

# Objection!

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11

**THE BIGGEST RISK OF CARELESS SHOPPING:  
CRIME OF PURCHASING OR ACCEPTING PROPERTY  
ACQUIRED THROUGH COMMITTING AN OFFENSE**



## **THE BIGGEST RISK OF CARELESS SHOPPING: CRIME OF PURCHASING OR ACCEPTING PROPERTY ACQUIRED THROUGH COMMITTING AN OFFENSE**

The crime of purchasing or accepting property acquired through committing an offence has become an increasingly common type of crime with the effect of gradual increase in shopping and consumption, and consequently the widespread use of the online shopping. Consumers' tendency to use online shopping websites, therefore unknown sources, and to reach individual vendors to be able to make more affordable purchases, especially in the purchases of second hand electronic devices and automobiles, make this type of crime more significant. It has been observed in the most common incidents that the individuals who purchase property acquired through committing an offence are not aware of these characteristics of those properties. Thus, the individuals suffer a loss by reason of the seizure of the purchased property and the price they have paid for those properties, and also they face with the accusation of the crime of purchasing or accepting property acquired through committing an offence. As a matter of fact, we encounter many current examples of this crime which is becoming increasingly widespread today. For example, in July 2017 it has been detected that a man who introduced himself as an owner of an automobile gallery sold a great number of stolen automobiles to the women he met online, for a very low price. Similarly, as a result of an operation in March 2018 it was detected in a scrapyards that a large number of stolen and underpriced generators, engines and spraying machines was being sold. Nowadays, such examples are encountered more often and accordingly the number of lawsuits in relation to this crime is gradually increasing. In this respect, while purchasing or acquiring properties, it is necessary to make a price comparison with the market, and to ensure that the vendor is reliable and authorized to sell the property.

The crime of purchasing or accepting property acquired through committing an offence is regulated under Article 165 of the Turkish Criminal Code and within the scope of offences against property.

### **When Does the Crime of Purchasing or Accepting Property Acquired Through Committing an Offence Occur?**

In practice, mostly the purchases and sales of electronic devices and automobiles are subject to this type of crime. The crime in question is regulated under the Turkish Criminal Code as; "Any person and who does not participate in the commission of this offence sells, transfers, purchases or accepts the property or other asset acquired through committing an offence, shall be sentenced to a penalty of imprisonment from six months up to three years and punitive fine up to thousand days". In this sense, primarily a property acquired through an offence committed is necessary. Apart from this, there are two fundamental points; I) perpetrator not participating in the acquisition of the property and most importantly, II) knowing that the property had been acquired through committing an offense.

In practice, when assessing whether the individual who purchases or accepts the property knows that the property was acquired through an offence committed, criteria such as the place of the purchase, the way of purchasing and whether the property was purchased much lower than the normal price are taken into consideration.

To give an example from the perspective of the Court of Appeals, purchasing a motorcycle without number plate and license by not concluding a contract is deemed as within the scope of this crime. Similarly, purchasing a mobile phone without IMEI inquiry at a price well below its market value is considered within this scope as well. In addition, the evaluation made in the context of knowing whether the property is acquired through an offence committed may be negative in terms of the sales made without any invoice or receipt or in which money is handed over rather than deposited.

For this reason, in order to avoid to be accused of committing this crime, each property should be purchased from reliable vendors, invoice or receipt showing that the property is purchased should be received, and that whether the sale price coincides with the prices in the market should be taken into consideration. Moreover, if the property regarding motor vehicles such as motorcycle and car have been purchased or acquired from a person rather than a store, a sales contract should be conducted in a public notary, and if the purchased property is a mobile phone, an inquiry should be made through its IMEI number regarding whether it is stolen.

### **What Sanctions Does the Turkish Criminal Code Have For the Crime of Purchasing or Accepting Property Acquired Through Committing An Offence?**

The sanction for the crime of purchasing or accepting property acquired through an offence committed has been set forth as an imprisonment of six months up to three years and judicial fine up to ten thousand days.

### **What Should Be Done When Facing an Accusation of Purchasing or Accepting Property Acquired Through Committing an Offense**

When facing an accusation of purchasing or accepting property acquired through committing an offense, it must be proved that the purchase and sale follows the normal course of events and the suspect is unaware of that the property was acquired as result of a committing an offense.

At this stage, it is crucial to be assisted by a lawyer because in most cases, individuals are primarily held accountable for their involvement in the alleged crime (e.g. theft, plunder, etc.) committed to acquire the property in question. In this sense, individuals who are not aware that the property in question is acquired through an offense committed, suffer an aggrievement in this aspect together with many others.

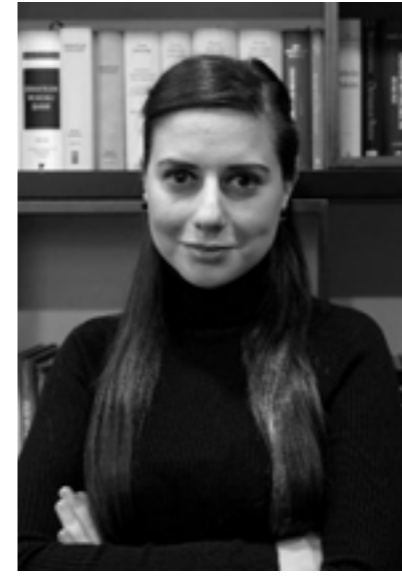
## Answers. Not theories.

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### About our firm

Gokce Attorney Partnership is an Istanbul-based law firm offering legal services across a broad range of practice areas including mergers and acquisitions, joint ventures, private equity and venture capital transactions, banking and finance, capital markets, insurance, technology, media, telecoms and internet, e-commerce, data protection, intellectual property, regulatory, debt recovery, real property, and commercial litigation. Please visit our web site at [www.gokce.av.tr](http://www.gokce.av.tr) for further information on our legal staff and expertise.

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