COLLOQUIUM SERIES

Asaf Lubin

Maurer School of Law, Indiana University

Monday, March 7: 12:00 – 1:00 pm ET
Via Zoom: Click here for link to Zoom meeting
Limited In Person Seating at 513 N. Park Ave.

The Law and Politics of Ransomware

This paper offers a comprehensive account of the regulatory challenges associated with ransomware prevention. Situated within the broader literature on underenforcement, the paper explores the core causes for the limited criminalization, prosecution, and international cooperation that have exacerbated this wicked cybersecurity problem. To address these challenges the paper makes the case for the internationalization of the crime of ransomware. Relying on existing international regimes––the 1979 Hostage Taking Convention, the 2000 Convention Against Transnational Crime, and the customary prohibition against the harboring of terrorists––the paper makes the claim that most ransomware attacks are already criminalized under existing international law. The paper demonstrates the various opportunities that could arise from treating ransomware gangs as ones subject to universal jurisdiction. The paper focuses on four such opportunities for closing the ransomware underenforcement gap: (1) Expanding policies for naming and shaming harboring states; (2) Authorizing extraterritorial cyber enforcement action; (3) Extending the jurisdictional reach of both domestic and international courts; and (4) Enhancing ransomware reporting obligations and restrictions on payments while advancing strategies for strengthening cybersecurity at home.

Dr. Asaf Lubin is an Associate Professor at Indiana University Maurer School of Law and a Fellow at IU's Center for Applied Cybersecurity Research (CACR). He is additionally a faculty associate at both Yale Law School's Information Society Project and Harvard University's Berkman Klein Center for Internet and Society. Lubin's research centers around the regulation of cybersecurity harms, liabilities, and insurance, and the policy design around governmental and corporate surveillance, data protection, and internet governance.

Ostrom Workshop
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