

# HISTORICAL ORIGIN OF OMBUDSMAN: THE PRACTICE OF OMBUDSMAN IN ASSYRIANS

## Ombudsmanlığın Tarihsel Kökeni: Asurlularda Ombudsmanlık Uygulaması

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### Abstract

The modern government structure has provided the rulers with the opportunity to have more influence on the life of the ruled. This increase in the influence of the administrators has paved the way for the emergence of many new and complex problems against the governed. Control types such as political, legal, financial, and administrative control have made significant contributions to the solution of these problems. However, the inability of those whose rights have been violated in the process to defend their rights against the public authority for various reasons has led to a tendency to new control tools. In this context, governments have begun to adapt the control methods applied effectively in different parts of the world to their systems.

The Ombudsman institution is one of the new types of supervision implemented in many parts of the world. In addition to those who argue that the origin of the ombudsman, which is stated to have been implemented in Sweden for the first time in a holistic structure, is based on the Ottoman State, there are also some who attribute it to the early Islamic states. In this study, it has been revealed that the origin of the ombudsman goes back to the

### Öz

Modern devlet yapısı, yöneticilere yönetilenlerin yaşamına daha fazla etki etme imkânı sunmuştur. Yöneticilerin etkisindeki bu artış, yönetilenler aleyhine pek çok yeni ve karmaşık sorunun ortaya çıkmasına zemin hazırlamıştır. Ortaya çıkan bu sorunların çözümünde siyasal, hukuki, mali ve idari denetim gibi denetim türleri önemli katkılar sunmuştur. Ancak, süreç içerisinde özellikle hakkı ihlal edilenlerin, haklarını kamu otoritesine karşı savunmada çeşitli nedenlerle yetersiz kalması yeni denetim araçlarına yönelimi beraberinde getirmiştir. Bu kapsamda devletler dünyanın farklı yerlerinde etkili bir şekilde uygulanan denetim yöntemlerini kendi sistemlerine uyarlamaya başlamıştır.

Ombudsmanlık kurumu dünyanın birçok yerinde uygulamaya geçirilen yeni denetim türlerinden birisidir. Bütünsel bir yapıda ilk kez İsveç'te uygulandığı belirtilen ombudsmanlığın kökeninin Osmanlı Devletine dayandığını savunanlar yanında, erken dönem İslam devletlerine bağlayanlar da bulunmaktadır. Bu çalışmada ombudsmanlığın kökeninin çok daha eskiye, Anadolu'da güçlü bir ticaret sistemi kuran Asurlulara kadar uzandığı ortaya konacaktır. Eski Asur devleti zamanında kurulan ticaret kolonilerinin

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Assyrians, who established a strong trade system in Anatolia. In the cuneiform tablets found in Kültepe, which is considered to be the center of the trade colonies established during the old Assyrian state, there is information showing that there is a structure that fulfills the functions of today's ombudsman institution.

**Keywords:** Ancient Anatolia, Assyrians, Kültepe, Ombudsman, Audit.

merkezi olarak kabul edilen Kültepe'de bulunan çivi yazılı tabletlerde, bugünkü ombudsmanlık kurumunun işlevlerini yerine getiren bir yapının bulunduğunu gösteren bilgi bulunmaktadır.

**Anahtar Kelimeler:** Eski Anadolu, Asurlular, Kültepe, Ombudsman, Denetim.

## INTRODUCTION

Humans are a social species living in groups. Emphasis is placed on relationships and structures based on compassion, sacrifice, and solidarity in the construction and continuity of social life. However, in the maintenance of social relations, commercial relations and structures based on benefits and interests have a separate place. Benefit and interest are two of the important motivation sources for people to fight against the natural, and more importantly, to enter into a sustainable competition and conflict process with their fellow humans. As trade leads to the spatial expansion of social relations and the diversification of functional aspects, it is also determinant in the reshaping of social structures.

A second phenomenon that has a significant impact on social relations is politics. Political structures shaped by power relations, like commercial structures, have a long history. Political structures, which have the determining power over people and the ownership and use of things, have mediated and sourced the solution of many problems encountered in the flow of life, as well as conducive to the emergence of many problems.

Commercial relations have been decisive in the shaping of politics, as in many areas of human and social life, leading and mediating the emergence and strengthening of political power, and also contributed to the limitation of power and the prevention of its abuse. In this context, commercial structures and mechanisms have maintained their relationship with the government directly or indirectly, using different ways and methods depending on the conditions.

