
SHAPING THE MUSLIM STUDENTS' PERSONALITY THROUGH COMMUNICATION LAWS COURSE

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ABSTRACT

Communication refers to exchanging of information or news. In today's high advanced technology of society, communication becomes one of the most challenging areas to the government and society. Any kind of information or news could be spread rapidly in a few second irrepressibly, which could – at some cases- threaten the security of a country as well as the peaceful life of a society. In view of this, it is vital to have an adequate education in communication laws especially for those who will be involved in that sector. Thus, this paper highlights the Malaysian Communication Laws course prepared for some programmes in Universiti Sains Islam Malaysia with special discussion on how its modules might shape the personality of the students by combining the civil and Syariah approaches. This article applies the library research method as well the instructors' experiences as a basis of arguments and discussion. The findings show the significance of learning the course with such dual-approach in shaping the Muslim students' or learners' personalities with the hope they are equipped intellectually and spiritually in handling the current and upcoming confronts and challenges.

Keywords: *Malaysian communication laws, Muslim students' personality, Dual-approach, Civil and Syariah.*

Introduction

In today's world, communication¹ becomes one of the most challenging areas to the country and society. This is based on the fact that any kind of information or news could be rapidly spread in a few seconds irrepressibly. This indeed in some cases could threaten the security of a country, as well the peaceful life of a society.

Considering the above, it is paramount to have an adequate knowledge and education on the communication related matters especially its laws. This could safeguard and alert the community particularly those who are involved in that sector.

Thus, this paper presents the communication laws course prepared for some programmes in the Universiti Sains Islam Malaysia (USIM). It discusses how its module and approaches taken might shape the personality of the students or learners.

This paper firstly starts with the discussion of the nature of the course and its module. It explains about the group of students aimed and the selected topics covered. Secondly, it discusses on how the method of learning has been conducted throughout the course, with reference made to the discussion on some selected issues relevant to the communication law. At this juncture, the selected conception applied namely the dual-approach that combines civil and *Syariah* contents.

Thirdly, the paper then explains the reasons why such dual-approach is paramount to the process of teaching and learning in the communication law course. Fourthly, it highlights some challenges faced by the instructors and lastly concludes with some remarks.

The Communication Law Course: Nature and Module

The course is entitled as ‘Communication Law (Code: LAC4463)’. It is a unique course offered by the university to students of some programmes. It is a law course that deals with the communication area. It is unique to say that the targeted group of students or learners are actually the non-legal students who have no basic knowledge about law or no legal background.

At the moment, the Communication Law course is offered to the Faculty of Leadership and Management and the Faculty of Major Language Studies. For the Faculty of Leadership and Management, the course is offered specifically for the undergraduate students of Bachelor of Communication with Honours, whilst for the Faculty of Major Language Studies, it is meant for the undergraduate students of Bachelor of Arabic and Communication with Honours.

Even though the course has been offered by both non-law faculties, however, the instructors are indeed from the faculty of law.ⁱⁱ In fact, the development and progress of the module and course outline are from the opinions and suggestions of the law lecturers and have been monitored by them.

The main rationale of the course is to create awareness and sensitivity of the students towards the media rules and regulations in Malaysia. It is hoped to provide the students with clear distinctions between values and limitations that become the major factors for the implementation of communication related laws in Malaysia (Course Outline of Communication Laws. Course Code: LAC446). This is vital as the students involved are those having high prospects in working and dealing with the communication sector including the information and technology area, broadcasting, publication, writing and editing, public speaking and so forth.

The Communication Laws course outline (Course Code: LAC446) states its objectives are, among others, to explain the functions of the media in influencing audiences through the media and new technologies in Malaysia. It is hoped, the students will be more sensitive about the media rules and regulations, especially in carrying out their tasks in the media and communication section which involves, to name a few, reporting news, photography, Internet media and advertisements.

The modes of teaching applied include lectures, tutorials, presentations and consultations. Among the teaching aids utilised are slides, films, projector, liquid crystal display (LCD), video, pictures, and others.

