
Enforcement Agency Integrity Commission: Whither Is It Bound?

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Abstract

Integrity is a wide concept that involves values, morals, norms, and behaviours. It is relative with individuals, organisations, and functions. The integrity discourse is discussed not without ethics, corruption, and good governance. Integrity is indeed one of the factors that shape the success and progress of the nation. A society with honesty, strong moral principles and high integrity avoids malpractice, rebuffs corruption, rejects abuse of power, avoids fraud and even any unethical behaviour. Often, integrity is associated with governance, government or government agencies, and policy. As the backbone of the government and effective governance, high integrity of civil servants is crucial for country's economic growth and development. Ironically, the enforcement agency, that functions to enforce legal compliant in the community, is identified as notorious and vulnerable with likelihood of malpractice as corruption and abuse of power. Accordingly, the Enforcement Agency Integrity Commission (EAIC), the independent body, was established to regulate integrity and mandated with handling complaints and investigating misconduct cases against the enforcement officers in the agencies under its control. Despite this, there have been debates to replace EAIC with other independent body in recent years. The question therefore arises as to what extent EAIC has effectively functioned. This article aims to study the functions and governance of EAIC. Adopting a doctrinal research method through library research approach, this work builds a systematic explanation of the legal problems by considering the data from EAIC annual report the complaints and investigation papers recorded. Lack of good governance, dearth of workforce and weakness in enforcement are probable answers to the trend and statistics of complaints thus suggesting ineffectiveness of EAIC. On this point, the structure, governance, and function of EAIC shall be reinforced and reviewed to achieve its primary objective as an oversight body of integrity in the enforcement agencies.

Keywords: Integrity, Enforcement Agency Integrity Commission, enforcement agency, control system, corruption.

1. INTRODUCTION

Integrity is among paramount factors in determining the success and progress of a country. A society with integrity practices a healthy ethics and lifestyle, avoids malpractice, does not commit corruption, rejects abuse of power, evades fraud and even any unethical behaviour. This led to positive image of the country as well as increase the competitiveness and resilience aspects of the nation in facing the challenges of globalization. Integrity as a concept has always been associated with morality, rightness, honesty, trustworthiness and accountability; while in its negative connotation, related to corruption, fraud, bribery, abusive of power, dishonesty and immoral behaviour. Simply put, in understanding governance, the concept of integrity should be adhered to; it is about the "ethics" or moral quality of everyone involved in governance (Huberts, 2018). The crux of service delivery in public administration principle is to deliver the services based on integrity value. It means that the government agencies is to provide services to the people without corruption (Rasli, Manaf & Ismail, 2020). Hence, any misconduct of government agencies like the enforcement agencies including police weaken the legitimacy of the government agencies and even the state (Holmes, 2015). Siddiquee (2010)

considers corruption as the misuse and abuse of public authority for personal and private advantage. The illegitimate use of official position for personal gains is amounting to betrayal of public trust. This abuse of power is obviously against the moral integrity.

Integrity has often become a topic of research on government and governance. The practice of integrity is often correlated with the public service and civil servants. Its implementation issue has been queried when involves the enforcement agencies, the government bodies that are close to the community. These enforcement agencies play a key role in ensuring community compliance with the legal rules and regulations and yet, they are the ones been identified as the most vulnerable with high possibility to engage in symptoms of corruption, malpractice and abuse of power. Escaleras, Lin and Register (2009) agree that in understanding governance within public sector where corruption is rampant, the concept of integrity is vital and must be upheld. In the local government, high degree of professionalism and integrity amongst enforcement agencies' officers are not optional (Rasli, Manaf & Ismail, 2020).

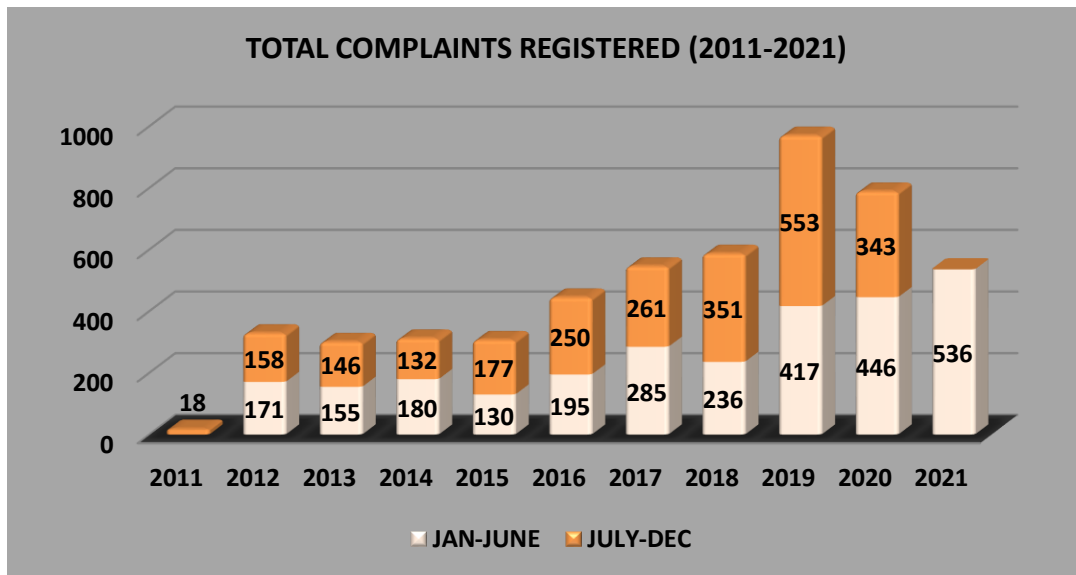
Against the backdrop of national context of integrity, the National Integrity Plan 2004 defines integrity as a superior quality that exists as a whole and cohesive among individuals and organizations, is founded on sound principles of honesty and moral practice (Mahbob, 2005). The Government has developed the National Anti-Corruption Plan, an anti-corruption comprehensive plan that covers six priority areas: Political Governance, Public Sector Administration, Public Procurement, Corporate Governance, Law Enforcement and Legal and Judicial (Muhammad & Gani, 2020). Along with this, the Malaysian Institute of Integrity was established as a strategy to plan, coordinate, and monitor the implementation of the National Integrity Plan. Earlier, various policies and campaigns have been introduced towards creating and empowering ethics and integrity such as the slogan "Clean, Efficient, Trust", Public Service Ethics Policy, Concept of Excellent Service and Twelve Pillars Policy. Until recently, the government is still working to enhance integrity and strategizing towards fighting corruption to the fullest.

