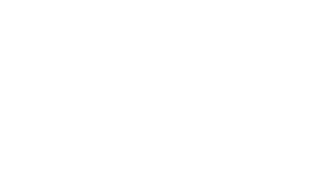
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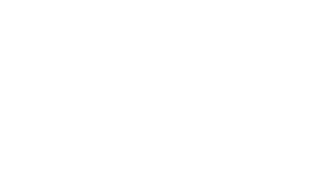


CVBERLAWS IN BRUNEI DARUSSALAM AND SINGAPORE: A
COMPARATIVE ANALYSIS

AZILLA LIYANA BINTI MORD AZAM ZAKI

FACULTY OF SHARIAH AND LAW UNIVERSIT HISLAM SULTAN SHARIF ALI BRUNEI DARESSALAM

1442H2021M



CYBERCRIME: A COMPARATIVE STUDY OF THE DEVELOPMENTS OF CYBERLAWS IN BRENELAND SINGAPORE

> AZILLA LIVANA IENTI MOIID AZAM ZAKI ISMBOS

A THINN SUBMITTED IN FULFILMENT OF THE REQUIREMENTS FOR THE AWARD OF THE DEGREE OF MANTER OF LAWS OF RESEARCH

> Faculty of Shora'sh or Allow Universiti Islam Saltan Sharif Ali

Negara Bransi Darawalara

Rajab 1442/March 2021

SUPERVISION

CYBERLAWS IN BRUNE DARKSSALAM AND SINGAPORE: A COMPARATIVE ANALYSIS

AZILLA LIYANA HINTI MOHD AZAM ZAKI ISMRSIS

spervisor:	
ignature:	Date:
eculty Deute:	Date

DECLARATION

ومتم الأوال الأروا

I hereby declare that the work in this academic exercise is my own except for austration and summaries which have been duly acknowledged.

Signature

Name: Arilla Liyana Bisti Mohd Aram Zaki

Registration Number: 153/R608

Date of Submission: 20 Rajab 1442/4 March 2021

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20 Rajab 1442 / 4 March 2021

Praise be to Allah SWT Who has never fail to falfil His SWT coverage to all of us. The appreciation is due to 12. Altered Markon, supervisor of this ecoderate exercise for his continued support and guidance during the writing of this thesis. His patience, understanding and windom throughout this journey should be commended and I are grantful for him. My special thanks is due to the Government of His Majorty, Sultan Hali Has small Folkish Ma Yenddin Waldaulah, Sultan dan Veng Di Pomuso of Houses Darawalam, who eranted me a scholarship and hence, enabled me to pursue my study it Unaversit is been Stated Sea. The extensity the Partition Sheet by and Law of the Charlests blant Suffer Short AA, the Alberta's Charlest and the Branci Judicial Courts for their assistance in suiding methysoshout this research. A

dedication is also extended for my father, Mohd Aram Zuki bin Haji Mohd Zuin, for his relations and unconditional love and support for me to achieve my dreams. He is the very ranson why I am here today.

ABSTRACT

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ARSTRAK

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مقرن أنليل وسنخوونان لاجمار بريدى وبالإنكارونية اجرمة

در حدالته (الروابة على ده در الانتصاف أو الروابة على الروابة على المواقع المنافعة المنافعة

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LIST OF AUDIEVIATIONS ACC Atteney General's Chamber Autoriti Monetari Brunei Durawalam APCIET Asia Pacific Computer Emergency Response Team Brunei Computer Missass Act 2007, Chapter 194 Branci Computer Empreson of Response Team CTAA Computer Fraud and Abuse Act of 1986 Criminal Investigation Department CID DDoS DCMA Earlish Computer Mouse Act 1999, Chapter 18 Edition FEE Federal Bureau Investigation For Inmination and Recomition of Science and Technology KT Information Communication Technology Intellectual Property IT Informational Technology Protective Security Services Sdn Bhd Ministry of Defence Manachaum Institute of Technology Number OCCURT Computer Emergency Response Team for Organisation of Islamic Constration DOCA. Pages RIPF Royal Bransi Police Fogu Sincapore Computer Missay Act 1995, Chapter 50A SMI.

