

INTERNET SERVICE PROVIDERS' LIABILITY ON DEFAMATION

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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.

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ABSTRACT

This paper presents a study on the Internet Service Providers (ISPs) liability on defamation. The aim of the paper is to analyse the liability of the Internet Service Providers (ISPs) for online defamation, where the defamatory statement are being disseminated through the Internet Service Providers (ISPs) services.

As Internet becomes more popular each day and the users of the Internet increase day by day, we are threatened with online crimes especially on defamatory statements as it can be easily publish worldwide with just one 'click'. Whether the Internet Service Providers (ISPs) can be held liable for online defamation through their services is the issue that arises regarding this matter. To say that the ISPs are wholly liable is unjust as it is impractical to expect an Internet Service Providers to monitor all the services that they are providing.

Thus, this study recommend new provisions that can be included in the existing law of this country, such as Penal Code, Defamation Act 1996, Communication and Multimedia Act 1998 that can be considered in order to clarify whether ISPs can be liable or not be liable on defamation with the hope to control. Insyah- Allah.

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CHAPTER 1

THE INTERNET SERVICE PROVIDERS (ISPs) LIABILITY ON DEFAMATION

1.0–Introduction

The world is moving towards the information technology development. Defamatory words are easily published on the internet. The question is would the person or body who published the defamatory materials be held liable for defamation as in the off-line world? Or would the Internet Service Providers (ISPs) be liable for the defamatory statements that had been disseminated through their services although they have not directly involved in the act? Is our legal system today prepared for the changes in the technology like this?

Before discussing further on the issue of defamation on internet, it is essential to understand what the internet is. As in the case of *American Civil Liberties Union et.al v. Janet Reno AG of U.S.*¹ Internet is defined as, not a physical or tangible entity but rather a giant network which inter connects innumerable smaller groups of link computer network. Meaning to say that, internet is a network of network which offers huge electronic resources. In Europe the term of ‘Information Superhighway’ used by the media to describe the internet. However in the United States it is a buzzword from a speech by the former vice president Al-Gore that refers to the ‘Clinton Gore Administration Plan’ to deregulate communication services and widens the scope of the Internet by opening carriers such as television cables to data communications. The term is widely use as Internet. It also facilitates a series of communication protocols that allow

¹ [1996] U.S Dist. LEXIS 1617, 24 Media L.Rep. 1379.