KADIR HAS UNIVERSITY
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A PRACTICAL TYPOLOGY FOR CORRUPTION IN LAND-USE PLANNING: MONITORING THE CORRUPTIBLE IN TURKISH PLANNING SYSTEM

OSMAN AYDIN
Prof. Dr. HİMMET MURAT GÜVENÇ

MASTER'S THESIS

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İSTANBUL, SEPTEMBER, 2021

DECLARATION OF RESEARCH ETHICS /
METHODS OF DISSEMINATION

I, OSMAN AYDIN, hereby declare that;

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_____

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This work entitled **A PRACTICAL TYPOLOGY FOR CORRUPTION IN LAND-USE PLANNING: MONITORING THE CORRUPTIBLE IN TURKISH PLANNING SYSTEM** prepared by **OSMAN AYDIN** has been judged to be successful at the defense exam held on **16 September 2021** and accepted by our jury as **MASTER'S THESIS**.

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ABSTRACT

Land-use planning and construction related services are an essential but poorly monitored local government activity that counts on bureaucratic discretion and differentiated treatment to applicants. In addition to local governments, different agencies of central government are also engaged in the planning system with differing degree of authorization. Thus, the allocation of power between them has been a consistent topic in the agenda through which the administrative reforms has taken place in Turkey. Besides the institutional distinction, it is the public agents as individuals that might be involved in corruption with their personal decision-making criteria. Within the scope of this study, individuals are taken to be the utility maximizers with rational choices within the incentives of a given institutional design of administrative or political system. The present system of local governance points out the weak points of the institutional structure vulnerable to the penetration of corrupt agents for the exploitation of urban rent.

This thesis is a plausibility probe following an attempt of formulating a typology for corruption to assess the common and unique features of corruption mechanisms in land-use planning and building regulatory services. This probe allows the researcher to sharpen the sketch of the typology as well as to test the plausibility of it, using illustrative cases. The typology has adopted a more explanatory, exploratory, and descriptive narrative over cases which involve functioning of corruption mechanism and the relations between agents within corrupt transactions and institutional structure. The cases are selected among institutions such as EBPS, KDK and Yargıtay, to indicate the variations of appearance of corruption within the context with real life examples and to focus on possible gaps that would be exploited. Discussion on transparent negotiation, auction and betterment capture as remedies for corruption in land-use planning gives some insights which involve both shortcoming and contribution in the fight against corruption.

Keywords: corruption, land-use planning, local government, ethical board, ombudsman

İMAR PLANLAMASI İÇİN PRATİK BİR YOLSUZLUK TİPOLOJİSİ: TÜRK PLANLAMA SİSTEMİNDE YOLSUZLUĞUN İZLENMESİ

ÖZET

İmar planlama ve yapılaşma düzenleme hizmetleri, yerel yönetimler tarafından verilen en hayati hizmetlerden olmalarının yanında çok zayıf bir denetime tabidir. Özellikle bu alanda verilen kararlar bürokratik takdir yetkisine ve farklılaştırılmış muameleye dayanmaktadır. Yerel yönetimlere ek olarak, merkezi yönetimin farklı kurumları da farklı yetki dereceleriyle planlama sisteminde yer almaktadır. Bundan dolayı bu iki yönetim seviyesi arasında yetki paylaşımı, sürekli olarak bir çekişmenin sebebi olmuş ve Türkiye'deki idari reformlarda hep gündemde kalmıştır. Kurumsal ayrımın yanı sıra, yolsuzluğa karışabilecek temel aktörler kendi kişisel karar alma kriterleri ile bu kararı veren kamu görevlileridir. Bu çalışma kapsamında aktörler, belirli bir idari veya politik sistem tasarımının öncüllerinde rasyonel seçimlerle fayda maksimize ediciler olarak ele alınmaktadır. Günümüz yerel yönetim sisteminin incelenmesi, kötü niyetli bireylerin sistemin açıklarını kullanarak şehirde oluşan rantı sömürecekleri sistemin zayıf noktalarını gösterecektir.

Bu tez, şehir planlaması ve inşaat hizmetlerindeki yolsuzluk mekanizmalarının ortak ve benzersiz özelliklerini değerlendirmek için bir yolsuzluk tipolojisi formüle etme girişimini izleyen bir akla yatkınlık araştırmasıdır. Bu araştırma, taslağın netleştirilmesine ve açıklayıcı vakalar kullanılarak bunun akla yatkınlığının test edilmesine olanak tanır. Tipoloji, yolsuzluk mekanizmasının işleyişini ve yapı içindeki aktörler arasındaki ilişkileri içeren vakalar üzerinde açıklayıcı, keşfedici ve tanımlayıcı bir anlatı benimsemiştir. Vakalar KGEK, KDK ve Yargıtay gibi kurumlar arasından seçilerek yolsuzluğun formları gerçek hayattan örneklerle ortaya konarak istismar edilebilecek olası boşluklara odaklanılmıştır. Şehir planlamasında yolsuzluğa çare olarak şeffaf müzakere, açık arttırma ve imar haklarının vergilendirilmesi tartışması, yolsuzlukla mücadelede hem eksiklikleri hem de katkıları içeren bazı fikirler vermektedir.

Anahtar Sözcükler: yolsuzluk, imar planlama, yerel yönetimler, etik kurul, ombudsman

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ABBREVIATION LIST

ACA	Anti-Corruption Agency
AKP	Justice and Development Party
EC	Ethical Committee
EBPS	Ethical Board for Public Officials
EU	European Union
GRECO	Group of States against Corruption
IMF	International Monetary Fund
NGO	Non-Governmental Organization
KAKS	Floor Area Ratio
KDK	Ombudsman Institution
OECD	Organization for Economic Cooperation and Development
TAKS	Building Coverage Ratio
TBMM	The Turkish Grand National Assembly
TI	Transparency International
TOKI	Housing Development Administration
WB	World Bank

1. INTRODUCTION

An old saying states the very idea behind the relationship between opportunities in socio-economic settings and corrupt practices performed by individuals to catch these opportunities: “Clearwater has no fish.” By reversing the sentence, the idea could state that catching fish is easier in muddy waters. Suppose administrative procedures and systems are not designed well enough to keep the process of seizing opportunities open and equally delivered to possible participants and without sufficient supervision for holding public officials with authority accountable for their actions. In that case, the water gets blurred, and corruption finds ways to occur in muddy waters.

Nevertheless, what kind of fish-catching can be considered as a corrupt act is left to be decided. There is much debate on the definition of corruption and its non-universality regarding its applicability to different situations from various countries. The term is diversified in meaning from one location to another and from one field of examination to others. However, it maintains its priority on the agenda of administrative issues, especially of urban planning. Here are the reasons why this study deals with the corruption in land-use planning and building regulatory systems at the local level, especially in Turkey.

Firstly, corruption level in the planning field is measured high by either international or national studies. Facts from Transparency International (TI) 2009 survey indicate that state departments overseeing the land-related sector are one of the public entities exceptionally associated with bribery (Transparency International, 2009). Also, TI 2013 survey records that “around the world, one in five people report that they had paid a bribe for land services (Transparency International, 2013). An ethnographic study on corruption in Turkey by Acar (2016) has examined the blurred boundaries between corrupt and legitimate acts and tried to determine which actions are seen as corruption in public perception. In the study, experts consisting of highly educated field professionals are asked whether there is any common act not regarded as corrupt, although it can be considered corrupt. Among the answers, “rent seeking activities in city planning and urban development” appears to take fourth place by getting 13 votes of 60 people (Acar, Socio-cultural Dimensions of Corruption in Turkish Public Administration, 2016). These

results show us the necessity to focus on the corruption issue in city planning and urban development, including decisions and actions related to land-use allocations and building regulatory systems since it is endemic in the field.

Secondly, intrinsic features of any planning system such as decision making based on a discretionary and differentiated logic naturally set a poorly lit stage on which individuals with excessive interest can attempt to turn things in their favor illegitimately through engaging in corrupt transactions with public officials who also have private incentives for themselves. Since land-use planning is closely related to the allocation of development rights and land uses in accordance with the public interest, the allocation decisions are taken through political and administrative procedures by the participation of politicians and bureaucrats within an institutional context of planning and building regulatory system in which corrupt opportunities is embedded into the system (Gardiner, 1985). Following the same perspective, corruption takes root in the planning system, where the opportunity to create greater value in an urban space is higher than in any other public policy area (Cullingworth, 1993). Therefore, the phenomena of corruption in land-use planning deserves a closer look.

Lastly, scholarly studies on corruption in Turkey are mainly concentrated on the field of government contracting and public procurement or its relation to the general public administration reform stressing such as clientelism (Gürakar, 2016) and favoritism (Buğra & Savaşkan, 2014). Nevertheless, the diversity and volume of research on the corruption issue in the land-use planning field in Turkey seem relatively weak, at least few, while it has been a part of the heated political debate between the ruling party and the opposition.

1.1 Central Questions

Main aim of this research is to analyze the nature of corruption in land-use planning and building regulatory system at the local level of government in Turkey. Doing this analysis requires going deep into the incentives of agents within the administrative structure in which they operate. Also, the main measures to struggle the corruption are among the interest of this study as to understand how political stance are taken by the authorities.

Throughout all the study, questions listed below are attempted to be explained either to discuss the current situation and to draw the framework for later studies or policy implementations.

- How should corruption in land-use planning been perceived by local authorities, and how did public policy choices/transformations effect the fight against corruption in land-use planning?
- How has the local municipal system evolved in terms of its powers and administrative capacity, taking the tension between central and local powers into consideration?
- Does or to what extent local governments in Turkey challenges existing/potential corruption schemes/threats in urban planning?
- Are local governments well-equipped with necessary/efficient administrative-legal-functional tools to challenge the corruption? Do the national anti-corruption agencies in Turkey perform well to monitor ethical conducts and detect violations of public officials at the local level? Is it valid to express that the national ethics agencies do the oversight on behalf of local governments?
- Does or how does focusing on power holders (direct and indirect) in land-use planning help further policy analysis and formation concerning reducing corruption in the field?

1.2 Methodology and Data Sources

This thesis applies the qualitative research method in order to highlight the political and administrative framework of land-use planning and building regulatory systems in Turkey with the special examination of corruptible official posts within the institutional context at the local level. Theoretical discussions are used to dive into the essence of the corruption as a phenomenon in land-use planning. To determine its unique features special to the planning field, the narrative takes advantage of secondary literature focusing on the subject matter. In addition, official administrative decisions of ethical monitoring bodies and judicial decisions taken by the Criminal Chamber of the Court of Appeal (Yargıtay) are utilized to detect characteristics exclusive to Turkey. The decisions taken by the Council of State (Danıştay) are excluded from the scope of this study due to the fact that they are mostly about correcting the administrative transactions which were not

in line with the law, not about detecting or investigating the corruption or corrupt agents. That is why criminal judgements of Yargıtay, especially those including both land-use and crimes of public officials in one case, are chosen for in-depth analysis.

Review of administrative and judicial decisions method are adopted to test the plausibility and suitability of the typology for corruption to the land-use planning system and to indicate the relevance of main arguments deliberated throughout the entire study.

Simply, this work is a plausibility probe. As Levy (2008) argues, this probe enables the researcher to sharpen a theory and improve its proposals, as well as to explore the cases on whether they are suitable to test the model before moving to conduct expensive and time-consuming field research. With this illustrative case selection, narrative of this study is aimed to be descriptive, explanatory and exploratory on the issue. Thus, this study is mostly nomothetic, since cases are intellectualized within a broader theoretical argument (Levy, 2008). The aim is to give the reader a sense by presenting a concrete application of the theoretical discussions, rather than to explain a case fully in detail for testing the theoretical propositions (Eckstein, 1975).

Why the case study method is chosen for this particular work is another point worth mentioning. The first reason is that it is so hard to access quantitative data as well as to operationalize the concepts for it for the study of corruption concept. Secondly, by the nature of corruption, participants of a corrupt scheme would not be willing to share insider information which later could be tested for its trueness and consistency with comparing other testimonies. Because of these reasons, the best research method that can be used to examine this phenomenon will be the case study examination. The developed corruption typology has adopted a more explanatory, exploratory and descriptive narrative over cases which involve functioning of corruption mechanism and the relations between agents within corrupt transactions and organizational structure. Here too, if the decisions of administrative institutions and judiciary that shed light on the functioning of corruption are examined, data that cannot be accessed otherwise can be accessed. Because the data accessed through this way is produced by formally designed ways, be it either administrative investigation procedures or criminal proceedings, data embedded in these

selected cases would be verified facts to a higher degree than the other data available in the field. The feasibility and plausibility of the typology that is being developed can be tested on the cases.

Decisions are selected among those taken by the Ethical Body for Public Officials and the Ombudsman Institution, in addition to the cases reviewed by the criminal division of the Court of Appeal. By using these decisions, it is tried to assess the nature of corruption in land-use planning, to indicate the variations of appearance of corruption within the context with real life examples and to focus on possible gaps that would be exploited by corrupt agents while assessing the capacity to monitor and interrogate corrupt practices at the local level. In addition, statistics of the decisions taken for years are discussed as to understand the place and priority of land-use planning among all complaints and decisions. This analysis represents a valuable first step for future testing on a larger dataset. As a limitation, politically sensitive grand-corruption cases are excluded within the scope of this study due to the fact that they are inconclusive cases.

1.3 Outline

The present study is divided into five sections. Set aside the first introductory section, in the second, I provide a theoretical and practical framework for analyzing corruption as a general phenomenon, considering institutional economics and institutional design approaches as a basis and adopting a more practical typology for corruption focusing on power holders over public resources in the land-use planning system. In the third section, the administrative structure of land-use planning and local governments will be elaborated with a special focus on the fight against corruption which is briefly referred in a sub-section. The fourth section is devoted to explaining the functioning of modelled corruption schemes in the local political and administrative system of land-use planning and identifying the direct and indirect power holders and their influence over public resources. Also in the same section, review of administrative decisions of ethical monitoring bodies and judicial reviews of Yargıtay is used to test the plausibility and applicability of the typology for corruption in the land-use planning system, to show the strength and weaknesses of these bodies in the fight against corruption, and to indicate the relevance of main arguments deliberated throughout the entire study. In addition, there

is a brief discussion on some proposed preventive measures for corruption in land-use planning. In the last section, general findings are summarized.

2. THEORETICAL FRAMEWORK OF CORRUPTION

In the long proportion of Turkish political history, corruption has been among the top significant problems in public perception since it is always a problem that is believed to take root in the political and administrative culture of the country. While opinions on which kind of act is corrupt or which is not vary among people, a judgment is commonly held that at all levels of government, corruption is widespread in all sorts of administrative transactions, from receiving an essential public service like education or health to participation in public tenders and getting the bid. Even though there is no mutually agreed understanding of the definition of corruption, there is a strong belief deep inside among individuals that it exists in various forms even if they do not know how it is.

In our efforts to find a practical typology of corruption applicable to land-use planning, in the broadest sense, corruption is taken to be "the abuse of public office for private gain" (Rose-Ackerman, 1975; Smelser, 1971). While this broad definition of corruption gives some insights about the nature and scope of corruption in general, it is not so specific to deploy for considering urban planning. Given that such an ambiguous and flexible definition of the term for such a specific field of examination might make analyzing and combating the corruption harder, it also provides perpetrators to find a way around these slippery norms and combatting agencies selective with their investigations. For these reasons, determining an applicable and practical typology of corruption concerning urban planning becomes a primary goal before getting into further discussion on urban planning in local governments.

The phenomenon of corruption as a concept has four dimensions taken differently by particular theories, in which these dimensions are definition, causes, forms, and consequences. The definition is depended on social norms defining corruption either shaped at the national or sectoral level. Hence, it is impossible to claim a universal definition for corruption even in the same societal or administrative structure where various operations and procedures such as public procurement or urban planning coexist. What causes an individual to act against settled social norms in return for private gain, which is regarded as corruption, is another dimension of the concept. When it occurs eventually, it would no longer be an abstract term but needs to shape in flesh and bones.

Thus, corruption might take multitudinous appearances by which it meets the eye of the public. Lastly, this destructive phenomenon has some intended and unintended consequences affecting social, economic, and political life.

In this study, two main theories regarding corruption are deliberated to analyze corruption in urban planning and to develop a recommendation for combat strategy at the local government level. In fact, a kind of mixture of two theories composed by Bussel (2015), which are institutional economics and institutional design, is used to analyze corruption in land-use and building regulations at the local level.

In the corruption narrative, the orientations or preferences of individuals, whether from public or private sphere, are accepted to be determined or forced to be determined by a macro-level structural system driven by neoliberal policies. So to say, individuals behave in that way because system gives them no choice for an alternative. This deterministic approach misses some crucial points in the functioning of mechanisms at micro and meso level of the system. In this study, which prioritizes public administration and individual preferences of actors, micro and meso level behaviors within organizations and systems are examined rather than macro-structures such as economic or social system as a whole. Therefore, in this study, institutional economics and institutional design of political systems approaches were chosen as basic analysis tools.

Although there are some points where these two theories are mutually exclusive, both theories are used in this study to complement the missing parts of each other. While the first one focuses more on individual preferences and how they are shaped, the second theory is used to examine how agents could find an access into the institutional system and what effects external factors have on this access process. To make this point clearer, let's give an example. Institutional economics approach uses the principal-agent model to explain the individual preferences within an institutional context. In this theory, principal, agent and institution are given before the beginning of analysis. Principal and agent are asserted to determine their actions in line with the incentives created by the system, taking the advantage of rational choice and utility maximization. On the other hand, this theory might restrain the analysis within the boundaries of institution. Thus,

one could not know how principal or agent got access into this institution and which external factors retain to have pressure effect on that actors. Thus, the institutional design of political systems approach tries to provide some insights on these external mechanisms.

2.1 The Institutional Economics of Corruption

Through this section, to find the customized concept of corruption for urban planning, it is intended to give the basics of institutional economics framework, which is mainly relied on using economic concepts such as rational utility maximization to explain the nature of corruption, especially focusing on the incentives of actors involved in such corrupt transactions (Klitgaard, 1991; Lambsdorff, 2007; Rose-Ackerman, 1978). To put it simply, whether to be carrot or stick, these incentives are conceived to steer actions of individuals into a particular way in an institutional context, in which opportunities and seizure conditions are determined by the system itself.

Focusing on which kind of system is susceptible to corruption deals with the system's incentives to diminish or at least monitor these incentives for lowering the corruption risk. The institutional economics approach primarily relies on principal/agent relationship in which an agent is supposed to act in line with the expectancies of the principal where the principal might become administrative superior, political ministers, or even general public in its broadest sense (Rose-Ackerman, 2010). In addition, this relationship between agent and principal is constructed and maintained following the incentives created by the institutional structure. Hence, this frame consists of the agent at the center allegedly dictated and supervised by the principal within the institutional context affecting the behavior of individuals. It is the interplay between those three factors by which corrupt transactions can find a way to come to light.

Corruption is mainly about the passing of wealth from public resources to the public official’s private account. In a corruption scheme, the public official as the agent uses his entrusted authority to give those demanding private actors what they want in return for an eventual increase in his private wealth. Typically, decisions on the allocation of public resources must be made under the principal’s watch and compatible with the related law

and regulations as a decision-making criterion. However, outsider private actors actively seeking the seizure of opportunities arising from public resources could manipulate or force the agent to replace "the illicit use of willingness-to-pay" as a new decision-making criterion (Rose-Ackerman, 2010, p. 45). After that, the holder of public power adds a new criterion according to what he decides.

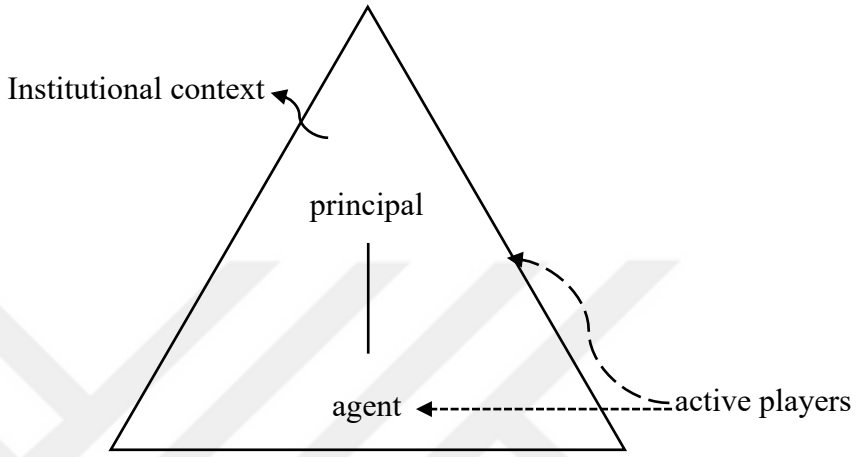

Figure 2. 1 Interplay between actors in institutional economics structure

Rose-Ackerman (2010) represents private actors as active players outside government if only they are seeking to influence either the agent or, more sophisticatedly, the structure with an aim to reach public resources or raise their share taken from the pie; otherwise, they could not abide by routine procedures at all or as easy and cheap as it is by using illicit means. These active players can be private individuals or private firms either seeking to expand their benefits or avoiding any cost imposed for a reason. When the agent is convinced to take the illicit payment by active players, which can be in different kinds such as cash, actual payment, or favor for later use, the corrupt transaction is completed with a destructive effect over democratic legitimacy, functioning provision of public services and the sense of justice.

