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DIPARTIMENTO
DI SCIENZE
GIURIDICHE

International Conference «Cross-Border Digital Forensics»



A (very short) introduction

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Scuola Superiore - University of Udine

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Cross-Border Digital Forensics

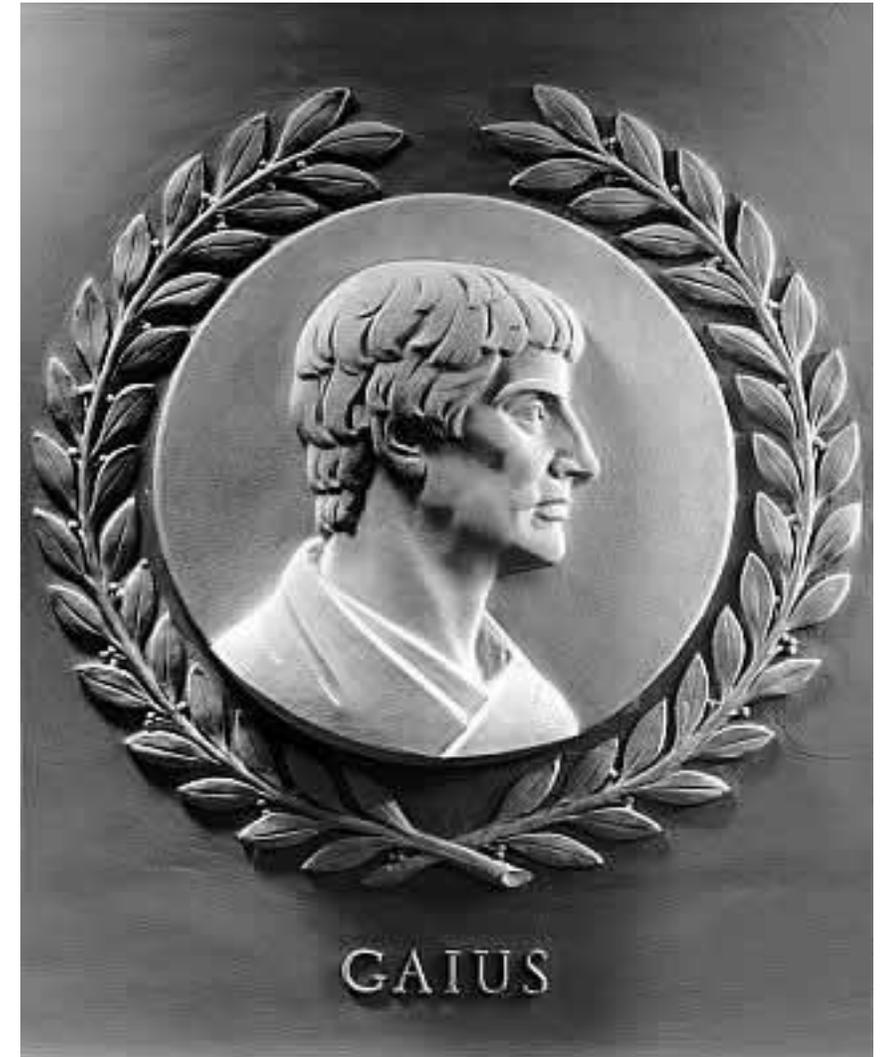
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<1.- Introduction> <Ancient jurists against contemporary technocrats?>

The *Institutes* of Gaius (161 AD), one of the most important masterpiece of classic jurisprudence, were divided as follows:

- (1) Personae (I book) -> people
- (2) Res (II and III book) -> goods and obligations
- (3) Actiones (IV book) -> procedure (*formulae*)

First came, obviously, what was considered the most important component of law: people.



