

Loopholes in the law have allowed many to get away

QUESTION: *Datuk, I would like to go back to your comment on corruption. Even if some people prefer you to slow down on that front, more people are being called in (for enquiries) or have been arrested for corruption. But only occasionally we have big fish caught in the net. Are there so few of such people? Do you think you are going in the right direction in trying to control corruption within a manageable level?*

ANSWER: There are quite a number of big fish, I have got to admit that. But I would like to explain corruption a little bit. There are two types of corruption; one is legal corruption and the other one is moral corruption. You can devise a law which will punish the corrupt but laws on corruption, like laws on anything else, have got loopholes. People who are smart use these loopholes to commit corruption and yet get away with it. So we know so and so is corrupt but we cannot catch him because he has avoided what is illegal and done what is perfectly legal. Therefore, we cannot take him to court. But what he has done is still morally corrupt. For example, we have a ruling saying that an Exco member may not sit in the Exco when a discussion on his own application is taken up. So if he sits, of course this is a case of corruption. But, on the other hand, he may work very well with his other friends. When it is his turn, he goes out; the other friends push it through. The next time the friends go out, and he pushes it through. So legally, there is no corruption. We cannot hold people like this and bring them to court. I know hundreds of acres of land have been alienated in this way, but I can't catch them. I know they are morally corrupt but I can't expose them. I think you can expose them like

under different names, names of relatives and friends. All these things are being done, I know, but I can't catch them.

Q: *Datuk, you have acted in several cases, the latest being the Petaling Jaya land transfer. People would now expect more. If you can do this in one or two cases, they will ask why can't you do in more. So the expectation is now higher than ever.*

A: If you expose them, they will say you are unfriendly.

Q: *Doctor, are you convinced that the Taman Aman case is one of moral corruption?*

A: Well, to my way of thinking, it shouldn't have happened. Because Datuk Musa gave specific instruction that no land alienation should be done during the pre-election period. It may have been done in good faith but the fact is that it was contrary to the advice given by the Deputy Prime Minister.

Q: *I asked you the last time whether you were afraid of losing supporters, very strong supporters, by this clean-up campaign. You said, "Well, I have built alternative support." I would like to know whether you are still confident there are enough clean people to have alternative support.*

A: I think I have up to the moment, anyway. But of course I cannot be sure. It depends on the people in this country: if they still support me, I'll be there. I would still be able to do this thing but if people start saying that he is treading on too many toes, I will be out. It doesn't mean that I am going to stop but I will be out, that is all. I am sure that there are a lot of people who would like to pin something on me.

Q: *To my knowledge it is a practice in Umno to reward the services of its you did in the case of Taman Aman.*

Q: *Did the selection of (Barisan Nasional) candidates in the last election in any way reflect the "dismissal" of people suspected of corruption?*

A: That judgement has to be made by others. I myself do not have anything to say.

Q: *Datuk, while on the same subject, some people say if you are really serious about creating a clean, efficient and trustworthy government, you have to start calling for by-elections. In their view, some of the present legislators do not fit in with what you really desire.*

A: That may or may not be true. But where I cannot prove, I have to allow the benefit of the doubt, I cannot punish a person unless I am convinced that the evidence is very clear, even if it is a case of moral corruption. I have to be convinced, the cases that I have let go are cases where I suspect but have no means of proving moral corruption. If there is legal corruption, we can go to court.

Q: *Datuk, on the question of moral corruption, you mention a specific case of an Executive Councillor helping his friends and then getting his back scratched by his friends. In many countries, this is actually illegal. Can we not amend the law to make it such. Cannot we introduce some system whereby not only do we punish what is legally corrupt now but also the morally corrupt by making what is morally corrupt also legally corrupt.*

A: The problem is one of having to prove it in the court. How do you prove bias in the court. The man will say that the decision are based on the merits of the cases. So this is very difficult. In many cases, they can hide

members by giving them land to build houses. Do you think that the Taman Aman land was given out in the same spirit?

A: Repaying the services to Umno is one thing but repaying your own services is quite a different thing.

Q: *Are you aware that there is a practice of rewarding Umno members in this manner?*

A: May be so, but I can't say for sure.

Q: *Will you direct that land should not be given out in this manner?*

A: When there is a reason to make such a directive, we will. We should not adopt a stand that just because somebody is an Umno supporter we should discriminate against him. This

There was no corruption, legally speaking. But I think the public feels there was morally a corrupt practice.

Q: *During the debate on the recent amendment of the anti-corruption law you said that in cases where legal action was not possible, the government had other options like dismissal. To what extent has this been done?*

A: We dismissed a number of people. But since corrupt practices have been going on for a long time, the number of people involved is large. So if we are to dismiss those involved, a larger number will be affected. This makes things very difficult for us.

will be the reverse of positive discrimination. It is unfair that one should be deprived of land just because he is an Umno supporter. If a piece of land is an ordinary piece of land — not a park land — there is no reason why he should not be considered when applications of others are considered. In fact we should give him some priority.

Q: *Does the Taman Aman case reflect the extent to which a state government is prepared to sidestep a federal government's order?*

A: The orders from the central government were sometimes sidestepped and sometimes abided by. This shows that federal leaders do not have absolute powers in all areas. There are orders which state level leaders feel that they do not have to abide by. The federal leaders do not have the authority to punish. In Umno and Barisan Nasional, we only have the power to persuade.

Q: *Tunku Abdul Rahman had once expressed his regret about not making land a federal matter. Are you planning to bring land under federal jurisdiction?*

A: There is no such plan because the role of states is already limited. Power over land is about the only one vested in them. If we take away land, it means that we no longer need state governments and states are reduced to being departments. We will not do this although there have been undesirable incidents relating to land. Even if land is taken over by the federal government, there is no guarantee that corruption related to it will not happen.