

**INTERNATIONAL CONFERENCE ON FINTECH, CYBERSPACE AND
ARTIFICIAL INTELLIGENCE LAW**

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Section II.
Cyberspace and Artificial Intelligence Law

Friday – March 31, 2023

ONLINE ON ZOOM

Keynote speakers:

Associate professor **Cristina Elena POPA TACHE**, „Andrei Șaguna” University of Constanta
Associate professor PhD. habil. **Cătălin Silviu SĂRARU**, Faculty of Law, Bucharest University of
Economic Studies

! Each paper will be presented within 15 minutes

! Fiecare lucrare va fi prezentată în maxim 15 minute

**THE COPYRIGHT PROTECTION OF AI-GENERATED WORKS
UNDER CHINESE LAW**

Professor Banggui JIN

*Director of the Europe-Asia Research Institute,
Faculty of Law and Political Science, Aix-Marseille University, France*

Lecturer Zhe DAI

Faculty of Law, Jinan University, Guangzhou, China

Abstract

Who is the author of a work generated by AI? Can AI-generated works be protected by copyright law? This issue has attracted global attention. The vast majority of countries in the world have given a negative response to this question, but one Chinese court has given an affirmative answer, instead. Does this Chinese decision represent future thinking for the world in this area? It is necessary to investigate the reasons behind this decision, which are related to China's special

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interpretation of “human participation” and the criteria for judging originality. This judicial result was also related to China's current lack of a distinction between computer-assisted and AI-generated results. In the future, China may continue to uphold the existing determination; however, since China does not operate under case law, Chinese courts may still change their opinion. Moreover, China's choice may not have an impact on countries that are deeply influenced by natural law, but it may still impact some countries that are strongly influenced by utilitarianism.

**ARTIFICIAL INTELLIGENCE AND THE LEGAL RESPONSIBILITIES IN PUBLIC
FINANCIAL ADMINISTRATION**

Associate professor Dr. IUR. Olga SOVOVA

Police Academy of the Czech Republic

Associate professor Dr. IUR. Zdenek FIALA

Police Academy of the Czech Republic

Abstract

New digital technologies, especially tools for gathering information about persons and legal entities, are inevitable in modern public administration. State financial services and the tax administration represent one of the most critical parts of the administrative bodies, creating vast databases of personal and economic data. The exploitation of various software tools, including artificial intelligence for collecting, grouping and evaluating data sets, poses questions about the legal responsibility of the public administration when using such efficient but also assailable tools to intrude into personal and business privacy and space. The paper examines the new trend in the European Union for utilising digital technologies for public financial services. Based on the Czech tax control experience, the paper highlights the procedure's possible risks and weak spots. The paper points out possible benefits both for addressees and public authorities. The paper focuses on the responsibility of the public authority for the accuracy, completeness, and protection of registered data. The authors underline the specifics of the legal responsibility for introducing artificial intelligence into state financial services. The paper concludes with business and legal practice proposals when interacting with public financial administration. The authors examine the mentioned challenges through desk research and analyses of European and national legal regulations. In their considerations and proposals, the authors also lean on their practical experience with public administration.

**DPA POWERS TOWARD EFFECTIVE AND TRANSPARENT GDPR ENFORCEMENT:
THE CASE OF CROATIA**

Associate professor Nina GUMZEJ

Faculty of Law, University of Zagreb, Republic of Croatia

Abstract

The paper critically examines the law and practice surrounding the corrective powers of the Croatian data protection authority (DPA), where infringements of the General Data Protection Regulation and of the national GDPR Implementation Act have been established. This also includes a discussion on the required efficacy and dissuasive qualities as regards issued administrative fines, with a special focus on implemented local solutions on (non)sanctioning of public authorities and on the undefined method of sanctioning legal persons with public authority and legal persons performing a public service. Examination of local enforcement practice on the overall shows that while the DPA may properly sanction serious data protection breaches, in particular where a higher number of data subjects is involved, infringements are persistent or where intrusive surveillance technologies are used, the visibility of subject ill practices and of undertaken corrective powers by the DPA should be improved in order to timely and adequately protect the rights of involved citizens. Here explored is also the question on whether the public should have the right to know of undertaken corrective actions by the DPA even before the finality of DPA's decisions (as envisaged in local law), particularly taking into account, on one hand, the highlighted purposes of the GDPR and longevity of ensuing court proceedings (where initiated), and the degree of protecting relevant rights and freedoms of parties established as wrongdoers by the DPA, on the other. The concerns here are highlighted particularly in respect of the firstly issued administrative fine by the DPA,

