

The Macrotheme Review

A multidisciplinary journal of global macro trends

Organization of local administrations in Turkey

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Abstract

Local Administrations in Turkey are administrations with public legal entities that have been established to meet the common needs of residents living in a certain area outside of the central administration arising from living there. They are limited in number due to the Turkish Constitution. These are provincial special administrations, municipalities and villages. Our study aims to study local administrations, which are of great significance for the Turkish Administrative Organization.

Keywords: Local authorities, Turkish Organisation, municipalities, villages, regions

1. Introduction

There are two principles dominating the Turkish administrative structure. They are: "centralization" and "decentralization". (Turkish Constitution, Article 123: The organization and functions of the administration are based on the principles of centralization and local administration.) Centralization is briefly the management of public services by the central administration or the state. The principle of decentralization, on the other hand, is the implementation of some public services by statutory bodies outside of the central administration. The principle of decentralization is divided within itself into two: administration in terms of services and in terms of location. Administrative structures established within the framework of administration in terms of location are called local administrations or local authorities. The subject of our study concerns these administrative structures founded in Turkey within the framework of the principle of decentralization in terms of location.

2. The Principle of Decentralization

The principle of decentralization means implementation of some services to be offered to the society by statutory bodies established outside the public entities. (Yıldırım, 2013: 22; Gözler-Kaplan, 2013: 34; Bozkurt, 2001: 152-156; Yıldırım-Karan, 2009:31)

Those working in organizations structured according to the principle of decentralization are responsible to the highest authority in the center within a certain hierarchy. On the other hand, there is no hierarchical tie between public officials employed in organizations founded on the principle of decentralization and the central authority.

2.1. Forms of Implementing the Principle of Decentralization

The principle of decentralization is performed in terms of location or in terms of services (Günday, 2011:70). If the principle of decentralization is being applied to organizations consisting of those living in a certain geography, then administrations decentralized in terms of location like municipalities appear. If the principle of decentralization is applied to a certain service itself, then administrations decentralized in terms of services such as universities appear.

2.1.1. Decentralized Administrations In Terms of Services

Implementation of some services and activities requiring technical knowledge and expertise by public corporate entities independently of the central administration is called decentralization in terms of services. Public corporate bodies established in accordance with this system are either public institutions or professional organizations of public nature.

2.1.2. Decentralization In Terms of Location

This is a system consisting of autonomous public entities established to meet the common needs of people living in a specific area that have arisen due only to living in that area, and to implement public services specific to that area. The administrations that have emerged as a result of the implementation of these services are called local administrations or local authorities.

Bodies of local administrations derive support from the public force just as other state bodies and can make changes to legal states of individuals or properties by taking executive decisions. Autonomy (that is, the power to make decisions on their own and implement them), has been granted to the people living in that.

While political opinions and principles, and the need for democracy come to the foreground in decentralization in terms of location, technical know-how and expertise take precedence in decentralization in terms of services. Although autonomy is granted to people living in that area in institutions decentralized in terms of location, autonomy is given to the service itself as a rule in decentralization in terms of services.

2.2. Benefits of Decentralization

- a) Decentralization is a consequence of a democratic constitutional state. This principle ensures people's participation in administration.
- b) The principle of decentralization is more effective in determination of public needs. This state allows more efficient, faster and more effective implementation of public services.
- c) It is a means of administration that removes disadvantages of centralized administration. For example, it reduces red tape, which is the most important drawback of centralized administration (Akyılmaz-Kaya-Sezginer, 2009:178).

2.3. Disadvantages of Decentralized Administration

- a) The principle of decentralized administration may sometimes prevent balanced use of resources.
- b) Financial autonomy granted to public entities established according to the principle of decentralized administration may occasionally lead to the emergence of bad administrative traditions in that administration.

c) Excessive use of the principle of decentralization may pose a threat in terms of the unity of the country in unitary states like Turkey.

