

EDITORIAL HIGHLIGHT

Up Close with Tan Sri Dr. Ali bin Hamsa, Chief Secretary to the Government



TAN SRI DR. ALI HAMSA
CHIEF SECRETARY TO THE GOVERNMENT

Insight : Tan Sri, you are the leader for our country's civil servants and you have been leading for more than 3 years now. What are some of Tan Sri's aspiration in respect of capacity building that Tan Sri would like to share with us?

Tan Sri : Malaysia's civil service is the face of the Government and hence, our civil servants need to have specific capabilities and skill sets to continue upholding the integrity and image of the Government. Among the capabilities include proficiency in digital and commercial skills, effective project management and leadership skills. Through this, we will have a more skilled and unified civil service in Malaysia. My hope is for the Government to continue its efforts on capacity building and find potential solutions to the difficult challenges we face today. I see that ILKAP, under its Director-General, has undertaken steps to build on this, including the tagline "Excellence in Capacity Building". ILKAP should not only provide judiciary and legal training but also organise courses for the majority of civil servants. It is heartening to note that ILKAP has taken that step by organising courses which include Creative Thinking in Problem Solving Negotiation Skills, Strategic Planning, Empowerment and Dealing with Pressure and Stress. These courses will equip our civil servants in terms of capacity building and allow them to come up with better and more creative solutions for the problems faced by the rakyat.

Insight : There has been a whole new restructure in terms of training and management at ILKAP recently with the aim of providing better and high quality based trainings. What are the areas of strategy Tan Sri thinks ILKAP should be headed?

Tan Sri : ILKAP has been in operation since 1993 and the vision is for it to be a leader and excel in the judiciary and legal field by 2020. I believe that ILKAP need to take a step back and evaluate the relevance of its vision in today's environment, in the face of challenges faced by the judicial system. It would be good if ILKAP can draw out all their strategies and achievements to date and build on them further by providing future trainings which will correlate with the needs of today's challenges. For now, high quality training programmes that will be beneficial to the Judicial and Legal officers from the courts and the Attorney General's Chambers (AGC) as well as enforcement officers from the relevant ministries, should be implemented in order to further enhance their skills and capabilities. Altogether, the main focus should be to ensure that ILKAP remains relevant in assisting the government to transform the civil service to cater to the needs of the rakyat, in line with the theme of 'Merakyatkan Perkhidmatan Awam' (MPA) or humanising the civil service.

Insight : In Tan Sri's view, what do you think is needed to create better awareness among legal officers of their responsibilities and duties as civil servants?

Tan Sri : I think there is a need for the legal officers to put themselves in the shoes of the *rakyat* and understand what they need from the stand point of civil servants. They should think of the tagline "MPA" where we as civil servants owe a duty to serve the *rakyat* to the best of our abilities. Perhaps one way to increase awareness amongst legal officers would be for the legal officers to go to courts or "turun padang" as ordinary citizens and try to obtain services from their own agencies. They would then be able to feel what the *rakyat* experience when dealing with the agencies.

Insight : As society becomes armed with higher levels of educational attainment and access to information, the public administration is open to heavy scrutiny and criticism. What is your comment on this?

Tan Sri : I think as a society, we are heading in the right direction. The *rakyat* should act as a check and balance against any excesses of the government and the current administration is open to constructive criticism and feedback from the *rakyat*. If the criticism is valid, we will definitely look into it in the best interest of the *rakyat*.



Insight : In Tan Sri's view, what are the focus areas for our country's prolonged development and prosperity?

Tan Sri : For the civil service, the focus is on cutting cost while enhancing collaboration between ministries and departments to deliver for the *rakyat*. We want to ensure that the civil service delivers the best to the *rakyat*, hence we have developed more than 60 initiatives under the National Blue Ocean Strategy (NBOS). The main objective here is to achieve low cost, high impact and rapidly executed strategies which will benefit the *rakyat*.

Insight : What do you enjoy doing when you are not working?

Tan Sri : In my free time, I like to read, listen to music and watch sports, especially football.

Insight : ILKAP is a training centre for judicial and legal officers. As such, what are your hopes for ILKAP?

Tan Sri : I hope for ILKAP to play a larger role in educating and training our judicial and legal officers for the future of the judiciary and the AGC. It can also provide advisory and consultancy work to the Government and its agencies while also developing into a regional centre of excellence in law and judiciary.

