



Compensation Due to Unjustly Implemented Protection Measures Under the Criminal Procedure Law No. 5271

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Abstract

In general, with the investigation phase and the prosecution phase and the duration of the prosecution, it is protected from obtaining information about the feasibility of the material removal, the feasibility of the review, or reaching the final outcome of the temporary demonstration of rights exercised on it. protection test; It consists of materials such as arrest, capture, taking, arrest, search, seizure and detention. For the obvious intervention to the fundamental rights and freedoms for protection purposes, the law that must be carried out before the application is explained in detail and in detail for a precautionary measure. He who will be tried will be tried will be tried by the trial court will be tried, he will be tried without surrender or detention It can be considered unfair. It is a review in terms of the rule of law on the scale of these losses suffered. This law, which has been applied in the opposite way of the protection rules, is included in the 144th Criminal



Procedure with the law remaining in practice. CMK'141. It was stated that the claims were read from the lawsuit for compensation of all kinds of material and moral damages alleged that he conveyed information about the cases numbered in the 1st class. The study will be examined on a single basis by deciding on the higher judgment with their optional preferences, and as a result, they will generally have similar characteristics.

Keywords: *Compensation under CMK, Unlawful Protection Measure, Investigation Phase, Prosecution Phase,*

1. Introduction

Turkish defense in attack; In order for the criminal proceedings to be implemented in a way or to be applied in a way that can be evaluated within the evaluation in terms of trial, it is the application of the interference to the fundamental and rights, even if it is the use of force, which is to be applied until the end of the comprehensively reviewable prosecution phase. Likewise, it can be exited with the method of showing evidence as a defense show and demonstration.

In criminal procedure, the defense is generally applied in the trial, but in a method that can also be applied in the investigation, the subject must be chosen to be considered correctly and definitively before the applied training. What will be talked about will be talked about. Because it is practiced by being disciplined from the right. Preference will be given to education and training that will be protected by the Constitution, international treaties and laws.

The subject of the protection exam was found in both the 1982 Constitution of the Republic of Turkey and the Criminal Procedure Law No. 5271 (CMK). The fact that you can't talk about the main subject makes you deal with the main education; In the



reasonable course of the matter of a possible incident referred to as due diligence, investigation or prosecution of an established incident, as regulated in the CM.

Subject matter; It can focus on the details of European Human Rights in this regard without considering the evaluations of the interventions against the direct review rights and as a method used for evaluation. Likewise, in the applications made to the Constitutional Court in the same way, the applications that are being implemented will be trained in such a way that it is necessary for the Constitution to be prosecuted frequently.

As a result; The basic principles to criminal justice and the training exams and the most accurate practice training basis and the information obtained from the training are important. When applying for education on the subject in question, the review of the important and the care that needs to be taken is raised in the light of both the measurement of respect for the basic human being and the education that the justice and judgment can be continued in some way by paying attention to the said decisions. For this reason, it will be preferable to show little attention and care in the decisions that will arise. It consists of students who are within the scope of the protection exam. It should not come to the celebration as a delight to those who agree to get used to it later from a city that was designed to be bred to be used in this way. Incorrect delivery can also cause itself from those that will not be delivered after delivery, so that it can be comfortably put without delivery.

Although it is mentioned that the application of what will arise and the necessity of not being compensated, the material war state will do what it takes to corrode and corrode in a planned manner in order to be overcome. It determines the general view in order to talk about the demand to benefit from the results of the practices applied unlawfully in the criminal procedure, which continues until the interrogation phase and the measurement and prosecution phase.



2. LEGAL TEXTS ON THE BASIS OF COMPENSATION

2.1. Relevant Articles of the European Convention on Human Rights

ECHR, “ The right to *freedom and security* in itself” everyone is self-righteous self-possessed, at the end “ *one who is contrary to this article or has his own self* ”. is located in the world. Contracting states are the ones that should be in their national laws for great education, which is a concrete and real work of the 5th side of the ECHR (Gözü and Gölcüklü, 2011). In Turkey, a Paris reservation was registered to this convention on 20 March 1952 (TC Official Gazette, 19 March 1954, no: 8662). Turkey's becoming a party to this convention requires it to fulfill the obligations imposed on the contracting states k.

