

Politik Hukum di Masa Pandemi COVID-19

Kepentingan Oligarki atau Good Governance

Perbandingan Indonesia dan Malaysia



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Kronologi Permulaan Wabak COVID-19

- **Disember 2019**

Novel coronavirus dipercayai bermula di Wuhan, China.

- **31 Disember 2019**

Novel coronavirus dilaporkan pada Pejabat *World Health Organization* (WHO) di Cina .

- **30 Januari 2020**

WHO isytihar novel coronavirus sebagai "Public Health Emergency of International Concern" (PHEIC).

- **11 Februari 2020**

WHO memberi nama rasmi 'novel coronavirus' sebagai **COVID-19**.

- **11 Mac 2020**

WHO isytihar COVID-19 sebagai 'global pandemic'.

Kronologi Permulaan Penularan Wabak COVID-19 di Malaysia

- **25 Januari**

Kes pertama di Malaysia – 3 warga China masuk ke Malaysia dari Singapura.

- **4 Februari**

Kes pertama membabitkan rakyat Malaysia - Kes Import.

Tiba di KLIA pada 18 Januari. Mempunyai sejarah perjalanan ke Singapura bagi menghadiri mesyuarat bersama delegasi antarabangsa termasuk China.

Jumlah kumulatif kes ialah **10** (1 warga Malaysia dan 9 warga China)

- **6 Februari**

Kes pertama jangkitan tempatan..

Jumlah kumulatif kes ialah **14** (10 warga China dan 4 warga Malaysia)

- **15 Mac**

190 kes baharu - jumlah **428 kes**.

- **16 Mac**

125 kes baharu - jumlah **553 kes**.

- **Perdana Menteri, Tan Sri Muhyiddin Yassin, jam 10 malam pada 16 Mac 2020 mengumumkan 'Perintah Kawalan Pergerakan' (PKP) selama 14 hari bermula 18 Mac hingga 31 Mac.**

Perintah Kawalan Pergerakan (PKP)

18 Mac 2020 – 31 Mac 2020

Akta Pencegahan Dan Pengawalan Penyakit Berjangkit 1988 (Akta 342)

Peraturan-Peraturan Pencegahan dan Pengawalan Penyakit Berjangkit (Langkah-Langkah Di Dalam Kawasan Tempatan Jangkitan) 2020

22 PERKHIDMATAN-PERKHIDMATAN PERLU SAHAJA DIBENARKAN BEROPERASI

Perjalanan 10 km radius dari Rumah – Only for buying essential items (food)

