

Introduzione: INFORMATICA, TELEMATICA, INTERNET E DIRITTO

La telematica, internet e l'evoluzione tecnologica hanno un'influenza sul diritto pubblico che possiamo descrivere sotto due aspetti importanti:

- Il primo aspetto è quello dello **stato e della sovranità statale** da un lato, e delle **fonti del diritto** dall'altro. Per fonte del diritto si intende una fonte che scaturisce dallo stato e da autorità pubbliche
- L'altro aspetto fondamentale è quello delle **libertà statali**: subire o dare pregiudizi attraverso internet (ricordiamo la libertà di comunicare il proprio pensiero; diritto alla privacy, alla protezione dati, alla propria persona e dignità)

Sono tutti aspetti che riguardano l'**evoluzione di internet** e il suo impatto sulle categorie del diritto pubblico.

Internet di per sé è uno strumento che presenta delle caratteristiche che, in certi termini, coincidono con le caratteristiche di democraticità: tutti vi possono accedere, è mantenuto il rispetto dell'uguaglianza. Essendo però un mondo a-territoriale, può essere un rischio per la libera autodeterminazione

Diritto e tecnologia

Diritto e tecnologia sono legati da un rapporto ricorsivo:

- Il diritto cerca di **disciplinare** la tecnologia e gli strumenti che mette a disposizione
- Il diritto è anche **condizionato** dalla tecnologia: certe categorie giuridiche sono state modificate secondo necessità a causa dell'evoluzione della tecnologia.
- La tecnologia è utilizzata come **strumento di regolazione**: strumento tecnico che viene a incorporare la regola, utilizzata dal diritto per attuare la regola.

Es regolamento protezione dati

Finalità: proteggere il diritto alla privacy e alla riservatezza. Ci sono degli strumenti tecnici che consentono di proteggere questa riservatezza (i dati vengono criptati); strumento tecnologico che incorpora la regola, che dà direttamente attuazione alla regola

- In questo senso la tecnologia **supporta** il diritto

Terminologia

- **Digitale**: *digitus* (latino = dito) / *digit* (inglese = numero)
- **Bit**: il bit è una crasi tra binary e digit.
- **Informatica**: *information automatique* (fr), elaborazione automatica del codice binario
- **Telematica**: telecomunicazione (trasmissione a distanza di segnali regolata da un protocollo di comunicazione) unita l'informatica. È la trasmissione di comunicazioni tra elaboratori (crittografia = algoritmo + chiave)

Lo strumento elettronico (**device**) parla in un linguaggio fatto di **bit**: il linguaggio del calcolatore è espresso secondo la **logica binaria**, quindi in codici binari composti da 0 e 1.

Gli individui comunicano su internet attraverso **forme espressive** (testi, immagini, suoni, ...), ognuna delle quali viene tradotta in bit attraverso gli **algoritmi di programmazione** (un algoritmo è un insieme definito e ordinato di regole per risolvere, attraverso un numero finito di passaggi, un problema); il **codice sorgente** viene elaborato attraverso l'algoritmo e viene tradotto in codice binario; il calcolatore lo legge e produce il risultato.

Novità: la **telematica** unisce l'informatica con le telecomunicazioni: permette, rispetto alla singola informatica, agli elaboratori di **comunicare a distanza**.

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Peipei Pang



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