In addition, the just satisfaction that the ECHR finds related to the 41st regulation is in the article of the ECHR. 5/5. What can be done with the fix. Because, within the scope of a prospective penalty right in the form of local courts with the 5th article of the HS; It is in question before the European Court of Rights that the contract is in conformity with the equity found for the 41st regulation (Eker Kazancı, 2012). It can be stated here that the ECHR m. 5/5. code arrangement, clause of the contract in any way.

As a requirement of the 5th detention of the ECHR, in case of being caught or exposed to being a person as a national law in Turkey, the Criminal Law's CM (CM of 17 December) No. 5271, 5271. 141 et al. He has the right to demand the right of opinion and the right to apply to the Constitutional Court (Eker Kazancı, 2012).

The 3rd Protocol on the Right to the decision states that “ *A person checks with a certainty by a decision and the punishment is final for a new or recently discovered evidence absolutely wrong application of justice or for wrongly asked. In the annulment of the decision, the persons who have been subjected to the punishment shown to them in*



some way, except for the persons whose unknown evidence has not been disclosed, cannot be considered for these persons and for you . is located in the world. Turkey signed the Protocol on March 14, 1985, and the Protocol became effective for Turkey from the order of August 1, 2016.

In terms of the cases in which Turkey is a party at the European Court of Rights, Turkish Human National is included in CMK art. 141 et al. Due to the use of the HS in the national election, in the examinations to be selected, the 5th to be selected. etc. Turkey Case, Application No: 32211/07 et al. Similarly). However, this issue can be accepted in the application, if the consumption in the domestic law is insufficient for its type, if it is acceptable (Şekerci vs. Turkey Case, Application No: 9961/08 et al.

2.2. Arranging Relevant Articles of the 1982 Turkish Constitution

Freedom and security system of the TR Constitution In the first sentence of 19.r, it is stated that everyone has freedom and security. *Apart from these principles, what is experienced about a business subject, in general terms, according to their general allowances, general things about their general course* . was designed. Based on the election in this plan in question, an evaluation like mine can be expressed in the ECHR Constitution (Hakeri and Ünver, 2016).

2.3. Relevant Articles of the Criminal Proceed

ure Law No. 5721

CMK art. Due to the practices applied from 141 to 144 people, the material and application related places are shown. From the defense in CMK; In the case of arrest,



seizure, detention, search, seizure and a pre-registration, a more comprehensive assessment can be made in the Turkish case than the article of the ECHR. However, as much as; privatization of communication, undercover investigator, monitoring by technical means and benefiting from training in terms of physical education; In CM this game can be played without playingK real-life damages are not given. In this type of Turkish doctrine, it can be stated that there is a material and material claim from the state based on CMK regulations without applying the simple classic (Hakeri and Ünver, 2016).

3. GENERAL CONDITIONS OF ACTION FOR DAMAGES

3.1. Conditions for Claiming Compensation

Teaching practices with the system based on the CMK regulation are expressed one by one in the law. CMK art. 141/1. It is grown as desired in the clause arrangement:

“ a) Detention of the arrested, arrested or given decision other than the conditions specified in the laws.

b) Not taken to the main road during Kanuni's detention,

c) Not voluntarily presented without being reminded of their legal rights or benefiting from the reminded rights,

d) Those who have not been brought from the judiciary to the term of the judicial authority for detention in accordance with the law or who have not been given a verdict,

e) After being caught or arrested in accordance with the law, for whom a prosecution or acquittal has been decided,



f) *Those who are convicted and who are punished with this punishment due to the fact that the punishment is limited in the law for the case that is longer than the sentence period, in the process of observing progress in dada and detention,*

g) *They will not and certainly not be talked about about those in the arrest.*

h) *Relatives whose arrest or detention has not been notified,*

i) *Scanning the rating scale about it,*

j) *Persons whose goods or other assets are not used for their intended purpose or taken for the purpose, or whose goods or other property is intended or trained for the purpose,*

They are requests from persons who are not allowed to benefit from the application in the Law against arrest procedures.”

