

Emine Çeliksoy* 

Çankırı Karatekin University, Turkey, Çankırı

*e-mail: emineceliksoy@gmail.com

THE PROBLEM OF GOVERNANCE OF REGIONAL AUTHORITIES IN TURKEY AND GERMANY: EXPERIENCE OF COMPARATIVE ANALYSIS

The shaking of the dominance of increasingly centralized structures in the world, the dominance of high competition in the economic field, the huge transformation in the field of communication and information processing technologies have both revealed the importance of fundamental rights and freedoms and changed the citizens view of public authority and state method, and led to an increase in the demands and expectations for the quality and transparent performance of the public service. In this process, the structure of both central and local governments and the developments they experience gain importance. In this study, local administrations of Turkey and the Federal Republic of Germany are examined. The aim of the study is to examine local governments in Turkey and Federal Germany within the framework of the legal regulations they are subject to. It is a qualitative study. The current Constitutions of both states, the laws related to local governments and the legal regulations to which public officials working in local governments are subject are examined. The study concluded that both states have their own unique practices, as well as practices that are similar to each other. In this study, it is thought that examining the local governments of a unitary federal state through the legal regulations they are subject to contributes to the relevant field by revealing similarities and differences. In the study, it is thought that examining the legal regulations to which public personnel working in local governments in a unitary federal state are subject will contribute to the relevant field in terms of revealing similarities and differences, as well as examining the organizational structure and human resources together.

Key words: Local Government, Turkey, Federal Germany.

Эмине Челиксой

Чанкыры Каратекин университеті, Түркия, Чанкыры қ.

*e-mail: emineceliksoy@gmail.com

Түркия және Германиядағы өңірлік мемлекеттік басқару мәселесі: салыстырмалы талдау тәжірибесі

Әлемде барған сайын орталықтандырылған құрылымдардың үстемдігінің шайқалуы, экономикалық саладағы жоғары бәсекелестіктің үстемдігі, байланыс және ақпаратты өңдеу технологиялары саласындағы орасан зор өзгерістер негізгі құқықтар мен бостандықтардың маңыздылығын ашып, азаматтардың көзқарасын өзгертті. мемлекеттік биліктің және мемлекеттік әдістің ұлғаюына әкелді және мемлекеттік қызметтің сапалы және ашық орындалуына қойылатын талаптар мен күтулердің артуына әкелді. Бұл үдерісте орталық және жергілікті басқару органдарының құрылымы және олар бастан кешкен оқиғалар маңыздылыққа ие болады. Бұл зерттеуде Түркия мен Германия Федеративтік Республикасының жергілікті әкімшіліктері қарастырылады. Зерттеудің мақсаты – Түркия мен Федералдық Германиядағы жергілікті басқару органдарын оларға бағынатын құқықтық ережелер аясында тексеру. Бұл сапалы зерттеу. Екі мемлекеттің қолданыстағы Конституциялары, жергілікті өзін-өзі басқару органдарына қатысты заңдар және жергілікті өзін-өзі басқару органдарында жұмыс істейтін мемлекеттік қызметкерлер қолданылатын құқықтық нормалар зерттеледі. Зерттеу екі мемлекеттің де бір-біріне ұқсас тәжірибелерімен қатар, өзіндік бірегей тәжірибесі бар деген қорытындыға келді. Бұл зерттеуде унитарлы федеративті мемлекеттің жергілікті өзін-өзі басқару органдарын олар қолданылатын құқықтық реттеулер арқылы зерттеу ұқсастықтар мен айырмашылықтарды ашу арқылы тиісті салаға ықпал етеді деп ойланады. Зерттеуде унитарлы федеративті мемлекетте жергілікті өзін-өзі басқару органдарында жұмыс істейтін мемлекеттік қызметкерлер бағынатын құқықтық нормаларды зерделеу ұқсастықтар мен айырмашылықтарды анықтау, сондай-ақ ұйымдық құрылым мен адами құрылымды зерттеу тұрғысынан тиісті салаға ықпал етеді деп ойланады. ресурстар бірге.

Түйін сөздер: Жергілікті өзін-өзі басқару, Түркия, Федеративті Германия.

