



COSC110

ASSIGNMENT 1:

THEORY ASSIGNMENT

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Should software developers be held legally responsible for unintended malicious use of their code?

As technology and the digital age continues to advance rapidly, one ethical dilemma that continues debate is the problematic question of: Should software developers be legally responsible for unintended malicious use of their code? According to the Australian Computer Society's (ACS), Code of Professional Ethics, Internet & Communication technology (ICT) professionals must uphold a respect for others and are expected to "Identify and mitigate any risks to others associated with your work." (ACS, 2023, page 2). In an everchanging technical world, it is easy to make mistakes when developing tools, this is human nature and should be considered when software is abused. The following discussion will briefly cover methods used to mitigate associated risks with developing code and convey the opinion that software developers should not be held legally responsible for someone else maliciously using their software.

Firstly, it is important to understand the fact that software, like any other tool, is neutral. It is the end user who determines whether the software is used for good or if the software is used to commit a crime. A knife can be used to prepare food, the same knife can also be used to cause harm. The knife itself is not good or evil; it's the intent of the user determines its use. If a knife was used in a murder, whoever used the knife to commit the murder would be responsible for the crime; the maker of the knife would not be held responsible. Similarly speaking, software developers create tools. they should not be held accountable for end users use of these tools.

Evaluating the punishment of software developers after someone else has misused their code, often depends on specific circumstances. These circumstances may include the nature of the software developed and the laws of the country in which end users will operate the software. For example, in Australia, "A customer who suffers loss or damage resulting from a defect in the software could bring an action in negligence against the software developer." (Burrows, M. 2016). Outlining the duty of care required by developers to create code that will not cause harm or damages to its end users. Although it is next to impossible to control end user use of software, software developers have an obligation to ensure their software contains security implementations to mitigate any malicious use of their code while being free from bugs. One strategy to mitigate abuse would be rolling out security updates for your software after it has been released, to combat new vulnerabilities, as they are discovered. (C, Hoffman. August 2020)

To summarize and conclude this argument, considering that software is a tool, and its usefulness is only to be determined by the end user and software developers continue to make necessary efforts to ensure their code is usable, robust and secure; I do not think that software developers should be held responsible for unintended malicious use of their code. Especially if methods of reducing the likelihood their code can be abused have been implemented in the design process. If someone has used a piece of software to commit a crime, they are responsible for that crime. The creator of that software had created a tool and I believe is ethically clear of any wrongdoing.

References

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