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-REVIEW ARTICLE-

THE NEW FACE OF VILLAGE MANAGEMENTS: AN ASSESSMENT ON RURAL NEIGHBORHOOD PRACTICE

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Abstract

Villages, which are the most basic unit in the Turkish administrative organization, have had to constantly cope with problems throughout the history. In addition, the legal entities of the villages within the metropolitan municipality were terminated with Law No. 6360 and they were transformed into neighborhoods. This transformation has had financial, social, administrative, structural, and political effects on the villages. The financial responsibilities imposed on the villages by the Law No. 6360 caused the villagers to leave their settlements, and the potentials related to agriculture and animal husbandry in the rural areas could not be utilized. To keep the villagers in rural areas and to reduce the financial burdens on the villagers, the "rural neighborhood" status was established. This study aims to reveal the problems that will be encountered in practice in the settlements that turn from village to neighborhood and then gain the status of rural neighborhood, by comparing them with Law No. 6360. The research was designed as a case study, and document analysis was carried out as a data collection method. The data obtained as a result of the research were interpreted with the descriptive analysis technique. As a result of the research, it has been determined that the rural neighborhood arrangement will increase the inequalities existing in rural areas, create a new dual structure and partially reduce the financial responsibilities of the villagers.

Keywords: *Local Administration, Metropolitan Municipality, Law No. 6360, Villages, Rural Neighborhood.*

JEL Codes: *H70, H75, H76.*

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KÖY YÖNETİMLERİNİN YENİ YÜZÜ: KIRSAL MAHALLE UYGULMASI ÜZERİNE BİR DEĞERLENDİRME[2]

Öz

Türk yönetim sistemi içerisinde en temel birim olan köyler tarihsel süreç içerisinde sürekli olarak sorunlarla mücadele etmek durumunda kalmıştır. Bunun yanında büyükşehir belediyesi içerisindeki köylerin 6360 sayılı Kanun ile tüzel kişilikleri kaldırılarak mahalleye dönüştürülmüştür. Bu dönüşümün köylere mali, sosyal, yönetsel, yapısal ve siyasal etkileri olmuştur. 6360 sayılı Kanunla köylere yüklenilen mali sorumluluklar köylü vatandaşların yerleşim yerlerini terk etmelerine neden olmuş, kırsal alanlardaki tarım ve hayvancılıkla ilgili potansiyeller kullanılamamıştır. Köylüyü kırsal alanlarda tutmak ve köylünün üzerindeki mali yükümlülüklerin azaltılması amacıyla "kırsal mahalle" statüsü oluşturulmuştur. Bu çalışmanın amacı, köyden mahalleye dönüşen ve daha sonra kırsal mahalle statüsüne kavuşan/kavuşacak yerleşim birimlerinin uygulamada karşılaşılacak sorunları, 6360 sayılı Kanun ile kıyaslayarak ortaya koymaktır. Araştırma, örnek olay çalışması şeklinde tasarlanmış, veri toplama yöntemi olarak doküman incelemesi gerçekleştirilmiştir. Araştırma neticesinde elde edilen veriler, betimsel analiz tekniği ile yorumlanmıştır. Araştırma sonucunda, kırsal mahalle düzenlemesinin kırsal alanlarda var olan eşitsizlikleri artırıp yeni bir ikili yapı ortaya çıkaracağı ve köylü vatandaşların mali sorumluluklarını kısmi olarak azaltacağı tespit edilmiştir.

Anahtar Kelimeler: *Yerel yönetim, Büyükşehir Belediyesi, 6360 sayılı Kanun, Köyler, Kırsal Mahalle.*

JEL Kodları: *H70, H75, H76.*

"Bu çalışma Araştırma ve Yayın Etiğine uygun olarak hazırlanmıştır."

1. INTRODUCTION

The management problem of big cities in Turkey started to be discussed in the 1960s. Based on the fact that big cities have distinct problems than medium and small-sized cities, the Law on the Amendment of the Decree-Law No. 3030 on the Management of Metropolitan Municipalities was enacted in 1984. In 2004, with the Metropolitan Municipality Law No. 5216, new explorations were made for metropolitan municipalities. With the enactment of Law No. 6360, which envisages radical changes for metropolitan municipalities, and the Establishment of fourteen Metropolitan Municipalities and twenty-Seven Districts, the metropolitan municipality administration has taken its last form.

With Law No. 6360, the number of metropolitan municipalities was increased to 30 and the borders of metropolitan municipalities were determined as the provincial administrative borders. In provinces with metropolitan municipalities, special

[2] Genişletilmiş Türkçe Özet, makalenin sonunda yer almaktadır.

provincial administrations were abolished, and investment monitoring and coordination departments were established. In addition, the division of duties and powers between metropolitan municipalities and district municipalities was rearranged, changes were made in the shares allocated to metropolitan municipalities, and villages and town municipalities were closed and turned into neighborhoods in provinces with metropolitan municipalities.

Many of the innovations brought by the Law No. 6360 brought doubts and criticisms both in the general assembly and in the academic literature during the legalization process of the Law. One of the most criticized regulations of the Law was the closing of villages and their transformation into rural neighborhoods. The removal of the villages from the rural areas and making them a part of the urban area brought about the same rights and obligations of the citizens living in the village. These obligations prevented the villages, especially agriculture and animal husbandry, from using their potential. The villages had difficulty in fulfilling the responsibilities brought by the Law and this brought along the increase in the problems in the migration subject that already existed in the rural areas.

In 2020, an important step has been taken with Law No. 7254 on Public Financial Management and Control (Law No. 7254) in order to reduce the problems caused by Law No. 6360 in the villages and town municipalities that were closed. The new status of towns and villages closed with the said Law was defined as “rural neighborhoods”. While the closed villages and towns gained the status of rural neighborhoods on the condition that they meet certain conditions, it was aimed to partially get rid of the obligations imposed on them by Law No. 6360.

The aim of this study is to reveal the problems that will be encountered in the practice of the settlements, which turned into a neighborhood from a village with Law No. 6360 and then gained the status of a rural neighborhood with Law No. 7254, and to determine which of these problems can be solved that caused by the Law No. 6360. In the study, first, the foundations of the existing problems of the villages were discussed, and the methods/strategies developed to overcome these problems in the planned period were mentioned. Then, how Law No. 6360 affected the transforming and changing village understanding was evaluated in terms of service quality, locality, belonging, and financial obligations. Finally, the gains of the villages (rural neighborhoods) that have a new status with Law No. 7254 and the potential problems to be experienced in practice are emphasized.

The study is based on the assumption that seeking the application requirement in the transformation into rural neighborhoods will reveal a new dual structure and will only provide partial financial improvements to these settlements. As a matter of fact, with Law No. 6360, while there were village administrations in 51 provinces, the legal personality of village administrations was abolished in 30 provinces. While the dual structure continues to exist, a new situation such as the "rural neighborhood" and "neighborhood" separation will emerge for the settlements that have turned from village to neighborhood within the metropolitan area. In addition, it reveals another assumption of the study that most of the increasing problems of rural settlements will continue with Law No. 6360.

