

-constitution

-sources of law

-civil procedure code(CPC)

-criminal procedure Act (CPA)

Sources of law

1.constitution

2.national assembly

The law that are set by legislature is called an Act of parliament

3.subsidiary legislation

Law made by body other than national assembly.

4.judicial precedent

-refer to decisions of the higher courts of records are binding to the lower courts in all the subsequent similar cases.

*lacuna means a gap in the law.

5.Religious law eg probate and administration of estate

6.customary law

Based on a certain customs and traditions

7. works of academics

Secondary source of law because it is unpersuasive in nature because it is not bound to follow

*all primary sources are binding to the court(qns)

8: international law also it is a secondary law

-jurisdiction

Power and limit of the court

Types of jurisdiction

1. Territorial jurisdiction

2. pecuniary jurisdiction

3. Inherent jurisdiction is

A type of jurisdiction by virtue of the court being a court of law

*ensures that justice is done before the court of law

-this type is inherent eg human rights

4. Appellate jurisdiction

Is a type of jurisdiction Empowers the higher court to hear or entertain appeals from the lower court

5. concurrent jurisdiction

-is The type of jurisdiction where by more than one court have the power to hear the similar case. eg inheritance cases, matrimonial cases.

6. Original jurisdiction

Its opposite of the Concurrent jurisdiction

*is the type of jurisdiction which the court have the power to entertain the matter as a power of first instance.

*1. Primary court is the lowest level of court

MCA-magistrate court Act

*If someone is not satisfied with what the primary court made will have the right to appeals in MCA

2. Recidant court

3. District court

4. Higher court

5. Court of appeal

Note:

these four are the level of court

*CYBER CRIME

Is an illegal behavior directed by means of electronic operation that targets the security of computer systems and the data processed by them.

-is an illegal behavior committed by means of a computer systems or network.

-reasons which give the rise of computer law

1. electronic commerce.

2. privacy online and data protection

3. Admissibility of electronic evidence

4. computer crimes or ICT crimes

5. intellectual property rights

Eg trade mark copy right, patents.

*qn what was the genesis of computer law.

Why cybcrime being committed

1.the need of a certain data eg

2.Availability of skills

3.financial gain

4.negligence of users

5.Destroy evidence

6.Revenge.

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*CYBER CRIME

Makosa

1.murder(kukusudia)

2.manslaughter(kutokusudia)

*access of a certain services

1.intentionally or lawfully

OFFENSES AND PENALTIES

1.illegal access

2.illegal remaining

3.illegal interception

4.illegal data interference

5.Data espionage

6.illegal system interference

7.illegal device

8.computer related forgery

9.child pornography

10.pornography

Qn.Why do laws exist and penalties are imposed, yet offenses continue to occur?

It is true that laws exist and penalties are imposed, yet offenses continue to occur for several reasons. Here are some factors that may contribute to this situation:

Lack of Understanding of the Law: Many people do not have a good understanding of the laws and regulations that apply to them. This can lead to unintentional violations of the law.

Poor Enforcement of Laws: Even if laws are in place, their enforcement may be weak. This can be due to a lack of resources, corruption, or a lack of cooperation among law enforcement agencies.

Social Changes: Society evolves, and people's needs and perspectives change as well. Laws that were appropriate when enacted may no longer be suitable in current contexts.

Insufficient Penalties: People may perceive the penalties imposed as too lenient or ineffective in deterring offenses. This can lead to individuals continuing to commit offenses because they believe there are no significant consequences.

Social Norms: In some communities, there are behaviors or attitudes that accept or justify certain actions that are against the law. This can lead to individuals continuing to engage in offenses without fear of repercussions.

Lack of Education and Awareness: Education about the law and the importance of respecting it is crucial. A lack of this education can result in individuals not understanding the consequences of their actions.

To reduce offenses, it is important to enhance legal education, improve the enforcement of laws, and strengthen penalties so that they have a positive impact on society.

12.impersonation

13. publication of false information

-when you Public information that has not come from an authentic source

*disruptive

*inaccurate

*false information

13. publication of racist and xenophobic

-they are all forms of discrimination

Qn

Distinguish between racist and xenophobic

Racism is specifically about race(color), while xenophobia is about nationality and cultural differences

14. Genocide and crime against humanity

15. unsolicited messages

Note: nimeandik haya makosa lkn yanabidi yaandikwe kwa mtiririko kuanzia moja lkn kuna zingine zimejirudia kwahiyo kwenye kisoma na kuandika nabidi nisome kwa mtiririko bila kuruka hata moja hata kama zinafanana.

21&22 are the same it says that

Disclosure of details of investigation

23. cyber bullying

Qn. What is cyber bullying

Refers to unlawful act of using electronic communication to harass, intimidate, or harm another person.

In law there was

1. Accessory before the fact (aliyemuazima kitu mfanya kosa)

2. principal after the fact (aliyefanya kosa)

3. principal after the fact (aliyemficha mwenye kosa)

-what is hacking?

Hacking refers to the practice of exploiting weaknesses in computer systems, networks, or software to gain unauthorized access or control over them.

Or

Hacking is unauthorized access to or manipulation of computer systems and networks.

Or

Means unauthorized access to computer system

-Extortion

A process in which criminal intruder destruct or interfere communication system in order to execute an illegal motive.

-cyber stakicyber staking

Technical based attack from one person who have targeted specifically for the reason of anger or revenge.

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Pulling out of confidential information from bank or institution by deceptive means