

CHAPTER 5

THE EFFORTS IN COMBATING CYBER DELINQUENCIES IN MALAYSIA

5.1 INTRODUCTION

Apart from the function of law in keeping peace and maintain social order and justice, and its agencies together with other institutions such the non-governmental organization (NGO) are also expected to play their roles in helping curb the cyber delinquency issues. It is to answer the third research question which is how can the issue of cyber delinquency can be curbed? Thus, this chapter explores the agencies that are responsible to provide the specialised cybersecurity services in Malaysia such as National ICT Security and Emergency Response Centre also known as CyberSecurity Malaysia which is governed under the Ministry of Science, Technology, and Innovation (MOSTI), MyCERT, MCMC and CyberSAFE. The efforts from NGOs also are being discussed in this chapter.

In the same way that Shariah principles are articulated at the end of all sections in previous chapters of the thesis, this chapter presents Shariah rules on communication manners that could be applied to social media communication.

5.2 THE ROLE OF GOVERNMENT AND AUTHORITY BODIES ON COMMUNICATION AND MULTIMEDIA IN MALAYSIA

5.2.1 Ministry of Science, Technology, and Innovation (MOSTI)

Ministry of Science, Technology & Innovation (MOSTI) or formerly known as MESTECC is a ministry that responsible for exploring, developing, utilizing science, technology, and innovation for Malaysia. After the formation of a new government in 2020, MESTECC has been restructured and its name has been changed to the MOSTI.

They offer various services, including cybersecurity at the national level, which implement the National Cyber Security Policy. It is vital to ensure the Critical National Information Infrastructure is protected from the vulnerabilities and risks including cybercrimes in computer systems (such as Hacking, Intrusion, Denial of Service Attack and Malicious Code) and in communication (Harassment, Fraud).

Thus, MOSTI has developed some roadmaps and strategies for the advancement of science, technology and innovation as well as for the better cyberspace security.

5.2.2 Ministry of Communication and Multimedia

The Ministry of Communication and Multimedia is the ministry that is in charge for monitoring four main scopes that are broadcasting industry (analogue and digital), telecommunication industry including mobile and internet services, postal and courier services and digital signature. Their services were administered under the purview of several key legislations including the Digital Signature Act 1997, the *Bernama Act* 1967, the Personal Data Protection Act 2010, the Communication and Multimedia

Act, the Malaysian Communication and Multimedia Commission Act, the National Film Development Corporation Act 1981 and the Postal Services Act 2012.³⁹⁹

The ministry also established some federal departments and federal agencies such as Department of Broadcasting Malaysia, Department of Personal Data Protection, Malaysian National News Agency, MCMC, MYNIC (Malaysian official .my domain registry) and so forth.⁴⁰⁰ To some extent, the establishment of those departments and agencies can help the ministry to plan and develop strategies to connect people through the proliferation of telecommunication infrastructure, to generate an informed society and to expand the creative industries through delivering and disseminating information as well as generating the platform to spur on the economic growth.⁴⁰¹

The government through the Ministry of Communications and Multimedia (KKMM) is actively implementing various initiatives to address cyber threats and crimes, including strengthening cyber security infrastructure and regulating the communication and multimedia ecosystem in the country.

They are accountable on planning, formulating, coordinating and implementing communication policies in general and in particular related to international relations such as the liberalization of the communication services sector and so on.⁴⁰² Apart

³⁹⁹ n.a. n.d. "Ministry of Communication and Multimedia Malaysia Acts", *Official Portal Ministry of Communication and Multimedia Malaysia*, <https://www.kkmm.gov.my/en/info-korporat/pengenal/acts>

⁴⁰⁰ n.a. 2018. "Jabatan / Agensi KKM", *Radio Televisyen Malaysia*, <http://www.rtm.gov.my/mengenal-kami/jabatan-agensi-kkmm>

