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A STUDY OF COMMON UNETHICAL PRACTICES AND CHALLENGES TO COMPLYING WITH A CODE OF CONDUCT AMONG PROFESSIONALS IN THE MALAYSIAN CONSTRUCTION INDUSTRY

Normadiana Mohammad Hanapi[1], Nur Izzati Ab Rani[2]*, Mohd Mawardi Mohd Kamal[3]

[1] School of Civil Engineering, College of Engineering, Universiti Teknologi MARA, Cawangan Pahang.
Email: normadiana@uitm.edu.my
[2] School of Civil Engineering, College of Engineering, Universiti Teknologi MARA, Shah Alam.
Email: izzati.rani@uitm.edu.my
[3] School of Civil Engineering, College of Engineering, Universiti Teknologi MARA Cawangan Pahang.
Email: mawardikamal@uitm.edu.my
* Corresponding Author

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Abstract:

The construction industry is a complex and demanding commercial area. As in other disciplines, ethical practices in the construction industry are crucial. The quality of the project, customers' trust, and investors' confidence in the construction business are all negatively impacted by unethical acts and the practices themselves. Hence, the goal of this study is to identify the most prevalent types of unethical practices among professionals in the construction industry and to evaluate the obstacles that prevent them from upholding the code of ethics. A quantitative approach was used to collect empirical data by sending the questionnaire survey amongst professionals in the construction industry, such as contractors, consultants, and project managers. The collected data was analysed using a descriptive version of the Statistical Package for Social Sciences for Windows Version (SPSS) 29 software, such as mean score, percentage, and frequency. The study found that unethical practises like rate overpricing, bid cutting, delay, and short payments; bribes for projects; nepotism; use of lower-grade materials than specified; tender manipulation; and contractors' personnel failing to dispose of waste in an appropriate, safe, and environmentally acceptable manner are still common and persistent. This is true even though the majority of organisations have their own standards of conduct and professional bodies that encourage good ethics. The main obstacles to eliminating the unethical conduct mentioned above are greed, acceptance as standard procedure, ignorance of laws and regulations, lack of authorization for the compliance department, cognitive biases and psychological tendencies, and insufficient support from the government. It is

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hoped that the study's findings will significantly help regulatory agencies and legislators recognize and prevent unethical practices, and the study also suggests that there may be fewer unethical practices in the construction industry if there are adequate punishments for unethical practices at different stages of a project's life cycle and more people know about the ideals of ethical practices at different stages.

Keywords:

Ethics, Unethical, Bid Cutting, Code of Ethics

Introduction

According to Hamid et al. (2008), the construction industry is a difficult and demanding commercial sector. The practise of ethics in the construction sector is as vital as other disciplines (Shah et al., 2018). Unethical practises are among the most serious problems impacting the construction industry and are a frequently discussed topic. Conflicts of interest, exorbitant costs, professional incompetence, subpar work delivery, fraud, corruption, professional misconduct, intimidation, and bribery are just a few of the unethical behaviours that frequently occur in the construction industry (Shah et al., 2018). Owusu (2017) stated that contracts being awarded for political advantage, nepotism, conflicts of interest, and meddling in the tender award process are the most common types of corruption. Regardless of the level of economic development, the construction industry is important to the economy of a country (Tsiotras & Zantanidis, 2010). According to Lean (2001), the nation's prosperity, health, and quality of life have a strong connection with the construction industry. The construction industry, which is the engine of economic growth for any country, has an impact on every sector's involvement in an economy at all levels (Alaloul et al., 2021). Through money circulation, the construction industry directly impacts social and economic growth (Gaal & Afrah, 2017). As a result, undergrowth occurs when there is inadequate construction infrastructure, an unstable economy, and an uneven income distribution. This is one of the contributing factors to a nation's economic failure (Musarat et al., 2020). Kenny (2007) said that the gross domestic product (GDP) is essential for keeping the economy's many sectors in balance. Globally, the construction industry generates USD 1.7 trillion, and in most nations, it contributes between 5 and 7 percent of GDP. In Malaysia, the construction sector is considered the major sector of Malaysian GDP, and it has considerable volatility in the economy. Hirschmann (2020) states that in 2019, at roughly RM 146.37 billion, the largest value of construction projects was recorded. Between 2012 and 2018, the annual value of construction activity reached almost RM10 billion. The exchange of knowledge should be promoted to strengthen the confidence of investors across the globe, which will increase foreign direct investments in the construction industry (Alaloul et al., 2021).

