

**CYBER DEFAMATION: A CRITICAL STUDY OF THE ADEQUACY OF THE
LAW IN MALAYSIA**

By

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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 research covers the area of cyber defamation that occurring via the Internet. Before the ICT developments, defamation only occurred between two parties in the real world defamation and it was covered under the law of Torts. However, with the development of information technology, now defamation can also occur in the cyberspace and it also involve not only between two parties but also the three parties such as the Internet Service Provider (ISP) as the defamatory words are publish on their sites as the medium to commit this wrongdoing.

The reason why we embarked upon this research is because we want to study and analyse the law relating to cyber defamation. In this respect, we are looking at the suitability and adequacy of our Malaysian law be it the traditional law as well as the new cyber law to deal with cyber defamation. In this research, we also have examined the law in other jurisdictions such as the United States, the United Kingdom, Singapore and Australia for comparison with our law on the issue of cyber defamation. From this research, we found out that under the Penal Code, the Defamation Act 1957 and the Communication & Multimedia Act 1998, it is still not adequate enough to deal with cyber defamation because there is no such provision from these Acts that mentioned about the third parties liability such as the ISP as compared to the law in those countries mentioned above.

In the light of this legal inadequacy, our recommendations are that, these traditional laws such as the Penal Code and the Defamation Act 1957 should be amended in order to cover cyber defamation. As for the Communication & Multimedia Act 1998, it needs to be amended to include the third parties liability.

TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iii
Content	iv
Index of cases	vii

CHAPTER ONE: INTRODUCTION

1.0 Introduction	1
1.1 Background	1
1.2 Research Question	3
1.3 Objectives of the study	3
1.4 Significance of the Research	4
1.5 Limitation of the Research	4
1.6 Research Methodology	4
1.7 Provisional Plan of Research	5
1.8 Conclusion	5

CHAPTER TWO: CYBER DEFAMATION: A CRITICAL STUDY OF THE ADEQUACY OF THE LAW IN MALAYSIA

2.0 Introduction	6
2.1 Information Society	6
2.2 The Internet	7
2.3 Cyberspace	8
2.4 Real World Defamation	9
2.5 Cyber Defamation	10
2.6 Differences between Cyber Defamation and Real World Defamation	11
2.7 Nature of Defamation	11
2.7.1 Elements of Real World Defamation	11
2.7.2 Elements of Cyber Defamation	14
2.8 Liability of Third Party	15
2.8.1 The Author	15
2.8.2 Internet Service Provider	15

2.8.3	Publisher	16
2.9	Defences for Defamation	17
2.9.1	Defences for Real World Defamation	17
2.9.2	Defences for Cyber Defamation	19
2.10	Remedies	20
2.10.1	Damages	20
2.10.2	Injunction	21
2.11	Jurisdiction	21
2.12	Conclusion	22

CHAPTER THREE: LEGAL ASPECTS OF CYBER DEFAMATION

3.0	Introduction	24
3.1	Electronic Mediums Used In Cyber Defamation	24
3.2	Employer employee context	26
3.3	Non employment context	28
3.4	Liability of Internet Service Provider (ISP)	31
3.4.1	Position in the United States of America	31
3.4.2	Position in the United Kingdom	39
3.4.3	Position in Singapore	46
3.4.4	Position in Australia	50
3.4.5	Position in Malaysia	54
3.5	Jurisdiction	58
3.6	Conclusion	60

CHAPTER FOUR: CONCLUSION AND RECOMMENDATIONS

4.0	Introduction	63
4.1	Discussion	63
4.2	Recommendations	64
4.3	Conclusion	65
	Bibliography	66