
Navigating Reform



Challenges and Opportunities in the National Anti-Corruption Strategy 2024-2028

Navigating Reform: Challenges and Opportunities in the National Anti-Corruption Strategy 2024-2028

The Center to Combat Corruption and Cronyism (C4 Center)

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THE CENTER TO COMBAT CORRUPTION AND CRONYISM

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ABBREVIATIONS

AG – Attorney General
AGC – Attorney General's Chambers
A-G – Auditor-General
BERSIH – The Coalition for Free and Fair Elections
BN – Barisan Nasional
CPI – Corruption Perception Index
CSOs – Civil Society Organisations
EC – Election Commission
FoI – Freedom of Information
IPCC – Independent Police Conduct Commission
IPCMC – Independent Police Complaints and Misconduct Commission
GIACC – The National Centre for Governance Integrity and Anti-Corruption
GLC – Government-linked Company
JKKTN – Special Cabinet Committee on National Governance
JTK – National Governance Committee
NACS – National Anti-Corruption Strategy 2024-2028
NACP – National Anti-Corruption Plan 2019-2023
NGPD – National Governance Planning Division
MACC – Malaysian Anti-Corruption Commission
MP – Member of Parliament
OSA 1972 – Official Secrets Act 1972
PCB – Public Complaints Bureau
PH – Pakatan Harapan
PP – Public Prosecutor
PSA – Parliamentary Services Act 1963
PSC – Parliamentary Select Committee
PSSC – Parliamentary Special Select Committee
RMP – Royal Malaysian Police
RTI – Right to Information
TI – Transparency International
UMNO – United Malays National Organisation
UNODC – United Nations Office on Drugs and Crime
WGI – World Governance Index
1MDB – 1Malaysia Development Berhad

Executive Summary

In May 2024, Prime Minister Anwar Ibrahim launched the National Anti-Corruption Strategy 2024-2028 (NACS), a policy programme that sought to address corruption through a slew of strategies targeted at improving governance and accountability of public service administration. The NACS is meant to act as a continuation of the National Anti-Corruption Plan 2019-2023 (NACP), established by former Prime Minister Mahathir Mohamed in 2019. In total, the NACS outlines 5 broad strategies and 60 substrategies that aim to create a nation that is “corrupt-free”. Notably, plans to institute major reforms have been included in the NACS targeting areas such as government procurement, freedom of information, whistleblowing, and political financing.

This report evaluates the NACS, with a focus on its approach to **legal and institutional reform**. It begins with an overview of the strategy’s formulation and objectives, providing context for its broader approach. Specific substrategies related to legal and institutional reforms are then

identified, categorised, and reviewed within seven reform areas.

Despite the stated aim to build on the NACP, the NACS is **less ambitious in scope** and relies heavily on **unclear and vague language**, making it challenging to assess the feasibility and impact of its reform plans.

Key findings highlight notable omissions in the NACS, including the absence of critical reforms such as:

- **Term limits for the Prime Minister;**
- **Ending political appointments in Government-linked Companies (GLCs);**
- **Regulation of the Prime Minister's powers in public appointments;** and
- **Separation of the offices of the Attorney General and Public Prosecutor.**

The report also examines the **monitoring, evaluation, and implementation structures of the NACS**, identifying several weaknesses:

- An inadequate monitoring and evaluation framework;
- The absence of performance or impact assessment mechanisms;
- Insufficient channels for public engagement; and
- The **Malaysian Anti-Corruption Commission (MACC)** serving as the NACS secretariat could create issues due to its dual role as implementer and evaluator.

Finally, the report outlines a clear pathway forward, presenting actionable solutions to strengthen the NACS as an effective tool for meaningful anti-corruption reform. Key recommendations include:

- **Clarifying the details of substrategies** to facilitate effective implementation;
- **Incorporating impact and performance measurements** into NACS

- evaluations to gauge progress and outcomes more accurately; and
- **Enhancing the involvement of civil society organizations (CSOs) and academia** in the implementation and evaluation processes to ensure greater accountability and inclusivity.

Introduction

Corruption has long been viewed as a scourge at all levels of Malaysian society, manifesting itself both as lower-level petty corruption between individuals, as well as sophisticated grand corruption rooted in systemic and structural issues. In the past few years alone, the public has witnessed numerous corruption scandals costing billions in public funds: 1Malaysia Development Berhad (1MDB), the flawed procurement of the Littoral Combat Ships (LCS), Yayasan Akalbudi, and Jana Wibawa, among others.

Seeking to address the scale of this issue, the National Anti-Corruption Plan 2019-2023 (NACP) was introduced following the election of *Pakatan Harapan* (PH) in 2018. As Malaysia's first ever national policy that directly addressed corruption, the NACP outlined 115 reform initiatives that sought to improve anti-corruption and good governance efforts countrywide. Among the initiatives were proposals for landmark legislation in areas of political financing, government procurement, and

freedom of information. At the time, the government gained plaudits for its willingness to address corruption, while making effort to involve members of civil society in formulating the policy. Despite initial promise, the impact of the NACP's ambitions would be undermined by frequent political instability and the failure of successive administrations to adequately evaluate its progress.

Subsequently in 2022, Anwar Ibrahim was appointed Prime Minister after campaigning on a platform of anti-corruption and institutional reform. Following the expiry of the NACP's term, Anwar Ibrahim launched the National Anti-Corruption Strategy 2024-2028 (NACS) on 7 May 2024.¹ According to the NACS, this policy is a continuation of the NACP, providing a framework to address and combat corruption by improving governance and strengthening integrity, transparency, and accountability in public service administration.² In total, 16 out of 26 incomplete NACP initiatives were continued in the NACS, though the remaining 10 were assigned to other government committees.

This report aims to provide a critical examination of the NACS' objectives, strategies, implementation methods, strengths, and weaknesses to ascertain its potential impact. Primarily, there is a need to inquire on the robustness of this policy framework in relation to legal and institutional reforms, as these reforms have the greatest impact over the governance of corruption issues. Furthermore, the report also aims to highlight key challenges and recommendations for the implementation of the NACS during its lifespan.

With extensive comparison to the NACP, this report asks the following questions:

[1]. Hana. N.H. (2024, May 7). *PM launches National Anti-Corruption Strategies 2024-2028*. New Straits Times. <https://www.nst.com.my/news/nation/2024/05/1047321/updated-pm-launches-national-anti-corruption-strategies-2024-2028>.

[2]. Prime Minister's Department. (2024). *National Anti-Corruption Strategy 2024-2028*. Pg. iv.

- How does the NACS address legal and institutional reform?
- What are significant divergences between the NACP and the NACS? What are the effects of this?
- How will the progress and impact of the NACS be assessed?
- How can the government and civil society ensure meaningful implementation of the NACS?
- What are anticipated challenges for the implementation of this policy?

Hence, this report refers extensively to the NACS, basing its analysis directly upon proposals outlined in the document. Further sources for this report include the Hansard, online news reports and press, previous publications and journal articles.

The next chapter provides a background of the establishment and progression of the NACP. Chapter 2 examines how the NACS was formulated, noting its stated objectives and strategies. Subsequently, Chapter 3 identifies and reviews a total of 15 substrategies relevant towards legal and institutional reform, providing recommendations for each area. An overview of the NACS' monitoring, evaluation, and implementation mechanism is outlined throughout Chapter 4. Lastly, Chapter 5 concludes the report with key findings and recommendations for the NACS.

CHAPTER ONE

The National Anti-Corruption Plan 2018-2023: Precursor to the NACS

1.1 THE FORMATION OF THE NACP

The 2018 General Elections saw the end of *Barisan Nasional's* (BN) uninterrupted 61-year reign – largely attributed to public outrage at then-Prime Minister Najib Razak's involvement in the multibillion-ringgit 1Malaysia Development Berhad (1MDB) scandal. With the overwhelming public demand for anti-corruption reform, the incoming *Pakatan Harapan* (PH) government – having campaigned to rid the country of corruption – developed a national policy to address the issue. On 29 January 2019, Prime Minister Mahathir Mohamed unveiled the National Anti-Corruption Plan 2019-2023 (NACP), Malaysia's first ever national policy that directly addressed corruption. The NACP took

into account perspectives of stakeholders and civil society in developing its anti-corruption strategies, clear timelines and concrete initiatives, which set it apart from the Badawi-era National Integrity Plan.³

A total of 115 initiatives were outlined to achieve key reform goals. The National Centre for Governance, Integrity and Anti-Corruption (GI-ACC) was established to spearhead this drive.⁴ The initiatives included plans to reform political financing, law enforcement, government procurement, the legal and judicial system, public administration and corporate management – all major areas of institutional weakness.⁵ Initially, progress was made on these goals, with several reform bills being tabled in Parliament. Notably, Mahathir also established an asset declaration mechanism which made it compulsory for all Cabinet Ministers and Members of Parliament (MPs) to declare their assets publicly.⁶

However, this promising start would soon wane as the government directly contradicted several promised reforms. This included the appointments of Azhar Harun as Chairperson of the Election Commission (EC) and Latheefa Koya as Chief Commissioner of the Malaysian Anti-Corruption Commission (MACC), which were done without Parliamentary consultation.^{7 8} The government had previously promised to

[3]. Faisal, A. (2019, Jan 29). *NACP launched, aims to tackle corruption for next five years*. Malaysiakini. <https://www.malaysiakini.com/news/462138>.

[4]. Azura, A. (2018 June 1). *PM agrees to GIACC formation to handle governance, integrity and anti-graft*. New Straits Times. <https://www.nst.com.my/news/nation/2018/06/375513/pm-agrees-giacc-formation-handle-governance-integrity-and-anti-graft>

[5]. Stanley, K.S. (2022). *MyGov Reform Tracker*. The Center to Combat Cronyism and Corruption. Pg. 4.

[6]. Aziz, A. (2018, July 11). *Dr Mahathir: Asset declaration to include family members*. The Edge Malaysia. <https://theedgemalaysia.com/article/dr-mahathir-asset-declaration-include-family-members>.

[7]. Malaysiakini. (2018, Sep 21). *Lawyer Art Harun is new EC chairperson*. <https://www.malaysiakini.com/news/444039>.

[8]. Tay, C. (2019, June 4). *Malaysia appoints first female MACC chief*. The Edge Malaysia. <https://theedgemalaysia.com/article/latheefa-koya-appointed-macc-chief-effective-june-1-after-mohd-shukri-resigns%C2%AO>.

abolish such Executive appointments due to its detrimental impact on the independence of these offices.⁹ Alongside these appointments, the government was also accused by the Coalition for Free and Fair Elections (BERSIH) of committing several offences during a by-election in Semenyih, which included the handing out gifts to voters prior to the election.

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1.2 THE “SHERATON MOVE” AND THE SIDELINING OF THE NACP

Mahathir’s failure to implement important manifesto promises alongside his refusal to commit to a succession plan subsequently became a source of infighting within the government.¹¹ These conflicts would come to a head on 23 February 2020, when PH component party, *Parti Pribumi Bersatu Malaysia* (BERSATU), and 11 other *Parti Keadilan Rakyat* (PKR) MPs broke away from the coalition to create a new alliance with opposition parties – *Perikatan Nasional* (PN) – and eventually formed the government, in a political manoeuvre known as the “Sheraton Move”.^{12 13}

The years that followed would be fraught with political instability as shifts in political allegiances became commonplace. The first regime change would see Muhyiddin Yassin sworn in as Prime Minister, but this

[9]. Pakatan Harapan. (2018). *Buku Harapan: Rebuilding Our Nation, Fulfilling Our Hopes*. https://dl.dapmalaysia.org/repository/Manifesto_PH_EN.pdf.

[10]. Ho, K.Y. (2019, Mar 8). *More offences in Semenyih than previous 5 by-elections, says Bersih*. Free Malaysia Today. <https://www.freemalaysiatoday.com/category/nation/2019/03/08/more-offences-in-semenyih-than-previous-5-by-elections-says-bersih/>.

[11]. Free Malaysia Today. (2020, May 18). *How 2 factions clashed in first 45 mins of PH’s final meeting*. <https://www.freemalaysiatoday.com/category/nation/2020/05/18/how-2-factions-clashed-in-first-45-mins-of-phs-final-meeting/>

[12]. Malaysiakini. (2020, Feb 24). *Muhyiddin: Bersatu quits Harapan*. <https://www.malaysiakini.com/news/512025>.

[13]. Malaysiakini. (2020, Feb 24). *Azmin quits PKR, takes 10 other MPs with him*. <https://www.malaysiakini.com/news/512030>.

appointment was not without controversy.¹⁴ Chief among these were allegations that Muhyiddin had “enticed” the support of politicians through the promise of positions of power, with a leaked audio recording purportedly disclosing Muhyiddin’s plan to appoint United Malays National Organisation (UMNO) MPs to Government-Linked Companies (GLCs) in return for pledging support for his government.¹⁵ After just over a year in power, Muhyiddin would be forced to resign after UMNO withdrew from his government. This led to the appointment of Ismail Sabri as Prime Minister on 21 August 2024.¹⁶ ¹⁷ This period of political instability meant that MPs were more likely focused on obtaining and maintaining political power rather than public policy matters. As a result, the NACP was treated as an afterthought, despite government statements assuring its importance. The table below tracks the impact of the Sheraton Move for several reform areas.

[14]. Bernama. (2020, Mar 1). *Muhyiddin to be sworn in as 8th Prime Minister today*. <https://www.bernama.com/en/news.php?id=1817623>.

[15]. Free Malaysia Today. (2020, May 30). *In leaked audio, Muhyiddin said to entice Umno with govt posts*. <https://www.freemalaysiatoday.com/category/nation/2020/05/30/in-leaked-audio-muhyiddin-said-to-entice-umno-with-govt-posts/>.

[16]. Bernama. (2021, Aug 17). *PM Muhyiddin resigns*. <https://www.bernama.com/en/news.php?id=1993181>.

[17]. Bernama. (2021, Aug 21). *Ismail Sabri sworn in as PM as hope beckons for much-needed healing*. Bernama. <https://www.bernama.com/en/news.php?id=1994998>.

1.3 NACP REFORMS DELAYED OR DERAILED POST-SHERATON MOVE

PRIME MINISTER REFORM AREA	MUHYIDDIN YASSIN (1 MARCH 2020 – 16 AUGUST 2021)	Ismail Sabri (21 August 2021 – 24 November 2022)
Political Financing	Muhyiddin's government failed to table the "Political Funding Bill" drafted by the previous government, instead his government opted to undertake a study on the feasibility of a new law.¹⁸	The government announced plans to table the bill in October 2022, but elections were called before this could be done.
MACC Independence	- The Parliamentary Select Committee (PSC) on Major Public Appointments — whose ambit included providing advice on the appointment of "key positions" in the MACC¹⁹ — was dissolved by Muhyiddin's government. - A proposal paper to reform the appointments process had been submitted to the Attorney General's Chambers (AGC) by GIACC on 9 August 2021.²⁰	Elections were called before the proposal paper could be tabled in Parliament
Police Accountability	On 26 August 2020, Muhyiddin's administration withdrew the Independent Police Complaints and Misconduct Commission (IPCMC) Bill, and instead tabled the "watered down" Independent Police Complaints Commission (IPCC) Bill.²¹	On 26 July 2022, Ismail Sabri's administration passed the IPCC Bill in Parliament. Critics decried the bill's failure to ensure impartiality in dealing with police misconduct.²²

[18]. Prime Minister's Department. (2021). *NACP Mid-Term Review*. Pg. 21.

[19]. GIACC. (2021). *2019 Progress Report on the National Anti-Corruption Plan (NACP) 2019-2023*. Pg. 24.

[20]. GIACC. (2022). *2020-2021 Progress Report on the NACP*. Pg. 78.

[21]. Stanley. K.S. (2022). *MyGov Reform Tracker*. Pg. 30.

[22]. Stanley. K.S. (2022). *MyGov Reform Tracker*. Pg. 30.

PRIME MINISTER REFORM AREA	MUHYIDDIN YASSIN (1 MARCH 2020 – 16 AUGUST 2021)	Ismail Sabri (21 August 2021 – 24 November 2022)
Asset Declaration	- Muhyiddin Yassin announced mandatory asset declaration procedures for all government ministers and MPs, but the public list of asset declaration details set-up by the previous government would be removed without prior notice.²³ - The government would pursue a study on the viability of an asset declaration law rather than tabling any bill.²⁴	- On 19 September 2022, Ismail Sabri announced that his government planned to enhance the existing Code of Ethics for members of the administration and amend the Houses of Parliament (Privileges and Powers) Act 1952 to compel politicians to declare their assets to MACC.²⁵ - However, the government failed to table an amendment bill in Parliament before elections were held. Furthermore, the list of declared assets from government MPs remained unpublished.
Separation of the Attorney General & Public Prosecutor	Established a working committee within the AGC to undertake a study on the separation of these two offices.²⁶	No apparent progress was made for this reform. Minister in the Prime Minister's Department (Parliament and Law) Wan Junaidi stated that the government was "studying the implications" of this reform, but Parliament was dissolved before any further action was taken.²⁷

[23]. Stanley, K.S. (2022). *MyGov Reform Tracker*. Pg. 35.

[24]. Prime Minister's Department. (2021). *NACP Mid-Term Review*. Pg. 21.

[25]. Bernama. (2022, Sep 19). *GLC, GLIC chiefs and judges required to declare assets to MACC – PM Ismail Sabri*. <https://www.bernama.com/en/news.php?id=2121757>.

[26]. GIACC. (2021). *2019 Progress Report on the National Anti-Corruption Plan (NACP) 2019-2023*. Pg. 167.

[27]. Lim, H.P. (2022, Sep 4). *Wan Junaidi: Govt studying implications of separating powers between attorney general, public prosecutor*. The Borneo Post. <https://www.theborneopost.com/2022/09/04/wan-junaidi-govt-studying-implications-of-separating-powers-between-attorney-general-public-prosecutor/>.

PRIME MINISTER REFORM AREA	MUHYIDDIN YASSIN (1 MARCH 2020 – 16 AUGUST 2021)	Ismail Sabri (21 August 2021 – 24 November 2022)
Ombudsman Bill	The GIACC had prepared a draft Ombudsman bill initially scheduled to be tabled in December 2020.²⁸ However, Muhyiddin's government failed to table any bill.	Ismail Sabri stated that the bill was to be tabled in 2022 but failed to do so before elections were called.²⁹
Government Procurement	The PH government had announced that a procurement bill would be tabled in July 2020.³⁰ However, the PN failed to table a bill, with then-Finance Minister Tengku Zafrul claiming that there was nothing wrong with direct negotiations in procurement.³¹	Ismail Sabri's government failed to legislate a procurement law, two years after it was originally planned to be tabled.
Term Limits for the Prime Minister	- On 26 August 2020, Muhyiddin's administration withdrew the bill to institute a term limit for the Prime Minister.³² - In the 2019 Progress Report on the NACP, the initiative was indefinitely postponed.³³	The government made no further progress on this reform.

[28]. Malay Mail. (2020, Sep 30). Ombudsman Bill expected to be tabled in parliament before year-end, says GIACC D-G. <https://www.malaymail.com/news/malaysia/2020/09/30/ombudsman-bill-expected-to-be-tabled-in-parliament-before-year-end-says-gia/1908202>.

[29]. Free Malaysia Today. (2021, Sep 15). *Ombudsman bill to be tabled by next year*, says Ismail. <https://www.freemalaysiatoday.com/category/nation/2021/09/15/ombudsman-bill-to-be-tabled-by-next-year-says-ismail/>.

