

Turkey

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Guidance

How are crypto assets defined in your jurisdiction?	<p>Crypto assets are defined under Article 3/3/bb of the Capital Markets Law numbered 6362 ("CML") which is amended by Law Amending the Capital Markets Law Regarding Crypto Assets numbered 7518 ("Crypto Law") as intangible assets that can be electronically created and stored using distributed ledger technology or a similar technology, transmitted through digital networks and capable of representing value or rights.</p>
What is the legal status of crypto assets in your jurisdiction?	<p>In Turkish legal doctrine, the nature and legal status of crypto assets has been a subject of debate. Similarly, judicial decisions have examined this issue in depth. In a 2021 ruling, first-instance court decision indicated that crypto assets could be classified as commodities or securities and might be recognized as a form of digital currency or virtual money (Decision of Istanbul 24th Enforcement Court dated 19.04.2021, Case No. E.2021/586, Decision No. K.2021/675).</p> <p>Those debates have ended partially due to the legislative actions. Under Article 35/B/6 of the CML, the phrase "crypto assets that confer rights specific to capital market instruments" is employed, while Article 35/C/2 refers to "crypto assets to be traded or initially offered or distributed on platforms". Accordingly, it is now clear that crypto assets are defined within the scope of the legislation and are considered intangible assets subject to capital market regulations. However, different types of crypto assets—such as those classified as e-money and NFTs—may still fall under distinct legal categories.</p> <p>Consequently, based on current regulations, it can be stated that the legal status of crypto assets is that of "intangible assets" and they do not possess the characteristics of tangible property under the legal framework.</p>
Are crypto assets regulated in your jurisdiction?	<p>Crypto assets are partially regulated in Türkiye.</p> <p>Pursuant to the explicit provision set out in Article 35/B/8, the CML does not apply to crypto assets other than those specified under Article 35/B/6 and those traded on platforms in accordance with the principles set forth in Article 35/C/2. This indicates that other types of crypto assets fall outside the scope of the CML.</p>

	<p>Non-fungible and unique crypto assets (NFTs), as well as crypto assets used solely within virtual games, are likewise not regulated under the current legislation.</p>
<p>If crypto assets are regulated in your jurisdiction, which key regulatory authorities are responsible for the regulations and their enforcement in your jurisdiction? How are they regulated?</p>	<p>There are various regulations regarding the concept and enforcement of crypto assets in Turkish law.</p> <p>In this context, the first official regulation was the Regulation on the Non-Use of Crypto Assets in Payments ("CBRT Regulation"), published by the Central Bank of the Republic of Türkiye ("CBRT") on 16.05.2021. This regulation provided a legal definition of the term crypto asset and explicitly stated that these assets are not considered traditional financial instruments.</p> <p>Following this, the Guide on the Basic Principles Regarding the Prevention of Money Laundering and the Financing of Terrorism for Crypto Asset Service Providers ("Guide") was published by the Financial Crimes Investigation Board ("FCIB"). The Guide includes provisions on money laundering offenses, terrorism financing offenses, obligated parties and related obligations.</p> <p>Subsequently, on 26.06.2024, Crypto Law was adopted by the General Assembly of the Grand National Assembly of Türkiye. This law clearly defines fundamental concepts such as crypto assets, platforms, crypto asset service providers, crypto asset custody services and wallets within a legal framework.</p> <p>Additionally, with the FCIB regulation published in the Official Gazette on 25.12.2024, new obligations were imposed on crypto asset service providers. In this scope, these providers were classified as "financial institutions" and they became subject to obligations underlined under Question 5.</p> <p>Most recently, the Capital Markets Board ("CMB" or the "Board") published (i) Communiqué No. III-35/B.1 on the Principles of Establishment and Operation of Crypto Asset Service Providers ("Communiqué No. III-35/B.1"), (ii) Communiqué No. III-35/B.2 on the Principles and Procedures for the Operation and Capital Adequacy of Crypto Asset Service Providers ("Communiqué No. III-35/B.2"), (iii) Communiqué No. III-62.2.b on Amendments to the Communiqué on Independent Audit of Information Systems ("Communiqué No. III-62.2.b"), and (iv) Communiqué No. VII-128.10 on the Principles and Procedures for the Management of Information Systems ("Communiqué No. VII-128.10") in the Official Gazette on 13.03.2025.</p> <p>Communiqué No. III-35/B.1 establishes the regulatory framework for crypto asset service providers, outlining the qualifications and responsibilities of founders, managers, shareholders and personnel, as well as operational principles and organizational structure. It sets provisions on corporate governance, share transfers, information systems and technological infrastructure. Communiqué No. III-35/B.1 also regulates outsourcing, prohibited transactions, record-keeping, internal audit, internal control and risk management systems, along with conditions for the temporary or permanent suspension of activities.</p> <p>Communiqué No. III-35/B.2 sets out the principles governing the services and activities crypto asset service providers may offer, including listing requirements for crypto assets, the reconciliation system and capital adequacy standards.</p> <p>Communiqués No. III-62.2.b and No. VII-128.10 also introduce regulations for crypto asset service providers, specifically addressing the management principles and procedures for their information systems.</p> <p>In conclusion, regarding crypto assets, the CBRT, the Board and FCIB are the authorized institutions, as specified in the aforementioned regulations.</p>

