

RESEARCH ARTICLE/ARAŞTIRMA MAKALESİ

Case analysis of the effects of digital violence on children in Turkish Penal Law perspective

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Abstract

Today's technological developments make children vulnerable to the threats of the virtual world. In recent years, it is noteworthy that there have been reports in the media that violent digital games have led children to crime. For this reason, the study aims to examine the cases that have occurred in the last year by addressing the issue of digital games dragging children to crime and suicide. In the study, first of all, keywords were determined by literature review. Accordingly, the word groups "digital game", "computer game", "game addiction" and "juvenile pushed to crime" were determined. With the determined keywords, "Google News" was filtered through the search engine between 01.05.2023 – 01.05.2024 and the news was scanned. A total of 368 news reports were examined and 3 cases were identified. The first case was when a 12-year-old boy committed the crime of intentional knife killing of another 13-year-old boy as a result of a task given from a computer game. The second case involved a 12-year-old boy committing suicide with a firearm on the grounds that he was not allowed by his family to play a violent video game called 'PUBG'. The third case is a 14-year-old boy who committed suicide with a firearm after playing a game called 'Blue Whale'. The analysis of the cases were transferred to a table. According to the data of the TURKSTAT in 2021, 54.3% of children in the 6-15 age group who stated that they play digital games regularly stated that they play war games. In the literature, there are almost no legal studies on digital games leading children to suicide and crime. Although there is no official data, findings from literature and news reports suggest that possible associations between violent digital games and children's violent behavior towards themselves and their peers should be investigated.

Keywords: Digital Game, Computer Game, Game Addiction, Juvenile Pushed to Crime, Turkish Penal Law

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1. INTRODUCTION

With the development of technology, the age of access to the internet has decreased until infancy and the concept of traditional games has been replaced by digital games. Studies have revealed that children mostly use the internet for playing games other than participating in online lessons and homework /learning purposes. According to the research conducted by Turkish Statistical Institute (TURKSTAT), 82.7% of children between the ages of 6-15 use the internet regularly, and 66.1% of these children prefer the internet to play games (TURKSTAT, 2021). Digital games can be defined as “all systems with norms and purposes, where the interaction of tools such as screens, keyboards, mice, or joysticks with computer programs is ensured” (Koral & Alptekin, 2023: 288). With the digitalization of games, changes have occurred on a social and individual basis. While the changes in the digital world make it easier to keep up with the age, it has also made children open to the threats of the virtual world without realizing it. The positive and negative effects of computer games differ according to the timing and frequency of playing the game and the content of the game (Sallayıcı & Yöndem, 2020: 14). If we look at the negative effects of digital games, studies have revealed that digital games are likely to cause addiction and behavioral disorders in children and young people (Karaduman & Aciyan, 2020: 455). Problems such as slowing down in the perception processes of adolescent children who play digital games excessively, lack of attention, difficulty in focusing, weakening of reasoning ability and learning disorders may occur. Especially adolescent children who play violent digital games too much may exhibit more aggressive behaviors and show tendencies such as getting into fights and arguing with their peers and teachers (Koral & Alptekin, 2023: 295-296). The public discourse surrounding violence in video games first emerged in the United States during the early 1990s. In response to these debates, the Entertainment Software Rating Board (ESRB) was established in 1994 with the aim of protecting children from exposure to violent and sexual content in video games. Similarly, age-based rating systems, including

the Pan European Game Information (PEGI) in Europe and the Computer Entertainment Rating Organization (CERO) in Japan, were introduced. These rating systems have since been utilized by consumers to determine the appropriateness of video game content for different age groups and to guide purchasing decisions (Olejarnik & Romano, 2023: 2). In the United States, the debate over the impact of violent video games reached a turning point with the Supreme Court’s decision in *Brown v. Entertainment Merchants Association* (Ferguson & Wang, 2019: 1439). In that decision, a majority of the Court ruled that there was insufficient evidence to establish a link between violent video games and negative societal outcomes such as increased aggression or harm and struck down a 2005 California law that prohibited the sale of certain violent video games to children without parental supervision (<https://supreme.justia.com/cases/federal/us/564/786/> Date Accessed: 17 October 2024). The issue of whether aggressive or violent games contribute to aggression or violence in society continues to be a significant topic of debate worldwide (Ferguson & Wang, 2019: 1439).

Rapid changes in social structures have significant effects on juvenile delinquency. While such social structure transformations take place in developed countries in the long term and gradually, these transformations take place quickly, unprepared and problematically in developing countries such as our country. As a reflection of these rapid changes, the phenomenon of crime also differs in various ways (Polat, 2021b: 436-437).

Since a safe internet use environment is not created against the rapid development of technology, these rapid changes affect adolescent children who play digital games and direct their behaviors. As a result, children are likely to become involved in crime and suicide.

2. TERMINOLOGY

2.1. What is a Game?

The game is defined by Turkish Language Association (TLA) as entertainment that develops talent and intelligence, has certain rules, and serves to have a good time. In the

definition put forward by Ayan (2016), the game is “the biggest activity in which children learn the norms of social interaction, regulate their behavior, solve emotional and developmental problems, expand the framework against their social responsibilities and make themselves ready for the world, an application that improves the connection between real life and the world of imagination.” (Koral & Alptekin, 2023: 287).

Today, with the technological developments, digital gaming has started to take a serious place in social life along with traditional gaming. Since games have become playable on almost all technological devices, the concept of digital games has become well established in our lives. For this reason, it is necessary to mention the differences between traditional gaming and digital gaming.

