

[DOI: 10.20472/IAC.2015.016.004](https://doi.org/10.20472/IAC.2015.016.004)

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REGISTERS IN TURKISH CIVIL LAW AND THE FUNCTIONS OF THEM

Abstract:

The registration states enrolment of some information and documents that has a great importance diversely. Also, register states the enrolled place of this information. However, records are registries appeared with being preserved and kept by governmental officers for a variety of reasons. Records using Turkish Civil Code as a base are land registry, born, death and marriage registry, retention of title registry and cattle pledge registry. On the other hand, records using other Turkish Codes are gradable as commercial registry, traffic registry, ship registry, aircraft registry, mine (ore) registry, commercial enterprise pledge registry, brand registry and patent registry. In fact, the aim of giving a place to registers in a law system is to clarify some subjects. The function of publicity, even if it is not in question for all above mentioned registers, states the most substantial function of a record system. When publicity is said, it must be understood that registrations in relevant record are supposed to be known by everyone. This assumption is an absolute presumption. To be unfamiliar with this situation is not being accepted as an excuse. The function of confidence as a derivative and continuation of this function may be indicated. The function of confidence is the acknowledgement of information in records that is assumed to be known by everyone and the protection of rights had by relying on these records. It cannot be raised an object, if they satisfy the conditions, to right of people that is gaining it based on these assumptions.

Keywords:

register, land register, publicity, trust priciple, registers in Turkish Civil Code

JEL Classification: K11

I. Introduction¹

The registration states enrolment of some information and documents that has a great importance diversely. In addition, registry states the enrolled place of this information. However, records are registries appeared with being preserved and kept by authorized bodies of state for a variety of reasons. Records using Turkish Civil Code as a base are *land registry, civil status registry, retention of title registry and the animal pledge registry*.

On the other hand, significant registers using other Turkish Codes are gradable as *trade registry, traffic registry, ship registry, aircraft registry, mine registry*. In fact, the aim of giving a place to registries in a law system is to clarify some subjects. It can be said that these open aspects are connected with the publicity function of the registry. Publicity (openness) function whose details are going to be given serves to provide the public guarantee. Confidence function is a principle that plays a part in Turkish Republic Constitution dated 1982 and associates with the principles of state of law. According to second article of Turkish Republic Constitution dated 1982: "Turkish Republic is a ...social law state". Being a social law state, Turkish Republic is responsible for mistakes originated from public registers. This responsibility predicated on the principle of state of law provides the protection of gaining right with bona fides (good faith).

The negative function of registry, in other words registration, means a principle called "the principle of registration". Accordingly, rights do not be gained without registration. The positive function of the registration means the protection of a reliance on existing registration. This is nothing short of confidence principle.

After this general consideration, the special properties of records above must be mentioned additionally in this point. Firstly, functions of these registers will be explained which are enacted in Turkish Civil Code and other codes. After this, further information about some important registries, which are regulated in Turkish Civil Code and other codes, will be explained at the last part of the study.

II. Functions of Registers (Records)

Registries that take part in Turkish Law and are going to be explained below have various functions. These functions can be counted with four titles as "openness function", "confidence function" and "the positive and negative function of the registry". Not these all functions may take part in a registry. About a registry, while one or some of these functions take part in registry, others may not. These topics are going to be evaluated in respect to registries in Turkish Civil Code or other codes in civil law.

¹ This article compiled from the second author Dr.Alper Uyumaz's doctoral dissertation called "Motor Vehicle Pledge". For more information, see Uyumaz, A. (2011) Motorlu Taşıt Rehni. İstanbul: Oniki Levha Yayınevi. Additionally, this article was published by the financial support of Selçuk University the Coordinatorship of Academic Research Projects.

A) Publicity Principle (The function of Publicity)

The function of publicity, even if it is not in question for all above-mentioned registries, states the most substantial function of a record system. The legislative, being the opinion of these rights must be visible and known by all, desires that these rights and aspects must be open to all. The best example for this can be real rights. Because, openness function is a result of real rights' properties assumed alleageable to all. Third parties must be informed to act in accordance with the existence and scope of this right. Thus, real rights must be open sufficiently. The mean supplying this purpose is registration having generally founder qualification². With registration, some aspects become open and thus third parties who have benefit from information wanted to be known do not suffer damage because of ignorance.

When publicity is said, it must be understood that registrations in relevant record are supposed to be known by everyone. This assumption is an absolute presumption. To be unfamiliar with this situation is not being accepted as an excuse.

B) Trust Principle (The function of confidence)

Public registrations are registrations hold by public officials authorized in charge of government. These registrations are respected as right and complete until their hollowness are proved (Turkish Civil Code Art.7). Thereby, it is expected that people generally act by relying on the truth of registration. In fact, it is possible that the registration will be wrongful entry preliminarily or latterly. This situation conceives the need for protection of confidence on registrations in public registry. So, trust principle is accepted³. Acceptance of opposite shake the confidence of registrations hold by public officials and economic life would become influenced negatively⁴.

Trust to registration is mentioned at some situations in which the acquisition of bonafide (good faith) people who gain a right relying on a wrongful entry which is not valid or has no a legal reason is preserved. Trust principle, as also known the function of confidence as a derivative and continuation of this function may be indicated. This is called the principle of trust to registration. The function of confidence is the acknowledgement of information in records that is assumed to be known by everyone and the protection of rights had by relying on these records. It cannot be raised an object, if they satisfy the conditions, to right of people that is gaining it based on these assumptions.

² Offtinger, K. and Bär, R. (1981) Das Sachenrecht, Das Fahrnispfand, Art. 884-918. 3th Edition. Zürich: Schulthess. Art. 885, N. 48. Tuor, P. et al. (2009) Das Schweizerische Zivilgesetzbuch. 13th Edition. Zürich-Basel-Genf: Schulthess Verlag. p.1158; Zobl, D. (1982) Berner Kommentar IV, Das Sachenrecht, Das Fahrnispfand, Systematischer Teil und Art. 884-887 ZGB, Bern: Stämpfli. N. 273; Studer, J. and Sigerist, M. Übungsbuch Sachenrecht, Zürich: Orell Füssli Juristische Medien. p.91; Oğuzman, Seliçi and Oktay-Özdemir, 2013, p.27; Ayan, 2014, I, p.30; Aybay, A. and Hatemi, H. (2009) Eşya Hukuku. İstanbul: Vedat Kitapevi. p.21-22; Akipek, J. G. and Akıntürk, T. (2009) Eşya Hukuku. İstanbul: Beta Yayınevi. p.13; Esener and Güven, 2008, p.52, 478; Ertaş, 2006, p. 65.

