

INVESTIGATING COMPUTER CRIMES IN CYBERSPACE

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Abstract

In this descriptive and analytical research method will be to review the relevant legislation which deals with computer crimes in cyberspace what bugs and such weakness. In this article, the definitions and rules relating to content related to computer crimes have been dealt with in Europe and Iran, as well as influence factors on committing crimes in cyberspace and the causes of its growth has been studied. Finally, regarding the weaknesses and existing laws in Iran, particularly vacuum dealing with computer crimes.

Key words: *crime, computer crime, cyber space*

Introduction

During 1960s could be introduction of small computer to know that minicomputer has a reputation. During this decade and the next decade of efforts to build a more powerful machine of smaller, cheaper, and more significantly to the fact that in the late 1970s and early 1980s, computers were still smaller and cheaper and more were shipped to the " Micro Computer " had a reputation [1].

In the late 1960s in the United States pay to the existence of the entity and the US due to the possibility of the occurrence of the Ministry of Defense of the nuclear attack that causes loss of vital military information was concerned, was so small that a computer network to be able to access all that information * extended theoretical this action it was that if one of the computer network as a result of a non-nuclear attack is active, said relying on network To continue their activity in the rest of the computer, and thus keep the necessary information describes a simple solution for the two mentioned fairly destructive to the Internet finally [2].

As the American project, the network of "Advanced Research Projects Agency" (ARPA) in the Department of Defense, the United States was an experimental network called and that it aims to give permit to download the research points to the scientists to communicate with each other was so therefore it was said ARPA network [3].

Computer Crimes

Providing a precise definition and no defects in connection with this crime, has become a very difficult because the sea has a computer of a classical nature of the abuse and on the other hand are some of the unique domain of computer crime [4] Computer crime, computer examination of crime by offense will be for your computer, the subject and sometimes a crime. In any case regardless of all of these cases, it must be acknowledged that a computer crime law, definition of A computer crime case, but not all of the examples it has been designed. Historical transformation in general computer crime since the emergence of the third millennium BC to the early computer can be divided into three generations:

The first generation of such crime, which until the late 80 's, was a prelude to a computer crime were under the title of expression, which includes theft and copy of privacy programs and crime was on the computer against the expansion of international exchange of information and communication technology.

In the second crime entitled generation 90 crimes against more data can be found, so that in this decade, all crimes against communication, computer technology, satellite and international networks under the title crimes against a set of data. In the mid 90 's with the development of international networks and satellite communications third generation of computer crime, cyber crime entitled crime in (virtual) or cyber is formed according to the specific nature of each time your legal rights to the Cathedral in criminal law and international criminal law began and the proceedings suffered serious challenges.

Historical background and development of the global transformation to crime ((information technology)) to be the 1960s, first on the items that he called "a computer crime" in the public press and magazines that time to reflect on these cases, the recipients were the primary forms of computer work-cook recipes include spy, computer work and wreck the illicit abuse of computer systems was [5] In the early years of computer 1340 means in about 22 years after the invention of the first computer arrived in Iran. Due to the fact that the application of computers in Iran from the beginning of the Decade, it has very limited entry has been a result of 1370 crime a computer record in Iran. In fact, in the case of a first offense of crime of computer time in Iran, a detailed information not available [4]. The United Nations, on behalf of a computer crime including criminal activities like theft and counterfeiting with the traditional nature of the claim, which is typically this crime in all countries with enforcement and punishment on the other hand, include a new criminal activities are not possible, but the possibility of such computer misuse [6].

The European Council on the list of computer crimes of all kinds which present a variety of forms, each computer to the definition of crimes. These two lists, titled list of ((at least)) and ((optional)) was a computer crime provision [4] And he was consequently believe that because the organization is looking for a definition of the crime of computer will be faced with the failure of their computer crime, defined globalization in General present unlike many modernists [6]. As the European Council, such as the action was significant report of economic cooperation and development, organization of actions in order to introduce practices that more criminalization under the computer crimes and actions in order to classify computer crimes will not be considered.

