

SELF-REGULATION PRACTICES IN MALAYSIAN MEDIA

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ABSTRACT

The popularity of digital media and the availability of a seemingly borderless world of communication networks have formed a new environment which supported by the Information and Communication Technologies (ICT). Along with the Malaysian government's Multimedia Super Corridor (MSC) projects, a National Communication and Multimedia Policy were introduced. This was to provide clear guidelines for the media industry behavior and encourage the development of self-regulatory mechanisms for local industry players while minimizing the costs of regulation. The implementation of voluntary codes of practice for the industry must be in line with the government's policy objectives. This study identified how the self-regulatory mechanisms would benefit the industry and the future growth of media technologies in this country. This is for the industry to proactively respond to the winds of change breezing through media convergence technology policies and legislations on certain key issues faced by the Malaysian media environment. The thesis identifies an important relationship between the regulators, media industry and public interest upon the implementation of media self-regulation in Malaysia. The challenges faced by the government and media players regarding the broadcast of new media content had become a discourse for the both parties to implement best practices of self-regulatory mechanisms. These issues sanction the self-management of information dissemination in the name of public and industry interests, while in the same token ensure preservation of the national identity and cultures.

ABSTRAK

Kepopularitian media digital dan capaian rangkaian teknologi maklumat tanpa mampai telah mewujudkan persekitaran baru, didukung oleh teknologi maklumat dan komunikasi (ICT). Dengan perubahan informasi yang pesat ini, Malaysia telah bergerak ke hadapan melewati era baru kemahiran dan pengetahuan tinggi serta melonjakkan nama di era persaingan dalam sektor perniagaan media. Serentak dengan pengumuman kerajaan mengagaskan Koridor Raya Multimedia Malaysia (MSC), suatu polisi Komunikasi dan Multimedia negara telah diperkenalkan yang bertujuan untuk merangsang pembangunan mekanisme industri pengawalseliaan sendiri yang mengurangkan kos perundangan dan juga memberikan peraturan jelas yang menepati objektif polisi kerajaan dengan melaksanakan kod industri sukarela dalam kalangan pengamal media.

Kajian ini mengenal pasti sejauh mana mekanisme Regulasi Kendiri dilaksanakan oleh pengamal media akan memberi manfaat kepada industri dan pembangunan teknologi media akan datang di negara ini dan juga menilai isu-isu dan permasalahan yang dihadapi dalam persekitaran media Malaysia bagi menghadapi arus teknologi percantuman media dan transformasi regulasi baru ini.

Tesis ini menemukan kepada kepentingan perhubungan di antara pihak penggubal peraturan, industri media dan kepentingan khalayak berkaitan dengan pelaksanaan pengawalseliaan sendiri di Malaysia dan cabaran yang dihadapi oleh Kerajaan dan para pengamal media telah menjadi suatu isu untuk membolehkan mereka mencari jalan melaksanakan mekanisme pengawalseliaan sendiri yang terbaik yang dapat membolehkan mereka menguruskan pengedaran maklumat berkesan demi menjaga kepentingan khalayak dan industri serta memelihara identiti negara dan budaya.

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LIST OF ABBREVIATIONS

ASA	British Advertising Standard Authority
ACMA	Australian Communication and Multimedia Authority
ASTRO	Malaysia's Direct Broadcast Satellite Pay TV Service Provider
BERSIH	The unofficial Grouping Movement from 'Clean and Fair Election'. A political campaign run several rallies on 10 November 2007, 9 July 2011 and 28 April 2012
BBC	British Broadcasting Corporation
CMA	Malaysian Communication and Multimedia Act (ACT 588)
CMCF	Communication and Multimedia Content Forum
DTU	Direct-to-U
HINDRAF	Hindu Right Action Force
ISDN	Integrated Services Digital Network
IT	Information Technology
KDN	Malaysian Ministry of Home Affair
MCMC	Malaysia Communication and Multimedia Corporation
MSC	Multimedia Super Corridor
NGO	Non-Government Organisation
OECD	Organisation for Economic Co-operation and Development
OFFCOM	Office of Communication (British)
OSA	Official Secret Act (Malaysia)
RTM	Radio and Television Malaysia
SDH	Synchronous Digital Hierarchy
VOD	Video on Demand

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CHAPTER 1

INTRODUCTION

1.1 Introduction.

Malaysia, like any developing country, has always been very responsive to the latest developments in the media. The Malaysian government has implemented various development plans as well as promoting human development, especially in today's environment of socio-economic change. Malaysia has also been particularly attentive to the rapidly changing world of information and communication technology; but is at the same time mindful of the effects of the information gap or the digital divide in the Malaysian society.

The local media is inherently obliged and expected to act as an important supporting system towards the ruling government since the days of the Malaysia's fourth Prime Minister, Tun Dr Mahathir Mohamad, announced the Vision 2020 to transform Malaysia into a developed country by the year 2020. The media has featured in the forefront machinery in disseminating and promoting the government's mandate of Vision 2020 to the general public. This has spurred and bound the media to increase their integrity to practice openness, transparency and accountability to the public in communicating the media content pertaining to the Vision 2020 agenda to form a caring, mature and democratic society equipped with the highest ethical standards; synergizing the society to become collectivists rather than individualists which encourages them to think and uphold that "society comes before self" (Zaharom, 1994 and Kaur, 2004). The vast potential of information and communication innovations such as satellite and telecommunications systems, computer based communication network

as well as the Internet is indeed a blessing. However all these could exert varying effects on the country's social and developmental changes. Advances in information and communication technology, particularly with the advent of the Internet, have also brought about new challenges in the regulatory regime. Not only have these technological changes improvised our way of doing business and media organisation; it is also propels the Malaysian government to an e-government, along with the information technological movement (Seng, Jackson & Philip, 2010).

Before the age of the new media and information technology, the government had resorted to censorship in order to eliminate any unwanted or undesirable content so as to protect the public. Such practices have been viewed as legitimate in Asian countries because it fits the generally traditional and orthodox Asian values. However as years go by from 1980's from the introduction of video cassettes to the satellite-relayed television, the content censorship is nowadays rather impossible to execute because it is simply just impractical (McDaniel, 2002).

Then, came the Internet era which emphatically boomed in the mid 1990's which influenced Malaysia to strategize better upon moving into the new millennium by transforming the country into a knowledge-based country; concentrating on intellectual capital and intellectual property. The Multimedia Super Corridor (MSC) was a government initiative introduced by Tun Dr Mahathir Mohamad was hailed as the strategic vehicle that is capable to drive the country into this direction. The MSC promoted laws, policies and regulations with the necessary infrastructure to create the most conducive environment in which the local multimedia, communication and information technology (IT) industries are going to take shape. It also aspired to be the regional IT hub in Southeast Asia in promoting open and free information access.

Consequently, this also meant that laws and censorship policies had to be modified accordingly. It has also opened the Pandora's Box to other kinds of online media which purposely provide uncensored content that under the purview of upholding freedom of speech (McDaniel, 2002).

The current national environment and cultural background affect our local media practices as they promote the new regime of local media regulations, which constantly portray and propagate national policies. The paradigm shift of such a regulated environment to the new regime challenges the local broadcast media to revise and perform new ethical, screening concepts, content development etc.; to ensure that the industry is aligned to the national agenda. However, the full force of government involved in regulating the media industries might impede the nation's intention to feed the information society. Therefore, there is a rise in media self-regulation practices where the media is expected to be more accountable and responsible for the content in ways that do not exploit the minors safeguarding diversity (Schulz & Held, 2004).

For these reasons, the researcher would like to propose the subject matter for his Doctorate of Philosophy. The research will focus on the self-regulation of the Malaysian media. In order to examine such a topic, it is necessary for the research to be interdisciplinary in nature. This befits the researcher's own background which includes being a council member for the Communication and Multimedia Content Forum (CMCF), a voluntary organization under the Malaysian Communication and Multimedia Commission (MCMC) a university academic staff as well as being personally involved in media practices. The supervisors' background is also relevant with their vast experience in media studies and media policies. In addition to these disciplines, this

research will draw on the political economy approach so as to support relevant data findings and conclusions.

This research will present a study which attempts to fill the effects of social and technological changes towards globalization to the Malaysian media players and communities. It provides the regulatory basis for the standard media convergence, consumer protection, industrial growth development, technical devices and content development. This study also identifies problems and steps taken by the local authorities such as several government agencies and local media industries to plan strategies and implement such legislation and policies in order to uplift the media industry to become more competitive and achieve world class standard.

Theoretically, the study yielded initial typology of the social policy development impact through some implementation and strategies taken by the authorities. This is to ensure that the rapid growth and technological modernization sufficiently balance the media industry and wider communities in fulfilling the nation's visions.

The type of research will enable the media industry, both at the provider and consumer ends, to gain an in-depth knowledge of the processes in providing services which befit the federal legislations, regulations and policies; in-line to promote nation building and the creation of suitable local contents and services.

1.2 Problem Statement and Research Problem

Back in the British colonial era, all of the media, including the print media are subject to licensing for reasons of political and economic interests. This was attributable to the

need to protect political situations where the media and the state were brought together, and still remain bonded, in a symbiotic relationship. This relationship can be seen as to accomplish the government's desire that media should be used as important tools for national unity and development through the concept and practice of development journalism (Ramanathan, 2004 and 2006).

During the Mahathir's era in 1980's, the Malaysian government has announced that the media should be full responsibility in delivering information to the public by projecting positive mannerisms as a mean to promote national unity and harmony. In the 1980's and 1990's, the government's control over the mainstream print and electronic media was further strengthened, again for the sake of political and financial stability. The opposition and foreign media were substantially restricted in terms of their circulation through legal restraints (Ramanathan, et. al, 2006). The roles of most Malaysian media back then were limited to deliver information on national policies, enhancing people's support for the ruling government; especially during the elections where they neglected the opposition's criticisms over certain sensitive issues related to the government's roles and regulatory enforcements. The tight control of the mainstream media by Barisan Nasional's (BN) component parties and associated allies has led to an oligopoly- like situation. More recent pronouncements of the mainstream media regarding Malaysia's woes, especially in the 1990's have been attributed to the "blame it on others" syndrome that was set in motion by Tun Mahathir (Zaharom, 2002).

Harun (2005) cited Ramanathan (2006) who indicated that the Malaysian Human Rights Commission (SUHAKAM) had received numerous complaints and memoranda from the public and media organisations that claimed they had been discriminatorily denied renewal of their printing permits under the Printing Presses and Publications Act

1984. Others complained about restricted provisions under the Sedition Act 1948, the Internal Security Act (ISA) 1960, the Official Secrets Act (OSA) 1972 and the Defamation Act 1957 which glaringly created fear among the journalists and suppressed the freedom to report issues of public interest in a creative way. The refusal of the Malaysian government to allow the print media organisations to impose the self-regulation practices had produced a paradox within the media industry. The formation of the Malaysian Press Council has been approved by the government but yet to be established and frustratingly remain under evaluation by the Ministry of Communication and Multimedia.

However, the privatization of television (TV) stations and telecommunications beginning from the second half of the 1980's can be seen as a new government approach to expand the local and international economies and market forces (Ramanathan, 2006). The opening of the Malaysian skies with the advent of satellite TV brought about changes in Malaysian laws with regards to broadcasting. It also led to changes in the viewing habits of the Malaysian public who began to have access to limitless information, virtually beamed straight into their living rooms. Information was no longer the monopoly of state broadcasters. As satellite TV catered for a niche audience, the state broadcasters found themselves edged out from their once dominant provider of information and entertainment (Syafiq, 2004).

The present system of media system in Malaysia is fragmented; lacking transparency in terms of media freedom of expression. The media reporting and publications are biased towards the interest of media ownerships, stakeholders (most the media are owned by political parties) and other entities that stand to gain benefits from media publicity (Zaharom, 2011). The historical background of media systems during the colonial

command, are reflected in the current Malaysian media practices. The separation of functions between the print media and broadcasting exists until now because they are governed by different kinds of laws, legislations and regulations. For instance, the print media is accountable to the Printing and Publication Act 1960, whereas the broadcasting media is governed under The Broadcasting Act 1987 and the telecommunication industry is answerable to The Telecommunication Act (1960) until the Communication and Multimedia Act (CMA) was introduced in 1998 to replace both Acts (Ramanathan, 2004 and 2006).

Since then, there remains a divisive gap between those media in terms of legislations, regulations and enforcement, as they are controlled under different government ministries. The print media is governed under The Ministry of Home Affairs while the broadcasting and telecommunication media are monitored under the Ministry of Communication and Multimedia (formerly known as Ministry of Information, Communication and Culture). This gap, according to Zaharom (2012), is troublesome to the media industry itself. The vast digital technology age ever since the establishment of Internet revolutionized the global media system seemed to be denied by the government. The local electronic media enjoyed the self-regulation practices after governed by the new law, whereas the print media (which have been labelled to have a higher reputation and influence among the public) are still administered under the old legislation.

This paradigm shift of the media technology has created a new dimension of media regulations and practices. As the media content become more important to the public, media industries and the nation; it promotes new identities, characteristics and cultures to the public and the local media environment. Unlike the Internet which acts as a 'pull'

medium, the broadcasting is a 'push' medium in which the responsibility of the content type falls under the broadcaster. Therefore, the Multimedia Super Corridor (MSC) has established the Communications and Multimedia Content Forum (CMCF) to advocate as a bureau that handles complaints among media players and also to enforce the Content Code.

However, compliance to the code is voluntary among the non-members of Content Forum or media players. Nonetheless, this move is seen as important because we are living in a modern information age where the need for media players, particularly the broadcasters to self-regulate is seen as very timely and relevant (Ida, 2003). Meanwhile, Sharifah (2002) and Sarimin & Yigitcanlar (2011) reported that there imbalances still prevail between the Malaysian government's IT development vision (access to IT services), IT capability and its practices. The argument is that some of the media players involved under the MSC project are not aware of the latest development in federal legislation and policies. Sharifah (2002) criticized that the Malaysian government and local authorities have to educate the local media players to understand the concept and implementation of the MSC; and how the media industry will benefit from the new IT edge. It is important for media players to fully embrace and understand the MSC plans and policies in order to be the 'knowledge-based urban development'.

This study will be able to monitor this phenomenon continuously as it will be analysed and interpreted to get to the root cause of this problem. Those policies that apply joint information sharing between departments, ministries, media organizations and agencies have yet to achieve similar successes. This is mostly because of the lack of cohesiveness by the different organizational leaders to gauge and satisfy the needs of multilevel staff and a wide spectrum of ultimate end-users. This factor would be challenged by the

creation and implementation of such legislations or regulations geared to cater for the organizational needs and meeting the demands from the current industry environment and consumer markets.

At present, there is no empirical data to support how the Malaysian legislation and policies implementation would be able to build strategic new media development successfully and to fulfil the Vision 2020. Ever since Malaya achieved independence in 1957, the ruling government has been perceived to be enforcing a rigid control over media regulation via the public national broadcaster, Radio Televisyen Malaysia (RTM). With the rise in new media and IT in recent years, the government has introduced the MSC. The Internet itself is regarded as the escape hatch for freedom of speech to acquire or express the oppositional political agenda and views. The demonstration of BERSIH (meaning clean in Malay) and HINDRAF (Hindu Rights Action Force) and the results of the 12th Malaysian public elections held on 8th March 2008 have proven that Malaysian citizens are clearly in need of less controlled of media content as is currently provided by the government.

This has proven why the alternative media press on the Internet is seen as the preferred choice by Malaysian citizens (Sankar, 2010). For example, because the government has the right to control the broadcasting content, there are accounts in the Facebook listed to be owned by “Kami Benci TV3” (meaning “We Hate TV3” in Malay). Such evidence shows that the freedom of speech on the Internet has affected the broadcasting content. The MSC’s media legislation, regulations and policies caused a new paradigm shift to support the overall multimedia industry, the lay public, as well as local and international media players. The regulations and policies were only introduced several months after the MSC project was announced by the Prime Minister. This dilemma has created a

paradoxical thinking among media practitioners as they do not really comprehend how those new policies could become a workable strategy to promote the well-being and competitive environment for the multimedia technology in Malaysia. In addition, the development of MSC project is still unfinished and is currently in its third phase of development from 2011 until 2020 to develop a 'knowledge society' as manifested by Vision 2020 (Sarimin & Yigitcanlar, 2011).

Syed Hussein (2001) noted that the overlapping of media regulations and practices among local authorities and ministries would create a huge problem to the media industry itself as the local broadcasting stations are forced to follow different kinds of regulations from various authorities before they are able to air their programmes. Culter (1997) reported that this phenomenon would jeopardize the existing media development, thus creating an unhealthy environment to the local media industry players. It is widely believed that there are double-standards in practicing the media regulations and policies, as those online and multimedia players (Internet access providers, search engines, web hosts or content aggregators) do not have full control over the content which passes through their servers or websites. On the contrary, other print-based publications have a bigger control in what they publish and distribute to the general public. In other words, the regulation is easier to impose to the traditional media as compared to the new media (Internet) that always seems to be less regulated (McDaniel, 2002). Zaharom (1996) commented,

"If the interests of the information and culture producers and the powers that are intertwined, a society's capacity for a democratic government is seriously undermined" (Hamelink, 1994).

This means that if the power of the media is downgraded due to the stringent regulations by the government, it stands to demoralise the citizen's power to objectively choose their leaders or government. The mainstream press in Malaysia can be characterised as having gone through a major period of evolution, beginning in the 1969 'ethnicity riot' towards the early 1980's corresponding to the 22 years of supreme premiership under Tun Mahathir Mohamad. This is apparently a trend that has extended into the 1990's (Thomas & Zaharom, 2004).

Despite this increase in channel offerings and broadcast hours, the credibility of Malaysian television as a source of information and its role as a 'purported tool for nation building' (Karthigesu, 1991) is still very much open to question and debate. Many a time, in fact, the criticisms and suggestions put across to those controlling the television to democratise the industry in allowing greater representation in terms of ownership have unfortunately fallen on deaf ears. Kartigesu (1991) and Zaharom (1996) argued that the new world era had shaped the new media regulations into freedom of expression. Unfortunately, this is not practised in Malaysia's contexts, as the government continues to impose existing regulations in an attempt to avoid sticky situations that could potentially interfere with or burden the local political scenario.

The imperialism and monopoly of broadcasting services would be an issue to the local broadcasting industry. Besides the government running the Public Services Broadcasting operations, there is only one giant organization, Media Prima Berhad, who owns various private TV stations (e.g. TV3, , NTV7, TV8 and TV9,) and digital radio stations in this country (e.g. Hits FM, Era FM and Sinar FM). Such a dominated environment would promote the economical monopoly in this industry creating a rather unhealthy competitive environment among the local broadcasters and producers.

However in 1997, the satellite station ASTRO was introduced to the local audiences, at a time when almost 90% of Malaysians have at least one television in their homes. Although it seems that there is an increase in the number of media channels, the contents provided in those channels are still somewhat limited. The media content is more of from overseas rather than locally produced. Akin to ASTRO, RTM (public service broadcasting) and free private TV stations owned by Media Prima Berhad have more foreign as opposed to local content. For example, each day, TV3 on average airs around 75% foreign media content (Hasmah, 2007).

Press freedom in Malaysia has dropped to a record low by ranking 145 out of 179 countries in the World Press Freedom Index (Pavithraa, 2013). The index is a compilation of the annual publications of Reporters Without Borders which promotes the levels of freedom of the press and information. It pronounced that Malaysia was in the lower rankings because access to information was becoming more limited, compared to the accessibility to freedom of world media for developed countries. (Pavithraa, 2013).

“It is reported that in 2014, a series of arrests, charges, and investigations which involved at least 44 people, including of members of Parliament, opposition politicians, student activists, a university professor, and online news portal *Malaysiakini*’s Penang under the Sedition Act. The law was being used to threaten political opposition parties and political enemies, an increase in arrests and harassment of Shiite Muslims and transgender Malaysians, and more extensive use of defamation laws to stifle critical voices”(Freedom House, 2015). It was also mentioned that five presenters from the radio station Business FM 89.9 (BFM) were investigated under the Sedition Act, reportedly in relation to on-air discussions regarding Islam.

It is doubtful that Malaysia practices the concept of self-regulation although the government has still avoided imposing a censorship policy of internet contents. It is believed that the government still exercises heavy control over the print media compared to other electronic media and still have a say by imposing such restrictions on media contents. To counter the concern, the Minister of Communication and Multimedia, Datuk Seri Ahmad Shabery Cheek, issued a statement after opening the National Media Forum in 2014, reminding that all parties remain to be bound by the right to freedom of expression in online media, as provided under Communication and Multimedia Act (1998). He referred to the report from Freedom House, 2015 and said that in abiding to the concept of democracy, the media is seen as a “check and balance” to the government.

“Although the Malaysian media freedom ranking has dropped from 145 to 147, versus that of a neighbouring country which is ranked higher at 130; Malaysia fared better in terms of the Corruption Perception Index (CPI)”

The Malaysian CPI for 2014 which was published by Transparency International (TI) showed a slight increase from the score of 50 in 2013 to 52 in 2014. The increased number as referred to Freedom House, showed that there are some lacking of freedom expression practices can be found from the way Malaysian Government tackled issues on media online and press contents, arresting online media organisation regarding to their unfavourable anti-government content published on their portal, arresting bloggers, and blocked some media portals (Freedom House, 2015).

Meanwhile, the former Deputy Prime Minister, Tan Sri Muhyiddin Mohd. Yassin, in his speech during the National Journalism Award ceremony in 2012 has strongly emphasized that the Malaysian government does not restrict media freedom,

“If there is no media freedom, how could many portals exist? Opposition newspapers are largely critical, distort the truth and bash the government, they publish reports without revealing the truth facts!”

He gave his assurance that the Malaysian government will continue its firm commitment to establish the Media Council which will manage the media self-regulatory conduct of practices among the media practitioners.

There are also heated debates about the definitions of local content, as promoted by the government; which is clearly stated in the Communication and Multimedia Act. The government urged all local broadcasters to produce quality and locally based media content as it would be able to promote national identity and culture. The blurred definition of local content had however puzzled local media players as it created different perceptions and impacts to the industry and nation. Therefore, this study tries to find the answers to the above-mentioned problems.

1.3 Study Purposes

The main Research Objectives of this study is to explore the concept, mechanism, process and implementation of self-regulation to the Malaysian electronic media. The study will iron out the issues, problems, strengths, weaknesses and challenges of self-regulation approaches through the practices of Content Code to the local media

industry. Under the central theme, the study proposes the following four research objectives (RO):

Research Objective 1 (RO1): To explore and study the level of awareness and understanding regarding the concept of self-regulation mechanism among the local media industry;

Research Objective 2 (RO2): To identify the extent to which the Malaysian self-regulation mechanism is relevant to the local media industry;

Research Objective 3 (RO3): To determine the effectiveness and efficiency of the self-regulation practices among the local media industry;

In order to achieve those objectives, the following research questions (RQ) are designed for the study:

Research Question 1 (RQ1): How does the local media become aware and understand the Malaysian self-regulatory practices through the implementation of the Content Code? (RQ1 reflects RO1)

Research Question 2 (RQ2): How do the local media perceive the self-regulatory implementation and are they willing to adopt it in their daily jobs and relevant to the industry needs, performance and to become more competitive in the market? (RQ2 reflects RO2)

Research Question 3 (RQ3): To what extent do the local media find that the Content Code practices are effective and beneficial to them and local media industry? (RQ3 reflects RO3)

1.4 Research Scope

The scope of this study would include the local broadcasters from government and private organizations, which basically involves routine broadcast and advertising activities such as radio and TV productions, satellite TV and cable providers, broadcast media content providers and also Internet broadcast service providers, electronic media, telecommunication companies, Internet providers, content providers and service companies. The informants for this research will be the members, non-members and management of the Communications and Multimedia Content Forum (CMCF), which comprise of the top level management, executives, media regulators as well as media practitioners in the various local media organizations.

The research will emphasize some media regulations which are:

- (1) The Malaysian Communication and Multimedia Act (Act 288),
- (2) The Content Code (under the Act 288), and
- (3) In-house media regulations from the private media organizations' perspectives.

However, this study will not include the print media, as it is governed under the Printing and Publication Act, which does not emphasize nor practice the self-regulation terms and functions.

1.5 Significance of the Study.

This study will provide useful insights in analysing the development of Malaysia's legislations, cyber policies and implementation practices among local media players. This would enable them to meet the objectives of the Communications and Multimedia Content Forum (CMCF) and enforce the Content Code in order to create a standard for benchmarking. It will ensure that local media players would be able to provide sufficient and relevant information and data to the audiences and public by adopting and practicing the legislations and policies accordingly.

The study also captures the realm of media self-regulation by local media players. It aims to explain the understanding and awareness of the importance and ideas behind self-regulatory practices with regards to the newly introduced media policies by regulators (CMCF), namely the Content Code. Eventually, it will reveal whether the local media players are fully equipped with the media self-regulation mechanism and to what degree they practiced it in their organisations.

In addition, the finding from the study will shed information on the relevance and usefulness of local legislations and policies to the local media practitioners and industry, how the media and public in turn respond and interact with the implementation of Malaysian broadcast media regulations, legislations and policies, and how those legislations and policies can create and develop a truly national image or identity without compromising ethics.

As, there are no specific studied and research carried out about the development and effectiveness of Malaysian broadcasting regulations based on the new Content Code

provided by Communications and Multimedia Content Forum (CMCF), the study will be so essential and beneficial to the broadcasting industry itself, as well as the government media regulations authorities, such as Malaysian Communication and Multimedia Commission (MCMC), Ministry of Information (MoI), Ministry of Energy, Water and Communication (KTAK), etc. Not only government media regulations parties, the overall media players and the public will be benefited by the study in thriving to be a knowledge society as manifested in Vision 2020.

The findings from this research perhaps would be able to address the problems, critiques, suggestions, and challenges of local media industry towards the new IT and communication era (information age) and whether Content Code is a complete guideline in the media industry. The results of this study will revealed the effectiveness and efficiency of the Content Code practices, as a tool of Malaysian Self-regulation mechanism. It will also seek to formalize better strategies and enable to help government and relevant authorities to reconstruct the Self-regulation implementation to the local media environment.

1.6 Organisation of the Thesis

This thesis comprises of seven chapters, starting with the introductory chapter, the literature review, the research methodology, the research findings and finally the conclusions.

The first chapter consists of the introduction of the thesis and briefly discuss the history of Malaysian media regulations and the current development of regulation in Malaysia. It features the research statement and background of the study, the research

problems, the research objectives and research questions to be addressed by the study. It also explains the research scope and its significance to the current pool of knowledge.

The second chapter shall discuss the electronic media industry in Malaysia; unveiling its historical, background and several developmental aspects of the broadcasting, telecommunication and IT. It elaborates the influences of socio-political characteristics to the industry, including the regulations and latest developments in this field. Finally, the chapter examines how Malaysia is experiencing the paradigm shifts in broadcasting and telecommunication regulations from the post-colonial to the MSC's era.

The third chapter covers a literature review underlying the theme of the study. It will discuss prior studies environment which have been conducted by scholars and practitioners pertaining to the Malaysian media environment. Furthermore, this chapter will address the direction of the study, the approach of theories and related simplified models which represent the study of research theme. It also lists the terms of literature review in the field of broadcasting, self-regulation and government regulations. In addition, the chapter also documents the development of several theoretical frameworks based on various previous researches. This is indeed important as a pillar of the study as not only will it serve as a conceptual framework, it will also function as a practical framework for future studies. The research framework shall be useful and practical to be adopted by other scholars as well as media practitioners.

The fourth chapter explains in detail the research methodology applied for this research. It explains why the particular methodology was chosen to achieve the targeted research objectives. The researcher will also discuss how data from the findings is gathered and the techniques used to meet the research objectives. These involved the

qualitative, quantitative and tribulation methods of research; namely through a survey questionnaire, in-depth interviews and content analysis. The sampling method of respondents and the scope of research will also subsequently be determined. Lastly, the chapter will share the reliability and the validity of the study.

The fifth chapter reports the statistical results of the profile of members and non-members of Content Forum. The SPSS program is used to analyse the raw data and provide the descriptive data of the study. The result of finding would be able to answer the research questions in order to meet the specific research objective of this current study.

The sixth chapter presents the detailed result analysis of the qualitative data obtained from in-depth interviews with the informants and the management members of Content Forum itself in an effort to get richer views on Content Code and self-regulation mechanisms. This data provides comprehensive and richer findings and detailed analysis of both quantitative and qualitative data obtained from the previous two chapters (chapters five and six). The findings of the study are presented in a broader perspective as deeper meaning in comparing the quality of the analysed data.

Finally, the seventh chapter will summarize and conclude the results of the study findings. It will also address the limitations of the study suggestions and recommendations to improve the Malaysian self-regulation mechanisms and constructions, as well as to encourage future research on media self-regulation.

1.7 Summary.

This chapter outlines the introductory description of the study in light of the development of media regulations, specifically in Malaysia. This is moving forward to be self-regulated based on the existence of the Communications and Multimedia Content Forum (CMCF) for 12 years (2001-2013). The industry issues and problems are discussed before the purpose of the study and its background are highlighted. Other theories and frameworks will be thoroughly discussed in chapter three which contains the literature review and the theoretical framework of the study. Prior to that, it is important to provide an overview of the development of media regulations in Malaysia ever since gaining independence in 1957 until the IT age in this new millennium.

This research will therefore become a platform for both parties, government and local Malaysian media corporate sectors, to analyse and evaluate the potential and effects of implementing local legislations, self-regulations and policies to the local environment and its ensuing end users. It will theoretically discuss the effects of those factors to the Malaysian social development and the future of local communication industry. It is hoped that this introductory chapter will spearhead the following chapters to provide a sound research data that can contribute to the media self-regulation literature, locally and globally.

CHAPTER 2

BACKGROUND OF STUDY

2.1 Introduction

This section will discuss the background of the study and explain the development of the local media regulation in Malaysia and overseas. This chapter includes a background of the Communications & Multimedia Act, laws relating to films and electronic media, the Content Code and the Communication and Multimedia Content Forum (CMCF). Overall, this section will focus on the electronic media environment in here in Malaysia.

2.2 Study Background

Since 1950's Malaysia gained its independence until the modern Malaysia now, the country has experienced numerous transitions of socio-economic perspectives. The urbanization, industrialization, technological changes and economic globalization are closely connected with the changes of communication / media policies and practices in the country. Such urbanization has made the population of city dwellers to grow rapidly as the majority of rural town folks headed to the major cities in search of better living opportunities. Industrialization has changed the economic focus from agricultural base to that of services and manufacturing industries. Globalization is the inevitable current phenomena that is virtually mapping all countries in the world as one; integrated and bound with seemingly no physical or geographical limits. A mighty technological leap from the telegraph to the Internet has significantly changed how the society receives and

exchange information (Pepinsky, 2013). The technological revolution has brought us to the realm of electronic media environment. The incremental users for digital media and IT has forced Malaysia to move to be a K-society (knowledge society) and vastly changed all media structures. This has resulted in the enhancement of digital intellectual property, change of market power, the content values and reformed cultures.

The changed regulation for media contents (initially tightly controlled by the government) towards corporatization of media services has altered the scene of communication policies in Malaysia. As a result, the Malaysian Communications and Multimedia Commission (MCMC) has established the regulatory body known as the Communication and Multimedia Content Forum (CMCF), intending to introduce the practice of self-regulation by media practitioners in the country. CMCF is a responsible body to promote self-regulation among a convergence industry. The primary reference of the media regulation is from Communications & Multimedia Act (1998). The CMCF projected to monitor and develop a Content Code in agreement with the media industry players and of course, the government (Alsagoff et. al., 2011).

The emerging trend of online communication has led the previous Prime Minister of Malaysia, Tun Dr Mahathir Mohamad to establish the Multimedia Super Corridor (MSC) and develop high-technology cities such as Putrajaya and Cyberjaya in the Klang Valley. Not only was this to spice up the development and innovation of IT, it also catalysed to regulate the online communication (Pepinsky, 2013). These initiatives were also based on Vision 2020 towards building the future Malaysia as an information savvy nation or simply referred to as the K-society. This should place Malaysia to be on par with the Organisation for Economic Co-operation and Development (OECD) countries by the year 2020. Therefore, updating regulations for electronic media such as

broadcasting or other information-based industries have been perceived as of utmost importance for the nation's development (Cutler, 1997).

2.3 Malaysian Media Scenario.

Today, the development of this information orientation in Malaysia can be seen in countless forms. By far, the print media has the longest history, beginning with the earliest newspaper, the *Penang Gazette* way back in 1838. Presently, there are about fifty newspaper dailies and weeklies, either broadsheets or tabloids, in various languages which represent the main ethnic groups in our country; namely Malay, English, Mandarin and Tamil.

The most significant mass media development in Malaysia is in the field of broadcasting, especially pertaining to the radio and television. In the 1950's, the introduction of solid-state technology has resulted in the proliferation of cheap portable radio receiving sets. Then in 1963, the introduction of the first black and white television in Malaysia ensured that Malaysians, like all other citizens of the globe, were able to receive, exchange and enjoy one another's messages, news, entertainment or other cultural products almost instantly in the comfort of their own homes. In 1996, Malaysia again joined the ranks of satellite broadcasting with the introduction of the pay-TV channels. It offered both *Direct-to-U* (DTU) television as well as radio broadcast services of more than 22 channels in digital format, comprising local Malay, regional Chinese, English and Tamil contents, as well as a number of global networks (Azizah et., al., 2007).

Malaysia has been reforming and restructuring its telecommunications and broadcasting sector since 1987. The participation of the private sector in the transformation and development of the country's communication infrastructure has ensured that initiatives on wiring the country with the necessary information infrastructure have been actively carried out for the last decade. Many optical fibre cable network projects are still in the pipeline. In fact, trunk fibre networks have been laid criss-crossing peninsular Malaysia and stretching across the South China Sea to enter the eastern, Borneo, part of the country. With Malaysia's own satellites orbiting the earth, it is definitely within our reach to develop infrastructure superhighways for the nation's needs. Indeed, the remarkable performance of the communications infrastructure in the country over the last ten years has been tremendously impressive.

The penetration rate for fixed lines has grown so rapidly from 7.4 lines per 100 populations in 1987 to 22 lines in 1999. This figure represents a very high level of service penetration when compared to other ASEAN¹ countries. In addition, Malaysia has one of the highest penetration rates: 10.3 per 100 populations for cellular phones in Asia with subscribers amounting to approximately 3 million as at the middle of 2000. The growth of the telecommunications industry in the country is also underpinned by the overwhelming demand for new services. This rose from the convergence of information technologies in the field of switching and transmission such as ATM, ISDN and SDH which has created new services like VOD, video conferencing and many other multimedia applications on the web, namely graphics, audio, animation, video and virtual reality; just to mention a few (Azizah, et. al., 2007).

¹ Association of Southeast Asian Nations (ASEAN) is an [international organization](#) established by the governments of Indonesia, Malaysia, the Philippines, Singapore, and Thailand in 1967 to accelerate economic growth, social progress, and cultural development and to promote peace and security in Southeast Asia. Brunei joined in 1984, followed by Vietnam in 1995, Laos and Myanmar in 1997, and Cambodia in 1999.

Different sources of information, ideas and entertainment, together with other media genres such as cinematography, video, books, magazines and advertisements, make up what is now known as the information and communication media, or the mass media, because of their mass appeal and pattern of consumption and distribution. Over the past decade, we have witnessed an explosion of media products offered to consumers, from the increase of magazine titles to the number of satellite television channels and the advent of the Information Technology (IT).

As in most countries, communication services in Malaysia have been traditionally provided on a monopolistic basis. Several policy initiatives have been undertaken to foster competition in the country. These include those that are relevant to the determination of boundaries between competitive and monopolistic markets, licensing of new entries, monitoring performances and several practices related to maintaining sustainable competition in the market. Competition has gradually been introduced on many fronts including the local loop, wireless, trunk, international and value-added segments.

The key to this development trend is to enhance liberalization efforts that have been taken by the government to entice and allow private participation in the sector. The thrust of the competition policy as envisaged in the Equal Access Policy is that it must lead to an improvement in the quality of services and simultaneously bring down prices as a result of advances in operations efficiency. To ensure that Malaysia gets the maximum value from a dynamic communications industry and that it is internationally competitive, the government strongly feels that the country must develop a competition that could:

- Encourage the provision of world class communications infrastructure as the latest technology mix to support the implementation of policy initiatives related to IT development i.e. MSC.
 - Focus on driving the prices down and enhancing quality as well as making services widely available and accessible to support the efforts of the government to create an information rich society.
 - Encourage technical advancements and innovations in its services to boost the international competitiveness of users and IT / multimedia application.
 - Support the creation of a conducive environment that is necessary to attract investments into the sector and prevent duplications of infrastructure resources.
- (Cutler, 1997)

2.4 Multimedia Super Corridor (MSC).

Given the changing communications media landscape, no government can now ignore the obvious challenges. The Malaysian government has, as most other Asian nations, began massive and ambitious plans to wire up the nation. Perhaps Malaysia can claim to symbolize this move better than anywhere else in its Multimedia Super Corridor (MSC) project.

The MSC was initiated in 1994 and launched on 1st August 1996 by the then Prime Minister. Huff (2002) recognized that Malaysia's MSC is a way for Malaysia to join the information society. Malaysian leaders were quick to develop an Internet infrastructure that would link Malaysia to the worldwide web, thus laying the invaluable foundation towards a k-economy. It was hoped that by linking to the new global k-economy, Malaysia would be able to ride on the wheels of the new technology. This

project demonstrated the total commitment of the country in trying to keep up with the competition and challenges of the new global information and communication environment. The plan was actually assisted by the McKinsey consultants who advised that by developing information industries, Malaysia will leapfrog into the Information Age. It was enthusiastically developed in pursuit of the following objectives:

- To achieve the goals of Vision 2020 by catalysing productivity-led growth.
- To leapfrog Malaysia into a leadership role in the Information Age by attracting and developing reputable companies around the world through “smart partnerships” between leading international and Malaysian firms.
- To build global bridges between Malaysia and other intelligent cities for mutual enrichment.(NITC Malaysia, 2006)

The 10-point Bill of Guarantees pledged by the government should remain as one of the most attractive pull factors to ensure the continuous creation and development of MSC.

The incentives are:

- A world-class physical and information infrastructure.
- Unrestricted employment of knowledgeable local and foreign workers.
- Freedom of ownership.
- Freedom to source capital to fund globally.
- Competitive financial incentives.
- Intellectual Property Protection and Cyber laws.
- No censorship of the Internet.
- Competitive telecommunication tariffs.

- Award key MSC infrastructure contracts to companies that use the MSC as their regional hub.
- MSC as an effective one-stop super shop. (Faruqui, Shad and Ramanathan, (1999))

The MSC was also designated to be:

- A test-bed for invention, research and other ground-breaking multimedia development.
- A vehicle for attracting world-class technology-led companies to Malaysia and for developing local industries.
- A multimedia utopia offering a productive intelligent environment.
- An island of excellence with multimedia-specific capabilities.
- A global community living on the edge of the Information Society.

The MSC is a specially built zone in an area of 15 x 50 kilometres (about 750 square kilometres) south of downtown Kuala Lumpur, akin to the size of Singapore. The area starts from one of Kuala Lumpur's (and the world's) most recognizable landmarks, the Kuala Lumpur City Centre (KLCC) with the Petronas Twin Towers, the world's tallest twin tower, to the Kuala Lumpur International Airport (KLIA). The area is also covers two new cities, Putrajaya and Cyberjaya. Putrajaya seats the government's main administration offices and houses the office of the Prime Minister, while Cyberjaya is the MSC intelligent cyber city; complete with a cyber-university, the Multimedia University Malaysia (MMU). Other areas designated as being under MSC are the Technology Park Malaysia (TPM), Universiti Putra Malaysia (UPM), Malaysian Technology Development Corporation (UPM-MTDC) and Kuala Lumpur Tower. It has been described as the Multimedia Utopia due to its world-class physical infrastructure

and next generation of multimedia network as well as the provision of the latest legislation in cyber laws, policies and practices in the multimedia environment. It is designed to become the ideal multimedia environment in order to attract world class and local companies working together. (Azizah et. al., 2007)

In 2003, Malaysia ranked 26th in the world with respect to network readiness; above several more developed nations. In the following years (2006 - 2007), Malaysia ranked 6th in Asia for The Growth Competitiveness Index, a survey done by Colombia University. The creation of the MSC, the establishment of industry regulators, research in ICT access and the application of ICT to transform Malaysia into a knowledge-based society has led to the diffusion of technology (International Telecommunication Union, 2004).

The MSC has attracted the attention of the world and the then Prime Minister, who had been personally spearheading this project managed to vie the keen interest of renowned IT conglomerates including the CEOs and Presidents of Microsoft, Compaq, Fujitsu, IBM, Hewlett-Packard, Sun Microsystems, ACER and Nippon Telegraph & Telephone (NTT). The idea was to elevate and strategically position Malaysia as a major ICT hub in the region and the world. The MSC is planned to develop along three phases, which are:

- **Phase 1:** The Malaysian Multimedia Development Corporation (MDeC)² to oversee the creation of the MSC, set-up 50 world class companies, launch

² Mandated to oversee the development of the MSC Malaysia is the Multimedia Development Corporation (MDeC) based in Cyberjaya. Initially a Government-owned corporation but now incorporated under the Companies Act, MDeC facilitates applications by multinational and local companies to re-locate to the MSC Malaysia. It globally markets the MSC Malaysia, shapes MSC Malaysia-specific laws, policies and practices by advising Malaysian Government and standardises MSC Malaysia's information infrastructure and urban development.

seven flagship applications, develop framework of cyber laws and develop Putrajaya and Cyberjaya as world class intelligent cities.

- **Phase 2:** MDeC shall link the MSC to other cyber cities in Malaysia and globally. It is to develop the second cluster of about 250 world-class companies, set global standards in flagship applications, harmonize global framework of cyber laws and develop 4-5 intelligent cities linked to other global cyber cities.
- **Phase 3:** Transform Malaysia into a knowledge society, global test-bed for new multimedia applications, develop International Cyber Court of Justice in MSC and develop another cluster of intelligent cities linked to the global information super highway (MDeC, 2006).

MSC's media legislations, regulations and policies caused a new development shift to support multimedia industry. Unfortunately, these information was not well disseminated to the public, as well as local and international media players. The regulations and policies came just several months after the MSC project was announced by the Prime Minister. The formation of a new ICT paradigm shift era introduced by the Malaysian government was fitted together with the launch of the Multimedia Super Corridor in 1994 as well as the ICT Vision. This was geared, towards archiving Vision 2020 referring to,

“...the establishment of a scientific and progressive society, a society that is innovative and forward-looking, one that is not only a consumer of technology but also a

contributor to the scientific and technological civilization of the future”.
(Mahathir, 1999, cited by Ramanathan, 2006)

2.5 Laws Relating to Films and Electronic Media.

Most of the communication laws in Malaysia originally hailed from the British colonial years where even the British Broadcasting Corporation (BBC) had its function separated from its government. Nonetheless, this was not practiced Malaysia (formerly known as Malaya back then). It is a common practice in many countries that the governments are very much directly involved in the telecommunications statutes , For most of the Commonwealth countries that were once colonized by the British empire have yet to change their laws and regulations in telecommunications, especially their Broadcasting and Television Acts. The establishment of the Broadcasting Act was highly influenced by politics, ruling parties and social expansion. Therefore, there is a need to regulate the content of media broadcasting so that it will not lead to violent political climate and social crisis within Malaysia’s multi-cultural society (Karthigesu, 1994).

Films are an older communication tools as compared to the electronic media like radio, television and mass communication. During World War II (1941-1945), the British used films to convey its political messages and propaganda in Malaya. Hence, the birth of laws (ordinances and enactments) actually came from the imported activities of films in terms of production and distribution. The Film (Censorship) Act (1954) is hailed from Cinematograph Films Ordinance No. 76 of 1952. Then, the Film Censorship Board was set up to act as a body that was entrusted with censorship of films (inclusive of cinematographic films, video tapes or any record of visual images). Its Chairman and

Deputy Chairman were appointed by the Yang Di Pertuan Agong (i.e. the king, head of the country for Malaysia). The Minister of Information had appointed its Secretary, Assistant Secretary and Inspectors of Films. The board also has a Committee of Appeals as well as an Assessment Committee should the Censorship Board decides to evaluate or penalize the film producers. As an example, if the Censorship Board orders a film producer to make some changes in his film, yet he failed to comply to the directive, he can be fined for up to RM10,000 for the offence under Article 8 (4) (Shad & Sankaran, 1998). Should any infringements or issues arise, film producers can submit their films or productions to be assessed by the Assessment Committee. If they are found guilty of any offences, they may lodge an appeal to the Committee of Appeals. This Act is meant to fulfil the government's desire to control the content in films so that it will not portray violence, obscene scenes and any other negative values that could detriment Malaysian traditional values. The Act is mostly meant to regulate the process of importation, distribution and screening of the films (Shad & Sankaran, 1998).

In 1946, Radio Malaya was an official government radio station set up under the Broadcasting Ordinance. After the Federation of Malaya gain its independence in 1957, the Broadcasting Act was introduced, based on the existing Broadcasting Ordinance. In 1973, the Broadcasting Act was amended again not long after television made its debut in Malaysia. Then, the government had to cater for the privatized broadcasting companies in Malaysia by bringing in the Broadcasting Act (1988) upon the inception of Sistem Television Malaysia Berhad (STMB / TV3). There are two parts in the Broadcasting Act (1988). The first is about preface matters and the second is about the licensing of broadcasters where the licenses are to be granted by the Minister of Information (MoI).

The Minister has the right to revoke the approval of any new or renewal of broadcaster's annual licenses. If any broadcasters are found to be operating illegally (without license), they can be imposed a fine of up to RM 100,000, or face imprisonment of not more than three years; or both under Section 5 of the Broadcasting Act (1988). The Act also granted the minister or government the right to give orders or ban any broadcasting content that may seem to be somewhat inappropriate for the country. It simply means that the government are in full control of the broadcasters in the country; even the private stations. The Broadcasting Act looked to be fairly similar to the Mass Media laws (the earlier version) that are concerned about government practices to censor any content towards the public in the country (Shad & Sankaran, 1998).

The Telecommunication Act (1950) originated from the Telecommunication Ordinance after the Federation of Malaya gained its independence in 1957. This Act remained as the primary legislation which was further expanded to cover other more specific legal jurisdictions, for example the Telephone Regulations (1956), the Radio Communication Regulation (1956) as well as The Telecommunications (Automatic Telephone Using Radio, ATUR Services) Regulations (1986) in relation to cell phone services and many more. Since the government had plans to privatize telecommunication services, the Malaysia Parliament has ensued Act 322 as the Telecommunication Services (Successor Company) Act (1985). The first company that the government had transferred its property, rights and liabilities for telecommunication services was the Syarikat Telekom Malaysia Berhad (STMB / TV3). The laws presented in this section are mostly to regulate the free speech practices in Malaysia (Shad & Sankaran, 1998).

2.6 Self-regulation of Electronic Media.

Back in 1998 in Washington DC, in order to prioritize public interest and commitments, American television broadcasters were advised to take on a voluntary Code of Conduct by the Presidential Advisory Committee. The then Mr President (Bill Clinton) has ordered the media industry to be self-regulated in handling consumer privacy on the Internet. The initiative taken was seen as are more stable than government's existing regulations and US government even offered incentives to industry players that practiced self-regulation (Campbell, 1999). Assistant Secretary of Commerce, Larry Irving said,

“Most basically, we need to define what we mean as the term “self-regulation” itself has a range of definitions. At one end of the spectrum, the term is used quite narrowly, to refer only to those instances where the government has formally delegated the power to regulate, as in the delegation of securities industry oversight to the stock exchanges. However, at the other end of the spectrum, the term is used when the private sector perceives the need to regulate itself for whatever reason; to respond to consumer demand, to carry out its ethical beliefs, to enhance industry reputation, or to level the market playing field; and does so”. (Campbell, 1999, p.174)

The term “self” usually means the actor or the doer and is often referred to individuals or a group of companies acting collectively in media practices; while “regulation” represents a form of what should be implemented. Swire (1997) has mentioned that regulation has three meanings which are (i) legislation (appropriate rules), (ii) enforcement (actions taken to those who violate the regulations) and (iii) adjudication (to decide whether defiance of acts has been done and commanding the suitable

sanction for it). Simplistically, self-regulation is when a private or independent organization can regulate the industry without the government. But it does not mean that the organization is being left out or totally autonomous from the government to impose their power or authority. From the three definitions of regulation above, it could be either the government practices only the legislation whilst the independent body practices the enforcement and adjudication. On the other hand, it could signify that the government establishes the regulations but delegate the independent body to regulate it in the media industry (Ian Ayres & John Braithwaite, 1992 as cited in Campbell, 1999).

In Australia, a body called the Australian Communications and Media Authority (ACMA) is responsible to lead an effective guideline for self- and co-regulation. Australia practices co-regulation but promote industry self-regulation in its broadcasting, telecommunications, Internet and radio communication sectors. Some of these practices command that the government should not act to address issues if the industry can identify the roots of the problem. This ranges from feasible options to deploy self-regulation or co-regulation for raised cases and update mechanism so as to be relevant for all times. Most of all, any actions taken for solving any case or dispute (whether by self- or co-regulation) must have the community interest as its main priority (ACMA, 2010).

It is proven that Ombudsman approach in American Media System, as a result of American First Amendment could not be applied in Malaysia, as it represent the total freedom of expressions and freedom of press. As mentioned in the American Constitutions, "Congress shall make no lawabridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances". (Schwartz, 1955). Malaysia, however

practices limited freedom of expression, which comprises freedom of speech, freedom to practices association, and freedom of press. Malaysian Federal Constitution, Art.10(1)(a) stated that “every citizen has the right to freedom and speech and expression” 23 it has allowed parliament to impose restrictions on them. The constitution says, inter alia, that “Parliament may by law impose....on the rights....such restrictions as it deems necessary or expedient in the interest of the security of the federation or part thereof , friendly relations with other countries, public order or morality and restrictions designed to protect the privileges of Parliament or of any Legislative Assembly or to provide against contempt of court, defamation, or incitement to any offence” (Federal Constitution, 2015).

There are four types of regulations in the communications and media industry, as described in Figure 2.1 below,

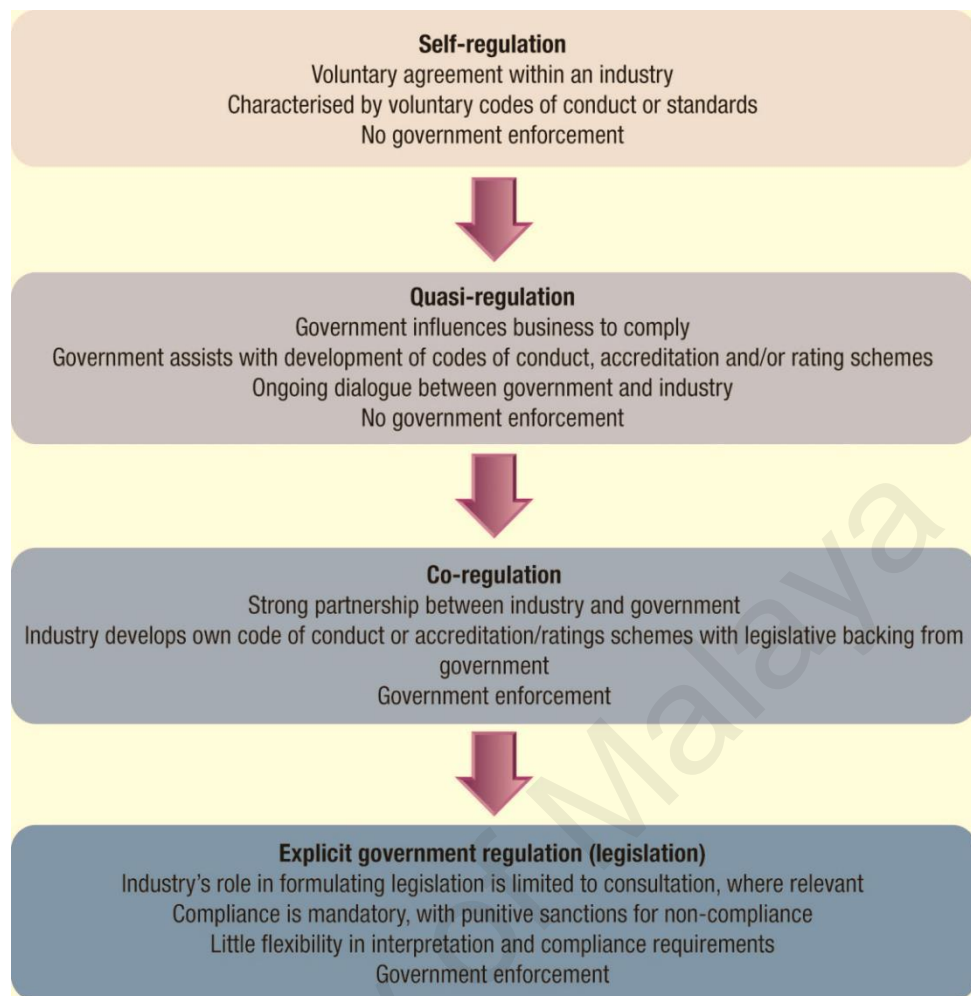


Figure 2.1: Continuum of content regulation (Adapted from Department of Treasury and Finance, 2007 as cited in ACMA, 2010)

2.7 Benefits of Self-Regulation.

The self-regulation mechanism and practices is claimed to be more efficiency over governmental regulations. It possesses increased flexibility and gives out increased incentives for compliance and reduces cost (Campbell, 1999). Therefore, it is more efficient for the government to rely on the industry experts to create the regulations which fit them best, rather than to impose new legislations. The industry is well equipped with technical know-how and professionals from different levels to develop suitable regulations; proactive enough to detect and penalise once anything is violated.