[https://en.wikipedia.org/wiki/Gaius_\(jurist\)#/media/File:Gaius_bas-relief_in_the_U.S._House_of_Representatives_chamber.jpg](https://en.wikipedia.org/wiki/Gaius_(jurist)#/media/File:Gaius_bas-relief_in_the_U.S._House_of_Representatives_chamber.jpg)

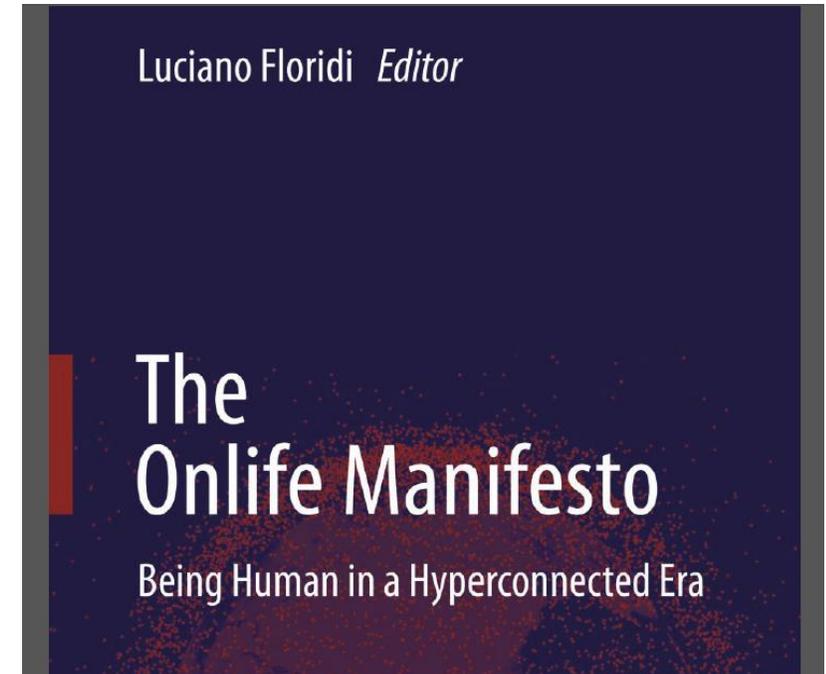
<1.- Introduction> <Ancient jurists against contemporary technocrats?>

According to “Philosophy of Information”, Information Technology is reshaping our vision of the world so we, as contemporary humans, should need:

«(i) a new philosophy of nature,
(ii) a new philosophical anthropology,
(iii) a synthetic environmentalism as a bridge between us and the world, and
(iv) a new philosophy of politics among us»

-> Floridi, Hyperhistory and the Philosophy of Information Policies. In: Floridi, L. (Ed.), *The Onlife Manifesto*, (p. 54).

-> Floridi, Luciano (a cura di), *The Onlife Manifesto. Being Human in a Hyperconnected Era*, Cham, Springer International Publishing (Open Access), 2015. <https://ec.europa.eu/digital-agenda/en/onlife-manifesto>



