FACTORS AND CHALLENGES INFLUENCING MONEY LAUNDERING INVESTIGATION OUTCOME AMONG THE LAW ENFORCEMENT AGENCIES IN MALAYSIA

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Thesis submitted in fulfillment of the requirements for the degree of Doctor of Philosophy

Faculty of Accountancy

July 2020
AUTHOR’S DECLARATION

I declare that the work in this thesis was carried out in accordance with the regulations of Universiti Teknologi MARA. It is original and is the results of my own work, unless otherwise indicated or acknowledged as referenced work. This thesis has not been submitted to any other academic institution or non-academic institution for any degree or qualification.

I, hereby, acknowledge that I have been supplied with the Academic Rules and Regulations for Post Graduate, Universiti Teknologi MARA, regulating the conduct of my study and research.

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ABSTRACT

Money laundering is a global issue which if not accordingly mitigated will result in negative implication towards global economy and a country’s reputation. Due to such risks, penalty for money laundering offence, which includes both fines and imprisonment is stiff. In addition, there are special confiscation provisions in the Anti-Money Laundering Act 2001 to freeze, seize or forfeit illegal-gotten gains of perpetrators. Regulators and law enforcement agencies are also treating money laundering as a priority issue to be effectively mitigated across the nation. Despite the increased number of reported money laundering cases in Malaysia, investigation outcome either in the forms of prosecution, conviction or confiscation remains low and ineffective in deterring money laundering activities. Using the Rational Choice Theory, this study aims to address the issues by looking into the reasons behind the unfavourable investigation outcome. To address the issues, data collection was done in three stages using the mixed method approach. Stage One: comprises content analysis of the Mutual Evaluation Reports (MER) which are based on the member country’s compliance against international anti money laundering standards developed by the Financial Action Task Force (FATF). Stage Two: data collection involves three focus group interviews, face-to-face interviews and fact-finding survey with money laundering investigating officers of selected law enforcement agencies in Malaysia. The Stage Three: data collection includes face-to-face interviews with other senior officers who are also involved either directly or indirectly in the money laundering investigation loop. The current study on money laundering investigation uses the phenomenology approach for data collection and analysis. Specifically, the study focuses on the “first-person point of view” experiences of investigating officers and anti-money laundering experts. The aim is to have in-depth understanding on both factors and challenges faced by investigating officers in conducting money laundering investigation which had resulted in both low number of money laundering prosecution, conviction and confiscation. The interviews were transcribed and analysed using NVIVO Software while the fact-findings survey was analysed using Statistical Package for the Social Sciences (SPSS) and Partial Least Squares (PLS) of Structural Equation Modelling. The findings demonstrate that money laundering investigation outcome is influenced by three factors which are namely cost-benefit analysis, individual belief, and organisational context factor. Further, the investigation outcome is also influenced by the availability of resources (financial, human and time) and legislative support (prosecuting power). Due to these limitations, the investigating officers have higher preference to proceed with non-prosecution (asset confiscation) instead of prosecution (criminal action) which helps to produce a satisfactory investigation outcome. This is in tandem with the Rational Bounded Theory, which posits limitations influence decision making, hence implicates the outcome of the money laundering investigation. The findings of the study provide significant contributions in confirming the theoretical foundations underpinning this research as well as adds value to the existing body of knowledge on money laundering. Extending the study on behavioural issues to a vastly different landscape helps to set a new branch of research in the related areas.
ACKNOWLEDGEMENT

Alhamdulillah. I thank Allah the Most Gracious and Merciful for giving me the blessings and strength to complete this thesis. Without His Love, I will not be able to overcome all the challenges.

Firstly, I wish to thank God for giving me the opportunity to embark on my PhD and for completing this long and challenging journey successfully. My gratitude and thanks go to my supervisor Prof Dr Normah Omar and co-supervisor Associate Prof Dr Sharifah Nazatul Faiza Syed Mustapha Nazri for their endless support throughout my PhD journey. This thesis will not be possible without their masterly guidance and sacrifices until the end of the long journey. My thank is also extended to Universiti Teknologi MARA for giving me the opportunity to further my studies. Special thanks to Dr Zubir Azhar and respective examiners for helping me with this thesis.

My appreciation goes to my friends who have been there during my ups and downs of my PhD journey Dr Zulaikha, Dr Nabilah, Dr Fazlida, Cik Shafiqa, Dr Alfiatul, Dr Aima, Dr Azie, Dr Azleen, Dr Yusarina, Dr Taufik and the rest of ‘Dr To Be’ mates.

Finally, this thesis is dedicated to my beloved father and the loving memory of my lovely late mother for their vision and determination to educate me. Without their love, I would not have been able to handle all the challenges faced in completing this thesis. This piece of victory is dedicated to both of you and I hope both of you are happy with my little gift. I am also blessed to have my aunties Mak, Mak Lang, Mak Uda and Aunty Gee, who always provide ‘motherly’ support in the place of my late mother.

Alhamdulilah.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>CONFIRMATION BY PANEL OF EXAMINERS</td>
<td>ii</td>
</tr>
<tr>
<td>AUTHOR’S DECLARATION</td>
<td>iii</td>
</tr>
<tr>
<td>ABSTRACT</td>
<td>iv</td>
</tr>
<tr>
<td>ACKNOWLEDGEMENT</td>
<td>v</td>
</tr>
<tr>
<td>TABLE OF CONTENTS</td>
<td>vi</td>
</tr>
<tr>
<td>LIST OF TABLES</td>
<td>xiii</td>
</tr>
<tr>
<td>LIST OF FIGURES</td>
<td>xv</td>
</tr>
<tr>
<td>LIST OF ABBREVIATIONS</td>
<td>xvii</td>
</tr>
</tbody>
</table>

## CHAPTER ONE INTRODUCTION

1.1 Introduction

1.2 Background and Motivation of the Study

1.3 Problem Statement

1.4 Research Questions and Research Objectives

1.5 Overview of Research Methodology

1.6 Significance of the Study

1.6.1 Contribution to Practice

1.6.2 Contribution to Body of Knowledge

1.6.3 Contribution to Theory

1.6.4 Contribution to Methodology

1.7 Organisation of the Thesis

## CHAPTER TWO ANTI MONEY LAUNDERING (AML) REGIME MALAYSIA

2.1 Introduction

2.2 Anti Money Laundering Regime