Self-regulation is theoretically more flexible than government regulation. Under certain circumstances, media industry players are allowed to collectively create their own regulation, to be enforced within a stipulated period of time. Moreover, self-regulation can be more tailored to the particular industry a lot more harmoniously than government regulations. This would be an opportunity for media organizations to impose and amend existing regulations to make it more realistic for them to deliver better services to the public as opposed to the standard and rigid regulations. Nevertheless, the government will still need to monitor all regulations as everyone is bound to abide by the various licensing rules and procedures.

Additionally, self-regulation is well poised to provide greater incentives for compliance (Ayres & Braithwaite, 1992). The rules created and designed by the industry would be more reasonable to impose and henceforth more readily to be accepted by the industry participants. Companies are less hesitant to comply with regulations that they themselves had jointly developed, rather than being forced to follow regulations set by the government or outsiders.

It is argued that the self-regulation mechanism is less costly to the government because the overheads have been shifted to the industry for developing and enforcing rules. The cost-transfer is an attractive alternative for the government because that will eventually translate to lower administration and supervisory expenses, rather than to develop and manage their own regulations (Ayres & Braithwaite, 1992)

Finally, the creation and implementation of self-regulation may be useful to avoid constitutional issues (Campbell, 1999). For example, certain doubtful rules under current legislations can be amended and regulated by media players, as long as they

remain to be in-line with national policies. In the local Malaysian context, the self-regulation approach will only benefit the industry if it is comprehensive and possesses sufficient details to provide proper guidance to the relevant parties, everything needs to match the government's national aspirations as the media will still be subject to the federal constitution and other more encompassing laws and regulations (Ramanathan, 2006).

2.8 Background of the Ministry of Communication & Multimedia.

Previously, the institutional framework was highly segmented, thus deemed impractical to market organizations. The highest is the Prime Minister and cabinet with eight ministries under it. Some of the ministries that have a stake in Malaysia's institutional framework, which are (1) Ministry of Domestic Trade and Consumer Affairs, (2) Ministry of Energy, Telecommunications and Posts, (3) Ministry of Finance, (4) Ministry of Home Affairs, (5) Ministry of Housing and Local Government, (6) Ministry of Information, (7) Ministry of International Trade and Industry, and (8) Prime Minister's Department. The government was aware that two ministries had commonly shared interest in communication, chiefly the Ministry of Energy, Telecommunications and Post (MEPT) and the Ministry of Information (MOI). Under the Ministry of Energy, Telecommunications and Post (MEPT), exists a Department of Telecommunications Malaysia that was responsible to regulate the radio frequency spectrum, promotion of consumer interests through price, apparatus and service quality regulations, and represent the government in worldwide telecommunications matters. The department was responsible to collect the entire licensed fees from radio communications, telecommunications and Telekom Malaysia Berhad (TMB) where for example, the fees collected in 1996 were RM 120.4 million (Cutler, 1997).

On the other hand, the Ministry of Information was responsible to plan, develop, coordinate and implement the national communication policy. It also enforces the Broadcasting Act 1998 and was responsible to set up broadcast material guidelines for the country. A range of departments under the Ministry which includes the Department of Information, Radio Television Malaysia (RTM), Filem Negara Malaysia (FNM), National News Agency of Malaysia (BERNAMA) and National Film Development Corporation Malaysia (FINAS). Cutler (1997) strongly recommended that the new regulator to be established need to be based on the framework of responsibilities by the Ministry of Information (MoI) and the Department of Telecommunications. However, the new regulator must be conformed on the convergence industries that implement electronic media environment. Therefore, it was suggested that the separated ministries should be merged.

In the mid-1990's, the Ministry of Energy, Communications and Multimedia (later renamed as the Ministry of Energy, Water, Communications and Multimedia, and now the Ministry of Communication and Multimedia) was established which attested the government's firm commitment to facilitate convergence of the media and ICT growth. The Malaysian Communications and Multimedia Commission (MCMC) was later established as the regulatory agency for communications and multimedia in the country (Kaur, 2006). Hence, the Ministry of Communication & Multimedia is a merge of two ministries, entrusted to manage all convergence issues for networked communications.

The legacy of communication structures in the convergence industries has added from the traditional entities (postal services, telecommunications, print and broadcasting) to the new imperatives (multimedia i.e. the new content industries, e-commerce, computers and data processing) (Cutler, 1997). Kindly refer to the Figure 2.2 below:

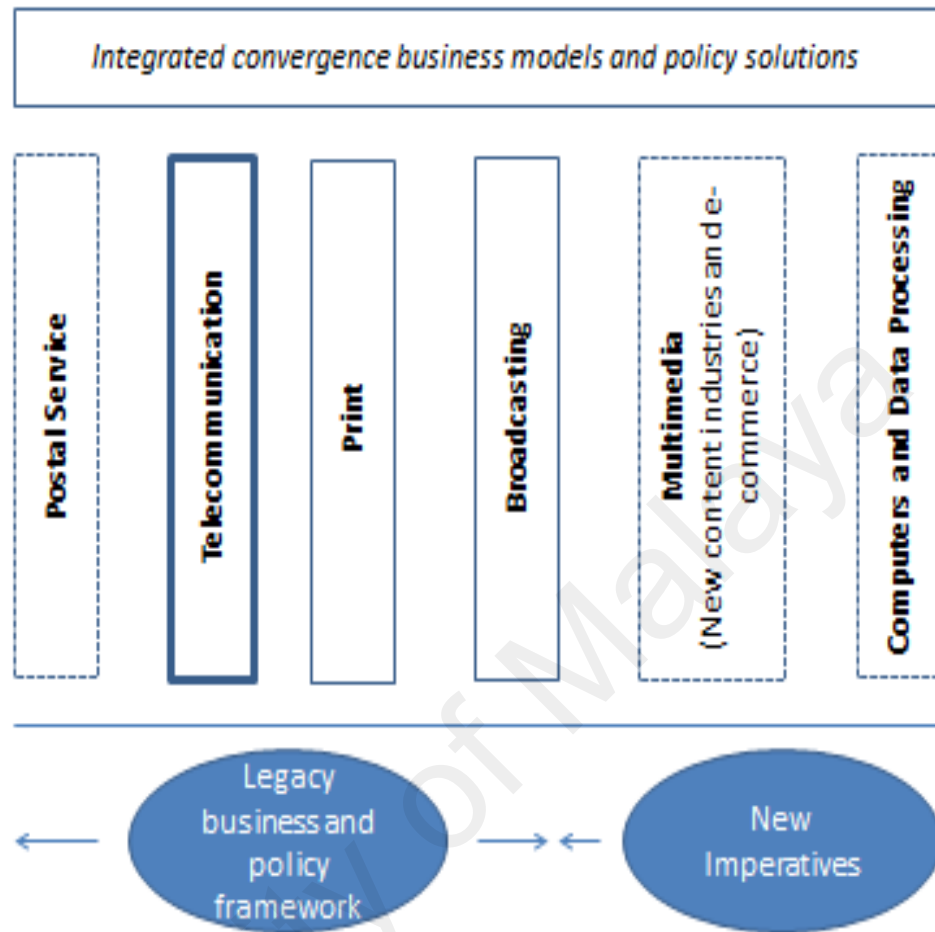


Figure 2.2: Legacy Structures in the Convergence Industries (Adopted from Cutler, 1997)

2.9 Intervention Strategies Prior to Self-Regulation.

As the convergence of industries were approaching the information age of Malaysia, intervention strategies needed to be established so that those different industries can be uniformly regulated for the benefit of the country. Cutler (1997) named the following four cores of regulatory functions:

- (1) Economic Regulation – to promote accountability in market system.

- (2) Technical Regulation – to promote efficiency for the industry and community in sophisticated ways to reduce underlying costs,
- (3) Consumer Regulation – in the output market the consumer should be empowered especially in network services.
- (4) Content Regulation –to promote the wellbeing of the society as a whole in terms of their cultural identity, standards and responsible industry behaviour

Indeed, content regulation has been prevalently applied in many communication channels that are accessible to the public / masses, especially by children. The content regulation exists so as to improvise The Broadcasting Act, 1996 (United Kingdom) as it is more dynamic to respond towards the uncertain changes of convergence technology. Content regulation provides the foundation of what should or should not be in the communication content yet in the same token, allow sufficient room for continued growth in customizing communication tools. Content regulation is seen as unavoidable as ever because we now live in a digital world where consumers control the media content (Internet, TV recorder, pay TV, etc.). That is why all electronic media practitioners must have the responsibility to abide by its content regulation. Contents that are shared on the World Wide Web (Internet) cannot be regulated directly because the content contributors are not necessarily media practitioners (or from the industry). As a matter of fact, usually it came from the Internet users themselves. Thus the process to establish content regulation is evolutionary and requires democratic participation from actual content creators (Tambini et. al, 2001).

The primary focus of content regulation is to design, promote and develop accessibility of content services that will uphold the national identity of Malaysia. Meanwhile, the content providers should conform to the community standards in their content creation.

Therefore, it is crucial for them to assure that the content is morally decent, promotes national security and do not discriminate the licensing of participants. This is due that the fact that content creators have the power to edit, publish and package their programs to the public. For the content application service providers, the new legislation needs to be able to fit the content purpose and appropriately applicable for the mass market or targeted audiences.

Firstly, an 'incidental' content services, described as graphical designs, in the website shall not be regulated, depending on the creativity or need of the related content providers (e.g. banking services in website). Secondly, the 'limited' content services imply that the influence of such content is limited, depending on the target audience. The content providers are required to possess licenses; such as for the websites that generate income based on how many hits per month. Thirdly, for all other content services that target the masses, it is up to the Minister to approve and award the individual or class licenses. In order to reduce uncertainty, content creators may apply to the regulatory authority to decide their individual service category; either incidental, limited or otherwise. This is because the different types of applications service providers will have dissimilar codes to be adhered by (Cutler, 1997).

The Cutler's report proposed that some legislation for previously non-networked media shall be demolished for the sake of enhancing the development of the communications and multimedia sector. This is because the functions of those legislations are seen to be somewhat overridden. Some examples are the Printing Presses and Publications Act 1984, the BERNAMA Act 1967, the Deposit of Library Material Act 1986, the National Film Development Corporation Act 1981 and the Films (Censorship) Act 195. The ultimate objective to remove those legislations was to prevent overrides thus removing

barriers to market entry which would reduce the economics of scale for Malaysia in terms of the overall content service industry (Cutler, 1997).

2.10 Communications & Multimedia Act 1998 (CMA 588).

The initial origin of the Act is from the special report made by Cutler & Company which was appointed by the Ministry of Energy back in 1997. It is mainly derived from proceedings of the inaugural meeting held by the National Telecommunications Council (NTC) on 8th August 1997. Due to the convergence of communications and multimedia industries, the Communications & Multimedia Act (CMA 588) was developed in 1998. Its main objective was to promote national policy objectives with regards to the communications and multimedia industry. This was part of an effort to place Malaysia as a hub for communications and multimedia content service, to enhance the long-term benefits to the end users and provide the right infrastructure to consumers with affordable services.

The Communications and Multimedia Act 1998 was based on the basic principles of transparency and clarity; more competition and less regulation; flexibility; bias towards generic rules; regulatory forbearance; emphasis on process rather than content; administrative and sector transparency; and industry self-regulation. The Act seeks to provide a generic set of regulatory provisions based on generic definitions of market and service activities. However, the jurisdiction of this Act is restricted to networked services and activities only.

The Communications Sector of the Ministry was responsible for the policy and strategic planning of the communications industry; coordinating its implementation and

monitoring industry performances. The main objectives as provided in the Communications Act 1998, are:

- To establish Malaysia as a global centre and hub for communications information content services.
- To promote a new civil society where information-based services will provide the basis of continuing enhancements to quality of work and life.
- To grow and nurture local content and culture.
- To give priority for the long-term benefits of the end user.
- To promote consumer confidence in the industry.
- To ensure access and equitable services.
- To create a robust applications environment for end users.
- To allocate resources efficiently.
- To develop sector capabilities.
- To provide secure and safe networking.

Generally, objectives and activities of the Communications Sector involve policy planning; strategic planning; implementation coordination; and industry relations. The national policies for the communications and multimedia industry are set out in the Act (Section 3(2)). With that, it was hoped that Malaysia would be able to emerge as a global centre for communication, multimedia information and content services throughout the Asian regions (Lowe, 1999).

The Malaysian Communications and Multimedia Commission (MCMC) was created pursuant to the Malaysian Communications and Multimedia Commission Act, 1998 as a new regulator for the communications and multimedia industry in Malaysia.

Concurrently, the Communications and Multimedia Act, 1998 was passed to fulfil the need to regulate an increasingly convergent communications and multimedia industry. The Act also reflected a convergence market of network service providers. Separate or different licenses for content application services were introduced to set-up a new regulatory framework which aspire to promote the growth and development of local content application services. All of that were reflective of the cultural diversity of the country (Lowe, 1999) which must be respected and upheld towards a harmonious nation building agenda.

A specific commission to supervise and regulate the converging activities and to enforce communications and multimedia laws has been set up. The Act reflected the growing need of the industry to cater for the new emerging services, networks and facilities at that era. The government wanted to attract new market entrants and to intensify healthy competition. An open and liberalized market was also envisioned to increase the quality of products and services offered by the industry for its consumers.

The Act became a legal structure to regulate the convergence of telecommunication media, broadcasting and multimedia. In addition, the framework has been set up after the Telecommunication Acts in the United States of America (USA) was approved by its President in 1996. The union of the various media initiated the demand for comprehensive cyber legislation because it was vital for those media to deliver information technology in the future (Leo Moggie, 1997). Furthermore, the 588 Act was thoughtfully drafted to balance the drastic acceleration of information technology as well as organizing or regulating the Act that Malaysia currently has. Section 211 of the Communications and Multimedia Act 1998 provides:

"No content publications service provider, or other person using a content applications service, shall provide content which is indecent, obscene, false, menacing, or offensive in character with the intent to annoy, abuse, threaten or harass any person." (Act, 1998)

The Communications and Multimedia Act 1998 established a regime of self-regulation by providing for the creation of industry forums. An industry body may be designated or appointed as an industry forum if the Malaysian Communications and Multimedia Commission is satisfied that the criteria stipulated in Section 94 of the Act 1998 has been satisfactorily fulfilled. The primary function of a designated industry forum was to formulate and implement voluntary industry codes which would serve as a guide for the industry to operate. The relevant codes may be developed on the forum's own initiative or upon request by the Malaysian Communications and Multimedia Commission. If the Malaysian Communications and Multimedia Commission is of the view that a voluntary code prepared by the designated industry forum is ineffective, it has the authority to decide on a mandatory standard, which is the subject matter of the voluntary industry code. The Minister may also direct them to define a mandatory standard in place of a voluntary industry code.

The Act also established an Appeal Tribunal that may hold concurrent hearings based on a case to case basis. The Minister has the power to appoint the chairman of the Appeal Tribunal with a minimum two members (or such greater number of members). The members must be qualified in terms of their knowledge or experience in the communications and multimedia industry, engineering, law, economics, commerce or public administration. One of the many functions of the tribunal is to manage any oath, affirmation or statutory declarations depending on the cases involved; and allow the payment of penalties when the summoned person is presented in the tribunal. The

renewal fee of an individual's license is determined by the Minister upon receipt of application. The multimedia and communication practitioners must report their industry's performance to the Minister annually. This is to ensure that they toe the line in accordance to the Act. For example, any wrongdoing by a person who used or possessed non-standard devices to install, work, operate or supply to others is a crime and if convicted, may face imprisonment not exceeding two years or a fine of RM 100,000; or both (Laws of Malaysia Act 588, 2006).

Telecommunications and the postal services also assisted to change the national policy based the increased convergence of communications and multimedia in the country. They help established the right institutional legislation framework that could work in the convergent industry. Malaysia aimed to be the knowledge society (K-society) in this information age and the platform to achieve the goal is to have the appropriate policy framework for the convergent activities of communication and multimedia (Cutler, 1997). The definition of convergence in this context is as below:

“Convergence is the progressive integration of the value chains of the information and content industries including telecommunication, posts, broadcasting, print, multimedia, electronic commerce and data processing into a set of linked economic markets and a single value chain based on the use of distributed digital technology.”
(Cutler, 1997)

It meant that the convergence is about the process of various communication channels which are integrated to be connected as a single industry; and the enabling tools are digital technologies and networking. Before the definition of convergence arise, each communication channels were separately identified by their own 'hardware'; for

example paper for print, radio communications for broadcasting, wires for telecommunications and mainframes for the computer industry. Furthermore, the physical form of media has change to be online goods as it is transferred within the digital value chain. Thus, the electronic service delivery has been perceived as invaluable for the communication processes (Cutler, 1997).

2.11 The Malaysian Communications and Multimedia Commission (MCMC) Bill 1998.

The establishment of the Malaysian Communications and Multimedia Commission (MCMC) Bill was introduced in the Dewan Rakyat with the intention to regulate the activities of communications and multimedia in this country. The Minister of Information (MoI) has the right to appoint members of the commission including the chairman, one member that represents the government and another two or three members.

The Malaysian Communication and Multimedia Act provides a set of media regulations which controls the converging communications and multimedia industries in Malaysia. The Act reflected the changing needs of the industry at that time with the rapid emergence of new services, networks and facilities. The commission was set up to monitor, regulate and enforce the communication and multimedia laws to all local media players, which were licensed under the Malaysian Communication and Multimedia Commission (MCMC).

The main objectives of the Bill was to promote national policy, establish licensing and regulatory framework and power the functions of the Malaysian Communication and

Multimedia Commission. It promoted fair usage and coverage of communication and multimedia in the country in order to establish Malaysia as a major global centre for communications and multimedia information as well as content services (Shad & Sankaran, 1998).

The Malaysian Communications and Multimedia Commission is the regulator for the converging communications and multimedia industry. Its key role back then was to regulate the communications and multimedia industry based on the powers provided under the Malaysian Communications and Multimedia Commission Act 1998 and the Communications and Multimedia Act 1998. Pursuant to these Acts, the role of the Malaysian Communications and Multimedia Commission was to implement and promote the government's national policy objectives for the communications and multimedia sector. The Malaysian Communications and Multimedia Commission also oversaw the new regulatory framework for the converging industries of telecommunications, broadcasting and on-line activities.

2.12 Industry Forum and Voluntary Industry Codes, Undertakings and Mandatory Standards.

The Bill establishes a self-regulation of the convergent industry in order to mend the fall back of regulatory safeguards already set by the Commission. In order to improve the industry self-regulation, a more robust structural framework needed to be established. This is to ensure that government can still take over the function of the industry forum when they fail to self-discipline or comply. The industry ombudsmen have also demonstrably failed. The Bill has established the powers and procedures in relation to

the industry forums which were applied in the key areas of economic, consumer, technical and social regulation. Do refer to the Figure 2.3 below:

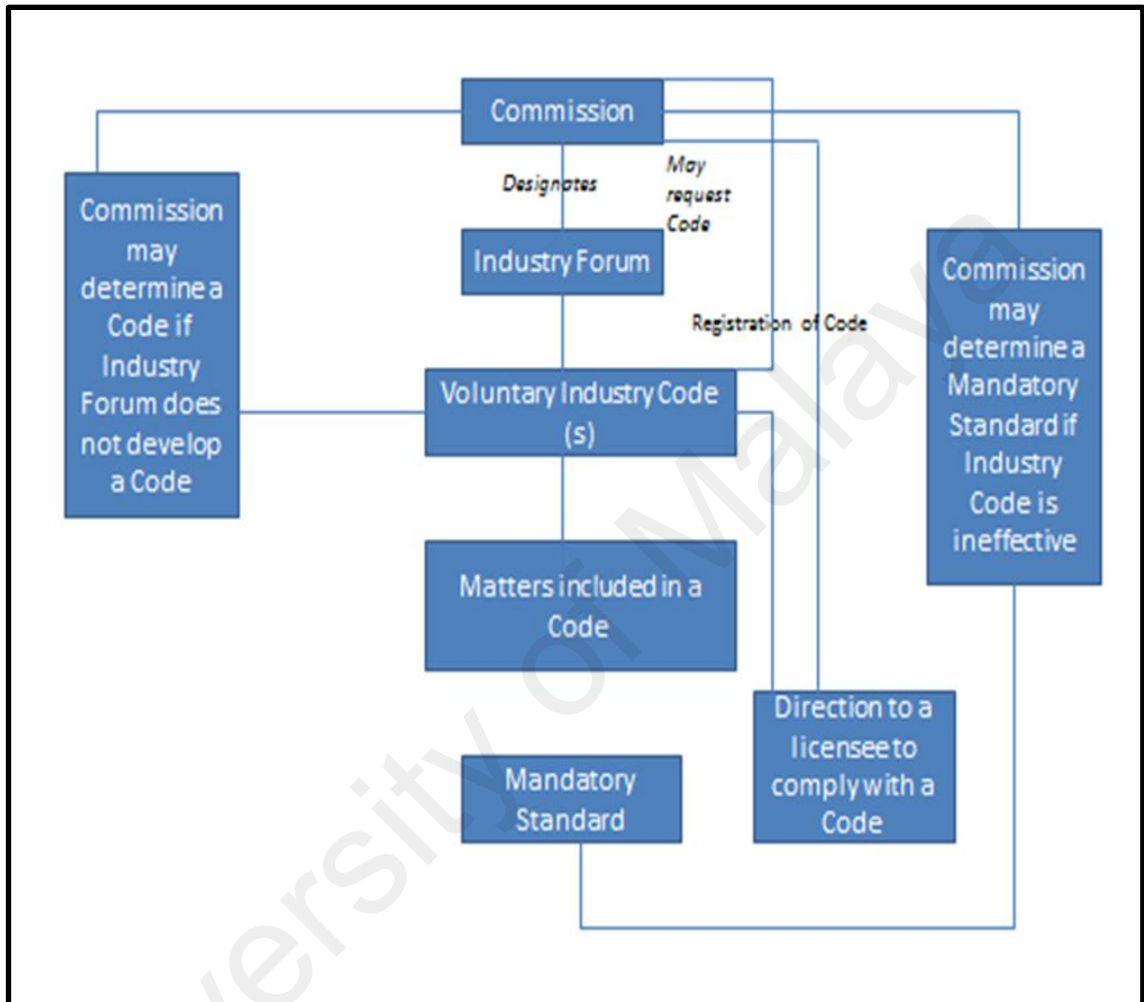


Figure 2.3: Process and Relationship Industry Forums and Voluntary Industry Codes

(Adapted from Cutler, 1997)

2.13 Mechanism of the CMCF and Content Code Practices.

From Figure 2.2 (above), it is learned that the self-regulation mechanism is devoid of any government enforcement and is totally self-supported by the industry. This means they are responsible actors to create their own code of conduct and content code; and must anticipate to handle any problems / issues through their own enforcement. Just like

in the Communications and Multimedia Content Forum (CMCF) of our country, they have the Complaints Bureau that can help the communication and media practitioners to solve their internal conflicts without any intervention under existing government legislations.

The Malaysian government funded the CMCF operational costs but did not in any way interfere with its management. The CMCF is a totally independent body like a court of justice. The main reason why self-regulation is better than legislations based on governmental level is the media practitioners themselves understand the industry better compared to government officers. Therefore, self-regulating themselves is seen as a cost cutting exercise for the government not only in terms of monetary, but also in response time. The aim for self-regulation is to serve the public's interest and be more flexible. This is when the technical knowledge is appropriate to develop the regulations and recognize what could violate the media practices (Campbell, 1999). Due to the innate flexibility of the self-regulated CMCF, it can change the rules in accordance to current media environment faster than the government agency (government agency is bound to follow the bureaucracy of public administration). The self-regulation practices allow the CMCF to customize the regulations based on any particular media industry. This reaffirms that the former "command and control" of government practices will not be suitable as that could lead to market failure (Campbell, 1999).

The key objective of the National Telecommunications Council is to encourage the industry to be self-regulated. This mechanism will minimize the costs of legislation whilst concurrently offer a clear guideline for industry behaviour. Self-regulation does not mean no-regulation at all; it simply stresses the point pertaining to industry ownership and involvement in regulations that conform to the accepted guidelines. This

effort was expected to bring the desired outcome intended by the National Telecommunications Council. The Minister knew that it will take some time for the self-regulation practices to be adopted by the media practitioners in the country. It will surely stimulate on-going opportunities for the industry to take the responsibility for self-regulation, as well as to acknowledge and identify the standards and violations of the Content Code (Cutler, 1997).

The Industry Forum was encouraged to create their own voluntary industry code (expertise and segmentation). If they fail to create the Content Code independently, then the Commission has the power to dictate under the Industry Code. However, the Commission must refer hold public inquiry before they can enforce any Content Code. Furthermore, any Content Code created by the Industry Forum must be registered with the Commission for it to be legal. If the Industry Forum fails to do so, then the Mandatory Standards will be effectively regulated by the Commission (upon order from the Ministry). The Commission may vary a Mandatory Standard at any time if it is no longer consistent with the Bill's objective (Cutler, 1997).

2.14 The Communications and Multimedia Content Forum of Malaysia (CMCF).

The Malaysian Communications and Multimedia Commission (MCMC) has established a self-regulated body called the Communications and Multimedia Content Forum (CMCF) which was launched on 29th March 2001. This self-regulated body was set up under the Communications and Multimedia Act 1998. Registered with the Registrar of Societies of Malaysia, it is an independent body; committed to manage and self-regulate media content in line with the Communications and Multimedia Content Code over the

networked electronic media, covering traditional broadcasting, telecommunications and online services including the facilities and networks used in providing such services (Ramanantan et. al., 2006).

The Content Forum is to ensure that the development of social regulation was successful, which includes the twin areas of content development as well as content regulation. It comprises of institutional members from the industry, civic groups as well as individual members. The CMCF members were the advertisers, audio-text host service providers, broadcasters, civic groups (higher public institutions), content creators / distributors and Internet access service providers (Kaur, 2006). Six members each from the supply chain or industry category and the civic group category and one additional member from either category are elected onto the council (total of 13) for a two-year term. Chairmanship of the Content Forum is on a rotational basis from both categories

The CMCF is meant to promote the self-regulation of media practitioners in the country. It has the power to govern the electronic media content that is intended for public consumption (Malaysia) in line with the Communications and Multimedia Act 1998. The CMCF also has the Complaints Bureau that is similar to a court which can receive, revise and adjudicate on cases under such matters like complaints or any allegations triggered by the Malaysian media practitioners. Electronic media practitioners can seek advice on what content they could publish to the public by referring to the body under CMCF - Content Advisory Centre (CAC).

The advice covers content that will be aired or published over the television, radio, Internet and also mobile phone. Most of all, CMCF is a body that aims to educate the

public about the advantages of self-regulation by providing training classes on Content Code in the electronic media medium (CMCF, 2011). The official CMCF website provides the information needed about the Content Code in different languages which are Malay, English, Mandarin and Tamil. Currently, CMCF has been around for about 15 years. Since its establishment in 2001, CMCF has registered 48 ordinary members and two associate members, comprising of different media categories and civic groups.

2.15 Content Code.

The CMCF is a responsible body to create the Content Code which governs the standard practices among our communications and multimedia industry. The Content Code complies with the Communications and Multimedia Act 1998 (Act 588) in order to promote their commitment in self-regulation. It presents the guideline of what is right and what is wrong in media practices in Malaysia.

The Content Code launched on 21st October 2004 set out guidelines and procedures for good practice and standards of contents disseminated for public consumption by service providers in the communications and multimedia industry. It also outlines the rules on encouraging the media practitioners to recognize and acknowledge the need for the public to be fed with up-to-date news and information. It deals with offensive and indecent contents, extending to content classification, content suitability, representation of Malaysian culture and identity, public education pertaining to content regulation, collation of complaints, any content that meant to embarrass individual's reputation and other matters of concern to the community (Communications and Multimedia Content Code 2004).

The broad guidelines for self-regulation in the Content Code include those on the following content type:

- a. Indecent Content - material that is offensive, morally improper and against current standards of accepted behaviour. This includes nudity and sex.
- b. Obscene Content - explicit sexual acts / pornography, child pornography and sexual degradation.
- c. Violence - offensive violence, sexual violence, violence and youngsters as well as vulnerable audiences.
- d. Menacing Content.
- e. Bad Language - offensive language, crude reference and hate speech violence.
- f. False Content.
- g. Children's Content- violence, safety, security and imitable acts.
- h. Family Values.
- i. Persons with Special Needs.

The Forum was also entrusted to develop sub-codes so as to provide customized guidelines to specific services or types of content categories requiring a more customized approach in dealing with the restriction of unsuitable content, such as:

- a. Songs that should not be aired over the radio or songs that contained unsuitable lyrics.
- b. Short messaging services, that is, the downloading of offensive visuals or cigarette logos via content hosting services.

c. Content transmitted over live and delayed telecasts.

Thus, some such sub-codes or guidelines had subsequently been developed such as on music content, mobile Content as well as live and delayed telecasts. Apart from that, any complaint received by media practitioners in Malaysia should be handled or resolved by following the Content Code. However, if the case is serious, they can bring it to the Complaints Bureau. The Content Forum also established their respective Complaints Bureau to handle complaints against their members on matters that allegedly breach their codes. According to Ramanathan (2006), the complaints that have been raised to the Content Forum include complaints of:

- Confusing guidelines in the industry as to what was appropriate or inappropriate content.
- Different standards applied to commercial contents on the television, radio, print, Internet and mobile content

For example to describe the guideline for content of specific broadcasting (Direct to Home and Terrestrial Free-to-Air TV and Radio), they must broadcast ethical and child protected content and conduct their business operations towards fulfilling their social responsibility. The broadcasters (except radio) must classify its viewers' discretion for their contents. For example, "U" is programmes that can be watched by all ages as they do not contain violence, strong language or any explicit sexual dialogues or scenes. Broadcasters must also comply to the scheduling time for the classified content, for example "U" and "PG14" can be shown any time of the day, "PG18" can be shown any

time after 7.30pm while “18” are allowed to be shown strictly after 10.00pm (CMCF, 2013, p. 37).

The CMCF governs all media contents through self-regulation, in line with the Malaysian Communications and Multimedia Content Code. By virtue of it being a voluntary Code, those subscribing to it have accepted the commitment and responsibility to uphold its objectives and principles. The Content Code will set out guidelines and procedures for good practice and standards of content disseminated for public consumption by service providers in the communications and multimedia industry. The Content Code demonstrates a commitment toward self-regulation by the industry in compliance with the Communications and Multimedia Act 1998 (CMA 98). It will seek to identify offensive and objectionable contents while spelling out the obligations of content providers within the context of social values in this country. The Content Code provides the platform for creativity, innovation and healthy growth of a fast changing industry.

The ambit of the Content Code is defined under Section 213 (1) CMA 98 which states that the Content Code "shall include model procedures for dealing with offensive and indecent content". Section 213 (2) CMA 98, lists the matters that maybe addressed by the Code, but are not limited to:

- Restrictions on the provision of unsuitable content.
- Methods of classifying content.
- Procedures for handling public complaints and for reporting information about complaints to the Commission.
- Representation of Malaysian culture and national identity.

- Public information and education regarding content regulation and technologies for the end users' control of content and other matters of concern to the community.

Section 6 CMA 98 defines content as “any sound, text, still picture, moving picture, audio-visual or tactile representation, which can be manipulated, stored, retrieved or communicated”. The Content Code would comprise the following parts: Guidelines on Content, Specific Advertisement Code, Specific Broadcasting Guidelines, Specific Online Guidelines, Specific Audio text Hosting Service Guidelines, Specific Closed Content, Consumer Protection, Public Education and Code Administration. The Content Code was registered with the MCMC on 1st September 2004.

Due to the need to accommodate the vast emergence of recent media technology; the CMCF received complaints from their members that some provisions in the Code itself do not cover some specific regulations related to the recent media innovations (Fadzil, 2012). Hence to solve the problem, the CMCF decided to create sub-codes of the certain media fields, such as songs, audio texts etc. The creation of such sub-codes will display in details some of the specific provisions and regulations in the field so that media practitioners will be more conscious with those provisions (Fadzil, 2012). However, the sub-codes will list more regulations and retractions to the present provisions in the Code. It will limit the exercise of self-regulatory mechanism, as well as limit the creativity and innovation of media practitioners to perform the best practices so as to make proper decisions over certain obstacles. The whole Content Code are available in Appendix K.

2.16 The Content Code Jurisdiction.

The scope of the Content Code is defined under Section 213 (1) of the CMA 1998 which states that the Code “shall include model procedures for dealing with offensive and indecent content extending and not exclusive to:

- Content classification.
- Collation of complaints.
- Content suitability.
- Portrayal of local culture and identity.
- Public education on content regulation.
- Other related concerns to the society.

In general, the compliance with the Content Code is **voluntary** as provided under Section 98 (1) of the CMA 1998. where compliance with the Code shall serve as a **defence against prosecution**. Under Section 104 of the CMA 1998, the MCMC may introduce a mandatory standard to provide for the low level of compliance with a voluntary Code. Meanwhile, under Section 99 of the CMA 1998, the MCMC is empowered to direct a person or class of persons to comply with a registered voluntary Code. Any complaint on matters covered by this Code received by a Code subject should be resolved by the parties concerned.

The Content forum through its Complaints Bureau shall receive, consider, mediate and if necessary, adjudicate and make a ruling on matters such as complaints and grievances relating to alleged breaches. The Complaints Bureau comprises of an appointed chairman (a retired judge or senior judicial officer) and six members of the Forum; one representing each of the six affiliations. The Complaints Bureau shall:

- a) Consider and deal with complaints relating to content as provided for in the Code.
- b) Investigate any Content which is considered to be in breach of the Code without necessarily having a complaint.
- c) Rule on any dispute arising between members of the Forum or between a member and non-members.
- d) Interpret provisions of the Code when the need arises or when a request is made.

In the event of a breach of the Code, the Bureau may impose fines and other penalties permitted by virtue of this Code (CMA, 1998). This includes:

- a) The issuance of a written reprimand on the offender,
- b) The imposition a fine not exceeding Malaysian Ringgit Fifty Thousand (RM50,000); and / or,
- c) The removal of the Content or cessation of the offending Act.

It is reported that CMCF have received a total of 431 complaints over content issues in the year 2013 (see Table 2.1), and more than 1,200 complaints since it was established in 2004.

Table 2.1: The numbers of content complaints, received by CMCF in 2013.

Category	Number
Advertisement	19
Mobile Content	158
Broadcast Content (TV / Radio)	20
Internet Content	230
Others	4
Total	431

The overall process of the Content Code mechanism and processes can be displayed in the figure below:

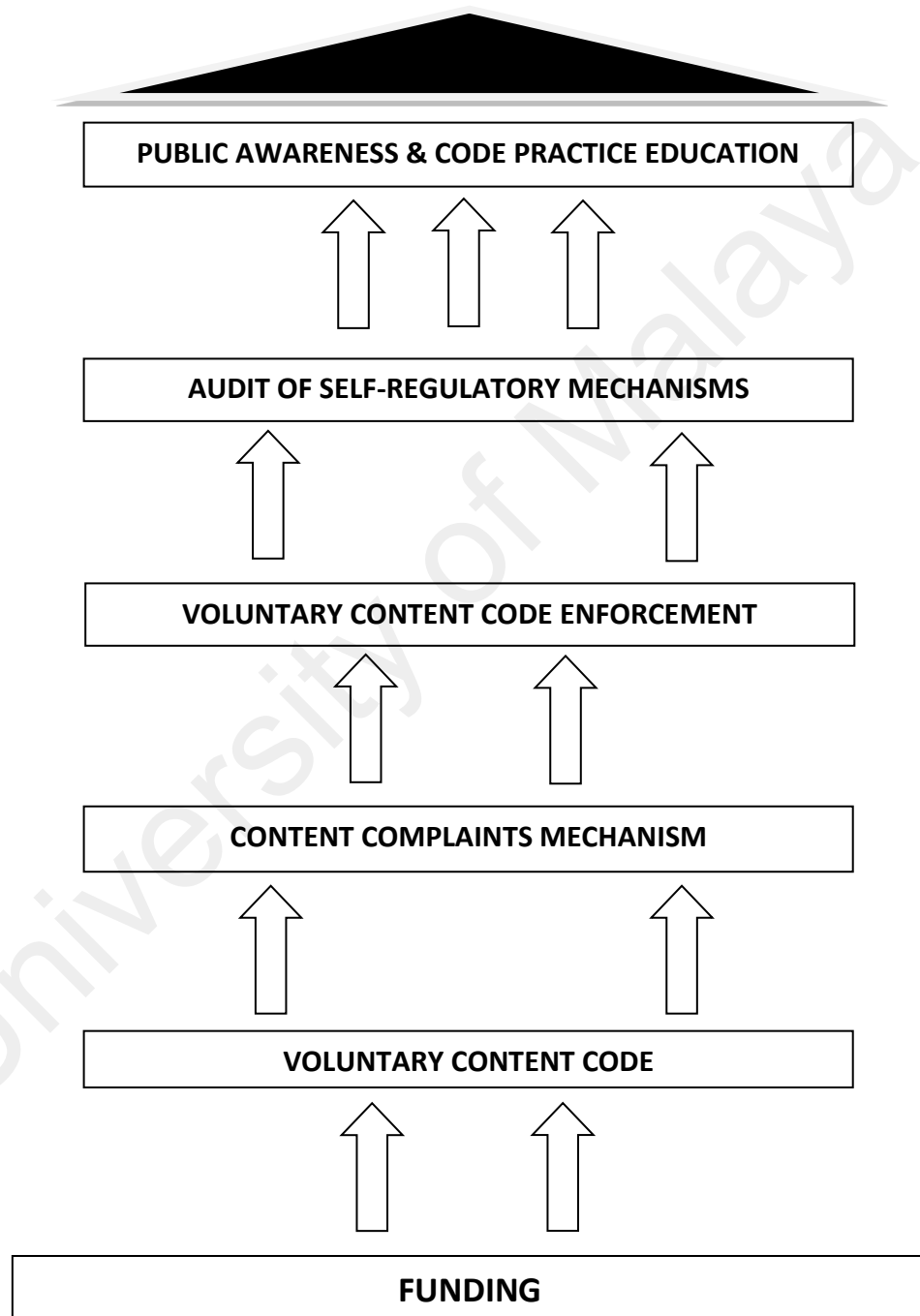


Figure 2.4: The Processes and Implementation of Malaysian Voluntary Content Code

Table 2.2: The Explanation of the Terms in the Malaysian Voluntary Content Code Processes and Its Implementation.

No.	Component	Explanation
1	Funding.	Funding the establishment of the CMCF and Content Code from a government fund through the MCMC.
2	Creation of a Content Code.	<p>Content Code was created and written by media professionals, media practitioners, regulators, civic group members and educators.</p> <p>The Code represents the implementation and enforcement of self-regulatory mechanism practices, dealing with specific content issues that consumers have highlighted through enquiries and complaints.</p> <p>Codes are written in a clear and explicit manner with periodical revision to remain relevant and timely.</p> <p>Representatives from industry, the Civic Groups are involved</p>

		in consulting and reviewing the Code.
3	Complaint Mechanism.	<p>A complaint processes and mechanism is be managed by the CMCF's Complaint Bureau, led by a former lawyer or regulator.</p> <p>The complaints received from the public will be accepted from all sources (email or written sources) and screened before tabled to the Complaint Bureau Committee (representing members from selected CMCF Council Members).</p>
4	Code Enforcement.	<p>If a complaint remains unresolved by the committee, a hearing shall be held by an appointed committee tribunal committee to try the alleged offender(s).</p> <p>If a case is proven to have breached the Code, a penalty should be imposed to the alleged offender(s).</p>

		<p>An appeal procedure will be made available and the hearing committee will make the final decision whether to accept or deny the appeals.</p> <p>The verdict of the hearing (in written form) will be tabled to the CMCF Council committee.</p>
5	Audit of Media Self-Regulation.	<p>There is a periodic audit mechanism to monitor the implementation and enforcement of the Code are done by the CMCF and MCMC based on these matters below:</p> <ol style="list-style-type: none"> To identify efficiency of Code practices. To resolve the impact of Code implementation. To review the Code enforcement procedures and to get feedback from the industry or public. To review the content of the Code periodically so as to create a valid and reliable Code upon facing new challenges, obstacles and technology advancement in the Malaysian media industry.
6	Public Awareness and Code Practice Education.	<p>The Content Code and procedures of handling the public / industry content complaints to members of the industry, government and public.</p> <p>Practices of the Malaysian Media Self-regulation have to be academically taken into schools and institutions of higher</p>

		<p>learning as curricula which educate students and raise their awareness about the regulation.</p> <p>Therefore, it is essential for the related authorities to organize periodic public campaign pertaining to the Self-Regulation Practices in Malaysian Media Environment.</p>
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2.17 Previous Researches by Scholars.

The previous researches carried out by earlier scholars had focussed on the natural roles of the media system and journalism practices among the European, American and several Middle-Eastern countries, but less from African or Asian countries. (Eberwein et. al, 2011). The emphasis of those studies were essentially on media accountability practices, which comprise of media accountability systems / instruments which compare the roles of press councils, the practicality of journalistic codes of ethics as well as the implementation of ombudsmen media accountability concept . These were evident in several studies in the United State of America (USA). Nevertheless, studies about the media accountability mechanisms have been widely spread to encroach into the new media technologies, especially in Internet and online newsrooms (ibid, 2011).

For this study, the researcher shall be guided by several recent researches done by Bartle & Vass (2005), Eberwein et. al. (2011), Krogh (2012) and Heikkila & Domingo (2012) who had discovered the various roles and dimensions of media accountability and self-regulation practices.

Bartle & Vass (2005) through the study about 'Self-regulation and the regulatory state' discovered that media accountability and self-regulation in Britain has been practised throughout the 19th century. The self-regulation approach, at those times may refer to regulate various trades, industries and professions during and after the industrial revolution (ibid, 2005). The trend of the self-regulation mechanism in Britain has been reinforced and adaptively changed in the new media era.

According to the study, new trend of self-regulation mechanism in Britain is depends on the prominent issues of public accountability, effectiveness, efficiency, and acceptability of the system and the establishment code of conduct. (Baldwin, 2004, Bartle & Vass, 2005). The media are accountable to the public favours and interest of being projected to deliver proper content and to display good roles to the public. The study suggested that the 'co-regulation' mechanism, embedded with the self-regulation practices, to become an effective regulation in the country. The new concept which is introduced would benefit the media, regulators, and the public. The system tied up the relationship of the state or regulators, the media and the public to perform and monitor the proper self-regulation mechanism in a very cost-effective outcomes, build the public trust and confidence with the media credibility, and also portray good governance.

In this case, the industry will enjoy self-regulating process and to ensure they will be able to foster their performance, while the regulators have to proof that the co-regulation mechanism will be cost-effective and efficient to both, the industry and public. To meet the satisfaction and performance-based to this system, it requires transparency mechanism. (Moran, 2003 and Bartle & Vass, 2005). The transparency would require:

- The regulators should be clear about how self-regulatory mechanism can be used to meet the public interest responsibilities.
- The instrument for monitoring, enforcement and performance measurement of self-regulatory mechanism should be cleared, which require analysis between expected and outcomes.
- The constitutional framework for self-regulation and co-regulation should be understood among the parties involved and suitable to be implemented and practiced.
- Regulators should educate the public about the role of self-regulation and co-regulation to enhance the public confidence with the system (Bartle & Vass, 2005).

The study done by Eberwein et. al. (2011) is to make a comparison of media accountability practices among the European countries. The research observed that how various kinds of media accountability instruments (MOI) are implemented and practised in different media system across Europe. The awakening and emerging of new media technology (especially Internet) has changed the landscape of each country's media accountability implementation and practices. Eberwein et. al. (2011) reported in the study that the role of journalists had become more complex, in terms of making such decisions over the online contents, as it will reflected to the media credibility. It can be explained that in Austria imposes the democratic and liberalized of media accountability approach, whilst there are less media accountability instruments being imposed in Germany. For the France and Romania, the media criticism presence can be found mostly in entertainment fields, such as comedy, satire, etc. These countries, which have a high political influence in their media, are found difficult to impose the media accountability system.

Krogh (2012) research on the Media Accountability in Relation to Media Criticism and Media Governance in Sweden 1940-2010, identified that the Media accountability, media criticism and governance are inter-related, in terms of roles and influences. Krogh found that the media criticism type, level and concentration would affect the functional of media governance and also the process of media accountability. The media governance is influenced by different factors, such as political stability and environment; international environment (such as global economy interventions, open markets, etc.) would affect the roles, implementation and projection of media accountability in Sweden. To overcome to this problem, media practitioners have to defend the credibility of media roles and public influences (including editorial credibility) by projecting positive public relation campaign.

By referring to the media frames, which has been introduced by Quails (2000), it is learned that the media criticism are capable to connected and influenced more than one frames, and may put the media organisations under difficult situation to avoid it.

“The media accountability in Sweden has become less dependent on the corporative negotiations between organized interest and political assemblies,” (Krogh, 2012)

The study notified that both parties acknowledge the presence, roles, and credibility of accountability processes, in order to preserve the press freedom of expression in the country. On the other hand, the media enjoy the existent of the self-regulation practices, which is a part of media accountability approach, whilst the government of Sweden found that it is difficult for them to control the power influence of media criticism.

The research done by Heikkila & Domingo (2012) about comparative study on how the media accountability is developed and implemented in thirteen countries in Europe (Bulgaria, Finland, France, Germany, the Netherlands, Poland, Serbia, United Kingdom), the Arab countries (Jordan, Lebanon, Syria, Tunisia), and North America (USA), have come out with the study maps of media organisations performance, media criticism, and media credibility among each countries. The study had explored the relationship between the roles of media and the political influences, and economic interventions and how it affected to the processes and development of accountability on the new media, especially in Internet.

The Internet's roles, as a medium of new media which promoted the self-regulation mechanism, have become a paradox to the media accountability in journalistic practices. In this situation, the study recommended that the implication of media accountability online practices is different from a country to country, depends on a few factors, such as perception of journalists, media organisations, the influence from the political and economic of the media, and the media credibility within the journalistic field. (Heikkila & Domingo, 2012). Finally, the study endorsed that the roles of Internet media has become an effective medium to promote the ethics among the journalist and nurture the transparency and responsiveness of the media credibility, where are a vital instruments of the media accountability.

Harmonis (2012) in her research, has drawn out Media Accountability in Indonesia could be presented into a few elements, consists Politic (Government), Parliament, regulators, media market system and public. These elements have become an instruments and tools to understand more about the practices of media regulation in the country. The power influences of media market, public demands, and independent regulators (who are accountable to monitored the media practices) are the dominants

elements which contributes to the establishment of new laws and regulations related to media in Indonesia.

A recent study of Malaysian Broadcasting regulations has been reported by Peng Kee, et. al. (2015) explored that the Malaysian public sphere is extremely influence on the regulators and regulatory bodies when deals with public criticisms on media issues. The study also showed that the regulators are bond into a good relationship with the broadcast media players. They recognised that the current media regulation is adequate enough to be exercised by both, media player and public. However, they feels that media co-regulation approach is more appropriate rather self-regulation practices.

Zaiton (2013) had done comparative study of Malaysia and UK regarding the media ownership regulations. She indicates that there was a lacking of regulatory commitment on the Malaysian media ownership regulations, compared to UK media. It is proven that the UK has implemented a mechanism of controlling media industry ownership which allows competitions in large multinationals environment. The UK had applied the media ownership regulations, reflective to the new technological changes. However, Malaysia is more interested focusing national interest, rather than to respond to the issue concentrating to media ownership. It is learned that media legislation in Malaysia would be highly politically sensitive. The frustrated scenario is the Communication and Multimedia Act 1998 had not covered media ownership ruling issues.

Malaysian local researcher, Siti Zabedah M.S, and Rohayu K. (2012) use In-depth Interviews and Focus Group approach comprising 3 small groups of local communities and media practitioners to conduct a study on the public role of understanding about regulating content. Their study revealed that the presence of Content Code to list down

content guidelines and to be a mechanism of content monitoring for the local media, seems to satisfy the public and also media practitioners.

At the early stages when CMA was introduced, there are many arguments, debates, and criticism among the media practitioners, and even the most of the public were not aware about the presence of the act. (Zabedah and Kosmin, 2012). The confusions about the term of “Self-regulation” and “self-regulatory” have been a long debated among the regulators and media players. CMA has been understood to be implemented in such way, it is lack of government interferences in managing and solving local media regulation problems and cases. Zabedah discovered that there are gaps of knowledge and understanding among the regulators, media players and public about the concept and enforcement system of media self-regulatory mechanism, which need to be cleared by Government and MCMC.

The respondents of the study, however expected that the Content Forum (CMCF) need to preserve the development of local content that should be represented the national values and identity. For this reason, Zabedah suggested that CMCF should be given enough opportunities to promote the self-regulatory mechanism and to educate the public and media players to practice the self-regulation regularly.

The study also identified that MCMC need to plan strategies promoting Self-regulation awareness among the public efficiently, as most of the respondent of the study confused about the roles of MCMC, as well as the enforcement system implemented by the Government to deals with the media content issues.

2.18 Conclusion.

Chapter two has thoroughly elaborated the history and development of electronic media in Malaysia from the early years of British colonial era to the present-day 21st century. It started from the Film (Censorship) Act 1954 to the Communications and Multimedia Act 1998 that saw the changes of ministerial structures to proactively support the growth of convergence industries. The Malaysian Communications and Multimedia Commission Bill has created the self-regulation practice in the country and support the ensuing formation of the Communications and Multimedia Content Forum (CMCF) in 2001 which continues to exist until now. The Malaysian government whole heartedly embraced the self-regulation practices among the convergence industry practitioners in pushing to accelerate the growth of the industry in order to boost Malaysia to attain the status of a fully developed country by the year 2020.

CHAPTER 3

THEORETICAL FRAMEWORK

3.1 Introduction

This section will deliberate about the associated principles that developed the theoretical framework of the study. It began from the foundation of media accountability theory and models that explained freedom in communication, media independency and media answerability. It will be followed by media regulatory approaches that enlighten about co-regulation, de-regulation and self-regulation.

3.2 The Media Accountability Theory

For the government, the media used to be a mere observer, mediator or participant; irrespective whether willingly or not. The obvious function of the media as the information disseminator has made it an influential agent for public opinion (Iyengar, 1997; as cited in McQuail, 2003). The changes of new media technology have also made it inevitable to revolutionize the practices of freedom and accountability of media (McQuail, 2003).

Media accountability can be defined as the process by which news organizations or journalists are obliged to render an account (explanation or justification of one's conduct) of their activities to recognized constituencies such as audience members, news sources, advertisers, personal colleagues or government regulatory bodies (Pritchard, 1991). The processes of media accountability are extremely influenced by the social, cultural and political environment in which the news organizations exist and

where the accounts are demanded. Pritchard studied the role of Press Councils as an effective system of media accountability in Quebec, Canada. He found that the Press Council had to become a professional body which can be more responsible to the media behavior and protect the journalists' role based on standard practices or guidelines.

Bertrand (2000) and Eberwein et. al., (2011) indicated that the aims of the media accountability are to:

“Improve the services of the media to the public; restore the prestige of media in the eye of the population; diversely protect freedom of speech and press; obtain, for the profession, the autonomy that it needs to play its part in the expansion of democracy and the betterment of the fate of mankind.”

