

Perception Differences in Professional Integrity and the Risk of Public Safety in Architectural Self-Regulation Systems

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Abstract

While architects are confident that professional self-regulation in the construction industry is the way forward in dealing with construction permits, members of the public have differing perceptions on the self-regulation system. The main issues at stake are public safety and health, which depend on the knowledge, professionalism and integrity of practicing professionals. This paper presents a survey conducted on two groups of respondents: a group of architects, and a group of members of the public. The differences in the perceptions of the two groups of respondents rely greatly on the understanding of the self-regulation approach. In a self-regulation model, professionalism in practice and personal integrity is the core criteria for a successful self-regulation policy. The findings from the perception survey determine whether differences in perception on professional integrity and the risk to public safety prevent the implementation of an architectural self-regulation system, or whether these differences advocate the implementation of a self-regulation system that enables architects be more responsible and reliable.

Keywords: Architects self-regulation, professional integrity, perception survey, building legislation

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1.0 INTRODUCTION

Current regulations in Malaysia allow architects to provide architectural services and submit plans to local authorities (Malaysia, 2006b; Selangor, 2012). As a 'Qualified Person' under the Street, Drainage and Building Act 1974, an architect possesses the right to submit plans and be responsible for his or her works. Architects are regulated by the Board of Architects Malaysia, which governs the architectural professional practice, and its members' adherence to its code of professional conduct and ethics (Malaysia, 2007).

The current provision under the Architects Act 1967 is sufficient in regulating architectural practice in Malaysia. If the Uniform Building By-Laws 1984 and Street, Drainage and Building Act 1974 act as the major legislative frameworks that govern building construction, then why do architects' still need to obtain a building plan approval from local authorities, prior to the erection of any building? Rigorous requirements required by local authorities and technical agencies that are perceived as necessary in ensuring the safety of a building, its occupants and the people surrounding it, turn out to be rent seeking opportunities (World Bank, 2013). Onerous regulation by authorities also has a direct relationship with corruption and bribing to reduce waiting time (Freund, Hallward-Driemeier, & Rijkers, 2014).

Rigorous regulations create the perception that the authorities play a vital role in protecting public safety and health (Stigler, 1971), although in reality local authorities and technical agencies are not responsible or liable for the public safety and health in building construction (Maniam, 2004; Said, Ahmadun, Kadir, & Daud, 2009). Some may question whether the local authorities must abide by the Local Government Act 1976; why are the local authorities not liable and responsible for public safety and health? The Local Government Act 1976 is a consolidation of various rules and regulations set prior to the formation of Malaysia (Malaysia, 2006a). After the formation of Malaysia and the modernization of the government administration, all existing pre-Malaysia laws and regulations were consolidated for a more efficient administration, whereby the Local Government Act 1976 was structured to empower the establishment of the local government (Nooi, 2008) with a set of regulations on its authorities and administration. The Act shall ensure harmonisation in administration and implementation of other laws such as Uniform Building By-Laws 1984, Street, Drainage and Building Act 1974, Town and Country Planning Act 1976, Fire Services Act 1988, etc. However, the local authorities are not liable or responsible for it (Said et al., 2009). In the three aforementioned Acts, the Submitting Person (SP), applicant and the land or building owner shall be responsible and liable for their lands and/or buildings.

Adversely, numerous claims that the public has a preconceived perception that construction professionals are not reliable in delivering their services; they believe that the local authorities are more reliable in ensuring public safety (Said et al., 2009). However, there is no definite answer to this claim. In this paper, based on the surveys carried out among architects and members of the public, a discussion was made comparing the perceptions of architects, and that of the public, toward the implementation of a selfregulation policy for architects, which allows them to self-certify building plans and selfregulate their practice.

■ 2.0 UNDERSTANDING SELF-REGULATION

Self-regulation can be defined as the process whereby an organisation voluntarily observes and governs its own adherence to its code of ethics (Poe, Tate, & Keith, 1999), rules, regulations or standards, rather than have a third party such as a governmental entity to regulate and enforce those standards (Randall, 2000).