The course contents are, to name a few, introduction to Malaysian law, introduction to Malaysian communication law, freedom of speech and the constitution, laws relating to advertisement, Printing Press and Publication Act 1984 (Act 301), Official Secrets Act 1972 (Act 88), Sedition Act 1948 (Act 15), Defamation Act 1957 (Act 286), and Films Censorship Act 2002 (Act 620) (Course Outline of Communication Laws. Course Code: LAC446).

Shaping the Students’ Personality: A Selected Conception

In discussing of how the communication law course shapes the Muslim USIM student’s personality, the paper concentrates on a few selected points. It focuses on the three issues: defamation, freedom of speech, and secrecy.

It is paramount to note that the method used in teaching is a dual-approach. It is a combination of civil and *Syariah* approaches. The students who learned the course are exposed to both civil law as well *Syariah* contents. This means, the lecturer explains in depth the content of the related law (especially the relevant Malaysian communication laws) and then enlightens the same issue from the *Syariah* perspective. It is hoped by doing so, the students will equip themselves with both basic civil law and

Syariah knowledge. As a result, they will be able to think wisely and knowledgeably in facing challenges in their daily life particularly in the communication area.

Issues of Defamation

Defamation is one of the famous topics for communication law. It is defined as the act of communicating false statements about a person that injure the reputation of that person (Merriam-Webster Dictionary 2018). The word of defamation also refers to the publication of a statement about a person that tends to lower his reputation in the opinion of right-thinking members of the community or to make them shun or avoid him. It occurs usually in words; however, pictures, gestures and other acts can also be defamatory (A Dictionary of Law Oxford Reference (New Edition) 1994). Thus, learning the offence of defamation is greatly important to the students since its effect is huge and possibly harms the society.

As the communication law course applies the dual-approach, therefore, in the communication law teaching, the students are firstly taught with the point of defamation as an offence under the Malaysian law. Firstly, they learn it from the civil law perspective by analysing the Malaysian Act of Parliament namely the Defamation Act 1957 (Act 286). Such students are then exposed to varieties of legal terms prescribed in the Act. The course also discusses how the Act controls the offence of defamation from taking place among the society which is done through the application of the law. Secondly, the students are taught and explained about the issues of defamation with relation to the *Syariah* viewpoints. It is done based on the Islamic values and perspectives with reference to the *Quranic* verses, *hadiths* of Prophet SAW, and stories of *Sahabah*.

From the viewpoint of the civil approach, the course discusses the concept of defamation under the civil law. For instance, the teaching mainly refers to the Malaysian Defamation Act 1957 (Act 286). It is an Act that relates to the law of libel and slander and other malicious falsehood (Preamble of the Malaysian Defamation Act 1957 (Act 286). The students or learners are taught with the concepts of libel and slander under the civil law. Libel refers to the defamatory statement made in permanent forms (such as, books, newspapers, drawings, paintings, cartoons, films, *etc*). However, slander refers to defamatory statement made not in permanent (temporary) form (such as, spoken words and gestures). The course exposes the students with the legal concept of 'actionable on proof' and 'actionable without proof' under the civil law.ⁱⁱⁱ

According to the Malaysian law, slandering on a woman, either by way of words spoken and published which imputed the unchastity or adultery to any women or girl, is not required to prove special damage to make them actionable (Section 4, the Malaysian Defamation Act 1957). The reason is to protect the dignity of such woman or girl. The law is indeed precise as to protect the dignity and pride of a woman or girl. Even though there is no special damage proven on part of the woman or girl, the law insists that she can still takes action against the accuser. For this matter, the students are also exposed to various defences available for the offender under the Defamation Act 1957 (Act 286). This is vital for the purpose of defending him/herself from such offence. The defences include unintentional defamation, justification, fair comment and absolute privilege (section 7–11, Defamation Act 1957 (Act 286). A selected Malaysian court cases is also discussed and explained to the students for them to be aware of the surrounding issues and circumstances. For instance, the case of *Luk Kai Lam v. Sim Ai Leng* (1978).

Apart from the above civil approach, the course applies the *Syariah* approach. The lecturer explains and exposes the students as well about the issue from the Islamic perspective. Since Islam is a religion of peace, love and compassion, therefore it is stressed that lies, backbiting and slander are regarded as major sins. Hence, the students are reminded to strictly avoid and evade them always. The students are revealed with stories of the Prophet SAW and *Sahabah*. However, in the current situation where it happens to the Malaysian society who is multiracial society, they are advised to be extra careful in dealing with the matter as the situation involves living in harmony and peace with other races and believers.

