

Computer and Cyber Crimes

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www.ijrah.com || Vol. 4 No. 2 (2024): March Issue

Date of Submission: 12-04-2024

Date of Acceptance: 21-04-2024

Date of Publication: 25-04-2024

ABSTRACT

All that were impossible so far, internet have made them possible. Computer has facilitated to restore lots of Data in small memory, which seems to be very impossible from the view of human. Based on the high speed of computer, it calculates and counts very complicated issues within seconds. The improvement in information technology has negative aspect as well. It means it has facilitated for some crimes and illegal activities against the community that before it was very impossible and couldn't happen. Computer systems is a modern and improved opportunity for law violators, and have made the law breakers to keep up with changed method and feature of crimes. Computer crimes have created much more problems in modern communities; for instance legal societies have confront such conflicts and problems. Such crimes include the ancient and practiced criminal activities like; robbery, deceiving, hacking, and financial abuse, or they have completely new nature which is unpredictable, which have created problems to the former criminal code and criminal procedure code.

Keywords- Cyber Crime, Criminal Law, Legislative, Hacking.

I. INTRODUCTION

Computer crimes are all those activities that are relevant computer. All activities that have got such nature have made the law specialists very confused, and made them negotiate and discuss regarding the elements and aspects of Computer crimes. Here computer crimes and crimes regarding computer are used interchangeably.

So, we can summarize the aspects of computer crimes in few parts: first; they can be committed easily, second; via low expenses it makes lots of loss, third; such crimes can be committed without having a specific physical location, fourth; in many aspects it illegality is ambiguous, on the other hand with the improvement in information technology it has become very specialized and technical, which have made it difficult to be fought.

II. MATERIALS AND METHODOLOGY

This issue has library aspect, first Computer and internet crimes definition and history is discussed, later on the aspects and types of such crimes are illustrated. Beyond this in this topic the avoidance and fighting methods of such crimes are also viewed, meanwhile, legislation problems are also researched. This issued have been followed through library, descriptive, and analytical method. I have discussed the issues in specific topics. All the references that I have utilized for this issue have been written in footnotes and comprehensively and accurately have been mentioned in references at the end. Regarding this issue I have discussed the laws if Afghanistan and later have analyzed them as well.

III. OBJECTIVES OF THE RESEARCH

The very first goal of this research is to let people know computer and internet crimes. Meanwhile, the second goal of this research is to offer the information regarding computer crimes in accordance with laws. Finally, regarding Computer crimes the shortcomings and problems of our country's legislations and their rectification and amendments are pointed out.

Definition Computer and Cyber Crimes.

We have to bear computer technology as the base for all violations and crimes relevant computer. Cyber-crimes are crimes against data, cyber space, multimedia crimes and so one. Internet is assumed as the runner for such crimes, which has made the networking and relations very closer. Till 2002 internet had more than 6 million users' around the 160 states, today this number has been increased so much (1: 14).

There are various definitions for such crimes, international resources and a number of scholars have their views regarding its definition.

The very first step regarding this definition is taken by O.E.C.D (organization for Economic Co-Operations and Development), this organization has defined computer crimes as below:

(Abusing the computer and conducting all those illegal and unethical activities which includes devising irrelevant and unreal informations). In this definition abusing computer is obviously stated which is used instead of crim.

Later on European Union published a table of contents of computer crimes and defined each and every crime individually. Like; one of the specialist of this organization has defined these crimes like this ;(all illegal activities that are conducted based on computer are called computer crimes). Meanwhile, another specialist has defined it like; (all those incidents that are conducted via computer technology, and the victim costs a lot and the criminal gets benefits). This definition is also full of shortcomings in accordance with Law (2: 33).

After the above definition lots of researches were conducted, finally, the police of Germany has defined it like this: all those crimes that are conducted through data and electronic drafts). Meanwhile, another scholar from Austria has defined it as below: (computer crimes are all those crimes that are committed by computer or computer is a mean for it). Beyond this the judiciary ministry of America has defined it as (all those deeds that are against criminal code and computer technology is used for it, and being accustomed to computer technology is necessary for it) (1: 22).

Internet is a source of international information. Which is published throughout the world. It is as wider that none of human can individually understands the whole sections of internet. Internet emerged from 1970, in the very first time it was called Arpanet, and was

controlled by the defense ministry of America. Today it has been the skeleton and the real form of internet.

