

BENGKEL AKTA PERLINDUNGAN PEMBERI MAKLUMAT 2010

“PERANAN NKRA DALAM MEMBANTERAS RASUAH”



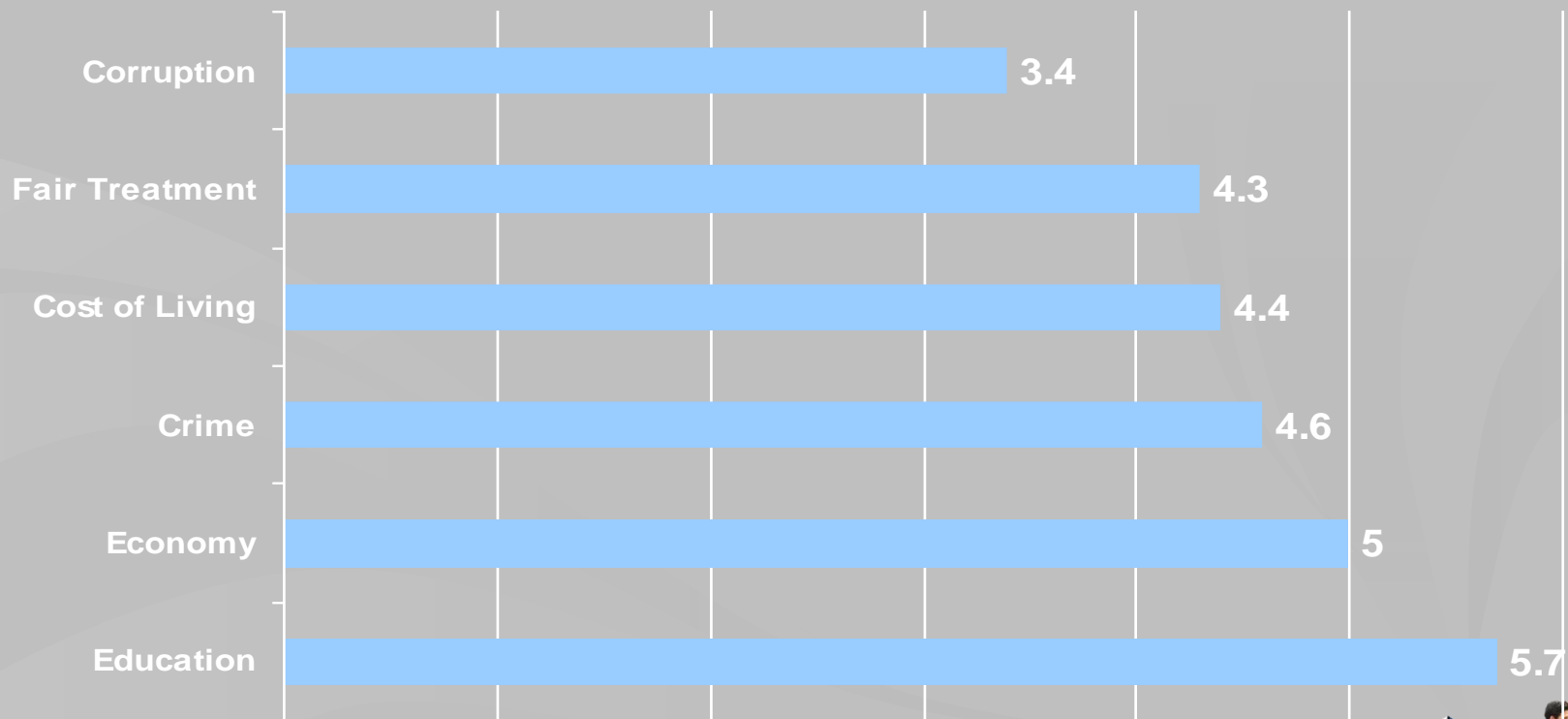
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NKRA Membanteras Rasuah
Jabatan Perdana Menteri

29 Mac 2016



The March 2008 elections and the Barisan Nasional Public Perception Survey in Sept 2009 noted that Public is most dissatisfied on the issue of Corruption

“How satisfied or dissatisfied are you?” Scale of 1 to 10
(10 = most satisfied; 1 = most dissatisfied)