1.1. Literature Review

The dispute of at what scale local government units should be established has been constantly discussed throughout the history. These discussions took place around two main approaches. The public choice approach and the metropolitan reform approach have stood by their own assumptions by putting forward different arguments. The 1970s were years when the areas of responsibility of local governments were questioned. Continental Europe and England have followed different paths to transfer authority and responsibility to local governments. While the Continental Europe followed more decentralized policies, Britain has turned to centralized policies since the 1930s (Banner, 2002: 218). The metropolitan reform approach sees the existence of many administrative units in the metropolitan area as an obstacle to service delivery (Silva, 2007: 474). There are different approaches to solving local issues and increasing democratic legitimacy. However, in the final analysis, administrative units are combined in order to solve the problems of the administrative units and to prevent the waste of resources. Although the size of the ideal administrative unit for local government units is still being debated (Stren & Cameron, 2005: 276; Tisdel, 1974), it is seen that the choice between local democracy and efficiency is in favor of efficiency.

The public choice approach, which is against the metropolitan centralist approach, argues that local government units can offer alternative benefits to citizens. In other words, the increase in scale also reduces the diversity of services. In addition, it was stated that consumers are mobile and will move to the region that will satisfy them in the best way (Tiebout, 1956). Decentralized structures have advantages in reducing complexity and making public action more transparent. As a matter of fact, decision authority and accountability are provided by the same administrative unit and public services are carried out more efficiently. The closer public services are to citizens, the easier it is to determine priorities. Thus, the greater the public welfare as the sum of individuals welfare (Sager, 2005: 232). Political scientists who make evaluations on the axis of liberal understanding also point out that strengthening local governments will increase the level of democracy (Falleti, 2005: 327). According to the public choice approach, metropolitan institutional fragmentation is not perceived as a problem. It does not accept the idea of corporate merger and sees competition among administrations as a way to achieve greater efficiency and productivity (Silva, 2007: 956) Policies developed to find solutions to the problems of metropolitan areas were mostly aimed at increasing efficiency, realizing local participation and reducing taxes (Zimmerman, 1970). The two main streams that approach the metropolitan management approach differently, respectively, have been criticized for their unsuccessful experiences and their distance from the reality in metropolitan areas (Kübler & Schwab, 2007: 474).

The failure of the public choice theory and metropolitan reform approaches to produce the desired results led to the emergence of the "new regionalism approach" in the 1990s (Hamilton et al., 2004: 154). With the new regionalism approach, the private sector has been ensured to take part in the management processes as an actor and it has been given importance to develop cooperation between the administrative units.

In order to find a solution in case of a regional problem, it was stated that the private sector and non-profit organizations should be included in addition to the administrative units and governance was emphasized (Savitch & Vogel, 2000: 161). The approach, which emphasizes cooperation between local government unions, argues that voluntary cooperation will facilitate the solution of local problems. In addition, he argues that the negative effects of the fragmented structure in metropolitan areas will be minimized by cooperation between administrative units (Hettne & Inotai, 1994: 3).

The question of how urban areas should be managed in Turkey has been questioned constantly throughout the historical process. The fact that big cities have specific problems and the necessity of producing solutions to these problems started to be discussed more in the 1960s. The provision "Law, special forms of administration can be introduced for large settlements" in article 127 of the 1982 Constitution, titled local administrations, was a starting point for the problems of large cities. In this context, with Law No. 3030 in 1984, metropolitan municipalities were established in Istanbul, Ankara, and Izmir. Later, Adana (1986), Bursa, Gaziantep, Konya (1987), Kayseri (1988), Antalya, Diyarbakır, Erzurum, Eskişehir, Kocaeli, Mersin Samsun (1993) and Sakarya (2000) gained metropolitan municipality status. Thus, as of 2000, the number of metropolitan municipalities increased to 16.

In 2004, Law No. 3030 was replaced by Law No. 5216. With Law No. 5216, the areas of responsibility of metropolitan cities have been expanded on the axis of geographical area and population criteria. With the regulation known as the "dividers law" in the literature, firstly, the responsibility area of the metropolitan municipality in Istanbul and Kocaeli provinces was drawn to the civil administration border, and the responsibility areas of other metropolitan municipality administrations were determined by accepting the governorship buildings as the center on the axis of 20, 30 and 50 km radius.

In 2012, with Law No. 6360, significant changes were made in Law No. 5216. With the said regulation, the number of metropolitan cities was increased from 16 to 30. Thus, Aydın, Balıkesir, Denizli, Hatay, Kahramanmaraş, Manisa, Malatya, Mardin, Muğla, Ordu, Şanlıurfa, Tekirdağ, Trabzon and Van gained the status of metropolitan municipalities. The areas of responsibility of 14 metropolitan municipalities, which were designed according to the radius method, were drawn to the border of civil administration. Thus, the civil administration border application, which was first implemented in Istanbul and Kocaeli, was expanded to cover 30 provinces. With Law No. 6360, not only the metropolitan municipalities but also the district municipalities' responsibilities are regulated to cover the district property border.

Besides the aforementioned regulations, special provincial administrations were abolished, and investment monitoring and coordination departments were established instead. It is stipulated that no new neighborhood can be established within the boundaries of the municipality with a population of less than 500. New districts were established. In addition, changes were made in the powers and responsibilities of metropolitan municipalities and district municipalities, and the sharing of authority was rearranged. The new regulation affected not only the town municipalities within

the boundaries of the metropolitan municipality. In addition, it also included the transformation of town municipalities with a population of less than 2000 into villages. The legal entities of the town municipalities within the boundaries of the metropolitan municipality were terminated, and they joined the district municipalities to which they are affiliated as a single neighborhood with their town names.

The innovation brought by the Law No. 6360 was for the villages. With the new regulation, the legal entities of the villages were abolished, just like the town municipalities, and the villages joined the district municipality to which they were affiliated as neighborhoods. With the arrangement made, there has been a significant decrease in the number of local government units, and the number of villages across the country has decreased by almost half.

Villages have emerged as the smallest settlement unit as a result of meeting the common needs of people and their habits. However, the acceptance of villages as local government units was only realized in 1924. The Village Law No. 442, which was legalized in the first years of the Republic, gave legal personality to the villages and enabled them to take a legal place in the management system. It would be insufficient to explain the existence of the villages only in terms of Law No. 442. As a matter of fact, villages have always existed in the administrative system, although not in a modern sense, both in the Ottoman Empire and in the previous periods, and they took on important tasks in solving the problems of rural areas and meeting common needs. From this point of view, it is a necessity to include the historical development of the villages with its key lines.

1.1.1. Overview of the Historical Development of Village Administrations

Villages, one of the most basic administrative units of the Ottoman Empire, showed a restricted character. It was waited until 1924 for these units, which were trying to be self-sufficient, to eliminate their structural deficiencies. The traditional closed structures of the villages continued until the 1950s. In the 1960s, villages were evaluated within the planned development, and concepts such as community development were used in this context. In the post-1980 period, with the effect of liberal policies, the basic services of the villages were tried to be fulfilled mostly by the central government. In this context, the historical development of the villages has been examined in terms of periods.

Villages are one of the oldest settlements in Anatolia. It is known that the villages were first established near the caravan routes for economic reasons and to ensure safe transportation. In the following period, the settlement places of the villages in Anatolia changed. The need for security is one of the main reasons for moving the villages away from the central routes. Villages existing on trade routes in Anatolia settled in mountainous regions on the axis of various components, such as security, administrative, economic, social, and geographical reasons (Toprak, 2010: 122).

