



## SOLICITOR'S FIDUCIARY DUTY IN PROPERTY TRANSACTIONS: TREADING A TIGHT ROPE

N., Abu Bakar<sup>1</sup> M., Mansoor<sup>2</sup>, N., Abd Hamid<sup>3</sup>, H., Omar<sup>4</sup>  
S.M., Abdullah<sup>5</sup> S.S., Sulaiman<sup>6</sup>, N., Abd Raof<sup>7</sup>, H., Mansor<sup>8</sup>

1869

<sup>1,2,3,4,5,6,7</sup>Faculty of Law,  
Universiti Teknologi MARA, 40450 Shah Alam, Selangor, Malaysia.

<sup>8</sup>Universiti Teknologi MARA Johor, 81750 Masai, Johor  
Malaysia

Email: <sup>\*1</sup>[noraziah@uitm.edu.my](mailto:noraziah@uitm.edu.my); <sup>2</sup>[mazlifah414@uitm.edu.my](mailto:mazlifah414@uitm.edu.my); <sup>3</sup>[norlizahamid@uitm.edu.my](mailto:norlizahamid@uitm.edu.my);  
<sup>4</sup>[habib597@uitm.edu.my](mailto:habib597@uitm.edu.my)  
<sup>5</sup>[sarahmunirah@uitm.edu.my](mailto:sarahmunirah@uitm.edu.my); <sup>6</sup>[siti\\_sarah@uitm.edu.my](mailto:siti_sarah@uitm.edu.my); <sup>7</sup>[nurazlina@uitm.edu.my](mailto:nurazlina@uitm.edu.my);  
<sup>8</sup>[hariati@uitm.edu.my](mailto:hariati@uitm.edu.my)

### ABSTRACT:

As the primary statute for land law in West Malaysia, the National Land Code 1965 (NLC) contains substantive and also procedural laws in perfecting the registration of title or interest. The NLC provides a safeguard against any fraudulent activities by imposing an attestation procedure for any execution done by the parties in land transactions. Neglecting the security, the authenticity of documents and verification of parties in the property transaction may provide a gateway for a fraudster to penetrate the property transaction and gain an illegal advantage. In furtherance of these duties, solicitors are under an obligation to verify the sources of money in land transactions, in particular, cash transactions and report to the authorities of any suspicious transactions. In dealing with this problem, the Anti-Money Laundering and Terrorism Financing Act 2001 (Act 613) imposes a duty on solicitors to report any suspicious transactions to the authorities. This paper aims to review the extent of the duty imposed on solicitors to ensure that the registration of title or interest is secured and simultaneously complying with the reporting requirement under the law to avoid the risk of money laundering activities.

**KEYWORDS:** *Dealings instruments, security, authenticity, registration of title, suspicious transactions*

DOI Number: 10.14704/NQ.2022.20.12.NQ77163

NeuroQuantology2022;20(12): 1869-1878

### 1.0 INTRODUCTION

In West Malaysia, a solicitor in a land transaction is under a legal obligation to comply with the provisions of the National Land Code 1965 (NLC) (Wong, 2012). A solicitor is required to witness the execution of the dealing instruments and shall sign the attestation clause, which should be immediately done after the execution by the parties (Noraziah, 2019). The clients must be fully

informed of the procedures and made known the effect of his conduct, such as the nature of the documents the client is signing during the conveyancing process (Gomez, 2008; Mosdeen, 2002). The duty of care owed to a client has to ensure the registration process is carried out effectively (Ng, 2010); (Teo, 2012). Nevertheless, verification procedures are not provided for under the NLC. The absence of the



verification procedures could implicate the registration of documents because if fake documents or impostors are not detected during the early stage of the preparation of the documents, the innocent party who is immediate to the land transactions will not get an indefeasible title or interest in land (Noraziah, 2019). In relation to fraudulent land transactions, the fraudsters feel that forgery or identity theft is an easy way of getting money, especially when the victim is an affluent member of society. Apart from easy profit, it is also a way for the fraudsters to conceal their criminal activities (Barry and Shunnar, 2011).

