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Information Society and Its Deviances

Abstract. One of the most apparent features of information society is the increasing number, diversity and complexity as well as the continuous and fast change of technical tools surrounding everything and everyone. In an interaction with the adoption of new technologies, the receptive medium, the society does also change, while the environmental changes require adaptation. The change, as the new tools and the additional services are becoming a part of the citizens' everyday life at an extent never seen before, develops new deviances. However, the role of law in this change is constant: it has to regulate the social relations in a way that it could ensure social collaboration and prevent, punish any offence against it. Several branches of law within this complex legal system have a different role, where criminal law means the sanction keystone and stands guard. However, to be able to understand the role of criminal law, we have to discover the environment that needs to be regulated and to understand the incentives of deviant behaviours within this change.

Keywords: information society, deviance, cyber-stalking, technology, cyber-crime, info-communication

I. Introduction

Since the Industrial Revolution starting in the second half of the 18th century, the judgement of technology¹ has not been free of extremities in the European societies. From a layman's view, the most apparent feature of information society is the increasing number, diversity and complexity as well as the continuous and fast change of technical tools surrounding everything and everyone.² In an interaction with the adoption of new technologies—the cognition, usage and consumer-need-based development of its tools—the receptive medium, the society does also change, while the environmental changes require adaptation. According to the concept of technological momentum by *Thomas Hughes*, some technologies at a certain point of their lifecycle can have a deterministic power over social changes. As technologies become larger and more complex, they form the society even more until the society itself can form the technology.³ I am not trying to answer the question whether technology is determined by social processes or vice versa—technology determines society. In fact, society has changed and is changing, in which the new technology also has some role. According to *Attila Kincsei*, the features of the technological element within this

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¹ Technology (Greek: τεχνολογια < τεχνη “art, skill, craft” + λογος “study of” + suffix ια) covers knowledge and experiences about artificial tools (e.g. machines, materials and methods) that are practical, increase individual (human) skills and help humanity discover, change and preserve the surrounding environment more. The technological tools that help people solve problems in different areas of life are called tools at a lower level and technique at a higher level. <http://hu.wikipedia.org/wiki/Technol%C3%B3gia>

² Kincsei, A.: Technológia és társadalom az információ korában (Technology and Society in the Information Age). In: Balogh, G. (ed.): *Az információs társadalom* (The Information Society). Budapest, 2007. 47.

³ Wallace, P.: *Az internet pszichológiája* (Internet Psychology). Budapest, 2006. 285.

interaction can be summarized in the following points: the time elapsed between the developments of new technological systems generated by innovations is still getting shorter; the performance of infocommunication tools is growing; the convergence between information technology, telecommunication and media.⁴

The change, as the new tools and the additional services are becoming a part of the citizens' everyday life at an extent never seen before, is often incomprehensible mostly for the elder generations and the socially underprivileged. Under such circumstances, we have to consider the changing of social morals. The scale of behaviours considered deviant is broadening because of the tension among the acceptors, adopters and abstainers, disclaimers of the new technologies. Youngsters born in an environment networked by info communication tools become active users, which mean that they determine the norms of the new social and technological system more and more, themselves.

In this change outlined in brief, the role of law is constant: it has to regulate the social relations in a way that it could ensure social collaboration and prevent, punish any offence against it. Several branches of law within this complex legal system have a different role, where criminal law means the sanction keystone and stands guard as *ultima ratio*. However, to be able to understand the role of criminal law, we have to discover the environment that needs to be regulated and to understand the incentives of deviant behaviours within this change.

II. The concept of information society and deviance

1. *Information society*

It is typical for the information society that the generation, distribution and utilization of information are fundamental economic, political and cultural activities. In economics the concept of knowledge economy is consistent with this approach. Knowledge economy means that through the economic utilization of knowledge as human resource such value is generated that can be expressed not only in an intellectual but also in a material meaning. Therefore the substantial elements of information society can be summarized as follows.⁵ Information as financial value has a primary role for example in electronic trade that is based on virtual acts contrary to the functional mechanisms of traditional economy. Information is also a fundamental element of wielding political power because only those are able to gain and maintain power that generate and distribute information. Another essential element of information society is technology that allows gaining and processing information. The development of technology significantly increased the speed of society's reaction towards the new living conditions because the larger flows of information gradually reduced the time needed to gain up-to-date knowledge, and continuous learning has become a requirement. Another characteristic of information society is that an increasing part of employees doing productive activity work in a position that is related to gaining and processing information.⁶

⁴ Kincsei: *op. cit.* 59–60.

⁵ Sum, Sz.: A szellemi alkotások jogának információtechnológiai vonatkozásairól (Information-technological Aspects of Intellectual Property Rights). In: Takács, T. (ed.): *Az informatikai jog nagy kézikönyve* (The Great Handbook of Info-communication law). Budapest, 2009. 212.

