

International Cooperation In Combating Cybercrime

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Abstract

This research addresses the topic of international cooperation in combating cybercrime in light of the significant technological advancements that have led to a rapid and massive flow of information. This has made information vulnerable to various forms of manipulation, such as alteration, deletion, and forgery, negatively impacting individuals, institutions, and nations, particularly in security and economic aspects.

The transnational nature of cybercrime makes it difficult to combat it solely at the national level. Criminals can now commit their crimes remotely and easily conceal their traces, highlighting the necessity of international cooperation as a fundamental mechanism for addressing it. This cooperation includes the exchange of information, judicial assistance, international judicial delegation, and extradition, in addition to the role of international organizations such as Interpol in coordinating efforts among countries.

However, this cooperation faces several obstacles at the international level, such as jurisdictional disputes, differing legal systems, the complexity of judicial delegation procedures, extradition challenges, and considerations of national sovereignty. At the national level, the most prominent challenges include the inadequacy of legislation and its unsuitability to the nature of cybercrime, as well as the difficulty of proving these crimes due to their digital nature and the ease with which evidence can be concealed.

The research concludes that international cooperation is the cornerstone of combating cybercrime, but its effectiveness requires overcoming these obstacles by strengthening coordination between countries, harmonizing laws, and concluding international agreements that contribute to developing mechanisms for confronting cybercrime and achieving security and stability.

Keywords: International Cooperation, Cybercrime, Information Security, Interpol, International Judicial Assistance

Introduction

The world has witnessed tremendous technological advancements leading to a massive and rapid flow of information, with the ability to transmit it over vast distances and store and retrieve it easily and very quickly. However, these advantages have made information vulnerable to various forms of abuse, such as deletion, alteration, or the insertion of incorrect data, resulting in negative consequences that have affected many fundamental values in the

lives of individuals, institutions, and nations, particularly in the security and economic spheres

Technology has also facilitated the commission of cybercrimes across borders, enabling criminals to carry out their activities remotely without geographical constraints, and with ease of movement or concealment of evidence. This has rendered even the most robust domestic efforts of states incapable of curbing or completely eradicating these crimes due to their widespread nature and complexity.

Hence the need for international cooperation to confront this new type of crime has emerged but this cooperation faces several difficulties and obstacles, including differences in legal systems, national cultures, and levels of development among countries, which affect its effectiveness.

Accordingly, the research problem focuses on identifying the difficulties hindering international cooperation in combating cybercrime and proposing appropriate solutions to overcome them. The research is divided into two sections: the first addresses the concept and importance of international cooperation, and the second focuses on the obstacles to this cooperation in the field of combating cybercrime

Section One: The Concept of International Cooperation and International Cooperation in Combating Cybercrime

Requirement One: Definition and Importance of International Cooperation

International security cooperation is defined as the exchange, assistance, and concerted efforts of two or more international parties to achieve a common benefit, service, or interest in addressing the dangers of crime and related areas such as social justice and security, or to overcome border and sovereignty issues that may hinder national efforts to pursue criminals and track down sources of threat. This cooperation can take the form of mutual legal, judicial or police assistance, and may be limited to two countries or extend regionally or globally. International security cooperation is considered one of the important mechanisms through¹ which crimes are prevented and their occurrence reduced, as confirmed by investigations into general and especially cybercrimes

It is impossible for a state alone to curb these international crimes that transcend its territorial boundaries, because the security apparatus of any state, no matter how advanced and developed it is, cannot track down and pursue criminals except within the framework of the territorial boundaries of the state to which it belongs

Tracking down and prosecuting the perpetrators of these transnational crimes requires conducting investigations, inquiries, and searches outside the borders of the country where the crime was committed

This highlights the importance of international cooperation as a vivid example of the unity and cohesion of the international community in the field of combating cybercrime in particular

In this regard, the International Criminal Police Organization (INTERPOL) plays a fundamental role in strengthening this international cooperation. This is what we will address by highlighting the efforts of this organization

