

ARTICLE / ARAŞTIRMA

Analysis of the Regulation of “Zoning Reconciliation” in Local Governments

“İmar Barışı” Düzenlemesinin Yerel Yönetimler Düzeyinde Etkilerinin Analizi

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ABSTRACT

Urbanisation has emerged with the increase of migration from rural areas to cities. As a result of increasing urbanisation, the demand for housing has grown, and consequently, housing production has accelerated. In beginning of 2000s rapid population growth and the lack of housing inventory have forced those migrating from the city to meet their own needs for housing to a large extent by constructing illegal houses on Treasury or private land within the city limits. However, there are also housing projects that cannot be completed or inspected due to various reasons. Despite some precautionary measures, the number of illegal settlements and slums in our city grew rapidly. Local government responsibility for the management of urban areas has not been able to prevent illegal settlements for various reasons. Nowadays, as a result of the measures taken, the rate of squatting has gradually decreased. There are serious problems in meeting the urban infrastructure needs such as electricity, natural gas, water, sewage, transportation, and collecting taxes in these structures, which are considered illegal. Illegal construction and slum production (historical and territorial limitations), or measures (eg demolition decisions) not implemented sufficiently accelerated the illegal construction and squatters. The main reason for this situation is that local governments ignore some illegal structures in order to maintain their political future. From the past to the present, to solve these problems, various zoning amnesty laws have been issued. The most recent of these reconstruction forgiveness laws, also known as the “Reconstruction Peace,” is Law Number 7143 on the Restructuring of Certain Taxes and Other Receivables and Amendments to Certain Laws. According to

ÖZ

Kırsal alandan kentsel alanlara göçlerin artmasıyla birlikte kentleşme olgusu ortaya çıkmıştır. Artan kentleşmenin neticesinde konut ihtiyacı da artmış ve sonuçta konut üretimi de hızlanmıştır. 2000’li yılların başına kadar hızlı nüfus artışına rağmen aynı oranda artmayan konut stoku, kırdan kente göçen nüfusun kendi barınma ihtiyacını büyük ölçüde kent çeperinde hazine veya özel araziler üzerine yasadışı konutlar inşa ederek karşılamaya itmiştir. Bununla birlikte yasal olarak yapılmasına engel bulunmayan fakat çeşitli sebeplerden dolayı tamamlanamayan veya kontrolden geçemeyen konut projeleri de bulunmaktadır. Alınan tedbirlere rağmen kentlerimizdeki kaçak yapılaşma ve gecekondu üretimi olanca hızıyla devam etmiştir. Kentsel alanların yönetiminden sorumlu olan yerel yönetimler çeşitli sebeplerle kaçak yapılaşmayı engelleyememiştir. Günümüzde ise alınan tedbirler neticesinde gecekondulaşma oranı gittikçe azalmıştır. Hukuki olarak kaçak sayılan bu yapılarda oturanların imar, elektrik doğalgaz, su ve kanalizasyon, ulaşım gibi kentsel alt yapı ihtiyaçlarının giderilmesinde ve vergilerin toplanmasında ciddi sorunlar yaşanmaktadır. Kaçak yapılaşma ve gecekondu üretimine yönelik tedbirlerin (Tarihsel ve alansal sınırlamalar) alınmaması ya da tedbirlerin (Ör. Yıkım kararları) yeterince uygulanmaması kaçak yapılaşma ve gecekondulaşmayı hızlandırmıştır. Bu durumun oluşmasının temel sebebi yerel yönetimlerin siyasi geleceklerini devam ettirebilmek için bazı kaçak yapıları görmezden gelmesidir. Bu sorunları çözebilmek için geçmişten günümüze kadar çeşitli imar afları çıkartılmıştır. Bu aflardan en yenisi olan ve kamuoyunda ‘İmar Barışı’ olarak da bilenen düzenleme “7143 sayılı Vergi ve Diğer Bazı Alacakların Yeniden Yapılanması ile Bazı Kanunlarda Değişiklik Yapılmasına İlişkin

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Article 16 of this law, it aims to record unlicensed buildings constructed before December 31, 2017. The purpose of this study is to analyse the legal, social, and economic effects of the “Reconstruction Peace” regulation at the local government level, in consideration of the legal and administrative zoning amnesty process and related activities in Turkey. This study used a comparative analysis of the historical process of legislative and administrative structure of zoning amnesty laws in Turkey. In this context, the study aims to contribute to the search for alternative models of development to solve reconstruction problems in Turkey.