Insight : What do you wish to convey to ILKAP officers?

Tan Sri : My message to the whole ILKAP family would be to keep up the good work that they are doing and to continuously increase productivity of the legal service of the country. Furthermore, ILKAP should also invent new innovative and creative methods in the spirit of NBOS so as to improve the capacity building process of ILKAP's officers and also to enhance the services provided to the clientele.





PARENTAL RESPONSIBILITY AND CHILDREN ON THE INTERNET: A WAY FORWARD?

Parental responsibility is not a new concept and it has a long-history as regard its connection with youth offenders. It is a challenging task to be a parent in this modern era especially with the advance of technology. Raising children is not just like "a click of mouse" and it is a challenge that parents need to face. Today, our young generation have been coined as the "computer and internet-savvy" generation which reflects their intimacy with the technology of the Internet. Children have also been recognized as the vanguard of a new digital society. Technology is seen as culture which slowly changes the social interactions especially the activities of young people. The mass media in the United States of America (USA), the United Kingdom (UK) and Australia, have reported that a "moral panic" has developed in relation to the risk that children may be contacted by strangers or pedophiles through chat rooms or e- mail.

As a result, there have been a mushrooming of filtering software for parents to control access to certain websites. Parents' panic and fears as argued by Turkic is due to parental unfamiliarity with the Internet. Parents may not be aware of what can be assessed from their home and they are less likely to be computer literate than their offspring. Such panic is also seen in Malaysia. In a survey revealed by the Malaysian National ICT Security and Emergency Response Centre (NISER), it was identified that obscene content download is a common Internet security breach in Malaysia.

In another survey, it was disclosed that 9 out of 10 Malaysian children and teenagers between 8 - 16 years old had seen pornographic websites accidentally while searching for information for their school home-work. The fact is there is no consensus as to what type of information is appropriate for children. This is due to content law which differs internationally because nations have different value systems. The debate surrounding the contents of the Internet is a complex one which differs from country to country. However, content regulation of broadcasting is seen as justified because of particular features of broadcast content.

For instance, there are matters which are considered as taboo or sensitive to a particular society, hence, there is a need to regulate broadcast in television. Whereas in the case of the Internet, the regulators face difficulties with the fact that there is no overall ownership on the Internet, though that is not to say that no law applies to it. Despite the difficulty in regulating the contents of the Internet, I argue that it is essential to have some mechanism to regulate the contents of the Internet for the sake of our children.

This paper attempts to examine and to relate parental responsibility in the usage of the Internet among children in Malaysia, then, I try to compare the policies and ideologies behind parental responsibility under English Law. It also discusses whether there is a possibility of extending parental responsibility to computer delinquency just like in youth crime in real space. Although there are little facts known about computer delinquency in Malaysia as well as in the UK, I believe by looking at the increasing numbers of participation of Internet users, the Internet provides such potential. According to the former Attorney General of the USA:

While the Internet and other information technologies are bringing enormous benefits to society, they also provide new opportunities for criminal behaviour.

Though there is vast disparity in the technology gap in Malaysia, for instance, the Internet access between urban and rural areas, these new opportunities can be grasped by anyone who has access to the Internet. Furthermore, the media has reported on the diversity of criminal activities associated with computers among children and the younger generation. In some circumstances, it is unclear whether the activities involved fall under a crime or otherwise. Commenting on the profile of a cyber offender, Wall stated as follows:

Though there is little factual knowledge about cyber-offenders but they tend not to be the burly-folk devils which the elaborate description of their media would often have us believe. Cyber-offenders are more likely to share a broader range of social characteristics and the cases of hacking and other Internet-related offences that have been reported in the media would suggest they are likely to be young, clever and fairly lonely individuals who are of middle-class origin, often without criminal records, often possessing expert knowledge and often motivated by a variety of financial and non-financial goals.

Hacking, cyber bullying, cyber defamation and cyber stalking are among the reported activities on the Internet committed by children and young people. The phenomena has raised the question as to whether hacking is another type of juvenile delinquency. The multi-functionality of the Internet provides the opportunities for misuse and manipulation by those who are irresponsible. What happens if it involves children and young people? Children as Internet users need guidelines and moral support from their parents in order to experience a meaningful experience while they are online.