1 person in each car/motorcycle – 8 am to 6 pm

Penguatkuasaan Perintah Kawalan Pergerakan

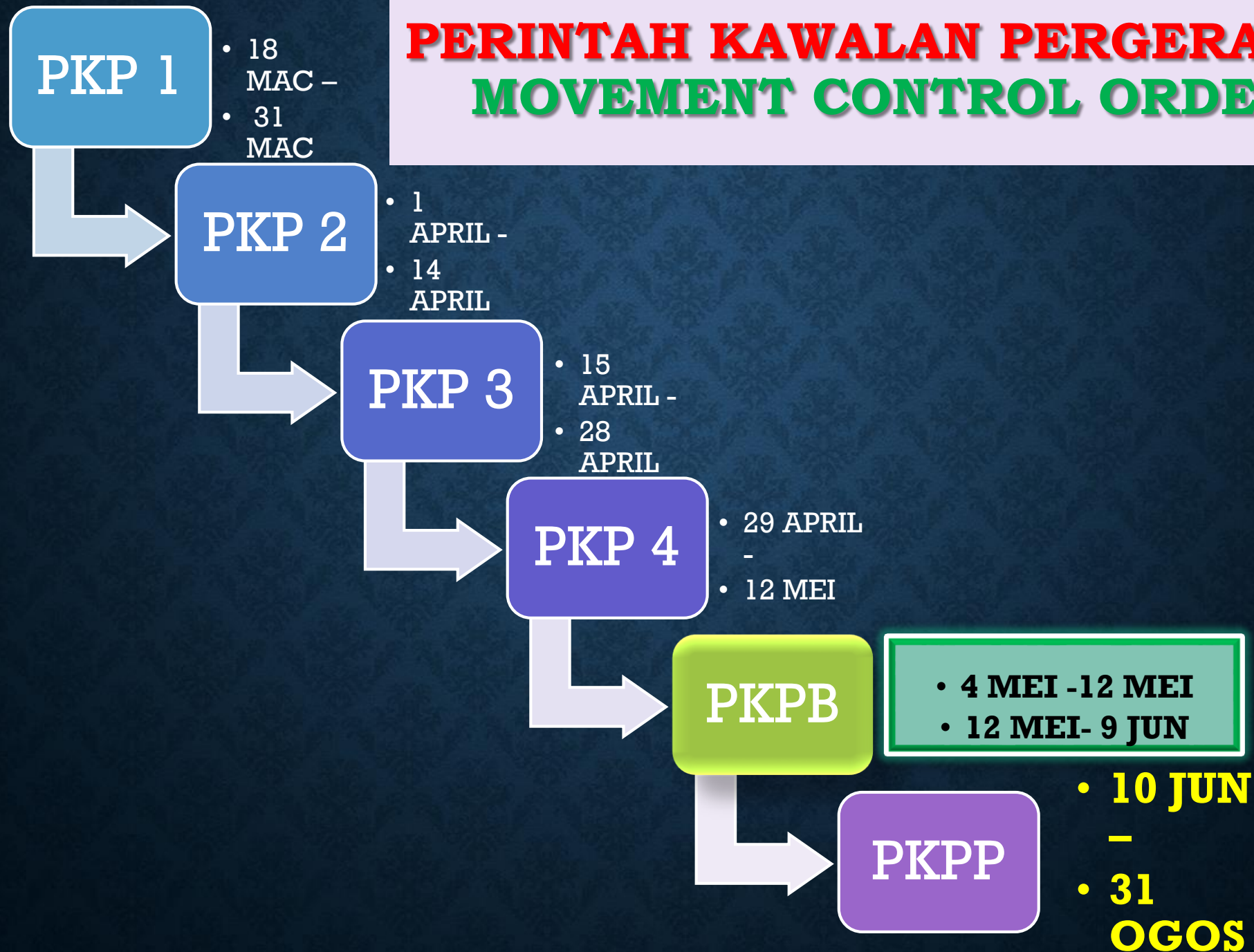
Pegawai Kesihatan Rabu, 18 Mac 2020

Pegawai Polis DiRaja Malaysia Rabu, 18 Mac 2020

RELA (Jabatan Sukarelawan Malaysia) Rabu, 18 Mac 2020

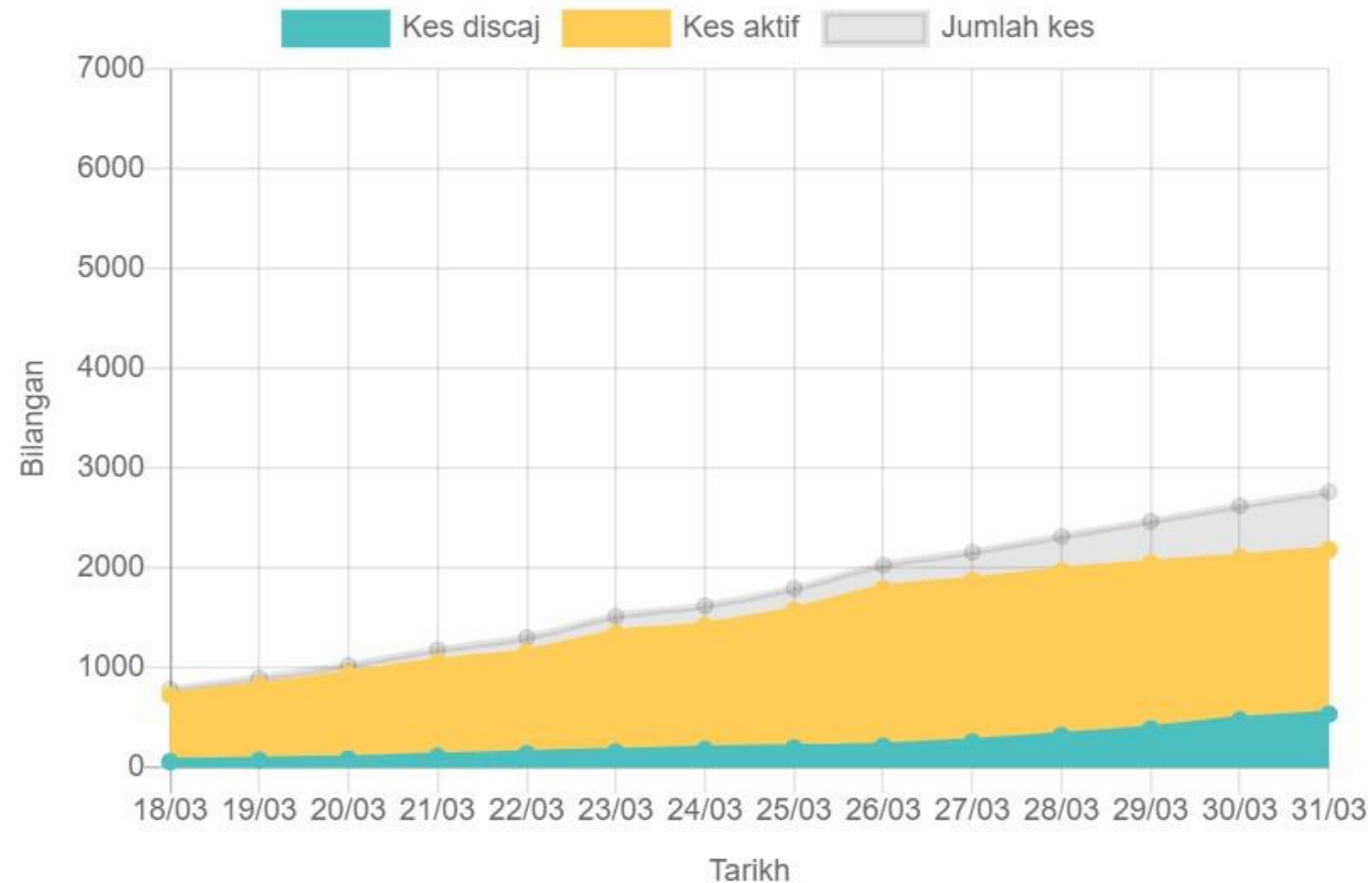
Angkatan Tentera Malaysia Ahad, 22 Mac 2020

PERINTAH KAWALAN PERGERAKAN (PKP) MOVEMENT CONTROL ORDER (MCO)