TBA

Takadal Brunei Am Sdn Bhd

UK United Kingdom
UOB United Ownesse Bank
US United States

LIST OF CASES

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Brunei Penal Gode 1967, Chapter 22

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Other Laws

Computer Fraud and Abnew Acted F986, 18 U.S. Code § 1959.
Cybrococcity Act 2088 90. 91 2089.
English Computer Menter Act 1990. Chapter 18
Majorda Found Code 1956, Act 254
Understable Philikaciston Act 1967, Chapter 38
Singupon Computer Missus 1993, Chapter 50A

Singaporo Penal Code 1871, Chapter 224 Singaporo Evidence Act 1895, Chapter 72

CHAPTER 1 INTRODUCTION

1.1 Background of the Study

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 ontablishing the Cybenseasity Working Group to coordinate information sharing and formalize joint action to address and cybenseasity matter that led to the countion of the Brand Datassalan National Cybenseasity Francesork: and

2. the swring up of a Cybercine Focus Group by the Arcney General that aims to continuously mody and research international best practices while ensuring our laws are compliant with international standards; and crusting a strong light framework industry united metaggs to address/phoretises.³⁶

In Signers, dues have how as may assistance make to the Compute Masses Act (1995), Capter 350, care that we are assisted in 150, 250 of after the intermediate Man 700 of 150, 250 of a feet intermediate Man 700, 250 of 1500, at 1500 of 150

Branci is will lacking in her cyberlaws and IT system. Her existing crinical laws are will insufficient to cover the newly amongodisms of cyber wrongolsing. Rowarch has identified the limited offentiveness of the current Brancian cyber legislations in nacillites color woonscalors by one extended or in some to include during the factors that

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contribute to the respective wrongloing.¹² Marco et al anyord **list: Bitte13 C/Ort**stances are insufficient to ange with cyburcrime which keeps evolving rapidly with technology.²³

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1.2 Reason for Tonic Selection

These are various masses why the researcher has chosen this topic for her research. Here at this at that to AUCS in meaning the most distinate Soften a guidance to combit the completing for of cybercotine in the consenty, Further, Breast is aiming to homese a Seniar Nation as well. ¹⁶ This brings to mind of Singapore, a Seniar Nation whose cyberless have been consumity assessed to unit to cybercine challenges. Therefore, Singapore has been closen for a companyable sendy with them of an thir cyber Singapore has been closen for a companyable sendy with the finesi on their cyber.

1.3 Problem Statement

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"Macon Security (Services of Macingles 2020.
"Woods West, (2020) February 7) Branci records many 80 per continuous in spherocusei

paramount importance to note that the main problem faced by Brunei is that the lack of cyberlaws to deal with or combat the increasing cybercrimes. According to Christopher No. a Denuty Public Prosecutor at the Criminal Justice Division of the feel that cyber stalking, online harasoment, phishing are currently not appropriately control and no nail results how into the an endments of our base in the fatter "" to Brunel, the challenges that the prosecutors have to face are the lack of cyberlaws Bruncian coverament. Although there were efforts to warn the public about the

her laws and IT system. It needs consistency when it comes to attending the legislations to suit the present situation. There is limited effectiveness of the current Brunelan other levidations in tackline other wronedoine due to its limited score.14 Marco et al conjectured that Hymnel & Privations are insufficient to come with cybercrime which keeps evolving rapidly with technology. The Brazel Computer Bhargency Response Team (BruCERT) was formed in 2004 and is intrinsed first Computer Emergency Response Team (CERT), network survice moviders, security

dangers of being less pradent with regards to cybersacurity, there is a need to show

vendors, government agencies, as well as other related organisations to facilitate the elobal affiliation with other CERTs. BruCERT acquires valuable information on IT security throats and shares findings on security radio detected within the ration 3 IT infastracture. These findings are made publicly accordible with the objective of

increasing IT Security awareness. Although BinCERT does its job at pretering computers against cybernmarks, there is a need in attentionness on the increasing diverse of cyberbrach.

Harris Come

This rewards, through comparative study, intends to answer three rewards questions:

- $1. \ \ What is the historical development of cybercrime in Brunei and Singapore?$
- How to comparatively analyse the laws dealing with cyberctime in Branei and Singapore?
 - Should Brazel adopt the same laws dealing with cybercries as Singapore 2.