1.1 Problem Statement

At the international level, there are frameworks that provide for legal instruments to govern the integrity of public administrations. In response to this global control, there are also auditing standards implemented at national level to control public administrations. Thus, the integrity of public sector maybe controlled directly by the global regimes by applying the rules and standards upon the states (D'Alterio, 2018; Abu-Morad, Ayub & Noor, 2016). In Malaysia, the Enforcement Agency Integrity Commission (EAIC) serves as an independent body responsible for receiving complaints from the public regarding the integrity issues of the enforcement agencies and further investigating the cases. This would generally involve the enforcement officers working under the 21 enforcement agencies. In other words, the EAIC is having control over 21 enforcement agencies in Malaysia including the Royal Malaysian Police (RMP), Road Transport Department (RTD), Immigration Department of Malaysia (IDM) and Royal Malaysian Customs Department (RMCD).

Nevertheless, there have been debates in recent years to replace the EAIC with another independent body to regulate integrity. The establishment of the EAIC is just about a decade. The trend of recorded complaint cases was rising. At the same time, the issue of integrity involving police force is doubted when the citizen's perception towards the conduct of the police force is not much changed. Table 1 summarizes the number of complaints registered since 2011.

Table 1: Number of complaints registered until 31 May 2021



Sources: <http://www.eaic.gov.my/en/pusat-sumber/statistik/complaints>

*for 2020: statistics until 4 November 2020

Based on these statistics, the average number of complaints of misconduct against the enforcement officers or enforcement agencies is increasing every year, especially in 2015(307 complaints, average is 25.58), 2016 (445 complaints, average is 37.08), 2017 (546 complaints, average is 45.50), 2018 (587 complaints, average is 48.92) and 2019 (970 complaints, average is 80.83). On 2020, the statistics only available until 4 November, as such 789 complaints (average is 71.73) have been recorded. The average is tremendous increase on 2021, which recorded a total of 536 complaints (average is 107.20).

Referring to Table 1 above, a significant increase in the average number of complaints is evident in 2019 with the increment of 65.23% compared to the previous year in 2018. Table 2 further signifies the number of complaints recorded according to the enforcement agencies. It shows that RMP, IDM, RTD and RMCD are the four enforcement agencies that represent 83.38 percent of the total number of complaints for the period of 2011 to 31 May 2021.

Table 2: Total number of complaints since 2011 until 31May 2021

Enforce ment Agency	Year											Numb er of Compl aints
	2011	201 2	201 3	201 4	201 5	201 6	2017	201 8	201 9	2020	2021	
RMP	17	252	216	226	218	306	440	477	742	549	370	3813
IDM	0	18	15	16	20	28	20	38	57	48	20	280
RTD	0	12	9	11	9	13	13	9	28	33	11	148
RMCD	0	7	3	10	4	9	8	11	16	15	15	98

Source: <http://www.eaic.gov.my/en/pusat-sumber/statistik/complaints>

*2020: statistics until 4 November 2020

Based on Table 2, RMP recorded the highest total number of complaints which is equivalent to 3813 complaints (73.27%), followed by IDM(280 complaints, 5.38%), RTD (148 complaints, 2.84%) and RMCD (98 complaints, 1.88%). This statistic signposts that enforcement agencies in Malaysia are not isolated from integrity problems and even persistent among the police forces.

1.2 Objective

Given the above statistics and considering the establishment of the EAIC as an independent body to oversee and monitor the aspect of integrity, it is thus significant to investigate how effective is the EAIC as the controlling and oversight body for enforcement agencies. Accordingly, this study will analyse the effectiveness of EAIC by examining the function, role and operation of the EAIC. The governing legislation will be the Enforcement Agency Integrity Commission Act 2009. The researcher also analyses the possibility of revising the legislation taking into account the urge to replace the EAIC with a special complaint body, as far as the police force/officers is concerned.

