

**A STUDY INTO THE NEED FOR LEGAL MEASURES AGAINST BLOGGING
IN MALAYSIA**

By

Siti Nursarah Binti Saroni	(2005682383)
Sofia Shereen Binti Kambali	(2005601154)
Syahrulfaizi Adli Bin Md Desa	(2005600556)

Submitted in Partial Fulfillment of the Requirements
For the Bachelor in Legal Studies (Hons)

**Universiti Teknologi MARA
Faculty of Law**

October 2007

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.



CHAPTER ONE
BLOGGING IN MALAYSIA

**1. A STUDY INTO THE NEED FOR LEGAL MEASURES AGAINST BLOGGING
IN MALAYSIA**

1.0 Introduction

This is an overview on blogging that occurs in Malaysia. The problems that arise are being discussed in this Chapter to determine the need for certain legal measures against the blogging in Malaysia.

1.1 Background

In Malaysia, the Internet has become an essential part of the citizen daily life. It can be said that offices in Malaysia are connected to the Internet. The Internet is originated from the United States which was developed in 1962 by the United States Defence Advanced Research Projects Agency (DARPA).¹ This was called the Interneting project and the system of networks, which emerged from the research, later it was known as the "Internet".²

Malaysia has launched its Multimedia Super Corridor³ project (hereinafter as MSC) by the former Prime Minister Tun Mahathir Mohamed in 1999. The objective of this launching is to attract investment from the software firms, electronic publishers, telecommunication specialists and other multimedia ventures.⁴ The Malaysian had a chance to experience the unlimited access

¹ Janine S. Hiller and Ronnie Cohen, *Internet Law & Policy*, (2002) p6. DARPA's objective is to allow the network computers to communicate clearly across multiple, linked packet networks.

² Anonymous, 'A Brief History of the Internet and Related Network', available at <<http://www.isoc.org/internet/history/cerf.shtml>> downloaded on (20/03/2007).

³ The MSC is a 750 sq km strip of land which situated at south of Kuala Lumpur.

⁴ Mohammed Hassan, 'Malaysia Takes Off Into Cyberspace?', available at <<http://www.muslimedia.com/archives/sea98/mycyber.htm>> downloaded on (20/03/2007).



STUDY INTO THE NEED FOR LEGAL MEASURES AGAINST BLOGGING IN MALAYSIA

of information better and the Internet had become a medium to communicate by the introduction of Internet.

The usage of Internet by household in Malaysia is shown in a survey published by the Malaysian Communications and Multimedia Commission (MCMC) which was conducted in 2005. Its aim is to address user side data gaps on attributes and current trends on the use of Internet in Malaysian homes. The finding of the survey shows the age group of '15-19' has the highest number accounting for 18.6 percent of all Internet users in private households.⁵ In addition to that, with respect to the intensity of usage, Malaysian surfers tend to surf 9 hours per week. The survey done had shown that the Malaysian are beginning to be more computer literate and are more dependent on the internet for information.

As early as 1997, blogging had become a new instrument for internet users to express their views. Blogs⁶ usually provide commentary and news on various subjects such as politic, fashion and local issues. An ordinary blog usually consists of text, images, and links to other blogs, web pages, and other media related to its topic. The main characteristic for blogs⁷ is that the readers are able to leave comments⁸ in an interactive format.

The increase of blogging activity among Malaysian had made many to urge the government to impose some guidelines and perhaps impose a rule on registration for all the local bloggers. It may seem impossible but according to Dr Nur Aliah Binti Zahri,⁹ said that Malaysia has the technology to introduce registration but it is just a matter of the permission by the parliament. Malaysia can based on the regulation impose by the other jurisdictions like the Republic of China in controlling and monitoring the activities of the bloggers by filtering and blocking the

⁵ Most of the users are either employed (37.7 percent) or are students (36.5 percent). The remainder consists of employers (5.0 percent), self-employed (8.8 percent) and unemployed (12.0 percent).

⁶ It consists of text, images, and links to other blogs, web pages, and other media related to its topic.

⁷ Anonymous, 'Blogs', available at <<http://en.wikipedia.org/wiki/Blog>> downloaded on (20/07/2007).

⁸ The comments are also published for others to read, thus make it just like a discussion.

⁹ A Deputy Director of Internet Communication Technology (ICT) in Malaysian Administrative Modernization and Management Planning Unit which are known as MAMPU.



ACKNOWLEDGEMENTS

Praise be to Allah S.W.T for the completion of this research paper. Whatever the weakness of this research, it would have been far greater without the dedication, hard work and team effort of all the members of this research paper. This research paper had been carried out by a team of devoted members which consist of Siti Nursarah Saroni, Sofia Shereen Kambali and Syahrulfaizi Adli Md Desa. The journey which is full of challenges and pressure started in January 2007 and ended in October 2007 along which we have encountered countless problems but with the help of many people we are able to overcome them and complete this research paper.

Our deepest appreciation goes to our supervisor, Puan Siti Hajar Mohd Yasin, a lecturer at the Faculty of Law, Universiti Teknologi MARA, Shah Alam. We owe a lot to her for her patience, support and knowledge that have assisted and guided us in completing our research paper. We are extremely grateful for the continuous supports and encouragements which she had provide us throughout the research.

We also wish to express our gratitude to Associate Professor Doctor Zaiton Hamin, the Director of Cyber law and Policy Centre, Faculty of Law, Universiti Teknologi MARA, Shah Alam for her kindness and generosity in sharing her views and knowledge on the issues essential to the research.

We would also want to show our gratefulness to Doctor Nur Aliah Zahri, the Deputy Director of Internet Communication Technology in Malaysia Administrative Modernization and Management Planning Unit (MAMPU) who kindly took time out of her busy schedule to help us become further acquainted with our research topic. This research study also would not have been completed without the kindness of the individuals who had willingly shared their views in this research paper.



TABLE OF CONTENT

Acknowledgement	ii
Content	iv
List of Cases	vii
List of Statutes	ix

CHAPTER ONE: BLOGGING IN MALAYSIA

1.0	Introduction	1
1.1	Background	1
1.2	Problem Statement	3
1.3	Conceptual Features	5
1.3.1	Anonymity	5
1.3.2	Article 10 of Federal Constitution	5
1.3.3	Blog	6
1.3.4	Blogger	6
1.3.5	Copyright	6
1.3.6	Cyberspace	7
1.3.7	Defamation	7
1.3.8	Internet	8
1.3.9	Internet Service Providers (ISPs)	8
1.3.10	Sedition	9
1.4	Objective of Study	9
1.5	Literature Review	9
1.6	Methodology	13
1.7	Limitation	13
1.8	Significant of Study	13
1.9	Conclusion	14

CHAPTER TWO: FREEDOM OF SPEECH

2.0	Introduction	15
2.1	Freedom of Speech	15
2.2	Limitation of Freedom of Speech	16
2.2.1	Communications and Multimedia Act 1998	17
2.2.2	Copyright Act 1987	18
2.2.3	Contempt of Court	19