[30]. Malaysiakini. (2019, July 15). *Government to table new Procurement Bill next July*. <https://m.malaysiakini.com/news/483878>.

[31]. Teoh, S. & Rodzi, N.H. (2020, Aug 29). Nothing wrong with 'direct negotiation' contracts: Malaysia's finance chief. The Straits Times. <https://www.straitstimes.com/asia/se-asia/nothing-wrong-with-direct-negotiation-contracts-malysias-finance-chief>

[32]. Soo, W.J. (2020, Aug 26). *Putrajaya withdraws Bills for PM term limit, IPCMC*. Malay Mail. <https://www.malaymail.com/news/malaysia/2020/08/26/putrajaya-withdraws-bills-for-pm-term-limit-ipcmc/1897292>.

[33]. GIACC. (2020). *2019 Progress Report on the National Anti-Corruption Plan (NACP) 2019-2023*. Pg. 42.

REFORM AREA	PRIME MINISTER	MUHYIDDIN YASSIN (1 MARCH 2020 – 16 AUGUST 2021)	Ismail Sabri (21 August 2021 – 24 November 2022)
	Freedom of Information (Fol)	Under Muhyiddin, the government would fail to table any bill, instead opting for further feasibility studies on the need for a law.³⁴	The government had initiated studies on the Fol Act but did not table a bill.³⁵

Table 1.1: *NACP reforms delayed or derailed post-Sheraton Move*

1.4 ASSESSING THE COMPLETION OF THE NACP

The NACP Mid-Term Review carried out by Muhyiddin's government amended the NACP from 115 total initiatives to 111. Following the NACP's December 2023 deadline, the government claimed that a total of 85 out of 111 remaining initiatives had been completed, resulting in a completion rate of 77%. In the NACS, the government described this achievement as "significant progress", while noting that the remaining 26 initiatives that were unfulfilled would either be reconsolidated into the NACS or be implemented via other government committees.³⁶

In terms of quantifying the exact number of NACP initiatives that were completed, the government had previously provided two "NACP Progress Reports" that covered the years 2019, 2020, and 2021 between them. Within each progress report, an account of each agency's progress in implementing specific initiatives were provided as part of the NACP's monitoring and evaluation procedures. Figure 1.1 illustrates the progress of NACP completion following the submission of each progress report.

[34]. Prime Minister's Department. (2021). *NACP Mid-Term Review*. Pg. 21.

[35]. Stanley. K.S. (2022). *MyGov Reform Tracker*. Pg. 21.

[36]. Prime Minister's Department. (2024). *National Anti-Corruption Strategy 2024-2028*. Pg. 59-62.

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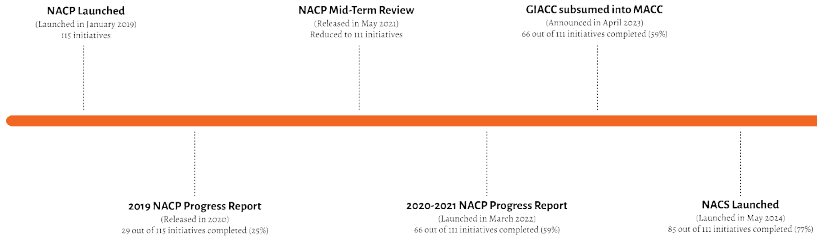


Figure 1.1: A timeline of NACP PROGRESS based on publicly available information.^{37 38 39}

There are several key details to take note of:

- On 18 April 2023, the GIACC's functions and duties were fully absorbed by the newly-formed National Governance Planning Division (NGPD) under the MACC. This decision was made public on 9 May 2023 through a press statement.⁴⁰
- The NGPD took over implementation and monitoring of the NACP for the remainder of its term ending in December 2023. The government estimated 91% completion for the NACP upon its expiry.
- Following the NACP Mid-term Review conducted by the Muhyiddin administration, a number of initiatives were removed, reconsolidated, and reworded. Major reforms such as enacting laws on Freedom of Information, asset declaration, political financing, and the Parliamentary Services Act (Initiatives 1.2.8, 1.2.5, 1.2.9, and 1.4.11 respectively) had their corresponding initiatives amended to

[37]. Stanley. K.S. (2022). *MyGov Reform Tracker*. The Center to Combat Cronyism and Corruption.

[38]. GIACC. (2022). *2020-2021 Progress Report on the NACP*. Pg. 9.

[39]. Prime Minister's Department. (2024). *National Anti-Corruption Strategy, 2024-2028 (NACS)*. Pg. ii.

[40]. Malaysian Anti-Corruption Commission. (2023, May 9). *Progress Of The National Anti-Corruption Plan (Nacp) 2019-2023* [Press release]. <https://www.sprm.gov.my/admin/uploads/media/pdf/PR%20Eng%20May%202023%201005230303.pdf>.

“undertake a study” on their implementation.⁴¹

- Hence, the completion rate of 77% is reflective of the amended 111 initiatives under the Mid-Term Review, not the original draft of the NACP.

1.5 SUMMARY

Overall, the Muhyiddin administration oversaw the scaling back of several major reforms touted in the NACP. NACP initiatives that sought to create legislation on political financing, asset declaration, and freedom of information were amended in the NACP Mid-Term Review, with the government replacing these initiatives with feasibility studies. Furthermore, bills that would establish the IPCMC and institute term limits for the Prime Minister were withdrawn by Muhyiddin’s government – with the weaker IPCC passed in the IPCMC’s stead. The halting and amending of various NACP initiatives skewed the direction of the policy away from concrete targets for legislation and resulted in inaction.

Following Muhyiddin’s ousting, Ismail Sabri pledged that remaining NACP legislative promises would be tabled in Parliament within a year’s time. Although these statements were encouraging, the calling of a general election immediately halted any further progress. From these episodes, it can be surmised that the plans and aspirations for anti-corruption reform previously laid out by the NACP were disrupted by frequent changes of government and overall political instability.

[41]. Prime Minister’s Department. (2021). *NACP Mid-Term Review*. <https://bpgn.sprm.gov.my/wp-content/uploads/2022/08/Laporan-Semakan-Semula-NACP-2019-2023-english-version.pdf>.

CHAPTER TWO

The National Anti-Corruption Strategy 2024-2028

Even prior to his election victory in November 2022, Prime Minister Anwar Ibrahim was widely known for his active efforts in campaigning for anti-corruption and institutional reform, especially as the leader of the “*Reformasi*” movement for over two decades. A key feature of Pakatan Harapan’s 2022 election manifesto was the need to “govern with integrity” and “combat corruption”,⁴² with prominent reforms including:

- Reforms to the MACC
- Institution of asset declaration procedures
- A Freedom of Information Act
- Reforms to public procurement

[42]. Pakatan Harapan. (2022). *Kita Boleh! Harapan GE15 Action Plan*. <https://bit.ly/kitabolehEN3>.

- Amending the Whistleblower Protection Act 2010
- Establishing an Ombudsman office
- Separating the offices of the Attorney General and Public Prosecutor
- Regulating the Prime Minister's powers over major public appointments

It is notable that PH was not the only coalition to include promises for institutional reform, with BN, *Gabungan Parti Sarawak* and *Parti Warisan Sabah* also campaigning for better governance and integrity.⁴³

With these promises at the centre of his platform, Anwar Ibrahim announced on 16 November 2023 that his government's intention was to "go all out to prevent corruption", entrusting the MACC to spearhead his administration's drive.⁴⁴ Around the same time, MACC Chief Commissioner Azam Baki announced the government's plans to launch the NACS in mid-2024, following the conclusion of the NACP's term.⁴⁵

[43]. Pakatan Harapan. (2022). *Kita Boleh: Harapan GE15 Election Plan*. Pg. 37-44.
 Barisan Nasional. (2022). *Perancangan Amal dan Usaha: Pilihan Raya Umum Ke-15*. Pg. 7-8.
 Astro Awani. (2022, Nov 6). PRU15: GPS lancar manifesto, ini apa yang perlu rakyat Sarawak tahu! <https://www.astroawani.com/berita-politik/pru15-gps-lancar-manifesto-ini-apa-yang-perlu-rakyat-sarawak-tahu-389973>.

Bernama. (2022, Nov 7). Clean government with integrity among essence of Warisan manifesto – Mohd Shafie. <https://bernama.com/en/news.php?id=2136187>.

[44]. The Star. (2023, Nov 16). *MACC to launch National Anti-Corruption Strategy 2024-2029 mid-next year*. <https://www.thestar.com.my/news/nation/2023/11/16/macc-to-launch-national-anti-corruption-strategy-2024-2029-mid-next-year>.

[45]. The Star. (2023, Nov 16). *MACC to launch National Anti-Corruption Strategy 2024-2029 mid-next year*. <https://www.thestar.com.my/news/nation/2023/11/16/macc-to-launch-national-anti-corruption-strategy-2024-2029-mid-next-year>.

2.1 FORMULATING THE NACS

The NACS mentions that this policy programme is a continuation of the NACP. However, it must be noted that only 16 out of 26 NACP initiatives that were reported incomplete feature within the NACS. The other 10 initiatives were assigned to various government committees for further action.⁴⁶

The NACS states that its development entailed a three-stage process: diagnosis, prognosis, and prescription. An elaboration of the exact details of this development is only stated for the “diagnosis” phase of this process. The table below details this approach.⁴⁷

APPROACH	DESCRIPTION
Data analysis on corruption-related issues	· Analysis of National Anti-Corruption Plan (NACP) 2019-2023 and Progress Reports from 2019 to 2023. · Analysis on various MACC statistics including corruption cases by sector, subsector, complaints category, and occupational groups. · Examination of international index such as Corruption Perceptions Index (CPI) by Transparency International (TI) and World Governance Indicator (WGI) by World Bank.
Stakeholder engagement	· Collection and analysis of complaints data from various Government agencies. · Nationwide survey to gauge public perception and attitudes towards corruption, including feedback on governance, integrity, and anti-corruption measures.

[46]. Prime Minister's Department. (2024). National Anti-Corruption Strategy 2024-2028. Pg. 59-62.

[47]. Prime Minister's Department. (2024). National Anti-Corruption Strategy 2024-2028. Pg. 9.

APPROACH	DESCRIPTION
Review of documents and recommendations	- Examination of recommendations and insights provided by international bodies such as Transparency International Malaysia (TI-M), United Nations Office on Drugs and Crime (UNODC). - Synthesis of information gathered from data analysis, stakeholder engagement, and document reviews to formulate recommendations for anti-corruption strategies.

Table 2.1: The approaches used by the government in diagnosing corruption issues in Malaysia according to the NACS.⁴⁸

During the diagnosis phase, the government obtained data from the Public Complaints Bureau (PCB) on the types of public complaints made against federal ministries between 2019 and 2023. In 2023, statistics showed:

- 58% of public complaints concerned the misappropriation of public money for corrupt uses
- 19% concerned enforcement failure
- 16% concerned a failure to follow standard operating procedures (SOPs).⁴⁹

More statistics by the MACC revealed that between 2019-2023:

- 36% of complaints received concerned administrative issues, a sharp increase from 13% in the 2013-2018 period
- 24% concerned enforcement

[48]. Prime Minister's Department. (2024). National Anti-Corruption Strategy 2024-2028. Pg. 99.

[49]. Prime Minister's Department. (2024). National Anti-Corruption Strategy 2024-2028. Pg. 14.

- 24% concerned procurement.⁵⁰

Aside from public complaints on the issue, the MACC compiled data based on their engagements with government agencies, which discovered that 28.5% of corruption identified occurred due to administrative failure, 28% from non-compliance, and 20.3% caused by conflicts of interest.⁵¹

Other than this data, *Universiti Sains Islam Malaysia* (USIM) was commissioned to run a nationwide survey to ascertain the public's perception on corruption by "different activity" and factors "rationalising corruption". Notable figures derived from this survey include the perception that 80% of corruption in Malaysia involves money politics, 78% involves bribery to expedite, 77% involves abuse of power, and 67% conflict of interest.⁵² In terms of "factors rationalising corruption", 31% of respondents believed bribery could be used as a reward for effort, 29% believed corruption wouldn't bring suffering, and 28% believed bribery for good purposes was acceptable, among others.⁵³ The study also gathered input on the perceived economic impact of corruption, which found that 79% of respondents believed it would decrease foreign investor confidence, 78% believed it would increase poverty, 78% believed it declined competitiveness, 77% believed it increased unemployment, 77% believed it resulted in declining economic growth, and 73% believed it weakened

[50]. Prime Minister's Department. (2024). National Anti-Corruption Strategy 2024-2028. Pg. 15.

[51]. Prime Minister's Department. (2024). National Anti-Corruption Strategy 2024-2028. Pg. 16.

[52]. Prime Minister's Department. (2024). National Anti-Corruption Strategy 2024-2028. Pg. 16.

[53]. Prime Minister's Department. (2024). National Anti-Corruption Strategy 2024-2028. Pg. 17.

the currency.⁵⁴

In addition, the NACS mentions stakeholder engagements with academics and specialised civil society organisations (CSOs), but little was disclosed as to the government’s findings from these meetings. The NACS does not state the questions posed in these sessions or the recommendations provided by stakeholders.

2.2 THE OBJECTIVES OF THE NACS

The NACS’ stated policy goal is to move “Malaysia towards a corrupt-free and prosperous nation”.⁵⁵ Within the NACS, three specific missions are listed out: to uphold the rule of law, to create a culture of transparency and accountability, and to encourage participation among communities in anti-corruption efforts.⁵⁶ By doing so, the NACS says, the country will be one step closer in achieving the government’s goal of “building Malaysia MADANI”, a national aspiration set up by Prime Minister Anwar Ibrahim.⁵⁷

In seeking to achieve its stated vision and mission, the NACS has identified four specific targets:

- 83rd percentile rank in the rule of law category within the World Bank’s Worldwide Governance Indicators (WGI) ⁵⁸
- 97th percentile in the government effectiveness category within the

[54]. Prime Minister’s Department. (2024). National Anti-Corruption Strategy 2024-2028. Pg. 20.

[55]. Prime Minister’s Department. (2024). National Anti-Corruption Strategy 2024-2028. Pg. 28.

[56]. Prime Minister’s Department. (2024). National Anti-Corruption Strategy 2024-2028. Pg. 28.

[57]. Prime Minister’s Department. (2024). National Anti-Corruption Strategy 2024-2028. Pg. 28.

[58]. Prime Minister’s Department. (2024). National Anti-Corruption Strategy 2024-2028. Pg. 28.

World Bank's Worldwide Governance Indicators (WGI)⁵⁹

- 76th percentile in the control of corruption category within the World Bank's Worldwide Governance Indicators (WGI)⁶⁰
- 27th rank in Transparency International's Corruption Perceptions Index (CPI)⁶¹

The WGI is a compilation of data sources produced by more than 30 organisations around the world that attempt to measure the quality of governance across countries over time.⁶² The rule of law category captures the perceived confidence that the public has on a country's enforcement, justice system, and likelihood of crime.⁶³ Next, the government effectiveness category attempts to capture the perception of the quality of a government's public services, independence and policy.⁶⁴ Lastly, the control of corruption category measures the perception of how much public power is used for private gain, and the degree to which a country is "captured" by elite and private interests.⁶⁵

The CPI on the other hand, measures how corrupt each country's public sector is perceived to be. Scores are calculated by utilising data collected from corruption surveys and assessments, from sources including

[59]. Prime Minister's Department. (2024). National Anti-Corruption Strategy 2024-2028. Pg. 28.

[60]. Prime Minister's Department. (2024). National Anti-Corruption Strategy 2024-2028. Pg. 28.

[61]. Prime Minister's Department. (2024). National Anti-Corruption Strategy 2024-2028. Pg. 28.

[62]. World Bank Group. (2024). *Worldwide Governance Indicators*. <https://www.worldbank.org/en/publication/worldwide-governance-indicators>.

[63]. World Bank Group. (2024). *Rule of Law*. <https://www.worldbank.org/content/dam/sites/govindicators/doc/rl.pdf>.

[64]. World Bank Group. (2024). *Governance Effectiveness*. <https://www.worldbank.org/content/dam/sites/govindicators/doc/ge.pdf>.

[65]. World Bank Group. (2024). *Rule of Law*. <https://www.worldbank.org/content/dam/sites/govindicators/doc/cc.pdf>.

the World Bank and the World Economic Forum. Subsequently, countries are ranked according to their score and the index is published.

2.3 THE NACS'S STRATEGIES

The NACS has set out five broad strategies that form the basis of the policy's efforts in combating corruption: "education", "public accountability", "voice", "enforcement", and "incentives". Each strategy puts forth different initiatives that seek to prevent the spread of corruption, tackling the issue through a variety of ways.

NACS STRATEGY	DESCRIPTION
Education	- Centres around the need to raise awareness on the negative consequences of corruption through education — includes pre-school, primary, secondary and tertiary levels 13 substrategies focusing on anti-corruption discourse in school curriculums through extracurricular activities
Public Accountability	- Focuses on improving transparency, access to government information, plugging administrative gaps, and strengthening government institutions 19 substrategies including the introduction of new laws and amending existing laws related to improve governance mechanisms

NACS STRATEGY	DESCRIPTION
Voice	- Emphasises the need to involve members of the public on governance and anti-corruption issues - Aims to establish a caucus that involves civil society organisations (CSOs), business chambers, and indigenous groups 13 substrategies aimed at improving communication channels between the government and public interest groups
Enforcement	- Aims to improve accountability, in various areas related to elections, national security, and accountability. 9 substrategies that assist enforcement agencies to deal with corruption more effectively
Incentives	- Draws up plans to reward individuals for raising awareness on or directly reporting corruption 6 substrategies that describe methods for the wider public to be involved in the government's anti-corruption efforts

Table 2.2: The broad strategies launched under the NACS.⁶⁶

Along with these strategies, the NACS has designated a time period for implementation. These time periods are broken down into “short”

[66]. Prime Minister's Department. (2024). *National Anti-Corruption Strategy, 2024-2028*. 35-41.

(one to two years), “medium” (two to three years), and “long” (four to five years) term timelines of implementation.⁶⁷ From here, each individual substrategy is designated a time period for implementation, indicating the amount of time spent in seeking to “complete” a substrategy.

[67]. Prime Minister’s Department. (2024). *National Anti-Corruption Strategy, 2024-2028*. 35.

CHAPTER THREE

NACS Substrategies on Legal and Institutional Reform

The NACS provides a list of 60 substrategies spread across the five larger strategies, with each substrategy targeting a specific area of corruption.⁶⁸

- Education
- Public Accountability
- Voice
- Enforcement
- Incentives

However, this report focuses on the specific legal and institutional reforms proposed by the NACS. This is undertaken to better assess the

[68]. Prime Minister's Department. (2024). *National Anti-Corruption Strategy, 2024-2028*. 35-41.

government's plans for key reform areas. In total, this report identifies 15 substrategies for analysis from the Public Accountability and Enforcement strategies, as their implementation directly concerns anti-corruption reform from a legal, governance, and administrative level.

In this chapter, each substrategy is reviewed for its strengths and weaknesses. A comparison will also be made with its counterpart in the NACP. Finally, recommendations will be provided regarding the ideal outcome of each substrategy. The following table lists the identified substrategies according to their respective reform areas.