2. LITERATURE REVIEW

Huberts (2014) elaborates integrity in eight different perspectives: wholeness and coherence; professional responsibility; moral reflection; value(s) like incorruptibility; laws and rules; moral values and norms; and exemplary behaviour. Dobel (2016) focuses on other specific values for example, incorruptibility; honesty; impartiality; accountability. Others view integrity as characterized by the relationship between integrity and morals, what is right and wrong, and good or bad. At some point, integrity is about the moral quality of behaviour in the process of governance (Huberts, 2018). It describes the elements of employee behaviour and success that involve fair dealings, honesty and reliability in the workplace (Mehravian, 2000). Pellegrino (1990) describes integrity as a level or state of balance between personal space, autonomy, and individual values; while Ismail (2005) sees integrity as the main role to achieve quality work results entrusted to an individual or organization based on the characteristics of integrated and comprehensive work. Integrity is an important concept in ethical reasoning (Widang & Fridlund, 2003) and closely related to the formation and strengthening of good ethics as well as implementing the right things. Manap et al. (2007) outlines integrity as ‘wholeness, soundness, uprightness and honesty’. Public integrity itself acts as an indicator towards the quality of acting in accordance with the moral values, norms and rules that is accepted by the politics and public bodies (Rosli et al., 2015).

2.1 Integrity and Legal Enforcement

Bakri, Said and Karim (2015) have assessed the degree of integrity among the RMP officers. Their study found a very high degree of disapproval among RMP officers on the deviant behaviour described in the eleven cases scenario given to them. It implies that they are not very likely to get involve in the unacceptable behaviour. This implies the RMP officers’ strong disagreement on the extent involvement in the non-integrity behaviour like conflict of interest, bribery, theft, and the use of excessive force. Ismail (2017) further found that RMP officers claim that they always observe integrity practices in discharging their duty, and that the RMP imposes their own integrity code to be adhered to. The RMP officers strongly believe that the RMP promotes and practice integrity within the police force although in few circumstances, the integrity is compromised due to pressure in life.

According to Aziz, Said and Alam (2015) and Aziz et al. (2015), it is the government’s ultimate intention to provide governance system which is efficient and effective to safeguard public interest, protecting the people’s rights, enhancing accountability and integrity in the public sectors, in their delivery of services to the public. Furthermore, Holmes (2015) in commenting on the law enforcement, highlights that the public perception, confidence, and trust deteriorate towards police force and enforcement officers if corruption exist within the enforcement agencies. This will result a gap between public and the enforcement agencies, creating unwillingness amongst public to give cooperation and assistance to fight against crimes in the society, resultantly having effects on the rise of the crime rates.

A study by Rasli, Manaf and Ismail (2020) was on the integrity behaviour challenges of local government enforcement officers who work directly with citizens in executing their duties on law enforcement. They found that from the citizens’ perspective, challenges are related to the issues of red tape, bias, and political intervention. While from the staff’s perspective, the attitude and opportunist inclination among staff and public officers are seen to be the challenges in regards to integrity of public officers.

Various efforts have been made by the government to strengthen integrity by establishing integrity units in various government ministries and agencies such as the establishment of Integrity Units in the Ministry of Communications and Multimedia Malaysia effective 2015, Integrity Units in the Public Service Department and in several other departments, including held the Integrity and Governance Division under the Prime Minister's Department. In terms of the legislation forces, the moves are reviewing the Whistle blower Protection Act 2010 (Act 711) to provide safer avenue for whistle-blower to reveal any information of wrongdoings, misconduct, or corruption, plus to ensure adequate protection given to those who share information on integrity-related offences; as well as enforcing the Witness Protection Act 2009 (Act 696) to provide protection to witnesses who involved in the corruption cases.

Malaysian Government makes many efforts and strives hard to warrant integrity in the public sector. The government always set a high priority in combatting corruption in the country by introducing various initiatives, policies, and strategies. However, the success of the initiatives, policies and strategies rely on the implementation and execution of them by the public servants of Malaysia including the enforcement officers.

For example, the Government introduced 12 Pillars in public service and in a study by Rosli et al. (2015), he examines the perception of public officers from various Federal Ministries on the twelve pillars of integrity in public service. The study reveals that the mean score of each item is more than middle score, indicating the Malaysian public servants highly committed implementing and practicing integrity in their daily job. Public servant with high integrity is vital for the government to have an efficient and effective delivery of public services in the country as well as in order to have a sustainable development of the nation. A public sector with high integrity and trusted is important in maintaining the law and order of the nation (Ali, 2018).

Integrity has also been associated with the management in the public sector. Alam, Johari and Said (2018) evaluate the practices of management commitment among public-sector employees in Malaysia. The finding showed that nearly all or 100 percent of the respondents among public servants reported that they practised management commitment within their departments. Another study by Johari, Alam and Said (2020) further establish that policy on risk, accountability and commitment management have significant effect in shaping integrity in public sector. Therefore, it is found that implementation of policies on risk management, governance, and commitment to honesty are very important to heighten the degree of integrity in public sector. If public sector lacks integrity, the collapse of governance and government are inevitable.

