

# AZ ÁLLAM ÉS JOG DIGITÁLIS KÖRNYEZETE A 21. SZÁZADBAN

## Absztraktfüzet

Szegedi Tudományegyetem  
Állam- és Jogtudományi Doktori Iskola

<http://www.juris.u-szeged.hu/doktori-iskola>



**A konferencia időpontja:**  
2022. május 13. 9:30-18:00

**A konferencia helyszíne:**  
Online Coospace BBB programon keresztül

## **MAGYAR NYELVŰ SZEKCIÓ**

**Helyszín:** <https://www.coosp.etr.u-szeged.hu/Scene-679092/Attendance-2489629>

**Szekcióelnök:** Dr. Kertész Dr. Váradi Szilvia, adjunktus (SZTE)

09:45-10:15 **Botos Mihály Bálint** (SZTE)

Online véleménynyilvánítás - különös tekintettel rémhírterjesztésre

10:15-10:45 **dr. Hussein Jasmine** (SZTE)

A COVID-19 és a digitális bebörtönzés

10:45-11:15 **dr. Molnár Péter** (KRE)

Az elektronikus ügyintézés tendenciái a közigazgatás helyi szintjén

11:15-11:45 **Pintér Melinda** (NKE)

Elektronikus szavazás Magyarországon - Miért nincs, ha lehetne?

11:45-12:15 **Tőreki Milán** (NKE)

A pénzügyrendszer digitalizációjának kihívásai: kriptovaluták jelensége

12.15-12.45 **Technikai szünet**

12:45-13:15 **dr. Kiss Laura Olga** (NKE)

What artificial intelligence cannot do from a judge's perspective?

13:15-13:45 **dr. Szívós Alexander** (PTE)

Arising challenges in taxation - The treatment of cryptocurrency

13:45-14:15 **Tóth Szimonetta** (SZTE)

The relationship between AI risk analysis and prosecution in the United States of America

## ONLINE VÉLEMÉNYNYILVÁNÍTÁS - KÜLÖNÖS TEKINTETTEL RÉMHÍRTERJESZTÉSRE

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**PhD hallgató**

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*Témavezető: Prof. Dr. Szomora Zsolt egyetemi tanár és Dr. Gál Andor adjunktus*

*Kutatási terület: a véleménynyilvánítás kollektív büntetőjogi korlátai*

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Online véleménynyilvánítás - különös tekintettel rémhírterjesztésre

Az internetnek köszönhetően mindenki szabadon kifejezheti véleményét a közösségi portálokon. A véleménynyilvánítási szabadság kitüntetett szerepéből adódóan, amennyiben a szólás a közügyeket érinti, a korlátozás igen szűk körben megengedett. Előadásomban a köznyugalmat sértő, kollektív jogi tárggyal rendelkező és verbálisan elkövethető azon deliktumokat vizsgálom, amelyek a véleményszabadságot korlátozzák, különös tekintettel a rémhírterjesztésre. A rémhírterjesztés joggyakorlatáról 2020 előtt gyakorlatilag nem beszélhettünk, ugyanis az egyik legritkábban előforduló bűncselekménynek számított. A koronavírus-járványnak köszönhetően a jogalkotó új életet lehelt a tényállásba. A módosítás új bekezdéssel bővítette a tényállást, aminek következtében számos eljárás indult rémhírterjesztés miatt.

Előadásomban vizsgálom a témában született két alkotmánybírósági határozatot [18/2000. (VI. 6.) AB határozat; 15/2020. (VII. 8.) AB határozat], valamint azt, hogy milyen következményei vannak, ha az elkövetőt az interneten közzétett szólás miatt vonják felelőségre. A digitalizáció miatt felmerült kérdésként, hogy külföldön közzétett szólás esetén indítható-e rémhírterjesztés miatt büntetőeljárás?

A vonatkozó joggyakorlat értelmében az elhangzott szólást mindig a szöveg kontextusában kell vizsgálni, hogy adekvát módon el lehessen határolni a tényállítást-értékkítéletet. Az Emberi Jogok Európai Bírósága azonban kidolgozott egy harmadik kategóriát (tényalapú értékkítélet), hogy segítse annak eldöntését, hogy a szólás tényállításnak vagy értékkítéletnek minősül-e. Ennek következtében indokolt megvizsgálni a tényalapú értékkítéletek problematikáját is.

*Kulcsszavak:* véleménynyilvánítás, büntetőjog, alkotmánybíróság, alkotmányos büntetőjog, rémhírterjesztés

## **A COVID-19 ÉS A DIGITÁLIS BEBÖRTÖNZÉS**

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A digitális bebörtönzést (e-carceration) már bevett fogalomként használják az amerikai büntetőjog területén az elektronikus felügyelet széleskörű, már-már káros mértékben elterjedt alkalmazására. Európában ennél jobb a helyzet, mivel az Európa Tanács még 2014-ben fontos jogi garanciákat határozott meg az elektronikus felügyeletről szóló ajánlásában. A COVID-19 járvány azonban nem várt kihívások elé állította az egész világot, így az egyes országok büntetés-végrehajtási szervezetét is. Erre válaszul a legtöbb európai állam igyekezett alternatívákat keresni, amelyek hatékonyan csökkenthetik a börtönnépességet, így megelőzve a járvány intenzív terjedését a fogvatartottak körében. Ilyen alternatívát jelentett az elektronikus felügyelet is, amelyet sok ország vagy bevezetett a büntetés-végrehajtás területére, vagy éppen kibővítette annak alkalmazási feltételeit. Előadásomban ennek vizsgálatára térek ki, górcső alá véve, hogy melyek voltak az ehhez kötődő intézkedések az egyes európai államokban, illetve, hogy ezek milyen változásokat eredményeztek a büntetőjog területén. Ennek vizsgálata és konzekvenciái azért is fontosak, mert jogosan számíthatunk arra, hogy a járvány okozta újítások velük maradnak, vagy éppen szélesebb teret nyernek abból adódóan, hogy olcsóbbnak és könnyebben végrehajthatónak bizonyulnak a „klasszikus” bebörtönzésnél. Fontos azonban látnunk, hogy az előnyök mellett, a digitális bebörtönzésnek számos hátránya is könnyedén azonosítható, amelyeket előadásomban fogok cizellálni, és ezzel együtt potenciális javaslatokat is megfogalmazok a megfelelő korlátok és garanciák felállítására.

