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THE TRANSITION FROM DIVAN-I MEZALIM TO OMBUDSMAN: ADDRESSING THE NEED FOR PUBLIC MONITORING

(DIVAN-I MEZALİM'DEN OMBUDSMANLIĞA GEÇİŞ: KAMU GÖZETİMİ İHTİYACININ KARŞILANMASI)

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ABSTRACT

The concept of accountability is undoubtedly one of the most emphasized democratic issues in modern administrations. The concept of accountability has a very important place in Turkish administrative culture. The institution of Divan-ı Mezalim, of which we observe prominent examples in the Seljuk Empire, represents a primitive form of today's ombudsman from the trend of providing citizens with a platform to voice their complaints against government misconduct. This function developed in the Ottoman period with institutions such as the Divan-ı Hümayun, Şeyhülislam, and Kadı courts to ensure that the people's complaints were heard and addressed. In today's Turkey, the Ombudsman institution was established to act as a bridge between the state and citizens, reflecting an ancient tradition of public oversight and accountability.

This study aims to show how the Divan-ı Mezalim, as a platform for seeking rights, may have opened the door to the Ombudsman in theory and practice. The study uses qualitative methods such as descriptive and historical analysis. The findings indicate that the institution of the Ombudsman has played a crucial role as a modern expression of accountability and public oversight mechanisms stretching back to the Ottoman era. Notably, the Ombudsman practice initiated in Sweden under Ottoman influence highlights how effective governance models can inspire other cultures.

Keywords: Divan-ı Mezalim, Ombudsman, Accountability, Public Monitoring, Administrative Tradition,

Jel Classification: H83, K40, D73

ÖZET

Hesap verebilirlik kavramı, kuşkusuz modern yönetimlerde üzerinde en çok durulan demokratik konulardan biridir. Hesap verebilirlik kavramı Türk yönetim kültüründe çok önemli bir yere sahiptir. Selçuklu İmparatorluğu'nda belirgin örneklerini gördüğümüz Divan-ı Mezalim kurumu, vatandaşlara devletin yanlış uygulamalarına karşı şikâyetlerini dile getirebilecekleri bir platform sağlama fonksiyonundan hareketle günümüz ombudsmanlığının öncül bir biçimini temsil etmektedir. Bu fonksiyon Osmanlı döneminde Divan-ı Hümayun, Şeyhülislam ve Kadı mahkemeleri gibi kurumlara halkın şikâyetlerinin dinlenmesini ve ele alınmasını sağlamak üzere gelişmiştir. Günümüz Türkiye'sinde Ombudsmanlık kurumu, devlet ile vatandaşlar arasında bir köprü görevi görmek üzere kurulmuş olup, kamu gözetimi ve hesap verebilirliğine yönelik süregelen kadim bir geleneği yansıtmaktadır.

Bu çalışma, bir hak arama platformu olarak Divan-ı Mezalim'in teoride ve pratikte Ombudsman'a nasıl kapı açmış olabileceğini göstermeyi amaçlamaktadır. Çalışmada nitel yöntemler olarak betimsel ve tarihsel analiz kullanılmıştır. Elde edilen bulgular göstermektedir ki Ombudsmanlık kurumu, Osmanlı'dan günümüze uzanan hesap verebilirlik ve kamuyu yönlendirme mekanizmalarının güncel bir ifadesi olarak önemli bir rol üstlenmiştir. Özellikle, Osmanlı etkisi altında İsveç'te başlayan Ombudsman uygulaması, etkin yönetim modellerinin diğer kültürlerle nasıl ilham verdiğini göstermektedir.

Anahtar Kelimeler: Divan-ı Mezalim, Ombudsman, Hesap Verebilirlik, Kamu Denetimi, İdari Gelenek

Jel Codes: H83, K40, D73

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1. INTRODUCTION

This study aims to explore how Divan-ı Mezalim, as a platform for seeking justice, might have laid the groundwork for the Ombudsman institution both theoretically and practically. The research employs qualitative methods, including descriptive and historical analysis. By examining the historical origins of institutions like Divan-ı Mezalim and their connection to the modern Ombudsman, this study seeks to deepen our understanding of contemporary public administration. It highlights how many institutional structures are eclectic continuations of past practices, offering valuable insights.

Such an investigation is crucial for understanding historical continuity, providing in-depth analysis of public administration culture, contemporary relevance, and the impact of historical events on institutional development. The evolution of administrative accountability and public remedies from the Ottoman Empire to Sweden offers a significant perspective for understanding historical continuity. In this context, establishing a link between Divan-ı Mezalim and similar institutions and the ombudsman in the modern sense is valuable in terms of comparing both historical and modern understandings of administration.