3. Local Administrations

Our Constitution has attached a special importance to local administrations, which occupy a significant place within the Turkish Administrative Organization, and made some regulations (Giritli- Bilgen- Akgüner, 2001:219; Yayla, 2009: 227). If we have a look the common features of local administrations within the principles set by the Constitution, we see that;

- They have corporate bodies.
- They are autonomous organization.
- They have decision making bodies coming to power through elections Karar.
- Supervision of whether their organs have acquired or lost the quality of being an organ is performed by judiciary bodies. The Interior Ministry may, as a temporary precaution, suspend bodies of local administrations or members to these bodies that have been prosecuted and under investigation due to their job.
- Their duties are specified by laws.
- The Central Administration has tutelage over local administrations.
- They have sources of revenues in proportion to their duties.
- They can establish unions among themselves with permission by the Cabinet.
- Special forms of administration can be founded by law for large settlements. (Constitution. Article. 127/III. The last sentence.)

Types of local administrations in Turkey are as follows: Provincial special administrations, municipalities and villages. An amendment needs to be made to Article 127 of the Constitution in order to set up a new kind of local administration because the Constitution itself has imposed this limitation. Each of these limitations will be handled separately below.

3.1. Provincial Special Administrations

The Provincial Special Administration is a public legal person with administrative and financial autonomy that has been established to meet the common local needs of the people in the province and whose decision-making bodies are formed by electors.

The Provincial Special Administration is established by law concerning the establishment of the province and its legal person ends when the province is abolished. (The law dated 12.11.2012 and numbered 6360 stipulates that provincial special administrations be removed in provinces where metropolitan municipalities have been established. This decree will take effect in the first local elections. (March 2014))

The bodies of the Provincial Special Administration are provincial council, provincial committee and the governor.

The Provincial Council is the highest consultative and decision-making body of the provincial special administration. The provincial council is a body that is formed through the votes of the electors in the province.

The Provincial Committee is a negotiation, consultation and decision-making body of the provincial special administration. The provincial committee is composed of secretary general, three members he will choose and two members the governor will select from among the heads of each unit, all presided by the governor.

The governor is the head of the provincial special administration and at the same time the head of the provincial council and the representative of its legal person.

3.2. The Municipality

The municipality refers to a public corporate body with administrative and financial autonomy that is established to meet the common local needs of the residents and whose decision-making body is elected and created by electors.

Municipalities are settlements consisting of houses close to one another making up a town where, unlike provincial special administrations, not a geographical region, people live together.

Municipalities are divided into two: traditional municipalities (provincial municipality, district municipality and town municipality, which is soon to be removed), and the metropolitan municipality.

The bodies of the municipality are municipal council, municipal committee and the mayor (Çağlayan, 2013:96).

The municipal council is the general decision-making body of the municipality. It consists of members elected by the residents of the town.

The Municipal Committee is consisted of elected and appointed members headed by the mayor.

The mayor is the head of the municipal administration and the representative of the legal person of the municipality. He/she is directly elected by the residents of the town.

Metropolitan Municipality (The assessments we have made under this title concerns the situation before March 2014). Provincial municipalities with total populations within the borders of the municipality and settlements 10.000 meters away to these borders at the most exceeding 750.000 according to the latest census can be turned into metropolitan municipalities by law taking into account their physical position and economic development levels. (This situation will be changed to “provinces with a total population exceeding 750.000 instead of provincial municipalities with a population exceeding 750.000” after March 2014.)

There are two kinds of municipalities in metropolitan cities, namely "metropolitan municipality" and "district municipality".

Other features of this kind of municipality are just like the traditional municipalities.

3.3. The Village

The smallest and the most common of local administrations are villages. (By virtue of law dated 12.11.2012 and numbered 6360, legal persons of villages in metropolitan municipalities will be removed and converted into neighborhoods after March 2014) Villages can be defined as settlements where population is below two thousand and have public legal persons. Bodies of the village are village headman, village association and village committee of elders.

4. Conclusion and Suggestions

People who have been living together from very old times until now in villages, towns and cities have attempted to meet their common needs arising from their living together on their own. It is both unnecessary and impossible to meet such common needs by the slow-moving central administration equally and in a democratic manner. It is not possible to give up local

administrations, which have arisen out of such a need and helps public services to be implemented more efficiently in the Turkish Administrative organization.

- Provincial special administrations must be removed entirely. If they can not, the governor must definitely be separated from the provincial special administration.
- The provincial council and the municipal administration must entirely be composed of elected members by virtue of the Constitution.
- The Metropolitan law, which is on the agenda today and will take effect as of March 2014, must be revised in many respects because the law has been prepared hastily and is claimed to be in breach of the Turkish Constitution. (Gözler, 2013)

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