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Legal Geography of Risk Management : Unfolding relationality, uncertainties, and resistance in the case of Karabağlar, İzmir (Türkiye)

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INSTITUT DE GÉOGRAPHIE ET DURABILITÉ

Legal Geography of Risk Management: Unfolding relationality, uncertainties, and resistance in the case of Karabağlar, İzmir (Türkiye)

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par

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LEGAL GEOGRAPHY OF RISK MANAGEMENT: UNFOLDING RELATIONALITY, UNCERTAINTIES, AND RESISTANCE IN THE CASE OF KARABAGLAR, IZMIR (TURQUIE)

sans se prononcer sur les opinions exprimées dans cette thèse.

Directeur Jean Ruegg

Lausanne, le 02.07.2024

Niklas Linde

Professeur Niklas Linde, Doyen

Abstract

This PhD project aims at identifying and analysing the role of uncertainty in risk management by examining the mutual interaction of people, place, and law. My research explores a change in the law of managing seismic risks in Türkiye, which came into effect shortly after the earthquake disaster in Oct 2011. The earthquake, with a magnitude of 7.2 M^W, caused 604 deaths and damaged 11'000 buildings in the city of Van. As a measure to prevent further catastrophic damage in Türkiye in the future, *Law 6306 on the transformation of areas under disaster risk* came into force in May 2012. Eleven years after the enactment of this law, my main motivation is to answer how the city –and its heterogeneous network of relations among actants – responds to seismic risks and a law linked to earthquake risk management strategies. This doctoral dissertation aims to address the gap in traditional risk management, which mainly focuses on monitoring risks related to physical issues of the space and lacks understanding of the role of human practices and non-human materialities in risk production and management, while also insufficiently accounting for the deeply uncertain essence of risk and spatial resistance. Issues in risk management form the backbone of this research by referring to two main theoretical frameworks: legal geography and actor-network theory (ANT). Legal geography is used as a central theoretical and methodological framework to explore the legal/social/spatial relations engaged in the risk management process. With ANT as a source of methodological inspiration through the motto of 'following the actants', the primary purpose is to trace the heterogeneous relational network among actants within specific places while the law is being implemented. By utilising a legal geography perspective, the doctoral dissertation investigates the uncertainties that arise from the complex socio-material relations in the practice of risk management. This requires in-depth investigations of the issues, arenas, actants, and practices that govern the definition of seismic risky areas and trigger urban transformation processes under Law 6306. Using a case study approach and qualitative analyses, the study explores the case study of Karabağlar, İzmir, one of the largest risky areas in Türkiye, which is currently facing various challenges due to expanded uncertainties in the urban transformation process. Hence, the focus of this study is on the mutual interaction between Law 6306 and seismic risky areas that the law requires to designate, and not on preparedness or improving resilience. Overall, this doctoral dissertation aims to shed new light on uncertainty in risk management through the lens of legal geography and the relational approach of ANT.

Résumé

Ce projet de doctorat vise à identifier et à analyser le rôle de l'incertitude dans la gestion des risques en examinant les interactions entre les acteurs, les lieux et la loi. Ma recherche explore un changement intervenu dans la loi de gestion des risques sismiques en Turquie, à la suite de la catastrophe du tremblement de terre d'octobre 2011. Le tremblement de terre, d'une magnitude de 7,2 MW, a causé la mort de 604 personnes et endommagé 11 000 bâtiments dans la ville de Van. La loi 6306 sur la transformation des zones à risque est entrée en vigueur en mai 2012 afin de prévenir, pour le futur, d'autres dommages catastrophiques en Turquie. Onze ans après la promulgation de cette loi, mon objectif principal est d'explorer comment la ville d'Izmir – et son réseau hétérogène de relations entre les actants– répond aux risques sismiques et à la loi encadrant les stratégies de gestion des risques sismiques. Cette thèse de doctorat vise à combler les lacunes de la gestion traditionnelle des risques, qui se concentre principalement sur la surveillance des risques liés aux enjeux géophysiques de l'espace et n'aborde pas le rôle des pratiques humaines et des matérialités non humaines dans la production et la gestion des risques. En outre, elle ne tient pas suffisamment compte de la nature profondément incertaine du risque et de la capacité de l'espace à résister aux mesures. Les questions relatives à la gestion des risques forment l'épine dorsale de cette recherche en se référant à deux cadres théoriques principaux : la géographie du droit et la théorie de l'acteur-réseau (ANT). La géographie du droit est utilisée comme cadre théorique et méthodologique central pour explorer les relations juridiques/sociales/spatiales engagées dans le processus de gestion des risques. Avec l'ANT comme source d'inspiration méthodologique à travers la devise 'suivre les actants', l'objectif principal est de retracer le réseau relationnel hétérogène entre les actants dans des lieux spécifiques pendant la mise en œuvre de la loi. En utilisant cette perspective, la thèse de doctorat étudie les incertitudes qui découlent des relations socio-matérielles complexes dans la pratique de la gestion des risques. Elle se concentre, au travers d'enquêtes approfondies, sur les enjeux, les arènes, les actants et les pratiques qui régissent la définition des zones à risque sismique et déclenchent des processus de transformation urbaine en vertu de la loi 6306. En recourant à une étude de cas et à des analyses qualitatives, la recherche explore le cas de Karabağlar, İzmir, l'une des plus grandes zones à risque de Türkiye, qui est actuellement confrontée à divers défis en raison des incertitudes accrues dans le processus de transformation urbaine. Par conséquent, cette étude se concentre sur l'interaction mutuelle entre la loi 6306 et les zones à risque

sismique que la loi exige de désigner, et non sur la préparation ou l'amélioration de la résilience. Dans l'ensemble, cette thèse de doctorat vise à apporter un nouvel éclairage sur l'incertitude dans la gestion des risques au travers de la géographie du droit et d'une approche relationnelle (ANT).

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I would like to begin by expressing my gratitude to my supervisor, Prof. Dr. Jean Ruegg, for his continuous support and guidance during my doctoral studies. He often likened the process to a sailing journey and his metaphor resonated deeply with me. I would like to extend my profound gratitude for teaching me how to navigate my doctoral thesis with resilience, adjusting its course with the winds of change, while still keeping a steady eye on the path travelled, guiding me safely to reach the shore of success.

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Abbreviations

AFAD: The Disaster and Emergency Management Presidency *(T.C. İçişleri Bakanlığı Afet ve Acil Durum Yönetimi Başkanlığı)*

ANT: Actor-Network Theory

CAT: The Chamber of Architects of Türkiye *(TMMOB Mimarlar Odası)*

DASK/TCIP: The National Catastrophe Insurance Pool *(Doğal Afet Sigortaları Kurumu)*

EM-DAT: Emergency Events Database

GAR: Global Assessment Report on Disaster Risk Reduction

IDNDR: Secretariat of the United Nations International Decade for Natural Disaster Reduction

LTA (Document): Land Title Allocation (Document) *(Tapu Tahsis Belgesi)*

RADIOUS: Risk Assessment Tools for Diagnosis of Urban Areas Against Seismic Disasters

SAKOM: Health Disaster Coordination Center of Türkiye *(Türkiye Sağlık Afet ve Koordinasyon Merkezi Birimi)*

STS: Science and Technology Studies

TGNA (in English) / TBMM (in Turkish): the Turkish Grand National Assembly *(Türkiye Büyük Millet Meclisi)*

TMMOB: Union of Chambers of Turkish Engineers and Architects *(Türk Mühendis ve Mimar Odaları Birliği)*

TOKI: Turkish Urbanization and Mass Housing Authority *(Türkiye Toplu Konut İdaresi Başkanlığı)*

TURKSTAT: Turkish Statistical Institute *(Türkiye İstatistik Kurumu)*

UNISDR: United Nations International Strategy for Disaster Reduction

Glossary on Turkish legal terms

By-laws *(Yönetmelik):* By-laws can be issued by the President, ministries, and other public entities like municipalities or universities to govern their internal operations or interactions with individuals in compliance with laws and presidential decrees.

Case Law *(İçtihat hukuku)***:** Case law refers to law that originates from the decisions made by judges, as opposed to law that is derived from constitutions, statutes, or regulations.

Land Title Allocation Document *(Tapu Tahsis Belgesi)*: This legal material provides conditional property rights to squatters under the amnesty law, Law 2981, enacted in 1983 in Türkiye.

Omnibus Bill *(Torba Yasa)*: A single bill that combines amendments to a large number of disparate and unrelated laws.

Statutory Decrees *(Kanun Hükmünde Kararnam*e*)*: Before the adoption of the presidential system in Türkiye after a referendum on April 16, 2017, the TGNA could authorize the Council of Ministers to issue decrees that had the effect of law. With the presidential system, statutory decrees were replaced by *presidential decrees* (*Cumhurbaşkanlığı Kararnameleri)*, through which the President of the Republic may issue decrees on matters regarding executive power (Article 104 of the Constitution of Türkiye).

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Chapter 1. Introduction

In the wake of the recent earthquakes that struck Türkiye on February 6th, 2023, the timeliness of this doctoral dissertation could not be more apparent as it concentrates on the topic of seismic risk management. These two destructive earthquakes, the Pazarcık earthquake with 7.7 M_W and the Elbistan earthquake with 7.6 M_W, affected more than eleven cities, including Kahramanmaraş, Gaziantep, Elazığ, Şanlıurfa, Diyarbakır, Adana, Adıyaman, Osmaniye, Hatay, Kilis and Malatya. Due to these destructive earthquakes, **50,783** people lost their lives in those cities (Delforge et al., 2023; EM-DAT, 2024).

The recent earthquakes in Türkiye (i.e., the Pazarcık and Elbistan earthquakes in 2023, and the İzmir earthquake in 2020) serve as a reminder of the *uncertain* nature of seismic events, highlighting the ongoing need for thorough seismic risk preparedness, mitigation, response, and recovery measures, especially for earthquake-prone countries. Despite recent advancements in earthquake science, the specific date, location, focal depth, magnitude, and route characteristics of an earthquake still cannot be anticipated, especially in developing countries (UNISDR, 2019). According to the physical science approach of risk management, this is due to the combination of epistemic uncertainties, which can reduce some of the risk with increased data and advanced hazard models, and aleatory uncertainties, which designate the irreducible portion that makes risk a potential and never a certainty. Since earthquakes' seismicity and intensity cannot be fully reduced or adjusted, reducing vulnerabilities is of great importance in seismic risk management as an effective method for damage mitigation (Vahdat et al., 2014).

The efficient implementation of Law 6306, designed and enacted for risk mitigation after the Van earthquake in 2011, is crucial for managing seismic risk in Türkiye. While the Ministry of Environment, Urbanisation and Climate Change designated the risky areas under this law to initiate rapid urban transformation to provide a safe and healthy environment, the transformation process of most of the risky areas could not be carried out on time, and the

problem of detransformation[1] and waiting has been experienced throughout the country (Ay & Penpecioglu, 2022). The Karabağlar risky area is the largest risky area in Türkiye and is a key example of the uncertainties involved in urban transformation, having only been partly completed in the 12 years since its inception.

The Karabağlar risky area (540 ha risky area, covering 15 Neighbourhoods) is located in İzmir - the third largest city in Türkiye with a population of about 4,500,000 inhabitants. In the early 1970s, this district was first constructed by newcomers who migrated from eastern provinces for economic and socio-political reasons. Bektaş Ata (2019a, p. 1) considers the people[2] living there today, who also happen to be its founding pioneers, as '*continuous immigrants*' and describes their journey in three distinct phases: (1) *from peasant to immigrant*, characterized by their birth and upbringing in villages located in eastern provinces (2) *from immigrant to resident*, marked by constructing their neighbourhoods by occupying the publicly owned lands (3) *from resident to passenger*, when the district became designated as a risky area. Considering the construction phase of the district, this doctoral dissertation focuses on the third phase, in which spatial resistance emerged within the local community when Law 6306 was enforced in the district.

The studies in relation to the Karabağlar risky area encompass subjects including: development-induced displacement (Ay, 2016), urban transformation and participation (Güneş, 2018), the right to the city (Özdemir Metlioğlu, 2017), social class -urban poor- and gender (Bektaş Ata, 2019b), and detransformation and waiting (Ay & Penpecioglu, 2022). Although these studies primarily addressed the urban transformation process's issues and potentials, seismic risk management has received limited attention in this context.

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[1] The study suggests the term '*detransformation*' by analysing the urban transformation projects in Türkiye and defines as follows "the socio-political nature of this multifaceted process of urban change that diverges from the intended outcome and intensifies the politics of waiting" (Ay & Penpecioglu, 2022: 27).

[2] In her research, Bektas Ata (2019a) investigates two neighbourhoods located in the risky area.

Following Law 6306[3] as a main actant[4] from its decision-making process in Parliament – the Turkish Grand National Assembly, to the implementation phase in the Karabağlar risky area, this doctoral dissertation examines uncertainties in risk management through the lens of legal geography and the relational approach of Actor-Network Theory. The research findings explore how a city responds to a risk management strategy and how uncertainties were generated, resolved, or not resolved through the intricate dynamic relationships among law, space, and people. Hence, given the severe impacts of the recent earthquake in Türkiye, as well as the earthquake of 6.9 M_W which struck İzmir in 2020, it is essential to understand the successes, failures, and changes of Law 6306 in Türkiye in terms of its impact on cities - and its heterogeneous network of relations among actants. Considering the broader impact of the law on society and places, this doctoral dissertation provides feedback related to the uncertainties in seismic risk management that would be in the interest of policymakers, risk managers, practitioners, NGOs, citizens, activists, and socio-legal scholars at the local, national, and international levels.

1.1. Organisation of the manuscript

This dissertation comprises six chapters, aiming to offer a comprehensive understanding of the complex interplay between law, space, and people to elucidate the role of uncertainties in the risk management process (see Section 1.4.1). I systematically examine Law 6306 from its decision-making process in the parliamentary process to its practical application in the risky area of Karabağlar. Therefore, the chapters have been structured to systematically uncover the heterogeneous network of relations of the enactment process of Law 6306.

In **Chapter 1**, entitled '*Introduction'*, I first present the theoretical framework of my doctoral dissertation. In this section, to understand how a city responds to a risk management strategy,

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[3] The legal translations of the law and related documents in the doctoral dissertation have been made by the author, as there was no official English translation available.

[4] According to actor-network theory (ANT), actants refers to human and nonhuman. Nonhuman represents entities such as natural phenomena, tools and technical artifacts, material structures and texts (Latour, 2005).

firstly, I discuss the state of the art in legal geography, which will permit an understanding of the mutual interaction between places and a law designed to prevent damage from future seismic risks. Secondly, I examine key terms and approaches within risk management linked to natural hazards such as earthquakes. Thirdly, I discuss the ways of application of the legal geography perspective to address risk management. Lastly, to analyse the impact of space in law, I examine the approach of collective spatio-legal consciousness[5] to discuss how it empowers ordinary citizens as 'spatio-legal detectives[6]' to play a crucial role in risk management by enabling the emergence of spatial resistance.

After critically reviewing the theoretical framework, I present the objectives, research questions, hypothesis, structure, and formulation. In the last section of the first chapter, I examine the methodology of this doctoral dissertation, Actor-Network Theory (ANT), with a review of the state of legal geography and risk management studies that apply ANT. Followingly, I present research techniques to demonstrate the data source and explain how I use the methodological premise of ANT – 'following the actants[7]', in this doctoral dissertation.

In **Chapter 2,** entitled "Law in Space: Making the Disaster Law 'Law 6306'", I examine the spatial impact of Law 6306 to discuss the relationships nurtured by the mutual interaction between the law and seismic risky areas. After providing a brief overview of the Turkish legal system and the legal history of seismic risk management, I aim to discuss how and where uncertainty manifested itself in the development and approval of Law 6306.

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[5] Flores et al. (2019) introduced the notion of 'legal-spatial consciousness,' which will be referred to in this doctoral dissertation as 'spatio-legal consciousness' to align with the concept of 'spatio-legal detectives.' This terminology change is aimed at ensuring coherence between the two concepts.

[6] By drawing from the term 'Spatial detectives' developed by Bennett and Layard (2015) for legal geographers, I have suggested using the term 'spatio-legal detectives' for citizens, who could understand both 'space' and 'law' and trace their constitutive relationships within the socio-legal network.

[7] A slight modification is suggested for the methodology here. Instead of 'following the actors,' the phrase is adjusted to 'following the actants' for this doctoral dissertation.

In **Chapter 3,** entitled '*Space in Law: Re-making Law 6306 through resistance*', I aim to investigate the impact of space in law to discuss how uncertainty manifests itself when Law 6306 is enforced in places where people live, and resistance can be expected. By examining the reactions and resistance of various actants involved in the implementation of Law 6306, including civil society organisations, omnibus bills[8], and Constitutional Court decisions, I analyse the amendments proposed and made to the law. Furthermore, in this chapter, I discuss how the uncertainties changed and remade Law 6306 itself.

In **Chapter 4,** entitled '*Space and law mutual interaction: Spatial resistance and legal localisations to navigate the uncertainties*', and in **Chapter 5,** entitled '*Unravelling the Complexities of Law and Space: Citizens becoming spatio-legal detectives untangling uncertainties*', I aim to investigate the complex mutual interaction of space and law through the specific uncertainties that arose in the implementation process of Law 6306.

In **Chapter 4**, I explore how the uncertainty surrounding the property rights of citizens threatened by the enforcement of Law 6306 led to spatial resistance, which in turn impacted the implementation process of the law. By following the actants and their traces in the socio-legal network in the case study area of Karabağlar, I present how the legal localisation took place to act against the uncertainties concerning the property rights of the slum owners when Law 6306 was implemented in the Karabağlar risky area. Furthermore, I discuss how the enactment of Law 6306 systematically made some citizens more vulnerable than others within the seismic risk management process. This chapter highlights the complex dynamic interplay between spatial resistance and revisions of Law 6306, particularly in cases where uncertainty surrounding property rights remains a persistent issue during the enactment of Law 6306.

In **Chapter 5**, by presenting the complexities of Law and Space, I discuss how earthquakes, revisions of Law 6306, and spatial resistance interact to shape actants' internalization of uncertainty and development of spatio-legal consciousness in risk management. As spatio-legal consciousness played a crucial role in the interaction between law and space, particularly

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[8] The term of omnibus bill is defined as: 'A bill that seeks to amend, repeal or enact several Acts where there is not a common element connecting the various provisions or where unrelated matters are linked' (House of Commons, 2020).

in the emergence of spatial resistance, I present how the citizens living in the Karabağlar risky area have become spatio-legal detectives by developing their collective spatio-legal consciousness and how they untangle uncertainties to solve the issues regarding the urban transformation project of the Karabağlar risky area affecting their daily life. Hence, the chapter highlights the importance of spatio-legal consciousness in navigating the complexities of law and space.

Lastly, in **Chapter 6**, entitled '*Conclusion*', I present the study's key findings and discuss them concerning the research questions. Then, I illustrate this doctoral dissertation's contributions, limitations, and future implications. In this section, I demonstrate how I contribute to the research agenda of the legal geography perspective, and provide feedback related to the management of the seismic risks for policymakers, risk managers, practitioners, associations, citizens, activists, and socio-legal scholars, based on the lesson that can be learned from the case study of Karabağlar.

1.2. Framing the research: Legal geography of risk & uncertainties

1.2.1. Legal geography: Perspectives and methods

This doctoral dissertation applies the theoretical basis of legal geography to understand the impact of laws within spaces. This section offers a comprehensive exploration, with an examination of the evolution of legal geography and the recent conducted studies within the domain of critical legal geography, which is essential for comprehending power dynamics within the socio-legal network. It also reviews existing literature on approaches to studying legal geography and elucidates the structure employed in this doctoral dissertation. Furthermore, it examines legal geography methodologies, concluding with an explanation of the methodology selected for this doctoral dissertation.

Legal geography is an interdisciplinary project that focuses on the interconnections between law and spatiality (Braverman et al., 2014). The roots can be traced back to the 1970s when two theoretical frameworks were developed: socio-legal studies and critical geography (O'Donnell et al., 2019). Socio-legal studies draw attention to law and legal practice in the context of jurisprudence, cultural studies, race, gender, materiality, and feminism, while critical

geography studies enable an examination of places concerning power and injustice (Delaney, 2015; O'Donnell et al., 2019). Since the late 1980s, legal geography is mostly dedicated to understanding how space, law, and society are related (Blacksell et al., 1986; Blomley, 1994; Blomley & Bakan, 1992; Blomley & Clark, 1990; Clark, 1989). Legal geography aims to find out spatialities in legal practices and traces of law embedded within places (Bennett & Layard, 2015).

According to Braverman et al. (2014), the development of legal geography since the 1980s can be traced through three distinct moments: cross-disciplinary encounters, interdisciplinary engagements, and post-disciplinary scholarship.

- The first mode of legal geography emerged in the 1980s and early 1990s and was characterized by cross-disciplinary encounters that contains the studies of legal scholars and human geographers (Frug, 1995; Neuman, 1986). The first mode of legal geography came into prominence with the international and interdisciplinary research community, which focused on the understanding of law within social science or the examination of social processes within legal studies.

- The second mode of legal geography, called interdisciplinary engagements, emerged in the early 1990s, when the legal scholars and human geographers started to focus on neo-Marxist and poststructuralist literatures. Second mode of legal geography was characterized by a programmatic bridge, which combines the studies of legal scholars and human geographers and constitutes interdisciplinary research (Braverman, 2014). Within this bridge-building era, the studies of legal geography have been expanded by many scholars through focusing on the spatiality of law with various subjects: public space (Layard, 2010; Mitchell, 1997), power and social justice (Blomley, 1994), race (Delaney, 1998; Ford, 1993; Ford, 1999) and metropolitan areas (Frug, 1995).

- Lastly, the third mode of legal geography, defined as a post-disciplinary scholarship, came into the approach with the engagement of third-discipline interests such as anthropologists, political scientists, sociologists or historians. Within this scope, the themes of land tenure, democracy, identity, labour relations, or the structuration of organisations were integrated into legal geography with regard to third-field concerns.

Furthermore, the studies related to materiality (Delaney, 2010; Kang & Kendall, 2019), nonhumans legalities (Braverman, 2009, 2011, 2012, 2013; O'Donnell et al., 2019), spatial justice (Evrard, 2022; Mubi Brighenti, 2010; Philippopoulos-Mihalopoulos, 2011), and spatial effectiveness of law (Chiodelli & Morpurgo, 2022) contributed to the post-disciplinary scholarship within legal geography through focusing on broader social and humanities studies. Currently, legal geography is expanding its research interest with various specific lines of inquiry including the engagement of legal spatiality with time and historicity, materiality – affect and relationality (Anderson & Wylie, 2009; Bennett & Layard, 2015). In parallel with recent studies, this doctoral dissertation also expands the concept of relationality with Science and Technology Studies (STS) to explore the symmetrical relationality within the legal geography research agenda (See Section 1.5).

The recent studies in legal geography encompass a wide range of work that incorporates various perspectives, including political ecology (Andrews & McCarthy, 2014; Salgo & Gillespie, 2018); feminist geography (Brickell & Cuomo, 2019; Cuomo & Brickell, 2019; Jacobsen, 2021); feminist political ecology (Gillespie & Perry, 2019); critical legal geography (Blomley et al., 2020; Iossa & Persdotter, 2021; Kedar, 2014; Kelly, 2021; Nicolini, 2022a; Sylvestre et al., 2020).

Among these recent studies, a strong stream adopts a critical legal geography and focuses on the power relations as a key concern (Sylvestre et al., 2020), which is also a focal point of this doctoral dissertation. For instance, Sylvestre et al. (2020) investigate sets of legal relations of power concerning red zones in Canada, where marginalized people such as the homeless, sex workers, drug users etc., were removed for an assigned time. As this restriction also limits the access of the marginalized population to public spaces, the authors further demonstrate how red zones constitute a type of legal territorialization that threatens to invert the traditional ideas of what justice is and transform the understanding of criminal law and punishment. Their study highlights the invisible impact of legal decisions on space and people, revealing how such decisions can inadvertently create injustice by unjustly limiting citizens' access to public spaces. Therefore, Sylvestre et al. (2020) provide an important example for understanding the impact of red zone legislation on space and people. In this doctoral dissertation, I discuss the

effects of the risky areas decision, designated by Law 6306, which result in injustices among the local community within the risk management process.

Similar to the study by Sylvestre et al. (2020), Kelly (2021) focuses on the rights of indigenous populations and examines the spatial injustice performed in legal rules and processes for developing renewable energy. Hence, while there are many perspectives in legal geography, many authors have adopted and used the critical legal geography perspective, highlighting areas that are overlooked or ignored. These studies contributed to legal geography on various subjects, including power(lessness), in(justice), (in)security, (il)legal and (dis/em)placement (Braverman et al., 2014). By adopting the critical legal geography perspective, I will also focus on the power dynamics in risk management practice to explore the question of how spatio-legal entanglement produces problematic outcomes, such as displacement, illegality, etc., considering the urban transformation process of the Karabağlar risky area.

To investigate the complex and interconnected relationship between law, space, and people, there have been several proposed structural frameworks wihtin the field. Bennett and Layard (2015) propose three conceptual structures *for the investigation of spatiality associated with legal provisions*: (1) what is the spatiality of law itself? (2) what is the role of law in constituting place? (3) how do lawyers and geographers engage with notions of jurisdiction and scale? The first approach investigates the link between the spatiality of law and legal practices. Within this context, scholars focus on the spatial distribution of law. The second approach considers the link between legality and place-making and questions how legal practices can constitute places. The third approach brings an understanding of jurisdiction and scale in terms of legal practices. Melé (2009) presents three ways of approaching the complex relationship between law and space: (1) **law in space**, in which the daily spaces (private/public) define the legal roles of people; (2) **space in law**, in which social representations of space is demonstrated by the issues of power relations or the conflicts of legitimate arguments; (3) **space and law mutual interaction**, in which law and space cannot be scrutinized independently from each other. For this doctoral dissertation, I use Melé's scheme (2009) as a framework for investigating the mutual interaction between Law 6306 and specific places designated as risky areas, by focusing on the impact of law in space and the impact of space in law.

While Bennett and Layard (2015) provide valuable conceptual structures for the study of legal geography, Melé (2009)'s tripartite framework aligns more closely with the objectives of my doctoral dissertation. It places significant emphasis on the intricate and inseparable mutual relationship between space and law. Most importantly, Melé (2009)'s tripartite framework highlights how the effects of law and space can continuously respond to and change under each other's influence. In essence, Melé (2009)'s conceptual framework emphasizes the ever-changing nature of these relationships and their continuity. This framework offers a more suitable foundation for exploring the constant interaction between Law 6306 and specific risky areas.

To examine how the law operates through space, it is important first to clarify the concepts of space and spatiality. The term space has undergone a significant shift in social theory, particularly with the emergence of the 'spatial turn' in the late 1970s. This shift posits that space is not merely objective but socially constructed and constitutive (Blomley & Labove, 2015). French geographers Lévy and Lussault (2003) contribute to this discourse by defining space based on two dimensions: (1) one of the dimensions of society, establishing a set of relations between different realities, and (2) spatial dimensions within the social environment, along with its spatiality. The concept of spatiality is defined here as encompassing a series of actions by actants, serving as an essential complement to the concept of space. By interpreting the historical evolution of space, transitioning from absolute/positional to relative/relational perspectives, the authors provide an understanding of space based on its relative nature (space depends on the reality of the objects found there) and relationality (defined by the connections established between spatial realities) (Davodeau, 2011, p. 247). Therefore, the concept of space emerges as a "product of interrelations and embedded practices, characterised by the possibility of multiple realities, never completed, always in the process of becoming, and open to the future" (Massey, 2005, pp. 10, 11).

The relational conceptualization of space, as with spatiality, has become central to legal geography (Braverman et al., 2014; Butler, 2018; Philippopoulos-Mihalopoulos, 2011). This approach perceives the legal conception of space as socially significant, active, continually evolving, shaped and produced through legal practices (Blomley, 2008; Keenan, 2021). This perspective has also given rise to terms like '*splice*' (Blomley, 2003; Blomley, 1994), '*lawscape'* (Graham, 2003; Philippopoulos-Mihalopoulos, 2007), and '*nomosphere*' (Delaney,

2010) to describe the complex entanglement of both law and space. In this context, spatiality not only refers to the processes of spatial production but also to the role of actants and their practices within it, resulting in 'space' as the outcome of these interactions (Nicolini, 2022b).

Building upon the relational understanding of space, in this doctoral dissertation, I investigate the interconnected relations between law and space (along with its spatiality), in which relationships re-emerge during the enactment of Law 6306. My focus further explores detailed consideration of these practices emerging within space, to gain insights into how the risky area of Karabağlar functions as a distinct place and how it plays a dynamic role in continually shaping and influencing relationships during the enactment process of Law 6306 through spatial resistance (See Section 3.2).

In terms of methodological approaches, legal geographers rely on doctrinal and empirical methods, which include discursive analyses of legal provisions and practice, fieldwork, case law analysis, contextual case analysis (Bennett & Layard, 2015; Braverman, 2014; Delaney, 2010; Forest, 2000; Layard, 2014). Furthermore, as legal geographers expand their research interest to various critical points including materiality[9] and temporality, they seek core methods to examine the manifestation of law in terms of spatiality with their critical subjects (Bennett & Layard, 2015; Braverman, 2014; Delaney, 2017; O'Donnell et al., 2019). As a result, as the doctrinal methods emerge as a dominant method within legal geography, Braverman (2014) proposes a change in approach and suggests using ethnography borrowed from anthropology, to which legal scholars have given very little attention (Bartel, 2017). Braverman et al. (2014) suggest that utilising ethnography in legal geography provides a deeper understanding of the complexities of human behaviour and societal dynamics by investigating how people live, imagine or constitute the legal or the spatial. In line with this call, this doctoral dissertation adopts Actor-Network Theory (ANT) as a methodological premise, in which ethnography is adopted as a knowledge production method to understand the more-than-

[9] Some scholars prefer to refer to 'relationality' or 'more-than human'. The term 'more-than-human' dissolves the boundary line between human/nonhuman and involves heterogonous materials, such as the matter, the social and the human (Pyyhtinen, 2006). In the context of this doctoral dissertation, I have chosen to emphasize 'relationality' more frequently, as it promotes inclusivity and highlights the profound impact of human and non-human interactions when analysing the spatial dimensions of law and the legality of spaces.

human world (Winthereik, 2019). Specifically, this doctoral dissertation aims to contribute to the relational-material theories in legal geography, which is discussed in detail in the methodological section (See Section 1.5).

1.2.2. Risk management and risk-related terms: Risk, vulnerability and uncertainty

This section explores the fundamental principles and terminology of risk management, including key concepts such as risk, vulnerability and uncertainty. However, it goes beyond mere definitions by emphasising the central role of spatial resistance in the field of risk management. It draws on concepts that demonstrate this importance, including territorial vulnerability, social vulnerability, and risk memory. In addition to explaining the significance of spatial resistance, this section also elucidates why this doctoral dissertation utilises the term 'spatial resistance' rather than 'resilience' within the risk management process.

Risk management is “the systematic process of using administrative directives, organisations, and operational skills and capacities to implement strategies and policies in order to reduce the adverse impacts of hazards and the possibility of disaster” (UNISDR, 2009, p. 10). The possibility of a disaster is a key feature of any risk management policy. It means that risk management is imbued with uncertainty. Uncertainty manifests itself in different ways, as it is produced by complex and unpredictable networks of socio/legal/spatial relations. Firstly, it is part of the definition of danger. Hazard is characterized by the probability of occurrence of an event whose destructive power depends on its intensity.Secondly, it influences both the way in which risk management officials perceive the issues and promote appropriate measures accordingly, and the way in which those at risk perceive the threat and adapt their behaviours accordingly (Brooks, 2003; Cardona, 2004). Furthermore, exposure and vulnerability are also critical factors that directly influence this perception of risk management officials and individuals who might be affected by the hazards. In addition to human perceptions and behaviors, the material dimension of uncertainty plays a significant role (Scoones & Stirling, 2020; Senanayake & King, 2021). Nonhuman elements such as fault lines, legal documents, and master plans shape and influence the uncertainties inherent in risk management practices. These materialities can either mitigate or exacerbate the uncertainties faced by

those involved in risk management.Therefore, risk management aims to develop policies and strategies to reduce risk and build capacity to deal with uncertainty.

Risk management is typically multidisciplinary, with each discipline adding its own view on risk. Cardona (2004) emphasizes three approaches linked to the natural sciences (geology, geophysics, seismology), the applied sciences (geography, urban planning, economics, actuarial sciences, political and environmental sciences), and the social sciences (sociology, anthropology, development studies, geography). In the natural sciences, risk management relies mostly on measures to prevent hazard occurrence. In the applied sciences, the risk equation includes hazard, exposure, and vulnerability. Risk management can be oriented towards measures to prevent hazard occurrence, as well as to reduce exposure (such as the preventive role of land use planning) or address a vulnerability (such as strengthening exposed infrastructure). In the social sciences, the economic, social, health, and political conditions to which the population is subjected are regarded as the main drivers of vulnerability. Less emphasis is placed on hazard and exposure. Poverty alleviation, promotion of education, access to health services, improved dissemination of information through the provision of radio or television sets are generally considered adequate risk management measures. These are mainly traditional approaches to risk management however: Potential measures are inferred from hazard, which is taken as the only catalyst (Gilbert, 2009). Due to the high level of fragmentation between these approaches, (Cardona, 2004) calls for a holistic theory of risk management. On the one hand, hazard has no adverse impact in places where nothing and no one is exposed and vulnerable. On the other hand, places where infrastructure and people are vulnerable but not exposed to hazards suffer from a situation that should not be addressed by risk management strategies but by other public actions. Therefore, hazard and vulnerability have to be considered together (Cardona, 2004, p. 38).

Hazard and vulnerability are complementary: The term ‘hazard’ (man-made or natural) represents a risk factor external to an exposed and vulnerable system, while the term ‘vulnerability’ refers to a risk factor internal to a system exposed to a hazard (Brooks, 2003; Cardona, 2004). Risk management therefore makes sense in situations where hazard and vulnerability influence each other (Renn, 2008). Reducing hazard or vulnerability contributes to risk reduction (Cardona, 2004). Metzger and d'Ercole (2011) further discuss and redefine these concepts by suggesting that hazard should be seen as just one aspect of vulnerability.

They introduce the distinction between passive and active dimensions of vulnerability. The passive dimension of vulnerability emphasises the consequences of hazards on passive elements within a system, highlighting the damages occurred due to exposure in specific areas. In contrast, the active dimension refers to the capacities of social systems to respond to and mitigate risks. Hence, the intertwined relationship between hazard and vulnerability brings the necessity of a comprehensive approach to risk management that addresses both passive and active dimensions of vulnerability.

The link between vulnerability as an internal factor and uncertainty as a fact that influences people's perception of risk helps to explain why certain places resist to risk management. For Callon et al. (2011) uncertainty characterizes a situation where people (experts, decisions makers, inhabitants) lack information about certain events. Due to limited knowledge because risk management decisions are based only on potential consequences, '*sometimes people simply reject the solutions because they do not correspond to their own reading of risk or to their image of disasters'* (Cardona, 2004, p. 50).

However, uncertainty is not merely about the absence of knowledge (Walker et al., 2003). An expanding body of research expands this perspective by incorporating the notion of materiality, highlighting the significant role of nonhumans in generating and shaping uncertainties (Martin, 2021; Scoones & Stirling, 2020; Sedell, 2021; Senanayake & King, 2021). By recognising uncertainties as the product of interactions between humans and nonhumans, Senanayake and King (2021) emphasize the role of nonhumans through the work of Robbins (2019, p. 234), which "stresses the stubbornness and intractability of certain properties of non-human things," influencing and limiting the power of human practices. Sedell (2021) describes how the absence or presence of invasive insects in agricultural production creates complex uncertainties. Similarly, Martin (2021) draws attention to the gaps in understanding uncertainties in environmental governance that arise when nonhuman dynamics are overlooked, such as the data on wolves in wildlife management. In a similar vein, in the case of Karabağlar, the coexistence of the LTA legal document alongside the absence of land titles for squatters exacerbates uncertainties within the risk management process (See Chapter 4). These examples illustrate that uncertainties are not just human-centric but are also profoundly shaped by nonhuman materialities and human practices.

The nature of uncertainties in the risk management process goes beyond mere knowledge gaps, as they encompass materialities which profoundly affect the vulnerability of the designated areas to hazards. Cooper and Pratten (2014, p. 1) characterise uncertainty as "a structure of feeling – the lived experience of vulnerability, anxiety, hope and possibility, mediated through the material assemblages that underpin, saturate and sustain everyday life". In essence, uncertainties are not passive voids waiting to be filled with knowledge, but active forces intertwined with nonhuman materialities and human practices, shaping the overall vulnerability of places. This doctoral dissertation focuses on more-than-human uncertainties, which are produced and dealt with through the un/seen, complex and heterogeneous set of relations between hazard, law, and space.

Building upon this more-than-human understanding of uncertainties, this doctoral dissertation focuses on the terms of territorial vulnerability, social vulnerability, and risk memory to explain why the emergence of spatial resistance is at stake in risk management process. Territorial vulnerability focuses on major lifelines that are decisive for ensuring and maintaining the social, economic and political functioning of places within territories (d'Ercole & Metzger, 2009). It calls for the identification of places where actants are likely to create a vulnerability that will spread throughout the territory. These places whose failure in the event of a disaster affects the functioning of the entire territory must be at the core of risk management strategies (Provitolo & Reghezza-Zitt, 2013). Social vulnerability concerns the economic structure (e.g., income), health, assets, uses, level of education and the degree of alternatives available to people living in the places. Strongly associated with a sense of belonging, social vulnerability can lead people to minimize risk and oppose risk management strategies (Brooks, 2003; Provitolo & Reghezza-Zitt, 2013). Gilbert (2009) goes beyond the definition of social vulnerability and focuses on 'intangible' damage in which the feeling of vulnerability (the perception of a person's own vulnerability) makes disasters happen. Risk memory is related to the history of disasters and the accumulated experiences of the people, and the places affected. Catastrophic events such as earthquakes, floods, storms, or global pandemics, have the potential to provoke injuries, human losses, and material damage. The greater the damages, the greater the pressure and justification to take subsequent actions. Each catastrophic event reorganizes the information and knowledge available in society. It also changes the socio-economic and political structure of the affected places and gives rise to new rules and regulations (Becerra, 2012). Keeping risk memory at a high level helps to

maintain the legitimacy of these changes. It contributes to build and sustain resilience among people and places at risk (Bhattacharya-Mis & Lamond, 2014; Garnier, 2019). McEwen et al. (2017) provide an example in which 'sustainable flood memories' increase individual and community resilience to flooding, by creating the conditions for social learning and sharing lay knowledge. Conversely, in places subject to strong migratory movements, high residential mobility, or weak feeling of belonging, it tends to be more difficult to preserve risk memory. Focusing on the link between past experience and future actions and creating conditions to sustain risk memory increase the adaptive capacities of communities and support the development of effective risk management strategies (Folke et al., 2005). Therefore, the analysis of territorial vulnerability, social vulnerability, and risk memory, strongly marked by uncertainty, help to understand the mechanisms that condition the spatial resistance to risk management.

The rationale behind the focus of this doctoral dissertation is on spatial resistance, rather than preparedness or enhancing resilience in the context of risk management. Early definitions of resilience centre on an ecology-based 'bounce back' perspective, while recent interpretations have shifted towards 'anticipation,' encompassing 'capacity', and now suggest it as 'bouncing forward' (Manyena et al., 2011, as cited in Weichselgartner & Kelman, 2015). In this context, spatial resilience refers to the better position of a space, where human and nonhuman relations are organised and reconfigured to enhance their capacity for aiding in the decision-making process, identifying vulnerabilities, and facilitating the transformation of socio-geographical areas in response to nature-induced disasters[10]. In another study by Brunetta and Caldarice (2020), spatial resilience is defined by the system's capabilities in resource development, social capital (such as the level of citizen participation), institutional competence, and information and communication. These factors collectively facilitate the development of adaptation, improvement, and innovation in response to shocks and disturbances. These studies, focusing on resilience and risk management, have focused not only on the re-building of those places, especially in the aftermath of the disaster, but also on

[10] In this doctoral dissertation, I have adopted the term '*nature-induced disaster'* in place of '*natural disaster*,' which is inadequate for failing to account for the societal characteristics of disasters. The term 'nature-induced disaster' refers to catastrophes that are triggered by natural phenomena and encompass their anthropogenic dimensions (Pfister, 2009).

enhancing their existing capacity and making significant improvements to manage hazards or disturbances.

Moreover, from a broader perspective, the growing body of research in the fields of risk management and urban resilience emphasise the importance of preparedness, risk reduction, and mitigation over immediate response and recovery (Alexander, 2013; Brunetta et al., 2018; Rus et al., 2018). In the context of resilience, to achieve effective risk reduction and preparedness, it is imperative that the strategies developed for risk management need to be aligned with the local community's perception of risk, as Cardona (2004, p. 50) stated. Particularly in the Karabağlar risky area, the concept of spatial resistance is employed because Law 6306, proposed as a risk management strategy in Türkiye, was not accepted by the local community and did not resonate with their understanding of risk. Furthermore, the lack of attention from law enforcement authorities towards the distinct spatial circumstances, including factors related to risk perception, social and territorial vulnerability, give rise to issues that exert a profound impact on the identity, the right to equal citizenship, and the daily lives of the communities residing in these affected areas. This oversight further contributes to the underlying reasons for resistance. Therefore, this doctoral dissertation focuses on the spatial resistance movement that emerged in response to the implementation of Law 6306 in the Karabağlar risky area and explores it in detail in Section 3.2.

Thus, uncertainty, a central focus of this doctoral dissertation, emerges from the dynamic interactions among legal, social, and spatial relations among actants, influencing both the perception and practices of risk management. Therefore, identifying uncertainties in risk management requires recognising the intertwined nature of hazards and vulnerability, and understanding the significance of spatial resistance in aligning risk management strategies with communities' perceptions of risk and their needs. This involves addressing territorial and social vulnerabilities as well as incorporating risk memory into practices. By acknowledging these interconnected factors, risk management strategies can be more effectively tailored to meet the specific needs of different spaces, ultimately leading to more sustainable and effective risk mitigation efforts.

1.2.3. Making use of legal geography to address risk management

There are few existing applications however of legal geography within risk management, in which different risks have been addressed, such as the risk of floods (Becker, 2019), climate change (O'Donnell, 2016, 2017), gas transmission pipelines (Jessup, 2021), forest fires (Sivak, 2013), contaminated land (Atkins et al., 2006; Legg, 2021), etc. In these studies, the spatio-legal dynamics of risk management are examined on various subjects, including identifying the difficulties raised by multiple legal orders (Legg, 2021), the conflicts between risk management measures and individual constitutional rights (Becker, 2019), the impact of the hazardous risk on human safety (Jessup, 2021) or the understanding of the catastrophes together with property relations (Sivak, 2013). These studies, which have a strong connection to this doctoral dissertation, especially for those investigating an effective risk management process from a legal geography perspective, are discussed in detail below.

Becker (2019) employs legal geography in the context of flood risk management in Germany. She focuses on places (e.g., at the river basin scale) defined through law in order to govern and control water and highlight the responsibilities of different actors such as government, private companies, and citizens for effective flood risk management. They also state that no study has yet analysed flood risk management from a legal geography perspective. By adopting legal geography as a framework analysis, they aim to examine how various legal frameworks may either conflict with or assist efforts to control flood risk since this would aid in identifying challenges and successes in properly implementing flood risk management strategies. In addition, Legg (2021) aims to investigate the sources of legal struggles within the management of contaminated land, considering the implications of overlapping multiple legal structures. The study suggested that Australia's existing regulatory approach to contaminated land is vulnerable to scenarios when contamination crosses jurisdictional borders, in which there may be a need to redesign the land regulation or reconsider the governance structure within the management process. O'Donnell (2016) highlights the impact of climate change such as storm, erosion and flooding around the Australian coast, by focusing on the relations between law and place that shape social outcomes. Lastly, Jessup (2021, p. 308) aims to visualise the risk for communities living close to a high-pressure gas transmission pipeline, by exploring ‘the hidden legal geographies of underground gas pipelines’. The study argues the importance of law, which could make the potential hazards of the pipelines' underground lines more visible and enhance risk communication through other legal artefacts,

such as maps for lawmakers and community members to protect residential development. Hence, this body of scholarship that adopts a legal geography framework to address risk management opens up new areas for exploring an effective seismic risk management process in this doctoral dissertation.

Each place presents different complex legal and spatial structures in the risk management process. The legal geography approach helps to analyse this complex structure by considering the interconnections between law, space and people and provides support in identifying the primary source of the problems encountered in the management process. Thus, it contributes to identifying and solving legal, administrative, and social difficulties encountered in risk management. In this context, by using the legal geography framework within seismic risk management, the target outcomes of my case study research include elucidating the role and implementation process of the law, the socio-spatial impact of the law and the traces of controversies raised by the law. These insights would enhance understanding of the decision-making process of risk management practice, especially for hazard-prone countries.

1.2.4. Collective spatio-legal consciousness towards uncertainties

To explore the response of space in law, this section aims to highlight the importance of understanding spatio-legal consciousness, as it plays a significant role in the emergence of spatial resistance in the face of uncertainties related to seismic risk management. Therefore, given that the development of spatio-legal consciousness in these places has precipitated spatial resistance, which has, in turn, impacted laws within the risk management process, the section focuses on elucidating the concept of spatio-legal consciousness. It also elucidates how the citizens living in the Karabağlar risky area have become spatio-legal detectives by developing their collective spatio-legal consciousness and how they unravel uncertainties in the risk management process (See Chapters 4 and 5).

The body of scholarship has developed the concept of legal consciousness within socio-legal studies to investigate how ordinary people construct the meaning of legality (Ewick & Silbey, 1998; Fritsvold, 2009; Sarat, 2017; Sarat & Kearns, 2009). Silbey (2008, p. 1) defines the term as follows: "*legal consciousness traces the ways in which law is experienced and interpreted by specific individuals as they engage, avoid, or resist the law and legal meanings*". Therefore,

legal consciousness takes up the question of how people interact with laws, codes, and social norms when they face a problem in their everyday life and how this interaction shapes their perceptions and understanding of the law (Marshall & Barclay, 2003).

Ewick and Silbey's seminal work identifies three forms of legal consciousness: (*1) Before the Law, (2) With the Law, (3) Against the Law* (Ewick & Silbey, 1998). 'Before the Law consciousness' describes the law as an abstract entity, separated from everyday life. 'With the Law consciousness' frame the law within everyday life and perceives the legality as a game or "*arena of competitive tactical manoeuvring where the pursuit of self-interest is expected and the skilful and resourceful can make strategic gains*" (Silbey, 2005, p. 8). 'Against the Law consciousness' conceptualises the law as a "*product of unequal power*" (Silbey, 2005, p. 9) in which the people are not able to make tactical manoeuvres or play the game by its rules. According to (Fritsvold, 2009), when people are 'Against the Law', resistance can manifest itself. However, it is important to note that resistance can also occur when people are '*With the Law'*, as demonstrated in the case study of this doctoral dissertation.

Fritsvold (2009) broadens the application of Ewick and Silbey's model of legal consciousness and suggests the fourth form of legal consciousness, '*Under the Law'*, in which the law is perceived as '*an active agent of injustice'* (Fritsvold, 2009, p. 806). This perspective refers to the radical environmental activists' perception of the law. The form of resistance differs when the people are '*Under the Law'*, in which they often publicly violate the law and challenge its validity and social order (Fritsvold, 2009). Additionally, various legal consciousness studies question the form of resistance and focus on the tactics that constituted resistance (Chua & Engel, 2019). For instance, Kostiner (2003) brings a cultural approach to sociolegal consciousness and demonstrates how San Francisco Bay Area activists develop legal tactics and strategies to cure social injustice in education.

The forms of legal consciousness developed by Ewick and Silbey (1998) have been subjected to considerable criticism (De Girolamo, 2022; Gill & Creutzfeldt, 2018; Halliday, 2019; Halliday & Morgan, 2013; Hertogh, 2018). The scholars emphasise the illegitimacy of state law as an alternative framework to the Ewick and Silbey schemas, which analyse the law primarily in terms of its legitimacy, such as the induvial interaction of people with the law embedded within

the authority of the state (De Girolamo, 2022; Silbey, 2005). Furthermore, Fritsvold's concept of *'Under the Law*', including a view of law as illegitimate, serves as the foundation for this alternative framework (De Girolamo, 2022). Halliday and Morgan (2013) argue that the Ewick and Silbey schemas rely too heavily on the individual act of resistance. Therefore, they bring the dissenting collectivism for legal consciousness as a for narrative in which they discuss the collective attempt to change the power structures in society when the activist uses the gaming potential of the state law. Likewise, De Girolamo (2022) analyses the narrative of collective dissent in contemporary British theatre and demonstrates that the strategic use of laws - the game approach according to Halliday and Morgan (2013) - does not require the manipulation of laws. Manipulation occurs in chaos when laws are inadequate. By analysing the collective agency of the playwrights' voices, the study reveals that citizens can resolve their conflicts with the law collectively instead of manipulating state law.

Therefore, in parallel with this criticism, in this doctoral dissertation, I employ the Ewick and Silbey schemas of 'With the Law' through the lens of Halliday and Morgan's (2013) concept of 'dissident collectivism for legal consciousness,' rather than as a singular act of resistance. The reason for this is that, especially with the implementation of Law 6306, the local community living in risky areas adopts the gaming potential of the law not individually but collectively, as the law has had a significant impact on their daily lives.

The recent studies of legal consciousness have discussed various topics, including; migration (Gehring, 2013; Güdük & Desmet, 2022; Miežanskienė, 2020), migrant illegality (Flores et al., 2019), welfare poor (Sarat, 2017), climate change (Morgan & Kuch, 2016). Güdük and Desmet (2022) discuss the factors that shape the legal consciousness of migrants based on four dimensions: individual characteristics, relational factors, cultural dynamics, and public policies and discourse. Based on this analysis, their study further indicates that the legal consciousness of marginalised groups varies between 'before the law' and 'against the law', against the general assumption that these groups would be more 'against the law'. Flores et al. (2019) investigate the legal geography of migrant illegality in the United States and discuss how the spatio-legal consciousness of undocumented immigrants was developed and shaped by the mutual connection between law, space, and illegality in their everyday life. Hence, legal consciousness, in other forms, legal-spatial (Flores et al., 2019) or sociolegal consciousness (Kostiner, 2003), has been adopted by many scholars and discussed within different

frameworks, which are mostly related to the forms of legal consciousness, its constituent factors, or its scale, whether individual or collective. To explore how the local communities respond to the intricate interplay between law and space, I employ the term ‘spatio-legal consciousness’ in this doctoral dissertation, drawing from the Flores et al.`s (2019) concept. Furthermore, I aim to establish consistency between this term and the notion of ‘spatio-legal detectives’ in this dissertation.

By focusing on the interplay between space and law, I emphasise the importance of understanding spatio-legal consciousness and its pivotal role in the emergence of spatial resistance, as well as citizens evolving into spatio-legal detectives in response to uncertainties within the seismic risk management process. I further explore how individual spatio-legal consciousness has been transformed into a collective consciousness that has empowered citizens to become spatio-legal detectives, leading to spatial resistance that has influenced related laws in the risk management process (See Chapters 4 and 5).

1.3. Objectives, research questions, and hypothesis

1.3.1. Objectives

The objectives of this doctoral dissertation are two-fold: a specific goal and global goals. The specific goal of this doctoral dissertation is to unveil the intricate spatio-legal network by exploring the mutual interaction between law, place and people linked to risk management strategies, with a particular focus on identifying the role of uncertainty within the risk management practice. The global goals are to develop a broader understanding of legal geography and risk management by investigating this interaction. This doctoral dissertation therefore fills gaps in these two-research agendas.

The main theoretical contribution of this doctoral dissertation is to the contribute relational perspective of the legal geography research agenda. Although relations are part of the legal geography agenda, they are mostly studied based on the constitutive relations between place and legal norms and practices (Bennett & Layard, 2015). This doctoral dissertation contributes the concept of relationality by exploring the symmetrical relationality with Science and Technology Studies (STS). STS' engagement with the relationality of legal geography allows me to reveal different forms of knowledge engaged with the issue of risk. In this way, this engagement brings the invisible relations established not only between people, place, and law defined by legal geography but also between all heterogeneous human and non-human actants. Thereby, this doctoral dissertation advances the concept of relationality within the legal geography research agenda.

This doctoral dissertation also aims to extend three areas of risk management literature. Firstly, the role of *the deeply uncertain essence of risk* and *spatial resistance,* which are given insufficient attention by traditional risk management studies. Secondly, it aims to expand *the debates of materiality* in risk management, regarding a new research interest, namely legal geography. As seismic risk management laws have not been discussed thoroughly enough within legal geography literature, examining the materiality of Law 6306 will provide insights for understanding the legal spatiality of risk management practice. Thirdly, it provides methodological insights for the growing field of research into the use of ANT approaches within risk management and legal geography. Although the use of Actor-Network Theory (ANT) approaches within risk management (Farías, 2014; Levi & Valverde, 2008; Neisser, 2014; November, 2004, 2008; November & Leanza, 2016) and legal geography (Barrera & Latorre,

2021; Cantor et al., 2020; Turner & Wiber, 2022) have been explored, the legal aspects of risk management have not been elucidated through conducting the ANT methodological approach. Towards this objective, the main method of ANT 'following the actants' will be used to document the traces of the translations, adaptations, alliances, and controversies that occur or fail within the characterization of the risky areas network (Masys, 2012). Hence, this doctoral dissertation aims to shed light on the theoretical background and methodological perspective of both legal geography and risk management.

1.3.2. Research Questions

This doctoral dissertation's main research question is how the city (İzmir, Türkiye) –and its heterogeneous network of relations among actants– responds to seismic risk and to a law linked to earthquake RM strategies. It addresses the following specific questions:

1. How and where did uncertainty manifest itself in the development and approval of Law 6306, and what relations among actants contribute to these uncertainties considering the impact of Law 6306 in places?
2. How uncertainty manifests itself when Law 6306 is enforced in places where people are living, and what relational dynamics among different actants lead to the emergence of resistance in those places?
3. How do earthquakes, revisions of Law 6306, and spatial resistance interact to shape actants' internalization of uncertainty? How do citizens respond to this intricate interaction? How and why does a spatio-legal consciousness emerge that enables citizens to become spatio-legal detectives in response to earthquakes and revisions of Law 6306 in the Karabağlar risky area?

1.3.3. Hypothesis

A traditional risk management approach *naturalises uncertainty* by giving attention to *practices* linked to the characterization of hazard (e.g. continuous modelling efforts) while often overlooking practices related to spatial resistance. The impact of practices can be analysed through applying a legal geography perspective to risk management, which offers specific

frames of enquiry (*law in space, space in law* and *the mutual interaction of space and law*). Identifying and analysing *the issues, actants, arenas and practices* (Kurath et al., 2018) in each of these frames –according to the ANT methodological perspective– provides an enhanced understanding of the role of *uncertainty* within risk management. The doctoral dissertation is based on the following three hypotheses:

1. *The Van earthquake* prompted the development of Law 6306, *the uncertain nature of earthquake risk* characterises the framing and the content of Law 6306, and the failure to involve relevant actants associated with the spatial conditions of the affected risky areas, including their infrastructure, legal, social, or economic dynamics, as well as the practices, habits, and beliefs of their inhabitants in the decision-making process for the law, may have contributed to uncertainties regarding the effectiveness of Law 6306 in those places,

2. The *uncertainty* experienced by various actants towards the implementation of Law 6306 increases and legitimizes spatial resistance which in turn impacts territorial vulnerability. The government provides an answer to this spatial resistance by constantly adjusting and revising the legal framework,

3. There is a mutual and continuous interaction between *the revisions of Law 6306*, *the earthquake,* and *spatial resistance.* This mutual interaction shows how actants internalise uncertainty and developed their spatio-legal consciousness in support of spatial resistance. This, in turn, enables citizens to act as spatio-legal detectives, facilitating the discovery of creative ways for collectively reducing uncertainties arising from the implementation of Law 6306 as a risk management strategy.

1.4. Research structure & formulation

1.4.1. Research structure: Investigating mutual interaction between 'Law' and 'Space'

This research is structured as in three phases:

i. understand the impact of law in space: Examining the decision-making process of Law 6306 to understand how the law is made and how the law designates specific places (namely risky areas) in Türkiye; investigating the enacting and implementation process of the law linked to risk management; exploring how the law copes with uncertainty; and analysing how the law is interpreted by the *insiders* (people living in the risky areas, community associations and representatives) and the *outsiders* (municipal, provincial, central officials, experts, developers)[11].

ii. elucidate the impact of space in law: Examining the reaction and the resistance of the different actants linked to the implementation of Law 6306 and investigating the legal network of human factors and material objects (e.g., land titles, land prices, master plans, inhabitants' relocation plans, infrastructures –roads, watermains, electric networks–, environmental amenities, seismic risk memory) in terms of risk management through the case of Karabağlar in İzmir.

iii. assess the mutual interaction between Law 6306 and risky areas: examine the interrelationship between Law 6306 and the case study over time; analysing revisions to Law 6306, court records, case law, amendments to master plans, and changes in population, built forms and landscape in the case study.

1.4.2. Research formulation: Understanding the impact of 'Law in Space' and 'Space in Law'

To understand *the mutual interaction* between Law 6306 and risky areas, I formulate the doctoral dissertation in two complementary phases by examining *the impact of law in space* and *the impact of space in law*:

[11] Fernández (2015) employs the terms 'insider' and 'outsider' to categorize the different actors involved in the risk management process, on her dissertation on risk management. I have integrated these terms to differentiate between those actants positioned 'inside' - who possess a vested connection with the territory- and those positioned 'outside' - serving as law enforcers and those who view the territory as a tool and exercise control over it - in the context of territorial control and power within the risk management process.

i. To understand the impact of law in space:

Firstly, the study aims to understand how Law 6306, which determines rehabilitation, clearance, and renovations of areas under disaster risk, was made and how it changed during its implementation process. As the Turkish Grand National Assembly approved Law 6306 and its regulations on 31.05.2012, reports from parliamentary meetings were analysed to better understand the decision-making process in the development of the new law, and also the amendments that were subsequently made to it. Textual analysis was performed to gather and analysed information about the uncertainty linked to seismic risk management, to understand the likely interpretations and perceptions of what is at stake in the eyes of legal experts and politicians.

ii. To understand the impact of space in law:

Space plays two major roles in the development of the law: (1) in the design and approval process, and (2) in the implementation process.

Firstly, as the majority of Türkiye is prone to earthquake hazard, '**space** as an earthquake-prone area' played a role in **design and approval of Law 6306**. 92% of the country's land is located in earthquake risk zones (in which 98% of the total population live). More importantly, 71% of the total population of Türkiye live in first- and second-degree earthquake risk zones (Platt & Drinkwater, 2016; Sonmez Saner, 2013). On the basis of Law 6306, until 2016, the Ministry of Environment, Urbanisation and Climate Change declared a total of 11.971 ha of land in Türkiye[12] as risky areas, which affects 1.718.415 people living in these districts (Gündoğmuş, 2016). As a result, these risky areas which became the main concern of the country's risk management policy characterized Law 6306. To understand the impact of that law, I focus on the materialities of space, which are linked to earthquake-risk (e.g fault lines,

[12] Türkiye covers an area of 783,562 km², with a population of **85.279.553** (2022) (Retrieved April 2023 from: https://data.tuik.gov.tr/Bulten/Index?p=Adrese-Dayali-Nufus-Kayit-Sistemi-Sonuclari-2022-49685)

ground structures), and use the ANT framework to analyze scientific models, maps, reports related to earthquake prone areas in Türkiye.

