

ISO 37301:2021  
Sistem Manajemen Kepatuhan – Persyaratan  
dengan Petunjuk Penggunaannya  
(Pembaruan dari ISO 19600:2014)





# Pengantar

- Organisasi biasanya memiliki tujuan untuk sukses dalam jangka panjang (berkelanjutan), sehingga perlu memelihara budaya integritas dan kepatuhan dari pemangku kepentingan.
- Salah satu pilar dalam keberlanjutan usaha (*business sustainability*) adalah kepatuhan terhadap peraturan/persyaratan yang berlaku.
- Penerapan kepatuhan perlu dilakukan dengan kaidah sistem manajemen sehingga dapat terintegrasi dengan proses manajemen lainnya, seperti keuangan, risiko, kualitas, lingkungan dan kesehatan dan keselamatan.
- Sistem Manajemen Kepatuhan (SMK) berbasis ISO 37301:2021 (menggantikan ISO 19600:2014) memiliki tujuan agar seluruh organisasi dapat mendemonstrasikan komitmennya secara sistematis untuk mematuhi peraturan hukum yang relevan, termasuk persyaratan legislatif, kode industry dan standar organisasi, standar tata kelola perusahaan yang baik, praktik terbaik, etika dan harapan masyarakat.

# ISO 37301:2021 vs ISO 19600:2014

<https://www.lexology.com/library/detail.aspx?g=a6408066-70b3-451b-b345-521e837103ca>

## ISO 19600:2014 standard has been revised by ISO 37301:2021

CRI Group



USA | April 16 2021

ISO/DIS 37301 has officially replaced ISO 19600. The main difference between these two standards is that ISO 37301 will establish requirements for the implementation of a compliance management system, as opposed to 19600 which only provides recommendations. This means that organisations can now have their compliance management system (CMS) verified through an independent third party. With the new ISO 37301 your organisation ca:

- **Become attuned to new and existing laws, rules and regulations on a global level;**
- **Be alerted when the risk of breaching any regulation exists.**
- **Correct potential breaches in a swift and effective manner.**

### ISO 19600 is no more!

ISO 19600 Compliance management systems – Guidelines is a widely accepted standard that provides guidance for establishing, developing, implementing, evaluating, maintaining and improving an organisation's compliance management program. It covered all compliance-related issues, including anti-trust, fraud, misconduct, export control, anti-money laundering, and other unexpected risks which might affect your business.

Introduced by the International Organization for Standardisation (ISO) in April 2014, the standard acts as a global benchmark for effective and responsive compliance management program based on good governance and transparency principles. The compliance standard operates as an advisory standard and is not used for accreditation or certification. However ISO 19600 CMS was officially replaced by ISO/DIS 37301 this month. ISO 37301 will establish requirements for implementing a compliance management system, as opposed to ISO 19600 CMS, which only provides recommendations.

