

COMPETITION LAW ON MEDIA PLURALITY: A COMPARITIVE STUDY
BETWEEN MALAYSIA AND THE UNITED KINGDOM

By:

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Abstract

As of the year 1945, United Kingdom demonstrated a steadfast pledge to preserving media plurality. United Kingdom gave significant importance to competition law as a means of encouraging media pluralism. Malaysia, on the other hand, has recently implemented the Competition Act 2010. Its aims are to protect the competitive process for the benefit of businesses, consumers and the economy. This paper will first look at the implementation of the competition laws in the United Kingdom with regards to ensuring media plurality. Secondly, it offers the application of the Malaysian Competition Act 2010. Thirdly, it will review and compare both jurisdictions on the application of competition law with regards to safeguarding media plurality. Finally, it will conclude its findings and suggest recommendations.

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Chapter 1: Introduction

1.1 Research Background

The media companies' influence is more direct in that they have immediate access to the readers, listeners, and viewers of their publications. Media plurality can be a very crucial issues determining how free a press is. Media pluralism is one of the most vital components of a democratic society, which in turn is a prerequisite for sustainable social and economic development. The diversity of viewpoints published is invariably affected by the concentration of media in small groups of people. To suggest that people believe everything they read or hear is blasphemy, but if a particular message is repeated often enough, it will no doubt be gradually to be accepted as true.

Media Law is one diverse area that covers television, radio, print media, newspapers and many more. It governs the usage of the media in many countries. However, different countries have different laws regulating their media.

Malaysian law has various controls over the media. Article 10 of the Federal Constitution of Malaysia provides for the right of freedom of speech. However, it comes with certain restrictions. The four legislatures which act as a control mechanism to Article 10 are the Sedition Act 1948; which controls matters that are said to be seditious in Malaysia, Printing Presses and Publication Act 1984; which governs the printing press in Malaysia, Official Secret Act 1972; which prohibits anyone from getting information that is deemed to be secret in Malaysia and Communication and Multimedia Act 1996; which incorporates anything broadcasting¹.

One aspect of the laws of Malaysia that it is lacking in is that it does not promote media pluralism. Companies or entities that are affiliated to the government own our media. This shows the lack of pluralism in the media which is why we decided to research on this particular topic to include competition law in media ownership. Some even has said that the mainstream media in Malaysia is extremely centralised in its

¹ Lim, M. (2007). "The State of Media Control in Malaysia", paper presented at *International Communication Association; 2007 Annual Meeting*