

THE GROWTH AND DEVELOPMENT OF THE MALAYSIAN MEDIA LANDSCAPE IN SHAPING MEDIA REGULATION

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ABSTRACT

An increase in the demand of digital media and information communication technology in a borderless world has encouraged Malaysia to move to a new era of knowledge creation and fast-moving competitive advantages especially in the media sector. This phenomenon has blurred boundaries between the broadcasting and computing industries in terms of their roles, functions, and economic scale. The new technological environment in Malaysia has resulted in conflicts and posed challenges to the country. It may affect the current regulatory media approach and technology acceptance in harmonizing digital intellectual property, market power, content values, and diversion of cultures. The purpose of this paper is to identify the mechanism, concepts, and implementation of self-regulation in the Malaysian media environment. In-depth interviews were conducted with informants who were responsible for practicing the Content Code. The primary regulatory reference for the study is the Communication Act 1998. The media industry players in this study are media organizations that are governed by the Communication

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and Multimedia Act 1998, and members of the Communication and Multimedia Content Forum (CMCF). The focus on self-regulation and its procedures is based on the Content Code developed by the Content Forum of the media industry. This study provides useful insights for analyzing the development of Malaysian legislation, cyber policies and the implementation and practices of Malaysian media players. This study helps to shed information on the relevance and usefulness of local legislations and policies to local media practitioners and industry.

Keywords: Self-regulation, ICT, media policy, media environment

INTRODUCTION

The purpose of this paper is to identify and examine the mechanisms, concepts, and implementation of self-regulation within the Malaysian media environment. It has been widely accepted that self-regulation procedures are based on the Content Code developed by the Content Forum of the media industry (The Communication & Multimedia Content Forum of Malaysia, 2011).

In this study, we conceptualise a self-regulatory framework media environment in Malaysia to better understand the media profile and landscape in Malaysia. The contents of this paper are structured as follows. First, a review of the media profile and landscape in Asia generally and Malaysia specifically is described. Specifically, the importance of and the role of media in Asia are briefly highlighted. Second, the profile of Malaysian media including print, broadcast and digital media is discussed to present an overview of the media environment. Thirdly, this overview will help us to understand media freedom and practice in Malaysia. Then, the research method is presented. Finally, we conclude that we can improve the regulatory practices by

safeguarding media content and educating the media industry in this era of the expansion of an information society.

Media in Asia

The role of the media is very important in shaping the lives of people. Chia (1994) argues that, by the early 1990s, there were several crucial social issues such as poverty, limited access to telephones, and a lack of knowledge of the ‘global’ language, English. These issues have hampered most Asians, particularly people in rural areas: those who live in rural areas prefer local media programmes, whilst urban people enjoy imported media programmes. Indeed, media content must be considered to symbolize the cultural, economic and political values of Asian countries. Furthermore, the media is an essential tool for organisations in that it can offer much useful information instantly and accurately (Chia, 1994). Therefore, the media is often seen as the key to educating and entertaining Asian societies; however, this is not unproblematic, since many (particularly in Malaysia and Indonesia with their predominant Islamic populations) are very sensitive about several issues concerning aspects of cultural diversity, notably racial and religious divisions (Iga, 2009). These factors become important when there are substantial differences in content between Western and Eastern media programmes.

Today, the role of the mass media has become prominent not only for disseminating information for public and private organisations but also for increasing the degree of literacy among Asian people. The role of the media helps us to understand how public relations may support

organisations to build economic transition² in developing countries because it is a powerful tool to shape public opinion (Sriramesh & Vercic, 2003). This development is largely dependent on the magnitude of mass media infrastructure acquired by Asian countries.

Furthermore, the mass media of printing, broadcasting and multimedia services in Malaysia have undergone tremendous growth and concomitantly have increasingly become the centralised means of communication and sources of information. Indeed, using these media helps Malaysian society to be kept informed by watching foreign and local education and entertainment programmes (Badarudin, 1998: 20). Therefore, the today's changing media system may provide new learning skills for Malaysian society to nurture them to be a knowledge-based society.

