

Evaluation of land management practices in archaeological sites within the scope of Personal Data Protection Law No. 6698: The case of Dara (Anastasiopolis) ancient city

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Abstract

The Personal Data Protection Law No. 6688, which was published in the Official Gazette on April 7, 2016, aims to protect the rights and freedoms of individuals and the privacy of their personal lives within the scope of personal data processing activities. With this law, the obligations of natural and legal persons processing personal data have been determined. The processing of personal data encompasses all types of operations carried out with personal data, from obtaining personal data to its deletion or anonymization. The management of archaeological sites, which are cultural heritage areas, also involves processes related to personal data. It is mandatory to comply with the data processing and protection obligations regulated in the Personal Data Protection Law No. 6688 in these practices. Developments that directly affect individuals' fundamental rights and freedoms have prompted many countries to take measures regarding the protection of personal data during land management practices in cultural heritage areas. The purpose of the study is to investigate the field management practices carried out in the ancient city of Dara, which is visited by nearly one million tourists annually, from the perspective of the local community and residents, and within the framework of the Personal Data Protection Law No. 6698, to determine whether there are any violations of personal data in the field management practices. The study aims to identify and document the problems in the area and reveal the unregulated gaps in the field management practices through the examination of the findings. The results indicate that the ongoing restoration and tourism activities in the ancient city of Dara have significant impacts on urban life. The field management practices carried out in the archaeological site affect the rights and freedoms of the local community in various aspects. The seemingly smooth relationship between humans, settlements, and the environment in everyday life actually harbors significant problems. Through the conducted study, personal data violations in the area have been identified, documented, and various recommendations have been made to prevent such violations in the future.

1. Introduction

The concept of personal data is regulated in Article 3 of the Personal Data Protection Law No. 6698. Within this scope, personal data refers to any kind of information related to an identified or identifiable natural person [1]. In various decisions, the Court of Cassation has also defined personal data as any information concerning an individual that distinguishes them from other individuals in society and reveals their characteristics [2]. In a Court of Cassation decision regarding the protection of personal data, it was stated that photos shared by individuals on their social media accounts are also considered personal data, and necessary protection should be provided within this context [3].

The Personal Data Protection Law No. 6698, published in the Official Gazette on April 7, 2016, is a law that regulates the processing, protection, and usage of personal data in Türkiye [4]. This law aims to ensure the protection of personal data and the privacy of private life [5-8]. The Personal Data Protection Law is of great

importance in terms of safeguarding the fundamental rights and freedoms of the data subject, providing the opportunity for the data subject to question the legality of personal data processing activities, and enabling individuals to determine the future of their personal data [9-11]. All types of data that can be associated with an individual should be considered as personal data and protected under the scope of the Personal Data Protection Law [12-17].

Management of archaeological sites, which are cultural heritage areas, also includes processes related to personal data, and compliance with the data processing and protection obligations regulated in the Personal Data Protection Law No. 6698 is mandatory. The management of archaeological sites, which are cultural heritage areas, encompasses the obligations of data processing and protection regulated by the Personal Data Protection Law No. 6698. This law establishes the general rules regarding the processing, protection, and usage of personal data. In the management process of archaeological sites, the protection of personal data collected in archaeological areas is of great importance. These data are used in processes such as recording, analyzing, and reporting archaeological findings obtained during excavations. Therefore, the management of archaeological sites as cultural heritage areas must comply with the Personal Data Protection Law. The Personal Data Protection Law sets out the fundamental principles regarding the processing of personal data. These principles include data security, the responsibilities of the data controller, the rights of the data subject, and the purposes of data processing. In the management process of archaeological sites, personal data must be protected and processed in accordance with these principles. The management of archaeological sites as cultural heritage areas should take various measures to protect personal data. These measures include establishing data security policies, limiting data access and usage, determining data retention periods, and protecting the rights of data subjects. Additionally, it is important to raise awareness and provide training to personnel involved in the management process of archaeological sites regarding the protection of personal data. In conclusion, the management of archaeological sites as cultural heritage areas must comply with the obligations of data processing and protection stipulated in the Personal Data Protection Law. This compliance involves taking necessary measures for the protection and processing of personal data and ensuring data security [18].

