



NEWSLETTER

A Nation Without Corruption, A Society With Integrity

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PRESIDENT'S MESSAGE

As we progressed to the year 2021 it was our hope that the Covid-19 pandemic will be under control, businesses can slowly get back to its feet and the economy will rebound. But in January this year the nation was shocked with the declaration of emergency and the suspension of parliamentary democracy to allow the government to tackle the rising number of Covid-19 cases. This effectively means there is no parliamentary scrutiny on any new bills or on expenditure including any new stimulus packages that the Perikatan Nasional government rolled out.



As I pen this message in May the daily reported Covid-19 cases has risen to more than 8,000 cases a day and the cumulative cases are getting close to 600,000 cases. Vaccine roll out has been slow due to supply constraints faced by the government. More stimulus packages are expected to be rolled out to support industries and the public. TI-Malaysia with a grant obtained from the Centre for International Public Enterprise is conducting a research jointly with the research house Merdeka Centre on the stimulus package for the Small and Medium Scale Enterprise on the challenges faced in distributing these funds and what can the government learn to improve future roll out of stimulus packages. The findings of the research will be released by the middle of 2021.

In January this year we saw Malaysia's ranking in the CPI (Corruption Perception Index) deteriorating from 51 in 2019 to 57 in 2020. With institutional reforms stalled and the suspension of parliamentary democracy we remain pessimistic on Malaysia's performance in the CPI score for 2021.

Other activities carried were training on Corporate Liability Section 17A jointly with MACC in four languages ie. English, Malay, Mandarin and Tamil. TI-Malaysia also participated in several other forums and training organized jointly with Perdana Leadership Foundation, UNODC, IKRAM and the Institut Darul Ehsan.

Among our younger members a sub-committee was formed to allow space for the youth to speak up and be the voice for change. This committee recently organized an online forum titled "Youth Integrity: Whistle Blowing and Speaking Truth to Power".

Dr Muhammad Mohan

President

Transparency International-Malaysia

EDITORIAL

BATTLING A PANDEMIC WITH INTEGRITY AND TRANSPARENCY

It's been a long-drawn battle. After more than a year, the war still rages. Not a war with weapons and soldiers but a war with vaccines, antibiotics and doctors. And the end is still far from over. Since its discovery at the end of 2019, the Covid-19 virus has ravaged millions around the globe, causing extreme hardship to mankind. Hundreds of businesses have folded and millions of people have lost their livelihoods. But most of all thousands have lost their lives.

Is the battle being won? Yes and no. The development of vaccines and their application has given hope to all of us, despite the multitude of naysayers and religious zealots vigorously discouraging the use of vaccines. But even if there is global acceptance of the vaccines, as it is now happening, the virus won't disappear overnight. It is a long-drawn process. It may take a couple of years before the virus is completely erased but even then, new mutations are evolving day by day, creating uncertainties to the eradication of the virus.

Furthermore, the poor health infrastructure in many third world countries plus the inadequate unavailability of vaccines for the poor nations are serious impediments to the saving millions of lives. The rich nations have begun to hoard the vaccines by block booking production from the manufacturers thus denying the availability to poorer nations in Africa, Latin America and Asia.

This is further compounded by the legacy of corruption by the politicians and bureaucrats in these countries. The pandemic has spawned the need for billions of dollars of expenditures for anything from gloves, PPE, medicines, hospital equipment, hospital buildings, raw materials, food etc. If the approved budgets are honestly disbursed for the purchases, then half the battle against the pandemic can be considered won. However, if only a small percentage finds its way to the end user, while the major part goes to lining the pockets of the powers that be, then we can sadly say that it will be a long and winding road to the light at the end of the tunnel.

We can therefore only appeal to those in power and those with the attorney to act on behalf of the people not to profit from this terrible tragedy of mankind. We the people also plead to the multinational pharmaceutical conglomerates to not put profit before compassion but to ensure all strata of society benefits from their products. After all, in these difficult times, the world needs every contribution that it can get to save mankind.

Sivasangaran Nair



CORRUPTION PERCEPTIONS INDEX 2020

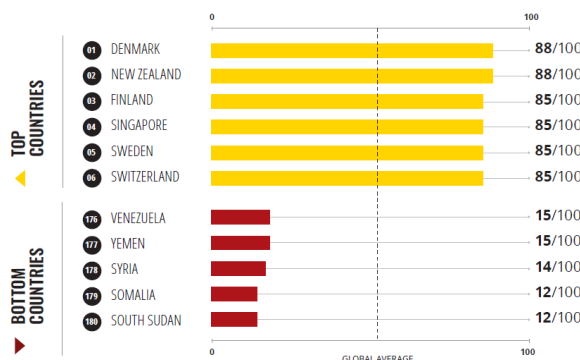
MALAYSIA DROPPED SIX SPOTS FROM LAST YEAR

Corruption Perceptions Index (CPI) 2020 paints a grim picture of the state of corruption worldwide. While most countries have made little to no progress in tackling corruption in nearly a decade, more than two-thirds of countries score below 50. The analysis shows corruption not only undermines the global health response to COVID-19, but contributes to a continuing crisis of democracy.

