

Challenges of the Digital Age

The adaptation of the Greek Code of Criminal Justice towards the Internet reality through a student seminar

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translated by Adam Kennard

It is well established that information constitutes a third dimension, beyond matter and energy, and is designated by cybernetics as any data which substantially alters the receiver's perceptions, and affects the content of his/her decisions. These basic characteristics are also shared by digital information, although only that which is produced and distributed digitally can be conceived of as such. Digital information is the dominant element underlying development in postindustrial societies. It is 'born' and 'lives' in an electronic, interconnected environment, structuring not relations of command / ownership / exploitation, but of access and networks of distribution, occupying time more than space, by means of the possibility of its distribution to more people. The digitalization of information, which has contributed to the acceleration of its autonomization from the Individual it refers to, constitutes a unique item present in exchanges and relations in the age of the internet. These characteristics of digital information have a direct functional link with the development of the latter, or multinational, (inter)net capitalism which we are currently traversing. In this

manner digital information is gradually established as the ultimate object of transaction and experiences further autonomization. In turn, Law on both international and Hellenic levels, recognizes and attempts to regulate this reality.

At the same time, in line with the above function of digital information, on the one hand, new 'legally protected goods' appear, such as, for example, the integrity and confidentiality of information systems. On the other hand, digital ways of affronting traditional 'legally protected goods' are developed, as in the cases of internet use by minors, or electronic currency. As of 2001, the Council of Europe's policy concerning cybercrime, to which Greece is also a signatory, recognizes the new state of affairs regarding digital information and the internet, in regard to both novel and traditional 'legally protected goods', such as assets. In most of these issues, it would appear that the Greek legislator gaspingly attempts to either keep up with the evolution of technology, on the one hand, or international legislative initiatives within the context of Europe and the United Nations, on the other, as occurred very recently with Statute 3625/2007 regarding Child Protection from Sexual Exploitation and Pornography.¹

In attempting to meet the modern challenges of the digital age from within the educational process, we organized at the Department of Criminal Law and Criminology, a student seminar on 'Electronic Crime', the results of which were presented at a public presentation at the A.U.Th. School of Law on 19 December 2007.

The seminar, which included a six-month preparation by the students, rested on three main characteristics: their voluntary participation without the award of any extra marks, no guarantee of a permanent participatory position on the programme, and the target objectives

of conducting: 1) a group research project and 2) a presentation of their research endeavour at a one-day educational seminar.

We have the pleasure, in the current and subsequent issue of Intellectum, to present to you the results of this endeavour, which was supported with dedication by a workgroup on electronic crime, consisted of Dr. K. Chatzikostas, attorney-at-law and researcher of the Aristotle University of Thessaloniki (A.U.Th.), K. Theodoridis, and K. Chatziioannou, attorneys-at-law and Ph.D. candidates at the Department of Criminal Law and Criminology. Finally yet importantly, our warmest gratitude goes to the magazine's editorial board for the seminar's publication.

¹ Statute 3625/2007 incorporated into Hellenic law both the Mandatory Protocol of the U.N. Policy regarding the rights of the child, as well as the framework decision of 2004/68 E.E. on the combat of the children's sexual exploitation and child pornography.