The control and limitation of the political power, which has the legitimacy of violence and use of force in social relations, has occupied the agenda of people

from past to present. In this regard, religion and philosophy in the classical period and ideologies in the modern period brought many suggestions. The structures that mediated and supported the implementation of these proposals also pioneered and sourced the control and limitation of political power from time to time.

Systems that care about the social acceptance (legitimacy) of political power have sought to ensure the sustainability of social support. In this context, many rules and institutions have emerged over time regarding the solution of the problems that arise between the rulers and the ruled. The Ombudsman has been one of the important intermediary institutions helping the governed in solving the problems between the rulers and the ruled in the modern era.

The Swedish experience has a special place in the history of the ombudsman institution in the modern period. However, referring to the emergence and functions of the Ombudsman some scientific studies also base the historical origin of the ombudsman on the Ottoman Empire, Islamic and Chinese civilizations.

Assyrians, who are known to have established a state in the north of today's Iraq, carried out a systematic and organized commercial activity with local kingdoms in Anatolia for approximately 250 years between 1974-1719 BC. The Assyrians, who established trade colonies carry out this trade systematically and efficiently, determined Kültepe, near Kayseri, as their center. The tablets unearthed during the excavations in Kültepe Mound have the quality of written documents that mediate the enlightenment of that period, due to which much information about Anatolia and Assyrians have come to light.

Dynamic commercial relations and a strong commercial structure have led and mediated Anatolia to experience significant changes and transformations in its commercial, social, cultural, and political life. In the solution of the problems between local kings and merchants, the role of commercial structures and prominent people in this commercial field is similar to the functions of the modern period ombudsman institution. In this context, the mediation activities carried out to solve the problems experienced by the Assyrian merchants reveal the fact that the origin of the ombudsman should be traced back to the Assyrian Trade Colonies (ATC) Period. In this research, the activities carried out to solve the problems experienced by the merchants regarding the Anatolian kingdom(s)

were examined through the events, and the relationship of these activities with the ombudsman was established.

## 1. DEFINITION AND FUNCTIONS OF THE OMBUDSMAN

In the rule of law or in systems where the rule of law is valid, the protection of rights is essential. In these systems, especially the individual, the disabled, the poor, the elderly, minority groups, etc. disadvantaged groups may need legal support to protect their rights and interests against the powerful(s). In almost every period of history, social and political relations have been based on the distinction between the ruler and the ruled. Some social needs that have emerged over time, especially people's search for security, equality, justice, and freedom, have further increased the power and opportunity of the rulers (political power) against the ruled (society). Furthermore, societies that have reached comfort and have gained many opportunities compared to the past have increased the importance they attach to human values. This situation has caused the political power itself, which is expected to solve the problems experienced by the governed, to become a more important source of problems.

The use of power and opportunity against the governed (degeneration of political power) by going beyond the purpose of existence of political power has been an important problem encountered in almost every period of history. With the technological possibilities offered by the industrial revolution, the emergence of the modern state with a strong central power structure, which opened an autonomous power area and enabled it to use its sovereign right effectively, paved the way for the problem of power corruption to increase to the detriment of the society. The fact that the owners of absolute power, where the power is concentrated in one hand, started to use the possibilities of the modern state, led to the search for the limitation, sharing, and control of the political power determined by the governed. The abuse of political power has been tried to be prevented by various ways, methods, and means such as the existence of the constitution, the separation of powers, the holding of elections at regular intervals, the construction of political, judicial, and financial control systems, and the provision of public scrutiny.

The most important source of legitimacy for political power in representative democracies, which are generally accepted in the modern period, is popular support. The protection of rights and stakeholders against the power of the state is one of the requirements of ensuring the continuity of public support. The failure to achieve the desired level of success in solving the problems in which the political power is a party to the classical types of auditing such as political, judicial, and financial audits, on the one hand, led to activities to make the classical audit types more effective, on the other hand, it brought along the search for a new audit system. The institution of the ombudsman, which has a long history and has been successfully applied in some countries, has come to the public agenda in many countries as a result of these searches, has been generally accepted, and has begun to be widely adapted to political systems.

### **1.1. Definition of the Ombudsman**

The ombudsman means the person who assumes the role of mediator in solving the problems that arise between those who hold the power and opportunity of political power and those who are governed. Two main features make the ombudsman different from those who play the role of mediator in the classical sense. The first is that one of the parties that mediate is a public authority, and the other is that the mediation carried out by the ombudsman is also recognized by the public authority.

