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<td><strong>Author(s)</strong></td>
<td>Azman Ujang</td>
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Media Ethics: Self-Regulation vs Statutory Regulation

Azman Ujang
Executive Editor
Malaysian National News Agency (BERNAMA)
Malaysia

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Hardly any profession allows unfettered conduct by its members and the media is no exception. Medical doctors, lawyers, engineers, architects and accountants are among some of the professionals whose conduct is governed by a set of regulations, the failure of compliance of which could mean disciplinary action being taken by the respective professional bodies. Basically, such Code of Conduct is put in place to safeguard the integrity of the profession and the professionals.

What about the media?

Perhaps media practitioners are not regarded as professionals in the same breadth as people regard doctors, lawyers or accountants; the establishment of a professional body for them is therefore not a statutory requirement in still many countries, Malaysia included.

Media ethics are universal in nature. What is ethical for the media in one country is surely so in others, no matter what the cultural, political and social values or realities are. So this paper does not attempt to go into details on the issue of what is ethical and what is not.
Self-regulation vs statutory regulation

Malaysia is one country where the media practitioners "invoke" both self-regulation and statutory regulation. While journalists in many countries tend to "publish and be damned", by and large, the media practice in Malaysia in one of "dispensing press freedom with responsibility". Of course, there are many critics of this but one has to fully understand the nature of things within a country in order to appreciate the rationale. It is quite obvious that in a multi-racial and multi-religious society like Malaysia, there are statutory regulations in place against unfettered discussions of sensitive issues. Among the notable regulations is the Sedition Act which prohibits public discussion or questioning of sensitive issues.

Not to write on sensitive issues is an integral part of the media ethics in Malaysia. One could say without this particular ethic, the situation would be chaotic. Public interest is often cited as a justification in overriding ethical constraints and in Malaysia, this is more real than imagined. For example, just a couple of weeks ago, there was heated debate in some newspapers over a demand made by a pressure group representing the Chinese community that the special privileges enjoyed by the Malays be abolished. This worked up sections of the Malays who argued that such special privileges are protected under the Malaysian Constitution. Fortunately, the debate fizzled out before it got out of control.

Some 581 journalists signed a memorandum to the Deputy Prime Minister calling for the repeal of the Printing Presses and Publication Act. This Act requires newspapers to renew their publication licenses annually and gives the government the power to shut down newspapers, withdraw publisher's licenses, among other things. This is undoubtedly the most contentious issue among media practitioners in the country, given by the involvement of such a large number of journalists who joined forces calling for its repeal. The National Union of Journalists (NUJ), an organisation representing the welfare of Malaysian journalists, in a statement said: "Self-censorship, because of tight government control, has found its way into the newsroom.

But in the view of the Malaysian government, self-censorship is voluntary. Deputy Prime Minister Datuk Seri Abdullah Ahmad Badawi explained it in this way: "It's not something that's bad. It's something that's necessary even...Whatever press freedom that we need must have its limits. We don't want to create a situation that will result in conflict".
Promoting Ethical Conduct

There has been a protracted debate in Malaysia over the need to set up a Press Council to promote ethical conduct within the media journalists, media proprietors and practitioners.

Some efforts have been made by the Home Ministry, in collaboration with bodies like the NUJ, Malaysian Press Institute and other relevant organisations that could well lead to the formation of a Malaysian Press Council in the near future. At the moment, the absence of such a council, had made difficult to "discipline" individual journalists for breach of ethics, beyond the internal action taken by their own employers. But there is also another view that a Press Council would be yet another dampener to press freedom amid a host of rules and regulations already inhibit press freedom.

The question is, do we journalists call ourselves professionals? If we do, then we should welcome some form of Code of Conduct or Ethics.
Sanctions for Breach of Ethical Standards

Publications which breach ethical standards or statutory regulations in Malaysia normally are given written warnings by the Ministry of Home Affairs, which issues the annual publication permits or better known as KDN. This would enable the relevant publications to take steps to rectify the situation. In more serious cases of such breaches, the KDN would not be renewed, which means a halt in publication. This happened now and then. The more famous cases are some mainstream newspapers being suspended in 1987 for several months before they resumed publication.

Protection of Individual Privacy in Quest to Obtain Information

By nature, journalists are all for full disclosure of facts. But where individual privacy is concerned, as well as the need to preserve the anonymity of certain vulnerable entities such as children, rape victims and victims of AIDS, the question of ethics does come into play.

Recently, a significant case of this nature occurred in Malaysia when a woman was confirmed to have been given blood contaminated with HIV. The press went to town disclosing the identity of the woman, and even a man who donated the blood was identified. This horrified the Malaysians Aids Council, who took the press to task for the "unethical" behaviour.

There are arguments to support the view that if the people involved themselves had no qualms about revealing their identity, as was the case here, then it is not for the press to conceal their identity. Rape victims, however, are almost always not identified in the Malaysian media. This ethical requirement is respected.