Besides the issues of land fraud activities such as forged signatures, documents or impersonation of the registered proprietor that may affect the conveyancing process, solicitors are also under a legal obligation to report any "suspicious transaction" under the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 (Act 613). Such obligation may arise from a situation where the clients intend to purchase the property by using cash payment or the payment of deposits involve a

## 2.0 METHODOLOGY

This is a conceptual paper that employs doctrinal research to analyse the fiduciary duties of solicitors in representing clients in land transactions. This method is used to seek whether the fiduciary duty imposed by law on solicitors in representing clients in land transactions can ensure that the registration of title or title is

huge amount of cash transaction and no explanation is given as to the source of income upon an inquiry. Solicitors become an easy target for money launderers to dispose of their illicit gain by entering into a valid land transaction such as acquiring land.

These launderers engage in conversion of illegal funds to distance themselves from the sources of illegal funds (Bala, 2003). The duty imposed on and shall be adhered to by solicitors to report suspicious transactions are incorporated under Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 (Act 613) (Imed, 2018). However, in relation to compliance, there was a remarkable lack of reporting by the Malaysian legal professionals of suspicious transactions perpetrated by their clients (Zaiton, 2014). It is the objective of this paper to review the extent of the fiduciary duty imposed on solicitors in land transactions and the extent of compliance by solicitors in relation to their reporting obligations under Act 613 should they encounter any suspicious transactions.

secured. It is also to determine whether the requirement of reporting imposed on solicitors by the law could reduce the risk of money laundering activities. Hence, a study on secondary data and sources from decided cases, academic journals, official documents from the Bar Council and the online databases related to



solicitor's fiduciary duty in land transactions and reporting duty in relation to money laundering activities is conducted. The cases law and the legal reasonings given by the courts' judgement are then analysed to determine the implication of land fraud in land transaction.

### **3.0 RESULT AND DISCUSSIONS**

There is still a high rate of non-compliance with the requirement for attestation during the execution of documents (Wong, 2012). It is an accepted practice in property transactions that a solicitor is not present during the execution of the instruments by the client (Wong, 2012). This practice has violated the attestation requirement under Section 211 read together with Schedule 5 of the NLC. The non-compliance with the law inadvertently provides an opportunity for fraudsters to take advantage without being detected. Since there is no verification procedure provided by the law, thus, registration is done without means to determine the authenticity of documents.

Solicitors are enormously susceptible because their services are required by money launderers to complete certain transactions to clean dirty money such as entering into property transactions by acquiring land using the illegal proceeds. These launderers engage in a conversion of the fund to ensure they could finally legitimately make full use of the illegal proceeds. Unfortunately, the

reporting duty placed on solicitors, which could be one way to detect this, is still lacking. Solicitors need to be aware that failure to report any suspicious transactions may subject them to an offence under Act 613.

### **3.1 Due Diligence in Advising Clients in Property Transactions**

The duty of a solicitor in a property transaction does not stop at advising clients; the core of his duty is on the preparation of the dealing instruments where he is expected to perform in accordance with the provisions of the NLC. One of the solicitor's most crucial duty is to witness the execution of the dealing instruments because Section 211 of the NLC merely prescribe the procedural aspects of the duty to attest, that is by stating that an attesting officer shall sign the attestation clause, which should be immediately after the execution by the parties. The requirement of attestation is imposed when execution is done by a natural person, be it in one's capacity, or acting on behalf of the principal under a valid power of attorney. Despite the existence of such regulation stipulated in NLC, there is still a high rate of non-compliance with the requirement for attestation during the execution of documents. It is an accepted practice carried out openly by Malaysian solicitors in property transactions that a solicitor is not present during the execution of the instruments by the client, even though the consequences of this practice might cause the instrument



