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COMBATING THE MACAU SCAM IN MALAYSIA: STRATEGIES FOR MITIGATION AND RESOLUTION FROM CIVIL LAW AND SHARĪ'AH PERSPECTIVES

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ABSTRACT

The phenomenon of cybercrime fraud that occurs in Malaysia has now become a hot topic of discussion. The financial loss and psychological distress experienced by the scam victims has brought attention to the Macau Scam problem in Malaysia. Due to the frequency of people who are too easily deceived by this syndicate's modus operandi, Macau Scam every day becomes headlines in the newspaper. This causes people frustrated as fraud can happen to anyone if the public is not exposed or is not aware of this matter. There are various awareness campaigns that have been carried out by the authorities to reduce the risk of victim involvement in this fraud syndicate but there are still many more involved and show no reduction. To prevent people from being victims of this form of fraud and to maintain justice to stop this issue from getting worse, Malaysian law provides several protections and remedies. Therefore, the objective of this study is to identify the issues of Macau Scams in Malaysia and to investigate the adequacy of the existing Malaysian Cybers Laws in providing the protection and remedies to the affected victims from the perspective of Civil Law and Sharīah perspectives. In terms of methodology, researchers use a qualitative approach method consisting of document analysis where all information and data are obtained from primary and secondary sources which consist of various Acts, Enactments, journal articles, books, newspapers, and many others. As a result of document analysis, researchers found that several cyber laws that can be used to overcome this problem such as Anti-Money Laundering and Terrorist Financing Act [Act 613], Section 420 of the Penal Code [Act 574], the Communications and Multimedia Act 1998 [Act 588], Computer Crime Act 1997 [Act 563], Electronic Commerce Act 2006 [658], Personal Data Protection Act 2010 [709] and Consumer Protection Act 1999 [Act 599] (Amendment 2010) while the level of awareness among the public is one of the leading causes of this scam issue.

Keywords: *Macau Scams, Awareness, Victims, Law, Sharīah*

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Introduction

It is undeniable that, in this globalized era, technological innovation is progressing rapidly in tandem with global population increase. Many things have changed because of the speed of the digital age, particularly in terms of people's living arrangements and styles (Adnan et al., 2020). The emergence of the internet as a communication tool in cyberspace has offered an easy and fast way to spread information, concepts, ideologies, and propaganda regardless of time or place. Since most of this information can only be obtained with the fingertips, which are increasingly used by users, it is easy to get all this information (Mohd Fuad & Mohd Yusof, 2022). The use of the internet as a communication tool and as a platform for information retrieval and delivery were currently being misused by some irresponsible parties as a medium to commit fraudulent activities, damage or modify programs, steal personal information, hacking, scamming and so many others, which is a concern when personal information is stolen by criminals thus putting internet users in danger.

For example, the cyber-crime that is plaguing our country right now is related to Macau Scam's issue, which is getting more and more coverage. Macau Scam is a telecommunications fraud crime originating from Taiwan and China's syndicates. The perpetrators used local and international lines, mostly from Hong Kong, to deceive the victims into handing over large sums of money and leaving thousands of victims in a state of disarray and destruction to face the future (Sheikh Yahya, 2020). Scammers frequently manipulate their targets by instilling fear and intimidation through threats of lawsuits or arrest. They take advantage of people's faith in organizations and authorities, thus it's critical to address this problem from many angles. On top of that, according to Ismail et al., (2022) stated that from January to October 2020, 5218 Macau Scam instances have been reported. Of those cases, 1420 have resulted in charges, while 2676 have resulted in arrests by the Royal Malaysian Police (RMP).

Besides, according to Izz Laily Hussein on 25 June 2022 in Berita Harian stated that a total of 71,833 commercial crime cases were recorded where the results of the investigation showed that a total loss of more than RM 5.2 billion throughout 2020 to May 2019 was recorded where 48,850 cases or 68 percent of the total involved is a commercial crime involving online fraud and the Macau Scam is no exception. Furthermore, the results of data collection by the Royal Malaysian Police (PDRM) recorded that the most popular scam in Malaysia that resulted in a loss of RM 321.1 million, with an increase in cases of 7,734 compared to 6,416 in 2022 is from the Macau Scam modus operandi. If it is not stopped from the ground up, this directly affects people and has negative impacts on their lives, families, communities, and ultimately the entire nation.