PKP Fasa 1

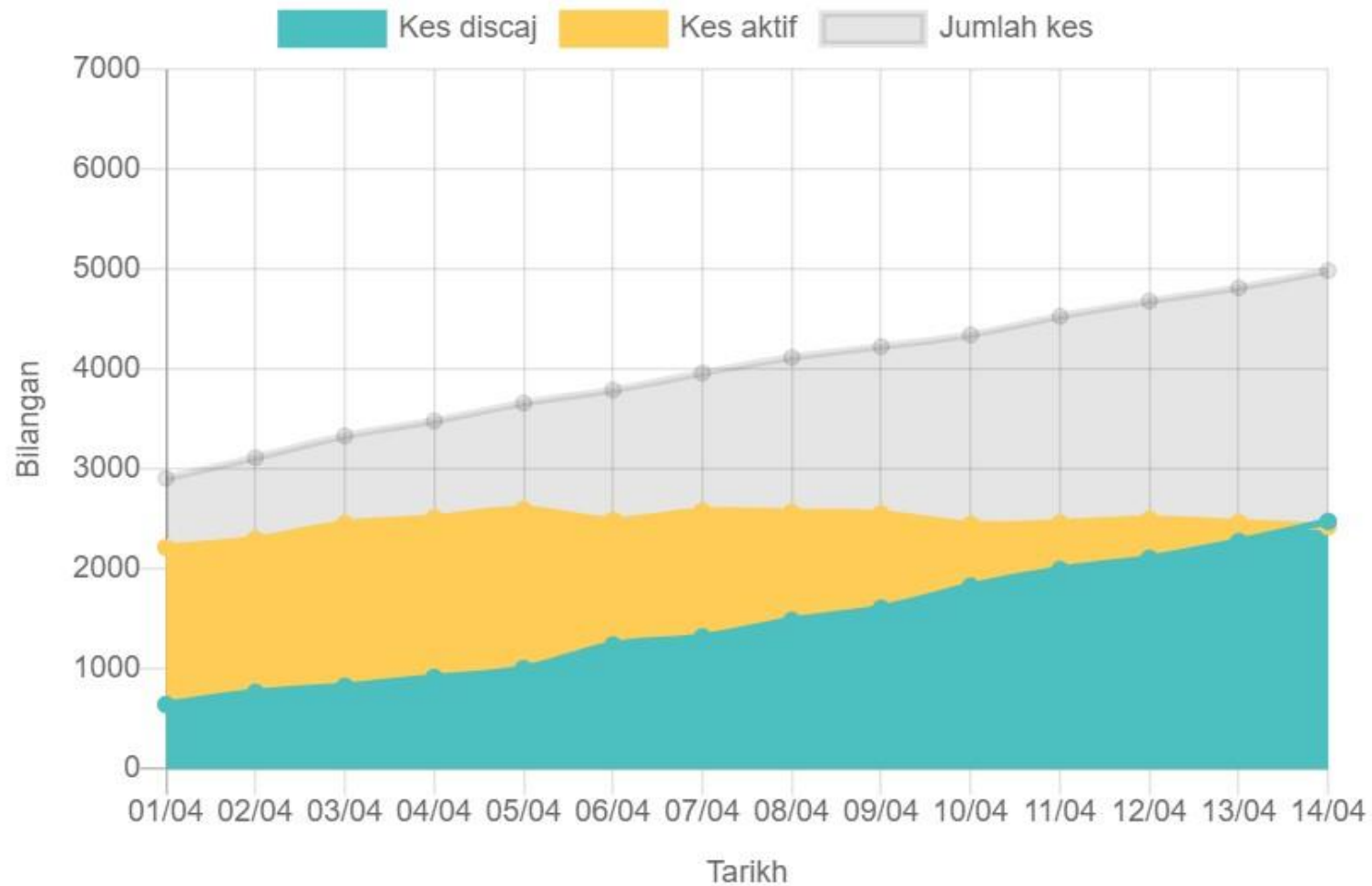
PKP 1
18 MAC – 31 MAC



18.3.2020	31.3.2020
Discharged Cases: 61	Discharged Cases: 537
Active Cases: 727	Active Cases: 2186
Total Cases: 790	Total Cases: 2766
New Cases on 18.3.2020: 117	New Cases on 31.3.2020: 140

Dr Khairil Azmin Mokhtar

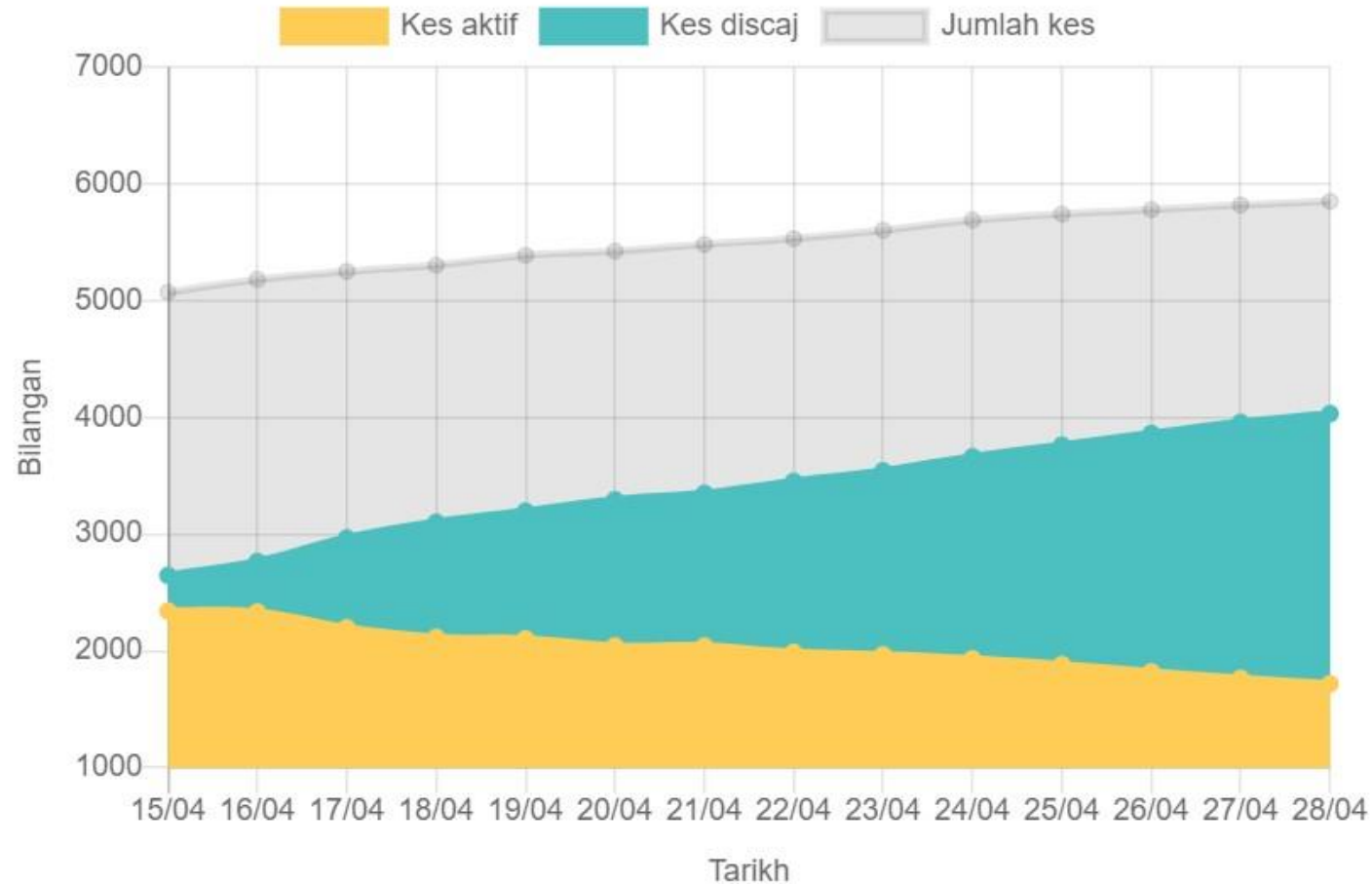
PKP Fasa 2



PKP 2
1 APRIL – 14 APRIL

1.4.2020	14.4.2020
Discharged Cases: 645	Discharged Cases: 2478
Active Cases: 2218	Active Cases: 2427
Total Cases: 2908	Total Cases: 4987
Dr Khairil Azmin Mokhtar	
New Cases on 1.4.2020: 142	New Cases on 14.4.2020: 170