Corruption is one of the key barriers to achieving the United Nations' Sustainable Development Goals (SDGs), and the COVID-19 pandemic is making those goals even more difficult to attain. The long-term effects of corruption on health care systems remind us that corruption often intensifies the effects of a crisis.

The index, which ranks 180 countries and territories by their perceived levels of public sector corruption according to experts and businesspeople, uses a scale of zero to 100, where zero is highly corrupt and 100 is very clean.

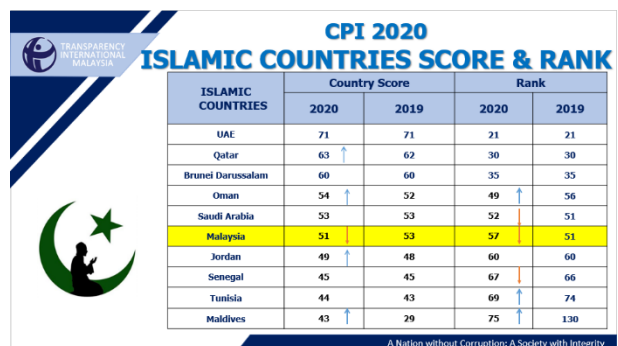
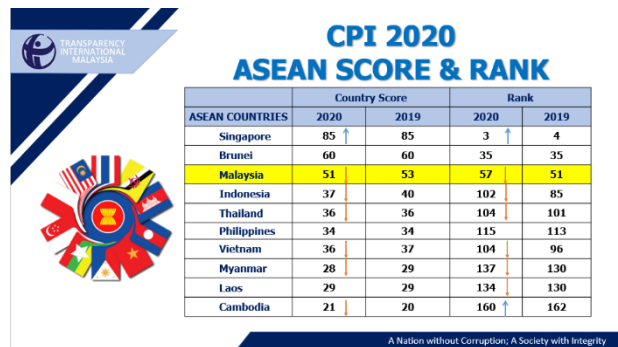
The top countries on the CPI are Denmark and New Zealand, with scores of 88, followed by Finland, Singapore, Sweden and Switzerland, with scores of 85 each. The bottom countries are South Sudan and Somalia, with scores of 12 each, followed by Syria (14), Yemen (15) and Venezuela (15).



With an average score of 45, the Asia Pacific region struggles to combat corruption and tackle the profound health and economic impact of COVID-19.

Malaysia dropped six spots to 57th position in 2020 compared to 51st position in 2019. Our score also deteriorated by two points to 51 in 2020 from 53 in 2019. Although a drop in the score appears statistically insignificant, the government must be cognizant that our rank falling 6 steps means that compared to other countries we are not improving as well as other countries are improving in their efforts to fight corruption.

Within ASEAN countries, Singapore is in top position (3rd) followed by Brunei (35th), Malaysia (57th), Indonesia (102nd), Thailand (104th) and last place Cambodia (160th). Malaysia ranked 6th among the Islamic countries after UAE, Qatar, Brunei, Oman and Saudi Arabia.



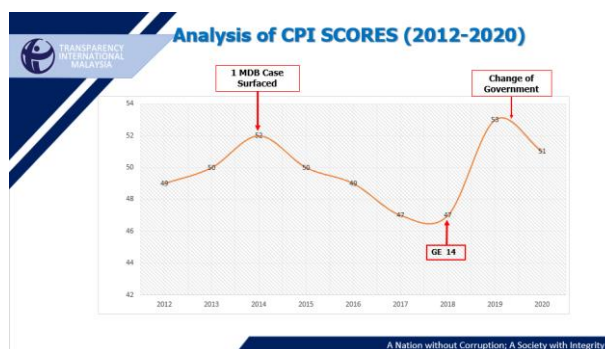
Among the possible reasons for this deterioration are:

- 1) Institutional reforms have stalled. Among them are the Political Funding Bill which was to be tabled in Parliament by the last two governments but that did not happen. Also, the IPCMC Bill was revised to a watered-down version and a largely ineffective IPCC Bill. Further the separation of powers between the Attorney General and Public Prosecutor is yet to be initiated by the Government.
- 2) Discharge Not Amounting to Acquittal for some of those charged in high profile cases has given a negative perception on how the legal process is used.
- 3) Limited access to information on matters of public interest. For example, the compensation for cancelling the High-Speed Rail project and the compensation paid as settlement by Goldman Sachs in the 1 MDB case is not disclosed to the public.
- 4) Continued cases of abuse of power and corruption by public official despite crack down by MACC. For example, the recent months the arrest of immigration officers for issuing fake visas which remains a perennial problem.
- 5) Limited progress or public update on high profile cases e.g. Wang Kelian human trafficking case, Sabah Water Scandal and Littoral Combat Ship.
- 6) Non-Halal meat scandal reported to have operated with impunity for 40 years.
- 7) Government has yet to table Public Procurement Bill.