³ Oğuzman, Seliçi and Oktay-Özdemir, 2013, p.27; Ayan, 2014, I, p.34.

⁴ Tekinay et al, 1989, p. 348; Akipek, 1972, p.443; Ayan, 2014, I, p.211.

C) Negative Function

The negative influence of registration, like its positive influence, is an influence that a right can gain existence only with a registration on a public registry. Because, this influence means that registration is obligatory so as to birth, handover and expiry of a right⁵. Unless registration is made, legal transactions giving rise to registration results in only the sides of it and could not gain publicity, cannot be brought forward third parties⁶. In other words, the positive function of registration can be stated as the principle of mandatory registration.

However, the negative influence of registration is not certain. Because, registration has an explanatory effect, not founder effect, in some situation in which rights are gained before registration. For example if proprietary right is gained before registration, registering on public registry does not form the right, but make it open and allow proprietor to dispose on proprietary right. Expropriation, foreclosure, court decision, inheritance, occupation and extraordinary prescription might be shown as example. In addition, transfer of concern, business combination, expiry and rescission of association and registration of foundation are same transactions.

D) Positive Function

The positive influence of registration is an influence that a right can gain existence only with a registration on a public registry. Positive influence means that every registration corresponds to a right⁷. Not in all but in numerous registry systems, rights are born with registration and get in line. The scope of right is determined according to formal documents being basis for registration.

According to this explanation, that the registration on a public registry is based on the existence of right is accepted true⁸. Everybody is right to accept the existence of a right partaking on a public registry. To tell the truth, the positive influence of registration is that indeed non-existed right is accepted so-called existed right based on this assumption. Namely, this is the confidence to registration. Because the public registries are true until proven otherwise, trust principle is arranged. In that case, the positive influence of registration can be modified as the protection of bonafide third parties.

⁵ Tekinay et al, 1989, p. 343; Oğuzman, Seliçi and Oktay-Özdemir, 2013, p.234; Ayan, 2014,I, p.388; Akipek, 1972, p.377-378; Saymen, F. H. and Elbir, H. K. (1963) Türk Eşya Hukuku Dersleri. 2nd Edition, İstanbul: Filiz Kitapevi. p.72; Esener and Güven, 2008, p.123; Akipek, 1972, p.60.

⁶ Homberger, A. (1950) Aynî Haklar, Zilyedlik ve Tapu Sicili. (Translated by Suat Bertan) Ankara: Adalet Bakanlığı, p.396; Ayan, 2014,I, p.390.

⁷ Akipek, 1972, p.386; Ayan, 2014, I, p. 390; Ayiter, 1987, p.61; Saymen and Elbir, 1963, p.179-180; Esener and Güven, 2008, p.133.

⁸ Akipek, 1972, p.386; Ayan, 2014, I, p. 391; Tekinay et al, 1989, p. 344.

III. Registers Enacted In Turkish Civil Code

Records, which are enacted in Turkish Civil Code, are *land registry, civil status registry, retention of title registry and the animal pledge registry*.

A) Land Registry

While ownership brings about the openness function in movable properties (chattel goods), it does not bring about same function in immovable property. Actual control on immovable properties generally is not open. It is suitable to ordinary experience of life that person domineering a chattel well is its proprietor. However, same thing cannot be stated for immovable properties⁹. Because, being established of rights in rem on immovable properties does not depend on the transfer of possession like chattel goods. Property of immovable properties can be gained without the transfer of possession.

Remaining incapable of possession for making right ownership open and the importance of immovable properties than chattel goods necessitate a special registry system. You see, land registry is a system that is created for making the scope and owner of right in rem open. Land registry is a mean which is useful for reflect the legal and geometric status of immovable properties¹⁰. Land registry states a whole consisting of master register and helper register.

Land register is the main part of land registry. Other important registers and documents are condominiums register, daybook, plans and other formal documents. That is to say, land register is the whole of registers, documents and books that are showing the legal and geometric status of immovable properties and kept by authorized officials¹¹. When an immovable property is written on land registry, an independent page is opened for each one. On this opened page for immovable property, surface, borders, owners and limited real rights are written¹². As a rule, in this system, registration is mandatory for gaining of a real right. The influence of registration is negative here.

Certainly, the most typical registry is land registry that enacted Turkish Civil Code. Land registry has function of publicity. This principle is originated from Turkish Civil Code Article 1020. Turkish Civil Code Article 1020 says that land registry is open for all. However, who wants to obtain information from land registry must be prove his or her concern. With this rule, it is aimed to poise personal records privacy and interest of someone who needs this information.

The assumption that regulates everyone knows land registry is an absolute presumption¹³. No one claims that he or she has no information about land registry. He or she does not gain any right bring forward their good faith. Nevertheless, there

⁹ Tekinay, 1989, p. 241-242; Esener and Güven, 2008, p. 55; Saymen and Elbir, 1963, p. 125-126; Ayan, 2014, I, p. 179; Akipek and Akıntürk, 2009, p.225.

¹⁰ Further information about electronically land registry system see, Başpınar, V. (2008) Elektronik Tapu Sicili Düzenlenirken Tapu Sicilinin Aleniyeti ve Diğer Alanlarla İlgili Alınması Gereken Tedbirler. Ankara Üniversitesi Hukuk Fakültesi Dergisi. 7 (3), p. 97-132.

¹¹ Ayan, 2014, p. 180.

¹² Akipek, 1972, p. 289; Ayan, 2014, p. 180; Ayiter, 1987, p. 37.

¹³ Homberger, 1950, p. 393; Akipek, 1972, p. 339; Tekinay, 1989, p. 241-242; Esener and Güven, 2008, p. 108; Ayan, 2014, I, p. 210.

has been trust principle in Turkish land registry system. According to Turkish Civil Code Article 1023, “Any person who, relying in good faith on an entry in the land register, has acquired property or any other right in rem in reliance thereon, is protected in such acquisition.” Here, the influence of registration is positive¹⁴.

B) Civil Status Registry

Civil status (statute) has two meaning, one of them is close and other is open. Civil status with its close meaning states the situation in which persons are found from the point of persons’ law and family law. For example, age, gender, single, married, widowed etc... Status with its open meaning contains the legal and civil situations. For example, nationality, ownership of right to vote and stand for election or not, etc... Civil status registry states some books on which persons’ some statute are written. Not only person but also society has a profit at keeping status registry correctly. To find a way out for discrepancy arising between parties gets easy under favor of correctly kept civil status registry¹⁵.

Turkish Civil Code Article 36 says that civil status is recorded in electronic registers. Civil status or population registry can be derived from this article and Population Services Code. In addition, Turkish Civil Code Article 7 says that public registers and public deeds constitute full proof of the facts evidenced by them, unless their content is shown to be incorrect. Such proof of incorrectness does not require be in any particular form. Therefore, the electronic records that show civil status are accepted gospel until proven otherwise.