This industry is regarded as one of the most vulnerable to unethical behaviour since it necessitates significant capital expenditures, offers enough opportunity for rent extraction, and frequently makes investments that can't be changed once made. Every stage of a construction project, including planning and design, pre-qualification and tendering, project execution, and operation and maintenance, is susceptible to unethical behaviour. When such practises are used, projects may be completed that are deemed superfluous, inappropriate, overcomplicated, overpriced, or delayed (Hamzah et al., 2010). The stages of bid evaluation and tendering are when corruption is most common (Bowen et al., 2012). Exploiting public resources or

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authorities is corruption. It consists of deceptive or illegal actions (Corruption Watch, 2020), which undermine our commitment to operate in the best interests of the public sector (Independent Broad-based Anti-Corruption Commission, 2020). According to Manyaka and Nkuna (2014), one of the biggest factors impeding economic growth in developing countries is corruption. In the construction industry, ethical concerns extend beyond bribery and corruption to include conflict of interest and collusive tendering. Transparency International (2005) provides an example of how corruption can increase the cost of public contracting by up to 25% while wasting public funds, missing out on development possibilities, and creating an insecure business climate. The findings show that corruption is more widespread in the construction industry than in any other area of the economy. According to reports about the Malaysian construction sector, 17.3% of 417 government projects were deemed "sick" (Malaysia Ministry of Works, 2005), and some of these sick projects were brought on by unethical behaviour on the part of the project participants. The quality of projects is impacted by unethical behaviour by parties involved in the construction sector (Rahman et al., 2007). A rise in unethical behaviour will result in a decline in the quality of project performance. Since they are the ones who are educated in the industry, then of course the expectations are set for them to improve unethical practises and the actual performance of their duties (Al-Sweity, 2013). According to Lembaga Pembangunan Industri Pembinaan Malaysia Act 1994 (2015), "Professional misconduct" means undertaking work the practitioner is not competent to perform by virtue of the practitioner's training and experience. Professional misconduct has increased, and there is great confusion between the behaviour of real professionals and the ethics required. The objectives of this study were to investigate ethical issues in the construction industry and the obstacles that prevent ethical behaviour in the construction industry in Malaysia. This study also focuses on examining preventive measures against professional misconduct in the construction industry.

Literature Review

In all fields, ethics are a vital issue. Without ethics, the project will be filled with quite a lot of faults and crimes. Delbridge et al. (2000) defined ethics as a system of moral principles by which human actions and proposals may be judged as good or bad, right, or wrong, with the rules of conduct recognised in respect of types of human actions and the moral principles as applied to an individual. Business and ethics are inextricably linked. This is because they demonstrate a commitment to an expectation of morally upright behaviour, and companies with strong corporate ethics are more successful in the long run (Goessl, 2013). It is consequently necessary for the industry to treat the ethical issue seriously.

Professional Ethics in Construction Industry

Professional ethics is a set of rules that addresses both the morality and conduct of professionals in their day-to-day work and assigns moral responsibility to all professionals working in a given profession as a whole rather than to an individual. The inestimable value of human life necessitates the highest moral standards from individuals who might otherwise take risks in the building and design industries (Mason, 2009, cited in Vee & Skitmore, 2003).According to Shah et al. (2018), there are many parties that will be affected by ethical issues in the construction industry such as the Public Works Department, local authorities, client organizations, suppliers, contractors, consultants, public infrastructure users and buyers. Those mentioned have their own information on issues faced and integrity in the construction industry (Sohail & Cavill, 2008). The construction sector globally has made numerous other initiatives to raise the ethical standards and integrity of its professionals. For instance, the Construction

