

THE FINE PRINT

Answers. Not theories.

A LANDMARK CHANGE IN TURKISH LAW: THE 93-YEAR-OLD ENFORCEMENT AND BANKRUPTCY LAW IS BEING REFORMED

- Regulation on Direct Sales Has Been Published
- Notable Decisions from the Supreme Court
- Warning from the Turkish Data Protection Authority to Creditors' Attorneys: Public Announcement on Sharing Debt Information by Accessing the Phone Numbers of Debtors' Relatives
- Sanction from the Advertisement Board against Getir: Mandatory Card Registration Found to Be Unlawful

A Landmark Change in Turkish Law: The 93-Year-Old Enforcement and Bankruptcy Law Is Being Reformed

A draft version of the Compulsory Enforcement Law (**Draft**), which aims to significantly revise the provisions of the Enforcement and Bankruptcy Law dated 1932 (**Law**), has been released for public consultation. The Draft, published on the official website of the Ministry of Justice on 14 August 2025, seeks to align the Law with contemporary needs and legal developments.

Considering that the current Law has been in force since its adoption in 1932, it is evident that the Draft constitutes a long-awaited reform proposal. Indeed, the preamble to the Draft explicitly notes that the Law has been amended 41 times to date, and even the most comprehensive revisions have failed to ensure consistency. Another key objective of the Draft is to restructure the rules of enforcement and bankruptcy law—which have, so to speak, evolved into a legal labyrinth—into a simpler, more coherent, practically applicable, and contemporary framework.

Although the Draft provides for a complete overhaul of the existing Law, several key changes concerning issues frequently encountered in practice include the following:

- In order to initiate non-judicial enforcement proceedings, it will now be mandatory to rely on a document. Documents issued or certified by public authorities, contracts, instruments suitable for proving the origin of the receivable, or—in commercial relationships between merchants—undisputed invoices, will fall within this scope. With this amendment, the aim is to prevent individuals who possess no written documentation from directly initiating compulsory enforcement proceedings in a way that may infringe upon the debtor's right to property.
- The procedure of “removal of objection” (itirazın kaldırılması) is abolished under the Draft. Under the new system, if the debtor objects to the payment order upon service, the proceeding will be suspended. In order to reactivate the suspended proceeding by requesting seizure, the creditor must file an action for annulment of objection. Accordingly, the annulment action will now be the sole legal remedy capable of neutralizing an objection.
- The Draft does not include the current provisions governing enforcement proceedings based on negotiable instruments within the non-judicial enforcement procedure, nor the special rules on the collection of bank receivables. Although the Draft eliminates specific enforcement routes for negotiable instruments, it will

remain possible to initiate attachment or bankruptcy proceedings against a debtor based on a negotiable instrument.

- Under the new regulation, judgments rendered by courts of first instance will no longer be directly enforceable. The intention here is to establish a “middle ground” that balances the interests of both creditors and debtors.

Accordingly, in order for a judgment to be subject to enforcement, it must either be final or be reviewed and decided upon by the Regional Court of Appeal following an appeal.

- Special provisions under the Maritime Law section of the Turkish Commercial Code -concerning liens over goods and receivables arising from maritime trade- are now consolidated under a new section titled “Maritime Compulsory Enforcement.”
- The Draft also includes provisions concerning crypto-assets. Debtors will now be required to include crypto-assets in their asset declarations. The valuation of such assets may be carried out by court-appointed experts with relevant technical expertise.

In addition, the principles governing the attachment of crypto-assets are also set forth. Enforcement requests in this context may only be fulfilled by crypto-asset service providers. It will also be possible to query both cash and crypto-assets via information systems and to attach them electronically. The procedures governing the safekeeping and liquidation of attached crypto-assets will be determined by secondary legislation.

The Draft will be finalized following the public consultation process. Opinions and suggestions may be submitted until 31 January 2026. The final version of this reform, which has already generated significant attention in the Turkish legal community, is awaited with great interest.

You may access the Ministry of Justice's official announcement and all related documents concerning the Draft from [here](#) (*Only available in Turkish*).

