

DEVELOPMENT OF NGO GOVERNANCE IN MALAYSIA: LESSONS FROM INDONESIA AND JORDAN

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Abstract	<p><i>Malaysia is highly recognized as a developing country and thus progressive in calling the third sector (NGO) to participate in policy making and policy implementation. The idea of good governance practices has become increasingly important not only for the public sector but not for the NGO sector. Good governance aspect is significantly important in discussing the NGO development over leakage factor, abuse of power, corruption, accountability and others in which will be the objective of this paper's discussion. Therefore, the introduction of five codes of governance for Malaysian NGO is the latest step implemented by the government to assess the performance of NGO to relate to its efficiency and effectiveness. At the same time, Indonesia and Jordan also offer great lessons. By utilizing descriptive and comparative methods, and making a great deal of comparison to Indonesia and Jordan, this article found that Malaysian NGOs' involvement in governance practice has recently received great attention.</i></p> <p>Keywords: <i>Malaysia, Indonesia, Jordan, NGO, governance.</i></p>
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INTRODUCTION

The involvement of Non-Governmental Organisations (NGOs) in the capacity development throughout various fields is not a new thing. Even the United Nations (UN) has approved NGOs to become an integral part in multiple platforms such as humanitarian aid, macro and micro economy development, social development, religious affairs and etcetera (Martens, 2005). Following the development of NGOs worldwide in the capacity to innovate and adapt to abrupt changes, their growth has surpassed that of intergovernmental organizations which makes them a visible participant in global governance. However, such phenomenon is not happening in the limited circle of secular NGOs, as well as Religious-NGOs.

Since the early 1990s, the number of NGOs globally has seen continuous increase and reached almost 6600 organisations by the year 2004 across various orientations (Martens, 2005). Similarly, Malaysia followed the same trend. According to Malaysian Registrar of Society (ROS), 1215 NGOs whose categorically under the canopy of Islamic *da'wah* organization has registered officially. These organizations are classified under Religious-NGO (Mohd Faridh & Syarifah Hayaati, 2016).

However, the development of NGO governance in Malaysia has been viewed as a new topic and failed to gain much attention from experts and the government. In fact, discussions on the historical, social and religious sphere of NGO can be easily tracked

through researches and reports. Therefore, this article attempts to highlight the development of NGO governance in Malaysia from the government's perspective and provides a synopsis of the current situation of how NGO governance was established in Islamic countries like Indonesia and Jordan. Although Malaysia is also a developing nation similar with these two countries and had once held the 'Asian Tiger' status (Davis and Gonzalez, 2003), yet the discussion on NGO governance seemed to be left out from the mainstream agenda. As such, Indonesia and Jordan are a step ahead and surely offering significant contributions that could be learned by Malaysian NGOs which will be explained in this article.

NGO GOVERNANCE: AN OVERVIEW

With augmented recognition given towards Religious-NGOs, it is agreed that NGOs are generally to monitor the government and public institutions while taking part in assisting different groups of poor people who have suffered the most from economic crises, they must maintain the following five characteristics. An NGO must be independent, autonomous and separated from state or governmental organizations, non-partisan, voluntarism, non-profit organization and meet the needs of society status (Davis and Gonzalez, 2003). The lack of these characteristics will signify problems in NGO governance (Ibrahim, 2002).

Another dispute that is circulating amongst NGOs is many of them do not have a written standard operating procedure which among other things, stipulates salary system, rights and obligations of employees, procedures of good procurements, procedures of money spending and so on. In fact, to some extent, the NGOs do not have any accounting systems in line with generally accepted principles and the reports on activities and finances were never made public except to the members (Ahmed, 2004). In good practice, any forms of activities, programs carried out by the NGOs should be based on ideal values which are formulated based on the vision, missions and goals of the organizations (Bryson, 2018).

According to Jepson (2005), the term governance, as a term means the methods that an organization relies on for its process and structure to manage to achieve its goals. He further added, "Governance is about vision, oversight, process, independence and accountability and not the day-to-day running of operations". While in the view of Brinkerhoff and Brinkerhoff (2002), it is worth to include both the government and the citizen's roles when mentioning governance. Such relationship of government and citizen is seemed to support the Minogue et al. (1998) proponent 'governance as the array of ways in which the relationship between the state, society and the market is ordered'. Hence, in search for institutional arrangements that enhance transparency, responsiveness and performance – or some termed as 'accountability'- Mishra et al. (2005) argued that it seems to be the central concern cutting across varied conceptions of governance.

