

**SYLLABUS**  
**Graduate School of Social Sciences**

Course Unit Code	Course Title		Credits	ECTS Value	
Law 551	Protection of the Weaker Party and Freedom of Contract within the Framework of Human Rights		3	8	
Prerequisite Courses:	No				
Language of Instruction:	Turkish	Lesson Teaching Style:	Face to face		
Course Type and Level:	Compulsory / Fall Semester / Master's Degree				
Title, Name and Surname of the Instructor of the Course		Course Hours	Office Hours	Communication	
Asist. Prof. Orkun TAT		Monday: 16:30-19:30	Every day	orkuntat@cag.edu.tr	
Course Coordinator:	Asist. Prof. Orkun TAT				
Course Objectives					
Course Learning Outcomes	Upon successful completion of this course, the student will be able to:			Relations	
				Program Outcomes	Net Contribution
	1	Explains the place and limits of freedom of contract in human rights law; evaluates the constitutional and international law dimensions of this freedom.	1,4,5	5,5,4	
	2	Defines the concept of weak party in private law relations; It analyzes the power imbalances that arise in different types of contracts.	1,2,8	4,5,5	
	3	Interprets the state's obligation to intervene in contractual relations and the legal basis of this intervention in the light of the jurisprudence of the ECtHR, the Constitutional Court and the Court of Cassation.	4,5,8	5,5,4	
	4	It examines the weaker side protective regulations in terms of comparative law and evaluates approaches in different legal systems.	2,4,5	5,4,4	
	5	It critically evaluates the balance between freedom of contract and social justice and develops legal solutions.	4,7,8	5,4,5	
Course Description:	This course examines the place and limits of freedom of contract in human rights law and the need to protect the weaker party in contractual relations from constitutional, international and comparative law perspectives. In addition, the state's obligation to intervene and the balance between freedom of contract and social justice are discussed.				
Course Schedule (Weekly Plan)					
Week	Topic		Preparation	Teaching Methods and Techniques	
1	The Relationship Between Freedom of Contract and Human Rights		The concept of freedom of contract, Article 17 of the Universal Declaration of Human Rights, Article 1 of the ECHR, literature review	Discussion, Q&A	
2	Freedom of Contract and Economic Rights in the Constitution		Research on Article 48 of the Constitution of the Republic of Turkey and related Constitutional Court decisions	Discussion, Case Law Review	

3	Protection of the Weaker Party in Consumer Law	Research on unfair conditions in the Law No. 6502 and the decisions of the Supreme Court	Comparison of Legislation and Case Law
4	Protection of the Weaker Party in Consumer Law	Examination of contract types in the Consumer Decree Law No. 6502	Lecture, Case Study
5	Protection of the Weaker Party in Labor Law	Employment contracts, interpretation principle in favor of the employee	Lecture, Case Study
6	Protection of the Weaker Party within the Framework of the Turkish Code of Obligations	Reading an article on the limits of freedom of contract	Discussion, Q&A
7	Adaptation Conditions of the Convention and Judge Intervention	Examination of Article 138 of the TCO	Analysis, Q&A
8	Midterm Exam	-	-
9	Midterm Exam	-	-
10	Protection of the Weaker Party in the Lease Agreement	Residential and roofed workplace leases subject review	Discussion, Case Study
11	Protection of the Weaker Party in the Lease Agreement	Eviction commitment and judge intervention issue study	Lecture, Q&A
12	Judge's Intervention in the Installment Sales Contract	Installment sales contract and TKHK view	Lecture, Q&A
13	Judge's Intervention in the Installment Sales Contract	Examination of Article 261 of the TCO	Analysis, Q&A
14	Freedom of Contract in the Anglo-Saxon Legal System	Common Law research	Lecture, Q&A
15	State Intervention in Freedom of Contract in the Continental European Legal System	Swiss-German law review	Lecture, Q&A
16	Benefits and Harms of Interference with Freedom of Contract	Critical discussion	Argument
17	Final Exam	-	-
18	Final Exam	-	-

#### Course Resources

##### Textbook:

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##### Recommended References:

-Eren, Fikret. *Law of Obligations General Provisions*, Yetkin Publications.  
 -Oğuzman, M.Kemal / Öz, Turgut. *Law of Obligations General Provisions*, Vedat Kitapçılık.  
 - Zimmermann, Reinhard. *The Law of Obligations: Roman Foundations of the Civilian Tradition*.  
 - Beatson, Jack/Burrows, Andrew/Cartwright, John. *Anson's Law of Contract*  
 - Gauch/Schluep/Schmid *Schweizerisches Obligationenrecht- Allgemeiner Teil*, Schulthess.

#### Course Assessment and Evaluation

Events	Number	Percentile	Notes
Midterm Exam	1	%40	The student prepares a presentation on the determined research topic. The presentation file is sent to the instructor of the course at least two days before the class day and shared with the students by the instructor. The student makes the presentation on the day of the course. During the presentation, the course coordinator and other students can ask questions or contribute. In

			line with these questions and contributions, the subject is discussed in the classroom environment.
Project			
Homework			
Assignment			
Portfolio			
Finale	1	%60	The document prepared by the student in accordance with the research topic and article standards is submitted to the instructor of the course by the specified deadline. Submitted documents are scanned through plagiarism detection programs (Turnitin, iThenticate, etc.); Studies with a similarity rate of more than 23% are not evaluated.

#### ECTS Table

Content	Number	Hour	Total
Course duration	14	3	42
Out-of-Class Work	14	8	112
Assignments			
Presentation			
Participation/ In-process activities	10	2	20
Project			
Midterm Exam (Midterm Exam Duration + Midterm Exam Preparation)	1	40	40
Final Exam (Final Exam Duration + Final Exam Preparation)	1	20	20
<b>Total:</b>			144
<b>Total of 30:</b>			234÷ 30 ≈7.8
<b>ECTS Credits:</b>			8