Professional self-regulation involves a professional body or a committee under the organisation regulating over its members' ethics, practice and act to the standards of which they are required to maintain their competency and professionalism (Randall, 2000). Professional self-regulation sometimes involves government intervention via legislation or an agreement between the government and the professional body that grants self-regulatory status (Randall, 2000). The arrangement is typically carried out between the government and the professional body through a structured legislation framework by delegating the authority to this professional body (Van den Bergh & Faure, 1991).

2.1 Misperception of self-regulation

Despite established evidence of success in professional self-regulation policies implemented by the government, including self-certification of the Certificate of Completion and Compliance (CCC) (Nor, 2008) and the deposit of the self-certified engineering plans with the local authorities, the public holds reservation and counter-intuitive on the self-regulation approach (Gond, Kang, & Moon, 2011), hence, it remains largely disregarded in theoretical and conceptual terms (Gond et al., 2011; Macey & Novogrod, 2011). There exists a general misperception that 'professional self-regulation' is a way of 'monopoly of power' that promotes self-interest (Van den Bergh & Faure, 1991), prevents natural competition (Baldwin, Cave, & Lodge, 2012), and benefits members of certain professions (Macey & Novogrod, 2011) instead of promoting the national interest and preserving overall public safety and health. Professional self-regulation is also frequently misunderstood as the 'deregulating' of business (Gow, 1997), where a business entity has freedom to carry out activities at their own discretion, without any governing authority involved. This negative perception arises from lack of understanding about the concept of professional selfregulation.

2.2 Self-Regulation Studies

There exist several studies on self-regulations that primarily focus on desirable behaviour, internal strengths in controlling urges (Muraven & Baumeister, 2000), behaviour reaction to surroundings (Sedikides & Spencer, 2011) and the change of the environment by the behaviours (Bandura, 1986). Among the popular theories in selfregulation is the '*social cognitive theory*' by Albert Bandura (Bandura, 1963, 1986). Bandura (1986) views the quality of human behaviour as the product of a dynamic culmination of three elements, which are as follows:

- i) internal personal factors;
- ii) behaviours; and
- iii) surrounding influences.

It is a looping process where their internal personal factors (cognition and biological events) inform to change their behaviour to adapt to an environment, thus the environments are affected when the behaviours change. The findings are supported by Ochsner and Gross (2005), who further suggest the element of emotion also has functional influence to cognitive control of behaviour. However, the human mind sometimes keeps a long-term memory of past experiences and knowledge that forms self-referent information which guides the reactions, responses and preferences of a person (Matthews, Schwan, Campbell, Saklofske, & Mohamed, 2000).

While change in human cognition and biological events is almost impossible with the application of external force, the social cognitive theory supports that it can be altered by environmental influences (Bandura, 1986; Cervone, 2005). Basically, strict enforcement of rules and regulations may not be able to directly change human personality and permanently solve organisational self-regulation setbacks, but consistent education, training and competency improvement can change the organisational practice environment (Castelfranchi, 1995); and can thus alter the internal personal factors (cognition) and behaviour of its members.

2.3 Professional Integrity

Professional integrity can be defined as the degree a professional abides by an existing code of professional conduct, and keeps credibility intact (Banks, 2010, 2012). Thus, it is the choice of the professional to consistently and committedly honour the ethical, moral (Banks, 2012) or religious values and principles in order to keep professional integrity intact (Leary, 2007). In a more specific definition, professional integrity is the act of consistently and attentively abiding to the professional code of conducts, rules, guidelines (Banks, 2012)

and obligations in performing professional duties. Professional integrity is the core factor in self-regulation to ensure the independency of professionals is practiced in full ethical duty, hence, benefitting the public (Leary, 2007). A professional's act towards the moral (or religious), ethical, and social values in a consistent and attentive manner is accepted as delivering professional duties with integrity (Leary, 2007).

