

# DIGITAL OBEDIENCE REGIME

SOCIAL MEDIA  
PLATFORMS AND  
THE ILLUSION OF  
TRANSPARENCY IN  
TÜRKİYE

YAMAN AKDENİZ & OZAN GÜVEN



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YAMAN AKDENİZ & OZAN GÜVEN

• RESEARCH •



## **Digital Obedience Regime**

### **Social Media Platforms and the Illusion of Transparency in Türkiye**

# **Freedom of Expression Association and the Report on Social Media Platforms**

The Freedom of Expression Association (“İFÖD”), headquartered in Istanbul, was established in August 2017. The Association focuses on the prevention and elimination of violations of the right to freedom of expression without discrimination based on language, religion, race, gender, sexual orientation, gender identity, age, disability, political opinion, or other grounds. In this regard, it conducts activities to provide legal assistance to individuals whose right to freedom of expression has been violated or is under threat, to conduct research and training, to foster national and international cooperation, and to strengthen solidarity. In July 2023, İFÖD was accredited to the United Nations Economic and Social Council (“ECOSOC”) and granted special consultative status.

#### **ENGELLİWEB**

EngelliWeb was launched in 2008 as a civil society initiative and shared information and statistics with the public regarding websites blocked from access in Türkiye, as well as related court and administrative decisions, until 2017. As a fundamental resource based on concrete data in its field, EngelliWeb is frequently cited by domestic and foreign media organizations, featured in academic articles and parliamentary questions, and its statistics are regularly included in the Turkey section of the US Department of State’s annual “Country Reports on Human Rights Practices.” EngelliWeb received the Special Award for Freedom of Thought and Expression from the Turkish Publishers Association in 2015 and the Deutsche Welle Bobs User Award in the Turkish category in 2016.

Since coming under the umbrella of the Freedom of Expression Association, EngelliWeb has pressed on with its mission, publishing regular annual assessments of

Internet censorship in Türkiye. This monitoring series began with the release of the *EngelliWeb* 2018 report in June 2019,<sup>i</sup> followed by subsequent editions: *EngelliWeb* 2019 in July 2020,<sup>ii</sup> *EngelliWeb* 2020 in August 2021,<sup>iii</sup> *EngelliWeb* 2021 in October 2022,<sup>iv</sup> the 2022 report in July 2023,<sup>v</sup> the 2023 report in September 2024,<sup>vi</sup> and finally, the 2024 report in September 2025.<sup>vii</sup> Expanding its reach beyond national borders, the Association also engaged with international mechanisms in 2024. This included submitting a comprehensive report to the UN Human Rights Committee regarding Türkiye's compliance with the International Covenant on Civil and Political Rights ("ICCPR"),<sup>viii</sup> alongside a separate submission for the Universal Periodic Review ("UPR").<sup>ix</sup>

İFÖD's reports command widespread attention across national and international media. They are frequently cited during parliamentary debates on amendments to Law No. 5651 within the Grand National Assembly of Türkiye (TBMM)<sup>x</sup> and feature prominently in written parliamentary questions submitted by MPs.<sup>xi</sup>

The emancipatory promise of the Internet is progressively receding, giving way to a digital order defined by repression, strict surveillance, and punitive control. In Türkiye, this authoritarian pivot is codified most starkly in the access blocking and content removal provisions of **Law No. 5651**. Covering the period from 2018 to 2024, the Freedom of Expression Association's *EngelliWeb* reports document the systematic suppression of free speech and press freedom. By exposing content subjected to arbitrary judicial and administrative interventions, these reports aim to preserve public memory against the tide of censorship.

The latest data from the *EngelliWeb* project starkly illustrates the magnitude of this censorship. By the end of 2024, the total number of websites and domain names blocked in Türkiye had climbed to **1.264.506**. This massive "digital blackout" is the result of **1.078.348** distinct decisions, issued following applications from **852** different institutions.

- 
- i Freedom of Expression Association, *EngelliWeb* 2018: An Analysis Report on Access Blocking to Websites, News and Social Media Content from Turkey, June 2019: [https://ifade.org.tr/reports/EngelliWeb\\_2018\\_Eng.pdf](https://ifade.org.tr/reports/EngelliWeb_2018_Eng.pdf)
  - ii Freedom of Expression Association, *EngelliWeb* 2019: The Invisible Face of the Iceberg, July 2020: [https://ifade.org.tr/reports/EngelliWeb\\_2019\\_Eng.pdf](https://ifade.org.tr/reports/EngelliWeb_2019_Eng.pdf)
  - iii Freedom of Expression Association, *EngelliWeb* 2020: Fahrenheit 5651: The Scorching Effect of Censorship, August 2021: [https://ifade.org.tr/reports/EngelliWeb\\_2020\\_Eng.pdf](https://ifade.org.tr/reports/EngelliWeb_2020_Eng.pdf)
  - iv Freedom of Expression Association, *EngelliWeb* 2021: The Year of the Offended Reputation, Honour and Dignity of High Level Public Personalities, October 2022: [https://ifade.org.tr/reports/EngelliWeb\\_2021\\_Eng.pdf](https://ifade.org.tr/reports/EngelliWeb_2021_Eng.pdf)
  - v Freedom of Expression Association, *EngelliWeb* 2022: The Constitutional Court in the Shadow of Criminal Judgeships of Peace, July 2023: [https://ifade.org.tr/reports/EngelliWeb\\_2022\\_Eng.pdf](https://ifade.org.tr/reports/EngelliWeb_2022_Eng.pdf)
  - vi Freedom of Expression Association, *EngelliWeb* 2023: The Symbol of Injustice in Turkey: Criminal Judgeships of Peace and Internet Censorship, September 2024: [https://ifade.org.tr/reports/EngelliWeb\\_2023.pdf](https://ifade.org.tr/reports/EngelliWeb_2023.pdf)
  - vii Freedom of Expression Association, *EngelliWeb* 2024: Kafkaesque Censorship in a Digital Cage, September 2025, [https://ifade.org.tr/reports/EngelliWeb\\_2024.pdf](https://ifade.org.tr/reports/EngelliWeb_2024.pdf)
  - viii Freedom of Expression Association, Submission to the 142<sup>nd</sup> Session of the UN Human Rights Committee for Consideration of the State Report of Türkiye, [https://ifade.org.tr/reports/IFOD\\_CCPR\\_Submission\\_2024.pdf](https://ifade.org.tr/reports/IFOD_CCPR_Submission_2024.pdf)
  - ix Freedom of Expression Association, Submission to the 4th Cycle of the UN Human Rights Council for Consideration of the State Report of Türkiye During the 49th Session (Apr – May 2025), <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=13943&file=EnglishTranslation>
  - x See 23.07.2020 TBMM Justice Commission Minutes; 28.07.2020 TBMM Minutes; 11.02.2021 TBMM Minutes; 06.04.2021 TBMM Minutes; 13.10.2021 TBMM Minutes; 10.12.2021 TBMM Minutes; 24.03.2022 TBMM Minutes; 23.03.2023 TBMM Minutes; 06.04.2023 TBMM Minutes; 11.12.2024 TBMM Minutes.
  - xi For example, see the written parliamentary question submitted by Gülüstan Kılıç Koçyiğit on 12.08.2024 and no. 6867; the written parliamentary question submitted by Meral Daniş Beştaş on 26.09.2023 and no. 2172.

Crucially, the machinery of censorship has not stopped at websites; as its reach has widened, it now takes direct aim at **Social Media Platforms**. While platforms ranging from Ekşi Sözlük to Instagram,<sup>xii</sup> have faced access blocking orders, global giants such as Wattpad,<sup>xiii</sup> Roblox,<sup>xiv</sup> and Discord<sup>xv</sup> have been completely wiped from the digital lives of users in Türkiye through indefinite bans enforced since 2024.

This study, entitled **Digital Obedience Regime: Social Media Platforms and the Illusion of Transparency in Türkiye**, centres on the precarious position of these platforms within a climate of repression. The legal landscape for platforms in Türkiye was radically reshaped by amendments to Law No. 5651, first via Law No. 7253 in July 2020 and subsequently Law No. 7418 in October 2022.<sup>xvi</sup> These regulations burdened entities defined as “**Social Media Platforms**”<sup>xvii</sup> with critical obligations, including establishing local representation, data localisation, and mandatory transparency reporting.

Against the backdrop of the state’s intensifying censorship, this report questions the policies of foreign-sourced platforms with legal representation in Türkiye, namely YouTube, TikTok, Facebook, Instagram, X (formerly Twitter), LinkedIn, Dailymotion, Pinterest, and VKontakte alongside the domestic platform, Ekşi Sözlük. Specifically, it examines whether these entities uphold fundamental rights and freedoms, or if they have capitulated to pressures designed to curb freedom of expression and the press.

The study goes beyond checking for formal compliance with legal procedures; it scrutinises whether these platforms actually defend free speech in the face of escalating state censorship. The methodology rests on a comparative analysis of local versus global transparency reports, corporate structure examinations via the Trade Registry Gazette, and field data from the **EngelliWeb** project.

The *Digital Obedience Regime* report was authored by Prof. Dr. **Yaman Akdeniz** (Istanbul Bilgi University, Faculty of Law) and Senior Researcher **Ozan Güven**. We extend our sincere thanks to Assoc. Prof. Dr. **Can Cemgil** for his valuable insights and for meticulously reviewing the final manuscript.

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**xii** The Instagram platform was blocked from access by a decision of the Information and Communication Technologies Authority (BTK), which was not shared with the public, citing “catalogue crimes” under Article 8 of Law No. 5651.

**xiii** Wattpad was blocked from access by the decision of the Ankara 10<sup>th</sup> Criminal Judgeship of Peace on 12.07.2024 (decision no. 2024/6507), upon the request of the Ministry of Family and Social Services.

**xiv** Roblox was blocked from access within the scope of Article 8/A by the decision of the Adana 6<sup>th</sup> Criminal Judgeship of Peace on 07.08.2024 (decision no. 2024/5282), on the grounds of “protecting national security and public order.”

**xv** Discord was blocked from access from Türkiye indefinitely by the decision of the Ankara 1<sup>st</sup> Criminal Judgeship of Peace on 09.10.2024 (decision no. 2024/12907).

**xvi** Official Gazette, 31.07.2020, No. 31202.

**xvii** Law No. 5651, Article 2 (s)

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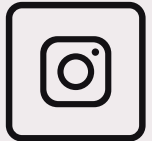
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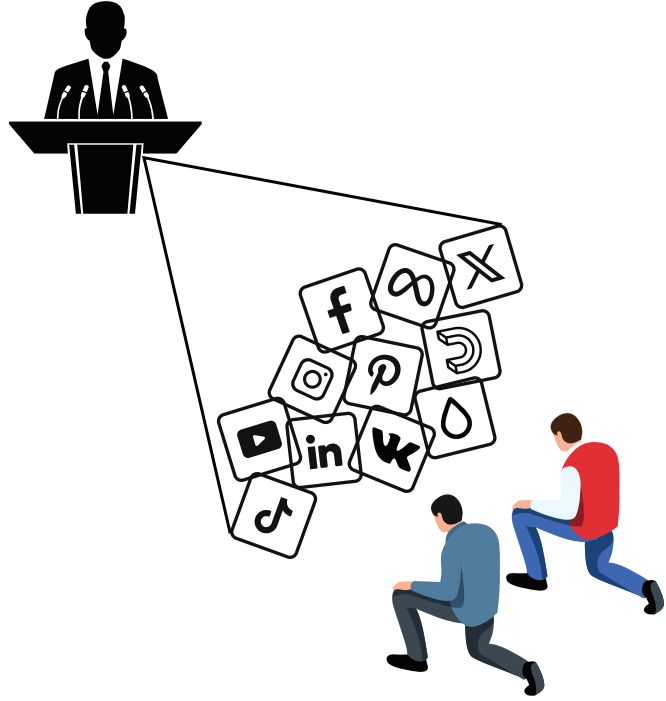
# Part One

Social Network Providers  
Representatives  
Responsibilities  
Obligations  
Regime and  
Implementation









## INTRODUCTION

The concept of a **Social Media Platform (SMP)** was introduced into Turkish law for the first time through amendments to **Law No. 5651**, enacted via Law No. 7253 on 29 July 2020 and published on the Official Gazette on 31 July 2020.<sup>1</sup> Under this regulation, a social media platform is defined as “real or legal persons that enable users to create, view, or share content such as text, images, audio, and location in the Internet environment for the purpose of social interaction.”<sup>2</sup> This definition was further refined by Law No. 7418 on 13 October 2022.

## LEGAL LIABILITY AND OBLIGATIONS UNDER LAW NO. 5651

On 29 July 2020, Article 6 of Law No. 7253 introduced **Supplemental Article 4** to Law No. 5651, establishing a concrete framework of liability. Although the regulation primarily targets foreign-sourced platforms, domestic platforms with more than **one million daily accesses** from Türkiye also fall within its scope.

The primary obligation for foreign-sourced platforms exceeding this one-million-user threshold is the appointment of at least one authorised representative in Türkiye. This representative serves as the point of contact for fulfilling notifications and requests issued by the Information and Communication Technologies Authority (**BTK**), the Association of Access Providers (**ESB**), or judicial and administrative authorities. They are also responsible for responding to individual applications and fulfilling all other obligations mandated by the Law.<sup>3</sup>

<sup>1</sup> Official Gazette, 31.07.2020, No. 31202.

<sup>2</sup> Law No. 5651, Article 2 (s).

<sup>3</sup> Law No. 5651, Supp. Art. 4(1).

Crucially, if the representative is a real person, they must be a Turkish citizen resident in Türkiye. Their contact details must be displayed prominently and be directly accessible on the platform's website. Following the 2022 amendments (Article 34, Law No. 7418), platforms are now statutorily obliged to notify the BTK of this person's identity and contact information.

For platforms with a massive footprint, specifically those exceeding **ten million daily accesses** from Türkiye, the requirements are more stringent. The appointed representative must be fully authorised and liable in technical, administrative, legal, and financial terms. Should this representative be a legal entity, it must be established as a branch in the form of a capital company directly owned by the social media platform.

## THE SANCTIONS REGIME: A LADDER OF ESCALATION

Provisional Article 5 of Law No. 5651 granted platforms a three-month grace period from 31 July 2020 to comply.<sup>4</sup> This window closed on 1 October 2020.

For those failing to notify the BTK of a representative by the deadline, the Law prescribes a graduated system of sanctions, beginning with a formal warning. If the platform remains non-compliant, the penalties escalate as follows:<sup>5</sup>

- **First Fine (November 2020):** Failure to comply within thirty days of the warning triggers an administrative fine of **TRY 10 million**.
- **Second Fine (December 2020):** If the obligation remains unmet thirty days after the first fine, an additional fine of **TRY 30 million** is imposed.
- **Advertising Ban (January 2021):** Should non-compliance persist for a further thirty days, the President of BTK shall prohibit tax-resident real and legal persons in Türkiye from placing new advertisements on the platform. This includes a ban on establishing new contracts or transferring funds for this purpose.
- **Bandwidth Throttling – 50% (April 2021):** If the platform does not comply within three months of the advertising ban, the President of BTK may apply to the Criminal Judgeship of Peace to reduce the platform's Internet traffic bandwidth by fifty per cent.
- **Bandwidth Throttling – 90% (May 2021):** If the platform remains defiant thirty days after the first throttling order, a second application may be made to reduce bandwidth by up to ninety per cent. The judge may determine a lower rate, provided it is no less than fifty per cent, taking the nature of the service into account.

However, the Law provides an “exit ramp” and in the case of a platform appointing and notifying a representative during this process, only one-quarter of the imposed fines are collected, the advertising ban is lifted, and any judicial throttling orders automatically become void.

<sup>4</sup> Law No. 5651, Provisional Article 5(1)(a).

<sup>5</sup> Law No. 5651, Supp. Art. 4(2).

## IMPLEMENTATION AND COMPLIANCE

The enforcement of these regulations triggered a rapid sequence of events in late 2020 and early 2021. **VKontakte** became the first platform to notify a legal representative in early November 2020. Conversely, on 4 November 2020, the BTK imposed the initial TRY 10 million fine on **Facebook, YouTube, Instagram, Twitter, LinkedIn, TikTok, Dailymotion, Periscope,<sup>6</sup> and Pinterest**. When these platforms failed to comply, they were hit with the secondary TRY 30 million fine on 11 December 2020.

Facing the prospect of advertising bans, the major players began to capitulate. **YouTube** (16 Dec 2020), **TikTok** (8 Jan 2021), **Dailymotion** (9 Jan 2021), **LinkedIn** (16 Jan 2021), and **Facebook/Instagram** (18 Jan 2021) all notified the BTK of their intent to establish legal representation.<sup>7</sup>

For the holdouts, **Twitter, Periscope, and Pinterest**, an advertising ban was officially imposed on 19 January 2021.<sup>8</sup> This pressure eventually yielded results; **Twitter** announced its compliance on 19 March 2021, followed by **Pinterest** on 9 April 2021. Consequently, the BTK lifted the advertising bans for Pinterest<sup>9</sup> (11 April 2021) and Twitter<sup>10</sup> (24 April 2021).

To date, the ultimate sanction of **bandwidth throttling** has never been applied to any social media platform. The current landscape of **legal entities** established in Türkiye is as follows:

- **LinkedIn:** 17 November 2020<sup>11</sup>
- **Google (YouTube):** 12 January 2021<sup>12</sup>
- **TikTok:** 29 February 2021<sup>13</sup>
- **X (formerly Twitter):** 22 April 2021<sup>14</sup>
- **Pinterest:** 13 July 2021<sup>15</sup>
- **Meta (Facebook & Instagram):** 14 July 2021<sup>16</sup>

Both **Dailymotion** and **VKontakte** have opted to be represented by real persons.<sup>17</sup> Finally, regarding the legal challenge mounted by the main opposition party

<sup>6</sup> The Periscope platform service was terminated on 31.03.2021. Therefore, it was not included in the evaluation within the scope of this study.

<sup>7</sup> See <https://x.com/ofatihsayan/status/1380454617146925059>

<sup>8</sup> BTK Decision No. 4202, 19.01.2021 (Pinterest); BTK Decision No. 3768, 15.01.2021 (Twitter); BTK Decision No. 3769, 15.01.2021 (Periscope), Official Gazette, 19.01.2021, No. 31369.

<sup>9</sup> BTK Decision No. 25159, 09.04.2021 (Pinterest), Official Gazette, 11.04.2021, No. 31451.

<sup>10</sup> BTK Decision No. 28123, 22.04.2021 (Twitter), Official Gazette, 24.04.2021, No. 31464.

<sup>11</sup> SNPREP Danışmanlık Hizmetleri Anonim Şirketi

<sup>12</sup> Google Bilgi Teknolojileri Limited Şirketi. The title was changed to Google İstanbul Bilgi Teknolojileri Limited Şirketi after 05.05.2023.

<sup>13</sup> TikTok Turkey Dijital Medya ve Reklam Limited Şirketi. The title was changed to TikTok İstanbul Dijital Medya ve Reklam Limited Şirketi after 14.04.2023. Also see <https://www.tiktok.com/legal/turkey-social-media-law-5651?lang=tr> (available only to users accessing from Türkiye)

<sup>14</sup> Twitter İnternet İçerik Hizmetleri Limited Şirketi. The title was changed to X İstanbul İnternet İçerik Hizmetleri Limited Şirketi after 25.04.2024.

<sup>15</sup> WRP Turkey Web Tasarım Hizmetleri Limited Şirketi.

<sup>16</sup> Madoka Turkey Bilişim Hizmetleri Limited Şirketi. The title was changed to Meta Platforms İstanbul Bilişim Hizmetleri Limited Şirketi on 14.04.2023. Also see <https://www.facebook.com/help/118930960130870/>

<sup>17</sup> For the current list, see <https://internet.btk.gov.tr/sosyal-ag-temsilci-rehberi/>

against the 2020 regulations, the Constitutional Court ruled that the request for annulment was rendered moot, given the subsequent amendments introduced by Article 34 of Law No. 7418.<sup>18</sup> A constitutional review of the 2022 amendments is currently ongoing.

## OBLIGATION TO ESTABLISH A BRANCH: LEGAL ENTITY REPRESENTATIVES

On 1 April 2023, the Information and Communication Technologies Authority (BTK) published a pivotal decision in the Official Gazette,<sup>19</sup> updating the *Procedures and Principles Regarding Social Media Platforms*. This regulation introduced a detailed framework governing how **Social Media Platforms (“SMPs”)** must structure their representation in Türkiye.

While the regulation permits representation by either a real person or a legal entity,<sup>20</sup> the requirements for the latter are stringent. If a platform opts for a corporate representative, it must be a legal entity established under Turkish legislation,<sup>21</sup> structured specifically as a **branch in the form of a capital company**.<sup>22</sup>

For foreign-based platforms with more than **ten million daily accesses** from Türkiye, the bar is set even higher. To satisfy the structural conditions laid out in the regulation,<sup>23</sup> the representative entity must meet the following criteria:

- i. **Distinctive Trade Name:** The company’s trade name must include both the platform’s distinctive brand and the city of its establishment.
- ii. **Full Ownership:** All shares in the company must be owned by the Social Media Platform.
- iii. **Explicit Dependency:** The articles of association must clearly state that the entity forms part of the Social Media Platform and operates as a dependent subsidiary.
- iv. **Minimum Capital:** The company must be established with a registered capital of at least **100 million Turkish Liras**.
- v. **Full Liability:** The agreement must explicitly declare that the entity is fully authorised and held liable by the Social Media Platform in all technical, administrative, legal, and financial matters.