⁴⁰¹ *Bernama*. 2016. "One year helming the Communications and Multimedia Ministry", *theSundaily*, Aug 2nd. <https://www.thesundaily.my/archive/1921738-KSARCH384743> (this is the transcript of the interview between *Bernama* and the former Minister of Communication and Multimedia, Datuk Seri Dr Salleh Said Keruak

⁴⁰² Official portal of Ministry of Communication and Multimedia Malaysia, *Functions and roles*, https://www.kkmm.gov.my/index.php?option=com_content&view=article&id=86&Itemid=74&lang=ms

from that, they participate actively by expressing Malaysia's views and stances in regional and international forums and meetings as well as promoting Malaysian entities for positions at the regional and international levels in order to play an active role in the development of communication at the global level.⁴⁰³

5.2.3 CyberSecurity Malaysia

National ICT Security and Emergency Response Centre or also known as CyberSecurity Malaysia is an agency under MOSTI that provides central coordination and to assist the government in identifying the challenges and the minimum standards of cyber security in Malaysia.⁴⁰⁴ It acts as a national cyber security specialist and technical agency that is responsible to develop various information security competency and capability training programs and knowledge-transfer platform for ICT professional.⁴⁰⁵

Four specialised cyber security services had been provided as their endeavors in combating the internet security issues, that are Cyber Security Emergency Services, Security Quality Management Services, InfoSecurity Professional Development and Outreach and Cyber Security Strategic Engagement and Research, which every single service offers different types of services with various functions.⁴⁰⁶ For instance,

⁴⁰³ Official portal of Ministry of Communication and Multimedia Malaysia, *Functions and roles*, https://www.kkmm.gov.my/index.php?option=com_content&view=article&id=86&Itemid=74&lang=ms

⁴⁰⁴ n.a. 2020. About us, *Cybersecurity Malaysia*, https://www.cybersecurity.my/en/about_us/history/main/detail/734/index.html

⁴⁰⁵ n.a. n.d., "openlearning", *CyberSecurity Malaysia*, <https://www.openlearning.com/cybersecuritymalaysia>

⁴⁰⁶ n.a. n.d. "Corporate Profile", *CyberSecurity Malaysia pdf.*, http://www.cybersecurity.my/data/content_files/46/1235.pdf?.diff=1392970989, pp.1

Cyber999 Help Centre and Cyber Crime Scene Investigation (CyberCSI) are services offered by the Cyber Security Emergency Services.⁴⁰⁷

5.2.4 PDRM

As a response of the increment of social media usage and other technology usage among children in Malaysia, the Malaysia Internet Crime Against Children (MICAC) has been launched in 2018 by the federal police in a bid to curb the spread of obscene pictures, videos and sound recordings involving children via internet.⁴⁰⁸ This task force under the Sexual, Women and Child Investigation Department (D11) which aims to probe such cases, apprehend perpetrators and assist victims as well as conducting research on cyber threats against children.⁴⁰⁹

5.2.4 MyCERT

MyCERT is a department under the CyberSecurity Malaysia.⁴¹⁰ It facilitates the internet users in handling internet incidents such as intrusion, cyber harassment, identity theft and so on besides operating as a reference point for the community to deal with the particular incidents.⁴¹¹ It works and collaborates closely with the law enforcement body (such as Royal Malaysian Police), Internet Service Providers (ISP), various computer security initiatives and so on as their endeavours to combat cyber security issues.⁴¹²

⁴⁰⁷ *Ibid*, pp.7

⁴⁰⁸ Bernama, 2018, Task force launched to curb sexual crimes against children via internet, *Malaysiakini*, https://www.malaysiakini.com/news/411754?utm_source=dlvr.it&utm_medium=facebook&fbclid=IwAR1kPHnRsgtDQhhRAEBVCaWfvphZPgDOYIBHdVjivw7m_0qI5Pr7blyY1ek

⁴⁰⁹ *Ibid*

⁴¹⁰ *Ibid*

⁴¹¹ MyCERT website, https://www.mycert.org.my/en/about/about_us/main/detail/344/index.html

