

AN OVERVIEW ON MALAYSIA'S ETHICS INITIATIVES

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ABSTRACT

Reforms in the public administration have changed the way how tasks are performed in the public service. The Malaysian public service had gone through various changes in its style of administration. Starting with the traditional public administration then shifted to the New Public Management (NPM) and later to governance. The shift changes the way administration is manoeuvred however it highlighted one common theme to how work should be performed which is through the application of ethics. Ethics is no stranger to the Malaysian public administration as it has been a consistent theme throughout the changes even though it was not highlighted as the main objective of each reform. Thus, this paper aims at overviewing the evolution of ethics initiatives in the Malaysian public administration and some of the challenges it faced.

Keyword: *Ethical issues, Corruption, Malaysia, Public administration*

1.0 INTRODUCTION

The contemporary public administration is not only concerned about the efficiency and effectiveness of public service but also the ethical conduct of the public service. The reason for the focus is the change in public perception on corruption. During the government reform movement, corruption generally refers to political corruption however it is now becoming so often associated with the public service (Frederickson 1993). Due to this, governments all over the world have been actively promoting and implementing ethics initiatives in the struggle against corruption (Bowman 1990, Bowman and Knox 2008). Ethics initiatives are plans, codes, programs and projects promoted and conducted mainly by the government to inculcate ethics and integrity to both public and private sectors. However, long before ethics and integrity became the catchphrase in public service around the world, the Malaysian public service had subtly incorporated ethics in its administration to tackle incoming issues and started intensifying the efforts in recent years.

2.0 MALAYSIAN ETHICS INITIATIVES

The Malaysian ethics initiatives started even before it gained its independence. In 1950, a commission report on the 'Integrity of the Public Service' focusing on corruption offenders was produced following the enactment of the Corruption Prevention Ordinance 1950 (UKM 2007). As the administration matures, the government became serious in ensuring the ethical conduct of its citizens. The Corruption Prevention Act 1961 later ensued. The government began to strengthen the focus on corruption prevention by establishing the Anti-Corruption Agency (ACA) in 1967 in accordance with the Anti-Corruption Act 1967. It was later named as National Investigation Bureau (NIB) in 1973. Following the

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legislation of the Anti-Corruption Act 1982, the name ACA was reinstated. The ACA became the single and distinct entity in combating corruption in Malaysia. The ACA was elevated into the Malaysian Anti-Corruption Commission (MACC) in 2009 with the enacting of MACC Act 2009. This has made MACC a professional body that is independent and transparent in supporting the nation's anti-corruption efforts (MACC 2017).

Among other available legal framework of conduct dealing with corruption is the Penal Code (Act 574). It is a law that codifies most criminal offences and procedures in Malaysia. Chapter IX of the Penal Code specifically stated corruption offences by or relating to the public servants. Corruption in the Penal Code is known as gratification. Gratification is giving or receiving a reward either in the form of cash or other form of materials or services in exchange for the tasks executed by a public servant using his position and power. According to the Act, offences are 1) public servant taking gratification, other than legal remuneration, in respect of official act, 2) taking a gratification in order, by corrupt or illegal means, to influence a public servant, 3) taking a gratification, for the exercise of personal influence with a public servant, 4) punishment for abetment by public servants of the offences above defined and 5) public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant (1997).

The Public Officers (Conduct and Discipline) Regulations 1993 are another legal framework to regulate the conduct of officers working in the public service. It contains provisions which all public servants must abide to. The following regulations are closely related to corruption offence that an officer shall not 1) subordinate his public duty to his private interest, 2) conduct himself in a manner that his private interest conflicted with his public duty, 3) conduct himself in any manner causing reasonable suspicion on his public duty, 4) conduct himself in a manner that bring disrepute or discredit to the public service, 5) dishonest and untrustworthy, 6) irresponsible (1993).

Disclosure of corruption activities can only likely to be made by people who are close to the offenders. Whistle blowers who expose corruption activities are putting themselves in a risky situation therefore they will need protection from the government. The Whistleblower Protection Act 2010 is one of the strategies to combat corruption by encouraging the public to report or reveal information of any corruption activities. The Act is aimed at protecting the person who made the report or revealed the information by ensuring their identity confidentiality, immunity from civil and criminal action and protection against detrimental action taken against them (SPRM 2017). The disclosure which is related to corruption is abuse of authority and violation of laws and ethical standards.

While efforts of regulating conduct cannot be solely depended on the law, some other ethics initiatives were also created to promote good work values and ethics. The Malaysian ethics initiatives that have been established are shown in

Table 1. These initiatives are complimentary yet important to the legal framework already in place. The ethics campaign was promulgated through the social and work ethics policies starting in the 1980s. Interconnected campaigns such as Clean, Efficient and Trustworthy,

Leadership by Example, Integration of Islamic values, Values and Ethics of Public Service and Excellent Work Culture were created to support the aspiration of excellent work ethics in the public sector. All of the campaigns featured similar ethical values that illustrated the continuity of government efforts in instilling ethics in the work practice of the public servants.