of dealing to become insufficient or void (Wong, 2012). The absence of the attesting officer during the execution of the instrument may open an opportunity for fraudsters to impersonate or illegally use the proprietor's identity and sign the instrument of dealing (Noraziah, 2019). An example of a forged document is seen in the case of *Tan Ying Hong v Tan Sian San & Anor* [2010] MLJ 1 (FC), where the signature of the registered proprietor has forged the power of attorney to create a charge in favour of the bank. In the case of *Malayan Banking v Tho Siew Wah & Anor* [2017] MLJU 119 (CA), a more perplexing situation occurred. The forger not only forged the signature of the proprietor in the Memorandum of Transfer (Form 14A), but the stamp certificate for the payment of the *ad valorem* stamp duty of the Memorandum of Transfer was also being forged by using a fake number on the certificate. Such incidences may have occurred and had a reckless solicitor will further compound the matter if the forged instrument was accepted for registration.

Relating to this issue, the Minister with the approval of the National Land Council via the P.U(A) 247 gazetted in the Federal Gazette on 28 August 2017 incorporated paragraph 2A into the Fifth Schedule of the NLC that requires an Advocate and Solicitor in attesting any execution, shall indicate that he holds a practising certificate which is in force at the date of attestation. However, no provision under the NLC suggests the effect of non-compliance with such a requirement.

The duty of a solicitor as the attesting officer is not only to be present during the execution of the instrument of dealings but must also be able to assist the parties such as in ensuring the client understands the nature of the transaction. In the case of *Dr Mahendran, a/l V Markandoo v Jegatheeswary a/p Markandoo & Ors* [2018] MLJU 215 (CA), a transfer form (Form 14A) was executed by a transferor before a solicitor. Unfortunately, the transferor did not understand the purpose of signing the form because he only understood Tamil and the solicitor failed to explain the effects and consequences of signing the form. It was decided by the court that the transfer is void and to be set aside. The court in the case of *Kok Weng Tuck & Ors v Ambank (M) Bhd* [2016] MLJU 1498 (CA), reviews that a solicitor's professional competence extends beyond knowledge of the law and the circumstances of its administration including the appropriate technique in utilising the legal knowledge.

### 3.2 Duty of Care in Property Transactions

The implied duty of care is also imposed on solicitors in conveyancing work concerning fraudulent conveyance due to strict prohibition on dealings by other statutes. The law imposed on the prohibition of land dealing and shall render any subsequent land transaction as a technically fraudulent conveyance. This effect is evidenced in the case of *Lau Yong Ying v The Bank of Punjab &*



*Ors and other appeals* [2018] 4 MLJ 88 (CA) where the purchaser obtained registration of the certificate of sale after the issuance of a notice of a writ of seizure and sale was made by the Respondent. The notice of writ of seizure and sale under Act 613 states any subsequent dealings on the land as null and void and deemed to be fraudulent conveyance that is liable to be set aside. The notice of seizure and sale was served on the Registrar but was cancelled to allow the registration of the successful bidder's certificate of sale. This case indicates the seriousness of Act 613 in curbing money laundering and could nullify any attempt to register any land transaction. Solicitors are expected to be aware and advice clients against any dealing over the land in question. The decision indirectly imposed a heavier duty of care on the solicitor in conducting a land search because it goes beyond the register.

In the case of *Abdullah Ab Rahman v Siti Aminah bt Ab Rahman & Anor* [2018] MLJU 199 (HC), the transfer by a bankrupt is considered as fraudulent conveyance because it is made against a prohibition imposed under Section 3(1) of the Insolvency Act 1967. The prohibition imposed by the Insolvency Act 1967 is not expressly provided under the NLC. Hence, the fiduciary duty of a solicitor in conducting conveyancing work is not limited to the registration process but include a duty to advise clients relating to any other existing written law or guidelines that affect the legality of the conveyancing process. Thus, a

solicitor in charge of property transaction should possess a reasonably competent knowledge of land law and other related laws relating to the land to ensure that the land transactions will not be penetrated by fraudsters that might cause the registration could be declared as defeasible and liable to be set aside.

