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Governance of Corruption: The Role of Malaysian Government in the Anti-Corruption Efforts

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Abstract

There has been a different success story in fighting corruption in developing and developed countries. In recent years, corruption has become endemic and pervasive. Malaysia has been dubiously branded as a kleptocracy and has made headlines worldwide. This article examines factors that influence the outcome perceived in previous efforts to implement anti-corruption strategies by the government to combat corruption in Malaysia. Using a structured review process to examine existing text material comes from mundane secondary sources critically. The analysis shows that limitation of power by MACC to prosecute corruption cases and its institutional position under prime minister department that create agitation or potential being subject to influence or partisan. Furthermore, the low momentum in implementing anti-corruption reform and strategy as well as the deficiency in good governance such as free media, freedom of information act and whistle blower protection laws, suppressed public opinion in checking the official excesses. This article concludes governance of corruption in Malaysia at best minimum as evidenced in perception data and statistics from the government agency.

Keywords: Anti-Corruption Policy, Government Agency, Democracy, Transparency, Good Governance, Accountability

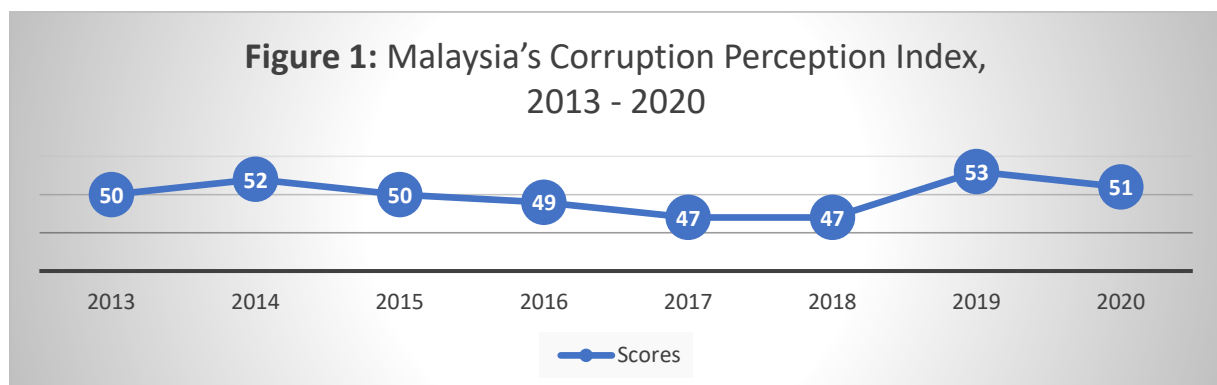
Introduction

Corruption degrading governance system, threaten hope of people for better quality of life and for more promising futures. It put country in inferior position and violates contract between citizens and public officials, and serious ramifications for effective government (Pillay, 2004). In general election held in May 2018, issue of corruption figured prominently in electoral debates and political campaigns. The pledges consist of, among other things to establish clean government. Corruption become important issue need to be address by government if battle against corruption not to be lost altogether. Recently, state of corruption in Malaysia become endemic and pervasive, with involvement of former prime minister in notorious financial scandals, 1Malaysia Development Berhad. It made headline around the

world as Malaysia number one in government itself entangle in corruption that they were meant to fight and implicate government's political will to fight against it.

The scandal opened up public eye on extent of corruption rooted in the country that surpass the traditions of under table money to transnational corruption (Siddiquee & Zafarullah, 2020). It turned into biggest financial scandals in Malaysia's history with tons money siphoned out from the 1MDB funds through fraudulent transactions and ended in PM private bank account as well as numerous off-shore bank account of his close associates in several jurisdictions. As a result, Malaysia's perception index on corruption experienced sliding trend and recorded worst possible score in 2017 and 2018 (CPI, 2020). Figure 1 provide Malaysia's score obtained since 2013 until 2020.

Malaysia also went down in World Bank Governance Indicator on corruption control. The score continue to slide from 67.3 in 2013 to a record low of 58.1 in 2017 (WGI, 2020). During 2014, 2015 and 2016, the score were 66.8, 63.4, and 60.1, respectively. While Global Corruption Barometer revealed 39 percent of respondent surveyed felt corruption increase in Malaysia and 71 percent think corruption in government is big problem (GCB, 2020). The report also shows most of corrupt institutions perceived among members of parliament with 36 percent, followed by police and government official with 28 percent and 30 percent, respectively (GCB, 2020). These data present 'alarm clock' or grim warning for government to revisit previous implementation of anti-corruption policy by relevant actor and institution. It shows more effort and strategy must be put forward by government and to convince public at large because of they expressed their high concern and dissatisfaction at government and various agency for continue dropped in level of corruption index.