Information Society: Technology -> Organization -> People

<1.- Introduction> <Ancient jurists against contemporary technocrats?>

Classic perspective

Personae

- Freeman / slaves

Res

- Goods, obligations

Actiones

- Models of procedures

VS

Information Society

Technologies

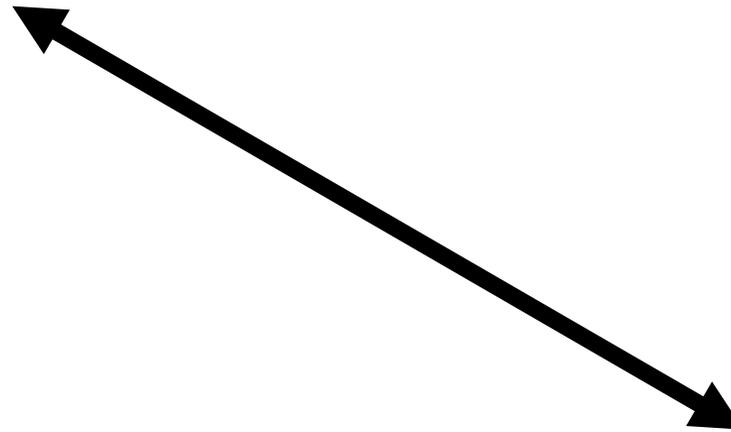
- Hardware, Software, cloud, IoT

Organization

- Social systems, Bureaucracy

People

- Customers, users, resources



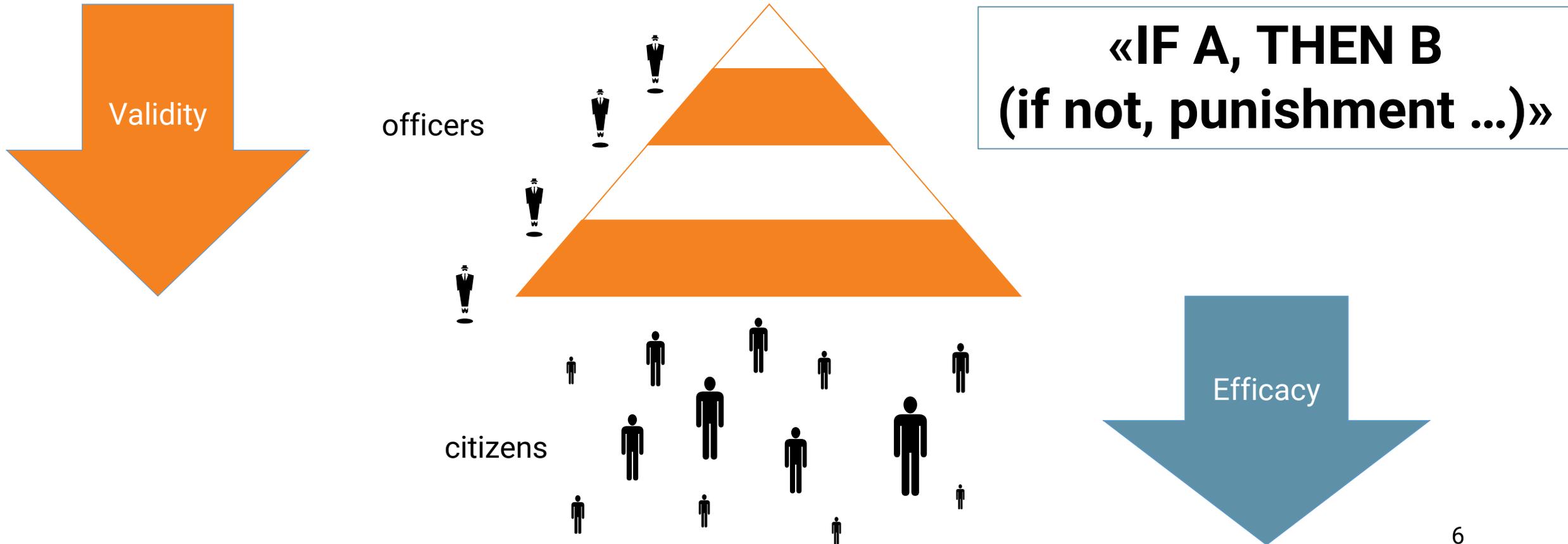
From a theoretical perspective, is it really that simple?

From a practical point of view, is it really inevitable?

