

## Evaluation of the Changes in Law No. 657 in the Framework of the Basic Principles of the Public Personnel Regime

Oral KARAKAYA\*

### Abstract

The present article examines the transformations within Turkey's public personnel regime through an analysis of Law No. 657 on Civil Servants and its subsequent amendments. In the legislative system of the Republic of Turkey, this particular piece of legislation is uniquely referred to by its number, "657", and is often not explicitly mentioned by its title. Historically, the numerical value "657" has been used to symbolise two distinct concepts. Firstly, it has been employed to denote the supremacy and inviolability of civil servants and their representation of state authority. Secondly, it has been used to represent a social stratum with limited financial means. This study comprehensively considers the regulatory frameworks that have shaped the public personnel regime since the Republican era, as well as other relevant regulations concerning public personnel enacted after the promulgation of Law No. 657. The primary objective of this research is to elucidate the extent to which global shifts in governance thought have influenced the Turkish public personnel regime. The central hypothesis of this study is that prior to the establishment of the multi-party political system in Turkey, international developments had a direct impact on the Turkish public personnel regime. However, during the multi-party era, reform efforts and claims pertaining to the regime, often driven by populist rationales, largely remained theoretical and failed to translate into substantive changes.

**Keywords:** Merit, Classification, Career, Competence, Evaluation.

### 657 Sayılı Yasadaki Değişikliklerin Kamu Personel Rejiminin Temel İlkeleri Çerçevesinde Değerlendirilmesi

### Özet

Türkiye’de adı telaffuz edilmeden numarasıyla anılan tek mevzuat düzenlemesi Devlet Memurları Kanunu’dur. 657, bazı dönemlerde memurun üstünlüğü, dokunulmazlığı, devlet otoritesinin temsilciliği anlamında; bazı dönemlerde de mali olanakları sınırlı bir toplumsal kesimi anlatmak için kullanılmıştır. Bu makalede, 657 sayılı Devlet Memurları Kanunu ve bu Kanun’da yapılan değişiklikler üzerinden kamu personel rejiminde yaşanan dönüşümler incelenecektir. Bu inceleme yapılırken, Cumhuriyet döneminden itibaren personel rejimini oluşturan düzenlemeler ve 657 sayılı Kanun’un yürürlüğe girişinden sonra da kamu personeline yönelik diğer düzenlemeler göz önünde bulundurulacaktır. Çalışmanın amacı, küresel düzende, yönetim düşüncesinde meydana gelen değişikliklerin Türk personel rejimini ne derece etkilediğinin ortaya konulmasıdır. Temel hipotez, çok partili siyasal rejimden önce uluslararası gelişmelerin Türk personel rejimini doğrudan etkilediği, çok partili dönemde ise populist gerekçelerle rejime yönelik reform çaba ve iddialarının kâğıt üzerinde kaldığı yönündedir.

**Anahtar Kelimeler:** Liyakat, Sınıflandırma, Kariyer, Yeterlik, Değerlendirme.

### Introduction

The conditions of recruitment, rights and obligations, conditions of career progression, appointment and relocation rules, and classification of duties of public personnel-the human resources of public administration-are realised in accordance with a certain order. The public personnel regime, also known as the management system, exhibits both similarities and differences with private enterprises. The change in the concept of

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\*Dr., Mülkiye Başmüfettişi, E-mail: karakayaoral@gmail.com, ORCID:0000-0002-0378-2146.

management directly affects the public personnel system; sometimes the regime is shaped within the framework of efficiency-effectiveness, which is among the main objectives of private enterprises; sometimes “public service” and “public interest” are prioritised. However, it is clear that the change in the organisation of production also determines the transformation in the public personnel regime.

According to Max Weber, who developed the bureaucracy theory of capitalism, civil service is defined as a status in which education is required and entry to work is ensured through special examinations and it is a profession.<sup>1</sup> The profession normally lasts for life or until retirement. Job security is one of the indispensable elements of civil service as a profession. This security also ensures that the civil servant performs independent and impartial public service. Career/promotion prospects ensure that the civil service maintains its dynamism. The most objective criterion for promotion is seniority, in other words experience.<sup>2</sup> According to Weber, the most important characteristic of modern bureaucracy should be political neutrality.<sup>3</sup> The basic principles of the Turkish public personnel system, which are formed within the framework of Weber’s bureaucracy theory, can be listed as merit, career and classification. Merit is the principle that the recruitment, advancement, promotion, transfer and dismissal of public personnel are subject to objective rules.<sup>4</sup> Merit requires that qualifications suitable for the service are taken as a basis for recruitment, and job success or performance is taken as a basis for promotion after recruitment.<sup>5</sup> Classification is the grouping of civil servants with similar characteristics. The evaluation of civil servants is essential to both merit and career principles. Seniority rule can also be considered within the scope of a career. Career, merit and civil servant security are inseparable parts of each other.<sup>6</sup> Career means that the rights, duties and guarantees of public personnel are categorized within a status and the possibility of promotion in the administrative hierarchy is available.<sup>7</sup>

According to public sector employment data in Türkiye, out of 5.243.896 personnel, 3.475.895 are permanent staff, 424.447 are contracted, 1.205.885 are permanent workers, 38.651 are temporary workers and 99.018 are others. The ratio of permanent staff (civil servants) in total personnel is 66,28 per cent.<sup>8</sup> The foundations of the personnel regime of civil servants, which constitute a significant part of public employment, were laid with the Law on Civil Servants dated 1926 and institutionalised in 1965 with the Civil Servants Law No. 657.

Law No. 657 does not solely regulate the status of civil servants. Although performing public service, employees working in institutions that do not qualify as public entities and those who are appointed or assigned to roles that do not formally hold civil servant status of civil servants are also within the scope of civil servant law in some aspects. Therefore, the provisions of the law also apply a broad range of individuals beyond formally

<sup>1</sup> Weber, Max, *Sosyoloji Yazıları*, (Çev.) Taha Parla, Deniz Yayınları, İstanbul 2011, pp. 316-317.

<sup>2</sup> Weber, op. cit., pp. 321-322, 324.

<sup>3</sup> San, Coşkun, *Max Weber’de Hukukun ve Meşru Otoritenin Sosyolojik Analizi*, Ankara Üniversitesi Yayını, Ankara 1971, p. 132.

<sup>4</sup> Adal, Hasan Şükrü, *Kamu Personel İdaresi*, Ahmet Sait Matbaası, Ankara 1968, p.103.

<sup>5</sup> Şahin, Bahadır, “Kamu Personel Sisteminde İşe Girmeme ve Yükselmeye Çağdaş Liyakat Kavramları”, *Çukurova Sosyal Bilimler Enstitüsü Dergisi*, 25 (1), 2016, p. 233.

<sup>6</sup> Güran, Sait, “Türk Kamu Personel Rejimi ve Kamu Yönetimi Temel Kanunu Tasarısı’nın Bu Konudaki Hükümleri”, *Sosyal Siyaset Konferansları Dergisi* (48), 2010, p. 292.

<sup>7</sup> Adal, op. cit., p.132.