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where rights of a very large number of data subjects have been ignored by the bank as well as numerous data protection authority's orders issue to it prior to the fine, and for a long period of time. Here the focus is not on the amount of the eventually imposed fine, but on the fact that the DPA itself undertook certain corrective action(s) for a long period of time, during which the public had not been informed while at the same time infringements of their rights continued to take place. In light of the above de lege ferenda proposals are made to more adequately implement not only the required effective and dissuasive nature of issued sanctions, but also of the important role of the DPAs on promoting the necessary awareness of risks, rules, safeguards and data protection rights, which may arguably be interpreted to include also particular sensitivity and transparency towards the public on the use of its corrective powers in general, at least in certain cases. Currently, it appears that such a role is mainly left to the more persistent investigative journalists and does not contribute the public confidence in the DPA's enforcement practices. These concerns are also examined in light of the needed solutions toward better transparency concerning any DPA measures taken in cases of data protection infringements by public authorities, legal persons with public authority and legal persons performing public services. Subject to the prevalence of same or similar concerns in other EU Member States, the discussion further develops the idea of possible harmonization, such as at the level of the European Data Protection Board. Finally, analysis of particular administrative fines implemented in the local act for breaches of several rules on video surveillance, in relation to already prescribed GDPR fines for equivalent (GDPR) infringements shows the need for urgent amendment of such national solutions and is supported by analysis of relevant DPA's case law.

E-COMMERCE REGULATION IN ALBANIA

Lecturer Erjola ALIAJ

Faculty of Law, Mediterranean University of Albania

Lecturer Edvana TIRI

Faculty of Political and Legal Sciences, "Aleksander Moisiu" University, Albania

Abstract

The Internet and digital technology are transforming our lives, every day with the paces in a dimension of a real revolution. These fast and deep transformations are now being considered worldwide, as the second most important revolution behind the industrial one. Regardless of these technological developments, the digital transformation of companies has had a slow but steady progress over the years. Business expectations and perception towards the need for digital transformation of services and the use of e-commerce are valued at high levels, receiving the main impetus during the two years of the COVID-19 pandemic, where online markets had an important role enabling the continuation of economic life despite social distancing restrictions. Referring the above, Albania has adhered to the European Union Directives related to electronic commerce, Directive 2000/31/EC on Electronic Commerce and Directive 1999/93/EC, as well as other related directives, making possible the approximation of a high level of our legislation, in the light of these directives. In the present paper, through a legal assessment, special attention has been paid to the National Digital Agenda for the period 2022-2026 and legal rules on e-commerce in the Albanian legislation, aiming to analyze the legal provisions, which regulate it in this regard. Also, an important objective of this paper is also the fact that it may serve as an important basis for further studies in this field. The analysis of the e-commerce legal regulation in Albania is based on the qualitative method, which contains also the research, analytical, descriptive, interpretive methods. The results of this paper, which treats an innovative topic, will stimulates debate in the academic level and contribute to the legal doctrine in Albania that lacks such.

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CYBER-SECURITY REGULATION IN ALBANIA