Referring to the myriad definition of governance, two critical points that become major concerns while examining governance in NGOs' context were determined. Firstly, according to Mishra et.al, in public service delivery, it is the understanding that governance refers to the changing ways of governing by the state through networks and partnerships with the market or civil society actors. Secondly, the reference was seemingly restricted though, to the modalities of statutory/regulatory compliance and fiduciary responsibilities in the context of corporations and other private organizations.

With these, the study of governance in NGO therefore means not only to understand the nature, composition and functioning of the governing structures of the organizations, but also how they are shaped by the external regulatory or policy environment, larger development discourses and priorities, the specific community-of-interest context and the interplay of forces within the governing structures itself. In effect, it means investigating the how and why of strategic or governing decisions and the

manner of their operationalization, including processes of mediation and reshaping (Mishra et al., 2005; Ritvo et al., 2013; Dipendra, 2016).

The aims to have good governance practice should become a central focus and action for NGOs and Religious-NGOs in order to develop themselves to become effective, efficient, professional, transparent and accountable. With that, the importance of governance in today's organizational processes is a joint process (Brass (2011)).

In order to achieve a sound 'governance' practice, governance must no longer be seen as a purview of only public government actors; rather it should be seen as a shared or networked process among several types of organizations. In that sense, it is a mistake to say that the 'governance' of NGO is a removal of government whilst actually it is part of it (Rosenau and Czempiel, 1992; Jordan et al., 2005), but the addition and acceptance of other actors to the steering process must be included.

DEVELOPMENT OF NGO GOVERNANCE IN MALAYSIA

Governance is not a new topic in Malaysia, except in practice dimension. The development of governance in Malaysia is affecting more on the corporate level and the public sector instead of in the realm of civil society like NGOs or Religious-NGOs specifically (Rashidah and Mohammad Rizal, 2010; Shah, 2006; Siddiquee, 2013)

The 4th Prime Minister of Malaysia, Mahathir Mohamad addressed this topic for the first time at CAPAM Biennial Conference in Malta in 1996, later followed in 1998 on the title of 'State of Governance' in Malaysia. Despite his acceptance on the rise of usage of communication technologies that may develop no single-ethnic country due to the people's freedom to reside in one country and work in another, and to him, 'governance' is about exercising political, economic and administrative authority in managing a nation's affairs.

At the same time, accepting the idea of governance is no longer an exclusive domain of the state and he called forward the presence of private and NGO as a counterpart to governance processes. However, Mahathir sees NGO from a negative perspective. In that speech, Mahathir clearly viewed NGOs as a protestor or anti-establishment movements with a tendency to take the law into their own hands. Furthermore, he added that NGOs are the antithesis of democracy, for they represent the minority or even the individual who seek to impose their views on the people and the Government of the majority. To him, democracy is the voice of the majority (Mahathir, 1998).

The then Deputy Prime Minister, Anwar Ibrahim delivered a keynote speech at Global ThinkNet Conference in Tokyo on February 8th-9th, 1998. His keynote speech highlighted the importance of sound and transparent policies and governance to cope with the challenges of globalization. However, he did not mention the proper roles that should be played by the civil society organization such as NGO as he always advocates later in his speech prior to his dismissal from Deputy Prime Minister's office on September the same year. Yet, international financial institutions are the only crucial party to his view which is in need to play a role for greater transparency on a global basis (Anwar, 1998).

In my view, such narrative by not recognizing the functions of NGO in implementing the 'governance' practices in Mahathir Mohamad and his deputy, Anwar Ibrahim's speech is an accord that NGOs was perceived to pose negative impacts to national development. In other words, both shared a view that it is impossible for the voice of the minority to work under the democratic system that is built upon the voice of the majority.

Contrary to that, under the premiership of Abdullah Ahmad Badawi and Mohd Najib Tun Abdul Razak as fifth and sixth Prime Minister, an increase of NGOs as well as government-linked or government-sponsored NGOs were seen. Their establishments were primarily to defend government policies from criticism especially matters relating to Islamic affairs, and to promote Islamic understanding in a more amicable note to the government (Shaharuddin, 2016).

However, their operations and functions faced criticisms and always being questioned from independent bodies like SUHAKAM and BERSIH 2.0 for not being transparent and accountable enough and failing to meet organizational fundamental objectives. For example, in 2015, *Yayasan Pembangunan Ekonomi Islam Malaysia* (YaPEIM) has been accused of misusing funds to buy a golf simulator for leisure purposes that explicitly did not fit its core objective. In 2017, former YaPEIM's director was detained for misappropriation of YaPEIM funds amounting to RM223,000 which is supposed to be a donation for the poor in Rompin (Sham & Selvaratnam, 2018).

