

The Workability of the Cybercrime Act of 2015 in Tanzania - Assessing the Views of Stakeholders in Mwanza

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Abstract: *The objective of this study was to explore the views of the Internet users in Tanzania on the workability of the Cybercrime Act No. 14 of 2015 of Tanzania and how it has helped to the adherence of the proper use of the internet. To explore this, the study utilized qualitative data collection methods of focus group discussions whereby four focus group discussions were conducted. Participants in the focus group discussions were purposively selected, they were undergraduate students from the Institute of Financial Management in Mwanza Campus. Thematic analysis was used to analysis the data gotten from the focus group discussions. The findings suggest that majority of respondents across the focus group discussions were of the views that the Cybercrime Act No.14 of 2015 of Tanzania has played a positive contribution in cautioning internet users in Tanzania about the proper and improper use of the internet. It was revealed during the focus group discussions that majority of the internet users in Tanzania are now aware of the consequences and aftermath of misusing the internet and thus making the Cybercrime Act appear to be workable.*

Keywords: Workability, Cybercrime Act, assessing, the views, stakeholders, in Mwanza

1. Introduction

According to ITU (2012), the Internet is one of the fastest-growing areas of technical infrastructure development in the world today. Likewise, information and communication technologies (ICTs) are universal and the trend towards digitization is growing. The demand for Internet and computer connectivity has led to the incorporation of computer technology into goods that have regularly worked without it, such as cars and buildings.

The charges of Internet facilities are often much lesser than equal services outside the network. E-mail facilities are often accessible free of charge or cost very little compared to traditional postal services or other related services. The online Wikipedia can be used free of charge, as can hundreds of online hosting services. Lower charges are significant, as they allow services to be used by numerous users, including people with only limited income.

Moreover, the effect of ICTs on society goes far outside founding basic information infrastructure. The accessibility of ICTs is a substance for progress in the construction, obtainability and use of network-based services. E-mails have evacuated outmoded letters; online web representation is today more significant for trades than printed advertising materials; and Internet-based message and phone services are growing faster than landline communications.

However, the growth of the internet and its use amongst majority users across the world has attracted some challenges. The challenges resulted from the use of internet are grouped into two categories. The first category falls under the misuse and abuse of the internet whereas the second challenges is the availability of some unfriendly laws which have been established by many countries with a purpose of regulating the use of the internet.

The establishment of Cybercrime and cybersecurity by many countries including Tanzania are just examples of those laws and regulations established to regulate the use of internet. Cybersecurity are considered to play an important role in the ongoing development of information technology, as well as Internet services in the world. Enhancing cybersecurity and protecting critical information infrastructures are essential to each nation's security and economic well-being (ITU, 2012).

Additionally, making the Internet safer by protecting Internet users has become essential to the expansion of new services as well as administration policy in many countries. Discouraging cybercrime is an integral component of a national cybersecurity and critical information infrastructure protection strategy. In particular, this includes the adoption of appropriate legislation against the misuse of ICTs for criminal or other purposes and activities intended to affect the integrity of national critical infrastructures.

In the developed countries such as United Kingdom, media content regulation rotates mostly around codes of practice, drawn up by a variety of bodies which are either entirely or largely independent, following wide public consultation. In some cases, these codes of practice have been established by bodies with legal authorities over the media while in others the responsible bodies have been established by the media or journalists themselves just like the Media Council of Tanzania (MCT).

In Tanzania perspectives, apart from Internet regulations, the traditional media are also regulated by a number of media laws. They include among others, The Newspaper Act N0 3 of 1976, The Broadcasting Service Act N0 6 of 1993, The Tanzania Communication Regulatory Authority (TCRA) Act N0 12 of 2003, the Electronic and Postal Communication Act (EPCA) N0 3 of 2010. These regulations have worked for a long period of time and were

specifically created to regulate the mainstream media since the use of internet was still very low.

However, with the growth and expansions of the use of internet amongst people in Tanzania it was witnessed a number of abuses and misuse of the internet in the country. This situation never went unnoticed as the government of Tanzania decided to establish various laws and regulation; including the Cyber Crime Act No. 14 which was enacted in 2015 to 2018.

