The view of the information teachers about tackling the electronic crime by the Algerian law Study of a sample of teachers at the Department of Information and Communication of the University of Laghouat

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Abstract: This study covers the view of the information and communication teachers regarding tackling the electronic crime by the Algerian law. It is an issue covered by the various media outlets; which are part of the interest of these teachers. In so doing, the sample includes 10 teachers from the University of Laghouat who had been chosen on purpose. Besides, we opted for the descriptive method and used a questionnaire. After data collection and analysis, findings show that most of the teachers under question see that the electronic crime is widespread in Algeria and that the laws are insufficient to end this phenomenon. Besides, the laws do not cover the administrative, pedagogic, and scientific issues in the Algerian university. Finally, these laws do not have the deterrent nature regarding these issues.
Keywords: crime; electronic; law; teachers; information.

Introduction :

The electronic crime is a phenomenon that had not existed before the technological development; it emerged with internet which paved the way for the fast spread of the social media. In this regard, the electronic crimes are not limited to the developed countries as they swept all the states including Algeria. Besides, they turned into a hot subject amid the societies as people started complaining about using social media for illicit purposes such as blackmailing, insults, defamation, fraud, plagiarism, and piracy of privacy through hacking social media accounts; all these crimes endanger people. Consequently, governments faced these issues through laws that aim tot stop or, at least, limit them. Nevertheless, these laws are not stringent enough in the last years. Thus, this paper aims at knowing the view of the teachers of

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information and communication because they are the most close to the media outlets and social media thanks to their researches. Besides, this topic has relation with the laws and legislations that aim at regulating this field and facing such crimes.

Based on what has been said, we raise the following problematic: "what is the view of the teachers of Information and Communication Department of the University of Laghouat about tackling the electronic crime by the Algerian law?" From this question, sub-questions arise as follows:

- Do the teachers of Information and Communication Department of the University of Laghouat see that the electronic crime is widespread in Algeria?
- Do the teachers of Information and Communication Department of the University of Laghouat see that the laws against the electronic crime are deterrent?
- Do the teachers of Information and Communication Department of the University of Laghouat see that the laws against the electronic crime cover the administrative, pedagogic, and scientific issues?
- Do the teachers of Information and Communication Department of the University of Laghouat see that there is enough deterrence regarding the administrative, pedagogic, and scientific issues?

Aims of the study:

This study aims at:

- Knowing the view of the teachers of information at the University of Laghouat regarding the spread of electronic crime in Algeria.
- Knowing the view of the teachers of information at the University of Laghouat regarding the existence of enough deterrent laws against the electronic crime.
- Knowing the view of the teachers of information at the University of Laghouat regarding the existence of laws that cover the administrative, pedagogic, and scientific issues.
- Knowing the view of the teachers of information at the University of Laghouat regarding the existence of enough deterrence regarding the administrative, pedagogic, and scientific issues.

In so doing, we divided the study into two chapters; one is theoretical while the other is for the field study.

Chapter one: the theoretical part:
Section one: the nature and types of the electronic crime:
First: the nature of the electronic crime:

The electronic crimes have many names as some call them the computer crimes, internet crimes, high-technique crimes, while collar crimes; cyber crimes, etc.

1. The concept of the electronic crime:

In its broader meaning, it refers to a criminal behavior that includes illicit acts. It is that anti-society behavior that harms its interests. In this line, if the act is made with a computer, cyber system, or a system for electronic communication, the behavior is called an electronic crime[1]. The latter is a new crime that emerged with the computer and internet. The first case was

in 1988 when Robert Morris, a student in Cornell, developed a virus and used it against a gap in the email used at that time to copy the virus and spread it to the biggest number of computers related to the net then. This case caused 15 million USD losses[2]. Another example is what the Algerian Hamza Ben Dellaj made.

