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Sertifika No: 35188
Tel: (0542) 695-7760 • e-Posta: hamdiogullari@hotmail.com

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İletişim/Correspondence
İstanbul University/Faculty of Law
İstanbul Üniversitesi Hukuk Fakültesi 34116 Beyazıt/Fatih, İstanbul, Türkiye

Telefon: +90 (212) 440-0000/10800 / Fax: +90 (212) 520 82 86
Web: <http://ppil.istanbul.edu.tr/tr/> & <http://dergipark.gov.tr/iuhmhobh>
Elektronik posta: mmaum@istanbul.edu.tr

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EDİTÖRDEN

Değerli okuyucular,

Dergimiz bundan tam 37 yıl önce İstanbul Üniversitesi Hukuk Fakültesi Milletlerarası Hukuk ve Milletlerarası Münasebetler Araştırma ve Uygulama Merkezi tarafından yayınlanmaya başladı. O günden bugüne, İstanbul Üniversitesi Hukuk Fakültesinde atılan bu tohum, Milletlerarası Hukuk ve Milletlerarası Özel Hukuk Anabilim Dalları'nın kıymetli hocaları ve asistanlarının emeği, özverisi ile yeşerdi, kök saldı; milletlerarası hukuk ve milletlerarası özel hukuk alanlarında Türkiye'ye yayılan ve kırk yıla yaklaşan bir geleneğe dönüştü: Milletlerarası Hukuk ve Milletlerarası Özel Hukuk Bülteni (MHB). MHB, çok uzun yıllar boyunca Milletlerarası Hukuk ve Milletlerarası Özel Hukuk alanında Türkiye'nin tek hukuk dergisi olmuştur.

Binbir emek ve özveriyle geçmişten bugüne taşınan bu köklü geleneği, aldığımız mirasa sahip çıkmanın sorumluluğu ve bilinciyle, bugünden geleceğe taşımak arzusunda yız. Bu doğrultuda bir dizi yeniliği hayata geçirmeyi hedefliyoruz. Ve hedeflerimizin ilk ürününü sizlere 40 yıllık MHB`den yarattığımız yepyeni bir dergi olarak sunuyoruz.

Öncelikle dergimiz bu sayıdan itibaren artık “Public and Private International Law Bulletin / PPIL” adıyla yayın hayatına devam edecek. Böylece dergimizin ilk sayısından bugüne dek taşıdığı “Milletlerarası Hukuk ve Milletlerarası Özel Hukuk Bülteni / MHB” adına esasen sadık kalarak, bugünün bütünleşen dünyasının diliyle dergimizin adını güncelliyoruz.

Diğer taraftan gerek Editörler Kurulu ve gerekse Danışma Kurulunda farklı ülkelerden hukukçulara yer veriyoruz. Bu sayede onların zengin bilimsel tecrübelerinden, birikimlerinden istifade etmeyi, Türkiye dışından da geniş bir yazar ve okuyucu kitlesine ulaşmayı hedefliyoruz.

Tüm bu yenilikler, 1980'ler Türkiye'sinden, 2020'ler dünyasına uzanırken ayaklarımızı bu topraklara bastığımızı aklımızdan çıkarmadan, özgünlüğümüzden ve bilimsellikten taviz vermeden, dergimizin –adına da yaraşır bir şekilde- milletlerarası/international niteliğini güçlendirmeye yönelik...

Dergimizin bu yeni kimliğiyle, bağlı bulunduğumuz kurum İstanbul Üniversitesinin ve bir parçası olduğumuz Türk hukukunun sesini dünyaya daha çok duyuracağımıza, farklı ülkelerden yazar ve okuyucu kitlesine ulaşacağımıza, böylelikle Türkiye'de milletlerarası hukuk ve milletlerarası özel hukuk alanlarının dünya ile etkileşimini arttırarak Türk hukukuna katkı sunacağımıza, dergimizin saygınlığını milletlerarası alana taşıyacağımıza inanıyoruz.

Dergimizin yeni döneminin ilk yayını olan PPIL 2018/1, esasen dergimizin 38. Cildinin 1. Sayısı. Bu sayımızda vatandaşlık hukuku, yabancılar hukuku, Avrupa Birliği hukuku, milletlerarası usul hukuku, milletlerarası hukuk, uluslararası örgütler hukuku, mukayeseli hukuk ve kanunlar ihtilafı hukuku gibi farklı alanlardan altı makale yer alıyor. Bunlar; *Mukayeseli Hukukta ve Türk Hukukunda Yatırımcı Vatandaşlık Olgusu: Ius pecuniae* (Alper Çağrı Yılmaz); *Milletlerarası Mal Satımına İlişkin Sözleşmeler Hakkında Birleşmiş Milletler Anlaşması (CISG) Uyarınca Hasar Sorunu ve Türk Borçlar Kanunu İle Karşılaştırılması* (Doğan Kara); *Avrupa Birliği Mevzuatında Güvenli Üçüncü Ülke Kavramı ve Türkiye-AB Geri Kabul Anlaşmasına Yansımaları* (Esen Aydın); *Yargıtay Uygulamasında Vesayete İlişkin Yabancı Kararların Tanınması Davalarında Karşılaşılan Sorunlar* (Nuray Ekşi); *Japon Milletlerarası Özel Hukuk Teori ve Uygulamasında “Kamu Düzeni Müdahalesi”* (Onur Can Saatçioğlu); *Çözüm-süzlüğün Adı: ‘Birleşmiş Milletler’e Rağmen Keşmir’* (Selcen Erdal).

