

# 【Liu Zhewei's column】 Promised the public to shoot videos in police enforcement



**Liu Zhewei**

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**THE MALAYSIAN INSIGHT**  
Aff Abd Halim

*If the police force is trusted by the public, there will be less filming of police enforcement, and vice versa. (File photo: Perspective Malaysia)*

If it weren't for the video leak, you wouldn't know that "empty needles" could also occur with vaccination. Without video as evidence, would you know when incidents of abuse of power and misconduct occurred? In the past, there were pictures and truths, but now there are videos and truths.

Let's be realistic, if we don't have evidence to back it up, it's very difficult for the authorities to take action to investigate. To be honest, there is often a reluctance to investigate. In most cases, those in power base their remedies on investigations and actions after the video has been distributed.

I'm not encouraging people to spread the wrong behavior of the police force, but we must be clear about the difference between possessing video as evidence and maliciously spreading video.



*Many countries have implemented body cameras for police forces, but Malaysia has not. (File photo: Perspective Malaysia)*

In this article, I will not discuss from a legal perspective whether it is legal for the public to video police law enforcement. At the moment, this is a controversial topic, and the legal debate on both sides will be endless. Unlike some U.S. states, there are clear legal provisions on the legality of such acts, while Malaysian law is quiet in this regard, which is why the two sides have been arguing these days. I'm interested in whether the public should be allowed to film police enforcement?

I am at the moment of confusion about Home Minister Han Chazainuddin's invocation of the Communications and Multimedia Ordinance (MCMC) and other decrees to support his argument that the public is not allowed to video police enforcement. As I mentioned in previous articles, the Constitution and the law are tools for defending democracy, not the other way around.

Similarly, in this case, when the law is invoked, it is to achieve some of the goals for which the law was originally intended at that time, rather than to use legal tools to achieve non-original goals. Even if laws are sometimes drafted in an open manner, giving authorities broader powers, they should use their powers carefully without distorting the law. That's one of the reasons why I hate the Communications and Multimedia Act so much.

The Act itself is an evil law because it is too broadly defined. Simply put, in today's world, everything is about communication, such as the Internet and social tools, and so on. If the authorities insist on interpreting it this way, it is easy to fall into the category of "dishonest use". That is why this law and the sedition decree are

often used because the definitions of both are too broad for the authorities to use.

Let's get back to the focus of today's discussion, why can't police enforcement be videotaped? Many times, video can be used as evidence, if there is no video, once the matter is presented in court, how to testify? This is why many countries have implemented body cameras for police forces, and on the other hand, to provide greater transparency and accountability. Unfortunately, Malaysia has not yet implemented it.

Therefore, I am here to ask the simple question of how to take evidence of clashes between police forces and the public, including those arrested, family members and friends, and even passers-by. If the authorities are concerned about interference with duty, which is an excuse often used around the world, how to define what constitutes interference with police investigations, and by whom? I personally feel that the best thing to do is to let the court decide.



*If the police believe that the behavior is indeed interfering with or undermining their investigation, it is up to the judiciary to decide whether to actually intervene rather than directly block the videotaping. (File photo: Perspective Malaysia)*

所以我觉得录影应该被允许，而如果警察认为这种行为确实干扰或破坏他们的调查，应该由司法机构来决定是否真的干预，而不是直接阻止录影。如上所述的理由，不允许录影基本上直接导致证据丢失，之后的争论只会是公说公有理，婆说婆有理。

同时，我也同意不应该允许恶意的散播警察的执法，但同样地，要由谁来界定是与不是恶意的定义呢？我再次主张，应该由司法部门来决定。

当涉及警方和民众，警察被授权定义和决定，这肯定构成利益冲突，因为警方也是当事人之一。在正常的情况下，我不认为一个正常人会恶意散播，即使他们这样做也是冒着被起诉的风险。但是，如果这种散播的理由是基于一个人的“无罪”，这就值得当局再作进一步调查。

总而言之，今天的讨论核心是围绕在“公信力”。如果警察部队得到公众的信任，那么民众对警方执法时被录影的举动就会减少，反之亦然。从目前的情况来看，政府应该提高民众对警察部队的信心，加强警队在执法过程中的责任感。

基于这原因，民众应该允许公开录影，以维护涉及人士的利益，同时避免任何的纠纷，而作为一种证据形式。

\* 刘哲伟目前在国际伊斯兰大学政治学系任职助理教授。在此之前，也曾其他高等学府执教。刘哲伟先后于马来西亚国立大学取得政治学学士及硕士学位，并于英国布里斯托大学取得政治学博士。

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