Regulation on Direct Sales Has Been Published

As is well known, provisions concerning direct sales systems under Turkish consumer law were previously regulated under the Regulation on Contracts Concluded Outside the Business Premises. With the amendment regulation published in the Official Gazette on 8 August 2025, those provisions have been repealed and replaced by a dedicated and comprehensive piece of secondary legislation: the Regulation on Direct Sales (**Regulation**). The Regulation, which introduces new obligations for both direct sales companies and

direct sellers, is based on Article 47/A of the Law on the Protection of Consumers (Law).

The primary objectives of the Regulation are to protect consumers, eliminate the risks associated with pyramid sales schemes, and establish clear and auditable rules for the sector. While the Regulation may reduce the number of small-scale initiatives by introducing high capital and security requirements for companies seeking to enter the market, it is expected to strengthen trust and transparency within the industry.

Although pyramid sales systems have already been explicitly prohibited under Article 80 of the Law, in practice, such schemes have often been disguised as “network marketing” operations. Their incorporation as limited liability or joint stock companies, acquisition of permits from the Ministry of Trade, and fulfilment of tax obligations often created the misleading appearance that their operations were lawful. In order to better protect consumers from such schemes, the Regulation introduces stricter preventive measures.

Key provisions introduced by the Regulation include the following:

- Direct sales companies must be established with a minimum paid-in capital of TRY 10 million. Additionally, an amount of TRY 3 million must be maintained in a blocked account with a domestic bank.
- Companies are required to obtain a Direct Sales Authorization Certificate from the Ministry of Trade, which will be valid for a period of three years. The application requirements for this certificate are set out in detail under the Regulation.
- Under the Regulation, a direct sales system must primarily be based on the sale of goods or services to consumers. The total amount of commissions and bonuses paid to direct sellers may not exceed 50% of the company's annual net sales; furthermore, income derived from the recruitment of new direct sellers may not account for more than 30% of total earnings.
- The starter packages provided to direct sellers upon joining the system may only include goods or services determined by the direct sales company. No additional charges such as membership or renewal fees may be requested from direct sellers within this scope.
- One of the most significant changes in terms of consumer rights is the introduction of a 30-day right of withdrawal without cause. Consumers will be entitled to withdraw from the contract within 30 days following the delivery of the goods or services, and in cases of inadequate pre-contractual information, this period may be extended up to one year.

- Direct sales companies are now also obliged to establish a system through which consumers can be informed and submit their requests. Accordingly, direct sellers must provide consumers with an information form in writing or via a data retention device.

Direct sales companies already operating prior to the publication of the Regulation may continue their activities until their authorization applications are finalized; however, they are required to bring their operations into compliance with the Regulation and submit their authorization applications no later than 30 January 2026.

The general principles applicable to direct sales systems, as well as the capital and authorization requirements imposed on companies, will enter into force on 1 January 2026, while all other provisions took effect on the date of publication of the Regulation.

You may access the full text of the Regulation from [here](#) (Only available in Turkish).

Notable Decisions from the Supreme Court

Supreme Court Recognizes Violation of Privacy in Secretly Recorded “High Heels” Video

In its decision dated 8 January 2025, rendered under case file number 2023/2170 and decision number 2025/182 (**Decision**), the 12th Criminal Chamber of the Supreme Court ruled that recording individuals walking on the street without their consent and sharing such footage on social media constitutes a criminal offense.

In the case at hand, the defendant secretly recorded a 15-second video of two individuals walking on the street and shared it on his social media account.

Upon noticing the video, the individuals requested its removal; however, the defendant kept the video online for a while longer. In his defense, the defendant stated that his interest was in the high-heeled shoes worn by the individuals. Following the first trial, the defendant was sentenced to 2 years and 1 month of imprisonment for violating the privacy of private life.

The Appellate Court overturned the conviction and acquitted the defendant, reasoning that the faces of the individuals were not visible and their identities could not be determined. The case was then brought before the Supreme Court upon appeal.

In its Decision, the Supreme Court emphasized that even if faces are not visible, recognizability of individuals is sufficient to establish a violation of privacy. The Court noted that in parts of the video, the heads, hair, backs, and clothing of the individuals were clearly visible, making their identification possible.

The Court further stated that individuals' choice of clothing and footwear in public is part of their private life; and that even in public spaces, individuals have the right to move without being secretly observed, identified, or monitored.

Moreover, it underlined that being present in a public space does not imply consent to the unrestricted recording of one's image.