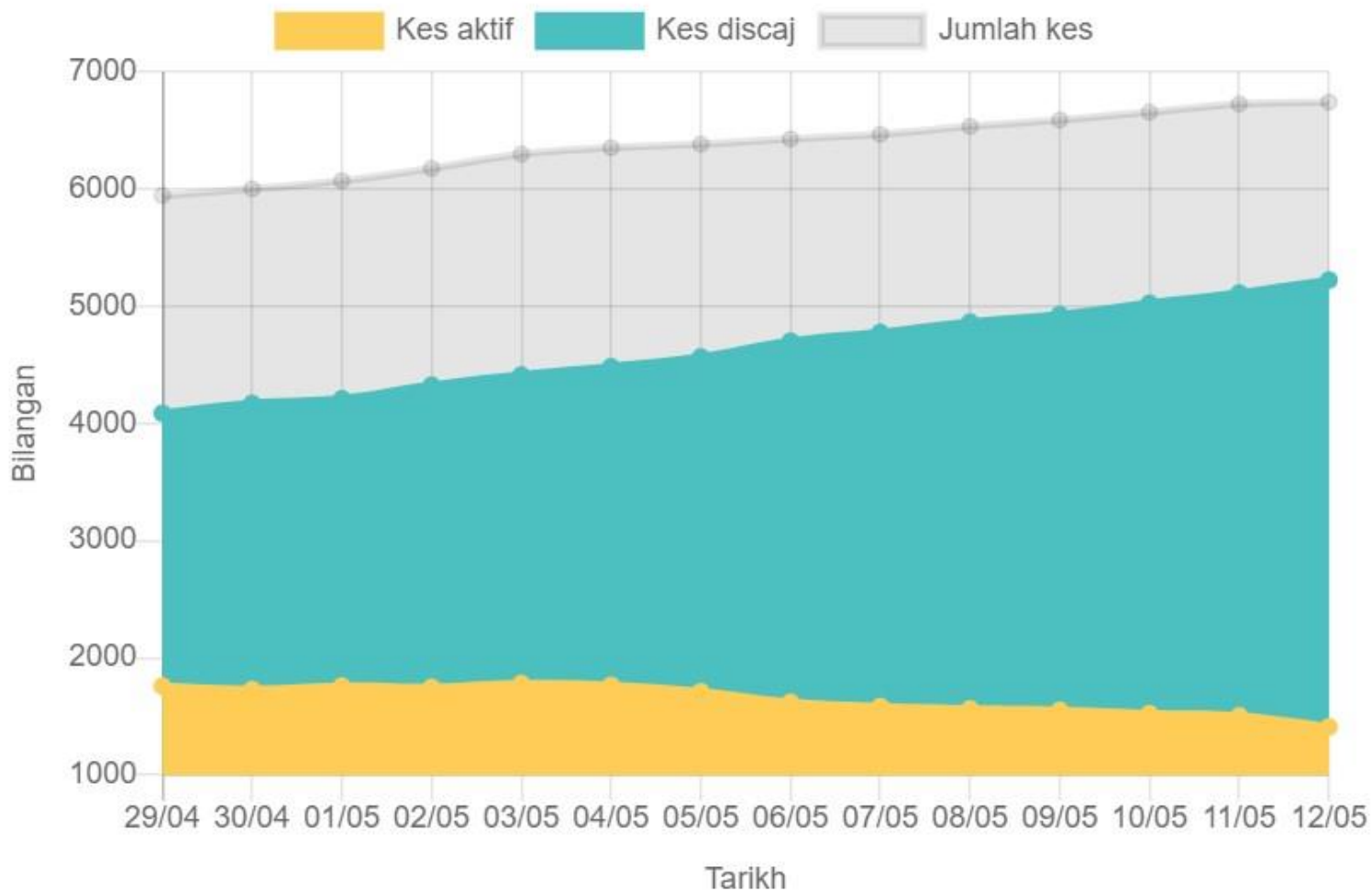
PKP Fasa 3



PKP 1
15 MAC – 28 APRIL

15.4.2020	28.4.2020
Discharged Cases: 2647	Discharged Cases: 4032
Active Cases: 2342	Active Cases: 1719
Total Cases: 5072	Total Cases: 5851
New Cases on 15.4.2020: 85	New Cases on 28.4.2020: 31

