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From self-regulation to oversight: Understanding media council models

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ABSTRACT

The passage of the Media Council Act 2025 marks a historic milestone in Malaysia's media regulatory landscape, enabling the long-anticipated establishment of the Malaysian Media Council. Designed to function as an independent body, the Council aims to uphold press freedom while balancing other societal interests such as decency, privacy, misinformation, and public order. This paper critically examines three key regulatory models; the state-led, industry-led, and co-regulatory (co-led) models, drawing on comparative insights from selected jurisdictions. Through textual analysis of legal instruments and a review of secondary data, the study evaluates the practical implications, governance structures, and operational challenges of media councils worldwide. Special attention is given to how each model preserves journalistic independence, promotes ethical standards, and ensures accountability. While Malaysia's Council leans towards a co-regulatory framework, the paper argues that its success will depend on the clarity of its mandate, inclusivity in stakeholder representation, and insulation from political interference. The paper concludes with policy recommendations to strengthen the Council's credibility and effectiveness, with the broader goal of fostering a balanced and resilient media environment in Malaysia.

Keywords: *Media Council, Regulatory models, , Media Law, Human Rights, Freedom of Press*

INTRODUCTION

Press, as a profession, and media as it means, have played its role as the fourth estate in any democracy for ages; primarily functions as a system of checks and balances to safeguard its democratic integrity (Mill, 1859). The cruciality of its role brought about the understanding and consensus that such freedom of media and press should not only be protected by the constitutions of nations all over the world but also given proper recognition by numerous international legal instruments (Cunnigham, 2019). Nevertheless, in the context of Malaysia, the media industry has been long burdened with extensive legal restrictions enacted with the spirit of protecting public morality, security, and interest which restricts its freedom, and may as well potentially limit its role as an important component in a democratic setting (Smith & Perry, 2022). Conversely, the media sector possesses the capacity to exploit the free press, either by serving as a tool in political machinations or by catering to the disreputable, lurid interests of the general public to enhance its circulation (Haron et al., 2020). Consequently, the author contends that establishing a dedicated regulating entity, specifically a Media Council, is essential for achieving equilibrium between the two opposing extremes.

The Malaysian Media Council (MMC) is a recently formed independent entity dedicated to advancing media freedom, ethical journalism, and self-regulation within Malaysia's media sector. After decades of efforts and advocacy, the Parliament has officially given a nod to establish the MMC in February 2025 through the historic passage of the Malaysian Media Council Bill 2024 (Palansamy, 2025). The MMC is designed to serve as a self-regulatory body for the media, providing a platform for addressing grievances, promoting journalistic standards, and safeguarding the rights of media practitioners. The council comprises 21 members, including representatives from media companies, media associations, and other stakeholders and experts. The composition requires a minimum of one female member and one representation from the East Malaysian states of Sabah and Sarawak. Additionally, two government representatives nominated by the Communications Ministry will be part of the council. The Chairperson of the MMC must be independent, with no affiliations to politics, civil service, or the legislature (Palansamy, 2025).

The establishment of the MMC is generally welcomed as a novel strategy to fostering an independent and accountable media ecosystem in Malaysia. The establishment of MMC also marked the fulfillment of the promise by the current ruling coalition, Pakatan Harapan; which was part of the election manifesto for the General Election in 2018 (Pakatan Harapan, 2018). Although the establishment of the MMC is still at an early stage, proactive and continuous measures must be undertaken to ensure its sustained development, effectiveness, and independence. Learning from the successes and failures of other media councils or similar organizations remains vital for future improvement. Notably, the rise and eventual decline of the United

Kingdom's Press Council offers valuable lessons for the development of a sustainable and effective media regulatory body.

The author posits that the most critical factor determining the fate of a media council; whether it thrives or falters, lies fundamentally in its regulatory structure. This issue is pivotal, as different regulatory models entail distinct modes of governance, which in turn shape divergent democratic and social outcomes. For example, while a firm, state-led statutory model may be necessary to regulate an increasingly manipulative press, it could simultaneously pose significant threats to the health of a democracy. On the contrary, an industry-driven, self-regulatory framework primarily reliant on voluntary ethical adherence may seem ineffective in enforcement yet could foster a more favourable atmosphere for press freedom. Alternatively, a hybrid model or a co-led that seeks to incorporate the strengths of both approaches; while inevitably inheriting certain shortcomings may present another option. Nonetheless, three essential enquiries remain: which regulatory framework most effectively reconciles the necessity of preserving press freedom with the obligation to preserve competing interests such as privacy, decency, and public order? Which framework would most effectively support democratic activities in Malaysia?