Table 1: Malaysian ethics initiatives

Initiative	Year introduced
Work Ethics	1981
Look East Policy	1982
Instilling the Islamic values in service	1985
Excellent work culture	1989
12 Pillar	1992
The Values Program	2000
National Integrity Plan	2004
Government Transformation Program	2010
Public Service Ethos	2012

The Public Servants Pledge is a written document created to officially indicate that public servants are aware and agreed to execute their administrative role ethically. The pledge which is a part of The Public Officers (Conduct and Discipline) Regulations 1993 acts as a contract between the public servants and the government. It serves as a reminder to the importance of adherence to rules and an indicator to the loyalty to the King, nation and government (IIM 2009). The Public Service Pledge is supported by a set of values known as The 12 Pillars which was established in 1992. The 12 Pillars acts as the foundation to the public servants ethical conduct. The values in 12 Pillars became the foundation of good work values in public service. The values are valuing time, responsibility, tenacity, wisdom, enjoying work, simplicity, patience, advancement of talent, kind heartedness, excellent personality, innovativeness exemplary influence. These inculcation of these values is important because public servants who practice all of these values are said to have an excellent work ethics (Marican 2005).

In order to strengthen its implementation of ethics in the administration, the Malaysian public service networked itself with other public service through the Commonwealth Association of Public Administration and Management (CAPAM). CAPAM is an organization that promotes good governance and knowledge exchange between its members and others (CAPAM 2017). This enables Malaysia to share and exchange ideas on ethical issues and solutions with CAPAM members.

In the effort to create an ethical Malaysian society as a developed nation outlined in the Vision 2020, a master plan, the National Integrity Plan (NIP) was formulated in 2004. The plan is overseen by the Institute of Integrity Malaysia (IIM). The National Integrity Plan objective is to support the Vision 2020 aim of ‘establishing a fully moral and ethical society with the highest ethical standards’. Several other initiatives relevant to the NIP is the introduction of the Public Service Ethos. Ethos is defined as a way of life that includes a set of values held by the individual, together with organizational processes and procedures that shape, and are shaped by those values (Rayner, Williams et al. 2010). The ethos presented eight values which are integrity, urgency culture, prioritizing customers,

cooperation and agreeableness, innovation and creativity, consultation and involvement, complaints as a gift and enhancement of knowledge and skills. The public service ethos is a manifestation of the commitment to the continuous inculcation of ethics and values ensuring the survival of an excellent administration (MAMPU 2012).

The current administrative reforms in the Malaysian government have taken adopted 'Transformation' as a new term to direct changes. In its transformation efforts, the Government Transformation Program (GTP) is focusing on achieving 5 National Key Result Areas (NKRA). One of the NKRA is bribery prevention. Following this particular NKRA aim and the Prime Minister Directive No. 1, 2009, all government departments must establish their own Compliance Unit or Integrity Unit. The first Integrity Units established in Malaysia is in five primary enforcement agencies which are the Royal Malaysian Police (PDRM), the MACC, the Immigration Department (JIM), the Royal Customs (JKDM) and the Road Transport Department (JPJ). An integrity unit is unit acting as a focal point to manage all ethical related issues in public agencies. It is in charge of supervising governance, strengthening of integrity, detecting and validating, managing complaints, compliance and discipline (JPA 2013).

The Prime Minister first directive in 2009 aimed at strengthening the integrity of managerial system in the administration. The directive inaugurates the *Jawatankuasa Keutuhan Tadbir Urus* (JKTU) in 2009. The JKTU is chaired by the Prime Minister. This signals the readiness of the government to engaged serious efforts in identifying and tackling ethical issues taking place in its administrative machineries. The JKTU requires that every ministries and departments to identify issues, problems and solutions pertaining to integrity, governance and bureaucratic red tape. Disregarding these problems may open the opportunity to bribe, misuse of position and abuse of power. The JKTU is recently streamlined and re-established as *Jawatankuasa Integriti dan Tadbir Urus* (JITU). JITU gives greater emphasis on the prevention of corruption. It requires that every government entities in the Federal, State and Districts to establish its own integrity committee and created its own code of ethics. A code of ethics is a statement of principles that describe desirable professional conduct and guide individuals in resolving ethical problems (Grundstein-Amado 2001). The central function of a code is to prevent and not to punish unethical conduct. The Public Service Department (PSD) produced a general Code of Ethics which is used across the board while individual agencies may have a separate Code of Ethics catering the ethical needs within their work contexts.

3.0 THE ETHICS INITIATIVES IMPASSE

Despite all the initiatives, the Malaysian public service is still facing the challenge of a ubiquitous corruption issues. This can be illustrated by the Malaysian Anti- Corruption Commission (MACC) volatile statistics in the arrests of the public officers due to corruption (MACC 2013). The latest statistics on public servants corruption was no better. It has been reported to be more serious in the duration of ten years (Ahmad 2017). The MACC Deputy Commissioner (Operational), Datuk Azam Baki confirmed that 665 investigation papers has been opened whereby 548 public servants were arrested with 63 charged in court (Ahmad 2017). One of the reasons in the inability to prevent corruption effectively in Malaysia is the overlapping function of related institutions (Yusoff, Murniati et al. 2012). The Malaysia Institute of Integrity, the NKRA Division and the MACC carried overlapping duties at strategic level. For example, both IIM and MACC create their

corruption prevention group in the same Malaysian universities (Yusoff, Murniati et al. 2012). This contributes to waste of time and resources when related agencies are conducting similar activities targeting the same pool of participants.

4.0 CONCLUSION

The Malaysian government has put up efforts in preventing corruption from the moment of its inception as an independent government. These efforts are put in place in various reforms, policies and campaigns which are still continuing until today. In spite of all ethics initiatives that have been implemented by the government, corruption is no near the end. Hence it is important to note that there is still a way which has been discussed by the scholars and practitioners and has yet to be taken up by the government. When and until the government is willing to put its political will in ensuring an effective prevention of corruption, only then the hard work put into the ethics initiatives throughout the years can be fully appreciated and celebrated.

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