Internet and Law (Special Reference to Sri Lanka)

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Abstract: The internet or most commonly referred net is one of the most amazing invention of human race. The internet can be known as a kind of global meeting place where people from all parts of the world can come together and share information. Castells define network as "Network is a set of inter connected nodes. Nodes may be relevance to the network". The benefits people can reap by using the Internet is massive. Due to the rapid expansion of the internet common mass get the assistance of internet more and more in to their day to day life another significant feature of the internet is not only it has abundant of rewards; it also consists of plentiful of disadvantages also. Advent of the internet crate a new path to the criminals to commit crimes. Traditional laws were not adequate to curb these complicated crimes. Hacking, virus, Identification theft, unauthorized access to the restricted information, Trojan are some of so called sophisticated cyber felonies. The internet is a global network, so its regulation could not be left to the one country or an institute, collaborative effort is a must for prevent the internet crime (US Department of Commerce). This research studied the Sri Lankan Cyber laws and international laws about cyber space and cybercrimes. Further, it proposed a mechanism on curbing the internet crimes. Major limitation identified on this research was lack of effective law to protect Human rights in the cyber space in Sri Lanka. Objectives are refer cyber laws in Sri Lanka and studied selected cases related to cybercrime in Sri Lanka. Further, it Suggest new solution to protect the human rights through the malicious usage of the internet.

Key words: Internet, cyber crime, net work, information, human right

INTRODUCTION

In a society people used so many ways and means to express their feelings, fears and aspirations. They used physical and symbolic elements to convey meanings. Cave painting is one method. Historically people developed their devices and this evaluation occurred process of mutual influences whereby social, cultural, economic, political, religious, natural forces affect the means of communication and whereby in returns the means of communication influence shape ideas, values, traditions and institutions. People invented so many devices to communicate. Early inventions created the conditions that made the process of mass communication possible and equally important is the fact these inventions established the early foundation for the current global communication system.

New media is a term meant to encompass the emergence of digital, computerized or networked information and communication technologies in the later part of the 20th century. Most technologies described as "new media" are digital, often having characteristics of being manipulated, networkable, dense, compressible, interactive and impartial. Some examples may be the Internet, websites, computer multimedia, computer games, CD-ROMS and DVDs. New media is not television programs, feature films, magazines, books or paper-based publications. A generic term for the many different forms of electronic communication that are made possible through the use of computer technology. The term is in relation to "old" media forms such as print newspapers and magazines that are static representations of text and graphics. New media includes, web, streaming audio and video, chat rooms, mail, online communities, etc.

The problem with trying to define "new media" is that the definition changes every few years. When we go through with the definitions of new media, there are so many definitions.

The forms of communicating in the digital world which includes publishing on CDs, DVDs and most significantly, over the Internet. It implies that the user obtains the material via desktop and laptop computers, smartphones and tablets. Every company in the developed world is involved with new media. Contrast with old media. See digital convergence.

The concept that new methods of communicating in the digital world allow smaller groups of people to congregate online and share, sell and swap goods and information. It also allows more people to have a voice in their community and in the world in general. See social media (http://www.pcmag.com/).

Castells define Internet is the fabric of our life (Castells, 2001, 2004). It showed how information technology important in present day life. Every people used internet for so many purposes.

Interactivity has become a key term for number of new media use options evolving from the rapid dissemination of Internet access point, the digitalization of the media and media convergence. In 1984, rice defined the new media as communication technologies that enable or facilitate user to-user interactivity and interactivity between user and information. Such as Internet replaces the "one-to-many" model of traditional mass communication with the possibility of a "many-to-many" web of communication. Any individual with the appropriate technology can now produce his or her online media and include images, text and sound about whatever he or she chooses. So, the new media with technology convergence shifts the model of mass communication and radically shapes the ways, we interact and communicate with one another.

In information society internet plays an important role in shaping world society. As such internet has potential to bridge the information gap.

The internet is a worldwide network of computer networks, each with a unique address that uses phone system technology and satellite links to communicate information to each other 24 h a day using a common software standard.

Guide to the internet and World Wide Web for Archivists and Records Managers-2005.

Internet is a communication medium that allows, for the first time, the communication of many to many, in chosen time, on a global scale (Castells, 2001, 2004).

Castells also used "Internet Galaxy" to define new world of communication. Castells also said the ushering in a new social structure predominantly based on networks, flexible economic management and values of individual freedom and open communication become paramount.

The internet has become important for daily life, education, work and participation in society. A large majority of households and individuals make use of it today. Internet usage increased gradually all over the world. In 2000, 360,985,492 people used internet. At that time 1,386,188,112 people in Asia used internet. In 2014, those values increased a lot. Currently, an estimated 3,035,749,340 people connected to the internet. (www.worldstats.com). And, it penetration was 42.3%. The technology has advanced so fast and has be more and more user friendly; at the same time people around the world have become more and more sophisticated in the use of technology.

The advancement of technology such as the Internet has provided individuals and organizations with a means to both commit new types of crimes and adopt new methods of requiring crimes. Internet crime is quickly becoming one of the biggest and most threatening problems for both law enforcement and the public at large.

The "cyber-crime" has garnered increased attention because computers have become so central to several areas of social activity connected to everyday life, including but not limited to personal and institutional finances, various record keeping functions and interpersonal communications. Widespread accessibility, the advent of the Internet has further served to facilitate predatory personal crimes and property offenses committed with a computer. Cyber-crime will be the primary challenge for policing in the 21st century.