*Kulcsszavak:* elektronikus felügyelet, digitális bebörtönzés, COVID-19 járvány, túlzásfolttság, alternatív szankciók

## **AZ ELEKTRONIKUS ÜGYINTÉZÉS TENDENCIÁI A KÖZIGAZGATÁS HELYI SZINTJÉN**

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Magyarországon az utóbbi évtizedben számos, a közigazgatási elektronikus ügyintézés fejlesztésére irányuló intézkedésnek lehettünk tanúi. A jogi környezet változása és a technológiai fejlesztések következtében az elektronikus ügyintézés egyre inkább elérhetővé vált minden polgár számára. Különösen jelentős fejlődésnek lehettünk tanúi az elmúlt években a Magyarországon az utóbbi évtized centralizációs törekvései ellenére is meghatározó szereppel bíró helyi önkormányzatok vonatkozásában.

Noha a rendelkezésünkre álló információk alapján az elektronikus ügyintézés igénybevétele a központi közigazgatásban egyértelműen meghonosodott, az önkormányzatok terén még nem rendelkezünk elegendő számszerűsíthető adattal.

Az központilag üzemeltetett önkormányzati elektronikus ügyintézési rendszer általánosan éppen a COVID-19 megjelenését egy évvel megelőzően került országos kiépítésre. A pandémia megfékezésére irányuló korlátozások az általános vélekedések szerint pozitívan kellett, hogy hassanak az e-ügyintézés minél szélesebb körű igénybevételére.

Tanulmányomban ennek a hipotézisnek az igazolására teszek kísérletet a rendelkezésre álló adatbázisok és saját, közel kétszáz önkormányzat bevonásával végzett primer felmérésem alapján.

Az előadásom tárgyát képező kutatás az ÚNKP támogatásával valósul meg. A konferencián az eddigi részeredmények bemutatása a célom.

*Kulcsszavak:* e-közigazgatás, önkormányzatok, e-ügyintézés

## A PÉNZRENDSZER DIGITALIZÁCIÓJÁNAK KIHÍVÁSAI: KRIPTOVALUTÁK JELENSÉGE

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A pénz szerepe és megjelenése a történelem során folyamatosan átalakult: a kezdetleges materiális árupénztől fokozatosan fejlődött, míg végül a hangsúly az immateriális pénzeszközökre tolódott. Erre kiváló példa lehet Svédország, ahol a jelenlegi adatok szerint 2% alatt van a készpénzes fizetések aránya: ezzel az értékkel a világon az első helyen van a készpénzmentesség tekintetében. A legtöbb bank már nem fogad el készpénzt, sőt a templomokban és a hajléktalanoknak is már kártyával lehet adakozni. A svédországi jelenségnél sokkal meghökkentőbb folyamat játszódik le Kínában. 3 év leforgása alatt, 2016-ban a mobillal történő fizetések 5,5 billió dollárt tettek ki, ami nagyjából az amerikai piac ötvenszeresének felelt meg. Ez a fajta tendencia több, biztonságpolitikai, gazdasági és kulturális kérdést fog felvetni, ugyanis már a bankszámlapénz sem kizárólagos, mivel rengeteg új alternatív fizetési mód, kriptovaluta jelent meg, amelyek függetlenek nemzeti kormányoktól és a kontrolált bankrendszert megkerülve kínálnak új lehetőségeket. Véleményem szerint fel kell készülni ezekre a változásokra, mivel már gyakorlatilag a mindennapjaink részeivé válnak. Tehát hipotézisként megfogalmazom azt a tételmondatom, miszerint: a közeljövőben a nemzeti bankok hagyományos értelemben vett jogköre és feladatköre érdemben át fog alakulni. Tézisként állítható, hogy a különböző kriptovaluták előretörésével egyre inkább növekszik az online valuták népszerűsége (2021. január elején az egyik legnépszerűbb kriptovaluta, a bitcoin új történelmi csúcst döntött. Egy egység bitcoin 40 ezer USA dollárba került!) és kereslete, ezzel egyenes arányban nő az aggodalom, hogy a szabályozatlanság milyen hatással van a gazdaságra globálisan. A kriptovaluta-hálózat jelentős hiányokat mutat a szabályozások területén, nem beszélve a bűnözőkről, adókerülőkről, pénzmosókról.

Kifejezetten nehéz a tranzakciók nyomon követése, néhány esetben szinte lehetetlen. A rendszer által ajánlott anonimitás szintén kecsesítő lehet a pénzmosáshoz. Ugyanakkor szabályozási hálót szeretne az EKB is és az EU is a kriptovaluta világában, de ez átfogó és nemzetállamokon átnyúló egyezményt igényelne.

