

RESEARCH ARTICLE

Police as an Interpretative Community in the Policies of Combating Violence Against Women*

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Abstract

The focus of this study is on the challenges that police encounter while combating violence against women, serving as the implementing entity with roles and responsibilities defined by Law Number 6284, also known as 'The Law on the Protection of the Family and Prevention of Violence Against Women,' and other relevant legislation. Rather than delving into detailed legislative discussions, this article treats the legal context and legislation as political documents. The concept of 'frame conflicts,' a term within interpretative policy analysis, has been employed to explore issues such as the meanings police attribute to the problem in practice, how they implement the policy within the framework of their defined roles, and the difficulties they encounter in this process. While combating domestic violence and violence against women, the practices developed by the police in their professional socialization process and the meanings constructed through these practices provide a 'mapping architecture of interpretation and meaning,' regarding the implementation process of the policy as referred in the interpretative perspective, especially concerning the police. It is believed that this type of analysis will fill an important gap in the literature. A sequential explanatory mixed method has been employed in this study. In this regard, exploratory quantitative research was conducted to define the problem. Qualitative research, built upon the problem areas/themes identified through the findings from the quantitative research, was completed by following the constructivist research process defined by grounded theory.

Keywords: Policies to Combat Violence Against Women, Public Policy Analysis, Interpretative Policy Analysis, Police as Policy Implementation Actor.

Öz

Bu çalışma, 6284 sayılı "Ailenin Korunması ve Kadına Karşı Şiddetin Önlenmesine Dair Kanun" ve ilgili mevzuat temelinde politika uygulayıcı bir aktör olarak polisin mevzuatta tanımlı rol ve sorumlulukları ile kadına yönelik şiddetle mücadele ederken uygulamada karşılaştığı sorunları konu edinmektedir. Ayrıntılı mevzuat tartışmalarından öte makalede hukuksal çerçeve ve mevzuat, politika belgeleri olarak ele alınmaktadır. Polisin uygulamada sorunu nasıl anlamlandırıldığı, tanımlı rolleri çerçevesinde politikayı nasıl uyguladığı ve bu süreçte karşılaştığı zorluklar, yorumlamacı politika analizinin kavramı olan "çatışan çerçeveler" ile ortaya konulmaya çalışılmıştır. Aile içi ve kadına yönelik şiddetle mücadelede polisin mesleki sosyalleşme sürecinde geliştirdiği iş yapma pratikleri ve bu pratikler üzerinden inşa ettiği anlamlar, politikanın en azından polis özelinde uygulanma süreci ile ilgili yorumlamacı perspektifin ifade ettiği gibi "bir anlam inşa haritası" vermektedir. Bu tür bir analizin literatürde önemli bir boşluğu dolduracağı düşünülmektedir. Çalışmada sıralı açıklayıcı karma yöntem kullanılmıştır. Bu doğrultuda sorun tanımı için keşfedici nicel araştırma yürütülmüştür. Nicel araştırmadan elde edilen bulgulara dayalı sorun alanları/temaları üzerine inşa edilen nitel araştırma, gömülü teorinin tanımladığı yapılandırmacı araştırma süreci takip edilerek tamamlanmıştır.

Anahtar Kelimeler: Kadına Yönelik Şiddetle Mücadele Politikaları, Kamu Politikası Analizi, Yorumlamacı Politika Analizi, Politika Uygulayıcı Aktör Olarak Polis.

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Introduction

A policy can be analyzed through various lenses, including bureaucratic structures, formal institutions, and legislation, as well as informal elements such as the meanings, ideas, discourses, and narratives held by decision-makers and implementing actors at any stage of the policy process (Yanow, 2003; Schmidt, 2008, 303-305; Yaldız, 2020, 17-18). Post-positivist policy analysis approaches like new institutionalism, interpretative, deliberative and critical policy analyses particularly emphasize the influence of ideas, artefacts, discourses, and narratives behind policies on the policy process (Yanow, 1996, 44-45; Yanow, 2000, 4-6; Orhan, 2013, 75; Peters, 2019, 132-133). Within the interpretative approach, underpinned by post-positivist methodological assumptions, Dvora Yanow (2003, 238) underscores the significance of the local context and the role of implementing actors in shaping the policy process. She contends that "once a piece of legislation (is) passed, policy debates do not die", and the laws or other policy documents are not merely static texts; rather, they "survive and resurface in subsequent debates." During their implementation, they are reinterpreted and reframed by the actions of implementing actors, leading the policy to manifest differently in practical scenarios.

Interpretative and critical policy analysis shed light on how policies are implemented and reinterpreted in local contexts, drawing on Lipsky's concept of "street-level bureaucracy" (Yanow, 1996, 64-65; Laws & Hajer, 2006, 412; Wagenaar & Cook, 2003, 142). Lipsky (2010, 9-14) argues that although policies are formulated at the central level, their execution by street-level bureaucrats, such as police, social workers, doctors, local court officials, and lawyers, who represent the state locally, will inevitably diverge from their original design due to the distinctive characteristics of local contexts. He highlights the pivotal role of street-level bureaucrats in the policy process, noting that their actions and practices, despite legal constraints, significantly influence and reconstruct policies.

Yanow (1996, 65) posits that this scenario inevitably results in the emergence of two distinct interpretations of policy: one derived from the street-level bureaucrat's interpretation of the law, and the other from the citizen's understanding of the bureaucrat's reinterpreted and reconstructed policy.

This study focuses on the roles assigned to the police in "Law No. 6284 on the Protection of Family and Prevention of Violence Against Women" and examines the challenges they encounter in implementing policies against domestic and gender-based violence. It explores how the police interpret the problem the state aims to address through this policy and how they define, perceive, and respond to domestic and gender-based violence in their operational environment. The response of the police is vital since the first application unit preferred by women exposed to violence is police stations¹ (ASPB, 2015, 164). Understanding the police's artefacts and habitus as actions, as well as their perceptions, challenges, and strategies in practice is crucial for analyzing state policies against domestic and gender-based violence. Indeed, Neocleous (2013, 44-46) emphasizes that the discourse surrounding police power can reveal much about the nature of state power. This study, offering an interpretative policy analysis through the perspective of policy implementers, is significant as it aims to contribute to the literature by interpreting the battle against gender-based violence from the vantage point of the police.

