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# Of 6360 Metropolitan Law Announcement in Rural Perception And Expectations

## ABSTRACT

As in all the world's local management has gained importance in Turkey and made various regulations. In 2012 In Turkey, a law for giving the different dimension to local governments and for the purpose of effective management by using scarce resources more effectively and efficiently was adopted along with a metropolitan law still in force, it was also intended to provide the municipality to be looked at as a professional company. For this purpose, Municipal Law No. 5393 has been issued in 2005 with the strategic plan preparation, making the work program introduced to measure the performance of municipal activities and staff. However, metropolitan municipalities and facilitated conditions have created the expectation that many have of the metropolitan city. The latest arrangement with a population of 750,000 people in the metropolitan cities and metropolitan boundaries had been extended to the province creating increased areas of responsibility of metropolitan municipality. Law 5216, introduced for the first time in Istanbul and Kocaeli, was extended to the metropolitan municipalities borders provincial territory, the new metropolitan arrangement (Law No.6360) is designated for other twenty-eight Metropolitan Municipality borders in the provincial territorial limits. Thus, service areas for Metropolitan Municipalities and responsibilities has increased with the expansion of the jurisdiction., Law No. 6360 expanding service areas along the boundaries of metropolitan municipalities, especially in the law brought to administrative units, return to the neighborhood villages losing their legal personality with the expansion of liability are discussed in our Papers. As a result, the problem for the solution of problems considered in accordance with the development of better methods of detecting was discussed; perception analysis, identifying issues around measuring the perception of stakeholders on the necessity of living was made. Especially in public such an important arrangement became not a major issue in terms of democracy and was not sufficiently recognized by the public; this study is dealing with the perception, discussion and expectations to be met, the need to have enacted participatory processes being run was also mentioned; public urban, rural, social, economic ethnic, relaxation and all the expectations of the cultural polyphony have been considered, power relations and political and important ethnic assumption have been analyzed. Management restructuring efforts and the outcomes of the new version with the province in Law No. 6360 brought by the administrative, legal and financial differences and the explanation given room for innovation as well as the metropolitan areas of management and models are investigated. Definition of the relevant article of the law, on the basis of the settlement of territorial management transition, the abolition of the municipal town, subsidiarity, autonomy, efficiency and delivery of services, guardianship, was introduced to cover implemented or empirical research results and sustainability.

**Key words:** *Metropolitan area management, City Municipality, Local autonomy, Participation, Optimal service scale, Turkey, Bursa Metropolitan, centralized decentralization, Applicability, Being perceived in the countryside, The new metropolitan, New BSB model, Service efficiency and distribution, Guardianship, Subsidiarity.*

## 1. Introduction

Ancient Greek (cite) and Rome (Municipa) is the foundation of the city of style and understanding of today's municipality. This term originated from representing the city of Rome as "Municipa" to today's "municipality" (municipality) in English. During the Middle Ages and up to Modern Age in the time, the municipality was not enjoying significant progress in Europe. It has experienced a real transformation occurred at the end of the 18th century, with the French and Industrial Revolution, with the start of transition of European farming community (traditional society) to industrial society (modern society). Strengthening the city as a center of industry and the emergence of a massive migration from the villages to the city was the beginning of a new era. Unlike previous periods in the 19th century cities, densely populated, with unplanned urbanization, they encountered problems such as air pollution and lack of infrastructure now. These problems and efforts to search for solutions has deeply influenced the European municipal and local governments and has given a new meaning (CHP İzmir İl Örgütü, 2004).

Despite the first official municipalities act in the world 2 by Beyazit, the first environmental cleaning regulations was issued during the Ottoman Empire in 1538 (Akgündüz, 2012). The term began to be used within the Tanzimat period municipalities indicating common interests and the people living in a town with a force of mutual need, destination and hence their own affairs, under the government's limits and responsibilities specified by law in the form of solving through their attorney they choose otherwise (Ergin, 1922).

The establishment of the Republic of Turkey continued until 1980 with the classic understanding of local governments, especially started economic transformation after 1980 has brought the administrative transformation. Arrangements on metropolitan municipality in Turkey is based on the 1982 Constitution. Separated from other metropolitan cities of Istanbul and other major cities with the idea that they should be governed by special methods, The Metropolitan system Law No. 3030 was issued and adopted in 1984. Turkey's first metropolitan municipalities were established in 1984 in Ankara, Istanbul and Izmir. In subsequent years municipalities were established in Adana (1986), Bursa, Gaziantep and Konya (1987), Istanbul (1988), Antalya, Diyarbakır, Eskişehir, Erzurum, Mersin, Kocaeli, Samsun (1993) and Adapazari in 2000. But the first major and important steps for enactment of Public Administration Basic Law were taken in 2003, and then the process started with the accepted 5018 Public Financial Management and Control Law taken for the realization of a wholesale change. But the spirit of the law demonstrated that these changes occur almost by changing the law on local governments for to pass laws that have been proposed. 5393 Municipal Act, 5216 Municipality Act, 5302 Special Provincial Administration Law, Law No. 5449 on Law and changes made in the law bear the traces of Public Administration Basic Law. At first, it is applied quite "in a narrow scale," attempts to expand this scale have been made in 2004, finally attempts were made to solve this integration problem arising from the expansion in 2008 (Bingöl, Yazıcı and Büyükkakın, 2013)

They have indicated the rationale for this new local government regulations; central administration and local authorities were warned from ignoring the integrity principle in a unitary structure, the aim was to clarify the structure based on the division of labor and coordination, duties responsibilities, organization of municipalities with resource sharing, financial and personnel structure and to improve again and to ensure that they have regular source of income. They have found out that the progress in their place is successful if it occurs in regulatory reform.

