TÜRKİYE MEDYA AKADEMİSİ DERGİSİ

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MEDIA MONOPOLY IN TURKEY & FLEXIBLE LEGAL REGULATIONS

Özge Cengiz*

Abstract

The concept of monopolization, understood as the dominance in a single field, holds particular significance in the realm of media. Given its societal responsibility, concentration of power, whether in media ownership or in the viewership sphere, is an undesirable scenario. Therefore, various regulations are put in place to prevent monopolization in the media sector. This study focuses on the legal regulations related to the process of media monopolization in Turkey and examines how these regulations have evolved over time. Within this framework, regulations and rules aimed at preventing media monopolization, from the Ottoman Empire era to the present day, have been analyzed descriptively, including the provisions and subsequent changes made to these provisions. The analysis reveals that in Turkey, the regulatory process aimed at preventing media monopolization is largely confined to the audiovisual domain. It is evident that the regulatory provisions, which gained momentum with the emergence of private channels and stations in the 1990s, have been relaxed through subsequent amendments. The absence of regulatory provisions specifically addressing print media and the online environment creates a gap in the field. In the rapidly expanding digital realm, the absence of regulations targeting media ownership may, in the long run, lead to concentration of ownership in specific areas and an increase in similar content.

Keywords: *Monopolization, Traditional Media, Digital Media, Regulation, Media Ownership*

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TÜRKİYE'DE TEKELLEŞEN MEDYA & ESNEKLEŞEN YASAL DÜZENLEMELER

Özge Cengiz*

Özet

Bir üretim alanındaki hakimiyetin tek bir alanda toplanması olarak anlaşılabilecek tekelleşme, medya alanında özel bir ilgi alanını oluşturmaktadır. Toplumsal sorumluluğu olan bir alan olduğu için, gerek medya sahipliği gerekse izleyici alanında meydana gelebilecek bir yoğunlaşma istenilen bir durum değildir. Bu nedenle, medyada oluşabilecek tekelleşme durumunu önlemeye yönelik çeşitli düzenlemeler yapılmaktadır. Bu çalışma Türkiye'de medyanın tekelleşme sürecine yönelik ne gibi yasal düzenlemelerin yapıldığı ve zaman içerisinde bu düzenlemelerde ne gibi değişikliklerin meydana geldiğine odaklanmaktadır. Bu çerçevede Osmanlı Devleti döneminden günümüze uzanan süreçte medyada tekelleşmeyi önlemeye yönelik yasa ve yönetmelikler incelenmiş, konuyla ilgili maddeler ve sonraki yıllarda bu maddelerde yapılan değişiklikler betimsel olarak analiz edilmiştir. Yapılan analiz neticesinde Türkiye'de medyada tekelleşmeyi önlemeye yönelik regülasyon sürecinin çok büyük oranda görsel-işitsel alanla sınırlı olduğu görülmüştür. 1990'lı yıllarda özel kanal ve istasyonların ortaya çıkmasından itibaren hız kazanan düzenleyici maddelerin, yapılan değişikliklerle birlikte esnetildiği anlaşılmıştır. Yazılı basın ve internet ortamına yönelik bu tür düzenleyici maddelerin bulunmaması ise alanda bir boşluk yaratmaktadır. Özellikle gün geçtikçe etkisini artıran internet ortamındaki alanda medya sahiplerine yönelik düzenlemelerin eksikliği uzun vadede sahipliğin belirli noktalarda yoğunlaşması ve birbirine benzer içeriklerin artışı ihtimallerini ortaya çıkaracaktır.

Anahtar Kelimeler: *Tekelleşme, Geleneksel Medya, Dijital Medya, Regülasyon, Medya Sahipliği*

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INTRODUCTION

Within economic systems, capitalism stands out as a system where capitalists continuously strive to increase their profits, seeking to regularize profit growth through technological innovations and the regulation of working hours. The transition from the Fordist system, which was based on assembly lines, to the Post-Fordist work regime characterized by flexible policies has played a pivotal role in the development of capitalism. This transition has facilitated the proliferation of neoliberal policies, ushering in an era where "deregulation" has become the new norm.

In this new order, state pressure and control over markets have diminished, allowing the private sector to exert dominance across various spheres. Within the framework of neoliberalism, the role of the state has diminished, enabling the empowerment of the private sector and its ascendancy over markets. This has entailed the removal or relaxation of regulations and the establishment of a new order based on competition, resulting in significant alterations in the production and distribution phases of goods and services. The inherent competitive nature of the system has facilitated horizontal, vertical, and cross-level mergers and monopolization as means for firms to grow and expand.