Kérdés, hogy ez a problémakör mennyire lesz jellemző hazánkban a jövőben, illetve hogyan fog hatni a magyar pénzkibocsátás jogrendjére az EU ezen szabályozása és egyáltalán, hogy integrálhatók a magyar jogrendbe? Ezzel a témával való foglalkozás túlságosan futurisztikusnak tűnhet, de ha utána nézünk, már Budapesten is számos olyan üzlet van, ahol lehetőség van különböző kriptovalutákkal való fizetésre. Ez a jelenség további elmélkedésre adhat okot. Hogyan működhet ez az Európai Unió területén? Milyen kontrollt végez(het) az EKB? Egyáltalán kinek a jogköre ilyen valutáknak a forgalomba hozatala, egyáltalán elfogadjuk őket valutának?

*Kulcsszavak:* pénzkibocsátás, digitalizáció, kriptovaluták, bitcoin, szabályozás

## WHAT ARTIFICIAL INTELLIGENCE CANNOT DO FROM A JUDGE'S PERSPECTIVE?

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It is becoming more and more well known what artificial intelligence is good for, in how many areas, including the field of law, can make our lives easier. The aim of the research and the lecture to be held as a result of it is based on thinking backwards and exploring what artificial intelligence is not capable of according to the current state of science. It explores the topic of how artificial intelligence could be used in court proceedings, what areas would remain where human intervention would be absolutely necessary, given the fact that artificial intelligence is not suitable for the task at hand.

The research is mainly based on the examination of psychological-cognitive abilities, and the results highlight that artificial intelligence is not capable of neoteny (the ability to progressively rejuvenate, juvenilisation).

Neoteny is the purely human trait that allows an individual to return to a lower function level than before, even if they have already above that level, but consider it to be the most appropriate for them. Illustrated with a simple example: it can be observed that a child who is already a house-trained, when their younger sibling is born, suddenly needs to be diapered again because they see that this way their parents will spend more time with them so this is more advantageous for them at that moment.

Examining neoteny in the light of court proceedings, it can be said that it is essential that a judge, when evaluating a case involving a minor (child), be able to “return” to the child’s thinking in order to interpret the child correctly.

Similarly, the role of creativity, emotional intelligence, critical thinking, ethics, social perceptiveness in the work of a judge, as well as the shortcomings of artificial intelligence in this field, will be discussed.

*Keywords:* court proceedings, AI, judge, AI's obstacles, neoteny, EQ

## **ARISING CHALLENGES IN TAXATION - THE TREATMENT OF CRYPTOCURRENCY**

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Blockchain technology is a closely followed topic in the financial technology industry. Even though cryptocurrency has been around for a few years now, it still seems not to be well-defined. The global crypto market capitalization has passed 2 trillion dollars, however, there is much uncertainty in the regulation regime worldwide. To some, cryptocurrency is an investment, to others it is property, and some may even say it is a commodity. The governments' attitude towards cryptocurrencies, and in particular towards the underlying technology are very diversified. Different jurisdictions, different approaches. More and more regulators are worrying about criminals who are increasingly using cryptocurrencies for illegitimate activities like money laundering, terrorist financing and tax evasion. It is essential to create favorable conditions for the establishment and development of the sector, while protecting all market participants' interests. Cryptocurrencies require a special tax structure of their own, especially because their decentralized nature was built specifically to ensure non-compatibility with overarching revenue siphoning methodologies. In other words, nations need to consider this futuristic digital asset as a stand-alone economic element that deserves a taxation structure of its own. The presentation will identify key tax policy considerations of cryptocurrencies by overviewing some of the major country treatments focusing on the USA, Latin-America and Europe. The author will also examine the typical "lifecycle" of a unit of virtual currency, emphasizing the key stages in which tax consequences may arise. Last, but not least will highlight common challenges and emerging issues in taxing virtual currencies.

*Keywords:* Taxation, Technology, Blockchain, Cryptocurrencies



# THE RELATIONSHIP BETWEEN AI RISK ANALYSIS AND PROSECUTION IN THE UNITED STATES OF AMERICA

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In the 21st century, the rapid development of technology left many people feeling uneasy, but as time went on, we discovered its potential. Artificial intelligence is the future, but its use certainly needs to be monitored. In the United States of America, pre-sentence investigation reports (PSIs) have been used for decades, and in recent years a new element has been added to the information database in several member states: IT-based risk analysis data. If modern society intends to rely on algorithm-based risk analyses as a tool in criminal justice, a critical examination of these methods is crucial. In the United States of America, the need and justification for the use of such methods has been driven by one of the biggest problems in the wider criminal justice system, overcrowding in prisons. The country has an extremely high prison population due to the strict use of criminal law as a deterrent for committing crime. This is, of course, far too costly. So, it is not surprising that in recent years economic austerity has become a central issue in the US criminal justice system. To prevent the overcrowding of prisons, all member states use various assessment tools based on computerized risk analysis, such as COMPAS in many areas of the justice system. In the United States specifically, the use of a patented and secret algorithm in the criminal justice system is generally and widely accepted, albeit not without some reservations, as it could be used to influence the outcome of certain cases. The use of the results of the risk analyses raises unanswered questions such as the right to a fair trial, the principle of publicity, non-discrimination, equality before the law and the requirement of equal treatment, which are currently still to be resolved in the context of the algorithm.

