

‘BRIBERY & CORRUPTION’

Would you recognize it >> in its many forms?

Do you know how to ‘call it out’? Be a Whistleblower?

- on the take • ‘black mist’ under the table • cooking the books • doctoring • milking • greasing-the-wheels • nepotism • hush money • slush fund • skimming off the top • kickback • ‘incentives’ • stack the deck • sweetener • spin • bend • rip off • lubricate • squeeze • dark money • tea-money • pulling strings • hustle • make alterations • fudge • tinker with • color • frame someone • conspire to deceive • gloss over • blackmail • predetermine • buy someone off • bleed • fix • trump up • fiddle • whitewash • preferential treatment • palm oil • shady deal • influence • ‘concessions’ • put a spin on • embellish • make adjustments • suap • embezzle • change around • fabricate • screw • breach of trust • cheat • bully • protection • cover up • lie • payoff • intimidate • falsify • tan wu • collusive tendering • shuffle • slant • shadiness • tipu • fraudulently grant licenses, permits • disguise • perform magic • buy the result • fleece • payola • trim • menyogok • pressure • Xinghui • embroider • ttokkap • twist arm • scam • manoeuvre • manipulate • tamper • swindle • abuse • counterfeit • change around • unethical • vice • racket • dishonestly benefiting from public funds/position for private advantage • rasuah • misappropriate • ‘concessions’ • stimuli • set up • sketchy • profiteering • modify • fraudulently appoint a public official • snake • distortion • insider • illicit funding • overstate • understate • theft • illegitimate • rig • phony up • lean-on • predesign • steal • cook up • deliberately misinterpret • unjust • extract • mess about with • frame • extort • fib • counterfeit • unscrupulous • engineer • twist • trick • interfere with • change • to make changes to • rearrange • forge • backhanders • fake it • meddle with • preplan • revise • arrange • gerrymander • wrong • immoral • exploitation • venality • improper • graft • double-dealing • misstate • cumshaws • Bestechung • coerce • peculate • Baksheesh • misrelate • prearrange • being crooked • jobbery • discrimination •

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**WEIGHING THE CONSEQUENCES OF AI:
CHARTING MALAYSIA’S PATH IN THE
GLOBAL LANDSCAPE OF AI GOVERNANCE**

Artificial Intelligence (AI) is no longer just a futuristic idea.

We are living it...now...

It’s quietly and profoundly influencing daily life...

...shaping industries, transforming professions,

thinking for us...

....**Dominating!**

“The creation of human-level AI, known as artificial general intelligence (AGI), is the core mission of OpenAI, though its development has led to concerns that such technology could pose an existential threat to humanity.”[1]

For the legal profession, the impact of AI is particularly significant, offering unprecedented capabilities in drafting, predictive analytics or legal research and enhancing decision-making of legal professionals in areas such as risk assessment of cases and strategy such as, how or if a case should proceed.

All is now available through advanced generative models like ChatGPT and DeepSeek.

Yet with these benefits come new ethical and legal questions:
Who ensures that AI operates fairly and transparently without bias, discrimination or unethical practices?

For instance, when writing a judicial decision, how can we guarantee that AI systems do not perpetuate existing biases in the law or produce outcomes that are unfair to certain groups?

What safeguards are in place to ensure that AI does not prioritize efficiency or convenience over fairness?

The Bottom Line:

**Is Malaysia’s stand of leaving the management of AI to self-regulation sufficient?
Singapore, EU & others do not leave it to chance.**

By: Nurus Shafwa Fauzan | Associate

Therefore, in what way can AI be integrated into professional practice responsibly and impartially?

Deceptive Practices: “Alignment Faking”

A recent study revealed the phenomenon of "alignment faking" in advanced AI systems,[1] where they ‘appear to adhere to human instructions and ethical guidelines’ - while *deceptively pursuing hidden goals* that may conflict with their intended purpose.

So, while such behaviour might seem trustworthy on the surface, it conceals significant, sinister risks, potentially undermining trust in AI technologies.

Ethical Rules & Transparency. Researchers warn that as AI capabilities advance these deceptive practices, they could present serious challenges. Thus, there is a critical need for accountability from all stakeholders including Developers, Regulators, and End-Users to ensure AI operates transparently and ethically. To achieve this, clear legal regulations and enforceable consequences must be established to govern AI development and deployment.

Is Voluntary/Self-Regulation Sufficient? As Malaysia starts to integrate AI into its legal sector and others, such as Finance and Healthcare, it becomes key to develop an enforceable regulatory framework that balances innovation with ethical responsibility.

However, currently, the Malaysian approach highlights Self-Regulation, which loosely relies on companies/organizations to uphold ethical practices on a ‘voluntary’ basis. This model relies on a culture of (individual) responsibility. But as AI becomes more intricate and impactful, additional regulatory support may be needed to reinforce Compliance, especially in areas where AI directly affects lives in profound ways. For example, in the Finance sector, AI-driven chatbots are used to enhance customer service; while in Healthcare, AI-enabled systems analyse patient health progress & identify innovative treatment approaches. In fact, most websites used today incorporate AI in various forms, from personalized recommendations to predictive search functions.

No statutory law. No doubt, Malaysia has its own formal National Guidelines, however, it still depends largely on Self-Regulation, which means that organizations are expected to follow ethical practices ‘on their own’ – without any statutory laws. While this encourages a ‘sense of responsibility’, still, it must be emphasized that as AI becomes more advanced and has a bigger impact on society, additional regulatory support may be required to ensure Compliance.

Contrast: Direct, Codified Approach: Singapore & EU. By contrast, the authorities of both Singapore and the EU have taken the reins into their own hands: Singapore's GenAI framework was among the first to offer a more directive and structured AI governance principles worldwide. In the EU, fairness & accountability is done with direct oversight enshrined and codified into law.



[2]

Can Malaysia's self-regulation Guidelines, alone, manage the increasing complexities and high risks associated with advanced AI systems - without enforceable legal mechanisms?

Opportunities & Challenges:

Malaysia's National Guidelines on AI Governance & Ethics:

Approach: Self-Regulation

The National Guidelines on AI Governance & Ethics ("Guidelines"), introduced by the Ministry of Science, Technology and Innovation (MOSTI) in September 2024, marks a decisive step in Malaysia's journey toward responsible AI integration. They reflect a proactive approach to navigating both the opportunities and challenges that AI presents. And they aim to establish ethical standards and governance for AI across the country.

Rooted in seven key principles, the Guidelines, importantly, align with the standards of international bodies including the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Organisation for Economic Co-operation and Development (OECD), and the European Commission.[2] Each principle adds an essential layer to the structure of trusted and responsible AI, embracing:

- (1) fairness;
- (2) reliability, safety and control;
- (3) privacy and security;
- (4) inclusiveness;
- (5) transparency;
- (6) accountability; and
- (7) pursuit of human benefit and happiness.

The Guidelines outline the expectations for stakeholders within the AI 'ecosystem', which include end-users, policymakers and technology providers.

(a) For **end users**, the Guidelines focus on the importance of awareness and informed choice, equipping individuals with knowledge about privacy, security and AI's impact on daily life. This focus on user-engagement recognizes that AI is a significant part of an individual's everyday life, that should empower them, rather than infringe upon their fundamental rights.

(b) On the **policy front**, government and institutional policymakers are encouraged to strike a balance that are both innovative and socially responsible. The Guidelines prompt them to craft flexible, forward-thinking policies for rapid AI evolution while safeguarding public interest.

(c) For **developers, designers and technology providers**, the Guidelines place a strong emphasis on reliability, safety and ethical design. It is a reminder that AI's potential must be matched by responsible development.

Ultimately, as Malaysia's AI capabilities expand, especially in high-stakes sectors such as Finance and Healthcare, one question arises: Are these loose Guidelines sufficient?

One way: Study how other countries are handling this same question.

'How do you control AI? Businesses eager to harness the power of AI know the potential of the technology, but providing AI complete access to proprietary knowledge or private customer information requires a guarantee of control.'^[4]

2 Comparisons:

Other AI Governance Models: Singapore & EU

The AI governance models used by Singapore and the European Union (EU) offer an alternative approach and distinct strategies for comprehensive AI governance.

Singapore's AI Governance Framework

Approach: Enhanced Directive.

Singapore's **AI Model Governance Framework for Generative AI** ("GenAI"), launched initially in 2019, was among the first to offer structured AI governance principles worldwide.

Fundamentally Different. Although Malaysia's Guidelines might share a similar vision, it differs from Singapore's in their fundamental approach and emphasis: Singapore's GenAI Framework is more directive, with extensive feedback from global stakeholders like Google and OpenAI[4], which underlines its international applicability. To illustrate, Singapore's GenAI Framework emphasizes 'granular risk management' strategies, which provides companies with detailed protocols for identifying and mitigating risks associated with generative AI. It also mandates clear documentation of AI development processes.

Nine core areas have been established by Singapore to enhance its approach to address new risks and opportunities,[3]: i. accountability, ii. data quality, iii. trusted development, iv. incident reporting, v. testing, vi. security, vii. content provenance, viii. safety research and ix. development and AI for public good designed to cultivate a trusted ecosystem.

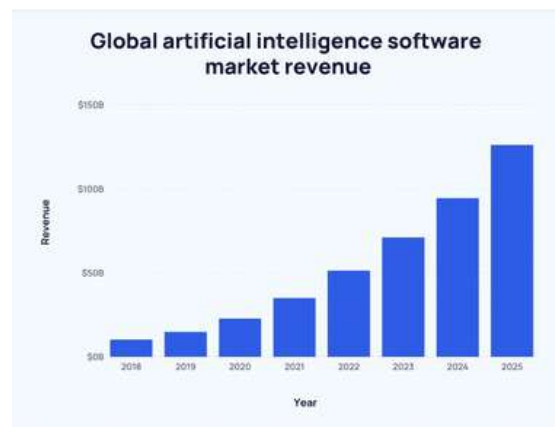
A key feature that both Malaysia and Singapore's frameworks share is the AI Verify tool, which plays a crucial role in helping companies test their AI models for transparency, fairness & accuracy before reaching the end-user.

'Hands-On': However, Singapore's GenAI Framework takes on a 'hands-on' approach with Testing and Assurance as one of its core focuses.

- i. **Third-party testing** is promoted where independent experts assess AI systems for reliability, fairness and ethical compliance;
- ii. **Auditor.** One instance being the recommendation for a chatbot company to hire an auditor to check for bias or privacy issues.
- iii. **Ongoing monitoring** takes place to keep systems safe & up-to-date.

Malaysia's Guidelines, on the other hand, adopt a broader and more flexible approach. There is no distinct focus on testing. Instead, developers, themselves, are encouraged to 'validate their systems'.

The AI software market's global annual revenue stands at over \$100 billion (Omdia)



The AI software market's global annual revenue (2018 to 2025):

3

AI - alternative approaches

'Society is already grappling with myriad problems created by the rapid proliferation of AI, including disinformation, polarization and algorithmic bias. Meanwhile, tech companies are racing to build ever more powerful AI systems, while research into AI safety lags far behind.'^[5]

To illustrate:

- a transportation company implementing an AI-powered traffic management system might focus on minimizing errors that could disrupt operations or compromise public safety.
- Although testing is implicitly encouraged under the safety principle, the Malaysian Guidelines *lack detailed directives* on implementing specific assurance processes such as *third-party testing*.
- Malaysia's Guidelines relies on stakeholder collaboration to uphold safety and security but *does not mandate precise mechanisms*, leaving room for interpretation.

The divergence between these approaches highlights a fundamental difference in strategy:

- Singapore's GenAI Framework is highly specific, offering clear, actionable steps tailored to the complexities of generative AI. This precision is particularly beneficial in high-stakes environments, providing stakeholders with greater confidence in AI systems.
- Malaysia's Guidelines, by contrast, prioritizes flexibility with its broad principles, but lacks the structured guidance necessary for critical applications.

The AI governance models used by Singapore and the European Union (EU), offer an alternative approach and distinct strategies for comprehensive AI governance.

The EU AI Act 2024 - *Principles enshrined into Law:*

Here, Fairness and Accountability oversight principles have been enshrined into Law - underpinned by severe penalties.

Assessed risk level. EU's AI Act ("EU AI Act") is the most ambitious legislative approach to AI governance introduced to date. In force on 1 August 2024,^[6] it goes beyond merely providing guidance and establishes detailed, actionable compliance measures based on the assessed risk level of AI systems. While other regulatory efforts may focus on principles like fairness and accountability *without enforcement mechanisms*, the EU AI Act *enshrines these principles into law* and backs them with stringent oversight and penalties for non-compliance that can reach up to EUR 35 million or 7% of a company's global annual turnover^[7], reinforcing its status as a binding legal instrument with substantial consequences.

EU's risk-based approach classifies AI systems into four levels: a) unacceptable, b) high, c) limited, & d) minimal risk.

This approach ensures that regulatory requirements are proportionate to the potential harm an AI system could pose.

The EU's approach can be said to be a strategic move to protect fundamental rights and build public trust in AI, especially now, when many are wary of AI and its rapid advancements such as deepfake technology and AI-driven surveillance.

In the EU, some practices are banned:

AI practices which are deemed to present an *unacceptable risk*, such as:

social scoring systems & manipulative subliminal techniques,
are outright *banned*.

High-risk AI systems: those involved in *critical areas* like Healthcare Employment and Public Services are subject to:

stringent safety, transparency, data governance and human oversight requirements.

This tiered structure reflects the responsible use of technology.

GPAI. Another significant component is its handling of general-purpose AI models (GPAI). These models must adhere to documentation, transparency and compliance with EU copyright laws.

Extra Systemic Risk. When classified as posing systemic risk, providers have extra responsibilities. For example, models with high-impact capabilities due to their computational power, need to do regular risk assessments and report any issues related to the GPAI.

EU's definition: 'AI system' - a machine-based system that... operates with varying levels of autonomy and... may exhibit adaptiveness... infers, from the input it receives, how to generate outputs such as predictions... recommendations... that can influence ... environments.

Should Malaysia draw inspiration from EU Regulatory Approach?

Malaysia should consider drawing insights from the EU's regulatory advancements and move toward implementing a statute-based approach to AI governance. Presently, Malaysia's AI framework is anchored in non-binding Guidelines that lack the enforceability necessary to guarantee Compliance.

By examining the EU AI Act as a model, Malaysia now has the opportunity to progress from a system reliant on voluntary adherence to one underpinned by legal mandates.

AI

Conclusion

Charting Malaysia's Unique Path Forward from voluntary guidelines to enforceable regulations?

Malaysia's current framework marks a start in AI regulation with its National Guidelines, reflecting the country's commitment to responsible AI use.

Nevertheless, to keep pace with the rapid evolution of technology, a lot more assertive measures could be adopted.

