

LEGAL LITERACY



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Importance of Legal Knowledge

- The late acquaintance of the elderly with the internet causes them to be open to fraud and abuse in the internet environment.
- Studies show that phone scammers mostly target people over the age of sixty. These fraudsters steal information about people's bank accounts by convincing the elderly that they are police or prosecutors. It is important for the elderly to know their rights and have basic legal knowledge in order to prevent such abuses.

LEGAL LITERACY - I

Basic Concepts of Law and Fundamental Human Rights



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- The Concept of Law: Introduction
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The Concept of Law and Legal Systems

- **Law** is an order, which is composed of rules of law regulating the society.
- **Rules of law** are commandment and prohibitions, regulating people's behaviour that are sanctioned with coercion. They are supported by the **public power** and enacted by the authorised **public authorities**.
- **Legal system** is a procedure or process for interpreting and enforcing the law.
- **Civil law system** is originated from Roman law, having comprehensive and frequently updated legal codes.
- **Common law system** is influenced by Anglo-Saxon law, relying mostly on precedents.
- **Religious legal system** rely on texts and traditions within a given religious tradition.

Sources of Law

Sources of Law under Civil Law System

- **Primary Sources** are core codified principles
 - **Written Sources:** Constitution, Codes (Statute, Regulation etc.), Agreements
 - **Unwritten Sources:** Customary Law
- **Secondary Sources** are supportive sources to implement primary sources
 - **Doctrine:** Teachings of judges
 - **Judicial Precedents:** Decisions of judges

Concept of Right

- **Rights** are legal, social or ethical principles of freedom or entitlement.
- **Public Law** is a set of rules that govern the relationships between private individuals or private organisations and public bodies. Constitutional Law, Administrative Law, Criminal Law, International Law are examples to the branches of public law.
- **Private Law** is a set of rules that apply to any circumstances relating to relationships between individuals in a legal system. Property Law, Commercial Law, Labour Law, Contract Law are examples to the branches of private law.
- **Acquisition** is realised by birth for public rights. For private rights, it can be original acquisition or succession.
- **Forfeiture** is the loss of a legal right, either as the result of a penalty imposed or owing to a failure to comply with the conditions for exercising this right.

Judicial Organisation in Turkey

- **Judicial Jurisdiction**

- **First Instance Courts** are courts of first instance for civil and criminal law cases.
- **District Courts of Justice** are the appellate courts for the first instance court precedents.
- **Court of Cassation** is the last instance court for judicial precedents.

- **Administrative Jurisdiction**

- **Administrative and Tax Courts** are courts of first instance for administrative acts and actions.
- **District Administrative Courts** are the appellate courts for the administrative and tax court precedents.
- **Council of State** is;
 - the last instance court for judgments rendered by administrative courts and district administrative courts.
 - the first and last instance court for judgments specified by law.

- **Alternative Dispute Resolution**

- **Conciliation** by lawyers of parties before the commencement of action or during proceedings.
- **Mediation** by a mediator to discuss and negotiate with parties, who filed an application for mediation.
- **Arbitration** by 1-2 arbitrators to make a binding decision on the dispute with mutual agreement of parties.

Judicial Organisation in Turkey

- **Constitutional Jurisdiction**

- **Constitutional Review** to examine the constitutionality of laws, decrees, rules of procedure of Turkish Grand National Assembly, Constitutional Amendments, Parliamentary Decisions, International Agreements.

- **Abstract Review of Norms** is an action of annulment.
- **Concrete Review of Norms** is an action of objection.

- **Constitutional Complaint** is made based on the violation of a fundamental right or freedom under the Constitution and European Convention on Human Rights.

- **Appeal to the European Court of Human Rights** can be made upon the exhaustion of or ordinary legal remedies.

