

INTERNATIONAL COOPERATION AND GOOD GOVERNANCE ACTION BY MALAYSIA IN THE FIGHT AGAINST CORRUPTION

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I. INTRODUCTION

The term “corruption” encompasses a group of pernicious crimes that can stunt economic growth and ultimately harm the most vulnerable members of society. Corruption crimes can be particularly difficult to investigate and prosecute because they often occur in the shadows, using hidden bank accounts, shell companies and misleading accounting. When a corruption crime involves activities or persons in multiple jurisdictions, the crime becomes even more difficult to detect, investigate, prosecute and punish. Individuals may move or otherwise become unavailable to interview or prosecute, evidence can be hidden, companies may be disbanded or protected by local privacy laws, and funds may be transmitted to bank accounts across borders where they can become difficult to trace.

For these reasons, international cooperation is essential in connection with cross-border corruption cases. International law sets forth clear obligations for jurisdictions to assist each other in corruption cases. For example, the United Nations Convention against Corruption (UNCAC), which entered into force in 2005, requires state parties to pass laws criminalizing a wide range of corruption offences.¹ It also requires state parties to provide the “widest measure” of mutual legal assistance (MLA) to each other and includes a list of specific forms of MLA included in this mandate.²

This paper focuses on international cooperation covered by UNCAC by focusing upon the procedures and positions that Malaysia has taken in order to full fill the requirements imposed towards a successful international cooperation. This paper also attempts to provide a complete overview of the international cooperation by the Malaysian Anti-Corruption Commission (MACC) and its on-going efforts under the international platform. In providing this overview, the paper sets forth practical case examples wherever possible through envisioning the scandal of corrupt acts and attempts done via the collaboration of many nations in making the cases successful through international cooperation.

II. INTERNATIONAL COOPERATION: MALAYSIAN ANTI-CORRUPTION COMMISSION (MACC)

A. Efforts under the Beijing Declaration

During the 31st ACTWG Virtual Meeting 2020, Malaysia reported on Anti-Corruption progress and development on implementing the Beijing Declaration in which the following are among the efforts contributed by MACC under the anti-corruption limb:

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¹ UNCAC, Article 16.

² Ibid., Article 46.

1. First Private Public Partnership (PPP) Meeting Chaired by MACC

On 21 May 2020, the MACC Chief Commissioner hosted and chaired the first PPP meeting, organized by the Anti-Money Laundering and Forfeiture of Property Division. The meeting was jointly held with the Financial Intelligence and Enforcement Department (FIED), Central Bank of Malaysia together with 15 commercial banks online. The meeting has been centred to focus on the importance of PPP among the selected 15 financial institutions to combat corruption and money-laundering by sharing intelligence and investigation information in accordance with the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 (AMLATFA) and the Terms of Reference–Working Group of Informal Sharing of Intelligence on Corruption Activities (MACC Database, 2021).

2. Strategic Cooperation Between MACC and Malaysia Corruption Watch

During the month of May 2020, MACC had organized a strategic collaboration with the Malaysian Corruption Watch (MCW) dated 11-21 May 2020 through an online programme to understand the roles and functions of anti-corruption activists through educational seminars. There were 31 participants registered to join the online seminar via YouTube. MCW is an independent, non-governmental and non-partisan organisation committed to helping Malaysia to fight corruption. This seminar aims to deliver more members to join the public in becoming activists in anti-corruption. It is considered as one of the effective tools by using social media to encourage and enable active public participation in combating corruption by reporting experiences of corruption in Malaysia, particularly the significant roles played by NGOs in reporting or whistleblowing incidences of corrupt practices and misuse of powers to MACC. (MACC Database, 2021).

