



# Regulating Digital Disinformation during the Pandemic and Beyond

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# Problem statement

The spread of fake news on Covid19 is causing public unrest and suspicion among citizens which is a challenge for countries facing the pandemic.

The misinformation or disinformation which stems from uncertainties, unrest, and anxiety because of movement control order procedures, financial and economic hardship caused wrong information to spread like fire.

Called as 'info-demic', it becomes a second source of virulent information that requires arresting just like the pandemic itself.

Controlling fake news in the time of pandemic is a daunting problem that slaps Internet regulation at its face.

On the Internet, lies spreads faster than truth and correcting misinformation means tones of work

This paper examines Internet self- and co-regulatory approaches in selected jurisdictions to reduce the impact of fake news on governments, industry, and private actors through content analysis

the first section analysed specific legislations enacted by parliaments to criminalise the acts of disseminating and publishing fake news.

The second section examines legislative and administrative efforts to impose civil and criminal liability on platform providers to monitor online content.

The final section analysed self-regulatory efforts to introduce online fact-checking portals and awareness campaigns.

# Fake News Regulation in Malaysia via Internet Self-Regulation

The introduction of the Multimedia Super Corridor project in 1991 and the enactment of the MSC Bill of Guarantee has paved the way for the introduction of an Internet self-regulation regime in Malaysia.

Section 3(3) to declare that nothing in the Act shall be construed as Internet censorship. Section 124 of the Communications and Multimedia Act 1998 (CMA) demonstrates the type of Internet self-regulation adopted in Malaysia. In pursuant to this, the CMA commissioned the drafting of an industry Content Code in 2004 as the code of conduct for the members of the communications and multimedia industry. As the status of the code remains an industry guideline with no statutory force, compliance to the code is sought through regulatory and licensing controls (Daud & Jalil, 2017).

The self-regulatory control is executed through three means: 1) the enactment of legislations, 2) issuing takedown notices, and 3) advocacy and education.

# Enactment of Fake News Legislations

Malaysia is not alone in enacting fake news legislation, although it is amongst the earliest as there are many others who are in the same boat.

In this regard, the United States Library of Congress conducted a survey on 15 countries which have adopted regulatory mechanisms that range in between aggressive to passive (The Law Library of Congress, 2019).

Examples include Germany, France, and China.

# Imposing Civil and Criminal Liability on Mere Conduits

**Germany** – notice and takedown reformed?

**Singapore** - administrative measures

# Online Fact- Checking Portals and Awareness Campaigns



Online portals



Awareness campaigns

# Findings

This paper argues that Internet self-regulation scheme in Malaysia is not bringing the desired result in the scope of maintaining peace and security of the nation.

Considering how dangerous disinformation can cause to the society, more so in global emergency like the present Covid19 pandemic, it is submitted that Internet co-regulation is more suitable if the social, moral and cultural fabric of the society is to be maintained.



# Thank you

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