SUB-STRATEGY	PERIOD	LEAD AGENCY	DESCRIPTION
REFORMING GOVERNMENT PROCUREMENT			
Substrategy 2.1	Medium	Ministry of Finance	To introduce the Public Procurement Act
Substrategy 2.5	Short	Ministry of Finance	To propose Anti-Bribery Management System (ABMS) MS ISO 37001 certification as a requirement for companies in order to bid for Government contracts at procurement value of RM10 million and above
Substrategy 2.6	Short	Ministry of Finance	To implement an integrated procurement system taking into account emerging technology that provide a digital financial platform, artificial intelligence, cloud computing and end to end process

SUB-STRATEGY	PERIOD	LEAD AGENCY	DESCRIPTION
Substrategy 2.17	Medium	Ministry of Finance	To oblige companies to declare their beneficial ownership in order to participate in public procurement
REFORMING THE APPOINTMENT OF THE MACC CHIEF COMMISSIONER			
Substrategy 2.2	Long	MACC	To relook requirements in the appointment and the dismissal of the MACC Chief Commissioner and the establishment of MACC Service Commission
STRENGTHENING PARLIAMENT AS AN INSTITUTION			
Substrategy 2.7	Short	Legal Affairs Division	To revive the Parliamentary Service Act
ACCOUNTABILITY MEASURES FOR POLITICIANS IN PUBLIC OFFICE			
Substrategy 2.8	Long	Legal Affairs Division	To amend the Parliamentary Privileges and Powers Act 1952 [Act 347] by incorporating a code of ethics for Members of Parliament
Substrategy 2.12	Medium	Parliament of Malaysia	To introduce a mechanism for declaration of interest and gift by members of the administration and members of Parliament
RIGHT TO INFORMATION			
Substrategy 2.14	Medium	Legal Affairs Division	To enact Freedom of Information Bill for public to access government information
REFORMING THE ELECTION AND POLITICAL FINANCING SYSTEM			
Substrategy 2.19	Long	Election Commission	To review provisions related to the use of Government's machinery for campaigning by candidates and political parties in elections to be included in the Election Offences Act 1954 [Act 5]

NACS SUBSTRATEGIES ON LEGAL AND INSTITUTIONAL REFORM

SUB-STRATEGY	PERIOD	LEAD AGENCY	DESCRIPTION
Substrategy 4.3	Long	Legal Affairs Division	· To introduce the Political Financing Bill
Substrategy 4.4	Long	Election Commission	· To review the spending limit of election candidates
Substrategy 4.5	Long	Election Commission	· To review Part III (Corrupt Practices) of the Election Offences Act 1954 [Act 5]
REFORMING PUBLIC COMPLAINTS AND REPORTING MECHANISMS			
Substrategy 4.1	Short	Legal Affairs Division	· To amend the Whistleblower Protection Act 2010 [Act 711]
Substrategy 4.6	Medium	Legal Affairs Division	· To introduce the Malaysian Ombudsman in providing a platform for the public to voice their complaints against the public service delivery system

Table 3.1: A list of NACS substrategies that cover legal and institutional reform areas.^{69 70}

[69]. Prime Minister's Department. (2024). *National Anti-Corruption Strategy, 2024-2028*. 37-38.

[70]. Prime Minister's Department. (2024). *National Anti-Corruption Strategy, 2024-2028*. 40.

3.1 REFORMING GOVERNMENT PROCUREMENT

RELATED NACS SUBSTRATEGIES	
Substrategy 2.1	• To introduce the Public Procurement Act
Substrategy 2.5	• To propose Anti-Bribery Management System (ABMS) MS ISO 37001 certification as a requirement for companies in order to bid for Government contracts at procurement value of RM10 million and above
Substrategy 2.6	• To implement an integrated procurement system taking into account emerging technology that provide a digital financial platform, artificial intelligence, cloud computing and end to end process
Substrategy 2.17	• To oblige companies to declare their beneficial ownership in order to participate in public procurement

Table 3.2: A list of NACS substrategies related to procurement.⁷¹

3.1.1 MALAYSIA'S GOVERNMENT PROCUREMENT CHALLENGES

Malaysia's procurement system is regularly the subject of public criticism due to longstanding weaknesses that have resulted in several high-profile scandals over the past few decades. Notable instances of scandal-ridden government procurement projects in recent years include:

- Alleged bribery and conflicts of interest in the procurement of two

[71]. Prime Minister's Department. (2024). *National Anti-Corruption Strategy, 2024-2028*. 37-38.

Scorpen-class submarines;⁷²

- Numerous irregularities, alleged cronyism, and project failures in the procurement of six Littoral Combat Ships;⁷³
- A lack of oversight and transparency in the procurement of hundreds of faulty COVID-19 ventilators during the pandemic.⁷⁴

C4 Center has extensively highlighted a slew of problems within Malaysia's procurement system, namely:

1. Inconsistent access to information to government procurement projects including project specifications and eligibility criteria;⁷⁵
2. The lack of disclosure for tender evaluation processes and rationale;⁷⁶
3. The absence of an enforceable grievance and remedy mechanism;⁷⁷
4. The lack of regulation of conflicts of interest and political involvement in government disbursement;⁷⁸
5. The lack of regulation of GLCs involvement in procurement activities.⁷⁹

3.1.2 THE NEED FOR STRONG BENEFICIAL OWNERSHIP

[72]. C4 Center. (2019, Feb 28). *Conflict of Interest: The Scorpene Scandal* [Press release]. <https://c4center.org/conflict-interest-scorpene-scandal/>.

[73]. C4 Center. (2022, Sep 21). *The Littoral Combat Ship (LCS) scandal – the crooks and villains behind Malaysia's defence procurement laid bare* [Press release]. <https://c4center.org/the-littoral-combat-ship-lcs-scandal-the-crooks-and-villains-behind-malaysias-defence-procurement-laid-bare/>.

[74]. C4 Center. (2023, Feb 21). *Corporate Social Responsibility in Public Procurement – No Responsibility for Losses, No Empathy for Malaysians* [Press release]. <https://c4center.org/csr-public-procurement-c4-center/>

[75]. Cheah, B. (2025). *Policy Proposal For the Malaysian Government Procurement Act*. Pg. 32-34.

[76]. Cheah, B. (2025). *Policy Proposal For the Malaysian Government Procurement Act*. Pg. 32-34.

[77]. Cheah, B. (2025). *Policy Proposal For the Malaysian Government Procurement Act*. Pg. 39-43.

[78]. Cheah, B. (2025). *Policy Proposal For the Malaysian Government Procurement Act*. Pg. 6-8.

[79]. Cheah, B. (2025). *Policy Proposal For the Malaysian Government Procurement Act*. Pg. 8-12.

REPORTING IN MALAYSIA

Beneficial ownership of a company is defined by the international Financial Action Task Force (FATF) as “the natural person(s) who ultimately owns or controls a customer and/or the natural person on whose behalf a transaction is being conducted. It also includes those persons who exercise ultimate effective control over a legal person or arrangement”.⁸⁰ The need to accurately and transparently identify a company’s beneficial owners is crucial in ensuring companies are not set up or used for illegal activities such as money laundering, tax evasion, bribery, kickbacks or any other acts of corruption. When a company’s beneficial owners are identifiable, it is easier to hold them accountable for such criminal activities.

In the past, the lack of beneficial ownership regulations have exposed the government procurement system to corruption risks. For instance, former Federal Territories Minister Tengku Adnan Mansor was accused in 2019 of misusing his ministerial position to award swathes of land in Taman Rimba Kiara to Memang Perkasa Sdn Bhd, a company with ties to his close business associate through partial shareholding.⁸¹ These awards would likely have been flagged for potential conflicts of interest if beneficial ownership regulations were in place, due to the pre-existing relationship between Tengku Adnan and shareholders of the company. Therefore, beneficial ownership declaration safeguards the procurement system from being misused as any questionable connections to politicians or major public figures would be identifiable through prior declaration.

[80]. Financial Action Task Force. (2023). *Guidance on Beneficial Ownership for Legal Persons*. FATF, Paris. <http://www.fatf-gafi.org/publications/FATFrecommendations/guidance-beneficial-ownership-legal-persons.html>.

[81]. C4 Center. (2019, Feb 28). *Conflict of Interest: Taman Rimba Kiara – The Land Grab* [Press Statement]. <https://c4center.org/conflict-interest-taman-rimba-kiara-land-grab/>.

3.1.3 REVIEW OF NACS SUBSTRATEGIES

The government intends to address flawed government procurement through the introduction of a “Public Procurement Act” under substrategy 2.1. However, when compared to the NACP, the NACS initiative of a public procurement law is far more general and leaves wide room for interpretation as there are few details of the provisions that will be included in the act. The NACP listed a similar proposal under initiative 3.1.5: “to introduce legislation on public procurement in regulating the procurement activities, improving efficiency resource utilisation, safeguarding public and national interest as well as protecting the rights of contracting parties”.⁸² The difference in phrasing between the NACS and its predecessor can be further seen in Table 3.3.

In total, the NACS lists four procurement-related substrategies whereas the NACP dedicates two entire categories alongside 15 total initiatives that target government procurement activities. In the appendix of the NACS titled “Initiatives That Could Not Be Completed as of December 2023: 26 Initiatives”, a significant portion of the NACP’s initiatives have been reconsolidated under the vaguely titled “Public Procurement Act” – though the scant elaboration of this substrategy raises questions around what it actually entails as well as the plans for its implementation.⁸³

Additionally, the NACS plan to incorporate beneficial ownership reporting in procurement through substrategy 2.17 seems to be in-line with the government’s wider policy on beneficial ownership. Significantly, the Companies Act 2016 was amended in 2024 to mandate beneficial

[82]. GIACC. (2019). National Anti-Corruption Plan (NACP) 2019-2023. Pg. 46.

[83]. Prime Minister’s Department. (2024). *National Anti-Corruption Strategy, 2024-2028*. 60-62.

ownership reporting by companies.⁸⁴ Promisingly, the Companies Commission of Malaysia have subsequently announced on 28 January 2025 that the registry of companies' beneficial owners will be made publicly-accessible to "enhance transparency in corporate practices."⁸⁵

NACP 2019-2023	NACS 2024-2028
To introduce a comprehensive procurement policy on disclosure of conflict of interest during procurement process	To introduce the Public Procurement Act
To enhance the Project Monitoring System II in monitoring the project management cycle for better effective and efficient in all government projects	To propose Anti-Bribery Management System (ABMS) MS ISO 37001 certification as a requirement for companies in order to bid for Government contracts at procurement value of RM10 million and above
To ensure all client departments and regulators to carry out projects based on the advice and recommendation provided by Technical Department such as the Public Works Department and related technical agency	To implement an integrated procurement system taking into account emerging technology that provide a digital financial platform, artificial intelligence, cloud computing and end to end process
To strengthen the current Integrity Pact to be in line with international standards	To oblige companies to declare their beneficial ownership in order to participate in public procurement

[84]. Suruhanjaya Syarikat Malaysia. (2024). *Guidelines For The Reporting Framework For Beneficial Ownership Of Companies*. [https://www.ssm.com.my/Pages/Legal_Framework/Document/01_Guideline%20BO%20\(Post%20T%26P\)%20Final%20Uploaded%20Version.pdf](https://www.ssm.com.my/Pages/Legal_Framework/Document/01_Guideline%20BO%20(Post%20T%26P)%20Final%20Uploaded%20Version.pdf).

[85]. Bernama. (2025, Jan 28). *SSM Launches Access to Beneficial Ownership information, Enhances Corporate Transparency*. <https://www.bernama.com/en/business/news.php?id=2387483>.

NACP 2019-2023	NACS 2024-2028
· To introduce legislation on public procurement in regulating the procurement activities, improving efficiency resource utilisation, safeguarding public and national interest as well as protecting the rights of contracting parties	
· To create accountability and transparency in defining the exercise of power of Minister as stipulated in legal provisions especially in procurement and financial system	
· To introduce a more transparent mechanism in preventing information leakages in procurement process	
· To introduce standard clauses in project procurements' undertakings in order to protect Government' interest in all projects/contracts involving Government, Statutory Bodies, and State-Owned Enterprises (SOEs). In the event of breach of contract(s), the Government can, at any given time, terminate or/and file a civil suit against the part(ies) to the contract	
· To ensure appointment of rescuing contractors through open tender	
· To introduce mechanism in curbing leakages in governmental funds (Aid Funds) and grants	
· To establish procurement complaints mechanism for aggrieved parties	
· To introduce a checks and balances mechanism in procurement dealings with the involvement of Integrity Unit and Internal Audit Officers	

NACP 2019-2023	NACS 2024-2028
· To amend rules and regulations in monitoring the wrongdoings by contractors and project consultants (Consultant Engineer)	
· To introduce 'E-Work' system in monitoring project management, project approval(s) and value analysis	
· To enhance the technology-based procurement system (e-perolehan) in order to reduce human intervention between parties	
· To monitor jointly with law enforcement agencies and Public Works Department the mismanagement of Government projects in Sabah and Sarawak	

Table 3.3: A comparative list of procurement-related reforms pledged in both the NACP and NACS.^{86 87}

3.1.4 RECOMMENDATIONS

1. Make all government procurement records publicly available in real-time through a procurement portal, including the names of tenderers and the details of their bid.
2. Publish the details of evaluation and the criteria for selection of a procurement bid to ensure maximum transparency, and to avoid unfair contract awards.
3. Institute a clear grievance and remedy mechanism to safeguard government contracts, and to allow for due compensation for aggrieved bidders.
4. Establish an independent procurement board, with legal enforceability to oversee any procurement-related disputes.

[86]. GIACC. (2019). 2019 National Anti-Corruption Plan (NACP) 2019-2023. Pg. 46-47.

[87]. Prime Minister's Department. (2024). *National Anti-Corruption Strategy, 2024-2028*. 37.

5. Ensure that all statutory bodies, government-linked investment companies, GLCs fall under the remit of the procurement act.

3.2 REFORMING THE APPOINTMENT OF THE MACC CHIEF COMMISSIONER

RELATED NACS SUBSTRATEGY	
Substrategy 2.2	To relook requirements in the appointment and the dismissal of the MACC Chief Commissioner and the establishment of MACC Service Commission

Table 3.4: A list of NACS substrategies related to reforming the MACC's appointment procedures.
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3.2.1 ISSUES WITH THE CURRENT APPOINTMENT PROCEDURE

At present, the MACC Chief Commissioner is appointed pursuant to section 5(1) of the MACC Act 2009, which stipulates that such appointment is made by the Yang di-Pertuan Agong (YDPA) on the advice of the Prime Minister. Section 5(3) further states that the Chief Commissioner holds office “at the pleasure of the Yang di-Pertuan Agong, subject to the advice of the Prime Minister”. Read together with Article 40(1A) of the Federal Constitution, the power to appoint the MACC Chief Commissioner is effectively in the hands of the Prime Minister as his “advice” to the YDPA is binding.

With the commissioner’s appointment falling under the purview of the Prime Minister, the independence of the MACC as an impartial anti-corruption agency is undermined. Several occasions illustrate how this governance structure can lead to the appearance of undue influence on the Chief Commissioner. For example, it was alleged that former

[88]. Prime Minister’s Department. (2024). *National Anti-Corruption Strategy, 2024-2028*. 37.

Chief Commissioner Abu Kassim Mohamed was forced to resign in June 2016, just months after submitting investigation papers to the Attorney General concerning potential corruption within SRC International and the RM2.6 billion donation made to then-Prime Minister Najib Razak's private accounts.⁸⁹ Following this, Abu Kassim was swiftly replaced by Dzulkifli Ahmad. Nur Aida Arifin, a witness in the 1MDB corruption trial later alleged that Najib used his influence to discontinue the investigations against him.⁹⁰

The proximity of the Chief Commissioner to the Prime Minister also fuelled perceptions that the MACC was being used by Prime Minister Anwar Ibrahim as a tool for selective prosecution against political rivals. In early 2024, Anwar was accused of instructing the MACC to launch corruption investigations against Mahathir Mohamed, his three sons, and former Finance Minister Daim Zainuddin. At the same time, it was alleged that Anwar ensured protection for his former political secretary, Farhash Wafa Salvador Rizal Mubarak, for his questionable purchases of shares in HeiTech Padu, shortly before the company secured lucrative government contracts.⁹¹

3.2.2 REVIEW OF NACS SUBSTRATEGY

Substrategy 2.2 promises two actions; “relook[ing] requirements in the appointment and the dismissal of the MACC Chief Commissioner” and the establishment of an MACC Service Commission.

Government promises to establish an independent service commis-

[89]. Malaysiakini. (2016, June 23). *Major shake-up in MACC, top two men to leave*. <https://www.malaysiakini.com/news/346265>.

[90]. The Star. (2024, Feb 13). *1MDB trial: Abu Kassim was replaced to protect Najib from investigation, says witness*. <https://www.thestar.com.my/news/nation/2024/02/13/1mdb-trial-abu-kassim-was-replaced-to-protect-najib-from-investigation-says-witness>.

[91]. Koswanage, N. & Redmond, T. (2024, Sep 26). *Anwar's Feud With 99-Year-Old Rival Looms Over Malaysia's Revival*. Bloomberg. <https://www.bloomberg.com/news/features/2024-09-25/malaysia-pm-anwar-s-feud-with-mahathir-looms-over-country-s-revival>.

sion to oversee the functions of the MACC from as far back as March 2017. This commission would also oversee the appointment and termination of the Chief Commissioner.⁹² According to former Chief Commissioner Mohd Shukri Abdull, an MACC Service Commission would function similarly to other service commissions throughout the Malaysian civil service, such as the Public Service Commission.⁹³

Article 144 of the Federal Constitution stipulates that service commissions are responsible for the appointing, promoting, transferring, and disciplining of members of a particular service. The establishment of an MACC Service Commission would regulate the Prime Minister's powers over the appointment and dismissal of the Chief Commissioner, with the service commission taking over these duties.

It is unclear what the process or expected impact of “relook[ing] requirements” would be. The phrasing of substrategy 2.2 is vague and does not provide any clear guarantee that the Chief Commissioner's office will be disentangled from Executive influence. The lack of clarity regarding the government's obligations under this substrategy may lead to inaction. This inaction from non-specific targets has been shown to happen previously with the NACP. In the NACP Mid-term Review conducted by Muhyiddin Yassin's government, numerous specific reforms were either scrapped or delayed, instead replaced with “feasibility studies” that did not result in actual reform.⁹⁴

The initiatives for this reform area laid out in the NACS are particularly weak when compared to the NACP. The predecessor policy listed

[92]. The Malaysian Reserve. (2017, Mar 31). *Cabinet approves independent MACC service commission*. <https://themalaysianreserve.com/2017/03/31/cabinet-approves-independent-macc-service-commission/>.

[93]. Ismail, I.S. (2018, Dec 18). *MACC transformation to become service commission*. Malay Mail. <https://www.nst.com.my/news/nation/2018/12/442706/macc-transformation-become-service-commission>.

[94]. Stanley, K.S. (2022). *MyGov Reform Tracker*. The Center to Combat Cronyism and Corruption. Pg.4.

three initiatives that were far more ambitious — targeting a Public Appointments Bill, the establishment of a Parliamentary Select Committee to oversee MACC, and the promise to “empower” the MACC in its appointment exercises.⁹⁵

NACP 2019-2023	NACS 2024-2028
· To propose a Public Appointments Bill 2018 to regulate the exercise of Executive Power in respect of Public Appointments to certain constitutional and statutory offices · To establish separate Parliamentary Select Committee (PSC) to oversee Malaysian Anti-Corruption Commission (MACC), Ombudsman Malaysia (Previously known as Public Complaints Bureau) and Election Commission of Malaysia · To empower the Malaysian Anti-Corruption Commission (MACC) in terms of the appointment of Chief Commissioner, budgetary, oversight committee, establishment of service commission and manpower	· To relook requirements in the appointment and the dismissal of the MACC Chief Commissioner and the establishment of MACC Service Commission

Table 3.5: A comparative list of MACC-related reforms pledged in both the NACP and NACS.^{96 97 98}

[95]. GIACC. (2019). 2019 National Anti-Corruption Plan (NACP) 2019-2023. Pg. 41.