From such a general definition, media accountability represents voluntary or involuntary processes by which the media is answerable (directly or indirectly) to their society for the quality and / or consequences of publication” (McQuail, 2005). McQuail (2003, 2005) and Krogh (2012) indicated that media accountability can become a platform to pressure governments to exercise their power. The media would bear the responsibility to promote public interests as a tool to aggregate public opinions (Siebert et. al, 1956; McQuail, 2003 and 2005; Christians et. al.). However, McQuail cited that the roles of media justifications for their freedoms, their extended roles in society, politics and culture, were extremely dependent on the public interests. In the imperfect world, these invite inevitable tension, compromise and improvisation (McQuail, 2003). The concept of public interest had become a positive idea for an aggregate of individuals to develop a mixture of positive philosophical attitudes and other values (Ward, 2010).

McQuail (2000) expanded the theory of Social Responsibility from Siebert et. al. (1956) with additional society and cultural contexts. These elements turned out to become important pillars in the formation of the Media Accountability theory. The main principles of the theory are:

- a) The media should be able to accept and fulfill certain responsibilities towards the public.
- b) The responsibility should be contended with a high standard of professionalism such as informative, truth, concise, objectivity and balance. During the extension of embracing this responsibility, the media should know how to self-regulate, abiding to the current laws, regulations and authoritative bodies.
- c) The media should by all means avoid all kinds of evil elements that could damage societal norms or insult minorities, regardless of ethnicity or religions.
- d) Overall, the media should act like a generalist that reflects religion and multi-cultural societies; giving equal chances of fair views to certain issues and providing a means for feedback.

Since the media is largely responsible for shaping public opinions, scholars like Edmund Burke, Jeremy Bentham and James Mill have promoted it as a social actor that is supposedly responsible to be accountable. For example, the news media (press or television) has been accountable to examine government, independent or private organizations. The way the media broadcasted various scandals, issues and events to the public has made it as an independent party to practice as a truthful mediator or in other words, “to be accountable”. As Schudson (1995) had quoted, “the press can serve as a stand-in for the public, holding governors accountable; not to the public, but the ideals

and rules of democratic policy itself” (as cited in Maia, 2009). This defined the role of the media beyond an agent of public opinion, but also as an independent party that chose to be accountable in publishing or broadcasting news to the public.

The fall of News of the World (NOTW), a bestselling English language media, has led the Australian government to establish the Independent Media Inquiry (IMI) as a reactive measure that re-examine the effects of Media Accountability, a testimony that by neglecting ethics and accountable practices, any media entity can go out of business. This has also forced media practitioners to emphasize their ethical codes and right practices when publishing or broadcasting news to the public. Like it or not, the media do need to seek the public’s trust so that they will be perceived as an accountable agent. However, it did not infer that the public as a professional auditor who decides whether media practitioners are ethical beings or not. Instead, it is about determining or assessing to what extent they can trust the news. One of the quotes published in the Independent Media Inquiry (IMI) report mentioned:

“Often, however, readers are not in a position to make an appropriate informed judgment (regarding any editorial content). They expect news and stories that they read to be accurate. Usually only the authors / publishers and the subjects of the stories know the extent to which each story lives up to that expectation.” (Finkelstein, 2012, pp. 110-111 as recited in Lidberg, 2012).

Most media companies agreed that the public trust is their major asset, especially in the challenging media technologies nowadays where audiences can freely choose which media they can opt to use. Consequently, the target of achieving public trust permits media companies to build their own editorial independence, integrity, fairness and

balance. All of these factors will magnify public's perceptions on media accountability. Inevitably, achieving such accountability is best done by having some form of structured media regulation (Kovach, 2007 as recited in Lidberg, 2012).

The Four Estate Media theories introduced by Siebert et. al. (1956) has emphatically explained that the first three estates were held under strict accountability systems. However, the fourth one chanted the concept related to freedom of the media and how its practices should stay informal in order to conserve independency. Nevertheless, this should not excuse the media to abandon accountability practices because accountability is the unquestionable value that enhances media legitimacy in the industry (Lidberg, 2012). Hence, it recommended that to achieve accountability, media regulations ought to be exercised in order to ensure media practices stay relevant.

There are differences in the definitions of “accountability” and “responsibility” in media theories. Accountability is to show a “can-do or a proof that an act is do-able and the doer must prepare to face the outcome” (e.g. a journalist is accountable for his / her reporting and must face the consequences of his / her reporting). However, “responsibility” is another higher level of accountability. Seen from a different perspective,

“Whereas accountability is often referred to as the manifestation of claims to responsibility, the latter is the acknowledged obligation for action or behavior within frameworks of roles and morals.” (Plaisance, 2000; as cited in Middleton, 2009)

Responsibility in media practices is more about the feeling and self-awareness of the obligate to secure and safeguard the best interest of society; also ordinarily known as the

public interest responsibility in media practices. In 1942, the Hutchins Commission produced a report that describe the social responsibility in media such as (1) A truthful, comprehensive, and intelligent account of the day's events in a context which gives them meaning; (2) A forum for the exchange of comments and criticisms; (3) The projection of a representative picture of the constituent groups in the society; (4) The presentation and clarification of the goals and values of the society; and (5) Full access to the day's intelligence (Siebert et. al, 1956; as cited in Middleton, 2009).

The fundamental of the accountability and social responsibility at that time revolved around the need for news to be delivered appropriately to the audiences. This was due to perception that media monopolized the power of information; they must act responsibly for the content they share with the public because it will affect the society as a whole. If the media felt like they should not be responsible for that, Siebert et. al. (1956) suggested that the government or public agency should impose certain stringent measures so as to reinforce the sense of social responsibility among media practitioners.

Owens-Ibie (1994) described the functions of socially responsible media practitioners as follows: (1) They should inform the public of what is really happening in the government; (2) They should report the voice of the citizens in any area that may contribute benefits to the society; (3) They should be the mirror of the society or act like an open book or national bulletin board that are accessible to its stakeholders.

3.2.1. Levels of Media Accountability.

Christians (1989) as point out by McQuail (2003) had distinguished three levels of media accountability as liability, moral sanctions and answerability; which were

similarly analysed by Hodges (2004) and Krogh (2012). The first level referred to the compulsions aimed at preventing harmful materials which came with penalties as an exit punishment to protect the regulations. The second level denoted the moral responsibility which performs the proper forms of ethical conducts such as the code of practices for professional and formal organizations. Whereas, the third level talked about the responsibility of the media to perform the right conducts of their given roles and practices.

McQuail, as mentioned by Krogh (2012) has compelled and summarized those components into structuring the relations between media freedom, responsibility and accountability of their daily practices. That can be illustrated as follows:

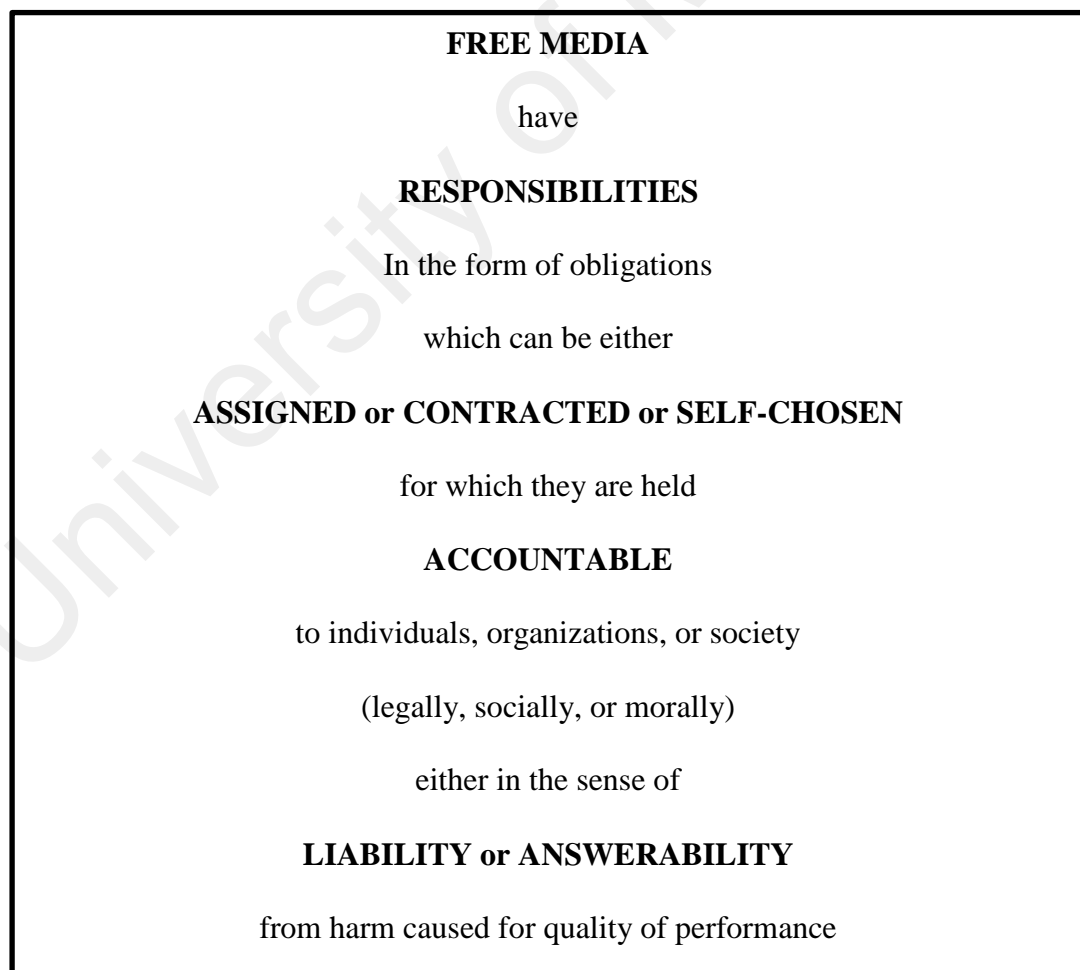


Figure 3.1: The relation of media accountability (McQuail, 2003, p. 203)

3.2.2 Media Accountability Processes.

The establishment of new media technologies such as Internet, multimedia and interactive media have added profound effects to the new forms of media accountability. Those new media technologies that promote freedom and transparency of contents often ended up facing difficulties in managing accountability (Fengler, 2008; Eberwein et. al., 2011 and Heikkila & Domingo, 2012; as cited from Krogh, 2012). The new media accountability process had undergone different phases or stages, namely the Actor Transparency (before publication) which address norms and expectations of public communication to Production Transparency (during the process of publication) and Media Responsiveness which indicate answerability and responsiveness during post-publication junctures (Evers & Groenhart, 2010). These can be shown as in Figure 3.2 below:

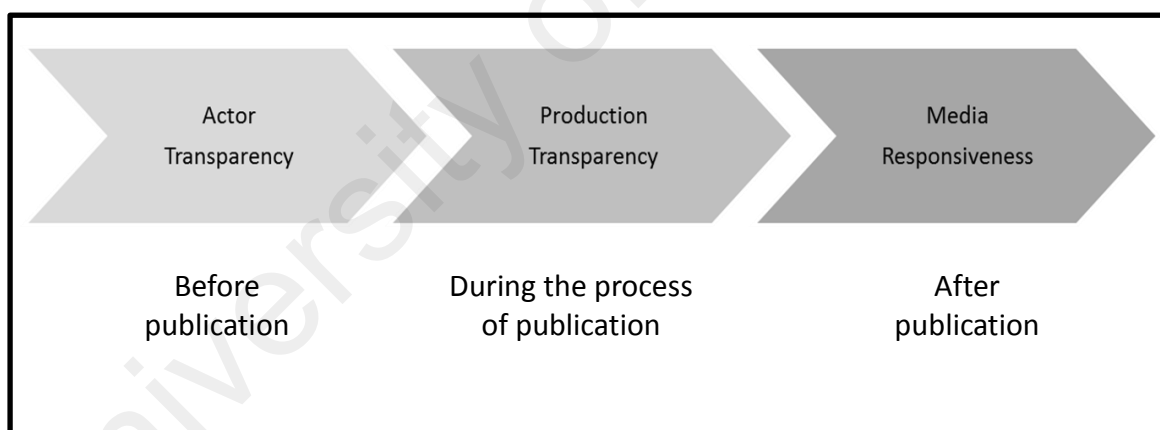


Figure 3.2: The Three Phases in the Media Accountability Process (Adapted from Evers & Groenhart (2010) and Heikkila & Domigo et. al. (2012))

Additionally, Hallin & Mancini (2004) have indicated that the factors which influenced the processes of media accountability are the media systems which refer to the background, structural and relationships between the media and its political environment. The four dimensions have been identified as the key indicators for media accountability measurement, consisting of the structure of media markets, the

relationships within media and political parties, development of journalistic professionalism and character of state intervention.

3.2.3 Media Accountability Frames (In Relation to the Market, Professional, Regulatory Environment and Society).

As a process related to societal structures and governance, media accountability is seen to become a platform to provide different issues which require application of diverse problems (McQuail, 2002). Dennis, Gillmor & Glasser (1989) in an earlier research had introduced four models of accountability which involved the market-place, the self-regulatory, the fiduciary and the legal models.

The Market-Place Model referred to the ideas and expectations of the public to accept and adopt the truth which will be recognized as beneficial to them. On the contrary, the errors and negative effects will be rejected in the competitive market environment. The Self-Regulatory Model referred to the influences of standard forms of professional practices and codes of ethics which have been recognised by the authorities where actions pertaining to any offences shall be taken by the media themselves (ibid, 2002). The Fiduciary Model reflected the media system as practised in the United States since 1930 regarding broadcasting regulations. The Legal Model discussed relevant regulations and legislations which can be used to claim against the media.

However McQuail (2003) had made modifications to the four frames with regards to the new media technology and environment. His new media accountability structure demarcated the models into frames, which were the legal-regulatory frame, the market

frame, the public responsibility frame and the professional responsibility frame. He defined the frames of his media accountability as:

“A media accountability frame is a frame of reference within which expectations concerning conduct and responsibility arise and claims are expressed. It also indicates or governs the way in which such claims should be handled.” (ibid. 2002).

The frame segmentation has been adjusted by various researchers to represent more relevant situations in the new media environment and practices (Bardoel & d’Haenens, 2004 and Krogh, 2012). Bardoel (ibid, 2004) had developed the Models of Media Accountability which indicated that the media is accountable, from the structured powers of the state and market forces as follows:

- a) The Market Frame - demand and supply in a competitive market, good service, consumer expectations and satisfaction.
- b) The Professional Responsibility Frame - professional conduct, code of ethics and sets of standards.
- c) The Public Responsibility Frame - informal social contracts and civil society movements.
- d) The Political / Regulatory Frame - media policies, legislations and regulations.

The media itself was subjected to the rules of law (constitutions, policies and regulations), the professional institutions or organizations are accountable under the ethics codes of conduct while the general public is accountable for the quality of services and satisfaction by implementing self-regulation exercises or market strategies such as managing consumer feedback, complaints, research etc. (Heikkila & Domingo,

2012). From the explanation and the understanding of the Media Accountability frames created by Dennis et. al. (1989), which was later modified by McQuail (2003) and Bardoel & d'Haenens (2004), the complete frames of Media Accountability can be described in Figure 3.3 below;

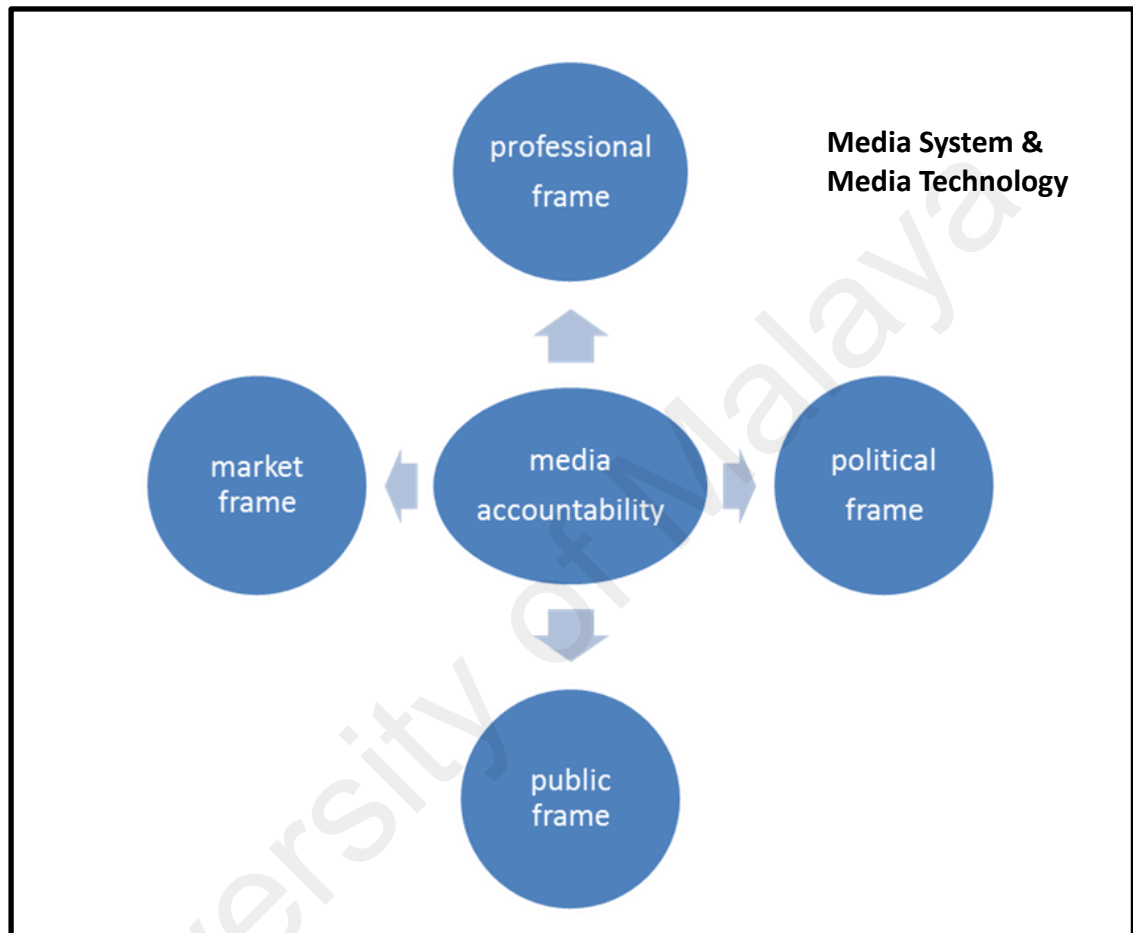


Figure 3.3: Media Accountability Frames (Adapted from Krogh, 2012 and ammended by author)

3.2.4 The Modes of Media Accountability.

Bardoel and d'Haenens (2004) identified that the media is accountable to the state rules and power as well as the market itself, thus the influence of these systemic forces was reflected by media practices. The media itself were responsible and accountable to the rule of state laws, constitutions and legislations in the political system, depending on

which political ideology was adopted and practiced. This is as shown in Figure 3.4 below:

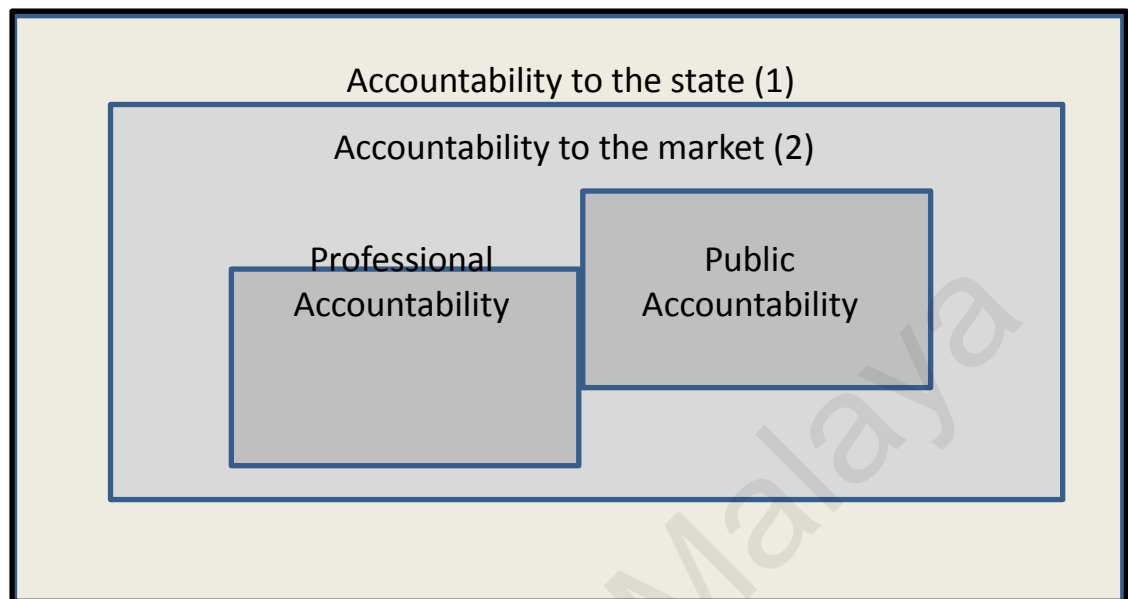


Figure 3.4: The modes of media accountability (Developed from Bardoel & d’Haenens (2004))

The media was also responsible to the market forces as it involved the natural concepts of business models. They have to be accountable to their owners, stakeholders and consumers as a part of the media business model itself. The ownership policies and competition in the market have become factors which will strongly influence media practices. The credibility of media will be measured by the good service delivery to their stake holders and consumers, as well as the resulting consumer satisfaction. Apart from those influential elements, the Professional Accountability is required for the media to adopt the self-regulation approach, such as in establishing professional-ethical conducts, professional codes of practice, media regulations and in-house guidelines, the establishment of media councils etc. This was a strategy to gain public trust and to preserve trustworthy media autonomy and credibility.

The fourth mode of Media Accountability is Public Accountability. Whereby media organizations aim to draw a more direct relationship to their users and recipients (as consumers, citizens etc.), Public Accountability is considered to be the instrument for media to manage responses, public feedback and public complaints. Stakeholders and the general public will be vigilant to how the media behave and consequently react will full autonomy during the decision making processes.

3.2.5 Media Accountability Systems / Instruments.

Bertrand (2000), the founder of the Media Accountability System (MAS), defined the system as any non-state means of making media more responsible towards the public. Eberwein (2011) argued that the term “system” was to some degree unclear and inappropriate due to the lack of theoretical foundation in its theory. “System” should therefore refer to instruments to preserve and protect media accountability, freedom and transparency.

Bertrand (2000) suggested that in order to realise the practises of the Media Accountability System, the ethics codes of practise has to be established. He underlined the reasons why that were needed to imprint accountability in media practices as follows:

- a) The codes inform the public on the particular trade; referring to the rules of conduct that could strengthen credibility, confidence and loyalty among media players.
- b) The codes protect consumers, as it preserves the prestige of professional rules and practice by clarifying the values and principles of the profession. They will boost the media players’ and public’s feelings of confidence, trust and security.

- c) The codes avoid any state's interference as they promote self-regulation practices among all media players in order to preserve the genuine functions of press freedom.

In terms of the codes' interpretation and enforcement upon its adoption, Bertrand (2000) stressed that the roles and functions of the media need to be educated, discussed and slowly integrated among members of organization. This was to certify that they will rely on common sense and rationale thinking based on morality when making any decision on any provision from the codes. To secure the roles and functions of media professional conduct, Bertrand (2000) suggested the establishment of the Press Council would be essential for media organizations to enforce the code of professional ethics and to monitor its provisions among the members. The Press Council itself will represent a form of independent media power and protect them from being annoyed by any state or government restrictions (Heikkila & Domigo, 2012).

White (2009) indicated that the Media Accountability System needs to serve a number of purposes:

- a) To advocate journalistic independence and media freedom in society.
- b) To promote the rights of the public to be informed.
- c) To campaign for conditions that will enable journalists to serve their public better.
- d) To foster better understanding within democratic societies at all levels about the roles played by independent journalists.
- e) To support journalists in their work and to encourage professional solidarity.
- f) To mediate complaints from the public transparently, free of charge.
- g) To offer remedies for unethical conduct by journalists.

- h) To help build and sustain trust between journalists and the public.
- i) To exert political and economic pressure, if and when necessary.

To consider of the new media technology in the digital age, the definition of Bertrand's Media Accountability Instrument (MAI) requires roles and functions extension. Russ-Mohl (2003), Fengler (2008) and Eberwein (2011) identified the concept as:

- Established instruments of media accountability which includes press councils, ombudsmen, media journalism in trade journals, media criticisms in the mass media letters to editors correction boxes etc.; and
- Innovative instruments of media accountability involving online, such as editorial weblogs, website monitoring of news content, online ombudsmen, media critiques and activities on Twitter, Facebook as well as online conversations etc.

The definition of the Media Accountability Instruments (MAI) have been reconsidered and extended, as the vast roles of Internet in the digital age had changed the landscape of new media. Russ-Mohl (2003), Fengler (2008) have re-classified MAI as:

“Established instruments of media accountability which includes press councils, ombudsmen, media journalism in trade journals, media criticisms in the mass media, letters to the editors etc.”

The functional levels of Media Accountability instruments in practise, which have been adopted into the digital age environment are illustrated in Figure 3.5 below,

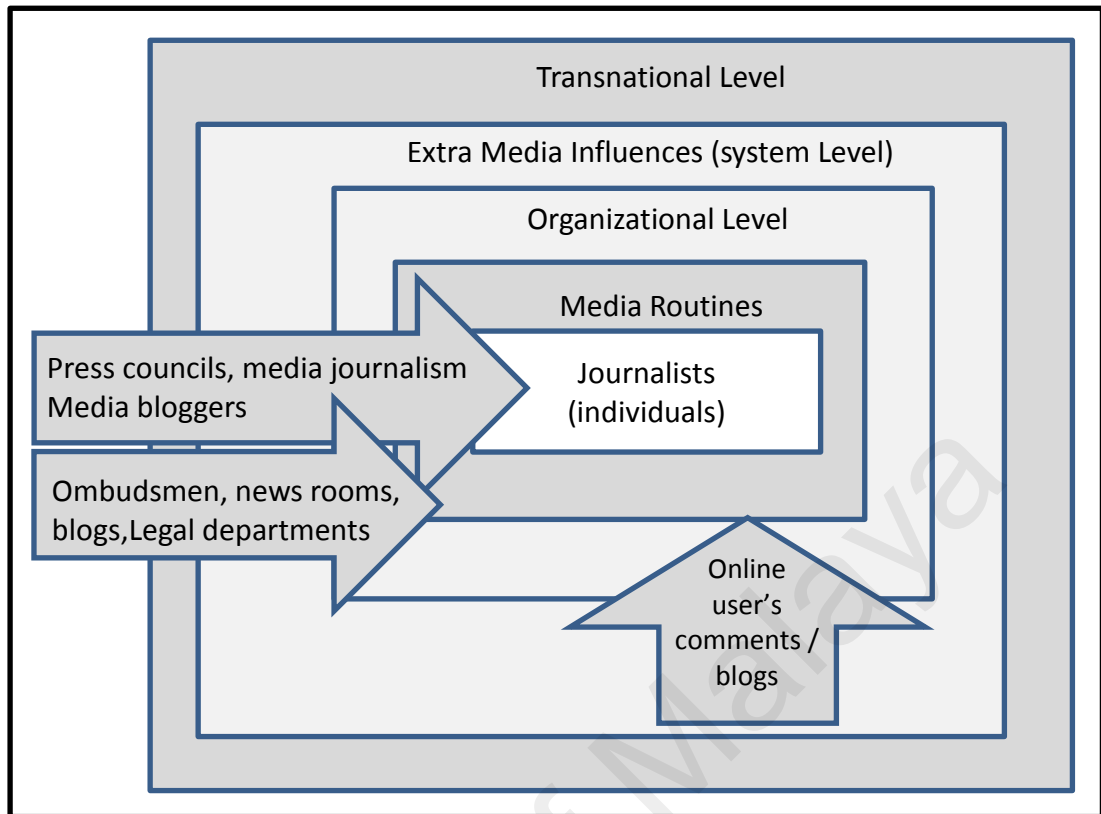


Figure 3.5: The Levels Functional of Media Accountability Instruments (MAIs) in the Digital Age. (Adapted from Shoemaker and Reese (1996) and amended by Fengler (2012)

From Figure 3.3 above, it can be learned that journalists, as individual professionals are accountable for his / her work of ethics on how they deal with current issues and situations within his / her own decision. Individual characteristics, professional roles, beliefs and attitudes may influence the media content (Shoemaker & Reese, 1996). Figdor (2010) indicated that journalists have an ethical responsibility to preserve their sceptical awareness of their own prejudices on issues but they have to practice the rules and regulation accordingly, as to avoid their personal biases to be influenced into their media works. Figdor stated “belief in the inevitability of bias turns the need for epistemic responsibility among those shaping public discourse into a private virtue” (p.

20). It concluded that the significance symbiosis relation between personal morale and working ethic, in term of decision-making practices.

The higher level would be the routines level, described as the influence of media environment which encompass the search for newsworthiness which are prominent or of “human interest” to the public. Journalists are answerable and accountable to their editors who decide whether or not to publish the content. In the digital media age, accountability instruments that have the ability to influence the media system at this level would be Press Councils, trade journals, media journalism, media bloggers etc. (Fengler, 2012).

The upper lever in Media Accountability Instruments (MAIs) is the organizational level which emphasized differences in organizational roles, technology and market; which were influenced by ownership, stakeholders and media policies (Shoemaker & Reese, 1996 and Bardoel & d'Haenens, 2004). Market forces and economic influences would become the powerful accountability instruments at this level to demand and to measure media credibility. In the digital age, the organizational level will be influenced by users' comments from the webs and blogs. As media audiences grew more involved in media accountability activities, they can become influencers on the impact on journalists' reputation (Fengler, 2012).

For the extra media level (system level), the media is accountable to various sources of influencers such as advertisers that have the ability to decide what kinds of content best suit the consumers. Media will have to tailor their contents according to the consumers' preferences; otherwise the advertisers will retract their advertisement once they disagree with the content (Shoemaker & Reese, 1996). The other sources of influencer at this

level would be the government regulations and policies which indicate specific demands or interests on the final content for the benefit of the state or nation. Media is also influenced by the new media technology, such as Internet which has become the most prominent platform for audiences to measure media journalism as well as the credibility and reputations of journalists.

The highest level of the MAIs is the transnational or ideological level. The media behaviour in the structural system is heavily influenced by the ideological characteristics of culture and political systems such as capitalism, liberal democracies, Marxism, media hegemony and communism. In the larger perspectives, globalization and the free market environment will reflect the roles and functions of the media. Shoemaker & Reese (1996) indicated that,

“...the processes taking place at lower levels of the media system are considered to be workings towards an ideologically related pattern of messages and on behalf of the higher power centres in society.”

The establishment of some online media behaviour of innovative instruments have replicated the offline media channel and transformed new media aggressively to become credible sources of MAIs. Audience participation in the media accountability process through online channels have become crucial to the media systems under the political constraints in several countries (Eberwein, 2011), hence forcing the government to limit journalists' roles in criticizing numerous political issues online.

This model helps to clarify several underlying factors that could be influenced professionalism in journalism, or media in common and the way professional work is

done. The professionalism of each journalists or media practitioners can be measured from their self-morale factors and which organisation which they belong (Figdor, 2010). By implementing codes of ethics as a ultimate guides to journalists or media practitioners, it will preserve their professionalism characteristic, especially in decision-making and applying routine works in an organisation. Such regulation provides a protection against public criticisms. In vast technology changes era, news and media contents are transparent and getting easy to disseminate to the public. This phenomenon will affected the values of the media professionalism if the media players and audiences not bother to practices the code of ethics.

Muller (2005), from his study about the roles of Media Accountability in the liberal democracy, has found the new media theory. It extended from the scope of Social Responsibility by positioning a social contract between the media and society as a functional system that reflected the effectiveness of the Media Accountability concept. That was named as the Social Contract theory. Under this model, Muller described that the media will not just enjoy practicing their roles to publish and display such content under the freedom or expressions; but concurrently, the society also had a right to monitor and hold them accountable for their job performance.

The media will be accountable for their published materials and how they behave in the society. Meanwhile the society will judge them according to the level of their roles, functions and responsibility of promoting acceptable and correctly mannered contents to the society. This mechanism will reflect how the media will portray them. They must present positive images and preserve their credibility; and let the society become part of relationship in the system. It will project how the both parties, media and society, share

to accommodate each other; promoting and applying acceptable roles as “checks and balance”. The concept of the theory is illustrated in Figure 3.6 below:

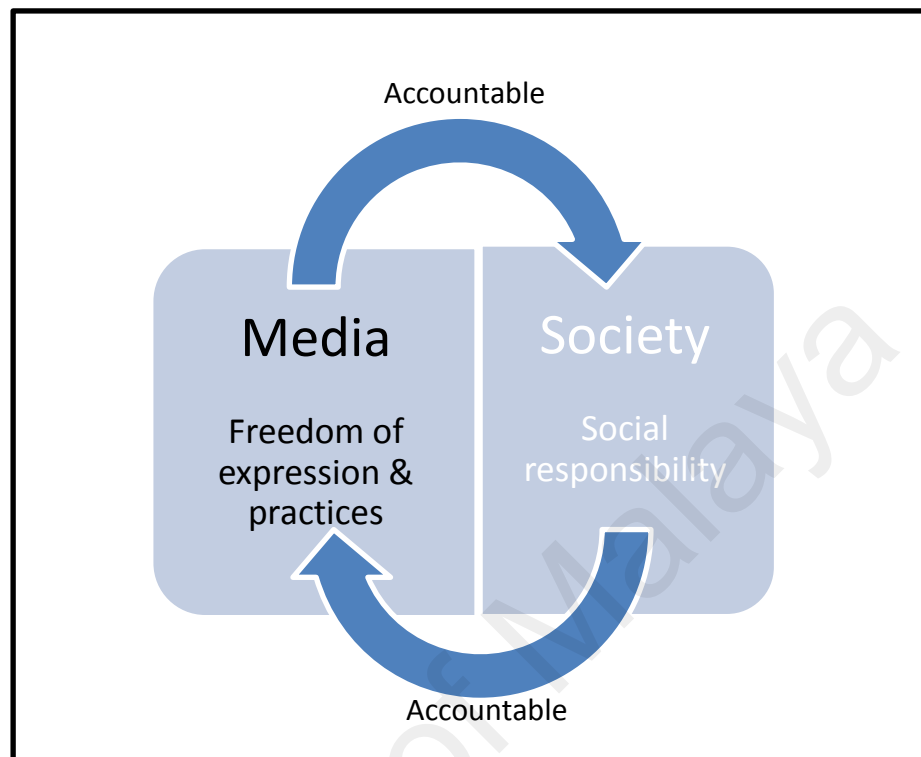


Figure 3.6: The Illustrated Theory of Social Contract
(As interpreted by author)

3.3 The Media Regulation Approach.

The controversial pricing wars, monopoly, ownership and control of the press have turned into a heated political issue in Britain which eventually brought about the demand to provide guiding regulations so as to protect public interest in the chaotic midst of media pluralism. This was a significant signpost that political power is inevitably being unjustifiably exercised and imposed in the mass media. Resulting from that, *Ofcom* was established to regulate the content code to all media practitioners, hopeful to reflect the context of public interest in their publications or broadcasting. This was derived from the hiccups of the Communications Act 2003 that revisit the

Enterprise Act 2002 in Britain media regulations. However, the practice of content code regulation was still seen as elusive and vague. There were several blurry lines in the hierarchy of processes and delineating which content issues should qualify for public interest intervention (Feintuck & Varney, 2006: 134).

In the end, the need of the state's intervention in media practices was seen as unavoidable towards ensuring freedom of speech which was prevalently thought as the most basic human right. Regulations were to ensure that no single media corporation monopolizes the industry. Apart from that, since the primary objective of media channels was to reach out to the masses, only the state could impose some form of media control since they were the ones providing funds to develop and sustain the media channels. The state did not only have to provide the means, they also facilitated the human capital as required by the media practitioners, inclusive of providing education, on the job trainings and human resources welfare.

The broadcasters also have to abide by the spectrum quota as agreed through the state's intervention. Puddephatt (2011) qualified this matter as:

“The main justification argued by governments is that broadcasting uses spectrum; and spectrum is a public resource, allocated to nations in accordance with complex international agreements. As such, it is a scarce resource. There is only so many spectrums available for broadcasting use in each country. Therefore, because it is a scarce resource, it is valuable... it is therefore reasonable for the state, as the owner of the spectrum, to place obligations on broadcasters who use that resource.”

The quote above firmly clarified that the broadcasters will never have total freedom in media practice since they need to abide by the regulations and provisions set by the state. The functional dimensions of media accountability and social responsibility approaches represent different types of media regulations in practice. To shed light into this perspective, the research shall look into several media regulatory approaches that have been implemented in various countries.

3.3.1 The Self-Regulation Model.

The media is held accountable for their respective actions in their individual practices and have less provisions of government intervention. This was seen as the industry's to regulate their own practices by establishing a content code which was to be followed by all media practitioners. Self-regulation is a voluntary effort which ensures less intervention of legislation bodies on media practitioners. This was also as a mechanism to guarantee media independence. For example, in Britain's advertising code, the Advertising Standards Authority (ASA) was established in 1962 to officially practice the Code of Advertising Practice (CAP). Prior to that, the legislatures controlled the Broadcasting Act in Britain. In safeguarding the independence of the body, ASA was funded by industries, and not the government ("Self- and Co-Regulation: The Advertising Standards Authority," 2009).

That was beneficial for both sides as the media got to practice their own terms of freedom of expression; and it was less costly for the government to intervene with media practitioners in the country. In contrast, the media environment in the 21st century nowadays has become global and virtual, rather too complex for the authorities to command. Therefore, media self-regulation is seen as a very important measure to adapt

with media environment and boost the profile of media practitioners who can increase their internal and collective professional codes of conduct for a better organizational culture (Puddephatt, 2011). For example, the BBC channel network has shared their own self-regulation view:

“We must therefore balance our presumption of freedom of expression with our responsibilities: to respect privacy, to be fair, to avoid unjustifiable offences and to provide appropriate protection for our audiences from harm.” (Puddephatt, 2011).

In order for the media to feel blessed being independent from government intervention in their media practices, self-regulation had to come with certain responsibilities to the society. Media practitioners had to ensure that their publication or broadcasting content do not evoke negative messages to the society, particularly in giving coverage on sensitive issues such as religion, sexuality, crime and domestic conflicts. In addition, media practitioners must ensure that their content was always accurate, fair, impartial, kept private, avoid public harm and truthful (Puddephatt, 2011). Moving from that, Bartle and Vass (2005) have identified five types of self-regulation:

- a) **Co-operative:** cooperation between the regulator and the regulated on the operation of statutory regulations.
- b) **Delegated:** the relationship and delegation of the implementation of statutory duties by the public authority to self-regulatory bodies.
- c) **Devolved:** the devolution of statutory powers of self-regulatory bodies can be defined as ‘statutory self-regulation’ with specific self-regulatory schemes in statute.

- d) **Facilitated:** self-regulation explicitly supported by the state but is somehow not backed by the statute.
- e) **Tacit:** this category is close to 'pure self-regulation' but with minimal intervention support from the state.

It was found that the categories listed by Bartle and Vass (2005) were based on the points view of the regulators and how they defined themselves through functionality of their roles. However, Chen (2010) has proposed another five types of self-regulation which are based on the level of state intervention and collaboration. It can be described as below,

a) Consensual self-regulation.

Ogus (1995) and Chen (2010) preferred this termed as individualised self-regulation. The approach involved agreement between two parties, for instance employers and employees, through the processes of consultation and negotiation. The regulation such as codes of practice or guidelines would benefit to both parties as it will suit situations and conditions fittingly.

b) Enforced self-regulation.

This involved the collaborations between two parties, the individual firm and the state. It formed the regulation to be embedded as regulatory standards to be imposed by the state (Ayers and Braithwaite, 1992). The regulation will have to be approved by the public. If the firm failed to enforce such regulation, the regulation can still be enforced to the public. The enforcement of self-regulation is illustrated in Figure 3.7:



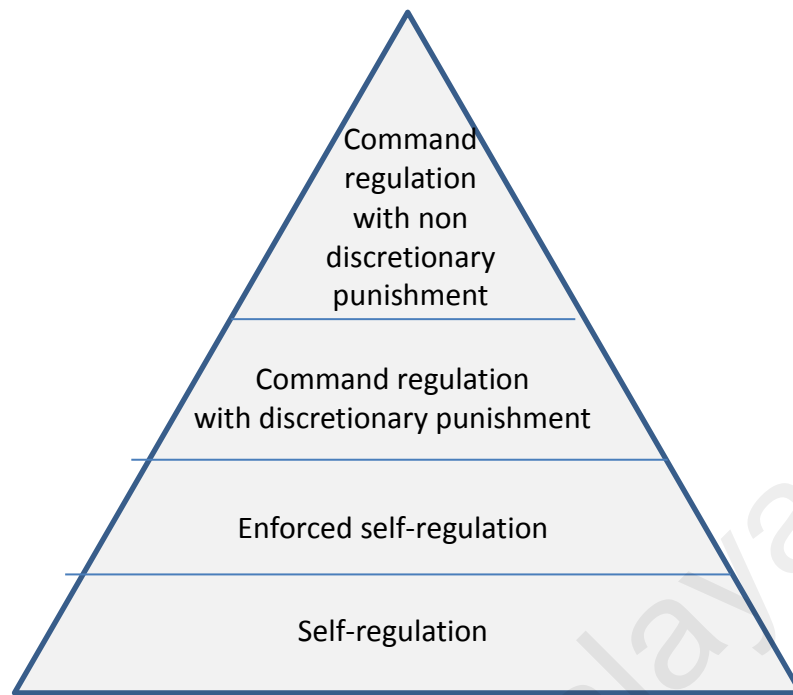


Figure 3.7: Pyramid of enforcement strategies

(Ayres and Braithwaite, 1992)

c) Co-regulation.

This inferred the situation where the government regulator was working together with the industry to draft such regulations which were acceptable by both parties (Grabosk & Braithwaite, 1986). Hence the industry will administer and monitor the code of standards whereas the government will provide the enforcement of the code by using the legislative approach.

d) Mandated self-regulation.

The group of industry players were required to formulate and develop such regulation and framework of implementing a code of standard practices due to the arising threats by the state (Price & Verhulst, 2005). Unwillingly, they had to implement such a regulation so as to follow the state or government requirement of setting the laws.

e) Sanctioned self-regulation.

This reflected the reduced or minimal intervention from the state or government as it was also called voluntary or pure self-regulation (Corn-Revere, 1998 and Yun, 2005). The industry was to refine the regulation and identify its enforcement approaches, subject to approval from the state or government. Corn-Revere (1998) criticised that the formulation of code practices by implementing this approach did not reflect true self-regulation. Nonetheless, Price & Verhulst (2005) indicated that most forms of self-regulations practices will exist with at least minimal intervention or relationship with the state or government, which represent the power source of the nation.

The prevalent mechanism in implementing self-regulation is by having News Ombudsmen in the media organization. This independent professional body will take care of complaints from the readers or viewers to uphold the credibility of media practitioners. The Ombudsmen need to guarantee that the content coverage is accurate, fair and of good taste. In 1922, one of the earliest Ombudsmen was formed in Japan by the Asahi Shimbun newspaper in Tokyo. The United States had its first News Ombudsmen in 1967 when formed by The Courier-Journal and The Louisville Times. Nowadays, Ombudsmen are commonly found almost in every newspaper throughout many countries (Puddephatt, 2011).

The Leveson Reports 2014 on reformation of new self-regulation media practices in United Kingdom (UK) have created a new framework for media accountability and a series of new protections for press independence for the UK (LSE Media, 2014). These are designed to protect independent media from political interference and to establish effective self- Central to this balance is a system of “recognition” or “audit”. (Leveson, 2014). Leveson recommended that the existing broadcasting regulator, Ofcom, under

constitutional powers, will protect the press concerns about any possibility regarding of political intervention. The Royal Charter is established to become a recognize formal body which are given tasks as a safeguard mechanism to constitute the effectiveness of UK Press System by protecting press freedom, to preserve the current practices of press self-regulation and to ensure no politician interference.

Leveson's recommendations is a result of the fallen of press self-regulation to protect the privacy of individuals and to encourage and promote ethical and responsible journalism (Tom Linson, 2014). The Royal Charters are granted by the Privy Council and established under the "Royal Prerogative. It is presented by the committee chaired by Its the Queen, distinguished politicians (government ministers), judges and legislation representatives. Leveson has underlined and highlighted elements which a standard self-regulator must have, as follows:

- a) a standards code – the responsibility of the board but drawn up by a committee that can included serving editors – that must take into account the importance of freedom of speech, the public interest and the protection of sources and must cover standards of conduct, respect for privacy and accuracy;
- b) a "whistleblowing hotline" for journalists;
- c) an adequate and speedy complaints handling mechanism;
- d) a simple and credible investigations power with the power to impose appropriate and proportionate sanctions, including financial sanctions limited to 1% of turnover, with a maximum of £1 million;
- e) the power to require the publication of corrections or apologies and, if necessary, their size and prominence; and,

- f) an arbitral process for civil legal claims against members of a recognised regulator that is free for complainants to use and is, overall, inexpensive. (Tom Linson, 2014)

3.3.2 Critiques of Self-regulation.

Many scholars agreed that the self-regulation approach will benefit the state or government as the regulatory cost will be borne by the industry, instead of the government (Price & Verhulst, 2005). Therefore, the industry had a choice to decide what matters should be regulated and what were the best approach and implementation steps which suit them best. Since the regulation was created by the industry, they will insist that the rules be comprehensive in their scope of regulation (Chen, 2010).

The self-regulation approach was advantageous to the media industry as it would block the state intervention in some facets of freedom expression and information flow. It had the ability to provide standards of social responsibility, accountability and prevent offensive material (Price & Verhulst, 2005 and Chen, 2010). Such approach would therefore be a testing ground for the media industry to become more self-governing in terms of dealing with the regulation and enforcement, which are tangible to the industry environment. As Pitofsky (1998) and Chen (2010) described, that self-regulation is more prompt, flexible and effective; compared to the government laws, legislations and regulations.

3.3.3 Co-regulation Model.

Malaysia is one of the countries in the world that actually practice media co-regulation. Australia was the first nation to do so through *Ofcom* while the United Kingdom is slowly changing their self-regulation to co-regulation. Why is co-regulation more favorable than self-regulation? This is apparently because co-regulation has a better structure in determining the media ownership, accessibility and accountability. Co-regulation works as if the media is acting under the pre- approved regulatory parameters set by the government which represents a protective boundary for media practices. For example, the Broadcasting Act is seen as the co-regulation outcome and it is very relevant in terms of jurisdiction. This means that the media industry has some degree of autonomy in terms of the regulation framework (Taylor, 2005).

In addition, if there was any wrongdoing by any media practitioner in the industry, the independent body that practiced self-regulation (e.g. ASA) cannot repeal the broadcasting licenses or impose any juristic moves on that specific media practice. However, *Ofcom* was able to impose such power. This exemplified how co-regulation functions. However, it shall only happen when the wrongdoing media practitioner did not adhere to the advices mooted by an independent body (such as ASA) to remove the content. Only then, would ASA refer to *Ofcom* to take future actions (“Self- and Co-Regulation: The Advertising Standards Authority,” 2009).

3.3.4 De-Regulation Model.

De-regulation totally practices media liberation from government legislation. Here, the national and the private media practitioners have full freedom to broadcast media contents to the public, as what had happened in Nigeria. The de-regulation of its media has somehow taken its toll on all Nigerian media practitioners.

Since they practiced de-regulation in the early 1990's, a regulatory agency appointed the National Broadcasting Commission (NBC) to award licenses to private media corporations. Since media corporations have become transnational (across nations and worldwide) and were mostly owned by the Western countries, they stood to gain the most from this de-regulation which involved the most populous country in the African continent. NBC had realized the negative effects of Western media content (broadcasted by local stations) to Nigerians and had thus initiated to ban the Western media content. This has incurred a lot of queries from private media practitioners whether such action had breached the Section 39 in NBC's codes that proclaimed to guarantee the freedom of expression and to receive or broadcast any information (Alhassan, 2006).

Media de-regulation was also practiced in the United States since the early 1980's, starting from the approval of the Federal Communications Commission (FCC) on media de-regulation that gave the utmost benefit to private media owners. Now, three decades later, that media de-regulation has made the ratings-based television culture very dominant. The ensuing stiffer commercial competition has eventually weakened the public's interest in the media content. In addition, the media corporations have taken over the major television networks and practically demolished their investigative units. Today's media conglomerates like AOL, General Electric, NBC, News Corp., Fox and others absolutely favored de-regulation practices and have persisted to keep campaigning on the benefit of de-regulation for the public.

The ubiquitous reason for having de-regulation is to practice the First Amendment of the American constitution. Any prohibitions on media independence against these mega media companies are going to be interpreted as breaching the First Amendment. Such

empowerment to the media has created a massive media ownership that could eventually control the entire American, or world media market. For example, a single company can own many media channels like television, radio and newspaper; and eventually expand to control more than half of the country's cable systems. Chester (2002) highlighted:

“The flaws of de-regulation has made FCC and the courts to continuously create policies (but needed to make certain that the First Amendment was not breached) to improve the Communications Act and chant the public interest, convenience and necessity.”

For example, in order to increase media diversity towards the public, the congress has limited the media companies not to serve more than 30 percent of the nation's cable services and capped a maximum number of channels each broadcaster can have. The progress of these soft policies has boosted the major media companies to fight back for their rights, especially on the grounds of the First Amendment. However, media broadcasters still worked within their regulatory limits and territories to broadcast because they needed to comply under the area of public interest as they were commonly regarded as the 'public trustees' (Chester, 2002). After all, most of the broadcasting facilities are still owned by the government; hence they have the right to control the frequencies of programs and channels. Any attempt by a media company to broadcast their programs on another media company's license (second company) can be viewed as a criminal act. This is one proof that America's FCC is not totally de-regulated in broadcasting matters (McChesney, 2003).

De-regulation is indeed a controversial term and practice for media organizations in any country. A better understanding of the word lies not in the regulation versus the free media market, but it is more about the regulations to serve public or private interests. In democracy, the public should decide for the media i.e. media legitimacy, and not the other way around. Unfortunately, the maturity of the public to make key decisions for the media organizations may not be so clear cut. This was based on informed debates by society's representatives that the media content must represent the citizens' interest (McChesney, 2003). Such practice by having informed debates to determine dogmas and policies is what we apply in Malaysia, called as the parliament.

As McChesney (2003) had explained, market is not natural. Every market, including the media, require rules and regulations on determining ownership, program frequencies, profit sharing, copyrights and numerous other compelling matters. This has undoubtedly made regulations very pertinent and necessary. In view of that, the liberal democracy got the public involved in the process of setting up media policies, a relevant and wise move to ensure that the public interests are always protected.

3.4 Conclusion

This section has discussed the earlier theories of media from the top four theories from Siebert et. al. (1956), public service broadcasting theories, accountability and social responsibility and media regulation approaches (self-regulation, co-regulation and de-regulation). The theory of Media Accountability however would fit significantly well into the research like a glove as it represented the elements and types of media regulation bonding together with social responsibility approaches to practice media

freedom. The whole bird's eye structural view which essentially forms the theoretical framework of this study can be displayed below:

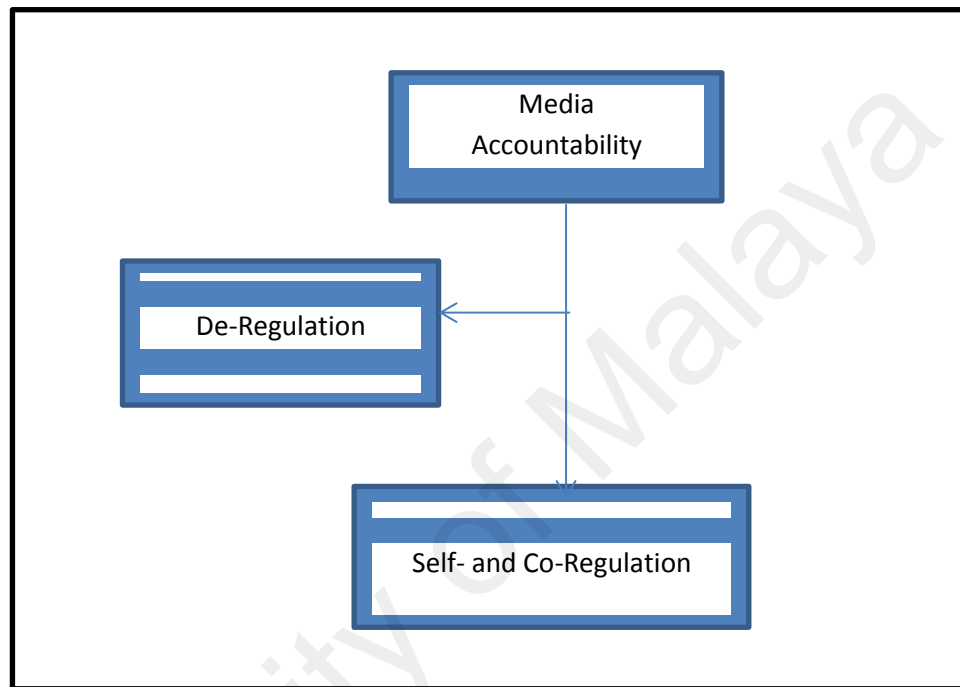


Figure 3.8: The Flow of Theoretical Framework of the Study

CHAPTER 4

RESEARCH METHODOLOGY

4.1 Introduction

In this chapter, the planning, preparation and application of the research study will be described in details, as to provide answers for the research objectives and research questions. The research philosophy, strategy, approach and research design are defined and discussed in details. Moreover, research methods, instruments, sampling and implementations of the research surveys are described accordingly to the study's research principles.

