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Transliteration Table: Consonants

Arabic	Roman		Arabic	Roman
ب	b		ط	ṭ
ت	t		ظ	ẓ
ث	th		ع	‘
ج	j		غ	gh
ح	ḥ		ف	f
خ	kh		ق	q
د	d		ك	k
ذ	dh		ل	l
ر	r		م	m
ز	z		ن	n
س	s		ه	h
ش	sh		و	w
ص	ṣ		ء	’
ض	ḍ		ي	y

Transliteration Table: Vowels and Diphthongs

Arabic	Roman		Arabic	Roman
اَ	a		اَ، اِيَّ	an
اُ	u		اُو	un
اِ	i		اِي	in
اَ، اِ، اِيَّ	ā		اَو	aw
اُو	ū		اَيَّ	ay
اِي	ī		اُو	uww, ū (in final position)
			اَيَّ	iyy, ī (in final position)

Source: ROTAS Transliteration Kit: <http://rotas.iium.edu.my>

The Role of the Principal-Agent-Client Model in Understanding Corruption in the Public Procurement Sector in Malaysia

Hairuzzaki bin Mohd Yusof*

Danial bin Mohd Yusof**

Normala binti Mohd Adnan***

Abstract: Corrupt practices in public procurement in Malaysia are explained in this paper using a principal-agent model. The government leaders, who are typically politicians, ministers, or their relatives, are referred to as the “principal” while the officials who carry out their duties are referred to as “agents”. The actors in the model who constitute the third party — the other actor in the cycle of corruption — include clients, customers, and the public at large. The principal-agent-client framework was applied to 18 selected corruption cases in Malaysia to describe and analyse the actors involved in the transgressions and illegal acts in these cases. The cases were investigated by the Malaysian Anti-Corruption Commission (MACC) from 2014 to 2019, charged and found guilty by the courts in Malaysia. The findings show that all the actors in the role of agent were public officials, while the actors in the role of client were from the private sector, and the actors in the role of principal were high-ranking government officials, their relatives, and politicians.

*Doctoral candidate, Department of Political Science, AbdulHamid AbuSulayman Kulliyah of Islamic Revealed Knowledge and Human Sciences, International Islamic University Malaysia. Email: zaki_lebai@yahoo.com.
Corresponding author.

**Associate Professor, Department of Political Science, AbdulHamid AbuSulayman Kulliyah of Islamic Revealed Knowledge and Human Sciences, International Islamic University Malaysia. Email: danialmy@iium.edu.my

***Assistant Professor. Department of Political Science, AbdulHamid AbuSulayman Kulliyah of Islamic Revealed Knowledge and Human Sciences, International Islamic University Malaysia. Email: normalaadnan@iium.edu.my.

Keywords: Corruption in Malaysia, Public procurement's corruption, Principal-Agent theory.

Abstrak: *Principal-agent-client model* (PAC) digunakan untuk menerangkan amalan rasuah yang berlaku dalam sektor perolahan awam di Malaysia. Merujuk kepada model tersebut, dalam kajian ini, "*Principal*" adalah merujuk kepada pemimpin kerajaan, ahli politik, menteri dan keluarga mereka yang terlibat. "*Agent*" di dalam kajian ini merujuk kepada pegawai kerajaan yang melaksanakan tugas dan kumpulan ketiga yang dipanggil "*Client*" merangkumi klien, pelanggan dan orang awam yang berurusan dengan kerajaan. Kerangka PAC digunakan untuk menganalisis kesemua aktor-aktor yang terlibat di dalam kes-kes yang melibatkan amalan rasuah dan salah guna kuasa. Kes-kes yang dianalisis merupakan kes-kes yang disiasat oleh Suruhanjaya Pencegahan Rasuah Malaysia (SPRM) dari tahun 2014-2019 yang telah dibuat pertuduhan di mahkamah dan telah didapati bersalah oleh mahkamah di Malaysia. Di akhir kajian, keputusan menunjukkan bahawa kesemua aktor yang terlibat di dalam kes rasuah yang dirujuk sebagai "*Agent*" adalah merupakan pegawai kerajaan, manakala yang dirujuk sebagai "*Client*" adalah merupakan daripada kalangan pelanggan, daripada sektor swasta yang berurusan dengan kerajaan dan kumpulan ketiga iaitu "*Principal*" merujuk kepada pegawai tinggi kerajaan, ahli politik dan keluarga mereka yang terlibat.

