Characteristics Analysis of Internet Crime and Research on the Law Improvement

Ying MEI*

Wuchang District People's Procuratorate, Lujia Street 299#, Wuhan, Hubei, China
619947782@qq.com
*Corresponding author

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Abstract. In this paper, on the basis of statistical data analysis with the status of the economic losses caused by the popularity of the Internet network crime is rising year by year, and the network crime has characteristics such as good concealment, well-conceived plan, cross region, great social harm and so on. Aiming at the problems encountered in the judicial practice of network crime, analyzing the restriction and shortage of current laws of China in terms of punishing internet crime, and proposing suggestions to amend the corresponding legal.

Introduction

The definition of network crime is the act that should bear criminal responsibility according to law, which involving the illegal use of computer information technology and knowledge, and the serious harm to information security or the society on the computer network[1]. Starting from this concept, the internet crime in the way of behavior including computer network as a crime tool and computer network to attack two kinds of objects can be summarized into three types: first, through the internet as a tool to carry out a variety of criminal activities; second, the attack on the internet with its target of criminal activity; third, the use of the internet to its profit sources of crime. According to the FBI Internet Crime Complaint Center 2012-2015 year annual report shows that the number of Internet Crime Complaint Cases and the economic losses in recent years show increasing trend, by 2015, China's internet, the number of criminal cases has leapt to the fourth in the world. Although the ministry of public security is not given the internet crime case quantity and victim loss, but according to figure 2 of the China Internet Crime Complaint ratio of the number of relations and figure 3 shows the American 2015 internet crime economic losses [2,3,4,5], also can estimate the number of China’s Internet Crime Complaint and rough economic losses, from which can be seen, the internet crime to China to bring the harm is very great. And at present, the legal construction of China's internet crime is obviously lagging behind. It is difficult to define and collect evidence. So it is necessary to analyze and research.
Figure 1. FBI IC3 annual internet crime complaints.

Figure 2. 2012-2015 top 5 countries by victim location (from IC3 annual report).

Figure 3. Total internet crime victim loss.
The Present Situation and Characteristics of Internet Crime

The Present Situation of Internet Crime

According to the statistical report of the National Internet Information Center[6], enterprise of Internet users in China has reached 89%, while individual user is close to 7 billion (Fig.4), such a large user population has a strong appeal to internet criminal who hope to obtain a high return on crime, which is the fundamental temptation of internet crimes in China. Around these temptations, internet crime forms have Non-Payment/Non-Delivery, Lottery/Sweepstakes, 419/Overpayment, Malware/Scareware, Identity Theft, Corporate Data Breach, Auction, Ransomware, IPR/Copyright and Counterfeit, Personal Data Breach, Investment, Employment, Crimes Against Children, Extortion, Civil Matter, Credit Card Fraud, Re-shipping, Phishing/Vishing/Smishing/Pharming, Denial of Service, Advanced Fee, Virus, Harassment/Threats of Violence, Health Care Related, Confidence Fraud/Romance, Charity, No Lead Value, Terrorism, Government Impersonation, Hacktivist, Real Estate/Rental, Gambling, Business Email Compromise, Criminal Forums, Misrepresentation. From the United States 2015 internet types of crime statistics can be seen, Internet fraud crime in terms of quantity or victim loss are more than 80% (Fig.5). This reflects the drives of economic interests become the main reason for the internet crime. The section headings are in boldface capital and lowercase letters. Second level headings are typed as part of the succeeding paragraph (like the subsection heading of this paragraph).

Figure 4. China enterprise internet users and personal users.

Figure 5. United States 2015 crime types statistics.
The Present Characteristics of Internet Crime

High Concealment and Planning. Criminals use the internet’s openness, can be anonymous online, criminals can act alone or implement in collaboration with; the time and place for the crime basically is not restricted, and the location of the result and the location of the crime can be separated. Internet crime process is short, there is no scene witnesses, traces of the crime is easy to destroy; before the crime is generally carried out in advance through careful planning, easy implementation, fewer loopholes in the crime. So it is very difficult to find and solve the subject of crime, it is very difficult to determine the subject.

High Degree of Internationalization. Internet without borders, the offender can be in any country using a simple remote computer to commit the crime, which make it possible to criminals to commit cross region or cross-border. It is difficult to have the effect of Chinese criminal law on the outside engaging in internet crime which aiming at all kinds of Chinese users, which brings troubles to case evidence, detection, and crime personnel punishment.