*Keywords: USA, AI, COMPAS, criminal justice, discrimination*

## **I. ANGOL NYELVŰ SZEKCIÓ**

**Helyszín:** <https://www.coosp.etr.u-szeged.hu/Scene-679092/Attendance-2489624>

**Szekcióelnök:** Dr. Csatlós Erzsébet, egyetemi adjunktus, PhD (SZTE)

09:45-10:15 **Hidayatulloh (ME)**

The Legal Reform of Digital Taxation in Indonesia

10:15-10:45 **Narmin Miriyeva (SZTE)**

European payments in the digital age

10:45-11:15 **Mohammad Al animat (DE)**

The Risks Facing Electronic Banking Operations And Legal Protection In Jordan

11:15-11:45 **Namsrai Battulga (PTE)**

Stable coin- shadow banking risks and legal challenges

11:45-12:15 **Ghulam Mujtaba Malik (SZTE)**

Is the legal framework for money laundering in the twenty-first century likely to be a challenge in the digital age?

12:15-12:45 **Bushrat Jahan (PTE)**

Contract Law Regarding Digital Contract in Emerging Economy of 21st Century: A Comparative Study

12.45-13.15 **Technikai szünet**

13:15-13:45 **Constantin Plamadeala (DE)**

Using data analytics for risk analysis on the capacity of migrants to cross illegally the border.

13:45-14:15 **Ekaterina Popova (NKE)**

Digital Migration and State: Threat or Benefit

14:15-14:45 **Mohammad Thoriq Bahri (SZTE)**

Biometric Data Sharing in Addressing Irregular Migration and Security Issues within the Bali Process Framework for Indonesia

## **THE LEGAL REFORM OF DIGITAL TAXATION IN INDONESIA**

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The Indonesian government decided to enact Law Number 2/2020 to support financial stability for handling the Covid-19 pandemic. Among other things, it aims to enforce income taxes on electronic systems transactions by foreign service providers. Moreover, the Indonesian government also levied a Value Added Tax (VAT) for trading through electronic systems that set the rate at 10%, effective on 1 July 2020, based on Ministry of Finance Regulation Number 48/2020 and Director General of Taxes Regulation Number 12/2020. Overseas traders or platforms who have transactions with consumers in Indonesia with an amount exceeding IDR 600 million in 1 year or IDR 50 million in 1 month and/or having several traffic/accessors exceeding 12,000 in 1 year or 1,000 in 1 month, can be appointed as VAT collectors. This paper will examine the new regulation of digital taxation that only addressed foreign intangible goods and services with an approach of justice and equality in tax collection. Besides, this study will discuss the obstacles and challenges for law enforcement. Finally, this policy creates injustice and inequality between domestic and foreign merchants. In addition, Indonesian taxation policy generally preserves a conventional tax dispute mechanism that is tough to adjust. Law Number 2/2020 regulates punishment for non-compliant VAT collectors, but there are no further regulations regarding the execution of these provisions by the Ministry of Finance. The legal certainty for the involved parties is still questionable.

*Keywords:* digital taxation, e-commerce, value added tax, Indonesia

## **EUROPEAN PAYMENTS IN THE DIGITAL AGE**

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Electronic payments must be secure and speedy as long as there are online users. More recently, the epidemic has expedited payment digitization and altered public perception of electronic payment systems not only in Europe, but globally. Consumers and businesses alike prefer computerized contactless card payments over cash as a risk-mitigation technique, and no one reverts to old practices after an outbreak. Consumers' concern about virus transmission, along with government mandates to increase the number of non-cash payments, has led to a fall in the use of cash as a means of payment.

As a result, central banks around the world believe that issuing a central bank digital currency (CBDC) would be more likely in the face of the current COVID-19 challenges in order to increase the supply of new payment services and provide a different option for delivering money to society as a result of changing payment habits to contactless payments rather than cash. Several countries have even launched CBDC pilot programs, putting the technology to the test with real-world consumers and businesses. In terms of launching and testing its digital currency, the digital euro, the Eurozone is no different from other regions. The key problem is whether the Eurozone is technically or legally prepared to utilize this type of money and whether consumers will accept the electronic euro as the next means of payment.

*Keywords: e-payments, digital currency, central bank digital currency, digital euro*

# **THE RISKS FACING ELECTRONIC BANKING OPERATIONS AND LEGAL PROTECTION IN JORDAN**

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The greater growth in the operations and activities of electronic banks has created new problems for banks and responsible authorities such as central banks to exercise sufficient to keep pace with rapid technological progress. In addition to the high potential for fraud, deception and fraud on open networks such as the Internet, due to the absence of traditional practices that are used to ensure the identity and legitimacy of the customer. It should be noted that electronic payment methods appeared in conjunction with the emergence of e-commerce and became one of its components and completed its procedures.

The most important main risks facing the work of electronic banks, which threaten the conduct of banking and financial operations in various countries of the world.

This article aims to follow up on the latest technical protection systems and protection from online fraud and money theft attacks, and here we ask what are the risks facing electronic banks and electronic payment operations, and discuss and review the regulatory legislation issued by the Central Bank of Jordan to adapt to cyber security risks.

*Keywords:* 1. Electronic risk. 2. Security 3. Electronic payment 4. Cybercrime 5. Fraud

## STABLE COIN- SHADOW BANKING RISKS AND LEGAL CHALLENGES

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### Introduction

Traditionally, when payer and payee are unfamiliar to one another, there is a need for trust in mediating individuals or institutions as facilitators and guarantors of the respective transaction. Yet, by offering an impersonal verification technology, crypto-currencies hold out the promise of transparency and credibility without a strict necessity to involve or pay mediators.