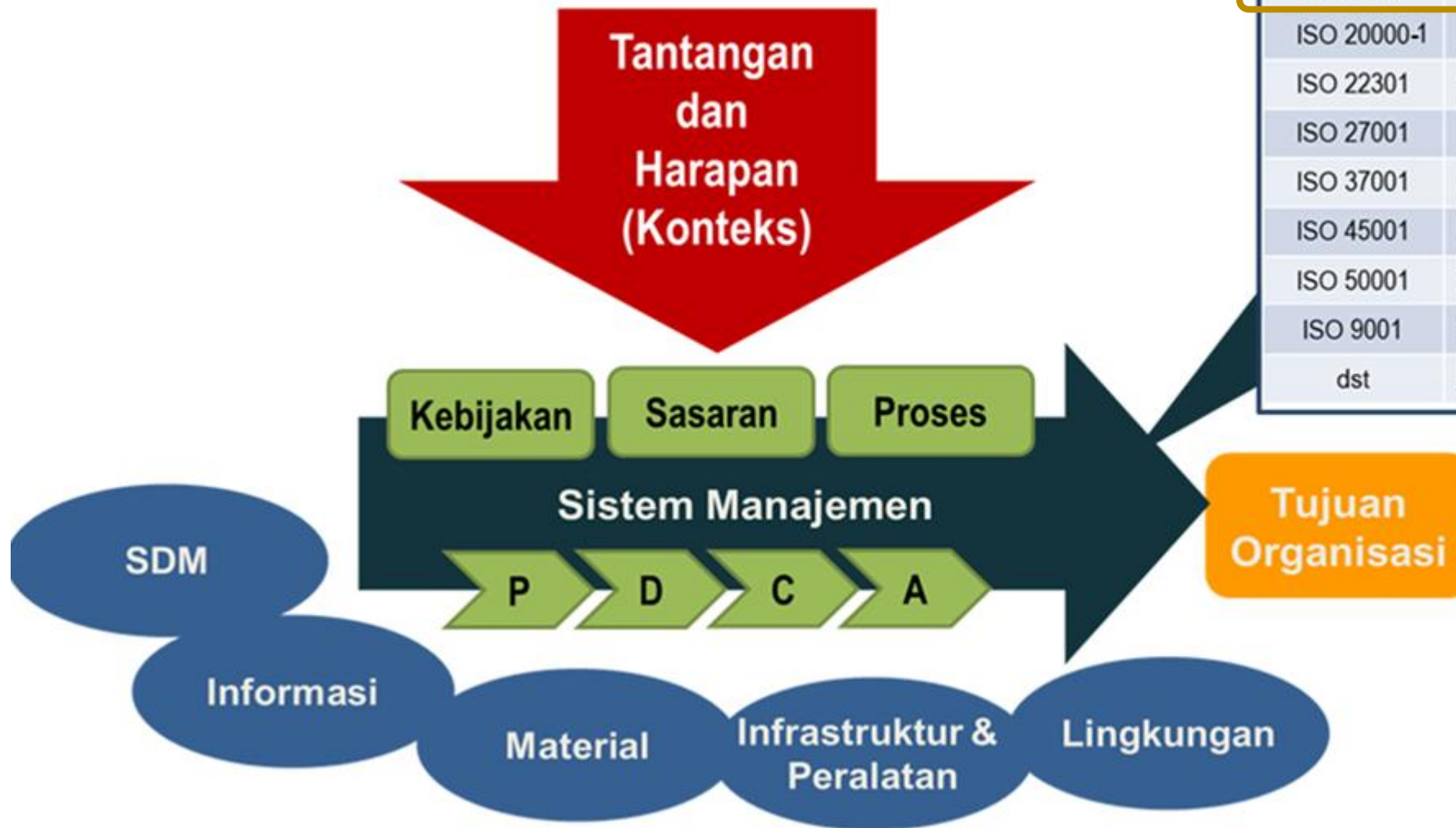
### Whereas ISO 19600 was a guideline, ISO 37301 is a certification standard

ISO 37301 is a so-called Type A standard and – unlike its predecessor ISO 19600 – is certifiable. That being said, 90% of the new standard is based on ISO 19600:2014. Companies who have previously aligned themselves to ISO 19600 will not need to make radical changes. And organisations can now have their compliance management system verified through an independent third party.

# ISO 37301:2021 vs ISO 19600:2014

- ISO 37301:2021 adalah pembaruan dari ISO 19600:2014
- ISO 37301:2021 adalah standar sertifikasi dengan petunjuk penggunaannya, sementara ISO 19600:2014 adalah petunjuk (*guideline*).
- ISO 37301:2021 lebih selaras dengan keluarga ISO terbitan ISO/TC 309 (*ISO Tech Committee for Governance of Organization*) lainnya, seperti ISO 37001:2016, dan ISO/FDIS 37000.
- ISO 37301:2021 mengadopsi masukan-masukan terbaru dari industri.
- Persyaratan 37301:2021 relatif lebih sederhana, banyak hal-hal yang *complicated* “dilarikan” ke lampiran A (*guidance for use*).

