

**THE MALAYSIAN WHISTLEBLOWER PROTECTION ACT 2010:
A GLANCE AT THE ASPECTS OF LEGAL IMPLICATIONS AND ISLAMIC
VALUES**

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INTRODUCTION

Whistle blowing is an act identified within the context of organization and management as an organizational behavior. In most cases employees express concerns and report possible organizational wrongdoing to members of management and in return expected the company or organization to instigate investigation and take corrective action if necessary. These employees identified as whistleblowers reported or call attention to possible wrongdoings within the organization, which are wasteful, fraudulent or acts that may cause harm to the public. Internal whistle blowing involves reports on unethical or illegal acts within the organization whilst, external reporting refers to the whistleblower going outside the organization to affect a response if internal reporting was unsuccessful. Respectively there are four components in whistle blowing, the whistle blower, the complaint receiver, the organization or body against which the wrongdoing is alleged and the incidents of wrongdoing itself. The most commonly accepted definition of whistle blowing is:

“The disclosure by organization members (former or current) of illegal, immoral, or illegitimate practices under the control of their employers, to persons or organizations that may be able to affect action”.²

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Being a controversial aspect of organizational behavior there are conflicting responses to whistle blowing, which often perceived whistle blowers as troublemakers, traitors, opportunistic, snitches and damaging to the company's reputation. However this paper takes a stand in proposing the notion that only genuine disclosures made in good faith will constitute whistle blowing and that only employees with these qualities can fit into the description of a whistleblower.

WHISTLEBLOWING RELEVANCY

Whistle blowing must be viewed in a positive manner to ensure that the present perception made against the act of whistle blowing may be effectively changed for the benefit of the organization concern. This is simply because whistle blowers who choose to blow the whistle are noble characters, genuinely believe that their concerns should be addressed by the company in order to stop or correct the wrongdoing that the organization is being accused of. Experience in the United States suggested that members of the management had been apparently unresponsive, even hostile to the employee's concerns. This is most obvious in cases where the accusations of wrongdoing are directed towards top management officials.

Employees are regarded as vulnerable in such a difficult situation and could face retaliation from the organization after the wrongdoing has been uncovered and reported. Often in the form of termination, transfers, reduction in job specifications, demotion, harassments and if matters become worse the employee might opt for an involuntary exit. Those who manage to hold their ethical resistance may have to suffer retaliation in silence since they are not willing to sacrifice their principles even for the sake of their own job.

² (Near and Miceli, 1985, p. 4).

Whatever controversies attached to the issue of whistle blowing, organizations must be able to accept openly that whistle blowing occurs in any organization and that it must be addressed and effectively managed. The company must be willing to address and protect disclosures made in good faith and where the whistle blower reasonably believes that the information and any allegation in it are substantially true. For example a model from the United Kingdom Public Interest Disclosure Act 1988 provides guidelines for companies when dealing with internal disclosures where a disclosure made in good faith to a manager or the employer will be protected if the whistle blower has a reasonable suspicion that the malpractice has occurred, is occurring or is likely to occur. The United Kingdom has a legislation to protect the act of disclosures and Malaysia already has a legislation pertaining to whistleblowing protection which came into being in 2010. However companies or business organizations are not prohibited from designing or formulating their own whistle blowing policy. In fact before the enactment of the legislation some corporate organization have already implemented their own internal policy regarding whistleblowing.

The idea of addressing whistle blowing within the organization must be viewed seriously. Internal whistle blowing involves the act of reporting to members of the management with the expectation that it will be effectively checked and investigated upon. But if the result is unsuccessful external whistle blowing will take place. **External whistle blowing** outlets have been identified as the act of wider disclosures to authorities like the police, the media, Member of Parliament and regulated bodies.

At this juncture of the whistle blowing process it may be difficult for the company to control the extent of disclosures and confidentiality of the incident concerned. The police will have to affect a thorough investigation and the media may instigate wider coverage over the issue and sensationalized it even further. Thus the organization's image and reputation will be at stake. Some may have to provide answers to an angry public or even potential lawsuit.