In this section, we evaluate whether the major foreign-sourced platforms that have established legal entity representatives in Türkiye, namely **X (formerly Twitter), Meta (Facebook & Instagram), Google (YouTube), TikTok, LinkedIn, and Pinterest** actually satisfy these rigorous structural conditions.

<sup>18</sup> Constitutional Court, Docket No. 2020/76, Decision No. 2023/172, 11.10.2023, O.G. Date-Number: 10.01.2024-32425, §§ 108-109.

<sup>19</sup> Information and Communication Technologies Board (“BTK”) Decision 2023/DK-İD/119, 28.03.2023, Meeting No: 2023/13, Agenda Item No: 06, O.G. 01.04.2023, No: 32150.

<sup>20</sup> BTK, Procedures and Principles Regarding Social Media Platforms, Article 4(1).

<sup>21</sup> BTK, Procedures and Principles Regarding Social Media Platforms, Article 4(3).

<sup>22</sup> BTK, Procedures and Principles Regarding Social Media Platforms, Article 5(1).

<sup>23</sup> BTK, Procedures and Principles Regarding Social Media Platforms, Article 5(2).

**Table 1** examines the capital companies established by these platforms against the specific criteria set out in Article 5 of the *Procedures and Principles*.<sup>24</sup> It assesses whether they possess the necessary qualifications to be legally recognised as a branch under the new regime.

TABLE 1 Social Media Platform Capital Company Compliance Assessment						
Platform	Trade Name Condition	Wholly Owned?	Explicit Affiliation	Capital (TRY 100M)	Full Liability & Authority	RESULT
Pinterest	Yes	Yes	Yes	Yes	Yes	COMPLIANT
X (Twitter)	Yes	Yes	Yes	Yes	Yes	COMPLIANT
TikTok	Yes	Yes	Yes	Yes	Yes	COMPLIANT
Google (YouTube)	No	Yes	Yes	Yes	Yes	PARTIALLY COMPLIANT
Meta (Facebook/Instagram)	No	Yes	Yes	Yes	Yes	PARTIALLY COMPLIANT
LinkedIn <sup>25</sup>	No	No	No	No	No	NON-COMPLIANT

As illustrated in Table 1, full compliance with the conditions set out in Article 5 of the *Procedures and Principles* has been achieved only by **TikTok**, **X** (formerly Twitter), and **Pinterest**.

**Meta** and **YouTube**, by contrast, meet these conditions only partially. Crucially, they fail to include the distinctive brand of the social media platform in the trade names of their local capital companies. Specifically, “YouTube” is absent from the title of the entity established by Google, just as “Facebook” and “Instagram” are missing from the company established by Meta.

The situation with **LinkedIn** is starker. The representative company originally established in Türkiye on its behalf met none of the conditions specified in Article 5. However, as detailed in the second part of this study, LinkedIn abandoned the legal entity model in 2025, switching instead to representation by a “real person”.

Table 2 provides a comprehensive assessment covering all foreign-based social media platforms. As noted previously, **VKontakte** and **Dailymotion** fulfil their obligations through real-person representatives and have not established capital companies in Türkiye.

<sup>24</sup> BTK, *Procedures and Principles Regarding Social Media Platforms*, Article 5(2).

<sup>25</sup> LinkedIn later switched to a real-person representative model.

TABLE 2  
Assessment of SMP Representative Requirement

Social Media Platform	Representative Requirement	Explanation
Vkontakte	Real Person	
Google (YouTube)	Partially Meets	Distinctive mark of SMP not used in Title
TikTok	Meets	
Dailymotion	Real Person	
Pinterest	Meets	
Meta (Facebook/Instagram)	Partially Meets	Distinctive mark of SMP not used in Title
X/Twitter	Meets	
LinkedIn	Does Not Meet	None of the structural conditions are met

This provision lays bare a deliberate strategy of institutional tightening and localisation imposed on **SMPs** operating in Türkiye. The requirement to establish a branch as a capital company is far more than a mere technical regulation; it is a political instrument of pressure, designed to ramp up administrative control and render the activities of these platforms directly auditable.

As illustrated in Table 1, full compliance is the exception rather than the rule, achieved only by **TikTok**, **X** (formerly Twitter), and **Pinterest**. **Meta** and **Google** (YouTube) fall short, failing to stamp their trade names with the platform's distinctive brand, while **LinkedIn** meets none of the specified conditions. Such disparities mark and breed inequality and arbitrariness in enforcement. Indeed, this fragmented and unpredictable landscape fuels the criticism that these obligations serve as instruments of political compliance rather than technical standards.

The ultimate objective of this model is clear: to expose platforms to rapid and effective sanctions, ranging from administrative fines and advertising bans to **bandwidth throttling**. By defining corporate structures with such rigid precision, the regulation creates serious risks for freedom of expression and the right to information, leaving SMPs increasingly fragile and susceptible to local pressures. In this respect, the regulation signals the construction of a digital control regime, one that prioritises obedience over transparency and accountability.

## THE OBLIGATION TO RESPOND AND PROVIDE JUSTIFICATIONS

A cornerstone of the regime imposed on social media platforms in Türkiye is the requirement to handle user complaints with both speed and efficacy. Under Articles 9 and 9/A of **Law No. 5651**, platforms are mandated to respond to complaints regarding violations of personal rights or privacy within a strict 48-hour window. Crucially, the



law dictates that any rejection of such requests must be accompanied by a statement of reasons.<sup>26</sup>

To facilitate this, platforms must establish user-friendly mechanisms that allow applications to be submitted and answered directly in Turkish.<sup>27</sup> The penalties for non-compliance are severe as the President of the **BTK** is authorised to impose administrative fines of up to five million Turkish Liras.<sup>28</sup> These sanctions may be applied to individual breaches or based on a systemic evaluation of a platform's performance over a reporting period. The BTK assesses compliance against four key criteria:

- i. The establishment of the necessary infrastructure for application systems;
- ii. Evidence of systematic policies to issue negative responses to specific individuals or institutions;
- iii. Systematic failure to meet the 48-hour deadline;
- iv. The issuance of negative responses without providing justifications.

While ostensibly designed to protect user rights, these regulations effectively lubricate the machinery of censorship. In practice, they facilitate the rapid removal of critical and dissident content. The 48-hour deadline precludes meaningful legal review, making it virtually impossible for **the platforms** to conduct in-depth assessments of complaints. This engineered urgency significantly **erodes their capacity to resist censorship demands**. Given the systematic pressure on freedom of expression in Türkiye, these obligations function less as consumer protection and more as instruments of **administrative censorship**.

## THE LIABILITY TRAP

Supplemental Article 4/14, introduced in 2022, established a direct legal liability mechanism for platforms. If a social media platform fails to implement **content removal** or **access blocking** within 24 hours of receiving a court order, it becomes liable for any resulting damages. Crucially, this liability arises directly; there is no requirement for the claimant to first file a lawsuit against the content provider.

The chilling effect of this regime was starkly visible during the social unrest of 2025. **Article 8/A** of Law No. 5651<sup>29</sup> served as a systematic tool for censorship target-

<sup>26</sup> Law No. 5651, Supp. Art. 4(3).

<sup>27</sup> BTK, Procedures and Principles Regarding Social Media Platforms, Article 26(1).

<sup>28</sup> Law No. 5651, Supp. Art. 4(8). See also BTK, *Procedures and Principles Regarding Social Media Platforms*, Article 26.

<sup>29</sup> Article 8/A of Law No. 5651 establishes an expedited administrative procedure for the removal of content and/or blocking of access on grounds such as the right to life, national security, public order, the prevention of crime, or public health. Under this provision, the Presidency or relevant ministries may request the President of BTK to block content; such administrative decisions are executed immediately (within four hours) and submitted to a criminal judgeship of peace for ex-post approval within 24 hours. Crucially, the Constitutional Court of Türkiye, in its pilot judgments *Artı Media Gmbh* (App. No. 2019/40078, 14.09.2023) and *Ahmet Alphan Sabancı and Others* (App. No. 2015/13667, 21.11.2023), ruled that Article 8/A structurally violates freedom of expression and press freedom. The Court held that the provision fails to meet the criterion of “legality” as it grants the administration excessive discretion without necessary safeguards against arbitrary interference, lacks a graduated intervention mechanism (often blocking entire websites), and denies the defence procedural fairness (*equality of arms*) by operating as a non-adversarial process.

ing freedom of expression. Following the detention and arrest of Istanbul Metropolitan Municipality Mayor Ekrem İmamoğlu on 19 March 2025, government efforts to stifle dissent migrated rapidly to the digital sphere. Criminal judgeships of peace in Ankara, Izmir, Mersin, and Istanbul issued lightning-fast decisions blocking access to more than 700 X (formerly Twitter) accounts.

Data from the Freedom of Expression Association's **EngelliWeb** project reveals the indiscriminate nature of this crackdown. The blockings extended far beyond accounts directly involved in the protests, targeting student and youth organisations,<sup>30</sup> women's organisations,<sup>31</sup> independent journalists, rights defenders, and artists. Collectively, these targeted accounts reached nearly **20 million followers**.<sup>32</sup>

Victims of this digital purge included journalist Erk Acarer (1.2 million followers), the *We Will Stop Femicide Platform* (181,000 followers), and Mayor Ekrem İmamoğlu himself (9.7 million followers).<sup>33</sup> Conversely, some blocked accounts possessed fewer than ten followers, or none at all. This disparity reveals that the legal framework **has been weaponised** to dismantle the space for public debate, silencing everyone from influential public figures to ordinary users.

## PLATFORM COMPLICITY

The most alarming aspect of this process was the complicity of the platforms themselves. Bowing to the decisions of the criminal judgeships of peace, **X** geo-blocked hundreds of accounts, including that of Mayor İmamoğlu rendering them inaccessible from Türkiye. By treating information regarding protests and boycotts as "security risks" and implementing orders with haste, the platforms allowed legal compliance to mutate into a systematic mechanism for suppressing the public's right to information.

Other giants, such as **Meta** and **TikTok**, also struggled to resist censorship demands while operating under the looming threats of **bandwidth throttling** and crippling fines. As highlighted in a joint open letter dated 8 May 2025, signed by civil society organisations including the Freedom of Expression Association, Meta (Facebook and Instagram) acknowledged in its own assessment reports that it had restricted access to government-critical posts. This included accounts belonging to the LGBTQ+ community and feminist organisations, restricted in line with requests transmitted under Article 8/A.

According to Meta's 2024 data, Instagram's compliance rate with **content removal** requests from Türkiye approached 80%.<sup>34</sup> However, the fact that Meta faced adminis-

<sup>30</sup> See EngelliWeb announcement, "Access to X Accounts of Youth Organisations Blocked," 21.03.2025, <https://ifade.org.tr/engelliweb/genclik-orgutlerinin-x-hesaplari-erisime-engellendi/>

<sup>31</sup> See EngelliWeb announcement, "Access Block to Women's Organisations," 26.03.2025, <https://ifade.org.tr/engelliweb/kadin-orgutlerine-erisim-engeli/>

<sup>32</sup> See EngelliWeb announcement, "Access to X accounts sharing information and content regarding street protests blocked," 22.03.2025, <https://ifade.org.tr/engelliweb/sokak-eylemleriyle-ilgili-bilgi-ve-icerik-paylasan-x-hesaplari-erisime-engellendi/>

<sup>33</sup> Ekrem İmamoğlu's X account was blocked from access by the decision of the Istanbul 8th Criminal Judgeship of Peace, Decision No. 2025/436, 24.04.2025.

<sup>34</sup> See Freedom of Expression Association, "Joint Open Letter to Social Media Companies On Censorship in Türkiye," 08.05.2025, <https://ifade.org.tr/en/press-releases-announcements/joint-open-letter-to-social-media-companies-on-censorship-in-turkiye/>

trative fines for refusing specific court orders regarding protest content indicates a complex dynamic. It suggests that while the platform is willing to risk conflict with the administration on specific “red lines”, the platform generally cuts a compliant figure.<sup>35</sup>

On the **TikTok** front, the situation paints an even grimmer picture of obedience. With a positive response rate of **91.8%** to content removal and access blocking requests from Türkiye in the first half of 2024, TikTok ranks as the global platform most submissive to authoritarian demands.<sup>36</sup> This high compliance rate reveals a platform all too ready to sacrifice freedom of expression standards to sustain its market presence, rendering it effectively defenceless against the broadly interpreted “public order” justifications of Article 8/A.

## THE CONSTITUTIONAL VOID

The provision regarding the “obligation to respond to requests” in Supplemental Article 4 aims to deter delays via financial sanctions, holding social media platforms directly responsible for timely execution. However, it simultaneously drives platforms to act with excessive caution. This dynamic creates a risk of over-censorship, leading platforms to implement judicial decisions without question, as observed during the events of 19 March 2025.

It must be remembered that social media platforms bear not only administrative but also legal liability, and this liability exercises a direct impact on user content.

Furthermore, in its 2021 *Keskin Kalem Publishing and Trade Inc. and Others* pilot judgment,<sup>37</sup> the Constitutional Court identified serious structural deficiencies in Article 9 of **Law No. 5651** regarding freedom of expression. In line with this finding, the Court annulled the relevant article with its decision in October 2023.<sup>38</sup> This annulment entered into force on 10 October 2024. Consequently, **content removal** and **access blocking** requests based on violations of personal rights **can no longer be filed** under Article 9.

Strikingly, however, no updates or amendments have been made to Supplemental Article 4 or the *Procedures and Principles Regarding Social Media Platforms*. This inaction creates the possibility of a normatively abolished provision persists in practice. By allowing the *de facto* implementation of repealed provisions, the administration risks rendering constitutional review entirely ineffective.

Within the scope of the obligation to respond, platforms such as **Google (YouTube), TikTok, Dailymotion, LinkedIn, and Meta (Facebook & Instagram)** have developed digital forms to receive user applications in compliance with **Law No. 5651**. However, as clearly demonstrated in Table 3, such forms have yet to be created for **X (formerly Twitter), Pinterest, VKontakte, and Ekşi Sözlük**.

<sup>35</sup> Politico EU, “Meta faces ‘substantial’ fine for not complying with Turkey’s gag orders,” 01.04.2025, <https://www.politico.eu/article/meta-turkey-gag-turkish-government-mayor-ekrem-imamoglu/>

<sup>36</sup> *Ibid.*

<sup>37</sup> *Keskin Kalem Yayıncılık ve Ticaret A.Ş. and Others Application*, App. No: 2018/14884, 27.10.2021.

<sup>38</sup> Constitutional Court Norm Review Decision: Const. Court, Docket No. 2020/76, Decision No. 2023/172, 11.10.2023, O.G. 10.01.2024-32425.

TABLE 3  
SMP Application Pages

Social Media Platform	Legal Representation	Application Page
VKontakte	Real Person	
YouTube	Legal Entity	<a href="https://support.google.com/youtube/answer/10280210?hl=tr">https://support.google.com/youtube/answer/10280210?hl=tr</a>
Dailymotion	Real Person	
TikTok	Legal Entity	<a href="https://www.tiktok.com/legal/report/contentremoval?lang=tr">https://www.tiktok.com/legal/report/contentremoval?lang=tr</a>
Pinterest	Legal Entity	<a href="https://www.pinterest.com/about/turkey/">https://www.pinterest.com/about/turkey/</a>
Facebook/Instagram	Legal Entity	<a href="https://www.facebook.com/help/118930960130870/">https://www.facebook.com/help/118930960130870/</a>
X/Twitter	Legal Entity	
LinkedIn	Real Person <sup>39</sup>	<a href="https://www.linkedin.com/help/linkedin/ask/TURKISH-LAW?lang=tr">https://www.linkedin.com/help/linkedin/ask/TURKISH-LAW?lang=tr</a>
Ekşi Sözlük	Legal Entity	

The obligation imposed on platforms to respond and provide grounds has mutated into an administrative weapon. Under the pretext of safeguarding user rights, it compels platforms to police content. Despite the Constitutional Court's annulment of Article 9, the failure to update relevant sub-regulations has left a legal void, one now being filled by political censorship. This reality demands that social media platforms go beyond mere technical compliance, they must take a definitive stand on fundamental rights and freedoms.

Yet, as **Table 3** illustrates, the reality on the ground is stark. **X (Twitter)**, **Dailymotion**, and **VKontakte** have flagrantly failed to create any complaint forms for user applications, in direct defiance of **Law No. 5651**. **Pinterest** fares little better, its form exists only in English, with no Turkish version available.

This **corporate negligence** constitutes more than a mere legal violation; it exposes the hollowness of their commitment to users' rights to petition and complain. It serves as a grim reminder that digital rights in Türkiye are threatened not only by the state's oppressive apparatus but also by the platforms' own corporate apathy.

In sum, the findings of this section are unequivocal. Türkiye's digital control mechanisms are engineered for obedience and erasure, prioritising control over liberty. Faced with this regime, social media platforms too often respond with a stance that is alarmingly passive and inadequate.

<sup>39</sup> LinkedIn was represented by SNPREP Danışmanlık Hizmetleri Anonim Şirketi, established in Türkiye, during the 2021–2025 period, but has recently begun to be represented by a **real person**.

## REPORTING OBLIGATION: PUBLIC TRANSPARENCY AND CORPORATE NOTIFICATION

Under Supplemental Article 4 of Law No. 5651, social media platforms face a dual-track reporting regime. This mechanism is designed to force platforms out of the shadows, compelling them to disclose their policies, practices, and legal compliance both to the general public and to the supervisory authority, the **BTK**.

### *I. Public Transparency Report*

Both domestic and foreign-sourced social media platforms with more than one million daily accesses from Türkiye must prepare a transparency report detailing statistical and categorical data regarding user applications.<sup>40</sup> This document is not merely an internal memo; it must be prepared in Turkish and published biannually on the platform's own website in a publicly accessible format, with all personal data redacted.<sup>41</sup>

### *II. The Corporate Report: A Mandate for Detail*

Following the amendments introduced by Article 34 of Law No. 7418 on 13 October 2022, a second, **more specific reporting tier** was established. This corporate report, submitted exclusively to the BTK, demands a deep dive into the platform's operations:

- Statistical and categorical data on the implementation of **content removal** and **access blocking** decisions;
- Policies regarding **hashtags**;
- The algorithmic logic behind content promotion and demotion (reach reduction);
- Advertising and transparency policies, including the **ad library**;
- Collaborative measures taken with the BTK to prevent crimes under Law No. 5651.

However, the obligations do not end there. Article 10(3) of the *Procedures and Principles* published by the BTK significantly widens the net. It mandates that platforms explicitly include:

- Details on technical infrastructure, personnel qualifications, and administrative capacity for processing legal orders;
- Precise process information, including implementation times, methods, and geographical scope of decisions;
- Granular data on user applications: volume, type, approval/rejection rates, grounds, and processing speeds;

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<sup>40</sup> Supp. Art. 4/3.

<sup>41</sup> Law No. 5651, Supp. Art. 4(4). Also see *Procedures and Principles Regarding Social Media Platforms*, Article 10(4).

- Full details on judicial and administrative orders: content, transmission methods, and legal basis;
- Self-auditing mechanisms and measures to ensure equal, impartial treatment of users;
- Algorithmic parameters for content recommendation systems and user options to limit data usage.

**Table 4** illustrates the expansion of these requirements, contrasting the baseline statutory obligations with the extensive additions imposed by the secondary legislation.

<div>TABLE 4</div> <div>Comparison of the Law and the Procedures and Principles</div>	
Matters Included in the Law	Additions via Procedures and Principles
Statistical and categorical information regarding decisions on content removal and/or access blocking	Information regarding technical infrastructure, personnel qualifications, and administrative capacity for receiving and processing content removal and/or access blocking decisions and user applications
Information regarding applications within the scope of paragraph 3 (publicly available)	Detailed process information regarding the implementation duration, method of implementation, and geographical scope of decisions
Hashtags, content that is promoted/ whose reach is reduced, and algorithms	Categorical and statistical data such as the number and type of user applications, positive/negative evaluation results, grounds, and processing times
Advertising policies	Information regarding the content of decisions sent by judicial and administrative authorities, the method of transmission, relevant legislation provisions, and implementation times
Transparency policies	Statistics regarding self-auditing practices and measures taken
Information regarding the ad library	Information regarding measures taken to ensure equal and impartial treatment of users
	Information regarding necessary measures taken to allow updating preferences regarding content suggested to users and offering the option to limit the use of users' personal data
	Matters regarding the creation of an ad library and its publication on the website
	Information regarding necessary measures taken within their own systems, mechanisms, and algorithms regarding the non-publication of content and hashtags related to crimes within the scope of the Law



The scope of this data facilitates more than just technical oversight; it enables the monitoring of fundamental governance principles. Beyond reporting, platforms are legally obliged to:

- Publish clear, accessible explanations of the **algorithmic parameters** used for content recommendations;
- Empower users to update recommendation preferences and limit personal data usage;
- Maintain a public **ad library** detailing ad content, advertisers, duration, targeting parameters, and reach statistics.