One of the areas where this process can be best observed is the media, which is particularly suited to large-scale structures and flexible working conditions. Media, as a provider of information, news, and entertainment content to large societal audiences, is susceptible to the negative effects of monopolization more intensely compared to other domains. Consequently, many established entities are developing various sanctions and principles to prevent media monopolization.

This paper aims to comprehensively explore the issue of media monopolization in Turkey, with a specific focus on the evolution of legal regulations governing media ownership, foreign capital involvement, and distribution. By tracing the historical development of these regulations, the paper seeks to shed light on the factors contributing to the current media landscape in Turkey, characterized by oligopolistic structures and concentration of ownership. In this context, the structural characteristics and developmental process of monopolization in the media sector will first be discussed in a general sense. Subsequently, the process of media monopolization in Turkey and the legal regulations developed to counter it will be analyzed.

THE STRUCTURAL CHARACTERISTICS OF MEDIA MONOPOLIZATION

Monopoly arises when a single company gains dominance in any area of production or service by acquiring competitors or pushing them out of the field, thereby securing exclusive trading rights (Yaylagül, 2019, p. 408). The formation of the monopolization process is influenced by the market's structure, the ways in which this structure is established, and ideological orientations. Consequently, the process should be considered in conjunction with all these factors, and the effects of monopolization should be analyzed not only in the context of restricting free competition and freedoms but also within the framework of the logic of capitalism (Erdoğan, 2002, p. 17). Monopolization is the state of dominance in which products or services are consolidated under a single entity within a market, inherently encompassing elements of control and power. The dominant force in the market exercises control over products or services from the production phase to the distribution phase. Consequently, this situation consolidates control over the produced goods/services at a single point, rendering it impossible for users or competing firms seeking to participate in the process to intervene.

Monopolization refers to the consolidation and control of a production domain by a single entity, whereas oligopoly, often confused with monopolization, exhibits a structure where a limited number of dominant powers hold control over a production domain. To occur in a particular domain, monopolization requires one or several firms to establish dominance through agreements or by excluding others from the field. Consequently, the consolidation of capital and the intensification of capital occur among the firms that come together, while the capital of smaller firms tends to erode within this concentration (Ekzen, 1999, p. 87). Monopolization and oligopolization are processes where competition is abused. This abuse can entail deviating from principles of honesty, but it can also involve the exploitation of dominance in the market to restrict competition to one's advantage (Paşalı, 1999, p. 23).

In today's context, the media's primary orientation has shifted towards the digital realm, even though it continues to maintain a presence in traditional print media.

Consequently, alongside expenses associated with traditional print, such as paper and new printing machinery, there are added costs in the digital domain, including infrastructure, internet, and new equipment expenditures. Furthermore, the teams responsible for creating and editing content in the media, as well as distribution, advertising, and public relations teams, constitute significant cost items for media organizations (Paşalı, 1999, p. 69). To meet all of these expenses, media organizations, unable to easily raise prices for content and subscription fees without losing readers, are increasingly evolving towards a dependency on the capital and ownership of private companies and holdings.

Monopolization in the media can manifest in various forms, such as state monopoly, public/institutional monopoly, political party monopoly, family monopoly, and trust ownership (Sjøvaag & Ohlsson, 2019). Until the 1980s in Turkey, the predominance of the concept of public service led to the concentration of dominance in the hands of the state in the media sector. Starting from the 1980s, the increase in privatization and deregulation policies due to neoliberal politics has turned the private sector into a leading actor in the process of monopolization. In this context, the competitive structure of media enterprises, which necessitates the use of high technology, has paved the way for high-capital private companies and holdings to rise in the field, as they are capable of meeting all these requirements.

In this context, one of the most illustrative examples is the developments observed between the first and second editions of Ben Bagdikian's book "Media Monopoly." When the book was first published in 1983, media ownership in the United States was divided among 50 companies. However, when the new edition of the book was published in 2004, it was noted that within a span of twenty years, the number of companies controlling the media from an economic and political perspective had decreased to five (Bagdikian, 2016, p. 3). The global trend towards free trade worldwide is leading to increased commercialization in the media sector, which, in turn, has a negative impact on media policies. This is particularly evident in examples like the United States, where the liberalization of audiovisual services is expected to lead to concentration in the field and negatively affect quota regulations, public broadcasting support, and the promotion of diversity (Puppis, 2008, p. 405-406).