Whether active players face the agent directly or the system indirectly, this preference distinguishes two kinds of corruption from each other, emphasized by Rose-Ackerman (1999) as petty and grand corruption. Relatively small-size payoffs to public officials for getting done the job of active players, either for taking advantage of or avoiding a cost, is

considered petty corruption. Petty corruption is limited in its effects on the overall institutional system since it is operated within the system by benefitting from the opportunities of rule deficits or the lack of supervision of principals. Also, the number of participants in the corruption scheme is restricted by its nature, meaning the diffusion remains within narrow limits. On the other hand, grand corruption, also called systemic corruption, occurs in which active players use their economic and political power to attempt to change the institutional structure in their favor (North, 1981). Unlike petty corruption, the line between agent, principal, and active players gets blurred. Hence, an actor in the scheme simultaneously might become the principal having authority to supervise transactions, transform the system by administrative or legal means, and become the active player seeking extraction of more monetary benefit from public resources over which he has control. Therefore, this kind of corruption has much more significant destructive effects on the institutional system, and it spreads throughout the whole institution, being a kind of institutional culture after a while.

According to the scarcity of public benefit and the availability of supervision, three variations of petty corruption are to be examined. Firstly, assume that allocated benefit is scarce. Therefore, public officials need to decide at their discretion who gets the benefit among the qualified applicants. Also, assume that the superior official can control the data to assure whether the benefit goes to the qualified, without observing the outside payoffs. In such a case, among just the qualified applicants, the one with the high willingness-to-pay plus lower moral concern would eventually get the benefit in return for an increase in implementing official's private wealth. This leads to eliminating morally concerned qualified applicants because they do not draw near to making an illicit payment. For this scenario, selling the benefit legally is the only plausible economic option to prevent illegal transactions. Auctions and biddings are the most preferred selling options by governments. Such a public benefit would be a limited supply of import licenses, auctions for broadcast licenses and privatized firms, and competitive bidding for government contracts.

Secondly, suppose that public benefit is scarce or indefinite and suppose that public officials are required to select only the qualified applicants. They can also provide

unqualified with the benefit at stake because the application of discretionary selection could not be supervised ideally. There are two sides of a corrupt transaction: receivers and payers of bribes in which their incentives differ relatively. By public officials, the tradeoff is between the amount of payoff and the possibility of disclosure. If the competition of officials giving the same service is so high, then bribes become getting lower so that public officials could lose the incentives to accept the amount by comparison to the given risk of disclosure (Rose-Ackerman, 1978; Shleifer & Vishny, 1993). On the other hand, if the supervision on allocation decisions is weak or hard to conduct, then the incentives for payers would be high because payers know that they will not be caught, for example, for shoddy building at least until a fire or earthquake tests the building with all flaws. Among the services in urban planning and development, building licenses and occupancy certificates for new constructions fall into this category.

Thirdly, costs originated from brokers to process could be another reason for avoidance for the active players. To get rid of high procedural costs, administrative fines, or bureaucratic delays, the incentives for the payers might be to get ahead in the queue, get speedy service, or get preferential treatment regarding fines. To utilize the set of conditions in the bureaucratic process further in their favor, public officials in charge seek to extract private benefits even though sometimes it requires creating red tapes to raise corrupt opportunities for exploiting more (Rose-Ackerman, 2010). Overlooking the ongoing unauthorized construction, tolerating the sections of construction that deviated from building license, or refraining from imposing administrative fines caused by the zoning law are examples of actions that implementing officials can make in return for an illegal payment personally in his account.

Although various types of petty corruption and players' incentives have been discussed above, these incentives are not limited to the points mentioned above. Each actor acts economically by calculating the opportunity cost in every decision he makes. Accordingly, external to the institutional framework, some other social, political, and economic factors may also contribute to an actor's involvement in a corrupt transaction. For example, it is quite possible for a public official to seek extra means of income

because of the recent decline in the purchasing power of his salary in the face of high inflation and high exchange rates. He can take the risk of exposure even more in this case.

As another example, the perception that corruption is widespread can be regarded as a cultural catalyst for people to get involved in corrupt transactions. Rothstein (2010) puts much emphasis on the problem of vicious spirals here. Hence, corruption by someone will cause more individuals to participate in corrupt transactions, leading to corruption becoming more prevalent (Rothstein, 2011). Two reasons can cause this; either the resources are insufficient for strict law enforcement, or the perception is established that the actually corrupt transaction becomes acceptable in public perception anymore (Andvig & Moene, 1990; Bardhan, 1997). At this very point, Rothstein (2011) asserts that this phenomenon of vicious spirals reduces the applicability of the principal/agent model because of blurring lines between principles and agents. This takes the discussion to another level to systemic corruption.

Although systemic corruption has many similarities with low-level opportunistic corruption, it differs in how so-called principals within the given institutional structure participate in the corrupt transactions, insomuch that they try to maximize their extraction of benefit by transforming the structure to produce more value for corrupt deals. Having principal actors who join in the corrupt scheme and have the power or influence over the structure, including modifying it, requires a principal above and outside the structure to apply the principal/agent model. Hence, the principal would become the general public in which it knows nothing about the mechanism of, have no direct supervision power on, and nevertheless is harmed by the corruption. Besides, too way powerful private active players such as large firms, interest groups, or criminal mafias might engage in the mechanism. As a result of this, this kind of corruption is deeply destructive on economic, social, and state-related functioning (Rose-Ackerman, 2010). Rose-Ackerman (2010) specifies three variants of grand corruption.

The first is the degeneration of the entire administrative department, such as the planning department in municipalities. In this case, the highest-level administrative executives manage and join in all illicit gain extracted by their subordinates in the hierarchy (Rose-

Ackerman, 1978; Das-Gupta & Mookerje, 1998). This is the most straightforward way of corruption.

Secondly, there is an embedded risk of corruption in the functioning of local elections in local government. Two reasons can cause this risk. First, the local election law does not include adequate regulation regarding political ethics, structuring spending in the campaign, and getting financial funds. Second, there is insufficient control mechanism and inadequate political will to ensure the law's implementation, especially the provisions of political ethics. In local election campaigns, financial resources are needed to carry out the campaign. The campaigner politician should persuade the public to vote for himself. Corruption occurs here in four ways: undermining limits in spending, getting around limits, subverting control on the funds, and making direct payoffs to voters (Rose-Ackerman, 2010). Although vote-buying and in-kind payments could be considered direct payoffs, some types, such as clientelism and patronage, are debated as corruption. Clientelism is meant to be related more to political stance in which one patron uses political means, which seems legal but questionable in moral, to provide benefits for his supporters. Thus, it is hard to name it corruption as it is not crystal clear in terms of definition.

Finally, local governments deal with private sector companies for large-scale projects such as significant construction projects, natural resource concessions, or transfer of operating rights of some facilities. With these agreements, high-level assets are transferred from the public to domestic or foreign companies. Using the position and influence that allows them to change the institutions and procedures in which these agreements are settled so that they grant the possibility to favor some applicants over others, high-level politicians can collect kickbacks from private sector businesses supported by them first place.

2.2 Institutional Design and Urban Governance

Good governance is mostly associated with the prevention of corruption all around the world with a special emphasis on accountability and transparency of any governing body. Relating the governance to the problem of local corruption requires a careful examination

of the institutional design of local political and administrative systems in which the quality of governance is provided not just by the government, also by all governing system including civil societal actors. Since the quality of local governance means the quality of preventive measures for corruption taken by the government, the central question concerning the institutional system becomes *how to design not just governmental system but also state society relations so that the probability of corrupt practices could be held minimized*. From this perspective, the characteristics of political and administrative systems such as two-tier municipal system and the presidential character of mayorship in Turkish local governments will be discussed in their relation to the corruption in land-use planning. In doing so, institutional theory can help us in our journey.

Normative version of institutional theory puts the main emphasis on the key concept of "appropriateness" by which individual behavior is shaped by institution's abstract assets such as values, symbols, myths and routines (March & Olsen, 1989). Therefore, corruption is understood as acting contrary to the values of public institution in the seeking for personal gain. Reflection of this conception onto the scene of political life would be the creation of result-oriented politicians disapproved by normative institutionalists. As an alternative, the rational choice approach to institutions focuses on an individual's opportunity for corruption in the face of the set of rules which is created by the constructivist process and designed to direct individuals to act in an expected way (Collier, 2002). Since the set of rules within an institution involves incentives in both kind -awards and punishment for certain actions, this approach likens the principal-agent model discussed above.

Normative model of institutional theory is mostly dealt with the phenomenon of controlling the moral choices of individuals within the institutional system. On the other hand, from the point of structural conception of institutions which is one based on veto points (Peters, 2010), constraints of the system are hard to be linked with the moral behavior preferences of an individual. In this perspective, it is the external factors that heavily determine the direction of a man's choice. Hence, corrupt politicians or administrators somehow have to find their way around the structural constraints to

achieve their goals. In such a view, corruption could be minimized by creating more veto points with strong law enforcement. But the more complexity created in the system leads the higher need for getting around the rules and the more opportunity of functional corruption (Rubinstein & Maravic, 2010). Furthermore, the structural veto points require strict enforcement, which is only applicable for petty corruption cases given the relatively weaker positions of corrupt actors within the political and administrative system. On the other hand, the systemic corruption is harder to be tracked and investigated due to the fact that the corrupt actors are most probably the most powerful political actors in the country, so no one would be willing to disclose the corruption case.

It is argued that the corruption in public administration can be diminished by creating institutional values for appropriate behavior, for example, ethical standards of conduct. Also, it is suggested that formal institutional structure could control the behavior of agents within the institution by operating pre-designed constraint measures and veto points to monitor the corrupt acts., if there is no incentive built into the formal structure to attract public officials to adapt However the set of rules for appropriate behavior as moral values, neither formal structures nor the institutional values could be sufficient in eliminating the occurrence of corruption (Peters, 2010).

Discussions on whether types of political regimes have a remarkable relationship with the corruption level of a country are also a part of the institutional design theory. Given the available evidence, institutional structures have a significant effect of determining strategic preferences of legislators and politicians while these institutional guidelines may have lower effect on moral behaviors of individuals within the institution (Peters, 2010). Hence, it is asserted that constraining behavior of individuals is a feature that some political systems possess while others do not. However, main dichotomies on political structures at macro level, such as presidential vs. parliamentary and unitary vs. federal, have little direct relevance with the level of corruption. Rather, it is the micro- or meso-level structural features that give way to the corruption or to be helpful in eliminating it.

Presidential systems are more associated with irregular politics within the system. This could be caused by the fact that the system is characterized by “a focus on the leadership

of the one individual in the center of the system" (Peters, 2010, s. 90). The central role of the one person requires all public officials in the executive to apply to the person every time for getting the desired outcome, for example recruitment, promotion or approval for proposed land-use change. The excessive decisive power concentrated on the hand of one person would de-emphasize the formal structural procedures of the administrative and political system, leading to the prevalent informal activities resulted from the effort to be close to president. The same argument could be valid at the local level since the mayorship is designed to be the most powerful post in the municipalities around which any person with an interest on public resources gathers.

For Kunicova and Rose-Ackerman (2005), it is not solely the regime type, but the characteristic features of the political party and election systems within these regimes to determine the level of irregular politics, such as clientelism or patronage. The fundamental distinction is among proportional representation and single member district systems. While the candidate is more sensitive and responsive to the demands of the constituency due to the fact that the competition is rather individualistic in single member district system, proportional representation systems create a strong political party by which all running candidate are nominated and the policy preferences are dictated on the existing members in the executive or parliament. Hence this party influence might cut the direct ties between the members and the public, making the members accountable and responsible not to public but the party leader. Especially, closed list proportional representation, used in Turkey at the local level for the election of members of municipal council, particularly has more to do with the increasing levels of informal politics because of the absence of transparency and public participation. With informal politics, it is meant that politicians or bureaucrats do not comply with the pre-determined procedures of decision-making, but follow the orders of the party or the party leader. Procedures does not make any sense in this case.

Generally, elected or appointed top level officials have too much responsibility assigned to them by the law or regulations. In addition, voting citizens are mostly busy with their private life affairs. On the other hand, low-level public officials conduct most of the workings carried out by the local government. Since the work of these lower-level public

officials involves a lot of expertise due to the specialized nature of their work, it might be reasonable that neither the public nor the top-level managers can have sufficient information about the functioning of these workings. Therefore, the supervision of low-level public officials within the bureaucracy cannot be tightly held by their principals.

As an exemplary case at local level, the mayor is elected by the people in a political system of public election. The mayor has a serious incentive for being reelected or for being nominated to a higher position. With this motivation, the mayor chooses his own deputies in order to provide the best service to the public -or seemingly the best. These deputies are determined from among the candidates who meet the sufficient requirements in mayor's discretion to make the mayor seem well in the eyes of public and to enjoy the public with the services provided. Looking at these deputies, they are public officials who are elected indirectly - selected by an elected mayor, so they also have a serious incentive to be promoted to a higher position or being nominated for an election. The existing cadres of civil servants, representing continuity in the administration, mostly consists of lower-level officials, but most of the operations in government are handled by them. Here, two problems emerge in terms of democratic accountability (Lagunes & Huang, 2015). First, newly elected or appointed top-level officials in undertaking of the public workings rely mostly on public officials who have been already in local bureaucracy and will be so afterward when elected ones will change with a new election. Second, lower-level public officials are positioned so distant from the determining power of the ballot box. These two challenges make low-level public officials less sensitive to voters or political principals in terms of government's official goal, and more responsive to their own private goals.

2.3 Actors-focused Approach: Monitoring the Corruptible

Front line service providers, that is bureaucrats especially at the local level government, mostly have substantial influence on functioning of citizen's daily or business lives (Weber, 1958; Wilson, 1978; Lipsky, 1980). In daily encounters with ordinary citizens in public transactions, they have an advantageous position in which they are able to access the inside information as well as they are armed by comparatively wide range of

discretionary powers (Rose-Ackerman, 1999; Dodd & Schott, 1979; Stiglitz, 2002). Information asymmetry could be caused either by the expertise that bureaucrats possess or the access to the inside information. The institutional structure featured by this information asymmetry and the discretionary powers assigned to the officials creates an opportunity field for public officials on which they could abuse their entrusted public power for private gains (Lagunes & Huang, 2015).

Therefore, the definition for corruption, which is generally taken to be the abuse or misuse of public authority or trust for private gains, comes to be too general for addressing any specified source and type of corruption as well as actors engaged in this corrupt activity at local level, especially in urban planning field. Since the definition lacks applicability in the field, various typologies of corruption are developed for some operationalization purposes. Hence, when an individual bribes to take what is already legally entitled to him, this is referred by "harassment bribes", on the one hand, and if bribe is paid for getting ahead in the queue or in the competition, then it becomes "non-harassment bribes" (Basu, 2011). Alatas also distinguishes "transactive" corruption, which implies the willingness to engage of both parties into the corrupt transaction, from "extortive" corruption that includes some form of compulsion exerted by one party (Heywood, 1997, pp. 425-26). In addition and alike to the distinction between petty and grand corruption, it is differentiated between retail and wholesale corruption, as the former covers millions of single transactions engaged by ordinary citizens, the latter signifies top-level macro-scale corruption that occurs in land or natural resources (Nilekani, 2013). Additionally, Heywood (1997) recommends a few more distinctions on typologies of corruption such as local vs. national, personal vs. institutional, traditional vs. modern.

In this study, not excluding other analytical tools and typologies of corruption, a different typology of corruption is deployed to understand resources of corruption in an urban environment, especially in land-use planning and building regulatory services, and to detect responsible individuals who has control over these resources for developing a deterrence strategy. Having borrowed from Bussell and adapted to the local level in Turkey with some changes, it is preferred to "focus on corruption as it relates to different types of state resources", such as urban land rent created by changes in zoning plans,

occupancy permits, differentiated building licenses, public employment and public services provided in planning departments of municipalities (Bussel, 2015, p. 37). Departing from this approach, it allows us to identify the responsible actor, civil servant or elected official, who may be involved in corrupt practices over public resources and the related legal-administrative framework around which the administrative procedures, responsibilities and moralities of public officials are regulated. Knowing who is in charge over a public resource may point out the relevant sets of individuals for deeper analysis on the incentives at play.

In the corruption phenomena studied by this work, it is the state resources to begin with the analysis and to map out the network of corrupt actors and the mechanisms of corrupt transactions within the given institutional system. Because corruption is about illegal- or misuse of public duty by public official for private benefit through either exploiting the public resource or making third parties to exploit these resources. Departing from this description of corruption, there could be identified three advantages of focusing on state resources in this scrutiny. Firstly, focusing on one particular type of resource allows one to detect the possible public or private actors having an interest in that resource. By this way, it would be easier to categorize and list the characteristic features of agents for an analysis. Secondly, the matter is the distribution conditions within which terms are regulated by the institutional systems. That is, examining the structure and functioning of the system by which state resources are distributed is essential for seeing the functioning of corrupt transactions and it is easier by focusing one particular resource type. Lastly, variations of corrupt transactions originated around the state resources are specified so as to identify the common attitude of actors involved in various types of corrupt transactions.

As shown in Table 2.1, public resources controlled and distributed by public officials who are authorized by law and through administrative procedures which are designed by law, are categorized under four titles (Bussel, 2015); legislative, contracting, employment and services. By legislative, it is meant to be policies and regulations concerning the city in which the allocation of a public resource is made through legislative procedures or the power of by-laws such as changes in by-law regarding building regulations. By

contracting, it refers distribution of public resources through public procurement and allocation of licenses. By employment, jobs in municipalities and municipal companies are considered a public resource over which corrupt motivations might be realized. By services, provision of individual benefits and enforcement of sanctions are pointed out as another opportunity on public resources attracting individuals with a vested interest on them such as building permits and administrative fines on violations of building licenses.

In the institutional framework drawn by law, the authority to exert direct control over the distribution of resources is given formally to those actors specified in Table 2.1. Regarding policies, mayor is main actor holding direct control over regulations with whipping members of municipal council as well. Besides the mayor, top department bureaucrats contribute to the preparations of this regulations, meaning they have also an influence on policies formulated.

In addition, central government may also intervene in the local process. Secondly, public procurement and contracting are overseen by bureaucrats at level of contract by the way which is shaped by national level legislation such as Public Procurement Law. By the way, it is the fact that the implementation part of the law is conducted by these bureaucrats, meaning they have direct control over these resources. Thirdly, with regard to employment, politicians and bureaucrats with hiring and transferring authority become very effective to determine the way how these public jobs are distributed among interested individuals in the absence of merit-based administrative guidelines. Lastly, civil servants have direct control over the provision of goods and services to citizens, which gives them a space of discretion on determining who gets what and how much and who does not.

Table 2. 1 Corruption and types of public resources at local level

Corruption Type	Type of Public Resource	Examples of Corruption	Holder of Direct Control	Holder of Indirect Influence
Legislative	- Policies and regulations - Changes in land-use plans	- Payments for favorable legislation	- Mayor - Deputy Mayor - Council Members - Top department bureaucrats	- Bureaucrats with control over implementation
Contracting	- Allocation of licenses/contracts (natural resources, schools, roads, infrastructure projects etc.)	- Kickbacks on licenses/contracts	- Bureaucrats at level of contract/project	- Politicians with power over bureaucrats - Middlemen
Employment	- Recruitment - Promotion - Nomination for office	- Bribes or favors for jobs or posts	- Politicians and bureaucrats with hiring and transferring authority	- Middlemen - Local party branches - Hometown associations
Services	- Provision of individual benefits (for example, welfare) or sanctions (for example, unpermitted occupancy fine)	- Bribes for speedy services - Bribes for avoiding the cost	- Street-level bureaucrats	- Politicians with power over bureaucrats - Local politicians - Middlemen

Source: (Bussel, 2015, p. 41) *adopted to the local level for Turkey*

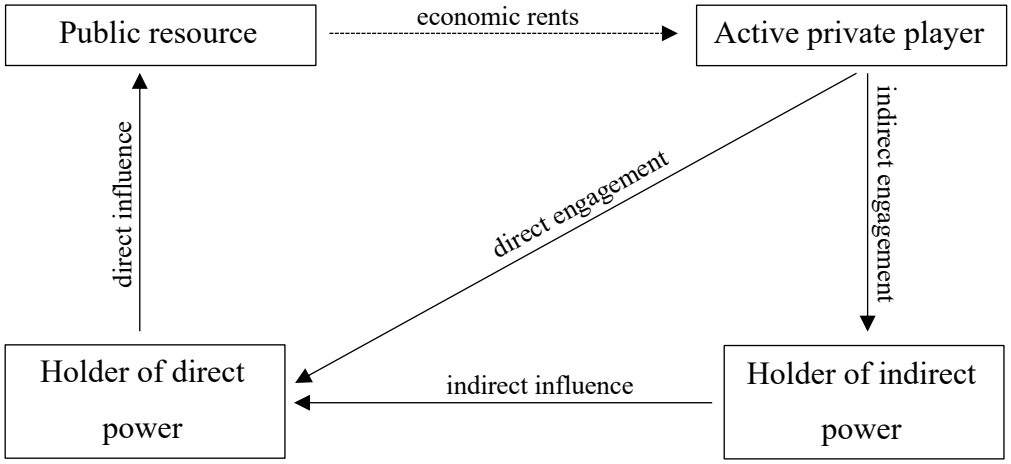

Figure 2. 2 Engagement scheme of corrupt activity

On the other hand, there is another form of control which named thereafter as indirect influence arising from direct control of one's over individuals or information (Bussel, 2015). Those who have indirect influence over a public official or have knowledge about an ongoing value creation process can extract rents from bribes or favors paid for access to that value although they do not have direct control over a public resource (Bussel, 2015). For policies, bureaucrats with control over implementation take part in the decision-making processes at least in the last phase, which give them an indirect influence over these resources through inside knowledge. Concerning contracting, politicians with control over bureaucrats and middlemen have indirect influence on the process. With regard to the employment, the process is indirectly influenced by the efforts of middlemen, local party branches and hometown associations to affect the recruitment processes to get their men inside. Lastly, politicians with power over bureaucrats, local politicians and middlemen have indirect influence over the provision of public goods and services.

