



THE ATHENS INSTITUTE FOR EDUCATION AND RESEARCH

# Abstract Book

**19<sup>th</sup> Annual International Conference on  
Law  
11-14 July 2022, Athens, Greece**

**Edited by  
David A. Frenkel & Olga Gkounta**

2022

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Conference on Law  
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First published in Athens, Greece by the Athens Institute for Education and Research.

ISBN: 978-960-598-516-5

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9 Chalkokondili Street  
10677 Athens, Greece  
[www.atiner.gr](http://www.atiner.gr)

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# TABLE OF CONTENTS

(In Alphabetical Order by Author's Family Name)

<b>Preface</b>		9
<b>Editors' Note</b>		11
<b>Organizing &amp; Scientific Committee</b>		12
<b>Conference Program</b>		13
<b>1.</b>	<b>Clash of Protection and Limitation: Putting a Liability Limit on Human Life?</b> <i>Aisegül Akkoyun</i>	17
<b>2.</b>	<b>Crimes of Danger and Conflict with the Principle of the Liberal Constitution</b> <i>Arzu Balan</i>	18
<b>3.</b>	<b>Digital Service Act (DSA) and Digital Markets Act (DMA): New Rules for Digital Platform</b> <i>Maria Luisa Chiarella</i>	19
<b>4.</b>	<b>Bleak House: The Right to Housing in Times of Pandemics</b> <i>Paola Chiarella</i>	20
<b>5.</b>	<b>Assessing the Contours of the Entrapment Defence in the Criminal Law</b> <i>Ger Coffey</i>	21
<b>6.</b>	<b>Essay About Privacy</b> <i>Ronald Griffin</i>	23
<b>7.</b>	<b>Punitive Damages: A Forensic Economics Method to Internalize the Social Cost of Harm when the Probability of Detection of Wrongdoing is Low, and the Objective is Deterrence</b> <i>Elias Grivooyannis &amp; Constantine H. Grivooyannis</i>	24
<b>8.</b>	<b>The Access Conditions of the Natural Person to the Insolvency Procedure</b> <i>Lavinia-Olivia Iancu</i>	25
<b>9.</b>	<b>Doctrinal Assessment of Banks' Interests as an Element of Consumer Rights Protection when Banks Unilaterally Close Accounts</b> <i>Aleksejs Jelisejevs</i>	26
<b>10.</b>	<b>Police Deception: How Lies and Undercover Operations Contribute to False Confessions</b> <i>Rinat Kitai-Sangero</i>	27
<b>11.</b>	<b>The Concept of Dignity, Labor Relations and the Struggle for Recognition in Brazil</b> <i>Gerson Leite De Moraes &amp; Jose Geraldo Romanello Bueno</i>	28
<b>12.</b>	<b>Technology, Inequality, and the Modern State: A Tale of Two Cities</b> <i>Eleanor Lumsden</i>	29
<b>13.</b>	<b>Russia-Ukraine Economic Sanctions: Legal Responses to a Crisis</b> <i>Michael Malloy</i>	30