Traditional games are games in which physical activities come to the fore, and the people who play the game choose the rules of the game, the place, the time, the number of people, and most importantly, the game materials and freely construct them according to themselves. The person plays games to have fun by using the objects he/she finds around him/her. The most important point in traditional games is that creativity, interpersonal communication and game building are at the forefront. With these aspects, traditional games make significant contributions to the physical, mental, social and sensory development of children (Hazar et al., 2017: 180). Digital games (video games), on the other hand, can be defined as entertainment and activity software built on a computer, text or visual, where games played on a game console or computer are used over physical or online networks (Ankara Development Agency Digital Game Sector Report, 2016: 9).

2.2. Digital Games with Positive and Negative Aspects

With the development of technology, the traditional game concept is gradually being replaced by digital games. This digitalization in games also causes social changes. In addition to having an effect that contributes to development if digital games are used in a controlled and

conscious manner, if they are used unconsciously for a long time, they can cause highly problematic situations both psychologically and physiologically. Therefore, digital games have positive aspects as well as negative aspects (Koral & Alptekin, 2023: 295).

2.2.1. Positive Aspects:

- Digital games help to increase imagination, provide quick thinking skills, improve hand-eye coordination and learn computer literacy (Horzum et al., 2008: 77).

- Digital games can help children with hyperactivity disorder develop behaviors such as not giving up quickly, being patient, and waiting (Koral & Alptekin, 2023: 294).

- Participation in virtual environments can foster a sense of online community among players, potentially addressing the psychological need to establish and maintain positive social connections. In this way, this may mitigate feelings of loneliness, , is a recognized risk factor for depression (Hygen, et al., 2020: 891)

- It is observed that Digital Games are widely used in various fields such as mathematics, medicine, science, language learning, engineering, problem solving and developing strategic thinking skills (Bayırtepe & Tüzün, 2007: 42).

- Furthermore, online relationships may evolve into offline connections, thereby further supporting the fulfillment of an individual's need for belonging (Hygen, et al., 2020: 891).

- Adolescent children learn teamwork while playing digital games, so they can develop the ability to make decisions and solve problems within the team (Koral & Alptekin, 2023: 294-295).

- Digital games with educational content can be used as an effective tool to attract students' interest and increase their learning motivation and thus ensure knowledge retention (Keskin, 2019: 23).

2.2.2. Negative Aspects

- Studies have revealed that digital games are likely to cause addiction in children and young people (Karaduman & Aciyan, 2020: 455).

- Themes such as crime, violence, war, robbery, etc. are included in the content of digital games in an ordinary way. This situation causes behaviors such as cheating, insensitivity and hostility, which are considered to be contrary to social norms and psychologically problematic in adolescent children, to become commonplace (Koral & Alptekin, 2023: 295, Aydemir, 2022: 51). Although not all meta-analyses concur, several indicate that violent video games are associated with an increase in aggressive behavior (Hygen, et al., 2020: 891).

- Since the real and virtual environment setup is very similar, children who play digital games may have a perception of timelessness (Koral & Alptekin, 2023: 295).

- Problems such as slowing down in the perception processes of adolescent children who play digital games excessively, lack of attention, difficulty in focusing, weakening of reasoning ability and learning disorders may occur. Especially adolescent children who play violent digital games too much may exhibit more aggressive behaviors and show tendencies such as getting into fights and arguing with their peers and teachers (Karaca et al., 2016: 18).

- In addition to the mental, social and physical effects of violent digital games on children playing the game, they can cause children to take harmful actions against themselves and to have suicidal ideation. (Karaca et al., 2016: 17).

- Another negative aspect of digital games can cause identity confusion and negative identity development in adolescent children who are in the process of finding their own identity (Koral & Alptekin, 2023: 296).

As can be seen, digital games have positive aspects as well as negative aspects. The positive and negative effects of computer games may vary depending on the frequency of playing the game, the content and timing of the game (Sallayıcı & Yöndem, 2020: 14). Adolescents should use

digital games to support their physiological, cognitive and social skills and act in awareness of these positive and negative effects of the digital environment.

2.3. Digital Game Addiction

Addiction refers to a pathological condition that describes the constant desire and need for something and the unwillingness of the individual to eliminate this thing (Ayhan & Köseliören, 2019: 3-4).

Symptoms of Internet addiction Psychologist Professor Dr. Kimberly Young first defined and published diagnostic criteria for internet addiction (Young, 1988, as cited in Yeldan, 2023: 72) These criteria are the below:

- People constantly thinking about the activities they do on the internet and dreaming of the next activity,

- Increasingly accessing the internet to get the desired satisfaction,

- Unsuccessful attempts by individuals to limit, reduce or completely stop internet use,

- Feeling restlessness and anger in case of intervention in the use of the internet,

- People use the internet more than planned,

- People having problems with their social environment due to internet use and jeopardizing the opportunities they encounter for this reason,

- People lying to their social circles about the duration of their stay on the internet,

- Using the internet to escape from problems and negative emotions in people's lives. (Yeldan, 2023: 73).

In addition to the diagnostic criteria of Internet Addiction defined by Prof. Dr. Kimberly Young, the Diagnostic and Statistical Manual of Mental Disorders (DSM) fifth edition addresses game addiction as "*internet gaming disorder*" and recommends further research (American Psychiatric Association, 2013: 795).

Gaming addiction is defined as a maladaptive and stubborn behavior, accepted as a type

of technology addiction and considered as a subcategory of internet addiction. (Uzunoglu, 2021:121.). According to another definition, pathological gaming can be defined as excessive and compulsive digital game use, where game users cannot control their game use. Digital game playing has the potential to cause social or emotional problems. (Junco-Guerrero, et al., 2024: 3-4). Excessive use of computers and video games is considered a behavioral addiction, characterized by extreme and uncontrollable physical and psychological effects. Gaming addiction is often harder to detect because time spent on screens goes unnoticed, and technology is pervasive in daily life. The ability to play games on nearly all devices with advancing technology has contributed to this issue. Digital games, now an integral part of society, have significant economic, social, and cultural impacts (Uzunoglu, 2021: 124). Like the behaviors of other addicts, children addicted to video games

may isolate themselves from real life, reject the real world, and turn to video games as a way to escape the pressures of the real world (Lee & Morgan, 2018: 12).