(Source: Transparency International Data, [transparency.org.my/](https://www.transparency.org.my/))

As country moving toward developed country in 2025, government has working hard to overcome corruption through strategic plan and policy to improve government administration and safeguard interest of the nation. However, attempts and strategy have met with little improvement as evidenced by current data, suggests entrenched corruption in society. This come as no surprise one of reason *Barisan Nasional* lost their grip in state institution and popular vote in parliament in previous election due to public perception in government mishandle problem of corruption (Muhamad & Gani, 2019; Jones, 2020).

If current situation is similar to what described in previous studies, it is questionable aim and vision could be achieve by Malaysia. This is because there are widespread concern corruption

issue not being stopped let alone reversed. Similar conclusion were found to have made by other scholars conducts research on anti-corruption efforts in Malaysia (Kapeli & Mohamed, 2019). Therefore, this article explore reason for unsatisfactory outcome perceive in previous government implementation of anti-corruption strategy to fight against corruption in Malaysia.

Literature Review

Studies over years have shown corruption undermine economic development of a country, which led to the efforts in identifying effective initiatives. The United Nation Convention on Anti-Corruption (UNCAC) declare war against corruption by stipulate basis principle of international standards that may influence member states in policy making and institutions. This includes reporting on anti-corruption activities, good governance, technology capitalization, accrual accounting implementation, ethical procurement process, social media freedom and whistle-blower support (Muhamad & Gani, 2019). The success of a country determine by achieving a minimal level of corruption, reduce wrongdoing/evil, pursue the corrupt, encourage exposure, warn possible victims, shaming offenders, advocate and adopt anti-corruption reforms.

If corruption is successfully monitored in country, it would lead to huge opportunity for country to grow, as there will be a greater inflow of foreign investment, high per capita income growth, higher literacy rate, and increase in business growth (Kapeli & Mohamed, 2015). Malaysia has elaborate framework for dealing with corruption and issue of integrity with major institution and mechanism form key component of anti-corruption strategy. The policy involves institutional, legal and normative aspect to promote good governance and responsible administration. Among the significant implication was establishment of Anti-Corruption Agency (BPR) and transformed into Malaysia Anti-Corruption Commission (SPRM) in 2009, National Integrity Plan (PIN), Malaysian Institute of Integrity (IIM) and Public Complain Bureau (BPA).

The first primary anti-corruption law was initially enacted as an Act in 1961 known as Prevention of Corruption Act 1961 (before establishment of Malaysia in 1963). The act repeal previous Prevention of Corruption Ordinance 1950 during British colonial in Malaya (Yusoff et. al, 2014). It has widely used and enforced for 26 years, when a new law was passed by parliament in 1997 known as Anti-Corruption Act. Thereafter in 2009, government passed another law on corruption known as Malaysian Anti-Corruption Act 2009 by which replace ACA 1997. The introduction of this new Act said to have taken into account various weaknesses which inherent in previous laws and subsequently became successor to those law (Yusoff et. al, 2014). The objectives to promote integrity and accountability of public and private sector administration by establishing anti-corruption commission and to educate public authorities, public official and general public about corruption and detrimental effect on administration and community. Malaysia Anti-Corruption Commission was establish under the act that transform Anti-Corruption Agency to become full-fledged commission to detect and investigate cases pertaining to corrupt practices.

Statistics of arrest by Malaysia Anti-Corruption Commission seen to increased every year, involving public officials and private individuals (MACC, 2020). The cases mostly related to receiving and giving bribes, abuse of power, money laundering and false declaration. The

statistics show greater activism on the part of MACC as legal control, conferred with power under legislation to detect and investigate corruption-related cases despite facing challenges to its power. Table 1 show annual report on arrest statistics by Malaysia Anti-Corruption Commission, from 2013 till 2020.