⁶ *Ibid.* 212.

Based on the above general description, we can see that in everyday life the expression *information society* is often used in connection with political and economic programs. The definition of its meaning and its differentiation from other societies characterized with features of earlier periods (post-industrial, post-modern, knowledge-based, etc.) are in the focus of actual discourses of several different areas of science. Experts of informatics, anthropology, sociology, politology and jurisprudence study the concept from different viewpoints. As information society is a subject of their studies for different reasons and they do not have a solid set of concepts, therefore they disagree in which area of life this change can be considered determinant enough to characterize the whole society—assuming that information society itself does have a new nature compared to the former ones. However, we should not miss to define in what manner the study uses this concept without taking a stand on any conception. Hence, I am not trying to either develop a new theory on information society or to summarize or compare former narratives, rather highlight those elements of existing theories that are necessary for criminal law and only refer to their origin.

László Z. Karvalics helped my work by introducing three narratives to handle the concept of information society properly.⁷ The first, so called macro-level “major narrative” covers theories disputed in a highly abstractive civilization-theoretical, socio-philosophical, culture-theoretical context. The conceptions marked by the meso-level “minor narrative” still handle the questions of changing social subsystems at a highly abstractive level while outlining some prioritized problems. A major part of examinations related to the third, so-called “mini narrative” contain discourses that focus on a small segment of reality and prefer practical aspects, therefore give an excellent basis to plan the direct interventions into the considered subareas. According to Z. Karvalics, the real dimensions of information society are not telecommunication or information technology, but education, science, innovation, economy and culture.⁸

Searching the *sine qua non* of information society is not the purpose of this study; therefore I continue my research by examining the society’s strong relations towards technology instead of examining socio-theoretical models. After outlining the above frames, the expression information society used in my study—based on the examinations and their results executed according to the third, micro-level narrative—is trying to create a basis to understand the delinquencies of information society while considering the purposes of its own area of science. What jurisprudence concerns from the several information society conceptions is that—on ground of the complexity of social relations to be regulated—a different shade of information society prevails concerning public administration, civil or criminal law. Taking the role of criminal law within the legal system as a basis, it cannot have an independent picture of information society as its function is to protect the existing social order and values when it is not enough to protect the other branches of law or the extent of harm caused by an illegal action is so big that the strictest intervention—that highly restricts even the constitutional fundamental rights—is needed. With other words, the criminal law considers the society as mostly static—let it be post-industrial, information or

⁷ Karvalics, L. Z.: Információs társadalom—Mi az? Egy kifejezés jelentése, története és fogalomkörnyezete (Information Society—What is that? The Meaning, the History and the Setting of a Phenomenon). In: Pintér, R. (ed.): *Információs társadalom* (Information Society). Budapest, 2007. 41–42.

⁸ *Ibid.* 31.

knowledge-based. As an instrument, it does not develop the social relations directly, only indirectly, while it does not promote rather protect the social-economic development. However, it cannot avoid social changes because the application environment of dogmatically clarified legal institutions used by it has changed, new social values, relations and subjects of law evolved, and criminal offences can be committed or detected using new instruments.

Without considering information society determined solely by new technological tools, the topic of digital technology can be considered as priority from the aspect of delinquency and criminal investigation on grounds of the following. Criminal liability is based on free will that is included among the conceptual elements of guilt. Therefore when judging the technological element, we should accept its neutrality, i.e. the opportunities provided by infocommunication tools do not necessarily result in their utilization for criminal offences but can be incentives of the development of certain deviances and necessitate the reinterpreting of dogmatics of certain criminal offences. As a starting point, we have to thoroughly examine the new environment provided by the technologies that make the commitment of criminal offences easier and help or encumber criminal investigation—also considering the possible offenders of the new world. So the questions arising are the following: What role does technology play in delinquency and criminal investigation, what opportunities it gives, what are those new revaluated situations that—in connection with technology—require a new type of protection, and who are those who endanger these social values?

A keyword of the examined environment and information society is *convergence*. However, convergence has no exact, generally accepted definition in literature, from the aspect of this study it means that the different network platforms carry basically similar services but it also refers to the concentration of consumer tools such as telephone, television and personal computer. Abstracting from the physical environment of these tools, digitalization provided the convergence of formerly segregated branches such as information technology, telecommunication and media with the development of platform-free broadcasted contents. With other words, infocommunication convergence is a technological-based multi-level process that the market and regulation only tries to follow. It's determining technological basis is digitalization, a technical solution that enables the same content to be transferred even through formerly segregated networks.⁹ Thus, convergence is a change in the fields of media, information technology and telecommunication. This process needs to be monitored because it determines the environment of committing IT crimes—not only infrastructurally but culturally as well. The technological element (tools and services) provides the society more intensive information flow and access to a mass of information, while from the society's side completing, supporting and mediating traditional, real-life activities with infocommunication technology systems result in the extension of these activities to their virtual dimensions.¹⁰ The relative wide accessibility of these tools enables every member of the society to communicate and build relations and communities spanning over national borders.

