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An Advanced Anthology of Law – Ethics – Business

Edited by

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Introduction

David A. Frenkel

This book offers a selection of essays which shed light on various issues in the fields of law, ethics, and business.

The essays are revised versions based mainly on presentations at the International Conferences on Law, on Ethics and on Business, organised by the Athens Institute for Education and Research (ATINER) held in Athens, Greece, in 2023 and 2024. The essays in this volume have been selected after a process of blind-review on the basis of the reviewers' comments and the essays contribution to the ongoing discussion of the respective issues.

Scholars from across the world have proved their willingness to get together and discuss and talk about law, ethics, and business issues.

Traditional boundaries have become permeable. We live in a transparent, influenceable and pervious world. The responses of the legal systems, the ethics and the business world to current developments are of the great and serious challenges of our time. The authors of the essays collected for this anthology seek to analyse some of these challenges.

The book commences with the essay ***Relying on Human Rights Treaties to establish access to Same-sex registered Partnerships and Marriage – Confronting the Question of Cultural Sensitivities*** authored by **Helen Fenwick** and **Daniel Fenwick.** The authors compare the stance of the Inter-American Court of Human Rights (IACtHR) with that of the European Court of Human Rights (ECtHR) in relations to family rights of same-sex couples. Specifically, it looks at the stances taken by the two Courts towards same-sex relationship formalisations – registered partnerships and marriage – exploring their responses to the stances taken in the states within their jurisdiction towards such formalisations. The authors confront and compare the stances taken by the two Courts, and their underlying bases, when they encounter the varying stances on this controversial issue taken in the states in question, relating to cultural predilections. The article concludes that reliance on finding a consensus among the contracting states in this context has had a detrimental impact on the ECtHR jurisprudence in terms of upholding the principle of non-discrimination, an impact that can be traced to discriminatory stances taken in a number of the European contracting states towards same-sex unions. It finds in contrast that the IACtHR has not accepted that finding such a consensus should affect its decisions in this context, and therefore it has not allowed cultural acceptance of homophobia to affect its stance.

Massimo Bianchi has authored the second essay ***Deindustrialisation and Management Sciences. The shadow of velleitarismo.*** In recent times some scholars have pointed out the parallel advancement of the process of de-industrialisation and of the crisis of Management Sciences. On one hand the structure of strategic and advanced sectors of Italian Industry has been disjointed or poorly sold to companies of other countries transferring the control and initiatives of national development to the international economy. At the other hand it seems that the Management Sciences

developed in Italy, are struggling to keep up with the changes induced by the technological and socio-economic revolution. In addition, Management researchers, must face the uncertainties arising from the multiplication of inter, trans and cross disciplinary proposals to which the multi-disciplinarity, no longer offers an adequate response. This leads to consider the actuality of Federico Caffe's research on eclecticism and velleitarismo in Economics referring to the post World War II in Italy. In this paper, the authoe uses the term velleitarismo as it relates to its first applications to political analysis by Antonio Gramsci of Federico Caffe's later insights into political economy. From this reasoning, the attempt is to apply this concept to the contemporary crisis of industrialisation and to the difficulties of management studies, a perspective that can be extended to the diminishing role of industry in Europe and Western Countries.

The third is **Geeta Oberoi**'s essay ***Exploring Regional Co-Operation in Area of Legal Education.*** Technology has rendered physical borders meaningless, and consumers of justice are no longer keen in adhering to the barriers created by the political masters for their governance**.** Globalisation and Technology have created a new world: open and borderless**.** European Union has already taken steps to promote regional level legal education discourse, and it is high time that such regional level experiments in South Asian countries are also attempted. countries that are part of the South Asian Association for Regional Cooperation (SAARC) block, can through their common university South Asian University (SAU) take steps to introduce regional level legal education discourse leading to the award of the degree to practice law at every jurisdiction within the SAARC. This article explores benefit of such regional legal education discourse for consumers of justice in the SAARC block who share common legal traditions, cultures, and who have in the past shared common colonial legacy.

Nadia-Cerasela Aniței and **Raluca Laura Dornean Păunescu** have authored the fourth essay ***Brief Considerations Regarding the Competence of the Central Authorities in Matters of Filiation, in the Context of the Proposal for a Council Regulation on the Creation of a European Certificate of Parenthood***. This study aims to present and analyse the competence of the central authorities in the matter of filiation according to the Proposal for a European Council Regulation on jurisdiction, applicable law, recognition of decisions and acceptance of authentic instruments in matters of parenthood and on the creation of a European Certificate of Parenthood. The authors present de lege ferenda what changes would be made to the provisions of Romanian law by adopting the Proposal for a Regulation of the Council regarding jurisdiction, the applicable law, the recognition of court decisions and the acceptance of authentic documents in matters of filiation and regarding the creation of a European certificate of filiation considering that there will be rules of immediate application.