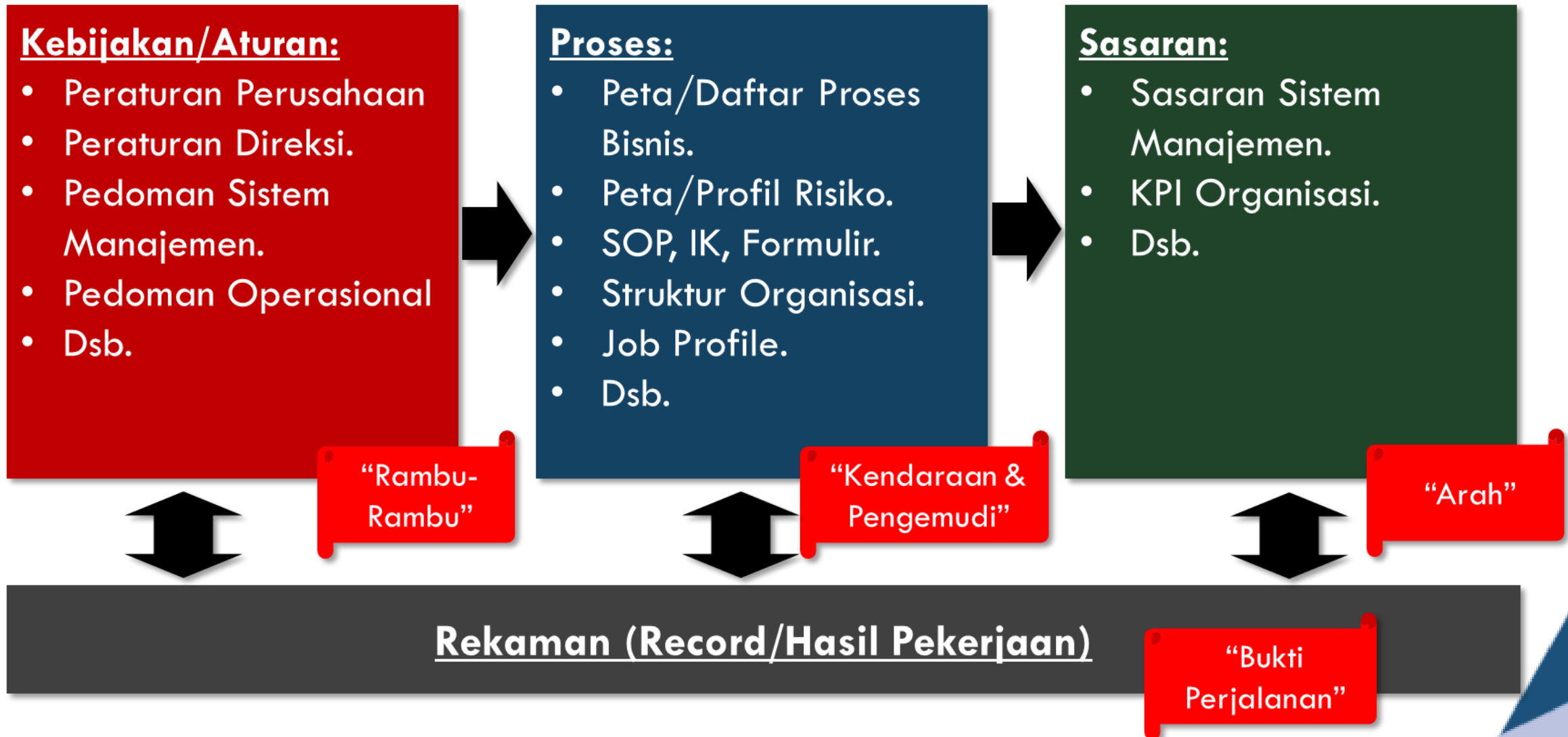
# Pemahaman Sistem Manajemen



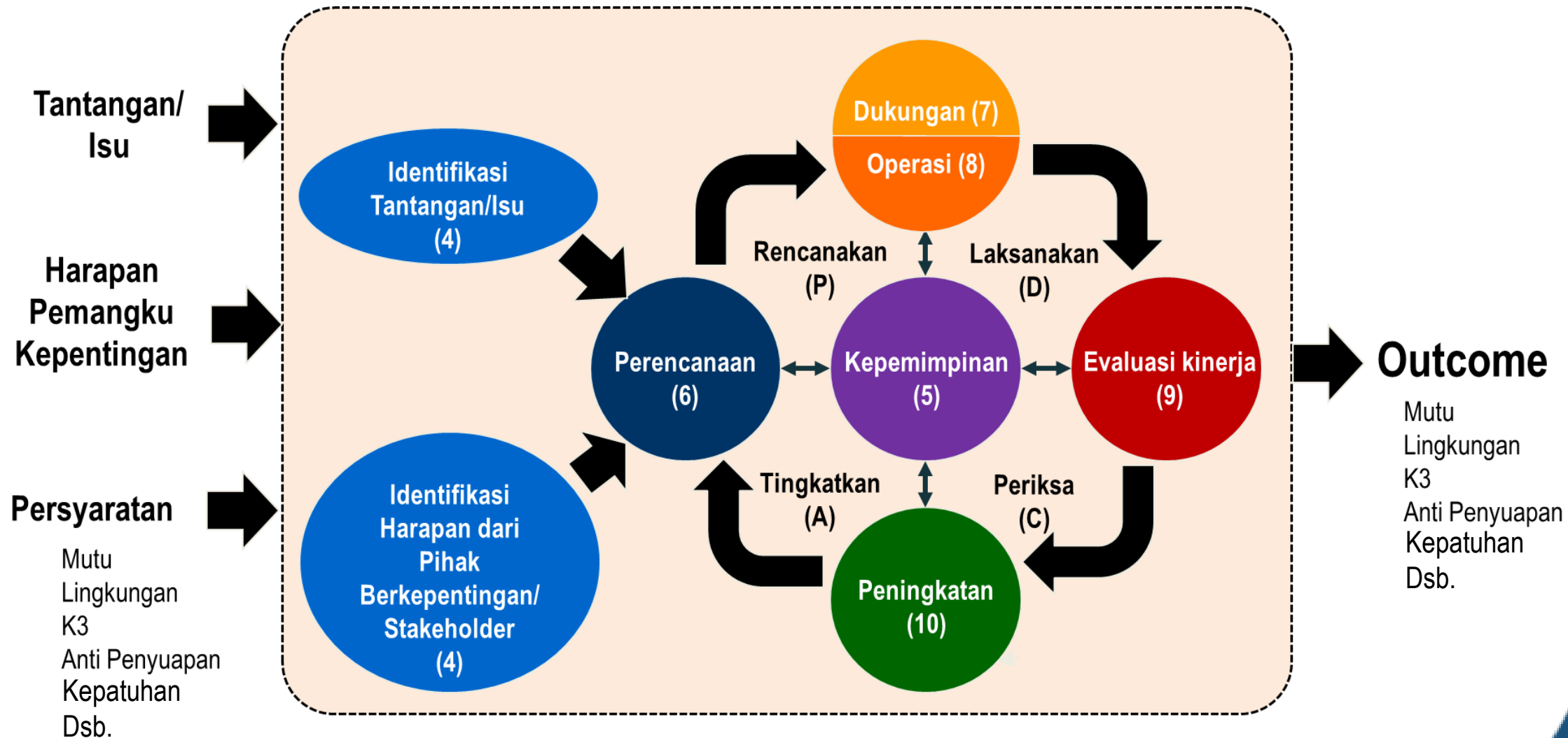
Standar	Sistem manajemen	Kode
ISO 14001	Lingkungan	EMS
ISO 37301	Kepatuhan	CMS
ISO 20000-1	Layanan teknologi informasi	ITSM
ISO 22301	Kelangsungan usaha	BCMS
ISO 27001	Keamanan informasi	ISMS
ISO 37001	Anti-suap	ABMS
ISO 45001	Kesehatan dan keselamatan	HSMS
ISO 50001	Energi	EnMS
ISO 9001	Mutu	QMS
dst	dst	dst



