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For Immediate Release

Enhancing Online Safety: SERI Calls for Cyberbullying Law Reforms in Malaysia

19 July 2024 - Following the death of social media influencer A. Rajeswary, also known as Esha, two individuals have been charged in the Sessions and Magistrate's Court for alleged cyberbullying offense on the TikTok platform.

These individuals were fined RM100 each, prompting public concern regarding weak regulations on cyberbullying in Malaysia. The shockingly low penalty has sparked a debate about whether the existing legal framework sufficiently addresses the seriousness of cyberbullying and its potential consequences. Many believe that the fines do not reflect the gravity of the harm caused by such behavior.

Social and Economic Research Initiative (SERI) strongly urges for legal reforms to better protect individuals from online harassment and ensure a safer digital environment. Cyber-bullying is a widespread problem that affects individuals globally, as the digital age has amplified the reach and impact of such harmful behavior, often with devastating consequences.

One in five Malaysian teenagers have been involved in bullying activities through the internet, cell phones, or other electronic devices. Common forms of cyberbullying include making rude comments online, spreading rumors, sharing embarrassing photos, making threats, body shaming and soliciting sexual conversations or activities.

The WHO/Europe in their Second Volume of the Health Behaviour in School-aged Children (HSBC) 2024 study highlights the growing trend of cyber-bullying and violence, and suggests a formulation of comprehensive strategies by stakeholders at various level, to protect young people's mental and emotional well-being.

Many countries across the globe are already addressing this issue seriously by introducing appropriate legal mechanisms. The current legal framework in Malaysia is insufficient to address the complexities and severity of cyberbullying. Currently, the laws on cyberbullying are regulated under Sections 503 and 509 of the Penal Code

and Section 233 of the Communications and Multimedia Act 1998. The low penalties, as evidenced by the recent case, do not reflect the gravity of the harm caused. This could result in failing to deter offenders or provide justice for victims.

SERI recommends the government create a Social Media Council, under the purview of the Malaysian Communications and Multimedia Commission to regulate and oversee social media practice in this country. It could serve as a standardizing body by providing community guidelines tailored to the local context, such as addressing issues specific to Malaysian cultural sensitivities, language diversity, and societal norms. It would also ensure efficient reporting mechanisms, offer counseling and support, and address issues related to licensing and compliance.

The government can also look to best practices from similar bodies in other countries, such as Germany's NetzDG, the UK's Ofcom, and the EU's Digital Services Act (DSA) and Digital Markets Act (DMA).

SERI urges that beyond legislation, education and awareness related to bullying whether physically or digitally, must be prioritized. It is essential to teach a code of conduct and ethics for navigating the virtual world from a young age. This education should also include mental health awareness and other online safety campaigns. By instilling these values early, we can foster a culture of respect and responsibility in both the physical and digital realms, ultimately creating a safer environment for everyone.

Prevention through effective and comprehensive bystander education (on the lowest level, showing children and adults how to stand up for others when they witness bullying and harassment and the legal ramifications of actions). For example in Germany, the police engage with primary and secondary schools on cyber crime/bullying sessions (including education and awareness sessions for parents and making it clear that parents are legally responsible for their kids actions online, and preventive steps to take). These sessions emphasise the seriousness of cyber bullying and lay out the legal framework and laws governing such actions.

The passing of A. Rajeswary is indeed a sobering reminder for all of us, especially on the urgent need for a stronger cyberbullying regulation in Malaysia. By addressing the current gaps in our legal framework, the creation of a social media council and social media practices based on the local context and ethics, we can create a safer and more respectful online environment for all.

SERI is a non-partisan think-tank dedicated to the promotion of evidence-based policies that address issues of inequality, particularly at the intersection of technology and society.

For more information, please visit www.seri.my or email us at hello@seri.my.