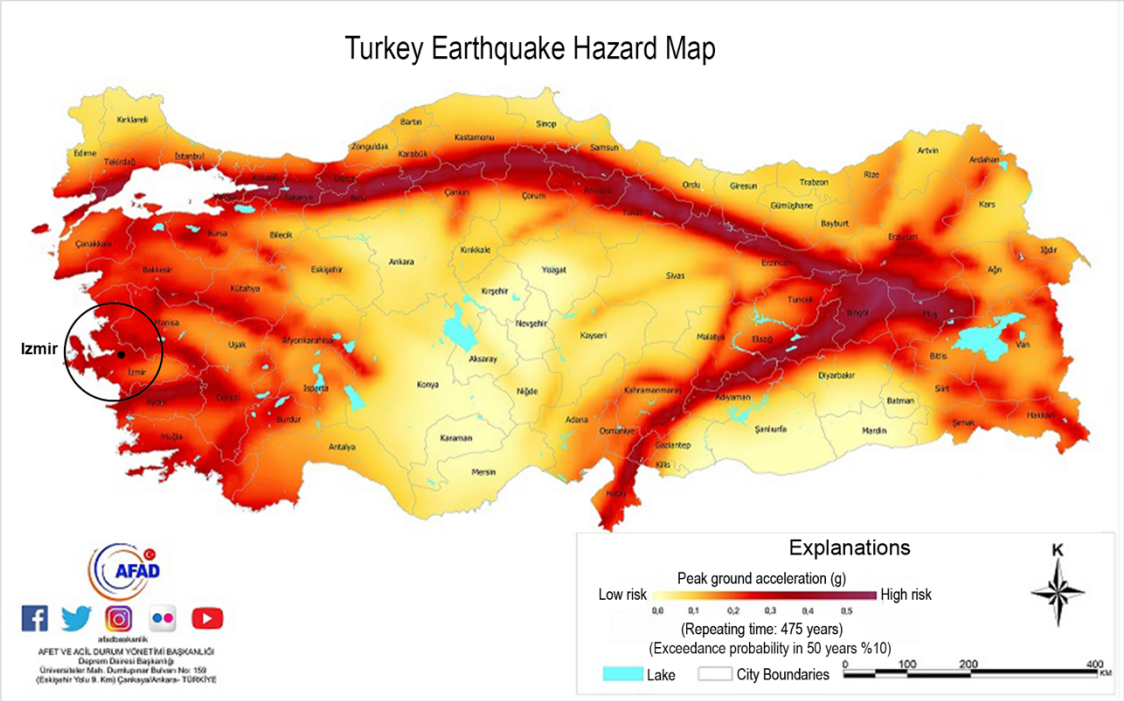

Figure 1. 1. Türkiye earthquake hazard map (2019)[13] and the location of case study

Secondly, I explore the impact of **space** in **the enacting and implementation process of Law 6306**. Using a case study approach, I investigated the urban transformation process of the largest risky area in İzmir, which is in the Karabağlar district (540 ha risky area, covering 15 Neighbourhoods), and which was declared a risky area in 2012 under Law 6306 (See Figure 1. 1, Figure 1. 2 and Figure 1. 3). The designated area has 17.000 independent units and a population of 53.500 people are affected by this urban transformation project (İzmir Çevre ve Şehircilik İl Müdürlüğü, 2017b, as cited in Çelikbilek & Öztürk, 2017).

Regarding the case study selection, there are two essential reasons for focussing the study on the Karabağlar risk area. Firstly, in 2012, the Ministry of Environment, Urbanisation and Climate Change designated 918 hectares of land as risky areas in İzmir, the third biggest city in Türkiye, and 500 hectares of this land is declared risky area within the small district of

[13] https://deprem.afad.gov.tr/deprem-tehlike-haritasi?lang=en (Last viewed 25 March 2020).

Karabağlar. So, the Karabağlar risky area is one of the biggest risky areas designated by the Ministry under Law 6306. The second reason is the ongoing protests regarding the decision on risky area decision in the Karabağlar district by the local community on the media, which allowed me to investigate the mutual relation between law and space.

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Figure 1. 2. The location of the Karabağlar risky area in İzmir

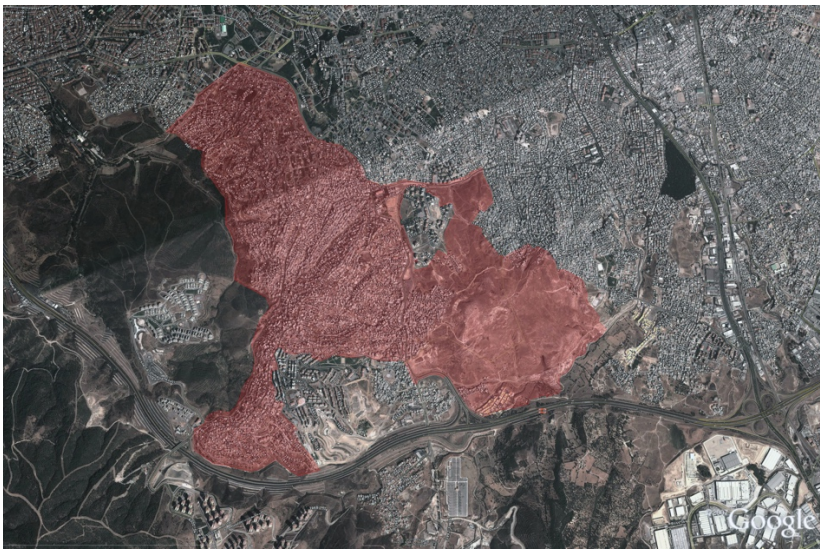

Figure 1. 3. A satellite image of the Karabağlar risky area

I identified and analysed the *actants, issues, arenas* and *practices* of the case of Karabağlar - according to the methodological premise of ANT, which are tied together through the heterogeneous network of relations (Kurath et al., 2018). In terms of *issues*, the risky area is identified by unhealthy building stock and a low-income population rate. The district is located at the old city edge, where the newcomers to İzmir started to settle in the early 1970s by mostly occupying publicly owned land (See Figure 1. 4). Considering the construction techniques and materials of the buildings in the area, the Ministry has identified the Karabağlar district as a high-risk zone in case of a possible disaster, which could result in loss of life and property.

In 2013, after the area was declared risky, the Ministry had building analyses done by a private company for the Karabağlar risky area, in which only the visible physical conditions of the buildings were analysed. According to the analysis, it was determined that there are approximately 10% good quality buildings, 67% medium quality buildings and 22% poor quality and ruined buildings in the risky area (See Figure 1. 4, Table 1. 1). It is also important to mention that approximately 70% of the area has been developed with buildings, which are mostly dominated by 1 and 2 storey buildings[14] (See Figure 1. 5) (The Ministry of Environment, Urbanisation and Climate Change, 2013, as cited in Güneş, 2018). Hence, the analyses indicate a significant concern with the building stock in the area.

On the other hand, despite its unhealthy building stock according to the Ministry, the district became a desirable place to live after the construction of highways next to it. The view of the İzmir Gulf from the area, combined with its convenient proximity to the city centre (15 minutes by car), are other significant factors that contribute to making this area a desirable place.

[14] In addition to the visible building quality analysis, the number of storeys has also been analysed for the area. According to this analysis, out of the 9,870 buildings surveyed, 42.66% are single-story structures. Two-story buildings account for 28.54%, while 3-story buildings constitute 19.75%, and 4-story buildings make up 6.81% (The Ministry of Environment, Urbanisation and Climate Change, 2013, as cited in Güneş, 2018).

Table 1. 1. Analysis of visible building quality in Karabağlar risky area (The Ministry of Environment, Urbanisation and Climate Change, 2013, as cited in Güneş, 2018)

Visible Building Quality	**Number of Buildings**	**Percentage %**
Good	1042	10,56
Medium	6611	66,97
Poor and ruined	2169	21,98
Construction	48	0,49
Total	9870	100

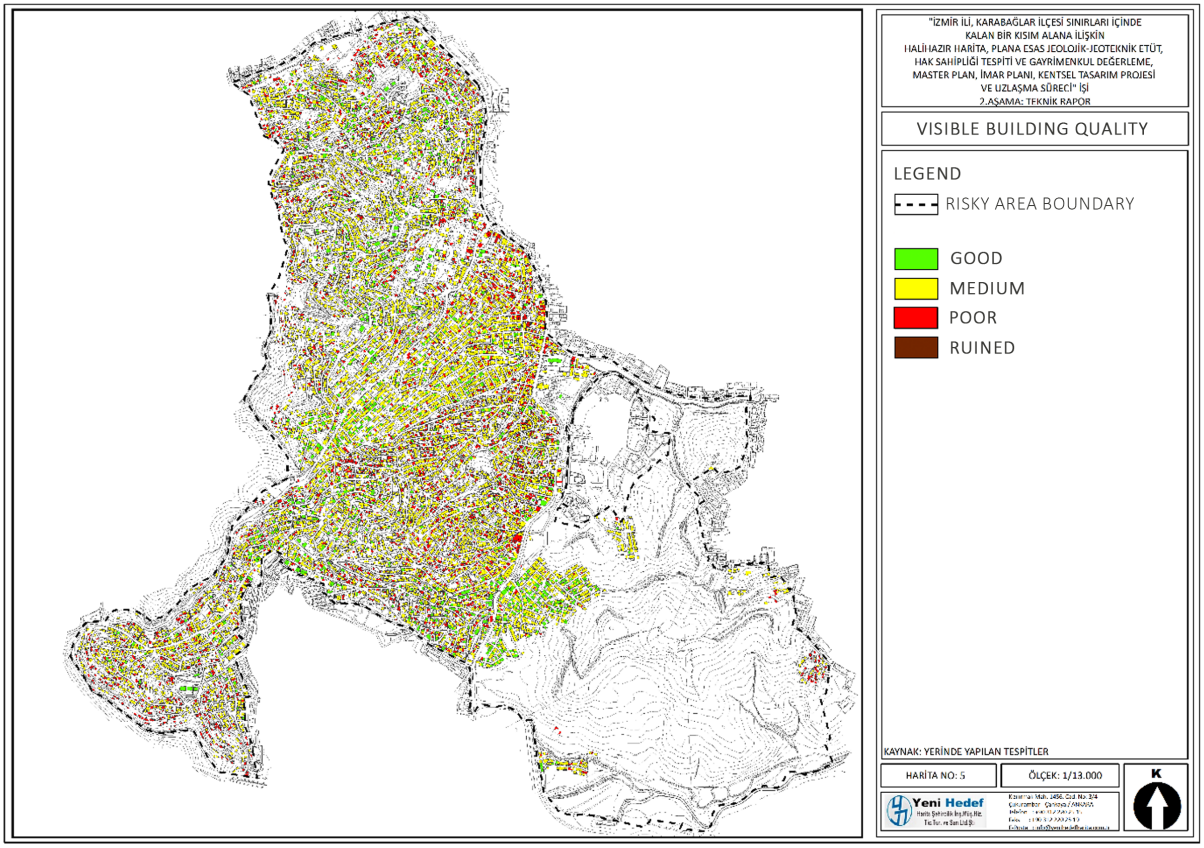

Figure 1. 4. Analysis of visible building quality in Karabağlar risky area (The Ministry of Environment, Urbanisation and Climate Change, 2013, as cited in Güneş, 2018)

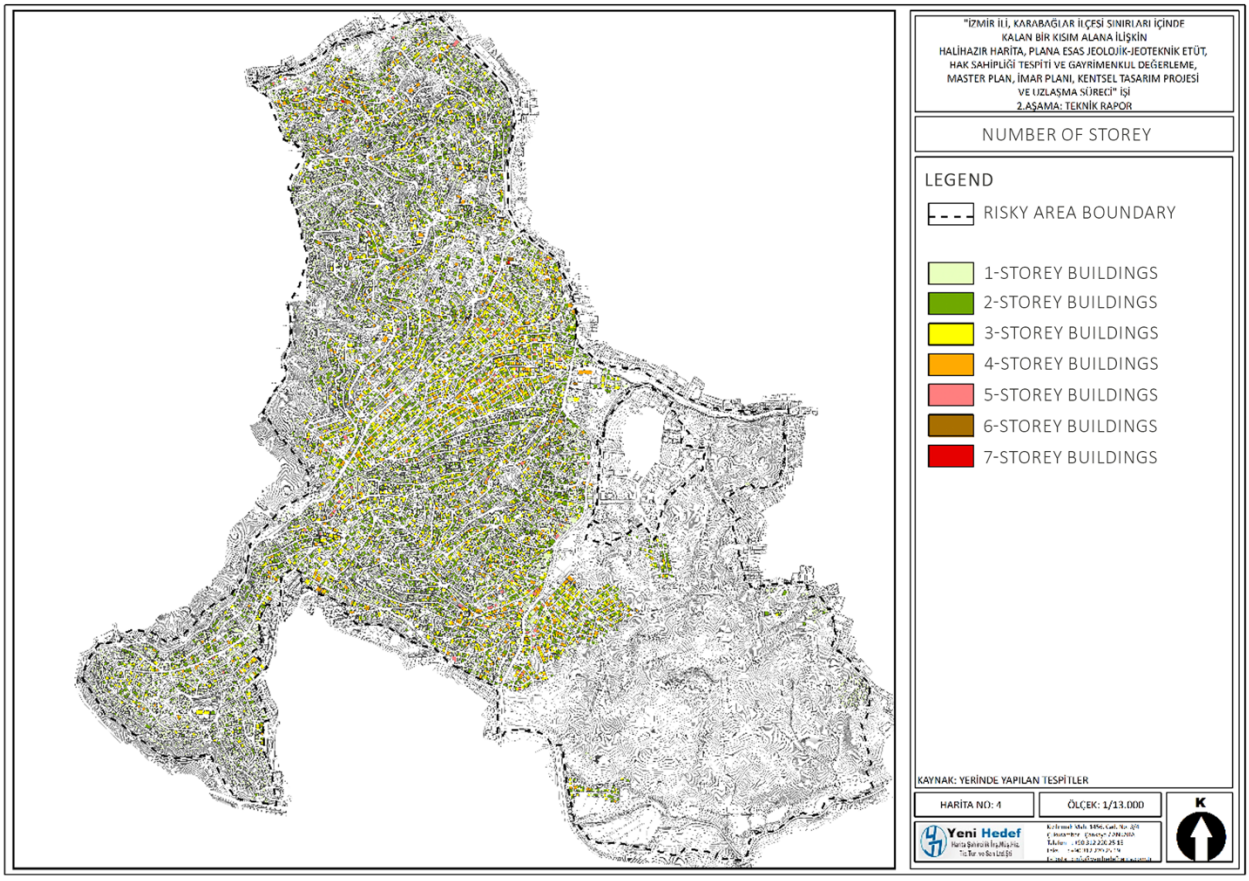

Figure 1. 5. Analysis of the number of storey analysis in Karabağlar risky area (The Ministry of Environment, Urbanisation and Climate Change, 2013, as cited in Güneş, 2018)

Arenas, in which knowledge production takes place, appear in formal and informal settings. The formal settings take place in the city or the capital city (e.g., the Municipality, the Provincial Directorate of Environment, Urbanisation and Climate Change, the Parliament, and the courts), and in informal settings occur within the district (e.g., rooms, local coffee houses used by the associations). Due to the legal operational background of the case study of Karabağlar, different *actants* and *practices* are involved in the urban transformation process of the district. According to Law 6306, the Ministry itself is responsible for preparing plans and building projects for transforming risky areas. On the other hand, the Ministry can also transfer this authority to local governments. In İzmir, this is done by the Ministry. By following this method of implementation, I identified the *actants* in the Karabağlar district (e.g., legal documents, laws and regulations, master plans, risky areas, associations, etc.) and followed their relations. Together with the *actants*, I examined the *practices* which enact specific realities by circulating and stabilising those relations (e.g., legal proceedings, the making of the Disaster Law,

community meetings, etc.). Hence, the investigation of the symmetrical relations between the *actants, issues, arenas* and *practices* reveal the reaction of the local communities and the different actants to the implementation process of Law 6306 in the case study area. More specifically, I focus on the response of human factors (e.g., community, local government officials) and material objects (e.g., land titles, master plans, earthquake) within the urban transformation process of the risky area.

In this part, the conflicts between different actants, which are raised by the law, are discussed to understand the impact of the law on the social, cultural, and political structure of the case study area and the resistance of space. Above all, the role and implementation process of the law, the socio-spatial impact of the law and the traces of controversies raised by the law are examined.

1.5. Methodology: Actor-Network Theory as a methodological premise

Actor-Network Theory (ANT) is applied as a source of methodological inspiration, which brings symmetrical understanding among human and nonhuman actors. ANT comes out as a methodological premise to follow the heterogeneous network of relations among actants in urban assemblage (Callon, 1986; Farías, 2011; Latour, 2005; Law, 1992). The main methodological tool of ANT '*following the actants'* helps to trace human and nonhuman actors and their translations making a network which produce accounting facts. More specifically, ANT helps identify which actants play which role within a particular network of knowledge production (Latour, 2005). To explain the process of forming a functioning network, ANT examines the '*translation process'*, which concerns how the actants are mobilised together through their alignment of interests and held together to compose a heterogeneous network while simultaneously transforming one another (Callon, 1984; Law, 1992). Therefore, the translation process involves defining the roles of the actants, distributing them, and depicting a scenario (Callon, 1986). Successful translation emerges when certain actants can enrol and mobilise other actants and comply with them (Callon, 1984). However, if the actants driving the translation process fail to engage other actants successfully, the translation process results in dissent rather than success (Rivera & Cox, 2016). In this doctoral dissertation, I have applied the concept of translation to illustrate how heterogeneous socio-legal networks, woven together by connections, are composed with the implementation of Law 6306 in Karabağlar.

Drawing on this translation process and adopting the graphic by Latour (2010a), I illustrate and discuss how the uncertainties are created, maintained, or resolved in risk management processes under Law 6306 through the overall movement of actants (See figures 4.6 and 5.12). Subsequently, the following paragraphs detail recent legal geography and risk management studies which adopt the actor-network theory (ANT) methodological perspective.

With regard to legal geography studies, ANT has been suggested by socio-legal scholars as a particularly important methodological approach for analysing the connections between actants (Levi & Valverde, 2008; Valverde, 2012). In this context, an increasing number of legal geography studies focus on the relationship of *space to materiality*. The phenomenon of **materiality** is considered a new concern that brings an understanding of humans' entanglement with matter or broadly with nonhuman things (Hodder, 2012). As law embodies human and nonhuman things such as documents, land, buildings, habitats and signs, the materiality of law enables us to expand the research area and move beyond its limits (Delaney, 2010). For example, Latour (2010b) examines the process of legal decision-making associated with materiality. He analyses the relationship between human and nonhumans (e.g. desk, corridors, documents, folders, rubber bands, paper clips) that affects the decision-making process in the *Conseil d'Etat*. While Latour focuses on the production of the legal network through actants, Braverman works on 'nonhuman legalities'. She focuses on the link between nature and nonhuman such as zoos and animality. She emphasizes the role of law in forming and managing conflict-driven places and in the human production of animality (Braverman, 2012, 2013). Furthermore, Bartel and Graham (2016) focus on the legal signification of property as nonhuman and analyse the role of biodiversity law on private land regulation and place attachment. In addition to Bartel and Graham, Gillespie (2016) also examines the relationship between property, people and law with regards to non-western settings. Therefore, a growing number of contributions examine *the materiality of law* by focusing on the network of relations between human and nonhuman within law-making practices. In this context, scholars work on the environment (zoo, courtroom) or the objects (property, animal species, files or documents) as nonhuman actors.

Concerning risk management studies, a number of recent scholars have focused on the benefits and implications of ANT (Angell, 2014; Farías, 2014; Klinke & Renn, 2002; Masys, 2012; Neisser, 2014; November, 2004, 2008; Petersen, 2014; Tironi, 2014). From their

perspective, risk is conceptualised as an assemblage of heterogenous entities that result from a chain of interactions between technical artefacts, natural substance and human organisation or disorganisation (Neisser, 2014; November, 2004, 2008). Neisser (2013) suggests that the pillars of risk management are: the information flows about the risk; the implementation of technology and material objects (such as technological warning system for floods or tsunamis); and the coordination and cooperation between stakeholders, whether they have lay or expert knowledge, in a given geographical context.

The research in this area focuses on the relationship of *human and nonhuman entities* within various risk management *contexts*, including: the challenges in early warning systems (Farías, 2014) the risk–territory relations (November, 2008); the information flow within risk management (November & Leanza, 2015); the mapping practice related to risk governance (Beck & Kropp, 2011; Petersen, 2014); the participatory technologies of post-disaster governance (Tironi, 2014). Furthermore, various types of hazards including fire risks, floods, pandemic, tsunamis are discussed within these studies. In this regard, the ANT approach, which offers tools to analyse assemblages of risk, is particularly useful at providing post-disaster analysis in order to identify errors and challenges within risk management practice. Hence, the tools of ANT, especially the method of 'following the actants', facilitates a deeper understanding of the process of RM and helps to improve strategies of risk management for prevention and mitigation by learning from past events (Czarniawska, 2009, as cited in Neisser, 2013).

Although the main methodological tool of ANT provides a promising direction for developing legal geography and risk management studies, it is necessary to critically assess its constraints. One notable critique of ANT, also highlighted by Latour (1999), is its predominantly descriptive mode of analysis, which emphasizes the 'how' questions, examining how those networks are structured and maintained and what the effects are. However, it focuses less on the question of 'why,' which underlies the reasons behind practices and speculates on the intentions of the actants (Law and Bijker, 1994, as cited in Postma, 2009). Therefore, ANT becomes limited in understanding 'why' relations are established in a certain way. For instance, while this doctoral dissertation reveals the practices of the Ministry as a response to spatial resistance within the risk management process, the

ANT methodology falls short to address the question of why these practices have been performed in this particular manner (See section 5.3.2).

Another constraint within ANT which requires critical examination is the dimension of power, politics, and scale—areas in which ANT has faced significant criticism and which are integral to effective risk management. In terms of ANT's relation to politics, Whittle and Spicer (2008) argue that ANT reduces the meaning of political action by elevating the importance of non-humans. Nevertheless, the relevance of political matters can be grasped by examining the outcomes of performative realities, which reveal how positive and negative realities are constructed across diverse arenas of practice (Law, 2004). Regarding the issue of power, the critiques also state that ANT ignores inequalities or differences within power relations, such as gender, class, or race (Holifield, 2009; Müller, 2015; Swyngedouw & Heynen, 2003). In contrast, ANT shifts our focus towards the mechanisms that facilitate the creation and expansion of new networks, generalise social orders, and integrate actants into these frameworks, thus shaping their social identities in specific ways (Holifield, 2009). This perspective may not directly address inequalities but rather offers a unique lens by focusing on the complex relational dynamics of network formation that generate injustices and the roles of various actants in these networks.

Lastly, ANT is criticised for its insufficient differentiation among scales within network formation, and this is particularly relevant in risk management, which operates across both global and local scales. Despite this, ANT's lack of hierarchical structure highlights how power is distributed and how interactions are facilitated across these scales (Legg, 2009). It exposes the dynamic, interrelated network configurations that connect local and global dimensions of risk management (Neisser, 2014). For example, this doctoral dissertation does not intend to differentiate the power dynamics between the different scales concerning the LTA document, which introduces uncertainties in the risk management process. Instead, it demonstrates how the ANT methodology reveals complex inter-scale relationships raised by this legal document. It also highlights how these connections extend from individual to national and transnational levels, involving institutions like the European Court of Human Rights or the Parliament in managing risks in the Karabağlar district. All in all, despite the challenges of applying the ANT methodology to risk management studies, particularly concerning scale, power, and politics, it offers an insightful perspective on the complex nature of the field.

Above all, my doctoral dissertation aims to expand the debates of materiality in legal geography and risk management by applying a methodological approach inspired by ANT. It considers law as a network of people and things. In this scope, there are two interwoven contributions to legal geography and risk management scholarship. Firstly, the study contributes to the relational perspective of the legal geography research agenda by investigating the symmetrical relationality with Science and Technology Studies (STS). Even though legal geography focuses on the relations between people, place and law, examining analytical symmetry between humans and non-humans provides a lens through which to reveal invisible links creating complex issues and uncertainties. Secondly, as traditional risk management approaches do not sufficiently pay attention to human practices and non-human materialities in the production and management of risks, the methodological premise of ANT offers to enhance the understanding, the tracing, and the visualisation of the complex assemblage of risks, and helps to identify issues (or elements at stake) within the process of risk management practice. To provide well-practised improvisations, ANT helps unpack the socio-legal network of relations in terms of the decision-making and implementation process of law, which facilitates a broader understanding of the interrelationship between law, space, and people (Czarniawska, 2009, as cited in Neisser, 2013).

1.5.1. Research techniques and data collection

In this doctoral dissertation, I position myself as a spatio-legal detective, utilising various qualitative methods to collect data that will help unravel the web of intricate relations among space, people, and law in the case study of Karabağlar. To trace these relationships, I gather data on *actants, issues, arenas,* and *practices* (Kurath et al., 2018) through methods including key informant interviews, walking interviews, observations, photographic reports, document analysis, poster analysis, case law review, and media research (see Table 1.2). These methods which I detail below form the toolkit for my detective work.

Key informant interviews are one of the central methods of my investigation. These interviews are qualitative, in-depth discussions with individuals who provide insights on a specific subject. I have conducted these interviews for data collection with the Ministry of Environment, Urbanisation, and Climate Change; the İzmir Chamber of City Planners; related metropolitan and district municipalities; as well as civil society organisations and associations in the risky

area and other cities. During these interviews, I have employed semi-structured techniques[15] to gather information on the main *issues* and uncertainties they face, the *practices* they employ to address these issues, the *arenas* they participate in to resolve these problems, and the main *actants* they relate to. Additionally, I have conducted walking interviews with the community members in the Karabağlar district to elucidate how the locals connect the legal and spatial. During these interviews, the informants guided the walk, commenting on and identifying spatial materialities such as illegally built houses, infrastructure, and roads they constructed when establishing their neighbourhood. They also discussed the legal issues that they have faced or that continue to affect their daily lives in connection with these spatial elements.

Guided by following the main actant 'Law 6303,' I have selected the first group of informants who have particular knowledge and understanding of the urban transformation process of the Karabağlar risky area and are actively involved in this process, such as national and local governmental bodies, local community residents and leaders, the representatives of chambers, and civil society organisations and chambers. As the interviews progressed, by following the clues obtained during the interviews, I conducted the second and third groups of interviews to reach new informants involved in spatial resistance processes, not only in the designated risky areas but also in other cities. The aim was also to include diverse representatives from different groups and various experts, such as urban planners and lawyers, who are knowledgeable about the urban transformation process under Law 6306 (see section 1.5.2 for more details).

[15] The questions for the semi-structured interview are organised into five thematic groups: (1) Initial Engagement: Can you describe how you first got involved in this process/project? How did it begin? (2) Practices: What are some of the key practices you have implemented since you started participating in this process/project? (3) Actants and Interactions: Who have been the main individuals or groups you've engaged with throughout this process/project? Among the actors you've interacted with, who have you worked with most frequently? (4) Issues and uncertainties: Could you share any significant challenges or uncertainties you've encountered during this process? How have you managed or overcome these challenges? (5) Arenas: Where have you primarily conducted these activities or practices?

Document analysis plays a pivotal role in this process, particularly in understanding the impact of space in law. Initially, I analysed parliamentary reports to identify key actants and their contributions during the design and approval phases of Law 6306. Subsequently, I have examined 58 parliamentary reports from 2012 to 2019 on amendments made to Law 6306. Alongside this analysis, I have performed textual analysis to analyse interpretations and perceptions at stake during the parliamentary meetings. Additionally, I have conducted analyses of various documents, such as master plans, expert reports, and geological reports, as outlined in Table 1.2. In this context, I have employed textual and discursive analyses to examine changes in the master plans. Therefore, the method of document analyses significantly contributed to my investigation to identify the sources of uncertainties by helping to untangle the relations between the actants.

I have also employed various methods to understand the spatial resistance. I conducted *group* observations by attending neighbourhood meetings organised by civil society organisations from October 2018 to January 2020. During these meetings, I observed all the gatherings of the Karabağlar Neighbourhood Union in the different neighbourhoods of the risky area. In addition to uncovering the Karabağlar Neighbourhood Union's practices for resolving the uncertainties, these participatory observations also allowed me to identify 'silent' or 'hidden' actants (Neisser, 2014, p. 108), such as legal documents, master plans, and geological or expert reports, that play a role in the process of spatial resistance. Additionally, I utilised poster analysis to examine advertisement campaign posters prepared by governmental bodies and the construction companies involved in the urban transformation project. This analysis also included studying posters produced by civil society organisations to understand their efforts concerning the spatial resistance movement. Furthermore, I have utilised *media research* to uncover the interactions between actants throughout the process, track the uncertainties faced by the actants, and stay updated on significant issues such as changes in laws and earthquakes that have altered the relationships among actants in the research process.

Lastly, I have utilised *case law analysis* to access information that I was unable to reach out to during the key informant interviews, particularly those from governmental bodies. I have investigated the case laws in Türkiye, which constitute judicial decisions and act as secondary

sources of Turkish law[16]. It is crucial to note that decisions issued by the Constitutional Court are binding. Similarly, rulings and authoritative decisions by higher courts, such as the Court of Cassation and the Council of State, are also binding and establish precedents for lower courts within their jurisdictions. Therefore, during the judicial process, judges interpreting legal rules must first ascertain the facts of the case before them and, secondly, determine the legislator's intent under the prevailing circumstances (Ansay et al., 2020). Therefore, to elucidate the sources of uncertainties, particularly those associated with the Land Title Allocation (LTA) document, I have examined 221 case laws from Türkiye's higher courts, including the Constitutional Court, the Presidency of the Council of State, and the Court of Cassation. I have applied content analysis to systematically analyse this large volume of data and to gain a better understanding of the issues related to the LTA document and the actants involved in this matter. Initially, I reviewed all relevant decisions from the Constitutional Court to identify the primary concerns regarding the LTA document. To better understand the challenges faced by the squatters during the urban transformation process, I analysed decisions from the Presidency of the Council of State and the Court of Cassation, with a specific focus on cases mentioning the 'Land Title Allocation document' and 'urban transformation. Moreover, this analysis has also uncovered precedent cases from the European Court of Human Rights, highlighting the significant issues related to the LTA document. This methodological approach gave critical insights regarding the uncertainties surrounding the LTA document—its origins, associated issues, and status as a significant concern in some districts for over 40 years (see Chapter 4).

[16] Legislation is the primary source of law in Türkiye, as it is in other civil law countries. To a lesser degree, customary law, and case law are sources of Turkish law; books of authority or doctrine serve as subsidiary sources (Ansay et al., 2020).

Table 1. 2. Research techniques and data collection

Research Techniques	**Data & Information Sources**
Document analysis	Primary and secondary literature in risk management and urban transformation in Türkiye, Previous laws and regulations linked to risk management, Reports of parliament meetings and the commission report related to Law 6306, Law 6306 and its regulations; amendments of Law 6306, Geological reports, Master and implementation plan of the risky areas (Karabağlar, İzmir) and related reports, Amendments to master plans and implementation plans, Expert's reports about the risky area, Statistics and demographic data, Road maps, and infrastructural maps, Press Releases.
Poster analysis	Advertisement campaign posters for the urban transformation projects, Posters produced by civil society organisations to make announcements within the affected communities, Poster produced by the Ministry.
Case law analysis	Lawsuits files, Objection letters, Court decisions.
Observations	Neighbourhood Meetings organized by Civil Society Organisations in the risky area, Fieldwork observations, Photographic reports.
Key informant interviews	Ministry of Environment, Urbanisation and Climate Change, İzmir Provincial Directorate of Environment, Urbanisation and Climate Change, İzmir Chamber of City Planners, Related municipalities (metropolitan and the district), Society organisations within risky areas, and associations (One Hope Associations).

1.5.2. Following the actants in the case of Karabağlar

In 2018, I conducted the first pilot study related to my doctoral dissertation and started to follow the actants in the implementation process of Law 6306 in the Karabağlar district. I made my preliminary field visit to the Karabağlar risky area in 2018 and had the opportunity to establish contacts with the community living in the risky area and local officials. Following this visit, I became a member of their civil society organisation 'Karabağlar Neighbourhood Union' to trace their meetings. Between Oct 2018 and Jan 2020, I observed all the Karabağlar Neighbourhood Union group meetings in the risky area's different neighbourhoods.

Regarding the interviews, I conducted the key-informant interviews in three periods between Oct 2018 - Feb 2022 (The İzmir Provincial Directorate of Environment, Urbanisation and Climate Change, Ministry of Environment, Urbanisation and Climate Change, Karabağlar Municipality, One Hope Association, Karabağlar Neighbourhood Union, İzmir Chamber of City Planners) in different cities namely İzmir, İstanbul and Ankara. I completed the first group of key informant interviews[17] between Oct 2018- Jan 2020 to trace the actants central to the enacting and implementation process of Law 6306 in the Karabağlar risky area. Through these interviews, I explored the main issues raised by the law - including the controversial master plans, and their ill-defined property rights-and examined the relations between actants and their practices within different arenas (such as social facilities or local coffee houses used by the associations)[18]. Between May and June 2021, I conducted the second group of interviews[19]

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[17] The first group of interviews include nine key informant interviews with the İzmir Provincial Directorate of Environment, Urbanisation and Climate Change , the Risky Areas Unit in Urban Transformation Department (1) Ministry of Environment, Urbanisation and Climate Change including the 'Department of Risky Areas' within 'the Directorate General of Infrastructure and Urban Transformation' and the 'Department of Master Plans' within 'the Directorate General of Spatial Planning' (2), Karabağlar Municipality, the Etud-Project Department (1), One Hope Association (1), Karabağlar Neighbourhood Union (3), İzmir Chamber of City Planners (1).

[18] The issues, actants, practices and arenas are discussed in detail in each chapter.

[19] The second group of interviews has three interviews with an urban planner at Risky Areas Unit in Urban Transformation Department of İzmir Provincial Directorate of Environment, Urbanisation and Climate Change, the Head of the Karabağlar Uzundere Harman Yeri Urban

to clarify the controversies raised by the actant ‘land title allocation' (LTA) document, which provides a conditional property right for the squatters living in the designated risky area. During the interviews, I also learned about the recent issues concerning the İzmir Earthquake in 2020[20].

In February 2022, lastly, to understand the connection between the locals and the Karabağlar risky area, I conducted the third group of interviews with two pioneers who migrated to İzmir in the 1970s and were involved in the construction of the Limontepe and Yüzbaşı Şerafettin neighbourhoods in the Karabağlar risky area. These interviews were conducted to explore how the locals established connections between the legal and spatial.

Another fundamental analysis that I use while following the actants in the Karabağlar risky area is case law analyses. Within the scope of this study, I have examined the case laws from higher courts in Türkiye to understand the main issues in the urban transformation process both in Karabağlar and other risky areas, which also help to identify the actants' relations that create these issues. Furthermore, along with the interviews and case law analyses, I collected documents regularly, including legal files and planning documents from related municipalities (metropolitan and the district), civil society organisations (Karabağlar Neighbourhood Union, One Hope Association), the Chamber of Urban Planners of İzmir, and the Ministry of Environment, Urbanisation and Climate Change.

In addition to my case study research, I attended and completed a certificate programme entitled *'Urban transformation specialist certificate program (based on Law 6306- Disaster Law)*' organised by IZTECH Continuing Education Center & SFCA Academy (June - August 2021). This certificate programme is open to everyone and offers various courses on the legal, social, and economic dimensions of the urban transformation process of risky areas. The programme provided me with an opportunity to learn and discuss the recent legal issues with

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Conservation Association and member of the Karabağlar Neighbourhood Union) and the Officer at the Real Estate Department of the Karabağlar Municipality.

[20] The İzmir Metropolitan Municipality proposed new earthquake regulations for the damaged areas by the recent İzmir earthquake. However, these regulations did not affect the Karabağlar risky area, as it was not affected by the earthquake.

experts and laypeople regarding the urban transformation process under Law 6306. I have used those discussions to better clarify the interaction between the Karabağlar risky areas and specific legal documents related to Law 6306 (such as the LTA document, building registration certificate, etc.).

While utilising the ANT-inspired method during my fieldwork in Karabağlar, my positionality became both an insider and an outsider within the research context. When identifying the actants and their practices independent of my presence, I inevitably influenced the relationships and dynamics during my fieldwork, especially when conducting interviews and participatory observation at neighbourhood meetings. In early ANT studies, the researcher was seen as a 'conscious' researcher of external reality. However, according to ANT and after, the researcher is part of the knowledge production process (Alcadipani & Hassard, 2010). In other words, no socio-legal network exists independently of the researcher, who reconfigures this network under study by intertwining particular human practices with non-human materialities (MacLeod et al., 2019). Therefore, based on the data collected in this study, I have prepared and analysed a socio-legal network map that emerged with the implementation of Law 6306 and other related laws in Karabağlar.

To examine the co-constitutive relations between law, space and people in the risk management process in Karabağlar, I investigated the actants and their relations within five clusters, including Law 6306, legal decisions, the Karabağlar Neighbourhood Union, earthquakes, and the risky area. To further identify and analyse the role of uncertainties within the risk management process, I revealed a complex web of relationships and interactions between various actants that either resolve or create uncertainties in the Karabağlar risky area. Therefore, I decided to exclude some actants from the social legal network map, such as: the concepts of this doctoral dissertation, (ie. spatio-legal consciousness), or myself as a spatio-legal detective in this network. This decision was made to better visualise the actants responsible for the resolution and production of uncertainties (See Figure 1.6).

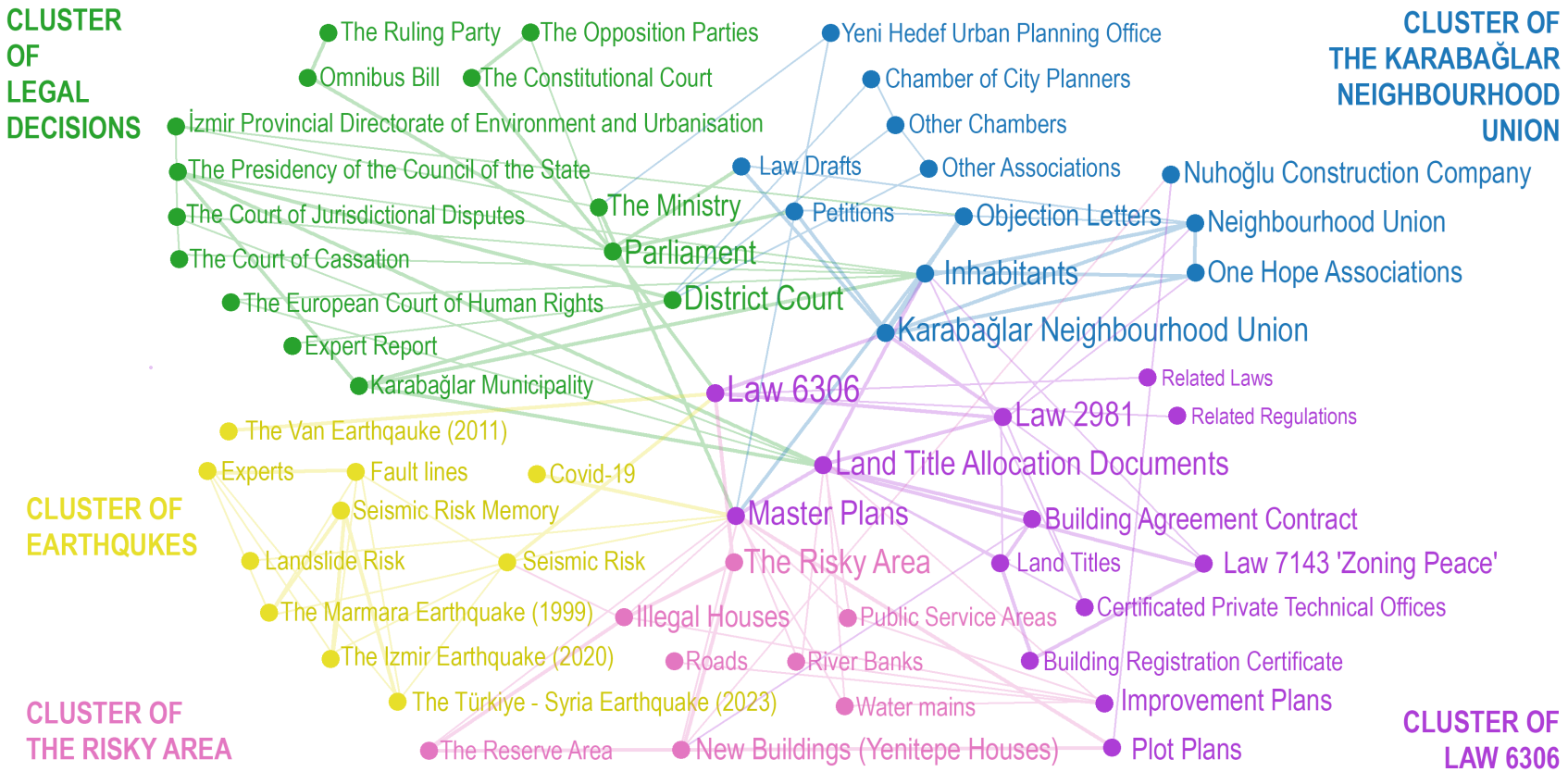

Figure 1. 6. Socio-Legal map of Karabağlar Risky area (Author, 2023)

Chapter 2. Law in Space: Making the Disaster Law 'Law 6306'

Türkiye is an earthquake-prone country which has experienced many destructive earthquakes throughout its history. Accordingly, the risk memory, linked to accumulated experience from past disasters (Bhattacharya-Mis & Lamond, 2014; Garnier, 2019), is well disseminated within the country due to past earthquake events and has fundamental importance within risk management practice. Despite being aware of the potential earthquake risk, the recent earthquakes that struck ten cities in February 2023 suggest that primarily the administrative bodies have not implemented adequate risk mitigation measures.

In response to disasters, Türkiye's risk management policy of the country has undergone major changes, characterized by evolving regulatory strategies. For example, after the Marmara earthquake in 1999, new laws were enacted, and the central administration was strengthened. It was centralized and given a mandate to mitigate risk, respond to crises and ensure recovery (Karanci, 2013; Sonmez Saner, 2013). In 2009, the political and administrative structure of the risk management system was changed to promote decentralisation with an aim of improving post-disaster efforts (AFAD, 2018). However, after the disastrous Van earthquake in 2011, the risk management decentralisation process was challenged due to the post-disaster needs (Hermansson, 2019).

Shortly after the Van earthquake, Law 6306 came into force in 2012 for the designation of risky areas in which the central government is then empowered to initiate their transformation. It has the right to appropriate all the property through expropriation, prepare the plans and have the project built. The aim of the law is; '*to designate the principles and procedures of rehabilitation, prevention areas and renewal for achieving safe and healthy living environments convenient with science and art norms and standards, within the areas under disaster risk*[21]'. Law 6306 designates 'risky areas[22]', which could engender loss of lives and

[21] Article 1 of the Law of Transformation of Areas under the Disaster Risks (Law No. 6306) 2012.

[22] According to Article 2 of Law 6306 (2012), the risky area is defined as follows: Areas under disaster risk which could engender a loss of lives and property due to the ground or building

property due to precarious ground or building stock within the area. In addition to the designation of risky areas, the law outlines the major steps necessary for initiating and implementing an urban transformation project. These major steps include the preparation plan process (master plans, management plans, implementation plans, urban design projects); the negotiation process; evacuation and demolition process; and the re-construction process. Under this law, more responsibilities in risk reduction were taken from the local governments and given to the central government, which enabled more re-centralized risk management process[23].

All in all, each legal decision made by the government for managing risks has not only impacted the risk management system, but also the spatial, social, cultural, and political structure of cities in Türkiye. In this chapter, to elucidate the impact of Law 6306 in seismic risky areas that the law requires to designate, I aimed to analyse the decision-making process of Law 6306 based on the applied science risk management approach (Cardona, 2004). To do that, I focused on one of the most crucial arenas in the law-making process - parliament - where Law 6306 was passed. In particular, I analysed four parliamentary meeting reports related to the law-making process in 2012, which helped me identify the actants involved in the process and the issues they raised. Furthermore, I examined the complex relations between actants, issues and their practices in parliament as the primary arena and the uncertainties that emerged from these relationships.

Before the analysis of Law 6306, I provide an overview of the legal system and the legal history of risk management in Türkiye. As the central government proposed Law 6306 by using the uncertain nature of the seismic hazard, I also examine the relationship between seismic hazard and uncertainty from a physical science perspective in this chapter. Furthermore, the seismic character of the city of İzmir, where the case study area of the Karabağlar district is

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conditions within the area, are determined by the Ministry, or Administration through taking the official opinion of the Disaster and Emergency Management Presidency (AFAD) and designated by the Council of Ministers (Translated from Turkish by the author).

[23] Despite the government's intention to create a more decentralised system with the creation of the AFAD in 2009, the risk management of Türkiye became more re-centralized due to the new structure of the political-administration system challenged decentralisation (See Section 2.2.).

located, is investigated to understand how Law 6306 designated the risky areas. Hence, to understand the relationships that are nurtured by the mutual interaction between Law 6306 and seismic risky areas, this chapter focuses on the spatial impact of the law.

2.1. Overview of the legal system of Türkiye

This section aims to provide a comprehensive overview of the Turkish legal system essential for analysing the mutual interaction between law and space. It sheds light on the mechanisms of law production in Türkiye and explores how individuals can file lawsuits as a legal response to the implementation of these laws. Moreover, it elucidates the key actants in the Turkish legal system and demonstrate the interplay and dynamics among these actants within crucial arenas such as the court and parliament.

Türkiye has a civil law system. The legal system of Türkiye was strongly influenced by the codification of many European laws. Following legal reforms in 1926, the Turkish civil code was adopted from the Swiss Civil Code. In the same year, the Commercial Code of Germany, the Criminal Code of Italy, and various administrative laws of France were integrated within the Turkish legal system. Thus, the legal framework of Türkiye was mainly shaped by the legal systems of European countries (Tarman, 2012).

Türkiye is a republic under a constitution. According to the Turkish Constitution, “Türkiye is a democratic, secular and social state governed by the rule of law” (Article 2 of the Turkish Constitution). In the Turkish legal system, “the provisions of the Constitution are fundamental legal rules binding upon legislative, executive and judicial organs, and administrative authorities and other institutions and individuals” (Article 11 of the Turkish Constitution). To give an overview of this legal system, the principle of separation powers, the public administration system, the juridical system, and the law-making process in Türkiye are explained briefly in this part.

The Turkish political system has adopted the principle of separation of powers. In this system, there are three powers: executive, legislative and judiciary. Executive power is exercised by the President of the Republic in accordance with the Constitution and laws after the

constitutional amendment on 24 June 2018[24]. Before this amendment, the executive power was exercised by the Council of Ministers. Legislative power is vested in the Turkish Grand National Assembly and judiciary power is exercised by independent courts (Articles 7,8, 9 of the Turkish Constitution).

Three powers (executive, legislative, and judiciary) shaped the Turkish public administration, which is composed of the central administration units and their extensions at the provincial and local levels. In Türkiye, there are no units called 'states', and local government units come after the central administration (İsmail, 2013). *Central administration* has both central administrative institutions in the capital city (e.g. ministries and other agencies) and their local branches in provinces and districts (e.g. provincial ministries), which operate as the extension of the central administration. Local administration, which is governed by decision-makers elected by the people, has three types of administrative units: (1) special provincial administrations – in which the governors of provinces are appointed by the Ministry of Interior, (2) municipalities (e.g., Metropolitan municipalities, district municipalities and town municipalities), and (3) villages. By collaborating with the central governments, local administration units provide public services and maintain local people's self-government in a province, municipality, or village (Kapucu & Palabıyık, 2008). Regarding revenues of the local governments, municipalities and special provincial administrations primarily rely on their own income and central government subsidies for funding. Law 5779 on Tax Revenue Shares for Special Provincial Administrations and Municipalities (2008) states that 2.85% of the total national tax revenue goes to municipalities other than metropolitan ones, 2.5% to district municipalities in metropolitan areas, and 1.15% to special provincial administrations (Bayraktar & Massicard, 2012).

Justice management operates separately from the Turkish public administration system. Mayors and governors do not have the authority on judicial personnel, in line with the principle of 'independence of judiciary' (İsmail, 2013). The juridical system is regulated by the Constitution (Articles 138-160 of the Constitution) and the court system is classified under

[24] The constitutional amendment on 24 June 2018 transformed the long-standing parliamentary system into a presidential system. The presidential system, which brings presidential authority and powers, increased the centralisation of the country (Üstüner & Yavuz, 2018).

three categories: first instance courts, district courts, and supreme courts. Civilian judiciary and military judiciary are separated in this system and both fields are divided into two categories: ordinary and administrative judiciary (See Figure 2. 1).

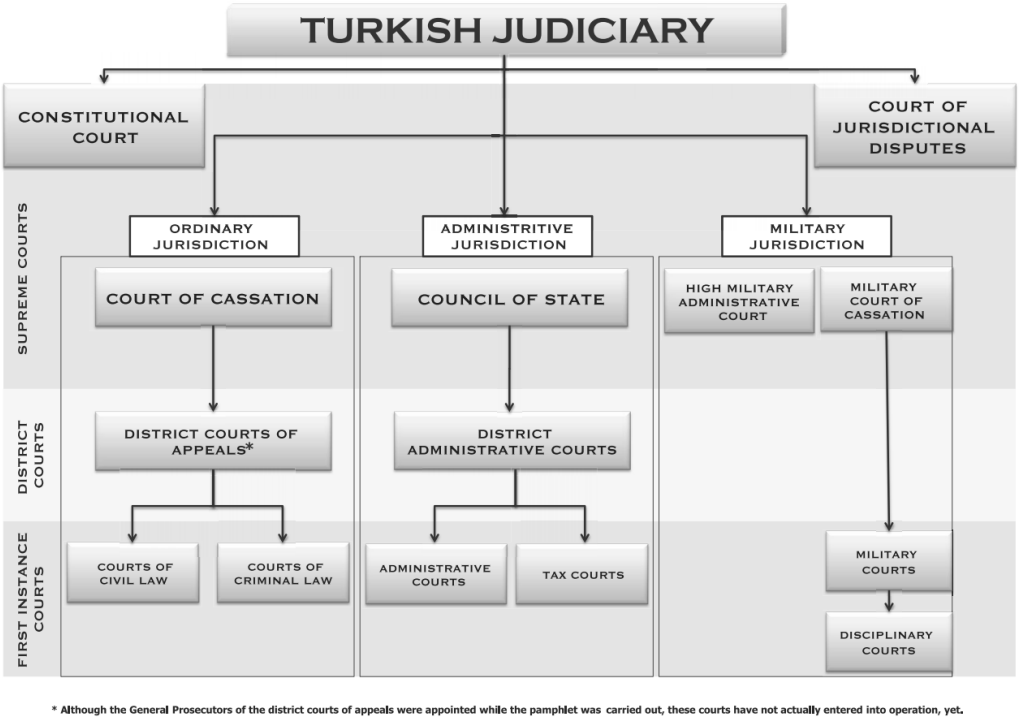

Figure 2. 1. Turkish Juridical System (İsmail, 2013, p. 10)

Within the Turkish judicial system, there are six supreme courts with separate jurisdictions:

Constitutional Court: This court "examines constitutionality in respect of both form and substance, of laws, presidential decrees and the Rules of Procedure of the Turkish Grand National Assembly and decide on individual applications." (Articles 148 of the Constitution, p: 113). The Constitutional Court started to receive the individual application on 23.9.2012 through the constitutional amendment of 2010.

Court of Cassation (Supreme Court of Appeals of Türkiye): This court is responsible for the appellate review of the decisions and judgments given by the first instance and district courts of civilian ordinary jurisdiction, which are not referred by law to other civil judicial authorities. The first instance of civil court is divided into two categories as criminal law courts and civil law courts (See Figure 2. 2).

Council of State: This court is the last instance for reviewing decisions and judgments given by the district and the first instance administrative courts in which public administration units are subject to judicial review. In addition to administrative cases, The Council of State provides legal opinion for draft legislation within two months as requested by the Prime Minister and the Council of Ministers and examines the draft legislations.

Military Court of Cassation: This court gives the final decision in military judiciary about criminal procedures.

High Military Administrative Court: This court gives the final decision in military administrative judiciary.

Court of Jurisdictional Disputes: This court resolves the disputes between civil and administrative courts (including supreme, district and first instance courts) concerning their jurisdiction and judgments. The decisions of this court are final and binding for the supreme, district and first instance courts except for the Constitutional Court.

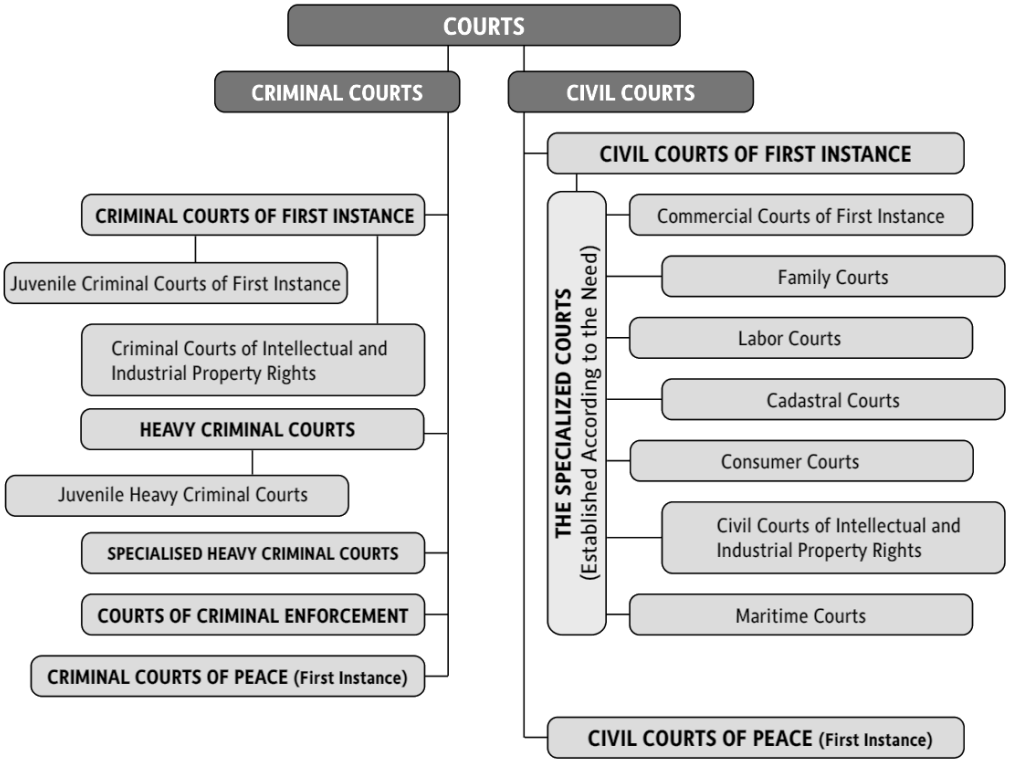

Figure 2. 2. The first instance civil courts (The Ministry of Justice, 2013)

In Türkiye, court proceedings are open to the public, and the litigation process has four main phases: (1) commencing action (petition, reply petition), (2) gathering and examining evidence, during which the court takes necessary actions for the preliminary investigation, such as determining the matter in dispute and collecting evidence, (3) oral practices, during which the court hears witnesses, conducts on-site examinations, and appoints experts to investigate the claims raised by both parties, and (4) the final decision of the court, made after hearing the final statements of the parties (Basedow, 2011; Sapan, 2023). On the other hand, while time limits are defined for certain actions, such as writing objections (two weeks) or responding to petitions (two weeks), the litigation process in Türkiye takes a long time due to the inadequate number of courts and the need for well-educated judge (Basedow, 2011). The extended duration of litigation is also apparent in the case law analyses in this doctoral dissertation, but the reasons for these prolonged periods are explained in terms of the relationships of the actants involved in the process and the cases are evaluated as a socio-material practice.

Lastly, in terms of the law-making process, the Turkish Grand National Assembly (TGNA) makes, amends, and abrogates laws. Legislative bills can be proposed by the Council of Ministers and individual deputies. After the proposal of such bills, the TGNA sends the bill to the expert committee, which prepares the examination report of the bill. Following this, the TGNA debates the bill in its plenary session with a quorum of at least one-third of the total members. During this debate, about the proposed bill, one parliament member on behalf of each political party group may speak for 20 minutes, and two parliament members on behalf of themselves may speak for 10 minutes. If there are more than two parliament members who want to talk at the same time, a random selection is made in the general assembly. The government and the related commissions may talk for 20 minutes each regarding the proposed bill. 20 minutes are given for a question-and-answer process. After that, the proposed bill is voted to enter the matter. If there is an acceptance, each article is discussed separately and voted (half of the amount of time of the first law draft discussion is given to discuss each article) (Gökçimen, 2011). The voting[25] is conducted by a show of hands. If the bill is accepted with a quarter plus one of the total number of members, the TGNA submits the bill to the President of the Republic. The president either signs the bill within fifteen days or sends the bill back to the TGNA for reconsideration. If the TGNA repasses the bill without any changes, the President can initiate the lawsuit for the cancellation of the bill. On the approval of the President, laws are only enacted when they are published in the Official Gazette (See Figure 2. 3)

[25] There are three different methods for voting in the TGNA: (1) Vote by show of hands, (2) Open vote, (3) Secret vote. Except for constitutional amendments, the voting of proposed bills is conducted by show of hands or open vote. By a show of hands, the deputies divide into two groups to indicate whether they are in favour or against. An open vote can be conducted by depositing ballot papers with the names of the deputies and their constituencies into a ballot box, using an electronic voting device, or verbally stating ‘accept,’ ‘reject,’ or ‘abstain’ after the name is called out. Open voting is only conducted upon the request of at least twenty deputies.