2. Definition of the electronic crime:

It is made up of two parts, electronic and crime. The first refers to something related to the computer while the second is the behaviors and practices that go against the law[3]. The big debate about the expressions and terms used to refer to this phenomenon emerged with the development of the crimes related to the information and communication. It started with the term computer and, then, moved to the expression "fraud via computer", cyber crime, computer crime, high-technique crime, hacking crime…etc[4]. In this context, Abdel Fateh Morad believes that the electronic crime is all the acts that go against the law and religion and are perpetuated through the computer and internet. Besides, it needs a good mastery of the computer techniques and information system to commit or detect it. He adds that it refers to any illicit activity in one component or more of the internet such as chat rooms or emails. Besides, it is called the cyber crime due to its relation with the virtual world[5].

Jurisprudents did not agree about a common definition for this crime, as they set various definitions which make us unable to find a specific one. In this context, some define it from the technical side while others from the legal side. The technical side supporters see that it is a criminal activity that uses the computer directly or indirectly as a tool or goal to perpetuate the criminal act. On the other hand, the legal side supporters see that its definition requires defining the necessary terms related to the perpetuation of the crime such as the computer, the software, the data, the properties, log in, and vital services[6].

Second: types and characteristics of the electronic crime:

1. Types of the electronic crime:

This crime can be divided into two sections based on its subjects. There are crimes against people and crimes against digital data and information. In this regard, the victim is the subject of the crime; he may be a physical or moral person. On the other hand, he may be digital information and data, or electronic devices. Hence, the electronic crime can be divided according to the subject into:

a- Crimes against people: (Also known as the personal internet crimes). They are the crimes that reach the electronic identity of people through illicit methods such as email accounts. The criminals may impersonate and have access to the important files and images to blackmail people and subject them to his orders. This type covers:

- Defamation crimes to tarnish the reputation of someone.
- Insult and label crimes.
- Cyber stalking which includes tracking people through social media to harass, embarrass, blackmail, and threaten them. The perpetuators of this crime get the personal information through social media[7].

b- Crimes against computers and data: They include:

- Stealing data of credit cards and logging into bank accounts to steal the personal secrets electronically. Moreover, it refers to logging into the sites and databases to modify and steal their contents.

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- Crimes of harming data: They are the worse and most recurrent as they lead to losses for people and companies.
- Information seizure: they are crimes that cause huge losses. USA lost 70 million USD in 2003 due to a problem in the information systems[8].

2. Characteristics of the electronic crime:
This crime is has many characteristics as follows:

- The difficulty of proving it: This crime is hidden with no material and traceable effects. They are difficult and hard to discover, determine, and deal with due to its wide spatial limits and huge data. The difficulty of proving it is due to fact that it is in an electronic environment where information is transferred with invisible electronic clicks without paper bonds or tangible effects. Besides, it is difficult to technically maintain the proof of the crime. Finally, the detective needs a technical experience and intelligence[9].

- New crime: The electronic crimes are among the most important aspects of the modern electronic behavior as they were born with the digital transformations of this er. Besides, they rely on the modern technological, digital, and cyber styles.

- Its main tool is the computer: Since the spread of computers in the 1960s and 1970s, the computer became the main tool for this crime[10].

- The lack of a common concept of the electronic crime: This refers to the absence of bilateral or collective conventions to face the electronic crime, and to the different concepts given in the legal systems. Undoubtedly, this requires suitable tools to encourage international cooperation, making conventions that provide for information and experiences exchange and extradition, and enacting laws[11].

- The cross-border crime: This means that this crime knows no geographic limits because the spread of communications linked many people worldwide. Thus, the criminal may be from one state and the victim from another. Hence, the electronic crime is not always local and the criminal is not on the crime scene. This makes the crime with no tangible proof[12].

- Soft crimes: The conventional crime requires violence and the use of tools such as terrorism crimes, drug dealing, and armed robbery. Nevertheless, these crimes are soft and need no violence because transferring data from one computer to another, or stealing bank accounts, needs no violence or guns[13].

-The size of the losses: These crimes cause bigger losses than the traditional ones. Statics of the US Symantec, a company for protecting electronic nets, found that the annual average of the losses caused by the electronic crimes worldwide amount up to 114 billion USD[14].