During the Ottoman Empire, the 1858 instruction regulating the duties of governors, district governors, and district managers revealed the civil administration departments as provinces, townships, and villages (Ulusoy & Akdemir, 2007: 288-289). The said

instruction stipulated that the towns be composed of villages. With this arrangement, for the first time, villages were counted within the administrative units. However, the scope of village administrations has not been revealed. The changes in the structure of the villages and the development potential of the villages brought about a re-evaluation of the status of the villages. The developments in the villages resulted in the compulsory regulation of the villages in the 1864 and 1871 Regulations (Ortaylı, 2000: 11-112). With the Provincial Regulation of 1864, the organization of the village, its organs, the establishment, and the duties of the organs were determined. It is quite remarkable that the regulation, which reveals the existence of the headman and the council of elders elected by the village people, foresees two headmen and one council of elders, considering religious differences. Moreover, the regulation did not give the council of elders the power to make executive decisions. The regulation that gave the duty of sharing the taxes belonging to the state to the people living in the village to the council of elders did not give legal personality to the villages (Nadaroğlu, 1998: 242). The headman and the council of elders have undertaken two different tasks, basically, the executive of government policies, the collection of taxes related to the village, and the execution of the cleaning and agricultural works of the village (Toprak, 2010: 123). The regulation of changing the village to "Municipal Administration" (Seyitdanlıoğlu, 2010: 7) is a good example in terms of revealing the importance of the villages at the end of the 19th century. The provincial organization was reorganized with the Regulation of "İdare-i Umumiye-i Vilayet" dated 1871. With the new regulation, the first-level authorities of the villages were arranged as sub-districts (Eryılmaz, 1997: 208). Although assignments related to the works to be done in the village are made in the village administrations (Erten, 1999: 105), it is known that the villages are not legal entities with this regulation.

With the regulation called “İdare-i Nevahi" in 1876, villages with over two hundred households could form sub-districts, and villages that could not complete two hundred households were combined to complete this criterion. In addition, it was decided to have a district manager and a council in the sub-districts. In the regulation where the lower and upper limits of the number of council members are determined, a lower limit of four and an upper limit of eight were determined. Similar to the previous regulations, legal personality was not recognized for the villages. The draft law called “İdare-i Kura”, which was prepared to turn villages into local government units, could not be legalized because of the start of the First World War (Nadaroğlu, 1998: 242). With the “İdare-i Umumiye-i Vilayat Kanun-u Muvakkati” dated 1913, the village administration and the regulations of 1864 and 1871 were abolished. Until the Village Law No. 442 came into force, the villages continued their existence with the permission of the government with no legal basis (Eryılmaz, 1997: 210; Parlak & Sobacı, 2010: 158).

When the regulations regarding the villages in the 19th century are evaluated as a whole, it can be said that the legal developments ensured that the elections were held regularly and reliably. However, the villages could not fulfill the services they had undertaken. The fate of the villages has been to wait for the municipal services by the central administration since the said period. However, the central government was insufficient to ensure the security of the village. Village administrations were

evaluated as a method of ensuring that the collection and release of taxes are carried out regularly and that injustices are combated in this period (Ortaylı, 2000: 114-116). Nadaroglu (1998: 243) states that villagers were neglected during the Ottoman Empire. According to him, villagers were treated as subjects rather than citizens. The peasant did not own the land and his village. Villagers, who were considered as a factor that eased the workload on the state, were employed in the construction of roads and bridges, and such works prevented them from concentrating on their main business, the land. The existence of customs that do not allow the personal development of the villagers has also negatively affected the development of the villagers morally. The articulation of natural disasters such as wars, epidemics, drought, famine, and floods to the aforementioned negativities prevented the villagers from finding their identity.

With the proclamation of the Republic, the understanding of starting the national development from the villages was adopted. The active role of the villagers during the National Struggle showed once again that the village was the basic administrative unit. At this point, the role of the village in the administrative organization has been rearranged (Eryılmaz, 1997: 210-211). The legal personality of the villages took place after the legal availability created by the 1913 regulation. With Village Law No. 442 dated 1924, the villages gained a legal infrastructure and legal personality was recognized. Thus, it was aimed at ensuring development by reconsidering the administrative order of the country (Gözübüyük, 2006: 214; Tortop et al., 2008: 423). In this context, unlike the previous regulations, the Village Law reveals the basic characteristics of the village and its position in the administrative structure. According to the Law, a village is defined as "People who have common property such as mosques, schools, pastures, pastures, swamps and live in collective or scattered houses make up a village with their vineyards, gardens, and fields" (at. 2). It is clear that this explanation, which reveals the characteristics of the villages, does not reveal a complete definition of the village. As a matter of fact, the article in question only emphasizes the characteristics of the village and excludes its basic components. The expression of the village was more comprehensively defined by Article 7 of the Law. According to this, “village is an entity in itself that owns movable and immovable properties and performs the duties assigned to it by the Village Law”. It is clear that the possession of movable and immovable properties of villages emphasizes their personal morality. In other words, it is clearly stated in Article 7 that villages have a legal personality. Again, Article 1 of the Village Law sets out the village based on the population criterion. According to this, "Settlements with a population of less than two thousand are called villages and with a population between two thousand and twenty thousand are called town and with a population of over twenty thousand are called city". Again, Article 89 of the Village Law also determined the legal lower limit for a settlement to be considered a village. Accordingly, for a settlement to be considered a village, the population must be over 150.

The primary objectives of the Village Law No. 442 are to ensure that the villages exist within the management system and to eliminate the disadvantages of these management units, which were neglected in the previous process. But despite the Law, the villages could not reach the desired level of development. In other words, the legal

arrangements for the development of villages could not be combined with practice. Despite the legal arrangements regarding the village administrations, the financially weak structure continued and the efforts for the infrastructure of the villages were always monopolized by the central administration (Nadaroğlu, 1998: 243-244).

There are different approaches to Village Law No. 442. Eryılmaz (1997: 211) states that the Village Law has quite advanced and democratic qualities when evaluated within the conditions of the period. Keleş (1994: 153-154) states that Law No. 442 is a municipal law enacted for villages. According to him, the Village Law was enacted in line with the characteristics of our country in terms of the settlement. In addition, he explains one of the main reasons for the failure of the Village Law through the shock of the 1929 World Economic Depression in countries whose economy is based on agriculture. These developments have prolonged the recovery period of the Turkish economy and village life. Toprak (2010: 159) is critical of the Village Law and states that the village should have a source of income commensurate with its duties. According to him, the problems of the villages should be read through the undeveloped rural areas. Again, socio-economic and physical development of rural areas and closing the existing gap with urban areas are other issues he emphasized. In this context, rural and urban areas should be brought closer to each other on issues such as drinking water, electricity, communication, health, and education. He states that the existence of regulations that will prevent land problems and the division of agricultural lands by inheritance should also find a response in practice. Özefe (2005: 513) states that the Village Law, which was legalized to start the development from rural areas, is insufficient in fulfilling the services for the villages in the axis of changing social and economic conditions. According to him, basic services such as the construction of school buildings, the construction of roads, and drinking water, which are the basic public services of the village administrations, were fulfilled by the central administrations. In addition, another reason for the Village Law's inadequacy in meeting the common needs is the way the Law was organized and the practitioners' efforts to work collectively, aiming at the physical participation of the villagers rather than democratic development.

