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Research Article

Social Media Effects on Women's Rights and Protections in Brunei Darussalam

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Abstract

Social media in these times have rapidly become one of the most popular and influential platforms for supporting the advancement of women's rights. The explosive growth in the number and use of social media in everyday life has given mixed blessings. They have not only blessed women to advance their rights and voice, but also act as a double-edged sword that might violate women's rights. As a result, with the rapid advancement of technology, this paper focuses on how social media affect women's rights and protections. Using qualitative social-legal methodologies, this paper proposes to investigate the written history documents as well as the international, regional, and domestic laws in Brunei Darussalam that promote and protect women's rights in the digital world. For over a decade, Brunei Darussalam has ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Hence, considering the rapid evolution of technology, Brunei Darussalam must assess its current relevant legislation and harmonize it by enacting comprehensive laws.

Keywords: Social Media, Women's rights, Protections

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Introduction

Social media nowadays have become an agent of social change that has aided and promoted women's empowerment in a variety of ways, including drawing the attention of the global community to women's rights and challenging discrimination and stereotypes worldwide. According to Kumari (2020), via blogs, chats, online campaigns, online discussion forums, and online communities, social media provide a place for women's issues and challenges that are rarely broadcasted by conventional media.

Women are becoming more educated, empowered, capable of making their own decisions, skilled, and financially independent, with the existence of social media platforms and tools such as blogs, vlogs, Facebook, Twitter, Instagram, and others.

Furthermore, the traditional notion of activism has also evolved, along with the way younger generations express and share their tales. According to a study by Sarrats, M. F. (2022), social media can also serve as a platform to mobilize people to seek justice for any human rights violations, such as those that sparked the movements "HollaBack!" (2005), "SlutWalk" (2011), "Bring Back our Girls" (2014), "Me Too" (2017), or "Black Lives Matter" (2020).

Not to be left out, social media have also been utilized as a tool for spreading knowledge as well as protesting against gender inequality by contributing fresh knowledge to a problem. Oftentimes, unofficial material supports media coverage. (Thomson, 2018)

Although social media play an important role in increasing the visibility of women's rights concerns, promote effective communication, help individuals organize, and educate the public about women's empowerment, social media act as a double edge sword tool that facilitates online harassment and false information, creates cages of perpetual self-comparison and perfection based on cultural beauty standards, and impedes critical thinking.

Women are vulnerable human beings who are often victims of violence, both offline and online. Therefore, with the rapid evolution of technology, they need extra protection and care to protect their rights, wherever they are. Hence, this article aims to outline the social media

background and its effects on women's rights. It highlights how social media affect women's rights and protections. Consequently, this paper provides the international, regional, and domestic laws which protect women from the effects of social media.

Methodology

The method used in this study is the social-legal research methodology. Socio-Legal Research is an occurrence in which the science of law meets the study of society. According to Raghav (2021), social legal research necessitates multidisciplinary approach to evaluate and interpret the law, legal phenomena, their interrelation, and their link with society in general. Given the rapid advancement of technology, such as social media, it is imperative that the researchers look at Brunei Darussalam's legislations for this study. The law facilitates and speeds up the process of social reform in a significant way. Therefore, a legal researcher in a dynamic or developing society must adopt a multidisciplinary approach since legal issues in society will be linked to social, economic, political, and psychological issues. (Singh, n.d.)

Social Media Background

According to Merriam-Webster, social media are defined as "forms of electronic communication (such as websites for social networking and microblogging) through which users create online communities to share information, ideas, personal messages, and other content (such as videos)."

Social media are a phenomenon that has revolutionized the global contact communication of humans. Yet, social media are not a new concept - they have existed since the beginning of the social connection. (Edosomwan et al., 2011). According to the Maryville University's online article (2021), the early days of the Internet's establishment were in the 1960s. It was featured in Werner Herzog's film Lo and Behold, Reveries of the Connected World, that the transmission of the first message across the Arpanet was in 1969. Despite this, the initial Internet remained inaccessible and required a great amount of expertise to utilize. (Ahmadfaizar, 2020)

In 1989 to 1990, a young British man named Tim Berners Lee, working in a Swiss laboratory, decided to design a way to transform the Internet

into a more accessible and collaborative tool. He observed a growing interest in the ability to access information on computers or communicate effectively with others via computers, known as revolutionary "World Wide Web" or simply the Web. (Ryan, 2010)