<p>Have specific anti-money laundering measures been introduced in relation to crypto asset activities in your jurisdiction?</p>	<p>Anti-money laundering measures have been implemented in Türkiye concerning crypto asset activities. The FCIB has classified crypto asset service providers as “obligated parties”, imposing obligations such as Know Your Customer procedures, suspicious transaction reporting and the obligation to provide information and documents.</p> <p>On 25 December 2024, the FCIB published a new anti-money laundering regulation in the Official Gazette, introducing expanded compliance requirements for crypto asset service providers. Under this regulation crypto asset service providers are now classified as financial institutions, subjecting them to stricter anti-money laundering and counter-terrorist financing rules. These obligations include recording sender and receiver information in crypto asset transfers, ensuring compliance program implementation and receiving electronic notifications while conducting remote identity verification.</p> <p>These measures aim to enhance regulatory oversight, strengthen financial transparency and mitigate risks associated with crypto asset transactions.</p>
<p>How is the use of blockchain in the financial services sector regulated in your jurisdiction?</p>	<p>The use of blockchain technology in financial services in Türkiye is gradually increasing and the legal framework is indirectly shaped through crypto assets.</p> <p>The scope of crypto regulations is outlined above. For a detailed explanation, please refer to Question 4.</p>
<p>How are crypto assets taxed in your jurisdiction?</p>	<p>In Türkiye, there is no specific regulation in tax legislation regarding how gains derived from crypto assets will be taxed, particularly for individuals who do not earn income within the scope of commercial activities.</p> <p>If crypto assets are classified as “intangible assets” under tax regulations in the future, this definition could potentially be incorporated into Article 70 of the Income Tax Law numbered 193 (“Law No. 193”). In such a case, gains from the disposal of crypto assets could be subject to taxation as capital gains under Article 80 of Law No. 193.</p> <p>However, as of March 2025, there is no tax regulation currently in force addressing this matter.</p>
<p>Are crypto assets recognized as a type of property in your jurisdiction?</p>	<p>In Turkish law, the concept and legal nature of “property” is not explicitly defined under the Turkish Civil Code (“TCC”) numbered 4721. Article 762 of the TCC states that the subject matter of ownership consists of tangible objects that can be physically transferred due to their characteristics, as well as natural forces that are capable of being acquired and do not fall within the scope of immovable property ownership. According to the generally accepted view in legal doctrine, property refers to tangible objects that have an independent existence and can be subject to control.</p> <p>From the tangibility perspective, an object must occupy physical space in the universe to be classified as property. Regarding control, a tangible object must be capable of being subject to both legal and actual possession. The criterion of having an independent existence means that the object must be distinct from the values constituting human personality.</p> <p>Since crypto assets are classified as “intangible assets”, they cannot be considered property under Turkish law. Moreover, the fact that access to crypto assets requires a digital environment, rather than physical possession, further supports the argument that they do not satisfy the tangibility requirement.</p> <p>Accordingly, rather than classifying crypto assets as property, it would be more appropriate to adopt the “intangible asset” characterization, which is also endorsed by the legislator.</p>