Эмине Челиксой

Университет Чанкыры Каратекин, Турция, г. Чанкыры
e-mail: emineceliksoy@gmail.com

Проблема управления региональной властью в Турции и Германии: опыт сравнительного анализа

Потрясение доминирования все более централизованных структур в мире, доминирование высокой конкуренции в экономической сфере, огромные преобразования в области технологий связи и обработки информации выявили важность фундаментальных прав и свобод и изменили взгляды граждан. государственной власти и государственного метода, и привело к увеличению требований и ожиданий в отношении качества и прозрачности оказания государственной услуги. В этом процессе структура как центрального, так и местного правительства, а также события, происходящие в них, приобретают важное значение. В данном исследовании рассматриваются местные администрации Турции и Федеративной Республики Германия. Целью исследования является изучение местных органов власти в Турции и Федеративной Германии в рамках правовых норм, которым они подчиняются. Это качественное исследование. Рассмотрены действующие конституции обоих штатов, законы, касающиеся местного самоуправления, а также правовые нормы, которым подчиняются государственные служащие, работающие в органах местного самоуправления. Исследование пришло к выводу, что оба государства имеют свои уникальные практики, а также практики, похожие друг на друга. В данном исследовании считается, что изучение органов местного самоуправления унитарного федерального государства через правовые нормы, которым они подчиняются, вносит вклад в соответствующую область, выявляя сходства и различия. В исследовании предполагается, что изучение правовых норм, которым подчиняются государственные служащие, работающие в органах местного самоуправления в унитарном федеративном государстве, внесет вклад в соответствующую область с точки зрения выявления сходств и различий, а также изучения организационной структуры и человеческого потенциала. ресурсы вместе.

Ключевые слова: Местное самоуправление, Турция, Федеративная Германия.

Introduction

The rapid change that started with the economic crisis in the 1970s all over the world and experienced in the following years, the developments in democracy and human rights, the search for solutions to environmental problems at the international level, while starting a globalization process in the world, on the other hand, developments in the field of transportation and communication, the rapid spread of information, It has emphasized moving away from centralized structures and decentralization in administration.

Since the 1980s, while the globalization process has been experienced on the one hand, it is seen that the localization tendencies have strengthened at the same time. In the context of this two-way development process, which seems to contradict each other, the trend of globalization transforms traditional management approaches and international structures; On the other hand, the localization process contributes to the creation of a more humane and livable world by reproducing and articulating uniform and centralized understandings within the structure of the globalization trend (Emrealp, 1994: 2).

In parallel with these developments, in many parts of the world, a consensus is being formed on local governments as both a democratic administrative unit and an effective and efficient service delivery unit. Local governments, which stand out as new management techniques in the context of both democratization trends and effective and efficient service delivery, are gaining importance as an alternative with new qualifications and functions in the process from industrial society to information society.

In many states, local governments and local politics are at the forefront of active discussion. Increasing public expectations and strong pressures, including greater participation of local communities in decision-making, confront local authorities with new demands (Hambleton, 2000:931).

These developments, whose speed and content are increasing, naturally also affect our country's local governments, central government-local government relations and their understanding and structuring. This influencing process is generally intended to be reflected in practice in the form of reform and reorganization ideas and initiatives. However, the mentioned reform programs are mostly related to the legal framework and mandate.

It is known that the first modern democracy was established in the 1770s (Aykaç, 1999: 1-12). If developments similar to the ones in the Soviet Union occur in China, 90% of the people in the world will be living in countries governed by democracy (Huntington, 1993: 23). The realization of such a situation can be considered the beginning of a new era in human history. This means that the centralized management approach will largely be replaced by the decentralized management approach. In other words, it will be seen that a new management approach will emerge in public administration, and those who are elected in the management of countries will have a wider management authority than those who are appointed.

The common view of many segments is that democracy can be transformed into a local democracy so that the spreading wave of democracy can continue, giving democracy a permanent character. It is argued that if democracy has not gained the quality of local democracy, it will be very difficult to keep this democracy alive, it will be interrupted frequently and may be suspended by various power groups. The fact that democracy acquires the quality of local democracy, in the most general terms, means that all institutions and rules of democracy are adopted by non-governmental organizations and large masses of the people, perceived as an indispensable lifestyle, protected, and democracy is desired within the same criteria for all segments (Aykaç, 1999: 1-12).

Parallel to these developments regarding the political systems of the countries, the "nationalization" practices that were widely applied at the beginning of this century in the economic field left their place to the "privatization" trend in the 1980s. So much so that privatization has become the most magical concept and the most impressive slogan adopted by the public in recent years, and this slogan has begun to be expressed with different expressions meaning "downsizing of public administration" all over the world.

In many studies conducted since the 1980s, the close relationship between democracy and local governments has been rediscovered, and it has taken its place among the rare subjects on which the world public opinion has agreed (Kamu Yönetimi Araştırması, 1992: 3, Tekeli, 1983: 4- 5).

International organizations such as the World Academy of Local Governments and Democracy (WALD), the International Union of Local Authorities (IULA), and the Council of Europe

Standing Committee on Local Authorities have made extensive efforts to develop local governments and decentralize democracy in the 1980s. With the influence of these efforts, establishing a one-to-one relationship between local governments and local democracies in some countries, considering the concept of local democracy as the basic element of democracy, is an important factor in terms of bringing a new dimension and consistent content to the understanding of democracy, although it may create confusion in some cases. can be seen as progress. The use of the concept of local democracy in this context and in this sense is considered as another stage reached (Yalçındağ, 1992a: 17-18).

