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Forest offences in 21st Century Turkey (with the example for the offender and trial period of illegal use of the forests in Istanbul)

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Abstract

Turkey's forests are under supervision and control of the state. The applicable Forestry Law decides which acts would be considered as forest offences and the punishment for them. In the study, the acts described as crimes have been explained by considering them within the framework of criminal law. Misdemeanors have been excluded and only crimes have been examined. Major forest offences have tried to be explained through statistical data and information related to perpetrators of the crime; the trial period and court judgments have been presented as a result of file observations in İstanbul. It has been observed that the increase in forest offences in Turkey changes depending on the country's economic structure and the changes in legislation. These offences have also been found to be in decline as of late. It can be stated that adjudications have been concluded more immediately. However, there are still doubts about the penalties' not being deterrent enough.

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1. Introduction

Forest offences are a complex phenomenon with many layers and dimensions. Forest offences often result from the interplay of a multitude of factors—cultural, economic, social and

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environmental—and this can involve a wide variety of actors. Thus, to achieve an effective response, forest offences need to be addressed via a coordinated and multisectoral approach. This complexity makes it challenging for governments and international organizations to identify the strengths, weaknesses, and gaps in existing legislative, administrative, enforcement, judicial, and preventive systems (UNODC, 2012).

A recent report by the World Bank claims that despite the efforts to curb forest crimes, mainly focused on preventive actions, have not halted the rapid disappearance of the world's old-growth trees. New ideas and strategies are needed to preserve what is left of forests (Goncalves et al., 2012).

Fighting forest crimes has become a goal of the international community, but although because of the complexity of this issue, with a transnational network of interests including those of the world's most recognized banks, does not favor a rapid resolution (Reboredo, 2013).

Several wood-producing countries in Asia, Africa, and Latin America have multilateral or bilateral programmes with wood-consuming countries to combat forestry crimes (Setiono and Husein, 2005).

Turkey has combated forestry crimes systematically since 1937, which was the first Forest Act No 3116. Today Turkey combats forestry crimes with the Forest Act No.6831, which came into force in 1956, which also includes the regulation of forest offences.

In Turkey, 99.897% of the forests are state-owned, 0.086% are private property, and 0.017% of the forests are owned by legal entities (www.ogm.gov.tr). Turkey has approximately 80 million hectares of mountainous surface area and a rich diversity in terms of eco-geography. In combination with this rich ecological diversity, Turkey's forests are also rich in species and composition. According to the findings made in 2012, forests cover 27.6%¹ of the total surface area of the country and the population of Turkey in 2012 was approximately 76 million inhabitants (ISPA – www.invest.gov.tr). According to the address based population data, there are more than seven million of forest villagers (people that live in forests) in Turkey (Akgul and Camlibel, 2008).

2. Methodology

In this study, forest offences have been evaluated in accordance with the general principles of Turkish criminal law. The majority of forest crimes were most commonly committed in Turkey from 2001 to 2011 and the destructed areas have been gathered through by the analysis of official data. As for offender profiles and trial periods, a total of 100 settled case files on the illegal use of forests between the years 2001–2011 have been analyzed by using the archives of 5 forestry directorates, which are responsible for the forests of Istanbul. Data related to recognition of the incidence, trial periods, and the defendants have been gathered from these files.

3. General characteristics of the forest offences

Forest offences are included in the specific crimes of legal regulations of Turkey. This can be concluded from the Turkish Constitution of 1982, and the current Forest Act No.6831, which came into force in 1956. The article no.169/3 of the Constitution states that in particular all types of forest offences can be granted with neither general nor a particular amnesty and the crimes such as, burning down forestlands, or crimes committed for either destroying or narrowing down the forestlands cannot be included in general or a particular amnesty. Moreover, it is stated in the last paragraph of the 83rd article of the Forest Act No.6831 that the cases related

¹OGM – www.ogm.gov.tr.

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