

CURRENT PROBLEMS AND DEVELOPMENT ON ENFORCEMENT AND BANKRUPTCY LAW

1	Course Title:	CURRENT PROBLEMS AND DEVELOPMENT ON ENFORCEMENT AND BANKRUPTCY LAW
2	Course Code:	OZH5102
3	Type of Course:	Compulsory
4	Level of Course:	Second Cycle
5	Year of Study:	1
6	Semester:	2
7	ECTS Credits Allocated:	7.00
8	Theoretical (hour/week):	3.00
9	Practice (hour/week):	0.00
10	Laboratory (hour/week):	0
11	Prerequisites:	None
12	Language:	Turkish
13	Mode of Delivery:	Face to face
14	Course Coordinator:	Yrd.Doç.Dr. CENGİZ TOPEL ÇELİKOĞLU
15	Course Lecturers:	Yrd. Doç. Dr. Cengiz Topel Çelikoğlu
16	Contact information of the Course Coordinator:	cengiztc@uludag.edu.tr Uludağ Üniversitesi Hukuk Fakültesi Gemlik –Bursa Tel: 0 224 513 80 03
17	Website:	
18	Objective of the Course:	The Aim of the Course is to comprehend amendments Turkish Enforcement and Bankruptcy Act of number 2004, in the frame of the General Theory about Enforcement Law.
19	Contribution of the Course to Professional Development:	
20	Learning Outcomes:	
	1	To be informed of enforcement and Bankruptcy Law's past, present and future,
	2	Comprehending effects on legal remedies and compensation-mitigation processes as well as total and individual enforcement processes of amendments concerning authorities of enforcement officer's Powers, enforcement Office and enforcement judge,
	3	In total and individual enforcement, learning aspects of workability and effects of amendments in relation to transactions of withseizure belong to stage of forced sale,
	4	In individual enforcement, rating legal characteristic belong to transactions of enforcement and facilities to provide information, in terms of establishment which is delivery to non- conditional pledge,
	5	Rating legal characteristic of process in individual enforcement in case of opposition of debtor to execution order in enforcement with realization of pledge in individual enforcement,
	6	Rating effects on delimit with tenant's things which are convey of beneficitation of landlord's impoundment right in individual enforcement about rent credit,
	7	In total enforcement, comprehending effects of amendments about bankruptcy process and results of bankruptcy judgement,

	8	In total enforcement, comprehending effects of amendments about insolvency process.
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21	Course Content:	
	Course Content:	
Week	Theoretical	Practice
1	The System of Turkish Enforcement and Banruptcy Law and its systematic amendments which are resulted in Act of number 3494, 4949, 5092 and 6352	
2	Comparison of the systematics amentmends which are resulted in by Act of number 3494 with Swiss Debt Encorcement and Bankruptcy Act	
3	Comparison of the systematics amendments which are resulted in by Act of number 4949 with Swiss Debt Encorcement and Bankruptcy	
4	Comparison of the systematics amendments which are resulted in by Act of number 5092 with Swiss Debt Enforcement and Banktrupcy Act	
5	Comparison of the systematics amendments Which are resulted in by Act of number 6372 with Swiss Debt Enforcement and Bankruptcy Act	
6	Determining the results of current amentmends in relation to Duties and powers of enforcements officier	
7	The effects current amendments about powers of enforcement officier on to be examine prerequisites of proceedings in individual and total enforcement	
8	Within the framework of amendments made by Act of number 6372, relation of researching debtor's assets items to the basic principles of enforcement and bankruptcy law	
9	Within the framework of amendments made by Act of number 6372, debtor's seizeable assets items and stuations be able to storage	
10	Introduced by Act of number 34,924 and 4949, in qualificative pursuit of pleage specific to bank and financial corparations, overlapping procedures of greavence to enforcement order and objection to debt	
11	Introduced by Act of number 3494, effects of amendments about self-bankruptcy and credit interest on process and pursuit of insolvency	
12	introduced by Act of number 4949, the recipropal results of amentmends for the postponement of bankruptcy and consolidation aggrement	
13	Introduced by Law No. 5092, the function of debt restructuring aggrement by consensus on the part of the another institutions of insolvency	