There are many countries in the world that are governed by democracy. Among these countries, although local governments are weak, there is no example with a strong democracy (Aykaç, 1999:1).

Especially after the 1980s, different approaches have begun to be applied in the provision of public services in many developed countries. Classical management approaches, which turn public institutions into expensive and monopolistic bureaucracies that cannot respond to demands, have been replaced by an approach that focuses on the goal of providing faster and more effective public services by spending less, by using the free market mechanism and seeking ways to downsize the public sector (Çetin, 2008: 47-63).

In the 2000s, these ideas developed further, with a new understanding of public administrations; Instead of considering himself competent, who works well, uses resources rationally and produces services with a competitive mindset; There have been important developments in which they have adopted a tendency that acts with a sense of responsibility and transfers authority and responsibility to local governments.

Local governments are an issue that is seriously emphasized in all countries. Each country is in an effort to establish a model by taking into account the characteristics of its own political, social, economic and administrative tradition. Apart from the general arrangement made regarding the local governments of the big cities such as Ankara, Astana, London, Toronto, Stockholm, Copenhagen, Amsterdam, Paris, Madrid and Tokyo; The fact that they are local governments regulated by a special law shows the necessity of creating special conditions for service production (Yücel, 1994: 27). This issue is also of vital importance for our country.

Materials and Methods

Qualitative research method in the study used. The literature on the subject has been reviewed and the relevant legal regulations have been used. The current Constitutions of both states, the laws related to local governments and the legal regulations to which public officials working in local governments are subject are examined.

Literature Review

Local Administrations In Turkey

Local governments in Turkey consist of metropolitan municipality, special provincial administration, municipalities and villages.

In the classical Ottoman order, urban administration and urban services, such as zoning, social services, health and cleaning services, were carried out by foundations and local administrators. In the nineteenth century, the inability to meet the urban demands with this structure, the efforts of the Empire to continue its existence, resulted in the municipality being a product of the Tanzimat period, and the first municipality, "Şehremaneti", was established in Istanbul in 1854. In 1857, with the Municipal Regulation (Der-saadet İdare-i Belediye Nizamnamesi) the "Şehremaneti" was reorganized and put into practice throughout Istanbul. The first law on municipalities, which found an application area in the center and in the provinces with the 1876 Constitution, was created in 1877 and remained in force until 1930 (Ateş, 2002: 16-17).

In the early years of the Republic, many legal arrangements were made in the field of municipalism. One of them is the Municipality Law dated 1930 and numbered 1580, which was adopted in the first years of the Republic. The provisions of this law were applied to all municipalities until the adoption of the 1982 Constitution.

With the provision of Article 127 of the 1982 Constitution, "Special forms of administration can be introduced for large settlements", the establishment of Metropolitan Municipalities was enabled and the Law No. 3030, dated 1984, on the Amendment of the "Decree Law on the Administration of Metropolitan Municipalities" came into force (Türkiye Cumhuriyeti Anayasası, item 127).

Both laws have preserved their validity until today. However, with the Municipality Law No. 5393 and the Metropolitan Municipality Law No. 5216 put into effect in 2004, a different structure has

been put forward and our municipalities have gained compliance with international criteria.

Among local governments, municipalities are considered as the closest units to the public. For this reason, any inter-municipal problem can reflect on citizens and negatively affect urban life. While Law No. 3030 was in force, there were some problems in the execution of services, relations between bodies and sharing revenues between metropolitan municipalities and metropolitan district and lower-level municipalities subject to Law No. 1580.

Turkey took over 400 municipalities from the Ottoman Empire. With the laws enacted between 1930-1935, the understanding of municipality was tried to be embodied. By the 1950s, increasing urbanization and encouraging the establishment of municipalities led to a rapid increase in the number of municipalities (Tekeli, Ortaylı, 1978: 241-243).

Metropolitan was conceptually included for the first time in the First Five-Year Development Plan (BBYKP), one of the development plans put into practice with the transition to the planned period in the 1960s. Istanbul and its surroundings were considered as a metropolitan city, and were the subject of projects in order to find a solution to its economic and social problems and to reduce the burden of increasing urbanization (İsbir, 1991: 228).

In the 1980s, with the provision "Special forms of administration can be introduced for large settlements" in Article 127 of the 1982 Constitution, allowing the establishment of Metropolitan Municipalities; First of all, the "Decree Law No. 195 on the Administration of Metropolitan Municipalities (KHK)" and then the "Law on the Amendment and Adoption of the Decree-Law on the Administration of Metropolitan Municipalities" dated 1984 and numbered 3030 entered into force (Türkiye Cumhuriyeti Anayasası, article 127, The Law on the Amendment and Adoption of the Decree-Law on the Management).

