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**THE UNDERSTANDING OF MEDIA LAW AND ITS IMPACT TOWARDS  
MALAYSIA POLITICAL PRACTICE**

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**ABSTRACT**

*The overall purpose of the study is to find out the understanding of media law and its impact towards Malaysia political practice. Media has been important to the people especially now with the new media emerge with the use of internet in the Industrial Revolution 4.0. However, despite the growth of this media, there also been a lot of effect happened from the media law that had been created by the previous ruler and also to find out its influence on the political practice. This is where to investigate and find out the understanding and known about media law in Malaysia and how its gives impact toward political practice. There has been as many as 11 journals were chosen wisely after going through some process corresponded to the criteria.*

Keyword: Media Law, press freedom, media ownership.

**INTRODUCTION**

Media Law is a lawful field which relates to the legal regulation of the telecommunications industry, information technology, broadcasting, advertising, the entertainment industry, censorship, and internet and online services among others. As the popularity of various media have proliferated, the field of media law has become more important. Over a century ago, the media would have consisted of print and live performances alone. Today, the media comprises not only the printed word and live actors, but also radio, television, movies, video games, mobile devices, and the Internet. Given the nature of the media, the threat of defamation spreading far and wide through modern technologies is a matter of great legal concern. Based on Raymond Mah and Eric Toh (2019), defamation is the spreading of untruthful information about a person or entity those results in damages. When spoken, as on a television broadcast, an Internet video, or in a movie,

defamation is called slander. When written, as on a website, newspaper, or other publication, defamation is called libel. Both slander and libel can be devastating to a person or entity, and recent media laws involve concerns such as cyber bullying, Internet stalking, and other forms of harm that modern media make readily possible.

Everyone who uses the media needs to understand media law because new technologies make it possible for individuals to reach very large audiences. Totalitarian regimes like Saudi Arabia, China and others as well as political extremists (such as the ‘alt-right’) claim that democracy does not work, and that dissent must be punished for the sake of order and social stability while the democracies of the world utterly reject that idea which is people in the US, Europe, Japan, South Korea, most of Latin America, and much of Africa believe that respect for law and human rights helps to stabilize social systems according to (Introduction to communications law (n.d.). As a practical matter, it is easier to balance rights than to suppress them. More importantly, there is something deep in the human spirit that needs freedom. Many other countries are also committed to free speech and press, and have their own foundational human rights documents and guarantees. The most significant international document is the United Nations Declaration of Human Rights. As stated in United Nations Declaration of Human Rights (n.d.), Article 19 mentioned that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers” and Article 18 says “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

While guarantees of free speech and press are intended to be global, as part of international law, they are not accepted in many countries, and in fact, they are sometimes contentious even in the United States. Two groups that measure respect for free speech and press are Reporters Without Borders and Freedom House. Based on Sasha Ingber (2019), as reported by the RSF press freedom index, the US has only a “satisfactory” rating which were 48 out of 180 on its annual. On the other hand, the result is quite different compare to Freedom House. The World Press Freedom report by Freedom House had given the US has a top rating (Sarah Repucci, 2019). In any case, this is in sharp contrast to the “very serious” situation in China, Saudi Arabia, and other countries, where the press is rated “not free.”

## RESEARCH METHODOLOGY

This review involves studies on the topic published between 2010 and 2017 in the internet such as Google Scholar searched with the key words media law, press freedom, media ownership as well as different key words used to get the articles that are related to the particular topic. The key words were entered in English and Malay. Only journal contributions were included.

In a first step, records identified through the database search were selected if their titles matched the topic of interest. In a second step, the references of selected records, as well as of meta-analyses and reviews on the topic were searched for further records. The third step consisted of screening the abstracts of the selected records and excluding them if they did not meet the selection criteria. Finally, the full-text articles were assessed for eligibility (Ridzuan, Ridzuan and Ridzuan, 2018). The articles were included in the review only if they corresponded to the following selection criteria:

- (a) The study evaluated the impact of media law.
- (b) All articles are related to the understanding and its impact of media law.
- (c) The study had an experimental, a statistics and research finding.
- (d) The study was published in a peer-reviewed journal.