Keywords: Illegal structures; local governments; zoning amnesty; slum; urbanisation.

Kanun” dur. Bu kanunun 16. Maddesi gereğince 31/12/2017 öncesinde yapılan ruhsatsız veya ruhsat ve eklerine aykırı yapıların kayıt altına alınması amaçlanmıştır. Bu çalışmanın amacı; Türkiye’de imar affi sürecini ve eylemlerini yönlendiren yasal ve yönetsel faaliyetleri ele alarak “İmar Barışı” düzenlemesinin yerel yönetimler düzeyinde hukuki, sosyal, ekonomik etkilerini analiz etmektir. Çalışmada, Türkiye’de imar affi konusuna ilişkin yasal ve yönetsel yapının tarihsel süreç içerisinde karşılaştırmalı analizini içeren bir yöntem izlenmiştir. Bu bağlamda çalışmanın Türkiye’de imar sorunlarının çözümüne yönelik alternatif model arayışlarına katkıda bulunacağı düşünülmektedir.

Anahtar sözcükler: Kaçak yapılar; yerel yönetimler; imar affi; gecekondu; kentleşme.

1. Introduction

In Turkey, in the period after 1980, concessions were made in urban physical spaces despite restrictions in the economic and political sphere (Yılmaz, 2002; Tercan, 2018). In addition to such concessions, settlements against zoning gained momentum with the impact of economic and social conditions at the time. Thereafter, zoning amnesty laws were enacted from time to time with respect to control and regulation of settlements against zoning (Kasab, 2001; Köktürk, 2003; MUSIAD, 2010; Çakır, 2011). Any and all regulations thereof proved to be encouraging rather than preventive. In the course of time, the scope of the amnesties enjoyed by illegal settlements and shanty houses, built for different reasons, was further extended (Keleş, 2000; Usta, 2006). Improper settlements, which took their present shape in accordance with the interests of different circles (Yıldırım, 2006), resulted in unhealthy, insecure and unbalanced sights across many urban spaces. Furthermore, several problems were faced in trying to collect taxes from these illegal buildings, thus it remained difficult to satisfy essential needs such as city planning, electricity, natural gas, water, sewage, and transportation requirements. The most recent such zoning amnesty, granted for the settlement of these problems and also known as “Zoning Reconciliation,” is Law Number 7143 on Restructuring Tax and Some Other Assets and Modification on Several Legislation. As part of this study, the legal, social, and economic impacts of “Zoning Reconciliation” were analysed in consideration of legal and administrative activities that shape reconstruction processes and practices in Turkey. Following the analysis, several recommendations were made.

2. Analysis of Zoning Amnesties Issued Since 1948

Various legal regulations were introduced in our country, especially in the 1940s, to forgive the structures that were built illegally. Important decisions contained in these regulations are summarized in Table 1.

When viewed as a whole, the laws of the 1940s and '50s interpreted the slums problem in the context of the housing problem; in almost every new law, they refer the potential of relevant institutions to produce plots. The laws and discussions on them are far from an exclusive focus on slums. However, it is remarkable that despite the provisions in this matter, daily life did not find an objective reciprocity (Aslan, 2008). The 1960s brought a number of positive innovations and improvements to the slums, such as cheaper housing, rental properties and land, technical and in-kind help for those who wanted to improve their slums, and increased public service by municipalities. The 1970s were years when squatting was not a serious problem. In this period, exculpating of the slums was continued by the state (Baysal, 2010). The 1980s were a period when additional capital and systemic efforts intervened more in the urban space (Aslan, 2008). Legal regulations enacted during this period caused some slum areas to be perceived as investment areas that would provide rental income. By the 1990s and especially after the year 2000, authorities produced new policies towards the slums. For example, legal arrangements aiming to produce large-scale transformation projects including slum areas on all public land and old city centres, except military areas, were enacted. The history of zoning amnesty, which can be traced to the 1940s, shows that every law that was announced as the final amnesty unfortunately legitimized these illegal structures.

