

**ISP'S LIABILITY FOR ONLINE DEFAMATION: A COMPARATIVE STUDY
WITH UK AND US**

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ABSTRACT

With the evolution of time and technological devices, defamatory matter today has acquired itself a more 'global presence' in which it is capable of reaching mass numbers of people. This research is regarding Internet Service Provider (ISP) liability for online defamation. Despite the fact that ISPs are just acting as mere intermediaries, there are floodgates of claim against it whenever there is an online defamation suit. In fact, there should be a balance interest between the internet users and ISP which merely acted as intermediaries. This research will analyze the adequacy of our laws pertaining to this matter. For this purpose, several laws as well as regulations from the other countries will be compared with.

We are in fact left behind in terms of our laws as well as a practice to cope with online defamation suits. There is no explicit provision to govern the scope as well as the extent of the liability of ISP. ISP role is only being compiled under the Communication and Multimedia Act 1998. Yet, the wordings in those acts were found to be too general, leaving many questions behind. Plus, the traditional defamation law is also said to be too general to cope with the online defamation because internet is indeed unique in its creature. It needs further clarification.

Several critics will also be looked into the laws as well as how and what are the recommendations to deal with several lacunas or inadequacy of the law. This will in turn reveal several lacunas or inadequacy of the already existing law. As the saying goes, 'the biggest room in this world is the room for improvement', and it is indeed many improvements in the law that could be made.

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