

【刘哲伟专栏】柯玉莉再被控事件省思— 何时废除通讯及多媒体法令



刘哲伟

最后更新1年前 · 刊登于16 Feb 2023 2:36PM · 0条评论



人权分子柯玉莉声称将在1998年通讯及多媒体法令第233条文（不当使用网络及网络设备）下再次被控后，事件峰回路转，随后发推文说。（档案照：透视大马）

社运分子柯玉莉三年前因批评移民局恶待扣留者而惹上官非，不过，我并不是要讨论案件，而是专注1988年通讯及多媒体法令和煽动法令。

风水轮流转，过去希盟执政时的不足，如果他们不利用现在的机会来纠正错误，我相信距离再次成为反对党不过是时间问题而已。最直接的例子就是平均选区拨款，当希盟领袖是反对党时，无论是希盟还是民联，不断为平等分配而斗争。这种争取是非常好的，从道德层面来说，歧视反对党议员是不对的，但是令人遗憾的是，当他们在2018年执政时，他们就重蹈覆辙国阵政府的错误，最终一场喜来登行动致使希盟倒台，新的慕尤丁政府根本不给他们选区拨款，他们能说什么呢？自食其果。如果他们执政时没有及时纠正不公，现在就不能后悔。

多年来，我一直在致力废除这两项恶法，或至少修改法令，以缩小政府滥用权力的漏洞，那么无论是现在的执政政府，抑或未来政府，也不能滥权。

平心而论，当希盟在野时遭受诸多的不公平的法令对付，去网络搜索，种种的抗议声明，包括以上我所提出的两项法令，希盟领袖受罪不少。

如今执政了，突然恶法变成有利他们的法令了？还是他们有信心自己不会滥用呢？如果是前者，那么现在的执政党就是换了位置，换了脑袋，我无话可说。这让我想起马哈迪很多年前曾经说过的一句话，当你是反对党时，你不喜欢预防性法令，当你是执政党时，会发现这些法令其实很好使。我记得当时他用的词是“sedap”，从马来语诠释就是“很好使”。

如果是后者，对自己有信心不会滥用，那么现任政府可以保证下一届政府也会如此善良和公平吗？如何保证未来的政府不会滥用？如果无法保证，就不要主观的相信任何政府会有智慧，而是以制度来确保任何恶法不会被滥用，或者没有被滥用的空间。

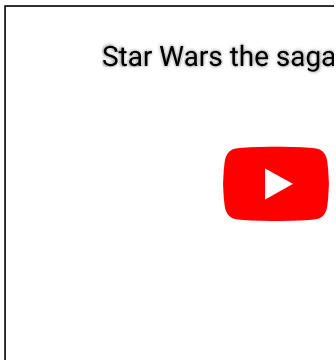
这也是为何很多先进的民主国家，虽然当时他们的领导人受到人民高度信任，但不会赋予那个领导人太多的权力。也许他在位时深受你的信任，相信他是一个好人，但如果没有一个制度来制衡最高领导人的权力，如何保证下一个领导人会如同你信赖的领导人那样的表现呢？所以，很多国家都把制衡机制放在权力上，而不是领导人身上。与其信任他人的行为，不如相信完善的制度和系统更来得安全。

虽然我知道自己的声音微不足道，不足以影响到国家领导人决策，但我仍希望可以敦促政府可以客观的审查和修改这两项法令。大家若有兴趣，可以去阅读约翰·罗尔斯 (John Rawls) 的《正义论》中，有一个重要的理论：“无知之幕 (Veil of ignorance)”，或者你也有新的启发。

** 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。*

若想留言，请订阅或登录。

The Malaysian Insight



The Malaysian Insight (https://...)
7 May 2024

No plans to arrest Dr Mahathir yet, says MACC chief...

MALAYSIAN Anti-Corruption



The Malaysian Insight (https://...)
(https://www.themalaysianinsight.com/s/482701)

Huge tree crashes on KL monorail track, cars during thunderstorm...