<2.- Law and complexity> <From “certainty” to “uncertainty” in law>

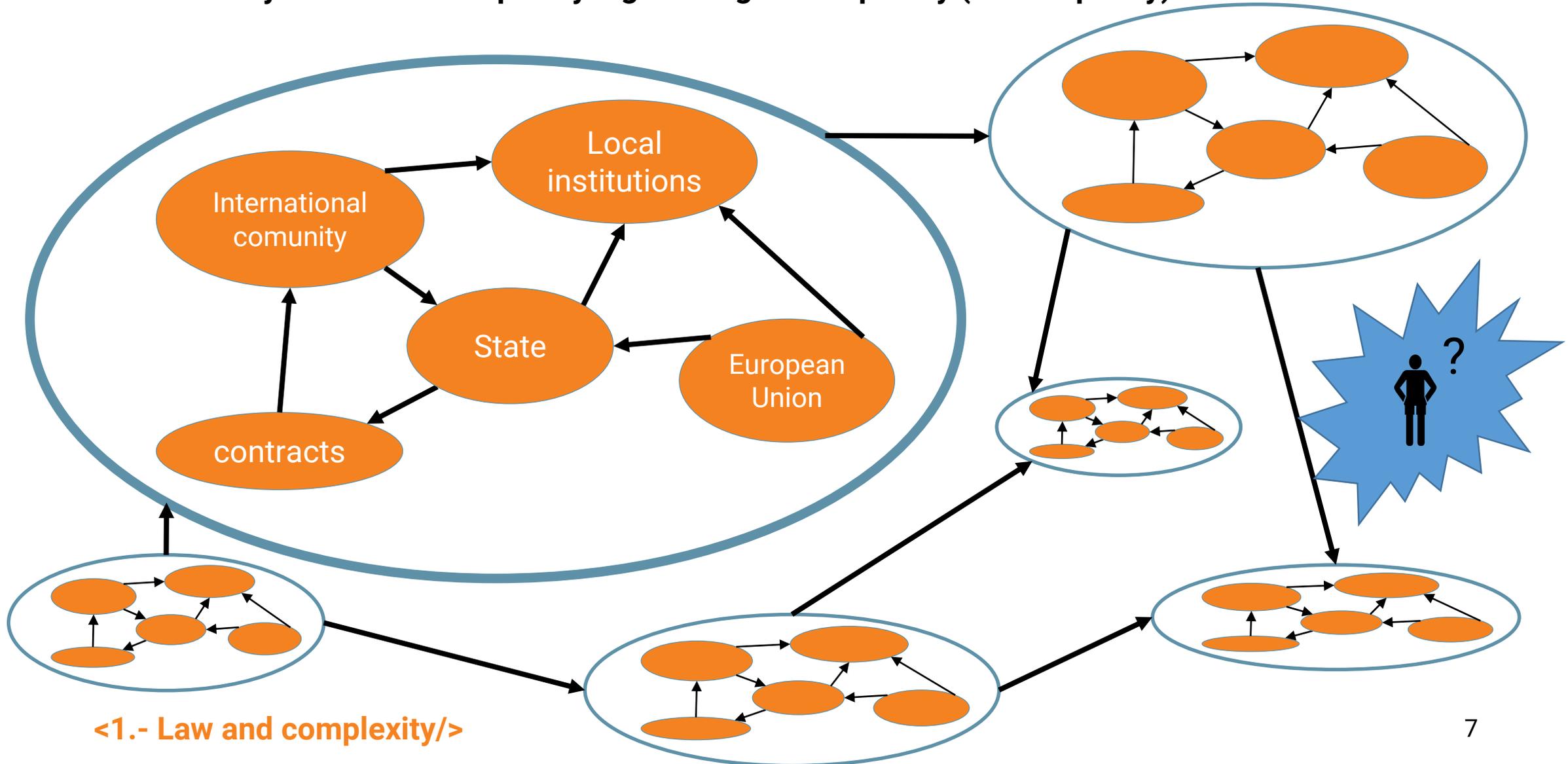
Law as a legal system in traditional theory of law (Hans Kelsen): it was simple

Grundnorm (basic norm): «obey to the enforced Power!»



<2.- Law and complexity> <From “certainty” to “uncertainty” in law>

Law as a network system in contemporary legal thought: complexity (not simplicity)



<1.- Law and complexity/>

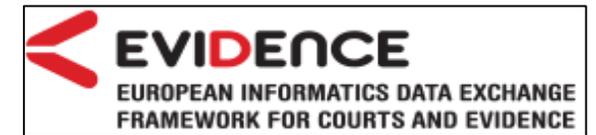
<3.- Digital forensics> <Evidence as a technological artifact>

In this technological “ecosystem”, proof can be seen as an artifact
Anything that has been made to stand for a legal argument

(more precisely) electronic evidence is
«any data resulting from the output of an analogue device and/or a digital device of potential probative value that are generated by, processed by, stored or transmitted by any electronic device»

(and) digital evidence is
«that electronic evidence which is generated or converted to a numerical format»

-> BIASIOTTI, MARIA ANGELA, MATTIA EPIFANI E FABRIZIO TURCHI (a cura di),
Trattamento e scambio della prova elettronica in Europa, vol. 24, Napoli, Edizioni
Scientifiche Italiane (Informatica e diritto), 2015, pag. 19