Given these formal and informal ways to control over public resources, possible sites and actors in which corruption is likely to occur come to become known in detail and ready to be re-designed accordingly in line with the proposals of anti-corruption concerns to prevent of and then fight against corruption. Throughout the whole study, illustrative

cases are used to indicate the plausibility of the typology on the ground of Turkish experience.

2.4 The Conceptualization of Corruption in Land-use Planning

Planning and building regulatory services are one of the most substantial and of top priority powers assigned to local authorities, considering scale and economic value created. In urban land, rent is seen as a source of speedy enrichment without high efforts. Thus, the urban rent is sought to be excessively created and illegitimately exploited, which give way to the corrupt agents to benefit from the situation. Especially, some dominant feature of land-use planning and building regulatory services make the field more vulnerable to the engagement of corrupt incentives from both public and private sphere. This section briefly discusses the essential characteristics of the planning so that to understand the embedded facilitators of corruption into the system itself.

Orthodox planning systems, mostly prevailed in use in Western countries, inherently produces differentiated decisions about the variations of land-use, in which it grants rights to certain people while denies those rights from others who is in almost same situation (Moroni, 2010). This differentiation is justified on the basis of the ultimate goal of the planning system that is realizing public well-being of the community by planning. Also, Chiodelli and Moroni (2015) assert that it is the differentiated treatment that is exercised *almost solely in land-use decisions,* at least in the democratic Western countries (p. 444). Furthermore, it is also stressed that planning system is intentionally designed to be discriminatory (Sorensen & Auster, 1989).

The power of discretion assigned to public officials in the structure of the planning system is so great that it makes it almost impossible to genuinely apply the rule of law principle. The first reason for this is that the public interest is an ambiguous expression, poorly defined in legal terms, and it is processed within political system to come up with a policy outcome -for example a land-use plan, which might be disparate considering initial public concerns. The second is the insufficient judicial review taking the first reason into account (Epstein, 2005). Furthermore, in this rule of law discussion, policy formulations such as

the revision in land-use plans or the development direction of a city can be generated in conformity with the due process of law, seemingly abided by the rule of law. However, the law itself can be formulated to conform to the corrupt actors' wishes: "that an act is legal does not always mean that it is not corrupt" (Philip, 1997, p. 25).

The coexistence of three factors is sought for corrupt transactions to be realized between parties involved. First, a discretionary power is required to be assigned so that the officer can allocate resources by differentiated judgements on the assignment of advantages and disadvantages; second, expected economic rents must be considerable; and third, the risk to disclosure should be worth compared to the net gain at stake (Rose-Ackerman, 1999; Chiodelli & Moroni, 2015). These three factors are built into the structure of any given institutional planning system which requires deeper analysis for identifying the incentives of actors involved in corruption.

In building regulatory services such as granting building licenses and occupancy permits or imposing administrative fines for code violations, the most common incentive for corruption is to ensure the responsible public official overlooks the violation or accelerate the granting in return of bribe paid. Therefore, corruption is interpreted by some as *oil which greases the wheels* but supposed to be understood as *sand in the machine* (Ades & Di Tella, 1997; Kauffman, 1997). Yes, it speeds things up at first, but after a point, this corrupt system prevails and leaves the person no choice but to bribe. Creating red-tapes and the ability to overlook violations gives public officials to something to leverage.

3. LEGAL-INSTITUTIONAL FRAMEWORK OF PLANNING

Turkish public administration has experienced a paradigm shift in understanding and style of governing firstly with the pull of globally trending neo-liberalism policies dictated by international organizations such as International Monetary Fund (IMF) and World bank (WB) from the beginning of 1980s and secondly by pushes from European Union in the accession process from mid 1990s onwards, at least until 2008. Classical public administration based on legal procedures, hierarchy and bureaucratic relationships was replaced by public management, which is characterized by productivity, marketization, service orientation, decentralization, policy and accountability (Kettle, 2005). Later on, this management approach became insufficient in terms of addressing inclusion of broader stakeholders in administration process with exclusion of non-governmental actors such as NGOs, media, people, private sector and international organizations from policy formation processes. Thus, a new concept, governance was re-introduced and emphasized by European Union (EU) in White Paper published in 2001.While managerialism reforms aimed at economic improvement, efficiency and effectiveness, good governance reforms were concentrated on providing transparency, accountability and participation in public administration (Sözen, 2012).

Public management reforms brought some novelties such as devolution of authority from center to local level with decentralization accompanied by raising concerns about accountability, transparency and participation. These concerns have been tried to be met with the development of governance systems with strong focus on creating accountable, transparent and participatory networks and mechanisms in social or public spheres for provision of services (Göymen, 2018).

In 1980s, when Özal came to the power, his policies were shaped by prevailing approach of that time in the world, which is neoliberalism instructing away with the state-controlled import-substitution economic model and replace it by an export-oriented market economy. He opened the door, ending the prevailing protectionist and paternalistic economic policies, and integrating the Turkish economy into the world economy (Ergüder, 1991). In his period in power, the state-run industries were privatized and the traditional entitlements and protections in the economy were dismantled.

Second wave of reforms came under the rule of Justice and Development Party (AKP) in the EU accession process which has been intensified after 2001 financial crisis. In November 2002, the AKP got the majority in general election and came the power without the support of a coalition partner. Coalition governments were in charge between 1991-2002, in which comprehensive reforms could not be done in such a political condition, except of mandatory financial regulations (Arslan, 2009). Once the new government started to work, its first step among others is to create an Emergency Action Plan which also contained reform plans for restructuring of public administration in the light of new understanding encouraged by EU.

Unfortunately, these early attempts made by AKP were interrupted by then bureaucratic opposition of state elites and eventually the veto of "the Draft Law Related to Fundamental Principles and Reconstructing of Public Management" by the president of that time. The reform package has never found a chance to be wholly implemented, but partially. This situation created an unbalanced structure in the administration, for example, increasing flexibility in staffing but any actual regulation for accountability.

Another reason for these reform efforts to came nothing is that governments introduced five-year development plans which involved emphasis on reform titles in vast scope due to the reward given by donor countries as incentives are increased accordingly. Hence, recipient governments became prone to "come up with cosmetic plans to satisfy the foreign donors" but not their citizens need (Moene & Soreide, 2015, p. 46). This led AKP governments to this direction while they seemed to follow reform programs in fact behind the image was left rotten without any serious and diligent reformation taken place in terms of governance. Moene and Soreide (2015) calls this phenomenon as "good governance facades" indicating the cosmetic make-up of country's reforms on administrative structure. For them,

> although good governance makes the cake bigger for the incumbent, political fraud makes it smaller but gives bigger slices to those in power. (Moene & Soreide, 2015, p. 49)

This is the case exactly taken place in the Turkish context regarding local governments. Despite good governance is asserted to create a bigger cake and fair distribution among city members, this corruption problem with the contribution of ill- and deficient design of administrative structures and procedures both makes the cake smaller and causes unjust and inequal distribution of resources. On the other hand, with internal dynamics of reform processes, after those developments, the desire to reform in early period of AKP decreased and the party entered a new phase reform fatigue (Göymen, 2018).

3.1 Local Administrative Reforms in Turkey

The increase in international trade enabled the capital to be accumulated in the cities as the locus of international markets. As a result, the growth of industry has also led to the concentration of cheap labor power in cities, having big influence on political economy and the nature of the cities (Tilly, 1993; Polanyi, 2001). However, the influx of the rural population to the cities requires that most of the services provided by the central state are supposed to fall under the jurisdiction of local governments. In the 1980s, principles of localization and subsidiarity, which were designed, widely adopted and dictated by institutions such as international trade organizations and the European Union (Kettl, 2000), was the approach adopted in Turkey for local government system, as well. As such, local capacity building was brought to the agenda for local governments to overcome the problems they faced. Vast powers possessed by the central government have been incentivized to be gradually transferred to local governments in the reform processes (Keleş, 2006). However, the contest for power between central state and local governments did not follow a straight line in favor of one but covered a history of 'going back and forth' in terms of local autonomy (Bayraktar, 2007).

Although Turkish municipal system has a long history, in this part of the study, the system and the regulations alter than 1921 will be discussed. In the local government system determined by the 1921 constitution, many services, including public works, are planned to be carried out autonomously by local governments. However, this conceived system could not be fully implemented due to frequent internal revolts in the country at war at that time. With the 1924 constitution, centralization became more prominent again in

order to ensure the unity and integrity of the republic after the War of Independence. Therefore, although there is an elected council in local government, it is mostly managed and directed by the governors' guidance, in which approval or veto power on council decisions is yielded by governor of the province (Akdoğan, 2016). With the municipal law adopted in 1930, even though the provision of many local services has been assigned to the municipalities, the municipal system, which has not yet maturated in services like health and culture, has had ongoing support and supervision by the provincial units of the ministries of central government, retaining the strong administrative tutelage over the local (Görmez, 1997). Moreover, central government reclaimed some functions from local government as the war approaching.

Municipal system was re-designed by the two contending approaches in 1930s; strengthening the local autonomies and to guarantee the central supervision over local policy choices and administrative operations (Bayraktar, 2007). As the commission that prepared the municipal law stated in its justification, the social and economic plight of local communities can only be improved with a strengthened local governmental system as it is in the developed western countries. However, also added, since increasing local autonomy and power can lead to anarchy, the possibility of anarchy can be kept under control by increasing state control in parallel to the increase in local powers (Aytaç, 1990). With this suspicion towards local empowerment, the municipal system was designed to be just an extension of the functioning of central government in carrying out local public services (Bayraktar, 2007). So that, the municipal council was banned to take any decision on political matters, indicating the technical and operational role of the local administrations (Mumcu & Ünlü, 1990). Depoliticization of municipal system was a consequence of populism and statism which are followed by the state as national policies (Mumcu & Ünlü, 1990). Populism aimed at to socially and political transform the society from bottom to up. To do so, local power holders must be passivated politically at least for a while, resulting in politically unmatured local governments. Statism, on the other hand, requires all financial and administrative resources to be allocated for national transformation and development projects planned by the central government. That leaves localities unfinanced and unauthorized enough to be autonomous in real terms. The fact that finance and power of municipalities were minimized led central government to plan,

fund and carry out the local public works by central organizations such as the Bank of Provinces and the Board of Municipal Public Works (Güler, 1998). In fact, even though many duties were allocated to municipalities, there were no organizational capacity of local governments at that time to fulfill the duties.

With the increase in migration from rural to urban especially after the Second World War, local governments' need for both financial resources and authority in providing services increased. In this way, the legitimacy of authority of local governments could be put forward more against the center. Although it was constitutionally planned to increase the capacity of local governments and develop their financial resources with the 1961 constitutional provisions, it could not show any real development as it was not supported by laws and implementation. Nevertheless, the direct election of the mayor here was the beginning of a policy towards decentralization, strengthening the autonomy of municipalities. However, the fact that the central government was planning financial resources and economic growth within the framework of the 5-year development plans brought with the 1960 constitution did not leave much room for maneuver to local governments (Akdoğan, 2016).

On the basis of the 1982 constitutional provision that special forms of local administration might be introduced for large residential centers; in 1984, the metropolitan municipality system was established in provinces with a dense population and more than one district in the center, including Istanbul, Ankara and Izmir. Provided under the Law No. 3030, new financial resources and authority on urban plans acquired by the metropolitan municipalities were very important steps of the creation of a more autonomous local government structure (Görmez, 1997). Even so, central government maintained the power to intervene in local issues if it saw necessary.

Reforms towards increasing subsidiarity (2002-2008)

Local administration reform in particular goes hand in hand with public administration reforms in general, and it is the case for Turkey as well. Decentralization have been a priority issue in the European Union membership process throughout the 2000s. From

this perspective, draft laws on the reform of public administration were prepared (Dinçer & Yılmaz, 2003), and some changes in the relationship between central and local government was approved by the parliament in 2005, including the closure of provincial units of ministries except of education, justice, interior and national defense which require national level conduct. However, some of these legal changes could not be implemented because they were either vetoed by the president or annulled by the constitutional court.

In the AKP Government's first legislative initiative, most of the central government's powers and functions planned to be transferred to local governments. The administrative tutelage over local governments also intended to be weakened, and local governments were brought to an autonomous position vis-à-vis the central administration. These legal regulations were generally based on the principle of subsidiarity, meaning that public services are performed by the closest administrative unit to the people who benefit from this service, if possible, as defined Article 4 in the European Charter of Local Self Government. The attempts to empower local governments was realized partly by the Metropolitan Municipalities Law (Act No. 5216) enacted in 2014 since it expanded the responsibility area of metropolitan municipalities according to their populations. Especially after 2007, when both the presidency and the prime ministry were held by the AKP, the planned reforms in favor of enhancing local self-government had a chance to be realized easily. However, after 2012, the tendency of scale-up and recentralization of local governments were revived by the AKP instead of efforts to strengthen local governments, as a reform fatigue took place between 2008 and 2012 (Akdoğan, 2016; Akıllı & Akıllı, 2014).

Trend towards scaling-up and re-centralization (2012-present)

Re-centralization means that the powers transferred not only to municipalities but also to the provincial units of ministries with the principle of breadth of authority are assumed by the central government. Scaling up refers to the legal regulations made for the closure of some municipalities considering economies of scale, and to expand the powers and responsibilities of metropolitan municipalities. The fact that the authorities regarding services such as zoning permits and urban planning, which are carried out by local

governments, are being reclaimed by central government can be considered as an indicator of re-centralization.

This trend has redefined the system of relations between local governments and central government. In 2012, the new legislation on metropolitan municipalities (Act No. 6360) increased the number of existing metropolitan municipalities from 16 to 30 and expanded the authority to cover all the province area. Furthermore, the law redefined the distribution of functions among metropolitan and district municipalities in favor of the former. The justification of the law stated in the preambles is mainly about the economic re-scaling in terms of avoiding the problems such as inadequate capacity, financial weaknesses, inefficient administration and hardship to find qualified workers of small size municipalities (Akıllı & Akıllı, 2014). As it relates to the land-use planning, another change brought about by this legal regulation is the excessive authority in planning given to the metropolitan municipalities, taking the expansion of borders into consideration. The locus of recentralization is determined to be the metropolitan municipalities rather than the central government, though.

On the other hand, the stronger metropolitan mayor exercising authority over the city has close ties with the central government, meaning that this situation contributes to the recentralization as well (Sözen, 2012). As sectorial recentralization in land-use planning, it is another recentralization effort to transfer the powers used by local governments regarding zoning and construction licenses to Housing Development Administration (TOKI), the Ministry of Culture and Tourism, the Ministry of Science, the Ministry of Industry and Technology, and the Ministry of Environment and Urbanization. With the decree having the force of law issued in 2012, the central administration was made responsible for the zoning activities on many immovables within the boundaries of the municipalities. The authority to make zoning plans in urban transformation areas started to be used by TOKI, not by the municipalities. In 2012, a law was passed on the transformation of areas under disaster risk, and the central administration was given general planning authority in those disaster areas.

3.2 Present Governance in Turkish Local Government

By the Municipality Law enacted in 1930 which remained in force until 2005, Turkish local government system was designed to be the part of the central state to carry on the public service delivery functions at local level. Institutionally two characteristics of this system have remained to be controversial and a locus of political contest between central and local governments: first, local autonomy which defines the positive limits of local power including local decision-making, representation and participation; second, central supervision which draws negative limits on local governments and enables governmental interference into the local issues making the localities an organic extension of the central government (Bayraktar, 2007). Until 1980s which is characterized by neo-liberal understanding on the state structure, this usual tide on the limits of power of local governments had continued sometimes in favor of center and sometimes of local governments.

With the neo-liberal wave worldwide, financial and administrative burden of central government was forced to be diminished by the pressure of international financial institutions in exchange of offered financial loans under the reciprocity principle, forcing developing countries to conform with facade reforms (Moene & Soreide, 2015). While privatization, deregulation and decentralization were the driving force proposed by the neo-liberal narrative in the transformation of the governmental system in the pursuit of well-being of economic market, some powers of the central government must be devolved on the local governments making the former having more autonomy vis-à-vis the latter (Güler, 1998). Having decentralized, increased financial resources allocated to and widened functional capacities of local governments have contributed to the local autonomy. At this very point, Bayraktar (2007) argues that weakening influence of center on the local without strengthening transparency and accountability in the administration resulted in the more penetration of private interest groups into the governance process in the seeking of extracting economic rent created in the urban settings, especially the urban land rent, instead of in the increasing of local democracy.

The legal framework for this neo-liberal transformation of Turkish local government was provided by the enactment of the Metropolitan Municipalities Law No. 3030 in 1984. The

present structure of the local government system of Turkey is mostly designed and still remained according to this framework although some remarkable changes were made under the Law No. 6030 in 2012. By this new metropolitan municipalities law, the most important structural features joined into the system are two-tier municipality system, strong mayorship post and the way local elections conducted. Below, these institutional features are discussed with a special focus on actors in that institutional context as they relate to the corruption in land-use planning field.

Two-tier municipality system

Two-tier system of municipality in one of the provinces of unitary state of Turkey consists of district municipalities and one metropolitan municipality in which the former is designed to be tied to the latter in the hierarchy in the boundaries of the city. While some autonomy is granted to district municipalities to conduct responsibilities assigned to them by law, they suffer democratically from the intervention and supervision of both central government and metropolitan municipality (Bayraktar, 2007). However, it is the duty of the metropolitan municipality to ensure coordination throughout the city while both metropolitan and district municipalities have their independently elected mayors and councils.

From the aspect of land-use planning activities and building regulatory services, there is shared power between central, metropolitan and district municipal authorities. Most of the planning authority is given to the metropolitan municipality while the implementation of building regulations and approved land-use plans on the field are among the responsibilities of the district municipalities.

Strong Mayorship

Presidential character of mayorship in municipalities with strong mayor elected by public vote resembles the presidential regime at the national level (Bayraktar, 2007). With the post-1980s legal changes including the ease of central supervision over and increased financial and administrative power assigned to the municipalities, the mayors grew their

power position vis-à-vis central government as well as municipal council. Uneven distribution of power in favor of mayors among the mayor and the council is built into the municipal framework in Turkey, in line with the suggestions of new public managerialism which prioritize productivity, marketization, service orientation, decentralization, policy and accountability (Kettle, 2005). As a result, to keep efficiency high, the local democracy is traded off to the extent which the mayor becomes the main-power holder at the local level.

In terms of powers on land-use and construction, the mayor enjoys comparatively wide influence over the council (Bayraktar, 2007; Akdoğan, 2016). Firstly, the mayor as the president of the council determines the agenda and presides over the meetings on changes in land-use plans. Furthermore, the preference which supported by the mayor wins on a council decision if the votes become equal. Secondly, the mayor has the right to veto any council decision based on solid legal justifications. To overrule the veto, the council has to adopt the same decision with a simple majority. However, the mayor has another option in his arsenal to resist this council decision, that is filing an administrative lawsuit to annul the decision in the court. Lastly, most of the executive functions of the municipality are conducted by the municipal committee consisting of members mixed of those coming from appointment by the mayor and selection by the council among its members. The mayor has the absolute control over the committee since it is presided by the mayor and appointed members are the deputies of the mayor as well.

On the other hand, council's power vis-à-vis the mayor in the check and balance system is rather weak. The municipal council annually held a meeting to deliberate on the mayor's annual activity report. If this report is rejected by the three-fourth of the members of the council and the Council of State makes a recommendation of dismissal to central government, then the mayor could be dismissed from his duty. However, it is almost impossible to use this mechanism since the mayor and the council were elected at the same election day, meaning that the political composition of seats in the council becomes in favor of the same political party with which the mayor affiliated (Azaklı & Özgür, 2005).

