

Freedom of Expression in Cyberspace: Society, Law and its Effects in Bangladesh's Perspective

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Abstract

Introduction: This study explores the multifaceted nature of freedom of expression in cyberspace, with a specific focus on Bangladesh. It examines the balance between democratic principles, cultural norms, legal constraints, and ethical considerations in the digital age. The primary objectives were to understand the complexities of freedom of expression in cyberspace, analyze the impact on society, evaluate the legal framework in Bangladesh, and identify challenges and opportunities for reform.

Methods: A comprehensive literature review was conducted, drawing from academic articles, legal documents, and case studies. The analysis focused on various dimensions, including the definition of freedom of expression, its manifestation in cyberspace, societal impact, ethical considerations in education, and the legal framework governing it in Bangladesh.

Findings: The study reveals the intricate balance between the cherished right to free speech and the challenges posed by technological advancements, ethical dilemmas, legal constraints, and societal norms. It identifies areas that require careful consideration and reform, particularly in legal and educational contexts.

Conclusion: The manuscript emphasizes the importance of continued research, dialogue, and policy development to navigate the complex landscape of freedom of expression in cyberspace. It calls for a nuanced and context-specific approach, recognizing the dynamic and evolving nature of the subject, especially in the rapidly changing digital landscape of Bangladesh.

Keywords: Cyberspace, Cybersecurity, Digital Security Act, Freedom

INTRODUCTION

Cyberspace, defined as the interconnected digital environment where information is shared and social interactions occur, has become a central part of modern life (1). Within this virtual realm, freedom of expression, a fundamental human right encompassing the freedom to seek, receive, and impart information and ideas, has found new avenues and challenges (2,3). The importance of freedom of expression in cyberspace is profound. It enables democratic participation, fosters creativity, and facilitates the free flow of information, allowing individuals to engage in public discourse and contribute to an informed citizenry (4,5). In countries like Bangladesh, where traditional media might be constrained, cyberspace offers a platform for diverse voices and perspectives. However, the legal framework for freedom of expression in Bangladesh presents complexities. The "Information and Communication Technology Act of 2006" and the "Digital Security Act of 2018" were enacted to regulate online behavior and protect cyber rights. While these laws aim to safeguard the digital space, they have faced criticism for restricting free speech and being used to suppress dissent (6). The challenges

to freedom of expression in Bangladesh's cyberspace are multifaceted. Government censorship has been a significant concern, with instances of websites and social media posts being censored if deemed critical of the government or ruling party (7–11). This has led to a climate where self-censorship becomes a survival strategy for many online content creators (12). Defamation laws in Bangladesh are another area of concern. These strict laws can be used to silence critics, leading to a chilling effect on free speech and stifling public debate (13,14). The threat of legal action for expressing opinions has become a barrier to open discourse. Furthermore, online harassment and abuse are rampant, particularly targeting women and minorities in Bangladesh. This harassment limits their ability to express themselves freely and participate in online discussions, further narrowing the space for diverse voices (15,16). The purpose of this manuscript is to explore these complexities in depth, examining the legal framework, societal attitudes, and cultural factors that influence freedom of expression in cyberspace in Bangladesh. While existing literature has provided insights into legal aspects and government policies, there is a need for a more comprehensive analysis that integrates these dimensions with the lived experiences of the people (17,18). This manuscript aims to fill the gaps by offering a holistic view of freedom of expression in cyberspace in Bangladesh. It will consider not only the laws and regulations but also the underlying social dynamics, power structures, and cultural norms that shape how these laws are implemented and experienced. By weaving together legal analysis with social and cultural perspectives, this manuscript will provide a nuanced understanding of the state of freedom of expression in Bangladesh's cyberspace, contributing to the broader discourse on digital rights and governance.