AI Occupational Exposure, Language Modeling and Personnel Selection: Future Perspectives of Labour Law is the title of the fifth essay authored by **Roberta Caragnano**. The authoress examines the evolving labour market due to digitalisation and the effects produced by artificial intelligence, with particular attention to the implementation of models that aim at linguistic modeling and with a focus on the introduction of a measurement of occupational exposure. The authoress also analyses

the new methods of company selection with some case studies such as Unilever, and Deep Sense. Finally, there are some reflections on the de iure condendo perspectives on the personality and legal responsibility of artificial intelligence and on the increasingly central role of collective bargaining.

Roberta Caragnano has authorised also the sixth essay - ***Artificial Intelligence and the Labour Market: Impacts and issues.*** The authoress examines the impacts and issues that artificial intelligence produces on the labour market characterised by an increasing hybridisation of both the workplace and work performance. Issues concerning monitoring systems to avoid discrimination as well as issues related to algorithms are reviewed. The authoress also analyses issues concerning redistributive and fiscal policies and the type of employment that AI will produce in the labour market. Finally, reflections are posed on the relationship between demographic decline and new technologies *and the need for participatory industrial relations, with a central role played by collective bargaining*.

Claudio Sarra is the author of the seventh essay - ***Artificial Intelligence in decision-making: a test of consistency between the "EU AI Act" and the "General Data Protection Regulation".*** *The recent Regulation that sets down harmonised rules on Artificial Intelligence in the European Union,* known as the "AI Act," includes a significant requirement for human oversight in high-risk AI systems during their use. This requirement embodies the "human-in-command" approach, ensuring both legal and ethical compliance. The AI Act is intended to complement the General Data Protection Regulation (GDPR), thereby forming a consistent and comprehensive legal framework. Mandatory human oversight under the AI Act could render art. 22 of GDPR inapplicable, as it applies only to decisions made by automated processing, implying no human involvement in decision-making. However, it provides crucial safeguards for individuals, such as the right to human intervention, the ability to express opinions, and the right to contest decisions. This raises questions about whether the AI Act will exhaust these safeguards, and if it is capable of providing equivalent protection for decisions made by AI systems. The author aims to analytically address these questions and arguments for a revision of the ordinary interpretation of art. 22 of GDPR.

The eighth contribution ***Artificial Intelligence: A Twenty First Century International Regulatory Challenge*** has been authored by **Ori Igwe.** The authoress points out that Artificial Intelligence (AI) is a twenty first century evolution. Certain aspects of AI have been integrated into daily living and AI applications have also been incorporated into the aviation, banking, cyber security, educational, employment, health, and military sectors respectively. However, the authoress points out that the unpredictable nature of AI is a cause for concern because and quotes views that say that though in many instances, AI remains under the control of users and designers, in increasing numbers of applications, the behaviour of a system cannot be predicted by those involved in design and application. Consequently, she quotes views saying that the potential benefits and harms of AI have led to calls for governments to adapt quickly to the changes AI is already delivering and the potentially transformative changes to come, including calls to immediate pause AI development and for countries to deliver a step-change in regulation. In her essay, the authoress whether

there is a justification for regulating AI from ethical, legal and law enforcement perspectives.

Elena Emilia Ștefan is the authoress of the ninth essay - ***The Deposit-Return System in the Current European Background.*** The situation of abandoned waste often leads public authorities to resort to public-private partnerships in order to offer possible solutions to protect the planet, preserve and improve the quality of the environment and mitigate man-made damage. The authoress investigates from an interdisciplinary perspective, on the one hand, the applicable legal framework and, on the other hand, captures European trends regarding the deposit-return system. Using scientific research methods specific to law, the authoress emphasises the conclusion of the paper, namely that it is our responsibility to protect the environment in which we live and to contribute to a better quality of life through community involvement, so that we have a cleaner environment.

