

The Importance of Effective Cyber Crime Legislation.

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Legislation is important

- Sets standards and controls to govern the actions of people
 1. *In Private*
 2. *In public*
- Address the issues that affect order & good governance.

WHY DO WE LEGISLATE?

Digital World & Legislation –

- **NO** geographical borders;
- **BOUND** together by the Internet and connected devices;
- **Transnational** world; and
- **Communication** is done through devices

The DIGITAL WORLD

- **The Digital World** – Who will Police it?/ How will it be policed?
- **Law Enforcement and the Digital World**
 - *law enforcement operates within a legislative framework.*
 - *1. Investigations*
 - *2. Prosecutions*
- **Legislators and the Digital World** –
Legislation is the firm footing upon which law enforcement acts..

The Emergence of the Cyber World

Offences in the Digital World – Target the Computer System

Computer as the Victim

1. Hacking
2. Unlawful Modification of Data
3. Unlawful Interception
4. Misuse of Devices

The Cyber Crime – New Wine

1. Yes - Fraud & Forgery
2. NO
 - Unauthorized Hacking
 - Unauthorized Interception
 - Unauthorized Modification

**Whether pre – existing Legislation
sufficient ?**

The Council of Europe expressed in the preamble of the Budapest Convention 2001 the following;

"Convinced of the need to pursue, as a matter of priority, a common criminal policy aimed at the protection of society against cybercrime, inter alia, by adopting appropriate legislation and fostering international co-operation".

BUDAPEST CONVENTION 2001

- **Failure** *to facilitate Mutual Legal Assistance in the Fight against Cyber Crime.*
- **Failure** *to facilitate the extradition of persons who commit unlawful activity in Cyber space.*
- **Encourage** *criminals to conduct criminal cyber activities in territories where they may escape prosecution.*

**INEFFECTIVE LEGISLATIVE
FRAMEWORK**

- Include Main Offences – Hacking etc

Investigative Powers

- Regime for Preservation of Data
- Allows for Production Orders
- Search & Seizure Powers

Effective Legislative Framework

CONCLUSION.

QUESTIONS ?