- 8) Continued adverse reports on wrong doings and poor governance by government officials in the Auditor General's report which seems to go unpunished.

TI-Malaysia's recommendations to improve CPI are as follows:

- 1) For improved transparency government should narrow the scope of the Official Secrets Act so that matters of public interest e.g., directly negotiated contracts can be released and only matters related to national security are protected
- 2) Provide regular public updates on the status of pending high profile cases.
- 3) Monitor implementation of the National Anti-Corruption Plan and disclose progress on the 115 initiatives via a public dashboard
- 4) Empower KSN to be responsible for the public service's role in the successful implementation and achievement of the NACP's goals
- 5) Adopt International Standards on Integrity Pact in Government Procurement for transparency and good governance



- 6) Improve the power and independence of the Enforcement Agency Integrity Commission (EAIC)
- 7) Mandate that the Auditor General's Report must be debated in Parliament and make the National Audit Department accountable only to Parliament
- 8) Amend the MACC Act to allow parliament to appoint the Chief Commissioner and decide his/her tenure of office
- 9) Amend the Whistleblower Protection Act 2010 to provide wider reporting channels for the public and strengthen protection for whistle blowers
- 10) Enactment of an Asset Declaration law to compel all politicians and high-ranking public officials to declare their assets and make it accessible to the public
- 11) Reduce large off budget projects that use public funds. Ensure they have publicly disclosed Cost Benefit reports and require parliamentary approval before starting.
- 12) Amend Election Offences Act 1954 to include sanctions against corruption
- 13) Compel public officials found guilty of corruption to vacate their official positions, even while they exhaust their appeal process
- 14) Enact a new law on Ombudsman to investigate complaints of public interest

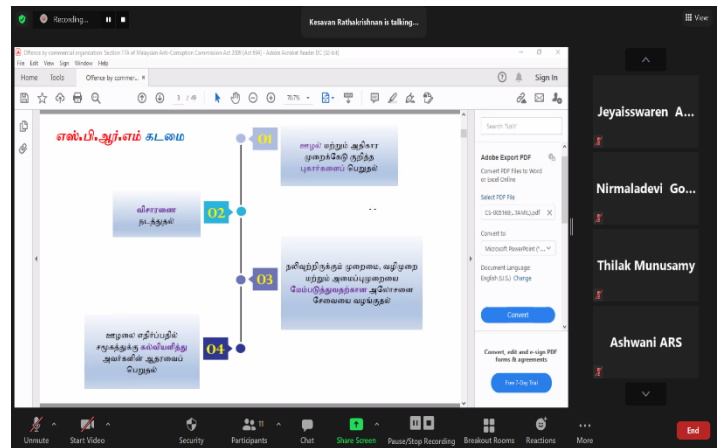
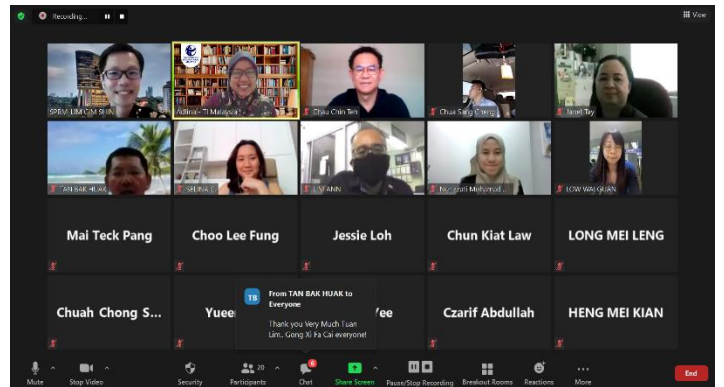
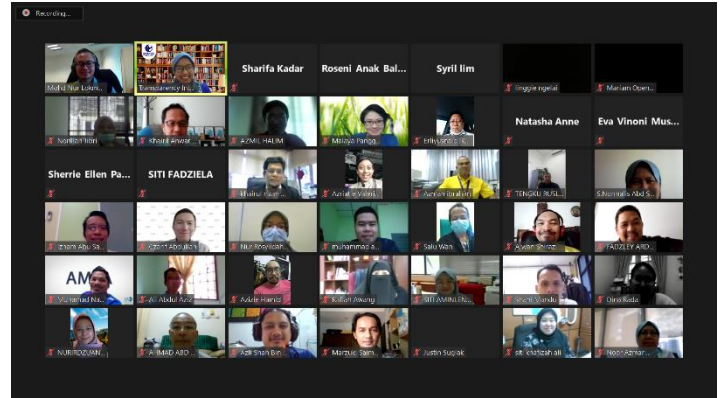
ONLINE TRAINING COURSE ON BRIBERY AND CORRUPTION CREATING AN ENVIRONMENT FREE FROM THE CORRUPT PRACTICES