The developments in some municipalities in the province before the general elections held in June of 2011, indicated that the reform process in local governments continued in attempts to explain that they have to be transformed into metropolitan municipalities. By May 2012 this preparatory work was over, after intense discussion, on December 6, 2012 “The Decree Law No.6360 Ten Municipality in three provinces and Twenty-Six County establishment with some Law and the Law Amending” was enacted. Consisting of a total of thirty-seven agents of the law there were also two temporary agents and realized changes in several laws. Twenty-nine metropolitan municipalities removed the special provincial administrations, 1,592 municipalities and 16,082 villages were closed and converted into a neighborhood building so 26 new districts. In this way, 36% percent of the special provincial administration, 53% of the municipalities, 47% in the villages were removed (Güler, 2012). General structure will be built more effective and efficient on two main grounds and expressed in terms of the provision of services to be provided by law, participation in the democratic life of the structure.

Implementation of large-scale planning policies, the provision of zoning integrity, use of technology, increasing productivity and employment of qualified technical staff, will contribute to achieving efficient resource use and distribution and new structure is expected to have positive developments. The new law deals with administrative structures, financial systems, political geography, representation and participation, personnel structure, significant changes in the zoning and planning schemes and is connected with the provision of services. The social and cultural dimensions of the changes that will result in a decrease in the proportion of rural population will become apparent after application. The removal of legal entities to establish a new legal entity, administrative loyalty and name changes, mergers and participation, boundary changes and the division of powers is seen as regulations for the administrative area of the law. Regulations on financial area of the law will redetermine the share of local governments and create new distribution relationships.

## 2. Turkey's Administrative Structure

Turkey is organized in the current system, according to the decentralization policy, as the unitary state. In this case, “decentralization” is not the basic principle of the system; but there may be embodiments whose basic condition of existence is the existence of a center. The general principles of Turkey's management structure have been identified in the Constitution of 1982. The establishment and administration tasks are based on principles of “central administration” and “decentralization”. The central government is obliged to fulfill a public service to be planned and executed by state public entity. It is organized to fulfill its responsibility as the capital of the central government and local administrations. Capital organization, President, Council of Ministers (the Prime Minister, Ministers, Ministries) is composed of associates. The provincial organizations are outside the capital of Ankara, the organization has spread throughout Turkey. Peripherals constitutes the provinces and districts. The decentralization is divided into the direction towards the place and service. However, studies in which the only management towards local government agencies around the place, so special provincial administrations, municipalities and villages, decentralization of services organizations were discussed are not included in the scope of work.

Although public entities created were elected by voters, provinces governments, municipalities or villages specified by law corporate entities established to meet local needs and decision-making bodies, shown again in the law, are under the center of custody audit management. Administrative center of the local government is located in the financial and political relations in the field of central and local government relations, there are many problems awaiting their solution. However, these problem areas were not analyzed in this study. Finally, another issue that should be addressed, as amendments to the Constitution of 2013 in Turkey, is on the agenda and also the presidential system should be discussed. Accordingly, all public administrations in Turkey (both central and local governments) are covered with this law and they should start implementing the Decree on the transformation process very quickly.

## 3. Process in Local Government Regulations

There are four types of local government units in Turkey. Municipalities with more than 5,000 peoples, cities with the population of more than 750,000 people, Metropolitan Municipality, the Municipality Special Provincial Administrations. In the lower-tier municipalities of the metropolitan district and a two-tier structure in question it is in the form of first degree municipalities. There are 30 Metropolitan Municipalities in Turkey as a result of recent legislation, 501 Metropolitan Districts, there are 51 provinces and 416 district municipalities. Municipal, metropolitan municipality (located inside the district and first degree municipalities) with decision-making bodies of the provincial government comes to the election. Governor of the provincial government, which is the executive body of this unit, comes by the appointment of the central government; the municipal executive body is directly elected, mayors are appointed.

These qualities are required of local governments, taking into account shared between the president and parliament of both decision-making and executive power, it is seen that the president bears the characteristics of a strong model of local governments in Turkey. On the other hand any other organ of the local government unit concerned is the council. Assembly is a mixed body composed of bureaucrats and members of the council, an advisory body and has basically the nature of the executive committee (Ankboğa, 2007).

Modern sense in the transition to the local management system took place in Turkey in the middle of the 19th century. The first prototype of the municipal organization was established in 1855, is the first local government in the province scale experiment of 1864. Another studies show revealed that the first local council was founded in 1840. Next time, special provincial administration as a comprehensive local government unit was introduced by law in 1913, municipal organizations regained their laws in the 1930s. However, the function of the central government along with the provincial administration units started to be undertaken by these organizations, they begin to lose their effectiveness since the 1940's. In contrast, the importance of increasing the municipality powers together with rapid urbanization has increased.

The reduction of central government tutelage over local governments made by legal amendment in 1963, the local government bodies are not subject to dismissal by the central government's authority. According to the same laws and regulations, the mayor has to be elected by direct popular vote to strengthen the position opposite the city council.

In 1984, the largest settlement on the basis of the provisions of the Constitution concerning the development of new forms of management, Metropolitan Law No. 3030 made arrangements relating to the establishment and management of the municipality. Municipalities were given the zoning authority to local governments to increase their income, provided the possibility of internal and external borrowing. In the course of implementing

reduction policies in the framework of state, municipal company has expanded its field of the creation of financial autonomy, the tendering of services to subcontractors was used as method of privatization. The inspection and control mechanism used due to the increasing corruption was the biggest negative in this period.

In 1994 the breaking point in terms of understanding was the importance of the local government elections of local political parties. Examples of successful municipals, especially in areas where the attempts to create small party were successful, gave the opportunity to increase the number of their votes. However, Recep Tayyip Erdogan, who was effective for a long time in politics, at local elections 1994 was elected to the Mayor of Istanbul Metropolitan. The Mayor of Paris, Jacques Chirac, the French President in the future, and Erdogan, subsequently Ankara Metropolitan Mayor, The Chairman and the Deputy Prime Minister, prime minister are one of the most important examples of the politicians in the world, illustrating the phases they have completed in their career in politics and local governments (Koçak, Ekşi, 2010).