Elena Emilia Ștefan has authorised also the tenth essay - ***Water - Public Good Vital for Humanity.*** The scope of the study is to analyse the issue of water, which means that, on the one hand, we will investigate the national regulatory framework but also comparative law to know how the legislator relates to water and, on the other hand, we will capture the current international trends in this field. By using research methods specific to law, the authoress underlines the conclusion of the paperwork, that the protection of water resources is the responsibility of all of us: individuals, authorities, states, taking into consideration present and future generations.

The eleventh essay is ***The Principles of the Insolvency Procedure in Romania***, which has been authored by **Lavinia-Olivia Iancu.** These principles can be summarised as follows: encouraging negotiations regarding the prevention of insolvency, maximising the debtor's wealth, enabling effective restructuring, efficiency, reasonableness in the procedure, insolvency of the creditor mass, transparency and predictability, ***pro rata*** and ***pari passu*** rules, credit risk limitation, the super priority of financing in the procedure, a representative and fairly assumed reorganisation plan, useful and efficient capitalisation, procedural coordination in the matter of the group of companies and legality control.

Shifting Paradigms: The Controversy and Complexity of LGBTI Protection in Indonesia as the Biggest Muslim Country is the title of the twelfth essay authored by **Ida Susanti**. The existence of Lesbian, Gay, Bisexual, Transgender, and Intersexual (LGBTI) as a legal subject in a religious community like Indonesia is very problematic. Collisions between the law of religion and national law are sometimes unavoidable. Most conservative religious values may not protect and acknowledge the existence of LGBTI people, while national law must recognise the ratified international conventions, especially regarding human rights. This study is important to share how Indonesia copes with LGBTI legal problems and protections.

Satenik Shahbazyan is the authoress of the thirteenth essay **-** ***Recognition of the Jurisdiction of the International Criminal Court as a measure to ensure the application of International Humanitarian Law: Example of Armenia.*** This essay reviews the definition of international humanitarian law, as well as the application of international humanitarian law by the International Criminal Court. The essay analyses changes in Armenian legislation after the ratification of the Rome Statute and focuses on the fact that after the ratification of the Rome Statute, which is a

significant step forward for the security of Armenia, Armenia requested the International Criminal Court Prosecutor to initiate a preliminary examination of the ongoing genocide committed by Azerbaijan's Armed Forces against the ethnic Armenians within the territory of Armenia. Besides this, the analysis of the procedural position of the International Criminal Court Prosecutor in the system of international justice is carried out. The main tasks and fundamental role of the Prosecutor's office in the investigation or prosecution of international crimes are investigated.

The fourteenth essay - ***Promoting Effective Refugee Protection in India: Balancing National Interests and International Obligations***, has been authored by **Garima Tiwari**. This essay explores the situation of refugees in India, particularly Sri Lankan and Rohingya refugees who are seeking asylum in India and face the issue of statelessness due to the lack of a concrete refugee law in India. The Foreigners Act 1946 of India defines foreigners as individuals who are not Indian citizens and requires non-citizens to possess government-issued documentation. Failure to possess such documents exposes individuals to including potential imprisonment and fines. The Act also grants the government the authority to detain and deport foreign nationals residing unlawfully in India. The absence of a concrete refugee law in India, coupled with concerns over the potential impact of the Citizenship Amendment Act, 2019 (CAA) on India's secular constitutional fabric, has raised international apprehension. It is important to note that India is not a party to the Convention Relating to the Status of Refugees, 1951, and its 1967 protocol, limiting its refugee protection obligations. By analysing relevant legal sources, judicial decisions and international standards, this paper aims to provide a comprehensive understanding of the legal complexities surrounding refugee protection in India and the implications of the CAA within the context of India's international obligations.

Platform-to-business contracts in the light of European Laws in the digital society, authored by **Maria Luisa Chiarella & Manuela Borgese** is the fifteenth essay. Platform economy is a business model in which supply and demand for goods and services meet on online platforms to form a virtual market. Online platforms play an important role in the digital environment in that they are the gatekeepers of access to the market: in fact, the relationships between businesses and consumers are managed by online platforms which hold power as online intermediators and through online search engines. For this reason, platforms-to-business relationships play a crucial role. Within European market policies, the European legislation aims to fight potential unfair behaviour and to re-balance asymmetric relationships between these digital giants and business users. The purpose of this essay is to observe EU norms in the light of their implementation.