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I perceive that the Internet brings two types of threats to children. Firstly, the contents of the Internet, for instance, how can information on committing suicide, developing guns and so forth be said as appropriate for children? Secondly, online communications between children and strangers on the Internet. Who should supervise such activities?

In real space, children's presence is restricted and controlled by rules and regulations, for instance, entrance to a disco, pub and gambling premises are restricted to those above eighteen. However, when it comes to children on the Internet, there is less restriction, due to the absence of physical appearance and 'anonymity'. Jewkes argues that anonymity is the reason why so many users feel safe doing something on the Internet which they might not dare to do in real life, and why many law enforcers feel they are involved in a never ending game to catch up with criminals and deviants who conduct their illicit business in cyberspace. Rather than criminalising certain contents of the Internet, alternatively, I argue that it is necessary to rethink parental responsibilities in terms of children's activities on the Internet

The relationship between parent and child has been reconstructed in terms of parental responsibility. According to this legal construction, childhood is a preparation for adulthood and parents are responsible for caring and raising the child to be a properly developed adult both physically and mentally. These terms of parental responsibilities are enshrined in the English Children Act 1989. Section 3(1) defines parental responsibilities as follows;

"As all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and its property."

Responsibility does not refer to the way in which a parent behaves towards his child but rather a role which is to be exercised by a parent rather than another entity. The focus is distance between the parent and others in making provision for the child, indeed the degree of freedom given to parents in bringing up their children. Responsibility does not refer to the way in which a parent behaves towards his child but rather a role which is to be exercised by a parent rather than another entity. The focus is distance between the parent and others in making provision for the child, indeed the degree of freedom given to parents in bringing up their children. Aetiological researchers (those who study causes of problems) have disclosed the

relationship between youth crime and the responsibilities of parents and schools. In the early 1990s, countries such as the UK and the USA have developed laws holding parents responsible for the wrongdoing of their children. The pressure from the public at large due to the increasing delinquency among children and the moral panic in the case of James Bulger has shifted the trends and policies in dealing with youth justice.

Such development has been greatly influence by 'scientific' and 'political' rhetoric. Parental responsibility provisions are largely consolidated under English Law. The English Crime Justice Act 1991 sets down a revolutionary framework for sentencing to involve the duties of parents in response to their children's offending behavior. However, at the same time, the Home Office recognized parental responsibility for children may diminish once the child attains maturity and the capacity to be responsible, including for their criminal behavior. In the consultation papers it was said that "Parents who willfully neglect their responsibilities should be answerable to court.

"The introduction of parental responsibility laws is considered as one of the efforts made by the UK government in tackling delinquency. The UK government believes that crime prevention begins at home. When effective family control is lacking, children are more likely to grow up without self-discipline and a sense of concern for others. It has been a challenge for successive UK governments to adopt the right balance and whether to adopt a hands-off approach to the task of child-rearing and allow parents to decide how to care for their children. Despite the mixed response from the public, there is also concern about the vulnerable parents who need guidance and support in issues related to their child's upbringing. Gelsthorpe says:

"Though early intervention in the early lives of children to prevent delinquent behavior and to protect those at risk is overwhelmingly convincing, the need to punish already vulnerable parents is not."

Furthermore, parental responsibility laws which punish parents may indicate a confusing message that young people can discard their responsibility to their parents. It could be seen as escapism for children from being punished due to their wrongdoings. There have been an increasing interest by the UK government to develop policies and regulation on family policies, for instance, parents can be held liable for their children's anti-social behaviour. An entirely new approach is being taken to youth justice in UK which reflected in the

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English Crime and Disorder Act 1998 which includes parenting orders. The development of parental laws creates an interesting phenomenon in the Malaysian legal system. Malaysian law adopts the term "parental responsibility" from English Law. However, these terms are not defined in the Malaysian Child Act 2001. It has been argued that it is important to define such terms according to the religious and cultural background in Malaysia. What is considered good for and harmful to children is subject to redefinition by society.