Therefore, the main aim of this paper the available regulatory approach through the general regulatory spectrum, and to suggest possible improvements that can be incorporated in the future to enhance the effectiveness and independence of the newly established MMC. To achieve the research objectives outlined earlier, the researchers adopted a multifaceted approach by integrating qualitative research methodology with doctrinal legal analysis. This combination was chosen to provide a comprehensive understanding of the complex regulatory landscape surrounding media councils. Doctrinal legal research facilitated a structured, in-depth examination of legal texts, statutory instruments, and regulatory frameworks, while qualitative research allowed for the exploration of broader socio-political contexts and stakeholder perspectives (Mack et al., 2005). Countries and jurisdictions were selected for comparative analysis based on their diversity in regulatory approaches; state-led, industry-led, and co-regulatory, and their relevance to Malaysia's socio-political environment. Priority was given to systems frequently cited in global media governance discourse and those with established media councils operating under transparent legal mandates. By combining these methodologies and applying targeted comparative criteria, the researchers were able to critically assess both the legal foundations and real-world implications of various regulatory models

UNIVERSAL GUARANTEES AND LIMITATIONS OF PRESS FREEDOM: THE MALAYSIAN CONTEXT

Freedom of expression is fundamental to the democratic process, enabling public participation beyond the electoral sphere to include discussion, criticism, and policymaking engagement. The media, as a key instrument for expression, has thus been granted substantial protection under international law. Article 19 of the Universal Declaration of Human Rights (UDHR) asserts that every individual possesses the right to freedom of opinion and expression, encompassing the right to seek, receive, and disseminate knowledge via any medium and beyond national boundaries (Kaye & Tadjdini, 2023). The International Covenant on Civil and Political Rights (ICCPR) reinforces this principle while recognizing that freedom of expression may be restricted (Haron & Arsat, 2022). Article 19(3) of the ICCPR permits limitations to safeguard the rights or reputations of others, national security, public order, or public health (Joseph, 2020). However, restrictions must be provided by law, necessary, and proportionate, as emphasized by the Human Rights Committee (Joseph, 2022).

Although Malaysia has not ratified the ICCPR, the Federal Constitution protects freedom of speech under Article 10(1)(a), subject to limitations outlined in Articles 10(2), 10(3), and 10(4). Shad Faruqi (2019) notes that while some restrictions are justified to prevent abuses, Malaysia's broad legislative powers risk undermining the very freedoms they claim to regulate (Faruqi, 2019). Justifications for restricting journalistic expression encompass national security, public order, morality, and public health. Three principal legislative instruments, the Printing Presses and Publications Act 1984 (PPPA), the Sedition Act 1948, and the Communications and Multimedia Act 1998 (CMA), substantially influence media freedom. The PPPA requires licensing for publications, with wide discretionary powers given to the Minister to grant, suspend, or revoke permits. Despite amendments in 2012, including the removal of annual renewals, the PPPA retains restrictive features, such as criminalizing "false news" unless proven otherwise by the publisher (Mangsor et al., 2020). Similarly, the Sedition Act 1948 criminalizes expressions with "seditious tendencies," including acts perceived to incite disaffection against the government. In cases such as that involving Professor Azmi Sharom, criticism without incitement to violence was sufficient to trigger prosecution under the Act (Pedram et al., 2023). These broad and vague provisions potentially create a chilling effect on free speech, which may disproportionately impact media independence. At the same time, concerns persist over media partisanship and ethical lapses. Ownership of major news outlets by political interests has, at times, led to misuse of media power for defamation or political advantage, undermining public trust (Haron, 2020). The CMA 1998, particularly following its recent amendment addressing the dissemination of "grossly offensive" content, presents potential concerns for press freedom in Malaysia (Article 19, 2024). While the Act seeks to regulate online communication for public interest, the broad phrasing of certain provisions may unintentionally curtail legitimate journalistic activities. Without clear safeguards distinguishing critical reporting from prohibited content, there remains a risk that media practitioners could face undue constraints, thereby affecting the vibrancy of democratic discourse (Article 19, 2024).

Thus, while legal restraints on media freedom are internationally recognized in principle, achieving a fair balance in Malaysia remains a challenge. An independent Media Council could serve as a vital mechanism to uphold journalistic ethics while protecting the freedom of the press, but it must be ensured that the Council subscribes to an appropriate and balanced regulatory framework that respects both freedom of expression and the public interest.

REINTERPRETATION OF BASIC REGULATORY SPECTRUM: STATE-LED, INDUSTRY-LED OR CO-LED?