Housing is not used only as shelter in Turkey. It is also an investment tool with high return on investment (Öztürk and Doğan, 2010). As such, the housing sector has an important place in the national economy. Housing was one of the sectors most affected by the global crisis and the economic downturn (INTES, 2018). In Turkey, housing demand experienced a serious decline after the major earthquake disaster in 1999, followed by the economic crisis in 2000-2001. After the housing crisis in 2007 that originated in the United States, Turkey and the rest of the world experienced a distinct contraction in the housing market. As a result of these crises, there was a shortage of financing sources in the housing sec-

Table I. Zoning amnesties since 1948

Rank	Name of law	Effective date of law	Important changes relating to zoning amnesty in the law
1	5218	22.06.1948	<ul style="list-style-type: none"> • With this law, unauthorized buildings within the borders of the municipality have been legalized • The law aimed to pass the treasury lands to the municipality in return for an appropriate price and thus to prepare a planned land for unauthorized buildings.
2	5228	06.07.1948	<ul style="list-style-type: none"> • With the law, the transfer of the Treasury land to the municipality at a cheap price (tax value) provided the planned land opportunity for the slums. • The most important feature of this law is that it includes amnesty and planning at the same time.
3	5431	11.06.1949	<ul style="list-style-type: none"> • If unauthorized buildings in accordance with the law are made in accordance with the zoning plan, they will be issued a license by paying the penalty. • If the contradictions in terms of plan in the buildings are not eliminated, buildings will be demolished
4	6188	29.07.1953	<ul style="list-style-type: none"> • The law legalizes slums made until that day.. • The Law ensure the land who will make housing
5	7367	29.07.1959	<ul style="list-style-type: none"> • Treasury lands located within the boundaries of the municipality shall be the property of the municipalities free of charge, provided that they comply with the conditions in Law no. 6188
6	775	30.07.1966	<ul style="list-style-type: none"> • With this law, it is aimed to do slum prevention, reclamation and liquidation practice • With this law, slum prevention is given priority. • It is aimed to take the infrastructure facilities to the existing slum districts through reclamation.
7	2805	21.03.1983	<ul style="list-style-type: none"> • This law aims to classify the slums as being preserved, reclaimed and demolished. • Classification, determination, assessment and other operations related to slums within the boundaries of municipal and contiguous areas will be made by the municipalities. • Classification, determination, assessment and other operations related to slums outside the boundaries of municipal and contiguous areas will be made by the the governorships.
8	2981	08.03.1984	<ul style="list-style-type: none"> • According to the law, the owners of the structures which are made contrary to the zoning and shanty legislation will apply to the municipality or the governorate within 6 months and the eligible ones will be legalized, • With this law, the deed allocation document given to the slums was later converted to title deed.
9	3290	07.06.1986	<ul style="list-style-type: none"> • This law further expanded the scope of the slum amnesty in Law No. 2981. • Slums which were previously used as housing and then turned into workplaces were included to the scope of this law
10	3366	26.05.1987	<ul style="list-style-type: none"> • With this law, all kinds of illegally constructed structures, such as buildings in coasts, military areas, and highways, have been interpreted as slum and and these buildings are granted the right to receive zoning parcels.
11	3414	11.03.1988	<ul style="list-style-type: none"> • Article 34 of Article 775 has been invalidated by this Law. Thus, owner of slums have been given the right to sell the land or housing
12	4706	18.07.2001	<ul style="list-style-type: none"> • With this law, the buildings constructed on the immovables belonging to the treasury within the boundaries of the municipality and the contiguous area have been paved the way for the construction of the buildings to the owners.
13	4833	31.03.2003	<ul style="list-style-type: none"> • With this law, the buildings that are contrary to the zoning legislation are provided to benefit from the public (Infrastructure) services. Thus, these buildings are legally recognized. • In addition, this law legitimizes the electricity connection to the slums.
14	5027	24.12.2003	<ul style="list-style-type: none"> • This law contains provisions similar to Law No. 4833. • This law is a regulation for the legalization of structures that are contrary to the zoning legislation by benefiting from public (Infrastructure) services. • Especially water, sewerage and cleaning services are allowed to be delivered to slums.
15	5377	08.07.2005	<ul style="list-style-type: none"> • According to the law, punishment of people who built buildings contrary to the license and people who allow electricity, water or telephone connections to the buildings were abolished..
16	5398	21.07.2005	<ul style="list-style-type: none"> • With this law, amnesty structured decisions have been formed by without taking into account the restrictions in the development plans.
17	6306	31.05.2012	<ul style="list-style-type: none"> • Article 23 of this Law states that the Law No. 2981 dated 24.2.1984 has been repealed. However, Article 24 of the Law no. 6306 is stated that the repealing process will come into force three years after the publication of this Law
18	6639	15.04.2015	<ul style="list-style-type: none"> • The phrase "three years" in Article 24 of the Law on the Transformation of Areas under Disaster Risk No. 6306 has been changed to six years
19	7143	18.05.2018	<ul style="list-style-type: none"> • With this law, a construction registration certificate has been issued for the buildings in rural and urban areas which are not licensed or unregistered before 31.12.2017 for a certain fee. • This law provides amnesties to unlicensed buildings where disaster risk is highest. The resistance of the buildings which have the structure registration certificate to the earthquake is left to the responsibility of the building owner. This situation conflicts with the law's purpose of reducing disaster risks