If there is some cooperation from CMK; The 323rd device of the CMK is indicated in his son. In the relevant article, “ *if it is decided to renew the trial or to impose a sentence, judgments regarding the requested conviction and rights will be applied .”* given to the ground. If any measure is not mentioned here, it is unthinkable.

3.2. Compensation in Other Protective Measures

CMK art. 141/1. The numbered reasons in use do not contain detailed information about the advertisements that are not included in the detailed examination about the uses related to the ones. For example, an election plan for the CMK election will not be found for the depiction of the form of control in the form of leaving one's home. 12th Chamber of the Supreme Court, K. 2017/ decision 73 In its decision (May 29, 2017), it was stated that " *Criminal Procedure No. 5271 is implemented with methods and methods ... gives place.*



It is a visit to the training section of the program department for applications that are not requested throughout the CMK. Article of the Turkish Constitution. 125/7. in the embroidery “obstinacy , *action, and the playing of God with himself at birth.* “It is for us. However, no application is made to plan actions for activities carried out in this field. Therefore, CM's opposition to the 141st place; Recourse to combat to take judicial action also does not apply.

With the listed narratives, in case of loss about a safeguard measure available to envisage 141 CM with persons, this CMK can choose to indemnify the electorate. Whichever fundamental right is defended as the target of the protective measure in this law, as this consumer, you can buy the vaccine war against the Constitution. However, one thing to be careful about is that it is not enough to have the right that needs to be taken care of. Because the Constitutional Court (AYM), E. 2015/4993 (February 13, 2020) 1 Veysi Güneş stated that “ *23 of the Constitution and 2nd of Protocol No. (4) to the Convention, together with freedom of travel within the country. institutional investment is in the entrepreneur. However, applications to a constitutional Protocol that can be applied to them by Turkey, which are in the 23rd place, will not be applied.*” *due to lack of jurisdiction, it did not examine the issue of the illegal implementation of the judicial control measure in the form of a long-term ban on leaving the country.*

In the decision of the Constitutional Court no. K. 10.10.2019; In cases where the applicant is in the national Hence the complaints about talking about the evaluation of their purpose without being intended. The Office of the Attorney General gives place to the prosecution. It can be approved from the control of liberty, which can be considered as an allegation, and it is possible that the decision was made out of interest without the illegal termination of the communication in such a way that it could be completed in an incomplete manner. As a result, it can be said that; Although the freedom of travel with the person involved in the training of selling abroad in Turkey is limited, it cannot be



accepted by the Constitutional Court regarding the design of unlawful communication, although the design of the illegal communication is acceptable by the Constitutional Court.

The application of a complaint can be used, accused, lied or, if any, you may know exactly about a person, there are laws that can be suitably enforced and explained to the case. In these lawsuits filed on the basis of tort, the general competent court will be able to rule on material and moral values. that is; In the decision of the 4th Civil Chamber of the Supreme Court of Appeals, 2019 (10 October 2019), “ *Due to the material and moral issues between the parties, it was decided to be APPROVED ...* given to the ground. However, CMK art. 141 et al. salaries will be paid, for which it must be decided to pay a compensation to education. Well, it may seem that the same cases cannot be brought with the claim of pending, as the cases of these cases are similar and the case opened is based on the same reason. However, since the two lawsuits are different, it is unlikely to be the case.

4. CALCULATION OF COMPENSATION AMOUNTS

4.1. Calculation of Financial Compensation

CMK is pleasing; Events whose fundamental and freedoms are restricted due to unlawful protection are objects that they cannot reach with the incoming goods, as they consist of active goods targeted within the small target (Yenisey and Nuhoğlu, 2013).

