

Malaysia's New Code of Ethics for Journalists: A Critical Review

*Kod Etika Baharu Wartawanan Malaysia:
Satu Tinjauan Kritikal*

William R Davie

ABSTRACT

Codes of conduct for journalists often serve as an ethical guide for best practices beyond necessary laws aimed at punishing harm to reputation, privacy, and public decency. While such codes may be viewed as preventative measures to stave off official mechanisms of enforcement, there are instances where the independence of journalists is abrogated by government oversight. The Malaysian Press Institute adopted a national manual of journalism ethics in 1989; then 35 years later the Malaysian government reviewed it, revised it, and adopted eight new standards. Malaysia's communication ministry announced the new code in 2024 to fight against the spread of offensive and fake news accounts while ensuring integrity and professionalism among the nation's journalists. This study is a critical review based on comparative antecedents and contemporary review of the tenets of the new code of conduct. The Malaysia Media Council was established in 2018 as an institution for updating media rules for print, broadcast, and online media. This study also explains the administrative factors leading up to the code of conduct's implementation including the controversial mechanism declared for its enforcement. The eight standards were established not only as a means of ensuring ethical conduct in newsgathering and dissemination but also as a way for challenging the government's grant of press certification. Ultimately, an argument is made based on the importance of independence as central to the ethical principles of professional journalism.

Keywords: Journalism ethics, code of conduct, Malaysia, news media, Malaysia Media Council

ABSTRAK

Tatakelakuan untuk wartawan sering menjadi panduan etika untuk amalan terbaik di luar undang-undang yang diperlukan yang bertujuan untuk menghukum kemudaratan kepada reputasi, privasi dan kesopanan awam. Walaupun kod sedemikian boleh dilihat sebagai langkah pencegahan untuk menghalang mekanisme rasmi penguatkuasaan, terdapat keadaan di mana kebebasan wartawan dimansuhkan oleh pengawasan Kerajaan. Institut Akhbar Malaysia menerima pakai manual kebangsaan etika kewartawanan pada tahun 1989; kemudian 35 tahun kemudian Kerajaan menyemaknya, dan menerima pakai lapan piawaian baru. Kementerian Komunikasi Malaysia mengumumkan kod baharu pada 2024 untuk memerangi penyebaran akaun berita yang menyingung dan palsu sambil memastikan integriti dan profesionalisme di kalangan wartawan. Kajian ini adalah kajian kritikal berdasarkan antededen perbandingan dan kajian kontemporari terhadap prinsip tatakelakuan baharu. Majlis Media Malaysia telah ditubuhkan pada 2018 sebagai institusi untuk mengemaskini peraturan media untuk media cetak, penyiaran dan media dalam talian. Kajian ini juga menjelaskan factor pentadbiran yang membawa kepada perlaksanaan kod tingkah laku termasuk mekanisme kontroversi yang diisytiharkan untuk penguatkuasaan. Lapan piawaian ini diwujudkan bukan sahaja sebagai cara untuk memastikan kelakuan beretika dalam pengumpulan dan penyebaran berita tetapi juga sebagai cara untuk mencabar pemberian pensijilan akhbar oleh Kerajaan. Akhirnya, hujah dibuat berdasarkan kepentingan kebebasan sebagai teras kepada prinsip etika kewartawanan profesional.

Kata Kunci: Etika kewartawanan, Tatakelakuan, Malaysia, Media Berita, Majlis Media Malaysia

INTRODUCTION

Striking a balance between freedom and responsibility for news media is never easy, but in Malaysia it is especially difficult since journalists seeking to advance their craft will inevitably confront obstacles erected with special interests in mind. Early in 2024, Communications Minister Fahmi Fadzil announced a new code of conduct to replace an earlier one drafted by the Malaysian Press Institute in 1989. News media offenses were growing at an alarming rate, Fadzil explained, and those hazards should be remedied by more accurate reporting and professional behavior. "This will hopefully lead to more responsible and effective journalism that will help to nourish prosperity and harmony among the people"(Lee, 2024).

This critical review focuses on Malaysian journalism, where news media are now subject to a government code of conduct challenging the independence of news gatherers and disseminators. Using the comparative lens of analytical reflection, this article analyzes elements of the code to discern the ethical basis and applications created by a committee appointed for a quasi-regulatory body known as the Malaysia Media Council that has yet to be approved by legislative body of Parliament. First, this reflection considers the global perspective of media ethics before narrowing the focus to the authorizing body that drafted a code of ethical responsibility. Next, it reviews the elements of proper journalistic behavior in the eyes of a protem committee members with comments regarding their application. Third, it discusses the new code of conduct in view of the review mechanism envisioned for its enforcement. Finally, this reflection places the study in the context of global scholarship and offers firm support for the independent virtue of media ethics.

GLOBAL VIEW

Around the world news media professionals subscribe to codes of conduct grounded in principles such as truth, fairness, and independence. These moral declarations are constructed as bulwarks of journalism professionalism; yet they also serve as a source of debate for scholars who question their use as abstractions of morality and journalism practice. At the center of these discussions are scholars like Clifford Christians, Patrick Plaisance, and S.J.A. Ward who often call for new approaches in journalism ethics. The revisions proposed by Christians (Cortes, 2020), for example, sought to revise the individualist perspective and move toward values of social justice, peace, and respect relating to community and culture. In contrast to this emphasis is the viewpoint of Plaisance (2020) who advanced a philosophical framework to guide responsible ethical analysis based on journalistic behavior. Plaisance contends such ethical models based on moral virtue, duty and consequences must be built from the ground up encompassing diverse media systems and sociopolitical cultures.