In the 1950-1960 period, importance was given to infrastructure investments for villages. The investments made in highways in this period increased the industrial and commercial partnerships of rural and urban areas (Toprak, 2010: 122). In this period, a change in management took place with the 1960 coup. With the establishment of the State Planning Organization in 1960, villages were handled and evaluated within the planned development period (Doğan, 2009: 154-155).

Efforts to ensure the development of villages began to be handled more within the framework of development plans in the 1960s. In other words, efforts for the development of villages have turned into a policy. In this period, it is known that village development was tried to be achieved with methods such as mechanization in agriculture, base price applications, cooperatives, and agricultural credit policy (Sönmez, 2003: 151). At the beginning of the planned development period, community development was equated with village development, and in the next period, the concept of community development was abandoned and it was aimed to

develop villages within the traditional understanding within the framework of the Village Law (Keleş, 1994: 155).

Between the years 1963-1965, works were carried out in the provinces of Istanbul and Ankara, in line with the aims such as ensuring the coordination of the services delivered to the villages with the “model villages approach” and benefiting from the services to be provided in the surrounding villages. However, the major argument of this approach, the assumption that the development of the pilot villages will also affect the surrounding villages, has been criticized. These criticisms were realized at the point that the works carried out focused on physical changes rather than structural changes without considering common needs. In 1965, the Ministry of Rural Affairs wanted to solve the problems of the villages holistically with the "Multidimensional Rural Area Planning" method. With this method, which has been tried in countries such as the Netherlands, Italy, and Israel, it is aimed for the villages to be self-sufficient. The method, which is based on the idea of determining the factors affecting rural areas and planning them together, tried to overcome the distinction between rural and urban areas. With this approach, agricultural development, the integration of agriculture and industry were aimed, and social, economic, and physical problems were tried to be eliminated (Keleş, 1994: 169-170).

The "central village approach" was discussed for the first time in the 3rd Five-Year Development Plan covering the years 1973-1977. It is known that the efforts of the approach aiming to reduce the costs of the services to be taken to the villages and to provide the services in a balanced and close to the citizens throughout the country, didn’t yield the desired results. As a matter of fact, it should be said that the understanding of the development of villages is limited to the partial fulfillment of the infrastructure services of the villages with the "central village approach". In the early 1980s, the "village-city" approach was put forward as a result of the search for solutions to the existing problems of the villages. As can be understood from the basic components of the concepts, this approach, which can be formulated as combining the advantages of rural areas and urban areas, has been developed in order to reveal the potentials of villages and to prevent problems such as unemployment and migration (Erdönmez, 2005: 38).

After the 1980s, with the increase in the effectiveness of liberal policies, the nature of the relationship between the village administrations and the central administration remained in the background. Issues such as the privatization efforts undertaken in this period, the downsizing of the state, the greater emphasis on exports, and the shaping of priority in development within the framework of global economic demands caused economic targets to surpass social targets. In this period, the village's inability to fulfill the duties undertaken, brought about by the lack of resources, equipment, and personnel, made the villages passive in the development. (Keleş, 1994: 156-169; Geray, 2000: 4).

Villages have been established as local government units, just like municipalities and provincial administrations. The deficiencies such as resources, personnel, and equipment in the village administrations, which could not be restructured in the historical process, do not change this fact. Today, Village Law No. 442 is still valid.

In the 2000s, villages could not benefit from the restructuring efforts in the administration, unlike other local government units. The inactive, self-sufficient structure of the villages, which had difficulties in implementing the decisions it took, continued. In line with changing needs and expectations, it is seen as a necessity to rearrange Village Law No. 442 and adapt it to the needs of the age.

While Village Law No. 442 continued to exist, regulations that were closely related to the village administrations and changed its legal nature came into force. Law No. 6360, which completely changed the situation of the villages in the administrative structure, not only reduced the problems that had stuck on the villages but also increased them, causing new economic, social, and administrative problems. The status of "rural neighborhood" was created in order to overcome, to some extent, the financial responsibilities imposed by Law No. 6360 on the citizens of villages that turned from villages to neighborhoods. At this point, the content of the new legal regulation should be examined.

1.1.2. The New Face of Village Administrations: Rural Neighborhood

The abolition of the legal entities of the villages and the obligations imposed on the citizens living in the villages by Law No. 6360 increased the existing problems rather than solving the problems of the villages. In this context, as a result of the search for solutions to the increasing problems of village administrations, the Public Financial Management and Control Law No. 7254 was published in the Official Gazette on 16 October 2020 and entered into force.

With Law No. 7254, villages and towns that have turned into neighborhoods have been enabled to become "rural neighborhoods" provided that they meet the necessary conditions and make an application. Article 10 of the Law has added an article to the Metropolitan Municipality Law No. 5216. Accordingly, some minimum conditions are stipulated for a settlement to be considered a rural neighborhood. These conditions are expressed as socio-economic status, distance from the city center, accessibility to municipal services, current housing situation, and similar issues. It is regulated that the neighborhoods that meet these criteria will be considered as rural neighborhoods with the decision and proposal of the district municipal council, and the decision to be taken by the metropolitan city council within ninety days at the latest. It is stipulated that the determination in question will take place at the neighborhood level. It has been decided to determine the settlements that do not have the characteristics of rural neighborhoods as rural settlements, provided that they are not less than ten thousand square meters. However, it is stated in the article that the practice of rural neighborhoods or rural settled areas can be abolished within the framework of the same procedures.

It can be said that metropolitan municipal councils have the freedom to decide whether to put a neighborhood in the status of a rural neighborhood. As a matter of fact, it is stated in the Law that the metropolitan municipality may accept or reject the proposals received from the district municipality as they are or by changing them.

Significant exemptions are provided in the Law for settlements that have acquired the status of rural neighborhoods or rural settled areas. Accordingly, the buildings, plots, and lands used as workplaces by those who are exempt from income tax and those who are subject to simple income tax, and buildings, plots, and lands used in agricultural production are exempted from real estate tax. In addition, it has been regulated that the property tax will be applied with a 50% discount on buildings, plots, and lands used in commercial, industrial and touristic activities. Again, it was stated that in rural neighborhoods and rural settled areas, within the scope of the Law on Municipal Revenues No. 2464, construction fees and zoning-related fees would not be charged, and it was stated that the participation fee for other taxes, fees, and expenses would be applied with a 50% discount. There are also regulations regarding drinking and utility water for rural neighborhoods and settlements identified as rural settled areas. The fee to be charged in these settlements will be determined in such a way that the lowest tariff does not exceed 50% for workplaces and 25% for residences. At this point, taxpayers who keep books within the framework of the Tax Procedure Law No. 213 are prevented from benefiting from these exemptions and discounts.
On April 15, 2021, the Regulation on Rural Neighborhoods and Rural Settlement Areas was issued by the Ministry of Environment and Urbanization to determine the procedures for the determination of rural neighborhoods and rural settled areas and to regulate exemptions and discounts.

According to the regulation, when determining rural neighborhoods, it was stated that determination would be made in settlements that turned into neighborhoods when they were villages or town municipalities in 1984 and later. It is stated that the regulation, which states that the determination of rural neighborhoods will act on the axis of general principles such as justice, equality, and generality, will also take into account some specific issues (art. 4). Accordingly, for a neighborhood to be identified as a rural neighborhood; a) Whether the rural settlement feature continues, b) The distance to the city center and the transportation situation, c) Whether the municipalities can reach at least one of their services such as road, water, wastewater, solid waste, public transportation at full capacity, d) Existing construction Whether the rural character of the situation continues or not, e) Whether it is located in the settlement and development areas under the zoning legislation, f) Socio-economically; One or more of the issues such as the high rate of the rural population, the fact that agriculture, forest, pasture, spring, and winter lands constitute a significant part of its surface area, whether agricultural production, animal husbandry, and forestry activities are determined as the main source of livelihood, and similar issues are taken into consideration.