2.4 The Need for Integrity in Self-Regulation

The requirement for personal and professional integrity in a self-regulation model can be historically traced back to the birth of the professional. Further analysis in explaining professional integrity leads to the segregation between professionalism and integrity (Banks, 2012). Prior to the industrial revolution in the U.K., the occupation of lawyers, physicians and architects have been defined as free practitioners (Larson, 1977). Although a structured training and examination has yet to be associated with the development of these occupations, occasionally, the recognition of independency has been acknowledged by the public (Larson, 1977). The acknowledgement of independency of these occupations lies upon the characters of the competency and ability of the occupational groups (Priest, 1997).

Professionalism independency will give to a professional the freedom to make decisions about his practice (Polanyi, 1944). It also provides autonomy to a group of professionals to collectively set a normality in practice (Bandura, 1991; Hofmann, Schmeichel, & Baddeley, 2012), set standards (Ochsner & Gross, 2005), continuous knowledge development, training and code of conduct (Randall, 2000). Besides, professionalism independency also induces self-esteem and motivates professionals to perform better (Irvine, 1997). The combination of personal and professional integrity in individual members of an organisational setting is a leading condition to a successful implementation of architectural self-regulation (Bayles, 1986; Gond, Kang, & Moon, 2011; Macey & Novogrod, 2011; Priest, 1997).

3.0 Self-Regulation Survey

The online survey was prepared using Google Survey platform. Two sets of survey questions were prepared for the two groups of respondents. The first group of respondents comprises members of the Malaysia Institute of Architects (PAM). The survey questions were set to contain more thorough enquiries about their perceptions and expectations toward the implementation of self-regulation, issuance of CCC as part of the self-regulation process, and the roles of the Board of Architects Malaysia (LAM) in implementing the architect self-regulation system. The second set of survey questions was structured for the general public as the respondents of the survey. This survey comprises less technical questions enquiring their experience dealing with construction permits, and their perceptions toward the implementation of the architect self-regulation system.

The first survey was carried out with the assistance of Pertubuhan Akitek Malaysia (PAM), and the online survey forms were distributed through email to approximately 1,750 members. The survey commenced on September 15, 2013, and was completed on February 28, 2014. The survey was designed to gather data about the experience of architects in dealing with the local authorities to obtain approvals for building plans, as well as about their perception toward the implementation of the architect self-regulation approach. The online survey method used in this research is a progressive method, whereby six sections in the survey need to be responded to in sequence.

The second set of the survey questions meant for the public was sent directly to the people in the author's address book. Electronic social media platforms such as Facebook and WhatsApp were used to distribute the survey form to the public. Facebook advertisements was also used to promote further participation in the survey. At the end of the survey period, 185 architects and 38 non-architects (public) participated in the survey.

The number of responses from the public is small compared to the number of responses from architects. The main reason observed for the lack of participation by the general public is because they do not deal with construction permit often. Therefore, there are fewer members of the public who have experience in dealing with construction permits, and thus they have little interest in responding to the survey. This fact was known at the beginning of the survey, and has led the author to prepare two sets of survey forms for different sets of targeted respondents.

It is almost impossible to obtain a conclusive survey result from the public on the 'self-regulation' topic discussing CCC, plan submission, etc., since it requires some degree of technical understanding. Therefore, the views from non-architects participating in the survey may not be an accurate representation of the composition of the general public. However, for the purpose of understanding the difference in perceptions between architects and non-architects, the author has grouped the non-architects as the 'public' in the discussion.

3.1 The Findings

In the survey, the respondents were asked about their perceptions toward the implementation of the self-regulation system and its effect on the quality, safety and health. The respondents were allowed to choose whether they agree or disagree with the given statements; they may also decide not to choose an answer. Indecisive answers, i.e., when the answer is 3, will not be considered in the comparison analysis. The same set of questions under the self-regulation section were asked to the general public; the responses received are shown in Figures 1 to 9.

C1. Professional self-regulation is a way of 'monopoly of power' that benefits members of certain professions.

