

**UNIVERSITI TEKNOLOGI MARA**

**THE EXTENT OF THE  
CRIMINALISATION OF  
CYBERSTALKING IN MALAYSIA  
AND ENGLAND & WALES**

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Thesis submitted in fulfillment  
of the requirements for the degree of  
**Doctor of Philosophy**

**Faculty of Law**

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## AUTHOR'S DECLARATION

I declare that the work in this thesis was carried out in accordance with the regulations of Universiti Teknologi MARA. It is original and is the results of my own work, unless otherwise indicated or acknowledged as referenced work. This thesis has not been submitted to any other academic institution or non-academic institution for any degree or qualification.

I, hereby, acknowledge that I have been supplied with the Academic Rules and Regulations for Post Graduate, Universiti Teknologi MARA, regulating the conduct of my study and research.

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## ABSTRACT

Of late, cyberstalking has become a rampant computer-related crime worldwide. The transition of such crime to cyberspace is due to technological advancement. Previous research has not addressed the risks of cyberstalking and the adequacy of its laws. Given the risks and deficiency of the law, the central thesis of this research is two-fold. Firstly, the transformation of communications and interactions in cyberspace by the use of the internet and the new social media will create new risks through stalking. Secondly, in light of the existing situation on the legal framework in governing cyberstalking tends to suggest that the said laws will become less important albeit not irrelevant, and other governing modalities, in particular, technology and netiquette will become more significant. Guided by this thesis, this study aims at examining the extent of criminalisation of cyberstalking in Malaysia and England and Wales, to elicit lessons to be learned. Further, this research seeks to propose for the reformation of the existing laws to govern cyberstalking more effectively than before. Finally, at the theoretical level, this research analysed how the Routine Activity theory and the Risk-Society theory would mediate the understanding of cyberstalking and the legal modalities to govern such crime. This research adopts a qualitative method, in which primary data is obtained from eighteen semi-structured interviews from various stakeholders, including the regulators and enforcement officers. Such data is triangulated with the Ministry of Communications and Multimedia and the Ministry of Women, Family and Community Development. Secondary data involves the use of the current cyber legislation, the Penal Code and library-based online sources. The evidence of this research is reported in Chapter Five. The legal analysis of the anti-stalking legislations in both jurisdictions is presented in Chapter Three and Four respectively. This research reveals that cyberstalking risks are often manufactured by the victims themselves which may lead to individual responsibility towards managing and mitigating such risks. The research also found that the existing laws in Malaysia would need to be reformed to include specific provisions on cyberstalking and provide adequate protection for the victims. Future research on such crime can involve a quantitative study, or the analysis of female victimisation, or profiling of male stalkers and a comparative legal analysis between Malaysia and other jurisdictions such as Japan, India, and Singapore.

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