Developments directly affecting individuals' fundamental rights and freedoms have led many countries to take measures regarding the protection of personal data in the context of land management practices in cultural heritage areas [19]. Land management practices carried out in archaeological sites focus on goals such as the preservation of archaeological sites, organization of excavation works, visitor management, education and awareness, collaboration and stakeholder management, and improvement of visitor experience [20]. It is important to regulate and monitor the flow of visitors to archaeological sites. In land management practices conducted in archaeological sites, measures such as road signs, visitor centers, security measures, and information boards are implemented to enhance visitor experience while ensuring the preservation of the site. Education and awareness activities are carried out in archaeological sites to provide visitors with information about the importance of archaeological sites, preservation methods, and sensitivities. Participatory management processes take into account the opinions of different stakeholders and support the sustainable management of the area. However, during the implementation of land management practices in archaeological sites, the neglect of various elements such as the protection of personal data can lead to certain personal data breaches for the local community living there [21,22].

Dara (Anastasiopolis) Ancient City is an ancient settlement and archaeological excavation site located in the province of Mardin, Türkiye. This village hosts numerous structures of historical and cultural importance. The village of Dara, which is affiliated with the Artuklu District of Mardin Province, has been protected as a Cultural Heritage site where archaeological sites of Grade I, II, and III are combined [23]. Archaeologically, it is known for its significant presence in the Early Periods, Roman-Byzantine, Persian-Sasanian, and Islamic periods, often referred to as the "Ephesus of the Southeast" [24]. Its strategic location has allowed the village to maintain an active livelihood throughout history. It is also visited by nearly one million tourists annually [25]. In addition, the uninterrupted continuation of life in the city also has a negative impact on the relationship with cultural heritage. Furthermore, ongoing excavations and tourism activities in Dara Ancient City have significant effects on the local community. The seemingly smooth relationship between people, settlements, and the environment in everyday life actually harbors significant problems. In parallel with this, access to personal data has become easier in the area, posing a threatening situation to individuals' fundamental rights, freedoms, and personal rights. All these developments directly affecting individuals' fundamental rights and freedoms have led to an increasing awareness of the importance of personal data protection.

The aim of the study is to investigate the land management practices in the Ancient City of Dara from the perspective of the local community and residents, and within the framework of the Personal Data Protection Law No. 6698, in order to determine whether there have been any personal data breaches during these practices. The results reveal the identification and documentation of problems in the area, as well as the uncovered unregulated gaps in land management practices within the settlement. The study sheds light on the personal data breaches in the area, emphasizing the importance of protecting the rights of the local community in Dara (Anastasiopolis) Ancient City. The findings of this study serve as an example for future research on practices conducted in other archaeological sites.

2. Study area

Dara, originally initiated as a border and garrison town by the Persians, was transformed into a magnificent city by the Romans (Figure 1). It was later referred to as Anastasiopolis by the Byzantines. In the 21st century, in the small Mesopotamian village, traditional and modern architectural structures coexist with ancient ruins, and active life continues uninterrupted [26].



Figure 1. Map of the eastern frontier showing the principal late Roman fortresses drawn [28].

The riverbed known as Kurdis (Qordis) valley, located to the north of Dara, flows within a north-south oriented valley. The Dara Ancient Site was settled around this valley and holds significant importance in terms of settlement. Favorable geographical factors have facilitated its occupation since early periods. Surface findings that have survived to the present day are mostly attributed to the Early Byzantine period, but it is possible to witness a combination of Late Roman, Byzantine, Seljuk, and Ottoman structures. The surrounding walls and entrances of the city, the agora and columned street, the grand church, mosaic structures, canopy-planned buildings, bridges, cisterns, dams, necropolis area, and tombs, gravestones, and a mosque in the Islamic Period cemetery area are present [26].

Dara Ancient City has settlements that are designated as I-II-III Degree Archaeological Sites. Through the decisions numbered 08.04.1977/401, 10.09.1982/3790, 16.12.2008/1921, and 19.09.2013/1677, the relevant conservation board of that period registered and occasionally updated the boundaries of these registrations. The boundaries were expanded by the Şanlıurfa Cultural Heritage Preservation Board through the decision numbered 19.12.2017/3048. Furthermore, modifications were made to the site area through the decision numbered 26.04.2019/4522 by the Şanlıurfa Cultural Heritage Preservation Regional Board [27].