Method

This study was conceptualized as an endeavor in understanding the "interpretations and meanings" and is anchored in the theoretical underpinnings and methodology of interpretative policy analysis, primarily emphasizing qualitative method (Yıldırım & Şimşek, 2000, 46-47; Fay, 2005, 160; Creswell, 2020, 22-25). Semi-ethnographic study featuring active involvement of the researcher within all the elements of the field study began with a quantitative, exploratory field research. The initial phase sought to determine the presence and

¹ During the fieldwork, applications falling under the provisions of Law No. 6284 within the purview of the Directorate of Police were sourced

directly from Police Stations. After fieldwork was completed, this implementation was changed in the mid of 2020.

variation of political problem definitions across different variables (Punch, 2016, 232-233). So, the fieldwork embraced a "sequential explanatory mixed research design," where qualitative research followed the quantitative exploratory stage to examine specific findings more closely (Creswell & Plano Clark, 2015, 89). After obtaining approval from the ethics committee and securing research permits², the fieldwork commenced in late 2018, continued with qualitative interviews in 2019, and concluded in March 2020.

In the quantitative stage, a semi-structured questionnaire was distributed to 190 police officers, including both constables and higher rank officers, across 75 provinces. The aim was to outline the landscape of policy-related problem perceptions. A purposive, non-representative sampling strategy was employed to maximize diversity, without intending to generalize. The first component of the research explored the challenges police officers encounter under Law No. 6284, along with the commonalities and differences in their problem perceptions.

The demographic composition of the quantitative sample was 61.1% male and 38.9% female, with an average age of 34.2 years. Approximately 70.5% were police officers, and 29.5% were of higher rank, mainly deputy inspectors. The average service duration was 10.6 years, with 63.2% having served in public order units. The qualitative research component of fieldwork, conducted by Creswell's (2020, 22-41) constructivist perspective within an interpretive framework, utilized grounded theory design. Grounded theory suggests that theories emerge directly from data in the field, especially in activities, actions, interactions, and social processes, and seeks to inductively develop theoretical concepts that explain these patterns (Creswell, 2020, 86). Punch (2016, 161) supports using grounded theory for studying professional practices, organizational dynamics and processes as opposed to hypothesis testing. This study adhered to grounded theory's stages of data collection, coding, theoretical sampling, and

theory development, aligning with the study's central question.

During the qualitative phase, observations and one-on-one interviews were conducted with 45 police officers in both central (General Directorate of Police, Public Order Department in Ankara) and local settings (Police Stations). Theoretical sampling steered the choice of five Ankara districts (Altındağ, Mamak, Yenimahalle, Keçiören, and Çankaya), each with distinct socio-economic profiles, for police station interviews. A total of 34 interviews were conducted at 16 police stations, including discussions with a record keeper and a domestic violence contact person³ at each site. Moreover, interviews with 9 officers from the General Directorate and two from the Ankara Provincial Police Department were completed by the end of 2019. In line with grounded theory, data collection and coding were performed concurrently over a year. Subsequently, 7 qualitative interviews with women's organization representatives were conducted in early 2020.

This article presents the qualitative analysis results within the context of the four primary problem areas/themes identified in the quantitative component. The emphasis is on the interpretations and theoretical propositions derived from the narratives, rather than focusing solely on the police narrative. These propositions are examined through the lenses of interpretative policy analysis, deliberative policy analysis and new institutionalist perspectives with the critiques of positivist methodology like historical institutionalism and discursive institutionalism. This approach provides a theoretical and analytical toolkit for the study.

The Role and Responsibilities Assigned to Law Enforcement in Legislation on Combating Violence Against Women

² Police Academy Presidency Scientific Research and Publication Ethics Committee, Decision No. 2018/03, dated 21.11.2018.

³ Record keeper and contact person are police officers, in addition to their many other duties at the police station, communicate directly with the

victims and perpetrators of violence, carry out relevant judicial proceedings, and monitor the cases.

Law No. 6284 primarily functions as a legislation for protective and preventive measures, aimed at introducing novel approaches to counteract violence. This includes prompt interventions in instances of direct violence or risk of being affected by violence, along with rapid actions by first responders to protect the victim and prevent further violence. The law also designs the establishment and operation of essential social, psychological, and financial support systems to disrupt the cycle of violence affecting individuals. International conventions we are party⁴, define and classify violence against women as a form of discrimination based on gender inequality and a violation of human rights. As a result, state parties are obligated to develop co-operated and integrated multi-agency policies to address all forms of gender-based discrimination, including those specific to their cultural settings. These policies should also promote effective violence prevention strategies and implement actions to eliminate gender-based discrimination in society (UN Committee on CEDAW, 1992; 2017). In line with CEDAW General Recommendation Decisions No. 12, 19, and 35, it is recognized that the discrimination leading to violence against women is a phenomenon culturally reproduced through generations, often legitimized by customs, traditions, and beliefs. This situation calls for a thorough strategy to question mainstream policies and requires the state to fulfill positive obligations to reduce socially ingrained disadvantages (Uygur & Çağlar Gürgey, 2014, 45-46; Berktaş, 2015, 48-52). Furthermore, in combating discrimination against women and the ensuing violence, the state is expected to exercise "due diligence," create mechanisms with "immediate response capability" for violence, and enforce necessary measures to prevent the "secondary victimization" of violence victims (Uygur, 2015, 208-209). These aspects are particularly vital for law enforcement, forming the basis for their designated powers and responsibilities in Law No. 6284.