⁴¹² *Ibid*

Currently, the Cyber999 Help Centre and CyberSecurity Malaysia Malware Research Centre are supervised by this department.⁴¹³ The Cyber999 Help Centre enables internet users to log the report or escalate computer security incidents. The report can be done via online form, email, SMS, phone call, fax, Cyber999 mobile apps or the complainant can come to the MyCyberSecurity Clinic.⁴¹⁴ It consists of specialist and analyst in the areas related to incident handling and malware research.⁴¹⁵

5.2.5 Malaysian Communication and Multimedia Commission (MCMC)

MCMC plays an important role as a key regulator of the communication and multimedia industry under the legislation of the Communication and Multimedia Act 1998 and the Malaysian Communication and Multimedia Commission Act.⁴¹⁶ It is responsible to promote and implement the government's national policy objectives for the particular sector. They also have been given the power to oversee the new regulatory framework for the telecommunication and broadcasting industries and online activities.⁴¹⁷ Starting from 2001, the regulatory functions of the Postal Service Act 1991 and the Digital Signature Act were put under the jurisdiction of MCMC as well.⁴¹⁸

⁴¹³ MyCERT website, https://www.mycert.org.my/en/about/about_us/main/detail/344/index.html

⁴¹⁴ n.a., n.d." Cyber999 Help Centre", *MyCERT: Malaysia Computer Emergency Response Team*, https://www.mycert.org.my/en/services/report_incidents/cyber999/main/detail/443/index.html

⁴¹⁵ MvCERT, *Malaysian Cybersecurity*, https://www.cybersecurity.my/en/our_services/mycert/main/detail/2328/index.html

⁴¹⁶ n.a. n.d." History", *Official Portal of Malaysian Communication and Multimedia Commission*, <https://www.mcmc.gov.my/about-us/history>

⁴¹⁷ n.a. n.d." Our responsibility", *Official Portal of Malaysian Communication and Multimedia Commission*, <https://www.mcmc.gov.my/about-us/our-responsibility>

⁴¹⁸ n.a. n.d." Our responsibility", *Official Portal of Malaysian Communication and Multimedia Commission*, <https://www.mcmc.gov.my/about-us/our-responsibility>

Apart from that, some primary functions and complimentary roles are supervised and monitored by this commission, including implement and enforce the provision of communication and multimedia laws, supervise the communication and multimedia activities, regulate all matters relating to communication and multimedia activities which is not provided in the law whilst it is complementing roles, include consumer protection, social regulation, economic regulation, technical regulation, certification authority regulation and postal regulation.⁴¹⁹

5.2.6 CyberSAFE

The Cyber Security Awareness for Everyone abbreviated as CyberSAFE is a cyber security program that focalises on increasing public awareness and knowledge on cyber safety.⁴²⁰ Various programs and services had been carried out such as awareness talks, seminars and exhibitions in order to educate them on how to respond and mitigate with the online threats.⁴²¹ It also provides some cyber-tips, posters, games and quiz, and so on that can be downloaded from the website. Children and young people are among the targeted group due to their vulnerability, and they are prone to make mistakes on the internet.⁴²²

5.2.7 NGO

In Malaysia, there is a strong collaboration between the government and NGO's concerning the protection of online children. Various NGO bodies are committed to

⁴¹⁹ n.a. n.d." Our responsibility", *Official Portal of Malaysian Communication and Multimedia Commission*, <https://www.mcmc.gov.my/about-us/our-responsibility>

⁴²⁰ Mohd. Shamir, H. 2011. "Malaysia's National Cyber Security Policy: The Country's Cyber Defence Initiative", *2011 Second Worldwide Cybersecurity Summit (WCS)*, London, pp. 7

⁴²¹ n.a. n.d. "CyberSAFE Malaysia", *cyberSAFE Malaysia*, <https://www.cybersafe.my/cyberkids.html>

⁴²² Mohd. Shamir, H., (2011), "Malaysia's National Cyber Security Policy: The Country's Cyber Defence Initiative", *2011 Second Worldwide Cybersecurity Summit (WCS)*, London, pp. 7

fight for children protection on the social media. While most of the NGOs in Malaysia focuses on protecting children from being abused and victimised, there are some organizations acting to educate and instill awareness on cyber literacy to the community.