In this context organizations are encouraged to adequately address the issue of whistle blowing since there is potential seriousness of the matter. To turn the table to its own advantage it is suggested that organizations developed conditions whereby employees can feel that any act of disclosures will be effectively managed so that any ethical concerns may be communicated without any doubts or insecurities. The employer may consider taking steps as an effort to avoid litigation where whistle blowing is concern by developing effective complaint procedures, documenting all investigations and developing policies that encourage employees to comply with applicable laws.³ Other studies have obtained evidence that organizational actions influence individuals' decisions concerning whistle blowing.

For example there had been instances where organizational attempts to develop internal communication channels through which employees can express ethical concerns may increase the likelihood that employees discuss such concerns internally.⁴ Studies revolving around the impact of code of ethics on decision making have indicated that enforcement mechanisms make an action deemed to be unethical by the organization less desirable by imposing pecuniary and non-pecuniary penalties when one takes that action.⁵ However, it is believed that such measures may only be effective if employees responded by believing that his concerns of any unethical activity that is being reported will be readily addressed by the organization. A whistleblowing policy for an organization becomes more desirable when these studies found that the greater the benefits of undertaking unethical behavior, the more likely an individual will be to undertake such behavior. These benefits include the real, or perceived, ability to keep ones job if one engages in unethical behavior encouraged by a superior.⁶ Thus the existence of a whistle blowing policy will reduce the inclinations to commit such wrongdoings knowing that unethical or immoral behavior will not be tolerated by the organization and will be reported.

³ Clarke & Rosalia, 1994

⁴ Miceli and Near, 1984; Miceli and Near, 1988; Keenan, 1990; Barnett *et al*, 1992.

⁵ Lere and Gaumnitz 2003

⁶ lere and Gaumnitz, 2003

Studies have also indicated that whistle blowing activities will not cease by the act of retaliations, instead retaliations by organizations against whistle blowers, while not likely to extinguish whistle blowing, may encourage whistle blowers to remain anonymous, and to communicate their concerns to parties outside the organization, thus opening the path for external whistle blowing.⁷

MORALITY ISSUES

Studies have indicated that when organizational climate is supportive of whistle blowing one would expect more whistle blowing among “highly moral” individuals. Who are these “highly moral” individuals are not identified. Thus in the Malaysian context the result must be accommodated with localized values. Respectively religious values must take precedence and Islamic perspectives remain significant. However whistle blowing decisions are not simple and may be influenced by many factors. Several researchers have suggested that whistle blowers may be strongly motivated by the degree to which conditions suggest they will be efficacious.⁸ Other factors that have been identified are the seriousness of wrongdoing, encouraging comments of another observer and the status of the wrongdoer.

Once the whistleblower has reported an incident of wrongdoing the organization may respond in several ways but it would retaliate when the wrongdoing was particularly serious or widespread, when the organization did not support whistle blowing or when other organization members (like co-workers, supervisors or managers) were not supportive of the whistle blower.⁹

In cases where retaliations are severe or are expected to be severe whistle blowing may be suspended or may never take place at all. Thus the perception of other members of the organization is also an important factor for a whistle blower to decide whether to blow the whistle or not. In this respect the moral conflict does not lie with the whistle blower

⁷ Parmerlee *et al*, 1982; Near & Jensen, 1983; Near and Miceli, 1986

⁸ Farrell & Peterson, 1982; Near & Micelli, 1985

⁹ Near & Micelli, 1986)

but with the other members of the organization. If there is a general acceptance that the act of blowing the whistle is a moral behaviour it is highly likely that they will be more supportive of the act of disclosure.

Another moral conflict that is highlighted by this work is the issue of loyalty to the organization. Loyalty poses a moral conflict between the employee and the employer whereby this relationship demands the duty of loyalty. Whether by blowing the whistle on the firm's wrongdoing the employee is in breach of that duty. However this duty is also in conflict with the duty owed by the employee to the public. When an accused organization engaged in unethical and illegal activities that are endangering the public at large, the employee's duty of loyalty to the organization cannot take precedence over the interest of the public. Public harm must be avoided at all cost and that contractual obligation has ceased any basis or moral foundation demanded on the employee.