Eliza Maniewska has authored the sixteenth essay - ***Employment Relationship, Emergency Situations, Formal models of 'emergency' Labour Law - outline of main issues.*** The study presented in the paper is concerned with a formal model of regulations dedicated to the normalisation of employment relationships in emergency situations. Until the outbreak of Covid-19, the subject matter of legal regulation of employment relationships in connection with the occurrence of emergency situations has not been given much thought. The authoress puts forward a thesis that formal models of 'emergency' labour law are closely linked to the concern to uphold the elementary democratic standards which should be respected by the law

regardless of whether it relates to 'ordinary' or extraordinary situations. The research is primarily based on an analytical and linguistic, analytical and logical, dogmatic and legal, and descriptive method. Of the three basic formal models for the regulation of employment relationships in emergency situations: the permanent model, the mixed model and the ad hoc model. She concludes that, taking into account both the need for a relative flexibility in legal regulation and the need to maintain the elementary standards of a democratic state of law the mixed model should be considered as the most optimal.

The seventeenth contribution, ***Medical Liability for Omission under the Portuguese Criminal Law: a critical eye on Portuguese jurisprudence*** has been authored by **Elisabete Ferreira**. The authoress points out that in the Portuguese legal system, criminal liability for omission can be conducted by the legal category that criminalises omission in itself, regardless of the result, or operate by equating omission with action. In medical criminal liability, the framework for a hypothetical omission by an on-duty doctor in emergency services has been controversial - section 284 of the Penal Code expressly stipulates that a doctor's refusal to administer care be punishable conduct. On the other hand, it is possible that the doctor on duty in the emergency room of a hospital has a personal legal duty to act as a guarantor, arising from the contract that binds him/her to the hospital. When the refusal of assistance by a physician causes the death of a patient, instead of convicting the physician for homicide by omission courts are convicting the physician for refusal to provide medical assistance. The authoress aims to critically present this jurisprudence, state the legal and doctrinal foundations that justify the inclusion of these hypotheses within the scope of crimes committed by omission and point out the practical importance of choosing this solution.

The eighteenth essay, ***Addressing Corporate Human Rights Violations and Environmental Harm: Advancing a Holistic Remedial Framework through Tort Law and the EU Corporate Sustainability Due Diligence Directive (CSDDD)*** has been authored by **Emmanuel Kojo Nartey.** The author investigates solutions for instances of corporate human rights violations and environmental harm, with a focus on applying the 'Eggshell Skull Rule'. He examines legal remedies, emphasising the significance of aggravated and exemplary damages in addressing corporate wrongdoing and supports the use of exemplary damages to penalise misconduct and prevent future offences. Furthermore, he assesses the difficulties and debates surrounding exemplary damages in civil cases. This essay contributes to discussions on corporate accountability and aligns with the EU Corporate Sustainability Due Diligence Directive by advocating for a comprehensive remedy structure. The author underlines the necessity of both compensatory and punitive measures to maintain accountability and fairness in cases of corporate misconduct.

Emmanuel Kojo Nartey is also the author of the ninetieth essay ***Ethical Judicial Restraint and the Rule of Law: Strengthening Constitutional Integrity in the UK.*** The author establishes the theoretical framework for evaluating the concepts of 'elective dictatorship' and 'partisan politics' within the broader context of UK rule of law and ethics. He reviews existing literature in this domain and addresses these concepts within the context of the rule of law and ethics and argues

that when ‘elective dictatorship’ and ‘partisan Politics’ are used to undermine the judiciary, the court has a duty to depart from traditional norms.

The authoress of the twentieth essay ***Hungarian model of the restructuring process - National report*** is **Noémi Suri.** The primary aim of this essay is to develop a complex and comprehensive picture of the restructuring procedure as placed within the system of insolvency and reorganisation procedures in Hungary. The paper showcases the unified EU objectives set out by the directive within the system of European insolvency procedures, and describes the Hungarian procedural rules and the most important related legal institutions adopted to implement these objectives**.** Act LXIV of 2021 (referred to as the Restructuring Act) sets out that the aim of restructuring is to adopt and implement a restructuring plan with some or all of the creditors and thus prevent the debtor’s future insolvency and ensure the debtor’s financial viability. Among these measures, the Restructuring Act lists as example the sale of the debtor’s property or part thereof, or the sale of any participation in the debt. The condition for restructuring is the likelihood of the company’s insolvency. In addition to the definition of insolvency, Section 2(2) of the Restructuring and Insolvency Directive renders the interpretation of the probability of insolvency into Member State jurisdiction.