PROFILE OF THE MALAYSIAN MEDIA

Like many European countries, the Malaysian media can be divided into two sections: print and broadcast. Both play significant roles in shaping public interest as well as for national development in this country.

Print Media

There are four major publishers that produce and print newspapers and magazines in the Malay language and English: the News Straits Times Group, the Utusan Melayu Group, Star

² Economic transition means the process of transitions of countries to a better economic system.

Publications and the Karangkraft Group. In practice, all print media follow strict guidelines set by the Ministry of Information (Kaur, 1993; Iga, 2009).

The Utusan Melayu Group publishes the two dailies *Utusan Malaysia* and *Utusan Melayu*. *Mingguan Malaysia* is published as the Sunday edition. This group, the oldest publisher, also publishes magazines such as *Utusan Kiblat*, *Utusan Pelajar*, *Mastika* and *Wanita*, a women's magazine (Kaur, 1993: 82; Iga, 2009). All publications are produced in the Malay language.

The New Straits Times Group publishes two types of publications: newspapers and magazines. The daily newspapers include *The New Straits Times*, *The Malay Mail*, *Berita Harian* (in Malay), *Business Times*, and *Shin Min Daily News* (in Mandarin) and three Sunday papers - *The New Sunday Times*, *Sunday Star* and *Berita Minggu* (in Malay). This media organisation also publishes magazines such as *Her World*, *The Malaysian Business*, *Malaysian Digest*, *Her World Cook Book*, *Her World Annual*, *Home Scene*, *Information Malaysia* and *Jelita* (in Malay) (ibid). Most of these publications, as suggested by their titles, are published in English. The Star Publications Group publishes *The Star* (a daily), the *Sunday Star*, and the magazines *Shanghai* (in Chinese) and *Kuntum* (in Malay) (Kaur, 1993). Another publisher is the Karangkraft Group, which publishes the following magazines: *Bintang Kecil*, *Arena*, *Bolasepak*, *Fokus SPM*, *Geli Hati*, *Remaja*, *Media Hiburan Ria*, *Stadium* and *Telatah Olok-Olok*, and a bi-weekly newspaper, *Watan* (Kaur, 1993; Iga, 2009). All publications are in Malay.

Broadcast Media

The implementation of a privatisation policy has had a significant impact on broadcast media in Malaysia, which has encouraged stiff competition among public and private broadcast stations to improve the media and broadcasting industry (Kaur, 1998: 1999; Iga, 2009). There are four major FREE TO AIR television stations operating in the country: TV1, TV2, TV3, TV9 and NTV7.

Of these, TV1 and TV2, which are directly controlled by the Ministry of Information, Communication and Culture, play a vital role in influencing public opinion for national development (Badarudin, 1998; Iga, 2009). TV3, a private and commercial television station, is aimed at propagating the government agenda for the purpose of unity among multi-ethnic and multi-religious groupings in this country. Another private and commercial television stations are TV9 and NTV7, which exclusively operate in major urban areas, particularly in the Klang Valley, the largest urbanised area in Malaysia (ibid).

The audio broadcast media, which are fully owned and controlled by the Ministry of Information, Communication and Culture, operate 24 hours a day, and they broadcast programmes in the Malay, English, Chinese and Tamil languages. Adding to the booming broadcasting industry, All Asia Networks plc (ASTRO), a pay-TV and Malaysia's first digital broadcast service, offers 22 TV and radio services. Satellite TV is run by Measat Broadcast Network Systems Sdn Bhd (Badarudin, 1998) and reached about one million subscribers in 2003 and currently has nearly 3 millions subscribers (Astro, 2010).

