

**A CRITICAL COMPARATIVE ANALYSIS ON THE SUITABILITY OF THE  
TRADITIONAL LAWS IN GOVERNING CYBER PORNOGRAPHY IN MALAYSIA  
AND IN ENGLAND AND WALES**

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## **Abstract**

This research is a critical comparative analysis on the suitability of the traditional laws in governing cyber pornography in Malaysia where special reference to the laws in England and Wales has been made. This study sets out to discover the suitability of the Malaysian traditional laws such as the Penal Code, the Film Censorship Act 2002 and the Printing Presses and Publications Act 1984 to govern cyber pornography. This is due to the fact that Malaysia has its very own cyber law which is the Communications and Multimedia Act 1998 and yet, in England and Wales, they apply their traditional laws to govern the offence. We found that the traditional laws may be suitable to govern cyber pornography but the traditional laws need to be amended and updated to include cyber environment so as to ensure their suitability to govern cyber pornography in Malaysia.

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# CHAPTER ONE

## INTRODUCTION TO THE RESEARCH

### 1.0 Introduction

This chapter contains background of the study, followed by the research question and the research objectives. Next, this chapter also contains the research methodology, the scope of the study as well as the limitation that may occur in conducting this study. In addition, this chapter also includes the significance of the study and the provisional plan of research.

### 1.1 Background of the Study

Every second, as much as \$3,075.64 is being spent merely on pornography.<sup>1</sup> Every second, 28,258 people are viewing pornography via the Internet.<sup>2</sup> Every second, there are 372 people searching for pornography through the search engines.<sup>3</sup> A survey conducted by the Malaysian Cyber Security Centre<sup>4</sup> has revealed a deplorable finding when they discovered that the downloading of pornography materials is ranked fourth of the most popular Internet security breach in Malaysia.<sup>5</sup> Another shocking discovery was also unveiled when it was found that 9 out of 10 adolescents unintentionally viewed pornographic Internet sites while doing their assignments.<sup>6</sup> The situations were resulted by the existence of pornography

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<sup>1</sup> Ropelato, J., "Internet Pornography Statistics", available at [http:// internet-filter review.toptenreviews.com/internet-pornography-statistics.html# anchor\\_12](http://internet-filter.review.toptenreviews.com/internet-pornography-statistics.html#anchor_12), accessed on 30 January 2009.

<sup>2</sup> Ibid at 1.

<sup>3</sup> Ibid at 1.

<sup>4</sup> Malaysian Cyber Security Centre, available at <http://www.cybersecurity.org.my>, accessed on 27 January 2009.

<sup>5</sup> Syahirah Abdul Shukor, "Protecting Children's Rights in the Internet: Challenges, A Preliminary Study Based on the Malaysian Experience", *BILETA Conference*, April 2006 at 3.

<sup>6</sup> Ibid at 3.