1981
- Ejder Yılmaz, Türk Hukuk Bibliyografyası 1985-1989, Ankara, Türkiye Barolar Birliği, 1999
- Ejder Yılmaz, Türk Hukuk Bibliyografyası 1990-1993, Ankara, Türkiye Barolar Birliği, 2000
- Ejder Yılmaz, Türk Hukuk Bibliyografyası, 1996-2000, Ankara, Ankara Barosu, 2004
- Ejder Yılmaz, Türk Hukuk Bibliyografyası 2001, Ankara, Türk Hukuk Kurumu, 2001
- Erdener Yurtcan, 1966-1967 -1968 Türk Hukuk Bibliyografyası, 1971
- Ernst E.Hirsch, 1934-1940 Türk Hukuk Neşriyatı Bibliyografyası, İstanbul, İstanbul Üniversitesi Hukuk Fakültesi Dergisi, 1940
- Ferit H. Saymen, 1940-1942 Türk Mecmuaları Hukuk Kroniği, İstanbul, İstanbul Üniversitesi Hukuk Fakültesi Dergisi, 1942
- Ferit H. Saymen, 1943-1958 Türk Hukuk Kroniği, 9 cilt
- Köksal Bayraktar, Türk Hukuk Bibliyografyası 1969-1970, İstanbul, İstanbul Üniversitesi, 1975
- Köksal Bayraktar, Türk Hukuk Bibliyografyası, İstanbul, İstanbul Üniversitesi, 1973
- Rıdvan Erciyeş, Bülent (F), Türk Hukuk Bibliyografisi 1955-1957, Ankara, (y.y.), 1959.
- Server Tanilli, Türk Hukuk Bibliyografyası 1959, (İstanbul), İ.Ü.H.Fakültesi, (1967?)
- Server Tanilli, Rona Aybay, Teoman Akünal, Köksal Bayraktar, Erdener Yurtcan, 1959-1970 Türk Hukuk Bibliyografyası.
- Server Tanilli, Rona Aybay, 1960-1961-1962 Türk Hukuk Bibliyografyası, 1967
- Teoman Akünal, Türk Hukuk Bibliyografyası 1963-1964-1965, İstanbul, İstanbul Üniversitesi, 1970.
- Teoman Akünal, Köksal Bayraktar, 1969-1970 Türk Hukuk Bibliyografyası, 1973
- Türk Hukuk Bibliyografyası 1966-1967-1968, İstanbul, İstanbul Üniversitesi Hukuk Fakültesi Yayınları, (1971?)
- Yaşar Karayalçın, Türk Hukuk Bibliyografyası, Ankara, Banka ve Ticaret Hukuku Araştırma Enstitüsü, 1972

- Yaşar Karayalçın, Ahmet Mumcu, 1727-1928 Türk Hukuk Bibliyografyası, Ankara, Banka ve Ticaret Hukuku Enstitüsü, 1972

Periodicals

Periodicals are available in the field of law in Turkey. Some of the main legal periodicals are:

- ***Adalet Dergisi (Ceride-i Adliye, Adliye Ceridesi) = Justice Journal:*** Justice Journal, published by the Ministry of Justice, usually contains application-oriented professional articles, but theoretical nature writings are also available. Articles, seminars, translations, reviews, messages, circulars and new publications are published.
- ***Anayasa Mahkemesi Kararlar Dergisi = Journal of Supreme Court Decisions:*** Started running in 1964 and still continues to publish. It publishes decisions of the Constitutional Court, also published in the *Official Gazette*. It also brings together the court's decisions, within the first month of each year by the General Secretariat of the Constitutional Court and also publishes under the title, "Journal of the Provincial Supreme Court Decisions" (*İl Anayasa Mahkemesi Kararları*).
- ***Ankara Barosu Dergisi = Ankara Bar Association Journal:*** Published since 1944. It is published every two months and includes professional texts, decisions and case law is much more.
- ***Banka ve Ticaret Hukuku Dergisi = Journal of Banking and Commercial Law:*** The journal is published by the Banking and Commercial Law Institute of Research since 1961. It is published twice a year. It aims to encourage scientific research and studies in trade, banking and lending. In this journal, trade, banking and law of obligations related to the articles, translations, court decisions, local and foreign decision-tests and the relevant legislation are published.
- ***Danıştay Dergisi = Journal of the Council of State:*** Council of State court decisions are among the sources of law published in this journal. These constitute a special place in the field of public law.
- ***İlmi ve Kazai içtihatlar Dergisi = Journal of Science and Accidental Case Law:*** It is very important to know the basic

ideas and convictions of the courts. With this journal, the most recent case law and precedent reaches readers without delay. Therefore, journals have become an indispensable resource in legal professionals' lives.