Funds Accounted for the Mainstream Category of Crime. From the domestic and the Internet Crime Complaint statistics (Fig.4) seen, a lot of crime is mainly for illegal possession of wealth, target mainly concentrated on the financial, securities, telecommunications, large companies as important sectors of the economy, units and individuals, in which the Ministry of finance, securities and other sections are particularly prominent, the internet crime of financial institutions accounted for more than 60% of the total number of internet crime, around the world, the direct internet criminal stolen funds amounted to $20 billion each year.

Great Social Harm. The higher the popularity of the internet, the greater the harm of internet crime, the harm is far from general traditional crime can be compared to, which not only will cause property damage, but also may endanger public safety and national security. According to FBI statistics, the average loss of a criminal case is only $2000, while the average loss of computer crime cases as high as $500 thousand. If the Department of defense, finance, shipping and other departments were invaded and destroyed, which will result in a significant loss of nuclear weapons, chemical and biological weapons.

The Dilemma of Judicial Work

Provisions of Chinese criminal law about internet crime involving as the crime of illegal intrusion of computer information system, the crime of destroying computer information system, the crime of using computer network as the implement tool, the crime of illegal access to computer data, the crime of illegal control of computer information system and the crime of providing programs and tools for the illegal invasion and control of computer information systems. Under the framework of the existing criminal law, facing the following difficulties:

The Connotation of Internet Crime is Narrow, and the Seriousness of the Circumstances Cannot be Defined and Operated. In the criminal law, the crime of internet is classified into the crime of disrupting the order of social management. The current provisions of the six internet crimes, which is not enough to solve the problem in terms of a wide range of crime. Internet has become an important tool for crime, has been able to become a danger to the tools and means of national security and social security, economic security, etc. Internet crime apparently no longer limited to hindrance social management order. In addition, the “serious” crime and non-crime as a standard, which in the judicial practice will take a lot of manpower
and material resources to obtain evidence, it is difficult to obtain sufficient evidence of crime and the definition of whether or not.

**The Value of Virtual Property is Difficult to Assess.** In judicial practice, a considerable part of the view that the virtual property is not realistic, it is difficult to measure the value of the virtual property. Its root is the lack of the corresponding real property of the virtual property identification and assessment standards.

**Part of the Behavior of Criminal Jurisdiction is Difficult to Determine.** China has clearly defined "Where the public security departments can deal with the internet crime depends on the place of internet crime, which refer to that of the web server used to crime, or that of internet access point, the website constructer or manager, the infringed computer information system and its administrator, or the computer information system used by criminals and victims". In fact, this provision through the expansion of the scope of the "behavior" and "results" to clear the jurisdiction of domestic crime. But it is difficult to clearly ensure the location of the computer information system or its administrator, which is affected by the technical ability and time limit.

**Measures to Punish and Prevent the Crime of Internet**

With the popularity of the Internet, the society is more dependent on the internet information system. Internet crime is bound to show a growing number of crimes, the increasingly diverse forms of crime, the increasingly complex forms of crime, the increasingly serious consequences of the situation, we must improve the corresponding laws and regulations as soon as possible.

**Amendment and Perfection of Criminal Jurisdiction.** For internet crime and the virtual, complexity, "where the infringement of computer information system and management" established priority principle of jurisdiction, to solve the internet crime case difficult ills.

**Clarify the Legal Attribute of Virtual Property.** For the virtual property can be converted into real money, which should be added into the property category, in order to increase the strength of the legal protection of virtual property.

**A Clear Basis for the Assessment of the Economic Losses of Internet Crimes.** For the economic losses suffered by the victims of internet crime, it should include the actual losses suffered by the victims because of internet crime, and the indirect losses and potential losses caused by the internet crimes.

**Improve Electronic Data Forensics and Application Mechanism.** On the one hand, we should step up the construction of high-tech detection facilities, such as data transmission and monitoring technology, virus isolation technology, internet positioning technology, trap identification technology. On the other hand, we need to strengthen the research and application of internet detection technology, and control the internet crime. Finally, when dealing with the evidence of internet crime, it should be in collaboration with the relevant.
Summary

Internet crime is an inevitable phenomenon accompanied with the computer network technology. With the popularity of the internet, the internet crime is rapidly expanding. Because the internet is a virtual, open world, and thus the internet crime with hidden strong, strong planning, hard evidence, high degree of internationalization, social harm large characteristics, this paper analyses some legal problems such as the connotation of accusation, plot definition, virtual property evaluation, electronic evidence obtaining and application which encountered in judicial practice when facing the problem of internet crime.

References