Local election system

At the municipal level, the mayor and council are elected separately by the public vote of people living in the municipal jurisdiction. The Law No. 2972 (Mahalli İdareler ile Mahalle Muhtarlıkları ve İhtiyar Heyetleri Seçimi Hakkında Kanun, 1984) regulates the rules of the game.

The metropolitan or district mayors are either elected by direct popular vote or appointed by the central government using its administrative tutelage powers if it is required. The ordinary way of getting the post is obviously the elections but Turkey has experienced the other way more frequently since the mayors are dismissed and replaced with the trustee appointed by the central government because of the running criminal prosecutions on the mayors. This shows to what extent the central government can intervene in the local governments.

Metropolitan and district mayor come to office with one round majoritarian election. As a matter of fact, in this case, it is not necessary for one candidate to get the majority of all votes that count valid as the candidate with the most votes among the participants of the race is elected as the mayor. In fact, it is the election that determines the president, not the vote (Beetham, 1999). As for the nomination process, the party leader generally has the last word on who becomes the candidate of the party running for local office. Although pre-election is foreseen as a democratic method in the election law, presidential candidates are generally determined by the proposal of the local organization of the party to which they belong and the approval of the party leader. Therefore, this situation necessitates the mayor to keep being accountable to the leader of his party, rather than the voters or the rule of law.

District council members are elected according to the proportional election system with a 10% election threshold. It prevents political parties or candidates who cannot pass this threshold from entering the council. At the same time, the contingent candidate application in this system enables the party with the highest number of votes to directly obtain the designated number of council seats in the district. Principal and alternate

municipal council member candidates are determined by the proposal of the local organization of the party, but ultimately by the final decision of the party chairman. At the same time, contingent candidates for the council are directly considered as metropolitan municipal council members once they win the election. Even though pre-election in the nomination process is regulated, it is not mandatory for political parties to apply. In general, voters or party members do not have much of a say in the nomination process for the municipal council. The nominations are finalized and announced by the party organization and the leader. On the other hand, the Metropolitan Municipal Council consists of one-fifth of whole members of municipal council from each district and the mayors of the district, that is, it is not formed directly by popular elections. Since the district council members to be sent to the metropolitan municipal council are determined by their own parties, the loyalty tendency towards the party will be high here as well.

Personnel regime

In terms of administrative cadres of municipalities, first of all, it is essential for a local government of competence and integrity to have a well-planned personnel regime. In particular, administrative public officials, who perform most of the operational work, play a vital role in formulating policies of local government, executing decisions taken, and managing daily public services (Pope, 2000). Therefore, any reform effort should also primarily involve the civil service section of any government. Reforming civil administration contributes to the prevention of politicization of the bureaucracy, patronage networks and irregular relations from the widespread use within the public administration (Acar & Emek, 2009). The first pillar of these reforms is the development of a merit-based recruitment system. However, the merit system alone is far from sufficient, and should be supported by complementary elements such as promotion, accountability and salary schemes by which public officials are able to foresee their career path for future (Rubin & Whitford, 2008). Merit can be defined as choosing the best candidate who provides sufficient qualifications for an open position. However, not only recruitment but also career advancement and promotion issues should be regulated on the basis of merit (McCourt, 2007).

Recruitment decisions should be systemic, transparent and objectionable. In recruitment processes, a fair competition should be possible where candidates know the recruitment criteria in advance, and where everyone can be informed about the recruitment announcement. In the case of Turkey, although there is a relatively fair competition in recruitment, serious problems have taken place in the system, especially in promotion, motivation and accountability (Acar & Emek, 2009). Looking at the personnel regime in local governments, four different types of personnel employments are possible: permanent civil servant, contract civil servant, permanent worker and temporary worker. These types of regimes were formed as a result of the reorganization of the local administrations personnel regime, especially in accordance with the new public administration approach reforms.

With this new flexible personnel regime, local governments have turned to recruitment with contracted and worker status, which provides more flexibility in recruitment. In the recruitment of tenure civil servants, the decision on the number of staff assigned to a particular municipality is made with the request of the municipality and the approval of the Ministry of Interior. Therefore, since the central government has an effect on this decision, local governments alternate to meet their human resources needs by recruiting more contracted civil servants and workers. Recruitment of tenure civil servants is made as a result of the Public Personnel Selection Exam (KPSS), which is the central examination organized by a central body (ÖSYM), and the in-administration exam and the interview held by the municipality. Although there is no problem in terms of central examination, interviews, where transparency is not possible in general, contradict the principles of impartiality and objectivity. This situation could cause nepotism, cronyism and patronage problems in the personnel recruitment. These problems constitute the mechanism that establishes the indirect influence of politicians or senior managers on public personnel to affect the decisions on the allocation of public resources through illegitimate transactions.

On the other hand, an even greater problem in the civil service regime of local governments is that promotion in office is subject to little or no rules. In general, appointments made to high positions here aim to bring people loyal to the ruling party to

higher positions in a quid pro qua manner (Acar & Emek, 2009). This contradicts the principle of systematic, transparent and competitive appointments and violates the principle of legal certainty and assurance. The main criterion in these appointments then becomes the discretionary and differentiated judgment of the politicians or senior managers in favor of the person to be appointed (Özgür, 2004). In addition to new appointments to high positions, there is not much built-in incentives in the public personnel system in order to increase the motivation of the existing personnel and the working efficiency (Acar & Özgür, 2004). In other words, employees who are more effective, productive and innovative could not expect to receive a serious remuneration in return of their voluntarily extra efforts. This situation in particular causes a decrease in the job satisfaction of public officials and at the same time creates a serious incentive for them to increase their total income with different income sources. This contributes to the fact that the public official potentially seeks extra income by entering into illegitimate relationships with active private players using their public authority.

3.3 Administrative Structure of Land-Use Planning

In Turkey, the land-use planning is a complex administrative system with different powers and functions of the legislative, executive, judiciary and municipalities may overlap within the same jurisdiction. The Turkish Grand National Assembly (TBMM), as the main legislative body of the country, actually determines the general legal framework by preparing all laws. The President, as the head of the executive, with the power to issue presidential decrees, has the duty and authority to regulate all other land-use planning and construction issues that are not currently regulated by laws. The President may use these duties and powers directly or delegate them to ministries under the Presidency. Hence, the Ministry of Environment and Urbanization is the main public institution to which this regulation duties and powers are transferred, such as the authorities of planning, coordination, supervision and imposing sanctions, especially in the field of land-use planning and building regulatory system. In this system, the judiciary is the independent state power to guarantee that the rule of law is complied with in all kinds of legal and administrative transactions. All aside, the administrative level where the lion-share of operational and administrative functions are carried out in the field of planning is the

municipalities. Municipalities and the ministry are the two institutions in which the real confrontation between center and local appears regarding their powers and duties in the field of land-use planning. Centralization, decentralization or re-centralization policy choices become relevant with the distribution of power between them. As seen in Figure 3.1, the main institutional players in the planning system are briefly examined below in terms of their overlapping authorities.

Firstly, although the scope of the ministry's powers and duties varies from subject to subject, it includes regulation, planning, supervision, administrative tutelage, coordination and enforcement in the realm of planning-related issues, according to the Presidential Decree No 1 (Cumhurbaşkanlığı Teşkilatı Hakkında Cumhurbaşkanlığı Kararnamesi, 2018). In terms of regulatory actions, the ministry is equipped with duties and powers such as preparing the regulations on the land-use planning field, determining the borders of the adjacent area (not for metropolitan areas), determining the main principles and procedures of the functioning of the planning system, preparing the legislation on settlement and construction, regulating local administrations and their relations with the central administration. In terms of planning powers, the ministry has the authority to create spatial strategy plans, to prepare most part of the environmental plans, to ensure that the lower plans comply with the upper-level plans, to execute supervision over local level administrations, to prepare the plans and give the building license/residence permit on some occasions determined specifically by law or the presidential decree, and to take all necessary actions such as conducting surveys, preparing maps, preparing parceling plans, granting a construction license, granting a building use permit regarding the implementation projects of TOKI. In addition, the ministry ensures coordination between the relevant administrations such as TOKI and municipalities, makes sure that all transactions are carried out in accordance with the rules and policies by using its supervision and administrative tutelage powers, and can punish the relevant persons or administrations by using the sanction authority when necessary.

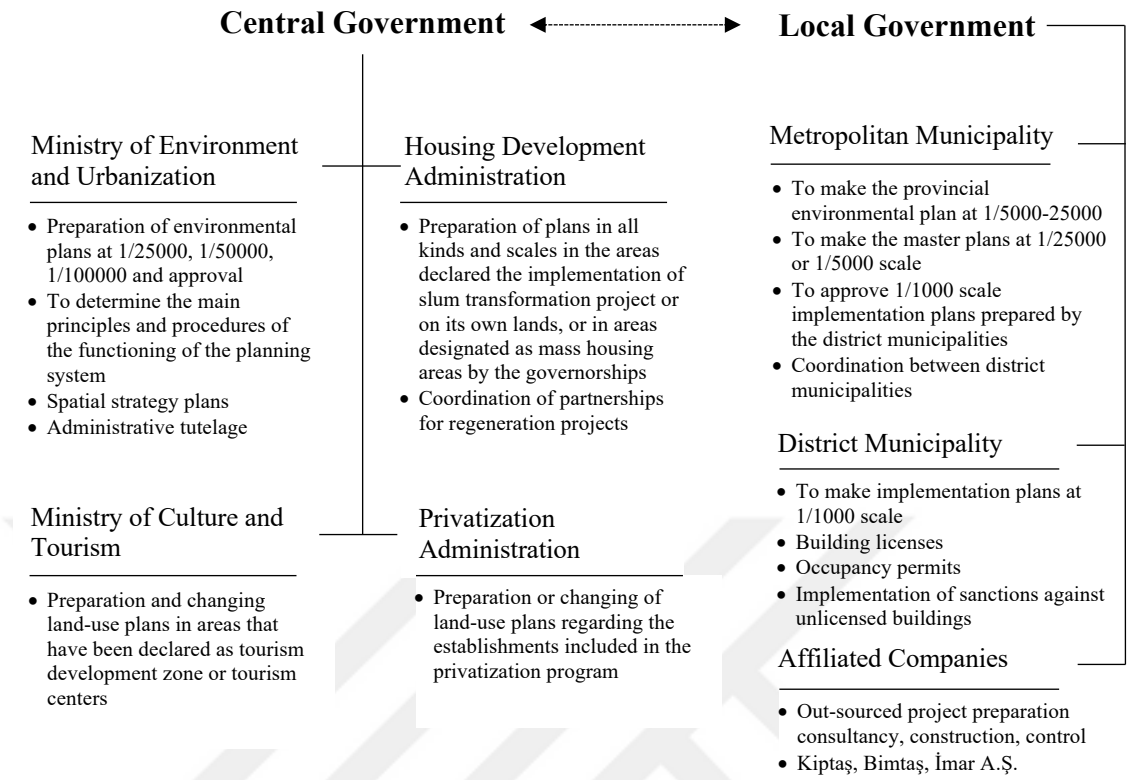

Figure 3. 1 Planning hierarchy within the metropolitan cities

As another organization in central government, the Ministry of Culture and Tourism is also authorized to prepare and change land-use plans in areas that have been declared as tourism development zone or tourism centers within the country. In order for a region to be declared a tourism center within the country, approval of the president is required upon the recommendation of the ministry. From this point of view, the central executive has a decisive say on this issue, meaning that it is possible to arbitrarily exclude an area from the jurisdiction of municipalities. In addition, making decisions or changes in spatial strategy plans, landscaping plans and master zoning plans regarding the organized industrial zone, industrial zone, industrial site and technology development zone are subject to the approval of the Ministry of Industry and Technology. The fact that the central government is excessively authorized on this local issue may create too many exceptions and differentiated judgement, and actually prevent municipalities from making a holistic city plan with the final decision taken by the public participation.

Another institution with planning authority attached to the center is the Privatization Administration. Pursuant to the Development Law No 3194 (İmar Kanunu, 1985), the zoning modification and plans of the lands belonging to the public enterprises included in the privatization program are prepared by the Directorate of Privatization Administration in consultation with the relevant municipality, and these plans enter into force with the approval of the president. Permits to be issued based on these plans are still issued by the municipalities. If the municipalities do not fulfill this duty on time, the directorate does it ex officio. As another important actor, TOKI is a public legal entity affiliated with the Ministry of Environment and Urbanization established by its own law. In accordance with the Housing Development Law No 2985 (Toplu Konut Kanunu, 1984), TOKİ is authorized to make land-use plans of all types and scales in the areas where it will implement a slum transformation project or on its own plots and lands, or in areas designated as mass housing settlement areas by the governorships, without disrupting the integrity of the environment and zoning. These plans are sent to the relevant municipal council for approval, and those plans that are not approved in due time are approved and put into effect ex officio by TOKI. With excessive authority assigned, TOKI is used by the central government as a tool to circumvent existing complex regulations in the related land-use laws. In this way, TOKI carries out large construction projects in partnership with the private sector, freeing from the influence of the municipalities, by making plan changes in the areas requested by the central government.

The duties and authorities of metropolitan municipalities in the field of land-use planning are generally enumerated in the Metropolitan Municipality Law No. 5216 (Büyükşehir Belediyesi Kanunu, 2004) and Development Law No. 3194 (İmar Kanunu, 1985). These can be listed as follows; to make environmental plans within the boundaries of the metropolitan municipality, to make the provincial environmental plan, to make the master plans at 1/25000 or 1/5000 scale, to approve the development improvement plans and the changes in these plans to be prepared by the district municipalities, to inspect their implementation, to approve the parceling plans to be prepared by the district municipalities, to approve and supervise the implementation, to make the implementation plans and parceling plans at 1/1000 scale if the district municipalities do not make these within one year from the date of entry into force of the master plan, to declare urban

transformation and development project area within the metropolitan borders, to carry out all kinds of zoning plans, parceling plans, building construction licenses, occupancy permits and similar transactions regarding urban transformation and development projects, to use the authorities given to municipalities in the development law, to ensure harmony and coordination between district municipalities and to supervise zoning practices.

The municipal council establishes municipal specialized commissions from within each year starting meetings. Municipal specialization commissions are regulated in Article 24 of Law No. 5393 (5393 Sayılı Belediye Kanunu, 2005) and it is stated in this provision that the municipal council can establish specialized commissions consisting of at least three and at most five members from among its own members. For metropolitan municipalities, this number has been determined as a minimum of 5 and a maximum of 9 together with the Article 15 of the Metropolitan Municipality Law No. 5216 (Büyükşehir Belediyesi Kanunu, 2004). For how long the commissions will be established, not exceeding one year, is specified in the same council decision.

Specialized commissions are formed by complying with the proportion of seats which each party has in the municipal council. It is obligatory to establish land-use commissions in provincial and district municipalities and municipalities with a population of over 10000. Following the council meetings, the land-use commission finalizes the works transferred to them within a maximum of ten working days while it is five working days for other commissions. If the commissions do not submit their reports on the works assigned to them to the council at the end of this period, the issue is directly put on the agenda by the chairman of the council who is the mayor. The matters that fall under the jurisdiction of the specialized commissions are decided by the municipal council after being discussed in this commission.

Considering all these regulations and practices, the municipal councils work as the approval authority while the land-use issues are evaluated and followed by the land-use commission. The report as a result of workings of the commission comes to the municipal committee and from there it comes to the agenda of the council. The decision is taken by

the municipal council, but the plan or plan change is made by the land-use directorate or some private contractor. Especially in cases where the council and the mayorship are won by contending political parties, the land-use plans can be a matter of bargaining in terms of the political power balance here. Even if there are no irregularities, this process can turn a plan or plan change into an asset for political bargaining and corruption. This also prepares the ground for the tutelage of the central government if the party in power is the same for the central and municipal governments.

In the two-tier municipal system, the same region within the province falls under the jurisdiction of both the metropolitan and the district municipality. Therefore, the distribution of authority between these two municipal levels regarding land-use planning is legally determined. The basic principle regarding power distribution is that the powers not willingly given to the metropolitan municipality will be used by the district municipalities (Muratoğlu, 2021). Accordingly, the authorities and duties of district municipalities in the field of land-use planning and building regulatory system could be listed as follows: to make implementation plans at 1/1000 scale, to make parceling plans, to ensure the implementation of sanctions against unlicensed buildings, to use the authorities given to municipalities in the Unauthorized Building Law No. 775, to protect cultural and natural assets and historical fabric of the city, to evacuate and demolish life-threatening buildings, to make zoning programs, to make arrangements on urban land and plots, to cut regulatory partnership shares after the plan changes (article 18 of the Development Law), to issue building licenses and to grant occupancy permits.

3.4 A Brief Analysis of Corruption Prevention at Local Level

Although corruption has become a permanent problem in Turkey for a long time, serious anti-corruption policies started to appear on the agenda only after the 2001 financial crisis. Although reforms began to be formulated, but not taken effective, under the coalition governments between 1999 and 2002, the AKP's coming to power in 2002 accelerated the anti-corruption reform process. In its early years, the new government took very important reform steps, especially in the fields of public administration, energy sector, banking and construction, where corruption took root. In this policy formulation, while

the EU accession conditionality has been the pushing factor for reforms by the mechanism of "reinforcement by reward" between 1999 and 2005, it was the AKP governments that have concluded already started process of the legislation of important anti-corruption laws in this period (Börzel & Risse, 2003; Schimmmelfenning & Sedelmeir, 2005). However, as many scholars have argued, when the legal framework put forward by the government was not supported by serious political will and genuine actions towards implementation, it had a limited effect on the results in the fight against corruption (Acar & Emek, 2009; Ömürgönülşen & Doig, 2010; Ulusoy, 2014). One of the reasons of why the implementation side of these reforms went weak is asserted to be the declining EU incentives of membership for Turkey, in which legislations on the reforms has been drafted and enacted while the implementation loses its attractiveness due to the loss of faith in being member and the substantial costs of institutional reforms (Yılmaz & Soyaltın, 2014).

In the initial years of AKP governments, a bunch of legal transformations were introduced. The legal framework for preventing corruption in public administration had not been alone without any institutional enhancement on the issue though, in which the new institutions were founded, and existing institutions were enriched by built-in measures incorporated into their organizational structure in their fight against corruption (Adaman, 2011). Throughout the reform process, the Penal Code is revised in 2005 to include the clarification on the definitions of corrupt activities and bribery crimes, and the various penalties were determined as sanctions. Secondly, wide range of amendments were made among the national legislations such as the Public Procurement Law, the Law on the Right to Information and the Code of Conduct for Civil Servants. With the constitutional changes in 2010, the Ombudsman institution was introduced for people to file complaints about public organizations or agents regarding their wrongdoings. Lastly, Turkey entered international engagements by signing treaties making it the member of Group of States against Corruption (GRECO) and the OECD Working Group on Bribery (Doig, 2010).

Corruption prevention activities must be carried out with coordination between different levels of government and of public institutions to be effective and successful since

corruption in land-use planning itself happens in complex and multi-level schemes which involves various individuals from public and private sectors. Even the official efforts would be nowhere near to eliminating corruption without taking the civil society support as governance system requires both public and private actors to be engaged in the management of an issue, especially such sensitive one like corruption. Throughout this section, while civil societal organizations are briefly mentioned, governmental anti-corruption institutions are elaborated deeply with their capacity and orientation to handle the corruption in land-use planning at the local level.

As analyzed above in detail that corrupt incentives of engaged agents differ, the same mechanism is current in the formulation of anti-corruption policies. Anti-corruption is not a neutral technical activity of public administration but more a process of value transformation (de Sousa, 2002). Each actor, who challenges the corruption issue someway, has a motivation for and an expectancy in return of stepping into the fight, such as strengthening the position in power for the ruling party, damaging the party in power for the opposition, refreshing political image for a careerist politician, taking funds and members for non-governmental organizations, creating then-used political image for a judicial member thinking of going into politics, etcetera (de Sousa, Larmour, & Hindess, 2009). All actors within the governance system contribute to the formation of an anti-corruption discourse and policy then prevailing among all the institutional and individual actors.

To prevent corruption, other than the judiciary, there are two main combating institutions in the governance system worth to be referred for land-use planning at local level: non-governmental organizations (NGOs) and anti-corruption agencies (ACAs). Civil society tradition in the country has been inherently weak and passive (İçduygu, 2008). Although the vast number of liberal rights introduced by 1961 Constitution gave rise to proliferation, diversification and power of civil society in Turkey, decennial military coups interrupted this process by consolidating central exclusive power of the state ((Karaman & Aras, 2000). Given the wind of neo-liberalism trend in the world, the role of governments was advocated to be minimalized in size and scope especially in economic issues, resulting in that civil society organizations could find themselves a field of play

out of state domination (Keyman & İçduygu, 2003). With the European Union (EU) accession process, civil society has gained strength in terms of power and financial resources thanks to support provided by EU in legal, technical, financial and cognitive issues (İçduygu, 2011). Beside this enhancement of civil society last decade in Turkey, NGOs have limited capacity and power on effecting decision-making processes and exerting pressure on actors involved, resulting from bureaucratic ruling tradition and lack of participatory culture at level of citizen. This fact was apparent in the preparation and adoption process of the strategic action plan on reducing corruption in 2010 while government neglected the opinions and contributions from NGOs on the issue (Chene, 2012).