The 2000's were the years of reform for local governments. This adaptation to reform proceeded according to the European Union's Copenhagen criteria and there was a significant progress in this direction. In 2004, No. 5216 "Metropolitan Municipality Law" and in 2005, No. 5393 "Municipal Act" was enacted. Mayor's positions were slightly strengthened, aimed at municipality's understanding to become more autonomous and to ensure the participation of the people. Also No. 5747 "Law on Metropolitan Municipality Limits of Complex District Assembly" issued in 2008 with metropolitan established place in municipalities that have been removed, as the lower-tier municipalities by constructing some new districts, the municipality status was given only to the district. This law is aimed at more participatory and democratic managed local governments. It is necessary to recognize by the European Union that these recent changes made in the name of democracy belong to today's reflections of one of the most important western origin modernization processes experienced since the Reform.(Tanzimat).

Local elections held on March 29, 2009 were different from previous elections. In previous periods mainly mayors, karşılıklı, had a parliamentary candidate in the general election, the Justice and Development Party was the ruling party in this election (AK Party), Izmir and Diyarbakir, the main opposition party CHP Istanbul Aydın, in parliament Democratic Society Party with a group (DTP) also nominated the current lawmakers mayor in Istanbul (Keyman, 2009). Mayor candidate Çerçioğlu Özlem Aydın, has resigned from the Parliament, winning the mayoralty. These data show the importance of local elections even if the political parties in local elections were affected in the past by the overall process of political propaganda, rhetoric, rather than the general political discourse axis political leaders from local governments.

Reforms made to local governments in Turkey will go on with the positive effects provided in terms of the local democracy in the first local elections have overshadowed this new democracy and participatory process, rhetoric still indexed to secularism and ethnic polarization. (Cıngı, 2009)

In politics at local level, we will take a look at the impact on the overall political life, politics is seen as a complete school and care for the general policies of the local government. We believe that the general policy of the 2009 elections, more than ever was felt in the local elections of deputies to the Parliament (TBMM, 2010). Prime Minister, Deputy Prime Minister and 23 Parliament Speakers in Turkey have previously been mayors; members of parliament from 36 Municipality units, 52 Councillors and Members of about 27 high-level municipalities became deputies for a Legislative Term. So, about 30% of members of parliament have passed through 49 local governments (TBMM,2010).

**Table 1**  
**Local Government Legal Regulation**

1984	2003	2004	2005	2005	2012
No 3030 Metropolitan Municipalities Law On The Management	Draft Law On Fundamental Principles And Restructuring Of Public Administration	No 5216 Metropolitan Municipality Law	No 5393 Municipality Law	No 5302 Special Provincial Administrations Law	No 6030 Thirteen Provinces And Metropolitan Municipality Law Amending Some Laws And Decrees With The Establishment Of The Twenty Six County Districts

#### 4. 6360 Metropolitan Law Announcement

Major studies on how to manage the city were made and laws for to manage effectively were issued in Turkey. 5216 Metropolitan Municipality Law issued in December of 2012 and especially the Law No. 6360 amended with several laws will be evaluated to determine the features of the new system; all cities and rural areas of impact will be discussed. The latest regulations are to reinforce the significant management, administrative, financial changes in terms of the presentation of the political and public service; a number of metropolitan municipalities in Turkey removed the city administrations in 29 cities, villages and towns; they were transformed into the neighborhood.

##### 4.1 Rationale for the Law Numbered 6360

How discussions on the management of metropolitan cities should be started, managerial responsibilities should be given to urban areas. United States, Canada and France are examples of countries where the expansion of the metropolitan scale management (Cınar, Ciner, Zengin, 2009) took place between 1950 and 1992; 19 European countries have decreased the total number of local governments. This radical restructuring, mainly rapid urbanization, structural, social and economic changes in service delivery has been strongly linked to the efficiency (Rydergard, 2012). The activity of the local government system in the country's management system in big cities of Turkey is defined and evaluated by the "metropolitan" Law No. 3030 dated 1984 and is different from other cities (Tekel, 2002). After this time, "metropolitan" is not the city's size; a special management system (administrative system) is to be understood under this term. The growth of cities has led to the emergence of new problems. No. 6360 Law will provide a top view of the city and ease the coordination in solving the problems that came with the growth, secure efficient use of resources, enable the investments and ensure that services are carried out in coordination and integrity. On November 12, 2012 No. 6360 Law "On Municipality of Twenty-three cities and the Amendment of Certain Laws and Decrees Establishment of District Six" was adopted. With the scope of Law No. 6360, Aydın, Balıkesir, İstanbul, İzmir, İstanbul, İzmir, İstanbul, Mardin, Muğla, Tekirdağ, Trabzon, Şanlıurfa, Van and the town council of the Army, were converted to the metropolitan municipalities.

The law has been established in 13 cities in the new metropolitan municipality province, 30 was the total number of metropolitan cities and metropolitan municipalities that have been removed SPAs and extended the city limits, established new districts. Municipalities in the municipality of the town with the population of less than 5,000 people were closed and were converted into a neighborhood with villages. Depending on the civilian administration of 30 cities, Investment Monitoring and Coordination Directorate was established, it was reorganized by central government.

**Table 2**  
**Municipal Comparative Numbers**

Local Government	Law No.6360 Before	Law No.6360 Before
<b>Metropolitan Municipality</b>	16	30
<b>Metropolitan District Municipality</b>	143	501
<b>Province Municipality</b>	65	51
<b>County Municipality</b>	749	416
<b>Borough Municipality</b>	1977	395
<b>Total Number Of Municipalities</b>	2950	1392
<b>Total Number Of Special Provincial Administrations</b>	81	52
<b>Village Administrations</b>	34283	17720

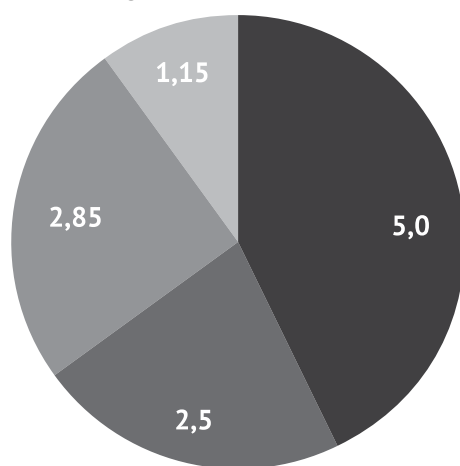
#### 4.1 Reorganiation of the Division Duties and Powers