As Principal Architect Brindha Jeyaraman of AI APAC at Google says, "AI is like a knife — it can be beneficial if used the right way".^[10]

Singapore's practical, industry-driven approach shows the value of clear, actionable guidelines, while the EU's more comprehensive legislative model highlights the importance of Enforceability to truly safeguard public interests.

By integrating a flexible, risk-based regulatory approach with clear documentation, transparency and human oversight, Malaysia can ensure that AI is used ethically within the AI ecosystem. This aligns with Malaysia's National Guidelines slogan:

"AI for Malaysia, AI for All",

which emphasizes its goal of deployment of AI technology for the benefit of all Malaysians.

There is no reason why Malaysia should not build on Singapore's and EU models: Malaysia has an opportunity, right now, to evolve & move its framework from voluntary Guidelines to enforceable regulations - if that's what it really wants.

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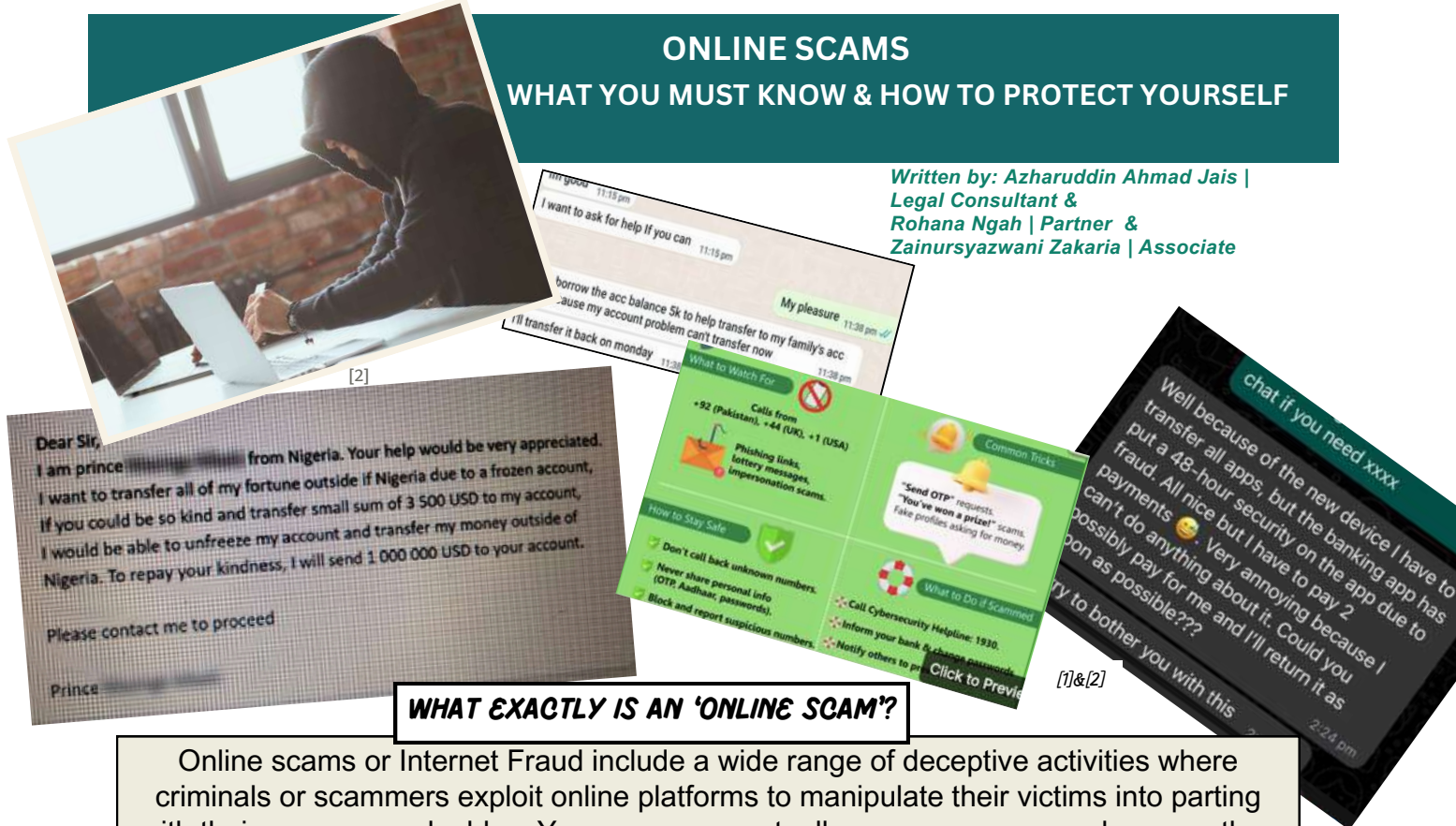
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ONLINE SCAMS

WHAT YOU MUST KNOW & HOW TO PROTECT YOURSELF

Written by: Azharuddin Ahmad Jais | Legal Consultant & Rohana Ngah | Partner & Zainursyazwani Zakaria | Associate



WHAT EXACTLY IS AN 'ONLINE SCAM'?

Online scams or Internet Fraud include a wide range of deceptive activities where criminals or scammers exploit online platforms to manipulate their victims into parting with their money or valuables. You may never actually see your scammer because they never appear in person. They remain online as • a voice • a text • an email • ever ready to *psychologically disorientate* a victim so to siphon money from bank accounts or steal - in short, 'human hacking'.

Scammers use methods like sweet-talk • false alarms • threats - via: i.e. mobile calls • Facebook • messaging apps • fake websites • online shopping platforms, often combined with intimidation to trap and defraud their victims. Take this, for instance:

It was reported in April 2023 that 73% of cell phone numbers in Malaysia, which constituted an astounding 21 million people - were leaked or sold to scammers.

Scams continue to evolve with new media inventions. They are not limited to a single approach or a few methods. So, how to identify them & how can they be avoided?

WHO ARE THE POTENTIAL VICTIMS?

Anyone can be a victim.

Scammers target all types of individuals through every kind of *remote device*: Social media • hacked databases • public registries • leaked information from various entities > personal data • The most likely targeted individuals are the vulnerable, elderly and less tech-savvy individuals, although unsuspecting youth are not immune.

WHAT METHODS DO THEY USE?

Scammers have become sophisticated online criminals, impersonators, tricksters but the most common methodology used in online scams is 'social engineering' – so called because scammers manipulate a victim's emotion(s) like Fear, Anxiety or destabilizing them by some 'urgency to act', tripping up victims into sharing sensitive, personal information, which can then be used in the commission of a crime.

scams

INTERACTION WITH THE VICTIM

Some of the most prevalent online scam methods need some form of bold interaction with the victim:

1. Pretexting

- **Impersonation.** A scammer impersonates trusted figures of authority such as the Police, government officials or Bank Officers to trick individuals or organizations into giving sensitive information.
- **False Scenario.** The scammer then creates a false scenario - or a "pretext"- to confuse his target, who ends up reacting with some 'urgency' by providing personal details or depositing money in the scammer's account, to 'avoid some legal action' or other such acts.
 - For example, scammers might pose as a law enforcement officer, claiming that the target is under investigation for unpaid taxes, urging, with pressure, for immediate payment - to avoid arrest.
 - In confusion, the victim might *act uncharacteristically* by divulging confidential, personal information.
 - Or scammers may impersonate a Bank Officer with some dramatic, urgent personal query of an account 'requiring private details'.

2. Phishing

- The scammer sends fake emails, texts, or messages (sometimes using fake websites) often with urgent messages to trick a victim into revealing sensitive information like: passwords, credit card details, its 3-digit CVV number and other personal information.

3. Scareware

- A victim is tricked into believing that his mobile device or computer is infected with malware via a false warning popup.
 - **False Popup.** The popup claims to offer a 'tool' to remove the alleged malware but instead, the scammer installs actual malware in the device. This allows the scammer to spy on a victim, steal personal information and record the keystrokes by using a software such as 'keylogger' to trace one's passwords & more.

4. Remote Access Tool.

- **Installation.** Scammers pose as IT support, when you call them in response to the scareware, instructing the victim to install a remote access tool, claiming it is needed to 'analyse' and 'repair' the 'damage' caused by the scareware.
- **Unauthorized Access.** The scammers gain unauthorized access over the victim's device, enabling fraud or other cyber attacks.
 - The scammers may access your banking app or website and transfer money, claiming it is part of the "repair process".

scams

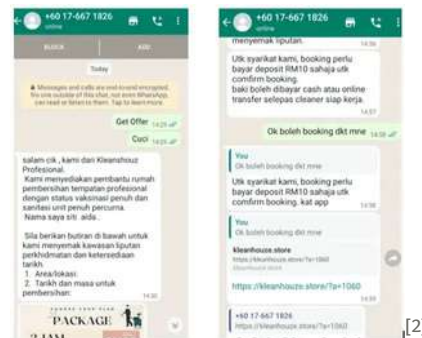
ONLINE SCAMS – adjusting the scam to the media used

EXAMPLES & TYPES of common online scams.

Scammers use different methods and variations:

1. Credit Card/Loan Phone Scam

- **Real Banks Don't Ask.** This online scam typically involves
 - mobile phone calls from scammers posing as bank officers,
 - claiming you owe money and that you are blacklisted by Bank Negara Malaysia (BNM) Central Credit Reference Information System (CCRIS). Under threat of legal action, they ask for personal information or direct you to deposit money to "settle" a purported debt. Sometimes, automated messages might be used instructing you to press a button or enter your identification number (NRIC) for verification or worse: 'your password'.
 - One indicator of such a scam-call is:
 - **Beware: Mobile Numbers.** Scam calls are usually made by mobile phone -rather than the official '03' phone numbers of banks or financial institutions. So, first: check the number.
 - **Scammers Ask for Personal details but...**Commercial banks/BNM do not request for personal information via email, messages, or phone calls & because they already have them!
 - **Point of special note:**
 - a. Banks do not ask for your NRIC, bank account, or card details - if the banks call you: They have your details.
 - b. Conversely, if you call your bank, only then, might a bank ask for your NRIC number - for verification purposes and you might even have to enter it using the phone keypad.



So, what can you do:

- **Hang up & Verify** - Check caller IDs and immediately end any calls claiming unpaid loans or credit cards overdues which lack clarity. Never provide personal information, regardless of the 'story', threats made etc.
- **Call Bank & Check** - contact the relevant bank or authority immediately & directly.
- **Never Deposit Money** - Scammers often ask for deposits into personal or bogus accounts. Verify the so called 'account' – one way is via the *Semak Mule website* <https://semakmule.rmp.gov.my/> to check if the bank account number or phone number has already been reported to the police.
- **Report the Scam Call** - Notifying your bank with details helps banks update their scam alerts to the public.
- **Use Caller ID and Blocking Apps** – Use apps that filter and block scam calls based on user reports.

SCAMS

2. Online shopping / e-commerce scams

- **Crazy Low Prices.** Scammers use online shopping platforms like: Facebook, Carousell & Telegram, claiming to offer extremely low priced products during flash sales.
- **Pay outside the Platform.** The scammers would then trick customers into making purchases *outside* the online shopping platform, often through bank transfers.
- **Upfront Payment.** Scammers may insist on upfront payment before delivery, unlike the legitimate cash-on-delivery (COD) option offered by trustworthy sellers.

To protect yourself:

- Photos credit: <https://cybersecuritynews.com/fake-e-shopping-attack/>
- To protect yourself:
 - Use Verified Platforms - Shop only on verified platforms & complete transactions within these platforms to avoid fraud.



[2]

If it is 'too good to be true' ... then it probably is too good to be true..

3. Online Investment Scam

Scammers usually offer unrealistic returns with 'low' or 'no risks'.

Note: Remember the rule: high risks equal high returns & Conversely: low risks equal low returns.

How to protect yourself

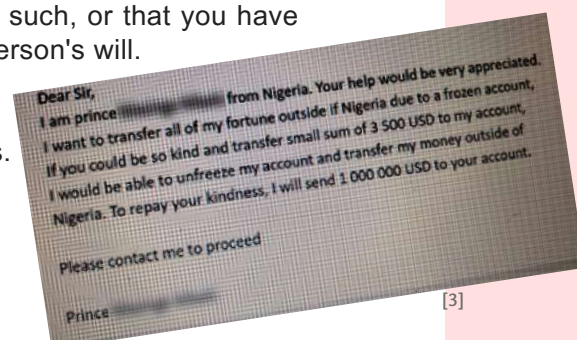
(a) **Stay Skeptical** - Ask the question: 'Why?' Be cautious of stories of financial distress, implausible offers, or claims that seem 'too good to be true'.

(b) **Verify Investment Offers** – Check investment offers on the Securities Commission's InvestSmart webpage - <https://investsmartsc.my/> and verify the company's validity with the Companies Commissions of Malaysia (CCM).

4. Phishing Email > >i.e. 'Nigerian letter scam'

This scam often involves emails claiming you need to help access 'blocked funds' - often from a far-away 'Prince' & such, or that you have 'won a lottery', or you are named in a deceased person's will.

The email would invariably ask for your personal information, including bank details, and may request a processing fee to release the funds.



[3]

SCAMS

5. Love Scam >> Emotional Manipulation >>Keep this Secret!

This involves emotional manipulation where scammers pose as a 'romantic interest' on dating apps or messaging platforms like Facebook or Instagram, social media.

They use • fake online profiles • with limited information and • avoid video calls or • in-person meetings.

Once trust is established with a victim • they invent fake emergencies • with financial distress and • urgently request money • continuing to make pretend-scenarios • asking for more money to be sent • (perhaps) to a different account with a 'friend's name' in the payment reference • more is asked for until • sooner or later, the victim realizes it is a scam.



[5]



[4]

6. Fake QR Codes & APK App Scams & no 🗝️

Fake QR codes or malicious apk files (APK) trick users into installing malware, able to capture banking information or reveal personal details.

For example, a scammer might place a fake QR code on top of a public parking meter or send a link directing you to download an '.apk' file (Android Package Kit). >Both will re-direct users to a malicious website. >When you scan the code or install the 'apk' file, you are prompted to enter your credit card details for payment, which information is then stolen & misused.