The Court also held that while the published images qualify as personal data, since they simultaneously concern private life, the principle of "lex specialis derogat legi generali" applies. Accordingly, the defendant's conduct was evaluated under the offense of violation of privacy. As a result, the acquittal was overturned, and the case was remanded to the Appellate Court for retrial.

Precedent Decision by the Supreme Court on WhatsApp Messages

WhatsApp conversations, which hold a significant place in daily communication, have increasingly become a subject before the courts in recent years. The 12th Criminal Chamber of the Supreme Court, in its decision dated April 14, 2025, rendered under case file number 2022/10008 and decision number 2025/3790 (**Decision**), brought a different perspective to the ongoing debates concerning the boundaries of private life and the confidentiality of communications.

In the case at hand, a parent took a screenshot of WhatsApp messages exchanged with a teacher and shared it within a WhatsApp group consisting solely of student parents. This disclosure led to a criminal case on the grounds of violation of the confidentiality of communications.

The court of first instance sentenced the defendant to 10 months of imprisonment under Article 132/3 of the Turkish Penal Code for violating the confidentiality of communications.

Appeal Stage: Conviction Overturned

Upon the defendant's appeal, the appellate court ruled that the screenshot was not shared in a public environment but rather in a closed group with a limited number of participants. Accordingly, it concluded that the messages did not pertain to private life and overturned the first instance court's decision.

The case was subsequently taken to the Supreme Court. The Court upheld the appellate court's reasoning and confirmed the acquittal.

Thus, an important precedent has been established: WhatsApp messages shared in closed groups cannot be considered within the scope of the crime of "violation of the confidentiality of communications."

Warning from the Turkish Data Protection Authority to Creditors' Attorneys: Public Announcement on Sharing Debt Information by Accessing the Phone Numbers of Debtors' Relatives

The Turkish Personal Data Protection Authority (**Authority**) published a public announcement (**Announcement**) on 20 August 2025, regarding creditors' attorneys accessing the phone numbers of debtors' relatives and sharing debt information with them.

The Authority emphasized that such actions are contrary to the Personal Data Protection Law. The Announcement further stated that, should creditors' attorneys engage in such practices, they would be violating the rights of data subjects and may face sanctions.

In the Announcement, Authority reminded that creditors' attorneys must obtain the explicit consent of the data subjects before accessing the phone numbers of debtors' relatives. Otherwise, in cases of unauthorized sharing of personal data, the Authority would carry out necessary inspections and impose sanctions where appropriate.

The Announcement once again underlined the importance of public awareness and sensitivity regarding the protection of personal data.

You can access the Announcement [here](#) (*Only available in Turkish*).

Sanction from the Advertisement Board against Getir: Mandatory Card Registration Found to Be Unlawful

The Advertisement Board (**Board**) has found the commercial practices carried out by Getir Perakende Lojistik Anonim Şirketi (**Getir**) through its website [getir.com/yemek](#) to be unlawful.

In its review dated 30 January 2025, the Board determined that consumers were forced to save their credit card details to Masterpass/the system under the "Add Card" step on Getir's food order payment page.

Board stated that, since purchases could not be completed without saving card details to the system, consumers were compelled to enter into a transaction to which they would not normally be a party.

Accordingly, the Board concluded that the relevant practices of Getir constituted unfair and misleading commercial practices and decided to suspend the related advertisements.

You can access the Advertisement Board's decision on Getir [here](#) (*Only available in Turkish*).

Editors



Görkem Gökçe

gorkem.gokce@gokce.av.tr



Tuğçe Beyazkılınç

tugce.beyazkilinc@gokce.av.tr



Yağmur Yollu

yagmur.yollu@gokce.av.tr

About us

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 for further information on our legal staff and expertise.

Please contact us at
info@gokce.av.tr
0 212 352 88 33

The Fine Print is prepared and published for general informative purposes only and does not constitute legal advice or create an attorney-client relationship. Should you wish to receive further information, please contact Gokce Attorney Partnership. No content provided in The Fine Print can be reproduced or re-published without proper attribution or the express written permission of Gokce Attorney Partnership. While all efforts have been made to ensure the accuracy of the content, Gokce Attorney Partnership does not guarantee such accuracy and cannot be held liable for any errors in or reliance upon this information. The Fine Print was created for clients of Gokce Attorney Partnership and the possibility of circulation beyond the firm's clientele should not be construed as advertisement.