S.J.A. Ward's (2005) concept of "global media ethics" also calls for a unified framework transcending national boundaries to address global issues such as media ownership, freedom of expression, and the protection of journalists. He also focusses on the news media's international networking via digital platforms that requires scholars to embrace a radical innovative approach by applying a *cosmopolitan attitude*. This perspective encourages journalists to function as global agents by embracing a nonparochial orientation. Ward's approach aligns with international efforts to establish global standards for journalism, such as UNESCO's Media Development Indicators and the Ethical Journalism Network's Global Charter of Ethics for Journalists.

Ethical behavior requires a model for decision-making that can lead to a positive outcome. Harvard Divinity School Professor Ralph M. Potter created a box applying step-by-step logic on

an inventory of loyalties leading to the best choice. Other models have been proposed such as the one by Davie and Upshaw (2006) in their discussion of ethical dilemmas confronting journalists. They proposed a list of five questions. The first one a journalist must ask themselves is what their *purpose* is, which forms the first letter, “P.” It is followed by the second question concerning what *ethics* are involved, or “E.” That question is followed by one about the practical *alternatives* available, or “A,” which is the third letter of the model. The fourth question is directed at the anticipation of the results, or *consequences*, “C.” The decision should be made followed by a clear *explanation* (“E”) in terms of its ethics. The five steps of this model form the acronym PEACE, which is the journalist’s state of mind following a wise and reasoned decision.

THE MALAYSIA MEDIA COUNCIL

The Malaysia Media Council was first proposed in 2018 as an institution for updating media rules for print, broadcast, and online media, while ensuring freedom of speech under Article 10 of the Federal Constitution. This charter of government affirmed freedom of expression, but not as an absolute right. Malaysians possess a guarantee of free speech so long as their communications do not tread on society’s interests including threats to national security, public order and morality, incitement to offense, defamation, and contempt of court. In addition, Malaysia’s goal of preserving peace and harmony in a multicultural society is part of the province of the media council’s administration whenever its establishment takes place.

The media council proposal was prompted by the convergence of legacy and online news media. In its initial report, the twenty-two member “interim committee” recommended in 2020 an independent body with powers of oversight for private and public-owned media including print, broadcast, and online platforms. It produced a detailed code of conduct with a procedure for responding to complaints. This interim or *protem* committee, as it was called, declared that laws that “curb press freedom or inhibit good journalistic practices” should be abolished (Chan, 2020). Since the draft code of conduct published in 2020 is viewed in context of the new standards, its relevance has been affirmed by the communications ministry despite its pending implementation.

PROTEM COMMITTEE’S CODE OF CONDUCT

The *protem* committee sought to uphold the goals of “public enlightenment and civic tolerance” in view of the need to guard individuals from “unwarranted suffering from publicity and violations of privacy” (Protem Committee, Schedule C, Draft Code 2020). Set in its preamble are fundamental objectives of journalism like the goal to serve the public with “news, views, information, and ideas, founded on the belief of public enlightenment and civic tolerance” (Protem Committee, Schedule C, Draft Code 2020). It encourages voluntary and independent self-regulation, but the purpose here is to deconstruct its rules for reporting; commentary; advertising; privacy; newsgathering methods; information payment; harassment, sensitivities; source confidentiality, and plagiarism. Much of the draft code is consonant with professional norms, but at points it is arguable and equivocal, invoking an ethical philosophy worthy of commentary.

TRUTH AND ACCURACY

The preamble considers “fair, accurate, truthful and timely information” to be the mission of journalism, although “media must take care not to publish/broadcast *inaccurate, misleading or distorted information*” [emphasis added]. Such laudable principles are reinforced with some redundancy. “The media shall eschew the publication/broadcasting of *inaccurate, baseless, misleading or distorted materials*” [emphasis added]. The draft code demands accuracy and fact checking but then qualifies the standard by adding a clause, “when due diligence is possible” (Protem Committee, Rules of Reporting, Draft Code 2020).

Ethicists would say journalists should refrain from sharing unverified “facts” regardless of whether due diligence is applied through the course of reporting. The principle of truthfulness also applies to captioning pictures, and editing audio and video clips, which should not “mislead or deceive the reader or the viewer,” in which case, the “manipulation thereof should be disclosed” (Protem Committee, Rules of Reporting 1.3, Draft Code 2020). Some audio and video manipulations are an accepted part of the editing process, so the question to address is when do edits create a false impression requiring an explicit ethical disclosure. The code gives no guidance on that distinction.

FACT OR FICTION

There is a standard for separating commentary, analysis, and opinion from fact-based reporting, including the principle to “not misrepresent fact or context” (Protem Committee, Rules of Reporting 1.5, Draft Code 2020). While the draft code deplores misrepresenting facts and context it seems to allow sharing “rumors and unconfirmed information” so long as “attempts to verify such information have been made” (Protem Committee, Rules of Reporting 1.7, Draft Code 2020). If a rumor stands unverified, despite credible attempts to confirm it, any reporting of it must be withheld from publication. Ethical journalism requires reporting no rumors until they have been fully verified to avoid spreading misinformation that may or may not be harmful to reputation.