B. Financial Crimes Enforcement Network (FINCEN)

In Malaysia, the national Special Task Force (STF) is an inter-authority initiatory to combat financial crimes. The STF, is orientated by the Attorney General Chambers and associates consist of tax management, the Company Commission Malaysia, the Central Bank of Malaysia, the Malaysian Anti-Corruption Commission and the Royal Customs Department. The function of the STF is to foster cooperation among law enforcement bodies to guarantee a comprehensive motion to modification, good governance plus eradicating corruption together in aiding authorities in combating financial law-breaking. The STF also displays the interdependency of information and preparation of associated operation among law enforcement authorities in high profile rated cases. (OECD, 2013)

1. Other Central Law Enforcement Authorities

The Malaysian Anti-Corruption Commission (MACC) is a government authority that examines and pursues corruption charges against perpetrators both public and private spheres. There are five commutative bodies that admonish the MACC to ensure its integrity and to assist nationals' rights. These authorities are negotiated individually from other government agencies to render an self-reliant perspective. The five bodies are: the Anti-Corruption Consultatory Board, the Special Commission on Corruption, the Complaints Commission, the Operations Reassessment Panel, and the Corruption Consultation and Prevention Panel. (OECD, 2013)

2. Financial Intelligence Unit

Bank Negara Malaysia (Central Bank of Malaysia or BNM) is the effective authorization nominated by the Minister of Finance under the Anti-Money Laundering and Anti-Terrorism Financing Act 2001 (AMLATFA). The Financial Intelligence and

Enforcement Department (FIED) was founded to accomplish the purposes of the effective authority subordinate underneath AMLATFA and to alleviate the execution of AMLATFA through cooperation with its national and international authorities, to safe-conduct the financial scheme's integrity from money-laundering menaces and acts. (OECD, 2013)

The central purposes of FIED consider:

- carrying out duties and purposes commence in the AMLATFA;
- spear-heading domestic endeavours in fighting against money-laundering, terrorist financing and other overseas law-breaking through collaboration with pertinent authorities;
- explicate policies and schemes to reverberate a all-embracing Anti-Money Laundering and Counter Financing of Terrorism authorities;
- encouraging awareness of money-laundering and terrorist financing matters; and
- acting as the Secretariat to the National Coordinate Commission to Counter Money Laundering (NCC).

3. Financial Functionary

The Labuan Financial Services Authority (Labuan FSA) is the legal authority obligated for the exploitation and governance of the Labuan International Business. The purposes of the Labuan FSA are:

- to encourage and germinate Labuan as an international midpoint for enterprise and financial services;
- to develop nationalist obliques, policies and antecedence for the lawful evolution and governance of the international enterprise and financial assistances in Labuan; and
- to be enacted as the central regulative, superordinate and enforcement authorization of the IBFC in Labuan (OECD, 2013)

C. ASEAN

The activity towards a Treaty on Mutual Legal Assistance in Criminal Matters (MLAT) was at the start explored by Malaysia at the 8th ASLOM held on 15-16 June 2002 in Bangkok, Thailand. The proposition was designed to assist and strengthen ASEAN Member States' endeavours and capability to fight multinational transgressions and some other international gainsays by fostering group action in jurisprudence issues and mutual legal assistance in criminal matters. It was also intended to facilitate mutual legal assistance requests among ASEAN member states, which have different legal schemes and legal requirements.

Succeeding the MLAT's debut, farther communications and thought process to ascent the MLAT were uplifted. It was with success accomplished as an ASEAN Treaty and was sanctioned in the midst of the 6th Meeting of the Attorneys-General/Ministers of Justice and Minister of Law on Mutual Legal Assistance in Criminal Matters (6th AG MLAT) on 25 April 2019 in Yogyakarta, Indonesia. The 6th AG MLAT also approved the "*Senior Officials' Meeting of the Central Authorities on Mutual Legal Assistance in Criminal Matters*" ("SOM-MLAT") and "*ASEAN Ministers/Attorneys-General Meeting of the Central Authorities in Mutual Legal Assistance in Criminal Matters*" ("AMAG-MLAT"). Together both the AMAG-MLAT and its SOM-MLAT, presently been

reckoned as ASEAN Sectoral Ministerial Body in Annex 1 of the ASEAN Charter subordinated the ASEAN Political-Security Community principle. (ASEAN, 2020)

D. UNODC

Chapter V: asset recovery

General precondition; special cooperation; bilateral and multipartite agreements and provisions (arts. 51, 56 and 59).