<p>How does your jurisdiction deal with the application of property laws to intangible assets and conflicts of laws with other jurisdictions</p>	<p>Intangible assets are recognized and regulated under Turkish law. For instance, intellectual and artistic works are classified as intangible assets and are protected under the Law on Intellectual and Artistic Works numbered 5846 ("Law No. 5846") and the Industrial Property Law numbered 6769 ("Law No. 6769").</p> <p>While traditional property law primarily applies to tangible assets, courts and regulators have increasingly interpreted intellectual property, digital rights and crypto assets within the broader framework of intellectual property, capital markets and commercial law. Trademarks, patents, copyrights and other digital assets are safeguarded under these legal frameworks, with ownership rights typically established through registration and licensing agreements. In case of disputes, such matters are generally resolved in specialized intellectual property courts.</p> <p>Türkiye addresses conflicts of laws with other jurisdictions through International Private and Procedural Law numbered 5718 ("Law No. 5718"). This law establishes the principles for determining the applicable law, jurisdiction and enforcement of foreign judgments in cases involving international legal disputes.</p> <p>Türkiye is also a party to various international conventions and bilateral agreements that facilitate cross-border legal cooperation. These agreements regulate jurisdictional conflicts, enforcement of foreign judgments or procedural matters in international disputes. In cases where no specific agreement exists, Turkish courts apply general principles of international private law to determine jurisdiction and applicable law.</p> <p>In summary, Law No. 5718, international treaties or bilateral agreements form the basis of Türkiye's approach to resolving conflicts of laws with other jurisdictions, ensuring legal certainty and enforceability of international legal matters within the country.</p>
<p>can smart contracts transferring ownership on a crypto asset be treated as legally binding in your jurisdiction?</p>	<p>Smart contracts can be defined as self-executing agreements composed of codes with a specific function, which can be tailored according to the characteristics of the intended structure. Essentially, smart contracts aim to enable parties to reach an agreement on various matters and reflect these agreements in a digital environment in the form of computer code.</p> <p>In the past, whether the ownership of crypto assets could be transferred through smart contracts and whether smart contracts had legal validity under Turkish law had been a subject of debate in legal doctrine. According to one view, smart contracts should be considered legally valid under the principle of freedom of contract. Conversely, another perspective argues that smart contracts do not constitute contracts in a legal sense and therefore should not be classified as such.</p> <p>With the publication of Communiqué No. III-35/B.2 on 13.03.2025, the term "smart contract" was used for the first time in the crypto asset regulatory framework. The Communiqué establishes that platforms are responsible for reviewing the essential elements required to be embedded in smart contracts based on the type and legal nature of the crypto asset, as well as for verifying the accuracy of these contracts.</p> <p>However, two function of the smart contracts shall nevertheless be distinguished. First, for a smart contract be qualified as a contract under traditional obligations law principles, it would still require a mutual agreement of the contractual parties as the foundation of the contract. On the other hand, a smart contract, as part of the distributed ledger system upon which the relevant crypto asset is built upon, could still be qualified, not as a contract, but as binding provided that the transfer itself independently qualifies as a contractual relation.</p>

Is it possible to take security over a crypto asset in your jurisdiction? If so, please provide a brief overview.

In Turkish law, security serves as a form of assurance provided to a creditor by the debtor or a third party to ensure the performance of an obligation or to compensate for potential losses in case of non-performance.

Security can be either in rem (proprietary security) or in personam (personal security). For example, movable and immovable pledges represent proprietary security, whereas suretyship and guarantee agreements constitute personal security.