tor (Öztürk and Doğan, 2010) and many projects could not be completed. Indirectly, this situation led to the formation of illegal structures. Various infrastructure problems have emerged with these illegal structures, and the efforts to solve the problems were made through zoning amnesties.

Zoning amnesties generally are done for economic and political concerns (Turan, 2003; Uzel, 1986). The first concern is periodic economic crises. In these periods, the government brings various zoning amnesties in order to generate income. It is thought that the revenues obtained from these amnesties will contribute to the national economy. An example of this situation is the arrangement of the Zoning Reconciliation in 2018. As of January 2019, approximately 17 billion Turkish lira was generated by this arrangement. The second concern is that the ruling government risks losing votes in local and general elections. Political parties are able to draw various zoning amnesties to retain power and receive more votes. Laws 4833 and 5027 issued just before the 2004 local elections are examples of this. Local municipalities have a key role in the implementation and control of the zoning amnesties. However, municipalities have “winked and nodded” at illegal and uncontrolled construction to guarantee their political futures instead of developing sustainable urbanisation plans.

The process of occupation of public lands and the pardoning of these invaders has led to the destruction of natural, cultural and historical areas. The process of accelerating with the zoning amnesty has spread to natural areas and the public has tolerated the occupation of these areas. Today, there is no legal obstacle for the transfer of these occupied areas to the occupiers. On the other hand, the areas that have not already been occupied have been paved the way for the rapid plundering in the future. In this context, The villages, pastures, highlands which are under state provision and savings, Bosphorus areas, forests and other natural cultural and historical areas are under threat (ŞPO, 2003).

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3. “Zoning Reconciliation” Regulation

Zoning reconciliation regulation was issued for registration and use of buildings that are not compliant with zoning legislation or licensing made before 31/12/2017. This does not provide an additional right in terms of zoning plan and does not constitute vested rights. In addition, this situation is valid until buildings which is reconstructed and licensed or the urban transformation implementation. It is known that

percentage of buildings outside zoning regulations is more than 50 percent in our country, totalling approximately 13 million independent units. Most often, low-income citizens live in these buildings. A great majority of the current discrepancies in these constructions result from the settlements, performed since the 1990s (ÇŞB, 2018). Zoning disputes between citizens and municipalities result in too many cases trying to get through the court system. Besides, municipalities fail to carry out demolitions on these buildings for many reasons, although one reason is the zoning. Due to such zoning-driven problems, citizens fail to Zoning disputes between citizens and municipalities result in too many cases trying to get through the court system. Besides, municipalities fail to carry out demolitions on these buildings for many reasons, although one reason is the zoning. Due to such zoning-driven problems, citizens fail to subscribe for water, electricity, and natural gas in the houses where they live illegally. Factories and residential buildings are not allowed to be put up as collateral or security in commercial markets (ÇŞB, 2018). Zoning amnesty requirements came into the open for settling these issues. Any and all construction built without a building permit or in contradiction to the annexes of building permits before December 31, 2017, in rural and urban areas, are within the scope of Zoning Reconciliation. However; Boğazici coastline and other places, such as those identified around Sultanahmet and Süleymaniye in Istanbul’s historical peninsula and the historical area in Gallipoli, are excluded. Furthermore, it is permitted to execute a building registration certificate for construction built on immovable properties that belong to others, or buildings on lands belonging to the Treasury (state) that were allocated for social reinforcement (ÇŞB, 2018).