Malaysia has a powerful regulative structure for asset recovery and establishes effectual inter-authority coordination to transnational cooperation upon asset recovery. It has multilateral treaties or agreements with other nations to assist in the enforcement of recuperation, forfeiture or seizure orders and may render mutual legal assistance (MLA) to nations with which it has no treaties, in accordance to Minister's special disposition (section 18, Mutual Assistance in Criminal Matters Act No. 621 (MACMA)) (UNODC, 2018).

Malaysia has accepted various requests on the foundation of this Convention in relation to non-treaty nations and has not made any outbound requests upon foundation of the Convention as all outbound requests thus far have been contributed to treaty nations.

Malaysia has never declined any MLA requests to date for petitions which have complied with all the obligations under MACMA.

E. Measurements for Unmediated Recovery of Property; Executions for Recovery of Property via International Cooperation in the Seizure Process; International Cooperation for Functions of Seizure (Arts. 53, 54 and 55).

In Malaysia, preconditions exist for the execution of foreign judgments with which Malaysia has interactional judgment agreements. In the absence of a legal precondition that implicitly authorizes a foreign nation to start civil due process in Malaysian courts, the broad provisions of civil judicial proceedings under English common law are practiced.

There are measures in place to modify individuals of crime to be remunerated (section 426, Criminal Procedure Code). Nevertheless, the law does not stipulate convalescence mechanisms for foreign nations to constitute possession of property, or be awarded recompense or damages for injuries, via internal legal proceedings.

Postulations for enforcement of foreign forfeiture orders are modulated under sections 31 and 32 of MACMA, in coincidence with Part III Division 4 of MACMA Regulations 2003 (MACMR). These permit for the execution of an MLA request that is assisted by an unenforceable, attested copy of a foreign forfeit order.

Money-laundering and corruption offences may be domestically pursued, and the consequence will be the seizure of property of foreign derivation. Section 55 of the AMLTFAPUAA and section 40 of MACC Act 2009 make no discrimination between property of national origin and foreign derivation that may be the subordinate of a forfeiture dictation.

Malaysia acknowledges non-conviction-based forfeiture (section 41, MACC Act 2009 and section 56, AMLATFAPUAA). There are adequate provisos under MACMA for the restriction, designation, tracking and freezing of property placed in Malaysia that may be the subject of a foreign forfeiture order (sections 31(1)(b) and 35 to 37; MACMA Regulation 23(1)(c)(ii)). Malaysian law enforcement bodies, like the FIU, RMP and MACC, on a regular basis transfer information associated to reprehensible matters. AMLTFAPUAA furnishes sharing information with foreign authorities in regard to predicate offences (sections 10, 29(3), AMLATFPUAA). (UNODC, 2018)

F. USDOJ AND ACAMS

1. Strengthening Cooperation Levels between MACC and the U.S. Department of Justice (U.S. DOJ) International Computer Hacking and Intellectual Property (ICHIP)

On 12 June and 18 June 2020, MACC and Director U.S. Department of Justice (U.S. DOJ) International Computer Hacking and Intellectual Property (ICHIP) have conducted virtual meetings on digital forensics and evidence which emphasized cryptocurrency issues to assist MACC in addressing a cyber related corruption crime and significant increase in COVID-19 related crime. The meetings were hosted by Thomas Dougherty from Southeast Asia Resident Legal for Cybercrime, U.S. Embassy Kuala Lumpur and participated by MACC Forensic Department Officers. The objective of the meetings was to keep the Forensics Officers abreast on the latest knowledge and skills in digital forensics and cryptocurrencies in their routine work. (MACC Database, 2021).

2. Strategic Collaboration between MACC and the Association of Anti-Money-Laundering Specialists (ACAMS)

CAMS is recognized as the gold standard in AML certifications by institutions, governments and regulators worldwide. On 9 July 2020, MACC and Association of Anti-Money Laundering Specialist (ACAMS) established a cooperation mechanism on anti-money laundering (AML) and financial crime prevention. The meeting was attended by the MACC Chief Commissioner and Ms. Hue Dang, CAMS-Audit, VP & Global Head of Business Development & New Ventures, Senior Asia Pacific Leader for the Association of Certified Anti-Money Laundering Specialists (ACAMS), Hong Kong and Christine Lim, Regional Director of Business Development - South Asia/South-East Asia/Japan (ACAMS). The key discussion during the meeting was to explore avenues to enhance knowledge, skills and awareness on anti-money-laundering (AML) compliance and financial crime prevention through trainings and courses to MACC Officers. Collaboration is also as a way to foster international collaboration for MACC because corruption cases are no longer confined to domestic borders. (MACC Database, 2021).

