ABSTRACT
In the emerging information society and the widespread usage of Information, Communication and Technology, (ICT), most governments have been facing the dilemma of regulating such a borderless space known as cyberspace. Cyberspace is very much of a public domain, a new medium of communication and borderless. Justice O’Connors in Reno v ACLU commented that cyberspace undeniably reflects some form of geography”. Geographically, cyberspace has gathered the Internet users from all across the border and in the early evolution of the Internet, children and young people become the avid Internet user and the numbers are increasing. Earlier concern on the adverse effects of the Internet to children and young people has created vast respond from political figures, legislators, academicians and public at large. Recently, the Malaysian government launched a campaign “Using the Internet Positively” with the objective to promote positive usage of the Internet among children and young people but at the same time, the government has reserved some provisions under the United Nation Convention of Child’s Right on children’s rights (UNCRC). Regulating the Internet is a challenge for Malaysia as at the same time, we are still in the stage of developing the Multimedia Super Corridor (MSC), a project to promote the usage of ICT and a bridge between electronic government and its citizen. Many issues remain ambiguous such as censorship of the Internet, self-regulation and other Internet based issues. The aim of this paper is to examine on the emerging fears of negative influences that the Internet may offer and the well-accepted UNCRC on children’s rights. It further looks to what extent these two perspectives can be reconciled for the best interests of a child in cyberspace. This paper begins with an overview of factors which lead to emerging factors of fears of children using the Internet in Malaysia, then, it explores on some provisions of UNCRC as regard to child’s right and its parallel in cyberspace. This dilemma of protecting the child’s right and to conform with UNCRC requirements and its application in the cyberspace challenge the existing legislations and hence, law should be seen as a medium to respond to such situation though it creates an uneasy mixture of prophetic in regulating the Internet.