Lecturer Edvana TIRI

Faculty of Political and Legal Sciences, “Aleksander Moisiu” University, Albania

Lecturer Erjola ALIAJ

Faculty of Law, Mediterranean University of Albania

Abstract

The increasing access to cyberspace and its resources is having a significant impact on our societies and our daily lives, profoundly transforming the way we live, work and interact. The importance of cyber security converts into the need to keep information, data and devices private and secure. Cyber-security is an essential element for the flat functioning of all critical information infrastructures. In this context, the treatment of cyber-security in this paper is concrete, taking into account the cyberattack that our country went through, which was aimed at destroying critical structures and testing the capacities of Albania. It is worth noting that a secure cyber environment cannot function without giving it the opportunity to have the relevant mechanisms. Specifically, increasing cyber resilience in critical information infrastructures are flexible cyber security measures, which focus on the flat functioning of online public services keeping in focus the real threats and the risk management plan. Furthermore, within the framework of commitments as a candidate country of the European Union, Albania is meticulously implementing all European acts and international standards for the drafting of a consolidated and stable legal framework. In the present paper, through a legal assessment, special attention has been paid to the National Strategy for the period 2021-2023 and legal rules on cyber-security in the Albanian legislation, aiming to analyze the legal provisions, which regulate it in this regard. Also, an important objective of this paper is also the fact that it may serve as an important basis for further studies in this field. The analysis of the cyber-security legal regulation in Albania is based on the qualitative method, which contains also the research, analytical, descriptive, interpretive methods. The results of this paper, which treats an innovative topic, will stimulates debate in the academic level and contribute to the legal doctrine in Albania that lacks such.

ARTIFICIAL INTELLIGENCE IN INTERNATIONAL ARBITRATION

Associate professor Maria João MIMOSO

Portugalense University,

researcher at the Reserch Center Instituto Jurídico Portugalense, Portugal

Abstract

The topic we propose to address aims to analyze the possible impacts of “new technologies”, especially artificial intelligence (AI), in the context of international commercial arbitration. International disputes often involve complex issues of fact and law, entailing high costs with arbitrators, lawyers, translators and witness travel. International arbitration is often criticized for the lack of transparency of arbitrators, given the inaccessibility of evidence and hearings, and also the lack of speed of the arbitration process regarding the volume of documentation to be analyzed. New technologies, such as data analysis and AI, thus constitute an important tool, both for the analysis of those complex issues, and also for minimizing costs and accelerating the process, namely, allowing remote hearings to be held and automated analysis of documents. In short, the handicaps of international arbitration can be overcome with the use of new technologies, which will lead to greater efficiency, transparency and fairness in the international dispute resolution process. We will analyze the stages of the arbitration process, from the constitution of the court to the sentence delivery, using the deductive method, seeking to demonstrate how (IA) can maximize the arbitral “iter”, contributing to a greater ethics of this alternative means of litigation resolution.

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**FORUM SHOPPING IN REGULATORY SANDBOXES AND THE PERILS OF
EXPERIMENTAL LAW-MAKING**

Full professor Jakub HANDRLICA

Faculty of Law, Charles University, Czech Republic

Assistant professor Vladimír SHARP

Faculty of Law, Charles University, Czech Republic

Ph.D. candidate Jan NEŠPOR

Faculty of Law, Charles University, Czech Republic

Abstract

The gradual emergence of regulatory sandboxes in various jurisdictions has already triggered considerable attention of legal academia. Thus, academicians have addressed various legal frameworks, providing for regulatory sandboxes in the field of financial and energy technologies, artificial intelligence, medical products etc. In all these fields, regulatory sandboxes do currently serve as a tool for facilitating these new technologies, which could hardly emerge successfully under the rules of conventional legal frameworks. Beside identifying the advantages of regulatory sandboxes, various risks were also identified with respect to the prospective introduction of regulatory sandboxes in various fields of governance. This article aims to address the feature of 'forum shopping', that the spontaneous emergence of regulatory sandboxes might imply. The authors argue, that while such forum shopping will represent an inevitable implication of legal pluralism, one may also expect various attempts for the "passportisation" of regulatory sandboxes. At the same time, the authors aim to address a more theoretical question, to which extent are classical tenets of legal jurisprudence applicable to the experimental legislation?