The extent of the duty of care to an opposite party who is also represented by a solicitor in property transactions has been clarified by the Court of Appeal in the case of *Tetuan Abdul Aziz & Associates v Sunshine Haven Sdn Bhd* [2016] 4 MLJ 439 (CA) and applied in the case of *Yap Piat Eng @ Yap Lien Eng & Anor v Yap Kok Sheng & Ors* [2020] MLJU 572 (HC) that a solicitor acting for a client in a civil case will owe no duty of care to the opponent party in non-contentious matters (property transactions). Low Hop Bing J (as he then was) in the case of *Parvathi @ Kamala d/o Muthu & Anor v Rawang Hills Resort Sdn Bhd & Anor* [2002] MLJU 474 (HC) opined that in normal conveyancing transactions solicitors who are acting for a seller do not, in general, owe to the would-be buyer a duty of care when answering inquiries before a contract or the like.

### **3.3 Duty to Verify by Solicitors in Property Transactions**

NLC has no specific provisions on the duty to verify clients and/or documents to ensure the authenticity of the instruments in a





property transaction. The absence of such provisions could affect both solicitors representing the parties in property transactions. If the instruments are tainted with fraud or forgery, the title or interest in the land of the immediate parties to the transaction is defeasible and liable to be set aside (Section 340(2) of the NLC). The wider implication of the absence of a legal verification regime in property transactions is still uncertain. Thus, the questions of whether it is a pre-requisite for anyone involved in land dealings to conduct an investigation, or consult any private investigator to ensure that the other party is genuine or the documents adduced by them is authentic remain unanswered (Noraziah, 2019). The court in the case of *Liew Yok Yin v Ung Yak Chiew* [2007] 5 MLJ 136 (CA), did not deliberate on the term "investigation into the title." The court concluded that the sale was conducted without any proper investigation into the title and person claiming to be the owner. Inadvertently, it seems that conducting a land search under Section 384 of the NLC on the title deed of the land in question does not suffice. The same view was taken by the court in the case of *Au Meng Nam v Ung Yak Chew* [2007] 5 MLJ 136 (CA), where it was ruled that if the parties disregard his obligation to investigate the alleged proprietors and the authenticity of the documents, he will be considered as negligent. The duty to investigate the title imposed by the court could undermine the principle of the Torren System which is based on the mirror and curtain principle that could lead to uncertainty (Moosdeen, 2002). (Gomez, 2008) suggested that

instead of investigating into the title, ascertain as to whether fraud under Section 340(2)(a) of the NLC could be imputed on the parties is more objective. If it is proven that his suspicions were aroused and that he abstained from making enquiries for fear of learning the truth, fraud may be properly ascribed to him (Gomez, 2008).

Appropriate monitoring of the conveyancing procedures will inadvertently alert the solicitor of any attempt to tamper with the documents involved in the property transaction unless the solicitor himself is a party to the fraud. Examples can be seen in the case of *Abu Bakar Ismail & Anor v Ismail Husin & Ors* [2007] 3 CLJ 97 (CA) where the solicitor himself was the mastermind of the fraudulent creation of a charge and in the case of *T Sivam a/l Tharmalingam (sebagai wakil pentadbir kepada harta pusaka mendiang Nagamuthu a/l Periasamy) v Public Bank Berhad* [2018] MLJU 580 (FC), it was proven during the trial that the solicitor in charge assisted the fraudsters by fraudulently obtaining the transfer and deceiving the bank.