Parental laws are already in the statute, yet, it has not been fully implemented and enforced by the authorities. For instance, under the Malaysian Child Act 2001, it clearly mentions that it is an offence to leave a child without reasonable supervision. Unfortunately, parental laws are not fully utilized in Malaysia. By having the Malaysian Child Act 2001 which highlights the protection of children in Malaysia, I believe we should consider protection of children from all kinds of information available on the Internet.

Restricting illegal and harmful contents from the Internet does not mean we are restricting children's access to the Internet, rather as adults, we feel it is in the best interest of the child, to preserve the innocence of the children. As children develop to adolescence, there is a need to expose them to such information as this could assist them to learn and gain more knowledge, for instance, understanding sexuality and gender. The term "computer delinquency" itself is difficult to define as the term "delinquency" differs from country to country. Though cyberspace is considered global, to separate the online and offline world would be unrealistic.

In the early inception of the Internet, not much threat could be seen due to the limited usage of the Internet. Cinema films such as Superman II, Matrix I and II fueled the imagination and reporting in the media about computer crime. To ascertain the true scale of crime is an impossible task because of under-reporting for various reasons and this applies to computer crimes. We question whether the Internet is really powerful enough to enable a sixteen-year-old boy to become the biggest threat to world peace since Adolph Hitler. He was referring to the incidents of hacking by two American teenagers. Although computer delinquency is not widely discussed, however, it is suggested that parental responsibility needs to be redefined in facing the challenges of developing ICT.

Some people may argue that to prevent children from being involved in computer delinquency, perhaps the best solution is to shut down

the computer. From another perspective, the Internet poses challenges to parents who want their children to take advantage of online information but also want to protect their children from its content. Although there are technological tools such as Internet filtering systems, there is little research to ascertain how they are being used and whether they are effective. In the USA, research shows the existence of parental Internet rules with the growing popularity of the Internet.

Rather than being the subject of state intervention, parental Internet rules have gained its place in the context of the modern family in using technology such as the Internet. In fact, earlier research shows the importance of parental monitoring of the child. It is suggested that in monitoring and supervising children's activities on the Internet, it is important to stress the role of parents in guiding and advising their children. This is because parents are the moral guardians of their children.

Besides that, the United Nation Convention on the Right of the Child (UNCRC) has stressed the importance of parental responsibilities. Though it is not specified as regard to what extent parents shall be responsible for their children's activities on the Internet, I believe there is a need to mention such responsibilities in legislation and it should be balanced with policies and regulations in instilling good manners and responsibility in using the Internet among children and young people. The call to supervise children's activities on the Internet is not new. In fact, the USA courts have decided that the burden of protection from media content in the home firmly rests on parents.

It was argued that solutions must come from the family - "people in their own homes can control the events in their living room. They can indeed turn off the TV." The UK government has launched a number of initiatives to help establish safe practice and guidelines for child access and parental supervision on the Internet. A similar effort can be seen in the campaign launched by the Malaysian Government known as "Positive use of the Internet programme (PUIP)" which was launched by the Malaysian government in 2005 which is considered as a milestone in educating and promoting the responsible use of the Internet. Such campaigns should be continuously conducted not only by the government but non-governmental bodies too. The campaign which aims to promote positive use of the Internet to three categories: parents, teenagers and children should also be extended to all Malaysian Internet users. Instilling good practice of the Internet should be seen as preserving our culture and tradition in cyberspace.



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Traditionally, online safety campaigns focused on telling children not to reveal personal details over the Internet, an approach experts now acknowledge to be unrealistic. PA Arguably, the concern is not only about revealing personal details on the Internet but also as regard to the information available on the Internet. Children are said to easily imitate other people actions but how about information? There is strong public concern about protecting minors from harmful information on the Internet, in fact, there has been a proposal for "kid's mode browsing" systems that allow content providers to identify child visitors and make them responsible to block access to child inappropriate content but this may be impractical.

It is difficult to identify how the information is influencing our children's behaviour. I strongly believe there is a need to identify the problems and issues encountered by children and young children in using the Internet. By addressing the arising issues encountered by children and young people in using the Internet, policy makers could draw different approaches to various social problems arising from the Internet. However, the underlying principle is to protect the children by stressing the important role played by parents and the family. I agree with what has been voiced by Flint:

"At the end of the day, whatever the law and rules enacted and however vigilant the authorities, there can be no substitute for parental responsibility and oversight. If you don't know where children are going whether on cyberspace or realspace, it can hardly be unexpected if they go somewhere where you prefer they avoided".

