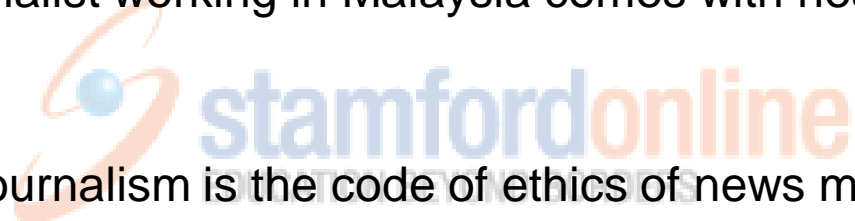


The Malaysian Canons of Journalism, Sedition



Week 10

- ▶ The Malaysian Press cherishes the virtues of press freedom but they have come to acknowledge the need for various limitations and restrictions on how they conduct their profession in this country.
- ▶ Journalists working for the Malaysian media acknowledge that they play a pivotal role in nation building. In their quest to become first in news, they must remember at all times that their duty to the nation comes first and foremost.
- ▶ The job as a journalist working in Malaysia comes with heavy social obligation.
- ▶ The Canons of Journalism is the code of ethics of news media in Malaysia. It can be viewed and broken down into 2 sections.
- ▶ The first part of the Canon explains the relevance and compliance of the Malaysian Press with the principles of the Rukunegara (literally meaning the country's principles) which consist of 5 attributes namely The belief in God / Loyalty to the King and the country / Upholding the constitution / Upholding the law / Good behaviour and morality.



“Whereas the Malaysian Press reiterates its belief in the principles of Rukunegara and the national aspirations contained therein;

- It acknowledges its role in contributing to the process of nation-building.
- It recognises its duty to contribute fully to the promotion of racial harmony and national unity.
- It recognises communism, racialism and religious extremism as grave threats to national well-being and security.
- It believes in a liberal, tolerant, democratic society and in the traditional role of a free and responsible Press serving the people by faithfully reporting facts without fear or favour.
- It believes that a credible press is an asset to the nation.
- It believes in upholding standards of social morality.
- It believes that there must be no restrictions on the entry of Malaysians into the profession.
- It believes that the Press has a duty to contribute to the formation of public policy.”

- ▶ In this respect, we can see the similarities between the main working principles of mass media in developing countries and the Malaysian Press Canons of Journalism.

- It acknowledges its role in contributing to the process of nation-building
 - Media should give priority in news and information that links with other developing countries which are close geographically, culturally and politically.

- ❑ It recognizes its duty to fully contribute to the promotion of racial harmony and national unity
 - Media should give priority in their content to the national culture and language.

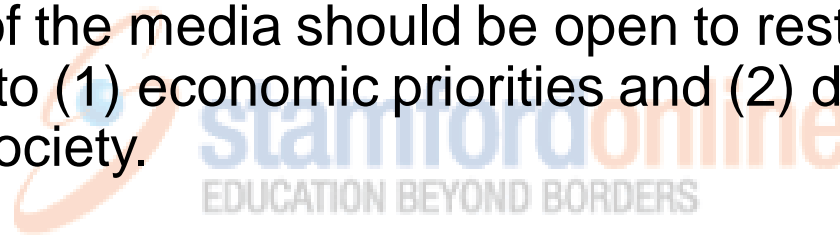
- ❑ It recognizes communism, racialism and religious extremism as grave threats to national well-being and security
 - In the interest of development ends, the state has a right to intervene in, or restrict, media operations, and devices of censorship, subsidy and direct control can be justified.

□ It believes in a liberal, tolerant, democratic society and in the traditional role of a free and responsible Press serving the people faithfully reporting facts without fear or favour

- Journalists and other media workers have responsibilities as well as freedom in the information-gathering and dissemination tasks.
- Freedom of the media should be open to restriction according to (1) economic priorities and (2) development needs of society.

□ It believes that the Press has a duty to contribute to the formation of public policy

- Media should accept and carry out positive development tasks in line with nationally established policy.