According to the DSM-V, digital game addiction is considered a compulsive-impulsive spectrum disorder that includes both online and offline gaming. Individuals who become addicted often exhibit poor self-control, play for extended periods, neglect their daily responsibilities, and may not even stop playing to eat. When digital games are interrupted or cannot be played, these individuals tend to display irritable and aggressive behavior (Şenol, et al., 2023: 1)

2.4. Digital Game Addiction in Children

Game addiction, which starts in childhood, continues in adolescence and then in adulthood. Unfortunately, game addiction, which is also seen in adult individuals, has started to be

Tablo 1. DSM-5 - Suggested Criteria for the Condition of Internet Gaming Disorder

<p>Internet Gaming Disorder</p> <p>Proposed Criteria</p> <p><i>Persistent and recurrent use of the Internet to engage in games, often with other players, leading to clinically significant impairment or distress as indicated by five (or more) of the following in a 12-month period:</i></p> <ol style="list-style-type: none"> 1. <i>Preoccupation with Internet games. (The individual thinks about previous gaming activity or anticipates playing the next game; Internet gaming becomes the dominant activity in daily life).</i> <p><i>Note: This disorder is distinct from Internet gambling, which is included under gambling disorder.</i></p> <ol style="list-style-type: none"> 2. <i>Withdrawal symptoms when Internet gaming is taken away. (These symptoms are typically described as irritability, anxiety, or sadness, but there are no physical signs of pharmacological withdrawal.)</i> 3. <i>Tolerance—the need to spend increasing amounts of time engaged in Internet games.</i> 4. <i>Unsuccessful attempts to control the participation in Internet games.</i> 5. <i>Loss of interests in previous hobbies and entertainment as a result of, and with the exception of, Internet games.</i> 6. <i>Continued excessive use of Internet games despite knowledge of psychosocial problems.</i> 7. <i>Has deceived family members, therapists, or others regarding the amount of Internet gaming.</i> 8. <i>Use of Internet games to escape or relieve a negative mood (e.g., feelings of helplessness, guilt, anxiety).</i> 9. <i>Has jeopardized or lost a significant relationship, job, or educational or career opportunity because of participation in Internet games.</i> <p><i>Note: Only nongambling Internet games are included in this disorder. Use of the Internet for required activities in a business or profession is not included; nor is the disorder intended to include other recreational or social Internet use. Similarly, sexual Internet sites are excluded.</i></p> <p><i>Specify current severity:</i></p> <p><i>Internet gaming disorder can be mild, moderate, or severe depending on the degree of disruption of normal activities. Individuals with less severe Internet gaming disorder may exhibit fewer symptoms and less disruption of their lives. Those with severe Internet gaming disorder will have more hours spent on the computer and more severe loss of relationships or career or school opportunities.</i></p>

seen in children from a very young age. Digital game addiction, which is accepted as a type of technology addiction and also a subheading of internet addiction, leads to maladaptive and problematic behaviors in children. Especially in recent years, screen usage times, which have reached very high rates in children and adolescents, have increased the research on this subject. (Baldemir & Övür, 2021: 143).

Problems such as sedentary behavior, screen addiction, increased obesity, metabolic problems, insufficient sleep and visual impairment may occur in children who spend too much time playing digital games (Unicef, 2017).

Reduced areas where children can do social activities that allow them to spend time outside. For these reasons, the use of virtual screens, which started slowly in childhood, continues until adolescence and adulthood, leaving its place to addiction as age progresses. Children's use of the internet and screen at the level of addiction in the developmental age negatively affects both psychological, physical and mental development of children (Baldemir & Övür, 2021: 143).

A meta-analytic review of the video game research literature indicates that violent video games are associated with an increase in aggressive behaviors among children and young adults. Both experimental and non-experimental studies conducted with male and female participants in laboratory and field settings support this conclusion. Furthermore, analyses reveal that exposure to violent video games enhances physiological arousal and increases aggression-related thoughts and feelings, while also diminishing prosocial behaviors. For instance, considering that the students responsible for the Columbine High School shooting frequently engaged with violent video games, it has been suggested that such games possess the potential to lead individuals toward criminal behavior and violent acts (Anderson & Bushman, 2001: 353). One of the most striking consequences of digital gaming addiction is that it drives people to crime or suicide. As it has emerged within the scope of this study, digital games can cause a person to commit acts of violence against himself or others

(Erdoğdu, et al., 2022: 42)

2.5. The Concept of Child

According to Article 1 of the United Nations Convention on the Rights of the Child, every person is considered a child until the age of eighteen, except for the case of coming of age at an earlier age according to the law that can be applied to the child (United Nations, 1989).

In terms of Turkish Law; According to Article 3 of the Child Protection Law (CPL) No. 5395, even if he/she is an adult at an earlier age, the person who has not reached the age of eighteen has been accepted as a child (Republic of Turkey Official Gazette, No. 25876, 2005). In Article 6 of the Turkish Penal Code (TPC) No. 5237, it is accepted that the person who has not completed the age of eighteen is a child (Republic of Turkey Official Gazette, No. 25611, 2004). In Article 11 of the Turkish Civil Code (TCC) No. 4271, it is regulated that the person will become an adult when he/she reaches the age of eighteen and it is stated that getting married will make the person an adult (Republic of Turkey Official Gazette, No. 24607, 2001). In Article 12, it is regulated that the child can be made an adult by the court with his/her own will and the consent of his/her parent when he/she reaches the age of fifteen. However, since every individual who has not reached the age of eighteen is considered a child, whether they are an adult or not, they will benefit from all the rights of a child in criminal proceedings (Yıldırım, 2023: 6).