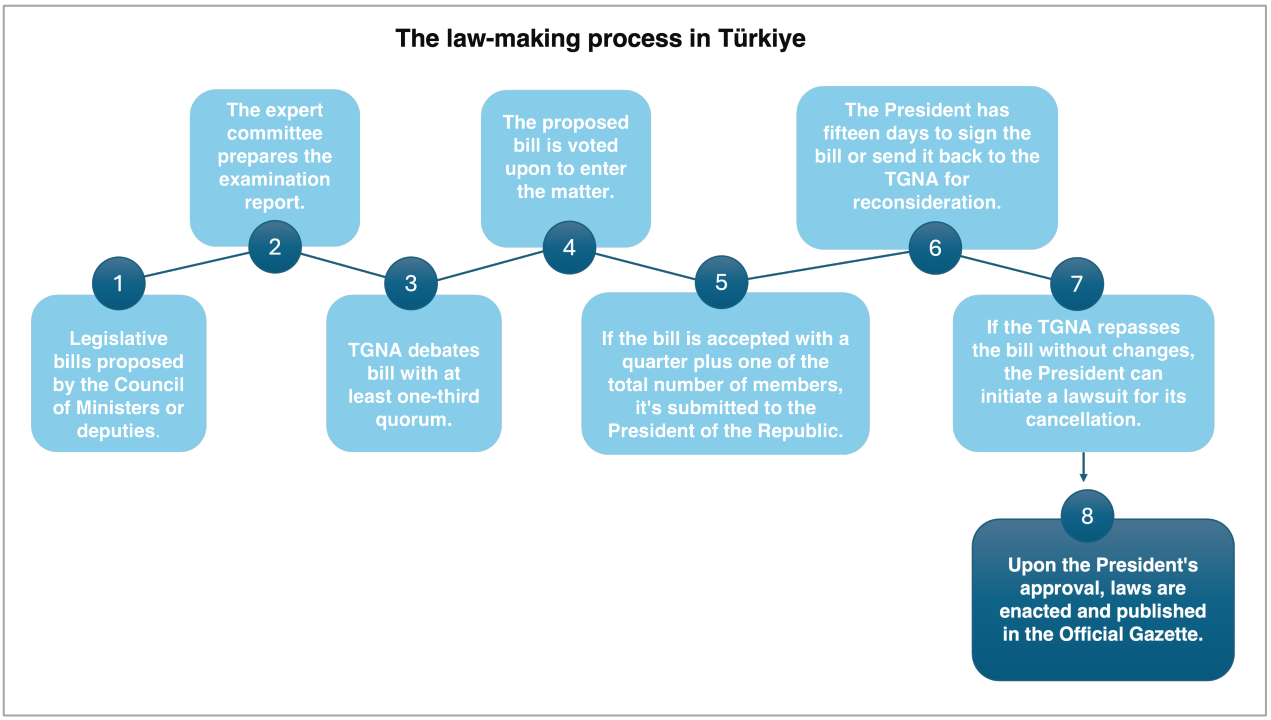

Figure 2. 3. The law-making process in Türkiye

Consequently, this section has aimed not only to provide an overview of the legal system in Türkiye but also to shed light on the dynamic relationships within key arenas, such as the courts and parliament, which play an important role in the implementation of legal practices. Understanding these dynamics is particularly important when examining the interplay between law and space, as it shows how legal practices, including the process by which ordinary citizens can file lawsuits, can be implemented when spatial resistance arises.

2.2. The legal history of seismic risk management in Türkiye

Since the establishment of the Republic of Türkiye in 1923, there are five periods regarding the evolution of risk management structure in Türkiye: period I (1923–1943), period II (1944–1957), period III (1958 to August 1999), period IV (August 1999 to 2009) and period V (Since 2009) (AFAD, 2018; Platt & Drinkwater, 2016)[26] (See Figure 2. 4).

[26] Different studies have used different period dates. For instance, AFAD (2018) has specified four periods: before 1944, from 1944 to 1958, from 1958 to 1999, and since 1999. On the other hand,

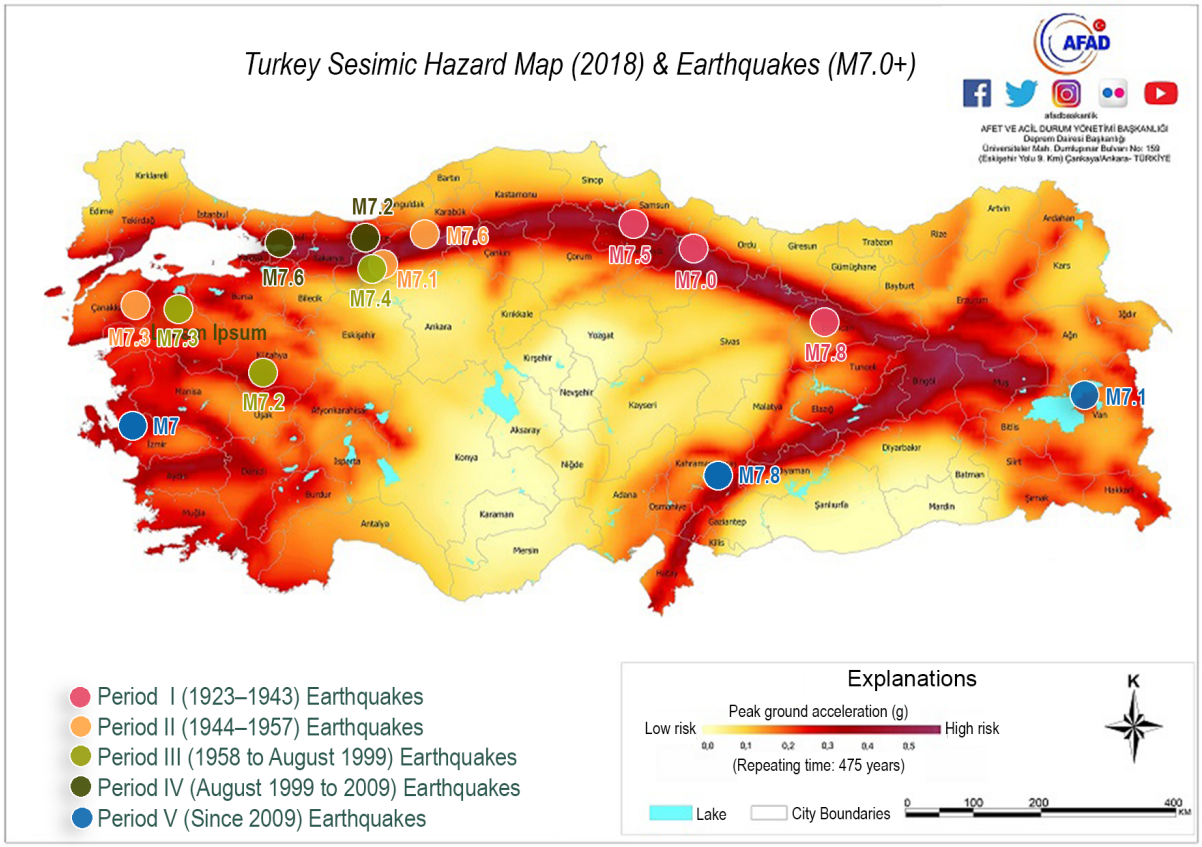

Figure 2. 4. Location of the earthquakes (M7.0+) according to the risk management evolution process of Türkiye (Prepared by the author on the Türkiye Seismic Hazard Map (AFAD, 2018); the earthquake data is sourced from EM-DAT, 2024)

These periodic intervals are marked by major disasters, organisational shifts in risk management, or global policy changes in risk management. The first period concluded with a series of earthquake disasters in Türkiye, while the second period began in 1944 with the implementation of the first risk management law, aimed at minimising disaster risks and preparing for them in advance. The start of the third period was related to significant policy

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Platt & Drinkwater (2016) identified five periods: from 1923 to 1944, from 1944 to 1958, from 1959 to 1999, from 1999 to 2009, and since 2009. While there are similarities in the periods identified in these studies, the creation of periods has been influenced by major earthquakes, disasters, organisational changes in risk management, or international policy changes in risk management. In distinguishing periods, the same year has been included in both periods in some studies, and periods have been formed differently, such as in the work of Ganapati (2008): from 1923 to 1942, from 1943 to 1952, from 1953 to 1999, and since 1999. In this study, I have adopted the period intervals determined by AFAD (2018) and Platt & Drinkwater (2016) by eliminating recurring years within periods.

changes enacted not only in Türkiye but also worldwide, with the objective of minimising losses resulting from nature-induced disasters (AFAD, 2018). The fourth period, starting with the devastating 1999 Marmara earthquake, witnessed amendments to Turkey's risk management laws based on the lessons learned from the Marmara earthquake. In the last period, the pivotal change was the establishment of 'Disaster and Emergency Management (AFAD)' in 2009 through merging various actors and institutions within the risk management structure in Türkiye.

Therefore, this section aims to examine the legal framework and key developments during these periods, shedding light on the challenges faced in Türkiye's seismic risk management system. Furthermore, with a special emphasis on the legal developmental period in which Law 6306 was enacted, this section aims to provide a comprehensive understanding of the evolving legal environment of the seismic risk management process, which has been reshaped by lessons learned from past disasters (See Table 2.1). The following part discusses these periods accordingly.

Table 2. 1. Chronology of Disasters and Risk Management Laws and Regulations regarding the evolution of risk management structure in Türkiye (including only disasters that caused significant loss of life and damage) (Prepared by the author based on AFAD (2018), with updates for 2009-2023 by the author)

Period	***Date***	***Laws and Regulations***
1	**1939**	*Erzincan Earthquake with a magnitude of 7.9*
	1940	Law 3773 (Law on assistance to those who suffered from damages in Erzincan and areas affected by the Erzincan earthquake)
	1940	Law 3980 (Law for authorising the Municipality to expropriate land for the new settlement of Erzincan after the earthquake)
	1942	*Erbaa-Tokat Earthquake with a magnitude of 7.2*
	1943	*Hendek-Adapazari Earthquake with a magnitude of 7.2*
	1943	*Ladik-Samsun Earthquake with a magnitude of 7.5*
2	**1944**	*Bolu-Gerede Earthquake with a magnitude of 7.2*
	1944	Law 4623 (Measures to be put into effect prior and subsequent to ground tremors)
	1945	Seismic regions map of Türkiye and regulation on buildings in seismic regions in Türkiye
	1946	*Varto – Hınıs Earthquake with a magnitude of 5.9*
	1948	Law 5243 (Law on structures to be built in Erzincan)
	1949	*Karlıova Earthquake with a magnitude of 5.8*
	1953	Law 6188 (Law on the encouragement of building construction and unauthorised buildings)
	1956	Law 6785 (Settlement Law)
3	**1958**	Law 7126 (Civil Defence Law)
	1956	Law 6746 (Law on structures to be built in Aydın, Balıkesir, Bilecek, Edirne, Eskişehir, Konya and Denizli damaged by disasters)

	1959	Law 7269 (Measures to be taken in response to disasters affecting public life)
	1966	*Varto Earthquake with a magnitude of 6.8*
	1968	Law 1051 (Amendment of certain articles of Law 7269)
	1968	Regulation 88/12777 on emergency relief organisation and planning guidelines for disasters
	1970	*Gediz Earthquake with a magnitude of 7.2*
	1971	*Bingöl Earthquake with a magnitude of 6.4*
	1972	Law 1571 (Law on the collection of the revenues obtained from the increases in the prices of certain monopoly products in an earthquake fund account to be opened at the central bank of the republic of Türkiye)
	1975	*Lice Earthquake with a magnitude of 6.7*
	1977	Law 2090 (Law on assistance to farmers affected by natural disasters)
	1981	Law 2497 (Law on the protection and security of certain institutions and organisations)
	1983	*Erzurum Earthquake with a magnitude of 6.6*
	1983	State of emergency law
	1985	Law 3194 (Development law)
	1992	*Erzincan Earthquake with a magnitude of 7.8*
	1992	Law 3838 (Law on the execution of services regarding the earthquake disaster in Erzincan, Gümüşhane and Tunceli provinces and the damage and destruction in Şırnak and Çukurca)
	1995	*Dinar Earthquake with a magnitude of 6.2*
	1995	Law 4123 (Law on the execution of services regarding damage and destruction caused by natural disasters)
	1995	Law 4133 (Amendment to Law 3838)
	1997	By-Law 96/8716 on Crisis Management Center of the Prime Minister`s Office
	1997	Law 4264 (Amendment to the law on the cancellation of income taxes for individuals affected by natural disasters in specific regions, addition of a clause to article 7 of the corporate tax law, and revision of an article in Law 3838)
	1998	*Adana Ceylan earthquake with a magnitude of 6.3*
4	**1999**	*Marmara earthquake with a magnitude of 7.6*
	1999	*Düzce earthquake with a magnitude of 7.2*
	1999	Law 4452 (Measures to be taken against natural disasters and compensation for losses resulting from disasters)
	1999	Statutory Decrees 574 on measures to be taken and assistance to be provided in case of disasters affecting public life
	1999	Statutory Decrees 575 on legal disputes arising from disasters in natural disaster areas and facilitation of certain transactions
	1999	Statutory Decrees 576 on the regulation of aids for natural disasters, extension of tax payment periods and amendments to certain laws
	1999	Statutory Decrees 579 allowing the national lottery administration to organize special lotteries, with proceeds dedicated to regions and individuals affected by natural disasters
	1999	Statutory Decrees 580 on the addition of provisional articles to the law on measures to be taken and assistance to be provided in case of disasters affecting public life
	1999	Statutory Decrees 584 on the establishment of one province and two districts, affected by the earthquake
	1999	Statutory Decree 586 for amending Civil Defence Law and Municipality Law
	1999	Statutory Decree 587 on mandatory earthquake insurance
	2000	Statutory Decree 593 on organisation of the Prime Minister's Office with amendment
	2000	Statutory Decree 595 on building supervision
	2000	Statutory Decrees 596 for amending the Civil Defence Law
	2000	Statutory Decrees 597 on the addition of a provisional article to the law on measures to be taken and assistance to be provided in case of disasters affecting public life

	2000	Statutory Decrees 598 for amending the law on measures to be taken and assistance to be provided in case of disasters affecting public life
	2000	Statutory Decrees 599 for amending the law on measures to be taken and assistance to be provided in case of disasters affecting public life
	2001	Law 4708 for postponing registration fees, annual dues, and obligatory dues for members of Chambers in earthquake-stricken area
	2003	*Bingöl earthquake with a magnitude of 7.2*
	2003	Law 4837 (Law on additional taxes to ensure economic stability)
	2004	Law 5216 (Metropolitan Municipality Law)
	2005	Law 5393 (Municipality Law)
	2005	Law 5302 (Special Provincial Administration Law)
	2006	Law 5511 (Law regarding amendments to measures to be taken and assistance to be provided for general life affected by disasters)
	2007	Law 5491 (Law regarding amendments to the Environmental Law)
	2007	Regulation on Buildings to be Constructed in Earthquake Areas
5	**2009**	Law 5902 (Law on the organisation and duties of the presidency of disaster and emergency management)
	2011	*Van and Erciş earthquakes with a magnitude of 7.2*
	2012	Law 6305 on Disaster Insurance
	2012	Law 6306 on transformation of areas under disaster risk
	2013	Disaster and Emergency Response Services Regulation
	2014	Establishment of 'Türkiye Disaster Response Plan'
	2015	Law 6639 (Amendment of certain articles of Law 6306)
	2016	Law 6704 (Amendment of certain articles of Law 6306)
	2018	Law 7139 (Amendment of certain articles of Law 6306)
	2018	Statutory Decree 700 (Amendment of certain articles of Law 6306)
	2018	Law 7153 (Amendment of certain articles of Law 6306)
	2019	Law 7181 (Amendment of certain articles of Law 6306)
	2020	*Elazığ and Malatya earthquake with a magnitude of 6.7*
	2020	*İzmir earthquake with a magnitude of 6.9*
	2022	Law 7410 (Amendment of certain articles of Law 6306)
	2023	*Türkiye – Syria earthquakes with magnitudes of 7.7. and 7.6*
	2023	Law 7441 on the establishment of disaster reconstruction fund
	2023	Law 7452 (Law regarding settlement and construction under the state of emergency adoption of the presidential decree law on the adoption of the law)
	2023	Law 7456 (Law regarding the amendment of certain laws and decree Law 375 through the allocation of additional motor vehicle tax for compensating the economic losses caused by the earthquakes occurring on 6/2/2023)
	2023	Law 7471 (Amendment of Law 6306 on the transformation of areas under disaster risk and some other laws and decree Law 375)

Period I (1923–1943): The focus was on immediate response and recovery rather than preparedness and mitigation. The government responded to disasters by mitigating the consequences of earthquakes. When a significant earthquake stroked the city of Erzincan with a magnitude of 7.9 on 26-27 December 1939, the first disaster law came into effect on the 17th of January 1940. This law, namely, *'Law on assistance to those who suffered from damages in Erzincan and areas affected by the Erzincan earthquake* (Law 3773),' was

prepared for earthquake victims to provide tax relief, financial aid, free-of-charge land allocation and construction materials. Hence, the government's response to the disasters was case-specific and provided economic support, housing, food and health services to affected people only (Ergunay & Gulkan, 1991).

Period II (1944–1957): A series of significant earthquakes happened between 1942-1944, such as Erbaa-Tokat (M: 7.2, 1942), Hendek-Adapazari (M: 7.2, 1943), Ladik-Samsun (M: 7.5, 1943), and Bolu-Gerede (M: 7.2, 1944), which killed more than 10.000 people, and destroyed 98.000 housing units together. After the Bolu-Gerede earthquake in February 1944, the first seismic risk code (Law 4623) was enacted in July 1944. Law 4623, *'Measures to be Put into Effect Prior and Subsequent to Ground Tremors*,' was the first law in the country which ruled to take preventive measures before earthquakes (Ganapati, 2008). Some of these measures are the development of a seismic risk map for Türkiye; the development of regulations for earthquake-resistant building standards in hazardous seismic areas; conducting compulsory geological surveys for new development areas; building a well-functioning rescue and relief plans; and the determination of duties of the authorities and public after an earthquake (AFAD, 2018). This law was also similar to two other countries' seismic codes: Italy (Royal Decree No. 193, 1909) and Japan (Urban Building Law, 1924) (Ganapati, 2008). One year after this law, the Ministry of Public Works prepared the first seismic map of Türkiye[27] (See Figure 2. 5[28])

[27] The seismic hazard map of Türkiye has been updated seven times in total, in 1945, 1947, 1948, 1963, 1972, 1996 and finally, in 2018. In the first seismic hazard map, there were two different seismic risk degrees as, 1st (highest) and 2nd (lowest) degree, while it was increased to five in the 1996 map. Lastly, AFAD updated the seismic hazard map in 2018 without defining certain borders for the zones (See Figure 2.3).

[28] Figure 2.5 shows the first seismic map and its significant change over time. As Türkiye is very complicated and active tectonically, the advanced technologies in earthquake science and the earthquake studies carried out in the field of earthquakes in Türkiye have influenced the identification of active faults with all their parameters impacting seismic-prone areas. However, despite today's advancement in earthquake science, there are still undiscovered faults in Türkiye (such as in İzmir - see Section 2.4) that impact seismic maps.

and the regulations on buildings in the seismic region in Türkiye. Additionally, two laws[29] of this period, including 'Settlement Law' (Law 6785) and 'Civil Defense Law' (Law 7126), demonstrated an impact on the country's risk management system in relation to risk mitigation.

In 1953, the government took the first step to creating the organisational structure of the risk management system in Türkiye. Under the Ministry of Public Works, the Earthquake Bureau (at the office of Construction and Development Affairs) and the General Directorate of State Hydraulic Works were established to mitigate the risk linked to natural hazards. The Earthquake Bureau was the first government branch concerning nature-induced disasters, and it was reorganized and renamed over time (Ganapati, 2008). For instance, in 1955, the unit was renamed the DESEYA (Earthquake-Flood-Fire) Branch (AFAD, 2018).

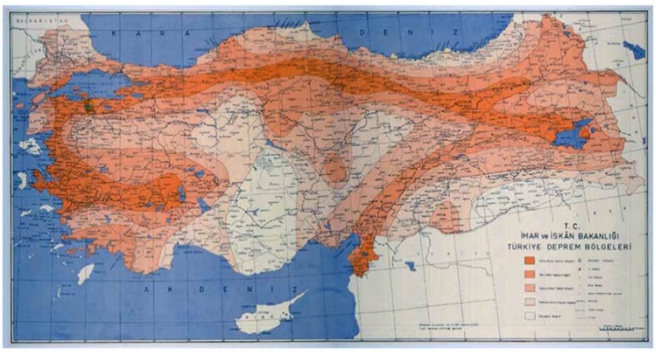
Period III (1958 to August 1999): There were significant changes in the legal and organisational structure of the risk management system. In this period, new regulations and laws were made about earthquakes and other forms of natural hazards, including floods, landslides, rockfalls, fires and avalanches (Ergunay & Gulkan, 1991). In 1959, Law 7269, entitled ‘Measures to be taken in Response to Disasters Affecting Public Life’, was enacted and superseded the first seismic code (Law 4623). Law 7269, known as simply ‘Disaster Law’, is still in force and has been amended several times. Disaster law, which combines different laws on disaster under a single legislation, aims to minimize the damage and loss of lives caused by nature-induced disasters (AFAD, 2018). During this period, the Settlement law (Law 6785), which was replaced by the Development Law (Law 3194) in 1985, came into force in 1959 and enhanced the mitigation practices in Türkiye. Under the Settlement law, hazard-prone areas have been designated to determine safe and healthy settlement areas (Ganapati, 2008).

[29] While Law 6786 aimed to ensure a thorough and healthy planning of settlements, Law 7126 aimed to protect the civilian population by establishing protective and rescue measures against nature-induced disasters.

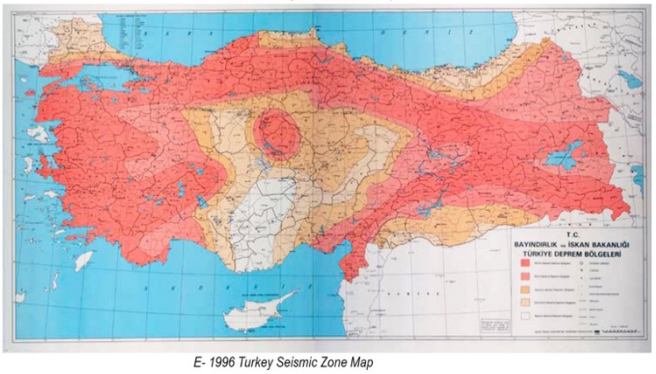
A - 1945 Turkey Seismic Zone Map

B - 1947 Turkey Seismic Zone Map

C- 1963 Turkey Seismic Zone Map



D- 1972 Turkey Seismic Zone Map



E- 1996 Turkey Seismic Zone Map

Figure 2. 5. Seismic Hazard Maps of Türkiye between 1945-1996 (Pampal & Özmen, 2007)

Period IV (August 1999 to 2009): On 17 August 1999, the Marmara earthquake, with a magnitude of 7.6, stroked and killed 17,127 people. Four months after this earthquake, the Düzce earthquake, with a magnitude of 7.2, occurred on 12 November 1999, and nearly 900 people lost their life (EM-DAT, 2024). These two consecutive earthquakes altered the risk management system of Türkiye. Before these earthquakes, the authorities (including the central, provincial and district governments) were fully responsible for disaster preparedness, response, and recovery. After the earthquake, the organisational and institutional structure of Türkiye's risk management system changed (Ganapati, 2008). First, Law 4452, called 'the Measures to be taken Against Natural Disasters and Compensation for Losses Resulting from Disasters', was entered into force ten days after the Marmara earthquake to take necessary measures for reducing the negative impacts of the disaster. In 1999 and 2000, two amendments were made to this law (by Law 4434 and Law 4540). With these amendments, the Council of Ministers became the responsible authority for ten months on various subjects, including coordinating the relevant agencies for building new safe settlements, creating new counties in earthquake-affected areas, and establishing a new insurance system (AFAD, 2018). Followingly, the district-level civil defence units were established in the selected regions to enhance the capacity of rescue and search teams (with the Statutory Decree 586 for Amending the Civil Defense Law and the Municipalities Law – entered into force in December 1999). Due to the high cost of constructing new settlements in earthquake-affected areas, the Natural Disaster Insurance Agency (DASK) was established in 1999 (with Statutory Decree 587 on Mandatory Earthquake Insurance). The General Directory of Emergency Management was established as a new governmental unit for disaster mitigation in 1999 (with the Statutory Decree 583 on Organisation of the Prime Minister's Office with Amendment). The responsibility of construction inspection was given to the Private Inspection Firms from the local governments and implemented in 27 provinces (with the Statutory Decree 595 on Building Supervision – entered into force in April 2000).

In 2004 and 2005, the risk management responsibilities of local governmental authorities, including Special Provincial Administrations, metropolitan municipalities, and district municipalities, were increased through various legal acts (Hermansson, 2019). In 2004, Law 5216 (called Metropolitan Municipality Law) was enacted, and the metropolitan municipalities became responsible for planning and other preparations related to nature-induced disasters at the provincial level. In 2005, to take measures against earthquake hazard, the

responsibilities of municipalities were increased through article 73 of Law 5393 (also known as Municipality Law). This article rules that municipalities may carry out urban transformation projects to take precautions against earthquake hazard. Law 5393 also contains emergency planning tasks for municipalities against earthquakes and other disasters. Moreover, in 2005, the duties of special provincial administrations changed through Law 5302 (Special Provincial Administration Law) and became responsible for emergency planning at the provincial level. Hence, following the earthquakes in 1999, the central government started to give its full authority in risk management to other governmental and private institutions in this period (Ganapati, 2008; Hermansson, 2019).

Period V (Since 2009): Ten years after the devastating Marmara Earthquake, the risk management structure of Türkiye was changed in 2009 by merging three prominent responsible institutions in the Prime Ministry: the General Directorate of Disaster Affairs in the Ministry of Public, Works and Settlement, the General Directorate of Civil Defence in the Ministry of Interior and Emergency Management Directorate in the Prime Ministry. The new organisation '*Disaster and Emergency Management (AFAD)*' was established under the Prime Ministry to create a single national coordination body between different institutions - including ministries, municipalities, non-governmental organisations, and other relevant actors - before, during and after a disaster. AFAD was established by Law 5902, which also defined Türkiye's new risk management system, which shifted from *'Crisis Management'* to *'Risk Management'*[30] (AFAD, 2018). This law redefined the powers and responsibilities of the institutions, allowing a more decentralized system by giving powers to local authorities. By adopting the approach of the 'Integrated Disaster Management System', AFAD became responsible for risk and damage mitigation, readiness, response, and recovery. The aim of the approach was defined as *"to take steps that would prevent or minimize potential losses before a disaster occurs; to provide efficient response and coordination; and to ensure the integrated conduct of improvement efforts following a disaster"* (AFAD, 2018, p. 29). After the establishment of AFAD, several laws entered into force concerning the compulsory earthquake insurance

[30] There are similarities between the two terms. The main distinction is that while crisis management refers to the first emergency phase after the disaster, risk management addresses the hazards to reduce their likelihood or impact before they happen.

system[31], civil protection, post-disaster interventions, environmental impact assessment, engineering, and construction (Platt & Drinkwater, 2016). Especially after the Van and Erciş earthquakes in 2011, the risk management regulation was updated. Seven months after the Van earthquake, '*Law 6306 on transformation of areas under disaster risk*' entered into force in 2012. Following this law, the new regulation on the *'Disaster and Emergency Response Services'* came into effect in 2013, and the *'Türkiye Disaster Response Plan (TAMP)'* was established in 2014.

Since 2009, based on the lesson learned from the Marmara earthquake, the risk management system aimed to be more decentralized to provide efficient response planning before, during and after a disaster. Even though the government aimed to achieve a more decentralized system with the establishment of the AFAD in 2009, the new structure of the political-administration system challenged decentralisation and became more re-centralized. The challenges of the decentralisation system emerged when two destructive earthquakes occurred in the city of Van in 2011(Hermansson, 2019). According to the study by Hermansson (2019, p. 12), these challenges have occurred based on three mechanisms: '(1) central government's introduction of new oversight systems, (2) central government's failure to match local authorities' increased disaster responsibilities with increased funds, and (3) the extent of central–local collaboration'. These three mechanisms dominated the central actors within the risk management process and created a central-local gap (Hermansson, 2019). The laws enacted during this period also challenged the decentralisation process. For instance, Law 6306, my research primary focus, reduced local governments' power within the risk management process and assigned many new responsibilities to the central government. Hence, the recent changes in the political-administration system and the newly enacted Law 6306 after the disastrous Van earthquakes in 2011 regenerated the centralisation within the risk management system of Türkiye (Figure 2. 6).

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[31] Türkiye established the National Catastrophe Insurance Pool (DASK/TCIP) in 2000 as a compulsory insurance entity. It has a penetration rate of 62.9% in İzmir and 59% countrywide. DASK received 30,000 indemnity applications following the 2020 İzmir earthquake and paid out 401 million Turkish Lira (51.74 million Euros based on the average exchange rate of 2022) to policyholders (Mavroulis et al. 2022). On the other hand, since the Karabağlar district was not affected by the İzmir earthquake, the study did not discuss the impact of compulsory earthquake insurance.

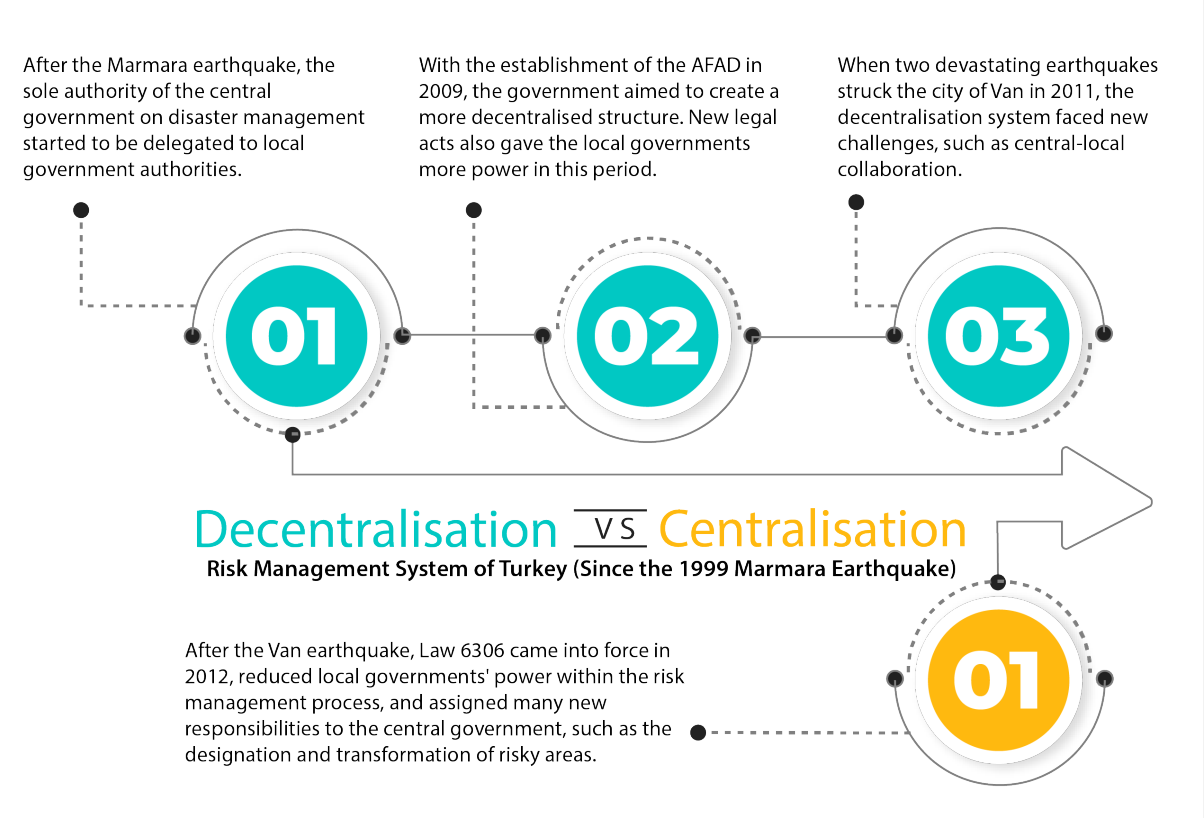

Figure 2. 6. The transition from decentralisation to centralisation in risk management in Türkiye (Author, 2022)

2.3. Analysis of Law 6306

2.3.1. Background of Law 6306

After a destructive earthquake with a magnitude of 7.2 M_W in the city of Van, the government changed their focus in risk management and made legislative arrangements in the context of seismic risk mitigation. The earthquake which struck the city on 23 October 2011, caused 604 deaths, injured 4152 people and damaged 11'000 buildings (Delforge et al., 2023; EM-DAT, 2024). Seven months after the earthquake in 2012, 'Law 6306 on transformation of areas under disaster risk' entered into force to be implemented by the Ministry of Environment, Urbanisation and Climate Change.

The new legislation was intended to address the seismic deficiency of existing building stock in Türkiye. According to the Ministry of Environment, Urbanisation and Climate Change, half of the building stock constructed before the revision of the earthquake resistant building design

code of Türkiye in 2001 are considered risky.[32] On this basis, the new law was designed to improve standards by setting rules and procedures regarding the identification and renewal of high-risk areas and high-risk buildings.

The background of Law 6306 is rooted in two key characteristics of Turkish cities, as discussed in the works of Şenol Balaban (2019) and Adıkutlu (2019):

(1) Seismically hazardous areas in the cities,
(2) The highly vulnerable building stock due to a rapid process of urbanization.

Regarding the first factor, the majority of cities in Türkiye are seismically hazardous due to their geographical, geomorphological and geological conditions. 92% of the country's land is located in earthquake risk zones (in which 98% of the total population live). More importantly, 71% of the total population of Türkiye live in first- and second-degree earthquake risk zones (Platt & Drinkwater, 2016; Sonmez Saner, 2015). As the majority of Türkiye is prone to earthquake hazard, seismically hazardous areas in Türkiye played a role in design and approval of Law 6306.

In terms of the second factor, the existing building stock became more vulnerable due to the urbanization process and property relations of the country. Turkish cities have undergone major transformations particularly since the beginning of the 1950s. They have faced a rapid urbanization process due to enduring flows of populations from rural to urban areas where migrants sought enhanced job opportunities and a better quality of life. Due to this rapid population increase, the state and the housing market could not respond to the rapid needs in housing and public facilities for migrants (Şenol Balaban, 2019). In this period, the government decided to invest in industrialization instead of housing development because of a scarcity of resources (Tekeli, 1996). Therefore, squats and unauthorised developments have been present in major Turkish cities since the 1950s, resulting from inadequate urban policies for meeting housing demands (Öncü, 1988; Colak, 2013, as cited in Uzun & Simsek, 2015).

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[32] This seismic code includes better quality control of the buildings after 2001. According to this seismic code, 66.9% of the existing housing units were constructed before/in 2000, while 21.8% were built after/in 2001. 13.1% of the building units have no records regarding their construction year (TUIK, 2011, as cited in Gunes, 2015).

Following this process, several amnesty laws which entered into force between 1948 and 2018 affected all the cities in Türkiye. The amnesty laws were proposed by the political parties during the local and general elections and were used as a main strategy by the political parties to get votes from the people living in those illegal built-up areas (Şenol Balaban, 2019). As a result of the implementation of these amnesty laws, new forms of ownership patterns and urban forms evolved without consideration of proper urban planning standards (Adıkutlu, 2019). Hence, the amnesty laws on illegal establishments created the conditions for vulnerable buildings to enter the ecology of building stocks of cities through the years.

The historical background of the property relations has also characterized the existing building stock in Türkiye. Three property relations have emerged: (1) The process of appropriation, (2) The process of apportionment (shared ownership), (3) The process of appurtenance[33] (Balamir, 1992, as cited in Şenol Balaban, 2019). The first is linked to the formation of squatter settlements, which is the occupation of mostly public lands illegally in a very short time. The second refers to a process of informal sharing of legally owned land, which is divided illegally for unauthorized construction (Balamir, 1999). After the enacting process of the amnesty laws described above, these two types of property relations gained regular or semi-legal status by the government. Through these laws, the squatter owners have become legal occupiers and received their title deeds or certificates (Şenol Balaban, 2019). The significance of these laws has been further brought into prominence, as they directly impact the property rights granted to individuals residing in seismic risky areas designated under Law 6306.

The third process, appurtenance has become a dominant form of regular housing production in Turkish cities since 1950s (Balamir, 1996). Balamir (1999, p. 390) describes the third type of property relation as “a model of cooperation between the entrepreneur, the landowner, and the participating investor households in the construction of residential buildings. The entrepreneur, with the consent of the landowner, takes advantage of a form of access to land

[33] According to the Thomson Reuters Online Practical Law Dictionary the definition of appurtenance is “a right, benefit, privilege, or improvement that allows for the full use and enjoyment of land that belongs to the owner of a dominant estate and may burden a servient estate”(https://content.next.westlaw.com/Glossary/PracticalLaw/I2e45ae4a642211e38578f7ccc38dcbee?transitionType=Default&contextData=(sc.Default), Access Date: 25.04.2023).

with a minimum of costs and obtains the advance payments from third parties. All parties are… entitled to separate deeds." Especially after the 1960s, this appurtenance process created a massive and rapid increase in high-rise apartment developments in low quality settlements without proper infrastructure (Balamir, 2014).

In addition to these property relations, in the mid-1980s, the government provided subsidized credits for new housing constructions, which contributed to the development of mass housing projects and large-scale cooperatives in Türkiye. Nevertheless, this development did little to support the housing needs of cities, and subsequently the squatter settlements continued to develop (Adıkutlu, 2019; Balamir, 1999). Additionally, in this process, appropriation and apportionment processes developed into a process of appurtenance based on the amnesty laws described above, and appurtenance became more widespread in Türkiye (Balamir, 1996, as cited in Şenol Balaban, 2019).

Hence, the building stock in Türkiye has been heavily influenced by the combination of property relations and the process of urbanization. In terms of property relations, appropriation and apportionment processes which legalized the squatter settlements created most of the vulnerable housing stock in Türkiye which are mostly located in hazardous areas such as river basins, soft soil, landslide prone areas and seismic hazard areas. While the process of appurtenance generated a dense urban fabric. As a result, most of the building stock created by these property relations have poor construction quality (Şenol Balaban, 2019). For example, in 1999, the Marmara earthquake damaged 213,843 housing units in Türkiye. Due to the significant loss of property, the government took several measures to address the seismic deficiency of the existing building stock, such as: various earthquake regulations and the Law for Building Audits, and Compulsory Insurance for Earthquakes. However, these measures remained limited and only brought building base solutions and legislation (Adıkutlu, 2019). Thus, the ineffective laws and regulations on construction codes regarding earthquakes and the lack of controlling of existing settlements gradually constituted the vulnerable housing stock in Türkiye during the urbanization process (Şenol Balaban, 2019).

Based on the reasons mentioned above, the Ministry of Environment, Urbanisation and Climate Change designed and proposed Law 6306, entitled Transformation of Areas under Disaster Risk, in order to conduct large-scale demolition of risky building structures and/or

buildings on risky areas (Ganapati, 2014). As about one third of the nearly 20 million occupancy units in Türkiye have insufficient seismic resistance, the timeframe for the completion of urban transformation projects is ambitiously set as 20 years (Gunes, 2015). The following section will provide a brief overview of Law 6306 by focusing on major definitions and their designation procedure.

2.3.2. Law 6306 and its regulation

In the official legal document of Law 6306, the aim of the law is explained as; "*to designate the principles and procedures of rehabilitation, prevention and renewal for achieving safe and healthy living environments, with convenient science and art norms and standards, within the areas under disaster risk and in the plots and lands where risky buildings were constructed*". Three major definitions, including risky area, reserved building area, and risky building and their designation procedure are central to this law.

According to the first version of the law, the definitions in the law are described as follows (Law 6306, 2012: Article 2):

- **The Ministry:** Ministry of Environment, Urbanisation and Climate Change,
- **TOKI:** The Mass Housing Authority.
- **Administration:** Municipalities for the adjacent areas, Provincial Administrations for the outside of adjacent areas, the metropolitan municipality for the metropolitan cities and the district municipalities if it is authorized by the Ministry,
- **Risky Area:** Areas under disaster risk which could engender loss of lives and property due to ground or building conditions within the area, *are determined by the Ministry or Administration through taking the official opinion of the Disaster and Emergency Management Presidency (AFAD), and designated by the Council of Ministers,*
- **Reserve Area:** The area, which will be used for construction of new residential buildings, is designated by the Ministry, upon the proposal of the Administration or TOKI or on its own motion, *with taking the official opinion of the Ministry of Finance,*
- **Risky Building:** Buildings, which have the risk of collapse or heavy damage or fulfil its lifespan within or outside of the Risky area, determined using scientific and technical data.

After enacting the Amendment Law June 2019, the definition of reserve areas and risky areas were changed. In the definition of reserve areas, the term was changed to **reserve building area** and the explanation: 'taking the official opinion of the Ministry of Finance' is removed from the definition. Furthermore, the definition of risky area was changed as '*the areas under disaster risk, which could engender loss of lives and property due to ground or building conditions, determined by the president'.* In addition to these changes, according to this amendment, two new definitions are added: implementation area and building approximate cost value.

In addition to the above, the law defines three implementation tools for risky areas, risky buildings, and reserve areas in which the central government is empowered to initiate their implementation process. The following part will briefly discuss the designation procedure and implementation process of risky areas and reserve building areas that are relevant for this study.

2.3.2.1. Designation procedure of risky areas

To **designate the area as risky**, the last amended version of the law describes a requirement of a proposal file, which includes a technical report based on the risk detection, by the Ministry of Environment, Urbanisation and Climate Change. The Ministry then presents the proposal file to the President for decision. Risky areas are designated by the Ministry by using at least one of the three criteria below:

1. **Due to Ground Conditions**: The areas where the hazards and disaster risks occurred such as of seismicity, land slide, flood or rock falling,

2. **Due to disturbance of the public order/ damage in a built environment that affects daily routine**: The areas, where there are inadequate planning or infrastructure services; where there are structures that are incompatible with development legislation; or where there are structures or infrastructures that are damaged.

3. **Due to the Illegal Status of Buildings:** The areas where 65% of the buildings are illegal. Illegal houses are defined as all buildings constructed contradictory to the master plans, the laws and/or not having the construction permit.

When the law came into force in 2012, the designation of risky area was made by only considering the ground conditions which could engender loss of lives and property, and the conditions of the buildings in relation to the amount of risky buildings in the settlement. Between 2012-2016, the courts cancelled lots of risky area decisions due to insufficient explanation of the risk factors in technical reports (Akbıyıklı et al., 2017). In 2016, two amendments were made which changed the designation procedure of risky areas. The second criterion was added by the Amendment Law April 2016, which made the risky area definition questionable. Through this criterion, any place can be determined as risky without considering its ground condition (Atay, 2016, as cited in Şenol Balaban, 2019). For example, some areas where apartments were developed with inadequate infrastructure services because of regeneration of squatter settlements in the 1960s can be chosen as target areas (Adıkutlu, 2019). Shortly after the second criterion, the third criterion was added by the new regulation on Law 6306 in October 2016. In this way, considering the previous cancellation reasons by the court regarding the risky area designation process, the determination of risky areas is aimed to be made more easily based on the provisions of the law. It makes the cancellation of the risky area decisions more difficult by the court (Akbıyıklı et al., 2017).

Additionally, according to the amendment in October 2016, the Disaster and Emergency Management Presidency, the related authorities (e.g., municipalities, provincial administrations, etc.), or real or legal person(s) who own property in the area may make a request for the Ministry for identification of risky areas by preparing a proposal file. The proposal file must include the following documents:

- The technical report that explains the area has the risk which could engender loss of lives and property due to ground or building conditions,
- Information and documents on whether there is an area (within the boundaries of the proposed risky area) determined as a disaster- exposed area according to law 7269[34],
- A coordinated current map including the size of the area and master plans of the area,
- A list of public immovables in the area,

[34] Law 7269 called Disasters Law is enacted in 1959 and had various amendments by now. All the nature-induced disasters in Türkiye were introduced by this law. The law constitutes today's disaster management and policy and governance system (T.C. Official Gazzette, 1959).

- Satellite image or orthophoto map of the area,
- A soil investigation report (if the application is based on the ground structure),
- Analysis and report prepared in accordance with the principles regarding the determination of risky buildings (annex 2) (if the application is based on the amount of risky buildings),
- Other information and documents upon the request of the Ministry.

If the Council of the Ministers approves the proposal file and then the president agrees, the area is declared as an 'area under disaster risk' in the official gazette. Hence, with regards to the amendments enacted in 2016, the determining parameters of risky areas are still not defined precisely, and the Ministry comes out as a sole authority regarding the determination of those areas.

2.3.2.2. Designation procedure of reserve building areas

Reserve building areas are aimed to be used for two purposes: (1) to relocate people who live in risky areas or residents of risky structures outside these areas with the aim of providing them houses and workplaces; (2) to make any implementations in those areas that will bring revenue for the Ministry. This clause was added by the Amendment Law June 2019. Furthermore, according to the Ministry (2019), reserved building areas must be determined based on the following conditions: (1) when the risky area is not suitable for settlements; (2) when the urban transformation project to be carried out in the risky area cannot meet the current building density; (3) when it is necessary to 'transfer development rights' for right holders in the risky area. Hence, different purposes for the determination of reserved building areas are defined in comparison to the law document and the Ministry's report entitled urban transformation strategy document.

In the law document, the Ministry is defined as the main authority to identify reserve building areas which are determined for new developments. Additionally, the Mass Housing authority, the municipalities or the real or legal person(s) may request for identification of reserve building areas to the Ministry by preparing a proposal file. According to the law, this proposal file must include:

- Coordinated current map which indicates the size of the area,
- Satellite image or orthophoto map of the area,
- List of public immovables in the area, added by the amendment law in October 2016,
- The report to be prepared based on observational data about the area,
- Other information and documents upon the request of the Ministry.

Based on the proposal file, the Ministry makes the decision regarding the identification reserve building areas. After the designation of reserve building areas, the ownership of areas and/or immovable that belong to the treasury inside of the reserve building areas must be transferred to the Ministry (Şenol Balaban, 2019).

2.3.2.3. Implementation of process of Law 6306

In the legal document of the implementation process, the Ministry is the responsible authority. The Ministry has the following roles explained under the planning section of the document:

- Making and approving several types of plans on various scales for risky areas, reserve building areas and the areas where immovable properties with risky buildings are located,
- Developing the planning and design standards that will be the basis for planning processes of all types and scales; if deemed necessary, determining these standards within planning decisions within the urban design projects; making or procuring plans and urban design projects containing special standards and approving those plans.
- In terms of parcellation plans, if necessary, making a development readjustment share[35] deduction in order to complete the development readjustment share rate in the first application (at most 45%), which is a form of public value capture.

[35] Development Readjustment Share takes at most 45% of the surface area of a parcel for public use (e.g. primary and secondary institutions affiliated to the Ministry of National Education, public services such as roads, squares, parks, police stations, green areas, etc.) based on 'Development Law' numbered 3194, enacted in 1985, which defines the planning regulations in the country. According to this law, this deduction is applied in exchange of the value increase of the estates on account of the land adjustment (T.C. Official Gazzette, 1985; 2019).

Furthermore, based on the amendment in July 2013, the Ministry has the power to transfer the authority of the preparation of the plans and urban design projects for risky areas or reserved building areas. In this case, the proposed plan file, which includes various plans and urban design projects, opinions of related institutions about the project area, documents and information about the current situation of the project area) are submitted to the Ministry for decision. The Ministry approves the plan proposals as they are or requests a change.

According to the law document, there is one specific application for the Metropolitan Municipalities. If the project area is within the boundaries of a metropolitan municipality and the provincial municipality prepares the plans of the project area, the metropolitan municipality has to deliver an opinion to the provincial municipality about the proposed plans.

In 2019, the Ministry realised a report called 'Urban Transformation Strategy Document: Preparation Rudiments and Principles' to clarify the implementation process of the law especially for municipalities. According to this report, the following steps are identified:

1. **Analysis of the current situation:** Preparation of the analyses of the risky area for the urban transformation project (analyzing building structure, socio-economic structure, demographic structure, history and ownership pattern), the entitlement identification in the risky area, the valuation of the properties in the risky area.

2. **Meeting with the right-holders and an expectation analysis:** Conducting questionnaires or in-depth- interviews to analyse the lifestyles of the people living in the risky area and to determine their needs, expectations or worries in terms of the urban transformation project.

3. **Developing strategies and financial model:** Defining an urban transformation model (if needed, transfer areas can be identified in order to relocate the people living in the risky areas), defining the agreement model in order to negotiate with the locals, developing strategies to create a healthy environment through considering disaster risks, ensuring the continuation of commercial and tourism activities, defining the implementation phases of the project and defining the related actors and their roles for

the project implementation. The responsible authority can ask for financial or technical support from the Ministry (e.g. getting loans from İller Bank[36]).

After completing these three steps, the work done is presented to the Ministry for approval. Following the Ministry's approval, the proposal file for risky area identification is prepared. If the Ministry approves the proposal file and after that the president makes the decision, the area is declared as an 'area under disaster risk' in the official gazette. After the designation of the risky area, three more steps are described to prepare the implementation process (See Figure 2. 3).

4. **Plan preparation process:** Preparation of several types of plans (master plans, management plans, implementation plans, urban design projects, plot plans, implementation projects, etc.), arranging a meeting with the local inhabitants in order to inform them about the project and organizing design workshops with them. At this step, the Ministry can transfer the authority of the preparation of the plans and urban design projects.

5. **Negotiation, Evacuation and Demolition:** The negotiations are launched based on the agreement model. The law describes the agreement conditions as achieving the consensus of a majority of two thirds of the occupants of the risky area. After the agreement of 2/3 of the locals for the project implantation, the property rights of the remaining (1/3 of the locals) are subject to sales or expropriation. If no one is willing to buy the minority (1/3) of the property rights, the Ministry can buy the rights at the market value. After that, the evacuation process starts within 15 days, or the authority can define a time limit. From the date of eviction, the owners or tenants can apply for two supporting measures: housing benefits and interest support (reducing the interest

[36] İller Bank is a development and investment bank to finance development activities of special provincial administrations, municipalities, and their affiliated organizations, as well as the local government unions. The bank is a public institution with a special-budget incorporated company, subject to provisions of private law, having a legal personality (https://www.ilbank.gov.tr/sayfa/history, Access Date: 08.07.2020).

rates of the credits). Regarding housing benefits, rent allowance is provided by the related institution and the Ministry announces the amount and the conditions of the housing support, which is limited for 48 months. In addition to this, the Ministry can provide temporary residential or commercial units. After the evacuation process, the existing dwellings in the risky area are liquidated and demolished.

6. **Construction:** The construction is carried out in risky areas based on the plans and urban design projects. After the completion of the construction, the property title of the right holders is granted.

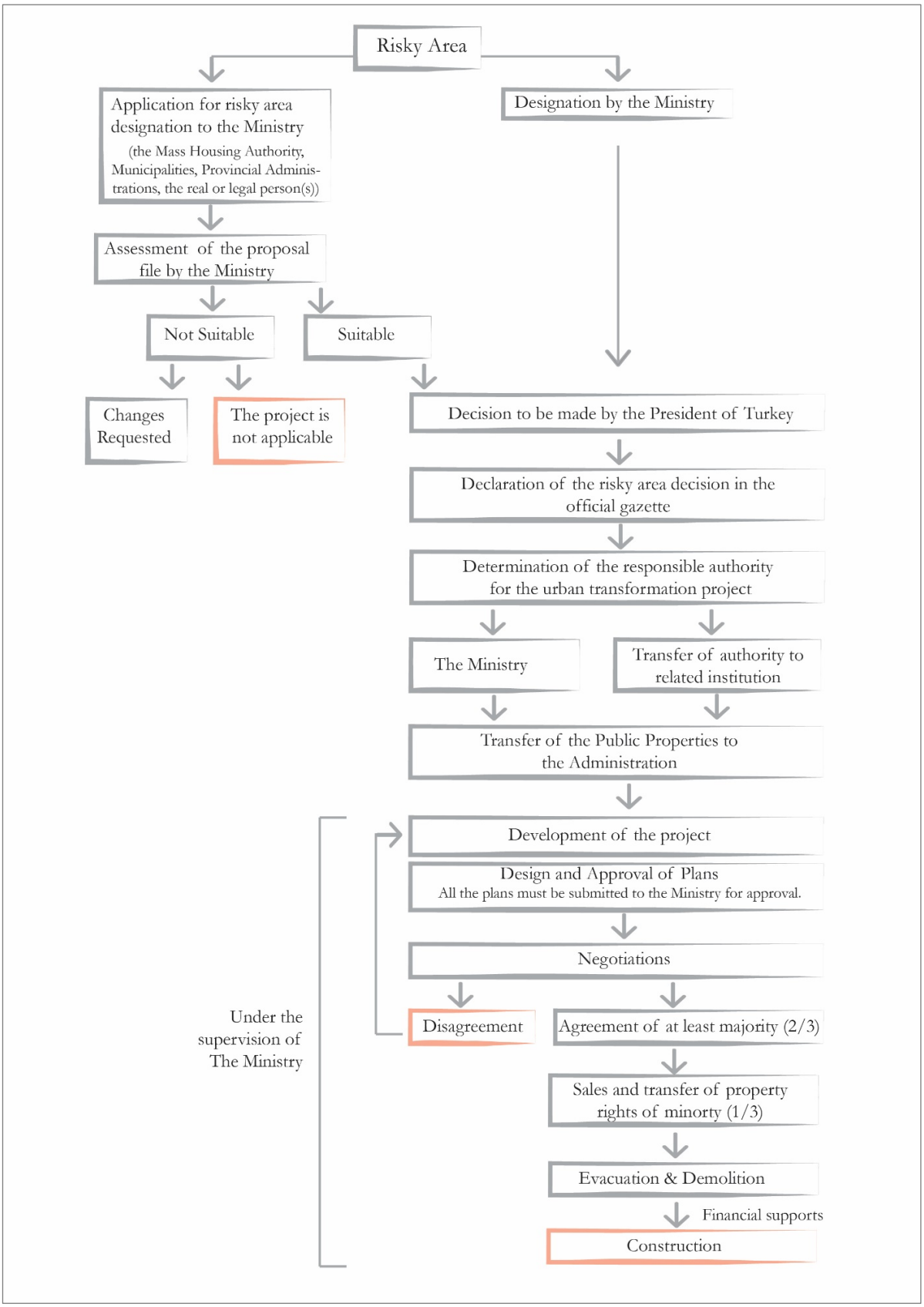

Figure 2. 7. Implementation process of Law 6306 on risky areas (Author, 2019)

Based on the process described above, the following time limits are defined by the law and its regulation. For risky areas, some of the time limits are stipulated based on the official opinion of related institutions (e.g. the negotiation and evacuation phases) (See Table 2. 2).

Table 2. 2. The time limits defined by Law 6306 for risky areas (Duyguluer 2014, as cited in Adıkutlu, 2019, reproduced by the author)

Procedure	**Responsible body**	**Law (L) or Regulation (R)**
In risky areas, within the **30 days** from the notification, there should be agreement of majority (2/3)	Owners	L 6(2)
Within the **30 days** from the notification, one can file a legal action against the administrative procedures	Owners	L 6(9)
The property shares of the minority who disagree with the agreement are sold within **15 days.**	Minority who disagrees	R 15(2)
According to the program determined by related administration, evacuation starts within **15 days.**	Owners	R 17
The official opinion of the Metropolitan Municipality about the urban plan of District Municipality within **15 days.**	The Metropolitan Municipality	R 18(3)
Demolition permit is given within **6 days** after the evacuation.	Related administration	R 8(2b)
Before the demolition of risky buildings, an additional and maximum 30 days can be provided	Related administration	R 8(2c)
The University representatives in the Technical Committee provide their opinion within **15 days.**	Related University	R 9(3)
The members of the Technical Committee are renewed in every **2 years** in January.	The Ministry	R 9(5)
The meeting day of the Technical Committee is declared at least **3 days** prior to the meeting	Provincial Directorate	R 10(3)
The owners must make a decision about the urban regeneration project **within 15 days** of the declaration of the proposal project	Owners	R 15 (2)
Owners, tenants, limited property owners, owners of the illegal housing can use the housing benefits up to **48 months** in risky areas	Owners	R 16(1)

Above all, Law 6306 empowers the Ministry of Environment, Urbanisation and Climate Change, with the capacity to appropriate all property, prepare plans, and build. Accordingly, the Ministry is also authorized by the law to develop and determine planning and design standards, which means that planning and design standards determined by Law 3194 entitled 'Development Law' may not be applied. Furthermore, even the local governments or the real person(s) can be responsible for the preparation of the plans and urban design projects for risky areas, the Ministry has the power to determine and transfer these authorities to them.

Hence, the decision-making and implementation process of the law regarding risky areas is highly centralized and apportions uncontrolled power to the central government.

2.3.3. Making Law 6306: Analysis of its design and approval process

The Turkish Grand National Assembly (TGNA), which has the legislative power, approved Law 6306 and its regulations in 2012. In this part, four parliament meetings, which held to discuss the law draft, are examined to understand the issues raised within the design and approval process of Law 6306.

The ruling party called the Justice and Development Party (AKP) submitted a draft version of Law 6306 on the 2nd of February 2012. To discuss the law draft, four meetings were held on 14-15 March 2012 and 15-16 May 2012 (See Figure 2. 7). During those meetings opposition parties including CHP (The Republican People's Party), MHP (Nationalist Movement Party), HDP (Democratic Party of the Peoples), BDP (The Peace and Democracy Party) raised various issues regarding the increasing power of central government, lack of a participatory process and violation of property rights and creating land speculation resulting from the proposed law.

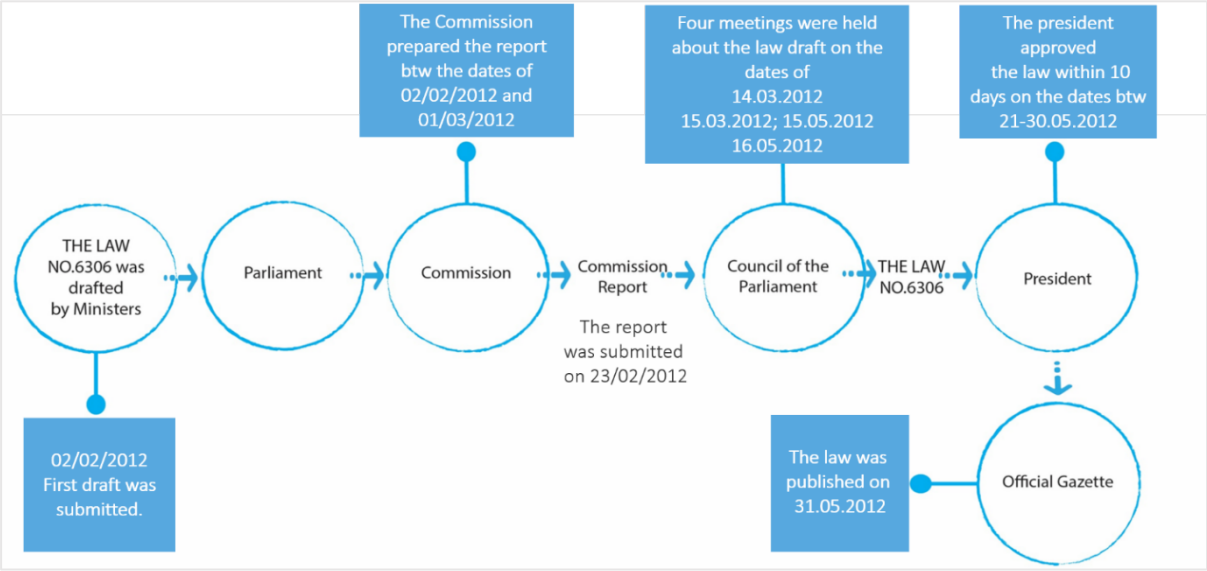

Figure 2. 8. The process of publishing Law 6306 (Author, 2019)

Table 2. 3. Main issues discussed in the decision-making process of Law 6306

Main Issues	***Meetings***	***Actants discussed the issue***
Reduction of local government power	*First Meeting*	*MHP; Ministry*
	Third Meeting	*CHP, MHP and BDP*
	Fourth Meeting	*Ministry*
The role and authority of Mass Housing Authority (TOKI)	*Second Meeting*	*All Parties*
	Third Meeting	*CHP*
	Fourth Meeting	*Ministry*
Creating land speculation & the use of reserve (housing) area	*First Meeting*	*MHP; CHP; BDP; Ministry*
	Third Meeting	*CHP, MHP and BDP*
Constraining on the property rights	*First Meeting*	*MHP; CHP*
	Third Meeting	*CHP*
The abolishment of Law 2981	*First Meeting*	*MHP*
	Fourth Meeting	*CHP*
Designation of risky areas	*Fourth Meeting*	*Ministry*
Lack of a holistic approach in terms of urban transformation	*First Meeting*	*MHP*
Lack of transparency and participation in terms of urban transformation	*First Meeting*	*MHP; Ministry*
Stopping electricity, water and natural gas services in the risky area	*Second Meeting*	*All Parties*
Raising awareness about disaster risk through radio and television stations in Türkiye	*Second Meeting*	*All Parties*

Hence, this section examines parliament as the main arena in which law-making takes place and discusses the main issues that arise during this debate, as well as the actants that are influential in the emergence of these issues (See Table 2. 3). The subsequent part of this text delves into these issues in greater depth.

