

“Justice in the Virtual World” Report on the Academic Program of the 9th International Crime and Punishment Film Festival, 22-28 November 2019, Istanbul University Doctorate Hall

“Sanal Dünyada Adalet”

9. Uluslararası Suç ve Ceza Film Festivali Akademik Program Raporu, 22-28 Kasım 2019, İstanbul Üniversitesi Doktora Salonu

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The International Crime and Punishment Film Festival, which annually unites perspectives from academia and art around the theme of “Justice for All”, was held for the 9th time on 22-28 November 2019. This year, the topic of the academic program was “Justice in the Virtual World” and covered digital transformation, information systems, Internet communication law, social networks, artificial intelligence, cyber-crimes, virtual property, and human rights in cyberspace. The academic program was held for four days in the historical Doctorate Hall of the Istanbul University Rectorate Building and hosted national and international academics hailing from Brazil, Germany, Hungary, the Netherlands, Romania, Serbia, Turkey, and the USA.

Technology has become an indispensable facilitator in our personal lives, the economy, and public activities; thus, issues surrounding technology are under the scrutiny of many disciplines. Accordingly, the festival hosted experts in information technology (IT), law, engineering and natural sciences, psychiatry, as well as members of the cybercrime department of the Istanbul Police Force who presented in Turkish and English. Experts discussed “Justice in the Virtual World” from various

perspectives and different viewpoints, thereby providing a multidisciplinary perspective to the participants.

The International Crime and Punishment Film Festival, which joins the worlds of cinema and legal academia and introduces them to an international audience, is a unique event. Given that the presentations at the International Crime and Punishment Film Festival are published as edited volumes, this festival could be considered the only “festival with books.” The festival also enriches socio-cultural life as it showcases select justice-themed films from all over the world.

1. Implications of Cyberspace and Artificial Intelligence

In the opening panel, Cem Say, Kemal İnan, and Bilal Eren discussed how artificial intelligence (AI) should be viewed in terms of computer engineering, as well as the impact of AI on elections and politics. The speakers also discussed the future of AI and the law, and from a technical point of view, debated whether artificial intelligence could have free will.

In his presentation on “AI Judges”, Cem Say explained that AI is an engineering project that has started to attract more public attention in recent years. Say pointed out that AI can learn and “decide” by training data fed into information systems through machine learning, and in order to reduce the workload of courts, such AI must be developed. The following speaker, Kemal İnan, presented his paper on “AI and the Law”. İnan stated that statistical learning theory is used in legal AI and if all data related to the subject are fed into AI, it could predict results. İnan stressed that technically speaking, AI systems cannot have free will. Bilal Eren, the third speaker, presented the paper, “The Impact of Algorithms in Our Lives (Elections and Politics) on the Cambridge Analytica Scandal Example”. Eren noted that all social media interactions are monitored and collected, through which psychometric data sets are created and used to psychometrically profile people for purposes of modern social engineering. He stated that data analyses are coupled with certain algorithms in many elections and political activities across the world.

In the second session moderated by Yasemin Işıktaç, the speakers Bengi Semerci, Nevzat Alkan and Haluk Toroslu presented their papers.

Bengi Semerci presented her paper on the “Psychological Effects of Virtual Reality and Social Media”, and discussed the impact of social media on human psychology. Noting that cyberbullying has become a serious problem, she expressed

that social media causes depression and even suicide, and triggers narcissistic personality disorder in some people. The following speaker, Nevzat Alkan, presented his paper on the "Effects of the Virtual World in Victims of Crime". Alkan pointed out that people can easily deceive each other on social media and that the Internet can expose individuals to crimes of sexual abuse, fraud, and obscenity. Haluk Toroslu, the last speaker, stated in his presentation titled "Social Media as a Way of Exposing Social Anger Against Crime" that the most notable benefit of social media and the Internet is the free flow of information. However, he also expressed that besides the liberating aspect of social media in the sense of self-expression, dissemination of anti-social acts on social media can sometimes lead to lynching of the involved individuals. Toroslu pointed out that lynch culture impacts judicial decisions and leads to stigmatization and humiliation of individuals.

The third session was moderated by Cüneyt Yüksel and the speakers were İbrahim Kaya, Vesile Sonay Evik, and Eren Sözüer.