Metropolitan municipalities and counties share the basic principles concerning the duties and powers between municipalities regulated by the No. 5216 Municipality Act issued in 2004. By law, metropolitan municipalities are equipped with wide authority in the task of meeting local needs. (Bingöl, Yazıcı, Büyükkakın, 2013). Metropolitan municipalities task scope includes snow-fighting work, the village square and the construction of the road connecting the village to district carriageway, advertising and advertising jobs in the road connecting the village to district highways, garbage collection, marriage, funeral services, roads and the remaining construction work outside the BSB authority. By law cargo and passenger terminals indoor and outdoor parking, cleaning services, wholesale markets and slaughterhouses, the authority of related services and burial cemetery was transferred to the District Municipality.

For the new metropolitan municipalities a limit for the increase in appropriations in order to enable them to provide more efficient rendering of metropolitan and district municipalities services was established. The law also makes changes to the share they receive from the general budget tax revenues. Adopted in the year 2008, No. 5779 CITY Municipal Administration and the General Budget Revenues Law contains the following on the Share Issuance in the second article: “a share of the total is given to city administrations and municipalities on tax revenues to the general budget collection. Share of the total general budget tax revenues is calculated on the net amount remaining after deduction of tax refunds. The general budget tax revenues total of the collection; the municipalities get more than 2.85 per cent, the metropolitan district municipalities get 2,50’s percent and the city special administration – 1.15 percent.

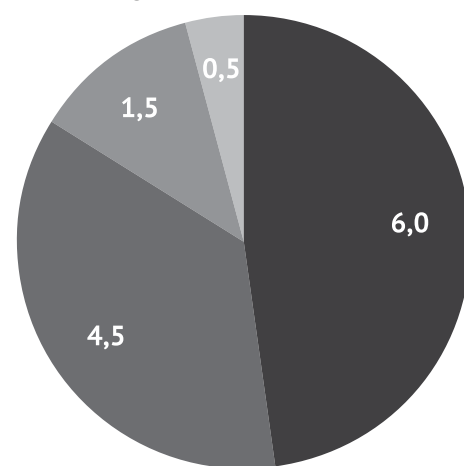
The most important regulations imposed by Law No. 6360, was reorganized again according to the relevant share of local governments. Article 25 of the law: “the general budget will give into administration 1,50’s percent of total tax revenues to municipalities outside the metropolitan, 4,50’s percent of metropolitan municipalities in the county and 0.5 percent of the divided city.” Similar arrangements were also made; the increase in imported denominator of metropolitan municipalities in the General Budget Tax Revenues (GBVG) can not exceed 20% of the interest accrued in the same month of the previous year. The excess of the rate of increase is less than 20% for the metropolitan municipalities, there is no limitation on distribution not exceeding this rate. This provides a significant advantage for more tax collection in crowded metropolitan municipalities.

**Graph 1**  
**General Budget Revenues Collection Sum of Sharing Ratio Law No. 5779 (2008)**



■ Metropolitan Municipality  
■ Metropolitan District Municipality  
■ Other Municipality  
■ Special Provincial Administration

**Graph 2**  
**General Budget Revenues Collection Sum of Sharing Ratio Law No. 6360 (2012)**



■ Metropolitan Municipality  
■ Metropolitan District Municipality  
■ Other Municipality  
■ Special Provincial Administration

The newsletter of Turkey Union of Municipalities has published the opinions on the law. Local government units producing large-scale service can be equipped by the law with advanced technology, which can be utilized by qualified technical staff, the service will achieve efficiency, ensuring effective use of resources to be sent from the central and harmonious development practices in cities. By law, improvement of service quality, integrated planning to opportunity, personnel, financial resources and services to produce the increase in capacity,

service delivery are to be rendered in the same standard to the citizens living in different parts of the city; water and sanitation, environment and waste management, local services such as firefighters, are to be rendered effectively and efficiently at the city level. Ensuring the use of economic, social and infrastructural effects of the major projects of the different parts of the city is projected to be realized taking into consideration the characteristics of these regions. No matter how the services to villages and rural areas taken before the law will then be taken to the addition of the possibilities of metropolitan municipalities. In addition, they will unavoidably move the selected municipalities to responsibility in providing more services.

### 4.2 Law Critiques

Another critique of the city based on the centralized management principles concerning the law was represented; decentralization is essential to management in case of managing (Güler, 2012). So the management scale of “management” or “state government” could also reveal a situation that evoked in (Çukurçayır, 2012). The most controversial aspect of the No. 6360 Law is this arrangement. In the city scale is claimed to be the first step of a presidential form of government based on the structure of the state system (CHP Yerel Yönetimler Bşk, 2013).

On the other hand, made a regional administration of the legislation, there are opinions that said the federation trial or political autonomy intention to move (Görmez, 2012). Moreover, the power to make laws that allow the sovereignty unless a regulation which requires shared with local or regional authorities, can not be transferred from the federation, therefore, it is stated that this is not such a feature of the new law (Keleş, 2012).

Law of the European Local Government Autonomy Charter prescribes appropriateness (subsidiarity) principle, combining the possibilities in terms of service integrity, improvement of quality, economy and it should be evaluated with features such as the development of democracy, in response to the concentration in a particular region of the allegations, everyone’s government is in the contemporary local management approach. Otherwise it would not be possible to accept the constitutional equality and units of our country in terms of structure and services, vehicles not produced, it is stated only concerning the municipal services of the said new legal arrangements (TBM, 6330...).