<sup>8</sup> T.C. Cumhurbaşkanlığı, Mart 2025 Yılı Kamu Sektörü İstihdam Sayıları, <https://www.sbb.gov.tr/kamu-istihdami/>, (18.05.2025).

recognized civil servants.<sup>9</sup> For example, academics employed at foundation universities are also subject to Law No. 657, except for additional provisions determined in terms of personnel disciplinary provisions.<sup>10</sup> The members of the Board of Directors of the Turkish Patent and Trademark Office are required to fulfil the conditions for entry into the civil service as stipulated in the Civil Servants Law No. 657.<sup>11</sup>

This study analyses the interaction of Law No. 657 on Civil Servants and its amendments with economic and political developments. This evaluation will analyse not only Law No. 657 and its amendments, but also other legislative arrangements that impact the civil service regime. The aim is to reveal how the Weberian public personnel regime, the foundation of which was laid with the Memurin Law and clarified with 657, is affected by the changes in the capitalist economic order. The assumption of the study is that in the phases when capitalism transformed itself, the public personnel regime in Türkiye was also reorganised to adapt to this change; especially in policy documents, it was stated that the civil service regime was to be liquidated and flexible bureaucratic structuring was targeted; however, due to the importance of public employment as a constituency in the country's population, there was no unity of discourse and action in this field.

In this article, document analysis, which is also defined as documentary scanning and is one of the non-invasive qualitative research methods, was used. Analysing the official gazette issues, which is a public source, is the only way to follow the changes made in Law No. 657 and the personnel regime, and thus in public policies on this subject. This is because, according to Article 129 of the Constitution, the qualifications, appointment, duties and powers, rights and obligations, salaries and allowances and other personal affairs of civil servants and other public officials are regulated by law. Laws are also published in the official gazette. During the scanning of official gazettes, not only the amendments to Law No. 657 but also other regulations affecting the personnel regime were included. Legislative changes in the personnel regime were analysed within the framework of merit, career and classification principles of traditional personnel management. In particular, it has been discussed whether large-scale changes lead to a departure from the principles of merit, career and classification.

## 657 and Amendments

Law No. 657 on Civil Servants was enacted in parallel with the social state policies as a product of the changing understanding of public administration that emerged after the Second World War, particularly regarding the legal and social status of public employees. The preparation process of the law took ten years, and its full implementation required an additional five years.<sup>12</sup> Before the law was enacted, the Council of Ministers issued a set of General Principles regarding the "New" Personnel Regime.<sup>13</sup> An analysis of these principles reveals that the new regime was to be based on career, merit and personnel classification. As a matter of fact, in Law No. 657, the instruments of merit and the classification system were

<sup>9</sup> TBMM, "Bazı Alacakların Yeniden Yapılandırılması ile Sosyal Sigortalar ve Genel Sağlık Sigortası Kanunu ve Diğer Bazı Kanun ve Kanun Hükmünde Kararnamelerde Değişiklik Yapılmasına Dair Kanun Tasarısı Genel Gereğesi" 2010, <https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d23/c090/tbmm23090053ss0606.pdf>, (15.03.2025).

<sup>10</sup> 6764 sayılı Kanun, Md. 26.

<sup>11</sup> 6769 sayılı Kanun, Md.179.

<sup>12</sup> Karatepe, Selma, Kurnaz, Salim, "Kamu Yönetiminde Liyakat İlkesi: İngiltere Örneği Üzerinden Türkiye İçin Bir Değerlendirme", Erciyes Üniversitesi Sosyal Bilimler Enstitüsü Dergisi, 33 (46), 2019, p. 90.

<sup>13</sup> 21.05.1963 tarih ve 11408 sayılı Resmî Gazete.

defined in detail for the first time.<sup>14</sup> As stated in the preamble of the Law, Law No. 657 on Civil Servants was prepared based on the reports of foreign experts<sup>15</sup> written between 1949 and 1959; the studies and reports of experts from the Organisation for Economic Co-operation and Development (OECD) and the United States Agency for International Development (USAID) who served as consultants to the State Personnel Department in 1962, as well as the legislation of developed countries and Türkiye's experience<sup>16</sup>. The developed countries whose experiences were utilised include France, the United Kingdom, Germany and the United States of America (USA). As a requirement of the merit principle, the law introduced competitive examinations for recruitment, a qualification examination for transition from candidate to permanent civil servant, in-service training, a registry system and a disciplinary regime. In the law, civil servants were classified based on their value to the state. Classification is considered a condition for the civil service to become a profession, in other words, a career.<sup>17</sup>

A total of 1,388 amendments were made to Law No. 657 between its initial publication and 21/03/2025. Over the course of 60 years, this corresponds to an average of 23.1 amendments per year. The highest number of amendments occurred in 2011 and 1970, while no changes were made in 1965-1966, as well as in 1968, 1971, 1976, 1977, 1985 and 1986. Of the amendments, 1125 were made by decree law, 154 by law and 9 by a Constitutional Court decision. The table below illustrates the dates and numbers of amendments to the law:

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<sup>14</sup> Adal, op.cit., pp.123, 166.

<sup>15</sup> The preamble of Law No. 657 states that foreign expert reports prepared between 1949 and 1959 were utilised in the preparation of the Law. However, many foreign expert reports on the organisation of the personnel regime were prepared before 1949. The 1933 Dorr Report emphasised the need for qualified public personnel and recommended the development of effective methods for the recruitment and appointment of civil servants (Yayman, Hüseyin, Türkiye'de Devlet Reformu ve Başkanlık Sistemi, Doğan Kitap, İstanbul 2016, p. 97).

<sup>16</sup> In the 1963 Central Government Organisation Research Project prepared by the Turkish and Middle East Institute of Public Administration and the State Planning Organisation, recommendations for a well-functioning personnel system were made (op.cit., p. 31).

<sup>17</sup> TBMM, "657 sayılı Devlet Memurları Kanunu'nun Gerektirisi", [https://www.tbmm.gov.tr/tutanaklar/TUTANAK/MM\\_/d01/c042/mm\\_\\_01042129ss0977.pdf](https://www.tbmm.gov.tr/tutanaklar/TUTANAK/MM_/d01/c042/mm__01042129ss0977.pdf), 1964, (15.03.2024).

**Table 1:** Amendments to 657 (01/01/1967-21/03/2025)

Year/Number		Year/Number		Year/Number		Year/Number		Year/Number	
1967	1	1969	2	1970	139	1972	105	1973	36
1974	75	1975	73	1978	3	1979	5	1980	2
1981	4	1982	72	1983	3	1984	53	1987	5
1988	15	1989	59	1990	20	1991	11	1992	9
1993	23	1994	21	1995	14	1996	2	1997	12
1998	8	1999	2	2000	28	2001	8	2002	8
2003	22	2004	19	2005	28	2006	26	2007	4
2008	16	2009	15	2010	36	2011	196	2012	18
2013	24	2014	19	2015	13	2016	13	2017	20
2018	81	2019	6	2020	1	2021	1	2022	3
2023	7	2024	2						

**Datasource:** Prepared by the author.<sup>18</sup>

The first comprehensive amendment to Law No. 657 was introduced in 1970 with Law No. 1327. The rationale behind the amendments was to eliminate confusion in the classification of civil servants and improve efficiency and effectiveness of public service, to unify civil service under a single status, to resolve the disorganisation in the wage system, to ensure wage equality, and to facilitate transfers within the public sector and between the public and private sectors.<sup>19</sup> While the classification criteria in the first version of Law No. 657 were the qualifications required by the duties, professions, and the value they held for the state, the phrase "their value for the state" was removed with the 1970 amendment, and the phrase "work requiring specialised education that cannot be performed in the country" was removed from the text regarding the employment of contracted personnel, and the areas where contracted personnel could be employed were expanded.<sup>20</sup> The removal of the reference to "value to the state" from the definition of classification has been interpreted as a departure from a career-based classification approach. With the 1970 amendment, eight service classes were defined, and the fundamental principles of the personnel regime were preserved.