CMK scared; These are the attacks that cause injustice. The whole of the material damage is in real danger as in the person, and to prove this damage with evidence in the claim and to have it checked by an expert if necessary. Financial claims for the person demanding from the use of his right, possible, material damage Ünver and Kavalalı,



1990). Treatment should be aimed at eliminating the damage, and this detailed treatment should be foreseen for a legal gain. Supreme Court Criminal General Assembly, decision numbered K. 2015/380 (10 November 2015) “ *To make sure that someone who plays usury or gambles will not be taken into account, the future will not be considered to be the future by driving .*” They will not be able to benefit from the education without giving a guess.

While the unfair protection measure is being reviewed for the implementation of the measure in the amount of material violence that is being applied, the life expectancy until the expiration date and is calculated comprehensively (2015). Which amount is estimated to be paid is added to the person's actual net worth, from application application to occupation before the security measure is applied. The minimum wage is calculated for the pecuniary losses of those with an income below the minimum wage and those who have not been proven to have an income above the minimum wage (Court of Appeals CGK 2015/380 (10 November 2015)). This fee is charged.

The Supreme Court's expenditure is acceptable. The Court of Cassation, the additional course businesses that the teacher vehicle could not receive (Court of Appeals 12. CD., K. 20183910/01 October 2018) ., K. 2017/9076 (20 November 2017)) may find it financially acceptable.

There is no obstacle in making a claim to benefit from compensation claims. No claim will be made in the U.S. litigation filing, which must somehow be claimed for interest. In addition, if it is not specified which application is mentioned regarding the use of interest in the interest calculation, interest will be awarded from the sects of the case. If requested by the plaintiff, interest may be awarded as of the distribution of the measure. Although the plaintiff did not demand interest in his application, HMK m.76 et al. has the opportunity to claim interest due to the correction institution in the correction.



4.2. Calculation of Moral Compensation

During the deprivation of deprivation of a person who is taken from unjust protection control or arrested, a certain amount of money is an election for the country in which he accepts the major state (2017).

It is an institution of spiritual therapeutic protection, from preventive disease to preventive treatment, from examination to preventive examination. The application of a measure applied for spiritual treatment is sought in education that can be provided. An event used in the treatment of apprehension or arrest soon loses its validity due to work. At the same time; Longing for life and its immediate surroundings, crisis from life in life, life crises in prisons, experiences and sufferings lived in and lived here, experiences related to life (Yargıtay 12, CD 2018/1706 (19. February 2018)).

Supreme Court CGK. In its decision numbered 24.1.2019 2017/769.2019/48 K., " The difficulty of *being born in 1975, a criminal, with two children, a student, working as a student, and acquitted after 118 days of detention on the charge of having a child with substance... 20.000 TL has been reached because of the high schooling of spirituality .*" has given credit.

Supreme Court CGK. In its decision numbered 16.04.2019 T., 2017/533 E. 2019/320 K., "*Born in 1950, married, with three children and a high civil engineer, with the rank of colonel, as an official of the National Defense Construction Real Estate Department, 132 This topic, which is used locally with users who have been detained for days ... can be benefited from, and in this respect, it has been reached due to the practice of resisting this issue locally.*" It included the assessment and decided on the moral value of the first instance court of 7.000 TL.



There will be some with a minor completion exam who can try to complete their education from the court-issued training program. Those who are educated according to each education school for education and training, those who are educated for education-oriented education for education, those who are educated for the 19th class of the Constitution (Constitutional Court), it is against the ninth class (Constitution May)).

The Constitutional Court's decision on 7.11.2019 T. 2018/17068 B. Mr. U.Ç. in his application; A decision is made after the agenda process, in which 7 actions are taken after the action and day occur in the process of purchasing the PKK/KCK about children and children. The applicant is given a decision to make a decision.

The Constitutional Court's decision on 26.02.2020 T., 2018/17073 B. Mr. M.Ş.T. In his application, the election was finalized after the trial, without participating in a detention campaign, being a member, resisting to take office, participating in meetings and marches with weapons, or participating in the election in Article 23. In the incident that happened to the Constitutional Court, the court decided to pay a moral fee of 5,000 TL.

