SOME MEANS OF COMBATING COMPUTER CRIMES COMMITTED BY MINORS

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Abstract: *The current activity of cyber-criminals provides convincing evidence that current computer systems can be easily accessed illegally, and many of them have already been compromised, even by some intellectually gifted minors, but not integrated into positive, useful activities. Cyber-crime, the emergence of cyber-terrorism attacks, in which many minors are also involved, requires profound changes in the framework of security solutions, based on in-depth forensic research to identify the most appropriate measures to mitigate these phenomena. Transnational crime, also facilitated by the development of information technology, is increasingly drawing the attention of national governments and international organizations to the need to study the causes that generate it and the favorable conditions, in order to find the best methods to combat and prevent it..*

Keywords: *Cybercrime, combating, minors*

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INTRODUCTION

Lately, more and more minors, easily benefiting from the benefits of new discoveries in the field of computer science and being equipped with the necessary intelligence to use them, commit more and more crimes through the computer, from the simplest to the most complex, ensuring notoriety, but also some income, often substantial, under the protection of anonymity, cybercrime expanding at a pace unsuspected even by the creators of these scientific systems.

This illicit conduct has as its main cause the fact that, most of the time, adults ignore them, not providing them with the necessary for a decent life and not appreciating their intellectual capacities, in the sense of directing them towards carrying out positive activities in the field, bringing income in honest ways.

The expansion of computer science has been compared to the industrial revolution, in terms of its impact on the evolution of society in general (Freeman, Soete, & Efendioglu, 1995, p.588). In fact, with the exception of electrification, it is considered that no other technological invention has influenced so much the way people live, work, learn, communicate or do business, as well as the ease of committing criminal acts, from the simplest to those of transnational organized crime, through the simple way of communicating and acting at very long distances, practically without limits (Paraschiv, G., Paraschiv, D.-Ş., & Paraschiv, E., 2014, pp.144-153).

The tendency of human nature to improve communication and quickly reposition certain relationships has been widely analyzed and discussed, from Aristotle – given the modest possibilities of antiquity – to modern visionaries (Bassiouni, 2004, pp.92-93), and computers create unsuspected possibilities in this regard (Robinson, & O'Leary-Kelly, 1998, pp.658-672).

There are various opinions in the literature on the definition of cybercrime (Pocar, 2004, pp.27-37), so in the absence of a common definition, the terms "cybercrime", "cybercrime", "cybercrime" or "high-tech crime" are often used alternatively (Brenner, & Clarke, 2005, pp.658-710).

MAIN TEXT

Over time, computer crimes have been classified (Vasiu, & Vasiu, 2011, p.120) according to several criteria, depending on the purpose and manner of committing them. Thus, it is considered that there are two main categories of computer crimes, namely those in which a computer system is targeted for unauthorized penetration, dissemination of computer contaminants or denial of service, as well as traditional crimes, such as fraud or child pornography, which are facilitated by a computer.

According to another classification, 4 categories of computer crimes are distinguished: theft of money, financial instruments, services or valuable data, unauthorized obtaining of services from a computer, illegal use of computer programs and unauthorized obtaining of computer data.

At the same time, computer crimes were also classified as: crimes against a computer – for example, unauthorized access – computer crimes – for example, the storage of illegal materials – and computer crimes – for example, certain frauds carried out through e-mail messages – a field in which minors mainly act

Cybercrime is one of the most widespread crimes with minors as victims or perpetrators, so national and international bodies are looking for the most appropriate methods, measures and techniques to reduce this crime.

If it is said that in the world of classic crimes, committed by ordinary means, criminals always try to be one step ahead of law enforcement, in the virtual world of cybercrime, they seem to have at least ten steps ahead, and the authorities have not yet managed to develop an effective combat system. The specificity of cybercrime, which makes it possible to commit acts at distances from continents and with a speed of seconds, without leaving easily visible traces, makes it a form that is difficult to identify and combat.