### 3.4 Reporting Obligations of Suspicious Transactions

There are a broad scope and coverage of the reported activities covered under Act 613. The first schedule of Act 613 covers all activities defined in the Legal Profession Act 1976 [Act 166], the Advocate Ordinance Sabah 1953 [Sabah Cap. 2], the Advocate Ordinance Sarawak 1953 [Sarawak



Cap. 110], and section 139A of the Companies Act 1965 [Act 125]. Without proper guidance, an advocate and solicitor can 'easily be caught under section 4 (1) (b) of Act 613 as the person who 'acquires, receives, possesses, disguises, transfers, converts, exchanges, carries, disposes or uses an unlawful activity or instrumentalities of an offence'.

Section 4(1) of Act 613 prescribes the offences of money laundering among others an act in which any person engages, directly or indirectly, in a transaction that involves proceeds of unlawful activity and punishable under Section 4(1)(a)(d) of Act 613 where he may be liable to imprisonment for a term not exceeding 15 years and shall also be liable to a fine of not less than five times the value of the proceeds of unlawful activity or instrumentalities of an offence was committed or five million ringgit, whichever is the higher. Thus, a solicitor's failure to report any "suspicious transaction" can be classified as an offence under Section 4(1)(a) of Act 613. In furtherance, Section 4(2) of Act 613 an inference is made on objective factual circumstances that the offence in Subsection 1 has been committed when a person knows, has reason to believe or has reasonable suspicion that the property is the proceeds of unlawful activity or instrumentalities of an offence or the person without reasonable excuse fails to take reasonable steps to ascertain whether or not the proceeds of unlawful activity or instrumentalities of an offence. A solicitor's wilful blindness may amount to criminal intent (Nur Rafiuddin, 2019). Money laundering evolved in three stages of continuous activity consisting of placement, layering and integration of the unlawful proceeds to ensure that it could be disguised into legitimate proceeds (Leong, 2016; Shehu, 2004). Solicitors have become the target of the

money launderer due to the nature of services rendered by solicitors, and the specialised skills that solicitors possess to assist or carry out certain money laundering transactions more efficiently (Zaiton et al, 2018). As such, to curb the money laundering activity, Paragraph 10 under the First Schedule of Act 613 treats the solicitors registered as the members of the Bar Council under the Legal Profession Act 1976 as the "reporting institution."

The main obligation of the reporting institution is conducting customer due diligence and reporting suspicious transactions besides keeping records of clients (Zaiton et al, 2014). It is a mandatory provision to comply with these duties because it is provided under Act 613. Section 13 of Act 613 imposed solicitors to keep records of their transactions and Section 14 of Act 613 to report any suspicious transactions to the competent authority. The preventive measure set up by Act 613 to solicitors as the reporting institution may have adverse inference for non-compliance as prescribed by Section 4(2) of Act 613 where it imputes *mens rea* (or criminal intent) on solicitors who fail, either wilfully or negligently, to take reasonable precaution to ascertain the lawfulness of transactions or their proceeds (Nur Rafiuddin, 2019). The Court of Appeal in *Azmi bin Osman v Public Prosecutor and another appeal* [2016] 3 MLJ 98 (CA) stressed that in the context of anti-money laundering regime, feigning blindness, deliberate ignorance or wilful ignorance is no longer bliss. It is no longer a viable option. It manifests criminal intent. Section 4(1) of Act 613 provides the penalty for non-compliance of the reporting obligations by the reporting institution, where on conviction liable to imprisonment for a term not exceeding 15 years and shall also be liable to a fine of not less than five times the sum or value of the



proceeds of the unlawful activity or five million whichever is the higher.

In the context of property transactions, transactions may involve cash transactions from illegal sources of money. The law is silent about monitoring the clients' money except as those provided under Rule 14 of the Solicitors Account Rules 1990 (SAR 1990). There is no requirement under the SAR 1990 to do periodic reporting to the Bar Council. The practice is for the Bar Council to disseminate circulars issued by the Bank Negara to its members. Through Circular No 227/2020, the Bar Council adopted The Financial Action Task Force (FATF) Guidance for a risk-based approach for legal professionals. This Guideline acknowledges that the lawyer is entangled in the solicitor-client privilege relationship in reporting the client's illegal conduct. Paragraph 63 of the Guideline states that suspicious transactions need not be reported if protected as a solicitor-client privilege under the law.

