



# 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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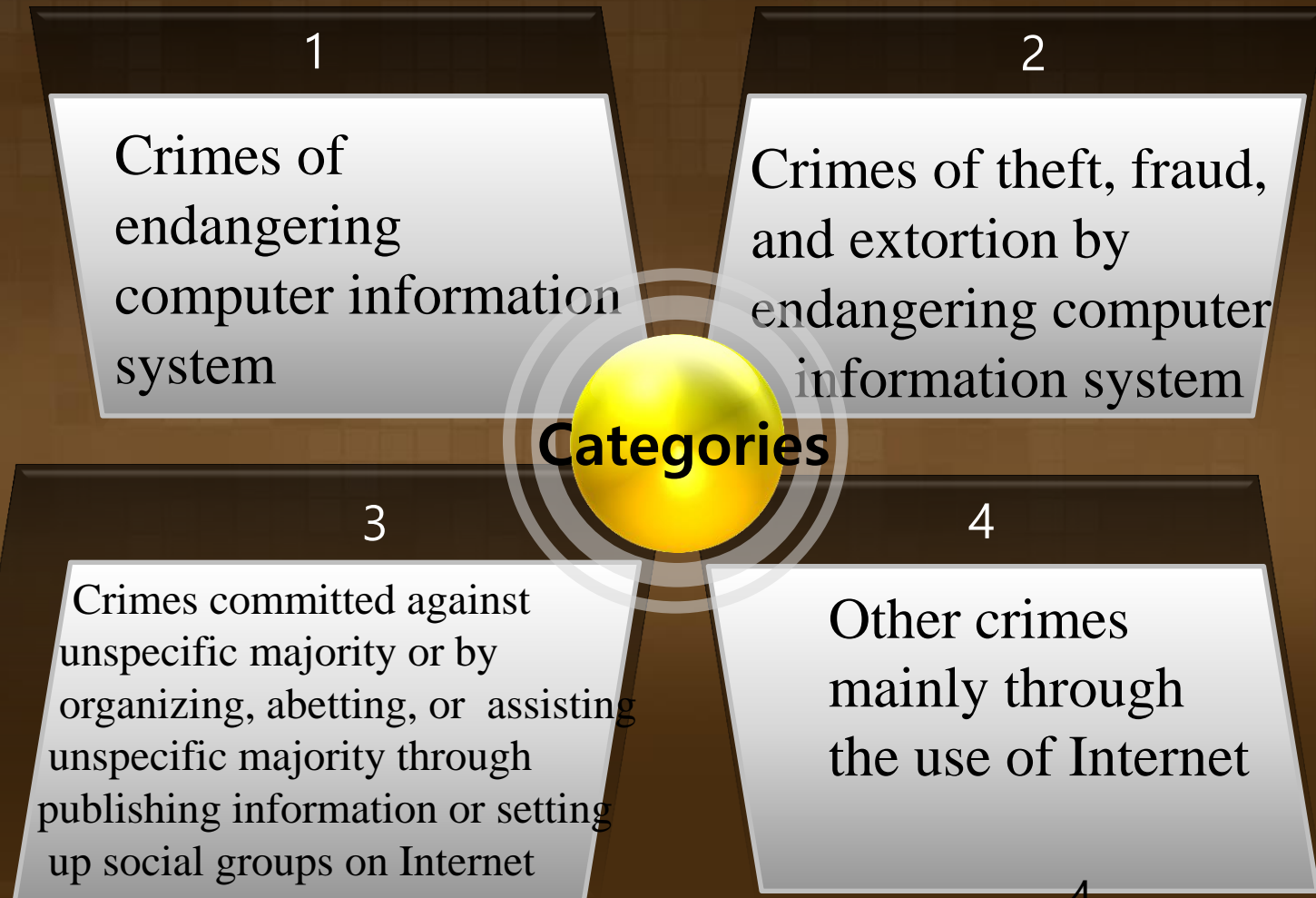


