

# Centrist Administrative Structure and Administrative Tutelage Audit on Local Government Bodies

Hakan Turan

**Abstract**—Turkey’s administrative structure is centrist and a lot of planning relating to the areas of activity of local governments is done by central administration. It is difficult for central administrations to find effective solutions to the problems of each region in the countries like Turkey having large topography. For this reason it is essential for the local governments in Turkey to well function in order for both democracy and well governing. Turkey has also been affected by the global developments in recent years on the purpose of the consolidation of local governments. But local governments inevitably stay in the shadow of central administration because of its unitary state structure. It’s impossible for the local governments to be entirely freed from that shadow due to this extremely centrist structure within the establishment codes of state. Central administration in Turkey makes an audit on local governments by way of administrative tutelage audit in order to provide the integrity between. However, the extent of this administrative tutelage audit is of a vital importance in the sense of the effectiveness of local governments named as democracy’s cradle. In this study, the administrative tutelage audit on local government bodies practiced by the central administration of Turkey having a centrist administrative structure, has been dealt in the perspective of suspension from duty and reinstatement applied on the local government bodies in Turkey between the years 2009 and 2013. As a result, if we make an evaluation of the administrative tutelage audit on local government bodies practiced by the central administration of Turkey in the perspective of the suspension from duty and reinstatement, it can be said that central administration in Turkey has a powerful administrative tutelage audit on local bodies fluctuations experienced in certain years.

**Index Terms**—Administrative tutelage audit, centrist structure, local governments.

## I. INTRODUCTION

Turkey’s administrative structure is separated into two sections such as central administration and decentralisation. Central administration refers to the government structure in which public services, which represents state legal entities, are planned and practiced. According to the decentralisation principle in the second section, the organized bodies consist of bodies having entities apart from state entity. According to the Constitution of the Republic of Turkey [1] “local governments are public entities whose establishment principles were prescribed by law, and whose decision making bodies are formed by being elected by the voters prescribed again by the law in an attempt to meet the local common needs of the public of province, municipality or village. Establishment and duties and authorities of local

governments are enacted in accordance with decentralisation principle.” As stated in the Constitution, the basic characteristic of local governments having a historical background is to select their administrative mechanism that will meet the needs which occurs in a limited area, on their own regardless of central administration’s wish. Local governments in Turkey are formations having a spontaneous historical background for local common needs to be met. Despite the fact that Turkey has a centrist structure the effectiveness of local governments is inevitable. Besides that localness principle can conflict with its centrist, hierarchical and traditional structure which is the basic characteristics of Turkish Public Administration and this confliction makes the administrative tutelage audit of central administration on local governments. Because the central administration cannot leave the local governments to their own devices; if it does so it would unsettle the basic characteristics of Turkish Public Administration. At this point, administrative tutelage audit comes into play in order to overcome the lack of confidence that central administration have in local governments.

## II. CENTRIST ADMINISTRATIVE STRUCTURE IN TURKEY

Administrative structure of Turkey presents a centralization dominated view. Central administration refers to the managing of decision-making mechanisms depending upon the centre and to the decisions being made by the centre [2]. Structure of Central Administration in Turkey consist capital organization and provincial organization. Capital Organization includes the President of Republic, the Council of Minister, the Prime Minister and the Ministries while provincial organization has three kinds of administrations; province, country and district. The provincial organization of the Central Government has been created to administer public services to its citizens across the whole of country. Provincial Organization of Central Administration operates as an extension of capital organization also; Provincial Organization has not a legal entity differ from central administration. Therefore, relation between central organization and provincial organization is a hierarchical relationship. It is referred that Local Governments, which constitutes second part of Turkish Administrative Structure is units directly established and carried out by people live in region [3]. Local Government in Turkey contains special provincial administrations, municipalities and villages.

Central administration in Turkey makes its presence felt always and everywhere, hold all the power and, doesn’t want the distribution of authority and source too much [4]. In addition, it has been left behind many legacies in the transition period from Ottoman Empire to Turkish Republics. Among of these legacies are located Formal aspect of

Manuscript received August 14, 2015; revised February 8, 2016.