2.2 The Control System

It is important to have a control system over the practice of integrity within the enforcement agencies which are also part of public sector. Integrity therefore needs to be monitored. In monitoring the practice and implementation of integrity, a dedicated legal rules and regulation, practices and procedures, are imminent to create confidence and trust among stakeholders especially the public. The internal control and monitoring within enforcement agencies and other public sectors are also important to dismiss any allegation of misconduct like biasness, selective persecution, cronyism, and nepotism (Alam, Said and Aziz, 2019). Realizing the importance of monitoring framework, development and emplacement of domestic integrity system becoming part of strategy to contain corruption, introduced by international bodies like Transparency International (TI) and World Bank. Similarly, other anti-corruption strategies like introduction of watchdog agencies, public participation and public awareness, establishment of civil society groups, fair and just judicial process, freedom of media as well as enhancing cooperation between public, private national and international cooperation, is becoming pillars of national integrity system (Stapenhurst and Langseth, 1997).

Malaysia established the EAIC with the objective to instil principle of integrity among the enforcement personnel and enforcement agencies. Subsequently, the role of EAIC is to include receiving and investigate any complaints of misconduct against the enforcement officers or enforcement agencies from the public. The EAIC also has the power to conduct hearings in relation to the complaints received. Generally, the enforcement activities will be monitored and in the event of misconduct, appropriate follow-up action will be recommended. Accordingly, the Enforcement Agency Integrity Commission Act 2009 (EAIC Act 2009) was enacted with the aim of inculcating and enhancing integrity among the members of the enforcement and major enforcement agencies in Malaysia. The existence of the EAIC is intended not only to raise the perception of the public on the

integrity of the enforcement bodies but also to provide certain mechanism to detect, investigate and prevent misconduct of the enforcement personnel.

3. METHODS

This study adopted doctrinal research methodology as a discrete method includes legal concepts and principles of all types of cases, statutes, and rules (Ayub & Yusoff, 2018; Hutchinson & Duncan, 2012). Doctrinal research is based on the concept of law and has dominant influence with views on law and legal science and tends to dominate the design of legal research (Manderson & Mohr, 2002). On this part, the researcher analyses the legal provisions regarding the roles, functions, and operation of EAIC as provided under the EAIC Act 2009. The analysis will be answering on how effective the EAIC as the oversight body for integrity in enforcement agencies is? The researcher also argues on the possibility of revising the legislation considering the urge to replace the EAIC with a special complaint body, as far as the police force/officers is concerned. Accordingly, this study will analyse the effectiveness of EAIC by investigating the number of complaints and investigation papers recorded. The data that is considered as a primary source was obtained from the EAIC annual report and official EAIC website. The scope of discussion will be the EAIC only and it will not consider the anti-corruption agency, the Malaysian Anti-Corruption Commission, which is governed under a separate legislation. The results will be discussed in the following section

4. RESULTS AND DISCUSSION

The EAIC is a Federal Statutory Body established in pursuant to Section 3 of the EAIC Act 2009. The Act replaces the Police Complaints and Misconduct Commission Bill 2005. The establishment of EAIC as a Commission reflects the seriousness of the government in strategizing to enhance and instill integrity within enforcement agencies. Apart from enhancing integrity within the enforcement agencies' officers, the government also aims to strengthen the trust and confidence of the public towards enforcement agencies especially the RMP. The existence of EAIC has opened another alternative channel for the public to make complaints if they have the proof that enforcement officers or enforcement agencies involved in misconduct actions. Prior to the establishment of EAIC, complaints and misconduct information against enforcement officers or enforcement agencies can be made through the channels such as the Anti-Corruption Commission (MACC) or the Public Complaints Bureau at the Prime Minister's Department as well as the disciplinary division of enforcement agencies. Apart from that, the EAIC is also mandated to formulate legislation, recommend improvements in administrative procedures in promoting integrity among its regulatory agencies. Therefore, the objective of EAIC is not to find fault or expose the shame of an enforcement officer or enforcement agency, instead to be seen as a medium to assist enforcement agencies in strengthening integrity and improve perception and increase accountability of enforcement institutions in the country.

4.1 Jurisdiction and Function

EAIC performs statutory functions as provided under section 4 (1) of the EAIC Act 2009. The main function is to receive complaints from the public and investigate cases of misconduct against enforcement officers involving 21 enforcement agencies as regulated under the Schedule of the EAIC Act 2009 (EAIC Annual Report, 2017) namely: National Anti-Drug Agency; Malaysian Maritime Enforcement Agency; Volunteers Department of Malaysia (RELA); Department of Environment; Immigration Department of Malaysia (IDM); Ministry of Domestic Trade, and Consumer Affairs (Enforcement Division); Road Transport Department (RTD); Industrial Relations Department; Department of Wildlife and National Parks; Royal Malaysian Customs Department (RMCD); Department of Occupational Safety and Health; National Registration Department; Civil Aviation Authority of Malaysia; Royal Malaysian Police (RMP); Fisheries Department; Labour Department; Ministry of Health Malaysia (Enforcement Division); Ministry of Tourism, Arts and Culture Malaysia (Enforcement Unit of Licensing Division); Ministry of Housing and Local Government (Enforcement Division); Commercial Vehicle Licensing Board Sabah and Sarawak; and Registrar of Business.

With regards to the enforcement officers or enforcement agencies, in pursuant to Section 4 (1), eight functions of EAIC are:

1. To receive complaints of misconduct from the public, investigate and hold a hearing;
2. To establish mechanisms to detect, investigate and prevent misconduct;
3. To protect the interests of the public by preventing misconduct;
4. To conduct audits and monitoring on the operations and procedures;
5. To promote awareness and education in relation to integrity within an enforcement agency and reduce misconduct;
6. To formulate legislation, or recommend administrative measures in order to promote integrity;
7. To review and verify any violations of enforcement procedures and make necessary recommendations; and
8. To make a site visit to the enforcement agency and make necessary recommendations.