Internet is not only a computer network but also an international resource of information. Internet facilitates the network for millions of people living around the globe. So, internet has changed the world into a small village.

Because of this it is possible that crimes could be committed through internet from each and every part of the globe. Even internet crimes are the completer of computer crimes, especially the third type of internet crimes means Cyber-crimes (2: 27).

History of Computer and Cyber Crimes:

Totally, Computer crimes have been come into act after the creation of computer, and it is categorized into three sections: first all those crimes that were coming under the topic of computer crimes, they included programs hacking, copying, and crimes against personal safety up to 80 century, after this in 90 century when the information technology and international networks got improved the computer crimes second section came into action, Crime against Data, which included crimes against informations, networking, computer, space, and international networks. In the middle of 90 century when the international networks and space got improved the computer crimes third section started which is called Cyber Crimes, which created much more problems especially for criminal law, international criminal law, and international criminal procedure code.

The information technology is created in 1960, it was when the first crime was named as computer crime and published in social media, and newspapers. The scientific and practical view regarding computer crimes got changed in 1980, and it was cleared that computer crimes are not relevant to economic crimes, and cover all those aspects that are irrelevant economy, like; violating the personal information of someone (2: 19).

The destroying activity came into view in 1989, when the Germany federation arrested the German hackers, who have collected the informations regarding America, England, and some others countries, and later have sold the information on K.G.B the intelligence services of Russia. Meanwhile the risk of computer Virus has come up when an American university student created internet Virus and within few days destroyed around 6000 computer systems.

Characteristics and Aspects of Computer and Cyber Crimes:

Computer crimes are all those crimes that are conducted through computer or against computer. Such crimes have got different aspects from classic or heretofore crimes, because such crimes have very complex form and very different features and nature, and needs high technology. They can be conducted easy while cost a lot, meanwhile doesn't need physical location and they are very broad (5).

Ahead of everything such crimes can be committed by different ages of people. Like; boys,

students, secret employees, destroyers, and international terrorists, and so on. Sometimes it doesn't need much understanding of computer, meanwhile sometimes it needs high education for its conducting. Generally, we have two types of computer crimes: number one that are committed unintentionally, and the other is the real criminal. In The very first step all those who commit such crimes for the aim of entertainment, but very dangerous and very destroying computer crimes are committed by specialist and very skillful people.

What looks to be very special and valued is the thought of people regarding computer criminals, that society doesn't underestimate them, meanwhile people love them as well in comparison to other criminals, and even the computer and internet criminal becomes a champion and very famous for it throughout the world. The very surprising is this that they arrange gatherings and call for people to join them, as an example we can name Hackers community.

Meanwhile, reasons of the intangibility of computer crimes are: first high technology, means computer high speed and there are no background regarding the computer crimes clerks and criminals. Another the victim doesn't have the ability to compete against such crimes. Very skillfully these criminals don't leave any signs for their crimes. Such information can be copied, instead to have the original data, so, the document of such crimes can be existed.

Via computer technology computer criminals can easily and with low costs (only with a personal computer) enter to internet networks or influence the internet networks and give loses to people. Like; via computer the secrets of different states and their departments like; medical, networking, airlines, and security departments can be found out, which results very bad and costs a lot (1: 43). for instance in 1999 the Malaysia virus is one of the very high loss of computer crimes. This virus cost millions of dollars around the world through E-Mail. The founder of this virus stated that; first of all he created this virus on the screen of his personal computer and later on utilized the hacked password and entered the American Online site and cost a lot to many people (5).

Beyond this, in accordance its nature such crimes should be named as without borders crimes. Computer crimes are not relevant to a specific area, actually they can be committed internationally from each and every part of the world. The globalization example of computer crimes the computer viruses that can effect and published with speed (2: 26).

Types of Computer and Cyber Crimes:

So for, many incidents have been counted as computer and internet crimes for instance; programs hacking, computer spying, computers destructions, computer abuse, economic criminal through computer, and influencing or entering to computer systems. Meanwhile, in 90 century as the network technology, and satellites have gotten improved and have facilitated for

international relations closeness, simultaneously the crimes against telephone and networks airlines can be observed. (5/8) so, we discuss computer and internet crimes as below:

Fraud: European Union has defined Computer fraud (computer frauds includes data destruction, data avoidance, data changing, or interference in data which results negative on operational task of computer, and it benefits the hacker himself/herself or others, and interfere in other goods and cost him/her economic loses).