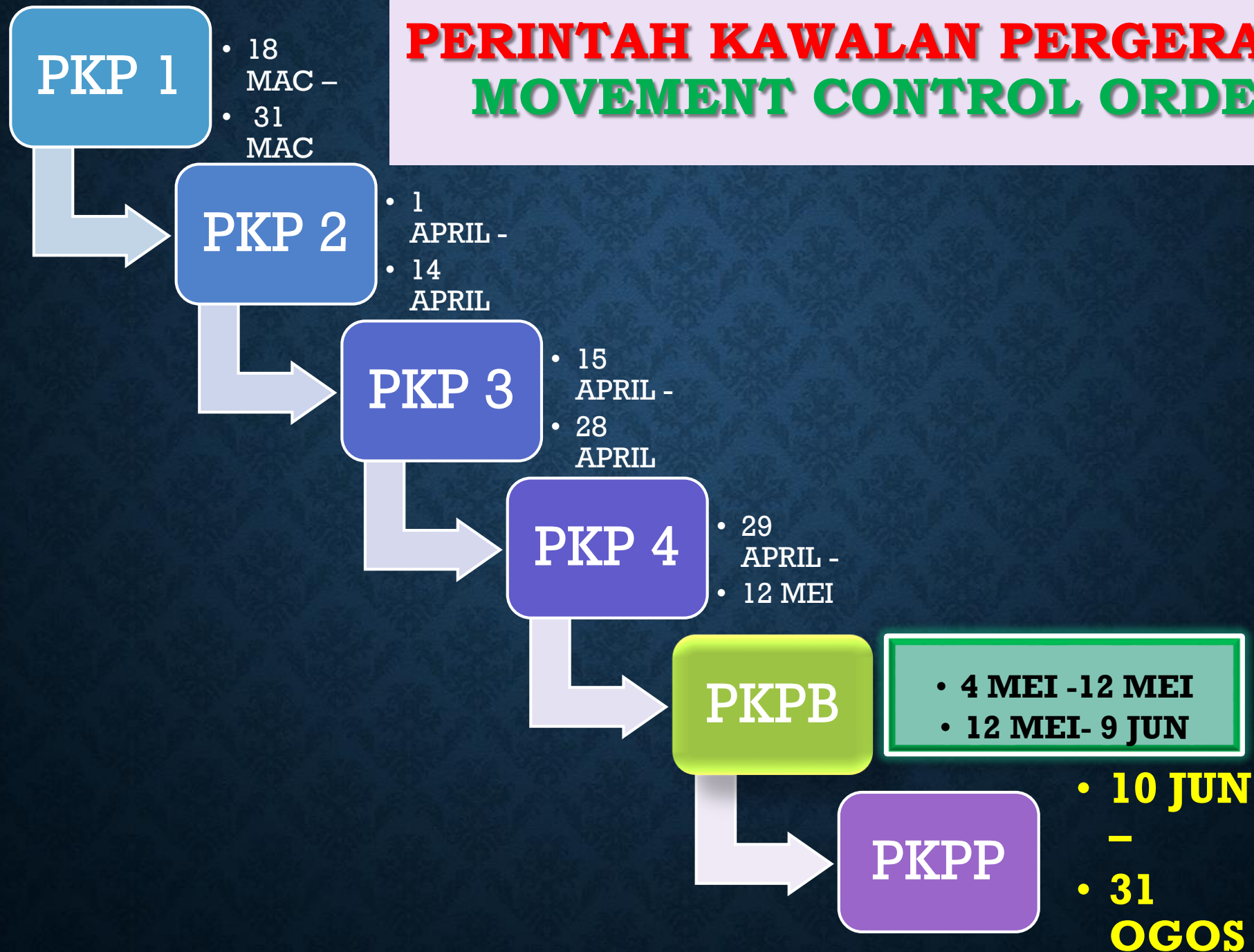
PKP Fasa 4



PKP 1
29 APRIL – 12 MEI

29.4.2020	12.5.2020
Discharged Cases: 4087	Discharged Cases: 5223
Active Cases: 1758	Active Cases: 1410
Total Cases: 5945	Total Cases: 6742
Dr Khairil Azmin Mokhtar	
New Cases on 29.4.2020: 94	New Cases on 12.5.2020: 16

PERINTAH KAWALAN PERGERAKAN (PKP) MOVEMENT CONTROL ORDER (MCO)



PERINTAH KAWALAN PERGERAKAN BERSAYARAT (PKPB) 12 MEI - 9 JUN

Dibenarkan keluar rumah dan menggunakan kenderaan seperti biasa, tetapi perjalanan rentas sempadan negeri tidak dibenarkan.

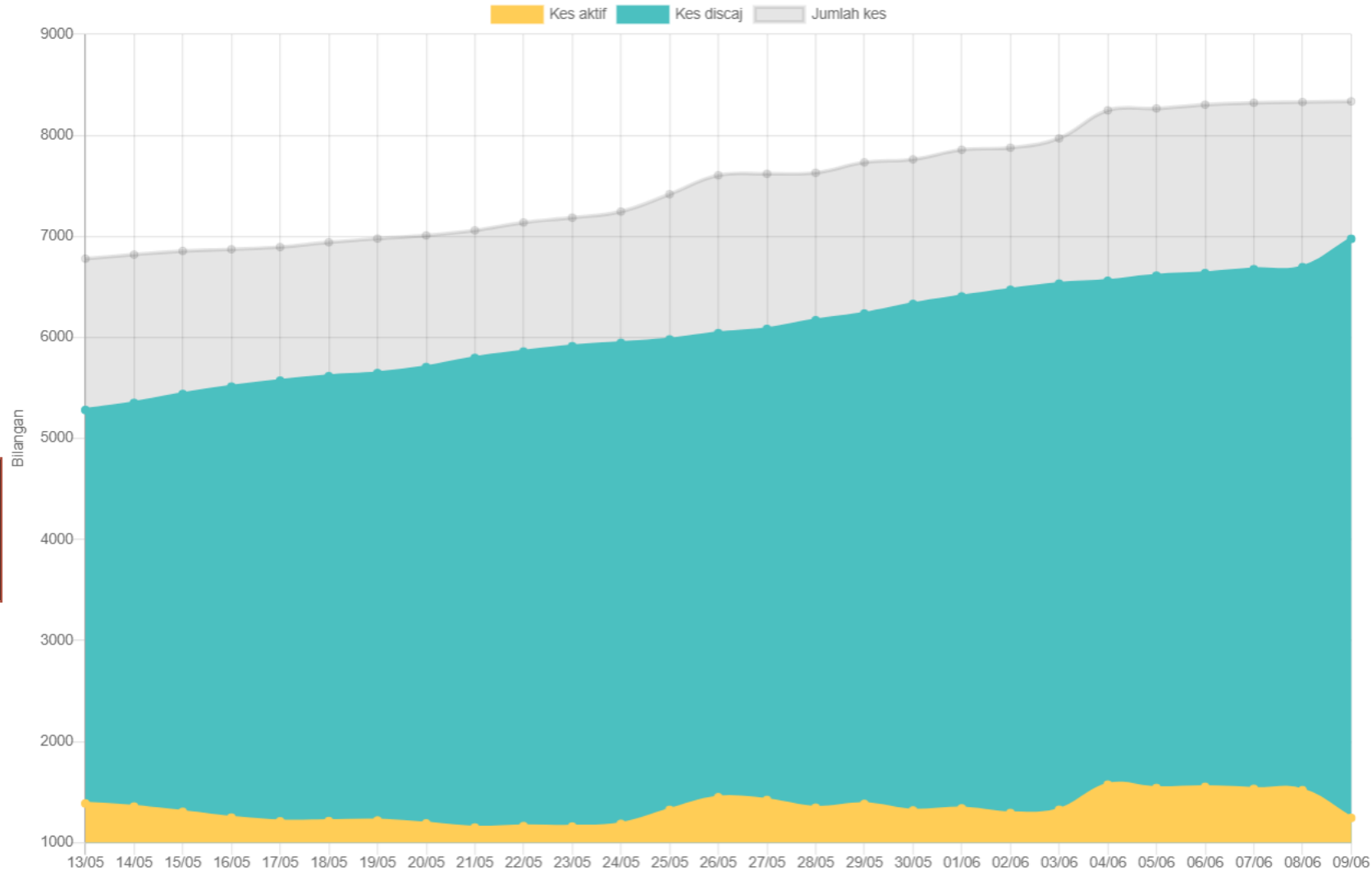
Sebahagian besar daripada aktiviti ekonomi dan sosial dibenarkan.