4.2 Research Philosophy

A research philosophy represents a belief about the way of research data should be gathered, analysed and transformed into meaningful results (Levin, 1988). To understand about the phenomenon of research data, different philosophical perspectives are used to interpret and creating understanding principle about facts, ideas, situations and events. (May, 1997).

Having discussion about the research study's methodology in detail, an 'onion layers' of research will be used (Saunders *et al.*, 2003) which featuring five different layers, as shown in Figure 4.1:

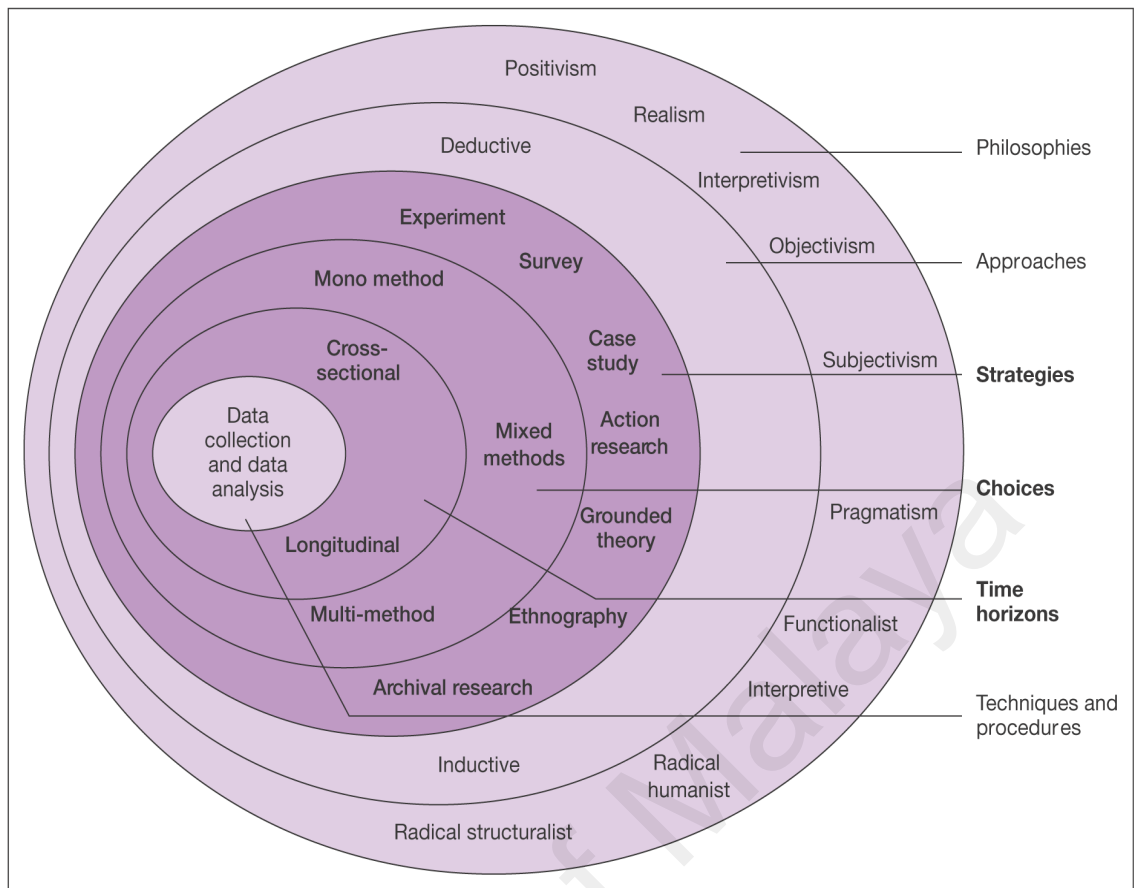


Figure 4.1: The Research Onion (adapted from Saunders *et al.* 2003)

To summarize, selected research processes for this study are shown in table 4.1 below;

Table 4.1: The Research Onion (adapted from Saunders *et al.* 2003, p.83)

Research Onion Layers	
Layer	Approaches
Research philosophy	Positivism, Interpretivism (or Phenomenology)
Research approaches	Deductive (quantitative approach), Inductive (qualitative approach)
Research strategies	Survey, Ethnography
Time horizons	Cross Sectional
Data collection methods	Sampling, Secondary data, Interviews, Questionnaires

A *positivistic philosophy approach* is used by this study to collect and to gather data of data collection based on quantitative research. By implementing research instrument of the study, a survey using questionnaire is chosen to collect this research data.

Meanwhile a *Interpretivism (or a phenomenological) approach* using the qualitative research method which involved human factors and behaviours in the study as to provide support evidences of the study. Saunders et. al (2003) and Myers (2009) mentioned that the qualitative method is considered as an unstructured exploratory survey method which mains to be subjective, involves human experiences, character, behavior, attitude, opinion etc and should be conducted through in-depth interviews and focus groups. It represent the advance data findings to explanatory purposes among the people about phenomenon or situations (Kothari, 2008).

4.3 Research Approach

This research study applies two kinds of approaches, which are Inductive Approach and Deductive Approach. *Inductive Reasoning Approach*. It is an empirical observation or measurements to situations are made towards developing generalizations on conclusions and forming up theories (Saunders *et al.* 2003). It is mainly implemented through qualitative research method (Myers, 2009).

Meanwhile, the *Deductive Reasoning Approach* involved the processes of research, beginning with hypothesis, results and interpretations of data findings and ended with logical fact findings. (Jonker & Pennink, 2009).

4.3.1 Time Horizons

Time Horizons reflected to the targeted time planned and prepared for the study. It refers to the time limits of completing the research study or task given. There are two types of time horizons, which are Cross Sectional and Longitudinal. For Cross sectional of research study, the time limit has been fixed and planned upon completion of the task given. In contrast, a longitudinal time horizon would have no limitation of length of time for gathering and collecting data, data analysis, and data interpretations. This approach would be suitable to conduct Behavioral studies (Saunders, Lewis, & Thomhil, 2009), as it may takes a long time upon completing the whole research study.

In this study, the researcher have adopted cross sectional time horizon approach, as the research requires limited time frame upon completing the whole study, especially during gathering and collecting data for the study.

4.4 Research Strategy

Overall this research is based on triangulation approach, which combined different kinds of data collections, survey and qualitative methods. In order to achieve the research objectives and goals, the research used two phases of data collection methods which allow researcher to make comparison from difference kinds of data survey; the qualitative and quantitative methods.

The triangulation method would be more visibility, reliability, and validity of the research, especially when it involved some of human perception surveys. (Bryman, 1993; Fielding & Fielding 1986) Moreover, this method will provided a comprehensive

and credible results, as it will reflected a comparison data, resulted by using quantitative and qualitative methods. As it is described by Cohen & Manion (2007);

“Triangulation method consists two or several techniques of data collection, as to reflected study of social sciences, especially on human factors”.

Denzin (1989) referred this method as a combination of different methods, study groups, local and temporal settings and different theoretical perspectives in dealing with the phenomenon.

McQuail (1992) strongly argued that the multi-method approach can be use deploy evidence of disparate kinds: about public policy, organizational structure, communication content and audiences. This approach would be a benefit to study about the media performance analysis.

In this study, researcher will be using combined method of data under triangulation method and multi-method analysis for data gathering, such as a questionnaire survey, and in-depth interviews.

The first phase method would be qualitative method by using questionnaires survey which will be spotted to specific respondents. The survey is conducted by identifying specific respondents who had some knowledge, education and experiences in media environment. Furthermore, the survey will take a procedure by creating sampling procedures, developing a pilot survey, designing questionnaire and analyzing the data from respondents' answers.

The second phase of the research methodology would be using qualitative survey, as to measure, to make comparative and to support quantitative survey from the survey. These may includes in-depth interviews with specific respondents who are selected from media professionals, media practitioners, and media regulators. This would be able to explore detailed in depth data survey, regards to the media development and media regulations in Malaysia. The in-depth interview techniques would be able to answer some expectations, insights comments, and situational professional responses from difference angles of knowledge fields for Malaysian media regulation environment.

Apart from the qualitative data collection surveys, the research will also focused on collecting and analyzing some documents related to media regulations including international perspectives of this matters. This may added and supported to the research literature review.

Triangulation method, would be most suitable for this research, as it will combines a descriptive data analysis and analyzing and interpreting qualitative data (in-depth interview) from this study. As a result, this method would be unlocked the answers regards to addressed to the media regulation mechanism in Malaysian perspectives.

4.5 Research Design

The study, specifically focused on both qualitative and quantitative research survey method. Firstly, the quantitative method is used to identify the respondent's population, developing sampling of respondents, and to clarify the awareness and knowledge of content regulations and content code practices among the media practitioners which

consists member and non-members of Content Forum Management (CMCF). Two different sets of questionnaire are developed to identify the awareness of practicing self regulation mechanism among the member of the CMCF and to get knowledge of implementing self-regulation practices, regards to media content among the other media practitioners (non-member of CMCF).

The aims of the quantitative method is to provide detailed descriptive data of the media practitioners, both members and non-members of CMCF, regards to the applying, implementing the self-regulation media contents in their daily working practices. Thus, these results of analyzed data would be able to reflecting the reality situation background of the nation media self-regulation implementation.

Meanwhile, the qualitative method (in-depth interviews and review of policy documents) is used to utilize of gaining critical comments from selected professional respondents who had good knowledge, experiences and become reference regulators for national media regulations. Moreover, the contributions of critical comments from these professionals will contribute to the comprehensive mapping of the study fields. The media professional respondents would be able to describe clearly detailed situation regards to national media environment and practices and to reflect the reality of national media policy practices. The result of this qualitative data would be able to strengthen and to support the quantitative data, as it resulted to perform credibility of the study. The overall descriptions of research strategy for this study are shown on figure 4.2:

TRANGULATION S RESEARCH METHODOLOGY	Type of Research 1: Quantitative Analysis	Type of Research 2: Qualitative Analysis
RESEARCH STRATEGY	Survey research: Field Research (Babbie, 1995)	Exploratory Research: In-Depth Interviews & Document Review (Saunders et. al., 2000)
RESEARCH DESIGN	(a) Defined sampling population; (b) Setting up questionnaires (c) Delivering questionnaires via targeted respondents/places	1. (a) Defined sampling population; (b) Setting up interview questionnaires (c) Conduct interviews (targeted respondents) 2. (a) review policies, selected local & international law references & documentation
SAMPLE POPULATION & OBSERVATION UNITS	Related local media practitioners	Related Managerial levels local media practitioners and policy makers
TYPE OF RESEARCH SAMPLING	random sampling with structured questionnaires	Targeted sampling with unstructured questionnaires to allows opinions, discussions, etc.
TARGETED WORKING PLACE OF	Companies/organizations/institutio ns	Companies/organizations/institutio ns

RESPONDENTS		
LOCATION	(a) Klang Valleys (Kuala Lumpur, Petaling Jaya, Damansara, Subang Jaya, Klang); (e) Southern State: (Malacca and Johor Bahru, Johore)	
DATA ANALYSIS	(a) Creating and construct coding sheet. (b) Data processed with SPSS (c) Figure out data output	(a) Transcribed data from voice data to written data; (b) Identify key data from written transcript; (c) Figure out output data
DATA PRESENTATION & DISCUSSION	(a) All data will be interpreted accordingly; (b) Discussions will be made based on data interpretation.	(a) Data will be interpreted to provide critical discussions (b) Suggestions, recommendations from respondent will be noted and discussed.

Figure 4.2: Mapping of Research Design & Methodology

4.6 Location of the Study

The survey for this study is conducted in various places within Central regions: Kuala Lumpur, Petaling Jaya and Damansara; and Southern regions: Malacca and Johor Bahru, Johore. These areas are chosen because of most Media companies (IT, Broadcasting, Internet Content Providers) are located in strategic areas and represent difference kind of media hub places for those regions. The selected companies and

authorities come from fully government authorities, half government authorities, and private type corporations.

4.7 Research Instruments

The study are conducted into three types of survey, which are quantitative method (questionnaire survey) and qualitative methods (In-depth Interviews and document reviews). For the questionnaire survey (for the CMCF Members and Non-members), the researcher encouraged the respondents to browse CMCF website, www.cmcf.org.my to download the Content Code Guidelines which appears on the mainpage of the website. This will make them understand about the concept, content and practices of Content Code Guidelines. The questionnaires is available in Appendix B and C.

The questionnaire for CMCF *members* consists of 7 sections. The sections for the questionnaire is as follow:

Section A Demography

This section consists questions about respondent's Information details such as;

- (1) Gender (male or female);
- (2) Highest level of education (SPM, STPM Diploma, Degree or Master and above);
- (3) Position in the organization (Support Staff, Middle Management or Top Management);
- (4) Name of organization (Baba Product, AMP, Dapit Vista sdn. Bhd., Cyber Security sdn. Bhd., Telekom Malaysia Berhad, RED FM, D Vision, Star Publication Berhad, or Media Prima Berhad);

- (5) Category of organisation (Advertisers, Broadcasters, Content Creators/Distributors or Internet Access Service Providers, and
- (6) Awareness of Content Code (to identify whether the respondent heard about Content Code or not and what channel they heard about it) .

Section B Level of awareness towards Content Code

This section are developed to determine the respondent awareness about the Content Code regulations from the perspectives of its content applications, Content Code publicity, and the practicality of the Content Code to the respondent's organisation.

There are 10 statements in five-point Likert scale of 1: strongly disagree, 2: disagree, 3: slightly agree, 4: agree, and 5: strongly agree. The respondents need to indicates their level of awareness towards the Code.

Section C How does the Content Code being practised

This section consist of closed ended question with seven questions. The objective of this section is to seeks the practice of Content Code in organization using question such as do organization practice the Content Code, which department handle it, do organization provide training, level of implementation and level of enforcement.

Section D The importance and effectiveness of Content Code

There are 18 questions in forms of five-point Likert scale in this section whereby the respondents need to state their opinion on the level of importance and effectiveness of the Code. The statements to be measured by the respondents using Likert scale, are basically taken from content of the Content Code. The statements tested the respondent's

knowledge and understanding about the Content Code. For instance, the statements would be as follow;

- (1) Content Code can avoid violence content;
- (2) Content Code can increase moral values and ethics;
- (3) Content Code can avoid content that contain obscene content.

The answer would be analyze from five-point Likert scale of 1: completely not important/effective, 2: slightly important/effective, 3: moderately important/effective, 4: Highly important/effective and 5: Fully important/effective.

Section E Acceptance towards Regulatory Mechanism

This section consists of 3 statements. Respondent where asked to state the level of importance and effectiveness of regulatory mechanism that are listed which is

- (1) self-regulatory;
- (2) regulatory; or
- (3) de-regulatory

based on five-point Likert scale of 1: completely not important/effective, 2: slightly important/effective, 3: moderately important/effective, 4: Highly important/effective and 5: Fully important/effective.

Section F Strength and weaknesses of the Content Code

This section consists an open ended questions , whereby respondent can list up to three strengths and weaknesses of the Content Code. The objective of this section is to indicates the acceptance of the respondents towards the Content Code contents and practrices to the media players, especially for the members of CMCF.

Section G Expectation of self-regulatory mechanism

This section is an open ended where respondent can express their expectation on the future of self regulatory mechanism in Malaysia and also to suggest improvement to the Content Code.

Meanwhile, the questionnaire for *non-members* also consists of 7 sections. The sections for the questionnaire is as follow:

Section A Demography

Information such as gender, highest level of education, position in the organization and awareness of Content Code .

Section B Perception towards Content Code

There are 10 statements in five-point Likert scale. Respondents need to state their perceptions towards the Code. (similar to the CMCF Member questionnaire).

Section C How does the Acts/Statutes being practised in work place

It is a closed ended question with six (6) questions. Questions asked different from the CMCF member questionnaire. The questions for the Non-Member of CMCF would be focusing on what kinds of acts/statutes that organization used, which department responsible to supervise, do organization provide training, level of the practices law/acts/statues enforcement in the organization, and the levels of those practised regulations implementation in the organization.

Section D Perception towards current regulation system practised in work place

There are 18 questions in forms of five-point Likert scale. Respondents were asked to indicate their level of perception towards the current regulation system that was practised in their respective work place.

Section E Acceptance towards Regulatory Mechanism

This section consists 3 stataments to be measured by the respondents through five-point Likert Scale. Respondent where asked to state the level of importance and effectiveness of regulatory mechanism that are listed which is self-regulatory, regulatory, and de-regulatory. (similar to the CMCF Member questionnaire)

Section F Strength and weaknesses of the Acts/Statutes

It is an open ended section whereby respondents can list up to three strengths and weaknesses of the present regulatory system which are being used or practised by the organization.

Section G Expectation of local self regulatory media mechanism

This section consists an open ended question where respondents were asked to state their expectation on the future of media regulatory mechanism in Malaysia. The objective of the question is to determine respondents thoughts about the the future of imporevement of national self media regulatory model and practices.

4.8 Research Sampling

The study was conducted in several media and telecommunication organizations around Klang Valley, Johor Bahru, and Malacca areas. The respondents of the study is further

breakdown into three categories which are (i) print media, (ii) electronic and new media, and (iii) telecommunication.

There are two types of respondents of study to be selected. First, the respondent comes from members of CMCF. This type of respondent is chosen from the member of CMCF because their organization have been exposed and aware with the roles, concept and practices of self-regulatory mechanism by applying the Content Code. The Content Code is a formal accepted guideline of self-regulation practices, which has been imposed from the CMA 1998.

Second, The other respondents which are chosen from Non-Members of CMCF, representing various government local authorities, organisations and companies. The respondents from those organisations have been exposed by certain laws, statutes or regulations being practised in their organisation, which will be different from the content code imposed.

The objectives of selecting this type of respondents is to determine the level of media self-regulation practices awareness among the media players, to make comparison between current practiced media regulations and media self-regulatory mechanism, and observe the efficiency of the media self-regulation mechanism among the media players.

For the qualitative study, total of 17 informants; 7 persons comes from members of Content Forum, while for non-members, 7 more comes from media organizations and companies not associated with CMCF, and 3 professional individuals who have several experiences of becoming media policy makers, administrators (CEOs and General

Managers) have agreed to become the informant of the study. Table 4.2 shows the breakdown of informants according to types of organization.

Table 4.2: Dispersion of Informants for In-Depth Interview

Types of Organization				
Status	Print Media	Electronic and New Media	Telco	Total
Member	-	5	2	7
Non Member	2	3	2	7
Profesional				3
Total				17

Overall 279 respondents involved in the survey. Out of that figure, 138 are of the members of Content Forum and the remaining 141 are of the non-members. Table 4.3 visualize the dispersion of the respondent.

Table 4.3: Survey Respondent Dispersion

Status	Number of Respondents	Number of Organizations
Member	138	9
Non Member	141	11
Total	279	20

4.9 Pilot Study

In order to accomplish the reliability, validity of this study, a pilot study is conducted before the ordinary survey to be implemented to the targeted respondents. The pilot study is needed to test the validity of designing questionnaires of the study. The questionnaires need to be understood by the respondents, as it will develop the credibility of the study. (Babbie, 1995; Burton 2000). The pilot study numbers of respondents are suggested between 20-50 respondents, as it will develop validity responses from selected respondents and reduce the confusion of answering each question given. (Burton, 2000).

Therefore, about 40 respondents for the pilot study are chosen to answer the questionnaires of the study and gave response upon the questionnaire answered. This will be so important for the researcher to relook at some of the questionnaire which have been identified blurred or not being understood by the respondents.

The pilot study is done a month earlier from the exact survey. It was conducted with 40 students from Master of Corporate Communication Programme (UPM) and Master of Mass Communication Programme (UiTM), who has working experiences in different kind of local media companies. Each questionnaire was completed within 15 minutes.

Before the respondents answered the questionnaires, they are given a Content Code Guidelines book to take closer look at the content of the Content Code. The researcher delivered a short briefing on the Content Code Guidelines as to ensure that the respondents will understand about the roles and contents of the code. It is essentials to

conduct the briefing as many students working in companies which not associated with CMCF.

After completing the pilot study, all of the answers are tested by using SPSS statistic programmes and measured using Cronbach's alpa, as to verify the validity of those structured questionnaire. However, it is important to ensure that each question answered must not achieve lower than 0.7 of the Cronbach's alpha statistic measurement method.

The results of the pilot test are described as below;

Table 4.4: Results of Pilot Studies

SECTION OF QUESTIONNAIRE	DESCRIPTION	CRONBACH'S ALPHA MERIT
Section B	Perception towards Content Code	0.812
Section C	How does the Acts/Statutes being practised in work place	0.781
Section D	Perception towards current regulation system practised in work place	0.831
Section E	Acceptance towards Regulatory Mechanism	0.825
Section F	Strength and weaknesses of the Acts/Statutes	0.831
Section G	Expectation of regulatory mechanism	0.852

4.10 Qualitative Method – In-depth Interviews

The objectives of conducting In-depth interviews are to explore the views of people of their environment which they participated. It contributed to the social construction of reality (Berger and Luckmann 1966, in Green 1991) The interview method will examined human factors such as interpersonal communication and notified the interpretations of thinking and behavior of people, as it is commonly used to attain people understanding, feeling and meaning of their experiences to become a knowledgeable assets for the social science research (Seidman, 1998). In additions, conducting interview provides an opportunity for the researcher to combine practical, analytical, and interpretive approaches to media (Green, 1991).

Quantitative methods will be used to locate and analyze demographic data, and common data from questionnaire which will be gathered from the local broadcasters and related media practitioners. The data will be presented in a way that is relevant for this study, and which highlights relevant material. Whilst relevant data exists, my initial examination shows that it has not been put together in the way which is necessary for this study. In this study, the quantitative survey is used to identify level of awareness, mode of implementing and practices such legislations, regulations and policies among the media organizations, practitioners and public.

Comparative method will be utilized, as described by Patrick Mullins:

In contrast to the qualitative methodology (which is used to study commonalities) and the quantitative methodology (used to study covariation, or links between attributes or variables) the comparative methodology is used to study diversity; to understand the level of similarity or difference between cases. ...

... in terms of the overall goals of social research, the comparative methodology provides the basis for exploring diversity and for advancing theory. (Mullins, 1995)

Comparative method will be used in identifying contradictions and dilemmas within and between the discourses to be studied. In this study, comparative method applied to the thoughts and perceptions of self-regulatory mechanism and the practices of Content Code among the officials from various media managerial level (members and non-members of CMCF) and regulators who deals with self-regulations practices in Malaysia. It will be particularly used in the chapters of the thesis, to construct a cohesive report utilizing the material from the literature, the consultations and the focus groups.

The qualitative method is used to clarify the information from the managerial level or policy makers, expert consultants who involved in planning and implementing such legislations, regulations, and policies related to local media issue and development.

As explained by Mc Cracken (1998), interview method represents sharply focused rapid, highly intensive interview process to explore indeterminacy and redundancy that attends more unstructured research processes. Significantly, interviews is a form of changing ideas between the researcher and a participant (Taylor, 1994) which will providing empirical data to examines expectations and hypotheses developed out a particular perspective (Bauer and Gaskell, 2008).

To develop focused and credible results from interview method, Saunders, et. Al (1997) suggested that the interview for this phenomenological approach would be conducted in small numbers of informants. Therefore the study will concentrate to the small numbers

of media practitioners, regulators and individuals with several experiences dealing with media regulations and practices.

4.10.1 Selection of Interview Informants

For the purpose of this study, the informants for in-depth interview are comes from different types of groups. The first group is from media professionals who have several year experiences in media environment and holding at least middle/higher positions in such organizations or companies. The rationale of the selecting those informants is basically based on their knowledge about the self-regulation media practices or by implementing such regulations/statue/guidelines during their works. The informants will be either from the member and non member of CMCF, regardless the types of companies or organizations which they are represented.

The second group is media regulators or those who have experiences dealing with creating, developing or applying media policies and regulations. The informants may hold administrative position or a legislative position for an organization or companies which they represented. It is so important to get responses and comments from this group because they have been maturely of getting knowledge about the development and implication of CMA 588 and the establishment and practices of Content Code, from the perspective of legislation and technical aspects of the Act and the Content Code itself.

A summary of the interview informants who comes from both First and Second Group are listed in Table 4.5 below;

Table 4.5: Interviews with Group One: Members of CMCF

GROUP 1: Interviews – Members of CMCF				
Company/Organisation	Job Designation	Business Oriented	Qualifications	Experience in field
A1	Director/Head Department	Broadcasting	MBA	10 years
A2	Director/Head Department	Broadcasting	LLB, LLM	15 years
A3	Senior Manager	Advertising	Master in Social Sciences	10 years
A4	Manager	Business Product	Master in Social Sciences	8 years
A5	Senior Executive	Online Content Creator	Bachelor and MBA	12 years
A6	Senior Executive	Telco	Master in Social Sciences	10 years
A7	Senior Executive	Telco	Bachelor	13 years

Table 4.6: Interviews with Group Two: Non-members of CMCF / Media Practitioners

Group 2: Interview - Non-members of CMCF / Media Practitioners				
Company/ Organisation	Job Designation	Business orientation	Qualifications	Experiences in field
B1	Director	Broadcasting	Master in Social Sciences	15 years
B2	Director	Telco	MBA	10 years
B3	Manager	Broadcasting	Master in Social Sciences	8 years
B4	Manager	Online Publication	Bachelor of Mass Communication	10 years
B5	Manager	Telco	MBA	12 years
B6	Head of Department	Telco	MBA	6 years
B7	Senior Executive	Online Publication	Bachelor of Mass Communication	5 years

Table 4.7: Interviews with Group Three: Media Professionals

Group 3: Interviews - Professionals				
Company/ Organisation	Job Designation	Business orientation	Qualifications	Experiences in field
C1	Chief Executive Officer (CEO)	Media NGO	Master of Business Administration (MBA)	6 years
C2	Director of Complaint Bureau	Media NGO	LLB, MLB	10 years
C3	Manager	Government Authority	Masters in Social Sciences	10 years

4.10.2 Designing In-Depth Interview Questionnaires

Drawing from the sociological perspectives of the study, it is expected for the researcher to explore and to examine the perception of local media practitioners (member and non-members of CMCF) and media professionals toward the concept and implementation of the self-regulation mechanism to the local media industry by using the Content Code as a primary standard of guidelines of practice. The in-depth interview of the study is needed to determine the whole picture of the establishment of self-regulation mechanism in Malaysian Media Industry.

The interviews are done with two different parties (members and non-members of CMCF) which represent difference kind of media regulatory approaches in their daily job practices. Meanwhile the other party would come from regulators who deal about the local media policies and legislations. Therefore, the researcher has prepared two difference sets of interview questions as to accommodate these parties (see Appendix B and C). Most questions in the two sets would be the same but slightly different for the non-members of CMCF and professional media informants, as it would be more relevant to discuss about the self-regulation mechanism compared to the existing media regulations.

The set of unstructured interview questions for *members* of Content Code consists of seven (7) key themes which are;

- (i) *Key Theme 1:* the meaning and understanding of self-regulatory framework;

The theme focusing on questions related to the understanding of the informants about the meaning concept of media self-regulation, the practical regulation for Malaysian media environment and the implementations of local regulations (media laws, statues, legislations) toward the Malaysian media. It is reflected to Objective 1 (RO1).

- (ii) *Key Theme 2:* mechanism used to implement Content Code;

The questions asked from the theme are basically to enquire methods and techniques and mechanism are used to practise the self regulation among the staff and to ensure that the staf are given a clear picture of the background of self regulations concept and practices by using the Content Code. It is reflected to Objective 1 (RO1);

- (iii) *Key Theme 3:* enforcement and monitoring mechanism of Content Code;

The questions from this theme are focused on the exploring a suitable mechanism to enforce the practices of Content Code and to monitor the implementation of the code. The informants have been asked to clarify the most effective mechanism to ensure that the Content Code will become more relevance, validity, and becoming benchmark guidelines to the Malaysian media industry. It is reflected to Objective 1 (RO1);

(iv) *Key Theme 4: issues and complaints on Content Forum/Content Code;*

Questions from the theme are basically inquire the informants to share their opinions about issues and complaints about the content issues against the CMCF or Content Code itself. . It is reflected to Objective 2 (RO2);

(v) *Key Theme 5: evaluation on Content Code;*

The informants are requested to explain whether they have already conducted the evaluation of the Content Code, as to continuously remain the validity of the Content Code practices among the member of CMCF. . It is reflected to Objective 3 (RO3);

(vi) *Key Theme 6: advantages and disadvantages of Content Code;*

The informants are asked to clarify the advantages or disadvantages of the Content Code practices. This will clearly represent the whole idea of measuring the practicality, efficiency and effectiveness of the Code to the local media industry. It is reflected to Objective 3 (RO3);

(vii) *Key Theme 7: suggestions to improve the Content Code.*

Finally, the informants are interviewed to make suggestions to improve the Content Code to the relevant parties and authorities, such as CMCF, regulators, and government, so that the Code will be continued remains relevance and credible to be practised to the local media players. . It is reflected to Objective 3 (RO3)

While the set of unstructured interview questions for *non members* of Content Code and professionals media informants consists of eight (8) key themes which are comprises sets of questions to enquire about their knowledge of the concept and practicality of the self-regulation mechanism, their comments and opinions about the existing regulations compared to the Content Code guidelines, the practicality of the Code and suggestions to improve the self-regulations practices for the local media industry. The list of Themes are listed as below;

- (i) *Key Theme 1:* the understanding of self-regulatory framework and the awareness of the function of Content Code/Content Forum; (***Reflected to RO1***)
- (ii) *Key Theme 2:* regulatory and monitoring mechanism used in the organization; (***Reflected to RO2***)
- (iii) *Key Theme 3:* suitable mechanism used for media regulations(Self-regulation, Regulation, and De-regulation); (***Reflected to RO2***)
- (iv) *Key Theme 4:* challenges and difficulties faced in the organization (media related issues); (***Reflected to RO2***)

(v) *Key Theme 5*: suggestions to improve the efficiency of media regulations mechanism; (***Reflected to RO3***)

(vi) *Key Theme 6*: evaluation on the effectiveness of existing regulatory mechanism; (***Reflected to RO3***)

(vii) *Key Theme 7*: advantages and disadvantages of existing regulatory mechanism; (***Reflected to RO3***)

(viii) *Key Theme 8*: suggestions to improve the existing regulatory mechanism (***Reflected to RO3***)

4.11 Ethical of the Survey

Considering the background of local media environment and the practices of such legislations and regulations, the researcher has outlined some aspects of the etiquette during conducting the survey and interviews. This is important for the study as to ensure the privacy and security of such documentations during the survey. The particular of research's ethic matters are listed bellows;

(a) All of the informant's name and personal particular will remains confidential;

(b) All of the respondent's particulars including the name of companies and organization which they represented will remains confidential and not to revealed and not to share with other respondents;

- (c) All of the information collected from the respondents will remain confidential and would be only used for the academic purposes.
- (d) All of the written documentations which are labeled confidential by such authorities, will not be revealed and to share with other parties.
- (e) The interview questions does not touch any sensitive issues, words, or any behavior conduct which will disturb the Malaysian's harmony environment;
- (f) Finally, the researcher will ensure that the information given by those parties will be secured as to avoid any kind of threat from other parties.

4.12 Conclusion

The main focus of conducting the study is to achieve reliable and validity findings so that it will create a credible research. The researcher has created a structured research strategy and implementation as to ensure that objectives of the study be able to achieved. Adopting the triangulation methodology approach is the right choice for the study to seek out wide information about the self-regulatory mechanism and practices by conducting a structured fieldwork surveys, and cross-examined by the series of in-depth interviews among the media professionals. By using this technique, it is targeted that the study will represent a various perspectives of knowledge in managing the media self-regulation practices among the local media players.

By applying multiple approach of research methodology, the researcher have to ensure that the research planning, implementation and data analysis have to be operationalized

properly and completely so that this useful findings would be able to develop a dynamic research for this subject matter and could provide useful findings for the related authorities and policy makers.

In the next chapter, the study will analyze the survey data and information and discuss the findings in details.

University of Malaya

CHAPTER 5

RESULTS AND FINDINGS

(PHASE I – A QUESTIONNAIRE)

5.1 Introduction

This chapter presents the quantitative results and findings of this study. The fieldwork took place from June to September 2010 within the Klang Valley in which several media and telecommunications organizations were involved. The data was gathered to determine the profile of members and non-members of Content Forum. Importantly, the data collected sought to examine the differences of identifications in regards “Self-regulations” among members and non-members of Content Forum that were drawn from the objectives of this study.

5.2 Phase I: A Questionnaire

Using the statistical tool the Statistical Package for Social Sciences (SPSS), the body of numerical data gathered in this study presents a descriptive analysis of several key topics. There would be some predictive arguments are suggested based on the analysed data and relevant self-regulatory literature. There are two parts of the questionnaire sets which are served for members and non-members of the Content Forum. The key topics addressed are: (1) the descriptive profile of members and non-members of Content Forum; (2) the acceptance of “Self- Regulations”; (3) the functions of “Self-Regulations”; (4) the efficiency of “Self-regulations”; (5) the issue on “Self-Regulations”; and (8) recommendations of “Self-regulations” in the Content Code in Malaysian corporations and firms.

5.2.1 Descriptive Profile of Respondents

The respondents in the quantitative study consisted of samples of members and non-members of Content Forum. Members of Content Forum amounted for 138 numbers of respondents from 9 organizations, whereas non-members were 141 from 11 organizations. Therefore, this section divided by two demographic profiles, members and non-members. This section 5.2.1 presents the profile of members of Content Forum first on which the next section 5.2.2 will be presented the profile of the non-members of Content Forum.

As illustrated in the Table 5.1, it seems like almost equal the half percentage of the respondents for members of Content Forum were male 71 (51.4%) and female were 67 (48.6%), suggesting that almost none disparity in numbers for both gender that are members of Content Forum. More than half of the respondents reported having Bachelor degree 60.1%, with only 20.3% having a Diploma (see Table 5.1). According to Table 5.1, 51.1% respondents hold Middle Management post, with only 2.2% hold Top Management post. More than half of the respondents worked in media companies such as Media Prima 21.2%, Star 16.7%, Red Fm 5.8%, and AMP 10.1%, with the rest worked in Telco and Manufactured companies (see Table 5.1).

Table 5.1: Demographic Profiles of the Respondents (n=138)

Profile	Frequency	Percentage (%)
Gender		
Male	71	51.4
Female	67	48.6
Education		
SPM	7	5.1
STPM	9	6.5
Diploma	28	20.3
Degree	83	60.1
Master	11	8.0
Recent Post		
Support Staff	64	46.7
Middle Management	70	51.1
Top Management	4	2.2
Organization		
Baba Product	2	1.4
AMP	14	10.1
Dapat Vista	13	9.4
Cyber Security	14	10.1
Telekom Malaysia	14	10.1
Red FM	8	5.8
D Vision	21	15.2
Star	23	16.7
Media Prima	29	21.2
Category of Organization		
Advertisers	4	2.9
Broadcasters	52	37.7
Content Creators/Distributors	54	39.1
Internet Access Service Providers	28	20.3

According to Table 5.1, 76.8% respondents categorized their organization as Content Creator/Distributors 39.1% and Broadcasters 37.7%. Most of the respondents has heard about Content Code 71% (see Table 5.2), in which the prevalent channels that they have

heard about the Content Code are Briefing 15.2%, Internet 14.8% and Meeting 11.9% (see Table 5.3).

Table 5.2: Distribution of Hearing of the Content Code among Members of Content Forum (n=138)

Have you heard about Content Code	Frequency	Percentage (%)
1.Yes	98	71.0
2.No	40	29.0
Total	138	100

Table 5.3: Distribution of Channel Heard about Content Code among Members of Content Forum

Channel heard about Content Code	Frequency	Percentage (%)
1.Briefing	37	15.2
2.Internet	36	14.8
3.Meeting	29	11.9
4.Seminar	24	9.9
5.Television	24	9.9
6.Discussion	22	9.0
7.Colleagues	20	8.2
8.Talk	17	6.9
9.Newspaper	16	6.7
10.Staff Assembly	8	3.4
11.Intranet	6	2.5
12.Flyers	4	1.6
Total	243*	100

*The total number of responses here was not 138, as respondents may have 'ticked' more than one item.

Table 5.4: Distribution of Practice of Content Code among Members of Content Forum

Practice of Content Code	Frequency	Percentage (%)
1.Yes	98	71.0
2.No	40	29.0
Total	138	100

In Table 5.4, majority of the members of Content Forum had practiced of the Content Code in work place 98 (71%) and 40 (29%) of them were not. The implementation level of Content Code in their work place were fully implemented 42.6%, with only 18.3% of them did not implement The Content Code at all in their organization (see Table 5.5). According to Table 5.6, Legal and Regulatory Department were mostly in charge of the Content Code in their organisation 45.9%, follow with 20.7% Administration and Management Department. However, there are almost more than half of the respondent reported that there is no Content Code training provided by organisation 68.3% (see Table 5.7). Even though the level of the Content Code enforcement in organization were fully enforced 33.9%, moderately enforced 18.6% and slightly enforced 28.8% (see Table 5.8). According to Table 5.9, nearly half of the respondents reported that the level of Content Code is used at all levels when producing the content/service 48.6%.

Table 5.5: Distribution of Level of Content Code Implementation among Members of Content Forum

Level of Content Code Implementation	Frequency	Percentage (%)
1.Not yet implemented	21	18.3
2.Slightly implemented	15	13.0
3.Moderately implemented	30	26.1
4.Fully implemented	49	42.6
Total	115*	100

* The total number of responses here was not 138, as respondents may unresponsive to answer.

Table 5.6: Distribution of Department/Section in charge of the Content Code among Members of Content Forum

Department/Section in charge of the Content Code	Frequency	Percentage (%)
1.Legal and Regulatory Department	51	45.9
2.Corporate Affairs Department	5	4.5
3.Administration and Management Department	23	20.7
4.Human Resource Department	15	13.5
5.Others	17	15.3
Total	111*	100

* The total number of responses here was not 138, as respondents may unresponsive to answer

Table 5.7: Distribution of Training on the Content Code Provided by Organisation among Members of Content Forum

Training on the Content Code Provided by Organisation	Frequency	Percentage (%)
1.Yes	38	31.7
2.No	82	68.3
Total	120*	100

* The total number of responses here was not 138, as respondents may unresponsive to answer

Table 5.8: Distribution of Level of the Content Code Enforcement among Members of Content Forum

Level of the Content Code Enforcement	Frequency	Percentage (%)
1.Not yet enforced	22	18.6
2.Slightly enforced	34	28.8
3.Moderately enforced	22	18.6
4.Fully implemented	40	33.9
Total	118*	100

* The total number of responses here was not 138, as respondents may unresponsive to answer.

Table 5.9: Distribution of Level of the Content Code Used when Producing the Content/Service among Members of Content Forum

Level of the Content Code Used when Producing the Content/Service	Frequency	Percentage (%)
1.At the beginning	29	26.1
2.At intermediate	20	18.0
3.At the end	8	7.2
4.At all levels	54	48.6
Total	111*	100

* The total number of responses here was not 138, as respondents may unresponsive to answer.

The most frequent of channels used to deliver information about Content Code in Organization were by E-mail 75 (24.4%), follow with by meeting 54 (17.5%), Letter/Memo 52 (16.9%) and the least channel used is online newsletter 13 (4.2%) (see Table 5.10). Table 5.11 shows that the level of awareness towards Content Code among members of Content Forum is at moderate level in which the overall means scores were 3.0205. Majority of the respondents perceived that 'Organisational members feel the Content Code is useful', 'Organisational members feel that the Content Code is important', 'The Content Code is Comprehensive', 'Content of Content Code is easy to understand' and 'Content of Content Code is suitable for all media'. However, they were quite disagree with statement 'Content of Content Code gets wide exposure in mass media' with mean score 2.67.

Table 5.10: Distribution of Channels Used to Deliver Information about Content Code
in Organization among Members of Content Forum

Level of the Content Code Enforcement	Frequency	Percentage (%)
1.Notice Board	34	11.0
2.Online Newsletter	13	4.2
3.Organizational Newsletter	28	9.1
4.E-mail	75	24.4
5.Letter/Memo	52	16.9
6.Meeting	54	17.5
7.Forum/Workshop	39	12.6
8.Others	13	4.2
Total	308*	100

*The total number of responses here was not 138, as respondents may have ‘ticked’ more than one item.

Table 5.11: Distribution of Awareness towards Content Code among Members of
Content Forum

Statement	Strongly disagree %	Disagree %	Slightly Agree %	Agree %	Strongly agree %	Mean Scores
1. Organisational members feel the Content Code is useful	9 7.3	13 10.6	45 36.6	45 36.6	11 8.9	3.29
2. Organisational members feel that the Content Code is important	11 8.9	13 10.6	44 35.8	44 35.8	11 8.9	3.25
3. The Content Code is Comprehensive	8 6.6	13 10.7	63 51.6	33 27.0	5 4.1	3.11
4. Content of Content Code is easy to understand	8 6.6	18 14.6	54 43.9	40 32.5	3 2.4	3.10
5. Content of Content Code is suitable for all media	13 10.6	18 14.6	48 39.0	38 30.9	6 4.9	3.05
6. The Content Code can be easily put into practical use	7 5.7	25 20.3	59 48.0	28 22.8	4 2.4	2.96
7. Organization members have a high level of knowledge toward Content Code	7 5.7	29 23.6	52 42.3	32 26.0	3 2.4	2.96
8. Organization members have a high level of acceptance toward Content Code	7 5.7	30 24.4	52 42.3	33 26.8	1 0.8	2.93
9. The terminologies used in the Content Code are easy to understand	8 6.5	29 23.6	57 46.3	28 22.8	1 0.8	2.88
10. Content of Content Code gets wide exposure in mass media	20 16.3	34 27.6	39 31.7	27 22.0	3 2.4	2.67

Mean scores in this table are based on responses to a five-point answer scale where '1' equalled 'Strongly disagree' and '5' equalled 'Strongly agree'. Consequently, the higher the mean score the greater the degree of awareness towards Content Code.

The finding in Table 5.12 has depicted that there was a very strong significant difference in terms of awareness of Content Code by gender ($t=.523$ and $p=.001$) among members of Content Forum. However, the varied position that they were hold in organizations does not show any significant difference in awareness of Content Code. According to Table 5.11, it describes the importance of Content Code among members of Content Forum; there were 18 questions in this section. Majority of members of Content Forum thinks it is highly important that Content Code will ensure the media content is suitable for children and family. However, they thought that Content Code not really important in encouraging flexibility in producing content and innovation, which each mean score is 2.94. In addition, the respondents has felt that it least important of Content Code can encourage creativity with mean score is 2.82.

Table 5.12: Relationship of Member's Awareness of Content Code by Gender and Position among Members of Content Forum

Variable	n	Mean	SD	<i>T</i>	<i>p</i>
Gender				.523	.001
Male	62	2.8065	.72674		
Female	61	3.2361	.61911		
Position				.429	.212
Management	54	2.9296	.78443		
Support Staff	68	3.0915	.64108		

Based on Table 5.13, members of Content Forum felt that Content Code is almost highly effective in ensuring media content for children. Secondly, they felt that Content Code is effective in avoiding foul language and ensuring media content suitable for family, which each mean is 3.47 and 3.44. However, the respondents thought the Content Code is slightly effective in realizing the Malaysian culture, encourage

competitiveness in producing local content, producing content with high quality, encourage flexibility in producing content, and encourage innovation and creativity.

Table 5.13: Distribution of Effectiveness towards Content Code among Members of Content Forum

Statement	Completely Not Effective %	Slightly Effective %	Moderately Effective %	Highly Effective %	Fully Effective %	Mean Scores
1. Content Code will ensure the media content is suitable for children	8 6.3	15 11.9	39 31.0	30 23.8	34 27.0	3.53
2. Content Code can avoid foul language	7 5.6	15 11.9	47 37.3	26 20.6	31 24.6	3.47
3. Content Code will ensure the media content is suitable for family	8 6.3	16 12.7	45 35.7	27 21.4	30 23.8	3.44
4. Content Code can avoid indecent content	12 9.4	17 13.4	41 32.3	23 18.1	34 26.8	3.39
5. Content Code can avoid violence content	7 5.6	20 15.9	46 36.5	25 19.8	28 22.2	3.37
6. Content code can avoid menacing content	7 5.6	20 15.9	46 36.5	27 21.4	26 20.6	3.36
7. Content Code can avoid content that contain obscene content	11 8.7	19 15.0	44 34.6	22 17.3	31 24.4	3.34
8. Content Code can avoid false content	9 7.2	20 16.0	46 36.8	23 18.4	27 21.6	3.31
9. Content Code sensitive to the people with disabilities.	13 10.3	20 15.9	42 33.3	F	22 17.5	3.21
10. Content Code can overcome sensitive issues	9 7.1	22 17.5	57 45.2	17 13.5	21 16.7	3.15
11. Content code can increase moral values and ethics	12 9.4	24 18.9	44 34.6	29 22.8	18 14.2	3.13

12. Content code can increase the competitiveness among content providers to produce quality content	14 11.1	25 19.8	44 34.9	22 17.5	21 16.7	3.09
13. The implementation of Content Code can realize the Malaysian culture	17 13.5	21 16.7	49 38.9	27 21.4	12 9.5	2.97
14. Content Code can encourage competitiveness in producing local content	17 13.5	31 24.6	48 38.1	19 15.1	11 8.7	2.81
15. Content Code can produce content with high quality	19 15.1	32 25.4	47 37.3	17 13.5	11 8.7	2.75
16. Content Code can encourage flexibility in producing content	22 17.5	30 23.8	44 34.9	19 15.1	11 8.7	2.74
17. Content Code can encourage innovation	19 15.0	36 28.3	44 34.6	19 15.0	9 7.1	2.71
18. Content Code can encourage creativity	26 20.5	33 26.0	46 36.2	17 13.4	5 3.9	2.54

Mean scores in this table are based on responses to a five-point answer scale where '1' equalled 'Completely not effective' and '5' equalled 'Fully effective'. Consequently, the higher the mean score the greater the degree of awareness towards Content Code.

Table 5.14: Distribution of Importance towards Content Code among Members of Content Forum

Statement	Completely Not Important %	Slightly Important %	Moderately Important %	Highly Important %	Fully Important %	Mean Scores
1. Content Code will ensure the media content is suitable for children	5 4.0	3 2.4	36 28.8	38 30.4	43 34.4	3.89

2. Content Code will ensure the media content is suitable for family	6 4.8	5 4.0	39 31.2	33 26.4	42 33.6	3.80
3. Content Code can avoid violence content	6 4.8	6 4.8	40 32.0	35 28.0	38 30.4	3.74
4. Content Code can avoid foul language	7 5.6	7 5.6	43 34.4	26 20.8	42 33.6	3.71
5. Content Code can avoid indecent content	8 6.4	8 6.4	41 32.8	28 22.4	40 32	3.67
6. Content Code can avoid false content	8 6.5	4 3.2	45 36.3	31 25	36 29	3.67
7. Content Code can avoid content that contain obscene content	7 5.6	8 6.4	43 34.4	30 24	37 29.6	3.66
8. Content code can avoid menacing content	6 4.8	6 4.8	48 38.4	31 24.8	34 27.2	3.65
9. Content Code can overcome sensitive issues	7 5.6	9 7.1	41 32.5	37 29.4	32 25.4	3.62
10. Content code can increase moral values and ethics	11 8.8	8 6.4	43 34.4	31 24.8	32 25.6	3.52
11. Content Code sensitive to the people with disabilities.	8 6.5	10 8.1	46 37.1	28 22.6	32 25.8	3.53
12. Content code can increase the competitiveness among content providers to produce quality content	11 8.8	11 8.8	45 36	25 20	33 26.4	3.46

13. The implementation of Content Code can realize the Malaysian culture	15 12	13 10.4	41 32.8	37 29.6	19 15.2	3.26
14. Content Code can produce content with high quality	17 13.6	15 12	46 36.8	33 26.4	14 11.2	3.10
15. Content Code can encourage competitiveness in producing local content	13 10.3	19 15.1	57 45.2	23 18.3	14 11.1	3.05
16. Content Code can encourage flexibility in producing content	18 14.6	19 15.4	51 41.5	22 17.9	13 10.6	2.94
17. Content Code can encourage innovation	14 11.3	26 21	48 38.7	26 21	10 8.1	2.94
18. Content Code can encourage creativity	22 17.7	21 16.9	48 38.7	23 18.5	10 8.1	2.82

Mean scores in this table are based on responses to a five-point answer scale where '1' equalled 'Completely not important' and '5' equalled 'Fully important'. Consequently, the higher the mean score the greater the degree of awareness towards Content Code.

Table 5.15 shows the members' acceptance towards three types of regulatory mechanism which is Self-regulatory, Regulatory and De-regulatory. One third of the respondent thought it is fully important in Self-regulatory mechanism and only 10.1% of them felt it is fully important in Self-regulatory mechanism. However, most of the respondent felt that it is moderately important toward Self-regulatory 31.1%, Regulatory 34.6% and De-regulatory 44.2%. A quarter of them thought that those three regulatory mechanisms were moderately effective. Less than one tenth of them were thought that those three regulatory mechanisms were completely not effective (see Table 5.16).

Table 5.15: Distribution of Acceptance toward Regulatory Mechanism (Importance)
among Members of Content Forum

Item	Completely Not Important %	Slightly Important %	Moderately Important %	Highly Important %	Fully Important %
1.Self-regulatory	7 5.3	5 3.8	41 31.1	40 30.3	39 29.5
2.Regulatory	15 11.5	20 15.4	45 34.6	34 26.2	16 12.3
3.De-regulatory	10 7.8	15 11.6	57 44.2	34 26.4	13 10.1

Table 5.16: Distribution of Acceptance toward Regulatory Mechanism (Effectiveness)
among Members of Content Forum

Item	Completely Not Effective %	Slightly Effective %	Moderately Effective %	Highly Effective %	Fully Effective %
1.Self-regulatory	9 6.8	14 10.6	56 42.4	31 23.5	22 16.7
2.Regulatory	17 13.1	21 16.2	50 38.5	31 23.8	11 8.5
3.De-regulatory	10 7.8	24 18.6	62 48.1	25 19.4	8 6.2

Based on Table 5.17, almost one quarter of them thought that the strength of Content Code is being able to control the information/content before broadcast. Also, they presumed that the strength of Content Code were to preserve Malaysian Culture 13.2% and to avoid sensitive issues, violence, unaccepted conflicts, obscenity and unnecessary content 11.6%. However, the respondents ranked the least for the strength of Content Code in ‘always updated’ and ‘fulfilled the viewers’ satisfaction’, with each ranked 1.6%.

Table 5.17: Distribution of Strengths of Content Code among Members of Content

Forum

Items	Frequency	Percentage (%)
1. Able to control the information/content before broadcast	31	24.0
2. Preserve Malaysian culture	17	13.2
3. Avoid sensitive issues, violence, unaccepted conflicts, obscenity and unnecessary content	15	11.6
4. Can build creativity	11	8.5
5. Comprehensive and flexible for self-regulatory (Cover all aspects)	9	7.0
6. Enforce media ethics	9	7.0
7. Can control and guide media organization	8	6.2
8. Conformity and accountability tool	7	5.4
9. Easily available and easy to understand	6	4.6
10. Basic guidelines for operators and all media players to refer/ follow (Good reference for the industry)	5	3.9
11. An awareness tool	4	3.1
12. Promote self-regulation among members	3	2.3
13. Always updated	2	1.6
14. Fulfilled the viewers satisfaction	2	1.6
Total	129*	100

* The total number of responses here was not 138, as respondents may unresponsive to answer.

One third of the respondents felt that Content Code is blocking the creativity and it was difficult to understand 16.8%. In addition, less than 5% of them thought that the

weaknesses of Content Code are ‘transparency and accuracy’, ‘no freedom for media’ and ‘lack of competitiveness’ (see Table 5.18).