There are three laws adopted in 2004 on local governments. One of them is the Metropolitan Municipality Law No. 5216. This law entered into force by being published in the Official Gazette dated 2004 and numbered 25531. With the entry into force of the "Metropolitan Municipality Law" No. 5216, the Law No. 3030 on the Amendment of the Decree-Law on the Administration of Metropolitan Municipalities has been repealed. With the Law No. 5216, the management model envisaged in the Law No. 3030 was adopted exactly the same, but the lower-level municipalities were renamed as first-tier municipalities.

Another law is the Municipality Law No. 5215, which was adopted in 2004. However, this law was sent back to the Turkish Grand National Assembly by the President of the Republic for the re-negotiation of some of its articles in the Turkish Grand National Assembly. The Law was discussed in the Grand National Assembly of Turkey and published in the Official Gazette dated 2004 and numbered 25680, and became Law No. 5272 and entered into force. The Law No. 5272 was also amended in 2005 and became the Law No. 5393 and took its final form. This law also abolished the "Municipal Law" numbered 1580.

The last law adopted is the Law on Special Provincial Administration No. 5197. It was amended in 2005 and was published in the Official Gazette No. 25745 and became Law No. 5302 and entered into force.

These laws are still in force today.

Local Administrations In Federal Germany

Federalism of Germany; federal government consists of a tripartite structure as state governments and local governments (Sadioğlu, Ömürgönülşen, 2009: 637).

The Republic of Germany is divided into 13 states and 3 large free cities throughout the country. It is divided into administrative regions, counties, towns and independent cities. There are a total of 16 federated units in Germany. These federated units are also sovereign states and each federated unit has its own constitution.

Administrative structuring across the states has three levels. The state government and state ministries are the top state departments. District administrations are middle-level state administrative units. The lowest state units are counties and large cities that are not affiliated with a county. Hamburg, Bremen and Berlin are city states and they do not have provincial organizations (Erkul, Kara, Şimşek, 2016: 45). The federal administration has no organization and staff at the other two levels, with exceptions.

The Constitution contains provisions regarding the execution of the duties of the states. Accordingly: The implementation of laws by the states, the administrative organization and the regulation of administrative procedures belong to the states, unless there is a contrary provision in the federal laws approved by the Federal Council (Constitution of the Federal Republic of Germany, article 83).

There is also an exception to the principle of separation of duties and expenses in the Constitution.

(Constitution of the Federal Republic of Germany, article 91a,91b). With these articles, some duties were carried out jointly by the center and the states. In this way, the central government took on some duties to the detriment of the states. The most important of these are the expansion and construction of universities and colleges and university hospitals, the rehabilitation of the infrastructure of the regional economy, the protection of agricultural infrastructure and coasts.

In addition to the general administrative units in the states, there are also special administrative units that only work on the subjects stipulated by the laws. Although there are differences between the states in terms of organization, there are generally three levels of organization in the form of upper, middle and lower levels (Koçdemir, 1998: 28-29).

Top Level Management: The provinces have a Prime Ministry and various ministries on issues such as culture and education policy and security that fall under their mandate. Generally, these ministries are the Ministries of Interior, Finance, Courthouse, Culture, Agriculture, Transport and Labor and Social Affairs. The states have administrations related to the issues they are authorized to enact laws, and the center does not have the authority to direct the state administrations in this area (Koçdemir, 1998: 28-29).

Middle Level Administration: At the middle level, state administrations are divided into "provinces" and there is a "provincial director" at the head. They deal with all matters that do not have a specific administrative body. The main task of the middle level units is to ensure coordination between the central units and to carry out the inspections of the sub-units and local administration units. The provincial director is, in principle, subordinate to the state's interior minister. However, due to their related duties, they are also loyal to other ministries (Koçdemir, 1998: 28-29).

Lower Level Administration: "Independent provinces" and "district administrations" constitute the lower level of the state organization. This independent province status has nothing to do with the "city administration" status given to districts that have reached a certain size as a result of historical development. Independent provinces are public institutions that have the right to manage, and units related to duties related to local issues are managed by administrators elected by the people. State duties, on the other hand, have been transferred by law and they are obliged to fulfill them. Among these transferred duties, there are the Directorate

of Zoning, the Directorate of Population and the Directorate of Economy (Koçdemir, 1998: 28-29).

As a result of the self-management culture that local governments have historically maintained, being the closest administrative unit to the people and the duties they have taken over with reforms, it appears as another important employment unit after the state administrations in terms of public personnel (Sadioğlu, Ömürgönülşen, 2009: 638).

Counties, like independent provinces, are administrative units that solve their own problems with their own administration. Construction and maintenance of roads in the district borders; The duties of the district administration are included in the establishment and execution of units related to transportation, water, gas, cleaning, health and cultural affairs. In addition to these core duties, the districts also have duties such as zoning works and traffic that they carry out on behalf of the state. As noted during the disclosures regarding state legislatures, the administrative officer in counties is the prefect.