Hampir semua sektor ekonomi dan aktiviti perniagaan dibenarkan beroperasi tertakluk kepada syarat-syarat dan SOP yang ditetapkan oleh pihak berkuasa

Aktiviti Sosial dibenarkan tertakluk kepada syarat-syarat dan SOP yang ditetapkan.

Pengecualian: Aktiviti yang melibatkan perhimpunan ramai seperti panggung wayang, kelab malam, taman tema, dan bazar n. Aktiviti kegamaan seperti solat Jumaat dan semua aktiviti berjemaah di masjid, surau dan Rumah-rumah ibadat juga tidak dibenarkan. Institusi pendidikan juga belum dibuka.

Dr Khairil Azmin Mokhtar
Perintah Kawalan Pergerakan Dipertingkatkan (PKPD) bagaimanapun akan terus dilaksanakan di kawasan-kawasan yang mencatatkan kes positif Covid-19 yang tinggi.



PKP B
13 MEI – 9 JUN

13.5.2020

Discharged Cases: 5281

Active Cases: 1387

Total Cases: 6779

New Cases on 13.5.2020: 37

9.6.2020

Discharged Cases: 8449

Active Cases: 63

Total Cases: 8683

New Cases on 9.6.2020: 6

DR KHAIRIL AZMIN MOKHTAR

PERINTAH KAWALAN PERGERAKAN PEMULIHAN (PKPP) 10 JUN - 31 OGOS

10 Jun 2020 hingga 31 Ogos 2020.

Lebih banyak kelonggaran.

Perjalanan rentas negeri dibenarkan

Hampir semua aktiviti sosial, pendidikan, keagamaan, perniagaan, sektor ekonomi dan beroperasi semula secara berperingkat dengan pematuhan sepenuhnya kepada SOP.

Fasa normalisasi selepas 31 Ogos 2020 sehinggalah vaksin untuk virus COVID-19 ditemui.

Sekiranya berlaku peningkatan mendadak kes positif COVID-19 Perintah Kawalan Pergerakan Diperketatkan (PKPD) di kawasan atau lokaliti yang berkenaan.

STATISTIK COVID-19 DI MALAYSIA

SETAKAT 5 PETANG, 12 2020 (Sumber KKM)

8,718

Jumlah kes

14

Kes baharu

8,519

Jumlah discaj

122

Jumlah kematian

• Kes terbaharu

Situasi Semasa Pandemik COVID-19 Di Malaysia

Dikemaskini sehingga 12 Julai 2020, 5.00pm

Jumlah Keseluruhan
Kes

8718

+14 Dr Khairil Azmin Mokhtar3

Kes Import

3

Bukan Warganegara

8

Warganegara

3

Jumlah Kes Sembuh (Discaj)

8519 +4

97.72%

Daripada Keseluruhan Kes

Jumlah Kes Aktif

77

ICU

3

Bantuan Pernafasan

2

Jumlah Kematian

122 +0

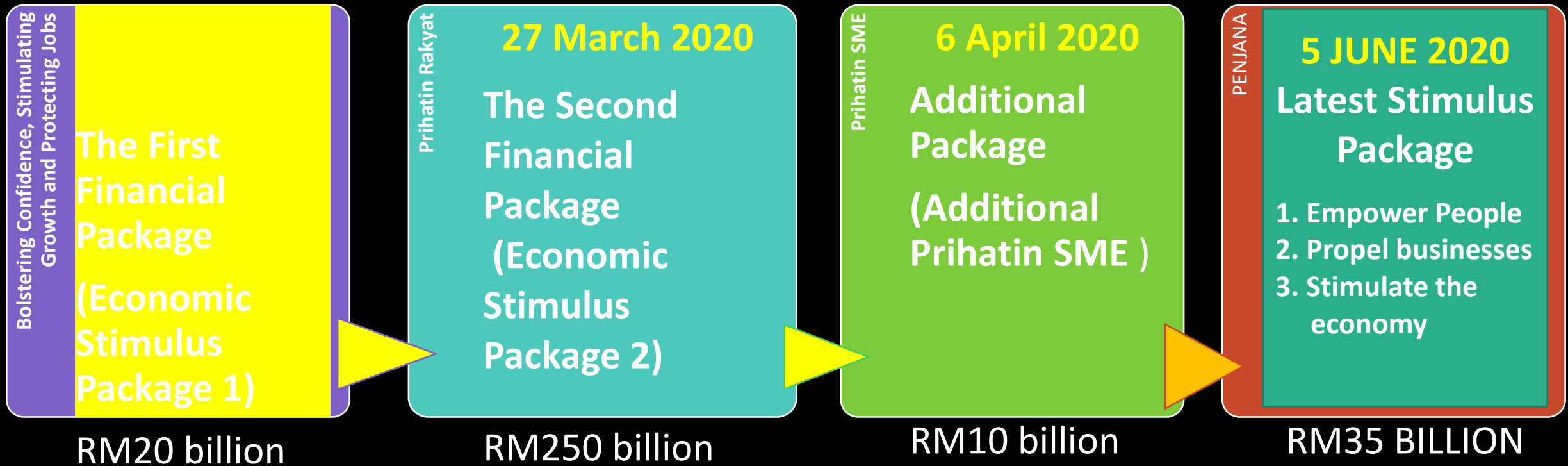
1.39%

Daripada Keseluruhan Kes



Kerugian akibat PKP RM2.4 bilion sehari

Financial Efforts



The First Financial Package (Economic Stimulus Package 1 (ESP1))

27 February 2020

Theme “Bolstering Confidence, Stimulating Growth and Protecting Jobs”

Targeted to aid the Rakyat and business community, whose livelihood had since been somewhat affected by the COVID-19 outbreak.