The second comprehensive amendment to Law No. 657<sup>21</sup> was made by a decree law in 1972. The number of civil servant groups eligible for appointments without meeting the law's criteria on examination, appointment, career progression and promotion in rank was increased. Subsequently, with the amendments made in 1973,<sup>22</sup> the conditions for promotion in rank and grade were rearranged; the amendments made by Decree Law (KHK)

<sup>18</sup> The table has been prepared by making use of the 'List Showing the Entry into Force Dates of the Legislation Introducing Supplements and Amendments to the Law No. 657 or the Cancellation Decisions of the Constitutional Court' in the Annex of the Law No. 657 in the Legislation Information System of the Presidency.

<sup>19</sup> TBMM, "657 Sayılı ve Bazı Maddelerinin Değiştirilmesi ve Bu Kanuna Bazı Maddeler Eklenmesine ve Bu Kanun Kapsamı Dışında Kalan Kamu Personelinin Aylık ve Ücretlerine Dair Kanun Tasarısı Bütçe Plân Komisyonu Raporu (1/331, 2/279)", 1970, [https://www.tbmm.gov.tr/tutanaklar/TUTANAK/MM\\_/d03/c007/mm\\_03007115ss0200.pdf](https://www.tbmm.gov.tr/tutanaklar/TUTANAK/MM_/d03/c007/mm_03007115ss0200.pdf), (10.04.2025).

<sup>20</sup> Güler, Birgül Ayman, Kamu Personeli, İmge Kitabevi, Ankara 2005, p. 222.

<sup>21</sup> 657 Sayılı Devlet Memurları Kanunu ile Bu Kanun'un 1327 Sayılı Kanun'la Değişik Bazı Maddelerinin Değiştirilmesine ve Bazı Maddelerinin Kaldırılmasına Dair 2 Sayılı Kanun Hükmünde Kararname.

<sup>22</sup> 657 Sayılı Devlet Memurları Kanunu ile Bu Kanun'un 1327 Sayılı Kanun'la Değişik Bazı Maddelerinin Değiştirilmesine Dair 8 Sayılı Kanun Hükmünde Kararname.

in 1974<sup>23</sup> were enacted into law in 1975.<sup>24</sup> With the 1975 amendment, the classes of civil administration and national intelligence services were created, the conditions of promotion were rearranged in terms of the degrees and grades of civil servants upon entry to the civil service according to their educational background, and improvements were made, particularly to benefit lower-ranked civil servants.<sup>25</sup>

The New Public Management Approach, which is a rising trend in global public administration, especially in line with the neo-liberal policies at the end of the 1970s, emphasised professionalisation, performance measurement, the importance of outputs and private sector management techniques, competition and efficiency in the public sector.<sup>26</sup> Since 1980, the New Liberal way of thinking and politics started to influence Türkiye. During the 12 September military rule, with the amendment made to Law No. 657 in 1982, the article on the impartiality of civil servants<sup>27</sup> was amended to include provisions on loyalty to the State, as well as provisions stating that civil servants cannot discriminate based on regional differences, cannot make ideological and politically motivated statements and actions, and must remain loyal to the state. In addition, it is observed that some posts were included in the scope of exceptional civil service due to their nature of representing the state and the government, while others were excluded.<sup>28</sup> With another amendment made in the same year, the oath of<sup>29</sup> civil servants was added, the issue of dress was included, and graduation from the National Security Academy became a prerequisite for appointment to senior positions.<sup>30</sup> In 1984,<sup>31</sup> provisions were introduced on additional indicators, cadres and registry; in 1990<sup>32</sup> the areas and cadres for contracted personnel were expanded; in 1997<sup>33</sup> the right to unionisation was granted to civil servants as a requirement of the constitutional amendment made in 1995. In 2003, due to the need for personnel in health services, an arrangement was made to exempt doctors and dentists from the civil service entry examination and to allow the execution of health and auxiliary health services through

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<sup>23</sup> 657 Sayılı Devlet Memurları Kanunu'nun 1327 Sayılı Kanun'la ve Kanun Hükmünde Kararnamelerle Değişik Bazı Maddelerinin Değiştirilmesine, Bazı Maddelerinin Kaldırılmasına ve Bazı Maddeler Eklenmesine Dair 12 Sayılı Kanun Hükmünde Kararname.

<sup>24</sup> 1897 sayılı Kanun.

<sup>25</sup> TBMM, 657 Sayılı Devlet Memurları Kanunu'nun Bazı Maddelerinin Değiştirilmesine, Bazı Maddelerinin Kaldırılmasına ve Bazı Maddeler Eklenmesine Dair 12 Sayılı Kanun Hükmünde Kararnamenin Değiştirilerek Kabulü Hakkında Kanun Tasarısının Millet Meclisince Kabul Olunan Metni ve Cumhuriyet Senatosu Bütçe ve Plan Komisyonu Raporu (M. Meclisi: 1/148; C. Senatosu: 1/343), 1975, [https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/CS\\_/t14/c022/cs\\_14022057ss0484.pdf](https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/CS_/t14/c022/cs_14022057ss0484.pdf), (10.04.2025).

<sup>26</sup> Hood, Christopher, "A Public Management For All Seasons?", Public Administration, 69, 1991, pp. 3-5.

<sup>27</sup> 2595 sayılı Kanun.

<sup>28</sup> TBMM, 657 Sayılı Devlet Memurları Kanunu ile 1765 Sayılı Üniversite Personel Kanununun Bazı Maddelerinin Değiştirilmesi, Bazı Maddelerinin Kaldırılması ve Bu Kanunlara Bazı Maddeler Eklenmesi Hakkında Kanun Tasarısı ve Bütçe- Plan Komisyonu Raporu, (1/265), [https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/MGK\\_/d01/c006/mgk\\_01006095ss0315.pdf](https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/MGK_/d01/c006/mgk_01006095ss0315.pdf), 1981a, (11.04.2025).

<sup>29</sup> 2670 sayılı Kanun.

<sup>30</sup> TBMM, 657 Sayılı Devlet Memurları Kanunu'nun Bazı Maddelerinin Değiştirilmesi, Bazı Maddelerinin Kaldırılması ve Bu Kanuna Bazı Maddeler Eklenmesi Hakkında Kanun Tasarısı ve İhtisas Komisyonu Raporu, (1 /251), 1981b, [https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/MGK\\_/d01/c006/mgk\\_01006104ss0405.pdf](https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/MGK_/d01/c006/mgk_01006104ss0405.pdf), (10.04.2025).

<sup>31</sup> 241 ve 243 sayılı KHK'lar.

<sup>32</sup> 415 ve 417 sayılı KHK'lar.