In fact by ignoring the wrongdoing an employee may be doing exactly the opposite of being loyal to the employer. This is because an employer who is acting immorally is not acting in her own best interest and employee is acting disloyally in blowing the whistle. Therefore an employee who blows the whistle may be demonstrating greater loyalty than the employee who simply ignores the wrongdoing.¹⁰

LEGAL ISSUES

There exists several legislation that specifically refer to whistleblowing and could be regarded as statutory initiatives pre-dating the Whistleblower Protection Act 2010. These laws are still in operation and include the Securities Industries (Amendment) Act 2003, The Companies (Amendment) Act 2007 and the Capital Markets and Services Act 2007 (Consolidated the Securities Industry Act 1983 and Futures Industry Act 1993). In tracing the realization of the need for a specific legislation to protect whistleblowing, reference can be made to one of the legislation concern. According to section 320 and 321 of the Capital Markets and Services Act 2007 essential elements of protection for

¹⁰ Larmer, 1992

whistleblowers are provided although it is only limited to those who operate within the system and not external. The protection apply to key officers in Public Listed Corporations (PLCs) such as the company's Chief Executive, financial statement officers, internal auditors and company secretaries. The protection is mainly to provide protection for persons against retaliation for reporting to relevant authorities in specific circumstances. This is an important element in whistleblowing protection due to obvious reasons. Disclosures which are protected by this law are with regard to breach or non-performance of any requirement or provision of the securities laws, any of the rules of a stock exchange and any matter which may adversely affect to a material extent the financial position of the listed corporation.

The receiving outlets or entities that have been prescribed by law to receive the complaints or reports are the Securities Commission for breach or non-performance of any requirement or provision of the securities laws. Secondly the relevant stock exchange or the Commission for breach or non-performance of any of the rules of a stock exchange and lastly the relevant stock exchange or the Commission for any other case which adversely affects to a material extent the financial position of the listed corporation. The protection afforded to the complainant includes no disciplinary action will be taken in the form of demotion, removal or suspensions, discrimination and interference into the lawful employment or livelihood of his/her person. Immunity from any legal suit for any report submitted in good faith and in the intended performance of his duties is also accorded to the employee.

The law explained in detail the unlawful acts that could be considered, examples of breaches or non-compliance of securities laws and stock exchange rules are activities such as false trading, market rigging, misleading statements and insider trading. However the Capital Market and Services Act does not address certain whistle blowing aspects that is crucial to deserve any legal protection that is reports coming from other officers and staff of the Public Listed Companies concern and matters that are not listed as reportable in PLCs. Furthermore the act is silent on other reporting outlets that are not named in the act itself that could facilitate the success of the whistleblowing endeavor.

This is where the Whistleblower Protection Act 2010 (WPA) came into the picture to address the lacking in existing laws with regard to legal protection for whistleblowers. This act applies to anyone who makes a disclosure of “improper conduct” to “enforcement agencies” and expressly provides for criminal sanctions and wide ranging remedies to the whistleblower who has suffered detrimental action by reprisals at the hand of the employer. Improper conduct has been defined by the act as conduct which if proved constitutes a disciplinary or criminal offence. Whilst “disciplinary offence” is defined as “any action or omission which constitutes a breach of discipline in a public body or private body as provided by law or in a code of conduct, a code of ethics or circulars or a contract of employment, as the case may be. There are conditions that must be fulfilled to qualify for protection that is, the disclosure must be a disclosure of improper conduct to any enforcement agency and based on a reasonable belief made in writing or orally.