Whether these obligations have been met is evaluated individually for each platform in the second part of this study.

### ***III. Continuous Public Information***

It is deemed insufficient for social media platforms to report merely at six-month intervals. Platforms are mandated to publish specific critical information on a continuous basis. This includes contact details for the Turkish representative, the live ad library (containing ad content, type, advertiser, duration, target audience and parameters, and the number of persons or groups reached),<sup>42</sup> content recommendation parameters, user data options, and transparency policies.

This requirement transcends mere data sharing. It is a fundamental component of the platform's duty of transparency and accountability to the public. Platforms must act transparently, submit documents to the Authority promptly upon request, and crucially, treat all users equally and impartially.

## **TIMING AND SANCTIONS**

The schedule is strict: reports covering **1 January – 30 June** must be submitted in **July**, while those for **1 July – 31 December** are due in **January**.<sup>43</sup> Non-compliance carries a substantial price: the BTK President is mandated to impose an administrative fine of **ten million Turkish Liras** for failure to report.<sup>44</sup>

The reporting obligation under Supplemental Article 4 spans nine periods, from 2021 to the first half of 2025. **Table 5** below assesses compliance across the board.

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<sup>42</sup> BTK, Procedures and Principles Regarding Social Media Platforms, Article 11.

<sup>43</sup> Law No. 5651, Provisional Article 5(1)(b).

<sup>44</sup> Law No. 5651, Supp. Art. 4(8). Also see *Procedures and Principles Regarding Social Media Platforms*, Article 27.

TABLE 5  
Assessment of Reporting Obligation

Social Media Platform	Reporting Obligation	2021–2025 Period
VKontakte	Partially Fulfilled	2023-II, 2024-II & 2025-I Reports Not Published
YouTube	Fulfilled	All Reports Published
Dailymotion	Fulfilled	All Reports Published
TikTok	Fulfilled	All Reports Published
Pinterest	Partially Fulfilled	2021-I Report Not Published
Facebook/Instagram	Fulfilled	All Reports Published
X/Twitter	Fulfilled	All Reports Published
LinkedIn	Not Fulfilled	Only 2022-II Report Published
Ekşi Sözlük	Fulfilled	All Reports Published

The data in **Table 5** reveals significant disparities. While giants like **YouTube**, **TikTok**, and **Meta** have fully complied with their obligations, **LinkedIn** exhibits a **shocking level of non-compliance**, having published a report for only a single period. This lays bare the platform’s total indifference towards transparency. Similarly, **VKontakte** has missed three reports, raising questions about whether the BTK has enforced any sanctions.

Broadly speaking, regular reporting is not just an administrative box-ticking exercise, it is the bedrock of public trust. Platforms that fail to report erode this foundation. Furthermore, the public remains in the dark as to whether the BTK has fined serial offenders like LinkedIn. The absence of any official public decision suggests that auditing and sanctioning processes are conducted behind closed doors, far from public scrutiny.

Of even greater concern is the quality of the reports that *are* published. **Locating them is often a challenge**, and the content is frequently generic. Most reports fail to provide the specific statistical breakdowns regarding **Article 9** and **9/A** required by law.<sup>45</sup> Consequently, the public has no way of knowing whether these platforms are truly compliant or merely engaging in a performance of transparency.

Theoretically, these obligations place a substantial burden of accountability on social media platforms, extending beyond simple content moderation to the murky waters of algorithmic transparency and data processing. In practice, however, these regulations are frequently met with mere lip service. The submission of reports to the public and the **BTK** has been reduced to a **hollow exercise in formalistic compliance**, symbolic reporting devoid of substance.

The mandates to “treat users equally and impartially” and to disclose algorithms should serve as mechanisms for democratic oversight into the platforms’

<sup>45</sup> Supp. Art. 4(3).

internal workings. Yet, almost no platform displays a credible level of transparency in these areas. Furthermore, the specific data actually submitted to BTK remains a mystery.

This institutional secrecy fosters a broader environment of obscurity. We face a digital landscape where **ad libraries** are either non-existent or data-poor, where user controls are stifled, and where algorithmic manipulation is systematically concealed. In this context, the reporting obligation remains a vast void in the protection of digital rights.

## **OBLIGATION TO PROVIDE INFORMATION TO JUDICIAL AUTHORITIES AND THE BANDWIDTH THROTTLING SANCTION**

With the introduction of **Supplemental Article 4/5 to Law No. 5651** (via Article 34 of Law No. 7418 on 13 October 2022), the legal landscape for social media platforms shifted dramatically. No longer mere intermediaries, platforms were imposed with a strict obligation to provide information to judicial authorities regarding specific crimes listed in the Turkish Penal Code (TCK).<sup>46</sup>

- Sexual abuse of children (TCK 103);
- Publicly disseminating misleading information (TCK 217/A);
- Disrupting the unity of the state and the integrity of the country (TCK 302);
- Crimes against the constitutional order (TCK 309–316);
- Crimes against state secrets and espionage (TCK 328–337).

This provision transforms platform representatives in Türkiye from passive recipients of **content removal** notices into active agents of the state’s surveillance apparatus. They are now legally compelled to cooperate in identifying perpetrators.

## **THE MECHANISM: COOPERATION OR OBLITERATION**

To identify users creating or disseminating content related to these crimes, the platform’s representative must submit necessary user information upon the request of the public prosecutor (during investigation) or the competent court (during prosecution).

Should the platform fail to comply, the consequences are existential. The Chief Public Prosecutor may apply to the Ankara Criminal Judgeship of Peace for a sanction of **bandwidth throttling by 90 per cent**. Once issued, this decision is transmitted via the **BTK** to access providers and must be implemented within four hours. This effectively renders the platform unusable in Türkiye, a technical equivalent of a total ban. The sanction is lifted only if the platform capitulates and surrenders the requested data.

Of particular concern is the weaponisation of the crime of “**publicly disseminating misleading information**” (TCK 217/A). This norm is perilously ambiguous. The

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<sup>46</sup> Also see *Procedures and Principles Regarding Social Media Platforms*, Article 29.

distinction between “real” and “misleading” is often dictated by political power, particularly during election periods or crises. Demanding user data based on such a fluid definition creates a severe risk of censorship and surveillance.

THE REALITY OF COMPLIANCE: META VS. GOOGLE

While the state provides no public audit mechanism regarding the implementation of this obligation, an **analysis of global transparency reports** reveals a stark divergence in how platforms have responded to this “existential threat.”

An examination of Meta’s **(Facebook & Instagram)** global transparency reports<sup>47</sup> reveals a striking level of compliance with requests from **Türkiye**. As **Table 6** demonstrates, following the introduction of the “obligation to provide information” in 2022, Meta’s compliance rate surged.

TABLE 6 User Data Requests from Türkiye and Meta Compliance Rates (2021-2024)				
Period	No. of Requests	Partial Data Provided	Compliance Rate (%)	Legal Context
2021-1	7.825	4.622	59%	Pre-Law No. 7418
2021-2	8.488	4.477	53%	Pre-Law No. 7418
2022-1	8.513	6.954	82%	Pre-Law No. 7418
2022-2	4.818	3.894	81%	Law No. 7418 in Force
2023-1	4.288	3.316	77%	Law No. 7418 in Force
2023-2	4.095	3.271	80%	Law No. 7418 in Force
2024-1	3.529	2.626	74%	Law No. 7418 in Force
2024-2	4.121	3.360	82%	Law No. 7418 in Force

Consequently, Meta’s overwhelmingly positive response to user data requests from Türkiye points to a policy of “**High Compliance and Obedience**”. Notably, in 2022 and beyond, as legal pressures intensified, Meta’s compliance rate surged to levels exceeding 80%, a marked increase compared to previous periods. For instance, in the second half of 2024 alone, data was shared in response to 3.360 of 4.121 requests (82%). The rise in Meta’s data sharing rate from the 67% to the 80%, following the entry into force of the legal representation, information provision, and bandwidth throttling regulations in 2022, demonstrates that these legal instruments have achieved the desired effect of “compliance” on the platform.

Conversely, an examination of Google’s global transparency reports<sup>48</sup> reveals an approach as distinct from Meta’s as night and day. Google’s data indicates that the

47 See <https://transparency.meta.com/reports/government-data-requests/>

48 See <https://transparencyreport.google.com/user-data/overview?hl=en>

new legal regulations, especially post-2022 did not trigger a radical break in its data sharing policy, even as administrative authorities began to actively utilise the new legal tools at their disposal (specifically, requests via the local office).

In this context, the most concrete shift in Google's data is the emergence of a new category titled "*Requests for data of local subsidiary*" as of 2022. This reflects the obligation for social media platforms to establish a representative office in Türkiye as no such category existed in Google transparency reports prior to this date. However, an analysis of local subsidiary data requests post-2022 paints a picture of steadfast resistance:

- **2022:** 28 requests (Positive response to only 4%)
- **2023:** 124 requests (Positive response to none - 0%)
- **2024:** 72 requests (Positive response to none - 0%)

These figures indicate that while Turkish authorities have started demanding information by addressing the local company established under the new law, Google has resisted these requests, even when channelled through the local Office and has refused to share data.

Furthermore, Google's stance in the "Other Legal Requests" category has remained unchanged post-2022. The general trend, despite thousands of requests since 2010, is that Google provides a positive response to **0% (zero)** of the requests in this category. Thus, despite threats of severe sanctions such as **bandwidth throttling**, it appears that Google has maintained its "non-disclosure" policy in standard legal processes throughout the 2022–2024 period, continuing its "zero-yield" stance.

The sole exception to this approach is found in "Emergency Disclosure Requests," where Google does share data with Turkish authorities. These requests generally cover life-threatening situations (terrorism, suicide, kidnapping, etc.). For example, in 2023, data was shared in response to 62% of the 26 emergency requests received. This rate demonstrates that while Google cooperates when the "life safety" criterion is met, it keeps the door firmly shut against political or judicial requests.

In conclusion, Meta (Facebook/Instagram) transparency data reveals that the platform follows a "high compliance" strategy regarding the **Obligation to Provide Information to Judicial Authorities** in Türkiye, in stark contrast to Google. The data sharing rate, which sat at 67% prior to 2022, climbed above 80% after legal sanctions were aggravated in 2022. The fact that the volume of requests directed by Turkish authorities to Meta is approximately 10 times higher than that directed to Google, combined with the fact that the vast majority of these requests are met, indicates that Meta does not resist administrative requests regarding user data in Türkiye and has effectively bowed to legal pressures.

When assessed collectively, it is clear that the state has elevated its position from a regulator merely demanding the "blocking or removal of content" to an authority that mandates access to the "identity of the perpetrator producing the content." It is an authority capable of rendering a social media platform functionally obsolete via bandwidth throttling sanctions if it fails to provide this access. Driven by commercial concerns, social media platforms appear, for now, to have adapted to and indeed submitted to this system.

## OBLIGATION TO HOST USER DATA IN TÜRKİYE

Under the framework of **Law No. 5651** and its secondary legislation, both domestic and foreign-sourced social media platforms with more than one million daily accesses from Türkiye are mandated to take the necessary technical and administrative measures to host user data within the country's borders.<sup>49</sup>

Originally, Article 13 of the *Procedures and Principles* (effective 29 September 2020)<sup>50</sup> stipulated that platforms must “prioritise measures to host basic user information and data... in Türkiye.”<sup>51</sup> Furthermore, it explicitly required platforms to report their practices regarding data localisation to BTK during every reporting period.<sup>52</sup>

Crucially, however, the 2023 update to the regulations silently excised this reporting obligation.<sup>53</sup> Consequently, the mandate to retain user data in Türkiye has become nebulous, and the audit mechanism significantly weakened. The rationale for this regression remains unexplained.

Moreover, a close examination of both the Law<sup>54</sup> and the current *Procedures and Principles*<sup>55</sup> reveals a gaping legal void. It is not explicitly specified *which* types of user data must be hosted in Türkiye, on what technical grounds, for how long, or for whom. Similarly, no rule or limitation exists regarding how this data is to be shared with the **BTK** or other public bodies.

The silence from both the platforms and the BTK on this matter creates serious concerns regarding data security, transparency, and auditing. Whether this obligation, introduced under the guise of data localisation paves the way for covert data transfer mechanisms remains a question entirely beyond the reach of public oversight.

## OBLIGATION TO PROVIDE DIFFERENTIATED SERVICES SPECIFIC TO CHILDREN

With the introduction of Supplemental Article 4(7) on 13 October 2022, social media platforms were legally compelled to implement differentiated services for children. This obligation was further codified in Article 14 of the BTK's *Procedures and Principles*.

Platforms are now required to act in accordance with fundamental principles such as age-based differentiation, privacy, and the “best interests of the child”. Specifically, strict adherence to the following is mandatory regarding content, advertisements, and services offered to minors:

- **Developmental Appropriateness:** Services must align with the child's age and developmental level.

<sup>49</sup> Law No. 5651, Supp. Art. 4(6).

<sup>50</sup> Information and Communication Technologies Authority, 2020/DK-ID/274, 29.09.2020.

<sup>51</sup> *Procedures and Principles Regarding Social Media Platforms*, Article 13(2).

<sup>52</sup> *Procedures and Principles Regarding Social Media Platforms*, Article 13(2).

<sup>53</sup> Information and Communication Technologies Authority, 2023/DK-ID/119, 28.03.2023, Article 13.

<sup>54</sup> Supp. Art. 4(6).

<sup>55</sup> *Procedures and Principles Regarding Social Media Platforms*, Article 13.



- **Best Interests:** The child’s best interests must be observed at every stage.
- **Holistic Protection:** Physical, psychological, and emotional development must be safeguarded.
- **Risk Mitigation:** Special protection mechanisms must be deployed against sexual abuse and commercial exploitation.
- **Data Minimisation:** High-level privacy must be ensured, processing only the absolute minimum amount of personal data.
- **Clarity:** Terms of use and privacy policies must be presented in clear, plain language that a child can understand.

While this regulation represents a positive step on paper towards mitigating digital risks for children in Türkiye, significant gaps remain in its execution. To date, platforms have failed to share any concrete policies regarding how their age-verification algorithms operate or how they determine data processing levels. Likewise, the BTK’s failure to publish audit results points to a distinct lack of transparency. It is imperative that the practical effectiveness of these “differentiated services” be monitored platform-by-platform and shared with the public, rather than remaining a black box.

## PROTECTION OF USER RIGHTS AND THE OBLIGATION TO INFORM

Supplemental Article 4(13) (added 13 October 2022) imposed a broad obligation on platforms to comply with BTK regulations regarding user rights. This was detailed in Article 15 of the *Procedures and Principles*, establishing a comprehensive framework of obligations:

- i. **Impartiality:** The platform must treat all users equally and impartially.
- ii. **User Control:** Users must be offered the opportunity to change content recommendation preferences and limit the use of their personal data.
- iii. **Security Breach Notification:** In the event of a significant security breach affecting users in Türkiye, the platform must notify both the BTK and the users within **72 hours**, in clear Turkish.
- iv. **Service Updates:** Users must be provided with easy access to platform updates affecting their rights.
- v. **Algorithmic Transparency:** The platform must explain, in a transparent and accessible manner on its website, which parameters drive its content recommendations.
- vi. **Account Recovery:** A clear, Turkish-language application mechanism must be established for compromised or impersonated accounts, with applications concluded within a reasonable time.
- vii. **Regulatory Compliance:** The platform is obliged to comply with all future regulations issued by the BTK regarding user rights.

At first sight, this framework appears to be a robust step towards a safer digital environment. However, without concrete reports from the platforms on how they are implementing algorithmic transparency or breach notifications, these rules risk becoming a dead letter. Similarly, the BTK has shared no data regarding auditing or violation rates. The protection of user rights requires not merely the goodwill of corporations, but a transparent, auditable, and publicly reported oversight mechanism. From this perspective, the practical implications and effectiveness of the relevant regulations remain insufficiently clear.

## **OBLIGATION TO ESTABLISH AN APPLICATION MECHANISM FOR HASHTAGS AND FEATURED CONTENT**

The introduction of Supplemental Article 4(15) to **Law No. 5651** on 13 October 2022 imposed a specific mandate on social media platforms regarding the removal of unlawful hashtags and featured content. This obligation was further codified in Article 16 of the relevant *Procedures and Principles*.

Under this regime, platforms are obliged to establish, in cooperation with the **BTK**, an effective “notice-and-takedown” mechanism specifically for hashtags and featured content. Furthermore, they must report on the operation of these mechanisms to the Institution during every reporting period.

Crucially, this provision extends liability beyond the mere hosting of content to the *manner* in which it is presented. Upon notification of unlawful content related to a crime committed via hashtags or featured posts, platforms must remove such content immediately and within a maximum of **four hours**. Failure to meet this tight deadline renders them directly liable for the content in question.<sup>56</sup>

This effectively strips platforms of their status as passive intermediaries. Instead, they assume liability based on their algorithmic choices, such as highlighting or tagging content. In other words, the fact that content has spread indirectly via a hashtag or recommendation algorithm does not absolve the provider; rather, it triggers an obligation of active intervention. However, the requirement to adjudge the legality of content within a four-hour window significantly heightens the risk of excessive self-censorship, particularly regarding freedom of expression. This creates a burdensome legal risk for platforms regarding content moderation.

To date, no information has been disclosed to the public regarding the mechanics of these systems, the types of content they cover, or the criteria underpinning decisions. Nor does any data appear in the transparency reports shared with the public. This opacity creates serious uncertainty, fuelling concerns that **these mechanisms could be weaponised for arbitrary or political ends**.

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<sup>56</sup> Law No. 5651, Supp. Art. 4(15).



## **OBLIGATION TO SHARE CONTENT ENDANGERING LIFE AND PROPERTY SAFETY WITH LAW ENFORCEMENT**

Supplemental Article 4(16), added on 13 October 2022, imposes a duty of “urgent intervention” regarding content that endangers the safety of life and property. This provision, mirrored in Article 17 of the *Procedures and Principles*, dictates that if a platform becomes aware of such content and where delay would be detrimental, it must share the content and the creator’s details with law enforcement *without delay*.

Transcending standard notice-and-takedown procedures, this regulation introduces a mandate for proactive data sharing. However, the legal concept of “safety of life and property” remains dangerously vague and open to broad interpretation. Neither the statute nor the secondary legislation clarifies how such safety is deemed endangered. Equally opaque is the definition of “cases where delay is detrimental”. As the Constitutional Court has noted in its judgments regarding Article 8/A of Law No. 5651, the existence of a situation where delay is detrimental is rarely demonstrated in access blocking decisions taken by administrative bodies or judges.<sup>57</sup> Moreover, while Article 8/A at least ostensibly requires judicial approval, Supplemental Article 4(16) bypasses judicial validation entirely.

Furthermore, although platforms bear no general obligation to monitor content, this regulation envisages an ambiguous “obligation to become aware”. How this obligation arises or is implemented remains undefined. Additionally, unlike Supplemental Article 4(5), which outlines clear procedures for providing information to judicial authorities for specific catalogue crimes, the obligation in Supplemental Article 4(16) is indefinite in both scope and application, lacking any robust legal safeguards.

Finally, the BTK has yet to offer any public explanation or report regarding the fulfilment of this obligation, the frequency of notifications to law enforcement, or the auditing of these processes.

In this respect, the regulation appears to have been enacted without striking the necessary constitutional balance between public security and fundamental rights. Questions regarding compliance methods, judicial review, and data security measures remain entirely unanswered. Consequently, the evaluation of content and the sharing of personal data based on broad, interpretive concepts like “safety of life and property” engenders serious concerns regarding freedom of expression, data protection, and the presumption of innocence.

## **THE BTK’S AUTHORITY TO REQUEST INFORMATION AND CONDUCT ON-SITE INSPECTIONS**

Supplemental Article 4(18), added to Law No. 5651 on 13 October 2022, alongside Article 18 of the *Procedures and Principles*, arms the BTK with sweeping powers to audit and request information from social media platforms. To assess compliance, the BTK may demand comprehensive data covering:

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<sup>57</sup> See Birgün İletişim ve Yayıncılık Ticaret A.Ş. Application, App. No: 2015/18936, 22.05.2019, § 71.

- Corporate structure,
- IT systems,
- Algorithms,
- Data processing mechanisms,
- Commercial conduct.

Platforms are strictly obliged to respond to these requests within **three months** of notification.

Crucially, the regulation goes further. If deemed necessary, the BTK is authorised to conduct **on-site inspections** at all facilities of the social media platform.<sup>58</sup> This expands the BTK’s remit significantly, moving beyond technical audits to encompass the managerial and commercial operations of the company.

Consequently, this regulation grants the BTK not merely regulatory oversight but *de facto* audit authority. The power to demand information on competition-sensitive areas such as algorithms and commercial conduct, poses severe risks regarding the exposure of trade secrets and the security of user data. Furthermore, ill-defined concepts like “commercial conduct” and “data processing mechanisms” blur the boundaries of the Institution’s reach. This erodes legal certainty for platforms, raising the risk that oversight may mutate into arbitrary intervention rather than fostering transparency.