Voluntary application and representation of the citizens will be taken case by case. Applications must be made through an “e-government” portal and authorized by the Ministry. It is possible to follow the applications through e-government system (ÇŞB, 2018). The application fee for a building registration certificate is calculated at 3% (houses) and 5% (commercial properties) of the total approximate cost of the building and property value of the land (ÇŞB, 2018).

4. Reflections of Zoning Reconciliation in Terms of Local Governments

The zoning reconciliation process and the related Building Registration System are managed by the Ministry of Environment and Urbanization and related units (TESEV, 2018). However, the authorities in the country-wide development activities are in the hands of local authorities, with exceptions. For this reason, it is necessary to follow up the new actual situation by local governments. In this context, while local administrations provide consultancy and information

services to citizens who plan to apply in the context of zoning reconciliation, they supervise those who unfairly exploit this arrangement and destroy the structures constructed in contradiction with the zoning reconciliation arrangement. Several examples in terms of inspection and destruction with consultancy and information is given below:

In many places of Turkey, counseling and information services are given to citizens for zoning reconciliation process by regarding municipal. For example, Istanbul Bahçelievler Municipality has established a zoning reconciliation office with 9 technical staff. This office provides all kinds of technical and legal support related to the regulation. In addition, support is provided for citizens to apply through E-Government. To date, thousands of citizens have benefited from this counseling and information service (URL-1). Another municipality providing consultancy and information services is the Konak Municipality of Izmir. For this purpose, the consultancy office of the board provides support on all aspects of zoning reconciliation and the development peace. In addition, the buildings in which reconciliation peace is covered and the fair value calculated from the unit square meter value is given to the citizens. Approximately one thousand people have benefited from the services provided so far (URL-2). In addition to the consultancy and information services, the municipalities carry out the inspection and demolition of the structures which are made in contravention of the conditions of the zoning reconciliation.

In order to own the land near the sea, especially in Antalya, it has been found out that they have constructed illegal structures and applied for a 'Construction Registration Certificate'. 64 construction registration certificate were revoked with the audit of the inspections of the terrain before and after January 1, 2018, by satellite imagery (URL-3).

The Municipality of Şile has decided to demolish the 450 buildings that were discovered in the last few months. Most of these structures were built on land close to shore.

The Esenyurt Municipality Police Department conducts inspections with a drone to prevent illegal construction and identify workers who do not comply with occupational safety in construction. As a result of the inspection, criminal 260 procedures are applied to the structures deemed improper. In addition, workers on these projects who do not comply with job security are punished (URL-4). A result of the inspections together ministries and local government across Turkey, 5300 zoning reconciliation opportunist were detected (URL-5).

The people who applied for the construction registration certificate were identified in order to possess the treasury lands where especially in protected and pasture areas.

5. Analysis of Legal, Social and Economic Impacts of Regulation on "Zoning Reconciliation"

5.1 Analysis of Legal Impacts

In order to obtain a building registration certificate according to the regulation, the structure must have been made before 31.12.2017. But what will happen to the buildings that were not completed but already started by this date? It cannot be understood whether the structure is completed or not because of the "made" expression in the law. Therefore, it would be more appropriate to use the phrase "completed" instead of phrase "made" in the law. Due to this phrase "made", the related law can be interpreted differently. According to this ambiguous statement, all buildings (ie rough, carcass, subbasement, foundation etc.) that construction have been started as unlicensed or illegality until 31.12.2017 covered by the law and this will create a chaos. Because the condition of the building until the construction phase will be legal. The legalization of the semi-completed building means the possibility to complete it in the future. However, an outstanding problem remains – how to complete a semi-completed building according to which legislation (Sütçü, 2018).

In Article 9 of Regulation on Issuance of Building Registration Certificate, it is stated as follows:

"Building Registration Certificate is valid until the building is reconstructed or up to urban transformation process. In the event that constructions, for which Building Registration Certificate was issued, are renovated, the provisions of current zoning legislation in effect shall apply. It is under the responsibility of the owner of the building to ensure earthquake resistance and compliance of the building with scientific and artistic norms and standards thereof."