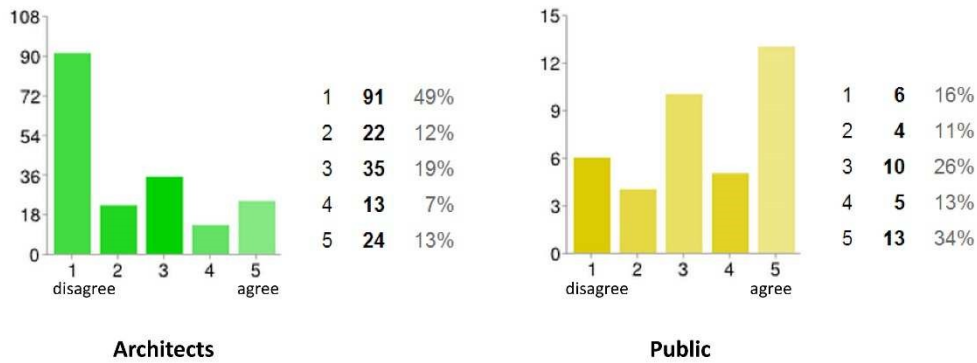


Figure 1 The perceptions on self-regulation 'monopoly of power'

C3. The local authority should always be the final checker / inspector of the architects' works as they are more reliable than the private practitioner.

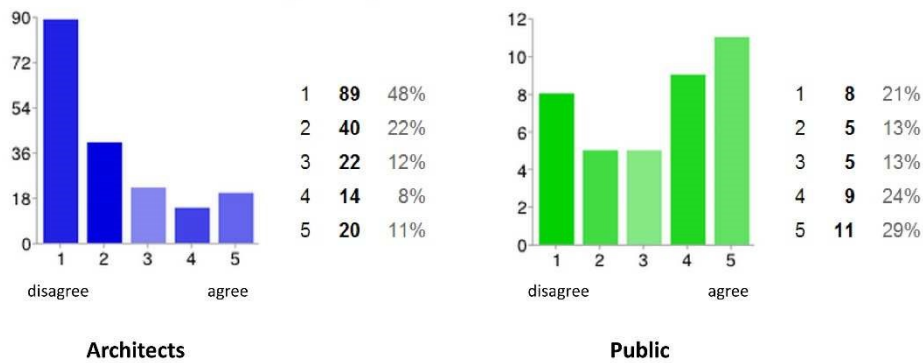


Figure 2 The perceptions on architects and local authority reliability

According to the survey, when asked if self-regulation is a technique of monopoly of power, 75.3% of the participating architects disagreed with the statement. However, 64.3% of the non-architect respondents agreed that self-regulation is a technique of monopoly of power. In response to question C3, 79.1% of the architects disagreed with the statement that the local authorities should always make the final check of architects' works. On the contrary, 60.6% of the respondents from members of the public believed that the local authorities should make the final check of architects' works, since they are more reliable than private practitioners.

The survey results shown in Figures 1 and 2 reliability showed that the public has the perception that the self-regulation system will give the monopoly of power to the architects, and it only protects the interest of certain occupational groups. The public also has the preconceived perception that the local authorities are more reliable than professional architects.

C7. Implementation of self-regulation in construction industry will not improve our country competitiveness, instead it can be a disaster.

