

Freedom of Speech in Social Media Toward Contempt for Royal Institutions: A Conceptual Study

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ABSTRACT

Social media is currently emerging as the main medium of communication technology not only connecting people around the world but as well enables everyone to remain informed about current global issues. Therefore, the existence of social media is now an importance in the process of information delivery in society. However, communication technology has resulted in both positive and negative effects. From one point, the use of social media brings huge advantages as the user may be connected and gather current and latest information. Meanwhile, inability to utilize it shrewdly, notwithstanding, can prompt adverse consequences and bring negative impact to the society. Social media for example has provided an open space for a freedom of speech that is often done in a harsh manner when the user failed to use it wisely. With regards to the Royal Institution in Malaysia, the freedom of speech in social media to communicate individual and public feelings has driven numerous people to dismiss convention and to contempt to the Rulers. There are individuals who do not understand and do not appreciate the history of the formation of the Royal Institution, the Constitutional Monarchy, and the concept of the Pillars of the Nation. As a result of their lack of knowledge on this matter and lack of respect, then there will be the issue of insult to The King, Sultan, and his relatives in social media. These groups try to express their latent opinions using social media as a medium and channels. Responding to this issue, the study is done to conceptually examine how the freedom of speech in social media has impacted to the contempt to our Royal Institution. This study is significantly important to understand the effect of freedom of speech in social media toward our Royal Institution that will reflect the personality of a Malaysian.

Key Words: Freedom of Speech, Social Media, Contempt of Royal Institution

1. INTRODUCTION

Malaysia is one of the democratic countries that adopts Parliamentary Democracy with Constitutional Monarchy and The King as the Paramount Ruler. The Constitutional Monarchy and Parliamentary Democracy system practiced by the country since independence have proven to be effective in creating stability and prosperity for the country (Iversen & Soskice, 2019). Examples of other countries that have adopted a Constitutional Monarchy are Britain, Thailand, and even Japan. Otherwise in Malaysia, The King also is the source and centre of power. The King is the compiler of customs, the owner of the government and stands firm in defending the image of the Islamic State in a happy society as well as practicing Islamic Sharia Law (Saad, 2020). The power of The King is a blessing from the sovereignty possessed by the Sultan of all States. Its power is then being channelled to mobilize the government and administration (Bharuddin, 2005).

Apparently, the Royal Institution in Malaysia has importance contribution both in terms of national and historical values. In terms of the spirit of nationhood, the institution of the Constitutional Monarch is important because it is the umbrella of national sovereignty, sheltering the entire people and religious beliefs. This institution is important in ensuring the stability of the country, while historically the institution may contribute to the historic view of the country.

Meanwhile, the existence of various media is now an importance in the process of information delivery in society (Arigo et al., 2020). In principle, the media and social society is something which is difficult to separate. The mass media is not only responsible for educating, motivating, and informing the public but is an important medium for the government to channel information on national development while complying with government laws and policies for the benefit and stability of the country (Emanuelson, 2018). In fact, the media is also used to help the government instil a spirit of understanding and strengthen unity among the multi-racial community in the country. This is because the media can educate and transform any group of society that has traditionally lived separately into an integrated ethnic group where ethnic differences are no longer a source of conflict (Carroll & Hollinshead, 2017).

However, nowadays we have witnessed many incidents to undermine the Royal Institutions, especially the power of the King. The widespread use of social media in the country such as Facebook, Twitter as well as portals and blog sites also brings new 'trends' or cultures to a handful of individuals and certain parties who abuse the latest facilities, either to dispute or insulting the Institution of The King.

Therefore, we can see the freedom of speech in social media to communicate individual and public feelings has driven numerous people to dismiss convention and to contempt to the Rulers when people has misused this communication channel that has reflected the good image of our country. Thus, this study is done with the objective to examine how the freedom of speech may give an impact toward the image of our Royal Institution in specific and country in general, when we failed to utilize this social media wisely.