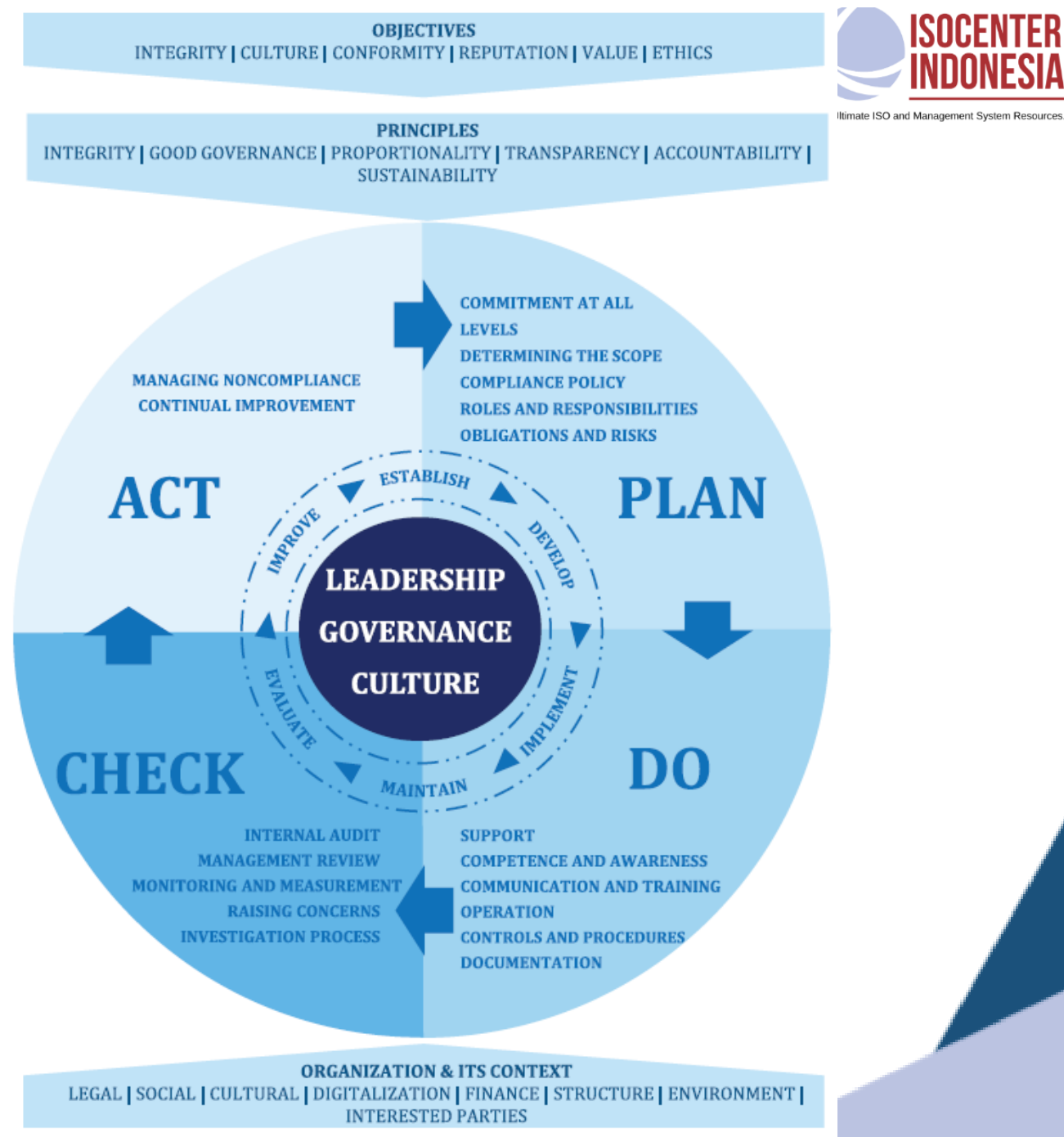
# Artefak Utama Sistem Manajemen



# Sistematika Sistem Manajemen



# Alur Kerja SMK Berbasis ISO 37301:2021





# ISO 37301:2021

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**INTERNATIONAL  
STANDARD**

**ISO  
37301**

First edition  
2021-04

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**Compliance management systems —  
Requirements with guidance for use**

*Systèmes de management de la conformité — Exigences et  
recommandations pour la mise en oeuvre*

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Reference number  
ISO 37301:2021 (E)

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## 4.4 Compliance management system

The organization shall establish, implement, maintain and continually improve a compliance management system, including the processes needed and their interactions, in accordance with the requirements of this document.

The compliance management system shall reflect the organization's values, objectives, strategy and compliance risks, taking into account the context of the organization (see 4.1).

## 4.5 Compliance obligations

The organization shall systematically identify its compliance obligations resulting from its activities, products and services, and assess their impact on its operations.

The organization shall have processes in place to:

- a) identify new and changed compliance obligations to ensure ongoing compliance;
- b) evaluate the impact of the identified changes and implement any necessary changes in the management of the compliance obligations.

The organization shall maintain documented information of its compliance obligations.

## 4.6 Compliance risk assessment

The organization shall identify, analyse and evaluate its compliance risks based upon a compliance risk assessment.

The organization shall identify compliance risks by relating its compliance obligations to its activities, products, services and relevant aspects of its operations.

The organization shall assess compliance risks related to outsourced and third-party processes.

The compliance risks shall be assessed periodically and whenever there are material changes in circumstances or organizational context.

The organization shall retain documented information on the compliance risk assessment and on the actions to address its compliance risks.

## 7.3 Awareness

Persons doing work under the organization's control shall be aware of:

- the compliance policy;
- their contribution to the effectiveness of the compliance management system, including the benefits of improved compliance performance;
- the implications of not conforming with the compliance management system requirements;
- the means of and procedures for raising compliance concerns (see 8.3);
- the relation of the compliance policy and the compliance obligations relevant to their role;
- the importance of supporting compliance culture.

## 8.3 Raising concerns

The organization shall establish, implement and maintain a process to encourage and enable the reporting of (in cases of reasonable grounds to believe that the information is true) attempted, suspected or actual violations of the compliance policy or compliance obligations.

This process shall:

- be visible and accessible throughout the organization;
- treat reports confidentially;
- accept anonymous reports;
- protect those making reports from retaliation;
- enable personnel to receive advice.

The organization shall ensure that all personnel are aware of the reporting procedures, their rights and protections and are able to use them.

# Klausul 3 – Definisi Istilah Penting

- **Organisasi** adalah orang atau sekelompok orang yang memiliki fungsi yang disertai dengan tanggung jawab, wewenang dan saling keterhubungan untuk mencapai tujuannya.
- **Pihak yang Berkepentingan (*Stakeholder*)** adalah orang atau organisasi yang dapat mempengaruhi, dipengaruhi oleh, atau menganggap dirinya dipengaruhi oleh keputusan atau aktivitas.
- **Dewan Pengarah (*Governing Body*)** adalah orang atau sekelompok orang di organisasi yang mengawasi/mengarahkan/menasehati manajemen puncak agar selalu melaksanakan tugas dan wewenangnya sesuai dengan tata kelola organisasi yang ada. Contoh: Dewan Pengawas di Badan Pemerintahan, Dewan Komisaris di Perseroan, dsb.
- **Pimpinan Puncak (*Top Management*)** adalah orang atau sekelompok orang yang mengarahkan dan mengendalikan organisasi di tingkat tertinggi. Contoh: Direktur, Direksi, dsb.
- **Fungsi Kepatuhan** adalah orang/fungsi dengan tanggung jawab untuk mengelola kepatuhan di Organisasi.
- **Kebijakan (*Policy*)** adalah suatu dokumen yang memuat maksud dan arah organisasi sebagaimana yang diformalisasi oleh manajemen puncaknya.