III. SUCCESSFUL INTERNATIONAL COOPERATION UNDER MLA: MALAYSIA'S EXPERIENCE

A. 1MDB Fiasco

1. 1MDB Scandal: Over RM 20 Billion Assets Detected and Recovered

At the beginning of the year 2018, a Task-Force team was formed consisting of Tan Sri Abdul Gani bin Patail, Tan Sri Abu Kassim bin Mohamed, Dato 'Sri Mohamad Shukri bin Abdull and Tan Sri Abdul Hamid bin Bador. The purpose of the Task Force was to gather evidence and financial analysis as well as initiate legal proceedings against those involved in the 1MDB scandal and this is evidenced by the success of the Dato Seri Mohd Najib Bin Tun Razak charge. Follow up on that in the year 2019, Y.A.B the Prime Minister has agreed

to continue the Task Force on the recovery of stolen assets in the Anti-Money Laundering Division (AML) under the Malaysian Anti-Corruption Commission (MACC) has started Asset Recovery 1MDB/SRC International initiatives with other domestic agencies, especially Bank Negara Malaysia (BNM), Malaysian Attorney's Department (AGC), Malaysian Royal Police (PDRM), Malaysian Company Commission (SSM), Malaysian Inland Revenue Board (IRB) and the National Financial Crime Center (NFCC) (MACC Database, 2021).

In the early stages of the Asset Recovery initiative to Malaysia, the AML/MACC found that most of these assets were overseas. In order to achieve the government's desire to recover these assets and return them to Malaysia, the AML/MACC through its resources has sought full cooperation from the parties involved such as the United States, Switzerland, Singapore, Indonesia, the Netherlands, France, Luxembourg, the United Kingdom, Barbados, Seychelles, China and Hong Kong. A series of joint meetings with overseas enforcement agencies have been held in Malaysia, Singapore, Switzerland and the United States. The AML/MACC has initiated the Cross-Border Investigation and used the Mutual Legal Assistance to seek cooperation from the parties. Good cooperation and relationships are intertwined through bilateral cooperation.

The utilization of the Blue Ocean Strategy method as well as the money-laundering regime platform under the FATF, UNODC, UNAFEI, World Bank and so on, as well as the government's openness since 2018 to start and continue this Asset Recovery initiative, has enabled and paved the way for AML/MACC as well as the AGC and the Ministry of Finance (MOF) to recover Malaysian assets and money in connection with the 1MDB case. After AML/MACC begins the money investigation or fund trail through Cross-Border Investigation, money and national assets are discovered one by one. Following the process of tracking these assets, AML/MACC has taken steps to begin the Asset Recovery process. Although international agencies have tracked and deprived the 1MDB assets on behalf of Malaysia to prove that Malaysia is a legitimate recipient of the 1MDB money or assets, some steps must be taken first. One of these measures is to accuse Malaysian Official One (MO1) and those involved in the 1MDB case.

2. Accusations and Investigations of Individuals Involved with 1MDB Funds

a) *Tan Sri Zeti Aziz*

- For the matter involving Tan Sri Zeti Aziz, it is because his husband, Datuk Tawfiq Aiman, was involved in this scandal. During the investigation, the AG at the time Tommy Thomas had determined that the SPRM would undertake Asset Recovery in Singapore in collaboration with CAD Singapore. Previously, Tommy Thomas, our former Attorney General, had set up a criminal investigation conducted by the PDRM and the current status of the investigation was unknown (MACC Database, 2021).
- Dato Tawfiq Ayman is a stakeholder in Cutting Edge Industries Ltd. Investigations confirm Low Taek Jho bought a company owned by Dato Tawfiq Ayman, Ayman Capital Sdn Bhd. The purchase of the company led Dato Tawfiq Ayman to open an account on behalf of Iron Rhapsody Ltd and Dato Tawfiq Ayman confirmed Low Taek Jho had made a payment of four (4) times USD 16,219,409.23.