Nowadays, instead of banning crypto-currencies, countries are taking steps to bring them under the control of broker-dealer markets and exchanges. This is a realistic way to avoid financial risk.

### Legal aspects of regulating crypto currency

Traditionally, currency transactions are heavily regulated to address concerns about fraud, money laundering, capital flight, currency manipulation, terrorist financing, and more. But today, the regulatory approach to virtual currencies across the world has varied widely.

Crypto-currencies have been recognized since 2012 the EU has continued to release guidance, trend analysis, and regulations about these digital assets. In 2018, the EU started formulating the 5th Money Laundering Directive.

While blockchain technology is essentially decentralized, regulations in China have aimed to guarantee state control over its development and application. For example, the Chinese government has launched its own digital currency the digital yuan.

While crypto-currency is not outlawed in Russia, there is an ongoing conflict being waged against its use. Russia passed its first laws to regulate crypto in 2020, which for the first time designated crypto-currency as property liable to taxation.

In the United States, where the stock market is highly developed, the legal policy on digital money is relatively flexible. In particular, rules and regulations on contract law and financial transactions are being enforced. New York established a framework for regulating crypto-currency platforms, known as Bit License, in 2015.

### Conclusion and proposal

The increasing circulation of digital money in the financial markets is the reason for the need for more detailed legal regulation. The experience of some countries shows that they tend a policy of flexible control over the circulation of electronic money. In particular, The United States and the EU countries are pursuing to a policy of expanding the e-money stock market.

Within the framework of this policy, it is necessary to update banking and financial acts and adopt a regulation on consumer protection. In particular, the law should include requirements for virtual asset service providers, procedures for their registration and monitoring, and provisions related to the confidentiality of information.

*Keywords:* Digital money, Crypto-currency, Bank and finance, legal environment

## **IS THE LEGAL FRAMEWORK FOR MONEY LAUNDERING IN THE TWENTY-FIRST CENTURY LIKELY TO BE A CHALLENGE IN THE DIGITAL AGE?**

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The challenges of money laundering criminality in the twenty-first century are discussed in this study. As criminals must explore new opportunities, which they will, this adaptation skill is crucial in crime, and money laundering is no exception. The virtual digital world's challenges to the AML in the twenty-first century are analyzed. One element that has contributed to the growth of ML activities is technological advancements, while another aspect that has undermined the AML system is a lack of international cooperation and coordination. As a such, mobile payments, digital money, and e-commerce - particularly virtual currency exchanges - are increasingly popular with criminals. Governments have highlighted virtual currency exchange regulation as a critical necessity for efficient anti-money laundering measures. Its goal is to lay forth the AML regime's legal, regulatory, supervisory, and law enforcement structures. Therefore, Following UN, Council of Europe, and FATF recommendations, the EU's Fifth and Sixth Anti-Money Laundering Directives went into effect in recent years, enhancing digital activity obligations and standard reporting requirements. The European Commission proposed the Markets in Crypto-Assets Regulation (MiCA) in September 2020, a framework that strengthens consumer protections, clarifies digital currency industry conduct, and adds additional licensing requirements. This study brings together two major ideas. Money laundering crime and its countermeasures, as well as emerging technology connected with stored value and smart cards, digital cash, and electronic commerce, will undoubtedly represent a challenge to regulators and law enforcement in the twenty-first century in the digital age.

*Keywords:* money laundering, twenty-first century, virtual digital world, legal framework, EU, FATF

## **CONTRACT LAW REGARDING DIGITAL CONTRACT IN EMERGING ECONOMY OF 21ST CENTURY: A COMPARATIVE STUDY**

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In business process or even our everyday life the law of contract and proper enforcement of such law play a very significant role. The emerging economy which is now depend on digital world phenomenon becoming electronic based. The era of internet and social networking making people decentralized and self-regulated which attract on online selling and purchasing. So this actually the sign of expanding the electronic commerce which make products more available to the consumers. In this situation E-Contract is an aid to drafting and negotiating successful contracts for consumer and business and other related services. It is designed to assist people in formulating and implementing commercial contracts policies within e-businesses. It contains model contracts for the sale of products and supply of digital products and services to both consumers and businesses. As the electronic contract is not paper based contract rather related to cyberspace so there must have specification provision about such contract. But in reality there is lack of provision in formation and regulating the electronic contracts. In developing economies country like Bangladesh where computerized generation need more protection but in many judgements not allowed the computerized documents and even Information Technology Act, Contract Act, Evidence Act not wholly justified the electronic contracts. In this paper the legal challenges of electronic contract will be focused. The real situation of contract law regarding the electronic contract in context of Bangladesh comparing to other countries also be discussed. The main purpose of this paper is to explore more possible functionality of e-contracts and ascertain legal implication.

*Keywords:* E-contracts, digital world, cyberspace, e-business, legal aspect



## **USING DATA ANALYTICS FOR RISK ANALYSIS ON THE CAPACITY OF MIGRANTS TO CROSS ILLEGALLY THE BORDER**

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"The migration risks are increasingly prevalent and complex to manage at the border control. Given the inefficiencies of traditional manual risk management practices, research has progressed to using data analytics to objectively and dynamically manage risks on illegal migration. The rapid development of technology has also prompted further innovations in border control. However, border guard agencies must consider practical issues such as machine learning approach on risk assessment to identify the illegal crossings.