Within the process of monopolization, it can be asserted that organizations concentrate in three distinct directions: the concentration of media ownership, the concentration in media content production, and audience concentration. Progressing in interconnected ways, during this period, the consolidation of media channels in the hands of specific owners creates more intense competitive conditions. As a result, media magnates begin to focus on content that can generate profits for them, leading to the dominance of similar content. For these contents, the effect of advertising campaigns undertaken with available resources, coupled with the editorial process, leads to the concentration of viewers on specific channels and specific content, creating audience concentration. Among all these factors, the most decisive one is the concentration of media ownership, which influences the editorial process and the preferences of viewers (Cuilenburg, 2007, p. 35).

Concentration/monopolization in media ownership occurs in three main forms: horizontal, vertical, and cross-media. In horizontal monopolization, mergers take place within the same production area to gain power. In vertical monopolization, control is extended from the production phase to distribution and sales, ensuring oversight over the entire process. Cross-media monopolization involves mergers in multiple media types such as newspapers, television, and the internet. Starting from the 1980s, with the entry of conglomerates and private companies into the media sector, organizations active in various sectors like construction, chemistry, and industry also ventured into the media field through horizontal, vertical, and cross-media mergers. When a media owner establishes control and dominance in the field through horizontal, vertical, and cross-media mergers, they increase their power and profit in the market. However, this eliminates the competitive opportunities for small companies and restricts media diversity (Yaylagül, 2019, p. 409). In this context, horizontal monopolizations are particularly important in terms of impeding media diversity, while vertical and cross-media monopolizations increase the determining power of media owners over society and have negative effects (Cuilenburg, 2007, p. 35).

Since media produces content to meet various needs of society, such as information gathering, education, and entertainment, it directly influences and guides the communication channels of the public. Consequently, media shapes society, the economy, and politics (Paşalı, 1999, p. 62). Therefore, the concentration of all media channels in a single entity or the potential for oligarchic structures that act in their own interests can introduce bias into the informational function of the media. In this regard, monopolization has the potential to reduce the quality and diversity of the products and services produced (Yaylagül, 2019, p. 408). One significant area where the decline in quality and diversity is pronounced is the narrowing of information diversity. There is a process where information is transformed into entertaining content (infotainment) to gain more visibility and profits (Bagdikian, 2016, p. 3).

Another significant aspect of the negative effects pertains to the concentration of media ownership in a single entity, which in turn dictates the conditions for those working in the field. Consequently, individuals whose ideologies, politics, or economic interests do not align with the owner may face unemployment issues. There is competition among individuals and institutions in the media sector, and there is a high degree of fluidity among them. However, the consolidation of all institutions under a single owner not only reduces institutional diversity but also diminishes the diversity of media laborers. Throughout this process, policies promoting unionization and organization will recede into the background, and policies aimed at maximizing profit for media owners, who face no competition, will be endorsed. This may lead to attempts to accomplish more work with fewer employees (Paşalı, 1999, p. 114; Özsever, 2004).

The ascendancy of private companies and conglomerates in the media sector introduces certain issues that are distinctive to the structure of the media compared to other industries. Specifically, the activities of these companies and holdings outside the realm of media, their interactions with political power, and their reliance on advertising create conflicts with the functions that the media assumes in a democratic society, such as "impartiality," "accurate information dissemination," "the public's priority in receiving news," and "freedom of expression." The structural dynamics inherent to the capitalist system, which prioritize continual profit maximization, result in the utilization of media by private companies and holdings in a manner that serves their interests and enhances their profits.

The Monopolization Process of Media in Turkey

When examining the ownership structure of the media in Turkey, a shift is observed from journalist owners to private sector dominance. While this phenomenon is not unique to Turkey, the fact that the press in Turkey was established by the state and government-trained officials and remained as small businesses for many years has led to a more pronounced impact of changes in the financial conditions of newspapers since the 1960s. Particularly, a transformation that began in 1948 and accelerated after 1980 can be identified. Press and publishing activities that began during the Ottoman Empire initially followed a path dependent on the state, and the field began to take shape through the efforts of government-employed journalists. The early newspapers faced challenging conditions and were small-scale, and the newspaper owners had to engage in other jobs simultaneously. These factors made it difficult for the field of journalism to be concentrated in the hands of a few owners.

Until 1948, newspaper owners in Turkey had journalistic backgrounds. However, in 1948, the thread merchant Safa Kılıçlıoğlu acquired the Yeni Sabah Newspaper, followed by businessman Habib Edip Törehan's acquisition of the Yeni İstanbul Newspaper in 1949. In 1954, four businessmen, along with journalist Cihat Baban, purchased the Tercüman Newspaper. These developments paved the way for business magnates to become newspaper owners in the Turkish press (Topuz, 2003, p. 329-330). During this period, the close relationship established between the government and the press emerges as one of the significant factors. Especially during this period, the financial support provided by the state to newspapers close to itself has paved the way for the field of media to be perceived as an area where "money and prestige can be gained," becoming a pioneering factor in preparing for industrialization in the 1960s (Yıldız, 1996, p. 488).