Section two: the electronic crime in the Algerian law:
First: the electronic crime in Algeria
1. The status-quo of the electronic crime in Algeria:
Like the rest of the world, the electronic crime spread in Algeria. Thus, the latter devoted a special security body against it that relies on the electronic evidences. In this line, the General Directorate of the National Security managed to handle more than 380 issues related to the electronic crime during the 1st semester of 2013 and 515 in 2012. These issues are various; 126 are related to the illegal use of the electronic data, 154 to the telephone, 103 to the photographs and videos, and other issues related to impersonation and defamation. Besides, 04 issues of blackmailing were handled in 2010. Moreover, more than 100 issues related to fraud and deception were treated in the first 09 months of 2014. In this regard, the department of

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Combatting the Cyber Crime of the technical and scientific police warned all the internet users of fraud and deception[15].

2. Definition of the electronic crime in the Algerian legislation:

There are many differences between the states regarding the definition of the electronic crime. The Algeria legislation defines it in laws 04-15 and 04-09.

a- Definition of the electronic crime in the Algerian legislation in law 04-15[16]:

Article 394 Bis. 02 of law 04-15 defined the concept of attacking the systems of the automized procession of data as:

- Any fraudulent logging in and staying, or an attempt to, in any part of any system of automized processing of data.
- Deleting or modifying the data of the system to destroy the functioning of the system.

On the other hand, Article 394 Bis. 01 points out that it is:

- Fraudulent insertion of data in the systems of the automized procession of data, or fraudulent deletion or modification of the included data.

Besides, Article 394 Bis. 02 shows that attacking the systems of the automized procession of data includes:

- Designing, looking for, collecting, providing, publishing, or selling data stored, processed, or sent through an electronic system.
- Possessing, disclosing, publishing, or using for any reason the data obtained by any of the crimes mentioned in this section[17].

b- Definition of the electronic crime in the Algerian legislation in law 09-04[18]:

Article 02 defines the electronic crime as:

- The crimes related to ICTs.
- Attacks on the systems of the automized procession of data mentioned in the penal code, or any other crime perpetuated, or is easy to perpetuate, thanks to an information system or a system of the electronic communication. In this line, the information system is any separate system or group of systems that electronically process data to perpetuate a specific program. On the other hand, the electronic data are any process of presenting facts, information, or concepts in a form that is ready to be processed inside an informatics system. This includes the suitable programs that may make the electronic system do its function[19].

Second: tackling the electronic crime by the Algerian law:

With the development of ICTs and societies, and with the spread of internet, new crimes appeared such as the electronic crime. Therefore, the Algerian state enacted general and private laws to deal with the electronic crime, as follows:

1. The general laws:

a- The constitution and the civil code:

- The constitution: The Algerian constitution pointed to any laws that urge for protecting the basic human rights and individual liberties. These constitutional principles have been

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enshrined in the laws and legislations, mainly in the penal code, the procedural code, and the other laws that protect the individual and his life[20].

- The civil code: The legislator provides in the civil code that any victim of illicit act that violates his rights has the right to ask for ending the act and asking for compensation. This is the basic order of the right to prosecute the electronic aggressions against the private life on internet[21].

b- The penal code and the penal procedures:

- The penal code: The civil code 04-15 criminalizes the acts that harm the computer systems. This section of the code includes 08 articles, from 394 to 394 Bis. 08. In 2009, the legislator included an amendment on the code by law 06-23 which amended the 07th section Bis on the crimes related to the automized procession of data and provided for stringent sanctions[22].

- The penal procedures: The Algerian legislator amended the penal procedures code to cope with the cyber development that touched the electronic crime to limit and end it. Thus, he set laws, regulations, and general provisions for the investigation, detection, and monitoring bodies to face the electronic crime. These styles take the same form of the styles used in facing the conventional crime such as inspection, observation, etc. Moreover, the legislator showed new methods such as piracy of correspondences, electronic spy, leaks, voice tapes, taking pictures, etc[23].

2. The special laws and structures:

a- The special laws: In order to bridge the legal gap in the general laws such as the penal code and the penal procedures, the Algerian legislator had to enact new laws such as:

- The law protecting the property and the neighboring rights: It aims at protecting the right of the human to think, innovate, and create. The Algerian legislator recognized the legal protection to the computer software through the property rights laws. In this regard, it recognized the property and the neighboring rights in Order 03-05 of 19/07/2003[24].