TI-Malaysia conducted 4 series of ‘Anti-Bribery & Corruption Online Training Course for Corporates, Small and Medium Enterprises (SMEs)’ in English, Bahasa Melayu, Mandarin and Tamil. This was one of the initiatives in raising people awareness on the Section 17A (Corporate Liability).

Several months before the 14th General Election in 2018, a new provision called the Corporate Liability Provision (CLP) was added into the existing MACC Act 2009 (Act 694) in efforts to prevent bribery and corruption involving commercial organisations. The amended MACC Act was gazetted on 4 May 2018. The term “Commercial Organisations” covers companies incorporated under the Companies Act 2016 (Act 777), companies formed under the Partnership Act 1961 (Act 135) and limited liability partnership registered under Limited Liability Partnership Act 2012 (Act 743).

This new provision simply means that a commercial organisation commits an offence if any person associated with that commercial organization corruptly gives, agrees to give, promises or offers to any person any gratification for the benefit of the commercial organization. In these cases, the top management – including directors or representatives – may be liable regardless of whether they had knowledge of the corrupt acts committed by their employees or any associated persons. This is to ensure that businesses do not engage in any form of corrupt practices.

We would like to thank our speakers from MACC for sharing their valuable insights and inputs with the participants.



IDE (INSTITUT DARUL EHSAN) ROUNDTABLE DISCUSSION NATIONAL INTEGRITY AND GOVERNANCE

25 February 2021

TI-Malaysia was invited by Institute Darul Ehsan (IDE) to the roundtable discussion on ‘National Integrity and Governance: Where is Malaysia ranked? Dr Mohan presented the CPI results and findings, and highlighted Malaysia’s 57th position in the index. He also discussed on the ranking of Malaysia among ASEAN and Islamic countries.



MACC 360 – MY ANTI-CORRUPTION CHANNEL INTERVIEW CORRUPTION IN MALAYSIA, HOW TO IMPROVE?

11 March 2021

MACC.fm My Anti-Corruption Channel, the official radio of Malaysia Anti-Corruption Commission (MACC) extended their invitation to TI-Malaysia to be the guest for their slot ‘MACC 360’ discussing on the level of corruption in Malaysia based on CPI, the factors that contribute and important initiatives should be taken by the government and MACC to improve Malaysia’s CPI.



OECD GLOBAL ANTI-CORRUPTION & INTEGRITY FORUM FIGHTING THE GOOD FIGHT

25 March 2021

United Nations Office on Drugs and Crime (UNODC) in collaboration with United Kingdom Government organised the OECD Global Anti-Corruption and Integrity Forum. TI-Malaysia was invited as one of the panelists in the session ‘#UnitedAgainstCorruption: Collective actions through Fast-Tracking the UNCAC’. The panel discussed on anti-corruption efforts undertaken by civil society organizations (CSOs) in response to, or during, the Covid-19 pandemic as well as demonstrating the vital role civil society is playing in tackling corruption in the pandemic response.



RASUAH PEMUSNAH NEGARA PREVENT CORRUPTION STARTING FROM HOME

25 March 2021

Pertubuhan Ikram Malaysia hosted the National Talk Series with the topic of 'Rasuah Pemusnah Negara'. The strategy of fighting corruption should focus on the strict enforcement without fear and the eradication at the grassroots level. We ourselves have seen how much bad effects this disaster has caused on the people and the country. TI-Malaysia was represented by Dr Mohan as one of the panelists.



YOUTH INTEGRITY FORUM: WHISTLEBLOWING AND SPEAKING TRUTH TO THE POWER ROLE OF YOUTH AS THE SOCIAL CHANGE AGENT

TI-Malaysia, supported by the Malaysia Reform Initiative (MARI) and The United States Agency for International Development (USAID) organized the 'Youth Integrity Forum: Whistleblowing and Truth to the Power'. This forum was organized by the TI-M Youth Committee members. Whistleblowing rights have been put in the forefront of the fight against corruption. In 1978, no countries had national whistleblowing legal frameworks. Today 48 do. This forum explored the role of youth as the agent of social change in exposing wrongful conduct and discussed on the whistleblower framework in Malaysia which is designed to protect them.



