

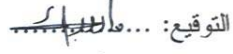
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تفويض

انا ميلاد علي ميلاد
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أو المؤسسات أو الهيئات أو الاشخاص عند طلبها.

الاسم: ميلاد علي ميلاد

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ABSTRACT

Information Systems Destruction Crime

Prepared by:
Milad Ali Milad

Supervised by:
Dr. Ali Abu Hjaila

This study has examined the crime of information systems spoliation as it happens to be one of the novel crimes resultant from the spread of computers. It has aimed at identifying the sufficiency of the traditional penal code relating to the spoliation of funds in safe guarding information systems and the need to having special legal stipulations to deal with this topic.

The researcher has examined the subject of the study in three chapters. The first deals with studying information systems by defining them in terms of materialistic and non-materialistic components of the computer system through which one can deal with information. This chapter has also tackled the statutory nature of information. The researcher has come to the result that information saved on a computer is considered materialistic movable fund which permits the possibility of considering it a venue suitable for the crime of spoliation of funds as standing in the penal code in principle.

The second chapter has examined the different views in the issue of how sufficient the standing penal stipulations are in the protection against the crimes of information spoliation. The researcher has reviewed the different jurisprudential views of the possibility of safeguarding information within the field of spoliation crimes stipulated by the penal code.

The researcher has would up with the view for this crime in principle. Despite that, there are several considerations that deems it necessary for the Libyan lawmaker to interfere in the stipulation to incriminate information spoliation through special stipulations represented by:

- The issue of safeguarding information invoked by the traditional stipulations, which incriminate a wide jurisprudential controversy which requires the interference of the lawmaker to settle this dispute where the limits of the incrimination and punishment are clear regarding this issue in accordance with the principle of the legality of crimes and penal.
- There are some cases in which the information in question lacks the feature of fund such as nominal information, which is worthy of penal protection in the light of it is importance to the owner. This calls for the interference of the lawmaker to safeguard automatically processed information as such against any spoliation affecting it disregarding its economic value.
- The incrimination of information spoliation through special stipulations is a must deemed necessary by the seriousness of there crimes since the penals standing as punishment for the crime of spoliation do not correspond with the severity of information spoliation crimes something which requires the passage of penals of its own.

The research has also comparatively examined legal templates which stipulates safeguarding information systems against spoliation crimes within special laws such as the Egyptian electronic commerce bill, the Egyptian telecommunications act, in Jordanian telecommunications act, and the Jordanian law for safeguarding authorship. The researcher has shown the shortcomings of the Libyan law in treating these crimes.

The third chapter has analytically studied the constituents of the information systems spoliation crimes in the Libyan law and other compared laws. he revealed the imperative conditions for the crime venue which are the materialistic feature, the economics value and ownership by another, the study has also studied the materialistic condition in specific by determining the fashion of criminal behavior represented by the spoliation of computer equipment, spoliation of information by hindering the automatic processing system of information, the spoliation of information saved on the computer. The study has also raised the moral condition for the crime. The researcher has shown that it is considered one of the purposed crimes in which a general intention is sufficient for it to happen and in which liability is not based on error in the Libyan, Egyptian and Jordanian penal codes save that some modern statutes stipulate liability due to error in this crime through special stipulations such as the French penal code.

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