The whistleblower may expect protection of confidential information, immunity from civil and criminal action, protection from detrimental action, imposed criminal sanctions against persons perpetrating retaliatory action and the availability of civil remedies against persons perpetrating retaliatory action. What is surprising is the protection from detrimental action extends to person related to or associated with the whistleblower for instance a family member or close partner. The lawmakers must be applauded for their forward thinking and in depth understanding for the welfare of those concerned. This law prescribed the entities that are able to receive the report which include any ministry, departments, agency or other body set up by the Federal Government (including its unit, section, division, department or agency) conferred with investigation and enforcement powers. What remains to be seen is this legislation is silent in identifying the custodian of the act since it is not associated at all with any ministries in government. The obvious understanding is that it should be governed by the Ministry of Human Resource.

Employees who come forward and disclose the act of wrongdoings particularly on the part of the employer or organization often face retaliations especially when employers

exercise their right to discharge at will. This practice is more prevalent in the private sector. In such circumstances where employers choose to demonstrate their authority employees may face transfer of workplace, the reduction of job specifications and in severe cases, termination. Thus such actions may deter other potential genuine whistle blowers from coming forward. In such cases the real issue at hand is to weigh duties as employee-citizen against the option of keeping silence as demanded by the employer.

Employees who blow the whistle or intend to blow the whistle on their employees or organization have to be wary of the legal implications on his part as an employee of the company. In the United States of America government intervention has been projected in the form of legislation and judicial decisions, which has assumed increasing importance in defining employee rights in the workplace. Judicial response to this trend has been translated into the creation of new legal causes of action for employees terminated in violation of public policy or in a manner contrary to employee handbooks. It is within this premise that judicial creativity and activism should play a role in developing our own jurisprudence in the area of legal protection for whistleblowers. This is especially so when the act did not define the word “court” and when this is the case the meaning in the Interpretation Act is resorted to. “A court of competent jurisdiction” would suggest that the High Court will have jurisdiction. In effect jurisdiction is granted on the civil courts to reinstate employees (which is one of the remedies for the whistleblower) an area which was placed strictly under the jurisdiction of the Industrial Courts before the emergence of the WPA.

Government employees are subject to conditions of their employment that are rather mixed. All government employees are subjected to Article 132-148 of the Federal Constitution. Constitutionally they are protected by provisions restricting the dismissal or reduction in rank by an authority subordinate to such employees, which at the time of the dismissal or reduction, that authority has power to appoint a member of that service of equal rank. The protection afforded by these constitutional provisions is consistent with the principles of natural justice, which must be applied in any process of decision-making where the interests of individuals may be affected by such decisions. In this respect two

components of natural justice are applicable that is the right to be heard and the rule against bias. The right to be heard in matters concerning dismissals and reduction in rank can be found in Article 135(2) of the constitution where all members of the service have a right to be given a reasonable opportunity of being heard. The importance of such protection is reflected by the fact that every person who is a member of the public service holds office during the pleasure of the Yang di Pertuan Agong (at state level, they hold office during the pleasure of the Ruler or Yang di Pertua Negeri). In this context holding office during the pleasure of the Yang di Pertuan Agong or Yang di Pertua Negeri represents the understanding that public servants are responsible to the Yang di Pertuan Agong who is the symbol of the government. Hence even though the government as employer of public servants has the upper hand of firing and hiring they must observe the rules of natural justice to ensure legitimacy of their actions.

Moreover the employee is able to justify his actions of blowing the whistle by referring to his constitutional rights to freedom of speech. There is no justification in saying that a person must be punished for exercising his rights and at the same time be disloyal to his organization. Freedom of speech coincides with the right of the public to be informed of all actions, deliberations and decisions made by the executive or other administrative authorities. Government administrative agencies have been described to be one of the outlets for external whistle blowing. Therefore any disclosure, which is of public concern, must be conveyed to the public. It must be borne in mind that the right to such information cannot be an absolute right. Where the information are those which affects the security of the nation that may be to the prejudice of other members of the public the government will not disclose to the public.