Different opinions about the constitutionality of the law conformity with the Constitution have been proposed. Constitutional amendment stating that the abolition of the special administrative law with the city and district municipalities and villages without it would constitute an unconstitutional state of converting approaches in the metropolitan district municipalities based on Article 127 of the Constitution. According to this view, the related article gave permission not for “special management style” of the establishment of the “big cities”, but for “larger urban centers” (Görmez, 2012). On the other hand, there are opinions expressing doubts that the law is constitutional (Toprak, 2013). The application to the Constitutional Court put in by the Republican People’s Party got a prompt response, the Constitutional Court has decided on the day of 09/12/2013 the laws and decisions taken as being unconstitutional. (TC Anayasa Mahkemesi, ...). As a contribution to democracy in the sense of the new Municipality Act, there are opinions stating that it contained significant changes. Contemporary local management approach makes it essential that the government has promised to everybody. This law limits the Metropolitan taken into villages in the planning of major cities and the regulation will have a say in the management of participating in the elections (Kuru, 2014).

### 4.3 Evaluation of LAW 6360

When the local election results were announced, a claim was initiated on March 30, 2014, that this law will bring the trend of regionalization and undermine the unitary structure of Turkey. The rhetoric that the law is unconstitutional resulted in an application to the Constitutional Court; according to the court’s decision, law was not contrary to the Constitution. The legal regulations would improve the quality of the combination of possibilities in terms of service integrity, that is considered to be the requirements of the development of democracy.

Removal of one-stop service activity of City Administration will be implemented and they will be carry out their duties, it is an important step in terms of efficiency and resource utilization. Larger villages will also be taken into effective planning and organizing major cities. Approximately 77% of Turkey’s population and 51% of the area shall be governed by this law. The law also called “Centralized decentralization / local in the centralization of law” has tried to strengthen understanding with decentralized local government. General Budget Revenues and collection ratio of the Metropolitan have been increased to 6% or more from 5%. Development applications will be planned in the projects to be held in the village. This project will be paid by the relevant ministries. To make these arrangements was an important step in the reform of local government and the following steps are expected to shed light on the reforms to be made.

The village government, although the oldest government departments, is the most neglected in local management system. The achievement of a legal entity of the Republic took place with the village administration. Regulations relating to the organization of the local government unit of villages were introduced by Provincial Regulations 1864. In some embodiments, made in the last period of the Ottoman Empire, the village organs, their formation forms and tasks specified have been mentioned for the first time. Then though some changes have been introduced in a regulation dated 1870, a legal entity was not given to the villages. A legal entity was given to village administrations in the Republican era, with the 1924 Act No. 442 aimed at rearranging the village (Keleş, 1994).

According to the Law No. 6360 on city private management in the province, which has established Municipality, village municipalities and legal structure of the village is coming to an end, it will also be converted to a neighborhood of the district the municipalities and villages are affiliated in. In addition, a rule has been introduced if the number of villages dropped below 500 villages and a population of neighborhoods also increased, “the population can not be installed in residential neighborhoods below 500 villages”. These settlements in the case, are intended to establish a common neighborhood combined with the closest settlements.

## 5. Converting Village Neighborhood Into Legal Personality

Village; By Constitution it is defined as a local government unit; in accordance with Article 127 of the Village Law No. 442 and pursuant to this Article it will have legal personality. Legal entity that has the authority to represent the village administrative units represented by village headmen and elders of village. By Village Law No. 442 villages have been determined in accordance with the tasks. Under this law, many tasks are given to a governing body of the legal personality – to the village elders. However, according to the Council of Ministers, “Unions village services” can be created in the villages.

No. 6360 law was entered into force in fourteen cities debüyükşehir Municipality and twenty-seven District Establishments with some Law Amendings; in accordance with the third paragraph of Article 1 of this law, said cities and villages lost their status; it was converted into neighborhood status and the district municipalities where they participated were also affected. Decreased duties were required by law from the former village headmen. “In this case, particularly the old village / neighborhood was the great tasks for the new headman with the rights

and responsibilities of citizens living in these villages; they are tied to the duties and responsibilities of no more existing municipalities” (Kuru,2014).

With district municipalities Law, such a neighborhood of the village and metropolitan district remains within the municipal boundaries. In this sense, citizens living in one of the villages in the district or metropolitan district have the same rights and responsibilities. Under law, village residents will be subject to estate tax. “The villagers (to start after 5 years) will pay property tax according to the metropolitan tariff (0.2% for houses, 0.4% for other buildings, 0.2% for the land, 0.6% for land). Property tax is to be paid for the mill and village rooms, farm buildings belonging to the village and the village association, cold storage, bath, laundry“(31). However, that will change in water supply charges, environmental taxes and in roads, sewer and water facilities and participation in the municipality repairs and participation in road repairs payable by the owners of real estate on both sides of the expanded path. Defined in the legislation as the obligations of people living in villages and turned into new neighborhoods, tax liability and fees were introduced. The tax and fees will be charged, as examples the following are to be mentioned: advertisement tax (signposted tax), fire insurance tax, occupation fee, the details for taxes and fees are under processing.

According to the 15 paragraph of the Law, temporary Article 1, “This law is valid for entities in removed villages by following the date of entry into force of this paragraph 1319 dated 29/7/1970, on Property Tax dated 05.26.1981 with the property tax should be charged according to the numbered 2464 law and Municipal Revenues not received for five years should be taken in accordance with the No. 193 Law on taxes, fees and contributions dated 31/12/1960, third paragraph of the tax first paragraph of Article 9, fifth paragraph of the first paragraph of the first paragraph of Article 23, fifth indent of the first paragraph of Article 66 provisions will continue to be applied until 12.31.2017. This fee determined to exceed 25% of the lowest tariffs for five years will be in place for drinking and potable water. Metropolitan Municipality Act of 5216 abolished the village legal entity converting places into neighborhoods with temporary Article 2. Fees and taxes referred to above will be in force within five (5) years. In addition, drinking water (network) fee will be charged for the five (5) years to be determined for the lowest rates to exceed 25%. Living in this village means in other words to stay temporarily, so the day of 31.12.2017 will be the date of coming into force.

