

Turkey's Unheard Voices | 

The Role of Local Governments in Turkey's Legal Framework: Autonomy and Limitations

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Abstract

The 1982 Constitution establishes local government as an institution in Turkey through Article 127 which grants municipalities special provincial administrations and villages the authority to administer services that meet local needs with elected councils and financial independence. The government enacted numerous reforms between the 1980s and the 2000s because of its commitment to the European Charter of Local Self-Government which aimed to boost the independence of local authorities in administrative and financial matters. The system of administrative tutelage establishes central authority control over local governments through appointed prefects and ministries which frequently restricts local self-governance. The process of recentralization demonstrates a pattern where central authorities gain power over urban planning and budgeting which threatens democratic representation. The research demonstrates the Turkish unitary state structure together with its history and current politics maintain a legal system that restricts local autonomy for the sake of national unity and limits both judicial oversight and citizen participation which results in persistent obstacles for effective local government operations. This study analyzes how Turkish local governments function within the legal domain by examining their independence versus the strict limitations placed by the central authority.

The Legacy of Centralization: Early Local Governance in Turkey Before 1982

The evolution of local government in the Turkish legal system began long before the establishment of the modern republic, drawing on the Ottoman administrative tradition and subject to subsequent reforms. In the pre-20th-century Ottoman system, there was a decentralized type of administration where there was local government provided through an administration of communal and religious monks or officials, as well as appointed officials at the overall direction of the Sultan. Towns and villages were governed by local councils or notables with considerable independence to handle local affairs such as taxation, justice, and public works but always under the general monitoring of the imperial administration.

The Tanzimat reforms of the mid-19th century marked a watershed, introducing a more formalized structure of local administration. In 1854, the establishment of the Istanbul Municipality (İstanbul Şehremaneti), is widely regarded as the start of modern municipal politics in Türkiye. During this period, efforts were made to modernize the administration, drawing from European models, to build the central state while providing the minimum level of local power. The 1876 Constitution, although brief and narrow in scope, set the stage for the recognition of local administrative subdivisions, although still under the authority of the Sultan. Local councils came into being, elected to oversee services such as education, health, and infrastructure, but their jurisdiction was limited by appointed prefects that controlled national interests.

The collapse of the Ottoman Empire after World War I and the subsequent War of Independence (1919–1922) provided a situation for a new political order. The establishment of the Turkish Grand National Assembly in 1920 and the adoption of the 1921 Constitution evidenced a movement towards national sovereignty, giving major emphasis to a unitary system of government. This constitution provided some of the local councils with administrative powers to administer public services but these were tightly controlled by central powers to maintain unity in wartime and foreign occupation. The abolition of the Sultanate in 1922 and the Caliphate in 1924 further centralized power, further eroding the role of traditional local notables.

The 1924 Constitution, which replaced the 1921 one, maintained this trend by reemphasizing national sovereignty and encouraging secular governance. It established a legal system wherein local government—municipalities, special provincial administrations, and villages—had fixed functions in serving local needs, such as health and education, but remained strictly under central authority. Constitutional amendments in 1928 and 1937 made the system even more secular, with the objective of building a modern, centralized state along

the lines conceived by Mustafa Kemal Atatürk. Local democracy was negligible during this period, and the councils elected were rather a prolongation of the center's policy than representative.

The mid-20th century was marred with problems. The transition towards multiparty democracy in 1950 broadened political participation but retained local governments within a top-heavy central state structure. Military takeovers, such as those of 1960 and 1971, imposed constitutional amendments that solidified executive powers alternately while restricting rights, including those of local governments. The 1971–1973 amendments, for instance, aimed to restore order against political violence and economic chaos, further deepening central control and limiting local autonomy. Throughout the decades, this conflict between central power and local initiative remained, paving the way for later radical legal reorganisation under the 1982 Constitution.

This context of history suggests a gradual evolution away from Ottoman decentralization towards a regime of centralized republicanism in which the local authorities gained administrative powers but were always circumscribed by the need to sustain national unity and state authority. The foundation was therefore established for the postmodern legal system, within which autonomy would be contested and determined, driven in part by the legacy of these early evolutions and the needs of modern government.

Roles of Government in Turkey's Legal System

The legal system of Turkey, founded on the unitary system of the 1982 Constitution, defines an ordered interplay of functions between the government branches of Turkey, combining centralized power and restricted local government. Presidency, judiciary, and Grand National Assembly are the foundations of this system, each charged with distinct functions—executive governance, judicial oversight, and lawmaking—while local governments manage matters of the community under tight central supervision. Constructed by experiences of historical change, ranging from Ottoman decentralization to modern republican centralization, and recent transformation like the 2017 shift to a presidential system, this model is a reflection of Turkey's eternal search for integrating the nation and democratically engaging it. Up to May 24, 2025, recentralization and local self-determination issues still shed light on the shifting roles of the government in this legal framework.

The legislative power is vested in the General National Assembly of Turkey (Türkiye Büyük Millet Meclisi) which is a unicameral body elected by universal suffrage every five years. It has around 600 members and its essential roles are mainly: enacting, repealing, and amending laws; deciding on the national budget, and but not limited to declaring any war. The Türkiye Büyük Millet Meclisi (TBMM) also oversees the executive through parliamentary investigations. Members are elected (with a 10% threshold at the national level that excludes

smaller parties from seats, a reform intended to secure government stability but protested as limiting pluralism) on a modified proportional representation system. The president may veto legislation or submit constitutional amendments to referendum, a significant check on legislative autonomy since the 2017 constitution. Since 1950, when the TBMM transitioned from single-party rule to multiparty democracy, the TBMM has governed with alternating intervals of military rule (1960–61, 1971–73, 1980–83), each ending in remade constitutions that strengthened the center. Constitutional transition from parliamentary to presidential has served to limit the legislature's relative power.