Kata kunci: Rasuah di Malaysia, rasuah di dalam sektor perolehan awam, teori *Principal-Agent*

Introduction

Malaysia has had numerous corruption scandals involving well-known politicians, public servants, business leaders from both private and public companies, as well as white-collar and blue-collar workers and members of the public. Examples included the Bumiputra Malaysia Finance Scandal in 1983, the Pan-Electric Industries Scandal in 1985, the Deposit-taking Co-operative Scandal in 1986, the Perwaja Steel Scandal in the 1980s, the Forex Scandal in the 1990s, the Malaysian Airlines (MAS) Financial Scandal in the 1994-2001 period, the Port Klang Free Zone (PKFZ) Scandal, the National Feedlot Corporation (NFC) scandal in 2010, the 1 Malaysia Development Bhd (1MDB) scandal in 2010, and the Felda Global Ventures scandal in 2017 (Durairaja, et al., 2019). Recent high-profile cases, such as SRC International Sdn. Bhd. (SRC), resulted in the former Prime Minister of Malaysia, Datuk Seri Mohd Najib Abd Razak, being convicted of all charges and imprisoned for 12

years. In addition to that, in 2022, his wife, Datin Seri Rosmah Mansor, was also charged with corruption and found guilty by the High Court of all three charges against her. She was sentenced to 10 years' jail and fined RM 970 million. However, a stay of imprisonment was granted pending her appeal to the higher court. All the negative perceptions from the corruption scandals have brought infamy to Malaysia, resulting in the nation's poor performance in the Corruption Perception Index (CPI) for 2021 and 2022. The interesting fact is that most of those corruption cases were in the public procurement sector in Malaysia.

This paper will share a significant finding of corruption procurement cases in Malaysia from 2014–2019 using the principal-agent-client (PAC) framework. This paper will explain the nature of corruption acts by the actors and their roles, which usually do not appear in statistics, such as what kind of offences they commit and what type of conviction they get because of their criminal offences. The findings are expected to be useful for scholars and policymakers in designing proper policies that are holistic and practical in the Malaysian context.

Public Procurement in Malaysia

In Malaysia, the procurement system is largely decentralised (Ashari, 2013). The Ministry of Finance (MOF) is responsible for regulating all the government procedures concerning procurement, including policy, guidelines, and procedures such as The Procurement Guideline Book of Malaysia, The Financial Procedures Act 1957, the Treasury Instructions (TI) and the Treasury Circular Letter (TCL) (Othman et al., 2010). The main goal of Malaysian government procurement is to support government programme by securing the best value possible through the purchase of goods, services, and labour. To achieve this goal, both price and non-price factors such as whole life cost, quality, quantity, timeliness, maintenance, and warranty are closely considered. This procurement regime includes government procurement policies as follows:

1. To stimulate the growth of local industries through the maximum utilisation of local materials and resources.
2. To encourage and support the evolvement of Bumiputera (indigenous) entrepreneurs in line with the nation's aspirations to create Bumiputera Commercial and Industrial Community.

3. To increase and enhance the capabilities of local institutions and industries via transfer of technology and expertise.
4. To stimulate and promote service oriented local industries such as freight and insurance.
5. To accelerate economic growth whereby Government procurement is used as a tool to achieve socio-economic and development objectives.

Direct purchase, quote, tenders, and direct negotiation are the four major methods of procurement employed in Malaysia. (Azmi, & Ismail, S., 2022). Although the procurement process is governed collectively and has standards in place as described, there are still issues and potential for improvement (Jones, 2013). A study of Malaysia's public procurement system discovered 16 flaws, which point to the country's public procurement system as being inefficient and in need of further improvement to better serve the country (Azmi & Ismail, 2022). The biggest issue that might arise because of inefficient policies and a lack of openness in the process is corruption. According to Thai (2004), Mahmood (2010), Othman et al. (2010), and Hui et al. (2011), ineffective public procurement processes lead to detrimental side effects of corruption. According to Hassan (2016), unethical behaviour that receives a profit, avoids responsibility, and harms an organisation is what is meant by corruption in procurement. The culprit could be a customer, owner, statutory board member, employee, public official, public figure, or vendor who assisted the affected organisation in purchasing goods or services.

This study will focus on actors who are involved in corruption cases in Malaysia, their roles in corrupt practices, types of sentences, and convictions by the court of law. The findings will help in deciding what else needs to be done to combat corruption in public procurement. The principal-agent theory and the principal-agent-client model (PAC) will serve as the framework for an explanation of the actors and their roles in corrupt practices in public procurement in Malaysia.

Corrupt Actors in The Public Procurement: Theoretical Frameworks

Al-Attas (1995) defines corruption as the misuse of trust for personal gain. According to Nye (1989), corruption refers to using rewards to distort the judgment of someone who has been entrusted with

something. Corruption is a behaviour that deviates from the formal rules of conduct governing the actions of someone in a position of public authority because of private motives such as wealth, power, or status, according to a definition given by Khan (1996). Another definition considers corruption as a transaction between private and public sector actors through which collective goods are illegitimately converted into private payoffs (Heidenheimer et al., 1989). Transparency International and the World Bank describe corruption as the abuse of public power for private ends. According to the United Nations Office of Drugs and Crime (UNODC), there is no theory of corruption that can explain corruption holistically. However, it suggests that there are four main theories that can explain corruption:

1. **Principal-Agent Theory:** This theory is predicated on the idea that public officials act as agents to safeguard the principal's interests. The principal can prescribe the pay-off rules in the principal-agent relationship, but in practice, the interests of the agents frequently diverge from the principal's interests. Additionally, there is informational asymmetry that is to the agent's advantage and could be exploited by the agent for personal gain (Groenendijk, 1997).
2. **Collective Action Theory:** A different hypothesis that has recently been developed to explain why systemic corruption endures despite legislation making it illegal as well as why corruption in some nations defies other anti-corruption initiatives is collective action theory. The collective action theory highlights the significance of elements like trust and how people perceive other people's behaviour, going beyond the typical principal-agent relationship (Persson, Teorell, and Rothstein, 2013).
3. **Institutional Theory:** Institutional theory provides a taxonomy for comprehending how corruption may persist in organisations, institutions, and society despite the existence of an anti-corruption framework by incorporating the social environment into the study of corruption (Luo, 2005).
4. **Game Theory:** This theory, which takes cues from economic literature, aims to explain why public officials make dishonest decisions. According to Macrae (1982), corruption is a crucial

and frequently deeply ingrained component of peoples' decision-making processes. In this situation, several characters, such as corrupt officials and people looking for favours, are faced with a "prisoners' dilemma." They must decide to act honourably by abstaining from corruption and accepting bribes.

This study will choose principal-agent approach to explain corruption in areas such as economic development, bureaucratic corruption, legislative corruption and to reflects most of the anti-corruption programme (Ugur & Dasgupta, 2011, Jain 2001, Persson et al., 2013). Furthermore, there are many scholars in economics and political science who view corruption as a particular instance of a more general principal-agent dilemma (Banfield 1975; Klitgaard 1988; Rose-Ackerman 1978; Shleifer and Vishny 1993). This theoretical approach defines an agent as a management or public officer who, by virtue of his or her employment contract, is required to act on behalf of the principal and serve the principal's interests as if they were the agent's own. The government, including politicians, ministers and their associates, or representatives of the public can all be the principal. The wishes and goals of the principal and the agent may differ or may diverge over time, yet an agent must use some discretion in his/her own decision-making and works to serve the interests of the principal. Furthermore, the principal may find it difficult or expensive to keep an eye on the agent's actual actions (Eisenhardt 1989, Jensen & Meckling 1976). When an agent wilfully puts his own interests above those of his principal or organisation and breaches his trust, the agent develops a corrupt nature and begins to amass bribes (Banfield 1975, Rose-Ackerman 1978, Shleifer & Vishny 1993).

Kliitgaard (1988) and Groenendijk (1997) expanded the principal-agent theory by adding another actor to the model, which is the client. The principal-agent-client model refers to the activity of a new actor, which is the client. It can become the third party that is involved in the solicitation of bribes with the agent. However, Groenendijk (1997) argues that the client can also become a new principal for the agent. On the other hand, Klittgaard (1988) compares the principals to elected officials who frequently lack the necessary expertise for their job duties. These principals hire officials to operate as their agents, and often these agents have so much information at their disposal that they are unable to monitor all economic activities. These agents may have administrative control over monopolies, the ability to strengthen market domination,

or both. Some employees lack accountability and might request bribes from competitor businesses. It is crucial that we alter the relationship between the principal, agent, and client to prevent corruption by limiting access to monopolies, limiting discretion, and guaranteeing agent accountability.

Several studies have applied the principal-agent approach in explaining corruption in public procurement. A study by Rose-Ackerman & Soreide (2011) analysed the corruption risk in the public procurement. They indicated that reducing information asymmetry and increasing transparency will be the keys to mitigate corruption risk. Graycar's (2019) study focuses on understanding and preventing corruption in procurement in a public sector setting in Australia. He argues that we need to focus on the different types of corruption and different types of procurement to enlighten the corrupt behaviour of public officials and suppliers in the procurement process.

In Malaysia, governmental procurement corruption has always been a significant problem. Scholars and professionals have developed the Principal-Agent-Client (PAC) paradigm to comprehend this issue. As it provides a theoretical explanation of how corruption occurs between various actors in the procurement process, the PAC model has grown to be a crucial framework for analysing corruption in public procurement. According to the PAC model, the public procurement officers (the agent) uses discretion to benefit themselves or their clients when the interests of the principal (the government or the public) and the agent (the agent) diverge. According to this approach, clients try to persuade agents to behave in their favour by offering incentives or rewards. As a result, the agents may work with the customers to get around procurement laws, which has a negative impact on the principal by increasing costs or delivering bad goods or services.

Hassan & Ahmed (2015) used the PAC model to examine Malaysia's public procurement system's corruption factors. They discovered that poor governance, an absence of openness, and a lack of accountability were the main causes of corruption in the procurement process. Similarly, Baharuddin & Rahman (2018) examined the causes of corruption in the Malaysian public procurement process using the PAC model. They discovered that the government, as the principal, had little control over the agents, or public procurement officials, and that these agents were vulnerable to client manipulation.

