

Criminal Law and Criminological Aspects of the Internet Criminality

Key words: Internet, Criminal law, Criminology

Klíčová slova: Internet, Trestní právo, Kriminologie

Résumé (EN):

Internet criminality is a very young phenomenon; the internet itself was presented in the recent form only about 16 years ago. Nevertheless, the relative youth of the internet does not mean that the internet crimes are less serious or less prevalent than other criminal activities. The mass, relative anonymity and progressive globalization of the internet together with bustling development of computer technology provide both the organized crime and individuals with perfect means to commit all sorts of offences with different degree of malignity, from minor contraventions to serious crimes.

However, the contemporary Czech criminology and criminal law doctrine leaves this issue slightly aside. There are only a few monographs or scientific articles devoted to the internet criminality, all written by the same authors. The reason for this may lie in the close relation of the internet crime to the modern technologies which may seem to be abstruse for the lawyers and criminologists. Furthermore, the fast development of the computer technologies accelerates the obsolescence of the relevant scientific works.

With regard to its extant, this study is not supposed to serve as an overall and full detailed analysis of the internet criminality. The objective of this paper is a criminological description of socially dangerous phenomena related to the internet, concretely the origin of these phenomena in the society, the most frequent *modus operandi* of the internet crime, means of prevention and the criminal law qualification of the relevant criminal activities. The paper itself is divided into three separate parts.

The first part contains a general introduction into the problems of internet criminality. We can find there a definition of the term "internet" and "internet criminality", its differentiation from the terms "computer criminality" and "cybernetic criminality" and its further classification.

The second part describes selected types of criminal activities committed directly or at the hand of internet. This part is divided into five titles; each of them contains criminological and consequently criminal law analysis of each type. The emphasis was placed on the most actual problems, i.e. criminal protection of the copyright, "hacking" and internet viruses, so called Nigerian scam letters and "phishing", illegal internet distribution of pornography (especially the child pornography), and "abuse of the computer time" in context of the internet.

The last part consists of the legal analysis not only of the actual legislation (*de lege lata*) but also of the forthcoming changes (*de lege ferenda*) brought by the new Penal Code, effective from 1st January 2010.