

**COMPARATIVE STUDY ON ANTI TRAFICKING IN PERSON ACT 2007,
ANTI MONEY LAUNDERING ACT 2001 WITH RACKETEER INFLUECED
CORRUPTED ORGANIZATION (RICO) ACT (1970)**

By

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Submitted in Partial Fulfillment of the Requirements
for the Bachelor in Legal Studies (Hons)

Universiti Teknologi MARA

Faculty of Law

December 2013

The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others

ABSTRACT

The research looks on a comparative study between the legislation in Malaysia and United States in dealing with organized crime. The definition of organized crime as discussed in Chapter 1 specifies that the term organized crime derived its meaning from criminal networks that forge bonds across borders. Chapter 2 would be focused on the study of the law in United States in dealing with organised crime which is the RICO Act. The Act was passed to control the infiltration of organized crime within corporate businesses and to prosecute the business practices of criminal cartels. Meanwhile, the law in Malaysia in dealing with organized crime would be focused on the Anti-Money Laundering Act 2001 and the Anti Human Trafficking In Person Act 2007. The Anti-Money Laundering Act 2001 as discussed in Chapter 3 purported in prohibiting a money launderer from enjoying from his illegal proceeds for either a short term or long period of time. On the other hand, the Anti Trafficking In Human 2007 under Chapter 4 intended to eliminate human trafficking involving Malaysian citizens or non-citizens using a holistic approach.

Apart from looking at the objective of those Acts, this research would also cover the legal provisions on which several distinctions can be drawn. Thus, our study on the comparative study between Malaysia and the United States as provided in Chapter 5 will be focusing on the elements of the offence or predicate offence, the objective and mechanism of the Acts, the conduct of the prosecution and the effectiveness of the enforcement agency. This research would be conducted in a qualitative method with library-based materials, online searching and also interactive interviewing. Hence, our study would be limited to comparison between RICO Act and the Anti-Money Laundering Act 2001 and the Anti-Trafficking in Human 2007 and at the end of Chapter 6 we would provide recommendations in dealing with organized crime, particularly in Malaysian legislation, for both short term and long term.

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CHAPTER ONE : INTRODUCTION

1.0 Introduction

In this Chapter, we will briefly discuss about the problems in the laws that governed the organized crime in Malaysia. The research we will focus on the area of human trafficking and money laundering and make the comparison with the law in U.S.

1.1 Research Background

RICO Act stands for Racketeer Influenced Corrupted Organization. The law intended to eradicate organized crime by establishing strong sanctions and forfeiture provisions. According to United Nations, the term organized crime usually refers to large-scale and complex criminal activities carried out by organized associations and aimed at the development, supply and exploitation of illegal markets at the expense of the public.¹ Basically, the operations are carried out with a merciless disregard of the law and often involved the offences against the person, as it includes threats and physical violence.²

It is stated in the Encyclopedia of Crime and Punishment that organized crime may be broadly defined as two or more persons conspiring together on a continuous and secretive basis together with the aim of committing one or more severe crimes in order to get a financial or other material benefit either directly or indirectly.³ In short, a person is said to violate RICO if he acquired interests in or administer an enterprise no matter it is either directly or indirectly. An enterprise comprises of any individual, partnership, association, corporation, or other legal entity.

¹ United Nations. (2010). *National Collegiate Conference Association: Organised Crime and Its Threat to Security*.

Retrieved at http://www.nmun.org/dc_archives/dc10_downloads/DC10_CND.pdf accessed on 30 March 2013

² Ibid

³ Levinson, D. (2002). *Organised Crime. Encyclopedia of Crime and Punishment*. United States of America, USA: Sage Publications. Inc