

Journal of Penal Law and Criminology

JPLC

Ceza Hukuku ve Kriminoloji Dergisi
CHKD

CİLT/VOLUME 12 • SAYI/ISSUE 1 • 2024

E-ISSN 2602-3911

Geçici Yakalama (CMK m. 90/1'e Göre Yakalamanın Herkes Tarafından Yapılması)

Temporary Apprehension

Ahmet Hulusi AKKAŞ, Eren AKPINAR

Childhood Maltreatment and Violent Behaviour: A Systematic Review

Md. Bashir Uddin KHAN, Yanwen TANG

Türkiye'de Kırsal Suç Araştırmaları: Sistemik Literatür Değerlendirmesi

Rural Crime Studies in Turkey: A Systematic Literature Review

Talha ŞENOL

Unauthorised Access to Computer Information: The Motives for Committing a Crime

Ilya MOSECHKIN

Cezaevinden Çıkan Eski Hükümlülerin Suçu Terk Etmeleri Üzerinde Aile Desteğinin Önemi

The Importance of Family Support on the Desistance of the Ex-convicts Discharged from Prison

Sadullah SEYİDOĞLU, Zahir KIZMAZ



İSTANBUL ARŞİVİ / ISTANBUL ARCHIVE



Dizinler / Indexing and Abstracting

Web of Science - Emerging Sources Citation Index (ESCI)

TÜBİTAK-ULAKBİM TR Dizin

DOAJ

ERIH PLUS

EBSCO Central & Eastern European Academic Source



TÜBİTAK

ULAKBİM

DOAJ DIRECTORY OF
OPEN ACCESS
JOURNALS

ERIH PLUS
EUROPEAN REFERENCE INDEX FOR THE
HUMANITIES AND SOCIAL SCIENCES

EBSCO

SAHİBİ / OWNER

Doç. Dr. Selman DURSUN

İstanbul Üniversitesi, Hukuk Fakültesi, İstanbul, Türkiye
Istanbul University, Law Faculty, Istanbul, Turkey

SORUMLU YAZI İŞLERİ MÜDÜRÜ / RESPONSIBLE MANAGER

Dr. Öğr. Üyesi Serdar TALAS

İstanbul Üniversitesi, Hukuk Fakültesi, İstanbul, Türkiye
Istanbul University, Law Faculty, Istanbul, Turkey

YAZIŞMA ADRESİ/ CORRESPONDENCE ADDRESS

İstanbul Üniversitesi, Hukuk Fakültesi
Ceza Hukuku ve Kriminoloji Araştırma ve Uygulama Merkezi
34116 Beyazıt, Fatih - İstanbul, Türkiye
Telefon / Phone : +90 (212) 440 01 05
Faks / Fax: +90 (212) 512 41 35
E-mail: jplc@istanbul.edu.tr
<https://iupress.istanbul.edu.tr/tr/journal/jplc/home>

YAYINCI / PUBLISHER

İstanbul Üniversitesi Yayınevi / Istanbul University Press
İstanbul Üniversitesi Merkez Kampüsü, 34452 Beyazıt,
Fatih, İstanbul, Türkiye
Telefon / Phone: +90 (212) 440 00 00

Dergide yer alan yazılardan ve aktarılan görüşlerden yazarlar sorumludur.
Authors bear responsibility for the content of their published articles.

Yayın dili Türkçe, İngilizce, Almanca, Fransızca, İspanyolca ve İtalyanca'dır.
The publication languages of the journal are Turkish, English, German, French, Spanish and Italian.

Haziran ve Aralık aylarında, yılda iki sayı olarak yayımlanan uluslararası, hakemli, açık erişimli ve bilimsel bir dergidir.

This is a scholarly, international, peer-reviewed and open-access journal published biannually in June and December.

Yayın Türü / Publication Type: Yaygın Süreli / Periodical

DERGİ YAZI KURULU / EDITORIAL MANAGEMENT BOARD

EDITOR-IN-CHIEF

Doç. Dr. Selman DURSUN – İstanbul Üniversitesi, Hukuk Fakültesi, Ceza ve Ceza Muhakemesi Hukuku, İstanbul, Türkiye – sdursun@istanbul.edu.tr

BAŞ EDİTÖR YARDIMCILARI / CO-EDITORS-IN-CHIEF

Doç. Dr. Muhammed DEMİREL – İstanbul Üniversitesi, Hukuk Fakültesi, Ceza ve Ceza Muhakemesi Hukuku, İstanbul, Türkiye – demirelm@istanbul.edu.tr

Dr. Öğr. Üyesi Tuba KELEP PEKMEZ – İstanbul Üniversitesi, Hukuk Fakültesi, Ceza ve Ceza Muhakemesi Hukuku, İstanbul, Türkiye – kelep@istanbul.edu.tr