In Federal Germany, local governments are organized as districts (kreise) and municipalities (gemeinden) (Erkul, Kara, Şimşek, 2016: 34).

In the Federal Republic of Germany, the districts (kreise) are responsible for performing certain services both as a local government unit and as part of the central administration. The services that the municipalities cannot fulfill within their own borders and the inter-municipal services are provided by the districts (Akin, 2004: 241). In Germany, where the federal structure is adopted, there are also differences in the structures of the districts. The main organs in each district are the district council and the district administrator. However, there are also district commissions in some districts (Karaer, 1989: 26).

In the Federal Republic of Germany, municipalities (gemeinden) differ according to their organization and size. In all states, big cities are named as municipalities that are not affiliated with the county (Yalçındağ, 1992b: 50). In Germany, municipalities are basically divided into two as municipalities within the district system (kreisangehörige gemeinden) and municipalities outside the district system (kreisfreie gemeinden) (Akin, 2004: 242). Municipalities affiliated to the district are insufficient in financial and administrative terms, so they delegate some of their duties to the district. Municipalities that are not affiliated with the district are strong both financially and administratively. These municipalities carry out many services on their own without the support of the district (Mengi, 1997: 96).

Public Staff System In Local Administrations In Turkey

The concept of “public personnel”, “public service officials” or “public officials” is used in two senses, one broad and one narrow. In a broad sense, public officials include all employees whose legal status and hierarchical status are different from each other in public institutions and organizations (Gözler, 2002: 502). In this context, everyone in the status of civil servants, contracted personnel, temporary personnel or workers employed by public legal entities subject to both public law and private law is a public official in a broad sense (Seyidoğlu, 1999: 628). In this case, the term public personnel can be used for the concept of public servant in a broad sense. However, the concept of a public official in such a broad sense cannot be used in the field of law. Because legally, the regime to which these personnel are subject is important.

In the narrow sense, the concept of public servant is defined as officials employed by a public legal entity with a professional title, subject to the public law regime (Gözler, 2002: 503). According to this definition, three elements must be present in order for a person employed by public legal entities to be qualified as a public official in the narrow sense. These elements are; being affiliated to a public legal entity, working in a professional capacity, working in accordance with the public law regime.

In this context, the concept of public servants has been defined in different ways in the Turkish legal system, both in terms of the constitutions made and within the application area of different laws, as in the examples of different countries (Meriç, 1991: 189-191).

The 1982 Constitution also included regulations regarding public officials. As a matter of fact, in Article 128 of the Constitution, "The essential and permanent duties required by the public services that the State, State Economic Enterprises and other public legal entities are obliged to carry out in accordance with the principles of general administration are carried out by civil servants and other public officials." General principles regarding public officials have been determined by including the provision of In Article 129, the duties and responsibilities of public officials, disciplinary proceedings and assurance issues are regulated.

Another law that regulates the concept of civil servant is the Civil Servants Law No. 657. According to this; Government Policy; civil servants, contracted personnel, temporary personnel and workers.

Regardless of the current form of establishment, those who are assigned to perform the essential and permanent public services carried out by the State and other public legal entities according to the principles of general administration are deemed to be civil servants in the implementation of this Law.

There is no separate law for local government personnel in Turkey. The same law applies to civil servants working in very different fields. There are three different personnel systems applied in local governments in the world. The first is the separate personnel system. In this system, personnel management of local governments is carried out completely autonomously from the central administration. Each municipality employs its own personnel. The second is the single staff system. In this system, local government personnel are no different from central government personnel. The central administration can assign public officials to a public institution or organization of its choice. The third system is the mixed personnel system, which is located between both systems. In this system, employees are employed by local governments. Personnel management of local governments in Turkey is directed and supervised by the central administration. In Turkey, a mixed model close to a single personnel system is implemented (Güler and Öktem, 1989: 25).

With a regulation made in Turkey in 2017, the personnel employed in the state by the service procurement method were employed as permanent workers in the central government and as personnel belonging to the municipal companies in the local governments (Şen, 2020: 79).

Public Staff System In Local Administrations In Federal Germany

In the German legal legislation, the concept of public servant is regulated differently from both the Turkish legal legislation and the legislation of other countries in terms of both the legal rules to which they are bound and the scope.