<sup>33</sup> 4275 sayılı Kanun.

tenders.<sup>34</sup> In addition, the possibility of purchasing the works carried out in health and auxiliary health services from the market through tenders was introduced.<sup>35</sup>

In 2011, a comprehensive amendment was made to Law No. 657. The registration system was abolished on the grounds that<sup>36</sup> it had lost its reliability and credibility, and that the relationship between merit and registration had been broken, and the way was paved for the expansion of the career expertise system to cover all public institutions. With the 2011 amendments, some argued that the shift to the specialisation system marked a retreat from the career principle.<sup>37</sup> In addition, some favourable arrangements were made for flexible working, social improvements for women civil servants and leave rights of all civil servants<sup>38</sup>; in 2016, gendarmerie services and coast guard classes were added to the Law on Civil Servants.<sup>39</sup>

Decree Law No. 632, which entered into force 8 days before the general elections held on 12.06.2011, amended the Civil Servants Law in order to transfer contracted personnel to civil servant positions. In 2018, contracted health personnel who completed four years of service were appointed to civil servant positions.<sup>40</sup>

A significant part of the changes in Law No. 657 have been salary, indicators and staffing arrangements. The basic principles of the personnel system, namely merit, career and classification, have always been preserved in the law. However, certain regulations that contradicted these principles were also enacted. Nevertheless, the amendments have been in the form of corrections.<sup>41</sup> Changes in the personnel regime were sometimes included in legislation other than Law No. 657, especially in the organisational laws of public institutions and organisations.

### **Other Regulations That Have Amended the Personnel Regime**

Since 1994, contractual employment has become a fundamental component of the personnel regime of public institutions. Organisational laws have achieved this transformation. The table 2 below provides a summary of these regulations:

<sup>34</sup> 4924 sayılı Kanun.

<sup>35</sup> TBMM, Eleman Temininde Güçlük Çekilen Yerlerde Sözleşmeli Sağlık Personeli Çalıştırılması ile Bazı Kanun ve Kanun Hükmünde Kararnamelerde Değişiklik Yapılması Hakkında Kanun Tasarısı ile Sağlık, Aile, Çalışma ve Sosyal işler ve Plan ve Bütçe Komisyonları Raporları (1/611), 2003a, <https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d22/c021/tbmm22021104ss0209.pdf>, (10.04.2025).

<sup>36</sup> 6111 sayılı Kanun.

<sup>37</sup> Güler, Birgül Ayman, “657’yi Değiştirmek”, DİSK/Genel-İş Sendikası Yayınları, Ankara 2010, p. 9.

<sup>38</sup> TBMM, “Bazı Alacakların Yeniden Yapılandırılması ile Sosyal Sigortalar ve Genel Sağlık Sigortası Kanunu ve Diğer Bazı Kanun ve Kanun Hükmünde Kararnamelerde Değişiklik Yapılmasına Dair Kanun Tasarısı Genel Gerekeçesi” 2010, <https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d23/c090/tbmm23090053ss0606.pdf>, (15.03.2025).

<sup>39</sup> 668 sayılı KHK.

<sup>40</sup> 7070 sayılı Kanun.

<sup>41</sup> TBMM, 657 Sayılı Devlet Memurları Kanunu’nun Bazı Maddelerinin Değiştirilmesi, Bazı Maddelerinin Kaldırılması ve Bu Kanuna Bazı Maddeler Eklenmesi Hakkında Kanun Tasarısı ve İhtisas Komisyonu Raporu, (1/251), 1981b, [https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/MGK\\_/d01/c006/mgk\\_01006104ss0405.pdf](https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/MGK_/d01/c006/mgk_01006104ss0405.pdf), (13.04.2024).

**Table 2:** Regulations on the Employment of Contracted Personnel

Year	Number of Legislation	Legislation Name	Positions That Can Be Employed Under Contract
1994	534	Decree Law on the Organisation and Duties of the Undersecretariat of Foreign Trade	Senior executives including the Undersecretary and experts
2000	4857	Law on the Organisation and Duties of the Secretariat General for EU Affairs	Interpreters
2001	4636	Law on the Establishment and Duties of the Ministry of National Defence Fuel Supply and NATO Pol Facilities Management Presidency	Jobs requiring special knowledge and expertise and senior executive positions including the President
2004	5251	Law on the Organisation and Duties of the General Directorate on the Status of Women	Top management positions and specialisations including General Manager
2004	5256	Law on the Organisation and Duties of the General Directorate of Family and Social Research	General Manager and senior executives
2004	5263	Law on the Organisation and Duties of the General Directorate of Social Assistance and Solidarity	General Manager and senior executives
2005	5429	Turkish Statistics Law	President and senior executives
2008	5737	Law on Foundations	General Manager, senior managers, inspectors, specialists and many staff
2009	5916	Law on the Organisation and Duties of the Secretariat General for EU Affairs	Secretary General, senior managers, experts
2010	5952	Law on the Organisation and Duties of the Undersecretariat of Public Order and Security	Undersecretary, senior managers, specialists, psychologists, sociologists, data preparation operators
2010	5978	Law on the Organisation and Duties of the Presidency for Turks Abroad and Related Communities	President, senior managers, experts
2010	6009	Law Amending the Income Tax Law and Certain Laws and Decree Laws	Personnel in the centre and provinces
2011	649	Decree-Law Amending the Decree-Law on the Organisation and Duties of the Ministry for EU Affairs and Certain Laws and Decree-Laws	In the Directorates, the President and managers and specialists
2011	652	Decree Law on the Organisation and Duties of the Ministry of National Education	Undersecretary, senior managers, experts
2011	656	Decree Law on the Organisation and Duties of the Presidency of the Turkish Cooperation and Coordination Agency	President, senior managers, experts (local or foreign)
2011	6114	Law on the Organisation and Duties of the Measurement, Selection and Placement Centre	Head of Department, managers, experts
2011	6216	Law on the Establishment and Trial Procedures of the Constitutional Court	Press counsellors and translators
2022	7381	Nuclear Regulation Act	Experts (local and foreign)

**Datasource:** Prepared by the author.<sup>42</sup>

<sup>42</sup> The table was prepared with the data obtained from the scanning of Official Gazettes from the Presidency Legislation Information System.



With the 2011 amendment to Law No. 633, contracted personnel who had completed three years of service were appointed to civil servant positions in the Presidency of Religious Affairs, in the Ministry of National Education with the amendment to Decree Law No. 652 and in the Ministry of Health with the amendment to Decree Law No. 663. In 2011, contracted personnel working within the framework of Article 4/B of 657 and Law No. 4924, and in 2013, contracted personnel working in local governments and contracted personnel working based on the establishment laws were transferred to civil servant positions by Law No. 6495. Contracted personnel in local administrations work in accordance with Article 49 of the Municipal Law No. 5393, and recruitment is not subject to any examination requirement. Law No. 7433 transferred contracted personnel working in local administrations to civil servant positions, imposing a three-year service condition. The Law also allowed the appointment of proxy midwives and nurses serving in the Ministry of Health as well as proxy *imam-hatips* and *muezzin-kayyims* working in the Presidency of Religious Affairs, to permanent civil servant positions.<sup>43</sup>

Neo-liberal thought has found the way to end the bureaucratic privileges acquired through increased autonomisation in the privatisation of public services.<sup>44</sup> Apart from Law No. 657, the most important transformation in the public personnel regime was realised with the constitutional amendment made in 1999 within the scope of harmonisation efforts with the European Union (EU).<sup>45</sup> With this amendment, the possibility of contracting out or transferring public investments and services through private law contracts was introduced. This amendment, which enabled the privatisation of public services, paved the way for the transfer of numerous services—including those provided via subcontracting—to the private sector. As a matter of fact, the Public Procurement Law, which entered into force in 2002, broadens the scope of public services that can be tendered<sup>46</sup>

