

**Internet freedom and democracy**  
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Apparently, the government has not learned a lesson in law formulation, as the recently-passed amendments to the Evidence Act have again triggered unnecessary controversy.

Under Section 114(a), those charged under the law would have to disprove their alleged wrongdoing although the posted comments might have been issued by hackers. The vague wording of the provision might also suppress the freedom of speech on the Internet.

Information Communication and Culture Minister Datuk Seri Dr Rais Yatim said that any person who posts unfavourable seditious, abusive, disinformation or spreads false or defamatory statements through conversations, conferences, telephone conversations or social media such as *Facebook* and *Twitter*, causing harm or troubles to others, the acts would be considered as criminal offences.

However, how should we definite seditious remarks? It is in fact very subjective. It is the people's right to criticise the government but some comments might be alleged to cause public discontent and thus, classified as seditious.

Prime Minister Datuk Seri Najib Razak announced on July 12 that the Sedition Act 1948 will be repealed and replaced by the National Harmony Act as an effort of the Government transformation Plan (GTP). However, the government's credibility is undermined as it is now trying to tighten control over the freedom of speech online.

Umno Youth chief Khairy Jamaluddin and Deputy Higher Education Minister Datuk Saifuddin Abdullah are against the Section 114(a). Saifuddin said that the Bill was tabled in the Dewan Rakyat without a prior consultation period with BN lawmakers. He also believes that the Dewan Rakyat should have an in-depth debate, while the responsible minister should make more explanation.

It is a flaw in the legislative process. Views of elected representatives, professionals and interest groups are not consulted before bills are hastily passed in the Dewan Rakyat. Lawmakers neglect the seriousness of the bills because there is no proper explanation from the responsible ministers as there are too many bills to be debated within a limited time. As a result, bills are opposed by the members of the public after they are passed in the Dewan Rakyat.

Although the government had promised not to censor the Internet when it launched the Multimedia Super Corridor (MSC) in August 1995, regulatory actions have in fact started. The Computing Professionals Act 2011 has planned to register all workers in the information and communications technology industry, triggering a concern that the Act might be used to control blogs, websites, *Facebook* and *Twitter*.

For new media, many countries are still in the learning and exploring process. For example, a US federal judge said clicking the "Like" button on *Facebook* is not constitutionally protected free speech. Fired *Facebook* users do not accept it and are now making their appeal.

Undeniably, online violence and disorder problems in Malaysia have become increasingly serious. The specification of the Internet, however, should be divided into two parts, namely the government and private use.

The authorities should retain the people's right to criticise the government and appraise public issues. If they insist to tighten control and cause an online white terror, it will then suppress the freedom of the public to supervise the government. It is detrimental to democracy in the long run.

If Internet users do not discipline themselves and cause harm to others, the government should empower the victims to ferret out the culprit through the Malaysian Communications & Multimedia Commission ( MCMC).

The Internet can promote democracy. It does not worth it to hugely magnified its disadvantageous.

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