It is from this context whereby the present study sought to assess the effectiveness or contributions made by this Cyber Crime Act in Tanzania vis-à-vis its impacts in reducing the violations of the internet use. Specifically the study sought to determine the opinions of internet users on the effectiveness of Cyber Journalism Regulations since the enactment of The Cyber Crime Act of 2015. Basically, the study wanted to understand the opinions of the internet users on whether the establishment of the Cyber Crime Act has helped them or their friends to correctly use the internet.

The Introduction of Cyber Journalism

Cyber Journalism is the act of reporting that is practiced on the cyberspace. Gordon (2005) recognizes that the term itself is derived from the word cyber, which means computer-generated or virtual. McNair (1998) defines journalism as any authored text, in written, audio or visual form, which claims to be a truthful statement about, or record of, some previously unknown feature of the actual social world. Cyber Journalism, therefore, is defined as the reporting of facts when produced and distributed via the internet. It is computer-generated and computer-enabled journalism.

However, in this practice of cyber journalism just like in the traditional media, most of the participants or practitioners have attained professional qualifications such as diplomas or Degrees whereas there are those who are merely without any qualifications which allows them to be in the game. Similar to cyber Journalism, another field which is growing so fast in this era of digitalization is the raise of citizen journalism whereby most of the practitioners also are not trained professions. They work independently and rarely adheres to any journalism codes of ethics because they have not attended any journalism training, what they need to have is only a smart camera to take pictures regardless of their situations or conditions of which after taking the pictures they immediately start circulating without considering any ethical violation or attributions from authenticated sources.

There is also the issue of citizen journalism where an individual is capable of sharing information with the media officials regardless of professional guidance. This situation is well influenced by the internet. Cyber media publishes stories, posts pictures, comments on and shares information on the internet as the traditional media did it. So far, the internet is speeding up communication in the society from a limited area to a global view.

Cyber Journalism Regulations

Following the violations on the use of the internet by both trained and untrained professionals be it journalists of citizen journalists, many countries including Tanzania have

opted to look for an alternative way to minimize the fake and unprofessional information coming from the Internet. Across countries, the establishment of Cyber Journalism regulations has not gone unnoticed as majority of the countries have created some guidelines, principles and regulations so as to regulate the Internet users.

Cyber journalism is regulated globally by national governments. Using both their executive and legislators power, states form conditions to be observed when contents are communicated online (Stone, 2013). The 2016 report of *Reporters without Borders* shows that, the government of United Kingdom (UK) in November 2015 published a draft bill on the investigatory powers used by police, the intelligence and security agencies. The bill demands telecommunications companies to record and document websites visited by every user for 12 months for access by law enforcement agencies. The report also stipulates that security services have powers to collect bulk personal communications data and to hack into and survey computers and telephones. China alone has more than eighty (80) laws and orders aimed at regulating the internet (Calingaert, 2010).

In the developing countries such as Kenya, the use of Internet is factored in the Constitution. According to the Kenyan Constitution of 2010; apart from guaranteeing freedom of media of all kind (online media included), prohibits such media related activities to infringe on other peoples' rights. Article 33 of the 2010 constitution of Kenya section two states that; the right to freedom of expression does not extend to propaganda for war, incitement to violence and hate speech. It further prohibits advocacy of hatred that constitutes ethnic incitement, abuse of others or incitement to cause harm. However, it also forbids any ground of discrimination and upholds that every person shall respect the rights and reputation of others.

Cyber Journalism in Tanzania

Following the enactment and establishments of various Cyber journalism regulations in many countries as prescribe in the previous chapters, Tanzania was not an Island in this move since the country was also witnessing numerous violations and abuse on the use of the internet amongst users. Cyber Journalism in Tanzania began at the end of the 1990s where media practitioners and other citizens who had knowledge of the computer began to share meanings through e-mail (Sturmer, 2008).

As technology kept developing in Tanzania, with the availability of mobile phones and now smartphones, cyber journalism has been initiated a lot. The 2015 report of Tanzania Communication and Regulatory Authority (TCRA) maintains that Tanzania has the highest number of internet users. It was approximated that 17 million people had access to the web by that time. Technology advancement has enabled the practice of journalism on the net.