In Turkey, it is observed that the press began to industrialize from the 1960s, and from the 1980s onwards, economic factors started to play a more significant role in the functioning of the press (Sözeri & Güney, 2011, p. 15). Among the reasons for the increase in the cost and decrease in profitability of newspapers in the 1960s were the importation of expensive technology, input prices rising faster than newspaper selling prices, and competition in advertising and promotions (Paşalı, 1999, p. 73-74).

Consequently, an "unfair" competitive environment emerged where newspapers with advanced technology and sufficient budgets for advertising and promotions were ahead of the others.

From the 1960s onwards, especially with developments in technology, the transition of daily newspapers to offset printing, and the wider acceptance of color printing by the public, newspaper owners faced a new financial challenge instead of the deposit fee for publishing newspapers[1]. As a result, up until the 1980s, journalist owners somehow managed to cover these costs. However, in the 1970s, individuals from outside the journalism sector began to enter the field as newspaper owners. This, along with increasing costs, significant paper price hikes, and promotional battles, led to significant changes in ownership within the industry.

The rise of neoliberal policies worldwide in the 1980s, coupled with the implementation of the January 24 decisions in Turkey, emerges as a factor that accelerated the transformation in the ownership structure of the media. With these decisions, the state opened the way for private capital, and privatization policies and incentives for private investments increased the power of foreign capital in the media. In this context, particularly on January 25, 1980, the state's withdrawal of financial support for paper in the press and the increase in paper prices from 9 Turkish Liras to 41 Turkish Liras posed a significant problem for small media organizations (Adaklı, 2006, p. 140). Indeed, as a result of the government's systematic efforts, both for economic and political reasons, to make the Turkish press dependent on foreign sources, the price of newspaper paper, which was 10,750 Turkish Liras per ton in 1980, increased by 7890% by April 17, 1988 (Paşalı, 1999, p. 76). Small-scale newspapers that could not cope with this adverse financial situation began to disappear from the market.

During this period, with the implementation of neoliberal policies, the state used various channels such as incentives and credit to strengthen private capital, leading to a significant increase in investment in the communication sector (Erdoğan, 2002, p. 5-6).

[1] In this period, while newspaper sales were around 2 million, it became possible to print 20 million copies of newspapers with the introduction of new technology. Therefore, newspapers have resorted to increased advertising, periodical publications, and newspaper supplements in order to increase sales and generate profit (Paşalı, 1999, p. 63).

The close relationship that the President of the time, Turgut Özal, had with the media played a significant role in the media's tendency towards consolidation, as certain groups were provided with state incentives, credit opportunities, and priority in tenders, among other privileges. In the post-1990 period, companies from sectors such as finance, construction, and energy increased their investments in the media sector, gaining influential positions. Factors such as advancing technology, increasing competition, and high costs led small-scale media organizations to disappear from the market, harming media pluralism (Geray, 2003, p. 173; Yeşil, 2015, p. 151). The negative effects of this process on the media can be summarized as unemployment issues in the field, de-unionization, the sensationalization of journalism, similar content, and a narrowing of freedom of expression.

The entry of holding companies into the media, in addition to private corporations, has completely transformed the ownership structure of the field. Although the consolidation of media ownership in the press began in the early 1960s with the Ilıcak family, who purchased Tercüman Newspaper and then expanded their business in other sectors, it gained momentum with the entry of various holding companies into the field. In 1979, the Aydın Doğan Group, followed by the Asil Nadir Group in 1988, and later the İhlas Group, Uzan Group, Karamehmet Group, and others entered the media sector, causing media ownership to represent a massive value. The entry of all these holdings into the media sector resulted in journalist media owners being unable to cope with rising costs and consequently moving away from the field. The key factor in the formation of this structure is the constant change in the media field with new technological tools, and the fact that these economic processes were within the means of holdings to manage comfortably.

When we look at visual broadcasting, it can be observed that the ownership structure of television, which started as state-owned broadcasting through TRT in 1968, only began to change in the 1990s with the establishment of the Star 1 channel by Cem Uzan and Ahmet Özal, the son of then-President Turgut Özal, through Magic Box extension. Thus, the state monopoly and control in the field of visual broadcasting were broken, and the era of private channels began. Within a short period, channels like Show TV, ATV, Kanal D, and TGRT were established, and newspaper owners also entered the television sector, opening the way for the consolidation process in the field of visual broadcasting.