According to article 5 of Population Services Code, population registry is a public registry on which identities, settlements, family bonds, nationality and other personal situations are written. Population registry is basis for formal transactions in formal bodies. If registries are different, registries are corrected only by court decision. Civil Code regulated birth registry¹⁶, death registry¹⁷ and marriage registry¹⁸ as types of civil status registries. Population Services Code also regulates four registries such as population registry¹⁹, family registry, special registry²⁰ and foreigners’ registry²¹ as types of civil status registries.

Registrations written on these registries are indicator²². Hence, there is not the negative influence of registry here. Registrations do not have openness function. In other words, population registrations and documents basis of this registration are confidential. These documents and registrations cannot be seen and investigated except authorized and responsible officials and courts²³. This confidentiality

¹⁴ Further information see, Cansel, E. (1964) Tapu Siciline İtimat Prensipleri. Ankara: Ankara Üniversitesi Hukuk Fakültesi Yayınları.

¹⁵ Ayan, M. and Ayan, N. (2014) Kişiler Hukuku. 6th Edition. Konya: Mimoza Yayınevi. p. 179.

¹⁶ Births are registered to this registry.

¹⁷ Deaths and absences are registered to this registry.

¹⁸ Marriages are registered to this registry.

¹⁹ This is a registry which is consisted population registry, family registry, special registry and their backups.

²⁰ This is a register which is formed births, marriages, divorces, deaths and register corrections with their baseline documents.

²¹ Foreigners who have right to occupy at least 6 months are registered to this register.

²² Ayan and Ayan, 2014, p.180; Öztan, B. (1994). Şahsın Hukuku, Hakiki Şahıslar. 6th Edition. Ankara:Turhan Yayınevi.p.202.

²³ Ayan and Ayan, 2014, p.180.

continues after officials resign. This confidential registry does not have confidence function. Therefore, there is not the positive influence of registration here.

C) Retention of Title Registry

Retention of title registry is a special registry on which retention of title agreements are registered. Retention of title agreement is an agreement that property might transfer to other side of agreement on condition that contract price is paid totally²⁴. This notion is also known as reservation of ownership. This agreement is regulated by notary. Turkish Civil Code 764 regulates that “Reservation of ownership in respect of a chattel transferred to the acquirer is only effective provided it is entered in the official register kept by the debt collection office at his or her current domicile.”

To be written on special registry is the condition for validity in respect to retention of title. The registration has positive influence in terms of this registry. However, register does not constitute to indication for the existence of agreement. Thus, register has not an effect of entitling with bona fide. Unfortunately, about this registry, it can be mentioned neither function of publicity nor trust principle²⁵. To the detriment of next bona fide beneficiaries, any claim can be filed²⁶.

D) Animal Pledge Registry

Last substantial registry in Turkish Civil Code is animal pledge registry. It is derived from Turkish Civil Code Article 940, paragraph 2. According to this paragraph with the name of *pledge of livestock*: “A general lien on livestock²⁷ to secure the claims of lending institutions and co-operatives authorized to carry out such transactions by the competent authority of the state may be established without transfer of possession by entry in a public register.”

Turkish Civil Code wants to hinder that animal owners who are in need of credit incur loss in consequence of chattel goods hypothec connected delivery. Thus, it enabled that animals can be hypothecated without delivery. Animal pledge registries are regulated in enforcement offices. Everybody testifying that he/she has got worth preserving interest can investigate these open to all registries.

²⁴ Ayan, M. (2014) Eşya Hukuku. II. Mülkiyet. 17th Edition. Konya: Mimoza Yayınevi, p.586; Saymen and Elbir, 1963, p. 395; Ayiter, 1987, p.154; Esener and Güven, 2008, p. 296-297; Ertaş, 2006, p. 349; Akipek, J. G. (1973) Türk Eşya Hukuku. Vol. II, 2nd Edition. Ankara: Sevinç Matbaası.p.258.

²⁵ Wieland, C. (1946) Aynî Haklar (Translated by İsmail Hakkı Karafakı), Kısım II, Ankara: Arkadaş Matbaası, p. 351; Saymen and Elbir, 1963, p.400; Oğuzman, Seliçi and Oktay-Özdemir, 2013, p.748-749; Ertaş, 2006, p.349. For opposite opinion see, Akipek, 1973, p.259.

²⁶ Ayan, 2014, II, p.589.

²⁷ In Turkish Law, some authors argue that the term livestock (in Turkish Civil Code Art. 940/1, only term animal) means just cattles. See, Oğuzman, Seliçi and Oktay-Özdemir, 2013, p.1013; Reisoğlu, S. (1965) Menkul İpoteği, Teslimsiz Menkul Rehni. Ankara: Ankara Üniversitesi Basımevi. p.12-13; Ertaş, 2006, p.544; Esener and Güven, 2006, p. 495. Also see, Leemann, H. (1925) Kommentar zum Schweizerischen Zivilgesetzbuch, Sachenrecht, IV. Band, II. Abteilung: Art. 730 – 918, Bern: Stämpfli & Cie.N.6. In spite of this, some authors argue that the term livestock means all kind of animals. See, Saymen and Elbir, 1963, p. 661; Ayan, M. (2014) Eşya Hukuku.III.Sınırlı Aynî Haklar. 6th Edition. Konya: Mimoza Yayınevi. p. 299-300; Akipek and Akıntürk, 2009, p.851; Ayiter, 1987, p.190; Uyumaz, 2011, p. 69-70. Also see, Engi, A. (1929) Die Fahrnisverschreibung im schweizerischen Recht unter besonderer Berücksichtigung der französischen und deutschen Gesetzgebungen. Bern: Stämpfli.p.76.

The influence of registration in animal pledge registry is only negative. Unless registration is not made on registry, the pledge of animal does not come into the world²⁸. Because the quality of registration is, founder one. On the contrary, animal pledge registry has no positive function differently from land registry. The protection of confidence is not on the carpet. Since there is not an indication about everybody knows the registers on animal pledge registry. Therefore, a registration written on animal pledge registry cannot stop third person from alleging bona fide. Animal pledge registry has not has certain function of publicity and it cannot ensure to protect acquisitions of people who trust records in this registry²⁹. Then registration has no positive function³⁰.

IV. Registers Enacted Other Civil Codes

Significant registers which are enacted other Turkish Codes in Turkish Civil Law are *trade registry, traffic registry, ship registry, aircraft registry and mine registry*.