The establishment of MMC represents a significant milestone in the evolution of media regulation. Nonetheless, a precise understanding of its regulatory positioning remains indispensable. While questions of operational efficacy are often raised, the more critical concern, in the author’s view, lies in safeguarding the Council’s independence (Haron & Shuaib, 2022). A correct adoption of an appropriate regulatory spectrum is therefore essential to balancing the Council’s effectiveness with its autonomy.

In examining the issue, the author has reviewed various scholarly efforts to categorise regulatory frameworks. However, considering Malaysia’s long-standing experience with direct executive control over the press, the degree of state interference must serve as the principal benchmark. In this respect, the regulatory continuum proposed by Peter Vass and Ian Bartle offers a particularly cogent analytical lens, as illustrated in Figure 1 (Bartle & Vass, 2005). The positioning of the Media Council within this framework will ultimately ascertain its capacity to authentically function as a protector of press freedom while upholding the credibility essential for a dynamic democracy.

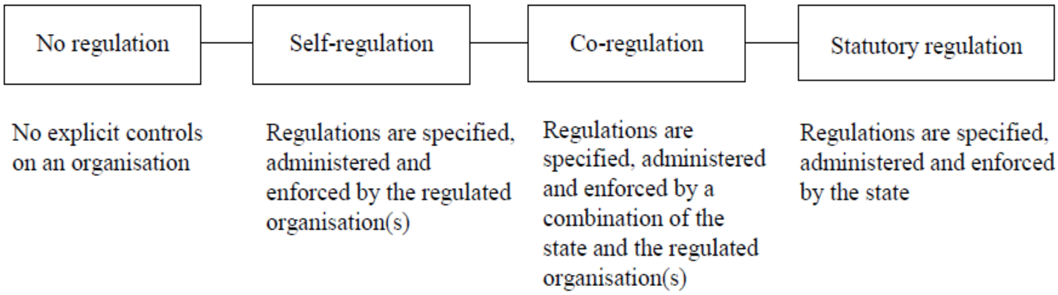

Figure 1: A simple single-dimensional regulatory spectrum extracted from Bartle and Vass (2007, p. 886). Note: Adapted from Self-Regulation Within the Regulatory State: Towards a New Regulatory Paradigm? by I. Bartle and P. Vass, 2007, Public Administration, 85(4), p. 886

Referring to Figure 1, Peter Vass and Ian Bartle identify "organisations" and "the state" as principal regulatory actors. However, their terminology is notably broad and warrants further clarification for this paper. It is possible they deliberately left the definitions open to permit contextual flexibility. In this context, "organisations" are understood to include direct stakeholders within the press industry, such as publishers, media proprietors, journalists, professional associations, academic experts, and, in contemporary settings, press consumers. Meanwhile, "the state" ought to be interpreted broadly to encompass not only the executive, but also Parliament and, within the Malaysian context, the *Yang di-Pertuan Agong*.

Notwithstanding its elementary and unidimensional character, as noted by Peter Vass and Ian Bartle, the regulatory spectrum illustrated in Figure 1 offers a foundational framework. While alternative spectrums proposed by other scholars and organisations introduce greater complexity by focusing on diverse elements and varying centres of regulatory authority, the model articulated by Vass and Bartle remains, in the author's considered view, the most precise and comprehensible for analysing regulatory structures within this field.

Nonetheless, Peter Vass and Ian Bartle observed that the regulatory spectrum illustrated in Figure 1 is simplistic and one-dimensional (Daud & Azmi, 2023). Alternatively, many regulatory frameworks proposed by different scholars and organisations encompass diverse spectrums, each characterised by distinct elements and varying concentrations (Haron & Shuaib, 2018). Historically, the concept of regulation evolves in reaction to the development of political, cultural, and technological advancements within society. For instance, modern self-regulation can be traced back to the 19th century and earlier in Britain. Driven by the rise of capitalist market economy, helped by Industrial revolution, led to a formation of hosts of regulatory authorities, from the hands of sovereign industries, given them room to self-regulate in exchange of economic flexibility. Such development ushered the era of “self-regulation” in the United Kingdom. However things changed in the 20^{th} century where there was a huge shift in regulatory approach, where state-led regulation beginning to replace *laissez-faire* governance. This shift marked by the formation of numerous statutory-based authorities, of which a direct result to the global security uncertainties of the two World Wars and the Cold War. During this period, the state’s grip over significant issues, including the press, has been tightened to protect national security.