In September 2016, Wadah Pencerdasan Umat Malaysia (WADAH) had launched a campaign named 'Sekeluarga Tolak Pornografi' – SToP.⁴²³ This campaign aims to educate and provide awareness for the community about the dangers of pornography, especially towards children.⁴²⁴ They are also committed in organizing a forum, talk, seminars and conventions to combat this epidemic.

Other than that, Malaysian Against Pornography was initiated by a group of medical doctors to fight pornography among school-going children, online and offline. They have organised several campaigns named Love Myself, Remaja Bijak Jauhi Zina, Kempen Keluarga Bijak Siber. This campaign focuses on the young people to educate them about the destructive effects of pornography by instilling self-love. They provide a free online course, talks and forums to improve internet literacy.⁴²⁵

Generally, the enforcement of the relevant bodies on these crimes, is similar as other enforcement bodies against other physical crimes. But the challenges are more when it involves online and cyber offences. However, the involvement of various groups and level of community, particularly parents and guardians may help to overcome the issue. The cooperation of various parties is very important to educate

⁴²³ Mahaizura Abd Malik. 2018. 'Tonton pornografi ubah kimia dalam otak', *MyMetro*, <https://www.hmetro.com.my/utama/2018/07/362822/tonton-pornografi-ubah-kimia-dalam-otak-metrotv>, 29 July 2018

⁴²⁴ n.a. 2018. Sekeluarga Tolak Pornografi, *Facebook*, https://m.facebook.com/story.php?story_fbid=3332485080127873&id=100000992408288, 31 Oktober 2018

⁴²⁵ Malaysian Against Pornography. 2017. <http://lovemyself.ikram.org.my/>

the mindset of children in a positive way, so that they do not spend their childhood time impetuously by doing things that should not be done.

In this matter, the Ministry of Education is suggested to embed the social media literacy in school curriculum give a better knowledge and understanding to children since their early age.

5.3 SHARIAH GUIDELINES FOR SOCIAL MEDIA USER

It is very challenging nowadays to live in the age of borderless technology development where rumors, bad and negative trends could be spread like wildfire within an instance. It is not a complete freedom to use the social media whilst hidden behind a screen or using a pseudonym. Rather, Allah sees, hears and is aware of what you do, and the angels nevertheless still record it.⁴²⁶

Looking at the frightening increment number of cyber delinquencies, there are some Shariah guideline to be practiced by Muslim children while using the social media. As social media can be a It is very important to educate them with the following etiquette:

- i. Make it as worship act⁴²⁷

Any worldly actions are often reworked into worship supported one's intention. The reward gained from the utilization of social media is according to the intention whether to get the worldly gain or may be rewarded within the *Aakhirah* (Hereafter) when someone use the social

⁴²⁶ Shaykh Ahsan Hanif. 2017. A Quick Guide to Social Media Etiquette, *Muslim Matter Website*, <https://muslimmatters.org/2017/03/09/a-quick-guide-to-social-media-etiquette/>

⁴²⁷ Abul Abbaas, Naveed Ayaaz. 2018. Islamic guidelines for using social media, *Madeenah Website*, <https://www.madeenah.com/islamic-guidelines-for-using-social-media/>

media to please Allah and guide others.⁴²⁸

ii. Spread goodness⁴²⁹

Muslim children should be educated to avoid any misguide when they are using the social media. Nurturing them to encourage their friends to do good, inspired other friends and prevent any disobedient actions in social media. It was narrated that Anas bin Malik said:

*"The Messenger of Allah said: 'Some people open the door to good and close the door to evil, and some people open the door to evil and close the door to good. Glad tidings to those in whose hands Allah places the key to good, and woe to those in whose hands Allah places the keys to evil.'"*⁴³⁰

iii. Not insulting other religion, races, and cultures⁴³¹

It is prohibited to any Muslim to insult other religion where it is also in line with the Section 11 (1) of Federal Constitution of Malaysia.⁴³² As Allah SWT commands in the Holy Quran:

﴿وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ كَذَلِكَ زَيْنًا لِكُلِّ أُمَّةٍ عَمَلُهُمْ ثُمَّ إِلَىٰ رَبِّهِمْ مَرْجِعُهُمْ فَيُنَبِّئُهُمْ بِمَا كَانُوا يَعْمَلُونَ﴾

⁴²⁸ *Ibid*

⁴²⁹ Abul Abbaas, Naveed Ayaaz. 2018. Islamic guidelines for using social media, *Madeenah Website*, <https://www.madeenah.com/islamic-guidelines-for-using-social-media/>

⁴³⁰ Sunan Ibnu Majah, 237

⁴³¹ Muhammad Amanullah. 2015. Islamic Ethics and Guidelines for Using Facebook: A Maqasidiq Analysis, *Southeast Asia Journal of Contemporary Business, Economics and Law*, Vol. 8, Issue 4 (Dec.), pp. 24

⁴³² Section 11(1) of Federal Constitution state 'every person has the right to profess and practice his own religion'.

“And do not insult those they invoke other than Allah, lest they insult Allah in enmity without knowledge. Thus, We have made pleasing to every community their deeds. Then to their Lord is their return, and He will inform them about what they used to do.”⁴³³

Thus, respecting other religion practice is one of Islamic values to be practiced by all Muslims. Insulting others may bring someone to commit cyberbullying. Thus, we are responsible to educate the children to celebrate the diversity to maintain the peace and harmony.

iv. Maintaining the Interaction Gap between Men and Women

Islam encourage the believers to maintain the interaction gap between men and women. Muslims should ensure the communication with opposite gender is purposeful and avoid any unnecessary private conversation, over-relaxed joking on comment or post. Parents need to educate their children about the gap so they can be taught about "shyness" (too shy to commit an open and indecent sin in the presence of Allah).⁴³⁴ It is narrated on the authority of Abu Huraira that the Prophet Muhammad (PBUH) said:

“Faith has over seventy branches or over sixty branches, the most excellent of which is the declaration that there is no god but Allah, and the humblest of which is the, removal of

⁴³³ Al-Quran, *Al-An'am*, 6:108

⁴³⁴ Purmul, M. 2016. 10 Guidelines for Gender Relations in Islam, *Virtual Mosque*, <https://www.virtualmosque.com/relationships/brotherhood-sisterhood/10-guidelines-for-gender-relations-in-islam/>

*what is injurious from the path: and modesty is the branch of
faith.*⁴³⁵

- v. Avoid any pornography-related contents

It is strictly prohibited to watch or accessing any pornography related contents whether online which totally contradict with Islamic values.

The Quran says;

﴿قُلْ لِلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ۗ ذَٰلِكَ أَزْكَىٰ لَهُمْ ۗ إِنَّ اللَّهَ خَبِيرٌ
بِمَا يَصْنَعُونَ﴾

“Tell the believing men to reduce [some] of their vision⁴³⁶ and guard their private parts⁴³⁷. That is purer for them. Indeed, Allah is [fully] aware of what they do.⁴³⁸

Some people trying to defend their deeds by saying that they are not participating by having the prohibited intercourse. The first thing that they need to understand that abetted by watching people commit fornication and adultery, both of which are sins.⁴³⁹

Thus, parents should educate their children with religious education and manners. Early sex education is also necessary for their appropriate age. They should be educated on what is pornography, the dangers behind it and why children cannot depict it. Apart from that, they also

⁴³⁵ Sahih Muslim, hadith 60

⁴³⁶ Looking only at what is lawful and averting their eyes from what is unlawful.