2.6. The Concept of Juvenile Pushed to Crime

According to Article 2 of the Code of Criminal Procedure numbered 5271 (CPC); The person who is under suspicion of crime during the investigation phase is called "suspect" (m.2/1-a). The person who is under suspicion of crime from the beginning of the prosecution until the judgment is finalized is called "defendant" (m.2/1-b) (Republic of Turkey Official Gazette, No. 25673, 2004). In terms of children, no distinction has been made in this context, and only the concept of "juvenile pushed to crime" is used in both the investigation and prosecution stages (Metin, 2019: 23).

The Child Protection Law (CPL) used the concept of “**juvenile pushed to crime**” by introducing a new approach for children who committed crimes, and in this context, it accepted that the child was juvenile pushed to crime, not as a criminal (Aslan, 2014: 23). This situation is expressed in the Doctrine, as a juvenile pushed to crime instead of a delinquent child because the conditions push and direct children to commit a crime (Polat, 2022b: 233).

The concept of juvenile pushed to crime is defined in Article 3 of the Child Protection Law (CPL). Accordingly, it refers to “any juvenile about whom an investigation or prosecution is carried out on the allegation that he/she has committed an act which is defined as a crime in the Laws, or any juvenile about whom a security measure has been decided due to an act he/she has committed.”

It is recognized by the Convention on the Rights of the Child and other international treaties that children who are pushed into crime should be tried in a justice system separate from adults. This system, called the “Juvenile Justice System”, aims to reintegrate children into society rather than punishing them (Kösesoy, 2019: 257).

In the Turkish Penal Code, there is a criminal system according to age groups. This issue is explained in the Law’s preamble follows: *“In parallel with the physical development of the person, the ability to perceive the value judgments of the society, their meaning and content is developing. In addition to the ability to perceive in this development process, the ability to direct their actions (will) in line with the requirements of the code of conduct in society is also developing.”*

The effect of children’s underage and defect ability on criminal responsibility is regulated in Article 31 of the Turkish Penal Code and children are divided into three categories. The defect ability of children in each age group and the criminal responsibility arising from this defect ability are clearly regulated (Koca & Üzülmöz, 2023: 320). Thus;

- The children having not attained the full age of twelve on the commission date of the offense, may not have criminal responsibility. Besides, no

criminal prosecution may be commenced against such persons; but, it may be deemed necessary to take certain security precautions specific to children.

- For children who have reached the age of twelve but have not reached the age of fifteen when they commit the act, it is checked whether they perceive the legal meaning and consequences of the act they commit and whether their ability to direct their behavior is sufficiently developed.

1. In case a person who attained the age of twelve but not yet completed the age of fifteen on the commission date of the offense does not have the ability to perceive the legal meaning and consequences of the offense, or to control his actions, he may not have criminal responsibility for such behavior. However, security precautions specific to children may be adopted for such individuals.

2. If he has the ability to perceive the legal meaning and consequences of the act he has committed and to direct his behavior in relation to this act, if the crime requires aggravated life imprisonment, from twelve years to fifteen years; if it requires life imprisonment, it is sentenced to imprisonment from nine years to eleven years. Half of the other sentences are reduced and in this case, the prison sentence for each act cannot be more than seven years

If a person has the ability to apprehend the offense he has committed or to control his actions relating to this offense, then such person may be sentenced to imprisonment from twelve years to fifteen years if the offense requires heavy life imprisonment; from nine years to eleven years if the offense requires life imprisonment. Half of the other sentences are reduced and in this case, the prison sentence for each act cannot be more than seven years.

- A person who attained the full age of fifteen but not yet completed the age of eighteen on the commission date of the offense is sentenced to imprisonment from eighteen years to twenty-four years if the offense requires heavy life imprisonment; and from twelve years to fifteen years if the offense requires life imprisonment. One third of the other punishments is abated and

in this case, the imprisonment to be imposed for each offense may not be more than twelve years.

Rapid changes in social structures have significant effects on juvenile delinquency. In our country, there is a rapid transition from agricultural society to industrial society and then to the information society with the globalization process. In this process, radical changes have occurred at economic, social, cultural and individual levels. While such social structure transformations take place in developed countries in the long term and gradually, these transformations take place quickly, unprepared and problematically in developing countries such as our country. As a reflection of these rapid changes, the phenomenon of crime also differs in various ways (Polat, 2021b: 436-437).

Suicide is also a common problem in children who are juvenile pushed to crime. According to a study conducted by Vermeiren in 2003, 30% of children who have been juvenile pushed to crime have attempted suicide at least once in their lives, while 14% to 22% of children have found that they have suicidal ideation (Polat, 2022a: 244). Children who constantly commit crimes are twice as likely to harm themselves as children who have been juvenile pushed to crime for the first time (Polat, 2022a: 244).

2.7. The Concept of Suicide and the Crime of Encouraging Suicide

The World Health Organization (WHO, 1974) considers the concept of suicide as *“self-harm with the intention of ending one’s life with awareness of one’s purpose and to varying degrees”*. According to Emile Durkheim (1987), suicide is a death that occurs as a result of a positive or negative action of the victim, which the victim knows directly or indirectly will lead to this result. Suicide is the greatest act of violence against oneself (Polat, 2022b: 235).

If death occurred as a result of the attempted action, these events are called *“completed suicide”*, while situations that are prevented without resulting in death are called *“suicide attempted”* or *“try to commit suicide”* (Polat, 2024: 251). It is known that approximately 2% of

suicide attempts of adolescents result in death (Polat, 2021a: 47).