The EAIC also have the power to do all things expedient or reasonably necessary for, or incidental to the performance of the above functions (section 4(2)). The establishment of the EAIC is intended not only to raise the positive perception of the public on the integrity of enforcement agencies but also to provide a mechanism to detect, investigate and prevent misconduct of enforcement officers. Additionally, section 22 confers the EAIC general authority over the management of complaints as follows:

1. to investigate any complaints of misconduct received from the public;
2. to refer complaints of misconduct of a disciplinary nature to the appropriate Disciplinary Authority; and
3. to refer complaints of misconduct of a criminal nature to the Public Prosecutor.

Under section 25, EAIC has the power of preliminary investigation to be conducted by the Complaints Committee (CC) to determine (1) the type of misconduct complained of; and (2) whether should proceed with the full investigation. Additionally, a Task Force can be established to assist the Commission to perform its functions effectively and efficiently. Members of the task force may consist of Commission officers and consultants engaged. The Commission may also establish a joint task force with any other authorities if necessary. This shows that EAIC has such a broad power as far as the investigation is concerned. All these are to ensure a fully functioning of EAIC as an oversight body for integrity in the country. For investigation purpose, subsection 31(1) gives EAIC powers, among others: (a) to conduct hearings if desirable to do so; (b) to procure and receive evidence, written or oral, and to examine witnesses if necessary; (c) to require the evidence, written or oral, of witnesses; (d) to summon any person residing in Malaysia to attend any meeting or hearing, to give evidence or produce any document or other thing in his possession; and (e) to issue a warrant of arrest to a person who has been summoned to attend and failed to do so.

Under section 32, EAIC has the power to obtain documents or other things for the purpose of investigation by giving written notice and the person shall not refuse it without reasonable excuse. It is to note that the Commission can initiate investigation on its own initiative provided that the matter is of significant interest to the public or it is in the public interest to do so. For example, EAIC investigates the escape of Macau scam suspect from MACC Headquarter (Bernama, 2020). This power to initiate investigation is essential to ensure that the EAIC can play a proactive role to carry out an investigation and not just rely on complaints from the public.

4.2 Governance and Process

The establishment of the EAIC is intended to strengthen public confidence in enforcement agencies. Based on the motto “Assertive”, “Transparent” and “Efficient”, EAIC envision to be in the forefront in enforcement, transformation, and acculturation of integrity of all of the enforcement agencies under the EAIC jurisdiction. Meanwhile, the EAIC's undertakes to strengthen integrity within enforcement agencies by handling and managing the complaint from the public with efficiency, transparent and professionally.

Referring to Section 23 of the EAIC Act 2009, all complaints received are evaluated by the Complaints Committee (CC) where a preliminary investigation is conducted to obtain further information. The aim is to determine the type of misconduct complained of and whether EAIC should proceed with full investigation

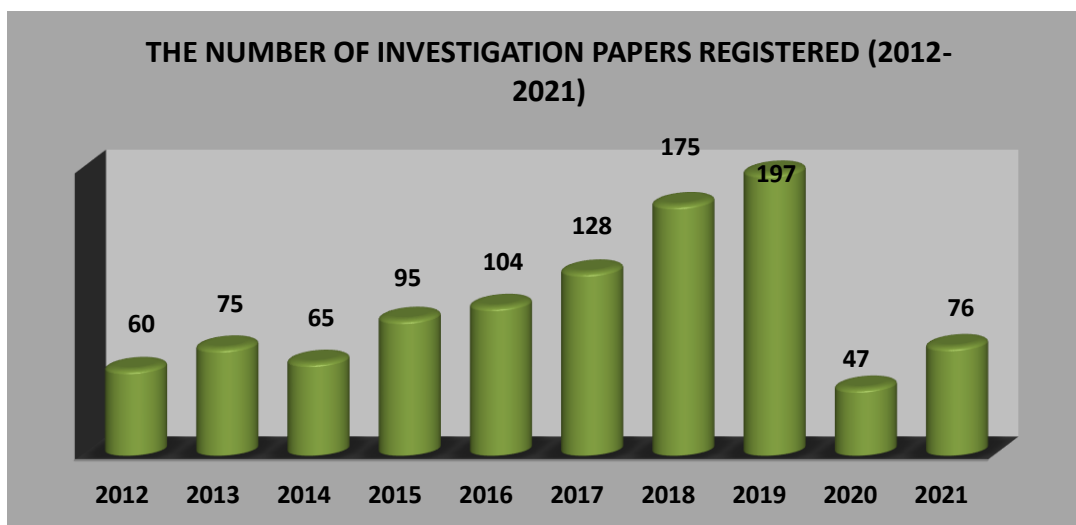
(Section 25). At this initial stage, an investigation is meant to assess the complaint, while at the full investigation stage, a detailed investigation is conducted to identify the misconduct and the individuals involved. Once the initial investigation is completed, CC will evaluate and report its findings with recommendations. The recommendations can be referred to either to the Disciplinary Authority (DA) if the complaints involve disciplinary offenses which are better managed by local authorities; or to the Anti-Corruption Commission (MACC) if the complaint reveals an offense under the MACC Act 2009. In some occasion, the reference can be made to both DA and MACC. After the preliminary investigation, Deliberation Paper that contains findings and recommendations of the action will be tabled and discussed. Subsequently, the Advisory Paper that has been agreed upon is brought to the Commissioner's Meeting for the decision. The Commissioner's Meeting will decide any of the followings, whether or not to start a full investigation based on the complaint received; to refer the complaint to the relevant disciplinary authorities or Malaysia Anti-Corruption Commission (MACC) or both the MACC and the disciplinary authorities; or to the Public Prosecutor; or to dismiss the report/complaint.