In the villages turned into neighborhoods, if the construction work for the new building is now in progress, building permit from the municipality, construction permits should be obtained,. According to the law, commercial purposes structures were opened to request you to apply to district municipalities or county municipalities into the metropolitan municipalities of the region in accordance with the zoning regulations in force, traditional, front of the cultural and architectural features to make the appropriate type of architectural projects. Standard plan architectural projects with the relevant necessary engineering projects can be implemented in accordance with the municipality. Such project is provided free of charge to applicants and applications are controlled by the municipality concerned. For these structures, there is no need to acquire a building permit or building permit use. These buildings have clearly underlined that the company has received a license number and so is licensed.

To sum up; in terms of Law No. 6360, “village” in metropolitan cities no longer meets the definition of a settlement, the people here have already entered the situation of people living in cities being built in the village, they want to come out at a time. Surely village in practice, it may seem like the neighborhood will be formalized in the neighborhood location. In this context new district headmen are faced with serious tasks. Because to take account of the Law No. 5390 ex officio in accordance with state and district municipalities is a serious task. The headmen exercise their rights and responsibilities for improving the conditions of the neighborhood in the district, they are improving themselves on this way. In addition, people of the village where the rights holder is exempt from the many responsibilities of urban inhabitants for over five years have already won.

## 6. Issues of the Rural Villages

According to Article 7 of Law No. 442 on Rural villages, legal persons may have movable and immovable property. By the same law, paragraphs 2 and 3 of Article 44, the Village Council may, if it deems necessary, purchase immovable property within the village boundaries. If you are buying land which is owned by other institutions and organizations, by cash or installments, you can not sell the land to the peasants. According to Article 1 of the Land Registry Law, the village headman represents the entity at the village’s land sales in the process. According to the laws of the Annex 9 to Article 12, the village council of elders of the village headmen, taking a positive decision on village settlement plan is connected with the approval of the civil authority. Appendix according to Article 13, “the village on behalf of the legal entity, according to village settlement plan, may sell at fair value with the decision of the council of elders plots up to 2000 m2 without a home for residing in the village registered for the village population. It is stated by the provision, that the sales price is collected in advance or up to 5 years and in 5 equal installments, to be deposited in the ballot box to be used in rural development works in the village”.

According to the No. 6360 Law also villages that gets into the boundaries of the municipality will be closed and the neighborhood will become a legal entity as immovable selling and taking authority to the scope of 3194 Act, the authority for development plans in this area is given to municipalities, real estate buying opportunity for villagers who have needs in the village will disappear. In this case it may result in the grievances of landless peasants.

According to the No.4706 Law article 4 / d, outside the boundaries of the municipality and adjacent areas, of villages, hamlets located within the settlement area having the area of 5,000 square meters and up may be sold directly at fair value to the real users, their legal or contractual successors. It was established by No.4706 Law, that the population of the village registered as per 31.12.2000 belongs to the village resident, on 18.07.2001 a provision of law entered into force regulating purchase of immovable and hamlets in settlement area located within the boundaries. Due to provision of law Law No. 6360, treasury peasants in villages were not able to exercise their rights to purchase land, so the Law No. 4706 should be applied. According to Article 2 of the Law on the village the following is defined: “Mosques, schools, grassland, pasture, scattered houses, orchards and gardens and coppice and village people sitting together on the field constitute the village”. Section 16 / B of the Cadastral Law No. 3402 defines the Public Goods as follows: “Pastures, summer, winter pastures, grazing, harvest and market places as allocated or public property as evidenced by the advantage of the documentary or expert or witness statements since my woman is restricted, parcel number given surface area and such immovable property is recorded into the special register. According to Article 4 of Law No. 4342 Pasture; “Rangeland, pastures and the right to belong to one or more of overwintering village or municipality”. The provisions of Act No. 6360 should be adapted in a dynamic manner to the needs of that village pasture, pastures, the issues are to be discussed how to use the medium goods as winter quarters in the village, particularly now when the contentious availability has come, the problems not being discussed will increase.

Despite 6360 Law No. 16 of material in the forest villages, they will continue to exercise their rights within the framework of Rangeland Act; by Law 6360 previously only immovables could be used to the needs of that village, now as it ceases, the villagers have no authority to save on the real estate, how they can use their legal ownership is now the arguable case. In addition, the 6292 Law No. 2 / f and 8/5 materials are taken into account, wooded areas located within the village boundaries, pastures are losing increasingly their nature of rural areas so as to increase their agricultural quality, 2D space zoning applications to concrete sites have to be made, which will lead to rent.

On the other hand, the village pasture for rape, is a crime according to the Turkish Penal Code Article 154 and 6 months to 3 years imprisonment and fines of up to one thousand days are given. Rape made to the remaining pasture within municipal borders is to be regarded as offense under Article 154 of the Turkish Penal Code No. 3091 was covered by the law men-i being subject to interference proceedings (Yargıtay 8.CD 2009/3185 E. 2011/4740 K. Sayılı karar).

The village will now be located within the municipal boundaries of pastures with Law No. 6360, when a rape crime should be exposed, the protection will be weak, the damage will also increase.

According to the Village Law No. 442 and 3402 No. of Cadastre Law 16 / A on the village service goods, school buildings, village halls, health care facilities, libraries, mosques and public cemeteries, fountains, wells, roads, close to the Greek places of prayer, squares, market places, parks and gardens and similar facilities can be described as village legal personality and are registered in the name of the local administration units. Due to the temporary Article 1 of Law 6360 subsection No. 26 to the village associations of local authorities will be closed for to provide and the legal entity will be liquidated. Thus, Law No. 6360, which was registered with previously only real requirement that the name of the village should be in accordance with legal personality or services on behalf of unions, stands out from its use (Osmanoğlu, 2012).

### Results

With the Law 6360 No. Amending the Decree of the territorial boundaries Metropolitan Municipality in three cities and Twenty-Six County establishments with certain laws and administrative borders will benefit from the services of all stakeholders living in the sprawling metropolitan municipalities and will certainly increase the effectiveness. However, depending on the distance to the city center, according to the state of development or different facts that may be in question they all will equally benefit from the service because of their political tendencies. The law for metropolitan borders has been introduced three years ago and those, who residing in the villages turned into districts, do not have the obligation compared to those living in the city.