The study analyses in depth the origins of Turkish public administration culture and its impact on contemporary practices. Such an analysis can provide a strong basis for understanding how management culture has been shaped and changed. The role and importance of the ombudsman institution in today's Turkey is a very topical issue, especially in the areas of public audit and accountability. As a matter of fact, since the establishment of an ombudsman institution in Turkey under the name of the Ombudsman Institution, this issue has become increasingly topical. Therefore, this study may attract attention both in academic circles and in public administration practices.

The qualitative methods used in the study, especially historical analysis and descriptive methods, allow for an in-depth examination of the issue. This increases the academic validity and reliability of the study. Finally, it is also important to understand what kind of public policies implemented by states in the face of a political case, a historical event or phenomenon can lead to the formation of public institutions and organizations in the future, and to the development of existing ones and the acquisition of a new identity in another format.

There are, of course, several potential challenges to the study. The interpretation of historical documents and sources, especially information and documents related to old institutions such as the Divan-ı Mezalim, requires a careful approach. A proper understanding of the historical context is critical to the success of the research. When linking modern ombudsman practices with historical institutions, it is important to accurately analyze the differences between the two periods and the ways in which these institutions functioned.

2. LITERATURE REVIEW

2.1. Accountability in Public Administration

One of the most fundamental concepts within the discipline of public administration is accountability. Accountability is generally recognized as a critical element in the process of ensuring overall transparency, fairness and ethical behavior in the work and operations of government/state entities. Bovens et al. (2008) define accountability as a relational construct that requires a mechanism to hold public officials accountable for their actions and decisions, typically to a higher authority or to the public. The institution of accountability, which also serves as a safeguard in public administration, has the potential to ensure that decisions on public affairs and operations are made in the public interest and, accordingly, to prevent the abuse of power or misuse of power to some extent.

The concept of accountability in the context of democratic governance is multifaceted. Schillemans and Bovens (2011) distinguish between three forms of accountability: vertical, horizontal, and transversal. Each serves a distinct role in ensuring effective governance. Vertical accountability encompasses mechanisms through which elected officials are held accountable to citizens. Horizontal accountability, on the other hand, is characterized by checks and balances between different branches or institutions of government. Diagonal accountability, which has gained prominence with the advent of independent institutions such as the Ombudsman, involves non-governmental actors playing a role in holding officials to account.

To better appreciate the importance of the concept of accountability, it is necessary to focus not only on its ethical implications but also on its functional role. public accountability mechanisms are closely linked to public trust because they allow citizens to witness and participate in their governance. From this perspective, it would be appropriate to say that this situation is also a factor that increases the legitimacy of public institutions and organizations (Bovens, 2007).

Recent studies in the relevant literature show that accountability needs to be embedded in governance processes and structures in order to ensure sustainable public trust and prevent abuses (Amalia, 2023; Abdullah et al., 2020).

2.2. The Role of Public Monitoring

Public monitoring is generally recognized as a sub-category of the broader concept of accountability. However, there are a number of features that distinguish this concept from others. Public monitoring is defined as the processes and mechanisms through which citizens and non-state actors observe, evaluate and react to government actions (Fung, 2006). Public monitoring differs from some internal accountability systems in that it emphasizes a form of external oversight that can be carried out by citizens, civil society or independent institutions such as the Ombudsman.

The issue of public monitoring has become increasingly important because of its emphasis on participatory governance, where citizens are actively, rather than passively, involved in oversight processes (Arato et al., 2006). This approach is very much in line with the concept of social accountability, where the public has the power to control the actions of public institutions and organizations and ensure their compliance with the public interest. In contrast to the more structured and periodic nature of auditing, public monitoring is often informal and flexible. This allows it to respond to local contexts and sensitivities in the state of nature concerned.

It is possible to consider public monitoring as a kind of preventive tool. In a state of nature where public institutions and organizations are under constant scrutiny, public monitoring would create a situation that would prevent potential abuses by public institutions and organizations. The ombudsman institution is an example of a type of monitoring that serves as a kind of problem prevention tool where citizens can submit their complaints and although its decisions are usually advisory, they are not binding (Anderson & Stockton, 1991). This external monitoring promotes transparency, supports ethical governance and reduces bureaucratic power imbalances by empowering citizens through oversight mechanisms.