A total of 38 articles seemed to correspond to the criteria according to the titles and abstracts. Among these articles, 29 were excluded after reading the content, in several cases because the articles are not particularly similar with the topic. The 11 journal for final choice where the study conducted in Malaysia which are Rosyidah Muhamad (2015), Beng, L.Y. & Mahyuddin Ahmad (2015), Janet Steele (2013), Awan Ismail (2013), Azman Azwan Azmawati, Hock, C.M., & Raqib Sofian (2017), Ross Tapsell (2013), James Gomez & Chang, H.L. (2010), Md. Asiuzzaman (2010), Saodah Wok & Shafizan Mohamed (2017), Ahmad Masuma & Md Rejab Md Desa (2014), and Rani Ann Balaraman, Nor Hazlina Hashim, Hedhir Hasno, Faridah Ibrahim & Arokiasmy, L. (2015).

Authors(Year)	Journal	Method	Causes	Past Year Findings
<b>Rosyidah Muhamad (2015)</b>	Online Opposition and Elections in Malaysia	Conducted the study by consolidated from interviews with opposition party webmasters and using a systematic review and	a)Media conglomerate b)Media ownership	Well-known laws such as the Printing Presses and Publication Act 1984, Official Secret Act 1972 and Sedition Act 1948 are used to muzzle the media and prevent the media from performing their function of check and balance on

		meta-analysis.		government.
<b>Lee Yuen Beng &amp; Mahyuddin Ahmad (2015)</b>	Liberalisation of the Malaysian Media and Politics: New media, Strategies and Contestations	Conducted the study by using a systematic review and meta-analysis.	a)Media ownership b)Media controlled	The mainstream media was largely owned and controlled by the ruling elite, the dissemination of news and information was therefore controlled by the ruling elite. For example, the broadcast channels of TV1, TV2 and TV3, and newspapers The Star, Utusan Malaysia and New Straits Times are owned either directly or indirectly by the ruling elite.
<b>Janet Steele (2013)</b>	" Trial by the Press " : An Examination of Journalism, Ethics, and Islam in Indonesia and Malaysia	Conducted the study by using a systematic review and meta-analysis.	a) Media controlled b) Limit freedom of speech and expression	Under Malaysia's system of "elec-toral authoritarianism", in which the ruling Barisan Nasional coalition controls all mainstream press outlets, accusations of "trial by the media" are frequently voiced by opposition figures and civil society members who are critical of the ruling parties.
<b>Awan Ismail (2013)</b>	Exploring the Strengths and Limitations of Development Journalism in Malaysia	Conduct the case study by both quantitative and qualitative methods: content analysis, textual analysis and	a)Media controlled b)Limitation of press freedom	There are forty-five laws relevant to the newspaper industry, such as the Printing Presses and Publications Act (1984) (to regulate the use of printing presses, the printing, production,

		in-depth interviews		reproduction and distribution of publications, and the importation of publications from abroad). The Sedition Act (1984) and the Official Secrets Act (1972) prevent journalists from accessing information in any official document labelled as secret.
<b>Azman Azwan Azmawati, Chai Ming Hock, and Raqib Sofian (2017)</b>	Practicing Mindful Communication in a Multicultural Society: Case Study of Malaysian News Reporting	Conducted the study by using a systematic review and meta-analysis.	a)Media ownership b)Media controlled	State-owned Radio television Malaysia(RTM), which is the only public service broadcaster in Malaysia, is under the supervision, control, and ownership of the Ministry of Information, Communications and Culture Malaysia (MICCM) and operates two TV networks and many radio services.
<b>Ross Tapsell (2013)</b>	The Media Freedom Movement in Malaysia and the Electoral Authoritarian Regime	Conducted the study by using a systematic review and meta-analysis.	a)Media ownership b)Media controlled	As well as the strict laws and regulatory mechanisms noted above, virtually all main-stream newspapers in Malaysia are owned or controlled by parties allied to the ruling BN.
<b>James Gomez and Han Leong Chang (2010)</b>	New Media and General Elections: Online Citizen	Conducted the study by using a systematic review and	a)Lost dominant of news and information.	The impact: mainstream media have lost their domination of news

