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**A REVIEW OF THE COMMUNICATIONS AND MULTIMEDIA ACT 1998
IN ACHIEVING MEDIA PLURALISM**



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3. Report

3.1 Proposed Executive Summary

Achieving media pluralism is at the heart of the public interest policy in a democratic society (Just, 2009). It establishes the tenets of having different independent media owners with the availability of a variety range of contents regardless of patterns of demand (Doyle, 2002). The communications and multimedia law is expected to advance these public policy objectives via the structural regulation (ownership control), behavioral regulation (content control) and/or technical regulation (transmission control).

This research argues that Malaysia have taken a light and a relatively passive approach in addressing the issue of media pluralism via the communications and multimedia law. The existence of one Malaysian public listed company, Media Prima Berhad owning majority of the free-to-air commercial television stations nationwide i.e TV3, 8TV, ntv7 and Channel 9, raised the concern of the formation of one gigantic conglomerate controlling majority of the market. This development is not in line with the principle of media pluralism.

This research aims to analyse the extent of the communications and multimedia law in handling the above issues. Based on a qualitative research method, this research employs semi structure interviews involving the Ministry, a regulatory authority and two self-regulators. In total four respondents will be interviewed face to face using semi-structured interviews.

The outcome of this research is a new structured ownership rules including recommendations for amendment to the Communications and Multimedia Act 1998 in promoting and ensuring the practice of the principle of media pluralism among the industry players. Such modalities are very significant and fundamental in assisting the governance actors and the policy makers in improving the current media ownership regime.

3.2 Enhanced Executive Summary

Achieving media pluralism is at the heart of the public interest policy in a democratic society (Just, 2009). It establishes the tenets of having different independent media

the example of such scenario with the existence of one Malaysian public listed company, Media Prima owning majority of the free-to-air commercial television stations nationwide. One of the approaches is to use the legal mechanism in order to control media consolidation and to encourage local content.

The Malaysian *Communications and Multimedia Act 1998* (CMA) is enacted to replace the *Broadcasting Act 1988* and the *Telecommunications Act 1950*. The CMA combines three discrete sectors into one roof – broadcasting, telecommunication and the Internet. To date, there is no clear policy and media ownership rule promoting media pluralism. This allows a Malaysian public listed company, Media Prima to own all the free-to-air commercial television stations nationwide i.e TV3, 8TV, ntv7 and Channel 9. TV3 itself is able to reach 45 per cent of the total television audience share (Media Prima, 2007). With the combination of all four commercial stations, Media Prima may reach more than 60 per cent of the total audience share. In December 2010, the Malaysian government granted a new content applications service provider individual licence for TV Alhijrah. This channel aims to promote programmes on Islamic culture and values (TV Alhijrah, 2011) and this may narrow down the target demographic. Hence, Media Prima controls as a content provider will still last for quite some time.

Concern of media pluralism may arise from three considerations. First, there are political concerns which highlight the demands of democracy for a rich diversity of political voices and viewpoints to be expressed in the media (Graham, 1995, Shelanski, 2006). The variety of information accessible to individuals is considered crucial to a functioning democracy. Domination of a single voice with authority to disseminate a single political viewpoint may threaten democracy. A second perspective is cultural concerns which emphasis on the demands of cultural diversity to be reflected in the media (Doyle, 2002). Usage of minority language or involvement of certain races is example of how media portrays the process of maintaining cultural pluralism within society. Third is economic concern where dominance of media players increases the price of services and products (Graham, 1995). This may result in a range of information available only at an unreasonable cost for majority of the audience. In order to secure pluralism, the process of discovering alternatives viewpoints is to provide 'realistic opportunities' or in other words easily accessible and cheap services and products (Gibbons, 1999). What matter is the opportunity to have the choice and not what is actually consume.