Lecturer Hakan Turan was with Hitit University/ FEAS/ Department of Political Science and Puplic Administration, Çorum, Turkey (e-mail: hakanturan@hitit.edu.tr).

Ottoman Empire, administration tradition and political culture. Turkish Republic has been considerably affected by relationships of Ottoman Empire's centralization, decentralization and local government [5]. Administration understanding of Western is not developed in Turkey because of these reasons. It can be said that the underlying reason of the fact that Turks had established strong and emperorship level states and that they had maintained them for many years since settling into Middle East, is the fact that Turks had established states having strong centrist structure. Turks had sympathized for great and authoritative states mostly due to those reasons. Because Turks had thought that they would be able to reach the idea of universal sovereignty by way of establishing a strong state. Although the idea of universal sovereignty has been abandoned ambition for powerful state still continues its existence. Reflections of that have been seen in today's Turkey, too.

According to the Constitution [6] "establishment and duties of administration depends upon the principal of central administration and decentralisation". Central administration means that public administration works depending upon the centre, many decisions related with the country being made by the centre and the organizations of public services being made by the centre. The fact that whether the state will share its authority is important for the effectiveness of local governments. In general, states having rigid centrist structure doesn't want to share the authority in their hands. And this causes to reveal a State's conception. It can be said that there is a weaker authoritarian structure in the states dominated by the local government conception. In that context, the main problem is to provide the integrity between the centrist structure and the local government which is essential for democracy and how this will be carried out in Turkey. In recent years, Turkey has been affected by attempts of the local government strengthening in the world and politicians have had discourses continuously in this direction. But it will be hard to tell that it has become successful on this matter because of its conjuncture (containing trans-ethnic people itself) and unitary structure it embraced.

### III. ADMINISTRATIVE TUTELAGE AUDIT ON LOCAL GOVERNMENT BODIES IN TURKEY

The first of the principles relating with the organization of public administration and its activities is administrative integrity, which is guaranteed by the Constitution. It is required to provide harmony and unity between the institutions organizing with several principles of administration and having different statues in order to provide the integrity mentioned here. The principles of central administration and decentralisation can create an impression that there is no integrity in public administration in terms of its organizational structure, duties and authorities. So, hierarchical audit and tutelage audit are needed to provide that integrity [7]. The audit is involved in the basic functions of administration being an indication of whether the aim targeted at the beginning was reached. Generally the audit can be defined as standard setting in order to get the results of an activity is suitable for the plans as much as possible; as comparing the results obtained with those standards; and as determining the correction precautions at the points where

the practices separated from the plan [8]. In fact, activities which are unchecked should be considered that they may be neglected.

The audit activity is one of the initial obligations for both private sector and public administration. But beside this, the extent of audit is a significant property and if a strict audit mechanism is managed, the desired work performance may be reached in neither private sector nor public administration. On the other hand, its complete freedom may cause the workers to violate the working discipline. Lack of control may create negative results for institutions. Especially, public institutions outside of legacy entity of government may make political behavior effecting state unitary system in the negative way. This lack of audit may cause insolvable problems over the time. At this point, the government tries to overcoming these problems by using administrative control power through pre-control. Administrative audit is referred as actions performed by administration and operations controlled by administrative organizations. When it comes to administrative audit in Turkey two phenomena come to mind. One is hierarchical audit and the other is administrative tutelage.

Hierarchical audit, in this audit which is result of central administration, superior can control to actions of subordinate in the terms of both suitability and lawfully. It refers to an audit based upon a superior-subordinate relationship between the units or the people within the same legal entity (state). For example, the relationship between governor and district governor is hierarchical that are involved in state legal entity. The governor can interfere in the affairs and decisions of district governor due to the fact that the district governor ranks under the governor. Minister of interior has the same rights on the governor. Sequence goes like this. There is not so much remarkable difficulty in hierarchical audit; main difficulty starts with the audit authority of central administration on local governments due to many parameters that come into play. A mayor who has acceded by way of popular sovereignty is present at one extreme and a governor who has acceded by being appointed at the other extreme. Naturally, the first thing noticeable is the power of assigned bureaucrat on political power.

