Internet theft, a new manifestation of delinquency

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ABSTRACT: One of newfound issues that engage our society is internet and its crimes and the number of offenders is growing rapidly. One of these crimes is internet theft and offenders of these crimes are able to seek different ways in order to acquit and escape from regulations because of current weakness of the law. In this paper, hack which is one of newfound thefts is studied and following questions will be answered: whether internet theft is as same as physical theft, whether or not data are subjected to properties, whether or not punishment of breaking site lock is as same as theft penalty namely hand amputation.

Keywords: internet theft, physical theft, hack, hacker, hand amputation.

INTRODUCTION

Considerable increase of misuse from internet and raise of losses to people cause that professionals of different sciences such as criminologists and legal experts study crimes related to it. According to F.B.I computer criminal division, 85-97% of computer crimes are not even discovered (Informatics newsletter, 1968). Informatics should serve all citizens and it should not harm human identity, human right, personal privacy and individual and collective freedom. Nowadays, judiciary system faces with increasing growth of computer crimes including internet theft and heavy losses remained from it. Motivation of offender, kind of crime and severity of the offense may not be found in other crimes but unfortunately, users and authorities of computer systems are not familiar with dangers lurked in them. So the present paper is tried to discuss nature of internet theft (hack) and penalties related to it.

Nature of internet theft
Internet theft means that without permission of the owner, user breaks lock of a site or a file belonging to the owner by computer software and cut data and use them (Izadifard, 2010)

Above mentioned definition consists of some elements:
1- user: a thief user is anyone who uses computer or telecommunication directly for internet theft.
An important point that should be noted about the user is that under what conditions, a person is called internet thief. These conditions are as follows:
1-1 maturity: one of conditions is that the user should be mature because if a child commits theft, he/she will not be punished although he/she has done it several times (Ansari, 2001)
1-2 wisdom: wisdom means that the thief does not have to be insane because insane will not be punished and he/she will be rehabilitated.
1-3 learned: a learned user means that he/she knows that data do not belong to her/him and he/she is not allowed to access them.
1-4 independent: user is committing stealing purposefully not reluctantly
2- A site or file belonging to others: it means electronic privacy of a legal person in which personal information has been stored.
3- Cut: in computer science, cutting information means that data are transferred from a file to another file in a way that source data will be deleted and saved in destination file.

Applications of internet theft

Internet theft has many applications and each of them can be discussed and investigated. The most important ones are misuse of call lines, unauthorized entrance to others' personal privacy (personal site) and misuse of bank credit cards.

Here author means unauthorized entrance (hacking)

What is hacking?

In world of technology, hacking has many meanings and these meanings relate to each other. Hack is to settle a problem rapidly and intellectually in a computer program and quick settlement of a computer failure is one of meanings that are heard hardly. But its famous meaning is to make changes in a program or a device in a way that people can access to capabilities and facilities which are not accessible currently. For example, some hackers could transfer secretly cash from one account to another account by stealing personal information of users of online banking services. This method has been used in virtual space in order to access secretly to personal computers and steal their information even misuse systems for attacking to other computers. It should be noted that application of hack is not limited to the computer world. It also is being used by people with different specialties such as music and painting and here it means creative and intellectual changes of that person in a special context.

Similarities and differences between physical theft and internet theft

1- Both are committed secretly and without permission
2- In both of them, property of another person is being stolen
3- Both of them enter personal privacy

In internet theft, unauthorized entrance means breaking the site lock. In this method, taking property is done in a certain way because in physical theft, the thief steal property physically but in a virtual environment, the thief is not present and breaks the site lock ,enters it, cuts data and puts them in his file and misuses them.

A question is arisen, are data considered as property? The answer is that property is a thing that can be traded (Sheikh Toosi, 2003) and also everything that is economically valuable and transferable or can be allocated to a legal person is called property (Langeroodi, 1985). It is said that everything that is optimal and useful among people is called property (Bojnordi, 2000). In the contemporary world, secret data and information including written, audio- video can be exchanged and they are tradable such as drama, films, poems, researches, scientific books, programs of computer programmers, commercial secrets, codes, locks and codes of real and legal persons, private and state companies and institutes.