## Klausul 3 – Definisi Istilah Penting (2)

- **Tujuan (objective)** adalah hasil yang ingin dicapai, dapat bersifat strategis, taktis dan/atau operasional.
- **Proses** adalah serangkaian kegiatan yang saling terkait atau berinteraksi yang mengubah masukan menjadi keluaran.
- **Persyaratan** adalah kebutuhan atau harapan yang dinyatakan oleh pemangku kepentingan, umumnya tersirat dan bersifat wajib.
- **Kepatuhan (compliance)** adalah pemenuhan semua persyaratan yang harus dipenuhi oleh organisasi.
- **Kesesuaian (conformance)** adalah pemenuhan persyaratan secara sukarela diputuskan untuk dipenuhi oleh organisasi
- **Risiko** adalah dampak dari ketidakpastian dalam mencapai tujuan.
- **Risiko Kepatuhan** adalah dampak dari ketidakpastian dalam mencapai tujuan kepatuhan.

# Klausul 4 – Konteks Organisasi



4.1 Apa tantangannya?  
(tantangan terhadap  
risiko kepatuhan)



4.2 Apa keinginan/harapan  
dari Stakeholders?  
(harapan terkait kepatuhan)



4.3 Apa Ruang  
Lingkup nya?

4.4 Seperti apa  
gambaran tata  
kelolanya?

4.6 Apa Risiko  
Kepatuhan nya?

4.5 Wajib Patuh thd  
Apa Saja?

# Klausul 5 – Kepemimpinan



## 5.1 Komitmen Kepemimpinan

- Akuntabilitas puncak terhadap sistem
- Memastikan tujuan sistem tercapai
- Memastikan kecukupan sumber daya
- Memastikan persyaratan terpenuhi
- Memastikan peningkatan
- Memberikan arah, tauladan, promosi dan komunikasi