We would like to thank the panelists, Mr Chew Phye Keat, Mr Asheeq Ali and Ms Nur Izzah as well as our moderator, Ms Nisha Kamilla for their contribution and appreciate the time taken in sharing their experiences as well as expertise with the attendees.

IN DEPTH: GUYANA'S OIL MAKES THE CASE FOR PUBLISHING PUBLIC CONTRACTS

By: François Valérian

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Professor of Finance, Regulation and Supervision at Ecole des Mines de Paris – Mines ParisTech

Associate Professor of Finance at Conservatoire National des Arts et Métiers (CNAM, Paris)

The extraction and consumption of oil is fuelling the climate crisis. It is, however, still part of our economy and continues to be extracted from many places, including from the depths of the seas and oceans, such as off the coast of Guyana. Contracts signed between governments and companies organize the sharing of this economic wealth between populations and companies. They must be public so that the public knows what share it will get of it. This is the case for any contract signed between a public entity and another entity.

In 2016, the government of Guyana signed an oil contract with ExxonMobil, the main oil producer in this oil-rich country and the largest non-state-owned oil company in the world. The contract was not made public. After months of demands for publication, the government finally relented at the end of 2017. The conclusions that Guyanese and international civil society have drawn from their analysis of the contract have led to demands for renegotiation to which the company so far has not acceded.

The offshore discoveries announced by Exxon since 2015 have made Guyana a very promising oil producer. Production only began in 2019 but is estimated at nearly nine billion oil equivalent barrels for the Exxon Stabroek block, operated in partnership with Hess and Nexen.

The critical importance of Guyana's offshore field to Exxon was highlighted late last year by Exxon's announcement of an after-tax US\$17-20 billion write-down and its focus on investing in high value assets, first among which was the Guyana field. According to energy experts, Exxon needs Guyana more than Guyana needs Exxon. At least, Guyana's discoveries are especially important to Exxon.

They are also of utmost importance to the Guyanese people, who waited several years before being able to read detailed analyses of the contract.

In 2019, Kaieteurnews, a major Guyanese publication, released a study comparing the then published Exxon contract with 130 other oil contracts published on Resourcecontracts.org, a platform containing 620 previously published oil or mineral contracts. The study described the Exxon Guyana contract as at the bottom of the scale of all these contracts with a number of exorbitant provisions. These include an income tax exemption, very low employment obligations, deferral of the costs of unsuccessful wells to those of successful wells, no increase in royalties if production improves, insurance premiums and financing costs fully recovered by the contractor, and a public financial contribution to the decommissioning of facilities towards the end of the project.

In relationship to some of those disputable provisions, the government's share of the future profits was also heavily debated, with two main questions being the percentage of the profit perceived and the total profit in dollar terms over the period of exploitation. The percentage, approximately 50%, was perceived as having been poorly negotiated, whereas the total profits depended on the magnitude of the exploitation, that magnitude raising environmental concerns. The UN human rights committee, in its session of July 2020, asked questions both on the negative effects on climate change from oil offshore production and on the "reports of corruption by public officials" in relation to the 2016 oil licenses.

It appeared that Guyana might have been deprived of at least several tens of billions of as a result of this contract. Guyana is a country where, according to the World Bank, half the population lives on less than \$5.50 a day.

The risks of unequal agreements are immense in the oil sector

Deep water oil production is now well established worldwide with more than 10 million barrels per day, or about 10% of total world production, from countries as diverse as Brazil, the United States, Angola, Norway and Nigeria. Civil society in those various countries has a right to know what is negotiated by the government on its behalf and has a right to compare deep water contracts in their domestic waters with those concluded elsewhere.

A recent standard of the Extractive Industries Transparency Initiative (EITI), the world's largest multi-stakeholder initiative for transparency in the extractive industries, states that all EITI implementing countries and companies should publish all contracts entered into or modified as of 2021. It remains to be seen whether this provision, a voluntary initiative, will develop into a global standard. Exxon, as well as Chevron and other major oil companies, from the United States and elsewhere, remain faithful to their official discourse on the subject. They will simply comply with the law wherever they operate.

Respect for the law is the absolute minimum we should expect from any company. But even this minimum standard is not always met. The Transparency Institute Guyana Inc. (TIGI) has pointed out a number of legal breaches in the Exxon contract. Moreover, corporations should go beyond legal compliance and adhere to ethical principles. One of those principles tells us that all contracts entered into by a public entity with any other entity, whether private or public, should be published.

Why? Because public entities are accountable to the public at large. They also often lack the skills and resources needed to successfully negotiate with private interests.

Private companies can choose whether or not to disclose their transactions to their shareholders because they are sensitive to the risk of informing their competitors, and this is the main argument used by companies that still resist public disclosure of contracts with public entities. This is their point of view, but their public co-contractors have to follow another logic that should prevail over the private one in any political society that respects citizens' rights. A contract entered into by a public entity, even with a private entity, should be made public because, like everything else done by a public entity, it affects the lives of citizens.