## THE GEOGRAPHIC PARADOX

The authority to conduct “on-site inspections at all facilities” harbours serious practical uncertainties. Its geographical limits and scope remain undefined. Given that the primary technical and managerial infrastructure of global platforms is located abroad, the effectiveness of this authority is questionable. Access by the BTK to head offices or data centres in foreign jurisdictions appears neither legally nor practically feasible.

Put simply, it is impossible for the BTK to physically conduct on-site audits at the headquarters of giants like **X, Meta, and TikTok** in the USA, Ireland, or elsewhere. This logistical impossibility weakens predictability for platforms and limits the impact of public oversight.

To date, total radio silence has been maintained regarding the use of these powers. No explanation or report has been published indicating which platforms have been queried, the scope of such requests, or whether any on-site inspections have actually taken place.

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<sup>58</sup> Also see *Procedures and Principles Regarding Social Media Platforms*, Article 35.

## OBLIGATION TO CREATE A CRISIS PLAN REGARDING EXTRAORDINARY SITUATIONS

Under Supplemental Article 4(19) (added 13 October 2022), social media platforms are mandated to establish a pre-emptive crisis plan for extraordinary situations affecting public security and health. This obligation, reiterated in Article 19 of the *Procedures and Principles*, requires platforms to submit a crisis management plan designed to:

- Prevent information pollution (disinformation) during moments of crisis;
- Ensure coordination with public authorities;
- Regulate in-platform intervention mechanisms.

The BTK retains the authority to dictate the specific rules regarding the scope, format, and content of these plans.

In principle, the obligation to prepare a crisis plan could be viewed as a positive step towards strengthening the social responsibility of digital platforms. However, the definition of a “crisis,” the required content of the plans, and the limits of the BTK’s intervention remain dangerously undefined. This ambiguity creates a back-door for arbitrary practices. In broad and politically sensitive areas such as public security, these plans could easily be weaponised as instruments of censorship, content manipulation, or political pressure.

## LEGAL AND ADMINISTRATIVE SANCTIONS AGAINST SOCIAL MEDIA PLATFORMS

The obligations imposed on social media platforms via Supplemental Article 4 of **Law No. 5651** extend far beyond mere technical adjustments or administrative formalities; they are backed by a robust regime of administrative and legal sanctions designed to enforce compliance. These sanctions are not monolithic but are implemented through a graduated, escalating scale.

Penalties for non-compliance range from administrative fines and advertising bans to the severe measure of **bandwidth throttling** and liability for compensation. In specific instances, these financial penalties may be calculated based on a percentage of the platform’s global turnover.

The sanctions regime currently in force for social media platforms is detailed below.

### *1. Primary Administrative and Judicial Fines for Breach of Obligations*

Pursuant to Supplemental Article 4(9), foreign-sourced social media platforms with more than one million daily accesses from Türkiye face immediate financial penalties for non-compliance. Specifically, failure to fulfil obligations regarding content under Articles 8 and 8/A of Law No. 5651 triggers an administrative fine of **one million Turkish Liras**.

Furthermore, regarding judicial liabilities arising under Articles 8 and 9, the law stipulates that a judicial fine equivalent to up to **fifty thousand days** may be imposed on these platforms.<sup>59</sup>

## ***II. Advertising Bans and Bandwidth Throttling: Sanctions for Failure to Implement Decisions***

Supplemental Article 4(10) establishes a severe, graduated sanctions mechanism for foreign-sourced platforms that fail to implement **access blocking** or **content removal** decisions issued by the President of the **BTK**.

**Step I: The Advertising Ban** Initially, tax-resident individuals and legal entities operating in Türkiye may be prohibited from placing advertisements on the non-compliant platform for up to six months. Under this ban, no new contracts may be established, and no monetary transfers may be executed. These decisions enter into force immediately upon publication in the Official Gazette.

**Step II: Bandwidth Throttling** If the platform persists in failing to remove the content or block access despite the advertising ban, the stakes are raised. An application may be made to the Criminal Judgeship of Peace to reduce the platform's Internet traffic bandwidth by **50 per cent**.

**Step III: Escalation** Should the platform continue to disregard the obligation following the judge's initial decision, a further sanction throttling bandwidth by up to **90 per cent** may be activated. Access providers are legally obliged to implement these decisions immediately and within a maximum of **four hours** of notification.

This regulation is designed to compel compliance by exerting immense commercial and technical pressure. Crucially, the bandwidth throttling measure is lifted only once the obligations are fulfilled and BTK is notified.

## ***III. Advertising Ban for Non-Payment of Administrative Fines***

Supplemental Article 4(11) introduces a specific sanction for financial delinquency. If a social media platform fails to pay administrative fines imposed by the BTK President within the legal period, and if this failure recurs more than once within a single year, an advertising ban may be triggered.

In such cases, tax-resident individuals and legal entities in Türkiye may be prohibited from placing new advertisements on the relevant platform for up to six months. Consequently, no new advertising contracts may be signed, and no related funds may be transferred.

This decision is publicised via the Official Gazette. The ban acts as a commercial chokehold to ensure the timely payment of fines. However, the mechanism provides an exit route. If the platform pays all accrued administrative fines and notifies the BTK, the advertising ban is lifted.

<sup>59</sup> Also see *Procedures and Principles Regarding Social Media Platforms*, Article 31.

#### **IV. Penalties for Violating the Advertising Ban**

To ensure the integrity of the advertising ban, the legislation extends liability to local actors. Pursuant to Supplemental Article 4(12) of **Law No. 5651** and Article 34 of the *Procedures and Principles*, penalties apply to those who defy the ban.

Administrative fines ranging from **TRY 10.000 to TRY 100.000** may be imposed by the BTK President on tax-resident individuals and legal entities in Türkiye who violate an advertising ban decision. This ensures that responsibility is shared, holding not only the platforms but also the local advertisers cooperating with them accountable.

#### **V. General Legal Liability: Obligation to Compensate for Non-Removal**

Pursuant to Supplemental Article 4(17) of **Law No. 5651** and Article 36 of the *Procedures and Principles*, the specific obligations imposed on social media platforms do not supersede their general responsibilities as content or hosting providers. In effect, the platform's liability continues to operate within the broader framework of the Law.

Contextually, this creates a strict liability regime. If a judge or court determines that content is unlawful and notifies the platform, failure to remove or block access to said content within **twenty-four hours** renders the platform directly liable for any resulting damages. Crucially, claimants need not file a lawsuit against the original content provider to trigger this liability; they may seek compensation directly from the platform.

Furthermore, the window for action tightens dramatically in specific cases. If content notified as unlawful transforms into a crime via a hashtag or featured placement, the platform becomes directly liable if it fails to remove the content within just **four hours** of notification.

These provisions demonstrate that social media platforms bear not only administrative duties but also direct legal liabilities, compelling them to act with extreme rapidity against judicial decisions and notifications.

#### **VI. Administrative Fines Based on Global Turnover**

Supplemental Article 4(20) of **Law No. 5651** and Article 30 of the *Procedures and Principles* introduce a nuclear option: severe financial sanctions calculated against the platform's global revenue.

In the event of a violation of the fundamental obligations listed below, the **BTK** President may impose an administrative fine of up to **three per cent of the platform's global turnover** in the preceding calendar year:

- Hosting user data locally in Türkiye;<sup>60</sup>
- Providing differentiated services specific to children;<sup>61</sup>
- Protection of user rights;<sup>62</sup>

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<sup>60</sup> Supp. Art. 4(6).

<sup>61</sup> Supp. Art. 4(7).

<sup>62</sup> Supp. Art. 4(13).

- Intervening in content regarding the safety of life and property;<sup>63</sup>
- Submitting information and documents requested by the BTK;<sup>64</sup>
- Creating crisis plans regarding public health and security.<sup>65</sup>

With this regulation, an extremely broad sanction framework covering all fundamental obligations regarding the corporate operation of social media platforms and user rights has been established. On the one hand, the determination of the fine based on “global turnover” indicates that the sanction is highly deterrent. On the other hand, there are serious concerns that the threat of such a severe and broad administrative fine may function as a tool forcing social media platforms to adapt to the intensifying administrative pressure environment in Türkiye. Determining the fine amount based on global turnover constitutes a financial sanction threat not limited to activities in Türkiye alone, which is clearly contrary to the principle of proportionality. Moreover, uncertainties regarding which situations will be deemed a “violation” create a continuous instrument of administrative pressure on SMPs. In this context, the aim of the regulation is not merely to ensure compliance with legislation but also to force platforms to shape their content policies in line with the administration’s expectations and to narrow the sphere of freedom of expression.

This regulation establishes an exceptionally broad sanctions framework. On the one hand, pegging fines to “global turnover” ensures a high level of deterrence. On the other, there are serious concerns that this financial sword of Damocles functions as a coercive instrument, forcing SMPs to capitulate to the intensifying administrative pressure in Türkiye.

Determining fines based on global revenue, rather than activities limited to Türkiye, arguably violates the principle of proportionality. Moreover, the ambiguity surrounding what constitutes a “violation” creates a mechanism for continuous administrative pressure. The ultimate aim appears to be two-fold: ensuring technical compliance, and forcing platforms to align their content policies with the administration’s expectations, thereby narrowing the sphere of freedom of expression.

This forces platforms to reshape their policies not merely for compliance, but towards a strategy of extreme risk avoidance.

## INTERIM ASSESSMENT: THE LEGAL REGIME AND IMPLEMENTATION

The amendments made to Law No. 5651 in 2020 and 2022 have radically reshaped the legal framework governing social media platforms. Through Supplemental Article 4 and its associated *Procedures and Principles*, a multi-layered architecture of auditing, obligations, and sanctions has been erected over the digital landscape in Türkiye.

This new regime envisages a vast spectrum of responsibilities, ranging from the mandatory appointment of representatives to the preparation of crisis plans and proactive intervention in content. Furthermore, the penalties for non-compliance are

<sup>63</sup> Supp. Art. 4(16).

<sup>64</sup> Supp. Art. 4(18).

<sup>65</sup> Supp. Art. 4(19).

exceptionally severe. The arsenal of sanctions including advertising bans, bandwidth throttling, fines calculated on global turnover, and direct liability for content, indicates that platforms are being coerced into compliance with the political pressure environment in Türkiye.

As evidenced by the regulations detailed in this report, this framework harbours serious risks for freedom of expression, data protection, and digital rights. Provisions that grant broad discretionary power and pave the way for arbitrariness stand in direct contradiction to the principles of transparency and accountability.

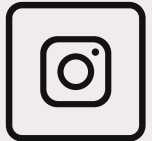
In the second part of this report, we will provide a detailed, platform-by-platform evaluation of how this general framework is applied and the extent to which specific platforms fulfil their obligations. These findings will reveal that the current legal order entails a control strategy directed not only at content, but at the very corporate structures of the platforms themselves.



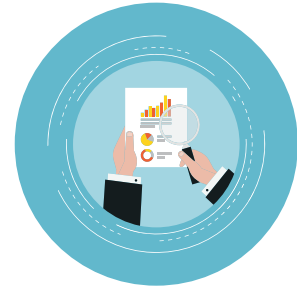


# Part Two

Legal Obligations and  
Evaluation of  
Transparency  
Reports







## INTRODUCTION

**T**he radical amendments to **Law No. 5651** have fundamentally altered the legal landscape for Internet publishing and **Social Media Platforms** in Türkiye. The regime has shifted from a “content-oriented” control mechanism to a “platform-oriented” regulatory model, underpinned by severe sanctions.

Initially, Law No. 7253 (adopted in 2020) imposed foundational obligations: appointing a representative, hosting data locally, responding effectively to user applications, and publishing regular transparency reports. These duties were significantly tightened by Law No. 7418 in 2022, which introduced strict stipulations. Representatives who are real persons must now be Turkish citizens, while legal-entity representatives must be structured as a “branch”. Furthermore, administrative and financial liabilities have been vastly expanded.

The objective of this legal transformation was clear: to strip social media platforms of their passive status as mere “hosting providers” and forcibly integrate them into Türkiye’s legal system as directly accountable “interlocutors”, answerable to administrative and judicial requests.

Through these regulations, foreign-sourced platforms with more than one million daily accesses from Türkiye have been saddled with critical responsibilities. These range from designating an authorised representative and hosting user data locally to responding to user applications with justifications within 48 hours, and maintaining a public ad library.

While the legislator cloaks these measures in the rhetoric of “protecting user rights” and ensuring “digital transparency”, the Freedom of Expression Association and other civil society organisations warn of a darker reality. They highlight the risk that, under the shadow of crippling sanctions such as **90 per cent bandwidth throttling** and advertising bans, these regulations are transforming platforms into unwilling components of the state’s censorship apparatus.

In this section, we scrutinise the compliance performance of the principal social media platforms shaping Türkiye’s digital public sphere: **X, Meta (Facebook & Instagram), YouTube, TikTok, LinkedIn, Pinterest, Dailymotion, and VKontakte**, alongside the local actor, **Eksi Sözlük**. Our analysis transcends a mere checklist of formal requirements (e.g., confirming the establishment of a company); instead, it interrogates the functionality of these structures, the data quality of transparency reports, and the actual practices regarding the protection of user rights.

In this context, we seek answers to the following fundamental questions:

- **Legitimacy vs. Compliance:** Are the representatives appointed by the platforms genuinely authorised and accountable interlocutors as per the letter of the Law, or are they merely “**shell**” structures established to circumvent legal necessity?
- **Data Quality:** Do the published transparency reports offer meaningful, disaggregated, and auditable data regarding applications made under **Article 9** (personal rights) and **Article 9/A** (privacy), or are they bureaucratic exercises glossed over with generic statistics?
- **Handling of Rights:** How do platforms actually handle applications regarding violations of “personal rights” and “privacy”?
- **Constitutional Compliance:** Do platforms continue to process applications based on Article 9 (personal rights violations), despite the Constitutional Court’s decision annulling the legal provision?
- **Ad Transparency:** To what extent do “Ad Library” implementations and content removal practices meet the transparency and accountability standards envisaged by the Law?

The platform-specific analyses that follow reveal, through concrete data, precisely how these entities attempt to navigate the tension between the intensified legal pressure in Türkiye and their own commercial interests. They have adopted diverse strategies, ranging from “**total obedience**” (TikTok, Meta) and “**resistance**” (YouTube’s non-data sharing policy) to “**indifference**” (LinkedIn).

## X: PLATFORM COMPLIANCE WITH LEGAL OBLIGATIONS

An examination of **X's** (formerly Twitter) compliance journey reveals a gradual, albeit eventually complete, alignment with the structural mandates of Law No. 5651 and its secondary legislation. Regarding the fundamental pillars of compliance, specifically the appointment of a representative, the establishment of a resident capital company in Türkiye, and the satisfaction of capital requirements, X now exhibits the outward appearance of full adherence to the law.

The platform's corporate evolution in Türkiye has mirrored the legislative tightening that began with Law No. 7253 in 2020 and intensified with Law No. 7418 in 2022. Initially, the local entity "**Twitter İnternet İçerik Hizmetleri Limited Şirketi**" was established on 22 April 2021 by the US-based T.I. Redwing LLC, with a modest capital of TRY 10.000, designating the founding company as the manager.<sup>66</sup>

Following the platform's global acquisition and rebranding to "X", its legal structure in Türkiye underwent a radical transformation towards the end of 2023. T.I. Redwing LLC transferred its entire shareholding to **X Corp.**, making the latter the sole direct shareholder and manager. Barry Murphy, a resident of Ireland, was individually authorised to act on behalf of the legal entity.<sup>67</sup>

The final piece of the puzzle fell into place on 25 April 2024. To fully satisfy the stringent conditions regarding social media platforms, particularly regarding capital and trade names, the company title was amended to "**X İstanbul İnternet İçerik Hizmetleri Limited Şirketi**". This change incorporated both the platform's name and its province of operation. Simultaneously, the company's capital was injected with funds to reach **TRY 100.000.000**, the legal minimum.<sup>68</sup> With these moves, X brought its Turkish representative office up to the final administrative and financial standards required by Law.

## THE COMPLIANCE SCORECARD

While X has ticked the boxes for corporate structure, a deeper audit reveals significant voids. As illustrated in **Table 7**, serious deficiencies persist regarding user rights and transparency obligations.

The platform **lacks a publicly available application form for Turkish users**, and offers no information on how applications are processed. Furthermore, while transparency reports are published, **their content falls woefully short of the statutory details**. Critical areas remain entirely opaque: there is no public information regarding crisis plans, the ad library, hashtags liability, or processes for sharing information with judicial authorities. Similarly, it remains unknown whether obligations regarding data hosting and differentiated services for children have been met.

Consequently, X presents a weak profile in terms of accountability and legal oversight, complying with only a fraction of its substantive obligations.

<sup>66</sup> Turkish Trade Registry Gazette, No. 10315, 22.04.2021, p. 967.

<sup>67</sup> For share transfer and authorization processes, see Turkish Trade Registry Gazette, No. 10950, 03.11.2023, p. 111; No. 10965, 24.11.2023, p. 271; No. 10968, 29.11.2023, p. 1029.

<sup>68</sup> Turkish Trade Registry Gazette, No. 11069, 25.04.2024, p. 1248.

TABLE 7  
X Platform Compliance Scorecard

Legal Obligations	Status	Notes
Representative Obligation	Meets	Official representative appointed in Türkiye.
Local Company Establishment	Meets	Istanbul-based capital company established.
Trade Name Condition	Meets	Trade name includes platform name and province.
Explicit Affiliation & Authorization	Meets	Company is directly affiliated with and authorised by X.
Turnover & Reporting Obligation	Unknown	No public information regarding report submission to BTK.
Application Form for Users	Does Not Meet	No Turkish application page established by X.
User Application Processes	Unknown	No public information regarding the application process.
Transparency Reports	Partially Meets	Reports are published but content is incomplete.
Personal Data Localisation	Does Not Meet	Not specified in transparency reports whether user data is hosted on servers in Türkiye.
Hashtag and Content Liability	Unknown	Unclear whether the notification system meets legal conditions.
Creating a Crisis Plan	Unknown	No public information regarding a crisis plan.
Providing Information to Judicial Authorities	Unknown	No statistics regarding data sharing with judicial authorities.
Ad Library	Does Not Meet	Ad library is not visible.
Bandwidth Throttling Sanctions	Not Applied	Not applied to date under Law No. 5651.
Administrative Fines	Unknown	No information regarding whether applied.
Other Obligations	Unknown	No publicly available information.

TRANSPARENCY REPORTS ASSESSMENT

X has maintained a schedule of regular publication for its transparency reports since the first half of 2021. A Turkish-language report is available for all nine periods examined.

TABLE 8  
Summary of X Platform Transparency Reports

Period	Turkish Report	Art. 9 Statistics	Art. 9/A Statistics	Categorical Data
2021-1	Yes	No	No	No
2021-2	Yes	No	No	No
2022-1	Yes	No	No	No
2022-2	Yes	No	No	No
2023-1	Yes	No	No	No
2023-2	Yes	No	No	No
2024-1	Yes	No	No	No
2024-2	Yes	No	No	No
2025-1	Yes	No	No	No

However, in terms of substance, these reports are hollow. They fail to fulfil the specific obligations required under **Supplemental Article 4/3** of Law No. 5651 and the relevant *Procedures and Principles*:

- **Article 9 Statistics:** Data regarding applications made for violations of **personal rights** is absent.
- **Article 9/A Statistics:** Data regarding applications made for violations of **privacy** is absent.
- **Categorical Data:** There is a total lack of qualitative analysis, such as types of applications, conclusion times, and positive/negative response rates.

This indicates that X treats transparency reporting as a mere formality. By stripping the reports of meaningful data, the platform fails to be accountable or to inform the public, rendering the exercise largely performative.

## META: PLATFORM COMPLIANCE WITH LEGAL OBLIGATIONS

**Meta** (Facebook and Instagram) has fulfilled its primary obligation to appoint a representative by establishing a local capital company to conduct its operations in Türkiye. While its corporate footprint in the country is not new, it has undergone significant transformation to align with the stringent requirements of **Law No. 7418**.

Meta's legal entity in Türkiye was originally established on 27 March 2014 by the US-based Madoka LLC under the title **"Madoka Turkey Bilişim Hizmetleri Limited Şirketi"**. Initially capitalised at TRY 10.000, this figure was gradually increased over the years, reaching TRY 1.776.400 by 2021.<sup>69</sup>

However, the drive for full compliance gained critical momentum in 2023. On 14 April 2023, the company was re-registered as **"Meta Platforms İstanbul Bilişim Hizmetleri Limited Şirketi"**, and its capital was dramatically raised to **TRY 100.000.000**, meeting the new legal minimum.<sup>70</sup>

Despite this, a nuance remains: the absence of distinctive, consumer-facing brand names like "Facebook" or "Instagram" in the company's official title. This arguably falls short of the "distinctive phrase" condition mandated by the legislation. Furthermore, although Meta utilises a single legal entity for both platforms, it continues to publish separate transparency reports for Facebook and Instagram.