The twenty first essay ***Fair satisfaction due to violations of patients' rights in healthcare*** has been authored by **Anka Mohorič Kenda**. In her essay the authoress explores and presents the meaning of the award of just satisfaction for breaches of patients' rights that interfere with fundamental human rights and the personal integrity of the individual in the field of healthcare. She reveals and presents a view on the normative regulation of the field of scientific study and points out the shortcomings of the regulation of the judicial protection of rights in health care in the Republic of Slovenia. The study concludes that the interference with a patient's right protected by law results in an interference with the patient's private life, which is why the court should mitigate the ongoing violation and its consequences without undue delay. The patient should be able to seek judicial protection of his or her rights in the healthcare system within the national system through the establishment of an institute of just satisfaction under Article 41 The European Convention on Human Rights (ECHR). It remains open to debate for which violations of patients' rights just satisfaction should be granted and in what procedure in order to ensure its swift effect.

Pragya Mishra is the authoress of the twenty second contribution- ***Neuroscientific Paradigms and Their Implications for Jurisprudential Practice: A Comparative Analysis.*** The authoress examines the burgeoning field of neurolaw, analysing how insights from neuroscience are transforming legal theory and practice across jurisdictions. The essay provides an extensive contemplation of the normative, ethical, and policy quandaries arising from integrating neuroscience into legal proceedings. The global human rights implications of emerging neurotechnology are comprehensively considered, with a focus on the need for international governance frameworks. Finally, the authoress proposes a comprehensive framework for responsibly integrating neuroscience into legal practice, promoting justice while safeguarding against overreach, is proposed and elucidated.

The author of the twenty third contribution ***A Constitutional Analysis of the Parental Presence Requirement for Pregnant Pupils during Examinations in South African Schools: A Critical Examination*** is **Tshilidzi Knowles Khangala.** The rule or policy mandating parental presence during exams for pregnant pupils in certain South African schools is a significant measure aimed at providing support and safeguarding the well-being of pregnant learners. A pregnant pupil was reportedly denied the opportunity to write a matric exam paper because she was not accompanied by her mother, as required by the school's rules. Through a critique of the legal and ethical dimensions, it explores the implications of such a requirement on the rights of pregnant learners, considering constitutional provisions and international human rights standards. By evaluating the necessity, proportionality, and potential discriminatory effects of the requirement, this study aims to contribute to the ongoing discourse on education equity and other related rights in South Africa. Furthermore, the study seeks to contribute to ongoing discussions surrounding children's rights, constitutional protections, and the intersection of right to access basic education and other constitutional rights. By examining the constitutionality of the parental presence requirement, it further aims to inform policy debates and promote the development of inclusive and rights-based approaches to education for pregnant learners in South Africa.

Standing for Climate Change Litigation: A Tort Law Approach and the Way Forward authored by **Charlotte Semarcelle** is the twenty fourth essay. The authoress points out that climate change litigation is a polycentric issue, implying multiple parties at a wide scale. It is at odd with the rules of civil law, designed to individualise a connection between two parties, and shaped within a bilateral framework. The authoress analyses, through a sample of exemplifying cases, the nature of the evolution of standing. It shows that it has not been allowed through a relaxing interpretation of the degree of proximity between the parties. It has rather been driven by the recognition of additional forms of proximity, recognised by the law, at both procedural and substantial levels.

Daniela Iancu authored the twenty fifteenth essay - ***Press Freedom in Romania: Regulation, Realities, and Expectations in the Context of Adopting New European Regulations*. **The press law adopted during the communist period was repealed in 2023, and no new press law has been adopted. As stated by the authoress there have been initiatives in this regard, but the opposition from journalists, who feared the introduction of restrictions on press freedom, has been stronger. Although Romanian legislation is, as stated, aligned with European standards, in reality, the freedom of the press in Romania has been subject to some criticism. The adoption of new European regulations could bring significant changes to the field of press freedom in Romania.

The twenty sixteenth essay is ***Do Harmonized Provisions Ensure Fairness in International Trade? The European Customs Law Experience*** authored by **Cristina Faone**. The authoress states that divergent behaviours among European Union member states are still encountered, which is not without consequences for economic operators and the fair and competitive conduct of the internal market. For the customs classification of goods, the role of the Customs Committee Code comes to the fore, which, in the event of divergent views among member countries about the

issuance of binding tariff information, is called upon to reach an agreed solution in a still uncertain regulatory framework. The authoress proposes some solutions without claiming exhaustiveness. She also considers the draft of the new Union Customs Code that establishes, for the first time, a European Customs Authority currently under consideration by the European Commission.

