

The cybercrime act 2015 section 5 "illegal remaining"



The following are the stimulation or explanation which show to what extent has the cybercrime act 2015 and electronic transaction act 2015 guarantee the provision issued in the article 16 and 18 of the constitution of the united republic of Tanzania as follows; Cybercrime act 2015 section 5 " Illegal remaining" A person who receive the right to access the computer at the certain interval of time, that person is not supposed to remain in a computer or continue to use a computer system after the expiration of time which he was allowed to access the computer system by the owner of that computer system. Cybercrime act 2015 section 4 " illegal access" Every person have the right to access on his own computer system but there is no right for the another person to have the ability to intentionally and unlawfully access or cause a computer to be accessed without the Permission from the owner or the person who have the right to access, in this case it support the provision issued in the article 16 & 18 " right to privacy and personal security".

Cybercrime act 2015 section 6 "Illegal interception" Due to the right to privacy and personal security and The freedom of Expression according to the constitution of republic of Tanzania article 16 and 18, there is no any person who have the right to intercept by any technical means or methods such as to intercept a private transmission to, from or within a computer system, to intercept a private electromagnetic emission from a computer system and also to intercept a private computer that is connected to another computer and other. Cybercrime act 2015 section 7 " Illegal data interference"

Due to the right to privacy and personal security and the freedom of Expression according to the constitution of republic of Tanzania article 16 and 18, there is no any right which permit the person to have a law to delete

computer data , alters computer data, damage or deteriorates computer data, render computer data meaningless and obstruct, interrupts with any person in the lawful use of computer data or denies access to computer without the permission from the owner of those computer data

Cybercrime act 2015 section 8 " Data espionage" this is the process of obtaining the secret or confidential information without the permission of the holder of the information cyber espionage is a very complex process it's not 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 their target, the type of information they're looking to steal, or they could just be looking to cause damage, so in case the article number 16 and 18 of the constitution of republic of Tanzania try to defend the right to privacy and personal security and to explain more about the right of the person to his or her privacy information

Electronic Transaction act 2015 section 7 "secure electronic signature", An electronic signature refers to data in electronic form, which is logically associated with other data in electronic form and which is used by the signatory to sign, this type of signature provides the same legal standing as a handwritten signature and it should be secured as long as it adheres to the requirements of the specific regulation , so in this case it supports the article number 16 and 18 of constitution of republic of Tanzania of right to privacy and 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 signature should be applied by the holder of the secure electronic signature and affixed by the holder with the intention of signing or approving the electronic communication.

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Finally those above explanation show to what extent has the cybercrime act 2015 and electronic transaction act 2015 guarantee the provision issued in the article 16 and 18 of the constitution of the united republic of Tanzania but also there are some drawback such as: Cybercrime act 2015 section 41 "Hosting provider", hosting provider is the person who provide the hosting services to the person in order to host his/her information so in cybercrime those hosting providers are allowed to remove or disable those information after receiving an order from any competent authority or court to remove those specified illegal information store by the user, which is out or against with article 16 and 18 of constitution of republic of Tanzania which show the right of the person to his or her information. Cybercrime act 2015 section 43 "Hyperlink provider", hyperlink provider is the person who provide the link in order to reach to the certain information by clicking that link so in cybercrime those provider are allowed to provide the person link or to remove and disable access to the information after receiving an order to do so from the relevant authority in this case cybercrime in this section fail to guarantee the provision issues in the article 16 & 18.