⁴³⁷ From being seen and from unlawful acts.

⁴³⁸ Al-Quran, *An-Nuur*, 24:30

⁴³⁹ Quan Academy. 2017, A Muslim’s Guide to Breaking Free of Pornography, *Quran Academy Website*, <https://quranacademy.io/blog/guide-to-breaking-free-of-pornography/>

should be prepared on what they should do if they bump into porn sites, advertisements or sexually explicit messages, videos, and images. Absolutely it cannot be avoided, but it can be prevented by installing and setting up the parental control, filtering programs and age restriction on applications and devices. Indeed, parents cannot 24/7 controlling their children, but once children know and understand the effect and consequences of depicting pornography on social media, they will keep themselves away from such negative threats.

vi. Communicate with good words

A good Muslim is the one who always guides his tongue.⁴⁴⁰ Muslim user should use the good words while communicating in social media. Slandering, breaking promises or oaths, speaking ill about others and bad words cannot be used as it may lead to enmity and hatred. It also reflects someone's attitude as tongue is likened to the 'mirror of the heart'.⁴⁴¹ By way of explanation, what appears on our tongue is the chief indication of what is in our heart.⁴⁴² As mentioned in the Surah *Fussilat*;

﴿وَمَنْ أَحْسَنُ قَوْلًا مِّمَّنْ دَعَا إِلَى اللَّهِ وَعَمِلَ صَالِحًا وَقَالَ إِنَّنِي مِنَ الْمُسْلِمِينَ﴾

“Who is better in speech than one who calls (men) to Allah, works

⁴⁴⁰ Sahih al-Bukhari 10, Book 2, Hadith 3; USC-MSA web (English) reference Vol. 1, Book 2, Hadith 10

⁴⁴¹ Sohaib N Sultan. 2014. “Ramadan, Day 25: Restraining the Tongue”. *Time*, <https://time.com/3014362/ramadan-day-25-restraining-the-tongue/>

⁴⁴² *Ibid*

*righteousness, and says, "I am of those who bow in Islam"?"*⁴⁴³

It is almost ubiquitous nowadays when children use bad words while communicating with their friends. It is very important to parents and teachers to play their role by showing a good attitude to them and nurturing them with good words.

vii. What is illegal online is illegal offline

It is necessary to all Muslim to be aware to their deeds. Every action will be judged in the Judgement Day by Allah SWT whether online or offline. Allah knows everything even though some people hiding behind a fake account in the social media to commit any sins. Everyone is responsible to their own deeds. As Allah says in the Quran;

﴿وَلَقَدْ خَلَقْنَا الْإِنْسَانَ وَنَعَلْمُ مَا تُوسْوِسُ بِهِ نَفْسُهُ وَحَنُ أَقْرَبُ إِلَيْهِ مِنْ حَبْلِ الْوَرِيدِ﴾
﴿إِذْ يَتَلَفَّى الْمُتَلَقِّيَانِ عَنِ الْيَمِينِ وَعَنِ الشِّمَالِ قَعِيدٌ﴾ ﴿مَا يَلْفِظُ مِنْ قَوْلٍ إِلَّا لَدَيْهِ رَقِيبٌ عَتِيدٌ﴾

"It was We Who created man, and We know what dark suggestions his soul makes to him: for We are nearer to him than (his) jugular vein. Behold, two (guardian angels) appointed to learn (his doings) learn (and noted them), one sitting on the right and one on the left. Not a

⁴⁴³ Al Quran, Fussilat 41:33

word does he utter but there is a sentinel by him, ready (to record it)”.⁴⁴⁴

Prophet (PBUH) once said, narrated by Bilal bin Al-Harith:

“Indeed a man says a word from that which pleases Allah, and he never thinks anything of it, but Allah will record for him His pleasure due to it until the Day of Judgement. And indeed, a man will utter a word from that which angers Allah, and he never thinks anything of it, but Allah will record for him His anger due to it until the Day of Judgement.”⁴⁴⁵