Suicide is not regulated as a crime in the systematic of Turkish Criminal Law nevertheless the crime of encouraging suicide is regulated in Article 84 of the Turkish Penal Code. According to the article;

(1) Any person who instigate, encourages a person to commit suicide, or supports the decision of a person for suicide or helps the suicide action in any manner whatsoever, is punished with imprisonment from two years to five years.

(2) In case of commission of suicide, the person who is involved in such act is sentenced to imprisonment from four years to ten years.

(3) Any person who openly encourages others to commit suicide is punished with imprisonment from three years to eight years.

(4) Persons who encourage others, lack of ability to understand the meaning and consequences of the executed act, to commit suicide, or force a person to commit suicide under threat, are convicted of crime of deliberate killing.

The legal benefit protected by this crime is the right to live. In order for this crime to occur, the perpetrator must have the behaviors of *“instigating”, “encouraging”, “strengthening someone else’s suicide decision”* or *“helping someone else’s suicide in any way”*.

Instigation: to make the victim who has no suicidal ideation take the decision to commit suicide,

Encouragement: to strengthen or support this decision of the victim who has suicidal ideation and intentions but has not yet made a definite decision,

Helping: refers to actions aimed at facilitating the victim’s suicide action.

The decision to commit suicide should be based on the free will of the victim, otherwise, if the person helping has established actual control over the suicide or has also carried out the executive action that caused the death, then the

crime of intentional killing will no longer be the crime of directing suicide (Tezcan et al., 2023: 165).

In the decision of the Assembly of Criminal Chambers of the Court of Cassation based 2016/1323 and numbered 2021/314 and dated 29.06.2021;

“Although it was understood that the child who was juvenile pushed to crime who decided to commit suicide... also mentioned this decision to the victim..., it was understood that the child and the victim who were dragged to the crime agreed to commit suicide together and encouraged each other in this regard, in order for the crime of directing suicide to occur, the actions of the perpetrator who instigated or encouraged suicide should be limited to these actions only and should end his/her own life with his/her own movement. In other words, suicide must be carried out by the author himself. The child who was dragged into the crime... in line with the suicide decision taken with the victim... In addition to the movements to instigate and encourage the victim to commit suicide by driving towards the river, it should be accepted that the act of the child dragged to the crime constitutes the crime of intentional killing, since his consent to end the life of the victim is not legally valid due to the fact that he performs the execution movement that causes death alone by continuing to drive the vehicle towards the river despite giving up the idea of suicide at the last moment, and his consent to end the life of the victim is not aimed at a right he can absolutely dispose of.”

As can be seen, suicide incidents should be evaluated in every concrete case and an evaluation should be made according to whether the crime of directing suicide or the crime of intentional killing has occurred.

The regulation in Article 84/3 of the Turkish Penal Code constitutes an independent crime. In the case of “publicly encouraging” in this paragraph, there is a public call and the addressee is not clear (Tezcan et al., 2023: 170).

On m.84/4, the Turkish Penal Code regulates that those who force people to commit suicide by using force and threats will not be prosecuted for the crime of directing them to suicide, but for the crime of intentional killing. The important thing

here is that force and threat force the victim to commit suicide, so the severity and nature of the force and threat applied will be certain (Tezcan et al., 2023: 171).

Another regulation in Article 84/4 of the Turkish Penal Code is aimed at “those who lead people who have not developed the ability to perceive the meaning and consequences of the act they commit or who have been eliminated to suicide”. Here, children and mental patients who do not have the ability to distinguish are referred to with the expression of undeveloped perception (Tezcan et al., 2023: 173).

This paragraph is important for our research. Because, as will be explained in detail below, some digital games are designed only for children to commit suicide, and in children who commit suicide as a result of these games, whether the perpetrator will be punished for the crime of directing suicide or will be punished for the crime of intentional killing will be evaluated in the light of the concrete event.

3. LEGAL STATUS

Juvenile pushed to crime and suicide through information systems is not regulated as a separate type of crime in Turkish Law. Likewise, although digital/cyber violence is not regulated as an independent crime type in the TPC, in some cases such attacks carried out online may be punished. In this respect, acts that constitute digital violence are not considered as a whole in terms of criminal law and are considered separately from the whole (Maviş, 2021: 2476). For example, TPC art. 81 deliberate killing and art. 84 directing to suicide are like this. However, these regulations are not sufficient. If juvenile pushed to crime and suicide through information systems, the penalties to be imposed should be increased and the crime should be accepted as a serious crime. For example, in Belgium, the Blue Whale game and similar games that cause the death of people are included in the scope of grave crime. Many countries have taken various measures to combat suicide-directing games. For instance, content that encourages suicide on the internet has been banned in Australia since 2006. In the UK, websites with such content are

constantly monitored. In Israel, a large-scale suicide prevention program for internet users is underway. In Japan and South Korea, access to websites containing harmful content is blocked (Kantar Özkes et al., 2019: 217).

Since the legal regulations on cyber crimes are not sufficient in our country, it is necessary to supervise the risky digital games we mentioned in this study and to regulate the sanctions in this regard.

4. METHODOLOGY

News analysis method was used in the research. In this context, first of all, keywords were determined by literature review. Accordingly, the word groups “digital game”, “computer game”, “game addiction” and “juvenile pushed to crime” were determined. News were examined by filtering “Google News” from the search engine between 01.05.2023 - 01.05.2024 with the determined keywords. A total of 368 news were reached, including 156 news on the keyword “digital game”, 136 news on the keyword “computer game”, 38 news on the keyword “game addiction” and 38 news on the keyword “juvenile pushed to crime”. Out of 368 news items, 3 cases of children being pushed into crime or suicide due to digital games were identified. These 3 cases were transferred to a chart and examined by classifying them in terms of “game name”, “game content”, “victim gender”, “victim age”, “juvenile age pushed to crime”, “juvenile gender pushed to crime”, “type of violence”, “type of occurrence”, “place of occurrence”, “who the violence is directed to”, “instrument of crime”, “type of crime”, and “whether the victim is alive or not”.