[96]. GIACC. (2019). 2019 National Anti-Corruption Plan (NACP) 2019-2023. Pg. 41.

[97]. GIACC. (2019). 2019 National Anti-Corruption Plan (NACP) 2019-2023. Pg. 51.

[98]. Prime Minister’s Department. (2024). *National Anti-Corruption Strategy, 2024-2028*. 37.

3.2.3 RECOMMENDATIONS

- 1. Remove the powers of appointment and dismissal of the MACC Chief Commissioner from the Prime Minister.
- 2. Amend the Federal Constitution to provide a constitutional foundation for the role of the Chief Commissioner.
- 3. Place the MACC under the purview of Parliament to oversee and scrutinise the actions of the MACC, with the appointment and dismissal of the Chief Commissioner going through a Parliamentary vote.
- 4. Re-establish the Parliamentary Special Select Committee (PSSC) on Major Public Appointments to oversee the nomination of candidates for the MACC Chief Commissioner and other public institutions.

3.3 STRENGTHENING PARLIAMENT AS AN INSTITUTION

RELATED NACS SUBSTRATEGY	
Substrategy 2.7	To revive the Parliamentary Services Act

Table 3.6: The NACS substrategy related to strengthening Parliament as an institution.⁹⁹

3.3.1 THE PARLIAMENTARY SERVICE ACT 1963

The Parliamentary Service Act (PSA) 1963 was enacted to fill a perceived gap in the administration at the time, which included high rates of turnover of clerks and the delayed rate of publication of Parliamentary Reports.¹⁰⁰ The Act itself was short, providing for:

- the establishment of a separate Parliamentary Service covering the

[99]. Prime Minister’s Department. (2024). *National Anti-Corruption Strategy, 2024-2028*. 37.

[100]. Dewan Negara. (1963, Mar 15). Parliamentary Debates: Dewan Negara (Senate) Official Report. <https://www.parlimen.gov.my/files/hindex/pdf/DN-15031963.pdf>, cols. 544-545.

offices of the Clerks to the House of Representatives and the Senate as well as other members of staff of Parliament;

- a Parliamentary Service Advisory Committee; and
- ancillary matters such as the determination of salaries and regulations covering the members of the Service.

In other words, it was targeted at fulfilling a *very specific* aim: setting up an administrative framework for the Houses of Parliament.

However almost 3 decades later, opinions had drastically shifted. A Constitution (Amendment) Bill was tabled in Parliament in October 1992 to, among other matters, amend Article 65 of the Federal Constitution (which provides for the Offices of the Clerks of the Senate and House of Representatives). The Bill also sought to abolish the separate Parliamentary Service established under the PSA 1963. The justifications provided by the Minister of Law Syed Hamid Albar during the second reading of the Bill on 20 October 1992 included that the amendments would:

- allow for those with greater experience to join the ranks of parliamentary support staff, thereby increasing overall performance;¹⁰¹ and
- create more opportunities for career progression (particularly with regards to promotions and placements) and improve performance due to a broader and more diverse range of experience within the staff. Placements could also be made based on the interests and experience of individual officers.¹⁰²

Hence, under this new system established after the passing of the Constitution (Amendment) Act 1992, Clerks to the House of Represen-

[101]. Dewan Rakyat. (1992, October 20). *Penyata Rasmi Parlimen Dewan Rakyat (Parliamentary Debates of the House of Representatives)*. <https://www.parlimen.gov.my/files/hindex/pdf/DR-20101992.pdf>, col. 6268.

[102]. *ibid*, cols. 6269-6270.

tatives and Senate are constitutionally required to be appointed from among members of the general public service of the Federation.¹⁰³ Where candidates for those positions were previously put forward by the Parliamentary Service Commission, now they are selected by the Chief Secretary and the Public Service Department – effectively granting the Government greater control over the Offices.¹⁰⁴

3.3.2 REVIEW OF NACS SUBSTRATEGY

The NACS proposes the “revival” of a PSA through substrategy 2.7, though it is unclear what the ambit of this new Act shall be. According to Deputy Minister in the Prime Minister’s Department (Law and Institutional Reform) M. Kulasegaran, the government plans to go beyond the reintroduction of the PSA 1963, stating in July 2024 that the reintroduction of the PSA would “come with improvements”. He further elaborated that “Parliament must be independent... it cannot be a department within the government”¹⁰⁵ – which leads to an important question: *what does it mean for Parliament to be independent?*

Some guidance on parliamentary independence can be derived from the *Model Law for Independent Parliaments* published by the Commonwealth Parliamentary Association (CPA), which states:

“Many Parliaments...will not be able to rigorously scrutinise the Executive, ensure that all legislation passed is of the highest quality or provide Members with sufficient support to aid their constituents and communities. These weaknesses,

[103]. Article 65(2) of the Federal Constitution.

[104]. Idzuafi Hadi Kamilan, Faridah Jalil, Ikmal Hishan Md Tah, Akmal Hisham Abdul Rahim. (2021, September 3). *Mengembalikan Undang-undang Perkhidmatan Parlimen di Malaysia* (Reintroducing a Parliamentary Service Act in Malaysia). <https://BERSIH.org/download/mengembalikan-undang-undang-perkhidmatan-parlimen-di-malaysia/>, pp. 19-20.

[105]. Isamudin, D. (2024, July 12). [UPDATED] *Parliamentary Services Act to return with improvements in October: Kulasegaran*. New Straits Times. <https://www.nst.com.my/news/nation/2024/07/1075587/updated-parliamentary-services-act-return-improvements-october>.

*frequently if not solely, derive from Parliament's **inability to access adequate financial resources**, to have **independent oversight of the administration and governance of Parliament** and to **access impartial, secure and high quality human resources**. It is argued that the root cause of these failures stems from Parliament's lack of independence from the Executive who, either wilfully or through sheer neglect, stifle the democratic process by failing to allow Parliaments the freedom and support they need to participate equally with the other branches of government".¹⁰⁶*

The report also provides key risks which may arise due to an insufficiently autonomous Parliament, including the following:

- Lack of funding may lead to poor physical infrastructure, which may be a barrier to effective and efficient working;
- Executive appointed clerks and officers may be political appointees with little to no impartiality and who may not give balanced advice to all MPs depending on their political persuasion;
- Insufficient staffing may lead to a lack of independently sourced research or administrative support for legislative and standing committees (i.e., Select Committees), which would hinder MPs in their ability to effectively hold the Executive to account or amend legislation where necessary; and
- Unspecialised staff from outside Parliament who are assigned to roles within Parliament may be less skilled and less aware of the unique requirements of Parliament.

In order for this reintroduced PSA to accomplish its stated goals and the risks enumerated above, it must include provisions which grant Parliament autonomy in determining:

[106]. Commonwealth Parliamentary Association. (2020). *Model Law for Independent Parliaments: Establishing Parliamentary Service Commissions for Commonwealth Legislatures*. https://www.cpahq.org/media/usdnwcqp/model-law-for-independent-parliaments_final.pdf, p. 2.

- its budget allocation (using a consultative approach mirroring that afforded to local governments under Section 55 of the Local Government Act 1976);
- the procedures, rules, and codes of conduct that govern its staff; and
- staffing and hiring, including the power to appoint temporary staff or consultants if needed.

There is a vast potential for various progressive reforms to uphold Parliament's role as a key check upon the Executive branch of Government. Other proposed inclusions in the PSA are:¹⁰⁷

- The power to create Offices of Parliament under the administrative governance of the Parliamentary Service, which could accommodate various domestic oversight institutions so such bodies can be directly answerable to Parliament instead of the Executive;
- The creation of a statutory Parliamentary Budget Office which can encourage more informed policymaking through the provision of “independent and non-partisan analysis of the budget cycle, fiscal policy and the financial implications of proposals”;¹⁰⁸
- The creation of a statutory Parliamentary Librarian Office which is empowered and tasked with providing “high quality information, analysis and advice”¹⁰⁹ to MPs, Senators and other Parliamentary staff to promote the quality of parliamentary debates and potentially staffed with sufficient specialised research officers for all MPs Parliament and Senators (either in their individual roles or as part of the

[107]. Idzuafi Hadi Kamilan, Faridah Jalil, Ikmal Hishan Md Tah, Akmal Hisham Abdul Rahim. (2021, September 3). *Mengembalikan Undang-undang Perkhidmatan Parlimen di Malaysia* (Reintroducing a Parliamentary Service Act in Malaysia). <https://BERSIH.org/download/mengembalikan-undang-undang-perkhidmatan-parlimen-di-malaysia>.

[108]. Wording adopted from Section 64A of the Parliamentary Service Act 1999, Commonwealth of Australia.

[109]. Wording adopted from Section 38B of the Parliamentary Service Act 1999, Commonwealth of Australia.

- Select Committees); and
- The vesting of control and administration of the entire Parliamentary premises in the hands of Parliament itself to ensure physical independence from the Executive, so that the Government is not empowered to limit access to Parliament, impose its security on the premises or limit Parliament's potential commercial use of the premises.¹¹⁰

3.3.3 RECOMMENDATIONS

1. Ensure that the new Parliamentary Services Act is indeed fit for purpose and aligned with international best practice, rather than a mere administrative reshuffle.
2. Empower Parliament to make decisions on finances and human resources autonomously in a consultative framework.
3. Explore other avenues of strengthening Parliament as an institution beyond the PSA's original provisions, including but not limited to those mentioned above.

[110]. Commonwealth Parliamentary Association. (2020). *Model Law for Independent Parliaments: Establishing Parliamentary Service Commissions for Commonwealth Legislatures*. https://www.cpahq.org/media/usdnwcqp/model-law-for-independent-parliaments_final.pdf, p. 18.

3.4 ACCOUNTABILITY MEASURES FOR POLITICIANS IN PUBLIC OFFICE

RELATED NACS SUBSTRATEGIES	
Substrategy 2.8	To amend the Parliamentary Privileges and Powers Act 1952 [Act 347] by incorporating a code of ethics for Members of Parliament
Substrategy 2.12	To introduce a mechanism for declaration of interest and gift by members of the administration and members of Parliament

Table 3.7: A list of NACS sub**strategies** related to improving accountability measures for MPs and members of the administration.¹¹¹

3.4.1 EXISTING ACCOUNTABILITY MEASURES FOR MPs

MPs hold significant power and influence – due to their role in creating laws for the country, as well as the access they have to government machinery and government-linked companies. As such, the position is particularly susceptible to abuse. However, beyond section 10(1) of the Houses of Parliament (Privileges and Powers) Act 1952 (which is erroneously referred to as the “Parliamentary Privileges and Powers Act 1952” in the NACS) – which prevents MPs from voting on issues that they have a “direct pecuniary interest” in – there are few regulations that compel elected representatives to declare their interests or the gifts that they receive. With former and current MPs having faced corruption charges with counts of bribery – such as Najib Razak, Zahid Hamidi, Tengku Adnan Mansor, and Lim Guan Eng – it is clear that there exists a need to

[111]. Prime Minister’s Department. (2024). *National Anti-Corruption Strategy, 2024-2028*. 37-38.

strengthen this regulatory gap.^{112 113 114 115} Furthermore, public perception towards the conduct of MPs is not altogether positive. Research published in the Journal of the Malaysian Parliament in 2022 showed that 94.4% of survey respondents perceived MPs as failing to conduct themselves respectfully in Parliament.¹¹⁶

3.4.2 REVIEW OF NACS SUBSTRATEGIES

Substrategy 2.8

The NACS has pledged to institute a “code of ethics” through amendments to the Houses of Parliament (Privileges and Powers) Act 1952. Concerningly, there is little clarity as to what this would entail. However, as a recommendation, such a code of ethics should consider the following. First, a breach of this new code of ethics should constitute “contempt” of the relevant House (either the Dewan Rakyat or Dewan Negara). By including provisions that strictly define and regulate conflicts of interest among Parliamentarians within the Act, a statutory ethical standard against which the behaviour of Parliamentarians can be assessed. Secondly, where the code of ethics is contravened, the relevant House should be empowered to enquire into and, if deemed necessary, summarily punish such contempt in accordance with the Houses of Parliament (Privileges and Powers) Act 1952.

[112]. Latiff, R. (2023, Mar 31). *Jailed Malaysian ex-PM Najib loses final bid to review graft conviction*. Reuters. <https://www.reuters.com/world/asia-pacific/jailed-malaysian-ex-pm-najib-loses-bid-review-graft-conviction-2023-03-31/>.

[113]. Bernama. (2022, Jan 24). *Ahmad Zahid accepts court's decision, ready to enter defence*. <https://www.bernama.com/en/news.php?id=2046015>.

[114]. Jaafar, S.S. (2020, Dec 21). *Ku Nan sentenced to 12 months' jail and RM2m fine for corruption charge*. The Edge Malaysia. <https://theedgemalaysia.com/article/ku-nan-found-guilty-rm2m-corruption-charge>.

[115]. Reuters. (2020, Aug 7). *Malaysia arrests ex-finance minister on corruption charges*. <https://www.reuters.com/article/world/malaysia-arrests-ex-finance-minister-on-corruption-charges-idUSKCN25224Y/>.

[116]. Aslan, A. A. (2022). Conduct in the House of Representatives (Dewan Rakyat) Parliament Malaysia. *Journal of the Malaysian Parliament*, 2.

Substrategy 2.12

Regulations that mandate asset declaration are fundamental in upholding transparency among lawmakers. In practice, an asset declaration mandate would create a mechanism that tracks the movement of funds into the accounts of all elected representatives, as well as the source of those funds. Hence, an asset declaration law is critical in allowing both enforcement agencies and the wider public access to vital information that would mitigate illicit amassment of wealth amongst lawmakers. Asset declaration regulations would also serve to increase public trust in Parliament as it demonstrates commitment to transparency and accountability by lawmakers.

When compared to the NACP, there are a few glaring omissions within substrategy 2.12, which seeks to “introduce a mechanism for declaration of interest and gift by members of the administration and members of Parliament”. In particular, the NACP lists a similar initiative as, “to introduce a written law on the declaration of asset and interest by Members of Parliament”, which clearly outlines the need to regulate not just “interests” or “gifts”, but also “assets”.¹¹⁷ Declaring one’s assets would entail providing a full financial record of their bank accounts, shareholdings, stocks, landed properties, businesses, motor vehicles, jewelleries, and other valuables already in possession – while gift declaration only necessitates the disclosure of any money, services or items of value directly given to an MP.

The wording of the NACS substrategy also lacks a key component, namely, the legislation of a “written law” as per the original NACP. Instead, the NACS only states the need to “introduce a mechanism” for “interest and gift declaration”. The decision to exclude the term “law” in this substrategy hearkens back to what was seen during the second

[117]. GIACC. (2019). 2019 National Anti-Corruption Plan (NACP) 2019-2023. Pg. 39.

Mahathir administration. Mahathir’s government in 2018 introduced a mechanism for all lawmakers and Cabinet ministers to declare their assets to MACC — this was subsequently published publicly on the enforcement agency’s website. Despite this, Mahathir’s government failed to legislate asset declaration. The lack of commitment to legislating regulations on interests and gifts leave unaddressed the vast issues of conflicts of interest that plague Malaysia’s political system. Additionally, an asset declaration mechanism without legal basis creates questions of enforceability, as it would be impossible to compel lawmakers to do so otherwise.

NACP 2019-2023	NACS 2024-2028
· To introduce a proper asset declaration system for Members of the Administration	· To introduce a mechanism for declaration of interest and gift by members of the administration and members of Parliament¹¹⁸
· To improve on the policy or mechanism pertaining to the acceptance of gifts, entertainment and payment by Members of the Administration	· To amend the Parliamentary Privileges and Powers Act 1952 [Act 347] by incorporating a code of ethics for Members of Parliament.¹¹⁹
· To introduce a written law on the declaration of asset and interest by Members of Parliament	

[118]. Prime Minister’s Department. (2024). National Anti-Corruption Strategy, 2024-2028. Pg. 38.

[119]. Prime Minister’s Department. (2024). National Anti-Corruption Strategy, 2024-2028. Pg. 37.

NACP 2019-2023	NACS 2024-2028
To enforce Parliament's power in punishing for contempt of Parliament in order to compel Ministers, civil servants and citizens to appear before committees and to supply information	
To introduce Members of Parliament Code of Conduct to be enforced by the Committee of Privileges of Parliament in order to compel Ministers, civil servants and citizens to appear before committees and to supply information	
To introduce a Code of Ethics via Parliamentary Standing Orders for Members of Parliament (both Ruling and Non-Ruling Parties) to adhere to	

Table 3.8: A table comparing the NACP initiatives with the NACS substrategies surrounding accountability measures¹²⁰

3.4.3 RECOMMENDATIONS

A code of ethics for MPs

1. Include provisions that regulate conflicts of interest and the receiving of gifts for MPs.
2. Impose strict sanctions on any MP that fails to adhere to the code of ethics, with punishments such as fines, suspensions, and even expulsion from Parliament as potential consequences.

[120]. GIACC. (2019). 2019 National Anti-Corruption Plan (NACP) 2019-2023. Pg. 39-41.

- 3. Ensure that all ethics-related decisions are made through Parliament’s Committee of Privileges to ensure impartial judgement, and to avoid unilateral decisions by the Speaker of the House.

A mechanism for declaring interests and gifts

- 1. Include provisions that directly tackle the need for MPs and members of the administration to declare their assets.
- 2. Publicise asset declaration information through a public-accessible portal with updates made annually for maximum transparency.
- 3. Widen the scope of asset declaration to include spouses, children and trustees of all MPs, ministers, and top public officials.
- 4. Provide legal standing to the mechanism by legislating an asset and interest declaration framework.

3.5 RIGHT TO INFORMATION

RELATED NACS SUBSTRATEGIES	
Substrategy 2.14	To enact Freedom of Information Bill for public to access government information

Table 3.9: The NACS substrategy related to improving freedom of information.¹²¹

[121]. Prime Minister’s Department. (2024). *National Anti-Corruption Strategy, 2024-2028*. 38.

3.5.1 ISSUES WITH THE CURRENT STATE OF RIGHT TO INFORMATION

Unlike the vast majority of countries throughout the world, Malaysia has failed to explicitly enshrine the right to information in any of its federal laws.¹²² Rather, the federal government has, on many occasions, displayed a clear and active intent to obstruct the public's right to access information held by public bodies. Chiefly, the largely unfettered use of the Official Secrets Act (OSA) 1972 to classify government documents and prevent disclosure has been consistently criticised by members of civil society, with it being seen as a blatant attempt to shroud the government's actions from public scrutiny. The use of the OSA 1972 is especially pernicious as the definition of an "official secret" under section 2(1) provides free reign to not only top-level members of the Executive – such as ministers, chief ministers or *menteri besar* – to classify any document or information, but also any public officer of their choosing. Already we have seen how matters of national interest have been classified presumably out of the government's fear of public backlash. One need only look at the classification of the Auditor-General's Report on the management of 1MDB as a gross illustration of this fact, seeing as information on multi-billion-ringgit misgovernance was prevented from becoming public knowledge.¹²³

The right to information is absolutely vital not merely in bringing to light acts of corruption within government, but more generally, it is a fundamental human rights principle in any functioning democracy. As noted in the Universal Declaration of Human Rights 1948 (which Malaysia is subject to as a member state of the United Nations), the ability to freely access information forms a vital component of an individual's

[122]. Ho, Y.J. (2019). *A Rights Plan for Freedom of Information in Malaysia*. The Center to Combat Cronyism and Corruption. https://c4center.org/wp-content/uploads/foi_report_nov2019.pdf.