Steps have also been taken to clarify the corporate hierarchy. On 2 May 2023, Madoka LLC transferred all its shares to Facebook Global Holdings II LLC; shortly thereafter, on 5 June 2023, these shares were transferred to the ultimate parent company, Meta Platforms Inc. Consequently, Meta Platforms Inc. is now the direct manager and sole shareholder of the Turkish company, with Katherine Reynolds Kelly (resident in the USA) authorised to act on behalf of the legal entity.<sup>71</sup>

This evolution demonstrates a clear shift in the sense that Meta, which initially operated in Türkiye under the opaque "Madoka" banner, has assumed direct operational responsibility with its own corporate identity and capital as legal pressures have mounted.

<sup>69</sup> For establishment and capital increases, see Turkish Trade Registry Gazette, No. 8541, 02.04.2014, p. 321; No. 9202, 21.11.2016, p. 341; No. 10290, 18.03.2021, p. 241.

<sup>70</sup> Turkish Trade Registry Gazette, No. 10812, 14.04.2023, p. 1290.

<sup>71</sup> For share transfers, see Turkish Trade Registry Gazette, No. 10822, 02.05.2023, p. 555; No. 10845, 05.06.2023, p. 571.



TABLE 9  
**Facebook and Instagram Platforms Compliance Scorecard**

Legal Obligations	Status	Notes
Representative Obligation	Meets	Official representative appointed in Türkiye.
Local Company Establishment	Meets	Istanbul-based capital company established.
Trade Name Condition	Partially Meets	Phrases “Facebook” or “Instagram” are not included in the company title ( <i>Meta Platforms İstanbul Bilişim Hizmetleri Limited Şirketi</i> ).
Explicit Affiliation & Authorization	Meets	Company is fully authorized and held responsible for Facebook and Instagram services by Meta Platforms Inc.
Turnover & Reporting Obligation	Unknown	No public information regarding report submission to BTK.
Application Form for Users	Meets	A Turkish application page created by Meta exists.
User Application Processes	Meets	Evaluation processes for applications and their relation to “Community Standards” are explained in reports.
Transparency Reports	Partially Meets	Reports are regular but Article 9 and 9/A data is presented generally without disaggregation.
Personal Data Localization	Does Not Meet	Not specified in transparency reports whether user data is hosted on servers in Türkiye.
Hashtag and Content Liability	Unknown	No mention of a procedure specific to hashtags in reports.
Creating a Crisis Plan	Unknown	No public information regarding a crisis plan.
Providing Information to Judicial Authorities	Unknown	No statistics regarding data sharing with judicial authorities.
Ad Library	Meets	Meta Türkiye Ad Library is active and cited in reports. <sup>72</sup>
Bandwidth Throttling Sanctions	Not Applied	Not applied to date under Law No. 5651.
Administrative Fines	Unknown	No information regarding whether applied.
Other Obligations	Unknown	No publicly available information.

<sup>72</sup> See <https://www.facebook.com/ads/library/>. Also see Meta Ad Library Türkiye Report, <https://www.facebook.com/ads/library/report/>

FACEBOOK TRANSPARENCY REPORTS ASSESSMENT

Facebook has maintained a regular reporting schedule since the commencement of its legal obligations. However, the data provided fails to meet the specific “statistical and categorical” breakdown required by Law No. 5651. Critically, Facebook pools applications under **Article 9** (personal rights) and **Article 9/A** (privacy) into a single dataset, offering no separate statistics for these distinct legal grounds.

TABLE 10  
Summary of Facebook Platform Transparency Reports

Period	Turkish Report	Art. 9 Statistics	Art. 9/A Statistics	Categorical Data	Notes
2021-1	Yes	No	No	No	Only June 2021 data (20 applications) reported.
2021-2	Yes	No	No	No	71 applications reported.
2022-1	Yes	No	No	No	314 applications reported.
2022-2	Yes	No	No	No	251 applications reported.
2023-1	Yes	No	No	No	227 applications reported.
2023-2	Yes	No	No	No	335 applications reported.
2024-1	Yes	No	No	No	203 applications reported.
2024-2	Yes	No	No	No	294 applications reported.
2025-1	Yes	No	No	No	298 applications reported.

Although these reports reveal Facebook’s general approach, the policy of data aggregation obfuscates the reality of legal compliance. By lumping Article 9 and 9/A requests together under the generic banner of “user requests under Law No. 5651”, it becomes impossible to analyse which type of violation is more prevalent or how the platform responds to specific legal claims.

Furthermore, the lack of categorical detail (crime type, content type, etc.) creates the impression that **transparency is being treated as a tick-box exercise**. While the reports do share detailed qualitative information regarding moderation teams, highlighting support for 80+ languages including Turkish, this text is pasted verbatim into every report, reducing its value.

## A CRITICAL OVERSIGHT: THE REPEALED ARTICLE 9

Regarding **Article 9**, which was repealed on 10 October 2024, the aggregated data makes it unclear whether Facebook updated its processes for late 2024 and early 2025. However, a review of Meta's active corporate pages, specifically the "How do I contact Meta's local representative in Türkiye?" page<sup>73</sup> and the associated removal request form,<sup>74</sup> reveals that **reference is still made to the repealed Article 9** as of the preparation of this study.

Screenshot 1: Meta's Page for Local Representative in Türkiye

### Meta'nın Türkiye'deki yerel temsilcisiyle nasıl iletişime geçerim?

[Bağlantıyı Kopyala](#)

5651 sayılı Yasanın ek 4. Maddesi kapsamında atanan Meta Platforms, Inc. temsilcisinin iletişim bilgileri aşağıda verilmiştir:

**Ticari ad:** Meta Platforms İstanbul Bilişim Hizmetleri Limited Şirketi

**Adres:**

Esentepe Mahallesi  
23 Temmuz Sokak No: 2/1  
Şişli, İstanbul

Facebook'ta paylaşılan içeriğin 5651 sayılı Yasanın 9 ve 9A Maddeleri uyarınca yasadışı olduğunu düşünüyorsanız yönetmelik doğrultusunda [şikayette bulunabilirsiniz](#). 5651 sayılı Yasa doğrultusunda sadece Türkiye'de şikayette bulunabileceğinizi lütfen unutmayın.

<sup>73</sup> See <https://www.facebook.com/help/118930960130870>

<sup>74</sup> See <https://www.facebook.com/help/contact/435015304579692>

### 5651 Sayılı Yasa Uyarınca Türkiye Yasal İçerik Kaldırma Talebi Formu

Bu form, 5651 sayılı Yasanın 9 ve 9/A Maddelerini ihlal ettiğini düşündüğünüz, Facebook'ta yayınlanmış içeriği şikayet etmeniz için hazırlanmıştır. Diğer şikayet türleri bu form üzerinden işleme alınmayacaktır. Bu talepte bulunmadan önce, bu konuda uzman bir avukata danışmak isteyebilirsiniz.

Hangi sorunu şikayet etmek istiyorsunuz?

- ☐ Başkasının Eline Geçmiş Hesap
- ☐ Sahte Hesap
- ☐ Kimlik Taklidi
- ☐ Gizlilik
- ☒ İçeriğin 5651 sayılı Yasanın 9 veya 9/A Maddesini ihlal ettiğini düşünüyorum

Gönder

Consequently, it cannot be stated that the Facebook platform fully meets its obligations, either formally or in terms of content.

### INSTAGRAM TRANSPARENCY REPORTS ASSESSMENT

Unlike its sibling platform, **Instagram** failed to publish any transparency reports in 2021. Regular reporting commenced only in 2022. Like Facebook, Instagram presents Article 9 and 9/A data as an aggregated set, hindering detailed analysis.

TABLE 11  
Summary of Instagram Platform Transparency Reports

Period	Turkish Report	Art. 9 Statistics	Art. 9/A Statistics	Categorical Data	Notes
2021-1	No	-	-	-	Report not published.
2021-2	No	-	-	-	Report not published.
2022-1	Yes	No	No	No	1.436 applications reported.
2022-2	Yes	No	No	No	1.454 applications reported.
2023-1	Yes	No	No	No	2.898 applications reported.
2023-2	Yes	No	No	No	2.397 applications reported.
2024-1	Yes	No	No	No	943 applications reported.
2024-2	Yes	No	No	No	303 applications reported.
2025-1	Yes	No	No	No	162 applications reported.

A closer look at the data reveals that users in Türkiye primarily utilise the application mechanism for “account/profile complaints”. For instance, in the second half of 2023, approximately **80%** of applications (857 out of 1.064) related to profile complaints rather than specific content. This indicates that the legal mechanism intended for rights violations is largely being repurposed by users to report “fake/impersonating accounts”.<sup>75</sup>

Most striking is the **dramatic decline** in application volume. From a peak of nearly 3.000 in early 2023, numbers collapsed to just 162 by early 2025. While unexplained in the report, this likely reflects users abandoning the channel due to a perceived lack of effectiveness, or the mass filtering of profile complaints.

Legally, Instagram’s 2025-1 report marks a divergence from Facebook. It explicitly acknowledges the **Constitutional Court’s annulment of Article 9**, stating that the form is now reserved for Article 9/A and other issues. This represents a more compliant stance. However, because the data remains aggregated, it is still impossible to distinguish which actions were taken on what specific grounds.

Meta has established a compliant corporate structure and reporting process. However, the **data aggregation policy** is a fundamental flaw. By pooling distinctly different legal claims (insult vs privacy), Meta renders its data obscure. This failure to disaggregate weakens the public oversight function of the reports and prevents any meaningful analysis of the platform’s impact on digital rights in Türkiye.

<sup>75</sup> When the Türkiye Legal Content Removal Request Form Under Law No. 5651 is examined, it will be seen that the form is not limited only to Articles 9 and 9/A of Law No. 5651, and options such as “Compromised Account” and “Impersonation” are also included among the choices. See <https://www.facebook.com/help/contact/880127516120350>

## YOUTUBE: PLATFORM COMPLIANCE WITH LEGAL OBLIGATIONS

Among its peers, **YouTube** stands out for adopting the most systematic and corporate approach to compliance with legal obligations in Türkiye. Operating under the **Google** umbrella, the platform largely meets the requirements of Law No. 5651 in terms of reporting discipline, advertising transparency, and user information mechanisms. However, a technical deficiency remains: the absence of the explicit phrase “YouTube” in the trade name of its local legal entity, which falls short of the “distinctive phrase” criterion mandated by legislation.

The platform’s representative structuring in Türkiye has evolved in lockstep with the legislative timeline. Following the enactment of Law No. 7253, representation was established via **“Google Bilgi Teknolojileri Limited Şirketi”** on 12 January 2021. Established by the US-based Google LLC, the company initially held a capital of TRY 150.000, with Kenneth Hohee Yi authorised to act on its behalf.<sup>76</sup> By 4 October 2022, the capital structure was strengthened, raising the figure to TRY 2.250.000.<sup>77</sup>

The arrival of 2023 brought aggravated legal conditions for social media platforms, prompting significant structural amendments. On 5 May 2023, the company’s title was updated to **“Google İstanbul Bilgi Teknolojileri Limited Şirketi”** and its capital was injected with substantial funds to reach **TRY 122.250.000**, surpassing the new legal minimum.<sup>78</sup> This move demonstrated a clear will to comply with the financial and administrative demands of Law No. 5651.

By 2025, the management structure had matured into a broader professional framework. An internal directive defining authorised signature groups was registered on 24 June 2025.<sup>79</sup> Immediately thereafter, US and Indian executives (including Rodney Gaines, Shaun Christopher Hazen, and Siddharth Mundra) were appointed to Group A and Group B signatory roles.<sup>80</sup> This confirms that YouTube operates its Türkiye office as an integrated component of Google’s global hierarchy.

<sup>76</sup> Turkish Trade Registry Gazette, No. 10243, 12.01.2021, p. 1495.

<sup>77</sup> Turkish Trade Registry Gazette, No. 10674, 04.10.2022, p. 1008.

<sup>78</sup> Turkish Trade Registry Gazette, No. 10825, 05.05.2023, p. 31.

<sup>79</sup> Turkish Trade Registry Gazette, No. 11358, 25.06.2025, p. 110.

<sup>80</sup> Turkish Trade Registry Gazette, No. 11359, 26.06.2025, p. 466.

TABLE 12  
YouTube Platform Compliance Scorecard

Legal Obligations	Status	Notes
Representative Obligation	Meets	Official representative appointed in Türkiye.
Local Company Establishment	Meets	Istanbul-based capital company established.
Trade Name Condition	Partially Meets	Phrase “Google” exists in company title but direct “YouTube” phrase is absent ( <i>Google İstanbul Bilgi Teknolojileri Ltd. Şti.</i> ).
Explicit Affiliation & Authorization	Meets	Company is fully authorized and held responsible regarding YouTube services offered by Google LLC.
Turnover & Reporting Obligation	Unknown	No public information regarding report submission to BTK.
Application Form for Users	Meets	Special web form exists for Articles 9 and 9/A of Law No. 5651.
User Application Processes	Meets	Application categorisation and evaluation criteria are detailed in transparency reports.
Transparency Reports	Meets	Reports include breakdowns for removal due to legal and policy reasons, content type, and article basis.
Personal Data Localisation	Does Not Meet	Not specified in transparency reports whether user data is hosted on servers in Türkiye.
Hashtag and Content Liability	Partially Meets	Policies are explained generally, but implementation information is absent.
Creating a Crisis Plan	Unknown	No public information regarding a crisis plan.
Providing Information to Judicial Authorities	Unknown	No statistics regarding data sharing with judicial authorities.
Ad Library	Meets	Google Ads Transparency Center (Ad Library) link and scope shared in reports.
Bandwidth Throttling Sanctions	Not Applied	Not applied to date under Law No. 5651.
Administrative Fines	Unknown	Information regarding current fines not included in reports.
Other Obligations	Partially Meets	Information provided regarding algorithmic transparency (4R Principle) and policies for children.

## TRANSPARENCY REPORTS ASSESSMENT

YouTube has maintained a consistent reporting schedule since 2021. However, a significant analytical flaw persists: the lack of **“cross-tabulation”**. While incoming applications are separated by legal basis (Article 9 vs Article 9/A), the outcomes (removed, rejected) are presented only in aggregate. Consequently, it is impossible to determine the specific success rate of applications filed under “personal rights” versus those filed under “privacy”.

TABLE 13  
YouTube Platform Transparency Reports Summary

Period	Turkish Report	Art. 9 Statistics	Art. 9/A Statistics	Categorical Data	Notes
2021-1	Yes	Yes (262 Requests)	Yes (92 Requests)	Partially Exists	Result data (removal/rejection) not disaggregated by article.
2021-2	Yes	Yes (348 Requests)	Yes (172 Requests)	Partially Exists	Result data (removal/rejection) not disaggregated by article.
2022-1	Yes	Yes (298 Requests)	Yes (109 Requests)	Partially Exists	Result data (removal/rejection) not disaggregated by article.
2022-2	Yes	Yes (219 Requests)	Yes (175 Requests)	Partially Exists	Result data (removal/rejection) not disaggregated by article.
2023-1	Yes	Yes (223 Requests)	Yes (60 Requests)	Partially Exists	Result data (removal/rejection) not disaggregated by article.
2023-2	Yes	Yes (166 Requests)	Yes (87 Requests)	Partially Exists	Result data (removal/rejection) not disaggregated by article.
2024-1	Yes	Yes (240 Requests)	Yes (107 Requests)	Partially Exists	Result data (removal/rejection) not disaggregated by article.
2024-2	Yes	Yes (347 Requests)	Yes (112 Requests)	Partially Exists	Result data (removal/rejection) not disaggregated by article.
2025-1 <sup>81</sup>	Yes	Yes (688 Items)	Yes (223 Items)	Partially Exists	Result data (removal/rejection) not disaggregated by article.

Content removal rates for legal grounds generally hover in the **40-50%** band, particularly regarding administrative requests, indicating high compliance with court and administrative orders. However, for individual user applications, the picture differs. A significant portion (30-60%) result in “No action taken”, suggesting that many user complaints fail to meet the platform’s internal legal thresholds or procedural requirements.

A positive note is YouTube’s detailed coverage of algorithmic content management and advertising transparency, reflecting an effort to demonstrate accountability beyond mere removal statistics.

<sup>81</sup> In the 2025-1 report, the Article 9 and 9/A breakdown appears to be provided based on the number of items rather than the number of requests.



## THE DISAGGREGATION PROBLEM


Despite its systematic structure, YouTube's reporting suffers from a critical opacity regarding data breakdown. For instance, in the **2025-1** report, 75.52% of applications were filed under **Article 9** and 24.48% under **Article 9/A**. Yet, the report states that 197 items (21.6%) were removed on legal grounds without specifying which article justified the removal. This prevents any analysis of whether the platform is more sensitive to privacy violations than to personal rights claims.

## THE LEGAL DISCONNECT: ARTICLE 9

Most concerning is the obvious inconsistency regarding the repealed **Article 9** of Law No. 5651. The Constitutional Court's annulment of this article entered into force on 10 October 2024.<sup>82</sup> Despite this, YouTube's report for the first half of 2025 explicitly declares that **688 items** (75.52% of the total) were evaluated under this repealed provision.

**Screenshot 3:** YouTube 2025-1 (January–June) Period Transparency Report

<b>Kaldırma gerekçeleri</b>		
Ekiplerimiz her talebi, şikayeti ileten kişi tarafından seçilen sorun türüne dayalı olarak değerlendirmektedir.		
Ocak 2025 - Haziran 2025		
Kategori	Toplam talep sayısı	Yüzde
Madde 9	688	%75.52
Madde 9/A	223	%24.48

 5651 sayılı Kanun Kapsamında İçeriğin Yayından Kaldırılması • Bireysel Talepler 03

The continued application of a normatively repealed provision as an active ground for content removal points to a serious disconnection between legal regulations, administrative practices, and platform implementation. This failure to align with the current legal reality, combined with the refusal to transparently disaggregate removal decisions, demonstrates that YouTube's reporting practice, while corporate, falls short of true accountability.

<sup>82</sup> Constitutional Court Norm Review Decision: CC, Merits 2020/76, Decision 2023/172, 11.10.2023, Official Gazette 10.01.2024-32425.

## VKONTAKTE: PLATFORM COMPLIANCE WITH LEGAL OBLIGATIONS

**VKontakte (VK)** cuts a distinct figure among social media platforms regarding its compliance strategy in Türkiye. The most prominent deviation is its decision to appoint a **real-person representative** rather than establishing a local legal entity. This indicates that the company has eschewed a local branch structure, meaning certain structural obligations such as the requirement to be a capital company, are technically inapplicable to this platform.

While VK has fulfilled the baseline obligation to appoint a representative, its communication infrastructure remains archaic. The platform still relies on a basic e-mail service for user interactions, lacking even a standard web-based application form. Furthermore, its transparency reports are exceedingly concise, devoid of categorical distinctions, and published with irregular frequency.

TABLE 14  
**VKontakte Platform Compliance Scorecard**

Legal Obligations	Status	Notes
Representative Obligation	Meets	Real-person representative appointed in Türkiye.
Local Company Establishment	Not Applicable	No capital company/branch established in Türkiye.
Trade Name Condition	Not Applicable	Company title condition is not sought as the representative is a real person.
Explicit Affiliation & Authorization	Unknown	No detailed public information regarding the representative's scope of authority.
Turnover & Reporting Obligation	Unknown	No public information regarding report submission to BTK.
Application Form for Users	Does Not Meet	No web application form; requests are received via <i>turkishrep@corp.vk.com</i> .
User Application Processes	Does Not Meet	No process information provided regarding how applications are classified.
Transparency Reports	Partially Meets	Reports are published but content is very limited and missing for some periods.
Personal Data Localization	Does Not Meet	Not specified in transparency reports whether user data is hosted on servers in Türkiye.
Hashtag and Content Liability	Unknown	No public information regarding the subject.
Creating a Crisis Plan	Unknown	No public information regarding a crisis plan.
Providing Information to Judicial Authorities	Unknown	No statistics regarding data sharing with judicial authorities.
Ad Library	Does Not Meet	Ad library is not visible.
Bandwidth Throttling Sanctions	Not Applied	Not applied to date under Law No. 5651.
Administrative Fines	Unknown	No information regarding whether applied.
Other Obligations	Unknown	No publicly available information.

TRANSPARENCY REPORTS ASSESSMENT

VK’s transparency reports are exceptionally sparse, containing only two main headings: “Judicial and Administrative Authorities” and “E-mail Applications”. Crucially, there is no disaggregated data or reference to **Article 9** (Personal Rights) or **Article 9/A** (Privacy) of Law No. 5651. Data is crudely classified merely as “total received” and “approved/spam”.

TABLE 15  
Summary of VKontakte Platform Transparency Reports

Period	Turkish Report	Art. 9 Statistics	Art. 9/A Statistics	Categorical Data	Notes
2021-1	Yes	No	No	No	1.072 official decisions, 76 user applications.
2021-2	Yes	No	No	No	819 official decisions, 110 user applications.
2022-1	Yes	No	No	No	157 official decisions, 175 user applications.
2022-2	Yes	No	No	No	81 official decisions, 139 user applications.
2023-1	Yes	No	No	No	66 official decisions, 219 user applications.
2023-2	No	No	No	No	Not published.
2024-1	Yes	No	No	No	112 official decisions, 88 user applications.
2024-2	No	No	No	No	Not published.
2025-1	No	No	No	No	Not published.