Practical concerns also complicate the guide’s implementation where it warns the media against engaging in *exaggeration* and *speculation*. Consider how breaking news coverage of a natural disaster or sudden calamity conveys inevitable exaggerations and speculation by eyewitnesses. Most journalists accept correcting errors as part of their duty, but when does that duty entail correcting “misleading statements and distortions”? (Protem Committee, Rules of Reporting 1.8, Draft Code 2020). Such an obligation for correcting political distortions might become impractical, for example, if a politician makes repeated exaggerated claims about their accomplishments. Taking that opportunity for correction could prove to be impractical, or even impossible at times given the nature of political puffery from candidates seeking office.

RIGHT OF REBUTTAL

The code requires a right of rebuttal for those subjected to controversial news coverage, but practicality again could be an issue. If *anyone* wishing to rebut a statement shall be given fair opportunity to do so, “*if reasonably called for*” [emphasis added] then the media simply might refuse requests for rebuttal by deeming them unfit for reasons of necessity, space, and time (Protem Committee, Rules of Reporting 1.9, Draft Code 2020). Similarly, issues of reasonableness could affect contested elections. If two political parties are disputing an election, would news media be obligated to provide news coverage or choose to escape having to publish heated or unverified

political views based on reasonableness? These practical questions are raised due to the specificity of the proposed ethical standards (Protém Committee, Rules of Reporting 1.11, Draft Code 2020).

PRIVACY CONCERNS

Equivocating principles do little to strengthen ethical behavior and may have the opposite effect. Consider the code's view of privacy that "the media shall not intrude, or report, or comment upon an individual's privacy, *except in the interest of the public good*" [emphasis added] (Protém Committee, Rules of Reporting 4.1, Draft Code 2020). If a reporter knows they are working outside the public interest, how likely is the acknowledgement forthcoming? And if held to be invasive, could they claim sharing the news of interest is a public good? "However, once it becomes a matter of public interest, the media shall balance the public's need for information against potential harm to the individual," further muddles the ethical obligation (Protém Committee, Rules of Reporting 4.1, Draft Code 2020).

Journalism codes often seek to protect identities when juveniles or innocent victims are involved. The protém committee's draft supports this standard, and rightly recommends concealing a juvenile's identity when they are suspected of a crime. However, the standard also extends anonymity to survivors of sexual violence, or where a "violation of modesty" occurs—but the term *modesty* is left undefined, adding vagueness to this rule. The news media's use of the word, "incest" is strictly prohibited in cases where an adult suspect has been named (Protém Committee, Rules of Reporting 4.6, Draft Code 2020).

In certain circumstances cultural norms make it a privacy intrusion to take a person's photo in public without expressed consent. This prescription, however, would allow media to "publish or broadcast visuals of individuals in public places" without prior consent. Such advice comes with a stipulation, "if there is no malicious intent" (Protém Committee, Rules of Reporting 4.7-4.8, Draft Code 2020). How exactly are journalists to discover when malicious intent is responsible for taking someone's photo in public? Such an ethic is open to news media speculation.

NEWSGATHERING ISSUES

Unscrupulous newsgathering techniques are deplored, but mitigating circumstances are considered. This item condemns eight practices ranging from forms of deceit to theft: "subterfuge and misinformation," "hidden recording devices or recording without consent," "interception of private calls or text(s)," "unauthorized removal of documents or photographs," or "accessing digitally held information without consent" (Protém Committee, Rules of Reporting 5.1(a,b,c,d,e) Draft Code 2020). All may be forgiven, it seems, if certain circumstances are met, "exceptions for all of the above, when necessary, to protect the journalist in a legal action, (or) other compelling reasons or for the public good" (Protém Committee, Rules of Reporting 5.1(e) Draft Code 2020). This raises a question -- would making such an exception to the code ultimately weaken the force and effect of its enforcement?

Reporters can deploy disreputable techniques if no other means exist for obtaining the news and when reporting news in the public interest. "Engaging in misrepresentation or subterfuge, including by agents or intermediaries, can generally be justified only in the public interest and then *only when the material cannot be obtained by any other means*" (emphasis added) (Protém Committee, Rules of Reporting 5.3 Draft Code 2020). This equivocation would open the door to invasive acts of newsgathering that presumably could be condemned as privacy invasions.

Another part of the code discourages the dubious practice of paying for information to get news. “The media is not encouraged to pay or offer to pay for information unless it is obtained from a legal source” (Protem Committee, Rules of Reporting 5.4(a) Draft Code 2020). Payments can be made to a source holding legally obtained information, but paying someone associated with criminal activity is not to be allowed, especially if the coverage “exploits” or “glamourizes” criminal activity. This is welcome advice, but the code takes it another step further by exacting the punishment for payments made to obtain news information with a “complaint filed as per the complaint procedures in this Act,” if there is no evidence of a public good at stake to justify it (Protem Committee, Rules of Reporting 5.4(a-f) Draft Code 2020).

NEWS MEDIA HARASSMENT

Toward the end of the standards journalists are encouraged to show professional empathy and support diversity. “Harassment and sensitivities,” warns journalists against acts of “intimidation, harassment or persistent pursuit” (Protem Committee, Rules of Reporting 7.1 Draft Code 2020). Eager reporters pursuing a news item are advised their “persistent pursuit is only acceptable if in the public good” (Protem Committee, Rules of Reporting 7.1 Draft Code 2020). This standard is qualified by the equivocation that a story’s value can be sufficient to justify some aggressive means to obtain it. However, under such circumstances it would invite the question, when does the persistent pursuit of truth in news coverage cross the line of ethical propriety.