In the German legal system, the concept of public servants is generally defined depending on the legal relationship of public officials with the administration, their legal status or the nature of the public service performed by public officials. As a matter of fact, in the 4th paragraph of the 33rd article of the Federal German Constitution, the provision "The fulfillment of the rights and powers of sovereignty is essentially left to the public officials who have a permanent duty as a permanent duty to the public officials who have a

relationship of administrative work and loyalty". It is stated that it will be fulfilled in a relationship of loyalty (Federal German Constitution, article 33). Civil servant law is the law of the personnel who are connected to a certain public employer with a civil service relationship, with a public and legal service relationship, as specified in paragraph 4 of Article 33 of the Federal German Constitution. Civil servant law; It is classified in two parts as Federal Civil Service Law and Federated Civil Service Law. Federal Civil Servant Law Legislation consists of Federal Civil Servant Law and Federal Disciplinary Code, while Federated Civil Servant Law consists of State Civil Servant Laws. In the 5th paragraph of the same article, it is stated that the relationship between administrative work and loyalty should be determined according to the customs and traditions of the civil service (Sancakdar, 2001: 96-98).

In accordance with the Federal German Constitution, the terms civil servant and public servant are used synonymously in the Federal Servant Law. Accordingly, civil servants employed as public servants in public institutions and organizations; It is defined as "a person who acts on the basis of service or trust in the field of public law in institutions directly affiliated with the state or the state through public law" (art. 2/1) (Sancakdar, 2001: 97-98). According to this definition, the civil servant is accepted as a person devoted to public service, and the legal status and working relations of civil servants are based on the idea of mutual loyalty determined by law (Tortop, 1999: 81). As a matter of fact, in a decision of the Federal Constitutional Court, taking into account the 33rd article of the Constitution, civil service is defined as "the one that gives an appearance to state life, creates a balance factor against political forces and ensures stability in the administration; It is an institution based on loyalty, authority and knowledge" (Sancakdar, 2001: 98). In the definitions made, it is seen that the concepts of civil servant and public servant are used synonymously.

According to the German legal system, for a person to be considered a public official, three elements must be fulfilled together. These elements are; working in public institutions and organizations, working in civil servant status subject to public law, working on a permanent basis.

German public servants are divided into three main classes as permanent civil servants (Beamte), contracted personnel (Angestellte) and workers (Arbeiter) (Can, 2004:18).

Contracted personnel do not work in jobs that require physical strength. Staff members perform

administrative duties. Staff members perform their duties independently. Staff members have job security. They have no right to strike. Workers are paid for the hours they work (Yalçındağ, 1992b: 69).

In the Federal Republic of Germany there are constitutional guarantees for civil service (beamte). It is stated that legal regulations regarding civil servants should be made according to professional principles. There are federal laws regarding the personal rights of civil servants (Aslan, 2005: 181).

In accordance with the principles envisaged by the Federal German Constitution, common standards at federal, state (Länder) and local levels have been regulated by the Civil Servants Framework Law, the Federal Salary Law and Pensions Framework Law at the federal level (Aslan, 2005: 182).

Results and Discussion

Problems In Local Administrations In Turkey and Federal Germany

The budget deficits experienced in public administration, which is expressed with the concept of three deficits, the performance deficit and the trust crisis closely related to them, that is, the confidence deficit (Yılmaz, 2001: 3-4) is seen in Germany as a result of the globalization process, and in local governments, especially in the Federal government, also brought the idea that staff should be reduced. With the social state understanding adopted after the 1929 Economic Depression, the role of the state changed, its functions increased and it was seen that the public administration expanded. The differentiation and increase in expectations from the state has brought about more activities of the public and more intervention in economic and social life. However, the expenditures made for these activities have created a great burden on the budget over time and the financing of these activities has reached a point where it cannot be met from the budget. In this context, the expenditures made by the public have become debatable, and these debates are experienced simultaneously with the discussions on the role and downsizing of the state. The budget deficits that emerged after this process led to a belief in the public that the resources were not used effectively and that the public sector was inefficient. This is called the performance gap. This situation has also manifested itself in local governments.

A flexible structure, flexible working conditions and a customer-oriented structure based on performance criteria are tried to be created among local administration personnel. However,

employees are not a goal in this process (Sadioğlu, Ömürgönülşen, 2009: 645).

The general discontent of the public administration has led to a lack of confidence in the administrative structure in the Turkish public. In short, budget deficits, inefficiency and the crisis of confidence felt in the eyes of the public appear as problems. This problem continues for local governments as well (Parlak, Sobacı, 2005: 3-4).

One of the most important reasons forcing public administrations and change in Turkey is the inefficient and ineffectiveness of the traditional bureaucratic paradigm shaped in the context of the Weberian bureaucracy model based on rationality and legality in the face of rapid change and transformation. (Parlak, Sobacı, 2005: 3-4). In the current situation of public administration, it is thought that the methods and tools that carry the public administration system until today cannot meet today's needs. Now, there is a transition from a strict, hierarchical, bureaucratic, closed, rule-intensive and procedural management approach to a result-oriented, participatory and more flexible management approach. In this new management approach, the importance of individual initiative, participation, transparency, accountability, citizen-orientedness, multi-actor, strategic perspective, continuous development, effectiveness and efficiency are highlighted. Therefore, it was started to be discussed how the state would perform its services, and these pursuits strengthened the belief in reform in public administration and encouraged their initiatives. The state is expected to give more duties and responsibilities to local governments in terms of service delivery. This structure is tried to be brought with the latest local government laws in Turkey (Parlak, Sobacı, 2005:3-10).