All of these developments in the media, as well as the interplay of newspapers, television, radio, the internet, and the increasing complexity of capitalist systems, result from the fact that capital cannot survive without turning into complex structures. A fundamental condition for growth in the media sector is not only increasing revenue from advertisements, promotions, and sales but also expanding capital by combining both internal areas within the media and external fields such as finance, services, and industry (Sönmez, 2004, p. 112). However, it should be noted that this expansion has negative consequences, such as the concentration of power among these growing institutions in the media. Therefore, to prevent monopolization in the media sector, various regulations need to be developed once a certain level of growth is reached.

METHOD

This study is based on a descriptive analysis of the regulatory rules developed to address the process of media monopolization in Turkey. Within this framework, it examines the laws and regulations developed to regulate the media from the period when the press emerged in the Ottoman Empire to the present day, focusing on what provisions have been developed to prevent monopolization. The research questions of the study are concerned with which regulatory principles have been developed in Turkey to prevent media monopolization and whether any flexibility or relaxation of these principles has occurred over time, particularly in response to neoliberal policies.

REGULATIONS AIMED AT PREVENTING MEDIA MONOPOLIZATION IN TURKEY

The disproportionate power that media owners can acquire necessitates regulatory measures to prevent monopolization in the field while preserving the democratic structure and ensuring pluralism (Yaylagül, 2019, p. 416). In this context, media laws have been developed globally to limit the formation of media cartels or prevent disruptions to the framework of free competition. Regulatory and prohibitive norms have been established to counteract monopolies, duopolies, and oligopolies (Paşalı, 1999, p. 23). Darendeli (2007, p. 96) points out three primary objectives when looking at the history of

TÜRKİYE MEDYA AKADEMİSİ DERGİSİ
Araştırma Makalesi / Research Article
Cilt / Sayı: 3/6 Yıl / Year: 2023 369-391

regulations in broadcasting: "to protect media pluralism and freedom of expression, to ensure the regulation of international trade and national media markets, and to prevent congestion in international communication channels (satellite, internet, cable, and other broadcasts)."

Examining how various countries deal with media monopolization and their regulatory approaches highlights the importance of how these rules are implemented. Media regulation, a contentious issue, is considered within the scope of freedom of expression. It is guaranteed as freedom of speech in the US Constitution, in the European Convention on Human Rights, and in legal regulations related to the European Union and the Council of Europe (Fukuyama & Grotto, 2020, p. 199-200). The general trend in countries has shifted from a public service broadcasting model under state monopoly (Çaplı, 2001, p. 32-33) to private radio and television broadcasting driven by commercial interests (Coşkun, 2017, p. 204). However, various legal and principled methods have been developed to ensure that private broadcasting can continue without monopolization under conditions of fair competition. For instance, in the United States, anti-trust laws and various control mechanisms have been established by the to maintain competition under more equitable conditions (Erdoğan, 2002, p. 2). While these mechanisms are primarily aimed at preventing government monopoly and control over the media, they also aim to preserve diversity of voices by particularly preventing the consolidation of large-scale companies in the market (Horwitz, 2005, p. 182).

The first step in preventing one-to-one monopolization processes in Turkey was taken with the 1982 Constitution. Article 28 of the Constitution states that the state will take measures to ensure freedom of the press and freedom of obtaining news. Article 167, which aims to prevent monopolization and cartelization processes, is also included in the Constitution, stating that "The state shall take measures to ensure and develop the healthy and orderly functioning of markets for money, credit, capital, goods, and services; it shall prevent monopolies and cartels that may arise as a result of de facto or contractual situations in the markets."

In Turkey, efforts to prevent monopolistic activities in any sector are primarily regulated by competition law. The Law on the Protection of Competition, Law No. 4054, adopted on December 7, 1994, aims to "prevent agreements, decisions, and practices that restrict, distort, or impede competition in markets for goods and services, and the abuse of dominant positions by undertakings dominating the market, by making the necessary regulations and inspections to ensure the protection of competition." Within this scope, any actions, transactions, or behaviors that may restrict competition, including agreements, practices, or decisions that hinder competition, as well as mergers and acquisitions with the potential to significantly reduce effective competition in any market for goods or services, fall under the scope of this law, subject to measures, determinations, regulations, and inspections aimed at protecting competition.

Looking at the legal framework in Turkey, it is evident that regulations are shaped within the framework of the press, visual/audio media ownership, foreign capital, and distribution. The area most emphasized in this context is visual/audio media ownership. Regulations related to share/profit ratios in this field, especially horizontal, vertical, and cross-ownership regulations, are crucial in preventing monopolies.