The state's obligation of due diligence is detailed in clauses 8 and 9 of CEDAW General

Recommendation No. 19. This obligation entails recognizing that perpetrators of gender-based violence may include public authorities, thereby requiring the state not only to refrain from such acts of violence against women but also to actively prevent them. A state's failure to exhibit due diligence in averting rights violations stemming from discrimination and violence, conducting effective investigations, punishing offenders, and compensating victims also results in its accountability for individual acts of violence. States are advised to be aware of societal structures, cultural justifications, and processes that subordinate women, both socially and legally, and to adopt necessary positive obligations to prevent rights violations. Overlooking these steps equates to endorsing violence. General Recommendation No. 35 further explicates these responsibilities, highlighting the state's duty to provide crucial mechanisms and adequate budgetary resources for protecting victims of gender-based violence, preventing further violence, compensating victims and offering "accessible, affordable, and adequate service." The Istanbul Convention extensively discusses the prevention of recurrent violence, underscoring the need for states to develop capacities for swift response and immediate intervention in any violence threat. Preventing secondary victimization involves conducting effective, expedited investigations and ensuring all necessary actions are taken to prevent new incidents of violence during the investigative process (Istanbul Convention, 2011). Law No. 6284 identifies such scenarios as "cases where delay is considered to be risky", conferring specific competent authority on law enforcement.

The 2013 implementation regulation of Law No. 6284 defines "cases where delay is considered to be risky" as situations requiring immediate action to prevent violence, safeguard individual safety, rights, and freedoms, and prevent harm to the protected person, particularly where there is a risk of the perpetrator fleeing or evidence being destroyed, and where there is not sufficient time

⁴ CEDAW and the Istanbul Convention: In the field process of this study, Turkey terminated its association with the Istanbul Convention (Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence) on March 20, 2021, through Presidential

Decision No. 3718 published in Legal Gazette No. 31429. However, the same international obligations persist in accordance with the provisions of the ratified CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) by the Republic of Turkey.

waiting for cautionary decisions to be taken by the administrative chiefs or judges (Law No. 6284 Implementation Regulation, 2013). Therefore, under international obligations, the state's duty to respond quickly "in situations of immediate danger" and "prevent secondary victimization" in domestic or gender-based violence cases is assigned to law enforcement under Law No. 6284. Law enforcement duties, as specified in Article 11 of the Law, necessitate execution by personnel adequately trained in relevant areas (such as gender equality) and in sufficient numbers.

Under Law No. 6284, law enforcement officers are empowered to implement temporary protective and preventive measures for both victims and perpetrators in cases where delay is considered to be risky. This entails rapidly responding to violence incidents, conducting initial investigations, and performing risk assessments. If there is a probability of recurring violence or harm to the victim without immediate protective orders, temporary measures are required.

The Law outlines temporary protective measures that law enforcement can adopt for victims of violence, their relatives, and children, where applicable. These measures include providing appropriate shelter or accommodation and, in cases of life-threatening risk, temporary protection upon request or *ex parte* and *ex officio*. Law enforcement must submit these measures to the administrative chief for approval within 48 hours, and any unapproved protective measure becomes invalid after this period (Law No. 6284, Article 3-(2)). As such, temporary protective measures implemented by law enforcement are primarily concerned with the victim of violence and do not restrict others' freedom. Hence, Article 8 of the Law states that "no evidence or report proving the violence is required" for cautionary decisions regarding protective measures.

To prevent violence by perpetrators, law enforcement officers may also implement specific preventive measures when a significant risk is identified. In cases where delay is considered to be risky, the temporary preventive measures that law enforcement can impose include (Law No. 6284, Article 5): prohibitions against threatening or

demeaning behavior toward the victim, immediate removal from shared dwellings and allocating the shared dwelling to the protected person, restrictions on approaching the victim's residence, school, workplace, and, if necessary, the victim's relatives, witnesses, and children, except in cases involving personal relationships.

Family courts are the final authorities for deciding on preventive measures, with the law stating that judges can decide on all listed protective and preventive measures and also unlisted any other necessary measures (Aslan Düzgün, 2018, 27). Preventive cautionary decisions made by law enforcement must be submitted to the family court within 24 hours and the measures which are not approved later than first working day by the judge shall be *per se* abolished (Law No. 6284, Article 5-(2)). Given the restrictive nature of these measures and their focus on the perpetrator, the Law emphasizes the importance of "taken without delay", their immediate implementation.

Another responsibility of law enforcement is to pronounce and notify the protective and preventive measure decisions to the involved individuals. This process includes thoroughly explaining the stipulations and potential penalties for non-compliance. Moreover, law enforcement is tasked with monitoring adherence to the cautionary decisions. The specifics of the notification and explanation processes are detailed in Article 8 of the Law, and the monitoring procedures are described in the implementation regulation. In summary, under Law No. 6284, law enforcement officers are mandated to promptly respond to incidents of violence, impose temporary protective and preventive measures in cases of significant life risk or danger of harm to violence victims or other vulnerable individuals, communicate and enforce the decisions once finalized by the administrative chief or judge, and supervise compliance throughout the duration of the measure. In these operations, law enforcement officers must be "trained in gender equality" and staffed in adequate numbers.

Capacity Issues: The Role Defined in Legislation vs. The Role Constructed in Practice

In both the quantitative and qualitative components of the study, police officers primarily identified capacity constraints as the main challenge in implementing Law No. 6284. The quantitative research involved asking participants to list the top three obstacles they face in units dealing with domestic and gender-based violence, ranking them by importance. Out of 269 responses, four thematic categories emerged.