5. FINDINGS

In the findings section of the research, 3 cases determined from 368 news examined with the keywords “digital game”, “computer game”, “game addiction” and “juvenile pushed to crime” will be examined.

5.1. Case Stories and Game Features

Case1: [https://www.milliyet.com.tr/gundem/cinayete-neden-olan-oyun-mavi-bebek-](https://www.milliyet.com.tr/gundem/cinayete-neden-olan-oyun-mavi-bebek-iddiasi-7049033)

[iddiasi-7049033](https://www.milliyet.com.tr/gundem/cinayete-neden-olan-oyun-mavi-bebek-iddiasi-7049033) Date Accessed: 01 July 2024).

The fact, took place in Kayseri province on December 12, 2023. According to the news report, the 13-year-old boy T.Ş., who was juvenile pushed to crime, stabbed and killed the 12-year-old victim H.D. in the construction. “I had to kill a friend in the game,” the juvenile pushed to crime said in a statement made at the police station. It is claimed that the game he played was the Blue baby game.

The game, called Blue Baby, has similar features to other games such as Blue Whale and Momo, and its main purpose is to reach families’ personal information through children. Unlike other games, the Blue Baby game targets children between the ages of 12 and 15 and is easily spread through social media platforms such as Facebook or Instagram, which means that the harm to children on the internet increases (*Safe Web - New Danger for Children: Blue Baby!*, 2020). In the game, children are told to say “blue baby” in front of the mirror for a long time in the bathroom and a kind of hypnosis and illusion method is used. In this way, suggestions are made to the minds of children and the minds of children are tried to be taken under control for cyberbullying purposes by giving the desired instructions. In this process, personal information such as parents’ credit card information and identity are tried to be accessed (Çoban, 2022: 56).

The blue baby game is a game made by a person named Jonathan Galindo. Researchers state that there is typical hypnosis and illusion in the game and that children become addicted to the game after a while (*A Dangerous Game Targeting Children with Hypnosis and Illusion: Blue Baby*, 2020)

According to the legend of the game, you start waving an invisible baby in your hand by turning off the bathroom lights and saying “baby blue” or “blue baby” in front of the mirror. When you repeat this process 14-15 times, you really start to feel a baby in your hand as your arm gets heavier. The invisible baby starts to act as if it will hurt you over time; when he scratches your arm with his nails, the child is frightened by the sound effects that his mother calls “leave the

baby". If the game is continued, the person may face the risk of going crazy or losing his/her life. (<https://onedio.com/haber/hipnoz-ve-illuzyon-ile-cocuklari-hedef-alan-tehlikeli-bir-oyun-mavi-bebek-910812> Date Accessed: 01.07.2024).

Case 2: <https://www.cumhuriyet.com.tr/turkiye/samsunda-korkunc-olay-ailesi-pubg-oynamasina-izin-vermeyince-2175121> Date Accessed: 01 July 2024).

The fact, took place in Samsun province on February 14, 2024. The 12-year-old, who allegedly did not allow his parents to play the game called PUBG, was seriously injured by shooting himself with a gun found in the house. There is no information on whether he is alive or not.

Player Unknown's Battleground (PUBG) is an online war game released in 2017. It encourages violence. The aim of the game is to be the first among 100 people who enter the game by destroying your opponents. You can do this as a team too. You start the game unarmed and have to find weapons and various equipment to survive. You are forced into conflict within a space that is automatically narrowed by the game, and if you stay outside the narrowed area, you die. As the playing field narrows, the likelihood of encountering your opponents increases and the stress level of the game increases. As a result, addiction occurs and outbursts of anger are experienced.

Case 3: <https://www.sozcu18.com/mavi-balina-ismli-sanal-olum-tuzagi-cankirida-can-aldi-44422h.htm> Date Accessed 01 July 2024).

The fact, took place in Çankırı province on March 11, 2024. It is stated that the 12-year-old victim child played a blue whale game and committed suicide as a result of the instruction given in the game.

Blue Whale Challenge is a game based on a challenge, consisting of 50 episodes spread over the social network, which tells the player to commit suicide at the end of the game and causes the player to end his/her life (Yılmaz and Candan, 2018: 276). The phenomenon of 'challenge culture' is deeply entrenched in

the online environment. In addition to highly dangerous challenges like suicide games, there are other challenges that may appear less hazardous, such as the salt and ice challenge, the cinnamon challenge, and more recently, skin embroidery. Irrespective of the inherent risk posed by these challenges, young individuals are particularly inclined to participate, likely driven by a need for attention and social validation (Bada & Clayton, 2020: 1). The Blue Whale game first started to spread in 2013 through the social networking platform V Kontakte. The first suicide case in the world caused by the game called Blue Whale took place in Russia in 2015.

The creator of the game is former psychology student Philipp Budeik, a Russian citizen. As a result of the suicide cases caused by the game, the creator of the game, Philipp Budeikin, was arrested in November 2016 and at the hearing, the society described the game as biological waste – those who played the game as biological waste.- he accepted his crime by saying that he designed it to clean up ("Russian 'suicide game' organizer accepted his crime <https://www.bbc.com/turkce/39892509> Date Accessed 29.06.2024", 2017) The tasks given to the players in the Blue Whale Challenge game are listed below (Yücel, 2019: 345).