In 1990 the International Criminal Law Association four raised the issue for the Member States that they are including computer crimes and other crimes against information technology.

Community members send in their article in the field that in 1992 the preparatory meeting in Germany that produced University of Wurzburg Forum also failed to explain the standard for computer crime provision. All attendees to the us instead of defining a minimum list of computer crime, computer crimes prescribed in the letter of the Council of Europe recommendations, provided that they commit to the Council, as the basis for this joint meeting accepted. In 1994, in Rio de Janeiro also won without providing the parameter is recommended in this regard that the Member countries in addition to the list of at least a computer crime prescribed in the recommendations of the European Council, the four letters on the other criminal act) Trafficking in passwords, viruses or similar programs, access to the secrets of the law to the contrary, the deployment, transfer and transformation of the personal data) as a crime computer criminalization [6].

Convention on cyber crime is an international document which is the subject of computer crime. This Convention in September 2001 in a 33 International Conference with the participation of 24 European Council member countries and four countries-us, Japan, Canada and South Africa in Budapest to approval. In the present Convention, as well as a computer crime is not defined, but examples of cyber crime mentioned more entitled and of States parties requested that their criminal laws for the crime through their negligent treatment [6].

Accurately in all of that in order organizations definitions the definition of computer crimes, the primary consideration is that the actions of these organizations is not merely an action in order to determine the instances, the computer crimes and the definition in this regard. So the initial measures taken cannot be categorized toward action is considered computer crimes, but these measures attempt to determine instances of computer crime.

In the second half of the Decade of 1370 and 1380 that is the beginning of the Decade, especially the use of the personal computer by private institutions and organizations and individuals to access services and real expanded Internet has several possible crimes in computer crimes, as well as the relatively gradual growth. The dissemination of obscenity and publish photos and images and content contrary to public chastity, creating differences between segments of society through ethnic and racial issues and plan etc. Such are the crime after being afforded the possibility of using Internet services through our Web site and electronic mail, blogs, news groups, chat (chat) and other Internet services to have continuous occurrence [4]. In fact the occurrence of computer crime and computer-related in the country in 2001 to the next preset up course.

Legal Policy and International Criminal Organizations

Prior to the 1970s the traditional laws of the countries within the framework of a deal with computer crimes, but the development of information technology and the diversity and multiplicity of the abuse from this technology to the traditional countries of the criminal law, to challenge to challenge the causes being destroyed. The criminal law was the traditional countries of computer crime before starting up usually to support the objectives and tangible issues.

In the case of pornography in cyber, Cyber Crime Convention before approval, there was no regulation of the environment but with the approval of the Convention article 9 in 2001 to dedicate crimes related to child pornography. However, in the case of adult pornography, there is no international document.

Causes of the Growth of Crimes on the Internet

What is important, the factors that cause a change in the use of the Internet and its bias towards the computer crime. It should be noted that this issue is due to its unique span multiple factors are different and that only a few basic operating point:

- 1- Anonymity and obscurity
- 2- Internet available to everyone
- 3- Everybody's ability to pay the cost of the Internet.
- 4- Abuse some people
- 5- The lack of respect for ethics in Internet environment
- 6- Random searches

In addition to the cases provided for and in the span of a computer crime generally is intended for sexual offences in particular on the Internet can be both a lack of observance of ethics in Internet environment and add random searches. In this case the other should acknowledge that whenever there is a demand for something providers that serve more and

more to provide and obtain more benefit, to try if given the High demand users to see and having a sexual content, and content providers, as well as photos and video content every day, and the entire contents to provide users the obscene that they of course should be the expression that most of them are content and the contents of their site or blog up to date will attract more users to the same phenomenon, and to update and provide content and new content will attract applicants for unethical content can This would cause your getting a user to visit the site and porn blogs due to being new, and this is about your sexual crimes pursuant to the growth of the Internet space.