The functional diversification and spatial expansion experienced in the activities of the government have led to the addition of new and complex problems to the classical problems that have existed since the past in state-society relations. The emergence of the modern state paved the way for secondary relations based on rules and institutions to be decisive instead of face-to-face primary relations in the solution of these problems. This situation brought with it that the ombudsman, who undertakes the task of mediating in the solution of the problems between the state and the citizen, expresses an institutional structure rather than a person.

In an institutional structure, the ombudsman was included in the administrative system for the first time in Sweden. The term ombudsman in Swedish means intermediary persons who are authorized to protect people's rights (Büyükcavcı, 2008: 11). Sweden, which used the Ombudsman effectively in its po-

litical system in the modern period, ensured that this word was accepted in the world and used widely in its original form. However, some countries have not neglected to use new concepts in their language to use the word ombudsman or as an alternative to it. In place of the Ombudsman such terms as “Defensor del Pueblo” meaning public defender in Spain, “Volksanwalt” meaning public advocate in Austria, “mé Diateur de la ré Publique” meaning republic mediator in France, and “Chief Public Ombudsman” meaning supervision of public administration in Türkiye have been introduced (Baylan, 2008: 1-2). Ombudsman, as a concept, means “representative, working, protective” in Sweden. In institutional terms, the ombudsman refers to “the persons elected by the parliament with the duty of representation” (Akin, 1998).

## 1.2. Functions of the Ombudsman

It has been generally accepted since the beginning of collective life that there is an unequal relationship between the ruler and the ruled. The management of this unequal relationship expressed with the concept of power based on rights is tried to be done in various ways and methods and the control function is carried out (Eroğlu, 1978: 342).

The basis of the relationship between the government and the citizen is the fact that the government exists for its citizens. Open communication channels that will enable interaction between the two increase the welfare, peace, and confidence of the citizens. Communication problems that may arise between the government and the citizen, first of all, shake the trust of the government to its citizens, and of the citizens to the government. Insecurity hinders the development of democracy and human rights in the country. In this respect, it is important that not only governmental institutions but also citizens can reach their government quickly and easily, and be in communication and sharing (Bensghir, 2000: 2). It is also important that there is a need for a mechanism to protect the individual in societies (Sevinç, 2015: 115). At this point, there is a need for structures that can establish healthy communication between the state and the citizen. The Ombudsman is the most basic structure of this task.

The Ombudsman carries out his duty, which means mediation, as an independent public official. In general, the Ombudsman examines the applications related to the problems of the citizen with the political power, questions and

investigates the problem, conveys his opinions to the relevant authorities, and presents them to the public (Kestane, 2006: 131). As an indicator of democratic governance, the ombudsman is a mechanism that increases transparency and democratic accountability among public authorities and as a result, helps the state to communicate well with its citizens (Reif, 2004: 2). The Ombudsman also acts for the implementation of international human rights law, with the power of having administrative detention and human rights protection functions. In addition, it strengthens the relationship between society and the government in this area and reduces alienation from the political system.

The Ombudsman is an institution that does not have any administrative sanction power but has strong public support (Hansen, 1996: 195). The Ombudsman has to consider any application. Among the areas of duty in which he uses public power; defending the rights and freedoms of individuals, protecting citizens against the administration, preventing injustices that may arise as a result of possible mismanagement (Altuğ, 1968: 159-161), and ensuring the improvement of the administration in this way. Its most basic and classical duty is to take the complaints of the victims and give warnings and recommendations on that issue (Versan, 1986: 181; Reif, 2004: 3) and seek solutions to social problems (Tortop, 1998: 7). Thanks to its structure that is independent in its actions and able to offer flexible solutions (Gadlin, 2000: 45; Reif, 1999: 22), it approaches problems without taking orders and instructions and plays an effective role in solving problems. There is no obligation to follow the bureaucratic process in the decisions taken (Tortop, 1998: 180).

The Ombudsman, who can take initiatives before the administration (Erhürman, 1998: 89), is also responsible for protecting the individual rights of citizens against the administration (Board, 1970: 38). Its independence, expertise, impartiality, accessibility, and power of persuasion; may be seen as more important than the public audit function (Howard, 2010: 9). In addition, the ombudsman is not only a structure that shows the wrong but also uses the method of persuasion while expressing what the truth can be to the management. In this context, the ombudsman establishes a close relationship with the administration, as opposed to being distant from it (Şengül: 2007).