The risks of unequal agreements are immense in the oil sector, and not only for contracts between governments and international companies. Contracts concluded between governments and very small companies for the sale of exploration blocks deserve to be published in full. To put it another way, with a disclosure obligation some of them would likely never be signed.

Two other Guyana offshore oil blocks were awarded to small companies in 2015. The licenses were then sold to Exxon, respectively 2016 and in 2017, without any noticeable work being done by the initial license owner. BP paid billions off the coast of Senegal for a license that was originally granted to a dubious but well-connected businessman. The Democratic Republic of Congo or Nigeria has also lost hundreds of millions or even billions of dollars in licenses almost given for free to ministers or their friends.

The publication of all licensing awards would deter small companies or individuals, and their friends in government, from entering into deals that clearly do not benefit the population. The huge sums subsequently paid by international companies to buy the licenses and actually exploit the deposits should have gone to governments, and not to the entities that obtained the first licenses at a very low price.

It is also important that oil contracts be published for countries that do not own oil but import it, paying a large part of their own wealth for this indispensable resource. The Gambia was plundered for decades, until 2017, by an autocratic and corrupt regime that is being investigated by public authorities and journalists. International oil companies sold oil to an importing entity that was later proven to have wired money amounts to the head of state's personal account. The publication of all oil supply contracts from that time would certainly help to establish whether the conditions applied corresponded to those in force on the market.

What is true for oil contracts is also true for all other public contracts

In the frenzied years leading up to the 2008 global financial crisis, JP Morgan, the world's largest banking conglomerate, managed to conclude a financial derivatives contract with BVG, the public entity that manages Berlin's public transport system. Through this contract, BVG received a comfortable regular income by agreeing to insure JP Morgan against default on complex debt products. As the products defaulted due to the crisis, JP Morgan sued BVG for more than US\$200 million before dropping the lawsuit in the public outcry about having signed such a contract with a public transportation company.

If the Berlin BVG had made the contract public as soon as it was signed, citizens could have warned the authorities of its consequences and obtained its renegotiation or cancellation. While conjecture, if the BVG's managers had known that the contract would be published, would they have signed it?

Is this all in the distant past? A recent study by TI Slovakia shows that out of a sample of 27 major European cities, only one-third publish their contracts on the Internet sufficiently and in a suitable format.

If all of the corrupt contracts entered into by Brazilian public works giant Odebrecht with public entities in Latin America and Africa had been subject to mandatory publication, they might have been signed under different terms. According to a study by the Centro de Integridade Pública (TI Mozambique), if the Mozambican government's loan contracts with local banks were published, interest rates would likely be lower in Mozambique.

If all contracts signed between governments and pharmaceutical companies for vaccines and treatments against COVID-19 were published, instead of being hidden as is very often the case, there would be more competition and lower prices. There would be less corruption and prices would be even lower, and more lives would be saved.

Asymmetry between private and public interests has always been a powerful driver of uneven transactions. This asymmetry is also informational, and it is well known in economics that transactions characterized by information asymmetry must present certain guarantees for the least informed party. In addition to informational asymmetry, the obvious lack of financial skills and sometimes negotiation skills on the part of public entities further strengthens the argument in favour of publishing public contracts. The publication of these contracts is the best guarantee of a fair deal.

Currently, contract transparency in the extractive industries sector is reminiscent of the situation in the late 2000s, when oil companies were strongly opposed to the systematic tax payment disclosure on a country-by-country basis, as such disclosure could only be required by national laws. Companies stuck to their usual and not always well-founded claim that they would always comply with all national laws and they strongly opposed the civil society campaign for global country-by-country reporting in the extractive industries. The provision, applied to extractive companies publicly traded in the United States, was eventually added to the Dodd Frank Act of 2010, a national law of a country, the United States, with immense international economic power.

All U.S.-listed extractive companies, regardless of their country of incorporation, complied with this provision and published their payments on a country-by-country basis. National regulations in other countries have also been amended where they previously prohibited such disclosure to allow companies operating locally to comply with U.S. law. An amendment to the Dodd-Frank Act or a new U.S. law could form interesting approaches to promote transparency in global public contracting in the extractive industries sector. Thus far the US legislator has been more interested in repealing or altering many Dodd-Frank's reforms, notably through the Economic Growth, Regulatory Relief, and Consumer Protection Act (EGRRCPA) of 2018. It remains to be seen what the Congress elected in 2020 wants to do.

Irrespective of what the US or other legislators may decide, the oil companies themselves have a specific responsibility to the people of their host countries and the governments that represent those people. They extract wealth that belongs to the people and often represents their main opportunity for development. How they intend to share that wealth with the people has to be known to the people.