[123]. The Edge Malaysia. (2018, May 15). *1MDB audit report now declassified, says Auditor-General*. <https://theedgemaalaysia.com/article/1mdb-audit-report-now-declassified-says-auditorgeneral>.

right to freedom of opinion and expression¹²⁴ — a foundational liberty that no individual should be denied except under limited restrictions grounded upon standards of legality, necessity, and proportionality. The Special Rapporteur on freedom of opinion and expression Abid Hussain has also observed that “the right to seek, receive and impart information is not merely a corollary of freedom of opinion and expression; it is a right in and of itself. As such it is one of the rights upon which free and democratic societies depend.”¹²⁵ Therefore, it is of great importance that the government spares no effort in enacting a Right to Information Act.

3.5.2 REVIEW OF NACS SUBSTRATEGY

Although the NACS positively lays out plans to ensure public “access to government information”, the continual use of the term “freedom of information” to describe this law might be a sign for concern. It must be emphasised that the underlying basis here is that “all information in the possession of the State belongs to the public, with limited and qualified exceptions that must be justified by State authorities.”¹²⁶ This is not a mere “freedom” that the government affords to the public, but an inalienable entitlement of the public which the government has a positive obligation to protect and facilitate. Rather than simply having the freedom to information, the public should have the inalienable *right* to know what exactly their government is up to – hence they are by default entitled to public documents and information, unless a justifiable reason for non-disclosure is proved. The government must understand

[124]. United Nations. (1948). *Article 19 of the Universal Declaration of Human Rights*. http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf.

[125]. *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Abid Hussain, submitted in accordance with Commission resolution 1999/36, CHR, E/CN.4/2000/63* (18 January 2000), para. 42.

[126]. *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*, UNGA, A/68/362 (4 September 2013), para. 50.

that they are mere custodians of public information and cannot impose overreaching restrictions upon the right of access without sufficient justification of public interest. Furthermore, other than pledging to provide “public access to government information”, the substrategy does not detail how this law would work in practice, especially alongside other laws like the OSA 1972.

3.5.3 RECOMMENDATIONS

1. Adopt the principle of maximum disclosure, with all information held by public bodies made open by default and a requirement for non-disclosure to be justified on substantiated and limited grounds.
2. Establish an independent Right to Information oversight body, vested with the power to issue administrative directives against public bodies that refuse to disclose information publicly.
3. Enact the Right to Information Act alongside abolition of or amendments to existing draconian laws such as the Official Secrets Act 1972 which obstruct the effective exercise of the right to information.

3.6 REFORMING THE ELECTION AND POLITICAL FINANCING SYSTEM

RELATED NACS SUBSTRATEGIES	
Substrategy 2.19	To review provisions related to the use of Government’s machinery for campaigning by candidates and political parties in elections to be included in the Election Offences Act 1954 [Act 5]
Substrategy 4.3	To introduce the Political Financing Bill
Substrategy 4.4	To review the spending limit of election candidates
Substrategy 4.5	To review Part III (Corrupt Practices) of the Election Offences Act 1954 [Act 5]

Table 3.10: A list of NACS substrategies related to reforming electoral financing.¹²⁷

3.6.1 ISSUES WITH THE CURRENT ELECTORAL AND POLITICAL FINANCING SYSTEM

“Money politics” is an entrenched feature of Malaysian politics. While there are multiple interpretations of money politics, in this context, the term refers to political actions undertaken and motivated primarily by either the use of money or for the purposes of accumulating money. For example, independent observation of the last General Election in 2022 by BERSIH alleged that 347 election offences took place throughout the election period, with bribery, vote buying, and gift giving all commonly

[127]. Prime Minister’s Department. (2024). *National Anti-Corruption Strategy, 2024-2028*. 38-40.

reported issues.¹²⁸ Worryingly, these statistics emerged from an independent source, with evidently limited resources to effectively monitor the whole country — leaving room for many unreported or unseen instances of these types of election offences to take place throughout the elections, especially if they are conducted more discreetly.

Even more worrying is that there are presently no provisions that prevent the government-of-the-day, be that at federal or state level, from using government resources to influence the outcome of elections. The lack of these restrictions has even been openly acknowledged by members of the government, with Deputy Works Minister Ahmad Maslan claiming that it is “not illegal” to announce government allocations in the lead-up to elections.¹²⁹ His statement came amid public backlash over Housing and Local Government Minister Nga Kor Ming’s decision to announce allocations of up to RM18 million for various projects in the southern Seberang Perai area right before the commencement of a by-election in Sungai Bakap — a state constituency that “coincidentally” fell under the areas slated for development.¹³⁰ Money politics as a political phenomenon is made clear here – it demonstrates the reliance on money as a motivating factors to win elections, making it so that politicians are primarily focused on accumulating money, but also that the electorate come to expect disbursement of allocations and gifts during election season as a norm. In both scenarios, long-term policy-making that presents a net benefit on society is left by the wayside in favour of short-term election gains.

[128]. Coalition for Clean and Fair Elections. (2023). *Election Observation Report on the 15th Malaysian General Election*. Bersih & Adil Network Sdn Bhd.

[129]. Trisha, N. (2024, Jun 27). *Sg Bakap polls: Govt can announce allocations any time, says Ahmad, citing court rulings*. The Star. <https://www.thestar.com.my/news/nation/2024/06/27/sg-bakap-polls-govt-can-announce-allocations-any-time-says-ahmad-citing-court-rulings>.

[130]. Free Malaysia Today. (2024, Jun 11). *Ministry allocates RM18mil for projects in Seberang Perai*. <https://www.freemalaysiatoday.com/category/nation/2024/06/11/ministry-allocates-rm18mil-for-projects-in-seberang-perai/>.

All these issues exist against the backdrop of a political financing system that is severely lacking in clear rules and regulations. In the past, businesses and other foundations have been exploited by politicians and their respective parties for funding, as oftentimes money donated under the pretence of “charity” or “outreach” activities have been used for political activities. Instances such as these were at the centre of the 47 charges involving criminal breach of trust, corruption and money laundering faced by Deputy Prime Minister Ahmad Zahid Hamidi, where it was alleged that he received large donations from businesses through Yayasan Akalbudi – a charitable foundation in which Zahid was the chairman of – before diverting funds into his own accounts for personal and political purposes.¹³¹

3.6.2 REVIEW OF NACS SUBSTRATEGIES

The NACS has proposed “reviewing the Election Offences Act 1954 [Act 5]” under substrategy 4.5. Although the phrasing of this NACS substrategy provides little detail as to what exactly this review would entail, other proposed electoral reforms in the NACS includes substrategies 4.4 and 4.5, which intend to restrict the use of government machinery for electoral campaigning and the changing of spending limit for candidates — proposals which would fall under the Election Offences Act. Despite the promise, it is highly concerning that the current administration remains willing to take advantage of their vast resources – such as in Sungai Bakap – to sway voters to their side, a move that is in direct contradiction to what they have preached. The choice of wording in the NACS must also be noted, as substrategy 4.4 only mentions the need to “review provisions related to the use of Government’s machinery for campaigning”, rather than committing to banning this practice entirely.

[131]. Gomez, E.T. & Kunaratnam, L. (2021). *Foundations and Donations: Political Financing, Corruption and the Pursuit of Power*. The Center to Combat Cronyism and Corruption.

Compared to NACP initiative 1.1.9, which explicitly mentions the need to “insert (a) legal provision on the use of (the) Government’s machinery”, the NACS is far less explicit in regulating this aspect of elections.¹³²

The NACS has also pledged to introduce the “Political Financing Bill” in substrategy 4.3. Other than this terse elaboration, the government have mentioned in the past that any political financing law would include seven considerations,¹³³ namely:

- Establishing a new law to monitor political financing
- Establishing an independent entity to monitor political expenditures
- Enabling the body to control political financing at all times including outside election periods
- Regulating source of funds for political parties
- Banning funding from foreign entities
- Limiting funding amounts and having candidates/parties declare such amounts
- Establishing a special account for political financing

Currently, the proposal to institute a political financing law is being scrutinised by the PSSC on Human Rights, Elections, and Institutional Reform.¹³⁴ As of right now, the details and progress of the proposed act are not known, but the government’s choice to refer the bill to a bi-partisan PSSC appears to be a move that ensures multi-party input on a law that would have ramifications for all political parties.

[132]. GIACC. (2019). 2019 National Anti-Corruption Plan (NACP) 2019-2023. Pg. 39.

[133]. Nizam, F. & Sallehuddin, Q. (2023, Sep 18). *Cabinet outlines 7 considerations for Political Financing Bill to be referred to PSSC*. New Straits Times. <https://www.nst.com.my/news/nation/2023/09/956666/cabinet-outlines-7-considerations-political-financing-bill-be-referred>.

[134]. The Star. 2024, Nov 22). *PM: No issues with fast-tracking Political Financing Bill*. <https://www.thestar.com.my/news/nation/2024/11/22/pm-no-issues-with-fast-tracking-political-financing-bill>.

3.6.3 RECOMMENDATIONS

- 1. Include strict provisions that block the use of government machinery for electoral campaigning.
- 2. Introduce a list of permissible and non-permissible donors for political parties, including the need to disclose the identities of donors and issue receipts for contributions.
- 3. Place strict limits on the amount donated to a political party, with corporations and third-party actors barred from making donations.
- 4. Mandating that all donations made are to be paid directly into a party’s account rather than a personal one.
- 5. Introduce provisions on the use of public funding to finance politics, by tying the number of votes to the amount of funds received.

3.7 REFORMING PUBLIC COMPLAINTS AND REPORTING MECHANISMS

RELATED NACS SUBSTRATEGIES	
Substrategy 4.1	To amend the Whistleblower Protection Act 2010 [Act 711]
Substrategy 4.6	To introduce the Malaysian Ombudsman in providing a platform for the public to voice their complaints against the public service delivery system

Table 3.11: A list of NACS substrategies related to reforming public complains and reporting mechanisms.¹³⁵

[135]. Prime Minister's Department. (2024). *National Anti-Corruption Strategy, 2024-2028*. 40.

3.7.1 ISSUES WITH THE WHISTLEBLOWER PROTECTION ACT 2010

The initial enactment of the Whistleblower Protection Act 2010 appeared to be a victory in the anti-corruption fight, as for the first time, legislation was introduced to protect individuals that reported on corrupt acts. Yet, 14 years down the road, the weaknesses present within the act have grown ever more salient with time — with many observers concluding cynically that sparingly few practical forms of protection are offered to whistleblowers through this act.¹³⁶ In fact, there are only three forms of protection listed under this act in section 7(1), namely: “protection of confidential information”, “immunity from civil and criminal action”, and “protection against detrimental action”. Even in the case of protection against “detrimental action” the process required to prove that such action was taken against a whistleblower is long and arduous, involving prolonged investigation procedures, and protracted legal proceedings — months or potentially years of inquiry would need to take place to even prove the existence of “detrimental action”.¹³⁷ Not only does the government confer hardly any forms of legitimate protection, but there are also no support services provided to whistleblowers as legal assistance or any other form of monetary or psychological support are non-existent within the provisions of the act, paving a journey of fear and isolation ahead for any would-be whistleblowers.

The clear limits on avenues of disclosure are also among the massive hindrances for whistleblowers under this Act. Namely, section 6(1) stipulates that disclosure of improper conduct can only be made to an “enforcement agency”, while disclosures must not be “prohibited by any written law”. This limits the disclosure channels of whistleblowers to

[136]. Fikri, F.N. (2021). *Gaps in the Act: A Legal Analysis of Malaysia's Current Whistleblower Protection Laws*. The Center to Combat Cronyism and Corruption.

[137]. Fikri, F.N. (2021). *Gaps in the Act: A Legal Analysis of Malaysia's Current Whistleblower Protection Laws*. The Center to Combat Cronyism and Corruption.

only “enforcement agencies”, preventing whistleblowers from seeking any other third party, be that internal or external, further complicated were there a need to report on enforcement agencies themselves. Moreover, Section 6(1) clearly states that disclosures must not be in violation of existing laws, adding the risk of criminal prosecution of whistleblowers if they disclosed information classified under the OSA 1972 or Section 203A of the Penal Code. Additionally, section 8(1) is a further impediment as whistleblowers “shall not disclose” the contents of their report to any party outside of the chosen enforcement agency. This is especially harmful as it prevents whistleblowers from consulting any third parties — barring them from even attempting to seek legal advice or to confide in anyone.

All these limitations exist alongside the fact that protection can easily be revoked, with provisions in Section 11(1) detailing that enforcement agencies have no choice but to revoke protection in certain circumstances, with no room for discretion, and no independent oversight over the decisions of these agencies, leaving whistleblowers further exposed. Most concerning is section 11(1)(a), which stipulates that a whistleblower who has “participated in the improper conduct” will have their protection revoked — an immensely troubling fact that does not recognise the role played by insider informants and further discourages the reporting of corruption within the highest rungs of government.

3.7.2 ISSUES WITH MALAYSIA'S PUBLIC COMPLAINTS MECHANISMS

Building off of the need to report on corruption through amendments to the Whistleblower Protection Act 2010, the government has also proposed the establishment of an Ombudsman office to manage and investigate public complaints on government maladministration. Malaysia's current system of public complaints management leaves

much to be desired. In particular, the PCB, the government body chiefly responsible for managing complaints against government departments and agencies, suffers from several structural weaknesses that hinder its ability to act efficiently and impartially. Among these issues are the PCB's lack of structural independence – as it derives its authority directly from administrative circulars issued Prime Minister's Department, there lies a risk of Executive interference in the PCB's functions, as well as public perception of a lack of objectivity in managing complaints, especially pertaining to complaints against agencies under the Prime Minister's Department.¹³⁸

Compounding this perceived lack of independence is the existence of other governmental bodies with functions that overlap directly with that of the PCB's, namely the Enforcement Agency Integrity Commission, the Independent Police Conduct Commission, the Human Rights Commission of Malaysia, and MACC which all handle public complaints as well.¹³⁹ As opposed to these bodies, the PCB does not possess any real powers of investigation, neutering its ability to effectively enquire on instances of maladministration. In fact, the government themselves are aware of this problem, leading to the creation of *Sistem Pengurusan Aduan Awam* (SISPAA) that acts as a “one-stop portal” to submit complaints before being redirected to the relevant authority.¹⁴⁰ Despite the obvious benefits that SISPAA brings to the table, the lack of a singular centralised authority tasked with overseeing and investigating complaints against government officials makes it difficult to adequately address any issues reported on by the public. Inevitably, the overlap and duplication of func-

[138]. Linggaraj, P. (2024). *Structuring the Malaysian Ombudsman Office*. The Center to Combat Cronyism and Corruption. Pg. 9-10.

[139]. Linggaraj, P. (2024). *Structuring the Malaysian Ombudsman Office*. The Center to Combat Cronyism and Corruption. 8-9.

[140]. Linggaraj, P. (2024). *Structuring the Malaysian Ombudsman Office*. The Center to Combat Cronyism and Corruption. 8-9.

tions will bring about significant wastage of public funds, with there not being a clearly defined body that has full jurisdiction in managing and investigating these complaints.

3.7.3 REVIEW OF NACS SUBSTRATEGY

The NACS has committed to introducing amendments to the Whistleblower Protection Act 2010 under substrategy 4.1, a commitment not previously featured in the NACP. However, it is not known what the government intends to achieve from this amendment exercise, with the NACS providing no details of its intention behind amending this law.

The NACS commits to “introduce the Malaysian Ombudsman in providing a platform for the public to voice their complaints against the public service delivery system” through substrategy 4.6. When comparing this proposal to the NACP’s, which stated the need to, “transform the Public Complaints Bureau (PCB) into Malaysian Ombudsman”, the NACS in fact displays a slight difference.¹⁴¹ Instead of maintaining the PCB under a different name, the NACS proposes the creation of a completely new office. Functionally, the establishment of an effective Ombudsman office would necessitate a body that is provided sufficient statutory standing, far beyond what the current PCB offers. Although the NACS recognises this, the plan has still left out any mention of the Ombudsman’s structure, appointments process, and powers of investigation – all crucial aspects of a truly independent public complaints management office.

[141]. GIACC. (2019). 2019 National Anti-Corruption Plan (NACP) 2019–2023. Pg. 39.

3.7.4 RECOMMENDATIONS

Whistleblower Protection Act 2010 Amendments

1. Expand on the existing protections given to whistleblowers to include financial, legal and psychological support.
2. Include provisions that provide indiscriminate support for whistleblowers regardless of their participation in the misconduct.
3. Widen the scope of disclosure channels to allow for both internal and external disclosures, including to the public.
4. Allow disclosures to override existing laws such as the Official Secrets Act 1972, with the defence of public interest as a justification.

Key principles in an Ombudsman office

1. Place oversight of the Ombudsman under the purview of Parliament to ensure institutional independence, with appointments made through a two-thirds Parliamentary vote.
2. Establish a Parliamentary Select Committee to oversee the nomination of Ombudsman members, with public calls for nomination to ensure a wider pool of candidates.
3. Granting broad investigative powers to the Ombudsman to investigate complaints, including unrestricted access to documents and premises. Confer the Ombudsman with statutory standing to initiate legal proceedings in cases of fundamental liberties violations.
4. Avoid the conferment of enforcement powers on the Ombudsman, which contradicts the traditional model used worldwide.

3.8 NOTABLE REFORM OMISSIONS IN THE NACS

NACP	REFORM
Initiative 1.2.7	To amend the Federal Constitution/State Constitutions by limiting the term of Office for the Prime Minister, Chief Minister and Menteri Besar
Initiative 1.3.3	To introduce a policy on appointing politicians as Chairperson or members to the Board of Directors of Statutory Bodies, State-Owned Enterprises (SOEs), and Government Established Company Limited By Guarantee (CLBG) based strictly on academic and/or professional qualifications
Initiative 1.4.10	To propose a Public Appointments Bill 2018 to regulate the exercise of Executive Power in respect of Public Appointments to certain constitutional and statutory offices
Initiative 4.1.5	To promote clear separation of powers and impartiality, i.e. the power of the Attorney General should be separated from the power of Public Prosecutor

Table 3.12: A list of reforms that were omitted from the NACS.^{142 143}

From 26 incomplete initiatives in the NACP, 10 were not subsequently included in the NACS. Several, such as reforms related to electronic voting, local government elections, and boundaries for delimitation of Parliament constituencies were assigned to other government committees for further action. The above table highlights four incomplete initiatives from the NACP that were not included in the NACS. From the perspective of institutional reform, these four initiatives are critical and will be discussed in turn below.

[142]. GIACC. (2019). 2019 National Anti-Corruption Plan (NACP) 2019-2023. Pg. 39-41.

[143]. GIACC. (2019). 2019 National Anti-Corruption Plan (NACP) 2019-2023. Pg. 48.