It is observed that a trend that began in 1994 and became more pronounced between 2000 and 2011, whereby newly established institutions were designed around contractual staffing models. 5 years before the 1999 constitutional amendment introduced the possibility of outsourcing public services to the private sector, the Decree Law No. 534 on the Organisation and Duties of the Undersecretariat of Foreign Trade introduced the possibility for the institution to conduct studies, projects and researches, to organise international meetings, to engage local and international experts through contracts or negotiations, and to procure goods and services related to these activities independently of the Public Procurement Law. In 2004, with Law No. 5251 on the Organisation and Duties of the General Directorate on the Status of Women, the Agency was authorised to outsource tasks such as feasibility studies, film productions, projects, national or international scientific research to domestic and international contractors. The Law No. 5256 on the Organisation and Duties of the General Directorate of Family and Social Research, which entered into force in the same year, paved the way for the Agency to contract out works such as studies,

<sup>43</sup> TBMM, “Memurları Kanunu ve Bazı Kanunlar ile 663 Sayılı Kanun Hükmünde Kararnamede Değişiklik Yapılmasına Dair Kanun Teklifi (2/4849) ile Plan ve Bütçe Komisyonu Raporu”, 2023, <https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d27/c120/tbmm27120052ss0394.pdf>, (12.02.2025).

<sup>44</sup> Dreyfus, Françoise, Bürokrasinin İcadı, (Çev.) I. Ergüden, İletişim Yayınları, İstanbul 2007, p. 217.

<sup>45</sup> 4446 sayılı Kanun.

<sup>46</sup> Maintenance and repair, transport, communication, insurance, research and development, accounting, market research and survey, consultancy, promotion, printing and publishing, cleaning, food preparation and distribution, meeting, organisation, exhibition, protection and security, vocational training, photography, film, intellectual and fine arts, services for computer systems and software, leasing of movable and immovable property and rights and other similar services.

films, projects, national and international scientific research to domestic and foreign persons. In 2009, Law No. 5916 on the Organisation and Duties of the Secretariat General for EU Affairs stipulated that the Secretariat General may procure services in the performance of its duties.

After 1980, a personnel system based on annual contracts was implemented instead of a civil servant status based on security, and although the notion that contractualisation replaced traditional civil servant status<sup>47</sup> is widespread in the literature, the practice did not develop in this way. Although the legislative arrangements that led to the widespread use of contracted and temporary personnel in the public sector were criticised for their contradiction to the principles of merit and career and the necessity of a flexible public personnel order, first, temporary personnel were transferred to contracted status in 2017,<sup>48</sup> and then, with the regulation made approximately 5 months before the presidential and parliamentary elections on 14.05.2023, the personnel employed on a proxy or contractual basis were appointed to permanent civil servant positions.<sup>49</sup>

Another change in the personnel regime was the linking of the tenure of senior bureaucrats was aligned with that of the president. With the 2011 amendment, the term of office of the deputy ministers and the term of office of the government were matched.<sup>50</sup> With the presidential government system, the term of office of senior bureaucrats was linked to that of the president, and the possibility of employing these bureaucrats with contractual status was introduced.<sup>51</sup> The attempt to match the term of office of all senior executives with that of the political power<sup>52</sup> of the Draft Basic Law on Public Administration-which was never enacted-was effectively implemented in 2018.

### **The Political Economy of the Changes in the Public Personnel Regime**

The public personnel regime of the Republican period was generally shaped under the influence of Weberian bureaucracy theory, and after 1980, it came under the dominance of neo-liberal thought. Although the historical division of the public personnel regime is made in different ways in the literature, it is generally understood that the post-1980 period is seen as a period of transformation.<sup>53</sup> herefore, a periodisation of the transformation of the personnel regime through the amendments in 657 can be made as 1965-1980, 1980-2000 and post-2000. The period between 1965-1980 includes efforts to institutionalise the Weberian personnel regime. The liberalisation process, which started with the 24 January decisions in 1980, resulted in the widespread use of contracted personnel practices and paved the way for the privatisation of the execution of public services with the amendment of the Constitution. After 2000, with the influence of the new right-wing policies, the main objectives were to regulate the personnel regime and amend the Civil Servants Law No. 657,

<sup>47</sup> Acar, Sinan, "Kamu Personel Rejimlerinin Tarihsel Gelişim ve Türkiye'deki Yansımaları", Fırat Üniversitesi İİBF Uluslararası İktisadi ve İdari Bilimler Dergisi3 (2), 2019, p. 239, 242.

<sup>48</sup>Olağanüstü Hal Kapsamında Bazı Düzenlemeler Yapılması Hakkında 696 sayılı Kanun Hükmünde Kararname.

<sup>49</sup> 7433 sayılı Kanun.

<sup>50</sup> 3046 Sayılı Kanun ile Bazı Kanun ve Kanun Hükmünde Kararnamelerde Değişiklik Yapılmasına Dair 643 sayılı Kanun Hükmünde Kararname.

<sup>51</sup> Üst Kademe Kamu Yöneticileri ile Kamu Kurum ve Kuruluşlarında Atama Usûllerine Dair 3 Sayılı Cumhurbaşkanlığı Kararnamesi.

<sup>52</sup> Güler, 2005, op. cit., p. 97.

<sup>53</sup> Acar, Osman Kürşat, "Personel Yönetiminden İnsan Kaynakları Yönetimine: Cumhuriyet Dönemi Kamu Personel Yönetim Tarihçesi". Süleyman Demirel Üniversitesi İktisadi ve İdari Bilimler Fakültesi Dergisi, 24 (1), 2019, p. 121.

but a holistic personnel reform was not achieved. Due to the unprepared transition of the country to the Presidential Government System, the effect of this situation was also seen in the regulations made in the field of personnel. The most striking example of this issue is that the Presidential Human Resources Office, which was established in 2018, was abolished in March 2025.

In the foundation years of the Republic, since the new regime could not acquire support outside the military-civilian bureaucracy, the bureaucracy functioned as a partner rather than an apparatus of power. In this period, "man and civil servant" has always been an important problem of the state.<sup>54</sup> The state has been a machine that has been present in all areas of citizens' lives since the first periods of the Republic. Civil servants served as the levers of this machine.<sup>55</sup>

Law No. 788 on Civil Servants was enacted in 1926 in order to establish a modern state administrative mechanism and to regulate the law of civil servants in charge of running this mechanism.<sup>56</sup> The law included the basic principles of the civil service regime in line with the capitalist order.<sup>57</sup> Working for a salary, one of the conditions of civil service in the Weberian theory of bureaucracy, was regulated by the law, and within this framework, the Salary Law No. 1108 dated 1927 was put into effect. Political engagement and making political statements were listed among the prohibited behaviours, reinforcing the principle of impartiality. Promotions were linked to seniority, ensuring compliance with merit and career. Appreciation and disciplinary penalties have been regulated as a requirement of the evaluation of civil servants. An important step has been taken for the security of civil servants by abolishing the institution of administrative dismissal. Stating that the class, grade and title of civil servants would be regulated by a special law was the starting point for the implementation of the principle of classification. During the discussions of the law, Karesi MP Vehbi Bey's statement that the spirit of the civil service system was the prohibition of politics, and his expression "we must make the civil servant truly a civil servant" revealed the importance of the impartiality of civil servants<sup>58</sup>; Kastamonu MP Halit Bey's emphasis on the importance of the civil servant's observance of the working hours is considered as an effort for westernisation.<sup>59</sup> The exceptional civil service regulation was made in 1929<sup>60</sup> and general inspectors, governors, ambassadors, presidential officers, legal advisors, chiefs of staff, interpreters were excluded from the rules of entry to the civil service. In 1939, the exemption regulation was continued for the same civil servants.<sup>61</sup>

<sup>54</sup> Başgil, Ali Fuat, Muasır Devlette Memur Meselesi ve Memurların Mesleki Vazife ve Terbiyesi. İstanbul Üniversitesi Hukuk Fakültesi Dergisi, 7 (4), 1941, p.792.

