

MODUL 7

ECONOMIC CRIME

Oleh:
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JENAYAH EKONOMI:

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AKHBAR & ASSOCIATES

Acts in violation
of the criminal law
designed to bring
financial reward to
an offender.

*The crime also involves
illegal business activity.*

FAKTOR JENAYAH

- DEMONOLOGICAL
- KLASIKAL
- POSITIVISME
- EKOLOGIKAL
- EKONOMIK
- BIOLOGIKAL
- PSIKOLOGI
- SOSIOLOGI

Faktor Jenayah Ekonomi

- Teori-Teori
- Hedonisme
- Somatotypes
- Social Control
- Social Process
- Labeling
- Conflict Theory
- Systemic Vs Individual
- Behavior of Law
- Techniques of Neutralization

Teknik Neutralisasi

Penjenayah akan menghalalkan" perbuatan jenayahnya melalui "rationalization" . Antaranya adalah seperti berikut:

- Denial Harm to Anyone
 - "Nobody will miss it. The company can afford it."
 - "Everyone does it. I'm not hurting anyone."
 - 95% cheat tax & doctor over claim.
 - " it doesn't Harm anybody"
- Denial Harm to Victim
 - "I'm only borrowing the money. I'll pay it back."
 - "It's illegal but price fixing is not criminal??"
- Condemn Condemners
 - "The System is corrupt"
 - " My boss does it. I have the same right."
 - "They owe it to me. I deserve to get paid more."

Jenis-Jenis jenayah Ekonomi

- *Tradisional*
- *Moden*

Jenis Frod Di Malaysia

Tradisional

- Tipu (Cheating)
- Pecah Amanah
- Salahguna Kuasa
- Rasuah
- Barang Tiruan
- Forgery
- Falsification of Accounts

Moden

- Frod Komputer
- Frod bank
- Frod Kewangan
- Frod Kad Kredit :World Highest
-100m Per Year- Easy to Apply?
- Insurance Fraud-Premium income 18B
- Fraudulent Claim 30% -PIAM 2003-
- Identity Fraud- IC atau Kad Kredit
- Counterfeiting- wang atau barang
- Money Laundering

KES KLASIK

- Che Man Che Mud
- Aman Shah siphoning RM 4M from Hock Hua Bank

STATISTIK (Jenayah Ekonomi) MALAYSIA

2004 = RM600 M (AUGUST '04)
2003 = RM579.5 M
2002 = 1.125 B
1994 = RM153.8 M
1998 = RM4.6 B

Source: Royal Malaysian Police (September 2005)

STATISTIK TERKINI :
Commercial Crime Bukit Aman
2004

	2004 (RM747M)	2003 (RM518M)
Kad Kredit	60M	120M
Tipu	431M	316M
Pecah Amanah	228M	298M

Bucket Aman 30 November 2004

APA ITU RASUAH?

An Act where a Civil
Servant abuses his
authority in order to obtain
an extra income from the
public

RASUAH

- **SEJARAH AKTA PENCEGAH RASUAH**

- AKTA PENCEGAH RASUAH 1961
- AKTA PENCEGAHAN RASUAH 1997
- SEKSYEN 10 DAN 11 APR 1997

- HUKUMAN: - TIDAK KURANG DARI 14 HARI - 20 TAHUN
- DENDA TIDAK KURANG 5x NILAI
ATAU RM10K ATAU MANA YANG
LEBIH TINGGI.

Rasuah

- Hadiah Harijadi
- Hadiah Perkahwinan
- Ang Pow
- Hampers
- Wanita
- Perjudiaan
- Permainan Golf
- Renovation Rumah
- Pemberian Kenderaan
- Penyelenggaraan Kenderaan
- Kontrak
- Pembelian Barang
- Proxi

Implikasi Rasuah

- Tidak Adil
- Bangunan Runtuh
- Kediaman Runtuh
- Jalanraya Runtuh/Pecah
- Letupan :Spraklers Sg. Buluh
- Lesen Terbang: Bahaya
- Merugikan Negara: Cukai
- Keselamatan: Senjata
- Tingkatkan Kos Hidup

The 2003 Corruption Perceptions Index

- Finland -1
- Iceland -2
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- New Zealand -3
- Singapore -5
- Sweden -6
- Netherlands-7
- Australia-8
- Norway-8
- Switzerland -8
- UK -11
- Canada-11
- Hong Kong -14
- USA-18
- **Malaysia(37)**
- Thailand(70)
- Indonesia(122)
- Nigeria(132)

Indikator (Red Flag)

- PENCERAIAN
- TIDAK ADA KERJA
- TEKANAN MASALAH DUNIA
- HUTANG BANYAK
- KAKI KUAT BELANJA
- MASALAH KEWANGAN
- HIDUP LEBIH DARI MAMPU
- JUDI
- KAKI PEREMPUAN
- TIADA AMBIL CUTI
- TAK MAHU DITUKARKAN
- TAK MAHU PANGKAT
- RASA TAK PUASHATI
- RAPAT DENGAN KLIEN
- TERLALU PERCAYA
- SENTIASA BALIK LEWAT

- Orang Yang Tidak Disangka-
TREND TERBARU!!!!