New or Digital Media

Under the Communication and Multimedia Act 1998, the Ministry of Energy, Communication and Multimedia became responsible for regulating the multimedia and broadcasting industry (International Law Book 1998; Alsagoff and Hamzah, 2007). The growing awareness of the importance of new communication and multimedia technologies, under the leadership of Mahathir Mohamed, the former Prime Minister of Malaysia, has led to the building of a Multimedia Super Corridor, which was claimed to be one of the most sophisticated communication and multimedia projects in the world, to promote and marshal the national policy towards the era of digitalisation (Ariff and Chuan, 2000). Thus, under policies of privatisation, liberalisation and deregulation, and coupled with the effects of digitalisation, Malaysia has now become one of the top developing countries in the world in the era of globalisation (Badarudin, 1998; Alsagoff and Hamzah, 2007).

In preparing for the challenges of globalisation, the Malaysian media have aggressively promoted digital media to reach their audiences interactively. Telekom Malaysia is responsible for providing the Internet infrastructure, for instance Internet and multimedia services such as *Tmnet*, *Bluehyppo*, *Tmnet Streamyx* and many more, to enable users to get connected to the world of digital technology, where information is interactively disseminated (Telekom Malaysia, 2010). Moreover, under ASTRO's operation, the All Asia Broadcast Centre has provided digital facilities with the latest broadcasting technology to make people's lives more interactive, exciting and convenient (Astro, 2010). Badarudin (1998) argues that although digital and multimedia services have been vigorously promoted by Telekom Malaysia and ASTRO, the

Ministry of Information, Communication & Culture has fully controlled all programmes (local and foreign) to be aired by considering Malaysian culture and sensitivities. Thus, it important for Malaysian society to improve their cultural competencies in a media context.

Indeed, Malaysia, the fastest developing country in South East Asia (Bhuiyan, 1997), has projected its good reputation across the world. Mahathir Mohamad, the former Prime Minister, who published a book, *World Class Public Relations In Practice*, claimed that by using excellent public relations skills, Malaysia has come to represent the leading edge of global scientific and technological developments by portraying the nation's image through world class mega-projects such as the world's tallest building (PETRONAS Twin Towers), the biggest airport (Kuala Lumpur International Airport), and the ultra-sophisticated Multimedia Super Corridor (Mohamad, 2003; Mohamad, 2005; see Bhuiyan, 1997). However, Malaysia has been criticised by anti-imperialist scholars for its support of Western imperialism, and for turning Malaysia into a new Asian capitalist country (Chomsky, 2004). In the next section, media freedom is discussed to see to what extent mainstream media play a role in shaping and influencing public perception.

Media Freedom in Malaysia

Having described the profile of the media in Malaysia, it is worth briefly noting the development and trends of mass media in building and sustaining a civil society. The current government, which has ruled Malaysia since independence in 1957, has generally controlled all key

mainstream media³ (Anuar, 2000; Netto, 2002). Netto (2002) argues that the media mainstream has developed to serve the government's policies in every national aspect relating to political, economic and social matters, with the result that only governmental political and economic interests are allowed to diffuse to the public in terms of shaping and influencing public perceptions. Since 1969, the government has proposed a censorship law and has banned any negative reports published in foreign magazines and newspapers (Anuar, 2000: 184). Owing to stringent media controls, the opposition parties have failed to challenge the government's mainstream media in influencing public's perceptions. Netto (2002) argues that media freedom in Malaysia has been restricted in three ways:

1. Through restrictive laws.
2. Through ownership of media by political parties and connected business individuals.
3. Through self-censorship exercised by editors and journalists themselves (Netto, 2002: 18).

In the light of such control over the mainstream media in Malaysia, Aliran, which is a Non-Governmental Organization, has proposed adopting Charter 2000's guiding principles with the purpose of neutralising the media monopoly in order to encourage rounded perceptions within civil society (Netto, 2002: 22). Five key principles of media freedom are as follows:

1. The media must be pluralistic, democratic, and accessible.

³ Print media: *Utusan Malaysia*, *Berita Harian* and News Straits Times, and broadcast media: TV1, TV2, TV3 and NTV7.