Table 5.18: Distribution of Weakness of Content Code among Members of Content Forum

Items	Frequency	Percentage (%)
1. Block the creativity	40	30.5
2. Difficult to understand	22	16.8
3. Difficult to implement	13	9.9
4. Industry players as well as the public are not aware of Content Code	12	9.2
5. Rigid	12	9.2
6. Not comprehensive enough to cover all aspects in the industry	11	8.4
7. Not current/outdated	6	4.6
8. Have minimal knowledge on the Code	3	2.3
9. Acceptance of content is subjective. A person with conservative values may be more prone to have problem in an increasingly liberal society	3	2.3
10. Too much used for personal agenda	3	2.3
11. Transparency and accuracy	2	1.5
12. No freedom for media	2	1.5
13. Lack of competitiveness	2	1.5
Total	131*	100

* The total number of responses here was not 138, as respondents may unresponsive to answer.

Table 5.19 illustrates the expectation of respondents toward the Content Code in Self-regulatory framework. Nearly half of them expect that Content Code to be more

trustable and less rigid like in the items ‘to be more reliable and flexible on certain act, some times I’ve seen act that is not fair and not indicate to all’ 20.6% and ‘maintain self-regulatory level’ 20.6%. More than one third of respondents had suggested that to improve Content Code it has to be up to date. They also suggested that to ‘apply it by giving workshop/forum due to lack of information on content code’ 11.4% and implement ‘awareness campaign/program that is easy to understand and merged with popular culture (music, video , film) so it is easier to understand’ 11.4% in order to improve Content Code. However, only 2 of them suggested ‘elimination of the code’ (see Table 5.20).

Table 5.19: Distribution of Expectation of Content Code among Members of Content

Forum

Items	Frequency	Percentage (%)
1. To be more reliable and flexible on certain act, some times I’ve seen act that is not fair and not indicate to all	7	20.6
2. Maintain self-regulatory level	7	20.6
3. Expect all to apply	6	17.6
4. Be more open (except with regards to race and religion)	5	14.7
5. Level playing field	4	11.7
6. Believe it will become slightly more lenient due to the more modern thinking of Malaysian, in line with one Malaysia version	3	8.8
7. It is good since it will help upgrade/add better moral values to the Malaysians	2	5.9
Total	34*	100

* The total number of responses here was not 138, as respondents may unresponsive to answer.

Table 5.20: Distribution of Suggestions for Improvement of Content Code among
Members of Content Forum

Items	Frequency	Percentage (%)
1. Be up to date	12	34.3
2. Apply it by giving workshop/forum due to lack of information on content code	4	11.4
3. Awareness campaign/program that is easy to understand and merged with popular culture(music, video , film) so it is easier to understand	4	11.4
4. Follow the code, enforce and to ensure equal treatment to all media player	3	8.6
5. For some to be more user friendly and easy to adapt	3	8.6
6. Government has to think a way. Justice is justice	3	8.6
7. Should be worded that regular and normal person could understand	2	5.7
8. Do more study or research to develop a strong and solid code that can be accepted by all levels	2	5.7
9. Elimination of the code	2	5.7
Total	35*	100

* The total number of responses here was not 138, as respondents may unresponsive to answer.

5.2.2 Descriptive Profile of Respondents of Non-members of CMCF

This section describes the profile of the non-members of Content Forum. There are 141 respondents represents 11 organisations. As illustrated in the Table 5.21, it seems like female's quantity is more than male as female were 77 (54.6%) and male were 64 (45.4%). Majority of the non-members of Content Forum were holding Degree 56.7%, follow with Diploma holder 18.4% and Master holder 10.6% (see Table 5.21). More than half of the respondents were in position of middle management 56.0%, follow with support staff 36.9% and only 7.1% were in top management.

Table 5.21: Demographic Profiles of the Respondents (n=141)

Profile	Frequency	Percentage (%)
Gender		
Male	64	45.4
Female	77	54.6
Education		
SPM	14	9.9
STPM	5	3.5
Diploma	26	18.4
Degree	80	56.7
Master	15	10.6
Ph.D	1	0.7
Recent Post		
Support Staff	52	36.9
Middle Management	79	56.0
Top Management	10	7.1

The respondents were working in companies such as Utusan Karya Sdn Bhd 17.3%, P1 16.1%, Berita Harian 14.7%, IKIM FM 13.8% and Metro News 8.6% (see Table 5.22). According to Table 5.23, most of the type of organisations that non-members worked for are broadcasters 42.4%, follow by content creators/distributors 33.8% and Internet Access Service Provider 20.1%.

Table 5.22: Distribution of Name of Organisation among Non-members of Content Forum (N=141)

Name of Organisation	Frequency N	Percentage %
1.Utusan Karya Sdn. Bhd.	20	17.3
2.P1	19	16.5
3.Berita Harian	17	14.7
4.IKIM FM	16	13.8
5.Metro News	10	8.6
6.RTM Radio	9	7.8
7.Harakah Daily	6	5.1
8.Pesona Picture	6	5.1
9.Bernama	6	5.1
10.The Malaysian Insider	4	3.4
11.Malaysia Kini	3	2.6
Total	116*	100

*The response here is not 141 as some respondents may unresponsive to answer.

Table 5.23: Distribution of Category of Organization among Non-members of Content Forum (N=141)

Category of Organisation	Frequency	Percentage (%)
1. Advertisers	5	3.6
2. Broadcasters	59	42.4
3. Content Creators/Distributors	47	33.8
4. Internet Access Service Providers	28	20.1
Total	139*	100

*The response here is not 141 as some respondents may unresponsive to answer.

Based on Table 5.24, more than half of non-members of Content Forum haven't heard about the Content Code which is amounted 58.3%. Whereas, the rest of the respondents that have heard about the Content Code, they heard it from these channels which are from Internet 17.5%, Discussion 12.9%, Newspaper 12.3%, Seminar 11.0 %, and the least channel that they have heard about the Content Code was Flyer 1.3% (Table 5.25).

Table 5.24: Distribution of Hearing of the Content Code among Non-members of Content Forum (n=141)

Have you heard about Content Code	Frequency	Percentage (%)
1.Yes	58	41.7
2.No	81	58.3
Total	139*	100

*The response here is not 141 as some respondents may unresponsive to answer.

Table 5.25: Distribution of Channel Heard about Content Code among Non-members
of Content Forum

Channel heard about Content Code	Frequency	Percentage (%)
1.Internet	27	17.5
2.Discussion	20	12.9
3.Newspaper	19	12.3
4.Seminar	17	11.0
5.Briefing	16	10.3
6.Meeting	14	9.0
7.Television	14	9.0
8.Radio	10	6.4
9.Colleagues	9	5.8
10.Staff assembly	4	2.6
11.Talk	3	1.9
12.Flyer	2	1.3
13.Intranet	0	0.0
Total	155*	100

*The total number of responses here was not 141, as respondents may have ‘ticked’ more than one item.

Majority of the non-members of Content Forum had practiced Broadcasting Act 1988 38.8%, followed by Printing Press and Publication Act 1984 34.5% and the least act that they practiced were Sedition Act 1948 4.3% (see Table 5.26). The departments that mostly in charge of the Content Code in their organisations were Legal and Regulatory Department 48.2% and Administration and Management Department 26.2% (see Table 5.27). Nevertheless, 70.9% the non-members of Content Forum have not received any training on statutes/acts/laws by their organisations (see Table 5.28). Even though the level of enforcement of the statutes/acts/laws in their organisations were quite high by fully enforced 40.0% and moderately enforced 40.7% (see Table 5.29). Refer to the Table 5.30, more than half of the respondent response that the level of statutes/acts/laws used when producing the content/service was at all levels 55.7%.

Table 5.26: Distribution of Act that being used in Organisation among Non-members
of Content Forum

Act that being used in Organisation	Frequency	Percentage %
1. Broadcasting Act 1988	54	38.8
2. Printing Pres and Publication Act 1984	48	34.5
3. Content Code	11	7.9
4. Sedition Act 1948	6	4.3
5. Others	20	14.4
Total	139*	100

*The response here is not 141 as some respondents may unresponsive to answer.

Table 5.27: Distribution of Department/Section in Charge of the Content Code among
Non-members of Content Forum

Department/Section in Charge of the Content Code	Frequency	Percentage (%)
1. Legal and Regulatory Department	68	48.2
2. Administration and Management Department	37	26.2
3. Human Resources Department	13	9.2
4. Corporate Affairs	10	7.1
5. Others	13	9.2
Total	141	100

Table 5.28: Distribution of Training on Statutes/Acts/Laws by Organisation among
Non-members of Content Forum

Training on Statutes/Acts/Laws by Organisation	Frequency	Percentage (%)
1.Yes	41	29.1
2.No	100	70.9
Total	141	100

Table 5.29: Distribution of Level of Enforcement among Non-members of Content

Forum

Level of Enforcement	Frequency	Percentage (%)
1.Fully enforced	56	40.0
2.Moderately enforced	57	40.7
3.Slightly enforced	27	19.3
Total	140*	100

* The total number of responses here was not 141, as respondents may unresponsive to answer.

Table 5.30: Distribution of Level of Statutes/Acts/Laws Used when Producing the
Content/Service among Non-members of Content Forum

Level of Statutes/Acts/Laws Used when Producing the Content/Service	Frequency	Percentage (%)
1.At the beginning	30	21.4
2.At intermediate	29	20.7
3.At the end	3	2.1
4.At all levels	78	55.7
Total	140*	100

* The total number of responses here was not 141, as respondents may unresponsive to answer.

In Table 5.31, the most prevalent channel that they have used to deliver information about laws/acts/statutes in organisation among non-members of Content Forum were meeting 21.0%, follow by forum/workshop 18.8% and the least channel that they used for delivering the information about laws/acts/statutes were online newsletter 5.3%.

Table 5.31: Distribution of Channels Used to Deliver Information about
Laws/Acts/Statutes in Organisation among Non-members of Content Forum

Channels used to Deliver Information	Frequency	Percentage (%)
1.Notice Board	51	13.4
2.Online Newsletter	20	5.3
3.Organizational Newsletter	33	8.6
4.E-mail	69	18.1
5.Letter/Memo	66	17.3
6.Meeting	80	21.0
7.Forum/Workshop	60	18.8
8.Others	1	0.2
Total	380*	100

*The total number of responses here was not 141, as respondents may have "ticked" more than one item.

Most of the non-members of Content Forum have moderate level of perception towards Content Code based on the overall mean score for Table 5.32 is 3.4373. The respondents' response 'I think that organisational members feel that the Content Code is important' and 'I think that organisational members feel the Content Code is useful', each mean score is 3.68. However, they have low perception in the statement 'Content of Content Code gets wide exposure in mass media' with mean score 2.95.

Table 5.32: Distribution of Perception towards Content Code among Non-members of
Content Forum

Statement	Strongly disagree %	Disagree %	Slightly Agree %	Agree %	Strongly agree %	Mean Scores
1. think that organisational members feel that the Content Code is important	2 3.4	5 8.5	12 20.3	31 52.5	9 15.3	3.68
2. think that organisational members feel the Content Code is useful	1 1.7	2 3.4	16 27.1	36 61.0	4 6.8	3.68
3. Content code is suitable to be practiced in my organisation	1 1.7	10 16.9	20 33.9	22 37.3	6 10.2	3.66
4. feel organisation member are ready to accept the content code	1 1.7	4 6.8	21 35.6	25 42.4	8 13.6	3.59
5. Content of Content Code is easy to understand	2 3.4	2 3.4	17 28.8	35 59.3	3 5.1	3.59
6. Content of Content Code is suitable for all media	1 1.7	10 16.9	20 33.9	22 37.3	6 10.2	3.37
7. The terminologies used in the Content Code are easy to understand	2 3.4	5 8.5	25 42.4	24 40.7	3 5.1	3.36
8. The content of Content Code is comprehensive	1 1.7	9 15.3	24 40.7	21 35.6	4 6.8	3.31
9. The Content Code can be easily put into practical use	2 3.4	10 16.9	23 39.0	23 39.0	1 1.7	3.19
10. Content of Content Code gets wide exposure in mass media	5 8.5	20 33.9	10 16.9	21 35.6	3 5.1	2.95

Mean scores in this table are based on responses to a five-point answer scale where '1' equalled 'Strongly disagree' and '5' equalled 'Strongly agree'. Consequently, the higher the mean score the greater the perception towards Content Code.

Refer to Table 5.33, most of the respondents felt that the current regulation system practiced in work place is helpful in avoiding content that contain obscene content of which the mean score is 3.70. They also moderately agreed on perceiving that 'the

current regulation system can avoid foul language’ and ‘the current regulation system will ensure the media content is suitable for family’, which mean scores were 3.67 and 3.66 each. However, the respondent has a slight agreement on perceiving ‘the current regulation system can encourage creativity’ with the mean score was 3.10.

Table 5.33: Distribution of Perception toward the Current Regulation System Practiced in Work Place among Non-members of Content Forum

Statement	Strongly disagree %	Disagree %	Slightly Agree %	Agree %	Strongly agree %	Mean Scores
1. The current regulation system can avoid content that contain obscene content	5 3.5	3 2.1	49 34.8	57 40.4	27 19.1	3.70
2. The current regulation system can avoid foul language	4 2.8	7 5.0	47 33.3	57 40.4	26 18.4	3.67
3. The current regulation system will ensure the media content is suitable for family	5 3.5	8 5.7	42 29.8	62 44.0	24 17.0	3.66
4. The current regulation system can avoid menacing content	3 2.1	11 7.8	48 34.0	58 41.1	21 14.9	3.59
5. The current regulation system will ensure the media content is suitable for children	7 5.0	9 6.4	50 35.5	50 35.5	25 17.7	3.55
6. The current regulation system can avoid violence content	6 4.3	11 7.8	47 33.3	53 37.6	24 17	3.55
7. The current regulation system can avoid indecent content	7 5.0	7 5.0	50 35.5	55 39.0	22 15.6	3.55
8. The current regulation system can avoid false content	7 5.0	8 5.7	53 37.6	53 37.6	20 14.2	3.50

9. The implementation of the current regulation system can realize the Malaysian culture	4 2.8	17 12.1	49 34.8	52 36.9	19 13.5	3.46
10. The current regulation system can increase moral values and ethics	6 4.3	13 9.2	56 39.7	51 36.2	15 10.6	3.40
11. The current regulation system can increase the competitiveness among content providers to produce quality content	8 5.7	13 9.2	59 41.8	41 29.1	20 14.2	3.37
12. The current regulation system can produce content with high quality	6 4.3	18 12.8	55 39.0	44 31.2	18 12.8	3.35
13. The current regulation system sensitive to the people with disabilities	10 7.1	14 9.9	56 39.7	42 29.8	19 13.5	3.33
14. The current regulation system can overcome sensitive issues	7 5.0	12 8.5	72 51.1	37 26.2	13 9.2	3.26
15. The current regulation system can encourage flexibility in producing content	9 6.4	20 14.2	56 39.7	43 30.5	13 9.2	3.22
16. The current regulation system can encourage competitiveness in producing local content	11 7.8	14 9.9	65 46.1	39 27.7	12 8.5	3.19
17. The current regulation system can encourage innovation	8 5.7	23 16.3	62 44.0	38 27.0	10 7.1	3.13
18. The current regulation system can encourage creativity	9 6.4	23 16.3	65 46.1	33 23.4	11 7.8	3.10

Mean scores in this table are based on responses to a five-point answer scale where '1' equalled 'Strongly disagree' and '5' equalled 'Strongly agree'. Consequently, the higher the mean score the greater the degree of awareness towards Content Code.

It seems like most of the respondents felt that self-regulation practices is important based on Table 5.34, which they had thought that is it highly important 34.8% and fully important 25.5% to self-regulate. They were also thought that it is moderately important

on regulatory and de-regulatory, similar percentage 45.4% each. Majority of non-members of Content Forum felt that regulatory mechanisms were moderately highly effective on self-regulatory mechanism 45.4%, regulatory 49.6% and de-regulatory 59.6% (see Table 5.35). The Regulatory mechanism can be referred to the current press regulations, such as The Printing and Publication Act (1984) which has been imposed to the local press, but not to the broadcast and online media. The act is administered by the Ministry of Home Affairs.

Table 5.34: Distribution of Acceptance toward Regulatory Mechanism (Importance)
among Non-members of Content Forum

Item	Completely Not Important %	Slightly Important %	Moderately Important %	Highly Important %	Fully Important %
1.Self-regulatory	2 1.4	2 1.4	52 36.9	49 34.8	36 25.5
2.Regulatory	6 4.3	6 4.3	64 45.4	36 25.5	29 20.6
3.De-regulatory	7 3.5	12 6.4	74 45.4	30 27.7	18 17.0

Table 5.35: Distribution of Acceptance toward Regulatory Mechanism (Effectiveness)
among Non-members of Content Forum

Item	Completely Not Effective %	Slightly Effective %	Moderately Effective %	Highly Effective %	Fully Effective %
1.Self-regulatory	5 3.5	9 6.4	64 45.4	39 27.7	24 17.0
2.Regulatory	9 6.4	5 3.5	70 49.6	41 29.1	16 11.3
3.De-regulatory	7 5.0	16 11.3	84 59.6	26 18.4	8 5.7

According to Table 5.36, respondents agreed that the strengths of statutes/acts were most at preventing subversive element from creating disharmony in the media/community/society 12.4%, ‘comprehensive provision in certain aspects – wide ranging’ 11.3% and ‘provide act as guidelines’ 8.2%. Nonetheless, the lowest score for the strengths of the acts/statutes were meant to the statement ‘easily understood’, ‘promotes the freedom of expression and the freedom to the media’, ‘adhering to good censorship’ and ‘ensure do not break the law’, which the percentage was 2.1% each.

Table 5.36: Distribution of Strengths of Statutes/Acts among Non-members of Content

Forum

Items	Frequency	Percentage (%)
1. Can prevent subversive element from creating disharmony in the media/ community/society	12	12.4
2. Comprehensive provision in certain aspects -wide ranging	11	11.3
3. Provide act as guidelines	8	8.2
4. Make staff aware of individual responsibility	6	6.2
5. Avoid seditious content	5	5.1
6. Can avoid in reporting sensitive issues	5	5.1
7. Can avoid indecent and violent content	5	5.1
8. Enable the organization to monitor the activities within the organization	5	5.1
9. High degree of transparency	5	5.1
10. Ability to facilitate the industries for fair competition and efficiency	4	4.1

11. As control mechanism	4	4.1
12. Have to be more ethical in performing responsibilities	4	4.1
13. High level of accuracy	4	4.1
14. To make sure reporter/ media stay on the right track	4	4.1
15. Act as monitoring mechanism	4	4.1
16. Help the media players to be more careful in producing news as to follow the journalism ethics	3	3.1
17. Easily understood	2	2.1
18. Promotes the freedom of expression and the freedom to the media	2	2.1
19. Adhering to good censorship	2	2.1
20. Ensure do not break the law	2	2.1
Total	97*	100

* The total number of responses here was not 141 as respondents may unresponsive to answer.

Almost half of the respondents agreed that the weaknesses of acts/statutes were ‘lack of enforcement’ 18.0%, ‘limit the creativity’ 17.1% and ‘limitations of expressing and no freedom of information/transparency’ 10.8%. Nevertheless, they have low agreement on perceiving the weaknesses of statutes/acts in statement ‘double standard’, ‘lack of awareness programs for the public’, ‘the government has excessive power/too much interference’, ‘less competition among the media players’, ‘de-motivated people’, ‘journalist should be able to report fearlessly and objectively’, ‘impractical for writing materials in entertainment industry’ and ‘there are irrelevant guidelines and watched out

for uncensored materials from overseas', in which all of these statements has the same percentage which was 1.8% each (see Table 5.37).

Table 5.37: Distribution of Weaknesses of Acts/Statutes among Non-members of Content Forum

Items	Frequency	Percentage (%)
1.Lack of enforcement	20	18.0
2.Limits the creativity	19	17.1
3.Limitations of expressing and no freedom of information/transparency	12	10.8
4.Did not apply/cover the online or new media	7	6.3
5.Too structured/strict/rigid	7	6.3
6.Not fair to all industry players because it is sometimes bias	6	5.4
7.Too much bureaucracy	5	4.5
8.It can be manipulated/misused by irresponsible individuals	4	3.6
9.Need high degree of self-regulation	4	3.6
10.Needs review to suit current situation/practice	4	3.6
11.Vague, unclear and confusing	4	3.6
12.Imbalance between existing and new provider	3	2.7
13.Double standard	2	1.8
14.Lack of awareness programs for the public	2	1.8
15.The government has excessive power/Too much interference	2	1.8
16.Less competition among the media players	2	1.8
17.De-motivated people	2	1.8
18.Journalist should be able to report fearlessly and objectively	2	1.8
19.Impractical for writing materials in entertainment industry	2	1.8
20.There are irrelevant guidelines and watched out for uncensored materials from overseas	2	1.8
Total	111*	100

* The total number of responses here was not 141, as respondents may unresponsive to answer.

In Table 5.38, more than three quarter of the non-members of Content Forum had given expectation that the regulatory systems should have more freedom and should be given to the media industry/players 40.0% and it should not be biased 40.0%.

Table 5.38: Distribution of Expectation of Regulatory Systems among Non-members of Content Forum

Items	Frequency	Percentage (%)
1. More freedom should be given to the media industry/players	16	40.0
2. Not biased	16	40.0
3. There should be flexibility in the regulations implemented so that government stations can compete with their counterparts in the private sector so that overall viewers will be happy with the content in both government and private media	4	10.0
4. Instead of regulating more, should focus on leveraging on the strengths of the digital native to be creative at the same time be responsible online	4	10.0
Total	40*	100

* The total number of responses here was not 141, as respondents may unresponsive to answer

5.3 Conclusion

The objectives of the study, as mentioned in Chapter 3 were addressed and unlocked the perceptions and implication of self-regulation approach among media practitioners. The findings of this study affirmed that the key themes of the study, underlined from previous chapter are similar to the theoretical framework. As a result, the survey showed that majority of respondents willing to accept and embedded the self-regulation practices in their daily works. The following chapter will discuss in details about the perceptions, and thoughts among the media practitioners, as to justify the earlier results.

CHAPTER 6

RESULTS & FINDINGS

(PHASE II – IN-DEPTH INTERVIEWS: 2010)

2.1 Introduction

As discussed in Chapter 5, the findings of the study was drawn from the questionnaire presented the profile of members and non-members of the Content Forum. In this chapter, a qualitative research method was designed to explore the key themes / issues raised by the results of the questionnaire survey in greater detail rather than to test a particular hypothesis about the practice and acceptance of the Content Code among members and non-members of the Content Forum. This chapter is expected to measure the thoughts, critiques, and recommendations from the informants and to make comparison and justification on findings in previous chapter. This chapter will discover more comprehensive statement on some of the issues arise in the previous chapter. Using in-depth interviews, phase two of this study was implemented with a number of members and non-members of the Content Forum from different organizations. Informants from members of the Content Forum were from twelve media and telecommunications organizations whereas of the Content Forum were from thirteen media and telecommunications organizations.

6.2 Phase II – In-Depth Interviews.

This study was organized around seven key themes of “Self-Regulation” framework and mechanisms which are:

- 1) The meaning and the understanding of self-regulation framework and the awareness of the function of Content Code / Content Forum.
- 2) The mechanism used to implement the Content Code and media regulations (self-regulation, regulation and de-regulation).
- 3) Enforcement, regulatory and monitoring mechanisms of the Content Code in organization.
- 4) Suggestions to improve the efficiency of media regulation mechanisms.
- 5) Evaluates the effectiveness of the Content Code and existing regulatory mechanisms.
- 6) Advantages and disadvantages of the Content Code and existing regulatory mechanisms.
- 7) Suggestions to improve the Content Code and existing regulatory mechanisms.

6.2.1 The Meaning and Understanding of Self-Regulatory Framework and the Awareness of the Function of Content Code / Content Forum.

More than 80% of the Content Forum members have interpreted that self-regulation is basically about the understanding the Content Code in setting out their own policies in accordance to the organizations' requirements that fir the wider national agenda. Members also believe that self-regulation is about applying and implementing what is right and what is wrong regarding media laws and regulations as well as ethical issues. The affirmation can be seen in the quotation of one member as follows:

“Self-regulation means (that), we as the industry eventually understand the frame to set our own policies in accordance to the national objectives. I think we are subconsciously (in a dire state) doing self-regulation. We eventually create our own product as a media

company (and) as a content company... We are subconsciously following the self-regulation.” (Informant A3)

Looking at the ethical issues, several members have repeatedly said that they are responsible for the content that they broadcast to Malaysian citizen. They insisted,

“Before we decide to broadcast any content, we must first think what kind of impact that this content will bring to the public. Whatever content that we produce, we must do it responsibly.” (Informant A4)

On the other hand, some members understood that self-regulation is abiding the strict guidelines and codes set by the commission or the authority. This matter was emphasized by one particular member as follows:

“Self-regulation (can be defined as) guidelines of content control, based on content codes set by the commission.” (Informant A2)

For the non-members, more than 80% of them understood that self-regulation meant that the media industry has very minimum government interference. I.e. the government plays a rather minimum role. It is also pointed that the industry was regulating themselves; conducting, managing as well as building their own system in producing the best services to the public. The non-members believe that self-regulation is when they have the freedom to choose what content they want to produce as well as to fully understand the guidelines given by the authority and existing regulatory mechanisms. Such can be seen in one significant response from one informant:

“When you say self-regulatory, you have your own system of managing how to regulate certain things ... to fill out certain things (and) which information to serve. It is (also) a kind of business transaction or (particular) environment where the government plays very minimum roles.” (Informant B1)

Some Forum members clearly acknowledged that the Content Code was produced by the Communications and Multimedia Content Forum (CMCF), as commented below:

“We know that the Content Code was produced by them (CMCF) and we know about it (Content Code).” (Informant A5)

However, several non-members believed that self-regulation is about following existing guidelines. This was quoted from one non-member:

“We will follow whatever has been made ready by the KDN (Ministry of Home Affairs) to us. We should practice and abide by the guidelines given as well as the Content Code that was created by our regulator (CMCF).” (Informant B3)

Interestingly, two Forum non-members were clueless as to what self-regulation is all about hence therefore did not have any specific opinion or viewpoint. In conclusion, most members of Content Forum had applied the self-regulation framework in their organizations. Whereas, for the understanding and awareness of the function of Content Code / Content Forum among non-members, more than 25% of the them had confirmed being aware and understood the Content Code, Content Forum and its functions. However, two of them had declared that they were unaware of such matters.

6.2.2 The Mechanism Used to Implement the Content Code and Media Regulations (Self- Regulation, Regulation and De-Regulation).

More than 80% of the Forum members believed that they are using suitable mechanisms to communicate messages about the Content Code to their staff through short messaging system (iSMS), newsletters, emails, compliance trainings, internal trainings, technical trainings, in-depth trainings, journalism trainings, regular briefings, content code distribution, seminars and workshops. One very appropriate quote was extracted from one member:

“Our staffs are required to attend a seminar when we invite someone from the Content Forum (CMCF) to deliver a talk. So whatever cautions highlighted by the staffs, we actually impose that. We actually do that. I think it was last year (that) we organized (the seminar) and all our new staffs were told (to attend).” (Informant A5)

Meanwhile, a few others affirmed that the suitable mechanism is through close collaboration with the Malaysian Communications & Multimedia Commission (MCMC) and the Malaysian Censorship Board (MCB), or known as Lembaga Penapisan Filem (LPF) as well as other related agencies. The outcome can be extracted from a particular member who concluded:

“After the training, the LPF officers (will) work with us. We let the LPF officers stay with us (and check whatever was necessary). (There were) two officers for one channel. So the station (now) has two LPF personnel.” (Informant A2)

However, two of them quoted that it was not applicable for them to provide training on the Content Code in their organizations. Furthermore, only one member believed that the distribution of actual hardcopies of the Communications & Multimedia Act 1998 (CMA 98) is the most suitable mechanism to be used in order to implement the Content Code.

More than 50% of the Forum non-members believed that the self-regulation and regulation frameworks were the most fitting mechanisms that could improve media regulations in the industry. In fact, they had specific departments in their organizations responsible to regulate and monitor the contents before anything is officially printed or broadcasted. This includes the regulation unit, quality control unit, interpretative group unit and editorial department. They also implemented a series of meetings, internal trainings and provide classes for their staffs to ensure that the Content Code is accurately comprehended. This was shown through the quoted feedback from one non-member:

“(We) must have both (where) you have regulation and self-regulation. It is good as it portray us as people that have the responsibility towards (our) organization.”
(Informant B3)

However, there is more than 25% of non-members that did not have any internal departments assigned to regulate and monitor their contents. They relied on the feedback and guidance from the Ministry of Home Affairs (MOHA), the Malaysian Communications and Multimedia Commission (MCMC), the Department of Islamic Development Malaysia (DIDM) and responses from audiences or readers. A majority of non-members admit that self-regulation is the only framework suitable to be used in

media regulations structure. The appropriate answer can be exemplified from one non-member:

“So to think the one word that technically guides my entire lifestyle and organization, I mean whatever we do, is self-regulation. Self-regulation is the best way because the experts are in the field.” (Informant B4)

Additionally, a few of the non-members stated that the regulation framework is the only suitable method to be used as an instrument for Malaysian media regulation. However, only one non-member declared that de-regulation might be suitable:

“Yes. De-regulation (because) we promote the freedom of speech (and) we understand if the government argues that they need some form of transition towards de-regulation in Malaysia.” (Informant B7)

Nonetheless, one non-member has no opinion or viewpoint regarding the issue. Overall, most of the members of Content Forum frequently practiced specific means to implement the Content Code in cascading the Content Code information throughout their organizations. They provided trainings for their staffs to ensure that everyone in their organization is aware of its implementation. In contrast, non-members were still new to self-regulate on their Content Code. They either hold frequent meetings or rely on other authorities to regulate it for them.

6.2.3 Enforcement, Regulatory and Monitoring Mechanism of Content Code in Organization.

Among members of Content Forum, 66% of them had considered using guidelines from the Content Code itself as the most appropriate enforcement and monitoring mechanism. Below is a sample response from one such:

“(We) follow the CMCF’s Content Code because it’s actually the license. So, these (matters will go) through (by) referring to the guidelines (provided).” (Informant A6)

More than 30% of other members thought that related laws and regulations, censorship, licenses, policies, evaluation, feedback and edited contents (programs, articles or documents) were suitable methods which could enforce and monitor the Content Code implementation. Meanwhile, for the another two informants, Chairman of Content Media organization (Informant C2) and the CEO of a leading organization of Communication and Multimedia Content (Informant C1) have different perceptions on the enforcement of the Content Code. Both of them perceived that it was important to implement the self-regulation mechanism by using the Content Code among all media players. This is in accordance to the national communications policy. The informants believed that a self-regulation mechanism that abides by the Content Code would facilitate in elaborating and forming the idea of self-regulations mechanism. Hence, media players could understand the importance of adopting and implementing these regulations in their organizations better. The assertion can be seen in the quotation of one informant:

“Self-regulation means (that) the media industry should have specific or their own controlled regulation in daily practices. They (the industry) should not breach any of

the provisions or regulations provided in the Content Code if they are members of the Content Forum). Members (Content Forum's members) are always to be aware of the requirements for their daily media roles and practices; what they should and not should do." (Informant C1)

The 40% of the informants firmly agreed that the implementation of Content Code towards media players is necessary in nature and is dynamic to be practiced. The Content Code is meant for everyone and it is certainly not rigid in order to guarantee that the regulation is pertinent at all times. These views almost resembled the opinions of Forum non-members regarding regulatory mechanisms in their organization. Most non-members indicated that the regulatory and monitoring mechanisms used in their organizations were licensing, related laws and regulations, censorship boards, feedback, meetings and discussions, edited contents (programs, documents and articles), trainings, briefings and self-monitor systems.

Additionally, more than 30% of non-members used existing guidelines or developed their own regulatory and monitoring mechanisms. One quote from a particular non-member stated:

"They will give us several guidelines and we will finalize it all. Then, they will choose and tell us which can be used and which ones that cannot be used. If we got a new offer, they give us new guidelines saying that this is the new offer and this is the specific guidelines. We just have to follow the given guidelines." (Informant B7)

However, two members believed that complaints are the fitting option to enforce and monitor the Content Code. One particular member mentioned:

“(There are) specific units if you join marketing (team where) we (will) brief you (regarding its rules and regulations). It’s not so much, but you are told what it is ...but it’s not how we reviewed it but (depending) how many complaints we received.”
(Informant A3)

At least more than 60% of informants notified that any complaints coming from the media players, public or members of Content Forum will be analyzed by the Complaint Bureau. First, there will be an informal hearing about the complaints to the Executive Councils of the Content Forum and the Chairman of Complaint Bureau. If the complaint is examined as a new case that is yet to be in the archives, the committee will call and gather the parties involved to advise how to file the documents and how the other party (defendant) should reply to the complaint. When there is a possibility, both parties need to present their evidences and witnesses or any independent (expert) views on the case. Informant C2 explained,

“Most of the cases are presented in written statement. Unless the case is complex or serious; we will call them to clarify. The judgment will not be done by Chairman alone. We will ask the Complaint Bureau members to help us; the verdict is made by a majority or unanimous decision. To ease this situation, Chairman of the Complaint Bureau will write the judgment first, and then he will distribute to all the bureau members so as to help them to give their comment. After all, his position is to mediate both parties and to find solutions for the issue.”

Therefore, the committee will judge and decide on the solutions for the cases. The solutions must be based from regulations (Content Code) of which it could issue a fine,

warning or cease the published content immediately. These decisions are shared with the public to show good governance practice from the committee. Nonetheless, not all the complaints will proceed as a case. As Informant (C2) explained,

“We can also dismiss a complaint (inaudible). Looking at it, actually there’s no issue. Then I just dismiss the complaint. If there’s a real complaint that does not comply with the requirement of the (inaudible), then I ask them to write to the other party because the other party may apologize or simply withdraw the content.”

Furthermore, when making a decision for any case, there are specific procedures to be followed before reaching a consensus. Informant C1 commented on the CMCF’s Complaint Bureau roles and mechanism. He disclosed,

“The decision is not made by the Chairman alone. We have the Complaint Bureau members, so the decision is by a majority or unanimous decision. The members represent various media industries and also the Civic Groups. So, when we make a decision, the industry themselves are contributing. But generally, to ease the situation, the Chairman of Complaint Bureau will write the judgment first and then he will distribute it to all bureau members to get responses regarding the judgment. If they agree, most of the time, the bureau doesn’t even have to hold a hearing. That means with the document, the Chairman made the decision.”

This resembled one of the non-member’s confession that he used complaints as his regulatory and monitoring mechanism,

“Yes. We use complaints. This is what I understand. If there are no complaints, we cannot get away with a lot of things. Or else we will have a hard time to answer to the particular people. What we did now is we use complaints to filter what we produce. Then, when a certain program comes in, we have a team who is supposed to be well versed in all issues of those aired programs. This is the process and this is what I understand.” (Informant B1)

Nonetheless, minority members of the Content Forum had chosen survey ratings and joint ventures with related companies or organizations to enforce and monitor the Content Code implementation. In contrast, one non-member concluded that religious principle or viewpoint is of utmost importance and currently uses it to help enhance the regulatory and monitoring mechanisms. He admitted that,

“We believe and hold firmly to the religious principle which is the Islamic principle or the Syariah Law because firstly, it’s about sins and rewards that we’ll get afterwards in the Hereafter, Secondly, we’ll avoid things and cases that lead us to go to court whether its defamation, seditious or even fine.” (Informant A3)

In addition, two members of Content Forum did not assume themselves as enforcers in their own organizations. This is because they expected that all of the members and alliances in their organizations are well aware of the consequences if they infringed the laws. Refer to their statement below:

“We promote the content industry but we do not retake of what they (members / alliances) do or what they don’t do... That’s not our job. We are not in the enforcement. Though we will be assisting the enforcement agencies if we detect our people have made

mistakes and we will refer to the Malaysian Communications and Multimedia Commission (MCMC) for advice and further actions.” (Informant A5)

There were two non-members of Content Forum who had no say at all about the existing regulatory mechanisms. They did not prefer the self-regulation nor regulation mechanism. In fact, one of them preferred the de-regulation because he believed in freedom of speech of where the country ought to have very minimal regulations towards content service providers.

Overall, more than 80% of the CMCF members and non-members stood by the Content Code provided by the regulators as well as the existing laws and Acts. Members have a specified person in their organizations who were in charge to monitor the content. Alternatively, they used specific media technologies to control the content flow. It was to maximize their capability to self-regulate. Those who do not have a specific department or technology in assisting self-regulation depend more on other authorities' assistance. This is why most non-members of Content Forum practice both self-regulation and regulation mechanisms simultaneously.

6.2.4 Problems and Obstacles Faced in Handling Complaints.

According to the Informant C2, it is the media content itself that will trigger the main problems. Media industry players claimed that the content that they publish was based on their understanding of the content classification. For instance, some bloggers had manipulated the Islamic blog to become an anti-Islamic blog by modifying the content. In addition, members of the Content Forum must be responsive to the other party that complained about them by submitting a jurisdiction. However for non-members, they

may lodge a complaint against one another. Even if one party has agreed to submit for jurisdiction, the other party may still refuse to do the same.

The other kind of obstacle is the lack of knowledge regarding the impact of new technology and new media to the society, in specific, parents. When parents did not understand the media content, they would not put any actions against other media organization for the media content itself may or may not have exploited the children. This is due to the society's perception about media technology, unaware of the importance to safeguard the practice an application of new media technology.

6.2.5 Enforcement and Monitoring Mechanism Use and the Effectiveness of Content Code.

Informant 2 had notified that the numbers of issues complained solved in any particular year will indicate the effectiveness of self-regulation mechanisms. Furthermore, several informants believed that the Communications and Multimedia Content Forum (CMCF) should advocate providing training and education for media industry players and the public. It was hoped that the self-regulations mechanism is successfully understood and embraced in the knowledge society. Particularly for the media players, they will less likely reject the self-regulation methods once they concede to the effectiveness of the mechanisms.

6.2.6 Awareness and Acceptance Level of Industry Players towards the Content Code.

More than 80% of the informants interviewed admitted that members of Content Forum are well-versed in understanding the Content Code but were not necessarily experts in conducting briefings on the matter. On the contrary, non-members of Content Forum needed extra attention and guidance to understand and implement the Content Code so they will truly embrace the guidelines.

6.2.7 Suggestions to Improve the Efficiency of Media Regulation Mechanisms.

Several important propositions were suggested by non-members of Content Forum in regards to the improvement of media regulatory mechanisms. The suggestions were meant to be forwarded to the Communications and Multimedia Content Forum (CMCF) or known as the regulator and government bodies. Below are the suggestions:

a) **To the Regulator.**

- Regulators and related agencies need to continuously monitor the language and terms used in every media aspect, especially printed articles or documents and broadcast programs. Refer to the quote below from one of the non-member:

“Regulators need to have experts in language so that they can monitor wrongful language usage from those parties (government bodies or private bodies,) especially the private radio stations that usually use wrong language.” (Informant B3)

- There was a need to form a media council where the committee consist of actual media practitioners / players. One non-member proposed:

“Ensure that the one that makes all these guidelines are the one that actually have the right qualification in the field that they are setting about. For example, if you want to be a lawyer, you must have law degree, same goes to media players, you must have a qualification at least in terms of education attainment.” (Informant B2)

- Constantly conduct discussions or meetings with related parties or persons involved if there was a doubt or conflict about something, particularly issues related to media regulations. This will assure people that the Content Code will be updated according to current issues.
- There is a need to raise more awareness among media practitioners. As explained from one non-member,

“Those who joined the CMCF (Communications and Multimedia Content Forum) should help us the other media practitioners to understand and be more aware about the Content Code.” (Informant B4)

b) To the Government.

- Needs to constantly alert and attend to all changes that happened in the industry. As one of the non-member has specifically explained:

“What are we doing (codes), is to be alert with all of the changes that is happening. Sometimes the changes happen too quickly. If it does not exist (the situational for the

codes) today, the codes can be valid for another four to five years to come. It's better to update the codes semi-annually (every six months. ” (Informant B1)

- The Malaysian Communications & Multimedia Commission (MCMC) and the Ministry of Home Affairs (MOHA), particularly the Percetakan Nasional Malaysia Berhad (PNMB), have to constantly monitor media activities.

The government and related agencies need to conduct more seminars, workshops and trainings for all media practitioners / players so that they understand more about Content Code and media regulations. They need to create more awareness programs on the Positive Uses of Internet Programs (PUIP) which could educate consumers how to block any unwanted content in the Internet as facilitated by the Internet Service Providers (ISP's) of the country.

- The government and related agencies need to provide educational training on ethical matters, especially for media practitioners in order to instill or strengthen good and appropriate ethical values.
- There is a need for the Malaysian Communications & Multimedia Commission (MCMC) to set up new rules or regulations that emphasize on the qualifications of its members, especially for radio announcers (DJs). The radio announcers need to have a formal education / qualification (i.e. Bachelor's Degree / Diploma) in relevant fields.

- The government needs to give more freedom for the press or media practitioners in producing reliable content. One non-member issued this statement:

“I think the excellent regulatory mechanism is one that has minimum government interference. As one of the media players in the media industry, we want a full fresh media council. Give us more freedom in producing contents so that we as producers can give interesting contents (with approval from our senior editors) and therefore, we could survive in this business better and longer.” (Informant B4)

6.2.8 Evaluation on Content Code and Effectiveness of Existing Regulatory Mechanism.

As obtained from the findings, only 50% all of members of Content Forum had conducted an evaluation of the Content Code and they concluded that it was strict and quite detailed, but do not comprehensively cover every aspect of each related media field. As mentioned by one of the members,

“(This) Content Code if you really ask me is (too hard and heavily described). I would say it’s quite detailed (and) too much to follow. On top (of that), the Content Code (did not) cover every aspect that relates to the (content) industry.” (Informant B7)

The other half of the members had never conducted any evaluation on the Content Code. In justification, they thought that the Content Code itself is enough and therefore there was no need for it to be evaluated. As one of the member had said,

“No, we don’t conduct any (evaluation); the Content Code is already quite effective.”

(Informant A6)

From another standpoint, more than 60% of non-members have evaluated the effectiveness of existing regulatory mechanisms in their organizations. Only a few of them have not made any evaluation on its effectiveness. Therefore, they did not have any specific comments, viewpoints or opinions regarding the subject matter. Additionally, a few other non-members stated that existing regulatory mechanisms were usually double standard, mostly dependent on the public / media practitioners’ complaints / feedback and can carry different perspectives for different persons. Whilst another two non-members asserted that the existing regulatory mechanism is good enough and had no problems regarding the matter:

“Nowadays, the one conducting the check and balance in the writing / producing industry will inquire more for a written report from us if let’s say there is a mistake in anything we produce. It’s good actually since we have to explain why certain things were done in that particular way. I think the control given towards the end product is actually good and is also in line with the Content Code created by the CMCf (regulator). I think that’s good enough, I mean the code.” (Informant B2)

One of the non-members concluded that the existing regulatory mechanism was not effective while the other informants confirmed that they had no comments, viewpoints or on the issue. In conclusion, more than half of the members and non-members of the Content Forum had actually evaluated the effectiveness of the Content Code. Nearly half of them still assumed that the Content Code may need to be periodically upgraded

to suit to different kinds of audiences in the country, especially towards the younger generation and Internet baby boomers.

6.2.9 Advantages and Disadvantages of the Content Code and Existing Regulatory Mechanisms.

Members of Content Forum have shared their viewpoints on the advantages and disadvantages of Content Code. They were as follows:

a) **Advantages:**

- Allows more creativity. One of the member said:

“I do think self-regulation by abiding the Content Code is a good thing. It allows more creativity because creativity is something like an abstract; it’s good that it is not over inspected by the media police, something like that. It allows people to be more explorative and brave.” (Informant A3)

- Acts as guidelines. Refer to the quote below:

“There will be certain basic guidelines, it is impossible to capture everything that is going on, but it is always good to have a basic guideline before we produce the content. It allows people to distinguish what is right and what is wrong.” (Informant A1)

- Can be used as a defense mechanism when necessary. One member explained:

“Let’s say, some other parties has called up to lodge a complaint with us that they are unhappy with our content. Then, we can tell them straight, there is nothing wrong with our content since we’ fully abide the Content Codes, we can say ‘I have the defense, sort of.’” (Informant A2)

- Acts as meeting points and a source of information, as quoted below:

“The Content Code is some part of a test of guideline to us. We shall have meetings to discuss more about the codes, because a lot of things can be solved via discussions.”

(Informant A2)

- Acts as a medium to solve problems since it provides different perspectives from different players or parties involved in the industry. As one of the member iterated,

“The Content Code is written for many different players in the content industry. So, it’s a good forum in a sense that you get different perspectives from people to solve problems, so it’s a good discussion point. Since you’ve got different points of view on certain issues, you may or may not change your opinion / stand.” (Informant A5)

b) **Disadvantages:**

- Media players are not given much power / credibility to act on certain things.

One member expressed that:

“We have to listen a lot from them (authorities), therefore we can say we’re kind of powerless and not given the credibility to rule the conduct.” (Informant A1)

- It limits creativity, as disclosed by one member:

“We have so many regulations from the previous (Acts) and now the Content Code, but it’s kind of hard if we follow the codes strictly. We cannot get maximum profit or survive in the business as we are unable to deliver what the audiences want.”

(Informant A3)

- It is unable to capture / cover everything, as one member complained:

“There will be always something (a case) that will be happen in the content industry, that the Content Code cannot cover. It’s because it (the Content Code) cannot capture everything.” (Informant A6)

- It has some elements of politics. One member expressed:

“The Content Code itself is in some part a political matter. For example, when the country is having an election, we try to cover the news but have to censor too many things. Therefore, the foreign news will accuse us for some sort of misinformation in the news, something like that. So, they will sensationalize the news. Even though, the things that they said did not happen, they will still create it. So yes, it’s hard (politics.)”

(Informant A3)

- It needs to be reviewed fairly often since the industry is continually evolving and changing. As one member explained :

“It (the Content Code) must be evolving since now the media is in transition from the traditional media to the new media (Internet), so the code must be in accordance to the media technology.” (Informant A4)

On the other hand, non-members of the Content Forum also have communicated their viewpoints in regards to the advantages and disadvantages of existing regulatory mechanisms:

Advantages:

- The existing regulatory mechanism can act as a guideline. One non-member disclosed:

“It’s a guideline, so we shall follow it because it will give benefit, no harm in anyway. It’ll steer us in a right way in the industry, just like Acts that serve as guidelines for us”.
(Informant B3)

- The existing regulatory mechanisms can act as a shield to safeguard local culture. This was mentioned by one non-member:

“If not us, then who will protect the culture? Thus, it is important for us to have guidelines especially in culture protection. We cannot have so much western influence in our content. Even though, youngsters prefer them (western influence), we need a balance and guidelines to control that.” (Informant B1)

- The existing regulatory mechanisms can help the industry until it reaches certain limitations. As one of the non-member explained:

“Since we’re Muslim, there are certain limitations that we need to follow, so the regulations are helping a lot in that sense.” (Informant B2)

- Existing regulatory mechanisms can help promote stability for the current media industry. This response came from one non-member:

“It (the guidelines) serves as somewhat promoting stability of the media industry. It helps out (to curb) the bad things that happen in the industry. So, we need some pure basic (regulations) to not let things (unwanted issues) happen easily.” (Informant B4)

- Existing regulatory mechanisms have to exert more control onto the industry. One non-member has cited:

“Our society is not ready for absolute freedom in conducting creativity (in content industry). Thus, it is good indeed to have more control for all of us. Otherwise, the broadcasters will simply do whatever they like.” (Informant B3)

Disadvantages:

- The current regulatory mechanisms have too much Western influences. As one non-member shared:

“We have too many Western shows in our television, even though we had edited, we can’t control the impact of the influence to our society. Especially the words, sometimes

they have dirty words or double meaning words. That's not good. But if we control too much, then there would be a stern limitation to media creativity.” (Informant B1)

- Current regulatory mechanisms can restrict creativity. One non-member defined:

“It (the guidelines) restricts our creativity as creators / broadcasters, because it (the guidelines) says what we cannot do, what we can do. It limits us to work, you know.... artistically.” (Informant B3)

- Existing regulatory mechanisms are very strict and heavily regulated. This view was clarified by one of the non-member:

“Right now, I think we are over regulated. It seems like the trust between us is absent. It's very strict and it (the Acts) put more accountability and ownership by the media parties.” (Informant B2)

Apparently, there are some consensus of advantages and disadvantages between the Content Code and existing regulatory mechanisms for members and non-members of the Content Forum. They have agreed on the same terms that the codes are meant to be the guidelines and can be used as a source of information whenever conflicts between parties crop up. In terms of disadvantages, both of these two groups had mutually agreed that the Content Code and regulatory mechanisms are restricting their work creativity.

6.2.10 Suggestions to Improve the Content Code and Existing Regulatory Mechanisms.

Several propositions were suggested by members of the Content Forum towards improving the Content Code:

a) **To the Content Forum:**

- The language used in the Codes needs to be improved. As one of member clarified:

“The language used in the Codes can be improved so that it (the language) can be unified and used by a lot of media parties like broadcasting, advertising, interacting and many more.” (Informant A3)

- A lot of repetitions in the Codes need to be minimized. This point was explained by one member, as he said:

“If you read the Content Code carefully, there are a lot of repetitions. For example, if you want to compare from one section to another, you can see there are word redundancy.” (Informant A2)

- The Code needs to have better accessibility for the media industry. One member elucidated:

“I think accessibility is something that we need since it’ll show how reputable we are as a body that regulates the Content Code. We need all media players to see each other often, do open dialogues and for example, we would have annual compliance trainings

and (we) get more involved. You know, to get to know these people (other media players).” (Informant A6)

- The Code needs to be constantly updated as one member had mentioned that the media trend is constantly changing. Therefore, the Code needs to be on par with the media changes.
- The Code for the new media should be less detailed and restricted. One member explained:

“The Internet shouldn’t be too flattered with too many restrictions. The content providers should know what kind of contents are for the Malaysian market. The Content Code can be the guidelines for it (internet), but not too much. It’s because they (audience) will think that the Internet in Malaysia is too regulated. So, it’ll actually lose to the industry.” (Informant A3)

- Each Code needs to interplay, intertwine and support each other, and not contradict. one member expressed:

“The official media (print and television) have stricter limitations / control as compared to the new media (Internet). People can always go for other alternatives to find news. If they felt that the content in the official media is somewhat lesser than what they get from the new media, then we’ll know the consequence. The official media will lose its credibility.” (Informant A1)

- Those involved in the Content Code draw up process should understand it well.

One member described:

“We have to ensure that those content creators, the ones that actually made up the Codes, are fully aware that some forms of regulations are actually making sense. If the majority of the Content Forum members do not know what is the self-regulation framework and all, you know it (the Content Code) won’t work.” (Informant A5)

b) To the Regulator:

- The Malaysian Communications & Multimedia Commission (MCMC) should educate those involved in the Content Code creation. They need to understand the codes clearly, how will it impact the content industry and how it relates to the laws / enforcement.
- The Malaysian Communications & Multimedia Commission (MCMC) has to evaluate how well people in the industry adopt and adapt to the Content Code so as to see the results of Content Code usage. As one member has commented:

“So, the MCMC has to find out how well the Content Code is. How people that are involved are actually using it, and what kind of self-regulation are imposed on each of the Content Code members. Since you are a member of the Content Code, you should know what practices and regulations (the Content Code) are in your organization.”

(Informant A1)

- There is a need for a lot of dialogue sessions with all media players and agencies that are involved with the media industry to improvise the code by updating any current issue in the content industry.
- Heavy promotion should be given since not all industry players know what Content Code is. As explained by one member:

“The MCMC should make some kind of awareness strategy to all related bodies in the media industry. They should create a stakeholder management. They need to enforce the Code all out, but if you don’t work out the tools (promoting strategies), so it (self-regulation framework) will eventually fail. We need to encourage more people to become members of the Content Forum.” (Informant A2)

c) **To the Government:**

- The government and related agencies must allow the media to have a little bit of space on how the media wants to disseminate news. On the notion that self-regulation practice abides by the Content Code, the news itself should not be perceived as so pro-government. Media players need to be seen as reliable and transparent by the audiences. The government needs to be more open in receiving objective / constructive criticisms.
- The government and agencies involved need to put a lot of effort and get the masses to understand the right language they should use in their interaction, particularly in Short Messaging System (SMS) and blogs. The correct language usage ought to be based on the Content Code guidelines.

