8th International Conference on Law & Society (ICLAS)
6 April 2019, Istanbul-Turkey

ICLAS 2019
ABSTRACTS BOOK

Edited by
MURAT ORUÇ
ICLAS 2019 Abstracts Book
Edited by: Murat Oruç


1. BASKI - İSTANBUL, MART 2019

© ONİKİ LEVHA YAYINCILIK A. Ş.

Adres Prof. Nurettin Mazhar Öktel Sokak No: 6A Şişli / İSTANBUL
Telefon (212) 343 09 02
Faks (212) 224 40 02
Web www.onikilevha.com.tr
E-Posta bilgi@onikilevha.com.tr
facebook.com/onikilevha
twitter.com/onikilevha

Nispetiye Mah. Birlik Sokak No:2
Nevin Arıcan Plaza 1. Levent/Beşiktaş/İstanbul
Tel: (212) 269 30 00
Sertifika No: 20179
ICLAS 2019 - Law in the Digitalization Era
6 April 2019, Istanbul-Turkey

Organized By
Fatih Sultan Mehmet Vakif University & International Islamic University Malaysia

In Collaboration With
Universitas Muhammadiyah Yogyakarta, Universiti Sultan Zainal Abidin, Istanbul University, Istanbul Medeniyet University & Suleyman Demirel University

Sponsored By
Turkcell, Lexpera, Altıntaş Law Firm & Mercure Hotels
ORGANIZING COMMITTEE

Chairs
Dr. Murat Oruç, Chair
School of Law
Fatih Sultan Mehmet Vakif University (Turkey)

Prof. Dr. Farid Sufian Shuaib, Co-Chair
Dean / Ahmad Ibrahim Kulliyah of Laws
International Islamic University Malaysia (Malaysia)

Prof. Dr. Zuhairah Ariff binti Abd. Ghadas, Co-Chair
Dean / Faculty of Law & International Relations
University Sultan Zainal Abidin (Malaysia)

Mr. Yordan Gunawan, Co-Chair
School of Law
Universitas Muhammadiyah Yogyakarta (Indonesia)

Secretariat

Mr. Serdar Çöp
The Center for Ottoman-Malay World Studies
Fatih Sultan Mehmet Vakif University

IT Support

Mr. Mustafa Zafer Küçükkurt
Senior Student / School of Law
Fatih Sultan Mehmet Vakif University

Student Staff
Dilara Gül Açı
Sudem Dilara Akkaya
Bilal Alemdaroğlu
Sultan Çiçek
Atilla Recephan Diler
Zehra Durmuş
Shahin Gudratli
Hatice Ebrar Gün
Süha Berk Hacisalihoğlu

Ahsen Hasanoğulları
Meltem Kalkanoğlu
Berika Hilal Kaya
Canan Oral
Ahmet Öğüt
Ebru Özen
Şevval Şahin
Mehmetan Selim Şekerçi
Muhammed Can Yazıcıoğlu
Rüveyda Yılmaz
SCIENTIFIC COMMITTEE

Prof. Dr. Ida Madieha Abdul Ghani Azmi  
*International Islamic University Malaysia (Malaysia)*

Prof. Dr. Bilgehan Çetiner  
*Istanbul University (Turkey)*

Prof. Dr. Seyhun Doğan  
*Istanbul University (Turkey)*

Prof. Dr. Fethi Gedikli  
*Istanbul University (Turkey)*

Prof. Dr. Ümit Gezder  
*Istanbul Medeniyet University (Turkey)*

Prof. Dr. İbrahim Kaya  
*Istanbul University (Turkey)*

Prof. Dr. Puteri Nemie Jahn Kassim  
*International Islamic University Malaysia (Malaysia)*

Prof. Dr. Mushera Bibi Ambaras Khan  
*International Islamic University Malaysia (Malaysia)*