A) Trade registry

Trade registry is a registry that is formed on the purpose of formation of important information about business concern and making them open³¹. This registry is an formal registry with respect to legal characteristic and it is regulated in charge of Ministry of Customs and Trade³². The registers regarding trade registry are regulated electronically with the difference of time-honored practice. The owner, front and quasi information of concern are given place in trade registry. Government and related trade association is successively responsible for all damages generating from wrong entries on trade registry.

Trade registry is regulated by Turkish Commercial Code Article 24 and the rest. Like land registry, trade registry is open to all. Everyone can view trade registry and all deeds which partaking in there. Everyone can also have copy of these deeds. Besides, because of function of publicity everyone is under the assumption of being informed all content of trade registry. Not to be informed of the content of trade registry is not asserted because of this certain presumption. However, there has not been trust principle in Turkish trade registry system. As an exception of this rule, the

²⁸ Daeniker, H. (1908) Die Mobiliarhypothek im modernen schweizerischen und französischen Recht. Zürich. p.25; Zobl, 1982, N. 74; Leemann, 1928, N. 55-56; Oftinger and Bär, 1981, N. 35; Engi, 1929, p.78,85; Altorfer P. (1981) Die Mobiliarhypothek. Ein Beitrag zur Reform des Fahrnispfandrechts. Zürich: Schulthess Polygraphischer Verlag. p.49; Oğuzman, Seliçi and Oktay-Özdemir, 2013, p.1013; Reisoğlu, 1965, p.13; Akipek and Akıntürk, 2009, p. 853; Ayan, 2014, III, p. 301; Esener and Güven, 2008, p. 495; Ertaş, 2006, p. 546. Also see, Yenice, K. (2965) Hayvan Rehni ve Tüzüğü. Adalet Dergisi.(10) p.1196-1205. İnan, A. N. (1967) Yeni Tüzüğüne Göre Hayvan Rehni. Adalet Dergisi. (1-12). p.648-680, p.669.

²⁹ Haffter, M. (1928) Das Fahrnispfandrecht und Andere Sachenrechtliche Sicherungsgeschäfte nach dem Schweizerischen Zivilgesetzbuch. Bern: Stämpfli & Cie, p.79-80; Leemann, 1928, N. 55-56; Oftinger and Bär 1981, N. 49; Zobl, 1982, N. 77; Altorfer, 1981, p. 52; Engi, 1929, p. 85; Daeniker, 1908, p.29; Ball, 1929, p. 40; Wieland, 1946, p.715; Ayan, 2014, III, p. 301; Oğuzman, Seliçi and Oktay-Özdemir, 2013, p.1013; Saymen and Elbir, 1963, p. 662; Reisoğlu, 1965, p. 14; Ertaş, 2006, p. 546; Uyumaz, 2011, p.72.

³⁰ Oftinger and Bär, 1981, N. 36; Engi, 1929, p.85; Leemann, 1928, N. 59; Altorfer, 1981, p. 52; Uyumaz, 2011, p. 71-72.

³¹ For more details see, Arkan, S. (2014) Ticarî İşletme Hukuku. 19th Edition. Ankara: Banka ve Ticaret Hukuku Araştırmaları Enstitüsü Yayınevi.

³² Kendigelen, A. (2011) Türk Ticaret Kanunu Değişiklikler, Yenilikler, Tespitler. İstanbul: Oniki Levha Yayınevi. p. 53 ff.

acquisition of someone who gains right of pledge relying on registry is protected according to Business Concern Pledge Code³³.

The aspects on trade registry have to be declared unless otherwise specified in code and regulation. Declaration is made per Turkish Trade Registry Gazette. In the event that there is a difference between trade registry and declared register, the confidence of bona fide third parties about declared register is protected. But this cannot be called as trust function.

Trade registry has two effects on the point of being founder and indicator. Registration has indicator effect in principle. For example, the tradesman qualification of real person and business concern are gained before registration. In the circumstances, registration has indicator qualification. On the other hand, registration on the trade registry is mandatory in order that Trade Company can gain legal entity and real person can gain tradesman. In the present case, registration has founder qualification³⁴. In the same way, registration on the registry is mandatory in order that business concern pledge can be founded.

In respect to third parties, trade registry registers have two influences on the brink of positive and negative. Positive influence is not to be listened allegations concerning those third parties do not know registers. The negative influence of registration and declaration is that unregistered and registered but undeclared aspects cannot be brought forward third parties. These aspects can be brought forward malevolent (bad faith) third parties³⁵.

B) Traffic Registry

Traffic registry is regulated by Turkish Highway Traffic Code Article 5. According to this article the legislator authorized General Directorate of Security Affairs to keep register of all vehicles and drivers country wide. If not for property³⁶, the founder influence is accepted for the registrations on traffic registry in respect to acquisition of other limited real rights. Thus, if there is not registration, the motor vehicle pledge cannot be established³⁷. However, registration on registry is not sufficient with regard to openness principle. Besides, previously mentioned publicity principle must come into existence with a registry that is open to all. Yet, there is no provision concerning that traffic registry is open to all in not only Highway Traffic Code no. 2918 and but also other codes³⁸. Function of publicity is absent in this registry. In that case, an

³³ Uyumaz, 2011, p. 123-124. Also, see, Reisoğlu, S. Ticari İşletme Rehni ve Son Yasal Düzenleme. www.tbb.org.tr/turkce/konferans/sr-ticari%20isletme%20rehni.doc. [Accessed 14th May 2015].

³⁴ Kendigelen, 2011, p. 57; Arkan, 2014, p. 51; Akipek and Akıntürk, 2009, p. 834; Esener and Güven, 2008, p. 505; Antmen, A. (2001) Ticari İşletme Rehni, Ankara: Yetkin Yayınevi. p. 67.

³⁵ For further information see, Kendigelen, 2011, p. 56 ff; Ünal, A. (2006) Üçüncü Kişilere Etkileri Açısından Ticaret Sicilinin Fonksiyonları. Legal Hukuk Dergisi. 4 (41). p.1395-1411.

³⁶ According to Turkish Traffic Code Art. 20/d, official form by notary is validation form. With the transfer of possession the ownership of motor vehicle will handover. Because of this, register is explanatory, not founder.

³⁷ Oğuzman, Seliçi and Oktay-Özdemir, 2013, p. 1018; Ozanoğlu, H. S. (2001) Türk Medeni Kanunu'nun 940. Maddesinin II. Fıkrası (Motorlu Araç Rehni) Üzerine, Über Das Türkische ZGB Art. 940/Abs. 2 (Fahrmisverschreibung bei Motorfahrzeugen), Gazi Üniversitesi Hukuk Fakültesi Dergisi. V (1-2) p.22-38, p. 25; Doğan, M. (2008) Teslime Bağlı Olmayan Sicilli Motorlu Taşıtların Rehni. Erzincan Üniversitesi Hukuk Fakültesi Dergisi. XII (3-4) p.181-207. p.192; Uyumaz, 2011, p.80; Reisoğlu, S. (2002) Yeni Medeni Kanun'un Bankaları İlgilendiren Başlıca Farklı Düzenlemeleri. Bankacılar Dergisi. (40) p.67-74, p. 74.