Corruption needs to be addressed immediately with BIG BOLD moves

Case For Action

Public are demanding high profile arrest

Description

- PKFZ and recent detailed allegations made in public looms large in people's minds and they expect high profile arrests and prosecution
- 67% of Malaysians said they were unconvinced with the Government's efforts to tackle corruption, calling their actions ineffective

Lower 2010 budget

- The 2010 budget is 13% lower than the previous year – the first budget which is lower than the previous year in 23 years
- To make the budget work, leakages from corruption must be addressed
- PEMUDAH estimated that corruption could cost Malaysia as much as RM10 billion a year – an amount equivalent to 1 or 2 per cent of GDP

Losing faith in due process

- Corruption has become a way of life in Malaysia – from petty bribery to grand corruption involving those in power
- Judiciary, regulatory and enforcement agencies are perceived to be tainted with corruption

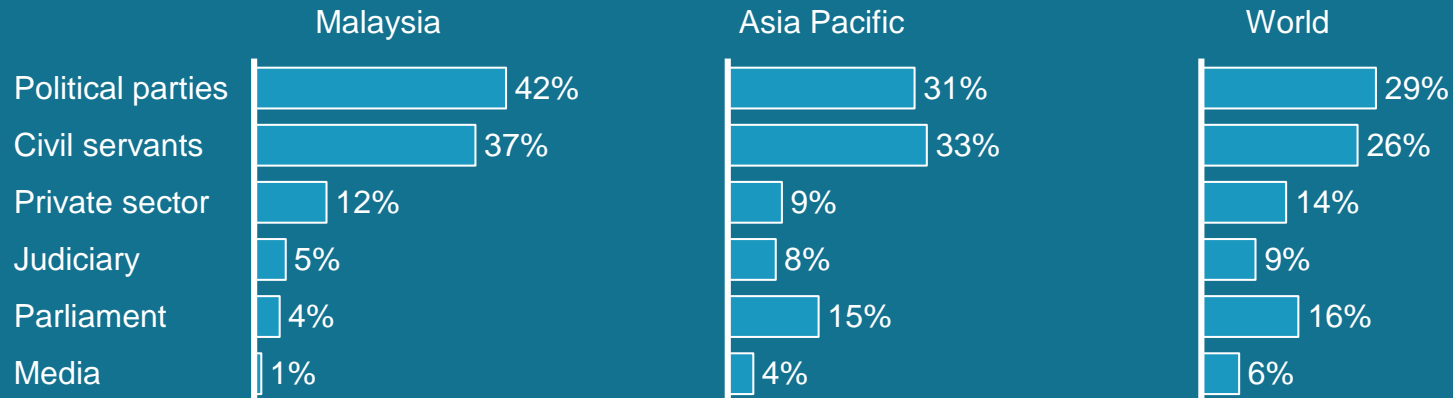
Declining competitiveness

- Quality of leaders due to money politics
- Government contracts are not given based on capabilities hence eroding competitiveness
- Malaysia's Global Competitiveness Index has fallen over the years (2009:24; 2008:21)