Table 1

Arrest statistics for corruption-related cases, 2013 - 2020

No.	Year	No. of Arrested	
		Public Officials	Private Sectors
1.	2013	176	71
2.	2014	225	107
3.	2015	398	127
4.	2016	467	210
5.	2017	409	168
6.	2018	418	186
7.	2019	525	255
8.	2020	467	242

(Source: Malaysia Anti-Corruption Commission Annual Report, <https://www.sprm.gov.my>)

The statistics revealed quite substantial number of arrested made by MACC and public sector were most vulnerable to corruption as compared in private sectors. In 2019, recorded as highest number of public officials being arrested with total of 525. It was discovered such high vulnerability of corruption in public sector stemmed from weak governance in procurement practice, legal enforcement agency and administration (NACP, 2019). Their involvement does not only cause losses in public funds, but more crucially it questions public sectors integrity to ensure country security and prosperity.

Moreover, the statistic on corruption complain indicate more than 20,000 complaint received by MACC from 2013 to 2020. The complains come from various source such as complainant walk in to office, individual letters, anonymous letters, telephone, email, complaint portal, blog, and Auditor's General Report (Husin, 2020). Actions on all receive information are decided in Information Evaluation Committee Meeting to initiate for further investigation. Table 2 show statistic on complain and investigation paper opened by Malaysia Anti-Corruption Commission from 2013 to 2020.

Table 2

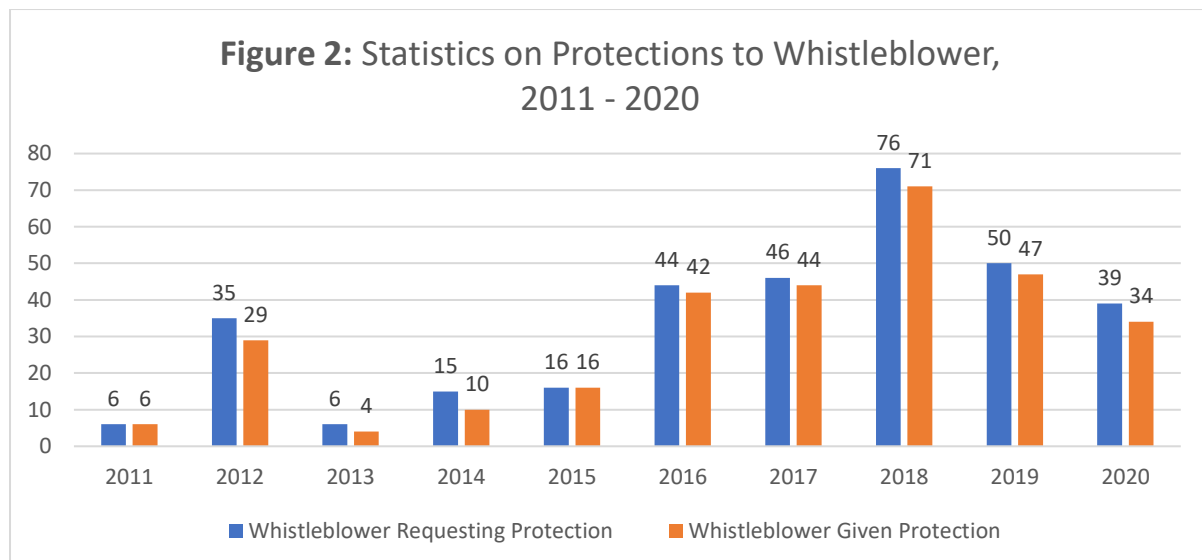
Statistics on complain and investigation paper open by Malaysia Anti-Corruption Commission, 2013 to 2020

No.	Year	Total no. of corruption related complaint	Total no. of investigation paper open	Percentages (%) investigation paper open
1.	2013	4027	976	24.2
2.	2014	2954	919	31.1
3.	2015	2892	982	33.95
4.	2016	3417	985	28.82
5.	2017	3816	863	22.62
6.	2018	4396	833	18.95
7.	2019	4442	1039	23.39
8.	2020	4094	857	20.93

(Source: Malaysia Anti-Corruption Commission Annual Report, <https://www.sprm.gov.my>)

The statistic reveal a low rates of investigation papers open as compared to number of corruption complain received by MACC. Since 2015, the rates slowly to decline to the lowest of 18.95 percent in 2018. This is because inadequate information such as anonymous letter with no name and address, generic content and retaliation against other individual or opponent. From analysis of complain receive by MACC gives clear indication where more than 80 percent of corruption complaint concerned on four causes, namely administrative failure such as manipulation of system and procedure, conflict of interest in term of discretionary power, political interference and absolute power on particular individual, weak internal control and lack of transparency (NACP, 2019). Besides that, lack of public support and awareness on corruption, bureaucratic rigidity, lack of early detection and weakness in law enforcement agencies are also identified as causes in the proliferation of corruption in Malaysia (NACP, 2019).