Nowadays, professional communication has transitioned from textual to digital forms thanks to the advancement in modern technology, such as emails, online meetings, WebEx lectures, webinars, and many more digital options. There have also been more people working remotely online and utilizing these new platforms, software, and social media networks. (Castro et.al., 2022)

In relation to this paper, nowadays is the era of social media. (Kumari, 2020) Computer and Internet-based technology made it possible and easy for people to engage virtually and spread ideas, information, and entertainment to both the personal and professional worlds. It is frequently utilized in the corporate world since it offers quick and instant contact and feedback, and it is used to interact and communicate with friends, family, and coworkers.

The Effects of Social Media on Women's Rights

The digital revolution has significant potential for enhancing women's rights advancement. Nevertheless, it also carries the risk of maintaining existing gender inequality tendencies. This paper will further explain how social media have both positives and negatives for women's rights and protection.

The Positive Effects of Social Media on Women's Rights

Education

A study on the usage of social media for health awareness purposes among health educators and students in Saudi Arabia shows that social networks are essential in providing knowledge, increasing awareness, and fostering healthier lifestyles. (Mohammed et.al., 2021)

Online learning platforms also have the potential to open up new opportunities to women, particularly in rural and constrained environments with limited access to formal education and training institutions. Social media make it easier to share ideas, opinions, and

content while also fostering interpersonal relationships between people and between people and organizations. (Botha & Mills, 2012) Statistics show that females' academic performance was more highly influenced by the usage of social media than that of males, although males were more addicted to social media networks. (Alnjadat et.al., 2019)

Employment

The development of artificial intelligence and information technology has significantly altered the working patterns of employees, including working hours, workplace location, and communication techniques. Especially, during the COVID-19 epidemic, fierce workplace competitiveness necessitates those female employees to devote themselves to their jobs as to achieve job requirements. Even with frequent video calls, female employees frequently feel that they are missing out on organization-wide activities. The use of social media has made it simpler for some female professionals to manage work and housework, although their job and family obligations have also increased. (Liao et.al., 2022)

Recently, Brunei Darussalam Sustainable Development Goals Annual Report (2022) highlighted that Brunei Darussalam implemented Employment Plan Program which assists welfare recipients, specifically women, to increase their employability through digital literacy courses and resume writing courses to find gainful employment. The program saw a steady increase in participants from 53 women in 2020 to 62 women in 2021.

Entrepreneurship

The ability to connect and communicate directly with customers and consumers makes social media one of the most effective tools for women entrepreneurs. (Kumari, 2020). Social media have benefited many female businesses. The lack of a physical location is no longer a barrier because both consumers and businesses have come to expect virtual markets. Nowadays, a growing number of both large and small companies rely almost completely on social media sites like Instagram or Facebook to market and sell their products and services; everything is at the tip of their fingers and from the comfort of their own homes.

In addition, via social media, women are setting an example for other women to follow by sharing documenting their entrepreneurial adventures. The marketing strategies of female business owners increasingly use social networking. As a result, they are developing stronger relationships with their target market and increasing the profitability of their company through sales and conversions. (Mishra, 2022) Brunei Darussalam Sustainable Development Goals Annual Report 2022 mentioned a total of 39 Bruneian women benefited from the Business from Home (BDR) project in 2020. Other government-funded programs such as Microgrant Special for **Empowerment** and Underprivileged Mothers **Empowerment** Entrepreneurship Development were put in place. These projects were designed specifically for vulnerable groups such as low-income community groups and underprivileged mothers. providing them with grants, training, and economic opportunities to facilitate and sustain their development as competitive and resilient entrepreneurs and contributors to the economy. (2022)

Curbing Violence Against Women

An article written in *Insight on India* highlighted that social media are a powerful forum for discussing and sharing perspectives and experiences. (2019) Social media provide women with a new platform to speak and be heard. UN Women stated that social media have become a new frontier for women's rights activists to organize and for allies to join the fight for equality and justice as a result of their capacity to inspire solidarity and collect shared experiences. Social media serve to raise awareness about violence against women and harassment of women by providing a global online platform for hashtag activisms and campaigns. For instance, Twitter's hashtag function allows women to easily follow issues that matter to them, and forge coalitions based upon shared concerns, from immediate personal needs to calls for largescale social change, such as the #MeToo movement, #IWillGoOut, etc. (Thomson, 2018)