Administrative Tutelage Audit refers to a certain audit authority of central administration on local governments [7]. Moreover, the administrative tutelage audit is required to be made in terms of just compliance with law as a principle [9]. Unfortunately, the scope of this audit has a quality that extends over the assessment and evaluation of service legitimacy. Local governments are liable to administrative audit just like other public administrations. Administrative audit includes tutelage too. This means local governments are controlled by administrative tutelage audit. Central and local governments constitute two fundamental bodies of a state's public administration. Most of public services are carried out by means of those bodies. There are political, administrative and financial relations between them. Central administration keep the local governments under supervision in order to prevent the authorities which it gave to local governments from being used acting contrary to law rules and general interests, unity and integrity of state, and in order to provide a harmony in state services [10]. Although the local governments have an autonomous structure with regards to

their statutes, it can be perceived as a rural extension of central administration because of that tutelage audit is applied in a wide range from time to time [11]. Local autonomy means that a local community can perform the local affairs by itself via its own bodies, and be able to possess the sources which will enable to that [12]. At this point, Turkey has shown the importance it attached to the matter by signing European Charter of Local Self Government.

The scope of ideal administrative tutelage has been prescribed in Article 8 of European Charter of Local Self Government signed by Turkey, as follows [13];

- 1) Any administrative supervision of local authorities may only be exercised according to such procedures and in such cases as are provided for by the constitution or by statute.
- 2) Any administrative supervision of the activities of the local authorities shall normally aim only at ensuring compliance with the law and with constitutional principles. Administrative supervision may however be exercised with regard to expediency by higher-level authorities in respect of tasks the execution of which is delegated to local authorities.
- 3) Administrative supervision of local authorities shall be exercised in such a way as to ensure that the intervention of the controlling authority is kept in proportion to the importance of the interests which it is intended to protect.

Turkey has accepted the first two of those paragraphs but has been chary of the third. Paragraph 2 of Article 8 is one of the paragraphs to be accepted mandatorily according to Article 12 of the Charter. However the provision of first paragraph has been accepted by Turkey although it is non-obligatory. Hereunder, “all kinds of administrative audit of local governments will be able to be made in cases which were prescribed by law or constitution.” The reason of why Turkey has accepted this paragraph without any obligation is that the scope of administrative tutelage practices had been already determined in 1982 constitution act [14]. In this Charter it has been proposed that the activities and discretionary power of local governments wouldn’t be limited.

In this study, the effect of administrative tutelage audit on local government bodies has been dealt in the perspective of suspension and reinstatement. The number of local administrative authorities has been given in local government bodies examined within this scope and the number of suspended authorities has been given in Table I and Table II. The number of mayors, Alderman, Member of Provincial Assembly and village headmen elected as a result of the general elections in Turkey on 29 March 2009, has been given in Table I. The reason of why the only data in Table I belongs to 2009 is that the local elections is held once every 5 years in Turkey and the study involves only one electoral period.

TABLE I: DIGITAL INFORMATION ON LOCAL GOVERNMENT BODIES [15]

Title	Sum (2009)
Mayor	2.948
Alderman	34.556
Member of Provincial Assembly	3.284
Village Headman	52.765

As seen in Table I, there are a total of 2.948 mayors from 81 provinces of Turkey. The number of Aldermen is 34.556. Members of Provincial Assembly are 3.284 and lastly the number of village headmen is 52.765. Elected bodies of local governments may be subject to a cancellation in case of that the conditions prescribed by law are formed as a result of an audit. Besides that, another tutelage practice on local bodies is suspension from duty [4]. It is stated that in which cases and by which authorities the suspension will be carried out, in the relevant laws. For example, suspension from duty, according to Municipal Law [16] “municipal bodies or the members of those bodies who have been unindicted or prosecuted based on the crimes concerning with their duties can be suspended from duty by Minister of Interior till the final judgment order. The decision of suspension from duty is reviewed in every two months. Afterwards, the decision of suspension from duty which is not for the public interest is revoked. The number of suspensions and reinstatements between 2009 and 2013 is shown in Table II in order to examine the tutelage audit of central administration on local bodies in the scope of suspension from duty and reinstatement to duty.