2.3. Monitoring vs. Auditing

Although the terms “monitoring” and “auditing” are sometimes used interchangeably in the relevant literature, they actually represent quite different concepts in public administration, especially in terms of accountability. It is a rational choice to emphasize “monitoring” rather than “auditing” in this study. This concept is deliberately preferred. Because this concept refers to different scopes and processes related to the Ombudsman context. While the term “auditing” implies more of a sanction-based meaning such as reward-punishment etc., the term “monitoring” implies more of a preventive-directive-participatory meaning. Moreover, the fact that the decisions of the ombudsman institution generally do not have sanctioning power and consist of advisory decisions encourages a reading based on monitoring rather than auditing.

Auditing is typically a formal process aimed at evaluating the financial, operational, or compliance aspects of an organization. Audits are generally periodic, conducted by certified auditors or state agencies, and follow established standards and methodologies to ensure objectivity and accuracy (Power, 1997). The purpose of auditing is primarily to verify the legality and propriety of actions, often focusing on detecting financial mismanagement or irregularities. In this way, auditing tends to be structured, retrospective, and focused on compliance within a defined period (Leeuw, 1996).

“Monitoring” as a general concept, on the other hand, is broader and less formal. It refers to the permanent observation of the work and operations of public institutions and organizations. It is generally implemented with an approach that emphasizes responsiveness and adaptation to actual developments. The monitoring process can involve a variety of actors, such as citizens, media, civil society and ombudsmen, who observe the actions of public institutions and organizations to promote transparency and accountability (Fox, 2015). Public monitoring is an ongoing dynamic. It allows for timely feedback, enabling problems to be addressed before they escalate and referring to preventive measures.

In terms of its role, the ombudsman's role is more in line with “monitoring” as a concept, as it involves addressing complaints and acting as a kind of bridge between public institutions and organizations and citizens. In this respect, unlike an auditor who conducts periodic audits without a specific timetable, the ombudsman's office has the authority to respond to complaints as they arise and to make advisory decisions on the work and functioning of public institutions and organizations. This paves the way for an actual culture of transparency and accountability that goes far beyond the compliance checks of bureaucratic formalities (Zuegel et al., 2018). Moreover, monitoring by the Ombudsman does not only focus on financial or procedural compliance, but addresses a wide range of public concerns, including human rights, administrative justice and ethical governance (Batalli, 2015).

Therefore, this study's focus on "monitoring" rather than "auditing" highlights the Ombudsman's unique role as an ongoing oversight mechanism that operates with public engagement. This distinction is crucial, as monitoring reflects a more integrated, citizen-responsive form of accountability that aligns with the participatory governance principles promoted in democratic societies.

In this study, the term 'public monitoring' is intentionally used instead of 'public audit' to reflect the Ombudsman's role as a recommendatory body rather than an enforcement authority. Unlike court rulings or formal audits, which often carry binding outcomes, the Ombudsman institution primarily issues advisory decisions. These recommendations guide public institutions towards better practices and transparency without imposing mandatory compliance. This nature of the Ombudsman institution aligns more closely with 'monitoring,' as it aims to influence and oversee rather than strictly audit or enforce. By using 'public monitoring,' the study underscores the Ombudsman's non-binding, yet influential role in shaping public administration.

3. QUEST FOR ACCOUNTABILITY IN PUBLIC ADMINISTRATION

Accountability may be described as a means of ensuring efficiency in the delivery of public services, which is one of the benchmarks of good public administration. Robust frameworks should be put in place to enhance transparency and foster public trust to empower the people to keep monitoring what their governments are doing (Amalia, 2023). Clearly, this has the effect of heightening scrutiny but also engenders good ethics among the public servants and, in that way, embedding accountability in the process of administration. An integral part of ethical and effective governance is the participatory mechanisms that provide opportunities for civil society to check on the outcomes and hold in office those who are responsible.

Public information disclosure also enhances credibility in government, as citizens are in a better position to monitor the decision-making process, which engenders a culture of accountability and trust (Ngatikoh et al., 2020). This culture of accountability rests not just on well-defined regulations but relies crucially on the commitment by public officials to embracing transparency as an inherent principle in ensuring responsive and responsible governance (Ngatikoh et al., 2020; Amalia, 2023; Abdullah et al., 2020).

Accountability is an important principle of good governance, relaying messages of transparency, justice, and efficiency in the use of public resources. Being held accountable, with practices such as performance evaluation or periodic auditing, is only a means to create trust with the public and spend public money responsibly. Besides, civil society engagement in the monitoring and evaluation of public institutions is a step towards increasing accountability, as this provides a platform for expressing opinions and binding officials to their responsibilities. Nowadays, it is witnessed that accountability mechanisms may be categorized under a variety of titles, such as public audit, ombudsman, mediation, arbitration, or public mentoring (Abdullah et al., 2020; Amalia, 2023; Demirkol, 2021; Ngatikoh et al., 2020;).