Tarana Burke founded the #MeToo movement to create a platform for girls with similar experiences to connect with one another in a safe space. In 2017, a tweet from actress Alyssa Milano sparked a global deluge of disclosures and solidarity from women who had been silent about their experiences of sexual assault. Since then, #MeToo has spread across the globe and

crossed racial, economic, and other boundaries. (Mansoor, 2022)

When women across India were outraged and fed up with victim-blaming in cases of sexual harassment and sexist comments, they wanted to channel their anger into action, so they turned to social media. Through the hashtag #IWillGoOut. like-minded individuals started to connect, and soon the conversation echoed on the streets with the nationwide #IWillGoOut march that mobilized and brought together women from all walks of life to protest against sexual harassment and gender inequality in India. After the protests were over, activists turned back to social media channels to continue the conversation, which evolved into monthly meetings to lobby for policies that would advance gender equality and safeguard women's rights. (Titus, 2018)

The Negative Effects of Social Media on Women's Rights

Violence against women that happens online or with the help of technology is a continuation of violence against women that happens in other places, like on the street, at the office, in school and college, at home, and in all parts of life. Most forms of violence against women that happen online or with the help of technology already happen offline, but the Internet makes them worse, bigger, or more common. For example, violence, including abuse, cyberbullying, sexual grooming, and stalking, is made worse, bigger, or more common by the Internet.

Online Abuse

According to the Council of Europe, the digital aspect of gender-based violence has a significant influence on the lives of women and girls, including their safety, physical and mental health, means of support, familial relationships, dignity, and reputation. (2022)

In October 2020, according to the UNESCO, several UN agencies conduct a global online survey regarding women's experiences with abuse and harassment. Among the key findings, 73% of survey respondents identifying as women said they had experienced online violence. 25% had received threats of physical violence (including death threats). 18% had received threats of sexual violence. 13% had received threats of violence against those close to them, including children and infants. 20% had been attacked or abused offline in connection with online violence they had experienced. (2023)

Online Harassment

Online harassment is when someone hurts someone else by using online technologies like social media. It is repeated actions that are meant to scare, anger, or shame the people who are being targeted. For instance, pretending to be someone else and sending mean messages on their behalf or through fake accounts.

In the landmark case of Elonis v. United States (2015), a man who was getting a divorce from his wife put up song lyrics that seemed to be threatening on Facebook. Anthony Elonis wrote that the violent lyrics were "made up" and were "therapeutic." Elonis was charged under 18 U.S.C. 875(c), which says that it is against the law to make threats over the Internet. The Supreme Court said that this part of the federal law meant that prosecutors had to say and show that the defendant "intended" to break the law. The court decided that it did not matter if a reasonable person would have felt scared by what was said. What mattered was whether or not the real defendant had the intention to threaten. In practice, this decision made it a lot harder to prosecute people who post threats on social media.

Social media are the most frequently reported online platform by both men and women who have experienced online harassment, however, women are more likely than men to indicate their most recent incident occurred on social media. (Atske, 2021)

Online Love Scams

Worldwide, there are millions of users of dating websites and applications. A lot of people have found love and friendship online, and there are many success stories of this. Together with these accomplishments, there are also an increasing number of online dating frauds. (Fletcher, 2022)

In March 2022, it was said that a 63-year-old Malaysian widower lost RM3.9 million to a man he met on Instagram. (Azlan, 2022) Meanwhile in Brunei Darussalam, A 31-year-old Bruneian woman was cheated of RM153,500 in another 'love scam' after she befriended a stranger on WhatsApp. (Ting, 2019)

Romance scammers are skilled at disguising themselves. They fabricate online personas using seductive images they have copied from the Internet. They even occasionally adopt the personas of genuine people. They might research online information that people share, then act like they have similar interests.

International and Regional Laws

Women are entitled to the same fundamental rights and liberties as other individuals. State Parties are required by the international human rights treaties to take proactive measures to ensure that the women's rights are protected by law; and to eliminate discrimination, inequality, and practices that negatively impact women's rights. In accordance with the international human rights law, women may also be entitled to rights pertaining to reproductive healthcare.