⁹ Tóth, A.: *Az elektronikus hírközlés és média gazdasági szabályozásának alapjai és versenyjogi vonatkozásai*. (The Regulation of the Electronic Communication and media from a competition law's point of view). Budapest, 2008. 57.

¹⁰ Kincsei: *op. cit.* 59–60.

2. Deviance

The expression “deviance” refers to attitudes that violate the basic rules and norms of a community. *Jack D. Douglas* and *Frances C. Waksler* describe the conceptual levels of deviance as a funnel. According to the broadest explanation, it feels as if something was wrong, weird or strange, while according to its narrower meaning, it is a judgement that something is completely wrong. Somewhere between the two extremities becomes the deviant attitude criminal behaviour.¹¹

In order to understand the new, formerly unknown deviances of information society, first I take the concept “anomie” from the concepts of theories related to social structure. The word anomie literally means “lack of social norms”. Its extended meaning refers to a stage when for certain (usually new, not familiar) situations there is no former directive norm or when a long standing social practice is different from the social norms.¹² With other words, anomie means the breakdown of social order—a result of loosing social norms and values.¹³ *Émile Durkheim* illustrated the concept of anomie with the change in the number of suicides per period, and explained it with several phenomenons in his research. Suicide rate grew significantly during the larger and faster economic changes for the reason that people suddenly got into new, unfamiliar situations from the usual ones—into a situation to whose norms they suddenly had to adjust to.¹⁴ By analysing the industrial revolution of the 19th century, he drew the conclusion that the disengaged social powers did not get into balance, their relative value is not specified, and therefore the regulation cannot work for a while. People do not know anymore, what is allowed and what is not, what is fair and what is unfair, what can be claimed by right and what goes beyond its measures, therefore there is nothing they would not claim.¹⁵ Family, political and religious communities, social groups that are self-organized or based on common interest integrate the individual into the society in different ways. During the integration process the individual accepts the examples and lifestyle patterns of the society. The stage of anomie evolves as a result of weakening integrating powers.

According to *Robert Merton* the reason for anomie is not the social change rather the social structure that sets equal goals for all its members but does not provide equal tools to achieve them, which causes tension between the requirements of our culture and the structure of our society.¹⁶ A result of this tension is deviance. The expression “American dream” reflects the approach of our society that has been accepted since the strengthening of the idea of equality of the French revolution: the purpose is to aim for success and prosperity equally, i.e. with equal opportunities. The adjustment to the goals and tools of the period can happen in five ways: *conformism*—both are accepted, *innovation*—we accept the goals but are trying to achieve them with our own tools, *ritualism*—we give up our goals but still use the legal tools, *withdrawal*—we give up both, *rebellion*—we refuse both the goals

¹¹ Adler, F.–Mueller, G. O. W.–Laufer, W. S.: *Kriminológia* (Criminology). Budapest, 2002. 34–35.

¹² Gönczöl, K.–Kerecsi, K.–Korinek, L.–Lévay, M. (ed.): *Kriminológia–Szakkriminológia* (Criminology–Specialistic Criminology). Budapest, 2006. 104.

¹³ Adler–Mueller–Laufer: *op. cit.* 157.

¹⁴ Durkheim, É.: *Az öngyilkosság* (Suicide). Budapest, 1982. 227–161.

¹⁵ Durkheim, É.: *Az öngyilkosság: szociológiai tanulmány* (Suicide: a Sociological Study). Budapest, 2000. 274–275.

¹⁶ Adler–Mueller–Laufer: *op. cit.* 159.

and the tools and replace them with our own goals and tools creating a new social structure. Therefore innovation, withdrawal (drug and alcohol consumption) and rebellion can be considered deviances.

III. The possible reasons

1. *Life on the network*

The infocommunication revolution also generates changes. A dislocation of power can be seen between the groups that integrate the individuals at different levels and with different intensity while a network society is developing.¹⁷ According to *Gábor Balogh*, the network ensures the identity of the citizens of the infocommunication period, and at the same time it is the sign of people's activity marked "homo informaticus" of the period. Network is, on the one hand, such a technical-technological tool that consists of junctions, linking routes and interconnections, and on the other hand, is a topologic formation that integrates those that act in it. A basic characteristic of the network is the connection, and as a topologic formation to ensure, maintain and transact infocommunication.¹⁸ In an environment determined by infocommunication tools—because of the possibility of losing our identifiability as a result of living on the network—the role of consciousness and identity changes, they can become independent due to the indirect, mediated nature of our interactions. Relationships established on the internet provide us the most unmitigated possibility ever for personal achievements, self-realisation and separation from our previous personality—often more than the physical world can offer. The forms of communication can be shaped and influenced so much that the individual can portray itself completely unrealistic.¹⁹