<sup>55</sup> Başgil, op. cit., p.795.

<sup>56</sup> TBMM, Antalya Mebusu Ahmet Saki Bey ve Rüfekasının, Umum Memurin Kanunu Unvanlı ve 2/376 Numaralı Teklifi Kanunisi ile Başvekâletten Gelen 1/815 Numaralı Memurin Kanunu Lâyihası ve Encümeni Mahsus ve Muvazenei Maliye Encümenleri Mazbataları, 1926a, <https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d02/c023/tbmm02023071.pdf>, p.18, (28.03.2025).

<sup>57</sup> TBMM, 1108 Sayılı Maaş Kanunu, 1927, [https://www5.tbmm.gov.tr/tutanaklar/KANUNLAR\\_KARARLAR/kanuntbmmc005/kanuntbmmc005/kanuntbmmc00501108.pdf](https://www5.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc005/kanuntbmmc005/kanuntbmmc00501108.pdf), (28.03.2025).

<sup>58</sup> TBMM, Memurin Kanun Layihası Meclis Görüşmeleri, 1926b, [https://www5.tbmm.gov.tr/develop/owa/td\\_v2.goruntule?sayfa\\_no\\_ilk=178&sayfa\\_no\\_son=190&sayfa\\_no=183&v\\_meclis=1&v\\_donem=2&v\\_yasama\\_yili=&v\\_cilt=23&v\\_birlesim=071](https://www5.tbmm.gov.tr/develop/owa/td_v2.goruntule?sayfa_no_ilk=178&sayfa_no_son=190&sayfa_no=183&v_meclis=1&v_donem=2&v_yasama_yili=&v_cilt=23&v_birlesim=071), p.183, (28.03.2025).

<sup>59</sup> TBMM, (1926c). Memurin Kanun Layihası Meclis Görüşmeleri, [https://www5.tbmm.gov.tr/develop/owa/td\\_v2.goruntule?sayfa\\_no\\_ilk=213&sayfa\\_no\\_son=231&sayfa\\_no=216&v\\_meclis=1&v\\_donem=2&v\\_yasama\\_yili=&v\\_cilt=23&v\\_birlesim=072](https://www5.tbmm.gov.tr/develop/owa/td_v2.goruntule?sayfa_no_ilk=213&sayfa_no_son=231&sayfa_no=216&v_meclis=1&v_donem=2&v_yasama_yili=&v_cilt=23&v_birlesim=072), (28.03.2025).

<sup>60</sup> 1452 Sayılı Devlet Memurları Maaşatının Tevhid ve Teadülüne Dair Kanun.

<sup>61</sup> 3656 Sayılı Devlet Memurları Aylıklarının Tevhid ve Teadülüne Dair Kanun.

With 657 published in 1965, the Weberian character of the public personnel regime became well established. Foreign expert reports were influential in the preparation process of 657.<sup>62</sup> The regime was shaped within the framework of merit, career and classification principles. Civil servant security and impartiality supported the principles of merit, career, and classification. In 1970, over half of the provisions of Law No. 657 were amended by Law No. 1327.<sup>63</sup> As of 21/03/2025, a total of 1388 amendments were made. Although the majority of these amendments were in the form of salary and staff regulations, the first amendment that had an impact on the personnel regime was the change in the definition of classification in 1970 and the expansion of the areas where contracted personnel could be employed.

It is argued that personnel management was dominant in Türkiye until 1980 and human resources management afterwards.<sup>64</sup> During the 12 September administration, changes were made in the public personnel regime according to the military perspective, loyalty to the state<sup>65</sup>, loyalty and impartiality were emphasised<sup>66</sup>, graduation from the National Security Academy was included among the criteria for appointment to senior positions, although rarely implemented.<sup>67</sup>

Significant changes regarding the personnel regime were made in the 1990s. The expansion of contractualisation, the constitutional amendment enabling the privatisation of the execution of public services<sup>68</sup> and the granting of trade union rights to civil servants<sup>69</sup> were made in line with neo-liberal policies within the framework of Türkiye's EU membership. The 2000s was the period when the tendering method was encouraged in the execution of public services. In 2003, the regulation enabling the execution of health and auxiliary health services through tendering,<sup>70</sup> and the regulation enabling the services carried out by the personnel in the class of health and auxiliary health services to be provided by tendering from the market,<sup>71</sup> In public organisations established between 2004 and 2009, contractualisation as the main form of employment was implemented as a requirement of neo-liberal policies. Moreover, with the Basic Law on Public Administration, which was prepared with<sup>72</sup> the aim of extending the liberalisation and change that Turkey has achieved in the field of economy after 1980 to the field of public administration, it is aimed to make contractual employment, flexible employment and performance-based remuneration

<sup>62</sup> Altunok, Hatice, "Türkiye'de Personel Reform Politikalarının Başlangıç Dönemi", Yasama Dergisi (38), 2018, p. 53.

<sup>63</sup> Altunok, op. cit., p. 63.

<sup>64</sup> Acar, Osman Kürşat, 2019, op. cit., p.121.

<sup>65</sup> 2595 sayılı Kanun.

<sup>66</sup> 2670 sayılı Kanun.

<sup>67</sup> TBMM, 657 Sayılı Devlet Memurları Kanunu'nun Bazı Maddelerinin Değiştirilmesi, Bazı Maddelerinin Kaldırılması ve Bu Kanuna Bazı Maddeler Eklenmesi Hakkında Kanun Tasarısı ve İhtisas Komisyonu Raporu, (1 /251), 1981b, [https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/MGK\\_/d01/c006/mgk\\_01006104ss0405.pdf](https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/MGK_/d01/c006/mgk_01006104ss0405.pdf), (28.03.2025).

<sup>68</sup> 415 ve 417 sayılı KHK'lar.

<sup>69</sup> 4275 sayılı Kanun.

<sup>70</sup> 4924 sayılı Kanun.

<sup>71</sup> TBMM, Eleman Temininde Güçlük Çekilen Yerlerde Sözleşmeli Sağlık Personeli Çalıştırılması ile Bazı Kanun ve Kanun Hükmünde Kararnamelerde Değişiklik Yapılması Hakkında Kanun Tasarısı ile Sağlık, Aile, Çalışma ve Sosyal işler ve Plan ve Bütçe Komisyonları Raporları (1/611), 2003a, <https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d22/c021/tbmm22021104ss0209.pdf>, (10.04.2025).