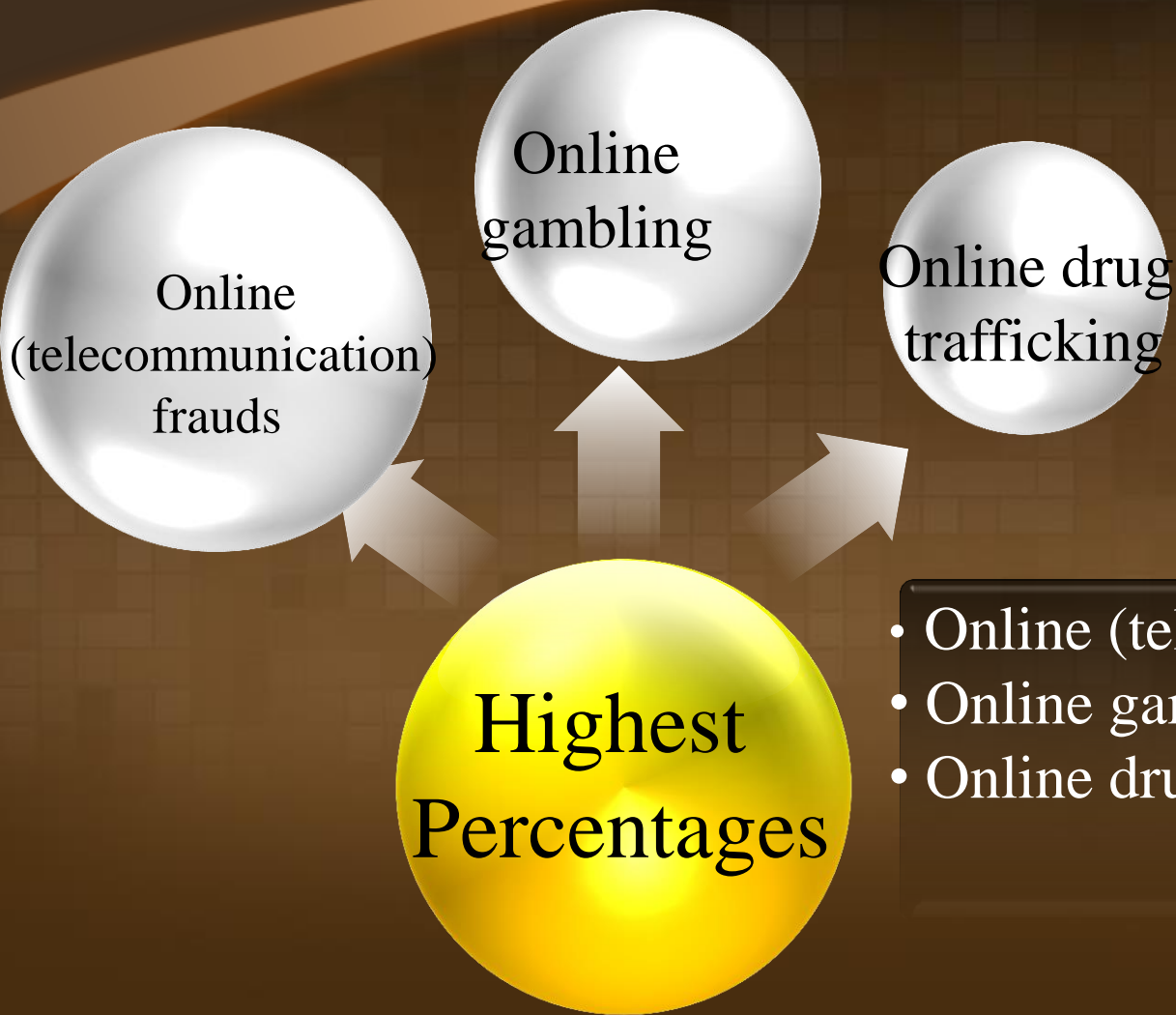
## **I** Cybercrime in China

## **II** Issues Existing in China's Criminal Justice on Cybercrime

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# Cybercrime Situation in China





- 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*.