**CHILD CYBERPORNOGRAPHY IN EU COUNTRIES: THE WAYS OF PROTECTING
CHILDREN'S INTEGRITY**

PhD. Linert LIRËZA

Department of Law, Faculty of Political Sciences and Law,

"Aleksandër Moisiu" University, Albania

PhD. Gentian KOÇI

Department of Law, Faculty of Political Sciences and Law,

"Aleksandër Moisiu" University, Albania

Abstract

European countries have made significant progress in strengthening their legal frameworks and policies to prevent and combat child cyberpornography. However, effective prevention and combat efforts require a comprehensive and coordinated approach that involves sharing information and intelligence across borders, cooperating in investigations and prosecutions, and providing support to victims and their families. The research will be conducted using a mixed-methods approach, including both quantitative and qualitative data collection and analysis. The paper examines the legal measures taken by European countries to prevent and combat child cyberpornography. It analyzes the legal frameworks and policies in different European countries, the challenges faced in implementing and enforcing these legal measures, and the effectiveness of these measures in combatting child cyberpornography. The effectiveness of measures such as age verification, content moderation, and reporting mechanisms will be analyzed to determine their impact on preventing child cyberpornography. Artificial intelligence (AI) technology is also becoming increasingly important in preventing and combatting cyberpornography involving children. From the other side, interstate cooperation can also play a critical role in promoting international education and awareness-raising efforts to prevent child cyberpornography.

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**THE LAW OF THE DIGITAL ECONOMY A REALITY FOR LEGAL RELATIONS
IN THE FUTURE**

Lecturer Manole Decebal BOGDAN

Faculty of Law and Social Sciences

„1 Decembrie 1918” University of Alba Iulia, Romania

Abstract

Trade through information and communication technology, production of goods, services made with the help of programs and computers are certainties and normalities of social behavior. Services assisted by artificial intelligence no longer surprise users, individuals and representatives of private and public law persons, becoming social and economic normality. We believe that legal relations in the digital economy must be reconsidered. The legal subjects are, in this case, software producers, traders, users of robots and/or bots, as well as beneficiaries of virtual services. The law of the digital economy is a reality in legal relations. Authorities must regulate these complex legal relationships on the basis of legal rights and responsibilities. Digitization sometimes makes the economy work without knowing the physical location, the fiscal domicile of the operators, having only an address on the website that is or is not under national or interstate authorities. Also, parallel monetary flows are created that benefit only from the protection of "confidence in the system" and do not benefit from accredited public monetary authorities. The research methods used are scientific documentation, observation of the phenomenon and the differences between the subjects and the object of law in the classical economy compared to the digital economy. The results of the study will constitute a basis for reflection for the authorities, for the business environment and researchers in the field of law. Starting from this study, proposals can be created to amend the current legislation. The implications of the study are: a completion and revision of civil law, commercial law, criminal law and tax law with the elements determined by digital technologies that serve the acts and facts that generate liabilities. The persons who handle the digitized instructions can also be held responsible for the execution of acts and facts in the digital economy.

**THE EXPLOSION OF NETWORK TECHNIQUES AND THE MYTH OF THE NETWORK
BETWEEN SCIENCE AND DEMOCRACY**

Professor Diana DĂNIȘOR

Faculty of Law, University of Craiova, Romania

Abstract

The network has become a dominant form of contemporary thought, its constitutive metaphor reinvented during the explosion of networked techniques - the Internet and planetary telecommunications networks. It seems to draw the invisible infrastructure of contemporary society. The figure of the network tends to define the ways in which thought works, being ubiquitous in all disciplines, from biology to sociology, from law to computer science, etc., for the hidden structure of the complexity of today's society is the network that dominates and shapes it. The network itself produces social change, being conceived as a technique that provides connection and as a political-moral operator that provides meaning and is identified with a social and democratic revolution. In contemporary society everything is networked, from transport to energy, from telecommunications to information technology, even human relations have become 'networks'. The network, as the explanatory structure of the contemporary capitalist system, constitutes the 'new morphology of our societies', converging towards a 'meta-network of capitals', as the new figure of power, with the whole planet caught in its net, leading to the suppression of state control over society and the economy and the destruction of the sovereign nation state through the destruction of hierarchies.

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NEW TECHNOLOGIES ARE SHAPING INTERNATIONAL ARBITRATION

PhD. student Andrada Laura TARMIGAN

Doctoral School of Law, Bucharest University of Economic Studies, Romania

Abstract

The aim of this article is to analyze how new technologies are currently shaping arbitration procedures, what are the prospects for the future development of these tools in a fast-paced environment and which is the new role of participants (arbitrators, counsels, parties, experts). The results are obtained through the comparative method and are relevant in identifying the manner in which disputes will look like. On one hand we have the parties' expectation to hybrid and virtual meetings, while on the other hand we have to consider data privacy, cyber security and generally the exchange of data on platforms that may not have the infrastructure. Furthermore, we will analyze the potential disputes arising out of the technology itself and how are these technologies going to shape decision making on a short, medium and long term. Lastly, we will refer to the potential issues of the parties acceptance of the "digital justice" and especially the decisions.