- ***İstanbul Barosu Dergisi = Istanbul Bar Association Journal:*** Published since 1911.
- ***Yargıtay Dergisi = Journal of Supreme Court:*** Supreme Court. This is the court of last instance for reviewing lower court decisions and judgments. The second purpose of this court is to help realize "equality before the law" all over the country and to ensure uniform interpretation of law and uniform implementation of the same approach to the law. One of the foremost tasks of jurists is "to review and develop the relationship between research and the results of the general rules of law to find a balance, the detection of decisions to create the essence of social reality." Work towards fulfilling this requirement in encouraging and publishing products is the first task of this journal. The Journal began its run in January of 1975 and still continues today.
- ***Yargıtay Kararları Dergisi = Journal of Supreme Court Decisions:*** Since January of 1975 began to run once a month.
- ***Yasa Hukuk Dergisi = Journal of Law:*** This journal was published from 1978 to 1992. In 1996, it began running on a monthly basis. Scientific opinions in the contents of this magazine are available to all readers. In addition, judicial opinions are also included. Thus, both law and theory were included.

In addition, the law journals have been successful in Turkey. They are important for providing access to information about the law. These magazines, usually prepared by the academic staff of law schools and of all branches of the law, include articles, translations, and studies. Examples of these magazines are:

- Ankara Üniversitesi Hukuk Fakültesi Dergisi,
- Atatürk Üniversitesi Erzincan Hukuk Fakültesi Dergisi,
- Dokuz Eylül Üniversitesi Hukuk Fakültesi Dergisi,
- Erciyes Üniversitesi Hukuk Fakültesi Dergisi,
- Galatasaray Üniversitesi Hukuk Fakültesi Dergisi,
- Gazi Üniversitesi Hukuk Fakültesi Dergisi,
- İstanbul Üniversitesi Hukuk Fakültesi Dergisi,

- Selçuk Üniversitesi Hukuk Fakültesi Dergisi.

Legislation Information Resources

In Turkey, social, economic, legal and administrative issues connected to changes in written rules are immediately effective as laws, statutes and regulations. As a result of these studies, laws, decrees, statutes and regulations are published sources, so some of the major sources of information consists of the legislation itself. This section will introduce our existing sources of information legislation.

1) Principles

Principle means "rule." In 1863, the first copies of Principles were printed. In principles one includes the laws of the Parliament, the Republican Senate, National Assembly and Constitutional Court decisions, the decisions of the Council of Ministers (statutes, regulations), treaties, agreements and contracts for public services, published decrees. They are prepared by the Prime Ministry General Directorate of Legislation Development and Publication.

Collection of Laws Reasoned (Gerekçeli Kanunlar Külliyyatı): this booklet contains reasoning in the reports of the Parliamentary Commission. It was published in 4 volumes from 1987–1988. There are laws in this work enacted prior to 1934, but not after 1934.

Collection of Laws (Kanunlar Külliyyatı): Published by Kazancı Law Publications in 1964. There are 11 volumes. In addition, the Prime Minister, through the General Directorate of Legislation Development and Publication, has published a corpus of laws in force; there are a total of 7 volumes in this set. Every law has been examined and classified according to subject. Nullified laws are identified.

Decree Laws Collection (Kanun Hükmünde Kararnameler Külliyyatı): in some cases, the Turkish Grand National Assembly has given power to issue decrees to the Council of Ministers. The purpose of the decree to be issued, its scope, principles, and the extent of authority of the law that should be repealed at the end of a specific duration should be clearly stated. Decree Laws Collection, on the day of its publication in the Official Gazete, is presented to the Turkish Grand National Assembly and is discussed. Laws and decrees in force included in the Decree Laws Collection are ranked in chronological order.

Corpus of Statutes (Tüzükler Külliyyatı): The Turkish Republic Regulations, issued by Kazancı Law Publications, total four volumes. Moreover, Regulations in Force Corpus Statutes are published by Prime Ministry General Directorate of Legislation Development and Publication. There are a total of three volumes in the set.

Corpus of Regulations (Yönetmelikler Külliyyatı): Corpus of Regulations are published by the Prime Ministry General Directorate of Legislation Development and Publication. There are three volumes:

1. A numerical index of regulations
2. A numerical index of regulations put into effect
3. An alphabetical index of regulations

Official Gazette (Resmi Gazete): The government of the Republic of Turkey publishes its laws, agreements, some of high court decisions, and various legal rules in this official announcement.

Sicilli Kavanini: “Kavanini” an Arabic word meaning “legislation.” Sicilli Kavanini was most recently published in 1984. There are a total of 64 volumes. Sicilli Kavanini are divided into three chapters:

- Laws, agreements, contracts
- Comments
- Provisions of laws, directives.