According to the regulation, it is stated that the settlements determined as rural neighborhoods and rural settled areas will gain their new status in the following year. In addition, it has been stated that if rural neighborhoods and rural settled areas lose their qualifications, their status will disappear.

2. METHODOLOGY

In the literature, there are not enough studies on the determination of the problems that may arise with the village administrations being rural neighborhoods. The rural neighborhood application is a new regulation for the settlements that have transformed from villages to neighborhoods. In this context, the aim of the study is to reveal the probable effects of the rural neighborhood application introduced with the new regulation.

The scope of the study consists of 30 metropolitan municipalities, including the provinces that gained the status of metropolitan municipalities with the Law No. 6360. The regulations brought with the Law No. 6360 have been arranged to cover all metropolitan municipalities. Study was limited only to the regulations for the villages among the innovations brought by the Law No. 6360. The rural neighborhood application was also established in order to find solutions to the existing problems of the villages. Therefore, other comprehensive regulations of the Law No. 6360 were excluded from the study.

The study was designed as a case study. The case study is generally a preferred research method for a better understanding of the problem.. If the main problems of the research are shaped around questions such as "how" and "why", it is recommended to prefer a case study design in the literature (Güler et al., 2015: 301). The case studies are preferred why they are strong in terms of validity, they can reach generalizations more easily, they allow reinterpretation, and they reveal social realities down to the last detail (Cohen et al., 2007: 256).

In qualitative research, a sample is determined for a specific purpose. The sample is not formed only in the form of interviews and observations. In addition, the research environment and processes are also important factors in the creation of the sample. It is difficult to determine the sample of qualitative research based on documents. At this point, purposive sampling is used (Punch, 2014: 183). In the study, the villages, which show the characteristics of rural settlements and gained the status of a rural neighborhood with the Law No. 6360, were taken as examples. The study group of the research consists of metropolitan municipalities, whose number reached 30 with the regulation in 2012, and the neighborhoods whose legal entity was abolished in these municipalities and which have the characteristics of rural neighborhoods.

Document analysis was carried out as the data collection method of the research. The document analysis was used as the data collection method of the research. It is a systematic method for reviewing or evaluating both printed and visual materials. As with other analytical methods in qualitative research, document analysis is preferred for extracting meaning from data, gaining understanding, and developing empirical knowledge (Bowen, 2009: 27). In the document analysis, it is necessary to identify the materials containing information about the events and phenomena that are aimed to be investigated. Document analysis can be performed alone, or it can be used as an additional method besides observation and interview (Yıldırım & Şimşek, 2013: 217).

Realizing validity and reliability in qualitative research depends on the ethical organization of the research. For this purpose, the research must be minutely designed. Validity and reliability are related to establishing the conceptual framework of the research, collecting data, analyzing, interpreting, and presenting the findings (Merriam, 2013: 199-200). In addition, the concept of "convincingness" is preferred rather than the concept of "validity" in qualitative research. The evaluation process of data should be confirmability. At this point, dependability and confirmability reveal the control of the research process (Creswell, 2016: 246). In other words, the validity and reliability of the study means that the results are similar in similar environments, the processes occur consistently with each other, and the study is understandable (Bek & Kara, 2020: 800). It is known that the methodological skill, sensitivity, discipline, and education of the researcher are important variables in ensuring validity and reliability (Labuschagne, 2003: 101). By making use of the studies carried out in line with the Law No. 6360 for the villages, it was ensured that the study was "convincing and confirmable". The obtained data were analyzed by descriptive analysis technique and turned into a meaningful data. A consistent path was followed in data collection and analysis processes. Care was taken to transfer the data in an objective and impartial manner. In line with the principle of immutability, data collection, coding and analysis processes have been as consistent as possible.

3. RESULTS

Closing the villages and turning them into neighborhoods brought along important changes for the citizens living in the village. Peasant citizens faced new tax obligations. With Law No. 6360, it has been realized that the citizens are no longer a part of the rural area but find a place in the urban life, albeit in a legal sense.

At this point, it is necessary to evaluate the problems regarding the villages in the axis of the periods before and after Law No. 6360. The traditional problems of the villages, such as education, health, and infrastructure, continued until 2012. In this context, it has not been possible for these settlements, which are not financially self-sufficient, to cope with their chronic problems. Peasant citizens constantly waited for their current problems to be solved in this wide period of time, and the searches by the decision-makers, both before and after the planned period, did not give the desired outputs. It is necessary to look for the continuation of these problems in the Turkish administrative tradition. Village administrations were not imagined as self-sufficient units in the historical process but were seen as an element that alleviated the workload of the central government.

After Law No. 6360, new problems were added to the existing problems of the villages. Regulations covering villages had significant negative externalities for citizens. The decrease in the number of peasant citizens, which continued from the Republican period until 2012, accelerated with Law No. 6360. As a matter of fact, the increase in the obligations of the citizens living in the village with the new regulation brought about the abandonment of the villages along with the migration movements. In this context, citizens had to change sectors, and the meanings such as revealing the potentials related to agriculture and animal husbandry that we ascribe to the villages

remained unrequited. As a result, the provision of rural development was also hindered.

In addition, the villagers had problems with belonging. Citizens have difficulty in finding an interlocutor when they encounter any problem and do not see themselves as a part of the district they are connected to as a neighborhood. Although the villages were seen as a part of the urban area in the legal sense with Law No. 6360, there was no different situation in practice. The participation channels of the villagers, who were removed from the decision-makers, decreased, and their fate was left to the disposal of the district and metropolitan municipalities. In addition, the quality, speed, effectiveness, and efficiency of public services offered to rural areas have been constantly discussed.

It can be said that the rural neighborhood arrangement partially softens the understanding of the regulations introduced by Law No. 6360, which increases the problems of the villages. With the new regulation, exemptions or deductions from taxes, water charges, and fees in rural neighborhoods and rural settled areas are developments that can be expressed as "the best of the worst".

In addition to these developments, it is a fact that important problems continue to exist. While rural neighborhoods have village status and legal personality, the status of their pastures, summer pastures, winter quarters, and meadows remains uncertain. As a matter of fact, Article 16 of Law No. 6360, which was included in Municipal Law No. 5393, clearly reveals the situation. Accordingly, villages that have turned into neighborhoods should continue to benefit from these places. However, with the zoning plans prepared by both the Ministry of Environment and Urbanization and the municipalities, it is possible to use the common properties of the village out of purpose. In this situation, the opening of agricultural lands for development causes the rural economy to suffer.

The evaluation of obtaining the status of the rural neighborhood as a result of the application brings a new dual situation to the agenda. We have mentioned above that the neighborhoods that meet the legal criteria will attain the status of rural neighborhoods or rural settlements. Accordingly, the inequality between the provinces where the villages continue to exist and the large-scale provinces where there is no village administration will occur within the same metropolitan municipality this time. As a matter of fact, those who have mastered the application process from rural neighborhoods will benefit from these exemptions and discounts, while the current situation of other rural settlements will continue. The injustice between the settlements that have a rural character and the other settlements that have turned from villages to neighborhoods reveals a different dimension of the situation.

