

COMPUTER HACKING – HIGH-TECH CRIME

M.Utkina

Sumy State University

Hacking problem has risen sharply in our society as taking into account technical progress, you can rob a bank without leaving home. And you need neither tight masks nor cars nor arms. All you need – is a personal computer or PC, a telephone or a modem, in other words, - access to the Internet. And this progress generates such a thing as hacking.

Hacker – is a qualified IT-specialist that is a person, who knows the work of the computer like the back of his hand. Hackers may be motivated by a multitude of reasons, such as profit, protest, or challenge [1, 8]. Firstly, hackers were just programmers who “corrected” software mistakes. Nowadays hackers are often confused with computer burglars or crackers. That is why is our understanding these two words are synonyms and identical words.

To become a hacker, as some printing mass media share, one doesn't need to be intelligent, because necessary means and devices make everything without you: both break-in a banking system, and switch off or destroy security system. So your actions are very simple. All you need is dial into the networks that link the computers in large organizations together, type in a couple of passwords and you can rummage about in the information that's stored there to your heart's content.

Every hacker has the so-called has aim. For example, there was an accident in Great Britain. About this accident one newspaper wrote that five British banks were being held to ransom by a gang of hackers who had managed to break into their computer. The hackers were demanding money in return for revealing exactly how they did it. In cases like this, banks may consider paying just so they can protect themselves better in future [2, 34].

Some hackers, such as a hacking group Anonymous, are famous for their cyberattacks at government sites and big companies sites all over the world.

Though, one must admit, that nowadays this group has become fighting with the spread of children's pornography in the Internet.

They have taken responsibility for breaking-in and blocking more than 40 sites spreading children's pornography which is punished by the Criminal Legislation of Ukraine. The Sophos Corporation cyber security Graham Cluley thinks that blocking illegal web-sites and file exchangeable webs should be done by the government but not by vigilant users. Thus, government doesn't appreciate good intentions of Anonymous grouping.

So, one must admit, that law regulation of legal responsibility for such a type of criminal action as hacking was established not long ago because this necessity appeared with the development of computers and computing system. The ex-president of Ukraine L. Kuchma signed Law of Ukraine "About introduction of changes to Criminal and Criminal Procedure Codes of Ukraine" (as for responsibility for crimes in the sphere of computer using).

So, according to the article 361 of Criminal Code of Ukraine, unlawful interference with the operation of computers, computer systems or networks that resulted in confusion or destruction of computer information or information media, and also dissemination of computer viruses by means of software or hardware devised for unlawful penetration into computers, computer systems or networks and capable of confusing or destroying computer information or information media, - shall be punishable by a fine up to 70 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for the same term [3, 168].

The development of data processing methods with the help of computers has led to these machines usage in all branches of all national economy and other spheres of social life. Great number of such machines are linked by computer webs, some of them have acquired international character. On these conditions different actions appeared and have acquired social danger damaging normal work of computers and computing webs which is the object of the crime. The subject of the crime is all these technical devices with the help of which the crime has been

committed. Programming means that are stated in the article 361 of Criminal Code of Ukraine are different computer programmes usage of which creates possibility for illegal penetration into the computer, its system and computer web or relieve such penetration.

Subjective side of the crime is characterized by premeditated guilty. Criminal actions can be committed only with the direct intention. At the same moment culprit's attitude to the consequences of crime can be characterized both by direct and indirect intention. Question about the measure of damage is question of fact and needs consideration in each and every case with the account of all circumstances of the case.

One should mention, that in the Criminal Code such types of crimes are not called hacking and persons are not qualified as hackers. One of the most controversial questions as for criminal offences related to the use of electronic computing machines (computers), systems and computer networks and telecommunication networks is a question as for the subject of the crime, because according to the part 1 of the article 18, part 1 of the article 19, part 1 and part 2 of the article 22 of the Criminal Code the subject of crime is general, that is this is a judgeable natural person, who is 16 by the moment of committing a crime [3, 10-12]. Most specialists of this branch notice that the subject of crime is such a person, who has enough skills for committing such a crime. But scholars don't suggest to call the above-mentioned person a special subject, that is acquired such qualities which points his out of the circle of general subjects.

Some scholars mention that the subject foreseen by the article 361 of the Criminal Code of Ukraine can be persons of the staff "AECM, their systems and computer webs" and "subjects of the crime in the form of computer virus spreading via programming and technical means application aimed at illegal penetrating into AECM, their systems and computing webs". They are able to cause mixing or destruction of computer information or its bearers, can be creators of such

programmes and technical devices, their makers, the so-called hackers. Here it is the first time when this term is mentioned.

So, most specialists share the same opinion that the subject is general though according to the part 2 article 18 of the Criminal Code of Ukraine, special subject – is a judgeable natural person, who committed a crime, at the age from which can emerge criminal responsibility and has specific features [3, 10]. Speaking of hacker's features, it is that he has access to the computer system from which access may be done. But it isn't specific feature, because nowadays every developed person has such possibility. Speaking about the age of the subject of such type of crimes – it is 16 years, because in part 2 of the article 22 of Criminal Code of Ukraine there is no such crimes [3, 10]. But in practice hackers-teens compete with adults. M.S. Vertuzayev, V.O. Golubyev, O.I. Kotlyarevskiy, O.M. Marchenko note that practice shows that the age of a person who can commit such crimes significantly decreased [4, 10].

References

1. The Hacker Crackdown: Law and Disorder on the Electronic Frontier: Edited by Bruce Sterling. – Virginia: IndyPublish, 1993. – 102 p.
2. Lecture Note on Engineering English. Semester VIII (All courses): Technological University (Maublin). 2008. – 122 p.
3. Кримінальний Кодекс України // Відомості Верховної Ради України. – 2001. – № 25-26, ст.231.
- 4.Вертузаєв М.С., Голубєв В.О., Котляревський О.І., Юрченко О.М. Безпека комп'ютерних систем. Злочинність у сфері комп'ютерної інформації та її попередження./Під ред. О.П.Сегірєва. – ЗІОІ МВС України, 2008.

Utkina M.S. Computer Hacking – high-tech Crime / M.S. Utkina // Студентство. Наука. Іноземна мова: збірник наукових праць. – Х.: ХНАДУ. – 2012. - №4. – с.239-242.