The information or complain related to corruption is important for MACC to prove incidence of corrupt practice. Whistle-blower is significant in corruption prevention as nature of secrecy in corruption itself and give a clear picture for MACC to make action to resolve the problem. Thus, the commission held accountable to ensure guarantee safety and a secure environment for whistle-blower to act without fear of recrimination against whom complain likely to be registered (Makinudin, 2013). They are protected under Whistle-blower Protection Act 2010, that entails confidential in their identity and information given to MACC (Husin, 2020). Figure 2 show statistics on protection to whistle-blower by Malaysia Anti-Corruption Commission from 2011 till 2020.



(Source: Malaysia Anti-Corruption Commission Annual Report, <https://www.sprm.gov.my>)

Since 2011, there has been increase in number of protection given to whistle-blower and for those who requested it. The rate of whistle-blower given to individual reflect government seriousness on crime of corruption by encouraging the disclosure of information related to corruption or other misconducts. However, strict rules and requirement for whistle-blower to be entitled under the act were criticized by most observer (Yusoff et. al., 2014). The protection is given when reports made directly to enforcement agency such as MACC and they type of information determine level of protection to be received. They also cannot disclose information to media as it will affect investigation process and probability in gaining evidences may be difficult.

The commission have shown its role in implementing anti-corruption law through enforcement by investigating and arresting potential corrupter as well as providing a secure environment for whistle-blower to report on corruption. Despite MACC effort to regulate corrupt practice, the public raise questions on extent of MACC autonomy from any undue influence. Political interference in 1Malaysia Development Berhad and, Federal Land and Development Authority scandal been among biggest obstacles for MACC to executes its function between 2015 and 2016 (NACP, 2019). Some of official were either transferred or interrogate from their roles in the leaks and others removed from their position (Case, 2017). The reason being to pressure against the agency to water down report and remove evidences incriminating certain high level individual in government and restrict availability of such reports to public and media.

Key argument lies in government commitment and effective governance to tackle corruption, integrity and governance issue (Jones, 2020). You can only be as effective as government want you to be (Yak, 2000). Thus, various strategy been used but without government support by a strong mandate and committed leadership, too difficult to achieve desired success (Abdullah & Abdullah, 2016). This may send a wrong signal in public perception towards government commitment and integrity to safeguard the interest of the nation. For this reason, this article intend to identify the factors that causes incapacity in government effort to combat corruption in Malaysia.

Methodology

This study employ structured review process to critically examine contents to ensure data are filtered from high-quality peer-reviewed journals. It stresses on the use of existing text materials comes from mundane of secondary sources, reviewed and assemble from various government agencies such as MACC yearbook of statistics as well as system and procedure analysis, public complaints data from Public Complain Bureau and government document relate to blueprint of national anti-corruption framework. Moreover, journal, published book, lecture note and library search also contemplate as important information to guide the study. The analysis is based on previous study conducted in Malaysia and its experience to govern corruption and, factor influenced government effectiveness in the implementation.

Discussion

Much of current corruption cases have their root to and, essentially manifestation of politics-business connection, cronyism, patronage network and money politics which at heart of grand corruption in Malaysia (Yusoff et.al., 2014; Siddiquee & Zafarullah, 2020). This is telling example in nature of corruption problem deep-root in Malaysia political system, culture and institution on one hand, and challenges faced by anti-corruption institution on the other. This may explain the defects of country political system, institution and culture that cause corruption to be proliferates in the country. Problem usually occurred to obtain evidences to prosecute public official or Minister suspected for corruption offence, although public perception that they are corrupt.

Siddiquee (2010) imply weakness in institutional structure such as check and balance mechanism by opposition on functioning of executive, cause government to turned blind eye on allegations of corruption and irregularity who were critical allies with ruling coalition. The reluctance to pursue officials that allegedly involve in corruption scandal was antecedence for regime maintenance and imperil number of unrealized attempts and strategy (Siddiquee, 2010). This explain deficiency include handicap of existing institution and non-enforcement or selective enforcement of the existing law and regulation. Where law apply to some but not to others, leaves a perception there are cover ups and double standards in decision making (Shah & Shacter, 2004). As a result, the institution became entangled in corruption that they were meant to fight and undermine seriousness for which action can amount to criminal offenses should be pursued (Hashim, 2017). This contribute to a lukewarm in implementation as established practices hardly consistent with the goal of integrity and value of good governance (Ismail, 2018).