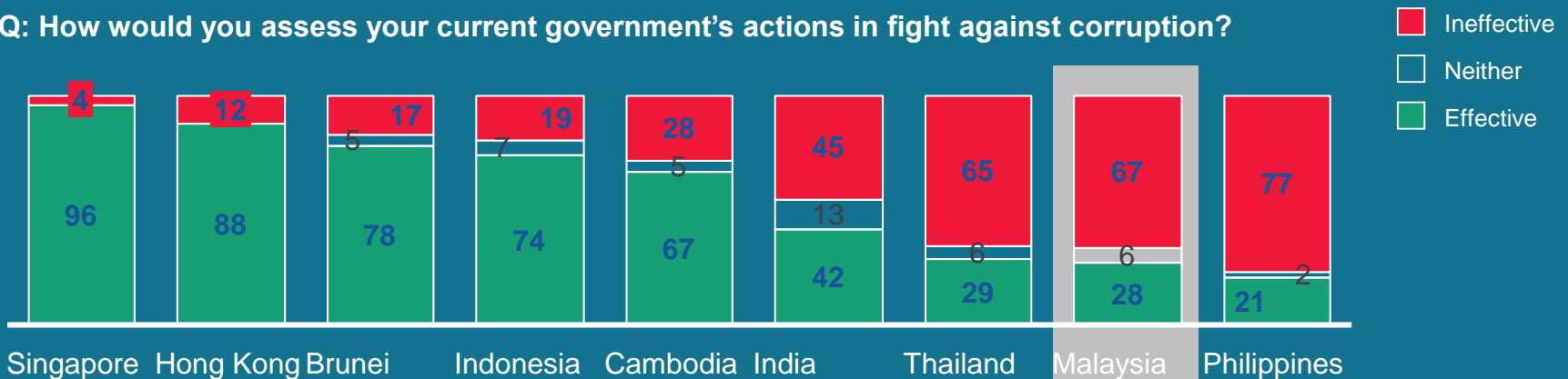


The public perceives that corruption most affects political parties and the civil service, and that government has been ineffective in fighting it

Q: Which of these six sectors/ organizations would you consider to be most affected by corruption?



Q: How would you assess your current government's actions in fight against corruption?



Bagi mencapai aspirasi NKRA, 3 kunci utama perlu ditangani

Aspirasi Memerangi Rasuah

Memerangi gejala rasuah melalui penguatkuasaan dan pematuhan
 Meningkatkan kepercayaan rakyat terhadap integriti kerajaan dan perkhidmatan awam
 Meningkatkan ketelusan bagi memperbaiki skor Malaysia di dalam Corruption Perception Index (CPI)

RASUAH = KUASA + BUDI BICARA – AKAUNTABILITI – KETELUSAN

PENGAWALSELIAAN/ PENGUATKUASAAN UNDANG-UNDANG

- Mengembalikan kepercayaan rakyat terhadap agensi Penguatkuasa.
- Meningkatkan persaingan Malaysia sebagai satu platform perniagaan.

PEROLEHAN KERAJAAN

- Mengurangkan ketirisan dalam dana yang diperuntukkan untuk pembangunan dan operasi nasional.
- Memastikan keadilan dalam pemberian kontrak

RASUAH TERANCANG

- Mencegah penyalahgunaan kuasa dan sumber awam oleh ahli Politik dan Pegawai Kanan Kerajaan.
- Meningkatkan penyampaian keadilan terhadap rasuah.

Sub
NKRA

Integriti Perkhidmatan Awam

Rangkakerja Perundangan dan Peraturan

Penyiasatan, Pendakwaan dan Penghukuman

Reformasi Anti-Rasuah ini dipandu oleh rangka kerja dari atas ke bawah dan dari bawah ke atas...

Rangka Kerja dari Atas ke Bawah



- Memiliki **komitmen yang kuat** iaitu **'Sifar Toleransi' untuk rasuah**
- Tiada campur tangan politik dalam pentadbiran awam



- **'Checks and balance' (semak dan imbang) untuk menegakkan kebebasan** kehakiman, undang-undang dan institusi penguatkuasa undang-undang



- **Kecekapan dan keberkesanan** Agensi Penguatkuasaan Undang-Undang
- **Ketelusan dan akauntabiliti** dalam pentadbiran awam, politik dan sektor perniagaan

Rangka Kerja dari Bawah ke Atas



- *Membenarkan **capaian kepada informasi** bagi mempromosikan penelitian orang awam.*
- Meningkatkan kesedaran terhadap hak orang awam
- Menyediakan saluran bagi orang awam menyuarakan pendapat



- Sistem dan proses yang komprehensif dan kuat akan memastikan **check and balance**
- Membudayakan budaya unggul dan integriti



- **Suara kuat Rakyat** untuk menyokong serta mendorong perubahan yang positif
- *Bertindak sebagai **'watchdog' 'Pemerhati'** bagi **mempastikan tadbir urus baik***
- **Melapor** amalan-amalan jenayah dan membantu siasatan

- Siap
- Sedang Berjalan
- Diperkemas ke GTP 2.0

27 inisiatif NKRA Rasuah...