³⁸ Serozan, R. Taşınır Eşya Hukuku. 2nd Edition. İstanbul: Filiz Kitabevi.p.341; Doğan, 2008, p.196; Öğüz, T. (2000) Motorlu Araçların Rehnine İlişkin Uygulamanın Kamuya Açıklık (Aleniyet) İlkesi Açısından

indication about everybody knows registers on registry cannot be valid for traffic registry. Thus, that persons who will gain right on motor vehicle are not obligated to investigate traffic registry, is accepted by doctrine.

The registration of right of pledge on close traffic registry has only negative influence³⁹. However, the same negative influence of registration on traffic registry with regard to acquisition of property right cannot be mentioned. Because, according to the Highway Traffic Code's article 20/d's last different shape by a Code number 5942 and on December 24, 2009 the ownership of motor vehicle transfers to recipient with transfer of possession after formal contract. The registration on registry is not condition and it has founder influence, not indicator one. There is no provision concerning that the registration on traffic registry has positive influence in not only Highway Traffic Code no. 2918 and but also other codes⁴⁰. Thereby, the right of pledge cannot be gained with bone fide from person been seen as owner on the traffic registry and registration document. The registration does not have a positive effect⁴¹.

C) Ship Registry

Initially, ship registry has been emerged for some need of knowledge about ships' nationality that is important for flag raising right. Later, ship registry transform to an institution giving information about legal transactions concerning ship⁴². Ship registry is derived from Turkish Commercial Code Article 954 and the rest.

For Turkish ships, ship registry is regulated in a place where Ministry of Transport, Maritime Affairs and Communications approves (Turkish Trade Code Article 954/1). Ship registries, like other registries have the characteristic of formality and are liable to Civil Code Article 7. Namely, registers on this registry are accepted correct until proven otherwise.

Ship is suitable for being evaluated as movable property⁴³. However, ships listed on ship registry are not be evaluated as movable or immovable goods directly and are subjected to a special regime. In respect to this, the right of pledge is regulated detailed with the difference of other pledge rights (Turkish Trade Code article 1014 and the rest).

Değerlendirilmesi. Prof. Dr. Kemal Oğuzman' in Anısına Armağan. p.693-725. p. 720; Ozanoğlu, 2001, p. 32; Ertaş, Ş. (2005) Türk Hukukunda Teslimsiz Taşınır Rehni. Türkiye Noterler Birliği Hukuk Dergisi. (127) p. 77-91. p.14.

³⁹ Grisberger, 1997, argues that register must have trust principle. See, Girsberger, D. (1997) Ist Das Faustpfandprinzip Noch Zeitgemäss? Schweizerische Juristen-Zeitung 93 (6). p.97-109, p.108. In the same direction, Judit and Orsolya,1996, p. 859. Also see Ball, K. (1928) Die Mobiliarhypothek (Das Registerpfand). Königsberg Pr. Kopal; Berger, B. (2002) Registrierung von Mobiliarsicherheiten. Zeitschrift des Bernischen Juristenvereins. 138. p.197-256.

⁴⁰ Also see, Çelikleş, D. (1987) Motorlu Taşıt Aracının Noterde Satış ve Devri Geçerlilik Şartı mıdır? Manisa Barosu Dergisi. (2). p.2-5.

⁴¹ Öğüz, 2000, p.719, fn. 83; Ertaş,1982, p.14; Doğan,2008, p.195. Also see Altorfer, 1981, p. 253, 255; Girsberger, 1997, p.108; Ozanoğlu, 2001, p.33 ff.; Judit and Orsolya,1996, p.860.

⁴² Kalpsüz, T. (2004) Gemi Rehni. 5th Edition, Ankara: Banka ve Ticaret Hukuku Araştırma Enstitüsü, p. 198; Şeker, Z. (1999) Türk Hukukunda Gemi Sicillerinin Düzenlenişi ve Sahip Olduğu Fonksiyonlar. Cumhuriyetin 75. Yıl Armağanı. p. 879-896, p. 879. Also see, Akıncı, S. (1958). Türk Hukukunda Gemi İpoteği. Ankara: Ajans Türk Matbaası.

⁴³ Akıncı, 1958, p. 234. Also see, Algantürk Light, S. D. (2006) TTK Tasarısı'nın Deniz Ticareti Başlıklı Beşinci Kitabı İle Getirilen Düzenlemeler ve Değerlendirmeler. İstanbul Ticaret Üniversitesi Sosyal Bilimler Dergisi. 5 (10), p. 23-145.

According to Turkish Trade Code Article 105/2, agreements about establishment of pledge must be written and notary must approve signatures. In respect to this, these requirements as to forms for pledge agreement, the legal reason of registration that will be written on registry, are the conditions for validity⁴⁴. After this agreement, right must be written on the ship registry in order that it can be come into the world⁴⁵ (Turkish Trade Code Article 1015/1). This registration on the registry that is open to all has founder influence in respect to birth of pledge right and negative influence⁴⁶.

Ship registry has function of publicity. Therefore, ship registry is open for all. However, who wants to obtain information from ship registry must be prove his or her concern. Also in ship registry there has been trust principle. Any person who relying in good faith on an entry in the ship register, has acquired property or any other right in rem in reliance thereon, is protected in such acquisition. Then, registration on the registry has also positive influence⁴⁷.

D) Aircraft Registry

Aircraft registry is derived from Turkish Civil Aviation Code Article 50. According to article 50, titled Keeping Registry for Aircrafts of Turkish Civil Aviation Code, a registry is regulated in charge of Ministry of Communications. This registry is called plane registry. In fact, plane is only one of aircrafts written on plane registry. Thus, it can be more pointed that plane registry would be called as aircraft registry. Therefore, the title of this part "aircraft registry" may be the name of registry. The usage of this term taken part in Turkish literature verifies this comment. In addition, this term is conceptualized in Switzerland as the name of registry (Luftfahrzeugbuch)⁴⁸.

When the aircraft registry is evaluated in respect to real rights on it, Turkish Civil Aviation Code article 66 must be handled. According to this article, "in order to establishment and transfer property right or limited real right on the all or a part of aircraft, a written agreement is sufficient. Agreements concerning transfer are not valid unless they are written". Registration has not founder effect in respect to acquisition of right. However, it has an influence in case of third parties are informed. In other words, ownership and other limited rights that are not written on registry cannot be brought forward third parties.