YAZI KURULU ÜYELERİ / EDITORIAL MANAGEMENT BOARD MEMBERS

Doç. Dr. Ali Emrah BOZBAYINDIR – Boğaziçi Üniversitesi, Hukuk Fakültesi, Ceza ve Ceza Muhakemesi Hukuku, İstanbul, Türkiye – ali.bozbayindir@bogazici.edu.tr

Dr. Öğr. Üyesi Serdar TALAS – İstanbul Üniversitesi, Hukuk Fakültesi, Ceza ve Ceza Muhakemesi Hukuku, İstanbul, Türkiye – stalas@istanbul.edu.tr

Dr. Öğr. Üyesi Derya TEKİN – İstanbul Medeniyet Üniversitesi, Hukuk Fakültesi, Ceza ve Ceza Muhakemesi Hukuku, İstanbul, Türkiye – tekin_derya@hotmail.com

Dr. Öğr. Üyesi Rahime ERBAŞ – İstanbul Üniversitesi, Hukuk Fakültesi, Ceza ve Ceza Muhakemesi Hukuku, İstanbul, Türkiye – rerb@istanbul.edu.tr

Araş. Gör. Dr. Büşra DEMİRAL BAKIRMAN – İstanbul Üniversitesi, Hukuk Fakültesi, Ceza ve Ceza Muhakemesi Hukuku, İstanbul, Türkiye – bdemiral@istanbul.edu.tr

DİL EDİTÖRÜ / LANGUAGE EDITOR

Öğr. Gör. Elizabeth Mary EARL – İstanbul Üniversitesi, Yabancı Diller Yüksek Okulu, İstanbul, Türkiye – elizabeth.earl@istanbul.edu.tr

EDİTORYAL ASİSTANLAR / EDITORIAL ASSISTANTS

Araş. Gör. Havva Begüm TOKGÖZ – İstanbul Üniversitesi, Hukuk Fakültesi, Ceza ve Ceza Muhakemesi Hukuku, İstanbul, Türkiye – btokgoz@istanbul.edu.tr

Araş. Gör. Oğuzhan DEMİR – İstanbul Üniversitesi, Hukuk Fakültesi, Ceza ve Ceza Muhakemesi Hukuku, İstanbul, Türkiye – oguzhandemir@istanbul.edu.tr

Araş. Gör. Selvet KESMEN KAYACAN – İstanbul Üniversitesi, Hukuk Fakültesi, Ceza ve Ceza Muhakemesi Hukuku, İstanbul, Türkiye – skesmen@istanbul.edu.tr

Araş. Gör. İnci Ece AKYALÇIN – İstanbul Üniversitesi, Hukuk Fakültesi, Ceza ve Ceza Muhakemesi Hukuku, İstanbul, Türkiye – inci.akyalcin@istanbul.edu.tr

Araş. Gör. Yağmur ALTAY – İstanbul Üniversitesi, Hukuk Fakültesi, Ceza ve Ceza Muhakemesi Hukuku, İstanbul, Türkiye – y.altay@istanbul.edu.tr

EDİTORYAL DANIŞMA KURULU / EDITORIAL ADVISORY BOARD

Prof. Dr. Abdullah Coşkun YORULMAZ – Koç Üniversitesi, Tıp Fakültesi, Adli Tıp, İstanbul, Türkiye – cyorulmaz@ku.edu.tr

Prof. Dr. Amila FERHATOVIĆ – University of Sarajevo, Faculty of Law, Criminal Law and Criminal Procedure, Sarajevo, Bosnia-And-Herzegovina – a.ferhatovic@pfsa.unsa.ba

Prof. Dr. Anna Maria GETOS KALAC – University of Zagreb, Faculty of Law, Criminal Law, Criminal Procedural Law, Criminology and Victimology, Zagreb, Croatia – anna.getos@gmail.com

Prof. Dr. Berrin AKBULUT – Selçuk Üniversitesi, Hukuk Fakültesi, Ceza ve Ceza Muhakemesi Hukuku, Konya, Türkiye – bakbulut@selcuk.edu.tr

Prof. Dr. Effi LAMBROPOULOU – Panteion University, Department of Sociology, Criminology, Athens, Greece – elambro@panteion.gr

Prof. Dr. Emine Eylem AKSOY RETORNAZ – Galatasaray Üniversitesi, Hukuk Fakültesi, Ceza ve Ceza Muhakemesi Hukuku, İstanbul, Türkiye – eksoy@gsu.edu.tr

Prof. Dr. Gianluca RUGGIERO – University of Turin, Department of Law, Criminal Law, Torino, Italy – gianluca.ruggiero@unito.it

Prof. Dr. Gülsün Ayhan AYGÖRMEZ – Özyeğin Üniversitesi, Hukuk Fakültesi, Ceza ve Ceza Muhakemesi Hukuku, İstanbul, Türkiye – gulsun.aygormez@ozyegin.edu.tr