PENGUATKUASAAN DAN PENGAWALSELIAAN

- 1 Memperkukuhkan dan memperkasakan Unit Pematuhan
- 2 Mewujudkan sebuah agensi yang menguruskan harta rampasan
- 3 Memantapkan Sistem Pusingan Kerja (*Hot Job Rotation*)
- 4 Mengurangkan budi bicara melalui automasi
- 5 Jadual Liga Prestasi bagi semua Pihak Berkuasa Tempatan (PBT)
- 6 Pertukaran kakitangan PBT
- 7 Meningkatkan akauntabiliti PBT dan ahli majlis
- 8 Mengurangkan karenah birokrasi dalam agensi penguatkuasa
- 9 Meningkatkan kesedaran orang awam terhadap sebarang pindaan atau kewujudan undang-undang dan prosedur baru

PEROLEHAN KERAJAAN

- 1 Portal MyProcurement & Portal MyPartnership
- 2 Menentukan parameter surat sokongan
- 3 Latihan untuk pegawai-pegawai perolehan
- 4 Integrity Pact
- 5 Perbezaan antara perolehan dan penswastaaan / kerjasama awam swasta
- 6 Kaji semula rundigan harga dalam perolehan (Modul Kajian Pasaran)
- 7 Meningkatkan keupayaan teknikal dengan mewujudkan Jawatankuasa Standard dan Kos di setiap Kementerian dan Agensi

RASUAH BESAR

- 1 Melaksanakan Akta Perlindungan Pemberi Maklumat
- 2 Membangunkan Pangkalan Data Pesalah Rasuah
- 3 Menyelesaikan perbicaraan kes rasuah dalam tempoh setahun
- 4 Menguatkuasakan hukuman yang lebih berat
- 5 Keupayaan SPRM mengakses kepada Pangkalan Data Pengisytiharaan Harta
- 6 Penghargaan dan Pengiktirafan kepada penjawat awam yang melaporkan tawaran rasuah
- 7 Pembiayaan Politik
- 8 Pembahagian kuasa yang jelas di antara Menteri dan KSU
- 9 Pewujudan pelantikan pegawai politik secara rasmi
- 10 Meningkatkan kredibiliti dan Integriti Media
- 11 Memperkukuhkan kebebasan institusi utama

DI Antara Pencapaian Utama NKRA Membanteras Rasuah

1. Penyelesaian perbicaraan kes rasuah dalam tempoh 1 tahun – 14 Mahkamah Sesyen Khas Jenayah Rasuah telah ditubuhkan dan telah mula beroperasi pada 16 Feb 2011.
2. Pangkalan Data Pesalah Rasuah telah diwujudkan di web portal SPRM bermula pada 4 Mac 2010. Data pesalah telah dimuat naik dan boleh diakses melalui www.sprm.gov.my

5. Penubuhan Unit Pematuhan di kesemua agensi Penguatkuasaan utama negara iaitu PDRM, JPJ, SPRM, KDRM dan Imigresen.
6. Akta Perlindungan Pemberi Maklumat 2010 telah mula berkuatkuasa pada 15 Disember 2010.

Pencapaian

3. Lebih 500 Corporate Integrity Pledge (CIP) agensi penandatanganan telah dimuat naik ke portal cism.my sehingga Disember 2016.
4. Pelaksanaan Integrity Pact – satu pekeliling telah dikeluarkan untuk garis panduan pelaksanaan integrity pact ke atas semua kontrak Kerajaan. Melibatkan kontrak Kerajaan mencecah RM6Bil.

:-

7. Paparan perincian Kontrak Perolehan Kerajaan dan penswastan melalui portal My Procurement Portal & MyPartnership (dirasmikan pada 1 Apr dan 25 Sept 2010)
8. Pengiktirafan kepada penjawat awam yang melaporkan perlakuan rasuah. Pekeliling berkenaan telah dikeluarkan pada 1 Jun 2011.

Whistle blower protection framework



Overview of Initiatives

Case for action

- The objective of this initiative is to determine and recognizes the need for a law/ legislation to promote whistle blower and to publicly educate on whistle blower ethic

Proposed solution

- The idea to enact a Whistle Blowers Protection Act in Malaysia shall contribute to greater transparency in the delivery system in order to battle corruption, mischief, wrongdoing and many other unethical manners

Intended outcomes

- The proposed whistleblowers protection law should be able to cover both the public and private sector, in ensuring that the Government's effort and the lawmakers' intention to combat corruption and wrongdoings within organisations are effectively tackled at both the public and private sector

Critical Success Factors

Potential risks or challenges

- The introduction of a Whistleblowers Protection Act will supplement and complement the MACCA and other written laws and guidelines or orders to eradicate corruption