The Second Financial Package (Economic Stimulus Package 2 (ESP2))

27 March 2020

Theme “ Prihatin Rakyat”

The negative effects of COVID-19 outbreak and MCO are greatly felt by the Rakyat and business community.

- RM128 billion for the protection of Rakyat welfare
- RM100 billion to support Small and Medium Enterprises
- RM2 billion to strengthen the country’s economy
- RM20 billion to pursue measures announced under ESP1

Additional Package

Prihatin Small Medium Enterprises (SME)

6 April 2020

To assist the micro, small and medium enterprises to withstand the impact of COVID-19 outbreak and Movement Control Order (MCO) to their businesses.

'PRIHATIN RAKYAT' ECONOMIC STIMULUS PACKAGE



NATIONAL PRIHATIN ASSISTANCE

- One-off cash payments with an allocation of almost RM10 billion
- For the first time, it will also be channelled to the M40 group



RM1,600

to almost 4 million households with **monthly income of RM4,000 & below**. RM1,000 will be paid in April & RM600 in May



RM1,000

to almost 1.1 million households with **income of above RM4,000 to RM8,000**. RM500 to be paid each in April & May



RM800

to 3 million single individuals aged 21 & above with **monthly income of RM2,000 & below**. RM500 will be paid in April & another RM300 in May



RM500

to 400,000 single individuals aged 21 & above with **monthly income of RM2,000 to RM4,000**. RM250 will be paid in April & another RM250 in May



**TERTIARY
EDUCATION
STUDENTS**

will receive a one-off payment of **RM200** in May



RM25 MILLION

Aid including food, healthcare products & shelter for vulnerable groups (**senior citizens, children, disabled persons, the homeless & indigenous people**) through NGOs & social entrepreneurs



BSH

The balance of Cost of Living Aid (BSH) **will be paid in July**

The laws for financial packages/stimulus will be debated in parliament in the current session.

Its use and implementation will be subject to parliamentary debate and scrutiny.

- The Supplementary Supply Bills 2019
- The Supplementary Supply Bills 2020

To minimise the economic, social and industrial impact of Covid-19

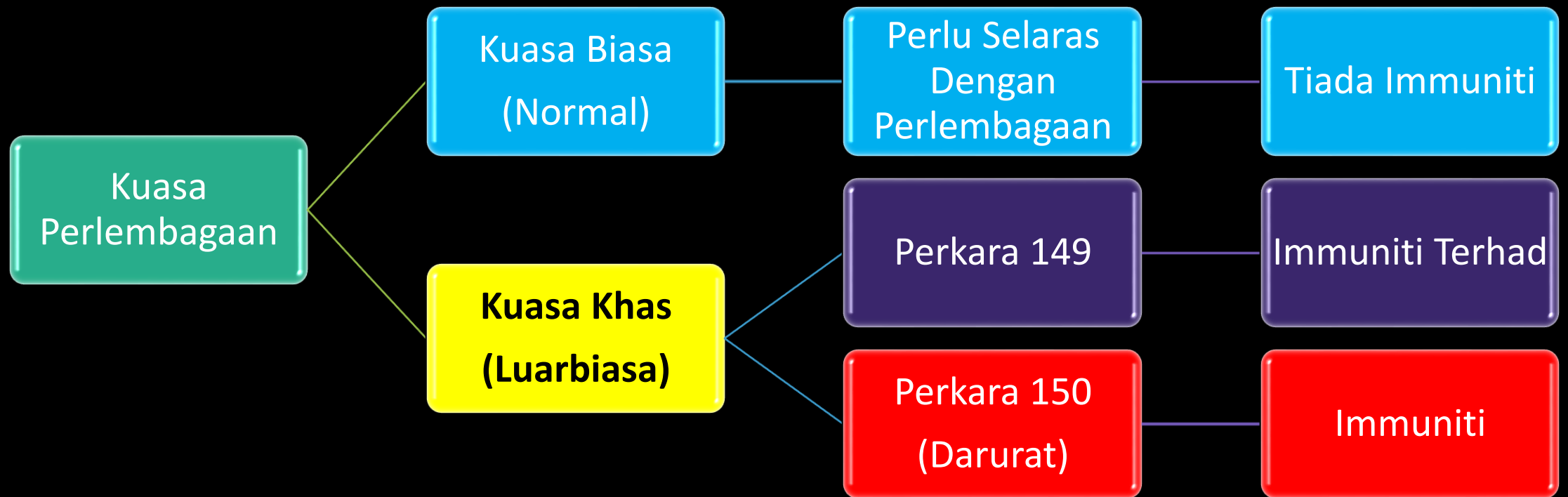
- The Covid-19 Temporary Measures Bill

FIRST, SECOND, THIRD AND FOURTH PHASES

- Human Rights, Economic, Political, Social, Religious and Cultural Issues
- Health and Life Are Priorities
- MCO 1, 2, 3 and 4 (PKP 1,2,3 &4)

FIFTH PHASE AND SIXTH PHASES

- Striking a Balance Between Life and Livelihood
- More inclusive and accountable
- CMCO (PKPB) AND RMCO(PKPP)
- Financial Packages/Economic Stimulus



SPECIAL LAWS AND SPECIAL POWER

Special laws are made pursuant to:

- Article 149 and
- Article 150.

PART XI - SPECIAL POWERS AGAINST SUBVERSION, ORGANISED VIOLENCE, AND ACTS AND CRIMES PREJUDICIAL TO THE PUBLIC AND EMERGENCY POWERS

- **Article 149.** Legislation against subversion, action prejudicial to public order, etc.
- **Article 150.** Proclamation of emergency.

Law made under Article 149 is valid notwithstanding that it is inconsistent with any of the provisions of Article 5, 9, 10 or 13.