Prof. Dr. Henning ROSENAU – Martin Luther University Halle-Wittenberg, Criminal Law, Criminal Procedure and Medical Law, Halle, Germany – henning.rosenau@jura.uni-halle.de

Prof. Dr. Krisztina KARSAI – University of Szeged, Criminal Law, Szeged, Hungary – karsai.krisztina@juris.u-szeged.hu

Prof. Dr. Liane WÖRNER – University of Konstanz, Criminal Law, Criminal Procedure, Comparative Criminal Law, Medical Criminal Law and Legal Theory, Konstanz, Germany – liane.woerner@uni-konstanz.de

Prof. Dr. Lucia PARLATO – Palermo University, Faculty of Law, Criminal Procedure, Palermo, Italy – lucia.parlato@unipa.it

Prof. Dr. Mahmut KOCA – İstanbul Medipol Üniversitesi, Hukuk Fakültesi, Ceza ve Ceza Muhakemesi Hukuku, İstanbul, Türkiye – mahmut.koca@medipol.edu.tr

Prof. Dr. Mehmet Emin ALŞAHİN – Marmara Üniversitesi, Hukuk Fakültesi, Ceza ve Ceza Muhakemesi Hukuku, İstanbul, Türkiye – mehmetalsahin@marmara.edu.tr

Prof. Dr. Murat BALCI – Fatih Sultan Mehmet Vakıf Üniversitesi, Hukuk Fakültesi, Ceza ve Ceza Muhakemesi Hukuku, İstanbul, Türkiye – mbalci@fsm.edu.tr

Prof. Dr. Olgun DEĞİRMENÇİ – TOBB Ekonomi ve Teknoloji Üniversitesi, Hukuk Fakültesi, Ceza ve Ceza Muhakemesi Hukuku, Ankara, Türkiye – odegirmenci@etu.edu.tr

Prof. Dr. Pınar MEMİŞ KARTAL – Galatasaray Üniversitesi, Hukuk Fakültesi, Ceza ve Ceza Muhakemesi Hukuku, İstanbul, Türkiye – pmemis@gsu.edu.tr

Prof. Dr. Sadık TOPRAK – İstanbul Üniversitesi, Tıp Fakültesi, Adli Tıp, İstanbul, Türkiye – sadiktoprak@istanbul.edu.tr

Prof. Dr. Valentina BONINI – University of Pisa, Faculty of Law, Criminal Law and Criminal Procedure, Pisa, Italy – valentina.bonini@unipi.it

Prof. Dr. Yener ÜNVER – Yeditepe Üniversitesi, Hukuk Fakültesi, Ceza ve Ceza Muhakemesi Hukuku, İstanbul, Türkiye – yener.unver@yeditepe.edu.tr

Doç. Dr. Andra Roxana TRANDAFIR – Bucharest University, Bucherest, Romania – andra-roxana.trandafir@drept.unibuc.ro

Doç. Dr. Ebru İBİŞ – International Vision University, Faculty of Law, Criminal Law and Criminal Procedure, Skopje, North Macedonia – ebriu.ibis@vizyon.edu.mk

EDİTORYAL DANIŞMA KURULU / EDITORIAL ADVISORY BOARD

Doç. Dr. Koray DOĞAN – Dokuz Eylül Üniversitesi, Hukuk Fakültesi, Ceza ve Ceza Muhakemesi Hukuku, İzmir, Türkiye – koraydgn@gmail.com

Doç. Dr. Neslihan GÖKTÜRK – Ankara Hacı Bayram Veli Üniversitesi, Hukuk Fakültesi, Ceza ve Ceza Muhakemesi Hukuku, Ankara, Türkiye – neslihan.gokturk@hbv.edu.tr

Doç. Dr. Pınar ÖLÇER – Leiden University, Faculty of Law, Criminal Law and Criminal Procedure, Leiden, Netherlands – f.p.olcer@law.leidenuniv.nl

Doç. Dr. Rifat Murat ÖNOK – Koç Üniversitesi, Hukuk Fakültesi, Ceza ve Ceza Muhakemesi Hukuku, İstanbul, Türkiye – monok@ku.edu.tr

Doç. Dr. Sunčana ROKSANDIĆ – University of Zagreb, Faculty of Law, Criminal Law, Zagreb, Croatia – suncana.roksandic.vidlicka@pravo.hr

Dr. Johanna RINCEANU – Max Planck Institute for the Study of Crime, Security and Law, Freiburg, Germany – j.rinceanu@csl.mpg.de