3.8.1 INSTITUTING TERM LIMITS FOR THE PRIME MINISTER, CHIEF MINISTER AND MENTERI BESAR

As highlighted in table 1.1, the Muhyiddin Yassin administration halted plans to institute terms of office for the Prime Minister right as the bill was to be tabled in the Dewan Rakyat.¹⁴⁴ The reason given was that it would be difficult to legislate term limits due to the need to amend the Federal Constitution, subsequently dropping the proposal from NACP entirely.¹⁴⁵ Although his successor, Ismail Sabri, pledged to introduce term limits following the signing of a Memorandum of Understanding with members of the then-opposition, Parliament was dissolved just months after making this commitment.¹⁴⁶ Now, despite Minister in the Prime Minister's Department (Law and Institutional Reform) Azalina Othman claiming that limits on the Prime Minister's tenure was "one of the reforms the government was committed to fulfil", the government has cooled talks of instituting this reform, stating that there is a need to go through a "thorough policy decision" before any bill is tabled.¹⁴⁷

Term limits are an important legislative control that helps to safeguard the country from abuses of power by ensuring that no single individual is able to maintain their grip on power for too long. This is especially pertinent in Malaysia, where political and administrative power is overly concentrated among the top positions of the country. This brings the inherent risk of a Prime Minister to act in authoritarian ways. For example, Tun Dr Mahathir's first tenure as Prime Minister is

[144]. Soo, W.J. (2020, Aug 26). *Putrajaya withdraws Bills for PM term limit*, IPCMC. Malay Mail. <https://www.malaymail.com/news/malaysia/2020/08/26/putrajaya-withdraws-bills-for-pm-term-limit-ipcmc/1897292>.

[145]. GIACC. (2020). *2019 Progress Report on the National Anti-Corruption Plan (NACP) 2019-2023*. Pg. 42.

[146]. Free Malaysia Today. (2022, Mar 2). *Bill to limit PM's term to 10 years to be tabled this month*. <https://www.freemalaysiatoday.com/category/nation/2022/03/02/bill-to-limit-pms-term-to-10-years-for-tabling-this-month/>.

[147]. Bernama. (2024, July 29). *Special Parliament Session Required To Debate 10-year Term Limit For Prime Minister – Azalina*. <https://www.bernama.com/en/news.php?id=2323116>.

widely remembered for the length of his rule, which enabled the institutionalising of money politics and crony capitalism.¹⁴⁸ Thus, term limits are critical in ensuring a degree of accountability and check on the power of the Prime Minister, which makes the failure to include this reform in the NACS extremely questionable.

3.8.2 ENDING THE PRACTICE OF POLITICAL APPOINTMENTS IN GOVERNMENT-LINKED COMPANIES

Although initially pledged as a top reform priority through NACP initiative 1.3.3 in 2019, little to no progress had been made in achieving these initiatives in the years that followed. Rather, as previously referenced, prior to becoming Prime Minister, Muhyiddin Yassin had allegedly floated the idea of offering MPs from UMNO lucrative positions in GLCs in return for support in Parliament — further enmeshing the culture of political appointments within GLCs. More bafflingly, the NACS had failed to make mention of initiative 1.3.3 as among the “Initiatives That Could Not Be Completed as of December 2023: 26 Initiatives”, indicating that the government deems these initiatives as having been completed by previous administrations.

Shortly following the 15th General Elections in 2022, newly-elected Prime Minister Anwar Ibrahim had announced the termination of all politicians appointed to the boards of GLCs, statutory bodies, and state-investment funds, signalling his government’s commitment to dismantling political patronage — a key election pledge made by his party.¹⁴⁹ Despite these initial signs of promise, Anwar has gone on record several times to claim that there was no issue with making political ap-

[148]. Noorshahrizam, S.A. (2023, Nov 14). *Experts dispute Dr Mahathir's economic strategy amid claims of cronyism*. New Straits Times. <https://www.nst.com.my/news/nation/2023/11/978316/experts-dispute-dr-mahathirs-economic-strategy-amid-claims-cronyism>.

[149]. Zahid, S.J. (2022, Dec 15). *Anwar administration terminates all GLC political appointments with immediate effect*. MalayMail. <https://www.malaymail.com/news/malaysia/2022/12/15/anwar-administration-terminates-all-glc-political-appointments-with-immediate-effect/45412>.

pointments, so long as these appointments were made “based on merit”, with his government having continued the practice on a number of occasions.¹⁵⁰

The practice of appointing politicians to GLCs has long been deemed as a way to reward individuals for their loyalty within a political party. Regardless of a person’s qualifications or backgrounds, the question of political influence remains. Would a person be able to act impartially and in the best interests of a GLC, if the Prime Minister – who is their party leader – attempts to influence them? The situation is further muddied when an elected representative is appointed to a GLC. Inherently, a natural conflict of interest is created when an MP – who is tasked with representing the interests of the people – is made to act on behalf of a major corporation. Would an MP be able to balance the furthering of private interests alongside their responsibilities to put their constituents first? The entrenched culture of political appointments is innately damaging to our democracy as it creates expectations among would-be politicians that appointments to GLCs is a natural part of progressing up the political ladder, instead of their service to the people. With all that said, it is extremely concerning that this NACP initiative is absent from the NACS.

[150]. Carvalho, M., Gimino, G. & Ho, J.W. (2024, Oct 22). *OK to appoint ex-politicians to GLCs if based on merit, says Anwar*. The Star. <https://www.thestar.com.my/news/nation/2024/10/22/ok-to-appoint-ex-politicians-to-glcs-if-based-on-merit-says-anwar>.

3.8.3 REMOVING THE INFLUENCE OF THE EXECUTIVE OVER APPOINTMENTS IN MAJOR PUBLIC INSTITUTIONS

In the original NACP, a key initiative aimed to introduce a Public Appointments Bill to regulate the Executive's influence over public appointments. However, the Muhyiddin Yassin-led government opted to scrap this landmark initiative in the 2019 NACP Progress Report, citing the need to amend the Federal Constitution as a major obstacle.¹⁵¹ Aggravatingly, Muhyiddin's administration was sullied by allegations of Executive interference in the appointment of top officials within the Royal Malaysian Police (RMP), after its former Inspector-General Abdul Hamid Bador alleged that then-Home Minister Hamzah Zainudin made a failed attempt to install his favoured candidate to lead the RMP's Special Branch.¹⁵² Although Hamzah's attempts appeared to be thwarted, the risk of political interference in key constitutional and statutory offices remains apparent, with the independence of these institutions still not fully safeguarded by the present legal framework.

The appointment of key figures in institutions such as the RMP, MACC, the Human Rights Commission of Malaysia, and the National Audit Department are currently far from independent, with members of the Executive given considerable say over the appointments process. The present circumstance leaves the independence of these major institutions in peril, as there is sizable room for the Executive to infringe upon the functions and responsibilities of these institutions for political means. Therefore, there is a critical need to formulate an independent appointments procedure for the top figures in major public institutions so that their duties are carried out without fear of political interference. The government's failure to address this issue in the NACS is worrying.

[151]. GIACC. (2021). 2019 Progress Report on the National Anti-Corruption Plan (NACP) 2019-2023. Pg. 47.

[152]. Malaysiakini. (2021, May 4). *Ex-IGP reveals the story behind Hamzah's 'boy'*. Malaysiakini. <https://m.malaysiakini.com/news/573244>.

Further still, as previously highlighted, the government has refused to properly commit to creating an independent appointment process for the MACC Chief Commissioner in the NACS – instead merely promising to “relook the requirements” of appointment.

3.8.4 SEPARATING THE OFFICES OF THE ATTORNEY GENERAL AND PUBLIC PROSECUTOR

Previously, the NACP described the need to promote clear “separation of powers and impartiality” between the offices of the Attorney General (AG) and the Public Prosecutor (PP) as a “strategy priority” for the government to undertake.¹⁵³ However, successive governments have failed to treat the reform with prominence, with countless working committees formed and studies conducted without resulting in an actionable piece of legislation. Even the present government has stated as recently as October 2024 that they are still deliberating whether the two offices “can be separated or not”, with further studies to be conducted via research trips to Canada and Australia.¹⁵⁴ In addition to these delays, the current administration has opted against including this key reform in the NACS, stating that the pursuit of this reform would be continued “in other Government committees”, rather than through the government’s primary plan to reform the country’s institutions.¹⁵⁵

The dual roles of the AG as both the government’s chief legal advisor, and the country’s foremost criminal prosecutor leaves the role inherently burdened by a conflict of interest. The AG is directly appointed by the Yang di-Pertuan Agong on the binding advice of the Prime Minister pursuant to Article 145(1) of the Federal Constitution. Thus, it is questionable

[153]. GIACC. (2019). *National Anti-Corruption Plan (NACP) 2019-2023*. Pg. 37.

[154]. Dewan Rakyat. (2024, Oct 23). *Penyata Rasmi Dewan Rakyat* (Official Hansard of Dewan Rakyat). Dewan Rakyat. (1992, Oct 20). *Penyata Rasmi Dewan Rakyat* (Official Hansard of Dewan Rakyat). <https://www.parlimen.gov.my/files/hindex/pdf/DR-19111992.pdf>.

[155]. Prime Minister's Department. (2024). *National Anti-Corruption Strategy, 2024-2028*. 59.

whether the AG is able to carry out his functions as the PP impartially — for example, in instances where members of the government are accused of having committed crimes. The precariousness of this positioning has already been exposed, with former Attorney General Ahmad Terrirudin having granted a Discharge Not Amounting to an Acquittal to Deputy Prime Minister Ahmad Zahid Hamidi for 47 corruption-related charges alleged to have taken place in the management of Yayasan Akalbudi.¹⁵⁶ Zahid's role as the President of UMNO – a party vital in ensuring that Anwar Ibrahim's administration stays afloat in Parliament – has led many to allege that the then-AG's decision was fuelled by political expediency. With these political realities in mind, it is absurd – but not unsurprising – that the government has decided to neglect the quickening of this reform area.

[156]. Bernama. (2023, Sep 4). *Ahmad Zahid Dilepas Tanpa Dibebaskan Daripada 47 Pertuduhan*. <https://www.bernama.com/bm/news.php?id=2222224>.

CHAPTER FOUR

The NACS Monitoring and Evaluation Process

4.1 THE NACS GOVERNANCE STRUCTURE

Each proposal outlined within the NACS substrategies is designated to a government agency to act as the primary implementer of the reforms, alongside other supporting agencies that will assist. As an illustration, substrategy 2.1, “to introduce the Public Procurement Act”, has been designated to the Ministry of Finance as the lead agency, with support provided by the AGC to assist in implementation.¹⁵⁷ Alongside the lead agencies, the NACS has established roles for relevant parties in government to oversee the implementation, monitoring, and evaluation of the NACS (seen in table 4.1). The NACS also provides a chart to display the operational flow of this governance structure (seen in figure 4.1).

[157]. Prime Minister's Department. (2024). *National Anti-Corruption Strategy, 2024-2028*. 37.

RELEVANT PARTY	BRIEF DESCRIPTION
Malaysian Anti-Corruption Commission (MACC)	· Acts as the overall secretariat to oversee the NACS · Monitors the progress of NACS implementation, and evaluates how effective the overall strategy through a report
Special Cabinet Committee on National Governance (JKKTN)	· Chaired by the Prime Minister · Certifies and reviews the Monitoring and Evaluation Report from MACC, before presenting the report to the Cabinet · Reviews recommendations to improve policies that have been outlined in the NACS · Provides suggestions to the relevant ministries on NACS-related issues for the Cabinet to consider action
National Governance Committee (JTK)	· Chaired by the Chief Secretary to the Government · Monitors the implementation of policies that have been decided on by JKKTN related to NACS · Identifies improvements to NACS strategies to ensure effective implementation of policies
Cabinet of Ministers	· Evaluates the findings of the Monitoring and Evaluation Report
Parliament of Malaysia	· Examines the Monitoring and Evaluation Report · Provides checks and balances on the implementation of the NACS

Table 4.1: The parties assigned to handle the governance of the NACS at government level.¹⁵⁸

[158]. Prime Minister's Department. (2024). *National Anti-Corruption Strategy, 2024-2028*. 45.

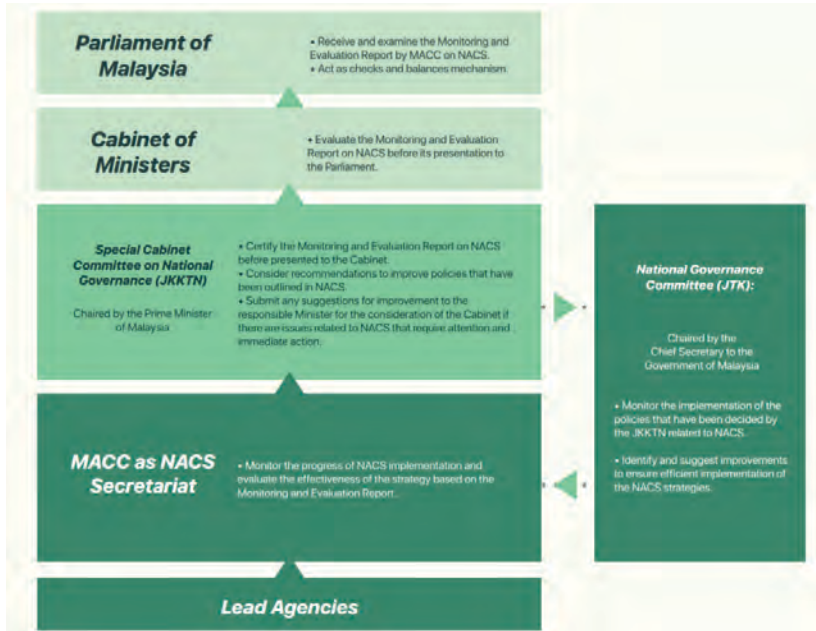


Figure 4.1: The flow of the governance structure overseeing the NACS.¹⁵⁹

In terms of wider evaluation of the NACS and its strategies, the government has laid out an evaluation mechanism that tasks the JKKTN with assessing the success of the overall strategy, while allowing them to intervene where needed. Firstly, the designated lead agencies are to submit a quarterly report on their progress to the MACC. The MACC then compiles and analyses this information, before producing the NACS Performance Report and the NACS Analysis Report. These reports are submitted to the JKKTN, who will provide performance reviews and offer guidance where necessary. Throughout the MACC’s review and analysis process, bi-annual strategy performance review meetings will be held to scrutinise the wider goals of the NACS through assessment of

[159]. Prime Minister’s Department. (2024). *National Anti-Corruption Strategy, 2024-2028*. 45.

the various strategies outlined in the policy.¹⁶⁰ These meetings also serve to monitor the implementation of the NACS. To elaborate on this process further, the NACS breaks down the MACC's evaluation process into six procedural steps (seen in table 4.2).

STEP	DESCRIPTION
1	Identify the strengths and weaknesses that were observed during strategy implementation.
2	Assess the alignment of the strategies against the NACS' predetermined goals.
3	Verify the adherence to planned implementation schedules.
4	Evaluate the broader effectiveness of measures that have been implemented.
5	Provide adaptive responses to address specific issues in implementation.
6	Document the successful implementation of strategies and specific substrategies for best practice.

Table 4.2: *The evaluation process set out within the NACS to assess implementation.*¹⁶¹

Though not precisely defined, this evaluation process appears to take place on a purely inter-governmental capacity, with the NACS mentioning that, “evaluation and feedback mechanisms are designed to facilitate continuous improvement among stakeholders, enabling them to refine their strategies and approaches”. This statement indicates that the “stakeholders” described in the monitoring and evaluation process are the agencies directly tasked with implementing reforms, rather than any other outside party.

[160]. Prime Minister's Department. (2024). *National Anti-Corruption Strategy, 2024-2028*. 48.

[161]. Prime Minister's Department. (2024). *National Anti-Corruption Strategy, 2024-2028*. 51.

4.2 REVIEWING THE MONITORING AND EVALUATION PROCESS

4.2.1 INADEQUATE MONITORING AND EVALUATION OF PAST NACP INITIATIVES

The monitoring and evaluation procedures for the NACP left a lot to be desired, especially as they were not entirely representative of actual impact or achievement. To elaborate, many initiatives were marked as “complete” by the GIACC through NACP progress reports even if these initiatives were only partially complete. Initiatives were also marked completed despite not having any measurable impact for anti-corruption reform. For example, Initiatives 1.1.6 and 1.1.7 of the NACP which stipulate the establishment of independent committees to handle EC issues such as appointments – were reported “completed” following the creation of the Parliamentary Select Committee on Election in 2019 tasked with vetting the nomination of any would-be EC member.¹⁶²

It remains questionable whether the supposed completion of the initiative has led to a positive impact on EC governance. In fact, just last year, the government appointed Sapdin Ibrahim and Lee Bee Phang as EC members without going through the Special Select Committee.¹⁶³ Subsequently, on 26 June 2024, the government appointed Ramlan Harun as the new EC Chairperson in a similar fashion.¹⁶⁴ Thus, the claims that 85 out of 111 NACP initiatives were completed cannot be taken at face value as completion does not take into consideration actual impact of the initiative and should not be uncritically accepted as progress.

[162]. GIACC. (2021). *2019 Progress Report on the National Anti-Corruption Plan (NACP) 2019-2023*. Pg. 17.

[163]. Zarrah, M. (2024, May 8). Harapan-BN broke promises twice on EC appointments: Bersih. Bernama. <https://www.malaysiakini.com/news/704871>.

[164]. Leong, I. Bernama. (2024, Jun 26). *Ramlan Harun Dilantik Pengerusi SPR Baharu*. Bernama. <https://www.bernama.com/bm/news.php?id=2311356https://www.malaysiakini.com/news/706723>.

The bulk of the NACP monitoring and evaluation process was conducted by the now-defunct GIACC, and was taken over by the NGPD. This body now handles the implementation, monitoring and evaluation of the NACS. It is notable that the monitoring and evaluation mechanism laid out by the NACS is very similar to the structure employed in the NACP. A side-by-side comparison seen in Figures 4.2 and 4.3 indicates very few changes in the overall monitoring and evaluation structure.

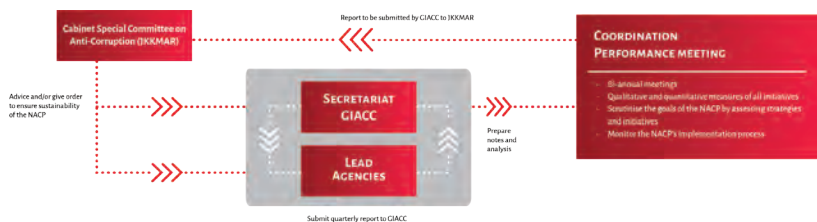


Figure 4.2: The monitoring and evaluation process as described in the NACP.¹⁶⁵

[165]. GIACC. (2019). *National Anti-Corruption Plan (NACP) 2019-2023*. Pg. 60-61.