A HEAVY thunderstorm uprooted a



THE MALAYSIAN INS
(https://www.themalaysianinsight.com/s/482701)
7 May 2024



Star Wars the saga continue

"May the Fourth be with Star Wars cosplav fans ce

 CROWDYNEWS (<https://www.crowdynews.com>)



[Liu Zhewei Column] Thoughts on the incident of Ko Yuli being charged again - When will the Communications and Multimedia Act be repealed?



Liu Zhewei

Last updated 1 year ago · Published on 16 Feb 2023 2:36PM · 0 comments



The incident took a turn for the worse after human rights activist Ko Yuk Lee claimed she would be charged again under Section 233 of the Communications and Multimedia Act 1998 (improper use of networks and network equipment), and later tweeted. (File photo: The Malaysian Insight)

Social activist Ke Yuli was in trouble three years ago for criticizing the Immigration Department's mistreatment of detainees. However, I am not going to discuss the case, but focus on the Communications and Multimedia Act 1988 and the Sedition Act.

Things are changing, and if Pakatan Harapan did not take advantage of the current opportunity to correct their mistakes when they were in power in the past, I believe it is only a matter of time before they become the opposition party again. The most direct example is the equal allocation of constituencies. When the PH leader is the opposition party, whether it is PH or Pakatan Rakyat, they constantly fight for equal distribution. This kind of struggle is very good. From a moral perspective, it is wrong to discriminate against opposition members. But it is regrettable that when they came to power in 2018, they repeated the mistakes of the Barisan Nasional government and ended up with a Sheraton operation. As a result of the collapse of Pakatan Harapan, the new Muhyiddin government did not allocate any funds to their constituencies. What can they say? Reap the consequences. If they failed to correct the injustice in time when they were in power, they cannot regret it now.

Over the years, I have been working hard to repeal these two evil laws, or at least amend the laws to narrow the loopholes for the government to abuse its power, so that neither the current government nor the future government can abuse its power.

To be fair, when Pakatan Harapan was in opposition, it suffered many unfair legal actions. If you search the Internet, you will find various protest statements, including the two laws I proposed above. Pakatan Harapan leaders suffered a lot.

Now that they are in power, suddenly the evil law has become a law that is beneficial to them? Or are they confident they won't abuse it? If it is the former, then the current ruling party has changed positions and heads. I have nothing to say. This reminds me of something Mahathir said many years ago. When you are in the opposition party, you don't like preventive laws. When you are in the ruling party, you will find that these laws are actually very effective. I remember that the word he used at that time was "sedap", which in Malay translation means "very easy to use".

If it is the latter, and is confident that it will not abuse, can the current government guarantee that the next government will be so kind and fair? How to ensure that future governments will not abuse it? If it cannot be guaranteed, do not subjectively believe that any government will be wise, but use systems to ensure that any evil law will not be abused, or that there is no room for abuse.

This is why many advanced democracies, although their leaders at that time were highly trusted by the people, would not give that leader too much power. Maybe you trusted him deeply when he was in office and believed that he was a good person, but if there is no system to check and balance the power of the top leader, how can you ensure that the next leader will perform like the leader you trust? Therefore, many countries place checks and balances on power rather than leaders. Rather than trusting the behavior of others, it is safer to trust complete institutions and systems.

Although I know that my voice is insignificant and cannot influence the decision-making of national leaders, I still hope to urge the government to objectively review and amend these two laws. If you are interested, you can read John Rawls's "A Theory of Justice", which contains an important theory: "Veil of ignorance", or you may also have new inspirations.

** Liu Zhewei is currently an assistant professor in the Department of Political Science at the International Islamic University. Before that, he also taught in other institutions of higher learning. Liu Zhewei obtained a bachelor's degree and a master's degree in political science from the National University of Malaysia, and a doctorate in political science from the University of Bristol in the United Kingdom.*

If you want to leave a message, please subscribe or log in.

The Malaysian Insight



Ravin Palanisamy (<https://www.th...>)
10 May 2024

KKB results hinge on voter turnout, Malay sentiment...



Ravin Palanisamy (<https://www.th...>)
(<https://www.themalaysianinsight.com/s/482790>)



MIC denies party split over Pakatan campaign for KKB...



(<http://...>)

Read more

Read more

 **CROWDYNEWS** (<https://www.crowdynews.com>)