- Tawiq Ayman confirms that he has transferred money from Iron Rhapsody Ltd bank account to Cutting Edge Industries Ltd. bank account. Cutting Edge Industries Limited (“Cutting Edge”) bank account was seized and seized by CAD on 31 March 2016.
- Global solution methods have been developed in collaboration with the Commercial Affairs Department (CAD) Singapore Police Force with the Malaysian Anti-Corruption Commission on 13 September 2021, the Malaysian government has received a return from CAD Singapore for Cutting Edge Industries Ltd owned by Datuk Tawfiq Aiman for USD 10,138,089.66 equivalent to RM31,326,697.05. The partnership with Dato Tawiq Ayman also took into account the monetary impairment factors derived from Low Taek Jho as well as the money owned from legitimate sources (before the money-laundering transaction received from Low Taek Jho).
- According to Datuk Seri Wan Jauaidi, it is not true that no investigation was conducted by the SPRM as the SPRM has indeed made an asset recovery in Singapore involving Dato Tawfiq Ayman, and police are also investigating his husband who has been involved with Jho Low and money-laundering. Moreover, Tan Sri Zeti also did not reveal his interest to the Prime Minister.
- Tan Sri Zeti is an important witness in the 1MDB case trial. Najib's grandfather attacked Tan Sri Zeti through his Facebook in December 2020 and this has haunted him and has been informed in court. Next on 7 January 2021, the High Court judge issued a strong warning not to disturb the witnesses in the 1MDB case trial and in the ruling Judge Collin Lawrence Sequerah said that although there was no need for the court to impose a "gag order" (restriction order) to Najib, the Pekan MP should stop making statements on the 1Malaysia Development Berhad case (1MDB) as if the trial was in the public domain.

3. The Success of Asset Recovery

- As a result of the MACC’s effort, the success of the asset recovery in 2019 is the Application of Lucuthak Under Sec. 56 AMLATFPUAA amounting to RM 8,004,642.75 for phase 1 Asset Recovery 1MDB, Compound Ops under section 92(1) AMLATFAPUA 2001 amounting to RM 665,210.68 RM Ops of RM 1,146,711,148.56 in total (MACC Database, 2021).
- In 2020, the recovery of the asset is being carried out again to recover the assets and money in the DOJ's holdings, they returned to the Malaysian government through the first phase of the return of RM 584,431,248.12. The second phase of the phase amounted to RM 1,272,570,000.00; the return of Jho Low's luxury yacht Yacht, "Equanimity" amounted to RM 523,000,000 and the Riza Aziz Case.
- In the case of Riza Aziz, the AML/SPRM through the AGC has agreed with Riza Aziz to record the DNAA for its charge so that some of its assets and money under its name in the United States are returned to Malaysia. The DOJ has agreed to return USD 107.3 million to Malaysia and Riza Aziz is also required to make a payment of RM 500,000.00. In addition USDOJ has also returned the money received from Red Granite with the total amount involving Riza Aziz being RM 709,055,260.19.

