

Self Assessment Report on Project Implementation

Malaysia:

Legislative measures against corruption

Pillar 2 – Legislative measures against corruption

Implementing agency/ contact: Anti-Corruption Agency (ACA) – Director-General of the ACA and Office of the Attorney General – Attorney General Malaysia

Project budget: External assistance in a specialized subject is required to provide input and training for the investigators and prosecutors of the enforcement agencies

Starting date: n.d.

Closing date: n.d.

Project description:

This involved a discussion at the working committee, which is latter submitted to the office of Attorney General for recommendation before it is submitted for decision of cabinet committee and finally tabled to the parliament for the bill or revision to the existing law to be passed.

Penal provisions of corruption was provided under Anti-Corruption Act 1997 which replaced the Prevention of Corruption Act 1961 and the Anti-Corruption Agency Act 1982. It can also be found in Emergency (Essential Powers) Ordinance no. 22 of 1970 and the Penal Code. Anti-Money Laundering Act 2001 was passed to probe into the ill-gotten gains derived from corruption. Mutual Assistance Against Criminal Matters Act 2002 was then passed to provide for the procedures in getting assistance from other countries on criminal matters.

Project objectives and scope

- The Anti-Money Laundering Act 2001 provides for the offence of money laundering with extra territorial application, the measures to be taken for the prevention of money laundering and to provide for the detection and prosecution of money launderers and the forfeiture of property derived from money laundering. Nine types of offences in Anti-Corruption Act 1997 had been listed as serious offence in the Anti- Money laundering Act.
- The Mutual Assistance in Criminal matters Act is created to provide for mutual assistance in criminal matters between Malaysia and other countries.
- To enhance bilateral cooperation between Malaysia and other countries with a view to provide mutual legal assistance in criminal and corruption matters.

Project inputs (project components and implementation steps)

The Anti-Money Laundering Act 2001 contains specific provisions for offence of money laundering, protection of informers from prosecution and civil liability, the obligations of financial institutions to report to the competent authority any transaction of money exceeding the amount specified and any suspicious transactions, investigating powers, freezing, seizing and forfeiture of property of any person suspected of committing a money laundering offences.

Mutual Assistance in criminal matters Act contains specific provisions for Malaysia to provide and obtain international assistance in criminal matters, the tracing, recovery or confiscation of property in respect of serious offence or a foreign

ADB/OECD Anti-Corruption Initiative for Asia-Pacific

The Secretariat

serious offence, assistance in locating or identifying of witnesses and suspects, the service of process and enforcement of foreign forfeiture order

Project outputs

The Central Bank of Malaysia as a competent authority received reports about suspicious transaction and forwarded them to the Police and Anti-Corruption Agency as enforcement agency to start investigations.

With the existence of Mutual Assistance in Criminal Matters, assistance from other countries now could be obtained through a proper channel and procedure. These laws further strengthen the existing Anti-Corruption Act 1997.

Anti-Corruption Agency had conducted courses on Forensic Accounting and Forensic Engineering to equip the officers investigating into cases of money laundering and corruption with technical knowledge and accounting. The courses were conducted in collaboration with University of Technology Mara and University of Technology Malaysia

Project benefits & risks

There is no risks attached. The project benefits the nation in its effort to fight corruption

Output evaluation

Efforts to fight corruption is being fortified by having these laws enacted. It helps to further strengthen the anti corruption law and provides procedures in getting assistance from other countries and vice versa. This is also to ensure that the culprit does not escape the investigation net and hide his ill-gotten gains abroad. If a culprit escape the punishment under Anti-Corruption Act but he may not escape Anti-Money Laundering Law.

Project overall assessment

Overall it is a very effective project to ensure that the criminals are punished accordingly and fighting against corruption is carried out successfully. This in turn would contribute to the efficient, effective and stable government economically, politically and socially.

Major lessons learned

It should have been done earlier

Follow-up action and recommendation

The close observation or a study should be done and the law should be constantly reviewed if it need be