14.	<b>Gender Segregation on Orthodox Buses: The Case of the Israeli High Court of Justice Ruling on the “Segregation Lines” 2011</b> <i>Assaf Meydani</i>	31
15.	<b>A New Approach to Global Governance for Climate Change</b> <i>Athanasios Mihalakas</i>	32
16.	<b>The Role of International Law in the Adjudication of the Right to Housing in Africa</b> <i>Priscilla Moyo</i>	33
17.	<b>Rohingya Crisis: A Critical Analysis of International Law and Human Rights Law</b> <i>Emmanuel Nartey</i>	34
18.	<b>Territorial Disputes and a Multidimensional Approach</b> <i>Jorge Nunez</i>	35
19.	<b>Legal Aspects of Corporate Governance in Russia</b> <i>Vladimir Orlov</i>	36
20.	<b>European Union Fundamental Rights Reflected in Tax Procedures: The Key for Tax Harmonization Inside the European Union?</b> <i>Mihaela Elvira Patraus &amp; Tudor Dumitru Vidrean – Capusan</i>	37
21.	<b>Tunnelling: A Just Cause for Involuntary Dissolution of Corporations</b> <i>Murat Can Pehlivanoglu</i>	38
22.	<b>The Compulsory Non-Bankruptcy Settlement in the Hungarian Bankruptcy Practice During the First World War</b> <i>Máté Pétervári</i>	39
23.	<b>Combating Violence against Women and Domestic Violence: The Recent Proposal of the European Commission</b> <i>Marta Picchi</i>	40
24.	<b>Incident of Resolution of Repetitive Claims and Group Litigate Order: A Comparative Perspective for Mass Claims</b> <i>Larissa Pochmann da Silva</i>	42
25.	<b>The Unborn Child as a Liability Subject of the Legal Tax Obligation</b> <i>Michely Vargas del Puppo Romanello, Jose Geraldo Romanello Bueno &amp; Victor Vinicius Allegretti Scabello</i>	43
26.	<b>The Right to Succession of the Child Conceived by Post Mortem Artificial Insemination</b> <i>Jose Geraldo Romanello Bueno &amp; Michely Vargas del Puppo Romanello</i>	44
27.	<b>The International Law Commission and the Codification of Crimes Against Humanity – Has the Time Come for the Adoption of an International Convention?</b> <i>Rutvica Rusan Novokmet</i>	45
28.	<b>Applying the STAMP Safety Model to Prevent False Convictions Based on Forensic Science Evidence</b> <i>Boaz Sangero</i>	46
29.	<b>Biometric Data in Artificial Intelligence Based Recruitment Procedures: The Need for a Delicate Interpretative Balance</b> <i>Claudio Sarra</i>	47

30.	<b>A Search for Justification: Russia's Military Invasion of Ukraine: An International Law Perspective</b> <i>Steven Sekirya Serumaga-Zake</i>	49
31.	<b>Use and Abuse of Social Media in Myanmar Between 2010 and 2022</b> <i>Robert Smith &amp; Nucharee Smith</i>	50
32.	<b>The Taxation of Cryptocurrency</b> <i>Alexander Szívós</i>	52
33.	<b>The Comparative Analysis of Avoiding Undue Delay in the History of Austria</b> <i>Kristóf Szívós</i>	53
34.	<b>Cancel Culture Australian Style</b> <i>Molly Townes O'Brien</i>	54
35.	<b>Self Defense and Domestic Violence: An Analysis of Turkish Criminal Law Practice</b> <i>Selin Türkoğlu</i>	55
36.	<b>Cartel Private Law in the Interwar Period in Hungary</b> <i>Norbert Varga</i>	56
37.	<b>Capacity Building in Space Law and Policy in China: Status Quo, Shortcomings and Possible Ways Out</b> <i>Yongliang Yan, Yiwen Yang &amp; Weize Ning</i>	57
<b>References</b>		59

# FINAL CONFERENCE PROGRAM

19<sup>th</sup> Annual International Conference on Law, 11-14 July 2022, Athens, Greece

## PROGRAM

### Monday 11 July 2022

09:00-09:30  
Registration

09:30-10:00

#### Opening and Welcoming Remarks:

- **Gregory T. Papanikos**, President, ATINER
- **David A. Frenkel**, LL.D., Head, Law Unit, ATINER & Emeritus Professor, Law Area, Guilford Glazer Faculty of Business and Management, Ben-Gurion University of the Negev, Beer-Sheva, Israel.
- **Michael P. Malloy**, Director, Business, Economics and Law Division, ATINER & Distinguished Professor & Scholar, University of the Pacific, USA.

