REGULATING THE DIGITAL WORLD: CYBERBULLYING

The digital world links us in ways that, on the surface, make our lives so much easier. You can pay your bills online, buy food and groceries online and have them delivered to your house and connect with friends and family almost instantaneously from hundreds of miles away. In short, the digital world is about connectivity and convenience.

However, it has become increasingly obvious that connectivity and convenience may not always be such a good thing. There are those who take advantage of the anonymity and reach of the internet to commit crimes such as banking scams, money laundering, online gambling and even theft of personal information.

Then, there are those who take advantage of the internet to abuse, harass and/or intimidate others by, for example, sending, posting, or sharing negative, harmful, false, or mean content about someone else over digital devices like mobile phones and computers[1]. The act of causing harm to someone and/or subjecting someone to ridicule or negative comments and/or shaming someone through SMS, text messages, mobile applications, or online in social media and other online forums is known as 'cyberbullying'.

Cyberbullying is especially prevalent among teenagers and adolescence. According to a report by Bernama, which was published by The News Straits Times online on 5.09.2019, "*one in ten young Malaysias are victims of online bullying*"[2]. This has an effect on their education as well as their personal life as cyberbullying occurs continuously and at all times of the day, leaving them in a constant state of fear and anxiety. Cyberbullying have also been known to cause severe psychological harm to its victims with some having reported that they suffer from depression and low self-esteem as a result of being bullied online. In extreme cases, cyberbullying has also led its victims to commit suicide, for example, Sulli, the Korean singer-actress who took her own life in October 2019 due to having been a target of hateful online vitriol. Closer to home, a 16 year-old teenager in Sarawak jumped to her death after 69 percent of respondents to her Instagram poll, entitled "Really Important, Help Me Choose D/L", encouraged her to kill herself.

The severity of cyberbullying has led our Communications and Multimedia Minister Gobind Singh Deo to announce the need for a policy to curb such destructive behaviours. However, those who are victims of cyberbullying may not open up about it and may not even recognise it for cyberbullying. Thus, it is important for parents, friends and teachers to recognise the signs which include self-destructive behaviours, avoidance of social activities and loss of interest in education and daily activities, according to Gershina Ayu Mat Saat of Universiti Sains Malaysia.

According to the Malaysian Communications and Multimedia Commission, as at June 2019, it had received 220 complaints of cyberbullying since 2017. Due to the mental, emotional and physical risks posed by cyberbullying, the commission has "*advised internet users to exercise self-regulation to protect themselves and to equip themselves with knowledge of how to prevent cyberbullying*"[3].

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[1] https://www.stopbullying.gov/cyberbullying/what-is-it

[2] https://www.nst.com.my/news/nation/2019/09/519070/1-5-young-people-skip-school-because-cyberbullying-unicef-poll

[3] https://www.freemalaysiatoday.com/category/nation/2019/06/17/how-to-know-if-your-child-is-a-cyberbully-victim/

It is important for internet users to understand, not only the value of the information they are sharing online, but also the danger of sharing too much especially personal information. In this day and age, less and less are private and personal data is the most valuable currency. Thus, parents should monitor their children closely when it comes to their internet-related habits as well as activities to ensure that they do not fall victim to online bullying but even more importantly, to ensure that their children respect internet etiquette and do not become internet bullies.

Despite the call for change in policy and/or the law vis-à-vis cyberbullying, 'cyberbullying' is not recognised as a crime *per se* under the Penal Code which acts as a general law on criminal offences in Malaysia. The questions we ask then: is the existing legislation sufficient to address cyberbullying? Should 'cyberbullying' be made a criminal offence? What would be the elements of such an offence?

For our readers with questions regarding cyberbullying and/or cybercrimes in general, please do not hesitate to contact our office for legal advice or consultation. We aim to assist you in understanding your legal rights so that you can be legally protected at all time.

In the meantime, for those encountering cyberbullying, complaints should be made to the Malaysian Communications and Multimedia Commission or CyberSecurity Malaysia, Cyber999 via email to cyber999@cybersecurity.my.