Despite the trend towards industrial deregulation in Britain during the mid-20th century, Peter Vass and Ian Bartle noted public disillusionment with self-regulation, largely stemming from scandals, abuses of power, and the inefficacy of self-regulatory bodies, which subsequently prompted calls for a more robust oversight framework. This discontent paved the way for the reemergence of self-regulation in certain sectors, notably in communications, where it was seen to counteract excessive state intervention that had stifled competition. Notwithstanding the criticism directed at self-regulation, its gradual renaissance in the communication sector, particularly in the context of globalisation, signals the growing demand for self-regulatory systems at the transnational level. Vass and Bartle noted that the absence of a dominant state actor in global governance has allowed private regulatory authorities, particularly those overseeing online industries to flourish.

While in Malaysia, the deregulation of industries can largely be attributed to the government’s privatisation move of the 1980s. The privatisation process introduced new regulatory bodies to oversee the operations of privatised entities, with a specific focus on communication and multimedia sectors. Legislative initiatives, like the Malaysian Communications and Multimedia Commission Act 1998, for instance, created a regulatory agency responsible for cyberspace governance. Given this context, the establishment of a regulatory body for the press, in the form of a Media Council, is imperative. Therefore, determining the appropriate regulatory framework for such a body is crucial. Although the Malaysian Media Council has already been established, discussing its regulatory framework remains important for several reasons. First, the council's effectiveness and independence are crucial for ensuring the proper functioning of media regulation. The discourse surrounding its structure and regulatory spectrum helps to identify potential gaps or areas for improvement in its governance, ensuring that it can better serve its purpose in a rapidly evolving media landscape. Second, the establishment of the Media Council does not guarantee its ability to function optimally within the existing legal and political context. A continued discussion about its regulatory framework can help highlight the challenges it faces in balancing independence from state influence with the need for effective governance, especially in light of ongoing technological advancements and shifting political dynamics. Lastly, addressing the Media Council's future regulatory approach provides a platform for refining its role in safeguarding press freedom, promoting journalistic ethics, and supporting democratic practices in Malaysia. Therefore, despite its current existence, further analysis of its regulatory structure can contribute to its evolution and improve its capacity to address both present and future challenges in the media sector.

Statutory Regulation and State-Led

The phrase statutory is commonly perceived as synonymous with orthodoxy, rigidity, tradition, and comprehensive state control over the relevant body. While the author may hold a somewhat different view, we concur with the contention that the "statutory model" in this context refers primarily to a state-led approach, rather than merely indicating that the body is created through legislation. This comprehension corresponds with Vass and Bartle's fundamental interpretation of statutory regulation, in which "regulations are delineated, administered, and enforced by the state." (Bartle & Vass, 2005). It follows, therefore, that a statutory model — as defined by Vass and Bartle — implies a high degree of state intervention in the affairs of the regulatory body, including matters such as appointments, funding, and the categorization of appointees. In certain instances, statutory bodies may also be vested with sanctioning powers, as conferred by their enabling legislation (Haron & Shuaib, 2022).

The Queensland Treasury states that the primary objective of creating a statutory entity is to execute specific functions that the government believes may be more efficiently conducted outside a conventional departmental framework (Queensland Treasury, 2016). Furthermore, the Queensland Treasury delineates various objectives for the establishment of a statutory body, which include: (i) achieving operational independence from the government, (ii) diminishing financial dependence on annual appropriations, (iii) forming a distinct entity, and (iv) ensuring specialised expertise on the governing board (Queensland Treasury, 2016).

In Malaysia, the definition of “statutory body” as stipulated by legislation seems to be conflicting with one another. For instance, Section 2 of the Statutory Bodies (Power to Borrow) Act 1999; characterized a statutory body as; *“anybody that is established* *by federal law".* The definition stipulated in the provision, nonetheless, in the author's view is ambiguous, and unclear since even a co-regulatory body; that is part of a self-regulatory model can also be established through statutes (Senden, 2005). Whereas Section 2 of the Statutory Bodies (Discipline and Surcharge) Act 2000 defines a statutory body as a body, by whatever name designated, established by federal law for the purposes of the Federal Government, excluding a local authority. Conversely, Section 2 of the Statutory Bodies (Accounts and Annual Reports) Act 1980 defines a statutory body as anybody corporate, regardless of its designation, that is established under federal law and functions as a public authority or an agency of the Government of Malaysia, excluding local authorities and bodies corporate incorporated under the Companies Act 1965 [Act 125].