It is necessary to say that Code made a different regulation in respect to pledge rights. Really, according to article 70 of Code, pledge right based upon agreements

⁴⁴ Akıncı, 1958, p. 61; Kalpsüz, 2004, p. 68; Akipek and Akıntürk, 2009, p.834; Antmen, 2001, p. 37.

⁴⁵ Ship pledge is not possible with the transfer of possession. See, Kalpsüz, 2004, p. 55; Akıncı, 1958, p. 29; Engi, 1929, p. 119; Schwab, K. H. and Prutting, H. (1996) Sachenrecht. 26th Edition. München: CH Beck.p.345.

⁴⁶ Akıncı,1958, p. 52, 58; Kalpsüz, 2004, p. 69; Reisoğlu, 1965, p. 15; Esener and Güven, 2008, p. 493; Ertaş, 2006, p. 549; Antmen, 2001, p. 37, fn. 71; Şeker, 1999, p.891.

⁴⁷ Akıncı,1958, p. 54.

⁴⁸ See, Altorfer, 1981, p. 60. For additional information about aircrafts, which must be kept in aircraft registry see, Kaner, İ. D. (2004) Hava Hukuku (Hususi Kısım). 2nd Edition. İstanbul: Filiz Kitapevi. p. 21-22. Also see, Akkurt, S. S. (2014) Türk Sivil Havacılık Mevzuatı ve Uluslararası Konvansiyonlar Kapsamında Sivil Havayolu ile Yolcu Taşımacılığında Kaynaklanan Hukukî Sorumluluk. Ankara: Seçkin Yayıncılık. p. 70 ff; Hızır, S. and Turaev, A. (2008) Türk Hukukunda Hava Araçları Üzerinde İpotek Tesis Edilmesi. Ankara Üniversitesi Hukuk Fakültesi Dergisi. 57 (3). p. 371-407.

on aircrafts are established with the agreement of owner and creditor and registration on the registry⁴⁹. According to second paragraph of the same article, the agreements about establishment of pledge acquisition must be written and notary must approve signatures. Registration has a founder influence and negative influence⁵⁰.

Turkish Civil Aviation Code Article 51 says that aircraft registry is open to public. Everyone who proves his or her concern can view registry and take copy of deeds which partaking in registry. According to Turkish Civil Aviation Code Article 52, the acquisition of ownership, pledge and other right in rem that are gained relying on the aircraft registry with good faith is valid because of trust principle. According to this article, even if the registers on aircraft registry are not correct, the acquisition of person is relying on these incorrect registers with bona fide is protected by Code. That is to say, registration has positive influence⁵¹.

E) Mine Registry

Mine registry is regulated by Code of Mines⁵² Article 38 and the rest. According to article 38, titled Organization and Features of Registry of Mine Code, mine registry consisting of technical and economical subjects concerning all mine rights and activities is regulated in charge of Ministry of Energy and Natural Resource as mentioned in regulations. The transfer, impressments, hypothec and bail situations are written on it. Mine registry is open to all. Related persons can want mine registers to be shown to them in the face of one mine registry official. The ignorance of registers on mine registry cannot be alleged. Rights, which are going to be registered on mine registry, cannot be valid unless they are written on mine registry. Registration has negative effect⁵³. According to meaning outgone from article, the records which are registered will be actualized the function of publicity of mine registry (Code of Mine Article 38, paragraph 3). Nevertheless, in this registry there has not been trust principle. However, there has not been the positive function of registration.

When registry is evaluated in respect to pledge right, within the scope of registry, two different registries are predicted. One of them is about mining claim pledge, and the other one is about mine ore pledge⁵⁴.

Mining claim pledge is regulated in article 42 of Mine Code. This pledge right is an accessory right based upon demand. This right can only be established in order to procure borrowing of person who has mining right license or his/her prospective borrowing with this aim. This pledge right is established with registration on mine registry. In this case, registration which will be made on mine registry has founder influence in respect to acquisition of pledge right⁵⁵.

⁴⁹ Altorfer, 1981, argues that register to the aircraft registry is a casual transaction (p. 58). In the same direction see, Oftinger and Bär, 1981, Art. 885, N. 48.

⁵⁰ Altorfer, 1981, p. 61; Kaner, 2004, p. 34; Esener and Güven, 2008, p. 495; Ertaş, 2006, p. 550; Hızır and Turaev, 2008, p. 381; Antmen, 1999, p. 39.

⁵¹ Altorfer, 1981, p. 61-62; Kaner, 2004, p. 25-27; Hızır and Turaev, 2001, p. 384.

⁵² See Turkish Official Gazette 15 June 1985, No: 18785.

⁵³ Ertaş, 2006, p. 548; Ertaş, 2005, p. 88; Göger, E. (1979) Maden Hukuku, Ankara: Ankara Üniversitesi Hukuk Fakültesi. p.134.

⁵⁴ Uyumaz, 2001, p.141.

⁵⁵ Ertaş, 2006, p. 548; Göger, 1979, p.134.

The second pledge right been within the structure of Mine Code is mine ore pledge. The ores can be hypothecated without delivery by registering on mine registry upon that mine claim license owners' written application to Ministry of Energy and Natural Resource (Mine Code Article 39). In order to ore hypothec, firstly an agreement must be made. This hypothec agreement, which is not amenable to any form, makes debts for license owner that he/she must register the hypothec. After hypothec agreement, for the birth of pledge right, it is mandatory that registration must be made with the application of mine claim license owner⁵⁶.

V. Conclusion

In a legal system, the main reason of registries is to make some aspects open and provide everybody with these aspects. Persons who have behavioral science know that they are obliged to reverence subjects partaking in registries and rights that they know that they are belong to others. Thus, public order will be established. Persons who do not reverence these rights cannot allege that they are bona fide if they know or not.

The best reflections of this explanation are seen in land registry in Turkish law. Because, not to know information concerning rights and aspects partaking in land registry is not excuse. In so much as, acquisition of a right relying on registers, which is not correct, is possible. Because it is natural to rely on registers on land registry which is regulated strictly. The responsibility here belongs to the Republic of Turkey which is a social-law state providing that it can retract to related one/s. The same situation is can be said for ship registry, aircraft registry and trade registry. Unfortunately, in Turkish Law, there are some registries that do not provide trust principle despite the fact that they are open. Apart from pledge right, trade registry, mine registry can be exemplified for these registries. Some registries have neither confidence function nor openness function.

Surely, making civil status registry open to all and support it with trust principle is not possible in respect to the protection of personality rights. However, it is a great discrepancy that there is not publicity function in retention of title registry, animal registry and traffic registry. When all registry system are handled together, negative influence, meaning that right can be born with registration on registry, is found in all. But positive influence, meaning trust principle, is found only in land registry in respect to all rights in rem, in ship and aircraft registry in respect to pledge right. It is not to forget that openness states that registry is available for all providing that they must prove their interest. However, respect and protection of personality must be always preferential⁵⁷.