There is a clear process handled by the EAIC in dealing with the complaints of misconduct involving the enforcement officers and agencies. Yet, the recorded data as reported, showed the number of complaints is increasing. With the trend of increasing number of complaints and the negative perceptions of the public towards the enforcement officers, further study needs to be done. The rising of number of complaints could probably be read otherwise. It could indicate the effectiveness of EAIC in exercising and executing their roles, that they successfully becoming and functioning effectively as an oversight body and that the people are aware of their obligations to make complaint on the matter regarding integrity involving the enforcement agencies' officers.

4.3 Investigation Papers and Effectiveness

The effectiveness of EAIC should not merely depend on the number of complaints but also the number of investigation papers registered. This can be assessed through the investigation papers recorded from 2011 to 31 May 2021. To be specific, the reference is given to the number of investigation paper recorded upon four enforcement agencies namely RMP, RTD, IDM and RMCD. The findings and results are depicted in Table 3 and Table 4.

Table 3: The Number of Investigation Papers Registered 2012-31 May 2021



Sources: <http://www.eaic.gov.my/en/pusat-sumber/statistik/investigations>

*2020: statistics until 4 November 2020

Based on Table 3 above, in 2012, 60 investigation papers (average is 5.00) have been recorded, followed by 2013 (75 investigation papers, average is 6.25), 2014 (65, average is 5.42), 2015 (95, average is 7.92), 2016 (104, average is 8.67), 2017 (128, average is 10.67), 2018 (175, average is 14.58), 2019 (197, average is 16.42) and 2020 (47, average is 4.27). Until 31 May 2021, only 76 investigation papers have been recorded (average is 15.20). The trend showed the increment of the investigation papers almost in every year except on 2014 and

2020. This is the evident that the EAIC has taken and dealt with the registered complaints seriously. Besides, as mentioned earlier, the increase in the number of complaints every year is also apparent.

Table 4: Number of investigation Papers since 2012 until 31 May 2021

Enforcement Agency	Year										Number of Investigation Papers
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	
RMP	48	65	58	86	88	11	16	16	40	55	885
IDM	7	4	3	3	6	7	6	7	1	8	52
RTD	5	1	2	2	2	5	4	1	5	1	28
RMCD	3	1	0	4	1	1	0	5	0	4	19

Sources: <http://www.eaic.gov.my/en/pusat-sumber/statistik/investigations>

*2020: statistics until 4 November 2020

Table 4 at the above highlights the number of investigation papers in four enforcement agencies. From the table, there is an increase of the total number of complaints and number of investigation papers against RMP every year compared to IDM, RTD and RMCD. The increasing trend of complaints as can be seen in Table 3 and the increasing number as far as the police forces is concerned, as recorded in Table 4, sparks the debates on the role of the EAIC in general and its function in overseeing police officers. This has led to the demand for Independent Police Complaints & Misconduct Commission (IPCMC) to be revived to replace EAIC to monitor the police (The Edge, 2013).

4.4 Discussion

In upholding integrity, the role and function of the Commission is clear as an oversight body to oversee the practice of integrity in the enforcement agencies. The body and its regulatory system through the implementation of the EAIC Act 2009 is workable and effective when one looks at the statistics of the complaints recorded and the investigation papers. They imply that the EAIC has done great in terms of receiving and collecting the complaints from the public and handling the cases.

Despite this, when we look at the recommendation of the Complaints Committee and the decision of the Commission once the investigations have been accomplished, it seems that the Commission has limited powers thereon. Depending on the outcome of the investigation, the EAIC can only make a finding, in which at the end, will be up to the relevant enforcement agency, or disciplinary authority, or MACC, or Public Prosecutor to take further action. For an effective outcome, it should be the enforcement authority themselves to initiate their own internal mechanism within their agencies to oversee the integrity issue themselves and subsequently act accordingly. Moreover, the effectiveness of the system should also depend on the chair who handle the issues or complaints. This is agreed by EAIC chief Mohd Sidek Hassan, who prefers the punishment to be done internally (by the relevant enforcement agency). For instance, when there is a police officer who commits an offence, the punishment should come from the police disciplinary unit (EAIC, 2020). Integrity should not be compromised in any circumstances, instead there must be punishment to the staff involved to whomsoever responsible in taking the action. This is in line with the study by Alam, Said and Aziz (2019) who found that there are interrelated factors between integrity system, internal control system and leadership practices which influence the accountability practices. It is also clear from the process and procedure of investigation that the EAIC only has the power to conduct investigation but do not have the power to prosecute. Instead, they can only recommend the action. With over 20 enforcement agencies, the function of EAIC is doubtful.

The demand for the EAIC to function efficiently is almost unbearable. With 21 enforcement agencies under its jurisdiction and governance, it is very challenging for the Commission to oversee all agencies effectively.

