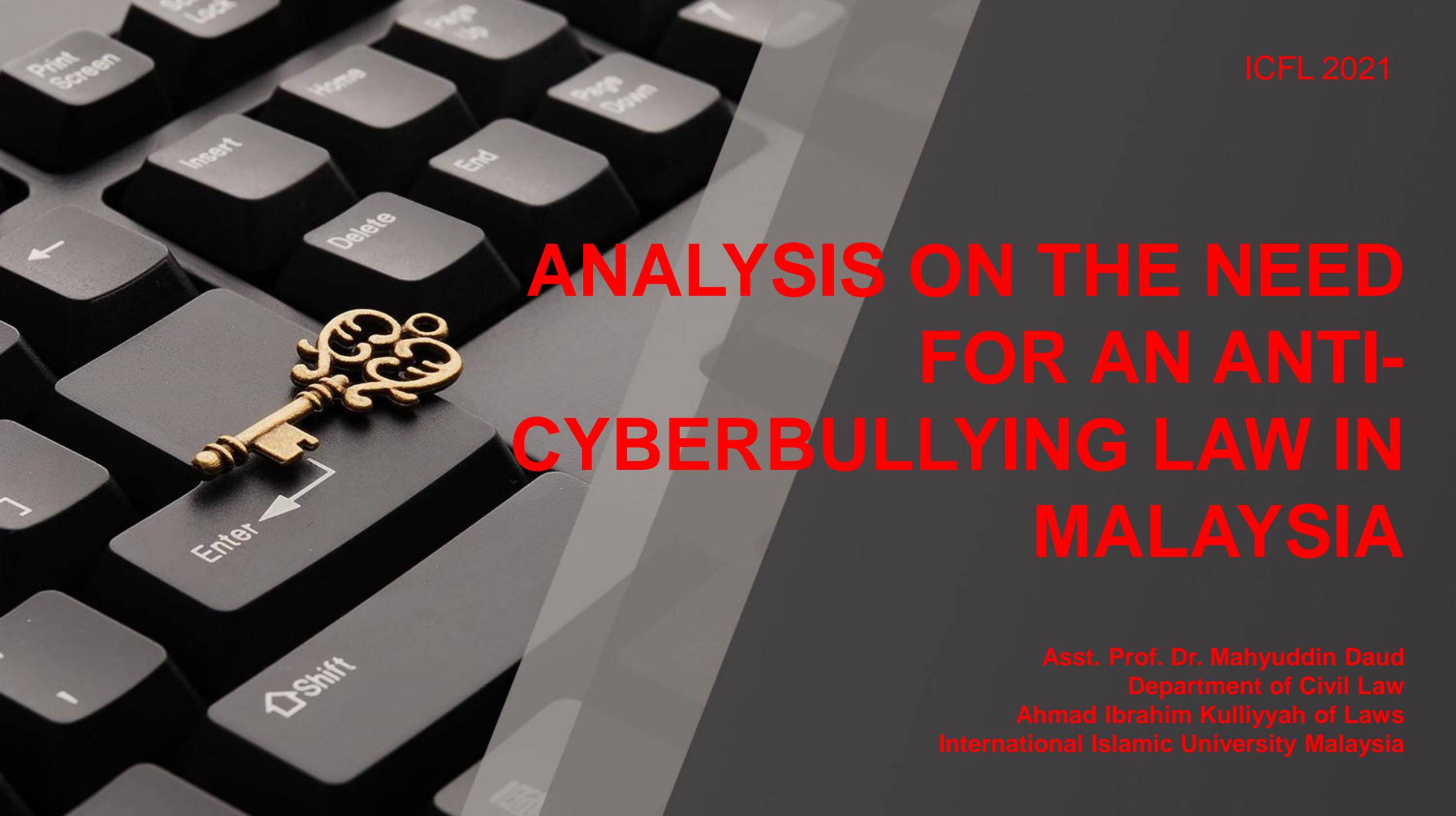


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ANALYSIS ON THE NEED FOR AN ANTI- CYBERBULLYING LAW IN MALAYSIA

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Introduction

- Cyberbullying is an unwarranted phenomenon resulting from the expansion of Internet access.
- The acts of cyberbullying are increasing in every corner of the world including Malaysia but not many countries have cyberbullying laws in place.
- Cyberbullying is proven to be more destructive than traditional bullying, as digital media has the capability to amplify the extent of online publication beyond borders within speed of light. This article examines the necessity to legislate an anti-cyberbullying law in Malaysia.
- Firstly, it is argued that the definition of cyberbullying should be broad to include wider range of bullying acts. Various forms of cyberbullying need to be ranked according to the gravity of potential harm each form poses.
- Secondly, the paper analyses current laws and challenges that justify the need to enact an anti-cyberbullying legislation.
- Existing statutes may not be specific to cater to the problems brought by new technologies. As technology evolves faster than the speed at which laws change, cyberbullies may continue to victimise children and adults unnoticed.

Definitional issues



Despite the rising trend of cyberbullying, reaching to a clear definition of the term has proven to be challenging.



One may question the difference between cyberbullying and cyber harassment.