Understanding the dynamics of corruption in public procurement is possible with the help of the PAC model. According to this paradigm, the principal is the government or other organisation that commissions an agent to complete a work, and the client is the person or group that gains from the assignment being completed. When the agent – in charge of the work and has access to more information – takes part in actions that benefit the client at the principal's expense, corruption may result. The principal-agent-client actors' roles in corruption in public procurement are a topic of many discussions and debates such as:

The principal's accountability: Whether the principal is accountable for corruption in public procurement is a topic of discussion. Some contend that failure to exercise enough monitoring or the creation of an atmosphere that fosters dishonest behaviour should hold the principal liable (Mungiu-Pippidi, 2017), while others contend that the agent is primarily responsible (Crespo-Tenorio & Llamazares, 2010).

Agent's incentives: Whether the agent's motivations in the principal-agent-client relationship inevitably result in corruption is a topic of discussion. Due to lax control and monitoring, some contend that the agent has an incentive to engage in corrupt activities (Mauro, 1998). While others contend that corruption may be reduced by using the right incentives and enforcement measures (Olken, 2007).

Client's role: The third point of contention is the client's potential involvement in public procurement corruption. While some contend that the customer actively participates in corruption by profiting from the agent's corrupt actions (Lambsdorff, 2002), others contend that the client may be a victim of corruption if they are ignorant of the agent's actions (Soreide, 2011).¹

1 There are multiple approaches in explaining corruption. The phenomenon can be seen by using multiple lens in human behavioural science such as sociology, politics, economics, psychology and other such as functionalist, criminologist, and moralist. According to Al-Attas (1995), corruption is an immoral action and cannot be tolerated. However, according to Feldman, Y. (2017) indirectly, people are more convenience to accept gift as a response to a good deed by others regardless there is a conflict of interest or not. Corruption sometime seen as a grease to the economy as argued by Huntington (1968) and

Overall, these debates highlight the complexity of corruption in public procurement and the need for a multifaceted approach to combating it. Therefore, this paper aims to explain the phenomenon in the Malaysian context.² The method of data collection and analysis will be summarised in the next section.

Ford., H (1908). As for politics, it always related to the political fund (Teh, 2002). This fund is necessary for the political party to run their political party including in election, mass talk and hi tea party (Agus, 2005). The political party cannot rely merely on their member fees to run their organization. While typology of corruption such as grand corruption, petty corruption and as argued by Amundsen (1999) give a much impression of what can be done by the politician to get easy money. Other type of corruption that related to politics is a legislative corruption as debated by Jain (2001). In Psychology, there are several research pertaining corruptions such as Pertiwi (2021) argues the human perception towards other are among the factors that determining their behaviour or misbehaviour including corrupt practices. This was echoed by Weisel, O., & Shalvi, S. (2015), in a normal experimental paradigm, people are choosing between moral norms which are collaborate or be honest. The research found that people tend to collaborate to the immoral action as to collaborate to the moral action. People are collaborating as means of communication and not merely greed in shaping corruption.

2 . In Malaysian context, there are several research pertaining corruption on why and what. There are three patterns of corruption in Malaysia which are power; opportunity; and moral values. This are the determinants factor of individual act to involve in corruption in Malaysia (Othman, et al., 2014). This was in line with the research finding by (Azman, Ab. Rahman, A., et al., 2022) opined that power and opportunity are the internal factor of corruption in Malaysia. While the external factor of corruption in Malaysia includes low salary, financial and workforce difficulties and national policy on anti-corruption. The latest book by late Prof. Mohamad Kamal Hassan (2021) has streamlined the idea of internal factor of corruption in Malaysia. He argues that moral and ethical crises was in the deep roots in the disease hearts and *nafs al-ammarah* which is the bad deeds such as greed, power, warlords, narcissism, hypocrisy, cronyism, and excessive adoration to political leader are among the root cause of corruption among Malay-Muslim politician in Malaysia. He proposed to make a spiritual and moral transformation through major changes and reforms of the political parties, culture, and behaviour; and strengthening the unification of Muslim Ummah as a divine commandment and embody the Prophetic universal mission of compassion and mercy to all the worlds.

Research Methodology

This paper aims to analyse the actors involved in corrupt practices in public procurement using the lens of principal-agent-client in Malaysia using selected MACC case files. Therefore, a qualitative approach was used to gain a qualitative understanding of the underlying reasons and motivations. As mentioned earlier, this study focused on the selective investigation paper of MACC that investigates corruption cases related to the procurement process. Case study approaches were used, which tend to employ a variety of data sources, including direct observation, interviews, document review, artifacts, and other sources (Eisenhardt, 1989 & Yin, 2009). The document review analysis was used to analyse actual MACC investigation papers on public procurement in Malaysia between 2014 and 2019.

Content analysis was the main approach to data analysis in this study. According to Berelson (1952) and Kerlinger (1986), content analysis is a research technique that involves studying and analysing data in a systematic and qualitative manner to measure variables. It involved the data that was obtained from the selected MACC's investigation papers. All chosen public procurement corruption cases were selected and put through inclusion and exclusion criteria, which are listed as follows:

- 1) Public procurement-related Malaysian Anti-Corruption Commission (MACC) cases from 2014 to 2019.
- 2) Only convicted cases.
- 3) *Kemas Untuk Simpan* (KUS) or completed and inactive investigation documents are among the inclusion criteria.