The limitation of Anti-Corruption Agency

Given that MACC power exclude prosecution, all its investigation on corruption case must thereafter forward to Attorney General for consent of indictment (Makinudin, 2013). If no consent is obtained, no criminal proceeding can be brought against any person. Although a legal and prosecution department established under MACC, no absolute power of prosecution to the Commission to prosecute cases that has been investigate (Hashim & Mohamed, 2019). Power to prosecute criminal cases falls under authority of Public Prosecutor, Attorney General, either to initiate or not prosecuting against person investigated. There was no time line for cases to be dispose or completed and, long interval led to public perception that government not keen to prosecute corruption case.

Institutional position of MACC under Prime Minister's Department or any other ministry or department, creates agitation or potential being subject to influence or partisan (Mallow, 2018). It creates bad perception toward Commission that could not truly be seen as independent due to its connection with executive, particularly prime minister such as toothless when government itself involved in the issue (Hashim & Mohamed, 2019). There is possibility though might not be true, some corruption case involve people in higher authority will escape from any investigation and bring cases to dead end, when no consent given by Attorney General to proceed with prosecution. In Malaysian experience show that while in theory anti-corruption institution has capacity to enforce the law, but in reality, they struggled to operate effectively when vested interest of ruling power involved (Siddiquee & Zafarullah, 2020).

Study by Wan Abdullah et.al (2018) argued where governance quality is weak, anti-corruption agency are prone to being misused as tools for political victimization and awareness campaign, likely meet with limited success. They provide insight into need to refine governance environment in Malaysia public sectors to enhance ability to assess corruption risk and prevents cancer of corruption. Thus, allowing preventive and proactive mechanisms to be adopted and to identify source of informality or red flags that cause divergence between policies and regulations and, its effectiveness.

Said et al (2016) determine variation of effectiveness in practice of good governance and integrity system in Malaysia's public sector. The finding may correlate to the funding issue, which caused the integrity functions frequently incompetent and inconsistent funded. Lack of capacity in terms of human and financial resources are the reason for the gap between plan and expected outcomes. Furthermore, the situation may also correlate to irregular monitoring and error arrangement, regarding how public officials and bodies discharge their duties and responsibilities. Without a proper assessment of the status and performance of institutions, it might be exercise in futility without much reducing the problem (Abdullah, 2008).

Low Momentum and Continuity in Anti-Corruption Reform

Efforts on promised reform agenda seen to be losing its momentum to facilitate changes and to safeguard institution from moving in different direction or interested party. Further reforms, including, but not limited to, procurement, political funding, asset declaration, politically-linked board appointments in statutory body and effectiveness of oversight of regulatory body need to be taken to their logical conclusion. Other reforms in judiciary, parliament, election commission and public service also provide excellent foundation to institutionalize changes in Malaysia. Lack of institutionalizing the reform by way of law and regulation led to unsustainable in long run and increase risk of reversal with change in government.

The implementation of asset declaration aimed to put an end to money politics and corruption among party members, however, unclear how far is being implemented, who or which body receive, monitor and evaluate the asset declaration from elected representatives, and whether sanctions imposed for such irregularity (Abdullah, 2008). The absence of criminal sanction or enforcement for noncompliance resulting to a minimum deterrence to govern illicit enrichment in Malaysia (Ng & Ayub, 2018). For example asset declaration by top government official and cabinet minister ended at Prime Minister office, with no independent

body to verify and analyze the assets. The verification only carry out during course of investigation by MACC, or in connection with offence under Section 36 MACA or unless prosecutor can prove the claimed that an offence have been made (Hong, 2016).

Inevitably, the way political funding in Malaysia organize to finance, support and manoeuvre political party and campaign activity, may result in a myriad of social problem such as fraud and corruption (Azmi & Zainudin, 2020). The authors argued such weak regulation of political finance in Malaysia exacerbate the practices of vote-buying, usually used to garner support from the public over and above the support received by the competitors. For many decades, the government has made considerable effort to curb the money politics virus that exists in UMNO, a major political party in the country. In 2015, Najib Razak established National Consultative Committee on political financing in promoting transparency, accountability, and integrity among politicians from various political parties.

