**Introduction to Law (İngilizce) Ara Sınavı**

**01/04/2024**

1. **Multiple Choice of Questions (33.50 Points)**

**1) The term 'common law' has three different meanings. Which of the following is NOT a meaning of the term 'common law'?**

a) The body of law as made by judges through the determination of cases.-

b) A legal system that is based on that of England.

c) Laws created by Parliament.

d) The system of law that emerged following the Norman Conquest in 1066.

**2) The term 'private law' refers to ……………………..?**

a) The body of laws that derive from the deciding of cases.

b) The body of laws that seeks to regulate the relationship between individuals.

c) The legal principle that states that a person has the right to privacy.

d) The body of laws that seeks to regulate the relationship between the State and its citizens

**3) Which one of the following is regarded as a private law topic?**

a) Criminal law

b) Contract law

c) The law relating to human rights

d) Administrative law

**4) Which of the following countries DOES NOT have a common law legal system?**

a) England

b) Australia

c) United States of America

d) France

**5) The phrase 'civil law' can refer to those legal systems whose laws are based on Roman law. It can also refer to …………………….?**

a) Laws created by judges.

b) The body of laws that does not relate to criminal offences.

c) The supplementary system of law that is based on fairness and equality, and seeks to mitigate the harshness of the common law.

d) The body of laws that establish what conduct is criminal and the punishments for engaging in such conduct.

**6) Which of the following is a legally binding source of law in Turkey?**

a) Academic books

b) Precedent

c) Expert reports

d) Unified judgments

e) Law journals of high courts

**7) What is the name used for a person who commences a civil action?**

a) Claimant

b) Defendant

c) Respondent

d) Applicant

**8) What does the doctrine of precedent mean?**

a) Judges are bound by statute.

b) Judges must decide the case on the facts.

c) Judges must apply the law set out in relevant decision of previous superior courts and sometimes courts of the same standing.

d) Judges may apply the law set out in relevant decision of previous superior courts and sometimes courts of the same standing.

**9) Presumptions are very important because they are effective procedural devices for**

a) Shifting the methods of reasoning

b) Shifting the interpretation of legal rules

c) Shifting the application of legal rules

d) Shifting the burden of court

e) Shifting the burden of proof

**10) Statute law refers to …………………………….?**

a) Laws created by the judges through the deciding of cases.

b) The doctrine that seeks to mitigate the harshness of the common law by deciding cases

based on fairness and equality.

c) The body of law that regulates the relationship between the State and its citizens.

d) The body of laws created by Parliament in the form of legislation.

1. **II. True false questions. Please mark T for true statements and mark F for false statements. (33.50 Points)**

1) Social norms may also be called as social order rules and they are composed of religious rules, customary rules and moral rules and ideologies. TRUE

2) The wording of law (hukuk) is the system of rules which a particular country or community recognizes as regulating the actions of its members and which it may enforce by the imposition of penalties TRUE

3) The Turkish legal system comprises: legislation, courts, judiciary, legal professionals; police, prosecutors and mechanisms for providing access to justice. TRUE

4) The phrase “civil law” can refer to those legal systems whose laws are based on Roman Law TRUE

5) According to Article 307 of Civil Code, for adoption, (single) the adopter should be at least 30 years old (general rule). In this case, persons under 30 cannot adopt a child. This conclusion is derived through the method of syllogism. FALSE

6) According to Article 1 of the Turkish Civil Code, “the law must be applied in all cases

which come from the letter and spirit of any provisions.” TRUE

7) After Justanian’s death, the Corpus Iuris Civilis has forgotten for seven years centuries. However, it was rediscovered in the 16th century and 17 centuries with the rise of modern states. TRUE

8) The ius honorarium – meaning “body of civil laws,” the name given to the compilation of Roman law ordered by the Byzantine emporer Justianian I in 529 CE. FALSE

9) Constitutional law is a branch of public law. It determines the political organization of

the state and it powers, while also setting certain substantive and procedural

limitations on the exercise of governing power. TRUE

10) All modern states, including the UK, New Zealand and Israel, have adopted written

constitutions, the first and most complete model being that of United States of

America in 1788. FALSE

1. **Fill in the blank questions (33.50 Points)**

1) The state and legal regulations impressed by the religious rules under the

governmental system is called theocratic state

2) Judges may be allowed to apply customary rules when the statutes are silent.

3) Common Law is the expression comes from jus commune and refers to all those

experiences that have their roots in medieval and modern English law.

4) In criminal cases, all of the elements of crime with which the defendant is charged must be proven by the prosecutor.

5) In private law, the accession of the contracting parties has equal powers.

6) According to free will criterion, the distinguishing feature between public and private

law is not the character of the interest anymore, but rather the will of the parties involved in a given legal relation.

7) As legal, political and social documents, constitutions are at the intersection of the

legal system, the political system and society.

8) A procedural constitution defines the legal and political structures of public institutions and sets out the legal limits of government power in order to protect democratic processes and fundamental human rights.

9) Constitutions vary in length from a few thousand words (Iceland, Latvia) to more than 50,000 words (India).

10) A democratic constitutional order acts like the rules of the game, and its guardians—

for example, a constitutional court—are like the referee.