Archaeological excavations in Dara Ancient City started in 1986. The excavations were conducted under the presidency of Mardin Museum Directorate and the scientific supervision of Prof. Dr. Metin Ahunbay until 1990. Due to the intensification of terrorist incidents during this period, excavations were put on hold for a long time. Between 2001 and 2009, under the presidency of Mardin Museum Directorate and again with the supervision of Prof. Dr. Metin Ahunbay, excavations were resumed. Starting from 2010, archaeological excavations have been carried out under the presidency of Nihat Erdoğan, the Director of Mardin Museum. Dicle Development Agency (DİKA) has supported the excavations between 2020 and 2021 through projects aimed at improving tourism infrastructure and enhancing the quality of infrastructure services. Currently, the excavations continue uninterrupted for 12 months under the Ministry of Culture, Atatürk High Institution of Culture, Language, and History [28] (Figure 2).

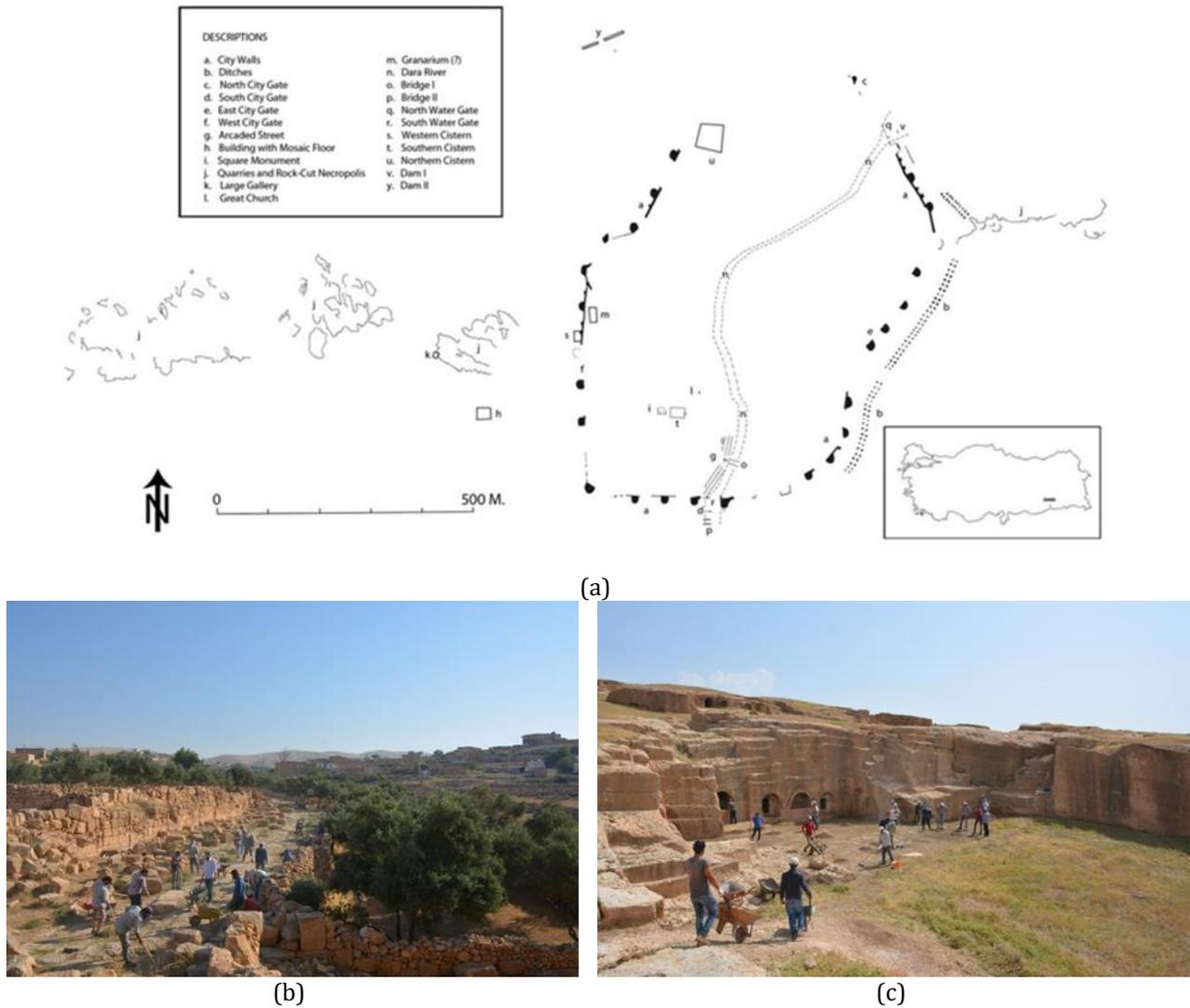


Figure 2. Sample images from the ongoing excavation works in the ancient city of Dara: (a) Dara ancient village settlement plan diagram (b)Excavation images of the marketplace area in Dara ancient city. (c) Excavation images of the necropolis area in Dara ancient city.

3. Material and method

Two sub-studies were conducted to investigate whether personal data breaches occurred during the land management practices implemented in the Ancient City of Dara. Firstly, the practices were examined from the perspective of the local community and residents of the area. In this context, various oral interviews were conducted with the local community. The aim was to measure the problems encountered by the local community regarding the implemented practices, their perceptions, attitudes, and underlying reasons. The participants in the research were asked five semi-structured, qualitative research-based questions related to the desired research topics. The questions addressed general land management practices, participants' views on the personal/economic/physical and cultural impacts of the practices, the attitudes of the local community towards the area management practices, the level of interaction between tourists and the local community, and conflicts between tourists and the local community. Efforts were made to obtain in-depth information from the participants regarding the questions, but no guiding interventions were made. The collected oral data were analyzed using content analysis method, leading to various findings.

In the second stage, various data obtained from previous oral interviews were examined and analyzed within the framework of Personal Data Protection Law No. 6698. In this context, the right to the protection of personal data and the regulations regarding the processing of personal data were reviewed. Deficiencies were identified, and recommendations were provided to address these deficiencies. During these examinations, the decisions of Personal Data Protection Law No. 6698 related to the subject matter of our study were thoroughly considered in detail.