Table 1: Capacity Issues

	Number of Responses	%
Insufficiency of personnel, dual and additional assignments, inadequacy of vehicle availability	25	9,3
Lack of adequate training on the law among personnel	11	4,1
Conducting follow-up/monitoring procedures on paper due to staff/vehicle shortages	10	3,7
Lack of a special area for victim statement, inadequate physical conditions	8	3,0
Inconsistent practices across different provinces/regions, lack of uniformity in implementation	6	2,2
Difficulty in establishing comfortable dialogue with female victims due to record keepers being generally male	5	1,9
Patrol units perceiving violence issues as menial tasks and lacking a sensitive approach	5	1,9
Absence of expert psychological support staff in application units	3	1,1
Lack of adequate support and importance given to domestic violence offices in provincial police departments	3	1,1
High volume of investigation documents and applications, overcrowding in police stations	2	0,7
Issues with privacy violation	2	0,7
Causing secondary trauma	2	0,7
Inexperience	1	0,4
Absence of specialization in the police force	1	0,4
Unprofessional approach/police acting as mediators	1	0,4
Officers issuing protective orders without initiative in every application	1	0,4
Total Responses	86	32,0

The leading issue for police officers under this law is insufficient staffing, the dual assignment of personnel to other units, and a lack of critical equipment and vehicles for intervention or follow-up. While the law anticipates adequate personnel allocation in both quantity and quality, a significant shortfall in staff training and number of officers within these units is also a notable concern of police. Integrating this theme with qualitative

insights uncovers problems such as unsuitable police station conditions to exercise due diligence for effectively serving victims, while combating other forms of crime and operating crime investigation process "obligations to do many tasks at the same time" including obtaining statements from female victims, a predominance of male record keepers, and the absence of female record keepers during evening and night shifts, difficulties reporting violence in a comfortable situation for female victims with male record keepers. Officers also highlighted the impracticality of a single female contact officer managing weekly follow-ups on 100 to 400 cases through home and workplace visits and interactions with neighbors and relatives, as required by the law. Moreover, most female victims reportedly resist on-site follow-up, perceiving it as a privacy violation.

According to police narratives, they are expected to function effectively with limited resources. Police station work conditions are challenging, and there is an expectation to handle female violence victims under Law No. 6284 with "sensitive care." Superficially interpreting capacity issues in police narratives as excuses for reluctance to work in an undesired area or framing the primary issue as altering police attitudes towards gender inequality (as if they were a community out of society) risks missing the deeper context behind reconstruction of law by their implementation of policy with work practices and co-production of actionable knowledge. The challenges between legal mandates and practical implementation, or the gap/conflicting frames between the law's ideas and its real-world application as examined by Lipsky, interpretative and deliberative policy analysis, offers a more nuanced understanding of police narratives within the policy context. Lipsky, in "Street-Level Bureaucracy: Dilemmas of the Individual in Public Services," argues that centrally decided policies are inevitably locally reinterpreted and reconstructed by implementers, and he examines how policies as written varies in practice or policy as performed. He suggests that public service agents often face the challenge of achieving substantial outcomes with limited resources, and that capacity constraints and queues at public facilities are major hurdles for

local policy implementers (Lipsky, 2010). This situation leads to contradictions in work execution, prompting actors to develop relatively rational work practice with "practical judgement" to meet specific contextual demands despite limitations (Wagenaar & Cook, 2003, 142-145). Policy implementer actors accumulate these context-specific solutions, eventually forming a unique practice or habitus for that policy, in Bourdieu's terms (Bourdieu, 2000). The evolution of work practices amidst policy-implementation contradictions is functional, making the policy workable, though different from its legislative intent. It is shaped by implementers' methods, assuming a distinct character in the perception of the citizen/service recipient (Yanow, 1996, 65). Wagenaar's concept of practical judgement is more than mere legal knowledge; it represents practical solutions arising from implementation, it is not applied to action but "drawn upon" from action. "Workable solutions are not simply "delivered" by the production of new or more knowledge, but arrived at haltingly by exercising practical judgment and creatively invoking knowledge in the course of acting on concrete situations" (West, Kerkhoff & Wagenaar, 2019, 549).

Lipsky describes these practical divergences in implementation as "shortcuts in implementing the law." He observes that these instant solution strategies, developed by street-level bureaucrats in response to capacity constraints and diverse situational contexts, essentially enable the law's applicability despite implementation challenges. These actions give the law a concrete presence in social reality (Colebatch, 2009, 27). While these shortcuts might increase the gap between law and implementation, they involve "acceptable levels of compromise" (Lipsky, 2010, 80-85). For example, to prevent secondary trauma; police officers aim to have female officers record statements from violence victims when possible. Follow-up officers, even without designated vehicles, strive to conduct weekly visits to high-risk women as legally required, using personal resources for transportation and conducting follow-ups for other cases (most of whom decline on-site follow-up) through personal phone calls.

Incompatibility of their context to exercise due diligence is rationalized by the limitations of police station operations: the absence of single-person statement rooms, handling excessive domestic/gender-based violence cases concurrently with other public order incidents, lack of dedicated vehicles for the follow-up bureau, and insufficient staff numbers. Officers try to explain that the station environment is not conducive to properly addressing the disadvantaged situation of violence victims. Their roles at the station are multifaceted; they were not exclusively hired or trained for this specific task. Lipsky points out that local implementers might not always align with central directives, especially if their roles do not match the needs and objectives of their assigned units. If their superiors enjoy better working conditions, discrepancies between local implementations and policy decisions taken by central organization may become more pronounced (Lipsky, 2010, 16-17). Therefore, police officers' negative views of police station conditions and police station officers, their lack of choice in departmental assignment, and absence of specialized training gain significance. Notably, in many countries and implementation known as ideal, there is no distinct specialization police units for handling violence against women cases, and general police training does not differentiate into branches. The tendency towards police specialization has its own problematics. Officers frequently mention about receiving training on gender equality and violence against women. However, effectively addressing violence against women involves multi-actor, case-based collaboration, considered the ideal approach instead of a single actor specialized in every subject. Police stress the need for support from specialized professionals to provide psychological and legal assistance to victimized women when police approach is inadequate or not sensitive. Thus, the main challenge is managing a process as complex as combating violence against women, requiring multi-actor, case-based management, solely using police measures and enforcement capacity.

