

**A STUDY ON OMBUDSMAN AS AN ALTERNATIVE TO PUBLIC
COMPLAINT BUREAU (PCB) IN MALAYSIA**

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ABSTRACT

A Study on Ombudsman as an Alternative to Public Complaint Bureau (PCB) in Malaysia is a research paper focussing on the suitability of ombudsman to be practice in Malaysia. This research paper will touch on the weakness of PCB as an institution in handling the complaint lodged by the public towards the government. More importantly, the research paper will lay out the recommendations as to whether the ombudsman could be implemented in Malaysia by referring to the practice of ombudsman in United Kingdom, New Zealand and Mauritius. The research is set out systematically, firstly it deals with the historical background, the features and characteristics of PCB as well as their procedures on how complaints to be dealt with in Chapter Two. Secondly, in Chapter Three there will be comparison between the ombudsman process in United Kingdom, New Zealand and Mauritius in the aspects of history of development of ombudsman, legal powers, the procedure of ombudsman and nature of complaints. Thirdly, Chapter 4 deals with comparisons between PCB and the three ombudsmen which are United Kingdom, Mauritius and New Zealand. Finally, Chapter Five sets out the strength and weaknesses of PCB, recommendations and restriction in practicing ombudsman in Malaysia.

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CHAPTER ONE

INTRODUCTION

1.0 Introduction

Public Complaints Bureau (PCB) was set up in 1971 under the Prime Minister's Department. The Bureau was set up for two main objectives which are to bring about a closer rapport between the government and the public and to establish a channel, enabling the public to put forward their complaints in connection in government administration (or service), or complaints on federal administrative action deemed unjust.¹ The PCB has grown from time to time. It gave the opportunity to the public to complain of their dissatisfaction against all aspects of administration of the government except any issues that have been determined as the policy and underlying principles of the government.² However, its functioning depends entirely on the co-operation of the various government departments and agencies.³

In other countries like New Zealand, United Kingdom and Mauritius, they have the system that closest to PCB that practiced in Malaysia; known as ombudsman which has better features. An ombudsman can be defined as a government appointee who investigates complaints by private persons against the government.⁴ The term ombudsman is Scandinavian in origin and broadly means a grievance or complaints officer.⁵ Furthermore, ombudsman also known as a body that created by statute, independent from the government and impartial in their dealings with complainants and those complaints about. They exist to consider complaints by citizens that public organizations have caused them injustice by maladministration.⁶

¹ MP Jain, *Administrative Law of Malaysia and Singapore* (Malayan Law Journal Singapore 3rd ed 1997) p. 825.

² Ahmad Faiz Yaakob, Nadhrah A. Kadir and Kamaruzaman Jusoff, "Perspective of Malaysian Governance", 2 *Journal of Politics and Law* (2009) p. 52.

³ Note 1, p. 826.

⁴ "WordNet Search" available at wordnetweb.princeton.edu/perl/webwn accessed on 10 March 2011.

⁵ E Giussani, *Constitutional and Administrative Law* (Sweet & Maxwell London 1st Ed 2008) p. 334.

⁶ P Collcutt and M Hourihan, *Review of the Public Sector Ombudsman in England: A Report by the Cabinet Office* (Cabinet Office London 2000) p. 3.