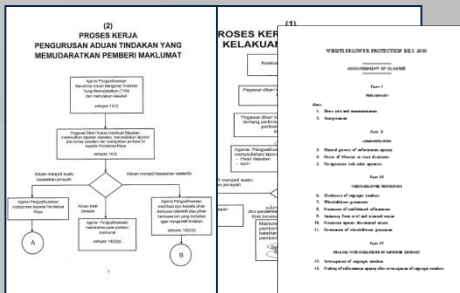
Resource requirement

- The AGC teams shall consist of competent group members in term of legal expertise, enforcement, etc

Akta Perlindungan Pemberi Maklumat 2010 telah diluluskan dan Dikuatkuasakan pada 15 Disember 2010

DMO NKRA & PEMANDU membantu **BHEUU** mengadakan bengkel penyediaan **SOP**.

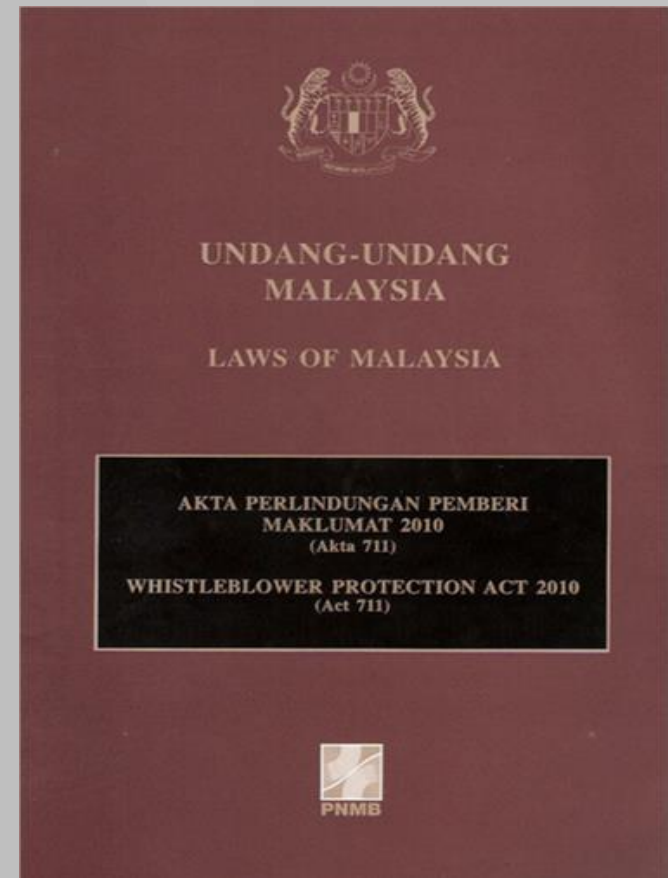
Dengan kerjasama **AGC**



Input dari agensi



Whistleblower Act 2010



MENANGANI PEMBERI MAKLUMAT



Corroborate Information given by the WB

- Menguatkan maklumat yang diberikan oleh PM bagi membuktikan ketepatannya dan bagi mengurangkan atau menghapuskan keperluan kepada testimoni, atau untuk pengesahan “maklumat diterima daripada sumber yang boleh dipercayai” di mahkamah.



UNCAC Article 37

Cooperation with law enforcement authorities

- 1. Each State Party shall take appropriate measures to *encourage* persons who participate or who have participated in the commission of a corruption offence to supply information useful to competent authorities for investigative and evidentiary purposes and to provide factual, specific help to competent authorities that may contribute to depriving offenders of the proceeds of crime and to recovering such proceeds.



- 2. Each State Party shall consider providing for the possibility, in appropriate cases, *of mitigating punishment* of an accused person who provides substantial cooperation in the investigation or prosecution of an offence established in accordance with this Convention.



- 3. Each State Party shall consider providing for the possibility, in accordance with fundamental principles of its domestic law, of *granting immunity from prosecution* to a person who provides substantial cooperation in the *investigation or prosecution* of an offence established in accordance with this Convention.



Concerns over Whistle blowers

- Using WBs who are criminals and closely involved with criminals may lead to inappropriate relationships between the WBs and those managing them. Can corrupt the officer easily.
- There is the danger that the WB will obtain information from law enforcement and share that with a criminal group.