¹ ,Soufiane Ab Nemer, Youssef Boukchridah, Combating Cybercrime within the Framework of International Law Master's Thesis, Mohamed Khider University, Biskra, Academic Year 2020/2021, p. 23

Section 1: Definition of Interpol

Interpol is the largest international police organization, established in 1929 and headquartered in Lyon, France. As stated in its constitution, it consists of: the General Assembly, the Executive Committee, the General Secretariat, National Central Bureaus, Advisors, and the Interpol File Control Committee. Formerly known as the International Criminal Police Organization, it has 182 member countries. It can be said that Interpol is a specialized international organization concerned with international cooperation among its member states in combating crime and tracking down criminals

Section Two: Interpol's Strategy in Combating Cybercrime

In 2004, the International Criminal Police Organization (Interpol) established a special unit to combat cybercrime. The organization also collaborated with the G8 group of nations to develop a strategy to address this type of crime, through

a) Establishing a secure network communications center operating 24/7

This week, at the level of police departments in the member states. B- Using modern methods in this fight, such as using a central image database

c) Providing the police forces of the member states with informational booklets on crimes Information technology and how to train

It is responsible for combating and investigating them. Thus, Interpol establishes relationships between countries and the organization and facilitates the exchange of information between investigative authorities regarding multinational crimes, such as those related to crimes Information technology. Thus, Interpol is a global organization specializing in combating international and transnational crimes, including crimes Information technology, as confirmed by the results of the 77th session of the Interpol General Assembly, where Interpol Secretary General Mr. Bronford Noble called on all governments and states to support and develop systems for exchanging information on suspects and to combat the growing terrorism worldwide in all its forms, including cyberterrorism

Therefore, this organization is considered the largest and most important global network for exchanging police information among the police forces of member states. Accordingly, Article of the organization's charter defines its primary objectives as two main points: 1 2

To confirm and encourage mutual assistance to the widest extent possible between the .1 .criminal police authorities within the limits of the laws in force in the countries

Establishing and developing systems that contribute effectively and efficiently to preventing .2 .and combating common law crimes

Among the achievements of Interpol in combating cybercrime is the operation conducted by the US Federal Bureau of Investigation (FBI) in conjunction with Interpol to track down the individual who distributed the love worm via the internet in the Philippines. Also noteworthy is the 1998 operation by Interpol, the FBI, and British police, which resulted in the dismantling of a website containing over 75,000 inappropriate images of children and the arrest of 107 individuals in 12 countries. Another significant achievement was the arrest of a young German man for distributing a virus, a joint operation between Interpol, the US FBI, and German police. It should be noted that, similar to this organization, the European Council was established in 1991

Luxembourg is a European police force intended to serve as a link between national police forces in member states

The parties, as well as the International Web Police, established in the United States in 1986 to receive complaints from network users, pursue cybercriminals and hackers, search for evidence against them, and bring them to trial. The organization's staff includes specialists from law enforcement agencies, government institutions, police officers, and technicians from countries around the world. At the Arab level, the Arab Bureau of Criminal Police was established by the Council of Arab Ministers of Interior and Justice in 2010 with the aim of securing and developing cooperation between the police forces in member states in the field of combating crime and pursuing criminals

second requirement : International security cooperation in the field of combating cybercrime

However, it is obvious that geographical boundaries and the problem of territorial jurisdiction stand as obstacles to the procedures. Criminal prosecution of perpetrators of crimes Especially in cybercrime, which is characterized by its transnational nature, the perpetrator of an attack may hold the nationality of one country while carrying out the crime from the devices of another, with the effects of the crime occurring in a third country. This underscores the urgent need to unify efforts regarding the exchange of data related to the crime and information that allows for the identification of criminals, given that it is impossible for a single state to eradicate this crime alone. Police forces can only track and pursue perpetrators within their own borders; that is, once a criminal flees beyond the state's borders, they remain safe from¹ prosecution. The importance of security cooperation is evident in the adoption of sophisticated investigative tactics in the field of combating cybercrime, utilizing modern communication technologies such as closed-circuit television, employing specialized investigative and surveillance methods, and utilizing communication and security coordination channels between relevant authorities via satellite and the internet to facilitate the rapid exchange of information