- The government has to trust and give some room for media players to regulate themselves. One member recommended:

“Let’s say the Information Ministry decides to control what is going on in the Internet (content). There must be a lot of dialogues from the stakeholders involved. But, during the meeting, the ministry should not be the one that gives out directions without giving us some space to explain or defend the rules in the Content Code. We should have the kind of give and take situation.” (Informant A4)

In addition, non-members of the Content Forum have shared their views on suggestions to improve existing regulatory mechanisms:

To the Regulator also known as the CMCF (Communications and Multimedia Content Forum):

- The regulators need to draw up laws that cover and relate all aspects of the media industry. One non-member has explained that some parts of media contents are still unregulated. For example, the Internet radio stations, online television (i.e. Reality TV, Web TV etc.) and also some webpages that have official websites (i.e. bicara.com, metro.com etc.) that has no license but still operate.
- The regulators have to update the Content Code proactively, not reactively. As one non-member clarified:

“Those people (regulators) should be the ones that keep on updating the Codes, not waiting for other parties to complain ... then they will respond. They should envision what kind of impacts may occur from other sources of media content. Such as, satellite television where everyone knows the entertainment provided in those channels is uncontrollable in terms of pictures, visuals, dialogues and many more. Remember the MTV (Music Television) which originated from United States has become phenomenal to our youngsters? They (youngsters) get influenced by it and it makes them feel like they want to do what they see on MTV.” (Informant B1)

- The regulators need to understand how the media work and be close to them so as to help strengthen existing affiliations. One non-member shared:

“There should be some people from the non-member (Content Forum) who can voice out their opinion from their perspectives. Therefore, we can work together as members and non-members... as we can cooperate to assist the government and build up better policies.” (Informant B3)

To the Government:

- The government and related agencies need to involve in the public and rope them in as volunteers in the media industry. It is important to let the public feel that they are part of the media regulation so that they will feel they are somewhat responsible and belong to the enforcement / regulations.
- The government needs to educate the public and help them understand the laws, guidelines and regulations better. This is important because in the future, Internet will have contents that are hardly controllable or be fully regulated. The

wider public is the online user. Hence, it is crucial for them to know what is right and what is wrong when surfing Internet.

- The government and related agencies of the media need to conduct more awareness campaigns for media users or the public regarding the laws and regulations. One non-member insisted:

“They (the government) should plan for an awareness campaign facilitated by media organizations to educate the public about the laws and regulations in media usage (refer the public as the media users). By doing so, they (the public) should know that it is wrong to make racist statements or posting seditious words publicly.” (Informant B4)

- The industry only needs very minimum government interference since now there is the CMCF (Communications and Multimedia Content Forum) that promotes self-regulation practices. Therefore, the non-members felt that they are already abiding the Content Code and they feel they have known the rules in the Code of Ethics which indicate the Content Code philosophy.

To the Government and Regulators also known as the CMCF (Communications and Multimedia Content Forum):

- There is a need for the government as well as the regulators to recognize the Code of Ethics which media practitioners had put forward since the 1970’s (i.e. Journalism Code of Ethics). It represents the right to reply (as a defense mechanism) and emphasizes the balance in reporting the news. The balance in

reporting does not induce any bias. For example, the stories / articles / programs and reports pertaining to politics and the government need to be a lot more transparent, free and truthful. That means, to just let the readers define the news and information they receive.

- The government and the regulators need to constantly update the related laws, guidelines and regulations. This is because laws and regulations have to be in line and suited according to the present situation so they remain relevant to be enforced.
- There is a need to interpret the laws, guidelines and regulations to media practitioners so that they are aware and understand the codes accordingly. For example, the regulators went to the media organisations and explained about how some programs on the television can impact audiences' psychologies and people's sensitivity.
- There is a need for a balance between regulations and self-regulation. One non-member explained that:

“Even though there are self-regulated organizations, the regulators do not forget to monitor the activity or the impact of those contents that have been produced by the self-regulated organizations. Don't wait for the audience to complain to the regulators, only then you (the regulators) will act to solve the damage done. Nevertheless, do not totally control them (self-regulate) because they are self-regulated organizations. But we need both to work out as well for our industry (media).” (Informant B1)

- There is a need of formal, suitable and related qualifications for the media practitioners especially radio announcers. The qualifications will justify how well-informed and understanding they are about the industry. For example, people who are involved in giving out the contents (i.e. radio announcers) should have tertiary education qualifications (i.e. Bachelor's Degree in Mass Communication) because they are more informed and knowledgeable.
- There is a need to apply the “open Internet” concept to broaden the media as well as the public's viewpoint. It is quite risky to let the online activities remain unregulated because internet is a universal data content. In addition, it is hard to adopt a “restricted Internet policy” because foreign countries did not adopt any restriction toward Internet. Therefore, if Malaysia adopts an Internet restriction policy, Malaysia will be perceived as an outdated country by the rest of the world. Therefore, the “open Internet” concept is referred as self-regulation (no restriction) for Internet users as long as they are aware of the standard guidelines that work for all kinds of Internet audiences (did not put any mandatory to specified media organizations or users); for example, a guideline to curb seditious acts.

Apparently, members and non-members have not reached a consensus to improve the Content Code as non-members have argued for the code to be more fitting of the media industries. However, members of the Content Forum recommended that the Malaysian Communications & Multimedia Commission (MCMC) should educate members of the Content Forum more as to how code creation can actually be adaptive for people that are involved in the content industry. However, both parties (members and non-members of the Content Forum) reached an agreement in suggesting the Content Code's

improvement to the government. Both had asked for more active involvement in educating the public and more training about the Content Codes. Most importantly, both parties want the government to give them a little bit more liberty in managing their own contents in their organizations.

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CHAPTER 7

SUMMARY AND CONCLUSION

7.1 Introduction

This final chapter shall discuss the trends and themes derived from the study findings, summarise the scenario behind the research objectives before concluding the achievements of this research and how it contributes to the current knowledge pool. The researcher will revisit the research objectives and match them with the pertinent findings. Furthermore, the theoretical framework and research methodology which were applied throughout the study will be discoursed. The inherent study limitations shall be reviewed along with suggestions for future study recommendations in order to assist other scholars to shed more understanding in this field. In Malaysia, it is hoped that this research could assist to improve the development and implementation of self-regulatory mechanism in broader perspectives for our local media industry.

7.2 Review of Findings.

The conclusion of the findings could be reviewed from two perspectives through quantitative and qualitative approaches. From the quantitative perspective, the study have determined several key themes which are the demographic profile of the respondents, level of awareness towards the Content Code, how the Content Code was practised, the importance and effectiveness of the Content Code, acceptance towards regulatory mechanisms, strength and weaknesses of the Content Code and expectations of the various self-regulatory mechanisms. Whereas from the quantitative approach, we

have explored the determinants of self-regulation concepts; covering its mechanisms, acceptance level, understanding and implementation among the respondents who were media practitioners.

Qualitatively, the informants interviewed for this study have revealed the different perceptions, interpretations, recommendations and aspirations of representatives from various groups from the media industry. The findings were very significant to the research objectives in revealing the whole scenario of the self-regulation practices within the Malaysian media industry. They reflected the expertise and professionalism of the media players and regulators which definitely enhanced the validity and reliability of the study.

Both these approaches answered the study's central issues pertaining to the acceptance, efficiency and practicality of national media self-regulatory mechanisms and its practises. The implementation of this regulatory approach depended on various factors such as the political-economy environment, industrial and social needs, media culture and effects from technology. Effective implementation of this regulatory approach would only be possible with the empowerment of local governance to address and support the practicality of self-regulation mechanisms for it to be adapted in the national media environment.

7.2.1 Demography.

As illustrated in Chapter 5 (Table 5.1), respondents representing members of the Content Forum were almost equal between the genders; male (51.4%) and female (48.6%). This suggests that essentially there is no disparity in gender distribution

involving members of the Content Forum. More than half of the respondents hold a Bachelor's Degree (60.1%), while another 20.3% had Diplomas. Most of the respondents (51.1%) were from middle managerial positions that had knowledge about self-regulation concepts and practices from the various avenues including trainings, briefings, and meetings, reading publications and browsing information from Internet. Whereas, only 2.2% of the respondents came from top level management who dealt with the regulation's decision-making, creation as well as improvise or impose certain in-house policies.

7.3 Revisiting the Research Objectives.

The study has explored several perspectives of self-regulation practices and mechanisms among the Malaysian media players. It mainly focused on the knowledge and understanding of current media regulations among media practitioners, including their comments and suggestions for future improvement. Recommendations were also sought from several media professionals and local regulators in this field as to how best the industry can push forward to make such a framework acceptable and practical.

The study has four key research objectives which had been stressed upon throughout the literature review and data collection stages. They are as follows:

7.3.1 Research Objective 1: To explore and study the level of awareness and understanding on the concept of self-regulatory mechanisms among the local media industry.

The study investigates how the respondents got to know and understand the concept of self-regulatory mechanism which has been implemented by the electronic local media players since 1999. The survey revealed that most of media practitioner respondents had prior background knowledge about the self-regulation concept. A few of the media organisations have even practised it in their daily professional duties, especially those involved in broadcasting, information technology (IT) and content management services.

To that extent, the media respondents were also aware on the establishment of the MCMC as a local authority, empowered to monitor and set up enforcement mechanisms under the jurisdiction of the Communication and Multimedia Act 1998 (CMA). Respondents also recognised the establishment of the CMCF as a non-profit organization to develop the voluntary Content Code and initiate Content Code enforcement mechanisms in order to manage inquiries and complaints related to electronic media contents and services from the general public.

Quantitatively, study highlighted that majority of the respondents, irrespective whether members or non-members of the CMCF felt that the Content Code was useful, important (refer to Chapter 5, Table 5.9a) and strongly supported for it to be adopted as a guideline for the industry as it was easy to understand, suitable for all media and comprehensive. However, a small minority doubted that the Code has been widely publicized among the organization's members. Hence it may not be so easy for those

who did not know about the Content Code to accept and adopt the practice. This is largely because they did not have ample exposure to study the Code in detail. This affirmation came from one respondent:

“Self-regulation means (that), we as the industry must eventually understand the frame (as) to set our own policies in accordance to the national objectives. I don’t think we are subconsciously (in a dire state) doing self-regulation. We eventually create our own product as a media company (and) as a content company... We are subconsciously following the self-regulation.” (Informant A3)

CMCF non-members regarded the Content Code was not widely publicized in the media, blaming it for their lack of knowledge about the practice or implementation of the Code. However, the majority of the CMCF non-member respondents adamantly supported that practicing the Content Code will avoid the appearance of obscene, false or menacing contents in the media (refer to Chapter 5, Table 5.23). Perceptions about the existence of the Content Code’s implementation from the non-CMCF informants could be represented by these two comments below:

“When you say self-regulatory, you have your own system of managing how to regulate certain things to fill out certain other things (and) which information to serve. It is (also) a kind of business transaction or (particularly) environment where a government plays very minimum roles.” (Informant B1)

“We will follow whatever has been made ready by the KDN (Ministry of Home Affairs) for us. We should practice and abide by the guidelines given, as well as the Content Code that was created by the regulator (CMCF).” (Informant B3)

Revisited Key Theme : Awareness and Perceptions of Content Code Practises.

The study shows that majority of respondents (quantitative study) and informants (qualitative study) had moderate awareness of the Content Code in their daily work. Nevertheless, respondents and informants fully understood the concept of media self-regulation in which the media industry sets their own policies in accordance to the organizational requirements and national agenda.

Respondents and informants shared their views that the Content Code can be easily understood in terms of its importance and practicality for use. However, fewer respondents (quantitative approach) were confident with the enforcement mechanisms which regulate our electronic media content through self-regulation. The findings can be read to depict that most of the respondents were positive to accept and verify the Content Code as the most proper guideline for regulating the electronic content media.

Parallel to that, most of the non-CMCF members were buoyant that the current regulation system could curb the media usage of obscenity, indecent contents and foul language. Indeed, the present regulation will be able to safeguard harmonious family values, especially for the under-aged children. Thus, enforcement of the self-regulation via the Content Code would be definitely benefit people. After all, the Content Regulations of the Code are easy to understand. More than half of the non-CMCF members attested that the Code will provide useful regulations to reduce the indecent contents which are potentially harmful to Malaysians.

Presently, Malaysia also regulates several other Acts besides the CMA with the same objective to prevent any form of obscene contents from being aired or published

through various kinds of media. For example, The Printing and Publication Act, OSA, Sedition Act, Defamation Act and National Harmony Act etc.

Revisited Key Theme : Mechanism used to implement the Content Code.

The study showed that about 70% of respondents have practiced the Content Code regulation. Nearly half of them implemented it at every level of media production. Respondents disclosed that the most suitable mechanisms used to implement the Content Code were through staff trainings such as via compliance trainings, internal trainings or regular briefings. As such, staff trainings should be a mandatory requirement as part of the efforts to implement the Content Code. It is essential for media practitioners to gain information about the regulation through public campaigns and media advertisement (radio, television, publications or social media channels). As shared by one informant,

“Self-regulation means (that) the media industry should have specific, self-controlled regulation in daily practices. They (the industry) should not breach any of the provisions or regulations provided in the Content Code if they are members of the Content Forum. So, members are always to be aware of what is the requirements for their daily media roles and practices; what they should and should not do.”

(Informant C1)

The figure showed that most of media practitioners among the CMCF members have a good understanding of Content Code practices as a tool of self-regulation practices, and find that this mechanism is useful to become a measurement of media accountability and could be widely implemented in their daily jobs.

7.3.2 Research Objective 2: To identify to what extent the Malaysian self-regulatory mechanism is relevant to the local media industry.

The study has reviewed the challenges and obstacles of previous media legislation practices among the local media environment in grappling with the new media technology. The creation and projection of Malaysia's MSC have portrayed the seriousness of the Malaysian government to reduce the bureaucracy of legislation processes on media licensee issues. It was also meant to cultivate local media freedom of information by implementing self-regulation mechanisms and practices among the media players. Apparently, media respondents were attentive of the previous and current media regulations in Malaysia. They acknowledge the implementation of self-regulation practices in their daily duties by adopting the Content Code as a guideline to monitor and enforce media content practises in their organizations.

The study also compared the previous legislations related to the media practices and the present self-regulation mechanism. The study dug deep to elicit insightful views and perceptions from local media respondents about of the relevance of practising self-regulation in the local Malaysian media environment. Relevant comments, critics and recommendations from representatives of members and non-members of CMCF were quoted, analysed and elaborated under the study findings.

31.1% of respondent CMCF members indicated that the self-regulatory mechanism is moderately important whereas 11.5% others assumed that it was absolutely not important. (refers Chapter 5, Table 5.10a) The respondents believed that the Code is a good guideline to be followed by others. 39% of CMCF members viewed self-

regulatory practices could be readily accepted by media practitioners compared to the currently imposed regulatory and de-regulatory mechanisms.

From the perception of the non-CMCF members, a majority (25%) of them reported that self-regulatory practices would be an acceptable and effective mechanism which can be adopted in their daily jobs. However, 29% from the respondents agreed that the self-regulatory approach should be implemented along with the current regulations. The figures showed that the respondents from non-CMCF members enjoy the presence of self-regulatory practices and were willing to adopt the regulation which promotes self-censorship and freedom of expression among media practitioners. By the same token, they also sensed the importance for them to be responsible for and accountable to the government laws and regulations. This was especially so because of the nature of their jobs in daily media practices which effectively decide what media content goes out to the public. They basically felt comfortable with this practice which has been imposed onto them throughout the years in the media industry. As one respondent mentioned in his interview,

“I am not having problems with the current practices since working for almost 10 years. I do respect that the self-regulation will improve the way we work.” (Informant B1)

Revisited Key Theme: Importance and Effectiveness of Content Code.

Generally, respondents felt that the Content Code is important; particularly in ensuring the media content is suitable for children and family consumption, and above all, to avoid any disclosure of obscene matters. They also felt that the Content Code is effective to avoid the unhealthy use of foul language.

Even non-CMCF members concurred that practicing the Content Code is imperative and worthwhile for their organizations. 45.4% of the respondents believed that self-regulatory mechanism is only moderately effective compared to the present legislations. 49.6% of respondents felt that the present regulatory mechanism is moderately effective, compared to 3.5% who believed that it is just slightly effective. Majority of the respondents (59.6%) also felt that the de-regulatory mechanism for media practice purposes is moderately effective, as it presents the Malaysian media an opportunity to exercise freedom of information practices.

These figures displayed that the Content Code has become a suitable mechanism to measure the local media performances, in terms of projecting good roles to the public by delivering proper media contents. The recognition degree of local media roles and responsibility, would be able to enhance their positive corporate image qualities among the public.

7.3.3 Research Objective 3: To identify the effectiveness and efficiency of self-regulation practices among the local media industry.

The study determines the impact of self-regulation mechanism to the local electronic media industry by implementing or practicing the Content Code. The study has displayed that most media respondents had high acceptance towards the practices of the Code and were willing to commit with the enforcement mechanism it advocated. Indeed, some suggestions, comments and recommendations from the respondents and media professionals are very useful to the study in helping to preserve the validity, reliability and credibility of the Code.

The reported study figures (Chapter 5, Table 5.10a and Table 5.10b) purported that majority of the respondents from the Content Forum members favoured the Content Code. It is seen as an important and effective assurance that makes media content proper for children and family viewing. The Content Code can avoid violent and indecent contents, but a minority of respondents doubted and disagreed, claiming that the Content Code can encourage flexibility in producing content, thus opening more avenues for content innovation and creativity. Meanwhile, majority of respondents from non-Content Code members felt that the presence of current media regulations practised by the Malaysian media, subversive and obscene elements could be filtered or removed before they create disharmony in our society. Thankfully, the Content Code has comprehensive provisions covering a wide range of facets in its content regulations (refer Chapter 5, Table 5.26a).

Revisited Key Theme: Strengths and Weaknesses of the Content Code.

Among the strengths of the Content Code singled out by the respondents and informants is the ability to control the information / content before anything is broadcasted. That would be necessary in order to preserve the unique Malaysian multiculturalism mix and to steer away from sensitive issues. The Content Code is regarded as a binding guideline for media players to practice self-regulation. It also acts as a medium to solve problems since it provides different perspectives from different players or parties involved in the industry. It is seen to be so comprehensive, yet allow media players to manage the rules from the Content Code according to certain specific case or situation.

In terms of weaknesses of the Content Code, respondents from the Content Forum members concurred that those laws could prevent subversive activities. However the present laws do not curtail freedom of information and transparency in terms of managing media issues and content, as they fear it would dampen creativity and innovation of media productions (see Chapter 5, Table 5.12b). The study found that 30.5% of respondents saw the Content Code as limiting creativity practices in terms of creating various kinds of media content programs for their media organizations. One of the informants disclosed:

“I think the excellent regulatory mechanism is the one that have minimum government interference. As one of the media player in the media industry, we want a full fresh Media Council. Give us more freedom in producing content so that we as producers can give interesting contents (with approval from our senior editors) and therefore, we could survive in business longer.” (Informant B4)

Some respondents noted that the Content Code is so detailed but insufficient to cover all aspects of the media industry. One informant disclosed,

“(This) Content Code if you really ask me is (too hard and heavily described). I would say it’s quite detailed (and) too much to follow. On top (of that), the Content Code (did not) cover every aspect that relate to the (content) industry.” (Informant B7)

As a result, some of the items in the Content Code pertaining to online or advertisement of media content cannot be clarified under such restrictions or regulations. 16.8% of respondents realised that the provisions of the Code can incomprehensible by some media practitioners because they were not briefed by their organization management.

The lack of familiarity about such regulations may jeopardize any implementation of the Code itself to the media industry players.

CMCF member respondents expected the Content Code to be more reliable and flexible on certain matters related to content regulations. On those issues, they anticipate that the Code should be maintained and enforced among the members at the self-regulatory level. (refer Chapter 5, Table 5.13a).

7.4 Revisiting the Theoretical Framework.

This research was designed to explore self-regulation practices and mechanisms within the context of the Malaysian media industry. Various theories and concepts relevant to the subject matter have been presented and clarified. Indeed, the essence and principles of self-regulatory mechanism have been implemented to several media environment throughout the world. The study has also dissected and demonstrated the comparison between the related media practices in the United States as well as several European and Asian countries. Such an approach is advantageous and pertinent in order to understand and appreciate the international perspectives of the study. Chapter Two had discussed the top four theories from Siebert et. al., (1956). It also drew attention to the theories of public service broadcasting, media accountability and social responsibility so as to elicit the broader perspectives of the study. Those earlier theories represent the fundamental media roles and power in societies; and how the media deals with the political ideologies of the state.

However, the study findings indicate that the models of Media Accountability and Media Regulation are most suited to be adapted in this study. The rapid introduction of

new technologies in the media industry had become so crucial for media regulators and the governments to implement freedom of information among all media and support the true meaning of media free expressions with narrow restrictions from existing laws and regulations. On the other hand, the study also observed the expanded theory of McQuail (2000) from Siebert et al. (1956) with additional societal and cultural frameworks that include:

- a) The media should be able to accept and fulfill certain responsibilities towards the public.
- b) The responsibilities should be contended with high standards of professionalism such as informative, truthful, concise, objective, fair and balanced.
- c) The media should know how to self-regulate by abiding to the current laws and regulations set by authoritative bodies.
- d) The media should by all means avoid any kinds of evil; uphold the society's norm without insulting or demeaning the minorities, regardless of ethnic or religion.
- e) Overall, the media should act as a generalist that reflect religion and multiculturalism with equal opportunities of fair views to certain issues and provide appropriate means of feedback.

Muller (2005) has almost similarly underlined seven fundamental characteristics which represent good practice of Media Accountability:

- a) Be widely known among the public.
- b) Be easily accessible by the public.
- c) Be independent of individual media organizations.

- d) Have a mixture of media and public but a majority of public members.
- e) Be inclusive of print and electronic media.
- f) Be inclusive of publishers, editorial executives and journalists.
- g) Have powers to rectify, make amends and publish.

As discussed earlier in Chapter 3, for emerging new media technologies and innovations, the roles of media were triggered with the process of decision-making by social actors (online audiences) who incorporate those novel technologies into their daily practices (Boczkowski, 2004 and Curan, 2011). It can be learnt that media accountability practices should be enriched and embedded with 'technological fix'. The public should assume that soon, media instruments such as blogs, Instagram, Twitter, Facebook etc. would eventually face the problems of accountability in their own right (Heikkila & Domingo, 2012). On the other hand, the Media Accountability System will depend on the media's ability to represent greater functions and more independent roles. This includes delivering freedoms of information and expression with proper manners through the establishment of certain mechanisms, such as the press council, code of ethics as well as voluntary professional codes of standard.

As described by Bertrand (2000), there was a need to apply a professional code of conduct among media organizations into their daily practice. By doing so, media practitioners would be better placed to make matured decisions on how to deal and respond to different situations. This will positively guide journalists to balance their views in content writing, be vigilant of their responsibilities to the public and finally empower the media players to promote disciplined and autonomous self-censorship among the audiences.

The findings of this study identified that the implementations of self-regulatory mechanisms among the Malaysian electronic media. These are primarily based on the public's trust in Media Accountability that has been propagated by scholars such as Edmund Burke, Jeremy Bentham and James Mill. It is reported that the media is a tool for the public to express their perceptions and feelings about the roles of media responsibility and to be accountable for the information that they perform or present to the public. As mentioned by Schudson (1995) and later cited in Maia, (2009), the media is not merely an agent of public opinion. They need to be an independent party that is accountable to the public, portray the implementation of democratic policies and to promote responsible practices which uphold freedoms of information and expression.

By practising the democratic freedom of information, the media have to be more responsible in publishing the content, as the public seeks to find truthful and accurate information upon viewing the content (Finkelstein, 2012; as cited by Lidberg, 2012). The study also disclosed that the implementation of media regulations should reflect public trust which permits media companies to build their own editorial independence, integrity, fairness and balanced reporting. These factors form the crux of media accountability in the public's perception (Kovach, 2007; as cited in Lidberg, 2012). However he argued that the accountability practices are the unquestionable values that enhance media legitimacy in the industry. Thus, it is pivotal for media players to exercise the most suitable media regulation to guarantee that media accountability is constantly respected and upheld.

The projection and promotion of self-regulatory mechanisms as a tool of displaying media accountability practices have been adopted by numerous of media companies within America, Europe and Asia. The News Ombudsmen mechanism is the application

of the freedom of self-regulatory practices that has been widely implemented in numerous media organizations (Puddephatt, 2011). This is to ensure that an independent professional body will take care of complaints received from the readers or viewers. Ultimately, the credibility of media practitioners to maintain accurate content coverage which is fair and suitable for all viewers shall be protected in building a good image.

The study revealed that the approach made by the Malaysian government to introduce the CMA 1998 which promotes self-regulations practices among local electronic media licensees was an appropriate step to keep pace with upcoming media technologies. It created new dimensions to advocate media freedom in conjunction with the objectives achieved under the MSC's development programme. The enforcement of CMA 1998 had witnessed the establishment of the MCMC as the central government enforcement organization. It is a voluntary body that promotes the self-regulation approach among its members by introducing the Content Code. It was developed by the CMCF as a tool for content regulation and a mechanism for content guidance for the Malaysian media to practise self-regulation in their daily tasks. As iterated by Puddephatt (2011), media practitioners must ensure that their content is accurate, fair, truthful, and impartial, kept privacy and avoid public harm. Due to that, the media subsequently introduced a professional code of conduct in order to oversee the implementation of its self-regulatory practices.

The introduction and adaptation of the Content Code is a right move to maintain the democratic freedom of information among local media organizations. It is relevant, valid and very much capable to match with the original roles of self-regulation. Such approach recognizes the respect for accountability functions (ethical and performance), which will meet the standard of satisfaction among media practitioners and audiences

alike (Muller, 2005). This will in the end create solid trustworthiness in the media profession's self-assessment among its industry players.

However, some journalists still doubt and question how to make a proper decision over some issues which have ethical constraints. Presently, most editors only demand results and are normally not as fussed as to how to content are actually obtained. For some entertainment contents, the producers are keener to publish any content that will reflect the commercial demand rather than to accommodate their social responsibility roles to the public. Hence, it is imperative for media practitioners to undergo trainings that enhance their knowledge about media accountability and self-regulation mechanisms so that they can execute their daily jobs more efficiently.

The literature on this research suggests that the efficiency and effectiveness of Media Accountability through the Self-regulation approach among the media are depends on the ethical constrains (which is represented by the professional code of practice). The nature of such media practices, resulted from historical background, would able to exhibit the culture orientations experienced by local media. However, experience suggests that the media in Malaysia are bonded with different kind of regulations, but the same time performs same roles and sharing the common code of practices (Sankar., L, 2010).

The research findings shows that the establishment and implementation of Content Code, as a primarily practices for the Malaysian Media, have proven the fact that good regulation is portrayed by the efficiency of accountability. Developing the self-regulation mechanism is an example of how the media regulation practices would encourage effective low-cost outcomes and become more transparency to the public.

Thus, it would secure the public confidence and support of projecting good regulatory and governance practices among the local media. Industries therefore will have an opportunity to demonstrate the effective self-regulation through media performances and trusted by the public.

The research also revealed that the good mechanism of media Self-regulation practices, which involves content complaints procedures, the awareness and enforcement of Content Code among the public, will attract more community involvements to protect the assurance of their privacy and live harmoniously. As Bertrand (2001) indicated that the public trust and confidence of the role of media are resulted by imposing the media professional Code of Practices effectively.

7.4.1 A Recommendation of Media Self-regulation Mechanism Model

It is learned that the research findings determined three main elements of ensuring good media accountability, which are the effectiveness of media regulations and ethics; media responsibility; and public responsiveness. Those elements, have been described by McQuails (2003), Bardoel & d'Haenens (2004), Muller (2005), Fengler (2008), and Evers and Groenhard (2010).

While media enjoy the freedom and transparency of archiving and delivering information to the public, it raised the public demands for adapting of quality and well acceptable contents. This requires media integrity, fairness and able to practice Self-regulation efficiently by imposing good governance. The media have to exhibit good performances in keeping the public interest. Hence, it also implies the adoption of a good ethics in their practices by projecting professional code of practices. Therefore,

Malaysian media have to display a good manner or good practice as being a trusted and credible information channel to the public.

However, media are also accountable to the public and nation. They are responsible to publish content which promotes national harmony and unity and proving good performances in term of disseminate good information services the public (Muller, 2005). The public, therefore will judge the media performances according to the effective roles of the media to portray good responsibility in term of selecting and delivering acceptable contents to the public. In Malaysian context, the public and communities will address their views and complaints on media content through MCMC and CMCF and apply Content Code as the guideline for the public to evaluate the qualities and etiquette of acceptable media contents.

The other element which promotes the good media accountability is the Public Responsiveness and Participation. Public becomes the agent to perform a proper attitude and behaviour, as a result of imposing the media code of ethics (Bertrand, 2001 and Fengler, 2008). The public creates and affirm values of voluntary practises, as to encourage their support and safety. They address issues on morals and offensive behaviour, as to create a culture of personal growth on accountability. Thus, the participation and public alerts on receiving media content will help the media industry to identify the best practice of media roles, as to promote the Self-regulation practices. In the context of this study, local communities can be encouraged to be aware about the media Self-regulation practices by organising such related activities which promotes the public rights to monitor and to make complaints on the offensive media contents, play roles by educating people to participate in media self-regulation campaign etc. These initiatives will encourage public to perform good roles of being responsible citizens to

protect their cultural identities and facing the current and upcoming media contents challenges.

Based on those elements, the researcher has conclude that those elements can be combined into one model which reflected the elements structure of media self-regulation mechanism, as displayed in figure 7.1 below:

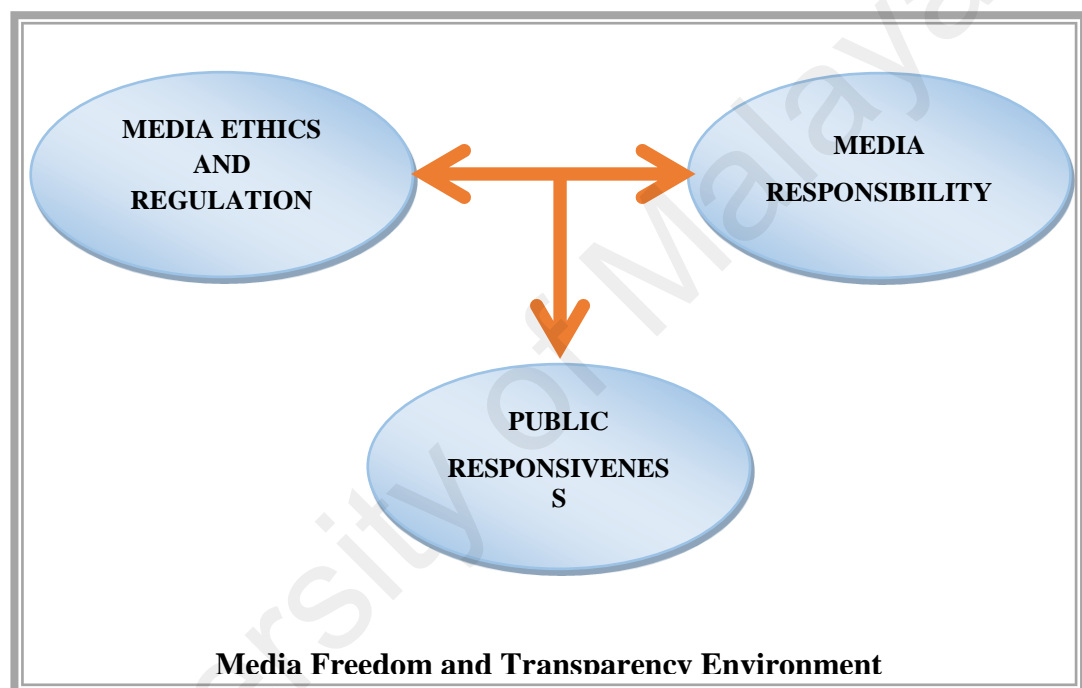


Figure 7.1: Element Structure of Media Self-regulation Mechanism Model –
(Researcher Interpretation)

7.5 Limitations of the Study.

Several obstacles and issues had limited the smoothness of the study design. These can be collated as follows:

- 1) Knowledge: Not many media practitioners have a good knowledge about media regulations. Most of them tend to refer to the Legal Department of their media organization to solve any regulatory matter. As a result, respondents do not have ample understanding on the self-regulatory practices and mechanisms.
- 2) Time: Respondents are largely busy doing their daily routines. Many of them did not discuss or give thorough explanations in answering the “Open Question Section” of the questionnaire. This may result in failure to communicate certain key points properly or the gist of their response may remain blurred and unclear.
- 3) Number of respondents available: The study warrants respondents to be either CMCF members or non-members. However, many media employees had to work outstation for long hours. Very few were actually in their offices, available to be interviewed. This dilemma was overcome by delivering the questionnaires through the assistance from the Corporate Communication Divisions of each media organization.
- 4) Understanding of the Content Code: The CMCF members easily understood about the creation of the Code. However, most of the non-members actually depended on their in-house content guidelines, which are vastly different from the Code. They have been reminded by their management to follow the guidelines provided by the related ministries or government authorities.
- 5) Stringent respondent criteria :
 - a. Respondents are limited to media practitioners who are CMCF members or directly deal with electronic media issues. Local conservative

publishing, printing or filming industry players were excluded because they apply different kinds of media laws and do not practice the self-regulation mechanism in their daily work.

- b. Respondents are limited to the local electronic media players which is governed under CMA 1988 and registered with the CMCF. Only CMCF members perform self-regulation by adopting the Content Code. Meanwhile, the other forms of media enforce the Code via their own content monitor mechanisms, which are governed under different laws and regulations.

Therefore, the study scope is strictly limited to the specific regulated media; this limited the impact of the study findings because the data gathered do not cover to represent the entire national media culture and practices. For the future study, the respondents of the research may or should be more generalized and reach to wider population, such as communities, as to find out the level of awareness, thinking, and perceptions among them whether the self-regulations mechanism will benefits them and they will also appreciate the system practices which influence their lives.

7.6 Recommendations

Several endorsements are relevant to be highlighted to particular parties and authorities based on the findings from the study. The key recommendations can be figured out by indicating some of the particular issues, such as the Content Code development and enforcements bureaucracy of content practices and processes along with governance matters. The highlighted recommendations are as follows:

- 1) The Content Code is well-accepted across all members and non-members. Its awareness should be inculcated not only for media practitioners but also among the public through campaigns and promotions. The Content Forum is to provide a platform to encourage the public to participate in contributing ideas and critiques of any media content that affects them.
- 2) Meanwhile, the Civic Group, recognized by the CMCF as one of the member group categories, has to act as effective checks and balance forces in contributing ideas relating to media self-regulation. Civic groups that consist of academic institutions and non-governmental organizations (NGO's) should take primary roles to establish surveys on the practices of Malaysian self-regulation from the perspectives of public. Feedback need to be periodically sought over the efficiency of the regulation enforcement. This approach will benefit the authorities and media players to improvise provisions of the Content Code to be suitable and fitting with the needs of the latest media industry and technologies.
- 3) Since the Content Code is well-accepted by most of the media organizations, it is recommended that the Content Forum should expand its memberships, not limited to specific media areas. CMCF should expand their membership to broad media areas as to cater the fast media changes issues from time to time. This will also benefits the local media industry as it would contribute strong networking platforms for the media players to sharing their knowledge and expertise among the members.

- 4) The Content Code is the prevailing guideline for the self-regulatory mechanisms. Hence, it is essential for the Malaysian Ministry of Communications and Multimedia, Ministry of Education and the MCMC to include and adapt it into the curriculum for formal education. This strategy will benefit both the students and the community to be aware about the self-regulation approach upon dealing with any electronic media content.
- 5) There is a dire need for media practitioners to be specifically informed about the implementation of self-regulatory mechanisms. Practices of the Content Code should be included as key curriculum in staff training from time to time. It is a mandatory requirement for media organizations to ensure that the planning, implementation and evaluating mechanisms of media self-regulation exist in their organizations.
- 6) The Malaysian government should minimize interference in terms of managing public complaints, including when processing and implementing verdict decisions over content complaints. Biased perspectives from the government or industry should not be allowed to ensure the principles and implementation of self-regulatory practices in this country remains smooth and reliable to the industry and public.
- 7) The principle of self-regulation practices have to be accepted by both government and industry. Recently, the Ministry of Communications and Multimedia has been reported to accept the self-regulatory mechanism among the media players but has refused to practice the Content Code as a guideline of to implement self-regulation. The decisions had created a polemic between the

MCMC and the government over applying the most suitable code for the both, i.e. the RTM and public media sectors. RTM has utilized the Broadcasting Guidelines as a daily production code and ethics since the Broadcasting Act 1987 was imposed and had later upgraded it to adopt CMA 1998.

- 8) The Content Code should be updated and revised to match current development of the media environment. Those roles should be done by the CMCF and MCMC to ensure the Code's validity, reliability and credibility in guiding self-regulation practices for the Malaysian media environment. Furthermore, the content of the Code should be simplified in terms of language uses, precise and easy to be understood by all levels. Special committees need to be appointed, recognized and established by the MCMC or CMCF to revise and upgrade the Code periodically. The committee should be unbiased and consist of regulators, media experts and representatives from related government agencies, academicians as well as NGOs. It is good for the committee to undertake the task of considering different views, thoughts, perceptions and perspectives from both, the industry and communities about the broadcast or online contents.
- 9) The self-regulatory approaches should envisage all forms of local media whether government or private. This may include the printing, publication and filming industries. For this purpose, it is recommended that the government apply a single mandatory law to all of these media industries so that the Content Code could be adapted for all media players. Presently, only the electronic media, registered under the CMCF membership, practice the Content Code as part of their self-regulation practices. Meanwhile, the non-CMCF members and other

forms of media practices are not strictly required to adopt the Code for their organizations.

7.7 Directions for Future Research.

The study had portrayed the fundamentals of acceptance and efficiency of media self-regulation towards local media organizations. This determines the effectiveness of the Content Code which represents a guideline for electronic media enforcement mechanism, dealing with content regulations. The study survey displayed the existing level of Code practices that enforce self-regulatory mechanisms in Malaysia for the electronic media providers.

The next research related to this field should be a survey to determine the public's perception on the effectiveness and implementation of the Content Code, as well as examining the electronic content complaint mechanism and procedures that have been practised by the CMCF. The public must have background knowledge about the Content Code practices and know how they can file complaints regarding electronic media content to the MCMC and CMCF. The promotion of the Content Code practices through serial awareness campaigns would encourage the public to be more directly involved in the Code's practises. Only then would they be able to identify and examine whether the Code will benefit them or not.

Advance research is also necessary to investigate the next steps to measure the effectiveness of the Content Code practices among the local and international media players which operate in Malaysia. It would involve the audit measurement of the local self-regulatory mechanism practices, the efficiency of the MCMC as a guardian of the

CMA 1988 implementation. It is also suggested that the next research review the roles of the CMCF and efficiency of the Complaint Bureau, as well as the projection of the Content Code as an instrument to promote domestic self-regulation.

It is imperative for future research to undertake a comparative study on the efficiency of self-regulatory mechanisms and Content Code practices between countries in Europe, Asia, Canada / North America, Australia and New Zealand. This is because most of the developed countries have already applied the self-regulation mechanisms and had experienced challenges and obstacles while practicing the Content Code regulations. Future research will benefit those countries in terms of analyzing the comparative SWOT (strength, weaknesses, opportunities and traits) elements to analyse the different factors that influence how the regulations are practised in different cultural environments. For these reasons, a study to develop the Media Self-Regulatory Practices Index would be beneficial to this field. It will potentially measure the overall elements involved in practising self-regulation among the various countries. It too could develop recommendations on how the self-regulatory mechanisms can be timely improved to face the new media environment. It could also project standardization of global media content regulations which would be suitable for implementation across the world.

7.8 Conclusions and Contributions to the Policy and Study Fields.

Generally, it is evident that the principle of self-regulatory mechanisms has been recognized and well accepted by media players and the public. Practicing it through the establishment of the Content Code would be a new experience for the Malaysian media industry. The Code acts as a primary guide on content regulation enforcement in their daily work. The effectiveness and efficiency of the Code's implementation as a tool of media regulation guideline is set to accommodate viable and credible self-regulatory practises.

Therefore, the thesis would be the first research to study about the implementation of the Malaysian self-regulatory mechanism and practices among the local electronic media industry. This comprehensive research has displayed the acceptance levels of the Content Code among domestic media players and also analyzed the strengths, benefits, weaknesses and prospects of the Code to become more valid and reliable. It has enhanced credibility in terms of primary guidelines for practising the self-regulation approach to be on par with other mechanisms that have been practised in several developed countries. From the study, the following outputs were successfully determined:

- 1) This study provided useful insights to analyze the development of Malaysia legislations, cyber policies and its implementation and practices among domestic media players. This enables them to meet the MSC's objectives in creating a standard benchmark. It will ensure that local media players would be able to provide sufficient and relevant information and data to the audiences and public by adopting and practicing the legislations and policies accordingly.

- 2) In addition, findings from the study shed light on the relevance and usefulness of local legislations and policies to local media practitioners and the industry. It explained how the media and the public in turn respond and interact with the implementation of the Malaysian media legislations and the policies. Eventually, they evolve to create and develop a truly national image and identity.
- 3) The current self-regulatory mechanisms provided an avenue for complaints through the Complaint Bureau of the Content Media Forum. The study had provided useful indicators of the effectiveness of the Complaint Bureau to address issues regarding media content from the public. It proposed a primary platform for the media to listen and offer feedback regarding the content's ethical suitability which could form community identities and national cultures.
- 4) This study provided solutions and enrichment of knowledge in terms of implementation and enforcement strategies of media's self-regulation mechanisms. These are extremely timely and useful for the government's authorities such as the MCMC, Ministry of Information, Culture and Arts etc. The research findings addressed the problems and challenges of local media industry towards the new IT and Communication era. It is well poised to help authorities to reconstruct or restructure local media legislations and regulations to suit the media industry better in times to come.

It is learned that, from the theoretical perspectives, the self-regulation mechanism is a part of media accountability system which contributes to the quality of media performances and content attributions to the public. In the present system of media accountability practices in Australia, for instance, had gone far ahead to apply co-regulation approach; the combination of media “guard-roles” between the Australian Government and Australian Media (ACMA report, 2015). Meanwhile, for other countries, the self-regulation approach is practiced according to the national constitutions. For this reason, it is argued that the media accountability mechanism is deficiented to be compared with other institutions such as parliament, executive government and the judiciary (Muller 2005, Puddephatt 2011).

The reason of this dilemma is because of inefficient roles and blurs understanding of the media freedom and media accountability among those institutions. However, this study has revealed that the credible media self-regulation mechanism would consist of three elements. The first would be the media ethics, with means that the media will develop an integrated and comprehensive code of ethic as a benchmarks for the media practice, which will become a measurement for the media to exercise good roles of media. The second is a media responsibility, which comprises the role of media to perform excellence roles to the public and nation, to educate public with proper contents, and to monitor effective media practitioner performances in their daily jobs. The third elements would be the public responsiveness, which comprises the effective and proactive roles of the communities to monitor the media performances by addressing complaints on any undesired contents, as to develop a good attitude of citizen. These elements are connected each other into a model (see Figure 7.1). The outcomes from the study is an evidence of the balance support of responsibility among the media system, public (citizen) and

ethics/regulations to form the effective and credible self-regulation mechanism practices in this country.

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APPENDIX A

LIST OF PUBLICATIONS AND PAPERS PRESENTED

1. CITED JOURNAL ARTICLE

Alsagoff, Syed Agil, Abdullah, Zulhamri & Hassan, Md. Salleh. "The Growth and Development of the Malaysian Media Landscape in Shapping Media Regulation" in *Global Media Journal-Malaysia Edition*, Vol. 1, Issue 1. Kuala Lumpur: 2011.

2. BOOK CHAPTERS

Syed Agil Alsagoff & Azizah Hamzah. "*Media Convergence in Malaysian Environment*" chapter in book "*Dimensions of Communication. Malaysian Experience*". UPM Publishing. Serdang: 2008.

Syed Agil Alsagoff. "*Impak Sosial Terhadap Pelaksanaan Akta Komunikasi dan Multimedia (Akta 588)*" in book "*Cabaran Komunikasi Masa Kini*". UPM Publishing. Serdang: 2008.

3. CONFERENCE PROSIDING

Syed Agil Alsagoff dan Azizah Hamzah. "Media Convergence Environment: Conflicts and Challenges: The Malaysian Experience" in *Prosiding Biennial Conference of the World Communication Association*, Brisbane, Australia: 2007.

4. PAPER PRESENTATIONS

Alsagoff, Syed Agil, Azizah Hamzah & Abdullah, Zulhamri. "Media Content Self-Regulation Practices in Malaysia". Paper presented in Biennial Conference of PACA. Bandung, Indonesia, June 2014.

Alsagoff, Syed Agil & Hamzah, Azizah. "*Media Self-Regulation Environment in Malaysia*". Paper presented at *The Sixth International Biennial Conference on New Directions in the Humanities* di Fateh University, Istanbul, Turkey, July 15 – 18 July, 2008.

Alsagoff, Syed Agil & Hamzah, Azizah.. “Media Convergence Environment: Conflicts and Challenges: The Malaysian Experience”. Paper presented at *Biennial Conference of the World Communication Association*, Brisbane, Australia, July 27 – 31, 2007.

University of Malaya

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**“SELF-REGULATORY” FRAMEWORK AND MECHANISM IN THE MALAYSIAN
MEDIA ENVIRONMENT (MEMBER OF CONTENT FORUM)**

Name of organization: _____

Which category does your organization belongs to?

- | | |
|--|--|
| <input type="checkbox"/> Advertisers | <input type="checkbox"/> Audio Text Service Providers |
| <input type="checkbox"/> Broadcasters | <input type="checkbox"/> Civic Groups |
| <input type="checkbox"/> Content Creators/Distributors | <input type="checkbox"/> Internet Access Service Providers |

Dear Sir/Madam,

First of all, we would like to express our warmest gratitude for taking part in this survey. This project aims to examine the effectiveness of media self-regulatory in the Malaysia.

The questionnaire will take no longer than **10 minutes**.

Finally, we would like to guarantee that all the information given will be assured confidentiality and no names of individuals will be written in the report, or revealed to other persons except for the researcher. With that, we thank you very much for your kind co-operation.

Best regards,

Syed Agil Alsagoff
phD Candidate
Faculty of Art and Social Sciences
University Malaya

SECTION A: DEMOGRAPHY

In this section, we would like to know a little about you and your organization, so that we can develop several demographic profiles pertaining to our study.

1. Gender: ☐ Male ☐ Female

2. Age: _____ (as of this year birth date)

3. Highest level of education:

☐ SPM ☐ Diploma

☐ STPM ☐ Degree

☐ Master ☐ PHD

☐ Others (please specify): _____

4. Estimated salary per month: RM _____

5. Position:

☐ Support staff ☐ Middle management

☐ Top management

6. Have you ever heard about Content Code?

☐ Yes (Please answer 6a) ☐ No (Please go to Section B)

a) If Yes, please select the three (3) most important channels you heard about the Content Code?

☐ Briefing ☐ Meeting ☐ TV

☐ Talk ☐ Discussion ☐ Newspaper

☐ Seminar ☐ Staff assembly ☐ Colleagues

☐ Flyers ☐ Internet

☐ Intranet ☐ Radio

SECTION B: LEVEL OF AWARENES TOWARDS CONTENT CODE

Please indicate the level of awareness towards Content Code base on the following.

1 Strongly disagree	2 Disagree	3 Slightly agree	4 Agree	5 Strongly agree
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1	Content of Content Code is easy to understand					
2	Content of Content Code is suitable for all media					
3	Content of Content Code gets wide exposure in mass media					
4	Organization members have a high level of acceptance toward Content Code					
5	Organization members have a high level of knowledge toward Content Code					
6	The terminologies used in the Content Code are easy to understand					
7	The Content Code can be easily put into practical use					
8	The content of Content Code is comprehensive					
9	Organizational members feel that the Content Code is important					
10	Organizational members feel the Content Code is useful					

SECTION C: HOW DOES THE CONTENT CODE BEING PRACTISED IN YOUR WORK PLACE

1. Does your organization practice the content code in work place?

- ☐ Yes (Please answer 1a) ☐ No (please go to question 2)

1a. If Yes, how long?year.....month.

2. State at what level the Content Code have been implemented in your organization.

- ☐ Not yet implemented
☐ Moderately implemented
☐ Slightly implemented
☐ Fully implemented

3. Which department/section takes responsibility to supervise the Content Code in your organization?

- ☐ Legal and Regulatory Department
☐ Corporate Affairs Department
☐ Administration and Management Department
☐ Human Resource Department
☐ Others (please specify: _____)

4. Select three (3) most important channels used to deliver information about Content Code in your organization.

- ☐ Notice board ☐ Online Newsletter
☐ Organizational Newsletter ☐ E-mail
☐ Letter/Memo ☐ Meeting
☐ Forum/Workshop
☐ Others (please specify: _____)

5. Does your organization provide training related to Content Code?

- ☐ Yes (Please answer 5a) ☐ No (please go to question 6)

5a. If yes, please state the types of training:

1. _____
2. _____
3. _____

6. State the level of Content Code enforcement in your organization.

- ☐ Not yet enforced
☐

Moderately enforced

☐ Slightly enforced

☐ Fully enforced

7. In producing content/service, at what level your organization refer to the Content Code?

☐ At the beginning

☐ At intermediate

☐ At the end

☐ At all levels

SECTION D: THE IMPORTANCE AND EFFECTIVENESS OF CONTENT CODE

Please state the level of importance and effectiveness of Content Code based on the following scale.
Please tick on both boxes.

Importance					Items	Effectiveness				
1	2	3	4	5		1	2	3	4	5
					Content Code can avoid violence content					

1 Completely not important/ effective	2 Slightly important/ effective	3 Moderately important/ effective	4 Highly important/ effective	5 Fully important/ effective						
					Content code can avoid menacing content					
					Content Code can avoid foul language					
					Content Code can avoid false content					
					Content Code will ensure the media content is suitable for children					
					Content Code will ensure the media content is suitable for family					
					Content Code sensitive to the people with disabilities					
					Content code can increase the competitiveness among content providers to produce quality content					
					Content Code can overcome sensitive issues					
					Content Code can produce content with high quality					
					Content Code can encourage creativity					
					Content Code can encourage innovation					
					Content code can increase moral values and ethics					

					Content Code can encourage flexibility in producing content					
					Content Code can encourage competitiveness in producing local content					
					The implementation of Content Code can realize the Malaysian culture					
					Content Code can avoid indecent content					
					Content Code can avoid content that contain obscene content					

SECTION E: ACCEPTANCE TOWARD REGULATORY MECHANISM

Please state the level of importance and effectiveness of regulatory mechanism based on the following scale. Please tick on both boxes.

Importance					Items	Effectiveness				
1	2	3	4	5		1	2	3	4	5
					Self-regulatory (i.e the organization regulates <u>itself</u> based on certain accepted code by the industries)					

1 Completely not important/ effective				2 Slightly important/ effective				3 Moderately important/ effective				4 Highly important/ effective				5 Fully important/ effective			
					Regulatory (i.e organization is <u>strictly</u> regulated by regulatory authorities)														
					De-regulatory (i.e organization is <u>minimally</u> regulated by regulatory authorities)														

SECTION F: STRENGTHS AND WEAKNESSES OF THE CONTENT CODE

Please state 3 strengths and weaknesses of the Content Code

Strengths

1. _____

2. _____

3. _____

Weaknesses

1. _____

2. _____

3. _____

SECTION G: EXPECTATION OF SELF-REGULATORY MECHANISM

Please state your expectation on the future of self regulatory mechanism in Malaysia.

Please state your suggestion to improve the Content Code.

APPENDIX C: Non Members' Questionnaire

[Admin use only]

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**“SELF-REGULATORY” FRAMEWORK AND MECHANISM IN THE MALAYSIAN
MEDIA ENVIRONMENT (MEMBER OF CONTENT FORUM)**

Name of organization: _____

Which category does your organization belongs to?

☐

Advertisers

☐

Broadcasters

☐

Content Creators/Distributors

☐

Audio Text Service Providers

☐

Civic Groups

☐

Internet Access Service Providers

Dear Sir/Madam,

First of all, we would like to express our warmest gratitude for taking part in this survey. This project aims to examine the effectiveness of media self-regulatory in the Malaysia.

The questionnaire will take no longer than **10 minutes**.

Finally, we would like to guarantee that all the information given will be assured confidentiality and no names of individuals will be written in the report, or revealed to other persons except for the researcher. With that, we thank you very much for your kind co-operation.

Best regards,

Syed Agil Alsagoff
phD Candidate
Faculty of Art and Social Sciences
University Malaya

In this section, we would like to know a little about you and your organization, so that we can develop several demographic profiles pertaining to our study.