Especially after Gezi Events in June 2013 and the big corruption scandal blown up in December 2013, the government appealed to use authoritative tools for holding public support in favor of them onset of local election in March 2014, rather than holding the responsible ministers and actors involved in this corruption scheme accountable on their wrongdoings with legal and political means. Shifting towards more authoritarianism had further negative effect on civil society as well through restricting the right to assembly and demonstration, limiting right of freedom of speech and increasing prosecution of members of civil society with fabricated accusations. The situation has gotten worse after the failed coup attempt in July 2016. The state of emergency had been declared aftermath and remained in force for 2 years. In this state of emergency, and even after, civil society has been suppressed through authoritative use of police force and legal instruments such as detentions, prosecutions and judicial control measures such as travel ban and home detention. Since then, every member of NGOs bear fear to be prosecuted with fabricated terror crimes.

On the other hand, in its very logic, ACAs are the institutions within the governmental system which focuses and urges upon the corruption incidents to draw attention from government and/or society (Doig, 2009). They are part of the state, arms of the government, staffed with civil servants and financed by public funds. They are set up by legislative or executive decrees taking its roots from the constitution. In addition, they are supposed to be designed and positioned as to enjoy autonomy to some extent, meaning

independence from external political and administrative influence. While every single public entity has responsibility to monitor ethical conducts over their agents in their boundaries of authority, their main duty is their operations formally assigned to them such as education, town planning, transportation and so on. However, anti-corruption is taken to be the secondary duty for them in these legal-administrative framework. For this reason, ACAs seem to be an alternative and supportive actor whose the main role and responsibility is preventing and combating corruption through indirectly ensuring administrative coordination and directly exercising special powers to interrogate corruption incidents.

In accordance with the theory adopted in this study focusing on the power holder over public resources, the analysis of the corruption reforms is on the one branch that concerns the ethical problems of civil administration actors. In this analysis, three institutions, which are the Ethical Board for Public Servants (EBPS), the Ethical Committees (EC) and the Ombudsman, are studied in their relations to the capacity to prevent corruption at the local level. Civil administration reforms generally follow the general pattern of anti-corruption reforms followed by Turkey. The ethical behavior of civil servants was defined and the rules to be followed were regulated by the Code of Conduct for Civil Servants in 2004. By this code, for example, conflict of interest, misconduct and misuse of authority for benefit are among the main issues defined and clarified (Ömürgönülşen & Doig, 2010). Following the legal regulation, The Ethical Board for Public Servants (EBPS) was established in 2004 with the Law on the Establishment of the Public Servant's Ethics Board No. 5176, and the Ethical Committees as related local units are required to be installed in various public organizations at the micro level. This reform process in civil administration is further enhanced by the introduction of new Ombudsman institution in 2010 with a constitutional change.

The main responsibility of the EBPS is to audit and decide on the compliance of the acts of the public officials above the rank of general manager in the bureaucracy with the ethical principles within the framework of the pre-determined criteria of ethical conduct. The Board is entitled to define ethical codes for public officials in their relations to citizens and in the public transactions. According to the latest formation, the board is

positioned in relation to the Presidency. The members of the board, which consists of 11 members, are elected directly by the President of the Republic from among those who have previously served as senior public administrators or high-level elected politicians. The election of all members of the board, which is charged to examine the ethical violations of high-level bureaucrats, by the president, who is the head of the executive, harms the belief that the board can remain impartial.

In addition to this, the lack of an administratively and financially autonomous structure of the board likely prevents it from entering an investigation of ethical violation that might create any result that may be harmful to the political status of the ruling party. Considering the financially dependent status of the Board, it is no surprise that the Board suffers from the lack of human and financial resources. Keeping the Board short on the necessary power and resources is asserted to be the political will of the ruling government since all decision on the allocation of resources is made by the politicians which also initiated this Board at first place (Acar & Emek, 2009). As Klitgaard (2006) argues, "systemic corruption" is characterized by the close ties between politicians and bureaucrats to ensure that illegitimate or irregular cooperation keeps undiscovered, in which politicians has little incentive to prosecute the corruption, for example if not for to suppress political opposition, while political influence to ignore it is high.

The Board possesses a wide range of prosecutive power such as conducting the necessary examination and research, requesting related documents from public institutions and having the authority to call the relevant representatives from the organizations and get information. However, there are no serious sanctions for ethical violation decisions made by the institution. At the end of the inquiry, The Board notifies the results of the examination and research in writing to the concerned parties and to the Presidency and the Ministry of Labor, Social Services and Family, and expects from the relevant administration to take the necessary action. Hence, the Board does not produce binding decisions to be followed enforcedly by the relevant administration. There left a discretionary call for high-level politicians or bureaucrats to decide on the fate of the case.

Lastly, services are provided by lower-level public officials in the local administrations, especially in the field of planning. However, according to the regulation of the EBPS, no application can be made to the board for these lower-level officials. In the municipalities, the Board can only examine the top executives of the municipalities, such as the mayor, general secretary, vice mayors, and chief inspector in municipality. Allegations of violation of ethical codes by lower-level officials are reviewed within the municipality by its own Ethics Committees. Committees are set up to examine allegations of ethical violations within almost every administration.

Ethical Committees are designed to be an ethical body within each public institution, monitoring the conducts of its officials who is not covered by the authority of the EBPS. ECs should be understood as internal ethical bodies mostly focusing on raising the awareness of ethical conduct among public officials and taking complaints about officials. ECs are the projection of EBPS at the local level, in which committees deal with the ethical concerns arising from conducts of their public officials who are not eligible to be examined by the EBPS.

As an example, Istanbul Metropolitan Municipality Ethical Committee is examined in the scope of this study. The Committee was established by a regulation which was approved by the municipal council in 2013 (Istanbul Metropolitan Municipality Public Officials Ethical Conduct Principles and Applications Decree, 2013). That is, the adoption of the committee is not compulsory for public institutions according to the law, but voluntary. By the regulation, the Committee is composed of 5 members who are elected and appointed by the mayor itself from those officials of the municipality who have not received disciplinary punishment before. This raises questions about independence and autonomy of the committee while its members are both existing civil servants working under the mayor in the hierarchy and selected by the mayor himself to this post. It is hard to expect the committee members to take a stance on ethical circumstances which would be harmful for the political image of the incumbent mayor. Even if the committee could not take complaints and make examinations about mayor and high-level officials within the municipality, it is hard to believe that the committee independently follows its ethical

standards even if it is against the will of the mayor. The same case is valid for any other public institution such as the governorship of the city.

As another problem, ECs are not transparent to the public while they neither inform public about the examination processes nor the decisions taken at the end. There is no open and accessible database of decisions on the website of the municipality. In addition, the Committee is not well-staffed and financed. It has no separate place and autonomy in the organizational structure of municipalities. Due to these facts, it seems ECs were mostly founded on the ground that the aim is to give an appearance, intended to give the impression that corruption inside the organization is being fought.

Lastly, the Ombudsman Institution (KDK) was established as an autonomous institution under the auspices of the legislature, oversees the activities of the executive and aims to perform a fast, cost-free and efficient mediation task in resolving disputes arising between the executive and the citizen, taking its place among the institutions in Turkey in 2010 (6328 Kamu Denetçiliği Kurumu Kanunu, 2012). The main purpose of this institution can be summarized as ensuring that the executive can be controlled effectively, and that the administration can produce fair, quick and respectful solutions to the citizens. The Ombudsman, who should be an impartial, reliable and independent person with the granted authority from the parliament, is expected to constantly monitor all state bodies and officials to protect the rights of citizens. The duty of the institution, as stated in the fifth article of the relevant law, includes examining, investigating and making suggestions to the administration in terms of compliance with the law and fairness of all actions and transactions of the administration, as well as their attitudes and behaviors. In addition, the institution is granted authority directly from the article 74 of the constitution, and the organizational structure of the institution was regulated by a special law. In this respect, it can be said that their legal guarantees are strong.

In terms of its establishment, it is stated in the fourth article of the law that the institution was established "under the presidency of the TBMM, having a public legal personality, with a special budget and with its headquarters in Ankara," consisting of "Chief Auditor and General Secretariat" and that the institution "can open an office where it deems

necessary". In this respect, it can be said that the institution has administrative and financial independence. However, the fact that it was established as a presidency in terms of pluralism does not allow wide participation and pluralist representation. Regarding the independence of the Chief Auditor, the clause of the tenth article of the law stipulated the condition of not being a member of any political party. However, this is an arrangement that will be insufficient to ensure impartiality of the Lead Auditor. In addition, the election of the chief auditor is dependent on getting the highest vote in the last round of the assembly. This means that the ruling party with the majority in the parliament appoints the chief auditor somewhat.

Article 12 of the Law states that "no organ, authority or person can give orders or instructions, send circulars, make recommendations or suggestions regarding the duties of the chief auditor and auditors." This almost shows that the guarantee given to the judiciary in Article 138 of the constitution is also given to this institution. In addition, Article 15 stipulates that it is not possible to dismiss the chief auditor or auditors before they serve their 4-year time in duty. This situation can be interpreted as a membership guarantee. Furthermore, as discussed in Article 17 of the applications made to this institution, the suspension of the judicial period means that the institution is organized and operated in an integrated manner with the judicial system.

Lastly, the institution has its own special budget as stated in article 29 of the law. This means that it has financial independence. If a general assessment is to be made, the institution is well designed. Although it has legal personality, legal guarantees and financial independence, it has not been able to ensure its administrative-political independence and it is far from being an effective institution for now due to its lack of formation of a pluralist participatory institution.

In summary, these three institutions could not be categorized as anti-corruption agencies in its formal meaning. However, they are performing like anti-corruption agencies, a kind of primitive form, regarding their roles and duties such as examination of unethical conducts or illegitimate administrative actions. Among them, EBPS and ethical committees much more focus on the prevention of corruption through eliminating ethical

violations of public officials. EBPS lacks administrative and financial autonomy and resources in any kind such as budget or staff. On the other hand, KDK is more concerned about the well-performing of administrative functions and operations to make citizens pleased by the state. Compared to EBPS, KDK is well financed and staffed. Also, it is positioned autonomous from the executive, responsible to the National Assembly. All of them are authorized to make administrative reviews which are eventually subject to the judicial control.

4. FOCUSING ON URBAN PLANNING

The exact place of one line on the land-use plans may be worth to millions of dollars in favor of the owner of the land as the line determines which land has the development right as residential or commercial area in a metropolitan city. Similarly, overlooking the violations of building license in an inspection due to a bribe paid to the inspector leads to the fact that the volume of constructable area could be illegitimately increased by not complying with building coverage ratio (TAKS) or floor area ratio (KAKS), resulting in the increase in the total marketable floor area, which means millions of dollars extra revenue created in a metropolitan city center such as Istanbul. Hence, the urban land comes to be the locus of the production of economic rent without high effort and with corrupt engagements. Considering Turkish experience, metropolitan cities have continued to expand in terms of land and population. This necessitates both identifying new development areas for the city to expand with construction of new houses and commerce centers and implementing regeneration projects to ensure that sustainable and livable urban centers are generated with eliminating the entrenched irregularities in cities. The value at stake is high and the sector is getting bigger.

However, land-use planning and building related services are an essential but poorly monitored intergovernmental activities that count on political or bureaucratic discretion in decision-making and differentiated treatment to applicants. Planning system in its own nature requires to allocate development rights on a basis shaped by the discretion and differentiation among citizens, because of the scarcity of land. For example, a piece of urban land must involve housing area, commerce fields and green space which should be proportionate regarding the needs of the population. Thus, every landowner in this specific urban space could not use their land according to their own wishes. This fact specifically makes the planning system more susceptible to the corruption as those with corrupt incentives would try to bend rules for themselves in the seeking of privileged and increased private gain. The contractor or the landowner needs to get in touch with the responsible public official to get the desired result, in a corrupt way.

Table 4. 1 Corruption and types of public resources in land-use planning

Corruption Type	Type of Public Resource	Examples of Corruption	Holder of Direct Control	Holder of Indirect Influence
Legislative	- Policies and regulations - Changes in land-use plans - Master development plan - Implementary development plan - Subdivision plans - Zoning improvement plan	- Payments or political support for favorable legislation	- Mayor - Deputy Mayor - Council Members - Departmental Executives	- President - Minister of Environment and Urban - Bureaucrats with control over implementation (inside information)
Contracting	- Tenders for demolition works of unincorporated and unlicensed buildings in the district	- Kickbacks on contracts	- Municipal committee - Bureaucrats at level of contract	- Relatives of one high-level politician - Politicians with power over bureaucrats - Middlemen
Employment	- Recruitment - Promotion - Nominated for office	- Bribes or favors for jobs - Favoritism - Patronage	- Mayor - Human Resources Executive	- Middlemen - Local party branches - Hometown associations
Services	- Provision of individual benefits - Building Licenses - Occupancy Permits - Code Violation Fines - Decision to demolish - Reconstruction - Redesign	- Bribes for speedy services - Bribes for avoiding costs	- Street-level bureaucrats in Planning Department	- Politicians with power over bureaucrats - Local politicians - Middlemen

Table 4.1 indicates the main public resources in the planning related government services into which the possibility of illegitimate economic rent extraction by public officials is built. The table summarizes the main public resources associated with the specific types of corruption and the holder of direct control over these resources. Holder of direct control in this table represents the public official who have the discretionary power to decide on the matter, in which this power is assigned to him with laws or by-laws within the institution. Besides, holder of indirect influence points out the man behind who have someway influence on the holder of direct control, for example, resourcing from the political party pressure or patronage networks.

As the logic of this approach is discussed in previous chapters, here it is contented with only adapting this actor-focused approach to the land-use planning at local level, also taking the central actors into consideration. In fact, the land-use planning system involves public resources from which economic rents could be illegitimately extracted mostly by use of legislative and service types of corruption. The procurement related transactions could not find much place in the planning system except for some occasional works such as the tenders held for demolition works of unincorporated an unlicensed building in the district. Also, employment type of corruption is widespread among all public administration, as it is so in the planning system. Since these types are not unique enough to the planning field, in this study, the legislative and service types of corruption are focused for analysis of corruption in urban planning.

The main tools used in decisions of land-use allocations are the plans at all scales which are ordinarily prepared by parliamentary procedures at local level. Even though plans are occasionally prepared by the central government without legislative process, it could be considered as regulative which has similar consequences with the legislative process. However, the municipalities hold the authority to prepare and make changes in land-use plans via its decisive organ, the Municipality Council. Types of public resources in the land-use planning could be enumerated as following; policies and regulations as frameworks, environmental plans, master development plans, implementary development plans, subdivision plans, zoning improvement plans, development readjustment share, the values of lot coverage ratio and floor area ratio, maximum construction height on a plot.

For the desired outcome from the land-use plans, the landowner or the contractor might pay off the public officials for favorable legislation, regulation or legislative decision on land-use plans. The question here is that whom is supposed to be bribed by the active player with corrupt incentives? The simple answer is the one who have power to provide what is wanted with the lowest price possible if competitive. Amongst all possible agents, the one would be the holder of direct power; the mayors, municipality council members, departmental executives, and for central administration the chairman of TOKI. However, in terms of preparation and change of land use plans there are many individuals participating into the decision-making process in the assembly. Hence, for the contractors in that case, it is hard to consolidate the policy choices of the council members separately and individually into the direction favorable for him with illegal payments. Thus, the holders of indirect influence over the holders of direct power are invited to step in to the corruption scheme so that they could ensure that the desired proposed land use allocation is approved by whipping members of the council to get in line as desired. Holders of indirect influence could become top-level national politicians, retired high-level politicians, bureaucrats with control over the preparation process or on the information inside, and criminal organizations composed of influential old officials. In summary, in this corruption scheme, real monetary payments are made by the active players to the direct influence holder for him to distribute these illegal benefits among those public officials who are also got involved in the corrupt transaction. In exchange for these monetary benefits, involved public officials make sure that the desired outcome is delivered even if it is illegal.

Not just the payments are considered by public officials as the private benefit in exchange for a favorable decision on land-use variation of the land related to the contractor. Especially elected public officials could see their favors given to the contractor with remarkable wealth and respectable influence in their environment as election investments resulting in political support organized by the finance and impact of the private player, in return. This kind of institutional corruption is “closely related to conduct which is perfectly acceptable part of political life” (Thompson, 1995, p. 7). And it is hard to categorize which act is acceptable and which conduct is corrupt. Nevertheless, it has a

huge potential to turn to be the systemic corruption as ethical standards are not clearly defined an applied, while politicians try to stretch out the boundaries within which they are allowed to do for taking advantage in the electoral competition.

4.1 Corrupt Incentives of Actors in Land-use Planning

This section is devoted to explaining an exemplary model which includes the incentives of the actors in the field of land-use planning and the interrelationship between corrupt actors in a corruption scheme. The incentives of all actors are intended to be analyzed under the premises of the approach developed in detail in this study. Also keeping in mind that all transactions occur within the institutional context, the actors are positioned and connected to each other by given features of the institutional structure of planning system and central-local governments. Figure 4.1 summarizes the interrelationship of corruptible actors in possible engagement schemes regarding the land-use plans as public resources.

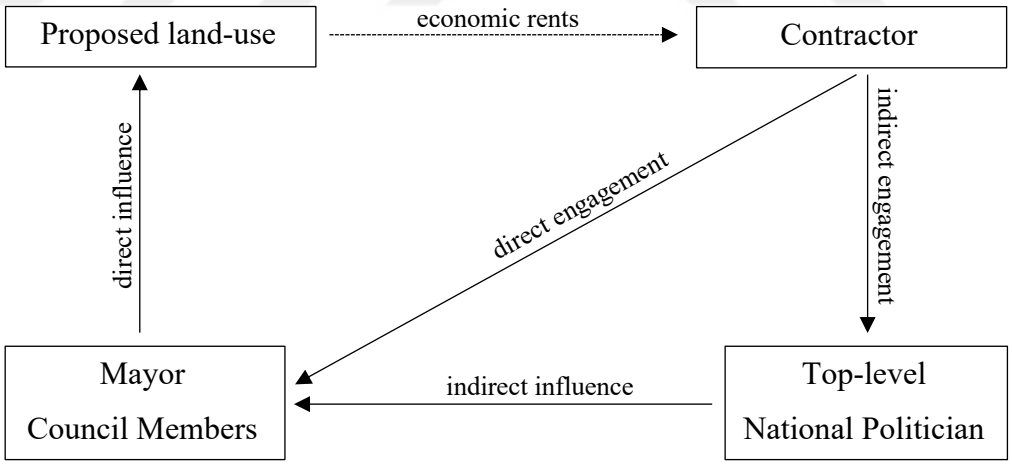

Figure 4. 1 Engagement scheme of corruption in land-use planning

To begin with, the main public resource in the urban planning is the changes in land-use plans in a way to make the owner of the land or the contractor satisfied with an increase in the value of the land. If proposed land-use complies with the preference of the

contractor, then the contractor is willing to pay for a preferential treatment in the face of an expected economic rent arising from this change in the plans. If this is the case, one must turn his focus on the public official who have power over the resource to determine how the land-use in a particular area is allocated. At the local level, a first look at the planning system suggest that municipalities have the authority and duty to prepare or change land-use plans, in which this authority is exercised by the municipal council as the responsible organ of the municipality. As municipal council consists of members who are politically elected, they are likely kept under the influence of the party that they are affiliated. In most cases, the mayor and most of the council members are from the same party as a result of the election system, meaning that the mayor also has a huge effect on the policy choices of the members of the council. In addition, it is not an insignificant detail to ignore that the mayor and the council are assigned vast responsibilities in the administration of a city. That is, departmental executives in charge of planning-related duties are also another power holder on this matter. Conclusively at the local level, it appears that the mayor, council members and the departmental executives hold the direct influence over the land-use plans as public resource.

On the other hand, the central government is able to transfer the power of land-use change from local government to TOKI on the basis that area of the land is declared special project field. With this transfer, the authority to change land-use plans is held by the top-level bureaucrats of TOKI who are appointed to the post by the president directly and are under the direct supervision of the Minister of Environment and Urbanization. This opportunity to shift jurisdictions enables the central government easily to intervene into the local issues when it deems necessary, especially in times things go reverse direction for the policy choices of the government. However, this mechanism also is susceptible to be exploited to make preferential treatment to close associates in exchange for monetary benefit or political support. Especially in a case that the contractor could not get the desired land-use change approved by the municipality, then he seeks to get in touch with the actors in the central government so that the land use plans of the construction area are prepared and approved by TOKI as they comply with the will of the contractor. In summary, the contractor with corrupt incentives could be directly engaged with direct power holders, who are the mayor, council members or departmental executives at the

local level and the head of TOKI at the national level, to raise the volume of extracted land rent exclusive just for the contractor by the discretionary, differentiated and privileged judgment on land-use plans in favor him.