Besides the possibility for experimentation, such basic human characteristics influence the users' online behaviour like desire for honest self-revelation, the need to share everyday stress with someone who understands us and has similar problems. On the other hand, it is a general truth that we often share our problems with strangers more easily than with our closest relatives. This phenomenon called "stranger on the train" can highly influence people's online behaviour.²⁰ Self-revelation is not always an inner pressure; it can also be a requirement to legitimate the belonging to a group or to establish mutual trust—the confession of the otherwise stigmatized character is easier to accept in both cases.²¹ But what does its danger lie in? The possibilities provided by technology make the sharing and gathering of this personal information easier.

Infocommunication tools are such non-monopolistic mass products that are available for every citizen, such needs of accelerated social interactions that are more and more becoming the conditions of existence for the modern people. A conflict arises when a person leaving the infocommunicational environment is unable to identify the actions and situations

¹⁷ Balogh, G.: Az információs társadalom olvasatai (Concepts of the Information Society). In: Balogh, G. (ed.): *Az információs társadalom dimenziói* (Dimensions of the Information Society). Budapest, 2006. 11–22.

¹⁸ *Ibid.* 15.

¹⁹ Jewkes, Y.–Sharp, K.: Crime, deviance and the disembodied self: transcending the dangers of corporeality. In: Jewkes, Y. (ed.): *Dot.cons—Crime, deviance and identity on the Internet*. Portland (OR), 2003. 2–3.

²⁰ Whitty, M. T.–Joinson, A. N.: *Truth, Lies and Trust on the Internet*. New York, 2009. 9.

²¹ *Ibid.* 10–11.

of the real, direct world. Although cyberspace, the new cultic space of the 21st century will keep its high importance, the scope of problems cannot be limited solely to this sector but conspicuously show such signs of anomie that we can use to describe the negative changes of our society.

Therefore it seems easy to answer the question: what does the attractiveness of cyberspace lie in and why it is important to talk about its negative effects on personality? The answer seems to be simple: the interactions of cyberspace spread over the “real, direct” living space of the society. An increasingly significant part of users is unable to separate the interaction and role games of these two spaces, the once undiscovered, then secretly gratified deviances of their personality. According to *M. Poster* and *S. P. Wilbur*, cyberspace is ideal for the individuality to become an “unstable self”, such a personality who becomes a convict of the process where he/she can create several personalities for himself/herself.²² The experience is determining that enables people to move out of their physical and temporal space, to experiment with such sides of their personality that they are hiding in the real geographical space. By offering anonymity and free realization of imagination, cyberspace also allows the virtual realization of socially required goals and success. Concerning its influence on social relations, according to *Rezső Mészáros*, it is built on the users’ common field of interest and weakens the geographical communities by abolishing geographical borders. Fanatic users get stuck in the cyberspace and step out of the “real world” society. The cultural influence of cyberspace is significant, considering the current world order, it is to be feared that it promotes the strengthening of Americanization and globalisation and offers an alternative space where the “self” has no definite contour or body.²³

In Hungary, a technical development is given that is more intensive and dynamic than any change before; while the society is splitting into two parts (those possessing experiences and those who do not process any). According to the Hungarian Information Society Report 1998–2008 published by the Information Society and Trend Research Institute (Információs Társadalom és Trendkutató Központ – ITTK), 30% of the age group over 14 used computer and nearly 18% used internet regularly in 2001. As per the 2007 data, 52% of the same age group used computer regularly or occasionally and 45% used internet.²⁴ As stated in the Hungarian Information Society Report 2006 of ITTK,²⁵ 60% of the country’s population can be considered digital illiterate as more than half of the Hungarian citizens has never used a computer. Contrary to them, others use broadband internet nearly every day and participate in the *web 2.0*²⁶ revolution. According to the report, this way Hungarian culture is splitting into two parts, i.e. while only a smaller part of the country is participating in the

²² Mészáros, R.: A kibertér társadalomföldrajzi megközelítése (The Socio-geographic of the Cyberspace). In: Balogh, G. (ed.): *Az információs társadalom dimenziói* (Dimensions of the Information Society). Budapest, 2006. 216.

²³ *Ibid.* 218–219.

²⁴ ITTK–Hungarian Information Society Report 1998–2008. 39–40.