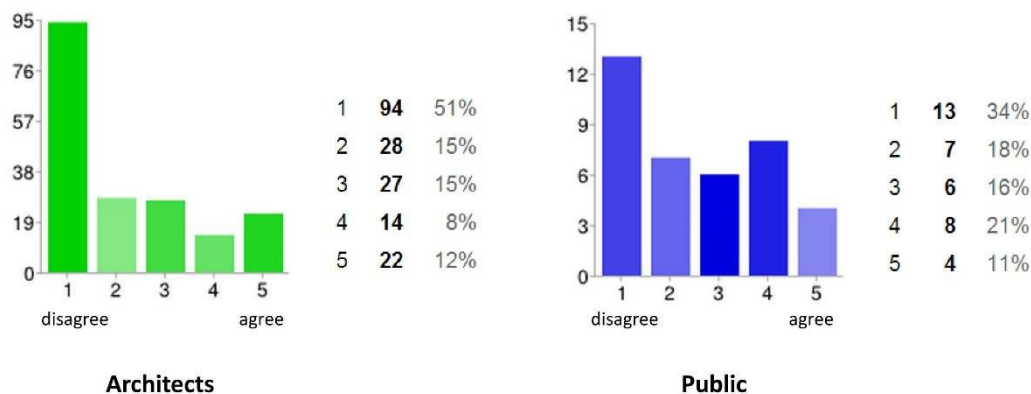


Figure 3 The perceptions on self-regulation impact to the country's competitiveness

However, both the architects and non-architects groups of respondents perceived that the implementation of self-regulation in the construction industry will improve the country's overall competitiveness, with architects having confidence exceeding (77.2%) their non-architect counterparts (62.5%). Generally, both groups disagreed that the self-regulation practice in the construction industry will lead to disaster.

C8. Self-regulation should only be limited to low-risk and small scale projects.

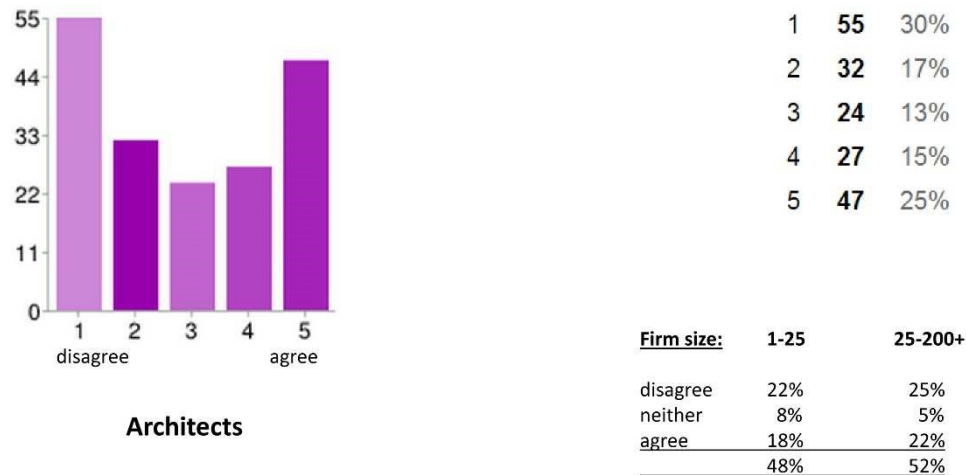


Figure 4 The perceptions on risk based self-regulation implementation

The findings shown in Figure 4 interestingly show that architects cannot decide on whether self-regulation should be implemented only for low-risk and small projects, or open to all categories of projects. About 40% of the respondents agreed to limit the implementation of self-regulation to low-risk and small projects, 47% disagreed with the suggestion, and 13% chose to neither agree nor disagree with the statement. Further analysis shows that 55.0% of smaller firms and 53.2% of larger firms disagreed on the risk-based approach that limits the implementation of self-regulation only for low-risk and small projects. This shows that architects are not certain in the implementation of self-regulation, regardless of whether it should be restricted to low-risk and small projects, or to open to all categories of projects.

A total of 85.3% of the architects disagreed that architects' self-certification will compromise on quality assurance of new buildings. However, only 58.8% perceived that self-regulation will not affect the quality assurance of the buildings.

C10. There will be lack of quality assurance to the building with architects self-certification.

