Criminal and criminological aspects of cybercrime with a focus on denial of service attacks

Abstract

The aim of this master thesis is to analyze the criminal law assessment of denial of service (DoS) cyber-attacks and related criminological aspects. The author deals with the technical characteristics and typology of this type of attack. He analyzes its individual variants, as the way of performing the attack, that is reflected in its criminal assessment. The thesis also describes the facts concerning the largest series of DoS attacks that occurred in the Czech Republic in 2013. Next, the author deals with the criminological aspects of cybercrime, namely its expansion and latency, the perpetrators and victims of the denial of service attack and related prevention, including techniques and methods of defense against this attack. In the main part of the thesis, the author analyzes the criminal law aspects of this specific type of crime. The thesis deals with the development of law in this area at international level, within the European Union and at national level. It also deals with the analysis of the factual situation of cybercrime provided for in Sections 230 to 232 of the Criminal Code and the criminal law assessment of individual variants of the attack. The thesis deals with related problematic points, starting with the non-uniform definition of cybercrime, despite the unclear interpretation of some terms, to the criminal law classification of denial of service cyber-attack, which can also not be done without difficulty. In conclusion, the author states that although the denial of service attack is not casuistically described in any of the factual situation of cybercrime set out in the special section of the Criminal Code, it can be criminally penalized based on the manner of its execution and related manifestations of the conduct. However, by modifying the provisions of Sections 230 to 232 of the Criminal Code, it would be possible to achieve greater accuracy, clarity and thus legal certainty in relation to cybercrime.

Keywords: cybercrime, attack, denial of service