Discussion 5A

No unread replies. No replies.

Discussion 5A - Chapter 5

How should Cyber-criminal be punished? Should hacktivism be punishable? Whom should be held liable for damages caused by hackers - corporations whose databases got breached? Should hackers receive comparable punishment to violent criminals? Why/not.

When you think of a notorious criminal, what comes to your mind? Perhaps most imagine a hardened individual, a thug vulgar in appearance, word, and action. What about a cyber-criminal? Interestingly, the image is quite different. This type of crime requires a certain set of skills that are normally associated with a well-educated individual. Consider Neo from the blockbuster movie *The Matrix*. As stated by Agent Smith, “…In one life, you’re Thomas A. Anderson, program writer for a respectable software company. You have a Social Security number, you pay your taxes, and… you help your landlady carry out her garbage. The other life is lived in computers, where you go by the hacker alias Neo, and are guilty of virtually every computer crime we have a law for.” While thinking over the discussion topic, I found myself feeling greater leniency towards cyber-criminals, perhaps because of these differences in persona. The keyword here is “feeling.” Our country isn’t perfect, but its basic laws exist to protect the general safety and rights of its citizens. Everyone is bound by the same law and the associated punishments for breaking those laws. “Lady Justice” is blind to gender, race, appearance, and social standing. Justice is served upon fact, not feeling. Now, there are tangents upon tangents of topics in relation to proper treatment of criminals while punishment is executed, including their treatment and safety at jail/prison facilities, however, for the purpose of this discussion I will limit my argument to this: Cyber-crimes should be as equally punishable as their physical counterparts.

One of the greatest cybercrimes to date targeted Epsilon, a marketing solutions company, which caused an estimated four (4) billion dollars in damage. Besides being a devastating blow to the many large corporations associated with Epsilon, one should further consider how many individuals and families were hurt indirectly. Should Epsilon be held partially liable? For convenience, consider Epsilon as a physical bank and the hackers as bank robbers. The robbers broke into the bank, cracked the safe, and made off with their plunder. Should the bank be blamed for its lack of security, or for the lack of thickness of its vault wall? Certainly, the bank should be responsible to hold up to a minimum code of security. There should be security guards and cameras, and the vault should remain closed and locked. If a minimum quality of security is not met, then the bank should be held largely liable. If security was to par, then the issue of liability becomes much more complex and should be handled on a case by case basis.

Following my argument, hacktivism should be treated identically to its physical counterpart. This is yet another classic case of freedom of speech versus the infringement of safety and rights of society. Where do we draw the line? Peaceful protests are not only legal but can greatly influence society in positive ways. Consider the March on Washington of 1963 where Martin Luther King Jr. gave his famous “I have a dream” speech. Hacktivists may similarly use their own resources and exercise their freedom of speech to protest or pursue a political agenda. On the other hand, consider a destructive protest/riot, comparable to malicious hacktivism such as DoS attacks. There is no predetermined punishment for these acts, but the harm they cause upon society, including property damage, loss of wages, and other direct/indirect negative consequences, should all be taken into consideration.

References:

1. <https://en.wikipedia.org/wiki/Hacktivism>
2. <https://www.criminaldefenselawyer.com/crime-penalties/federal/petty-theft.htm>
3. <http://scifiquotes.net/quotes/118_Youve-Been-Living-Two-Lives>
4. <https://judiciallearningcenter.org/law-and-the-rule-of-law/>
5. <https://en.wikipedia.org/wiki/Lady_Justice>
6. <https://www.firmex.com/thedealroom/the-10-most-expensive-data-breaches-in-corporate-history/>
7. <https://www.history.com/topics/black-history/march-on-washington>



