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**Professional Practices in IT**

**Assignment 1**

National University of Computer and Emerging Science

**Research Question**

For this research-based question, I am using

1. Italy from Europe
2. United States of America from North America
3. Pakistan from Asia

**Italy – Europe**

Italy is a European country renowned for its art, music and cultural diversity.

**Overview of Italy’s Legal System:**

Italy follows a civil law system entirely based on Roman Law principles. The Italian Constitution system focuses on written codes (codified law) that acts as a source of legal interpretation and application of the rule of law. Power is divided into three branches:

1. Legislative Branch
2. Executive Branch
3. Judicial Branch

All three power branches are independent of each other and are bind together by the Italian Constitution for effective interaction and balance. The head of Italian State is the President.

**Law Creation and Enforcement:**

Let’s discuss about laws in different branches of power:

* **Legislation**:

The legislative power is all with the Parliament which itself comprised of:

1. Camera dei Deputati (Chamber of Duties)
2. Senato (Senate)

These two chambers practice the same powers. To pass a bill and become a law, that bill must be approved by both the houses. It means that one house must have to approve the amendment(s) made to the draft by the other house.

* **Judiciary**:

The judiciary is independent of the legislative and executive branch. Laws are enforced by the courts with the ruling of constitutional court for constitutional cases. There are separate courts for criminal and civil matters.

* **Executive:**

The executive power encompasses council of ministers and president, they can issue ordinances and work together to ensure the consistency of political policies and ruling.

**Differences in Areas of Law:**

Some notable differences in certain areas of law are as follows:

1. **Family Law**: Governed by civil codes that recognize the legal equality of spouses, divorce, and child custody rights. Same-sex civil unions were legalized in 2016.
2. **Criminal Law**: Italy's criminal code focuses heavily on organized crime (Mafia) and corruption. It also emphasizes rehabilitation over punishment.
3. **Property Law**: Governed by civil law, with strict regulations on property ownership, inheritance, and land use.

**Role of Technology and IT Laws:**

* **Data Protection and Privacy:** Italy follows the EU’s General Data Protection Regulation (GDPR) enforcing regulations for its citizens digital privacy and gives penalty in case of breach of data and privacy, one of the strictest data protection frameworks globally.
* **Cybercrime**: Italy has several laws that deal with cybercrimes, focusing on fraud, hacking, and identity theft. The Digital Administration Code supports e-governance.

**United States of America**

The term “United States” means the 50 States of the United States of America

**Overview of USA’s Legal System:**

United States follows a “common law” system - a federal system (power shared b/w individual states and federal government). The legal system operates under supreme law called Constitution. The judiciary is responsible for creating laws rather than statute and has a strong focus on judicial precedents by letting previous court decisions inform of future US rulings.

**Law Creation and Enforcement:**

Let’s discuss about laws in different branches of power:

* **Legislation**:

Congress is divided into

1. House of Representatives
2. Senate

Laws are created by Congress at Federal Level and by State Legislatures at the state level.

* **Judiciary**:

Courts are responsible for interpretation and laws enforcement. The Supreme court has the ultimate power – highest court and can rule on constitutional issues.

* **Executive:**

The executive power encompasses governors and president, they can issue ordinances and executive orders. They work together to ensure the consistency of political policies and ruling.

**Differences in Areas of Law:**

Some notable differences in certain areas of law are as follows:

1. **Family Law**: Every state has different laws on civil matters such as marital, divorce etc.,
2. **Criminal Law**: Every state has their own laws – state matters and some crimes fall under federal jurisdiction – federal laws
3. **Property Law**: Both state and federal laws are applicable (federal property etc.,)

**Role of Technology and IT Laws:**

* **Data Protection and Privacy:** US does not currently have a detailed federal consumer data protection law but has some other laws like U.S. Privacy Act of 1974, HIPAA, COPPA, Electronic Communications Privacy Act (ECPA) that protects communications from unauthorized access.
* **Cybercrime**: Some laws to prevent cybercrimes and cyber terrorism in the US include the Computer Fraud and Abuse Act (CFAA) that addresses unauthorized access to computers and the Patriot Act.

