

Exploring the Interconnectedness Between Public Administration, Legislative Systems, and Criminal Justice: A Comparative Analysis of Malaysia and Indonesia

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Exploring the Interconnectedness Between Public Administration, Legislative Systems, and Criminal Justice: A Comparative Analysis of Malaysia and Indonesia

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Abstract

Legislative systems, public administration, and criminal justice systems are deemed essential for developing an effective governance system. Individuals' rights to safety and protection are ensured through maintaining law and order in the country, which these elements are responsible for providing. In addition, the interrelationships between public administration, legislative systems, and criminal justice in Malaysia and Indonesia are the subject of this study. This study employed a "standard legal research" methodology, and both primary and secondary sources were used to compile data. Consequently, following the acquisition of qualitative data, content analysis was performed. According to this study's findings, Indonesia and Malaysia are Muslim countries; however, Malaysia adheres to Islamic Sharia principles, whereas Indonesia employs a civil law system. Malaysia utilizes a federal system, whereas Indonesia uses a unitary system. The "1945 Constitution of Indonesia" and the "Constitution of the Federation of Malay" also include distinct laws and regulations to protect the people's rights against criminal offenses. In this context, additional laws and regulations include "the Panel Code," "The Dangerous Drugs Act of 1952," "The Food Act of 1983," KUHAP, and others. Therefore, it has been suggested that the communication and collaboration between legislators, public administration officials, and criminal justice agencies should be strengthened to devise crucial laws and policies to advance criminal justice. In addition, essential amendments to the associated constitutions are required for effective outcomes.

Keywords: Public Administration; Legislative Systems; Criminal Justice; Malaysia; Indonesia

Introduction

The world is advancing daily, and as a result, nations are attempting to implement practices, systems, and innovations that will assist them in becoming not only

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prosperous but also peaceful (He, 2023). To achieve peace not only for other nations but also for their citizens, nations strive to have a strong legal system (García-Sánchez, Matanock, & Garbiras-Díaz, 2023). Numerous countries, such as Denmark, Turkey, Sweden, etc., are implementing various systems and conducting research to determine which systems can assist a country in establishing an effective legislative system (Toriumi et al., 2022). The criminal justice system is one of the most essential global systems for ensuring the safety and justice of individuals. After the pandemic, many situations and their components are altered. After the pandemic, it is evident that the public administration and the legislative system are very supportive (Oh et al., 2020). Numerous nations have also observed that the criminal justice system is heavily intertwined with legislative systems and criminal justice (Bol et al., 2021).

As Malaysia is governed by common law and Indonesia by civil law (Wardhani, Noho, & Natalis, 2022), their criminal justice systems are distinct. The impact of state and federal law on the criminal justice system is substantial. As a common law nation (Kaaroud, Mohd Ariffin, & Ahmad, 2020), Malaysia follows state and federal laws. These two levels of authority occasionally conflict over two distinct types of statutes. Federal laws are deemed superior and more essential to implement than state laws, resulting in disruption due to the existence of two different legal systems (Ali & Razi, 2020). After having two distinct legal systems, i.e., civil law and common law, it is essential to observe how both countries implement their criminal justice systems.

For this reason, the current study compares the interrelationships between Malaysian and Indonesian public administration, legislative systems, and criminal justice. Numerous researchers are examining various variables to determine whether there is a connection between public administration, legislative systems, and criminal justice. The relationship between legislative systems and criminal justice has been studied, but the relationship between legislative systems and public administration has received less attention. This relationship between these three systems has been analyzed as part of the current research to determine whether or not it exists. This research aims to determine the legal framework of the criminal justice systems in Malaysia and Indonesia and the relationship between public administration, legislative systems, and criminal justice in these two countries. The current research study contributes to the existing body of knowledge by collecting data from multiple databases and conducting a comprehensive analysis of the existing literature. This study bolsters the existing evidence in the scientific literature. Because this is a qualitative research study, the present study emphasizes and provides an overview of the criminal justice system for future researchers so that additional empirical research can be conducted. This research study also benefits policymakers, researchers, and institutes tasked with legislation, as it provides insight into the public administration, legislative systems, and criminal justice of Malaysia and Indonesia. The scope of this investigation is not restricted to Malaysia and Indonesia alone. The current research study is advantageous for states, policymakers, and other Asian nations as well.