Instead of spoken words, it is also applied to the written words.⁴⁴⁶

Thus, the same etiquettes used in speech should be practiced in the world of social media too.⁴⁴⁷

5.4 CONCLUDING REMARKS

Following the rapid technology development in the era of 4th Industrial Revolution and the related risks that have emerged and evolved in all aspect and way of life, this at the same time posing a real threat to the social well-being. These cyber-related risks posed serious challenges to the government, particularly to the law enforcement agency in keeping law and order. The continuous proliferation of the ICT

⁴⁴⁴ Al Quran, *Qaaf* 50:16-18

⁴⁴⁵ Imam Malik and At-Tirmidhi, Riyadh as-Salihin 1516

⁴⁴⁶ Shaykh Ahsan Hanif. 2017. A Quick Guide to Social Media Etiquette, *Muslim Matter Website*, <https://muslimmatters.org/2017/03/09/a-quick-guide-to-social-media-etiquette/>

⁴⁴⁷ Shaykh Ahsan Hanif. 2017. A Quick Guide to Social Media Etiquette, *Muslim Matter Website*, <https://muslimmatters.org/2017/03/09/a-quick-guide-to-social-media-etiquette/>

creates challenges to the law and policy maker. Laws and regulations are left far behind and to some extent, certain acts in cyber space are unregulated and lawless.⁴⁴⁸

The discussion above indicates the seriousness of the government and other agencies to combat cyber security issues in Malaysia as it is limitless, zero boundaries and eroding national borders. Although generally children cannot be punished under the laws, they should be educated with legal literacy to ensure adherence to the law.

Parents and school are responsible for guiding the children and nurturing them with ethics and rules as to ensure their adherence to the law. Continuous guidance from adults is vital as children will be exposed to the negative things in social media through their friends at school. Early education on ethical conduct in social media is needed as an effort to prevent child cyber delinquency.

Online privacy settings are extremely important to keep children from disclosing information with strangers.⁴⁴⁹ Children are innocents and they should be educated and guided on using the social media because they are our young generation, who will become the heir of the religion and nation.

Apart from that, the Shariah guidelines discussed above are applied from the communication guideline in the real world. It shows no differences as the spoken speech and written speech, if they are being misused, it will leave a bad effect to people. Same goes to the delinquent act on the social media, it may bring the negative impact and the effect might be worse than the effect in the real world.

⁴⁴⁸ Mahfuz Abd. Majid. 2012. *Cybercrime: Malaysia*. (Slide). Retrieved from <https://www.mcmc.gov.my/skmmgovmy/media/General/pdf/DSP-Mahfuz-Majid-Cybercrime-Malaysia.pdf>

⁴⁴⁹ n.a. 2019. "The Internet- on the Whole an Inspiring and Positive Place", *UK Safer Internet Centre*, <https://www.saferinternet.org.uk/advice-centre/parents-and-carers/what-are-issues>

CHAPTER 6

CONCLUSION AND RECOMMENDATIONS

6.1 CONCLUSION

The number of children involved in cyber delinquencies has increased from time to time and this can be a disturbing trend. It is getting worse when social media is used by children who are not properly guided by adults because they cannot simply comprehend the risk, the laws, and the consequences of their actions.

This study examined and analysed cyber delinquency in social media amongst Malaysian children. It mapped the discussion of cyber delinquency from two different perspectives namely the Malaysian legal position and Shariah perspectives. The first objective of the research which was discussed in Chapter Three is achieved when the researcher discovered that Malaysian children cannot be spared from engaging in cyber delinquency. Cyberbullying, cyber pornography and sexting are a few examples that are commonly committed by children in Malaysia. The actual number of cases is not disclosed by the government on the basis that it is deemed confidential, however, in reality it can be considered high as shown in the reported cases across news and postings on social media.

As for the criminal responsibility of children addressed in the second research question, it has been answered through the discussion in Chapter Four of the thesis.

