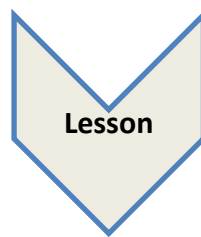
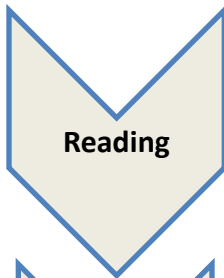


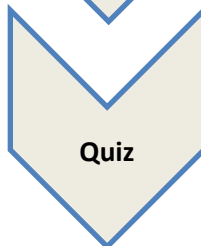
LESSON N°8



- **2.8. The application of law in terms of territory**
- **2.9. Glossary**



- **2.10 Reading comprehension**



2.8 The application of law in terms of territory

There are principles that govern the application of law in terms of territory, these principles are:

هناك مبادئ تحكم تطبيق القانون من حيث المكان، وهذه المبادئ هي :

- Principle of territoriality of laws مبدأ إقليمية القوانين
- Principle of the personality of laws مبدأ شخصية القوانين
- Principle of real competence مبدأ التطبيق العيني للقانون

2.8.1 *Principle of territoriality of laws*

The principle of the territoriality of laws is linked to the notion of "**sovereignty**", which means that the State is sovereign to make its laws and apply them in its national territory.

يرتبط مبدأ إقليمية القوانين بمفهوم "السيادة"، أي أن الدولة سيدة في وضع قوانينها وتطبيقها على إقليمها.

To confirm this sovereignty outside of its territory, the State uses another principle complementary to the principle of the territoriality of laws: the principle of the personality of laws. What do we mean by this principle?

لتأكيد هذه السيادة خارج إقليمها، تلجأ الدولة إلى مبدأ آخر مكمل لمبدأ إقليمية القوانين، إنه مبدأ "شخصية القوانين"، ماذا نعني به؟

2.8.2 *Principle of the personality of laws* مبدأ شخصية القوانين

To extend its sovereignty abroad, the State applies the principle of the "personality of the laws," that is, the national law of a State is also applied, in certain cases, to its citizens who are abroad.

من أجل امتداد سيادة الدولة الى الخارج ، تطبق الدولة مبدأ شخصية القوانين، أي أن القانون الوطني للدولة يطبق أيضًا، في بعض الحالات، على الأشخاص (مواطنيها) الموجودين في الخارج أي خارجا الإقليم الوطني للدولة.

2.8.3 *Principle of real competence* مبدأ التطبيق العيني للقانون

We use this principle in criminal law: the law will be applied according to the very nature of the crime, that is, to all crimes that harm the superior interests of the State, including those committed abroad.

نلتجئ لهذا المبدأ في القانون الجنائي : القانون يطبق وفقًا لطبيعة الجريمة ذاتها ، أي جميع الجرائم التي تمس المصالح العليا لدولة ، بما في ذلك الجرائم المرتكبة في الخارج.

This principle does not take into account the nationality of the perpetrators of the crimes but rather concerns categories of crimes affecting the higher interests of the State, such as crimes committed against the State's security or that harm the national economy, like counterfeiting currency. It is the law of the State that suffers harm that applies.

هذا المبدأ لا يأخذ بعين الاعتبار جنسية الاشخاص مرتكبي الجريمة ولكن نوع الجريمة، فهناك جرائم بعينها سمحت بوجود هذا المبدأ و هي جرائم تخل بأمن الدولة، أو جرائم تضر بالاقتصاد الوطني مثل التزوير في النقود ، أي ان قانون الدولة المتضررة هو من يطبق.

2.9 Glossary

Terms used in lesson 8

المصطلح بالعربية	المصطلح بالإنجليزية
تطبيق القانون من حيث المكان	Application of law in terms of territory
مبدأ إقليمية القوانين	Principle of territoriality of laws
مبدأ شخصية القوانين	Principle of the personality of laws
مبدأ التطبيق العيني للقانون	Principle of real competence
سيادة	Sovereignty
إقليم وطني	National territory
قانون وطني	National law
مواطنين	Citizens
قانون جنائي	Criminal law
المصالح العليا لدولة	Superior interests, Higher interests
جنسية	Nationality
جرائم	Crimes
مرتكبي الجرائم	Perpetrators of crimes
أمن الدولة	Security of the State, State's security
إقتصاد وطني	National economy
تزوير العملة	Counterfeiting currency

2.10 Reading comprehension

“In terms of the offense committed in Turkey by foreigners, Turkish laws are enforced as stated in Article 8 of the TPC¹. This is a consequence of the territoriality principle as well as the fact that criminal laws are the result of national sovereignty.

If the act committed in Turkey does not constitute a crime according to Turkish law, even if it constitutes a crime according to the laws of another country, Turkish laws cannot be enforced on these foreign tourists due to the nature of the act committed.

However, if the acts committed by foreign tourists in Turkey constitute a crime according to Turkish law and if they do not constitute a crime according to the laws of the country in which they are citizens, the crime is considered to have been committed in Turkey and Turkish law are enforced to such crimes.²”

QUESTIONS

1. What is the legal basis for the enforcement of Turkish laws against foreigners?.
2. The principle of territoriality is linked to another principle, which one?
3. Does the Turkish law apply if the offense is considered a crime according to the laws of another country?
4. Which is the correct term we use to qualify the infringement of law in criminal law?
5. To extend its sovereignty abroad, the State applies another principle which one?

Answers

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¹ Turkish Penal Code (TPC),

² <https://dergipark.org.tr/en/download/article-file/1592796>