2. The media must be committed to upholding human rights, democracy, and the rule of law.
3. The media must uphold ethical responsibility and professionalism
4. The media must consciously promote justice, freedom and solidarity
5. The media must empower the disenfranchised, downtrodden and dispossessed (Ibid: 22).

It is important to note that the media must be ‘free’ in order to encourage new ideas voiced by a civil society. When the media is used as a means to stimulate dialogue and negotiation, public relations practice in the context of relationship management is improved (Sriramesh & Vercic, 2004: 11).

Media Regulation and Self-regulation

Along with the Malaysian government’s Multimedia Super Corridor (MSC) projects announcement, a National Communication and Multimedia Policy was introduced as to encourage the development of industry self regulatory mechanism which minimize the costs of regulation while at the same time providing clear guidelines for industry behavior in line with the government policy objectives. It involves industry ownership and involvement in regulation within a framework of clear guidelines and objectives of the government regulations (Shafie, 2000; Alsagoff and Hamzah, 2007). It is intended that the media industry bodies **recognized** by the regulatory authority have implemented the industry voluntary codes of practice regarding various matters relate to the subject of regulations.

However there are some double standards in practicing the media regulations and policies as those online and multimedia players (internet access providers, search engines, web host or content aggregators) do not have full control over the content which passes through their servers or websites, compared to other paper based publications to the public (Cutler, 1997).

The term “self-regulation” means that the industry of profession rather than the government is doing the regulation (Campbell, 1999). Thus the term “self regulation” would be best reflect to the ways media organizations perform practices by involving legislation stage by developing a code of practice but the government may mandate that an industry adopt and enforce a code of self regulation and even monitor or guide them to impose those regulations (Ayes and Braithwaite, 1992; Alsagoff and Hamzah, 2007).

This study will identify to what extent the self regulatory mechanism for the local media players would benefit the industry and the growth of future media technologies in this country. The objectives of this study are as follows:

1. To examine the meaning and the understanding of self regulatory framework;
2. To identify the mechanism used to implement Content Code;
3. To determine the enforcement and monitoring mechanism of Content Code;
4. To explore key issues and complaints on Content Forum/Content Code;
5. To diagnose the evaluation on Content Code;
6. To identify the advantages and disadvantages of Content Code; and finally,

7. To give suggestions to improve the Content Code.

RESEARCH METHOD

Research Design and Strategy

In-depth interviews took place between February and March 2010. Due to the cultural diversity in Malaysia, the interviews included the three main races: Malay, Chinese and Indian. Of the 20 selected members for the content forum, only 12 replied and agreed to be interviewed. Members of the content forum here were practitioners who are directly responsible for practising and implementing the Content Code in their respective organisations. First, a cover letter noting the purpose of this interview was delivered to informants via email. Then all the interviewees were contacted by telephone or email to set an appointment. With the permission of interviewees, a digital recorder was used to record the conversations, which helped the researcher to conduct the interview smoothly and efficiently. All interviews were undertaken at the interviewees' places of work. The interviews were conducted in English and/or Malay - depending on which language the interviewees preferred. During the interviews, a set of questions was used to guide the conversation and, importantly, the researcher also posed probing or follow-up questions to stimulate the conversation on the topics discussed. Having flexibility to discuss the topics of interest with interviewees and encouraging an interactive process between interviewer and interviewees may enhance the quality of interview (Daymon & Holloway, 2002: 166). After the interview, the researcher transcribed all the interview data.

Data Analysis

The qualitative data of this study were also analysed using the thematic approach. Data from the interviews were transcribed verbatim based on the recording. The next step was categorising the data into few key themes and then the data were analysed according to themes.

FINDINGS

This section presents the results gathered from the in-depth interviews. Informants were 12 members from the Content Forum who were from media and telecommunications organisations. These informants were from the electronic and new media (9 companies) and telecommunications organisations (3 companies). Seven key themes are highlighted and these were related to the self-regulatory framework and the scenario in the Malaysian media industry: (1) the meaning and the understanding of self regulatory framework; (2) the mechanism used to implement Content Code; (3) enforcement and monitoring mechanism of Content Code; (4) issues and complaints on Content Forum/Content Code; (5) evaluation on Content Code; (6) advantages and disadvantages of Content Code; and finally, (7) suggestions to improve the Content Code.