Today, the electronic commerce has been very famous in transformation of cash, buying and selling of commercial goods, consequently it facilitates to be abused. Computer frauds is conducted for the aim of destruction, change, entrance and avoidance in computer programs and data, (ATMs) are the first tool in computer frauds. (5) So, computer frauds includes followings:

- Abusing the telephone network;
- Abusing the payment boxes;
- Abusing the credit cards.

Counterfeiting: another type of computer crime is Counterfeiting. Tis crimes is also defined by European Union as (computer data and programs destruction, avoidance, changing, or interference in it, with the conditions that are stated in the national legislations, are known as counterfeiting crimes). Indeed computer counterfeiting is Data counterfeiting (2: 48).

Destruction and change: meanwhile destruction and change in computer data is also a computer crime. Destruction of computer can take place both physically and technically like; (through computer virus or timely regional bombs). There are many tools for destruction, here we only mentioned the Computer viruses, regional timely bombs and worms.

System Cleanliness or closing: Cleanliness or closing of computer operations for the aim of banns or postponing a system, is known as crime, which is called destruction of computer. The elements of this crime are: tools and Aim (1: 54).

Computer hacking: computer hacking or getting into a computer is also a computer crime, such crimes means to enter to other systems or influencing their system is assumed as hacking. Hackers have gotten easiness simultaneously with the creation of internet technology. Today modern information systems can also be hacked and abused as the computer systems from distance, hackers can reach a city or the entire state networking system through hacking an information system. (5).

Voice listening: the classic and common type of spying have been completed via computer data spying now. Voice listening during computer data transformation is a new type of computer crime. (5).

Programs hacking and unreal growth: hacking computer programs and unreal growth is a type of computer crime. As computer programs need much time and budget, so their unreal growth cost a lot for their real owners and creators. Such crimes are very similar to

crimes against property, which includes theft, copy, and using the unreal computer programs, and they are called software hacking. (5).

Computer unreal pornography: computer unreal pornography is also a type of computer crimes. Computer pornography can be defines like this: every kind of writing, film, image and so one that are relevant sexual harassment, and having no literature, political art and academe value are known as computer pornography. In pornography criminal activity means to sell the sound, videos or images that are relevant pornography, is assumed as crime. Like; we do have some internet networks, post boxes and electronic sites that publish such images, and sell them as well. Another type of such crime is teasing someone in workplace, which impose the employee to keep watching pornography images or videos, or sharing pornography with them, sexual pornography issue can be children, girls, boys and women, whose age start from 7. (4/7).

Cyber-crimes: Cyber-crimes are also a type of computer and internet crime, in such crimes people imaginary and illegally appear in internet and introduce themselves with different names, and tie the relationship with others. So usage of internet by different groups of society people has necessitated the criminal code to have a look at these crimes. We can the examples of Cyber-crimes like; Cyber Laundering, children pornography, and Cyber Drug. (5).

So, in Cyber world these digital crimes come (spying, destruction, fraud, faking, destroying, lying, and illegally transformation of money, and drugging). The copy write crime of computer also can be committed through this. Crimes against data supporting, crimes in electronic commerce, crimes in electronic banking, crimes through satellites, and Cyber terror (crimes against national and international security) are included in Cyber-crimes (2: 62).

Legal Study of Computer and Cyber Crimes (Criminal Law, International Issues)

The criminal laws of each and every country has faced problems in reaching computer crimes. Today the criminal codes and laws state all the deeds that are visible, and accessing to invisible deeds and information wasn't possible before the middle of 20 century (3: 59).

In accordance with the crimes and sentence legality principle in order to bear an action as crime, before that action should be viewed as crime by legislature, and the sentence should also be specified for it. This principle of criminal code faced problems when the number of computer and internet crimes got increased, and their features also became different, so the law couldn't discover them. Enlargement of information technology and improvement in international networks, so computer crimes don't understand the border, so by the passage of time it got changed from visibility into invisibility and imaginary statues, which challenged the criminal laws principles a lot than any other time (3: 63). In addition, discussing the criminal laws two aspects arise, first general criminal law and private criminal law.

Computer crimes are a part of modern technology crimes. It is unnatural crime, sometimes it can be conducted over computer software, which is a form of crime. In accordance with its nature it has different definitions in classic criminal laws, which can be different from classic crimes according its physical element, like computer fraud. Looking to its physical element it's needed that criminal codes should legislated and rectified and should have enough states regarding computer crimes.