²⁵ http://www.ittk.hu/web/docs/ITTK_MITJ_2006.pdf

²⁶ The expression web 2.0 is covers such 2nd generation internet services that primarily community-based, i.e. the users edit the content together or share information with each other. Contrary to the former 1.0 and 1.5 services where the content was provided by the service provider. Source: http://hu.wikipedia.org/wiki/Web_2

technological development, a larger part of the citizens stays out of these changes which will cause a kind of cultural “shock” for those lagging behind.²⁷

The question is whether it is about the conflict between the new practices and the norms accepted by the current majority or are the “mobile-madness”, the autotelic, superficial chatting, and the addiction to virtual games and the internet real deviances. A complex philosophical-sociopsychological research is needed to be able to judge whether our society is originally demoralizing or the softening moral laws are a result of infocommunicational revolution, so I am not trying to judge it myself. However, the characterisation of deviances listed in the following chapter proves the existence of these problems.

2. *The incentives of deviances on the network*

How could such a young technology captivate such masses of users in such a short time? An important element is the virtual anonymity; the other is the soft community sanction as deviant behaviour in the virtual space can only result in the suspension of members with displeased behaviour contrary to the real world where violation of norms can have much more serious consequences.²⁸

Of course, those with similar deviant behaviour also have the opportunity to create their own community where they can define their own norms to follow. For that very reason, deviant behaviour is currently judged relative to the system of values within the dominant group. The problem would be even more difficult to resolve if the number of users currently considered deviant and the number of “average” users were equal. Users with similar thinking and field of interest and their communities generated a particular subculture that can manifest itself in the usage of communication tools and the testing of applicants wishing to join, which aims to strengthen the community and to keep out strangers.

According to the research of *M. K. Rogers*, persons at the age of 16 and under commit the most of deviant computer-related behaviours.²⁹ A good example can be a self-assessment survey on latent juvenile deviances that showed that downloading video and music files are considered one of the least serious deviances.³⁰ The 50.9% of the youngsters interviewed have downloaded such contents before and 41.8% of the downloaders started this activity at the age of 12 or under. The young age of high percentage of users considered problematic is associated with the time when the tools that are based on new technologies became widespread in everyday life and their usage became natural and common.

²⁷ Information Society and Trend Research Institute (Információs Társadalom és Trendkutató Központ–ITTK)–Hungarian Information Society Report 2006. 62.
http://www.ittk.hu/web/docs/ITTK_MITJ_2006.pdf

²⁸ More details in Parti, K.: *Devianciák a virtuális valóságban, avagy a virtuális közösségek személyiségformáló ereje* (Deviances in the Virtual Reality, the Identity-formative power of the Virtual Communities). *Infokommunikáció és jog*, (2007) 2, 57–63.

²⁹ Rogers, M. K.: *A social learning theory and moral disengagement analysis of criminal computer behavior: An exploratory Study*. UMI Dissertation Services. 2001. 57–58.

³⁰ Parti, K.: *Számítástechnikai devianciák* (Computer technology Deviances). In: Kerecsi, Klára–Parti, K. (eds): *Látens fiatalkori devianciák–Fiatalkori devianciák egy önbevalláson alapuló felmérés tükrében–, ISRD-2*” (Latent Juvenile Deviances–a Self-assessment survey on latent juvenile deviances–“ISRD-2”). Budapest, 2008. 127–159.

Besides the indulgent attitude of society, i.e. the soft sanctions of cyberspace communities, the mild judgment of real world society also strengthen these deviances. The reason for not sentencing such deviances is partly the fact that the idea of an absolute and exclusive possessive relation system regarding other “objects” had taken shape already decades before the development of cyberworld and has been held by the majority of society does not affect the “unreal”, “non-physical” objects of cyberworld. Another reason is that the majority of offences against IT systems do not get publicity. These offences do not affect the individual users, “only” those big companies against which the majority of society often sympathizes with those resistants who like to call themselves Robin Hood. As people feel themselves protected from computer attacks, computer-based criminal offences fit into today’s social system of values morally much better, so the perpetrators do not need too much effort to handle their actions morally.³¹ According to a formerly published survey of *Sonda Ipsos*, the public considers illegal usage of softwares a smaller fault than if someone does not give up his/her seat to elderly people in the bus, while illegal copying of CD-s and DVD-s is considered even less serious than scallywagging.³²

As a summary, we can state that for the young users of supported and doubted advantages of technology the lack of anonymity and sanctions, the cohesive subculture and the latent behaviours as environmental impacts verify and prove the correctness of continuing their behaviour.