Although there are slight differences between the two provisions, they share several common features. Both define a statutory body as an entity (1) established by law, and (2) explicitly excludes local authorities. However, the latter provision further clarifies that companies incorporated under the Companies Act 1965 are also not considered statutory bodies.

In Malaysia, many entities have been regarded as statutory bodies; for instance, among others; the Lembaga Tabung Haji (TH). A study conducted by the author on enabling statutes revealed the following common criteria of statutory bodies in Malaysia:

(1) Established via an Act of Parliament or state legislation.
(2) A statutory entity in Malaysia is typically led by an individual with the title of Executive Director, General Manager, or Chief Executive Officer, all of whom are appointed by the executive, the Yang Dipertuan Agong, or, in certain instances, the Prime Minister.
(3) The operation of the body is heavily controlled by the executive, either through the Prime Minister or the concerned Minister of that respective portfolio.
(4) Notwithstanding its distinct legal entity status, the yearly budget and development plan of the appropriate body are typically formulated by the executive.
(5) Moreover, alterations in its internal personnel are strictly regulated and overseen by the government, specifically by the Treasury Department and the Civil Service Department.

Consequently, according to the aforementioned criteria, it may be inferred that a statutory body in Malaysia is a "state-led" entity, predominantly governed by the state, aligning with the prior observations of Peter Vass and Bartle. Countries governed by a state-led media council exhibit inferior press freedom compared to those that often engage in self-regulation, as seen in the World Press Freedom Index. For instance; India (159), United Arab Emirates (160), Jordan (132), and Egypt (170) (Reporters Without Borders, 2025). This generally shows that a state-led press or media council is harmful towards press freedom.

The Press Council of India (PCI) is one example of a state-led media council that falls within the common criteria mentioned earlier. PCI is generally instituted through the Press Council Act 1965. PCI is a quasi-judiciary body as it also plays its role as an arbitrator in entertaining complaints from the public against the members of the press industry. Nevertheless despite PCI being state-led in nature, however, it is not vested with any penal sanction capacity (Press Council of India, 2020). It is also based on the realization that a penal sanction may encourage abuse of powers, which may further curtail freedom of the press in the country (Press Council of India, 2020).

State-led media councils, while established to regulate and oversee media practices, may encounter challenges that could impact their effectiveness and credibility. One primary concern is the potential for limited independence from governmental influence. In certain cases, state-established media councils may encounter challenges in preserving their autonomy, particularly when funding and appointments are subject to political influences. (Haron et al., 2019). This can lead to perceptions of bias and reduced public trust in the council's decisions. Additionally, the council's effectiveness may be hindered by its limited enforcement powers. While it can establish codes of conduct and handle complaints, it may lack the authority to impose binding sanctions or penalties on media organizations. This limitation reduces its effectiveness in ensuring compliance with ethical standards and holding media practitioners accountable. Furthermore, striking a balance between regulation and media freedom is crucial. Overly stringent regulations may stifle journalistic creativity and expression, while insufficient oversight can lead to ethical lapses. Therefore, the council must navigate these dynamics carefully to foster a media environment that is both responsible and free (International Federation of Journalists, 2025).

The Self-Regulatory Regime or Industry-Led?

One of the subcategories of self-regulation according to Peter and Vass, is known as 'facilitated', in refers to a type of self-regulation backed by legislation, but the state or public authority plays a huge role in encouraging, supporting and approving such scheme to be implemented (Bartle & Vass, 2007). One organisation in Malaysia that roughly aligns with this definition is the Malaysian Advertising Standards Authority (ASA). The ASA was established in 1977 to spearhead the initiative of promoting awareness of ethical conduct in advertising.

In the absence of specific legislation regulating advertising activities in Malaysia, the ASA significantly addresses this gap by enforcing a self-regulated ethical code of conduct, specifically the Malaysian Code of Advertising Practice, which is voluntarily adhered to by its members. Despite ASA being self-regulatory, it has the authority to investigate and is also equipped with sanctioning powers should there be any infraction committed by its members (Malaysian Code of Advertising Practice, 2025). The primary benefit of ASA, as an industry-led self-regulatory organisation, lies in promoting the voluntary ethical commitment of its members to adhere to its code of conduct. However, regarding limits, the code is solely applicable to its members and sanctions, necessitating voluntary adherence from them.

