

Search about Offense of Computer Fraud in Iran's Rights and Remedies against It

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ABSTRACT

According to the rapid growth of computer technology and Evolution of the information age and progress of network communication and, yet ease of crime according to new technology and up to date necessary legislation is important. Computer fraud is an old shape of computer crimes with financial dimensions. Although the general measures in front of difference fraud method is the same each other. Part of coping strategies needs are creation of culture from computer and informed of others and organization about Hazard of computers systems. Permanent monitoring organization on computer systems and security like physical protection staff protection. Communication protection and information protection on front of computer fraud is important, another mere negligence charge of behavior in front of isn't enough. Enforcement actions provided for in the crime also requires detecting crime and arresting of persons do crimes.

KEYWORDS: cyberspaces, computers fraud, criminal ideal crime prevention

1. INTRODUCTION

Parallel to the development of technologies information and commutation human witness generation of new crimes, that knowing it's, need to study of New crime, with development human communication in Siber situation often countries in due of formulate and actions of individual in Siber situation apply lows in field of internet crime. Iranian law markers also left behind and, in this regard regulations are setting, also you cannot imagine a society without crime, against human has never been indifferent to crime. It is working in combat yet, in front of commit crime in virtual environment need to measures and necessary solutions. The aim of this paper is to deal with the crime of computer fraud the one of this financial that deliver necessary ways. So, after explaining historical back ground and conceptual fraud charges computer and way against of crime search two title like criminal psychobry and psychobry non-criminal what is emphasized in social prevention. Neutralization is the motivation for the crime and crime presentation in the crime situation is considered. Strategies to deal with crime, computer fraud, such as physical protection measures, staff protection. Information protection and communication that, Denial of opportunities and tools available to the perpetrators of the crime would result in potential following the requirements of the law as preventing criminal behavior seem to be committing the offense in a computer environment, against crime and punishment as well as the challenges that the police and judicial system in detecting crime and arresting offenders prosecution case will be discussed.

The explanation given by the cyber criminals to access similarly tools and methods to gain to diverse crime goal. Measures mentioned about "prevention is also true of other examples of crimes committed in cyber space. Explaining the back ground to the concept of computer crime fraud in the is pant, after mention of historical fraud crime, computer the meaning of crime to low and accordance of classic fraud crime is studied.

1.1 explaining of historical computer fraud crime.

To from of historical, topic of Gazieh Aldun Ruise in decade of 1960 was the first financial problem. Roysse was an accountant in a company in American he has problem with company, he worked on the company computer systems and changed in price of goods and the money was deposited into a special account. He could picked a million dollars over six years but could not because the system operation stopped. He could harvest more than 1 million dollars in during 6 years, but he couldn't operation system stopped. To the courts and was sentenced to ten years imprisonment.

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Descriptive structure leader contentious as it was originally. Because the phenomenon of computer crime, fraud there was no detailed knowledge of the meaning of the nineties. Each of those names that came. Today, it's the ultimate definition of computer fraud, crime finally, the definition of the crime of computer fraud case today. In committee the offense of computer fraud is not detailed however, generally speaking, with the accession of the legislative history of note 79/10/4 with the title all electronic materials are subject to the law. The first research of the computer crime law would come legislation to protect the rights of creators in the history of computer software 79/10/4. In other legislative action against the crimes of E-commerce. Armed crime act legislation next reaction 82/10/9 that in 131 article armed abuse with use computer seem to be offended. Low electronic in date of 80/10/17. Legal response to crimes other than e-commerce was set up business relationship in the cyber space eventually, lawmakers passed legislation on computer crimes offenses seem to be the 1388, in the third chapter as the ft, fraud, computer fraud, negligence related to computer crime, which has received. Explaining the concept of computer crime, fraud. The Iranian penal code of laws related to criminal behavior that it's perspective fraud of crime in act of law punish perpetrators of fraud embezzle ment and bribery was approved in 1367. The law does not define fraud and only it suffices to mention the instances of crime are 1-people are proud to fictitious companies or a genius having jurisdiction fictitious businesses 2- Hopes to scare off people's real or unreal things. Giving false name or title side. However, fraud is defined as taking the property of another through the use of combined in 67 act. Computer fraud in the context of criminal negligence electronic exchange. In the third season, as well as computer crimes include robbery. Every one to unauthorized computer systems or communications with acts such as entering changeable or stop of data or disorder system, money or property or service or Grant financial learning for education. In addition to the prison sentence one to five years apart 20 million Rial until 1 hundred million Rial or both of them condemn Penalty. Examples cited in these cases, such as data entry stop and interference in the performance of message is allegorical computer program or system. Computer fraud is also the positive action verbs can net from the basis of material crime another fraud being bound to the computer in terms of specific intent and necessity of taking with the traditional hasn't difference. However, computer fraud case data represented as corporal property in processing system the main difference between traditional fraud and computer fraud committed by these method are summarized in the traditional type of crime committed by resorting to fraudulent means to seduce the malbakhte until with his satisfaction will submit his own. Hence the lack of awareness of the condition of the victim of the offense is fraudulent. Required scan that cheated victims of crime against a person only imagine. With cheating a car the crime is not fixed. However according to 67 article of low e-commerce there is possible of car fraud and processing of systems and commit of computers fraud. Another thing, there is straight relation between exist of found instrument and trail of victims and carry of his property that create tradition fraud. However, fraud shapes in classic fraud to commitment is to shape of carry property and found with use of communication and information of technology is the shape of abuse from diverse message data, programs, computer systems and communication tolls from remit.