The traditional ways of international cooperation for the identification of such illegal acts are not yet very effective, since the authorities often do not have the necessary technology, so they should be concerned with improving the technical means in the field, as well as with the appropriate training of the staff, so as to increase the efficiency of the intervention of the investigators. Within the European Union, cooperation measures have been taken to prevent crime, taking into account the fact that in recent years, in the EU area, the phenomenon of crime (including juvenile delinquency) has diversified and increased alarmingly, seriously affecting the rights of other citizens, property, the

business market (especially by committing cybercrimes), but especially the public sector, where hackers, often minors, manage to break passwords, accounts and virus internet networks, etc.

The installation, as a precondition of the right of access to the network, of surveillance devices at users would be a measure capable of protecting the networks and supporting investigators, but those operations must benefit from an appropriate regulatory framework.

Infected computers and USBs have already introduced viruses into numerous existing systems, and the structure of the internet makes it almost impossible to identify the source in the event of a very well-executed attack.

That is why it is essential that governments protect military control systems, those that verify financial networks, money transfer systems and networks that have the power of electrical control in the first place; important systems should be disconnected from external networks and all internet service providers should install data packet inspection programs.

Moreover, regulatory agencies should have the power to impose certain standards for the cybersecurity of enterprises.

Many companies may oppose these actions, and many people may worry that they will lose their privacy and raise the issue of the authorities' intrusion into the private lives of the population, human rights and freedoms being one of the fundamental problems of humanity today (Paraschiv, & Paraschiv, 2010, pp.278-290).

It is true that the fight against cybercrime requires respect for human rights, but also a firm criminal policy, taking urgent measures to improve the legal framework necessary to act effectively against this type of act (Mihalcea, 2002, p.209).

Paradoxically, the US is currently one of the most vulnerable and tempting markets for cybercriminals, this country having a highly developed commercial infrastructure that is dependent on the internet (Moise, 2009, pp.235-242).

Cybercrime can cause a lot of damage in the future if international institutions do not improve the rules.

Criminal organizations exploit the legislative vacuum and the harmful effects of socio-economic problems in most countries, as well as the vulnerabilities of the systems, the most common deviations being the theft of personal information, money laundering, compromise of accounts and cards, illicit activities in which many teenagers from Romania or other countries are involved.

Each state has legal regulations that establish its own legal order, but, at the same time, it must also submit to the international legal order, in its relations with different states or with other subjects of public international law (Paraschiv, 2012, p.279).

Only starting from the knowledge of the real causality in a certain context and appealing to the knowledge of specialists in the field of criminology, psychology, psychiatry, pedagogy, sociology, legal sciences, etc., can it be correctly established why some minors violate the norms of social conduct. Then, based on the data obtained, the specific measures of the analyzed cases can be established, which must be taken to remove the causes and conditions that generated and favored the commission of the acts, as well as for the education and re-education of the minors concerned, so as to reduce the criminal phenomenon.

Most juvenile delinquents begin their "criminal career" after a long series of previous deviant acts and conducts, but without criminal connotations, and criminological research leads to the conclusion that the fight against juvenile delinquency must be carried out mainly in the field of pre-crime prevention, through measures for the protection, education and re-education of minors.

In order to imprint on minors a healthy morality, without damaging their personality, creativity and spirit of initiative, without mutilating their sensitivity, planting violence in their souls,

it is necessary for adults to give up some egos, subjectivism, authoritarianism, harshness, inequities and other negative manifestations, which result in altering the judgment of young people, and sometimes their deviation towards antisocial behavior, which adults also condemn.

In order to break this vicious circle, we believe that education must start with adults, who must be sanctioned for any abuse or mistake in educating minors, without compromise, so that they no longer violate children's rights.

A very important component of the system for the protection of children's rights, in order not to suffer traumas that lead to deviant behaviors, we consider that it is the rethinking and improvement of the activity of educating the population, especially adults, in the sense of knowing the rights and obligations, but also of the sanctions applicable when they are not respected, in order to prevent their violation, especially to the detriment of minors, since due to their young age, the negative effects on their personality and conduct can be stronger, leading to delinquency or even suicide.