Objectives and problems of the study: There were two problems in this study:

- Currently there are some legal enactments available to curtail internet related crimes but they are not adequate
- Access Cyber space in improper way caused to threat human lives

Objectives:
- Study internet laws in Sri Lanka
- Suggest new solution for prevent malicious usage of the internet in Sri Lanka

Limitations:
- Study Sri Lankan situation and focused on cybercrimes

MATERIALS AND METHODS

Content analysis the Sri Lankan acts related in Internet laws. Mainly four acts in Sri Lanka related to Internet. Content analysis Computer Crime Act-No. 24 (2007) and Electronic Transaction Act-No. 19 (2006), Information Communication Technology Act-No. 27 (2003), Information Communication Technology Act-No. 33 (2008) and Intellectual Property Act-No. 26 (2003).

- Interviews
- Content analysis
- Case studies

Secondary data collected from books, magazines, journals and through the websites. Sri Lankan Computer Emergency Response Team and Cybercrime unit in Sri Lankan police gave the details about Sri Lankan cybercrimes.

Internet usage and Cyber Crimes in Sri Lanka: According to Sri Lankan telecommunication statistics internet usage in Sri Lanka gradually increasing. According to the TRCSL, the official collector and collator of telecom industry data, the total number of fixed phones went up from 121,388 subscribers in 1990 to 3,240,512 by June 2012. The number of mobile subscriptions, which was just 2,644 in 1992 (3 years after mobile services were introduced), reached 19,272,324 by June 2012. (www.trc.gov.lk/).

This means there are now more phone connections (fixed and mobile taken together) than people in Sri Lanka (which counted a total of 20,277,597 people in March 2012 during the latest census of population). The island's telephone density exceeded 100 in 2010 and had reached 105.1 phone connections per 100 persons by end 2011.

Cybercrime definitions: "Cybercrime refers to any illegal activity that occurs in the virtual world of cyberspace" (Henson *et al.*, 2011).

Most definitions refer internet crimes as cybercrimes. But, some wrongly defined computer crimes as internet crimes (Henson *et al.*, 2011).

Any criminal offense that is committed or facilitated through the use of the communication capabilities of computers and computer systems.

Some definitions of cyber-crime are relatively narrow in focus. In some cases, only hacking behavior would fall under the definition of what constituted cyber-criminality. The Convention on Cybercrime is an international treaty that seeks to harmonize national laws on cybercrime, improve national capabilities for investigating such crimes and increase cooperation on investigations.

A cybercrime is defined as an intended act involving the use of computers or other technologies and the criminal activity must take place in a virtual setting such as the Internet. Cybercrimes share three elements:

- Tools and techniques to perpetrate a crime
- Approach or methodology for executing the criminal plan known as a vector
- Crime itself that is the end result of those plans and activities (a cybercrime is the ultimate objective of the criminal's activities)

American Institute of CPA-2013: Cybercrime also define as internet crime. "The computer is rapidly increasing society's dependence upon it with the result that society becomes progressively more vulnerable to computer malfunction, whether accidental or deliberately induced and to computer manipulation and white-color law-breaking (Weeramantry, 1998).

In Sri Lanka, there have been number of cybercrimes reported to the Sri Lankan Computer Emergency

Readiness Team and Cybercrime unit in Sri Lankan police. Phishing, Abuse privacy, Malware, E-mail harassment, Fake accounts (Facebook) and Intellectual Property cases reported to the Sri Lankan Computer Emergency Readiness Team. In addition to this E-banking cases, Website hacking, E-mail harassment, child pornography cases reported to Cybercrime unit in Sri Lanka police.

Most of the cases were about fake accounts in Facebook. But, under Sri Lankan law defamation is not consider as criminal offence and it tantamount to a civil matter.

Sri Lankan legal system and cybercrime: In Sri Lanka there have been four main acts which used in cybercrime prevention. The 1997, computer crime act was really important. In this act, no definition about cybercrime but computer crime is a term used to identify all crimes frauds that are connected with or related to computer and information technology. This act covers a broad range of offences and it can be divided into two categories.

Computer related crimes
Hacking offences: In study described the key substantive offences under computer crime act (Computer Crime Act-No. 24, 2007). Securing unauthorized access to a computer an offence, doing any act to secure unauthorized access in order to commit an offence, causing a computer to perform a function without lawful authority an offence, offences committed against national security and national economy and public order.

And also about dealing with data and etc., unlawfully obtained an offence, illegal interception of data an offence, using of illegal devices an offence, unauthorized disclosure of information enabling access to a service also an offense. There is a provision in the act which enhances the scope of Intellectual property provisions contained in the intellectual property act 36 of 2003. An amendment made to the penal code in 2006 introduced an offence requiring all persons providing a computer service like a cyber cafe to ensure that such a service would not be used for offences relating to sexual abuse of a child (Penal Code Amendment-No. 16, 2006).

In addition, information communication and technology act and electronic transaction acts are also specifically deal with internet based crimes. Electronic transaction act facilitate to formation of contracts, the creation and exchange of data messages, electronic documents, electronic records.

CONCLUSION

In Sri Lanka, there is a challenge in preventing cybercrime. The growth of network-based crime has raised difficult issue in respect of appropriate balance between the needs of those investigating and prosecuting such

crime and the rights of users of such networks. Need to empower the coordination process. Prosecutor, investigator and judgers need to work in coordinating manner. Experienced investigators need to deal with cybercrime. Awareness about new media and information technology and the way of the prevention in cybercrime. Sri Lankan legal system need to be modified. Data protection act can be introduced.

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