#### 10:00-12:00 TIME SLOT 1 - MORNING PRESENTATIONS

**Coordinator: Elias Grivoyannis**, Associate Professor, Yeshiva University, USA.

1. **Athanasios Mihalakas**, Professor, The University of Arizona, USA.  
*Title: A New Approach to Global Governance for Climate Change.*
2. **Claudio Sarra**, Associate Professor, University of Padova, Italy.  
*Title: Biometric Data in Artificial Intelligence Based Recruitment Procedures. The Need for a Delicate Interpretative Balance.*
3. **Molly Townes O'Brien**, Honorary Associate Professor, Australian National University, Australia.  
*Title: Teaching Human Rights in Australia.*
4. **Aisegül Akkoyun**, PhD Candidate, Koç University, Turkey.  
*Title: Clash of Protection and Limitation: Putting a Liability Limit on Human Life?*

#### 12:00-14:00 TIME SLOT 2 - MORNING/NOON PRESENTATIONS

**Coordinator: Athanasios Mihalakas**, Professor, The University of Arizona, USA.

1. **Elias Grivoyannis**, Associate Professor, Yeshiva University, USA.  
**Constantine H. Grivoyannis**, M.H.A., M.R.M., M.S. (Taxation) Associate, Forensic Economic Damages, LLC, USA.  
*Title: Punitive Damages: A Forensic Economics Method to Internalize the Social Cost of Harm when the Probability of Detection of Wrongdoing is Low, and the Objective is Deterrence.*
2. **Alexander Szívós**, PhD Student, University of Pécs, Hungary.  
*Title: The Taxation of Cryptocurrency.*
3. **Lavinia-Olivia Iancu**, Associate Professor, Tibiscus University, Romania.  
*Title: The Access Conditions of the Natural Person to the Insolvency Procedure.*

14:00-15:00  
Lunch

#### 15:00-16:30 TIME SLOT 3 - AFTERNOON PRESENTATIONS

**Coordinator: Mr. Kostas Spyropoulos** (ATINER Administrator).

1. **Maria Luisa Chiarella**, Associate Professor, Magna Graecia University of Catanzaro, Italy.  
*Title: Digital Service Act (DSA) and Digital Markets Act (DMA): New Rules for Digital Platform.*
2. **Rinat Kitai-Sangero**, Professor, Zefat Academic College, Israel.  
*Title: Police Deception: How Lies and Undercover Operations Contribute to False Confessions.*

3. **Ger Coffey**, Lecturer, University of Limerick, Ireland.  
*Title: Assessing the Contours of the Entrapment Defence in the Criminal Law.*
4. **Norbert Varga**, Associate Professor, University of Szeged, Hungary.  
*Title: Cartel Private Law in the Interwar Period in Hungary.*
5. **Eleanor Lumsden**, Professor, GGU School of Law, USA & Consultant, NOVA School of Law, Portugal.  
*Title: Technology, Inequality, and the Modern State: A Tale of Two Cities.*

**16:30-18:30 TIME SLOT 4 - AFTERNOON PRESENTATIONS**

**Coordinator: Mr. Kostas Spyropoulos** (ATINER Administrator).

1. **Larissa Pochmann da Silva**, Professor, Estácio de Sá University, Brazil.  
*Title: Incident of Resolution of Repetitive Claims and Group Litigate Order: A Comparative Perspective for Mass Claims.*
2. **Michely Vargas del Puppo Romanello**, Professor, São Paulo University, Brazil.  
**Jose Geraldo Romanello Bueno**, Professor, Mackenzie Presbyterian University, Brazil.  
*Title: The Unborn Child as a Liability Subject of the Legal Tax Obligation.*
3. **Jose Geraldo Romanello Bueno**, Professor, Mackenzie Presbyterian University, Brazil.  
**Michely Vargas del Puppo Romanello**, Professor, São Paulo University, Brazil.  
*Title: The Right to Succession of the Child Conceived by Post Mortem Artificial Insemination.*
4. **Michael P. Malloy**, Director, Business, Economics and Law Division, ATINER & Distinguished Professor & Scholar, University of the Pacific, USA.  
*Title: Russia-Ukraine Economic Sanctions: Legal Responses to a Crisis.*
5. **Ronald Griffin**, Professor, Florida A&M University, USA.  
*Title: Essay about Privacy.*