4. Results

To uncover the potential personal data breaches encountered by the local community during the implementation of management practices in the area, oral interviews were conducted with the local residents. The information obtained from these interviews was evaluated within the scope of Personal Data Protection Law No. 6698, leading to the following findings.

4.1. Social and environmental effects

The first question directed to the participants in the oral interviews was, "Do you think there have been any 'social and environmental adverse effects' on the local community during the implementation of land management practices in your region?" In response to this question, participants mentioned various negative social and environmental impacts on the local community. The high influx of tourists to the area has led to various environmental effects. For example, they mentioned that excessive tourist consumption has led to depletion or pollution of water resources, destruction of natural areas, and increased waste. It was highlighted that the Dara village already has limited water resources that are depleting, emphasizing that this situation further affects the local community's natural resources and habitats significantly. Additionally, participants stated that the intense interest of tourists in the region has resulted in price increases, increased demand for services such as accommodation, and negatively affected the local community's economic situation.

Additionally, participants expressed that there is a gradual cultural change occurring in the region. The intensive visitation by tourists has started to influence the cultural structures of some local communities, leading to changes in local values, traditions, and lifestyles under the influence of foreign cultures. This has highlighted the difficulties faced by the local community in preserving their identities. Furthermore, participants mentioned that disrespectful or culturally insensitive behavior of tourists can harm local values and potentially lead to violations of personal rights and data, as well as the disruption of the social and cultural fabric of the local community. Participants pointed out that tourists often disregard local traditions, show a lack of respect and courtesy, and disregard etiquette, negatively impacting the local culture. All these negative occurrences indicate that the land management practices in the area have not taken into account the provisions of Law No. 6698 on the Protection of Personal Data. Article 17 of Law No. 6698 [1] defines the duties and authorities of public institutions and organizations within the scope of these measures.