IV. New deviances

1. Those concerned

The profiler and behaviour research approach provides a method to typify those who are concerned by the deviances of information society. After examining the offenders of certain crimes considered computer-related deviances *Saw*, *Ruby* and *Post* set up a category called CITI (*critical information technology insiders*), i.e. the category of critical IT expert users who for different reasons all mean some danger for the computer infrastructure.³³ Introversive behaviour is typical for all users with a high risk factor, which means that they have difficulties with handling problems and establishing direct relationships to overcome certain barriers. They typically prefer to communicate their queries via e-mail to face to face. Researches demonstrated 6 high-risk characteristics: personal and community failure (frustration), computer addiction (extreme internet-usage), moral flexibility, decreased steadiness-faithfulness, self-consciousness, lack of solidarity. These personal attributes are associated with characteristics such as power lust, revengefulness, selfishness, greediness. Based on the motivations of the examined subjects a) *explorers* are motivated by the thirst for knowledge and curiosity, b) *good Samaritans* by helping others and amending things, c) *hackers* by the harmless self-expression and the desire for self-provement, d) *machiavellists* by achieving personal goals ignoring the environment or other persons, e) *exceptions* by acknowledging their unique quality, f) *avengers* by their prejudice, g) *careerists* by profiteering, h) *moles* also by profiteering but with the difference that they cause harm.

³¹ *Ibid.* 63.

³² <http://index.hu/tech/jog/szonda0726/>

³³ Casey, E.: Criminal Behavior on the Internet. In: Turvey, B. E. (ed): *Criminal Profiling—an introduction to behavioral evidence analysis*. London, 2008. 675–676.

2. *Certain deviances*

After demonstrating the theoretical background, we should have a look at some typical deviant behaviour that is related to information society. Such behaviours are cybersex, addiction to internet or mobile telecommunication and computers, in which computers and infocommunication systems participate as commitment tools or targets of criminal offences.

1. Cybersex. Regular visiting of pornographic sites or chatting in this subject can highly influence the users' life even outside of the network, which is evident, because the participants spend less and less time with their relatives and colleagues. However, scientists do not agree how significant this influence is.³⁴ Another aspect that needs to be examined within this new scope of problems is that society has not clarified what unfaithfulness means in case of a partnership. For example, according to the research of Whitty, certain online interactions such as conversations in an erotic subject, flirting or satisfaction in the meantime is considered unfaithfulness as per the social judgement based on the answers of the examined persons.³⁵ The internet changes the attitude of society and of individual users to sexuality by satisfying their sexual curiosity without consequences, while—with the possibility of experimentation—the normal attitude of heterosexual behaviour can also get a new content which means that the meaning of sexual categories changes, too.³⁶ These are the several structured and categorized partner searching websites, websites ranked based on the users' votes advertising prostitutes and masseurs, and the increasingly popular role-plays, where users can play with personalized avatars in different sexual situations.³⁷ By forming online communities based on similar interests, users can exchange experiences, are more likely to share their worries with each other, reveal their formerly secret deviances and with the help of encryption provided by the new technology they are more likely to share their illegal pornographic records with each other.

2. Internet-addiction. In case of internet addiction, the internet, the quantity and diversity of online accessible contents, the browsing itself and the search for information can become an autoletic source of pleasure. The question is whether we can talk about simple internet addiction or rather game-, sex- and information-addicted patients, who only differ in the chosen source of pleasure and internet only mean a tool for them. Other addictive relations were known earlier as well, but chat-addicts who visit different forums can gratify their desire only on the internet. The addicted internet users can usually be described as having an unsatisfied social need for company that can become pathological if in spite of the regular communication the possibility of meeting the communication partners personally does not even come to question. The majority of users concerned also suffer from a disorder in identification; this is why they appear with false names, age or even gender on the internet. In case of patients treated in hospital, the first diagnosis usually shows depression, distress or distracted personality instead of internet-addiction. This type of addiction is usually diagnosed only later, as a secondary disease. It might cause

³⁴ Whitty-Joinson: *op. cit.* 86–87.

³⁵ Whitty, M. T.: Pushing the wrong buttons: Men's and women's attitude towards online and offline infidelity. *CyberPsychology and Behavior*, 6 (2003) 6, 569–579.

³⁶ DiMarco, H.: The electronic cloak: secret sexual deviance in cybersociety. In: *Dot. cons—Crime, deviance and identity on the Internet... op. cit.* 54–55.

³⁷ Sharp, K.—Earle, S.: Cyberpunters and cyberwhores: prostitution on the Internet. In: *Dot. cons—Crime, deviance and identity on the Internet... op. cit.* 36–52.

withdrawal symptoms, nervous reactions or stress if the person cannot sit in front of the screen.³⁸