3.1. Divan-ı Mezalim: A Tool for Accountability

Divan-ı Mezalim was among the most important judicial and supervisory bodies in Turkish-Islamic states. While its primary role was to provide justice, it also held certain supervisory functions that intersected with executive decisions and, in some cases, with legislative matters.² Divan-ı Mezalim took objections to the decisions of the kadi and examined political criminals and persons who broke the state order (Üçok et al., 2002). It also assessed complaints against public servants and administrators.

Its jurisdiction consisted of the supervision of foundations, the hearing of complaints concerning usurped property, and judicial cases in addition to implementing kadi court decisions. Divan-ı Mezalim investigated the complaints lodged against the ruling authorities in cases of misapplications of justice and investigated injustices committed by officials within their work. In Islamic history, Divan-ı Mezalim was regarded as the highest judicial and supervisory institution (Akyüz, 1995). This court was administered by the head of state or high judges appointed by him and carried out the necessary inspections in judicial, administrative, political, legal and economic fields to ensure public order. Until the Ottoman period, the courts were present in all Islamic states and served with wide powers.

² Its executive functions were primarily supervisory, enabling it to oversee other state officials and ensure adherence to legal standards, and while it did not create laws, its interpretations sometimes held quasi-legislative authority by influencing legal standards and interpretations.

Divan-ı Mezalim emerged in Islamic civilisation as a legal institution where those who were persecuted by the state or powerful people could seek their rights. The origins of this institution can be traced back to the Hilfü'l-fudul society established in the pre-Islamic period to fight against injustice. In Islamic history, the first practices of Divan-ı Mezalim were initiated by the Prophet and these practices functioned as an authority where disputes arising in Islamic lands were resolved (Alodalı & Usta. 2017: pp. 174-176; Habib, 2022; Göl, (n.d.)).

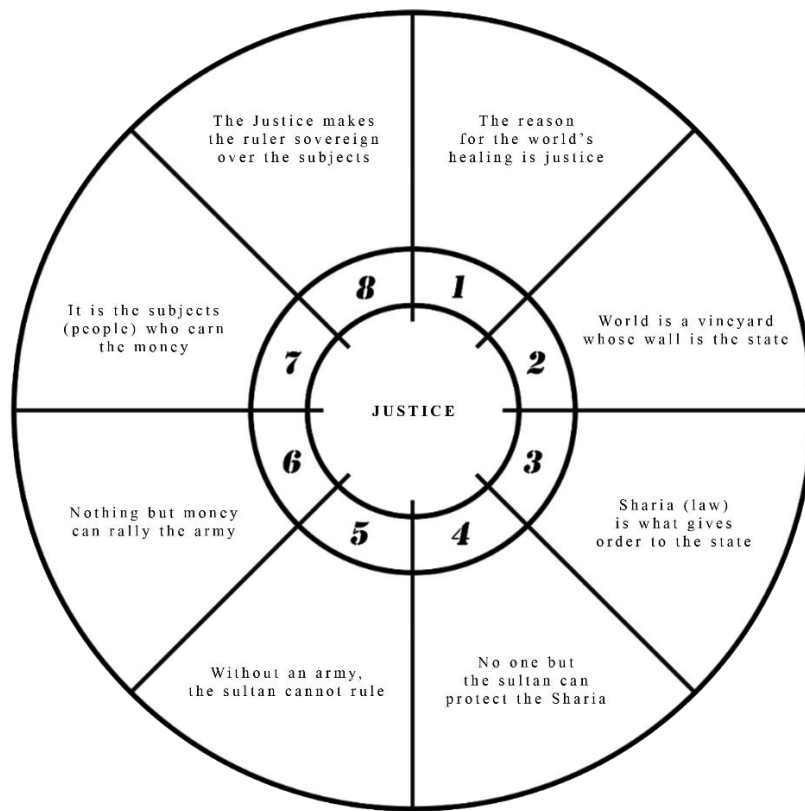
Although the Divan-ı Mezalim did not become fully institutionalised during the Umayyad period, it started with sessions organised by the caliph and gradually became a board consisting of a chairman and members. This board consisted of various members such as judges, jurists, military judges and army representatives. During the Abbasid period, special places were allocated for these sessions, for example, a building called Dârü'l-mezâlim was built in Baghdad (Alodalı & Usta. 2017: 174-176; Habib, 2022; Göl, (n.d.)).

