

**Date: November 8<sup>th</sup>, 2019 14:00 Exam hall: 203**



**T.C. HİTİT ÜNİVERSİTESİ  
İKTİSADİ VE İDARİ BİLİMLER FAKÜLTESİ  
SİYASET BİLİMİ VE KAMU YÖNETİMİ BÖLÜMÜ**

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# **INTRODUCTION TO LAW**

**Mid-Term Exam (2019 Fall)**

**ANSWER KEY**

- 1- Why do we need law besides religion, morality, and other social order rules? Please mention characteristics that distinguish legal rules from other rules. (15 points)**

Religion, morality, customs and other social rules are not adequate to provide social control. Sanctions of the mentioned rules aren't forced by state organs. We need sanctions those supported by the state enforcement.

There are some characteristics of law, such as rules, state enforcement, and positive law. Rules are a substantial part of the law that specifies how people should behave, create competences and contain definitions of law terms. Another characteristic that distinguishes legal rules from the other rules is that law rules enforced by the state organs, and these are sanctions such as imprisonment, fines, and compensation of damage. Finally, legal rules are created by state organs, such as parliaments, courts, and other administrative bodies. These are called positive law.

- 2- Legal certainty has three aspects: (10 points)**

- 1- Certainty about the content of the law,
- 2- Certainty that the law will be enforced,
- 3- Certainty that the law will be applied consistently.

**3- Principles to deal with rule conflicts: (15 points)**

- 1- *Lex superior* holds that in case of conflict, the superior rule precedes over the inferior rule.
- 2- *Lex specialis* in case of conflict between overinclusive rule and underinclusive rule, underinclusive (special rule) must be applied to the case.
- 3- *Lex posterior* the newer rule prevails over the older one.

**4- Make definition of terms: (20 points)**

- 1- *Ius cogens* (jus cogens) is a set of norms of international law related to human rights and humanitarian law that are recognized by the international community which no derogation is permitted.
- 2- *Codification* is the collection and systematic arrangement, usually by subject, of the laws of a state.
- 3- *Reception* is adoption of a law or code that is formulated in another state.
- 4- *Legislation* is a way to create new rules and to modify and derogate existing rules.

**5- Fill in the blanks (16 points)**

- 1- The act of thought by which from two given premises we proceed to a third premise is **sylogism**.
- 2- A gap in the law is filled through the application of a rule used in similar cases is **analogy**.
- 3- An argument derived from the opposite of the meaning of a legal rule is **argumentum a contrario**.
- 4- The legal principle that one is considered innocent until proven guilty is **presumption of innocence**.
- 5- The person in possession of the movable property is presumed to be its owner is **presumption of ownership**.
- 6- The parties, when dealing with each other, acted honestly and did not engage in any deceptive acts is **good faith**.

7- This method of interpretation seeks only to ascertain the meaning of words in the legal provisions is **textual (literal) interpretation.**

8- **Civilian** countries which include continental Europe, Latin America countries, Turkey and Japan.

**6- Three classifications of law (12 points)**

1- public law

1- substantial law

1- international law

2- private law

2- procedure law

2- domestic law

**7- Main branches of law (12 points)**

**Public law**

1- Constitutional law

2- Administrative law

3- Criminal law

**Private law**

1- Civil law

2- Contract law

3- Commercial law



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