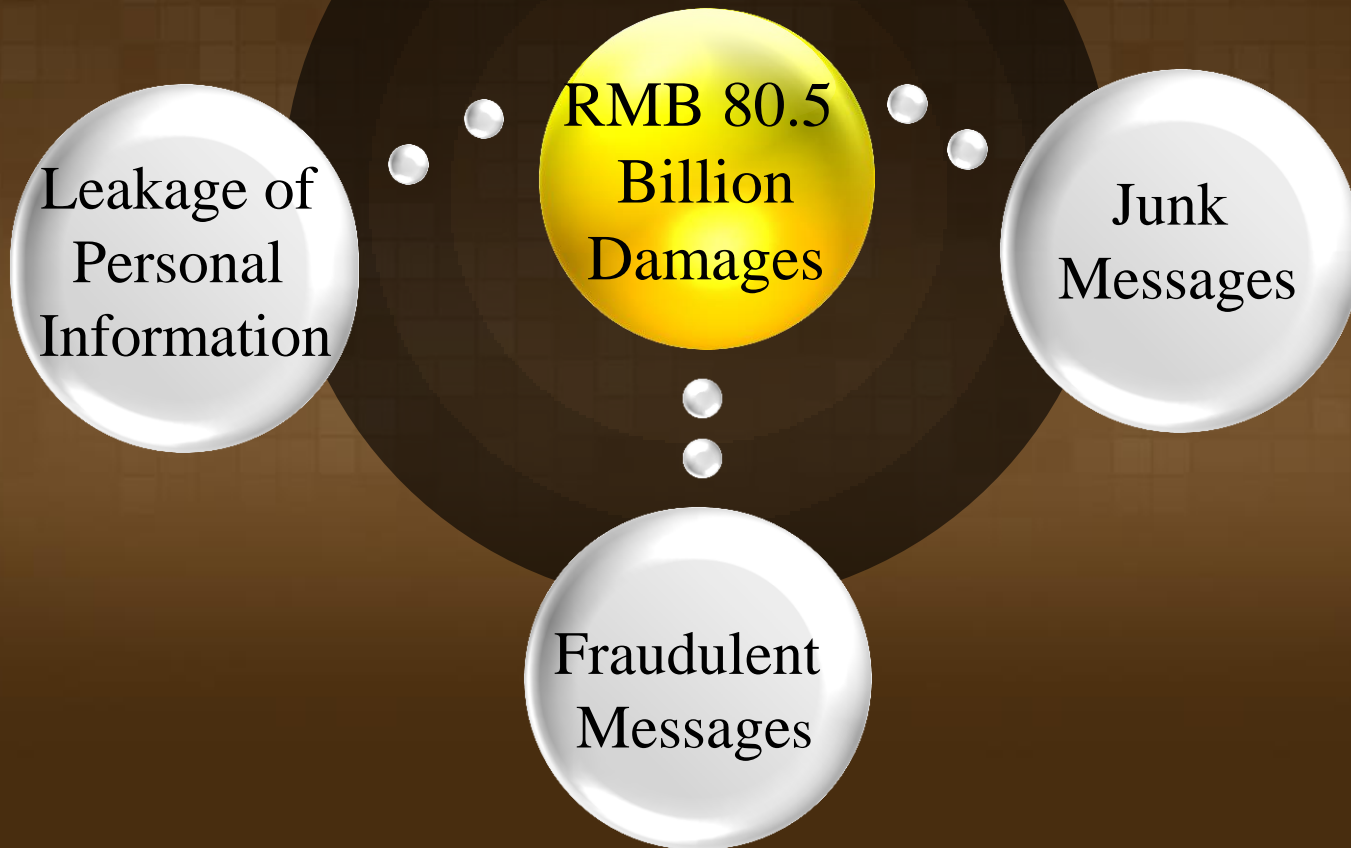


False  
Trading

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

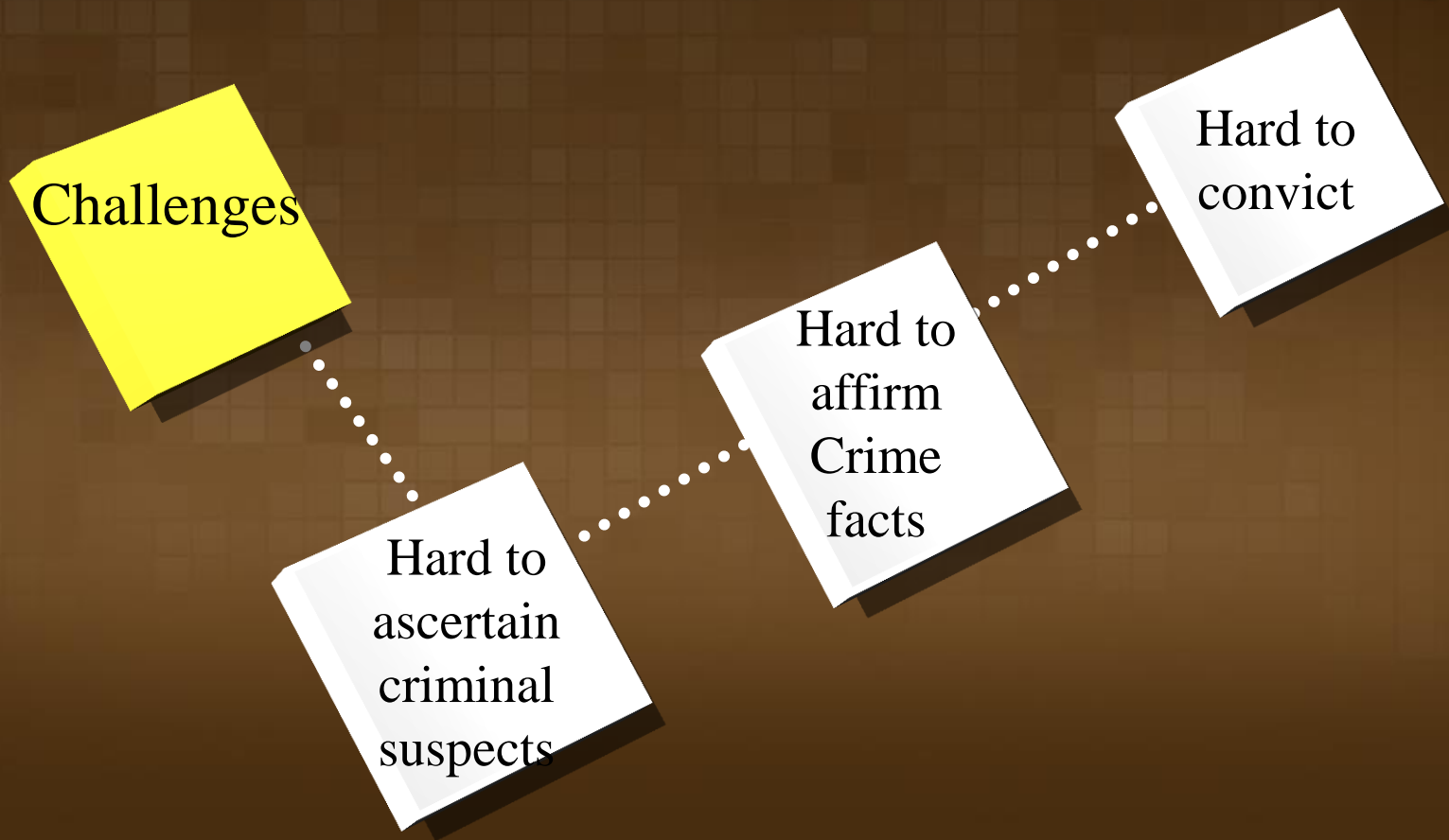