Turkish Grand National Assembly Proceedings Periodical (TBMM Tutanak Dergisi): Turkish Grand National Assembly Proceedings Periodical is published by the Turkish Grand National Assembly, and includes discussions of the legislative council.

Electronic Resources

The major electronic legal resources available in Turkey are summarized below.

Free Databases:

T.C. Başbakanlık Mevzuat Bilgi Sistemi = Regulatory Information System of the Republic of Turkey: This database is prepared by the General Directorate of Legislation Development and Publication. In this database, laws,

decrees, statutes, regulations and communiqués of the codification (encoding) are kept up to date. It is even possible to find provisions of the abolished laws.²

National Judicial Network Project: The Ministry of Justice has created a “National Judiciary Informatics System (UYAP)”, which is to implement a very ambitious information system between the Courts and all other institutions of the Ministry, including prisons. UYAP equipped these institutions with computers, network and internet connections and provided them access to all legislation, decisions of the Court of Cassation, judicial records, judicial data of the police and army records. Thus, UYAP established an electronic network covering all courts, Offices of Public Prosecutors and Law Enforcement Offices, together with the Central Organization of the Ministry of Justice. Judges and prosecutors are permitted to access updated legal sources online by using the databank.³

Supreme Court Web Site: This site includes Supreme Court decisions, relevant legislation, relevant data and statistics.⁴

Ministry of Justice Website: This site contains all circulars issued by the Ministry of Justice and the legislation.⁵

Official Journal (Electronic Access): The Official Gazette is prepared by the Prime Ministry General Directorate of Legislation Development and Publication and is transferred simultaneously to the internet.⁶

Subscription Databases

It is impossible to provide here a detailed description of all legal databases in Turkey, but below are brief descriptions of some of the principal ones.⁷

² <http://www.mevzuat.gov.tr/>

³ <http://www.uyap.gov.tr/index.html>.

⁴ <http://www.anayasa.gov.tr/>

⁵ <http://www.mevzuat.adalet.gov.tr/>

⁶ <http://www.resmigazete.gov.tr>.

⁷ Other important legal databases found in Turkey include **Lebib Yalkın Legislation Data Bank** (<http://www.mevbank.com.tr>), **Corpus Legislation and Precedent Program** (<http://www.cdmy.com.tr/corpus.aspx>), **Dialog Prestige**

HukukTürk Database: this resource contains Supreme Court Decisions, Decisions of the European Court of Human Rights in Turkey, Ministry of Legislation / Regulation Group, Bibliography of Turkish Law, Official Gazette of the Republic, new and changing legislation, draft laws, law dictionary, petitions / conventions such as containing the basic subjects and sources of law.⁸

Kazancı Elektronik Database: The company was established in 2001 to work on electronic publishing and software development in the legal field. For nearly ten years, Kazancı has been continuously working on electronic publishing of national law, legislation and Supreme Court Decisions. Services are geared for individuals (e.g. lawyers, district attorneys, tax consultants, academic personnel) and for institutions and establishments that provide legal services. The company provides services in two ways: offline and online. Updates vary according to the way one uses the service. Updates are provided monthly for offline service and daily for online service.

The company provides an additional program for the electronic law publishing business. The program is called “Office, Lawsuit and Enforcement Tracking Program” which is directed toward law firms and any kind of company or institution that provides legal services. This program provides help while dealing with court cases, enforcement, legal action for collection of debts and side works related to these crucial topics. This program is also updated through the Internet.

Their most recent product is called “Law Work Data Bank.” Law Work Data Bank contains legal articles, expert reports, examination of Supreme Court decisions, books and other materials. All of the content is created by academic personnel, lawyers, and tax experts. The service is provided through the Internet.⁹

Hukuknet Elektronik Database: This is a national and international law site. Lawyers, as well as other citizens, share scientific, educational, and environmental information. The site also hosts other legal and legislative information, including articles, laws, forums, legal dictionary, programs, petitions and legal directories.

Legislation and Precedent Program (www.dialogprestige.com), **Sinerji Legislation and Precedent Program** (www.sinerjias.com.tr).

⁸ <http://www.hukukturk.com/>.

⁹ <http://www.kazanci.com.tr>.

LegalBank *Elektronic Database*: Users of this resource can gain access to the most recent information via the internet to Supreme Court Decisions and Legislation Ministry information.¹⁰ Legalbank legislation changes very frequently and quickly adds new material. From this site, users can easily access legislation and court rulings.¹¹

Conclusion

Turkish libraries currently provide access to a great deal of information, but access to legal materials is still somewhat limited. Electronic documents are becoming increasingly important in law library collections. So, electronic databases are also becoming very important to ensure continuity – and expansion – of legal information to the library user.

¹⁰ <http://www.hukuki.net/>.

¹¹ <http://www.legalbank.net>.