<sup>72</sup> TBMM, Kamu Yönetimi Temel Kanunu Tasarısı ile İşçileri, Plan ve Bütçe ve Anayasa Komisyonları Raporları (1/731), 2003b, <https://www5.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d22/c041/tbmm22041054ss0349.pdf>, (21.05.2025).

ordinary.<sup>73</sup> In 2002, the Basic Law on Public Administration, which was the main policy text of the Justice and Development Party government that came to power, could not be enacted due to the conjuncture of the day, but many of its provisions were enacted later. The regulations of the Basic Law on personnel management can be listed as encouraging the outsourcing of public services to the private sector, transition to a human resources management model, establishment of a performance-based evaluation system<sup>74</sup>, changing the forms of employment, matching the term of office of top managers with the term of office of the government that appointed them<sup>75</sup>. Encouraging the outsourcing of public services to the private sector, transition to a human resources management model, matching the term of office of top executives with the term of office of the government that appointed them were implemented through subsequent legislative amendments, while no change was made in terms of changing the forms of employment. The Draft Public Personnel Law, made public in 2005, reflected the elements of the New Public Management approach<sup>76</sup>, but the implementation was not in the same direction.

With the 2011 amendments to Law No. 657, the registry method for the evaluation of civil servants in the public personnel regime was abolished and an important component of the principles of career and merit was eliminated. This is because the merit of a civil servant is measured by his/her professional knowledge and moral values.<sup>77</sup> This measurement is only possible through the evaluation of the civil servant. The abolition of the registry system undermined the hierarchical control mechanisms traditionally defined through superior-subordinate relations.<sup>78</sup> The basic principle of the public management approach in the personnel regime is performance measurement and evaluation. From the performance measurement model, civil service ceases to be a career and turns into a contractual status. The Public Management approach is based on contract law, limited security, flexible working and performance evaluation in the personnel regime. The lack of objective performance evaluations may lead the system towards favouritism, thereby eroding the merit principle.<sup>79</sup> Despite all these, the gap resulting from the abolition of the registry system in 2011 could not be filled, criteria for the evaluation of civil servants could not be developed, and the traditional piecemeal change perspective in the public personnel regime was maintained.<sup>80</sup>

The steps to transform the personnel regime into human resources management took a different turn in 2011. On that date, contracted personnel were recruited to civil servant cadres, temporary personnel were transferred to contracted status in 2017, and in 2018, those who were employed by private companies through the service procurement method and provided public services were transferred to municipal companies and provided

<sup>73</sup> Evren, Sami, Kamu Yönetimi Temel Kanunu Tasarısı ve Kamu Personel Rejimi. Sosyal Siyaset Konferansları Dergisi (48), 2010, p. 353, 355.

<sup>74</sup> Albayrak, S. O., Kamu Yönetimi Temel Kanunu Sonrası Kamu Personel Rejimi. Memleket, Siyaset, Yönetim, 12 (27), 2007, pp. 5, 11.

<sup>75</sup> TBMM, 5227 sayılı Kamu Yönetiminin Temel İlkeleri ve Yeniden Yapılandırılması Hakkında Kanun, 2004, [https://www5.tbmm.gov.tr/tutanaklar/KANUNLAR\\_KARARLAR/kanuntbmmc088/kanuntbmmc088/kanuntbmmc08805227.pdf](https://www5.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc088/kanuntbmmc088/kanuntbmmc08805227.pdf), 21.05.2025.

<sup>76</sup> Eren, Veysel, Personel Rejiminde Bürokratik Modelden İşletmecî Anlayışa Geçiş, Sosyal Ekonomik Araştırmalar Dergisi, 6 (11), 2006, pp.148-149

<sup>77</sup> Başgil, op. cit., p.795.

<sup>78</sup> Bucaktepe, Adil, Devlet Memurluğu ve Memurların Değerlendirilmesi Üzerine Düşünceler. Ankara Hacı Bayram Veli Üniversitesi Hukuk Fakültesi Dergisi, 18 (3), 2014, p. 487.

<sup>79</sup> Eren, op. cit., pp.132, 134, 142, 145.

<sup>80</sup> Şener, Hasan Engin Türkiye’de Kamu Personel Politikalarının Bir Analizi, (der.) Mete Yıldız, Mehmet Zahid Sobacı, Kamu Politikası, Kuram ve Uygulama, Adres Yayınları, Ankara 2013, p. 590.

with partial security. In 2018, it was argued that the "staffing" of those who were employed by private companies through the service procurement method and provided public services<sup>81</sup> revealed that criticisms regarding marketisation and job security in the public sector were unfounded.<sup>82</sup> With the regulation made in 2023, personnel working on a deputy or contract basis were transferred to civil servant positions. These changes are not compatible with the flexible personnel regime. This inconsistency was driven by pre-election efforts to introduce arrangements in favour of public employees.

With the transition to the Presidential Government System, regulations were made that undermine the principle of career and merit. The conditions for top level executive appointments in critical positions and listed in the annex of the Presidential Decree No. 3, Schedule I, are 5 years of employment in the public sector, in international organisations, in the private sector or as a freelancer, while 5 years of employment in the public sector is deemed sufficient for the executive positions listed in Schedule II. There are career positions such as Court of Accounts prosecutors and Treasury controllers in Schedule II. Prior to the Presidential Government System, many executive positions, for which entry to the profession was conditional upon examination and advancement was based on seniority, were given a status similar to an exceptional civil servant, and the principle of career was abolished for these positions.

Merit depends on compliance with the conditions of service and impartiality.<sup>83</sup> Linking the term of office of senior executives to the term of office of the president is contrary to the impartiality of the civil servant. Because impartiality cannot be realised without security and merit cannot be realised without impartiality. While the Basic Law on Public Administration envisaged a model of undersecretariat, which takes office with ministers and leaves with them,<sup>84</sup> with the presidential government system, the cadre of civil servants, whose arrival and departure to and from office is linked to the term of office of the political power, has been expanded.

The replacement of administrative staff during a change in government allows for the rewarding of political supporters and enhances control over the bureaucracy. Without security for civil servants, the bureaucracy would display partisan behaviour and it would be difficult to recruit qualified personnel. However, excessive security may also lead to arbitrariness in civil servants.<sup>85</sup> In Türkiye, the introduction of a precarious system, particularly for senior management positions, is a response to excessive security.

The transition to the Presidential Government System has also led to changes in the institutional structure of personnel management. In 1960, in order to ensure equal pay for equal work and an objective wage and personnel regime for public sector employees, the Institute of Turkish and Middle East Public Administration and the State Personnel Department under the Prime Ministry were established by making use of the opinions of foreign experts working at the Institute.<sup>86</sup> In 2018, the Directorate of State Personnel was

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<sup>81</sup> Although the cited author mentions the staffing of subcontractor personnel in the public sector, there is no staffing in the regulation. The persons employed in private companies and providing services to public institutions have become the personnel of municipal companies established in accordance with the provisions of the Turkish Commercial Code. It is not possible to characterise this situation as a transition to staff.

<sup>82</sup> Acar, Osman Kürşat, *op. cit.*, p.133.

<sup>83</sup> Karatepe, Kurnaz, *op. cit.*, p. 97.

<sup>84</sup> Güran, Sait, *Türk Kamu Personel Rejimi ve Kamu Yönetimi Temel Kanunu Tasarısı'nın Bu Konudaki Hükümleri, Sosyal Siyaset Konferansları Dergisi* (48), 2010, p. 299.