DATA PRIVACY CONCERNS IN VIRTUAL ADR SESSIONS

PhD. student Andrada Laura TARMIGAN

Doctoral School of Law, Bucharest University of Economic Studies, Romania

Abstract

The aim of this article is to analyze the data privacy issues related to the technology used in hybrid and virtual ADR procedures, in accordance with the General Data Protection Regulation, Romanian legislation and generally imposed standards at the European Union level. The results are obtained through the comparative method and are relevant in identifying the rights and obligations of all participants involved: the ADR institutions, decision makers the parties and other entities involved in these procedures. We will analyze how leaders in arbitration and dispute resolution position themselves in relation with data privacy issues, which is the key language involved and how are new platform going to be prepared for the increasing volume of procedures. Lastly, we will identify potential differences between on-chain and off chain disputes and the exchange of data between EU based entities and third parties.

IMPLICATIONS OF CHATGPT TECHNOLOGY ON CRIMINAL LAW

Lecturer Silviu Gabriel BARBU

Faculty of Law, „Transylvania” University of Brasov, Romania

PhD. student Vasile COMAN

Faculty of Law, „Titu Maiorescu” University of Bucharest,

Judge at Prahova Tribunal, Romania

Abstract

The scientific community has been discussing for a long time about the potential of creating an artificial, non-biological, impartial machine with human intelligence, considering that such an innovation with emotional - and not only computational - intelligence could bring many benefits to society, including the legal world. Recently introduced (November 2022) in a more publicly accessible form, the ChatGPT (Chat Generative Pre-trained Transformer) technology is one such artificial intelligence application, part of the OpenAI project, and is essentially built as a conversational interface with the potential to deliver results in a human-like manner. As an artificially intelligent chat-bot, ChatGPT has several functions subsumed to its use and performance, that are rather extensive, and there is a concern whether the ChatGPT technology may be used for judicial decision-making, in which context arises the question whether it can also be hijacked in order to commit criminal offences. The answer is positive, but accepting this fact raises some possible issues in criminal law enforcement practice such as establishing the guilt, the dialogue with the personal nature of the criminal liability, adapting the criminal sanction system to the specific environment of commission, and others, discussed in this article. ChatGPT is certainly the chat-bot of the moment and perhaps even of the year 2023. Formal artificial intelligence (AI) is still in its infancy, but despite its limitations, the ChatGPT technology can already be

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considered impressive in its timeliness and evolution compared to other automated chats or applications of robotics, as it has the capacity to communicate credibly and convincingly, as a human interlocutor and in real time.

**CONSIDERATIONS REGARDING THE MATERIAL ELEMENT OF THE CRIME OF
ILLEGAL ACCESS TO A COMPUTER SYSTEM**

Lecturer Bogdan BODEA

Faculty of Law, University of Oradea, Romania

Abstract

The crime of illegal access to a computer system regulated in Article 360 of the Criminal Code does not represent an absolutely new incrimination. However, it continues to give rise to imperfect interpretations in judicial practice, especially regarding the constitutive content of the crime. The article aims to determine the material element of this crime, namely the concrete way of committing the illegal access to a computer system and to critically analyze some options of the judicial bodies regarding the applicability of this text. The need for a complete and correct understanding of the incrimination is required to ensure the correct prosecution of the persons who commit such acts.