Creating land speculation*:*

The issue of land speculation was initially brought to attention by the opposition party, MHP, during the process of creating Law 6306. During the first meeting, the MHP stated that Law 6306 creates land speculation especially on public lands, under the pretext of transformation of areas under disaster risk. They provided an example to illustrate their point that Law 6306

enables the Ministry to use public lands such as urban facilities and pastures at the periphery as reserve building areas for urban transformation projects. Additionally, the opposition party CHP addressed the issue from a different perspective, pointing out that even stable housing in city centers could be demolished under the pretext of the law. During this discussion, CHP parliament member Sarıbaş A. emphasized that the ruling party AKP intended to use protected or preserved public lands in cities under the pretext of disaster risk to create land speculation. In addition, CHP raised the topic of 'reserve areas' during the meeting, drawing attention to the fact that Law 6306 allows forest areas, agricultural land, pastures, and conservation sites to be converted into reserve housing areas for construction.

The opposition party BDP also highlighted the Ministry's practice of taking over public and private lands under the pretext of transforming risky areas, leading to problems such as land speculation, deprivation of citizens' housing rights, misuse of public resources, and denial of people their due legal process. In the meeting, BDP parliament member Önder S. emphasized this issue, stating that:

> *"This law is related to disaster only in its name. This law is a disaster and you can test how the law is related to disaster. I have checked 25 articles of the law consisting of 3000 words, the word 'disaster' is used 8 times because the law is not related to disaster. This law is about transforming poor neighbourhoods, where a land speculation can be created depending on their location, for rich people".*

At the end of first meeting**, the Ministry** made the following explanations in order to respond to opposition parties:

> This law draft aimed to transform risky areas, demolish risky buildings and **create safe living environments**. After the 1999 Marmara Earthquake, the earthquake regulation was changed and developed legally enforce the construction of buildings resilient to earthquake. Also, in this process, 248 urban transformation projects were conducted, and 500.000 houses were produced by the Ministry and TOKI in the context of housing and urban development plan. These projects, which the Ministry initiated with the aim of

> creating the living conditions that the citizens deserve, **do not create land speculation.** Hence, in this process, the Ministry implemented serious practices in order to solve the problem of housing shortage and spread the urban transformation projects. However, these practices do not go far enough in reducing the disaster risk. The Ministry needs to take a radical step. For this purpose, this law draft includes controlling the building stock to find risky buildings in a rapid way and providing healthy and safe housing for citizens.

At the third meeting and the final meeting, several members of opposition parties including CHP, MHP and BDP took the floor and discussed same issue about the law draft and stressed that the Ministry aims to create land speculation by the Ministry through urban transformation projects especially in the old centre of cities, and by using forest, pastures, olive groves and protected areas as reserved areas for construction under the pretext of disaster risk. Despite the opposition's concerns, the law was adopted without changes to the relevant article. Hence, the law calls for a radical step towards the rapid implementation of urban renewal projects and renovation of the housing stock, particularly in the old urban centers, using the uncertainty of earthquakes as a justification.

Constraining on the property rights:

According to the law, the urban transformation project can start if property owners make a decision with a 2/3 majority, which would violate the property rights. The MHP, one of the parties opposing the ministry, raised the issue at the first meeting, believing that this article would violate property rights. This issue was later revisited at the third meeting by the opposition parties. They pointed out that the law draft includes attacks on the property right of citizens. In this discussion, the parliament member of CHP (Bulut A.) clarified that as an example:

> *"Through this law, if the Ministry designates the house as risky or in a risky area, even if the house is steady, the people who live in the property have 30 days for negotiations. If these exceed thirty days, the house will be taken by the Ministry through the urgent expropriation procedure".*

At the final meeting, this article was also accepted without any changes and has caused many problems in the urban transformation when the law has started to enforce in places. On the

one hand, in risky areas where spatial resistance emerged, the urban transformation process could not start due to the lack of majority. On the other hand, in areas where there was no such resistance, the rights of one-third of the population living in risky areas have been disregarded, denying them the use of their own property rights. As a result, this article has caused a loss of rights when the law is applied, especially in areas where there is no resistance.

Reduction of local government power:

Law 6306 empowers the Ministry with the capacity to expropriate all properties, create plans, and undertake construction for urban transformation projects in risky areas. Therefore, the Ministry of Environment, Urbanisation and Climate Change and Mass Housing Authority (TOKI) are authorized through this law and gained all powers in terms of urban transformation. During the parliamentary sessions, opposition parties have raised concerns about the reduction of the local government power in this process and one parliament member from CHP (Günaydın G.) made the following statement:

> *"Now, the authority says: No municipality can implement an urban transformation project if the Council of Ministers cannot make a decision. This is already proof that you can discriminate against municipalities"*.

To response this, the Ministry made the following explanations:

> *Local governments disregarded earthquake risk. They could not apply standards of earthquake regulation properly in cities. Furthermore, if the current regulations were properly adhered to, the urban transformation projects would have happened too fast to ensure a high standard of transforming the settlements (e.g. old settlements or squats) that had previously formed and remained in the center of cities*.

Therefore, during the law-making process, while the Ministry emphasized the necessity of taking a radical step to reduce the earthquake risk, which requires the centralization of the risk management system, the opposition parties raised the issue that the decision-making and implementation process of the law regarding risky areas is highly centralized and allocates uncontrolled power to the central government.

The abolishment of Law 2981[37]:

The issue of the abolishment of Law 2981 by Law 6306, one of the primary sources of uncertainty in the implementation process of Law 6306 (See section 4. 2), was only discussed briefly in the first and last meetings.

In the first meeting, the MHP opened the discussion and briefly mentioned that the 23rd article of Law 6306 creates a gap in the legal system about the property rights of the squatters based on Law 2981. At the final meeting, one parliament member from CHP (Hamzaçebi A.) brought into discussion again the **topic of Law 2981,** which will be repealed 1 year later. He explained that one year is not enough to solve the problems of Law 2981, which aims to legalize the squatter settlements which entered into force in 1983. There are still a large number of citizens who have only the LTA documents, and they have not got their land title since 1983. As law 2981 states prerequisites for giving out the land titles including the preparation of an improvement plan for slums areas and implementation of the land readjustment project prepared by the relevant municipality, the related administrations and municipalities could not complete these transactions in time, these citizens could not receive the land titles they deserved due to the lack of timely rehabilitation and zoning plans and not transferring the ownership of these lands to municipalities by National Property. Furthermore, hundreds of thousands of citizens who have the land title allocation documents in many cities, especially Istanbul, and are waiting to receive their land titles (In the case of Karabağlar, according to the interview results, there are 4200 people in the district without land titles[38]).

The parliament member further stated that by abolishing Law 2981, the problems of those people will not be solved. A parliament member of the CHP proposed to repeal the law 4 years later in order to solve the current problems of Law 2981. After the statement about Law 2981,

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[37] Law 2981 was entered into force in 1983. The law aims to integrate slum lands into the formal urban market. The law provides property rights to slum owners. A series of slum amnesties and deeds of occupied lands were given to slum owners (Uzun et al, 2010). The 23rd article of Law 6306 rules the abolishment of this amnesty law after three years.

[38] Interview with the member of the Limontepe Urban Transformation Association and member of the Karabağlar Neighbourhood Union.

the discussion moved on to previous issues raised by the opposition parties and not discussed again during the last meeting.

During the meetings, the focus was solely on the repeal time of Law 2981, with no attention given to the fact that slum owners who had benefited from this law had not received their land titles since 1983. Although Law 6306 was enacted with an article stating that "Law 2981 will be repealed three years later," the ministry changed the repeal date without investigating the underlying issue. This oversight raises questions about the thoroughness of the decision-making process and highlights the need for more comprehensive assessments of the potential impacts of legislative decisions.

Designation of risky areas:

At the last meeting**,** the Ministry started a discussion into the designation of risky areas and made an explanation about the areas which are subject to transformation based on the law draft. Those areas are defined as:

1. In the areas in which the geological status and soil properties are not suitable for construction,
2. In regions where the historical structures which are worn out and in danger of collapse are dense,
3. In the areas where unplanned and uncontrolled construction occurred in the past. Those areas where an infrastructure, and a healthy environment and living conditions are extremely inadequate,
4. In places where natural disasters are likely to occur (earthquakes, fire, floods and the like),
5. In areas where social facilities and infrastructure services become insufficient.

The Ministry stated that those settlements, which are at risk of disaster and described above, must be transformed as soon as possible. Furthermore, those settlements must be rearranged and transferred to the defined areas. After these statements, the ruling party AKP then changed the subject and moved on to other topics to be discussed during the third meeting. The AKP's statement touched on the importance of collaboration between urban transformation projects and the central government, protection of the property rights of citizens living in risky areas, ensuring their safety, and designating pastures as reserved areas. As a

result, there was no thorough discussion of the potential issues surrounding the designation of risky areas as the conversation shifted to other topics.

Lack of a holistic approach in terms of urban transformation:

MHP introduced the urban transformation process under Law 6306 during the first meeting but highlighted the lack of a holistic approach in the legislation. While the law emphasizes the physical aspects of urban renewal, MHP argued that it should also consider the social, cultural, and economic dimensions of urban transformation for a more comprehensive approach. As a response to this issue, the Ministry stated that the transformation of the areas under disaster risk takes into consideration not only physical space but also social, economic and cultural dimensions. However, no further information was provided regarding the holistic approach that will be adopted for the urban transformation model.

Not utilising any principles of transparency and participation:

During the first meeting, MHP criticized the lack of consultation with universities, chambers, and local governments in the law draft preparation process. Similarly, CHP highlighted the absence of participatory processes and citizen involvement in urban transformation projects. In response to these issues, the Ministry addressed the citizens' participation in the third meeting, stating that the law draft provides the basis of agreement and allows the citizens to decide with a qualified majority of 2/3 to start a transformation of risky areas or buildings. In the law draft, a risky area, a risky building and a reserve area come into focus. The Ministry aimed that the citizens should demolish their own buildings. If the demolition cannot be achieved in this way, evacuation and demolition will be carried out or made by local authorities and administrations.

Stopping electricity, water and natural gas services in the risky area:

According to the 4th article of Law 6306, “if it is requested by the Ministry, TOKI (Mass Housing Authority) or the relevant administrations during the implementation of the urban transformation process, electricity, water and natural gas services are not supplied to the buildings in risky areas and risky buildings by the relevant administrations.” The opposition parties requested to cancel this article or to add a statement to the article as “…through taking opinion of the right holders, water and natural gas services are not supplied to the buildings in risky areas and risky buildings…”. However, the change or cancellation of the article was not

admitted during the parliament meeting. The opposition parties also pointed out that this article, which causes the violations of the property rights, is against human rights.

Raising awareness about disaster risk through radio and television stations in Türkiye:

According to the law draft, Türkiye Radio and Television Corporation and the national, regional or local private televisions and radio stations are obligated to broadcast an educational program about reducing disaster risk and urban transformation at least ninety minutes in a month. Furthermore, these programs are prepared or prepared by the Ministry, Radio and Television Supreme Council, other public institutions and organisations, scientific organisations, professional institutions or non-governmental organisations. Based on this article, the opposition parties asked about the opinion of Türkiye Radio and Television Corporation, which was not asked by the Ministry before. Also, they discussed the problems of free broadcasting by private television and radio stations. Hence, regarding this issue, the opposition parties once again argued about the lack of consultation with experts on the relevant issues.

Findings:

This section explores the debates that took place in parliament, one of the primary arenas, and highlights the key issues raised by the actants. Although several concerns were brought up during the discussions, at the end of the fourth meeting, the law draft was approved by the parliament without significant changes.

Furthermore, the text analyses of the discussions, which I have conducted to analyse interpretations and perceptions at stake during the parliamentary meetings, demonstrate that ‘municipality’ (361 times), ‘earthquake’ (309 times), ‘urban transformation’ (216 times), ‘TOKI’ (167 times), ‘land speculation’ (112 times), ‘Ministry’ (111 times), ‘pasture’ (94 times) and ‘forest’ (74 times) come out as the most used words during the discussions (See Figure 2. 9). On the other hand, the words ‘Law 2981’, which is the main problem of most citizens linked to Law 6306, are hardly used in the discussions. Although the parliament members discussed the need to extend the repeal period, the reasons why the law has not been implemented since 1984 were not addressed. One possible explanation could be that the parliament members did not consider addressing the social, economic, and psychological conditions of

those places and only focused on the administrative decisions in which they asked to extend the repealing time.

The text analysis also demonstrates that reducing the power of **municipalities** and giving all the authority to the **Ministry** of Environment and Urbanism and Mass Housing Authority (**TOKI**) in terms of the transformation of risky areas is seen as one of the most discussed issues raised by the opposition parties. During this discussion, the Ministry emphasized the necessity of earthquake reduction, which was disregarded by the municipalities. Because of that, the Ministry should take a radical step to reduce the earthquake risk, which requires the centralisation of the risk management system. This discussion explains why the word earthquake is used approximately the same number of times as the word municipality in the law-making process.

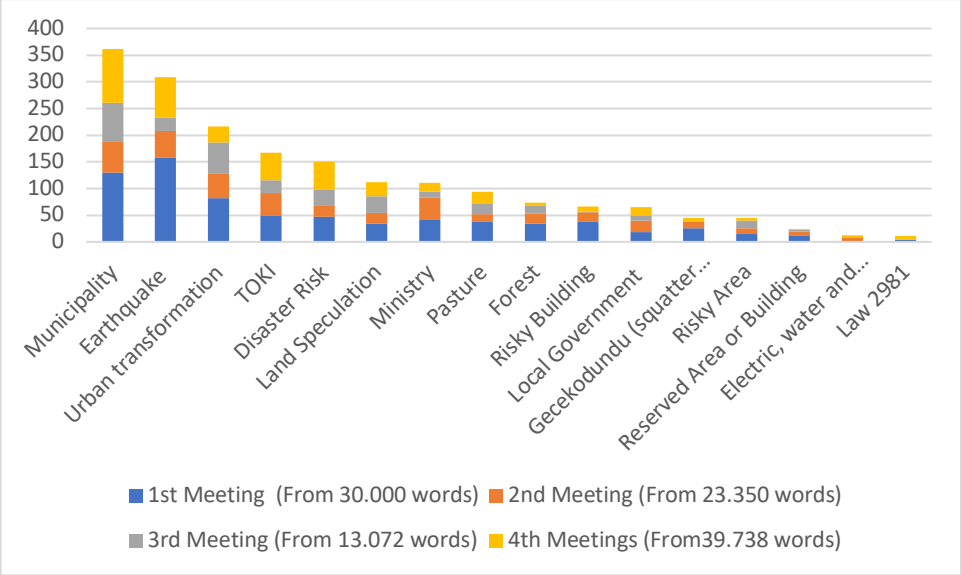

Figure 2. 9. The most used words used during the parliament meetings

All in all, the reduction of local government power, the quality of TOKI projects, creating land speculation under the pretext of disaster risk, using pastures and forest as reserved areas are defined as the main issues of the law draft raised by the opposition parties. As a response to the opposition parties, the Ministry emphasized the necessity of urban transformation projects due to the earthquake risk and the existing risky building stock. According to the Ministry, the urban transformation projects must be done in a rapid way in order to create a healthy and safe environment, and this demands the empowerment of central government.

2.4. Anticipating the earthquake: Exploring the (un)expected earthquake of İzmir

This section examines the uncertainties attached to earthquakes to discuss their impact on law-making and identification of seismic risky areas. First, I discuss the uncertainties related to earthquake predictability using a physical risk management approach. Subsequently, I examine these uncertainties within the context of the city of İzmir, where the Karabağlar case study area locates, to comprehend the uncertainties associated with earthquake predictability in İzmir.

From a physical science perspective, scholars distinguish two sources of uncertainty in the prediction of a seismic hazard: aleatory and epistemic uncertainty. Epistemic uncertainty, also known as scientific uncertainty, emerges due to a lack of knowledge and understanding, which may be reduced in time with more data and new models. According to Foulser-Piggott et al. (2020), this uncertainty also arises when there are numerous sources of seismic hazard data and estimates of local site conditions. In contrast, aleatory uncertainty refers to the inherent uncertain future of the system. This uncertainty is supposedly irreducible and linked to the inherent randomness in a process (Lombardi, 2017). Hence, uncertainties are categorized into two distinct areas: epistemic when it is possible to reduce them through gathering more data or refining models and aleatory if there are no possible ways to reduce them.

As knowledge has grown in earthquake science, there is much debate on the possibility of forecasting where, when, and how big future earthquakes might be. Nearly seven years ago, earthquake science presented new models which give a better understanding for the movement of fault lines within time and space. Global models have created an important shift in earthquake science due to the use of improved satellite technologies, expanded computing power, and the inputs of national and local seismic scientists. In particular, this shift has been facilitated by the integration of local-level data about faults into global models, which has improved the accuracy of estimates of earthquake risks (UNISDR, 2019). Despite undeniable advances in the global models, there are still limitations to assess the anticipated earthquakes regarding the exact date and location.

In relation to time-dependent forecasting, most of the global seismic models are based on forecasting the return periods of earthquakes in terms of decades. These models indicate the probability of experiencing an earthquake (for each year) within certain return periods such as 50, 100, or 500 years. According to the authors of GAR39 (UNISDR, 2019), it is possible to project future earthquakes for some areas in 30-year time periods. However, they also indicated that time-dependent forecasting can only be possible with sufficiently detailed data. For instance, as many scientists have been working on the North Anatolian Fault in Türkiye since 1948 (more intensively after the 1999 earthquakes in the Marmara region), a scientific data basis has been created to predict the anticipated Istanbul earthquake based on the collection of high-quality seismic data. Scientists forecast that an earthquake with a magnitude of approximately 7 with a 62% probability (±15%) will strike the vicinity of Istanbul before 2030 (Parsons et al., 2000, as cited in Tekeli-Yeşil et al., 2011). Hence, the collection of high-quality seismic data can reduce the epistemic uncertainties affecting the calculation of the temporal probability of earthquakes.

Currently, there is also a better understanding of the location of anticipated earthquakes due to locally generated information about faults. Based on these advances, the locations of future earthquakes can be associated with active fault sources. For instance, The Global Seismic Hazard Assessment Program (GSHAP) established in 1992 has made a new assessment in which the largest earthquakes are associated with specific fault sources. These new assessment practices rely on detailed geologic and geodesic local knowledge on faults rather than the spatial pattern of past earthquakes. However, accessing this level of local data about faults is only possible in more developed countries. As a result, many researchers still use simple methods in relation to general knowledge on past earthquakes and geologic conditions (UNISDR, 2019).

Despite significant developments in earthquake science which have reduced a high degree of epistemic uncertainties in seismic risk assessments with new models and integrated global and local data about the faults, there are still limitations to predicting earthquakes with certainty

[39] GAR stands for ‘Global Assessment Report on Disaster Risk Reduction’.

due to the combination of aleatoric[40] and epistemic uncertainties. Recent studies discuss these limitations of epistemic uncertainties. Gkimprixis et al. (2021) state that epistemic (or scientific) uncertainty is inherited from the seismic hazard models because different seismic hazard models present considerably different results for the same region. In addition to Gkimprixis et al. (2021), Marulanda et al. (2021) also discuss epistemic uncertainty resulting from the use of multiple different hazard models in Chile and attribute the differences of risk results for the same area to limitations of historical data, data errors, and oversimplified assumptions.

In addition to the above, the scholars also demonstrate the epistemic problems of forecasting the earthquakes from different field perspectives. Kayaalp and Arslan (2021) suggest that epistemic uncertainties about the earthquake do not emerge due to its different representations, but rather, they emerge from different interactions of scientific practices and relations. By focusing on the expected Istanbul earthquake and applying Science and Technology Studies (STS), Kayaalp and Arslan (2021) analyze three scientific practices based on different models that produce different North Anatolian Faults (NAF)s (across Istanbul and Anatolia). Their study reveals that the different NAFs are not produced simply by the use of different fault models, but rather they are the product of the heterogeneous network of humans and non-human (e.g., scientists, international actors, state institutions, socio-technical instruments, datasets, and maps). Additionally, Pelling et al. (2020) stress that improved knowledge on seismic hazards enables better forecasting. However, the interactions within physical and social processes produce additional uncertainties in time, space, and scale. Hence, the difficulties in relation to forecasting earthquakes are not only limited to the amount of data or fault models but also to the uncertainties constituted by the relations within the socio-material network.

The recent technological, epistemological, and geological developments in the field of earthquake science in the last seven years have thereby altered discussions in relation to uncertainty (UNISDR, 2019). However, there are still limitations to understanding the uncertain dimensions of earthquakes, as the precise date, location, focal depth, magnitude, path

[40] Aleatoric part of the uncertainty is linked to the stochastic character of seismic phenomena. This uncertainty emerges due to various inherent variability in the behaviour of the system, such as scattering of ground motions or stochastic ground–structure interaction (Tyagunov et. al, 2014).

characteristics of an earthquake cannot be predicted. Recent discussions also demonstrate that anticipating earthquakes is not only an epistemic problem, but it has also ontological concerns, as different realities are produced by diverse socio-material networks of different science practices (Kayaalp & Arslan, 2021).

Understanding epistemic and aleatory uncertainties are significant factors to discuss to what degree it is possible to predict the earthquake occurrence in İzmir, which is the third biggest metropolitan city of Türkiye with a population of more than 4 million. İzmir is located in an active seismic region in western Anatolia and surrounded by active fault zones. Based on historical and instrumental seismic records, the large earthquakes with a magnitude ranging between **6.5 M_W**[41]and **7.0 M_W** occurred frequently in the city of İzmir. The earliest historical earthquake record of İzmir dated back to 17 BC, in which the biggest earthquake with a magnitude **of 7 M_W** destroyed 13 Ionian cities including Ephesus. Almost 2050 years later, on October 30th of 2020, İzmir was hit by the earthquake again with the same magnitude **of 7 M_W** according to USGS[42].

Due to the highly active seismic setting of İzmir, scholars have investigated the seismic hazard and provided extensive information on many seismogenic zones in the city. They forecast the probabilistic hazard associated with a 475-year return period (10% probability of exceedance in 50 years) with different magnitudes (Deniz et al., 2010; Erdik et al., 2000; RADIUS, 1999). For instance, *'RADIUS project'* launched by the IDNDR[43] is one of the most comprehensive studies conducted for the İzmir Metropolitan Municipality concerning the reduction of the seismic hazard in İzmir. The study completed in **1999** calculated a deterministic earthquake of magnitude **6.5 M_W** on the İzmir Fault (Erdik et al., 2000). Based on this risk assessment, the first and only *İzmir earthquake master plan* was prepared under the 'RADIUS project'. A

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[41] I have indicated the earthquake magnitudes in bold, as they were usually reported differently in İzmir due to different researchers and their methods.

[42] United States Geological Survey (USGS), 2020. Retrieved 18 October, 2021, from: https://earthquake.usgs.gov/earthquakes/eventpage/us7000c7y0/executive

[43] IDNDR stands for 'Secretariat of the United Nations International Decade for Natural Disaster Reduction'.

separate study estimated the seismic hazard based on statistics obtained from the earthquakes that happened between 1900 and 2005 in İzmir. In this study, with a 10% chance of occurring in 50 years, the earthquakes with magnitudes lower than **6.2 M_W** within 75 km of the city center of İzmir were calculated (Deniz et al., 2010). Hence, different magnitudes were calculated for the probabilistic seismic hazard associated with 475 years, and the estimated seismic risk in these did not forecast the recent earthquake of İzmir in 2020, which had a magnitude **of 7 M_W**.

To understand the limitations to assess the anticipated earthquake in İzmir, three main different sources of epistemic and aleatory uncertainties identified by scholars are discussed below:

- The earthquakes in İzmir were usually reported with different magnitude scales by various organisations (Deniz et al., 2010). For instance, the recent İzmir earthquake in 2020 was reported with a magnitude ranging between **6.6 M_W** and **7.2 M_W**. Various organisations including the Ministry of Interior Disaster and Emergency Management Presidency-AFAD, Kandilli Observatory and Earthquake Research Centre (Istanbul, Türkiye), and USGA reported these following magnitudes respectively: **6.6 M_W, 6.9 M_W**, and **7.0 M_W** (Nuhoğlu et al., 2021). Hence, these different earthquake magnitude records raise epistemic uncertainties concerning the seismic hazard assessment in İzmir. For instance, to reduce this epistemic uncertainty, Deniz et al. (2010) used a series of statistical analyses to determine the level of magnitude at the target scale.

- A lack of information on the network of faults in İzmir comes out as another source of uncertainty. The Mineral Research and Exploration Institute, Ankara, Türkiye (MTA) has identified more than **40 active faults** in the vicinity of İzmir (Emre et al., 2005). However, these faults lines have not been fully explored and many of the offshore faults are not mapped completely (Deniz et al., 2010; Moberg, 2015; RADIUS, 1999). In particular, there is a lack of investigation into the mechanism and type of subsea faults in the Gulf of İzmir (Coskun et al., 2016).

- Lastly, the complexity of the fault lines in the İzmir region raises both aleatory and epistemic uncertainties. Due to the interlacing of the fault lines in İzmir, it is not possible

to determine the well-defined locations of fault lines. Also, most fault lines of İzmir have shallow and dip angles, which vary earthquake epicentres in the coordinate system with different focal depths. Due to the complex seismic sources of the city, it is not possible to find the perfect fault match with the related earthquake database (Deniz et al., 2010).

Due to those various sources of uncertainties, it is still not possible to know the magnitude and location of future earthquakes with certainty in İzmir. For instance, after the recent İzmir earthquake in 2020, scholars presented different results in the news and media regarding the next future earthquake in İzmir. While some scholars emphasized the difficulties in the prediction of the earthquakes in İzmir, others gave different periods for when the next large earthquake would happen. Regarding the difficulties in predicting the earthquakes in İzmir, Prof. Dr. Şükrü Ersoy of the Yıldız Technical University (YTÜ) made the following statement[44]:

> *"We don't predict one earthquake for İzmir. We predict 100 earthquakes because there are fault lines everywhere, to its north, to its south, at sea, on the land, in neighboring provinces. What we have not seen so far is an earthquake on the land. All recent earthquakes were at sea. We see a sequence of earthquakes south of Lesbos and the activity there continues".*

On the other hand, the Scientific Technical Committee of the İzmir Chamber of Geophysical Engineers, who analysed the earthquakes in previous years statistically in İzmir, explained that the probability of a devastating earthquake with at least magnitudes of **6.8 M_W** occurring within the next 126 years is high. They made the following statement:[45]

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[44] Quake risk lingers for Türkiye's İzmir, experts warn after tremors. (2021, 3 Feb). Daily Sabah. Retrieved 5 November 2021 from: https://www.dailysabah.com/turkey/quake-risk-lingers-for-turkeys-İzmir-experts-warn-after-tremors/news

[45] Destructive earthquake 126 years later. (2021, 25 June). Cumhuriyet. (Retrieved 5 November2021 from: https://www.cumhuriyet.com.tr/haber/yikici-deprem-126-yil-sonra-1847147

"The earthquake that occurred in 1739 on the İzmir fault is considered the last (destructive) earthquake. The return period of the big earthquake will be 408 years, and it will be expected in 2147, that is, 126 years later".

Prof. Dr. Hüseyin Öztürk, working at the Geology Department at Istanbul University, explained that the main major faults of İzmir were not broken by the recent İzmir earthquake last year. Due to that, a large earthquake with a magnitude of **7 M_W** might occur 300 years later[46]. Therefore, these scholars predicted different return periods regarding the next large earthquake in İzmir. In contrast, Prof. Dr. Hasan Özbilir, who is the Director of the Dokuz Eylul University 'Earthquake Research and Application Center', mentioned the possibility of a larger earthquake in İzmir occurring in the near future, and explained this as follows[47]:

"The recent earthquake that occurred off the coast of Seferihisar (İzmir) was caused by the subsea Samos fault, 70 kilometers from the city center of İzmir. Therefore, since this earthquake was not caused by faults in İzmir, the possibility of a larger earthquake in İzmir continues. There are 17 active faults that are likely to produce destructive earthquakes on the land within the boundaries of the İzmir province settlement. The maximum earthquake magnitude that these faults can produce is 7.2 M_W".

All in all, it is still not achievable to forecast the magnitude, time and location of future earthquakes with certainty in İzmir, due to the combination of epistemic and aleatory uncertainties. The high level of epistemic uncertainties emerges from the lack of investigation on the land and subsea faults of İzmir. Despite the fact that as many as forty active faults have been determined in the vicinity of the city (Emre et al., 2005), only the major active land fault lines such as İzmir, Seferihisar, Gülbahçe, Yagcılar, and Tuzla Faults have been thoroughly

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[46] Is a large earthquake expected again in İzmir? (2021, 8 Feb). Ege Ajans. Retrieved 5 November 2021 from: https://www.egeajans.com/İzmir/İzmir-de-yeniden-buyuk-bir-deprem-bekleniyor-muh90896.html

[47] Kobal G. & Sarı. I., (2021, 26 June). Earthquakes are occurring one after another in the Aegean... 'The main risky point is...'. Hürriyet. Retrieved 5 November 2021 from: https://www.hurriyet.com.tr/gundem/egede-pes-pese-depremler-meydana-geliyor-asil-riskli-olan-nokta-41838926

studied (Bjerrum & Atakan, 2008; Çirmik et al., 2017; Havazli & Özener, 2021; Polat et al., 2009). In addition, most of the subsea faults are not fully discovered yet in İzmir. The stochastic character of those interlacing of land and subsea fault lines in İzmir constitute the aleatoric part of uncertainties, which are irreducible due to the randomness in the behaviour of the seismic system. Hence, to improve the seismic risk assessment in İzmir, epistemic uncertainties should be reduced through developing high-quality local seismic data about the active fault lines and the quality of the used models.

2.5. Concluding Remarks

In this chapter, to elucidate the impact of Law 6306 on seismic risky areas, I investigated the relationship between actants, issues, and practices in the decision-making process of Law 6306, which took place in one of the most prominent arenas - parliament. By identifying these complex relations, I not only revealed the main actants but also identified the issues that emerged from their relationships. In particular, the different interpretations of these issues that arise during the law-making process have clearly demonstrated how they can lead to uncertainties in the implementation process.

During the decision-making process in the development of the law, various actants raised concerns about the potential issues that could arise from the implementation of the law. However, these issues manifested differently in space during the implementation phase. It was observed that issues that were anticipated but received less discussion had a greater spatial impact, leading to spatial resistance (See Chapters 4 and 5). Therefore, this chapter demonstrates the divergent interpretations of these issues that arise during the law-making process and illustrate how they can give rise to uncertainties during the subsequent implementation phase.

In parliament, during the decision-making process, the Ministry emphasized the well-being of the citizens by providing them with healthy and safe housing. This can be interpreted to mean that preventing seismic risk can create an opportunity to build a safe and planned urban environment. On the other hand, the opposition parties interpreted the law within a different context. They raised various issues about the law draft: reducing the power of the local government, the lack of a holistic approach in terms of urban transformation, depriving citizens

of housing rights, creating speculation in risky areas, constraining property rights, lack of transparency and participation in the planning process and taking over public lands under the pretext of urban seismic risky areas.

During the parliament meetings, the Ministry interpreted the law differently to give response to the issues raised by the opposition parties. Because of the different interpretations of the law, the issues raised by the opposition parties that impact the social, economic, and psychological conditions of those places were not taken into account by the Ministry during the law-making process. Consequently, the potential spatial impact of important actants, such as Law 2981, was often disregarded during the implementation phase. As a result, the law draft was ultimately accepted in 2012 without significant changes, thereby failing to effectively address the issues that had arisen from the primary sources of uncertainty during the law's enactment process.

The analysis of Law 6306 sheds light on the risk management approach of the government and its impact on the places. The Ministry used the applied sciences approach of risk management that defines risk as a product of hazard, exposure, and vulnerability. By using the uncertain nature of the seismic hazard, the Ministry emphasised vulnerability, exposure and seismic risk of the country based on previous disasters. By prioritizing exposure and vulnerability, the Ministry highlighted the necessity of urban transformation projects concerning earthquake hazard. Furthermore, the Ministry stressed the vulnerability of existing risky building stock, which must be transformed in a rapid way to prevent potential physical damage or loss of life in the cities. When the ruling party proposed the law, they did not take into consideration the economic, social, health, and legal conditions of the urban areas. As a result, the uncertainties experienced by various actants towards the implementation of Law 6306 increased and later on legitimised spatial resistance.

To understand how the risky areas were declared under Law 6306, attention must be drawn to the link between seismic risk and uncertainty from a physical science perspective. Recent seismic science advances have made it possible to understand the movement of fault lines in time and space in certain cities (like Istanbul, Türkiye), where local-level data on fault lines are integrated into global models. Whereas, in İzmir, it is not possible to know the magnitude and location of future earthquakes with certainty due to a lack of investigation concerning fault

lines and their mechanism (See Section 2. 4). Also, anticipating the exact time of earthquakes is still not currently possible for any city. Due to the uncertainties in identifying the seismic characteristics of İzmir, anywhere in İzmir could be declared a risky area. Considering the designated risky areas in İzmir, the Ministry gave very little attention to the hazard of earthquakes. The recent earthquake which struck the city of İzmir with a magnitude of 6.9 M_W on October 30th, 2020, revealed a serious flaw in the Ministry's risk management plans. The earthquake severely damaged the structures in the Bayraklı district of İzmir, in which there are no designated risky areas. In addition to this misjudgement, none of the risky areas designated by Law 6306 was structurally damaged during this earthquake. Hence, based on the impact of the recent earthquake, a hypothesis cannot be excluded that the Ministry had exploited the uncertain nature of earthquake hazards to prompt the urban renewal schemes in Türkiye, but the situation does not suggest that the Ministry did this on purpose.

All in all, Law 6306 emerged based on applied science to prevent seismic risk. However, the law as a political arena raised controversies, and it manifested not only different sets of uncertainties related to the seismic risk but also concerning the socioeconomic structure of the communities.

Chapter 3. Space in Law: Re-making Law 6306 through resistance

In 2012, the enactment of Law 6306 triggered a series of reactions from various actants involved in its implementation. This dynamic interaction between human factors and material objects (e.g., land titles, land prices, master plans, inhabitants' relocation plans, seismic risk memory, land title allocation documents) involved in the implementation process highlights the power dynamics and complexities of urban transformation in risky areas. Furthermore, the involvement of space - and its heterogeneous network of relations among actants - in the implementation process give rise to specific challenges depending on the characteristics of the spaces involved. It triggered different responses, eventually leading to a resistance movement across these spaces to remake Law 6306 itself.

This chapter focuses specifically on the parliamentary arena to explore the impact of space in law and analyse the reactions of different actants to specific issues. Additionally, it investigates the practices employed to address these challenges during the remaking process of Law 6306 between 2012-2019.

Moreover, the chapter examines the amendment of Law 6306 by three key actants: the constitutional court decisions, the resistance movement of the Neighbourhood Union and the omnibus bill. It examines how these actants have been mobilized within the network and played an instrumental role in the remaking of the law itself. Moreover, it discusses how diverse practices encompassing tactics and strategies are adopted to change the law, particularly by the ruling party, the opposition parties, and the Neighbourhood associations, and how they include the actants in the socio-legal network- e.g., the court, omnibus bills or law drafts to change the way the law operates.

During the law-making process of Law 6306, certain issues were received insufficient attention (See Chapter 2), resulting in uncertainties during its implementation phase. These uncertainties, particularly related to property rights arising from the abolition of Law 2981, led to the emergence of a resistance movement in various risky areas. Understanding this resistance and discussing the necessary practices when confronting legality is crucial. Thus, this chapter also presents how spatial resistance to legality was carried out. Subsequently, it

explores the strategies and tactics employed to amend Law 6306, aiming to reduce uncertainties and ensure effective implementation.

By investigating the impact of space in law, analysing the reactions of different actants, and examining the amendment process of Law 6306, this chapter discusses how the uncertainties changed and remade Law 6306 itself. The findings shed light on the practices employed by various actants within the socio-legal network and provide a deeper understanding of the effectiveness of amending the law to address emerging challenges. Consequently, the following sections will present the amendment process of Law 6306 and spatial resistance to legality.

3.1. Re-making Law 6306

This section analyses how Law 6306 was changed during its implementation process. To do that, I searched the parliament meeting reports between 2012-2019 with the keyword of 'Law 6306'. I found and analysed 58 parliament meetings that discussed Law 6306 and its changes. Additionally, I used key-informant interviews, media searches, and document analyses to better understand the amendments that were subsequently made to it. Regarding the changes in the law document, nine amendments were made between the years 2014 and 2019 (See Table 3. 2). These changes were requested by the parliament members from opposition parties, the parliament members of the ruling party, and the civil society organisation namely the Neighbourhood Union. The findings of these analyses are discussed and summarized in the following sections.

Table 3. 1. The parliament meetings in relation to Law 6306

24. period parliament meetings				26. period parliament meetings			27. period parliament meetings	
2012	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**	**2018**	**2019**
June 6	April 2	June 4	March 12	March 5	Oct.3	April 03	Nov. 22	Jan. 09
Dec. 17	April 16	June 5	March 18	March 30	Oct. 20	May.09	Nov. 28	July 02
Dec. 19	April 30	August 13	March 19	April 6	Nov.1		Dec. 13	July 03
	May.28	Jan. 07		April 12	Nov.2		Dec. 26	July 04
	June 25	Jan. 14		April 13	Nov.7			
	July1	Oct. 15		April 14	Nov.8			
	July 4	Dec. 17		June 16	Nov.9			
	Oct. 8	Feb. 18		August 18	Nov.13			
	Dec. 15			Oct 20	Nov.14			
				Dec. 11	Nov.15			
					Nov.16			
					Nov.20			
					Nov.21			
					Nov.22			
					Nov.28			

Table 3. 2. Changes in Law 6306

A law or Constitutional Court decision altering Law 6306	**Entry into force date**	**Changed or cancelled articles of Law 6306**	**The requested changes in the Law 6306**	**Actants requesting change**
The Constitutional Court decision (27/2/2014, Docket No.: 2012/87 and Decree No.: 2014/5)	1/3/2014	Article 6, 9	Cancellation of the articles 4, 5, and 6; and cancellation of some statements of the following articles 2, 3, 7, 8, 12, 14, 16, 19, and 22.	126 parliament members from the opposition parties
The Constitutional Court decision (27/2/2014, Docket No.: 2012/87 and Decree No.: 2014/41)	26/7/2014	Some statements of Article 3, 4, 5	Cancellation of the articles 4, 5, and 6; and cancellation of some statements of the following articles 2, 3, 7, 8, 9, 12, 14, 16, 19, and 22.	126 parliament members from the opposition parties.
	26/10/2014	Some statements of Article 3, 6, 8, 9		
6639 (Omnibus bill)	15/4/2015	Article 24	10 requests of the Neighbourhood Union about the law change were given to the parliament members	The opposition parties namely CHP and HDP gave the law draft upon the request of the Neighbourhood Union
6704 (Omnibus bill)	26/4/2016	Article 3, 4, 6, 7 and Add. Art. 1	-	The ruling party gave the law draft
The Constitutional Court decision (15/11/2017,	11/1/2018	Some statements of Article 3	Changing law 6704	128 parliament members from the opposition parties.

Docket No.: 2016/133and Decree No.: 2016/133)			(Cancellation of some statements of article 3 and 1 in Law 6306)	
7139 (Omnibus bill)	28/4/2018	Article 24	-	The ruling party upon the request of the opposition party and the Neighbourhood Union
Statutory Decree /700	9/7/2018	Some statements of Article 2, 3, 5, 6, 7, 8 and Annex Art. 1	Changes on some words in the law related to the presidential system change	-
7153 (Omnibus bill)	10/12/2018	Article 2, 3, 4, 5, 6, 7, 8 and Temp. Art. 3	-	The ruling party
7181 (Omnibus bill)	10/7/2019	Article 6, 7 and Temp. Art. 4	-	The ruling party

3.1.1. Amendments made by the Constitutional Court decisions

In 2014, the first and second amendments were made due to the Constitutional Court's sentence of the annulment of several articles in the law. 126 parliament members of opposition parties challenged the several articles of Law 6306 in the Constitutional Court two times in 2014. These articles are related to the authority and responsibilities of the Ministry and the exclusion of various special laws during the enacting process of Law 6306. The court cancelled or changed half of the articles which were requested by the parliament members.

These changes are explained below one by one:

- **Articles 3 and 5** are related to **the expenses of risky building designation procedures and the demolition of risky buildings.** The court cancelled some sentences of these articles which rule that the property owners parallel with their shares in the property must pay the expenses in circumstances when the Ministry and related administrations do the risky area designation or demolishment of risky buildings on their own motion.

- The fourth paragraph of **article 3**, which is about **getting the land owned by public institutions for free**, was also cancelled by the court. This paragraph ordered that the land owned by public institutions can be transferred to the possession of the Ministry, or with the request of the Ministry it can be transferred to TOKI or municipalities free of charge.

- The seventh paragraph of **article 3** is related to the procedures regarding **the buildings or structures located in the risky area which do not carry any risks**[48]. This paragraph states that if considered necessary by the Ministry, these buildings or structures are also subject to the same procedures of risky buildings or structures. This paragraph was cancelled by the Constitutional Court in 2014. The reason behind the court decision was that the owners residing in the buildings which do not carry any risk would not receive proper compensation after the demolition of their building. However, the ruling party brought the same statement back as an amendment to the law in 2016.

- **Article 4,** which is about **temporarily impeding any urban development** and construction processes in the risky area, reserve area, or in the plots of risky buildings was called off by the court.

- **Article 6** rules that "Any administrative transaction related to the enacting process of Law 6306 can be challenged in the court in 30 days. In these cases, **a stay of execution cannot be decided."** In this article, the second sentence that restrains the 'stay of execution' decisions was cancelled by the Constitution Court.

- **Article 9** describes that the plans made in the context of Law 6306 **are not subjected to any restrictions** defined in Law 3194 (Development law) or any other special laws such as Forest Law (Law 6831), Coastal Law (Law 3621), Law on the Conservation of Cultural and Natural Property (Law 2863), Pasture Law (Law 4342). Accordingly, Law 6306 is superior to these laws if there is any incompatibility between them. Being superior to these laws brings many problems, one of which is that areas such as pastures (protected under Pasture Law) that need to be protected can be used as reserve areas under law 6306. Due to this reason, the court cancelled this article.

In 2014, the Constitutional Court cancelled various articles in the law. These sentences are mainly related to giving powers and privileges to the Ministry concerning the enacting process

[48] Institutions and organisations licensed by the Ministry of Environment, Urbanisation and Climate Change could identify risky building structures.

of the law; speeding up the legal and bureaucratic procedures (e.g., regulations regarding the safe buildings in risky areas); obstructing the possibility of challenging decisions in courts; blocking the contrary provisions of existing laws and confiscating the land owned by the public institutions.

In 2016, two paragraphs of article 3 and the first paragraph of article 4, which were cancelled by the Constitutional Court in 2014, were added again to the law by the omnibus bill (Law 6704) proposed by the ruling party. To add the articles, the ruling party made small changes (e.g., changing the word order) on these articles.

In 2018, 128 parliament members from the opposition parties challenged some statements of **two articles of Law 6306**, which made by the omnibus bill (Law 6704) in the Constitutional Court in 2016 and 2017. The result of this case was announced in 2018. According to the results, the seventh paragraph of article 3, which states that **safe buildings in risky areas** are also subject to the same procedures as risky buildings, was cancelled again. On the other hand, the second sentence of article annex 1[49], which is about **challenging the risky area decision** in the court, was not cancelled by the constitutional court (See Section 3.1.1 for more about Law 6704).

Hence, the parliament members from the opposition parties applied the Constitutional Court to make changes in the articles of Law 6306. Based on their act, the Constitutional Court cancelled various articles in the law. However, despite the cancellation of some articles in the Constitutional Court, the ruling party brought back some of those articles by using the omnibus bill.

[49] The second sentence of article annex 1 rules “the risky area decision can be challenged in the court after the announcement of the decision at the official gazette. This decision cannot be challenged in the court regarding the implementing provisions of those areas.”

3.1.2. Amendments made through the resistance of the Neighbourhood Union

In 2015 and 2018, two amendments to Law 6306 were made upon the request of the Neighbourhood Union. The Neighbourhood Union is a civil society organisation representing more than 60 Neighbourhoods in four cities including İstanbul, Eskişehir, Kocaeli, and İzmir, which are affected by Law 6306 and Law 2981. In 2015 and 2018, the Neighbourhood Union visited the parliament 'the Turkish Grand National Assembly' and met with the parliament members to propose a law draft. In both years, the Neighbourhood Union achieved to make amendments to the law, and these amendments are made less than a month before the general elections (See Table 3. 3).

Table 3. 3. Chronology of elections and the date of amendments to Law 6306

Local Election	2011, 12 June
Law 6306 was published	2012, 31 May
Amendments to Law 6306 were made.	2014, 1 March
Local Election	2014, 30 March
Amendments to Law 6306 were made.	2014, 26 July and October
Amendments to Law 6306 were made. (Decision about abolishing the Law 2981)	2015, 15 April
General Election	2015, 7 June
Amendments to Law 6306 were made.	2016, 26 April
Amendments to Law 6306 were made.	2018, 11 January
Amendments to Law 6306 were made (Decision about abolishing the Law 2981)	2018, 28 April
General Election and Election for President of Türkiye	2018, 24 June
Amendments to Law 6306 were made.	2018, 9 July
Amendments to Law 6306 were made	2018, 10 December
Local Election	2019, 31 March
Amendments to Law 6306 were made.	2019, 10 July

This part analyses the changes linked to the 24th Article, which is about the abolition of Law 2981[50] by Law 6306 and proposed by 'the Neighbourhood Union'. To do that, I analysed parliament meeting discussions about the change in article 24, as well as interviews with the members of the Neighbourhood Union, media searches, and document analyses which I used to understand this law change. To find out the meetings of the parliament related to Article 24, I searched the parliament meeting reports with both keywords of Law 6306 and Law 2981. Three parliament discussions were found and analysed below by considering the date of the parliament visits of the Neighbourhood Union.

On the 8th of March 2015, the Neighbourhood Union, which aims to protect the property rights of the squatters based on Law 2981, made a press release about the law draft in Istanbul. 2000 people living in those risky areas gathered for the press release and protested Law 6306 with the slogans such as 'protecting Law 2981', 'no for urban transformation', 'the problem is not about just four walls', 'our right to housing cannot be hindered' (See Figure 3. 1). One day after, the Neighbourhood Union visited the parliament the Turkish Grand National Assembly on the 9th of March 2015 in Ankara. 51 Neighbourhoods in İstanbul and İzmir under the Neighbourhood Union presented a law draft for Law 6306 to the parliament in 2015. During this visit, they met with the parliament members of the ruling party (AKP) and opposition parties (MHP, CHP, BDP) to talk about the law draft.

[50] Law 2981 was entered into force in 1983. The law aims to integrate slum lands into the formal urban market. The law provides property rights to slum owners. A series of slum amnesties and deeds of occupied lands were given to slum owners (Uzun et al, 2010).

Figure 3. 1. A press release meeting about the law draft in Istanbul[51]

The law draft proposes to change two articles (no. 23; 24) of Law 6306. Based on Law 6306, article 23 states that Law 2981 was repealed and article 24 states that Law 2981 will be repealed 3 years later (from 2012). Hence, the law draft prepared by the Neighbourhood Union has the following three changes[52]:

1. Article 23 which repealed Law 2981 should be abolished,
2. If the abolition of Article 23 is not deemed appropriate, Article 24 of the same law (which states that Law 2981 will be repealed 3 years later), should be changed as "Law 2981 will be repealed 5 years later."
3. If any of the amendments mentioned in the first and second paragraphs above are not deemed appropriate, article 23 should include the statement "the rights arising from Law 2981 are recognized as vested rights by the administrative and judicial authorities."

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[51] Retrieved Sept. 2020 from https://www.emekveadalet.org/haberyorum/mahalleler-birligi-ankaraya-gidiyor/

[52] Retrieved Sept. 2020 from https://www.emekveadalet.org/haberyorum/mahalleler-birligi-ankaraya-gidiyor/

Based on this law draft, on the 10th of March 2015, the opposition parties including the CHP and HDP gave the same proposals about the change of the 24th article of Law 6306, that "Article 24 (which states that Law 2981 will be repealed 3 years later), should be changed as "Law 2981 will be repealed 5 years later". After the proposal, the meeting about the law change was held on the 12th of March 2015[53]. The members of the opposition parties including the MHP, CHP, and HDP explained that many people could not get their land titles and the problem is still going on. The opposition parties pointed out that if the change of the 24th article will not be accepted by parliament, Law 2981 will be repealed on the 15th of May 2015. And many people will lose their right to get their land titles. During the discussion, one parliament member of MHP (Işık A.) also mentioned that the Neighbourhood union requested to change the 24th article of the law. After those explanations, the ruling party made a short statement that they are working on the same issue. On the 16th of March 2015, parliament accepted the proposal, and the 24th Article was changed[54]. The decision about the law change was published on the 15th of April 2015 (Official gazette, 2015). With the new amendment, Law 2981 will be repealed on the 15th of May 2018, after three years.

On the 16th of June 2016, two years before the second change regarding article 24, problems of urban transformation projects linked to Law 2981 were discussed in parliament. Two days before the meeting, the CHP proposed a law change linked to Law 2981[55]. Through this change, they suggested giving land titles to citizens who have land title allocation documents. However, the proposal was not accepted due to the disapproval of the ruling party. At this

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[53] The Turkish Grand National Assembly. Parliament meeting report no 75. Retrieved Sept. 2020 from https://www.tbmm.gov.tr/develop/owa/Tutanak_B_SD.birlesim_baslangic?PAGE1=1&PAGE2=1&p4=22387&p5=H

[54] The Turkish Grand National Assembly. Parliament meeting report no 79. Retrieved Sept. 2020 from https://www.tbmm.gov.tr/develop/owa/Tutanak_B_SD.birlesim_baslangic?PAGE1=1&PAGE2=1&p4=22391&p5=H

[55] The Turkish Grand National Assembly. Parliament meeting report no 103. Retrieved Sept. 2020 from https://www.tbmm.gov.tr/develop/owa/Tutanak_B_SD.birlesim_baslangic?PAGE1=1&PAGE2=1&p4=22667&p5=H

meeting, one parliament member of HDP (Baluken İ.) raised the problems of Law 2981 again through giving various examples from different cities in Türkiye including İstanbul (districts of Sarıyer, Gaziosmanpaşa, Okemenydanı, Küçükçekmece, Yarımburgaz, Bağcılar, Sultangazi, Beykoz, Pendik, Çengelköy, Fikirtepe, and Eyüp) and İzmir (districts of Karabağlar and Kemalpaşa). Additionally, he mentioned the regular visits of 'the Neighbourhood Union' that requested to change Law 6306. At the end of the discussions, the ruling party pointed out the risk of earthquakes for risky areas and made an explanation about how Law 6306 helped municipalities to carry out urban transformation projects. Furthermore, the ruling party gave one example from İstanbul, Esenler District, where 1.403 buildings and 32 workplaces were finished by TOKI in 2014. They explained that the people who will live in that project were very happy about the process and their houses. In reality, the ruling party ignored the problems related to Law 2981 during the discussion, and only became interested in the problems related to Law 2981 one month before the general elections of Türkiye held in 2018, 24 June.

Nearly two months before the repealing date of Law 2981, the Neighbourhood Union planned another visit to the parliament. On the 3rd of April 2018, 'the Neighbourhood Union' went to Ankara to give 100000 petitions signatures (See Figure 3. 2 and Figure 3. 3).

Figure 3. 2. A poster prepared by the Neighbourhood Union, which is a call for petition signatures about the law draft that will be presented to the parliament

Figure 3. 3. The parliament visit of Neighbourhood Union with the bags of petitions, which is about 6 requests linked to the enacting process Law 6306 [56]

During this visit, they gave their second law draft to the parliament members. This law draft, which included six requests from the Neighbourhood Union, was not only related to the abolishment of Law 2981 by Law 6306 but also linked to the problems regarding the enacting process of Law 6306 (Yüksel D., personal communication, 19 May 2019). Six requests of the Neighbourhood Union are mentioned below:

1. Based on Law 775[57], Law 2981, and Law 4706[58], the land title should be given collectively to all the right holders (occupants), who live in the Neighbourhoods declared as risky areas.

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[56] Retrieved Sept. 2020 from http://fikirtepem.com/fikirtepe-2/kentsel-donusum/mahalleler-birligi-kanun-teklifini-tbmmne-teslim-etti/

[57] Law 775 is enacted in 1949 and 1966 and aimed to demolish slums and gecekondus and to prevent the construction of new ones (Uzun et. Al., 2010).

[58] Law 4076, which is the sale of immovables which belong to the National Treasury, was entered into force in 2001. The law is named as 'Evaluation Law for Immovables which belong to the National Treasury' in the Neighbourhoods declared as risky areas.

2. All urban planning processes and implementation stages, which aim to locate all the inhabitants in their Neighbourhood, should be discussed with the whole Neighbourhood. And the planning and implementation decisions should be made with the approval of 70% of the inhabitants of the Neighbourhood.
3. The authorities should ensure that the inhabitants stay in their Neighbourhood and this decision should be made at any scale in terms of urban planning. The master plans should be changed based on the written demands of the Neighbourhood. If the change is not enough to realize their demands, the master plan should be remade.
4. During the preparation of the master plans and budget program of the urban transformation project, firstly the written view of the Neighbourhood should be taken into consideration. All the draft master plans and budget programs should be presented to the Neighbourhood in each period.
5. These articles above should be involved in strategic planning as decisions.
6. The enacting process of Law 6306 should be reconsidered and rearranged through considering the demands of the inhabitants who live in a risky area.

By presenting these requests, the Neighbourhood Union aimed to reduce the uncertainties faced by people living in risky areas. Concerning the first request, occupants in these areas were unable to obtain their land title documents due to various administrative and socio-economic reasons (See section 4. 2). Therefore, they emphasized the importance of issuing land titles to the occupants before the urban transformation process begins. This measure aims to prevent the loss of their property rights and enable them to participate in the urban transformation process without losing their rights. Another crucial request was to ensure that people are relocated within their neighbourhoods during the urban transformation process instead of being moved to a different area. As the risky areas encompass multiple neighbourhoods, such as Karabağlar, residents are apprehensive about the possibility of being relocated from their neighbourhood to another one within the risky area. Furthermore, the participation of the inhabitants in the urban transformation process was another significant request. Some individuals became aware of the planning works related to their neighbourhoods only through the reconciliation process. To prevent this and address the demands of the residents living in these neighbourhoods, they have requested items three, four, and five.

Following after the parliament visit of the Neighbourhood Union, the parliament meeting was held[59] on the same day, and opposition parties talked about the visit of 'the Neighbourhood Union'. They emphasized the importance of the change in article 24. They also discussed various problems including the different enacting processes of Law 2981 which varied from municipality to municipality and migrating the people who have lived in their Neighbourhood for many years to other defined areas. After the explanations of the opposition parties, the ruling party stated that they were also working on the same changes to article 24. The ruling party stated that they had already prepared the law draft about article 24, which will be released in law 6639 namely the law about making changes on some laws and decree-laws. On the other hand, they said that except for the time limit of Law 2981, there is no problem with Law 2981 itself. They made the following statements to explain the reasons behind why people did not get their land titles;

1) There are lots of cases at the court linked to Law 2981, however, the courts cannot make decisions. There is one case in Başakşehir, İstanbul. Because the court could not give a decision about the case for 23 years, the other people living in the same area, could not get their land title.
2) Some people are subjected to Law 2981, they live in forest areas, protected areas, green areas, or educational areas defined by master plans. The ruling party should also consider the needs of cities. They believe that municipalities will solve this problem soon. There is no need for parliamentary research on this issue.

After this discussion, on 24thof April 2018, the change in article 24 was made and was published in the Official Gazette (Official gazette, 2018). According to the change, Law 2981, which will be abolished by Law 6306, will be repealed 11 years later (in May 2023). At this time, the change in article 24 was made by the proposal of the ruling party two months before the general elections. However, the other requests of the Neighbourhood Union were not taken into consideration by the ruling party and were not discussed during these parliament meetings. The main reason that the other requests were also not discussed by the opposition

[59] The Turkish Grand National Assembly. Parliament meeting report no 80. Retrieved Sept. 2020 from https://www.tbmm.gov.tr/develop/owa/Tutanak_B_SD.birlesim_baslangic?PAGE1=1&PAGE2=1&p4=23104&p5=H

parties could be the perception that the issues arising from Law 2981 are the main obstacles to the effective implementation of Law 6306.

Hence, two amendments to Law 6306 regarding article 24 were made upon the request of the Neighbourhood Union. In 2015, while the amendment regarding article 24 was proposed by the opposition parties, in 2018, this proposal was made by the ruling party which acted before the opposition parties. It is important to emphasize that the ruling party generally agreed upon this law draft just before the general elections. When the opposition parties proposed the same law draft in 2016, when there was no general or local election close by, the ruling party denied the problems about article 24 and did not accept the law draft.

3.1.3. Amendments made by omnibus bills

In this section, the amendments made by three omnibus bills namely Law 6704[60], Law 7153 and Law 7181 proposed by the ruling party in the years 2016, 2018, and 2019 are examined below:

3.1.3.1. Law 6704 (The omnibus bill in 2016)

In 2016, five articles of the law changed, and these changes were proposed by the ruling party. In these changes, especially, two paragraphs of article 3 and the first paragraph of article 4, which were cancelled by the Constitutional Court in 2014, were added again in the law (as mentioned before in Section 4.3.4.1). These articles are described below:

- The fourth paragraph of article 3 which is about **getting the land owned by public institutions for free** and the seventh paragraph of article 3 related to **applying the same procedures regarding the safe buildings and risky buildings** located in the risky area were brought back in this amendment by the ruling party.

[60] The numbering of laws in Türkiye provides information on the number of laws passed since November 1, 1961, after the May 27 coup d'état, when the laws in Türkiye were numbered starting from 1. Therefore, between Law 6704 enacted in 2016 and Law 7181 enacted in 2019, 477 laws were passed by the parliament (Gözler, 1988).

- Article 4, which was about **temporarily impeding any urban development and construction processes** in risky areas or reserve areas, was changed as “urban development and construction processes can be embedded for two years” in those areas. Hence, the ruling party made a few changes to these articles or changed the wording of them with an aim to bring back the cancelled articles to Law 6306. As a result, the ruling party's alteration of the word order in the articles has emerged as a legal tactic and strategy employed to overcome the responses of the actants during the implementation of the law.