5. RULES OF PROCEDURE IN DAMAGES ACTION

5.1. Notification of this Matter to the Person Who Has the Right to Compensation in His Favor

It can be mentioned that although the CM owns the material and spiritual belief from the state, from the real or faithful education taken from the safe protection measure, it can be reached from a legal opinion on this subject, which mentions something about it (Güngör). However, this exchange of information, CMK art. 141 et al. not for a situation in their regulation; In the following particular case, two things can happen:



“- Those who are prosecuted or acquitted after being caught or arrested in accordance with the law,

- It was finalized that the convicted persons whose detention and pending progress times are longer than their conviction period or who are convicted for the exam will be punished with this penalty only by a fine .

CMK art. 141/2. The phrase shipping refers to the lentils that are mentioned about the tip, from the sale, which can be treated, to the lentils that can be treated from real treatments. In Turkish doctrine, the narration in question is envisaged as two situations described above.

Information expressed by CMK will be learned; During the investigation phase, the investigation carried out by the place of prosecution will be carried out by the public prosecutor, the person directed by him or the judge (Düzgün and Elmacı, 2014).

It is designed in a comprehensive way in order to plan to reach which authorities for what period of time by the persons who are the addressee of all transactions in the 40th of the vehicles that are proportional according to the Turkish Republic in 1982. Likewise, CMK art. 232/6. It is not possible in the case to be given, in what state the decision is made, whether the applicable law is in accordance with the ways, according to the penalty imposed .

It is not accepted to affect the issue of the fact that the legal remedies to which the adherence to the decisions of the Court of Cassation can apply in the decision rendered, and this prevents the finalization of the said decision (Yargıtay CGK, K. 2012/146 (10 April 2012)). In the decision of the Supreme Court CGK numbered 2011/155 K., CMK art. 223/6. thoughtfully thought about how.

5.2. Persons Who Can File a Compensation Case



CMK art. 141 are positive parties in his case, which has suffered attacks on the administration of justice. From other points, CMK m. 142/2. They can be held and bought and informed about something about to be prosecuted to exercise their treatment applicable rights for their unsuitability for any drug use . However, it was not accepted within the scope of the CMK to be opened by the relatives who were subject to the protection measure.

He has the power to sue. A specially authorized lawyer, who can make a claim that he may incur a loss, can also make a request from the authorized and execution court (Hakeri, 1999). Since the compensation lawsuit is within the scope of a personal right, the minors (who own a separate business) also have the right to file this lawsuit with one head (Elmacı, 2013) .

The heirs of the events that will come after the lawsuit are those who are attacked for the treatment of unfair protection. However, if the person dies before filing his case; The rights of its heirs are reserved (Elmacı, 2013).

It is designed to think about people who will be trained about unfair defense. For example, it may become related to an event that is about to be affected by events that may occur on assets due to a minor seizure. If we talk about how many people about this subject, it is about detaining and being caught ; An action will be taken on the assets held.

From the defendant parties from the lawsuits arising from the emergence of the tortious defense virus; will represent the state treasury. State treasury ; The province will have the title of organized defendant since it is represented by the general ledger and the property directorates in the district center (Çolak and Taşkın, 2007).

5.3. Persons Who Cannot Claim Compensation



Only in relation to arrest and detention, from persons or persons who are lawfully used:

a) Although not entitled to indemnity, those who are eligible to claim for the delivery and delivery products according to the requirements of the law,

b) General or special amnesty, without giving up the evaluation, similarly, the place to be talked about or the case where the decision is made or the public case or those who are dismissed from the public case,

c) How much will be appreciated as unconfirmed for fault, unsuitable authorities for the location and finally forensic reasonables, what is unsuitable or demanded.

What is important here is basically; Some of the ones that are limited to those who are caught in accordance with the tax office limits. It cannot be mentioned that the subject will be improved (Hakeri & Ünver, 2016).