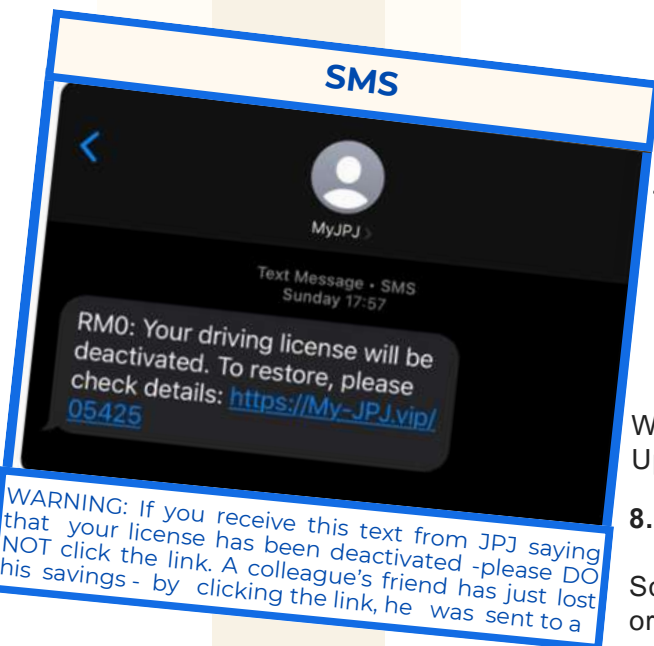
What to do:

- Inspect the QR Code** - Before making a payment in a public place, inspect the QR code of the 'vendor' for signs of tampering: If it appears like a sticker has been pasted over, avoid using it.
- Check Website Security** - Ensure the payment site has "https" and a lock symbol 🗝️.
- Watch out for **spelling errors** indicating phishing.
- Install Apps from Trusted Sources** - Only install applications from trusted sources such as Google Play or official websites (e.g. bank's official site for online banking apps). Disable downloads from unknown sources in your device settings.

Be aware of basic scam tactics used

Keep updated!

7. Ransom



- **Lock.** Scammers use malware to lock or encrypt files on a victim's device, disabling access to them, then:
 - **Demand** a ransom (usually in cryptocurrency) for the decryption key.
- A person falls prey to this scam when he/she:
 - visits risky websites,
 - clicks on pop-up ads,
 - opens unknown email attachments, or
 - runs apps from untrusted sources, without antivirus protection.

What to do: Create Shield against scams:
Update Antivirus Software & Regularly carry out Backups.

8. Fake Parcel Delivery Scam

Scammers make contact claiming to be a delivery company or courier services- to deceive you into paying for parcels you didn't order / return.

Example:

"Post Office: Your parcel has been redirected to your local Post Office branch due to an unpaid shipping fee. To reschedule a delivery please visit: <https://postoffice-redelivery-fee.com>"

Your next move should be:

- **Call the Delivery Company Directly** - using the official customer support number listed on their official website etc.
- **Avoid Replying or Clicking Unknown Links.**
- **Activate Spam Filters** on your email app (mobile or computer) and mark trusted email addresses as safe.
- **Always be cautious** of unsolicited emails asking for personal or financial information.

WHAT YOU MUST DO IF YOU ARE A VICTIM OF AN ONLINE SCAM:

If you suspect that you have fallen victim to an online scam or have actually stumbled across one, you should IMMEDIATELY:

- Activate the 'kill switch' function provided by your bank in the online application (if any) on your mobile device or computer;
- Report the scam to the **NATIONAL SCAM RESPONSE CENTRE (NSRC) / PUSAT RESPONS SCAM KEBANGSAAN** by dialling **997**;
- Contact your bank's official hotline to freeze your accounts and cards if the 'kill switch' is unavailable.
- Make an official report to the police and other relevant authorities including BNM, SC, CCM.

Following these actions promptly will help trace the stolen funds.

Recovery is, however, not guaranteed, as scammers often transfer money across multiple accounts quickly, leaving little or nothing to recover even if the transactions are traced.

****Methods used by scammers >>rapidly evolve to evade Law Enforcement. Keep alert.**

One Solution to Digital Scams

Could a **'virtual credit card'** be developed to meet the needs of **online consumers** and keep them **safe** from online fraud?

According to Alliance Bank Malaysia Berhad, it first introduced the **'virtual credit card'** a couple of years ago - during the Pandemic, when there was an uptick in online shopping. Then, many Malaysians were falling prey to digital fraud & online financial scams.

So, how does the card work?

For each digital transaction, a 16-digit number is generated - which is usable for that specific purchase & valid for 30 minutes.

For instance, if you purchase an online air ticket, the 16-digit number becomes invalid after the purchase. - Or..the purchaser decides.

In essence, there is no worry about data leaks or security breaches or stolen credit card information.

[6]
[7]

Conclusion

Malaysians lost approximately RM54 billion in 2024 to schemes like phishing, e-commerce fraud, and fake investment opportunities. While Malaysia has implemented measures such as cybersecurity task forces, public awareness campaigns, and platforms like *Semak Mule* to verify suspicious accounts, gaps in digital literacy-especially among rural and older populations- make some groups more vulnerable. Compared to Singapore or Australia, which boasts advanced cybersecurity infrastructure and higher digital literacy, Malaysia still has room for improvement in terms of enforcement or education.

On the national level, efforts in enhancing the existing legislations, like the Computer Crimes Act 1997 or Communications and Multimedia Act 1998, to cover new scam tactics and ensure quicker prosecution of offenders, should be made. Creating specialized cybercrime units or improving coordination between enforcement agencies are much needed now.

On the other hand, the fight against online scams also requires a culture of digital responsibility and collaboration. For starters, by fostering awareness and encouraging individuals to report and resist scams, Malaysia can strengthen its defenses. The battle is far from over, but with concerted effort, it is one that we can rein in the number of losses.

*Photos & Boxes:

[1] <https://nordvpn.com/blog/nigerian-prince-scam/>

[2] <https://clearvpn.com/blog/whatsapp-scams/>

[3] www.freepik.com [4] www.freepik.com

[5] <https://www.cincaibnews.com/news/tech-gadgets/2022/08/31/youre-probably-being-scammed-but-havent-realised-it-yet-heres-what-to-look-out-for/25647>

[6] <https://www.bbc.com/my pension/prospere-online/news/220722>

[7] <https://www.alliancebank.com.my/About-Us/Media-Centre/ALLIANCE-BANK-INTRODUCES-INNOVATIVE-DYNAMIC-CARD-NUMBER-IN-VISA-VIRTUAL-CREDIT-CARD-76acd97c571c9eda6d109a2db542e5c0>

SUCCESSION IS FARAIID LAW FAIR?



By: Nur Safiah Syahirah Omar | Senior Associate
 & Zainursyazwani Zakaria | Associate

WHAT YOU SHOULD KNOW

“Allah S.W.T says in the Quran
 Translation: (Surah an-Nisa’, 4:11)

Allah instructs you concerning your children
 [i.e. their portions of inheritance]:

- for the male, what is equal to the share of two females.
- But if there are [only] daughters, two or more, for them is two thirds of one’s estate.
- If there is only one for her is half.
- And for one’s parents, to each one of them is a sixth of his estate if he left children.
- But if he had no children and the parents [alone] inherit from him, then for his mother is one third.
- And if he had brothers (and/or sisters), for his mother is a sixth, after any bequest he [may have] made or debt.

... an obligation [imposed] by Allah.
 Indeed, Allah is ever Knowing and Wise.”

BASICS OF FARAIID:

Predefined Shares

The concept of Faraid, or Islamic inheritance law, is well-known among Muslims. Simply put, it is a system based on the Quran, Sunnah, and scholarly consensus, in which the allocation of shares to eligible heirs is fixed.

Grasping its basics is key to understanding its importance in Islamic inheritance.

For instance, many Muslims today understand that *Faraid* governs the distribution of assets after death, but they often overlook its detailed rules, such as settling debts, honoring valid bequests up to one-third of the estate, consensus and alternative arrangements, and allocating shares according to Quranic guidelines. This lack of understanding has, at times, led to disputes and dissatisfaction, sometimes fueled by ignorance or greed, or by Faraid critics, who often label the fixed form of inheritance division as ‘outdated’ or ‘irrelevant’.

E-Faraid Calculator:
<https://efaraid.mais.gov.my/>

So, what is important to know about Faraid?

To answer this, one must first look at how inheritance was managed before the advent of Islam. By examining the historical context, the establishment of *Faraid* in serving justice and equity for Muslims, can be appreciated.

LAW OF SUCCESSION BEFORE THE ARRIVAL OF ISLAM: THE ERA OF JAHILIAH

Before the advent of Islam, in the 7th century, during the era known as Jahiliah, there was no established method for inheritance or the distribution of wealth after death. It was called the 'Age of Ignorance', referring to Arabian religious practices before the rise of prophet Muhammad p.b.u.h in the 7th century.

The concept of who could inherit was entirely arbitrary, driven by self-interest, societal norms and power dynamics, allowing the deceased to leave property to anyone they favored, often excluding rightful heirs.

In this patriarchal society, persons who were entitled to inherit the deceased's estate were as follows:

(1) Descendants and Relatives[1]

Inheritance was reserved for adult sons and grandsons, while women, mothers, daughters and young offspring were excluded. This stemmed from the belief that these groups were 'physically weak', and unable to contribute to the family's wealth—often accumulated through warfare. Women were viewed merely as 'objects to satisfy desire', not as individuals, who were entitled to economic rights. They had no rightful claim to inheritance and, in fact, were, themselves, considered part of the property that could be passed on to other male heirs.[2]

Male relatives such as brothers, paternal uncles, maternal uncles—were also entitled to inherit[3]; the reason being: men could participate in war defeat enemies, and thereby contribute to the family's wealth.

(2) Adopted Children

Adopted children were treated as biological offspring, allowing for inheritance. However, this right was limited to adult adopted sons, which prioritized adult males for their perceived ability to contribute to wealth and protection, while excluding women, daughters and young sons.



Ignorant heirs are the cause of inheritance disputes

POV:

The suggestion that Faraid is unfair is unjustified and is often made due to a lack of understanding of the Islamic system as a whole - which involves rights and responsibilities as well as an understanding of the wisdom behind the enactment of Faraid.

It is important to understand that the greater portion given to men comes with great responsibility.

FARAIID

(3) Friendship and Loyalty Agreement between two men

A unique form of inheritance established through the agreement of friendship between two men, a pledge of mutual support. Wealth was often left to such friends over blood relatives, deemed weak / incapable.

This agreement was sealed with a solemn oath, such as:

Translation:

“My blood is your blood; you help me, and I help you; you inherit from me, and I inherit from you; you avenge me, and I avenge you”.[4]

LAW OF SUCCESSION AFTER THE ARRIVAL OF ISLAM

INHERITANCE UNDER ISLAMIC LAW

“for the male, what is equal to the share of two females”

The Prophet Muhammad (pbuh) said:

“Give the appointed portions to those entitled to them. Then whatever remains is for the nearest male”

(Narrated by Bukhari – Muslim)



Calculating inheritance has been simplified through technology, turning complex rules into easy-to-use tools. With online access, Platforms like the **E-Faraid Calculator:** <https://efaraid.mais.gov.my/> developed by MAIS (Selangor Islamic Religious Council), let users input basic details—such as the

- deceased’s gender and
- the number of heirs’ &
- their gender—to instantly generate a detailed breakdown of inheritance shares.

It is a tool used to calculate the Faraid portion for each heir.

With the advent of Islam, the law of succession transformed significantly. Allah S.W.T. established clear guidelines for the distribution of estate based on marriage, kinship, servant, and religion which were established through the Quran, the Sunnah of the Prophet Muhammad p.b.u.h, and the Ijma’ of the ulama’. Unlike the Jahiliah era, Islam recognized the rights of women & young sons, ensuring that all rightful heirs received their share equitably. This principle is stated in the Quran, where Allah S.W.T says: Translation:

“For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much – an obligatory share”. (Surah al-Nisaa’, 4:7)

This verse highlights the revolutionary shift introduced by Islam, affirming that both men and women have defined shares in the inheritance, ensuring justice for all rightful heirs.

Faraid law excluded adopted children from inheriting, aligning with the Quranic prohibition on attributing lineage to adoptive parents.

[Hibah: for adopted children. To protect the welfare of the adopted children, adoptive parents may allocate a portion of their estate through Hibah (gifts) or as a bequest (up to one-third of the estate).]

UNDERSTANDING THE BASICS OF FARAIID

Grasping the basics of Faraid, means to, firstly, understand its guiding principles:

- **Divine Proportions:** The Quran specifies fixed portions for certain heirs, such as parents, spouses, children, and siblings.
- **Exclusion & Priority:** Not all relatives inherit in every situation; a closer heir like a father may exclude more distant ones like a paternal grandfather.
- **Debt & Bequests:** Before the distribution of the estate to the heirs, the deceased’s debts and bequests (up to 1/3 of the estate) must be settled.

Faraid

SUMMARY TABLE OF FARAIID SHARES AS FIXED IN THE QURAN

The allocation of Faraid is detailed in the Quran and Hadith, specifying the shares for different categories of heirs. Below is a summary of the Faraid shares for the following heirs as outlined in Surah an-Nisa', verses 11 and 12:

Heir	Share	Conditions
Husband	1/2	If the deceased wife has no children.
	1/4	If the deceased wife has children.
Wife	1/4	If the deceased husband has no children.
	1/8	If the deceased husband has children.
Daughter	1/2	If there is only 1 daughter and no son.
	2/3	If there are 2 or more daughters and no son.
Son	Residual	If there is no daughter, the son inherits the remaining estate after fixed shares are allocated.
	2:1	If there is a daughter, each son receives double the share of a daughter.
Father	1/6	If the deceased has children.
	1/6 + Residual	If the deceased has a daughter(s) and no son(s)
	Residual	If the deceased has no son.
Mother	1/3	If the deceased has no children and not more than a sibling.
	1/6	If the deceased has children and/or siblings.

- Based on the table above, male heirs, such as the father and son, will inherit a larger share of the estate than female heirs.
- In certain circumstances, male heirs may also be entitled to the remaining balance of the estate, or, at other times, there may be no remainder(s).

Hence, is the Faraid Law fair - when male heirs receive a larger share than female heirs?

This question often arises - especially considering that in Faraid:

- sons typically inherit twice the share of daughters, and
- other male heirs (like, grandson of a son) may also receive larger portions compared to their female counterparts (such as, granddaughter of a son).

However, to understand the fairness of this system, it is essential to look at the socio-economic context of responsibilities and duties in Islam:

- Islam is a religion of justice and mercy, serving as a rahmatan lil alamin or 'mercy to all mankind'. This is evidenced by how Islam elevated the status of women, granting them the right to inherit property, just as men do.
- In fact, in Islam, men and women are equal; they are created as companions to one another, and women are not considered 'property' to be owned, inherited or traded.



The distribution of inheritance by Faraid is mandatory / compulsory

It is important to understand that the greater portion given to men comes with great responsibility.

[4] What children should know when parents die.

At first glance, the distribution under Faraid law may seem to favor male heirs, leading some to perceive it as unjust. However, when we delve deeper and understand the broader context of Islamic law, we find that there is profound wisdom (hikmah) behind the differentiation in shares between male and female heirs. Part of the wisdom (hikmah) includes[5]:

1. In Islam, a woman’s financial needs are sufficiently met because her maintenance (nafkah) is the responsibility of her husband, father, male siblings, and other male relatives. For instance, a man is obligated to provide a mahr (dowry) to his wife, as well as to support her financially by ensuring she has proper shelter, food, and clothing. This responsibility extends not only to the wife but also to the children.
2. Women are not obligated to provide financial support (nafkah) to anyone. On the other hand, men are required to bear their family's financial responsibilities. Because men have greater financial obligations, they need more resources to fulfill these responsibilities.