International human rights treaties also prohibit discrimination on the basis of gender and require Governments to ensure the protection and fulfillment of women's rights in all areas. For instance, equal access to education and participation in government property ownership, and freedom from violence. This also includes the participation and access of women to the media, information, and communications technologies and their impact as instruments for the advancement and empowerment of women.

In relation to this paper, social media played a variety of roles in supporting the development of women's capacities and resources. Therefore, legally binding obligations for the State Parties are needed for women's protection against violence and exploitation, both in offline and online spheres. The following is the protection of the rights of women under international and regional legislations.

International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR)

Aware of the unjust treatment of women throughout history and the atrocities committed during the two world wars and their aftermath, the United Nations Organization, at its inception, in its Charter (1945), the Universal Declaration of Human Rights (UDHR) (1948), and in the majority of treaties concluded under its umbrella, prudently devised and utilized a universally acceptable, all-inclusive, and genderneutral language.

The Commission on Human Rights began developing the ICCPR and the ICESCR after the UDHR. States that ratify or accede to the two

Covenants and other human rights treaties are legally bound by their provisions. States that ratify these treaties are obligated to submit periodic reports to expert groups, who then offer recommendations on the steps necessary to fulfill the commitments outlined in the treaties. These treaty-monitoring committees also provide authoritative interpretations of the treaties and, if States have consented, examine individual complaints of the alleged infringement.

Both Covenants utilize identical language to prohibit discrimination on the basis of gender (Article 2), and to assure the equal enjoyment of all rights by men and women (Article 3). Among other rights, the ICCPR guarantees the right to life, freedom from torture, freedom from slavery, the right to liberty and security of the person, rights relating to due process in criminal and legal proceedings, equality before the law, freedom of movement, freedom of thought, conscience, and religion, freedom of association, rights relating to family life and children, and rights relating to citizenship and political parity. The ICESCR guarantees, for example, the right to work, the right to form trade unions, the rights relating to marriage, maternity, and child protection, the right to an adequate standard of living, the right to health, the right to education, and cultural and scientific rights.

The United Nations Convention on the Elimination of Discrimination Against Women (CEDAW)

CEDAW is the most inclusive Convention on women's rights. It condemns any form of discrimination against women and stresses the need of securing equal political, economic, social, cultural and civil rights to women and men.

CEDAW emphasizes that women should have equal political, economic, social, cultural, and civil rights irrespective of their marital status and mandates that States implement national legislation prohibiting discrimination (Articles 1, 2 and 3). It allows States to take temporary exceptional measures to accelerate the achievement of equality in practice between men and women (Article 4) and to address social and cultural trends that perpetuate discrimination (Article 5). Contracts and other private instruments that restrict the legal competence of women are declared null and void by the Parties (Article 15). The Agreement also highlights the necessity of equal educational access (Article 10).

CEDAW mandates States to take measures to eliminate discrimination in marriage and family matters and highlights the equal obligations of men and women in the framework of family life (Article 16). The Convention also underlines the need for childcare facilities and other social services to assist women in balancing their family responsibilities, employment commitments, and public involvement (Article 11). CEDAW mandates non-discriminatory health services, including family planning services, for women (Article 12). Particular consideration is given to the challenges of the suffering of rural women (Article 14), sexual trafficking, and other forms of sexual exploitation (Article 6).

relation to this paper, General Recommendation No. 35 adopted by the CEDAW Committee on gender-based violence against women, updating General Recommendation No. 19, defines gender-based violence against women as manifesting "in a continuum of multiple, interrelated and recurring forms, in a range of settings, from private to public, including technology-mediated settings and in the contemporary globalised world it transcends national boundaries", and adds that genderbased violence against women occurs in all spaces and spheres of human interaction, whether public or private. These include the family, the community, the public spaces, the workplace, leisure, politics, sport, health services, and educational settings, and their technology-mediated redefinition through environments, such as contemporary forms of violence occurring on the Internet and digital spaces, such as social media.