1. Gender: ☐ Male ☐ Female

2. Age: _____ (in 2010)

3. Highest level of education:

☐ SPM ☐ Diploma

☐ STPM ☐ Degree

☐ Master ☐ PhD

☐ Others (please specify): _____

4. Estimated salary per month: RM _____

5. Position:

☐ Support staff ☐ Middle management

☐ Top management

6. Have you ever heard about Content Code that was introduced by the Content Forum?

☐ Yes ☐ No
(Please answer 6a and (Please proceed to Section C)
Continue to Section B)

a) If Yes, please select the three (3) most important channels you heard about the Content Code?

☐ Briefing ☐ Meeting ☐ TV
☐ Talk ☐ Discussion ☐ Newspaper
☐ Seminar ☐ Staff assembly ☐ Colleagues
☐ Flyers ☐ Internet
☐ Intranet ☐ Radio

Please indicate your perceptions towards Content Code based on the following scale.

		1 Strongly disagree	2 Disagree	3 Slightly agree	4 Agree	5 Strongly agree		
1	Content of Content Code is easy to understand							
2	Content of Content Code is suitable for all media							
3	Content of Content Code gets wide exposure in mass media							
4	Organization members have a high level of acceptance toward Content Code							
5	Organization members have a high level of knowledge toward Content Code							
6	The terminologies used in the Content Code are easy to understand							
7	The Content Code can be easily put into practical use							
8	The content of Content Code is comprehensive							
9	Organizational members feel that the Content Code is important							
10	Organizational members feel the Content Code is useful							

SECTION C: HOW DOES THE ACTS/STATUTES BEING PRACTISED IN YOUR WORK PLACE

1. Based on your knowledge, the operations of your organization are based on which of the following laws/ acts/statutes? Please tick where apply.

- ☐ Broadcasting Act 1988.
- ☐ Printing Press And Publication Act 1984
- ☐ Sedition Act 1948
- ☐ Content Code
- ☐ Others (Please specify): _____

2. Which department/section takes responsibility to supervise the implementation of the laws/ acts/statutes in your organization?

- ☐ Legal and Regulatory Department
- ☐ Corporate Affairs Department
- ☐ Administration and Management Department
- ☐ Human Resource Department
- ☐ Others (please specify: _____)

3. Select three (3) most important channels used to deliver information about the laws/acts/statutes in your organization.

- ☐ Notice board
- ☐ Online Newsletter
- ☐ Organizational Newsletter
- ☐ E-mail
- ☐ Letter/Memo
- ☐ Meeting
- ☐ Forum/Workshop
- ☐ Others (please specify: _____)

4. Does your organization provide any training related to content of the laws/acts/statutes as practised in your organization.

- ☐ Yes (Please answer 4a)
- ☐ No (please go to question 5)

4a. If yes, please state the types of training:

- 1. _____
- 2. _____
- 3. _____
- 4. _____

5. State the level of enforcement of the laws/acts/statutes in your organization.

- ☐ Slightly enforced
- ☐ Moderately enforced
- ☐ Fully enforced

6. In producing content/service, at what level your organization refers to the laws/acts/statutes?

- ☐ At the beginning
- ☐ At intermediate
- ☐ At the end
- ☐ At all levels

SECTION D: PERCEPTION TOWARD THE CURRENT REGULATION SYSTEM THAT PRACTISED IN WORK PLACE

Please indicate your level of perception toward the current regulation system that was practised in your work place based on the following scale. Please tick on both boxes.

1 Strongly disagree	2 Disagree	3 Moderately agree	4 Agree	5 Strongly agree
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[illegible]

Importance					Items	Effectiveness				
1	2	3	4	5		1	2	3	4	5
					Self-regulatory (i.e the organization regulates <u>itself</u> based on certain accepted code by the industries)					
					Regulatory (i.e organization is <u>strictly</u> regulated by regulatory authorities)					
					De-regulatory (i.e organization is <u>minimally</u> regulated by regulatory authorities)					

SECTION F: EXPECTATION OF SELF-REGULATORY MECHANISM

Please state your expectation on the future of media regulatory mechanism in Malaysia.

APPENDIX D

Comments from the survey respondents on the Strength and Weaknesses of Content Code

Strengths of Content Code

Items	Frequency
Factual	1
Fairness in content-regulates business	1
Feedback from wide array of experts	1
Proactive	1
Ability to enforce decision	1
Align thinking	1
Assure all content are able to be seen by all citizens	1
Assure quality of content	1
Not sure about content code	1

Weaknesses of Content Code

Items	Frequency
Need more dialogue with key players	1

Reduces expectation	1
Can't learn another country's culture	1
CMCF takes too long to answer queries from members. Not keeping up with pace of the industry	1
Easy to be manipulated by third party	1
Must engage public to provide feedback	1
Too wide ranging in scope	1

APPENDIX E

Comments from the survey respondents on Expectation of Content Code

Expectation of Content Code

Items	Frequency
Audiences and the media should have the right to decide what they want to read/view or publish/ broadcast	1
Being more successful in future	1
Clear guidelines.-empower all content creators by sharing guidelines. For example: produce-broadcasters. content creators.(independent too)	1
Depending on control over the media, self regulation will probably play a big role in the running of the media organization	1
Equal treatment among the media owner	1
Even though we have content code(strict applied) we can still maximize the creativity in producing program	1
I hope self-regulation will be further encouraged and apply in other area too	1
I want free speech. People should be allowed to choose for what they want in their media	1
Improving from time to time	1
In creating and providing content in the context of the content code, we would expect a more licensing and regulatory framework on support of national policy objectives for the whole communication and multimedia industry in Malaysia	1
Interference from government should be zero or minimal	1
It has always need to be reviewed and change	1
It will not be effective	1
Less bureaucracy in implementing the code	1
Make it more relevant briefing the content culture	1
Malaysian will use the new media to get information	1

Media should be trusted to know where to draw the line and not be subjected to knee-jerk reaction based on misconception	1
Mental and intellectual maturity important	1
Must give intake with creative products to help and improve the media. Cannot take for personal. Let the truth will answer for every doubt. Content code responsible for everything, so don't simply make use and make sin	1
Needs to change with the time and attitude of the people/ intellects today	1
Practice moderately in Malaysia	1
Put to the end	1
Should be establishing amongst industry players independently. Not implement via government or external avenues	1
Some restriction for everyone	1
To provide more training and knowledge to whom involve	1
Too far away from everything if the control code still apply for same	1

APPENDIX F

Comments from the survey respondents on Suggestions for Content Code Improvement

Suggestions for Improvement of the Content Code

Items	Frequency
All people, government, media practitioners and citizens must play their role and try to follow the content code in the best way without any doubt or evil intention	1
Bring it closely to professional and media/student	1
Change it	1
Collaboration between electronic media prints media & alternative media to review and change codes in line with societal changes	1
Do more advertising about content code	1
Each content code should be established based on our multicultural society and apply accordingly without creating any misleading information to the society	1
More exposure	1
Give more opportunity for media to produce more quality products/services/content	1
Hope the government could minimize certain act that look not useful to certain broadcaster content	1
Improve on monitoring efforts	1
Keep regulation to be in line with the constitution	1
Less government control	1
Make content code a one stop reference centre for all content related issues	1

Teach ethical values starting from the university level	1
Must be realistic. Cannot be too rigid since we do not just live in Malaysia. We ought to be open to idea so that we too could grow as a nation and see out of just our country	1
Need to concretize consequences for those who flout the code	1
Perhaps a merger with the advertising standards authority will enable smoother governance of the advertising industry, as it would mean both print and electronic media fall under one umbrella	1
Reduce codes or be even more specific	1
Should be specialized solely on regulation. Creative expansion/competition among agencies should be encouraged via other measures	1
Take other country's guideline as a reference. Adopt from positive side and promote our content code in industry so that media people can practice and apply it	1
To be in Multilanguage	1
To have an open forum online to discuss. To share all guidelines (bible) online for everyone to access.	1
To make it mandatory by law	1
Use various channels to make all people understand about content code	1

APPENDIX G

Comments from the survey respondents on Expectation on Regulatory Mechanism

Expectation on Regulatory Mechanism

Items	Frequency
A broadcasting regulatory must have ability to monitor, supervise and sanction broadcasters as provided for by the law	1
A little bit flexible system where it allows consumer to choose	1
A regulatory mechanism that is fair, easy to implement, not too rigid and does not curb creativity	1
Act is good but practically need to improve	1
All the material would be under control	1
There's still a need to refer/filter all information or news coming in using all the acts	1
Be more inclusive	1
Both print media and online media are measured equally and not double standard. The existing laws must be enhanced to all kind of media respectively	1
Content Code should be more comprehensive. Content code and mechanisms should be refer to and follow by government and private sectors so that both get fair playing ground	1
Hope all media players will be more discipline in the future	1

Empower the professional with subject matter expert & less involvement of politician. Needs to have provision for change which can be executed with clear escalation process & authority as well as accountability whatever we set down today will need to be amended quickly in line with technology evolution	1
Fair and responsible media fair coverage for pro and against, the authorities as long it does not jeopardize the peace and stability of the country	1
Full enforcement of sedition act when it comes to national unity and security	1
Malaysia still not ready for those regulation, it takes another decade to do until proper institution is established to manage	1
Mechanism in Malaysia can produce content with high quality while increase moral values and practices	1
More openness	1
Must be flexible but within the limit of the law where sensitive issues are concerned	1
Reduce regulatory on broadcast of environment issues. RTM is too strict on these	1
Need some modification according to the current situation challenges	1
Make sure that media players are given proper training regarding ethics and laws	1
Need to be more relevant	1
Politically free with no influence on the government part	1
Regulation is no place in the media industry. One should only be guided by one's morality, religious belief and conscience	1
Rules are meant to be broken. the more enforcement there is there more retaliation	1
Take into account new technologies	1
The mechanism should be let media to move freely and it should always give importance to transparency	1
The media should be allowed to regulate itself base on national code of conduct	1
There should be flexibility in the regulations implemented so that government stations can compete with their counter parts in the private sector so that overall viewers will be happy with the content in both government and private media	1
There should be none. The media is a tool. Regulatory mechanisms make it limited	1
Broadcaster cannot express creativity	1
To be fully justified that all broadcast channels adhere to censorship and not too and fair implementation on all	1
To be more informative and high quality content	1
Watch dog committee in various sectors of media could help in compliance scrutiny/enforcement. Reward self-regulation by media/content provider	1

List of Questions for In-Depth Interview

A. Member of Content Forum

1. What do you understand by “Self-regulatory” framework in your organization?
 - Have you apply Self-regulatory practices in your organization?
2. Describe the mechanism of implementing of the Content Code in your organization.
 - What kind of communication channel do you use and how frequent information to be disseminated to the members in your organization?
3. How do you enforce and monitor the Content Code in your organization?

- How do you ensure that every person in your organization know and follow the Content Code practice?
 - Describe the monitoring mechanism in enforcing the Content Code in your organization.
4. Did you experience complaint of some cases that involve public/content in your organization?
 - How do you manage the cases?
 5. Do you conduct evaluation on the Content Code implementation in your organization?
 - How the evaluation had been done?
 - How efficient and effective of the Content Code practices in handling problems?
 6. What is your opinion about the advantages and disadvantages of Content Code practices?
 7. What is your suggestions to improve the effectiveness of the Content Code practices?

B. Non-member of Content Forum

1. What is your understanding about the “self-regulatory” framework?
 - What is your opinion about the role of MCMC in implementing the self-regulatory framework?
 - Are you aware of the Content Code that was developed by the Content Forum?
 - What do you opinion about the Content Code?
2. What regulatory mechanism do your organization imposed to ensure that both local and foreign contents are legally acceptable ?
 - Describe the regulatory mechanism which you use in your organization.

- Describe also the content monitoring mechanism which you use in your organization.
3. In your opinion, what is the suitable mechanism for the media regulation in Malaysia/ (Present media regulation or Self-regulation, Co-regulation, De-regulation)?
 - Do you think that existing regulatory mechanism which has been practiced by the government can improve the development of local content, in term of creativity, innovation, quality or quantity of contents?
 - In your opinion, how do you further improve the production of local content?
 4. Have your organization faced any difficulties in producing local content?
 - Please describe the difficulties.
 5. What is your suggestion to improve the efficiency of media regulation mechanism in Malaysia?
 6. Do you conduct any evaluation on the effectiveness of existing regulatory mechanism?
 - How the evaluation on the effectiveness of the existing regulatory mechanism had been done?
 - How efficient and effective the existing regulatory mechanism in handling problems?
 7. What is your opinion about the advantages and disadvantages of existing regulatory mechanism?
 8. What is your suggestions to improve the effectiveness of the existing regulatory mechanism which had been imposed by your organization?

C. Content Forum Management

1. What is your perspective of Content Code?
2. How relevant is the Content Code?
3. In your opinion, are the media industry players aware of the establishment of the Content Forum and Content Code?

4. What are the challenges and obstacles in introducing and implementing the Content Code?
5. How enforcement and monitoring of the Content Code mechanism were implemented?
 - How effective it is?
6. In your opinion, do the Content Code need further improvement?
 - Describe the improvement needed, if necessary.

D. Complaint Bureau Management of CMCF

1. Describe the role and function of Complaint Bureau.
2. Describe the nature public complaint that the Complaint Bureau received?
3. How do you handle the public and media industry complaints?
 - Describe the mechanism in handling complaints
 - What is your evaluation of the complaints mechanism?
4. What are the challenges and obstacles in managing the complaints?
5. What is your opinion about the strengths and weaknesses of Content Code practices?
6. What is your suggestion to improve the effectiveness of the Content Code?
7. In your opinion, do the Content Code need further improvement?
 - Describe the improvement needed, if necessary.

E. Regulator

1. What is your understanding about the “self-regulatory” framework?
 - What is your opinion about the role of MCMC in implementing the self-regulatory framework?

- Are you aware of the Content Code that was developed by the Content Forum?
 - What do you opinion about the Content Code?
2. In your opinion, what is the suitable mechanism for the media regulation in Malaysia/ (Present media regulation or Self-regulation, Co-regulation, De-regulation)?
 - Do you think that existing regulatory mechanism which has been practiced by the government can improve the development of local content, in term of creativity, innovation, quality or quantity of contents?
 - In your opinion, how do you further improve the production of local content?
 3. What is your suggestion to improve the efficiency of media regulation mechanism in Malaysia?
 4. How efficient and effective the existing regulatory mechanism in handling problems?
 5. What is your opinion about the advantages and disadvantages of existing regulatory mechanism?
 6. What is your suggestions to improve the effectiveness of the existing regulatory mechanism which had been imposed by your organization?
 7. What is your perspective of Self-regulatory framework which have been introduced in Malaysia?
 8. How relevant is the Self-regulatory practices to the Malaysian media?
 9. What is your opinion about the advantages and disadvantages of Self-regulation practices?
 10. What is your suggestions to improve the effectiveness of the Self-regulatory practices and the implementation of the Content Code?

APPENDIX I

List of Respondent Of In-Depth Interviews

GROUP 1: Interviews – Members of CMCF				
Company/ Organisation	Job Designation and Experience in Field	Names of Company and Business Oriented	Qualification	Venue and Date of Interview
A1	Director/Head Department (10 years)	SISTEM TELEVISYEN MALAYSIA BERHAD (TV3) (Broadcasting)	MBA	Bandar Utama, Damansara. 15 April 2010
A2	Director/Head Department (15 years)	SISTEM TELEVISYEN MALAYSIA BERHAD (TV3) (Broadcasting)	LLB, LLM	Bandar Utama, Damansara. 15 April 2010
A3	Senior Manager	MALAYSIAN ADVERTISING ASSOCIATION	Master in Social	Petaling Jaya, Selangor.

	(10 years)	(4As) (Advertising)	Sciences	8 May 2010
A4	Manager (8 years)	NESTLE PRODUCT SDN. BHD. (Business Product)	Master in Social Sciences	Shah Alam, Selangor. 11 May 2010
A5	Senior Executive (12 years)	JARING COMMUNICATI ON Sdn. Bhd. (Online Content Creator)	Bachelor and MBA	Puchong, Selangor. 5 March 2010
A6	Senior Executive (10 years)	CELCOM TECHNOLOGY BERHAD (Telco)	Master in Social Sciences	Petaling Jaya, Selangor. 15 February 2010
A7	Senior Executive (13 years)	MALAYSIAN MOBILE SERVICES SDN. BHD. (MAXIS) (Telco)	Bachelor	Kuala Lumpur. 22 February 2010

Group 2: Interview - Non-members of CMCF / Media Practitioners				
Company/ Organisation	Job Designation and Experience in field	Name of Company/ Business orientation	Qualifications	Venue and Date of Interview
B1	Director (15 years)	RTM (Broadcasting)	Master in Social Sciences	Angkasapuri, Kuala Lumpur 24 January 2010
B2	Director	DIGI Sdn. Bhd.	MBA	Petaling Jaya,

	(10 years)	(Telco)		Selangor. 17 February 2010
B3	Manager (8 years)	ASTRO (Broadcasting)	Master in Social Sciences	Puchong, Selangor. 7 March 2010
B4	Manager (10 years)	UTUSAN ONLINE Online Publication	Bachelor of Mass Communication	Jalan Chan Sow Lin, Kuala Lumpur. 25 January 2010
B5	Manager (12 years)	U MOBILE Sdn. Bhd.	MBA	Kuala Lumpur. 14 March 2010
B6	Head of Department (6 years)	DIGI Sdn. Bhd. (Telco)	MBA	Petaling Jaya, Selangor. 23 March 2010
B7	Senior Executive (5 years)	STAR ONLINE Online Publication	Bachelor of Mass Communication	Petaling Jaya, Selangor. 25 March 2010

Group 3: Interviews – Media Professionals				
Company/ Organisation	Job Designation and Experiences in Field	Name of Organisation/ Business orientation	Qualifications	Date of Interview
C1	Chief Executive Officer (CEO)	CMCF (NGO)	Master of Business Administration (MBA)	Petaling Jaya, Selangor. 5 April 2010

	(6 years)			
C2	Director of Complaint Bureau (10 years)	CMCF (NGO)	LLB, MLB	Petaling Jaya, Selangor. 5 April 2010
C3	Manager (10 years)	MCMC (Government Authority)	Masters in Social Sciences	Cyberjaya. 22 April 2010

APPENDIX J

LIST OF CMCF Members

EXECUTIVE COMMITTEE

Chairman

En Ahmad Izham Omar

Sistem Televisyen Malaysia Berhad (TV3)

Vice-Chairman

Mr. Claudian Navin Stanislaus

Malaysian Advertisers Association (MAA)

Hon Secretary

Mr. Ramani Ramalingam

Recording Industry Association of Malaysia (RIM)

Hon Treasurer

Mr. Amarjit Singh Karthar Singh

YTL Communications Sdn Bhd (YTL)

COUNCIL MEMBERS

Association of Accredited Advertising Agents Malaysia (4As)

En. Omar Shaari / Mr. Kenneth Wong

Media Specialist Association (MSA)

Mr Girish Menon

MACOMM Management Services

Mr. Kandesh

Metropolitan TV Sdn Bhd (8TV)

Y Bhg Datuk Kamal Khalid / En. Zulkifli Haji Mohd Salleh

Ch-9 Media Sdn Bhd

En Zulkifli Haji Mohd Salleh

Sistem Televisyen Malaysia Berhad (TV3)

En Ahmad Izham Omar / Cik Laili Hanim Mahmood

Maestra Broadcast Sdn Bhd

Cik Kudsia Kahar / Cik Tanty Dayana Asnawi

Recording Industry Association of Malaysia (RIM)

Mr Ramani Ramalingam

Primeworks Studios Sdn Bhd

En Azhar Borhan / Puan Farisha Pawanteh

Association of Post Production & Animation Companies Malaysia (POSTAM)

Mr Chin Yoke Kee / Mr Peter Chin

Celcom Technology (M) Sdn Bhd

Mr Karan Henrik Pommudurai / Cik Haslina Dawan / Puan Jalilah Eusof

QTV Media Sdn Bhd

Mr Niall Deegan / Mr Hubert Chua

Dapat Vista (M) Sdn Bhd

En. Nabil Abdullah

National Council Women's Organisation (NCWO)

Prof Madya Dr. Kiranjit Kaur / Dr. Thilla Chelliah

Kesatuan Perkhidmatan Perguruan

Kebangsaan Cawangan Wilayah Persekutuan

Ms Lok Yim Pheng / Pn Azmeela Abdullah

Universiti Putra Malaysia (UPM)

Tuan Syed Agil Alsagoff / Prof Dr. Md Salleh Hj Hassan

Jaring Communications Sdn Bhd

En Zaidun Omar / En Mohd Azman Bidin

Telekom Malaysia Berhad

Pn Anira Che Ani / Pn Asma Md Isa

YTL Communications Sdn Bhd (YTL)

Mr Amarjit Singh Karthar Singh

Executive Director, CMCF

En Mohd Mustaffa Fazil Mohd Abdan

ORDINARY MEMBERS

Advertisers Category	Broadcasters Category
Association of Accredited Advertising Agents Malaysia (4As) En. Omar Shaari Mr. Kenneth Wong	Measat Radio Communication Sdn Bhd Pn Tanty Dayana Binti Asnawi Commercial Radio Malaysia (CRM) Cik Kudsia Kahar Sistem Televisyen Malaysia Berhad (TV3) En Ahmad Izham Omar Cik Laili Hanim Mahmood Natseven TV Sdn Bhd (NTV7) Pn Nur Airin Zairin Binti Zainul Bharin Cik Laili Hanim Mahmood Capital FM Sdn Bhd En Azrullah Mohd Nor Ms Corrinne- Chieng Lin Lin Metropolitan TV Sdn Bhd (8TV) Y Bhg Datuk Kamal Khalid En Zulkifli Haji Mohd Salleh U Television Sdn Bhd En Iskandar Kosnin Mr Ellamaran Murugiah Maestra Broadcast Sdn Bhd Cik Laila Saat Measat Broadcast Network Systems Sdn Bhd Cik Laila Saat Cik Mediha Mahmood Ch-9 Media Sdn Bhd En Zulkifli Haji Mohammad Salleh Cik Laili Hamin Mahood DE Multimedia Sdn Bhd Mr Wei Chuan Beng Ms Wong Lai Ngo Asia Media Sdn Bhd Mr Yong Kheng Wah
Malaysian Advertisers Association (MAA) Mr Claudian Navin Stanilaus	
Procter & Gamble (M) Sdn Bhd En Zulhaimi Abdul Hamid	
Nestle Products Sdn Bhd Mr Khoo Kar Khoon	
Colgate Palmolive (Malaysia) Sdn Bhd Ms. Wanaz Merican Farrahassib Abdul Rahim	
Innovate Solutions System Sdn Bhd Mr Julius Lee Kam Choon	
Media Specialists Association of Selangor and Wilayah Persekutuan (MSA) Mr Ranganathan Somanathan	
Unilever (M) Holdings Sdn Bhd Ms. Chan Sheow-Vern	
Fonterra Brands (Malaysia) Sdn Bhd Mr Yeoh Phaik Sim	

Ms Joanne Lee Poey Im

Asian Broadcasting Network (M) Sdn Bhd

Mr Sreedhar Subramaniam

Mr Yaw Chun Soon

Ms Lee Chai Kim

Sistem Televisyen Malaysia Bhd (TV3)

En Ahmad Izham Omar

Cik Laili Hanim Mahmood

Civic Groups Category

National Council of Women's Organisations (NCWO)

Prof Madya Dr. Kiranjit Kaur

Dr. Thilla Chelliah

Universiti Putra Malaysia

Tuan Syed Agil Bin Shekh Alsagoff

Prof. Madya Dr. Zulhamri Abdullah

Kesatuan Perkhidmatan Perguruan Kebangsaan

Ms Lok Yim Pheng

Tn Haji Mohd Joni

CahayaSuara Communications Centre

Mr Lawrence John

Mr Canute Januarius

Audiotext Service Providers Category

QtelMedia (M) Sdn Bhd

Mr Nial Deegan

Mr Hubert Chua

Celcom Technology (M) Sdn Bhd

Mr Karan Henrik Ponnudurai

Cik Haslina Dawan

Pn Jalilah Eusof

Dapat Vista (M) Sdn Bhd

En Nabil Abdullah/ Khairin Nadiya Baharaldin

Malaysian Mobile Content Provider Association (MMCP)

Encik Johary Mustapha

Content Creators / Distributors Category**Recording Industry Association of Malaysia (RIM)**

Mr Ramani Ramalingam

Association of Post Production & Animation Companies Malaysia (POSTAM)

Mr Chin Yoke Kee

Double Vision Sdn Bhd

Mr Low Huoi Seong

Persatuan Industri Komputer Dan Multimedia Malaysia (PIKOM)

En Shaifubahrim Salleh

Star Publications (M) Bhd

Mr Davin Arul

Ms Lim Bee Leng

VADS Bhd

Cik Norhaily Maizura Karim

Online e-Club Management Sdn Bhd

Mr Gong Lian Seng

Mr Goh Jiunn Boon

Alt Media Sdn Bhd (Alt Media)

Cik Laili Hanim Mahmood

En Zulkifli Haji Mohd Salleh

Primeworks Studios Sdn Bhd

En Azhar Borhan

Puan Farisha Pawanteh

Internet Access Service Providers Category**Jaring Communications Sdn Bhd**

En Zaidun bin Omar

En Mohd Azman Bin Bidin

Malaysian Mobile Services Sdn Bhd (MAXIS)

En Kamarulhisham Bin Harun

Telekom Malaysia Berhad

Pn Anira Che Ani / Pn Asma Md Isa

Timedotcom Sdn Bhd

En Abdul Hadi Wahid

En Afzal Abdul Rahim

AIMS Data Centre Sdn Bhd

Mr Chiew Kok Hin

Mr Gan Te- Sen

Shinjiru Technology Sdn Bhd

Mr Terence Choong Yeow Tuck

Mr Shaun Lim Shan Her

U Mobile Sdn Bhd

Cik Raja Amrah Mazura

Pn Siti Fauziah

YTL Communications Sdn Bhd (YTL)

Mr Amarjit Singh Karthar Singh

ASSOCIATE MEMBERS

CyberSecurity Malaysia

Lt Col Husin Hj Jazri

En Zahri Yunos

Cik Yati Mohd Yasin

MYNIC Bhd

Ms Yeo Yee Ling

University of Malaya

**THE MALAYSIAN COMMUNICATIONS AND MULTIMEDIA CONTENT
CODE**

University of Malaya

**THE MALAYSIAN COMMUNICATIONS AND
MULTIMEDIA CONTENT CODE**



CMCF

The logo for CMCF (The Communications and Multimedia Content Forum of Malaysia) features the letters 'CMCF' in a bold, black, sans-serif font. The letters are centered and overlaid on a light gray, stylized circular graphic that resembles a ripple or a signal wave. A large, diagonal watermark reading 'University of Malaysia' is visible across the background of the page.

**THE COMMUNICATIONS AND MULTIMEDIA CONTENT
FORUM OF MALAYSIA**

THE COMMUNICATIONS AND MULTIMEDIA CONTENT FORUM OF MALAYSIA

CONTENT CODE

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	FOREWORD
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- a) The Communications and Multimedia Act 1998 provides for the Content Forum to prepare and draw up a Content Code after appropriate consultations and to enforce the Code containing governing standards and practices in the communications and multimedia industry.
- b) The Content Code which the Communications and Multimedia Content Forum of Malaysia has adopted for the purpose of the statutory duty sets out the guidelines and procedures for good practice and standards of content disseminated to audiences by service providers in the communications and multimedia industry in Malaysia.
- c) The Content Code demonstrates a commitment toward self-regulation by the industry in compliance with the Communications and Multimedia Act 1998 (Act 588). It seeks to identify what is regarded as offensive and objectionable while spelling out the obligations of content providers within the context of social values in this country.
- d) What in essence the Content Code recommends, is guidelines for a responsible approach toward the provision of content and outlines procedures on self-regulation that will provide the platform for creativity, innovation and healthy growth of a fast changing industry.
- e) Aimed at facilitating industry self-regulation, the Act empowers the Malaysian Communications and Multimedia Commission to designate an industry body to be the Content Forum responsible for the preparation of a Content Code, or codes as the need may arise.
- f) Such a Forum and its processes are not novel to Malaysia. Previous arrangements relied heavily on industry-based advisory committees and the consultative processes. The Act formalises these processes to put more emphasis on greater industry self-regulation and self-discipline.

PART 1	INTRODUCTION
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1.0 Preamble

1.1 BEARING IN MIND the national policy objectives of and for the communications and multimedia industry and the need to establish agreed standards of behaviour in respect of industry members and to:

- (a) Promote a civil society where information based services will provide the basis of continuing enhancements to quality of work and life.
- (b) Regulate the long-term benefit of the end user.
- (c) Promote a high level of consumer confidence in service delivery.
- (d) Grow and nurture local information resources and cultural representations that facilitate the national identity and global diversity.
- (e) Establish Malaysia as a major global center and hub for communications and multimedia information and content services.

1.2 BEING AWARE of the need to avoid Content, which is indecent, obscene, false, menacing or offensive in character with intent to annoy, abuse, threaten or harass any person.

1.3 ACKNOWLEDGING THE NEED of the viewers and listeners to be provided with news and reporting to create an informed public bearing in mind the need to ensure and preserve the country's harmony and growth.

1.4 RECOGNISING THE NEED to disseminate and to provide information and entertainment to meet the diverse needs of the Malaysian viewers and listeners in all Content relating to business, politics, recreation, information, culture and education.

1.5 REALISING THAT VIEWERS as consumers should have the freedom to view contents of their choice. That choice must be balanced against public interest for which as a compromise, guidelines may be formulated to classify contents and suitability.

1.6 AND WHILST RECOGNISING the right of the consumer to choose it is AGREED that choice should be exercised with care and that the responsibility could be shared by the individuals, parents, teachers and guardians.

2.0 General Principles

2.1 IT IS DECLARED AND ACCEPTED that the following general principles shall apply to all that which is displayed on or communicated and which is subject to the Act.

2.2 In creating and offering news, reports, entertainment and advertisements, content providers will bear in mind the need for a balance between the desire of viewers, listeners and users to have a wide range of Content options and access to information on the one hand and the necessity to preserve law, order and morality on the other.

2.3 The principle of ensuring that Content shall not be indecent, obscene, false, menacing or offensive shall be observed.

2.4 There shall be no discriminatory material or comment, which is based on matters of race, national or ethnic origin, colour, religion, age, sex, marital status, or physical or mental handicap.

2.5 Women and men shall be portrayed with fair and equitable demographic diversity taking into account age, civil status, race, ethno-cultural origin, physical appearance, background, religion, occupation, socio-economic condition and leisure activities, while actively pursuing a wide range of interests.

2.6 Particular attention shall be given to Content that is created for children and to Content in which children are portrayed.

2.7 Attention will be given to include and respect diversity such as may be expressed through differences due to, but are not limited to, cognitive or physical ability, culture, ethnicity, religion, socio-economic status, gender, age, national origin, political persuasion, marital status, educational background or geographic location.

2.8 Code subjects shall endeavour to provide Content that, as far as possible, caters to the various tastes and expectations of Malaysian viewers and listeners recognising the varied tastes of the Malaysian public.

2.9 Code subjects will ensure, to the best of their ability, that their Content contains no abusive or discriminatory material or comment on matters of, but not limited to, race, religion, culture, ethnicity, national origin, gender, age, marital status, socio economic status, political persuasion, educational background, geographic location, sexual orientation or physical or mental ability, acknowledging that every person has a right to full and equal recognition and to enjoy certain fundamental rights and freedoms as contained in the Federal Constitution and other relevant statutes.

3.0 Objectives of the Code

3.1 The overriding purpose of this Code is to recommend guidelines relating to the provision of Content through self-regulation by the industry in a practical and commercially feasible manner and at the same time foster, promote and encourage the growth and development of the industry.

3.2 In doing so, it is noted and acknowledged that the following specific objectives shall guide the parties affected, governed by, administering and subject to the Code:

- (a) Meeting and supporting the national policy objectives set out in the Act.
- (b) Ensuring effective self-regulation of the development, production and dissemination of content.
- (c) Empowering users of Content to make an informed selection of the Content they consume.
- (d) Recognise and keeping updated with international as well as national standards, trends and sensitivities in applying and reviewing this Code.
- (e) Ensuring compliance through a regular process of monitoring.

4.0 Scope and Coverage

4.1 This Code shall apply to all Content made available in the Content industry in the networked medium and as defined in this Code and under the Act.

4.2 This Code shall apply to all Content Application Service Providers and in particular but is not limited to:

- (a) Each member of the forum;
- (b) Each person who has submitted their agreement to the Forum that they will be bound by this Code; and
- (c) Each person whom the Commission has directed in accordance with Section 99 of the Act.

5.0 Definitions and Interpretation

5.1 For the purposes of this Content Code, the following words and phrases, unless otherwise specified hereunder, bear and have the same meaning as in the Communications and Multimedia Act 1998.

Act means the Communications and Multimedia Act 1998 (Act 588).

Applications Service Provider means a person who provides applications service; these are persons who provide particular functions such as voice services, data services, content-based services, electronic commerce and other transmission services. In particular, the Licensing Regulations 2001 lists as Application Service Providers, persons who provide the functions or capabilities delivered to end users which include any or all of the following application services: -

- i) Public Switched Telephone Network telephony for the delivery of voice and data communications;
- ii) Public Cellular telephony services;
- iii) Public Internet protocol telephony;

- iv) Public payphone service; and dissemination of Content.
- v) Public switched data service for non-services that involve circuit switching of data emanating from one specific network facility to another;
- vi) Audiotext Hosting Service enables a caller to receive a pre-recorded message or interact with a programme to receive information;
- vii) Directory services;
- viii) Internet access services;
- ix) Messaging services;
- x) Private payphones service;
- xi) Telegram services.

Code means this Content Code as may be revised from time to time.

Code Subjects means persons who are subject to the Code.

Commission means the Malaysian Communications and Multimedia Commission established under the Malaysian Communications and Multimedia Commission Act 1998 (A 589).

Complaints Bureau means the Bureau referred to in Part 8 of the Code.

Content means any sound, text, still picture, moving picture or other audio-visual representation, tactile representation or any combination of the preceding which is capable of being created, manipulated, stored, retrieved or communicated electronically.

Content Application Service Provider means a person who provides a content applications service. Examples of content applications services include :-

- i) Direct To Home (DTH) subscription broadcasting, whether via satellite or cable;
- ii) Terrestrial Free-to-Air TV and Radio; and
- iii) Internet Web casting and Streaming Videos.

Content Forum means the Communications and Multimedia Content Forum of Malaysia (Forum Kandungan Komunikasi Dan Multimedia Malaysia) designated by the Commission under Section 212 of the Act.

Direct Sale means the sale of goods or services which a person conducts either by himself or through any person authorised by him by receiving an offer for a sale electronically.

Minor means a person who is under 18 years of age.

Network Facility means any element or combination of elements of physical infrastructure used principally for, or in connection with, the provision of network services, but does not include customer equipment.

Online means a networked environment, which is available through a connection to a network service where content is available to the public for access for a fee or otherwise.

Prohibited Content means such content as is expressed to be prohibited under this Code.

6.0 Legal Status of the Code

6.1 In accordance with Section 95(2) of the Act, this Code shall only be effective upon registration by the Commission; (see appendix 1).

6.2 Compliance with this Code is voluntary, subject to Section 99 of the Act and the provision of this Code.

6.3 Compliance with this Code shall be a defence against any prosecution, action or proceeding of any nature, whether in court or otherwise as stated under Section 98 (2) of the Act.

6.4 Notwithstanding this Code and apart from the relevant legislation under the Communications and Multimedia Act 1998, all applicable Malaysian Laws including but not limited to sedition, pornography, defamation, protection of intellectual property and other related legislation are to be complied with.

7.0 Interpretation

7.1 Where the intent or scope of this Code is in doubt, it must be interpreted in the light of the General Principles stated earlier and within the spirit of the Code as well as the strict letter of it.

7.2 No Code of this nature can be all-inclusive in view of changing circumstances. It should take into consideration the intention of the Act, which is for the industry to operate in an environment of self-regulation, liberalisation and transparency.

8.0 Complaints

8.1 Any complaint received by a content provider or service provider should be resolved bearing in mind the spirit of this Code. However, if the complaint cannot be resolved it may be referred to the Complaints Bureau; (see Part 8 : Code Administration).

1.0 General Requirements

1.1 Section 211 of the Communications and Multimedia Act prohibits Content that is indecent, obscene, false, menacing or offensive in character with intent to annoy, abuse, threaten or harass any person.

1.2 This requires Code Subjects to ensure that material disseminated does not include anything which offends good taste or decency; is offensive to public feeling, is likely to encourage crime or lead to disorder, or is abusive or threatening in nature.

1.3 The standards by which content is measured, given the requirements, will be viewed in the context of the country's social, religious, political and educational attitudes and observances, as well as the need to accommodate global diversity in a borderless world.

1.4 In order to assist Code Subjects as to the rules to be observed with respect to content provided and to ensure compliance with the Act through self-regulation, the following guidelines and procedures are set out in this.

2.0 Indecent Content

2.1 Indecent Content is material which is offensive, morally improper and against current standards of accepted behaviour. This includes nudity and sex.

(i) Nudity

Nudity cannot be shown under any circumstances, unless approved by the Film Censorship Board.

(ii) Sex & Nudity

Sex scenes and nudity cannot be shown under any circumstances, unless approved by the Film Censorship Board.

3.0 Obscene Content

3.1 Obscene Content gives rise to a feeling of disgust by reason of its lewd portrayal and is essentially offensive to one's prevailing notion of decency and modesty. There is every possibility of such Content having a negative influence and corrupting the mind of those easily influenced. The test of obscenity is whether the Content has the tendency to deprave and corrupt those whose minds are open to such communication. Specific regards to be had to :

(i) Explicit Sex Acts/Pornography

Any portrayal of sexual activity that a reasonable adult considers explicit, and pornographic is prohibited. The portrayal of sex crimes, including rape or attempted rape and statutory rape, as well as bestiality is not permitted including the portrayal of such sexual acts, through animation and whether consensual or otherwise.

(ii) Child Pornography

Child pornography, including the depiction of any part of the body of a minor in what might be reasonably considered a sexual context, and any written material or visual and/or audio representation that reflects sexual activity, whether explicit or not, with a minor is strictly prohibited.

(iii) Sexual Degradation

The portrayal of women, men or children as mere sexual objects or to demean them in such manner is prohibited.

4.0 Violence

4.1 Violence occurs through the ravages of natural disaster, outrageous acts of terrorism, war, human conflict both in fact and through popular fiction, the antics of cartoon characters, (body) contact sports and more. Violence is a reality and Code Subjects need to be able to reflect, portray and report on it.

4.2 To deny narration or depiction of hard truths about the world would tantamount to a substantial disservice to understanding of the human condition. The portrayal of violence, with careful editorial justification, has played a major part in popular storytelling throughout human history, and must continue to have a place in the civilizing process.

4.3 Violence, psychological but especially physical or incitement to violence should be portrayed responsibly, and not exploitatively. Presentation of violence must avoid the excessive, the gratuitous, the humiliating, and the instructional. The use of violence for its own sake and the detailed dwelling upon brutality or physical agony, by sight or sound is to be avoided. Programs involving violence should venture to present the consequences to its victims and perpetrators. Particular care should be exercised where children may see, or be involved in, the depiction of violent behaviour. Specific considerations are as follows:

- (i) Offensive violence
 - a) The portrayal of violence, whether physical, verbal or psychological, can upset, alarm and offend viewers. It can cause undue fear among the audience and encourage imitation.
 - b) Such public concerns require due consideration whenever violence, real or simulated, is portrayed. The treatment of violence must be appropriate to the context and audience expectations.
 - c) Gratuitous and wanton presentation of sadistic practices and torture, explicit and excessive imageries of injury and aggression, and of blood, are to be avoided.
 - d) The portrayal of violence is permitted to the extent of news reporting, discussion or analysis and in the context of recognised sports events in the following instances :
 - i. Use of appropriate editorial judgment in the reporting of audio and visual representation of violence, aggression or destruction within their content.
 - ii. Exercise of caution and discretion in the selection of, and repetition of Content, which depicts violence.
 - iii. Viewers to be cautioned in advance of showing scenes of extraordinary violence, or graphic reporting on delicate

subject matter with appropriate warnings to audiences in the case of gore or actual scenes of executions or of people clearly being killed.

(ii) Imitable violence

Due consideration must be given to the fact that violence portrayed visually may be imitated in real life. The presentation of dangerous behaviour, which is easily imitated, must be justified, and ideally excluded.

(iii) Sexual violence

Graphic representations of sexual violence, such as rape or attempted rape or other non-consensual sex, or violent sexual behaviour are not allowed.

(iv) Violence and young, vulnerable audiences

The susceptibility of younger audiences, particularly those impressionable minds must be considered.

5.0 Menacing Content

5.1 Content that causes annoyance, threatens harm or evil, encourages or incites crime, or leads to public disorder is considered menacing and is prohibited.

5.2 Hate propaganda, which advocates or promotes genocide or hatred against an identifiable group, must not be portrayed. Such material is considered menacing in nature and is not permitted.

5.3 Information which may be a threat to national security or public health and safety, is also not to be presented.

Illustrations

- i) Making available instructions and guidance on bomb-making, illegal drug production or counterfeit products;
- ii) Disseminating false information with regards to outbreak of racial disturbances in a specific part of the country;

- iii) Circulating information and statements with regards to possible terrorist attacks;
- iv) Circulating or making available information with regards to the outbreak of a deadly or contagious diseases.

6.0 Bad Language

6.1 Bad language, including expletives and profanity is offensive to many people. The use of crude words and derogatory terms is most likely to cause offence and especially if the language is contrary to audience expectation. Bad language includes the following:

- (i) **Offensive Language**

The use of disparaging or abusive words which is calculated to offend an individual or a group of persons is not permitted.

- (ii) **Crude References**

Words, in any language commonly used in Malaysia, which are considered obscene or profane are prohibited including crude references to sexual intercourse and sexual organs. It is, however, permissible to use such words in the context of their ordinary meaning and not when intended as crude language.

- (iii) **Hate Speech**

Hate speech refers to any portrayal (words, speech or pictures, etc.), which denigrates, defames, or otherwise devalues a person or group on the basis of race, ethnicity, religion, nationality, gender, sexual orientation, or disability and is prohibited. In particular: *descriptions of any of these groups or their members involving the use of strong language, crude language, explicit sexual references or obscene gestures, are considered hate speech.*

- (iv) **Violence**

Where the portrayal of violence is permitted with appropriate editorial discretion as in news reporting, discussion or analysis and in the context of recognised sports events, care must be taken to consider the use of explicit or

graphic language related to stories of destruction, accidents or sexual violence, which could be disturbing for general viewing.

7.0 False Content

7.1 Content, which contains false material and is likely to mislead, due amongst others to incomplete information is to be avoided. Content providers must observe measures outlined in specific parts of this Code to limit the likelihood of perpetuating untruths via the communication of false content.

7.2 Content is false where prior to communications reasonable measures to verify its truth have not been adopted or taken.

7.3 Content which is false, is expressly prohibited except in any of the following circumstances:

- (a) Satire and parody;
- (b) Where it is clear to an ordinary user that the content is fiction.

7.4 Code Subjects must take all necessary steps outlined in the specific parts of this Code to limit the likelihood of provision of false Content.

8.0 Children's Content

8.1 Content designed specifically for children of and below 14 years reaches impressionable minds and influences social attitudes and aptitudes. Code Subjects must closely supervise and monitor the selection, control of material, characterisations and plot. Nothing in the foregoing shall mean that the vigour and vitality common to children's imaginations and love of adventure need be removed. Specific attention must be paid to the aspects stated below.

(i) Violence

- a) In children's content portrayed by real-life characters, violence should only be portrayed when it is essential to the development of character and plot.
- b) Animated Content for children, while accepted as a stylised form of storytelling, which can contain non-realistic violence, shall not

depict violence as its central theme, and shall not invite dangerous imitation.

- c) Content for children must not contain scenes of violence, which minimise or gloss over the effects of violent acts. Any depiction of such violence must portray in human terms, the consequences of such violence to its victims and its perpetrators.

(ii) **Safety, Security and Imitable Acts**

- a) Content for children must deal carefully with themes which can threaten their sense of security, when portraying, for example; domestic conflict, the death of parents or close relatives, or the death or injury of their pets, street crime or the use of drugs.
- b) Content for children must deal carefully with themes which could invite children to imitate acts which they see on screen, such as the use of plastic bags as toys, use of matches, the use of dangerous household products as playthings, or dangerous physical acts such as climbing apartment balconies or rooftops.

9.0 Family Values

9.1 The principles of intellectual and emotional equality of both sexes and the dignity of all individuals are to be respected. Despite societal discrimination, content should reflect an awareness of the need to avoid and overcome biased portrayals on the basis of gender. Women and men should be portrayed as equals both economically and emotionally, and in both public and private spheres.

9.2 Content should portray all persons as supporting participants in the family unit, home management and household tasks. They should be portrayed as equal beneficiaries of family or single-person life, in both work and leisure activities and, as far as possible, under all types of thematic circumstances.

9.3 In the acquisition of or involvement in non-Malaysian Content, Code Subjects should make every effort to evaluate Content having with regard to family values in relation to this

Code.

10.0 Persons with Special Needs

10.1 There is a risk of offence in the use of humour based on physical, mental or sensory disability, even where no malice is present. Reference to disability should be included only where relevant to the context and patronising expressions replaced by neutral terms. It should be possible for persons with special needs to be included in programmes of all kinds.

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1.0 Scope and Coverage

1.1 This part serves as a guideline that applies to advertisements communicated electronically and includes television, radio, online services and audiotext hosting services otherwise referred to as premium rate services. In this part :

“Advertisement” means an announcement of a public nature whether for the sale or purchase or provision of goods or services or constituting of an invitation to participate in an activity and conveyed by or through any signage, image or sound disseminated through electronic medium for advertising purposes.

“Advertiser” means any person who utilises the electronic medium to advertise their products or services.

“Providers of advertisement Content” for this Part includes : (a) Advertisers; (b) Advertising agencies; and (c) Persons who control the dissemination effort.

“Consumer” is defined as any person who might be exposed to an advertisement whether as an end user of the product advertised or as a user who is doing business or as a purchaser of the product advertised.

1.2 Responsibility for observing this part primarily falls on advertisers. Others involved in producing and transmitting advertisements such as agencies, online publishers, broadcasters and other advertising service suppliers such as production houses, music composers and designers shall also accept an obligation to abide by this part and the specific guidelines that apply to them.

2.0 Objectives

2.1 The main objective of this part is to ensure continued reliable standards of advertisements through self-regulation in accordance with expectations of consumers and internationally recognised good practice governing advertisement Content disseminated by the electronic media.

2.2 The Malaysian advertising fraternity recognises that creative freedom carries with it the responsibility of ensuring that the rights of its audiences are protected.

2.3 This Part, in addition to the recommended guidelines in this Content Code, serves as a guide towards upholding the high standards expected of the advertising service industry in a practical and commercially feasible manner and at the same time foster, promote and encourage its development.

3.0 Principles

3.1 The following principles shall guide Advertisement Content providers who are affected by and/or are subject to this Part of the Code :

- (a) All advertisements must conform with this part and to the general guidelines on Content.
- (b) All advertisements should be legal, decent, honest and truthful.
- (c) All advertisements should be prepared with a sense of responsibility to consumers and to society.
- (d) All advertisements should respect the principles of fair competition generally accepted in business.

4.0 Specific Guidelines

4.1 By way of amplification of the scope, objectives and principles the following specific guidelines shall apply to advertisements.

- (i) **Legality**
Advertisers have primary responsibility for ensuring that their advertisements comply with the law and should not incite anyone to break it.

(ii) Decency

- a) Advertisements should contain nothing that is likely to cause serious or widespread offence. Particular care should be taken to avoid causing offence on the grounds of, but not limited to, race, religion, sex, sexual orientation and physical or mental disability.
- b) Advertisements must not contain statements, audio or visual presentations that are offensive to the standards of decency prevailing among those who are likely to be exposed to them. The fact that a particular product is offensive to some people is not sufficient grounds for objecting to an advertisement for it.

(iii) Honesty and Truthfulness

- a) Advertisements must not be so framed as to abuse the trust of the consumer or exploit his lack of experience or knowledge.
- b) No advertisement should mislead by inaccuracy, ambiguity, exaggeration, omission or otherwise.

(iv) Fear and Distress

Advertisements must not without justifiable reason play on fear. They may, however, issue an appeal “to be fearful” to encourage prudent behaviour or to discourage dangerous or ill-advised actions, taking into consideration that the fear likely to be aroused should not be disproportionate to the risk.

(v) Safety

Advertisements should not show or encourage unsafe practices except in the context of promoting safety. Particular care should be taken with advertisements addressed to or depicting children and young people.

(vi) Violence/Anti-social behaviour

Advertisements should contain nothing that condones or is likely to provoke violence or anti-social behaviour.

- (vii) Protection of privacy
 - a) Advertisements shall not portray or refer to, by whatever means, any living person, unless their express prior permission has been obtained.
 - b) This requirement applies to all persons, including public figures and foreign nationals. Advertisers shall also take note not to offend the religious or other susceptibilities of those connected in any way with deceased persons depicted or referred to in any advertisement.
- (viii) Claims
 - a) Advertisers must hold documentary evidence to prove all claims made in an advertisement whether direct or implied that are capable of objective substantiation. If there is a significant division of informed opinion about any claims, they should not be portrayed as generally agreed.
 - b) Claims that have not been independently substantiated should not exaggerate the value, accuracy, scientific validity or practical usefulness of the product advertised. Obvious untruths or exaggerations that are unlikely to mislead and incidental minor errors and unorthodox words are all allowed provided they do not affect the accuracy or perception of the advertisement in any material way.
- (ix) Testimonials and Endorsements
 - Advertisements shall not contain or refer to any testimonial or endorsement unless it is genuine and related to the personal experience over a reasonable period of time of the person giving it.
- (x) Prices
 - a) Any stated price should be clear and should relate to the product advertised. Advertisers should ensure that prices match the products illustrated.

- b) If the price of one product is dependent on the purchase of another, the extent of any commitment by consumers should be made clear.
 - c) Price claims such as 'up to' and 'from' should not exaggerate the availability of benefits likely to be obtained by consumers.
- (xi) Free Offers
- a) In making a free offer conditional on the purchase of other items, consumers' liability for any costs should be made clear in all material featuring the offer.
 - b) An offer should be described as free only if consumers pay no more than the :
 - i. Current public rates of postage.
 - ii. Actual cost of freight or delivery.
 - iii. Costs, including incidental expenses, of any travel involved if consumers collect the offer.
 - c) Advertisers should make no additional charges to consumers for packing and handling.
- (xii) Availability of Products
- a) Advertisements shall not be electronically disseminated unless the advertiser has reasonable grounds for believing that he can supply any demand likely to be created by his advertising.
 - b) In particular, no attempt shall be made to use the advertising of unavailable or unregistered products (when registration is compulsory) or non-existent products as a means of assessing likely public demand, should such a product be offered in the future.
 - c) Where it becomes clear that an advertised product is not available, (in circumstances where the public are not likely to assume from

advertising its ready availability) immediate action must be taken to ensure that further advertisements for the products are promptly amended or withdrawn.

(xiii) Guarantees

- a) The word 'guarantee' should not be used in any way that could diminish consumers' legal rights. Substantial limitations should be spelt out in the advertisement. Before commitment, consumers should be able to obtain the full terms of the guarantee from advertisers.
- b) Advertisers should inform consumers about the nature and extent of any additional rights provided by the guarantee, over and above those stipulated by law, and should make clear how to obtain redress.

(xiv) Comparisons

- a) Advertisements containing comparisons with other advertisers, or other products are permissible in the interest of vigorous competition and public information, provided they comply with the terms of this section.
- b) All comparative advertisements shall respect the principles of fair competition and shall be so designed that there is no likelihood of the consumer being misled as a result of the comparison, either about the product advertised or that with which it is compared.
- c) The subject matter of a comparison shall not be chosen in such a way as to confer an artificial advantage upon the advertiser or so as to suggest that a better bargain is offered than is truly the case.
- d) Points of comparison shall be based on facts that can be substantiated and should not be unfairly selected. In particular:
 - i. The basis of comparison shall be the same for all the products being compared and shall be clearly stated in

the advertisements so that it can be seen that like is being compared with like.

- ii. Where items are listed and compared with those competitors' products, the list shall be complete or else the advertisement shall make clear that the items are only a selection.

(xv) Denigration

Advertisers should not attack or discredit other businesses or their products.

(xvi) Exploitation of goodwill

Advertisers should not make unfair use of the goodwill attached to the trademark, name, brand, logo, slogan or the advertising campaign of any other organisation.

(xvii) Imitation

No advertisement should so closely resemble any other that it misleads or causes confusion.

