

Defamation (Libel) Law in Malaysia: An Overview

¹Hasbollah Bin Mat Saad, ²Ramalinggam A/L A. Rajamanickam, ³Anisah Che Ngah
¹PhD Candidate, ²Senior Lecturer (Dr.), ³Associate Professor (Dr.),
^{1,2,3}Faculty of Law, National University of Malaysia, Bangi, Malaysia

Abstract - Freedom of speech is fundamental towards the founding of a democratic country as distinctly expressed in Article 10(1)(a) of the Federal Constitution. However, there are restrictions to this right and freedom. Article 10(2)(a) of the Federal Constitution exempts or excludes defamation actions from this right by passing the Defamation Act 1957 to control and ensure this right and freedom of speech are exercised in accordance with law. This paper concentrates only on one element of defamation under the Defamation Act 1957 and Penal Code (Act 574); libel. Therefore, this paper will focus on the extent of the rights and freedom of speech, and how elements of libel plays a significant role in determining the restrictions of freedom of speech. The objectives of conducting this research are to examine the scope, concept and development of libel, and establish recommendations that could be used to enhance the libel law. This paper look into the matter from the Malaysian law perspective. Legal research and qualitative methods will be applied in this paper based on the legal materials; law reports, legal commentaries, judicial decisions, and opinions derived from scholars. The general observations is that, the countermeasure against the more complicated libel actions and at the same time to balance and integrate the relationship between libel laws and freedom of speech, should be taken into consideration in implementing the laws against defamation in our country.

Keywords: Defamation, libel, freedom of speech, Malaysian laws.

I. INTRODUCTION

The act of defamation refers to any act of making untrue statements about another which damages his or her reputation. There are two categories of defamation; libel and slander. For the purpose of this research, the researcher will only focus on libel laws especially as per stated and laid down under the Defamation Act 1957 and the Penal Code (Act 574). Libel can be said as any defamatory statement which is put in written form or broadcast over the media. The malicious intent should be shown and proved by the plaintiff or claimant, in order to prove the existence of libel in any statement that the plaintiff or claimant believed to be defamatory.

The elements of the libel can be simplified as follows¹:

- i. To discredit any person's characters or good-will²
- ii. To degrade any person's honour or characters or good-will intentionally in the eyes of the society³

- iii. To cause any person to be avoided or shunned or even rejected by the society⁴ and
- iv. To cause any person to be exposed to hatred, mockery, ridicule, derision or contempt⁵

For a statement to be defamatory, the imputation should degrade the plaintiff or claimant in the estimation of the right-thinking of the people generally⁶. Even if the words damage a person in the eyes of a section of the society or the community, they are not defamatory unless they amount to a disparagement of the reputation in the eyes of right-thinking people generally⁷. A statement that amounts to an insult or is mere vulgar abuse is not defamatory⁸. This is because the words do not convey a defamatory meaning to those who heard them (simple abuse is unlikely to cause real damage to a reputation)⁹. It is arguable that the defence of vulgar abuse is not available if the statement is a libel. The reason for this distinction is that it is more likely that written words will be taken seriously and understood to have a defamatory meaning.

II. THE RELATIONSHIP BETWEEN LIBEL AND FREEDOM OF SPEECH UNDER THE MALAYSIAN LAWS

The long list of the statutes that impinge freedom of speech is a simple answer to the reality of the issue of the freedom of speech in Malaysia. The law should be treated fairly as being the spirit of Article 8 (1) of the Federal Constitution, to say that the equal protection of law to all people is a constitutional foundation in Malaysia. This right can only be lifted if a person can provide strong and relevant evidence before the court that the alleged discrimination will lead to unfair treatment of a person and result in harm or injury. The judiciary seemed to indicate that the scope of Article 8 of the Federal Constitution justifies that the same treatment should be given if it involved the same class of people. The researcher is of the opinion that Article 8 of the Federal Constitution should be read in its literal approach, so that the just and fair treatment to every citizen can be a reality and enjoyed accordingly, without which, the justice is not seemed to be done and therefore defects the spirit of enacting the law; to seek and enforce justice to everybody.