2. presentation from crime

Presentation of crime is a natural topic, human at the first of creation to instinctively defend from himself. This is one kind of prevention (hosseini 1383 40). Usually prevention of commitment of crime is more effective and useful from punishment. In computers crimes, prevention should be as a principle goal in every type of political mental. In political crime sentences when we say about prevention of crime our purpose is difference method of preventing of crime (Ardebilly, 1388, p119). Prevention of crime and collection of prevention commitment with the purpose of danger and create of crime phenomena from impossible way or decrease of its commitment without emphasis of threat to punishment. In collection we can say prevention from crime in whole include of effective on crime sign that to shape of decrease or to shape Ideal. In a classify, prevention of crime is a un penal prevention that prevent from committee of crime with defend from punishment in penal principle. We have 2 kind of prevention public and special against with computers crime specially computer fraud need to a political method and programming in all of the shape. Every crime are every classify quality have special program for against them. New today we can search to dependent and special computer crimes. So, in this part we consider to explanation of methods an way against with commitment of computers fraud. We consider to this classify mentioned in about.

2.1. prevention of un penal from computer fraud crime.

Prevention of commit crime include infer un penal about reasons of crime to purpose. To decrease of crime or decline of mentioned crime as we said, un penal prevention is 2 kind of social prevention and situation prevention. Social prevention in straight way as a prevention of people guilty it mean's

prevention that people to be quality, however situation prevention more defend from crime and quality and commit of professional ways at the prevention of quality people.

2.1.1 social prevention from computers crime fraud

Social prevention is a collection of commitment and ways that effect on people and before commitment of crime in social prevention we try with increase of person knowledge and correction polite in special in teenager young people and so fo destroy of crime commitment in social fields like poverty and un employment that cause crime to be stopped in quality (Najafi Abrand Abadi 1382 p 1208). Social prevention including straight or unstreaight that it's purpose is effect on personality people until the organize of activity to be crime aspect (kenia 137 p78) so most important thing is social prevention , natural type of abuse that presentation of instrument exist commitment opportunity, a person far from it, social prevention is 2 kind of:

1. the social prevention to try growth of child for any reason as a circuit when he was show the criminal signs with early intervention in his surrounding to prevent future crime in chronicity.

2. the social prevention based on society that follow neutralization criminal factors in social surrounding (Agajani 1384 p 46)

a) Social prevention based on cyber

one of the important thing in intervention and struggle with computer crime, is technical standards of professional people. when we have correct operation that we say to people what security way is important and what should professional ethics must be respected that's clear all of the people, governments, company in field of education, identification, learning of compute and new technology in international network infield of professional ethic and security measurements (Bastani 1383 p120). The most of criminal people are young people so, the most effective measures of the prevention of computer crimes training is adequate and timely information social prevention based on society of cibery the purpose of social prevention was based on society is prevent of formation and present of motivated criminal in social 1-Encourage and facilitate the legitimate and profitable updated motivation 2- having warned of cyber abnormalities if users notice that the network can enter their tasks efficiently to advance. This positive change in their lives they feel. User preference will net allocate thair vain things in cyber space (filtering 5 1387) get all of the people don't know about this technology and electronic instrument and communication is a toll entertainment and use of it. For change of this view we should use of media communication like tv. (dezyani 1381 p 46)

2.1.2 circuma stances prevent fraud, computer crime

Failure to complete community prevention and control in reducing crime, resorting to crime prevention, postural control is considered. channel collation and measures to prevent a situation that tends to dominate the circumstances surrounding the crime and it's control is disposed (Najafy Abrand adadi 1378 p147) Prevention measures aimed at stripping the state crime of opportunity and tools available to potential criminals. This type of prevention against social prevention rather than relying on the environment as a person. There are a varity of options for the prevention of cyber but, before addressing what is important to determine how these measure are unbearable to attack computers system.