Press

Regulations regarding newspaper ownership in Turkey can be traced back to the Ottoman period. During this period, the relationship between the press and the state was characterized by state restrictions and prohibitions. The bans imposed on the press paved the way for newspapers of the time to continue their journalistic activities by changing ownership and names. In an attempt to counteract this, the state, on July 14, 1909, enacted the Press Law, which required a deposit of 500 lira in Istanbul and 200 lira in the provinces to obtain a political newspaper license. Only those who could afford to pay this amount were allowed to publish newspapers, a practice criticized by journalists of that era (Topuz, 2003, p. 85-86). Despite these criticisms, the law remained in effect until 1931.

In 1931, with the enactment of the Press Law, the requirement for obtaining a license and making a deposit was abolished. However, on July 15, 1938, changes were made to the first article of the law, requiring a bank guarantee ranging from 1000 to 5000 lira, depending on the population, and obtaining a permit from the government to publish newspapers and magazines. Therefore, it can be said that in the early regulations on the press in Turkey, individuals with limited financial means were hindered from publishing newspapers and magazines. During that period, this financial condition did not facilitate the entry of the private sector into the press, similar to what happened after 1980, but it did have a negative impact on "poor, intellectual" journalists who wanted to publish newspapers.

Until the 1950s, there was a period in the press characterized by journalist owners, but the extensive powers granted to the government inevitably created a situation of "loyalty" and "dependency" on the government in the press. After the Democratic Party won the 1950 elections, a kind of ceasefire was declared between the press and the government. With the Press Law enacted on July 21, 1950, the government's control over the press eased. The previous requirements for deposits and permits, which were imposed to publish newspapers, were eliminated (Kabacalı, 1994, p. 230). However, during the Democratic Party era, government-supported newspaper owners gained practical prominence (Bulunmaz, 2012, p. 208). Government-friendly "patronage press" was established with financial support provided both when opening newspapers and during their publication. Therefore, although there cannot be talk of a monopoly within the press during this period, it can be said that around the government, there was a concentration of some "privileged" newspapers and journalists. In fact, during the Democratic Party era, a decree published on November 26, 1957, allowed for the centralized import of newspaper and magazine paper, the centralized distribution of advertisements, and favored government-friendly newspapers with more advertisement revenue and paper allocation, while significantly cutting income for some newspapers and even denying paper to others (Topuz, 2003, p. 203).

In the 1961 constitution, various articles were introduced to ensure press freedom. For example, Article 22 established that the press is free and cannot be censored, while Article 23 stated that no prior permission or financial guarantee would be required to publish newspapers and magazines. Although this briefly provided a respite for newspaper owners, technological advancements and the inability of newspaper sales to cover costs led the press into new challenges. As conglomerates and private companies entered the field, media consolidation began in Turkey. Therefore, until the 1980s, government privileges in terms of newspaper ownership (support, control, censorship) played a decisive role.

TÜRKİYE MEDYA AKADEMİSİ DERGİSİ
Araştırma Makalesi / Research Article
Cilt / Sayı: 3/6 Yıl / Year: 2023 369-391

In Law No. 3984 on the Establishment and Broadcasting of Radio and Television, there were regulations pertaining to newspaper ownership. These regulations stipulated that "individuals and legal entities who publish newspapers in Turkey, as well as those who are considered newspaper owners according to press-related legislation, collectively cannot own more than 20% of the shares in such newspapers. This provision also extends to their blood relatives and legal relatives up to and including the third degree." The purpose of this regulation was to prevent monopolies and cartels from forming within the media sector. However, a significant change was introduced with Law No. 4756. In this amendment, the provision related to share ownership in newspapers was removed, allowing for greater flexibility in ownership structures. Consequently, the regulations aimed at preventing monopolies were refocused on the ownership of radio and television channels. It's noteworthy that the 5187 Press Law, enacted on June 9, 2004, did not introduce any new provisions concerning share ownership in newspapers, creating a regulatory gap that could potentially facilitate concentration in this area.

Visual/Audio Media Ownership

Visual and audio media emerge as a field where regulations against monopolization have been more frequently enacted. Within this context, various measures have been developed to prevent concentration in the field, including the viewer share model, license ownership model, revenue share/frequency limitation model, capital share/broadcast license model (Darendeli, 2007, p. 99). Another measure developed to prevent concentration in media ownership is strengthening public broadcasting (Avşar, 2004, p. 90). However, in a space where private capital exists, it may not provide a standalone solution for preventing monopolization, as the development of public broadcasting and its competition with private channels/stations would not be easy.