Areas of Negligence

- Recruitment
 - Background Checking
 - Polygraph examinations
- Training
 - Right People to Train
 - Audit: Internal training center on Fraud
- Assignment
 - Right People on Right Job
 - Specialist or Generalist ?
- Entrustment
 - Trust your employees/guards/accountants?
 - Passing/Selling Sensitive Information
- Retention
 - Transfer or Promotion
- Rules & Regulations
 - Internal control: implement & good examples/fair
- Supervision
 - Good Management

PREVENTIVE MAESURES

- INTERNAL CONTROL POLICY
 - anti fraud Policy
 - gift policy
 - Donation
 - Contract Clause
 - Responding To Fraud
 - to prevent any further loss
 - to take disciplinary action
 - to recover the monies defrauded
 - to pursue a criminal prosecution
 - implementation
- WHISTLE BLOWER POLICY
- Witness Protection Program
- Contract Procurement

Past Case: BANKING FRAUD

A former bank trade finance department branch head was sentenced to three years' jail and ordered to be given **seven strokes of the rotan** after he pleaded guilty at a Sessions Court yesterday to cheating his employer, a **local bank** of a total of **RM1.45mil** on seven different occasions.

Offence: Criminal Breach of Trust: 409 PC

Penalty: Imprisonment not less than 2 years & not more than 20 years AND whipping and Fine

Past Case: Banking Fraud

Lawyer Che Man Che Mud & Harun Othman (Bank Negara's Clerk): The lawyer was jailed in 1991 for stealing RM22 million from Bank Negara.

After serving a full four-year jail term, Che Man won his appeal in High Court (in Oct 1994) against his conviction on a charge of abetting the former bank clerk in stealing RM22 million belonging to the Central bank.

Offence: 379 PC for theft

Penalty: 7 years jail or fine or both; second subsequent offence is punishable by imprisonment and fine or whipping.

Past Case: CHEATING

Broker Sayid Abdullah Sayid Mohammad pleaded guilty and was sentenced to four years' jail each for two counts of cheating by impersonating a Tabung Haji depositor and withdrawing M700,000 from his account here, in August last year. "Although the accused pleaded guilty and saved the court's time, a serious offence has been committed by him," she said.

Sayid Abdullah pleaded guilty to two charges of impersonating one Wan Haron Wan Hamid to withdraw RM300, 000 on Aug 15 last year and RM400, 000 the following day, by using a copy of Wan Haron's identity card.

Offence: Section 419 of the Penal Code.

Penalty: Jail term of up to seven years or fine, or both.

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Past Case: FINANCIAL FRAUD

A CEO of a local bank faces four charges of extending credit facilities involving RM175 million for purposes contrary to those approved by the bank's board of directors and to four alternative charges of criminal breach of trust.

Offences: Section 65 (1) of the Banking and Financial Institutions Act 1989

& is punishable under Section 103 (1)

Penalty: 5 years imprisonment or fine of RM5 million or both.

Past Case: COMPUTER FRAUD

A 25-year-old software developer pleaded not guilty to a charge of hacking into the computer system of the state-owned KKIP Communications Sdn. Bhd, in what police say is the first of such case in the state.

CCY was accused of breaking into the company's computer system and erasing information on athletes just before the recently concluded 9th Sukma in Sabah. KKIP Communications provided IT services to the Sukma organizers.

He was later released on a RM30, 000 bail, of which RM15, 000 was to be deposited, and with two sureties.

Offences: Section 5(1) Computer Crime Act 1997

Penalty: RM100,000 & Max imprisonment 7 years

Ex-bank officer gets 672 years

A former Public Bank officer was jailed a total 672 years by the Sessions Court here yesterday for dishonestly using 112 cheques totalling RM14.3mil, which he knew had been forged.

Judge Tarmizi Abdul Rahman sentenced Tan Beng Chye, 34, to six years jail for each of the 112 alternative charges after he pleaded guilty on Thursday. Tan was ordered to serve his jail term concurrently from yesterday.

Offences: Cheating: Sec 420 PC

Penalty: Imprisonment 1 year - 10 years PLUS with whipping and Fine

Past Case: Corruption

A company director was jailed a year and fined RM25,000 by the Sessions Court for giving a RM5,000 bribe to an assistant registrar of companies two years ago.