In Malaysia, an advocate and solicitor are bound by the attorney-client privilege that preserves the confidentiality of communications between solicitors and clients. It protects communication on crimes committed by one client when the client already committed the criminal act. However, the proviso to section 126 (1)(b) of the Evidence Act 1950 (Act 56) does not extend the protection of things or documents part of a "criminal or fraudulent proceeding" which the solicitor observed during his tenure of employment. Furthermore, section 20 of Act 613 overrides any other secrecy obligation imposed by any other laws to comply with the provisions under Part IV Reporting Obligations of the AMLA' (Central Bank's AMLAFUAA Guideline 2014).

A solicitor who is acting and representing his client, but at the same time, acting as a reporting institution to report the suspicious information about his client is placed in a challenging situation, especially in escaping the liability under section 4A of Act 613 for failure to comply with the reporting obligation under section 3 of Act 613. It is pertinent for the Bar Council to develop a tailored-measured guideline to address this aspect, specifically client accounts for holding client funds. The FTAF report asserts that the client account has already been identified as a potential source to clean money by the criminal launderers. It is also in line with para 11.2.1 of the Central Bank's Guideline of Customer Due Diligence Requirements (Bar Council Circular No 230/2020) that requires all reporting institutions to develop their risk assessment process and procedure to any suspicious transaction.

#### 4.0 CONCLUSION

Due diligence should be exercised by the solicitor in charge of the property transactions. The law imposes a strict duty of due diligence on the solicitors because if the instrument of dealing is tainted with forgery, the registration of the document by an immediate party is defeasible and liable to be set aside under Section 340(3) of the NLC. To a certain extent, it has been viewed that the solicitors representing parties in property transactions play a vital role in ensuring that the documentation is prepared in accordance with the law to ensure that the registration shall confer indefeasibility of title or interest in land. The importance of indefeasibility of title can be seen in the quote by Bentham, where he said "between security in land and slavery, it is pertinent to





choose security rather than slavery". However, the role of a solicitor should be regulated by the statute to indicate the extent of duties, and likewise, to determine whether a breach has occurred within the process. Hence, a rigorous process may deter fraudsters from intercepting the chain of the conveyancing system.

Besides providing services to the clients in a property transaction, it is pertinent for solicitors to be knowledgeable in the other area of law that is related to property transactions to ensure the title or interest in land is secure and indefeasible. Since Section 14(1)(c) Act 613 specifically categorises property transactions as high risks and on red alert of money laundering activity, accordingly, the importance of the reporting duty on any suspicious transactions imposed under the law needs to be emphasised by the Bar Council as the monitoring body of solicitors to ensure solicitors comply with the requirements. Besides, a continuous effort should be made to remind of the impact of non-compliance through a series of talk and collaborations with the relevant authority to enable legal firms to incorporate risk management procedures against money laundering proceeds. Non-compliance with the reporting obligations could implicate solicitors in criminal activities and be subject to penalties under Act 613.

In order to ensure that fraudster is penalised, the enforcement of the law must also be improved. the enforcement of the law is perceived to be weak and this led the fraudster in land transactions to believing that he will not be caught because he would be far away together with the loot before

the victim realises that his land had been transferred without his knowledge. Similarly, the rational choice theory of fraud advocated by Cornish and Clarke which was later discussed by Akers (Akers, 1990) stresses that the factors that attract a fraudster to commit crime are easy prey for easy money and the lack of enforcement authority in crime surveillance.

## 5.0 ACKNOWLEDGEMENT

This research is financially supported by the Pusat Governans, Integriti dan Antirasuah National (GIACC), Prime Minister's Department, Malaysia under the Research Grant No 600-4/1/3.