This paper analysed 18 selected MACC cases from 2014–2019 to determine the actors involved in corrupt practices. The principal-agent framework developed by Graycar (2022) is used as a guideline in determining the actors involved. He argues that, when the agent behaves corruptly in procurement activities, they will be a clear antidote, however if the principal is involved in public procurement corruption, the remedies were unclear.

The researchers find that data from MACC case files regarding public procurement have certain limitations. All the primary data extracted from the case files, with the inclusion and exclusion criteria,

only provided data for the “agent” and the “client.” None of the case files provided by MACC were related to the principal as an actor in the corruption case. Therefore, the researchers included data from other related and authoritative sources, which are from selected law journals in Malaysia, which provide the grounds of judgment of high-profile cases. These cases are related to the “principal” as defined in this study. Thus, two cases are selected for this study:

1. Public Prosecutor vs. Rosmah Mansor
2. Public Prosecutor vs. Tan Sri Mohd Isa bin Abdul Samad

This study involved sensitive issues such as classified government documents and high-profile cases involving politicians. It examines 18 selected investigation papers for cases convicted by the court of law that have been declassified from 2014 to 2019. Therefore, an approval was given by the Division of Policy, Planning and Research (*Bahagian Dasar, Perancangan dan Penyelidikan*) of MACC for the application to refer to the investigation paper of the MACC case files. The present study is also approved by International Islamic University Malaysia’s (IIUM) Research Ethics Committee (IREC). To ensure the confidentiality of the persons involved, data collection document would not have the subject’s name or other sensitive or private information. Instead, it will use a unique ID to refer to the subject. However, two high-profile recent corruption cases will use the principal’s respective names as the documents are publicly accessible from selected law journals.

Findings and Discussion

The study of corruption in public procurement in Australia by Graycar (2019 & 2022) analysed public hearing cases over a 30-year period at New South Wales Independent Commission against. He found that, in rich countries, the principal is principled, and the agent may be a potential corruptor. However, this may differ in developing countries, where the principal may be less principled. The main problem with the principal, according to him, is that the principal is subject only to ex-post detection of his or her corrupt actions, rather than the agent, who faces real-time monitoring, supervision, and detection by the principal. This problem occurs because of the ability of the principal, as a minister, head of department, or policymaker, to turn things around according to

his or her capabilities as a person in power over an agent. Thus, by using the operational definition of principal, agent and client that has been discussed before, it will shed light on a finding and discussion of corruption cases involving the principal, agent, and client as actors in a Malaysian setting.

Principal as a Corrupt Actor

1. Wife of the Prime Minister

The accused is the wife of the former Prime Minister, Datuk Seri Mohd Najib bin Tun Abdul Razak. Datin Sri Rosmah Mansor faces three charges under Section 16(a) (A) of the Malaysian Anti-Corruption Act 2009, where she is accused of corruptly soliciting and receiving gratification as an inducement and reward for helping a company called Jepak Holding Sdn. Bhd. in getting a project valued at RM 1.25 billion from the ministry of education.

The accused is sentenced to 10 years' imprisonment for each charge and the sentence is to run concurrently. She was also fined a total RM 970 million for all three charges, in default 30 years' jail. The sentence for jail term was given a stay of execution pending the appeal to the Court of Appeal. (MLRH, 2021).

2. Chairman of FELDA

Mohd Isa was charged with nine counts of taking gratification of more than RM3 million under Section 16(a)(A) of the MACC Act and one offense of criminal breach of trust (CBT) in December 2018. The reward was for approving Felda Investment Corporation Sdn. Bhd. (FICSB) purchase of the RM160 million Merdeka Palace Hotel & Suites (MPHS) from GAPSB in Kuching, Sarawak.

On 3 February 2021, Tan Sri Mohd Isa Abdul Samad, the former chairman of the Federal Land Development Authority (FELDA), was found guilty by the High Court of nine corruption counts totalling RM3 million. He was given a six-year prison sentence, a RM15.45 million fine, in default 18 years' jail. But while the accused is appealing to the Court of Appeal, Mohd Isa was given a stay of execution for his punishment. (MLJU, 2021). However, on 6 March 2024, the Court of Appeal acquitted and discharged him on all nine charges of corruption. The prosecution later appealed the acquittal at the Federal Court.

Agent as a Corrupt Actor

3. Community College

The case, under section 23 of the MACC Act of 2009, involves the use of position for improper gains. The educator works at Padang Terap Community College. He used Syarikat RHA Sepakat Enterprise, owned by his sister-in-law, to procure the task of supplying spare parts for electrical equipment valued at RM 34,250.25 for the community college. He used his position to award the project to his sister-in-law. The accused pleaded guilty under Section 23 ASPRM 2009. He was sentenced to a day's imprisonment, a fine of RM 171,251.25, or in default, 6 months' imprisonment. However, he was unable to pay the fine and was imprisoned for 6 months.