Law cannot be just nice wordings in a statute book, but, the practical approach in attaining justice is the vital part of it. There is no doubt that freedom of speech is not the absolute freedom, but, the legislative should 'draw' a clear and obvious line on its exceptions. There should be clear interpretations of the words that can give effect to the rights of the people, where lacking of this clear indication will lead to more intolerable infringement of the rights. It should not be

¹Malaysia. n.d. Defamation Act 1957. Section 2-20. Also see: Faruqi, SS. 2008. *Document of Destiny: The Constitution of the Federation of Malaysia*. Petaling Jaya: Star Publications (Malaysia) Berhad. pp. 291-296. Sections 2-20.

²*ibid.*

³*ibid.*

⁴*ibid.*

⁵*ibid.*

⁶*ibid.* Sections 5-7.

⁷*ibid.*

⁸*ibid.* Sections 7, 8, 9, 10, 11, and 12.

⁹*ibid.*

left as it is without any effort to clear its 'cloud' that can give effect to the people at large.

Law can be the best mechanism in assuring the freedom of the people provided that it is enacted as such. Besides, law also can be a tool to the 'culprit' to act without any 'border'. The government and citizens should work hand-in-hand in making Malaysia as the leading or a top democratic country in the world. The only solution to this issue is by adapting and following the rule of law accordingly.

The researcher is of the opinion that the trend of making huge awards was thus checked, leading to a reversal by the Court of Appeal of a number of exorbitant awards made by the High Court. In *MahadeviNadchatiram v ThiruchelvasagaramManickavasegar*, the Court of Appeal reduced the award from RM3 million to RM500,000. In *Joceline Tan Poh Choo & Ors v V Muthusamy*, the Court of Appeal reduced the award of RM300,000 to RM100,000. In *Chin Choon @ Chin Tee Fut v Chua JuiMeng*, the Court of Appeal reduced the award of RM1.5 million to RM200,000. In *UtusanMelayu (M) Bhd&Ors v Tjanting Handicraft SdnBhd& Anor*, the Court of Appeal reduced the award of RM1.3 million to RM250,000. It seems that firstly, the amount of compensation is quite high in awarding the respected parties. Secondly, the parties involved seemed needed to have a good will or a good designation in the political arena. Thirdly is the consideration of the nature of the issues itself. The huge amount of compensation is not a good trend to promote fundamental rights because the people will feel reluctant to report a true story about certain issues in order to protect their own interests.

Furthermore, the researcher is of the opinion that in the issue of freedom of speech, the court should take a good step in reducing the amount awarded to the victim or plaintiff or claimant. This step is vital in avoiding or preventing the trend that the defamatory actions can be 'a source of income' to the plaintiff or claimant. It should be noted that, the huge amount of money or awards involved in the defamatory actions is not a good measure in promoting justice, rather it will lead to injustice because the people are afraid in exposing the truth to the public at large. All parties should be treated according to the rule of law for the sake of justice. There should be no selective actions against any counterpart. There should be no hindrance in promoting justice. The court should be allowed to make their own judgement without any interference from any party.

In the defamation suits involving a huge amount of damages and claims, the good-will of the person can be considered as the strongest ingredient in obtaining the judgements. The researcher is of the opinion that, the ingredients or elements of defamation as per stated by the statutes, and the relevant opinions of the practitioners and academicians or experts in this field should be taken into consideration, and the court should be more strict in examining these elements before giving the judgement because failure to consider and examine these elements justly will give a bad and even worst impacts to the society. It will indirectly 'close' the door of freedom of speech in Malaysia and the worst situation is, the people will lose confidence in the Judicial and Legal Services when dealing with defamation suits in the future. The Bench should act without fear and favour for the sake of justice. The bench is the 'last hope' to justice, thus, any inaccurate or unjust judgement will only lead to the 'death' of justice in the country.

