

Propositions to the thesis of Qianyun Wang

1. A definition of cybercrime may not be necessary for legislation, as long as alternative measures can help to determine cybercrime, such as the constituting elements and classification.
2. Cybercrime contains two categories: one category is new crimes targeting computer and data, and the other one is traditional crimes facilitated by computer and data. For the first category, new and specific cybercrime law is necessary, and for the second category, traditional criminal law is applicable. The necessity of law-making is not limited to drafting the law but also to reviewing and updating the law in accordance with information technology development.
3. The function of computer and the security of data are in essence different. Therefore, the new and specific legislation should firstly distinguish the function of the computer from the security of data, and secondly this legislation should make clear about the interest each provision intends to protect. Through doing so, judges can determine the applicable provision in a given case accordingly.
4. The existing jurisdiction principles are inadequate in determining the jurisdiction over cybercrime, thus it is better for scholars to think creatively on addressing the jurisdiction with regard to cybercrime.
5. To enhance the harmonisation between States on cybercrime legislation and combat cybercrime, it is better for the States to take the framework and criterion of the Convention on Cybercrime of the Council of Europe into serious consideration.
6. Despite of the endeavours on drafting and amending the cybercrime legislation, States launch clandestine surveillance programs under which they collect digital communications of high ranked officials of other States, such as the PRISM. This kind of behaviours is exactly what the cybercrime legislation proscribes.
7. Cooperation among States in harmonising criminal law should be promoted to handle the increasingly growing transnational crimes.
8. No State shall be immune from improper intervention in individual freedoms under the pretence of maintaining national security.
9. Human beings cannot avoid exhibiting bias when interpreting situations or making decisions, which comes as a result of personal experience, the environment people are raised, and the limitation of their knowledge.
10. Sex discrimination in the labour market should in no occasion exist. An employer should not offer a job to the male applicant, because of his sex, instead of a better-qualified female.
11. Since cybercrime can be very harmful, PhD candidates should write their thesis by hand.