The **other articles** changed by this omnibus bill are listed below:

- **One temporal article** namely article 15 was added by this law 6704. According to this article, **any municipal services** such as water, electricity, and natural gas can be supplied temporarily to the illegal buildings located in risky areas, if the occupants of illegal buildings agree on to join the urban transformation project for those areas. These services can be only supplied for five years, and it can be only extended depending on the extension of the urban transformation project.

- **A new article** namely annex article 1 was added to the law, which brought a significant change regarding **the justifications of risky area decisions**. According to this article, they added **two more criteria** below for designating the risky areas:

  - ❖ Due to disturbance of the public order/damage in a built environment that affects daily routine: The areas, where there are inadequate planning or infrastructure services; where there are structures that are incompatible with development legislation; or where there are structures or infrastructures that are damaged.

  - ❖ Due to the Illegal Status of Buildings: The areas where 65% of the buildings are illegal. Illegal houses are defined as all buildings constructed in violation of the master plans, the laws, and/or not having the construction permit.

- **In article annex 1**, they also added one statement that rules “the risky area decision can be challenged in the court after the announcement of the decision at the official

gazette. This decision cannot be challenged in the court regarding the implementing provisions of those areas".

To understand how those criteria and other changes were added to Law 6306, six parliament meetings about law 6704 (the omnibus bill) that changed Law 6306 were analysed below:

- On the 5th of March 2016, the Ministry presented their previous work and current goals in parliament. In this discussion, they stated that "147 risky areas were declared in 47 cities within three and half years… Regarding risky buildings, the Ministry have completed more than 300.000 risky buildings investigations…and they will carry on designating reserve areas and currently, 52 reserve areas are designated".

- After this speech, they opened a new topic which is about the areas affected by terrorism. They stated that these areas should be renewed in terms of their infrastructure and buildings. They said that they will take the first step in Silopi[61], which is one of the damaged areas by terrorism, and they will conduct urban transformation projects in those damaged areas. They then went on to discuss other topics that are not linked to Law 6306[62].

- On the 30th of March, the opposition party gave a request for an investigation of the problems of the enacting process of Law 6306 to the parliament, linked to depriving the property rights, which were denied by the ruling party[63].
- On the 6th of April 2016, the ruling party gave the draft of the new omnibus bill namely law 6704, which changes 18 different laws about different topics. When the ruling

[61] It is a district in the Şırnak Province of Türkiye and has a border to Syria and Iraq.

[62] The Turkish Grand National Assembly. Parliament meeting report no 53. Retrieved Sept. 2020 from https://www.tbmm.gov.tr/develop/owa/Tutanak_B_SD.birlesim_baslangic?PAGE1=1&PAGE2=1&p4=22561&p5=H

[63] The Turkish Grand National Assembly. Parliament meeting report no 63. Retrieved Sept. 2020 from https://www.tbmm.gov.tr/develop/owa/Tutanak_B_SD.birlesim_baslangic?PAGE1=1&PAGE2=1&p4=22587&p5=H

party talked about this law draft, they said that they made significant changes in Law 6306 to **speed up the process of construction in risky areas** with an aim to solve the problems of people living in those areas. They also stated that they will provide **municipal services** such as water, electricity, and natural gas for the people who agree to join the urban transformation project.

- After this, one parliament member from the opposition party (MHP) started a new discussion about **the practice of amending laws through omnibus bills**, which encompass a wide range of unrelated topics within a single legislative proposal. As an example, he highlighted that this omnibus bill has law changes regarding the salaries of 65-year-old people or Law 6306. Nobody could find these changes in the future in this omnibus bill. Furthermore, he discussed that the ruling party should stop making law changes through omnibus bills, which is against the 'Legislation Preparation Regulation'. This regulation asks for the opinion of the related public institutions and commissions about law changes. This omnibus bill was prepared without getting all the opinions about each law change. Later on, the other parliament members from opposition parties discussed the problems of making law changes by omnibus bills.

- Lastly, in these meetings, the opposition parties claimed that the proposed article annex 1, which rules that any decisions and administrative transaction related to risky areas cannot be challenged in court, as it violates constitutional rights. They stated that various articles of this law change concerning Law 6306 will be cancelled again by the constitutional court[64].

- On the 12th of April, the opposition parties discussed that the problems related to Law 2981 and law 755 haven't been solved yet. Furthermore, they explained that providing

[64] The Turkish Grand National Assembly. Parliament meeting report no 68. Retrieved Sept. 2020 from https://www.tbmm.gov.tr/develop/owa/tutanak_g_sd.birlesim_baslangic?PAGE1=1&PAGE2=1&p4=22597&p5=H

any **municipal services** such as water, electricity and natural gas is a main public service that should be provided regarding the 'International Covenant on Economic, Social and Cultural Rights'. This service cannot be provided through the omnibus bill. In this meeting, the opposition parties claimed that Law 6306 has to be renewed entirely and the problems of this law cannot be solved through making omnibus bills and without getting opinions of civil society organisations, chambers, and commissions[65].

- On the 13th of April, during this parliament meeting, the articles, which were cancelled by the Constitutional Court in 2014, were discussed again by the opposition parties. The opposition party MHP proposed to remove the articles from the law draft. One parliament member (Aydoğan N.) from the opposition party HDP made the following explanation to support this proposal: "*In other words, when you look at both sides, it is possible to see that a new draft was created by changing the places of the sentence in the law, which was annulled by the Constitutional Court. In other words, this law cancelled by the Constitutional Court and the newly prepared law is the same*". Additionally, the same parliament member stated that there is no information about how the risky areas were designated. She gave the following example "*A reliable Japanese international cooperation agency prepare a report and plan for Istanbul (regarding the earthquake risk). Do you know how many risky areas identified in this report, which overlap with those identified by the Ministry in this area? Only 15 percent overlaps*". However, the proposal of the opposition party was not accepted by voting and the ruling party did not make any explanations about this argument[66].

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[65] The Turkish Grand National Assembly. Parliament meeting report no 71. Retrieved Sept. 2020 from https://www.tbmm.gov.tr/develop/owa/tutanak_g_sd.birlesim_baslangic?PAGE1=1&PAGE2=1&p4=22603&p5=H

[66] The Turkish Grand National Assembly. Parliament meeting report no 72. Retrieved Sept. 2020 from https://www.tbmm.gov.tr/develop/owa/tutanak_g_sd.birlesim_baslangic?PAGE1=1&PAGE2=1&p4=22605&p5=H

- On the 14th of April, the last meeting for this law draft was held and the article related to the **justifications of risky area decisions** were discussed. A group of parliament members from the opposition parties gave another proposal to remove this article (article 26) from the law draft. They stated that with this article, the political power can make the urban transformation in every street, every Neighbourhood, and everywhere in this country, which is against the various constitutional rights such as property, equality, housing. During this discussion, various parliament members claimed the following reasons why the ruling party proposed this article: (1) the ruling party has no money in the pool, and they want to earn more money from the urban transformation projects; (2) the ruling party cannot fulfil the duty regarding the public safety and order that is why they want to regulate the failure in Law 6306; (3) the ruling party avoids making public expenses for the areas where there is a disturbance of the public order; (4) the people living in those areas (where there is the disturbance of the public order) cannot seek their rights properly due to the limitations of Law 6306. After this discussion, the ruling party said that they have made necessary explanations before about this article. The proposal about removing this new article was not accepted by voting in this meeting.

Hence, the law draft was discussed in six parliament meetings and the articles of the law draft were accepted in those meetings by voting. During this process, the opposition parties gave various proposals to change or remove the proposed articles from this omnibus bill, however, all those proposals were not accepted by voting due to the high number of the parliament members from the ruling party. In this amendment, the ruling party made significant changes to accelerate the urban transformation process. However, these changes were not made properly regarding the law-making regulations. Firstly, the ruling party brought back the articles cancelled by the court in 2014 by making small changes in the articles. Secondly, the ruling party chose to make changes to the law by the omnibus bills. Through the omnibus bills, they limit the discussion period about the proposed changes on Law 6306 in parliament (due to the high number of other law amendments in this bill). Hence, amendments to Law 6306 made by Law 6704 were accepted by the parliament without taking into considerations of the opposition parties.

3.1.3.2. Law 7153 (The omnibus bill in 2018)

The parliament members of the **ruling party** proposed a law draft to change eight articles of Law 6306 in 2018. These changes are related to the licensed institutions or organisations for the determination of risky structures, rental assistance for temporary housing or workplace, selling or renting the immovables to generate income for the urban transformation projects, being exempt from those specified tax, fee, and wage, and requirements to be developers who will undertake the construction work. These were proposed in another omnibus bill namely law 7153. The major changes in these articles are listed below:

- Concerning article 3, the Ministry of Treasury and Finance can audit the activities of institutions and organisations licensed for the **determination of risky structures** and impose the various administrative sanctions to licensed institutions or organisations that do not fulfil their duties in accordance with the legislation.

- According to article 5, temporary housing or workplace allocation or **rental assistance** may be made to the owners, tenants, and owners of limited real rights of these buildings that are evacuated by agreement.

- Regarding article 6, the Ministry can **sell or rent the immovables to generate income** for the special account of transformation projects. The immovables, which were under the ownership of the Treasury and allocated to the Ministry within the scope of Law 6306; and other immovables that were expropriated are subjected to this article. Furthermore, the Ministry can purchase houses and workplaces and transfer them; make all kinds of applications that will generate revenue in the reserve building areas; make a development readjustment share deduction to complete the development readjustment share rate (public value capture) in the first application (if necessary); develop and determine planning and design standards for the implementations regarding risky areas, reserve building areas and risky buildings.

- According to article 7, various transactions and practices under Law 6306 are declared to be exempted from notary fee, title deed fees, fees taken by municipalities, stamp tax, inheritance and transfer tax, circulating capital fee and other fees; and banking

and insurance transactions tax (for the money taken to advantage by credits used). Besides, the business, transactions, and applications made by the Ministry, TOKI, İller Bank, and the companies in which the administration owns more than half of the capital are **exempt from those specified tax, fee, and wage** defined in this article.

- Lastly, according to article 8, the Ministry can determine the minimum work experience, technical equipment, and financial status required **for developers who will undertake the construction work** of the projects to be carried out in risky areas and reserve building areas. Accordingly, the procedures and principles of the agreements under this law are also determined by the Ministry.

To understand these amendments, five parliament meetings were analysed below:

- On 21st and 22nd of November, the opposition parties firstly declared that they did not support this law draft and discussed the following problems about the law draft in two meetings[67]: the problems of law-making through the omnibus bills; the law drafts of Law 6306 did not send the related commissions regarding planning and architecture (generally the view of Budget Commission is taken); the law draft does not contain any solution for the problems regarding Law 2981. During this discussion, one parliament member from the opposition party (Zeybek G., CHP) stated the general problem of Law 6306 as follows:

> *"Now I call on the ruling party from here: why are you waiting to give the land title over the street rates to the citizens who are living on the treasury and municipal land for fifty years and sixty years and who are entitled according to*

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[67] The Turkish Grand National Assembly. Parliament meeting report no 20. Retrieved Sept. 2020 from https://www.tbmm.gov.tr/develop/owa/tutanak_g_sd.birlesim_baslangic?PAGE1=1&PAGE2=1&p4=23188&p5=H;
The Turkish Grand National Assembly. Parliament meeting report no 21. Retrieved Sept. 2020 from https://www.tbmm.gov.tr/develop/owa/tutanak_g_sd.birlesim_baslangic?PAGE1=1&PAGE2=1&p4=23190&p5=H

Law 2981. But the common feature of the risky areas, which you have created under the name of 'urban transformation', is that they can see both sides of the Bosphorus in Istanbul.

You will transform Kirazlıtepe because Kirazlıtepe is a rare Neighbourhood that sees all those historical buildings of Beşiktaş from the Beyoğlu side, from the entrance of the Bosphorus to the exit, from the Black Sea to the Marmara Sea. Here, of course, you feel seriously uncomfortable with the poor people living here, and the poor people who came from Anatolia and the title holders here, and you take Kirazlıtepe into the transformation area. You said to the citizens living in Kirazlıtepe 'If you sign this (accepting the urban transformation project), we will protect your rights.' They do not believe in you, they do not trust you, the confidence in your power has dropped to zero..."

The ruling party did not respond to this discussion regarding Law 2981. And instead, one of the parliament members (Minsolmaz S., AKP), who proposed the law draft made the following explanation after the speech above:

"We are expanding the scope of rental assistance in the regulation regarding the Law 6306 on Transformation of Areas Under Disaster Risk. Because our urban transformation in these areas is related to the earthquake reality of our country and, as you know, the difficulty of administrative actions in these areas should be solved. In terms of our citizens, we are expanding the scope of rental assistance with this important arrangement to provide financial support to people of every economic class, even if they do not stay or reside there. There is no step back in any way with the regulations in disaster risk areas that support urban transformation."

- On 27th and 28th of November, the opposition party raised the following problems of the law draft: creating speculation in the cities through Law 6306; making profits through urban transformation projects (the ruling party), all tenders about the urban transformation projects are given to the supporters of AKP municipalities (the ruling party); reduction of the local government power (such as making master plans); selling

or leasing the movable and immovables owned by the Ministry to use the least possible public resources, and making too many omnibus bills to change the laws.

Additionally, one parliament member (Toğrul M.) from the opposition party (HDP) stated that this law draft rules that the Ministry, TOKI, Iller Bank, the administration, and its affiliates can make protocols faster and more efficient. Furthermore, he said that "the report of the Court of Accounts of AKP municipalities shows that all tenders are given to their supporters. Tenders to be made with these regulations are tried to be kept out of inspection". Hence, the opposition parties discussed that new regulations regarding the law draft bring undeserved gain for the people who do not have good intentions. During these meetings, the ruling party did not respond to these discussions and summarized the new regulations of Law 6306 which will come with the new law draft[68].

- On the 29th of November, the last parliament meeting[69] about this law draft, the opposition parties brought into the discussion the topic of Law 2981. As a response to this discussion, the ruling party made the following explanation:

"Through this law draft regarding Law 6306, we support the right holders with the new regulations in planning and urban transformation projects… All these clearly show that with this law regulation, efforts have been made to create a sustainable environment, livable cities, to use our country's resources efficiently, and to leave a more livable

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[68] The Turkish Grand National Assembly. Parliament meeting report no 22. Retrieved Sept. 2020 from https://www.tbmm.gov.tr/develop/owa/tutanak_g_sd.birlesim_baslangic?PAGE1=1&PAGE2=1&p4=23192&p5=H
The Turkish Grand National Assembly. Parliament meeting report no 23. Retrieved Sept. 2020 from https://www.tbmm.gov.tr/develop/owa/tutanak_g_sd.birlesim_baslangic?PAGE1=1&PAGE2=1&p4=23194&p5=H

[69] The Turkish Grand National Assembly. Parliament meeting report no 24. Retrieved Sept. 2020 from https://www.tbmm.gov.tr/develop/owa/tutanak_g_sd.birlesim_baslangic?PAGE1=1&PAGE2=1&p4=23196&p5=H

world for our children in the future. I wish our law proposal to bring good luck to our nation and country".

On the whole, the law draft was accepted during this meeting. As a result of making a law change by the omnibus bill, the discussion created by the opposition parties regarding Law 6306, were not responded adequately by the ruling party. As the other significant law changes on Environment law, Development law were made in this omnibus bill, the ruling party responded to these different law changes regarding different laws in the same speech.

3.1.3.3. Law 7181 (The omnibus bill in 2019):

The last amendment was made upon the proposal of the ruling party. The changes regarding Law 6306 were proposed in the omnibus bill again. Based on this law change, various paragraphs of articles 6 and 7 were changed and one temporal article 4 was added. All these changes only were discussed in two parliament meetings. The significant changes that were made in article 6 are summarized below:

- Regarding paragraph 10 of article 6, if the construction does not start or is delayed for one year due to the reasons arising from the contractor in urban transformation applications; landowners have been given the right to terminate the contract by applying to the administration.

- Paragraph 10 of article 6 rules that due to the debts of the contractor to third parties, seizures and precautions cannot be imposed on the immovables in an urban transformation project. If floor easement is not established within six months from the start of the construction work, confiscation and precautions are applied to these immovables.

Figure 3. 4. The poster about the law change prepared by the Ministry which indicates in the heading that 'none of the constructions will remain half-completed'[70]*.*

The following notable paragraphs are added to article 6:

- Urban transformation applications in areas with buildings that are at risk to collapse and in areas where structures that collapse spontaneously or are heavily damaged due to reasons such as landslides, floods, rock falls, fire, explosion, or where there is a risk of heavy damage can be carried out by the Ministry without seeking the consent of the owners and relevant persons. The boundaries of the application area are determined by considering the integrity of the application.

- It is obligatory to evacuate the buildings specified in Law 6306 within the period given by the Ministry. If the buildings are not evacuated in the given period, the works and procedures for evacuation and demolition, including opening or opening the locked doors, can be carried out or made by the Ministry with the help of law enforcement agencies when necessary.

- Applications such as all land registry and cadastre transactions, the cancellation of the rights and annotations in the land registry, and all kinds of permits and licenses related

[70] Retrieved Sept. 2020 from https://bartin.csb.gov.tr/6306-sayili-kanunda-yapilan-degisiklik-haber-240260

to demolition and construction are carried out upon the request of the Ministry without seeking the consent of the owners and concerned parties.

- The quality and size of the houses and workplaces to be built in urban transformation areas are determined by the Ministry. Ownership studies are carried out by considering the value of the right holder's existing immovable and the value of the residence or workplace to be given to the right owner in the new building.

Based on this amendment to Law 6306, the following discussion was raised in parliament:

- On 2nd and 3rd of July, the following topics were raised by the opposition parties: helping constructors to speed up the urban transformation process; depriving the property rights through this law draft; making gentrification under the pretext of urban transformation; losing the characteristic of the cities due to mono-type TOKI buildings; getting no-tax from the urban transformation projects; empowering the central government; creating speculation through urban transformation projects; not giving the land title rights of the citizens arising from Laws 2981, 775, and 4706; not solving the problems of every citizen regarding unfinished construction; lack of taking the opinions of citizens into account when making the law draft, especially the Neighbourhood Union; making this law draft for four developers supported by the ruling party (namely the companies called Cengiz, Kolin, Limaka and Kalyon); designating risky areas without relying on any scientific and technical analysis[71].

[71] The Turkish Grand National Assembly. Parliament meeting report no 27. Retrieved Sept. 2020 from https://www.tbmm.gov.tr/develop/owa/tutanak_g_sd.birlesim_baslangic?PAGE1=1&PAGE2=1&p4=23296&p5=H
The Turkish Grand National Assembly. Parliament meeting report no 28. Retrieved Sept. 2020 from https://www.tbmm.gov.tr/develop/owa/tutanak_g_sd.birlesim_baslangic?PAGE1=1&PAGE2=1&p4=23297&p5=H

During these meetings, the following examples are given by the parliament members or the opposition parties to define the still unsolved problems of Law 6306:

- One parliament member (Paylan G., HDP) stated that the government makes gentrification under the pretext of the earthquake risk, and he gave the following example:

  “You live in a house of 80 square meters, I will demolish your house, I will destroy it, instead I will make a luxury residence, and I will give you a residence of 40 square meters. What should that citizen do at the residence? The residence is not suitable for the culture of our citizens. Can you sit in the residence? Think, can you get out of a place where there is urban culture, a coffee, a garden, a street and sit in a residence? It's not enough, you give that freak residence of 40 square meters instead of your 80 square meter house, and you also owe 300 thousand Turkish liras, you owe 400 thousand Turkish liras, you will pay it."

- One parliament member of CHP (Hamzaçebi M.) talked about the problems of the unfinished projects and he stated that this law draft does not cover many projects. He gave the following example to describe this problem:

  “There were districts and regions where this process went well, but there were regions where it failed and failed. The name of a district is Fikirtepe. There is a complete failure in Fikirtepe…In Fikirtepe, Kadıköy (Istanbul) - a place that is completely subject to private ownership, landowners have transferred their lands to contractors in accordance with construction contracts in return for flat or construction contracts in return for land shares. As a result of these periods, some blocks and constructions may have been finished in some of the building blocks, but in most of them, some projects are not finished yet or even never started construction. Now, what does the law draft bring in this regard? The proposal says: The landowners here should gather, make a decision at the rate of two-thirds, decide to terminate the contract; After this decision, they should apply to the Ministry, let the Ministry give the contractor thirty days, if the contractor does not start work despite these thirty days, this contract is considered terminated… according to the law draft after showing the reasons for termination and after the application, a period of one year must pass. Now, once this

law comes into force, will the contractor be given another year? I asked the ministerial authorities, they could not give me a satisfactory answer…Second, Fikirtepe is not a homogeneous structure, so not everyone is in the same position. Some of them did not transfer the ownership of the land to the contractor, but some of them gave their land title to the contractor. If he or she has given his land title to the contractor, this article does not solve any of the problems."

Furthermore, during these meetings, various examples were discussed to show the problems regarding the enacting process of law. The parliament members also proposed to add some clauses to this law draft especially for those areas, which suffer from the urban transformation process (e.g. the various districts of Istanbul namely Esenyurt, Esenler, Tuzla, and Fikirtepe). They stated that this law draft should cover the victims of urban transformation, especially those who bought apartments from contractors or bought a shop in those areas where the construction is unfinished. Also, they discussed that this law draft is for the contractors more than the citizens. On the other hand, the ruling party said that this law draft will solve many problems regarding the urban transformation project, especially the disputes between the constructors and right holders in this process. Followingly, the ruling party mentioned the articles briefly without giving any examples. At the end of the last meeting, the opposition parties said that they support this law draft even it is not enough, it can solve some problems regarding the urban transformation process. Hence, the law draft was accepted without any changes proposed by the opposition parties.

3.1.4. Findings

Between 2012-2019, the law document was changed nine times, and these changes were requested by the civil society organisation namely the Neighbourhood Union, the Ruling party, and the Opposition parties. Below is a brief summary of how these amendments were made during the enacting process of law 6306:

i. The process of resistance performed by civil society organisations changed the enacting process of Law 6306. The amendments that were proposed by them to parliament members were accepted. However, these amendments were only accepted by the ruling party, when there was an upcoming general or local election. When the opposition parties discussed this problem, the ruling party did not respond.

ii. The opposition parties changed the law by applying to the Constitutional Court, which cancelled various articles in law 6306. However, the ruling party found a legal tactic and brought back the same articles by changing the word order of the articles or adding new words to them. After this change, the Constitutional Court cancelled these articles again.

iii. All the amendments made by the ruling party were prepared in 'omnibus bills', which combine diverse subjects and limits opportunities for debate in parliament. According to the BBC, the share of the omnibus bills in total laws has increased 82 times since the first term of the AKP as a ruling party. The following Figure demonstrates this share between the years 2002 and 2017[72]. According to the same news, the ruling party stated that they choose to make law changes by using the omnibus bill because the opposition parties do not have a constructive attitude.

Moreover, the ruling party proposed significant changes to other laws in these omnibus bills. Because of that, the amendments to Law 6306 could not be discussed properly in parliament. Through these omnibus bills, the ruling party made various significant changes such as empowering the central government more in this process or speeding up the urban transformation process without considering the citizens. Even though these changes were discussed in parliament meetings by the opposition parties or protested by the civil society organisations in the cities, the ruling party continued making law changes mostly without taking into account their opinion.

[72] Erem O. (2017, Dec 20). "What is behind the record for increasing omnibus bills in the last 2 years? *BBC*. Retrieved Sept. 2020 from https://www.bbc.com/turkce/haberler-turkiye-42280958

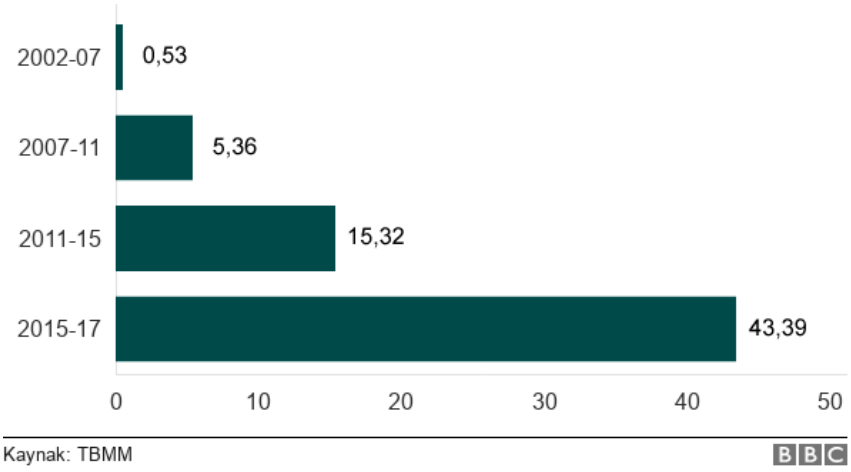

Figure 3. 5. The share of the omnibus bills in total laws (Erem, 2017)[73]

All in all, the findings show how the law has changed through different actants. It further reveals how the amendments have changed the content of the law. Especially with the amendment in 2016, the criteria for determining risky areas were changed based on the request of the ruling party. According to the amendment, the risky area designation can be made due to the illegal status of buildings or due to the public damage affecting daily routine in the area. Thus, through this amendment, the aim of reducing the seismic risk started to be disappeared within the content of the law. Furthermore, the Neighbourhood Union and opposition parties also wanted to make changes to the law on different issues. The issues were not related to seismic risk reduction (See Figure 2. 8). Some of them included the protection of property rights, lack of transparency and participation in the planning process, giving powers and privileges to the Ministry concerning the enacting process of the law, speeding up the legal procedures for the urban transformation, etc. Consequently, the seismic risk did not emerge as the main discussion topic in these parliamentary meetings when the actants re-making Law 6306.

3.2. Spatial resistance and confronting legality

To gain a deeper understanding of the role of space within the legal context and how spatial resistance remade Law 6306 itself, this section focuses on spatial resistance. Building on the

[73] Erem O. (2017, Dec 20). "What is behind the record for increasing omnibus bills in the last 2 years? *BBC*. Retrieved Sept. 2020 from https://www.bbc.com/turkce/haberler-turkiye-42280958

relational concept of space discussed in Section 1.2.1, I unpack the term resistance and its connection to space. Furthermore, I investigate the emergence of spatial resistance to legality in the risk management process, with a particular emphasis on the resistance of the Neighbourhood Union in response to the enforcement of Law 6306.

A traditional view of the term resistance is often defined as opposition to power through human practices that counter coercive or oppressive actions, with acts of resistance frequently taking anticipated forms (Zell & Curran, 2023). However, more recent studies within the discipline of geography, drawing on concepts such as performativity, relationality, actor-network theory, and assemblage thinking, conceptualise resistance not merely as opposition to hegemonic or oppressive power, but as inherently intertwined with power dynamics dispersed through multiple actants (Campos et al., 2022; Daskalaki & Kokkinidis, 2017; Featherstone & Korf, 2012; Hughes, 2020; Loh et al., 2021; Wideman & Masuda, 2018; Zell & Curran, 2023). These studies increasingly view power as dispersed not only by human practices but also through non-human materialities, examining how the relationships among these actants drive or influence acts of resistance. It uncovers elusive and emergent spatial practices and relations that reveal instances of resistance. Consequently, the spatial conceptualisation of resistance provides a framework for viewing space as an emergent form of resistance. Whether intentional or not, it also acknowledges the actants and their practices that may be linked to resistance (Zell & Curran, 2023).

Daskalaki and Kokkinidis (2017) contribute to the spatial conceptualisation of resistance, introducing it as a collective and spatially performed act of creation. They describe resistance as a continuous reconfiguration of socio-spatial relations, which has the potential to foster new forms of political agency. This reconfiguration challenges existing power dynamics and offers alternative methods of organising spatio-legal relations. In the process of doing so, powerful actants reconstruct these relations and create situations by mobilising the non-human materials essential for producing and reproducing them. Resistance is thus seen as a series of actions embedded “within ongoing negotiations involving different agents of resistance (the resisters), interactions between these agents and those in power (the targets), and among these parties, including various observers” (Johansson & Vinthagen, 2016, p. 7).

Therefore, these actions, including the development of resistance strategies to reorganise these relationships, aim to reclaim space, assert fundamental rights and identities, and resist

excessive control. For this doctoral dissertation, I have investigated these strategies in a context when they are developed in opposition to the established legal framework, as this spatial resistance requires that the 'resistors' would have an understanding of the socio-legal relations in relation to the enactment process of the law. Spatial resistance, therefore, can be understood here as collective attempts that employ various actions and practices to organise resistance against legality, which refers to "the texts of law and the interpretations and enforcement of them by officials" (Brisbin Jr, 2010, p. 1). It further challenges the existing power structures and proposes an alternative framework for how the law should operate by bringing attention to the notion of rights, justice, or social identities (Brisbin Jr, 2010).

According to Brisbin Jr (2010), the practice of resistance to legality can be approached through two strategies: 'inside' and 'outside' resistance. The strategy of 'Inside resistance' often involves the use of legal institutions to challenge perceived violations of rights, flawed interpretations of the law, or inadequate law enforcement. It involves various strategies and tactics encompassing the practices of complaint and threat by individuals, expressive actions by social movements and interest groups (such as appearances on TV shows, demonstrations, press talks, petitions, etc), litigation by collectivises, and resistance by public officials. The strategy of 'outside resistance', in contrast, rejects the utilisation of legality and intentionally challenges the underlying power dynamics embedded within it. This approach involves the tactics of subversion by individuals, collective subversion, law-breaking by public officials and violence. Hence, Brisbin Jr (2010) identifies two types of strategies for legality: the strategy of 'inside resistance' which utilises the legal institutions or interpretations of laws to challenge legality, and the strategy of 'outside resistance', which rejects the legal instruments.

In the context of this doctoral dissertation, focusing on the implementation of Law 6306, the spaces demonstrate resistance against the legality by using the inside resistance tactic and strategies to change the law`s operation. An examination of the strategies employed to resist legality reveals the involvement of three distinct group of actants: national experts (such as the One Hope Association and Chamber of City Planners), local experts (members of the Karabağlar Neighbourhood Union), and the local community.

The findings indicate that collaborative efforts with local and national experts at the national level have led to the implementation of expressive actions by social movements. In line with

this approach, the Neighbourhood Union has organized various collective events to safeguard the rights of inhabitants living in risky areas and reduce uncertainties during the law implementation. These actions encompass organized petition campaigns, media and newspaper publications, press releases, marches, and forging alliances with politicians (See Section 3.1.2). At the local level, spatial resistance strategies involve two distinct approaches: litigations pursued by collectives and individuals and expressive actions such as engaging in discussions on social media or TV shows and issuing press releases. These practices have been initiated and implemented by local experts and communities, with the support of national experts, to address uncertainties surrounding property rights and tackle specific challenges within urban transformation projects. (See Chapters 4 and 5). Therefore, the collaborative efforts at the national and local levels have yielded notable impacts on the law discussed in the previous section. However, the subsequent effect of these changes in the law in those places has not been as effective as anticipated, given the interplay between the law and space.

Consequently, spatial resistance significantly alters the law and influences its functioning. Specifically, spatial resistance has the capacity to change the dynamics within the law's implementation process. However, the actual impact of these altered relations on the space remains relatively weak. Chapters 4 and 5 of this dissertation argue that the interplay between law and space is insufficient to meet the demands of spatial resistance. These chapters provide an in-depth analysis of the links between actants, the issues that arise from existing relationships between them, the practices that address these issues, and the arenas available for reshaping these relationships.

3.3. Concluding remarks

To shed light on the impact of space in law, this chapter has focused on one of the main arenas - the parliament - to analyse the relationships between the actants involved in the amendment process. It has also examined the different practices that the actants have employed within the socio-legal network to manage the uncertainties that arise during the implementation process of the law. These practices provide valuable insights into the effectiveness of amending the law to address emerging challenges and issues in those areas.

Over the course of seven years, the wording of Law 6306 underwent nine alterations between 2012 and 2019. These changes were requested by the ruling and opposition parties, as well as civil society organisations, namely the Neighbourhood Union. The analysis of parliament meetings demonstrates that the uncertainty experienced by various actants regarding the implementation of Law 6306 led to several revisions of the law. Notably, the amendments made upon the Neighbourhood Union's request highlight how spatial resistance can reduce legal uncertainties, specifically by extending access to land titles. Conversely, these amendments were only accepted by the ruling party when there was an upcoming election. Some revisions to the law were pursued by the opposition parties through appeals to the Constitutional Court. As a response, the court cancelled various articles in Law 6306; however, the ruling party reintroduced these articles by making minor changes (such as adjustments in word order or adding new words). Subsequently, some of these articles were once again cancelled by the Constitutional Court. The amendments proposed by the ruling party were mainly made without considering the opinions of civil society organisations, related institutions, or even the relevant law-making commissions in parliament. The law-making method employed by the ruling party, where amendments were prepared in 'omnibus bills', limited opportunities for debate in parliament. This resulted in decreased acceptance of the risk management strategies produced in each amendment by the various actants.

When the impact of the law began to manifest in space, new actants entered the socio-legal network, attempting to address the issues they encountered through various practices. An examination of the issues that prompted changes in the law reveals a gradual shift away from a focus on risk reduction throughout the process. For instance, the alteration of criteria for designating risky areas by the ruling party exemplifies this shift. As new issues arose in affected areas, resistance expanded beyond the issues of seismic risk mitigation, encompassing broader concerns such as property rights protection, transparency, and participation in the planning process, the Ministry's powers and privileges during law enactment, and the acceleration of legal procedures for urban transformation. Consequently, seismic risk was no longer the sole focal point of discussion in these parliamentary meetings. In response to these issues, three distinct groups of actants emerged, each engaging in spatial resistance against the legality of the law: national experts (e.g., One Hope Association and Chamber of City Planners), local experts (members of Karabağlar Neighborhood Union), and the local community. Their inside resistance tactics and strategies proved successful in

influencing changes in the legal framework. However, the impact of these alterations on the affected areas remained weak due to the strategies developed by law enforcers during the implementation phase and amendment process.

Overall, the government's response to spatial resistance has been an ongoing process of continuous adjustments and revisions to the legal framework of Law 6306. The primary impact of this law in those affected areas beyond merely declaring risky areas based on earthquake risk. Recent amendments to the risk area mandate have introduced multiple interpretations of risk, allowing the law to designate risk areas anywhere, irrespective of the seismic characteristics of cities (See Figure 5. 9, illustrating the mismatch between the areas affected by the İzmir 2020 earthquake and the identified risk areas in İzmir). This has raised concerns about the effectiveness and appropriateness of the law's implementation in addressing seismic hazards in the affected regions.

Chapter 4. Space and law mutual interaction: Spatial resistance and legal localisations to navigate the uncertainties

At the beginning of the 1970s, many citizens living in the Karabağlar district migrated from rural areas in Eastern Türkiye to İzmir. Most of them started to build their houses by occupying the publicly owned land, in which the slum areas began to appear in the Karabağlar district. Between 1970 and 2019, many amnesty laws were passed, especially before the local or general elections (See Table 5. 1). With these laws, some squatter owners gained legal status, while others gained semi-legal status due to the implementation of legal regulations and the conditions they brought. Due to socioeconomic and legal dynamics of the district, most of the citizens could not change their semi-legal status to legal status. They experienced uncertainties regarding their property rights, which they had been waiting for a long time to secure, and which became endangered, especially with the enactment of Law 6306 in the Karabağlar district.

When Law 6306 came into force in 2012, in particular, articles of the law 23 and 24 created the risk of losing the semi-legal status of citizens benefiting from Law 2981 (1984) - the amnesty law. These articles posed serious issues and raised controversies, particularly for those who received Land title allocation (LTA)[74] documents under Law 2981, as the LTA document had provided a conditional property right for the people living in the designated risky area. As I discussed in Section 3.1.2, these articles on Law 6306 triggered a strong repeated spatial resistance not only in Karabağlar but also in various cities in Türkiye. This repeated resistance movement changed Law 6306 itself and extended the repealing date of Law 2981 to 2023. Due to the recent amendment to Law 6306 in April 2018, the legal validity of the LTA document was extended until 2023. Nevertheless, many squatters living in the Karabağlar risky area still could not transform their LTA document into land titles; the extension of the

[74] This legal material – LTA document- comes into prominence as a significant actant based on two main reasons: (1) the legal validity of this document was bonded to Law 6306, (2) the LTA document determines property ownership of the inhabitants in the newly proposed urban transformation project in risky areas.

legal use of the LTA document only provided land tenure rights to them until 2023 (See Figure 4. 5).

As the recent amendment of Law 6306 could not solve the issues for the squatters living in the Karabağlar risky area, many of them faced the risk of becoming outlaws due to the invalidation of the LTA document after 2023. It is necessary here to clarify exactly what becoming an outlaw means. Despite its common usage as becoming as an 'out' of 'law', Blomley and Collective (2021, p. 914)[75] define the term outlaw as "*a form of legal relegation, it places a person in a space of lesser protection, stripping them of rights*". I will use the more specified term '*property outlaws*' in this case. According to a definition provided by Blomley (2020) this term refers to people, who are legally deprived of their property rights, confined by law to areas of extreme property precarity, and subject to the whims of other actants in positions of greater power. For the people living in the Karabağlar risky area, the risk of becoming property outlaws enabled 'legal localisation', which means that people were aware of the chancing of laws to operate in the local context (Holder & Harrison, 2003). To secure the property rights of the LTA document holders, the Karabağlar Neighbourhood Union members has found a legal solution under a new amnesty law, titled 'Zoning Peace[76],' which came into force in May 2018 – just before the general elections of Türkiye in June 2018. The legal solution embodied in this law was a direct outcome of the Karabağlar Neighbourhood Union's efforts to secure the rights of LTA document holders through consultations with key politicians (See Section 4.2.3 for the discussion of the legal solution). As a result, they were able to partially achieve their goal of protecting LTA document holders in Karabağlar risky area. Hence, by identifying the spatialities of the law on their lives, they developed strategies

[75] Blomley and Collective (2021) define two distinct meanings of the outlaw concept. While the first one refers to a lawless or rebellious person, who refuses the legal constraints, the second meaning defines a type of legal relegation in which a person is put in a situation of increased vulnerability, giving others the authority to subjugate the outlaw and legal immunity. I will use the second meaning in this study.

[76] This amnesty law aims 'to register buildings that are undocumented or against licensing conditions and establish zoning peace and covers buildings that have been built before 31 December 2017 against relevant legislature and legal framework' (Atlar, 2018, p.1).

and made this amnesty law work in the 'local legal universe' of their district (Holder & Harrison, 2003, p. 4).

In this chapter, I will examine how the legal localisation took place to act against these uncertainties in relation to property rights, and how enacting the Disaster law made some citizens more vulnerable than others systematically. To do that, by following the actants and their traces in the socio-legal network (See Figure 4. 1), I would like to discuss the issues, actants, arenas, and practices linked to the LTA document in this chapter. I will clarify the issues faced by the holders of the LTA document within the urban transformation process in risky areas, by identifying the actants and their relations mobilized in the arenas and the practices (See Table 4. 1).

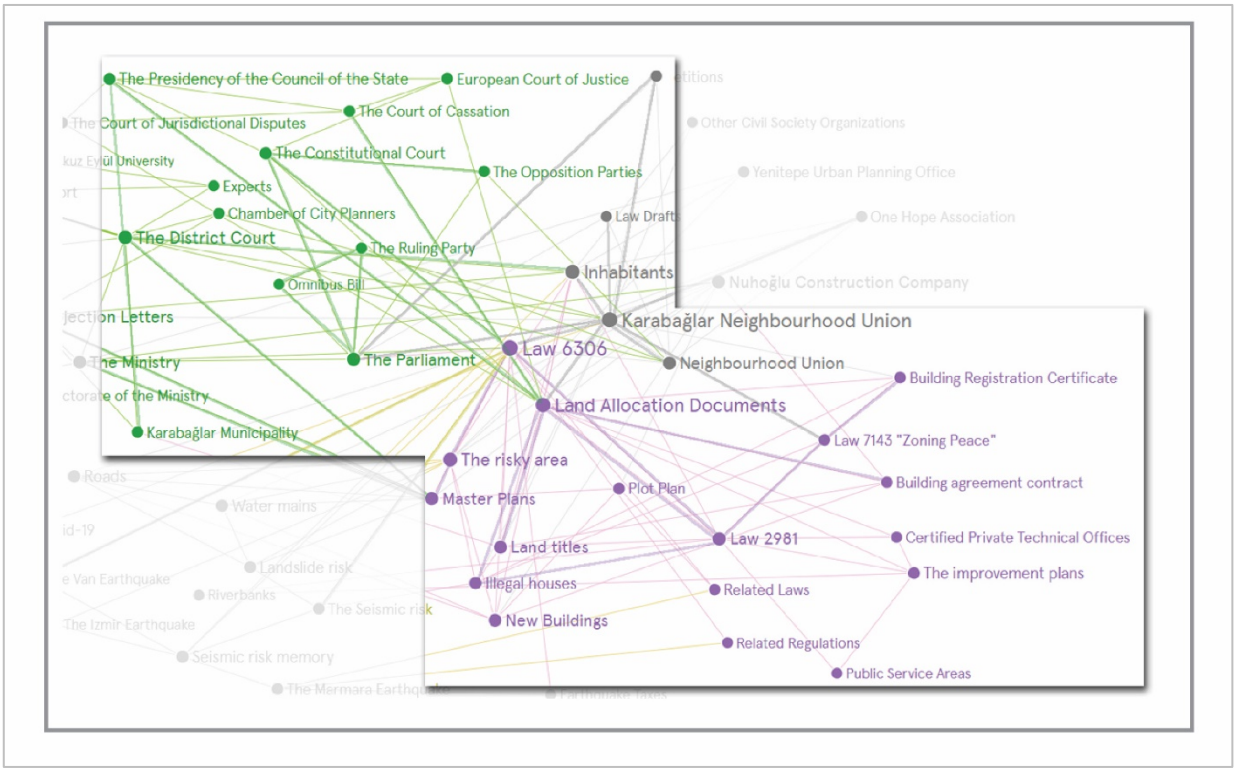

Figure 4. 1. Close-up of the socio-legal network connected to the LTA document (2021)

First, I will present the personal story of Mr Cemal[77]. He is one of the pioneers and has struggled with uncertainties concerning his ill-defined property rights since he established the Yüzbaşı Şerafettin Neighbourhood in the Karabağlar risky area. His story will not only uncover the legal history of the risky area but also reveals how the citizens were systematically confronted with being property outlawed when Law 6306 came into force in 2012. Second, I will discuss the findings of the case law analyses of Law 2981, to discuss how different legal decisions are made through the relations in the various courts regarding the LTA document. Based on the findings, I will explain why the squatters could not transform their LTA document into land titles in Türkiye and how their LTA document affects the determination of rights within urban transformation projects, especially for the risky areas. After that, based on the interview results, I will show the impact of those legal decisions in the Karabağlar risky area to discuss why the squatters in Karabağlar still could not get their land titles. I will explain how the local community in Karabağlar reacted against those legal decisions and how they localized the law by finding another legal solution to secure their property rights.

[77] In Türkiye, first names are used after 'Mr' or 'Mrs/Ms' Therefore, Cemal is the first name of the pioneer.

Table 4. 1. The arenas, practices, and actants linked to the issues raised by the LTA document

Arenas	***Practices***	***Actants***	
		Human	*Non-human*
• *The Courts of Türkiye* • *The Parliament* • *The Karabağlar Municipality* • *The local coffee houses where the community meets in the risky area.* • *The Associations*	• *Law decision-making* • *Legal proceedings about the land title allocation documents* • *Judicial decision-making* • *Legal Applications for getting land titles by squatters* • *Responding to the applications of the squatters* • *Inspection of the applications* • *Land registration* • *Community Meetings organised by the Karabağlar Neigh. Union* • *Parliament Visits by the Karabağlar Neigh. Union* • *Proposing amendments to laws* • *Making or changing laws*	• *The Parliament* • *European Court of Justice* • *The Higher Courts of Türkiye* • *The District Court* • *The Karabağlar Municaplity* • *The Karabağlar Neighbourhod Union* • *The One Hope Association* • *The Neighbourhood Union* • *Inhabitants* • *Developers*	• *The land title allocation document* • *Lant title* • *Building Registration Certificate* • *Zoning Peace' Law* • *Law 2981* • *Law 6306* • *Law Drafts* • *Judicial Opinions* • *Building agreement Contract* • *Illegal Houses* • *New Buildings* • *Master Plans* • *Improvement Plans* • *Public Service Areas* • *The risky area* • *Earthquakes* • *Fault lines*

4.1. Mr Cemal: Pioneers being squatters to land title owners

I was eager to learn more about the personal stories of the pioneers, who have struggled with uncertainties concerning their ill-defined property rights since settling in the Karabağlar district. Mr Cemal's story is a telling example of how the citizens living in the Karabağlar risky area – especially the pioneers- dealt with these uncertainties before the Disaster law and how enacting the Disaster law made some citizens more vulnerable than others.

I met Mr Cemal in February 2022, through the founders of the Karabağlar Neighbourhood Union. He constructed one of the first houses in the Yüzbaşı Şerafettin Neighbourhood located in the Karabağlar district by occupying the publicly owned land. Mr Cemal -73 years old - migrated from Tunceli to İzmir at the beginning of the 1970s due to political reasons and his poor economic conditions. He was 25 years old when he relocated to İzmir from his hometown. He received a limited education in his hometown due to the lack of economic resources. When I first met with Mr Cemal at the entrance of the Karabağlar district, he was reticent. Since I came to the meeting place by car, I first asked where we could conduct the interview. He described the address without giving any information about where we were going. After a 15-minute drive, we arrived at his house (See Figure 4. 2. a). After opening the front door, we climbed up the stairs and came to a terrace with a view of the new houses built in the reserve area and the Karabağlar risky area (See Figure 4. 3). We sat on two chairs on this empty terrace, and Mr Cemal began to tell his own story below:

> *“I don't remember the exact date, around 1972-1973. When we came here (he pointed out the forestry mountain from his terrace) – here was like the opposite mountain that we see - there was no road - there was nothing as a residential area. There was only the building that can be seen over there - next to it; there was a single-story house with a black roof - first, I built that house (See Figure 4. 3. b).*
>
> *In 1976-77, we built this house (the house in which we were sitting on the terrace) (See Figure 4. 3. a)- this house used to have one story. - I built it and the neighbouring buildings. The house we built was like a temporary hut - just for shelter - because we didn't know what was going to happen. Then the neighbourhood developed a few years later - as there was no electricity, water, sewerage, or bus service before. We made these roads ourselves with a shovel - a car started to go, and then the bus came at two times, both in the morning and evening, to take the people who go to work in the morning and come from work in the evening. We met the toilet needs by making a septic tank under the houses - then the electricity came around 1978. The water tankers brought our drinking water. There were specific stops on the streets to take the water - five or ten households carried the water with*

plastic buckets from those stops. In the 1980s, the İzmir municipality connected our water[78]." (Mr Cemal., personal communication, 13.02.2022).

Figure 4. 2. a) Mr Cemal`s current house and its entrance b) The first two houses built in the neighbourhood, and the house with a black roof was built by Mr Cemal in the back (Author, 2022)

[78] The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "Şimdi biz 1972-1973 gibi, tam tarih olarak hatırlamıyorum. Buraya geldiğimiz zaman, şu karşı dağ nasıl – o gördüğümüz dağ gibi – hiçbir yol yok- yerleşim alanı olarak hiçbir şey yok, ilk önce geldik biz şurada görünen bina var- onun yanında siyah çatılı alçak yer var- ilk olarak o evi yaptım. 1976-77 yıllarında geldim burayı yaptık- bu ev eskiden bir katlıydı- orayı da yan tarafı da ben yaptım (komşu binalar). Bizim yaptığımız ev geçici olarak bir kulübe gibi- sadece sığınmak içindi- çünkü ne olacağını bilmiyorduk- sonra birkaç sene gelişti- şu anlamda- elektrik, su kanalizasyon otobüs hiçbiri yoktu- bu yolları kazma kürekle biz kendimiz açtık- bir araba gidip gelebilecek şekilde- daha sonra sabah iki akşam iki olmak üzere otobüs geldi- şu arka yolu- oda sabah işe gidip akşam işten gelen kişileri eve götürmek için- tuvalete ihtiyaçlarını biz evlerin alt tarafına fosseptik çukuru yaparak gideriyorduk- daha sonra elektrik geldi 1978-79 civarında geldi-İçme suyumuzu tankerler getiriyordu. Sokaklarda belirli, duraklar var beş on ev oradan kovalarla plastikler ile- 1980'lerde İzmir belediyesi suyumuzu bağladı."

Figure 4. 3. a) Mr Cemal`s terrace that the interview took place b) The terrace's view with the Karabağlar risky area and the new houses built in the reserve area at the top of the hill (Author, 2022)

I was listening to him carefully. Then he explained that he built the neighbouring buildings for his uncle, his cousins, and other neighbours from his hometown. We walked around the terrace, and he showed me the houses he built or helped to construct. Furthermore, he added as follows:

> *"About ten or fifteen people came here as fellow villagers from Tunceli - we parcelled out this place, and everyone got a house for themselves. In the early days, we wanted people to come and settle, but since there were no social services, no one showed any interest at that time. After time passed, sir, we opened our roads, and sewerage, water, and electricity came. In addition, the people residing here applied to the 1984 amnesty law and declared that we were the place's owner. We said that we were the owners of these houses! The owner of this place is the applicant. We got the property right there. We would have already left if we had not been given property rights …[79]"* (Mr Cemal, personal communication, 13.02.2022).

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[79] The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "Buraya aşağı yukarı on-on beş kişi Tuncelili hemşeriler olarak geldik-burayı parselledik herkes kendine bir yer edindi. İlk zamanlarda insanlar gelsin yerleşsin istiyorduk

When we discussed the amnesty law, he explained how this amnesty law worked and impacted their lives over the years. He also pointed out the problems they faced during the implementation process of the law as follows:

> *"In the enacted law, the municipality must take over this place from the treasury and give it to the citizens within two years. In other words, the authorities can't give this place to anyone other than me … The municipality has to make the zoning plan and provide that zoning plan to these citizens. It prepared the zoning plan that permitted two-story houses, but it did not put it into practice - because it did not put it into practice, it remained only as a plan[80]."* (Mr Cemal, personal communication, 13.02.2022).

When the squatters applied for this amnesty law (Law 2981) with the promise of getting their land titles, they first received the land title allocation (LTA) document that provided them only rights for the use of the land and property. Translating the LTA document to the land title required fulfilling the prerequisites defined under this law (See Section 4.2.3). As Mr Cemal explained one of the conditions, a zoning or improvement plan must have been made for the places subject to allocation. He further discussed other prerequisites that prevented his relatives and acquaintances from obtaining their land titles. He stated some of the conditions determined in the law and the conditions defined by the Council of State. For instance, he commented on the prerequisite determined by the Council of State (P. 2003/685, D.

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fakat sosyal hizmetler olmadığı için o zaman kimse değer göstermiyordu. Aradan zaman geçince işte efendim yolumuz açıldı kanalizasyon geldi suyumuz elektriğimiz geldi. Bunun yanında 1984 imar affında burada yerleşik olan kişiler müracaat ettik ve yer sahibi olduğumuzu beyan ettik. Bu evlerin bu evlerin sahibi biziz dedik. Bu yerin sahibi müracaat eden kişidir. Mülkiyet hakkını oradan aldık. Mülkiyet hakkını vermemiş olsaydı zaten çekip gidecektik..."

[80] The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "Çıkan yasada iki yıl içerisinde belediye bu yeri hazineden devralıp vatandaşlara vermek zorundadır. Yani benden başkasına burayı veremez… Belediye imar planını yapıp bu vatandaşlara o imar planını vermek zorunda. İki kat olarak imar planını çıkardılar ama uygulamaya koymadılar- uygulamaya koymadıkları için imar şeyi plan üzerinde kaldı."

2004/3717, 11.06.2004) that requires citizens not to make any structural changes to their houses after receiving the LTA document as follows:

> *"Let me also tell you that the house's structure must not change under the amnesty law. In other words, you cannot demolish it and rebuild it. When you rebuilt it, the municipality increased the current market value (for the land price and value of the property) threefold and fourfold (…) After 1990, I demolished my structure (one-room hut) before I received the land title - I built a house. The authorities gave me a lot of difficulties in giving my land title. They said if the application fee was twenty Turkish liras per meter, I had to pay sixty Turkish liras per meter (due to the structural change). We even had a discussion with the officers and managers about it.*
>
> *(I said to them;) Sir, this is what you have done...I've been living in this house for ten years. I didn't have children when I built this house. I had children later on, and they grew up. I had to demolish this house and rebuild it because I could not do it in a single room. I'm just not speaking for myself. The position of all citizens was the same. We were waiting for when the law will come out and the zoning plan will come out. We waited for twenty years, for the plan etc. What could we do, my brother? I will live here for 50 years anyway; if I can't renovate this house while I'm living, will I do it after I die?* [81]" (Mr Cemal, personal communication, 13.02.2022).

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[81] The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "Bir de bize şöyle diyeyim çıkan imar yasasında evin şekli değişmeyecek yani yıkıp da yeniden yapmış olmayacaksın- yıkıp da yeniden yaptığın zaman rayiç değeri üç misli ve dört misli artıyordu belediye… 90 yılından sonra- tapuyu almadan evvel yıktım yaptım- bir katı yaptım- tapuyu alırken bir hayli zorluk çıkardılar- yirmi liraysa metresi altmış lira dediler. Hatta biz o konuda memurlar ve müdürler ile bir tartışmamız oldu…Efendim on yıldan beri bu kulübenin içerisindeyim- ben bu kulübeyi yaptığım zaman çocuklarım yoktu- daha sonra çocuklarım oldu büyüdüler- ben bu evi yıkıp yapmak zorundayım- çünkü yapabilecek durumum yoktu yani bir tek odanın içerisinde- sadece ben kendi açımdan söylemiyorum. Bütün vatandaşların hepsinin

During this talk, he raised from his chair slowly and showed me at least four buildings from his terrace that could not transform their LTA documents into land titles. He started to talk while pointing at the houses with his finger. He discussed the difficulty of getting the land titles as follows:

> *"For example, this house and that house have not changed at all; I give this as an example- let's say we destroyed it (our house), but this house has never changed- give [the land title] to them – [the Municipality] did not provide it either. This one couldn't get a land title, and that one didn't- many didn't- the neighbours across the street did not get it- this one didn't, etc. Previously, the Municipality did not give land titles, and the Ministry confiscated them. The Ministry said this is a risky area- and told me that I had seized this land. They ignored the rights of the Municipality[82]."* (Mr Cemal, personal communication, 13.02.2022).

pozisyonu aynıydı yani. Sen bekliyorsun yasa çıkacak plan çıkacak- yirmi sene bekliyorsun plan vs. yok- ne yapacaksın kardeşim- ben zaten burada yaşayacağım. 50 yıl eğer ben bu evimi yenileyip de yapamıyorsam öldükten sonra mı yapacağım?"

[82] The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "Mesela bu ev şu ev şu anda hiç değişmemiş bunu örnek olarak veriyorum. Hadi biz yıktık yaptık diyelim ama bu ev hiç değişmedi. Buna ver o zaman değer üzerinden ver bakıyım. Onu da vermiyor. Oda alamadı, bu da alamadı. Alamayanlar çok var. Karşı komşular almadı. Şurası almadı, vs. Önceden belediye vermedi, daha sonra bakanlık el koydu. Bakanlık dedi ki burası riskli bölge – ben buraya el koyuyorum. Belediyenin haklarını da hiçe saydı. Belediye de hak sahibi değildir dedi bakanlık olarak ben hak sahibiyim dedi ve ben yapacağım dedi."

Figure 4. 4. The houses without land titles that Mr Cemal pointed out form his terrace

After discussing those houses, he walked to the other side of the terrace. This time, he showed another slum group that could not get their land titles due to the master plan. Law 2981 stipulates that the location subject to allocation must be in a residential area in the zoning plan and not be designated for public use (such as highways, squares, parks, police stations, or green spaces) (See Section 4.2.1). He knew the exact impact of the zoning plan as a legal artefact on the neighbourhood under this amnesty law. First, he showed the roads that frame the area determined as a green area in the zoning plan, one by one. Later, he made the following statement by demonstrating the other slum areas located in the public services areas in the zoning plan:

> *"Except for the green area I mentioned, this is the parking lot (in the zoning plan). There are also houses around the school. Their property belongs to the school – they refunded their money – the people will stay until their homes are demolished - whenever that happens. I am talking about those who do not have the right. Except for that (the houses located in the public service areas); all these beneficiaries benefited from the amnesty law in*

> *1984 - they applied to get their land title. Those who could afford to get their land titles - those who could not afford (to pay the application fee) did not receive their land titles[83]."* (Mr Cemal, personal communication, 13.02.2022).

Although many local people living in the Karabağlar district met the conditions brought by the amnesty law, they could not convert the LTA documents into land titles due to their poor economic situation. When the district's urban transformation process started, the Ministry stopped issuing land titles. Mr Cemal said that he thought the reason was that the Ministry did not give the land titles because they had to expropriate them again during the urban transformation process if they gave the land titles. Followingly, he said that he doesn't look at this issue politically, he looks at it as a citizen. He made the following statement regarding all political parties including the ruling and opposition parties (AKP, MHP, CHP, HDP and all other parties).

> *"They all think about their own interests, and their own profits. They do not do anything on behalf of the citizen, there is no benefit for the people living here. They don't consider you a human being here. They just visit from election to election…[84]"* (Mr Cemal, personal communication, 13.02.2022).

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[83] The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "Şimdi burası şu dediğim yeşil alan hariç ve otopark alanı, bir de okulun etrafından da olan evler var. Onların mülkiyeti okula ait- onların paralarını iade ettiler- onlar yıkılana kadar oturuyorlar- ne zaman yıkılırsa. Hak sahibi olmayanları söylüyorum ben. Onun haricinde bu kalanların hepsi hak sahibi, 1984 teki imar affından yararlanmış. Tapu alması için müracaat etmiş, imkânı gücü olanlar almış, olamayanlar almamış."

[84] The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "Bunların kendi çıkarlarını kendi rantlarını düşünmekten başka vatandaş adına buradaki yaşayan insanlar adına hiçbir faydaları yok. Seni burada insan yerine koymuyorlar. Sadece seçimden seçime geliyorlar…"

During our meeting, we discussed not only the issue concerning the tenure insecurity in the Karabağlar risky area, but also other uncertainties they faced during the urban transformation process under the disaster law (See Chapter 5). He explained how they united as a neighbourhood, how he joined the Karabağlar Neighbourhood Union, the reasons for objecting to the zoning plans for the risky area, and the visits they made to the parliament and the ministry (together with the Neighbourhood Union) for the issues they experienced in the disaster law. After talking specifically about the problems that they encountered in the urban transformation process and how they overcame them as the Karabağlar Neighbourhood Union, he stated that the slum problem was the biggest challenge:

> *"Now let's get to the main issue – The main issue was the slum. There is a thought as if we built the squatter settlement out of our pleasure. I don't think so, whether this is in İzmir or anywhere else in the world - what they call slums - slums of big cities. No citizen wants to get up and go through these troubles for themself for years. Why do they want it out of necessity? Even a wild animal, be it a wolfdog, finds a place to live. That's why vilifying the people in the slums, treating them with contempt, and humiliating them, are the basis of the main issue. They despise you. Wow, sir, I have heard this not only in one place but in several places in the state's official institutions and I have had discussions about it [They said that] Here in the state treasury, you have a place for free. [And I said to them] …come with me. I've lived here for twenty years [thirty years ago]- if you live here for a month, I said I would give you, my place. No one here enjoys being in slums at all[85]."* (Mr Cemal, personal communication, 13.02.2022).

