

**A COMPARATIVE STUDY ON FREEDOM OF ELECTRONIC
MEDIA BETWEEN MALAYSIA AND THE UNITED STATES OF
AMERICA**

By

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Submitted in Partial Fulfillment of the Requirements for the Bachelor in
Legal Studies (Hons)

Universiti Teknologi MARA

Faculty of Law

December 2013

The students/authors confirm that the work submitted is their own and
that appropriate credit has been given where reference has been made to
the work of others.

ABSTRACT

This is a comparative research project conducted to determine the extent of the freedom of electronic media in Malaysia as opposed to the United States of America. Basically, the right of freedom of electronic media is exercisable within the scope of freedom of speech conferred to the citizens of Malaysia by Article 10(1)(a) of the Federal Constitution. However, this freedom of speech and expression is not absolute in that it is subject to the legal restrictions imposed under Article 10(2)(b). By virtue of this provision, Parliament had enacted legislations among others, Sedition Act 1948 and Communications and Multimedia Act 1998 which directly limits the freedom of speech and expression that may fall under the eight grounds of restrictions.

In this paper, Article 10 of the Malaysian Federal Constitution, Sedition Act 1948 and Communications and Multimedia Act 1998 are compared to the First Amendment of the Constitution of the United States of America, Children's Online Privacy Protection Act 1998 (COPPA), Child Online Protection Act 1998 (COPA), Children Internet Protection Act 2000 (CIPA). The comparison between these two countries is for the purpose of illustrating the divide between the USA, which practices an open concept of freedom of speech that is almost without restrictions with Malaysia, which is a democratic country and has the freedom of speech guaranteed in the Federal Constitution but faces major obstacles in exercising the right.

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CHAPTER ONE: INTRODUCTION

1.0 Introduction

In Malaysia, according to Nielsen Global Online Consumer Survey on entertainment media usage, the sampling is based on 26,000 online users from 52 countries, with 500 Malaysians involved. In this survey, digital media includes video (movie, TV show, music video and short video), audio and video game.

Malaysia is ranked 5th in a survey concerning digital media consuming nations. (5 countries from Asia Pacific are in the top 10 - Philippines, China, Vietnam, Thailand and Malaysia.) Malaysia is ranked seventh or having 53 percent of its population having streamed digital media in the past month, ranked 9th or having 41 percent of its population having downloaded digital media in the past month and ranked 3rd in spending over 20 hours a week watching streamed or downloaded content from the Internet. On media type, most streamed content is music tracks followed by music videos and short video clips. While most downloaded content is also music track, but movie and music videos are 2nd and 3rd respectively.¹

Another interesting finding is the battle between TV and PC. According to the survey, PC ownership in Malaysia is reported to be 87 percent, just 2 percent behind TV. However, that figure is quite far from 44 percent reported by Pikom. Nevertheless, usage of PC is more than TV, at 85 percent versus 77 percent.

While in the United States of America (hereinafter the USA), a finding published by Australian Communications and Media Authority in 2009, young Americans aged eight to 18 years spent an average seven hours and 38 minutes consuming media in a typical day, an extra one hour and 17 minutes with media per day since 2004. The research shows that this increase can be largely attributed to widespread adoption and use of new mobile and online devices, in particular media-enabled mobile phones and MP3 devices such as the iPod.

¹ Malaysia's Digital Media Consumption Statistics, The Malaysian Crunch. Retrieved from <http://www.malaysiacrunch.com/2009/01/malaysias-digital-media-consumption.html>