The first speaker of the third session, İbrahim Kaya, presented on the topic of "Artificial Intelligence and International Law" and discussed AI under international law and conventions. Vesile Sonay Evik analyzed personal data protection under comparative law and European Union law. Evik pointed out that while the European Union has regulated the flow of personal data since the 1990s, personal data is not adequately protected. Eren Sözüer, the third speaker, presented her paper titled "A Rights-Based Perspective Against the Datafication of Children", on the risks posed by ubiquitous and comprehensive data collection of children by the government and private entities. Sözüer explained how children are profiled through their data, how such profiles are used in public decision-making, and the relevant human rights implications.

The first day was concluded with the presentations of Stephen Thaman, Zeljko Nikac, and Cristian Mihes, moderated by Cemil Kaya. The first speaker, Stephen Thaman, examined the impact of the compulsory analysis of personal communication on the right to privacy and the right not to provide self-incriminating evidence in his presentation titled "Compelling Decryption of Private Communication: Impact on the Right to Privacy and the Privilege Against Self-Incrimination". Zeljko Nikac, the second speaker, examined cybercrime regulations in Serbia and discussed methods of combating cybercrime in his presentation on "Combatting Cybercrime in the Republic of Serbia". Cristian D. Mihes, the last speaker of the session, addressed the role of AI

practices in criminal proceedings in his presentation titled “An Actual ‘Game Changer’ in the Administration of Criminal Justice”.

2. Effects of Digitalization on the Justice System

The second day of the academic program started with the presentations of Murat Volkan Dülger, Eylem Aksoy Retornaz, and Ezgi Cankurt and the session was moderated by Fatih Selami Mahmutoğlu.

In his presentation, Murat Volkan Dülger explained what AI is and discussed the impact AI can have on the general theories of crime and enforcement in his presentation entitled “The Effect of Artificial Intelligence Development on Crime and Enforcement Theory”. Eylem Aksoy Retornaz, in her presentation titled “Autonomous Vehicles and Criminal Law”, explained what autonomous vehicles are and discussed criminal liability in possible accidents. The last speaker of the session, Ezgi Cankurt, in her presentation titled “On the Verge of Singularity Robots and the Trans-Human Age: Criminal Liability of Artificial Intelligence”, evaluated AI with a futuristic approach through the concept of legal personality in terms of civil and criminal liability.

The sixth session was moderated by Liane Wörner. The speakers of this session were Kristina Karsai, Pınar Ölçer, and Andor Gal. Kristina Karsai made an ethical and legal assessment of the use of AI in criminal proceedings in her presentation titled “Ethics and Law for AI in the Context of Criminal Justice”. Pınar Ölçer presented on “Cybercrime in the Netherlands, Specific Part and General Part, Positioning in the Code”. Finally, Andor Gal addressed personal data protection in Hungarian law in his presentation titled “Protection of Personal Data in the Hungarian Criminal Law About the Effects of GDPR in the Field of Criminal Liability”.

In the seventh session, Liane Wörner, Nicolai Preetz, Fausto Martin De Sanctis and Bernd Holznagel presented their papers under the moderation of Kristina Karsai. Liane Wörner and Nicolai Preetz examined the concept of the “Darknet” and analyzed its negative effects in criminal law from a German law perspective. Wörner and Preetz expressed that the failure to monitor the sequence of user actions in relation to crimes committed on the Darknet made this environment anonymous, and that deficiencies in the law should be addressed. Fausto Martin De Sanctis, in his presentation titled “Updating Cyberjustice Data in Brazil: Moving Forward with Artificial Intelligence”, explained the AI systems used in the trial and enforcement

phases in Brazil. Finally, Bernd Holznagel presented the paper titled "Digitalisation and Justice" and addressed intellectual property rights on social media and the necessity to eliminate legal deficiencies.

3. Social Media-Artificial Intelligence-Information Systems in Criminal Law

The eighth session was held on the third day of the festival under the moderation of Murat Volkan Dülger with the presentations of Güneş Okuyucu Ergün, Tuba Kelep Pekmez, and Muhammed Demirel.

Güneş Okuyucu Ergün, in her presentation titled "Social Media and Publicity", explained that in order to determine whether a social media account is public or private, privacy settings should be taken into account. Tuba Kelep Pekmez, in her presentation titled "Offenses of Defamation Committed on the Internet", discussed offenses of defamation committed through e-mails and online messaging and sharing. The last speaker of the session, Muhammed Demirel, discussed how opinions expressed on Twitter through "retweet" and "fav" buttons should be assessed under criminal law theory and gave examples from Court of Cassation judgments in his presentation titled "Retweet & Fav: Assessment of the Criminal Law of Sharing or Liking a Tweet".