However, recent scandal of 1Malaysia Development Berhad demonstrate weakness in legal framework to govern money politics, with tons of money siphoned out from the funds and ended in prime minister account as well as numerous off-shore bank account of his close associates in several jurisdictions. An external donation of RM 2.6 billion was allegedly transferred to his personal bank account, but he claims that the money was used to fund the 13th General Election expenses (New Straight Times, 2018). This trends questions role of National Consultative Committee in curbing political financing and its effectiveness to exterminate money politics from Malaysia's political page. One possible reason for lack of success could be that ruling government manipulate political finance regulations to maintain its ultimate power (Schedler, 2002).

Absence of Good Governance as a Prerequisite to Success

Good governance of a country defined in terms of accountability, efficiency and effectiveness in public sector management, free flow of information and clear legal framework for ensuring social and economic development (United Nations Economic and Social Council, 2006). The term has great important in every state as corruption, red-tapism and inefficiency gradually crept into administrative structure of a country (Pillay, 2004). The essence of its governance to cater for common good with effective and efficient administration, free from corrupt practices, which similar to normative content of good democracy.

Malaysia cannot be transparent society if transparency and disclosure of information punishable under the law. The issue of democracy in terms of freedom of information and association, whistle-blower support and free media, has undermine and suppressed public opinion as force to check official excess. The government not only maintains tight state controls on media but Official Secrets Act restrict information access and the disclosure remains firmly in placed (Siddiquee, 2010). From a political perspective, stronger democratic institutions are associated with a high probability of controlling corruption.

A transparent government clarifies what is being done, how and why actions take place, who is involved and by what standard decision is made (Johnston, 2004). While the country preoccupied with nation-building, securing peace and economic prosperity by pragmatic measures such as Sedition Act, Internal Security Act, Printing Presses and Publications Act and others coercive legislation, it has undermine media prospect and suppress public opinion as

a force in checking official excesses. In other words, while the measure taken by government aim to maintain stability in the nation, it only as a disguise to ensure control over the society and to single out any dissents or protest against the ruling government.

Chong et al (2021) points to a clear priority for reform by strengthening democratic institution and government bureaucracy, adhering to the rule of law, improve corruption control in long run. It can provide a conducive environment for sustainable development. Therefore, by strengthening democratic institutions, checks and balances can be preserved and, ensures that politicians and their respective government are held accountable for any decision-making. Press freedom, regulatory quality and political stability enhance political institution capacity to control corruption. This is supported by anecdotal evidence from Transparency International which highlights the corruption perception index is higher (lower) in countries with higher (lower) quality of political institutions.

While Habibullah et al (2016) investigate on how effective government to prevent crime in Malaysia, where high criminal activities. They postulated a negative relationship between good governance and crime rates in Malaysia, where crime rates decrease with increase of good governance. The study focuses on two types of crime such as violent crime and property crime, and found the practice of good governance mostly affects the latter rather than the former. By using a time-series data on crime rates for period 1996 to 2009 and six measures of governance quality (i.e good or poor) as suggested by World Bank. The six indicators include voice and accountability, political stability, government effectiveness, regulatory quality, rule of law and control of corruption.

Conclusion

Corruption has become an important issue that needs to be addressed by the government if the battle against corruption is not to be lost altogether, as the current situation shows low public support for the government's seriousness in pursuing and punishing corrupter. One of the reasons Barisan Nasional lost its grip on state institutions and the popular vote in parliament in the previous general election was because of public perception toward the government's mishandled problem of corruption. Based on these studies, it can be concluded governance of corruption in Malaysia at best minimum to tackle the problem. While governmental initiatives made during past decades generally viewed favorably, there is feeling that they fell short of what was required to make anti-corruption bodies effective and credible in the eyes of the people.

The study point out the anti-corruption efforts is not only on MACC shoulders, but instead include all levels of leadership and society to reduce the problem. Their involvement not just on technical front, at times they also provide needed support to keep reform agenda on track. More than six decades after country independence, problem of corruption were not seen to be slowing down and become more complex and sophisticated that create problem to track the corrupt activities. The outcome perceived in the implementation on reform and strategy by the government were unsatisfactory to overcome the problem. This is because the political will to fight corruption by country leader remained low and half-hearted as himself entangled in the corruption scandals that made headlines in the new all around the world.

Anti-corruption drives and institutions are unlikely to make much headway if basic condition of good governance are absent such as free media, freedom of information act and whistle blower protection laws. Certainly, Malaysia cannot be transparent society if transparency and disclosure of information punishable under the law. A transparent government clarifies what is being done, how and why actions take place, who is involved and by what standard decision is made. The reason being as a force for the public to check the public official's discretion power.

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