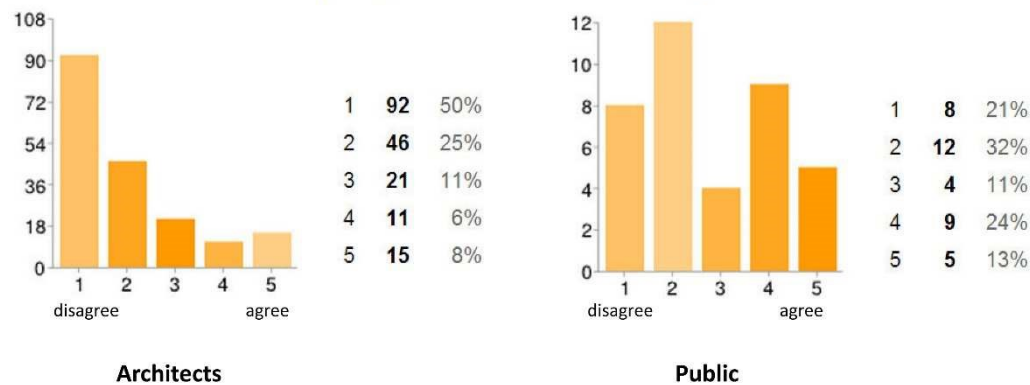
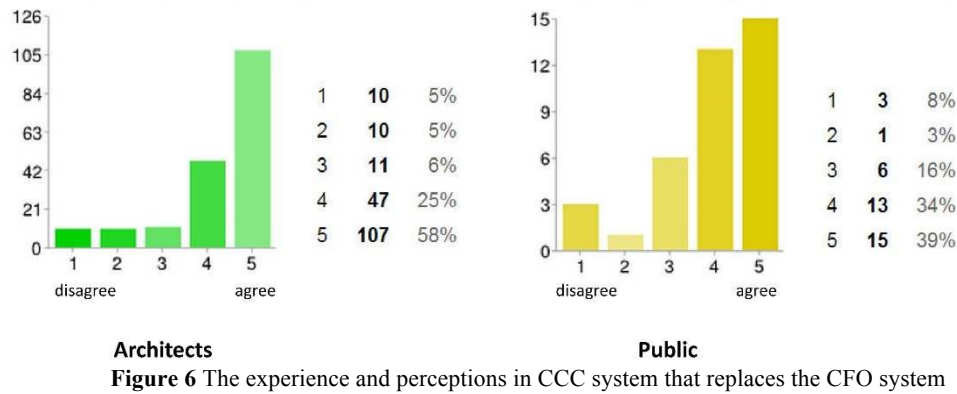


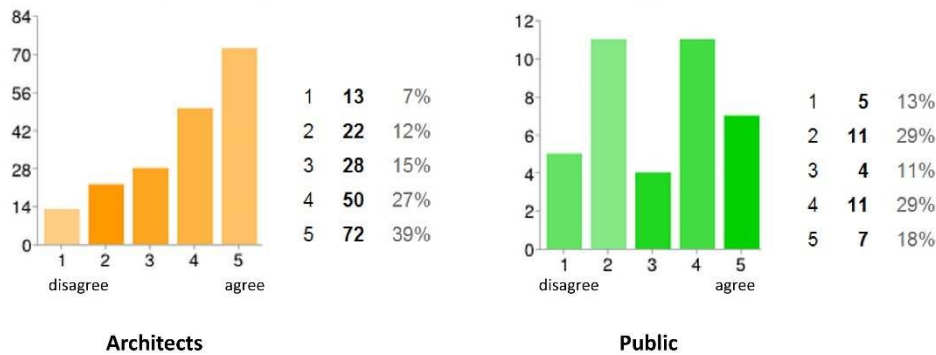
Figure 5 The perceptions on quality assurance in self-regulation implementation

D3. CCC issued by PSP is a good improvement to the system replacing the previous CFO issued by local authority. It reduces the time and avoid unnecessary dealing with local authority.

