

Inspection of Electronic Crimes

Preparation by: Ashraf Ahmad Mostafa Amouri

Supervised :Dr. Habes Zedat

Abstract

In recent years, the world has witnessed a tremendous development in the field of communications and information technology, and people are relying on this technology in their daily lives and preserving their privacy and happiness. Some have abused this modern technology to attack society and threaten its security and stability, “Crimes of global technology” .

Inspection is one of the ways to search for evidence. It focuses on electronic crimes on the means of information technology. The inspection of these means requires specialized authority and technical tools to assist in the extraction, control and preservation of electronic evidence. This work is difficult and hard that one person cannot do. Integrated, with the need to take into consideration the safeguards prescribed for inspection and approved by the Constitution and the law, and came by the regional and international conventions.

This study is entitled "Inspection of Electronic Crimes", whose importance lies in disclosing the extent of the obligation of the competent authority to take into account the guarantees of inspection, The problem has come up with the following question: Is the Palestinian legislator in the development of an integrated legal system that takes into account the specificity of the procedures of inspection and control of cybercrimes, and the creation of a balance between the human right to have privacy and the right of society to punish criminals? The aim of this study is to clarify the concept of inspection, its image, its characteristics, its legal nature and its purpose. The objectives of this study are to show the privacy of the inspection of electronic crimes and to explain how to obtain, and store electronic evidence through what was explained in Law No (10) for the year 2018, on the Palestinian electronic crimes, And Palestinian Penal Procedures Law No. (3) Of 2001, and the comparative laws.

The researcher dealt with the computer in the first section, the Internet in the second section, the electronic crime and its characteristics in the third section, its legal nature in section 4, and the methods of proving it to the inspection, which we identified, reviewed its characteristics, and determined its legal nature and purpose in section 5.

In the first chapter of the thesis, the researcher examined the specificity of the investigation of electronic crimes. In the first section the competent authority to inspect electronic crimes was examined.

The second part of the thesis dealt with the specificity of the procedures of the search and control of electronic crimes. In the first part, we discussed the specificity of the procedures for searching electronic crimes.

At the end of the study, the researcher concluded that the Palestinian legislator in the Electronic Crimes Law did not approve all the inspection guarantees stipulated in the Code of Criminal Procedure, and that the inspection of electronic crimes is one of the most serious and accurate procedures of investigation. The need of an integrated procedural system, and a specialized trained and technically qualified authority, armed with electronic tools to conduct, extract and maintain evidence, and overcome electronic custody. This inspection is a difficult procedure that needs an integrated team, and can extend beyond the borders of the state, and needs Li cooperation between States.

At the end of his study, the researcher also recommended the establishment of a special procedural system for the inspection of electronic crimes, which guarantees the inspection guarantees, the explicit provision in the law that the non-material means are subject to inspection and seizure, the location of their storage, the permission of the competent authority, and the creation of a manual for electronic crime investigation and seizure procedures and the establishment of a national council to combat cybercrime.