2. ROYAL INSTITUTION IN MALAYSIA

Malaysia practices Parliamentary Democracy with Constitutional Monarchy and The King as the Paramount Ruler. The Federal Constitution was legislated with the setting up of conditions for this system to exist. One of the characteristics of Parliament Democracy is the separation of powers into three parts which are the Legislative, the Judiciary and the Executive (Mikuli, 2018). Malaysia is also a country that practices a system of Democracy based on the Federation system. In accordance with this the states of Perlis, Kedah, Penang, Perak, Selangor, Negeri Sembilan, Malacca, Johore, Pahang, Terengganu, Kelantan, Sarawak, and Sabah have agreed to the concept of forming Malaysia.

Today, the institution of The King that remains is a continuation of the history and heritage of the nation's civilization that has had a positive impact on the social, political, and economic stability of a sovereign government such as Malaysia (Hassan, 2013). The importance of the Royal Institution can be seen in the Malaysian Constitution. Ten percent (10%) or 19 of the totals of 183 Articles in the Federal Constitution are King-related matters, which play an important role in the structure of the Government and the structure of the Nation State (Raja Nazrin Shah, 2013). Thus, it shows the importance to respect our Ruler as which mentioned as well in the second principle of the pillar of the state put the King must be obeyed. The position of the Yang di-Pertuan Agong as the Head of State is enshrined in Article 32 (1) of the Federal Constitution.

In detail, Article 32 of the Constitution of Malaysia provides for a Supreme Head of the Federation or King of the Federation, to be called the Yang di-Pertuan Agong, who shall not be liable to any civil or criminal proceedings except in the Special Court. The Consort of the Yang di-Pertuan Agong is the Raja Permaisuri Agong. The Yang di-Pertuan Agong is elected by the Conference of Rulers for a term of five years but may at any time resign or be removed from office by the Conference of Rulers and shall cease to hold office on ceasing to be a Ruler.

Meanwhile, Article 33 provides for a Deputy Supreme Head of State or Deputy King, the Timbalan Yang di-Pertuan Agong, who acts as the Head of State when the Yang di-Pertuan Agong is expected to be unable to do so, owing to illness or absence from the country, for at least 15 days. The Timbalan Yang di-Pertuan Agong is also elected by the Conference of Rulers for a term of five-years or if elected during the reign of a Yang di-Pertuan Agong, until the end of his reign.

In addition to that, Article 181 guarantees the sovereignty, rights, powers, and jurisdictions of each Malay Ruler within their respective states. They also cannot be charged in a court of law in their official capacities as a Ruler. The Malay Rulers can be charged on any personal wrongdoing, outside of their role and duties as a Ruler. However, the charges cannot be carried out in a normal court of law, but in a Special Court established under Article 182.

Aside that, the Special Court for Proceedings against the Yang di-Pertuan Agong and the Rulers is also established whereby this is the only place where both civil and criminal cases against the Yang di-Pertuan Agong and the Ruler of a State in his personal capacity may be heard. Such cases can only proceed with the consent of the Attorney General. The five members of the Special Court are (a) the Chief Justice of the Federal Court (who is the Chairperson), (b) the two Chief Judges of the High Courts, and (c) two current or former judges to be appointed by the Conference of Rulers.

However, there are individuals who do not understand and do not appreciate the history of the formation of the Royal Institution, the Constitutional Monarchy, and the concept of the Pillars of the Nation (Muslim

& Umar, 2017). As a result of their lack of knowledge on this matter and lack of respect, then there will be the issue of insult to The King, Sultan, and his relatives in social media.

3. FREEDOM OF SPEECH IN SOCIAL MEDIA

Social media generally has become an important medium of communication that is used not only by youths, but also by public and private sector employees and even housewives for various purposes (Omar et al., 2011). Communication technology has brought about both positive and adverse consequences. Social media particularly has given an open space to for criticizing people including our Royal Institutions that is often done in a harsh manner even though The Malaysian Communications and Multimedia Commission (MCMC) has the authority and jurisdiction over cases or complaints of media abuse (Ashaari et al., 2020). This raises the questions whether is the current generation no longer aware of the importance of the Institution of the King in this country? Why more and more daring throw accusations and insults against people who simply appreciates the earlier position of the Malay rulers?