III. FREEDOM OF SPEECH UNDER THE MALAYSIAN LAWS PERSPECTIVES

Today, the concept of freedom of speech goes beyond the line when it also includes matters relating to the information that can be gained through cyber media. The limitations to freedom of speech in Malaysia are important in a way that the counter-measure should be taken by the legislative in maintaining security of the Federation or any part thereof, relationship between other countries, internal security or moral principle or public order and other restrictions to safeguard the privileges or immunities of the Parliament or the State Legislative Assembly or contempt of court, defamation or incitement of any criminals. The restrictions imposed by the legislative are to ensure the Parliamentary exclusive power in drawing the balancing line between the powers or might of the state and the rights or interests of the people being safeguarded accordingly¹⁰.

Even though the human rights are safeguarded by the Federal Constitution, there are still certain restrictions or limitations on the exercise of those rights under the Federal Constitution. There are restrictions or limitations on the exercise of fundamental rights in the Federal Constitution, namely¹¹:

1. Restrictions may be imposed by ordinary legislation enacted under the authority of the constitutional provisions conferring the rights¹²;
2. Human rights may be curtailed by legislation against subversion¹³;
3. Legislation to combat an emergency may suspend all fundamental rights except freedom of religion¹⁴; and
4. Constitutional amendments may be enacted to curtail or abolish a right guaranteed by the basic law¹⁵.

These basic restrictions have been provided by the Constitution in order to curb and tighten the border line between enforcement of the law and cries for the people's rights. As such, although Article 10 of the Federal Constitution provides freedom of speech, assembly and association, the law still can restrict these freedom as stated under Article 10(2) because these rights are considered as qualified rights by the said provision. Basically, the idea of restrictions is very important, but sometimes when there is political interventions by certain parties, it becomes more complicated than what we can imagine. For example, in the case of *Madhavan Nair & Anor v Public Prosecutor*¹⁶, Chang Min Tat J clearly stated that the justification of the restrictions or limitations for Article 10(2)(a) of the Federal Constitution should be exercised in a very strict and careful manner; to protect the interest of the security of the Federation. In this manner, the court too should observe this necessity without any interference of the people's interests.

The most important and ideal society nowadays that the people want their rights and freedom to be secured without any interference by any party except with due cause of law¹⁷. The 1993 Vienna Declaration recognised the concept of justice

¹⁰Faruqi, SS. *Op. cit.* p. 288.

¹¹*ibid.* pp. 195-197.

¹²*ibid.*

¹³*ibid.*

¹⁴*ibid.*

¹⁵*ibid.*

¹⁶[1975] 2 MLJ 264.

¹⁷ Stone, Richard. 2000. *Civil Liberties and Human Rights* (3rd Ed.). London: Blackstone Press. p. 38.

by stating that every person should be treated equally under the same law of the respective country¹⁸.

According to the United Nations Universal Declaration of Human Rights¹⁹, everyone has the right to freedom of opinion, expression, peaceful assembly and association which shall be given to the respective person in upholding the law with regard to human rights. In the same declaration²⁰, it states that human rights are to be exercised with responsibility. This means that:

- i. To secure the rights and freedom of the people²¹;
- ii. To uphold public order of the society²²; and
- iii. To avoid the act of destructing the basic rights and freedom of the state as set forth under the Universal Declaration of Human Rights²³.

Are all the restrictions on the exercise of human rights aligned to the provisions stated in the statutes, declarations and the true meaning of human rights or merely mocking the term democracy which is enshrined in our Federal Constitution? Will the challenges in achieving Vision 2020 remain as challenges without any efforts to uphold the fundamental rights stipulated to all the citizens? The researcher is of the opinion that all these questions need transparent answers without any attempt to conceal or hide them from the truth. The public should be given the information and knowledge of all the facts from acceptable and reliable sources. After examining all the facts, we can gather the information on the implementation and development by the government of the rights mentioned under the Federal Constitution, especially freedom of speech.