At this point again, the students or learners are taught and discussed with varieties of evidences from the *Quranic* verses and hadiths of Prophet SAW. For instance, Allah swt has forbidden the Muslims from backbiting as written in the *Quranic* verse, Allah swt says:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا اجْتَنِبُوا كَثِيرًا مِّنَ الظَّنِّ إِنَّ بَعْضَ الظَّنِّ إِثْمٌ وَلَا تَجَسَّسُوا وَلَا يَغْتَب بَّعْضُكُم بَعْضًا يُجِبْ أَحَدُكُمْ أَن يَأْكُلَ لَحْمَ أَخِيهِ مَيْتًا فَكَرِهْتُمُوهُ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ تَوَّابٌ رَّحِيمٌ .

(Surah Al-Hujurat, 49: 12)

O you who believe! Avoid much suspicion, in deeds some suspicions are sins. And spy not neither backbite one another. Would one of you like to eat the flesh of his dead brother? You would hate it (so hate backbiting). And fear God, verily, God is the one who accepts repentance, Most Merciful.

Allah swt also teaches the believers to speak out against slander and to stop it from spreading. The Quran states:

وَلَوْلَا إِذْ سَمِعْتُمُوهُ قُلْتُمْ مَّا يَكُون لَنَا أَن نَّتَكَلَّمَ بِهِذَا سُبْحَانَكَ هَذَا بُهْتَانٌ عَظِيمٌ

(Surah An-Nur, 24:16)

And why did you not, when you heard it, say? "It is not right of us to speak of this: Glory to God, this is a most serious slander".

In the hadith of Prophet SAW, the Prophet SAW explains the meaning of backbiting and slander. In his hadith:

"Do you know what backbiting is?" They said, "God and His Messenger know best." He then said, "It is to say something about your brother that he would dislike." Someone asked him, "But what if what I say is true?" The Messenger of God SAW said, "If what you say about him is true, you are backbiting him, but if it is not true then you have slandered him." (Muslim).

The Prophet SAW also asked the Muslims to protect and control their tongue from sin (Mohammad Elshinawy (transl.) 2012). Prophet Muhammad SAW said:

"Who protects his tongue from unlawful utterances and his private parts from illegal sexual intercourse, I shall guarantee him entrance into Paradise." (Bukhari and Muslim).

The Prophet SAW also deliberates on the best Muslims referring to those from whom Muslims are safe from the evil of his tongue.

"I asked the Messenger of God SAW: Who is the best Muslim? The Messenger of God SAW replied, "He is the one from whom Muslims are safe from the evil of his tongue and hands." (Muslim).

Thus, the discussions of the above verses and hadiths with the students or learners are the instances of how the course relates the issue of defamation from the Islamic perspectives which could give impact on the students' or learners' thoughts and identities.

Issues of Freedom of Speech

Freedom of speech is another leading topic with respect to the communication field. Most people claim they have freedom of speech. Meaning to say they have absolute right to speak freely what they ever want to say. Therefore, it is paramount to discuss the issues with the students for them to have a correct and precise standpoint.

From the civil perspective, the course highlights the fundamental liberties in the Malaysian Federal Constitution. At first, the basic ideas of fundamental liberties that enshrine in the Federal Constitution are taught. These include right to life and liberty (Article 5, the Federal Constitution), freedom of speech, assembly, and association (Article 10, the Federal Constitution), freedom of religion (Article 11, the Federal Constitution), right to education (Article 12, the Federal Constitution), and right to property (Article 13, the Federal Constitution) and *etc.*

At this juncture, the major thing to note is that not all liberties and freedoms are absolute. Some liberties (or provisions) are qualified by other provisions. For instance, the Federal Constitution guarantees the freedom of speech of an individual by virtue of Article 10(1)(a). However, this clause has a restriction or been subjected to other provisions or clauses. For example, Article 10(1)(a) must be read together with Article 10(2) as the words enshrined in Article 10(1)(a) are “*Subject to Clauses 2..*”.