Once the building is declared legal, it is the owner's responsibility owner to be compliant with earthquake resistance. Just as it is against the law to incur the responsibility of a building acknowledged to be legal, it is not possible to escape the responsibility of the state due to contradictions with statutory provisions and legislations in other aspects (e.g., elevator, fire, installation, etc.). That the state removes its responsibility is also against the 125th Article of Constitution, regarding its obligation to pay damages arising from its own acts and operations.

5.2 Analysis of Social Impacts

Reconstruction, urbanization and transformation of risky buildings, urban transformation processes affect cities and their inhabitants in terms of ecologically, economically and socially (Yalçintan, 2014). The place where the local people

come from, the education, economic status, cultural characteristics, traditions and customs, level of consciousness influences, shapes and directs the decisions to be taken for urban transformation and planning. Whether the urban area is protected with the local public and the quality and capacity of the investments to be made in the area is directly related to the qualifications of the people (Özden and Kubat, 2003). All of these effects are called sociological effects. According to the TUBITAK-supported project prepared by Yalçintan et al. (2014), the fact that many of the illegal structures were built by the inhabitants of their homes and that these structures were designed in line with the requirements over time has led them to be adopted more by the inhabitants. In the zoning reconciliation, due to the fact that the structures will be recorded with their existing conditions, the daily life of the people living in these buildings will not be adversely affected. In this context, there will be no negative sociological impact on the inhabitants of these structures. In addition, negative images and resistances during the demolition of illegal structures have decreased in regions where uncontrolled or unlicensed structures are concentrated.

Arrangements such as reconciliation peace or zoning amnesty increase the tendency of construction to contradict its legislation by creating new prospect of regulation (ŞPO, 2003). Especially before each local elections, there are expectations about a new amnesty for illegal structures in society (Kılınç et al., 2009). Become permanent of the zoning amnesties adversely affects the obligations of the individuals to obey the law and their trust in law and negatively affect the provision and control of the zoning discipline.

5.3 Analysis of Economic Impacts

According to the report titled “province, districts and neighborhoods where the most increased housing price after zoning amnesty” prepared in cooperation with the REIDIN, providing analytical information about the real estate sector, and Coldwell Banker, after the zoning amnesty, Zonguldak was the province with the highest increase in housing prices with 6.7 percent. Zonguldak was followed by Giresun, Yozgat and Edirne with 6.6 percent, Erzincan with 6.4 percent, Van with 6.2 percent and Iğdır with 6 percent. Among the 30 districts where the average housing prices increased the most in the said period, İzmir Çiğli and Ankara Gölbaşı came with a 9.2 percent rise in the first place. These two districts were followed by Adalar with 7.7 percent and Konya Beyşehir with 6.7 percent. According to the report, the reason of this significant increase observed is that real estates that cannot be rented, sold or invested are turned into a position that can be made investment and loan thanks to the construction registration certificate (URL-6).

6. Conclusion and Recommendations

The regulation is an important step in settling zoning-driven issues from the past to present. Additionally, using some amount of the revenues obtained through regulation for urban transformation activities is a positive. Although there will be some benefits gained by the regulation, any amnesty encourages shanty houses and construction outside zoning requirements. The problem is not solved by assigning the immovable properties to the occupants; this was adopted unfairly and illegal housing becomes a social habit. The fact that the future of public properties is left to the discretion of administrations, which could change at any time, results in quick disposition of these areas and their disappearance in time.

After analysing the legal, social, and economic impacts of the regulation, the following recommendations were made:

Legal Recommendations:

- The Ministry of Environment and Urbanisation is the only institution responsible for the regulation of Zoning Reconciliation. However, it is the responsibility of the relevant local authorities to control illegal structures. Therefore, it should be stated how the local authorities will handle this responsibility.
- Effective financial and penal sanctions should be foreseen to discourage public servants from failing to implement decisions taken against the illegal structures and persons who use them.
- For the detection of illegal structures, modern technologies such as UAV, drone and satellite images should be used.
- The forgiveness of squatters and illegal structures should be stopped.
- Zoning amnesty laws are mostly enacted by the ruling party. The opinion of the opposition parties in the government also should be taken into consideration for such an important issue. For this reason, the Grand National Assembly of Turkey should have the authority instead of the Council of Ministers; and a qualified majority should be compulsory to make such decisions.
- Structures that have a building registration certificate are outside of the zoning plans. Therefore, the current zoning rules are not taken into account. In the case of reconstruction, buildings with a certificate of reconstruction should be held to existing zoning requirements. This obligation must be rearranged. In this respect, it is unlikely that a six-storey building would be demolished and rebuilt with only three floors (according to the current zoning plan). The fourth, fifth, and sixth floors of the building would not be reconstructed according to existing zoning conditions so, in this case, the citizens living on these floors will become the victims. In this case, it is not be