When the law cannot safeguard these rights, the institution of our government as a parliamentary democracy may lead to destruction. The preservation of the basic feature of human rights has been stated by the former Secretary General of the United Nations, Kofi Annan, where he said that: "Human rights are the foundation of human existence and coexistence. Human rights are universal, indivisible and interdependent. Human rights are what make us human. They are the principles by which we create the sacred home for human dignity"²⁴.

By virtue of this statement, it implies the importance of enshrining and preserving the basic principles of human rights for the sake of preserving human dignity. These rights cannot be disregarded just simply because of power and political satisfaction. When power and political satisfaction are regarded as the most important agenda in the administration of a government, it will serve no purpose towards the dream of having a just and fair country. There is no doubt that the government should safeguard the interest of the country, but at

the same time the interest of the citizens should also be considered in enacting the law relating to human rights.

Under the Malaysian laws, freedom of speech is mainly stated in Article 10(1)(a) of the Federal Constitution as one of the main fundamental liberties which can be examined as follows:

- i. The rights to freedom of speech are available to Malaysian citizens only²⁵;
- ii. Rights that have the limitation on the specific ground and may be regulated by the Parliament permitted by the Federal Constitution²⁶. These limitations are justified for the protection of the interests of the society at large²⁷ as mentioned by Raja Azlan Shah J in the case of *Public Prosecutor v Ooi Kee Saik*²⁸, that the absolute or uncontrolled freedom would lead to anarchism and disorder²⁹;
- iii. Political and civil rights that the state should interfere positively (positive intervention) in order to safeguard the people's interests³⁰. In the case of *Lau Dak Kee v Public Prosecutor*³¹, the court stated that Article 10 of the Federal Constitution may be restricted positively in the situation where the public interests can be interfered with³²;
- iv. Rights that need for restraints because freedom of speech is an avenue to the truth and an instrument of our highest intellectual, aesthetic and political achievements³³;
- v. Rights that cover direct or symbolic speech, such as, seditious, secrecy, publication and malicious false news can be considered as direct speech, while the act of flag-burning can be considered as symbolic speech³⁴.

Under the Malaysian laws, freedom of speech also involves the following areas, namely:

- i. Freedom of assembly that is mentioned in the Federal Constitution [Article 10(1)(b)] where in the process of conducting an assembly, the people will always express their opinions openly about any issues in question during the protest³⁵.
- ii. Freedom of association that is mentioned in the Federal Constitution [Article 10(1)(c)]. The relation between association and opinions cannot be separated because when an individual gathers with others, of course the development of ideas or opinions among them will occur³⁶. Such gathering will lead to discussion on issues of what the vision and mission of their association, so, freedom of speech indirectly involves with this freedom; freedom of association.
- iii. Freedom of religion that mentioned in the Federal Constitution (Article 11) where the word 'propagation'³⁷ itself needs opinions, discussions, meeting and expressing of opinions.

¹⁸United Nations Committee on Economic, Social and Cultural Rights. 1993. "ESCR Document Database: Fact Sheet 16, Committee on Economic, Social and Cultural Rights". <http://shr.aaas.org/thesaurus/instrument.php?insid=79>.

¹⁹United Nations. 2009. "The Universal Declaration of Human Rights: Articles 19 and 20 of the Universal Declaration of Human Rights". <http://www.un.org/en/documents/udhr/index.shtml#a19>.

²⁰United Nations. 2009. "The Universal Declaration of Human Rights: Articles 29(2) and 30 of the Universal Declaration of Human Rights". <http://www.un.org/en/documents/udhr/index.shtml#a29>.