Indirect engagement to the direct power holder, the contractor needs to convince the public official or officials to take a stance in favor of him for favorable legislation in an exchange for an increase in the private wealth of the official in terms of either monetary or favor used to be later. Direct engagement excludes the intermediates, if the problem sought to be solved could be handled by one or two public officials. In this case paying off these agents who exerts authority over the decision on land-use plans is sufficient. However, land-use plans at the local level are made or changed in a procedure that involves many decisive actors, even the public participation to some extent. Such a decentralized hierarchical distribution of power would require the contractor to pay off all the little power holders so that the proposed land-use plan is approved. In fact, this option is neither applicable nor effective regarding the increased number of corrupt payments to be made to many individuals and the risk for that yet the job could not be done because some officials refuse to be involved in corruption scheme. Therefore, the contractor turns his focus on finding someone who has access to the right person and also has capability to coordinate among the public officials who are related in this matter.

In this kind of indirect engagement, the contractor diminishes the number of people to contact with and ensures that the process is carried out by this man who has indirect influence over the public resource by having a leverage on the direct power holder. This indirect influence can be caused by the fact that the public official with direct control over the resource has a promotional expectancy in his administrative career or to be nominated for a post in the elections only if he becomes loyal to the indirect influencer. Reverse in this career path is also possible. The public official who does not meet the demands from the indirect influencer are prevented from the advancement in his public career or even could be degraded or dismissed from duties as a punishment. Or the simple reason for the public official to participate into the corrupt transaction is making an increase in his private wealth using entrusted public authority assigned to him. In this system of influence, multi-tier influence cycle is possible, in which, for example, the president

demands the minister for a particular job, then the minister instructs top managers under his authority, and lastly the top managers put pressure on the lower-level public officials to get the job done. Taking this into consideration, incentives of all actors in the cycle differs according to their position within the institution. For example, all the ministers are responsible and accountable to the president, not the parliament. They are appointed or dismissed by the single decision of the president in present Turkish political system. This is consistent also, as discussed in detail in previous chapters, with that the criteria for promotion and public administration is mostly shaped by political motivations meaning top public officials are politically appointed.

In summary, corruption scheme in land-use planning is characterized mostly by indirect engagement of the contractor to the indirect influencer to make sure that the proposed land-use plans are approved in accordance with the wishes of the contractor. As the central government is able to transfer planning powers from municipalities to Toki, planning hierarchy becomes centralized in which a few people hold the decisive power on the planning without a built-in procedure for discussion on and participation into the proposed land use approval. This power transfers are expected to be made for mega-scale construction projects. As they are so visible on the city appearance by the citizens and the anticipated economic rent is enormous, that is why the municipal actors become unwilling to contribute to the public perception that the local administrator got involved in corruption. Therefore, the contractor can prefer the other way to contact with the central actors because the process of planning at the national level is less transparent and excludes public participation. In addition, as an advantage there would be limited number of officials to engage with.

4.2 Corruption Scheme in Building Regulatory System

This section is spared for examining another exemplary model that involves the incentives of the actors in the field of building regulatory services and the interrelationship between corrupt actors in a model of corruption scheme. Since the main functioning of corrupt transactions and the institutional context is elaborated in the previous section, this section addresses the phenomena without in-depth manner.

Building regulator services mostly consist of provisions of individual benefits such as granting construction licenses, giving occupancy permits, conducting inspections on ongoing or completed constructions, imposing administrative fine on the contractor due to the code violations or taking decisions to demolish or partly reconstruction. These services are public resources from which the contractor extracts economic rent in various ways. The contractor might bribe for obtaining building license that is legally not entitled to, for speedy service to get occupancy permit as soon as possible, or for avoiding a cost arising from the inspections resulting in the sanction such as an administrator fine and partial demolition decision due to the code or land-use plan violations for the construction project.

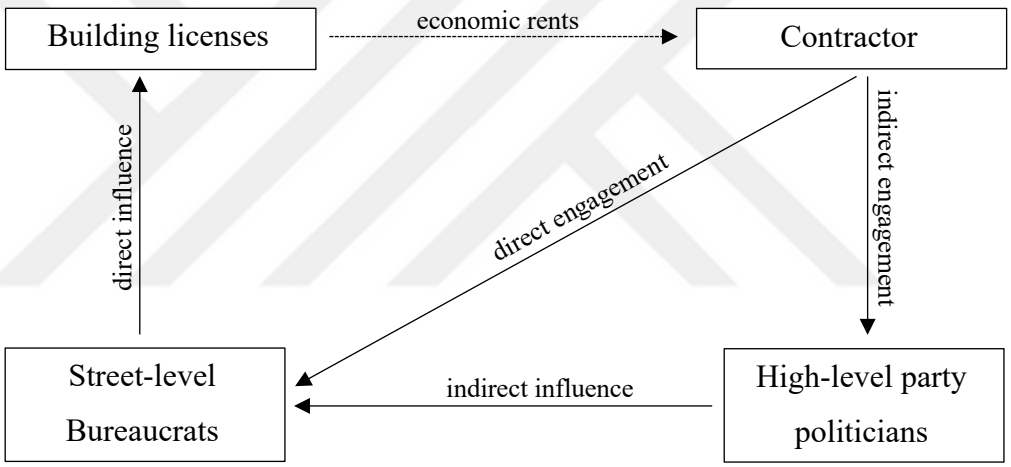

Figure 4. 2 Engagement scheme of corrupt activity in building licenses

These services are carried out mostly by street-level bureaucrats and inspectors in the planning related departments of district municipality. Even if land-use plans at large scale or prepared or approved by either metropolitan municipality or the ministry/TOKI, the authority and duty to allocate building licenses and occupancy permits as well as to conduct construction inspections are assigned to the district municipalities. As these services are too much in number, lower-level public officials carry out the lion share of the operations within the frame of discretion assigned to them. Therefore, for service type of corruption, it is the optimal way for the contractor to engage directly to the public

official who is in charge of providing licenses and permits or imposing code violation sanctions. While the corruption in land-use planning for large construction projects could be considered as systemic corruption, the service type is regarded as petty corruption in which corrupt transactions millions of small transactions happens.

For Turkish planning system, the central institutions are also assigned with power over land-use plans and building regulatory services. According to a sample fictitious corruption scheme, a criminal organization that includes the former district mayor, the minister's relative and the minister's counselor intercedes for the contractors with the Ministry of Environment and Urbanization to change the reconstruction plans in favor of the contractor and overlook the inspections to avoid any administrative fine or decision to halt construction due to the license violations. Therefore, many businessmen in construction sector have applied to this organization for projects for which they would normally not be able to obtain a reconstruction permit from municipal councils at the local level. The organization could achieve to receive the approval for irregular projects in a very short time by exerting influence over responsible public officials using inner networks within the ministry. By using its influence in the ministry, this organization might ensure that the irregularities in the projects of the private construction companies were ignored, or that the land-use plans of the area of construction projects are prepared exactly as they wanted. Furthermore, the organization might make available to prepare situation specific and privileged land-use plans through transferring the authority of plan changes from the local administrations, which did not approve or do not possibly approve the plan modifications as presented at all, to the ministry, which most likely gets the job done as under the influence of inside network.

4.3 Monitoring the Corruptible: Anti-corruption Agencies in Turkey?

Theoretical and practical conceptualization of corruption and anti-corruption is formulated throughout this entire study to be applicable to the land-use planning and building regulatory system with its uniqueness into consideration. The uniqueness of corruption to the land-use field comes from the unprecedented discretionary power assigned to the decision-making bodies, and from the characteristics of planning system

which involves high level of differentiated treatment by nature. Benefitting from the institutional economics and institutional design approaches, the public actors become the focus of the analysis as they are identified from the public resources over which they exercise authority to some extent. In addition, they operate within an institutional context in which their roles and powers are delegated as a result of the strife for power between central and local government. In this section, some of the administrative decisions of two agencies, EBPS and KDK, and some of the judicial reviews of Criminal Chamber of Yargıtay are illustrated and analyzed as to understand how they approach the problem of corruption in land-use planning and how the corruption mechanism is functioning. Through this way, it is intended to find the weak points of the formations and organizational structures of these institutions, while detecting how they are helpful in the fight against corruption in land-use planning at the local.

Ethical Board for Public Servants

Firstly, EBPS has taken 851 admissible complaints about public officials since the foundation in 2005 (Ethical Board for Public Officials, 2021). 206 of them concerns the local government and 97 of them resulted in the violation decision of ethical code of conduct for public officials. As a remarkable statistic, 41 of the violation decisions is about the local governments, meaning almost half of the decisions is about municipalities. Among these local level violation decisions, the subjects of inquiry are as following; 4 mayor of metropolitan municipality, 7 mayor of province municipality, 29 mayor of district municipality. This could be interpreted as that the more mayor at district level there are, the more complaint EBPS could get about districts and the more violation decisions for district level mayors it could give. That is, no meaningful inference coming from the number of violations given for district level mayors, because it is just the result of that there is much more district municipalities than the province or metropolitan. The number of admissible complaints and violation decisions concerning the local among all others is noteworthy in terms of monitoring ethical conduct of local level high-profile elected officials.

On the other side, violation decisions published on the website of EBPS might become a useful source to analyze the content and grievances about the complaints (Ethical Board for Public Officials, 2021). There are 51 violation decision published online out of 97 at total. 43 of them are about local government with differing subject matters for complaints such as discrimination, irregularity in recruitment, improper use of budget, making unfair profits with changing land-use plans, construction license in return for bribery. The number of decisions that involve complaints about land-use planning and building regulations is 7. However, only 2 of 7 are decided to be the violation of the ethical code of conduct. Other 5 are rejected due to either the fact that the cases are already handled in the court in an active open judicial review process or the fact that the applicant could not provide enough evidence. The second reason for rejection is not understandable since EBPS has ex officio interrogation authority regarding ethical violations. What is particularly striking in these statistics is the number of violation decisions regarding the recruitment or promotion in career: 25 out of 43. As discussed in detail throughout this study, public or private agents are to be the main focus of anti-corruption efforts without ignoring the effects of the legal-administrative framework. Also, as emphasized, personnel regime is substantial for a healthy and competent functioning of local government operations.

After these statistics, three violation decisions concerning land-use planning are examined in detail, that are Decision No. 2008/206 -violation, Decision No. 2010/95 -no examination due to lack of evidence provided, and Decision No. 2011/77 – violation (Ethical Board for Public Officials, 2021). These cases are selected on the ground that the main purpose of this study is to illustrate the functioning of possible corruption mechanisms and to test the plausibility of typology of corruption based on specific state resources. The first case is about implementation land-use plan of legislative type of corruption while the second represents service type of corruption with dealing with the occupancy permits. Additionally, the last case deals with the employment type of corruption by examining the recruitment and promotion of one personnel in the municipality.

In the first case No. 2008/206, regarding the land belonging to the wife of the Metropolitan Municipality Mayor, with the decision of the Metropolitan Municipality Council dated 19/11/2007, the 1/1000 scale Implementation Development Plan was amended, and the area where the aforementioned parcel was located was removed from the residential area and included in the commercial area. An application was made to the EBPS via e-mail with the allegation that the floor area was increased from 0.40 to 0.60, that this amendment provided the landowner with an unfair advantage, and that this situation was against the ethical rules. In the examination, it was understood that the Mayor of the Metropolitan Municipality attended the relevant Metropolitan Municipality Assembly meeting and his signature was on the aforementioned decision. In the 27th article of the Municipal Law No. 5393, titled "Conditions in which the President and the Assembly Members cannot attend the meetings"; “The mayor and council members cannot attend the council meetings where matters related to themselves, their second-degree relatives by blood and in-laws, and their adopted children are discussed”. With this provision, the Legislator aimed to ensure that the decisions of the municipal councils are taken in an objective and impartial manner, without any influence. In the light of the examinations and evaluations; It was decided that the Mayor of the Metropolitan Municipality acted contrary to the principles of "honesty and impartiality" and "avoiding conflict of interest" by participating in the works and transactions related to the land-use plan change that brought the property of his wife to an advantageous position.

In this case, an ethical violation decision was taken. In other words, at least as a result of an administrative investigation, it has been concluded that the person investigated has committed an ethical violation, which is the first step of corruption. Here, the public resource subject to violation is identified as the implementation land-use plan. This type of corruption is legislative. Here, as the appearance of corruption, it is seen that the mayor uses his indirect influence over the members of the municipal council to obtain a land-use plan that will be in favor him and his relatives in return for a political or financial benefit. In this case, while the direct control over the public resource belongs to the council members, the mayor has a significant influence on the council members, which we discussed in detail above. In this example, the principal is the people themselves, while

the agent is the mayor. At the same time, the agent and the private active player merge in the same person.

In the second case No. 2010/95, in his petition, the applicant claims that the constructions that were made before and still being made are shown as if they were built before 2004, and that unplanned, unprojected and unlicensed constructions are tolerated in return for certain fees, allowing people illegally to become electricity and water subscribers for their residences without occupancy permits. The applicant's statement was taken by the board regarding this allegation. In his statement, the applicant could not name a specific building or structure but stated that he had suspicions that some people had taken water and electricity subscriptions before the license was obtained. The provision of paragraph 2 of Article 33 of the relevant regulation (Kamu Görevlileri Etik Davranış İlkeleri ile Başvuru Usul ve Esasları Hakkında Yönetmelik, 2005) is as follows; "In the petition, the information-documents regarding the alleged behavior against the ethical principle are explained clearly and in detail. The documents in hand are attached to the petition. The alleged violation of the application is presented in a concrete way by specifying the person, time and place." Since a specific building or structure was not specified in relation to the claim in question, it was decided to exclude this complaint from the examination in accordance with the relevant provision.

In this case, service type of corruption was examined. The preparation of a building license against the truth or laws and regulations or overlooking the construction of a building in violation of the license can be considered as a source of rent. Paying a bribe for differentiated treatment is a common appearance of corruption of this type. Basically, this type of corruption is detected and reported by building inspectors or the municipal police. So, direct control over this public resource is given to these public officials. If this type of corruption is limited to low-level bureaucrats such as inspectors or municipal police, it can be classified as petty corruption. However, in most cases, high-level politicians, capital owners or bureaucrats are included in this scheme. This generally makes the irregularities in the land-use field grand corruption and more complex to solve. In this case, the institution did not conduct an in-depth investigation and closed the case

on the grounds that sufficient evidence was not presented in the complaint, while more complex organizations and in-depth investigations are required to cope with the problem.

In the third case No. 2011/77, there are multiple claims in this application. It has been alleged that the district mayor first appointed his former business partner as the Chief of Staff and then as the Deputy Mayor for Land-use Planning. The mayor and his friend are partners in a business before being elected mayor. Although he knew that his friend had previously been convicted of forgery of documents, which was within the scope of an infamous crime, the mayor appointed his friend to the above-mentioned authorities. The complaint was made to the Board on the grounds that this appointment damaged the public conscience. As a result of the research and investigation, the mayor started the process regarding his appointment as the Chief of Staff while his business partnership with his friend continued. In addition, it was detected that the mayor appointed his friend as the vice president responsible for the Directorate of Land-use Planning and Urbanization, although the mayor was aware of the conviction to ban his associate for one year from the tenders given to him while he was a freelance contractor. As a result, the board decided that this appointment decision caused an ethical violation on the grounds that it damaged the trust in the public service.

In this case, employment type of corruption is discussed. Recruitment or promotion of this type is designated as a public resource. Patronage has been identified as the appearance form of corruption. The most emphasized issue in the whole typology has actually been the influence relations on the public resource in question. At the end of the day, in order for corruption to emerge, actors who have authority over the public resource and who can take illegal actions are needed. Therefore, in fact, it is a frequent phenomenon that public agents are appointed to a certain office by influential people like politicians or high-level bureaucrats, as in all other fields besides planning. In this way, these actors can be used as desired when needed.

In the first decision, it is realized that public officials can actually engage in corruption by providing benefits to themselves by using legal means. This supports the assertions that the transaction which is legal does not mean that it is uncorrupt. In the second

decision, the board decided to reject the complaint as sufficient evidence was not put forward regarding the alleged issue. If the board was structured more strongly in terms of financial and human resources, it could use its ex-officio investigative authority more effectively to investigate such claims in more depth. In the third decision, it was decided that the appointment decision violated the ethical rules. However, board investigations are usually based on filing a complaint with the institution. Although the institution has ex officio research authority, it is not realistic at least for now for the board to use this authority due to lack of sufficient organizational capacity.

When all these decisions are examined, EBPS tries to determine whether the public officials it examines in its decisions has violated the ethical rules due to the action taken or not. In particular, the board does not investigate in its decisions or reviews why the public administrator did or did not take this action. There is no in-depth research on whether public personnel have any relationship of interest with private actors. However, corruption schemes have mechanisms that are very complex and involve too many people. A comprehensive and detailed investigation should be carried out to identify corruption and the persons involved. It is important to notice that in most cases higher-level politicians or public officials do not involve directly into the corrupt scheme as they are much more visible to the public inquiry. Therefore, they manage the mechanism of extraction rent at background in general while they appoint a representative for daily operational necessities. So, EBPS could not go deep into the functioning of the corrupt mechanisms with identifying the actors due to the limited authority which allows only examining the officials above certain level. Another reason not to go far is the lack of resources such as staff and finance.

Although this issue of corruption investigation also falls within the scope of criminal proceedings and police investigations, the existence of specialized institutions on this subject, which requires high level expertise, is extremely important for the fight against corruption. Using the typology adopted in this study, determining the competent authorities that have control over public resources and examining possible types of corruption will be very useful in ethics committee studies.

Ombudsman Institution (KDK)

Secondly, the Ombudsman Institution (KDK) received 170.744 complaints about the various acts of public administration between 2013 and 2020 since its foundation. While it is legally founded by the law in 2012, it started to take applications in 2013. Due to the fact that the pandemic makes the statistics meaningless since overwhelming proportion of applications is about economic, financial and state incentives in 2020, this study deals with the proportional distribution of 2019 applications in terms of volume and topic. Data is drawn from the annual reports published online by the institution (Kamu Denetçiliği Kurumu, 2021). In 2019, KDK received 20.968, 1.971 of them (9,4%) is concerning local administrations. Among the public institutions complained of, local administrations are the subject of 10.86% of all complaints. 5.43% of the complaints against local administrations are related to land-use planning, 10.3% to building licenses, 5% to landscaping and 0.5% to urban transformation. In total, 21,5% of complaints directed to the local administrations is about land-use planning and building regulatory services. On the other hand, 192 applications were filed to the Ministry of Agriculture and Forestry, while 285 are directed to the Ministry of Environment and Urbanization. 89 of them (18,62%) are related to the land-use planning and public works and 82 of them are about urban transformation. In total, 35,77% of all complaints filed against the ministries are about land-use.

Even though the cases taken by KDK is not representative for corruption mechanisms directly, these give some insights for the public resources that can be the focus point of corruptible agents with an interest on the resource to exploit. There are three cases selected for this study which all includes both irregularity with the law and regulations and the tight relationship with the land-use field. While one could not see the functioning of corruption mechanism with identifying all real agents with these cases, yet one could imagine how these irregularities with the law become the source and the beginning point of the corruption. Two of the cases is related to the legislative type of corruption with a focus on implementation land-use plans. The other two cases are about the service type of corruption which involve the violations of code or building licenses. These four cases are selected for being more convenient to illustrate the typology and to test applicability.

In the first case No. 2019/4415 selected to be analyzed in this study, the land, which was allocated as a green area in the land-use plans, was transferred to the affiliated company of the municipality under the authority of Istanbul Metropolitan Municipality and started to be used as a parking lot. It is requested from KDK that this illegal use be canceled. In this context, when the allegations of the applicant and the statements of the administration on the subject are evaluated together; The management of the area and the land, which was determined as a green area in the 1/1000 scale Implementation Zoning Plan, was handed over to İSPARK AŞ to be used as an "open parking lot". It has been determined that there is no compliance with the law and equity in the transaction. It has been decided to recommend the Istanbul Metropolitan Municipality to cancel the transaction regarding the use of the land determined to be green land as parking lot, by transferring it to affiliated company (2019/4415 No Recommendation Decision, 2021).

In this case, the corruption type is legislative with the public resource being implementation land-use plan. There is no clear conviction that there is a corruption scheme in this case. So, it requires some imagination and deliberation to uncover some possible connections. Decision taker over the use of the land in the case is municipal committee. Municipal committee consists of selected members by the mayor. Thus, while the direct power holder over the public resource is the members of the committee, they are under the influence of the mayor. In addition, it can be asserted that the mayor is under the influence of local party branch or some influential private city leaders. As considering the private active player, it could not be identified with certain proofs given the date in the case. But for example, the private player might be the local party branch which seeks to create more employment opportunities for the party supporters who are asked to do party duties voluntarily. For this reason, the green area may be turned into the open parking lot to be delivered to the party supporters to operate.