Security cooperation is one of the most important mechanisms that contribute to combating crime. Electronic means by enabling countries to pursue and track criminals across national borders through Its mechanisms operate thanks to the cooperation and collaboration of nations with the aim of reducing these crimes. The unusual and tracking down its perpetrators

Section One : International Judicial Cooperation

International judicial cooperation, also known as mutual legal assistance in criminal matters is one of the most prominent and important applications of international cooperation in combating crime, particularly cybercrime. International judicial cooperation aims to coordinate between judicial authorities regarding criminal procedures, from investigation to sentencing, and to ensure that no one escapes punishment. International legal assistance is defined as: "Any judicial action taken by a state that facilitates the prosecution of a crime in another state"²

¹ Qazran Mustafa, Zarqin Abdul Qadir, International Mechanisms for Combating Cybercrime, Voice of Law Journal, Volume 8, Issue 2, Year 2022, p. 1226

² Suleiman Abu Nimer, Youssef Boukchridah, previous reference, p. 31 2 - Article 16 of Law 04/09 containing the special rules for preventing and combating crimes related to information and communication technologies.

The Algerian legislator stipulated in Law 04/09 , Article 16

Based on the principle of mutual international judicial assistance, it is considered that, within the framework of ongoing judicial investigations into cybercrimes, competent authorities can exchange international judicial assistance to collect evidence related to the crime in electronic form. ²

International judicial assistance is achieved through three steps: The request -1: This is submitted by the state with criminal jurisdiction and is normally done through diplomatic channels. However, international agreements allow for direct contact between the judicial authorities of the two states to save time. Examination of the request -2: This is carried out by the state providing assistance (determination of jurisdiction).

C - Implementation of legal aid:

It is done in accordance with the rules of the country from which it is requested.

International judicial assistance takes several forms, the most prominent of which are:

Information exchange:

Algerian legislator, in the aforementioned law 04-09 , Article 17 explicitly stipulated the exchange of information and the taking of measures. Precautionary measures are taken by responding to requests for assistance from foreign authorities to exchange information or to take any precautionary measures in accordance with relevant international agreements or bilateral international agreements and the principle of reciprocity. ¹ Providing information includes all documents requested by a foreign judicial or security authority in connection with a crime, charges brought against its nationals abroad, and related procedures. The measures taken against them may also include the criminal records of offenders in order to identify the criminal past of the individual referred to it, particularly for determining the provisions related to recidivism and other procedures. However, the internationalization of the criminal record is only done through agreements for the exchange of information between the requesting and requested states. A good example of this is what was stated in Article 15 paragraphs 1 and 2 of the Agreement on Judicial Cooperation in Criminal Matters between the Democratic Republic of Algeria and the Kingdom of Morocco , which stipulated that:

1. The Ministry of Justice and the two parties shall exchange data on judgments recorded in the criminal record.

Judicial and issued by the judicial authorities of each of them against the nationals of the other state and persons born in its territory.

- 2. In the event of prosecution before a judicial authority of one of the contracting parties , ² the competent judicial authority may obtain from the competent authorities of the other party the criminal record of the person being prosecuted.

Section Two/ International Judicial Delegation:

International judicial assistance is one of the most important forms of international judicial cooperation, aiming to activate legal protection by completing all investigative procedures, even if they occur outside the jurisdiction of the national judge. International judicial assistance aims to overcome obstacles hindering criminal proceedings in light of the evolving nature of

¹ Law, 04-09, Article 17

² Ben Yahia Abdel Fattah, Karak Fatiha, previous reference, p. 32

procedural norms. It has become a way to mitigate the rigidity of the principle of territoriality in criminal law, contributing to the development of mechanisms for judicial assistance between states in criminal matters. This allows national judges to rely on the results of international judicial assistance conducted by a foreign judicial authority. It refers to a request for a judicial procedure within a criminal case, submitted by the requesting state to the requested state, due to the necessity of that procedure in resolving a matter before the judicial authority in the requesting state, which is unable to carry it out itself. This is highlighted in Articles 16 and 17 of Law 04/09 mentioned above.