The search for the application requirement for obtaining the rural neighborhood status also brings some possibilities to light. During the application process, municipalities may have to display a reluctant attitude and a political struggle may need to be put forward to achieve the status in question. Although today's political parties seem to have met on common ground regarding the rural neighborhood practice, the existence of this possibility may be in question in the future.

The fact that the headmen of the settlements that have transformed from villages to neighborhoods do not have sufficient information about the application process is also seen as an important problem. The headmen do not have sufficient information about how and where to apply and the advantages of rural neighborhood status. It can be said that the absence of tidy legislation was effective in the emergence of the situation in question.

4. DISCUSSION

It was seen that the findings obtained as a result of the research were largely supported by the literature. It can be said that the effects of the important changes in the village administrations with Law No. 6360 will continue to a large extent after the rural neighborhood regulation. It would not be a correct approach to evaluate the rural neighborhood practice independently of the regulations introduced by Law No. 6360. In this context, the approach of Law No. 6360 towards villages has been criticized on various issues. These criticisms can be listed as; unconstitutionality, the prevention of local participation, the legal regulation will not make the villages a part of the city, the villagers will not be able to overcome their tax obligations, there will be difficulties in reaching the administrative units, there will be difficulties in providing effective and efficient service to the rural areas, the infrastructure integrity will not be ensured, zoning regulation will not be able to overcome agricultural will result in the misuse of areas.

The main criticism of the abolition of the legal personality of the villages is that the regulation is unconstitutional. Gözler (2013) stated that in his study “Criticisms on Law No. 6360: Is It Appropriate for Our Constitution to Abolish Special Provincial Administrations and Villages in Twenty-Nine Provinces and to Convert District Municipalities into Metropolitan District Municipalities?” the abolition of the village administrations with a constitutional basis caused a violation of the Constitution. In addition, he explained through various examples that the transformation of villages into neighborhoods will result in disruptions in services and a waste of time.

The abolition of the legal personality of the villages has also been questioned in terms of democratic qualities. Keleş (2017) refers to the difficulty of defending the end of the existence of the village, which is seen as an economic and social unit in his evaluation in his study named “What Brought and What Happened to the Law Reorganizing the Metropolitan Administrations?” According to him, the abolition of the legal personality of the villages without consulting the opinion of the local people constitutes a violation of the European Charter of Local Self-Government. In addition, he states that the said regulation will cause loss of identity and belonging for the villagers, decrease in agricultural efficiency and make it difficult to access public services. The study titled “Relationship between Service Scale Increase and Quality Perception: The Example of Balıkesir Metropolitan Municipality” prepared by Akyol and Kara (2019) also emphasizes similar points regarding villages. According to them, it is not possible to provide quality services to the villages far from the center with the Law No. 6360 in its current form, and the regulations introduced should be improved in a way to increase belonging. In order to overcome the problems of belonging in the

settlements that have turned from villages to neighborhoods, the necessity of ensuring citizen-decision-maker rapprochement has been emphasized. Güler (2012), who has a similar view, evaluates the abolition of the legal personality of the villages from various perspectives in his critique named “On the Government's Whole City Draft Law on October 8, 2012”. According to him, there are drawbacks in the removal of the legal personality of the villages, not seeking the opinions of the local people, not holding a local referendum, not taking the opinion of the representatives of the village administration, and not presenting them for public discussion. Again, Ceyhan and Tekkanat (2018) stated in their study titled "Law No. 6360 and Its Effects on Ankara Province" that the abolition of the legal personality of the villages would negatively affect local democracy and increase the level of centralization. Again, in the study titled “The Effect of Change on the Headman of Villages Turning into Neighborhoods with the Law No. 6360: An Evaluation on Menteşe and Seydikemer Districts” prepared by Demirkaya and Koç (2017), it was questioned whether it is obligatory to abolish the legal personality of the villages over the two districts of Muğla. In addition, it was stated that the abolition of the villages reduced the effectiveness of the village headmen and the villages were brought closer to the central government in the new arrangement.
The evaluation of villages as urban spaces in the legal sense of Law No. 6360 has also been criticized in the literature. Mutlu (2013), in his work titled "Metropolitan Municipality Law No. 6360: Rural in the Law, A Look at the Law in the Rural" stated that Law no. 6360 would prevent the awareness of the villagers and reduce their entrepreneurship. In addition, he expressed the transformation of villages into urban areas with regulation as "virtual spaces". Having a similar view, Zengin (2013), in his study titled "Transformation of the Metropolitan Municipality System: An Evaluation of the Last Decade", expressed the abolition of the legal personality of the villages as "the villager who was forced to wear the urban shirt" and stated that agricultural production and thus rural life would be adversely affected by the process. In addition, it was stated that the financial and administrative capacity problems experienced by the villages cannot be overcome by ignoring local democracy.

The fact that the villages faced new tax obligations with Law No. 6360 and the zoning arrangement is one of the most criticized aspects of the Law. Oktay (2016) sees the opening of areas transformed from village to neighborhood as a risk in his study titled "Understanding and Making Meaning of the Metropolitan Municipality Reform Based on Law No. 6360". In addition, the abolition of the legal personality of the villages in terms of political participation and local democracy has been criticized. It was also stated that the removal of villages brought new workloads to district municipalities on issues such as solid waste management, zoning planning, and control, municipal police services, environment and cleaning, and license areas. Ciftci and Tomar (2013), who have a similar view, approached the regulations of Law No. 6360 for villages in their study titled "The Effects of the Metropolitan Law on the Rural of Izmir". In the study, issues such as the fact that the villages are the subject of various tax burdens and service charges, that the services for the villages will fall behind the urban services, and the possibility of misuse of the pasture and coastal areas of the villages have been mentioned.

With Law No. 6360, it has been stated that the citizens living in the village will experience difficulties in reaching the administrative units and in providing effective and efficient service (Kayar & Görün, 2021: 67-68). Turan and Izci (2013) emphasized that there will be difficulties in the provision of services to villages and that the administrative structure will undergo significant changes in their study titled "Metropolitan Municipality System in Turkey and Changes in the Metropolitan Municipality System with the Law No. 6360: The Example of Van". In addition, they stated that the villagers in the province of Van would have difficulty paying the property and garbage tax. Similarly, in the study titled "Newly Established Metropolitan Municipalities in Turkey with the Law No. 6360: The Example of Manisa Metropolitan Municipality" prepared by Ökmen and Arslan (2014); It is emphasized that the management, planning, and coordination processes must be managed correctly so that the villages, which have turned into neighborhoods in the distant districts of Manisa, can receive effective and efficient service and meet the common needs. Again, in the study titled "The Effects of the Metropolitan Law on Rural Areas; The Case of Bursa Province", which was written jointly by Gürbüz and Kadağan (2019), it was determined that the citizens living in rural areas in Bursa had difficulties in reaching the administrative units. It has also been stated that there are problems in the delivery of services to villages far from the center in Bursa.