The ombudsman, which largely supports the administrative judiciary (Buck et al, 2016: 24), carries out a limited supervision task (Linden, 1973: 163-164). Therefore, it should not be perceived as a panacea as an institution (Hovard, 2010: 16). One of the most important features is that while the consent of the parties is formed in mediation, there is a compelling relationship and cooperation in the ombudsman (Gadlin, 2000: 42). Thus, it is accepted as a generally accepted method or institution (Verkuil 1975: 861) in the resolution of disputes. The Ombudsman is an institution that is addressed by public authorities. Being able to conduct research and examination, being responsible to the parliament, and preparing an annual report reinforces this relationship.

Perhaps the most important function of the ombudsman is to mediate the establishment of justice between the state and its citizens. The establishment of justice has been the basic principle of the government system in the Middle Eastern states, and it has been aimed for the people to present their complaints directly to the president and to remedy the injustices with orders (İnalçık, 1988: 33). In the verses of the Qur'an and in the hadiths of Muhammad (PBUH), the emphasis on justice has been one of the most basic points. In addition, enjoining good and forbidding evil (*al-Amr bi al-ma'ruf wa al-nahy 'an al-munkar*) (Al-i Imran, 104) has been one of the most basic principles of Islam. In this sense, this principle, which defends the right, seeks the truth, and plans to eliminate the wrongs, can also be considered as one of the cornerstones of the ombudsman institution. Regarding the effect of Islam on the Ombudsman, several scholars argue that the effect of Islamic law on the ombudsman (Pickl, 1986: 39) could not be ignored.

## **2. DEBATES ON THE HISTORICAL ORIGIN OF THE OMBUDSMAN**

While some attribute the origin of the Ombudsman to the Chinese, Roman (Pickl, 1987) , and Islamic civilizations, some argue that it is connected with the relatively autonomous office of the Sheikh al-Islam and the Chief Justice in the Ottoman State system (Eryılmaz, 1993: 91). In the Ottoman Empire, the Chief Judge, headed by a person with the title of "Kadı-ul Kudat", who is responsible for protecting the people against the injustice of the administration, shows the characteristics of the modern period ombudsman in terms of authority and responsibility. It is stated that Islamic law affects the establishment of this posi-

tion ((Pickl, 1986: 39). In addition, "Divan-i Mezalim" (Ministry of Justice) in the Abbasids, "Divan" (Government Council) in the Anatolian Seljuks, "Kadı-al Kudat" in the Great Seljuks, "Divan-ı Hümayun" (the Imperial Council), "Kadi" (Judge), "Kazasker" (Military Judge) and "Kethüda", "Sheikh al-Islam" in the Ottomans could be cited as the institutions equivalent for the Ombudsman (Süler, 2012: 3). The establishment of "Dar-ül Adl" (House of Justice) and "Divan-ı Mezalim" (Ministry of Justice) in Islamic countries such as Ottomans, Seljuks, and Abbasids were influenced the councils which convened at least twice a week and dealt with the cases between the people and the rulers (Eryılmaz, 2012: 390). Ombudsman, in the sense of public auditor, also means "kadi of the kadis". 'The chief auditor' was granted as an honorary title to the kadi of the capital city at that time. Later, this title became the top manager in the state's judicial organization (TDV, 2021).

The "Yuan Control" institution in the Han Dynasty (206 BC - 220 AD period) in China, the "People's Tribunes" in the Roman Empire period, and the "Censors Institution" formed in the 17<sup>th</sup> century American colonies are frequently cited as the primary examples of the Ombudsman (Keskin, 2013: 54). Ombudsman also appears at the turning point of Ottoman-Swedish relations. King of Sweden XII. Charles (Fixed Asset Charles) was defeated in the Battle of Poltava in 1709, and the fixture Charles and his companions took refuge in the Ottoman Empire. Due to the prolongation of the asylum period, which he had planned as eight days, Demirbaş Charles sent an instruction to his country and appointed an ombudsman. In 1709, the king took refuge in Bender and then in Özi Castle with about a thousand soldiers, and with the consent of the guard commander Abdurrahman Pasha, the period of asylum actually started. The King, who wanted to go to Poland at first, stayed in the Ottoman lands for a long time due to some health problems and foreign policy (Russian threat). Due to the fact that he could not come to terms with the Ottoman State as a result of some events during this period, he sent a letter to his country and wanted to appoint an Ombudsman who would protect the regular functioning of his State (Günaydın ve Coşkun, 2018: 42-48). Charles, who stayed in the Ottoman lands for a while, appointed a person as Högste Ombudsmannen (Top Auditor) in 1713 to both reduce the distress of the people and end the cruel practices of the rulers against news such as bribery, nepotism, injustice, and corruption in tax collection. Thus, the ombudsman emerged as a structure that served only the