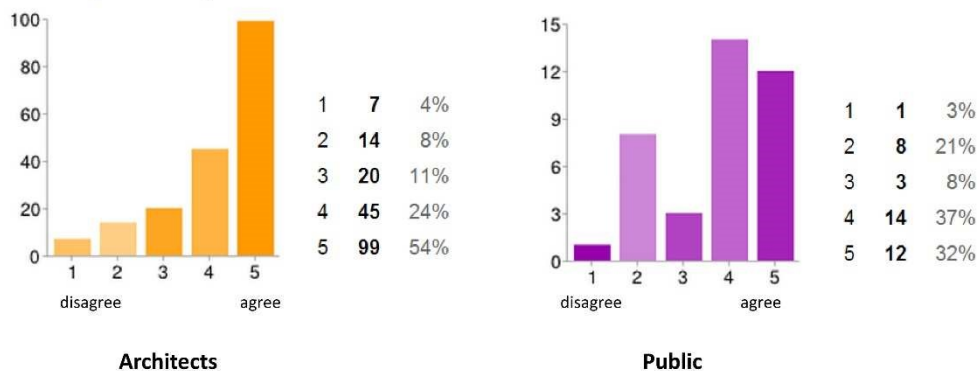


In the implementation of the Certificate of Completion and Compliance (CCC) system, both groups of respondents agreed that the CCC system issued by PSP, replacing the Certificate of Fitness for Occupation (CFO), is a good improvement to the delivery system. Besides, avoiding unnecessary regulatory burdens, the CCC system also reduces the time in dealing with the local authorities. In Figure 7, 74.8% of the architects agreed that the regulation of professional architects by the professional board is sufficient to govern their practice, hence, there is no necessity for intervention by the government. However, the public has different perceptions, where half of the respondents agreed that there is no necessity for government intervention, while the other half had the opposite opinion.

E1. Professional Architects practice professionally and regulated by their professional board. There is no necessity for the government to intervene with their practice.



E7. Professional Architect has full knowledge in building laws and should be trusted to deliver a building that complies with the relevant laws.



Although 87.3% of the architects believed that professional architects have full knowledge in the laws related to building construction, only 74.3% of the public agreed with this claim. The result shows that, although architects are self-confident they can deliver buildings in accordance to the relevant laws, the public still has some reservation on architects' knowledge and on the integrity in delivering the buildings. However, both groups of respondents agreed that by enabling the architect self-regulation system, it will change

professional architects to be more responsible in their works. Hence, this will lead to better quality architectural services, and in turn improve the construction industry.

E10. Enabling self-regulation for architects will change Professional Architects to be more responsible in their works. This will lead to better quality architectural services and improve the construction industry.

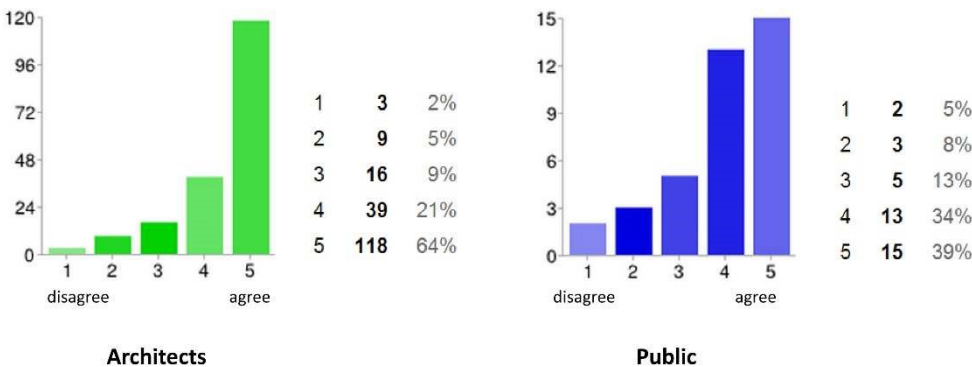


Figure 9 The perceptions on Architects self-regulation that change Professional Architects to be more responsible.

■ 4.0 ANALYSIS AND DISCUSSION

Both groups of respondents (i.e. architects and non-architects) have different perceptions on the architects’ integrity and the risk to public safety and health in implementing architect self-regulations. Although architects are confident that self-regulation will not compromise public safety and health, there remains great effort that needs to be undertaken to gain public confidence.

