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TERM PAPER: THE INTERNET LAW

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THE NEW INTERNET LAW FROM POINT OF ETHICAL VIEW IN TURKEY

Technological advancement has been changing our life enormously and there is no hesitation about that. The internet is the one of big impact of technique which becomes more and more vital part of life for nearly every person. It is generally known that the internet has been growing to meet the necessities of billions of users in the world. When we think about its power, we can say that it has taken a strong place on modern human life easily and it is always going to. If we wanted to make a definition for internet, primarily it would be defined by its technological power which holds the unlimited source of information that everyone can access and utilize. However, as the Internet enlarges, so do the concerns that border its strength and capability to positively progress? While we are using it frequently, a question should come into our minds with regard to how it affects us and what type of ethical matters play a role for its usage. Everything aside, we need to discuss thoroughly the question of what kind of ethical issues should be applied and what type of laws should be passed by government on the internet considering ethical concerns as well as discussing the ethical solutions positively or negatively to new internet law that has been gone in effect in Turkey.

The new internet law didn't fall off the agenda for along time and it was heavily discussed by every person who actively uses the internet in Turkey. After long discussion, it was signed into law by the president of Turkey Republic, Abdullah Gül, in February. Basically, the new internet law contains 10 different subjects that are needed to be examined separately but some of them will be examined in this paper. To start with, we are able to say that new internet legislation provides considerably unrestricted control to the telecommunication authority when we look at the decision taken which is stated in Cumhuriyet online paper in Turkish as "TİB başkanına internet sitesi erişim engelleme yetkisi verilecek" [1]. Thus, TIB has power to block access in content without the requisite for a court order. It was not new that the authorities make decision to block right to use the web pages by applying the new internet legislation. There are some legislations on internet access that were passed by government before that new internet law is implemented. In

spite of the fact that the foremost reasoning was pretended to keep children from damaging content such as pornography websites, it is strongly believed that the reason doesn't interest the children at all even if it seems like this. According to most people, the government is trying to force us not to think for their purposes of blocking access to political content which ended up with thousands of websites that were made unreachable as a consequence. To give an example in the nick of time, blocking access to Twitter recently occurred is a good example to see that distinction. As everybody knows there are some political reasons for government to cut the connection between Twitter and its millions of users in Turkey even if Turkey's telecommunication authority BTK claimed that Twitter was blocked only after citizens complained of breaches in privacy, Reuters reported last month [2]. This is just pretext that sweeps the political events under the carpet. The ban was politically motivated for majority of Twitter users and also for critics of Erdoğan and some others as well [2]. Actually, as an outcome of that hindering appliance, concerns which initiated significant side effects were always in prospect. From ethical point of view, do we think that it is ethical to take away the internet access right from someone on the basis of political reasons? Of course it is not. Since everybody must have freedom of information and freedom of expression, it is not ethical to block websites in this way.

As it is stated above that the new internet law gives significantly unlimited control to the TİB (Telekomünikasyon İletişim Başkanlığı). There are some decisions signed into new internet legislation to realize that action. As it is stated in Cumhuriyet online paper in Turkish, the decision of "Hosting firmaları her kullanıcının izini sürebilecek. Her kullanıcının internetteki faaliyeti kayda alınarak bir-iki yıl saklanacak" is clear to understand the issue [1]. According to this legislation, TIB will demand to keep in the traffic data of users for up to two years from internet service providers. Therefore the traffic data will be easily accessed through the internet service providers and this data is not only about for example the content of electronic mails send by one sender to another or the content of anything you share on social media, but also about the time the sender sends to other or the time you share it on social media. As a consequences of this, the telecommunications authority will be

able to provide all of the necessary information about the one's action to the government agencies. This is an obvious ethical issue that concerns one's privacy. Because everyone should be free in their actions and have right of privacy and they shouldn't be monitored for the benefit of the governmental issues. Actually, this is invasion of privacy when we approach this matter from ethical point of view. As a result, no one without excepting the government should not use one's privacy to good account. As an alternative of enacting such law, the government should find different ways to investigate cybercrime or whatever and they should protect individual's privacy instead not to control it for their own benefits. Privacy is an important ethical issue that is needed to take into consideration since it considers the liberty to act in private matters. And no one wants right to privacy to turn out to be a screen to guard truly unsafe movements.

Another matter I want to refer to the decision taken about changing the DNS (Domain Name System) in the new internet law. As again stated in Cumhuriyet online paper in Turkish, "Yer sağlayıcı yurtdışındaysa bile erişim engellenebilecek. DNS değiştirerek bir siteye girilemeyecek" is good decision for some reasons [1]. As a user, changing DNS settings or using any software that uses third party DNS configuration is not an ethical conduct when we want to login to banned sites that are prohibited by state. Because, you are committing an illegal act under law with accessing any of these sites. The decision taken with regard to prohibiting the use of different DNS configuration other than the default one in order to connect illegal sites will provide benefit for several particular matters. The first important advantage is that it protects children from harmful contents since most of the children can access these webpages by changing DNS settings or using a software that performs this operation. By that decision, accessing prohibited contents which produces an unethical behaviour under law may be prevented. Another advantage is that, most of the internet users are not aware of danger by using the third party VPN software or changing web proxies. Even if they guarantee individuals safety and privacy shield, there is continually a threat to leave people exposed to hackers stealing their PINs, financial records, or other profound information which harms the one's right to privacy again. Recently, most of the

users in Turkey are changing the DNS setting or using the VPN (Virtual Private Network) software to access the banned sites such as Twitter and YouTube which may cause unwanted situations as well as both ethical and problematical issues. This legislation may reduce the use of different DNS configuration and the use of VPN software to connect prohibited websites which then will protect one's privacy from hackery movements.

To sum up, the new internet law will not only cause unethical matters but also bring some ethical benefits at the least. However, it is inevitable to say that the majority of decisions are opposed to internet users since the TIB has unlimited power to control one's privacy. Moreover, when there is a serious political issues, the government has also power to press on TIB who has right to block any websites in favour of governments and that blocking mechanism hinders the freedom of information and the freedom of expression when we look at the condition from ethical point of view. The new internet legislation has caused long discussion and protests currently in Turkey. Hopefully, it will not cause more adverse situations in near future.

REFERENCES

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