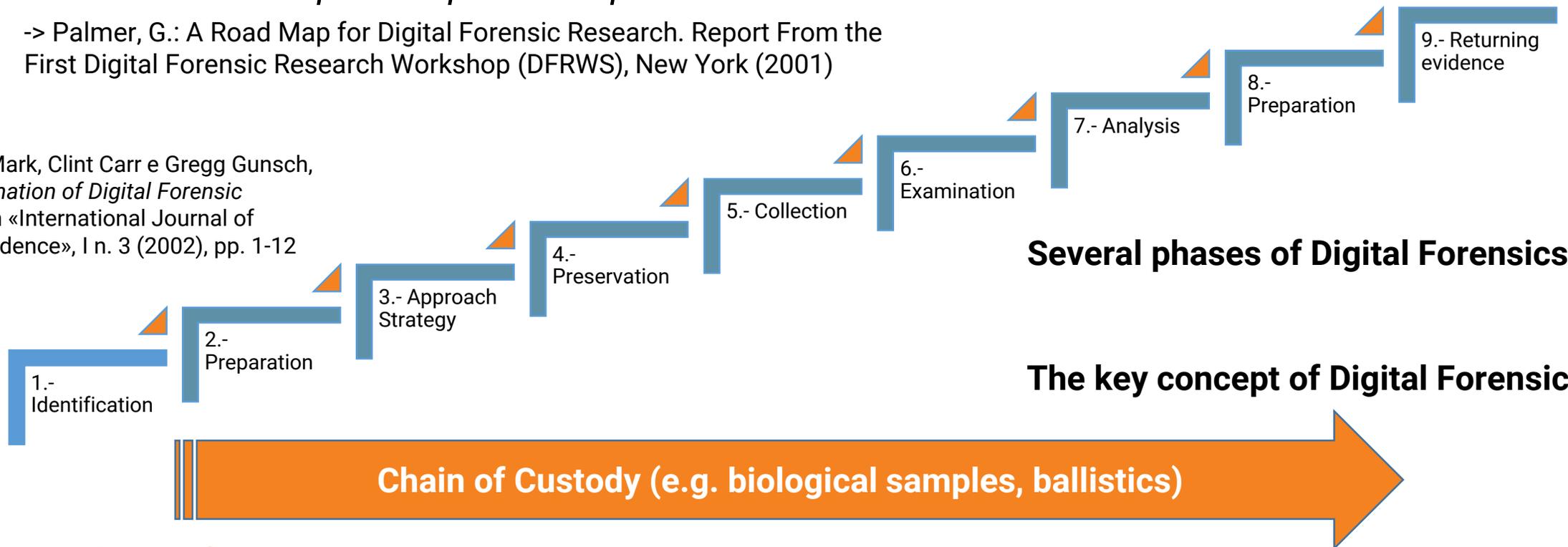
<3.- Digital forensics> <Evidence as a technological artifact>

Digital forensics is

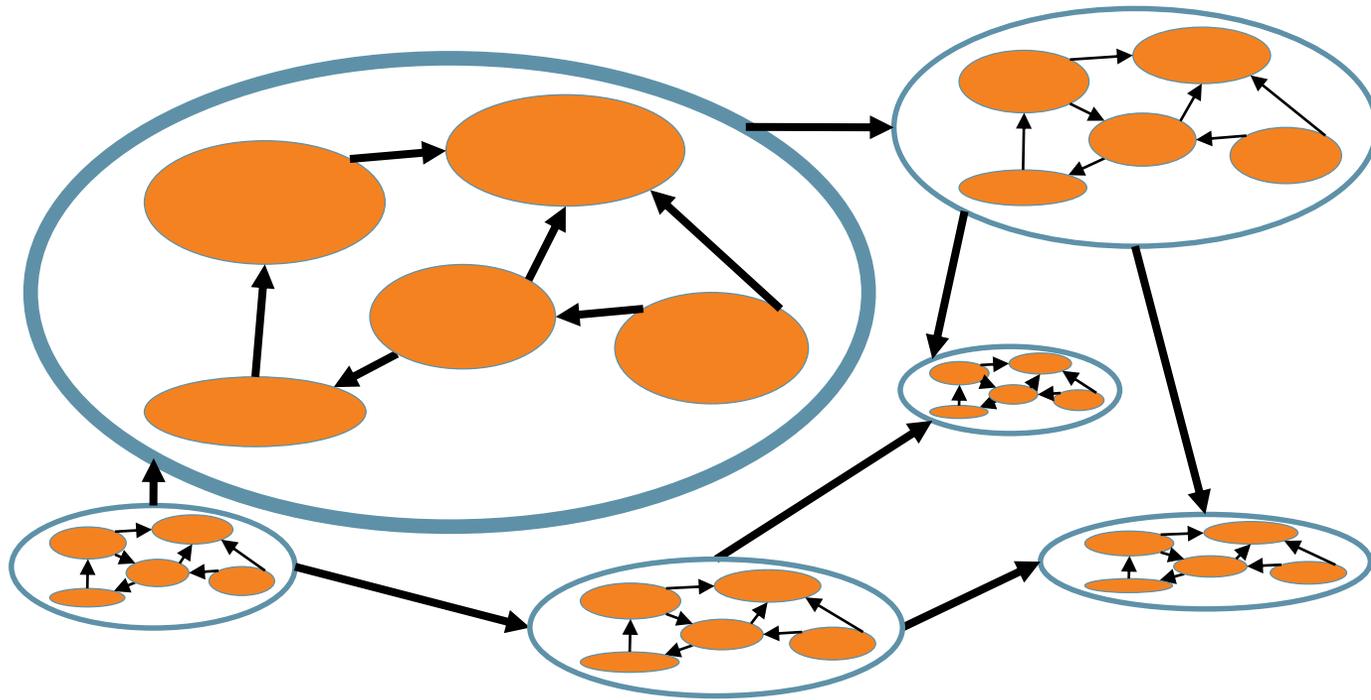
«the use of scientifically derived and proven **methods** toward the preservation, collection, validation, identification, analysis, interpretation, documentation, and presentation of **digital evidence** derived from **digital sources** for the purpose of facilitation or furthering the **reconstruction of events** found to be criminal, or helping to **anticipate unauthorized actions** shown to be disruptive to planned operations»