Concerns over WB

- Being a WB may significantly increase a person's risk of getting detrimental actions.
- Keeping the identity of a WB's secret is essential.
- Offenders are likely to keep detailed information on their criminal associates and victims. That knowledge could make it more difficult to protect the WB.
- WB have a range of motivations for providing information. Know what they are! And be prepared to continuously question/assess the WB's motivation.



Reward and recognition:

- To encourage public officers /civil servants who are offered a bribe but refused it to come forward to report .
- A scheme is being proposed to reward public officers with an amount of money, after a conviction is secured, stemming from their report.



Informants in the UK: A Valuable Service?

- UK police forces paid more than £6m last year to people with information on criminal activity
- The Met Police (New Scotland Yard) spent most at £1.86m
- Manchester Police at £329,497
- West Midlands Police = £291,780
- Kent Constabulary = £222,578
- Strathclyde Police = £221,598
- Northumbria Police = £ 191,652
- Most informants earned from £50 to £2,000
- A few received more than £100,000.



TERIMA KASIH

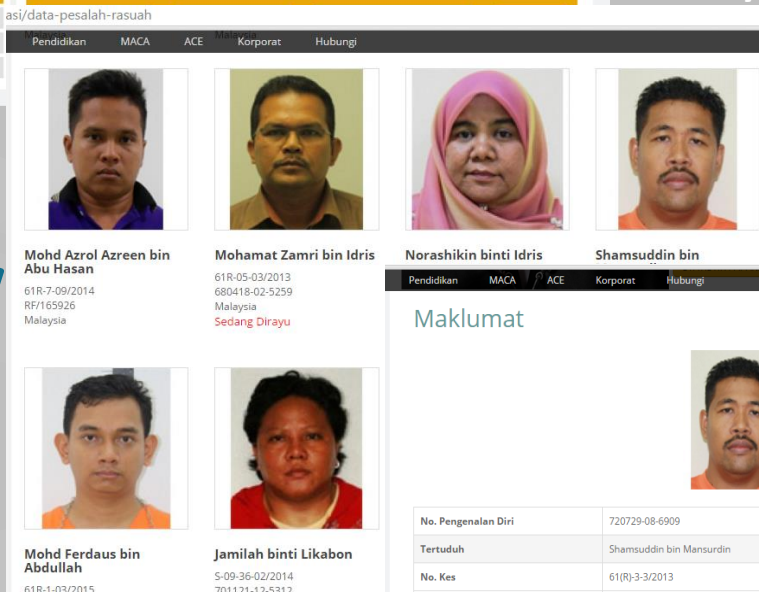


SIDE POCKET

4. Monitor Corruption Offender Database



With the objective to create awareness and as prevention measures to stop individuals from engaging with corrupt practices. Contains information on corruption offenders including image, identity card no., details of offence and the penalty imposed. Over 1,500 records had been published and data will remain on the website for three (3) years. Those reached maturity date will be kept in archive.