<sup>85</sup> Güran, *op. cit.*, p. 289, 293.

<sup>86</sup> TBMM, Devlet Personel Dairesi Kurulması Hakkında Kanun Tasarısı ve İktisat Komisyonu Raporu, 1960, (1/125), [https://www.tbmm.gov.tr/tutanaklar/TUTANAK/MBK\\_/d00/c004/mbk\\_00004054ss0167.pdf](https://www.tbmm.gov.tr/tutanaklar/TUTANAK/MBK_/d00/c004/mbk_00004054ss0167.pdf),

abolished and its duties were assigned to the General Directorate of Personnel and Principles and the General Directorate of Law and Legislation, which were established under the Presidential Administrative Affairs Directorate.<sup>87</sup> In 2018, as a product of the new public management approach<sup>88</sup>, the Human Resources Office, which was established for the purposes of making a human resources inventory of the country, carrying out projects for the development of human resources, carrying out talent management projects, conducting studies on career management, performance management and human resources management, and human resources planning, was closed in March 2025.

Efforts to abolish Law No. 657 or its frequent amendments are attributed to its insufficient contribution to quality public service delivery.<sup>89</sup> It is argued that due to the more technocratic nature of the presidential government system, personnel reform, which could not be carried out in the parliamentary system due to political concerns, may be easier in this period.<sup>90</sup> Instead of amending Law No. 657, it is suggested that a new law should be enacted by repealing it completely, and the necessity to change the personnel regime is mentioned in the development plans, which are policy documents.<sup>91 92</sup>

The principles of transparency, performance evaluation, creativity and accountability of New Public Management are among the objectives of a flexible personnel regime.<sup>93</sup> A flexible, post fordist production model is the pushing of the limits of the division of labour, which is among the tools of management. It is argued that human resources management is more effective than personnel management, flexibility and performance, horizontal and flat hierarchies instead of a rigid hierarchical structure create a sense of "we" among employees.<sup>94</sup> Against these views, it has been criticised that values such as merit, qualified public service and solidarity should come to the fore.<sup>95</sup> The abolition of the registry system in 2011 and its replacement with performance measurement and evaluation were not in line with the public management approach.<sup>96</sup>

The traditional civil servant regime defined by Law No. 657 is in tension with the current presidential government system. This is because the presidential government system is a model similar to the American presidential system, while our public personnel regime is under French influence.<sup>97</sup> Therefore, discussions on the public personnel regime are expected to continue.

<sup>87</sup> By the Presidential Decree No. 174 published in the Official Gazette dated 28/12/2024 and numbered 32766, the name of the Presidential Directorate of Administrative Affairs was changed to 'Presidential General Secretariat'.

<sup>88</sup> Acar, Osman Kürşat, Devlet Personel Başkanlığından Cumhurbaşkanlığı İnsan Kaynakları Ofisine: Kamu Personel Yönetiminde Örgütsel Değişim, *Elektronik Sosyal Bilimler Dergisi*, 20 (78), 2020, p. 1040.

<sup>89</sup> Yıldız, Günay, Devlet Memurları Kanunu: Türk Kamu Personel Rejimi İçin Bitmeyen Tartışma. *Ufuk Üniversitesi Sosyal Bilimler Enstitüsü Dergisi*, 8(15), 2019, p. 420.

<sup>90</sup> Yıldız, op. cit., p. 421.

<sup>91</sup> Yıldız, op. cit., p. 424.

<sup>92</sup> Altan, Yakup, Kalkınma Planlarında Türk Kamu Personel Rejimi. *Süleyman Demirel Üniversitesi İktisadi ve İdari Bilimler Fakültesi Dergisi*, 15(1), 2010, p. 435.

<sup>93</sup> Eroğlu, H. Tuğba, Yeni Kamu Yönetimi Anlayışının Türk Kamu Personeli Yönetimine Etkisi. *Uluslararası Yönetim İktisat ve İşletme Dergisi*, 6 (12), 2010, p. 231.

<sup>94</sup> İzci, Şerif, Yıldız, M. Şerif, Türkiye'de Kamu Personel Yönetiminden İnsan Kaynakları Yönetimine Geçiş: Temel Sorunlar ve Çözüm Önerileri. *Al Farabi Uluslararası Sosyal Bilimler Dergisi*, 1(3), 2017, p. 408.

<sup>95</sup> Özdemir, Ali Murat, Söylem ve Hukuk İlişkisi: Kamu Personel Rejimi Örneği, *Hacettepe Hukuk Fakültesi Dergisi*, 3 (1), 2013, p. 7.

<sup>96</sup> Acar, Osman Kürşat, op. cit., p.134.

<sup>97</sup> Acar, Osman Kürşat, op. cit., p.140.

## Conclusion

According to Article 127 of the Constitution, the primary 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 performed by civil servants and other public officials. Leaving aside the debates in the literature on who other public officials include, ‘essential and continuous’ public services are predominantly carried out by civil servants. Therefore, civil servants constitute the main skeleton of the public personnel regime. The law on civil servants is regulated by the Civil Servants Law No. 657 and the principles of the civil servant regime are listed as merit, career and classification. The free market-based economy model that started in the world in the 1970s aimed to reduce state intervention in social life as well as in economic life. This change in the role of the state also required changes in the regime of the personnel carrying out public services. In Turkey, the first signals of this change can be seen in the amendments made to the Civil Servants Law No. 657 in 1970. The definition of classification in the first version of the Law was changed and the expression ‘value to the state’, which was among the classification principles, was removed. Thus, as a requirement of the neoliberal model aiming to downsize the state, the value of public services for the state has been removed as a criterion for the classification of civil servants. In the same year, the service areas in which contracted personnel will be employed were defined.

In the post-1980 regulations, the areas and positions for the employment of contracted personnel continued to be expanded. In 1999, a radical transformation took place in the personnel regime with the Constitutional amendment. Despite the constitutional provision stipulating that public services should be carried out by civil servants and other public officials, the possibility of purchasing the same services from the market was introduced. After the 1965 enactment of the Civil Servants Law, this regulation, which led to a change in the forms of employment, the most important part of the public personnel regime, was considered to be the most radical change. This process, which started with the purchase of auxiliary services from the market, was later extended to all public service areas. Neoliberal transformation continued after the abandonment of the parliamentary system. After the transition to the Presidential Government system, the fact that many senior executive positions, including governors, can be employed under contract and that the term of office of the President is matched with the term of office of senior executive positions means that the liquidation process of the Weberian bureaucracy model continues.

After 1980, efforts to transform the public personnel regime with a neo-liberal management approach were constantly voiced and reflected in policy documents. However, the hot political atmosphere, extreme polarisation and the transition from a parliamentary system to a presidential-like system that the country has been experiencing in recent years have led to the demands of public employees, who have a significant voter base, for a more secure status to be met in some way during frequent elections and referendum periods. Contracted personnel have been transformed into permanent civil servants and subcontracted personnel into municipal company employees. Although there is no legal difference in terms of security between employment in a municipal company and employment in another private company subject to the Commercial Code, due to the widespread ‘effort to be somehow associated with the public sector’ in Turkish society, the aforementioned mass of personnel feel more secure than in their previous positions. The culture of the society, its view of the state, makes a legally precarious position appear secure.



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