In order to make sure that the internet users are fully regulated, the government of Tanzania enacted and passed the Cyber Crimes Act No 14 of 2015. Among other provisions, the Act provides for imprisonment, fines and terms for several virtual activities, including the publication

of seditious rhetoric and/or false information. TCRA maintainsthat, the main objectives behind the Cyber Crime Act are to protect sensitive infrastructures, reduce vulnerability and cyber-bullying while minimizing damages that might be causedby cyber-attacks. The Act contains sections relating to cybercrimes in general, among them, there are sections with clauses regulating journalism activities done online (cyber journalism).

The Cyber Crime Act No 14, 2015 was signed in May 2015and several people have been arrested and charged in the court of law for the violation of this Act. Just to cite some of the cases reported in violations of the Cybercrime Act: In 2015 a 24 years Benedict Angelo was charged for posting fake and defamatory messages on Facebook, he was charged and taken to court; in another similar case, Mr. Sospeter Jonas in 2015 was also charged for mocking at the Premier of Tanzania; Ms. Leila Sinare and others were also charged of similar felony in 2015 for publishing dishonest audio information. These are just few amongst other charges that were submitted borfee the courts of laws in Tanzania against the violators of Cybercrime Act of 2015. The key objective in this study is therefore to explore the opinions of the Internet users in Tanzania on the extent through which Cybercrime Act of 2015 has helped to adherence to the proper use of internet.

2. Methodology

In order to fully explore and grasp in-depth information and views of the internet users, the study used qualitative data collection method of Focus Group Discussions. In this instance, four focus group discussions were arranged and carried out in the district of Nyamagana in Mwanza region. A purposive sampling technique was utilized to get the participants of the focus group discussions whereby the participants included students who are pursuing their Information Technology studies at IFM University, Mwanza Campus.

The focus group discussions covered between nine (9) to twelve (12) participants. These participants were considered to be suitable for the study since they were confirmed to have gotten wide understanding and usage of internet and social media as well as the Cybercrime Act of 2015 because it was part of their programme packages at the university.

Thematic analysis was used to analysis the data gotten from the focus group discussions whereby the collected data were cleaned and analyzed. According to Braun and Clarke (2006), thematic analysis is the best in scrutinizing and reporting patterns and themes within qualitative data, thus, the choice of this data analysis method was considered suitable and relevant for this study. Likewise, this approach has been described as one of the most common approaches to qualitative data analysis (Bryman, 2008).

3. Results and Discussions

The main focus of this study was to determine the views and opinions of internet users in regard to the workability of the Cybercrime Act No. 14 of 2015 in Tanzania. The reasons behind this objective was merely to understand on whether

this new regulations on the internet has been helpful in cautioning and scaring internet users regarding the misuse and abuse of the internet among other illegal, defamatory and fraud activities. Participants in this study were the undergraduate students at the Institute of Finance Management Mwanza Campus who are studying Information Technology.

The findings suggest that the Cybercrime Act No.14 of 2015 of Tanzania has played a positive contribution in cautioning internet users in Tanzania about the proper and improper use of the internet. It was revealed during the focus group discussions that majority of the internet users in Tanzania are now aware of the consequences and aftermath of misusing the internet and thus making the Cybercrime Act appear to be workable.

The findings further suggest that most of the internet users especially those who are connected in social networks such as WhatsApp groups have often observed to the proper use of the contents that they share in their groups. It was observed during the focus group discussions that most of the admin leader or group leaders in those WhatsApp groups have somewhat played their cards well by frequently warning and sometimes putting some guidelines and principles to be respected by all members in the WhatsApp group.

The words of participant “Q” represents the views of other participants across the focus group discussions.

“In my observations, the admins in most of the WhatsApp groups have been good Ambassadors in regulating the proper use of the contents shared in the groups. The reason why most of the group leaders have acted in that way is due to the frequency educative information from Tanzanian Communication Regulatory Authority (TCRA) who have always asked group leaders to take legal actions against people posting defamatory, fake, or abusive contents in their groups.”

Moreover, the findings reveal that since the establishment of the Cybercrime Act of 2015 in Tanzania the level of understanding and self-regulated discipline has kept on expanding. The findings suggest that most of the internet users have been regulating themselves on the proper use of the internet contents. Majority (59%) of discussants across focus group discussions revealed that they have been so active in making sure that they become good Ambassadors of the Tanzania Communication Regulatory Authority (TRCA) by making sure that they warn or sometimes report all those going against the proper use of the internet.