The most pressing challenge as parents is how to cope with the influx of information on the Internet. The use of the Internet is changing what people do and how people relate to others, both online and offline. The question here is how is this information moulding the minds of our young generation. Hence, creating awareness about children's use on the Internet among parents as well as educators is essential and this also should be applied to the owners of cyber cafes as a social responsibility.

Mass media like movies, radio and television are often blamed for their negative influence on children. As a developing mass media, the Internet offers the potential to be misused by its users and be a medium for delinquency. Research has yet to establish the exact nature of the influence of media on behaviour between surfing the Internet and certain types of children's misbehaviour. The recent proposal by the Malaysian Education Ministry to include parents in

disciplining children is welcome and timely. Such proposal should also consider the implications on parents and their relationship with their children. Under English law, parental responsibilities has been stressed by the government as they believe in parental influence. In fact, there have been different theoretical approaches to providing parenting education and therapeutic support being developed in the UK and other countries such as the USA, Canada and Australia. There is no standard parenting style and beliefs in our multiracial society, but such differences could be grounded on the main accepted values in our society. For instance, practicing a good ethical value and respecting other religions while surfing the Internet.

I conclude with the suggestion made by Joint as follows: "Parental responsibility for child access and use of the Internet should be emphasized. The publicizing of helpful codes and good practice guides for parents to offer support are of as much importance in the short-term as the advancement of legislation detailing the responsibilities of the users." The most essential part in rethinking parental responsibility in terms of children's use of the Internet is how to create awareness of its importance in rearing and guiding our children on the Internet.

The information on the Internet, if it is not supervised and morally guided based on religion, culture and customs, could be a "silent killer" to the development and thinking of our young generation.

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SURPRISING TIPS FROM A SUPER-HACKER

Virtually everyone in technology knows about Kevin Mitnick, who in the 1970s, '80s and '90s was a notorious fugitive hacker on the run from the FBI. Most experts also know that he's made his living since being released from prison as a security consultant. Mitnick has always emphasized the importance of social engineering for hacking, an emphasis that's lacking in most security advice. He also focuses on how to get through to a public that struggles to appreciate the risks.

So he gets through to his public by hacking them (with their permission). Corporate training can make the eyes glaze over. So Mitnick drives his points home by actually hacking his clients, then showing them how they could be easily victimized in the future by a malicious hacker.

Mitnick is working on a new book called *The Art of Invisibility*, which will be a master class in securing one's privacy against a world of hacks and exploits. In the meantime, he's got some easy tips for securing mobile devices.

I sat down with Mitnick at last week's RSA conference in San Francisco, and he rattled off advice that everyone can use. Mitnick specializes in making clients think about things they hadn't thought of before. For example, some people seeking privacy might buy a "burner phone" a phone purchased without a contract for privacy. But Mitnick points out that even buying a secure device can compromise your privacy, given that the purchase can be identified and tracked down because of the Uber you took or the rental car you rented. Mitnick helps companies prevent and deal with the most pernicious and difficult hack, which is a phishing attack.

Phishing is a form of social engineering that involves tricking someone into believing an email or other message is coming from a trustworthy source. For example, an email that appears to come from PayPal or from someone claiming to be an executive in the company the victim works for. Once trust is gained, the target might open an application, download a file, reply with password or other information, or visit a website that delivers its own malicious payload.

Smartphones

Mitnick says that "people are lazy," and that's a huge advantage for hackers. Even at the RSA conference, he can simply watch security

experts attending the show unlock their phones and he can tell that they're using the weaker four-digit unlock code for their phone, rather than a longer password. For starters, that's one way to identify a target anyone wanting to break into a phone will have a big advantage with a four-digit unlock code. The best defense against phishing isn't anti-virus or firewall software, but training, education and awareness.

You might expect that Mitnick would use one of the new secure phones but, Mitnick told me he uses a standard iPhone. It's secure because of his choices and behaviors, he says, which seem to be more important than the equipment. Mitnick prefers the iPhone because most mobile phone hack attacks go after Android phones. But he does say the iPhone is crackable and that no device is 100% secure.