There are also studies on how the regulations of Law No. 6360 regarding villages are perceived by the village headmen. In the study titled "The Effect of Law No. 6360 on Villages/New Neighborhoods whose Legal Personality was Abolished: The Example of Aydın" prepared by Tekçe and Genç (2019), the effect of regulation numbered 6360 on the villages of Aydın province was measured from the perspective of village headmen. Accordingly, the headmen expressed their reservations about the abolition of the legal personality of the villages, the fact that they would face new tax obligations, the closure of the special provincial administration and local administration unions, the failure to ensure the integrity of the infrastructure, the delay and increase in the costs of services, and the increase in the risk of construction in rural areas. In addition, it has been determined that the planning at the provincial border provides integrity and there is a partial satisfaction with the urban transportation services.

It has emerged in the past time that most of the aforementioned criticisms on the regulations of Law No. 6360 on villages were appropriate criticisms. The fact that many of the sample studies taken from various years and metropolitan cities from 2012 to the present day emphasize the same points, which proves this situation. Law No. 6360 did not reduce the problems of these settlements, which turned from villages to neighborhoods, on the contrary, it increased them. At this point, postponing the regulations foreseen by Law No. 6360 and to be implemented with a delay of 5 years was not a solution, and in this context, legal regulation emerged as a need.

Although the rural neighborhood application brought some tax exemptions and discounts to the settlements considered as rural areas, when evaluated as a whole, it can be said that the said regulation cannot keep the citizens living in the villages in these settlements. As a matter of fact, it can be said that partial improvements cannot

revive agriculture and animal husbandry while the existence of positive privileges granted to villages before 2014 was not sufficient and rural areas were constantly migrating. The regulation, which is prepared on purely economic foundations and aims to alleviate the burden on rural villages, needs to be expanded and evaluated in a multidimensional way.

With this study, it is aimed to reveal the possible effects of rural neighborhood practice based on the literature. At this point, it is necessary to consider the falsifiability of research findings in the future. With the widespread use of rural neighborhoods, it may be useful to examine the possible effects on sample rural neighborhoods. At this point, the emergence of undetected dimensions can be detected by interviewing the citizens of the area. Solutions can be developed by considering the criticisms/contributions in question or by identifying the problems encountered in practice.

CONCLUSION

Village administrations, as the most basic administrative units, have survived through historical processes. The existence of chronic problems in villages is a fact known to everyone. Although village administrations were organized as local government units, they could not maintain their existence as self-sufficient administrative units. Until Law No. 6360 was enacted, they were able to survive with the support of various actors such as special provincial administrations, local administration unions, and the help of central government organizations in order to find solutions to their problems within their own area of responsibility.

Law No. 6360 abolished the legal personality of the villages within the metropolitan municipality and made them the neighborhoods of the district they belong to. With this arrangement, the villages got rid of a self-deciding management structure. As such, many services have come to be expected from either the district municipality or the metropolitan municipality.

Some of the reasons for criticism of the transformation of villages into neighborhoods in metropolitan municipalities are; unconstitutionality, the prevention of local participation, the legal regulation will not make the villages a part of the city, the villagers will not be able to overcome their tax obligations, there will be difficulties in reaching the administrative units, there will be difficulties in providing effective and efficient service to the rural areas, the integrity of the infrastructure will not be provided and the zoning arrangement will cause the misuse of agricultural lands.

Rural neighborhood status was created in order to reduce/eliminate the level of taxes and responsibilities imposed on the villagers. With the said regulation, it can be said that the financial burden on the villagers will be alleviated. However, it can be said that the regulation made for purely economic reasons will be insufficient in terms of producing solutions to the multifaceted problems of the villagers. As a matter of fact, citizens living in settlements that have turned from villages to neighborhoods are

involved in migration movements and the speed of this migration often continues to increase.

In settlements that will be rural neighborhoods, the problems of citizens regarding belonging will continue. The rural neighborhood arrangement does not promise the pre-Law no. 6360 to the village citizens. While this is the case, citizens will continue to stay away from the administrative levels, and the level of local democracy cannot be increased. In addition, the quality, speed, and efficiency level of public services to be carried out in rural areas is a separate issue.

The fact that obtaining rural neighborhood status is dependent on the application will add to the existing inequalities. It is known that while the settlements with the same qualifications were transformed into neighborhoods in the metropolitan municipality, the village status was preserved in other provinces. With the new regulation, a new dual structure emerges in the form of rural neighborhoods and neighborhoods. Again, the fact that the headmen of the neighborhoods do not have sufficient knowledge about rural neighborhoods will have an increasing effect on inequalities.

In short, the rural neighborhood practice makes improvements in a very small part of the regulations for the villages with Law No. 6360 and does not offer solutions to the basic problems. It is a fact that the said regulation contains gains for the peasant citizens. At this point, it is another fact that the regulations for villages need to be developed.

In this context, it is necessary to consider and evaluate the regulations for villages as a whole and the need for inclusive legal regulation should be considered as a necessity. In addition, granting the settlements that are in a position to meet the rural neighborhood status within the current regulations, without seeking the application requirement, will serve both to quickly resolve the grievances and to ensure the integrity of the implementation. If the rural neighborhood regulation will continue to exist in its current form, it is seen as a necessity to ensure that at least the neighborhood headmen with rural neighborhood potential are informed about the regulation.

KÖY YÖNETİMLERİNİN YENİ YÜZÜ: KIRSAL MAHALLE UYGULMASI ÜZERİNE BİR DEĞERLENDİRME

1. GİRİŞ

Köyler, Türk yönetim sistemi içerisinde en temel birimler olarak varlığını sürekli olarak sürdürmüştür. Köylerin geleneksel problemleri tarihsel süreç içerisinde tartışılmış, köylere yönelik politikalar istenilen sonuçları vermemiştir. 2012 yılında 6360 sayılı Kanun ile köylerin niteliği değişmiş ve sorumlulukları artırılmıştır. Köylere yüklenilen mali sorumlulukların olumsuz etkilerini giderebilmek amacıyla kırsal mahalle düzenlemesine gidilmiştir. Bu çalışma ile 6360 sayılı Kanunla köyden mahalleye dönüşen ve daha sonra 7254 sayılı Kanun ile kırsal mahalle statüsüne kavuşan/kavuşacak yerleşim birimlerinin uygulamada karşılaşabileceği sorunları

ortaya koymak ve 6360 sayılı Kanun ile ortaya çıkan problemlerin hangilerine çözüm üretebileceğinin tespitini yapmak amaçlanmıştır.

2. YÖNTEM

Literatürde köy yönetimlerinin kırsal mahalle olmasıyla birlikte ortaya çıkabilecek sorunların tespitine yönelik yeterli düzeyde çalışma bulunmamaktadır. Bu kapsamda çalışmanın amacı, yeni düzenleme ile getirilen kırsal mahalle uygulamasının olası etkilerini ortaya koymaktır. Çalışma, betimsel analiz yöntemleri içerisinden örnek olay (özel durum) yöntemi şeklinde tasarlanmıştır. Araştırma doküman analizi şeklinde gerçekleşmiştir. Araştırmanın temel varsayımı şu şekildedir: 6360 sayılı Kanun ile köyden mahalleye dönüşen yerleşim yelerinin yeni statüsü olan kırsal mahalle uygulaması, kırsal yerleşim yerleri arasında var olan eşitsizlikleri daha fazla artıracak ve 6360 sayılı Kanun ile artan problemlerinin önemli bir kısmı devam edecektir.