	Journalism in Malaysia and Singapore	meta-analysis.	b)Gate keeper role threatening.	and information, and the traditional form of journalism with its agenda setter and gate keeper role is under threat.
<b>Md. Asiuzzaman (2010)</b>	Media Pluralism and Development in Malaysia: A Third Eye View	Conducted the study by both qualitative methods like group discussions, interviews, content analyses, and quantitative methods like surveys and published data are used to address the research.	a)Media ownership b)Media controlled	Basically 9 companies are controlling 90 percent of mainstream media. These are:1.Media Prima, 2.Astro Group, 3.Star Publication (Malaysia) Berhad, 4.Utusan Group(M) Bhd, 5.Sin Chew Media Corporation Bhd, 6.Nanyang Press Holdings Bhd, 7.KTSGroup, 8.Penerbitan Sahabat (M) SDN Bhd, and 9.Tamil Nesan.
<b>Saadah Wok and Shafizan Mohamed (2017)</b>	Internet and Social Media in Malaysia: Development, Challenges and Potentials	Conducted the study by prolific researchers throughout Malaysia, especially by university academicians from 20 public universities, private universities, and colleges	a)Limit political discussion b)Limit press freedom	Media laws such as the Printing Press Act (1984) and Broadcasting Act (1987) limit political discussions in that news or stories deemed derogatory or overly critical of the government cannot be published.
<b>Ahmad Masuma &amp; Md Rejab Md Desa (2014)</b>	Media and the Libel Law: The Malaysian Experience	Conducted the study by using a systematic review and meta-analysis	a)Restriction imposed on the media b)Limitation of media freedom	In Malaysia shows that there are host of laws regulating the operation of the media. The restrictions imposed on the media can be

				<p>prior or subsequent, civil or criminal (Faruqi, 2002). For example, all censorship laws constitute prior restraints. Some of these laws regulating the operation of the media are: the Official Secrets Act 1972, the Printing Presses and Publications Act 1984, the Sedition Act 1948, the Communications and Multimedia Act 1998, the Defamation Act 1957, etc.</p>
<p><b>Rani Ann Balaraman, Nor Hazlina Hashim, Hedhir Hasno, Faridah Ibrahim and Lawrence Arokiasmy. (2015)</b></p>	<p>New Media: Online Citizen Journalism and Political Issues in Malaysia</p>	<p>Conducted the study through both qualitative methods and quantitative methods like surveys and published data are used to address the research.</p>	<p>a)Media ownership b)Media controlled</p>	<p>Conventional media in Malaysia are owned by political parties or individuals who have their own agenda to present to readers.</p>

## CONCLUSION

Media law is always being the issue that had been pointed out due to its negativity which gives a lot of impact towards Malaysia. The issue of media usually being pointed out especially among politician from the opposition team, media people especially journalist and the public that had shared their opinion against the ruler party. Media law that should be the regulation that protecting the wrong doing act in media had been miss-used by the ruler party for their own benefits. A lot of politicians especially from opposition had been arrested under the media law due to its criticized the government. Other than that, the journalist which trying to report news to reveal the truth of government hidden criminal act also had been arrested. Malaysia citizen were also being the target by the government especially the activist that seek equality and more clean election from the ruler.

Most of these cases happened during the ruler of Barisan Nasional before it taken down by Pakatan Harapan during 2018 General Election but, currently it takes over by Barisan Nasional again. During the past, media bias, ownership, censorship and many more which had been used by Barisan Nasional to control the media for their own agenda where to avoid any negatives news about the government. There were no opposition party on the media especially from mainstream media such as television, radio, and newspaper. Most of the mainstream media platform own by the government or from the elite either indirect or directly. For example, for television TV1, TV3, TV9 and for news platform such as, Berita, Utusan and more. The media that been controlled by the government had led to bias in term of politician party between government and opposition where people were not able to see two sides of the parties in term of their campaign and view.

Due to these actions taken by the government, the public had shifted their platform to seek news about political point of views especially from the younger generation. They change their platform to internet where social media, website, blog and etc. A lot of opposition party using new media as their platform to do their campaign and gain support from the public. Malaysian people where tired regarding the bias media by the government on mainstream media where people choose more of the internet platform. This had led to people itself become unofficial journalist of new media. New media platform had given so many opportunities to the opposition, media people and public to non-bias news regarding politics, media get more freedom, and public get to express freely compared on traditional media.

The power of new media can be seen on the 2013 general election where DAP the opposition almost win with 2/3 majority lost. Even more, during 2018 general election the opposition party had won by the Pakatan Harapan. Barisan Nasional had become the government since the independent of Malaysia and never loose until recently. During Pakatan Harapan became a ruler, a lot of Media Law had been abolished and a lot of media freedom happens. The people also able to express more freely compare to before. This changes had bring some hope to a lot of people, but despite this positive response, still there are negative act occur such as fake news, hate comments, demands by the public to get human rights in term of privilege, LGBT and more. Now, government and other politician had to handle and adapt with current



situation on how media and internet platform works in Industrial Revolution 4.0 where it can bring a big impact in term of political practise.

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