



Challenges of Cybercrime to Chinese Criminal Law and Countermeasures

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The Internet application in China has developed dramatically. While benefiting our livelihood, the network technology provides crimes with new channels and realms, presenting new crime features.

In the modern information society, the conventional criminal law theory and criminal justice obviously fail to keep up with the network technology. The legislative and judicial systems must be continuously improved in order to cope with the challenge brought about by the rapid development of cyber technology.

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Cybercrime Situation in China



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Crimes of endangering computer information system

2

Crimes of theft, fraud, and extortion by endangering computer information system

Categories

3

Crimes committed against unspecified majority or by organizing, abetting, or assisting unspecified majority through publishing information or setting up social groups on Internet

4

Other crimes mainly through the use of Internet



- Online (telecommunication) frauds:31%
- Online gambling:9%
- Online drug trafficking:6%

•statistics from : *Annual report on network ecological security in China (2015)*

On online trading platforms
such as *Taobao, Jingdong.*



False
Trading

False Online
Certification

Malicious
Registration of
Trading Accounts
in Batch

Survey on the Protection of the Internet Users' Rights in China (2015)



2. Issues Existing in China's Criminal Justice on Cyber Crimes



Not be charged of
Criminal Liability

Discrepancies in Crime
Name Application

Measurement
of Penalty

Conviction

Lesser Measurement of Penalty
And Overmuch Probation

Unclear Measurement
Standards for Penalty

Analysis of challenges brought about by cybercrime to criminal justice



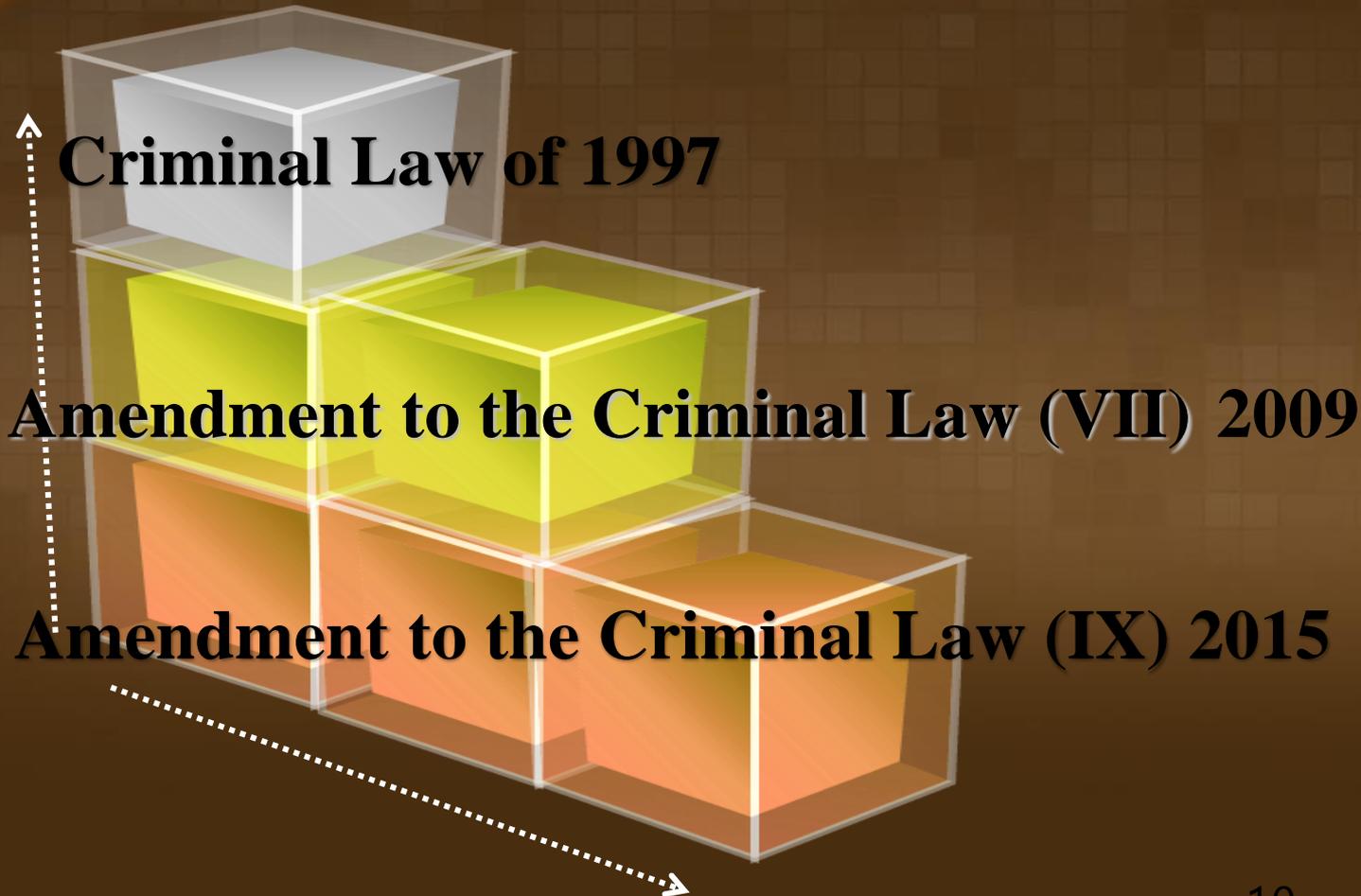
Challenges

Hard to ascertain criminal suspects

Hard to affirm Crime facts

Hard to convict

3. Development of the Criminal Law of China in Combating Cybercrime



Criminal Law of 1997



crime of intruding
computer
information system

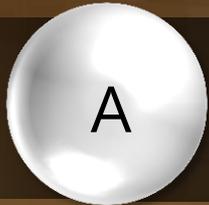
damage the computer information
system in the areas of national
affairs, construction of national
defense, and state-of-the-art science
and technology only

crime of damaging
computer
information system

Amendment to the Criminal Law (VII) 2009



Incorporating general computer information system and information rights of citizens into the protection scope of the criminal law



Crime of illegal access to computer information system data and illegal control of computer information system



Crime of providing programs and tools for intruding and illegally controlling computer information system

Amendment to the Criminal Law (IX) 2015



Further expanded the punishment scope of cyber crimes

Amended the crime of infringing personal information

Refusing to perform security management of network

Illegal use of information network

Assisting with information network criminal activities

China criminal justice is willing to work with all countries around the world to combat cybercrime and build up legal concepts and judicial systems that are fit for the information economy within the framework of rule of law.





Thank You