**PAKISTAN**

Pakistan – a land of hope and heritage, a trademark of excellence and empowerment.

**Overview of Pakistan’s Legal System:**

Pakistan uses the common law system and incorporates **Islamic law**, developed during colonial times, which existed in the region with the help of local judicial systems adopted by the people according to the needs of their religion and culture.

**Law Creation and Enforcement:**

Let’s discuss about laws in different branches of power:

* **Legislation**:

Pakistan follows a parliamentary system that constitutes:

1. National Assembly
2. Senate

Laws are passed in parliament. If the National assembly having passed the Bill approves it by a majority of votes, it shall be transmitted to the other House - Senate. If the other House passes it without amendment, it shall be presented to the President for assent.

* **Judiciary**:

Courts are responsible for interpretation and laws enforcement. The Supreme court has the ultimate power – highest court and is followed by high courts. The judiciary is independent of legislative and executive branches.

* **Executive:**

The executive power encompasses prime minister and president, they can issue ordinances and executive orders. They work together to ensure the consistency of political policies and enforce laws to maintain peace.

**Differences in Areas of Law:**

Some notable differences in certain areas of law are as follows:

1. **Family Law**: All governed by Islamic law, based on Islamic practices and ordinances for matters like (marriage, inheritance etc.,)
2. **Criminal Law**: Both Islamic (Hudood Ordinance) and Penal Code (PPC)
3. **Property Law**: Both Islamic and colonial law.

**Role of Technology and IT Laws:**

* **Data Protection, Privacy and Cyber Crime:** Pakistan does not currently have a detailed consumer data protection law but has some other laws like **Prevention of Electronic Crimes Act (PECA) 2016** that protects communications from unauthorized access.

**Case Study 1**

Q1:

The objective of civil law seems to enable Oracle and SAP to settle their dispute by allowing Oracle to sue SAP for damages allegedly caused by infringement of its intellectual property. Since civil law settles disputes and righteously punishes the wronged party, it is often believed to differ from criminal law without involving criminal penalties.

Q2:

Oracle would be the plaintiff (claimant), and before doing so, they would have to file a complaint in the civil court with evidence of what happened and what SAP did wrong with a description of the losses suffered.

Q3:

In the civil proceedings as here, the burden of proof is on the balance of probability. Oracle has to prove that SAP's acts were likely to cause damage. It differs from a criminal case as criminal law requires strong evidence in addition to plausible doubt which is a much higher standard.

Q4:

SAP would have to register as a legitimate company through legal procedures like incorporation or getting a royal charter to acquire legal existence.

Q5:

The judgment in civil case would completely rely on precedents that is from earlier similar cases in common law. However, a decision made under statute law would be based on legislative actions that reflected changing technology laws.

**Case Study 2**

Q1:

Alex may be breaching the GDPR and many other legislations when he installs the data capture ability without seeking users' consent or permission. By the GDPR, consent is required for personal data processing. The consequences of non-compliance would have serious repercussions both for the software company and the agency.

Q2:

The BCS Code of Conduct states that Alex has to put the public's health, privacy, and well-being first. This conduct’s implementation might violate people's rights and erode public confidence in the agency and his ethical standards.

Q3:

While Alex needs to comply with any requests made by his employer, using professional judgment is still emphasized under the BCS Code. In addition to fulfilling his professional obligations, he should be aware of the ethical and legal ramifications of the agency's request for a solution.

Q4:

Alex has to be up to date on all applicable legislation and moral standards. This proficiency upholds his professional reputation and shields him from legal consequences. Integrity is refusing to tolerate unethical behaviour, which is essential to preserving public and client confidence.

Q5:

If Alex decides to speak up or furnish information, then he would be protected against any retribution with such provisions like that in the UK's Public Interest Disclosure Act, PIDA, or others that protect against whistleblowing or reporting unethical actions. He might lose his job or get into legal trouble, though if the government rejects his claims, however. If wrong practices are illegal then, Alex and his company may have legal consequences for their failure to disclose such.