

Inspection And Seizure In Computer And Internet Crimes

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Abstract

Through this study, the researcher discussed the issue of inspection and seizure in computer and internet crimes. This was done through the provisions of the Palestinian Criminal Procedure Law No. (3) for the year 2001 in force. This is also done through the decision of law No. (10) for the year 2018 on the Palestinian electronic crimes of which has been recently issued. Moreover, the researcher mad a comparison between the aforementioned Palestinian laws and Jordan Electronic Crimes Law No. 27 of 2015 and Jordan Criminal Procedure Code No. 9 of 1961, Amended, with reference to other laws, As necessary, such as the 2001 European Convention on Cybercrime.

This study is devoted to the subject of inspection and seizure as they are two of the ongoing investigation procedures on computer and Internet crimes in an attempt to uncover the crime and its proportion to its actor. The study also examined all aspects related to this subject in terms of the concept of inspection and seizure, their characteristics, their formal and objective conditions, their legal controls, Procedures relating to the inspection of places and persons as procedures applicable to computer and internet crimes, as well as the process of inspection of computer systems and the internet, and the seizure procedures for this inspection process. The study also stood on the subject of the suspect's information security during the inspection and seizure of computers and the internet and the consequences of not observing these guarantees .

This study aimed at finding out all the legal texts related to the issues of inspection and seizure contained in the Palestinian Penal Procedures Law No. (3) for the year 2001 and the Decree Law No. (10) for the year 2018 regarding Palestinian cybercrimes .This was done in an attempt to achieve practical and procedural harmony regarding the inspection and seizure operations in computer and internet crimes in Palestine using both the rules contained in the Penal Procedures Law and the aforementioned law.

The researcher used the comparative analytical approach and this was by explaining and comparing the aforementioned laws in force, in the light of jurisprudential and legal opinions, and referring to some provisions of the Egyptian Court of Cassation as well.

The study came out with a set of results. The most important of which was the practical and legal feasibility of the implementation of the provisions of Decree Law No. (10) of 2018 regarding the Palestinian electronic crimes regarding the inspection and seizure in computer and internet crimes. The provisions of the Palestinian Criminal Procedure Law No. (3) for the year 2001 regarding inspection and seizure are in force in the case they do not contradict the aforementioned law resolution, especially in inspecting of places and persons related to computer and internet crimes.