A FRAGMENTED PICTURE

An examination of VKontakte’s reporting history reveals a fragmented and inconsistent approach to legal compliance. The platform’s reporting discipline is notably weak; the failure to publish reports for three distinct periods (2023-2, 2024-2, and 2025-1) indicates a **systematic disruption of its transparency obligations**. This effectively renders public oversight of the platform’s activities in Türkiye impossible.

Even where reports exist, the data is qualitatively inadequate. By omitting categorical information (such as crime type or grounds for violation), VK makes it impossible to conduct a sound evaluation of its content policies based on such a shallow dataset.

## TOTAL COMPLIANCE WITH AUTHORITY

A startling trend emerges from the published statistics: VK's compliance rate with requests from administrative and judicial authorities effectively reaches **100%**. Since 2022, practically every decision transmitted to the platform appears to have been processed and approved. These figures suggest that VK implements public authority requests without any meaningful legal filter or objection mechanism. The transparency reports serve as little more than statistical confirmation of this subservience.

## USER RIGHTS: OPAQUE AND DISMISSIVE

Regarding user applications, the situation is even more opaque. VK's reliance on an antiquated e-mail channel rather than a modern web form hampers effective complaint management. According to the data, a vast majority of user applications are summarily dismissed as "spam"; for instance, in the first half of 2023, approximately **70%** of applications were rejected on this ground. The failure to provide any detailed breakdown of why these requests were classified as spam demonstrates that the platform's approach to user rights remains entirely closed to audit.

## DAILYMOTION: PLATFORM COMPLIANCE WITH LEGAL OBLIGATIONS

Distinct from other major social media platforms, **Dailymotion** has opted to appoint a **real-person representative** in Türkiye for legal compliance, rather than establishing a local legal entity (such as a company or branch). The contact details of this representative are explicitly included in its transparency reports.<sup>83</sup> Beyond its regular reporting, Dailymotion has demonstrated a commitment to ad transparency, publishing a total of 26 different ad libraries between 2023 and 2025.

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<sup>83</sup> See <https://legal.dailymotion.com/en/transparency-in-turkey/>

TABLE 16  
**Dailymotion Platform Compliance Scorecard**

Legal Obligations	Status	Notes
Representative Obligation	Meets	Real-person representative appointed in Türkiye.
Local Company Establishment	Not Applicable	Real-person representative model preferred instead of capital company/branch.
Trade Name Condition	Not Applicable	Company title condition not sought as representative is a real person.
Explicit Affiliation & Authorization	Meets	Representative's contact details and authority explicitly declared in reports.
Turnover & Reporting Obligation	Unknown	No public information regarding report submission to BTK.
Application Form for Users	Partially Meets	An English application page exists, but no dedicated Turkish page.
User Application Processes	Meets	Detailed process for examination and average response times are provided.
Transparency Reports	Partially Meets	Detailed statistics on type, time, and results provided, but Article 9/9A data is missing.
Personal Data Localization	Does Not Meet	Not specified in transparency reports whether user data is hosted on servers in Türkiye.
Hashtag and Content Liability	Unknown	No mention of a procedure specific to hashtags in reports.
Creating a Crisis Plan	Unknown	No public information regarding a crisis plan.
Providing Information to Judicial Authorities	Unknown	No statistics regarding data sharing with judicial authorities.
Ad Library	Meets	Platform shares "Ad Library" regularly.
Bandwidth Throttling Sanctions	Not Applied	Not applied to date under Law No. 5651.
Administrative Fines	Unknown	No information regarding whether applied.
Other Obligations	Unknown	No publicly available information.

## TRANSPARENCY REPORTS ASSESSMENT

Dailymotion has maintained a flawless reporting record, publishing reports for every period since 2021. The platform cuts a unique profile regarding compliance in Türkiye, particularly in its discipline towards transparency. While reflecting a genuine effort to fulfil legal necessities, its approach contains practices that do not fully overlap with the letter of the Law in certain technical and content-related details.

A positive highlight is the detailed **“average response time”** data. By tracking metrics for different transmission channels (e-mail, web form, report button) down to minutes and hours, Dailymotion sets a high standard for monitoring the efficiency of rights-seeking processes.

TABLE 17  
Summary of Dailymotion Platform Transparency Reports

Period	Turkish Report	Art. 9 Statistics	Art. 9/A Statistics	Categorical Data	Notes
2021-1	Yes	No	No	No	690 applications.
2021-2	Yes	No	No	No	314 applications.
2022-1	Yes	No	No	No	252 applications.
2022-2	Yes	No	No	No	11.028 applications.
2023-1	Yes	No	No	No	15.463 applications.
2023-2	Yes	No	No	No	148 applications.
2024-1	Yes	No	No	No	300 applications.
2024-2	Yes	No	No	No	299 applications.
2025-1	Yes	No	No	No	378 applications.

## THE CATEGORISATION GAP

However, a fundamental deficiency emerges when examining the content against the strict requirements of Law No. 5651. Dailymotion categorises applications under headings such as “Copyright”, “Privacy Rights Violation”, “Spam”, and “Other” (hate, violence, etc.). Crucially, the statistical data based on the specific distinctions of **Article 9** (personal rights violation) and **Article 9/A** (privacy violation), explicitly demanded by Law No. 5651, is absent.<sup>84</sup>

While the “Privacy Rights Violation” category partially overlaps with Article 9/A in substance, the failure to adopt the specific legal terminology means compliance is incomplete. This opacity makes it difficult to understand whether applications are being evaluated based on Turkish statutory law or merely the platform’s own community guidelines.

<sup>84</sup> Law No. 5651, Supp. Art. 4(4). Also see *Procedures and Principles Regarding Social Media Platforms*, Article 10(4).

## THE ANOMALY OF 2022-2023

Another striking anomaly is the surge in application traffic during late 2022 and early 2023. The volume of applications, typically hovering in the 300-400 band, skyrocketed to over **15.000**. Yet, the platform rejected **99%** of these requests. Dailymotion attributed this to the misuse of the “Report” button for unrelated purposes, such as account recovery. However, because the legal basis of these user applications remains unclear, verifying Dailymotion’s explanation is impossible.

In summary, Dailymotion fulfils its fundamental obligations such as appointing a representative and reporting regularly, but falls short in the specific details. Its failure to present report contents with the specific article-based breakdowns envisaged by Law No. 5651 leaves a gap in accountability.

## TIKTOK: PLATFORM COMPLIANCE WITH LEGAL OBLIGATIONS

An evaluation of **TikTok’s** compliance with Law No. 5651 and its secondary legislation reveals a platform that has meticulously ticked the structural boxes. TikTok has fully satisfied the requirements to appoint a representative, establish a local company, and meet the necessary capital conditions. Furthermore, the company’s direct affiliation and authorisation status align perfectly with the legislative standards.

The platform’s corporate structuring in Türkiye evolved in tandem with the legal process initiated in 2021. Initially, “**TikTok Turkey Dijital Medya ve Reklam Limited Şirketi**” was established on 29 March 2021 by the Singapore-based **TikTok Pte. Ltd.** At this inception stage, the company held a modest capital of TRY 100.000, with the parent company acting as manager alongside **Cormac Patrick Keenan** (resident in Ireland), who was authorised to act on behalf of the entity.<sup>85</sup>

Following the aggravation of legal conditions for social media platforms, radical changes were executed via a General Assembly decision registered on 14 April 2023. To comply with the mandate for a “distinctive title containing the province of establishment”, the company was renamed “**TikTok İstanbul Dijital Medya ve Reklam Limited Şirketi**”. Simultaneously, the capital was injected with a massive cash increase of TRY 99.900.000, raising the total to **TRY 100.000.000**, the legal minimum.<sup>86</sup>

The most notable compliance step was the addition of Article 15, titled “Representation and Liability”, to the company’s articles of association. This explicitly records that the company is the legal representative in Türkiye of TikTok Pte. Ltd., operates as an affiliate, and is “**fully authorised and held responsible in technical, administrative, legal, and financial terms**”.<sup>87</sup> This provision confirms that TikTok has met the most critical liability condition introduced by Law No. 7418.

In 2024, management leadership shifted from Ireland to Singapore. Cormac Patrick Keenan’s tenure ended on 3 April 2024, with Eep Jiagen appointed in his

<sup>85</sup> Turkish Trade Registry Gazette, No. 10297, 29.03.2021, p. 821.

<sup>86</sup> Turkish Trade Registry Gazette, No. 10812, 14.04.2023, p. 1520.

<sup>87</sup> For title change, capital increase, and amendment to articles of association (Article 15), see Turkish Trade Registry Gazette, No. 10812, 14.04.2023, p. 1520.

position.<sup>88</sup> These moves confirm that TikTok’s Turkish operations are now tightly integrated with its central management structure in Singapore.

The extent to which the TikTok platform complies with obligations under **Law No. 5651** and relevant secondary legislation is evaluated in the table below.

TABLE 18  
TikTok Platform Compliance Scorecard

Legal Obligations	Status	Notes
Representative Obligation	Meets	Official representative appointed in Türkiye.
Local Company Establishment	Meets	Istanbul-based capital company established.
Trade Name Condition	Meets	Trade name includes platform name and province.
Explicit Affiliation & Authorization	Meets	Company is directly affiliated with and authorized by TikTok.
Turnover & Reporting Obligation	Unknown	No public information regarding report submission to BTK.
Application Form for Users	Meets	A Turkish application page created by TikTok exists.
User Application Processes	Partially Meets	The hierarchy of examining applications is explained in reports.
Transparency Reports	Partially Meets	Reports are regular, but Article 9 and 9/A data are not numerically disaggregated.
Personal Data Localization	Does Not Meet	Not specified in transparency reports whether user data is hosted on servers in Türkiye.
Hashtag and Content Liability	Unknown	Unclear whether the notification system meets legal conditions.
Creating a Crisis Plan	Unknown	No public information regarding a crisis plan.
Providing Information to Judicial Authorities	Unknown	No statistics regarding data sharing with judicial authorities.
Ad Library	Does Not Meet	Ad library is not visible.
Bandwidth Throttling Sanctions	Not Applied	Not applied to date under Law No. 5651.
Administrative Fines	Unknown	No information regarding whether applied.
Other Obligations	Unknown	No publicly available information.

<sup>88</sup> Turkish Trade Registry Gazette, No. 11057, 03.04.2024, p. 575.



A MIXED PICTURE

While TikTok excels in structural compliance, the picture regarding user rights and transparency is mixed. A Turkish application form exists, yet the systematic details of the process remain obscure to the public. More critically, while transparency reports are published regularly, they fail to report data for **Article 9** and **Article 9/A** separately. Instead, these are lumped into grand totals or expressed as percentages, obscuring the true nature of the complaints.

A startling qualitative gap exists between TikTok’s local and global reporting. While local reports are sparse on detail, global reports reveal an extraordinarily high compliance rate, exceeding **90%**, with administrative and judicial requests in Türkiye.

TRANSPARENCY REPORTS ASSESSMENT

A deep chasm separates TikTok’s local (Law No. 5651) reporting from its global transparency standards.

As mentioned above, local reports fail to meet the specific breakdown envisaged by the law. Separate statistics for **Article 9** (personal rights) and **Article 9/A** (privacy) are notably absent. Applications are broadly categorised as requests “under Law No. 5651” versus those “based on other legal grounds”, with no sub-categories for insult or privacy violations. Although some percentage data appeared in 2024 and 2025 (e.g., 74.4% in the 2025-1 period), precise numbers remain elusive.

Furthermore, while the outcomes (access blocked/not blocked) are reported, the grounds for these decisions are not detailed. It is also noteworthy that request volumes doubled from roughly 600 in 2023 to **1.243** in the second half of 2024, yet the report offers no explanation for this surge.

TABLE 19  
Summary of TikTok Platform Transparency Reports

Period	Turkish Report	Art. 9 Statistics	Art. 9/A Statistics	Categorical Data
2021-1	Yes	No	No	No
2021-2	Yes	No	No	No
2022-1	Yes	No	No	No
2022-2	Yes	No	No	No
2023-1	Yes	No	No	No
2023-2	Yes	No	No	No
2024-1	Yes	No	No	Partially Exists
2024-2	Yes	No	No	Partially Exists
2025-1	Yes	No	No	Partially Exists

# GLOBAL DATA REVEALS THE TRUTH

When TikTok’s global transparency reports<sup>89</sup> are examined, the reality of its operations in Türkiye becomes starkly visible. The data confirms that TikTok complies with content removal requests at an extraordinarily high rate.

TABLE 20  
TikTok Platform Global Transparency Report Data

Period	Total Requests	Total Content Count	Actioned (Local Law)	Actioned (Community Guidelines)	Removal Rate (%)
2024-2	253	1,392	419	883	95%
2024-1	295	839	346	437	91.8%
2023-2	244	616	194	349	81.1%
2023-1	107	3,958	3,796	71	97.7%
2022-2	92	181	125	44	93.6%
2022-1	64	84	76	1	91%
2021-2	98	222	170	44	93%
2021-1	113	270	250	16	98%

Between 2021 and 2024, the average removal rate was **92.65%**. During the pivotal 2023 General Elections (Jan-June), the removal rate spiked to **97.7%**. By late 2024, it remained sky-high at **95%**.

# THE TALE OF TWO REPORTS

The contrast is striking. While local reports obscure the distinction between legal violations and community guideline breaches, the global reports clearly separate “Local Law Violation” from “Community Guidelines Violation”. Moreover, the global reports capture a much wider pool of “Government Requests” (police, prosecution, BTK), showing volumes in the thousands (e.g., 3,000+ items in 2023). This exposes the true scale of censorship, which the sanitised local reports effectively conceal.

No publicly available information could be accessed regarding other areas such as the ad library, crisis plan, and the obligation to provide information to judicial authorities. Uncertainties in these areas make it difficult to evaluate whether TikTok has fulfilled these obligations.

TikTok has successfully navigated the structural requirements of Turkish law but remains opaque regarding transparency and user rights. However, TikTok’s global

<sup>89</sup> See TikTok, Government Removal Requests Report, <https://www.tiktok.com/transparency/tr-tr/government-removal-requests-2024-2>

reports lay bare the scale of censorship and the platform's level of **"high obedience"** (92.65% compliance) much more nakedly compared to local reports in Türkiye. Local reports, conversely, are bureaucratic texts devoid of categorical distinction that conceal this picture.

## **PINTEREST: PLATFORM COMPLIANCE WITH LEGAL OBLIGATIONS**

An examination of **Pinterest's** compliance journey reveals a platform that initially preferred a light-touch, indirect structure but has, as of 2025, pivoted to a model that fully satisfies the stringent structural and financial conditions of Law No. 5651. Recent amendments regarding trade name, capital adequacy, and liability principles demonstrate a clear will to bring its presence in the Türkiye market into total alignment with the legal landscape.

Pinterest's corporate footprint in Türkiye began on 12 July 2021 with the establishment of **"WRP Turkey Web Tasarım Hizmetleri Limited Şirketi"** by the Ireland-based Pinterest Europe Holding Unlimited Company. At its inception, the company held a capital of TRY 2.500.000. However, it fulfilled the representation obligation merely "formally", as its title lacked the platform's name and its declared activity was the generic field of "web design".<sup>90</sup>

Following the aggravation of obligations for social media platforms, a radical legal transformation was executed via a General Assembly decision registered on 18 August 2025. First, the company was renamed **"Pinterest İstanbul Web Tasarım Hizmetleri Limited Şirketi"** to satisfy the "distinctive phrase" requirement. Simultaneously, ownership was consolidated: Pinterest Europe Limited became the sole owner and manager, with James Kim (resident in the USA) authorised to act on behalf of the entity. Furthermore, the company's capital was aggressively increased by TRY 97.500.000 to reach the legal minimum of **TRY 100.000.000**.

The linchpin of this transformation is **Article 15**, titled "Representation and Liability", which was added to the company's articles of association. This article explicitly decrees that the local entity is the representative of Pinterest Europe Limited in Türkiye and is "fully authorised and held responsible in technical, administrative, legal, and financial terms" by the parent company.<sup>91</sup> This clause confirms that Pinterest's local entity has evolved from a mere liaison office into a direct addressee for legal sanctions and administrative decisions.

<sup>90</sup> or establishment information, see Turkish Trade Registry Gazette, No. 10369, 13.07.2021, p. 293.

<sup>91</sup> For title change, share transfer, capital increase, and amendment to articles of association (Article 15), see Turkish Trade Registry Gazette, No. 11395, 18.08.2025, p. 766.

TABLE 21  
Pinterest Platform Compliance Scorecard

Legal Obligations	Status	Notes
Representative Obligation	Meets	Authorized representative appointed in Türkiye.
Local Company Establishment	Meets	"Pinterest İstanbul Web Tasarım Hizmetleri Limited Şirketi" was established as an Istanbul-based capital company.
Trade Name Condition	Meets	Trade name includes platform name and province.
Explicit Affiliation & Authorization	Meets	Company is directly affiliated with and authorized by Pinterest.
Turnover & Reporting Obligation	Unknown	No public information regarding report submission to BTK.
Application Form for Users	Partially Meets	Content removal request form specific to Türkiye is available, but only in English.
User Application Processes	Meets	The hierarchy of examining applications is explained in reports.
Transparency Reports	Meets	Reports are published in Turkish with statistical and categorical data.
Personal Data Localization	Does Not Meet	Not specified in transparency reports whether user data is hosted on servers in Türkiye.
Hashtag and Content Liability	Meets	It is stated that hashtags (search terms) violating policies are removed from search results.
Creating a Crisis Plan	Unknown	No public information regarding a crisis plan.
Providing Information to Judicial Authorities	Unknown	No statistics regarding data sharing with judicial authorities.
Ad Library	Partially Meets	Created in 2025.
Bandwidth Throttling Sanctions	Not Applied	Not applied to date under Law No. 5651.
Administrative Fines	Unknown	No information regarding whether applied.
Other Obligations	Partially Meets	Detailed information provided regarding privacy settings and child safety policies.

## THE LANGUAGE BARRIER

While a special application form has been created for users and is explicitly mentioned in reports, a significant barrier remains: the form is available **only in English**. There is currently no Turkish version, severely limiting its accessibility for local users.<sup>92</sup>

Screenshot 4: Pinterest Complaint Form

**Turkish Internet Law Complaint Form**

Use this form to identify content that violates Turkish laws that are subject to the Turkish Internet Law. Please fill out the information below with as much detail as possible to allow us to evaluate your complaint.

**Contact Information**

Name of Reporter  
Email Address  
Phone Number  
Full Address

**Complaint Information**

Identify the URL of the content

Please provide the full URL of the content you are complaining about. Please limit your complaint to 1 URL per form submission.

## TRANSPARENCY REPORTS ASSESSMENT

Pinterest has maintained a regular reporting schedule since the second half of 2021, although accessing these reports from a single central hub remains impossible.<sup>93</sup>

The reports offer specific data (on a Pin, Board, and Account basis) regarding content removed for violations of community guidelines, such as adult content or hate speech. However, the data regarding **Article 9** (personal rights) and **Article 9/A** (privacy), the specific legal regulations for Türkiye, is remarkably sparse.

<sup>92</sup> See <https://www.pinterest.com/about/turkey/>

<sup>93</sup> See <https://policy.pinterest.com/tr/transparency-report-turkey>

TABLE 22  
Summary of Pinterest Platform Transparency Reports

Period	Turkish Report	Art. 9 Statistics	Art. 9/A Statistics	Categorical Data	Notes
2021-1	No	-	-	-	Not published.
2021-2	Yes	No	No	Yes	Community guidelines violations given in detail.
2022-1	Yes	No	No	Yes	Community guidelines violations given in detail.
2022-2	Yes	No	No	Yes	Community guidelines violations given in detail.
2023-1	Yes	Yes (0 Requests)	Yes (0 Requests)	Yes	Stated that no action taken under Art. 9 and 9/A.
2023-2	Yes	Yes (0 Requests)	Yes (0 Requests)	Yes	Stated that no request received under Art. 9 and 9/A.
2024-1	Yes	Yes (0 Requests)	Yes (0 Requests)	Yes	Stated that no request received under Art. 9 and 9/A.
2024-2	Yes	Yes (0 Requests)	Yes (0 Requests)	Yes	Stated that no request received under Art. 9 and 9/A.
2025-1	Yes	No	Yes (1 Request)	Yes	1 request received under 9/A, no action taken.

In reports covering 2023 and 2024, Pinterest stated that it received either **zero** applications under these articles or that the single application received (in 2025-1) was not processed due to insufficient information. This suggests either that users prefer the platform’s native “Report Pin” mechanism over legal channels, or that Pinterest funnels incoming requests primarily through its own community guidelines, effectively bypassing the formal legal procedure.

## ADVERTISING TRANSPARENCY

Pinterest’s declarations regarding advertising have been inconsistent. In 2023 reports, the platform explicitly claimed to offer an “ad-free experience” in Türkiye, stating it did not publish advertisements.<sup>94</sup> By 2024, this claim vanished. In practice, it is observed that advertisements based in **Türkiye** appear on the platform.