Method

For any research study, selecting an appropriate methodology is crucial. This research examines the interrelationships between public administration, legislative

systems, and criminal justice through a comparative examination of Malaysia and Indonesia. The investigation examines the criminal justice systems of Malaysia and Indonesia. According to the study's purpose, the qualitative research approach is the most appropriate method to use. The qualitative research approach should be chosen over the quantitative one because it permits more in-depth analysis of the subject matter's knowledge.

Regarding laws and legislation, the most appropriate method for this research study is the normative juridical method, utilized here. This is one of the research methods employed in the legal research methodology. The normative juridical approach concThe primary and secondary both sources examine the datary and secondary sources are used to analyze the data; thus, both primary and secondary sources are used to collect data. Legislation, legal documents, and case laws are the primary sources of information. Secondary data are gathered from research articles and books selected from various databases. Jstor, Wiley Online, Justia, Springer, Westlaw, and Findlaw are among these databases. The study has chosen the most suitable and trustworthy data sources to collect valid and trustworthy information. The current research project utilized content analysis for data analysis purposes.

Literature Review

Criminal Justice System

The criminal justice system has always played an important role in every nation. Without the criminal justice system, criminals who have been proven culpable or not proven guilty could face severe consequences (Chaudhri et al., 2019). This system is non-discriminatory and provides justice to all, following the rules. In every nation, the criminal justice system serves as "justice for everyone." The criminal justice system is also defined as the system that provides justice and support to those who have not been proved guilty under the law, as well as those who have been proven guilty while ensuring that they do not suffer more than they deserve for their actions (Kovera, 2019). Norway is regarded as one of the nations with the world's finest criminal and civil justice systems. This successful judicial and legal system results from its effect on the people and how it makes them feel safer and more secure (Larsen, Hean, & Ødegård, 2019).

Numerous other nations successfully administer justice to their citizens by utilizing the criminal justice system most efficiently. These include Finland, Sweden, the Netherlands, Germany, New Zealand, and Austria. The criminal justice system may differ between nations. Several factors influence the criminal justice system in every country. These factors include the government's ability to create rules for such systems, legislative institutions' ability to enact laws, monitoring parties' ability to monitor the systems followed by the concerned institutions, civil law, and common law (Erez, 2019). Case law can have a significant effect on the criminal justice system of any nation. Various case laws are associated with the criminal justice systems of various countries. Criminal law is ultimately related to case law or civil law. The criminal justice system contains no discrimination policies that discuss that, according to the law, everyone should have the right to defend themselves in court. It also supplies a law whose purpose is to ensure the safety of all individuals. Almost every country adheres to the rule that criminals should not be punished more harshly

than their deeds and the punishment they deserve under the authority of the law. It also addresses the safety and support of victims (Braun, 2019).

The interconnectedness between public administration, legislative systems, and criminal justice

Public administration (Radin, 2020) is the administration, supervision, or implementation of the government's public policies, regulations, and rules. This system is utilized globally because all nations have public administrations that are adhered to at all levels or states. The legislative system (Nekhili et al., 2020) deals with the laws and legislation enacted for the public's protection and safety. Legislative rules may vary from country to country. Still, their purpose of protecting the public and providing justice for the blameless remains constant. The understudy systems are devised globally and adhered to stringently by all nations. Various researchers have studied the relationship between public administration, legislative systems, and criminal justice. According to researchers, there is a connection between these three systems, and if it is well-established and robust, they can make the legislative and criminal justice systems very effective (Nagin & Telep, 2020). Díaz Gude and Navarro Papic (2020) discussed the significance of an effective administrative system for a strong legislative culture. The research described the importance of a public administration for implementing government-made policies and regulations. It also addresses that if public administration is required for an effective legislative system, it must also be necessary for the criminal justice system since the two systems are interdependent and governed by the same national law. Nagin and Telep (2020) discussed the significance of a system that can monitor the criminal justice system's work. It was explained that such a system provides a sense of openness and surveillance. In addition, it bolsters the legislative and criminal justice systems. The public administration system is responsible for implementing government policies, rules, and regulations. This demonstrates that public administration is closely related to the legislative and criminal justice systems.