The satisfaction of the services provided by local authorities should be improved for all stakeholders and one of the modern governance tools is to offer a different set of tasks with public services outside of the law. To continue with the sick and elderly care services: although most of the duties are assigned to local governments, a municipality can not legally provide these services. A new management model with increased participation at the public administration should be discussed, but also the correct increasing service expectations due to age requirements and scarce resources are to be determined, it would improve the satisfaction of all stakeholders, but these expectations are to be configured correctly in order to be satisfied.

Politically priority than the concerns of the different rural new regulations must be clearly demonstrated; the way for urban, social economic, ethnic and cultural groups to exclude the affection of the participation and pluralism, would be opened because this would satisfy the possibilities expressed in terms in which the principles taken into account result. This arrangement, in terms of efficiency and power relations as well as the terms of service will scale the results which are certainly not to be ignored. The event will serve as the defense of this law. But it should be noted that it will not be very accurate for each service.

Law returns in terms of service to the greater effectiveness of management in rural areas although local governments will rather more need to create a new layout. Legally, it remains in the rural areas not known, but for all living in these settlements and maintaining its identity as a form of production, Bütünşehir Metropolitan Municipality's services are unexamined perceptions and expectations connected with the new name. Especially before and after removal of the law there were not enough many public debates to inform the stakeholders of local authorities on duties, and so it is perceived as being not full of legal liability. Therefore it is not known, how the interaction between the public and rural (new urban) should be proceeded. Not to much public debates and then it was done enough for a regulatory disclosure and participatory processes will cause some confusions in terms of application and it is expected that difficulties may arise.

Local governments must begin to offer their services in rural areas without interruption. Today, we believe that for those living in rural areas and brought back the service obligations may be considered as burden and the burden would cease to exist with the response time cutting and creating great value and satisfaction to the contrary. There is no evidence for temporary agents as indicated in paragraph 24 of the 6360 Law; "Istanbul and excluding Kocaeli metropolitan, metropolitan district municipalities and its administration have separate investment budget of at least 10% for ten years for infrastructure services and use under this Act of the settlements included in the municipality". So legislative infrastructure services for the separation of these villages has provided a serious budget.

There is a Metropolitan study on the perception of the end of the Law No. 6360 among people living in the village converted into a neighborhood with the law. As a result of that perception analysis will be provided to reveal the weaknesses of the law. After fixing the problem the solutions will be more clear. Maybe the new rural area will be established as a result of the need for a local government scheme in our study. A new layout of the local government Bursa Nilüfer Municipality was created after the Metropolitan Law No. 5216 was put into force. Municipalities have been added back in five Municipalities closed after the 2009 elections. Although it is not the law for to improve service delivery in closed Municipalities, is assigned a representative to the council. This agent works as Nilüfer Municipality President's deputy, to collect the Demands of the residents of the town, to disclose the municipal services and to track that demands at the same time. Thanks to this system satisfaction of citizen was increased and it also facilitated the integration of people living in rural areas to the city. This arrangement has been made, although successful realization is implemented in a systematic manner.

According to data of 2010 provided by Turkey Statistical Institute: before the law No. 6360 was adopted, Bursa Metropolitan has 17 districts and 659 villages of the municipality (Source 3). The survey research was made only for 510 villages. Another constraint is, when there are 30 metropolitan municipalities in Turkey, to have only Bursa Metropolitan of sample commissioned survey with having taken account of the municipality actually compared to the population living in that area; there are very few in the Metropolitan and it can be considered as a factor limiting the other to remain below. Determination of the group that is descriptive research in rural areas, what-, why-, who- studies will be analyzed according to the answer by asking questions. Research results in the descriptive survey: the income of that person, gender, age, monthly income, marital status, number

of children, education level, social and economic structure of the metropolitan in puncto what kind of services is expected to be received from the municipality? And while it is obliged to do, whether people in the rural municipality do know that such services are in existence? Do Metropolitans have news from the Department of Rural? Does the public know about it? What is expected from Metropolitan? What services might be provided to them? The answers provide to these questions have been analyzed for citizens in rural, which must be bonded to achieve a synthesis. Universe of descriptive research and survey research in the sample will be selected according to scientific criteria (to measure the perceptual dimension), understandable result were obtained with the systematic and quantitative data provided to measure categorical perception.

No. 6360 municipal Metropolitan law was adopted for the city's integrity, its provisions and innovations are known enough by the citizens in the countryside and that is a serious perception and lack of relevant law to succeed and the determination of expectations known by the citizens in terms of effective implementation and for to prevent the perception impairment by the facts discussed. These considerations have been applied to Bursa, one of our big cities. The output of the study: people will wait for the spatial arrangements. Perceptual information and expectations contained in rural and metropolitan law is aimed at success of municipalities in terms of efficient and effective implementation. Metropolitan area needs to be well managed, urban areas or regions should be able to control the size. A city may not correspond with the actual size of the city, so it can not be described as metropolitan. In urban areas with different characteristics, different management models should be applied. It's not enough to be perceived by the public recognition of significant editing, and enact them without knowing the full meaning of the participatory process in terms of both democratic practices formed and challenges having been clearly emerged.

The first analysis from the academic perspective with all the plus and minus mentioned above, has been represented. Decision-makers, the law makers and practitioners have to develop all this practically to meet the needs of our country in the best way and to pay attention at this matter for the benefit all of us. Local elections in March 2014 have been won by force of Law No. 6360 as the necessary adjustments are to be issued with additional more effective legislation and regulations with more functional content. The vast majority of our population, will directly be affected in the future by their implementation, the possible initial requirements of this law are of common sense and are in the public interest (Parlak, B.).