According to EAIC chief Mohd Sidek Hassan, the enforcement would be very difficult with only 78 staff members of EAIC (EAIC, 2020). As a result, there is backlog of complaints on misconduct against different agencies. The suggestion would be that for all enforcement agencies and the citizens to adopt a self-policing approach.

Regardless of their formal powers, the effectiveness of EAIC as a transformative agent for integrity can be anticipated with supportive political culture. Hence, related institutional arrangements and support from other enforcement agencies are necessary to enhance and reinforce the independent work. In this respect, to make integrity works well within agencies, accountability and transparency must be fully integrated and incorporated in the public sector systems and the values strongly supported by the political powers (Head, 2012).

In the debate of reverting the roles and functions of EAIC to the IPCMC, the existence of EAIC is arguably relevant, as we need an oversight body for all enforcement agencies other than the RMP. While the establishment of IPCMC is still uncertain, if it is materialised, will be looking after the complaints against RMP only. The EAIC in the meantime, continues dealing with complaints and reports against all other enforcement agencies excluding RMP. Referring to the statistics as tabled in Table 3 and 4 at the above, although the number of reports and complaints against RMP is the highest compared to other enforcement agencies, the need for EAIC remains relevant. Therefore, the EAIC should be retained and at some point, its functions should be further enhanced.

5. CONCLUSION

Integrity practices in the government and governance has often become a topic of discussion. Being correlated with the public sector and civil service, the implementation of integrity has been queried when it involves the enforcement agencies, the government bodies that are close to the community. While the enforcement agencies are expected to be clean and free from any malpractice, they are perceived to be involved in the symptoms of corruption and abuse of power. At international level, international bodies and organisations provide for legal instruments to monitor integrity in public sectors. In response to this, the implementation by the national administrations or at national level becomes significant by setting out certain possible rules and standards. Here, the EAIC serves as an independent body responsible for receiving complaints from the public regarding the integrity issues of the enforcement agencies and further investigating the cases. In general, the EAIC is having control over 21 enforcement agencies in Malaysia.

The continuous and tireless effort by Malaysian government in combatting corruption by enhancing integrity in public sector is lauded. The government introduces various initiatives, strategies and programmes to inculcate and acculturate integrity in public sector at every level. Even so, the public trust and confidence on integrity of enforcement agencies are relatively low. The establishment of the EAIC as a watchdog to oversee the practice of integrity in the enforcement agencies should be supported for a more effective controlling system to take place. Improvement in the integrity practices is necessary to assist the institution to gain public trust. It is also recommended that each government department and ministry conduct and report their integrity awareness initiatives and programme regularly. This can promote and create a culture of good governance in the various departments in the public sector. The report should also be made available to the public to share the practices, create awareness and educate them on the steps undertaken to reduce employee misconduct in the enforcement agencies.

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REFERENCES

1. Abu-Morad, M. A., Ayub, Z.A. & Noor, F.M. (2016). The Law on the Illicit Enrichment Crime and Financial Disclosure in Jordan: Issue of Effectiveness and Enforceability. *The Journal of Social Sciences Research*, 2(5), pp. 100-105.
2. Alam, M.M., Said, J. & Aziz, M.A.A. (2019). Role of integrity system, internal control system and leadership practices on the accountability practices in the public sectors of Malaysia. *Social Responsibility Journal*. 15(7); 955-976.
3. Alam, M.M., Johari, R.J. & Said, J. (2018). An empirical assessment of employee integrity in the public sector of Malaysia. *International Journal of Ethics and Systems*. 34(4); 458-471. DOI 10.1108/IJOES-01-2018-0006
4. Ali, K.K. (2018). Awareness of Ethics and Integrity at a Malaysian Government District Office. *SHS Web of Conferences* 53, 02007. <https://doi.org/10.1051/shsconf/20185302007>
5. Aulich, C. (2011). Integrity agencies as one pillar of integrity and good governance. *Public Policies and Administration*. 2603 (1), 41-52.
6. Ayub, Z.A. and Yusoff, Z.M. (2018). Right of online informational privacy of children in Malaysia: A statutory perspective. *UUM Journal of Legal Studies*. 9, pp. 221–241
7. Aziz, M.A.A., Said, J. & Alam, M.M. (2015). Assessment of the practices of internal control system in the public sectors of Malaysia. *Asia-Pacific Management Accounting Journal*. 10(1); 43-62.
8. Aziz, M.A.A., Rahman, H.A., Alam, M.M. and Said, J. (2015). Enhancement of the accountability of public sectors through integrity system, internal control system and leadership practices: a review study. *Procedia Economics and Finance*. 28; 163-169.
9. Bakri, H.H.M., Said, J. & Karim, Z.A. (2015). Case study on integrity among Royal Malaysian Police (RMP): An ethical perspective. *Procedia Economics and Finance*. 28: 121-125.
10. Bernama, (2020). EAIC probes Macau scam suspect's escape from MACC HQ. *New Straits Times*. (October 16). <https://www.nst.com.my/news/crime-courts/2020/10/632889/eaic-probes-macau-scam-suspects-escape-macc-hq>
11. D'Alterio, E. (2018). Integrity of the public sector and controls: A new challenge for global administrative law? *International Journal of Constitutional Law*, 15(4), October 2017, Pages 1013–1038, <https://doi.org/10.1093/icon/mox077>
12. Dobel, J. P. (2016). Integrity in the public service. *Public Administration Review*, 50(3), 354–366. Available at SSRN: <https://ssrn.com/abstract=2769133>
13. Escaleras, M., Lin, S. & Register, C. (2009). Freedom of information acts and public sector corruption. *Public Choice*, 145 (3-4), 435-460.
14. Enforcement Agency Integrity Commission (EAIC). (2019). Annual Report 2018. <http://www.eaic.gov.my/sites/default/files/akta700bm.pdf>
15. Enforcement Agency Integrity Commission Act 2009 (Act 700).
16. Enforcement Agency Integrity Commission Official Website. (2020, December 27). EAIC chief: bosses prefer to be liked, more than taking action. <http://eaic.gov.my/en/node/3303>
17. Enforcement Agency Integrity Commission. Complaints and investigation statistics. <http://www.eaic.gov.my/pusat-sumber/statistik/siasatan>
18. Head, B. W. (2012). The contribution of integrity agencies to good governance. *Policy Studies*, 33(1), 7-20, DOI: 10.1080/01442872.2011.601200
19. Holmes, L. (2015). Methods for ensuring police integrity: a comparative analysis. In P. Hardi et al. (eds.), *Debates of corruption and integrity*. Palgrave Macmillan.
20. Huberts, L.W.J.C. (2018). Integrity: What it is and why it is important. *Public Integrity*. 20 (sup1), S18-S32, DOI: 10.1080/10999922.2018.1477404
21. Huberts, L. W. J. C. (2014). *The integrity of governance. What it is, what we know, what is done, and where to go*. Basingstoke, England: Palgrave Macmillan.
22. Hutchinson, T. & Duncan, N. (2012). Defining and describing what we do: Doctrinal legal research. *Deakin Law Review*. 17, 83.
23. Ismail, A. M. (2017). Mapping enforcement agency integrity: evidence from the Royal Malaysian Police (RMP). *GATR Journals jmmr123*, Global Academy of Training and Research (GATR) Enterprise.