## 6.0 REFERENCES

- A.B., Noraziah, "The Implication of Fraud on Security of Tenure under the Conveyancing Law and Practices in West Malaysia". PhD Dissertation, Faculty of Law, Universiti Teknologi MARA, Malaysia, 2019.
- A.V.M. Leong, (2016), *The Disruption of International Organised Crime: An Analysis of Legal and Non-Legal Strategies*, Routledge, London.
- A.Y. Shehu, (2004) "The Asian alternative remittance systems and money laundering." *Journal of Money Laundering Control*, Vol. 7 No. 2, pp. 175-185.
- Customer Due Diligence ("CDD") Requirements (contained in [Bar Council Circular No 230/2020](#) dated 21 July 2020).
- E.B Imed, (2018). *Money Laundering in Malaysia: Regulations and Policies. International Journal of Law*, ISSN 2455-2194.



F.H.A. Wong, (2011, Jan-March) Recent Federal Court's Decision on Section 340 of the National Land Code 1965: Tan Ying Hong v Tan Sian San & ors-Are Landowners and Banks Secured? Infoline/Praxis, (6-11).

H. Zaiton et al., "Reporting Obligations of Lawyers under the AML/ATF Law in Malaysia", Asian Conference on Environment-Behaviour Studies Chung-Ang University, Seoul, South Korea, 25-27 August 2014 Available: *Procedia-Social and Behavioural Sciences*, 170 pp 409-414, 2015. Doi: DOI: 10.1016/j.sbspro.2015.01.001.

Information on Suspicious Transaction Report from Bank Negara Malaysia (contained in [Bar Council Circular No 226/2020](#) dated 11 July 2020)

J. Gomez, Section 340 of the National Land Code – Before and After Bonsoom Boonyanit, (2008) 1 *MLJ* 1xxii.

K. Saslina, H. Zaiton (2019), "Lawyers' Predicament in Complying with the Anti-Money Laundering Law in Malaysia". *Journal of Financial Crime*, Vol 26 No 2, pp 583-596. <https://doi.org/10.1108/JFC-04-2018-0047>.

K.S Teo, (2012), *Land Law in Malaysia Cases and Commentary Third Edition*, Lexis Nexis Malaysia Sdn Bhd, Kuala Lumpur, ISBN 978-967-400-085-1.

K.W Ng, (2010). *Conveyancing in Malaysia: Law and Practice*. Sweet & Maxwell, Asia ISBN 978-967-5040-49-8.

M. Nur Rafiuddin. (2019, March 15). A

Lawyer's Reporting Obligation Under Malaysian Anti-Money Laundering Laws, *In Personam*. [Online]. Available: <https://www.in-personam.com/articles/2019/nrm-lawyers-reporting-obligation-under-anti-money-laundering-law-in-malaysia/>.

M.Barry & T. Shunnar. (2011). *Tracking Fraudulent Activities in Real Estate Transactions*. Morocco

A. Mosdeen, On the proviso in Section 340(3) of the National Land Code 1965, (2002) 2 *MLJ* page lxvi.

R.L Akers, (1990). Rational Choice, Deterrence, and Social Learning Theory in Criminology: The Path not Taken, *The Journal of Criminal Law and Criminology*, 81(3), 653 – 676.

Reporting Obligations under the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 (contained in [Bar Council Circular No 089/2019](#) dated 7 May 2019)

Risk-Based Approach ("RBA") Guidance for Legal Professionals (contained in [Bar Council Circular No 227/2020](#) dated 14 July 2020)

S. Bala et al (2003). *Money Laundering in Malaysia*. Journal of Money Laundering Control. Emerald insight.

S. Hamed, (2019), *Janab`S Key to Practical Conveyancing & Islamic Banking 2ed.*, Janab (M) Sdn Bhd, 978-967-119-920-6.

S. Judith. (2019). *National Land Code A Commentary, Volume 1*, Lexis Nexis, Malaysia, ISBN: 978-967-400-842-0