Malaysian news media are encouraged to show compassion, sympathy, and discretion when covering victims of tragedy and those struck by moments of grief. Journalists are to avoid using personal photos or interviews “unless given permission by affected parties to do so” (Protem Committee, Rules of Reporting 7.4 Draft Code 2020). In handling visual material that is “excessively gory, violent or have adult-content,” journalists should consider how such coverage would serve the public interest and what warnings are needed to minimize the images’ negative impact (Protem Committee, Rules of Reporting 7.5 Draft Code 2020). The element lacking guidance is knowing where the news imagery crosses the line to become so gory, violent, and explicit that it is unethical to show it.

SENSITIVITIES

The section on sensitivities invokes natural and healthy concerns about vulnerable persons such as “children and inexperienced sources or subjects” (Protem Committee, Rules of Reporting 7.6 Draft Code 2020). That prescription invites journalists to take special care to protect the safety of survivors of domestic violence, rape, sexual assault, and sexual harassment. This guidance further warns Malaysia’s news media not to publish “details of a child’s private life,” if the sole justification is “fame, notoriety or position of a parent or guardian” (Protem Committee, Rules of Reporting 7.9 Draft Code 2020). Commendable and important ethical advice requiring no further explanation.

The parts of the code devoted to protecting indigenous Malays and the nation’s multicultural groups are instructive. The media should exercise “great caution” before publishing any news or views “impinging on communal rights and culture,” which includes matters of religion and race (Protem Committee, Rules of Reporting 7.12 Draft Code 2020). News media must obtain a “proper and rigorous verification of facts” for any conflict involving religious or communal identities (Protem Committee, Rules of Reporting 7.13 Draft Code 2020). Reporting on divisive issues, the code warns news media what must be done with “caution and restraint in a manner

which is conducive to the creation of an atmosphere congenial to communal and religious harmony, amity, and peace” (Protem Committee, Rules of Reporting 7.13 Draft Code 2020). These distinctive goals resonate with Asian culture and stand in contrast to Western norms where cultural civility is not considered to be a high priority.

Diversity issues are a different matter. Adamant is the protem committee code’s concern for minorities, where disparaging or emphasizing someone’s identity by “race, gender, nationality, occupation, disability, mental state, political affiliation, sexual orientation, or religious persuasion,” unless it’s pertinent to the story covered (Protem Committee, Rules of Reporting 7.16 Draft Code 2020) is considered unethical. This interest extends to the issue of stereotyping, which is to be avoided by “race, religion, ethnicity, gender, age, geography, sexual orientation, disability, mental status, physical appearance, social status or type of employment” (Protem Committee, Rules of Reporting 7.18 Draft Code 2020). This draft further stipulates “specific guidelines must be drawn up” to ban “language that disparages on gender, race, religion, ethnicity, age, geography, sexual orientation, disability, mental status, suicidal actions, domestic violence, physical appearance, social status or type of employment” (Protem Committee, Rules of Reporting 7.18 Draft Code 2020).

CONFIDENTIAL SOURCES

The last two sections cover source *confidentiality* and *plagiarism*--both ethics encouraging openness and transparency. Readers and viewers often prefer to know as much about a news source as possible, so attribution is necessary whenever feasible. If a protected source requires secrecy, the pledge of confidentiality must be honored as a “moral and professional obligation” (Protem Committee, Rules of Reporting 8.2 Draft Code 2020). It is interesting to note the Malaysian code suggests statements *not* be accepted “at face value from any source, including official sources,” and recommends corroborating them (Protem Committee, Rules of Reporting 7.13 Draft Code 2020). Supplying a definition for *face value* might help to explain what is meant by this term instead of leaving it open to varying interpretations and speculation.

News media prefer judicial restraint before magistrates compel confidential sources to be exposed, so what should be done when “courts and quasi-judicial bodies” ask for sources to be identified and documents be surrendered? The proposed code states the judiciary must use discretion in “weighing the competing interests.” Jurists “should ensure that the confidential information the journalist has is indispensable to the resolution of the case and there is no other reasonable way to obtain it” (Protem Committee, Rules of Reporting 8.4 Draft Code 2020). In some Western jurisdictions, journalists risk contempt charges for refusing to disclose secret sources unless a shield law protects them from exposure to judicial sanction and punishment.

INTELLECTUAL PROPERTY RIGHTS

Proscribing plagiarism “under any circumstances” supports intellectual property rights and gives a valid warning against replicating content without attribution while avoiding permission requests except under conditions of Fair Use (Protem Committee, Rules of Reporting 9.2 Draft Code 2020). Under this doctrine, the Malaysian code would allow for copying a work for media use as criticism, parody, or other transformative purposes. Here is where ethicists and lawyers eventually must agree to examine the use of artificial intelligence (AI) tools and guard against exploitation of IP rights by these hidden applications that usurp parts of an owner’s online creativity while allowing countless others to capitalize on them without permission.