LEGAL LITERACY - II

Fundamental Rights and Freedoms



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- The Concept of the Human Rights : Introduction
- Rights and Freedoms in the Constitutions
- Rights and Freedoms in International Texts
- The content and the Limits of the Rights and Freedoms.
- Political Rights
- Economic Rights
- Social Rights

Fundamental Rights

- **Human rights for all:** right/responsibility/freedom/duty for all parts of the society in a balance.
- Human Rights are placed and best protected in the national constitutions: **Fundamental Rights.**
- Human Rights are also protected in International Systems: **UN, Council of Europe, EU.**
- Some rights are **absolute rights**; no restriction can be applied for them in anytime. Some rights are not absolute; they may be **restricted** under certain circumstances.
- **Legitimate limits** of the rights in a general view: national security, public health, rights of others etc.

Political Rights

Political rights refer to the ability of the people to participation in political life.

«Every citizen shall have the right and the opportunity (...) to take part in the conduct of public affairs (...)» (ICCPR art. 25)

- **Right to Elect and To Be Elected:** To vote, to be elected at genuine periodic elections. All citizens have equal suffrage. Special facilities for the people in need of assistance.
- **Right to Petition:** Requests and complaints can be presented to the public authorities.
- **Right to Information:** In order to make free decisions and to be informed well on the governance, people should have open access to the public sources.

Economic Rights

Economic rights refer to the minimum just standards for a dignified life.

«the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights.» **ICESC**

Human dignity – economic safety **in all ages.**

- **Right to Work:** Working in freely chosen works and equal opportunities to find an occupation considering the special conditions of the elderly, women, disabled etc.
- **Right to Property:** Protection of the private property of the individuals from the illegitimate interferences.
- **Consumer Rights:** Individuals consumers are protected against the complex and detailed processes occurred in the economic market which has very rapid technical developments.

Social Rights

Social rights refers to the right to the positive obligation of the States to provide the real equality in living standards of the people. Right to Education

«Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control» UDHR, art. 24.

- **Right to Health:** Highest attainable standard of health for all.
- **Right to the Environment:** Safe, clean, healthy and sustainable environment.
- **Right to Social Security:** Social assistance for the people unable to work including elderly.

LEGAL LITERACY - III

Fundamental Concepts and Rights in Civil Law



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- Personality Rights and Their Protection
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 - Right to Privacy
- Guardianship Law
- Real Rights
 - Right to Property
 - Right of Easement
 - Basic Information on Condominium
- Basic Information on Inheritance Law
- Consumer Rights
- Legal Aid

Personality Rights and Their Protection

Personality rights, which are absolute and strictly tied to the person, are indispensable, inalienable, cannot be waived or measured with money. These rights are given to persons at the moment of acquisition of personality, directly and legally.

- **Data Security:** Personal data refers to any information relating to an identified or identifiable natural person. E.g. name, phone number, motor vehicle license plate, social security number, passport number, curriculum vitae, picture, video and audio recordings, fingerprints, genetic information, etc. GDPR is the main regulation harmonizing data protection laws in EU countries. In addition, countries also protect personal data with special laws.
- **Right to Privacy:** Privacy, in general, refers to an area and the right that people have over this area, where they can be alone and decide on what place, when and under what conditions and to what extent they will communicate with other people.

Guardianship Law

- Guardianship Law is a branch of law that deals with the protection of minors who are not under custody or adults whose legal rights are restricted for reasons specified in the law.
- A person may be placed under guardianship for reasons such as mental illness or mental weakness, extravagance, alcohol or drug addiction, poor lifestyle, mismanagement, and freedom-binding punishment of one year or more.

- However, if the adult himself is unable to manage his affairs and needs care due to old age, disability, inexperience or serious illness, he may request a guardian to be appointed.
- Persons under guardianship cannot become indebted by their own transactions; They cannot donate a significant amount, establish a foundation or be a guarantor. The assets of these persons are managed by their guardians.

Real Rights

- Real rights give people direct and absolute sovereignty over things and can be asserted against everyone.
 - **Right to Property** is a full and unlimited real right that entitles its owner to use, benefit from, and make all kinds of dispositions related to it.
 - **Right of Easement** refers to the legal proceedings established in favor of another immovable or person, which requires consent to a use and benefit on an immovable or to abstain from the use of some rights included in the property.
 - **Basic Information on Condominium**

Condominium refers to individual ownership of part of a building (e.g. a flat in a block of flats) combined with common ownership of the parts of the building used in common.