There is another public responsibility of oil companies. Many offshore fields are now being explored and exploited deeper in the sea, more than 150 meters below the ocean floor. Oil companies are going further because the easily accessible oil resources have been fully used. Deep water production is more uncertain, costs more money and may lead oil companies to want a larger share of the profits. As fossil fuel consumption is accelerating the planet towards climate disaster, would it not be much better to keep that deep oil under the oceans?

The climate crisis is the greatest threat facing our world and the global public interest is very clearly not aligned with the intensification of oil production. Opening contracts to scrutiny may even prevent extractions that would only accelerate the climate crisis. The fight to reverse climate change and the degradations it brings across the globe is the fight of our time. The fight for better, more equitable, sustainable and resilient societies is also the fight of our time. While deep oil production goes on for the time being, it is only fair that a very large share of the benefits be given to the governments of the oil producing countries, and through those governments to benefit the people.

The climate crisis affects the most vulnerable and marginalized communities the most. Development is one of the best responses to the urgently needed adaptation to climate change. The publication of public contracts is a powerful tool to increase the share of profits given to development.

PENGUBAHAN WANG HARAM (AMLA)

By: **Muhamad Nazri Shaidon**
CFI Certified Financial Investigator

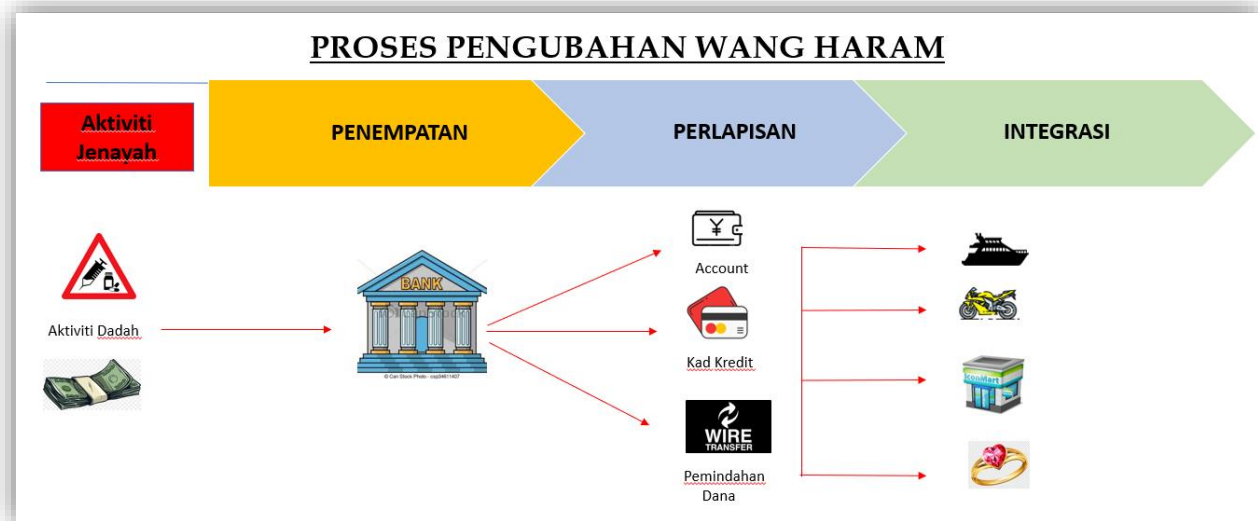
Pengenalan:

Pengubahan Wang Haram atau kini rata-rata di media sosial mengelarkannya sebagai 'cuci wang'. Adakah keduanya membawa maksud yang sama? Bersama rencana kali ini, saya akan mengupas secara umum apa yang dimaksudnya dengan Pengubahan Wang Haram. Sebenarnya tanpa kita sedari banyak aktiviti pengubahan wang haram berlaku semenjak Covid-19.

Pengubahan Wang Haram merujuk kepada proses pengubahan hasil yang diperolehi daripada kegiatan haram supaya ianya kelihatan bersih dan sah disisi undang-undang. Analogi yang terbaik adalah konsep mesin basuh (washing machine). Baju yang kotor setelah dicuci dengan mesin basuh, ianya akan kelihatan bersih dan wangi.

Begitu juga dengan konsep pengubahan wang haram. Duit atau harta yang dimiliki daripada aktiviti haram perlu dibersihkan atau dicuci. Kenapa? Bagi memastikan ianya tidak dapat dikesan oleh pihak berkuasa dan memberikan gambaran bahawa mereka memperoleh duit dan harta tersebut daripada aktiviti yang sah di sisi undang-undang.

Bagaimana Pengubahan Wang Haram berlaku?