- Commercial Affairs Department (CAD), Singapore Police Force has also partnered with AML/SPRM where CAD has assisted and returned RM 46,524,894.00.
- On 22 October 2020, Goldman Sachs agreed to return 1MDB globally for USD \$3.9 billion of which USD \$2.5 billion was paid in cash and USD \$1.4 billion in asset recovery for five years.
- In addition, on 8 October 2020, Malaysia also received USD \$160,930,752 from United International Rep. of Co. as a result of the sale of Topaz Ships and USD \$10.27 million from Ali Eid Thursday Thani AlHeriri. This makes the amount received by the Malaysian government as a result of the asset recovery in 2020 amounting to RM 14,257,701,636.31.
- In February 2021, AMMB Holdings Berhad agreed to pay RM2.83 billion to settle all outstanding actions and claims related to AmBank's involvement with 1MDB. This is following the government's successful negotiations to sign the RM15.8 billion (AS\$3.9 billion) settlement with Goldman Sachs in July 2020.
- In May 2021, the USDOJ returned to the Malaysian government for the third phase of the asset-asset in the global Jho Low settlement successfully deposited by the USDOJ and deposited to the Trust Account for Asset Recovery (Assets Recovery Trust Account) of RM 1.9 billion.
- By June 2021, the Government of Malaysia had successfully returned RM 336 million from the Deloitte PLT. This return is the solution to all claims related to their fiduciary responsibilities in the auditing of 1MDB and SRC International Sdn Bhd (SRC) accounts for the period 2011 - 2014
- In June also the AML/MACC received a total of RM 2,800,000.00 voluntary return from a Malaysian citizen in Taiwan, Vincent Koh Beng Huat, who received 1MDB funds. On 22 July 2021, the Mayor of Mohd Hafarizam agreed to pay RM 590,587.26 for his case, and Paul Stadlen was also directed to return the sum of RM 7.192 million under Section 60 (1) of AMLATFPUAA 2001 to the Government Trust Account Malaysia.
- On 13 and 23 September 2021, the Malaysian government received an asset return from Cutting Edge Industries Ltd owned by Datuk Tawfiq Aiman and Sammel Goh for USD 10,138,089.66 equivalent to RM 31,326,697.05 and RM 968,898.98. So far, there are still USD 3,768,231.70 to be returned by Sammel Goh in Singapore.
- The latest is that on 29 September 2021, Datuk Seri Ahmad Maslan has agreed to pay the Compound under Section 92 of AMLATFPUAA 2001 amounting to RM1,100,000.00.
- To date, AML/MACC through orders issued by AGC has successfully returned RM 20,511,061,695.43 to the Government of Malaysia through the Ministry of Finance.

4. Recent Asset Recovery Initiatives

- Currently, the Task-Force/MACC is in the Asset Recovery effort for leading countries such as Switzerland, Kuwait, Mauritius, Cyprus, Hong Kong involving individuals such as Tarek Obaid, Jerome Lee, Koi Ying Ying and others.
- This success is highly regarded by foreign countries especially the World Bank and UNODC as the asset return initiatives of countries facing large-scale corruption issues can only recover about 20% of the total assets or money lost from their country. AMLA/MACC is the first corruption prevention agency in the Southeast Asian region to successfully track and bring back more than 40% of its overseas revenue so far.
- The AML/MACC division together with other agencies will continue and enhance efforts to obtain and recover as much of our country's money and assets, as they are in foreign countries and the MACC is pleased with the domestic and international cooperation we have received to accomplish this mission (MACC Database, 2021).

B. Statistics on MLA Requests Made between the Period of 2017–2021

The Malaysian Anti-Corruption Commission (MACC) actively receives foreign requests from counterparts in assisting them in their investigation. Likewise, the MACC also makes requests to our foreign counterparts to assist in our investigations. For the period from 2017-2021, MACC has received 83 foreign assistance requests. The requests are to identify potential witnesses, to execute warrants of arrest, requests to obtain documents and to record witnesses' statements. To date, 79 requests have been fulfilled by MACC, 4 requests are still pending and being attended to.

For the same period, MACC submitted 78 requests to foreign counterparts in requesting assistance. To date, 62 requests have been fulfilled and the remaining 16 requests are still in progress and one request has been withdrawn (MACC Database, 2021)