GRIEVANCE PROCEDURES

The subjects and sources of news media attention take issue with how their public persona are conveyed by the news media from time to time. The protem committee proposed Grievance Procedures authorizing a process to be made available to everyone, “accessible to any party with an interest in ethical and responsible report.” Such a mandate would strengthen the public’s confidence by “establishing credibility and creating accountability of the media industry” (Protem Committee, Grievance Procedures 6 Draft Code 2020).

The recommended grievance procedures endorse a “fair, impartial, and transparent manner” for upholding standards of “non-discrimination, due process, natural justice, good faith, accessibility, efficiency, accountability and independence” (Protem Committee, Grievance Procedures 6 Draft Code 2020). The interim committee assures this process would be just by empaneling two dispute resolution bodies: one group for accepting and examining the complaint called the “First Instance Panel,” and a second one affording review of the outcome through an Appeals Panel. In both cases, there would be qualified members to share their understanding of Malaysia’s media industry, domestic and international human rights, and laws protecting freedom of expression.

DRM – DISPUTE RESOLUTION MECHANISM

An alternative resolution plan is recommended, “bilateral negotiation or mediation as available under the Dispute Resolution Mechanism.” All of which would be made available to “ensure public confidence,” and “promote understanding and adherence to ethical and responsible journalism.” There are conditions when a grievance would be rejected in this non-judicial process, such as when the subject of a complaint has pending legal action surrounding it (Protem Committee, Grievance Procedures 6 Draft Code 2020).

The protem committee’s code of conduct was never fully implemented lacking approval from the government, and a new code of conduct was assigned to a committee of academics and professionals in media. Their work was approved in 2024 by the Communications Ministry through the Malaysian Information Department under the direction of Communications Minister Fahmi Fadzil. What follows is a critical review of the new code of conduct for Malaysian journalists.

INTRODUCTION OF THE NEW CODE

Looking toward the sources of the new code introduced in February 2024, the communications minister gave credit and thanks to leaders of Malaysia’s media and academic institutions that participated in the guide’s preparation. Those participants included the National Union of Journalists Malaysia (NUJM), the interim Malaysian Media Council (MMC) committee, and scholars from two universities. Their contributions to the new codebook included eight standards with explanations describing, in detail, the elements for each one. This study will look first at the ethical principles from a professional journalism perspective and then examine certain elements to discover what the future may hold for the ideal of a free press in Malaysia.

Foundation documents for the new code of ethics were Nieman Reports (2001) and the original Malaysian Code of Ethics for Journalists authored in 1989 by the Malaysian Press Institute. More to the point, the neighboring countries of India, Singapore, Indonesia, the

Philippines, Thailand, Vietnam, South Korea, and Japan served as a basis of comparison with their journalistic codes. From a theoretical perspective, this cultural relativism filtered regional values, which were inclined to give deference to social harmony and acts of courtesy and dignity.

KEY PRINCIPLES – RUKUN NEGARA

In this context, the distinctive nationalist framing is apparent. Specifically, the code calls upon journalists to respect the “Rukun Negara,” five principles establishing a society where diversity, unity, democracy, and justice may prevail (Comm. Ministry, 2024, p. 9). The first Malaysian principle of the Rukun Negara calls for a basic belief in God resonating divine command theory and precluding a nontheistic ethical approach (Quinn, 2000). The second principle calls for allegiance to king and country that would situate the code in Malaysia’s nationalist frame. In this light, the third principle recognizes the Federal Constitution’s supremacy; the fourth standard calls for respect of the rules of law, and the fifth principle demands respect for courtesy and morality (Comm. Ministry, 2024, p. 9).

Pertinent to a postcolonial analysis of Malaysia, this code of journalism ethics is based on both the preceding standards and similar doctrines from Asian countries. The emphasis on courtesy and morality distinguishes it from Western codes. The duty to national unity and racial harmony places the code in a post-colonial frame with an “obligation to give a full contribution to fostering harmony between races and national unity” (Comm. Ministry, 2024, p. 10). Tolerance and social harmony are also part of the Malaysian code’s postcolonial framing. The code states “trustworthy journalism is an asset to the country” to indicate its orientation where “no restrictions can be imposed on a person’s participation in the journalism profession” (Comm. Ministry, 2024, p. 10). Western thought, however, is certainly evident in its social responsibility emphasis and where journalists are called to contribute to a “free, tolerant, and democratic society” (Comm. Ministry, 2024, p. 9). It is not precisely clear how journalists should protect racial harmony and national unity when they are covering controversial issues of public importance where political passions and division are ignited. More pertinent to this analysis are the standards of professional newsgathering, “the responsibility to serve the people in reporting true facts objectively” simply because their credibility requires as much (Comm. Ministry, 2024, p. 9).

EIGHT PRINCIPLES OF THE NEW CODE

Malaysia encourages all news media to contribute to the creation of national policy through their online or broadcast reporting. Because both user-generated content and professional journalists are covered by this code, the same professional standards are used to confirm conduct compliance. The eight principles of conduct call for Malaysian journalists to acknowledge their voices are speaking in a plural (multicultural) society. That postcolonial observation is self-evident in major cities of Malaysia.

The second standard turns to the normative ethics of integrity and transparency, and the remaining six standards affirm principles of *fairness* in delivering information: *avoiding conflict of personal interest*, ensuring *validity and accuracy* in reporting, and protecting *privacy and confidentiality*. Malaysian journalists are advised to learn the laws and policies relevant to their profession, as they seek to improve their professional media skills. In this context, it is important to understand what inspired these journalism standards (Comm. Ministry, 2024, p. 10).