Supporting conceptual information and property is a new chapter in law, which has come from invisible and concrete issues and things. Meanwhile, the physical element of computer crimes are approximately similar, means the conducting methods of computer crimes are making changes in computer programs, networks ,systems, Data, and vanishing them, closing them, interference in them and so on. This aspect is the main difference between classic crimes and computer crimes. According to physical element computer crimes time and place can also be the point to be noted.

Beyond this, in comparison to traditional crimes computer crimes criminal, their criminal responsibilities and other responsible people are also different (2: 65).

Classically, the private criminal law has categorized crimes in accordance with oppositions and against party, they are; crimes against individuals, crimes against property, crimes against public security and welfare, and crimes against families and ethics. So looking at this classification as computer crimes have come recently, so it comes in the very last class which are crimes against individuals, known as computer economic crimes.

In criminal law, in addition to public lawsuits the new patterns of values have also come, which needs legal support, so not only the crimes against individual, property, public security and welfare should be accessed but also crimes against Data, computer systems and international networks should also be reached. Computer crimes not only include crimes against individuals, property, public security and welfare but also crimes against software, data and private and public rights (1: 67).

Legislative problems Regarding Computer and Cyber Crimes:

Since very long centuries the judicial systems have considered the visible issues, and criminal legislatures consider such issues. While, today these invisible things have great value. Today Data and information have been considered as wealth, which can be the issue of a criminal action. Reaching such crimes can be done only by analogy, instead it needs further rules and regulations. Information should be generally accessible to everybody, and it should be common and public to every individual residing in society.

Natural criminal laws have been faced problems in tow aspects according to computer crimes, from one side the creation elements and aspects of classic crimes

are changeable, even the existed definitions of crimes regarding computer crimes are not suitable. On the other hand such crimes need new names, in order to recognize all the types of computer crimes that hazard human society. Looking at mentioned two problems, when the Cyber-crimes created it made the abuse of internet more and more, which challenged the nature of criminal law very much. Because of this the analysis, implementation and categorizing of such crimes seem to be very tough and even impossible. It has created problems for criminal law, so criminal law should have enough regarding it, and should state its definition and make it clarified, after all there should be a conceptual solutions for such problems, because the physical element isn't visible in such crimes, which is a serious question, needs to be answered. (5).

As we said before, the modernization of computer and internet crimes, and its committing methods, which have made it difficult to be followed, meanwhile, classic laws never and ever answer such crimes, because the research, pursuing, the crime residence, and the tools, and the detention of such crimes are totally different from classic crimes, and it is very impossible to find out such crimes without specialist and skilled judicial authorities. (6).

IV. DISCUSSION

The speedy improvement of computer technology and by the passage of 4 decades it has face three types of crimes, and the criminal law has passed for periods regarding these international networks and internet:

First period: supporting the personal information (70 and 80 centuries).

Second period: instituting the observation laws over computer crimes and rectifying them (at the end of 80 century).

Third period: instituting laws for immaterial wealth (conceptual property, 80 century) Fourth period: instituting the criminal procedure principles and regulations (90 century) Cyber-crimes have been created in 90 century, which is a mean of stellate networking and information networks, and it is the creator of international networks. And the invisibility of cyber-crimes have made them very different from the classical crimes. The improvement in cyber-crimes have created lots of difficulties and headaches for computer and internet users. Computer criminals keep their illegal activities on without any threat and detention sorrow, and they have been a serious threat for commercial firms, buyers, networks users and the security of a country.

V. CONCLUSION

Nowadays jurists, criminologists, computer specialists, and international police have turned their attention to computer crimes. Totally, the entire world states have faced the problem of computer crimes, because most often states and their laws consider only the visible and materialistic deeds.

After the middle of 20 century criminal laws faced the problem of invisibility of informations, which has changed the world and informations got their high values, and it completed the legal doctrines. Finally, the physical examples were replaced to invisible examples in criminal laws.

Because of this, protecting computer crimes not only in the work places but also in the whole society is needed and essential, and they very first is to be mentioned in civil and criminal laws.

Generally, computer and internet crimes are different from classic crimes in many aspects, first their method of conducting is easy, second it creates a lot of loses with low expenses, third such crimes can be committed without any specific physical location, fourth in many aspects (most often in Cyber-crimes) their illegality and source is ambiguous, fifth today computer and internet crimes are committed in international level.

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