In the second case No. 2019/6359, the municipal council of Tirebolu decided to amend the land-use plans for the parcels around the applicant's building, which included adjacent construction and 7-floor permits while it is 5 around the neighborhood. The applicant filed an action for annulment in the administrative court on the grounds that this land-use

plan change did not comply with the principles of zoning and urban planning, and also posed a danger to neighboring buildings. Even though the court decided to cancel the land-use plan change, the municipal council tried to re-approve the zoning plan change with little differentiations and put it into effect. Through this way, the administration tried to circumvent the law and court decisions. In line with the applicant's request, it has been decided to recommend the Municipality of Tirebolu to make the necessary changes in the newly made land-use plan, taking into account the safety of life and property of the citizen, in accordance with the court decisions, experts and technical reports (2019/6359 No Recommendation Decision, 2021).

In this case, the evaluation of legislative-type corruption is carried out especially through the implementation land-use plan. Despite the cancellation of the land-use plans made by the court, the re-approval of the same zoning plans repeatedly by the municipal council becomes the subject of evaluation. Here, the implementation land-use plan is identified as a public resource. City council members have direct control over this resource. However, it should be examined how the members of the municipal council came to their position. Especially in local regions, local party organizations have an important place in both elections and political decision-making processes. However, the mayor has an important and upper position both on the council members and in the party organization. Whether councilors can be nominated at the next election or be considered for higher positions will largely depend on the mayor's opinion. When the process of making changes in the land-use plans is examined, the mayor is clearly asserted to have a clear control power over the result if no higher-level influence upon him.

In the third case No. 2018/13413, the applicant made a complaint involving that a building had been constructed in violation of the building regulations on the parcel adjacent to its own land and that the floor area ratio, the building coverage ratio and legal setback distances, which are determined in the land-use plans of that are, are ignored in the construction. Besides of these irregularities, it is asserted that Üsküdar District Municipality granted building license to this construction project. By the research and examination, it is found that the parcel area was taken as 1000 m2 specified in the building license, different from the real-world circumstance (955.78 m2); the building coverage

ratio and floor area ratio values were calculated over this value in the license and no explanation was given in the project regarding this issue. It was also detected that the fire escape as a part of the construction was in violation of the setback distance. As a result, it has been decided to make a recommendation to the Üsküdar District Municipality to take action for compliance with the land-use plans regarding building coverage ratio, floor area ratio and setback distances, to comply with the regulation and the law, and to cancel the fire escape that exceeds the building approach limits in the construction project (2018/13413 No Partial Recommendation Decision, 2021).

In this case, there is corruption in the service type. The issue of building permits and avoidance of administrative penalties, as a public source of corruption, are the subject of the study. The building permit document is issued and approved by the civil servants working in the relevant directorate of the district municipality. It is possible to draw a profit from this building permit document by preparing it contrary to the truth or laws and regulations. On the other hand, the task of checking whether a building is built in accordance with the construction permit belongs to the municipal police. Ignoring a license or regulatory violation can likewise be identified as an illegitimate source of income. Active private players may make certain types of payments for differentiated special treatment to persons who have direct control over public resources. This type of corruption need not involve people with indirect influence, but they can be.

In the first decision we discussed, the institution made a recommendation to cancel the allocation of land that is not used in accordance with its purpose in the land-use plans, informed about the situation by a complaint from one citizen living in the neighborhood. In this way, it is seen that an effective control mechanism has been established by ensuring public participation through a complaint mechanism. One of the root causes of corruption is the low risk of being caught, as discussed in detail in the previous sections. Participatory mechanisms in corruption prevention are helpful to suppress the root causes of corruption.

According to the incident, which is the subject of the second decision, although the complainant sued and canceled the land-use plan changes, the municipality persistently

ensured that the same plans were passed by the municipal council. In fact, the municipality tries to circumvent the law and court decisions by abusing its legal rights and powers. The municipality politically interprets its discretionary power too broadly and comes to the point of violating the individual rights of citizens. Here the institution decides to advise the municipality to stop this violation and comply with court orders. It seems that the main task of the institution is not to investigate whether there is a different conflict of interest behind these violations; instead, it only ensures that the operation is effective and efficient in the execution of public services. Although corruption can be eliminated here by eliminating the possibilities which are exploitable by corrupt agents, there is a serious deficiency in terms of the accountability of the authorized persons doing these administrative transactions.

In the third case, the construction permit was given based on false data. It is believed to be obviously done on purpose. In its decision, the institution asked the municipality to eliminate the contradictions with the law and the land-use plans and to cancel the building license, which was given based on the data that did not comply with the reality. However, beyond this, it is seen that the authorized person who carried out this suspicious procedure was not investigated, or a coordination was not made with the ethics committee for the responsible officials to be investigated on the ground that the breach of ethical code is occurred. The lack of cooperation between the two institutions stands out as a major shortcoming.

A large part of the corruption in the field of land-use planning and building regulatory system arises as a result of the authorities' overlooking the violations. Public officials can expect an economic return for the violations they ignore. In this respect, a benefit can be obtained in terms of eliminating the root causes of corruption, such as diminishing the conditions which give way to the overlooking. However, strict supervision of positions of authority is necessary to prevent corruption.

In summary, although EBPS and KDK are useful in preventing corruption in many ways, they cannot put forward a holistic strategy due to the deficiencies in their internal organizational formation and the lack of coordination between them. EBPS experiences

shortcomings in finance, autonomy, power, and well-trained staff. Yet, its orientation is mostly to detect ethical violations towards detecting corruption. On the other hand, the KDK is very strongly designed in terms of budget, staff, administrative autonomy, and institutional capacity. However, the main purpose of the KDK is to ensure that the functioning of the administration continues in accordance with the understanding of good management in a way that will satisfy the citizens. Thus, the prevention of corruption is indirectly among the responsibilities of KDK. Lastly, their decisions are soft, meaning that they are not binding for the administrations as the court decisions are. Despite all these shortcomings regarding anti-corruption in land-use planning, both institution is so valuable as they are the first experiences of Turkish administrative system in these kind of anti-corruption agencies.

Judicial Reviews by Criminal Chamber of Court of Cassation (Yargıtay)

Here, the events related to land-use planning and building regulatory services that the Criminal Chamber of the Court of Cassation examined within the scope of crimes that may be committed just by public officials are compiled. By examining these cases, corruption schemes in the action were tried to be illustrated. In this context, embezzlement, extortion, negligence of inspection duty and bribery crimes will be analyzed as they relate to the land-use. Cases are selected by filtering to include zoning and the above-mentioned crimes in order to fit our subject with the chosen decision. The strength of these cases in representation is their verification and validation through criminal judicial procedures which proves them to be the real-life examples with a conviction. The main reason for selecting these cases is that they are more representative and crucial than others. The visualization of the typology, which is the aim of a whole study, through illustrative cases and the examination of the concepts over the cases are also valid in this section. As an additional warning, some judicial cases, which involve grand-corruption schemes, are not purposefully included into this study as they have politically sensitive confrontations.

Cases regarding land-use plans

In this section, the cases regarding the legislative corruption will be illustrated. In this context, changes in the land-use plans are taken into consideration as the public resource. In this classification, abuse of office, bribery and influence trading are the appearance forms of corruption. In these cases, the corruption phenomenon, especially at the micro and meso level, has been examined. Therefore, the people involved in the corruption scheme can be mayor, council members, bureaucrats and street-level civil servants in the local government. As realized in the decisions of Yargıtay which are examined for the selection of cases for this section, it is rare or rather never for a judicial review to have high-level politicians to be included in a corruption scheme.

In the first incident, the victim was presented with a quotation by a civil engineer for that the project of the construction to be made on the parcel owned by the victim. The victim, who found this price offer high, did not accept it. Later, the zoning status of the parcel where the construction will be made has been changed from a commercial area to a green area. Thereupon, the victim was forced to agree with the civil engineer and accept his offer. Here the court found a relationship between the mayor and the civil engineer (Yargıtay 5. CD., 04.12.2017 T., 2014/9981 E., 2017/5205 K.). Apparently, there is an organization network including the mayor and the civil engineer to conspire against landowners through changing the land-use status of the lands not in favor of them but for forcing them to give the job to the desired firm or person.

In the second case, the complainant wanted to start the construction of a factory on a land but learned that the land in question was not open for development. Thereupon, the complainant was asked to pay a certain amount of money in order to change the land-use status of the land by meeting with the accused, who said that he had contact with the mayor. Since it has been proven that the complainant, who believes the capability of the accused, has made a total of 350000 USD payment, multiple various times, for the so-called change transaction in use status of the land, the defendant has been sentenced for the crime of influence trading (Yargıtay 23. CD, 04.04.2016 T., 2016/3929 E., 2016/3886 K.). This case clearly illustrates the functioning of indirect influence mechanism of our

corruption typology. The accused one in this case is an attorney who have close ties with the mayor. In a way, the accused organizes all the corrupt transactions behind the scenes with leaning on the mayor or trusting his influence power on the mayor. The political position of the accused attorney is not specified in the judicial review. Thus, the deliberation and imagination are the only way to think on the link between these two.

In the third incident, it has been observed that the accused, who served as the mayor of the town, stated that the land in a parcel was reserved as a green area on the land-use plan and demanded a certain amount of money to be paid to the municipality without the consent of the participants. He registered a certain amount of money with the municipality as income under the name of donation. It has been evaluated that the mayor has benefited himself or someone else by convincing the victims with this fraudulent behavior by declaring the area that is not actually seen as a green area and a public park in the land-use plan with his fraudulent behavior by abusing the trust provided by his office (Yargıtay 5. CD., 28.01.2019 T., 2015/9311 E., 2019/832 K.). Through this case, it could be asserted that politicians in the municipalities collects financial resources under the name of donations to the foundations in return of approving the changes in land-use plans or granting building licenses. These financial resources are illegitimate but not for personal benefit directly, fair to say. They are collected for later use in political campaigns in the next election. For example, the Ministry of Interior's reasons for dismissal of the Beşiktaş Mayor Hazinedar include extortion of money from business owners by subjecting municipal services to mandatory donations (Sputnik Türkiye, 2018).

Cases regarding the building licenses

This section is devoted to examining the phenomenon of corruption in the service type. Especially in the decisions of Yargıtay, it is seen that the public source of corruption in the service type in the field of land-use planning is the building license certificate and illegal constructions. The appearance of corruption is mostly in the form of bribes for ignoring building license violations or illegal construction without any permit. This type of corruption is generally perpetrated by public officials at the lowest level, for example, by building inspectors, inspectors working in the land-use planning directorate of the

municipality or municipal police officers. This type of corruption can be clearly classified as petty corruption. As both the number of civil servants and the number of constructions increase as you go down to the lower levels of the pyramid, the supervision of such cases of corruption may weaken a little due to the lack of administrative resources.

In the first case, the defendant, who is a municipal police officer in Harran municipality, did not report the illegal construction in violation of land-use plans in the protected area and did not notify the institution to which he was affiliated, are evaluated to cause the public a loss. The act is considered to be misconduct with negligent behavior (Yargıtay 5. CD, 05.12.2019 T., 2016/778 E., 2019/11568 K.).

In another case, the defendant, who was the zoning and urban planning manager in Aydin Municipality on the date of the crime, left the applications of the complainant unprocessed regarding the removal of the construction contrary to the land-use plans and law. It has been accepted that with these actions, the complainant and the other floor owners have suffered, and the owner of the building has caused unfair benefits. Thus, it has been evaluated that the crime of misconduct occurred by negligent behavior by acting against the requirements of the duty (Yargıtay 5. CD, 3.03.2014 T., 2012/15.355 E, 2014/2248 K.).

In the third case, it was concluded that the defendants committed the crime of misconduct by negligent behavior by not bringing the decisions of sanction, which shows that a total of 154 buildings are in violation of the zoning law, to the agenda of the municipal committee (Yargıtay 5. CD, 27.09.2017 T., 2017/2081 E., 2017/4084 K.).

In the fourth incident, it has been determined that the actions of the defendants, who work as supervisors in the Sarıyer municipality zoning directorate, in the form of failure to notify the committee to take the decision to demolish the construction in case the illegal construction continues, and failure to prepare the cease-and-desist letter, which will constitute the basis for filing a criminal complaint with the Chief Public Prosecutor's Office, constitutes the offense of misconduct by negligent behavior (Yargıtay 5. CD, 23.10.2014 T., 2013/4225 E., 2014/10.085 K.).

In the fifth case, it was understood that the defendants working in the building inspection company completely neglected their inspection duties in the building constructed in violation of the building license, and they were convicted of misconduct by negligent behavior (Yargıtay 5. CD., 13.05.2016 T., 2014/4408 E., 2016/5092 K.).

In the last case, the defendant, who worked as a municipal police manager in Emek municipality on the date of the crime and had the duty to monitor whether the constructions in the town were in accordance with the rules, and to keep a report regarding this, was accepted as he takes a bribe in return for condoning the illegal construction of the other defendant and not drawing up a report, and the sentence was delivered (Yargıtay 5. CD., 17.01.2013 T., 2011/12795 E., 2013/407 K.).

4.4 Some Preventive Measures

As mentioned above, the two most important factors for the emergence of corruption are the low risk of being caught and/or the expected income being high enough. The risk of being caught can be increased by increasing the supervisory capacity with administrative and legal regulations. At the same time, administrative and judicial investigation structures will increase this risk and create a deterrent effect on public officials. In addition, in order for the income that can be obtained through corruption to be high enough, a discretionary power should be given to the public official and the public official should be able to use this authority in a way that can make differentiated treatment for active private actors. Although these factors are valid for the phenomenon of corruption in all domains, the wide discretion that is assigned to the public agents in the field of land-use planning, highly differentiated treatment for individual cases that is the characteristic feature of planning system by nature, and the very high economic rent that may arise from planning make corruption special for this area.

Chiodelli and Moroni (2015) specifically evaluated four different alternatives for the prevention of corruption in the field of land-use planning and tried to give some general insight on the issue. These four alternatives are as follows: transparent negotiation,

auction, betterment capture and removal of zoning system. Below, three of these alternatives, which retains the zoning system in land-use planning, will be briefly evaluated both in general and in relation to our topic and to Turkish experience.

The first alternative, transparent negotiation, is especially recommended to prevent illegal dealings that are made behind closed doors, and which are the subject of corruption. This proposal starts with the assumption of an inevitable bargaining phenomenon between public and private actors in the transformation of land-use plans. In any case, if these negotiations are to take place, it would be appropriate to do so in a public and transparent manner within a predetermined procedure. For this, the following should be done: first, general policy principles and evaluation criteria should be determined, the positive and negative aspects of each land-use change proposal should be evaluated, public and transparent negotiations should be made between the public and private actors, and as a result, every issue and decision discussed in the bargaining process should be written and announced.

The second coping mechanism might be auction. Accordingly, it is asserted that auctioning of development rights will be an important tool in the fight against corruption (Traina, 2013). According to this alternative, a certain development right will be auctioned on predetermined conditions and minimum price, based on the determined needs of a location. In the auction, the landowner or developer who meets the pre-set conditions and offers the highest bid will be entitled to purchase the development right of that kind. In this approach, the development right is a right that is sold as a kind of license. Here, it is foreseen that the risk of corruption will be reduced when an open, accessible, transparent and competitive auction is made for the right to development. However, in this case, the possibility of corruption in the auction itself is ignored. In addition, when an auction is held and the right of development is given to the winner of the bid, the issue of whether the following construction was carried out in accordance with the building license is again ignored. For example, in 2007, a centrally located public land in Istanbul was sold by the Privatization Administration to a known holding for $800 million at auction (Karataş & Akyarlı Güven, 2007). However, since the construction process on this land caused many violations in compliance with the land-use plans and building

license, it was frequently covered in the news with its irregularities and corruption allegations (SolHaber, 2013). It seems that the contractor, who bought the land with high costs, pierced the limitations in land-use plans and ratios in the building license by using the back doors in order to compensate their costs.

The third option is to collect a tax on the artificial increase in the real value of the land as a result of the change in the land-use plans. This is called betterment capture in the literature. The main rationale behind this option is to reduce windfalls of particular parcels due to the land-use changes and prevent it from being a very serious incentive for corruption (Chiodelli & Moroni, 2015). In this way, the economic rent expected from the change in the land-use plan would be reduced and the incentives of landowners or contractors to engage in corruption will be diminished. At the same time, this approach would be expected to positively affect the integrity and morality of city planning (Day, 1995). Because the more economic rent will be obtained, the greater the pressure on public officials to make the necessary changes in land-use plans.

According to Tekeli (1982), urban land exceeds its function of being just a place and gains the function of being a tool of speculation. This new function is one of the most important factors distorting the public housing construction process. While the fact that the land has become a tool of speculation creates a lively market for it, the rapid inflation of the economy in the same period makes this market widespread both in terms of class and space. Through the taxation of urban rent, profits from land speculation are reduced. It is stated that this tax will increase the total tax revenues earned and help keep the land prices under control. This tax is not a tax on the rental income of a property, the value of the crop in the field, or the produced products. It is a tax levied because the land gains value only as a result of some future developments and improvements.

Here another important concept relevant to our discussion is worth mentioning. Rent gap is a concept developed by Smith (1987) indicating the difference between the nominal value of a land and the potential value of land's best use. That is, if the land is not used optimal, then its nominal value would be lower than the potential one. This economic situation in return would attract the investors to capitalize the area with an expectation of

high-level effortless economic benefit. Although Smith (1987) argues that this situation leads to gentrification, the part that concerns our subject is that the large rent gap will be an important incentive for corruption. If the embedded features of planning system such as discretionary power and differentiated treatment could not be removed, then to diminish corrupt incentives it would be an alternative way to reduce the expected revenue of the lands from the land-use changes through levying tax on the increase in the value of the land. This phenomenon is valid for Turkey especially taking the examples of Sulukule and Fikirtepe urban transformation projects into consideration.

In addition to all these advantages, there is one crucial criticism on the functionality of the betterment capture. The tax rate to be applied to the urban rent in this approach would not be one hundred per cent and will not eliminate the root causes of corruption, since it will cause an urban rent in any case. If an entire urban rent is seized by the state with the taxes levied, then there would be no logic in the development of the city, and in this way this option cannot be implemented (Knight, 1953). In conclusion, even if the betterment capture does not produce a result of elimination of corruption completely, it would reduce the incentives for corruptible private players and it increases the revenue of local governments if the taxes are channeled to the municipalities. Municipalities with more financial resources would be strong in terms of organizational capacity and human resources to fight against corruption in return.

5. CONCLUSIVE REMARKS

Front line service providers, that is bureaucrats especially at the local level government, mostly have substantial influence on functioning of citizen's daily or business lives (Weber, 1958; Wilson, 1978; Lipsky, 1980). Land-use plans create this influence either on individuals or the society, as well as to create economic rent. Urban land rent is seen as a source of speedy enrichment without high efforts. Thus, the urban rent is sought to be excessively created and illegitimately exploited, which give way to the corrupt agents to benefit from the situation. Especially, some dominant feature of land-use planning and building regulatory services make the field more vulnerable to the engagement of corrupt incentives. The coexistence of three factors intensified in land-use planning is sought for corrupt transactions to be realized by public officials; discretionary power by differentiated judgements; expected economic rents; and the risk to disclosure (Rose-Ackerman, 1999; Chiodelli & Moroni, 2015). Hence for this study, it is preferred to "focus on corruption as it relates to different types of state resources", such as urban land rent created by changes in zoning plans, occupancy permits, differentiated building licenses, public employment and public services provided in planning departments of municipalities (Bussel, 2015, p. 37).

Benefitting from the institutional economics and institutional design approaches, the public actors become the focus of the analysis as they are identified from the public resources over which they exercise authority to some extent. In this study, the administrative decisions of two agencies, EBPS and KDK, and the judicial reviews of the Criminal Chamber of Yargıtay are probed as to understand how they approach the problem of corruption and how the mechanism of corruption within a network of corrupt agents is functioning in land-use planning and building regulatory services at local level. Although EBPS, KDK and judiciary are useful in preventing corruption in many ways, they could not put forward a holistic strategy due to the deficiencies in their internal organizational formation and the lack of coordination between them. If their organizational capacities and coordination between them could be increased, both institutions would be so valuable in the fight against corruption.

In addition to prevention or investigation mechanisms, some structural features inherent in the planning system, such as high-level discretion and differentiated judgement on allocation of development rights, may also be revised or rearranged for diminishing or balancing the incentives of corruptible agents. Auction, transparent negotiation and taxation of development rights were discussed in this context. These mechanisms are explained on the assumption that the planning system is zoning-based. In conclusion, even if the betterment capture does not produce a result of elimination of corruption completely, it would reduce the incentives for corruptible private players and it increases the revenue of local governments if the taxes are channeled to the municipalities for further fight against corruption.

This study as a probe enables the researcher to sharpen a theory and improve its proposals, as well as to explore the cases on whether they are suitable to test the model before moving to conduct expensive and time-consuming field research. Also, this study is aimed at giving the reader a sense of systemic understand of functioning of corruption mechanisms in land-use planning with taking its dominant characteristic features into account. It is believed that the typology and the way it is applied to the cases tried to be developed here will be a starting point for deeper and big data-based research which needs more human resources and time in the future.