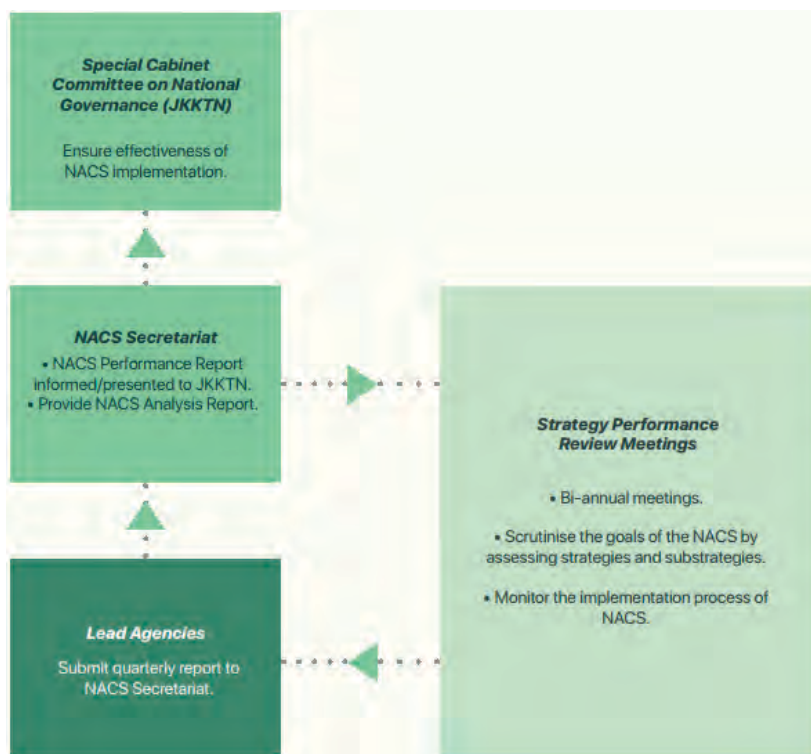


Figure 4.3: The monitoring and evaluation mechanism illustrated in the NACS.¹⁶⁶

4.2.2 THE USE OF TRANSPARENCY INTERNATIONAL'S CORRUPTION PERCEPTIONS INDEX AS A MEASURE

A key target set by the NACS is achieving a top 27 ranking in Transparency International's Corruption Perceptions Index (CPI) by 2028. While it is important to set measurable goals, there are important limitations to the CPI that must be taken into account.

Firstly, Transparency International itself states on its website that country rankings are “not as important as the score in terms of indicat-

[166]. GIACC. (2019). *National Anti-Corruption Plan (NACP) 2019-2023*. Pg. 48.

ing the level of corruption in that country”.¹⁶⁷ This is because rankings are dependent on the performance of other countries and may not reflect actual changes in the perception of corruption in a particular country. A country’s rank can even change if the number of countries included in the index changes. To illustrate, Malaysia ranked higher in 2022 (61/180) than in 2021 (62/180). However, Malaysia’s score was higher in 2021, at 48/100 compared to 47/100 the following year.¹⁶⁸ As such, the higher rank did not reflect an improvement in the perception of corruption in Malaysia. Achieving a top 27 ranking in the CPI would be a significant improvement for Malaysia relative to its current position. However, the main focus must be on how much Malaysia’s score has improved as it would better reflect improvement under the CPI. A better approach would have been to identify a score for Malaysia to achieve, from which a respectable CPI ranking would follow.

An improvement under the CPI also does not necessarily mean that all forms of corruption are being adequately overcome. Here, closer attention must be paid to the specific manifestations of public sector corruption taken into account by Transparency International to formulate the score for a given country. These include, among others: bribery, diversion of public funds, access to information on public affairs, nepotistic appointments in the civil service, ability of governments to contain corruption in the civil service, legal protection for corruption whistleblowers, laws ensuring that public officials must disclose their finances and potential conflicts of interest.¹⁶⁹ Importantly, the CPI does not take into account major areas of corruption such as tax fraud, illicit financial

[167]. Transparency International. (2021, Dec 21). *The ABCs of the CPI: How the Corruption Perceptions Index is Calculated*. <https://www.transparency.org/en/news/how-cpi-scores-are-calculated>.

[168]. Transparency International. (2024). *Corruption Perceptions Index*. TI. <https://www.transparency.org/en/cpi/2023>.

[169]. Transparency International. (2024). *The ABCs of the CPI: How the Corruption Perceptions Index is calculated*. TI. <https://www.transparency.org/en/news/how-cpi-scores-are-calculated>.

flows, money laundering, enablers of corruption, and private sector corruption, among others.¹⁷⁰

This absence is especially notable for the Malaysian context as the aforementioned forms of corruption are common elements of grand corruption – infamous local cases include the SRC International case and 1MDB scandal. Thus, while CPI improvement can be a useful indicator in some respects, it does not necessarily mean that all forms of corruption, especially grand corruption, are being addressed. The NACS and government agencies implementing the policy must be particularly cognisant of the limitations of the CPI and ensure that such gaps are also addressed by the policy.

4.2.3 THE LACK OF PUBLIC FEEDBACK IN MONITORING AND EVALUATION

The monitoring and evaluation mechanism in the NACS does not explicitly include participation from members of the public. Although there exist sub-strategies which aim to amplify the voice of civil society under Strategy 3 of the NACS, CSOs are not explicitly mentioned in the monitoring and evaluation of the NACS.¹⁷¹ Instead, this process appears to be a largely intergovernmental affair — the MACC serves as a secretariat for the NACS, and works alongside lead government agencies, the JKKTN and the JTK to produce monitoring and evaluation reports, as mentioned under its governance structure.

CSOs and academics are crucial to the monitoring and evaluation of any policy – especially one as crucial and far reaching as the NACS – as they provide critical and independent perspectives from the public that can often be overlooked by bureaucracy. Furthermore, these groups

[170]. Transparency International. (2024). *The ABCs of the CPI: How the Corruption Perceptions Index is calculated*. TI. <https://www.transparency.org/en/news/how-cpi-scores-are-calculated>.

[171]. Prime Minister's Department. (2024). *National Anti-Corruption Strategy 2024-2028*. Pg. 39.

are often specialised in their work and can offer expert advice to complement government study.

A positive development to note in this area is the government's plans to launch a "NACS Dashboard" that allows the public to monitor the progress of each substrategy in real-time.¹⁷² However, the lack of a defined public feedback mechanism creates the perception that the government can simply announce successes without a critical view, as was the case for the NACP. Ultimately, the ability to view and monitor the progress of the NACS is of little use to the public if they are unable to affect change in any meaningful or influential way.

4.2.4 THE MACC'S ROLE AS NACS SECRETARIAT

Unlike the NACP, which assigned the secretariat role to the specially-established GIACC, the NACS has entrusted this responsibility to the MACC. The GIACC was specifically created to formulate, coordinate, monitor, and evaluate the government's commitments to good governance and anti-corruption through the NACP. As an entity not directly involved in the daily implementation of initiatives, the GIACC was theoretically an objective and impartial evaluator of progress.

In contrast, while the MACC may have the hands-on experience in dealing with anti-corruption matters, its dual role as both an implementer and evaluator could compromise its objectivity. This overlap creates a risk that the NACS' achievements may be overstated, as certain shortcomings might go unnoticed due to a lack of independent oversight.

[172]. Gimino, G., Carvalho, M. & Ho, J.W. (2024, Oct 24). *Public to monitor National Anti-Corruption Strategy progress through new dashboard*. The Star. <https://www.thestar.com.my/news/nation/2024/10/24/public-to-monitor-national-anti-corruption-strategy-progress-through-new-dashboard>.

4.3 RECOMMENDATIONS FOR THE MONITORING AND EVALUATION PROCESS

4.3.1 EXPEDITE THE DEVELOPMENT OF THE NACS DASHBOARD

The government has acknowledged that the NACS Dashboard will be modelled after the long-established Auditor-General (A-G) Dashboard system. It is important that the government provides the public with a clear timeline for the launch of the NACS Dashboard, and ensures that a public feedback mechanism is developed alongside it.

4.3.2 ENSURE THE REGULAR PUBLISHING OF NACS PROGRESS REPORTS

Previously, the monitoring and evaluation of NACP initiatives was made public through the publishing of NACP progress reports. Through these reports, the public had access to details of each NACP initiative and its progress. This practice should continue for the NACS.

However, it is notable that the release of each NACP Progress Report was delayed – with the 2019 report only being launched in 2021. Furthermore, the final NACP Progress Reports for 2022 and 2023 have not been published by the government. To ensure strong monitoring and evaluation from all stakeholders, the government must ensure that progress reporting for the NACS is not similarly delayed.

In addition, the government should go a step further by tabling the annual NACS report in Parliament, much like the A-G's report. From here, lawmakers would be able to scrutinise the development of this policy and provide recommendations and support of their own for more effective implementation of the NACS.

4.3.3 IMPACT EVALUATION

The government must ensure that the impact of successful substrategies are quantified and measured through data and other achievements. During the NACP's term, several initiatives were “completed” despite their impacts failing to have been felt. For instance, the NACP's plans to establish the IPCMC as an independent external oversight body of the police force were scrapped in favour of the IPCC – a body widely criticised for lacking independence and sufficient powers to combat police misconduct, which were present in proposals for the IPCMC.¹⁷³ Despite a departure from the initial intentions of the NACP, this initiative was deemed “complete” following the passing of the bill in 2022.¹⁷⁴

Rather than openly addressing this issue, the NACS makes no mention of an impact assessment mechanism. The risk is that the NACS devolves into a box-ticking exercise, with substrategies deemed a “success” so long as the government passes a relevant law regardless of how flawed this legislation may be. Thus, the success of an NACS substrategy cannot simply end following the passing of a law, instead special attention must be given to review the impact or performance of each substrategy.

[173]. Sudgharan, K.S. (2022). *MyGovernment Reform Tracker*. Pg. 29-30.

[174]. Adam, A. (2022, July 26). *Controversial IPCC on overseeing cops' conduct passed in Parliament with minimal resistance*. Malay Mail. <https://www.malaymail.com/news/malaysia/2022/07/26/controversial-ipcc-on-overseeing-cops-conduct-passed-in-parliament-with-minimal-resistance/19463>.

4.3.4 ENGAGE MEMBERS OF THE PUBLIC IN STAKEHOLDER DISCUSSIONS

The government must actively engage with members of the public — particularly CSOs and academics — to ensure that public feedback is effectively incorporated into the assessment of the NACS. Engagement efforts should avoid a paternalistic approach, emphasising instead a collaborative and inclusive dialogue. To position the NACS as a policy that genuinely reflects the will of the people, the government must establish mechanisms that prioritize and incorporate public perspectives. Furthermore, external and independent scrutiny of the NACS will serve to enhance the policy's effectiveness and legitimacy.

CHAPTER FIVE

Key Findings and Recommendations

The previous chapters reviewed the NACS, its objectives, and its strategies in relation to legal and institutional reforms, as well as the stated monitoring and evaluation procedures. The findings highlight major shortcomings present within the NACS in its current form and the challenges that lay ahead without improvements. This chapter provides an overview of the report's findings as well as recommendations to ensure for a measured and impactful change in the NACS' implementation.

5.1 KEY FINDINGS

5.1.1 NACS HAS A REDUCED SCOPE COMPARED TO THE NACP

The number of substrategies pledged by the NACS is greatly reduced in comparison with the NACP. In total, 115 initiatives were present in the original NACP, while only 60 for the NACS. Two points may be drawn from this.

Firstly, as the number of initiatives in the NACS is almost half that

of its predecessor, it is now incumbent upon the government to ensure full implementation of the policy. While there exist many gaps within the NACS, it stands as a policy programme where full completion is a realistic and achievable goal.

Secondly, while a reduced number of initiatives alone may not signify reduced ambition per se, the use of vague and non-committal language in the phrasing of NACS substrategies illustrates a dearth in actionable reform targets. When placing many NACS substrategies alongside their counterparts in the NACP, it is clear that the scope of these pledges is greatly diminished (as seen in Table 5.1).

NACP INITIATIVE	NACS SUBSTRATEGY
“To review the amount of election expenses allowable for each constituency; by whom such amount should be allowed to be spent on; to clearly define what constitutes to “election expenses”.”	“To review the spending limit of election candidates.”

Table 5.1: A comparison of the wording employed in the NACP and the NACS, when discussing the need for spending limits in elections.^{175 176}

The example above shows how the NACP initiative is specific, targeted, and clear, while the NACS leaves far too much room for interpretation. Similar discrepancies are noted throughout numerous NACS substrategies, displaying a lack of depth or commitment in its pledges. In addition, several key reforms are notably absent from the NACS, despite having featured in the NACP. The failure to tie reforms such as the separation of the offices of the AG and PP to the NACS, leaves uncertainty

[175]. Prime Minister's Department. (2024). *National Anti-Corruption Strategy, 2024-2028*. 37.
[176]. GIACC. (2019). *National Anti-Corruption Plan (NACP) 2019-2023*. Pg. 38.

over the government's devotion in implementing these changes.

5.1.2 NACS LACKS CLARITY REGARDING TARGETS AND METHOD OF IMPLEMENTATION

The use of vague and non-committal language to describe substrategies is seen throughout the NACS. Although landmark laws such as the “Public Procurement Act” or the “Political Financing Bill” are mentioned, the NACS fails to provide any further details on these laws. Additionally, substrategy 2.2, which states, “to relook (the) requirements in the appointment and the dismissal of the MACC Chief Commissioner and the establishment of MACC Service Commission”, also provides no guarantees for actual insitutional reform of the MACC. Overall, the phrasing of these substrategies appears intentionally vague so as to avoid making specific promises for each reform area. This hampers accurate evaluations of NACS impact as the passing of flawed or weak legislation could also be deemed a completion or success under the NACS.

5.1.3 NACS IMPLEMENTATION IS LARGELY AN INTER-GOVERNMENTAL MATTER

Examination of the NACS Governance Structure indicates that the development and implementation of policies and laws will take place solely among government agencies. To the government's credit, certain ministries and government divisions have independently sought out the perspectives of civil society and academics in the drafting and researching of certain laws. However, the failure to explicitly involve civil society or academia in the NACS indicates that these groups may not have a continued and integral role in the implementation of the NACS. Consequently, this approach may cause the NACS to be implemented within a limited government perspective, which may be ineffective for stakeholders such as academia, CSOs, and the public at large.

5.1.4 NACS LACKS NON-GOVERNMENTAL EVALUATION OR OVERSIGHT

As with the NACS implementation, the monitoring and evaluation mechanism described in the NACS fails to explicitly mention groups outside of government. This flaw was present throughout the NACP as well, with evaluations in the NACP progress reports being conducted purely by the government. As a result, progress evaluations for several highly anticipated NACP initiatives were questionable as they took place without outside perspectives. This led to the classifying of several initiatives as “complete” even if their impact was not assessed by non-implementing parties.

5.1.5 NACS EVALUATION MECHANISM IS INSUFFICIENT

Although the NACS describes its evaluation procedure through a step-by-step process, it fails to mention any methodology for measuring the performance or impact of “successful” strategies. The lack of a discernible impact evaluation mechanism runs the risk of turning the NACS into a box-ticking exercise. This means non-effective sub-strategies may be checked off so long as they were successfully introduced by the government. Therefore, without a credible impact assessment mechanism, it is unclear as to how corruption in Malaysia would be adequately addressed.

Furthermore, the NACS’ use of the CPI as a major target for measuring success is also flawed. Rather than focusing on their CPI score, the NACS stresses the need to increase its ranking, even though a higher ranking does not necessarily reflect a reduction in actual corruption. The focus on CPI ranking also fails to take into account various corruption aspects not measured by the CPI. Ultimately, the CPI – though a useful indicator in some respects – is not a decisive measure of anti-corruption performance and its gaps must also be acknowledged and addressed by

NACS implementation efforts.

5.1.6 POLITICAL WILL HAS MAJOR IMPACT ON THE IMPLEMENTATION OF NATIONAL ANTI-CORRUPTION POLICIES

A review of the NACP's term showed that the progress of numerous initiatives was derailed by political instability. When the NACP was first introduced by the *Pakatan Harapan* government, observable progress was made in the implementation of reforms. However, following the collapse of this government, there was a noticeable shift in the appetite of successive administrations for reform. For instance, Muhyiddin Yassin's government halted the tabling of several reform bills, while his NACP Mid-Term Review reduced the ambition of the NACP by amending and removing several key initiatives. Although his successor, Ismail Sabri, had promised on numerous occasions to fulfil the NACP, he would dissolve Parliament before any of these promises could be realised.

Unlike *Pakatan Harapan*, Muhyiddin Yassin and Ismail Sabri's governments were not elected on a platform of anti-corruption and institutional reform. As such, it appeared that neither Prime Minister had much reason to implement the election pledges of a government no longer in power. This saga displays how without political will to institute reform, anti-corruption promises – especially those that impact the political elite – are vulnerable to being sidelined.

Similar realities appear to lay ahead for Prime Minister Anwar Ibrahim as he navigates the management of the Unity Government. With his government consisting of parties once staunchly opposed to one another, it remains to be seen whether the political will to drive through NACS reforms can be raised. In this, it is important to recall that the PH coalition, as well as various other parties, campaigned with electoral promises for institutional change. The government must now demonstrate account-

ability by translating these promises into concrete action, ensuring the NACS achieves its intended reforms.

5.2 RECOMMENDATIONS

5.2.1 GOVERNMENT MUST CLARIFY DETAILS FOR SUBSTRATEGIES

With the vagueness of notable substrategies being laid bare, the government must provide clear, targeted, and specified descriptions of their reform plans in the NACS. As the NACP already provides an ample reference point, the government must elaborate on current substrategies to better emulate their counterparts in the NACP. By failing to do so, weak and ineffectual laws could be passed, hindering the effectiveness of the NACS.

5.2.2 NACS EVALUATION MECHANISM MUST INCLUDE PERFORMANCE OR IMPACT MEASUREMENTS

Having established the shortcomings of the NACP's evaluation process as well as the NACS' failure to make any noticeable improvements, the government must include performance or impact measurements for each NACS substrategy. Impact measurements would ensure that there is an accurate assessment of any law or policy introduced under the NACS. From here, corrective action can be taken to resolve any weaknesses identified.

5.2.3 NACS IMPLEMENTATION AND EVALUATION SHOULD INVOLVE CIVIL SOCIETY AND ACADEMIA FURTHER

The government must make a concerted effort to increase the involvement of civil society and academia throughout the implementation, monitoring, and evaluation of the NACS. CSOs and academics are able to provide critical and independent perspectives from the public that can often be overlooked by bureaucracy. This objectivity is crucial as it allows

the evaluation of the NACS' progress to be done on factual grounds. Furthermore, these groups are often specialised in their work and can offer expert advice to complement government study. As the NACS is a public policy meant to serve the needs of the people, it is undeniable that the public are a significant stakeholder. Failing to properly engage the public in the implementation and evaluation of the NACS would represent a massive failure.

5.3 CONCLUSION

This report has critically examined the NACS, assessing its objectives, strategies, and mechanisms for legal and institutional reform, as well as its monitoring and evaluation framework. Key findings underscore significant shortcomings, including a reduced scope compared to its predecessor, vague and non-committal language, insufficient involvement of non-governmental stakeholders, and the lack of robust impact evaluation mechanisms.

Compared to the NACP, the NACS reflects a notable decline in ambition. The reduction in the number of substrategies, coupled with the use of vague and non-specific language, suggests a diminished commitment to addressing critical governance and anti-corruption challenges. This is further compounded by the omission of key reforms, such as the separation of the roles of the Attorney General and Public Prosecutor, which were central to the NACP. These gaps risk undermining the NACS' ability to deliver meaningful change and casts doubt on the government's resolve to tackle deeply entrenched issues of corruption.

Moving forward, the government must address these deficiencies by clarifying substrategy details, incorporating performance and impact measurements, and ensuring greater inclusion of civil society and academia in NACS implementation and evaluation. Political will remains

crucial as past experience shows the vulnerability of reform initiatives to changing political climates. The government must demonstrate accountability by turning its electoral promises into concrete actions, leveraging the NACS to deliver on Malaysia's anti-corruption and governance reform aspirations.