The President of Turkey is both head of state and government, as well as holding executive power, thanks to the 2017 reforms. The president appoints the cabinet, creates and administers ministries, draws up the budget, declares a state of emergency lasting up to six months, and exercises significant control over policy direction. The cabinet, chaired by the president, enforces laws and undertakes national administration, including supervision of local administrations. The president is directly elected by the people for five-year terms, renewable once, and is capable of dissolving the TBMM under certain conditions. The centralization breaks with the pre-2017 parliamentary setup, where the cabinet of ministers and the prime minister shared living space and executive authority with the president, whose office was more ceremonial in nature. The ability of the president to appoint the country's highest officials, including judges and rectors of universities, scatters executive authority across institutions. The executive, through ministries like the Interior Ministry, exercises tutelage over the local authorities (municipalities, provinces, and villages) in the government. This means the approval of budgets, regulation of urban planning, and intervention in local politics, a tradition resulting from the unitary state's care for national integrity. Recent proposals, as debated in public opinion, call for greater centralization, with social assistance and urban renewal competences among those delegated to governor offices and ministries.

The rule of law is ensured by the judiciary. That is also responsible for interpreting laws, and protecting constitutional rights. The main institutions include the Constitutional Court which is required to review the constitutionality of laws while overseeing elections. The Court of Cassation, which is the highest court for civil and criminal cases, and the Country of State handles administrative disputes. Disputes involving the local governments' actions against central directives are also adjudicated by the judiciary. Its role evolved from Ottoman Sharia courts to the civil-law system in 1926, influenced by European codes.

Local authorities: villages, special provincial administrations, and municipalities. Are tasked with overseeing services like water supply, waste management, transportation, and town planning under laws like the Municipalities Law (Law No. 5393) and the Law on Special Provincial Administrations (Law No. 5302). They are elected organizations with councils and mayors accountable for local requirements under Article 127 of the Constitution. Despite being elected, local administrations have rigorous central control. Governors and ministries (appointed by the president) can veto local decrees, approve budgets, and intervene where there is claimed non-compliance with national law. This tutelage, which reflects Turkey's unitary system, is designed to prevent regional disintegration, a risk enhanced by ethnic

diversity, most prominently the Kurdish presence. Public opinion, in recent controversy, voices universal controversy over centralization. Prescriptions to limit municipal power like transferring budget and social assistance functions to national institutions suggest a trend toward greater control, typically framed as a response to political opposition but criticized as undermining local democracy.

Overall Analysis

The constitutional framework of Turkey, as established in the 1982 Constitution and impacted by post-1982 reforms, prescribes a unitary system in which the functions of government are delicately balanced between centralized power and limited regional autonomy. As of May 24, 2025, such a system articulates a tradition of centralism, shifting political forces, and ongoing controversy regarding democratic government, particularly in the executive, legislative, judicial branches, and local governments.

The Grand National Assembly (TBMM), with 600 elected MPs, has legislative powers, enacts legislation, approves budgets, and oversees the executive. Its powers have been reduced, however, since the constitutional shift to a presidential system in 2017 when the prime ministry was abolished and executive powers centralized. The 10% parliamentary bar limits the ability of small parties, having a tendency to concentrate power in large parties like the AKP that has dominated since 2002.

Executive power is now exercised almost entirely by the president, who since 2018 is both head of state and government. Directly elected to a five-year term, the president appoints the cabinet, presents budgets, and declares emergencies, and has vast latitude over national and municipal policy. Interior Ministry administrative tutelage of municipalities—approval of budgets and intervention in decision-making—is a case in point. Recent proposals to restore municipality powers such as social assistance and urban planning to central bodies such as governorates indicate a recentralizing tendency. The critics argue that this undermines local democracy, especially in opposition-held municipalities, a tension articulated during the 2019 municipal elections when the CHP took essential cities like Istanbul.

The judiciary to uphold the rule of law, which comprises the Constitutional Court, Court of Cassation, and Council of State. Despite its alleged autonomy, concerns over judicial impartiality have grown since the 2016 failed coup, with purges and in 2017 replacing the High Council of Judges and Prosecutors (HSK) under the presidency. This eroded judicial restraints over executive power, particularly in cases where municipalities challenge central directives, whereby courts rarely render judgments against the state.

Local governments—municipalities, special provincial administrations, and villages—also have the responsibility for rendering services like water, trash collection, and transport in accordance with acts like the Municipalities Law (No. 5393). However, their autonomy of

action is limited by the administrative tutelage principle, which is a remnant of Turkey's unitary state and serves to protect against regional fragmentation, especially against ethnic diversity problems concerning the Kurdish minority. The European Charter of Local Self-Government, adopted in 1992, has demanded greater autonomy but Turkish hesitation to accept financial and administrative independence limits its application.

Anachronistically, the government of Turkey progressed from Ottoman decentralization to republican centralization with military interventions (1960, 1971, 1980) in support of state authority. The 2017 reforms continue this process but at the cost of local empowerment for national unity. Yet, such centralization risks making disparate territories disenfranchised and contributory democratic voices mute. Maintaining these forces in equilibrium is still challenging, as Turkey navigates unitary identity, international responsibilities, and local desire for greater autonomy.

Resources

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