#### References:

1. Bingöl, Y.; Yazıcı, E.; & Büyükakın, T. (2013) İl sınırında Büyükşehir Modeli Kocaeli Deneyimi. *Kocaeli Büyükşehir Belediyesi Basın Yayın Halkla İlişkiler Daire Başkanlığı Yayınları, Yayın, 38(1)*
2. Ergin, O.N. (1922). *Mecelle-i Umur-i Belediye*. İstanbul, 1
3. CHP İzmir İl Örgütü. (2004). *Türkiye'de ve Dünya'da Yerel Yönetimler Kısa Tarihçe, Aydınlanma 1923, 51,*
4. Akgündüz, A. (2012). *Osmanlıdan Günümüze Belediyecilik Konulu Seminer*. Retrieved from: <http://www.kocaeli.bel.tr/icerik/dunyada-ilk-resmi-belediye-kanununu-osmanli-cikardi/396/26609>
5. Güler, B.A. (2012). *Hükümetin 8 Ekim 2012 Günlü Bütün-şehir Yasa Tasarısı Üzerine. Yerel Yönetim Araştırma Yardım ve Eğitim Derneği*. Retrieved from: <http://www.yayed.org/id256-yayed-gorusu/hukümet-yerel-yonetimden-vazgeciyor-prof-dr-birgul-ayman-guler.php>
6. Arıkboğa, E. (2007). Türk Yerel Yönetim Sisteminde Reform ve Yeni Kamu Yönetimi. *Kamu Yönetimi Yazıları*. Nobel Yayınları, 4, 27-42
7. Koçak,S.Y. & Ekşî, A. (2010). Katılımcılık ve Demokrasi Perspektifinden Türkiye'de Yerel Yönetimler. *SDÜ Fen Edebiyat Fakültesi Sosyal Bilimler Dergisi, 21, 295-307*
8. Keyman, E.F. (2009). Yereli Olmayan Yerel Seçimler. *Radikal Gazetesi Tarihli Köşe Yazısı*
9. Cingi, A.. (2009). *29 Mart Yerel Seçimleri; Bir Dönemin Sonu mu?* Retrieved from: [www.sodev.org.tr/Dosyalar/yerel\\_yonetimler/2009/YSD-aydin\\_cingi1.pdf](http://www.sodev.org.tr/Dosyalar/yerel_yonetimler/2009/YSD-aydin_cingi1.pdf) (11/01/2010)
10. TBMM Web Sayfası Milletvekili Özgeçmişleri (<http://www.tbmm.gov.tr/08/02/2010>)
11. Çınar, T., Çiner, C.U., & Zengin, O. (2009). *Büyükşehir Yönetimi Bütünleştirme Süreci*. Ankara: Türkiye ve Ortadoğu Amme İdaresi Enstitüsü Yayınları
12. Rydergard, E.H. (2012). *Belediyelerin Birleştirilmesi Teori, Metodoloji ve Uluslararası Deneyimler*. TUSELOG
13. Tekel, A. (2002). Metropolitan Planlamanın Önemi ve Gerekliliği. *Çağdaş Yerel Yönetimler, 11, 44.*
14. Büyükşehir Kanunu. *Türkiye Büyük Millet Meclisi*. Retrieved from: [http://www.tbmm.gov.tr/kanunlar/k\\_5216.html](http://www.tbmm.gov.tr/kanunlar/k_5216.html)
15. Çukurçayır, A. *Büyükşehir yasa tasarısı ne şekilde okunmalı?* Retrieved from: [http://www.radikal.com.tr/yorum/buyuksehir\\_yasa\\_tasarisi\\_ne\\_sekilde\\_okunmalı-1108110](http://www.radikal.com.tr/yorum/buyuksehir_yasa_tasarisi_ne_sekilde_okunmalı-1108110)
16. CHP Yerel Yönetimler Başkanlığı. (2013). *40 Soruda Yeni Büyükşehir Belediye Yasası*. Retrieved from: <http://www.chp.org.tr/yerel-yonetimler/pdf>
17. Görmez, K. (2012). *Yerelleşme-merkezleşme geriliminde büyük-şehir yası*. Zaman.
18. Keleş, R. (2012). Anakentlerin Dünü, Bugünü ve Yarını. *Kentsel ve Bölgesel Araştırma Sempozyumu-3, 6-7 Aralık, 2012*. Ankara: Gazi Üniversitesi.
19. Türkiye Belediyeler Birliği Bülteni, ..... *Ekim-Kasım, 774-775.*
20. Toprak, Z. (2013). Türkiye'nin İdari Yapılanmasında Yerel Yönetimler ve Felsefesi. *Güncel Sorunlar Işığında, Türkiye'de Yerel Yönetimler, Yerel Yönetimler Sempozyumu, Yenimahalle Belediyesi, ODTÜ ve TUIÇ düzenlemesi, tebliğ olarak sunulmuştur*. Ankara
21. Anayasa Mahkemesi, T.C. <http://www.anayasa.gov.tr/Gun-dem/Detay/507/>
22. Kuru, H. (2014). 6360 Sayılı Kanun ile Mahalleye Dönüştürülen Köylerin Durumu, Belediyenin, Muhtarın ve Köy Halkının Görev, Hak ve sorumlulukları. Retrieved from: <http://www.akhisarhaber.com/6360-sayili-kanun-ile-mahalleye-donusturulen-koylerin-durumu-belediyeni-688yy.htm>
23. Osmanoğlu, İ. (2012). *Mahalleye Dönüşen Köylerin Taşınmazları*. Retrieved from: <http://tapu-kadastro.net/index.php/makaleler-2/diger-tapu-kadastro-2/523-mahalleye-doenuesen-koeylelerin-tasinmazlari>
24. Çelikyay, H. (2014). *Yeni Büyükşehir Yasası Perspektifinde 2014 Yerel Seçimleri*. SETA Perspektif, 48
25. Parlak, B. (2013). *Yeni Büyükşehir Belediye Yasasının Analizi*. Retrieved from: [http://www.bursa-yerelyonetim.com/index.php/yeni-buyuksehir-belediye-yasasinin-analizi/\(20.02.2013\)](http://www.bursa-yerelyonetim.com/index.php/yeni-buyuksehir-belediye-yasasinin-analizi/(20.02.2013)).