TABLE II: SUSPENSION FROM DUTY PROCEDURES OF LOCAL GOVERNMENT BODIES AND MEMBERS IN 2009-2013 PERIOD [17]-[21]

Case	Title	Years				
		2009	2010	2011	2012	2013
Suspended	Mayor	5	10	17	24	4
	Alderman	2	8	34	48	13
	Member of Provincial Assembly	1	3	6	13	3
	Village Headman	16	30	13	18	10
Reinstated	Mayor	2	3	4	8	12
	Alderman	-	1	1	2	32
	Member of Provincial Assembly	-	1	1	-	12
	Village Headman	5	12	2	2	7

As seen in Table II, 5 mayors had been suspended in 2009, 10 mayors in 2010, 17 mayors in 2010, 24 mayors in 2012 and 4 mayors in 2013. When analyzed by years; while the number of the mayors suspended had raised seriously between 2009 and 2012, the number of suspended mayors in 2013 is very low compared to the previous years. When the reinstatements are analyzed; 2 mayors had been reinstated in 2009, 3 mayors in 2010, 4 mayors in 2011, 8 mayors in 2012, and 13 mayors in 2013. Here too, there is a remarkable increase in the number of mayors reinstated between 2012 and 2013. While in a total of 60 mayors had been suspended, 29 mayors had been reinstated between 2009 and 2013. In other words, nearly half of the mayors suspended had gotten back on their tasks. When the aldermen is analyzed; as seen in Table II, 2 aldermen had been suspended in 2009, 8 aldermen in 2010, 34 aldermen in 2011, 48 aldermen in 2012 and 13 aldermen in 2013. When the reinstatements are analyzed; although there is no reinstatement occurred in 2009, one, two and thirty-two alderman had been reinstated in 2010, 2012 and in 2013 respectively. There is two times more rises in the aldermen suspended between 2011 and 2012 compared

with the number of mayors suspended. While the number of suspensions had decreased in 2013 there had been a serious increase in reinstatements. It can be said that the reason of this increase is that most of the aldermen suspended between 2011 and 2012 had been reinstated. As seen in Table II, when the members of provincial assembly are analyzed; 1 member of provincial assembly had been suspended in 2009, 3 members of provincial assembly in 2010, 6 members of provincial assembly in 2011, 13 members of provincial assembly in 2012 and 3 members of provincial assembly in 2013. When the reinstatements are analyzed; even though there is no reinstatement in 2009 and 2012, one member of provincial assembly had been reinstated in 2010, one member of provincial assembly in 2011, and twelve members of provincial assembly in 2013. There are not so high numbers in suspension and reinstatement procedures because of that the provincial special administrations in Turkey are not as effective as municipalities which are local government units both quantitatively and qualitatively.

Lastly, when the suspensions and reinstatements in respect to village headmen analyzed; in Table II, 16 village headmen had been suspended in 2009, 30 village headmen in 2010, 13 village headmen in 2011, 18 village headmen in 2012 and 10 village headmen in 2013. When we look at the reinstatements; 5 village headmen had been reinstated in 2009, 12 village headmen in 2010, 2 village headmen in 2011, 2 village headmen in 2012 and 7 village headmen in 2013.