The method for this paper will be used the empirical method. Through empirical method will be observed the act of illegal migration that could be performed through different ways. The empirical method would help to produce new solutions for using machine learning in the context of investigation of illegal migration.

This paper aims to study and design a risk assessment system based on big data technology. It is hoped that the system will enhance the ability of border guard agencies to identify the risks of illegal crossings, so as to solve the problem of illegal migration.

As the expected result, the paper will address new approach for investigating cases of illegal migration by using machine learning and big data."

*Keywords:* Illegal migration, risk analysis, machine learning

## **DIGITAL MIGRATION AND STATE: THREAT OR BENEFIT**

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The global coronavirus pandemic has forever changed the world in ""before"" and ""after"". As a result of the pandemic, the world has faced global isolation and de-globalization, which has affected not only the political structure of the world, but also the economic one. Tourism has been one of the most affected business sectors.

In the ""after"" pandemic time, the digitalization of migration in the concept of digital nomad visa has become an increasingly popular concept. It aims at both, fulfilling the needs of countries that are directly dependent on tourism and individual entrepreneurs or remote workers who live a nomad life and are not planning to impose additional pressure on the local job markets.

Until July 2021 just 24 regions have been offering an avenue for ‘workationing’ abroad but more and more countries make digital migration possible.

This study compares two models of migration, classical and digital. The study answers the question, is digital migration really an advantage or is it still a threat?

*Keywords:* migration, digital governance, digital migration, post pandemics

## **BIOMETRIC DATA SHARING IN ADDRESSING IRREGULAR MIGRATION AND SECURITY ISSUES WITHIN THE BALI PROCESS FRAMEWORK FOR INDONESIA**

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The Bali Process Declaration on People Smuggling, Trafficking in Persons and Related Transnational Crime acknowledges the large scale and complexity of irregular migration challenges both within and outside the Asia Pacific region. As one of the efforts to decrease irregular migration in this region, the Regional Support Office of the Bali Process (RSO) was established in 2012 to support the implementation of the Bali Process. In this regard, the Bali Process led to an opportunity to develop the use of technology and biometrics data sharing in migration and border management. The purpose of this paper is to discuss the law and policy in addressing the issue of irregular migration in Indonesia. It also explores the development of the utilization of technology and biometrics in the area of migration, security and border management, as a measure in addressing the problem of irregular migration. The discussion focuses on the role and challenges of technology and biometrics data exchange in border management as one of the most important agreements on the Bali Process. This study finds that the gaps within the ASEAN member states in regulating privacy rights and data protection have caused the difficulties in sharing and exchange data/information particularly biometric data. The method used in this research is the doctrinal legal research, which is mainly referred to as library-based research.

*Keywords:* Immigration; Digital Governance; Migrants; Bali Process

## II. ANGOL NYELVŰ SZEKCIÓ

**Helyszín:** <https://www.coosp.etr.u-szeged.hu/Scene-679092/Attendance-2489628>

**Szekcióelnök:** Dr. Sziebig Orsolya Johanna, adjunktus

09:45-10:15 **Arta Rama-Hajrizi** (SZTE)

The impact of COVID-19 in utilizing the technology for functioning of the courts in Kosovo

10:15-10:45 **Vincent Godana Yatani** (DE)

Harmonizing the digital environment of the State and Law: A case for Kenya.

10:45-11:15 **Assem Kalkamanova** (SZTE)

E-Governance Development As a Successful Legitimation Strategy: a Content Analysis.

11:15-11:45 **Nur Syuhaini binti Abdul Wahi** (NKE)

The Malaysian Public Sector Cybersecurity Strategy: A Review of E-government Legal and Regulatory Framework in Malaysia

11:45-12:15 **Nguyen Thi Quynh** (SZTE)

The legal issues of Electronic Communications under CISG

12:15-12:45 **Claudia Lydorf** (SZTE)

Management of legal knowledge. The organization of access to legal knowledge and the legal regulations concerning legal databases in Germany

12:45-13:15 **Technikai szünet**

13:15-13:45 **Asli Alkis Tumturk** (SZTE)

Parental consent for processing children's personal data under the GDPR and the COPPA

13:45-14:15 **Suad Mahameed** (DE)

Electronic Arbitration Agreement

14:15-14:45 **Giola Cami** (SZTE)

Regulatory framework of Digital Evidence in Criminal Proceedings. Case Study: Albania

## **THE IMPACT OF COVID-19 IN UTILIZING THE TECHNOLOGY FOR FUNCTIONING OF THE COURTS IN KOSOVO**

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The development of technology in the recent decades has clearly addressed the need to integrate technology in the judicial system since it has great potential to substantially improve the court system. The outbreak of COVID-19 in early 2020, forced all courts and public services around the world to adopt technology at swift speed and scale, and switch to online operations in a matter of weeks. Kosovo was no exception in this situation and as COVID-19 spreading, courts closed and there had to be taken immediate steps to ensure functioning of the judiciary and guarantee the basic rights for its citizens. This paper aims to prove that courts in Kosovo need to develop immediately digitalization strategy and improve technological and human capacities to use technology in court proceedings beyond emergency situations.

Providing a legal analysis of the data and reports related to work of the courts in Kosovo during pandemics period, this paper suggests that by incorporating technology tools in courts, people are offered faster access and less expenses; however, this paper also addresses that shifting from in-person to online services is not a solution for all, in particular for the citizen who lack technology tools, such as proper computer or high-speed internet access, or even for the elders who lack the skills to use such tools. Finally, this study suggests that Kosovo Judicial Council should develop clear and detailed strategy to improve the courts technological capacities and develop rules to govern such digital operations, by working at the same time to improve the in-person processes of accessing justice for all citizens.

