

## A review on the condition of "Public interest and necessity" related to the permits granted in state forests

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**Abstract:** The main concern of the Law is that it is mainly based on justice and equity and that where a right has begun the boundaries of another one is drawn. This fact forms the basis of the rules of law. For this reason, and especially at the point where a benefit or right appealing to the whole society is at stake, and at the same time, other interests and rights must be restricted; the importance of this phenomenon is further increased. In short, these benefits and rights, so known as public interest, are very much discussed in our legal system, and is an important topic heading up to the constitution in the field of forestry. The public interest provided by the forests is an unquestionable fact, and in this study, it is aimed to discuss the legal nature of the public interest and necessity taken as a base for the permits granted in the state forests within the framework of the forestry legislation. It is a fact that there is a conflict of interests among the natural resources, but in practice, it is thought that the public interest that is sometimes overlooked when forests are maintained as forests. For example, while mining permits issued by state forests provide public benefits to only a fraction of the population, forests that provide public welfare to a larger segment of society when it is preserved as forest. For this reason, the main aim of the study is to determine how equitably the determination of the public interest is made for the permits granted in State forests in which such conflict of interest is being experienced. In order to make this aimed examination, the concepts of public interest, benefit of society and superior public interest will be explained first and then the legal basis of the condition of public interest in the forestry legislation will be revealed together with the judicial case law. In the light of the findings, it will be discussed that whether or not the condition of "public interest and necessity" sought in the permits granted for state forests can be determined with objective criteria with reference to the application examples, and finally, various suggestions will be made on the subject.

**Keywords:** Law, State forest, Public interest, Criteria