Saudi Anti-Cybercrime Law of 2007

(A Comparative Study with the UAE Combating Cybercrimes Law of 2006 Amended 2012)

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References
1. Introduction

1.1 Preamble

Saudi Anti-Cybercrimes Law (hereinafter SACL) was issued by Royal Decree No. M/17, dated 26th March 2007. This law consists of 16 legal articles. These articles explain the law definition, objectives, sentences, and fines. The SACL was enacted because of the necessity of the country to prevent cybercrime which are sophisticated and growing in Saudi Arabia. The SACL also promulgated by the Saudi lawgiver because of a variety of circumstances which urge the Saudi lawmaker to put in force a piece of legislations that would tackle the expansion of cybercrime in Saudi Arabia. Therefore, the SACL worked when it was first issued, but in the recent time the nature of cybercrimes has been changed negatively and criminals who have committed cybercrimes have got used to deal with cybercrime and they understand how they can take themselves out of cybercrimes regulations and commitments. As a result, the reformation of the SACL is needed in order to equally preventing cybercrime and punishing criminals who have committed cybercrime.

1.2 Research Problem

The major research problem is to examine and analyse the current SACL articles, and ascertain the level of curiosity to reform these articles, in accordance with best legitimate articles as specified under the UAECCL.

1.3 Research Methodology

The research method used by the researcher uses two approaches, both critical analytical and comparative methods. Firstly, a critical analytical approach will be
applied, involving reviewing different bodies of literature and laws in addition to providing an overview of the cybercrimes in Saudi Arabia, and then suggesting possible reform. More specifically, diversity of cases that were heard by the Saudi courts will be referenced.

Secondly, a comparative approach will be used to achieve the aims of this paper. A comparison will be carried out between the SACL legitimate articles and those specified in UAECCL. One of the potential benefits of the comparative approach is that it defines explanations to particular or novel legal problems encountered in other jurisdictions. This is because the major target of the comparative approach is to improve the scope of laws. (Hill, 1989: 102).

However, the UAECCL has been chosen as the basis for comparison with the SACL over all other existing regional anti-cybercrimes law for the following reasons:

1) The UAECCL was enacted in 2006, so it was in existence before SACL.

2) The actuality of the strong relationship between the Kingdom of Saudi Arabia and the United Arab Emirates in many regards including culture, religion, demography, social and policies.

In this regard, it is relevant to discuss cross-cultural legal adaptation or transplantation. Legal transplantation has been defined by many scholars. One of these is Watson (1974: 21), who defines legal transplantation as ‘the moving of a rule or a system of law from one country to another, of from one people to another’. He continues, saying that ‘rules-not just statutory rules-institutions, legal concepts and structures that are borrowed, not the spirit of the legal system’. In particular, he confirms that ‘as a practical subject comparative law is a study of the legal
borrowings or transplants that can and should be made … an investigation into the legal transplants that have occurred: how, when, why and from which systems have they been made, the new circumstances in which they have succeeded and failed and the impact on them of their new environment’.

1.4 Research Aims

The principal aim of this paper is to examine whether SACL follow the regional principles of tackling cybercrime, and to consider the capacity of the SACL framework as well as to suggest improvements to SACL in order to reach satisfactory anti-cybercrime practices in line with UAECCL.

1.5 Research Questions

The research questions have been carefully selected to suggest reform to the current SACL. In other words, each question will be expanded on throughout sections of the paper. The research questions have been selected in accordance with the lack of Saudi literature dealing with the subject in English, as well as in line with previous reading and observation by the researcher. In addition to achieving the research aims, the researcher intends to answer the following questions:

1. Do the legitimate articles of SACL attain the standards of UAECCL?
2. What are the Saudi responsible legislative and judicial bodies on cybercrime?
3. Are current SACL articles appropriate or in need of reform?

1.6 Research Scope and Limitation

The focus of this paper is based on research questions. This paper is carefully limited regarding its discussion of the cybercrime, since this subject is far reaching, and can
be studied from a variety of perspectives including IT, finance, management and economics.

1.7 Research Academic Contribution

The contribution of this paper is to make recommendations to aid the reform of the current SACL regulations in accordance with advanced practices of fighting cybercrimes and wrongdoing.

2. Cybercrimes in Literature

3. Critical Analyses and Comparison between SACL and UAECCL