The report of the Special Rapporteur on Violence Against Women, its Causes and Consequences on online violence against women, defines the phenomenon as:

"Any act of gender-based violence against women that is committed, assisted or aggravated in part or fully by the use of ICT, such as mobile phones and smartphones, the Internet, social media platforms or email, against a woman because she is a woman, or affects women disproportionately." (Simonovic, 2018)

Beijing Declaration and Platform for Action (BPfA)

In 1995, 189 governments were joined by 17,000 participants and 30,000 non-governmental activists in Beijing for the opening of the Fourth World Conference on Women. For two weeks,

Government representatives worked on producing a document of agreed written targets for achieving gender equality. Meanwhile, the non-governmental activists followed the process closely and reviewed, rebuked, or supported, suggestions as they were made. Through their lobbying efforts, civil society applied pressure on the Governments to make meaningful commitments, ones which would ensure gender equity across all domains, for all individuals. The outcome of this momentous conference was the BPfA. The BPfA has since been declared the most progressive blueprint ever for advancing women's rights. (UN Women)

The document identifies 12 critical areas of concern. In each critical area of concern, the problem is diagnosed, and strategic objectives are proposed with concrete actions to be taken by various actors in order to achieve those objectives. In this way, the BPfA becomes a comprehensive guide to understanding and combatting the key barriers to gender equality. The twelve critical areas of concern are as follows:

- i. Women and the Environment
- ii. Women in Power and Decision Making
- iii. The Girl Child
- iv. Women and the Economy
- v. Women and Poverty
- vi. Violence Against Women
- vii. Human Rights of Women
- viii. Education and Training of Women
- ix. Institutional Mechanisms for the Advancement of Women
- x. Women and Health
- xi. Women and the Media
- xii. Women and Armed Conflict

In addition to international human rights standards, regional human rights treaties also contain essential measures for promoting and protecting women's rights by advancing the ideas of "non-discrimination" in the enjoyment of rights.

African (Banjul) Charter on Human and Peoples' Rights

In 1981, the Organization of African Unity adopted the African (Banjul) Charter on Human and Peoples' Rights. Article 2 prohibits discrimination in the enjoyment of Charterguaranteed rights on any basis, including sexual orientation. Article 18 specifies that African States must "guarantee the elimination of all

forms of discrimination against women and the protection of the rights of women and children in accordance with international declarations and conventions." The Protocol on the Rights of Women in Africa (Maputo Protocol) was added to the United Nations Charter in 2003.

The Istanbul Convention and Online and Technology-Facilitated Violence Against Women

The Committee of Ministers of the Council of Europe approved the Istanbul Convention and its explanation report on April 7, 2011. It was ready to be signed on May 11, 2011, at the 121st Session of the Committee of Ministers, which was held in Istanbul. It went into effect on August 1, 2014, and by October 2021, where thirty-four states had signed. The Convention is open for accession by any country prepared to implement its provisions.

The Istanbul Convention does not address foundational or constitutional principles in the same way that CEDAW does. In some ways, Istanbul's content can be viewed as subordinate to the broader principles of CEDAW, as it is concerned specifically with the matter of ending violence against women and domestic violence. The Istanbul Convention is a landmark treaty for women's rights. It gives Governments the most complete set of steps they can take to prevent and fight all kinds of violence against women and domestic violence.

The Budapest Convention

The Council of Europe Convention on Cybercrime, also known as the Budapest Convention, is the first and most important international legally binding treaty that focuses on cybercrime and electronic evidence.

In November 2001, the Committee of Ministers of the Council of Europe approved both the Convention and its explanation report. It was made public for people to sign in Budapest, and it went into effect on July 1, 2004. By June 2021, 66 states will have joined the Convention. Any country that is willing to follow the rules of the Convention and work with other countries to fight cybercrime can join the Convention.

Importantly, it can be used as a guide for any country that wants to make laws against cybercrime and any crime that uses electronic evidence. A lot of States are already taking

advantage of this chance. The Convention requires Parties to make crimes against or with the help of computer data and systems, production, distribution, or possession of child sexual abuse material (CSAM), and violations of copyright and related rights illegal. Parties of the Convention are also required to strengthen their own criminal procedure laws and give their judicial systems the tools to get electronic evidence for any crime. They are also supposed to make it easier for international cooperation and mutual legal assistance (MLA) when it comes to investigating and prosecuting cybercrime and other crimes that involve electronic evidence. The main goals of the Convention are to harmonize the domestic criminal substantive law elements of offenses and related provisions in the area of cybercrime. Secondly, to give domestic criminal procedure law powers needed for the investigation and prosecution of these offenses and other offenses committed using a computer system or evidence that is in electronic form. Lastly, setting up a fast and effective system of international cooperation.