In total, 60 mayors, 105 aldermen, 26 members of provincial assembly and 87 village headmen had been suspended in the period of 2009-2013. The number of mayors reinstated is 29, aldermen 36, members of provincial assembly 14 and village men 28 within the same period. Besides, information on the reasons of suspensions could not be reached due to the fact that they were not explained clearly. Another remarkable point in Table II is that the number of suspensions in all of the bodies in 2009 (election year) and in 2013 (year before the next election) is rather low compared with the other years. In other words, the decision of suspension by the central administration in the years of election and pre-election becomes less than the other years.

#### IV. CONCLUSION

In order for democracy to affect in a better way in country, local administrations have to be presented and also, appreciated by both public and government as required. After all, the decision-making bodies are formed by people who come with election. Therefore, while these bodies perform their duties, they should take steps more comfortably. However, that doesn't mean leaving them unattended. There must be a direct interference of central administration in countries like Turkey which embraces unitary structure when needed. Yet this audit must not go out of the frames prescribed by law due to the central administration established powerful states in Turkey's history. Since Turkey did not have a culture of efficient local governments like other European countries, as if the strengthening of local governments has created a perception of concession from central administration. If we consider that ottoman empire did not look with sympathy to local government because of the fact that it may be rival against to ottoman empire also

consider to Turkish Republic inherit administrative structure from ottoman empire, we can understand better why local government doesn't affective as much as European States.

However, Turkey has heavily try to activate Local Government in recent years while it doesn't completely want to leave from cultural codes regarding to past. While Turkey leaning towards to gain strength to local government in the aspect of administrative whereas it is stated that turkey doesn't considerably satisfied with strengthening of local government. Because politically strengthening of local government states a departure from unitary. However, the presence of unitary state structure in a country doesn't generally mean that local governments are weak in the terms of efficiency. When we consider this situation in the terms of European Countries, there are unitarian countries which have powerful local governments also there are federal governments which have less active local governments.

At this point, it can be said that Turkey employs both administrative tutelage audit in order to protect its centrist structure and tries to take steps aimed for strengthening local democracy as it influenced by the conjuncture of the world. In the constitution, it is stated that minister of internal affairs can discharge from duty to local government bodies and members of these bodies due to investigation or prosecution about them relating to their duty. From this point of view, it is state that administration structure of turkey has decentralized and comprehensive quality. As seen in Table II, while a total of 278 people had been suspended in a period of 5 years between 2009 and 2013, 107 people had been reinstated at the same time.

Even though 278 of grand total of 93553 people suspended (107 of them were reinstated) seems a low number, when considered from a different view it is seen that the fluctuations are high in certain periods. For example, the number of mayors and aldermen suspended between 2011 and 2012 had increased drastically compared with other years. Perceptible information about the reasons of suspensions in those years could not be reached. However it can be said that these fluctuations had resulted from Turkey's central administration having a strong structure. In a proportional perspective, it is seen that mayors have the maximum fluctuation rate due to its executive body of municipalities and the representative of its legal entity, have more responsibilities than the others, in Turkey. Another stunning conclusion is that less suspension decisions are made in the years when local government elections are held compared with other years. Despite the fact that the local government body who was elected for a certain time by the votes of the voters, were suspended by the central administration without consulting to the voters seems like an adversity with regards to democracy, the suspension is a normal decision, if it is clearly detected that he committed a crime whose legal framework was clearly set beforehand. Also, in some cases it can be presented as a suggestion that the public voting method can be used alternatively in making decision on suspension in order for local democracy to process more efficiently.

#### REFERENCES

- [1] Article: 127, Constitution of the Republic of Turkey, 2709, 1982.
- [2] H. H. Çevik, *Türkiye'de Kamu Yönetimi Sorunları*, Seçkin Yayınları, p. 108, 2004.