Conviction

Lesser Measurement of Penalty  
And Overmuch Probation

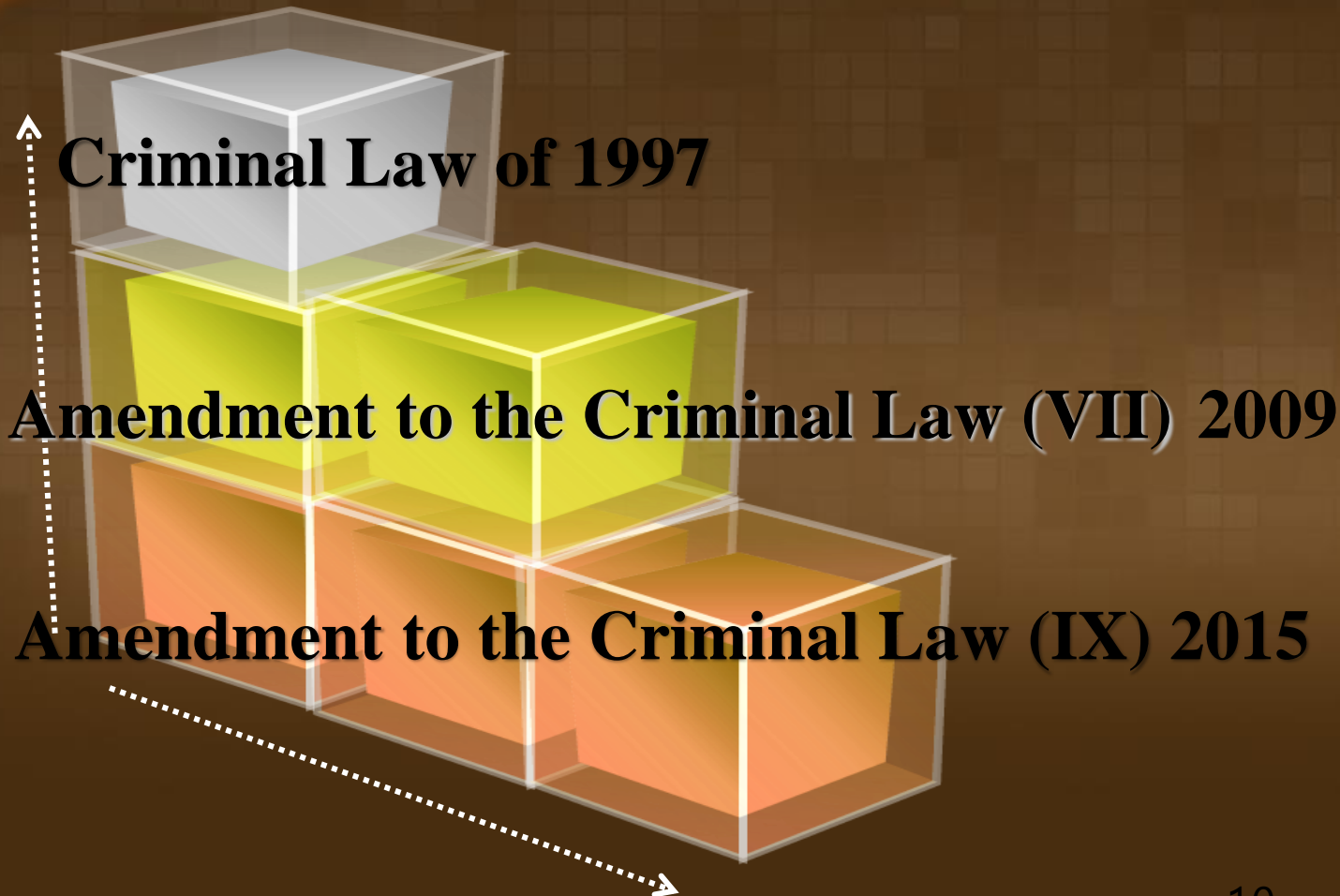
Unclear Measurement  
Standards for Penalty



# Analysis of challenges brought about by cybercrime to criminal justice



### 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*