The first regular radio broadcasting in Turkey started in 1927, and radio broadcasting, which began in Istanbul and Ankara, emerged as a private initiative. Until 1937, various private enterprises, including the government-affiliated Telsiz Telefon Türk Anonim Şirketi partnership, carried out telecommunications activities (Tekinalp, 2003, p. 105). However, with the Telecommunications Law passed on June 9, 1937, the government assumed a monopoly over "all kinds of telegraph installations and operations that transmit and receive any kind of images, signs, and sounds through electromagnetic waves." Following the establishment of the Turkish Radio and Television Corporation (TRT) with the Turkey Radio and Television Corporation Law on December 24, 1963, the era of state monopoly in radio and television began. While radio and television stations could only be established by the government, a constitutional amendment was made on July 8, 1993, allowing the establishment of radio and television stations by private companies and holdings. This change opened the way for private enterprises and conglomerates to establish radio and television stations.

However, the start of private television broadcasting with the establishment of Magic Box in 1990 opened the way for the government, which had a monopoly in the field until then, to develop legal restrictions to regulate competition. Indeed, in 1994, Law No. 3984 on the Establishment and Broadcasting of Radio and Television was passed, and RTÜK was established. In the law, various regulations regarding the establishment and ownership ratios of television, radio, and newspapers were introduced. According to these regulations, certain institutions and organizations[2] were not allowed to establish private radio and television stations. It was stipulated that only one radio and television broadcasting company could be established by the same company, individuals related up to the third degree in the same private radio and television institution could not be shareholders, and the share of a shareholder in a company could not exceed 20% of the paid-up capital, and those who owned shares in more than one institution could not exceed 20% of the total shares in those institutions. On May 15, 2002, Law No. 4756 introduced a new amendment, relaxing the ownership share ratios by altering them. A provision was added stating that "the capital share of an individual or legal entity or a capital group in a television or radio broadcasting company, where the annual average viewing or listening rate exceeds 20%, cannot exceed 50%." Thus, the concentration of a specific group in a radio and television broadcasting company has been facilitated.

[2] According to the law, "Political Parties, Associations, Labor Unions, Professional Organizations, Cooperatives, Foundations, Local Authorities, as well as companies, joint ventures, associations established by these authorities, or those in which these authorities have shares, in addition to production, investment, export, import, marketing, and financial institutions and organizations" are not allowed to establish or participate in private radio and television broadcasting companies.

While Law No. 3984 prohibited individuals or entities with ownership exceeding 10% in a particular radio or television establishment from participating in government tenders, the new regulation no longer includes this provision. Consequently, the ties between the government and private capital have been strengthened. Despite objections from then-President Ahmet Necdet Sezer and the Turkish Journalists' Union (TGS), these changes were accepted by the Turkish Grand National Assembly (TBMM). As a result of all these changes, significant alterations occurred in the ownership structure of the Turkish media. In the 2000s, the Doğan Group (45%), Merkez Group (21-25%), Çukurova Group (15%), and Doğuş Group (10%) collectively held 90% of the television market (Kuyucu, 2012, p. 259). Although the ability of media institutions to enter public tenders may create an illusion of freedom, it, similar to the Democratic Party era, prompts various media organizations to establish close ties with the government, ultimately leading to the state's influence over these entities.

On February 15, 2011, Law No. 6112 on the Establishment and Broadcasting Services of Radio and Television was adopted, introducing new changes to share ratios. The law stipulates that "an individual or legal entity can directly or indirectly participate in a maximum of four terrestrial broadcast licenses of a media service provider organization," and "media service provider organizations with multiple partnerships cannot exceed 30% of the sector's total commercial communication revenue annually." Consequently, the share ratios, which were 20% in Law No. 3984, were increased to 30% through this law article. This made it somewhat easier for concentration to occur within a particular radio and television establishment.

Foreign Capital

In Law No. 3984, regulations were introduced concerning foreign partners, stipulating that the share of foreign capital in a specific private radio and television broadcasting organization should not exceed 20%, and that a foreign individual or legal entity could only become a partner in a single broadcasting organization. However, significant changes were made through subsequent laws. With Law No. 4756, this ownership limit was increased to 25%, and under Law No. 6112, it was further raised to 50%. Consequently, the critical threshold for capital required to establish a radio or television channel was significantly raised, thereby facilitating concentration. This situation can be explained by the interest of corporations with growing international influence wanting to enter developing countries. Nevertheless, the fact that regulatory measures aimed at preventing monopolies may inadvertently facilitate monopolization raises questions regarding Turkey's media structure.