-The law of mail and wire communications: It became easy to make financial transactions electronically as provided for in Article 87. Besides, Article 84/2 provided for using normal or electronic money transfer, or using a telegram. Moreover, Article 105 provides for respecting the correspondences while Article 127 states that anyone who opens, modifies, damages, or hacks the correspondences shall be deprived of all the public functions and services from 05 to 10 years[25].

- The law of preventing the ICTs crimes: It was issued on 16 August 2009 to bridge the gap in the general laws. Its Article 03 provides for controlling the electronic communications through identifying the cases that allow referring to the justice in accordance with an order issued by the private authorities[26].

- The insurance law: It regulates the electronic crime through the social insurance bodies in many legal texts on the electronic crime. It protects the insured in his free medical treatment all over the state. It provides for sanctions in case of illicit or fraudulent acts against the insured.

b- Private structures: There are many structures for combatting the electronic crime such as the private laws and the general ones as follows[27]:

- The national body for preventing the ICTs crimes: Article 09-04 of 05 August 2009 on the regulations against the ICTs crimes provides for establishing this body while Article 14 shows its missions.

- The national institute of the penal evidences: It is made up of 11 branches with different specialties that guarantee making the expertise, the training, the education, and the

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technical support. The computer sciences branch is in charge of analyzing, treating, and providing any digital evidence that helps the justice. Besides, it provides technical support for the detectives.

- The specialized penal judicial bodies: The judicial branch shall deal with ICTs crimes mainly after the wide and increasing use of digital nets. This needs technical and legal aspects. Thus, it is necessary to have technical knowledge to treat these cases in the penal environment.

Chapter two: the practical side:

In this chapter, we relied on the questionnaire to collect data and information as it is the most suitable for our topic. It aims at knowing the views of the teachers about the electronic crime in Algeria. The tool has 04 main questions whose answers must be accompanied by explanation by the informants to reach persuading answers. Besides, we relied on the descriptive method, as it is the most suitable. Thus, we chose 10 teachers on purpose, out of 18, from the Department of Communication and Information at the University of Laghouat.

Section one: the data related to the 1st and 2nd questions:

Table 01: the views of the teachers at the Department of Information of the University of Laghouat about the spread of the electronic crime in Algeria

The status-quo of the electronic crime in Algeria	Frequency	Rate %
Widespread	06	60
Very widespread	02	20
Somehow	02	20
Not widespread	00	00
Total	10	100

Source: prepared by the authors based on the results of the questionnaire.

Comment:

Results of table 01 show the views of the teachers at the Department of Information of the University of Laghouat about the spread of the electronic crime in Algeria. In this line, 60% see that it is widespread, 20% see that it is very widespread, 20% see that it is somehow spread, and nobody sees that it is not widespread. Thus, they see it is widespread through the blackmailing between the two genders and against the businessmen. Besides, another teacher sees that there are no modern laws that cope with the technological development. In addition, there is no real application of the laws. Another teacher sees that the electronic crime is somehow widespread because he follows police Facebook pages and noticed that drug dealing is the most widespread.

Table 02: the views of the teachers at the Department of Information of the University of Laghouat about the sufficiency of the laws against the electronic crime in Algeria.

The views of the teachers about the sufficiency of the laws against the electronic crime in Algeria	Frequency	Rate %
Yes	02	20
No	08	80
Total	10	100

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Source: prepared by the authors based on the results of the questionnaire.

Comment:

Results of table 02 show the views of the teachers at the Department of Information of the University of Laghouat about the sufficiency of the laws against the electronic crime in Algeria. In this context, 80% see that the laws are not sufficient. A teacher confirms that despite the existence of a legal arsenal, the penal laws are still not sufficient. Besides, another teacher sees that the laws do not cope with the fast electronic development. Moreover, another sees that students must be informed about these crimes to control and limit them. In addition, some crimes are not seriously handled; thus, they spread because the criminal does not fear the sanctions that are not stringent and not applied. Finally, 20% see that the laws are sufficient but need social awareness raising.