In Islamic states such as the Seljuks, Ayyubids and Mamluks, the Divan-ı Mezalim continued to exist as an important judicial body. In states such as the Seljuks, which attached importance to justice, the Mezâlim councils, which were chaired by the sultan himself, were organised twice a week. In the Ottoman period, the powers of this institution were assumed by the Divân-ı Hümâyûn (Alodalı & Usta. 2017: 174-176; Habib, 2022; Göl, (n.d.)).

3.2. Divân-ı Hümâyûn: A Bridge Between Divan-ı Mezalim and Ombudsman

Throughout history, justice and organization have stood out as two fundamental elements for Turks. The Turks, who adopted the principle of 'Let the people live so that the state may live', regarded the fair treatment of their citizens as a top priority and granted each citizen the right to appeal to the ruler. The subjects, i.e. the people, represent the group to whom justice must first and foremost be served. The source, which has a very important place in Turkish-Islamic culture and is referred to as 'daire-i adl' (circle of justice) in the relevant literature, provides the most basic evidence of this. Within this system, each group is connected to each other in a circle (Cündioğlu, 2016; Çelebi, 2016; Demirkol, 2022; Oktay, 2015).

Figure-1: Circle of Justice (Daire-i Adl)



Source: (Çelebi, 2016: 498; Demirkol, 2022).

Throughout history, the Turks have exhibited a state-nation identity with strong social bonds. One of the most important factors in ensuring this is that the concept of justice is taken very seriously. With the adoption of Islam, Turks adopted the 'Divân-ı Mezâlim' system, which they had seen in Islamic states and which dealt with complaint cases, but adapted this system to their own understanding of administration (Akyüz, 2002: 210-234). Divan-ı Hümayun is the new name given to the system, which the Turks adapted to their own understanding of administration.

According to İnalçık (2018), one of the first names that comes to mind when it comes to the Ottoman Empire, the most important task of the Divân-ı Hümayûn in the Ottoman Empire was to listen to the complaints of the subjects. The Ottomans recorded these complaints in special notebooks³. The place of such notebooks in Ottoman archiving is extremely important. In the Ottoman administrative system, each region had a qadi and a regent (Ortaylı, 1994; Bayındır, 2002). In addition, citizens also had the right to submit their complaints to Divân-ı Hümayûn. Complaints to the Divan did not discriminate on the basis of gender, religion, language or race, and all Ottoman subjects had the right to apply to the Divan without any conditions (Ekinci, 2017; Mumcu, 1994).

Divân-ı Hümayûn, as the highest decision-making authority in the Ottoman Empire, had a very strong sanctioning power (Halaçoğlu, 1995). Although the Veziriâzam presided over the Divan as the sultan's deputy, the actual president was the sultan, and since the decisions were taken on behalf of the sultan, the judgements were carried out with the utmost care (Mumcu, 2017). However, there are also criticisms that the sultans themselves did not directly attend the Divan meetings. However, in practice, such a practice would not have been possible in the whole area of sovereignty. The fact that an evaluation is made on behalf of the sultan as a value, albeit symbolic, is quite important here.

4. A PUBLIC POLICY TRANSFER UNDER THE HISTORICAL EVENTS

Before taking action against the Russians, Charles XII left the administration of his country in the hands of a guardian council consisting of several members (Voltaire, 1939, s. 202). Since the King of Sweden had a strong influence over Sweden, there was no movement against him during the asylum process. However, the prolonged absence of Charles XII from his country led to weakening of the army and administration, strengthening of external enemies and an increase in domestic unrest (Öztuna, 1994).

More than two hundred and fifty thousand Swedish soldiers lost their lives during the wars in which the King participated during his longdistance ruler period, and an urgent need for soldiers arose (Zinkeisen, 2011, s. 320). Specially, in 1709, after King Charles XII of Sweden suffered a heavy defeat against Russian Tsar Peter I at the Battle of Poltava, most of his army was destroyed and he was forced to seek refuge in the Ottoman Empire (Mikaberidze, 2012). In the aftermath of the war, the Kingdom of Sweden faced almost the entire Europe, and Charles's defection to the Ottoman Empire had a great repercussion in terms of international diplomacy (Hatton, 1970).

Initially planned as a short stay, Charles's stay in the Ottoman Empire was unexpectedly long, lasting 5 years, 3 months and 9 days. Charles was hosted in cities such as Bandar, Edirne and Dimetoka. The Ottoman Sultan Ahmed III accepted Charles not only as a refugee but also as an honorable guest and showed him great generosity. During this period, the Ottoman Empire covered all of Charles's expenses and provided him with comfort as if he were in his own country.