- **Article 149(2)**

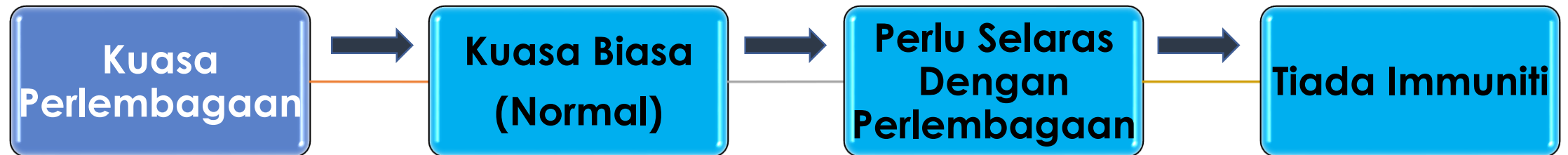
Law required by reason of the emergency shall not be invalid on the ground of inconsistency with any provision of this Constitution.

- **Article 150 (6)**

No court shall have jurisdiction to entertain or determine any application, question or proceeding, in whatever form, on any ground, regarding the validity of any emergency ordinance and the continuation in force of any such ordinance.

- **Article 150(8) (b) (iii)**

Kehidupan **NOR.MA B.ARU** tetapi Demokrasi tetap **NOR.MAL**



Article 4. Supreme Law of the Federation.

(1) This Constitution is the supreme law of the Federation and any law passed after Merdeka Day which is inconsistent with this Constitution shall, to the extent of the inconsistency, be void.

PREVENTION AND CONTROL OF INFECTIOUS DISEASES ACT 1988

Prevention and Control of Infectious Diseases Regulations 2020

- The laws in Malaysia to deal with COVID19 Pandemic are not above the Constitution.
- The laws cannot be inconsistent with any part of the Constitution.
- Article 4(1) applies.
- All rights are protected at all times under the current legal regime of the pandemic in Malaysia.
- The laws that being used are ordinary laws.
- The law and regulations/orders are subject to the Constitution.
- Any provision of the law and its enforcement which are in conflict with the Constitution will be deemed illegal and unconstitutional.

***TIADA
IMMUNITI
UNDANG-UNDANG***

Doktrin Perasingan Kuasa

Prinsip Semak Dan Imbang

Semakan Kehakiman

PERLEMBAGAAN PERSEKUTUAN

BAHAGIAN II - KEBEBASAN ASASI

- Perkara 5. Kebebasan diri.
- Perkara 6. Keabdian dan kerja paksa dilarang.
- Perkara 7. Perlindungan daripada undang-undang jenayah kuat kuasa ke belakang dan perbicaraan berulang.
- Perkara 8. Kesamarataan.
- Perkara 9. Larangan buang negeri dan kebebasan bergerak.
- Perkara 10. Kebebasan bercakap, berhimpun dan berpersatuan.
- Perkara 11. Kebebasan beragama.
- Perkara 12. Hak berkenaan dengan pendidikan.
- Perkara 13. Hak terhadap harta.

Perkara 5. Kebebasan diri

(1) Tiada seorang pun boleh diambil nyawanya atau dilucutkan kebebasan dirinya kecuali mengikut undang-undang.

- Hak Kebebasan Diri – ‘Right to Livelihood’- Hak Untuk Bekerja dan Mencari Nafkah untuk Kehidupan
- Hak ini TIDAK MUTLAK.
- Hak ini boleh disekat mengikut undang-undang.

Perkara 9. Larangan buang negeri dan kebebasan bergerak.

(1) Tiada seorang pun warganegara boleh dibuang negeri dari atau ditahan masuk ke Persekutuan.

(2) Tertakluk kepada Fasal (3) dan kepada mana-mana undang-undang yang berhubungan dengan keselamatan Persekutuan atau mana-mana bahagiannya, ketenteraman awam, kesihatan awam, atau penghukuman pesalah, tiap-tiap warganegara berhak bergerak dengan bebas di seluruh Persekutuan dan bermastautin di mana-mana bahagiannya.

- Hak bergerak **TIDAK MUTLAK**. – Tertakluk pada undang-undang kesihatan awam.
- Kerajaan membawa balik warganegara yang berada di luar negeri, walaupun didapati positif Covid19
- Kerajaan boleh menghalang warga asing dari masuk ke Malaysia dan menghantar balik warga asing sama positif Covid 19 ataupun tidak

Perkara 11. Kebebasan beragama.

- **(1) Tiap-tiap orang berhak menganuti dan mengamalkan agamanya dan, tertakluk kepada Fasal (4), mengembangkannya.**
- **(5) Perkara ini tidaklah membenarkan apa-apa perbuatan yang berlawanan dengan mana-mana undang-undang am yang berhubungan dengan ketenteraman awam, kesihatan awam atau prinsip moral.**

Hak bergerak TIDAK MUTLAK. – Tertakluk pada undang-undang kesihatan awam.

Sultan – Ketua Agama Islam

Fatwa - Mengikat

ISU

Defisit Akauntabiliti

- The absence of political control by democratically elected political representatives
- Ketiadaan kawalan politik oleh wakil politik yang dipilih secara demokratik.



DEMOKRASI BERPARLIMEN

- Kerajaan bertanggungjawab kepada Parlimen

- Persidangan Parlimen

- Isnin 18 Mei 2020 - Mesyuarat Pertama, Penggal Ketiga Parlimen Ke-14
Originally scheduled to sit for 15 days between May 18 and June 23

1 hari saja – Ditangguh hingga 13 Julai

Due to the Covid-19 pandemic

○ Persidangan Parlimen

- Dewan Rakyat akan diadakan selama 25 hari bermula hari ini Isnin – 13 Julai 2020 hingga 27 Ogos 2020.
- Dewan Negara pula selama 11 bermula 2 September 2020 hingga 23 September 2020.



Sidang Media Secara Langsung Setiap Hari

Sejak Perintah Kawalan Pergerakan (PKP) 18 Mac, sidang media berkaitan arahan disiarkan secara langsung setiap hari.

Bertujuan memastikan segala maklumat, berkaitan COVID-19 ataupun PKP, disalurkan secara terus kepada orang ramai.

Sidang media secara langsung adalah usaha telus terhadap kebebasan media demi kepentingan rakyat.

Rakyat dapat menilai prestasi seseorang menteri atau jurucakap menguruskan krisis. Ketelusan terhadap kebebasan media dan kebebasan bersuara kepada rakyat, dan menonjolkan sikap profesional seseorang menteri atau jurucakap, dalam menangani pandemik COVID-19 di negara ini, melalui media.

Press Conference ala White House



Dr Khairil Azmin Mokhtar