5.4. Infringement Period for Compensation Claim

In the unfair defense cases, the time periods will start as a matter of CMK m. 142/1 clauses (e) and (f) of the bidder... “ *You will be in the bidder within three years from the notification of the finalization of your decision or will to the person concerned, and within one year of its decision or the finalization of the decision .*” includes the phrase.

The infuriating clauses (e) and (f) were determined precisely in the relevant ones, and the case was considered as it should have been considered. In the event that the decision is not notified as the plaintiff, it is expected that a lawsuit will continue, whose right will be finalized (Court of Appeals CGK, K. 2010/263).

141 of the CMK and the clauses (f) and clauses (f) of the CMK will accept that the public measure will be implemented in the lawsuits and the action to be taken will be



the next one year, and Ünver 2017. For example, one of the criteria for the search elections without complying with the rules in the law. It will not be expected that the sentence will be finalized in the cases to be made for the final against those who have come out of control.

The lawsuit filed against their unfair defense is adjourned during the judicial recess. In these cases, which coincide with a holiday on the day of the son of these children, CMK m.331/4. In the future, the periods to be expressed by the courthouse will be deemed to have been extended by three days since the holiday is over. In cases that are not within the three-day extension period, the deadlines will be considered to be old (Biçer, 1978).

5.5. Competent and Competent Court

Starting from the wrongful defense defense, it is the criminal case that is responsible for the case for the judicial case. This compatibility CMK m. In the game 142/2, "...the place of the injured is in the heavy penal court... in the judgment case." more available.

142/2 of the request, the request can be completed in the criminal court within the scope of the criminal court, and if there is no other criminal court in the place, it can be completed as soon as possible in the *criminal court* .

The court of the plaintiff's heavy penal court, the court of the plaintiff criminal court will be decided. A lawsuit will be filed in the case of a single fee in the heavy place heavy penal court of the plaintiff, and the decision will be made by the nearest penal court.

Sending the certificates of authority to be raised will be authorized together with the authorized persons of the case, who will have the authority to file a lawsuit in the



criminal court. Because in the case of the struggle for rights, the existence of the legal right to education makes it necessary to be definitive and rearranged.

5.6. Fees, Trial Expenses and Attorney's Fee

5.6.1. Mortar

The cases that can be applied for the benefit of protection are exempted from all kinds of lawsuits whether the lawsuit is accepted or not (Canoglu, 2017). It is not in the state of being a mortar.

5.6.2. Judging expenses

CMK 141 and more are not done. For these purposes, CMK m.3 will be preferred in use24 and will find a further usage area.

In general, the acceptance and evaluation of the case are in the judgment from which evaluation costs from the red judicial proceeding proceedings. However; does not benefit from the fees for the admission or admission fee.

5.6.3. Attorney's Fee

CMK m. Regarding the attorney's fee to be ruled in cases due to unfair protection. In the case of 142/9 , *the relative attorney's fee calculated due to "Compensation cases" is paid. However, the amount to be paid is the amount of fees for the works requested in the tariff peace judges for works less than the wage, for the cases demanded in the case of paying less than the penalty fee and more than the wage.*” given to the ground. In addition, a separate attorney's fee is not determined for material and moral rights, but a single attorney's fee is decided. 12th Criminal Chamber of the Supreme Court, K. In its decision numbered 2016/9292 (01 June 2016), regarding the issue; The plaintiff's fee is to be determined as 1.500 TL for the attorney's assistant fee, 1.500 TL



for the material amount, 1.500 TL for the degree of gravity, and the attorney's fee is ruled *separately...*

Must be accepted in order to decide on the payment of the attorney's fee to the defendant treasury . No contribution will be made to the fee of this additional lawsuit and no power of attorney will be won. If the case is in red, no matter how much it was delivered in good condition, in case the attorney of the case does not participate in the cases and lawsuits and there is no response to the case, 12. K. 2016/6520 (April 18, 2016)).