*Keywords:* Technology, digitalization strategy, legal system, court access

## **HARMONIZING THE DIGITAL ENVIRONMENT OF THE STATE AND LAW: A CASE FOR KENYA**

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As the global society continues to become interconnected and interdependent, aided by decentralizing technology, governments are compelled to harness digital delivery of services in order to address the ever-rising expectations of citizenry. Today's highly networked and decentralized technology comes with system complexity, often forcing actors to pull in different directions depending on their need drive. This essentially triggers the critical need for the government as conductors and convenors of public service, to strive to integrate and harmonize digital environment within which its services are demanded.

Kenya has firmly established itself as a digital pacesetter on the African continent. In a bid to ensure digital economy benefits become a reality, the country has embarked on digital transformation journey with enthusiasm. As the entirety of sectors that operate using digitally enabled communications and networks leveraging internet, mobile and other technologies continue to grow in Kenya's public sector, the question of how to in sync these services to minimize friction across government entities and enhance service delivery to the citizenry, has ignited greater attention than ever before.

Premised on the desire to harmonize and integrate government's digital services, this paper advocates for the need to set out guidelines to underpin a platform operating model that gives public service providers maximal scope to innovate while retaining high ethical standards and harmony within government operations. In so doing, the paper will examine the digital environment of the State and Law with a particular focus on whether there is any congruence in their operations with regard to digital applications of various platforms, infrastructure and institutions. The article further offers recommendation for greater integration of digital environment to enhance seamless public service.

*Keywords:* Digital integration, state and law, digital environment

## **E-GOVERNANCE DEVELOPMENT AS A SUCCESSFUL LEGITIMATION STRATEGY: A CONTENT ANALYSIS**

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This paper demonstrates that the development of e-governance can be used as a legitimation strategy. One of the key functions of e-governance is the provision of official information to the public and mass media. Using the cases of two states Kazakhstan and Russia, the study shows how legitimation claims are conveyed through the official governmental websites. This paper uses content analysis to assess what legitimation strategies are used by Kazakhstan and Russia. The findings confirm earlier researchers' claims that all non-democratic regimes strive to demonstrate high sectoral performance. Stressing high economic development, praising the achievements for each ministry has become the way to demonstrate their legitimacy. Official website is a good platform for these activities. In addition, both countries almost equally underscore their international engagement. Nationalism ideals are more specific to Russian government than to Kazakhstani. The government of Kazakhstan is more prone to feature personalistic legitimacy claims.

*Keywords:* e-governance, content analysis, legitimacy, political regimes, governmental websites

## **THE MALAYSIAN PUBLIC SECTOR CYBERSECURITY STRATEGY: A REVIEW OF E-GOVERNMENT LEGAL AND REGULATORY FRAMEWORK IN MALAYSIA**

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Undeniably, the advancement in ICT has modernized public sector services delivery. Governments worldwide have embraced the use of information technology to deliver a better, more efficient service to citizens, businesses, and agencies through a phenomenon known as electronic government or e-government. The digital transformation of the public sector means that information or data is stored and processed in digital form, or in other words, in cyberspace. By digitizing their operation, the government has opened themselves and made them vulnerable to cyberattacks that will result in threatening disruptions to government services. Through the use of e-government, the public is transmitting their personal, sensitive information through online platforms. Therefore, citizens need assurance that their personal data will be kept private and secure from exploitations, hacks, and breaches. However, the government data center has been subjected as the main target for cybercrime and security threats as they contain various critical private information. Since cybersecurity has become the major concern for national and global security in the 21st century, the government needs to re-evaluate the current legal and regulatory framework at their disposal. Laws should be reassessed and repositioned in order to be enforced in the digital environment, particularly in the context of e-government security. If the government fails to safeguard personal data, prevent data breaches, and protect data from cyberattacks, trust and confidence to use e-government among citizens will be corroded. Consequently, this will lead to the failure of e-government initiatives.

*Keywords:* E-government, cybersecurity, data protection, law, regulation



## **THE MALAYSIAN PUBLIC SECTOR CYBERSECURITY STRATEGY: A REVIEW OF E-GOVERNMENT LEGAL AND REGULATORY FRAMEWORK IN MALAYSIA**

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Keywords: E-government, cybersecurity, data protection, law, regulation

## **THE LEGAL ISSUES OF ELECTRONIC COMMUNICATIONS UNDER CISG**

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The 21st century witnesses a significant change in commerce due to the development of technology. The changes in forms of communication in international trade such as voice, video call, email, SMS have outstripped and replaced other more traditional forms of communications such as paper, post, letter. In international transactions, using electronic means of communication technology has been popular for parties to conclude international sale contracts. However, the law of contract has been trailing behind in the advancement of solutions for the use of electronic communications in commerce, leading to legal uncertainty which in turn creates obstacles to trade. The United Nations Convention on Contracts for International Sale of Goods 1980 ('CISG') was introduced a quarter of century ago with the aim of uniformity for international sale of goods worldwide; its regulations on electronic communication were absent. The research aims to determine whether the CISG covers the elements of digital communication in an international transaction since there is no clear mention in the Convention. The research examines the form requirement under Article 13 of the Convention which includes telegram and telex to be considered as writing and whether this also includes electronic transactions. Besides, the research identifies whether other terms, for example 'notice', 'oral', 'reach' refer to the use of electronic communication. The research also discusses the concept of cyberspace as a place of business to determine the requirement of internationality under the Convention. The research thereby asserts that the CISG does apply to the use of electronic communication technology in international sale contracts.

