

THE USE OF MALAYSIAN PENAL CODE IN COMBATING INTERNET THEFT

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October 2005

ABSTRACT

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Abstract: *Our research encompasses the study of whether it is advisable to modify the definition of theft in the Penal Code to include non-corporeal things, in order to make it available to be used in prosecuting internet theft. The purpose of study is to find out whether there really is a need to amend the word “property” in the Penal Code to extend it into the realm of cyberspace or whether there are already sufficient Acts that deals with the Information Technology crimes. We choose this subject as to the adequacy of the Penal Code because we find that the essence of internet theft in the cyberspace and the elements of theft in the Penal Code to be coincide. In order to discover the level of efficiency of the Code, we used the method of library research, internet research, and consultation. We found out that, the internet theft situation in Malaysia is not as bleak as the situation in the US. Thus, the existing cyber statutes enacted is sufficient to deals with internet theft, although the strength of these statutes is unknown since the judicial organs seems incline to use it. In conclusion, we found that the internet theft in Malaysia, although not at an alarming rate, should be curb before serious damage can be done, and the cyber statutes should be put to test to determine its vulnerability.*

Keywords: *Malaysia, Penal Code, Internet Theft, Internet, Bandwidth, Hacking, Information Theft, Identity Theft, Database Theft, Green Card Scam, ATM Spoofing, Pishing, US Penal Code, UK Penal Code, Singapore Penal Code, and NISER.*

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CHAPTER ONE

1.0 PROPOSAL

1.1 BACKGROUND

The Penal Code of Malaysia was created with the intention of preventing and punishing crimes that happens in the Malaysian society. It has been argued that the Penal Code is one of the primary guidebook that legally governs the rule of conduct of a person in Malaysia.

Since its passing in 1950, various amendments have been made in order to ensure that it is up to date thus relevant with the society that lives in that particular era. With the Information Technology Age dawning and the government ambition to turn the Malaysian society into an IT based workforce, the Penal Code once again faces the question of having itself be amended to make it relevant with crime prevention and punishment in the Information Technology Age.

1.1.1 SIGNIFICANCE

The significance of this study is to give the enforcers another weapon to put a stop to the growing computer crime menace since the IT industry in Malaysia is plagued with computer menace.

Recently Oracle Inc.¹ in a press statement stated that, it will not invest for a regional in Malaysia but chosen Singapore instead due to its better IT governance. Such a statement by an industry leader will surely have a rippling effect to other IT companies as well. Malaysia cannot afford to wait any longer.

¹ One of the world's largest software companies and a leading supplier of database-management systems