ruler and the sultan and worked to protect the public order as its representative and defended the rights of the ruled (Küçüközyiğit, 2006: 91).

The name of the Ombudsman institution in Sweden was changed to Justitiekansker in 1719. The authority of appointment was taken from the King in 1766 and passed to the representative body (Riksdag) (Erdengi, 2009: 14). The ombudsman became a constitutional institution in 1809 (Howard, 2010: 4). Following the Swedish example, the ombudsman has spread around the world, mainly in Finland (1919), Norway (1952), Germany (1957), the Scandinavian Peninsula (1960), and New Zealand (1962) (Reif, 2004: 1). Later, the Ombudsman Institution was established in England in 1967, in France in 1973, in Portugal and Austria in 1976, and in the Netherlands and Spain in 1981 and spread throughout the world (Erdengi, 2009: 14).

With the concept of "European Citizenship" that emerged as a result of the Maastricht Treaty in 1992, the citizens of the European Union member countries gained the right to apply to the Ombudsman. The European Ombudsman, institutionalized with the Maastricht Treaty, is appointed by the European Parliament for a five-year term. The independence of the Ombudsman is guaranteed in several treaties (AB, 2019).

In Türkiye, the Ombudsman was introduced in 2012 as the "Ombudsman Institution" with Law No. 6328. The Grand National Assembly of Türkiye elected one chief Ombudsman and five Ombudsmen in 2012, and the ombudsman was carried out on a legal basis.

### **3. ASSYRIAN TRADE COLONIES PERIOD AND THE OMBUDSMAN**

Assyrian Trade Colonies (ATC) Period Between 1774 BC and 1719 BC was the period during which commercial relations were experienced between the Assyrians living in present-day Northern Iraq and the local kingdoms in Anatolia (Kuzuoğlu, 2016: 317). During this period, Assyrian merchants engaged in intense commercial activity with these local kingdoms. While Assyrian merchants exported precious stones, oils, spices, nails, pins, and incense to Anatolia (Barjamovic, 2011: 13), they imported textiles, tin metals such as copper, silvery lead and other precious metals such as gold and silver and leather, goat hair, pig hair, wool and fleece from Anatolia (Bayram, 1993: 5).

For the trade between Assyria and Anatolia to run smoothly, the Assyrians established over 40 big trade centers called 'Karum' and small trade centers called 'Wabartum' near the cities in the local kingdoms in Anatolia (Bilgiç and Bayram, 1995: 38-39). These trade centers had their autonomous structures. They mainly took care of all kinds of business of Assyrian merchants, and they could also engage in banking activities, form partnerships, and make expenditures to generate income. The trading center of the Assyrians in Anatolia is Kaniš Karumu in Kültepe mound, near present-day Kayseri.

As a result of the excavations in Kültepe, approximately 23,500 tablets have been unearthed so far, and most of them have not been translated yet (Veenhof, 2010: 30). These tablets contain records of the commercial transactions of the period. Between the lines of these records, data on the social and political structure of the period can also be obtained (Michel, 2007: 75).

Ombudsman is defined in the Turkish dictionary as "a person or institution appointed by the Parliament, tasked with protecting citizens against arbitrary and unlawful acts of public authorities" (TDV, 2021). The Ombudsman acts independently and acts as a mediator between the administration and the citizens. It examines and investigates the complaints of the citizens and makes recommendations to the relevant parties to take back the actions taken by the administration, abolish them, and eliminate the damages resulting from this practice (Kestane, 2006: 128).

The texts quoted below that the 'kārum' department, an autonomous institution belonging to Assyrian merchants, assumed the duty of ombudsman in solving the problems between the Assyrian merchants and the local Anatolian kingdoms during the ATC Period, shows the existence of the said institution in Anatolia about 4000 years ago.