²¹*ibid.*

²²*ibid.*

²³*ibid.*

²⁴A. Annan, Koffi. December 10th 1997. "The 50th Anniversary Year of the Universal Declaration of Human Rights. Paper presented at the 50th Anniversary Year Celebration of UDHR, University of Tehran, Islamic Republic of Iran". <http://www.un.org/rights/50/dpi1937.htm>.

²⁵Faruqi, SS. *Op. cit.* p. 192.

²⁶*ibid.* p. 193.

²⁷*ibid.* p. 283.

²⁸[1971] 2 MLJ 108.

²⁹Faruqi, SS. *Op. cit.* p. 283.

³⁰*ibid.* p. 194.

³¹[1976] 2 MLJ 229.

³²Faruqi, SS. *Op. cit.* p. 287.

³³*ibid.* p. 282.

³⁴*ibid.* pp. 289-308.

³⁵Ahmad Masum. *Op. cit.* pp. 35-37.

³⁶*ibid.* pp. 37-39.

³⁷*ibid.* pp. 40-42.

- iv. Freedom of printing presses and publication as mentioned in the Printing Presses and Publication Act 1984. This Act sets the regulations on printing presses, the printing, production, reproduction and distribution of publications and importation of print materials from abroad³⁸.
 - v. Freedom of information is a very wide area because it covers almost all aspects of life; media, printing materials, secrecy, education and others. These provisions can be seen in the Security Offences (Special Measures) Act (SOSMA), the Official Secrets Act (OSA), the Evidence Act, Section 3(3) of the Communications and Multimedia Act (CMA) and the Multimedia Bill of Guarantees (regarding the internet), the Sedition Act, the Defamation Act 1957 and others. In allowing the public (Malaysians) to access the official state documents, the state of Selangor had enacted and passed the Freedom of Information Enactment (Selangor) 2010 on 1 April 2011³⁹, and the state of Penang too had passed the Freedom of Information Bill on 4 November 2011⁴⁰.
 - vi. Academic freedom is the freedom that should be given to the academicians to teach and conduct the teaching and learning process without fear of being sanctioned by the law⁴¹. Academic freedom is not universal as free speech⁴². This freedom is only given to the scholars who are directly involved with the process of teaching and learning in the educational institutions. They should couple or include this freedom with honest, accurate finding of their researches and teach their students without bias⁴³. Levin believed that the spirit of intellectual community is contributed through knowledge coupled with freedom and respect of people's ideas⁴⁴.
2. Friendly relation with other countries⁴⁸,
 3. Public order, for example, the Sedition Act 1948, Printing Presses and Publications Act 1984, and the Police Act 1967⁴⁹,
 4. Morality, for example, the Betting F.M. Ordinance 1953, Films (Censorship) Act 1952, Indecent Advertisements Act 1953, Lotteries Act 1952, Medicines (Advertisement and Sale) Act 1956, Printing Presses and Publications Act 1984, and Kemajuan Filem Nasional Malaysia Act 1982⁵⁰,
 5. Privileges of Parliament or of any Legislative Assembly, for example, the House of Parliament (Privileges and Powers) Act 1952 and the Standing Orders of each House of Parliament⁵¹,
 6. Contempt of court, for example, the Judicial Proceedings (Regulation of Reports) Act 1962 and the Courts of Judicature Act 1964⁵².
 7. Defamation, for example, the Defamation Act 1957⁵³ and
 8. Incitement of any offence, for example, the Penal Code⁵⁴.

In the Federation of Malaya Constitutional Commission, 1956-1957 Report, the Commission mentioned that the purpose of having the protection of the fundamental rights under the Federal Constitution is to redress against unlawful infringement of personal liberty in any of its aspects⁵⁵. The restrictions that may be imposed against freedom of speech is to safeguard the interest of security of the country, public order and morality⁵⁶.