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Management Association of America (CMAA) in America recently modified its code of conduct to cover a larger range of professional services as well as professional services provided by participants in the construction industry (CMAA, 2006). As a result, the American Society of Civil Engineers published a Standard of Professional Conduct (ASCE, 2000) to guide the moral behaviour of those practising American civil engineering. Australia, meanwhile, has its own tendering guidelines that are designed to increase fairness and openness (Ray, 1997). Increasing ethics in both the public and business sectors is a priority for the Malaysian government. The Malaysian Construction Industry Development Board Act of 1994 (CIDB) established the Construction Industry Development Board, a significant organisation, with the goal of advancing, energising, improving, and extending the construction industry. This Board has carried out several activities, such as conducting research, offering consulting services in the field of research, and accrediting and registering contractors (Natkunasingham, et al., 1999). Additionally, this board oversees policing the behaviours of the contractors through the development of a code of ethics and the delivery of numerous seminars and training sessions. Other significant organisations include the Board of Architects Malaysia, a statutory body charged with upholding the Architects Act of 1967, the Board of Engineers, and the Board of Quantity Surveyors in Malaysia, which perform comparable duties. Another important organisation is the Malaysian Institute of Architects, which regulates, promotes, and organises in the field of architecture. By being tasked with creating plans and incentives as well as different codes of ethics to improve construction performance, these institutions, as the main participants in the industry, play a significant role in promoting self-regulation.Mason (2009) stated that in a development foundation, moral behaviour might be measured by the level of uprightness and reliability with which people and organisations do their business. The following section highlights unethical practices among Malaysian construction professionals.

Unethical Practices in The Construction Industry

Cover pricing, bid-cutting, poor documentation, delays and short payments, and a lack of safety ethics by subcontractors were all identified as the most prevalent unethical construction practises in Malaysia. Others are treating contractors unfairly during tender account discussions; rivals are exaggerating their capabilities and credentials to land employment; rivals are lying about their experience and credentials; and government bureaucracy is in place (Adnan et al., 2012). The unethical behaviour in the construction industry is also tied to difficulties with bribery, corruption, and conflicts of interest. Moreover, an exploration was done by Adnan et al. (2012) and uncovered that the most well-known construction professionals' unethical behaviour has been attributed to a variety of factors, including poor law enforcement, fierce competition, the economic downturn, inadequate education in ethics from institutions, cultural differences, and the complexity of the task itself. Abdul Hamid et al. (2021) stated that there are many factors that can influence the behaviour of the professional, including personal, work culture, current practises, enforcement, the nature of the industry, and political and economic factors. Construction professionals are in positions that require extensive mastery to progress, ensure, or protect clients' well-being, according to Vee and Skitmore (2003). The following are the most frequently acknowledged unethical behaviours, according to previous researchers like Abdul Hamid et al. (2019), Azhar et al. (2011), Olusegun et al. (2011), Vee and Skitmore (2003), and Degn and Miller (2003), who claimed that degenerate and dishonest practises in the construction sector can take numerous forms as shown in Table 1.

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Table 1: Common Types Of Unethical Behaviour

No.	Unethical Behaviour	Description
1	Bribery	Non-money or money support to get something consequently
2	Fraud	Deceit to obtain financial or other advantages
3	Extortion	A type of blackmail whereby one party threatens the other party of adverse consequences unless the other party meets listed demands
4	Bid Rigging	Unlawful conspiracy whereby competitors join to falsely raise the prices of a bid.
5	Overbilling	Increasing unit prices for activities that are planned to occur earlier in the project to raise the cash flow
6	Change Order Games	Submitting a low offer to secure the project and then providing change orders to collect the profit
7	Claim Games	Making additional earnings through presenting false claims

Research Methodology

This research has been done using both open-ended and closed-ended questionnaires as part of a quantitative research method. This approach is the best way to do the study because data and facts had to be collected about ethics and codes of conduct. Deductive research's fundamental goal is to draw a conclusion from the available data. It requires the gathering of premises, which, if proven true, will help develop a conclusion (Bloomberg, Cooper, and Schindler, 2008). According to Creswell (2014), organisations that use quantitative research should assess its scope and look for statistical data that can be objectively analysed. As a result, employing a quantitative technique enables the researcher to draw on a large group of respondents with a variety of viewpoints to help solve the study problem. As Creswell indicated, the researcher was able to obtain rich data by using a quantitative technique once again. Amoah et al. (2022) used a quantitative methodology to determine the extent of end-user participation in house construction, and Adnan et al. (2012) used the same approach to determine ethical problems among contractors. It is permissible to use a quantitative research approach in this study since its goal is to identify the barriers to ethical behaviour in the construction sector.