According to a 2002 research of ITTK,³⁹ the characteristics of a typical internet-addicted user are the following: male, under 20 years, internet is not necessarily needed for his work or study, uses internet at home as well, spends more than 6 hours on the web, those who completed primary school are highly represented which directs our attention to the adolescent age group, the starting date of internet usage is not significant considering the development of addiction. According to scientists, it is better to use the concept “addictive internet usage” as—based on the results of the research—those concerned can be classified into three often not well-separable categories: those belonging to the group of the addictology model, secunder internet users and those having impulse control disorders. The addictology model includes those who comply with the criterias of internet addiction, their proportion is 6%. Males are more dominant in this group compared to other groups (81%). This is the youngest group as 46% of its members are under 20. Secunder internet users hang on the web so much mainly because they can satisfy certain psychical needs better online than in the real life. They use the internet as a secondary source of pleasure due to their unsatisfactory relationship network. Their proportion is 11%. Impulse control disorder is typical for the age group of 21–30, their proportion is 12%. The proportion of users considered healthy is 71%. The addicted and secunder users less often need internet for their work or study, they typically use it at home. In case of all three problematic groups an internet usage over 3 hours can be seen, 46% of the addicted spend more than 6 hours in front of the screen. Those belonging to these problematic groups generally use the internet for purposes other than getting information or e-mailing; they rather pursue other activities on the web. Typical activities are: addicted users—chatting and games (with an exceeding value), those with impulse control disorder—games and multimedia chatting, secunder group—chatting and multimedia chatting (with an exceeding value). All three problematic groups regularly turn to psychologists for help.⁴⁰

4. Cyber-stalking, cyberbullying and sexting. Cyberstalking is a harassing behaviour committed on the internet. A speciality of communication possibilities offered by the

³⁸ Romhányi, T.: A világháló foglyai (Prisoners of the Internet). *Népszabadság*, 18th Sept 2004. <http://nol.hu/cikk/333242/> Beszélgetés dr. Vincze Gáborral, a gyulai Pándy Kálmán Kórház pszichiátriai osztályának osztályvezető főorvosával (Interview with Gábor Vincze dr., chief doctor of the psychology ward of the Pándy Kálmán Hospital in Gyula).

³⁹ Participants of the research: Andrea Ritter, Zsolt Fábrián Dr., Mária Hoyer, Péter Pillók. The research team used a survey developed by the American psychologist Kimberly Young with some modifications according to the Hungarian circumstances. The survey included two main parts: 11 demographic and 20 other questions that measured the harmful usage of internet. During the research 1714 people completed the online survey (with 70.8% rate of response). The analyses included 1529 valid data sheets (those that contained only answered questions). <http://archive.infinit.hu/2002/0307/index.html>

⁴⁰ As per the results of the research show that other addiction-related problems affect primarily the addicted internet users and less those with impulse control disorder. The separation of the group of those with impulse control disorder suggests that the addicted internet users do not form a homogenic group. According to researchers, the results show that a less specific diagnostic category should be used which can be called pathological internet usage. It seems that it is unlikely to form a homogenic group and instead will be organized in such subgroups, those psychopathology, therapy and prognosis are different.

internet is that certain ways of communication (e-mail, chat) are written and other sensors of cognition do not play any role. As a result of the lack of social control, social distress—which is one of the main barriers of aggression—does not exist anymore. Therefore, on the one hand, certain feelings, emotions, desire—anger, jealousy, bitterness, thirst for possession and control—or aggression can directed straight towards the target of the harasser, on the other hand, with the possibility of the emergence of different fantasies, the victim can become the focus of the harasser’s imagination.⁴¹ However, the thoughts of *J. Reid Meloy* are in many cases only theoretic, these possibilities should also be taken into account in a few sentences. He believes that in the first case the internet is a tool that the principal can use in order to gather personal information about the victim to make the subsequent harassment easier.⁴² An attribute of the trend marked as web 2.0 of the internet-usage is that the users build communities—such as iwiw, myvip, facebook and other services—where they share data—in most cases unconsidered. In the second case the internet is a medium or communication channel, through which the principal threatens his/her victim and communicates his/her desire, feelings to him/her. In the third case, Meloy attributes a big role to the psychical effect of astonishment since electronic messages can be send anytime to anyone, the message can exist timeless until the victim discovers it that depending on the timing can make the target person feel that his/her harasser is in his/her near anywhere, anytime.⁴³ Anonymity increases the subjection of the victim for the reason that he/she is not aware of who his/her harasser is, therefore will suspect anyone in his/her environment.

According to *Bran Nicol* one of the characteristics of our modern culture is that the motivators of persecutive behaviours became examples to follow. Under this Nicol means the following: accepted and supported is the conviction that, on the one hand, we gather information about anyone, even foreigners and build intimate relationship with them, on the other hand, the opposite of this is that we share even our most secret desire with everyone.⁴⁴ We live in a world where the border between the individual and others has dangerously obliterated therefore harassment itself has occurred as a symptom and unavoidable product of our culture.⁴⁵ Permanently attracting attention and the constant desire to belong to celebrities both indicate that our conception about privacy has changed. The surrounding digital culture pushes us into a constant, accepted harassment. Therefore the internet itself plays such a transmitting role, through which, on the one hand, harassment becomes possible as a result of the action of the victims or by using the data published by themselves; or on the other hand, through the persecutive “services” mentioned by Nicol as examples. Nicol mentions examples of websites like CelebFanMail.com or Gawker Stalker⁴⁶ that informs us about the e-mail address and actual place of residence of nearly any celebrity based on the information published by the “everyday” people who spot them. In addition, a speciality of the functioning of the internet is that the anonymity provided is only illusory. Numerous traces arose in course of the services employed by the users that can be gathered by experts; the popularity of phising nowadays is beyond doubt.