1. Draw "f57" in your hand with a razor blade and take a photo and send it.
 2. Wake up at 4:20a.m. and watch creepy and scary videos sent to you.
 3. Cut your arm with your veins 3 times so that it is not deep and take a photo and send it.
 4. Draw a picture of a whale on a piece of paper and send it.
 5. If you're ready to be a whale, cut off your leg and draw yes. Otherwise, cut yourself to punish yourself many times.
 14. Cut your lip.
 22. Climb onto a roof and sit for a while, shaking your legs in the corner of the roof.
- Wake up at 4:20a.m. every day until the 31st-50th day as on the 30th mission and watch the music and scary videos sent to you.

50. "The end of the game, your time is up' ' You are now a whale" commit suicide by jumping off a high roof or ground.

Throughout the game, the controls of children/players regarding the perception of reality are significantly destroyed by the managers with the above tasks, and the perception of young people is managed by these game managers and forced to fulfill some instructions that cause harm to the person himself. Vulnerable young people also receive threats that they do not perform these tasks and that they or one of their families will be harmed if they mention the game to anyone else (Yılmaz & Candan, 2018: 276). For these reasons, players who are weakened by destroying their perception and who are afraid of harming their family and themselves have to fulfill the duties assigned to them by the game manager.

5.2. Case Studies

The cases whose stories are given above were transferred to the table below and examined in terms of "game name", "game content", "victim gender", "victim age", "juvenile age pushed to crime", "juvenile gender pushed to crime", "type of violence", "type of occurrence", "place of occurrence", "who the violence is directed to", "instrument of crime", "type of crime", and "whether the victim is alive or not".

- In all three cases, the victim was a 12-year-old boy. In the first case, the juvenile pushed to crime the crime was a 13-year-old male.

- All three types of violence are physical violence.

- The type of violence was murder in the first case and suicide in the second and third cases.

- In the first case, violence is directed at the friend; in the second and third cases, violence is directed at the person himself.

- In the first case, a knife was used as a criminal tool, while in the other two cases, a firearm was used.

- As a type of crime, the crime of intentional killing occurred in the first case, but since suicide was not regulated as a crime in the Turkish Penal Code in the other two cases, there was no crime

for the victims. However, in the third case, the issue of which of the crimes of intentional killing and directing suicide may occur in terms of the perpetrator is discussed in the discussion section.

- The victim died in the first case. In the second case, there is no information about whether the victim is alive or not. If the victim is alive, suicide attempt will be mentioned, and if the victim has lost his/her life, it will be mentioned that the suicide has been completed. In the third case, suicide occurred because the victim lost her life.

Table 2. Case studies

	CASE 1	CASE 2	CASE 3
Game Name	Blue Baby	PUBG	Blue Whale
Game Content	Digital Illusion	Battle/Fight	Challenge / Strategy
Victim Gender	Boy	Boy	Boy
Victim Age	12	12	12
JPC Gender	Boy	-	-
JPC Age	13	-	-
Type of Violence	Physical Violence	Physical Violence	Physical Violence
Type of Occurrence	Murder	Suicide	Suicide
Place of Occurrence	Construction	Home	Home
Who the violence directed to	To a friend	Himself	Himself
Offensive Weapon	Knife	Firearm	Firearm
Type of Crime	Deliberate Killing	No Crime	It will be discussed.
Victim: Alive or not	Died	No Information	Died

6. DISCUSSION

It is a fact that many areas are facilitated by the introduction of technology into our lives. There has been a lot of innovation and convenience in academic life as well as in our social life. However, like everything else, excessive and unconscious use of technology negatively affects individuals and children. In addition, it is

possible for children to encounter problems that they do not normally encounter in daily life in the virtual environment and to take advantage of the convenience of the internet environment and take people who commit crimes as role models. For this reason, children in need of protection against the negative effects of the information world are the most innocent victims of information technologies, even if they have committed crimes. (Ateş & Saluk, 2018: 16)

According to the data of the "Survey on the Use of Information Technologies in Children" conducted by the Turkish Statistical Institute in 2021, internet use for children aged 6-15 is 82.7%. When we look at it by gender, 83.9% of boys access the internet, while this rate was 81.5% for girls. While 36.0% of children play digital games, this rate is 32.7% for children in the 6-10 age group and 39.4% for children in the 11-15 age group. When the rate of playing digital games is examined according to gender and age group; while the rate of playing digital games for boys in the 6-15 age group is 46.1%, the rate of playing digital games for girls is 25.4%. This rate is 38.7% for boys aged 6-10, 26.4% for girls, 53.7% for boys aged 11-15, and 24.4% for girls (TURKSTAT, 2021).

When we evaluate the TURKSTAT data together with the data obtained within the scope of this study, as a result of the common findings obtained from 3 cases, it is revealed that boys between the ages of 11-15, who are determined to be the group that plays digital games the most, are more likely to be driven to crime or suicide as a result of digital games.

When we look at the game content, the content of the game in the first case is the digital illusion, the second case is the war/fighting game, and the third case is the challenge/ strategy game. In the TURKSTAT data, the types of games played by children who play digital games regularly according to their gender are given in the table below. According to the table, the most played games are war, adventure/action and strategy. The fact that the game content subject to the cases and the most played game types are in parallel with each other reveals that the most played game types can lead children to crime or

suicide by creating addiction over time.

In the study conducted by Baldemir and Övür (2021) on PUBG mobile game, an examination was made on whether individuals in the 10-18 age group developed addictive behavior against PUBG game. In the examination made with the semi-structured interview technique, answers were obtained to support the hypothesis that the PUBG game leads to digital game addiction behaviors.

As can be seen from here, PUBG, which is a game that causes addiction, can cause outbursts of anger on children with the addiction it creates, and as a result, lead to crime and suicide.