Thus, in situation where it affects the interest of security of the country, such freedom of speech must then be subjected to restriction or limitation. Based on the law, an individual is not allowed to say what he wants or desires to say, moreover if his speeches affect the sensitivity of other races and religion in Malaysia. The reason is that it can create chaos and disorder to the society as well as may affect the harmony of the public and security of the country.

From the *Syariah* standpoint, the learners or students are cultured with the Islamic values, like, a need to respect others, beware of words speaking, take care of other’s feeling and *etc.*

In Islam, it is recommended to respect others, including appreciating others’ views and feelings. The Quran states;

يٰۤاَيُّهَا الَّذِيْنَ ءَامَنُوْا لَا يَسْخَرُوْا قَوْمًا مِّنْ قَوْمٍ عَسَىٰ اَنْ يُّكُوْنُوْا خَيْرًا مِّنْهُمْ وَلَا نِسَاءً مِّنْ نِّسَاءٍ عَسَىٰ اَنْ يَّكُوْنَ خَيْرًا مِّنْهُنَّ .
(Surah Al Hujurat, 49: 11)

“O’ you who have true faith! Do not let men make fun of other men – perhaps they may be better than the other (group of men). Also, do not let women make fun of other women, as it may be that they are better than the other (group of) women.”

Islam also teaches people to act politely and well-mannered particularly in greeting each other. It is a way of showing respect to people. Thus, when a person communicates with other rudely claiming on the basis of freedom of speech, it is indeed prohibited by Islam. In the Quran, Allah *swt* says:

وَإِذَا حُيِّئْتُمْ بِتَحِيَّةٍ فَحَيُّوْا بِأَحْسَنَ مِنْهَا أَوْ رُدُّوْهَا إِنَّ اللّٰهَ كَانَ عَلٰى كُلِّ شَيْءٍ حَسِيْبًا .
(Surah An Nisa’, 4:86)

“When you are greeted with a greeting, greet with one better than it, or return it (in the same terms at least).”

It is reminded also for the Muslims not to go beyond the limits of religion. Hence, even though the freedom of speech is a concept that one claims to uphold the right of a person to speak freely, however, this should be treated with cautious for not transgressing the religious boundary.

Allah *swt* reminds the Muslims whoever that follows and obeys His commands, will certainly achieve a great success. The Quran states:

وَمَنْ يُطِعِ اللّٰهَ وَرَسُوْلَهُ فَقَدْ فَازَ فَوْزًا عَظِيْمًا .
(Surah Al Ahzab, 33: 71)

“One who obeys Allah and His Messenger will certainly achieve a great success.”

الَّذِينَ ءَامَنُوا وَكَانُوا يَتَّقُونَ. لَهُمُ الْبُشْرَىٰ فِي الْحَيَاةِ الدُّنْيَا وَفِي الْآخِرَةِ لَا تَبْدِيلَ لِكَلِمَاتِ اللَّهِ ذَٰلِكَ هُوَ الْفَوْزُ الْعَظِيمُ .
(Surah Yunus, 10: 63-64)

“Those who have faith and fear God will receive glad news both in this life and in the life hereafter. The words of God do not change. This alone is the supreme triumph.”

The Prophet Muhammad SAW also reminds Muslims to not transgress the limit that has been set by Allah *swt*. Whatever the orders and commands from Allah *swt*, must not be violated even on the ticket of freedom of speech.

Abu Tha'laba reported: The Messenger of Allah, peace and blessings be upon him, said, “Verily, Allah has made duties obligatory, so do not neglect them. He has set limits, so do not transgress them. He has made some things sacred, so do no violate them. He has remained silent upon matters as mercy for you, not out of forgetfulness, so do not search them out.”

Again, by learning the course it would assist in shaping and moulding the personality and character of the students or learners towards a better understanding and knowledge of a Muslim student.

Issues of Secrecy

Secrecy is related to communication on the basis that not all information can be communicated, delivered or revealed to everybody. In certain cases, some information should be kept secret and not allowed to be disclosed to the public. Secrecy refers to an action of keeping something secret or state of being kept secret.