1. Journalists are responsible for being the voice of a pluralistic society as well as agents facilitating dialogue.

This principle of democratic participation is used to support the first of eight standards directing news media to serve as facilitators of “healthy discussions” and “civic tolerance” in the public sphere (Comm. Ministry, 2024, p. 12). Malaysia is a diverse society where a colorful variety of perspectives are represented, and journalists must report conflicts that at times could become heated and controversial. To avoid reporting such conflicts while engaging in self-censorship, however, would undermine the ethical duties of journalism.

2. Journalists must be transparent and have integrity when carrying out their duties.

The second ethical standard underscores integrity in reporting “impartial, accurate and truthful details,” and adds to this principle an element of transparency for newsgathering methods. When inaccuracies and errors do arise in reporting, Malaysian journalists are asked to make “swift apologies and corrections” to prevent any further “dissemination of misinformation,” which is as it should be. Even though this principle recommends a public apology for error, it further requires reporters take pains to “acknowledge mistakes and correct them promptly and prominently” (Comm. Ministry, 2024, p. 12). That may not always be possible for a variety of reasons – not the least of which is the nature of unpacking facts in a complicated and confusing circumstance.

Attribution is another standard affirmed by the new code in Malaysia when using words, sounds, or images from other sources. This too is as it should be, but clearer guidance underscores the principle of attribution from Western ethical sources that require dubious information be confirmed from multiple sources, and that they be valid ones. “Verify information before releasing it. Use original sources whenever possible” (SPJ, 2014, para. 1).

3. Journalists are encouraged to consistently strive to be fair in delivering information.

It is impossible to conceive of any journalism code of ethics failing to support fairness. In Malaysia, however, it may be extended to voicing a variety of viewpoints from many “cultures, races, ethnicities, and religions” (Comm. Ministry, 2024, p. 12). This emphasis on diversity recommends coverage by reporters who refuse to resort to “bias, stereotypes, or prejudices” for the preparation and presentation of news stories. In explaining this principle of impartiality, journalists are asked to give *all parties* “the chance to affirm, refute, or clarify information,” which would be challenged at times by requests from irresponsible parties seeking to gain access to their audiences for illegitimate reasons (Comm. Ministry, 2024, p. 12).

4. News should not be influenced by personal interests.

In the fourth standard, Malaysian journalists understand they are to steer clear of conflicts of interest and situations where relationships might compromise the integrity of their journalism. Any conflict of interest that would undermine a clear-minded pursuit of truthful and accurate news coverage must be avoided. If a reporter receives some personal advantage, even if only imagined in their public’s mind, it would damage credibility and possibly undermine audience trust in the media at large (Comm. Ministry, 2024, p. 13).

Any connection to an organization should yield no personal gain for the reporter covering its activities or their employees. Along these lines, the Malaysian code aptly decries, “journalists should refrain from accepting bribes, gifts, or benefits that could have some impact on their reporting” (Comm. Ministry, 2024, p. 13). Certain elements of Asian culture pose a potential

conflict between the legacy of gift-giving traditions and professional imperatives, so it is worthwhile to consult another viewpoint.

Western codes of ethics emphasize the imperative of journalists refusing gifts from their sources in decisive terms. The Society of Professional Journalists, for example, strongly advises its members to “refuse gifts, favors, fees, free travel and special treatment, and avoid political and other outside activities that may compromise integrity or impartiality or may damage credibility” (SPJ, 2014, para. 4, item #2). The BBC’s policy similarly advises against the potential conflict of interest whenever an employee’s personal interests affect, or might be perceived as affecting, their integrity and impartiality (BBC 2022, Our Code). Such an offense would be violative of their employment contract with the BBC.

5. Validity and accuracy of information should be checked.

The fifth Malaysian standard returns to the necessity for conveying accurate content by specifying verification of sources to achieve that result. Further the code warns against “disseminating content that is inaccurate, baseless, intended to deceive, or distort facts” (Comm. Ministry, 2024, p. 13). This outcome would be achieved by giving each report a “thorough analysis, review, and verification to ascertain its accuracy” (Comm. Ministry, 2024, p. 13). SPJ members understand something similar when they must “take responsibility for their work,” and make no excuses of failure due to deadline pressure or media format issues (SPJ, 2014, para. 4, item #2).

6. Journalists need to respect the privacy and confidentiality of sources.

The sixth standard of Malaysia’s new code is grounded in a conflation of salient interests. It combines privacy concerns with protecting confidential sources. “Journalists should be mindful of the principles of privacy and source confidentiality, as neglecting these rights could endanger the safety of sources,” states the code (Comm. Ministry, 2024, p. 13). Western journalists have adopted the opposite viewpoint and clearly insist source identification be included in their reports. “The public is entitled to as much information as possible to judge the reliability and motivations of sources,” according the SPJ Code of Ethics (SPJ, 2014, para. 2, item #9). When confidentiality is granted under Western norms, journalists are asked to carefully consider the motives of any source seeking secrecy before promising anonymity, and whether they are facing “danger, retribution, or other harm” (SPJ, 2014, para. 2, item #9).