possible to demolish structures with a building registration certificate and transform them into safer, more robust structures.

Social Recommendations:

- Frequent zoning amnesties, especially in urban areas, encourage citizens to make illegal and uncontrolled construction. For this reason, intensive migration from the village to the city has increased and the demographic structure has become quite complicated in the urban areas. Some lower-income and marginalized cultures are formed in these regions, impacting societal development in an unhealthy way. Thus, social awareness should be increased to reduce migration and encourage return to rural areas.
- The occupation of public lands and pardoning of these squatters have led to the destruction of natural, cultural, and historical areas. Instead, it would be better to use public for beneficial social and cultural activities.
- The protected areas of our country, as determined by international agreements, are under threat. These locations under occupation are lost as a result of zoning amnesties. In order to protect these areas, such places should be taken out of the borders of zoning.

Economic Recommendations:

- Appropriate interest and payment conditional loans should be issued to encourage the building structures to receive the Construction Registration Certificate later by the owners.
- The approximate unit cost of the building to be taken into account in the building registration cost calculation is determined regardless of rural-urban area distinction. According to the criteria in the regulation, the building registration fee calculated especially in rural areas can be equal to or above the building price. This situation adversely affects application number and income. Therefore, the approximate unit cost of the building should be determined by rural-urban area distinction.
- Revenues from building registration certificates are recorded as income in preparation for earthquake and disaster risks and for urban transformation studies. Some of the revenue from this arrangement should be transferred to the relevant municipalities for preventing uncontrolled structures and illegal construction.

