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7 AUGUST 2020

### **The Growing Abuse of Technology**

With the rapid growth of technology, the scale as to how far and how quickly we can retrieve and disseminate information has now become almost limitless.

The issue which then arises is, are we protected when technology becomes a convenient tool for those acting irresponsibly?

For instance, social media platforms such as Facebook, Instagram, Twitter and WhatsApp are easily accessible and provide reachability and, to some extent, user anonymity. By virtue of such construct, these platforms are susceptible to abuse and would allow for the dissemination of false and harmful statements made by anonymous authors.

### **Available laws**

Existing Malaysian laws offer some level of protection and safeguard to those who may be victims of damaging and defamatory remarks in the unrelenting realm of social media. These include the Communications and Multimedia Act 1998 (**CMA**), the Defamation Act 1957 and the Penal Code.

Pursuant to s 211 of the CMA, it is an offence to distribute content or media that is indecent, obscene, false, menacing, or offensive in character with intent to annoy, abuse, threaten or harass any person. Further, according to s 233 of the CMA, it is an offence to, among others, initiate a communication using any applications service with intent to annoy, abuse, threaten or harass any person at any number or electronic address, notwithstanding whether or not the communication ensued and regardless if the perpetrator had disclosed his identity.

Both ss 211 and 233 of the CMA carry fines of up to RM50,000 and/or imprisonment if found to be liable upon conviction.

In addition to the foregoing, civil or criminal action for defamation in accordance with the Defamation Act 1957 and the Penal Code, respectively, may be pursued. The civil remedy offers victims of defamation compensation in the form of monetary damages. Under the Penal Code, if found guilty of criminal defamation, one may be punished with fines and/or imprisonment of up to two years.

### **Gaps in the laws**

While there are avenues to take action, often times these are not accessible without first identifying the source of the abusive content or defamatory remark(s). Therefore, not only does this leave the subject of online abuse at a severe disadvantage, but it also perpetuates the culture of misusing social media at the expense of a targeted individual's reputation.

With due consideration to balance out the individual's right to protect his or her reputation and the right of freedom of expression, there is insufficient recourse where anonymous defamatory messages are circulated with no room for vindication by the victim. Authorities can only manoeuvre to the extent permitted by the laws; otherwise, they too can be considered as restricted in assisting the general public.

Thus, while the laws may provide some relief, it will not prevent cowardly acts of those who hide behind the convenience of anonymity that technology offers. In the end, not even the most updated laws could provide protection when technology is misused by the cowardly, the irresponsible and those with ill intent.

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Published by the Technology, Media & Telecommunications Practice

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