This situation demonstrated the kindness and power of the Ottoman Empire in both diplomatic and humanitarian matters (Coşkun & Günaydın, 2018).⁴ During King Charles's stay in Ottoman lands, he not only followed military and diplomatic developments but also had the opportunity to study the Ottoman administrative and justice system in depth. In particular, the Ottoman centralist and justice-oriented administrative approach had a great impact on Charles.

The concept of "Daire-i Adl", which is at the heart of the Ottoman justice system, emphasizes the interdependence of the sultan, the army, the people and justice in a cycle. According to this cycle, the sultan's ability to maintain his power depends on the army, the army's strength depends on the welfare of the people, and the welfare of the people depends on the provision of justice. This Ottoman understanding of justice was considered an indispensable element for the continuity of the state and the satisfaction of the people (Hallaq, 2009).

These observations inspired King Charles to establish an institution called "Ombudsman" in his country Sweden. In an edict issued in the Timurtaş region of Edirne, Charles appointed an "ombudsman" in Sweden, establishing what is now

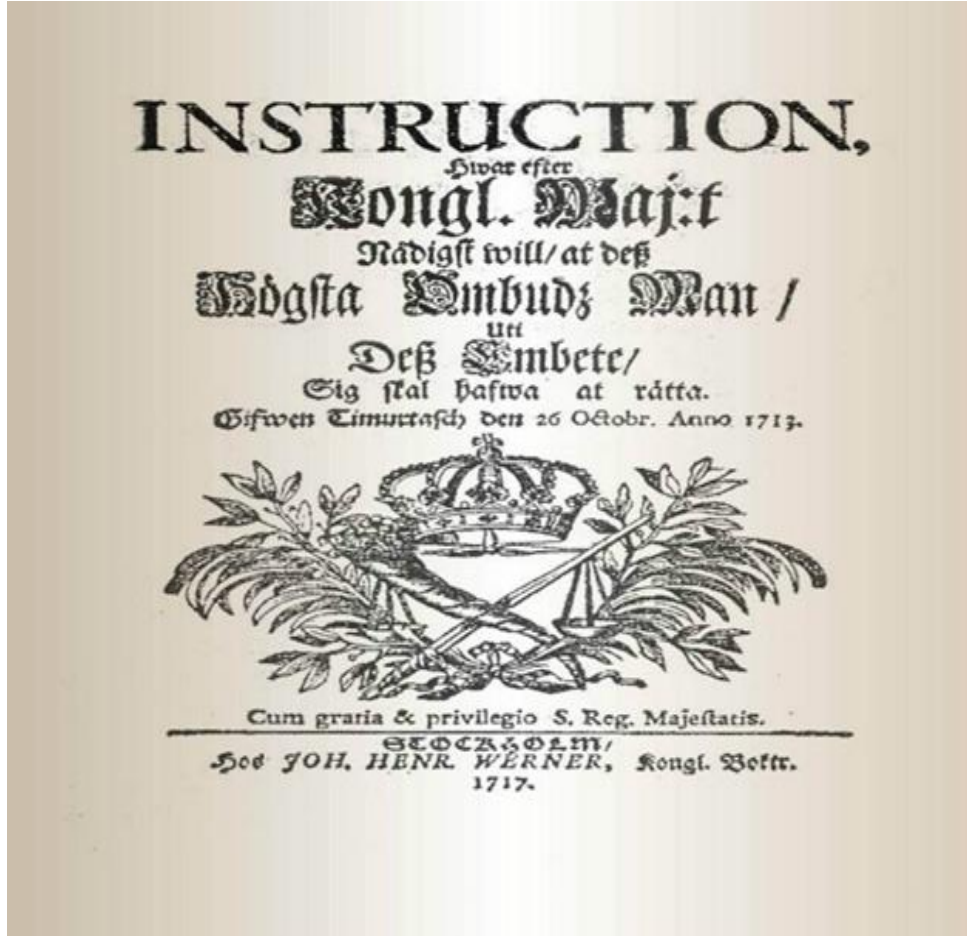
³ These notebooks were known as 'mühimme defteri', 'şikayet defteri', 'ahkâm-ı şikâyet defteri', 'atik şikayet defteri' (Aktaş, 1991; Sahillioğlu, 1988).

