

Crimes against Social Safety and Public Chastity in Cyberspace and Suggesting Preventive Measures

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Abstract

Current study investigates the crimes against social safety and public chastity in Cyberspace and suggests preventive measures. Regarding that current study attempts to develop knowledge of crimes against social safety and public chastity, the research method is of developing nature and can be considered descriptive-analytical study. Main goal of the current study is investigating the cyberspace and cyber means in crimes against social safety and public chastity, understanding the fields where the related crimes occur, getting familiar with legal and criminal rules and criminal contents in cyberspace. Results of the study indicate that the prevalence of cyber crimes in different social fields leads to various damages in the society in which the most important ones include devastating moral bases and principles of social system that impose inevitable damages to the economic, politic and cultural systems of the society. The more cyber technologies develop, the worse would be the cybercrimes related to immoral norm-breakings. Therefore, current study suggests developing moral programs parallel with social norms, taking objective training and protective measures, creating a public informative space and getting people familiar with cybercrime and its negative effects, presenting moral educations proportional with age and gender to prevent this devastating phenomenon.

Keywords: Cyberspace, Public Chastity, Social Safety

Introduction

In the late 20th Century and in mega-industrial era, the world faced with an interesting phenomenon developed from modern scientific and technological improvements, a phenomenon that was as if another world is born with different characteristics of the current world, and an innovation that attracted the economic, politic and cultural world. This world named the "Cyberspace" in which after its appearance, people entered much of their relations into this space. Massive advertisements, economic activities, business and trades, electronic banking, propagation of culture, education and public information were only a part of daily activities of people that was brought to this new world. Dr. Ulrich Sieber, Professor in University of Wartburg (Germany) defines the cyberspace in his book "Criminal Law of Information" as 'the main power that dictates the changes resulted from improvement of technological information would be transition from industrial society into the information one (mega-industrial). This improvement was truly named "the second industrial revolution" by sociologists. While the characteristic of the first

industrial revolution in 19th and 20th century was replacement of man power by machines, for the second revolution, it is conveying the thought activities of man to machines (Sieber, 2004:132).

Cyberspace is not a physical and touchable setting that makes it more harmful than the real world, because since there is no watching factor like police to take preventive measures, the perpetrator feels free to commit crime. Meanwhile, cyber-policing is established in several names as network-policing, web-policing and etc. in different countries who softly and accidentally surf sites and takes preventive actions against cybercrimes in a way that the perpetrator can't see him. Second, the victims of cybercrimes like Hacking and Cracking are not faced with the offender and there is no neighboring between them. On the other hand, the effects of crime on the victim person gradually appearances; so quick actions to prevent crime is somehow ignored. (Fazli, 2010:70).

Presenting an accurate and comprehensive definition of cybercrimes seems a bit difficult. Therefore, different definitions of the field are presented. Regarding these differences, three main characteristics of cybercrimes are always noted including, technological complexity

(inability in understanding the complex technical dimensions of cybercrimes), diversity and variation of cybercrimes (due to development of cyberspace) and the encryption of cybercrimes (Završnik, 2008:11). In an obstructive and comprehensive definition, cybercrimes can be defined as "any criminal act committed against computer and its related issues or by computer is a cybercrime" (Williams, 2011:48).

According to the classifications made in Cybercrime Conventions, these crimes are classified into four types: First, crimes against privacy, integrity and accessibility of computer systems and data: These crimes are considered in articles 2-6 of the convention which include the unauthorized access, eavesdropping, data sabotage and device misuse.

Second, computer-related crimes: in articles 7 and 8 of the cybercrime conventions, this class of crimes includes computer-related fraud and counterfeit.

Third, content-related crimes: article 9 mentions the child pornography. Although in article 3 of the attached protocol to the cybercrime convention in 2003, dissemination of apartheid contents by computer systems considered as the content-related crimes.

Fourth, crimes related with copyright: in article 10 of the convention, crimes related to violation of intellectual properties including copyright are mentioned (Jalali Farahani, 2010:152).

Regarding the results of literature, current study aims to find the answers to the following questions:

What are crimes against the social security and public chastity?

What preventive approaches can be adopted against committing such crimes:

A) Theoretical Foundations Related with Crime and Social Damages

Differential Association Theory, Edwin Sutherland For the first time, Edwin Sutherland developed his differential association theory in 1939 in which he proposed that crime and deviance occur via cultural transfer of criminal behavior between social groups of people. It is worth mentioning that Sutherland Theory is a complementary of Shaw and McKay theory.

Main theory of Sutherland was that deviance behavior, like other social behaviors is learned through interaction with others. The offender learns the deviance motives, attitudes and values through interaction and relation with others. People are deviated proportional with their interaction with offenders (Momtaz, 2012:89).

Sutherland claims that delinquency is the result of ignorance of children by their parents who were unable to familiarize their children with values and norms. He believes that the unsatisfied worries and demands in normal and delinquent people are similar and the only difference is in the learned methods of reaction to these stimulants. Family, as the primary place of learning for teenager is more influential in his delinquency.

B) Injection Theory (Magic Bullet Theory)

This theory that is one of the first theories of collective communication on attitudes, behavior and world belief which is also known as the hypodermic-syringe model, transmission-belt model and magic bullet theory, attracted the attention of researchers interested in study of media influences. This view has always been presented since World War I until 1950 when most of people worried that Hitler may succeed in power in United States via collective communication power. During World War I, Hitler had magical effect on the addressees via Radio in which he strongly encouraged Germans to war and conquering the world and also made some countries to obey him and accept being surrendered. Therefore, current belief is under the effects of advertisement that became powerful in World War I. The theory that believed in the immediate, direct and monotonous effect of media on people, in fact was the result of the observing the huge popularity of new media- radio, TV and their penetration in every dimension of personal and social lives of people and that it's not the result of scientific researches.