4. Farmers' Organization (LPP)

In 2014, a public official, who served as the Sabah Farmers' Organization Board's Economic Affairs Assistant, abetted with his friend, the owner of FZ Cemerlang Resources, to solicit bribes totalling RM 380,000. He also accepted bribes from Syarikat Aliran Handal Sdn. Bhd. totalling RM 35,000 in exchange for job offers for supply-related work involving organic fertiliser. The accused was later convicted of all charges and sentenced to 2 years' imprisonment, a fine of RM 6,000, in default 3-month imprisonment.

5. Selangor State Agricultural Development Corporation (PKPS)

On 5 August 2014, a public official was detained as part of an entrapment operation after accepting a bribe from the complainant in the amount of RM 3,000 in exchange for not interfering with the subcontractor's work at the Selangor Agricultural Development Corporation (PKPS) farm in Sungai Panjang, Kuala Kubu Bharu. He was later convicted of the alternative charge (Penal Code) and was fined RM 15,000, in default 6-month jail term.

6. Royal Malaysian Navy (TLDM)

In 2014, a Lieutenant Commander in the Royal Malaysian Navy persuaded his wife, who worked in the procurement division, to secure a project in favour of a friend, and to authorise payment for supply works valued at RM 1,363,317.95 for the friend's company. In return, he and his wife received kickbacks amounting to RM 421,011.67. The accused

pleaded guilty to an alternative charge (Penal Code) and was sentenced to a 9-month jail term. He was also fined RM 80,000, in default 5-month jail term.

7. Melaka Stadium Corporation

Between 2011 and 2015, the Assistant Director of Management and Finance at Melaka Stadium Corporation abused his position by giving his younger brother's company, Ah Boy Suppliers & Services, permission to purchase cleaning and maintenance supplies and equipment worth nearly RM 100,000 for the Hang Jebat Stadium, which is run by the Melaka Stadium Corporation. The accused pleaded guilty to an alternative charge. She was sentenced to a day imprisonment and a fine of RM 65,836.50, in default 2-year jail term.

8. Technical University

A Technical University lecturer in Melaka abused his position as a project leader to obtain bribes by submitting and recommending the quotation of the HA Mega Supply Company owned by his mother-in-law to be selected as the supplier of the Low Wind Vertical Axis Wind Turbine project priced at RM 19,986.00 without making a declaration of interest. The accused pleaded guilty to the charge. He was sentenced to a day's imprisonment and fine of RM 45,600 in default 12-month jail term.

9. Penang State Forestry Department

In 2014, the Deputy Director of Development, Penang State Forestry Department, solicited a bribe of RM 4,000 from a contractor in return for providing an herb plant project worth RM 28,000 in the Telok Bahang Recreational Forest. He was arrested in an entrapment operation while accepting the bribe money. At the end of the trial, he was sentenced to 2 years' imprisonment for all charges and a fine of RM 62,500 in total, in default 3-month jail term.

10. Farmers Organization (LPP)

In Rompin, Pahang, the General Manager of Pahang Farmers Board (LPP) abused his power in connection with a cattle supply project worth RM 100, 000 that was purchased from SR Teras Tani Enterprise, a company owned by his wife, which he failed to declare. The accused

pleaded guilty to an alternative charge and was sentenced to a fine of RM10, 000, in default 3-month jail term.

11. Kuala Lumpur City Hall (DBKL)

A public technician at DBKL used his position to obtain bribes from contractors who carry out maintenance works. He also used his position as project supervisor to ask the contractor to choose his wife's company to do subcontract repairs and received bribes amounting to RM 56,240 as wages on behalf of his wife. The accused pleaded guilty to an alternative charge and was sentenced to a fine of RM 12,000, in default 2-month jail term.

12. Federal Land Development Authority (FELDA)

As an administrative officer of FELDA and holding the position of Vice President 4 of the Malaysian Felda Youth Council (MBFM), he embezzled allocations from the Malaysian FELDA Youth Council amounting to RM 34,170.00 in relation to the 2013 Felda Saji Kitchen Champion programme, where the allocation was not used for the programme in question and as payments to suppliers who should have been paid off by him. It is suspected that the allocation was used for his personal use and that of his company. He pleaded guilty to the charge and was sentenced to 14 days imprisonment with 1 stroke of *rotan* and a fine of RM 16,000, in default 1-year prison term.

13. Royal Malaysian Navy (TLDM)

A Royal Malaysian Navy lieutenant received a bribe from a supplier for helping to secure a supply project at the Fleet Supply Depot, Lumut, Perak, from 2012–2014. In return, he received bribes totalling RM 104,971.97. He pleaded guilty to an alternative charge (Penal Code). The court sentenced him to 7 months' imprisonment and a fine of RM 10,000, in default 3-month prison term.