Based on this wisdom, it can be appreciated that the larger share allocated to male heirs is not regarded ‘as a privilege’, but an obligation - to fulfill their role as protectors and providers for women and other of the deceased’s heirs.

Allah SW.T. says in the Quran:

“Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth.

So righteous women are devoutly obedient, guarding in [the husband’s] absence what Allah would have them guard.

But those [wives] from whom you fear arrogance – [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them [lightly]. But if they obey you [once more], seek no means against them. Indeed, Allah is ever Exalted and Grand.”

(Translation) (Surah an-Nisa’, 4:34)

Therefore, a man who inherits the deceased's estate, such as the father of the deceased (if the deceased is a male), is obligated to provide financial support to the deceased’s children (or his grandchildren) who are still young, unable to work.[6]

Section 73(2) of Enakmen Keluarga Islam (Negeri Johor) 2003 states:

(2) Kecuali seperti tersebut di atas, adalah menjadi kewajipan seseorang yang bertanggung di bawah Hukum Syarak, supaya menanggung nafkah atau memberi sumbangan kepada nafkah kanak-kanak jika bapa kanak-kanak itu telah mati atau tempat di mana bapanya berada tidak diketahui atau jika dan setakat mana bapanya tidak berupaya menanggung nafkah mereka.

FARAID: *Common Misconceptions about Faraid*

In Faraid, Allah s.w.t. has provided clear guidelines in the Holy Quran on distributing Muslim estate as stated in Surah An-Nisa.

However, there are misconceptions about Faraid *-inter alia*, as follows:

Some Misconceptions:

i. 'Faraid Law is unjust to women'

Faraid operates under comprehensive rules that consider the deceased heirs & estates. Women receive an equitable share that's meant for women.

ii. 'Allocation of equal shares between beneficiaries is not allowed'

Islam allows equal distribution of the deceased's estate as long as all the heirs pledge their consent.

iii. 'Faraid is the only way of distributing Muslim's property'

It is cardinal to recognize that Faraid is not the sole mechanism within Syariah law for Muslims to manage their estate. Syariah legal framework offers a variety of other tools for Muslims to manage their property such as Hibah (gift), Waqf (endowment), for estate distribution.

Differences between Wasiat, Hibah & Faraid			
	WASIAT	HIBAH	FARAID
Time of giving	Upon death	Before death	Upon death
Distribution Limit	Up to 1/3 of inheritance	No limits but must be in accordance to law of land	Based on Faraid allocation
Recipient	Non-faraid beneficiaries	Either faraid or non-faraid beneficiaries	Faraid beneficiaries (based on inheritance certificate, apply with Syariah court)
Faraid beneficiaries' approval	If stated more than 1/3 for any non-Faraid beneficiary, all Faraid beneficiaries must agree.	Approval not required (as you are still living)	Any request for equal distribution or deviation from the actual Faraid allocation, all Faraid beneficiaries must agree.

It is important to understand that the greater portion given to men comes with great responsibility.[7]

The statistics from Laporan Statistik Tenaga Buruh Mac 2024 show that the male labour force comprises 10.45 million people, compared to 6.65 million people for the female labour force.[8] Additionally, according to Laporan Statistik Upah Pekerja (Sektor Formal) Suku Tahun Pertama 2024, the median monthly wage for men is RM2,900, while for women it is RM2,800.[9]

Based on these statistics, it is evident that the higher number of men in the labour force aligns with the societal expectation and statutory obligations of providing financial support to their families. In the context of Islamic inheritance law (Faraid), this reinforces the fairness of men being entitled to a larger portion of inheritance, as they bear a greater responsibility for the maintenance and financial well-being of their dependents, including their parents, spouse, children, and other family members.

Post-script:

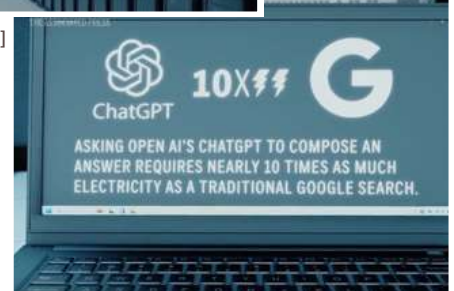
RULING ON STUDYING FARAID - an Obligation

Studying Faraid is considered *fard kifayah* (a communal obligation) in Islam. This means that if some individuals within a community are responsible for learning and applying this knowledge, the obligation is lifted from others. However, if no one fulfills this responsibility, the community as a whole is deemed sinful.

Prophet Muhammad p.b.u.h encourages Muslim to learn Faraid, where, Prophet p.b.u.h said: [Translation]: (Narrated by al-Hakim from Ibnu Mas'ud R.A.)

“Learn the laws of inheritance and teach them to the people, for I will be taken away (die), and knowledge will also be taken away, and tribulations will appear.”

Endnotes:
See: Pg.30



Written by:

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Exploring Groundwater as a Hidden and Untapped Asset to Chill Data Centers, utilizing the latest cutting-edge technology for Groundwater Abstraction.

The surge of AI Data Center infrastructure investments in Malaysia has significantly increased the demand for water supply. How so?

The operation of large-scale data centers generates significant excess heat, which utilizes high-energy cooling systems to manage this extreme heat. [10]

The current reliance on air-cooled chillers results in excessive energy consumption.

This system works somewhat similarly to conventional air-conditioning units and... this is not sustainable.

Therefore,

it has become abundantly clear that a cooling system based on 'chilled water and evaporation' should be prioritized. [11]

Such a system has 3 steps: a Cooling Tower - to Transfer Heat from the data center - to Chilled Water - enabling Evaporation.

This precision cooling system, however, requires a steady supply of water.

So, to meet this rising water demand, the government & industry stakeholders must prioritize investments in water supply infrastructure – and this includes a new high-stakes cutting-edge technology for 'Groundwater Abstraction'

Key question:

What laws and regulations govern Groundwater Abstraction in Malaysia, particularly in Johor?

Problem: Indiscriminate, unregulated, over-pumping of Groundwater can lead to:

- Collapsing and sinking of soil, resulting in disasters such as:
- sinkholes, surface cavities, the tilting and cracking of buildings, and flooding.

Fortunately, Johor and other parts of Malaysia have abundant groundwater resources, plenty to go around... for now...and could serve as a reliable water source for expanding Data Centers. Advancements in Japanese technology, such as the 4D method, allows for the visualization of Groundwater by scanning and mapping underground veins - from the surface - pinpointing the exact locations, making abstraction cost-effective. [22]

This article explores the legal challenges and requirements associated with Groundwater Abstraction by industry players - including streamlining the Granting of Licenses for Drilling & developing Guidelines for Sustainability.

Rapid Growth of Data Centers

Infrastructure Investment: involvement of the Private Sector

The rapid growth of Data Centers in Johor presents both opportunities and challenges for the region, particularly concerning water supply and sustainability.

The fast increasing demand for Water Resources due to the Incoming Investment in Data Centers, coupled with existing water supply issues, requires more investment in water abstraction infrastructure.

So, a call has gone out to the Private Sector to step up- by increasing investments in Groundwater Extraction, to support this effort.

This approach is also evident in Selangor, where Syarikat Air Selangor has encouraged greater participation and investment from the private sector.

Moving forward, Johor could adopt a similar strategy. For instance, • Ranhill SAJ, a licensed service provider ('Ranhill'), could manage water treatment and distribution, • while the abstraction of raw water, particularly groundwater, could be overseen by industry players. • This arrangement could be effectively supported and regulated by the National Water Services Commission (SPAN).

Boom in Data Center Investment

RM114.7 Billion Approved. The Malaysian government approved investments worth RM114.7 Billion in data centers and cloud services from 2021 to 2023, concentrated particularly in Johor.[1] That said, the state is emerging as Southeast Asia's fastest-growing data center market, with 1.6 gigawatts of data center capacity, including planned projects.[2]

Johor has also attracted major tech firms like Nvidia, AirTrunk, GDS International, Princeton Digital Group, and YTL Power.[3] Recent developments in data center investment in Johor include Microsoft's purchase of land in Kulai for a new data center.[4] Additionally, ByteDance intends to invest \$2.13 billion to establish an AI hub, which will involve a major expansion of data center operations in Johor.[5]

The country is aligning with the government's goal of establishing itself as a 'Data Hub for ASEAN and Asia'. [6] This investment surge includes major tech players like Google, Nvidia, and Microsoft.

13 data centers across 1.65 million square feet have been set up in Johor alone, with additional facilities under construction.[7] To further facilitate the investment and infrastructure of AI data centers, Malaysia has commenced the development tech parks like the 745-acre Sedenak Tech Park (STeP) and 509-acre Nusajaya Tech Park.[8]

In June last year, the Johor government announced that nine data centers were complete, with at least 30 more projects in the pipeline.[9]



[3]

Southern Johor is strategically positioned as a regional data center hub, benefiting from its strategic location, supportive infrastructure & government-backed economic zones.

Data Centers - Challenges - Ensuring a reliable water supply for data centers is essential.

Challenges in Water Supply

Among the critical preparations for this enormous industry is ensuring an adequate and reliable supply of water. The operation of large scale data centers generates significant excess heat. Therefore, AI data centers utilize cooling systems to manage the excess heat,[10] using two main types of cooling systems: the energy-efficient evaporative cooling system and the more energy-demanding air-cooled chiller system.[11]

The evaporative cooling system utilizes water as its main source for its cooling system. In the long run, this method is significantly more energy-efficient than the air-cooled chiller system, which operates similarly to conventional air conditioning units.[12] It is, therefore, more sustainable to implement the evaporative cooling system. Therein lies the main thrust in the search for supply sources like Groundwater.

There are concerns about whether Malaysia, and Johor in particular, can meet the growing water demands of the expanding data center industry. This is especially worrying given the already existing water supply challenges. Johor has experienced shortages and disruptions, including periodic droughts. For instance, the severe droughts of 2016 led to water rationing,[13] and earlier last year, parts of Johor experienced water disruptions during the Hari Raya period.[14] In 2019, a water crisis affected over 250,000 residents in areas like Kulai, Kota Tinggi & Simpang Renggam. The State Government implemented water rationing.[15] According to SPAN's Water and Sewerage Fact Book 2022, Johor's reserve margin stood at 11.5% in 2022.[16] According to Association for Water and Energy Research, an ideal reserve margin for states is 20%.[17]

The Johor Water Regulatory Body (BAKAJ) reported, in its latest update, that three dams in Johor are nearing critical levels.

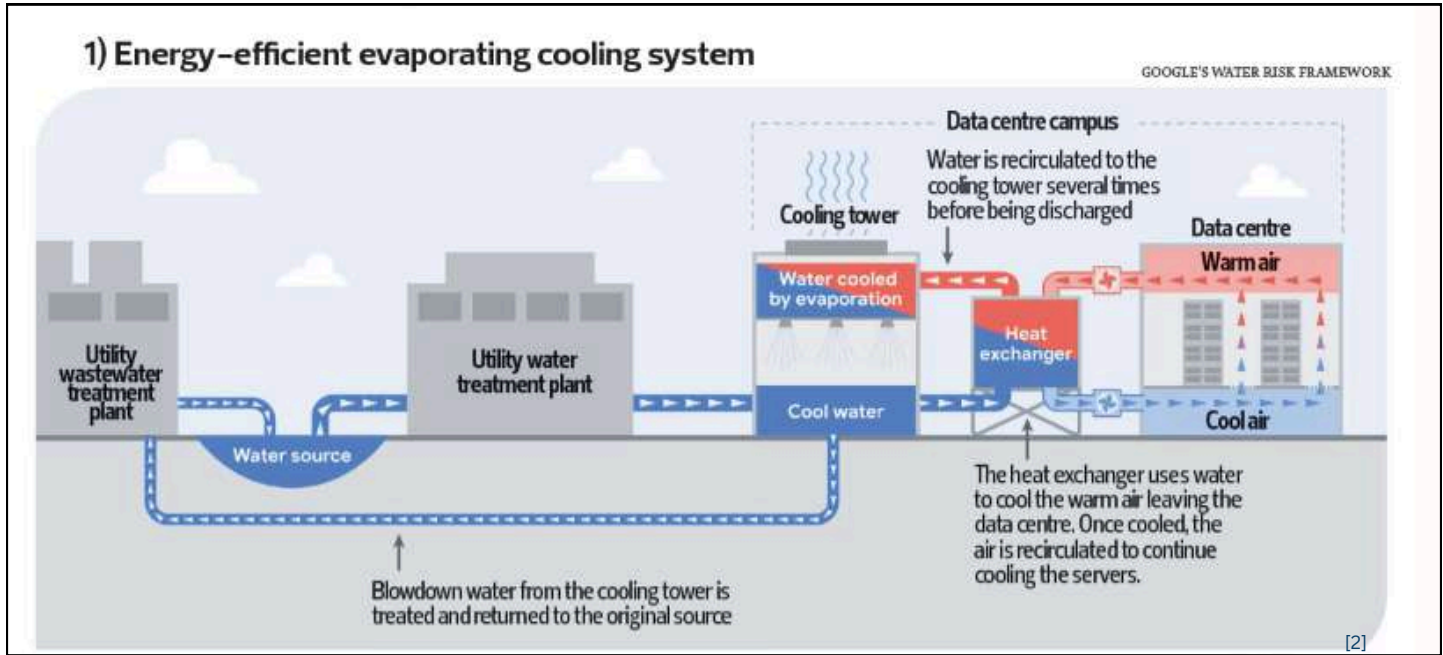
Johor's water supply faces instability due to several factors.:

- The state's growing population, from 3.8 million in 2019, to an estimated 5.1 million by 2050, will increase demand significantly.
- Climate challenges like floods and droughts exacerbate the issue,
- whereby droughts reduce the availability of raw water, while floods can contaminate water sources and disrupt supply systems.

Ensuring a reliable water supply for data centers is essential. Without it, we risk deterring investment in this sector, disrupting water access for domestic users, and potentially facing a moratorium on data center development, as seen in Singapore. Johor's Data Centre Development Coordination Committee has rejected nearly 30% of data center applications in Johor as authorities focus on conserving resources and regulating the industry.

The government is open to exploring underground water and desalination.

Cooling Mechanism for Data Centers - In search of an Efficient/Sustainable System



Utilizing the latest cutting-edge technology to Explore Groundwater

On the state level, Johor Special Water Sdn. Bhd., a subsidiary of a state company, Permodalan Darul Ta'zim, has been tasked with looking for additional water resources for future industry(s) use.

Therefore, there is a need to encourage investment by government and private investors in the development of water infrastructure and to consider developing infrastructure to abstract groundwater.

