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The Turkish Quest for Legal Modernity: An Insight into the History of Turkish Criminal Law

Presented by Professor Hakan Hakeri

Date: 3 June 2015
Time: 4:30pm – 5:30pm
Location: Moot Court (67.202)
RSVP: Online

Turkish law is based on the Civil Law tradition of continental Europe which had its origin in Roman law and is based on statutory or legislative enactments.

The reception of the laws in Turkey has not begun with the Republic. Already in the Ottoman Empire at the middle of the 19th century many European codes have been taken over. The Ottoman Penal Code of 1858 was almost a literal translation of the French Penal Code of 1810. This means, the Turkish legislation shows an orientation towards the West already for more than 150 years.

The Ottoman jurists turned first to France and then to Germany. But the first Turkish penal code after the republic was founded in 1923 was based on the Italian Penal Code of 1889, but the criminal procedure code has been adopted from Germany.

Through the changes especially of 1930s (the fascist Italian Rocco Code served a reference), the Turkish Penal Code lost its liberal and democratic character and after 60 amendments it moved away from its source document, not reflecting the contemporary human rights standards anymore. 1940, 1958 and 1987 there were efforts to reform the penal code, but unsuccessfully. Turkey’s acceptance as a candidate for EU in 1999 contributed to a suitable climate for reform in all branches, including the law. Finally the law was passed through the parliament on 26 September 2004. The date of entry into force was 1st of June 2005.

Dr. Hakan Hakeri is a professor of criminal and medical law. He has studied law at the University of Istanbul, before receiving his PhD in criminal law at the University of Köln (Germany) in 1996. During his study he has worked as a research assistant at the University of Dicle, where he has worked as a professor after completing his PhD, until 2005. Between 2005 and 2011 he worked at the Universities of Selcuk and Ondokuz Mayis. He worked as founding dean at the University of Istanbul Medeniyet until February 2015. He has been to Germany several times as visiting professor and also in USA in 2008.