#### **4. DOCUMENTS RELATED TO THE OMBUDSMAN FROM THE ATC PERIOD:**

Below we would like to cite some extracts of ombudsman in various texts.

1. In the first document, the 'kārum' department petitioned for the release of the Assyrian named Aššur-taklāku, who was imprisoned in the local kingdom.

The delegation representing the Karum to the local kingdom stated that they knew the person concerned, that he was innocent, that he had a commercial enterprise, that he would always fulfill the orders of the local kingdom, that he could swear to prove his innocence or that he could be subjected to the river ordeal (a practice based on the idea that if he is innocent, he will come out of the river, if he is guilty he will drown and die). For Aššur-taklāku to be released, the palace demanded the surrender of another Assyrian person who had acted against them, stipulated that if this was not done, 1 'mina'<sup>1</sup> amūtum<sup>2</sup> or 10 minas of gold would be given.

**KT n/k 504** (Günbattu, 2000: 76-77) :

1-6) 2 months passed after the palace caught Aššur-taklāku and a kārūm (delegation) came to the palace and said to the king and queen: 7-8) "(That) man (Aššur-taklāku) did not commit a crime and behaved inappropriately. Free the man! 9-12) With us (this) man owns a firm here and will be at your service with us (always)." 12-13) The king and queen replied as follows: 13-18) "Bring here (anyone) who brings the letter sent from Tawiniya and will carry (information) to our enemy (information) and who will investigate our head, and your brother (Aššur-taklāku) will be free." 19) Karum said: 19-22) "Let him (Aššur-taklāku) be ready (and) swear on the dagger of god Aššur or go to the river (to be justified) like a native of your city! 23-30) Let us, instead, swear on the dagger of Aššur that He did not trade in any way and did not take (anything) to Tawiniya; he will not do what the Tawinian king asks him to do. 30-32) Our brother (Aššur-taklāku), will not do what the Tawinian kings ask him to do!" 32-33) The king and queen replied: 34-36) "We will send you a tablet that we hold in our hand for an oath, bring the man here! 37-40) If you do not bring the man, give 1 mina amutum or 10 mina of gold and your brother (Aššur-taklāku) will be released. 41-44) If you do not give us (what we want); If you do not change your mind and do not say his name, your brother is dead (know him dead!)" 44-48) In accordance with the tablet of the city of Assyria, Kaniš kārūm the small (and) great (councils) appointed us (as witnesses) and before the dagger of Aššur. 48-51) In the presence of Amur-Aššur, in the presence of Ušur-ša-

<sup>1</sup> 1 MA.NA, manû (mina) = 60 GĪN = 480 gr

<sup>2</sup> 5 times the value of gold

Ištar, in the presence of Ili-nādā, in the presence of Idī-Aššur, in the presence of Buzazu."

We think that today's ombudsman system is used against the local kingdom(s) in the text; the Assyrian merchant Aššur-taklāku, who is the defendant in the text could also be referred to as the suspect today, and the 'karum' organization of Assyrian merchants in the text serves as the Ombudsman in today's terms. Therefore, in our opinion, this text reveals the existence of an institution that fulfilled the duty of the ombudsman in solving the problems between the local kingdom and the Assyrian merchants during the ATC Period.

2. In another text on the subject, the Assyrian merchant named Šu-İštar talks about the problems in the palace of the local kingdom. Šu-İštar implies that the palace, i.e the king, deceived the 'kārum' organization, prevented the movement of the caravan, and did not release the Assyrian merchants. He conveys a request to the 'kārum' not to let the caravan into the city of the relevant palace unless the merchants are released. The last sentence in the text quoted below, mentioning messengers sent by the palace, shows the extent of the palace's need for the goods in the caravan. In this letter written by Šu-İštar to his deputies, the relationship between local administrators and the official institution of merchants is mentioned, and the merchant asks their official institution, 'karum', to act as a mediator to ensure that the palace, that is, the local king, does not hinder the movement of the caravan and set them free.

**Kt 92/k 326** (Erol, 2018: 194):

1-3) Šu-İštar (says): Tell my deputies! 3-5) I wrote to you before and I said (I said): 6-11) "The palace is deceiving Karum and hindering the (movement) of the caravan and not releasing us." 12-15) Tell kārum that; They will not let the caravan (into the city) unless they release us! 16-17) "Messengers were sent for the caravan on the day they did not release us. 20) We're ruined!