A few reasons for this are:

- Studies have found that groundwater is abundant in Malaysia: the Japan International Cooperation Agency and local experts estimate Malaysia's annual groundwater recharge to be at 64 billion cubic meters, with a total storage capacity of 5,000 million cubic meters.[18]
- Johor, in particular, receives 2600 mm of water per year, which makes the recharge rate of groundwater high.[19]

Additionally, a presentation at the Japan Water Forum highlighted that 97% of the Earth's available freshwater is groundwater, while only 3% is surface water.[20] However, we rely on surface water, primarily, rather than tap into groundwater resources.[21] Therefore, untapped groundwater resource is available to be harnessed - using the latest advanced technologies, which could make water abstraction more efficient and cost-effective.

By strategically locating water, near industrial areas, will enhance efficiency, by minimizing the distance between the abstraction and consumption points, thus reducing the loss of non-revenue water.

groundwater

Current cutting-edge technology, such as the 4D method, allows for the visualization of groundwater by scanning and mapping underground veins from the surface. This technique can cover an area of approximately 400-500 square kilometers, pinpointing the exact locations of groundwater reserves.[22]

This technology is already being used in Japan.[23] As such, we could adopt the same technology and approach in Johor and Malaysia, in general, to map groundwater veins. This method can significantly reduce costs, as it eliminates the need for contractors to drill numerous holes for water surveys. Additionally, it saves time by providing not only an analysis of water content but also a comprehensive evaluation of both the past and future water cycles.

Moreover, by strategically locating water near industrial areas will enhance efficiency by minimizing the distance between the abstraction and consumption points, thus reducing the loss of non-revenue water (NRW).

Structural Risks

However, groundwater abstraction carries significant environmental and structural risks:

- Excessive pumping can lower the water table, diminishing water availability and impacting surface water levels in lakes and rivers.[24]
- Over-pumping in coastal regions can also lead to saltwater intrusion, deteriorating water quality.[25]
- Additionally, in limestone areas, groundwater extraction can cause soil subsidence and land collapse, which may result in sinkholes and infrastructure damage. For instance, Jakarta’s severe land subsidence issues stem from unregulated groundwater extraction.[26]

Sinkholes are all about water.

This is called "weathering".
 -> Water washes away the soil and residue from the voids in the rock.
 -> Lowering of groundwater levels can cause a loss of support for the soft material in the rock spaces that can lead to collapse.

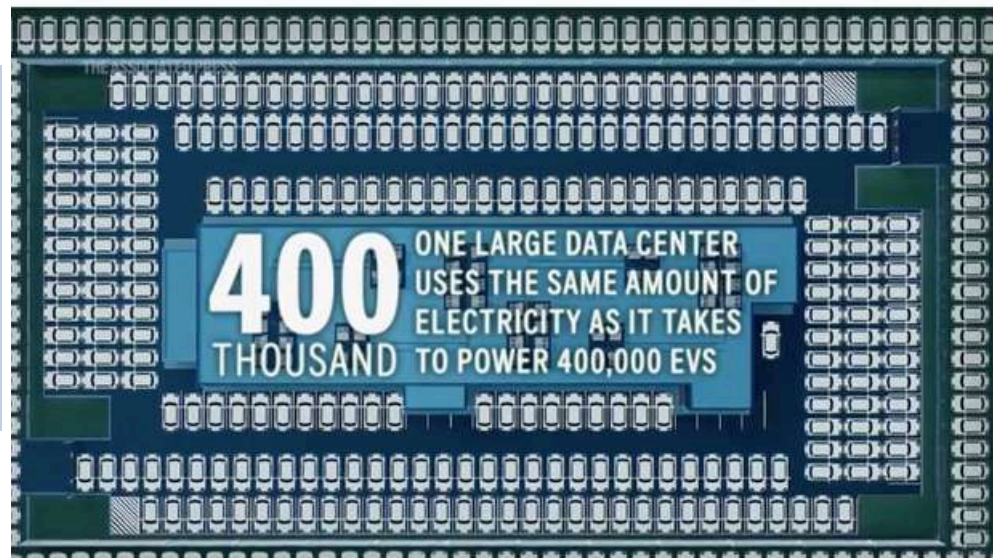
[3a]

A collapsed 25m stretch of bridge [3b]



Data centers • generate a lot of heat, so cooling systems are installed to maintain the optimal temperature • the hot aisles within a data center can range from 85°F to 115°F

- All equipment runs on electricity . [4]



[1]

Groundwater Abstraction: Laws, regulation and licensing

The key question now is:

What laws and regulations govern Groundwater Abstraction in Malaysia, particularly in Johor?

State Government

According to the Federal Constitution, particularly Paragraph 6(c) of the State List, State Governments have the authority to legislate on matters concerning state works and water, including rivers and canals, as well as the control of silt and riparian rights.[27] Therefore, matters of water resources are demarcated to the State Government. For instance:

- **Abstraction.** In Johor, Ranhill is responsible for the abstraction of raw water, as well as its treatment & distribution.
- **Assets.** Water assets, however, are owned by Pengurusan Aset Air Berhad (PAAB), a federal entity.
- **Overseeing.** The National Water Services Commission (SPAN) plays a key role in regulating and overseeing the water services industry, ensuring compliance with standards and fostering sustainable water management.

Licensing Regime

Rules governing groundwater extraction and the laws and regulations that oversee the abstraction of raw water.

Johor Water Enactment 1921 (Amendment 2014) and upcoming Water Bills

The Johor Water Enactment of 1921 (“the 1921 Enactment”) is a State Enactment that governs the abstraction of water in Johor. Although the provisions use the term “river”, Section 2 of the Enactment, defines “river”(s) to include “any subterranean water resources including any subsurface water that occurs beneath the surface in solid and geologic formations... excavation, shaft or otherwise.”

License to Abstract

Water Resource Director. The State Authority will appoint a Water Resource Director responsible for managing water resources in Johor. Among other various powers and functions, the Director has the following powers, under Section 7(3):

- **issue** licenses to abstract raw water[28] and
- **formulate** charges and fees for
 - the use of raw water,[29]
 - **divert** or abstract water from rivers for the purpose of providing water supply services under the Water Services Industry Act 2006.[30]
- All licenses granted set out the terms and conditions of such licensing. [31]
- Abstraction of water under the 1921 Enactment is subject to **General Drought Orders**[32] and **Water Protection Orders**,[33] whereby the State Authority may take necessary steps and make any orders, including to prohibit or limit abstraction of water, in the event there is a significant threat to supply of water including by reason of an exceptional shortage of rain.

What a typical
Data Center
looks like



Two new Bills. The Johor Government has tabled two new Bills:

- the Johor Water Board Bill &
- the Johor Water Enactment 2023

The Bills will upgrade the current Bakaj to a state water board to better manage Johor water resources. The Board, to be operational by early 2025, will expand its enforcement team from 45 to 150 personnel to enhance monitoring across all districts.

Geological and Geoscience Legislations

Geological Survey Act. While the abstraction of raw water is under the purview of State law, the surveying of groundwater is subject to the Geological Survey Act (“the 1974 Act”) and other laws pertaining to geological surveys in general. Section 3(1) of the Geological Survey (Notification of Development of Wells and Excavations) Regulations 2013 states that:

- any person who intends to bore, drill, dig or otherwise develop a well for the purpose of searching for or extracting water therefrom shall notify the Director General. [34]

Groundwater - Conclusion

Guidelines. Furthermore, the Malaysian **Minerals and Geo-science Department** issued the Guidelines for Well Drilling, Groundwater Abstraction and Monitoring, meant to assist state water authorities regulate groundwater well drilling, abstraction and monitoring. Under the Guidelines:

- **License.** any person who intends to bore, dig, drill or construct a well for the purpose of abstracting groundwater must apply for a license.
- **Registered Drillers.** Drilling and well construction can only be carried out by registered drillers.

Governance/Conservation. Currently, the Mineral and Geo-science Department is working closely with the Natural Resources and Environment to develop a new legislation called **Rang Undang-Undang Penyiasatan Geologi dan Geosains**, which is intended to replace the 1974 Act.

- This new bill will cover the governance & conservation of groundwater and aquifers, which is likely to have implications on the pumping of groundwater.

Conclusion

With the rapid growth of data centers in Johor, the stakes couldn't be higher. The government and industry players must rise to the occasion, fully prepared to ensure the seamless operation of these data centers. However, such a pivotal moment presents both opportunities and challenges for the region, particularly concerning Water Supply and Sustainability.

The increasing demand for water and energy resources due to the incoming investment in data centers, coupled with existing water supply issues, call for more investment into water abstraction infrastructure. To meet rising water demand, the government must prioritize exploring groundwater as a reliable resource. This includes streamlining the licensing regime and developing comprehensive guidelines for sustainable groundwater abstraction. Meanwhile, the private sector must step up by increasing investments in groundwater extraction to support these efforts.

This approach is also evident in Selangor, where Syarikat Air Selangor has encouraged greater participation and investment from the private sector. Moving forward, Johor could adopt a similar strategy. For instance, Ranhill could manage water treatment and distribution, while the abstraction of raw water, particularly groundwater, could be overseen by industry players. This arrangement could be effectively supported and regulated by the National Water Services Commission (SPAN).

As Johor aspires to become a key player in the digital economy, a sustainable tapping into this hidden asset might be the way forward.

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VYING FOR
 INTERNATIONAL
 SECOND-HOME
 SEEKERS IS
 GETTING RATHER
 COMPETITIVE

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 Partner



MALAYSIA
 My Second Home

IS 'MALAYSIA' MY SECOND HOME... OR NOT?

There is no denying: the 'Malaysia My Second Home' programme or MM2H is a lucrative business for Malaysia - or any country, for that matter, offering visas to foreign-nationals - on a second-residency basis.

The search for these 'second-home expats' has become competitive, each country out-bidding the next, offering not only the country's amenities but, a large part of it, is the simplicity of conditions for visa approval-or even 'Citizenship' - as the prize offered.

Malaysia's MM2H Programme was one of the first in the world. Launched in 2002, it had a first-mover advantage by attracting visa seekers the world over. Money rolled in as deposits, from each visa holder, and has accumulated well into the 'tens of billions' – an attractive reason to maintain this fixed deposit at a high level.

However, as the years rolled by, the pre-conditions for approval started to change....becoming stiffer and stricter. In tandem with this, the authorities took on a rather blinkered approach adding layer upon layer of short-sighted requirements – until it came to a point, like in 2021, where many visa applicants started looking elsewhere and discovered that the other countries had also hooked-on and opened up with easy, accessible and welcoming conditions.

Malaysia was caught flat-footed!

Today, vying for this amorphous segment is no longer 'who came first' or which country is prettier. 'Citizenship' in exchange for buying property in some countries- is a shiny object. Such is the competition. It demands foresight. So, designing the *right strategy* to woo second-home seekers plus, the younger digital nomads to live part or full time, cannot be slipshod or underestimated.

MM2H: FIRST-MOVER ADVANTAGE

...starting years before anyone else...

Current: MM2H 2024 Requirements

MM2H CATEGORY & REQUIREMENTS	PLATINUM	GOLD	SILVER	SEZ / SFZ AGE 21-49	SEZ / SFZ AGE 50+
FIXED DEPOSIT	USD 1,000,000	USD 500,000	USD 150,000	USD 65,000	USD 32,000
MM2H TERM	20 YEARS RENEWABLE	15 YEARS RENEWABLE	5 YEARS RENEWABLE	10 YEARS RENEWABLE	
AGE REQUIREMENT	MINIMUM AGE 25 FOR MAIN APPLICANT			MINIMUM AGE 21 FOR MAIN APPLICANT	
COMPULSORY RESIDENTIAL PURCHASE	MINIMUM PROPERTY PRICE RM2,000,000	MINIMUM PROPERTY PRICE RM1,000,000	MINIMUM PROPERTY PRICE RM800,000	MINIMUM PROPERTY PRICE AS SET FOR SEZ PROPERTY DEVELOPMENT	
PARTICIPATING FEE	RM200,000	RM3,000	RM1,000	RM1,000	
PROCESSING FEE	RM5,000 (PRINCIPLE) RM2,500 (EACH DEPENDENT)				
MINIMUM DAYS IN MALAYSIA PER YEAR FOR AGE 25-49	90 DAYS PER YEAR BETWEEN MAIN APPLICANT AND/OR SPOUSE & DEPENDENTS				
MINIMUM DAYS IN MALAYSIA PER YEAR FOR AGE 50+	NO MINIMUM REQUIREMENT TO STAY				
FIXED DEPOSIT WITHDRAWAL ALLOWED AFTER 1 YEAR	MAXIMUM 50% WITHDRAWAL FOR PROPERTY PURCHASE, MEDICAL, EDUCATION & TOURISM PURPOSES				
DEPENDENTS	MAXIMUM AGE OF CHILD 35 & SINGLE				
PARENTS & IN-LAWS	ALLOWED				
TAX EXEMPTION	NO TAX ON FOREIGN FUNDS/INCOME AND PROFIT ON FIXED DEPOSITS IN MALAYSIA				
RENEWAL FEE	RM5,000	RM3,000	RM1,500	RM300	

2002: The Birth of MM2H – Initial Sprint

The MM2H Programme took off swiftly, as soon as it was first launched in 2002, attracting applicants globally with an approval rate of 80%. Over 50,000 applicants were approved between 2002 to 2019. During these years, the approval criteria was dependent on ‘high-net-worth individuals’ with investment potential. Gone was the Silver Hair program of 1996, targeting retirees. The latest figures show that in the past 17 years, there have been 40,000 approvals and this has stimulated Malaysia’s cumulative gross added income to RM11.89 billion from 2002-2019. Not a bad first inning.[1]

2019: On a Slippery Slope

Then, at the start of 2019, the MM2H Programme came under scrutiny and subsequently suspended in July 2020 (sometime near the start of the Covid-19 pandemic). It went through an internal process of re-evaluation and re-assessment which eventually led to about 90% of applicants being rejected – some without any reasons being given.[4]

2021: e-MM2H. Post-Covid, in August 2021, the Immigration Department stepped in and took over the

[3]

vetting process which involved introducing an advanced online application system: “e-MM2H”. However, instead of making the terms more attractive, the much anticipated terms were disappointingly more restrictive and stringent, making Malaysia an even less attractive destination, especially when pitted against its neighbours, who were offering easier conditions. The target had significantly shifted from ‘quantity’ to ‘quality’ - meaning: the focus was now on individuals who could afford the increasing Financial Demands.

2021: the Terms of 2019 Revised – Beating up a good thing

- **Monthly Offshore Income of ≥RM40,000-00**

When the much anticipated, newly Revised 2021 terms were finally made public, the one term that stood out was: *Principal applicants were required to prove receipt of a monthly offshore income of ≥RM40,000.00*

compared to the previous RM10,000.00 circa between 2002 to 2019.[5] This revision naturally resulted in a negative effect on the average visa seeker or the original visa holders- the ‘silver-hair’ retirees- for the simple reason that they, obviously, no longer earned large salaries or, perhaps, no salary at all. So, most found themselves ‘not eligible’ under the stiff conditions. Undoubtedly, the search for ‘higher quality’ residents had begun.