Of course, our country gives freedom to the people to do whatever they want, but there are limits and restrictions on some things to prevent unwanted things from happening. As a country that adopts a democratic system, there is no denying that freedom of speech is an essential foundation to all other fundamental rights and freedoms in the constitution (Fisher, 2021). The stated meaning of freedom of speech also includes freedom of expression. All media are also involved as agents of conveying information and opinions and in turn are also part of this concept of freedom of speech. However, freedom of speech and expression also has limits and restrictions provided in the Federal Constitution, through Article 10 (2) (a); as well as restrictions through enacted legislation. Legal action is taken against individuals who commit acts for offenses involving this freedom of expression including the Sedition Act 1948, the Printing Presses and Publications Act 1984, the Official Secrets Act 1972, Contempt of Court, Defamation Act 1957, and the Internal Security Act 1960. This constitution and laws were enacted to provide protection to the victims, particularly The King and his relatives who were insulted and slandered. It is because, contempt for the royal institution is an act that does not necessarily symbolize the identity of our nation. Acts of insult, incitement and defamation will have various adverse effects, especially on national security. Freedom of speech and expression is abused by some irresponsible parties.

Therefore, the usage of social media for criticizing national leaders and rulers highlight the need for social media control and freedom (Mahmud & Pitchan, 2017). Insulting the King and state Sultans via social media is considered a violation of the Federal Constitution and the second pillar of the Rukun Negara i.e. Loyalty to the King and the Nation, as well as the third pillar i.e. the Supremacy of the Constitution. As freedom is the core of a democratic country like Malaysia, any form of information control will result in social uproar. The social media not only offers various benefits to its users, but also threats to the government, the Royal Institution, and the public alike in the form of sedition, slander, pornography and many more. Hence, there is a need for a balanced implementation of Internet freedom and control to safeguard the harmony and well-being of the country (Mahmud & Pitchan, 2017).

4. DISCUSSION & CONCLUSION

The shift of traditional media to electronic, such as social media has significantly contributed to the process of information delivery in society. It is because, social is not only responsible for educating, motivating, and informing the public but is an important medium for the government to channel information on national development while complying with government laws and policies for the benefit and stability of the country. In fact, the media is also used to help the government instil a spirit of understanding and strengthen unity among the multi-racial community in the country (Nurfadillah et al., 2020). Thus, it shows the positive impact of social media not only to the individual, but as well to the society and the government.

However, there is a debatable on the negative impact of social media especially to the youth as projected in a few incidents of bullying, insulting with harsh words and many others in social media (Hassan et al., 2017; Chatzakou et al., 2019; Gomez, 2020; Dwivedi et al., 2021). This is reacted from a freedom of speech that has been practice by our country which initially the objective is to encourage the community to speak and give fair treatment to all. To the worst, this people up to the extent of insulting our Ruler or even the Royal Institution. Therefore, this study is to conceptually discuss the issues in freedom of speech in social media which focuses on the impact to our Royal Institutions in Malaysia. It is important to know what else we can do to rectify the issue on negative social media that will reflect our nation's image.

It is concluded that, though social media platforms have been a significant place for people to form identities, and create and sustain relationship, they need to ensure the application of social media must be use wisely so that it may bring a positive impact not only to the individual, but as well to the community, government, and nation. It is because, social media for example has provided an open space for a freedom of speech that is often done in a harsh manner when the user failed to use it wisely (Luttrell & Wallace,

2021; Milanovic & Schmitt, 2020). This issue is indeed important and is the focus of every individual. It is because of this Royal Institution is most important in the government of Malaysia and the symbol of the Malay race, which needs to be maintained. Therefore, the Communications and Multimedia Commission (MCMC) should also act on reports of abuse of social sites such as Twitter and Facebook that contained related offenses such as intimidation, insults or touching on racial sensitivities. This shameful act deserves legal action by the authorities to teach other communities not to abuse the freedom of speech that has been given. Insult and belittle the position of the Malay Rulers should not be regarded as a freedom of speech as such provisions are enshrined in the constitution relating to the role of the king is a king who kept his position has its own sovereignty.

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