Domestic Laws and Practices in Brunei Darussalam

Brunei Darussalam has several laws that deal with both cybercrimes and crimes that are made possible by the Internet, such as the Penal Code (Chapter 22), the Criminal Procedure Code (Chapter 7), and the Computer Misuse Act (Chapter 194).

The Computer Misuse Act of Brunei Darussalam addresses offenses in which the computer is the intended target as well as offenses in which computers are utilized to support criminal activity. They include unauthorized access to computers, unauthorized manipulation of computer data, and interference with computer use.

Brunei Darussalam also utilizes the Penal Code which provides the pertinent laws to legislate against specific types of acts that may occur in cyberspace or types of cyber-enabled crime in which computers are used to perpetrate further crimes. Examples include sexual advances, possession of child pornography, criminal intimidation, and criminal defamation. In relation to online fraud, it can be prosecuted under the old offense of Cheating. Although the Penal Code of Brunei Darussalam is silent on the aspect of technology (Azilla, 2020), it is understandable that the word "communicated" in section 377 of the penal code can be interpreted both online and offline.

In 2016, the Attorney General's Chambers has established a Cybercrime Focus Group whose primary objective is to ensure that Brunei Darussalam's legal measures against Cybercrime are in line with international standards such as the Budapest Convention, as well as to coordinate effective prosecutorial strategy and cvbercrime-related expertise addressing cybercrime threats. The Group is now revising the Computer Misuse Act, the Evidence Act, the Criminal Procedure Code, and the Penal Code to incorporate new cybercrime-related offenses in order to keep up with the rapid development of technology and address the problem of social media crime. The revisions also contain recommendations to expand the investigative authority of law enforcement agencies with regard to crimes of a technology character and to streamline relevant procedures. (Zuraini, 2018)

According to E-Government National Centre (2014), even though there is no separate data protection law, Brunei Darussalam has a Data Protection Policy that guides them. The goal of this policy is to set rules for how the government collects, uses, and shares data, including personal data. This makes sure that high standards of data confidentiality, integrity, and availability are met at all times. It also sets the minimum requirements for protecting data, whether it is in electronic or paper form.

Conclusion

The necessity for human rights to be protected both online and offline grows as our world increasingly takes place in the digital environment. The advancement of social media that is available at the fingertips may act as a mixed blessing with both pros and cons for the users, especially involving children and women because they are vulnerable, thus they need extra protection and care.

In relation to this paper, there are series of international and regional initiatives that had been done to promote the protection of women against violence, both offline and online spheres.

The Istanbul Convention, which is established on four pillars and intended to work in unison to combat violence against women and domestic abuse, is another important document that the researcher must draw attention to in addition to CEDAW. The CEDAW serves as the first women's Bill of Rights. Whereas the Istanbul Convention, with its four pillars of prevention, protection, prosecution, and coordinated policies,

represents a complete framework dealing with violence against women. Adding to that, the Budapest Convention gives important tools for the State Party to investigate crimes, get evidence, and work with other countries. These tools can be used not only for crimes committed online or with new technologies, but also for any crime where electronic evidence is involved.

Together, the Budapest Convention and Istanbul Convention can be a powerful complement to one another as legally binding human rights treaties in protecting women from any violence in the online sphere. While the Istanbul Convention can be particularly important to address online and technology-facilitated violence against women, the Budapest Convention is the most pertinent international legally binding treaty on cybercrime and electronic evidence and thus gives the ability to prosecute such violence against women.

Pertaining to the domestic laws and practices in Brunei Darussalam, it has been more than a decade since Brunei Darussalam ratified the CEDAW. Although Brunei Darussalam is now revising the Computer Misuse Act, the Evidence Act, the Criminal Procedure Code, and the Penal Code to incorporate new cybercrime-related offenses to keep up with the rapid development of technology and address the problem of social media crime, it is time for Brunei Darussalam to review those legislations with a view to harmonizing them by adopting comprehensive law, perhaps standalone online safety legislation.

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