24. Johari, R.J., Alam, M.M & Said, J. (2020). Empirical assessment on factors contributing to integrity practices of Malaysian public sector officers. *Business Process Management Journal*. 25 December. DOI 10.1108/BPMJ-06-2020-0297
25. Johari, R.J., Alam, M.M & Said, J., Yen-Chun, J.(Reviewing editor). (2018). Assessment of management commitment in Malaysian public sector. *Cogent Business & Management*. 5(1), 1-10. DOI: 10.1080/23311975.2018.1469955
26. Manderson, D., & Mohr, R. (2002). From oxymoron to intersection: An epidemiology of legal research. *Law Text Culture*, 6, 159.
27. Mehrabian, A. (2000). Beyond IQ: Broad-based measurement of individual success potential or "emotional intelligence". *Genetic, Social, and General Psychology Monographs*. 126(2), 133.
28. Muhamad, N. & Gani, N.A. (2020). A decade of corruption studies in Malaysia. *Journal of Financial Crime*. 27(2), 423-436. <https://doi.org/10.1108/JFC-07-2019-0099>
29. Pellegrino, E. D. (1990). The relationship of autonomy and integrity in medical ethics. *Bulletin of the Pan American Health Organization (PAHO)*. 24 (4), 1990.
30. Rasli, M.R., Manaf, H.A. & Ismail, M. (2020). Examining the integrity behavior challenges of enforcement officers in Malaysian local government. *Problems and Perspectives in Management*, 18(1), 263-277. doi:10.21511/ppm.18(1).2020.23
31. Roberts, A. B. (1994). Core values in a quality air force. *Airpower Journal*. 8(2), 28-40.
32. Rosli, M.H., Aziz, M.A.A., Mohd, F., & Said, J. (2015). Integrity systems in Malaysian public sector: an empirical finding. *Procedia Economics and Finance*. 28; 260-265.
33. Stoykova, M. (2021). Empowerment and social functioning of people with mental disabilities. *Journal for ReAttach Therapy and Developmental Diversities*, 4(1), 1-11. doi:10.26407/2021jrtd.1.43
34. Stapenhurst, F., & Langseth, P. (1997). The role of public administration in fighting corruption. *International Journal of Public Sector Management*. 10(5), 311–359.
35. Seval Koçak. (2021). Does Social Justice Leadership in Education Improve the School Belonging and Resilience of Students?. *Educational Administration: Theory and Practice*, 27(1), 1061–1084
36. Siddiquee, N. A. (2010). Combating corruption and managing integrity in Malaysia: A critical overview of recent strategies and initiatives. *Public Organization Review*. 10, 153-171. <https://doi.org/10.1007/s11115-009-0102-y>
37. Marsack-Topolewski, C. N., & Brady, A. M. (2020). Experiences of family caregivers of individuals with ID and dementia. *Journal for ReAttach Therapy and Developmental Diversities*, 3(1), 54-64. doi:10.26407/2020jrtd.1.29
38. TheEdge. (2013, November 15). Opinion Police Oversight: How do we police the police? <https://www.theedgemarkets.com/article/opinion-police-oversight-how-do-we-police-police>
39. Widang, I. & Fridlund, B. (2003). Self-respect, dignity and confidence: conceptions of integrity among male patients. *Journal of advanced nursing*. 42(1), 47-56.