**FREEDOM OF EXPRESSION IN CYBERSPACE:
THE GOOD AND THE BAD**

Associate professor Carmen MOLDOVAN

Faculty of Law, „Alexandru Ioan Cuza” University of Iași, Romania

Abstract

The hegemony of Internet and social networks created an unprecedented environment for communication of opinions and ideas, a fundamental need for the information society. Freedom of expression is one of the most important digital rights and strongly connected to the idea of a fundamental right to access to the Internet (supported by Special Rapporteur Frank la Rue and other international bodies) as part of fundamental rights. The aim of the paper is to analyse the flexibility of the scope and limits of freedom of expression in Cyberspace having as a starting point the general accepted approach that the same safeguards are applicable. The debate also concerns the power relationship between the owners of different parts of Cyberspace and the holders of rights that will be addressed from two different perspectives: positive and negative consequences. The constant evolution and development of communication technologies supports all components of expression and can be easily observed. The negative effects are more sensitive as they imply dissemination of hate speech, incitement to discrimination, war propaganda, misinformation, manipulation and fake news.

**CYBER SPACE AND SECURITY IN THE CYBER ENVIRONMENT - GENERAL
CONSIDERATIONS**

Professor Carmen Silvia PARASCHIV

„Titu Maiorescu” University of Bucharest, Romania

Abstract

The tumult of changes has recently encompassed the entire socio-economic field, including information technology, which has developed rapidly and sustainably. If in its historical beginnings, information technology represented in society the tool that helped carry out the activity in the field in which it was used, in the sense of optimizing office activities, productive or non-productive, nowadays it is no longer possible to talk about carrying out any activity without the incidence information technology. Defining, in a generous manner, "cyberspace" we can say that it is the entire virtual world around us, the world in which and with which we carry out our entire activity.

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PROFILING CRIMINALS IN CYBERSPACE

Lecturer Aurel Octavian PASAT

Cross-border Faculty, „Dunarea de Jos” University of Galati, Romania

Abstract

The article deals with issues related to the definition of cybercrime, the ways in which crime manifests itself in cyberspace, types of cybercrime, creating a profile of criminals in cyberspace. As in traditional criminal investigation, cybercrime profiling is a key component in cybercrime investigations as well. One of the components of this model is the theory by which it will be possible to describe, explain and subsequently predict not only criminal professionalism as a social phenomenon, but also the personality of a modern cybercriminal.

**THE COMPLEXITY OF THE LEGISLATIVE FRAMEWORK AND THE DIFFICULTIES
OF CORRELATION WITH ECONOMIC AND SOCIAL IMPACT IN PUBLIC
ADMINISTRATION. THE DIGITALIZATION OF PUBLIC SERVICES**

Professor Vasilica NEGRUȚ

„Dunarea de Jos” University of Galati, Romania

Senior lecturer Mircea Valentin CARLAN

„Danubius” University of Galati, Romania

Abstract

Public administration intends, as in all modern countries, to solve public affairs, it is linked to the state system, and it must act for the common good. Continuous adaptation to society's needs is a constant concern of public authorities. One such concern is the digitalization of public services, which consists of a set of activities necessary to adapt all legally regulated processes to transfer the stages of their fulfillment to automated information technology infrastructures organized by artificial intelligence. In this article, starting from the purpose of the public administration, using the logical interpretation, as well as the comparative analysis, we aimed at highlighting the need for the digitalization of public services and the benefits of this process, in the context of a complex legislative framework, emphasizing, at the same time, the difficulties of correlation with economic and social impact in public administration. The digitalization of public services is a mandatory requirement, which will represent a solution for the uniqueness of the stages within the technical-material operations, aspects that will eliminate any possible violations of fundamental rights and freedoms. Digitalization aims not only at facilitating citizens' access to the benefits of public services, but also at changing the perception of citizens towards the public administration, the goal being the achievement of a transparent public administration, as close as possible to the citizen.

**THE ROBOT AS A NATURAL OR LEGAL PERSON. ANOTHER PERSPECTIVE ON
THE CONCEPT OF PERSON**

Student Marius Vasile BÂRDAN

Faculty of Psychology, Behavioral and Legal Sciences

„Andrei Șaguna” University of Constanta, Romania

Abstract

The word you will find in the interface is to make you aware of what the concept of person is and what skills a being needs to have to be a person. This material analyzes the religious perspective on the issue announced in the title. Manufacturers and computer scientists involved in building and preparing robots for consumers will have to consider the distribution market sector and implicitly, the beliefs of the people who are going to use this type of artificial