Misuse of Law - The Paradox of Inability to Exercise Discretion

In policy analysis literature, particularly within interpretative and deliberative frameworks, discussions often revolving around the divergence between policy and its execution theoretically intersect with the discussions on the dynamics of law and order in policing studies. Campbell characterizes the portrayal of implementers as passive, devoid of subjectivity, and incapable of crafting agency through their actions as equating them to robots "blindly following institutionalized texts and covert words" (Campbell, 1998, 383). In this light, interpretative analysis interprets the role of implementers, such as police officers, as crucial in materializing law into human reality. Policing studies view this as the police's effort to tailor the law to societal order using their discretion. The police bear two primary societal responsibilities: law enforcement and maintaining peace/order. However, these duties sometimes conflict, leading the police to engage in mediation to strike acceptable levels of compromise between law and order. Reiss posits that the law is realized through this mediation and the agency of the police (Reiss, 1972, 1). Although police duties appear focused on law enforcement, their function often translates to "using laws to maintain order" (Hall, 1953, 139). Order, especially in the context of women's policies, is not a construct that can be solely based on laws. When order indicates a patriarchal system, laws might persist despite the prevailing social order, or the societal order may continue reproducing itself regardless of legal mandates (Tokuroğlu, 2004). The policing, hence, is seen as "a task in a problematic, inconsistent, tense, and conflictual field, where making order and law functional involves reconciling and alleviating tension without harming each other, and even strengthening each other" (Koca, 2015, 4). The police's effectiveness in this mediating role, making law tangible in social reality by their action/work practices or habitus, depends on using their discretion. They bridge the gap between law

and order through this discretion, shaping their agency in the process.

In the context of implementation on Law No. 6284 and related international obligations, a tension exists between the law's ideals and the prevailing order. While the law aims to combat gender discrimination, the existing order remains patriarchal. Moreover, the police's discretion in constructing their agency is constrained under this law. Under Law No. 6284 and its foundational international obligations, any mediation by state actors in cases of violence against women, such as reconciling or negotiating between parties, is prohibited (Istanbul Convention, 2011, 17; UN Committee on CEDAW, 2017; Law No. 6284 Implementation Regulation, 2013)⁵. Research on violence against women indicates that prior to Law No. 6284, police often engaged in conciliatory actions in domestic violence cases (ASPB, 2015, 167). Field participants acknowledge that this conciliatory role persisted for one or two years until the law's implementation procedures were solidified. Utilizing historical institutional policy analysis, it can be argued that in violence against women cases, the police previously followed an unwritten practice of reconciliation, exhibiting "path dependency" towards this approach. The historical institutional perspective suggests that creating a policy for the first time is relatively straightforward due to the absence of institutional memory or established practices. However, modifying an existing policy is challenging and contentious, with the path dependency of the old policy persisting as long as the underlying policy ideas continue (Hall & Taylor, 1996, 9-10; Peters, 2019, 80-81). It has been highlighted that post-2014 and 2015, police distanced themselves from mediation roles according to police narrative. Moreover, institutional experience and concerns about mediation potentially exacerbating violence have led to greater scrutiny under internal control mechanisms of applications made under Law No. 6284, particularly in cases of femicide, with training contributing to this shift.

Although the police's discretion in actualizing the law in social reality is limited under Law No.

⁵ For details; Istanbul Convention Article 48, CEDAW General Recommendation No. 35 clause 35, Implementation Regulation of Law No. 6284 Article 35. Although mediation activities are not completely

prohibited in CEDAW provisions, they are subject to conditions that can be interpreted as equivalent to a ban.

6284, narratives from participating officers suggest they do not seek a mediating role.

Table 2. Issues Related to Victim Women

	Number of Responses	%
Misuse of law by women	31	11,5
A woman with a cautionary decision changing her address without notifying the police, and institutions failing to report the address change	10	3,7
Parties reconciling while a restraining order is in effect	8	3,0
Women with a protection measure expecting police to wait outside their door	4	1,5
Different demands of victim women and children	3	1,1
The law disrupting family unity/failing to protect the family	3	1,1
Women's indecisive/inconsistent attitudes before and after approaching the application unit	2	0,7
Women providing unnecessary details in their statements	2	0,7
Lack of knowledge in victim women	2	0,7
Children being significantly harmed during the process	2	0,7
Women's financial dependence on the man who is ordered to stay away	2	0,7
Difficulty understanding a crying woman's statements	1	0,4
Victim women's reluctance to go to the police station	1	0,4
Victim women constantly calling/disturbing the police	1	0,4
Women's fear of family/community when filing a complaint	1	0,4
Family/community obstructing women's attempts to file complaints	1	0,4
Women's reluctance to go to shelters	1	0,4
The need to listen to the perpetrator of violence	1	0,4
The man ordered to stay away violating the measure and insisting the woman should leave his house	1	0,4
Restraining orders potentially escalating violence in small places	1	0,4
Exposure to the perpetrator's reactions	1	0,4
Inability to thoroughly explain the consequences of cautionary decision to women	1	0,4
Total Responses	80	29,7

The tension between the law and the patriarchal order manifests in police perceptions and narratives towards victims. In these narratives, various stereotypes of women emerge, such as the genuine victim or the victim who manipulates the

law. Analyzing these narratives reveals a different problem area the police aim to highlight.

