



Examining The Turkish Criminal Code amendment for its utilization in shores in terms of “Liability Law”

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The term of “fault” forms the basis of “liability principle” which has been established until Rome Law. In general, the liability is defined as the law system which determines the basic principals justifying the resultant damage that occurs within a legal proceeding. The liability principle in Turkish Law system is arranged both in Private Law and Public Law. The liability is a concept related with the public order. Utilization of environment, seas and shores, which are part of public order, incompatible with the defined purposes put forth some kinds of legal liability. The aim expected from the liability law, in terms of utilization of environment, seas and shore, is to ensure the life quality of the recent and future generations. Although a legal amendment is made on this issue, new Turkish Criminal Code is discussed in terms of content. In last amendment of new Turkish Criminal Code, “penal liability” related with the crimes perpetrated against the environment is regulated in a different manner. In article No.344 of the Criminal Code, first paragraph of the Article No. 181 titled “polluting the environment intendedly” and first paragraph of the Article No.182 titled “polluting the environment due to negligence” are amended as “the said articles shall be in force two years following the issuance date” and such an amendment will encourage out-of-purpose utilization by delaying the act of polluting of shore and marine environment for two years. In this declaration, negative effects of last amendment in Criminal Code on crimes related to the seas, shore and environment are discussed.