Algerian legislator, in Article 18, paragraph 1 of Law 04/09, has set a number of restrictions under which requests for foreign judicial assistance are rejected, namely requests for assistance that would prejudice national sovereignty or public order, and this is a matter left to the state. The Ministry of Justice, often according to bilateral international agreements assesses the implementation or non-implementation of what is requested of it. According to the text of Article 16, paragraph 1 of Law 04/09, the legislator included the principle of dual criminalization, even if it was not explicitly stated. The article stipulates that "within the framework of ongoing judicial investigations or inquiries to examine the crimes covered by this law and to identify their perpetrators, the competent authorities may exchange international judicial assistance to collect evidence related to the crime in electronic form. Consequently, a state cannot provide judicial assistance to another state in investigations or inquiries concerning acts that are not criminalized within its own jurisdiction. Therefore, with regard to the substantive provisions of the law related to information and communication technologies, the state must prepare texts that are as consistent as possible with the legislative texts of other countries. This is called the harmonization of national laws, particularly their penal provisions, in order to avoid the existence of loopholes or conflicting interpretations of the conditions that must be met to justify criminalization.¹

Third Branch: Extradition of Criminals

The transnational nature of crimes is no longer. Electronic means constitute a key element in pursuing and punishing perpetrators of these crimes, thanks to this form of judicial cooperation. Consequently, states can now transcend their territorial boundaries to exercise judicial power over fugitive criminals through the extradition system. The extradition system is a vital and essential component of international judicial cooperation in procedural criminal matters, whereby the requested state extradites the wanted person, whether an accused or convicted individual, to the requesting state. This is done pursuant to a legislative or treaty provision, international custom, or other means.¹

The extradition of criminals in the field of combating cybercrime has been the subject of numerous international agreements and treaties, most notably the Budapest Convention on Cybercrime, specifically Articles 24, 23, 12, and 25 and the European Council's Recommendation No

Regarding the problems of criminal procedures related to information technology, through recommendation

) 13/95 dated September 11, 1995

¹ Ben Yahia Abdel Fattah, Karak Fatiha, previous reference, p. 34

Cybercrimes are among the most dangerous modern crimes, the harm of which extends to several countries in the world, through the simplest and fastest means represented by the computer and the Internet network that covers most countries of the world. The criminal can commit the criminal act from one country and cause its effects in another country or several countries.

1 - Zaghoudi Omar, Journal of Legal and Economic Research, Judicial Mechanisms for ,International Cooperation in Combating Transnational Organized Crime, Institute of Law Aflou, 2020, p. 107 2 - Farid Nashef, previous reference, p. 442

Therefore, it was necessary for states to cooperate with each other by implementing the relevant international conventions on international cooperation in criminal matters, and in particular in the field of extradition. This procedure was stipulated in Article 82 2016¹ of the Constitution.

However, extraditing criminals does not happen without formal procedures and controls; it is necessary to

Conditions for this include:

Dual criminalization, meaning that the act for which extradition is sought is a crime in both the state from which extradition is requested and the state requesting extradition.

- The perpetrator must be on the list of crimes Regarding the permissible delivery, there is a list

It contains a negative aspect regarding crimes or events for which extradition is not permitted

Section Two: Electronic Obstacles to International Cooperation in Combating Crime

First requirement: International obstacles to cooperation in combating cybercrime

The international community has realized that the perpetrators of the crimes Information technology has expanded its influence across the globe thanks to its power, reach, and sophistication. Therefore, the international community has recognized the necessity of international cooperation to combat crime – particularly cybercrime – and to take appropriate measures. Which aims to combat them. The inevitability of international cooperation is confirmed to confront the increasing necessity of criminal activity and its various manifestations in every country of the world, to the point that no country, regardless of its level of power and civilization, can do without entering into mutually beneficial cooperative relations with other countries. Its internal efforts in combating or prosecuting crimes are no longer sufficient to prevent crime or reduce its scale, given the expanding scope of these ,crimes. This includes the spread of criminal activity across multiple continents or countries the ease with which criminal elements can move, escape, or disappear, and even the possibility of committing crimes remotely by exploiting technology. All of this occurs against a backdrop of significant challenges and obstacles to confrontation and prosecution, such as legislative shortcomings in states, conflicting national interests, and differing legal and procedural systems. International jurisdiction disputes, and problems related to international judicial