⁴ Untoward incidents such as Kalabalık issue have also occurred from time to time. This should not overshadow the Ottoman hospitality in general (Kurat, 1943: 633-635; Uzunçarşılı, 2011, s. 93-94).

recognized as the first modern Ombudsman institution. Over time, this system evolved into a critical mechanism balancing the powers of the king and parliament in Sweden, laying the foundation for the modern Ombudsman framework. The Swedish Ombudsman system, inspired by the Ottoman concept of justice, was designed to ensure justice and protect citizens' rights (Lang, 2011).

The most meaningful manifestation of the search for accountability in the public sector, from the Divan-ı Mezalim to the Divan-ı Hümayun and from there to the Ombudsman institution, is the fact that the ombudsman institution as a public policy has come full circle back to the land from which it was inspired and to which it belongs: today's Turkey. With the Law No. 6328 enacted in 2012, the ombudsman (Kamu Denetçiliği Kurumu) was introduced in Turkey (Demirkol, 2021).

Figure-2: Declaration of Ombudsman



Source: Adapted from [Metropol Yönetimlerinde Türkiye Modeli Arayışı: İstanbul, Londra, Paris Metropolitan Yönetimlerinin Karşılaştırmalı Analizi. (Demirkol, 2021).], original document: 1717.

During his time in the Ottoman Empire, King Charles observed various aspects of Ottoman society and governance, which significantly influenced his views on administration and reform. These observations played a crucial role in shaping his understanding of governance, ultimately impacting his approach to leadership and institutional reforms in Sweden. Charles' admiration for the Ottoman justice system resulted in his search for a similar justice system in his own country and his endeavour to establish a system for the protection of the rights of the people. In this context, the direct influence of the Ottoman centralized administration and justice system on a European monarchy highlights the diplomatic power and cultural impact of the Ottoman Empire. This demonstrates how Ottoman governance models transcended borders, shaping the administrative practices of other nations.

The term 'ombudsman' is derived from the Swedish language, where it translates to 'representative'. There is a substantial body of evidence to suggest that this institution has its origins in the Ottoman Empire (Darling, 2008; Demirkol, 2021; OECD, 2016). It has been asserted that King Charles XII of Sweden was inspired by the audit systems he observed in the Ottoman Empire and established an ombudsman institution for his country (Aykanat, 2019; Coşkun & Günaydın, 2018; Demirkol, 2021).

King Charles' long visit to the Ottoman Empire proved to be more than just a diplomatic mission; it was an era of continued and expanded commercial and cultural contacts between the two countries. Meanwhile, the Ottoman Empire developed close connections with Sweden, and their political as well as commercial relations further lined up. The development of the Ottoman Empire in diplomatic history further backed its influence and status among European countries.

5. THE ROLE OF OMBUDSMAN AS A TOOL FOR PUBLIC MONITORING

In this study, both Divan-ı Mezalim and Ombudsman are approached as mechanisms that serve accountability and public oversight, yet with some nuanced differences in their operation. Divan-ı Mezalim, originating in Turkish-Islamic governance traditions, primarily functioned as a high judicial body with a direct role in accountability by addressing public grievances, evaluating administrative decisions, and overseeing state officials. It served not only as an accountability tool but also as a supervisory institution, embodying both the authority to make binding judgments and the ability to influence governance practices.

In contrast, the modern Ombudsman institution, while sharing roots in accountability, operates more as an advisory body with a focus on public monitoring. The Ombudsman's role emphasizes overseeing public institutions and guiding them towards ethical standards and transparency rather than enforcing mandatory compliance. This distinction between binding authority in Divan-ı Mezalim and the advisory, monitoring role of the Ombudsman reflects a shift from direct accountability enforcement to broader public oversight, adapted to contemporary governance models.

By positioning Divan-ı Mezalim as a historical prototype and Ombudsman as its evolved form, the study highlights how both institutions aim to foster accountability, yet operate within the contextual constraints and expectations of their respective periods. This evolution from direct enforcement to advisory monitoring reflects the adaptive nature of accountability mechanisms across historical contexts

The ombudsman has been one of the conspicuous concepts advanced in many countries around the world during the past few decades as a major tool for accountability and transparency in public institutions, possibly being an independent and impartial intermediary between the government and the public (Anderson & Stockton, 1991). In this vein, the development of ombudsman offices was an essential response to increased bureaucratization and the potential for government overreach that necessarily develops; this has engendered a more accountable framework of governance (Zuegel et al, 2018). Ombudsmen offer an important avenue for citizens to make their grievances heard, acting as an important counterweight to bureaucratic power and, through this, improving public administration by way of enforcing democratic standards and civilian rights (Abedin, 2000; Batalli, 2015).