4.2. Individual effects

In response to the question "Are there any 'Data privacy violations' occurring during tourism practices in your region?" participants frequently stated that various personal data breaches occur. Participants mentioned that tourists visiting the area often take photos and videos of historical sites and the local community members who still live their daily lives in these areas, thereby violating their privacy rights. Some tourists were reported to record and observe the local community without their knowledge, especially using cameras or surveillance technologies, intruding into their personal living spaces. This intrusion was found to result in the monitoring and recording of daily activities. Additionally, it was observed that various personal data leaks occur in the area. Participants explained that since there are no accommodation facilities in the tourist area, local residents have transformed their homes into boutique lodging venues. However, this situation has led to the leakage of records containing the personal data of the local community, as these records can be accessed by tourists staying in these accommodations. Data theft has allowed malicious individuals to access this data and exploit personal information. Article 10 of Law No. 6698 on the Protection of Personal Data [1] establishes measures to ensure the security of personal data. Considering this article, it is evident that privacy breaches occur in the area. These damages pose significant concerns regarding the protection and confidentiality of personal data. It is crucial for tourists to respect the personal data of local residents, refrain from recording or publishing it without permission. Similarly, accommodation establishments in tourist areas should enhance security measures and implement data protection policies under the supervision of the government. Article 17 of Law No. 6698 on the Protection of Personal Data determines the duties and authorities of public institutions and organizations within these measures. Failure to take precautions may lead to a situation where tourists can monitor and track local residents using facial recognition technologies. This would involve recording the movements of the local community and significantly violating their privacy rights.

When the responses to the question "Have you encountered any social media abuse during the land management practices in your region?" given by the participants are examined, it is stated that tourists frequently target people in tourist areas for taking photos or recording videos, and many of these are shared without permission on social media. Participants mentioned that tourists share photos and videos of the local community on social media platforms or other online platforms, but since these contents are published without the consent and permission of the local people, it leads to privacy breaches and misuse of personal data. The Personal Data Protection Law No. 6698 (Article 7) regulates the relationship between the data controller and the data processor

in the processing of personal data. Article 11, on the other hand, regulates the principles regarding the deletion, destruction, or anonymization of personal data. Taking into account these articles, it is evident that the Personal Data Protection Law is not being considered, and privacy breaches are occurring in the area. When tourists share photos or videos of the local community on social media platforms, there is a risk of these contents falling into the hands of unauthorized individuals. This situation can damage the reputation of the local people and lead to negative consequences such as cyberbullying or harassment. Additionally, tourists can record the photos and videos of the local people without permission and use them for sexual or harassing purposes. This can seriously violate the privacy of the local people and cause psychological harm. Therefore, immediate action should be taken, considering the provisions of this law, to ensure the necessary measures are implemented.

When examining the responses to the question "Have you encountered any personal data breaches due to 'fraud and scams' during tourism activities in your region?" participants have identified that tourists using free Wi-Fi networks in tourist areas pose a risk to the personal data of the local community. Hackers or malicious individuals have gained unauthorized access to these networks and obtained the personal data of the local people. This situation demonstrates that tourists are violating the privacy of the local community by compromising their personal data and enabling its dissemination. Article 17 of the Personal Data Protection Law No. 6698 determines the duties and powers of public institutions and organizations within the scope of these measures. It is essential to grant these powers to public institutions and organizations as soon as possible because tourists may acquire the personal data of the local people with the intention of threatening or blackmailing them. This situation can jeopardize the safety and personal freedom of the local community.

Furthermore, it has been observed that researchers visiting the ancient city of Dara, which is still a research area and excavation site, have made personal information requests to the local community through surveys or other data collection methods. However, such requests can violate the privacy of the local people or be used for fraudulent purposes. Some tourists may illegally or without permission request personal data from the local community in tourist areas. These data can be used for various malicious purposes and can endanger the security and privacy of the local community. Additionally, tourists can steal the local people's identity information or passport details and use this information for malicious purposes. Identity theft can result in financial losses for the local people and damage their personal reputation. When interacting with the local community, tourists may unauthorizedly use or misuse their contact information (phone numbers, email addresses, etc.). This can lead to unwanted messages, advertisements, or fraudulent attempts. In the face of all these identified negatives and infringements of rights, it is necessary to take various measures as soon as possible.

5. Conclusion

The conducted study examined the field management practices in the ancient city of Dara, taking into account the perspectives of the local community and residents, and within the framework of Personal Data Protection Law No. 6698. The study aimed to investigate whether there were any violations of personal data during these practices. It demonstrates how the practices carried out in cultural heritage sites in Türkiye can be evaluated in accordance with Personal Data Protection Law No. 6698 [1].