The educational process must attract all social categories, including the Roma or other disadvantaged nationalities, the international community and each state will find the best means of stimulating them in the sense of changing harmful mentalities, eliminating retrograde impulses and conceptions, tendencies to obtain what is necessary for life through antisocial acts, thus harming the rights of others, etc.

In the choice of appropriate educational measures and procedures for the respect of the rights of minors – as well as of people, in general – both the international community and states, as well as each of the natural or legal persons, must be involved.

In principle, we do not agree that these measures should be established in an office, by people who are out of touch with reality, arrogant or even limited, since precious data on deficiencies and effective ways of education can be found even from those who have inappropriate behavior, because they know better the "mistakes" of adults, the reasons for non-adaptation, of deviance.

The improvement of the education and education system in general, but also the development of serious programmes in this regard for adults with problems, could be one of the basic directions in achieving the goal of preventing the violation of the rights of minors and their "pushing" towards delinquency, since, thanks to a well-developed training process, it will contribute to raising the general level of civilization, knowing better their rights and obligations, how to exercise them and the consequences of not complying with them.

Mediatization of citizens' rights, obligations and responsibilities, through the media and other means of communication – perhaps even, to the detriment of programs that promote violence or other antisocial acts – would also help to understand their content and limits, achieving a degree of acceptability of the imperative to respect them, in order to succeed in establishing a civilized and equitable climate in the communities to which minors belong.

Guiding minors towards culture – but especially adults, in order to have the necessary baggage to educate children – can contribute, along with education, to reshaping the personality of those who have some gaps, in order to adopt a normal behavior, so as not to harm the rights of others, knowing that in terms of conscience, of moral rules to follow, there is still much to clarify and do in order to maintain a healthy thinking, that can be positively influenced by scientific progress, especially in the computer field, while avoiding the creation of "parallel lives", by taking refuge in a virtual world, alienation and non-integration into the real society.

CONCLUSION

In the context of accentuating globalization trends, criminal policy can no longer represent only a problem of each state, but represents a global necessity – and the establishment of uniform legal norms in this field must be pursued (Paraschiv, Paraschiv, & Paraschiv, 2018, p.213) resulting from the humanist aspirations of all states. They aim to align the criminal policy with the new results of criminological research, which have an increasingly important role in establishing the causality of juvenile delinquency – and of adults – thus favoring the identification of the most appropriate measures to combat the criminal phenomenon, by establishing and applying specific educational measures (Paraschiv, D.-Ș., Paraschiv, G., & Paraschiv, R.-G., 2014, p.18) only for minors, and punishments, which should have maximum efficiency in the re-education of the perpetrators, as well as for the achievement of special and general prevention.

Criminological theories greatly influence the complex process of developing and implementing methods of sanctioning and re-educating the convicted, as well as crime prevention programs.

In principle, however, criminal law does not implement essential changes as soon as certain theories in the field are elaborated, only when convincing and substantial arguments are made, and the proposed changes are accepted by the vast majority of specialists in the field.

The criminological theories developed at the beginning of the twentieth century focused more on the practical application of programs for the re-education of delinquents – especially during the execution of the custodial sentence or educational measures, in the case of minors – and on the development of programs for the prevention (Paraschiv, 2019, p.98) of the criminal phenomenon.

A special role in this regard is played by the United Nations, the main (Paraschiv, D.-Ș., Paraschiv, R.-G., & Paraschiv, G., 2014, p.88) an international intergovernmental organization, with a universal character, through its specialized congresses, within which the foundations of current and prospective trends of criminal policy at global level have been laid, in order to control the phenomenon of transnational crime – where juvenile perpetrators are also involved, good connoisseurs of the internet – and terrorism, as well as the latest forms of crime in the field of computer science, where many minors in Romania have a relevant criminal activity.

In this context, all the states of the world must adapt their own legislative system, in order to prevent and combat crime (Nistoreanu, & Costache, 2005, pp.133-134), establishing the most appropriate sanctioning or educational measures, effective in the fight against the criminal phenomenon.

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