1.5 Research Objectives

The research objectives can be divided into those steps corresponding to the

- 1. To made the historical development of exhausting in Brand and
- Singapore.

 2. To comparatively analyse the laws dealing with cyberrine in Branei and
- Singapore.

 3. To recommend the expert that Brunei should adopt the same laws dealing

L6 Significance of the Study

The eightforce of this endy is to identify the factors contributing to the breader problem in optimizing. This endy will be bandful in the descriptoms of the cyberions in literal in factors in consequent confidence in Sant Particles—His Singaron. The endy will provide procurement agenties, educational instance, actions to see a fact beging areas in early the substanceing of polynomics and to factors. In understanding this interesting conseque, the widely implicit an understanding of the issues and polynomic and them to photomic. In other to relieve ears of these leaves and priface, the nonemandate protected by the only offnised from the requiring [2224 Filter in a length cylonistic. Facilities, the nonemater of the a single space for other to march mass in on the age in solid to such that he apply space for other to march mass in the age in length cases. The collection of th

In this light, the researcher hope where the meanorh would be able to be unfill finance to better her neglations on cyberrature. This consuch believes that it will indeed be of good guidanne. After 12 years, the AGC has initized to custom the cybestows. It good news and in light of this good news, the researcher hopes the conclusions and recommendations proposed in this research would be able to assist AGC and other overnament receive in amonthe their land.

1.7 Rewarch Methodology

In order to examine the cybercrise logicitation of Bronsi and Sing-poors, the method of decrind researchise been used. Destinal assembles the defined in a single way be "Destinated by Adv Selle & Be 10" in 10 particular 10". In the sumstant consistently used when a research instead to investigate and analyse a body of law, including one law and relevant eight above, which are the primary secure and journal articles or other vertices communities on the jurisproductor and logistication.

artific or other trites communities on the jercytelear and light-limits, comprising his orandary searce. In the Deep leads material relation for 'Ter 1971 Extract' to (#1881, light) from or question. Further, analytical and comparative methods were subjusted in the research as will Cybercrine light-limits, Extractes and case lines are extrained to mover the above quantita. Here, the application of the light-limits, the inner addressed, and the opinions from the actionist, included cased the light-limits on the opinion. The materials accordant descriptions on the opinion-limits materials.

 60 McCourille, M., et al., (2007). He are a hills both for Law Edinburgh University Press, pp. 11

from the provious research can contribute to identifying and analysing the similarities and divergences among the approaches taken by the selected legal regions.

It is worth noting that the layfulation taken by a subcred logal regime is securities complex, and some opedal regulations on glassfaction and orderensem power may also reflect its features. In such cases, relevant criminal procedural issues are also addressed if their discussion can contribute to understanding the unique approach

Research for marcials has been carried out in archives or library of ACC, Brand Segrence Court, Universit Branci Datouslam and Universit Ideas Solate State State Annotherary programmes has been carried of the ADO's Christel Natic Division and the Legal Desting Division for the purpose of clarifying the researches? is understanding of the law and gaining indepth information on-sylventime.

Life Democrack Francis and Charles

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Singgon's Cyberton inguistics are blosted in the highth, later. The journment in the Simperer Computer Mission Am 1999, Chapter Silk (SCAM), and absorbed directly from the English Computer Mission Am 1990. Chapter Silk Brancis in each off them in six similarities with the Simperer legislation; it has always relied on Simperer legislations are reformed and gridinate during the time of the amendments of her own lates.

selected legal regimes, the cyber legislations in Binneis and Singapous, the slockist approaches that from been taken in the fidel of the criminal law in relation to cybercrime and the issues that they have addressed and how criminal have an adapted to ngolitacy bearines, justical approaches, and finally, the construct measures taken by those non-centralist to tudicely bearing.

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In linear and Singapour cyber legislation, the findamental element desinguishes between a cybercrime and a normal criminal crime is the compare deserte in the commission of the crime. In during 'computer', Weng state that force are two ways providing an all-inducine definition while are the same time latting certain correct but, create to respond to a common or learner the term. 'Common's

⁸ Malveri, N. (2003). Ultided Cyben stem Dadorty: Recommis, restrictional and strategic prospectives. Banks Briddenburg Springer Strategy in Briddenburg Springer Strategy. Bridge Springer Springer

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