⁴¹ Meloy, J. R.: *The Psychology of Stalking*. In: Meloy, J. R. (ed.): *The Psychology of Stalking: Clinical and Forensic Perspectives*. London, 1998. 11.

⁴² *Ibid.* 10.

⁴³ *Ibid.* 12.

⁴⁴ Nicol, B.: *Stalking*. London, 2006. 8.

⁴⁵ *Ibid.* 8.

⁴⁶ *Ibid.* 9.

Besides harassment cyberbullying and sexting can be considered deviances but for the lack of Hungarian expressions can only be described with these new foreign keywords. Cyberbullying is such a rude joke or teasing when members typically of age groups of 13–17 years disfigure each other on different platforms. In possession of a camera mobile phone any accident or unpleasant incident—irrespectively where it happened—can be watched by crowds on one of the popular websites already the same evening. Sexting is a phenomenon when young users publish pornographic, erotic or similar photos of themselves on social network websites. These two trends refer to the disappearance of private sphere, while cyberbullying is the ignorance of someone else’s private sphere; sexting means the complete opening of the user’s own private sphere.

5. E-crimes. Criminal offences are those behaviours that oppose the social and legal norms and violate the social cohabitation the most. Computer is no longer only the tool of committing indictable offences but more and more the IT systems and the financial or personal data stored in these systems are becoming the targets of these offences. The analysis of IT crimes runs into difficulties for different reasons. Contrary to the “traditional” criminal offences, only a few statistical data is available; due to the special infrastructure there is a high latency; the place, time and tool of commitment are special; the commitment requires special expertise; there is only a few data available about the perpetrators;⁴⁷ while the legal subject and the tool of commitment are also special. We should not forget that information has a political, economical value and a specific endanger potential, while the freedom of information and the free information flow as principals are important premises of a free political and economic system. Another feature of the legal judgment of material and immaterial goods comes from the fact that information security should consider the economic interest not only of the owners or carriers of information but also of those who are concerned about the content of information. From this aspect of information come the requirements of privacy, in a narrower meaning, the requirements related to the protection of personality rights—especially in the course of electronic data procession.⁴⁸ Therefore information is not only a carrier of economic and financial interests but can also possess value by embodying public and personal interests.

Therefore the new criminal offences of information society violate or endanger several legal subjects. According to this, I consider criminal offences against IT systems and data as IT crimes, i.e. criminal offences that violate or endanger the smooth operation of IT systems and the reliability, authenticity and confidentiality of the stored data and all related economic interests, criminal offences related to copyright and data protection—because of data processing systems are supported more and more by computers.

The question is that in an environment, where the described technology influences the individuals in the described way, what the area of social self-regulation is, the area of the

⁴⁷ As IT crimes refer to different committing behaviours, the perpetrators of this heterogenic group are also different. For example, hackers have unique characteristics: they are usually young, white boys, with a middle class background and high intelligence (IQ over 120). They are typically shy and only make contacts with those who just like them are interested in IT. Some of them believe that they belong to an “anti-culture”, fight against censorship, releasing information and fighting against the oppressors. See Taylor, R. W.: “Computer Crime”. In: Swanson, C. R.–Chamelin, N. C.–Tersito, L. (eds): *Criminal investigation*. New York, 1991.

⁴⁸ Sieber, U.: A számítógépes bűnözés és más bűncselekmények az informáciotechnika területén (Computer-related and Other Crimes in the Field Area of Information Technology). *Magyar jog*, 40 (1993) 1, 46.

branches of law operating with the milder sanctions of the legal system, the educational obligation of the state promoting prevention, and where the dominance of criminal law starts.

V. Summary

The new deviances of information society are real phenomenon and their existence is connected to the social changes in which technology plays an important role. The deviances reflect the change of the social system of values and traditions. The presence of the users concerned, i.e. the masses of younger generations within the interaction provided by infocommunication tools mean that the system of values and rules represented by them is becoming a dominant, determining element—due to the speed and intensity of change. A gradation between generations is missing that could ensure the mastering and teaching of norms of the new environment. Legislators have to consider these when they wish to outline the borders of criminal law within a developing, shaping system of relations—especially when defining the policy of criminal regulation.