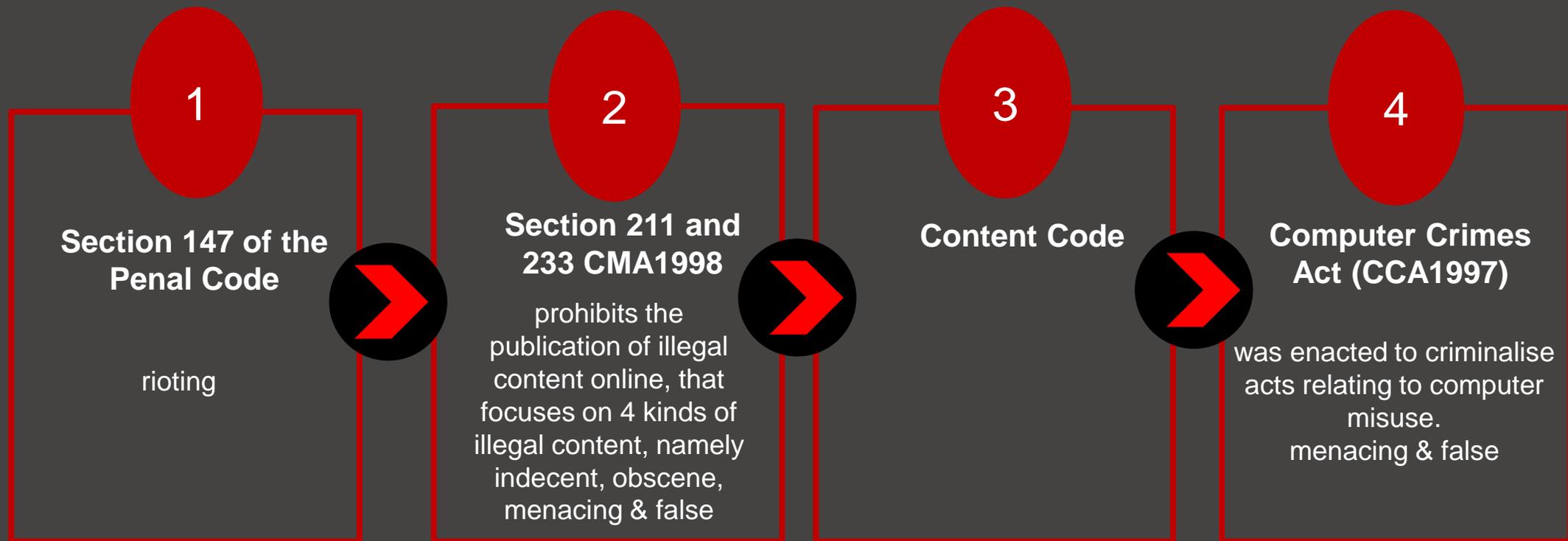


While bullying usually has been occurring amongst children, there can be incidents where adults were cyberbullied as well.



Harassment on the other hand, may include bullying, and other classes of acts including sexual harassment.

Regulatory Framework In Force: Legal Issues And Concerns



Recommendation

01 There lacks any specific legislation that regulates the acts of cyberbullying. Actions can be taken only when the cyberbullying acts turned into criminal acts recognised by the penal code, such as rioting or causing hurt

02 New legislation be created to criminalise the acts of cyberbullying, as current laws may not be suitable to cater to the issues.

- It is proposed that a specific legislation to be enacted that is specifically designed to prohibit cyberbullying acts
- One worry that could be of concerns is – cyberbullying regularly occurs amongst children. If cyberbullying is labelled as a crime, then would the society be ready to accept an increased number of juvenile cases.
- Some cyberbullying incidents occur out of misunderstanding between children at school. If small incidents are treated as criminal acts, one wonders to what extent should be criminal responsibility be attributed to

03 Whether one is ready to treat the perpetrator who cyberbully akin to a criminal. There needs to be clarity on what level of cyberbullying that can be considered as a crime, and whether lesser acts need only to be categorised as torts or civil wrongs.

04 The acts of cyberbullying that do not come together with criminal intents to be kept within the ambit of the law of torts and administrative law.

- The Philippines: The legislation provides for administrative measures for school, teachers and parents to comply in preventing cyberbullying acts.
- Canadian province of Manitoba: enacted the Cyberbullying Prevention Act is rather noteworthy. Since cyberbullying is mostly related to children, the regulatory approach was limited to tortious actions rather than crime.
- Some cyberbullying acts were committed by children unintentionally and by virtue of their immaturity. Having the acts recognised as crimes would be punishing the child offenders pointlessly hence destroying their bright future.

Conclusion

In a nutshell, the proposed legislation should conceptualise cyberbullying as broad, covering a wider variety of bullying activities

Various forms of cyberbullying need to be rated according to the seriousness of the possible harm that each form presents. The paper analysed existing Malaysian laws and issues that justifies the need to implement anti-cyberbullying

While a variety of regulations may provide assistance in the fight against cyberbullying, there are concerns that they might not be sufficient and applicable to the problems caused by emerging technologies.

As technology advances faster than the pace at which laws change, cyberbullies can continue to victimise children and adults unnoticed.

With the enactment of anti-cyberbullying legislation, Malaysia is hoped to resolve cyberbully problems that victimises children and adults.

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