2.1.2.1 Attacks and threats the risks that the most important step in creating a system for the protection of computer systems and computer fraud is a crime against. The first step in preventing crime evaluate those assets that must be protected. The next step is to evaluate the assets against which risk should be supported and the dangers of what specifically comes. Hor ware, software and data communication in different way is at risk. A computer system may be a potential risk to a person or an event, an object may be paired to attack the system. People are the biggest threat to computer security financial computer attacks are often preformed by internal staff are aware that electronic techniques (Nury 1383 p 26) in contrast, there are certain types of computer fraud, the lure criminals who are attempting to earn money and more to computer as a channel for commercial of goods or service or instrument for buying and selling in e-commerce. Examples of fraud involving the scale of goods for delivery in the supply of money for credit card fraud is a non- delivery or adulterated samples (report of computers criminal 1387 p 79)

2.1.2.2. method of protecting computer systems

Various measures for protecting computer systems from attack there is a regulatory today including physical space in the from of examples of cctv cameras to control places. Exists, but, what is used in the cyber space. A set of computer programs is done in terms of planning for their all data on the electronic exchange of all the users that are on the offense to collect the relevant authorities to live

is searched. This has been partially addressed criminals act states that some of the police have been called cyber patrol, because such things are under control cyber crime or any other anomalies imply to notify the proper authorities.

A. Physical protection:

Physical protection means protecting computer media, computer equipment, computer systems and reality under different types of natural disasters, accidents and attacks against public.

B. Staff protection:

Protection policy that will cover those employees authorized to do so by the system are. Most financial crimes by the computer and net being guilty privacy breakers (report of criminal crime p69). In some cases, the policies are regulated. For example, some organizations do not allow employees to take home with you the secret information another way, allow them from their home use of modern that connect to data information. In this case, the data can be copied in terms of employee protection measures are needed to promote personal softy including n-necessary research before hiring. 2- monitoring and suffix control of manager on staff operations 3- training to employees. Sometimes the crime of false records or information by employees. 4- Rolling program of work for employees. Because some attacks, intrusion or un authorized users long time continues control requires the implementation of along- term solution to these attacks would be possible to identify some.

C. Protection of communications:

Another thing of security method and protection. Protection of communication including protection of post, fax, telephone, sound post communication and protection of transfer data from system to system by connect of network. Professional criminals to commit fraud, or computer system may directly for their own benefit target. Community protection measures to keep criminals on the most important professional. Communication protection, methods and diverse instrument including word password, privacy and data transformed creation of protection that system and inner network from at her network, access control, encryption method, technology fiery wall protection actions. The last type of safe guards that protect operation, measures to identify and protect against threats at the operation means that the system would endanger. Operation protection 2 kind of computer protection including:

1- methods in which knowledge and information among the potential victims of possible crimes increase 2 methods that can be perpetrators of computer crime back. This process have 3 step the first step: clean of information that quality need to them. The second stop identified probably methods that quality for gaining information and the last step: developing measures to deal with possible implementation methods (estorky p 225)

2.2. criminal offense of computer fraud prevention

Off enders are not just social order is threatened , but also the power of the state against the threat of increased criminal obvious weakness of this government seeks government crack down on crime and criminal sis particularly (Norbaha 1377 p 23). The criminal policy problem lies and how to deal with crime and quality and selection of punishment and deal with quality. (reporting about prevention of crime 1375 p 2)

3. Conclusion

One of the examples of computer crimes that are motivated by material gain illegal computer network environment committed is fraud computer crime. Essentially, the impact of cyber crimes that are far more damaging than the crime and has a great tradition, far more damage that it would have on thus, as communities have to deal with in the physical world, deliver of suitable way for against and prevention of commitment crime in virtual environment that have difference characteristic that real situation is one of the important thing. In this article we will try other ways to fight and prevent criminal an penal about computers fraud. So use of unpunishment way is according to against of situational and social in front of crime commitment the social method for against of fraud crime computer should be progressed culture of people in use of new technology and change of people view and familiar them from main function of this technology an progress of Role education of parents and educational institute in decrease of crime commitment is emphasized failure to deal with the situation with the community in addressing crime reduction or containment will present. The purpose of against state the offense opportunities away from the donors to a computer system. In this regard , the most important step in a computer system to identify hazards that result creation of protection program for

against of computer systems to drivers method in front of danger, so it should be divers method for physical protection from computers and tolls based on events and probably attack and, according it financial computer attack by company staff and public or privacy institute and collecting of methods staff protection that authority surrounded of computers systems. Another thing progress of method protection communication that information transferred from a system to another system by connect to network is surrounded and so protection measures which identify the information that criminals seek to achieve to it and identifying possible ways of obtaining information necessary measures to deal with the implementation of the methods presented. As mentioned that security topic of computer system. There is no absolute security and with access of people to new methods for commitment of fraud crime in computers systems situation, and get security way according to other method is important and divers of commitment crime prevent from measures that is surrounding crime on the basis of accurate knowledge. The Wright of crime and criminal behavior as the last thing against of quality is favorite of professional person. So, publishment method as toll of last method against with commitment crime, yet take charge of negligence and not criminal sanctions and punitive measures when compared that follow of crime and punishment. So according of main cyber based on anonymity. in the most case and follow of commitment crime and punish offenders in the national and with challenges faced that should be trained and progress of knowledge level and discover of crime infield of fellow commitment crime in cyber situation and progressing of international cooperation in diverse level of system design security and contract treaties and refund of equities and from other count ring emphasized.

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