The study is based on primary data that was collected using an adapted questionnaire and an online tool (a Google Form) to survey professionals involved in the construction industry. This study used convenience sampling because the respondents were selected based on their ability and willingness to participate in the research. Rowley (2014) stated that convenience sampling is suitable for people in various areas. Convenience sampling was seen as more appropriate because the study focused on construction professionals from a variety of backgrounds who were spread throughout several provinces around the country. All the possible respondents, such as contractors, consultants, and project managers, were identified based on data from the Construction Industry Development Board (CIDB). 107 responses were received from 200 questionnaires, representing a 53.5% response rate. The minimum sample size of 30 is acceptable for statistical analysis (Tennant, 2013); thus, the sample size of 107 used is deemed

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sufficient for statistical inference. According to Odeyinka et al. (2008), for the majority of surveys given out in the construction business, a response rate of 20–30% is considered adequate. The purpose of this study was to identify current practises and opinions regarding unethical practices and identify barriers to complying with a code of conduct in the construction industry among professionals in the construction industry, such as project managers, contractors, and consultants. The collected data was analysed using a descriptive version of the Statistical Package for Social Sciences for Windows Version (SPSS) 29 software, such as mean score, percentage, and frequency. Based on the data gathered, issues with ethics in the construction sector were recognised, and potential solutions were put forth to deal with the unethical practises.

Result And Discussion

Respondent Profile

Table 2 summarises the general characteristics of the respondents and participants in the industry surveys using a frequency distribution. As stated in Table 2, the respondents who were specifically targeted for the study were professionals in the Malaysian construction sector, including quantity surveyors, architects, project managers, and others. It is also evident that a significant portion of respondents (35%) were contractors, followed by (30%) civil and structural engineers, (18%) architects, (11%), project managers, and (6%), quantity surveyors. As they are involved in various levels and phases of construction work, this ensures the diversity of the responses from various specialists working in the industry. They also have a variety of points of view on unethical practises.

In addition to these, 21% of the sample's respondents have less than five years' experience in the construction industries, while the remaining 79% have more than five years' experience; this shows that more experienced respondents made up most of the sample, and as a result, their responses would be more in-depth and based on real-life scenarios because of their extensive experience in this field. Only 21% of respondents have a diploma, 23% have a master's degree, and 57% have a bachelor's degree. Given this, it is reasonable to believe that the respondents are more qualified. The majority of respondents (59%) were between the ages of 31 and 39, which suggests that people of a reasonable age would have greater depth of views about the construction industry.

Table 2: Demography Profile Of The Respondents/Participants In The Survey

	Respondents	**Frequency**	**Percentage**
Gender	Male	59	55%
	Female	48	45%
	Total	*107*	*100%*
Age	25-30 years	31	29%
	31-35 years	20	18%
	36-39 years	23	21%
	>40 years	33	32%
	Total	*107*	*100%*
Education Qualification	Master’s Degree	25	23%
	Bachelor’s degree	61	57%
	Diploma	21	20%
	Total	*107*	*100%*

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Work Experience	<5 years	23	21%
	6-10 years	24	22%
	11-15 years	29	27%
	>15 years	31	30%
	Total	*107*	*100%*
Designation	Project Manager	12	11%
	Architect	19	18%
	Contractor	38	35%
	C & S Engineer	32	30%
	Quantity Surveyor	6	6%
	Total	*107*	*100%*

Findings

Respondents' Views On Common Unethical Practices In Construction Industry

Respondents were asked to rate how frequently they encountered ethical issues at work. Following that, the mean values were calculated and arranged in Table 3 in order of significance. According to the analysis, respondents' most common ethical problem is overpricing (mean score 4.03, ranked first). Bid cutting is the second-ranked ethical aspect, with a mean score of 3.91; delay and short payments are the third-ranked factor, with a mean score of 3.89. In addition, the respondents reported having encountered or seen bribery in the construction industry in the form of financial inducements, gifts, favours, trips, and appointments. These problems came in fourth (mean score: 3.85). Nepotism was ranked fifth (mean score, 3.79) and using worse materials than specified was sixth (mean score, 3.75). Competitors overstate their skills and qualifications in order to secure a job (mean score of 2.98, ranked 11th), fraudulently preparing the daily report with the intention of later recovering the costs (mean score of 2.68, ranked 12th), and poor documentation (mean score of 2.46, ranked 13th) are some of the least highly rated ethical issues experienced by the respondents. According to the research, the majority of ethical problems are corruption-related tender difficulties, whereas professionals only have modest problems with information and honesty.

Table 3: Ethical Issues Experienced By The Respondents.