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[85] The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "Şimdi gelelim esas meseleye…Esas mesele gecekondu. Sanki biz gecekonduyu kendi keyfimizden kendi zevkimizden yapmışız gibi bir düşünce var. Ben sanmıyorum yani gerek bu İzmir'de olsun- gerek dünyanın neresinde olursa olsun- ne derler varoşlar- büyük kentlerin varoşları, hiçbir vatandaş kalkıp da kendi için yıllarca bu sıkıntıları çekip de yaşamak istemez. Neden istiyorsa zorunluluktan istiyor. Bir yaban hayvanı dahi kurt köpek olsun yaşamak için kendine yer buluyor. Onun için gecekondudaki insanları kötülemek hor görmek, onları aşağılamak, esas meselenin temeli bu. Hakir görüyor, vay efendim bunu sadece

Mr Cemal was able to get his land title in 1990, six years after the enactment of the amnesty law. But since the zoning plan allows for a two-storey building, the third floor he added later seems to be an illegal construction that does not comply with the zoning plan. To prevent the destruction of this floor, he applied the new zoning amnesty law, titled 'Zoning Peace', which came into force just before the general elections of Türkiye in June 2018. Mr Cemal explained why he changed the structure of the house, even his own immigration story, during our conversation as follows:

> *"I was single when I came here. I got married, and I have three children. All three of them got married. If those children did not buy a house with their means and own a home in other places, where would those children live? Let's see how you will give this flat to three children. And besides, they have children too (He was crying after this speech) ... I had built a floor in my house before, in 1985 and 1986. I did the other one later. I made the third floor after that. But none of my children stayed here- only the middle boy remained. I rented out the ground floor, and I moved to the upper floor. My two sons are teachers - they also moved to other districts in İzmir. When they did not live here, they went to other places. After all, I said the flat is yours - whether you live here or not - the middle boy said he would stay here[86]."* (Mr Cemal, personal communication, 13.02.2022).

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bir yerde değil birkaç yerde devletin resmî kurumlarında ben bunu duymuşum ve bu konuda tartışmalar yapmışım. Ya işte devletin hazinesine konmuşsunuz bedavadan yer sahibi olmuşsunuz bilmem ne- yahu sen gel benimle…Ben burada yirmi senemi yaşadım- sen burada bir ay yaşa benimle beraber ben kendi yerimi de sana vereceğim dedim. Burada kimse keyfinden kimse gecekonduda kalmıyor yani."

[86] The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "Ben bekardım geldim buraya evlendim üç tane çocuğum oldu. Üçü de evlendi. Bak eğer o çocuklar kendi imkanları ile başka yerlerde ev alıp da ev sahibi olmasaydı, o çocuklar nerede yaşayacaktı? Burada yaşayacaktı- buyur bakalım hadi üç çocuğa ver bakalım bu daireyi nasıl vereceksin, bir de kaldı ki bunların çocukları da var…Kendi evimde bir katı daha evvelce yapmıştım 85-86 yıllarında. Ötekini daha sonra yaptım. En son üçüncü katı yaptım. Hiçbiri burada kalmadı - bir tek ortanca oğlan kaldı. Alt katıda ben kiraya verdim ve üst kata da ben

Despite the fact that Mr Cemal became a land title owner, he thinks that due to the uncertainties in the negotiation process in the Disaster law, the land title owners cannot get their full property rights in the urban transformation process which he explained as follows:

> *"In the future, they (the authorities) will come and say to me; Cemal, you have your land title; here is your land title money - you have a three-storey land title; We will only give you the lowest value. We will not provide you with the value of the building. They do not consider the size of your building - if you want, build a ten-storey building. In the end, even if they give the value of the building, they will not give me the value I want. If they give me five trillion Turkish liras, I still will not give up on this building. My life has passed here. Will I be born again?*[87]*"* (Mr Cemal, personal communication, 13.02.2022).

The story of Mr Cemal reveals the territorial vulnerability of the neighbourhood they built. His story has also shown that the vulnerability levels are even higher for the holders of LTA documents, as there is uncertainty about securing their partial property rights. When the Disaster Law entered into force in 2012, the law enhanced the vulnerability level of the district more than before, based on its articles 23 and 24, which articulates the end validity of the LTA document by repealing the amnesty law three years later (See Section 3.1.2). These articles rule that the LTA document holders will not receive legal benefits or protection when the amnesty law is repealed. It means that the Disaster Law will turn the semi-legal status of the

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taşındım. İki oğlum da öğretmen- onlar da diğer ilçelere taşındılar. Onlar burada oturmayınca gittiler başka yerlere. Netice daire sizin dedim- ister oturun ister oturmayın- ortanca oğlan ben burada kalacağım dedi."

[87] The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "Gelecek bana diyecek ki Cemal senin tapun var buyur bu senin tapu paran- üç katlı tapun var sadece en kaz değerini veririm. Sana bina değerini vermem. Seni bina olarak görmüyor- istersen on katlı bir bina yap…Yani netice itibari ile verse bina değerini verse bile benim istediğim değeri vermeyecekler. Bana getirse beş triyon verse ben gene de vermem bu binayı. Ömrüm geçmiş benim burada. Ben bir daha mı dünyaya geleceğim?"

citizens (LTA document holders) into that of an outlaw status - a legally produced status. Hence, when the Disaster law was enacted, the LTA document holders ran the risk of becoming outlaws. In the next section, I will explain the rights brought by the LTA document by analysing the case laws of the amnesty law- Law 2981, and further, discuss how the disaster law produced territorial vulnerability that led to a spatial resistance movement in the Karabağlar risky area.

4.2. Uncertainties raised by the land title allocation document (LTA)

4.2.1. Background of the investigation: Case laws of Law 2981

As the amnesty law came into effect in 1984, by now, many squatters should have already received their land titles under Law 2981. However, due to the uncertainties within the legalization process or the technical reasons described in the law, many squatters could not transform their LTA document into land titles. In connection to this problem, the higher courts in Türkiye clarified some specific issues about the LTA document including its definition and application, and these decisions are followed by the other courts.

According to the General Assembly of the Supreme Court of Appeals (P. 1996/14-763, D. 1996/864, 04. 12. 1996), the land title allocation deed (document) is not a document of ownership, it is only a possession document that provides personal rights to the person for the use of the land and property.

The 14th Civil Chamber of the Supreme Court of Appeals (P. 2012/14835, D. 2013/3429, 08.03.2013) defined the prerequisites for the translation of the LTA document to the land title as follows:

- To have a legally valid land title allocation document,
- In the place subject to allocation, **a zoning plan** (in accordance with Article 18 of Law 3194) or **an improvement plan** (in accordance with Law 2981) have been made,
- The relevant person has not been allocated another place,
- The place subject to allocation is **not reserved for public service** (such as roads, squares, parks, police stations, green areas, etc.) and must be located in a residential area according to the zoning plan,

- The place subject to the allocation, and the squatter house requested to be registered, must both be located in the same place, and a survey has been made by the experts to determine the characteristic of the immovable,
- **The land price** subject to allocation has been paid, if not the value of the property on the date of the case must be determined by the expert and must be deposited to the court's cashier before the judgment,
- During the creation of the parcels, a development readjustment share[88] has not been cut from the parcel or if it is cut, the development readjustment share rate applied must be determined,
- In addition to the conditions above, the 6th Chamber of the Presidency of the Council of the State (P. 2003/685, D. 2004/3717, 11.06.2004) determined another prerequisite to transform the LTA document into the land title. According to this statement, the squatters must not make **any structural changes** to their houses after receiving the LTA document. The Presidency of the Council of the State stated this decision as follows:

"The land title allocation document does not determine the ownership; it determines the rightful ownership until it becomes the land title. Its function is to meet the housing needs of low-income families. Demolition or reconstruction of the slum house results in the cancellation of the land title allocation document and the land titles cannot be given. Therefore, the rights of those who are the holders of the land title allocation document are restricted within the framework of the purposes determined by the law. With the land title allocation document that has not yet turned into a land title, the slum houses should be used for housing purposes. Regarding the determination of this slum house, which was demolished against the purposes of the law, there is no contradiction for the cancellation of the request to receive the land title."

[88] Development Readjustment Share takes at most 45% of the surface area of a parcel for public use (e.g. primary and secondary institutions affiliated to the Ministry of National Education, public services such as roads, squares, parks, police stations, green areas, etc.) based on 'Development Law' numbered 3194, enacted in 1985, which defines the planning regulations in the country. According to this law, this deduction is applied in exchange of the value increase of the estates on account of the land adjustment (T.C. Official Gazzette, 1985; 2019).

If the squatter meets the conditions determined by the higher courts, he/she can request registration to get the land title. However, even if the squatters meet all the necessary conditions, many of them could not complete the registration process for getting their land title due to various administrative problems.

To understand the main issues regarding the LTA document within the urban transformation process, the case laws of the higher courts of Türkiye are analysed and discussed below. Firstly, all case laws of the Constitutional Court, which are linked to the LTA document, are analysed to understand the main problems linked to the LTA document, as the Constitutional Court is the highest legal authority in Türkiye. Secondly, case laws of the Presidency of the Council State and the Court of Cassation, which include both keywords of 'land title allocation document' and 'urban transformation', are discussed to understand the squatters' problems within the urban transformation process. The following part briefly discusses the findings of the case law analyses.

The table below demonstrates the number of case laws (in total 1158), which were accessed by searching with the keywords 'land title allocation document' (accessed date: April 2021). These case laws are in the jurisdiction of the higher courts in Türkiye and are accessible online through their official websites (See Table 4. 2).

Table 4. 2. Case laws linked the land title allocation document

The name of the higher court	Number/Date
The Constitutional Court	20 Case Laws (2013-2020)
The Presidency of the Council of the State	79 Case Laws (1984-2020)
The Court of Cassation (Supreme Court of Appeals of Türkiye)	943 Case Laws (2002-2020)
The Court of Jurisdictional Disputes	117 Case Laws (1973-2020)

4.1.1.1. Case Laws of the Constitutional Court

20 case laws of the Constitutional Court (See Annex 1) are analysed to understand the main issues regarding the LTA documents. Seven of the twenty case laws are found not directly linked to the LTA documents. Regarding seven case laws, the applicants had unlicensed buildings and did not apply to administrations to get their land title under Law 2981. In those cases, some case laws linked to the LTA document are given as precedent cases to demonstrate specific conditions for having property rights. For instance, in three case laws, the case of Ayşe Öztürk, in which the holder of the LTA document received the demolition value for the gecekondu[89], is given as a precedent case to demonstrate that the applicant had property rights over the building (*Ayşe Öztürk, A.* No: 2013/6670, 10/6/2015).

The remaining 13 case laws directly linked to the LTA document are investigated and summarized in the Annex 1. According to the findings, there are **six case laws** in which the Constitutional Court found the violation of property rights based on two issues: (1) master plan changes; (2) administrative problems.

Master Plan Changes: In three case laws, LTA documents were cancelled when the places subject to allocation (which must be located in the residential area according to Law 2981) were rezoned as a protected area or public service areas (e.g. roads, parks, etc). Regarding the change in the zoning status, the gecekondus were demolished without payment of compensation. In those cases, the Court acknowledges that the applicants had the right to property over buildings as the use of the building at issue for such a long time constituted a significant economic interest for the applicants. Because of that, the court has found a violation of the applicants' property due to the demolition of their gecekondus without payment of compensation. The grounds of those three cases are described briefly below:

[89] The differences between slum and gecekondu terms can be described as follows: slum housing refers to decrepit houses with mixed legal and illegal ownership, whereas the term of gecekodu, which means 'landed in the night' in Turkish, refers the structures on lands that did not belong to them (Erman et al., 2018).

The case of Hasan Kaya (*Hasan Kaya and others*, A. No: 2017/22750, 1/7/2020) concerned the demolition of the gecekondu, which remained in the green area in the master plan. In this case, the squatter requested to get the land title under Law 2981 in 1983. However, the applicant did not meet the conditions described under Law 2981. In addition to the residential use, the workplace was identified under the structure, and subsequently their application for getting the land title was not accepted by the municipality. On the other hand, the municipality failed to apply the administrative procedure regarding the demolition of the gecekondu and allowed them to use the structure and the municipal services for 41 years. During this time, the applicant paid the real estate taxes. In 2006, regarding the new master plan change, the zoning status of the place, where the gecekondu was located, was changed to a green area from a residential area. In 2010, the gecekondu was demolished without payment of compensation. In this process, the applicant made applications to three administrative courts regarding the master plan change and a lack of compensation payment after the demolition.

The case of Durali Gümüşbaş (*Durali Gümüşbaş*, A. No: 2015/6427, 10/10/2018) was about the demolition of the gecekondu, which remained on the road according to the zoning legislation. In this case, the applicant, who received his LTA document in 1984, has used the structure for 24 years. In 2007, due to the zoning legislation change, the municipality demolished the gecekondu and did not pay the compensation. The municipality also claimed that the applicant did not make an application under Law 2981. Based on that claim, the applicant challenged the decision linked to the demolition process at the civil court, the administrative court, and the Court of Jurisdictional Disputes.

The case of Ayşe Öztürk (*Ayşe Öztürk*, A. No: 2013/6670, 10/6/2015) concerned the decision regarding the demolition of the gecekondu due to the declaration of its location as a natural protected area. The applicant received the LTA document in 1985. In 1995, the administration declared the land of the structure as a protected area and cancelled the LTA document of the structure. Up until 2007, the Treasury had not prevented the use of the structure, and the applicant had paid the real estate taxes. In 2007, the demolition decision was given without payment of compensation by the Treasury. The applicant challenged the decision of the demolition at the administrative courts.

Administrative Problems: In four case laws, the court has found the violation of property rights in relation to legal applications of public authorities concerning the LTA document. The court drew attention to the fact that the public authorities had failed to apply the administrative procedure linked to the LTA document (e.g. giving the LTA document to the applicants even if they do not meet the conditions for the application). Furthermore, the court also pointed out that the public authorities displayed a passive attitude in terms of launching the necessary administrative duties (such as finalizing the squatters' applications under Law 2981 or demolishing the illegal structures on time). To demonstrate those administrative problems in more detail, the information of three case laws is given below:

The cases of Osman Ukav (*Osman Ukav*, A. No: 2014/12501, 6/7/2017) and Mehmet Ukav (*Mehmet Ukav*, A. No: 2015/12898, 29/11/2018) were about the rejection of the application for the translation of the LTA documents to land title although the applicants meet all the conditions described by Law 2981. Considering these two case laws, the applicants had followed the same legal procedure regarding their place subject to allocation. Two applicants received their LTA documents in 1984. In 1990, an improvement plan (which is one of the prerequisites for the translation of the LTA document) was made by the municipality and the applicants' area remained in the residential area according to this plan. However, the applicants did not receive their land title after that. In 2007, the applicants applied to the court to get their land title. However, during this time, the jurisdiction of the municipality was changed and the district where the structures were located was affiliated to the neighboring municipality. Regarding this situation, the court gave a decision of non-jurisdiction in 2008. The applicants applied to another civil court about getting their land title. During the lawsuit process, in 2011, the ownership of the immovable possessions (where the structures are located) was also transferred to the housing development administration of Türkiye. The court decided that there is no legal obstacle for the applicants to receive their land titles. Regarding this decision, the housing development administration of Türkiye requested an appeal at the Court of Cassation. The court of Cassation asked for the zoning legislation of the place subject to the allocation to the new municipality. According to the master plan of the new municipality, the place subject to allocation was reserved for educational purposes. Regarding this situation, the Court of Cassation decided to cancel the translation of the LTA document into land titles.

The case of Feti Yılmaz and others (*Feti Yılmaz and others*, A. No: 2017/37121, 11/12/2019) concerned the demolition of his gecekondu, which was registered with the LTA document. The legator (Ş.H) received his LTA document in 1985 and paid the land money between 1985-1989. When he died in 1989, the LTA document was inherited to the applicant. In 2012, the municipality cancelled the LTA document due to the reason that the legator has another property in the same district. In 2014, the administration demolished the structure without payment of compensation. The applicants challenged this decision at the administrative courts to get the compensation.

Regarding the remaining **seven** of thirteen case laws, the Constitutional court did not find a violation of property rights. These cases were mostly rejected because they did not comply with the conditions for receiving the LTA document under laws 2981 (e.g. using the land as an agricultural area instead of using it for housing purposes, lack of evidence of construction on the land, etc.). Additionally, some case law revealed that the public authorities gave the LTA documents to the applicants without making the necessary examination within the registration process. Those applicants used their structure with the LTA document for a long time, even they could not meet the prerequisites for getting the LTA document.

For instance, within the case of Cahide Demirkaya (*Cahide Demirkaya*, A. No: 2014/5169, 16/2/2017), the applicant applied to get the LTA document in 1983 and received it in 1986. In 2004, the administration decided to demolish her structure because the place subject to allocation was not located in the residential area according to the improvement plan. The applicant challenged this decision at the court. During the lawsuit process, the court revealed that the place subject to allocation is not on the public land, and the structure is located on private land. The ownership status of the place subject to allocation was incorrectly determined by the administration during the registration process. Due to this reason, the applicant's title allocation was canceled by the court. Similar to this case, the case of Adrurrahman Uray (*Abdurrahman Uray*, A. No: 2013/6140, 5/11/2014) concerned the cancellation of the LTA document due to the reason that the structure was constructed on private land. In this case, the ownership status of the place was incorrectly determined again by the administration. The lawsuit process of this case took eight years, and the case was rejected because the applicant died while the trial process was still going on.

Hence, the case laws of the Constitutional Court demonstrated that the squatters faced many problems during the legalization process even if they met all the prerequisites to transform their LTA documents to land titles. In most of the cases, the Court drew attention to administrative problems such as passive attitudes of the public authorities or wrong applications made by the public authorities. Lastly, the findings demonstrated that various changes regarding the jurisdiction of the municipality, the zoning status of the place subject allocation, or the ownership status of the property (e.g. transfer of a property to another institution) created significant problems within the legislation process, which generally ended up with the long lawsuit process of up to eleven years.

4.1.1.2. Case laws of the Presidency of the Council State

79 case laws of the Presidency of the Council State are found with the keywords 'land title allocation document', and **only 55** of 79 case laws are accessible online through the court's official website. These case laws do not have any information about applicants and their structures' location. 55 case laws are searched again with the second keywords '**urban transformation'**. According to the results, **2** of 55 case laws are found directly linked to the urban transformation process.

2 case laws of the **Presidency of the Council State** are about the administrative problems linked to the translation of the title LTA documents to land titles in urban transformation areas. The applicants of both case laws had followed the same legal procedure, and the Presidency of the Council State gave the same decision for both cases. The grounds of those two cases are described briefly below:

The first case (A. No. 2016/4494, P. No. 2015/6115) is linked to the gecekondu registered with the LTA document in the urban transformation area. In 2010, the area where the gecekondu is located was declared as an urban transformation area. With the decision of the Metropolitan Municipality Council, the application principles regarding the urban transformation project were accepted, and the plaintiff was called for a contract to be made in order to demolish the existing gecekondu and to give a new housing from the project area. The plaintiff did not consent to this and applied to the Municipality firstly to transform her/his LTA document to a land title. However, the municipality did not respond to this application in

due time and the application was rejected tacitly. The squatter challenged the rejection of the application in the administrative court and the court concluded that there is no unlawfulness in the proceedings, which was established to deny the claim of the plaintiff's request because the land title will be given from the houses in the urban transformation area. After that, the plaintiff applied to the Presidency of the Council State. In this case, the Presidency of the Council State cancelled the decision of the administrative court and ruled that since it is not clear when the new houses in the urban transformation area will be built, the allocation must be made in another rehabilitation or slum area to the plaintiff[90].

The second case (A. No. 2020/1522, P. No. 2020/295) is concerned with the rejection of the application for getting the land title of the gecekondu, which is located in the urban transformation area. When the Neighbourhood of the gecekondu was declared as an urban transformation area, the plaintiff was called for a contract by the Metropolitan Municipality. The plaintiff rejected the contract, which was about the demolition of his/her gecekondu and to give a 120 m² house from the urban transformation project area. After that, the plaintiff applied to the municipality to transform his/her LTA document to the land title. The municipality did not reply to this application in due time and the application was tacitly rejected. Furthermore, the municipality gave a decision to sell the land of the gecekondu by a tender, and the squatter challenged this decision in the administrative courts. In this case, the Presidency of the Council State concluded that 'if the structure belonging to the plaintiff cannot be preserved in its place, the allocation must be made from another rehabilitation or slum area or dwellings to be produced in the urban transformation area. The immovable property cannot be sold through a tender without this allocation'.

According to the results, in both cases, the squatters did not agree upon the contracts, which are about getting new houses from the urban transformation project area after the demolishment of their gecekondus. Before this agreement, the squatters wanted to transform their LTA document to land title. For instance, in the second case, the plaintiff stated that *"it is always possible to consent a contract to get a 120 m² house from the urban transformation*

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[90] According to Law 2981, if the gecekondu is not protected in its place, is necessary to allocate the structure in another rehabilitation or slum area or the houses to be produced in the urban transformation area.

area after the LTA document is transformed to the land title". However, in both cases, the Municipalities did not respond to the squatters' application to transform their LTA documents to the land titles. In their case law files, there is also no information about the municipalities' refusal to respond to the application process.

Regarding this issue, the **Presidency of the Council State** concluded that the municipalities must provide houses from another rehabilitation or slum area to the plaintiff if the gecekondu is not protected in its places (or when the squatter does not consent to get a new house from the urban transformation area). Moreover, the **Presidency of the Council State** emphasized there is a state of **uncertainty** due to the completion date of the urban transformation project. Because of this uncertainty, the plaintiffs also have the right to allocate their gecekondus in another rehabilitation or slum area.

Consequently, the Presidency of the Council State protected property rights of the holders of LTA documents in urban transformation areas. On the other hand, concerning these case laws, it is important to understand why the administration did not respond to the application of the squatters to transform their LTA documents to the land titles. According to Ayaz (2017), one of the reasons that the administrations do not accept these applications is related to the situation that the gecekondu owners can get more rights from the urban transformation project if they get their land titles. Because the gecekondus are low-rise and are located on lands as large as 400 m², which means that the squatters can obtain more than one independent housing unit based on their floor area rights. Hence, the case laws demonstrated that the authorities avoided finalizing the application of the squatters to get their land titles and generally offered one new independent housing unit for a gecekondu due to its semi-legal status.

4.1.1.3. Case laws of the Court of Cassation

968 case laws of the Court of Cassation are found with the keywords 'land title allocation document', and these case laws are searched again with the second keywords 'urban transformation'. Based on the results, **218 case laws** are found with two keywords including 'land title allocation document' and 'urban transformation'. The results demonstrated that these case laws of the Court of Cassation are mostly related to a **'building value'**, which was

not given to the holders of LTA document by municipalities within the scope of the urban transformation project. To understand this issue, 218 case laws are searched with the keyword 'building value', and **199** case laws are found.

The grounds of **199 case laws** are similar. In these cases, a contract was signed between the squatter (the plaintiff) and municipality regarding the transfer of the squatter's gecekondu registered with title LTA document within the scope of the urban transformation project. An appraisal report was prepared by the municipality, which indicates the building value and demolition value[91] of the gecekondu. However, only the amount of the demolition value was paid to the plaintiff, and the plaintiff sued the municipality with the claim that the total cost of the building should be paid. Regarding this claim, the Court of Cassation concluded that if the plaintiff could only ask for the demolition value due to the contact.

The Court of Cassation determined this legal decision under 14. Article of Law 5104 'Urban Transformation Project Law for the North Ankara Entrance Project' Regulation. According to this 14. Article titled 'Housing agreement by borrowing':

> *"One independent housing unit (the size to be determined by the Municipal Council) is given to the holders of the land title document who do not have land debt and has 400 m² allocation amount. The missing land ratios of the owners whose allocation amount in the land title allocation document is less than 400 m², the cost to be calculated over the construction cost rate of the house size to be determined by the municipal council with the housing contract, by adding to the land debt of the gecekondu, if any, from the total; debt amount is deducted from the facility and outsourcing."*

Regarding 199 case laws, only 39 case laws are located in the North Ankara Entrance Project and bounded this article. However, other case laws, municipalities that are not located in Ankara or the North Ankara have used this article in their housing agreement contacts

[91] The demolition value represents %10 of the building value.

regarding their urban transformation project. Hence, due to this article, the court concluded that the squatters could not get the 'building value' of their gecekondus.

Table 4. 3. The amount of building values and demolition values of the selected case laws [92]

Case law P. No	Building Value + Values of trees	Demolition Value
2014/34961	13753 TL (approx. 5717 CHF)	3798 TL (approx. 1578 CHF)
2015/6465	27387 TL (approx. 11655 CHF)	3978 TL (approx. 1692 CHF)
2016/4971	26076 TL (approx. 8935 CHF)	2907 TL (approx. 996 CHF)
2017/1323	13461 TL (approx. 3878 CHF)	1665 TL (approx. 479 CHF)
2019/911	11200 TL (approx. 2079 CHF)	1120 TL (approx. 207 CHF)

Consequently, the case laws of the Court of Cassation demonstrate that the holders of the LTA document could not get the building value within the urban transformation process. Considering the semi-legal status of the gecekondus, the squatters could only receive the demolition value, which is %10 of the building value, instead of the full value of the land and the building. Furthermore, the contacts based on the 'Housing agreement by borrowing' play a significant role in this process. Because most of the squatters, who have less than 400 m² allocation amount, pay the value of the missing land ratios of the allocation amount, which can not be covered by the demolition value or the building value (See Table 4. 3). For instance, regarding one of the case laws (P. No. 2016/6997, D. No 2017/8557), the squatter was offered a 100 m² housing unit within the urban transformation project by the municipality. However, the squatter, who had a 227 m² allocation amount, also had to pay 20846 TL (approx. 7143 CHF) for the missing land share (173 m²), which could not be paid with only the demolition value 1704 TL (approx. 583 CHF) that he/she had received. Thus, if the gecekondus are located on 400 m² on land, the squatters receive only one housing unit and the demolition value. On the other hand, many squatters share their gecekondus with their children and relatives, and because of that, the gecekondus include more independent units (Cete & Konbul, 2016). In this case, considering the multiple household size of the gecekondus, these

[92] The Turkish Lira values in this section have been converted to CHF using the 2019 exchange rates.

property transfer regulations for the urban transformation project could lead to widespread displacement of the squatters.

4.1.1.4. Findings

According to the findings of the case law analyses, the issues faced by the LTA document holders can be discussed under two main topics: (1) the transformation of the LTA document to land title, (2) the property rights of the holders of the LTA document in urban transformation projects.

The first issue is discussed within the case laws of the Constitutional Court and the Presidency of the Council State. These two higher courts revealed the problems regarding the transformation of the LTA document as follows:

- 20 case laws of **the Constitutional Court** demonstrated the main problems of transforming the LTA document to the land title. In most cases, the squatters could not complete the legalization process to get their land title due to administrative problems such as wrong applications or passive attitudes of the public authorities. Furthermore, during the legalization process, the squatters had significant problems on account of various administrative changes linked to the jurisdiction of the municipality, the master plan, or the public ownership status. After these administrative changes, many squatters could not meet the prerequisites for the translation of the LTA document to the land title.

  To demonstrate those administrative problems in more detail, I will explain briefly the ground of the cases of Osman Ukav[93] (*Osman Ukav*, A. No: 2014/12501, 6/7/2017) and Mehmet Ukav (*Mehmet Ukav*, A. No: 2015/12898, 29/11/2018), in which the

[93] Due to a lack of access to the case laws of the district court concerning the Karabağlar risky area, I have analysed the case laws of the higher courts of Türkiye, which helped me to discover the precedent's juridical decisions regarding the LTA document and the main issues faced by the LTA document holders living in different cities. Looking at these case laws gives me a better understanding of the issues raised by the LTA document in the Karabağlar risky area.

Constitutional Court found the violation of property rights in relation to legal practices of public authorities.

The cases are about the rejection of the application for the translation of the LTA documents to land title although the applicants meet all the conditions described by Law 2981. Two applicants received their LTA document in 1984. Six years later, an improvement plan (which is one of the prerequisites for the translation of the LTA document) was made by the municipality and the applicants' area remained in the residential area according to this plan. However, the applicants did not receive their land title after that. In 2007, the applicants applied to the court to get their land title. However, during this time, the jurisdiction of the municipality was changed and the district where the structures were located was affiliated to the neighboring municipality. Regarding this situation, the court gave a decision of non-jurisdiction in 2008. The applicants applied to another civil court about getting their land title. During the lawsuit process, in 2011, the ownership of the immovable possessions (where the structures are located) was also transferred to the housing development administration of Türkiye. The court decided that there is no legal obstacle for the applicants to receive their land titles. However, during the lawsuit process, the new master plan was prepared and the place subject to allocation was reserved for educational purposes. Due to this change, the Court of Cassation decided to cancel the translation of the LTA document into land titles. To challenge this decision, the applicants applied to the Constitutional Court in 2015. Hence, this juridical decision-making process was shaped by the relations between specific actants (such as the LTA document, improvement plans, public service areas, different courts' decisions, etc.) and their relations circulated by the practices of the municipalities and courts.

- 2 case laws of **Presidency of the Council State** show again the administrative problems, in which the municipalities did not respond to the application of the squatters regarding transforming their LTA document to the land titles. Instead of responding to this application, the authorities wanted to make an agreement with the squatters to give one housing unit from the urban transformation project in exchange for their structures registered with the LTA document. This situation suggest that the public authorities tend to avoid giving the land titles to the squatters living in the urban

transformation area. One reason might be that if the squatters transform their LTA document to the land title, they could get more rights (more than one housing unit) from the urban transformation project. On the other hand, the Presidency of the Council State protected the property rights of the squatters, and the court ruled that the structures must be allocated in another rehabilitation or slum area due to the uncertain completion date of the urban transformation project. Hence, the squatters are still facing various administrative problems for getting their land titles, and they are still challenging these problems in court to protect their property rights.

The second issue is related to the determination of the property rights of the LTA document holders, and it is discussed within the case laws of the European Court of Human Rights, the Constitutional Court, and the Court of Cassation. The findings are summarised below:

- **The European Court of Human Rights,** the holders of LTA documents have to fulfill the required conditions to be granted a title to property. The court also rule that the long period of occupation could not give the right to own the property to the squatters (*Anat and others/Türkiye*, A. No: 37899/04, 26/4/2011, § 53).

- **The Constitutional Court** drew attention to the determined property rights of the holders of the LTA document. The court ruled that the holder of the LTA document had **property rights over the building** as the use of the building at issue for such a long time constituted a significant economic interest for the squatters (*Ayşe Öztürk*, A. No: 2013/6670, 10/6/2015). Within most of the case laws of the Constitutional Court, the squatters' houses were evacuated without the payment of the value of the building or the compensation for the damage. In those cases, the Constitutional Court found **the violation of property rights.**

- The case laws of **the Court of Cassation** demonstrate the property rights of the LTA document holders in urban transformation projects. Regarding the 199 case laws of the Court of Cassation, the holders of the LTA document could not get **the building value** when their houses were demolished for the new urban transformation projects.

By using Law 5104[94], the developers offered only the demolition value of the building on the building agreement contract signed between the squatter and the municipality.

All in all, the squatters who have the LTA document could not easily get their land titles due to administrative problems or various administrative changes. Even the squatters meet all the conditions to get their land titles, they could not complete their application process due to wrong applications or passive attitudes of the public authorities. Furthermore, the results demonstrated that various changes regarding the jurisdiction of the municipality, the zoning status of the place subject allocation, or the ownership status of the property (e.g., transfer of property to another institution) created significant problems within the application process, which generally ended up with the long lawsuit process of up to **eleven years** (*Osman Ukav*, A. No: 2014/12501, 6/7/2017).

On the other hand, when the squatters are involved in the urban transformation process, they were faced with various significant problems due to uncertainties raised from legal documents and laws. The results demonstrated that the holders of the LTA document have a right only **over the building** until they complete their application process to get their land title. However, in most cases, the squatters couldn't even get their right to the building due to **the building agreement contract** offered by the responsible authorities (e.g., municipalities, developers, etc). By using the legal ambiguities regarding the principles of the **building agreement contract,** the authorities only gave **the demolition value** (%10 of the building value) to the holders of the LTA document, instead of the full value of the building.

The case law analysis also demonstrated that the public authorities made an agreement with the squatters to give the demolition value and one housing unit from the urban transformation project in exchange for their house registered with the LTA document. However, this

[94] Law 5104 entitled 'Urban Transformation Project Law for the North Ankara Entrance Project' is only valid for the North Ankara Entrance Project, located in the city of the Ankara. As this law offers only the demolition value to the squatters, many developers took into account this law to prepare the building agreement contract.

agreement is only valid for squatters whose house is built on a 400 m² piece of land[95]. The LTA document holders, who have less than 400 m² allocation amount, have to pay the value of the missing land ratios of the allocation amount based on these agreements. According to the results, the value of the missing land ratios cannot be covered by the demolition value or even with the building value[96].

Hence, the housing agreement contracts entitled 'Housing agreement by borrowing' play a significant role in this process. Based on these agreements, most of the squatters refuse to join the urban transformation projects and demonstrate resistance to getting their land titles, which provide them rights not only over the building but also the land. It is also important to emphasize that many squatters also share their houses with their children and relatives, and because of that, the slum house includes more independent units (Cete & Konbul, 2016). In this case, considering the multiple household size of the slum house, these property transfer regulations for the urban transformation project could lead to widespread displacement of the squatters.

4.2.2. Analysis of the Investigation Scene: LTA document holders in the Karabağlar risky area

The Karabağlar district is home to a significant population of residents who do not possess land titles or possess only LTA documents (See Figure 4. 5). In 2013, an analysis was conducted by Yeni Hedef Harita, an urban planning firm contracted by the Ministry of Environment and Urban Planning, aimed to determine the residents' land title status as part of an urban transformation project for the area. However, this information was not able to be

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[95] Based on Law 2981, the land title allocation document holders, who have less than 400 m² allocation amount, must pay the value of the missing land ratios of the allocation amount to get their land title.

[96] Regarding one of the case laws (P. No. 2016/6997, D. No 2017/8557), the squatter was offered a 100 m² housing unit within the urban transformation project by the municipality. However, the squatter, who had a 227 m² allocation amount, also had to pay 20846 TL (approx. 7143 CHF) for the missing land share (173 m²), which is more than the demolition value of 1704 TL (approx. 583 CHF) that he/she had received.

obtained through the declaration-based analysis studies, as stated in the 'General Report on Beneficiary Identification.' The report stated that this information could only be obtained through an application made with official documents during negotiation meetings. But as the reconciliation process could not be achieved in the field by the company, the squatter information in Figure 4. 5. includes both those with and without LTA documents in 2013 (Güneş, 2018).

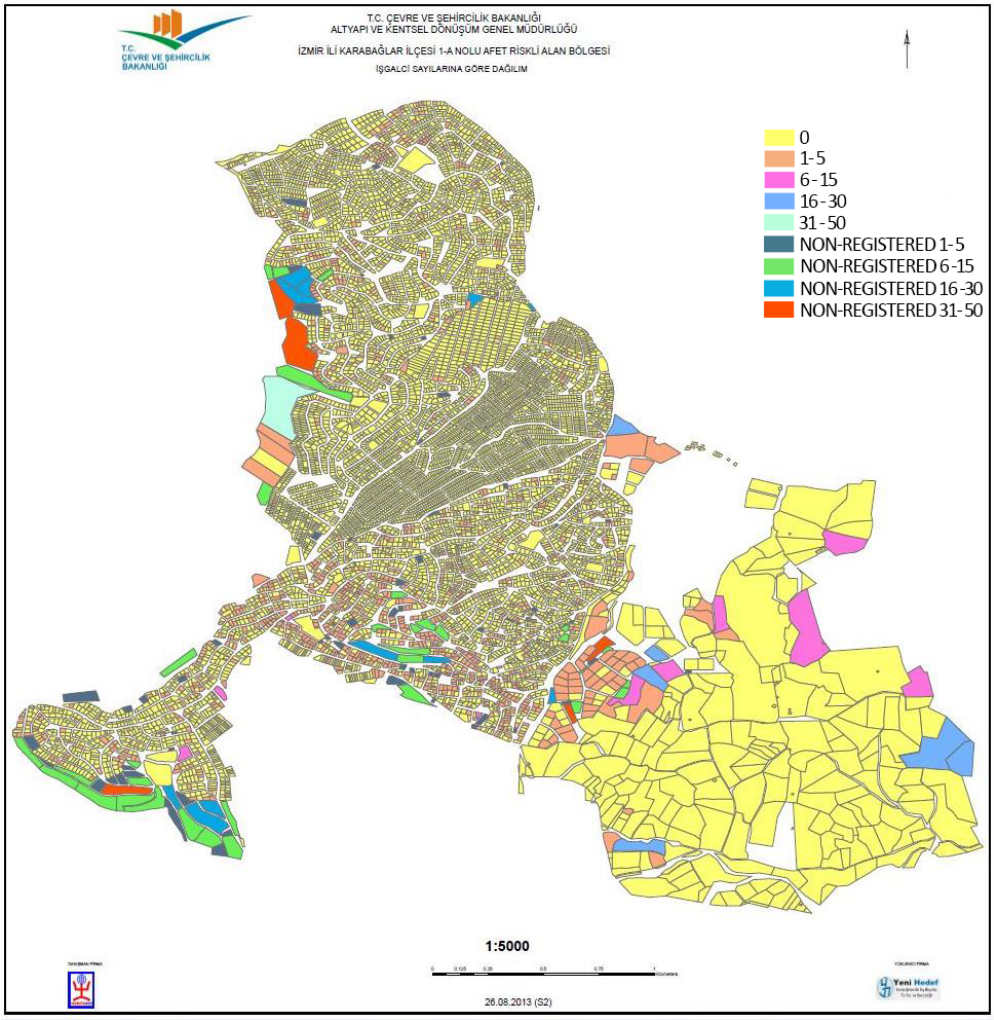

Figure 4. 5. Analysis of the number of squatters in Karabağlar risk area 2013, including the LTA document holders (The Ministry of Environment, Urbanisation and Climate Change, 2013, as cited in Güneş, 2018)

The number of people without land titles and with LTA document holders in the Karabağlar risky area, is higher in the western part of the district, which is a horizontally dense settlement (about 80% of the designated risky area). In the 1970s, newcomers to İzmir started to settle

in this area, which is publicly owned land. As the squatters built their houses to meet their basic housing need at that time, the district did not develop according to the land use plans and building codes. Regarding the eastern side of the district (about 20% of the designated risky area), the number of occupants is low as it is publicly owned vacant land. This part of the designated area was declared as a reserve area by the Ministry, where the new earthquake-resistant high-rise buildings are being built for the urban transformation project.

The analysis also indicates whether the squatters[97] are in registered or non-registered parcels. While non-registered parcels indicate treasury ownership[98], registered parcels are owned by different public institutions, organisations, or private individuals. The analysis also shows that the majority of squatters reside on non-registered parcels, with 61 having 1-5 residents, 33 having 6-15 residents, 11 having 16-30 residents, and 5 having 31-50 residents. In contrast, registered parcels have fewer occupants, with 11 having 6-15 residents, 6 having 16-30 residents, and 1 having 31-50 residents (Güneş, 2018). In summary, this analysis provides insight into the number and distribution of slum owners in the area, although it does not specify the exact number of LTA document holders. According to the Karabağlar Neighbourhood Union, there are 4200 people in the district without land titles (Manduz U. [99], personal communication, 19 May 2019).

The following section will explain why people with LTA document holders in the Karabağlar district could not transform their LTA documents into land titles and how the Karabağlar Neighbourhood Union has found a legal solution to this problem.

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[97] According to the analyses, the squatters refer to the LTA document holders and the people without land titles.

[98] Law 3194 (Development Law) states that non-registered parcels are registered in the name of the Treasury.

[99] Interview with the member of the Limontepe Urban Transformation Association and member of the Karabağlar Neighbourhood Union.

4.2.3. Solving the case: Legal localisation towards property rights uncertainties

When the Karabağlar district was designated as a risky area, the tenure insecurity and ill-defined property rights in relation to the LTA document emerged as one of the main issues in the district, which play an important role in shaping the locals' resistance movement. Regarding this issue, the LTA document came into prominence as the main actant raising the controversies within the urban transformation process of the Karabağlar risky area. In this part, I would like to discuss *the issues, practices, actants and arenas* in parallel to the composition diagram below adapted from a graphic by (Latour, 2010a), which describes the translation process of the LTA document to the land title (See Figure 4. 6).

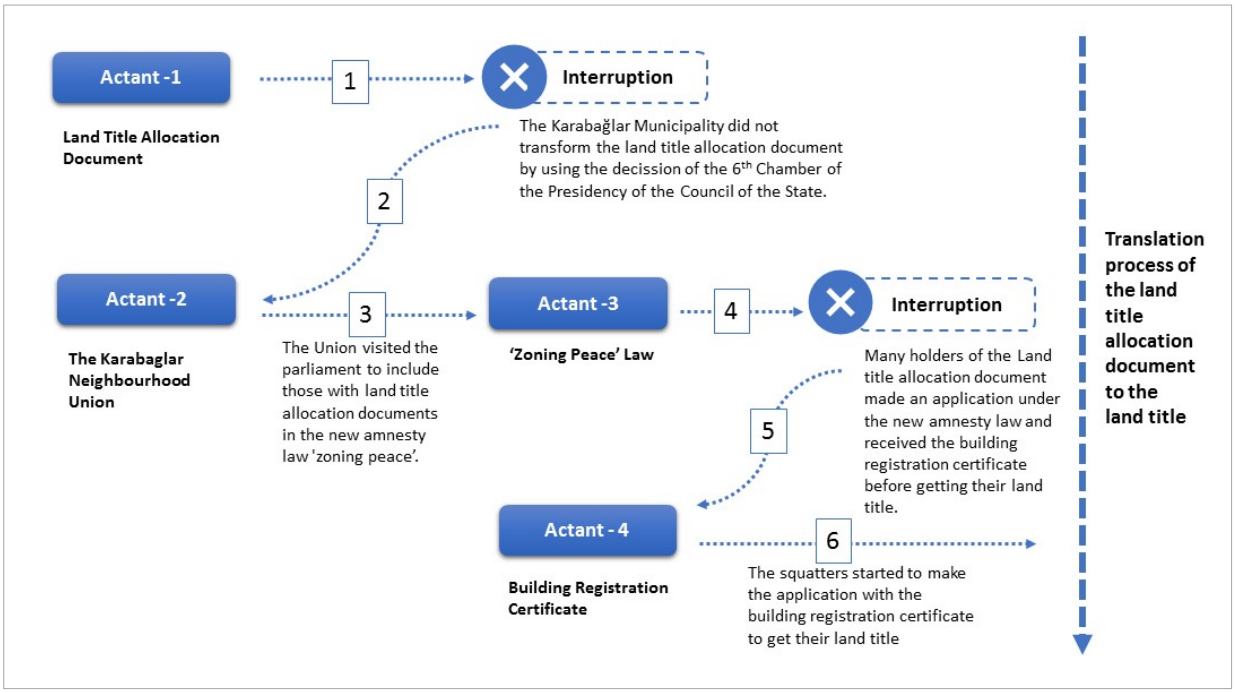

Figure 4. 6. Translation process of the LTA document to land title (2021) (Adapted from a graphic by Latour (2010a))

In Karabağlar, until now, many squatters could not fulfil all the requirements for getting the land titles described under Law 2981, due to technical or socio-economic reasons such as not paying the value of the land or the application fee, located in the area reserved of public service, etc (See Figure 4. 5). On the other hand, even if the squatters meet all the requirements of the amnesty law, the Karabağlar Municipality did not give the land titles of the squatters by using the 6th Chamber of the Presidency of the Council of the State (P. 2003/685,

D. 2004/3717, 11.06.2004). Regarding this legal decision, the court ruled an additional prerequisite to transform the LTA document into the land title. According to this legal rule, the squatters must not make **any structural changes** to their houses after receiving the LTA document. One of the respondents described this situation as follows (Manduz U. [100], personal communication, 19 May 2019):

> *"This Neighbourhood is poor. In the past, the squatters settled in this Neighbourhood for several reasons. They applied to a zoning amnesty law and the buildings are registered. The settlement problem of people has been solved. They paid the registration fee of 2000 lira. They left the getting land title to time. When they had children, they added new floors to their structures. And then, their structure started to have two floors, three floors. No land title was given after the zoning amnesty. Due to economic reasons, 4200 people are living in the district without land titles[101]."*

It is also important to emphasize that some municipalities which were aware of this specific court's decision regarding changing the structure of the slum house did not give land titles (Temiz Ö. [102], personal communication, 29 July 2019). The Karabağlar Municipality is one of those municipalities which used this legal decision. Based on the interview results, the Karabağlar Municipality described why the squatters could not get their land titles as follows (Calıs E.[103], personal communication, 26 July 2021):

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[100] Interview with the member of the Limontepe Urban Transformation Association and member of the Karabağlar Neighbourhood Union.

[101] The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "Bu mahalle yoksul mahalle, Geçmişte bu mahalleye birtakım nedenler ile yerleşmiş. İmar affına başvurmuş. Yapı kayda girmiş. İnsanların yerleşim problemi çözülmüş. 2000 lira ödemişler. Zamana bırakmışlar. Çocukları olunca 2 kat 3 kat olmuş. İmar affından sonra tapu verilmemiş. Ekonomik nedenler dolayısı ile 4200 kişi tapusuz var".

[102] Interview with the member of the One Hope Association.

[103] Interview with the officer of the Karabağlar Municiaplity.

"In cases such as changing the structure, demolition, and rebuilding of the immovable property without preserving its current state, adding unlicensed floors to the structure, or exceeding the height requirement of the building based on Law 2981. These are the main problems encountered in the request of getting the land titles[104]."

Thus, **the act** of the Karabağlar Municipality came out as one of **the first interruptions** within the translation process of the LTA document to the land title. Followingly, the Karabağlar Neighbourhood Union established in 2015 emerged as one of the main actants within this translation process to solve the problems of the squatters (See Figure 4. 6).

After the designation of the Karabağlar risky area in 2012, many squatters faced the risk of losing their property rights, as the Disaster Law rule that Law 2981 will be revoked in 2015. This rule of the Disaster Law triggered spatial resistance not only in Karabağlar but in Türkiye. This nationwide resistance movement changed Law 6306 itself two times and extended the repealing date of Law 2981 by 2023. However, the extension of the legal validity of the LTA document did not solve the problem for the Karabağlar district.

In order to secure the property rights of the squatters, the Karabağlar Neighbourhood Union found another legal solution under a new amnesty law, titled 'Zoning Peace', which came into force in May 2018 – just before the general elections of Türkiye in June 2018. This law aims to register buildings (built before 31 December 2017) that are undocumented or against licensing conditions and establish zoning peace. When this law entered into force, there was no statement that this new law covers the holders of the LTA document.

Based on that, the Karabağlar Neighbourhood Union visited parliament in March 2019 and proposed **a legal solution** to cover the buildings with the LTA document under this amnesty law. In a response to their proposal, the Ministry of the Environment, Urbanisation and Climate Change send a written document in April 2019 to the Karabağlar District Governate to confirm

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[104] The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "Taşınmazın mevcut durumu korunmadan yapısının değiştirilmesi, yıkılıp yeniden yapılması, yapıya ruhsatsız kat eklenmesi veya 2981 sayılı Kanuna dayalı bina yükseklik şartının aşılması gibi durumlar... Tapu alma talebinde karşılaşılan başlıca sorunlar bunlardır."

that the holder of the LTA document in Karabağlar will be covered under this new amnesty law. This act of the Karabağlar Neighbourhood Union provided a legal guarantee to secure the property rights of the squatters in Karabağlar.

On the other hand, this new amnesty law introduces the '**Building Registration Certificate**', which emerges as **another interruption** within the translation process of getting the land titles. According to the Zoning Peace, the applicants must obtain a building registration certificate before their get land titles. The applicants must pay a registration fee[105] to obtain this document. Once a building registration certificate is obtained it is required that the applicants must meet the necessary conditions to complete the legislation process such as a deed of consent from all the owners, leaving the areas coinciding with spots allocated for public service, building survey project, etc. On the other hand, the law does not require any documents regarding the earthquake resistance of the building, and it gives this responsibility to the applicants. After providing the required documents within the application process, the applicants could convert their building registration certificates into land titles.

It is important to point out here that, when the building registration certificate was enrolled within the translation process as an actant, it has changed the prerequisites necessary to obtain the land titles. These prerequisites are similar to those for the translation of the LTA document (See Table 4. 4). According to these new prerequisites, the squatters could meet the conditions to get their land title, even if they had made **structural changes** to their houses after receiving their LTA document. Due to the changed requirement, many squatters living in the Karabağlar risky area applied to this new amnesty law to secure their property rights. For instance, 530 people living in the Limontepe Neighbourhood of the Karabağlar risky area made their application to the Zoning Peace to get their land title (Güneş, S.[106], personal communication, 08 May 2021).

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[105] The registration fee for residences is 3% of the sum of the land's property tax value and the approximate building costs. It is also important to emphasize that the registration fees of the applicants under this amnesty law are allocated to Ministry's special budget for regeneration projects under the Disaster law (Law 6306).

[106] Interview with the officer of the İzmir Provincial Directorate of Environment, Urbanisation and Climate Change.

Table 4. 4. Prerequisites for the translation of the different actants to land title

Prerequisites for the translation of the LTA document	**Prerequisites for the translation of the building registration certificate**
To have a legally valid LTA document,	To have a legally valid building registration certificate,
The place subject to allocation is not reserved for public service and must be located in a residential area according to the zoning plan,	The place subject to registration is not reserved for public service that located on lands belonging to the Treasury (state),
The land price subject to allocation has been paid,	A fee that is equal to the building registration certificate fee has been paid,
A survey has been made by the experts to determine the characteristic of the immovable,	A building survey project has been conducted that demonstrates current condition of the structure,
In the place subject to allocation, a zoning plan or an improvement plan have been made,	The place subject to registration is not associated with the private property of a third party,
The relevant person has not been allocated another place,	To have a deed of consent from all of the owners,
During the creation of the parcels, a development readjustment share has not been cut from the parcel or if it is cut, the development readjustment share rate applied must be determined,	A Floor report has been made by private survey engineering offices duly registered with the Chamber of Survey Engineers),
Not to make any structural changes on the building that subjected to allocation.	A document produced by licensed map cadastral offices and demonstrating the floor and architectural project).

Hence, The Karabağlar Neighbourhood Union played a major role in securing the property rights of most of the holders of LTA documents. However, the Union is not ultimately responsible for all the translation movement regarding the LTA document. For instance, without the new amnesty law, the Karabağlar Neighbourhood Union would not have been able to find a legal solution for the LTA document holders.

This partial success in the translation process also suggests that there is a loose interaction between the LTA document and the Karabağlar risky area. In this process, the performative effect of the LTA document was undermined through the interactions between the heterogenous actants. For instance, the Karabağlar Municipality did not transform the LTA document by using the decision of the 6th Chamber of the Presidency of the Council of the State. Hence, there are effectively no relations between the LTA document and the Karabağlar risky area for the time being. The relation between the LTA document and the Karabağlar risky

area is of primary importance in order to resolve the issues within the risk management process.

4.3. Concluding Remarks

When the disaster law announced that Law 2981 would cease to be valid in three years- LTA document owners who benefited from this law faced the situation of losing their right to use the land and becoming outlaws. Due to that, the LTA document emerged as one of the primary sources of uncertainty in the risk management process. In this chapter, I discussed how the legal localisation took place to act against the uncertainties concerning property rights and how enacting the Disaster law made some citizens more vulnerable than others.

In Türkiye, the LTA document holders' thoughts of losing their property rights and the uncertainty that this would cause within the urban transformation process triggered strong repeated resistance across the country under the roof of the Neighbourhood Union (See section 3.1.2). This resistance managed to extend the validity of the LTA document at different times for a total of 8 years, ensuring that the document was valid until 2023. While this should have provided the necessary time to convert the LTA document into land titles in some regions, the issues raised by the LTA document continued in the Karabağlar risky area. As the law's impact in places varies according to their spatial characteristics, the law amendment to extend the validity of the LTA document was not successful in the Karabağlar district.

The case law analyses of Law 2981 clearly demonstrated two main issues that triggered spatial resistance in Karabağlar and other cities. First, even though many squatters met all the conditions specified in Law 2981, they could not obtain their land titles due to administrative problems (wrong applications or passive attitudes of the authorities) or legal changes in the administration (with jurisdiction or zoning status). The second issue was the agreements between LTA document owners and public authorities in the urban transformation process of risky areas. Based on these agreements, most squatters declined to participate in the urban transformation projects because the authorities only offered to give them the demolition value of their home (without considering the land value) and one housing unit from the project in

exchange for it[107]. Due to that, they resisted getting their land titles, in hope that they would later receive their rights over the building and the land. Hence, the findings demonstrated that while the relations between different actants (including the court decisions, public authorities, master plans, slum houses, etc.) produced uncertainties related to the LTA document, the impact of this document in the places was shaped strongly or weakly accordingly to these relations.

As the LTA document was not effective in getting the land title in the Karabağlar risky area, there was no significant relation between the LTA document and the Karabağlar risky area until the new amnesty law entered into force. There were various technical and socioeconomic reasons for this, such as the application process issues of Law 2981 or the structural change the squatters made to their houses. Hoping to increase the impact of this LTA document in their own living spaces, the Karabağlar Neighbourhood Union found a legal solution for the owners of the LTA document holders by localizing the newly enacted amnesty law in 2018 (See Section 4.2.3). Their primary motivation was to prevent the district from becoming more socio-economically vulnerable and to ensure that the LTA document owners do not become property outlaws after 2023. In 2019, the Union visited the parliament for their legal proposal (See Section 4.2.3), which provided a legal guarantee for the LTA document holders by covering them under this new amnesty law, 'Zoning Peace'. On the other hand, their success was limited. The new amnesty law introduced the Building Registration Certificate, which entered the process with new conditions to be translated into land titles – similar to the LTA document.

The Karabağlar Neighbourhood Union achieved this legal localization because they know and understand the effects of each legal artefact on their own spaces through the amnesty laws passed since their Neighbourhood's establishment (as seen in the personal story of Mr Cemal- See Section 4.1). On the other hand, their act did not fully strengthen the LTA document's performative impact in the district; it only changed the relations in the translation process,

[107] According to the agreements, this contract is only applicable to squatters whose structure is situated on a 400 m2 plot of land. The LTA document holders with allocation amounts of less than 400 m2 are required to pay the value of the missing land ratios, which the demolition values cannot cover.

preventing some of the LTA document holders from becoming property outlaws through the new amnesty law.

All in all, regarding the issue concerning the LTA document, the spatial resistance movement, including the legal localization in Karabağlar, reduced the political uncertainties raised within the legal and administrative framework. However, considering the socio-economic conditions of the district, most of the LTA document holders in Karabağlar are socially vulnerable due to a lack of sufficient income, health, assets, level of education, etc. In this case, concerning their socio-economic conditions, many of them could not afford to pay the registration fee to receive their land title under the new amnesty law, and this situation could often displace them within the urban transformation process. Although the new amnesty law provided an opportunity to secure their property rights, it is essential to point out that the law came into force to make a profit for the government for regeneration projects under the Disaster Law. On the whole, spatial resistance in Karabağlar emerged as a powerful act to deal with administrative and legal uncertainties. However, it remains limited to reducing uncertainties arising from the socio-economic conditions of the Karabağlar risky area.

Chapter 5. Unravelling the Complexities of Law and Space: Citizens becoming spatio-legal detectives untangling uncertainties

Bennett and Layard (2015) uses the term 'Spatial detectives' for both legal scholars and geographers, some of whom are interested in searching out "*the presence and absence of spatialities in legal practice and of law's traces and effects embedded within places*" (p:1). For this study, I have suggested to use the term 'spatio-legal detectives' not only for me as a legal geographer but also for citizens, who could understand both 'space' and 'law' and trace their constitutive relationships in particular place. By adopting the 'spatio-legal detective' metaphor, first, I will discuss how citizens living in the Karabağlar district have developed their spatio-legal consciousness, which refers to individual awareness of how law and space interact mutually to influence people`s life (Flores et al., 2019). After that, I will explain how they used this consciousness to understand the critical drivers of their detective works.

In the case study of Karabağlar, most of the citizens could understand 'space' well, as they constructed squatter settlements in the district. In the early 1970s, when they occupied the publicly owned land, they did not only build their houses to meet their basic housing need but also the infrastructures such as roads, and water networks to enhance their living conditions. In this case, their knowledge of places has also grown due to illegality, as certain places could become more or less illegal than others with laws (Flores et al., 2019). Furthermore, the understanding of places has become more important in their life course because of illegality, which brings a specific mode of spatial consciousness. In a similar vein, they have also developed their legal consciousness, which is an individual awareness of how laws work and impact their daily lives (Ewick & Silbey, 1998; Horák et al., 2021). By now, several amnesty laws and their amendments, which entered into force between 1948 and 2018 (e.g., Law 775 (1966); Law 2981 (1984) Law 4706 (2001)), have affected their lives and developed their understanding of the laws so that they can become a property's legal owners (See Table 5. 1).

When the Karabağlar district was designated as a risky area under Law 6306 in 2012, the local community faced larger uncertainties arising from the risk management process in Karabağlar. To deal with the uncertainties, they have expanded their understanding of laws

beyond the amnesty laws and enhanced their awareness of Law 6306 which was designed to prevent damage from future seismic risks. To increase this awareness, the local community first established Neighbourhood associations and then organized several activities and published Neighbourhood newspapers about how Law 6306 works and its possible effects on their living spaces. Hence, while spatio-legal consciousness that the squatters have developed prior to Law 6306 was essential for them to access to formal home ownership, when Law 6306 was enacted, this consciousness gained importance and used to combat the uncertainties experienced in the urban transformation process of the Karabağlar risky area.

By situating myself as a spatio-legal detective for this case, through my fieldwork in Karabağlar between 2018-2022, I closely followed how the people living in the Karabağlar risky area developed their spatio-legal consciousness, and how they used this consciousness to deal with the uncertainties raised by the legal issues. I started my investigation in 2018 with my first visit to the Karabağlar risky area, in which I met with the head and members of the Karabağlar Neighbourhood Union at their office. In that meeting, I was warmly welcomed by the members, and they explained to me how they established the Karabağlar Neighbourhood Union to cope with the uncertainties within the process of urban transformation regarding the Karabağlar risky area. Followingly, they added me to their short message service (SMS), which they use to announce their regular meetings and distribute new information regarding the project. After joining their messaging group, I followed their announcements concerning the urban transformation project and joined their announced meetings between 2019 and 2020. Since our first meeting, I also had the opportunity to conduct interviews regularly with the members of the Karabağlar Neighbourhood Union, which kept me updated about their detective works and the status of the urban transformation project. Hence, I not only traced the mutual interaction between the law, space and people living in the Karabağlar risky area but also followed the investigation process of the local community as spatio-legal detectives in Karabağlar.

Overall, in this chapter, I aim to discuss how the citizens living in the Karabağlar risky area have become spatio-legal detectives, how I followed their investigation process regarding the case - urban transformation project of the Karabağlar risky area, and how they untangle uncertainties to solve their cases. To achieve this, I will examine the various arenas (local coffee houses, associations, etc.) where these citizen detectives come together to discuss

and find solutions to arising issues. Additionally, I will explore their relationships with various actant groups, such as national experts (such as the One Hope Association and Chamber of City Planners) and local experts (members of the Karabağlar Neighbourhood Union), who play significant roles in their process of becoming spatio-legal detectives. For this, I will first tell the personal story of one of the pioneers, Mr Tacim[108], to examine how he established the connections between laws and the Karabağlar district, leading to his journey of becoming a spatio-legal detective. Then, I will describe how local people living in Karabağlar risky area developed their spatio-legal consciousness and how they found solutions to two main uncertainties in the urban transformation process by analyzing the complex interrelationships within the socio-legal network.