Current view that can also be called "media with absolute powers", as already mentioned was developed by popularity of media including Radio, Film industry, TV in people's lives. In the first decades of 1930, current theory put into trial in USA and finally in 1960s, resulted in suspicions against the theory with emphasis on defined understanding and realizing a more moderate role for media instead of a deterministic power in influencing the unwanted and pre-planned goals of the media (Ejlali, 2006:355).

Methodology

A) Instrumentation

Current study is of developing type and regarding that it aims at better understanding of the situation and helping decision-making process in preventing the tendency towards cybercrimes, is classified in

descriptive studies and since that gathering of information and theoretical foundations of study performed using literature and library, documentary method, current study is of descriptive-analytical type.

B)Statistical Society and Sampling

Statistical society of the study was collection of books, articles, lectures, reviews and regulations related with cybercrime and crimes against social safety and public chastity. Data gathered using descriptive-analytical and library methods.

Conclusion

Regarding the above-mentioned discussions, it can be concluded that cybercrimes include wide range of crimes that are exclusive to cyberspace or if the similar crimes occur in normal space, it is the cyberspace that has paved the way (with its unlimited range) for its occurrence that necessitates revision in legal law concerning the issue. Dissemination of pornography, obscene acts and prostitution are among crimes resulting from cyberspace that Islamic Jurists mentioned them as crime. These crimes not only damage the perpetrator himself, but also slacken the most important foundation of society- Family. Prevalence of cybercrimes in different social fields causes inevitable damages in the society including devastating the moral foundations and principles and social order, leading to economic, politic and cultural damages to social systems. The more computer technology develops, the worse would be the cybercrimes related with immoral norm-breakings which negatively affects the social and family safety.

After investigating the cybercrime law, it seems that punishment against these crimes is minimal that only satisfies current demands. Therefore, regarding its development, measures should be taken that moral and legal rules related to this phenomenon develop, too. It is clear that understanding the main legal and moral issues of citizens in cyberspace should be regarded and the legal rights of manufacturers of computer software or their intellectual property rights, dissemination of useful and clean information, making trust in cyberspace, creating the non-repudiation principle and prevention form dissemination of unauthorized textual, audible, graphic data and pornography in cyberspace must be implemented to ensure the religious, moral values and maintenance of social order and the integrity of the individual, society and the government. Preventive measures including education, training, self-

control, surveillance and etc helps in securing the citizens rights against cybercrimes and protects public chastity from being trapped in deviance and immorality.

Further Recommendations

A) Applied Recommendations

Here, some applied recommendations by the title of "recommended Rules in the field of fighting against cybercrimes" will be presented that controls the user's activities in virtual space:

1- International pressures: country that doesn't respect the security rules of cyberspace and directly or indirectly violates the virtual space of other countries should be banned by international society.

2-National priorities of every country: persons who attack the national priorities and benefits of other countries must be identified and prosecuted as offenders.

3-Immediate arresting of offenders: include wide spectrum of measures that is implemented to prevent the crime or arresting the cyber offenders or criminals including, condemning the criminals or increased immediate punishment of them.

4-Moral educations: increased information on subjects related to security of cyberspaces to prevent dangers that is likely to occur in future. Adding the mentioned information to the educational books of the students by Ministry of Education to benefit from its long-term results

5-Providing opportunities for improvement of developing countries: creation of remote-working or presenting jobs in the fields that prevent cybercrime.

6-Prediction of problems (likely estimations): estimating the probable committing of a cybercrime to prevent its occurrence.

In contemporary societies, the eye-catching improvements in several dimensions of human life demands more advanced regulations. On the other hand, in order that these rules being executive, different measures should be taken to control and surveillance of people's actions. Therefore, the strength and integrity bases of every society are respecting its rules and regulations. Meanwhile, some people break these rules. If the rules are not executed in micro or macro levels, not only make problems in running of the society and making order, but also in long-term may put the legitimacy and acceptability of the law, under question

which politically, morally and culturally affects the society and may probably disrupt or disorganize the society¹. According to the mentioned report, the process of fulfilling such measures would be time-consuming, but its positive results will have different effects on the preventive actions against cybercrimes. Following suggestions are presented as preventive measures in short-term:

-Creating public awareness and information among people against cybercrimes and their devastating results.

-Making secure and training-based objective decisions that could be effective in correction of offenders who unwontedly become victims of such crimes.

Improvement of communication technology has violated the boundaries of moral 'Musts' and 'must not', followed by crimes and the 'intentional and free actions of citizen rights' which resulted in the prevalence of different types of crimes against public chastity and social security. Therefore, it is suggested to take measures based on reasoning and in parallel with daily needs of citizens to decrease such crimes.

Developing of moral programs, proportional with social norms can be an alternative for internet programs that propagate crimes against public chastity and social security.

A): Research Suggestions:

Regarding the documentary and regulatory nature of the current study and the results of the related literature, following approaches presented as suggestions of the current research:

-Investigating the public awareness of crimes and their results against public chastity and social safety

-Investigating the preventive measures of crimes against public chastity and social safety amongst cyberspace criminals

-Finding the causes of tendency towards crimes against public chastity and social safety amongst cyberspace criminals

-Comparative study of the factors and results related to crimes against public chastity and social safety with emphasis upon legal rules and regulations

-Examining the social policy-making in the field of cyberspace with an approach of situational prevention and emphasis on the role of police forces

-Investigating the damages imposed upon families by virtual social networks and the role of social institutions against them

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