Dergimizin baş editorleri olarak, bu yeni sayımıza makale veren yazarlarımıza, hakemlik yapan değerli Hocalarımıza, ayrıca Editörler Kurulu ve Danışma Kurulu ile Yayına Hazırlama Kurulu üyelerine, sundukları katkıdan dolayı teşekkür ediyor, dergimizin yeni döneminin bu ilk sayısının okuyucularımıza faydalı olmasını diliyoruz.

Yolumuz açık olsun...

Prof. Dr. Ayşe Nur TÜTÜNCÜ ve
Prof. Dr. B. Bahadır ERDEM

Baş Editörler

EDITORIAL

Dear Readers,

Our bulletin was first published by the Istanbul University Faculty of Law Research Center of International Law and International Relations 37 years ago. Since then, this work has grown and blossomed thanks to the hard work of many esteemed professors and research assistants in the departments of Public and Private International Law. It has become a tradition of nearly 40 years and is now available in every part of Turkey: Milletlerarası Hukuk ve Milletlerarası Özel Hukuk Bülteni (MHB) [Public and Private International Law Bulletin (PPIL)]. For many years, MHB has been the only legal bulletin in Turkey focused on public and private international law.

With the responsibility of looking after this heritage, we wish to bring this fundamental tradition into the future. To that end, we plan to implement several changes. As the first product of our plans we present you a brand-new bulletin born of MHB.

First off all from now on our bulletin will be published under the name of “Public and Private International Law Bulletin/PPIL.” This remains true to the first name of our bulletin, which is “Milletlerarası Hukuk ve Milletlerarası Özel Hukuk Bülteni / MHB ;” but we have updated the title in keeping with the language of today’s global world.

We welcome members of the legal profession from different countries, both in the Board of Editors and Advisory Board. We plan to benefit from their experience and wisdom and reach a wide range of writers and audience from the rest of the world.

All of these changes aim to strengthen the international quality of our bulletin, in accordance with its name, maintaining an unbroken bond from Turkey of the 1980s Turkey to the world of the 2020s without forgetting where we are standing and compromising from our authenticity and scientific view.

We believe that with this new identity of our bulletin, we will reach more people around the world and connect them with Istanbul University, the institution to which we are linked, and Turkish law in general; thus we will contribute to Turkish law while increasing the interaction between public and private international law in Turkey and the world, and bring the bulletin’s reputation to the international arena.

The first issue of the new generation of our bulletin, PPIL 2018/1, is essentially the first issue of the 38th volume. In this issue there are articles on the following six subjects: nationality law, law of aliens, EU law, international procedure law,

international law, international organizations law, comparative law, and law of conflicts. The titles are: *Investor-Citizenship Concept in Comparative Law and Turkish Law: Ius pecuniae* (Alper Çağrı Yılmaz); *The Problem of Risk According to the United Nations Convention on Contracts for the International Sale of Goods (CISG) and Comparison with the Turkish Code of Obligations* (Doğan Kara); *The Concept of Safe Third Country in European Union Acquis and its Reflections on the Turkey-EU Readmission Agreement* (Esen Aydın); *Problems Arising from the Recognition of Foreign Guardianship Decisions in the Practice of the Court of Cassation* (Nuray Ekşi); *The Doctrine of “Public Policy” in Japanese Private International Law Theory and Practice* (Onur Can Saatçiođlu); *The Name of Non-resolution: “Kashmir Despite the United Nations”* (Selcen Erdal).

As the editors-in-chief of our bulletin, we are thankful to the writers of the articles of our new issue, the professors who offered their services as reviewers, and also to the members of the Board of Editors, Advisory Board, and Board of Assistant Editors, for their contributions. We hope the first issue of this new era of our bulletin will be useful to our audience.

All the best,

Ayşe Nur TÛTÛNCÛ (Prof.) &
B. Bahadır ERDEM (Prof.)

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Corr v IBC Vehicles Ltd [2008]
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Consolidated Version of the Treaty on European Union [2008] OJ C115/13

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European Court of Human Rights

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