5.1. Mr Tacim: pioneers becoming spatio-legal detectives

In 2022, to understand the connection of the locals with the district, I conducted interviews with two of the pioneers, who migrated to the city of İzmir in the 1970s and were part of the building the neighbourhoods of Limontepe and Yüzbaşı Şerafettin located in the Karabağlar risky area. I reached these two pioneers through the founders of the Karabağlar Neighbourhood Union. In this part, I examine how the locals made connections between laws and their district through the personal story of Mr Tacim about building the Limontepe Neighbourhood.

Mr Tacim is one of the pioneers of the Limontepe Neighbourhood located in the Karabağlar risky area, who built one of the first houses in this area in 1978. I met with him in the Limontepe Neighbourhood in front of the Limontepe Neighbourhood Office, where he used to work as a headman[109] (called Muhtar in Turkish). A few minutes after we met, we started walking together in the neighbourhood. First, he showed me the houses registered with the land title

[108] In Türkiye, first names are used after ‘Mr’ or ‘Mrs/Ms’ Therefore, Tacim is the first name of the pioneer.

[109] Headmen (Muhtar in Turkish) is the person who is the head of the administration in the village or neighbourhood legal entity.

allocation (LTA) documents[110] (See Figure 5. 1) and talked about the legal history of those houses (including the amnesty laws applications, the owner of the occupied land, the socio-economic conditions of the family, etc.). He further explained to me that even though some houses have not undergone any structural changes since they were built (approximately 40 years ago), the squatters did not get their land titles due to their poor economic conditions not being enough to pay the amnesty law applications.

Figure 5. 1. Semi-legal houses registered with the LTA document in the Limontepe Neighbourhood.

After that, we continued our walk, and he showed me one of the main streets in the neighbourhood, where he and other pioneers laid the first water pipes. He was really proud when he showed me the primary school's location, a little urban square with the bust of Kemal Atatürk[111] and the Cemevi[112] that have planned their location with the other pioneers. He explained to me as follows:

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[110] The LTA document provides a conditional property right for the slum owners under Law 2981, which was entered into force in 1983 to provide property rights to slum owners.

[111] Kemal Atatürk (Turkish: 'Kemal, Father of Turks') was the founder and first president (1923–38) of the Republic of Türkiye (https://www.britannica.com/biography/Kemal-Ataturk).

[112] The place of religious and social ceremonies for Türkiye`s Alevi populations.

"We were nine brothers in the hometown, our land was not enough, our house was not enough for us. For economic and political reasons, we came here in the 1970s. We created a neighbourhood - for example, the fact that the square is here was always the thoughts of the people of that day - we built it ourselves to have a road, a marketplace or a Cemevi- we did this. We built these roads ourselves. For instance, on the night of September 12 (the day of the military coup in 1980), we laid the water line ourselves, and we brought the water from that hill to here…[113]"(Personal communication with Mr Tacim, 2022).

Figure 5. 2. (a) Limontepe Neighbourhood with the sea and mountain views, (b) One of the ongoing illegal housing construction in the neighbourhood by squatters generally building for their own children

When we talked about Mr Tacim's story, he explained to me that he was the first member of his family, who moved to the Limontepe Neighbourhood in 1978 from the city of Kahramanmaraş, located in the eastern part of Türkiye. At that time, the neighbourhood was a *wooded area*, and there were nearly no houses around. After he settled in one simple house, his seven brothers also came to the Limontepe Neighbourhood, and they started to build their own houses.

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[113] The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "Biz memlekette dokuz kardeştik, toprağımı yetmedi, evimiz yetmedi. 70'li yıllarda ekonomik ve siyasi nedenlerden buralara geldik mahalle oluşturduk. Mesela buradaki meydanın burada olması hep mahallelinin o günkü düşünceleriydi- bura yol olsun Pazar yeri olsun cem evi olsun diye kendimiz yaptık- biz bu yolları hep kedimiz yaptık. 12 eylülün olduğu gece biz burada para toplamıştık su hattını kendimiz döşedik ta tepedeki suyu buraya getirdik."

In 1983, they had three one-story simple houses. When Law 2981 entered into force in 1983, they received their LTA documents. In 1987, the municipality made the improvement plan for the Limontepe Neighbourhood based on Law 2981, and they converted their LTA documents to land titles. With this improvement plan, they received the right to have two-storey houses in their plots. In 1988, they had six housing units in total on three plots. However, when their household size increased, they dismantled two houses and rebuilt them. By now, the six households have increased to twelve households with thirty inhabitants on these three plots (See Figure 5. 3, Figure 5. 4).

Mr Tacim also stated that when they added new floors, their houses contravened the licensing conditions of the master plan. Due to that, in 2018, they applied to a new amnesty law titled 'Zoning Peace' and received their 'building registration certificate', which gives them the right to use their building for the duration of the building's economic life span.

After telling his own story, he started to talk about the urban transformation process and how it will impact his family, as they have not converted their 'building registration certificate' to land titles for their newly added floors. He stated as follows: "*for example, we are six households with a population of thirty and live on three buildings registered with land titles - if we accept what the state says, about 15 people will suffer in this process*[114]." Further, he explained this situation in detail as follows:

> *"I have four flats*[115]*and three shops, and I pay the property tax for the total 750 m² of construction. In their project proposal, they offer 213 m² of the 750 m² construction area. We (the local citizens) say that we should reduce this loss. Do not give me four flats because I have four flats, but give me three flats… After this age, I do not want to be in debt of 700-800 thousand Turkish*

[114] The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "Mesela, o 3 tapuda 30 nüfus yaklaşık altı hane oturuyoruz. Eğer devletin dediği ile kabullensek bunun yaklaşık 15 kişisi mağdur olacak."

[115] The total number of flats for him and his children.

Liras, which will be 7-8 thousand Turkish Liras per month. I can't pay the debt. My pension is as much as the minimum wage (4.250 Turkish Liras), that's the problem. It is impossible to solve it like this (with this negotiation)[116]"

This offer to Mr Tacim was made during the reconciliation meetings in 2014 held by the private planning company 'Yeni Hedef Harita', which was hired by the Ministry of Environment and Urban Planning for the development of an urban transformation project for the whole risky area. Mr Tacim told me that during these negotiation meetings in the neighbourhood, the company representatives provided very limited information to each resident, and they only told how much property (in square meters) they are entitled to in the project area based on their current dwellings. In this process, the company also did not specify the location of the new dwellings offered to each property owner within the 540 ha project area covering 15 neighbourhoods.

Figure 5. 3. From right to left- Mr Tacim's house (in yellow), and two houses belonging to his brothers.

[116] The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "Benim dört daire üç dükkân var toplam ve 750 m² inşaatın ben emlak vergisini veriyor muyum? Sen proje önerisinde 750 m² inşaat alanından 213 m öneriyorsun. Biz diyoruz ki biz bu kaybı azaltalım. İlle benim dört dairem var diye dört daire verme ama üç daire ver… Bu yaştan sonra ben 700-800 bin lira borç altına gripte, ayda 7-8 bin lira borç ödeyemem. Benim emekli maaşım askeri ücret kadar, yani işin içinden de çıkamıyoruz. Sıkıntının bu şekilde çözülmesi olanaksızdır."

Figure 5. 4. Mr Tacim's brother's house with a sea view – the İzmir Bay

Due to the high level of uncertainties within the negotiation process, first Mr Tacim and other pioneers established their neighbourhood association namely '*the Limontepe Urban Transformation Association'*, and then they started to investigate the urban transformation process and the proposed projects. Their investigation was started with the master plan of the urban transformation project, which was not presented to the citizens during the negotiation process. Mr Tacim explained this to me as follows:

> *"They tried to sell something that didn't have a plan, the association revealed this - We found out that there was no plan, and they had no activities other than the determination of the building stock. For example, they showed us an image saying that Limontepe will be like this. We revealed that the images shown from the proposed project to us are the same images of newly transformed streets in Kadıköy and Laleli (in Istanbul). We revealed this situation together with the lawyers of an Istanbul One Hope Association*

when we held a joint panel with the TMMOB[117] at the Tepekule Congress Centre. We uncovered this mistake…[118]"

All in all, Mr Tacim became one of the spatio-legal detectives with other citizens not only for his neighbourhood but also for the Karabağlar risky area (540 ha) covering 15 neighbourhoods. During our meeting, he talked about how they identified the legal issues and investigated the uncertainties raised by the risky area decision of the Karabağlar district and master plans.

5.2. Building up citizens` spatio-legal consciousness

There are two stages in how the Karabağlar local community have engaged with the legal structure and built up their spatio-legal consciousness: (1) Building up the district, (2) Designation of the district as a risky area.

Regarding the first stage, when the squatters of Karabağlar occupied the publicly owned land and built their houses and the neighbourhoods in the 1970s, their spatial consciousness about each neighbourhood began to form. This spatial consciousness gained importance with the enactment of amnesty laws, especially between 1966 – 2019 (See Table 5. 1). Because each amnesty law has come into force with different conditions to give access to formal home ownership. These conditions are mostly related to the size, location and formal ownership of the occupied land. For instance, according to the amnesty law enacted in 1984 (Law 2981), some of the conditions are defined as follows: the size of allocated land for each squatter must

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[117] TMMOB stands for 'Union of Chambers of Turkish Engineers and Architects'.

[118] The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "Planı olmayan bir şeyi satmaya kalktılar- dernek bunu ortaya çıkardı. Planın olmadığı sadece yapı stoğunun tespiti dışında hiçbir faaliyet olmadığını ortaya çıkardık…Mesela bize bir görsel gösterdiler, Limontepe böyle olacak diye. O görsel içerisinde gösterilen fotoğrafların İzmir ile alakası olmadığını, Kadıköy ve Laleli'de sokaklarında dönüştürülen binaların resimlerinin gösterildiğini ortaya çıkardık. Biz Tepekule kongre merkezinde TMMOB ile ortak bir panel yaptığımızda İstanbul Bir Umut derneğinin hukukçuları ile birlikte, biz orada tespit ettik. Biz bir yanlışı ortaya çıkardık."

be less than 400 m², and the allocated place must be located in a residential area according to the zoning plan, the place subject to allocation must not be reserved for public service, etc. Understanding the conditions specified by each law and the effects of these conditions on their place has become a necessity for the slum owners in order to sustain their life in the neighbourhood they created. Hence, the local community has experienced how amnesty laws and their place mutually interact since the time they created the neighbourhood. This understanding of legal and spatial has enabled some individuals to secure land titles, while others, without full land titles, possess limited legal rights through LTA documents, allowing them to use their homes and protect them from demolition.

Table 5. 1. Chronology of Amnesty Laws in Türkiye (Between 1966 to present) (Except for the law 'Zoning Peace', all explanations are originally taken from Şenol Balaban (2019))

Year	*Law*	*Title*	*Explanations*
1966	Law 775	Squatter's Law	It legalized the existing illegal settlements and required public institutions whose land was squatted to transfer these areas to the municipality. It also provided a fund for the provision of land for cheap housing.
1976	Law 1990	A revision of Squatter's Law	It covered all illegal developments built until 1976.
1983	Law 2805	Amnesty Law on Amnesty procedures about illegal constructions	It covered all types of illegal settlements either on public or privately owned land, and illegal constructions in the regular parts of urban areas
1984	Law 2981	Amnesty Law	It defined new institutions, documents and regulations related to amnesty procedure established in Law 2805. The size of allocated land for each squatter owner was limited to 400 m².
1987	Law 3366	Amendments on Law 2981	Time limit of the Amnesty Law was again extended until 1985. It also brought the regulations for the redevelopment of former squatter settlements like building height to 12.50 m. at maximum.
1988	Law 3414	Amendments on Law 775	
1989	Law 2981	Amendments on Law 2981	
2008	Law 5784	Electrical Market Law	Electrical infrastructure for illegal buildings installed temporally.
2018	Provisional Article 16 on the Zoning Law Number 3194	Zoning Peace	It allows registering buildings (built before 31 December 2017) that are undocumented or unlicensed buildings.

Until 2012, the local community's spatio-legal consciousness developed more at the individual level to formalise their slum houses. When Law 6306 entered into force and designated the district in Karabağlar as a risky area, this consciousness turned into collective spatio-legal consciousness to deal with the larger uncertainties brought by Law 6306. When the law was enacted, the local community faced with three main sets of uncertainties:

(1) The first set of uncertainties is related to **the risky area decision.** In 2012, the Karabağlar risky area was designated a risky area by the Ministry without presenting any detailed geological report for the area. Here, concerning this decision, uncertainties were raised due to insufficient explanation of the risk factors for the area (e.g. inadequate information on engineering calculations or technical details of the ground structure). Hence, this decision provoked strong opposition from the local community, as the risky area decision does not correspond to their risk perception.

(2) The second set of uncertainties is linked to **the urban transformation process**, which was born out when the Ministry of Environment, Urbanisation and Climate Change made a master plan for 100 ha of 540 ha risky areas in 2015 as a first phase. The Ministry announced the master plan for the first phase without giving any information on other phases of the urban transformation project for the whole 540 ha risky areas. Due to a lack of information about the urban transformation process, the local community were faced with an unknown future.

(3) The last set of uncertainties emerged concerning **the property rights of the squatters** living in the risky area. When Law 6306 came into force, it impacted legal regulations regarding illegal houses which were legalized according to the Amnesty Law 2981[119]. According to the 24th article of Law 6306, Law 2981 would be repealed 3 years after it came into force (which was in 2012). Based on this statement, the uncertainty experienced by the squatters in relation to the possibility of losing their property rights.

[119] Law 2981 was entered into force in 1983. The law aims to integrate slum lands into the formal urban market. The law provides property rights to slum owners. A series of slum amnesties and deeds of occupied lands were given to slum owners (Uzun et al., 2010).

To deal with these uncertainties and enhance their understanding regarding the impact of Law 6306 on the 15 neighbourhoods in Karabağlar, the local community took part in various actions such as the establishment of neighbourhood associations, organising neighbourhood meetings, and releasing neighbourhood newspapers, announcements and posters. In the following section, these actions, which enhanced the spatio-legal consciousness at the community level will be discussed in detail.

5.2.1. Establishment of the civil society organisations

Before Law 6306, there were mostly small migrant associations in Karabağlar, which were established by the local people, who live in Karabağlar and immigrated from other cities, which are far away from İzmir, such as Mardin, Sivas, Tokat, etc. (such as, the Sivas Yiğidolar Association, the Mardin Ömerli Çalışkan Village Association, the Karabalçıklar Association). When the district in Karabağlar, which consists of 15 Neighbourhoods, was declared a risky area under Law 6306 in 2012, the local people at the district started to meet at these local associations regularly to discuss the urban transformation process linked to Law 6306. The following part explains the related organisations and associations involved in the process of urban transformation for the risky area.

In 2013, the *Karabağlar Urban Transformation Platform* was established by the locals in order to be involved in the process of the urban transformation. Later on, the platform was supported by various chambers (i.e. the Chamber of Civil Engineers, the Chamber of Survey and Cadastre Engineers) and the Neighbourhood urban transformation associations of Karabağlar. Until the end of 2015, the Karabağlar Urban Transformation Platform organized eight meetings at the local associations and local coffee houses of the Neighbourhood to discuss various subjects concerning uncertainties that they experienced by Law 6306 (such as unknown futures due to lack of information about the urban transformation process, insufficient explanation of the risk factors for the area) (See Figure 5. 5).

Figure 5. 5. One of the posters[120] *of the Karabağlar Urban Transformation Platform which is a call for the meeting to inform and discuss about how to protect their property rights*[121].

In 2015, when the first master plan for the risky area emerged, the level of uncertainties in the process increased rapidly. First, the locals got in touch with other representatives of risky areas in İstanbul to learn from their experiences and discovered 'the Neighbourhood Union' which represents more than 60 Neighbourhoods in four cities including İstanbul, Eskişehir, Kocaeli, and İzmir which have been affected by Law 6306. The Neighbourhood Union is also

[120] Retrieved July 25, 2022, from https://www.facebook.com/KarabağlarMahallelerBirligi/photos/a.276359115886206/300705356784915/?type=3&theater

[121] The English translation of the poster by the author is as follows: INVITATION TO URBAN TRANSFORMATION MEETING: To proceed with the urban transformation process in Karabağlar in a healthy way, our valued regional stakeholders, who are real estate owners in 540 hectares of the transformation area; let's come together and protect our property rights! In this direction, we invite our entire neighbourhood to an information meeting. Regards. KARABAĞLAR URBAN TRANSFORMATION PLATFORM.

supported by the 'One Hope Association'[122], which provides volunteer experts (i.e. lawyers, city planners) to those Neighbourhoods. Subsequently, the locals established the Karabağlar Neighbourhood Union as a sub-group of 'Neighbourhood Union' in 2015. Hence, the local community started to take legal action against the risky area decision and master plans under the roof of the *Karabağlar Neighbourhood Union.*

As the Karabağlar Neighbourhood Union established as a subgroup of the Neighbourhood Union, they began to get legal support from the the One Hope Association. The association first provided legal and technical knowledge about the laws (Law 6306 and Law 2981), and urban planning practice. And then, they helped the Karabağlar Neighbourhood Union through teaching how to take a legal action such as challenging the master plan, writing an objection letter etc.

Between 2015-2022, Karabağlar Neighbourhood Union began to organise regular meetings on various subjects such as protecting their property rights, cancelling the master plans, participating in the planning process, protecting their neighbourhood life etc. In most of the meetings, the volunteer experts including lawyers and urban planners from the One hope Associations visited the Karabağlar district, to provide legal and technical knowledge to the community. Throughout this time, the local community have expanded their understanding of laws and regulations related to seismic risk management and became able to understand how the mutual interaction of law and space impact their life.

To enhance this spatiol-legal consciousness at the community level, the Karabağlar Neigborhood Union aimed to create a common language in their work for 15 Neighbourhoods. To do that, they claimed to have equal distance to all political parties including the ruling and opposition parties (AKP, MHP, CHP, HDP and all other parties). Their work on urban

[122] The One Hope Association was established in 1999 in order to help to the earthquake victims of 1999 Marmara Earthquake. After that, they started to focus on the problems linked to occupational accidents and urban transformation projects. In terms of the urban transformation, they help to the Neighbourhoods through: informing about the enacting process of law 6306, providing legal and technical knowledge about the laws (2981; 6306) and urban planning practice and also teaching how to take a legal action such as challenging the master plan, writing an objection letter etc. (https://www.birumut.org).

transformation in Karabağlar is always far away from any political interests. In that sense, the main terms of their common language are unifying and inclusive. Furthermore, they also emphasize the importance of the terms such as human rights, democracy, justice, city, right of city and right to housing for their organisation.

By using this common language, the union invited all the people of Karabağlar to join them. To reach out them, especially for the first meetings, the union rented a small greengrocer's truck with a megaphone and announced the meetings to the Neighbourhoods while they were driving in 15 Neighbourhoods. In addition to this, they invited the locals to the meetings through sending SMS to them (reached out to approx. 2500 people) and putting up posters at the bus stops. For all these meetings, they also invited non-governmental organisations, professional chambers, media forces and all sensitive civil activists to participate in their work on urban transformation in Karabağlar[123]. In addition to these meetings, they published the Neighbourhood newspapers (called 'Mahalleden' in Turkish- 'From the Neighbourhood' in English) regularly, held press conferences in many cities, including the capital city of Ankara, visited the parliament about the legal issues they faced, and organised meetings with deputies to manage uncertainties that they experienced.

Today, the Karabağlar Neighbourhood Union has become a powerful civil society organisation both at the city and national levels. They aim to solve the problems of the enacting process of Law 6306 by following the individual cases of each neighbourhood within the urban transformation process. The following section discusses how the members of the Karabağlar Neighbourhood Union have enhanced their spatio-legal awareness at the community level and conducted their detective work to solve cases.

5.2.2. Neighbourhood Meetings

> *"They (the Karabağlar Neighbourhood Union) act like urban planners, talk like urban planners. They discuss the issue amongst themselves. They*

[123] Retrieved July 25, 2022, from http://Karabağlarmahallelerbirligi.blogspot.com/p/Karabağlar-kentsel-donusum-platformu.html

know what issues they will face up to. They want to keep and protect their Neighbourhood life in Karabağlar" (Mutluer Z., personal communication, 19 May 2019)[124]*.*

When I first met the members of the Karabağlar Union at their office in 2018 and talked to them about the urban transformation project under Law 6306, I was surprised how they were able to talk like urban planners, as they are lay people. When I followed the Neighbourhood meetings between 2019 and 2020, I closely observed how they build up their spatio-legal awareness and enhance this awareness at the community level. In this section, two consecutive Neighbourhood meetings that I have observed are discussed.

My first meeting was on the 4th of August 2019, in which I went in one of the local coffee houses of the Salih Omurtak Neighbourhood in the Karabağlar risky area. The meeting was about informing the locals about the second master plan of 74ha (the second stage of the urban transformation project of the risky area), which has recently been announced by the Ministry.

[124] This speech about the Karabağlar Neighbourhood Union belongs to the one of my respondents from the İzmir Chamber of City Planners. The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "Plancı gibi konuşuyorlar, plancı gibi meseleyi anlatabiliyorlar. Kendi içlerinde konuyu tartışıyorlar. Neyle karşılaştıklarını biliyorlar. Karabağlarda mahalle yaşantısının bozulmamasını istiyorlar."

Figure 5. 6. The poster of the meeting (the English poster is prepared and translated by the author)

The meeting began at exactly eight o'clock at the meeting time and the meeting place was completely full of local people. When I entered the meeting place, I noticed a huge master plan which was both hung and projected on the wall, and the people at the meeting were looking at this plan with curious eyes. The meeting started with a set of questions from an urban planner from the One Hope Association, who has travelled from the city of Istanbul to join this meeting. He started to ask respectively the following questions to the local community: What is a master plan? What is an implementation plan? What is the difference between the 1/1000 scale implementation plan and 1/5000 scale master plan? After that, he used plain and clear language to explain those questions.

After explaining what the master plan is, he started to talk about the new master plan announced by the Ministry. During this meeting, they discussed how this legal artefact could impact on the community`s life. To discuss this, first, he explained the planning decisions linked to the floor area ratio and land use. He spoke about how to calculate the floor area ratio

linked to the master plan, what those colours mean for the master plan (For instance; brown is for residential area; dark blue is the educational area, red is the commercial area, etc.). Followingly, he informed about the proposed green areas, educational areas, health services in the plan which did not meet the standards of the regulations specified in Law 3194 (Development law). After this talk, the locals started to find their current houses or the place that they know (markets, parks, etc.) in the plan and discuss about how they will be impacted through these new planning decisions. Especially this precise moment was a critical moment for the locals to understand the impact of Law 6306 on their houses. As the law had a wide-reaching impact on the entire neighbourhood, this led to the emergence of a collective spatial and legal consciousness and raised among them.

Figure 5. 7. Photos from the Neighbourhood meeting, in which experts are telling about the new master plan to the locals.

After this point, they discussed the uncertainties raised by this master plan. The expert explained that there is no definite statement in the planning report that explains locals' construction rights. Other sets of uncertainties were discussed related to the lack of information about the whole urban transformation project. As the master plan did not include any information about the urban transformation project covering 15 neighbourhoods (such as

planning phases, relocation plans, urban transformation model, etc.). During this discussion, one local person raised the question that worries everyone: “Will they remove us from our places? We won’t live at the same place… is it right?”. After this question, everybody started to talk at the same time in the meeting area due to their unknown futures.

While they were discussing these uncertainties, the experts raised the importance of solidarity to deal with these uncertainties. As Law 6306 can only be applied and the construction can only begin if two-thirds of the population agree, one of the experts said that “*if you are together, there is no problem. The law and the court will support you*”. Furthermore, he pointed out that challenging the master plan is easier when they act together. Followingly, the experts also emphasized the importance of establishing a civil society organisation (which will be affiliated to the Karabağlar Neighbourhood Union[125]) in each neighbourhood, as each neighbourhood has different situations. For instance, some of the neighbourhoods have people without land titles, and some of them have people both with and without land titles. So, they proposed that if each neighbourhood has a civil society organisation, they can follow the specific issues of each neighbourhood, and act together to solve the individual problems of each neighbourhood within the urban transformation process. At the end of this discussion, all the locals started to talk with each other, saying that “*we should establish a civil society organisation*!”.

After observing these discussions closely, I was also impressed by the questions raised by the locals during the meeting: *Can we sue the Ministry about the incompatibility of the new master plan with the urban planning principles? If the floor area ratio was proposed as 5 instead of 2.4, would we challenge the master plan in court again? Instead of the Ministry, if the municipality made the plan, would it be more comfortable for us? How can we get information online about the master plans?* Some of those questions demonstrate to me the ability of the local community to analyse the proposed master plan based on the regulations and to understand the spatial impact of the proposed master plan. Hence, at this meeting, the

[125] Currently, Karabağlar Neigborhood Union consists of four associations from different Neighbourhoods: Limontepe Urban Transformation Association, Karabağlar Urban Transformation Right Seekers Platform, Salih Omurtak Urban Transformation Association, Karabağlar Uzundere Harman Yeri Urban Conservation Association. These associations were established between 2014-2015 to act legally in terms of the urban transformation project. They also focus on different issues for their Neighbourhood within the scope of urban planning.

local community learned how the laws and regulations work and how these legal decisions impact their life. Furthermore, they learned how to act legally against the announced master plan and the importance of solidarity in dealing with uncertainties raised by the master plan.

After this meeting, the following meeting was held four months later, on the 3rd of November 2019 at 18.00, at one of the local coffee houses called 'Durak (Stop in English)' in the Limontepe Neighbourhood. The meeting was a follow-up meeting related to the previous meeting held on the 4th of August, which discussed the second master plan of 74ha with the local community (See Figure 5. 8). At this meeting, I had an opportunity to observe how the locals acted legally against the second master plan and the problems they faced during this process.

Figure 5. 8. The poster of the follow-up meeting (the English poster is prepared and translated by the author)

Shortly after the first meeting, between August 6-15, 2019, the local community visited the offices of the civil society organisations and wrote an objection letter to the second master

plan. The objection letters were sent to the Ministry on August 21, 2019. However, the Ministry did not write any response to the objection letters within 60 days after receiving them. Since the local community wrote objection letters many times for the cancellation of the first master plan, the Ministry did not respond to those letters. Many of the local people who joined the Neighbourhood Meetings regularly already knew that they could challenge the master plan in court based on the reason for not getting a response to the objection letters within 60 days. So, they already know how the appeal process works and how they should follow the court process. That's why they only had a little discussion on this issue at this meeting.

In this section, two consecutive neighbourhood meetings are discussed the main discussion topic of the meeting are linked to the uncertainties within the enacting process of Law 6306 in the Karabağlar risky area. Concerning this, the lawyer (an expert of the One Hope Associations) started to read the six articles of the letter of commitment below, which was given to parliament in 2015. The local people listened carefully, especially while the expert was speaking. Shortly after, they discussed about how their requests could be accomplished, as they were signed by the politicians in 2015.

Six requests of the Neighbourhood Union in the letter of commitment[126]

1. Based on Law 775[127] , Law 2981 and Law 4706[128], the land title should be given collectively to all the right holders (occupants), who live in the Neighbourhoods declared as risky areas.
2. All urban planning processes and implementation stages, which aim to relocate all of the inhabitants in their Neighbourhood, should be discussed with the whole Neighbourhood. And the planning and implementation decisions should be made with the approval of 70% of the inhabitants of the Neighbourhood.
3. The authorities should ensure that the inhabitants stay in their Neighbourhood and this decision should be made at any scale in terms of urban planning. The master plans should be changed based on the written demands of the Neighbourhood. If the change is not enough to realize their demands, the master plan should be remade.
4. During the preparation of the master plans and budget program of the urban transformation project, firstly the written view of the Neighbourhood should be taken into consideration. All the draft master plans and budget programs should be presented to the Neighbourhood in each period.
5. These articles above should be involved in the strategic planning decisions.
6. The enacting process of Law 6306 should be reconsidered and rearranged through considering the demands of the inhabitants who live in the risky area.

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[126] Six requests of the Neighbourhood Union in the letter of commitment were signed by the politicians and published in the Neighbourhood newspapers (called from the Neighbourhood) in 2015.

[127] Law 775 is enacted in 1949 and 1966 and aimed to demolish slums and gecekondus and to prevent the construction of new ones (Uzun et al., 2010).

[128] Law 4076, which is the sale of immovables which belong to the National Treasury, was entered into force in 2001. The law is named as 'Evaluation Law for Immovables which belong to the National Treasury' in the Neighbourhoods declared as risky areas.

Followingly, the lawyer mentioned the legal value of the political promises. He stated that "*before the election, a lot of candidates make promises to you, and they forget those promises after the election. In order to change this situation, we wrote down the promises in a letter of commitment* (which was signed by the politicians before the election). At this point, first they decided to remind those requests to the Municipality and the Ministry, who signed the promises but did not accomplish them. According to him, this situation deserves punishment in the legal system in terms of compensation and criminal law. After communicating their requests to authorised institutions, the local people in the meeting decided to launch a legal action in court. At the end of the meeting, each of the questions raised by the locals was discussed in detail again. Hence, this second meeting demonstrates that the locals also built up their knowledge by learning the legal meaning and value of each actant in the urban transformation process.

All in all, through the neighbourhood meetings, the local community have expanded their spatio-legal consciousness extensively. These meetings not only enhance their understanding of the impact of Law 6306, but also helped them learn all related laws and regulations; understand the effect of all the legal artefacts in the urban transformation process; follow all kinds of legal processes; object to any legal decisions and challenge those decisions in court. I also realised this spatio-legal consciousness directly when I interviewed the members of the Karabağlar Neighbourhood Union one-on-one, and I observed the development of this consciousness over time. For instance, in 2019, I interviewed one of the prominent members of the Karabağlar Neighbourhood union, who works as a plumber in the neighbourhood. During our meeting, he talked about how they handled the problems of the enacting process of Law 6306 by giving references to urban planning principles and the enacting process of the related laws and regulations (Gür S., personal communication, 19 May 2019). For example, by mentioning other amnesty laws related to Law 6306 in risky areas, he explained what they, as the members of the Karabağlar Neighbourhood Union did to prevent the loss of rights of LTA documents related to the 2981 law as follows:

> *"The Neighbourhood Union is helping to solve problems related to urban transformation plans for areas experiencing issues in Istanbul, Eskişehir, Kocaeli, and İzmir. Specifically, the 775 squatter law, the 2981 zoning amnesty law, and the law regarding the sale of property belonging to the*

treasury (Law 4706) these neighbourhoods can benefit from these three laws. The 2981 law, in particular, was affected, and its deadline was ending. There would have been a lot of losses of rights. We got to know the Neighbourhood Union during that process. One of the neighbourhood associations in Istanbul was managing that process. We also went to the Turkish Grand National Assembly (TBMM) here because there were neighbourhoods that were number 2981 and were running out of time in conjunction with other neighbourhoods. Discussions were held with all parties. With the common signature of all parties, we postponed this law for three years. This is the success of the Neighbourhood Union[129]." (Gür S., personal communication, 19 May 2019).

About two years later, in February 2021, the same respondent attended the television program 'İzmir City Law' as an invited speaker on the local channel[130]. The program was moderated by the lawyer, and they discussed the legal problems in the urban transformation process based on Law 6306. In a similar vein, I was also surprised when I interviewed one of the pioneers in 2022, who was 73 years old and took part in constructing one of the first building of the Yüzbaşı Şerafettin Neighbourhood located in the Karabağlar risky area. He mentioned the importance of challenging the master plan for every phase of the urban transformation project, as he was

[129] The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "Mahalleler birliği İstanbul, Eskişehir, Kocaeli ve İzmir'de kentsel dönüşüm planları ile sorun yaşayan alanlar için tapu devirleri ve planlama süreçleri ilgili problemlere yardım ediyorlar. Özellikle 775 gecekondundu kanunu, 2981 sayılı imar affı diyeceğimiz tapu tahsis kanunu, bir de 4706 hazineye ait olan malların satışı ile ilgili kanunlar bunlar. Bu mahalleler bu üç kanundan da yararlanabilir. 2981 kanunu özellikle 6306 kanunu çıkınca etkilendi ve bitiyordu süresi. Bir sürü hak kayıpları olacaktı. Biz mahalleler birliği ile o süreçte tanıştık. Mahalleler birliği İstanbul o süreci yönetiyordu. Bizde burada 2981 nolu mahalleler olduğu için ve sürede dolacağı için diğer mahaller ile birlik TBMM ye gidildi. Tüm partilerle görüşüldü. Tüm partilerin ortak imzasıyla biz bu kanunu 3 yıl öteledik. Bu mahalleler birliğinin başarısıdır."

[130] Retrieved July 25, 2022, from: https://www.facebook.com/KarabağlarMahallelerBirligi/photos/a.276359115886206/1528591970662908

well aware of the term of case precedent[131]. He explained that if the master plan for one of the phases is approved and implemented, it could be a precedent for implementing the master plans of the other phases of the urban transformation project. He stated this as follows:

> *"There is a neighbourhood in Esendere next to the military (located in the Karabağlar risky area). The master plan was made there twice, and we couldn't find people to file a lawsuit in that neighbourhood. Of course, we challenged the master plan in the court on their behalf…Because our neighbourhood is in a risky area together with that neighbourhood. If we don't challenge that master plan, we can lose this place as well" (Mr Cemal., personal communication, 13.02. 2022)[132].*

Consequently, the local community gained extensive experience and knowledge on the everyday understanding of law through Neighbourhood meetings. With this knowledge and experience, they have become spatio-legal detectives who can identify the root causes of different problems that arise in the urban transformation process and solve them.

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[131] The precedent case refers to a court decision given for subsequent cases consisting similar facts or legal issues (Retrieved July 25, 2022, from https://www.law.cornell.edu/wex/precedent).

[132] The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "Esendere'de askeriyenin kenarında bir mahalle var. Oraya iki sefer imar planı çıkardılar. Koca mahallede on kişi bulamadık dava açması için.. Tabi biz davayı açtık onların adına- ama açmasam orayı da kaybediyorum burayı da kaybediyorum...Çünkü bizim mahallede o mahalle ile beraber riskli alan içerisinde. Eğer biz oraya dava açmazsak orayı kaybedersek burayı da kaybetmiş oluruz."

5.3. Spatio-legal detective works: untangling uncertainties in the Karabağlar risky area

5.3.1. Solving the case: Unrevealing uncertainties in relation to the Karabağlar risky area designation

This section aims to discuss the spatio-legal detective works of the Karabağlar Neighbourhood Union, aiming at untangling the uncertainties arising from the risky area decision. In this section, the investigation process regarding whether the Karabağlar district is a risky area or not is examined. Subsequently, it explains how the spatio-legal detectives resolve the uncertainties by investigating the relations between Law 6306, Karabağlar District and seismic risk.

When Law 6306 entered into force in 2012, the risky definition was as '*areas under disaster risk which could engender a loss of lives and property due to the ground or building conditions within the area*'. In the law document, there were no concrete definitions or objective criteria for defining risky ground or building conditions which could be used to designate areas as risky (See Section 2.3.2). There were also ambiguities concerning the submission of a soil investigation report. Based on the varying interpretations of risky areas, the Karabağlar district was designated a risky area in 2012 by the Ministry without presenting any detailed geological report for the area. In a similar way to the Karabağlar district, in Türkiye, 191 risky areas in 52 cities were designated by the central government by November 2017.

One year after the designation of the Karabağlar risky area, the geological survey was conducted, and the geological report of the risky area was approved in 2013. Here, concerning this decision, the problem was raised due to insufficient explanation of the risk factors for the area (e.g. inadequate information on engineering calculations or technical details of the ground structure). Furthermore, there are no active fault lines in the Karabağlar risky area. (See Figure 5. 9). At this point, the local citizens as spatio-legal detectives started to react against the risky area designation. Their risk perception and memory did not correspond to the risky area decision, as the neighbourhood where they lived for more than fourthy years had not suffered any earthquake damage. Due to that, they mobilized non-human elements (e.g., expert reports, geological maps, etc.) to make their point emerged in 2015 when the first master plan

was approved. Therefore, the spatio-legal detectives provoked strong opposition when the master plan was enrolled within this process as an actant.

The first attempt of the local community under the roof of the Karabağlar Neighbourhood Union to take legal action against the risky area decision by challenging the master plan. One of my respondents from One Hope Association explained to me how the Karabağlar Neighbourhood Union began to take legal action against the risky area decision:

> *"Mr. Uygar (a member of the Limontepe Urban Transformation Association and the Karabağlar Neighbourhood Union) sent me an email (about the Karabağlar risky area). At that time, the district was declared a risky area. Followingly, the master plan of the risky area was approved. When the Ministry announced the master plan, we met more frequently…According to the law, you can challenge the risky area decision within 30 days after its announcement. They missed this process. But, we challenged the master plan in court by showing them another reason. We said that the risky area decision does not comply with the master plan. After that, they changed the law. To prevent the lawsuit process, they added an article that rules the risky area decisions cannot be challenged through master plans" (interview with the One Hope Association, 29.07.2019)*[133].

Before the members of the Karabağlar Neighbourhood Union started their detective work, first they took their first step to appeal the risky area decision. According to the 6th article of Law 6306, the risky area decision can be challenged within thirty days of the date of notification. As the local community missed this period, based on the suggestion of the experts of the One

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133 The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "Uygar bey ilk önce bana bir mail attı. O zaman Karabağları riskli alan ilan etmişlerdi. Sonra imar planı çıktı. İmar planları askıya çıktıktan sonra sık görüştük… Resmi gazeteden yayınlandıktan sonra bir ay içinde dava açabilirsin diye ibare vardı. Dava süreçleri kaçmıştı. Riskli alan kararları imar planları ile uymuyor dedik sonra kanunu değiştirdiler. Dava açmasınlar diye kanuna madde koydular."

Hope Association, they mobilized the master plan and used the master plan as a form of notification regarding the risky area decision by using the decision of the Council of State (P. No. 2015/433, D. No. 2015/638, 04.03.2015). In this decision, the Council of State interpreted the term 'notification' to mean a written notification. The Council of State ruled that the announcement of the risky area decision in the Official Gazette is not sufficient for the commencement of the period of filing a lawsuit, as the determination of risky areas will have consequences that restrict the right to the property. Hence, the Council of State stated that the risky area decision can be challenged within the period of legal action upon written notification and learning. Hence, the local community used this interpretation and interpreted the master plan as a form of written notification to challenge the risky area decision.

The first attempt of the Karabağlar Neighbourhood Union, regarding the risky area decision was not successful as they objected to the risky area decision using the master plan as a notification form, but their attempt impacted the law. In 2016, one article was added to the law to clarify the 'announcement': *a lawsuit can be filed against the risky area decision after the date of its publication in the Official Gazette (within 30 days)*'. The government prevented the use of legal ambiguity surrounding the process of notification of a risky area decision, concerning the term of litigation by amending the law.

Regarding the lawsuit process, the Karabağlar risky area decision was not cancelled by the court. During my one-on-one interviewing process with the members of the Karabağlar Neighbourhood Union, the members explained this to me as follows:

> *"We filed a lawsuit against the risky area decision. We went to the court. We said that this is not a risky area; Why have you declared it a risky area? And then, the Ministry responded that they do not say that the ground structure here is risky. They call the houses built on it risky. We said how many years have we been living here, we have not had the slightest damage to our slum houses" (Mr Cemal., personal communication, 13.02. 2022)* [134].

[134] The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "Biz dava açtık, burası dedik riskli alan değil dedik. Mahkemeye gittik. Neden riskli alan ilan ediyorsun dedik. Ondan sonra bakanlık dedi ki biz buranın zemin etüdüne

"We went to the Council of State as fifty people. Five people came before the judge to talk about the risky area decision… Our district is 5-7 km away from the earthquake fault line. When the last earthquake struck with a magnitude of 6.3 M_W in İzmir, not even a single teacup fell out of the cupboard[135]" (Ms. Zeynep., personal communication, 19.05.2019).

"As a result of the research carried out by Ege University and Dokuz Eylül University, we know that the ground is first-degree good. When we asked the Ministry why you took a risky area decision for the Karbaglar district, they said that we designated it as a risky area based on your structure. We said let's transform it, but during that urban transformation process, let's get together and be at the same table. But they (the government) don't ask us what kind of place or structure we want. They ask us to hand over our structures to them so that they will give the new houses to us wherever they see fit, and we don't accept that…[136]" (Mr Tacim., personal communication, 12.02. 2022).

The spatio-legal detectives of the Karabağlar district collected and mobilised the actants such as expert reports, geological surveys, etc. to make their points about the risky area decision

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riskli demiyoruz, üzerinde yapılmış olan evlere binalara riskli diyoruz. Biz de dedikti biz kaç yıldır burada oturuyoruz en ufak bir zarar görmedik gecekondu olarak"

135 The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "Danıştay'a gittik. 50 kişi, 5 hâkimin karşısına çıktık riskli alan kararı için. Alanımız deprem fay hattına 5-7km uzaklıkta. Son 6.3 derecede deprem olduğunda dolaptan çay bardağı bile düşmedi."

136 The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "Ege ve Dokuz Üniversite'sinin yaptığı araştırmalar sonucu buranın zemininin birinci derece iyi olduğunu biliyoruz. Biz bakanlığa sorduğumuz zaman niye riskli alan ettiniz diye, biz yapınızdan riskli alan ettik diyorlar. Biz de dönüştürelim diyoruz- ama o dönüşüm esansında ortaklaşalım biz de masa da olalım. Ama nasıl bir yer istiyoruz nasıl bir yapı istiyoruz bunları bize sormuyorlar. Sen bana yerine devret ben sana nerede uygun görürsem diyor bunu da biz kabul etmiyoruz."

in the court and to state that the ground structure of the Karabağlar district does not contain earthquake risk. However, they couldn't fully substantiate their allegations, as the Ministry interpreted illegal buildings in the district as a risk factor to designate Karabağlar district as a risky area. During the lawsuit process, the Ministry explained this in their justification letter[137] as follows:

> *"The area was built through the occupations started in 1975 and the improvement plans made in 1987. For this reason, when the buildings in the area are evaluated in terms of building construction technique and materials used, this area carries a high risk of causing loss of life and property in case of a possible disaster…When we look at the area in general, it is seen that the buildings are generally two-storey, and the buildings on the main street vary between three and five floors. In an area of approximately 540 ha in the Karabağlar district of İzmir province, some of the existing structures are 25-30 years old buildings that have not received engineering service. In addition, 110 ha of the area is a geologically inconvenient area and most of the area have precautionary field conditions. For this reason, the region poses a serious risk in case of a possible disaster. The area carries serious risks both because it is a geologically precautionary area and because all the structures were illegal and built without taking any precautions against earthquake.*
>
> *Approximately 53500 people live in the area and there are 17000 buildings. The entire area is privately owned, and there are public ownership and occupied parcels. A large part of the living population is in the lower income group.*
>
> *In accordance with Article 4 of the Implementing Regulation of Law 6306 – called the determination of Reserve Areas- (See Section 2.3.2.2), the*

[137] This letter is included in the expert report to the presidency of the third administrative court of İzmir (P. No: 2017/265, 30/08/2018, p. 89).

opinion of the Disaster and Emergency Management Presidency on the subject area were requested with the letter of our Ministry dated 01.11.2012 and numbered 1674, and their opinions with the letter dated 07.11.2012 and numbered 07301 were conveyed to our Ministry.

Based on all mentioned issues and Law 6306 put into effect by being published in the Official Gazette (dated 04.08.2012 and numbered 28374); considering the information and documents contained in the file prepared in accordance with Article 4 of the Implementation Regulation of Law 6306; and according to subparagraph 'ç' of the first paragraph of the second article[138], the area within the borders of Karabağlar District of İzmir province was considered that declaring it as a risky area, which would be appropriate in terms of strengthening our structures and creating liveable spaces."

Hence, the Ministry interpreted the term risky area differently to answer the allegations in the case. Although the buildings in the district were considered risk factors by the Ministry, no technical reports were submitted regarding the examination of illegal buildings to designate the Karabağlar district as risky. The legal ambiguities concerning the submission of technical reports were used in this process, and surveys for the ground and building structures were conducted for the district one year after the risky area decision. Since the Karabağlar Neighbourhood Union filed a lawsuit three years after the risky area decision (by interpreting the master plan as a form of written notification for the risky area decision), the members of the Karabağlar Neighbourhood Union could not succeed in their action.

Like in the Karabağlar district, many local communities in risky areas objected to the risky area decision. In Türkiye, between 2012-2016, lots of risky area decisions were cancelled by the court due to insufficient explanation of the risk factors in technical reports (Akbıyıklı et al.,

[138] The subparagraph 'ç' of the first paragraph of the second article defines a risky area, which is defined in the law document (2012) as follows: Areas under disaster risk which could engender a loss of lives and property due to the ground or building conditions within the area, are determined by the Ministry, or Administration through taking the official opinion of the Disaster and Emergency Management Presidency (AFAD) and designated by the Council of Ministers.

2017). For instance, in Istanbul, the court annulled the risky area decision for the Tozkoparan Neighbourhood, finding it *"observational, not scientific*". The court ruled that *“It is not possible to accept the technical report on the examination of 14 buildings as a report with scientific qualifications surrounding the area, since 5560 buildings in the area have different characteristics”*[139]. Hence, the legal ambiguity surrounding the definition of ‘risky areas’ played a direct role in determining this instance of a large-scale urban renewal project in Türkiye.

In parallel with the reaction of these local communities, various amendments were made in Law 6306 regarding the designation of the risky areas. The One hope association stated this situation as follows: ‘‘*We challenged many risky area decisions in cities. When we won lawsuits against the risky area decisions, they changed the law”* [140] (interview with the One Hope Association, 29.07.2019). When the law came into force in 2012, the designation of the risky area was made by only considering the ground conditions which could engender a loss of lives and property and the conditions of the buildings in relation to the amount of risky buildings in the settlement (See Section 2.3.2.1). In 2016, two amendments were made to change the designation procedure of risky areas and the risky area definition. According to the amendments, the designation of the risky area can be made due to the illegal status of buildings in the area (where 65% of the buildings are illegal) and due to disturbance of the public order/ damage in a built environment that affects daily routine in the area. Thus, through these amendments, any place can be determined as risky without considering its ground condition (Atay, 2016, as cited in Şenol Balaban, 2019).

Concerning these amendments, the members of the Karabağlar Neighbourhood Union were well aware of them and how they could impact their neighbourhood. One of my respondents from the Karabağlar Neighbourhood Union said that he gave the following speech during his visit to the Ministry with the other Neighbourhood Unions: “*Sir, what does it say in this law? If*

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139 http://www.yapi.com.tr/haberler/danistaydan-bir-riskli-alan-karari-iptali-daha_120813.html (Accessed date: 19.06.2021).

140 The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: “Şehirlerdeki bir çok riskli alan davalasını biz açtık. Biz davaları kazanınca kanunu değiştirdiler.”

60[141] per cent of a residential area are illegal houses, you can do what you want without asking. If that's your intention, let me help you! Our rate is not 60 per cent but 100 per cent slums in Karabağlar"[142] (Mr Cemal., personal communication, 13.02. 2022). Even though they could not succeed in cancelling the risky area decision, the members as spatio-legal detectives continued to work on their case to solve the issues arising from the urban transformation project. They collected evidence to deal with the uncertainties within the enacting process of the law.

On the 30th of October 2020, the İzmir Earthquake with a magnitude of 6.9 M_W demonstrated the arbitrariness in the decision-making process in relation to the designation of risky areas. Regarding the impact of the earthquake in İzmir, none of the risky areas designated by Law 6306 was structurally damaged, and the earthquake left heavy damage to the structures in another district of İzmir (See Figure 5. 9). The recent earthquake brings into question the manipulation of legal ambiguities regarding the designation of risky areas prior to the revisions of the criteria for such designations, as the areas that suffered the most damage were not the areas included in urban transformation projects. On the other hand, as discussed in the section 2.4., the recent earthquake also demonstrated that there is a high level of epistemic and aleatory uncertainties regarding the seismic risk assessment in İzmir. Due to the reasons of the lack of investigation on the land and subsea faults lines, and their stochastic character, in İzmir, it is still not possible to anticipate the magnitude, time, and location of the future earthquakes. Therefore, not only because of the legal ambiguities regarding the designation of risky areas, but also due to the uncertainties in identification of the seismic characteristics of İzmir, anywhere in İzmir could be declared a risky area.

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[141] This value, as specified by Law 6306, is set at 65. However, it is presented here as 60 in order to preserve the authenticity of the speech.

[142] The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "Efendim ne diyor bu yasada bir yerleşim bölgesinin yüzde 60şı gecekondu ise hiç sormadan istediğimiz şeyi yaparız diyor. Eğer niyetiniz buysa ben size yardımcı olayım dedim. Bizim oranın yüzde değil yüzde yüzü gecekondu dedim."

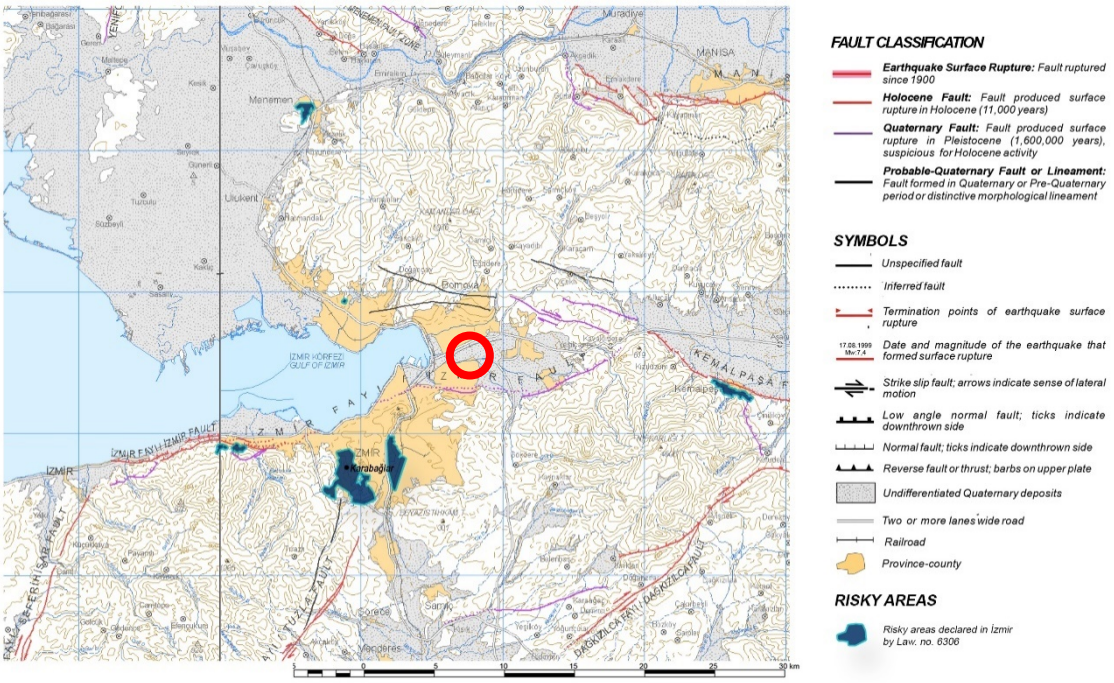

Figure 5. 9. The Karabağlar risky area on the active fault map of İzmir (General Directorate of Mineral Research and Exploration, 2011) - The red circle on the map demonstrates the areas damaged heavily during the İzmir earthquake with a magnitude of 6.9 M_W on the 30th of October 2020 (The Chamber of Geological Engineers, 2020)

Hence, the spatio-legal detectives of Karabağlar untangled the uncertainties raised by the Karabağlar risky area decision by collecting their evidence and tracing them to understand the root causes of the problem. Some of the first pieces of evidence were expert reports and geological surveys, which demonstrate the seismic hazard characterization of the district. By mobilising these actants, they could not solve their case in court, but they uncovered the ambiguities within the enacting process of Law 6306, with the expert guidance of the One Hope Association. These ambiguities were used in the risky area designation of the Karabağlar district, as like other risky areas designated in Türkiye. Through this detective work, the spatio-legal detectives traced and identified different sets of uncertainties such as, epistemic and aleatory uncertainties, and used their collective spatio-legal consciousness to untangle the issues attached to the risky area designation of the Karabağlar district.

5.3.2. Solving the case: Resolving uncertainties attached to the master plans

During my one-on-one interview meetings, the members of the Karabağlar Neighbourhood Union often stated that they are not against urban transformation, but for them, the Karabağlar district should have an urban transformation process without a declaration of the risky area. The first reason was that the risky area decision does not correspond to the local community's risk perception, as discussed in the previous section. The second reason was related to the high level of uncertainties raised by the lack of information about the urban transformation process for the whole 540 ha risky area. Because when the first master plan for 100 ha of 540 ha risky areas enrolled as an actant within the process in 2015, there was no information on the planning report regarding the urban transformation model of the whole project, public participation process, relocation plans, and the determination of 'rightful ownership' for the squatters, etc. Based on these uncertainties, the local citizens as spatio-legal detectives reacted against the announcement of the first master plan, and started their detective works to resolve the uncertainties that creates unknown futures for those living in the Karabağlar risky area.

Along with the social uncertainties brought by the first master plan, many other issues were raised because the master plan was not compatible with the urban planning principles, public interest, and Development law. Due to that, the number of actors (who reacted to the implementation of this master plan) and non-humans (which participated in the reaction) increased rapidly.

In this part, I would like to discuss the investigation process not only by focusing on the detective works of the local citizens, but also by identifying all the *actants*, their relations mobilised in various *arenas*, and their *practices* aimed at solving the *issues* concerning the master plan (Table 4. 2). By following the master plan as the main actant raising the controversies within the urban transformation process, I would like to analyse *the issues, practices, actants and* arenas (Kurath et al., 2018) in parallel to the composition diagram adapted from a graphic by Latour (2010a) (See Figure 5. 12), which defines growing mobilization of actants regarding the implementation process of the master plans and helps to uncover the root causes of uncertainties attached to the master plan.

Table 5. 2. The arenas, practices, and actants linked to the issues raised by the master plan

Arenas	***Practices***	***Actants***	
		Human	*Non-human*
• *The Courts of Türkiye* • *The Karabağlar Municipality* • *The local coffee houses where the community meets in the risky area.* • *The Associations* • *The Chambers*	• *Making/remaking the master plans* • *Challenging the master plans in the court* • *Writing objection letters about cancellation of the master plans* • *Community Meetings organised by the Karabağlar Neigh. Union* • *Visiting the Ministry regarding the urban transformation process* • *Organizing press meetings*	• *The Higher Courts of Türkiye* • *The District Court* • *The Karabağlar Municaplity* • *The Chambers* • *The Karabağlar Neighbourhod Union* • *The One Hope Association* • *The Neigh. Union* • *Inhabitants* • *Experts* • *Developers*	• *Law 6306* • *New Buildings* • *Illegal Buildings* • *Master Plans* • *Public Service Areas* • *The risky area* • *Earthquakes* • *Landslide risk* • *Parcellation Plans* • *Law 2981* • *Land title* • *Land title allocation document*

On June 5, 2015, the Ministry of Environment, Urbanisation and Climate Change made a master plan for 100 ha of 540 ha risky areas, as a first phase, which is *empty land*, and *under the risk of landslide* (See Figure 5. 12) (Here, in addition to the seismic risk, the risk of landslide also enrolled within the urban transformation process under Law 6306). The Ministry announced the master plan for the first phase and defined it as a '*reserve area*'[143] in the project, in which the developers will get 69% of the new houses in the project area and 31% of the new houses will be for the locals. Additionally, the Ministry clarified that because the first stage is mainly empty land, it needs a new infrastructure, which will be made by the developers (interview with the department of Transformation Areas in the Ministry, 08.11.2019). On the other hand, no information was given about the other phases of the urban transformation project for whole 540 ha risky areas with this master plan.

[143] According to Law 6306, reserve areas is defined as 'the areas, which will be used for construction of new residential buildings, is designated by the Ministry, upon the proposal of the Administration or Housing Development Administration of Türkiye (TOKI) or on its own motion, with taking the official opinion of the Ministry of Finance'.

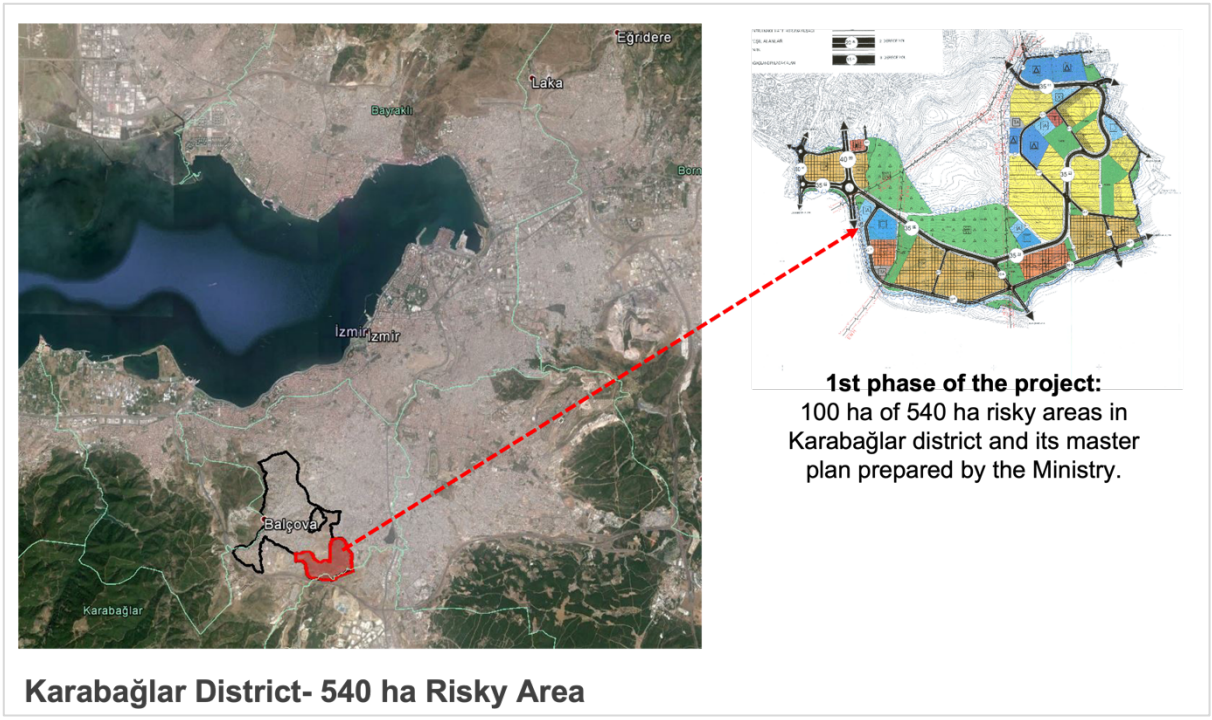

Figure 5. 10. The location of the planning area of the first phase of the project and its master plan for 100 ha of 540 ha risky area (Source: İzmir Provincial Directorate of Environment, Urbanisation and Climate Change , 2019)

After the announcement of the first master plan, the investigation process of the Karabağlar Neighbourhood Union started with the neighbourhood meetings, in which they analysed and discussed the impact of the master plan as a legal artefact on their district. During these meetings, they discussed the uncertainties brought by the master plan within the urban transformation process and investigated whether the master plan is made for risky areas. In addition to that, they examined if the master plan is suitable for planning principles by examining the proposed residential area density, public spaces, or unhabitable areas due to the landslide risk. Through the neighbourhood meetings, they enhanced their spatio-legal consciousness about the possible impacts of the first master plan on the Karabağlar district, with the support of the 'One Hope Association' (See Section 5.2.2). As a result of these meetings, the local community decided to take legal action against this master plan to protect their neighbourhood life and to relocate and live in in the other neighbourhoods after the urban transformation project.