METHODS

For the present study, a systematic literature review served as the primary research method, focusing on the analysis of existing research, legal documents, government policies, and international guidelines related to freedom of expression in cyberspace. Academic articles, books, reports, legal cases, and online content were carefully selected to represent various aspects of the legal framework, societal attitudes, and cultural factors in Bangladesh. Content analysis was employed to examine patterns of censorship, defamation cases, and online harassment, utilizing coding and categorization to identify key themes and trends. The research also considered the ethical implications of studying sensitive topics such as government censorship and legal challenges, ensuring that all data were handled with care and confidentiality. Recognizing potential limitations, the study acknowledged the challenges of accessing sensitive information and potential biases in the interpretation of legal cases and online content. By weaving together legal analysis with social and cultural perspectives through a rigorous literature review and content analysis, this methodology aimed to provide a holistic view of freedom of expression in Bangladesh's cyberspace.

LITERATURE REVIEW

Understanding Freedom of Expression

Freedom of expression is a fundamental value in liberal democracies and has been a subject of intense debate, especially in the context of events that challenge the boundaries of this right (19). It is recognized in various cultures, including Islamic understanding, though with significant differences and deeply-rooted peculiarities (20,21). The European Court of Human Rights has also explored the balance between freedom of expression and reputation protection, emphasizing the importance of the media in disseminating information of public interest (22,23).

Freedom of Speech and Opinion in Cyberspace

The advent of social media has brought new dimensions to freedom of expression. The Majelis Ulama's Fatwa on social media, for example, has been criticized for restricting freedom of expression and opinion, reflecting the complex interplay between religious interpretation and democratic principles (24). The issue of misinformation online also raises questions about the ethical aspects and societal impact of freedom of expression in the digital age (25).

Impact of Cyberspace on Society

Cyberspace has transformed various aspects of society, including commerce, entertainment, and communication. The virtual world offers great opportunities but is also rife with risks and evils, such as criminal activity and societal discontent (19). The impact on democracy is also significant, as seen in the case of the Nigerian youth protest on police brutality, where the right to freedom of expression through peaceful protests played a crucial role (26).

Cyber Ethics in Bangladeshi Education

Cyber ethics in Bangladeshi education is a critical area that requires attention, especially in the context of higher education. The unethical practices of plagiarism have been identified as a significant concern in the educational sector in Bangladesh (27). With the extensive use of the Internet and electronic media, there is a temptation to adopt plagiarism through copy-and-paste instead of genuine learning. Strategies to combat plagiarism in Bangladesh include the inclusion of articles on plagiarism in existing copyright acts and cyber laws, practicing a code of ethics against plagiarism at Higher Education Institutions (HEIs), and including plagiarism in secondary and undergraduate syllabuses (27). These measures aim to foster responsible behavior in cyberspace, emphasizing respecting others' privacy, avoiding plagiarism, and understanding the social and cultural context of online interactions.

Bangladeshi Laws Regarding Freedom of Expression

Bangladesh's legal framework concerning freedom of expression has been a subject of scrutiny and debate. The country has made significant strides in becoming a digital nation, but the existing laws, such as the "Information and Communication Technology Act of 2006," have faced criticism for inadequacy in safeguarding human rights or combating cybercrime effectively (6,28). The Act has been seen as insufficient in regulating people's behavior and protecting freedom of speech, leading to calls for reforms and the enactment of new laws that reflect the trajectory of technological advancement (19).

Cyber Laws in Bangladesh Concerning Freedom of Expression

The legal landscape in Bangladesh concerning freedom of expression in cyberspace is intricate and multifaceted. The existing laws, such as the "Information and Communication Technology Act of 2006," have been perceived as insufficient in regulating people's behavior and protecting freedom of speech (7,29). Challenges include government censorship, strict defamation laws, and issues related to online harassment and abuse, particularly targeting women and minorities. The "Digital Security Act of 2018" was introduced to address some of these concerns, but it too has faced criticism for not effectively regulating people's behavior or safeguarding freedom of speech. The complex interplay between the need to protect individual rights and the necessity to maintain social order and national security continues to shape the legal discourse on freedom of expression in Bangladesh's cyberspace.