¹ Article 82 of Law 01/16 dated March 6, 2016, which includes the constitutional amendment, stipulates that: "No one shall be extradited outside the national territory, except pursuant to and in application of the law on ".extradition

delegation, such as the idea of absolute national sovereignty, the slowness of delegation procedures, as well as problems related to the extradition of criminals.¹

Therefore, the international community must redouble its efforts to combat these crimes. And overcoming various obstacles

Second requirement: At the national level

There are numerous obstacles and impediments to international cooperation in combating cybercrime at the national level. Among the most significant problems is the inadequacy and inadequacy of existing laws, as many provisions of criminal law are inadequate. Furthermore cybercrimes, in most of their forms, are characterized by being covert and hidden, making them difficult to prove

First branch: Inadequacy of domestic criminal laws

The legislative shortcomings of countries are considered the biggest challenge facing the fight against cybercrime, as many domestic laws contain general rules and procedures that apply to traditional and familiar crimes, but the elements and conditions of traditional crimes differ

Branch Two : Difficulty in proving cybercrime:

The special nature of such crimes This makes proving the crime extremely difficult and easily erasable. Police, prosecutors, and judges often find themselves unable to obtain conclusive and sufficient evidence. Furthermore, the available evidence may be limited to aspects of a purely² moral nature, thus preventing proof of harm. Moreover, the perpetrator in these crimes... It seeks, as much as possible, to hinder access to the evidence by encryption or by directly erasing the evidence in record time.

Cybercrime has no physical traces as it occurs in an invisible digital environment, which requires investigators to have sufficient scientific knowledge and expertise in computer systems in order to uncover the circumstances of these intractable crimes that require technical expertise not available to the ordinary investigator.

cybercrimes raise a particular issue concerning the matter of proving them. This topic remains a fertile ground for discussion and analysis by both judges and legal professionals. The importance of electronic evidence in cybercrime cases has emerged due to the inadequacy of the procedural means of proof currently used in the field of cybercrime. The ordinary nature of the physical environment in proving crimes Which are committed in the virtual environment. It is worth noting in this context that addressing the problem of proving cybercrime now requires the combined efforts of legal professionals and investigative bodies at both the national and international levels. While it is often not impossible to obtain physical evidence in cases of ordinary crimes, proving it in the case of cybercrime is extremely difficult especially given the technological developments in our contemporary world, which have facilitated the commission of these crimes without leaving any physical evidence that would enable administrative and investigative bodies to pursue the perpetrators using procedural means. Ordinary, and there is nothing strange about that as long as it is committed by a criminal who takes advantage of modern technological methods and techniques to carry out procedural

¹ Adel Abdel Aal Ibrahim Kharashi, Problems of International Cooperation in Combating Cybercrime and Ways to Overcome Them, Faculty of Sharia and Law, Cairo, 2014, p. 173

² Qazran Mustafa, Zarqin Abdul Qadir, International Mechanisms for Combating Cybercrime, Voice of Law Journal, Volume 8, Issue 2, Year 2022, p. 1235

acts in various parts of the world via the Internet, as well as using his intelligence and scientific and practical capabilities that enable him to erase the traces through which they can be identified.