**20:30-22:30**  
**Greek Night**

**Tuesday 12 July 2022**

**TIME SLOT 5 - MORNING PRESENTATIONS**

09:30-11:30 Time Slot 5a	08:00-11:00 Time Slot 5b
<p><b>Coordinator: Mr. Kostas Spyropoulos</b> (ATINER Administrator).</p> <ol style="list-style-type: none"> <li>1. <b>Robert Smith</b>, PhD Candidate, University of New England, Australia. <i>Title: Use and Abuse of Social Media in Myanmar between 2010 and 2022.</i></li> <li>2. <b>Jorge Nunez</b>, Reader, Manchester Metropolitan University, UK. <i>Title: Territorial Disputes and a Multidimensional Approach.</i></li> <li>3. <b>Mihaela Elvira Patraus</b>, Associate Professor, University of Oradea, Romania. <i>Title: European Union Fundamental Rights Reflected In Tax Procedures. The Key for Tax Harmonization inside the European Union?</i></li> <li>4. <b>Murat Can Pehlivanoglu</b>, Assistant Professor, Istanbul Kent University, Turkey. <i>Title: Tunnelling: a Just Cause for Involuntary Dissolution of Corporations.</i></li> <li>5. <b>Rutvica Rusan Novokmet</b>, Assistant Professor, University of Zagreb, Croatia. <i>Title: The International Law Commission and the Codification of Crimes Against Humanity - Has the Time</i></li> </ol>	<p><b>Old and New-An Educational Urban Walk</b></p> <p>The urban walk ticket is not included as part of your registration fee. It includes transportation costs and the cost to enter the Parthenon and the other monuments on the Acropolis Hill. The urban walk tour includes the broader area of Athens. Among other sites, it includes: Zappeion, Syntagma Square, Temple of Olympian Zeus, Ancient Roman Agora and on Acropolis Hill: the Propylaea, the Temple of Athena Nike, the Erechtheion, and the Parthenon. The program of the tour may be adjusted, if there is a need beyond our control. This is a private event organized by ATINER exclusively for the</p>

<p><i>Come for the Adoption of an International Convention?</i></p> <p>6. <b>Aleksejs Jelisejevs</b>, PhD Candidate, Turība University, Latvia. <i>Title: Doctrinal Assessment of Banks' Interests as an Element of Consumer Rights Protection when Banks Unilaterally Close Accounts.</i></p>	<p>conference participants. Some participants have videotaped the event. <a href="#">Click here</a> for an example.</p>
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#### 11:50-13:30 TIME SLOT 6 – MORNING/NOON PRESENTATIONS

**Coordinator: Emmanuel Nartey**, Lecturer, Cardiff Met University, UK.

1. **Arzu Balan**, Researcher, Hacettepe University, Turkey.  
*Title: Crimes of Danger and Conflict with the Principle of the Liberal Constitution.*
2. **Gerson Leite De Moraes**, Researcher, Universidade Presbiteriana Mackenzie, Brazil.  
*Title: The Concept of Dignity, Labor Relations and the Struggle for Recognition in Brazil.*
3. **Selin Türkoğlu**, Research Assistant, Galatasaray University, Turkey.  
*Title: Self Defense and Domestic Violence: An Analysis of Turkish Criminal Law Practice.*

#### 13:30-15:00 TIME SLOT 7 – Human Rights Law towards State Practice

**Coordinator: Professor Assaf Meydani**, Academic Member, ATINER & former Dean of the School of Government and Society, The Academic College of Tel-Aviv-Yaffo, Israel.

1. **Priscilla Moyo**, LLD Student, Nelson Mandela University, South Africa.  
*Title: The Role of International Law in the Adjudication of the Right to Adequate Housing in Zimbabwe.*
2. **Emmanuel Nartey**, Lecturer, Cardiff Met University, UK.  
*Title: Rohingya Crisis: A Critical Analysis of International Law and Human Rights Law.*
3. **Assaf Meydani**, Academic Member, ATINER & former Dean of the School of Government and Society, The Academic College of Tel-Aviv-Yaffo, Israel.  
*Title: Gender Segregation on Orthodox Buses : The Case of the Israeli High Court of Justice ruling on the "Segregation Lines" 2011.*

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15:00-16:00

Lunch

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#### 16:00-17:30 TIME SLOT 8 – AFTERNOON PRESENTATIONS