DISCUSSION

Understanding freedom of expression requires recognizing its deep roots in democratic principles and human rights, balanced with cultural norms and legal constraints (19,20). This balance is delicate and often fraught with tension, as the universal principles of free speech must be reconciled with specific cultural contexts and legal frameworks. The advent of social media and the digital age has transformed communication, creating new opportunities for free speech but also posing ethical dilemmas such as misinformation and potential abuse (25). These platforms have democratized information sharing but have also become breeding grounds for false information and hate speech. In Bangladesh, the interplay between religious interpretation and democratic principles adds further complexity to the issue (24). The country's unique socio-cultural fabric, with its blend of religious values and democratic aspirations, shapes the discourse on freedom of expression in cyberspace. The impact of cyberspace on society is profound, offering opportunities but also presenting risks such as criminal activity and societal discontent (19). The digital revolution has brought unprecedented access to information and connectivity but has also exposed vulnerabilities that can be exploited by criminal elements. The role of cyberspace in shaping democratic processes, as seen in the Nigerian youth protest on police brutality, illustrates its significant societal impact (26). This example underscores the power of online platforms to mobilize social change and challenge established power structures. In the context of Bangladeshi education, the pressing issue of cyber ethics, particularly plagiarism, calls for strategies to foster responsible behavior in cyberspace (27). Educational institutions must take a proactive role in cultivating ethical online conduct, including the responsible use of information and respect for intellectual property. The legal framework in Bangladesh concerning freedom of expression has faced challenges, with existing laws such as the "Information and Communication Technology Act of 2006" and the "Digital Security Act of 2018" criticized for inadequacy in safeguarding human rights or combating cybercrime effectively (19). These laws, while well-intentioned, may fall short in addressing the nuanced challenges of the digital age. The complexity of the legal landscape concerning freedom of expression in cyberspace in Bangladesh is evident, with challenges including government censorship, strict defamation laws, and issues related to online harassment and abuse, particularly targeting women and minorities. These challenges highlight the need for comprehensive legal reforms that address not only the technological aspects but also the social, cultural, and ethical dimensions of cyberspace.

Limitations of The Study

This study has notable limitations, including reliance on existing literature, which may not capture all perspectives or recent developments in freedom of expression in cyberspace, particularly in Bangladesh. The absence of primary data, such as interviews or surveys, restricts the depth of insight, and the focus on academic literature may overlook valuable non-academic sources. Additionally, the rapidly changing nature of technology and legal frameworks may affect the relevance of the findings in the future.

CONCLUSION

The present study has delved into various aspects, including the understanding of freedom of expression, its manifestation in cyberspace, the societal impact, ethical considerations in education, and the legal framework in Bangladesh. The discussion has highlighted the intricate balance between the cherished right to free speech and the challenges posed by technological advancements, ethical dilemmas, legal constraints, and societal norms. While Bangladesh has made significant strides in becoming a digital nation, the study has identified areas that require careful consideration and reform, particularly in legal and educational contexts. In conclusion, the manuscript underscores the importance of a nuanced and context-specific approach to understanding and regulating freedom of expression in cyberspace. It calls for ongoing

dialogue, research, and policy development that reflect the dynamic interplay between individual rights, technological innovation, cultural values, and legal imperatives, especially in the rapidly evolving digital landscape of Bangladesh.

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RECOMMENDATION

First, there is a need for continuous review and reform of legal frameworks in Bangladesh to ensure that they align with the evolving nature of cyberspace and adequately protect freedom of expression. Second, educational institutions should emphasize cyber ethics and responsible online behavior, incorporating these principles into curricula. Third, policymakers, scholars, and practitioners should engage in ongoing dialogue and collaboration to address the complex challenges related to freedom of expression in cyberspace. Finally, future research should consider diverse perspectives and methodologies, including primary data collection, to provide a more comprehensive understanding of the subject. These recommendations aim to foster a balanced and responsible approach to freedom of expression in cyberspace, reflecting the unique cultural, legal, and technological context of Bangladesh.

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