Results and Discussion

Public administration, legislative systems, and penal justice are essential elements of any nation's government. The interdependence of these factors is necessary for maintaining law and order in the country. This section analyzes the interrelationships between public administration, legislative systems, and penal justice in Malaysia and Indonesia.

Public Administration in Malaysia and Indonesia

Public administration is a collection of individuals collaborating to coordinate public rights. Legislative, executive, and judicial are the three primary facets of public administration. Therefore, it also plays an essential role in transforming public policy. Consequently, in Malaysia and Indonesia, public administration is indispensable for establishing effective governance. The Federal system in Malaysia consists of three federal territories and thirteen states (Chin, 2017). Peninsular Malaysia (consisting of two federal territories and eleven states) and East Malaysia (eleven states and one federal territory) comprise the remaining two regions. Article 27 of the "Federal

Constitution of Malaysia" stipulates the "separation of powers" principle, which the federal administration of Malaysia adopts. In addition, each state government in Malaysia has its own legislative and executive bodies (Nooi, 2017). Malaysia implements decentralized policies, granting financial and administrative authority to the provinces. Regarding the bureaucratic system of Malaysia, it has been determined that it is effective in developing significant policies to safeguard the rights of the people, resulting in effective outcomes.

However, Indonesia also implements federalism. Following its Constitution, Indonesia is a confederation of fifteen states. As a consequence of the agreement reached at the "Round Table Conference" attended by three parties -- BFO, Netherlands, and Indonesia -- the "Republic of the US of Indonesia" is described as a federated state (Farazmand, 2023). This accord was also witnessed by a representative of the United Nations (UN), namely "the UN Commission of Indonesia" (UNCI). In the context of public administration in Indonesia, national experiences are depicted as "Old Order," "New Order," and "Reform Era." The old order depicts the period from Indonesia's independence in 1945 to the middle of the 1960s, highlighting the internal conflicts, economic challenges, and political instability during that time. The new order began in the middle of the 1960s and ended in 1998 (Turner, Prasajo, & Sumarwono, 2022). Civil liberties were restricted during this time, resulting in economic expansion and political stability. However, the reform era began in 1998 and continues to day. In this era, the country has developed and implemented a democratic framework that concentrates primarily on protecting the rights of the people. Therefore, it has been observed that both Malaysian and Indonesian public administrations are committed to developing and promoting effective strategies for promoting human rights, thereby fostering a democratic society.

Legislative Systems in Malaysia and Indonesia

The legislative system is believed to be essential for enacting regulations and laws. Due to the British colonization of North Borneo, Sarawak, and Malaya in the 1960s, Malaysia adopted a "common law legal system." The "constitution of Malaysia" outlines the country's legal framework and emphasizes the people's liberties. The Federal laws of the Malaysian Parliament are implemented nationwide (Salleh, Puyok, & Bagang, 2019). However, "State Legislative Assemblies" laws are applied in certain jurisdictions. The "constitution of Malaysia" incorporates both a "dual justice system" (consisting of both civil and criminal law) and Sharia law. The bicameral parliament of Malaysia consists of the "Dewan Rakyat" lower house and the "Dewan Negara" upper house (Harding, 2021). Articles 73 to 79 of the Constitution deal with state and federal government legislation, whereas Article 75 addresses armed conflict. Malaysia's federal constitution delegates authority to the Executive, the Judiciary, and the Legislature. In this regard, the judiciary plays a crucial role in balancing power by handling criminal and civil matters. The Panel Code (Rosnan & Balasubramaniam) contains provisions about various offenses and punishments in Malaysia. In addition to this Code, other acts and laws are implemented based on the committed crime, such as "the Dangerous Drug Act of 1952," "The Food Act of 1983," and others (Antolak-Saper et al., 2020). The "Internal Security Act of 1960" also effectively maintains domestic tranquility.