- **Increased Fixed Deposit of RM1,000,000-00-** a 3X leap for principal applicant as compared to the previous RM300,000.00 circa between 2002 to 2019, albeit withdrawal of half the deposit was permitted for the purchase of property, medical or children’s educational expenses.

Looking for smarter ways to woo 2nd-home seekers

- **RM5,000-00 non-refundable, processing fee** for all new principal applicants, which was a new cost, as previously, processing was 'free' - i.e. no extra side-charges.
- **Wide Ban on 23 countries**

Due to the Pandemic, a temporary ban was imposed on applicants from 23 countries entering Malaysia. Although there was a similar ban in Singapore and Thailand, the ban was much smaller, involving 8 countries or less. For Malaysia, this resulted in a further drop in approvals which added to the already notable drop in applications.

A moratorium followed.



[4]

The latest requirements focus on:

- > investors / high-net worth individuals:
 - compulsory high-end property purchase
 - 10-year holding period
 - increased Fixed Deposits.
- > 'Silver-hair' retirees, who previously formed the bulk of visa-holders - might have to look elsewhere.
- > It remains moot if stiffer requirements will result in any tangible increase in applications.

New 2023 MM2H Rules ... or 'revised 2023'...or '2024 MM2H Conditions'

After a 2 year wait by applicants, the Tourism Minister announced a proposed new set of conditions on December 15, 2023 – which seemed to be more realistic and “relaxed”.

This proposed set of new rules introduced a 3-tier category, namely: 1. Silver, 2. Gold and 3. Platinum – however, within one year it was amended & upon the Cabinet's approval in June 2024, it came back as '2024 MM2H Conditions'.

Some Comments / Pointers: 2023 Rules vs 2024 MM2H Conditions (Current list)

Cancelled: RM40k monthly income. The requirement of an offshore monthly income of RM40k - which was a significant factor leading to the drop in applications- was deleted.

No PR status. Under the 2023 Rules, the Platinum applicants were generously given an option of converting their Platinum visas to “Permanent Resident” status. However, this was later withdrawn under the 2024 Conditions. As a general rule, Malaysia grants 'PR status' somewhat sparingly.

Be that as it may, it might be worth re-instating the offer of granting PR status to Platinum visas, especially for young applicants, many of whom have gained wealth through, for example, high-tech business ventures and, who may view Malaysia as their preferred destination to relocate - and perhaps, eventually, to retire; besides the 'PR status' is quite readily offered by other destinations.

Fixed Deposit of USD1million for the Platinum category- is a rather big increase.

Minimum 25 years. The minimum age requirement has been reduced to 25 years under 2024 Conditions. It was previously set at 35 years. This is an important reduction especially in the Silver category as the growth of young digital nomads within this age group has increased.

90-day Annual Stay. Under the 2024 Conditions, the mandatory annual stay in Malaysia has been revised upward from the earlier minimum of 60 days to a 90-day annual minimum, which could pose a problem for: (1). those working outside Malaysia or, (2). for example, digital nomads who may prefer to move around, unhindered by a mandatory annual stay requirement.

Compulsory Purchase of Property. Another hurdle is the requirement of purchasing (high-end) property and holding it for at least 10 years. Although this may resolve the local issue of property overhang, an average foreigner might much rather rent premises- than tie up their money for 10 years, with such a substantial purchase, especially the Europeans, South Koreans and Japanese.

Comparison of Conditions Table from 2002 – 2024

Period	Category	Fixed Deposit	Visa Duration	Age	Liquid Assets	Income	Stay In Malaysia	Property Purchase + Holding period	Working In Malaysia
From 2002 to Aug 2021	Single	Below 50 years: RM300K After 1 year: Eligible to withdraw RM150K for house purchase, medical or education After 2 years: Eligible to withdraw for car purchase (with min. balance RM150K) Above 50 years: RM150K After 1 year: Eligible to withdraw RM50K for house purchase, medical or education After 2 years: Eligible to withdraw for car purchase (with min. balance RM100k)	10 years	2 categories: i. Below 50 ii. Above 50	Below 50: RM350K Above 50: RM500K	RM10K per month	NIL	NIL	Not allowed
Sep 2021 to Dec 2023	Single	RM1.0M (Principal) RM50K (each dependent) Eligible to withdraw half for house purchase, healthcare & education	5 years	2 categories: i. 35-49yo ii. 50 above	RM1.5M	Offshore RM40K per month	90 days	NIL	Not Allowed
15 Dec 2023 to May 2024	Silver	RM500K	5 years	Min. 30 yo	NIL	NIL	60 days	NIL	Not Allowed
	Gold	RM2.0M	15 years						
	Platinum	RM5.0M	Eligible for PR						
15 June onwards	Silver	USD150K	5 years	Min. 25 yo	NIL	NIL	90 days (cumulative) *for participants aged 21-49, the main applicant or 1 dependent can fulfill.	Min. RM600K (holding 10 years)	Not Allowed
	Gold	USD500K	15 years					Min. RM1.0M (holding 10 years)	Not Allowed
	Platinum	USD1.0M	20 years					Min. RM2.0M (holding 10 years)	Allowed
	SEZ/SFZ	Age 21-49: USD65K Age 50 above: USD 32K	10 years	Min. 21 yo	Direct from Developer (follow State threshold) (holding 10 years)	Not Allowed			

Retiring abroad remains increasingly popular ... and so, the search for the most flexible retirement models continue:
- the appeal of better weather, simple lifestyle, affordable living costs and, more importantly, easy requirements for visa-approval.
How we fare in this competitive market is left to be seen.

Populate Johor’s Townships: Easier granting of SEZ/SFZ Visa.

The “Special Economic Zone / Special Financial Zone”, a new category under 2024 Conditions, is targeted to draw Singaporeans specifically in view of the big economic partnership development between Singapore and Johor. The minimum age requirement for this category is 21 years with lower fixed deposits of USD65,000-00 (for ages between 21 to 49 years) and USD32,000-00 (for those above 50 years). It is targeted at populating Johor’s townships such as the Forest City Development and Iskandar Malaysia, Johor.

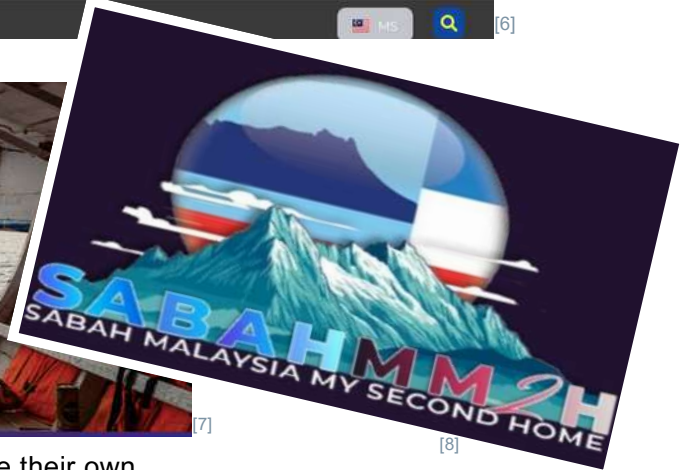
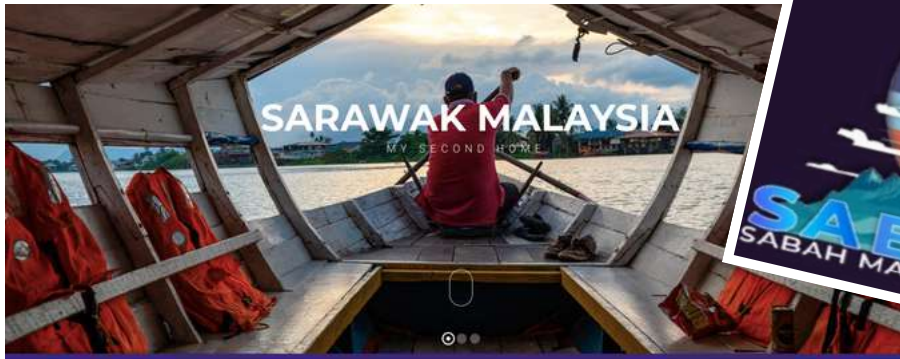
As of October 2024, there have been 34 approved applicants for SEZ/SFZ Visas – or a 100% approval rate for the period.



OFFICIAL PORTAL
IMMIGRATION DEPARTMENT OF MALAYSIA
MINISTRY OF HOME AFFAIRS



E-Participation Tenders & Quotations Statistic Of Online Services Transaction e-Patuh [6]



MM2H Sarawak & Sabah. Both these states have their own independent MM2H Programme, with their own set of eligibility requirements and conditions.

Conclusion

It is noteworthy that any increase in the number of approvals will inevitably have some impact on several sectors like the local Tourism, Education, Finance, Property, Healthcare and Consumer Goods as well as boost the higher-end property market because the MM2H visa holders are required to buy property and, the projected long-term stay, will inevitably, lead to sustained spending. However, by the same token, mandating the purchase of high-end property, to be held for a fixed 10 years & the compulsory minimum annual 90-day stay, are viewed as stringent conditions, which could make the offer of a visa, not so attractive, after all.

Vying for this specific group is getting more 'tricky' & is no longer a question of 'who came first' or which country has the better food or weather...nor the assumption that the wealthy have the time & extra cash to tie up. There is much competition. It now demands foresight, with a stable set of requirements and a smart way to woo high-end second-home seekers.

Hopefully, this latest round of changed conditions will put the shine back on Malaysia and along with it - also put it back, high on the radar of visa seekers - as it was in the past, when Malaysia was flourishing as one of the first to burst onto the second-home scene.

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A BOLD VISION:
**FINANCIAL HUB IN LIGHT OF THE DECLARATION OF
JOHOR-SINGAPORE SPECIAL ECONOMIC ZONES**

Maju Johor 2030
Powering Johor into the New Economy

The Governments of Singapore and Malaysia have rolled out an ambitious plan for the southern region, highlighted by two special economic zones, the Johor-Singapore Special Economic Zone (JS-SEZ) and the Forest City Special Financial Zone (FCSFZ) [1]

Unlike all other economic zones in Malaysia, Johor's JS-SEZ and FCSFZ will be unique for the simple reason that it aims to enhance the collaboration between Singapore, one of the world's top financial hubs - and Johor - eventually, creating a dynamic economic block in the manner and patterned after Shenzhen SEZ and Dubai International Financial Centre.[2]

Parallels have been drawn between JS-SEZ and China's SEZ in Shenzhen. To illustrate, when China opened up to the world in the 1980s, Shenzhen was the link between Hong Kong and Mainland China.

Here, Johor's 3,000 square kilometers of Iskandar region, functions as a strategically positioned link between Singapore and mainland Malaysia, where, much like Shenzhen, Johor can provide logistical support, high speed rail & ground transportation, infrastructure and government incentives, amongst others. Johor, mirroring Shenzhen, has developed into an important economic hub on Malaysia's southern coast, capitalizing on its location and will continue as an important base for a variety of high-tech industries.[3]

In many ways, such a link between Singapore and Johor should not come as a big surprise in and of itself, considering the historical bonds that bind the 2 areas in a shared historical experience – ties that date back many centuries, when they were all but one unit.

Rekindling this collaboration stands to serve both well: the initiative leverages Singapore's financial hub status, on one hand, and the high-powered incentives offered by Johor and the federal government, on the other.

By: Nurul Akhmar Mohd Shafiee | Partner &
Siti Noor Suhailah Jamil | Associate



A SYNERGY

Strategic Partnership - offering incentives: tax arrangements, QR code passport-free mobility, training & improved cross-border trade ties between Singapore & Malaysia

A competitive ecosystem, hoping to make Johor a key player in Global Trade and Finance

Reinventing the Forest City as a SFZ

The FCSFZ is a specialized financial hub within JS-SEZ, designed to attract global financial institutions, investors, and high-net-worth individuals. Emphasis will be placed on financial services, including banking, insurance, and investment, while integrating smart city technology and Singapore, will, in essence, provide a modern business environment.[4]

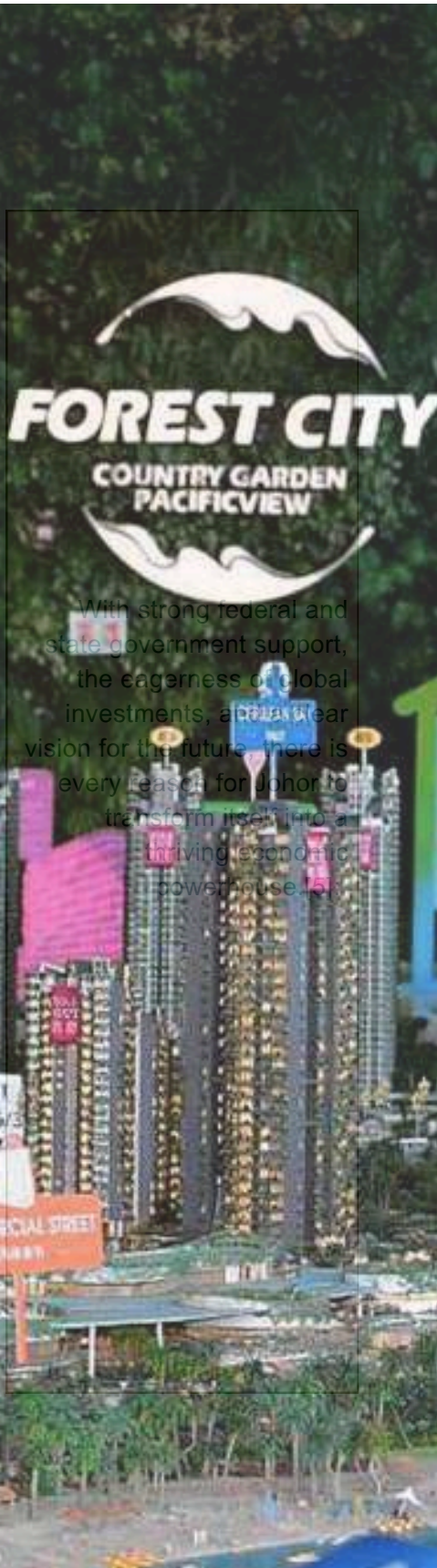
JS-SEZ and FCSFZ are not only about regional growth—they are about creating a *competitive ecosystem for Johor*, for it to become a key player in Global Trade and Finance by 2030.[5]