7. Journalists need to understand the laws, acts, and policies related to the scope of their duties.

The seventh value exhorts Malaysian journalists to gain a comprehension of the laws and policies that would relate to their day-to-day work as journalists (Comm. Ministry, 2024, p. 13). This principle is especially relevant because it calls for adherence to the Malaysian Media Code of Conduct posted online by the special protom committee tasked with drafting a proposal for the Malaysian Media Council.

8. Journalists need to prioritize improving their journalistic skills continuously.

Malaysia requires its certified journalists to continually seek improvement in their abilities in covering news, which is the truest indication of nationalistic thought in this document. Why? It exhorts media professionals to stay up with the “progress of technology and the transformation of the media environment” (Comm. Ministry, 2024, p. 14). Only by persistently striving for

innovation can Malaysian media “uphold professionalism in their field,” declares the eighth standard.

The code makes no pretense its high-minded ideals will be easily attainable and says as much. “In truth, the unique media landscape in Malaysia poses significant challenges for journalists to remain independent and professional in their reporting” (Comm. Ministry, 2024, p. 11). These standards are in many respects familiar guides but the means of government enforcement and its impact on press freedom and independence is more controversial.

TOOLS FOR CODE ENFORCEMENT

This government agency known as “Japen” in Malaysian vernacular issues media certification cards to grant access to public meetings, legislative bodies, news conferences, and other events. In total numbers, the government reports 9,750 media practitioners from 152 agencies are holding their media certification cards with the following breakdown: government offices (4), local media (38), international media (50), and online media (60) (Kasinathan, 2024, para# 18).

The Information Department issued a statement alongside the new guide to confirm its intention to use the code as a reference guide for governing the issuance of media certification cards (KPM). The Information Department of Malaysia is the office issuing the cards, and in Communications Minister Fadzil’s view, it also should have the power to revoke them. The guide would serve as a “source of reference when handing out certified media cards to journalists” (Lee, 2024, para.4).

Following the guide’s official launch, some in the news media applauded the code while others approached it with forms of opposition. The code generated objections from the Lawyers for Liberty (LFL) and Gerakan Media Merdeka. The LFL called it “surprising and inappropriate” for the ministry to launch an improved code of journalism ethics before the Malaysia Media Council, a non-governmental body yet to be approved, had a chance to fully vet its own code of conduct (Chern, 2024, para. 2). “When the media is free from government interference, it serves as a watchdog, exposing those in power and providing citizens with diverse viewpoints” (Britshi, 2024, para.16). Gerakan Media Merdeka (Geramm) argued against this new approach because it would discourage reporting on the government and lead to self-censorship. The media should be kept separate from government controls for upholding standards of press freedom and responsibility, insisted Geramm’s spokesperson (FMT Reporters, 2024).

Criticism also came from the executive director of the Centre for Independent Journalism (CIJ). Wathshlah Naidu, a member of the protem committee that proposed the Malaysia Media Council’s establishment. Regarding the principal tool of code enforcement, she expressed her doubts. “I think of course certain ethical responsible standards should be applied across platforms, but it should be something that is an opt-in process ... not to be used as cracking the whip,” said Naidu (Idris, 2024). The possibility of discouraging journalists by withdrawing press credentials could lead to self-censorship, she argued. “It concentrates power in the hands of the government,” since official certification is necessary for admission to press conferences, parliamentary sessions, and court proceedings (Idris, 2024).

ETHICAL IMPLICATIONS

Malaysia’s professionalism under such guidelines and recommended procedures covered above face scrutiny from the Media Freedom Index (MFI), published annually by Reporters Without Borders (RSF). This comprehensive assessment ranks countries based on the state of media

freedom and assesses the status of freedom of information worldwide. The MFI critiques the policies and legal environment of a nation's news media. It considers the existence of laws that either protect or restrict media freedom including acts of official secrecy, sedition or defamation that might lower a country's ranking. Malaysia moved up forty places in 2023 when it achieved the rank of 73 rising from 113 in the ranking of global journalism (Bernama, 2023).

The index's key measures cover the criteria of *pluralism*, which measures the number and diversity of news outlets independent of the government. The factor of *media independence* weighs political, economic, and social pressures affecting professional news reporting. The criteria of *environment and self-censorship* gauges how violence and threats of intimidation are used to compromise news coverage. The RSF accounts for variables of *infrastructure* and *transparency* while also weighing the country's *legislative framework* to reach its calculation (Bernama, 2023).

The principles Malaysia announced in this 2024 code of ethics embody responsibilities that journalists are expected to uphold for the peace and prosperity of the nation which are deemed as important for protecting journalism freedom and independence. More concerning though is the mandate for media professionals who risk losing their media accreditation cards from the Department of Information Malaysia (JaPen) for any perceived failure to obey these standards during their work as journalists. This clearly impacts the factor of news media independence because it empowers political forces in the government to quell free expression. The political pressures affecting news reporting based on a loss of press credentials undoubtedly would lead to *self-censorship* and that in effect compromises freedom of expression.

In a global context the importance of freedom from outside influences – government, commercial or corporate -- is a sine qua non for ethical journalism worldwide. News media must have freedom to act independently and cover public issues or probe official misconduct without any threat of public intimidation or government retribution. Meyers (2011) recommended independence for journalists noting how its loss leads to censorship, suppression, and even spread of propaganda. When journalism independence in democratic countries is protected, public trust and news media credibility achieve a healthy level of respect. In authoritarian regimes, where the absence of journalistic independence is undisputed, the public's trust is corrupted, and the quality of journalism suffers due to the news media's self-imposed censorship. Moreover, the institutions of democracy suffer for lack of high-quality independent journalism.