In internet theft, financial data are outlined not all data and information saved on sites and files. Another point is that data are financial or corpus of property if they are per se property such as valuable scientific data resulted from researches, codes, political, martial and security data and artistic data that have a natural value. Like a cheque, data are not corpus of property but they validate financially. It means that they do not have financial value per se but the society has granted them financial credit including electronic bank documents.

Sentence of internet thefts in the law

As defined previously, hacking means unauthorized access to a site or a file (electronic privacy) of another person and data transferring. The question is whether a hacker is considered as a thief or not and what punishment should be considered for him? In articles 12 and 13, the legislator has established act of electronic crimes.

Article 12: if everybody steals unauthorized data that belongs to another person, and if the real data are under control of the owner, the thief will be sentenced to fines from one to twenty million rials otherwise he will be imprisoned from 91 days to one year or fines from five to twenty million rials or both of them.

Article 13: if everybody uses unauthorized computer systems or telecommunications by taking actions such as entering, changing, deleting or stopping data or interfering in cash system or gains a property, a benefit, services and financial credits for him/herself and others, in addition to returning property to the real person, he/she will be imprisoned from one to five years or fines from twenty to one hundred million rials or both of them. An important point in theft is that property is taken secretly. In internet theft, the user enters file or site of another person without permission by using internet and breaking the lock, and takes valuable data and transfers them to his/her file. What is denied in theft is, not to steal others' property. theft can be committed in different ways but primarily there is no change in theft per se meaning no new nature will be occurred, rather the method of crime will be changed. Another point is that in theft, the element of property is considered. Nowadays, many internet data and information are considered as properties and are economically valuable because firstly they are exchangeable and tradable secondly people show traditionally tendency towards them, thirdly, they settle problems and needs of people in their material and spiritual lives. So like physical theft, what is stolen in internet theft is subjected to theft

punishments. Getting a code and running it, entering the file are as same as breaking the lock and password. If someone commits this act, he or she will be a thief. For example, a director produces a film after several years and saves it in his site in order to release it on cinema screen but a thief user hacks the file and cuts all his artistic works including films and music which have not been marketed yet. Undoubtedly, the act done by this person is clearly a theft and subjected to theft punishment. If conditions of hand amputation are confirmed, this punishment will be implemented (Mava,2004:8) and there is no reason for violation from this punishment. Internet theft is the only crime which is committed by intellect and brain. The author believes that like physical theft, a property is taken in internet theft by two reasons:

1- Data are considered as property because firstly it can be tradable and changed into money. Secondly it meets people's needs in their material and spiritual lives.

2- Data cutting and transferring are proved as taking property because thief dominates on data and the owner does not benefit from it (in definition, theft, is not only physical rather when the thief dominates on the stolen goods, theft has been done). Generally, the main factor in theft is thief's intellect and brain. Body organs are only tools for committing theft. In internet theft although intellect of person includes most part of the theft, it is not possible to enter the site and transfer data without pressing keyboard keys and typing passwords. While nowadays there are programs which automatically type words by speech or they are sensitive to eye movement, they are required to press keyboards keys.

CONCULSION

Internet theft especially hacking is one of newfound and modern issues in our society. Unfortunately it is being increasing due to lack of proper punishment. In this paper, it has been tried to consider main penalties of internet theft or hacking. The punishment is as same as hand amputation. it is like a person who physically steals something by his organs.

REFERENCES

Izadifard A, Pirdehi Hajikala A. 2010. internet theft, Islamic studies, Islamic theological faculty, Firdausi University of Mashhad.
Bojnordi SMH. 2009. legal rules, Qom.
Informatics newsletter. 1995. No 60.
Sheikh Ansari M and Almakasib B. 2001. Alfa'man institute..
Sheikh Toosi AJM. 2003. Al' Mabsoot Fi Feghhel Imamieh, Tehran, Al maktabol Imamieh.
Langeroodi MJJ. 1977. property rights, Tehran, Mashal Azadi publication.
Mava. 2004. judiciary magazine, No 8.