

Why Are Malaysians Afraid Of Blowing The Whistle?

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Whistleblowing is defined as “the disclosure by organization members of an employer’s illegal, immoral, or illegitimate practices that are under control of their employers to persons or organizations who may be able to effect action” (Near & Miceli, 1985, p.4). In a way, whistleblowing could act as an effective internal control mechanism within organizations. Whistleblowing action is common in the Western countries; however, in Asia the whistleblowing action is sometimes regarded as unacceptable behaviour (Bond 1996).

Despite having the Whistleblower Protection Act 2010 (WPA 2010), Malaysia is still facing a low number of whistleblowing actions. Since 2012, the Malaysian Anti-Corruption Commission (MACC) revealed that out of a total of 8,953 complaints received, only 28 were from whistle-blowers (Wan Jan, 2017). The small number of whistleblowing complaints continues; in February this year, out of 17 complaints received by MACC, only 2 complaints came from whistle-blowers. Thus, generally, it appears that Malaysians are still hesitant to whistle blow.

Recently, the chief executive officer of IDEAS (Institute of Democracy and Economic Affairs) states that the extremely low number of whistle-blowers in Malaysia for reporting wrongdoings could reflect several loop holes in the WPA 2010 (Wan Jan, 2017). In a similar vein, Leong (2017) posits three areas that could cause Malaysians to be unwilling to whistle blow. The areas are protections for whistle-blowers, independence of the Act and whistleblowing mechanism.

Currently, protection is only conferred to whistle-blowers who disclose the wrongdoings to the enforcement agency. Those who whistle blow to a non-enforcement agency will not be protected. Another issue of concern is that the disclosure of wrongdoing could be made provided that such disclosure is not specifically prohibited by any written law. This provision makes whistleblowing almost impossible because substantial amounts of government documents, information and data are classified as official secrets under the Official Secret Act (OSA). Thus, disclosing such information would likely expose a whistle-blower to the alleged breach of the OSA.

As for the case of independence, the current practice is that the Minister plays an important function in the workings and implementation of the Act. Therefore, the enforcement agencies are not totally free from ministerial interventions in performing their duties. Finally, although various forms of reporting of wrongdoings such as walk-in, email, letter, fax, call, or a text message are allowed, specialised and dedicated units in handling such reports are still in need, specifically to stimulate

confidence in the whistle-blowers. For instance, whistle-blowers should be informed on a regular basis about the investigation which resulted from their disclosures. Finally, the current reward awarded to the whistle-blowers may not compensate for the risk of whistleblowing. Thus, this may deter them from taking such actions.

References

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