This is demonstrated by the fact that in Malaysia individual rights to free speech are not absolute and are subjected to certain important restrictions. This would apply to state constitutions as well. Article 10 governing the right to freedom of speech, assembly and association provides a number of restrictions to the enjoyment of these freedoms. These constitutional limitations give Parliament the power to impose through the use of legislation, restrictions as it deem necessary or expedient in the interest of the security of

the Federation or any part of it, friendly relations with other countries, public order or morality and restrictions designed to protect the privileges of Parliament or of any Legislative Assembly or to provide against contempt of court, defamation, or incitement to any offence. The effects of these restrictions seemed wide enough to cover everything but the extent of enforcement solely belongs to the Minister of Home Affairs to execute. Moreover if existing legislation is not sufficient to regulate any changes or new circumstances Parliament needs time to legislate such laws since every law has to undergo the law-making process in Parliament before it matures into an Act of Parliament.

Malaysian law on protection of free speech offers a stark contrast to the United States version whereby constitutional freedom of expressions is protected by the federal constitution and state constitutions. Although there are problems related to uniformity, courts have afforded this protection based on public policy mandates, which are interpreted as embodied in the federal and/or state constitutions. These rights are limited when it comes to government employees in accordance with a judicial ruling that a government employee is only entitled to the constitutional protection of free speech unless it substantially and materially interfered with the operations of government offices. This restriction coincides with the security provision present in Article 10 of the Malaysian federal constitution. It is a fact that in the United States the first statute providing protection to the right to free speech of private whistle blowing employees was adopted in Michigan and has served as model for the subsequent attempts at providing a limited protection for private employees' freedom of expression. It is entitled the whistleblower's protection Act which provides as follows;-

“An employer shall not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, locations. Or privileges of employment because the employee or a person acting on behalf of the employee, reports or is about to report verbally or in writing, a violation or a suspected violation of a law or regulation or rule promulgated pursuant to law of this state, a political subdivision of this state, or the United States to a public body, unless the

employee knows that the report is false, or because an employee is requested by a public body to participate in an investigation, hearing or inquiry held by that public body or a court action.”

When freedom of expression is protected other rights will be able to enjoy the same benefits such as the right of the public to information. According to Raja Azlan Shah J. the right to know is not confined to public affairs alone. It arises also in private and family life, employment, the education of children, the health and social security of the family, and justice to all. He further stated that a free democratic society requires that the law should recognize and protect the right of the public to the information necessary to make their own choices and decisions on public and private matters, to express their own opinions, and to be able to act to correct injustice to themselves and their family. None of these rights can be fully effective unless the public can obtain information. Therefore loyalty to the public must be heralded over loyalty to the employer or organization in the form of whistle blowing.

An important feature of whistle blowing statutes in the United States is the remedial aspects of such statutes. Most provide for back pay and reinstatement and others recognize the right to compensatory and punitive damages and attorney’s fees. Surprisingly there are also provisions for civil or criminal fines. Some statutes also provide protection on the part of the employer whereby the court will award attorneys’ fees and costs to an employer that successfully defends a whistle blower suit if it can be shown that the employee’s complaint was without basis.

However it is suggested that employers must try to avoid at all costs any legal suits where whistle blowing is concern. In effect there must be efforts made by the organization to address internal whistle blowing before the occurrence of external whistle blowing. In avoiding whistle blowing suits, organization must first accept that wrongdoings occur in every institution and that employees are given the message that they can raise any of their ethical concerns without fear of retaliation. In this respect the employer or organization

has to determine whether the wrongdoing or illegal activity could be corrected so that immediate action can be taken.

THE ETHICS OF WHISTLEBLOWING IN ISLAM

The ethics of whistle blowing is caught between two extreme views, one view accuses whistle blowers as disgruntle employees who maliciously and recklessly accused individuals they feel have wronged them in order to attain their own selfish goals. The other view perceives that whistle blowers are noble characters, willing to sacrifice personally and professionally by the act of exposing unethical or illegal activities within the organization, some of which may be harmful to public safety. While one could safely side with one of these opinions it must be acknowledged that it is very difficult to find nowadays individuals who hold their ethical values and at the same time upholding these values by applying them into one's everyday lives. Therefore a person who find himself unable to accept unethical practices within the organization that he is a part of should be highly regarded rather than shun upon.

