MITIGATING NEGATIVE CONTENT ON THE NET

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INTRODUCTION

A survey conducted by the National ICT Security and Emergency Response Centre (www.niser.org.my) shows that obscene content downloads is the fourth in a list of Internet security breaches in the country.

It is as easy to buy illegal sexual images online as it is to purchase books from Amazon.com. Customers can just use their credit cards to pay a monthly fee between US$30 and US$50 (RM114 to RM190) to download obscene images and videos.

Former Prime Minister Yang Tun Dr Mahathir Mohamad recently suggested it was necessary for parents and the Government to block obscene material on the Internet.

This suggestion caught the attention of many and has since been discussed by various parties. In this article, we will focus on issues concerning negative content on the Internet.

CATEGORIES OF NEGATIVE CONTENT

Apart from obscene content on the Internet and mobile communications equipment, there is also content that is violent, menacing, profane and false.

Violent content manifests itself in many forms, such as information on terrorist activities and other related activities that can threaten national security - such as information on how to make a hand grenade.

Menacing content contains propaganda that instils hatred against a specific group.

Profanity includes expletives. The use of profanity or disparaging and abusive words will cause offence and is against our cultural norms especially if the language used is beyond the moral values of society.

False content is misleading or unverified information. The propagation of false information should be avoided as it could jeopardise the security, peace and harmony of a nation.

THE IMPACT OF NEGATIVE CONTENT

Negative content that is obscene and indecent can easily influence people, especially those of the younger generation.

It is a universal problem that can aversely affect the criminal, information security, economic and cultural aspects of society.

- Criminal - negative content can contribute to an increase in criminal cases, not only among juveniles but also adults who are easily influenced. It can also lead to loss of emotional control and inducement to commit crimes such as rape, incest and murder.

- Information Security - this leads to more cyber threats such as computer intrusions and the propagation of viruses, worms, trojans and spyware.

- Economic - the commercial trade of obscene material on the Internet is seen as profitable and can contribute to revenue amounting to billions of ringgit. However, this kind of trade profits foreign countries because of the outflow of our currency to their countries for the purchase of these obscene and indecent materials.

- Cultural - the Internet has, to some extent, exposed us to some aspects of Western culture that goes against the grain of our cultural values. Websites that feature obscene and indecent materials can contribute to the erosion of our culture, values and morals, especially amongst the younger generation.

These materials erode the positive values that young Malaysians should have as future leaders of this country.

As culture is the basis of our identity, it should be protected to the best of our abilities.

LEGAL PROVISIONS

There are several legal provisions in Malaysia that enable the authorities to take action against those who are found to possess, sell, exhibit or own any obscene materials either in a physical form and/or digital form.

Among the legislations are Sections 292 and 293 of the Penal Code. Section 5(1) of the Film Censorship Act 2002 enables the authorities to act against owners of obscene material in film form.

Section 211 of the Communications and Multimedia Act 1998 states that no content service provider, or other person using a content application service, shall provide content which is indecent, obscene, false, menacing or offensive in character with intent to annoy, abuse, threaten, or harass any person.

Section 233 of the same Act makes it illegal for the use of network facilities and network services for obscene, indecent, false and offensive content to

annoy, abuse, threaten or harass another person. It also outlines the penalties for committing the offence.

The Content Code is provided for in Chapter 9, Section 94 to 103 of the Communications and Multimedia Act 1998 to assist the industry in self-regulation.

The Communications and Multimedia Content Forum (CMCF) was established in 2001 with representation from all relevant parties of the communications and multimedia industry to govern related content issues.

Recently, a Malaysian salesman was charged with having a laptop containing a movie taken from a pornographic website (the STAR, 29 May 2005).

He is the first person to be prosecuted in Malaysia for an offence related to pornography and charged under the Film Censorship Act.

If found guilty, he could be fined up to RM50,000 and jailed up to five years.

PREVENTIVE MEASURES

Preventive measures that could be taken to address this issue are as follows:

- Awareness and Education Programmes - the Government and the private sector should work together in establishing awareness programmes pertaining to obscene and indecent content and ways to mitigate the problem.

- Filtering Obscene and Indecent Content - it is recommended that ISPs (Internet Service Providers) and telcos provide filtering services for obscene and indecent content using a cost-recovery model. Users should be given a choice to opt for the service. Recently, Science, Technology and Innovation Minister Datuk Seri Dr Jamaluddin Jarjis gave a directive to ISPs and telcos to provide such services to Malaysian Internet users (The Star, June 15).

- Complaints centre - a complaints centre for obscene and indecent content should be established and promoted to users. This centre would serve as an advisory service centre for users. It could also take suitable action against offenders.

- Content filtering at cybercafés - it is recommended that cybercafé owners provide content filtering services at their premises as a condition for their business operating licence.

This will help prevent the younger generation, especially school children from viewing unsuitable content. The local authorities should make it mandatory for these entrepreneurs to abide by the conditions imposed.