

### **Maintenance In Turkish Law**

As in various legal systems, maintenance obligation is linked to solidarity between family members in Turkish Law and is subject to different regulations depending on how and to whom the maintenance allowance is paid. Provisions on maintenance obligation are found in Turkish Civil Code and in the Act on the Protection of Family and Prevention of Domestic Violence Against Woman. Other than these, where there exists a foreign element, maintenance is subject to different international conventions to which Turkey is a party or to the Turkish Code on Private International Law.

One can differentiate between two general types of maintenance obligation in Turkish Law: (i) the obligation between spouses and children and (ii) the obligation between descendants and direct relatives in the ascending line and between siblings. Maintenance obligation between the spouses and children is divided into different parts depending on whether it is ruled as alimony pendente lite (Article 169 Turkish Civil Code; Article 5 Law on the Protection of Family and Prevention of Domestic Violence Against Woman) or as one of the legal consequences of divorce to protect one of the spouses to be in need (Article 175 Turkish Civil Code) or as an allowance based on the parental responsibility for the accommodation, upkeep, supervision, upbringing and education of the children (Article 327 Turkish Civil Code). Turkish Law also regulates provisions on maintenance allowance between the descendants and direct relatives in the ascending line as well as siblings (Article 364 Turkish Civil Code) to provide for financial help for certain relatives that will be in need. This latter allowance also includes adopted children.

The presentation shall cover the Turkish substantive law on the maintenance obligations. Following the remarks on the provisions, main issues regarding how maintenance law is shaped in Turkey by the court decisions shall be discussed.