If we are to compare the parties in this text to their modern-day equivalents we could argue that government stands for the palace, Assyrian merchant stands for the citizen, and again kārum for the ombudsman.

3. In the letter, another document related to our topic, Šu-Ištar tells Innaya and Dadaya about his problem with the city's authorities. The statements of Šu-Ištar, "If 'kārum' does not support us," "We will not support him because of his crimes and evils" are other examples that provide evidence that this institution intervenes to act as a mediator or to ensure the protection of merchants where necessary. It is clear from the next lines of this text that such activities of 'Karum' were of paramount importance to the merchants. The fact that the execution of the suspects is possible if the palace gives its approval and that only the 'karum' organization can prevent this shows this importance.

**Kt 92/k 393** (Erol, 2018: 191):

1-2) Tell Innaya and Dadaya! Šu-Ištar (says): 3-5) I am treated (as if I am lonely) as if there is no male or female helper(m) (who will support me). 6-8) They held us in your presence in the palace, and Talia (said): 9-12) "Aššur-imittī and Šu-Ištar (sneaky) deceived (me) and did not want to give my cloths." (12-17) Karum says "we will not support (/protect) him because of his crime and his evil deeds" (17-21) although the contraband was not caught in my hand and I did not buy (something) that the Kaniš gods did not approve. (22-25) Today, instead of informing me, kārum is constantly urging me to swear an oath. 26-27) Moreover, the fortune-tellers (that we have had) do not inform us. 27-28) You are my brother, you are my lord; I'm not afraid to sit (here).29-33) Without your knowledge, the damn palace should not write here in any way so that it will not kill us. 34-38) If kārum does not support us, spend 10 minas of my silver (and) get me out of (this) predicament so that your name will be honored (/ honor yourself) 38-42) or inform me about what they have shown (related to) my sins and evils so that I may know (them) and sit (here in peace).

4. In the tablet below, belonging to the ATC Period, which is another example of our topic, it is seen that mediators were used in the resolution of disputes between merchants. Ilī-ilī's son Enna-Suen is in debt to Aššur-rē'i. Since this debt is not paid on time, the mediator asks Enna-Suen to pay the debt. In the last part of the tablet, Enna-Suen stated that he would pay his debt. Mediation aims to resolve the problems quickly and without lawsuits so that inconveniences will be avoided. Although this tablet does not serve as the equivalent of today's om-

budsman institution, the use of mediation between merchants mentioned in the text also indicates the emergence of the Ombudsman-like system.

**KT 88/k 202** (Bayram and Remzioglu, 2014: 322) :

(1-4) Seal of Ali-ahum, son of Šu-Anum, the seal of Būšiya, son of Laturamma, the seal of Ennam-Adad, son of Kuzari, the seal of Enna-Suen, son of Ilī-ilī. (5-8) Regarding the debt of Enna-Suen, son of Ilī-ilī, we said: Pay Aššur-rē'i 5/6 mina of silver! (8-11) Enna-Suen replied: Let me come to the place where my silver is (where) and settle accounts with my shareholder. (12-16) We said: If you did not come, and did not speak to Aššur-rē'i, the things that are your will and your clothes ... (17-19) and 1 2/3 mina of liquidated silver without a lawsuit and an oath (in a way) you will pay. (20-21) Enna-Suen said: I will pay the amount. (21-24) This allotment document is the copy of the enveloped tablet about the debt of Enna-Suen, son of Ilī-ilī.

## CONCLUSION

The ombudsman, which has an important place in the relationship between the state and society and acts as an ombudsman on behalf of the governed, has a deep-rooted history. This institution, which is formed in different types and structures in many civilizations, generally fulfills the functions of mediation and control between citizens and the state with a strong legal infrastructure. Although it cannot impose sanctions, it can take effective advisory decisions with the support it receives from the political system and the trust it creates in the public. Although it emerged conceptually at the beginning of the 18th century, we think that the cuneiform tablets from the Assyrians in Kayseri-Kültepe, which can be considered the first among the examples of ombudsman whose traces can be found in different periods of history, can change the course of history in this area.

When these are examined, it is seen that there are tablets related to today's ombudsman institution. When we look at the tablets belonging to the ATC Period, the efforts of the 'kārum' department can be seen in both political and commercial disputes regarding the ombudsman. Looking at these documents, it could be argued that the ombudsman institution was implemented in Anatolia about 4000 years ago.

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