

## Client Alert

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### A New Era in Crypto Assets: Account Suspension and Seizure Regime

On 25 December 2025, the Law Amending the Turkish Penal Code, Certain Laws, and Decree Law No. 631 was published in the Official Gazette, introducing Article 128/A to the Criminal Procedure Code (CPC) and establishing a new regulation concerning banks, payment service providers, and Crypto Asset Service Providers (CASPs).

#### 1. Scope and Application

Article 128/A added to the CPC will apply to certain offences under the Turkish Penal Code that can be committed through information systems. These offences include aggravated theft, aggravated fraud, and misuse of bank or credit cards. If there is reasonable suspicion that these crimes have been committed, any account used in the transaction or attempted transaction at a bank, payment service provider, or CASP may be suspended for up to 48 hours. The purpose of suspension is to prevent the transfer of criminal proceeds to other accounts or financial institutions.

#### 2. Procedure

The suspension and account activities must be immediately reported to the Office of the Chief Public Prosecutor and the account holder. The account holder has the right to apply to the prosecutor's office for the removal of the suspension. The Chief Public Prosecutor must decide on this application within 24 hours. If it is determined that the criminal proceeds were transferred to another financial institution before the suspension was completed, the bank, payment service provider, or CASP must immediately notify the relevant financial institution to enable the suspension.

If it is understood that the seized proceeds belong to the victim of the crime, they will be returned during the investigation or prosecution phase.

### **3. Urgent Cases**

The amendment also provides for “seizure” of criminal proceeds in cases where delay would be detrimental, in addition to the suspension measure. In such cases, upon written order of the public prosecutor, seizure may be applied to the criminal proceeds in the suspended accounts. However, judicial oversight is maintained, and the seizure must be submitted for judicial approval within 24 hours. The judge must issue a decision within 48 hours of the seizure; otherwise, the seizure will automatically be lifted.

Under the ongoing investigation or prosecution, any information or documents requested by the public prosecutor, judge, or court from banks, payment service providers or CASPs must be provided physically or electronically within 10 days. Failure to provide or incomplete provision of the requested information or documents will result in an administrative fine ranging from TRY 50,000 to TRY 300,000.

### **4. Immunity from Civil Liability**

The provision explicitly states that CASPs authorized to suspend accounts are immune from civil liability. The purpose of this immunity is to enable CASPs to act swiftly in preventing the crime and to eliminate any hesitation they may have in taking precautionary measures.

With this amendment to the CPC, when crimes such as theft, fraud, and misuse committed through information systems are involved, payment institutions and CASPs are granted the authority to suspend and seize accounts. The aim is to promptly block criminal proceeds in crypto asset markets, prevent victimization from escalating, and strengthen the reliability of the financial system.

Please contact us if you need further information on this matter.