



Law in the digital age

edited by
Zoltan Vig

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Ankara, Budapest, Mauritius, Novi Sad, Szeged, Skopje
2023

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This collection of studies is a joint publication of
Department of Business Law, Faculty of Economic and Social
Sciences of the Budapest University of Technology and Economics,
Budapest, Hungary
Department of Law, Faculty of Law & Management, University of
Mauritius, Mauritius
Department of Private International Law, Faculty of Law, University
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ISBN 978-963-421-937-8

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Zoltan Vig*

Editorial: Law in the digital age

Digitalization and new technologies have caused legal science to enter a period of transformation that we have perhaps never seen before in legal history. The rapidly approaching new challenges present enormous difficulties for regulators. It is often said that law is lagging several years behind the new technologies. If so, this position seems increasingly untenable as the technological transformation of society accelerates. The purpose of this conference is therefore to study these developments from a legal perspective, and to attempt to identify issues we face, and of course, to suggest solutions on how to resolve them in the most efficient way.

The most affected issues by this technological development are, among others, data protection, intellectual property rights, cybersecurity and online crimes, e-commerce and contract law, online platforms, blockchain, and cryptocurrency. Or we can mention artificial intelligence, which is taking over the drafting of contracts, conducting legal research and even drafting laws and administrative acts in some cases. In essence, this means that regulators and legal practitioners are increasingly delegating their responsibilities to technology. The long-term consequences of this in the legal field are difficult to predict.

Furthermore, computer and communications technologies are transforming legal practice. Technology affects lawyers on two levels. First, it allows them to perform traditional tasks more

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effectively. Second, it is changing the very nature of what lawyers do. This, in turn, can cause further uncertainty regarding the future. A lot of times, those who apply the law in practice try to fit new technological solutions into existing legal boxes. Nevertheless, this is not easy to accomplish, and can often cause regulatory anomalies.

However, we have to face these issues with optimism. First of all, national regulators should respond more quickly to these challenges. Secondly, standardization increased the efficiency of trade and industry. This can also be true for legal regulation. Regulating these issues on an international level with international instruments can help overcoming challenges easier.

All the works in this conference volume address one or other of the above issues. The order of the works follows the alphabetical order of their authors' family names.

The first work in this conference volume, "Digitalization of the Macedonian public administration: a pathway to prevent maladministration and illegal activities", whose author is Konstantin Bitrakov, critically examines the process of digitalization of the Macedonian public administration. The author emphasizes that digitalization is a remedy against maladministration and comes to the conclusion that Macedonia is on the right path; however, there is much room for further improvements in this area.

In their study, "Digitalization and banks during COVID-19 crisis: a qualitative study", Rudranee Devi Deeljore and Bhavish Jugurnath investigate how digitalization has helped the banking sector during the COVID-19 crisis in Mauritius. The paper is special in the sense that it is based on interviews with local bank managers. The authors come to the conclusion that

the COVID-19 crisis played a significant role in the digitalization of the banking processes in Mauritius, which led to substantial improvements in services.

Aliz Fabian in her study “Artificial intelligence as a mediator?” focuses on the possible usage of artificial intelligence during mediation sessions, and among others, reviews the current mediation practice in the United States. She concludes that in the current state of technology AI software are not suitable for leading a whole mediation session without human intervention.

Goran Georgijevic in his work “Legal regime in Mauritius of consumer contracts made through electronic communication means” first gives an analytical overview of consumer contracts, and finds that there are still issues related to these contracts in Mauritius that could be addressed by the legislator. Following this, he analyses the legal measures that could still be adopted in order to protect consumers in a consumer contract made through electronic communication means.

Rajendra Parsad Gunpath, Eric Bindah, Joseph Assogbavi, and Ambareen Beebeejaun in their empirical study entitled “Computer crime: cryptography and cryptanalysis in the IT sector - where does the Mauritian law stand? –“ examine whether academics and students are aware of cryptography and cryptanalysis, and the related legal regulation.

Tea Lalevska in her work “Digitalization of the cadastral system in the Republic of North Macedonia”, as the title suggests, deals with the benefits of the digitalization of the real estate cadastre system in Macedonia. Following a short historic overview, she gives an excellent analysis of the current legislation and its application in practice.

Bhavna Mahadew's paper "The Digitalisation of Law: How prepared are we to welcome legal practice and education which are artificially intelligent?" examines the relationship between artificial intelligence, the law, and the pervasive digital revolution, and notes with concern that modern technologies might conflict with human rights.

Aleksandar Matkovic and Ivana Novakov in their brilliant work entitled "Decoding the changing (id)entity of cybercriminals: from human perpetrators to AI" study and dissect the knowledge on the psychological profile of traditionally defined cyber offenders (humans), and following this deal with the theoretical question of how the legal system should treat AI (as a non-human) independent cyber-criminal.

Tea Micevska in her article "The written form of the civil proceedings in the digital era: an evolution in the digital work environment" observes that nowadays a digitalized civil procedure is a prerequisite for a modern justice system; however, modernization should not undermine the fundamental principles of civil procedure.

Marija Mijatović and Tamara Gajinov in their work "Corporate strategy of planned obsolescence - a reflection of the reality of technological development" first of all raise the issue of defining planned obsolescence. Following this, the authors examine the existing legislation and judicial practice in France, and initiatives and the perspective of the regulation of this issue in the European Union.

Bengi Sargin in her work entitled "Determination of "*lex loci protectionis*" in the digital environment" examines the applicable law to intellectual property rights with foreign elements. Following this, the work concentrates on the connecting factors in terms of applicable law. And finally, the

author examines how to determine *lex loci protectionis* in intellectual property disputes arising in the Internet environment.

Marie Valerie Uppiah in her paper “Assessing the regulation of maritime cybersecurity at the level of the African continent” writes about the current issues of maritime cybersecurity and its regulation in Africa. She notes that with the digitisation of the shipping industry, many ports and shipping companies are becoming victims of maritime cyberattacks. Therefore, her work examines the concept of maritime cybersecurity and analyses the legal actions ought to be taken by the African Union and the Southern African Development Community to address potential cases of maritime cyberattacks.