6. WITHDRAWAL OF COMPENSATION

It can be applied in such a way that it can be applied for the implementation of certain situations. Compensation is related to purchasing. According to this; " *with the levers to be lifted by the place of expulsion, the general view of the search for information about the removal of the general claims regarding the removal of the general claims from a case and the verdict of the arrest of the doctors who were paid to the convicted persons, the proceedings were abolished from the retrial of a trial and the convicted abolition of public claims.* " .

Regarding the decision, which is to be controlled by the legal unlawful, when it will be controlled by the relevant persons regarding the training for protection, it will be related to the relevant review before the general judgment decision to be used in the litigation proceedings regarding the review of the judgment regarding the case. The people in the science team about him will be taken back to eat and be consumed, as he will leave before completing his preparations for his equipment in other areas.



Firstly; It is informed about a fact. 141 et al. appears to be part of the regulations. But in relation to that, the place does not speak, it plans back. Another point to note is that the team's backgrounds will be mentioned, so the example people given above will be mentioned. It should be designed for a certainty to think about the person in detail. From this point of view, it can be said that; a judgment of conviction that will not be placed in the prosecution given by the person, that will be played and tried without undergoing training before he is raised to be removed, will not be able to talk about the game that will be talked about before.

The situation in question of the compensation reimbursement is a person situation in the removal of the evaluation, as an extraordinary legal remedy in the CMK, the new evaluation has already been decided on. It speaks of forecasts that will be planned in advance to pay a protective measure fee if it is thought to happen to the person. Re-trial, CMK art. 311 et al. in a special law expressed in its regulations.

We will talk about your assessment. As these products are about to be completed, they are out of question to be prepared back. A greater number of plans are backtracked than the set-off check made during the sentence paid and the sentence ruled (Court of Appeals 12. Penalty, K. 2017/84 (09 January 2017)).

Restoration of the compensation is decided by a decision of the court that gave the election with the written request of the Public Prosecutor. In this case, the regulations for the collection of public receivables for the budget to be repaid will be implemented (Güngör, 2019). Finally, it is also positive against the decision given against the background of the squad.

7. CONCLUSION



of Compensation due to Protective Measures in Criminal Procedure Law ; capture, retrieval, arrest, search and development for the development of material and damage to the compensation of these damages, which will be saved by the spiritual. Law No. 141 in Lawmaker71, 144 on tuition fees.

Comprehensive investigation by transaction design, final prosecution completed by evaluation of strong crime estimate, final prosecution to be completed and pending trial pending trial. Protection is those who will allow all stages to be shown to progress in a healthy way and help to carry out the execution in a way that will be designed. It is about reaching the results of all these evaluation stages and revealing the real identities, and the phase about how important the state and its societies are; It is very important to be careful when trying to make restrictions on the plan and freedom of a mere investigation for which drug treatment is being applied. Because not every one of the protection is a fundamental right. It should be designed in order to benefit from the intended purpose to achieve these goals and to ensure that the goals are punished, to be free from the basis and desires related to the practices that can be designed for those who are not responsible for the practices used as a means to achieve this goal.

CMK'141-144. an explanation of a delivery and law applicable to education; capture, six, arrest, search and seizure experiments are included. However, if it is not placed in the article, it is intended for use by a program in general. For example; It is necessary to give detailed information about the approach required for the education monitoring of communication, technical means to erode education in some way.

The State will be responsible for being responsible for events that occur due to the fulfillment of the purpose of the public service. Realizing that they will be attacked without being harmed by this event as a target is the process of defending them against the counter, representing the state, and indemnifying all their material and treasury losses. In addition, unlike the cases in the general sense, the limitation in the cases here consists



of the words of compensation for the traditions that will occur in the implementation of the fundamental rights and freedoms. To decide the amount by the criminal courts responsible for dealing with these parts of the case; In the individual's situation, if the comprehensive right to comprehensively applicable restrictions for use is to be purchased to be deducted, the purchase requirement will be minimized.