3. BULGULAR

Köylerin kapatılarak mahalleye dönüştürülmesi ile köyde yaşayan vatandaşlar için önemli değişiklikler meydana gelmiştir. Köylerin geleneksel sorunları olarak ifade edilen eğitim, sağlık ve alt yapı gibi problemlerinin yanında yeni mali yükümlülüklerde eklenmiştir. Köyde geçim sıkıntısı yaşayan vatandaşların yeni düzenleme ile birlikte yükümlülüklerinin artması, köylerin göç hareketleri ile birlikte terk edilmesini de beraberinde getirmiştir. Bu bağlamda, vatandaşlar sektör değiştirmek zorunda kalmış ve köylere yüklenilen tarım ve hayvancılıkla ilgili potansiyellerin ortaya çıkarılması gibi anlamlar karşılıksız kalmıştır. Bunun yanında, köyden mahalleye dönüşen yerleşim yerlerinde yaşayan vatandaşların aidiyetle ilgili problemleri ortaya çıkmış, karar mercilerinden uzaklaştırılan köylülerin katılım kanalları azalmış ve ilçe ve büyükşehir belediyelerinin inisiyatifine bırakılmışlardır. Kırsal mahalle düzenlemesi ile kırsal mahallelerde ve kırsal yerleşik alanlarda vergi, su ücretleri ve harçlardan muafiyetlerin ya da indirimlerin yer alması öngörülmüştür. Böylece, köylerin mali yükümlülükleri azaltılmıştır. Söz konusu gelişmelerin yanında kırsal mahalleler, köy statüsünde ve tüzel kişilik sahibiyken sahip olduğu meralar, yaylak, kışlak, otlak ve çayırların durumu belirsizliğini korumaktadır. Ayrıca, kırsal mahalle statüsüne kavuşmanın başvuru ekseninde değerlendirilmesi yeni ikili bir durumu gündeme getirmektedir. Kırsal mahalle başvuru sürecinde belediyelerin isteksiz tavır sergilemeleri ve söz konusu statüye kavuşabilmek için siyasi bir mücadelenin ortaya konulması gerekmektedir. Köyden mahalleye dönüşen yerleşim yerlerinin muhtarlarının başvuru süreci hakkında yeterli bilgiye sahip olmaması da önemli bir problem olarak görülmektedir.

4. TARTIŞMA

Araştırma sonuncunda elde edilen bulguların literatür tarafından büyük oranda desteklendiği görülmüştür. 6360 sayılı Kanunla köy yönetimlerinde yaşanan önemli değişikliklerin etkilerini kırsal mahalle düzenlemesi sonrasında da büyük oranda

devam ettireceği söylenebilir. Kırsal mahalle uygulamasının, 6360 sayılı Kanun'un getirdiği düzenlemelerden bağımsız olarak değerlendirilmesi doğru bir yaklaşım olmayacaktır. Bu kapsamda, 6360 sayılı Kanun'un köylere yönelik yaklaşımı çeşitli hususlarda eleştirilmiştir. Söz konusu eleştiriler; anayasaya aykırılık, yerel katılımın engellenmesi, yasal düzenlemenin köyleri kentin bir parçası haline getirmeyeceği, köylü vatandaşların vergi yükümlülüklerinin üstesinden gelmeye gücünün yetmeyeceği, yönetsel birimlere ulaşmada zorluklar yaşanacağı, kırsal alanlara etkin ve verimli hizmet sunumunda zorluklar yaşanacağı, alt yapı bütünlüğünün sağlanamayacağı, imar düzenlemesinin tarımsal alanların amaç dışı kullanımına neden olacağı şeklinde sıralanabilir. 6360 sayılı Kanun'un köylere yönelik düzenlemelerine getirilen bahsi geçen eleştirilerin pek çoğunun yerinde eleştiriler olduğu geçen zaman diliminde ortaya çıkmıştır. 2012 yılından günümüze gelinceye kadar çeşitli yıllardan ve büyükşehirlerden alınan örnek çalışmaların pek çoğunun aynı noktalara vurgu yapması bu durumu ispatlar niteliktedir. 6360 sayılı Kanun köyden mahalleye dönüşen bu yerleşim yelerinin sorunlarını azaltmamış aksine artırmıştır. Kırsal mahalle uygulaması her ne kadar kırsal alan olarak kabul edilen yerleşim yerlerine bazı vergi muafiyetleri ve indirimleri ile getirmiş olsa da bir bütün olarak değerlendirildiğinde 6360 sayılı Kanun'un getirmiş olduğu problemlerin önemli bir kısmı varlığını devam ettirmektedir.

SONUÇ

Türkiye'de köy yönetimlerinin sorunlarının yönü ve boyutu 6360 sayılı Kanun ile değişmiştir. 6360 sayılı Kanun ile tüzel kişiliğini kaybeden köyler yeni pek çok uygulama ve yükümlülükler ile karşı karşıya kalmıştır. Kırsal mahalle düzenlemesinin salt ekonomik gerekçeler üzerine inşa edilmesinin köylünün çok yönlü problemlerine çözüm üretme noktasında yetersiz kalacağı söylenebilir. Nitekim, köyden mahalleye dönüşen yerleşim yerlerinde yaşayan vatandaşlar göç hareketlerinin içerisinde bulunmakta ve bu göçün hızı çoğu kere artarak devam etmektedir. Kırsal mahalle düzenlemesi 6360 sayılı Kanun öncesi durumu köylü vatandaşlara vadetmemektedir. Durum böyleyken vatandaşlar yönetim kademelerinden uzak kalmaya devam edecek yerel demokrasinin seviyesi artırılamayacaktır. Ayrıca, kırsal alanlarda yürütülecek kamusal hizmetlerin hangi kalitede, hızda ve etkinlik düzeyinde yerine getirileceği ayrı bir tartışma konusudur. Kırsal mahalle statüsüne kavuşmanın başvuruya bağlı olması var olan eşitsizliklere yenilerini ekleyecektir. Nitekim, büyükşehir belediyesinde aynı niteliklere sahip yerleşim yerleri mahalleye dönüştürülmüşken diğer illerde köy statüsünün korunduğu bilinmektedir. Yeni düzenleme ile birlikte, artık kırsal mahalle ve mahalle şeklinde yeni bir ikili yapı ortaya çıkmaktadır. Yine kırsal mahalle konusunda mahalle muhtarlarının yeterli düzeyde bilgiye sahip olmaması da eşitsizlikleri artırıcı bir etki edecektir. Köyden mahalleye dönüşen yerleşim yerlerinin sorunlarının üstesinden gelmek amacıyla köylere yönelik düzenlemelerin bir bütün içerisinde ele alınıp değerlendirilmesi ve kapsayıcı yasal düzenleme ihtiyacı ortaya çıkmaktadır. Bunun yanında mevcut düzenlemeler içerisinde kırsal mahalle statüsünü karşılayabilecek konumdaki yerleşim yerlerinin başvuru şartı aranmaksızın bu statüye kavuşturulmaları hem mağduriyetlerin hızlıca çözülmesine hem de uygulama bütünlüğünün sağlanmasına hizmet edecektir. Eğer

kırsal mahalle düzenlemesi mevcut haliyle varlığını devam ettirecek ise hiç değilse kırsal mahalle potansiyeline sahip mahalle muhtarlarının düzenleme hakkında bilgi sahibi olmalarının sağlanması zorunluluk olarak görülmektedir.

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