

Criminal and criminological aspects of the phishing

Abstract

Present thesis is aimed on analysis of criminal and criminological aspects of phishing. While gathering the literature resources lack of studies systematically describing the problematic of phishing was discovered even though phishing is one of the most common cybernetical crimes and represents a significant threat for users of cyberspace. Czech literature is especially lacking studies concerning criminological aspects of phishing.

This thesis is divided to two parts - criminological and criminal. This thesis presents complex description of phishing including its evolution and process of refinement. In the first part phishing as a phenomenon and also its history and types evolving with time are described. The aim of this thesis is to evaluate the trend of number of phishing attacks and to determine whether its increasing, decreasing or level. Given the human interactions in cyberspace increasing trend is expected. In the next part characteristics and motivation of offender, characteristics of the victim and possibilities of prevention are discussed. In this part mostly international sources are being used given the absence of Czech sources.

In the criminal part European legislative is briefly mentioned. Nevertheless, this thesis is written in the environment of Czech law hence for mostly the Czech Penal Code is used to determine the legal qualification of the offender of phishing attacks. Given the nature of the phishing following sections of the Penal Code should be considered: Section 209 Fraud, Section 230 Unauthorised access to computer systems and unauthorised and interference with the computer system or information medium, Section 234 Unauthorised obtaining, forgery and alteration of means of payment.

In present thesis mostly descriptive methods for common definition of phishing, logical induction for data analysis using statistics of development of phishing and conclusions of literature sources were used. Results of this thesis bring insight to the problematics of phishing and may also bring a foundation for another phishing studies. Author hopes this thesis may also inspire other authors to conduct more research which would raise the public awareness of phishing as serious cybercrime and support protection of users of cyberspace from its negative influence.

Results of this work also brings suggestions which should help to strengthen the legal framework since the phishing is lasting and potentially increasing problem for the society. The aim of the thesis is to contribute to effective protection against phishing and to raise awareness of its seriousness in the cyber world of the 21st century.