Self-Regulation Complements, Not Replaces, the Legal Framework

CYBERJAYA, 2 SEPTEMBER 2024 — The content ecosystem has transformed dramatically in recent years, driven by the rise of social media and the surge of user-generated content. This influx of largely unregulated content has introduced significant online harms, ranging from misinformation to online harassment, which cannot be ignored. Addressing these challenges requires a robust and multifaceted approach.

In recent discussions about addressing online harms associated with online service providers (OSPs), self-regulation has been highlighted as a potential approach. It is important to clarify that self-regulation does not replace legislation or licensing but works alongside these frameworks to ensure comprehensive oversight.

In the rapidly evolving communications and multimedia industry, self-regulation has proven to be a crucial mechanism for ensuring ethical content standards while allowing for creative freedom and innovation. The Communications and Multimedia Content Forum of Malaysia (Content Forum), established under the Communications and Multimedia Act 1998 (CMA98), has been at the forefront of facilitating this process.

As a self-regulatory organization (SRO), the Content Forum brings together industry leaders from a wide range of sectors—broadcasters, advertisers, civic groups, content creators, internet service providers, and mobile technology service providers. This diverse representation ensures that the industry-led platform effectively develops and upholds content standards that align with societal values and legal requirements while maintaining the flexibility and accountability needed in an evolving industry.

Those who participate in the Content Forum's self-regulatory framework are already bound by legislation and licensing requirements. Their involvement ensures they have a voice in setting standards that align with these legal obligations.

A Track Record of Success

The Content Forum has a proven track record of successful self-regulation throughout the years, particularly in ensuring that its members adhere to evolving content standards and best practices. This includes addressing critical issues such as hate speech, representation of persons with disabilities, safe portrayal of children in content and many more. These efforts

have helped shape a content landscape that is both responsible and reflective of societal values.

"Being part of the Content Forum provides us, as broadcasters, with a reliable way to stay abreast of content standards across various sectors," said Euan Daryl Smith, the CEO of Astro, a long-standing member of the forum. "It helps us efficiently stay current with regulations, so we can focus on delivering quality content. But beyond that, it gives us a say in shaping policies, ensuring that the standards are practical, balanced and forward-looking.

Advertisers, too, have found the self-regulation model beneficial. Claudian Navin Stanislaus, the President of the Malaysian Advertisers Association and Vice Chairman of the Content Forum, shares, "When it comes to content issues, the Content Code provides a clear path for addressing violations. The ability to mediate conflicts and find solutions that benefit all parties is also invaluable. Additionally, the Complaints Bureau offers a trusted platform for resolving disputes, providing an accessible and transparent process that reinforces industry integrity." He adds, "The self-regulation route also serves the consumers and the industry better in this age of rapid changes and media proliferation. Other form of regulatory measure and enforcement would simply not be able to act or react as quickly and effectively, without take a route that is restrictive – or worse – impact consumers' freedom."

Civic groups, advocating for the public's interest, also play a crucial role in this ecosystem. Dr Kiranjit Kaur, from the National Council of Women's Organizations (NCWO), states, "We value the Content Forum as an essential platform to champion meaningful, lasting changes in content management, such as the recent provisions in the Content Code that address online gender-based violence." She adds, "This collaboration ensures that the voices of those most impacted by harmful content are heard and addressed, reinforcing the critical importance of community involvement in shaping our digital future."

Educational institutions, who are shaping the next generation of content creators, also benefit from the forum's inclusive approach. Dr Tengku Elena Tengku Mahamad, the Deputy Dean of Research and Industrial Linkages from Faculty of Communication and Media Studies at Universiti Teknologi MARA (UiTM) notes, "Through their comprehensive programs, workshops, and initiatives, the Content Forum ensures our students gain a solid understanding of ethical and responsible content creation. This commitment cultivates a talent pipeline that is both creative and conscientious, ready to thrive in the industry."

A Call for Collaboration

As the digital landscape continues to evolve, the Content Forum remains committed to fostering a self-regulatory environment that complements Malaysia's legal framework. However, the effectiveness of self-regulation depends on the active participation of all stakeholders, including OSPs.

"With OSPs now under licensing oversight, we remain dedicated to facilitating the development of content standards that effectively address harmful content and online harms," says Rafiq Razali, Group Managing Director of Media Prima Berhad and Content Forum Chairman. "The Content Forum invites OSPs and other stakeholders to join us in this collaborative effort to ensure that content standards are upheld with transparency, accountability, and inclusivity. We welcome every opportunity to work together in addressing the challenges of the digital age while maintaining a free and responsible content ecosystem."

Mediha Mahmood, the CEO of the Content Forum, adds, "CMCF values the productive partnerships we've established with several OSPs in our ongoing online safety initiatives. As we move forward, we anticipate these collaborations will deepen, with OSPs actively contributing to the upcoming development of content standards led by MCMC. This initiative is crucial for aligning with national laws and enhancing our collective efforts to prevent and mitigate harmful online content."

In today's digital landscape, legal frameworks are essential for driving effective preventive measures, accountability, and transparency, in line with the Government's commitment to protecting its citizens from harm. Self-regulation plays a vital role in reinforcing these frameworks, allowing for a balanced approach. The Content Forum's collaborative efforts foster a responsible and innovative content ecosystem, and it welcomes all stakeholders to join in to uphold these standards, creating a digital future that benefits and protects everyone.

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ABOUT THE CONTENT FORUM

The Communications and Multimedia Content Forum of Malaysia (Content Forum) is an industry forum registered under the Malaysian Communications and Multimedia Commission (MCMC) and designated by the Communications and Multimedia Act 1998 (CMA'98) to oversee and promote self-regulation of content over the electronic networked medium. The Content Forum consists of key players in the content industry, i.e., advertisers, advertising agencies, broadcasters, content creators/distributors, audiotext hosting service providers, advertising agencies, internet service providers, and civic groups.

Aimed at facilitating self-regulation, which provides an additional layer of consumer protection that complements the legal framework, the Content Forum is committed to governing and promoting the creation, distribution, and consumption of electronic-networked content.

As an industry self-regulatory body, the Content Forum comprises key members of the communications and multimedia content industry, including broadcasters, advertisers, content creators, internet access service providers, and civic groups. This dynamic and robust representation of industry practitioners ensures that content standards continue to be developed with the objective of establishing a level playing field in the industry.

The Content Forum is responsible for the implementation and enforcement of the Malaysian Communications and Multimedia Content Code ("the Content Code"). The Content Code was prepared by the Content Forum and first registered with MCMC on 1st September 2004. The Content Code is the principal source for industry self-regulation as it contains governing standards and best practices for content dissemination within the communications and multimedia industry in Malaysia. The main objective of the Content Code is to outline procedures of self-regulation that provides the platform for creativity, innovation and healthy growth of a fast-evolving industry.

The Content Forum houses a Complaints Bureau that is empowered to address all complaints relating to content disseminated over electronic networks. The Complaints Bureau is empowered to investigate possible breaches of the Content Code, mediate disputes, adjudicate cases, publish orders, and impose sanctions where necessary. The Complaints Bureau accepts complaints from industry players and the general public. Additionally, it plays an advisory role to any party that requires guidance on electronic content matters.

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