Section two: data related to questions 03 and 04:

Table 03: the views of the teachers at the Department of Information of the University of Laghouat about the coverage of the administrative, pedagogic, and scientific issues by the laws

The coverage of the administrative, pedagogic, and scientific issues by the laws	Frequency	Rate %
Agree	02	20
Strongly agree	00	00
Neutral	03	30
Disagree	04	40
Strongly disagree	01	10
Total	10	100

Source: prepared by the authors based on the results of the questionnaire.

Comment:

Results of table 03 show the views of the teachers at the Department of Information of the University of Laghouat about the coverage of the administrative, pedagogic, and scientific issues by the laws. In this line, 40% oppose the idea and see that this is due to the slow digitalization policy adopted by the Algerian administration. Besides, the employees at the Algerian administration have a low digital training. In addition, the laws do not cover enough these issues. Another teacher sees that these laws do not cover these issues and that the Legislator needs to enact more laws. On the other hand, a teacher strongly disagrees about the coverage of such issues by the criminal crime laws as he sees that they are covered by other laws such as that of the public function and the equal members committees. As for plagiarism crimes, they are subject to the charter of ethics of the scientific research; which are in fact not in vigor. Furthermore, 30% have a neutral view while 20% agree that the laws cover these issues.

Table 04: the views of the teachers at the Department of Information of the University of Laghouat about the existence of enough deterrence regarding the administrative, pedagogic, and scientific issues.

The existence of enough deterrence regarding the administrative, pedagogic, and scientific issues by the laws	Frequency	Rate %
Agree	02	20
Strongly agree	00	00
Neutral	02	20

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Disagree	05	50
Strongly disagree	01	10
Total	10	100

Source: prepared by the authors based on the results of the questionnaire.

Comment:

Results of table 04 show the views of the teachers at the Department of Information of the University of Laghouat about the existence of enough deterrence regarding the administrative, pedagogic, and scientific issues. In this regard, 50% see that there is no sufficient deterrent force as the laws are not stringent. Besides, some see that the deterrent force is not enough and that the institutions need a real will managed by the political administration. In addition, some see that the existence of laws is not enough unless there are values that refuse cheating; which is faced with easygoingness and looseness when there is an intervention on behalf of the cheaters. Moreover, plagiarism is an electronic crime that is faced with looseness as the student who commits plagiarism is asked to change the title of his work. This even applies to falsification of official documents. Furthermore, 20% of the sample see that there is deterrence regarding the administrative, pedagogic, and scientific issues in the Algerian university and that the laws deter and limit the electronic crime. Another teacher sees that despite the use of conventional tricks by the criminals to avoid the sanctions, there is still deterrence mainly that there are cases that had been drawn into courts leading to firing the officials in some cases. Finally, 20% was neutral.

Section three: results of the study:

Upon this study, and from the results of the questionnaire, we found out that:

- Most of the teachers at the Department of Information and Communication of the University of Laghouat see that the electronic crime is widespread in Algeria such as blackmailing.

- Most of the teachers at the Department of Information and Communication of the University of Laghouat see the laws are not sufficient to limit the electronic crime in Algeria due to different causes, such as the fact that the laws do not cope with the fast technological development and that they are not stringent.

- Most of the teachers at the Department of Information and Communication of the University of Laghouat see that the laws do not cover the administrative, pedagogic, and scientific issues.

- Most of the teachers at the Department of Information and Communication of the University of Laghouat see the deterrence force regarding the above-mentioned issues is not enough as there is looseness with plagiarism, cheating, etc.

Conclusion:

Upon this study that tackled the views of the teachers at the Department of Information and Communication of the University of Laghouat regarding tackling the electronic crime in the Algerian law, we found out that most of them see that the electronic crime is widespread in Algeria, the laws are not sufficient to limit the electronic crime, and that the laws do not cover the administrative, pedagogic, and scientific issues as they are not stringent and accompanied by looseness regarding the crimes of cheating and plagiarism. Based on this, we see that the

Algerian legislator, authorities, and university stakeholders must attribute high importance to this widespread problem in the Algerian society, and the university in particular. This can be achieved through exact study of the electronic crime in Algeria and the application of laws to deter the criminals. Besides, this needs stringent laws to limit and end these crimes.

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