Key theme 1: Meaning and understanding of self-regulatory framework

More than half of the members interpreted and understood that self-regulation is basically about the understanding of content code in setting out their own policy in accordance to the organisations' requirements and national agenda. The members also believe that self-regulation is about applying and implementing what is right and what is wrong with regard to media laws

and regulations as well as ethical issues. This can be seen in the response of one informant as follows:

“Self-regulation means (that), we as the industry eventually, understanding the frame (as) to set our own policy to be in accordance with the national objectives. I don’t think we are unconsciously (in a dire state). We are doing self-regulation. We eventually create our own product as the media company (and) as the content company. ...we are unconsciously followed the self regulation”.

On the other hand, some members understood that self-regulation is regarded as abiding by strict guidelines and codes set by the commission or the authority. This matter can be seen in the quotation of one particular informant as follows:

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

Key theme 2: Mechanism used to implement Content Code

The majority of the members believe that they use a suitable mechanism to communicate messages about the Content Code to their staff through staff training. The avenues include compliance training, internal training, technical training, in-depth training and journalism training, regular briefing, content code distribution, seminar and workshops. One informant responded to this as follows:

“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 staff, we actually impose that. We actually do that. I think it was last year (that) we organized (the seminar) and all our new staffs are told (to attend). They are required (to attend and) in fact they need to.”

While few others affirmed that the most suitable mechanism is through close collaboration with the Malaysian Communications & Multimedia Commission (MCMC) and Malaysian Censorship Board (LPF). One informant concluded by saying:

“After the training, the LPF officers (will) work with us. We let the LPF officers stay together with us (and checked whatever necessary). (There are) two officers for one channel. So the station (now) has two LPF personnel.”

However, only one informant believes that the distribution of the actual copy of the Communications & Multimedia Act 1998 (CMA 98) is the most suitable mechanism used to help implement the Content Code.

Key theme 3: Enforcement and monitoring mechanism of Content Code

The outcome of the findings concluded that two thirds of the members consider using guidelines and Content Code itself as an appropriate enforcement and monitoring mechanism of the Content Code. The answer from one informant was:

“(We) follow the CMCF’s content code because it’s actually about the license. So, these (matter will go) through (by) referring to the guidelines (provided).”

A few other informants said that laws and regulations, censorship, licenses, policies, evaluations, feedback and edited content (programs, articles, or documents) are suitable methods used to enforce and monitor the Content Code implementation. However, two informants believed that complaint is the fitting option to enforce and monitor the Content Code. The suitable quote can be taken from one particular informant:

“(There are) specific units if you join marketing (team where) we (will) brief you (regarding 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 on) how many complaints we received.”

One of the informants chose survey ratings and joint ventures with related companies or organizations as the mechanism used to enforce and monitor Content Code implementation.

Key theme 4: Issues and complaints on Content Forum/Content Code

Based on the findings of the study, more than half of the members affirmed that they have issues or complaints against the Content Forum/Content Code and most of the issues or complaints are related to commercial/advertisements, religious issues, and technical terms as well as inappropriate content issues. An informant in this study stated:

“The biggest battle that I have in this building with my Legal Manager is actually the agencies and the clients (with) inappropriate content. (And) another common complaints that we get is about commercial”

However, the total number of the complaints or issues are very small. Additionally, another one third of the members stated that they have no issues or complaints about the Content Forum/Content Code.

Key theme 5: evaluation on Content Code

As obtained from the findings, almost all of the members had conducted the evaluation on the Content Code and concluded that the Content Code is strict and quite detailed, but does not

comprehensively cover every aspect of each related media field. As mentioned by one of the informants:

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

While few of the members had never conducted any evaluation on the Content Code, they therefore had no comments or opinion regarding the matter.