⁵⁶ Uyumaz, 2011, p. 145.

⁵⁷ For more information see, Oktay-Özdemir, S. (2006) Kişilik Hakları ve Bilgi Alma Hakkı Çerçevesinde Tapu Sicilinin Aleniliği (Kamuya Açıklığı) İlkesi, Prof. Dr. Özer Seliçi'ye Armağan. p.503-528.

References

- AKINCI, S. (1958). *Türk Hukukunda Gemi İpoteği*. Ankara: Ajans Türk Matbaası.
- AKİPEK, J. G. (1972) *Türk Eşya Hukuku*. Vol. I, 2nd Edition. Ankara: Sevinç Matbaası.
- AKİPEK, J. G. (1973) *Türk Eşya Hukuku*. Vol. II, 2nd Edition. Ankara: Sevinç Matbaası.
- AKİPEK, J. G. and AKINTÜRK, T. (2009) *Eşya Hukuku*. İstanbul: Beta Yayınevi.
- AKKURT, S. S. (2014) *Türk Sivil Havacılık Mevzuatı ve Uluslararası Konvansiyonlar Kapsamında Sivil Havayolu ile Yolcu Taşımacılığında Kaynaklanan Hukukî Sorumluluk*. Ankara: Seçkin Yayıncılık.
- AKMAN, R. (1965). Trafik Sicilinde Müşahade Edilen Bir Noksan. *İstanbul Barosu Dergisi*. 39 (1-2-3) p.143-147.
- ALGANTÜRK LIGHT, S. D. (2006) TTK Tasarısı'nın Deniz Ticareti Başlıklı Beşinci Kitabı İle Getirilen Düzenlemeler ve Değerlendirmeler. *İstanbul Ticaret Üniversitesi Sosyal Bilimler Dergisi*. 5 (10), p. 23-145.
- ALTORFER, P. (1981) *Die Mobiliarhypothek. Ein Beitrag zur Reform des Fahrnispfandrechts*. Zürich: Schulthess Polygraphischer Verlag.
- ANTMEN, A. (2001) *Ticarî İşletme Rehni*, Ankara: Yetkin Yayınevi.
- ARKAN, S. (2009) *Ticarî İşletme Hukuku*. 13th Edition. Ankara: Banka ve Ticaret Hukuku Araştırmaları Enstitüsü Yayınevi.
- AYAN, M. (2014) *Eşya Hukuku. I. Zilyetlik ve Tapu Sicili*. 10th Edition. Konya: Mimoza Yayınevi.
- AYAN, M. (2014) *Eşya Hukuku. II. Mülkiyet*. 17th Edition. Konya: Mimoza Yayınevi.
- AYAN, M. (2014) *Eşya Hukuku. III. Sınırlı Aynî Haklar*. 6th Edition. Konya: Mimoza Yayınevi.
- AYAN, M. and AYAN, N. (2014) *Kişiler Hukuku*. 6th Edition. Konya: Mimoza Yayınevi.
- AYBAY, A. and HATEMİ, H. (2009) *Eşya Hukuku*. İstanbul: Vedat Kitapevi.
- AYİTER, N. (1987) *Eşya Hukuku*. 3rd Edition. Ankara: Sevinç Matbaası.
- BALL, K. (1928) *Die Mobiliarhypothek (Das Registerpfand)*. Königsberg Pr: Kopal.
- BAŞPINAR, V. (2008) Elektronik Tapu Sicili Düzenlenirken Tapu Sicilinin Aleniyeti ve Diğer Alanlarla İlgili Alınması Gereken Tedbirler. *Ankara Üniversitesi Hukuk Fakültesi Dergisi*. 7 (3), p. 97-132.
- BAUMANN, M. (2008) *Sachenrecht*. Zürich: Dike Verlag AG.
- BERGER, B. (2002) Registrierung von Mobiliarsicherheiten. *Zeitschrift des Bernischen Juristenvereins*. 138. p.197-256.
- CANSEL, E. (1964) *Tapu Siciline İtimat Prensibi*. Ankara: Ankara Üniversitesi Hukuk Fakültesi Yayınları.
- ÇELİKTAŞ, D. (1987) Motorlu Taşıt Aracının Noterde Satış ve Devri Geçerlilik Şartı mıdır? *Manisa Barosu Dergisi*. (2). p.2-5.
- DAENIKER, H. (1908) *Die Mobiliarhypothek im modernen schweizerischen und französischen Recht*. Zürich.
- DOĞAN, M. (2008) Teslime Bağlı Olmayan Sicilli Motorlu Taşıt Rehni. *Erzincan Üniversitesi Hukuk Fakültesi Dergisi*. XII (3-4) p. 181-207.
- ENGI, A. (1929) *Die Fahrnisverschreibung im schweizerischen Recht unter besonderer Berücksichtigung der französischen und deutschen Gesetzgebungen*. Bern: Stämpfli.
- ER, R. (1988) Bankalar Açısından Araç Rehninin Menkul Rehni İçindeki Hukukî Durumu. *Yargıtay Dergisi*. 24 (3). p. 285-292.
- ERTAŞ, Ş. (2001). Tapu Sicilinin Yanlış Tutulmasından Doğan Zararlardan Hazinesinin Sorumluluğu. Prof. Dr. Turhan Tufan Yüce'ye Armağan. İzmir: Dokuz Eylül Üniversitesi Yayınevi.
- ERTAŞ, Ş. (1982) Trafik Sicilinin Hukukî İşlevleri. *İzmir Barosu Dergisi*. (1). p.13-24.