In the transparency report for the second half of 2024, Pinterest announced the creation of an **“Ad Repository”**, a searchable library for Turkish users detailing ad

<sup>94</sup> In Pinterest’s Transparency Report for the period January 2023 – June 2023, it is stated: “We would like to underline that Pinterest does not advertise in **Türkiye** and the user experience in **Türkiye** is ‘ad-free’.” The same statement appears in Pinterest’s Transparency Report for the period July 2023 – December 2023.

content, targeting and reach. However, the report failed to share the web address for this tool.<sup>95</sup> It was only in the **January–June 2025** report that the address was finally shared,<sup>96</sup> granting access to limited ad information.<sup>97</sup>

Pinterest complies formally with legislation by fulfilling structural obligations, yet it exhibits distinct deficiencies in user rights and transparency. The lack of Turkish language support for the specific application form, combined with near-zero legal application numbers, renders the platform’s rights-seeking mechanisms practically largely theoretical. Furthermore, the shift from claiming an “ad-free experience” to offering a restricted and difficult-to-find “Ad Library” reveals a bureaucratic approach to compliance, one that prioritises meeting minimum administrative conditions over fostering genuine user transparency.

## LINKEDIN: PLATFORM COMPLIANCE WITH LEGAL OBLIGATIONS

**LinkedIn’s** approach to fulfilling its representation obligation in Türkiye diverges sharply from its peers. While platforms like **Meta, X, TikTok, and YouTube** have transitioned to direct “branch” or “affiliated subsidiary” status, changing their titles and raising capital to TRY 100 million as mandated by **Law No. 7418**, LinkedIn has pursued an “indirect” strategy, seemingly designed to circumvent these structural and financial burdens.

Officially, the platform’s operational contact in Türkiye is still listed as “**SNPREP Danışmanlık Hizmetleri Anonim Şirketi**” on the BTK web page.<sup>98</sup> Established on 17 November 2020 by BTS Danışmanlık Hizmetleri A.Ş. (a law and consultancy firm), this company was capitalised at a modest TRY 50.000, with **Serbülent Şengün** authorised as a board member.<sup>99</sup> His authority was extended for a further three years on 29 November 2023.<sup>100</sup>

However, following the tightening of regulations, this arrangement fell short. The local entity failed to meet two critical conditions mandated by Law No. 7418 for legal entity representatives: the inclusion of the platform’s distinctive name (“LinkedIn”) in the trade title, and the TRY 100 million capital requirement.

## THE PIVOT TO A “REAL PERSON”

Faced with this structural deficiency, LinkedIn appears to have pivoted in 2025. Rather than capitalising a local subsidiary, it opted for the alternative route chosen by VKontakte and Dailymotion: the appointment of a “**Real Person Representative**”.

The timeline of this shift is murky. While SNPREP was effectively cited as the representative until 2025, LinkedIn’s official help pages were quietly updated during

<sup>95</sup> See <https://policy.pinterest.com/tr/turkiye-seffaflik-raporu-h2-2024>

<sup>96</sup> See <https://ads.pinterest.com/ads-repository/>

<sup>97</sup> See <https://policy.pinterest.com/en/turkiye-seffaflik-raporu-h1-2025>

<sup>98</sup> See <https://internet.btk.gov.tr/sosyal-ag-temsilci-rehberi/>

<sup>99</sup> For establishment information, see Turkish Trade Registry Gazette, No. 10204, 17.11.2020, p. 969.

<sup>100</sup> For board membership and authority extension, see Turkish Trade Registry Gazette, No. 10968, 29.11.2023, p. 479.

that year. They began declaring Serbülent Şengün (the individual) and the e-mail address linkedin@snprep.com as the representative, bypassing the legal entity structure entirely.<sup>101</sup>

Screenshot 5: LinkedIn Türkiye Representation Information (2025)

 Yardım

LinkedIn ▾ Nasıl yardımcı olabiliriz? 

### Türkiye - 5651 sayılı Kanun İletişim Formu

Son güncelleme: 3 ay önce

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5651 Sayılı İnternet Ortamında Yapılan Yayınların Düzenlenmesi ve Bu Yayınlar Yoluyla İşlenen Suçlarla Mücadele Edilmesi Hakkında Kanun'un Ek 4'üncü maddesinin birinci fıkrası doğrultusunda, LinkedIn tarafından belirlenen sosyal ağ sağlayıcı temsilcisi aşağıda belirtilmiştir:

Temsilci Adı: Serbülent Şengün  
Adres: Esentepe Mahallesi 23 Temmuz Sokak, No: 2/1 Şişli/İstanbul  
E-posta: [linkedin@snprep.com](mailto:linkedin@snprep.com)

5651 sayılı Kanunun 9 ve 9/A maddeleri kapsamında içerik bildirmek için lütfen burayı tıklayarak [Bize Ulaşın Formu](#)'nu doldurup gönderin.

Makine çevirisi yazılımı kullanarak bilgileri çevirmek için farklı yollar test ediyoruz. Lütfen çevirinin kalitesini ve yanıtın anlaşılabilirliğini puanlayarak bize yardımcı olun.

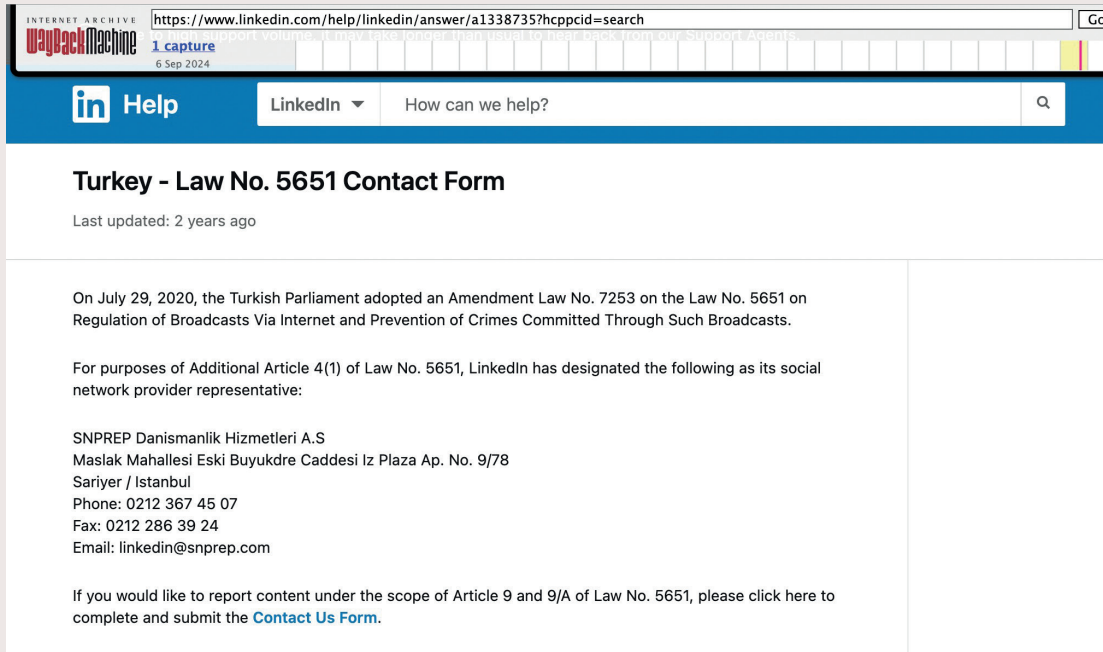
Bu çeviriyi puanlayın ☆ ☆ ☆ ☆ ☆

Archival data from the Wayback Machine confirms that SNPREP was still listed as the representative as late as September 2024, nearly two years after the 2022 legal amendments requiring stricter compliance. This long period of “representation by proxy” via a local consultancy firm allowed LinkedIn to maintain a presence in the Turkish market while avoiding the substantial financial and administrative commitments undertaken by its competitors.

<sup>101</sup> For LinkedIn Türkiye Representative declaration, see <https://www.linkedin.com/help/linkedin/answer/a1338735> (Access Date: December 2025).



**Screenshot 6:** LinkedIn Türkiye Representation Information (2022-2024)



This situation demonstrates that LinkedIn has long avoided establishing a direct, well-capitalised, and fully authorised corporate structure in Türkiye. Instead, it adopted a model of “representation by proxy”, channelling legal and administrative liability through a local consultancy firm and its manager. This structure, documented in the minutes of the TGNA Digital Media Commission,<sup>102</sup> reveals that while the platform maintains a market presence, it has steadfastly refrained from undertaking the financial and administrative commitments embraced by its peers. It was only in 2025, following a delayed and circuitous route, that LinkedIn finally decided to discharge its legal obligations via a “real person”.

Furthermore, as detailed below, LinkedIn’s transparency reporting discipline is virtually non-existent.

<sup>102</sup> TGNA Digital Media Commission, Journal of Minutes, 7th Meeting, 03.03.2022, p. 14. (Serbüent Şengün participated in the meeting with the title of Chairman of the Board of SNPRED and LinkedIn Türkiye Representative).

TABLE 23  
LinkedIn Platform Compliance Scorecard

Legal Obligations	Status	Notes
Representative Obligation	Meets	Official representative appointed in Türkiye.
Local Company Establishment	Not Applicable	Indirect representation via consultancy firm (2022–2025), followed by “real person” model in 2025.
Trade Name Condition	Not Applicable	Trade name conditions not met during 2022–2025; currently inapplicable under “real person” model.
Explicit Affiliation & Authorization	Not Applicable	Public registry documents for the representative company lacked explicit affiliation details (2022–2025).
Turnover & Reporting Obligation	Unknown	No public information regarding report submission to BTK.
Application Form for Users	Meets	A Turkish application page created by LinkedIn exists.
User Application Processes	Unknown	Detailed process information regarding legal handling is missing.
Transparency Reports	Does Not Meet	No systematic reporting is conducted.
Personal Data Localization	Does Not Meet	Not specified in transparency reports whether user data is hosted on servers in Türkiye.
Hashtag and Content Liability	Unknown	Unclear whether the notification system meets legal conditions.
Creating a Crisis Plan	Unknown	No public information regarding a crisis plan.
Providing Information to Judicial Authorities	Unknown	No statistics regarding data sharing with judicial authorities.
Ad Library	Does Not Meet	Ad library is not visible.
Bandwidth Throttling Sanctions	Not Applied	Not applied to date under Law No. 5651.
Administrative Fines	Unknown	No information regarding whether applied.
Other Obligations	Unknown	No publicly available information.

## TRANSPARENCY REPORTS ASSESSMENT

LinkedIn’s transparency reporting discipline is virtually non-existent. Of the nine reporting periods since 2021, only **a single report** (July–December 2022) has been published to the public.<sup>103</sup>

<sup>103</sup> Reports belonging to other periods were not encountered on the platform’s transparency pages or relevant platform pages.

This factual void stands in stark contradiction to official declarations. In a TGNA Digital Media Commission meeting on 3 March 2022, LinkedIn’s legal representatives explicitly stated on the record that reports were submitted to the authority and published regularly on their website every six months.<sup>104</sup> The reality is quite different: eight of the nine required reports are missing.

In the exceptional single report published, LinkedIn stated that it received no requests from Türkiye under Article 9 or Article 9/A of Law No. 5651. This paints a damning picture as it suggests that LinkedIn constructs its legal compliance merely as a performative exercise, a matter of ticking administrative boxes or simply *appearing* to have done so. Consequently, the platform has failed to fulfil its transparency commitments to the public, directly contradicting the assurances it gave to the TGNA.

TABLE 24  
Summary of LinkedIn Platform Transparency Reports

Period	Turkish Report	Art. 9 Statistics	Art. 9/A Statistics	Categorical Data	Notes
2021-1	No	-	-	-	Not published.
2021-2	No	-	-	-	Not published.
2022-1	No	-	-	-	Not published.
2022-2	Yes	No (0 Requests)	No (0 Requests)	No	Stated that no request received under Art. 9 and 9/A.
2023-1	No	-	-	-	Not published.
2023-2	No	-	-	-	Not published.
2024-1	No	-	-	-	Not published.
2024-2	No	-	-	-	Not published.
2025-1	No	-	-	-	Not published. <sup>105</sup>

## THE “ZERO REQUESTS” ANOMALY

In the solitary report that was published, LinkedIn claimed to have received **zero** requests from Türkiye under Article 9 or Article 9/A. This claim defies credibility when compared to global data.

For context, under the EU Digital Services Act (DSA), LinkedIn reported receiving **886 official content removal orders** from EU countries in the first half of 2025 alone

<sup>104</sup> TGNA Digital Media Commission, Journal of Minutes, 7<sup>th</sup> Meeting, 03.03.2022, p. 20. (In the meeting, LinkedIn officials declared that reports were published regularly). See <https://www.tbmm.gov.tr/Tutanaklar/Tutanak-Goster/2924>

<sup>105</sup> Only an English report was published for the 2025-1 period. The Turkish version of the report, containing limited information, could not be accessed. No response was given to the message we sent to LinkedIn regarding this matter and other unpublished reports. For the English report, see [https://content.linkedin.com/content/dam/help/tns/en/LinkedIn\\_Short\\_Biannual\\_Report\\_June\\_2025\\_ENG.pdf](https://content.linkedin.com/content/dam/help/tns/en/LinkedIn_Short_Biannual_Report_June_2025_ENG.pdf)

(including 642 from France and 137 from Germany).<sup>106</sup> In the previous period (February 2025), these numbers were at the level of 464 for France and 169 for Germany. While hundreds of official requests are processed even in EU countries where freedom of expression standards are relatively high, the claim that “zero” requests were received in a country like **Türkiye**, where **access blocking** decisions are intense, is not credible.

Furthermore, the category titled “Infringement or Defamation” listed under “Grievance Reasons Selected by User” (Table 3a) through the DSA reports shows substantial engagement, registering more than 3.000 times every six months (3.204 in February 2025; 3.224 in August 2025). Given that thousands of users utilise this category across Europe, the claim that *not a single request* originated from Türkiye is simply not credible. Ultimately, the failure to publish eight of the nine mandatory reports renders any qualitative evaluation impossible; the entire process remains a black box.

### GLOBAL DATA REVEALS THE TRUTH

When LinkedIn’s *Global Government Requests Report* is examined, the discrepancy becomes undeniable.<sup>107</sup> The data documents that LinkedIn received content removal requests from the Turkish government regularly during the very periods it failed to report locally. Moreover, it complied with these requests at rates reaching **100%**.

TABLE 25  
Summary of LinkedIn Platform Global Transparency Data

Period	Number of Requests	Actioned	Action Rate (%)
2024-2	22	22	100%
2024-1	25	21	84%
2023-2	9	8	89%
2023-1	5	5	100%
2022-2	10	9	90%
2022-1	8	8	100%
2021-2	10	10	100%
2021-1	24	23	96%

LinkedIn’s approach to legal obligations in Türkiye can be characterised as **indifferent and opaque**. The platform systematically violates its reporting obligations, while global data exposes it as one of the most compliant providers regarding government censorship requests (96–100% compliance). This arouses suspicion that

<sup>106</sup> Data compiled from Transparency Reports dated “February 2025” and “August 2025” published by LinkedIn under DSA (Table 9 – Orders from Member States’ competent authorities). See <https://www.linkedin.com/help/linkedin/answer/a1678508>

<sup>107</sup> See <https://about.linkedin.com/transparency/government-requests-report>

LinkedIn processes official Turkish requests without classifying them under Law No. 5651, effectively hiding its activities from public scrutiny.

## EKŞİ SÖZLÜK: PLATFORM COMPLIANCE WITH LEGAL OBLIGATIONS

As a domestic platform, **Ekşi Sözlük** operates under a different framework from its foreign counterparts. It is exempt from the requirement to appoint a representative or establish a local branch. Instead, it operates as an Istanbul-based entity (*Ekşi Teknoloji ve Bilişim A.Ş.*), fulfilling its reporting duties under Law No. 5651 directly. Notably, the platform explicitly confirms that it hosts user data within Türkiye and maintains an active ad library.

The platform's compliance status regarding legal obligations is evaluated in the table below.

TABLE 26  
**Ekşi Sözlük Platform Compliance Scorecard**

Legal Obligations	Status	Notes
Representative Obligation	Not Applicable	No obligation to appoint a representative as it is domestic-sourced.
Local Company Establishment	Meets	It is a company established in Türkiye ( <i>Ekşi Teknoloji ve Bilişim A.Ş.</i> ).
Turnover & Reporting Obligation	Unknown	No public information regarding report submission to BTK.
Application Form for Users	Meets	Communication channels and application methods exist.
User Application Processes	Meets	The manner in which applications are examined is explained in transparency reports.
Transparency Reports	Partially Meets	Reports are published regularly, and statistical data is presented in graphs. However, Article 9 and 9/A data are not numerically disaggregated.
Personal Data Localization	Meets	It is stated in transparency reports that user data is hosted on servers in Türkiye.
Hashtag and Content Liability	Unknown	No mention of a procedure specific to hashtags in reports.
Creating a Crisis Plan	Unknown	No public information regarding a crisis plan.
Providing Information to Judicial Authorities	Unknown	No statistics regarding data sharing with judicial authorities.
Ad Library	Meets	It is declared in transparency reports that the ad library has been created and is accessible.[1]
Bandwidth Throttling Sanctions	Not Applied	Not applied to date under Law No. 5651.
Administrative Fines	Unknown	No information regarding whether applied.
Other Obligations	Unknown	No publicly available information.

TRANSPARENCY REPORTS ASSESSMENT

Ekşi Sözlük has maintained a consistent reporting schedule since 2021. However, the granularity of the data leaves room for improvement. While the reports provide a “total” figure for applications under **Article 9** and **Article 9/A** of Law No. 5651, they fail to provide specific numerical disaggregation for these distinct legal grounds.

The reports do categorise decisions, listing “violation of personal rights”, “right to be forgotten”, and “lifting of access blocking”, but fail to tie these back to the specific articles of the Law. While they track personal application categories (e.g., “insult”, “damage to commercial reputation”, “unauthorised sharing of personal data”), and provide outcome data (positive/negative/partial), it remains impossible to discern which specific legal lever (**Article 9** or **Article 9/A**) was pulled for each application.

TABLE 27  
Summary of Ekşi Sözlük Platform Transparency Reports

Period	Turkish Report	Art. 9 Statistics	Art. 9/A Statistics	Categorical Data	Notes
2021-1	Yes	No	No	Partially Exists	2.268 applications.
2021-2	Yes	No	No	Partially Exists	3.965 applications.
2022-1	Yes	No	No	Partially Exists	4.088 applications.
2022-2	Yes	No	No	Partially Exists	2.497 applications.
2023-1	Yes	No	No	Partially Exists	1.777 applications.
2023-2	Yes	No	No	Partially Exists	3.545 applications.
2024-1	Yes	No	No	Partially Exists	2.384 applications.
2024-2	Yes	No	No	Partially Exists	2.374 applications.
2025-1	Yes	No	No	Partially Exists	2.320 applications.

DATA LOCALISATION AND FORMAT ISSUES

On a positive note, the platform is unequivocal regarding data sovereignty. Ekşi Sözlük explicitly states that it hosts user data on servers in Türkiye and has established an accessible ad library, thereby complying with the obligations introduced by Law No. 5651.

However, the presentation of data poses a challenge for researchers. Instead of standard numerical lists, Ekşi Sözlük opts to present statistical data via visual graphs. While aesthetically pleasing, this format preference hinders the automatic processing and independent analysis of the data.

## THE LEGAL LAG

Furthermore, the reports fail to align with recent legal developments. Despite the Constitutional Court's annulment of **Article 9**, recent reports contain no update regarding this shift. Applications continue to be lumped under the obsolete general category of "relevant persons under Articles 9 and 9/A".

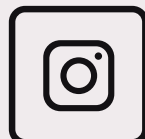
Consequently, while Ekşi Sözlük meets the structural requirements of a domestic entity, its transparency reports are only partially compliant with the specific demands of Law No. 5651.





# CONCLUSION

The Illusion of  
Transparency and  
the Digital Obedience  
Regime





**T**he investigations detailed in the **Freedom of Expression Association's** report, *Digital Obedience Regime: Social Media Platforms and the Illusion of Transparency in Türkiye*, reveal a stark reality. The regulations targeting social media platforms in Türkiye go far beyond the stated rhetoric of “protecting user rights” or “ensuring transparency”. Instead, they have constructed a **“digital obedience regime”** designed to bring the digital public sphere under state control.

Established through amendments to Law No. 5651 in 2020 and 2022, this system has forcibly integrated social media platforms into Türkiye's legal apparatus. However, this integration was not built upon the rule of law or fundamental rights; rather, it was forged under the shadow of severe administrative sanctions and the existential threat of bandwidth throttling.

### ***I. Formal Compliance and the Chaos of Representation***

All global platforms examined in this report, including **X (Twitter), Meta (Facebook & Instagram), YouTube, TikTok, Pinterest, VKontakte, and Dailymotion**, have fulfilled the obligation to appoint a representative in Türkiye. Through various title changes and capital increases, they have achieved technical alignment with the law.

Yet, this “full compliance” is largely a paper tiger. It remains woefully inadequate in establishing the principle of **“effective and accountable interlocutorship”**, purportedly the fundamental objective of the legislation.