It is argued that the approved restrictions on this freedom have been interpreted and implemented widely; indeed that almost all the areas of the people's lives are being covered by these restrictions. As such also, there is no clear interpretation of these restrictions that had been imposed through these statutes. When the Parliament enforced these restrictions, the rights of the people might be affected. It is doubtful whether the Parliament enforced these restrictions according to the rule of law or otherwise.

IV. LEGISLATIVE APPROACH TO LIBEL AND FREEDOM OF SPEECH IN MALAYSIA

The Federal Constitution guarantees freedom of speech under Article 10(2)(a) of the Federal Constitution, however the Parliament is authorised to impose restrictions under the following grounds⁴⁵:

1. Security of the Federation or any part thereof⁴⁶, for example the Official Secret Act 1972, Internal Security Act 1960 (abolished), Printing Presses and Publications Act 1984, Protected Areas and Protected Places Act 1959, Public Order (Preservation) Act 1958 and the Sedition Act 1948⁴⁷,

³⁸Faruqi, SS. *Op. cit.* p. 301.

³⁹n.a. April 1, 2011. "Selangor passes Freedom of Information Enactment". <http://www.themalaysianinsider.com/malaysia/article/selangor-passes-freedom-of-information-enactment/>. accessed: 25/05/2015]

⁴⁰n.a. November 4, 2011. "Penang passes Freedom of Information Bill". <http://www.thestar.com.my/story/?file=%2f2011%2f11%2f4%2fnation%2f20111104200415&sec=nation>. Accessed: 25/05/2015.

⁴¹Haller, Emil J. & Strike, Kenneth A. 1986. *An Introduction to Educational Administration: Social, Legal, and Ethical Perspectives*. Cornell, United Kingdom: Longman Group. p. 10.

⁴²*ibid.* p. 43.

⁴³Csorba, Les, III. 1988. *Academic License: The War on Academic Freedom*. New York: UCA Books. p. 175.

⁴⁴Levin, Michael. 1987. *Feminism and Freedom*. New Jersey: Transaction Books. p. 199.

⁴⁵Faruqi, SS. *Op. cit.* pp. 291-292.

⁴⁶*ibid.* See also: Imtiaz Omar. 1996. *Rights, Emergencies and Judicial Review*. The Hague, The Netherlands: Kluwer Law International. pp. 323-324.

⁴⁷*ibid.* pp. 291-292.

⁴⁸*ibid.*

⁴⁹*ibid.* p. 292.

⁵⁰*ibid.* p. 292.

⁵¹*ibid.* p. 292.

⁵²*ibid.* p. 292.

⁵³*ibid.* p. 292.

⁵⁴*ibid.* See: *Boucher v The King* [1951] S.C.R. 265, where the Supreme Court of Canada stated that: "...the seditious intention upon which a prosecution for seditious libel must be founded is an intention to incite to violence or to create public disturbance or disorder against the sovereign or the institutions of Government. Proof of an intention to promote feelings of ill will and hostility between different classes of subjects do not alone establish a seditious intention. Not only must there be proof of an incitement to violence in this connection, but it must be violence or resistance or defiance for the purpose of disturbing constituted authority, meaning some person or body holding public office or discharging some public function of the state." See also: *R v Eade* (Australian's case), Smart AJ said: "In *Young v Cassells*... Stout CJ, in an oft quoted passage said: "The word 'incite' means to rouse; to stimulate; to urge or spur on; to stir up; to animate." In *R v Massie*... Brooking J A, with whom Winneke P and Batt JA agreed said of "incite", common forms of behaviour covered by the word are 'command', 'request', 'propose', 'advise', 'encourage' or 'authorise'". Whether in a particular case what was said amounts to incitement depends upon the context in which the words were used, and the circumstances." Available:

<http://www.findlaw.com.au/articles/4516/what-is-incitement-and-how-is-it-a-criminal-offenc.aspx>

⁵⁵Chapter IX, Paragraph 162 (Fundamental Rights: Constitutional Guarantees).