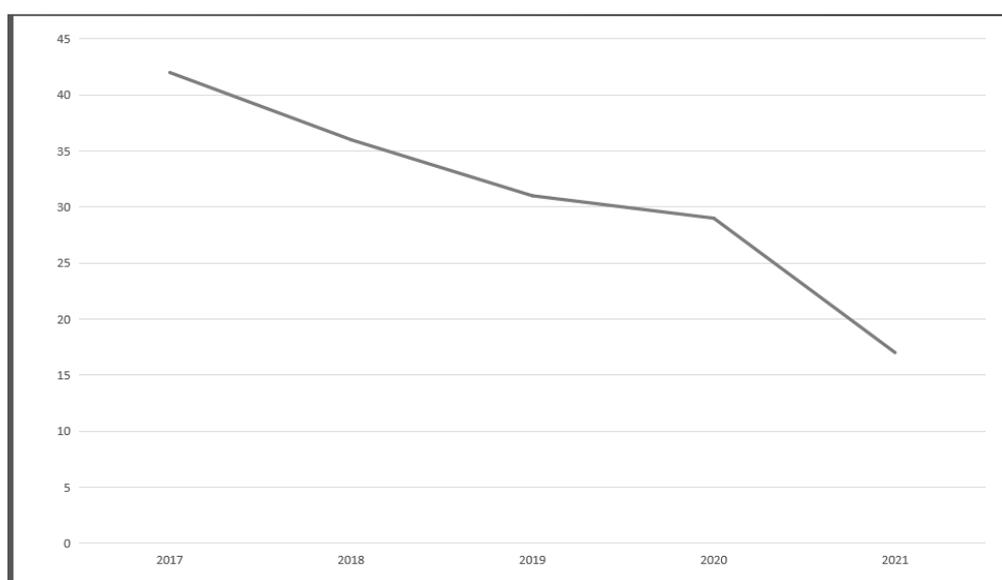


Table 1.0: Foreign Assistance Requests between 2017 to 2021

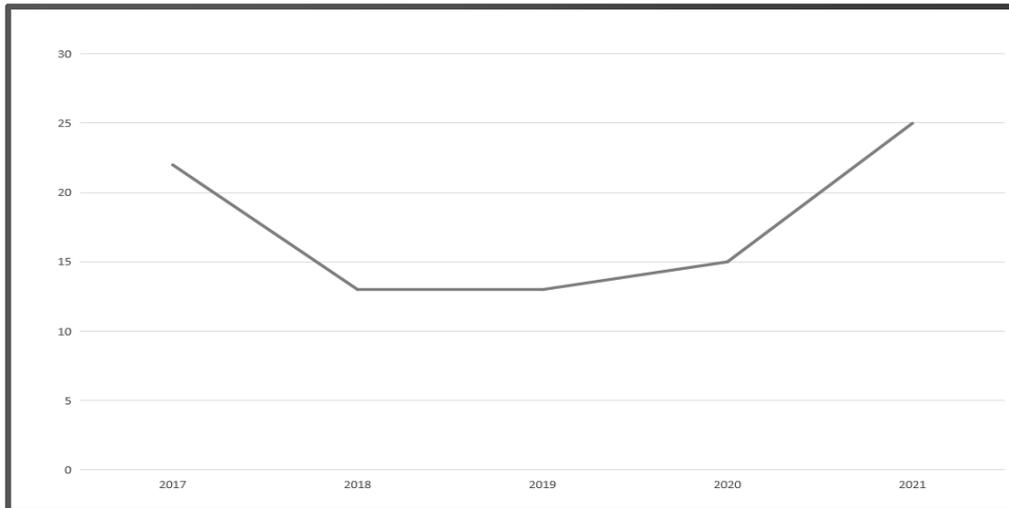


Table 2.0: Requests to Foreign Counterparts between 2017 to 2021

IV. NEW DEVELOPMENT OF MLA FRAMEWORK IN MALAYSIA

A. The Evidence Act 1950

The Chapter VA – Admissibility of Evidence Obtained Under Mutual Assistance In Criminal Matters Act 2002 (MACMA 2002) is reported to be the new addition to the Evidence Act that stipulates the following:

- Any testimony, statement or deposition, together with any document or thing exhibited or annexed to such statement or deposition, that is received by the Attorney General pursuant to a request made under MACMA 2002 in respect of the criminal matter, shall on its production be admitted as evidence without further proof, subject to:
 - i. The testimony, statement or deposition shall be taken on oath or affirmation; and
 - ii. Under an obligation to tell the truth imposed, by or under a law of the foreign country concerned.
- Moreover, those testimony, statement or deposition shall:
 - i. Be signed or certified by the judge, magistrate or officer in or of the foreign country to which the request was made; and
 - ii. Bear an official or public seal of the foreign country or a Minister of State, or a department or officer of the government of the government of the foreign country.
- Where the testimony has been made by means of video or other means which permits the virtual presence of the person in Malaysia, that testimony shall be deemed to have been given in Malaysia.
- A certificate by the Attorney General or by a person authorized by the Attorney General to make such certificate certifying that any testimony, statement or deposition shall on its production without proof be admitted in the criminal proceeding (MACC Database, 2021).