First, they prepared objection letters about the cancellation of the first master plan and sent them to the Ministry via İzmir Provincial Directorate of Environment. However, the Ministry, who had to answer the objection letters in two months based on the regulations, did not write any response back to the owners of the objection letters. Based on the reason of not getting any response from the Ministry, the Karabağlar Neighbourhood Union challenged the master plan in court. One of the members of the Karabağlar Neighbourhood Union stated the reason why they challenged the first master plan in court as follows: "*The first stage is defined as a reserve area, which is a vacant area. They will locate us to that empty space. They will live in our places, which has a view (of the sea and forest). The empty area is not completely empty. There are lime wells, and it is also a landslide zone. It is indicated in the geological surveys… (Also,) there is a stream in that area, whose stream bed has been changed, but they did not show this in the plan*[144]*" (Yüksel D., personal communication, 19 May 2019).* Hence, as the spatio-legal detectives know 'space' well, they challenged the first master plan in court by revealing the legal decisions in the master plan, which were not suitable for the planning area.

In parallel to the reaction of the local citizens, various actants also enrolled within this process and reacted against the implementation of this master plan. Concerning the first master plan, the Ministry received 132 objection letters from individuals and 10 institutions (e. g. İzmir Chamber of City Planners, Karabağlar Municipality, Chamber of Geology Engineers). In addition to the lawsuit filed by the Karabağlar Neighbourhood Union, the İzmir Chamber of City Planners challenged the first master plan in court for the reason of incompatibility of the master plan with Law 3194 (Development Law) and its regulations, the public interest, and the principles of urban planning. The chamber emphasized three sub-reasons in their petition that summarised below:

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144 The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "Birinci etap için boş alanda yer alıyor ve rezerv alan tanımlanıyor. Bizi boşluğa götürecekler. Bizim manzaralı yerlerimize onlar oturacak. Boş alan tamamen boş değil. Kireç kuyuları var heyelan bölgesi ayrıca. Ayrıca jeolojik etütlerde belirtilmiş… Değiştirilen dere yatağı var onu değiştirmemişler. Planın içerisindeki bu alanı da göstermemişler."

1. ***In terms of planning hierarchy***, the master and implementation plans of 101 ha risky areas (1/5000 and 1/1000 scale) are incompatible with the upper scale plan called the İzmir Regional Development Plan (1/25.000 scale). The İzmir Regional Development Plan defines the land uses of the area as 'afforested area', 'the area under the risk of landslide', 'residential area' and '2nd and 3rd degree centers'. However, the master plan and implementation plans do not include those decisions.

2. ***In the context of Law 3194 and its regulations (Development law),*** the master plan and implementation plan must consider the views of Karabağlar Municipality, İzmir Metropolitan Municipality, the General Directorate of state Hydraulic Works and the related institutions. However, the Ministry did not take the opinion of all institutions and did not pay attention to the opinions of institutions that they already have. The plan report also does not have the data of analyses and synthesis of the area. The Ministry did not plan the phases of the urban transformation project. They prepared the master plan and implementation plan of 101 ha of 540ha risky area without considering the whole risky area planning process. Furthermore, the master plan and the implementation plan have the same report which is incompatible to Law 3194.

3. ***In terms of public interest,*** the plan does not provide the social facilities for the proposed population in the project area. Also, the size of the average housing unit (150 m^2 is not suitable for the families who will live there in terms of their economic condition. Depending on planning principles, the master plan was not planned through considering the topography and the area under the risk of landslide. The planning decision linked to transportation do not consider the road hierarchy.

In addition to disputing the first master plan, on September 17, 2015, the İzmir Chamber of City Planners organized a joint press release with the other chambers including the İzmir Chamber of Architects, the İzmir Chamber of Geology Engineers, the İzmir Chamber of Geophysics Engineers, the İzmir Chamber of Landscape Architects and the İzmir Chamber of

Civil Engineers. They pointed out various issues with the master plan for 101 ha of 540 ha risky area at the press release[145], which are described below.

Press release by the Chambers about the first master plan

1. The north of 101 ha of 540 ha risky area is **under the risk of landslide**, defined in a geotechnical survey report. Furthermore, this area is one of the largest landslide areas in Türkiye and activity is continuing today. In that sense, any excavations during road construction in the region will trigger the landslide and threaten the safety of the population planned to live in the south of the existing landslide zone.

2. Based on Law 6306, the master plan should be made primarily for **the safety of the citizens** living in unhealthy housing conditions in the risky area. However, in this master plan, it is not considered.

3. One of the most important factors that determine the success level of urban transformation projects is the **participation of the public in planning** from the planning stage. If the urban transformation model gives priority to the participation of central and local government, professionals, chambers, universities and the citizens living in the region, a healthy and liveable environment can be created. However, within the scope of this master plan, there is no definite urban transformation model about how and where the people living in the 'risky area' will be moved to.

4. The approved master plan does not have an **urban transformation model** as described above, and the 101 ha of 540 ha risky areas, which is almost vacant, is planned only for the part of the population living in the 'risky area'. It shows that the Ministry uses the urban transformation projects as an easy and fast way to get construction permits on vacant areas.

5. Based on the reasons given above, the master plan does not consider the **public interest and the participatory planning process**. Additionally, social and technical infrastructure areas are insufficiently planned. The master plan is not made with a holistic planning approach, the citizens living in the district will migrate to new periphery, which has landslide risk problems. Thus, the planning decisions endanger the safety of the population living in the district.

[145] http://www.spo.org.tr/genel/bizden_detay.php?kod=6939&tipi=3&sube=6 (Accessed date: July 25, 2019).

However, a month after the press release, the Ministry remade the master plan (by making small changes) without waiting for the results of the first lawsuit process. Furthermore, the Ministry did not consider the objection letters while they were preparing a new plan or plan change. As a result of this, the court could not make any decisions because the challenged master plan was no longer valid as it had been replaced with a new plan.

For the first phase, between June 2015 and September 2016, 4 master plans were made, approved, and cancelled. During this process, the Ministry received 1357 objection letters from individuals and institutions. The master plans were challenged 12 times in court by the chambers and the provincial municipality. The Karabağlar Neighbourhood Union also challenged those master plans based on the reason of not getting any response from the Ministry for their objection letters about the cancellation of the master plans (Yüksel D., personal communication, 19 May 2019). For the fourth master plan, the court decided to appoint experts (three professors at the urban planning department of the Dokuz Eylül University) in juridical proceedings in 2016. Based on the expert's report, the fourth master plan was cancelled by the administrative court on December 6, 2018.

Before the cancelation of the fourth master plan, on February 2, 2017, the İzmir Chamber of City Planners organized the first joint press meeting with the Karabağlar Neighbourhood Union. They named the press meetings ironically as '*urban transformation is a pretext; land speculation is marvellous*'. In that meeting, they explained that the Ministry does not consider any objection letters and does not make any explanations about why they made and approved 4 different master plans in a year. They focused on the issues of the participatory planning process and an urban transformation model, which are not considered by the Ministry. Lastly, they claimed that the Ministry should withdraw the urban transformation projects in İzmir which create land speculation in the district[146]. When the court cancelled the fourth master plan in December 2018, the Karabağlar Neighbourhood Union and İzmir Chamber of City Planners

[146] http://www.spo.org.tr/genel/bizden_detay.php?kod=7887&tipi=3&sube=6 (Accessed date: July 25, 2019).

organized the second joint press meeting together in the risky area[147]. They said that "*the decisions of the administrative court have confirmed that the master plans are against the laws, the science and the public interest*". During this press meeting, they also explained the following cancellation reasons defined by the administrative court (See Figure 5. 11).

[147] http://www.spo.org.tr/genel/bizden_detay.php?kod=9621&tipi=3&sube=6 (Accessed date: July 25, 2019).

Press release by the Karabağlar Neighbourhood Union and İzmir Chamber of City Planners

1. The master and Implementation plan of 101 ha risky areas (1/5000 and 1/1000 scale) are incompatible with the upper scale plan called the İzmir Regional Development Plan (1/25.000 scale). It is against Law 3194 (Development law) in terms of **the principle of planning hierarchy.**
2. There are **no urban planning studies** for the whole 540ha risky areas.
3. In the planning area, there is **not enough social and technical infrastructure** based on the proposed population.
4. The planning decisions are against the results of the **geotechnical survey** report.
5. The cancellation of the land use decision of afforested area in the area reduced the green area at the city level. Also, it causes a reduction of green areas per person, which creates problems in the system of **physical and social infrastructure in the area**.
6. The land use decision of 'private health centre' linked to the master plan is against **the principle of equality** in terms of urban planning.
7. The master plan linked to the urban transformation does not have any urban design projects, which is **incompatible with Law 3194** (Development law).
8. The proposed transportation system of the planning area is not compatible with the urban transportation planning principles.

Figure 5. 11. The press meeting of the İzmir Chamber of City Planners and the Karabağlar Neighbourhood Union in the risky area[148].

After the master plan was cancelled based on the expert's report, the Ministry had to prepare a new master plan for the same area. In February 2020, the fifth master plan was announced by the Ministry. However, when the Ministry started to get objection letters for the new master plan, another plan change was made (without considering those objection letters) by the Ministry in May 2020. By April 2022, eight master plans were made, approved, and cancelled by the Ministry without taking into consideration the objection letters and lawsuit petitions[149].

[148] http://www.spo.org.tr/genel/bizden_detay.php?kod=9621&tipi=3&sube=6 (Accessed date: July 25, 2019).

[149] Another judicial brake on Ministry's plans (2022, 23 April). Ege`de SonSöz (Retrieved on 30 August 2022 from: https://www.egedesonsoz.com/haber/Bakanligin-planlarina-bir-kez-daha-yargi-freni/1100832).

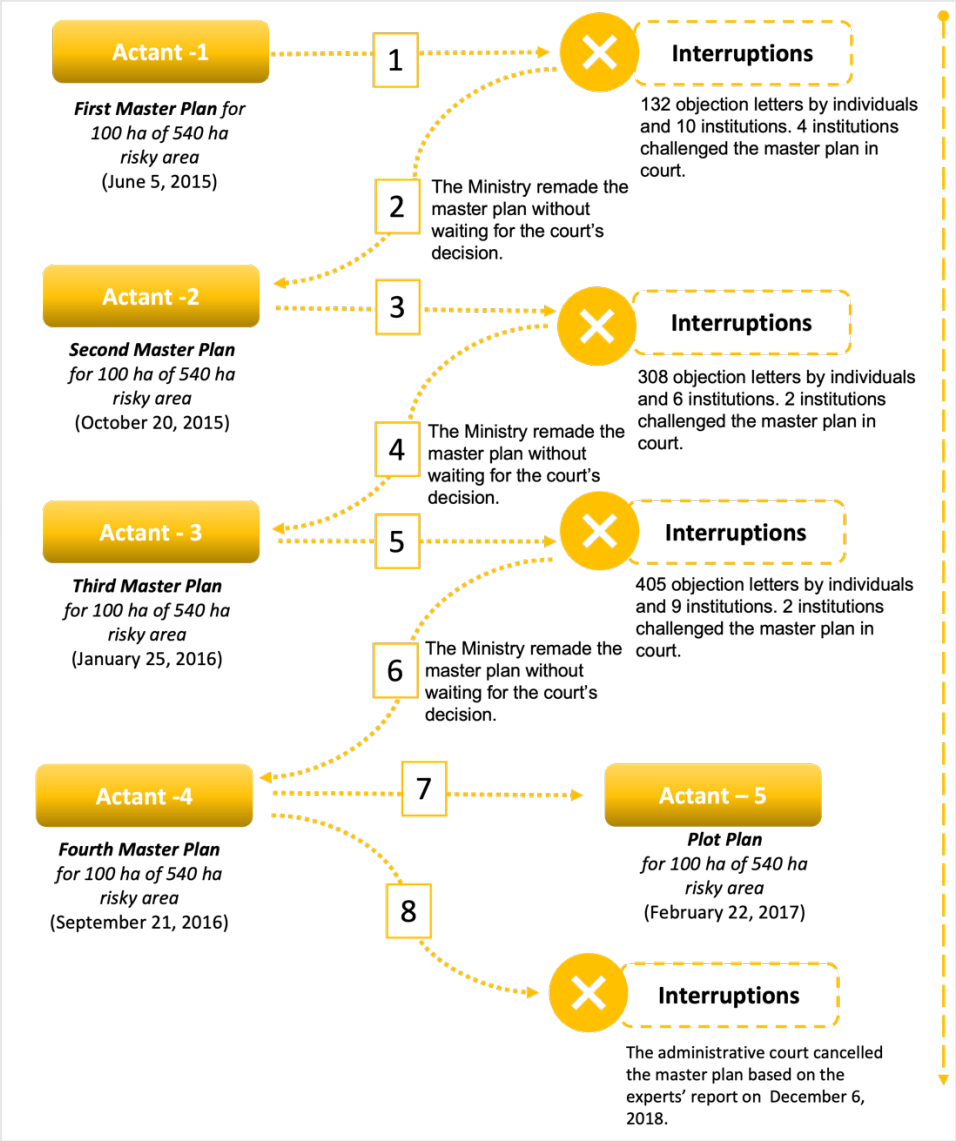

Figure 5. 12. The composition diagram that defines growing mobilization of actants regarding the implementation of the master plans. The graphic is prepared by the author and adapted from a graphic by Latour (2010a).

Regarding the continuous cancellation and re-make of master plans (See Figure 5. 12), one of the prominent members of the Karabağlar Neighbourhood Union as spatio-legal detectives made the following statement about their detective works, which demonstrate their core competencies to understand those changes on the master plans: *"We detect the mistakes. For example, they (the Ministry) said that they changed the master plan, and for this reason the previous one was cancelled. They made a change on the master plan. But they moved the location of the park a little bit or changed the facade of the building. But it is not a master*

plan change. There is a wisdom of the mind. They do not do what is necessary, they go around the laws" [150] *(Personal communication with Mr Tacim, 2022).* During my one-one interview with the One Hope Association, one of the experts also explained how difficult it is to identify each small changes on those master plans made for 100 ha of 540 ha risky areas in Karabağlar . He gave the following example regarding the 6th master plan of the first phase:

> *"Regarding the 6th master plan, in August last year, they (the Ministry) made a plan change on one building block, and they demonstrated it with 'the master plan change boundary'. But there was a separate boundary in the master plan, called 'the plan approval boundary' for all 100 ha…We overlooked that plan approval boundary. After all, the 100-ha area seems to have made a new plan (not a plan change). It appears to be a new administrative action. The new plan appeared with the plan approval boundary. If it escaped our notice, everyone swallows it… Now we will win it (the lawsuit process) again. There are precedent decisions of the Council of State"* [151] *(Interview with the One Hope Association, 29.07.2019).*

In parallel with the detective works of the Karabağlar Neighbourhood Union, it is essential to point out here why the Ministry was constantly changing the master plans in a short time. When I conducted interviews with the Ministry, the employees made the following statements

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[150] The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "Biz yanlışı tespit ediyoruz- mesela diyor ki planı değiştirdim, yürütmeyi durdurdum. Plan değişikliği yapmış ama, parkın yerini biraz kaydırıyor ya da binanın cephesini değiştiriyor. Diyor ki ben plan değişikliği yaptım diyor ama plan değişikliği o değil ki. Akıl var nizam var gereğini yapmıyorsun yasanın etrafında dolanıyorsun."

[151] The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "6. Davada, geçen sene Ağustos'ta, bir tane yapı adasında plan değişikliği sınırı diye bir değişiklik yapmışlar. Üstte ise plan onama sınırı diye ayrı bir sınır var, 100ha tamamında…Plan değişikliği içerisinde plan onama sınırı gözümüzden kaçmış. Sonuçta 100 ha yeni plan yapmış gözüküyor. Yeni bir idari işlem olarak gözüküyor. Plan onama sınırı ile yeni plan gözüküyor. Bizim gözümüzden kaçtıysa herke yer onu…Şimdi tekrar kazanacağız. Emsal Danıştay kararları var."

about the master plans: "*When the tender deadlines are close to the end (with the private planning companies which got the tender for making the master plan), we asked them to make the plans again*" [152] (Interview with the urban planner-A at the Ministry, 08.11.2019). In addition, they also explained why they did not respond to the objection letters for the cancellation of the master plans: "*The number of objection letters is high. On the other hand, all of them are the same objection letters by different people. We don't write any responses to them. But we change the technical problems of the master plans by considering the issues in the objection letters*[153]" (Interview with the urban planner-B at the Ministry, 08.11.2019). Hence, the Ministry requested that the plan changes be made in a short duration, considering the limited time of the contract with the private urban planning companies that prepared the master plan. Due to the time constraint, the objection letters were also not answered in this process. This demonstrates that each master plan enrolled within the process with the same interest "must pass to receive permission for the construction" (Rydin, 2020, p. 3).

Henceforth, the Karabağlar Neighbourhood Union members untangled uncertainties arising from the interaction of space and those master plan decisions. The members, as spatio-legal detectives, could conduct their detective works with the support of different actants (e.g., İzmir Chamber of City Planners, the One Hope Associations, etc.). Therefore, when the master plan enrolled within the process as the main actant raised uncertainties, the acts of the İzmir Chamber of City Planners and the Karabağlar Neighbourhood Union (e.g., writing objection letters to the master plans or challenging the master plan in the court) came out as the main sources of interruptions within the translation process[154] of the master plans. On the other

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[152] The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "İhale sürelerinin bitmeye yakın olduğunda, planları tekrar yapıp bunu onaylayın diyoruz."

[153] The English translation of the quote was made by the author. The original version of the quote in Turkish is as follows: "İtiraz mektuplarının sayısı çok fazla. Öte yandan hepsi farklı kişiler tarafından yazılmış aynı itiraz mektupları. Bunlara herhangi bir cevap yazmıyoruz. Ama itiraz mektuplarındaki hususları dikkate alarak imar planlarının teknik sorunlarını değiştiriyoruz."

[154] According to the Actor-Network Theory, the translation process refers to a process in which sets of heterogeneous relationships between actants (human and non-humans).

hand, their continuous acts of cancelling the master plans did not materialise successfully because the Ministry avoided legal proceedings by making a new master plan or plan changes. In that sense, the temporality of each master plan announcement emerged as another important element within the detective work of the local citizens. Furthermore, after the fourth master plan (See Figure 5. 12), the plot plan enrolled within the translation process and emerged as another main issue. Because the plot plan allowed the construction within the planning area without a valid master plan[155] (See Figure 5. 12 and Figure 5. 13).

Figure 5. 13. (a) The view of one of the neighbourhoods in the Karabağlar risky area, in which the new houses could be seen at top of the hill behind. (b) The photo of the new houses built in the reserve area (Author, 2022)

Even though the Karabağlar Neighbourhood Union demonstrated efforts to eliminate the possible uncertainties that may arise with the implementation of the master plan, the overall movement of the actants enabled the start of the construction within the planning area. It is

[155] Even if there is no valid master plan, the plot plan can be still valid and the construction in the area can continue (Interview with the İzmir Provincial Directorate of Environment, Urbanisation and Climate Change, 29.03.2019).

also important to emphasize that the performative effect of the plot plan was enhanced within the process through the interactions of heterogenous actants. Since the master plan gives no information regarding the relocation plan of the citizens living in the risky area, when the new houses started to be built in the reserve area based on the plot plan, the level of uncertainties within the urban transformation process was exacerbated.

5.4. Concluding Remarks

Being spatio-legal detectives requires spatio-legal consciousness, which is an enhanced understanding of the relations between space and law and its impact on the everyday life of the citizens. In this chapter, I discussed how the citizens living in the Karabağlar risky area have become spatio-legal detectives by enhancing their spatio-legal consciousness at the community level and how they untangled uncertainties within the urban transformation project of the Karabağlar risky area.

Based on the findings, the development of the spatio-legal consciousness of the local citizens are summarised below in parallel to three conceptualisations of the legal consciousness, defined by the seminal work of the Ewick and Silbey (1998): *(1) Before the Law, (2) With the Law, (3) Against the Law.* In this chapter, I illustrated the spatio-legal consciousness of the local community *Before Law 6306* and *With Law 6306.*

'Before the Law', the individuals depict the law as distinct from their ordinary life. *'With the Law*,' people see the law as a game or *'arena of competitive tactical manoeuvring'* where the individuals could have strategic earnings for their self-interest (Silbey, 2005, p. 9). According to Halliday and Morgan (2013), the Ewick and Silbey schemas rely too heavily on individual acts of resistance. Halliday and Morgan (2013) present 'dissident collectivism for legal consciousness' as a fort narrative in which they discuss the gaming potential of state law used by activists to change the power structures. In this study, I discussed the 'With the Law' not as an individual act of resistance but with the concept of 'dissident collectivism for legal consciousness' suggested by Halliday and Morgan (2013) (See Section 1.2.4).

Before Law 6306, most of the local citizens living in the Karabağlar risky area had been experienced uncertainties about their future since they started to build neighbourhoods in the

Karabağlar district by occupying the publicly owned lands in the 1970s. These uncertainties were mostly related to whether their slum houses would be demolished or not due to illegality (Bektaş Ata, 2019b). When various amnesty laws came into force, especially between 1966 – 2019, they developed their spatio-legal consciousness to become a property's legal owners. Hence, the local citizens have enhanced their everyday understanding of laws at the individual level before Law 6306.

With Law 6306, the collective spatio-legal consciousness started to develop to combat a great degree of uncertainties concerning the Karabağlar risky area. To increase their awareness, the local community established a neighbourhood association, organized regular neighbourhood meetings and activities and published neighbourhood newspapers. Especially, through neighbourhood meetings, the local community started to get to know all the legal artefacts (related laws and regulations, master plans, plot plans) and their impacts on their neighbourhoods. According to the study, three groups played a role in developing collective spatio-legal consciousness in the Karabağlar risky area: national experts (such as the One Hope Association and Chamber of City Planners), local experts (members of the Karabağlar Neighbourhood Union), and the local community.

National-level experts, including lawyers and urban planners, helped improve spatio-legal consciousness among local experts and the community by providing information on the enacting process of the Law 6306 and the impact of relevant laws on the neighbourhoods. They further supported them in how they could legally resist the uncertainties arising from the law in the process. Local experts, who have become knowledgeable through support from national experts, act as intermediaries between national experts and the local community. Through this intermediary role, local experts help to create a collective spatio-legal consciousness by encouraging local participation in the law-enacting process to achieve their shared goals. Most members of the Karabağlar Neighbourhood Union have become local experts since the area was designated as risky in 2012. They possess a great deal of knowledge about Law 6306 and related legislation, thereby allowing them to function as spatio-legal detectives. Through their development of spatio-legal consciousness, they have been able to transform this knowledge into a collective consciousness among the local community.

When the local community faced issues concerning the master plans or the risky area decisions, the national experts, acting as the spatio-legal detectives, initiated efforts to resolve these cases, with the assistance of national experts; first, they collected all the evidence through the actants in each case. And then, they untangled the heterogenous relations between the actants, which led them to see the root causes of those issues that caused the uncertainties. To solve the cases and complete their investigation process, they acted legally to deal with the uncertainties together with the local community, which changed the course of actions by the actants within the urban transformation process. On the other hand, their investigation process also became a game of frustration, in which competitive tactical manoeuvring took place for the strategic gains of each actant (Silbey, 2005). In this game, temporality became a key element for achieving that strategic gain. Due to that, understanding the temporal understandings of legislation turned into an essential skill for the national experts to maintain their detective works. Lastly, it is important to mention the motivation of the spatio-legal detectives and the local community, which kept them continuing their investigation process within this game of frustration. The source of their motivation was to maintain the relations[156] and lives they established in their neighbourhoods. Overall, the local citizens started to build their spatio-legal consciousness at the community level when a high level of uncertainties emerged within the enacting process of Law 6306. Their place attachment became an important motivation for them to become spatio-legal detectives.

In this chapter, I presented how the citizens collectively acquired the ability to localise the laws and built their spatio-legal consciousness and how with these skills, they became socio-legal detectives to resolve the uncertainties within the enacting process of the disaster law.

[156] Bektaş Ata (2019a) considers their relations as large-family relations, which turned from neighbourhood relations. According to her study conducted in Limontepe Neighbourhood, located in the Karabağlar risky area, this form of the relationship created solidarity between the citizens, which helped them solve the problems faced since the establishment of their neighbourhood.

Chapter 6. Conclusion

This doctoral dissertation aimed to investigate the role of uncertainty in risk management by analysing the mutual interaction of people, place, and law. The research examined the alteration of legal frameworks for managing seismic risks in Türkiye after the devastating Van earthquake of 2011, with a magnitude of 7.2 M_W. The dissertation focused on Law 6306, which was implemented in 2012 as a response to the disaster, with the goal of reducing the potential for future catastrophic damage in Türkiye. Eleven years after the implementation of Law 6306 as a seismic risk management strategy, the dissertation revealed how the city - and its heterogeneous network of relations among actants – responds to seismic risks and Law 6306.

To understand the actants' response to this law and seismic risks, I followed the *actants* and analysed their relationships with the *issues*, *practices* and *arenas* using the ANT methodological approach (Latour, 2005). In doing so, I examined the *arenas* in which knowledge production took place (e.g., the Parliament, the Ministry, courts, chambers, local coffee houses used by the associations), the *practices* that actants engaged in, especially for their self-interest and the *issues* which were or were not resolved through actants` relationships (Kurath et al., 2018). For this investigation, I collected data about *actants, issues, arenas and practices* through key informant interviews, participatory observations, document analysis, case law analyses, poster analysis, and media research.

The doctoral dissertation results showed that when uncertainties in the risk management process affected the daily lives of the local community living in the risky area, their response was to localise the law by making connections between the law and their district. As localising the law requires an enhanced understanding of laws and laws' impact in particular places, the second significant finding from this dissertation is to demonstrate how the local community made a strong interconnection between the legal and the spatial. The research also highlighted that spatial resistance, which emerged as a reaction to the law's implementation, has played a significant role in developing collective spatio-legal consciousness (Halliday & Morgan, 2013). Collectively setting spatio-legal consciousness has also enabled some citizens to become socio-legal detectives (Bennett & Layard, 2015), allowing them to localise the laws and generate creative strategies to untangle uncertainties by using the gaming

potential of the law (Silbey, 2005). These spatio-legal detectives were able to find solutions to complex uncertainties arising from legal artefacts with their spatio-legal consciousness.

On the other hand, their legal solutions have yet to yield a successful result to address the uncertainties arising from the lack of financial stability in the region - such as for securing the property rights, even with their constant effort to find creative ways of reducing uncertainties. Hence, the increased uncertainties within the enacting process of Law 6306 in the Karabağlar risky area increased the interaction between space and law. Through this interaction, while the complex legal uncertainties are seen to decrease, the uncertainties arising from the socio-economic vulnerability of the place show no sign of resolution, and in fact, have been exacerbated and expanded during the process even with continued spatial resistance.

As this doctoral dissertation investigates distinct arenas where various actants contribute to the production of knowledge, it struck me that one of the most significant reasons for the repeated spatial resistance and the failure to resolve these issues in the risk management process is the absence of arenas that bring together the local community, politicians, and decision-makers. Instead of establishing such arenas, the re-centralization of the risk management process with Law 6306, transferring all powers to the Ministry from the beginning to the end, and centralising decision-making processes into the hands of the Ministry has practically led to the exclusion of local authorities, residents, and civil society groups from participating in this key decision-making process. This hinders the collaboration of local people, local and central authorities, experts, and other stakeholders. One possible solution to address this is to establish arenas by reforming the institutional and legal structure of the risk management process under Law 6306. In these arenas, various actants can engage in facilitated discussions and collectively address site-specific challenges and vulnerabilities, which is crucial for improving risk management processes.

Risk minimization is facilitated by reducing hazards or vulnerability (Cardona, 2004). When lawmakers develop risk management strategies at the national level, it is not possible to take into consideration all of the different vulnerabilities, including territorial, social, or economic vulnerability. However, I would propose that these vulnerabilities can be addressed on a local level, through a legal geography approach, specifically through the concept of symmetrical relationality. Understanding the symmetrical relationship between actants provides an

enhanced understanding of these vulnerabilities and root causes of the uncertainties related to them, in which decision-makers or politicians, together with the local community, can develop place-specific risk management strategies to mitigate these uncertainties.

6.1. Key findings of the study

The doctoral dissertation addressed three key findings and discussed them in relation to the research questions as follows: *Navigating seismic risk with regulation to tame the uncertainties* (how and where did uncertainty manifest itself in the development and approval of Law 6306, and what relations among actants contribute to these uncertainties considering the impact of Law 6306 in places); *Spatial relations, uncertainties and resistance* (how uncertainty manifests itself when Law 6306 is enforced in places where people are living, and what relational dynamics among different actants lead to the emergence of resistance in those places?); *Citizens as spatio-legal detectives unfolding uncertainties* (how do earthquakes, revisions of Law 6306, and spatial resistance interact to shape actants' internalization of uncertainty? how do citizens respond to this intricate interaction? how and why does a spatio-legal consciousness emerge that enables citizens to become spatio-legal detectives in response to earthquakes and revisions of Law 6306 in the Karabağlar risky area?) The following subtitles integrate the findings of this study.

6.1.1. Navigating seismic risk with regulation to tame the uncertainties

The risk management process is often plagued by various uncertainties in regulating risks. In seismic risk management, determining the source of epistemic or aleatoric uncertainties associated with seismic hazards can be particularly challenging. In developed countries, the recent technological, epistemological, and geological developments in the field of the earthquake have made it possible for location and time (30-year periods) dependent forecasting of earthquakes for some areas (UNISDR, 2019), where data on fault lines at the local level is incorporated into global models. In places where high-quality seismic data is available, spatial and temporal assessments can be made to some extent. However, without adequate data, it is difficult to accurately predict earthquakes' likelihood, severity, and timing, especially in developing countries, where information on seismic activity is often scarce.

Therefore, it can be argued that the lack of data on fault lines in certain regions significantly limits the ability to predict earthquakes and effectively manage the associated risks. Hence, instead of attempting to eliminate the uncertainties related to earthquakes, the traditional risk management based on the applied science approach focuses on reducing the vulnerability of the structures or exposure through planning.

Chapter 2 findings demonstrated that Law 6306, which emerged as a risk management strategy dealing primarily with the seismic hazard in Türkiye, came into force based on the applied science approach, in which the Ministry of Environment, Urbanisation and Climate Change emphasised the increased physical vulnerability and exposure concerning the seismic risk of Türkiye. The analyses of the parliamentary meetings demonstrated that, during the law-making process, the ruling party emphasised the uncertain nature of the seismic hazard and discussed the need for a rapid urban transformation process to avoid potential harm to human life or property in cities. In addition, the ruling party highlighted the necessity of a centralised risk management process to realise these transformations rapidly. In this context, this law is a product of Türkiye's re-centralised risk management system, in which the powers of the central government have been re-increased. On the other hand, due to the lack of consideration of the affected cities' economic, social, and legal structures during the law-making process, the implementation of Law 6306 has enhanced uncertainties in many cities, which has legitimised spatial resistance. Therefore, while these transformation processes were expected to take place rapidly with the empowerment of the central movement, as is the case in the Karabağlar risky area, most of them could not be operated under state control and began to enter long waiting periods, which can be characterised by the concept of detransformation (Ay & Penpecioglu, 2022).

The analyses of the parliament meetings also showed that the uncertainty encountered by various actants during this waiting period resulted in several amendments to the law. Specifically, the amendments in the law, which emerged through spatial resistance, is an important finding that shows the impact of space on the law. One of the earliest significant uncertainties brought by the law was the designation of risky areas. Since the government did not scientifically and adequately explain the risk factors during this designation process, the uncertainty about the degree of risk within the designated risky areas led to the emergence of resistance in many of those areas. This resistance in turn, led to the annulment of many risky

area decisions in Türkiye (Akbıyıklı et al., 2017). The government`s response to this resistance movement was changing the criteria defining the risky area in the law, in which areas with illegal constructions which disrupt the social order can also be designated as risky areas.

For instance, after the devastating earthquake that occurred in İzmir in 2020, it was observed that the areas in İzmir that were declared risky were not damaged, including the Karabağlar district. On the other hand, another district in İzmir, which was not declared an earthquake risk area, was severely damaged during this earthquake (See Figure 5. 9). As seen in the case of İzmir, the seismic risk of the designated risky areas became questionable. Hence, based the recent İzmir earthquake and the amendments, this doctoral dissertation suggests that Law 6306 can create risky areas anywhere - as these amendments allow different interpretations of the risk, independent of the seismic characteristics of cities.

While regulating seismic risk, vulnerabilities should be considered in the declaration of risk areas since seismic risk's combination of epistemic and aleatory uncertainties cannot be effectively reduced today, despite significant developments in earthquake science. For the acceptance of the seismic risk management strategies by different actants, the socio-economic and legal conditions of the designated areas should be taken into account, rather than only considering the physical vulnerabilities of those districts when considering seismic risk. Considering these factors will help avoid detransformation in the risk management process, as mentioned in the study (Ay & Penpecioglu, 2022), and accordingly, long waiting periods, as in the case of Karabağlar. By bringing the symmetrical relationality concept to the legal geography approach, the findings of the dissertation not only revealed the interconnection between the law and risky areas due to increased uncertainties, but also demonstrated the socio-economic and legal elements within these areas which blocked the urban transformation process and led to a protracted waiting period, discussed in detail the following section.

6.1.2. Spatial relationality, uncertainties, and resistance

When Law 6306 was enforced in the Karabağlar risky area, the actants started to enrol on the process of urban transformation. Understanding the actants' relations within the space and following them in this process produced rich narratives with an understanding of how

uncertainties are produced. Adopting the ANT methodology in this dissertation allowed me to untangle the more-than-human uncertainties with its symmetrical analysis. Thus, I examined how humans and nonhumans interacted and actively produced/reduced uncertainties in the risk management practice of the Karabağlar case study.

According to the results, three main sets of uncertainties emerged in the Karabağlar risky area related to Law 6306, which triggered the resistance movement in the district. The first set of uncertainties was associated with the risky area decision, which does not correspond with the risk perception of the local community. The second set of uncertainties was linked to the urban transformation process, in which the local community faced an unknown future due to the lack of information on the urban transformation project for the 540-ha risky areas. Lastly, the third set of uncertainties concerned the property rights of the squatters living in the risky area, where they experienced the possibility of losing their property rights.

Regarding the first set of uncertainties, Chapter 5 findings presented that the actants not involved in the translation process can also be a source of uncertainties. For example, the determination of the Karabağlar risky area district without a geological report has created a great deal of uncertainty as to whether the area was at risk, especially for the local community. Moreover, since the locals have lived in the area for more than 40 years without any earthquake damage, this risky area decision did not respond to their risk perception and memory. In response to these uncertainties, the local people resisted and objected to the risky area decision by mobilising actants, such as expert reports, geological surveys, master plans etc., in the court to support their claim to change this decision. On the other hand, as they missed the objection process for the risky area, they also mobilised the previously released master plan creatively with the expert guidance of the One Hope Association. They challenged the risky area decision by using this master plan as announcement material for the risky area decision, which allowed them to challenge the risky area decision within thirty days after the date of announcement of the master plan. Even though they strategically used the actants to make their points about the risky area decision, their attempt was not successful as the jurisdiction of the risky area designation had been changed in the law.

Uncertainties regarding the urban transformation process emerged during the negotiation meetings of ‘Yeni Hedef Harita’ - a private urban planning company hired by the Ministry of

Environment, Urbanisation and Climate Change for this project- following the Karabağlar region was declared a risky area. In particular, the lack of involvement of crucial actants, such as the master plan or the relocation plan, in the settlement process created fundamental uncertainties about the urban transformation process. This uncertainty continued with the announcement and translation of the master plan. The involvement of new actants in the translation process has also affected the level of uncertainty by changing the relationships within the network.

For example, in the first phase of the translation process of the master plan, it only provided limited information for 101 ha of 540 ha. Furthermore, there was no information on the urban transformation model, process, or the relocation of residents. Due to that, various actants, including the Karabağlar Neighbourhood Union, the Chambers, and the Karabağlar Municipality, reacted against these uncertainties and challenged the master plan in the court. However, their resistance did not yield the intended results, because the Ministry of Environment, Urbanisation and Climate Change mobilised the master plan strategically by remaking and announcing it with minor changes without waiting for the court's decision. Due to this strategic move, the previous plan became invalid; thus, the court could not reach any verdicts. This strategic move allowed the uncertainties to continue in the Karabağlar risky area, resulting in the master plan being made, remade, and cancelled eight times between 2015 and 2020. The critical point here is how construction started in the risky area despite the objection to the master plan. The plot plan, which was drawn up when the master plan was valid, remained valid even after the master plan was cancelled, and this allowed the construction of new high-rise buildings in the area during the resistance. Thus, the actants` relationships enhanced the performative effect of the plot plan. Even though the construction had begun in the area, the Karabağlar Neighbourhood Union performed the resistance that change the relationships and ensured that the uncertainties in the process remained the same for a long time.

Lastly, uncertainties regarding the property rights of the squatters emerged through the implementation of Law 6306 in 2012, particularly articles 23 and 24, as these articles posed a threat to the semi-legal status of citizens who had received the LTA documents under Law 2981. The case law analyses of Law 2981 demonstrated that the performative effect of the LTA document in those places depend on its relational socio-legal network. The relationships

determined by the different actants within this network have reduced/increased the uncertainties inherent in the LTA document. Not only had the law enforcement agencies in the administration influenced this, but also non-humans also changed the relationships in the process by preventing the LTA document from being translated into land titles - for example, because of zone changes in the master plan. These case law analyses reveal the issues faced in the translation process in different places and why these places resist the law's articles- which eventually changed with spatial resistance. One of the main reasons for this resistance, is due to the housing agreement contracts that emerged in the urban transformation of risky areas and its relationship with the LTA document. Mobilising this actant, the developers offered LTA document holders less than half their legal rights in urban renewal areas. For this reason, many owners of the LTA documents resisted, especially for converting their LTA documents into land titles. As a result, the spatial resistance movement altered the relationships within the network to reduce uncertainties about property rights.

Focusing on this relational socio-legal network of the Karabağlar risky area provided an understanding of how uncertainties manifested when Law 6306 was enforced in places and how they were performed and materialised through legal artefacts and human practices. The legal-material outcome of Law 6306 demonstrated that some of these actants, such as the LTA document or master plans, became a constant source of uncertainty that led to spatial resistance, and this resistance played a direct role in resolving uncertainties.

6.1.3. Citizens as spatio-legal detectives unfolding uncertainties

This doctoral dissertation suggested the term ‘spatio-legal detectives’ for citizens who collectively acquired the ability to establish a strong interconnection between *legal* and *spatial* and investigated their constitutive relations in specific places. Chapters 4 and 5 findings demonstrated how some of the citizens in Karabağlar became socio-legal detectives and identified creative ways of reducing the uncertainties collectively within the enacting process of Law 6306.

Being a spatio-legal detective requires the development of the spatio-legal consciousness of the local citizens. Thereby, I discussed the spatio-legal consciousness of the local community in Karabağlar based on the seminal work of Ewick and Silbey (1998) with their two

conceptions, *‘Before the Law’* and *‘With the Law’.* Although their study is based on the development of legal consciousness at the individual level, this study's findings offer valuable insights into the transition between the individual and the collective spatio-legal consciousness. In this context, the dissertation examined *'With the Law'* not as an individual act of resistance, but with Halliday and Morgan's (2013) idea of 'dissident collectivism for legal consciousness'.

The laws about seismic risk management did not impact the local community's daily life in Karabağlar until 2012. *Before Law 6306,* the roots of the Karabağlar local community's engagement with the legal are linked to illegality, as most were part of the construction of the squatter settlement in the district. Moreover, the squatters could understand the space well, as they built up their district for their basic housing needs and developed the infrastructure to improve their living conditions. Therefore, the local community developed their spatio-legal consciousness more at the individual level to formalise their slum houses.

With Law 6306, since the law's impact affected their living space and the whole neighbourhood, the local people wanted to resist legally to combat a significant level of uncertainties arising from the law. With Law 6306, the collective spatio-legal consciousness started to develop to combat a great degree of uncertainties concerning the Karabağlar risky area. Three different groups took place in the emergence of the collective spatio-legal consciousness in the Karabağlar risky area, which led to the emergence of spatio-legal detectives. The first group is national-level experts, including lawyers and urban planners working in chambers and associations. The second group includes local-level experts, involving the prominent members of the Karabağlar Neighbourhood Union. This group acted as a link between the local people and the national-level experts, organizing many meetings in the neighbourhood and publishing newspapers on the ground to resolve the uncertainties they experienced in enacting the law. The last group, the local people living in the risky area, participated in these meetings and became part of the resistance by learning from national and local experts. This spatial resistance not only changed the law to protect the property rights of the squatters but more than that, the local community, together with the national-level experts, gained the ability to develop strategies and tactical manoeuvres within the legal system against the impact of the disaster law. Overall, based on the findings of Chapter 4 and

Chapter 5, the spatial resistance movement which emerged in Karabağlar emerged as a powerful act to deal with administrative and legal uncertainties.

Another important key point here is the role of nonhumans in developing a collective spatio-legal consciousness. In the process, one of the essential characteristics of national-level experts as spatio-legal detectives is that they collect all the legal materials that will resolve the uncertainties, analyse them for their investigation scene, and use them in the strategies they develop to untangle uncertainties. These legal materials were mobilised, especially by the spatio-legal detectives, and were used to reveal or change the relationships between the actants. Furthermore, the spatio-legal detectives also used them to demonstrate the impact of the law on the living spaces of the local community; for instance, in one of the neighbourhood meetings, the newly released master plan for the risky area was combined with a google earth map and residents were asked to find their own houses on the map and discuss how it could affect their living spaces. Seeing the impact of the master plan made under Law 6306 directly on their living spaces played a major role in local people becoming part of the resistance. Hence, the nonhumans play significant role to translate the legal knowledge to the local community, in which they could established the interconnection with legal and spatial.

6.2. Theoretical contributions, research limitations, and future implications

The main theoretical contribution of this doctoral dissertation is to contribute the relational perspective of the legal geography research agenda. Thereby, the engagement of the STS with the legal geography approach expanded the concept of relationality. It provided a symmetrical understanding that humans and non-humans are equally important in knowledge production. Unfolding the relations between actants provided an understanding of how the connections are made and unmade, especially between law, space, and people. This understanding reveals what is at stake for the places when the law is implemented and promotes a more nuanced understanding of these issues and the broader impacts of legal decisions in those places. Furthermore, the symmetrical relationality of legal geography brings an understanding of power dynamics in the production and management of risk and how these dynamics influence the decision-making process and enacting of the laws in place. For instance, in the case of Karabağlar, the powerful actants in risk management which could change the relations were not only the central government - the Ministry of Environment,

Urbanisation and Climate Change, but also the local community as spatio-legal detectives, who untangled the interconnections between actants to solve the uncertainties arising from the risk-related strategies. In conclusion, the doctoral dissertation effectively demonstrated the need to examine the interconnections between law, place, people, and seismic hazard, as well as the dynamic and complex relationships between human practices and non-human materialities that emerge during the risk production and management process to deal with site-specific uncertainties.

The second theoretical contribution is developing the term 'Spatial detectives', defined by Bennett and Layard (2015) for socio-legal scholars. In this research, I suggest using this term as 'spatio-legal detectives' for the citizens to demonstrate their ability to trace the constitutive relationship between 'space' and 'law' for their investigation, like the socio-legal scholars. Using this metaphor, I highlight that collective spatio-legal consciousness is needed to explain how ordinary people connect 'space' and 'law' and acquire the equipment necessary to become spatio-legal detectives. Explaining the motivation to become detectives is also key in developing this concept, as given their enhanced understanding of their context, the socio-legal scholars have been able to investigate and reveal the interconnections between space and law with the rigour of a detective. In contrast, the citizens developed their awareness of the relationship between law and space to solve problems that affect their daily lives particularly when laws impact on their living environment. Thus, this doctoral dissertation expanded the use of the 'Spatial detectives' by applying it to the citizens and demonstrating how they investigate the complex spatio-legal contexts with the concept of collective spatio-legal consciousness.

Regarding the limitations of this doctoral dissertation, there are two limitations. The first limitation is related to the number of laws that were investigated during the analysis of the case study. The second limitation is that I collected fewer data from the case study area due to restrictions during the COVID-19 pandemic. Clarifying the first limitations, I focus on two laws in particular: Law 6306 and Law 2981. The reason for concentrating on Law 2981 and the related case law analyses is that the relationship between these two laws created a great deal of uncertainty regarding the rights of squatter owners, especially in the Karabağlar risky area. To comprehend the primary sources of uncertainty regarding property rights, I specifically analysed case laws of Law 2981. Since most of the Karabağlar risky area was

established illegally, many are beneficiaries of different amnesty laws, such as Law 775 and Law 4706. However, these laws were not focused on in this dissertation due to the time constraints of the research and their weak constitutive relationship with Law 6306 in the Karabağlar risky area. The second limitation is the limited follow-up of actants in the risky area during the COVID-19 pandemic, especially in 2020. In this period, many neighbourhood meetings could not be held, and local people could not meet due to curfews, which was a limitation for their resistance and the analysis of resistance in the dissertation.

Regarding the future implications of the dissertation, first, further research is required on the concept of uncertainty in connection with developing a global risk management agenda. This study has demonstrated the importance of the symmetrical relationality understanding of legal geography, particularly in identifying specific uncertainties in seismic risk management. Thus, the symmetrical relationality understanding needs to be applied in different risk management studies, such as flood management, to reveal how the risk or site-specific uncertainties are manifested through the relations between humans and nonhumans when the risk management strategies are enacted in other places. Thus, this application would better expand the range of potential solutions for international risk management processes related to other hazards and better facilitate determining key sources of uncertainties for different case areas, depending on their specific spatial, social, and legal elements.

Secondly, additional research is necessary to investigate the legal spatiality of Türkiye's risk management - based on the implementation process of Law 6306 - to enhance the risk management system at the national level. Applying legal geography in those areas will allow us to unpack the heterogenous relations between actants in different risky areas to identify the specific barriers hindering the effective implementation of the law in those areas. For example, in the Karabağlar case study area, this barrier is related to the lack of financial stability of the district, while in other risky areas, it may be due to different demographic or legal elements. Hence, especially considering that most of the risky areas' urban transformation projects under Law 6306 are in the waiting process due to various uncertainties caused by different spatio-legal networks, this effort would help to reformulate Law 6306 itself as a national risk management strategy that would be in the interest of risk managers, practitioners, policymakers, associations, activists, and citizens. A key aspect of this reformulation involves establishing collaborative arenas that bring together diverse actants to

collectively address site-specific challenges and vulnerabilities. By fostering these arenas for dialogue and cooperation, the enhanced strategy will be better equipped to address the complexities of risk management process.

6.3. Concluding remarks

Successful resolution of uncertainties in seismic risk management depends on a thorough investigation of the vulnerability of regions to regulate risk and develop a deeper understanding of the factors that cause this vulnerability. In legislation, failure to consider different vulnerability types, such as territorial and social, can increase uncertainties in enacting risk management laws. These uncertainties arise as a product of spatial-legal complexity, leading to problematic results -such as the possible displacement or illegality in the case of Karabağlar- instead of creating an effective seismic risk management. An analysis of the constitutive relationship between law, space, and people reveals that spatial resistance effectively addresses legal and administrative uncertainties. Nevertheless, uncertainties arising from a weak economic structure of the district remain unresolved and often result in detransformation, leaving the region even more vulnerable to seismic risks. Therefore, minimising the potentially devastating impact of earthquakes in those areas requires re-examining power dynamics in the seismic risk management process. The uncertainties arising from the economic inadequacy of the district can only be effectively resolved through government action, and the power of the society outside the government remains limited to resolve the uncertainties arising from the lack of financial stability of the regions.

Hence, the complex symmetrical relations between law, space and people need to be carefully reviewed and analysed to revisit these power relations, as a lack of engagement or involvement of specific actants can become the key source of uncertainties not being resolved. For instance, the mobilisation of the omnibus bill as an actant led to the approval of Law 6306 amendments in parliament without adequate discussion, resulting in the continuation of the problems that prompted the spatial resistance in designated risky areas. On the other hand, the fact that the local municipalities, which can identify local problems in their district within the urban transformation process, does not take part as an effective actant in the urban transformation process, leads to again the exacerbation of uncertainties. In conclusion, while Law 6306 was implemented to rapidly transform earthquake-prone areas in Türkiye following

the devastating Van earthquake, its spatio-legal entanglement has created power imbalances that hindered the mitigation of seismic risk, perpetuating the seismic threat.

6.4. Comment on the Türkiye – Syria earthquake on February 6th, 2023

On February 6, 2023, two consecutive destructive earthquakes, the Pazarcık earthquake with 7.7 M_W and the Elbistan earthquake with 7.6 M_W, affected more than eleven cities, including Kahramanmaraş, Gaziantep, Şanlıurfa, Diyarbakır, Elazığ, Adana, Adıyaman, Osmaniye, Hatay, Kilis and Malatya. These two earthquakes occurred within ten hours in the same region. The earthquakes impacted 14,013,196 people, which is 16.4 % of the 2022 population of Türkiye (METU, 2023). The earthquakes resulted in a significant loss of life, injuries, and extensive damage to buildings. By 23rd February, 43,566 people had lost their lives, approximately 507,000 housing units were heavily damaged and collapsed, and around 43,000 buildings had medium and light damage (Erdik, 2023). The exact number of casualties and damages is yet to be determined and constantly increasing due to the aftershocks. For instance, after these two major earthquakes, 433 aftershocks exceeding 5.0 M_W and 6.0 M_W occurred until February 18, causing moderately and less damaged buildings to collapse or be severely damaged (METU, 2023).

Due to the recentness of the earthquakes, an in-depth study is not feasible within the scope of this doctoral dissertation. However, it is already clear that now questions about why earthquake-resilient cities have not been developed and why lessons learned from past earthquakes have yet to be adequately applied, must be discussed, and reflected on. The impact of these earthquakes surpassed that of the devastating 1999 Marmara earthquake, which underlines the need for greater attention to seismic risk management and preparedness measures in Türkiye. The reasons for the failure to establish earthquake-resilient cities and implementing past learnings, must urgently be addressed and investigated in order to develop more effective strategies and mitigate the risks associated with future seismic events.

New laws and regulations had been enacted to enhance seismic risk management in light of the devastating effects of earthquakes in Türkiye, such as those experienced during the 1999 Marmara and the 2011 Van earthquakes. However, the destructive consequences of the Türkiye-Syria earthquakes suggest that the effectiveness of these laws remains insufficient.

According to the report, the seismic actions of the recent earthquakes were larger than Turkish Earthquake Code design levels (i.e., maximum design earthquake with a return period of 475 years) (METU, 2023). This situation led to massive destruction in ten cities, considering that over 51 per cent of the buildings in this region were built according to the updated 2000 seismic design code issued after the 1999 Marmara earthquake (CAT, 2023). The ability of the recent seismic codes to enhance seismic building resistance needs to be thoroughly investigated, considering the impact of the recent seismic actions.

Considering the given age and condition of building stock, why these ten cities cannot be transformed into earthquake- resilient cities through urban transformation is a matter of debate. Within the scope of Law 6306, a total of 22 risky areas in ten of eight cities, including Kahramanmaraş (2), Gaziantep (4), Şanlıurfa (1), Diyarbakır (2), Adana (6), Adıyaman (3), Hatay (3), Malatya (1), were designated in 2012 with the decision of the Ministerial board (Çelikbilek & Öztürk, 2017). However, according to the media reports, it is observed that the issues in Law 6306 enacting process experienced in the Karabağlar risky area, which results in detransformation of the area, have also been experienced in some of those regions. For instance, the process of urban transformation in Hatay's risky area faced obstacles and was ultimately not completed. Despite being initially designated as a risky area in 2013, the State Council cancelled this decision due to spatial resistance in 2019. Henceforth, due to the controversial urban transformation process, detransformation occurred for seven years and the project could not complete. During the recent earthquakes, as with many areas as in Hatay, this 350-hectare risky area also suffered severe damage and was ultimately partly destroyed (Haber7, 2023; Karadağ, 2023). As discussed in this doctoral dissertation, the amendments to Law 6306 have made it possible to designate any area in a city as risky, regardless of its seismic ground condition. The primary issue here is not the rationale behind these designations, as earthquakes can strike anywhere at any time, but rather the issue of why these urban transformation processes cannot be realised. To understand this and effectively implement the legal framework for seismic risk mitigation, examining and discussing the law, space and people triangle and their complex interplay is essential by utilising the lens of legal geography.

One of the most significant challenges in achieving transformation in risky areas is the lack of consideration given to the interplay between law, place, and people. Unfortunately, the socio-

spatial conditions of these areas, including their infrastructure and the practices, habits, and beliefs of their inhabitants, which the law significantly impacts, are often overlooked by the outsiders enforcing the law. This oversight is particularly evident in the urban transformation process of risky areas in Türkiye, which are managed through a re-centralized risk management process that often disregards site-specific challenges posed by the intersection of law, place, and people. For example, specific challenges within the urban transformation process of Hatay`s risky area arose in relation to the legally undocumented cultural heritage of the district (Haber7, 2023). On the other hand, in the Karabağlar region, the findings of this dissertation demonstrate that one of the main controversial issues within the urban transformation project arose through uncertainties in relation to the land title allocation document.

Hence, considering these urban transformation projects, many site-specific conditions are ignored, leading to spatial resistance in urban transformation processes due to the lack of consideration of the legal, spatial, and social elements of those affected areas. Even if the local community identifies and proposes solutions to address specific site problems, the lack of appropriate arenas for discussing these issues, caused by the re-centralization of the risk management process, persists and hinders progress despite spatial resistance.

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Annexes

Annex 1. The summary of case laws linked to the land title allocation documents

Name of the case		Date of application & Location	Subject Matter of the Application	Examination Results			
				Right	Alleged Violation	Decision	Redress
1	Case of Hasan Kaya and others	24.04.2017 İstanbul	The demolition of the applicant's gecekondu, which remained in the green area in the master plan.	Right to property	Zoning	Violation	Re-trial
2	Case of Feti Yılmaz and others	13.11.2017 Ankara	Rejection of the case for getting the compensation of the damage incurred as a result of the demolition of the gecekondu, whose land title allocation document was cancelled.	Right to property	Cadastre, title deed, forest, shore, pasture field	Violation	Re-trial
3	Case of Mehmet Ukav and others	28. 07.2015 İstanbul	Rejection of the request for the translation of the land title allocation document to the land title- although the squatter meets the conditions for acquiring property. However, during the trial process, the master plan was changed, and the squatter's location was changed to an educational area from a residential area.	Right to property	Cadastre, title deed, forest, shore, pasture field	Violation	Re-trial
4	Case of Durali Gümüşbaş	15.04.2015 Ankara	The demolition of the gecekondu that had been registered with a title allocation document.	Right to property	Zoning	Violation	Re-trial
5	Case of Osman Ukav	23.07.2014 İstanbul	Rejection of the case for the translation of the land title allocation document to the land title although the applicant meets all the conditions described by the law. However, during the trial process, the master plan was changed, and the squatter's location was changed to an educational area from a residential area.	Right to property	Cadastre, title deed, forest, shore, pasture field	Violation	Re-trial
6	Case of Ayşe Öztürk	21.08.2013 İstanbul	The evacuation decision was given to the gecekondu registered with a land title allocation document, due to the declaration of the gecekondu's land as a protected area.	Right to property	Zoning	Violation	Finding of a violation
					Cadastre, title deed, forest, shore, pasture field	Lack of jurisdiction ratione materiae	
7	Case of Hüseyin Çınar and others	25.06.2014 Ankara	The demolition of the gecekondu (which did not comply to the zoning legislation on its own land) due to the urban	Right to a fair trial (civil)	Lack of jurisdiction ratione temporis,	Violation	Re-trial

			transformation project. The squatter applied to the court with the claim that the building price was not paid during the demolition. After that, the application of the squatter was rejected due to the rejection of the lawsuit file.	Right to a fair trial (civil)	Right to a reasoned decision (civil)		
8	Case of Osman Uslu	10.06.2014 İstanbul	The rejection of the trial action against the cancellation of the land title allocation document and the failure to complete the trial within reasonable time.	Right to a fair trial (administrative)	Right to a fair trial (general) (administrative)	Lack of jurisdiction ratione temporis	
			Compensation of the damage incurred as a result of the cancellation of the land title allocation document.	Right to property	Cadastre, title deed, forest, shore, pasture field	Non-exhaustion of legal remedies	
			The denial of the case filed with the request for the cancellation of the transaction regarding the request of occupancy fees.	Right to a fair trial (administrative)	Right of access to a court (administrative)	No violation	
9	Case of Cahide Demirkaya	08.04.2014 İstanbul	Cancellation of the land title allocation document.	Right to property	Cadastre, title deed, forest, shore, pasture field.	Lack of jurisdiction ratione temporis.	
10	Case of Kadir Kırgıl and others	17.11.2016 Antalya	The applicant (who is the holder of the land title document) made a payment to buy the gecekondu's land owned by the Antalya Kepez Municipality. Despite the payment of the sale price, the property right was not given by the Municipality, However, title deeds were given to other persons in the same situation by the municipality.	Right to property	Cadastre, title deed, forest, shore, pasture field	Lack of jurisdiction ratione temporis	
11	Case of Mehmet Anduse	06.09. 2013 İstanbul	The rejection of the application for getting a land title allocation document. The application was rejected based on two reasons: (1) the application was not on time; (2) the land of the gecekondu owned by Ankara Metropolitan Municipality was given to the property of a third person by the same municipality. The squatter challenged these decisions in the courts with different jurisdictions, and the claim was rejected by the courts (the lawsuit process took ten years).	Right to property	Cadastre, title deed, forest, shore, pasture field	Lack of jurisdiction ratione materiae	
				Right to a fair trial (administrative)	Right to a trial within a reasonable time (administrative)	Violation	Non-pecuniary compensation
					Right of access to a court (administrative)	Manifestly ill-founded	
					Right to a fair hearing (administrative)	Manifestly ill-founded	
					Right to a reasoned decision (administrative)	Manifestly ill-founded	

					Right to a trial within a reasonable time (administrative).	Lack of jurisdiction ratione temporis	
12	Case of Addurrehman Uray	5.11.2014 Ankara	The rejection of the application for getting a land title allocation document and a request was made for compensation regarding this rejection decision.	Right to a fair trial (civil)	Right to a trial within a reasonable time (civil).	Lack of jurisdiction ratione personae.	
				Right to property	Authorisation, license, allocation of residence.	Lack of jurisdiction ratione personae.	
					Cadastre, title deed, forest, shore, pasture field.	Rejection of application.	
13	Case of Süleyman Üstün	23.08.2013	Cancellation of the land title allocation document.	Right to a fair trial (administrative)	Right to a trial within a reasonable time (administrative)	Violation	Non-pecuniary compensation
				Right to property	Cadastre, title deed, forest, shore, pasture field	Lack of jurisdiction ratione materiae	