Possible contribution by BRICS to the AfCFTA: Towards economic development and consequently the enforcement of socio-economic rights in Africa, authored by **Katlego Arnold Mashego** is the twenty seventh essay.

The author argues that economic development in Africa is an urgent matter that needs urgent attention, and all the available opportunities must be seized. Poverty rates in Africa are shocking, it has been reported that most poverty is concentrated in the Sub-Saharan Africa region, poverty at one of the sub-regions of Africa is above 50%. This author also argues that in order for Africa to address its challenges, particularly, the economic development challenges, African leaders must work together towards achieving common goal, which is economic development.

Attributes of the Romanian State. Special View on the Rule of Law authored by **Andra Nicoleta Puran** is the twenty eighth essay. The authoress analyses the attributes of the Romanian state enshrined by the Constitution, respectively: rule of law; welfare state; pluralistic state; democratic state. Legislative inflation increasing the role of the Executive in the field of legislation at the expense of Parliament, the intrusions of politicians into the sphere of judicial power are just some of the dysfunctions of the Romanian rule of law. In this context, the authoress highlights the essential role of the Constitutional Court in guaranteeing and respecting the requirements of the rule of law. However, under the influence of the specific socio-political factors in each country, the pressures of the Union and international law, the rule of law cannot reach perfection, but it remains a fundamental constitutional necessity whose primary purpose is to ensure the rights and freedoms of citizens.

Ramona Duminică is the authoress of the twenty ninth essay ***Normative Inflation – Cause of Inefficiency of Romanian Environmental Law*****.** The authoress points out that legislative inflation, defined as an abnormal multiplication of legal norms, seems to be a natural and widespread phenomenon, but if certain limits are exceeded, the negative effects begin to appear**.** The normative excess encountered in Romanian environmental law generates first of all a diminution of confidence in its power to ensure the protection of fundamental rights**.** This essay launches an invitation to reflection on the causes and consequences of this phenomenon, and finally calls for a process of reforming the lawmaking and enforcement activities of environmental law. Beyond presenting from a critical perspective the situation of the environmental legislation in Romania, the main objective pursued by this study is to propose possible solutions to remedy the situation found.

A comparative analysis of the right to have "access to adequate housing" in the Republic of South Africa and the Republic of Kenya authored by **Dane Ally** is the thirtieth essay. The author compares the relevant constitutional provisions and case law relating to the right to have access to adequate housing in the Republic of South Africa with those of the Republic of Kenya. The Constitution of the Republic of South Africa guarantees the right to have access to adequate housing to "everyone." In similar vein, the Constitution of the Republic of Kenya makes provision for the

protection of a comparable right. The author considers the similarities and the differences between the relevant constitutional provisions and makes recommendations for the possible enhancement of the protection of the relevant right in his concluding remarks.

The thirty first and final essay in this volume, ***Complexity of Legal Harmonisation in Southeast Asia: A Diversity of Legal Systems & Languages,*** has been authored by **Robert Brian Smith.** We are sorry to inform that unfortunately Dr. Smith passed away in September 2024. The eleven countries of the Southeast Asia are quite diverse in terms of culture, religion, language and legal system, as pointed out by the author. All of them except Thailand were colonies of European powers who introduced their legal systems. Even Thailand, which was never colonised, was influenced by the laws of the European powers. Although English is the working language of ASEAN, it is the national language of none. The diversity of national and official languages is a crucial element impacting the ability of ASEAN member states to harmonise their laws. Such an approach is critical as the ASEAN Economic Community moves to greater integration. The author discusses three possible models for harmonisation/cooperation: a set of model laws, accession to an international treaty, or an agreement to cooperate. In the case of Brunei Darussalam, Malaysia, the Philippines and Singapore, where legal systems use English, all three models could be used. For the other seven countries, because of their language diversity, it is argued that the set of model laws is inappropriate. The author's view that the preferred option is a treaty or convention that sets out the scope and minimum requirements to be included in the local law and the obligations to cooperate, and recommends the Convention on Cybercrime (Budapest Convention) as a possible model.

Many of the debates analysed are ongoing, and the policy, ideas, and interpretation brought up in the essays will undoubtedly contribute to future debates. I hope the reader will find the collection of essays stimulating and insightful reading not only for those who are interested in particular issue discussed but also to acquaint themselves with other current issues.

The views expressed in the essays in this volume are those of the authors and do not represent nor they intended to represent the views of any other individual or body.