Article 35/B/10 of CML explicitly excludes pledge agreements involving crypto assets from the scope of the Law on Movable Pledge in Commercial Transactions No. 6750 ("Law No. 6750"). This provision clarifies that crypto assets do not fall within the scope of Law No. 6750, which primarily regulates the pledge of movable assets under Turkish law.

However, the wording and structure of the provision ("pledge agreements involving crypto assets are explicitly excluded") under Crypto Law suggest that security over crypto assets can still be established. Although the current legal framework indicates that crypto assets cannot be pledged under Law No. 6750 and Communiqué No. III-35/B.2, there is no legal obstacle to using them as security through contractual arrangements (including pledge agreements) between parties.

Does inheritance tax relief exist in your jurisdiction for situations where fluctuations in the market result in a beneficiary paying disproportionate tax?

In Türkiye, Inheritance and Transfer Tax is a wealth tax levied on assets acquired through inheritance or gratuitous transfer. This tax follows a progressive structure based on the value of the inherited assets.

In Türkiye, the taxation of assets acquired through inheritance is based on their value at the time of the decedent's death. As a result, fluctuations in market prices that cause an increase or decrease in asset values can directly affect the tax base. However, under the current legislation there is no specific tax exemption or relief mechanism to prevent heirs from facing a disproportionate tax burden due to market fluctuations.

However, aside from this, the Turkish Tax Administration ("Administration") issued a private ruling ("Ruling") dated 23.09.2020, numbered 60938891-120.01.02.09[GVK: 3-1]-33826, providing an opinion on cryptocurrency-related taxation. In this ruling, it is observed that the Administration expressed its view on whether Inheritance and Transfer Tax applies to Bitcoin assets held in the decedent's account and transferred to heirs.

The ruling states that assets subject to Inheritance and Transfer Tax include all movable and immovable rights and receivables that can be owned. Accordingly, the total value of Bitcoin inherited by heirs must be declared in the Inheritance and Transfer Tax return.

To date, the Turkish Tax Administration has not issued any additional opinions regarding cryptocurrencies. As a result, it is argued that instead of incorporating crypto assets into traditional structures, an independent taxation regime should be established, taking into account their unique characteristics.

Is there any forthcoming or proposed legislation in your jurisdiction relating to crypto assets?

As of March 2025, no new crypto asset legislation has been introduced. As previously noted, the Crypto Law entered into force in June 2024. In March 2025, the Board issued four new Communiqués regulating crypto asset service providers, constituting the most recent regulatory developments in this area.

However, the TUBITAK Information Technology and Infrastructure Criteria for Crypto Asset Service Providers are expected to be introduced soon.

<p>Is there a supranational view on crypto assets in your region and if so, what is it?</p>	<p>In Türkiye, the CMB and the CBRT are working on regulating and overseeing the crypto asset markets.</p> <p>In this process, Türkiye's approach to crypto assets is shaped by the standards set by various international organizations. The Financial Action Task Force ("FATF") previously placed Türkiye on its "grey list" due to insufficient measures against money laundering but the country has since strengthened its regulations in line with FATF recommendations and was removed from the grey list on June 2024.</p> <p>The G20 and the Financial Stability Board ("FSB") have also been leading global efforts to regulate crypto assets and Türkiye is taking steps to ensure market stability and investor security in accordance with these guidelines. Additionally, while Türkiye is not a member of the European Union ("EU"), the EU's Markets in Crypto-Assets ("MiCA") Regulation serves as a key reference point for potential regulatory developments in Türkiye.</p> <p>In conclusion, Türkiye's approach to crypto assets is shaped by both domestic regulatory authorities and international organizations such as FATF, G20, FSB and the EU, with the goal of aligning its regulatory framework with global standards.</p>
<p>Is there anything else that you think is unusual or different about how your jurisdiction treats crypto assets or dealings in crypto assets?</p>	<p>In Turkish law, regulations on crypto assets have primarily been integrated into capital markets legislation. As of March 2025, although there are secondary regulations governing crypto assets, there is no standalone law exclusively regulating crypto assets.</p>