The fact that private sector organizations, which want to survive in the face of the unbearable competition conditions brought by globalization, seek new management methods and techniques and successfully implement them in the private sector can be shown as another reason that triggers change and reform in public administration. Against the private sector, which aims to increase its competitiveness by reducing its costs by using new technologies and methods and succeeding in this, public administrations characterized by clumsiness, inefficiency and ineffectiveness have also entered into a restructuring effort both in their organizational structure and in their ways of doing business (Parlak, Sobacı, 2005:3-10). Local governments are affected by this process.

Conclusion

When it comes to regulation in public administration, central administration or local administrations, the reorganization of the organizational structure is generally perceived. However, public administration has both organizational and human aspects. Therefore, public administrations and local administrations should be handled and restructured in a holistic perspective with these two aspects. At the same time, this means that the change in the qualifications sought for the personnel working in this body appears as another reason for the reform in public administration. As a matter of fact, the regulations of the countries regarding the public

personnel regime point to the second aspect of the reform in public administration.

Making arrangements in local governments is time consuming. Because it brings together organizational, functional, mental and human changes. It takes time to make these changes and break possible resistances.

Restructuring in local governments is not just about making arrangements. These regulations are of no value until they are implemented. Therefore, practice is decisive and the implementation of these regulations requires a strong political will and an adopted ruling class. Another important point that should not be forgotten here is that each country has its own administrative tradition and conditions.

References

- Akın Ö. (2004). Federal Almanya [Federal Germany]. Kamu Yönetimi Ülke İncelemeleri. Ed. Birgül A. Güler vd., Ankara. Ankara Üniversitesi Siyasal Bilgiler Fakültesi Kamu Yönetimi Araştırma ve Uygulama Merkezi Yayını. S. 241-242. (in Turkish).
- Aslan O. E. (2005). Kamu Personel Rejimi [Public Personnel Regime]. TODAİE. Ankara. S.181-182. (in Turkish).
- Ateş R. (2002). Osmanlı Devletinde Belediyecilik Anlayışı [The Concept of Municipalism in the Ottoman State]. YYVD. 7(3). S.16-17. (in Turkish).
- Aykaç B. (1999). Türkiye’de Kamu Yönetiminin Küçültülmesi, Yerel Yönetimler ve Yerel Demokrasinin Açmazları [Downsizing of Public Administration, Local Administrations and Dilemmas of Local Democracy in Turkey]. G.Ü. İ.İ.B.F. Dergisi. S.1-12. (in Turkish).
- Büyük Şehir Belediyelerinin Yönetimi Hakkında Kanun Hükmünde Kararnamenin Değiştirilerek Kabulü Hakkında Kanun [The Law on the Amendment and Adoption of the Decree-Law on the Management of Metropolitan Municipalities]. <https://www5.tbmm.gov.tr/tutanaklar/>(Date of reference: 01.05.2023). (in Turkish).
- Can İ.(2004). Almanya’da Devletin Yapısı ve Vergi Sisteminin Anayasal Temelleri [The Structure of the State and the Constitutional Foundations of the Tax System in Germany]. Maliye Dergisi. 145. <http://portal1.sgb.gov.tr/>(Date of reference: 01.05.2023). S.18. (in Turkish).
- Çetin S. (2008). İngiltere’de “En İyi Değer” Rejimi ve Denetim Sistemi [“Best Value” Regime and Control System in the UK]. Sayıştay Dergisi. (68). S.47-63. (in Turkish).
- Emrealp S. (1994), Yerel Yönetim ve Bilgi Teknolojisi [Local Government and Information Technology], İstanbul, S.2. (in Turkish).
- Erkul, H., Kara, H., Şimşek, S. (2016). ABD ve Almanya Yerel Yönetimlerinin Karşılaştırılması [Comparison of US and German Local Governments]. Yönetim Bilimleri Dergisi. 14 (27). S.34-45. (in Turkish).
- Federal Almanya Cumhuriyeti Anayasası [Constitution of the Federal Republic of Germany]. <https://www.btg-bestellservice.de/> (Date of reference: 13.05.2023). (in Turkish).
- Gözler K. (2002). İdare Hukuku Dersleri [Administrative Law Courses]. Bursa. S.502-503. (in Turkish).
- Güler B.A., Öktem, M. K. (1989). Belediyelerimizde Personel Sistemi [Personnel System in Our Municipalities]. Amme İdaresi Dergisi. 22(2). S.25. (in Turkish).
- Hambleton R. (2000). Modernising Political Management in Local Government. Urban Studies. May.S.931.
- Huntington S. P. (1993). Üçüncü Dalga- Yirminci Yüzyıl Sonlarında Demokratlaşma [Third Wave- Democratization in the Late Twentieth Century]. Çev.E. Özbudun. Ankara. S. 23. (in Turkish).
- İsbir E. G. (1991). Şehirleşme ve Meseleleri [Urbanization and Its Issues]. Ankara. S.228. (in Turkish).
- Kamu Yönetimi Araştırması [Public Administration Research].(1992). Yerel Yönetimler Araştırma Grubu Raporu. Ankara. (in Turkish).
- Karaer T. (1989). Federal Almanya’da Siyasal ve Yönetişel Yapının Genel Görünümü [General View of the Political and Administrative Structure in the Federal Republic of Germany]. Amme İdaresi Dergisi. 22 (3). TODAİE Yayını. Ankara. S. 26. (in Turkish).
- Koçdemir K.(1998). Yönetim Hakkı [Management Right]. Ankara. S.28-29. (in Turkish).
- Mengi A. K. (1997). Federal Almanya’da Yerel Yönetimler [Local Authorities in the Federal Republic of Germany]. Çağdaş Yerel Yönetimler. 6 (4). TODAİE Yayınları. Ankara. S.96. (in Turkish).
- Meriç O. (1991). Kamu Görevlileri Kavramının Seçim Hukukundaki Kapsamı ve Anlamı ile Belediye Başkanlarının İlişkisi [The Scope and Meaning of the Concept of Public Servants in Election Law and the Relationship of Mayors]. Amme İdaresi Dergisi. 24 (3). S.189-191. (in Turkish).