In addition to 'facilitated', another industry-driven self-regulatory sub-model outlined by Vass and Bartle is "tacit" self-regulation (Bartle & Vass, 2007). They assert that a "tacit" regulatory strategy closely resembles "pure" self-regulation, characterised by minimal or no governmental intervention in regulating participation (Bartle & Vass, 2007). The best instance of a tacit self-regulatory mechanism is the defunct United Kingdom's Press Complaint Commission (PCC). The PCC assumed the responsibilities of its predecessor, The United Kingdom's Press Council, in 1991, functioning as a regulatory entity to address public grievances regarding newspapers and magazines. Despite it being established to remedy the failure of its predecessor, the Press Council, nevertheless, it has failed to serve its purpose, according to Sir David Calcutt, the head of a parliamentary committee known as the Calcutt Committee. The Committee asserted that the PCC, like its predecessor, remained significantly influenced by the media sector, compromising its intended independence. Interestingly, he also suggested as establishing a new regulatory body in the United Kingdom that is backboned by legislation to replace the PCC as it seems to be 'toothless' in enforcing its ethical code and conduct among journalists (Cohen-Almagor, 2014). The proposal by David Calcutt was, however, met with opposition by the press industry and therefore did not materialize. Analysing the experiences of the Advertising Standards Authority (ASA) and the shortcomings of the United Kingdom's Press Complaints Commission (PCC) reveals various advantages and downsides of the self-regulatory system. Among its advantages, self-regulation allows for effectively utilising the collective knowledge and expertise of industry stakeholders. This is because the system is managed and driven by the industry itself, making it well-versed in its affairs. Secondly, a self-regulatory framework tends to be more flexible and adaptable to change. Moreover, as involvement is optional, it can cultivate a sense of devotion, pride, and dedication among professionals and the broader industry. Lastly, self-regulation can ease the financial burden on the state, as the government is not required to oversee or directly regulate the sector.

The method is not devoid of problems, largely related to the failure of PCC in the United Kingdom, as disclosed by Calcutt's committee. (Mazumdar & Harmon, 2016). Firstly, a self-regulatory mechanism centred upon its regulatory nexus on the industry, therefore, it is managed by the industry or with the bare minimum and to an extent, no state jurisdiction (Fengler et al., 2015; Haron et al., 2020; Haron & Shuaib, 2022), therefore it may lead to a self-serving regulation based in nature. Decisions concerning grievances against the press may exhibit prejudice, as the industry may prioritise sensational profit over safeguarding the public interest. Moreover, as a self-regulatory body relies on voluntary adherence, penalties for violations may be negligible or nonexistent. The absence of disciplinary measures may result in noncompliance within the industry and exacerbate the frustrations of victims affected by media excesses. In addition, the jurisdiction of such a regulatory body that employs a self-regulation approach would be limited, since membership in a self-regulatory body is typically voluntary, members may withdraw at any time. This possibility of withdrawal can be leveraged as a form of pressure or threat against the regulatory body itself (Boshoff-Knoetze et al., 2023). Moreover, as the state is not involved in the self-regulatory body, its financial resources are typically derived from member contributions. Nonetheless, as membership is optional and can be rescinded at any moment, such withdrawals may serve as a financial coercion against the organisation, thus compromising its stability and reputation (Refslund, 2022). Additionally, while complaint proceedings within self-regulatory frameworks are often lauded for their flexibility and informality, the absence of clear, legally mandated guidelines and procedures may result in a lack of binding precedent. This, in turn, can lead to inconsistent decisions, further eroding the authority and legitimacy of the body (Refslund, 2022).

Given that both purely statutory and purely self-regulatory models have inherent limitations, a hybrid approach that integrates elements of both may offer a more balanced and effective solution. With the Malaysian Media Council (MMC) now established following the passage of the Malaysian Media Council Bill 2024, the focus should shift from debating regulatory models to enhancing the existing framework. This hybrid model aims to combine the independence and flexibility of self-regulation with the authority and accountability provided by statutory backing, thereby strengthening the MMC's capacity to uphold journalistic standards and media freedom in Malaysia.

The Hybrid – A Co-regulatory Scheme

As previously discussed, both industry-led and state-led models of media governance present distinct advantages and limitations. A self-regulatory or industry-led approach offers greater autonomy from state interference but may lack enforcement power and risk becoming self-serving. Conversely, a statutory or state-led model provides robust enforcement mechanisms backed by state authority but can lead to excessive governmental control over media operations. Given these considerations, a hybrid framework, known as co-regulation; emerges as a balanced solution. This model combines industry self-regulation with state oversight, aiming to leverage the strengths of both approaches while mitigating their weaknesses (Minna & Horowitz, 2024). Co-regulation has been successfully implemented in various countries, such as Australia and the United Kingdom, to address the complexities of modern media governance.

