

# [The cybercrime act 2015 section 5 "illegal remaining”](https://assignbuster.com/the-cybercrime-act-2015-section-5-illegal-remaining/)

Thefollowing are the stimulation or explanation which show to what extent has thecybercrime act 2015 and electronic transaction act 2015 guarantee the provisionissued in the article 16 and 18 of the constitution of the united republic ofTanzania as follows;       Cybercrimeact 2015 section 5 “ Illegal remaining” A person who receive the right to accessthe computer at the certain interval of time, that person is not supposed toremain in a computer or continue to use a computer system after the expirationof time which he was allowed to access the computer system by the owner of thatcomputer system.        Cybercrime act 2015 section 4 “ illegalaccess” Every person have the right to access on his own computer system butthere is no right for the another person to have the ability to intentionallyand unlawfully access or cause a computer to be accessed without thePermissionfrom the owner or the person who have the right to access, in this case it supportthe provision issued in the article 16 & 18 “ right to privacy and personalsecurity”.

Cybercrime act 2015 section 6″Illegal interception” Due to the right toprivacy and personal security  and Thefreedom of Expression according to the constitution of republic of Tanzaniaarticle 16 and 18, there is no any person who have the right to intercept byany technical means or methods such as to intercept a private transmission to, from or within a computer system, to intercept a private electromagneticemission from a computer system and also to intercept a private  computer that is connected to anothercomputer and other.         Cybercrime act 2015 section 7 “ Illegaldata interference” Due to the right toprivacy and personal security and the freedom of Expression according to theconstitution of republic of Tanzania article 16 and 18, there is no any rightwhich  permit the person to have a law todelete computer data , alters computer data, damage or deteriorates computerdata,  render computer data meaninglessand obstruct, interrupts with any person in the lawful use of computer data ordenies access to computer without the permission from the owner of those computerdata      Cybercrime act 2015 section 8 “ Data espionage” this is the process of obtaining the secrete or confidential informationwithout the permission of the holder of the information  cyber espionage is a very complex process it’snot just the act of dumping malware onto a computer and having a free-for-all. It is more of a sophisticated campaign where the attackers have chosen theirtarget, the type of information they’re looking to steal, or they could just belooking to cause damage, so in case the article number 16 and 18 of the constitutionof republic of Tanzania try to defend the right to privacy and personalsecurity and to explain more about the right of the person to his or herprivacy information           Electronic Transaction act 2015 section 7″secure electronic signature”, An electronic signature refers to data inelectronic form, which is logically associated with other data in electronicform and which is used by the signatory to sign, this type of signatureprovides the same legal standing as a handwritten signature and it should besecured as long as it adheres to the requirements of the specific regulation , so in this case it support the article number 16 and 18 of constitution ofrepublic of Tanzania of  right to privacyand personal security and The freedom of Expression and also in section 8″Application of secure electronic signature” the application which will  be used in secure the electronic signatureshould be applied by the holder of the secure electronic signature and affixedby the holder with the intention of signing or approving  the electronic communication.

Finallythose above explanation show to what extent has the cybercrime act 2015 andelectronic transaction act 2015 guarantee the provision issued in the article16 and 18 of the constitution of the united republic of Tanzania but also thereare some drawback such as:         Cybercrime act 2015 section 41 “ Hostingprovider”, hosting provider is the person who provide the hosting services tothe person in order to host his/her information so in cybercrime those hostingproviders are allowed to remove or disable those information after receiving anorder from any competent authority or curt to remove those specified illegalinformation store by the user, which is out or against with article 16 and 18of constitution of republic of Tanzania which show the right of the person tohis or her information.       Cybercrime act 2015 section 43 “ Hyperlinkprovider”, hyperlink provider is the person who provide the link in order toreach to the certain information by clicking that link so in cybercrime thoseprovider are allowed to provide the person link or to remove and disable accessto the information after receiving an order to do so from the relevantauthority in this case cybercrime in this section fail to guarantee theprovision issues in the article 16 & 18.