⁵⁶Note of dissent by Mr. Justice Abdul Hamid in Paragraph 13 (ii) of the Federation of Malaya Constitutional Commission, 1956-1957 Report.

The Defamation Act 1957 states that when the information or words have been transmitted through radio communication or broadcasting, it is considered as a kind of publication in a permanent form and can be considered as the purpose of the law of libel and slander⁵⁷. Most of the sections of the Defamation Act 1957 discussed libel and slander. According to the Hansard of the Parliament of Malaysia, the purpose of enacting the Defamation Act 1957 is to oversee and regulate the abuse of internet and social media in the country [as answered by the Deputy Minister of the Ministry of Communications and Multimedia (Dato' Jailani bin Johari)]⁵⁸.

Another relevant provision is Section 499 of the Penal Code (Act 574) that indicates the scope and context of the defamation actions which cover oral and written materials. It also covers the pre-condition of the act of defaming someone by laying a few conditions, namely:

- i. involves oral, printed or printed materials⁵⁹
- ii. concerning any person (a person or legal person) whether alive or deceased⁶⁰
- iii. may cause harm to the reputation of any person⁶¹ and
- iv. may tarnish or discredit the character of any person⁶²

According to Section 500 of the Penal Code (Act 574), the defamation is subjected to the punishment with imprisonment for a term which may extend to two years, or fine, or with both⁶³. Section 501 provides that the punishment for libel (printing or engraving the defamatory matter) where the punishment for this category is whether imprisonment for a term may extend to two years, or fine, or with both⁶⁴. Section 502 provides that the act of selling a printed or engraving a defamatory matter can also be subjected to the same punishment as mentioned in Sections 500 and 501 of the Penal Code (Act 574) respectively⁶⁵. These sections indicate that even defamation actions can be categorised under the criminal action.

The researcher is of the opinion that the restrictions of freedom of speech under the Defamation Act 1957 and the Penal Code (Act 574) are justified by law because the person should observe his or her words or publications made against others. He or she cannot simply utter or publish any statement without having precaution about others' sensitivity. The goodwill and honour of others should be preserved and protected accordingly. The interpretation of the limitations or restriction of freedom of speech should be re-looked and reassessed carefully by the Legislative and the Judiciary. A comprehensive interpretation should be laid down in the statutes itself, so that the wide and broad interpretation could be avoided.

CONCLUSION

All parties should respect and uphold the freedom of speech through the spirit of the rule of laws. Without strict and good laws on this freedom, the interests of the people will not

be protected well. It will cause disharmony and will consequently give a negative impact to the legal system and society of the country. However, the right of freedom of speech is subject to some restrictions. The researcher is of the opinion that, the restrictions imposed by the Parliament through the administration of laws in the country should follow and comply with the yardstick and standard as per laid down by the United Nations (as conferred under the Universal Declaration of Human Rights), Cairo Declaration on Human Rights in Islam, the Malaysian laws and the Islamic legal principles. All these elements of legal principles should be blended and amalgamated carefully by extracting the gist of these legal documents and principles, and making it suitable to be implemented in Malaysia.

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⁵⁷ Malaysia. n.d. Defamation Act 1957. Section 3.

⁵⁸ Dewan Rakyat, Parlimen Ke-13, Penggal Ke-2, Mesyuarat Pertama. Bil. 3. 12 Mac 2014. p. 10.

⁵⁹ Malaysia. n.d. Penal Code (Act 574). Sections 499, 501 and 502.

⁶⁰ *ibid.*

⁶¹ *ibid.*

⁶² *ibid.*

⁶³ Legal research Board. 2004. *Practitioner's Referencer to Penal Code: Guide to Arrest, Bail and Sentencing*. Petaling Jaya: ILBS. p. 194.

⁶⁴ *ibid.* p. 194.

⁶⁵ *ibid.* pp. 194-195.