Under the current Malaysian Law, children under the age of ten are conclusively

regarded as incapable to do wrong which completely absolved from any criminal liability. Concerning children who are between the age of ten and twelve, it is depends on their sufficient capacity to understand their actions and consequences of their commits. If they are able to prove that they have insufficient maturity, the children are exempted from any criminal responsibility. Quite the opposite, if the children are found to be able to judge the nature and consequences of their conduct, the Child Court will determine the liability based on the evidence. Apart from that, the Shariah law provides some principles to determine the criminal liability of a person. Children who reached puberty are considered attaining a complete capacity of acquisition and capacity of execution. They are considered to be responsible and accountable to their act.

As such, it can be compared that under Malaysian Law, children under the age of ten are not accountable to their act based on the principle of *doli incapax*. They may be accountable for any delinquent act including the wrongdoing in social media when they are over ten years of age and have sufficient maturity or reached the age of thirteen and above. However, the punishment may vary from the adults until they reached the age of eighteen. This is different from the Shariah law where anyone who reached their puberty are considered to be an adult who can be punished accordingly.

Then, this thesis studied some endeavors by government and non-governmental organizations to answer the measures in curbing the cyber delinquency. There are policies, programs, campaigns, and many others that are put in place to enhance cybersecurity, to educate people to be digital savvy citizens and improve legislation and regulations related to cyberspace in Malaysia. Meanwhile, Islam point out some helpful guidelines and guidance in using social media. Muslims are

encouraged to practice the guidelines as a protective measure against cyber delinquencies.

It is suggested that the issues of children cyber delinquency must be highlighted and emphasised as much as the issues of children victimisation in social media are given. One way to reduce this problem is to enhance legal framework on cyberlaw by enacting more specific laws on cyber delinquency, as well as to develop new policies, governmental campaigns and so forth. The judgment of this issue should be taken in the form of rehabilitative rather than punitive measures. In addition, learning about ethics and laws related to cybersecurity should also be promoted and included in the school curriculum as an early exposure in the education system.

Religious institutions are equally responsible and ought to address this alarming issue. They may have joint cooperation with the PDRM or MCMC that has experts in this area. Awareness campaigns, religious programs and conferences related to the use of social media, particularly among children, should be highlighted and carried out on a broad scale like an idiom, “It takes a village to raise a child”.

Finally, the uncontrolled cyber delinquency issue may lead to the moral collapse of Muslims. Thus, innocent children should be raised in an environment that emphasise the true teaching of Islamic principles. This is in line with the hadith of the Prophet (PBUH), “a newly born child is like a piece of white cloth waiting to be patterned by his parents...”. Parents have the responsibility of being a good role model, guiding children in their activities either on offline or online so that they become good and obedient Muslims.

6.2 SUGGESTION FOR FUTURE RESEARCH

It is suggested that further research may be undertaken in the following areas:

- 1) Emphasizing the research on the apostate issue among youngsters in Malaysia.

There are already many groups fighting for the right to freedom of religion on social media such as atheist groups who are disseminating their disbelieves of God and groups of Christianity who are actively spreading their doctrine in social media. This issue is clearly violating Article 11 (4) of the Federal Constitution. Non – Muslims are free to practice their religion and to proselyte them, they may not propagate their religions to Muslims. In this regard, parents, schools, and religious departments should play an important role in providing religious education and increase efforts to save the faith of young people, especially in Malaysia.

- 2) Emphasizing the research on early sex education to prevent youngsters from getting involved in the LGBTQ (Lesbian, Gay, Bisexual, Transgender and Queer). There are many activists and groups which fight for their freedom to practice the sexual life of LGBTQ according to their choices. They have spread the propaganda every day in social media. What has been worrying Muslim the most is the normalization of this style among children as they spent most of their time in surfing the social media. They might think it is the right way to practice if they keep being exposed to it based on the campaign and their stories. Lack of religious knowledge and the absence of early sexual education might deceive children by the struggle for human rights and liberalization in the religion.