In the context of this research, the data from the quantitative component reveal that police officers identify significant challenges in enforcing the law, particularly in dealing with victimized women. The officers report instances where some women exploit the law, leading to the provision of temporary measures without investigation, based solely on the woman's account, which they argue undermines the presumption of innocence. Despite explaining and documenting the decisions to the women, non-compliance to cautionary decisions sometimes results in challenging situations or leaves them unprotected. Situations where parties reconcile while a restraining order is in effect also invalidate the procedures and actions taken, an issue frequently mentioned in both quantitative and qualitative research. The limitation of discretion essentially affects their action and work practice non-functioned. They began to interpret their action-oriented performances under Law No. 6284 as ineffective and insignificant, as the law fails to address real victims and as the law negatively impacts family life for both genders and children in case of misuses of law. The police lament that there is no distinction, in any institutional mechanism on combating domestic and gender-based violence, between women who abuse the law and genuine victims, leading to a blanket approach of granting all requested measures for everyone. This practice is inconsistent with international obligations and the law itself. For instance, using the woman's statement as the sole basis is not mandated by international obligations or the law⁶. While protective measures (like providing an appropriate shelter and a temporary protection) that do not restrict the perpetrator's actions aren't required "evidence or report proving violence", in cases of acute violence, preventive measures restricting the perpetrator's actions are taken "without delay". So, the law does not forbid a quick investigation and risk analysis while deciding on

⁶ The principle of "Woman's account is essential", since it is not always possible to find report and evidence proving violence in sexual harassment and assault crimes, was stated that the woman's account should be taken as basis, and this decision set a precedent for sexual harassment cases in 2004 (Supreme Court 5th Criminal Chamber,

2003/4048E. and Approval Decision No. 2004/00310K). In the 1988 Salabiaku-France case, the ECHR also stated that any reports and evidence proving violence cannot be sought in sexual harassment crimes (ECHR, Salabiaku-France Case, 7 October 1988, Series A No. 141-A).

preventive measures (In fact, the main criticism of the law stems from preventive measures such as restraining orders). Despite a risk analysis form being used in practice to guide police and other implementer actor's actions, decisions are often made based on requests rather than case-by-case assessments. This was confirmed at the "2022 Action Plan on Combating Violence Against Women" meeting, where it was reported that victim accounts are typically the basis for each form of cautionary decisions.⁷

According to the police narrative, the law's implementation fails to adequately and effectively reach or assist real victims. Real victims trapped in a cycle of violence are often unable to approach the police, and when they do, the measures provided are insufficient without being equipped women's empowerment policies to enable them to start anew, forcing them back under the same roof as the perpetrator. International obligations necessitate comprehensive support, to compensate the victims in all aspects for the damage suffered and multidimensional policies to prevent violence. However, police measures or temporary actions fail to extricate socioeconomically dependent women from violent environments, especially when the state does not provide adequate support and empowerment policies as its positive obligations or create conditions for these women to start over, potentially with children. Conversely, they observe that in situations like divorce or custody cases, the law is sometimes manipulated by individuals already living separately.

This police perspective on real victims versus those who exploit the law presents two main objections to the law, akin to Ellen Immergut's concept of veto points. According to Immergut, political decisions are a series of decisions taken by different actors in different institutional processes, not singular decisions. When a law is enacted or amended, it must receive positive votes from different institutional decision-makers. Immergut suggests that negative votes or veto points, which can obstruct change, are crucial in institutional changes and should be especially examined as it

will create a barrier to change. The veto point consists of the "thoughts of what is best" of the implementing actors at the local level, and whether these ideas will give a veto opportunity and how effective they will be are determined by the characteristics of the institutional context in which the actor is located. (Immergut, 1992, 63-65; 2006).

In the context of police narrative, the local organization's veto point is taking the victim's statement as the primary basis, while the central organization objects to centering police measures in the policy. Local police as an implementer actor in policy, believe that prioritizing the victim/woman's statement leads to misuse of the law, potentially disrupting family unity though law includes "to protect family" on its title. They advocate for intermediate institutions to be consulted or for other experts to be involved during the application process. The central organization, on the other hand, argues for focusing on Violence Prevention and Monitoring Centers (ŞÖNİM) at the policy core, contending that temporary measures by the police, not re-examined by other actors or case-based, lead to law misuse.

These objections, however, are thought not to directly impact implementation. Interviews indicate that police, despite concerns about law abuse, are reluctant to exercise discretion in giving temporary measures, avoiding any significant risk. Yet, the narratives they construct at the institutional level are important in shaping the police's coordinative discourse, which can influence policy contextually. Vivien Schmidt defines coordinative discourse as a negotiation environment where various policy actors, including bureaucrats, experts, academics, and activist groups collaborate to create, revise, and evaluate policies. This is distinct from communicative discourse, where politicians explain policies to the public (Schmidt, 2008, 309-310). When Law No. 6284 is subject to discussion or revisions in politics or at "critical junctures"⁸ related to women's policies, the coordinative discourse shaped by police narratives is

⁷ The statement made by the Minister of Family and Social Services on the subject; <https://www.aile.gov.tr/ksgm/haberler/aile-ve-sosyal-hizmetler-bakanimiz-derya-yanik-baskanliginda-kadina-yonelik-siddetle-mucadele-2022-faaliyet-plani-tanitim-toplantisi> (Access date: June 2023).

⁸ The concept of critical juncture is used to explain major reforms and changes in the historical institutionalist approach (Hall&Taylor, 1996: 10).

considered may be influential. In Turkey, policy-makers often rely on bureaucratic input during the policy process, with information flow related to implementation moving from bottom to top via reports, briefings, and informational notes. Thus, the way an implementing actor defines and conveys a problem at any policy stage is crucial (Bayırbağ, 2013, 58-59; Çiner, 2020, 14).

Perception of Problems Related to Legislation

The police's perception of problems related to the law is primarily structured around capacity and victim-related issues. Especially local implementers do not clearly define problems related to legislation and coordination. However, in qualitative interviews, the central organization's solution proposals focus on legislation and inter-institutional coordination.