In civil approach, the teaching stresses on the Malaysian law of Official Secret Act 1972 (Act 88). It is an Act to revise and consolidate the law relating to the protection of official secrets (Preamble of the Official Secret Act 1972 (Act 88)). The students or learners are exposed to the relevant sections and legal terminologies of the Act. Among the terms highlighted are, for instance, the meaning of official secret, top secret, secret, confidential and restricted.

The teaching is also stressed on the necessity of classifying or categorising the document or information into different level of secrecy. This is vital in order to protect the official secret document from being delivered and communicated to unauthorised person.

The teaching also highlights on the legal punishments that are imposed on the offender in the event of the offences done. Several current cases and problems happening in the society are discussed with the students or learners to make them aware of the situation that relate to the issue of secrecy and integrity. For instance, the case of *Engineered Products & Services (M) Sdn Bhd v Ku Meng Choon* (2014).

From the *Syariah* approach, the teaching relates the issue of secrecy with the point of *amanah* or trust in Islam. The Islamic teaching requires the Muslims to be *amanah* or upholding the trust at all time that is to keep the belief which is granted to them. It is a compulsory deed particularly when a person has been given a trust in doing something by others, and he or she had indeed accepted such trust.

In the *Quranic* verse, Allah *swt* says:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَخُونُوا اللَّهَ وَالرَّسُولَ وَتَخُونُوا أَمَانَاتِكُمْ وَأَنْتُمْ تَعْلَمُونَ .
(Surah al-Anfaal, 8:27)

“O you who believe! Betray not Allah and His Messenger, nor betray knowingly your Amanat (things entrusted to you, and all the duties which Allah has ordained for you).”

Allah *swt* further states:

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا .

(Surah an-Nisa', 4:58)

"Verily! Allah commands that you should render back the trusts to those, to whom they are due."

The Prophet Muhammad SAW emphasises as well on the concept of trust and secrecy to the Muslims. In the hadith:

It was narrated that Jaabir ibn 'Abdullah said: The Messenger of Allah (blessings and peace of Allah be upon him) said: "If a man says something then turns away, it becomes a trust [which should not be disclosed by the one who heard it]."

The teaching also explains the issue of secrecy of information to the concept of evading spying. In Islam, spying is prohibited and considered as a sin. It can cause suspicions among believers and thus create hatred and anger among them, thus it should be avoided.

Allah *swt* states in the Quran:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا اجْتَنِبُوا كَثِيرًا مِّنَ الظَّنِّ إِنَّ بَعْضَ الظَّنِّ إِثْمٌ وَلَا تَجَسَّسُوا وَلَا يَغْتَبَ بَعْضُكُم بَعْضًا .

(Surah al-Hujurat, 49:12)

"O you who believe! Avoid most of suspicion (against others), for surely suspicion in some cases is sin; and do not spy (into other people's affairs), nor let some of you backbite others."

The Relevance of Learning the Course in Shaping the Personality

The dual approach of civil and *Syariah* applied in communication law course teaching in the USIM has indeed been conducted and applied for a few years back. It is justified and noticeable that such approach has resulted to several outcomes in the effort of moulding the personality of the Muslim students.

Firstly, the learners or students who are exposed to such approach are more knowledgeable and conversant in both civil law and *Syariah* education. Indeed, they are more confident with regards to the knowledge of the current communication law in Malaysia, as well the *Syariah* views, even though they are not from the legal background.

Secondly, the learners or students are well grown in their thought and intellectual. Thus, they are capable to think wisely and diligently in their actions and decisions. This is vital as to prepare them legally and intellectually in facing the real life outside the university campus. Moreover, in today's world, the society is facing the real challenge in terms of communication technology, by which the news and information can be spread rapidly within a few second regardless of their authority and authenticity.

Thirdly, the learners or students are more alert and aware with the current issues and court's cases, simultaneously they are able to relate both to the civil law education and notion of the Islamic teaching. From this perspective, whatever issues and problems that have taken place in the country, they are more cautious in giving commentaries and remarks as to not be contradict the law and *Syariah* standpoint.

Fourthly, the learners or students are overwhelmed with good characters of moral responsibility, honesty, trustworthiness, reliability, and full-fledged entity. With the exposure and blending knowledge of civil and *Syariah* approaches, the learners' or students' minds and intellectuals are organized and educated, and their characters and attitudes are inspired and magnificent.