-> Palmer, G.: A Road Map for Digital Forensic Research. Report From the First Digital Forensic Research Workshop (DFRWS), New York (2001)

-> Reith, Mark, Clint Carr e Gregg Gunsch, *An Examination of Digital Forensic Models*, in «International Journal of Digital Evidence», I n. 3 (2002), pp. 1-12



<4.- Conclusion> <Cross-Border Digital Forensics>



In such a complex ecosystem, sharing of forensics data is not an option, is a necessity...

... not only among investigative authorities, but also with defendants, courts, professionals ...

...and without geographical boundaries or technological limits.

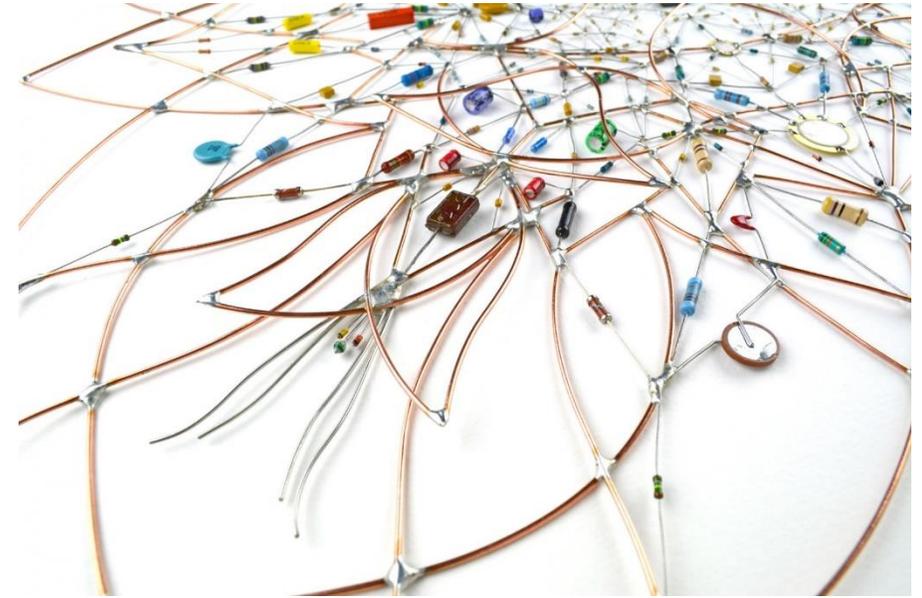
Several issues arise from this state of facts.

We believe that it would be quite complicated – and ineffective – to start from «technology» and not from «people»: this is the main purpose of this conference

.... And our little friend is quite interested and is anxious to listen to our speakers ...



Many thanks!



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