Legal Weakness of Computer Crimes

In spite of the law of computer crimes is a complete and specific law to commit such crimes is however carefully vacuum and weaknesses can be useful in this regard expressed the following below:

1. The aforementioned law on crimes such as fraud and start. The silence is a crime, for example, where this is in the law to start determining tricks that did not properly start a crime according to article 52 law of computer crimes that make it relevant penal law punishable, crime or in accordance with article 13 of law and computer crimes or to invoke the law of e-commerce?
2. In paragraph (a) article 6 of the law of computer crimes that have an expression about counterfeiting "change or create reliable data ..." which in this case is that a document can be cited, the people who want to document it, he confirmed that documentary and electronic signature means the approval. But in the electronic signature is not the definition of law and recognition of electronic signatures in the law has not been applied.
3. In accordance with paragraph "d" article 28 law of computer crimes that "abuse of people less than eighteen years has mentioned that" this article clearly define child abuse in order to do that, absolute abuse, or sexual abuse. In fact, it is essential that the legislator must this word correctly and accurately determined.
4. With regard to the abuse of children for domestic regulation in any Rep legal documented there, and to the private sector due to its computer crimes law that child porn is not about separation of NI, it is true that the aforementioned law on pornography has been absolute criminalization but deserved to make the child and consequently encourage the child to other people or the threat or allurements to individually In the following article to those penal code requires the child to build tools for the purposes of economic and material anymore and are going to use children because of the lack of criminal responsibility have to be criminal penalties. On the other hand wherever the child victims of crime, and even with the consent of this offense has done with regard to the most vulnerable of the child being the child and that he is in the field of the future might be better prepared to ((Being a child)) of the causes of the resonator is a crime.
5. In Sex crime law or, in some cases with the silence of the legislator are facing a virtual pimp like the illegitimate relationship through the computer. And in the end being specialized terminology the terms computer crime law and technical terminology has to be expressed on the weaknesses of this law. So that recourse to a specialized dictionary on your computer when you use for normal persons required. In

other words, some simple expression language words terms or unclear or not mean rights in words.

Conclusion

In this article have been trying legal weaknesses and shortcomings of the computer crimes and what can be better formulated policy solutions by providing the right solutions Express. As editor a rule can be fix a lot of problems to the community on the other hand vacuum and weaknesses that are looking for the same law editor can cause offense. For example, compile computer crimes law in turn commit crimes in cyberspace on the other hand, however, the criminalization and due consideration of general rules of law, not a series of criminal cases it can cause to the weaknesses of the perpetrators themselves who cheat.

If for example a virtual illicit relationship with the silence of the legislator has been faced with such a question, and if we face rather than this point blank whether illegitimate relationship can be general rules virtual according to (according to article 639 of the Penal Code) punishable by law or it is considered computer crimes? However, as was stated in the law of computer crimes are not, however, no mention of this and the other article 639 of its obscurity and also has not determined that the evidence must be clearly related to the subject matter of the virtual building. Another example is that all offences that are subject to computer crimes, are not specific to the issuing start and this can be problematic is that all the aforementioned note legislator to formulate and revise the rules requires that this would not solve except by his will of legislators.

Of all these cases in the past, should be expressed with regard to the negative effects of computers and the Internet on the development and progress of high crimes in cyberspace, which is the main cause of its ease of access to the technology, it should not be just to have rules for dealing with computer crimes will be associated with but should be next to it the necessary plans to prevent the occurrence of these crimes, the Executive Editor. One of the programs in the correct use of the culture technology If the necessary training is to people to be on the crimes of fraud, counterfeiting and computer ... The victim actually stocked up and on the other hand, based on sexual crimes, as well as the negative effects of the use of the Internet and in the fields for users is quite articulate, and the necessary training is also provided to victims of criminal activities existing in this field and be this means that the next generations for culture, positive Internet use them inform that due to the disadvantages of Internet abuse, abstain from the use of the negative.

Resources

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