Basic Information on Inheritance Law

- Inheritance law is a branch of private law that includes the legal rules regulating to whom and in what way all rights and debts that can be measured in money will pass after the death of a natural person.

Consumer Rights

- Natural or legal persons acting for non-commercial or non-professional purposes are called consumers. All kinds of contracts and legal transactions between consumers and real or legal persons acting for commercial or professional purposes or acting on behalf of them, including public legal entities in the goods or service markets, are consumer transactions. The consumer, who is the weak side of this legal relationship, is protected by law against unfair practices.

Legal Aid

- The expenditures necessary to open and follow up a lawsuit can become a huge financial burden. For this reason, within the framework of equality before the law and the freedom to seek justice, some financial conveniences are provided to persons with limited financial means during the trial. The institution that provides this is called legal aid.

Legal Literacy - IV

Data Protection



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- Personal Data
- Special Categories of Personal Data
- Importance of Personal Data
- Legal Regulations Regarding Personal Data

Personal Data

- Any information relating to an identified or identifiable natural person (data subject) is personal data.
- Any information about a person such as name, surname, date of birth, health information, education information is personal data.
- In order for an information to be personal data, the person it is related to must be able to be identified.

Special Categories of Personal Data

- According to the law, some data must be protected under more stringent conditions than personal data. These are called special categories of personal data. Examples of these data are the data related to the race, ethnic origin, political thought, philosophical belief, religion, sect or other beliefs, disguise and dress, membership to associations, foundations or unions, health, sexual life, criminal convictions and security measures, and biometric and security measures. genetic data.

- The conditions required for the processing of such data differ from other personal data. Some provisions applied in the law for data that can be processed without seeking consent are invalid for special categories of personal data.
- It can be accepted that such data are more private to individuals. Therefore, there are more measures to protect this data.

Importance of Personal Data

- The main objective in the protection of personal data is to discipline the processing of personal data and to protect fundamental rights and freedoms.
- Protection of personal data is the protection of the person himself, it is a fundamental human right. At the same time, since it is a part of the personality right, its protection is subject to strict conditions.

Legal Regulations Regarding Personal Data

- Personal data is primarily protected in the constitutions of countries. In addition, since it is a part of the personal right, it is also protected by the Civil Laws.
- Countries also have their own special Personal Data Protection Laws regarding the protection of personal data. In addition, the processing and protection of personal data is regulated in detail in the European Union General Data Protection Regulation, which is implemented jointly in all European Union countries.

LEGAL LITERACY - V

Law of Associations and Foundations



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- **What are the main characteristics of associations?**
- **What are the obligations of association members?**
- **What is a foundation?**
- **What are the main characteristics of foundations?**
- **What are the obligations of foundation members?**

Associations

- An association is a legal person formed by people who have come together to achieve a specific and common purpose, other than profit sharing.
- According to the Turkish Civil Code, everyone has the right to form associations without prior permission. Every real person who has the capacity to act has the right to form an association. In addition, no one can be compelled to form an association or become a member of an association. Associations are legal societies established to perform a useful service to society, such as foundations.
- In Turkish law, associations are regulated in the Turkish Civil Code and the Law on Associations.

Main Characteristics of Associations

- It is a group of people.
- It cannot be established in violation of law and morality.
- Cannot be built on gain.
- It has legal personality.
- It can be installed without prior permission.
- The founders must have the capacity to act.
- Members of the association are required to pay a certain monthly membership fee.

Foundations

- A foundation is an institution formed by the allocation of real and legal persons with a certain property and right for a specific and permanent purpose.
- Regulations on foundations in Turkish law are regulated in the Turkish Civil Code and the Law on Foundations.

Main Characteristics of Foundations

- Volunteering is essential.
- They stand by making donations.
- They help the needy or those who want to let something go. Foundations such as disaster, health and education are among the most well-known foundations. These come up a lot.
- They do the division of labor.
- They do not charge a certain fee.



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