Some recent reports support the studies that PUBG game is addictive. In particular, the attack carried out with an axe and knife in Eskişehir province on August 13, 2024 is striking. An 18-year-old youth who was affected by the PUBG game put on a mask, helmet and assault vest, went out on the street with an axe and a knife, and stabbed the person who came in front of him as the characters in the PUBG game did. The child who is juvenile pushed to crime defines himself as a 'cleanser, saint'. The juvenile age pushed to crime, which prepared a 17-page manifest before the attack, took note of the preparations before the attack, the moment of the attack and what it would do if it was caught. This proves that computer games have a great effect on children's perception of reality, which we mentioned above when talking about the negative effects of computer games. (Horror on the street like playing a video game: 5 injured , <https://www.hurriyet.com.tr/gundem/bilgisayar-oyunu-oynar-gibi-sokakta-dehset-sacti-7-yarali-42503249> Date Accessed: 19.08.2024)

If we look at the data obtained within the scope of this study, knife was used as a tool in the first case and firearm was used in the other two cases. Both of the cases where firearms are used take place at home. According to researches, having a gun at home increases the risk of suicide five times and the risk of murder three times. The reason for this is that young people can easily access firearms (Polat, 2021a: 24). When we

look at the cases, both suicide cases occurred at home and firearms were used. This situation is in line with the researches and shows that firearms in the house have a high effect because they facilitate children's drift towards crime or suicide.

When we look at it as a type of crime, in the first case, the crime of intentional killing regulated by Article 81 et al. of the Turkish Penal Code occurred. Since the juvenile pushed to crime is between the ages of 12-15, it will be evaluated whether he/she understands the legal meaning and consequences of the act committed by the juvenile age pushed to crime, within the scope of Article 31 of the Turkish Penal Code or whether his/her ability to direct his/her behavior has developed sufficiently. If the juvenile age pushed to crime cannot understand the legal meaning and consequences of the act or does not have the ability to direct their behavior, they will not be punished, but child-specific security measures will be applied. However, if the juvenile age pushed to crime has the ability to perceive the legal meaning and consequences of the act it commits and to direct its behavior in relation to this act, it will be sentenced to a reduced penalty.

In the second and third cases, there is a suicide case. Since the act of suicide is not regulated as a crime in the Turkish Penal Code, no crime will occur for the victims. In the second case, the victim child had an burst of anger and committed suicide because he was not allowed to play PUBG game. Although it encourages violence on a game basis, we can say that there is no crime within the scope of the Turkish Penal Code in terms of the founder of the game since there is no material element in the crime of directing suicide. However, this situation should be evaluated specifically for each concrete event.

In terms of the third case, there is also a suicide case, and the game that causes suicide here is the Blue Whale game. The game's creator is a Russian citizen and old psychology undergraduate Philipp Budeikin. As a result of the suicide cases caused by the game, the game's creator, Philipp Budeikin, was arrested in November 2016. He said at the trial that he designed the game to cleanse society of biological waste- he described

the gamers as biological waste. ("The Russian 'suicide game' organizer admitted his crime <https://www.bbc.com/turkce/39892509> Date Accessed: 29.06.2024", 2017).

In this case, the crime occurs. However, the issue of whether the resulting crime is a crime of encouraging suicide regulated by Article 84 of the Turkish Criminal Code or a crime of premeditated murder regulated by article 81 of the Turkish Criminal Code should be discussed. Although there is a crime here, it should be discussed whether it is the crime of encouraging suicide regulated in Article 84 of the Turkish Penal Code or the crime of intentional killing regulated in Article 81 of the Turkish Penal Code. That is to say, as explained in detail above, according to Article 84/4, Persons who encourage others, lack of ability to understand the meaning and consequences of the executed act, to commit suicide, or force a person to commit suicide under threat, are convicted of felonious homicide. Therefore, too, it should be discussed whether the victim child is 12 years old and has developed the ability to perceive the meaning and consequences of his/her action here. If the instructions given in the game were given to the children by force and threat, we believe that the game creator will be prosecuted for intentional killing. Although it is known that the creator of the Blue Whale game was tried in Russia for these reasons and sentenced to 3 years in prison, it is not known under which crime the punishment was given (Survivors of the suicide game Blue Whale tell: 'Virtual death trap ' 2017 <https://www.bbc.com/turkce/41281200> Date Accessed: 01.07.2024).

7. CONCLUSION

Today, with the rapid development of technology, the age of access to the internet is gradually decreasing. Studies show that 82.7% of children between the ages of 6-15 use the internet regularly, and 66.1% of these children prefer the internet to play games (TURKSTAT, 2021). In addition to the benefits provided by digital games, the emergence of risks such as digital game addiction in children is worrying. In particular, digital games, where themes such as violence, crime, and robbery are common,

can lead children to delinquency or encourage suicide. Based on findings from literature and media analyses, we can assert that one of the environments through which violence is conveyed is online gaming (Sezgin, 2021: 46).

In this context, Awareness and education efforts should be made to ensure that young people can cope with online risks (Bada & Clayton, 2020: 6). It is necessary to supervise risky digital games and regulate sanctions. In particular, aggravating circumstances should be regulated within the scope of our criminal laws. It should be in cooperation with educational and health institutions, the use of controlled technology should be ensured, and support should be obtained from pedagogues and psychologists. At this point, parents have important duties; parents should be aware of the current dangers and act consciously. Parental protection systems should be strengthened, restrictions should be placed on games with known harmful effects, and trainings on internet use should be organized. In addition, awareness should be raised with information activities and public spots for parents and educators, and children should not be left alone while spending time with digital content. At the same time, private sector employees have a great responsibility because they need to ensure that children can use the internet safely and access child-friendly games during the construction of games. National and international guidelines for media and social media reporting on suicides are essential to promote responsible coverage. These guidelines should be updated regularly to align with advancements in suicide prevention strategies and community response plans (Bada & Clayton, 2020: 6). It is also important to increase research in this area and to carry out more comprehensive investigations so that existing hazards can be better identified and measures can be taken.

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