14. Selangor State Malay Customs and Heritage Corporation (PADAT)

As a curator at the Selangor State Malay Customs and Heritage Corporation, he verified a supply claim from Security Multi Solution Enterprise Company for the supply of musical equipment amounting to RM 49,800, knowing full well that it was a false claim. After full trial, he was found guilty of the charge. He was sentenced to a day's imprisonment and a fine of RM 36,000 in default 12-month jail term.

15. Terengganu Islamic Religious and Malay Customs Council (MAIDAM)

In 2015, as an assistant engineer at the Terengganu Islamic Religious and Malay Customs Council (MAIDAM), he verified a supply claim by ADR Caliber Enterprise Company and realised the claim contained false details. It refers to a document claiming the supply and installation of carpets at Surau Al-Hijrah Tok Adis, Kuala Terengganu, amounting to RM 11,000 to the Terengganu Council of Islamic Religion and Malay Customs (MAIDAM), which did not follow the specified specifications. The accused pleaded guilty at the end of the prosecution. He was sentenced to 1 month's imprisonment and a fine of RM 32,000 in default 12-month jail term.

16. Farmers Organisation (LPP)

Between 31 January to 31 December 2016, as the General Manager of LPP Merlimau Melaka, he was entrusted to manage the Rice Fertiliser Scheme Project and ordered 56,700 bags of NPK and Urea fertilisers worth RM 2,544,650.00 for the use of farmers in the Merlimau Area. He fraudulently misused all the property for his own use and sold it to other parties. He pleaded guilty to an alternative charge (Penal Code) and was sentenced to 3 years' imprisonment and 6 strokes of *rotan* for criminal breach of trust.

17. National Anti-Drugs Agency (AADK)

As an Anti-Drugs Assistant, submitted on behalf of his wife a document which is a Local Order (LO), which contains false details of a claim for payment of food and drink services for the National Anti-Drugs Day Programme at Melaka State Level, 2013, amounting to RM 9,000, although no supplies were made. The accused pleaded guilty at the end of the prosecution. He was sentenced to a day's imprisonment, a fine of RM50,000, and in default 9-month jail term.

Client as a Corrupt Actor

18. Branch Manager

The Branch Manager of the Master Cargo Agencies, Song Branch, made a false claim with false account details to the Song Police District Office (IPD) amounting to RM 12,853.70 for private goods delivery service for a police officer who was transferred from IPD Song to IPD

Meradong but the service was never carried out. He was sentenced to a fine of RM 64,270.00, in default 4-month imprisonment, and 5-day imprisonment for the second charge.

19. Branch Manager

The Branch Manager of the Master Cargo Agencies, Song Branch, made another false claim with false account details to the Song Police District Office (IPD) amounting to RM 18,006.00 for private goods delivery service for a police officer who was transferred from IPD Song to IPD Kota Kinabalu, but the service was never carried out. He was sentenced to a fine of RM 90,30.00 in default of the 6-month imprisonment under the Penal Code charge.

20. Company Director

The director of Nfort MSC Sdn. Bhd. made false claims for capital grant payments known to contain false details to MOSTI (Ministry of Science, Technology, and Innovation) for the installation of IT information system items, the development of networking systems, and other works involving information systems. It refers to the payment to a subject matter expert (SME) amounting to RM200,000 where the said expenses do not exist. The accused has pleaded guilty to the charge. He was sentenced to a day imprisonment, a fine of RM1 million, and, in default 5-year jail term.

The above-mentioned corruption cases were reviewed from the 18 case files of MACC from 2014-2019. Two recent high-profile corruption cases in the public procurement sector in Malaysia were included in this case study to provide a diverse set of data collection approaches that will trigger the assessment of trustworthiness. As this paper aimed to analyse the role of the principal-agent-client in explaining and determining the actors involved in corrupt procurement practices in Malaysia, thus, the analyses of the study are summarised in the following table:

No.	Actor	Role	Offense	Conviction
1.	Wife of Prime Minister	Principal	Soliciting and receiving graft	Pending / Appeal
2.	Chairman of GLC	Principal	Receiving graft	Pending / Appeal
3.	Lecturer	Agent	Abuse of public office	Jail term and fine

4.	Economic Affairs Assistant	Agent	Soliciting and receiving graft	Jail term and fine
5.	Supervisor	Agent	Soliciting and receiving graft	Fine
6.	Lieutenant Commander, Navy	Agent	Soliciting and receiving graft	Jail term and fine
7.	Assistant Director	Agent	Abuse of public office	Jail term and fine
8.	Lecturer	Agent	Abuse of public office	Jail term and fine
9.	Deputy Director	Agent	Soliciting and receiving graft	Jail term and fine
10.	General Manager	Agent	Abuse of public office	Fine
11.	Technician	Agent	Abuse of public office	Fine
12.	Administrative officer	Agent	Abuse of public office	Jail term, caning and fine
13.	Lieutenant, Navy	Agent	Receiving bribe	Jail term and fine
14.	Curator	Agent	False claim	Jail term and fine
15.	Assistant engineer	Agent	False claim	Jail term and fine
16.	General Manager	Agent	Abuse of public office	Jail term, caning and fine
17.	Anti-Drugs Assistant	Agent	False claim	Jail term and fine
18.	Branch manager	Client	False claim	Fine
19.	Branch manager	Client	False claim	Fine
20.	Company director	Client	False claim	Jail term and fine