**Coordinator: Mr. Kostas Spyropoulos** (ATINER Administrator).

1. **Steven Sekirya Serumaga-Zake**, Senior Lecturer, University of North West, South Africa.  
*Title: A Search for Justification: Russia's Military Invasion of Ukraine. An International Law Perspective.*
2. **Máté Pétervári**, Senior Lecturer, University of Szeged, Hungary.  
*Title: The Compulsory Non-Bankruptcy Settlement in the Hungarian Bankruptcy Practice During the First World War.*
3. **Kristóf Szívós**, Assistant Lecturer, University of Szeged, Hungary.  
*Title: The Comparative Analysis of Avoiding Undue Delay in the History of Austria.*
4. **Yongliang Yan**, Assistant Professor, Beijing Jiaotong University, China.  
**Yiwen Yang**, Undergraduate Student, Beijing Jiaotong University, China.  
**Weize Ning**, Undergraduate student, Beijing Jiaotong University, China.  
*Title: Capacity Building in Space Law and Policy in China: Status Quo, Shortcomings and Possible Ways Out.*

#### 17:30-19:00 TIME SLOT 9 – AFTERNOON PRESENTATIONS

**Coordinator: Mr. Kostas Spyropoulos** (ATINER Administrator).

1. **Vladimir Orlov**, Professor, Herzen State Pedagogical University of Russia, Russia.  
*Title: Legal Aspects of Corporate Governance in Russia.*
2. **Paola Chiarella**, Associate Professor, Magna Graecia University of Catanzaro, Italy.  
*Title: Bleak House: The Right to Housing in Times of Pandemics.*

3. **Marta Picchi**, Associate Professor, University of Florence, Italy.  
*Title: Combating Violence against Women and Domestic Violence: The Recent Proposal of the European Commission.*
4. **Boaz Sangero**, Professor, Spair Academic College, Israel.  
*Title: Applying the STAMP Safety Model to Prevent False Convictions Based on Forensic Science Evidence.*

19:30-21:00

Dinner

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Wednesday 13 July 2022  
Educational Islands Cruise  
Mycenae Visit

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Thursday 14 July 2022  
Delphi Tour

**Murat Can Pehlivanoglu**

Assistant Professor, Istanbul Kent University, Turkey

## **Tunnelling: A Just Cause for Involuntary Dissolution of Corporations**

Tunnelling refers to activity of controlling shareholders of a corporation to exploit minority shareholders by transferring the corporation's economic resources to controlling shareholders. A shareholder who is accused of tunnelling is in fact generally accused of extracting pecuniary private benefits from the corporation. Tunnelling is often structured and effectuated by way of related party transactions. While related party transactions are not prohibited and may even be beneficial for the corporation, it is also a convenient method for tunnelling as it normalizes a transaction that would otherwise be illegal. For example, when a corporation distributes dividends, it does the distribution to every shareholder of the corporation, including controlling and minority shareholders, in absence of any privileged or preferred shares, in the amount and from the sources statutorily prescribed. In case the controlling shareholder does not want to share the profit with the minority shareholders due to any reason, controllers can cause the corporation to transfer all its profit to the controlling shareholder through an indirect but simple sales or rental contract priced above market prices, leaving behind no remaining distributable profit for the minority shareholders. Corporate, capital markets and tax laws rules are structured to constrain such transactions, but loopholes are still present, and tunnelling transactions are often detected after they are completed. While aggrieved minority shareholders of closely held corporations may sue the controlling shareholder, the corporation, and its managers for their direct damages, alleging that a concealed dividend distribution took place; the minority's claim will be most likely treated as a derivative damage claim, and their direct recovery would be impossible. To circumvent this legal technicality, minority shareholders may request the involuntary dissolution of the corporation, demonstrating the tunnelling activities as a just cause for the dissolution and its alternative remedies, such as the buy-out of the minority's shares. This study uses 6102 numbered Turkish Commercial Code as a statutory example and evaluates whether tunnelling may satisfy the just cause ground for involuntary dissolution of closely held corporations. It opines that while tunnelling is indeed a satisfactory just cause, the last-resort nature of the involuntary dissolution statute limits this remedy's direct applicability, especially in absence of prior litigation history.