Table 3. Legislative Issues

	Number of Responses	%
Lack of clarity in the legislation	7	2,6
Housing issues for men ordered to stay away	7	2,6
Issuance of restraining orders without "evidence or report proving the violence"	7	2,6
Uncertainty about who will provide transportation for women being transferred from distant districts to the institution	4	1,5
Excessive responsibility placed on the police by the law.	3	1,1
Ambiguity regarding the extent of information about the victim to be shared with the ŞÖNİM	1	0,4
Unnecessary bureaucracy	1	0,4
Uncertainty about who will enforce cautionary decisions	1	0,4
Men's doubts about whether they can see their children after being ordered to stay away	1	0,4
Total Responses	32	11,9

The problems expressed in Table 3 in this scope are based on responses from local implementers in quantitative interviews. It is particularly emphasized in qualitative interviews that participants neither questioned the necessity of the law at the central nor at the local levels. While public discussions continue about the law not fitting the Turkish family structure, it is important to note that the police consider the law significant

for protective and preventive policies but find its implementation insufficient. Particularly in response to the question "If you had the chance to revise the law, what would you change?", answers revolved around the context of "the woman's statement should not be the basis". The misuse of the law is attributed to taking the woman's statement as the basis. It is stated that this problem could be resolved when case-based measures are taken, as envisaged by the legislation. As discussed in other themes, the necessity of basing policy implementation on the woman's statement in combating domestic and gender-based violence is not present in the legislation. While issuing preventive measure decisions, it is necessary to take case-based decisions according to the needs of the victims. To enhance the effectiveness of the law, it is necessary to operationalize social, economic, and psychological support mechanisms, which are more emphasized than police measures in the law and international legislation, even in a content analysis. Indeed, the primary difference of Law No. 6284 from the abrogated Law No. 4320 is the social policies it envisages and emphasizes (Karinca, 2014). As the central organization points out, when support mechanisms are not established and operationalized, the law is attempted to be implemented only with police measures. The role of the police in the legislation is important, but not central. Combating a multi-layered social problem with only police measures will hinder the effective implementation of the law. In this context, the law fails to produce long-term solutions, being limited to only temporary "band-aid" solutions to the "wound" without curing the "disease"⁹.

According to the central organization, the legislation should more clearly delineate which actor intervenes at what stage. For example, how the health measure given to the perpetrator of violence will be operationalized remained unclear for a long time in coordinative discussions. Although the legislation states that the police will implement the health measure, participant police officers indicate that "the perpetrator of violence can be taken to a health center under certain conditions by force," but since health workers have no sanctions, perpetrators prescribed with health

⁹ It was stated by participant in qualitative interview.

measures can leave health institutions without accepting treatment.

During field studies, some situations defined in the law were mentioned as problems by the police due to sometimes remaining unaddressed in criminal law. It should be noted that harmonization efforts have been made, and some changes in the criminal law have been implemented between 2021 and 2022. The issue of "ensuring deterrence when measures taken are not complied with," emphasized by participant police officers in field studies, has been addressed both in the changes made to the criminal law and in the Ministry of Justice circulars dated 17.12.2019 No. 154/1 on "Implementation of the Law on the Protection of the Family and Prevention of Violence Against Women" and 10.01.2023 No. 154/2 on "Prevention of Domestic and Violence Against Women", attempting to ensure more effective implementation at the Ministry of Justice end. The circular includes several adjustments particularly regarding the court procedures for the more effective implementation of measures and case-based decision-making. Research literature suggests that increasing criminal penalties alone will not be an effective strategy in combating cultural crimes (Doğan, 2016, 165; An-na'im, 2014, 80; Welchman & Hossain, 2014, 23). International legislation also emphasizes the necessities of effectively investigating the crime, taking necessary legal measures, punishing the perpetrator, and compensating for the damage, while simultaneously underscoring the obligation of the state to ensure that the victim has access to necessary and adequate support services, supported by multi-faceted mechanisms.

The issue of emphasizing preventive policies and rehabilitation of perpetrators is one of the areas that the central organization frequently mentions as existing in the law but not effectively implemented. The definition of health services related to the issue and the explanation of the relationship between gender-based discrimination and human rights violations at every stage of education in society must be carried out to create awareness (Çelik, 2017; Lerman & Chan, 2000, 90).

Coordination Problems

Like with all crime types, the police organization has been combating crimes against women for a longer period historically compared to other institutional actors. Family courts, the Ministry of Family and Social Services, and Violence Prevention and Monitoring Centers (ŞÖNİM) are relatively new establishments. It can be argued that these organizations are still in the process of institutionalizing in combating domestic violence and violence against women. Specifically, the police force within the police organization has been able to create a pool of experience on the issue within its institutional structure and has become an important actor in the struggle, due to its organization in almost every neighborhood. In this context, the inability of family courts and ŞÖNİM to enter the field of struggle as effective and central actors to the extent that policy shifts to a point implemented through the police organization can be posited, regardless of their positioning in the legislation. In practice, based on police narratives, the police are forced to assume a central executive role. While international and local legislations idealize a process carried out collaboratively and case-based by multiple actors for solving a multi-layered social problem, the reality, based on police narratives, deviates from this ideal situation.

According to the quantitative research results in Table 4 and data obtained from in-depth interviews, the lack of other institutions in the field of struggle as much as the police, due to capacity issues, results in ineffective implementation of the law. In evaluating the judicial aspect of the law, frequently mentioned issues include problems in issuing failure to implement the preventive imprisonment, failure to reach victims and perpetrators due to the use of outdated addresses in notifications sent by courts, difficulties in case monitoring due to the non-use of common and shared information systems, and problems arising from the absence of specialized units. From the perspective of the Ministry of Family and Social Services, police officers wish to see ŞÖNİM as more executive and as an implementer in the field of struggle.