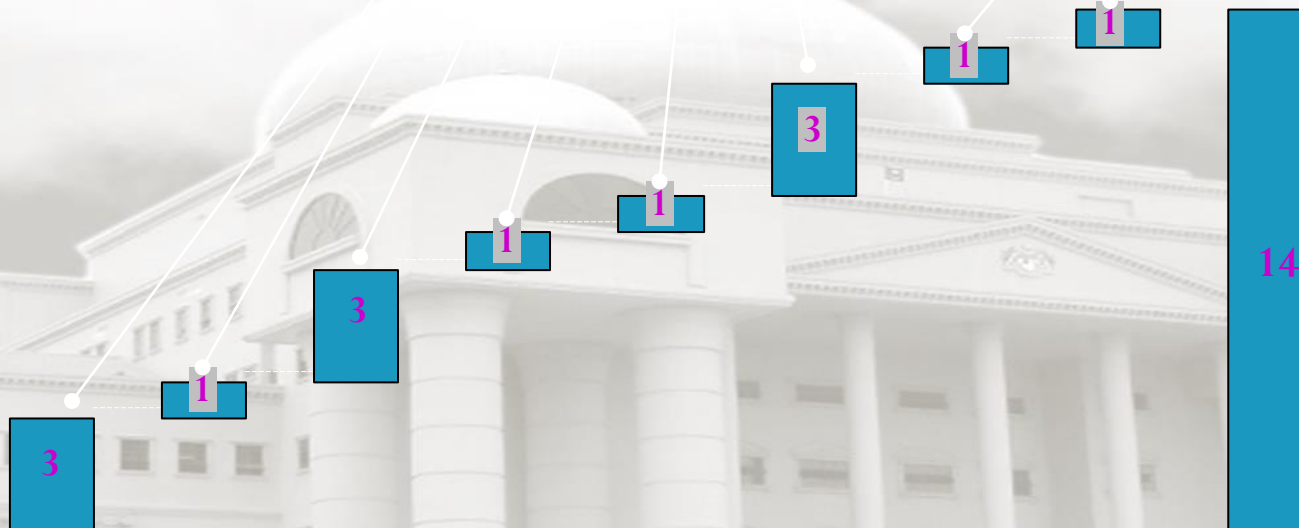
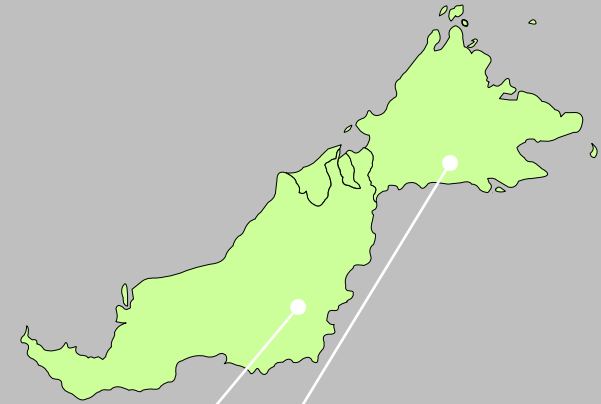
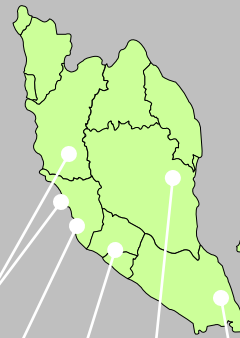
Maklumat

No. Pengenalan Diri	720729-08-6909
Tertuduh	Shamsuddin bin Mansurdin
No. Kes	61(R)-3-3/2013
Ringkasan Pertuduhan	Pada 12.12.2012, di Restoran Jaya, Jalan Penang, Timur Laut, Pulau Pinang, telah secara rasuah menerima suatu suapan wang tunai berjumlah RM1000.00 daripada Yong Wan Fu sebagai dorongan untuk menyelesaikan kes jenayah narkotik Yong Wan Fu.
Mahkamah	Mahkamah Khas Rasuah Balik Pulau
Hakim	Puan Caroline Bee Majanil
Timbalan Pendakwa Raya/ Pegawai Pendakwa	TPR Ahmad Ghazali bin Muhamad Nadzri
Peguam Bela	Encik Shahrullah Khan
Kesalahan	Seksyen 16(a)(a) Akta Suruhanjaya Pencegahan Rasuah Malaysia 2009

Achievement: Database currently utilize by the US Embassy for visa issuance and by the Financial institutions as well as other organizations as a due diligence process for the purpose of recruiting and promotions



14 Mahkamah Khas Rasuah telah ditubuhkan.



KL

Perak

Selangor

N.Sembilan

Pahang

Johor

S'wak

Sabah

Total

KOMPLEKS
MAHKAMAH KUALA LUMPUR

Langkah-langkah telah diambil untuk menubuhkan



Unit Pematuhan

- * Setiap agensi penguatkuasa telah menghantar seorang pegawai untuk dilatih dan ditauliahkan sebagai Pegawai Integriti Bertauliah (CeIO) yang telah berlangsung sejak Julai 2010.
- Agensi-agensi telah bersedia untuk menubuhkan Unit Pematuhan di agensi masing-masing.
- Antara fungsi unit ini adalah untuk mengenalpasti pegawai yang terlibat dgn rasuah, menyemak prosidur jabatan bagi mengurangkan karenah birokrasi dan untuk memastikan pematuhan.
- Latihan 'Integrity Testing' telah dilaksanakan dan dihadiri oleh pegawai-pegawai daripada Unit Pematuhan di agensi tersebut.

*Hubungan
Kerjasama*



Inisiatif untuk mengiktiraf penjawat awam yang melaporkan perlakuan rasuah