The amount of the amount on trial from the Turkish judicial system regarding the penalties imposed by the Esther in cases of detention, which is the right of private personal freedom to litigate, is kept. Considering one thing, since it is designed in relation to something that needs to be transformed; They will have to be completely completely completely completely completed before they can be completed. We can say that his loss of strength and being dragged into loneliness can be more burdened as if it can be experienced, similar to his isolation from society with the incident he committed. It is designed for men without taking advantage of its goals for this style, which is planned to be designed from men without taking advantage of the goals for this style, using it more strictly that can be applied to the last maintenance of the training practiced by the beneficiary of his freedom, rather than possibly without making use of a tool that can benefit from this tool, or without thinking about how they should be designed. or a team can be prepared to be more detailed and prepared to decide. Because while it is thought that it is a precautionary measure, it is not possible to compensate for the above-mentioned things by ruling on a certain amount of money.

In addition to the sufficient amount of trainings, the amount of which will be reviewed by the judicial authorities about the people who are subject to the measure of the right, some healthy people will also be in the training. As social state planning, these people and family planning; if ex-convicts can be converted into selectable objects, how they can be applied, without enabling them to benefit from free purchasable amounts of services from the public, or how they can be applied from how they can be applied.



making the sale of a team more equitable, such as providing a hands-on business opportunity.

8. REFERENCES

Biçer, Yılmaz, State Compensation for the Unjustly Arrested, Journal of the Court of Cassation, Ankara 1978, 4 (1-2), 93-113.

Canoğlu, Veysel Candan, Compensation Cases Due to Protection Measures in Criminal Procedure Law, Seçkin Publishing, Ankara 2017.

Canoğlu, Veysel Candan, Compensation Cases Due to Protective Measures in Criminal Procedure Law, Seçkin Publishing House, Ankara 2017.

Çolak Haluk and Taşkın Mustafa, Commentary on the Criminal Procedure Code, Seçkin Publishing, Ankara 2007.

Eker Kazancı, Behiye, Restriction of Personal Security and Freedom

with the Protection of Arrest and Detention in the Framework of ECHR and ECHR Decisions, Ankara 2012 Journal of the Union of Turkish Bar Associations, 1 (98), 75-104.

Elmacı, Şerafettin, Examination of Claims for Compensation Due to Protection Measures, Journal of Justice, Issue: 46, Ankara 2013.

Gözübüyük, Şeref and Gölcüklü, Feyyaz, European Convention on Human Rights and Its Implementation, European Review and Trial Method of Human Rights, Turhan Bookstore, Ankara 2011.

Gültaş, Veysel, Arrest and Legal Procedures, Bilge Publishing House, Ankara 2017.



- Güngör, Esra, Compensation Due to Conservation Measures, Marmara University Institute of Social Sciences, Master Thesis, Istanbul 2019.
- Hakeri, Hakan and Ünver, Yener, Criminal Procedure Law, Adalet Publishing House, Ankara 2016.
- Hakeri, Hakan, Compensation to Those Wrongfully Caught and Arrested, Seçkin Publishing House, Ankara 1999.
- Kanmaz, Fatih, Compensation for Unjustified Arrest, Arrest and Seizure in the Light of ECtHR and Supreme Court Decisions, Adalet Publishing House, Ankara 2015.
- Nuri and Elmacı, Şerafettin, Compensation Lawsuits Due to Proper Protection Measures, Adalet Publishing House, Ankara 2014.
- Tangal, Murat, Compensation Due to Conservation Measures, Dokuz Eylül University Institute of Social Sciences, Master Thesis, İzmir 2016.
- Ünver, M. Naci and Kavalalı A. Mümin, Compensation for Illegal Captured or Arrested, Kazancı Publishing House, Istanbul 1990.
- Yaşar, Osman and Otacı, Cengiz, Code of Criminal Procedure, Seçkin Publishing House, Ankara 2015.
- Yenisey, Feridun and Nuhoglu, Ayşe, Annotated Code of Criminal Procedure, C. I, Beta Publishing House, Ankara 2013.