Table.4 Coordination Issues

	Number of Responses	%
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Delayed or non-implementation of sanctions in violation of measure	15	5,6
Inter-agency coordination problems	10	3,7
Issues with delivering court decisions to outdated addresses, pronounce and notify problems	8	3,0
Failure/inadequacy of the Ministry of Health and ŞÖNİM in fulfilling their roles	8	3,0
Other institutions deferring responsibility to the police in case of malfunction	5	1,9
Recurrence of violence due to the absence of health measures/rehabilitation	5	1,9
Relevant other institutions not operating 7/24 timing	4	1,5
Insufficiency of the judicial aspect in the implementation of the law	2	0,7
Problems in the identity change process	2	0,7
The failure of ŞÖNİM personnel to conduct fieldwork	2	0,7
Poor conditions and insufficient numbers of shelters	2	0,7
Inadequate/insufficient number of ŞÖNİM staff	2	0,7
Inaction of the provincial immigration administration with foreign national women	1	0,4
Ministry of Family and Social Policies (ASPB) personnel expecting tasks outside of their responsibilities from ŞÖNİM contact police officers	1	0,4
Prosecutors not approaching the issue as seriously as the police	1	0,4
Lack of a common database between institutions	1	0,4
Insufficient housing support	1	0,4
Difficulty for the victim to easily provide evidence in violation of measure	1	0,4
Total Responses	71	26,4

Indeed, following the completion of the field studies, circulars issued from the end of 2019 onwards related to domestic and violence against women (Ministry of Interior Circular dated 01.01.2020 No. 23635644-249-E.1, Ministry of Justice Circulars No. 154/1 and 154/2, Presidential Circular No. 2023/16) emphasize case-based measures, a multi-actor and holistic approach to the issue. These circulars contain practices related to the solution of many problems mentioned in the themes. Therefore, how policy implementations have transformed in the last three years under the influence of these circulars becomes a new research topic.

Conclusion

In interpretative policy analysis points out that the role of implementing actors, crucial in constructing policy in the social reality, has not been sufficiently explored by researchers. Within the framework of an interpretative approach, mapping the architecture of meaning serves to comprehend the challenges in the policy process of implementation-based analysis. This mapping trial will be instrumental in understanding the gap between legislation and implementation. This study, adhering to scientific ethical standards¹⁰ and an interpretative perspective, seeks to articulate the police's interpretation of problems in policies to combat domestic and gender-based violence, aiming to fill a significant research gap by incorporating "knowledge derived from practice." It is believed that it will provide comparable data for future analysis on the subject.

In legislative texts, the police are mandated to intervene promptly in violence cases, ensuring the protection of women and accompanying children during the investigation, and enabling the temporary removal of the perpetrator. The police must be aware of the cultural norms that may justify violence and avoid mediating roles, while being empowered to enforce temporary protective and preventive measures. These roles are specifically outlined in international legislation, highlighting the state's capacity for immediate response, though it's crucial to note that the police are not the ultimate decision-makers in these measures.

The legislation defines the nature of domestic and gender-based violence, its forms, and the specific discrimination it can engender, necessitating the creation and execution of multi-actor and holistic policies. These policies should mobilize all state actor institutions, aiming to eliminate the violent environment and establish necessary support systems for victims to rebuild their lives. Law No. 6284 extensively covers social and economic support mechanisms and preventive policies, focusing on eradicating violence against women in society, addressing the issue comprehensively at all educational levels,

¹⁰ For the obligation to report data obtained especially in institutional field studies in a way that does not harm the participants and the institution they are affiliated (Creswell & Plano Clark, 2015; Creswell,

2019, 2020; Punch, 2016). The aim of a scientific field study is not institutional criticism, but the understanding and interpreting of the rich world of meaning "from their perspective".

fostering societal "awareness of gender-based discrimination," and prioritizing the victim's safety alongside necessary support.

This study's exploratory quantitative research revealed a gap between the law and its execution, with qualitative findings interpreting this gap from the police's viewpoint. The law, demanding "special treatment for special circumstances," faces challenges in implementation due to capacity constraints. Police recognize these limitations and suggest more effective implementation could be achieved with specialized units and expert involvement. However, in practice, all applications under Law No. 6284 are treated as urgent, leading to capacity issues and a situation where "every type of measure is given to everyone." Genuine victims needing state support are rarely encountered by police, and when they are, these victims often do not seek or accept preventive measures. Cultural barriers to accessing application mechanisms are well-documented, and removing these barriers is as crucial as legal amendments. The phenomenon of violence victims being unable to avail themselves of reporting mechanisms due to cultural barriers is well-documented in the research literature. Additionally, a study on femicides, relying on official records and published in 2019, revealed that victims of femicide, despite enduring protracted episodes of violence, refrained from reporting through state channels. Notably, 243 femicides occurring within the police jurisdiction in 2016 demonstrated that of the 80 women who had previously engaged with reporting mechanisms, cautionary decisions were issued for 57 women. The study further ascertained that the number of women under ongoing cautionary decisions stood at 19 of them (Taştan & Küçüker Yıldız, 2019, 120-121). Consequently, it is imperative to establish accessible reporting channels for victims of violence, particularly women, to engage with state mechanisms. The mere enactment of legal amendments proves insufficient in operationalizing reporting mechanisms; concerted efforts and mainstream policy on combating gender-based discrimination and violence are essential to address cultural constraints and effect their elimination.

Central to police narratives regarding the law are concerns about "women misusing the law." This perception points to emerging familial issues, normlessness, and a conflict between the law's aim for "gender equality" and its emphasis on the "protection of the family." These issues lead to more visible gender-based violence, with effective countermeasures hampered when women lack empowerment and support from social mechanisms. In the fight against violence, when "effective, efficient, and sufficient" socio-economic and psychological support mechanisms are absent, implementation relies heavily on "police at the center of policy implementation," focusing on "police deterrence," and using "police measures." The police stress the importance of clearly defining in legislation the roles and intervention timings for each actor. The phrase "protection of the family" in the law's title, not reflected in its content, creates a conflicting policy framework, leading to a dilemma between protecting the family and the woman. Protective policies must be paired with social support mechanisms, and preventive policies need broader implementation.

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