ACKNOWLEDGEMENT

I wish to acknowledge Associate Professor Dr Jamaluddin Aziz, his PhD candidate Mr. Abdulhamid Badru, and the Center for Research in Media and Communications, FSSK, Universiti Kebangsaan Malaysia, for their assistance in supplying the necessary materials for submitting this study.

REFERENCES

- Bernama (2023, May 3). RSF: Malaysia ranked 73rd in World Press Freedom Index 2023. *New Straits Times*. <https://www.nst.com.my/news/nation/2023/05/905297/rsf-malaysia-ranked73rd-world-press-freedom-index-2023>
- British Broadcasting Corporation (2022). *Our code*. <https://downloads.bbc.co.uk/aboutthebbc/insidethebbc/howwework/policiesandguideline/pdf/code-of-conduct-2022.pdf>
- Britshi, Z.A. (2024, February 21). *Malaysian government launches new code of ethics for journalists*. Malaysia World News. <https://www.malaysiaworldnews.com/malaysiangovernment-launches-new-code-of-ethics-for-journalists>
- Chan, D. (2020, February 3). Malaysian media council's draft bill outlines six principals. *New Straits Times*. <https://www.nst.com.my/news/nation/2020/02/562233/malaysian-mediacouncils-draft-bill-outlines-six-principals>
- Chern, L.T. (2024, February 21). *Media council should come before journalists' code of ethics, says Lawyers for Liberty*. The Star. <https://www.thestar.com.my/news/nation/2024/02/21/media-council-should-come-before-journalists039-code-of-ethics-says-lawyers-for-liberty>
- Christians, C. (2009). *Normative Theories of the Media: Journalism in Democratic Societies*. Urbana-Champaign: *University of Illinois Press*.
- Cortes, R. (2020). Clifford G. Christians's media ethics theory of global justice: Media Ethics and Global Justice in the Digital Age, by Clifford G. Christians. *Church, Communication and Culture*, 5(1), 131–135. <https://doi.org/10.1080/23753234.2020.1713014>
- Davie, W.R. & Upshaw, J.R. (2006). *Principles of Electronic Media* (2nd ed.). Boston, MA: *Allyn & Bacon*. Department of Information Malaysia, Ministry of Communications. (2024). *Malaysian code of ethics for journalists* (English).
- FMT Reporters. (2024, February 20). *Media code of ethics must be self-regulated, says industry rights group*. Free Malaysia Today. <https://www.freemalaysiatoday.com/category/nation/2024/02/20/media-code-of-ethicsmust-be-self-regulated-says-industry-rights-group/>
- Kasinathan, S. (2024, February 20). *Putrajaya launches new journalism ethics code to be overseen by Media Council, vows freedom of expression*. Malay Mail. <https://www.malaymail.com/news/malaysia/2024/02/20/putrajaya-launches-newjournalism-ethics-code-to-be-overseen-by-media-council-vows-freedom-ofexpression/119001>
- Lee, B. (2024, February 20). *Communications Ministry launches Malaysian code of ethics for journalists*. The Star. <https://www.thestar.com.my/news/nation/2024/02/20/communications-ministry-launches-malaysian-code-of-ethics-for-journalists>
- Meyers, C. (2010). *Journalism Ethics: A Philosophical Approach*. *Oxford University Press*.
- Naidu, W. (2024, February 22). *Consider this: Journalism ethics (Part 1) - State-initiated code basis for accreditation* [Video]. Daily Motion. <https://www.dailymotion.com/video/x8t4b4m>
- Plaisance P (2020). *Media Ethics: Key Principles for Responsible Practice* (3ed.). Solana Beach, Calif.: *Cognella Academic Pub*.

- Protem Committee of the Malaysia Media Council (2020). *Report of the protem committee Malaysian Media Council*.
<https://docs.google.com/document/d/1TphLkPOaD3Phq8axVyuvCiO4yAvP3HDOCho8zeAM74/edit#>
- Protem Committee of the Malaysia Media Council (2020). *Draft Malaysian Media Council act by the protem committee of the Malaysia Media Council*.
<https://docs.google.com/document/d/1FNmcg5cRT3UFOrcsa2CnN8vO3kbG73vIGq3Br56XE/edit#>
- Quinn, P.L. (2000). Divine command theory. In H. LaFollette & I. Persson (Eds.), *The Blackwell guide to ethical theory* (pp. 81-102). Blackwell Publishing.
<https://doi.org/10.1111/b.9780631201199.1999.00006.x>
- Society of Professional Journalists (2014). *SPJ code of ethics*. <https://www.spj.org/ethicscode.asp>
- Ward SJA (2005) Philosophical foundations for global journalism ethics. *Journal of Mass Media Ethics* 20(1): 3–21.
- Ward, S. J. A. (2010). *Global Journalism Ethics*. McGill-Queen's University Press.

Professor William R. (Bill) Davie

William R. (Bill) Davie heads the Mass Communication/Broadcasting program of the University of Louisiana at Lafayette. He is a Fulbright Teaching Scholar to Malaysia in 2023, where he served in the Center for Research in Media and Communications at the Universiti Kebangsaan Malaysia.

Email: wrdavie@gmail.com