(xviii) Unacceptable Products and Services

Advertisements for products or services coming within the recognised character of, or specifically concerned with the following are not acceptable :

- (a) Cigarette, tobacco and its accessories;
- (b) Any item banned in the Postal Services Act 1991 (Act 465) for the purpose of cheating or misleading;
- (c) The occult and fortune tellers;
- (d) Marriage agencies and friendship clubs;
- (e) Unlicensed employment agencies;
- (f) Any form of gambling including betting and gambling tips;
- (g) Clothing which is printed with word(s) or symbol(s) that has an inappropriate message;
- (h) Scenes which are sexual in nature or are indecent including kissing scenes between adults;
- (i) Scenes which are sexually explicit or impolite;

- (j) Pornography;
- (k) Pig, pork products and its derivatives;
- (l) Betting and gambling;
- (m) Fire crackers;

Note: whilst the actual advertising of the product is banned, there is no issue with DEPICTING fireworks in commercials related to other products/services.

- (n) Any form of financial speculation intended to promote or attract interest in any stocks and shares;

Note: only advertisements related to newly approved Initial Public Offering (IPO) is allowed - subject to the relevant applicable Acts.

- (o) Death notices, funeral and burial service notices and burial monuments;
- (p) Disco scenes;
- (q) Slimming products, whether it is used orally or physical application.

5.0 Indirect Advertising and Product Placements

5.1 An advertisement for an acceptable product or service shall be unacceptable in the event a significant effect would be to publicise indirectly an unacceptable product or service.

5.2 “Product Placements” relevant to the context of the situation are allowed but services and goods that are specifically banned are not allowed.

5.3 “Joint promotions” of products of different brands and products, if exercised for a certain period of time is permissible.

6.0 Identifying Advertisers and Recognising Advertisements

6.1 Advertisers, online publishers, broadcasters and owners of other electronic media should ensure that advertisements are designed and presented in such a way that it is clear that they are advertisements.

6.2 Features, announcements or promotions that are disseminated in exchange for a payment or other reciprocal arrangement should comply with this Code if their content is controlled by the advertisers and should also be clearly identified as such.

6.3 Distance selling advertisements with written response mechanisms (e.g. postal, fax or e-mail) and advertisements for one-day sales, homework schemes and the like should contain the name and address of the advertisers. Distance selling advertisements for business opportunities should contain the name and contact details of the advertisers. Unless required by law, other advertisers are not normally obliged to identify themselves.

7.0 The Use of People in Advertising

7.1 Women in Advertising

- a) Advertisements must not project women as an object for sex or be shown to merely satisfy men's desire and satisfaction.
- b) Advertisements must portray positive images of women.

7.2 Children and Advertising

Special care and attention is to be paid to children in advertisements. This requires a need to comply with requirements set out below :

- a) The use of children is not encouraged unless the products advertised are relevant to them and or except in the context of promoting safety for the children as depicted within paragraph (d).
- b) Advertisements addressed to children or young people or likely to be seen by them, shall not contain anything whether an illustration or otherwise, which result in harming them physically, mentally or morally or which exploits their credulity, their lack of experience or natural sense of loyalty.
- c) Advertisements pertaining to activities of a society or club for children must be that of a club or society that is properly supervised.
- d) In any situation where children are projected, careful consideration must be given for their safety.

Illustrations

- i. Children must not be seen leaning on a window or a bridge railing or climbing a steep cliff in a dangerous manner.
- ii. Small children must not be shown climbing a high rack or to reach for something on a table higher than their head level.
- iii. Medicines, disinfectants, antiseptics, caustic substances, pesticides and all aerosol preparations must not be shown within reach of children without close parental supervision or neither can they be shown using them.
- iv. Children must not be shown using matches or any gas, petrol, paraffin, electrical or mechanical appliances which could cause them suffering burns, electric shocks or other injuries.
- v. Children must not be shown driving or riding agricultural machines (including tractor-drawn carts) or any other heavy machines.
- vi. Children are not allowed to be exposed to any form of fire without being observed by adults.
- vii. Children must not be shown playing with firecrackers or fireworks which are banned in Malaysia.

7.3 Professionals in Advertising

Care shall be taken, where a testimonial is given by a person with professional qualifications, that in indicating those qualifications the advertisers do not cause the person giving the testimonial to transgress any regulations of the professional institution(s) to which he belongs.

8.0 Other Specific Advertisements

8.1 Commercials on Medical Products, Treatments and Facilities

Advertisements on medicines, remedies, appliances, skill and services relating to diagnosis, prevention and treatment of diseases or conditions affecting the human body are under the authority of the Medicine Advertisements Board, Ministry of Health Malaysia (K.K.L.I.U).

8.2 Pesticide Advertisements

Advertisements on pesticides are under the authority of Pesticide Advertising Board and Ministry of Agriculture.

8.3 Food and Drinks

Advertisements of food and drink products that claim therapeutic or prophylactic qualities will be subject to prior screening; however, food and drink products that help improve, restore or maintain the consumers' general health, physical or mental condition will not be subject to prior screening. All advertisements must comply with the requirement in the Food Act 1983 and Food Regulations 1985.

8.4 Direct Sales Advertising

- a) Infomercials and Direct Sales Advertising must also abide by this Code.
- b) Unless otherwise provided by this Code, all advertisers must get relevant approval from the Ministries concerned and abide by the laws set by the Government from time to time unless stated otherwise.

8.5 Alcoholic Drinks And Liquor

Advertisements on alcoholic drinks and liquor are not allowed. If an alcohol company is the title sponsor of an international sporting event held in Malaysia, it is only allowed to promote the event and not directly advertise its products. In addition to this, alcohol companies should only use the events' logo in the promotional on-air material.

8.6 Sanitary Protection Products and Incontinent Pads For Adults

Advertisements in this product category is unusually sensitive and commercials for it can easily cause offence or embarrassment, even among people who have no objection in principle to its being advertised on television. Because it is often viewed in a family setting, television advertising needs to be treated with restraint and discretion. Anyone intending to produce a commercial for a sanitary protection product and incontinent pads for adults MUST abide by the following :-

- (a) *Restriction on Times of Transmission*
Commercials portraying a sanitary protection product and incontinent pads for adults are permissible.
- (b) *Visual Treatments and Product Descriptions*
Sanitary protection products and incontinent pads for adults - visual treatments must be done with taste and restraint, particular care is needed with shots of unwrapped towels, pads or tampons, whether actual or diagrammatic. Detailed references, whether in sound or vision, should avoid graphic descriptions which might offend or embarrass viewers.
- (c) *Appeals To Insecurity*
Sanitary protection products and incontinent pads for adults - no commercial may contain anything which, either directly or by its implication, is likely to undermine an individual's confidence in her own standards of personal hygiene. No implication of, or appeal to, sexual or social insecurity is acceptable. Commercials may not suggest, by whatever means, that menstruation is in any way unclean or shameful and variations of the word "clean" are unacceptable in advertising for this product category, as are other potentially offensive words such as "odour". The same applies to the advertising of incontinence.
- (d) *Taste and Offence*
All advertisements for the category of sanitary napkins and incontinent pads for adults must not offend against good taste or decency or be offensive to public feeling and should not prejudice respect for human dignity.

8.7 Messages and Notices

Messages broadcasted on television based on the following :

- i. Private messages (e.g. birthday greetings, well wishes, etc);
- ii. Congratulatory messages; and
- iii. Bereavement notices

are only acceptable at the broadcasters discretion and are to be aired after 10.00 p.m. Broadcasters are encouraged to exercise strict discretion so as to reflect the true intention and spirit of the message.

Messages that are indecent, obscene, false, menacing, or offensive in character with intent to annoy, abuse, threaten or harass any person is not permissible.

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PART 4	SPECIFIC BROADCASTING
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1.0 Scope and Coverage

1.1 This part serves as a guideline for content that is broadcast through the following media:

- (i) Direct to Home (DTH) subscription broadcasting and/or video on demand services, whether via satellite or cable; and
- (ii) Terrestrial Free-to-Air TV and Radio.

Otherwise collectively known as “Broadcasters”.

1.2 This part excludes Content available Online [which is dealt with in Part 5].

2.0 Objectives

2.1 The objective of these specific broadcast guidelines is to ensure continued reliable standards of Content disseminated by broadcasters in accordance with expectations of audiences and internationally recognised good practice of electronic media and journalism.

2.2 This Code is a manifestation of a paradigm change brought about by technological advancements in the broadcasting industry. It is acknowledged that compliance with the Content Code is what sets the standards for Content and not the other way around whereby content takes precedence over standards.

2.3 Malaysian Broadcasters recognise that creative freedom carries with it the responsibility of ensuring that not only are the rights of children protected, but also that of viewers and listeners in general. This necessitates the upholding of ethical and professional practices in the conduct of their business operations toward fulfilling social responsibility.

3.0 Specific Guidelines

3.1 In amplification to the general principles and the general guidelines laid out in Part 1 and Part 2 of this Code respectively, the following specific guidelines on broadcast take into

consideration Content disseminated according to the nature of the broadcasting channel, the likely audience and in certain instances (as in free-to-air television and radio), the time of day.

Classification

3.2 Viewers need adequate information about content to make informed viewing choices based on their personal tastes and standards. As such, Broadcasters (excluding radio operators) will provide an indication as to the type of Content shown by adopting the following classifications. The Broadcasters shall endeavour to display the said classifications at regular intervals of the programme :

U

The programme is intended for broad general audience and is suitable for viewers of all ages. The programme contains little or no violence, no strong language and little or no sexual dialogue or situation.

PG-14

Parental Guidance when allowing children below 14 to view this programme. The programme may contain mild physical violence, comedic violence, comic horror, special effects, fantasy, supernatural elements or animated violence. It may also contain some suggestive dialogue and mild sexual situations and innuendo, but depictions will be infrequent, discreet and of low intensity.

PG-18

Parents/Guardians are strongly cautioned to exercise discretion in permitting young persons below the age of 18 to view this programme without supervision. The programme may contain sophisticated themes, some sexual Content, discreet sexual references, suggestive language and in some instances strong and coarse language and violence which are dominant elements of the storyline and justifiable within the context of theme and character development. The programme may also contain and deal with mature themes and societal issues in a realistic and candid manner.

18 & above

For those above 18. The programme is intended for adult viewing and may contain one or more of the following which is considered integral to the development of the plot, character or themes: intense violence and depictions of violence, graphic horror images, graphic language, mature themes, intense sexual situations and suggestive dialogue.

Scheduling

3.3 The scheduling of programmes that have been classified is applicable to free-to-air broadcasters (excluding radio operators) as follows :

U and **PG-14** – Can be shown any time of day

PG-18 – Can be shown any time after 7.30 p.m

18 – Can only be shown after 10.00 p.m

3.4 Promotion Content which contains scenes of excessive violence, or adult material intended for adult audiences must not be transmitted before 10.00 p.m. Broadcasters are required to endeavour to have their own Content Control Unit tasked with the responsibility of the classifications and scheduling.

General Content

3.5 Broadcasters must endeavour to provide Content that, as far as possible, caters to the various tastes and expectations of Malaysian viewers and listeners. This is in view of the varied tastes of the Malaysian public.

Non-Discrimination

3.6 Broadcasters must ensure, to the best of their ability, that their Content contains no abusive or discriminatory material or comment on matters of, but not limited to, race, religion, culture, ethnicity, national origin, gender, age, marital status, socio economic status, political persuasion, educational background, geographic location, sexual orientation or physical or mental ability.

News and Current Affairs

3.7 Broadcasters recognise that the fundamental purpose of news dissemination and current affairs Content in a democracy is to enable people to know what is happening, and to understand affairs that may affect them as members of the community so that they may form their own conclusions.

3.8 “Current affairs Content” means Content focusing on social, economic or political issues of current relevance to the Malaysian community.

3.9 Broadcasters will ensure that Content of news and current affairs programmes are presented :

- (a) Accurately, fairly and objectively at all times and not manipulated resulting in a distortion of its original context with due regard being given to the circumstances at the time of preparing and the broadcast of the content (e.g. live coverage).
- (b) With due care, taking into consideration the likely composition of the viewing audience at the time of broadcast.
- (c) With sensitivity in the case of material likely to cause some distress to a substantial number of viewers such as images or interviews with victims of traumatic incidents. Such material should only be used when deemed editorially essential, and if so, sparingly.
- (d) With due respect to the cultural differences in Malaysian community.
- (e) With due respect to the rights of any individual group of persons who should not be portrayed in a negative light by placing gratuitous emphasis on matters pertaining, but not limited to, race, religion, culture, ethnicity, national origin, gender, age, marital status, socio economic status, political persuasion, educational background, geographic location, sexual orientation or physical or mental disability.

Where in the opinion of a broadcaster it is in the public interest, it may report events and broadcast comments in which such matters are raised.

- (f) With due respect to privacy of an individual. However, in the public interest, an intrusion into an individual's privacy may be justified such as in detecting or exposing crime or a serious misdemeanour, protecting public health or safety and preventing the public from being misled by some statement or action of an individual or organisation.
- (g) Presented by taking into account that news materials and current affairs always in line with government's principles. This is to avoid confusion and misunderstanding among the people and also other countries. Materials received from foreign countries must also be ensured that they don't contradict with national foreign policies.

3.10 Reasonable efforts must be made to correct significant errors of fact at the earliest opportunity.

Violence and Bad Language

3.11 In strictly adhering to the general guidelines on violence and bad language set out in Part 2 of this Code, all broadcasters will:

- (a) Exercise appropriate editorial judgment in the reporting of audio and visual representation of violence, aggression or destruction within their Content.
- (b) Exercise caution and appropriate discretion in the selection of, and repetition of, Content, which depicts violence.
- (c) Exercise appropriate discretion in the use of explicit or graphic language related to stories of destruction, accidents or sexual violence, which could be disturbing for family viewing.

- (d) Caution viewers in advance of scenes of extraordinary violence, or graphic reporting on delicate subject matters.

Religious Content

3.12 In dealing with Religious Content, broadcasters shall have regards to Islam as the official religion of the country and the constitutional rights to freedom of religion of all other communities.

3.13 Religious broadcasts are aimed at respecting and promoting spiritual harmony and to cater to the varied religious needs of the community. Broadcasters must ensure that its religious content is not used to convey attacks upon any race or religion or is likely to create any disharmony.

3.14 All religious programming on Islam must be approved by the relevant religious authorities prior to transmission. Advice from the appropriate religious authorities should be obtained in relation to Content relating to other religion.

3.15 However, the propagation of any religion other than Islam whether directly or indirectly is not permitted.

3.16 Content that is wrongful, fanatical, critical and insulting against any religion shall not be permitted.

Exploitation

3.17 No audio and visual Content should condone the exploitation of women, men and children. Negative or degrading Content on the role and nature of women, men or children in society must be avoided.

3.18 Television Content that degrades either sex by negative portrayal such as implied lewd conduct through modes of dress or camera focus on areas of the body is not allowed. Similarly, the degradation of children through improper portrayal or behaviour is not acceptable.

4.0 Advertisements

4.1 Broadcasters are responsible for the acceptability of advertising material transmitted and must ensure that:

- (a) All advertisements are in good taste and conform to applicable laws and regulations.
- (b) There is no influence by advertisers, or the perception of such influence, on the reporting of news or public affairs, which must be accurate, balanced and objective, with fairness and integrity being the paramount considerations governing such Content.

5.0 Information, Advice and Warnings

5.1 Broadcasters must ensure that classification details and other information announcements have a helpful role in enabling viewers to make appropriate choices at all times.

5.2 Broadcasters should consider whether any elements or programming might disturb viewers, in particular, younger children. Appropriate information, advice and or warnings should be provided at the start of any programme, or news report, which might disturb younger children.

5.3 Broadcasters are to ensure that clear and specific warnings should be employed especially after 10.00 p.m where there is the likelihood that some viewers may find the programme disturbing or offensive. This does not diminish the broadcasters' responsibility for sensitive scheduling of programmes to reduce the risk of offence to the minimum.

1.0 Scope and Coverage

1.1 In adhering to this and the relevant parts of this Code, no action by Code subjects should, in any way, contravene Section 3(3) of the Act, which states that “Nothing in this Act shall be construed as permitting the censorship of the Internet”.

1.2 Code subjects in this Part are providers of Online Content or those who provide access to online content through present and future technology. These include, but are not limited to:

- (a) Internet Access Service Providers;
- (b) Internet Content Hosts;
- (c) Online Content Developers;
- (d) Online Content Aggregators; and
- (e) Link Providers.

1.3 “Online” is defined as a networked environment available via a connection to a network service whereby Content is accessible to or by the public whether for a fee or otherwise and which originated from Malaysia. Content, for the purposes of this Part, means Content as defined in the Act but does not include:

- (a) Ordinary private and/or personal electronic mail other than bulk or spammed electronic mail;
- (b) Content transmitted solely by facsimile, voice telephony, VOIP and which is intended for private consumption; or
- (c) Content that is not accessible to the public whether freely, by payment of a fee or by registration, including (but not limited to) Content made available by way of a closed Content application service or a limited content applications service as defined under Sections 207 and 209 of the Act respectively.

2.0 Concept of Innocent Carrier

2.1 Code Subjects providing access to any Content but have neither control over the composition of such Content nor any knowledge of such Content is deemed an innocent carrier for the purposes of this Code. An innocent carrier is not responsible for the Content provided. Nonetheless, this does not exempt such access providers from adhering to the General measures as outlined in Part 6.0 of this Part where it expressly applies to them.

3.0 Objectives

3.1 The Online environment vastly differs from other existing traditional mediums directed to the general public at large where the use and dissemination of Content are concerned.

3.2 Not only are Online users able to exercise their choice on whether to access, read or digest various Online material at any time, they are also, by certain applications, able to contribute to Online Content in their own personal capacity.

3.3 Overwhelming benefits have been brought about by such a medium but where there is use, there is also the potential for abuse.

3.4 Online Content providers are committed toward taking a responsible approach to the provision of Content by implementing reasonable, practicable and proportionate measures and to provide a response mechanism in cases where prohibited material or activity is identified. End users should retain responsibility for the Content they place online, whether legal, or illegal.

3.5 The Online environment is not a legal vacuum. In general, if something is illegal “off-line”, it will also be illegal “on-line”. In this matter, the relevant existing laws apply.

3.6 Responsible Content providers must, therefore, be guided by the commitment to reassure consumers and businesses that online Content to inform, educate, entertain and facilitate commerce is safe and secure. Hence, the purpose of this Part is to:

- (a) Recommend guidelines and procedures relating to the provision of online Content through self-regulation by the industry in a practical

and commercially feasible manner and at the same time foster, promote and encourage the growth and development of the Online services industry;

- (b) Promote the education of users in making an informed selection of the Content they consume; and
- (c) Keep updated with international as well as national standards, trends and cultural sensitivities of the general Malaysian public in applying and reviewing this Part.

4.0 Principles

4.1 The following principles shall guide the parties who review, administer, apply, are affected by and/or are subject to this Part of the Code :

- (a) There shall be no censorship of the Internet as provided in Section 3(3) of the Act.
- (b) Responsibility for Content provided Online by Code Subjects primarily rests with the creator of the Content.
- (c) In acknowledging that in the fast-changing online environment, it is very often impractical, costly, difficult and ineffective to monitor Content, Code subjects will nonetheless fulfill, to the best of their ability the requirements of the Code.
- (d) Users are responsible for their choice and utilisation of Online Content.
- (e) As users are able to independently exercise the choice on whether to access, read or digest and consume various online materials, the application of the Code, by Code Subjects under this Part shall take cognisance of this fact.
- (f) Any measures relating to content which are recommended by this Part from time to time shall be:
 - (i) Technologically neutral;
 - (ii) Fair; and
 - (iii) Widely affordable and not adversely affect the economic viability of the communications and multimedia industry.

- (g) Any guidelines that apply to the provision of online Content should not unduly restrict the growth of the industry but serve to enhance a conducive environment to encourage and stimulate the Malaysian communications and multimedia industry.

5.0 Online Guidelines

5.1 Code Subjects shall apply the guidelines set out in Part 2 of this Code in determining whether Content is indecent, obscene, menacing or offensive save where expressly provided in this Part.

- (i) **Prohibition**
No Code subject shall knowingly provide Online prohibited Content.
- (ii) **False Content**
Content that is not truthful and likely to mislead is prohibited except in any of the following circumstances:
 - (a) Satire and parody;
 - (b) Where it is clear to an ordinary user that the content is fiction; and
 - (c) Where it is preceded by a statement that the content found on the web site is not factual.

6.0 Measures – General and Specific

6.1 It is recognised that it is impractical, difficult and ineffective to monitor or control a user's access to Content available Online. It is left to the user to decide on the nature of Online Content to be consumed and the tools to be utilised by the user in controlling such Content.

6.2 The Content Forum will assist users in providing information on the type of tools that are available for users to control access to Online Content. Such information can be provided

on the Content Forum's website which may be updated from time to time to reflect evolving technology. The Content Forum's website shall contain information on:

- (a) The types of tools available to assist users in filtering or controlling Online Content;
- (b) User ethics in accessing and providing Content over the Internet;
- (c) Responsibilities of adult users over children under their care in relation to Internet use;
- (d) Measures which can be taken by parents, guardians and teachers to control children's access to Online Content;
- (e) Content provider ethics;
- (f) This Content Code; and
- (g) The appropriate channel to which a complaint regarding online Content may be made, and the procedures by which such a complaint is to be made.

6.3 The information provided on the website is intended to assist Online users and the Content Forum is not responsible for any tools recommended or advice rendered.

6.4 Apart from the foregoing general measures the following specific measures as set out in Parts 7.1 – 10.2 must be complied with depending on the degree of control that a Code Subject may have over the Online Content.

7.0 Internet Access Service Provider (IASP)

7.1 An IASP shall comply with and incorporate terms and conditions in the contracts and legal notices as to terms of use with subscribers of their services. This shall include the following terms:

- (a) Subscribers will comply with the requirements of Malaysian law including, but not limited to, the Code and shall not provide prohibited Content nor any Content in contravention of Malaysian law;
- (b) The IASP will have the right to withdraw access where a subscriber contravenes the above; and
- (c) The IASP shall have the right to block access to or remove such

prohibited Content provided such blocking or removal is carried out in accordance with the complaints procedure contained in the Code.

7.2 The existence of terms and conditions will be displayed on the IASP's website in a manner and form easily accessible by its subscribers by way of a link or other similar methods.

7.3 Once an IASP is notified by the Complaints Bureau that its user or subscriber is providing prohibited Content and the IASP is able to identify such subscriber the IASP will take the following steps:

- (a) Within a period of 2 working days from the time of notification, inform its subscriber to take down the prohibited Content.
- (b) Prescribe a period within which its subscriber is to remove the prohibited Content, ranging from 1 to 24 hours from the time of notification.
- (c) If the subscriber does not remove such prohibited Content within the prescribed period, the IASP shall be entitled to suspend or terminate the subscribers' access account.

7.4 An IASP will place on its website a hyperlink to the Content Forum website to enable subscribers to obtain the information specified above. If an IASP does not have a website, it will provide its subscribers with the Content Forum website address.

8.0 Content Aggregator

8.1 A Content Aggregator being a person who aggregates and/or purchases Content shall incorporate terms and conditions in the contracts and legal notices as to terms of use with users, subscribers and content providers of their services. This shall include the following terms:

- (a) Users, subscribers and Content providers will comply with the requirements of Malaysian law including, but not limited to, the

Code and shall not provide prohibited Content nor any Content in contravention of Malaysian law; and

- (b) The Content Aggregator will have the right to remove such prohibited Content where a user, subscriber or Content provider contravenes the preceding (a) above provided the removal of such prohibited Content is in accordance with the complaints procedure contained in the Code.

8.2 Upon a Content Aggregator being notified by the Complaints Bureau that its user, subscriber or Content provider is providing prohibited Content and the Content Aggregator is able to identify such subscriber, user or Content provider, the Content Aggregator will take the following steps:

- (a) Within a period of 2 working days from the time of notification, inform the user, subscriber or content provider to take down the prohibited Content.
- (b) Prescribe a period within which the user, subscriber or Content provider is to remove the prohibited Content, ranging from 1 to 24 hours from the time of notification.
- (c) If the user, subscriber or Content provider does not remove such prohibited Content within the prescribed period, the Content Aggregator shall have the right to remove such content.

8.3 A Content Aggregator will place on its website a hyperlink to the Content Forum website to enable users and subscribers to obtain the information specified above.

8.4 Where a Content Aggregator has editorial rights over the substance of Content, it shall comply with Part 2 (Guidelines on Content) of the Code.

9.0 Link Provider

9.1 A person who provides links to other sites containing prohibited Content shall remove the link to such sites within 24 hours of being notified by the Complaints Bureau of the continuing existence of prohibited Content on such site.

10.0 Internet Content Hosting Provider (ICH)

10.1 An ICH being a person in its capacity of merely providing access to Content which is neither created nor aggregated by itself but which is hosted on its facilities shall incorporate terms and conditions in the contracts and legal notices as to terms of use with users and subscribers of their services. This shall include the following terms:

- (a) Users and subscribers shall comply with the requirements of Malaysian law including (but not limited to) the Code and shall not provide prohibited Content nor any Content in contravention of Malaysian law;
- (b) The ICH shall have the right to withdraw its hosting services where a user or subscriber contravenes (a) above; and
- (c) The ICH shall have the right to remove such prohibited Content provided such removal is in accordance with the complaints procedure contained in the Code.

10.2 Once an ICH is notified by the Complaints Bureau that its user or subscriber is providing prohibited Content and the ICH is able to identify such subscriber or user, the ICH will take the following steps:

- (a) Within a period of 2 working days from the time of notification, inform the user or subscriber to take down the prohibited Content.
- (b) Prescribe a period within which the user or subscriber is to remove the prohibited Content, ranging from 1 to 24 hours from the time of notification.
- (c) If the user or subscriber does not remove such prohibited Content within the prescribed period the ICH shall have the right to remove such Content.

10.3 An ICH will place on its website a hyperlink to the Content Forum website to enable users and subscribers to obtain the information specified in Parts 7.1 – 10.2 above.

Examples in Applying Specific Measures

X, who is based in Kuala Lumpur, provides an Online lifestyle magazine which can be accessed by anyone from any part of the world. X's portal is hosted on Y's servers. Y's servers are located in Penang.

X provides his own content and third party Content. In his arrangement with the third party Content providers, he does not have the rights to edit the Content. Most third party Content is pushed onto his site automatically without X having the opportunity to view the Content beforehand.

X is a subscriber of Z's Internet access services.

In this instance:

- X is both a content provider and Content aggregator
- Y is an ICH
- Z is an IASP

The Complaints Bureau receives a complaint that one of the web pages of X's online magazine contains Content which is obscene as defined in the Guidelines on Content contained in Part 2 of the Code.

Scenario 1:

If X receives a notification from the Complaints Bureau it must:

- (a) where X has provided the Content, remove the prohibited Content.
- (b) where the Content is provided by a third party W, inform W to remove the Content within a period ranging from 1 to 24 hours. The period prescribed is at X's discretion. If W fails to remove the prohibited Content, it shall be removed by X.

Scenario 2:

If Y receives a notification from the Complaints Bureau, it must notify X to remove the Content within a period ranging from 1 to 24 hours. The period prescribed at Y's discretion. In this instance, Y gives X 4 hours. X may either

remove the prohibited Content itself or direct W to remove the Content. If the prohibited Content is not removed within 4 hours, it shall be removed by Y.

Scenario 3:

If Z receives a notification from the Complaints Bureau, it must notify X to remove the Content within a period ranging from 1 to 24 hours. The period prescribed is at Z's discretion. In this instance, Z gives X 12 hours to remove the Content. X may either remove the prohibited Content itself or direct W to remove the Content.

If the prohibited Content is not removed within 12 hours, Z can suspend or terminate X's access to the Internet.

If X is not Z's subscriber, Z will not be required to take any measures.

11.0 Measures not required

11.1 IASPs, ICHs and Content Aggregators shall not be required to undertake any of the following:

- (a) Provide rating systems for Online Content;
- (b) Block access by their users or subscribers to any material unless directed to do so by the Complaints Bureau acting in accordance with the complaints procedure set out in the Code;
- (c) Monitor the activities of users and subscribers; or
- (d) Retain data for investigation unless such retention of data is rightfully requested by the relevant authorities in accordance with Malaysian law.

12.0 Definitions

12.1 For the purposes of interpretation, should there be any inconsistencies between the definitions in this Part and definitions elsewhere in this Code, those in this Part shall apply. In this Part, unless the context otherwise requires —

Access	means its ordinary meaning i.e. a means of entering; a means or a right of using, reaching or entering. It is not the definition in section 6 of the Act;
Content	<p>for the purposes of this Part, means Content as defined by the Act transmitted through a variety of technology but does not include:</p> <ul style="list-style-type: none"> a) ordinary private and/or personal electronic mail other than bulk or spammed electronic mail; b) Content transmitted solely by facsimile, voice telephony, VOIP and which is intended for private consumption; or c) Content which is not accessible to the public whether freely, by payment of a fee or by registration, including (but not limited to) content made available by way of a closed Content Application Service or a limited Content Applications Service under Sections 207 and 209 of the Act respectively;
Content Aggregator	means a person who aggregates and/or purchases Content;
Internet Access Service Provider	means a service provider who provides users with access to the Internet including (but not limited to) the World Wide Web;

Internet Content Hosting Provider	means a provider in its capacity of merely providing access to content which is neither created nor aggregated by itself but which is hosted on its facilities;
Link Provider	means a person who provides links to other sites;
Online	means a networked environment which is available through a connection to a network service wherein Content is accessible to and/or by the public whether for a fee or otherwise;
Online Content Developer	means a Code Subject who develops files of content for the Code Subject or on behalf of others to be made accessible online;
Prohibited content	means such Content expressed to be prohibited under Part 2 of the Code and Part 5.1 of this Part;
Provide	<p>in relation to Content means for a Code Subject to make available Online content where the Code Subject has:</p> <ul style="list-style-type: none"> a) full knowledge of the substance of the Content; and b) control over the substance of such Content. <p>To the extent it does not conflict with the above definition, the following activities are excluded from the ambit of the above definition:</p> <ul style="list-style-type: none"> a) the enabling of access including (but not limited to) by way of providing connectivity or links to such Content; b) the aggregation of such Content; and c) the hosting of Content online;
User	a person accessing Online Content; and
Web page/ web site/ site	means files of Content accessible on the World Wide Web by a requested URL.

1.0 Scope and Coverage

1.1 An Audiotext Hosting Service is defined as a service provided pursuant to a licence issued by the Commission, such service being accessed by utilising a telephone or any other future communication tool, and having access via numbers beginning with the prefix 600 or any other number/mode determined by the Commission.

Objectives

1.2 The major purpose of these specific guidelines is to allow Audiotext Hosting Service Providers to self-regulate themselves in the best interest of users generally and in accordance with internationally recognised practice and national policy.

Principles

1.3 The following principles shall guide Audiotext Hosting Service Content providers who are affected by and/or are subject to this Part of the Code:

- (a) Audiotext Hosting Service Content providers shall apply the guidelines set out in Part 2 of this Code in determining whether Content is indecent, obscene, menacing or offensive unless otherwise defined in this Part.
- (b) No Audiotext Hosting Service provider shall knowingly provide prohibited Content.
- (c) Any content provided must not be misleading, likely to mislead or essentially out of date.
- (d) Guidelines will be adhered to on a self-regulatory basis in a manner that would encourage the development of Content and the positive growth of the industry.
- (e) While recognising the importance of the positive growth and commercial viability of the industry, Audiotext Hosting Service providers shall at all times abide by all relevant laws and consider the views and interest of the general public.
- (f) Where live Audiotext Hosting Services are offered, at least one

adequately trained employee must be assigned and present at all times to moderate, facilitate and monitor the service to ensure that all activities within the service remain healthy. The service must provide facilities for the trained employee to immediately remove callers who misuse and abuse the service.

2.0 Specific Guidelines

Rating Classifications

2.1 All Audiotext Hosting Services must be classified according to the following rating classification below and displayed clearly in all advertising materials.

- (a) “U” - Information or Entertainment services suitable for all ages. However callers below 18 years of age must obtain permission from the person making payment for the use of the Audiotext Hosting Services.
- (b) “18+ ” - Services for the general public 18 years and above.

Specialist Information

2.2 “Specialist Information” is defined as information or advice provided by professionals, corporations, the government, government agencies or any other persons who is appropriately qualified or an expert or specialist in relation to the area of expertise.

2.3 Audiotext Hosting Service content containing professional advice or opinion (e.g. Medical/Dental/Legal/Financial Services) must ensure that:

- (a) The person is appropriately qualified in his area of expertise;
- (b) The advice is prefaced with a disclaimer that such advice should not be acted upon without first consulting a suitably qualified practitioner, and be conveyed in a manner that accurately reflects the seriousness of the subject matter; and
- (c) Any advice involving scientific, statistical or other research data must indicate clearly the source of such data.

2.4 An Advertisement relating to an Audiotext Hosting Services containing Specialist Information or endorsement must clearly indicate:

- (a) The identity, current status and relevant professional qualification and experience of the person(s) involved; or
- (b) The identity of the professional association, statutory authority or government department involved.

Content Designed for Children and Young Persons or Dependent Persons

2.5 Audiotext Hosting Services designed for, either wholly or mainly, and aimed at an audience of children, young persons or dependent persons must not

- (a) Include references to sexual practices, language or materials that are offensive to the standards of decency prevailing among those likely to be exposed to them;
- (b) Involve any information or noise or sound effect likely to alarm any child or young person, or of other dependent person, having regard to special protection for such dependent persons; and
- (c) Force or unfairly cause any of the above persons, mentioned in this paragraph to dial additional telephone numbers.

2.6 Advertisement of services aimed at young persons/children, must carry the following warning messages: “This call costs RMX.XX per minute/per call. Callers under 18 must seek parent’s or guardians approval before calling”.

3.0 Copyright

3.1 Audiotext Hosting Services shall respect copyright ownership of recorded announcements or interactive Content and shall not utilise part or all of the Content from another medium without the permission of the copyright owner.

1.0 Scope and Coverage

Limited Content refers to programmes, advertisements and other related material conveyed through television, any networked medium or other means of transmission, which are displayed or communicated to a limited, specified or specific group of people or individuals. Providers of Content for this Part include:

- (a) In-house TV and radio broadcasting;
- (b) Electronic Boards (indoor/outdoor); and
- (c) Any related networked medium.

1.2 Limited Content include, but are not be limited to, Bus TV, Rail TV, Hotel TV and radio, Airport TV, Complex TV and radio broadcasting and Pay Per View TV.

1.3 Providers of all Limited Content Communications must abide by the provisions set out in this Code especially those of Parts 2, 3 and 4 referring to the Guidelines on Content, Advertisement and Broadcasting respectively.

1.0 Introduction

1.1 The keyword in this Content Code is self-regulation. By virtue of this being a voluntary industry Code, all those subscribing to it have expressly undertaken the commitment and responsibility to uphold its objectives and principles. Good governance through self-discipline and self-monitoring is the best form of administration as it ultimately serves the interests of all parties concerned.

1.2 Content providers and Code Subjects are responsible for ensuring that Content and promotion of their services, whether produced by themselves or others on their behalf comply with the provisions of the Content Code.

2.0 Communications and Multimedia Content Forum of Malaysia

2.1 The Communications and Multimedia Content Forum of Malaysia, designated on 29 March 2001, comprises a balanced representation of the relevant sectors of the industry to ensure the Code it has prepared, reflects the views of the community at large.

2.2 Any addition, amendment or review of the Code shall be deliberated upon by the relevant representative industry working group and referred to the Forum's Council. Its adoption shall be subjected to input by members and due consideration of public comment.

2.3 The Forum, under its registered Constitution, is responsible for the administration of this Code and for sanctions in the case of any breach.

2.4 The Content Forum through its Complaints Bureau shall receive, consider, mediate and if necessary, adjudicate and make a ruling on matters, such as complaints and grievances, relating to alleged breaches.

2.5 Any complaint on matters covered by this Code received by a Code subject should be resolved by the parties concerned. However, if the complaint cannot be resolved, it may be referred to the Complaints Bureau.

3.0 The Complaints Bureau

3.1 The Complaints Bureau shall :

- (a) Consider and deal with complaints relating to content as provided for in the Code;
- (b) Investigate any Content which is considered to be in breach of the Code without there necessarily having been a complaint;
- (c) Rule on any dispute arising between members of the Forum or between a member and a non-member; and
- (d) Interpret provisions of the Code when the need arises or a request is made.

3.2 The basis of the action of the Bureau is the Code and provision of the Communications and Multimedia Act 1998.

3.3 The Bureau will deal with all complaints of a general or specific nature that relate to this Code provided the complaint is made within two (2) months after its occurring, and if deemed valid, with reasonable basis and not frivolous.

3.4 The Bureau is not permitted to consider complaints if they concern matters that are the subject of legal proceedings, or if the Bureau decides it would be inappropriate. The Complaints Bureau may hold an inquiry into a complaint:

- (a) In response to a written request from a person or persons; or
- (b) On its own initiative.

3.5 On receiving a complaint and prior to adjudication, the Complaints Bureau shall provide the necessary assistance and guidance to the parties involved with the intention of mediating an amicable resolution by mutual consultation.

3.6 In the event mediation attempts fail, the Bureau will proceed with dealing with the complaint. The Complaints Bureau will convene an inquiry as and when the need arises and may combine the hearing of two or more complaints into a single inquiry.

4.0 Procedure for General Public Complaints

4.1 Any complaint received from the public must be made in writing specifying, if possible, the part of the Content Code that has been breached together with supporting documents or details of the alleged misconduct.

4.2 The complaint will be referred to the Chairman for his consideration. If the chairman is of the view that the complaint is frivolous or prima facie lacking in merit or outside the scope of the Code, he will notify the complainant that no further action is being taken and the reasons therefore.

4.3 If the Chairman is of the opinion that the complaint warrants further investigation to determine its validity, the complaint will be forwarded immediately to the party complained against for a response within two working days.

4.4 After two working days, the Chairman will review the complaint and the response, if any. If the Chairman feels there are insufficient grounds for upholding the complaint, the chairman will circulate to Bureau members his views together with the complaint and the response, if any, within 4 working days of the receipt of the complaint.

4.5 Within three working days, if the majority of the members agree with the view of the Chairman, the Bureau will write to the complainant stating that there are insufficient grounds to uphold the complaint.

4.6 If the Chairman is of the view that the complaint has merits, copies of the complaint together with the response of the party complained against will be circulated to members for their views within two working days and:

- (a) If the views of the members are unanimous, the Bureau will inform the parties involved of the decision.
- (b) If there is a difference of opinion, the Bureau will convene a meeting within three working days to deliberate the matter.

5.0 Procedure for Industry Complaints

5.1 Any complaint that any member or person from the industry has should first be raised with the alleged offending party in writing, specifying the Part of the Code which it is claimed has been breached with a copy extended to the Complaints Bureau.

5.2 If within two working days, the complaint is not resolved, then either party shall in writing inform the Complaints Bureau which will then circulate copies of the complaint to its members for their views within two working days and:

- (a) If views are unanimous, the chairman will instruct the Secretaries on the action to be taken.
- (b) If there is a difference of opinion, the Bureau will convene a meeting within three working days to deliberate the matter.

6.0 Inquiry Proceedings

6.1 In adjudication of all cases, the Bureau may require the parties concerned to provide evidence in support of or against the complaint and for this purpose may request:

- (a) A written submission with documents, recordings or transcripts of the relevant Content from the complainant and respondent;
- (b) The presence of the complainant and respondent and their respective witnesses at the inquiry;
- (c) The presence of any party to provide clarification on a document submitted as evidence; and
- (d) The presence of any outside independent party for further information or further evidence.

6.2 The Bureau will specify the time at which or within which the complainant, respondent, their witnesses and any other affected parties are required to be present at the inquiry.

6.3 The provision as to the time within which any party is required to act or respond shall be strictly observed. However, all time limits set out may, in the Bureau's discretion, be extended if it is considered that its strict application may cause injustice.

7.0 Decisions of the Bureau

7.1 The ruling of the Complaints Bureau, on any matter and at any given time, shall be decided upon by a majority of votes of its members and rendered in writing.

7.2 The parties concerned will be notified in writing of the decision and of the subsequent action that is recommended or to be taken.

7.3 In the event that after the decision, any of the parties concerned comes into possession of evidence not earlier available, it may request the Bureau for reconsideration of its earlier decision. Such a request will be accompanied by a fee to be determined by the Bureau and any decision upon such reconsideration will be final.

8.0 Sanctions

8.1 The Bureau after adjudicating on a complaint and upon finding that there has been a breach of the Code may impose fines and other penalties permitted by virtue of this Code. The Bureau may upon finding that there has been a breach of the Code:

- (a) Issue a written reprimand;
- (b) Impose a fine not exceeding fifty thousand (RM50, 000.00); and/
or
- (c) Require removal of the Content or cessation of the offending act.

8.2 The Bureau may also refer the Offending Party to the Communications and Multimedia Commission for further appropriate action as may be required.

9.0 Publication of Decision

9.1 The Complaints Bureau will report to the Forum's Council the outcome of its mediation efforts or the ruling made, and whether or not the party complained against has complied with or the party in breach has agreed to comply with the ruling.

9.2 The Bureau shall publish its findings within 30 days of the conclusion of the inquiry and in doing so shall not include in the report:

- (a) Any material of a confidential nature; or
- (b) Any disclosure or personal information about any individual deemed not relevant to the complaint.

10.0 Composition of the Complaints Bureau

10.1 The Complaints Bureau comprises an appointed Chairman and six members of the Forum, one each representing Advertisers, Audiotext Service providers, Broadcasters, Civic Groups, Content Creators/Distributors and Internet Access Service Providers.

10.2 The appointed Chairman shall be a retired judge or judicial officer or anyone the Council deems fit. The Chairman may be appointed and reappointed for any duration as deemed fit by the Council. The members of the Complaints Bureau shall be appointed for a two-year term at the Annual General Meeting of the Content Forum. A member is eligible for reappointment but cannot hold office for more than two consecutive terms.

10.3 A Complaints Bureau member is entitled to appoint another member of the forum from the same category he/she represents, as an alternate and shall notify the Forum Secretary in writing.

10.4 A formal inquiry convened by the Bureau shall be made up of the Chairman and at least three members. In the event of the Chairman not being able to attend such a scheduled inquiry, it must nonetheless be convened by at least three Bureau members, one of who will be elected to be the Chairman of the inquiry.

10.5 In ensuring the fair hearing of a complaint, a Complaints Bureau member must disclose to the Chairman, as soon as practicable, any interest, direct or otherwise, in any particular matter related to the complaint. If the Chairman deems it necessary, all parties involved in the inquiry must be informed of such disclosure to determine whether the member may continue to execute his duties as a member of the Complaints Bureau in relation to that matter. If none of the parties objects, the member may then continue. If there is an objection, the member

cannot proceed in his capacity as a member of the Complaints Bureau in relation to that matter.

10.6 Should any vacancy in the Complaints Bureau occur between the Annual General Meeting of the Forum, the position may be filled by a member of the Council until the next Annual General Meeting. The exercise of the powers, or the performance of the functions of the Complaints Bureau shall not be affected only by reason of there being a vacancy in its membership.

10.7 The Chairman or any member of the Complaints Bureau may, at any time, resign his office by giving a written notice to The Board of Directors/Council.

10.8 The Council may, at its discretion, suspend any member of the Complaints Bureau on the ground of inappropriate behaviour or incapacity or any other reasons which makes him unfit to be a member of the Complaints Bureau.

11.0 Development, Amendment and Review of Content Code

11.1 Any proposal for development, addition to, amendment of, or review of the Content Code required or necessary shall be referred to a Working Group comprising the six categories, namely Advertisers, Broadcasters, Audiotext Service Providers, Content Creators/Distributors, Internet Access Service Providers and Civic Groups.

11.2 Any such proposal for development, addition to, amendment of, or review of the Content Code shall be considered and formulated by the members of the Working Group and shall if approved by a resolution of a simple majority of the members of the Working Group (whereupon it shall be referred to as the Recommendation) be made available to members of the Society for their input.

11.3 The Working Group shall consider and deliberate on the input received from members and decide the extent to which the Recommendation is to be revised. If two thirds of the members are agreed on the Recommendation whether in its original form or as revised, the Recommendation shall be submitted to the Council.

11.4 So long as the Council by simple majority of its members present and voting approves the Recommendation the Council shall make available such Recommendations for Public Comment (public consultation) for a reasonable period.

11.5 The Working Group shall thereafter consider the input in the form of Public Comment that has been received and shall upon approval in its original or amended form by a simple majority forward its Recommendation to the Council.

11.6 Upon receipt of such Recommendation in relation to Content Code as so approved, the Council shall forward the same to the Malaysian Communications and Multimedia Commission for registration.

11.7 The Malaysian Communications and Multimedia Commission must be notified of any amendment or modification to the Content Code as it would be considered as a new Code and would therefore need to be registered to take effect.

1.0 Public Awareness

1.1 The Forum will be proactive in its approach to make the public and all users aware of the advantages of such a Content Code and the benefits of upholding its objectives.

1.2 The potential use of the wide array of Content choices created by the technological revolution of multimedia convergence is endless. But where there is use, there is also potential for abuse.

1.3 Of particular concern is the exploitation, particularly of young children. It is therefore the responsibility of all Content and service providers to work in conjunction with consumer groups and individuals such as parents and teachers to educate society on how to best manage this deluge such that the positive aspects are always paramount and the negative influences discarded.

1.4 In this regard, it is necessary for some form of self-guard, self-vigilance and self-censorship and to promote these checks and balances.

2.0 Industry Awareness

2.1 In the professional arena of the industry, all Content and service providers should consider it incumbent upon themselves to ensure that the provisions of this Code are brought to the attention of their employees entrusted with Content development and production, Content acquisition decisions and commercial message and news production.

2.2 Conscious efforts to adhere to stipulated standards of excellence and continuous measures to promote the responsible use and dissemination of Content can only lead to healthy growth of the industry and maximise the gains such technological development can bring to society at large.

1.0 Introduction

1.1 In accepting, creating and disseminating Content, the need for protection of consumers is of paramount importance and a relevant consideration. For the purposes of this Code, “consumer” is taken to mean and understood to refer to a person who:

- (a) Acquires or uses goods or services of a kind ordinarily acquired for personal, domestic or household purpose, use or consumption; and
- (b) Does not acquire or use the goods or services, or hold him out as acquiring or using the goods or services, primarily for the purpose of –
 - (i) Re-supplying them in trade;
 - (ii) Consuming them in the course of manufacturing process; or
 - (iii) In the case of goods, repairing or treating, in trade, other goods or fixture on land.

2.0 Principles

2.1 Consumers have certain rights as users of services provided by service providers and that such rights must be upheld and observed.

2.2 In creating and providing content in the context of this Content Code, it must always be in the basis, belief and philosophy and rationale that:

- (a) Consumers shall be given sufficient, up to date and accurate information in relation to the provision of and use of any communications and multimedia service;
- (b) Consumers are entitled to a level of service that is of an acceptable standard and quality;
- (c) The meeting of consumer requirements needs to be always be balanced with the service providers’ business needs and practices; and

- (d) Consumers and service providers must always deal reasonably with each other.

3.0 General Guidelines

3.1 The need for and the manner of protecting consumers are already reflected throughout this Content Code. Code Subjects shall follow the guidelines and procedures relevant to the service they provide, keeping in mind the national policy objective of promoting a high level of consumer confidence in service delivery from the industry.

3.2 Child Protection:

In reiterating the importance of protecting young children;

- (a) All content must have due regard to the welfare of a child at all times; and
- (b) All efforts must be made to ensure that any Content provided will not result in causing, encouraging or promoting physical injury or abuse of a child or expose a child to moral danger.

3.3 Quality and Standards:

Consumers have their expectations of content and related services:

Example

- (i) Consumers should be able to watch shows and view materials without being subject to lengthy commercials that affect the enjoyment of the viewing.
- (ii) Viewing or listening pleasure should not be marred by the dissemination of objectionable or prohibited material. As set out in the General Guidelines under Part 2.

- (iii) Content and materials should not glorify events and occurrence relating to horror, sex and violence unless it is in the context of an actual and real situation.

3.4 Cultural Diversity

Content should respect, protect and promote cultural diversity. Interests of minority and marginalised groups such as the disabled or indigenous peoples should be protected and promoted.

3.5 Diverse cultural content (in terms of variety, mix, timing etc) must be actively promoted to avoid over-commercialisation of information.

3.6 Corrective Measures

Corrective and Counter Advertising should be provided for and detailed rules and regulation drawn up to ensure adequate and effective compliance.

Appendix 1:

Extracts from the Communications and Multimedia Act 1998 (Act 588).

Part I – PRELIMINARY

S.3 Objects

- (1) The objects of this Act are -
 - (a) To promote national policy objectives for the communications and multimedia industry;
 - (b) To establish a licensing and regulatory framework in support of national policy objectives for the communications and multimedia industry;
 - (c) To establish the powers and functions for the Malaysian Communications and Multimedia Commission; and
 - (d) To establish powers and procedures for the administration of this Act.

- (2) The national policy objectives for the communications and multimedia industry are -
 - (a) To establish Malaysia as a major global centre and hub for communications and multimedia information and content services;
 - (b) To promote a civil society where information based services will provide the basis of continuing enhancements to quality of work and life;
 - (c) To grow and nurture local information resources and cultural representation that facilitates the national identity and global diversity;
 - (d) To regulate for the long-term benefit of the end user;
 - (e) To promote a high level of consumer confidence in service delivery from the industry;

- (f) To ensure an equitable provision of affordable services over ubiquitous national infrastructure;
 - (g) To create a robust applications environment for end users;
 - (h) To facilitate the efficient allocation of resources such as skilled labour, capital, knowledge and national assets;
 - (i) To promote the development of capabilities and skills within Malaysia's convergence industries; and
 - (j) To ensure information security and network reliability and integrity.
- (3) Nothing in this Act shall be construed as permitting the censorship of the Internet.

Part V - POWERS AND PROCEDURES OF THE MALAYSIAN COMMUNICATIONS AND MULTIMEDIA COMMISSION

Chapter 9 – Voluntary Industry Code

S. 95 Code by the Industry Forum

- (1) An industry forum may prepare a voluntary industry code dealing with any matter provided for in this Act -
- (a) On its own initiative; or
 - (b) Upon request by the Commission.
- (2) The voluntary industry code shall not be effective until it is registered by the Commission.

S. 98 Compliance with a registered voluntary industry code a legal defence

- (1) Subject to section 99, compliance with a registered voluntary industry code shall not be mandatory.

- (2) Compliance with a registered voluntary industry code shall be a defence against any prosecution, action or proceeding of any nature, whether in a court or otherwise, taken against a person (who is subject to the voluntary industry code) regarding a matter dealt with in that code.

S. 99 Directions to comply with a registered voluntary industry code

The Commission may direct a person or a class of persons, in accordance with section 51, to comply with a registered voluntary industry code.

PART IX - SOCIAL REGULATION

CHAPTER 2 CONTENT REQUIREMENTS

S. 211 Prohibition on provision of offensive content

- (1) No content applications service provider, or other person using a content applications service, shall provide content which is indecent, obscene, false, menacing, or offensive in character with intent to annoy, abuse, threaten or harass any person.
- (2) A person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding one year or to both and shall also be liable to a further fine of one thousand ringgit for every day or part of a day during which the offence is continued after conviction.

S. 212 Content Forum

The Commission may designate an industry body to be the content forum for the purposes of this Part.

Appendix 2:

Relevant Legislation

Apart from the Communications And Multimedia Act 1998 (Act 588), Licensees may need to be aware of the following Acts of Parliament and are advised to have sufficient resources and expertise to ensure compliance where necessary.

I. List of Malaysian Statutes Affecting or Relevant to Content

Accountants Act 1967 (revised 1972)
Children & Young Persons (Employment) Act 1966 (Revised 1988)
Consumer Protection Act 1999
Copyright Act 1969
Defamation Act 1957
Dental Act 1971
Film Censorship Act 2002
Geneva Conventions Act 1962
Indecent Advertisements Act 1953
Internal Security Act 1960
Medicine (Advertisement and Sale) Act 1956
National Anthem Act 1968
Penal Code
Pesticides Act 1974
Poisons Act 1952
Poisons (Sodium Arsenite) Ordinance 1949
Printing Presses and Publications Act 1984
Private Higher Educational Institutions Act 1996
Private Hospitals Act 1971
Perbadanan Kemajuan Filem Nasional Malaysia Act 1981
Sale of Drugs Act 1952 (Revised 1989)
Food Act 1983
Food Regulations 1985
Securities Industry Act 1983
Sedition Act 1948
Trade Description Act 1972
Trade Marks Act 1976
Women and Girls Protection Act 1973

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