İÇİNDEKİLER / CONTENTS

ARAŞTIRMA MAKALELERİ / RESEARCH ARTICLES

- 1 Geçici Yakalama (CMK m. 90/1'e Göre Yakalamanın Herkes Tarafından Yapılması)
Temporary Apprehension
Ahmet Hulusi AKKAŞ, Eren AKPINAR
- 16 Childhood Maltreatment and Violent Behaviour: A Systematic Review
Md. Bashir Uddin KHAN, Yanwen TANG
- 38 Türkiye'de Kırsal Suç Araştırmaları: Sistematik Literatür Değerlendirmesi
Rural Crime Studies in Turkey: A Systematic Literature Review
Talha ŞENOL
- 52 Unauthorised Access to Computer Information: The Motives for Committing a Crime
Ilya MOSECHKIN
- 61 Cezaevinden Çıkan Eski Hükümlülerin Suçu Terk Etmeleri Üzerinde Aile Desteğinin Önemi
The Importance of Family Support on the Desistance of the Ex-convicts Discharged from Prison
Sadullah SEYİDOĞLU, Zahir KIZMAZ

PREFACE

Dear Readers,

We are delighted to present the latest issue of the Journal of Penal Law and Criminology, published by the Istanbul University Faculty of Law Penal Law and Criminology Research and Application Center.

Our Journal, which began its publishing journey in 1978 under the leadership of Prof. Dr. Öztekin TOSUN, the Director of the Centre, took a long break after the publication of the second issue in 1979 and resumed publishing again in 2014 upon acceptance of my proposal for its re-publication. It has completed a decade in publication as of today and has been decided to be published exclusively in electronic format starting from this issue. The interest of authors and readers in the Journal, indexed in important national and international indexes, is increasing day by day. This issue features five valuable articles selected from the numerous submissions received and ready for publication.

In the first article of this issue, Ahmet Hulusi AKKAŞ and Eren AKPINAR examined temporary apprehension carried out by civilians, which is a protective measure regulated by Article 90/1 of the Code of Penal Procedure No. 5271. Authors emphasized that in terms of apprehension, the duration of the pursuit due to a red-handed act, the person who initiated the initial pursuit, or the methods that have been chosen are not significant as long as the act solidly can be considered a measured act in connection with the current state of crime. It is also stated that the temporary apprehensions executed by civilians may be crimes subject to complaint. Since it is not expected for civilians to know whether the crime they encounter is based on a complaint or not, it is important that after the aforementioned quality of the crime is realized by law enforcement officers the capture must be ended as of that moment. A similar procedure should be carried out for deputies, ministers, and diplomats for whom special trial conditions have been determined. When these subjects' immunity is doubtless, temporary apprehension should not be carried out.

In their systematic review examination, the intricate relationship between childhood maltreatment and the subsequent engagement of individuals in violent exposures are studied by Bashir Uddin KHAN, Yanwen TANG. A comprehensive search of the Web of Science (WoS) core collection synthesizes several empirical studies published over the last 18 years. The authors selected 27 studies for analysis using the PRISMA guidelines. The synthesized findings highlight the intricate interplay between various forms of childhood maltreatment and other confounding factors that predict violence. In the article, gender differences and neighborhood factors were also examined in connection with studies.

In his study, Talha ŞENOL emphasized that crime research in rural areas in Türkiye has not been adequately addressed in general crime research and has become a neglected area of research. This article's main focus is to systematically review the very limited rural crime studies and present a literature review. This study is of such importance since it will benefit rural crime researchers in terms of seeing the field more clearly, which studies are more focused, which methods are used more, and what kind of gaps are in the field.

Ilya MOSECHKIN aimed in this study to identify the main internal motives that led to the commission of illegal access to computer information. The author conducted this valuable study by scrutinizing 300 acts of the courts of the Russian Federation. The study of judicial acts revealed the most common motives: the desire to commit further theft; the desire to get payment for the received information; personal discountenance; desire to get secure data; and revenge. At the same time, more than 80% of acts of unauthorized access are committed for reasons directly related to money and property. We genuinely hope that this work will enlighten the global problem of data theft and provide us the opportunity to understand its core motives.

Sadullah SEYIDOĞLU and Zahir KIZMAZ's joint article focuses on revealing the effect of family support on the successful adaptation of ex-convicts to society and their re-crimes. A qualitative research method was adopted in this study and 50 ex-convicts who had not committed a crime since at least two years after their release from prison were interviewed. The authors concluded that maintaining contact with the convict's family or establishing a new family has a positive effect on the risk of re-crime. This article provides an important contribution to the literature in both criminology and sociology.

We trust that this issue will offer valuable new perspectives to our readers and researchers, contributing significantly to the fields of penal law and criminology. The variety of topics covered reflects our commitment to stimulating in-depth discussions in these areas. Finally, I sincerely thank all our colleagues who contributed to the preparation of this issue, and especially the reviewers who evaluated the articles.

Assoc. Prof. Dr. Selman DURSUN
Istanbul University Faculty of Law
Director of Penal Law and Criminology Research and Application Center
Editor-in-Chief