The ninth session, which was the second session of the day, was held under the moderation of Mehmet Maden with presentations from Zafer İçer, Başak Buluz, Fethiye Nur Baştürk Akkaya, Ceren Özbek, and Büşra Özçelik.

The first speakers of the session, Zafer İçer and Başak Buluz, presented their paper on "The Role and Future of Artificial Intelligence in Criminal Procedure Law" and explained AI systems used for criminal proceedings along with their predictions for the future of Criminal Procedure. Fethiye Nur Baştürk Akkaya, in her presentation titled "Judicial Review of Administrative Discretion in the Digital Era: How Can AI Assess Public Interest?", addressed legal issues that may arise when AI is used by administrative agencies and when AI could be used to make decisions. Ceren Özbek, in her presentation titled "Creative Intelligence: Copyright Protection for AI Generated Works and Authorship Problem", discussed how copyright can be limited and explained when the concept of ownership of works goes beyond its traditional meaning and AI contributes to the work. The last speaker of the session, Büşra Özçelik, in her presentation titled "Concurrence in Unauthorized Access", addressed

the question of the way to follow in the context of concurrence in cases where the executive actions of the crime of unauthorized access overlap completely or partially with other cybercrimes' executive actions.

4. Digital Evidence-Darknet-Cyber Crimes

The fourth day of the academic program started with the presentations of Kerim Çakır, Cüneyt Pekmez, and Buket Abanoz, and was moderated by Bilgehan Çetiner.

The first speaker of the session, Kerim Çakır, presented on the issue of "Prevention of Access to the Publication Content of the Internet Environment for the Privacy of Private Life" article 9 / A of the Law No. 5651 on The Law on the Regulation of Broadcasts via Internet and Prevention of Crimes Committed through Such Broadcasts. Cüneyt Pekmez, in his presentation titled "Data Supervisor of Autonomous Vehicles" addressed issues of data supervision with regard to autonomous vehicles under the Turkish Personal Data Protection Law, Article 3(i). Buket Abanoz, presented her paper "Law for All: E-Lawyer" and talked about the software, "Ask a Lawyer", which solves legal problems.

The eleventh session of the academic program was moderated by Mahmut Koca with presentations from Ali Kemal Yıldız, Pınar Memiş Kartal and Özgür Karlitepe.

The first speaker of the session, Ali Kemal Yıldız examined cybercrimes in the Turkish Criminal Code in his presentation titled "Cybercrimes under Turkish Law". Pınar Memiş Kartal addressed the concept of personal data in national and international law in her presentation titled "The Limits of Use of Personal Data in the Context of the Right to Privacy". Director of the Cybercrime Department of the Istanbul Police, Özgür Karlitepe, presented his paper "Cybercrimes for Profit" on cybercrimes committed for economic profit and shared his experience from practice.

The last session of the Festival Academic Program was moderated by Ali Kemal Yıldız with presentations from Olgun Değirmenci, Reşit Karaaslan, and Ali Osman Karaoğlu.

Olgun Değirmenci explained the concept of hash value in his presentation titled "The Concept of Hash Value and the Collision of Hash Value as the way to Provide Unassailability of Digital Evidence" and explained the possible effects of the hash value overlap. In his presentation titled "Darknet: Investigation in Dark Web – Law Enforcement Officers and Secret Investigators Secretly Investigating in the Digital

Underworld", Reşit Karaaslan firstly shared the concept and operation of the Darknet. Karaaslan discussed the circumstances in which the person assigned the investigation should be considered as a confidential investigator or a law enforcement officer. Ali Osman Karaoğlu, the last speaker of the academic program, examined the issue of reputation protection under the European Conventions of Human Rights and human rights law in his presentation entitled "Protection of Reputation in Judgments of the European Court of Human Rights".

Finally

In its ninth year, the "Justice for All" themed International Crime and Punishment Film Festival focused on "Justice in the Virtual World". Many issues, ranging from artificial intelligence to information systems were discussed. Since 2011, the Festival has opened up many important issues to discussion with an interdisciplinary perspective. This year's theme was examined from various perspectives such as law, informatics, psychology, and sociology. We would like to thank participants from Turkey and elsewhere who shared their valuable ideas and offered support to our academic program. I would like to emphasize that after our ninth year, we will enthusiastically take every new step with support from our friends, knowing that they are always with us on the road to "Justice for All". Our festival will continue to address timely and problematic issues through the lens of rights and freedoms and social responsibility.