Gambarajah1: Konsep Pengubahan Wang Haram

Pengubahan Wang Haram berlaku apabila sumber harta atau dana (fund) yang diperolehi datang dari aktiviti-aktiviti haram. Ramai menganggap pengubahan wang haram hanya disebabkan oleh aktiviti rasuah. Sebenarnya, ianya juga boleh datang dari sumber haram yang lain seperti penipuan, skim cepat kaya, pemerdagangan manusia, penyeludupan, insider trading, aktiviti dadah, lari cukai, perjudian, aktiviti senjata api dan lain-lain. Sehingga Oktober 2020, terdapat lebih kurang 459 kesalahan jenayah dibawah 51 Akta di Malaysia merupakan aktiviti pengubahan wang haram.

Ada (3) tiga tahap perubahan wang haram yang dilakukan penjenayah untuk mengelak dikesan pihak berkuasa.

Pertama merupakan proses Penempatan. Penjenayah akan menempatkan wang yang diperolehi daripada aktiviti haram ke dalam institusi kewangan. Tujuan utama adalah untuk mengasingkan wang yang diperolehi daripada aktiviti haram tersebut.

Proses Kedua merupakan Proses Perlapisan. Pelapisan adalah konsep menerusi proses pusingan pelbagai peringkat yang kompleks termasuk menjadikan wang haram dengan memisahkan wang diperolehi melalui cara haram dengan mewujudkan lapisan yang kompleks dalam urusan niaga kewangan. Tujuan utama pelapisan dilakukan adalah bagi menyukarkan transaksi dikesan oleh pihak berkuasa.

Proses Ketiga merupakan Integrasi. Wang haram diserap ke dalam sistem kewangan dan ekonomi yang sah. Ia juga menjadikan wang haram seolah-olah diperolehi secara sah. Disini selalunya penjenayah akan menggunakan duit tersebut untuk membeli hartanah, kenderaan, barangan mewah dan juga penubuhan syarikat.

Kenapa Hasil daripada aktiviti haram ini perlu dicuci?

Ianya bertujuan untuk mengelakkan aktiviti mereka dikesan, menyukarkan pihak berkuasa untuk mendakwa penjenayah terbabit. Untuk mengelakkan perolehan tersebut daripada dirampas oleh pihak berkuasa dan untuk membolehkan penjenayah menikmati perolehan tersebut tanpa gangguan serta dikesan oleh pihak berkuasa.

Maka kesimpulannya, perkara yang perlu difahami oleh masyarakat umum apabila merujuk kepada perubahan wang haram adalah sumber dana (sources of fund) yang diperolehi. Sebagai contoh seorang penjenayah yang menerima duit daripada aktiviti dadah dan membelanjakan wang tersebut untuk membeli hartanah, kenderaan mewah, termasuklah memberi sumbangan (donation) kepada rumah anak yatim. Maka segala harta yang diperolehi tersebut termasuklah sumbangan yang diberikan merupakan perubahan wang haram dan jika disabitkan kesalahan boleh dilucuthak kepada kerajaan Malaysia.

Kenapa? Ianya kerana segala harta dan aset datang daripada sumber yang haram iaitu daripada aktiviti dadah. Matlamat tidak pernah menghalalkan cara, walaupun penjenayah mempunyai niat yang baik untuk menderma, tetapi selagi mana sumber dana datang daripada sumber haram maka ianya merupakan perubahan wang haram.

Secara umumnya aktiviti perubahan wang haram ini jika tidak dibendung diperingkat awal, ianya akan membawa impak yang besar kepada sesebuah negara. Antaranya seperti :

- Kenaikan kadar jenayah keseluruhan yang boleh mengancam keselamatan negara.
- Menghalang pertumbuhan dan daya saing ekonomi.
- Menjejaskan integriti dan reputasi sektor perniagaan dan kewangan.
- Meningkatkan kos menjalankan perniagaan dan operasi pelbagai sektor ekonomi.

Apa yang dikhuatiri semenjak Covid-19 banyak aktiviti penipuan, penyamaran sebagai pegawai BNM, LHDN, KWSP bagi tujuan penipuan. Maka banyak aktiviti akaun keldai (mule account) berlaku. Penjenayah ini akan menggunakan akaun bank pihak ketiga untuk menipu mangsa. Natijahnya mereka juga akan disiasat oleh pihak berkuasa dan juga dituduh di Mahkamah kerana bersubahat dalam aktiviti penipuan. Bagaimana?..... Nantikan sambungan

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COVID-19 ALERT

In light with the current pandemic of COVID-19, TI-M urges the public to give full cooperation and follow the guidelines from the Ministry of Health. Protect yourself by:



Washing your
hands
regularly



Covering your
mouth and nose
when you cough
or sneeze



Practice
social
distance



Stay at home