Distribution

The distribution channel constitutes one of the significant elements of monopolization. When we look at the history of the formation of the newspaper distribution network in Turkey, during the Ottoman Empire period, due to the low literacy rate, newspapers were printed in limited numbers, and there was no need for an extensive distribution network. Typically, newspapers published in Istanbul were delivered to a limited number of readers in Istanbul and its surroundings (Eroğlu, 1985, p. 1). In the early years of the Republic, due to the underdeveloped infrastructure and insufficient technological capabilities nationwide, newspapers carried out their distribution activities themselves. The establishment of distribution companies dates back to the post-1959 period, and from this year onwards, newspaper distribution in Turkey became regular and systematic (Yüksel, 2020, p. 263). The first distribution company, named GAMEDA (Newspaper Distribution Limited Company), was established in 1959 through a partnership between Tercüman, Milliyet, Cumhuriyet, Yeni Sabah, and Dünya newspapers with Tifdruk Printing (Turan, 2007, p. 303).

When examining the regulations aimed at preventing monopolization in the distribution process of the press, a prominent provision can be found in Law No. 5187. Article 6 of Law No. 5187 on the Press, which came into effect on July 5, 2012, states that "individuals and legal entities, as well as public institutions and organizations, may own periodical publications." Article 23 of the law contains regulations related to the distribution of periodical publications. While this article does not contain any provisions regarding ownership of distribution companies, it prohibits distribution companies from having obligations such as "not selling rival publications." Apart from this, there are no legal regulations specifically aimed at preventing consolidation in the distribution network.

Through all these legal regulations, it can be clearly observed that the efforts to prevent monopolization, which began in the 1990s as part of the process of aligning with the European Union, have been gradually relaxed over time, allowing large-scale companies and foreign capital to operate more freely.

CONCLUSION

This study discusses the historical development of media ownership regulations in Turkey, primarily focusing on newspapers, visual/audio media, foreign capital involvement, and distribution. In conclusion, the evolution of media ownership regulations in Turkey reflects a complex historical trajectory, shaped by a multitude of factors including political dynamics, economic interests, and international influences. From its Ottoman origins to the present day, Turkey's media landscape has witnessed significant transformations in ownership structures and regulatory frameworks.

When examining the history of media in Turkey, a transition from small businesses to large conglomerates is evident. Currently, the Turkish media exhibits an oligopolistic structure, showcasing the negative aspects of this concentration process. In this landscape, organizations with close ties to the government dominate, resulting in content homogenization, patronage issues, editorial independence concerns, and unemployment.

The legal regulations aimed at preventing media monopolization in Turkey primarily focus on ownership of visual/audio media, the press, foreign capital, and distribution areas. Among these, regulations regarding ownership of visual/audio media are the most detailed, especially following the establishment of privately-owned channels and subsequent amendments made through Law No. 3984. These regulations bear some resemblance to measures in place internationally to prevent monopolies. However, over time, it is observed that these restrictions have been loosened through regulatory amendments. Particularly, the flexibility introduced in terms of the percentage of shares, profit distribution, and relationships with the state through recent changes has played a role in facilitating the emergence of a government-friendly media oligopoly.

In this context, another significant issue is the increase in the ownership quota for foreign capital, which has been raised from 20% to 50%. While corporations worldwide are vying for influence, complying with these pressures through legal regulations may lead to difficulties for local organizations in the long run. Despite offering some limitations on media ownership through quota-based regulations, the flexibility in implementing these quotas has facilitated concentration by large-scale corporations.

Lastly, the distribution sector lacks significant regulatory measures against monopolization. Distribution is a crucial pillar of media monopolization, as organizations that concentrate on content production often control distribution channels. This leads to similarities in terms of media ownership and ideological/political content across both written and audiovisual media due to the absence of punitive measures that could restrict ownership and content transitions.

In today's digital age, while traditional print media continues to exist, the primary focus of media has shifted towards digital platforms. Consequently, regulating social media has become a significant policy direction for the state. For instance, in Europe, new regulations like the General Data Protection Regulation (GDPR) and the Network Enforcement Act (NetzDG) have been introduced. The commercial nature of social media, combined with the shift of concentrated media markets to this domain, demands special attention to potential monopolies on internet platforms. However, the absence of legal regulations to prevent monopolies in this field constitutes a significant gap. Characterizing Turkey's media landscape as an oligopoly is possible, and the ability of the internet to sustain mainstream and alternative platforms remains uncertain amidst potential future concentrations.

Of course, analyzing legal regulations alone is insufficient to understand the process of media monopolization in Turkey. In addition to evaluating regulatory changes, conducting a historical analysis is essential, as well as examining the economic and political context of media in Turkey. Beyond these analyses, exploring intra-media relationships, ideological structures, and political ties will be valuable in deciphering the main determinants of media monopolization in Turkey.

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