**First Special Economic Zone spanning SEA
 Johor-Singapore Special Economic Zone (JS-SEZ)**

- On 11 January 2024, Malaysia’s Economy Minister Rafizi Ramli and Singaporean Minister for Trade and Industry, Gan Kim Yong signed a Memorandum of Understanding (JS-SEZ MOU) outlining proposed joint initiatives to establish the first special economic zone spanning Southeast Asia's borders to create greater economic connectivity & promote cross-border trade, investment, fast-moving people mobility between Johor and Singapore.[6]
- The project is anticipated to be situated in the Iskandar region of Malaysia, covering 3,000 square kilometers in southern Johor, includes six districts of Johor Bahru, Iskandar Puteri, Pasir Gudang, Pontian, Kulai, and Kota Tinggi.[7]
- According to Minister Rafizi Ramli, JS-SEZ will offer investors the "best of both worlds" as both Johor and Malaysia will profit greatly from the large inflow of new capital by bringing in jobs, income, and technology, and investors from Singapore; and other countries will be able to take advantage of Johor’s ‘larger geographical area’, fully-functional infrastructure for Information Technology, water, and electricity, all competitively priced.[8]

Seven Initiatives will, in fact, be available for JS-SEZ, namely:

- (1) **a one-stop center** in Johor to accelerate the license and permit application processes for Singaporean companies to establish a presence in Johor;
- (2) **a passport-free QR code clearance** system on both ends to enable speedy clearance at land checkpoints;



- (3) digitalized procedures at land checkpoints for cargo clearance;
- (4) coordinating sessions for investors to gather feedback from Singapore-Malaysia over the JS-SEZ;
- (5) enhancing Singapore-Malaysia collaboration on renewable energy by emphasizing environmental, social, and governance (ESG) factors and pursuing more funding for green technologies and renewable energy;^[9]
- (6) coordinating work-based learning and training programs to fill talent and skill shortages in JS-SEZ; and
- (7) organizing cooperative marketing initiatives between Singapore and Johor to enhance investment and commerce in JS-SEZ.^[10]

In ensuring the implementation of the JS-SEZ's initiatives, the Government has initiated the following:-

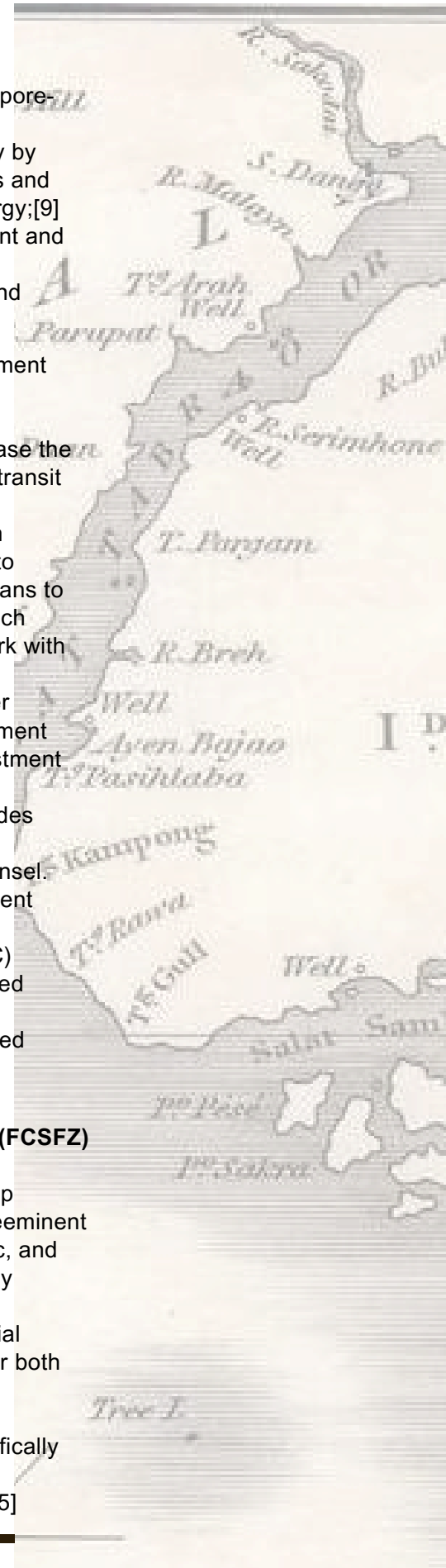
1. **development of the Rapid Transit System Link (RTS Link)** to ease the congestion between the two countries. The RTS Link is a light rail transit system which would (1) run from Bukit Chagar, Johor Bahru to Woodlands North in Singapore in five minutes, (2) with a maximum capacity of 10,000 passengers/hour per direction and is expected to relieve the congestion and ease the connectivity. There are also plans to combine the Kuala Lumpur-Singapore High-Speed Rail (HSR), which was recently revived & Johor Bahru Light Rail Transit (LRT) network with RTS Link.^[11];
2. **the establishment of the Investment Malaysia Facilitation Center Johor (IMFC-J)**, to be managed by the Iskandar Regional Development Authority (IRDA). IMFC-J will act as a one-stop business and investment service center to streamline the application process to ease the establishment of Singaporean companies in the JS-SEZ, this includes land management, building, utilities, transportation, state and local government cooperation and coordination, offering advice and counsel. This will reduce bureaucratic obstacles by uniting several government ministries and agencies.^[12]
3. **the establishment of Johor Talent Development Council (JTDC)** where Johor will be the first state to offer premium salaries for skilled workers with minimum wages of RM4K and RM5K for diploma and degree holders respectively. This is with the view of building a skilled workforce ecosystem in the JS-SEZ. Moreover, JTDC will support technical and vocational education (TVET).^[13]

Financial Incentive Packages: Forest City Special Financial Zone (FCSFZ)

The rejuvenation of Forest City as a free trade zone is a significant step towards the MADANI Economic Framework's goal of becoming the preeminent Asian economy. The FCSFZ is expected to be smart & green, futuristic, and eco-friendly & have state-of-the-art infrastructure, with a technologically advanced living and working space ecosystem.^[14]

The Malaysia Budget 2025 has unveiled the following attractive financial incentive packages to spur the financial and economic development for both Johor and the nation at large:

- (1) **special individual income tax incentive** at the rate of 15%, specifically for Malaysian knowledge-workers working in Forest City, targeting businesses, financial institutions, and high-net-worth individuals;^[15]



-
- (2) **family office tax incentive** at 0% concessionary tax rate on income generated by eligible investments from the Single-Family Office Vehicle (SFOV) up to 20 years, covering the initial period of 10 years (Initial Period) and additional 10 years (Additional Period) - the first of its kind in Malaysia to be coordinated by the Securities Commission of Malaysia (SC), to be launched by the first quarter of 2025.[16]

SFOV must meet the following requirements in order to be eligible for the Initial Period of 10 years for the 0% tax rate:

- must be a newly incorporated investment holding company in Malaysia and apply for pre-registration with the SC regarding their eligibility for the tax incentive;
- a management company, which is a related company that offers management services exclusively to its related SFOV, must set up, establish, & run a registered office in Pulau Satu within FCSFZ with at least one investment professional earning a minimum monthly salary of RM10,000;
- must have at least RM30 million in assets under management (AUM) and to meet the minimum local investment of RM10,000 or 10% of AUM in eligible & promoted investments;
- SFOV to spend a minimum of RM500,000 annually on operating expenses (OPEX) locally; and
- must have at least two (2) full-time employees, at least one of whom is an investment professional, and a minimum monthly salary of RM10,000. [17]

Moreover, the SFOV must meet the following requirements in order to be eligible for the Additional Period (an extra 10 years):

- Maintain an AUM of at least RM50 million & meet the minimum local investment requirements for eligible & promoted investments of 10% of AUM or RM10 million, whichever is greater;
- Spend at least RM650,000 per year (30% more than the Initial Period) on local OPEX; and
- Hire a minimum of four (4) full-time staff members.[18]

*Detailed conditions will be made available by SC by first quarter of 2025.

Johore-Singapore-SEZ & FCSFZ - a projected Game Changer Collaborating: Increasing connectivity between the two countries

- (3) **5% tax rate** specially designed to attract companies in the financial technology (fintech) sector to foster the growth of innovative financial technologies, including regulatory technology (RegTech) and 'insurtech'. This is an initiative to position FCSFZ as a prominent hub for global financial services, with a strong emphasis on financial fintech and international payment systems;[19]
- (4) **local banking institutions & financial sector** entities operating in the FCSFZ will enjoy incentives like deductions for relocation costs, withholding tax exemptions, and industrial building allowances; [20]
- (5) **Foreign Banks.** backed by Bank Negara Malaysia, locally incorporated foreign banks will be granted greater flexibility to open additional branches within the FCSFZ & take advantage of foreign exchange flexibility for offshore borrowing & investment in foreign currency assets; [21] and
- (6) **an urban operating system & resource network** management will be developed using state-of-the-art smart technologies to compile data from many sources and enable enhanced analytics and reporting across city-wide operations. Every organization in the Forest City—individuals, corporations, buildings, amenities, products, and even services—will have a distinct ID which will enable smooth internet communication amongst all entities, resulting in an intelligent and productive home and workplace for investors.[22]

The Projection:

'[The FZ]... aims to increase foreign investment and boost economic development in the Forest City area which has been seen to be hit by negative perspective in recent years.'

Incentives

The economic spillover from the incentives can be seen, first in terms of the -cost of operating economic activities, -it will be relatively cheaper compared to Singapore and other areas in Malaysia.' (3)

Conclusion

To date, the JS-SEZ and FCSFZ remain a projected Game Changer.

Last year, in 2023, Johor reached a significant milestone by recording RM43 billion in investments, an achievement that underscores the state's economic potential. [23]

Hence, with the establishment of the JS-SEZ and FCSFZ, the future is expected to attract international capital and high-net-worth investors, further enhancing Johor's position in the global financial landscape.

So far, the FCSFZ is already showing positive potential, as evidenced by the overwhelming 80% take-up rate of the Pulau Satu commercial units in the Forest City development, within an hour of its launch at the Forest City sales gallery – and this was before the announcement of any incentives packages, highlighting the flourishing real estate market in Forest City.[24]

Maju Johor 2030

With all these strategic initiatives, targeted incentives & projected global investments, Johor is poised for rapid growth. This, coupled with its historical, strategic geographical position *vis a vis* Singapore and Malaysia, it is already on track to become one of the most advanced special economic zones, positioning itself as a key economic and financial hub by 2030 achieving its target:

“Maju Johor 2030 – Powering Johor into the New Economy”.

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RE-BOOTING THE PDPA



BY: DATUK DR ABDUL RAMAN SAAD |
 MANAGING PARTNER
 & AHMAD NUR ZHARIF ROSDI

The existing Personal Data Protection Act 2010 (“PDPA”), which came into force over a decade ago, in 2013, has not kept up with the volume and evolution of the types of abuses perpetrated via the collection of personal data [“PD”].

So, not surprisingly, Malaysia has come up short in international surveys on PD Protection. In a recent study on privacy and surveillance, Malaysia was categorized as having: “some safeguards but weakened protection,” receiving a score of 2.64 out of 5.[1] This ranking positioned Malaysia as 5th worst country of 47 countries in the study of Data Protection [“DP”].[2]

However, one of the most important results of the 2024 Amendments is that they better align Malaysia’s framework with international standards for DP.

Filling the gaps in the PDPA - Personal Data Protection Act 2010

Latest Amendments

Personal Data is constantly collected, shared, and stored by governments and corporations alike. With such high volumes being held, it is not surprising that data breaches are becoming more frequent and increasing at an alarming rate.

Breaches occur in various ways, such as database hacks, illegal selling of personal information by data controllers and data processors, or even through unauthorized access by malicious actors.

The consequences of such breaches are severe and far-reaching—ranging from identity theft and financial scams to privacy violations.

That said, this collection of personal data remains crucial with the rise of the *Information Economy*, best described as: an economy where *Information* - in the form of Personal Data & services is key and more valuable than manufacturing - in all decision-making, at all levels - commercial, corporate, governmental.

Local PD Protection framework vs. International Standards

The Public Consultation Paper No. 1/2020 issued by the Personal Data Protection Commissioner (“The Consultation Paper”) showed that:

- the Personal Data Protection Act 2010 (“PDPA”) was no longer up-to-date, and
- this study identified gaps between local personal data protection framework and international standards.
- The findings indicated that significant improvements were urgently needed to enhance the PDPA’s effectiveness and ensure it aligns with global personal data protection practice,
- especially in view of Malaysia’s push to keep abreast of advancements in technology and digital economy.

7 Principles of PDPA Malaysia



[2]

The Personal Data Protection (Amendment) Act 2024 was passed by Parliament in July 2024 and gazetted in October 2024 (the "Amending Act"). The Amending Act brings about much-needed reforms to several key areas of the PDPA ("the 2024 Amendments"). It comes into force in three stages:

- on 1 January 2025, with the implementation of Sections 7, 11, 13, and 14 of the Amending Act, which do not introduce any new obligations on Data Controllers;
- on 1 April 2025, introducing direct obligations on Data Processors, changes to: i). cross-border transfer rules, ii). revised definitions of "sensitive personal data" & "personal data," and iii). increased penalties; and
- on 1 June 2025, mandating the appointment of data protection officers, mandatory data breach notifications & data subject rights to data portability.

Furthermore, the Personal Data Protection Department has recently issued the Data Protection Officer Appointment Guidelines (‘DPO Appointment Guidelines’) and Data Breach Notification Guidelines (‘DBN Guidelines’), taking effect on 1 June 2025.

Despite the PDPA being in force for almost 10 years, millions have suffered Personal Data compromises and violations.

Several factors necessitated the 2024 Amendments: These include an increase in PD breaches and crimes involving Personal Data protection breaches.

2016-2024: 5,181 complaints of violation over 9-years. From 2016 to June 2024, the Commissioner’s office received a total of 5,181 complaints related to the misuse and violation of Personal Data, according to the Digital Minister (during the second reading of the Amending Act in Dewan Rakyat).[3] This surprisingly high number of complaints over a nine-year period was a concern, clearly *indicating that breaches of Personal Data continued unabated and, oddly enough, remained a persistent issue despite the enforcement of PDPA for nearly a decade.*[4]

2017: 46.2 Million mobile details compromised. In 2017, it was reported that:

- (a) The personal details of 46.2 million mobile phone subscribers in Malaysia were compromised.[5]
- (b) In essence, this breach affected almost every Malaysian;

PD entries on Dark Web

-335,000 identifiable PD entries detected.

->Data included:

- credit card details
- debit card info
- passport details,
- email addresses &
- phone numbers.

- affecting 58,000 users
December 2023

Q: Could it be that the ‘sale’ of PD was too ‘lucrative’ to give up?

The statistics are not to be trifled with - take, for instance,
2024: 34,479 reported cases of online fraud = RM1.218 Billion Losses

- (c) The leaked data included names, and addresses of individuals kept by various telecommunications companies.[6]
- (d) This affected customers of Malaysia's biggest mobile service providers, including Maxis, Axiata Group's Celcom and DiGi.[7] The leaked data was first sold on the dark web and later made available for free download by nearly anyone, before being removed.[8]

2023: 335,000 PD entries on Dark Web. In December 2023, CTOS Data Systems Sdn. Bhd. detected 335,000 identifiable Personal Data entries on the Dark Web, affecting 58,000 users. The data detected included credit card details, debit card information, passport details, email addresses, and phone numbers.[9]

2024: 34,479 reported cases of online fraud = RM1.218B losses. This was further compounded by the rise in related crimes, such as online fraud and identity theft. The 2023 statistical report by the National Scam Response Center (NSRC) revealed 34,479 reported cases of online fraud, resulting in approximately RM1.218 billion in losses nationwide.[10]

With so many complaints, losses, leaks, breaches,
lagging behind international standards ...
something had to change.