- ERTAŞ, Ş. (2005) Türk Hukukunda Teslimsiz Taşınır Rehni. *Türkiye Noterler Birliği Hukuk Dergisi*. (127) p. 77-91.
- ERTAŞ, Ş. (2006) *Yeni Türk Medenî Kanunu Hükümlerine Göre Eşya Hukuku*. 7th Edition Ankara: Seçkin Yayıncılık.
- ESENER, T. and GÜVEN, K. (2008) *Eşya Hukuku*. 4th Edition Ankara: Turhan Kitapevi.
- FOËX, B. (1997) *Le Contrat de Gage Mobilier*. Francfort Bâle et Francfort-sur-le-Main: Helbing & Lichtenhahn.
- GİRSBERGER, D. (1997) *Ist Das Faustpfandprinzip Noch Zeitgemäss? Schweizerische Juristen-Zeitung* 93 (6). p.97-109.
- GÖGER, E. (1979) *Maden Hukuku*, Ankara: Ankara Üniversitesi Hukuk Fakültesi.
- HAFFTER, M. (1928) *Das Fahrnispfandrecht und Andere Sachenrechtliche Sicherungsgeschäfte nach dem Schweizerischen Zivilgesetzbuch*. Bern: Stämpfli & Cie.
- HIZIR, S. and TURAEV, A. (2008) Türk Hukukunda Hava Araçları Üzerinde İpotek Tesis Edilmesi. *Ankara Üniversitesi Hukuk Fakültesi Dergisi*. 57 (3). p. 371-407.
- HOMBERGER, A. (1950) *Aynî Haklar, Zilyedlik ve Tapu Sicili*. (Translated by Suat Bertan) Ankara: Adalet Bakanlığı.
- İNAN, A. N. (1967) Yeni Tüzüğüne Göre Hayvan Rehni. *Adalet Dergisi*. (1-12). p.648-680.
- JOHANNES, H. (2007) *Das Pfandrecht an Bewegliche Sachen in Deutschland und England im 19. Jahrhundert. Entstehung, Umfang, Übertragung*. Würzburg: Grin.
- JUDIT, B. and Orsolya, E. S. (1996) *Die Mobiliarhypothek und deren Register, Festschrift für Helmut Schippel*. München: CH Beck.
- KALPSÜZ, T. (2004) *Gemi Rehni*. 5th Edition, Ankara: Banka ve Ticaret Hukuku Araştırma Enstitüsü.
- KANER, İ. D. (2004) *Hava Hukuku (Hususî Kısım)*. 2nd Edition. İstanbul: Filiz Kitapevi.
- KENDİGELEN, A. (2011) *Türk Ticaret Kanunu Değişiklikler, Yenilikler, Tespitler*. İstanbul: Oniki Levha Yayınevi.
- KURTOĞLU, S. (1963) Fransız Hukukunda Otomobiller Üzerinde Rehin Tesisi, *Banka ve Ticaret Hukuku Araştırma Dergisi*, II (1). p.58-72.
- LEEMANN, H. (1925) *Kommentar zum Schweizerischen Zivilgesetzbuch, Sachenrecht, IV. Band, II. Abteilung: Art. 730 – 918*. Bern: Stämpfli & Cie.
- OFTINGER, K. and BÄR, R. (1981) *Das Sachenrecht, Das Fahrnispfand, Art. 884 – 918*. 3th Edition. Zürich: Schulthess
- OĞUZMAN, K., SELİÇİ Ö. and OKTAY – ÖZDEMİR, S. (2012) *Eşya Hukuku*. 16th Edition. İstanbul: Filiz Kitapevi.
- OKTAY ÖZDEMİR, S. (2006) Kişilik Hakları ve Bilgi Alma Hakkı Çerçevesinde Tapu Sicilinin Aleniliği (Kamuya Açıklığı) İlkesi, *Prof. Dr. Özer Seliçi'ye Armağan*. p.503-528.
- OZANOĞLU, H. S. (2001) Türk Medenî Kanunu'nun 940. Maddesinin II. Fıkrası (Motorlu Araç Rehni) Üzerine, Über Das Türkische ZGB Art. 940/Abs. 2 (Fahrnisverschreibung bei Motorfahrzeugen), *Gazi Üniversitesi Hukuk Fakültesi Dergisi*. V (1-2) p.22-38.
- ÖĞÜZ, T. (2000) Motorlu Araçların Rehnine İlişkin Uygulamanın Kamuya Açıklık (Aleniyet) İlkesi Açısından Değerlendirilmesi. *Prof. Dr. Kemal Oğuzman'ın Anısına Armağan*. p.693-725.
- ÖZTAN, B. (1994). *Şahsın Hukuku, Hakiki Şahıslar*. 6th Edition. Ankara:Turhan Yayınevi.
- REICH, B. (2006) *Das stille Pfandrecht der Niederlande*. Göttingen: Universitätsverlag Göttingen.
- REİSOĞLU, S. (1965) *Menkul İpotegi, Teslimsiz Menkul Rehni*. Ankara: Ankara Üniversitesi Basımevi.
- REİSOĞLU, S. *Ticari İşletme Rehni ve Son Yasal Düzenleme*. www.tbb.org.tr/turkce/konferans/sr-ticari%20isletme%20rehni.doc. [Accessed 14th May 2015].
- REİSOĞLU, S. (2002) Yeni Medenî Kanun'un Bankaları İlgilendiren Başlıca Farklı Düzenlemeleri. *Bankacılar Dergisi*. (40) p.67-74.

- SAYMEN, F. H. and ELBİR, H. K. (1963) *Türk Eşya Hukuku Dersleri*. 2nd Edition, İstanbul: Filiz Kitapevi.
- SEROZAN, R. *Taşınır Eşya Hukuku*. 2nd Edition. İstanbul: Filiz Kitapevi.
- SİRMEN, L. (1976) *Tapu Sicilinin Tutulmasından Doğan Zararlardan Devletin Sorumluluğu*. Ankara: Ankara Üniversitesi Hukuk Fakültesi Yayınları.
- STUDER, J. and SİGERIST, M. *Übungsbuch Sachenrecht*, Zürich: Orell Füssli Juristische Medien.
- ŞEKER, Z. (1999) Türk Hukukunda Gemi Sicillerinin Düzenlenişi ve Sahip Olduğu Fonksiyonlar. *Cumhuriyetin 75. Yıl Armağanı*. p. 879-896.
- TEKİNAY, S. S. *et al.* (1989) *Tekinay Eşya Hukuku*. Vol. I. 5th Edition. İstanbul: Filiz Kitapevi.
- UYUMAZ, A. (2011) *Motorlu Taşıt Rehni*. İstanbul: Oniki Levha Yayınevi.
- ÜNAL, A. (2006) Üçüncü Kişilere Etkileri Açısından Ticaret Sicilinin Fonksiyonları. *Legal Hukuk Dergisi*. 4 (41). p.1395-1411.
- TUOR, P. *et al.* (2009) *Das Schweizerische Zivilgesetzbuch*. 13th Edition. Zürich – Basel – Genf: Schulthess Verlag.
- WIELAND, C. (1946) *Aynî Haklar* (Translated by İsmail Hakkı Karafakı), Kısım II, Ankara: Arkadaş Matbaası.
- YENİCE, K. (1965) Hayvan Rehni ve Tüzüğü. *Adalet Dergisi*. (10) p.1196-1205.
- ZOBL, D. (1982) *Berner Kommentar IV, Das Sachenrecht, Das Fahrnispfand, Systematischer Teil und Art. 884 – 887 ZGB*, Bern: Stämpfli.