The common setback in professional self-regulation is the high degree of potential harm to both individuals and the society when it is practiced incompetently or dishonestly (Van den Bergh & Faure, 1991). Improper practice of architecture or engineering is not only inconvenient, but can also be dangerous. Therefore, these professions require rigorous regulation to protect public interest (Douglas, 2010). In countering this setback, the professional body needs to establish and implement various regulations. The proper enforcement of these regulations is crucial in protecting overall public safety and health (Van den Bergh & Faure, 1991). The professional regulatory body must ensure that the services provided by its members are delivered in an ethical manner (Ogus, 2000).

A governing body should place priority on public interest (Van den Bergh & Faure, 1991), and not on the interest of the profession, although it is frequent that public interest and profession interest can be the same. Some professions establish separate professional associations to protect the interests of their professions, whereas the governing bodies regulating the respective profession protect the interest of the public (Randall, 2000). Due to the intermittently conflicting interest between the public and the profession, the government usually requires a separation between professional governing body and professional association (Bayles, 1986).

The perceptions of the public that self-regulation is a technique of monopoly of power and that the local authorities are more reliable than private practitioners are the major highlights of the findings. While the architects are confident that they are able to perform in compliance with the regulations without the need for checking by the local authorities, the public still believes that the local authorities need to check the architects’ works. Ironically, the building structural plans to ensure the structure integrity of a building prepared by engineers are accepted without being checked by the local authorities. This practice has been accepted by the local authorities (Malaysia, 2006b) and building professionals, but it may not be known by the public. Isn’t the public supposed to be more worried about the building structure instead of the the architectural design of a building?

Monopoly of power is another issue addressed by the non-architect respondents. Under the Street, Drainage and Building Act 1973 and Local Government Act 1976, although the building plan is dictated and approved by the local authorities, the architect is still be responsible for the building design. The current practice does not justify the power of the local authorities to dictate the building design without taking responsibility. The misperception of the public that the local authorities are responsible for a building has probably led to the perception that self-regulation is a technique of monopoly of power. Many are not aware that in the case of the collapse of Highland Tower Block 1, the local authorities were given immunity over its negligence, and dismissed from liability by the court (Maniam, 2004).

■ 5.0 CONCLUSION

Perception differences between professional architects and the public are mainly due to issues of professional integrity and monopoly of power by architects. However, the people still believe that architects possess knowledge in their works, and architectural self-regulation should be implemented for the interest of the industry. Based on the aforementioned discussion, it shows that the public is not aware of the limitation to the liability and responsibility of the local authorities, although they have the power to dictate building design.

The differences in perception are the result of different levels of knowledge and experience by the respondents in dealing with construction permits. While all architect respondents have to deal with the local authorities in obtaining building plan approval, only 54.8% of the non-architect respondents have direct or indirect experience in dealing with construction permits. Lack of experience in dealing with construction permits and less technical knowledge in the building plan submission process have led to the perception that building plan submission needs to be checked by the local authorities instead of being self-certified by the architects.

Although the architect and non-architect groups of respondents have different perceptions on professional integrity and public safety, evidence from the survey shows that they both agree that enabling a self-regulation system will make professional architects more responsible, which will improve the quality of their services. Therefore, by understanding the differences in perceptions by the two groups of respondents, the misperception can be progressively corrected, and the self-regulation system will be accepted by members of the public.

Self-regulation has a great potential to be practised in Malaysia. It is currently a suitable condition to implement a self-regulation system in Malaysia. Dealing with building plan approval is a very tedious process. In most cases technical agencies charge a large sum for plan submission, plan checking, inspection of the works on site, and service connection, hence, these factors contribute to increased costs in development. Furthermore, the plan checking done by the local authorities on architects' works is an anomaly in itself, due to the inconsistent practice based on hierarchy of knowledge. It is inconceivable that non-professionals dictate the building plans submitted by architects (i.e. professionals possess a higher level of knowledge in the knowledge hierarchy).

In 2007, the move towards self-certification and self-regulation was implemented by the government when self-certification of building completion and compliance by professional architects and engineers was introduced, replacing the traditional certification by the local authorities. The government only needs to move another step forward in dealing with building plan approval in order to allow the building plans submitted by professional architects to be self-certified, and deemed approved and accepted as deposited plans.

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