Such malpractices and incapability to govern an organization that received huge funds from taxpayers, has tarnished their image. Another malpractice involving a government-linked or government-sponsored NGO is *Institut Kajian Strategik Islam Malaysia* (IKSIM) where RM7.6 million became untraceable in an audit. Due to that incident, the current government has stopped providing funds to IKSIM until further investigation.

These irresponsible behaviours and breach of trust indirectly gave a bad image to Islam. To stay indifferent whilst upholding a high degree of good governance practices in running organizations like NGOs, some NGOs have signed a corruption-free pledge with Malaysian Anti-Corruption Commission (MACC). As reported, 40 NGOs from Pahang signed the pledge in March 2017 and some NGOs from Pulau Pinang in February 2017. Such a great initiative taken by those NGOs showed leadership commitment in combating corruption in their respective organizations (Shahrinnahar, 2017). It can clearly be seen that under the leadership of Mohd Najib Tun Abdul Razak, the sixth Malaysian Prime Minister, the allegation of malpractices, corruption, leakage and misappropriation of funds often happened. This led to a two-point drop in 2017 in the Corruption Perception Index (CPI). While under the leadership of Abdullah Ahmad Badawi, Malaysia's CPI score and position were much higher compared to Najib's time, according to Malaysian anti-graft watchdog's chairman Akhbar Satar (Noel, 2018).

With such conditions, public and private sectors gained much attention from the government to engage/enforce new concepts and code of governance in delivering their services. Thus, the introduction of several concepts of governance practices from both the Islamic and Western perspectives were taking place.

For example, in the private sector, banks are the most rapid institution that is positively affected when offering good governance services. Corporate governance code and *syariah* governance code are among the concepts that have been introduced by both conventional and Islamic banking. Such codes are designed in order to show that the banking institutions are free from malpractices hence maintaining its effectiveness, credibility, accountability, and transparency which is beneficial to the industry (Hamzah, 2013).

The urgency to implement corporate governance is reflected in the Malaysian Code on Corporate Governance (MCCG) by the Securities Commission Malaysia (SC). MCCG is used as part of the Bursa Malaysia (BMB) listing rules for private companies (Zabri et al., 2016).

There was widespread agreement on the public sectors in Malaysia to be subjected to major reforms and transformations therefore, changes introduced in the public bureaucracy are seen as steps in the right direction. Siddiquee and Mohamed (2007) insisted that the public sector failed to make a fundamental change in the mode of governance. In fact, Siddiquee (2006) found public management reforms have produced only limited impacts due to no attempts being made to reform the political and governmental system of the country. Inefficiency, corruption and other problems are issues that Malaysia is continuously suffering from in the public bureaucracy (Said et al., 2016). Therefore, Said suggested for the public sector to be transformed into a reliable and efficient sector by ensuring good governance and proper assessment systems.

Basing on the above narrative of governance development in Malaysia, NGOs' involvement in the works of governance seemed entirely left out. There is no document or

code that emphasizes the importance of NGO to observe the governance practices. Yet lately it has become a mainstream discussion among stakeholders especially those from the academic world, motivated by the determination of the people who wants change in the system. Compared to other countries in the West, the African continent and Asian regions, governance for NGO has been growing and consequently receiving attention from multiple stakeholders such as from academia, policy-makers, donors, private and government sectors (Wiktorowicz & Farouki, 2000; John, 2000; Hua, 2003; Dany, 2012).

Their advance discussions on the importance of governance practices for NGOs were documented in the form of handbooks as guidelines. For example, Wyatt (2004) designed 'A Handbook of NGO Governance' focusing on Central and Eastern Europe. This book was set as a guideline that could promote a shared regional understanding of good governance by showing how to turn abstract theory into working practice and offers eight basic principles that are essential to NGO governance.

Another resource book is by Grant B. Stillman entitled "NGO Law and Governance". The book explained in detail how NGOs get started in terms of the registration process, achieving good governance and sound operations, codes of conduct, monitoring and evaluation, civil disobedience and criminal constraints, partnerships and funding and media and advocacy strategies (Stillman, 2006).

Respecting the differences and restrictions that are available according to a particular country, this book offered general guidance on principle and proactive approach to the topics and did not attempt to expound the entire law affecting NGOs or their members. Basically, any NGO or organization should not discredit local enforcements and requirements to be able to operate.