From the above-mentioned case studies, 75 percent of the actors are government servants as agents. The actors categorised as principal represent 10 percent, and the client, as the last category of actor, represents about 15 percent. This finding was supported by a few factors, such as

the fact that, according to the Ministry of Finance of Malaysia (2022), the budget spending on public supplies and services has increased from 29.3 billion in 2019 to 30.3 billion in 2022, and it constitutes around 12 percent of GDP, or 11 trillion annually. Even in the European Union (EU), despite higher integrity in the procurement system, fraud and corruption have caused 10–20 percent losses (Bosio et al., 2020). This indicates that the source of corruption is mostly government budget spending, as Kaufman (2004) estimated that more than US\$1,000 billion in bribes are paid annually, with the volume of bribes exchanged for public sector procurement alone amounting to roughly 200 billion dollars per year. Therefore, most of the public officials involved in public procurement are exposed to the transgression act along the way.

There are 13 actors from the senior level of management, which constitutes 65 percent. Only two of the actors were classified as principal, and the remainders were agents. The remainder of the actors, eight of them, fell under the category of agent. The interesting fact is that all the client actors are in senior-level management, and none of them are in junior-level management. All the cases involving principals are high-ranking public officials, including the wife of the Prime Minister, and a chairman of Government-Linked Company (GLC).

In terms of offenses committed by actors, seven of them fell under the criminal offense of abuse of public office, or 35 percent of total actors. While soliciting and receiving bribes constitute around 35 percent, or seven actors involved in this kind of criminal offense. The remainder of actors, or six of them, committed another type of offense, which is a false claim, or around 30 percent. Another finding is related to the convictions of those actors that have a similar trend, which is that most of the convictions are jail terms or fines. Five of the cases resulted in only fines. Most of them are sentenced to jail terms and fines by the court of law. Another intriguing fact is that two actors were given strokes of *rotan* for their offenses. This case is related to the Criminal Breach of Trust (CBT) offense, which constitutes caning as part of the sentence, a provision under the Penal Code. From all 20 cases discussed, the total amount of money that changed hands among actors was estimated at around RM 212,988,244.95 million, and the total amount of the procurement value was estimated at around RM 5,373,069,195.87 billion in total.

Those cases affected several public sectors. Slightly more than one quarter, or 28.5 percent, fell within the agricultural sector; 14 percent fell under education and enforcement; and two cases under the hotel/tourism and defence sectors represent 9.5 percent. The other sectors—sports, religion, and science and technology—have one case each. Overall, all the actors in the role of agent were public officials, all the actors in the role of client were from the private sector, and all the actors in the role of principal were high-level government officials, their relatives, and politicians. There are two cases involving the principals still pending in terms of conviction because they appealed their conviction to the superior court, such as the Court of Appeal and the Federal Court of Malaya. This privilege is usually used by the principal, as they have the ability to make such an appeal. For this “principal,” the corrupt money involved was enormous, and the consequence was also enormous, which was five times the sum or value of the gratification. *Rosmah Mansor vs. Public Prosecutor* was the classic case when a record fine of RM 970 million was imposed by the Higher Court. On the other hand, most of the cases related to the “agent” and “client” ended in the lower court, and most of them pleaded guilty. As mentioned by Graycar (2022), the principal is only exposed for their transgressions after the corrupt practices have been done, often in the form of a report that can be discredited or ignored, and they will manipulate the playing field or be immune from the consequences. In Malaysia, it can be related to cases involving politicians such as Lim Guan Eng in 2018 and Tan Sri Musa Aman in 2020, where their corruption cases were dropped by the Attorney General (NST, 2018, 2020).

Overall, the multiple sources of data collection techniques used in this study have proven that all the rich analyses extracted from this case study is very significant to the body of knowledge in corruption and procurement.

Conclusion

Finally, the PAC model has proven to be a helpful framework for comprehending corruption in Malaysian public procurement. The PAC frameworks are useful in determining the actors who are involved in corruption in the public procurement sector in Malaysia. The findings illustrate that corruption in public procurement is more prevalent among public officials in the Malaysian context. The approach will

aid in pinpointing corruption-causing elements and formulating countermeasures. The way forward is to have an in-depth study on the *modus operandi* and to investigate the type of collusion that occurs between the principal and agent in corrupt practices. It will help policymakers and practitioners create more effective anti-corruption measures to enhance public procurement outcomes in Malaysia.

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(i) Al-Bukhārī, M. (1981). *Ṣaḥīḥ al-Bukhārī*. Beirut: Dār al-Fikr.

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