- Parlak B., Sobacı Z. (2005). Kuram ve Uygulamalarda Kamu Yönetimi [Public Administration in Theory and Practice]. Ankara. S.3-10. (in Turkish).
- Sadioğlu U., Ömürgönülşen U. (2009). Alman Yerel Yönetim Personel Sisteminde Yakın Dönemde Yaşanan Gelişmeler ve Türkiye İçin Çıkarılabilecek Dersler [Recent Developments in the German Local Government Personnel System and Lessons to be Learned for Türkiye]. 4. Ulusal Yerel Yönetimler Sempozyumu – Ulusal Kalkınma ve Yerel Yönetimler. Ankara. S.637-645.(in Turkish).
- Sancakdar O. (2001). Disiplin Yaptırımı Olarak Devlet Memuriyetinden Çıkarma ve Yargısal Denetimi [Dismissal from Civil Service and Judicial Review as a Disciplinary Sanction]. Ankara. S.96-98. (in Turkish).
- Seyidoğlu H. (1999). Ekonomik Terimler Ansiklopedik Sözlük [Encyclopedic Dictionary of Economic Terms]. İstanbul. S.628. (in Turkish).
- Şen M. L. (2020). Türkiye’de Kamu Personel Rejiminin Sistemsel Sorunları [Systemic Problems of the Public Personnel Regime in Turkey]. Strategic Public Management Journal. 6 (12). S.79. (in Turkish).
- Tekeli İ., Ortaylı İ. (1978). Türkiye’de Belediyeciliğin Evrimi [Evolution of Municipalism in Türkiye]. Ankara. S.241-243. (in Turkish).
- Tekeli İ. (1983). Yerel Yönetimlerde Demokrasi ve Türkiye’de Belediyelerin Gelişimi [Democracy in Local Governments and Development of Municipalities in Türkiye]. AİD. 16 (2). S.4-5. (in Turkish).
- Tortop N. (1999). Personel Yönetimi [Staff Management]. Ankara. S.81. (in Turkish).
- Türkiye Cumhuriyeti Anayasası [Constitution of the Republic of Türkiye]. <https://www.mevzuat.gov.tr/> (Date of reference: 01.05.2023). (in Turkish).
- Yalçındağ S. (1992a). Yerel Yönetimler Sorunlar ve Çözümler [Local Governments Problems and Solutions]. İstanbul. S.17-18. (in Turkish).
- Yalçındağ S. (1992b). Federal Almanya ve Türkiye’de Yerel Yönetimler [Local Authorities in Federal Germany and Türkiye]. TODAİE Yayınları. Ankara. S.50-69. (in Turkish).
- Yılmaz O. (2001). Kamu Yönetimi Reformu: Genel Eğilimler ve Ülke Deneyimleri [Public Administration Reform: General Trends and Country Experiences]. Ankara. S.3-4. (in Turkish).
- Yücel A. (1994). Büyükşehir Yönetimi İstanbul İçin Model ve İç Göçlerin Yönlendirilmesi [Metropolitan Management Model for İstanbul and Guiding Internal Migration]. Ankara. S.27. (in Turkish).