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intelligence as a tool. In the biblical account of man, it is said that man was created by God through a triune counsel: "Let us make man in Our image, in Our likeness" (Genesis 1.26 in the EIBMBOR Bucharest 2018 Bible) and by the fact that it makes a person communicative, it means that he is a person, because communication makes you a person, but a freely consented communication. The concept of person evolved over time so that in the Greek period the man who was not free could only express himself behind a mask, as in the interpretation of a character today in a play, then in the Roman world, as man who was not free could not express himself except by having a patron who gave social witness for man in order to express himself freely. So, freedom of expression was an aptitude of the human person, of a natural person in the legal sense. For the elaboration of this material, I used an introspective method with qualitative and quantitative valences.

**ARTIFICIAL INTELLIGENCE VS. ARTIFICIAL INTELLIGENCE. SOME
CONSIDERATIONS ON THE IMPACT OF THE EMERGING TECHNOLOGIES ON THE
LEGAL PROFESSIONS**

Professor Liviu-Bogdan CIUCĂ

"Dunarea de Jos" University of Galati, Romania

Abstract

*Klaus Schwab, founder and president of the World Economic Forum, stated in his book *The Fourth Industrial Revolution* that "there is increasing talk of a new industrial revolution, also called Revolution 4.0, which aims to transform companies into truly digital enterprises". In the article by Marius Stancu and Razvan Furdui "Law in the blockchain era, where to?" states that: blockchain technology will become a transformational driver for many industries, and the legal field will be no exception." In this context, this material aims to address the involvement of artificial intelligence in legal services, both from the perspective of the fears it provokes and the prospects offered by new technologies. Statements such as those of "Carl Frey and Michael Osborne, who have built a forecasting system on the basis of which, with 94% probability, they predict that by the year 2033 the services of the legal scientist will be replaced by algorithmic solutions, only raise questions and generate reserved attitudes towards the new opportunities generated by artificial intelligence. Legal liability, protection of personal data, prevention of money laundering, alteration of consent and identity verification are just some of the issues addressed in this article, leaving the reader to formulate his own conclusions based on the information presented.*

CURRENT STANDARDS FOR INFORMATION SECURITY AND PRIVACY

Lecturer Tiberiu T. BAN

Faculty of Law, „Bogdan Vodă" University of Cluj Napoca, Romania

Abstract

The last ten years have seen a significant increase of more than 10 times in the number of computer attacks at the international level, which causes an extremely large number of computer records to be exposed to unauthorized persons. However, studies conducted by independent international organizations reveal that 95% of these attacks exploiting security gaps could be avoided. This paper analyzes the main international and national standards related to the establishment of security policies and data processing procedures that can prevent computer attacks targeting personal data, especially in the context of the Internet of Things. The analysis is of a qualitative type with the aim of highlighting good practices through security policies and processing procedures.

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BRIEF CONSIDERATIONS REGARDING WORK ON DIGITAL PLATFORMS

Associate professor Ana VIDAT

Faculty of Law, Bucharest University of Economic Studies, Romania

Abstract

The European Commission's recent concerns include measures to improve working conditions for working on platforms and to support the sustainable growth of digital work platforms in the EU. There is a need to regulate the area of work on digital platforms – ensuring that people working through digital work platforms can enjoy their employment rights and social benefits. Workers will also benefit from additional protection for the use of algorithmic management (i.e., automated systems that support or replace managerial functions in the workplace). A common set of EU rules will provide greater legal certainty - enabling digital work platforms to fully benefit from the economic potential of the single market and a level playing field.