The results reveal the identification and documentation of problems in the field and highlight the unregulated gaps in land management practices in the settlement area, leading to the exposure of personal data breaches. It has been determined that several articles of Personal Data Protection Law No. 6698 were violated based on the findings. This underscores the urgent need for the land management practices in the ancient city of Dara (Anastasiopolis) to be regulated and implemented within the scope of Personal Data Protection Law No. 6698. Evaluating the practices within the framework of the law necessitates compliance with specific principles and rules regarding the protection of personal data. Data controllers must act in accordance with Personal Data Protection Law No. 6698 when collecting, processing, and storing the personal data of the local community. Attention should be given to important aspects such as informing the local community, data security, purpose limitation, data retention periods, data sharing, and personal privacy rights. Data controllers are responsible for protecting visitors' personal data and complying with the requirements of Personal Data Protection Law No. 6698. This includes adhering to important principles such as informing visitors, ensuring data security, defining the purpose of data processing, determining data retention periods, respecting visitor rights, and regulating data sharing. All these steps are crucial to ensure the protection of visitors' personal data and provide a secure visiting experience.

Anastasiopolis (Dara) Village's area management practices should be evaluated within the scope of Personal Data Protection Law No. 6698 [1] taking the following points into consideration:

1. Personal Data Collection: Are the personal data of the local residents consciously collected within the scope of tourism activities? Tourism businesses or other relevant parties, for what purposes do they collect personal data and how do they protect it? Are these data used only for the specified purposes?
2. Information and Consent: Are the village residents informed about how their personal data will be used when they are involved in tourism activities? Is sufficient information provided about the processes of

- data collection, processing, and sharing? Is the consent of the village residents obtained freely and explicitly?
3. **Data Security:** Do tourism businesses take necessary security measures to protect the personal data of the local residents? Are measures taken to prevent data security breaches? How are the data protected against unauthorized access, loss, or misuse?
 4. **Data Sharing:** Is the personal data of the local residents shared with third parties? Do these sharing activities comply with Personal Data Protection Law No. 6698 and other relevant data protection regulations? Is obtaining consent for data sharing or the existence of legitimate reasons for sharing ensured?
 5. **Data Breaches and Related Processes:** In the event of any data breach, how do tourism businesses and other relevant parties handle the breach and take necessary corrective measures? Are the village residents informed about data breaches?

Additionally, in cultural heritage sites, visitors should be provided with clear and understandable information about how their personal data is collected, used, and stored. This information should be disseminated through brochures, signage, websites, and other communication channels. The consent of the local community should be obtained voluntarily and freely for the collection and use of personal data. The consent process for visitors should be transparent, and they should have the right to withdraw their consent at any time. Adequate measures should be taken to ensure the security of personal data in cultural heritage sites. This includes physical security measures as well as practices such as encryption of digital data, protection against unauthorized access, and regular security audits.

Personal data should only be shared in accordance with legal regulations and to the extent necessary. The necessary permissions should be obtained and data protection regulations should be followed in the data sharing process. Employees and staff in cultural heritage sites should be trained on the protection of personal data. A knowledgeable and informed staff can act in accordance with data protection principles and ensure the security of visitors' data. Managers of cultural heritage sites should collaborate with relevant organizations on data protection and share best practices. Collaboration with relevant organizations can contribute to raising data protection standards and preserving cultural heritage sites.

In cultural heritage sites, it is important to be prepared for data breaches. Emergency plans should be established to ensure quick and effective response in case of data breaches. Data breach notification processes should be defined and relevant authorities should be informed. Implement restrictive controls on access to personal data in cultural heritage sites. Only authorized personnel or organizations should have access to personal data and a record of such access should be maintained. Physical access controls and digital access authorizations should be utilized. Create a privacy policy for cultural heritage sites and make it available to the local community. This policy should provide information on how personal data will be used, with whom it will be shared, data security measures, and visitors' rights. By considering these points, a comprehensive assessment of the area management practices in Anastiopolis (Dara) village can be conducted within the framework of Personal Data Protection Law No. 6698.

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Conflicts of interest

The authors declare no conflicts of interest.

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