Laptops and desktops

Mitnick told me how he secured his own mother's computer by taking advantage of Apple's code signing model for security. He said his mother used to call him every week to fix her Windows PC because the machine was constantly getting infected. His mother would "fall hook, line and sinker for social engineering attacks" and he had to re-install Windows every week. So he bought her an iMac, installed an anti-virus utility. And then he locked down the device. "Just getting her a Mac and changing that setting" solved the problem of malicious downloads. He quickly noted that while that simple solution protected her against everyday phishing attacks, it wouldn't protect her from the NSA or other more skilled, determined hackers.

Thumbdrives and other attack vectors

Mitnick hacks as a kind of performance art in keynotes and talks at security conferences around the world. At CeBIT in Germany this year, for example, he performed several hacks including a demonstration showing how simply plugging in a thumb drive could give a hacker total control of your machine, including the ability to activate and monitor the camera and microphone or launch any program. In the hack, the USB thumbdrive tricks the laptop or PC into thinking it's a keyboard, rather than a storage device. That enables the hacker to inject keystrokes, which means he can do anything to your device that he could do by typing on your keyboard. Mitnick demonstrates this hack because "people think USBs are safe now, because they turn off 'auto-run.'" He wants the public to know that thumbdrives are not safe. The lay public also believes that PDF's are safe. So, Mitnick demonstrates with visual tools how a hacker can

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use a PDF file to take control of a target machine. Another hack he demonstrates involves a malicious hacker who can go to a coffee shop where there's a public Wi-Fi router, and instruct the router to boot all the users off the network. When they reconnect, the hacker can then offer a fake Wi-Fi network with the same name. Once users connect, a malicious payload can be delivered.

Just knowing this information might change your behavior. I know it's changing mine. The bottom line is that you really, really don't want to plug in a thumb drive or download a PDF file to your laptop, even if you feel comfortable about the source. (Social engineering exists to make you feel comfortable.) And you should avoid public Wi-Fi hotspots.

While people in the security community focus on the code side of hacking, Mitnick emphasizes the social engineering side. Because that's how hackers gain access. In other words, security and privacy is not a set-it-and-forget-it process. Above all, it's important to learn not only from security experts, who know the tools, but also from hackers, who know how to socially engineer their way into your phone or laptop.

Source: <http://computerworld.com.my/resource/mobile/surprising-tips-from-a-super-hacker/>

OUTREACH PROGRAMME

ILKAP outreach Programme on “Rights and Issues Of Women and Children” was held on 12 February 2016 at the Multipurpose Hall, Masjid Daerah Sandakan, Sandakan, Sabah. This seminar was organized by the Judicial and Legal Training Institute (ILKAP) in collaboration with the Sabah Women's Advisory Council and the Sandakan Municipal Council.

The seminar was officiated by YB. Puan Hajah Nancy Shukri, Minister in the Prime Minister's Department. There were about 250 participants consisting of civil servants from various Government departments, representatives of Non-Governmental organizations and local communities attended the seminar.





INSTITUT LATIHAN KEHAKIMAN DAN PERUNDANGAN
JABATAN PERDANA MENTERI

INSIGHT

ILKAP E-NEWS LETTER



ILKAP ACTIVITIES



FORUM "AKTA PENCEGAHAN KEGANASAN 2015 [AKTA 769]"

13.01.2016



PERARAKAN MAULIDUR RASUL PERINGKAT ILKAP DAN CERAMAH AGAMA

15.01.2016





ILKAP ACTIVITIES



ILKAP LIBRARY OPEN DAY

27.01.2016



SEMINAR RIGHTS AND ISSUES OF WOMEN AND CHILD (SANDAKAN)

12.02.2016





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ILKAP E-NEWS LETTER



ILKAP ACTIVITIES



ILKAP MONTHLY ASSEMBLY NO.1/2016

26.02.2016



ILKAP BOWLING TOURNAMENT

12.03.2016





ILKAP ACTIVITIES



ILKAP BOARD OF DIRECTORS MEETING

01.04.2016



SEMINAR RIGHTS AND ISSUES OF WOMEN AND CHILD (KEDAH)

12.04.2016





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JABATAN PERDANA MENTERI

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ILKAP ACTIVITIES



RAMADHAN TALK

13.05.2016



ILKAP MONTHLY ASSEMBLY NO.2/2016

26.05.2016