B. MACMA 2002

Following the transformation of MACC, the numbers of MACC Investigation Papers require verifying information and obtaining evidence in foreign states had been escalated.

- a) Existence of MACMA 2002 has been used as a tool to obtain any information, service process and evidence from foreign states via “Mutual Legal Assistance”.
- b) Application of request should be made through AG Chamber and Foreign Ministry. (MACC Database, 2021)

C. Set Up of MACMA Division within MACC

Setting-up a new branch under supervision of MACC Director of Investigation namely Management of Mutual Assistance in Criminal Matters (MACMA) Section in 2009 (MACC Database, 2021)

- The functions are:
 - i. Assisting Investigation Division in terms of conducting investigation in foreign states;
 - ii. Assisting foreign states anti-corruption agencies request in conducting investigation in Malaysia; and
 - iii. Assisting matters regarding extradition in MACC cases.

V. GOOD GOVERNANCE EFFORTS BY MACC TO ENHANCE INTERNATIONAL COOPERATION

A. Malaysia’s Anti-Corruption Efforts

Malaysia proceeds to fortify great governance and integrity to combat corruption and meagrely assured that execution can be enhanced by employing National Anti-Corruption Plan (NACP) 2019-2023. The five-year programme, which is in accordance with the United Nations Convention against Corruption (UNCAC), has defined six precedence spheres: Governmental establishment, public sector management, public procurement, judicial, law enforcement plus corporeal governance as authorities’ cardinal scheme and measures to fight corruption and transformation governance in authorities’ procedures. The year 2021 targets the third year of NACP journeying, and advancement has been made in reference the execution of the NACP. As of December 2020, 29 out of 115 initiators had been accomplished considering the constitution of Code of Ethics for Members of Administration that position demand to divulge and announce their asset and conflict of interest.

Malaysia is pledged to intensify transparency via brand-new law upon Ombudsman that intended to improve public complaints governance concerning misadministration issuances by public bureau.

To place greater value on combating corruption in the private sphere, Malaysia has new jurisprudence on corporate liability within the MACC Act 2009 and will be innovating a new proviso on beneficial ownership to intensify opacity of the institution.

Malaysia places great value on utilizing the good governance generalizations of transparency, responsibility, and effectualness end-to-end in the management and development programme crosswise in entire sectors that adds value to the economic advancement, sustainable development, and people’s welfare. Hence, the Organisational

Anti-Corruption Plan (OACP) has been made compulsory to every public body to address corruption hazards and enhance campaign performance upon on good governance. To date, 36 public based agencies consisting of ministries and divisions have developed the OACP.

The OACP also assists the Government Linked Companies (GLCs) to make a corruption-free business sector. Moreover, Malaysia will also reappraise the present Integrity Pact in conformity with international regulations. This initially intended to assist authorities to bargain with conflict-of-interest provisions and surely will aid to heighten the integrity and transparency of government procurement. As a final note, Malaysia is pledged to strengthening global relationships by encouraging the execution of pertinent international agreements.

VI. CONCLUSION

Governance is a broad concept that is germane in the governmental, public and corporate spheres. Good governance renders a hypothesis of control performances that assist the nation in its goals, while eliminating the hazards of corruption and abuse of power that contribute to the dissipation of public finances and impedes economic development. In combating corruption, Malaysia seeks to: (1) preserve high-financial gain and social welfare; (2) meet public requests for greater transparency; (3) negotiate the impinging of globalization; (4) stay *au courant* of progressions in information of applied science; and (5) optimize public-private cooperation. Through good governance, Malaysia espouses to be “best-known for her integrity, not corruptness”.

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ANNEX 1 - CENTRAL AUTHORITY CONTACT

Malaysia

Central authority for
MLA

Under the Southeast Asian MLAT:

Attorney General of Malaysia

c/o International Affairs Division, Attorney General's Chambers

Level 6, Block C3, Federal Government Administrative Centre

62512 Putrajaya, Malaysia

Tel: +60 3 8885 5000

Fax: +60 3 8888 3518 / +60 3 8888 6368

Webpage: <http://www.agc.gov.my/> (in English)

Other requests:

The Attorney General of Malaysia through the diplomatic channel