

# LAW & PRACTICE

## Critical Analysis and Legal Reasoning

SYLVIA KIERKEGAARD (ed.)

# **Law & Practice**

## **Critical Analysis and Legal Reasoning**

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# Law & Practice: Critical Analysis and Legal Reasoning

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# Fighting Cyberterrorism with Legislative Bullet: Are We Really Ready?<sup>1</sup>

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**Abstract.** National governments around the world have taken legislative steps to provide for stronger measures for fear of being struck by cyber-terrorists. Malaysia is not excluded. This paper examines the nature, scope of cyberterrorism and how it threatens the critical information infrastructure and national security. A brief survey is presented on cyberterrorism laws in the US, UK and Australia. It examines further the recent legislative attempts in Malaysia in countering threats of cyberterrorism with critical analysis and recommendation for improvement.

## 1. Introduction

Of recent years, the Malaysian government web sites have been targeted by cyber-attacks who were not happy with certain actions taken by the government<sup>2</sup>. Although the effect of the cyber-attacks has been minimal, it has given rise to concerns as to the vulnerability of our national critical information infrastructure (NCII). A computer attack that disrupts non-essential services is at most a costly nuisance.<sup>3</sup> But serious or pre-meditated continuous cyber - attacks against nation's essential services and critical infrastructures, such as computer systems of aviation traffic control at the airport, or a disclosure of official secrets from military computer system, may cause massive fear and anxiety. What appears like an ordinary cybercrime could turn out to be an act of cyberterrorism.

Cyberterrorism is increasingly popular due to ease and affordability. Cyberterrorism is not restricted by time or space: it can be done virtually from anywhere and anytime. Being able to operate in anonymity provided an additional advantage to the terrorists to hide behind the veil of technology across traditional physical boundaries.

This paper examines the meaning and scope of cyberterrorism. The paper showcases several legislative attempts found in selected jurisdictions i.e. the US, United Kingdom, Australia and finally Malaysia. The objective is to highlight the development of law in countering cyberterrorism that threatens the national critical infrastructure.

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<sup>1</sup> This paper is part of the study conducted by the authors under the Exploratory Research Grant Scheme (ERGS) commissioned by the Ministry of Education, Malaysia.

<sup>2</sup> 'Malaysia tries to stop threatened cyber attack', Niluksi Koswanage, Reuters, June 15, available online 2011 <http://www.reuters.com/article/2011/06/15/us-cyber-malaysia-idUSTRE75E05N20110615> (accessed 23<sup>rd</sup> September 2013).

<sup>3</sup> Mohammad Iqbal, "Defining cyberterrorism." *The John Marshall Journal of Computer & International Law*, 22 J. Marshall J. Computer & Info. L. 397, at p. 408.