BIBLIOGRAPHY

Acar, M. (2016). Socio-cultural Dimensions of Corruption in Turkish Public Administration. In D. Torsello, Corruption in Public Administration: An Ethnographic Approach (pp. 162-185). Cheltenham: Edward Elgar Publishing Limited.

Acar, M., & Emek, U. (2009). Preventing Corruption in Turkey: Issues, Instruments and institutions. In T. Gong, & S. K. Ma, Preventing Corruption in Asia: Institutional Design and Policy Capacity (pp. 164-188). New York: Taylor & Francis Group.

Acar, M., & Özgür, H. (2004). Training of Civil Servants in Turkey: Prograss, Problems, and Prospects. International Journal of Public Administration, 30(3-4), 197-218.

Adaman, F. (2011). Is Corruption a Drawback to Turkey's Accession to the European Union? South European Society and Politics, 16(2), 309-321.

Ades, A., & Di Tella, R. (1997). The New Economics of Corruption. Political Studies, 496-515.

Akdoğan, A. A. (2016). Yerel Yönetimler ve Reform. In M. Kabasakal, Türkiye'de Siyasal Yaşam: Dün, Bugün, Yarın (pp. 155-180). İstanbul: Bilgi Üniversitesi Yayınları.

Akıllı, H., & Akıllı, H. S. (2014). Decentralization and Recentralization of Local Governments in Turkey. Procedia - Social and Behavioral Sciences, 682-686.

Andvig, J. C., & Moene, K. O. (1990). How Corruption May Corrupt. Journal of Economic Behavior and Organization, 63-76.

Aytaç, F. (1990). Belediye Kanunu'nun oluşumu, uygulanması ve değişiklikler [The determination, application and changes of the municipal law]. Türk belediyeciliğinde 60 yıl bildiri metinleri [60 years in Turkish municipalism conference proceedings] (pp. 86-106). Ankara: Metropol İmar A.S. and IULA-EMME.

Azaklı, S., & Özgür, H. (2005). Belediye organları ve organlar arası ilişkiler: Başkan, meclis ve encümen. In H. Özgür, & M. Kösecik, Yerel Yönetimler Üzerine Güncel Yazılar-I (pp. 297-319). Ankara: Nobel Yayınları.

Bardhan, P. (1997). Corruption and Development: A Review of the Issues. Journal of Economic Literature, 1320-1346.

Basu, K. (2011, March). Why, for a Class of Bribes, the Act of Giving a Bribe should be Treated as Legal.

Bayraktar, S. U. (2007). Turkish Municipalities: Reconsidering Local Democracy Beyond Administrative Autonomy. European Journal of Turkish Stıdies.

Beetham, D. (1999). Democracy and Human Right. Cambridge: Polity Press.

Börzel, T. A., & Risse, T. (2003). Conceptualising the Domestic Impact of Europe. In K. Fetherstone, & C. M. Radaelli, The Poltics of Exuropeanisation (pp. 57-80). Oxford: Oxford University Press.

Buğra, A., & Savaşkan, O. (2014). New capitalism in Turkey: the relationship between politics, religion and business. Cheltenham: Edward Elgar Publishing.

Bussel, J. (2015). Typologies of Corruption: A Pragmatic Approach. In S. Rose-Ackerman, & P. Lagunes, Greed, Corruption, and the Modern State: Essays in Political Economy (pp. 21-45). Cheltenham: Edward Elgar Publishing.

Bussel, J. (2015). Typologies of corruption: a pragmatic approach. In S. Rose-Ackerman, & P. Lagunes, Greed, Corruption and the Modern State (pp. 21-45). Cheltenham: Edward Elgar Publishing.

Büyükşehir Belediyesi Kanunu. (2004, July 7). Resmi Gazete(25531).

Chene, M. (2012). Overview of corruption and anti-corruption in Turkey. Norway: Transparency International.

Chiodelli, F., & Moroni, S. (2015). Corruption in land-use issues: a crucial challenge for planning theory and practice. The Town Planning Review, 437-455.

Collier, M. W. (2002). Explaining Corruption: An Institutional Choice Approach. Crime, Law & Social Change, 1-32.

Cullingworth, J. B. (1993). The Political Culture of Planning. London: Routledge.

Cumhurbaşkanlığı Teşkilatı Hakkında Cumhurbaşkanlığı Kararnamesi. (2018, 7 10). Resmi Gazete, 30474.

Cumhuriyet Newspaper. (2014, March 14). Fezlekeleri indirmek için tıklayın. Retrieved from Cumhuriyet: https://www.cumhuriyet.com.tr/haber/fezlekeleri-indirmek-icin-tiklayin-50525

Das-Gupta, A., & Mookerje, D. (1998). Incentives and Institutional Reform in Tax Enforcement: An Analysis of Developing Country Experience. New Delhi: Oxford University Press.

Day, P. (1995). Land: The Elusive Quest for Social Justie, Taxation Reform and a Sustainable Planetary Environement. Brisbane: Australian Academic Press.

de Sousa, L. (2002). Corruption: Assessing Ethical Standards in Political Life through Control Policies. European University Institute.

de Sousa, L., Larmour, P., & Hindess, B. (2009). Introduction. In L. de Sousa, P. Larmour, & B. Hindess, Governments, NGOs and Anti-Corruption: The new integrity warriors (pp. 1-15). London: Routledge.

Dinçer, Ö., & Yılmaz, C. (2003). Kamu Yönetiminde Yeniden Yapılanma 1: Değişimin Yönetimi için Yönetimde Değişim. Ankara: Başbakanlık.

Dodd, L. C., & Schott, R. L. (1979). Congress and the Administrative State. New York: Wiley.

Doig, A. (2009). Matching Workload, Management and Resources: setting the context for the effective anti-corruption commissions. In L. de Sousa, P. Larmour, & B. Hindess, Governments, NGOs and Anti-Corruption: The new integrity warriors (pp. 65-84). London: Routledge.

Doig, A. (2010). Asking the Right Questions? Addressing corruption and EU accession: the case study of Turkey. Journal of Financial Crime, 17(1), 9-21.

Eckstein, H. (1975). Case studies and theory in political science. In F. Greenstein, & N. Polsby, Handbook of Political Science (pp. 79-138). Boston: Addison-Wesley.

Epstein, R. A. (2005). What Do We Mean by the Rule of Law. Wellington: NZBR.

Erder, S., & İncioğlu, N. (2013). The Emergence of Local Politics in Turkey (2nd Edition ed.). İstanbul: İstanbul Bilgi University Press.

Ergüder, Ü. (1991). The Motherland Party, 1983-1989. Political parties and democracy in Turkey, 152-169.

Ethical Board for Public Officials. (2021, June 22). 2005-2020 Yıllarına Ait Kamu Görevlileri Etik Kuruluna Yapılan Başvuruların İstatistik Bilgileri. Retrieved from http://www.etik.gov.tr/wp-content/uploads/2020/01/2005-2020basvuruistatistikleri.pdf

Ethical Board for Public Officials. (2021, June 22). Ethical Violation Decisions. Retrieved from http://www.etik.gov.tr/etik-ihlal-kararlari/

Gardiner, J. A. (1985). Corruption and Reform in land-use and building regulation. In M. Wachs, Ethics in Planning (pp. 121-42). New Brunswick: Transaction Publishers.

Görmez, K. (1997). Yerel Demokrasi ve Türkiye. Ankara: Vadi Yayınları.

Göymen, K. (2018). Yönetişim ve Katılım Kavramlarına İlişkin Düşünsel Çerçeve. In İzmir Modeli Çalışmaları (pp. 78-102). İzmir: İzmir Büyükşehir Belediyesi.

Güler, B. A. (1998). Yerel Yöentimler: Liberal Açıklamalara Eleştirel Yaklaşım. Ankara: TODAİE.

Gürakar, E. Ç. (2016). Politics of Favoritism in Public Procurement in Turkey: Reconfigurations of Dependency Networks in the AKP Era. New York: Plagrave Macmillan.

Heywood, P. (1997). Political Corruption: Problems and Perspectives. Political Studies, 417-35.

İçduygu, A. (2008). The anatomy of civil society in Turkey: toward a transformation. In F. Keyman, Remaking Turkey: Globalization, Alternative Modernities and Democracy (pp. 179-197). Lexington: Oxford.

İçduygu, A. (2011). Interacting actors: the EU and civil society in Turkey. South European Society and Politics, 381-394.

İmar Kanunu. (1985, May 9). Resmi Gazete(18749).

Istanbul Chief Public Prosecutor's Office. (n.d.). 25 Aralık Operasyonu Erdoğan Bayraktar Fezlekesi. Retrieved from https://docs.google.com/file/d/0B_-EpVlO3YMISEI3Y0pOVURTcnc/view?pli=1

Istanbul Metropolitan Municipality Public Officials Ethical Conduct Principles and Applications Decree. (2013, September 13). İstanbul.

Kamu Denetçiliği Kurumu. (2021, June 21). 2019/6359 No Recommendation Decision. Retrieved from https://kararlar.ombudsman.gov.tr/Arama/Download?url=20190318\21493\Yayin\Karar-2019-6359.pdf&tarih=2019-09-20T18:29:53.095947

Kamu Denetçiliği Kurumu. (2021, June 22). 2018/13413 No Partial Recommendation Decision. Retrieved from https://kararlar.ombudsman.gov.tr/Arama/Download?url=20181031\27827\Yayin\Karar-2018-13413.pdf&tarih=2019-10-30T19:03:03.508032

Kamu Denetçiliği Kurumu. (2021, June 22). 2019 Yıllık Rapor. Retrieved from https://www.ombudsman.gov.tr/document/raporlar/yillik_rapor/2019_yili_yillik_rapor/mobile/index.html#p=407

Kamu Denetçiliği Kurumu. (2021, June 22). 2019/231119 No Friendly Resolution Decision. Retrieved from https://kararlar.ombudsman.gov.tr/Arama/Download?url=20181031\27827\Yayin\Karar-2018-13413.pdf&tarih=2019-10-30T19:03:03.508032

Kamu Denetçiliği Kurumu. (2021, June 22). 2019/4415 No Recommendation Decision. Retrieved from https://kararlar.ombudsman.gov.tr/Arama/Download?url=20190221\19614\Yayin\Karar-2019-4415.pdf&tarih=2019-08-05T18:39:41.616135

Kamu Görevlileri Etik Davranış İlkeleri ile Başvuru Usul ve Esasları Hakkında Yönetmelik. (2005, April 13).

Karaman, M., & Aras, B. (2000). The crisis of civil society in Turkey. Journal of Economic and Social Research, 49.

Karataş, N., & Akyarlı Güven, A. (2007, March 08). Zorlu, 800 milyon dolar verdi 'sembol arazi'yi Şeyh El Maktum'a kaptırmadı. Retrieved from Hürriyet Newspaper: https://www.hurriyet.com.tr/ekonomi/zorlu-800-milyon-dolar-verdi-sembol-arazi-yi-seyh-el-maktum-a-kaptirmadi-6082373

Kauffman, D. (1997). Corruption: The Facts. Foreign Policy, 114-31.

Keleş, R. (2006). Yerinden Yönetim ve Sİyaset. İstanbul: Cem Yayınevi.

Kettl, D. F. (2000). The Transformation of Governance: Globalization, Devolution, and the Role of Government. Public Administration Review, 488-497.

Kettle, F. D. (2005). The Global Public Management Revolution. Washington, DC: Brookings Institution Press.

Keyman, F., & İçduygu, A. (2003). Globalization, civil society and citizenship in actors, boundaries and discourses. Citizenship Studies, 223.

Klitgaard, R. (1991). Controlling Corrupiton. Berkeley, Los Angeles: University of California Press.

Klitgaard, R. (2006). Introduction: Subverting Corruption. Global Crime, 7(3-4), 299-307.

Knight, F. H. (1953). The fallacies in the single tax. The Freeman, 809-811.

Kunicova, J., & Rose-Ackerman, S. (2005). Electoral Roles and Constitutional Structures as Constraints on Corruption. British Journal of Political Science, 35(4), 573-696.

Lagunes, P., & Huang, R. (2015). Saving Gothem: Fighting Corruption in New York City's Property Tax System. In S. Rose-Ackerman, & P. Lagunes, Greed, Corruption, and the Modern State: Essays in Political Economy (pp. 180-205). Cheltenham: Edward Elgar Publishing.

Lambsdorff, J. G. (2007). The Institutional Economics of Corrupiton and Reform: Theory, Evidence, and Policy. Cambridge: Cambridge University Press.

Levy, J. S. (2008). Case Studies: Types, Designs, and Logics of Inference. Conflict Management and Peace Science, 1-18.

Lipsky, M. (1980). Street Level Bureaucracy. New York: Russell Sage Foundation.

Mahalli İdareler ile Mahalle Muhtarlıkları ve İhtiyar Heyetleri Seçimi Hakkında Kanun. (1984, January 18). Resmi Gazete.

March, J. G., & Olsen, J. P. (1989). Rediscovering Institutions: The Organizational Basis of Political Life. New York: Free Press.

McCourt, W. (2007). The Merit System and Integrity in the Public Service. Conference on Public Integrity and Anticorruption in the Public Service. Bucharest.

Moene, K., & Soreide, T. (2015). Good Governance Facades. In S. Rose-Ackerman, & P. Lagunes, Greed, Corruption, and the Modern State: Essays in Political Economy (pp. 46-70). Cheltenham: Edward Elgar Publishing.

Moroni, S. (2010). Rethinking the theory and practice of land use regulation: toward nomocracy. Planning Theory, 137-155.

Mumcu, C., & Ünlü, H. (1990). İdare hukuku açısından belediye kanunu [Municipal law in the administrative law perspective]. Türk belediyeciliğinde 60 yıl bildiri metinleri [60 years in Turkish municiplaism conference proceedings] (pp. 107-118). Ankara: Metropol İmar A.S. and IULA-EMME.

Muratoğlu, T. (2021). Teşkilat, Planlama ve Uygulama Boyutlarıyla İmar Hukuku. Ankara: Seçkin Yayıncılık.

Nilekani, N. (2013, September 5). There is Difference between Wholesale, Retail Corruption. Economic Times.

North, D. C. (1981). Structure and Change in Economic History. New York: Norton.

Ömürgönülşen, U., & Doig, A. (2010). Why the Gap? Trukey, EU Accession, Corruption and Culture. Turkish Studies, 7-25.

Özgür, B. (2004). Kamu Yönetiminde Yöentici Çıkmazı. Maliye Dergisi, 145, 1-53.

Peters, B. G. (2010). Institutional Design and Good Governance. In d. G. Graaf, v. P. Maravic, & P. Vagenaar, The Good Cause: Theoretical Perspectives on Corruption (pp. 83-97). Opladen: Barbara Budrich Publishers.

Philip, M. (1997). Defining Political Corruption. In P. Heywood, Political Corruption (pp. 20-46). Oxford: Blackwell/PSA.

Polanyi, K. (2001). The Great Transformation: The Political and Economic Origins of Our Time. Boston: MA: Beacon Press.

Pope, J. (2000). Confronting Corruption: The Elements of a National Integrity System. Berlin: Transparency International.

Rose-Ackerman, S. (1975). The Economics of Corruption. Journal of Public Economics, 187-203.

Rose-Ackerman, S. (1978). Corruption: A Study in Political Economy. New York: Academic Press.

Rose-Ackerman, S. (1999). Corruption and Government: Causes, Consequences, and Reforms. Cambridge: Cambridge University Press.

Rose-Ackerman, S. (2010). The Institıtional Economics of Corruption. In G. d. Graaf, P. v. Maravic, & P. Wagenaar, The Good Cause: Theoretical Perspectives on Corruption (pp. 47-63). Opladen: Barbara Budrich Publishers.

Rothstein, B. (2011, May). Anti-Corruption: The "Big Bang" Approach. Review of International Political Economy, 228-250.

Rubin, E. V., & Whitford, A. (2008). Effects of the Institutional Design of the Civil Service: Evidence from Corruption. International Public Management Journal, 11(4), 404-425.

Rubinstein, W. D., & Maravic, P. v. (2010). Max Weber, Bureaucracy, and Corruption. In G. d. Graaf, P. v. Maravic, & P. Wagenaar, The Good Cause: Theoretical Perspectives on Corruption (pp. 21-35). Opladen: Barbara Budrich Publishers.

Schimmmelfenning, F., & Sedelmeir, U. (2005). The Europeanisation of Central and Eastern Europe. New York: Cornell University Press.

Shleifer, A., & Vishny, R. W. (1993). Corruption. Quarterly Journal of Economics, 599-617.

Smelser, N. J. (1971). Stability, Instability, and the Analysis of Political Corruption. In B. Bernard, & A. Inkles, Stability and Social Change. Boston: Little, Brown and Company.

Smith, N. (1987, September). Gentrification and the Rent Gap. Annals of the Association of American Geographers, 462-465.

SolHaber. (2013, August 14). Zorlu'nun AKP'ye yaptığı bağışın nedeni anlaşıldı: Zorlu Center! Retrieved from Sol Haber: https://haber.sol.org.tr/devlet-ve-siyaset/zorlunun-akpye-yaptigi-bagisin-nedeni-anlasildi-zorlu-center-haberi-77998

Sorensen, A. D., & Auster, M. L. (1989). Fatal Remedies. Town Planning Review, 29-44.

Sözen, S. (2012). Recent Administrative Reforms in Turkey: a Preliminary Assessment. International Journal of Business and Social Science, 168-173.

Sputnik Türkiye. (2018, January 04). Beşiktaş Belediye Başkanı Hazinedar görevinden uzaklaştırıldı. Retrieved from Sputnik Türkiye: https://tr.sputniknews.com/20180104/hazinedar-gorevinden-uzaklastirildi-1031680642.html

Stiglitz, J. (2002). Transparency in Government. In The Right to Tell: The Role of Mass Media in Economic Development (pp. 27-44). Washington, DC: The World Bank.

Tekeli, İ. (1982). Türkiye'de Kentleşme Yazıları. Ankara: Turhan Kitabevi.

Thompson, D. F. (1995). Ethics in Congress: from individual to institutional corruption. Washington, DC: Brookings.

Tilly, C. (1993). Coercion, Capital and European States, A.D. 990-1992. Oxford: Wiley-Blackwell.

Topçu, K. (2014, March 4). 4 eski bakan hakkında hazırlanan fezleke TBMM'de. Retrieved from Anadolu Ajansı: https://www.aa.com.tr/tr/politika/4-eski-bakan-hakkinda-hazirlanan-fezleke-tbmmde/177354

Toplu Konut Kanunu. (1984, March 2). Resmi Gazete(18344).

Traina, D. (2013). Lo jus aedificandi puo ritenersi ancora connaturale al diritto di proprieta. Rivista giuridica dell'edilizia, 257-299.

Transparency International. (2009). Corruption Perceptions Index 2009. Retrieved May 2021, from http://www.transparency.org/research/cpi/cpi_2009

Transparency International. (2013). Global Corruption Barometer. Retrieved May 2021, from http://www.transparency.org/

Ulusoy, K. (2014). Turkey's Fight Against Corruption: A Critical Assessment,Turkey in Global Europe. Commentary 19, 1-5.

Weber, M. (1958). From Max Weber. In C. W. Mills, & H. H. Gerth, From Max Weber. New York: Oxford University Press.

Wilson, J. Q. (1978). The Rise of the Bureaucratic State. In F. E. Rourke, Bureaucratic Power in National Politics (pp. 54-78). Boston: Little, Brown.

Yargıtay 23. CD, 04.04.2016 T., 2016/3929 E., 2016/3886 K..

Yargıtay 5. CD, 05.12.2019 T., 2016/778 E., 2019/11568 K..

Yargıtay 5. CD, 23.10.2014 T., 2013/4225 E., 2014/10.085 K..

Yargıtay 5. CD, 27.09.2017 T., 2017/2081 E., 2017/4084 K..

Yargıtay 5. CD, 3.03.2014 T., 2012/15.355 E, 2014/2248 K..

Yargıtay 5. CD. 02.02.1983 T., 1982/4779 E., 1983/307 K..

Yargıtay 5. CD., 04.12.2017 T., 2014/9981 E., 2017/5205 K..

Yargıtay 5. CD., 13.05.2016 T., 2014/4408 E., 2016/5092 K..

Yargıtay 5. CD., 17.01.2013 T., 2011/12795 E., 2013/407 K..

Yargıtay 5. CD., 28.01.2019 T., 2015/9311 E., 2019/832 K..

Yılmaz, G., & Soyaltın, D. (2014). Zooming into the Domestic in Europeanization: Promotion of Fight against Corruption and Minority Rights in Turkey. Journal of Balkan and Near Eastern Studies, 16(1), 11-29.

5393 Sayılı Belediye Kanunu. (2005, 13 7). Resmi Gazete.

6328 Kamu Denetçiliği Kurumu Kanunu. (2012, June 29). Official Gazette.

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