

REGULATING FREEDOM OF INFORMATION IN MALAYSIA

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The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others

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“A little more persistence,

A little more effort,

And what seemed as hopeless failure,

May turn to glorious success”

III. ABSTRACT

This research is on the freedom of information law and its structure which already exists in the selected countries as well as the freedom of information enactment in the State of Selangor. The goal is to show that Malaysia needs a new set of law to regulate this right for freedom of information. This research is done by examining the current law available in Malaysia particularly in the State of Selangor. Besides that, this research seek to analyse the law and the structures of the freedom of information act in other countries such as the Freedom of Information Act 2000 applied in United Kingdom (UK) and the Promotion of The Information Act in South Africa including scholars articles, and relevant books and journals review. Upon understanding of the current situation, it becomes clear that Malaysia is in need of a set of law for regulating freedom of information to promote an open government which is visible to the people without secrecy. Thus, this research highlights the necessities for imposing law on freedom of information in shaping a better nation of Malaysia.

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CHAPTER TWO: FREEDOM OF INFORMATION

1.0 CHAPTER ONE: THE INTRODUCTION

1.1 Problem Statement

The problem we are facing right now in Malaysia is that we don't have the law in the federal level concerning the Freedom of Information. There are no specific act emphasize on the freedom of the citizen to seek the information from the authorities such as government agencies and the ministries and to what extent does the individual can have the access towards the government's document. Furthermore the existing Freedom of Information enactment in both Selangor and Penang does not have the uniformity pertaining to the *information application's procedure*. Therefore the purpose of conducting this research is to propose a new law which is legislate by the Parliament for the Federation that could cater the freedom of information's principle which consistent with both international model law and international standards regarding the freedom of information.

1.2 Conceptual Features

Article 19 of the Universal Declaration of Human Rights (UDHR)¹ stated that

“...Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and import information and ideas through any media and regardless of frontier...”

Under the Malaysian Constitution, Part II listed down various form of fundamental liberties of human in which no person shall be deprived of their life or their fundamental liberties in accordance to the law. One of the principles includes the freedom of speech and expression which cover a wide range of category.² This also includes the liberty of people to speak and write freely and in accessing information without any censorship or restriction by the government. However, this right to express is subject to certain restriction, either at the national level or the international level. In Malaysia, Articles 10(2) and (4) of the Malaysian Constitution provide the Parliament discretionary power to restrict this freedom if it deems necessary or if it effect the interest or security of the nation.

¹ UN General Assembly Resolution 217a(III), adopted 10 December 1948

² Article 10(1) of Federal Constitution Malaysia