**ADAPTING NON-CONTRACTUAL LIABILITY RULES TO
ARTIFICIAL INTELLIGENCE**

Assistant professor Gabriela FIERBINȚEANU

„Nicolae Titulescu” University of Bucharest, Romania

Associate professor Vasile NEMEȘ

„Nicolae Titulescu” University of Bucharest, Romania

Abstract

Current national liability rules are not adequate to deal with liability claims for damage caused by AI-based products and services. The specificity of AI systems, their complexity and especially their autonomous nature, and their opacity (the so-called "black box" effect) make the identification of the liable person and the proof of liability claims difficult for victims. The European Commission's AI policies propose a holistic approach to liability, aiming at adaptations of product liability under the Product Liability Directive, as well as specific harmonisation under the Proposal for a Directive on adapting non-contractual civil liability rules to artificial intelligence (AI Liability Directive). These two initiatives complement each other to form an effective global civil liability system. They respond to the scenarios in which the risks envisaged by the general framework provided by the Proposal for a Regulation laying down harmonised rules on artificial intelligence (AI Act) materialise. This paper proposes a first incursion into the liability frameworks envisaged for damage caused by AI systems, as set out in the Proposal for a Directive of the European Parliament and of the Council adapting the rules on non-contractual civil liability to artificial intelligence (AI Liability Directive).

**THE HOTEL FRANCHISE CONTRACT IN THE HORECA DOMAIN
AND APPLICABLE ADR METHODS FROM A COMPARATIVE PERSPECTIVE**

PhD student Laura Ramona NAE

Doctoral School of Law, Bucharest University of Economic Studies, Romania

Abstract

The hotel franchise contract in the HoReCa field is of particular importance from the point of view of the development of this network, of increasing the profitability of the business of both contracting parties, respectively of the franchisor and the franchisee. The interpretation of the clauses resulting from this contract, specific to this domain of activity, implicitly generates a series of disputes. This article provides an overview of the clauses specific to this type of contract as well as the alternative dispute resolution methods (ADR) used in the case of disputes resulting from the international hotel franchise contract and, in particular, of mediation and arbitration. The article also presents considerations regarding legal solutions adapted to online platforms, in particular regarding the ADR method of online mediation (ODR).

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**ABOUT HUMAN RIGHTS AND CONSUMER PROTECTION IN THE DIGITAL AGE OF
DIGITAL SERVICES ACT 2022 IN NATIONAL AND INTERNATIONAL CONTEXT**

Associate professor Cristina Elena POPA TACHE

„Andrei Șaguna” University of Constanța, Romania

Abstract

The EU Digital Services Act followed by the European Declaration on Digital Rights and Principles for the Digital Decade 2023/C 23/01/PUB/2023/89 delivered the latest updates marked by some specific principles, rights and obligations. It enshrines the principle that what is illegal offline must also be illegal online. Political agreement on this regulation was reached on 23 April 2022 between the European Parliament and EU Member States, and the final text of the document was published on 27 October 2022, with the DSA entering into force in November 2022, and the provisions applying mainly from 17 February 2024 (Article 93). For this article we used a research method directly connected to the current of constructivism in the evolution and propagation of international norms. The importance of understanding reality follows an appropriate meta-analysis filtered through the ethos of the authors, based on primary and secondary sources from scientific journals, books, documents, expert opinions and other publications.

ARTIFICIAL INTELLIGENCE IN THE WORLD OF GLOBALIZATION

PhD. student Anis BENABED

*Doctoral School of Economics and International Business,
Bucharest University of Economic Studies, Romania*

PhD. student Lucica TUDORAN

*Doctoral School of Management,
Bucharest University of Economic Studies, Romania*

Abstract

This paper presents, describes the way and status artificial intelligence is having in the global society that bases on economy, politics, economy, culture and law, the judicious element that is law, the actors and representatives of justice and advocacy could face a threat by the substitution of artificial intelligence as many human being in industry, occupations and services in industry. The Global society has gone through a radical transformation socially, economically and culturally, especially after the fourth industrial revolution and digital revolution, meanwhile it began go through a number of ethical and legal challenges and risks. The appearance of internet, digitalization and artificial intelligence have given the world new insights, facilities in economy, communication and in various aspects. The research questions are “What is status of artificial intelligence that is getting popular in the global society?”, “And how may law or international law, the actors and representatives of justice and advocacy face a threat by the substitution of artificial intelligence?” the used methodology was a literature review of the existing literature and qualitative descriptive analysis based on facts and some theories of law. The results show that many countries have established or started to implement artificial intelligence laws or regulations and some of them are publish or in progress or already in force. In conclusion, as a reflection, lawyers get trained with theoretical and practical technological knowledge that appropriate the new visions of the world, from a propositional and preventive role, if technology continues it changes the paradigms of law from the automaton application.