As such, Malaysian government through the former Minister of Home Affairs, Ahmad Zahid Hamidi, for the first time announced the 'Good Governance Evaluation Code' for organizations under the Registrar of Societies (ROS) in October 2017 (<http://www.sinarharian.com.my/nasional/ros-perkenal-penilaian-tadbir-urus-baik-pertubuhan-1.742984>). According to the report, 66,828 are active organizations were registered and under ROS' surveillance on their activities, performance and reporting which will be evaluated according to five principles of good governance (<http://www.cogg.ros.gov.my/2016/05/12/kod-tadbir-urus/>).

The five are:

1. Efficiently functioning.
2. Organization's objectives achievable.
3. Effective controlling and reporting.
4. Working effectively as an individual and group.
5. Transparency and integrity.

The purpose of having these five codes is to empower the organization's profile to a greater level. It is to believe that, this 'Good Governance Evaluation Codes' is an additional tool in overseeing the performance of registered NGOs as stated in Societies Act 1966, Societies Regulation 1984 and the society constitution (<https://www.scribd.com/document/185128207/Summary-of-Regulatory-System-for-Ngos-in-Malaysia>). This is in accordance to the Ministry of Home Affairs who is the principal government department that is responsible for supervising and controlling the activities of NGOs.

Having such codes of good governance for NGO is a timely move by the government. Apparently, this will increase the competency of an NGO in its performance and impact to the society as expected by stakeholders.

METHODOLOGY

This study is conducted qualitatively and data is gathered from scholars' writings alone. The data have been analyzed using deduction and comparative analysis. In analyzing the primary data on NGO governance worldwide, three major standpoints in content analysis

were used as guidelines to achieve a full understanding on the issues. This refers to breaking it down in a problem-situation form and ascertaining what elements compose it and what rules apply to each part of the subject and its problems.

The historical approach is applied when determining how and why such situations have come to happen and how its evolution to the current setting. The comparative analysis is done to study the relationship between NGO governance development in a different setting between Indonesia and Jordan, hence could be adopted and adapted by NGOs in Malaysia.

RESULT & DISCUSSION

The result of this study is divided into two sections. The first provides an overview of NGO governance development in Islamic countries that contributes to the advancement of good governance discussion as discussed by previous literature. On that basis, Indonesia and Jordan were chosen as case studies that definitely offer great lessons to others. The second section highlights the development of NGO governance in Malaysia and its impact in realizing the importance to have good governance evaluation in order to measure NGO performance and effectiveness.

NGO Governance: Lessons from Indonesia and Jordan

It is not peculiar when countries learn and adopt from the institutions and practices of other countries in order to address problems and issues that they have in common. The lessons identified are commonly used as a guideline to enhance the capacity of institutions and end the problems that arose (Barrientos, 2013). As such, two Islamic countries – Indonesia and Jordan - were chosen as case studies by using descriptive and comparative analysis.

Indonesia

At first, Indonesia has had a similar stance as Malaysia where NGOs were viewed as a threat to authority (Kim, 2003). Kim further explained that currently, NGOs are recognized as important organizations in playing the roles and supporting the nation's development. Hence, NGOs have come a long way in terms of participation in the policy networks and providing policy alternatives as advocates for various minority voices in the society.

Like other developing countries, prolonged economic upheaval has brought with it the growing need for NGO activities along with the need for local and international funding. This led to the rise of NGOs operating in different areas of activity such as health care, small credit aid, training in micro-enterprise and income-generation (Hadiwinata, 2004). Indirectly, such a situation of expansion has led to the demand for professionalism and accountability as part of good governance practices from NGOs.

While some NGOs deemed having proper management is unnecessary, the International NGO Forum on Indonesian Development (INFID) was organized in 2000, attempting a new role for Indonesian NGOs on two crucial tasks; 1) to facilitate the democratic transition, and 2) to develop a strong civil society (INFID, 2000).

To ensure there is no room to develop any strange ideology that differs to the concept of *Azas Tunggal Pancasila* (sole ideology), *UU Ormas* (an Indonesian acronym for the law controlling mass organisations) No.8/1985 was designed and gazetted. Even though the bill was controversial at first, it was later considered as the most important bill in the Indonesian context.

Accordingly, this bill was designed to govern the activities of all mass organizations like political parties, interest groups, trade unions, professional associations and grassroots organizations, and later was extended to NGOs. Thus, they need to re-register (for old organizations) and register (for new organizations) with the Ministry of Home Affairs (Hadiwinata, 2004). In addition to this, *Yayasan Bill* is used by Indonesian NGOs in an effort to legalize their status as part of the internal governance process.

According to Kim (2003), the bill has given widespread impact on NGOs' management and their internal governance structure.

