

OC & Cybercrime

(6) Behavioral Analysis of Cyber Stalkers

These are the behavioral types of cyber stalking. Let's take a look.

A. Collecting Information of Victim

The offender, in order to expand the harassment range, use the Internet to collect victim -related information. To gather more personal information of the victim, the offender might make hacking attempts to victim and their acquaintances

B. Defamation

When you want to bully someone, defamation is the most horrible thing to do. False information spread by the media like the Internet, e-mails to acquaintances of the victim will drive them into corners. Offenders will enjoy the suffering of the victim.

C. Disguising as Victim

In order to torture the victim the offender will disguise as the victim and use the bulletin board. Posting a threat message or sending pornography as if it is coming from the victim. So the victim will suffer in the community and the offender will enjoy the situation.

D. Threatening

By using telecommunication device, constantly contacting and threatening the victim and/or the family members, including sending pornography or calling regardless of time to induce stress situation.

The reason why the investigators should consider behavioral analysis is to set the direction of the case by judging the types of stalking from the previous cases, and eventually to effectively protect the victims. So far, we have learned the comprehensive concept of cyber stalking. Now let's go back to the case investigator's position and take a look at what kind of conduct is against the criminal code.

(7) Punishment of Cyber Stalkers

A. Criminal Codes

In early stage of Internet, most of the countries in the world did not accept cyber-stalking as a serious crime. Nearly none of them criminalize such act, nor make clear definition of such behavior in legal manner. But now that situation changed. Many countries are making penalties in cyber stalking laws and active in their judicial process. Late, but they realize the seriousness.

Let's take the U.S. for example. Since mid-1990s, the cyber stalking made a social issue and the federal government lead a research and many state governments have enacted laws. For the first time in 1990, California separated cyber stalker from traditional stalker and civil and criminal penalties were made along. In South Korea in 2001, 10 years after Californians made their legal weapons, Koreans made penal code against cyber stalking for the first time. They did it by adding cyber staling article in their already existing cyber law.

In the U.S. state of California and Michigan, the penalty is more than 1 year of imprisonment or a fine not exceeding 10,000 US dollar, and in South Korea it is punishable with less than 1 year imprisonment or a fine less than 10 million Korean Won. While the penalty is similar between the U.S. and Korea, countries like Japan pose imprisonment as less than 6 months or a fine of 500,000 Japan Yen or less.

If we take a deeper look at the Korean regulation, cyber stalking is regulated by the ACT ON PROMOTION OF INFORMATION AND COMMUNICATIONS NETWORK UTILIZATION AND INFORMATION PROTECTION, ETC. In the related article it is punishable "if a person who has repeatedly sent words, sounds, letters, visuals, or films inciting fears and uneasiness to any other person through information and communications network" In addition, it is heavily punishable in Korea if the motivation of such act is proven to have sexual purposes. According to the ACT ON THE PUNISHMENT OF SEXUAL CRIMES AND PROTECTION OF VICTIMS THEREOF, Any person who makes words, sounds, writings, drawings, pictures, images or things, which cause a sense of sexual shame or aversion, arrive at the other party through telephone, mail, computer, or other communication media, with the intention of provoking or satisfying his or another person's sexual appetite, shall be punished by imprisonment for not more than two years, or a fine not exceeding five million won.