- ▶ The second part of this code of ethics is the actual Canons of Journalism that the Malaysian Press should comply with.
- ▶ It can be viewed as a more detailed code of ethics constructed and derived from the first part of the Canon.



“Whereas the Malaysian Press does hereby adhere to the following Canons of Journalism:

- The primary responsibility of the Malaysian journalist is to report facts accurately and faithfully and to respect the right of the public to the truth.
- In pursuant of this duty he shall uphold the fundamental freedom in the honest collection of news and the right to fair comment and criticism.
- He shall use only proper methods to obtain news, photographs/films and documents.
- It shall be his duty to rectify and publish information found to be incorrect.
- He shall respect the confidentiality of the source of information.
- He shall uphold standards of morality in the performance of his duties and shall avoid plagiarism, calumny or slander, libel, sedition, unfounded accusations or acceptance of bribe in any form.
- He shall avoid publication of news or reports, communal or extremist in nature, or contrary to the moral value of multiracial Malaysia.
- It shall be incumbent upon him to understand public and national policies pertaining to the profession.”

Conclusion

In his opening speech for the Press Freedom & Professional Standards in Asia seminar in 1996, Tan Sri Kamarul Ariffin (Executive Chairman of Utusan Melayu Malaysia) addressed these 3 alarming facts concerning the Canons and the Malaysian Press at large.

- It is still to be tested whether such code of conduct is adequate or not to protect both society and the profession.
- Despite its status as a set of guidelines, one obvious defect of the Canons is that there is no mechanism for imposing sanction or penalty to those who have breached the Canons.
- More importantly, there is no watchdog to oversee that such code of conduct is strictly adhered to by the journalists.



Sedition

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EDUCATION BEYOND BORDERS

- ▶ The Sedition Act in Malaysia is a law prohibiting discourse deemed as seditious.
- ▶ Originally enacted by the colonial authorities of British Malaya in 1948.
- ▶ The act criminalises speech with "seditious tendency", including that which would "bring into hatred or contempt or to excite disaffection against" the government or provoke "feelings of ill-will and hostility between different races".



Provisions

- ▶ Section 4 of the Sedition Act specifies that anyone who "does or attempts to do, or makes any preparation to do, or conspires with any person to do" an act with seditious tendency, such as uttering seditious words, or printing, publishing or importing seditious literature, is guilty of sedition.
- ▶ Section 3(3) goes on to state that "the intention of the person charged at the time he did or attempted (a seditious act) ... shall be deemed to be irrelevant if in fact the act had, or would, if done, have had, or the words, publication or thing had a seditious tendency". This latter provision has been criticised for overruling *mens rea*, a legal principle stating that a person cannot be guilty of a crime if he did not have the intent to commit a crime.

▶ Section 3(2) provides certain exceptions, providing examples of speech which cannot be deemed seditious:

- It is not seditious to "show that any Ruler has been misled or mistaken in any of his measures", nor is it seditious "to point out errors or defects in the Government or Constitution as by law established".
- It is also not seditious "to attempt to procure by lawful means the alteration of any matter in the territory of such Government as by law established" or "to point out, with a view to their removal, any matters producing or having a tendency to produce feelings of ill-will and enmity between different races or classes of the population of the Federation".



Implementation

Notable cases in which the Act is implemented:

- ❑ The online publication *Malaysiakini* was temporarily shut down under the Sedition Act after it published a letter criticising Malay special rights and compared the Youth wing of a government party to the Ku Klux Klan.
- ❑ The Sedition Act had been invoked in another case of educational policy, when Mark Koding argued in Parliament that the government ought to close down Chinese and Tamil vernacular schools.



Conclusion

- ▶ Human rights advocates have alleged that the Sedition Act has an "excessively vague" definition of sedition.
- ▶ These critics charge that this vagueness constitutes "an invitation to abuse and authorities may seek to apply them in situations which bear no relation to the original purpose of the law".
- ▶ The government denies that the Sedition Act is intentionally used to silence dissent or to advance particular political interests.