Likewise, the findings suggest that the frequency arrest of the internet violators has also been an essential mechanism which has helped to continuously caution internet users. In other words, TCRA in collaborations with the police have frequently been helping to monitor the trends of the contents of the internet users whereby all violators have been arrested and reported before they are being taken to the courts of laws for legal actions.

Another mechanism which has been reported by majority of participants across the focus group discussions is the fact that TCRA has introduced supplementary guidelines and new regulations to all online media; including Bloggers, Online Tv and YouTube. The new guidelines among other requirements, requires all bloggers, Online TV and YouTube subscribers to register their social media to TCRA so that whatever content they share through the online media is monitored by the government.

Additionally, it was also discovered that the introduction of the legal registrations to all mobile phones has also helped to make the Cybercrime Act of 2015 workable. During the focus groups discussions, it was outlined and loudly stated by majority of participants across focus group discussions that the requirement put forward by TCRA to make sure that all mobile phones are biometrically registered using their National Identification Cards (IDS) of users has helped to put more discipline regarding the adherence to the Cybercrime Act in the country.

Surprisingly, it was also discovered during the focus group discussions that there were some few (9%) participants across focus group discussions who seemed unaware of the presence of the Cybercrime Act of 2015 in the country. It was revealed that these group of participants were hardly informed of any regulations regarding the Cybercrimes.

Likewise, it was very surprised to discover that there were some few (7%) participants who opined that the establishment of the Cybercrime Act has not contributed anything to them towards the proper use of the internet. They said that for them the establishment of this Act meant nothing to them. The words of participant "K" represents the views of other participants with similar responses:

"In my opinions, Cybercrime Act No. 15 does not mean anything to me, I have been regulating myself on the proper use of the social media before even the enactment of this Act. In my opinions, this Act does not mean anything to me and to many internet users, we still see violators of the internet and the Cybercrime Act appear to fail, why for example TCRA through this Act has not arrested "Kigogo" who is always posting nasty and dubious contents in the social media"

In general, the overall findings from this study reveals that the enactment of the Cybercrime Act No.14 of 2015 in Tanzania has positively suggested that this Act has creditably contributed to the adherence and good use of the internet amongst internet users. The findings further suggest that since the establishment of the Cybercrime Act No. 14, most of the internet users are well informed of the aftermath on the violation of the Act. A number of people have been arrested and penalized because of posting nasty contents in the internet and this has helped to caution many internet users to precisely use the internet.

The implications of this findings could be that there is a significant contribution of the Cybercrime Act No. 14 among internet users. This is because majority of the internet users who participated in the focus group

discussions confirmed that before the establishment of the Cybercrime Act No.14 they had uncautionally been using the internet but after its establishments, they have cautionary been using the internet.

Additionally, another lesson that can be captured from these findings is that there is a great need for all internet users to make sure that they adhere to the rules and regulations regarding the proper use of the internet and other media. By so doing, this would have a significant meaning to the responsible organs in making sure that Tanzania has a free country from internet violations.

In nutshell, the findings from this study have implied that the establishment of the Cybercrime Act No. 14 in Tanzania was necessary and paramount. This is because of the responses given from the focus group discussions that they have been very obedience and respectful on the proper use of the internet and that the Cybercrime Act has helped them to cautionary use the internet. The findings suggest that it was very important for the country to enact such an Act since it is somewhat working and playing its roles as planned before by the government.

4. Conclusion

As clearly discussed from the discussions chapter that majority of respondents from this study have suggested that the establishment of the Cybercrime Act No.14 in Tanzania has been significant in regulating the internet users, including the young generation. What can be concluded from this study is that it was a right decision for the Tanzanian government to establish the Cybercrime Act in the country since it has shown a positive contribution in whistling the proper use of the internet.

However, in order to get a clear position and status on this study, it is recommended that other further studies should be conducted regarding this study. Specifically, a mixt method research or quantitative research may be conducted in order to compare the results of the findings. Likewise, in order to fully grasp the opinions of all classes in the society, this study recommend for other studies to be done which would include a diverse collection and combination of respondents including those in the rural and urban areas, the educated against the uneducated, the aged against the young and all classes of people. This is because this study only used a certain group of students who have certainly a wider knowledge and understanding of the implications of disobeying the rules and regulations set by government.

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