Co-regulation, while resembling self-regulation in several aspects, is uniquely characterised by the incorporation of 'social responsibility' into a legislative context. In contrast to statutory regulation, which frequently either omits industry participation or enforces it through governmental mandates, co-regulation actively involves all press stakeholders, including consumers, in the decision-making process. This collaborative approach ensures that all parties adhere to duties stipulated by law. Furthermore, co-regulation not only minimizes government intervention in the press but also alleviates the state's operational costs, time, and manpower by promoting efficient self-regulation within the industry. Thus, while statutory bodies are state-led and self-regulatory bodies are industry-led, co-regulatory bodies represent a co-led model, jointly led by the state and stakeholders (Minna & Horowitz, 2024). On the other hand, there are various definitions of the model. The United Kingdom Office of Communication (Ofcom) defines co-regulation as the delegation of responsibility for maintaining and applying an approved code of practice to the relevant industry by a body with statutory regulatory authority. The statutory regulator oversees the efficacy of co-regulation and maintains the authority to interfere when required (Ofcom, 2008). Bartle and Vass define co-regulation as a regulatory approach where a public authority delegates statutory powers or regulatory tasks to an industry or professional-led body (Bartle & Vass, 2007). This delegation allows the industry to develop and administer codes of conduct or standards, while the public authority provides the legal backing and oversight necessary to enforce compliance (Bartle & Vass, 2005). This model aims to combine the expertise and responsiveness of the industry with the legitimacy and authority of the state, creating a balanced regulatory framework (Bartle & Vass, 2007).

According to Bartle and Vass, apart from "delegation", another sub-category of a hybrid mechanism is called "devolved". Generally, "devolved" and "delegation" are identical in character as both involved statutory backings. What distinguishes "devolved" from "delegated" regulation is that the latter provides clearer guidelines and procedures within its enabling statute, whereas the former refers to a self-regulatory body operating based on its own formulated code of ethics, which is nonetheless mandated and recognized by the state. In this regard, the author contends that while both models fall under the broader category of co-regulation, "delegation" tends to align more closely with the state or public authorities, as its objectives and operational framework are explicitly defined within enabling legislation. In contrast, "devolved" regulation is more industry-oriented, wherein the state merely confers legitimacy, typically through legislative recognition while granting the regulatory body conditional or even full autonomy to establish its codes of conduct and ethical standards (Auxtova & Brennan, 2024). Although Bartle and Vass suggest that the "devolved" model is predominantly applied to traditional professions such as law, medicine, and architecture, the authors posit that this model could be aptly extended to include the press, given its stature as a professional and ethically bound field (Bartle & Vass, 2007).

One of the glaring instances of a "devolved" press regulatory mechanism is the Danish Press Council, or in Danish, *Pressenævnet*. The Danish Press Council was established under the Danish Media Liability Act, leading some to characterize it as a statutory body due to its legislative origin. Lara Fielden asserts that the Council functions within a co-regulatory framework for two primary reasons: firstly, its operations encompass both statutory authority and self-regulatory elements; secondly, the Council designates itself as an independent public tribunal established under the Media Liability Act (Coe, 2023; Fielden, 2011, 2012). Supporting this interpretation, the Law Commission of New Zealand, in its report on digital media regulation, similarly classifies the Danish Press Council within the category of co-regulation, reinforcing the view that legislative foundation does not preclude a hybrid regulatory approach (Barker & Evans, 2007; New Zealand Law Commission, 2011). Moreover, the "devolved" nature of the Danish Press Council is evident in its rules, as stipulated in its enabling legislation, which confines its duty to delineating the fundamental regulatory framework of the Council. The Media Liability Act delineates, among other provisions, the composition of the Council, the appointment procedure, the complaint system, and ethical misconduct regulations. The Council is tasked with formulating and enforcing a code of ethics, titled “The Press Ethical Rules.”

Moreover, there is no state representative appointed to the Council, thereby reinforcing the notion that the regulatory framework is primarily shaped by the industry, albeit with the state’s formal recognition and legitimacy. This structural choice reflects a deliberate effort to ensure greater industry autonomy within a co-regulatory model. Additionally, the Council's funding is sourced entirely from the industry rather than the state, further dispelling the perception that governmental influence directs its operations or decisions. Beyond the aforementioned indicators of the Danish Press Council’s “devolved” characteristics, the author seeks to highlight several additional yet often overlooked features that enrich its co-regulatory model. Notably, the Council’s legal framework does not rigidly confine participation to a binary relationship between the state and the industry. Instead, it adopts a more inclusive and stakeholder-oriented approach, extending participation to members of the general public. The Danish Council for Adult Education nominates public representatives to serve on the Council, ensuring that the viewpoints of ordinary persons are incorporated into the development of its regulations and policies. This broadened participation is particularly significant in the contemporary media environment, where the boundary between content producer and consumer has become increasingly blurred. With the proliferation of internet platforms and social media, consumers are no longer merely passive recipients of press content but also active contributors to its creation and dissemination (Fielden, 2012, 2013; Haron & Shuaib, 2018, 2018).