In this respect, by merely settling complaints, ombudsmen play a very critical role in initiating wider systemic reforms that ensure efficiency within the public sector and prevent people from being exposed to maladministration, thereby really reinforcing the very pillars of democracy and the rule of law (Abedin, 2010; Batalli, 2015; Caiden, 1984; Hertogh, 2013; Yeager, 1984). The multifaceted role underpins the importance of ombudsman institutions not just as facilitators of complaints, but also as proactive agents for change in efforts at building a culture of accountability and transparency within public governance systems (Abedin, 2000; Batalli, 2015).

Whereas powers and functions of ombudsmen evolved over time and differ in different countries, their principal objective still remains the same: protection of citizens from violations of their rights and better governance through strengthened control and accountability mechanisms, which are more urgent in democratic societies today than ever before (Batalli, 2015; Abedin, 2000).

The ombudsman institution is known by various names in modern governments, such as 'mediator', 'ombudsman', and 'representative of justice'. Ombudsman oversight is being adopted by more and more countries to improve the effectiveness of governments; however, there is no single ombudsman model, as each country's governance systems differ and their oversight needs have become specific (Remac, 2013). Nowadays, we witness that ombudsmanship applications are several types and have become an indispensable tool of governance across different countries (Demirkol, 2022). Today, there are numerous specialized types of ombudsmen, including 'parliamentary ombudsmen,' 'local government ombudsmen,' and 'children's ombudsmen' (Biricikoğlu, 2020; Demirkol, 2021; Güleler, 2014; Usta & Akıncı, 2016).

The roles played by the ombudsmen have increased beyond the conventional and simple grievances to encompass much broader responsibilities in advocacy for policy reforms, investigating public administration, and compliance with standards of human rights—all very vital for public trust in government institutions (Ateş, 2012; Batalli, 2015; Imbaruddin et al., 2021).

The Turkish Ombudsman, known as the Public Audit Institution (Kamu Denetçiliği Kurumu), primarily functions as a mediator between citizens and public institutions. It offers a platform for citizens to lodge complaints regarding administrative practices they find unjust or inefficient, aiming to foster transparency and accountability in public administration. Although the institution lacks binding authority to enforce its recommendations, it plays an influential role in guiding public institutions towards corrective actions and ethical standards. For instance, cases involving social security disputes, public healthcare complaints, and environmental concerns have often been addressed through Ombudsman's recommendations, leading to improvements in administrative responsiveness and citizen satisfaction.

Divan-ı Mezalim and the Turkish Ombudsman share a fundamental purpose: providing a platform for citizens to voice grievances against state authorities and ensuring that these concerns are acknowledged within the governance framework. While Divan-ı Mezalim had the authority to issue binding rulings to rectify injustices, the Turkish Ombudsman operates with a more advisory function. Nevertheless, both institutions serve as channels for public oversight, reflecting a commitment to accountability and transparency. For example, the Ombudsman's role in addressing grievances mirrors Divan-ı Mezalim's historical function of overseeing administrative conduct and ensuring justice, albeit in a modernized, non-binding format. Both institutions demonstrate how citizen feedback has been institutionalized within governance, adapted to meet the contextual demands of their respective eras.

6. CONCLUSION

Beginning with the Divan-ı Mezalim, this paper seeks to trace the historical continuity to the modern institution of the Ombudsman and to illustrate the evolution of public accountability mechanisms from the Seljuk and the Ottoman periods through to the contemporary framework of governance. The establishment by Sweden of an Ombudsman, due to Ottoman practices impressed upon them during the stay of King Charles XII in Ottoman territory, gives weight to the great influence historical models of governance have on the development of public administration in the present day. The Ombudsman becomes the leading device of transparency and accountability in the expression of ideals of justice and equity.

In fact, the global spread of the institution of Ombudsman has attested to very deep roots in the tradition of rights-seeking from the Divan-ı Mezalim and Divan-ı Hümayun. The edict of King Charles XII, from Edirne city in Ottoman laid the grounds for establishing an Ombudsman in Sweden and provided firm testimony that administrative traditions born in the heart of the Ottoman Empire have left their indelible mark on governance models across their borders.

In that broader perspective, this type of public policy transfer represented the importance accrued from adopting effective governance practices across other cultures. Measures adopted by King Charles XII, while facing the impending authority decreasing in his absence, reflect how successful models of governance influence and help other nations. It is in this initiative that Charles XII established one of the most striking examples of public policy transfer, underlining the fact that there existed a need to learn from successful governance practices in order to create an improved public administration across the globe. From this historical connection, it has been explained that lessons and models applied successfully in modern public administration are shaping global governance practice, inspiring other nations toward universal improvements in public administration.

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