

Turkish Inheritance Law

Inheritance law comes to an issue as a situation of a person's death. This branch of law encompasses legal effects of the death, inheritors' situation, procedure of disposition the heritage and its form. Accordingly, this branch of pertaining to the law of assets.

How many types of heirdom exists in Turkish Law?

There are two types of heirdom according to Turkish inheritance law (Türk Miras Hukuku). The first heirdom type is a statutory. The second type is based on the appointment of inheritors by means of the deceased. This heirdom is a voluntary option which can be implemented by the deceased.

Can a deceased make testamentary disposition with his all assets indeterminately to one party?

According to Turkish law, it is not possible to involve in this type of transaction due to Heritage Law of Turkey. There are untouchable shares pertaining to some inheritors which are defined by Turkish Inheritance Law. On the other hand, there is a part excluding untouchable shares of statutory inheritors as a disposable portion and deceased can take an action on this part.

Who are the statutory inheritors?

The Turkish Law describes them as a consanguineous heir (relative by blood), spouse and adopted children. The relatives by blood is governed by the principle of parental system. According to this system, there are three degree of relationship.

The members of first degree have unlimited capacity on inheritance without any condition.

On the condition that there is no inheritor remained(living) in the first degree, the members of second degree can be inheritor. The members of this degree is the father and the mother of the deceased.

In case that nobody can not be also found in the second degree, then the members of the third degree can be inheritor. Grand father and grand mother are defined in this degree according to the law.

What are the features of this said degrees of relationship?

There is a person in every degree and the person's descendant

Partition of the estate is carried out in accordance with the descending line

Title by descents for the inheritors in the sub-kinship line (Children and spouse).

The children of the deceased are the primary inheritors and they have all equal shares on their father's or mother's asset.

Title by descents of the (grand) father and the (grand) mother

In case that children of deceased are lacking, the mother and father of the deceased becomes the inheritors. Mother and father go halves of all assets remained by the deceased. In case that only one of the parent are alive then the all assets shall be transferred to him/her

In the absence of the father and the mother, all assets are bequested to the grand father and the grand mother. They both have also equal shares for the assets remained. In case that only one of grand parent is alive then the all assets shall be transferred to him/her

Status of Adulterines

The adulterines have the same status as the children born in legitimate marriage.

The Title by Descents of Alive Spouse

Title by descents of alive spouse is determined in accordance to other inheritors' status.

In presence of the spouse's childr(en), $\frac{1}{4}$ of the asset remains to alive spouse and $\frac{3}{4}$ of the asset remains to the childr(en).

If the spouse is inheritor with the parents of deceased, half of the asset inherits from the deceased.

If the spouse is inheritor with the grand parents of deceased, $\frac{3}{4}$ of the asset inherits from the deceased

In lack of said relatives, all of the assets remains to alive spouse.