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Economic Analysis of Law About the Prevention of Cyber Wrongdoing—Focusing on the On-line Game Dispute

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Abstract

People who get on the Internet by broadband facility, such as ADSL (Asymmetric Digital Subscriber Line), are increasing tremendously these days and that has been bringing diverse impacts on our society. According to a survey conducted by the Taiwan Network Information Center, the on-line game is one of the most popular amusements among those activities. Due to the trend of playing on-line games, many legal disputes are inevitably invoked on the Internet. Firstly, we have to think about how to adjust legal rules or to enact new statutes and then applying them to Cyberspace. In order to deal with those disputes, the Legislative Yuan enacted the whole new Chapter of Criminal Code, Crimes of Disrupting Computer Usages, on June 3, 2003. However, there should be a gap between the law in books and law in action. For the purpose of examining whether the objects of law are fulfilled or not, we should not only be focusing on the logical procedure of legal tradition, but also excising a new approach, economic analysis of law, to evaluate the effects of the new statute and, in addition, to provide a different point of view for judges and other legal enforcement agents to elaborate the new law.

For the sake of resolving on-line disputes by the new statute, this article will analyze the issue through cost-benefit module based on economic analysis. The

point here is how to increase the cost of committing the perpetration that would keep a rational and self-interest person away from the wrongdoing act. Furthermore, the benefit of increasing the cost of perpetration would decrease the cost of legal enforcement. As a result, we will achieve the purpose of law for preventing on-line game crimes.

Keywords: economic analysis of law, cyber-crime, on-line game, cost of crime, cybertorts