

## Presenting the Appropriate Connecting Factor for the Uniformization of Conflict of Laws Rules for Civil Liability Lawsuits Caused by Defamation by Looking at Rome 2 Regulations

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### Abstract

Today, with the spread of media tools, the possibility of defamation lawsuits with numerous foreign elements has increased, which can make it difficult for courts to apply the traditional conflict of law rules. Obviously, applying a uniform rule of conflict of laws and preventing too many conflict of laws rules in such lawsuits between different countries will increase predictability and legal certainty and will remove the possibility of abuse by litigants. But which connecting factor can be considered suitable for defamation lawsuits? This article, while assessing the connecting factors applicable to defamation lawsuits, will propose a suitable connecting factor as a rule for the conflict of laws. In this article, it will be shown that if there were multiple competent jurisdictions, the lex fori allows the abuse of the claimants. Also, the application of the rule based on the appropriate law does not bring legal predictability and certainty due to the existence of high flexibility, and the law of the defendant's place of establishment cannot demand justice between the parties. Applying the law of the place of damage, because it may lead to the rule of multiple laws in a lawsuit, faces the court with problems in practice. However, the law of the habitual residence of the victim can be applied as a favorable communication factor in defamation lawsuits.

**Keywords:** Conflict of laws; Defamation; Lex fori; Lex loci damni; Civil liability.

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