In contrast, Indonesia is governed by civil law. Malaysia's primary legislative body is the "Majelis Permusyawaratan Rakyat" (MPR), which consists of two houses: "Dewan Perwakilan Rakyat" and "Dewan Perwakilan Daerah". Following the "1945 Constitution of the Republic of Indonesia," Indonesia is a unitary state, and sovereignty is vested in the people (Fudin, 2022). In addition, the 1945 Indonesian Constitution takes the "rule of law" into consideration. Following Article 26 of "Law Number 22 Year 2003," the legislature is responsible for the drafting of laws. Paragraph IV of the Constitution of 1945, however, states:

"The government of Indonesia to protect all the people of Indonesia and the entire country of Indonesia and to promote the general welfare of the intellectual life of the nation ..."

In addition, Article 10 of "Law No. 24 of 2004, on the Constitutional Court" stipulates that the Constitutional Court is liable for dispensing justice to civilians (Fauzia, Hamdani, & Octavia, 2021). This demonstrates that the legal systems of Indonesia and Malaysia are committed to promoting justice and human rights in the context of criminal and other illegal activities that may imperil human lives.

Criminal Justice System (CJS) in Malaysia and Indonesia

In Malaysia, the fundamental principle of the criminal justice system is that "an accused person is presumed innocent until proven guilty." Therefore, the Malaysian CJS adheres to this principle and safeguards the rights of the accused. However, other legislation, such as the "Anti-Corruption Act" and "the Dangerous Drug Act," as well as others, are also considered in related circumstances (Khan et al., 2018). In Malaysia, the CJS ensures that criminals are punished according to the law. The Panel Code of Malaysia also includes provisions for various criminal offenses and associated punishments. However, the rules and procedures that must be followed during investigations, trials, arrests, and appeals are outlined in the "Criminal Procedure Code" and "the Evidence Act 1950," which emphasize the relevance and admissibility of evidence in criminal trials. In "Public Prosecutor v. Mohd Na'im bin Mohd Azman," the defendant was found guilty under section 7 of "the Misuse of Drugs Act."

Similarly, in "Loh Wai Kong v. Government of Malaysia," the accused argued that Article 5 of the Malaysian Constitution gave him the right to travel abroad (Wardhani et al., 2022). However, the federal court rejected this claim, punishing the accused accordingly. This demonstrates that no illegal activity is supported in Malaysia.

In contrast, the Indonesian legal system is governed by National, Adat, and Dutch Colonial Law. After achieving independence in 1945, Indonesia adopted the Dutch HIR ("Herziene Inlandsch/Indonesisch Reglement"), which was subsequently replaced by "Kitab Undang-undang Hukum Acara Pidana" (KUHAP). However, according to Saputra et al. (2023), the KUHAP is insufficient to protect the rights of Indonesian citizens. In this context, various laws and regulations are therefore also considered. For example, the "Constitution of the Republic of Indonesia" provides effective rules and policies to safeguard human rights. In addition, "Undang-Undang Narkotika" (Narcotics Law) addresses the crime of fraudulently dealing in narcotics. In the context of criminal justice in Indonesia, other important laws include "Undang-Undang Terorisme," "Undang-Undang Tindak Pidana Pencucian Uang," and others (Banjarani, Putri, & Zulaikha, 2023). Because Malaysia and Indonesia are Muslim

countries, Islamic Sharia is followed in Malaysia. In contrast, customary law and Roman-Dutch law are used in Parliament Indonesia's CJS.

Recommendations

The focus must be placed on the interdependence between public administration, legislative systems, and criminal justice to enhance the structure of a nation's government. Consequently, the following recommendations can be considered for this purpose:

- Effective mechanisms can be developed and implemented to promote regular communication between legislators, public administration officials, and criminal justice agencies to formulate and implement effective practices and laws to provide justice to individuals afflicted by various criminal offenses. This strategy can also effectively enhance the legal framework of the associated country. In addition, legislative bodies can be encouraged to actively participate within the context of criminal justice and public administration to monitor their performance and practices, which could assist them in drafting new legislation to promote criminal justice. This will enhance the accountability of all involved parties and encourage them to take vital steps to advance criminal justice. Important measures can also be taken in this regard to protect whistleblowers.
- The engagement between the private sector and civil society should also be encouraged.
- Legislative bodies can play an important role in developing important laws and regulations regarding the protection of whistleblowers, which will help encourage more individuals to provide important information regarding criminal activities in society, allowing law enforcement agencies sufficient time to take important measures to resolve the issues. This will aid in encouraging public participation in the control of unlawful activities. In this regard, various stakeholders may also be involved in policy-making decisions about criminal justice, evaluating related issues within the context of public administration and criminal justice systems. This technique can aid in reducing crimes and promoting justice in the nation.