REFERENCES

- Aslan, Ş. (2008). Yasalar Ve Kamu Yönetiminin Politikaları Üzerinden Türkiye'de Gecekondu Sorunu, *Yönetim Bilimleri Dergisi* 6(1), p.155-166
- Baysal, C., U. (2010). İstanbul'u Küresel Kent Yapma Aracı Olarak Kent-Sel Dönüşüm ve Ardındaki Konut Hakkı İhlalleri, Yüksek Lisans Tezi, İstanbul Bilgi Üniversitesi, Sosyal Bilimler Enstitüsü
- Çakır, S. (2011). Türkiye'de Göç, Kentleşme/Gecekondu Sorunu ve Üretilen Politikalar, *SDÜ Fen Edebiyat Fakültesi Sosyal Bilimler Dergisi*, Sayı:23, ss.209-222
- ÇŞB (2018). İmar Barışı bilgilendirme broşürü, <http://webdosya.csb.gov.tr/db/imarbarisi/icerikler/brosur-20180603111057.pdf>, erişim tarihi: 01.10.2018
- INTES (2018), İnşaat Sektörü Raporu, INTES Türkiye İnşaat Sanayicileri İşveren Sendikası
- Kasab, M. (2001). Son imar affi kanunları, uygulama sorunları ve toplumsal etkileri, Yıldız Teknik Üniversitesi, Fen Bilimleri Enstitüsü, İstanbul.
- Karaman, K. (2003). "Türkiye'de Şehirleşme Olgusu ve Gecekondu Sorunu", *Doğu Anadolu Bölgesi Araştırmaları Dergisi*, 2(1): 108-117.
- Keleş, R. (2000). Kentleşme Politikaları, İmge Kitapevi, 5. Baskı, Ankara
- Kılınç G., Özgür, H., Genç, F. N., (2009), Yerel Yönetimlerde İmar Uygulamaları Ve Etik, Türkiye'de Yolsuzluğun Önlenmesi İçin Etik Projesi, Akademik Araştırma Çalışması
- Köktürk, E. (2003). Türkiye'de Gecekondu ve İmar Affı Üzerine Bir İnceleme, *hkm Jeodezi, Jeoinformasyon ve Arazi Yönetimi*, 88, S. 49-66
- MUSİAD. (2010). İnşaat Sektör Raporu 2010:Çarpık Yapılaşma ve Kentsel Dönüşüm, ISBN:978-605-4383-10-8
- Özden, P.P., Kubat, A. S., (2003), Türkiye'de şehir yenilemenin uygulanabilirliği üzerine düşünceler, *İTÜDERGİSİ/a*, Cilt 2, Sayı 1, 77-88.
- Öztürk, N., Doğan, A., (2010), Konut Sektörünün Sorunları ve Çözüm Önerileri, *Bütçe Dünyası Dergisi*, Sayı 33, 1
- Sürtçü, N. (2018). İmar Affı Düzenlemesinin Değerlendirilmesi (2018 İmar Barışı), http://www.turkhukuksitesi.com/makale_2029.htm , erişim tarihi:03.10.2018
- ŞPO, (2003), İmar Affına Yönelik Düzenlemeler ve Yürütülen Çalışmalar
- Tercan, B. (2018). 1948'den Bugüne İmar Affları, *Mimarlık*, Yıl: 55 Sayı: 403, p. 20-26.
- Turan, S. G., (2003), Geçmişten günümüze kadar çıkarılan imar affi kanunlarının incelenerek şehirciliğimize etkilerinin araştırılması, Yüksek Lisans Tezi, Yıldız Teknik Üniversitesi, Fen Bilimleri Enstitüsü, İstanbul.
- URL-1: Bahçelievler İmar Barışı'na hazır. <http://m.bahcelievler.bel.tr/icerik/565/3999/bahcelievler-imar-barisina-hazir.aspx> (Erişim Tarihi: 24.05.2019)
- URL-2: Konak'ta İmar Barışı'na Danışman Desteği. <http://www.konak.bel.tr/haber/konakta-imar-barisina-danisman-destegi> (Erişim Tarihi: 24.05.2019)
- URL-3: İmar barışı fırsatçıları uyduya yakalandı: 64 bina yıkıldı. <https://www.yenisafak.com/ekonomi/imar-barisi-firsatciları-uyduya-yakalandi-65-bina-yikildi-3451986> (Erişim Tarihi: 25.05.2019)
- URL-4: İmar Barışı'ndan sonra belediyeler düğmeye bastı. <https://www.sabah.com.tr/ekonomi/2018/10/01/imar-barisindan-sonra-belediyeler-dugmeye-basti> (Erişim Tarihi: 26.05.2019)
- URL-5: 5 bin 300 imar barışı fırsatçısı yakayı ele verdi! <http://www.uygun-eylak.net/news/5-bin-300-imar-barisi-firsatcisi-yakayi-ele-verdi-.html> (Erişim Tarihi: 26.05.2019)
- URL-6: İmar Barışı Araştırması. <https://mevzuattakip.com.tr/haber/imar-barisi-arastirmasi> (Erişim Tarihi: 26.05.2019)
- Usta, D. (2006). Türkiye'de imar affi uygulamaları ve bu uygulamaların de

- Uzel, A. L., (1986), İmara ilişkin bağışlamaların gelişimi ve değerlendirilmesi, Doktora Tezi, Gazi Üniversitesi, Fen Bilimleri Enstitüsü, Ankara. değerlendirilmesi, Trabzon örneği, Gazi Üniversitesi, Sosyal Bilimler Enstitüsü, Ankara.
- Yalçınan, M. C., (2014), Sarıyer Gecekondu Mahalleleri Örneğinde Kentsel Dönüşüm Süreçleri ve Bu Süreçlerin Sosyo-Ekonomik ve Fiziki Etkileri, TÜBİTAK Projesi, Proje No: 110K404
- Yıldırım, A. E.. (2006). Güncel Bir Kent Sorunu: Kentsel Dönüşüm, Planlama, 2006/1, p. 7-24.
- Yılmaz, M. (2002). 1980 sonrası imar affı uygulamalarının kentsel ölçekte değerlendirilmesi, Etimesgut örneği, Yüksek Lisans tezi, Gazi Üniversitesi, Fen Bilimleri Enstitüsü, Ankara.