Would the value of reporting or exposing negative organizational practice has a place in Islam? The Western world has gone a step further by the act of addressing and acknowledging that whistle blowing is a pro-social behaviour. A pro-social behaviour is a positive social behaviour that is intended to benefit other persons (Dozier & Miceli, 1985). This is further evidenced by the provision of legal protection for whistle blowers in the American legal system both at federal level and state level. At the moment there exist a support system in the legal environment including legislation with a smaller scope, protecting the right to free speech of private whistle blowing employees which has been adopted in one state and has been considered in others. This is an act of legislating on ethical values which is not impossible to be practiced by organizations and society as a whole.

The idea of disclosure in Islam lies in the concept of correction of wrongdoing referred to as **an-nahyu-a-nil-munkar**. This concept has been described by Imam Al-Ghazali as the

core of Ad-Deen or religion and this can be applied in a general manner. In other words the honourable scholar holds the view that every religion is based upon this concept. This is duly incorporated by the idea of Allah sending down all the messengers and prophets to spread the idea of good triumphing over evil and that wrongdoing must be prevented.

Specifically the correction of wrongdoing must be communicated to the wrongdoer or to others, which can affect change. The act of informing or correcting must be immediately after the wrongdoing is uncovered. Elements of good faith must coincide with the intention of eradicating the wrongdoing permanently or at least be corrected. However this concept envisages a wider form of disclosure rather than disclosure, which is strictly carried out within the organization. From this premise the duty is obligated on every Muslim and does not only bind employees of organizations. Thus disclosure made within the organization is the narrow version of whistle blowing in Islam but is not necessarily insignificant or even superficial. In fact this level of disclosure represents the initial stages of the whole concept of whistle blowing process

It must be emphasized that the religion of Islam is not only a faith of its followers but it is a way of life that must be incorporated through one's daily routines. The faith and believe of a Muslim is part of his identity and culture/lifestyle. The encouragement of any moral and ethical act of any Muslim is generated by a reward scheme, which will be awarded in the afterlife. In short it is a concept whereby wrongdoing or evil deeds must be discouraged and prevented. In this respect a Muslim is demanded to be afraid of their sins and disobedience of Allah. This fact is demonstrated by the example set by Umar bin al-Khattab (r.a) one of the closest (Sahabah) friends to the Prophet Muhammad s.a.w. Umar who said in his letter to the Commander, Sa'd bin Abi Waqqas when he sent him for the conquest of Persia that "They (the Muslims) used to be afraid of their sins and disobedience of Allah more than they used to be afraid of their enemy or their enemy's great number and mighty weapons."

Justifications or evidential proof that Islam seeks to encourage and promote genuine whistle blowing made in good faith is demonstrated in both **Al-Quran** and **Al-Hadis**, two

most important sources of Syariah Law or Islamic Law. There is of course no direct reference to whistle blowing *per se* but the verses illustrated that the good must precede wrongdoing or evildoing by the act of preventing and discouraging conditions whereby wrongdoing might become the norm in any environment. In effect incidents of wrongdoing in an organization could be accommodated and the idea of reporting to one's superior is acceptable. The relevant verses in the Quran expressly promote the act of goodness and support the prevention of wrongdoing:-

In verse 104 Al-Imran it is provided that Islam is a religion that welcome the encouragement of doing goodness as against wrongdoings and praises those who are avoiding wrongdoings as successful Muslims whether in life or in the hereafter. The verse submits, "Let there arise out of you a group of people inviting to all that is good (Islam) enjoining Al-Maaruf (i.e Islamic Monotheism and all that Islam orders one to do) and forbidding Al-Munkar (polytheism and disbelief and all that Islam has forbidden) and it is they who are successful.