This indeed reflects the significance of learning the course which has been proven in shaping the personality of the Muslim students towards a betterment of their characters and personalities.

Challenges of Learning Communication Law

In learning the communication law course that applies the civil and *Syariah* approaches teaching, it is noted that there are some challenges to be faced either by the students or lecturers.

The first is that the learners or students have no legal background. Thus, when the teaching elaborates on civil aspect that is civil law, the learners or students are having difficulties in understanding the subject. Hence, the instructor needs to be very cautious and thoughtful in ensuring they have a correct or accurate knowledge and understanding not only in term of the civil perspective, but also the *Syariah* understanding.

The second challenge is that the learners or students are less-interested. Most of them come from the religious back-ground education. Thus, when they are urged to enrol in the communication law course, their learning aim is just for the sake of university's requirement. It is not for the matter of their interest and curiosity. This attitude in fact results to being less-interested in learning the course particularly for the civil law part. This has indeed affected the effectiveness of seeking the knowledge and education.

The third challenge is a matter of language. The teaching of communication law course must be conducted in English as required by the University. Therefore, the majority of the learners or students are indeed having difficulties in understanding the course sometimes. This happens especially when it involves the teaching of both, civil law and *Syariah* content. The main reason of such difficulty in understanding the course is that they are mostly from the Arabic back-ground of education. It is noted that it is hard for them to catch up to the matter easily.

The fourth is confusion of Islamic knowledge. In such dual approach, apart from teaching the civil law, the learners or students are taught also on the issue based on the Islamic point of views. Some of them are having confusion in understanding the *Syariah* contents. Therefore, it is needed for the instructor to be extra cautious in elaborating the contents in accordance with the understanding.

The fifth is the huge number of learners or students involved in the course. In this course teaching, the number of learners or students engaged is around 100-150 learners or students. This number is considered huge for a class session. This large number has resulted in difficulty in monitoring the progress of learners or students exclusively, especially in monitoring the accurate understanding and knowledge of the learners or students.

Concluding Remarks

In shaping the Muslim students' personality, it is observed that the dual approach of the civil and *Syariah* methods of learning that is applied in educating the students or learners through the communication law course is successful. This happens when the learners' knowledge and intellectuals are blended and moulded with the dual perspectives which can improve their life quality significantly. In fact, their intellectual and intelligent capacity and maturity are obvious and evident, especially in responding to the related issues and matters. The most important is, without doubt, the students or learners will be extra cautious and thoughtful in reacting to the issues and matters.

Apart from that, even though it is noted that there are some challenges faced by the instructor in teaching the communication laws course in such a way, however, it is noticeable that the teaching has resulted to various good characters, personalities and identities of the students. These include a knowledgeable and conversant person, well grown with thought and intellectual, alert with the surrounding issues, and the most significant is they are overwhelmed with good characters of moral responsibility, honesty, trustworthiness and reliability.

The matter of shaping the personality of students is paramount especially in relation to the Malaysian society. The major reason is that the Malaysian society is comprised of various races and religions. Thus, whatever issues and comments should be treated very carefully and vigilantly as it would be very

sensitive to all races and religions in particular when the matters have been spread via today's communication technology. If this situation has not been tackled wisely, it can in fact threaten the harmonious lives of the society as well the security of the country.

Hence, by introducing the communication laws course with such dual-approach module, it is believed it can contribute in shaping the identities and characters of the Malaysians towards becoming a matured and knowledgeable society in dealing with the communication technology sector in Malaysia.

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ⁱ Communication refers to exchanging of information or news. It is a process of communication or an act of fact being communicated from one to another.

ⁱⁱ In such cases, starting from 2012 the University benefited the instructors from the Faculty of Syariah and Law, Universiti Sains Islam Malaysia. However, prior to 2012, the instructors were the media lecturers.

ⁱⁱⁱ Libel is an offence of actionable per se (without proof). It means any offence of libel (which is done in permanent form) is actionable without proving special damages on part of person defamed or Plaintiff (e.g. actual financial or material loss). However slander, is actionable only on proof as the offence is done not in permanent form of temporary form. It means the defamed person needs to prove that defamation has caused him/her special damage.