Bibliography

- Aslan, A. A. (2022). Conduct in the House of Representatives (Dewan Rakyat) Parliament Malaysia. *Journal of the Malaysian Parliament*, 2.
- Astro Awani. (2022, Nov 6). *PRU15: GPS lancar manifesto, ini apa yang perlu rakyat Sarawak tahu!* <https://www.astroawani.com/berita-politik/pru15-gps-lancar-manifesto-ini-apa-yang-perlu-rakyat-sarawak-tahu-389973>.
- Aziz, A. (2018, July 11). *Dr Mahathir: Asset declaration to include family members*. The Edge Malaysia. <https://theedgemaalaysia.com/article/dr-mahathir-asset-declaration-include-family-members>.
- Azura, A. (2018 June 1). *PM agrees to GIACC formation to handle governance, integrity and anti-graft*. New Straits Times. <https://www.nst.com.my/news/nation/2018/06/375513/pm-agrees-giacc-formation-handle-governance-integrity->

and-anti-graft.

Barisan Nasional. (2022). *Perancangan Amal dan Usaha: Pilihan Raya Umum Ke-15*. Pg. 7-8.

Bernama. (2020, Mar 1). *Muhyiddin to be sworn in as 8th Prime Minister today*. <https://www.bernama.com/en/news.php?id=1817623>.

Bernama. (2021, Aug 17). *PM Muhyiddin resigns*. <https://www.bernama.com/en/news.php?id=1993181>.

Bernama. (2021, Aug 21). *Ismail Sabri sworn in as PM as hope beckons for much-needed healing*. <https://www.bernama.com/en/news.php?id=1994998>.

Bernama. (2022, Jan 24). *Ahmad Zahid accepts court's decision, ready to enter defence*. <https://www.bernama.com/en/news.php?id=2046015>.

Bernama. (2022, Sep 19). *GLC, GLIC chiefs and judges required to declare assets to MACC – PM Ismail Sabri*. <https://www.bernama.com/en/news.php?id=2121757>.

Bernama. (2022, Nov 7). *Clean government with integrity among essence of Warisan manifesto – Mohd Shafie*. <https://www.bernama.com/en/news.php?id=2136187>.

Bernama. (2023, Sep 4). *Ahmad Zahid Dilepas Tanpa Dibebaskan Daripada 47 Pertuduhan*. <https://www.bernama.com/bm/news.php?id=2222224>.

Bernama. (2024, Jun 26). *Ramlan Harun Dilantik Pengerusi SPR Baharu*. Bernama. <https://www.bernama.com/bm/news.php?id=2311356>.

Bernama. (2024, July 29). *Special Parliament Session Required To Debate 10-year Term Limit For Prime Minister—Azalina*. <https://www.bernama.com/en/news.php?id=2323116>.

Bernama. (2025, Jan 28). *SSM Launches Access to Beneficial Ownership information, Enhances Corporate Transparency*. <https://www.bernama.com/en/business/news.php?id=2387483>.

Carvalho, M., Gimino, G. & Ho, J.W. (2024, Oct 22). *OK to appoint ex-politicians to GLCs if based on merit, says Anwar*. The Star. <https://www.thestar.com.my/news/nation/2024/10/22/ok-to-appoint-ex-politicians-to-glcs-if-based-on-merit-says-anwar>.

Cheah, B. (2025). *Policy Proposal For the Malaysian Government Procurement Act*. The Center to Combat Cronynism and Corruption.

Coalition for Clean and Fair Elections. (2023). *Election Observation Report on the 15th Malaysian General Election*. Bersih & Adil Network Sdn Bhd.

Commonwealth Parliamentary Association. (2020). *Model Law for Independent Parliaments: Establishing Parliamentary Service Commissions for Commonwealth Legislatures*. https://www.cpahq.org/media/usdnwcqp/model-law-for-independent-parliaments_final.pdf, p. 2.

Conference of the State Parties to the United Nations Convention Against Corruption. (2023). 10/08: *Protection of reporting persons*. Pg. 4. https://www.unodc.org/documents/treaties/UNCAC/COSP/session10/resolutions/L-documents/2325382E_L.12_Rev.1.pdf.

The Center to Combat Cronynism and Corruption. (2019, Feb 28).

- Conflict of Interest: The Scorpene Scandal* [Press release]. <https://c4center.org/conflict-interest-scorpene-scandal/>.
- The Center to Combat Cronyism and Corruption. (2019, Feb 28). *Conflict of Interest: Taman Rimba Kiara – The Land Grab* [Press release]. <https://c4center.org/conflict-interest-taman-rimba-kiara-land-grab/>.
- The Center to Combat Cronyism and Corruption. (2022, Sep 21). *The Littoral Combat Ship (LCS) scandal – the crooks and villains behind Malaysia's defence procurement laid bare* [Press release]. <https://c4center.org/the-littoral-combat-ship-lcs-scandal-the-crooks-and-villains-behind-malaysias-defence-procurement-laid-bare/>.
- The Center to Combat Cronyism and Corruption. (2023, Feb 21). *Corporate Social Responsibility in Public Procurement – No Responsibility for Losses, No Empathy for Malaysians* [Press release]. <https://c4center.org/csr-public-procurement-c4-center/>.
- Darwis. M.F. (2023, Jan 21). *Handouts during polls were charity, not against election rules, says Hadi*. The Malaysian Insight. <https://www.themalaysianinsight.com/s/424285>.
- Dewan Negara. (1963, Mar 15). *Parliamentary Debates: Dewan Negara (Senate) Official Report*. <https://www.parlimen.gov.my/files/hindex/pdf/DN-15031963.pdf>, col. 544.
- Dewan Rakyat. (1963, Mar 11). *Parliamentary Debates: Dewan Ra'ayat (House of Representatives) Official Report*. <https://www.parlimen.gov.my/files/hindex/pdf/DR-11031963.pdf>, col. 3909.
- Dewan Rakyat. (1963, Mar 12). *Parliamentary Debates: Dewan Ra'ayat (House of Representatives) Official Report*. <https://www.>

parlimen.gov.my/files/hindex/pdf/DR-12031963.pdf, cols. 4089-4090.

Dewan Rakyat. (1992, Oct 20). *Penyata Rasmi Dewan Rakyat (Official Hansard of Dewan Rakyat)*. <https://www.parlimen.gov.my/files/hindex/pdf/DR-19111992.pdf>.

Dewan Rakyat. (2024, Oct 23). *Penyata Rasmi Dewan Rakyat (Official Hansard of Dewan Rakyat)*. <https://www.parlimen.gov.my/files/hindex/pdf/DR-23102024.pdf>.

Faisal, A. (2019, Jan 29). *NACP launched, aims to tackle corruption for next five years*. Malaysiakini. <https://www.malaysiakini.com/news/462138>.

Fikri, F.N. (2021). *Gaps in the Act: A Legal Analysis of Malaysia's Current Whistleblower Protection Laws*. The Center to Combat Cronyism and Corruption.

Financial Action Task Force. (2023). *Guidance on Beneficial Ownership for Legal Persons*. FATF, Paris. <http://www.fatf-gafi.org/publications/FATFrecommendations/guidance-beneficial-ownership-legal-persons.html>.

Free Malaysia Today. (2020, May 30). *In leaked audio, Muhyiddin said to entice Umno with govt posts*. <https://www.freemalaysiatoday.com/category/nation/2020/05/30/in-leaded-audio-muhyiddin-said-to-entice-umno-with-govt-posts/>.

Free Malaysia Today. (2021, Sep 15). *Ombudsman bill to be tabled by next year, says Ismail*. <https://www.freemalaysiatoday.com/category/nation/2021/09/15/ombudsman-bill-to-be-tabled-by-next-year-says-ismail/>.

Free Malaysia Today. (2022, Mar 2). *Bill to limit PM's term to 10 years*

- to be tabled this month*. <https://www.freemalaysiatoday.com/category/nation/2022/03/02/bill-to-limit-pms-term-to-10-years-for-tabling-this-month/>.
- Free Malaysia Today. (2024, Jun 11). *Ministry allocates RM18mil for projects in Seberang Perai*. <https://www.freemalaysiatoday.com/category/nation/2024/06/11/ministry-allocates-rm-18mil-for-projects-in-seberang-perai/>.
- Gimino, G., Carvalho, M. & Ho, J.W. (2024, Oct 24). *Public to monitor National Anti-Corruption Strategy progress through new dashboard*. The Star. <https://www.thestar.com.my/news/nation/2024/10/24/public-to-monitor-national-anti-corruption-strategy-progress-through-new-dashboard>.
- Gomez, E.T. & Kunaratnam, L. (2021). *Foundations and Donations: Political Financing, Corruption and the Pursuit of Power*. The Center to Combat Cronyism and Corruption.
- Ho, K.Y. (2019, Mar 8). *More offences in Semenyih than previous 5 by-elections, says Bersih*. Free Malaysia Today. <https://www.freemalaysiatoday.com/category/nation/2019/03/08/more-offences-in-semenyih-than-previous-5-by-elections-says-bersih/>.
- Ho, Y.J. (2019). *A Rights Plan for Freedom of Information in Malaysia*. The Center to Combat Cronyism and Corruption. https://c4center.org/wp-content/uploads/foi_report_nov2019.pdf.
- Idzuafi Hadi Kamilan, Faridah Jalil, Ikmal Hishan Md Tah, Akmal Hisham Abdul Rahim. (2021, September 3). *Mengembalikan Undang-undang Perkhidmatan Parlimen di Malaysia (Re-introducing a Parliamentary Service Act in Malaysia)*. <https://bersih.org/download/mengembalikan-undang-undang-perkhidmatan-parlimen-di-malaysia/>, Pg. 19-20.

- Isamudin, D. (2024, July 12). *[UPDATED] Parliamentary Services Act to return with improvements in October: Kulasegaran*. New Straits Times. <https://www.nst.com.my/news/nation/2024/07/1075587/updated-parliamentary-services-act-return-improvements-october>.
- Ismail, I.S. (2018, Dec 18). *MACC transformation to become service commission*. Malay Mail. <https://www.nst.com.my/news/nation/2018/12/442706/macc-transformation-become-service-commission>.
- Jaafar, S.S. (2020, Dec 21). *Ku Nan sentenced to 12 months' jail and RM2m fine for corruption charge*. The Edge Malaysia. <https://theedgemaalaysia.com/article/ku-nan-found-guilty-rm2m-corruption-charge>.
- Koswanage, N. & Redmond, T. (2024, Sep 26). *Anwar's Feud With 99-Year-Old Rival Looms Over Malaysia's Revival*. Bloomberg. <https://www.bloomberg.com/news/features/2024-09-25/malaysia-pm-anwar-s-feud-with-mahathir-looms-over-country-s-revival>.
- Latiff, R. (2023, Mar 31). *Jailed Malaysian ex-PM Najib loses final bid to review graft conviction*. Reuters. <https://www.reuters.com/world/asia-pacific/jailed-malaysian-ex-pm-najib-loses-bid-review-graft-conviction-2023-03-31/>.
- Leong, I. (2024, May 26). *'EC chair candidate identified, appointment to follow due process'*. Malaysiakini. <https://www.malaysiakini.com/news/706723>.
- Lim, H.P. (2022, Sep 4). *Wan Junaidi: Govt studying implications of separating powers between attorney general, public prosecutor*. The Borneo Post. <https://www.theborneopost.com/2022/09/04/wan-junaidi-govt-studying-implica->

tions-of-separating-powers-between-attorney-general-public-prosecutor/.

Linggaraj, P. (2024). *Structuring the Malaysian Ombudsman Office*. The Center to Combat Cronyism and Corruption.

Malay Mail. (2020, Sep 30). *Ombudsman Bill expected to be tabled in parliament before year-end, says GIACC D-G*. <https://www.malaymail.com/news/malaysia/2020/09/30/ombudsmen-bill-expected-to-be-tabled-in-parliament-before-year-end-says-gia/1908202>.

Malaysian Anti-Corruption Commission. (2023, May 9). *Progress Of The National Anti-Corruption Plan (Nacp) 2019-2023* [Press release]. <https://www.sprm.gov.my/admin/uploads/media/pdf/PR%20Eng%209%20May%202023%201005230303.pdf>.

Malaysiakini. (2016, June 23). *Major shake-up in MACC, top two men to leave*. <https://www.malaysiakini.com/news/346265>.

Malaysiakini. (2018, Sep 21). *Lawyer Art Harun is new EC chairperson*. <https://www.malaysiakini.com/news/444039>.

Malaysiakini. (2019, July 15). *Government to table new Procurement Bill next July*. <https://m.malaysiakini.com/news/483878>.

Malaysiakini. (2020, Feb 24). *Muhyiddin: Bersatu quits Harapan*. <https://www.malaysiakini.com/news/512025>.

Malaysiakini. (2020, Feb 24). *Azmin quits PKR, takes 10 other MPs with him*. <https://www.malaysiakini.com/news/512030>.

Malaysiakini. (2021, May 4). *Ex-IGP reveals the story behind Hamzah's 'boy'*. Malaysiakini. <https://m.malaysiakini.com/>

news/573244.

- National Centre for Governance, Integrity and Anti-corruption. (2019). *National Anti-Corruption Plan (NACP) 2019-2023*. Pg. 38. https://www.pmo.gov.my/wp-content/uploads/2019/07/National-Anti-Corruption-Plan-2019-2023_.pdf.
- National Centre for Governance, Integrity and Anti-corruption. (2020). *2019 Progress Report on the National Anti-Corruption Plan (NACP) 2019-2023*. Pg. 17. <https://bpqn.sprm.gov.my/wp-content/uploads/2022/08/2019-Progress-Report-on-the-NACP-2019-2023-GIACCs-Portal-2.pdf>.
- National Centre for Governance, Integrity and Anti-corruption. (2022). *2020-2021 Progress Report on the NACP*. https://bpqn.sprm.gov.my/wp-content/uploads/2022/10/NACP-ENG_DIGITAL.pdf.
- Nizam, F. & Sallehuddin, Q. (2023, Sep 18). *Cabinet outlines 7 considerations for Political Financing Bill to be referred to PSSC*. New Straits Times. <https://www.nst.com.my/news/nation/2023/09/956666/cabinet-outlines-7-considerations-political-financing-bill-be-referred>.
- Noorshahrizam, S.A. (2023, Nov 14). *Experts dispute Dr Mahathir's economic strategy amid claims of cronyism*. New Straits Times. <https://www.nst.com.my/news/nation/2023/11/978316/experts-dispute-dr-mahathirs-economic-strategy-amid-claims-cronyism>.
- Pakatan Harapan. (2018). *Buku Harapan: Rebuilding Our Nation, Fulfilling Our Hopes*. https://dl.dapmalaysia.org/repository/Manifesto_PH_EN.pdf.

- Pakatan Harapan. (2022). *Kita Boleh: Harapan GE15 Election Plan*. Pg. 37-44.
- Pan, E.J. (2024, Nov 22). *Parliamentary Services Act postponed to next year, says Wong Chen*. Free Malaysia Today. <https://www.freemalaysiatoday.com/category/nation/2024/11/22/parliamentary-services-act-postponed-to-next-year-says-wong-chen/>.
- Prime Minister's Department. (2021). *NACP Mid-Term Review*. <https://bpgn.sprm.gov.my/wp-content/uploads/2022/08/Laporan-Semakan-Semula-NACP-2019-2023-english-version.pdf>.
- Prime Minister's Department. (2024). *National Anti-Corruption Strategy 2024-2028*. <https://bpgn.sprm.gov.my/wp-content/uploads/2024/05/NACS-2024-2028-ENGLISH.pdf>.
- Reuters. (2020, Aug 7). *Malaysia arrests ex-finance minister on corruption charges*. <https://www.reuters.com/article/world/malaysia-arrests-ex-finance-minister-on-corruption-charges-idUSKCN25224Y/>.
- Soo, W.J. (2020, Aug 26). *Putrajaya withdraws Bills for PM term limit, IPCMC*. Malay Mail. <https://www.malaymail.com/news/malaysia/2020/08/26/putrajaya-withdraws-bills-for-pm-term-limit-ipcmc/1897292>.
- Stanley. K.S. (2022). *MyGov Reform Tracker*. The Center to Combat Cronyism and Corruption.
- Tay. C. (2019, June 4). *Malaysia appoints first female MACC chief*. The Edge Malaysia. <https://theedgemalaysia.com/article/latheefa-koya-appointed-macc-chief-effective-june-1-after-mohd-shukri-resigns%C2%A0>.

- Teoh, S. & Rodzi, N.H. (2020, Aug 29). *Nothing wrong with 'direct negotiation' contracts: Malaysia's finance chief*. The Straits Times. <https://www.straitstimes.com/asia/se-asia/nothing-wrong-with-direct-negotiation-contracts-malaysias-finance-chief>
- The Edge Malaysia. (2018, May 15). *1MDB audit report now declassified, says Auditor-General*. <https://theedgemaalaysia.com/article/1mdb-audit-report-now-declassified-says-auditor-general>.
- The Malaysian Reserve. (2017, Mar 31). *Cabinet approves independent MACC service commission*. <https://themalaysianreserve.com/2017/03/31/cabinet-approves-independent-macc-service-commission/>.
- The Star. (2023, Nov 16). *MACC to launch National Anti-Corruption Strategy 2024-2029 mid-next year*. <https://www.thestar.com.my/news/nation/2023/11/16/macc-to-launch-national-anti-corruption-strategy-2024-2029-mid-next-year>.
- The Star. (2024, Feb 13). *1MDB trial: Abu Kassim was replaced to protect Najib from investigation, says witness*. <https://www.thestar.com.my/news/nation/2024/02/13/1mdb-trial-abu-kassim-was-replaced-to-protect-najib-from-investigation-says-witness>.
- The Star. (2024, Nov 22). *PM: No issues with fast-tracking Political Financing Bill*. <https://www.thestar.com.my/news/nation/2024/11/22/pm-no-issues-with-fast-tracking-political-financing-bill>.
- Transparency International. (2021, Dec 21). *The ABCs of the CPI: How the Corruption Perceptions Index is Calculated*. <https://www.transparency.org/en/news/how-cpi-scores-are-calculated>.

BIBLIOGRAPHY

- Transparency International. (2024). *Corruption Perceptions Index*. TI. <https://www.transparency.org/en/cpi/2023>.
- Trisha, N. (2024, Jun 27). *Sg Bakap polls: Govt can announce allocations any time, says Ahmad, citing court rulings*. The Star. <https://www.thestar.com.my/news/nation/2024/06/27/sg-bakap-polls-govt-can-announce-allocations-any-time-says-ahmad-citing-court-rulings>.
- United Nations. (1948). *Article 19 of the Universal Declaration of Human Rights*. http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf.
- United Nations Office on Drugs and Crime. (2004). *United Nations Convention Against Corruption*. Pg. 27.
- World Bank Group. (2024). *Worldwide Governance Indicators*. <https://www.worldbank.org/en/publication/worldwide-governance-indicators>.
- World Bank Group. (2024). *Rule of Law*. <https://www.worldbank.org/content/dam/sites/govindicators/doc/rl.pdf>.
- World Bank Group. (2024). *Governance Effectiveness*. <https://www.worldbank.org/content/dam/sites/govindicators/doc/ge.pdf>.
- World Bank Group. (2024). *Rule of Law*. <https://www.worldbank.org/content/dam/sites/govindicators/doc/cc.pdf>.
- Zahid, S.J. (2022, Dec 15). *Anwar administration terminates all GLC political appointments with immediate effect*. MalayMail. <https://www.malaymail.com/news/malaysia/2022/12/15/anwar-administration-terminates-all-glc-political-appointments-with-immediate-effect/45412>.

Zarrah, M. (2024, May 8). *Harapan-BN broke promises twice on EC appointments: Bersih*. Bernama. <https://www.malaysiakini.com/news/704871>.

BIBLIOGRAPHY