In addition to these recommendations, significant monitoring and evaluation reforms can be implemented to determine the area of public administration and criminal justice system enhancement, leading to significant legislation in this regard.

Parliament Conclusion

The persistent rise in crime rates has become a significant concern for the international community. Various governments are developing and implementing significant laws and regulations to advance criminal justice. Consequently, the systems of public administration and the legislative entities are also considered to significantly impact human rights. In light of the importance of public administration, legislative systems, and criminal justice to the structure of a nation's government, the focus of the present study has been on the interdependence of these elements in the context of Malaysia and Indonesia. Even though Malaysia and Indonesia are Muslim countries, Islamic Sharia principles are followed in Malaysia's legal system, according to the findings of this study. Indonesia has adopted the Dutch legal system in contrast. Both of these countries have essential constitutions that emphasize promoting criminal justice and protecting public rights. Simultaneously, other laws and

regulations, such as the Dangerous Drug Act, KUHP, Anti-money Laundering Law, are formulated and implemented to combat-related criminal offenses. In Malaysia, a person is not deemed culpable until the crime has been established. In Indonesia, Dutch Law and National Law are evaluated within the Common Law System (CJS) context. This research concludes that the governments of Malaysia and Indonesia are committed to promoting public rights by promoting punishments for associated offenses. This study has various theoretical and practical ramifications within criminal justice, resulting in productive outcomes. This study also identifies some limitations that can be addressed through future investigation.

Research Implications

The practical and theoretical implications of the present study have contributed to the study's effectiveness. Therefore, in terms of theoretical implications, this study has increased our understanding of the interrelationships between public administration, legislative systems, and criminal justice in a country with civil law (Indonesia) and a country with common law (Malaysia). This study has also successfully differentiated between the CJS of these countries, which can assist future researchers in highlighting the social and economic implications of these legal systems more effectively. However, the recommendations in this study have also provided a clearer picture of the legislative bodies and public administration in both countries in the context of CJS. Consequently, this study may also pave the way for future collaborations between legislative bodies and public administrative agencies to enhance the nation's governance structure.

In addition to its theoretical ramifications, the current research has provided some practical ramifications that are crucial for enhancing the overall effectiveness of this study. For example, this study can effectively promote collaboration and communication between legislators, public administration officials, and criminal justice agencies to develop and implement practices promoting criminal justice. This study can also assist in highlighting important limitations in the Indonesian and Malaysian constitutions, thereby encouraging the respective governments and other related organizations to make necessary amendments to achieve effective results. In addition, this study has the potential to persuade policymakers to develop vital policies to foster collaboration between legislative bodies and CJS to assure public safety. In this regard, significant amendments to the existing constitutions emphasizing harsh penalties for criminal offenses are possible.

Limitations and Future Research

Despite having significant implications and contributions, the present study has limitations as with every other research study. These restrictions can be addressed in future studies. The present study focused on the relationship between public administration, legislative systems, and criminal justice. However, other factors, such as state law and federal law, may be considered alongside it. This qualitative study utilized both primary and secondary sources of data. The databases were utilized for data examination. However, other data acquisition and analysis methods may fall under the qualitative approach. This study compared the criminal justice systems of Malaysia and Indonesia, but other nations, such as Taiwan and Nepal, can also be

compared. The fact that both countries compared are Asian may be a limitation of this research paper. In addition, Indonesia is governed by civil law, while Malaysia is governed by common law. Consequently, comparing two countries with different legal systems may influence the results.

Future research should also consider the impact of state and federal law on this interdependence. The quantitative method can be used for data in future research. In addition, other methods, such as content analysis, can be utilized under the qualitative approach. Other nations besides Malaysia and Indonesia can be considered for comparative research. In addition, in the future, the criminal justice systems of Asian nations will be comparable to those of European nations. For more effective comparative analysis in future studies, researchers can also utilize countries that follow the same set of laws, whether civil law or common law (such as Indonesia and Japan, both of which follow civil law).

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