Ethical Issues	Mean	Ranking
Overpricing/ overbilling the rates	4.03	1
Bid Cutting	3.91	2
Delay & short payments	3.89	3
Bribes for projects	3.85	4
Nepotism	3.79	5
Use a lower grade of materials than specified.	3.75	6
Tender Manipulation	3.71	7
Contractors' personnel fail to dispose of waste in an appropriate, safe, and	3.69	8

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environmentally acceptable manner.		
Fraudulent calculation of the item's value for financial purposes in the table of quantities	3.41	9
Lack of safety, health, and welfare of construction workers	3.26	10
Competitors overstate their skills and qualifications to secure a job.	2.98	11
Fraudulently preparing the daily report with the intent to later recover the costs	2.68	12
Poor documentation	2.46	13

Respondents' Views On The Barriers To Ethical Compliance

The respondents were then asked to provide an opinion about the difficulties they had adhering to the professional code of conduct. The results were then categorised according to their frequencies and ordered by rank, as shown in Table 4. The findings indicated that there are several barriers to complying with a professional code of conduct. Greediness (36%, ranked 1st), fraudulent acts are frequently used to obtain contracts (21%, ranked 2nd), Lack of knowledge related to laws and regulations (14%, ranked 3rd), lack of authorization to the compliance department (12%, ranked 4), Cognitive biases and psychological tendencies (10%, ranked 5), and insufficient support from the government (8%, ranked 6). Therefore, it can be concluded that the challenges faced by construction professionals in complying with a code of conduct can be classified into three categories: social barriers, managerial barriers, and psychosocial barriers.

Table 4: Barriers to complying with a professional code of conduct

Barriers in complying a code of conduct	Frequency	Percentage	Ranking
Greediness	38	36%	1
Fraudulent acts are frequently used to obtain contracts.	22	21%	2
Lack of knowledge related to laws and regulations	15	14%	3
Lack of authorization to the compliance department	13	12%	4
Cognitive biases and psychological tendencies	11	10%	5
Insufficient support from government	8	7%	6

Based on the findings, the common types of unethical practises and the barriers to complying with the code of conduct have been identified. In addition to unethical conduct-related questions, the respondents were also asked about mitigation measures related to unethical

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practises among the construction professionals. The study found that the respondents all agreed that offering employees benefits and improving their compensation frequently motivated them to stop acting unethically. This suggests that individuals will engage in less immoral conduct as the rewards rise. Additionally, 69% of respondents said that ongoing oversight and eliminating conflicts of interest helped reduce unethical behaviour. Additionally, it has been found that effective supervision (72%) has a more significant impact on reducing unethical behaviours in building operations.

Conclusion

To encourage moral behaviour in the construction industry, professional associations and commercial organisations must create and enforce moral standards and laws, and public procurement authorities must be managed. This is because unethical behaviour on the part of construction professionals has a terrible impact on the industry's reputation as well as the communities and individuals who benefit from it. The objectives of this study, to identify the common unethical behaviours among construction professionals and to find out the barriers to complying with the code of ethics, have been accomplished. The study found that unethical practises like rate overpricing, bid cutting, delay, and short payments; bribes for projects; nepotism; use of lower-grade materials than specified; tender manipulation; and contractors' personnel failing to dispose of waste in an appropriate, safe, and environmentally acceptable manner are still common and persistent. This is true even though the majority of organisations have their own standards of conduct and professional bodies that encourage good ethics. The main obstacles to eliminating the unethical conduct mentioned above are greed, acceptance as standard procedure, ignorance of laws and regulations, lack of authorization for the compliance department, cognitive biases and psychological tendencies, and insufficient support from the government. If these obstacles remain in place, the construction industry's reputation will suffer, leading to social vices, bad project execution, protests against the delivery of services, and widespread community protests, among other things. Because of this, regardless of professional affiliation, all parties involved must share the same understanding of ethical and professional norms, competence, and integrity. This finding of this study is significant for authorities' bodies to come up with a framework in order to mitigate these unethical issues in the Malaysian construction industry. For instance, to ensure accountability for acts inside the industry, severe penalties for wrongdoing can be identified (such as legally binding fines). It is because ethics can change and there are many forms that might be viewed as grey areas but aren't, annual required education seminars might be created to guide all professionals in continuing their education. The government and professional organisations are vital to reducing unethical behaviour in the construction industry. As example, the registered engineers need to obey with the Code of Professional Conduct under the Board of Engineers (BEM). Further study on ethics education might be carried out with a focus on developing suitable ethics curricula for Malaysian undergraduate engineering and construction programmes. For the best exposure to ethics, the research may concentrate on the introduction, analysis, and application of applied professional ethics to the students in connection to construction practises.

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