Terkait Pemenuhan Persyaratan Kepatuhan



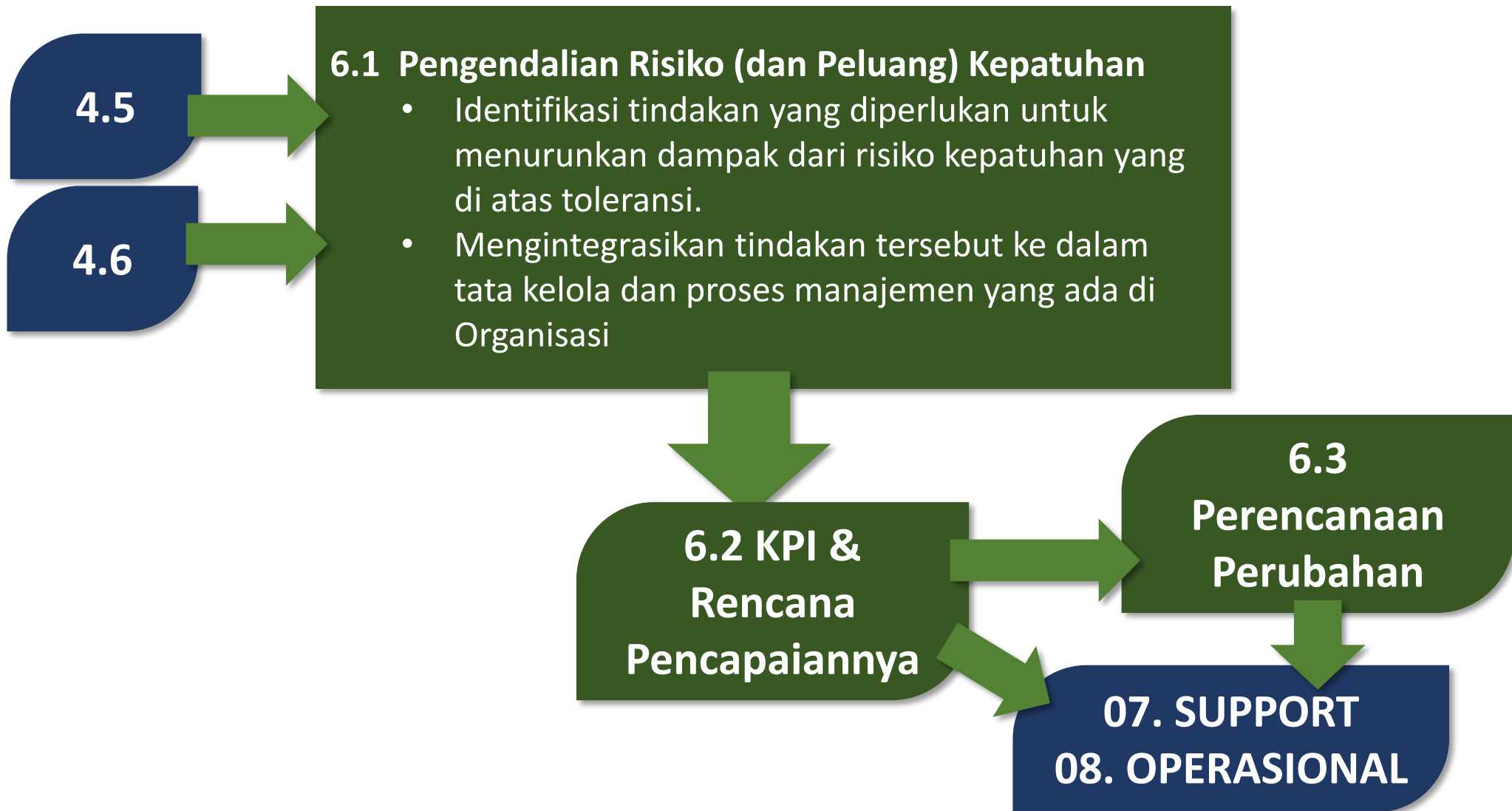
## 5.2 Kebijakan Kepatuhan

## 5.3 Delegasi Peran ke Seluruh Organisasi

- Peran Dewas/Dekom
- Peran Pimpinan Puncak
- Peran Fungsi Kepatuhan
- Peran Manajemen Lainnya
- Peran Pegawai



# Klausul 6 – Perencanaan



# Klausul 7 – Dukungan

## 7.1 Sumber Daya

- Kecukupan Sumber Daya (SDM, Sarpras, Lingkungan)

## 7.2 Kompetensi

- Kompetensi
- Proses Kepegawaian
- Pelatihan

## 7.3 Kesadaran

Terkait SMAP:

- Apa
- Mengapa
- Manfaat
- dst

## 7.4 Komunikasi

- Apa
- Siapa
- Kepada Siapa
- Kapan
- Di mana
- dst

## 7.5 Sistem Dokumentasi

- Informasi/data/dokumen apa
- Bagaimana
- Di mana
- dst

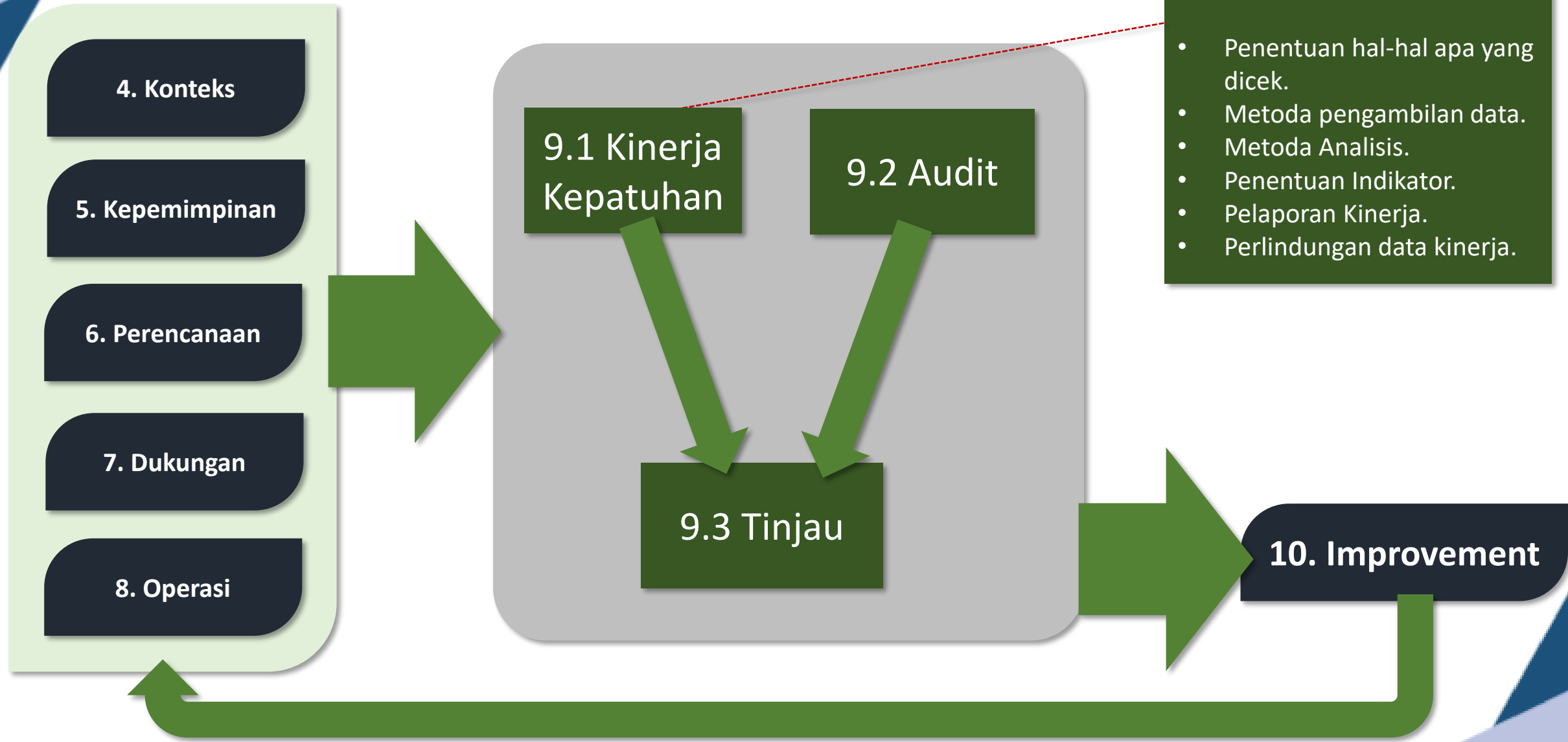
*Untuk Mendukung*

**8. OPERASIONAL**

# Klausul 8 – Operasi



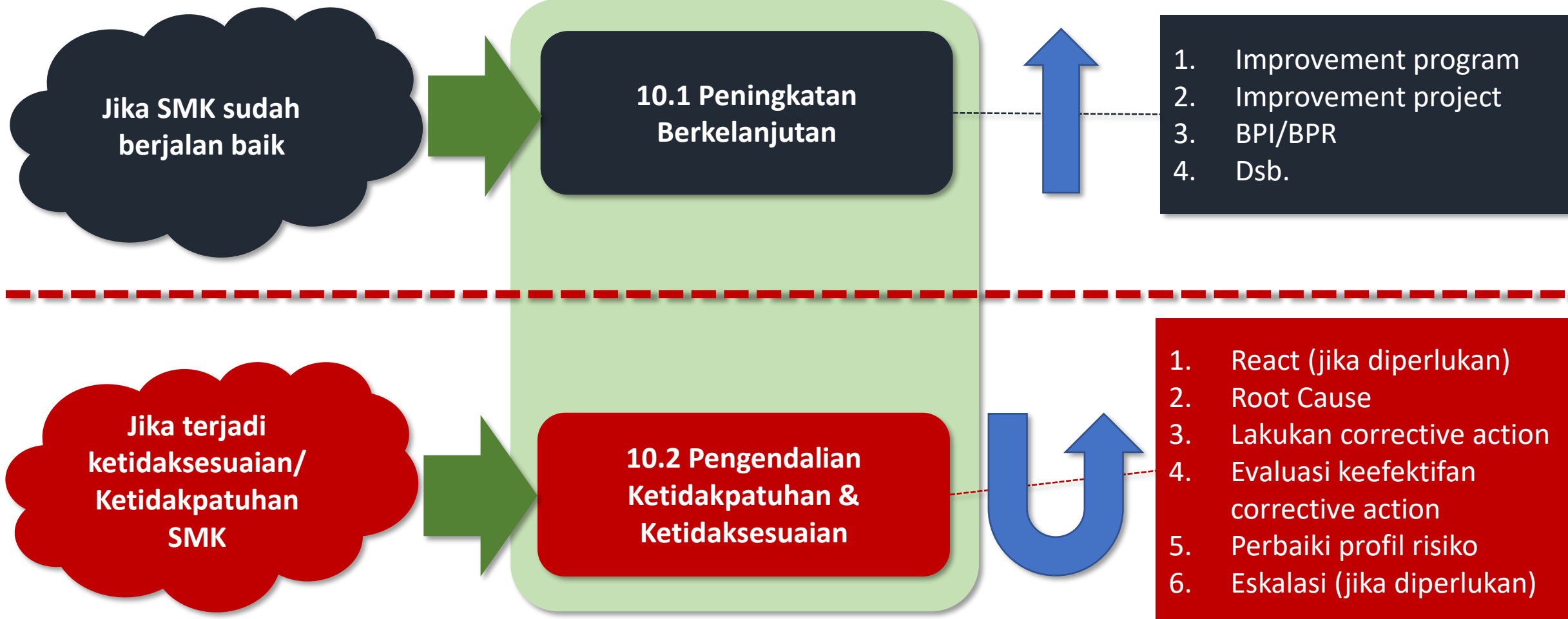
# Klausul 9 – Evaluasi Kinerja



Mencakup:

- Penentuan hal-hal apa yang dicek.
- Metoda pengambilan data.
- Metoda Analisis.
- Penentuan Indikator.
- Pelaporan Kinerja.
- Perlindungan data kinerja.

# Klausul 10 – Peningkatan



# About ISO Center Indonesia

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# Thank You!

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