*Keywords:* Electronic communication, CISG, international sale contract

**MANAGEMENT OF LEGAL KNOWLEDGE. THE ORGANIZATION OF ACCESS TO LEGAL KNOWLEDGE AND THE LEGAL REGULATIONS CONCERNING LEGAL DATABASES IN GERMANY**

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In the digital environment of law legal databases are important instruments in the work of lawyers. This applies to every legal employment and every focus of activity. Even the interested public are using legal databases for their own information needs, especially in the times of the corona pandemic. In Hungary the CompLex publishing house (CompLex Kiadó Kft.) is not only publishing professional literature for jurists, but also provides digital information in the form of legal databases. In Germany the publishing house C.H. Beck provides the same range and formats of legal informations via books, e-books and a database. Furthermore legal informations in form of a legal database are provided to German lawyers by the juris GmbH. In contrast to C.H. Beck juris started as legal database and developed since its beginnings additionally more and more publishing activities. The focus of the paper will be on legal online-databases as the aforementioned examples are representative for the main online information sources for legal professionals in Germany. Therefore the following paper intends to give an overview of the legal framework that applies to German online-databases, mainly determined by the Gesetz über das Urheberrecht und verwandte Schutzrechte. whereby the influence of the European law on the German law is likewise considered. The paper intendeds to end with an overview how the development of legal databases in Germany is driven by the field of tensions between the needs of the legal professions and the technical progress and thereby will give a short outlook for further developments.

*Keywords:* legal online-database; copyright law; information source; lawyer; Urheberrechtsgesetz

## **PARENTAL CONSENT FOR PROCESSING CHILDREN'S PERSONAL DATA UNDER THE GDPR AND THE COPPA**

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Consent is one of the requirements for lawful processing of one's personal data. When it comes to underage children, however, their consent is insufficient to make the process legal; their parents' consent is necessary. Because children are unaware of the consequences and risks of their online activities, as well as their data protection and privacy rights. That is why the GDPR in the EU and the COPPA in the US designate parents as children's personal data guardians if they are under the age of 13 in the US and 13-16 in the EU. The data controller is responsible for ensuring that parental consent is obtained.

In this paper, we will examine and criticize the concept of parental consent, methods for verifying such consent, and data controllers' responsibility in verifying such consent. We will debate whether parental consent is an ideal solution for the children's best interests in terms of their right to privacy, or whether the proper solution comes with stricter rules applied to data controllers by design and by default.

*Keywords:* Parental consent, verifying consent, children's personal data, lawful processing, data controllers, GDPR, COPPA

## **ELECTRONIC ARBITRATION AGREEMENT**

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We cannot overlook the technical progress made this century, which was not limited to a single science or party. Rather, all walks of life are affected by it. We cannot rule out the completion of legal work, the conclusion of contracts, and the execution of such contracts in certain cases because of technical advancements, as well as the resolution of their conflicts using the same technology for electronic resolution. That is, the procedures are carried out over an electronic network without the parties having to be present in the same place.

The year 2020 was the greatest evidence of the need for humans, especially dealers - from the point of view of law - for international commercial contracts, whose owners cannot be in the same place, to regulate such electronic transactions that are concluded and settle their disputes on the electronic network.

Because of the nature of the Internet, a new type of arbitration has emerged, which differs from traditional dispute resolution mechanisms. This form is completed on a computer screen, in accordance with the nature of electronic commerce, which disregards spatial boundaries. The importance of electronic arbitration extends to what it raises in terms of procedural and substantive legal issues that are directly related to the concept of arbitration itself in its abstract framework, as well as to structures and institutions on the one hand, and judgments on the other hand in their electronic framework.

Although the topic of electronic arbitration in and of itself makes us stand in front of many controversial issues that deserve the uniqueness of studying a research on its own, I want to be satisfied with seeking to achieve one goal of this research, which is to be able to define what the electronic arbitration agreement is as a term and a modern concept, and access to understand the substantive and procedural legal aspects related to it, all of this as a means of resolving electronic commerce disputes.

It can be said that electronic arbitration begins with the first step, as does traditional arbitration with the parties to the disputed legal relationship over their choice as a method for settling the existing dispute between them.

*Keywords: Commercial relations / Arbitration / Electronic Arbitration / electronic commerce*

**REGULATORY FRAMEWORK OF DIGITAL EVIDENCE IN CRIMINAL PROCEEDINGS. CASE STUDY: ALBANIA**

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With the development of Communication and Information Technology digital evidence relativity in criminal proceedings has augmented, thus presenting the need to vest the current legislation with accurate legal provisions regarding the identification, acquisition, preservation, examination, and analysis of data stored in electronic devices. Understanding of the current regulatory framework and criminal proceedings practices are pre-requisites for pathing the way to identification and improvement of issues regarding the obtaining, seizure, analysis, and presentation of digital evidence. This paper provides an analysis of digital evidence management legislation under Budapest Convention and its Annexes, typologies & principles and identifies current challenges in the criminal proceedings related to digital evidence.

Providing an in-depth legal analysis on the Convention, its Annexes, data management provisions in the Criminal Procedural Code of the Republic of Albania, current literature, institutional capacities and procedural means, this paper addresses the nature of challenges and explains how the existing gaps in practice condition the effective implementation.

*Keywords:* digital evidence, legislation, challenges, data management

**Főszervezők:**

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