Corruption is still a major disease that undoubtedly will present a bad reputation for NGOs and a possible loss of trust. To instill discipline among community members is not an easy task. As insisted by the chief of INFID, Binny Buchori, imposing social sanctions like shutting out NGOs with a bad reputation from national authorities is the perfect action (Hadiwinata, 2004). However, there is a loophole for these NGOs where they switch causes and run other projects.

Due to that, in 2002, Indonesian NGOs established the NGO code of Ethics with the help of the Agency for Research, Education, Economic and Social Development (LP3ES). The code is a response to the growing criticism on NGOs' accountability relationship with other constituents, mainly in the case of corruption (Kim, 2003). This code is designed to put activities back on the grassroots level, arranging meetings, seminars and workshops within the NGO community in general. Above all, definitely, this code is a measuring tool for performance and implementation of sanctions for noncompliance practices.

Jordan

The NGOs in Arab countries have faced different barriers and challenges. The Arab region is facing well-known challenges such as low economic diversification, a need to improve education systems and infrastructures, complex political and governance scenarios and persistently high barriers to the economic and social well-being of important sections of society. Thus, addressing those challenges in a sustainable manner while acknowledging the fragility and instability situation of some Arab countries, plus the geopolitical tensions, is really needed (OECD, 2016).

Furthermore, Nefissa (2001) added that the NGOs in Arab countries have different ideological and political circumstances over time which created their varied forms of social, neoliberal and political positions. As such, Abdel Rahman (2017) has divided those challenges into the international and regional levels according to Jordanian NGO experiences.

At the international level, some critical issues have been identified. Mainly, the obstacle that eliminates their performance is related to their institutional regulations. For example, Al-Qirim (2007) found that Jordan House of Commerce, one of the prominent NGOs in Jordan aimed to protect the role of private sector and promote it along the national and international level, was proposed to be a legal organization. Such legality is vital to oversee governance arrangements and to track national policy implementation at the international level (Dannevig & Aall, 2015), despite the realization of difficulty verifying their legality due to it still being embedded in and limited to national law (Thandardottir, 2015). However, as concluded by Al-Qirim, there are no standards or legal system to regulate, and at worst they could not provide additional authentication through legal documents due to language barriers.

At the regional level, shortage of funding, lousy networking, bad governance practices, poor communication and lack of internet (or IT) usage are the main interruptions that caused weak governance of NGOs in Jordan. The report from Stockholm International Water Institute (SIWI) whose concerns on the governance of stakeholders for the future Lower Jordan River basin, emphasized the need for more cooperation between the civil society and the government to overcome the problems and such would be able to promote the NGOs' roles indirectly (Yaari et al., 2015). This is an example of bad networking in governance practice for NGOs.

Both cases have offered great lessons on how to develop NGO governance that is in compliance with global interest while maintaining the local sovereignty. Despite differences in the many aspects of development, NGO governance must be seen as a collaborative action between Islamic countries in order to end all malpractices and together build the nation. Canon (2013) verified if the right methodological measure were in place, arguably challenges can be minimized, and methods of evaluation and analysis

will continue to improve and evolve over time along the active participation of NGO in creating sound governance. She further added the need for comparative evaluation of NGOs to be benchmarked by others.

CONCLUSION

Malaysia has always received the world's attention in a number of important areas especially the ones involving policy planning and policy implementation. For that reason, Malaysia has been a reference to developing countries and thus carrying the title of 'progressive Islamic state'. However, it does not guarantee that Malaysia is leading in all matters among Islamic countries such as the development of NGO governance.

History has proven that NGOs failed to catch the government's eye and were viewed as organizations that was anti-government, yet the perception changed after the grim September 1998 incident. Since then, the mobilization of the NGO movements has been widely spread. However, such movements are not constructive in terms of fund management, activities, poverty assistance and so on.

Compared to other Islamic countries, Indonesia has been ahead of time with INFID as the official stage for drafting and discussing all issues related to NGOs or foundations where the primary focus as a third-party offsets the government and the private sectors. Similarly, Jordan is a step ahead with some of the latest findings on how to enhance strength and effectiveness of operations of the organization so that the people's will can be fulfilled.

The launch of five codes of governance as an evaluation mechanism for Malaysian NGO in late 2017 can be considered as being timely, but slower compared to other countries. Therefore, the consistent assessment of the NGOs governance progression will always be required in a way that global governance is perceived as a fundamental principle. In spite of all these limitations that draw a difficult road in overriding those malpractices, yet to be equipped to learn from others, at least in the Malaysian context, changes happened effortlessly. In that sense, any type of NGOs including Religious-NGOs which are upholding the core values of religious teachings must be at the front line in taking actions to practice good governance.

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