Prof. Dr. Refik Korkusuz  
*Istanbul Medeniyet University (Turkey)*

Prof. Dr. Zekeriya Kurşat  
*Istanbul University (Turkey)*

Prof. Dr. Hakan Hakeri  
*Istanbul Medeniyet University (Turkey)*

Prof. Dr. Aiman Nariman Mohd Sulaiman  
*International Islamic University Malaysia (Malaysia)*

Prof. Dr. Bilal Sambur  
*Ankara Yıldırım Beyazıt University (Turkey)*

Prof. Dr. Farid Sufian Shuaib  
*International Islamic University Malaysia (Malaysia)*

Prof. Dr. Haluk Songur  
*Süleyman Demirel University (Turkey)*

Prof. Dr. Ahmet Öztürk  
*Istanbul University (Turkey)*

Prof. Dr. Fatih Uşan  
*Yıldırım Beyazıt University (Turkey)*

Prof. Dr. Cüneyt Yükse l  
*Istanbul University (Turkey)*

Prof. Dr. Zinatul Ashiqin Zainol  
*The National University of Malaysia (Malaysia)*
Assoc. Prof. Juriah Abd. Jalil
International Islamic University Malaysia (Malaysia)

Assoc. Prof. Nezir Akyesilmen
Selçuk University (Turkey)

Assoc. Prof. Zainal Amin Ayub
Universiti Utara Malaysia (Malaysia)

Assoc. Prof. Özlem Tüzüner
Afyon Kocatepe University (Turkey)

Asst. Prof. Mehmet Baykal
Istanbul University (Turkey)

Asst. Prof. Arife Özge Yenice Ceylan
Çukurova University (Turkey)

Asst. Prof. Selim Çiger
Süleyman Demirel University (Turkey)

Asst. Prof. Meltem İneli Çiger
Süleyman Demirel University (Turkey)

Asst. Prof. Aslan Delice
Fatih Sultan Mehmet Vakif University (Turkey)

Asst. Prof. Dursun Ali Demirboğa
Çukurova University (Turkey)

Asst. Prof. Murat Tumay
Istanbul Medeniyet University (Turkey)

Dr. Manique Apsara Ephranella Cooray
Multimedia University (Malaysia)

Dr. Nazli Ismail Nawang
Universiti Sultan Zainal Abidin (Malaysia)

Dr. Iwan Satriawan
Universitas Muhammadiyah Yogyakarta (Indonesia)

Yordan Gunawan
Universitas Muhammadiyah Yogyakarta (Indonesia)
New Public Demands in Urban Transportation: Uber Effects on Taxi Regulation in Turkey

Ömer Faruk Erol

*Department of Administrative Law, School of Law, Ibn Haldun University, Istanbul, Turkey
E-mail: omer.erol@ihu.edu.tr

Abstract

Public service activities which are regularly and constantly performed to meet the general needs of the public. In some cases, the administration performs the public service itself and in some cases, allows the private sector to offer and maintains them under its supervision. Taxis, which provide in-city transportation services, perform these services under the supervision of the administration. Transportation services by taxi are characteristically different from the public transportation service and meet the personal transportation needs of the individuals. The taxi service, especially in Istanbul, has become insufficient after the changes and developments in the needs of the society. Requests for alternative in-city transportation services have emerged due to the lack of necessary measures in accordance with the principle of adaptation in the public service by the administration. Thus, applications such as Uber that meet the need for comfort and security have emerged as a new system. Existing taxi owners and drivers were opposed to this system, filed a lawsuit to ban access to the Uber application and made public pressure on the administration to ban it. In the face of these events, the administration has introduced tax relief in taxi buying and selling activities, prevented the Uber activities and has taken measures to improve the taxi service. However, as the comfort and security needs of the public are not met, people continue to use Uber and similar applications. Therefore, in the face of these public demands, the administration has to amend the legal regime of taxi service and revise the taxi regulations. As a result, the development of technology to the individual benefits and the inability to meet the needs of the public force the administration to make changes in the public service regime and existing regulations.

Keywords: Public services, transportation services, taxi regulation, Uber.