Third requirement: On the international level

International cooperation to combat cybercrime is essential and widely advocated, but several problems and obstacles hinder its realization. Among the most significant of these is the issue of conflicting jurisdictions, stemming from the characteristics of cybercrimes, their transnational nature, and their global impact and planning

Section One: The Problem of International Jurisdiction Conflicts

Cybercrime is a scientific model of the jurisdiction problem. The term "international jurisdiction" refers to the following set of rules that define the limits of the jurisdiction of courts regarding legal relationships with a foreign element in relation to foreign courts that dispute this jurisdiction

The second branch: The problem of judicial delegation and the problem of extraditing criminals

First: Challenges related to judicial delegation

:These challenges manifest themselves in two aspects, namely the following

A-Challenges related to the concept of sovereignty

,Sovereignty means the supreme authority of a state over its subjects and their dependents unrestricted by any external dependency or influence. It exclusively exercises all powers within its territorial boundaries in relation to its subjects, and acts abroad on an equal footing¹.with other similar sovereignties

B- Challenges related to the procedural aspects of delegation:

Judicial delegation is considered one of the most prominent forms of international judicial assistance. While it is carried out through diplomatic channels, it is often characterized by slow and complex procedures that are incompatible with the nature of the internet and its speed, a fact that has impacted crimes. On the one hand, this relates to the internet (electronic), and on the other hand, the lack of trained staff or the result of language difficulties and differences in procedures may hinder this international cooperation in the framework of curbing cybercrime

Second - Challenges related to the extradition of criminals:

International cooperation in the field of extradition to combat and confront crime Electronic technology was a requirement that most, if not all, countries sought to achieve, but there are difficulties and obstacles that stand in the way of achieving it, the most important of which can be mentioned below:

A - Lack of a standardized model for criminal activity

means there is no general agreement among countries regarding crime models. Electronic crimes that must be reported, what is considered an electronic crime may be considered a traditional crime in another system as a result of the difference in customs, religions and

¹ Youssef Boukchrid, previous reference, p. 48

cultures from one society to another, and consequently the difference in legislative policy from one society to another.¹

for **The rush to deliver the goods** This means that several countries are seeking the same person because he committed the same crime or multiple crimes in several countries. Electronic services are available in different countries, and it is not required that the requests be sent simultaneously to the requested country. Rather, it is sufficient that they arrive in succession to the requested country, as long as the person requested is still present on its territory, and then he is handed over to any of the countries that are demanding extradition.

The diversity and differences in procedural legal systems: Due to the diversity and differences in procedural legal systems, methods of investigation, inquiry, and trial that prove useful and effective in one country may be useless in another

, Other, or it may not be permitted to be carried out, as is the case with electronic monitoring delivery

What is the monitoring process, covert operations, and other procedures? Similarly, if a method of gathering evidence or investigation is considered legal in one country, the same method may be illegal in another. Consequently, the first country will be disappointed by the inability of the law enforcement authorities in the other country to use what it considers an effective tool, particularly in the field of extradition.

In addition, the judicial authorities of the second country may not allow the use of any evidence collected in ways that this country considers to be illegitimate, even if this evidence was obtained within a jurisdiction and in a legitimate manner, which may violate the principles of a fair trial, which leads to countries evading extradition and thus the escape of a criminal or a criminal organization behind him from punishment.

B- Lack of communication channels:

The most important objectives of international cooperation in the field of extradition to reduce crime are to obtain information and data related to fugitive criminals. To achieve this objective, there must be a communication system that allows the investigating authorities to contact foreign entities to collect specific evidence or important information. The absence of such a system means the inability to collect practical evidence and information that is often useful in addressing specific crimes and specific criminals, and thus the benefit of this cooperation is lost

Conclusion

.International cooperation is considered the general and primary principle in combating crime. Electronic law serves as a cornerstone, but it faces numerous difficulties and obstacles at both the international and national levels. The issue of delegation (or delegation) presents international challenges such as conflicts of international jurisdiction and the extradition of criminals, which arise from the clash of interests between subjects of international law and the concept of sovereignty. National challenges primarily stem from legislative shortcomings and the inadequacy of domestic criminal laws due to the specific nature of these crimes. And the difficulty of proving it.

¹- ,Chachoua Zahra, Arar Amal, Combating Organized Crime within the Framework of the Extradition System. Master's Thesis in Criminal Law, University of Bouira, Faculty of Law, 2019-2020, p. 85

To overcome these obstacles, it is necessary to conclude international treaties that eliminate the conflict between subjects of international law, through the creation and enactment of a unified model law on crimes. Electronic means to activate the control system.