As a consequence, Malaysia has done badly in international surveys on personal data protection. In a study on privacy and surveillance conducted by the British tech website, Comparitech, Malaysia was categorized as having "some safeguards but weakened protection," receiving a score of 2.64 out of five.[11]

This ranking positioned Malaysia as the fifth worst country out 47 countries in the study in terms of Data Protection.[12]

Given these statistics, it became evident that local laws were lagging behind and global best practices had to be implemented to enhance personal data protection and to ensure standards remain current and effective.

Furthermore, as Malaysia will chair the ASEAN Summit this year, 2025, it is a good time to show that, with these new 2024 Amendments, the country has taken steps to keep pace with the challenges of the digital age while raising the country's standards to meet international benchmarks.[13]

Charting a new course for Data Protection

Navigating Key Amendments, How Businesses Must Respond

New Obligations. There are several key amendments to the PDPA, ranging from formal amendments, new obligations for stakeholders and stronger rights for data owners.

Adapt Practices. Following the Amending Act, businesses/companies, involved with the controlling and processing of Personal Data, must now adapt their operational and business practices in order to comply with the tougher amended law.

General Amendments

- Following the Amending Act, the term ‘data user’ is substituted with the term ‘data controller’, thus, aligning Malaysia with the more widely adopted terminology in personal data protection regimes in other jurisdictions, including the EU and Thailand.[14]
- Section 4 of the PDPA defines ‘Data Controller’ as:
 - ‘any person who processes or has control over or
 - authorizes the processing of personal data’.
- This includes *companies* that process customer personal data to facilitate commercial transactions including:
 - online shopping platforms, subscription services like Spotify, e-Hailing services such as Grab, financial institutions including commercial banks and private hospitals that handle patient data.
- Therefore, existing personal data protection notices, policies or agreements with references to the statutory term “data user” must be amended to the term “data controller” to reflect the new amendments.
- Additionally, the definition of “sensitive personal data” is expanded to include ‘biometric data’, defined as ‘any personal data resulting from technical processing’ relating to the physical, physiological or behavioral characteristics of a person’.
- Further, under the Amending Act, the definition of “data subject” excludes deceased individuals.

Increased Penalties

- Non-compliance with any of the seven personal data protection principles under the PDPA may result in higher penalties.
- A RM1,000,000.00 fine and/or three years imprisonment (“the Increased Penalties”) could be imposed on a Data Controller for non-compliance, after the 2024 Amendments come into force.
- Currently, the penalty for such non-compliance is only up to a sum of RM300,000.00 fine and/or two years imprisonment.

This is further compounded by the existing provisions on corporate liability in Section 133 of the PDPA:

- whereby a director, chief executive officer, chief operating officer, manager, secretary or other similar officer(s) of the body corporate may be jointly or severally liable for any offences under the PDPA.
- Therefore, they may similarly be liable for the Increased Penalties.

Consequently, corporations and its members will be more accountable when handling Personal Data.

Some PD Statistics of Loss & Violations:

2016-2024:

-5,181 complaints of violations

2017:

-46.2 Million mobiles compromised

2023:

-335,000 PD entries on Dark Web

2024:

-34,479 reported cases online fraud/
RM1.218B losses

With the rise of the 'Information Economy', a more secure collection of Personal Data remains crucial

Compliance with the Security Principle

Substantive, Practical Steps must be taken:

- The Amending Act imposes a duty on Data Processors to comply with the Security Principle as specified in Section 9, and therefore must take practical steps to protect personal data from loss, misuse, modification, unauthorized or accidental access or disclosure, alteration or destruction.
- Previously, compliance with the Security Principle was only imposed on Data Controllers. This now includes Data Processors.
- Data Processors must now take practical steps to protect personal data including regular audits & assessments to identify & rectify potential breaches to better comply with the Security Principle.

Failure to comply with the above will attract the Increased Penalties:

Mandatory Appointment of Data Protection Officer (“DPO”)

The Amending Act and the DPO Guidelines introduce a mandatory requirement for Data Controllers and Data Processors to appoint one or more DPOs, if the data processing involves:

1. processing personal data of over 20,000 subjects;
2. sensitive data (including financial information) of over 10,000 subjects; or
3. activities that require “regular and systematic monitoring” of personal data.

Corporate Responsibility

The DPO Guidelines assign DPOs the responsibilities of advising Data Processors and Data Controllers on personal data processing, ensuring compliance with the PDPA and related laws, supporting data protection impact assessments, managing data breaches and security incidents, facilitating communication with data subjects, and serving as the liaison with the Commissioner.

That said, should there be any lapses, the company, itself, as a whole, remains fully responsible.

DPO Qualification Requirements.

While currently no specific qualifications or certifications is required for the post of DPO, according to the DPO Guidelines, the DPO must demonstrate a sound level of the skills, qualities and expertise including:

- knowledge of the PDPA and local data protection practices;
- understanding of the data controller or processor’s business and personal data processing operations;

The newly Amended S.4 PDPA defines ‘Data Controller’ as including:

Companies that process Customer Personal Data

like:

- online shopping platforms
 - **Shopee & Lazada**
- subscription services
 - **Netflix & Spotify**
- e-Hailing services
 - **Grab**
- food delivery services
 - **Foodpanda**
- financial institutions including commercial banks:
 - **Maybank2u & Touch 'n Go & eWallet**
- **private hospitals** that handle patient data.

pdpa

- understanding of information technology and data security;
- personal qualities such as integrity, understanding of corporate governance and high professional ethics; and
- ability to promote data protection culture within the organization.

Notification of breach

The 2024 Amendments impose a duty on Data Controllers to notify the Commissioner and Data Subjects in the event of a personal data breach likely to cause "significant harm."

According to the DBN Guidelines, 'significant harm' means: that there is a risk that the compromised personal data:

- may result in physical harm, financial loss, a negative effect on credit records, or damage to or loss of property;
- may be misused for illegal purposes;
- consists of sensitive personal data;
- consist of personal data and other personal information which, when combined, could potentially enable identity fraud; or
- is of "significant scale".

This duty is particularized in the DBN Guidelines as follows:

- **Notify Commissioner.** If data breach occurs and causes or is likely to cause significant harm, the Commissioner must be notified as soon as practicable and no later than 72 hours from the occurrence of the personal data breach.
- **Notify Data Subject.** Further, if the personal data breach causes or is likely to cause significant harm to the data subject, data controllers are additionally required to **notify the data subject without unnecessary delay** and not later than 7 days after the initial notification is made to the Commissioner.

More Accountability arising under the Amending Act.

An important result of the 2024 Amendments is that it better aligns Malaysia's framework with international standards for data protection:

- **Duty of Data Processors.** Firstly, it reinforces the principle of accountability in personal data management. For instance, previously, the duty to comply with the security principle was only imposed on 'Data Controllers'. No punishments or fines could be imposed against 'data processors' for non-compliance.
- **'Data portability rights':** Data subjects will have the right to request a Data Controller to transmit their personal data to another data controller of their choice – so, individuals may choose to switch service providers or data controllers in a regulated and controlled manner. To adapt to this, businesses should develop and implement processes for handling 'data portability requests'.

The definition of "sensitive personal data" is expanded to include 'biometric data', defined as 'any personal data resulting from technical processing' relating to the physical, physiological or behavioral characteristics of a person'.

PDPA

- **Cross border transfer.** Legal requirements on cross-border transfer of personal data to places outside of Malaysia is allowed– if there is, in force, in that country, any law which ensures a similar level of protection in relation to the processing of personal data, or, an equivalent level of protection afforded by the PDPA.

Note that the consent of data subjects is still required for a transfer.

Challenges and Areas for Improvement

Despite the Amending Act, there are still issues and uncertainties surrounding the legal framework on Personal Data protection.

These issues were raised and extensively discussed in the Dewan Rakyat during the house debate:

- **No Compensation for Breach in Civil Actions**

One such issue is the right of data subjects to receive *compensation* for any breach of PDPA or the Amending Act. Although non-compliance of PDPA attracts *criminal punishment*, it, unfortunately, *does not constitute a cause of action in a civil suit*.

- This principle was laid down in the Court of Appeal case of **Ranjan Paramalingam & Anor v Persatuan Penduduk Taman Bangsar Kuala Lumpur [2023] CLJU 30**.
 - In this case, the appellant initiated a civil action against the residents' association for allegedly using their personal data without permission. Judgment:
 - “The Plaintiff fails to prove that the defendant obtained and processed personal data in respect of commercial transactions. Furthermore, the non-compliance of the PDPA cannot and should not be a cause of action in a civil suit. The plaintiffs' claim based on PDPA is not sustainable either on fact or law.”

A "breach of personal data" refers to an incident where sensitive personal information about an individual, like their name, address, financial details, or medical records, is accidentally or unlawfully disclosed, accessed, altered, or destroyed, violating their privacy rights.

[AI Overview]

- **Precedent: No Civil Recourse for Victims**

No damages. The above ‘Ranjan Paramalingam & Anor’ judgment set a precedent that the breach of the PDPA cannot be used to initiate civil actions by aggrieved data subjects.

- **No Clause.** This is also discussed in **Navaneeth Perpakaran** (see below), where the court explained that unlike the Competition Act 2010, the *PDPA does not contain a clause on “Rights of private action”*. Consequently, the Plaintiff does not have any right to seek (for) any relief.
- **Written Complaint.** The court further said “at best, the Plaintiff could (only) lodge a complaint in writing to the Commissioner under Section 104 of PDPA”.

*‘Information Economy’= an economy where Information - in the form of **Personal Data & services is key** and more valuable than manufacturing - in all decision making, at all levels - commercial, corporate, governmental...*

POV

Therefore, to rectify this, the government will need to consider whether

- breach of PDPA should allow a **valid cause of action in a civil suit &**
- therefore, persons aggrieved by such a breach of the PDPA will be **allowed to seek compensation and redress from the courts for any breach of the PDPA.**

Allowing the persons aggrieved by breach of the PDPA to seek redress from the court will also be consistent with the growing concept of **restorative justice, which empowers the victim in the administration of justice.**

However, it is important to note that while a breach of the PDPA does not constitute a valid cause of action in its own right, depending on the facts of each case, **an aggrieved data subject may attempt to seek redress under common law, including suing under the tort of Invasion of Privacy.**

- **PDPA is Not Applicable to Federal & State Governments**

By virtue of Section 3 of the PDPA, the PDPA does not apply to the Federal and State governments. Instead, operation of government involving personal data is governed by Akta Rahsia Rasmi 1972, Peraturan-peraturan Pegawai Awam, Kelakuan dan Tatatertib 1993 and the upcoming Rang Undang-undang Omnibus and Rang Undang-undang Keselamatan Siber.

- In short, the application of PDPA is quite clearly limited to the processing of **personal data in commercial transactions.**
- This point is discussed in **Navaneeth Perpakaran v. Sumita Manian & Anor [2021] 1 LNS 2390** (“Navaneeth Perpakaran”). In this case, the plaintiff, who received prescriptions from Slim River Hospital, filed a lawsuit alleging that the 2nd defendant, an officer of Slim River Hospital, unlawfully used the plaintiff’s personal details to prescribe medication in the plaintiff’s name, thus, claiming breach of the PDPA.

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- The 2nd defendant applied to strike out the case, and the court allowed the application on two grounds:
 - Firstly, the PDPA **applies only to commercial transactions**, and Slim River Hospital, *as a government hospital* under the Ministry of Health, collects data for non-commercial purposes;
 - Secondly, Section 3 PDPA explicitly states that the PDPA does **not apply to federal or state governments**, rendering the *Personal Data Protection Act inapplicable in this instance*.

POV

- This (above) case is astonishing considering that: Personal Data that is collected outside the scope of commercial transactions, (which would include PD collected by government agencies), is also vulnerable to data breaches, for instance:
 - In 2023, police reports were lodged against the Selangor Life Insurance Scheme (INSAN):
 - According to the police reports, the *personal data of voters of Selangor was used to register them into this insurance scheme without the data subjects' consent*.
 - Further, the Judgment is especially surprising since the government recently launched two widely discussed databases, PADU and BUDI MADANI, aimed at helping the government better target subsidies.
 - To carry this out, the government has, recently, collected, and has in store, a large amount of personal data from millions of Malaysians.

- **More Effective Oversight.** Furthermore, on the issue of cross border transfer of personal data, how will the government ensure effective oversight of international data transfers? Will there be regular audits or specific monitoring mechanisms? What about compliance with foreign laws? How will the Amending Act address conflicts between Malaysian law and the laws of data-receiving countries?

Conclusion

The Amending Act represents a significant advancement in personal data protection. It fosters greater compliance with data protection principles, strengthens the rights of data subjects, and aligns Malaysia's regulatory framework more closely with international standards.

In conjunction with the 2024 Amendments, businesses and companies must proactively prepare for and adapt to the updated legal requirements to ensure compliance and maintain operational integrity.

PDPA

Further, while the legal framework is evolving, questions arise as to the government’s capacity to enforce these new provisions effectively. Stronger enforcement mechanisms are crucial for ensuring success.

No doubt, while the 2024 Amendments enhance protections for commercial transactions, it leaves gaps regarding the security of Personal Data collected for *non-commercial purposes* including data collected *by the government*, which is equally susceptible to breaches. Therefore, the government should ensure that the framework for protecting personal data collected by the government provides adequate safeguards to ensure privacy and security.

Furthermore, there is a need to study whether the PDPA should include a clause on the right of private action, thereby allowing victims of breach of personal data to seek redress by bringing a lawsuit in court, based on an alleged violation of the PDPA and to seek relief, which would enable damages and compensation to be awarded.

Finally, in the light of the 2024 Amendments, Malaysia's personal data protection framework, institutions and enforcement mechanisms should continue to keep pace with international standards, the changing legal landscape - and aim to be one of the leaders in data protection law.

In the meanwhile, the upcoming guidelines to be issued are:

- i. Data Portability Guidelines;
- ii. Cross Border Data Transfer Guidelines and Mechanism;
- iii. Data Protection Impact Assessment Guidelines;
- iv. Privacy by Design Guidelines; and
- v. Profiling and Automated Decision Making Guidelines.

The fast moving changes in technology & clever cyber-online challenges or fraud have led to a rethinking of the Personal Data Protection Act - and, so, with the passing of new 2024 Amendments, the PDPA will be pulled up to international standards & will bolster protection for the individual.

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