On July 13, 2000, Kong was charged with another, T. S. Law Holding Sdn Bhd executive chairman Datuk Law Tien Seng, with giving the bribe to Mustapha Azam Ismail as an inducement to assist in withdrawing three cases involving three members of the board of directors of Ji Kang Dimensi Sdn Bhd.

The judge ordered the acquittal and discharge of Law of the charge and also another charge of allegedly offering a RM30,000 bribes to Mustapha for the same reason at the same place at 5.20pm on the same day. Mohd Zaki was earlier informed that the Attorney-General's Chambers had ordered the charges against Law be dropped.

Offence: Section 11 Anti Corruption Act 1987

Penalty: Imprisonment 14 Days – 20 years PLUS fine 5 times the sum or value of the gratification or ten thousand ringgit, whichever is the higher.

'Revenge is not in my plan'

Soh: I know who my real friends are now

IT HAS been both an exhilarating and emotional homecoming for Datuk Soh Chee Wen.

He made headlines in all the newspapers yesterday and was on prime time TV news.

When he emerged from the Shah Alam courtroom on Wednesday, he was swamped by reporters, friends and supporters bearing homemade posters and those who had come out of plain curiosity.

Soh, who gained notoriety after he went "missing" in the wake of a warrant of arrest on him, had returned to a hero's welcome of sorts.

It is possible that even Soh himself was surprised by the reception he got although some sensed that part of the enthusiastic welcome was orchestrated and part of it spontaneous.

Still, it ought to be quite evident by now that there is but a thin line between notoriety and celebrity. The spectacle of his barnstorming had become one of the biggest media events of the year thus far.

Soh told *The Star* yesterday that he was not back here to "gun down" anybody.

"No, revenge is not in my plan. People should not interpret my action to clear my name as seeking revenge."

"I have not been given an opportunity to defend myself against all kinds of allegations people swearing to the

Businessman Datuk Soh Chee Wen returned home to face two charges of fraud on Tuesday after being away for three years. In an interview, the one-time corporate maverick and politician spoke to JOCELINE TAN on his homecoming.

press that knowing me was the biggest mistake in their life. I thought that was not very kind," he said.

Soh also expressed his gratitude to the police and Securities Commission personnel whom he said had acted with professionalism.

The anti-cad businessman was escorted from the KL International Airport in the courts by plainclothes policemen in unmarked cars and as many noted, neither was he handcuffed.

But it was not until the charges against him - fraudulent dealings totalling RM510mil - were filed and bail of RM2mil posted that Soh was visibly relaxed.

A court reporter noted that he was surprised by the way he had constantly pressed one hand into the other throughout the proceedings.

Alluding to the negotiations

and with the long-sleeves rolled up to his elbows, he worked the crowd like he had never been away.

The crowd reflected Soh's breadth of contacts and friends - they ranged from well-heeled businessmen and professionals to hawkers and squatters, all of whom he had known in his high-flying years in business and politics.

It was well past midnight when he got home and yesterday was spent largely indulged with his lawyers and advisers.

Some think Soh is bursting to tell all, and that his supporters are planning for him to go on a roadshow. But others said that is not his style.

Soh would only confirm that he was planning to hold a press conference in a few days - not so much to "tell all" as to answer queries from the press.

The Star found him in a remarkably relaxed and cheerful mood yesterday. He was articulate and chose his words with care and strategy.

His last three years had been spent in the United States, Europe and neighbouring countries where he had brought into troubled companies dealing in property, technology and market investment. He said they would form part of plans to re-establish his business in Malaysia.

His constant companion

then was his trusty laptop. He used it to access the Internet in any abeyance of issues at home and elsewhere, to communicate with business associates and friends, to conduct meetings and even to manage his offices in various countries.

But he is also realistic about the near future. First, there is the court case in deal with, then the various bankruptcy notices which he expects to come his way.

"The negotiations will be open now that I have returned," he said.

Many of those in the Lake View Club that evening asked the inevitable questions: Will he be going back to politics?

His answer was firm, yet ambiguous. "I don't see any priority at the moment."

His priority for now appears to be re-establishing his business and what he calls his "comeback".

"I have made several comebacks at different points in my life, and I know I can do it again. I will achieve a comeback whatever it takes," he said.

And if there is anything he has learnt in his three years away, it was being able to tell "when my real friends are and who are the fair-weathered ones."

"But I am not bitter. I intend to focus on the positive."



Soh ... "I just, I just, but I will attempt a comeback, whatever it takes."

that must have gone on between the authorities and him prior to his return, he said. "I've always told the authorities ... give me a level playing field and I will accept what you let me with."

"I must say they were pretty professional yesterday (Tuesday) and I really appreciate it."

From the court, Soh proceeded to the Lake View Club in Subang Jaya, which he used to own.

There, more people were waiting for him and he spent the rest of the afternoon and evening catching up with friends and supporters.

By then, he had thrown off his dark jacket and red silk tie.