The **architecture of these corporate entities exposes a calculated strategy**: the managers are entities based abroad, and the individuals authorised to act on their behalf also reside overseas. This suggests that the institution of representation functions not as a centre of legal liability, but as a **“shield”**, a mechanism designed solely to ward off administrative sanctions like bandwidth throttling and advertising bans.

Consequently, it is evident that platforms are pursuing a strategy of **minimal viable compliance**. They rely on **shell representations** to maintain their market presence in Türkiye, satisfying the letter of the law while effectively circumventing its spirit.

## *II. Reporting Indiscipline and Data Concealment*

The “Transparency Reports”, proclaimed by the Law as its flagship tool for accountability, have devolved into **dysfunctional datasets**. Our investigations confirm that nearly every platform is in violation of the obligation to “present statistical and categorical information” explicitly imposed by **Supplemental Article 4/4** of Law No. 5651.

By refusing to present disaggregated data regarding applications under **Article 9** (violation of personal rights) and **Article 9/A** (violation of privacy), the vast majority of platforms create a fog of categorical uncertainty that renders public scrutiny impossible.

Our platform-by-platform analysis reveals that this policy of **“data concealment”** has become systematic:

- **Meta (Facebook & Instagram):** A strategy of **data pooling**. Applications under Article 9 and Article 9/A are never disaggregated; instead, they are dumped into a single, amorphous pool, effectively obscuring the specific nature of the violations.
- **X (Twitter):** A strategy of **total omission**. Despite publishing regular reports, specific statistics under Article 9 and Article 9/A have been entirely absent from every reporting period.
- **TikTok:** A strategy of **glossed-over compliance**. The platform ignores the distinction between Article 9 and Article 9/A, bypassing the legal obligation without presenting any meaningful categorical data.
- **Pinterest:** A strategy of **silence**. Despite possessing legal application channels, no data specific to Articles 9 or 9/A has been shared in any transparency report.
- **VKontakte (VK):** A strategy of **minimalism**. The platform offers no distinction between the relevant articles, contenting itself with presenting merely general application numbers.
- **Dailymotion:** A strategy of **consistent exclusion**. Like X, it has failed to include data under Article 9 and Article 9/A in any report to date.
- **Ekşi Sözlük:** A strategy of **domestic non-compliance**. Despite being a Turkish-sourced platform, even Ekşi Sözlük fails to numerically disaggregate Article 9 and Article 9/A data in its report texts.
- **YouTube (Google):** A strategy of **obfuscation**. Unique among the platforms, YouTube disaggregates the *number* of applications by article (9 vs 9/A) but aggregates the *results* (removal/rejection). This makes it impossible to correlate actions with specific violation types. Furthermore, its continued citation of legal articles annulled by the Constitutional Court undermines the legal reliability of its data.
- **LinkedIn:** A strategy of **derelection**. The platform ignored the process entirely by failing to publish reports in eight of the nine periods. In the solitary report it did publish, it presented an incredible claim: that it had received **zero requests** under the relevant articles.

This landscape demonstrates that transparency reports are not designed to empower users or inform the public. Instead, they have become performative exercises, hollowed-out documents including “ineffective data dumps” submitted solely to tick a formal legal box and evade sanctions.

### *III. Interventions Based on Norms that have Lost Legal Validity*

One of the report’s most damning findings is the continued enforcement of repealed statutory provisions, a practice fundamentally incompatible with the rule of law. Although the Constitutional Court’s annulment of **Article 9** of Law No. 5651 entered into force on 10 October 2024, transparency reports from 2025 reveal a startling anomaly: certain platforms, most notably **YouTube**, explicitly declare that they continue to remove content based on this defunct article.

This demonstrates that administrative and commercial practices have become dangerously detached from constitutional judicial review. The survival “in practice” of a censorship mechanism that has lost its legal validity implies a **de facto consensus** between platforms and administrative authorities. This collaboration renders constitutional safeguards dysfunctional and constitutes a severe, ongoing threat to freedom of expression.

### *IV. Providing Information to Judicial Authorities: Opaque and Contradictory*

Our examination of the obligation to provide information to judicial authorities reveals a profound policy divergence among social media platforms. While Türkiye-specific transparency reports are silent on this vital issue, the limited data available in global reports exposes a stark reality.

The analysis conducted in the light of the limited current data in global reports exposes the reality of, on one hand, Google (YouTube), which meets legal information requests from Türkiye at a rate of 0% (zero) and cooperates only in emergency situations posing a danger to life; and on the other hand, Meta (Facebook & Instagram) and TikTok, which choose to share user data by responding positively to more than 80% of requests. The marked increase observed in the data sharing rates of Meta and TikTok, particularly following the entry of the **bandwidth throttling** sanction into the legal ground, indicates that these platforms prioritise their commercial interests over user privacy and succumb to legal pressures.

The case of **X** (formerly Twitter) under Elon Musk offers a different, yet equally concerning, perspective. Breaking with past practice, X has largely abandoned global reporting since 2021, releasing only a limited dataset for the first half of 2024. Yet, the same platform publishes comprehensive, detailed transparency reports<sup>108</sup> to comply with the European Union’s **Digital Services Act (DSA)**.

This double standard is proof positive that social media platforms possess the technical capacity to raise transparency standards when compelled. Their failure to

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<sup>108</sup> For example, for the 01.04-30.10.2025 report published by X, see <https://transparency.x.com/dsa-transparency-report-2025-october.html>. For all reports, see <https://digital-strategy.ec.europa.eu/en/policies/dsa-brings-transparency>

do so for Türkiye is not a matter of ability, but of will, a deliberate choice to gloss over the process with “restricted and dysfunctional” reports.

### ***V. Legal Instruments of Pressure and the Shrinking of Civic Space***

The social protests and election processes of 2025 have once again highlighted how broadly and arbitrarily **Article 8/A** of Law No. 5651 (public order, national security, etc.) is weaponised to suppress opposition voices.

Data compiled from transparency reports paints a grim picture of the digital public sphere. With content removal and access blocking compliance rates reaching **92.65%** for **TikTok** and hovering at similarly high levels for **Meta** (specifically Instagram), the Turkish internet is devolving into an increasingly sterile, controllable structure dominated by a single voice.

Most alarming is the readiness of platforms to sacrifice the accounts of journalists, rights defenders, and civil society organisations. To maintain their commercial foothold in the face of “administrative fines” and “bandwidth throttling”, these entities appear willing to abandon their role as neutral conduits, signalling a dark future for digital civic space and pluralism in Türkiye.

### ***VI. A Systemic Failure: “Statistical Counts Devoid of Accountability”***

Our critique of the transparency practices of social media platforms extends beyond their specific implementation in Türkiye; it targets a broader, global strategy of **“avoiding accountability”**. Current academic reviews regarding the European Union’s Digital Services Act (DSA) condemn platform reports as little more than **“statistical counts devoid of accountability”**.<sup>109</sup>

These criticisms provide firm theoretical grounds for analysing the **“illusion of Transparency”** in Türkiye. Academic concepts such as **“disconnected data points”** and the argument that transparency often creates an **“illusion of visibility”** rather than ensuring accountability<sup>110</sup> are acutely relevant here. In the Turkish context, establishing a causal link between decisions and their grounds, or correlating different datasets, is impossible.

<sup>109</sup> Or “counting without accountability” See *Analysis of the DSA’s Transparency Reports: Counting without accountability?*, Humboldt Institute for Internet and Society (HIIG), 25.09.2025, <https://www.hiig.de/en/analysis-of-the-dsas-transparency-reports/>

<sup>110</sup> Regarding the disconnection between the “transparency ideal” and “meaningful accountability” and the risk of transparency creating a state of “not knowing”, see Ananny, M., & Crawford, K. (2018), “Seeing without knowing: Limitations of the transparency ideal and its application to algorithmic accountability”, *New Media & Society*, 20(3), 973–989. For categorical uncertainty of data, the problem of cross-platform comparison, and lack of granular data, see Suzor, N., West, S. M., Quodling, A., & York, J. (2019), “What Do We Mean When We Talk About Transparency? Toward Meaningful Transparency in Commercial Content Moderation,” *International Journal of Communication*, 13, 1526–1543. For current legal analyses on how platforms turn data into a “black box” in the face of legal regulations, see Leerssen, P. (2020), “The Soap Box as a Black Box: Regulating Transparency in Social Media Recommender Systems,” *European Law Journal*, 26(3-4), 266-288. regarding the insufficiency of merely numerical data in transparency reports and the standard of meaningful data supported by “reasons for decisions” (“Santa Clara Principles”), also see *Santa Clara Principles on Transparency and Accountability in Content Moderation 2.0* (2021), <https://santaclaraprinciples.org/>.

The evidence for this is substantial. **Meta**, for instance, conflates Article 9 and Article 9/A, while **TikTok** fails to disaggregate content removal grounds locally. Similarly, **LinkedIn** declares “zero” requests in its local report, despite its global database revealing a **100 per cent processing rate** for Turkish requests. Such discrepancies reduce the analytical value and reliability of the data to nil. Consequently, researchers cannot track which mechanisms are used to remove specific content, stripping the reports of their function as an audit tool.

#### *Laundering Censorship*

Furthermore, our examination indicates a systematic tendency to process legal requests under the guise of **“Community Guidelines Violations”**. This tactic allows platforms to sidestep legal formalities and artificially suppress censorship statistics. Concrete examples include the surge in **TikTok’s** “guideline-based” removals and **LinkedIn’s** “silent” processing of official requests.

Effectively, when a platform deletes content at the state’s behest but labels it a rules violation, the action is recorded not as **“government censorship”** but as **“routine hygiene”**. Thus, the true scale of state intervention remains veiled.

#### *The Comparison Trap*

Finally, the use of idiosyncratic reporting formats creates a problem of **arbitrary categorisation**, rendering cross-platform comparison impossible. While such arbitrariness is criticised even within the strict template regime of the DSA, the situation in Türkiye is far worse. Lacking a standardised template, **YouTube, X, and Meta** present data in non-standard formats that are fundamentally incompatible.

By adopting the worst practices of the global transparency debate, social media platforms in Türkiye have transformed these reports from mechanisms **“exposing what is censored”** into **bureaucratic showcases**, designed merely to market **“how much action has been taken”**.

### **VII. Algorithmic Uncertainty and Unaudited “Flow” Management**

The **“Digital Obedience Regime”** is not constructed solely from “visible” access blocking practices implemented via judicial and administrative decisions. Rather, it is bolstered by a lack of oversight regarding the algorithmic preferences that dictate what the public sees. The algorithmic curation processes of digital platforms, rightly characterised as **“black boxes,”** have created a sphere of absolute power. Far removed from transparency, these mechanisms decide unilaterally which content is highlighted and which is suppressed.

This structural opacity highlights a critical legal void, particularly regarding search engines like **Google**, the primary gatekeepers of news and information flow. While Law No. 5651 subjects social media platforms to specific transparency obligations, search engines and news feed services such as **Google News** or **Google Discover** effectively **evade this oversight mechanism**. This legal blind spot allows algorithmic flow management to operate in a domain that is arbitrary and vulnerable to commercial and political pressure.



### *Shadow Banning in Practice*

Data from independent media organisations (including **HalkTV**, **Gazete Duvar**, and **Diken**) reveals that traffic is frequently severed by sudden algorithmic interventions, often without any judicial decision.<sup>111</sup> This demonstrates that a practice of “**shadow banning**” is in full effect: content is not officially prohibited, yet it is stifled before it can reach an audience.

By failing to disclose the criteria for promoting or demoting content, platforms create unfair competition. This inflicts irreparable damage on freedom of expression and the press by eroding the visibility and economic sustainability of independent media.

### *The Weaponisation of “Delisting”*

Even more alarming is the transformation of **Google’s “delisting” notifications** into a concrete instrument of censorship. Data from the **Freedom of Expression Association** documents that **33 delisting notifications** were issued regarding **EngelliWeb** content between August 2024 and November 2025.<sup>112</sup>

These notifications are also frequently targeted at news organisations such as **Diken**, **Bianet**, and **Gazete Duvar** (prior to its closure). Crucially, Google operates here with total opacity:

- It presents no court order;
- It does not specify which “local law” has been violated;
- It conducts the process in secrecy, claiming it “cannot share details due to legal reasons”.
- It does not provide an “appeal mechanism”.

This practice, which is closed to appeal, paves the way for arbitrary algorithmic shadow censorship. It reinforces the fear that concepts such as the “**right to be forgotten**” are being manipulated as tools to erase public memory.

<sup>111</sup> See BBC Turkish, “Gazete Duvar neden kapandı, Google algoritma eleştirilerine ne diyor?” (“Why did Gazete Duvar close, what does Google say to algorithm criticisms?”), 14.03.2025, <https://www.bbc.com/turkce/articles/c3rn1zyp5q8o>; Gazete Duvar, “Halk TV: Google’a karşı yasal süreç başlatıyoruz” (“Halk TV: We are initiating legal process against Google”), 06.03.2025, <https://www.gazeteduvar.com.tr/halk-tv-googlea-karsi-yasal-surec-baslatiyoruz-haber-1762160>; Agos, Haber sitelerinden Google’a mektup: Algoritma değişikliği okur kaybına neden oluyor” (“Letter from news sites to Google: Algorithm change causes reader loss”), 13.03.2025, <https://www.agos.com.tr/tr/yazi/haber-sitelerinden-google-a-mektup-algoritma-degisikligi-okur-kaybina-neden-oluyor-32115>; HalkTV, Google sansürden; biz gazetecilik ısrarımızdan vazgeçmiyoruz! Halk TV ailesine bir çağrımız var (“Google does not give up censorship; nor do we give up our insistence on journalism! We have a call to the Halk TV family”), 01.12.2025, <https://halktv.com.tr/gundem/google-sansurden-biz-gazetecilik-ısrarımızdan-vazgeçmiyoruz-halk-tv-ailesine-bir-990167h>; Halk TV’ye Google terörü... Kopya haberler ödüllendiriliyor gazetecilik cezalandırılıyor (“Google terror on Halk TV... Copy[-paste] news rewarded, journalism punished”) 09.12.2025, <https://halktv.com.tr/gundem/halk-tvye-google-teroru-kopya-haberler-odullendiriliyor-gazetecilik-992028h>; Google’ın emeğimize nasıl köktüğünü delilleriyle ifşa ediyoruz! Varan 1 (“We expose with evidence how Google usurped our labour! Part 1”) 10.12.2025, <https://halktv.com.tr/gundem/googlein-emeğimize-nasil-coktugunu-delilleriyle-ifsa-ediyoruz-varan-1-992184h>.

<sup>112</sup> Google Search Console notifications transmitted to the Freedom of Expression Association. The notifications state: “Due to a request under Turkish local law, Google can no longer show one or more pages from your site in Google Search results... Due to legal reasons, we are unable to share with you the details of the legal request received by Google.” It is known that these notifications are frequently sent to news sites such as **Diken**, **Bianet**, and **Gazete Duvar**.



### *International Scrutiny*

These arbitrary practices face intense legal scrutiny on the international stage. On 13 November 2025, the **European Commission** launched a formal investigation into Google for potential violations of the **Digital Markets Act (DMA)**. The Commission cited indications that Google unfairly demoted media publishers' content under its "site reputation abuse policy".<sup>113</sup>

The EU is actively investigating whether this policy undermines the obligation to provide access to publishers under **fair, reasonable, and non-discriminatory (FRAND)** conditions. That such algorithmic interventions, viewed by the EU as a "potential threat to media pluralism and democracy" can occur in Türkiye without any legal oversight lays bare the naked arbitrariness of the digital obedience regime.

### **VIII. The Regulatory Body's "Trade Secret" Shield and the Impossibility of Public Oversight**

When evaluating the transparency performance of **Social Media Platforms**, the attitude of the regulatory body, the **Information and Communication Technologies Authority (BTK)** reveals just how insular the "digital obedience regime" truly is.

A freedom of information request filed via CIMER on 20 November 2025, and the subsequent response from the BTK on 11 December 2025, provide documentary evidence of the system's foundation. It is built not on transparency, but on a "**secret consensus**" between the state and the platforms.

### *The Invisible Compliance*

In the application filed, information was requested regarding whether platforms (X, Meta, TikTok, LinkedIn, etc.) submitted their corporate reports during the nine reporting periods between 2021 and 2025, as well as the contents of these reports. In its response, the BTK confirmed that all of the social media platforms in question had notified the Institution of their reports in all specified periods; stating that, for this reason, **no administrative sanctions were applied against them**.

This official declaration paints a picture diametrically opposed to the "public transparency fiasco" identified in this report. LinkedIn serves as a particularly instructive example. While the platform published virtually no reports on its public transparency page between 2021 and 2025, the BTK confirms it submitted "complete" reports to the state. This proves that platforms follow a dual strategy that is "obedient" to the state yet "closed" to the public.

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<sup>113</sup> European Commission, "Commission opens investigation into potential Digital Markets Act breach by Google in demoting media publishers' content in search results," Press Release (IP/25/2675), Brussels, 13.11.2025, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_25\\_2675](https://ec.europa.eu/commission/presscorner/detail/en/ip_25_2675). Also see Diken, "Google'a soruşturma: 'Haber içeriklerini alt sıralara indiriyor'" ("Investigation into Google: 'It demotes news content to lower ranks'"), 13.11.2025, <https://www.diken.com.tr/googlea-sorusturma-haber-iceriklerini-alt-siralara-indiriyor/>; The Guardian, "EU investigates Google over 'demotion' of commercial content from news media," 13.11.2025, <https://www.theguardian.com/technology/2025/nov/13/eu-investigates-google-search-over-demoting-commercial-content-from-news-media>.

### *The “Trade Secret” and “Personal Data” Shield*

Of even greater concern is the BTK’s refusal to share this data, ironically collected under the heading of “transparency” with the public. Citing “trade secrets” and “personal data” (Law No. 4982, Arts. 21 and 23), the Institution has blocked access to these documents entirely.

This defence is technically incoherent. By their very nature, reports submitted by social media providers contain aggregate statistical data, specifically regarding application volumes, the types of actions taken, and the qualifications of moderation personnel, rather than individual case files. Consequently, the claim that these reports contain “personal data” is incompatible with technical reality.

### *Unlawful Secrecy*

Moreover, even if the reports contained isolated instances of personal data or trade secrets, the BTK’s policy of total concealment is unlawful. **Article 9 of the Law on the Right to Information (No. 4982)** regulates the obligation to provide documents by separating confidential information; it commands that disclosable information must be presented to the applicant after confidential parts are redacted.

By treating the reports as classified secrets in their entirety, rather than operating such a redaction mechanism, the BTK has adopted an arbitrary approach that disregards the very principle of transparency. This renders any independent audit by civil society or researchers impossible, transforming “transparency reports” into **“closed-circuit notifications”** visible only to the state.

## **CONCLUSION**

The lack of content in public reports, combined with the state’s zealous guarding of private reports, leads to an inescapable conclusion: Internet governance in Türkiye has transformed into a process of backroom bargaining and data exchange between platforms and the state.

Ultimately, the current legal regime and its implementation have converted social media platforms into **“compliant apparatuses”** of the state’s censorship and surveillance mechanism. Rather than protecting users’ freedom of expression, platforms have adopted dysfunctional reporting techniques and shown zero resistance regarding user data protection. Their continued enforcement of norms that have lost legal validity, despite annulment decisions by the Constitutional Court, demonstrates that the structural rot in Türkiye’s Internet freedom record continues to deepen.

In the final analysis, the stark contrast between the platforms’ compliance with high transparency standards in the European Union and their deliberate opacity in Türkiye exposes a hypocritical corporate ethos. By prioritising market access over fundamental rights, these global entities have voluntarily reduced themselves to local instruments of control. Unless this “collusive silence” is broken, the ideal of a free and open Internet in Türkiye will remain nothing more than a nostalgic memory, buried under a mountain of redacted reports and arbitrary algorithms.





Once a liberating frontier, the Internet in Türkiye has been re-engineered into a mechanism of centralised control. Where does this leave global giants like Facebook, X, YouTube, and TikTok? In this incisive study, Yaman Akdeniz and Ozan Güven of the Freedom of Expression Association (İFÖD) expose the inner workings of the new legal order under Law No. 5651. They document a disturbing shift: platforms that ostensibly established local offices to “protect user rights” have, in reality, become **“compliant apparatuses”** of the state, bowing to censorship demands and prioritising profit over fundamental freedoms.

This work goes beyond legal theory, subjecting the platforms’ own “transparency reports” to forensic scrutiny. It ruthlessly exposes the gap between corporate PR and technical reality. Which platforms claim “zero requests” while quietly implementing censorship? Who continues to enforce laws effectively annulled by the Constitutional Court? And who has surrendered on user data privacy? Through rigorous analysis, the authors demonstrate how promised transparency has devolved into systematic **“data obscuration.”**

*Digital Obedience Regime* is essential reading for anyone tracking the erosion of Türkiye’s digital civic space and the perilous accommodation between Big Tech and authoritarian governance. Underpinned by EngelliWeb’s extensive data, and set against the grim backdrop of over **1.2 million access-blocking** decisions, this report sounds a critical alarm for the future of digital rights.