14	Introduced by Act of number 6372, amendments about the principle of minimum providing and adducing offer from remote and advance, and consequences of changes in.	
22	Textbooks, References and/or Other Materials:	<p>Akkaya, T: The Problem of Whether Enforcement Officer can take rules of non-seizable into account by Self-Inability Or not " ("İcra Memurunun Haczedilmezlik Kurallarını Kendiliğinden Dikkate Alıp Alamayacağı Sorunu") , DUHFD, Y.2009, Private Issues, pp.845-866.</p> <p>Atalay, O: Seizuring and Storeging movable assets in third parties (Taşınırın Üçüncü Kişiler Elinde Haczi ve Muhafaza Altına Alınması) , MIHDER, 2005, No.1, pp.17-28.</p> <p>Berti, S.V.: Swiss Debt Enforcement and Bankruptcy Law, Sent 1997.</p> <p>Deliduman, S: In " Judicial Package 3" Turkish Enforcement and Bankruptcy Act' Amentmends (3. Yargı Paketi'nin İcra ve İflas Hukukuna İlişkin Düzenlemeleri, İBD), İBD, 2012, No.5, pp.15-32.</p> <p>Ekecik, S.: "Legal Regulation about Realisation of Moveable Asets, Draft and Practice " ("Menkul Satışlarında Yasal Düzenleme, Tasarı ve Uygulama"), MIHDER, 2012, No.22, pp.83-104.</p> <p>Istanbul Bar Association: Capital Corporations' Restructuring (Sermaye Şirketlerinde Yeniden Yapılandırma) , İstanbul 2006.</p> <p>ISO / MUATE(Ed. BUDAK, A.C): In Turkish, English and U.S. law, Firms' Problems about Insolvency and Bank Relations (Türk, İngiliz ve ABD Hukukunda İşletmelerin Ödeme Güçlüğü Sorunları ve Banka İlişkileri) , İstanbul 1993.</p> <p>Karslı, A.: Appeal of Enforcement Court's Judgement (İcra Tetkik Merci Kararlarının Temyizi) , İstanbul, 1995.</p> <p>MISC-VIII: Developments about Bankruptcy, Consolidation and Notary in Turkish, German and Swiss Law, Abant, 2009 (MUIİHT- VIII: Türk, Alman ve İsviçre Hukukunda İflas, Konkordato ve Noterlik Alanındaki Gelişmeler, Abant 2009).</p> <p>Nedimoğlu, K. : Enforcement and Bankruptcy Law with Note and Case Material(Notlu ve İçtihatlı İcra ve İflas Kanunu) , Ankara, 1958.</p> <p>Overbeck V.: Commentary and Principles of Enforcement and Bankruptcy Law (İcra İflas Kanunu Şerhi ve Esasları) , İstanbul, 1929.</p> <p>Öztek, S.: Shortage Document in Law of Enforcement and Bankruptcy, İstanbul 1994.</p> <p>Özbek, M.: Efficiency of Pursuit with Judgement in EU, Second Edition (Avrupa Birliğinde İlamlı İcranın Etkinliği, 2. Baskı) , Ankara 2013.</p> <p>Pekcanitez, H.: "A Critical Looking at Suspension of bankruptcy" ("İflasın Ertelenmesine Eleştirisel Bir Bakış") , MIHDER, 2010, No.3, pp.477-500.</p> <p>Pekcanitez, H. / Erişir, E.: "Application of Enforcement and Bankruptcy Act's Amentmends made by Act of number 6352, With Respect to Time Adoption" ("6352 Sayılı Kanunla İcra ve İcra İflas Kanununda Yapılan Değişikliklerin Zaman İtibariyle Uygulanması") , IMD, 2012, No.6, pp.17-39.</p> <p>Saldırım, M.: An Assesment about Rules of Enforcement Organisation in Draft of Regarding to Enforcement and Bankruptcy Act " ("İcra ve İflas Kanununda Değişiklik Yapılmasına İlişkin Kanun Tasarısındaki İcra Teşkilatına İlişkin Hükümlerin Değerlendirilmesi"), MIHDER, 2009, No. 1, pp. 75- 92.</p> <p>Tanrıver, S. / Değnekli A. : Approval of Consolidation Aggrements (Konkordatonun Tasdiki) , Ankara 1996.</p> <p>Taşpınar, S.: A General Glance to the Amentmends in</p>

		Swiss Debt Enforcement and Bankruptcy Act (İsviçre Federal İcra ve İflas Kanunu'nda Yapılan Değişikliklere Genel Bir Bakış), Gift to B.Kuru, Ankara, 2005, pp.599-670. Umar, B.:Historical Development and The General Theory of Enforcement and Bankruptcy Law, Izmir 1972. Üstündağ, S.: The Past and Present Day of Turkish Enforcement and Bankruptcy Act (İcra ve İflas Kanunu'nun Dünü ve Bugünü), İstanbul, 1990. , 1990 in İstanbul.
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23	Assesment
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TERM LEARNING ACTIVITIES	NUMBER	WEIGHT
Midterm Exam	0	0.00
Quiz	0	0.00
Home work-project	1	50.00
Final Exam	1	50.00
Total	2	100.00
Contribution of Term (Year) Learning Activities to Success Grade		50.00
Contribution of Final Exam to Success Grade		50.00
Total		100.00
Measurement and Evaluation Techniques Used in the Course		

24	ECTS / WORK LOAD TABLE
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Activites	Number	Duration (hour)	Total Work Load (hour)
Theoretical	14	2.00	28.00
Practicals/Labs	0	0.00	0.00
Self study and preperation	0	0.00	0.00
Homeworks	30	5.00	150.00
Projects	0	0.00	0.00
Field Studies	0	0.00	0.00
Midterm exams	0	0.00	0.00
Others	0	0.00	0.00
Final Exams	1	0.00	0.00
Total Work Load			178.00
Total work load/ 30 hr			5.93
ECTS Credit of the Course			7.00

25	CONTRIBUTION OF LEARNING OUTCOMES TO PROGRAMME QUALIFICATIONS															
	PQ1	PQ2	PQ3	PQ4	PQ5	PQ6	PQ7	PQ8	PQ9	PQ10	PQ11	PQ12	PQ13	PQ14	PQ15	PQ16
ÖK1	3	4	3	4	5	4	3	4	3	4	5	4	3	4	3	5
ÖK2	4	3	3	4	3	3	4	5	4	3	3	3	5	4	4	4
ÖK3	4	4	3	5	4	4	3	3	4	3	3	5	3	4	5	3
ÖK4	3	3	5	3	5	4	3	3	3	3	3	4	5	4	3	3

ÖK5	4	3	5	4	3	3	4	5	4	4	5	5	3	4	3	4
ÖK6	3	3	3	4	3	4	3	4	4	3	5	4	3	3	4	4
ÖK7	3	5	5	3	3	3	4	3	3	4	3	3	3	4	5	4
ÖK8	3	4	3	4	3	5	3	5	4	3	5	5	3	4	3	5
LO: Learning Objectives PQ: Program Qualifications																
Contribution Level:	1 very low			2 low			3 Medium			4 High			5 Very High			