In the verse 78-79 of Al-Maidah it is provided that wrongdoings are behaviours that goes beyond what is permitted by God and that it is the duty of every Muslim to exercise checks over one another and they fail to do so thus condemn by God forever. The verse provides, "Those among the Children of Israel who disbelief were cursed by the tongues of Dawud (David) and Isa (Jesus), son of Maryam (Mary). That was because they disobeyed (Allah and the Messenger) and were ever transgressing beyond bounds. They used not to forbid one another from Al-Munkar (wrongdoing, evil-doing, sins, polytheism, disbelief), which they committed. Vile indeed was what they used to do."

In another Quranic verse Al-A'raf 165, the same reference was made to the importance of forbidding others from committing wrongdoings. The Verse warned, "So when they forgot the reminding that had been given to them, we rescued those who forbade evil, but we seized those who did wrong with severe torment because they used to rebel against Allah's Command (disobey Allah)."

In Hud verse 116 another warning was directed to the al-Munkar with these verses, “If only there had been among the generations before you persons having wisdom, prohibiting others from Al-Fasad (disbelief, polytheism and all kinds of crimes and sins) in the earth, except a few of those whom We saved from among them! Those who did wrong pursued the enjoyment of good things of (this worldly) life, and were Mujrimun (criminals, disbelievers in Allah, polytheist, sinners).”

The Al-Hadis comprise of the words of the Prophet Muhammad S.A.W further strengthened these justifications;-

In one very famous hadis which was narrated by Abu Said, the Prophet said, “Those who witness the Al-Munkar must correct it firstly with his hand, if cannot with his mouth (orally), if cannot with his heart and that is the lowest of Iman. **(Hadis Sahih Muslim)**.”

In similar vein narrated by Aisyah R.A., the Prophet said, “Allah S.W.T send torments to a city where 18,000 of its population have deeds equalizes the deeds of a Prophets and they asked him (the Prophet) why? The Prophet said they have never been angry as God is with the commission of the Al-Munkar and they have never asked people to do deeds gently and they never prohibit people from committing the wrongdoing, which is the Al-Munkar. **(Hadis Sahih Muslim)**”

As discussed, the sources of Islamic Law have illustrated among others the importance of preventing or stopping evildoing or wrongdoings to avoid sins and disobedience to Allah. Today mankind leads a different way of life in society. They are more conscious of advancing material possessions rather than seeking holistic path to uphold good over evil or wrongdoing. These characteristics, which prevail in most modern societies represent the reason why such values must be legislated to impose obedience in the course of promoting a more moral and ethical society. Such destiny is not chosen but obligated upon mankind by Allah that they are entrusted to carry out the Amanat (trust) that Allah has bestowed upon them. Allah said;

The Al-Imran verse 110 delivered the decree from God unto the Muslims with regard to the command that every Muslim must obey; that is, “You (true believers in Islamic Monotheism and real followers of Prophet Muhammad S.A.W. and his Sunnah) are the best of peoples ever raised up for mankind; you enjoin Al-Ma’aruf (Islamic Monotheism and all that Islam has ordained) and forbid Al-Munkar (polytheism, disbelief and all that Islam has forbidden) and you believe in Allah. And had the people of the scripture believed, it would have been better for them; among them are some who have faith but most of them are Al-Fasiqun (disobedient to Allah and rebellious against Allah’s command)”.

Finally, whistle blowing is an area of interest that is still gaining acceptance in Malaysia. There is still yet to be found a place for the term in the Malay dictionary.¹¹ It is up to the relevant authorities to formulate such definition for whistle blowing to maintain consistency and uniformity in legislation. It is undeniable that in Islam whistle blowing has already found its place as part of an important way of life. In ethics whistleblowing has been acknowledged and recognized by other jurisdictions and this is an advantage that should be taken into consideration where whistle blowing is concern. Organizations may inculcate such desires among the workforce through the implementation of a whistle blowing policy. The reason is that whistle blowing involves ethical concerns that deserve to be addressed and examined whether academically, legally or practically.

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