Moreover, even a government-backed press council like the aforementioned Press Council of India encounters difficulties in enforcing sanctions, frequently earning the designation of a "toothless tiger." (SRIVASTAVA, 2012), the Danish Press Council, even though a co-regulatory, furnishes otherwise. The reason is, that despite the Council is not equipped with penal measures, the state can intervene through law and impose penal sanctions on behalf of the Council. This feature establishes a "backstop authority," facilitating a mutually beneficial scenario for co-regulation. It preserves self-regulatory attributes that promote voluntary adherence to moral standards while simultaneously providing the Council with sufficient mechanisms to enforce its authority should voluntary compliance prove inadequate.

Nevertheless, since co-regulation is a blend that possesses both features of an industry-led and state-led regulation, therefore it is foreseeable that it would also have weaknesses and benefits of the said models. Mahyuddin Daud highlights that co-regulatory bodies may risk industry dominance, particularly when there is no state representation, potentially leading to decisions that prioritize industry interests over the public good (Daud & Ida Madieha, 2021). For this reason, the authors emphasize the importance of including consumer representatives to ensure public interests are upheld. Mahyuddin also warns that such bodies may overregulate their members, especially when empowered to impose sanctions, and that state-backed enforcement mechanisms could inadvertently increase public enforcement costs (Daud, 2019).

Notwithstanding the aforementioned constraints, the benefits of a co-regulatory body appear to surpass its drawbacks. Mahyuddin Daud asserts that a co-regulatory body is economically efficient, both financially and in terms of labour. (Daud & Ida Madieha, 2021). The reason is, that unlike some statutory bodies that might be incapacitated by bureaucracy, a co-regulatory body may not encounter the same challenges, as state interference is typically minimal, preserving a degree of industry autonomy while still maintaining public legitimacy. Moreover, a co-regulatory media council typically possesses its own dispute resolution system, which can diminish adjudication costs relative to conventional court proceedings (Haron & Daud, 2021). Moreover, as a co-regulatory organisation is specialised to the business, concerns pertinent to the media and press can be addressed more effectively (Daud, 2019). Co-regulation, as a collaborative regulatory approach between the state and stakeholders, fosters a robust partnership among government entities, industry participants, and the general public. This model enables stakeholders to retain self-regulatory attributes by allowing them to develop, formulate, and administer their own rules and codes of ethics. These self-formulated guidelines gain legitimacy through legislative endorsement by the state, ensuring that they align with broader legal frameworks. Furthermore, this joint governance structure permits the state to intervene in enforcement matters as a last resort, particularly when there is non-compliance with the body's directives. Such a mechanism ensures that while the industry maintains autonomy in rule-making, there remains a safeguard to uphold public interest through state-backed enforcement when necessary.

CONCLUSION AND IMPLICATIONS

The Malaysian Media Council's co-regulatory approach, grounded in the theoretical framework of Bartle and Vass, offers a promising pathway toward a balanced and resilient media environment in Malaysia. Compared to the UK's now-defunct Press Complaints Commission (PCC); which exemplified an industry-led model but ultimately failed due to lack of accountability and public trust, the MMC benefits from formal legislative backing, which provides stronger legitimacy and oversight. In contrast to the Indian Press Council, a state-led model criticized for limited independence and perceived government alignment, Malaysia's model seeks to empower industry voices while maintaining necessary state support. Notably, the MMC bears closer resemblance to the Danish Press Council, a co-regulatory body that has been commended for its inclusive structure and effectiveness in balancing press freedom with ethical responsibility. This structure fosters a mutual ecosystem among the government, media industry, and public stakeholders, promoting journalistic independence and accountability. The inclusion of diverse stakeholders ensures that the regulatory framework addresses the complex challenges of the contemporary media landscape, such as misinformation and the balance between press freedom and public interest. However, the effectiveness of the MMC will depend on a clear delineation of roles, transparent governance, and mechanisms to prevent undue influence from any single party. Drawing from international experiences, it is evident that successful co-regulation requires continuous engagement among stakeholders, adaptability to evolving media dynamics, and a commitment to upholding democratic values.

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