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FAKE ACCOUNT ON FACEBOOK: IS IT LEGAL?

Have you ever bumped into a fake account on Facebook? And then, have you ever wondered what happens if someone creates a profile of that kind? The answer to this question was given by the Court of Cassation in 2014.

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Have you ever bumped into a fake account on Facebook? And then, have you ever wondered what happens if someone creates a profile of that kind? The answer to this question was given by the Court of Cassation in 2014.

It is undeniable that by remaining anonymous it's easier to speak what you really think, or to harass and disturb other people. However, when this form of behaviour gets out of control, it can cause serious damage to the victim's psyche, especially because we are convinced that changing identity and being anonymous are supposed to be like an impenetrable armour. Fortunately, from this perspective, things are changing. Despite the lack of specific rules to discipline this aspect, the law is taking actions in order to make the user clear when his actions are illegal and socially unacceptable.

I want to focus my attention on a case that opens with a complaint against a neighbour who had created a fake account on Facebook so as to harass someone's family. After being sentenced by a second degree judge, the woman in question decided to appeal to the Court of Cassation.

As reported into the sentence 9391/2014 (February 2014, 26), the Court of Cassation has confirmed the previous verdict, by saying that creating a fake account on Facebook is not considered a crime, although it must be specified that according to the Facebook terms of service, it cannot be created any so-called "fake" account. In this case, the organization itself can make a complaint against the "fake users" for having violated the contractual rules, but cannot (it is safe to say) act in terms of criminal actions.

As far as the sentence is concerned, the Cassation has decreed that the person who creates a fake account on Facebook by making use of a fake nickname (in order to hide his real identity and harass other people on chat) is liable to prosecution for the crime of impersonation.

According to the sentence given by Supreme Court, this form of behaviour constitutes a violation of article no. 494 of the criminal code, which affirms that whoever aims to produce a gain for himself or for others, or to damage someone, and by doing so mislead him.

As data report, it seems that one out of three profiles on Facebook has to be considered as a fake one: this mainly happens as a consequence of taboos and other problems which deals with with our private life as humans beings. This leads to the typical situation in which one tends to behave differently according to the account used (relaxed with the official profile, whilst unconscientious with the fake one). However, it must be remembered that whatever name you choose, you'll be localized thanks to the User ID, since every internet connection can be tracked to its specific location.

In case you are harassed on Facebook or on any other social media, the first step you have to do is to file a complaint to the police who will then try to identify the subject; Next it will be taken legal proceedings against them.

In conclusion, pay attention to what you say or what you do on social networks: this is not, as many wrongly believe, an world without consequence.

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