Key theme 6: Advantages and disadvantages of the Content Code

Based on the findings of the study, all the members believe that the Content Code has its advantages and disadvantages. The advantages are:

- i. The Content Code allows more creativity
- ii. The Content Code always acts as a reference
- iii. The Content Code always acts as a guideline
- iv. The Content Code is something that can be used as a defense mechanism when necessary
- v. The Content Code can act as a meeting point and a source of information
- vi. The Content Code can act as a medium to solve problems since it provides different perspectives or viewpoints from different players or parties involved in the industry

The disadvantages are:

- i. Media players are not given too much power/credibility to act on certain things
- ii. The Content Code limits creativity
- iii. The Content Code need to be more “visible” for media players to see
- iv. The Content Code is quite descriptive and too detailed
- v. The codes are not able to capture/cover everything
- vi. The codes have some elements of politics

Key theme 7: Suggestions to improve the Content Code

Several informants suggested some elements to improve the Content Code.:

- i. The language used in the codes needs to be improved
- ii. A lot of repetition in the codes need to be minimized
- iii. The Content Code needs to have more accessibility for the industry
- iv. There is the need for a lot of open dialogues sessions with all media players and agencies that are involved in the media industry
- v. The government and related agencies must allow the media to have a little bit of space on how the media wants to disseminate news
- vi. All media players and related agencies have to work together with the government on certain campaigns to help improve the Content Code
- vii. The Content Code needs to be constantly updated
- viii. The Malaysian Communications & Multimedia Commission (MCMC) should educate those involved in the Content Code creation

- ix. Malaysian Communications & Multimedia Commission (MCMC) have to evaluate on how well the people in the industry adopt and adapt to the Content Code as to see the impact or results of Content Code usage
- x. More promotion should be given since not all players in the media industry know what is the Content Code
- xi. Those involved in the Content Code draw up process should understand the Content Code well
- xii. The Content Code needs to be less descriptive or detailed
- xiii. Each code needs to interplay, intertwine and support each other, not contradict.
- xiv. The government and agencies involved need to put a lot of effort and get the masses to understand the language used in the codes
- xv. The government has to trust and give some space for media players to regulate themselves
- xvi. There is the need to have a separation on which matters need government interference and which matters do not need government interference
- xvii. The Content Code needs to be reviewed often since the industry is evolving and changing all the time

CONCLUSION

Indeed, it is believed that media regulation and self-regulation will greatly shape the public opinion of Asian people. This initial finding is presented to encourage better media regulation in Malaysia in helping the nation develop towards becoming a more organic information society. It

is also important that Malaysia prepares to face new media challenges ahead. Established media self-regulation in Australia and Britain could be good examples to be adapted in the Malaysian media regulation. Considering our distinct Eastern culture and the uniqueness of multiculturalism in this country, implementing media self-regulation will pose a number of benefits such as promoting creative thinking among media producers; protecting consumers in handling complaints; safeguarding children's programs; and promoting accuracy and fairness in news. Importantly, through this system, new identity and cultural metaphors of information society will be shaped by industry practices rather than relying on the regulatory sanction set by the modern government.

With regards to the impacts of globalisation and information revolution, traditional media regulation is seen as a key obstacle to the socio-economic development of this country. It is now time to allow the media industry to regulate themselves to better encourage creativity and innovation in their practice. This will shape and harmonise attitudes and opinions of the information society to educate them for analyzing media content portrayed by media players.

Although it cannot be denied the importance of conventional regulation to the media industry for specific regulatory issues such as copyrights and ethics, the fact that introducing media self-regulation will offer a better structure of the Malaysian regulatory system across a variety of sectors of industry especially broadcasting, telecommunication, and online service-providers. Our findings showed that current content codes need to be largely revamped by considering some key aspects such as codes terminology used, regular updates, and society's needs and

demands. By shifting from the conventional media regulation to self-regulation of media environment, key industries will shape a new revolutionary framework for the information society in setting industry content codes.

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