- [3] B. A. Güler, *Türkiye'nin Yönetimi-Yapı*, İmge Kitabevi, Ankara, p. 279, 2009.
- [4] Ş. Ramazan, *Yerel Yönetimler*, Umuttepe Yayınları, Kocaeli, pp. 152-156, 2011.
- [5] Y. Abdullah, "Notes on transformation of turkish public administration in the process of adaptation to the EU," D.P.Ü. Sosyal Bilimler Dergisi, S.17, Nisan, p. 2, 2007.
- [6] Article: 123, Constitution of the Republic of Turkey, 2709, 1982.
- [7] E. Bilal, *Kamu Yönetimi*, Umuttepe Yayınları, Kocaeli, p. 128, 2013.
- [8] S. Recep, *Türkiye'de Yönetim Denetim ve Devlet Denetleme Kurulu*, Ankara, TODAİE Yayını, Yayın Nu.:314, p. 4, 2002.
- [9] İ. Hüsamettin and F. Ünal, "European charter of local self-government and municipalities in Turkey," Dumlupınar University, Sosyal Bilimler Dergisi, vol. 17, 2015.
- [10] Ü. Feyzullah, *Türkiye'de Yerel Yönetimlerin Denetimi ve Yerel Yönetim Ombudsmanı*, Savaş Yayınevi, Ankara, p. 57, 2013.
- [11] E. Bilal, *Türkiye'de Bürokrasinin Sorunları*, p. 186, 2003.
- [12] K. Ruşen, *Yerinden Yönetim ve Siyaset*, Cem Yayınevi, İstanbul, p. 49, 2000.
- [13] European Charter of Local Self-Government. [Online]. Available: <http://conventions.coe.int/Treaty/EN/Treaties/Html/122.htm>
- [14] K. Hikmet and Y. Hasan, "Evaluation of arrangements about administrative supervision on 2004 municipality reform studies and a research," Gazi University, İktisadi ve İdari Bilimler Fakültesi Dergisi, pp. 1-31, 2008.
- [15] Mahalli İdareler Genel Müdürlüğü. [Online]. Available: [www.migm.gov.tr/Dokumanlar/secime\\_girecek\\_adaylar.xls](http://www.migm.gov.tr/Dokumanlar/secime_girecek_adaylar.xls)
- [16] Municipality Law, Nr: 5393, Article: 47, issue 25874, 2005.
- [17] Mahalli İdareler Genel Müdürlüğü. (2009). [Online]. Available: [http://www.migm.gov.tr/Dokumanlar/2009\\_faaliyet\\_raporu\[1\].pdf](http://www.migm.gov.tr/Dokumanlar/2009_faaliyet_raporu[1].pdf)
- [18] Mahalli İdareler Genel Müdürlüğü. (2010). [Online]. Available: [http://www.migm.gov.tr/Dokumanlar/2010%20MAHALLI\\_IDARELER\\_GENEL\\_FAALIYET\\_RAPORU.pdf](http://www.migm.gov.tr/Dokumanlar/2010%20MAHALLI_IDARELER_GENEL_FAALIYET_RAPORU.pdf)
- [19] Mahalli İdareler Genel Müdürlüğü. (2011). [Online]. Available: <http://www.migm.gov.tr/Dokumanlar/2011MAHALLIIDARELERGENELFAALIYETRAPORU.pdf>
- [20] Mahalli İdareler Genel Müdürlüğü. (2012). [Online]. Available: <http://www.migm.gov.tr/Dokumanlar/2012MAHALLIIDARELERGENELFAALIYETRAPORU.pdf>
- [21] Mahalli İdareler Genel Müdürlüğü. (2013). [Online]. Available: [http://www.migm.gov.tr/Dokumanlar/2013\\_MAHALLI\\_IDARELER\\_GENEL\\_FAALIYET\\_RAPORU.pdf](http://www.migm.gov.tr/Dokumanlar/2013_MAHALLI_IDARELER_GENEL_FAALIYET_RAPORU.pdf)



**Hakan Turan** was born in Çorum, Turkey in 1984. He finished the undergraduate level in Turkey at Muğla University, FEAS, Public Administration. Then, he was working at financial institutions for 5 years. He is still doing PhDs in public administration at Muğla University. In addition, he is working as a teaching assistant political science and public administration at Hitit University in Çorum, Turkey. His research interests are human resource, strategic management, public personnel management, administrative law and local governments.