To curb this Macau Scam problem on a national and international level, numerous regulations and strategies have been put into effect. More forceful legal measures, more public awareness, victim support, and encouragement of moral behaviours are required to effectively address this issue. Islam has already been used as an efficient spiritual control method to address this digitization problem through the understanding of Maqāṣid Al-Sharīah (Islamic Objectives) and its 5 tenets. Therefore, addressing Macau Scam in Malaysia necessitates a multifaceted approach that considers both civil law and Sharīah perspectives. Law enforcement is one of the ways to overcome this problem from becoming widespread.

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Literature Review

Based on the previous research by researcher, there aren't many studies that examine or concentrate on this topic, which emphasizes the need for better legal remedies for Malaysian victims of the Macau Scam from both civil law and sharīah perspective. Most scholars and authors who discuss Macau Scam's issues centre their discourse around the following topics: cybercrime, trends in commercial crime, scammers' methods of operation, aspects or components of scams, categories and varieties of scams, cybersecurity threats, and legal measures to curb cybercrime in Malaysia in general. However, until today, there has been no specific discussion about the implementation of the law in Malaysia, especially in relation to remedies for the victims of the Macau Scam according to the civil law and sharīah perspective.

From a legal perspective, it is imperative that this remedy be discussed and refined since it will enable victims of crime to receive justice and protection while adhering to Islamic criminal law under the custody of property *("hīfz al-māl")* and the notion of Maqāṣid Al-Syarī'ah. This study can help form laws that are more in line with sharīah and reduce cases of Macau Scam fraud and financial abuse, which are gaining more and more attention in Malaysia. Initial discussions about the Macau Scam's issue in Malaysia have been discussed since the prevalence of this matter around 2016 at the same time became a public concern. The statistics of reported commercial crime cases show an increase from time to time and this is very worrying.

The study of Pranggono & Arabo (2020) in the journal *"COVID-19 Pandemic Cybersecurity Issues"* explores the growth in cyber security problems brought on by the global COVID-19 pandemic. Cybercriminals began to take advantage by making easy profits, which led to an increase in cybercriminal activity. Reyes et al., (2007) in the book entitled *"Cyber Crime Investigations"* discuss the concept and understanding of cybercrime, covering a variety of topics like enforcement and prosecution. According to him, any occurrence involving a purposeful conduct in which the victim loses or might lose anything, and the offender earns, or gains is considered computer crime.

Besides, the study of Jayabalan et al., (2014), in the article *"Understanding Cybercrime in Malaysia: An Overview"* mentions about cybercrime in Malaysia. Among those discussed by him are related to the characteristics and types of crime, crime statistics, related laws, and Malaysia's responsibility to deal with this issue. According to the study of Nur Sarida et al., (2022), in the journal titled *"Understanding Cyber Crime and Cyber Security in Malaysia: An Observation of Scholars and Intellectual Views"* discusses the reasons that lead to the rise of cybercrime. The fast expansion of the digital world, which has made society a global community, has led to a greater reliance on information and communication technologies.

In addition, Asyraf et al., (2017) conducted a study in their journal titled *"Cyber Crime of Property in Malaysia According to Islamic Law: Analysis of Selected Issues,"* which discusses the methodology of three types of cybercrime: phishing, fraud, and hacking, along with legal considerations during the prosecution. Meanwhile, the three levels of determination involved in online love scams are discussed in the research by Hani et al., (2019) published in the journal *"Online-Dating Romance Scam in Malaysia: An Analysis of Online Conversations between Scammers and Victims"*. The experiences of those who have been victims of cyberlove crimes in Petaling Jaya are

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discussed in the study by Ismail et al., (2019) in the journal *"Cyber Love Crime in Malaysia: A Study on the Experience of Victims"* summarizes that efforts, education, and awareness campaigns organized by authorities such as PDRM are insufficient to inform social media users about the threat of cyber love crimes. Simultaneously, Leong Wei (2019) explored the efficacy of educational campaign strategies to raise awareness about cyber love scams in Selangor. According to him, pertinent organizations ought to launch educational initiatives to raise public awareness of this persistent societal problem. Besides, Pitchan (2018) in article entitled *"Cyber Security Awareness and Practice Among Internet Users in Malaysia"* discussed the lack of knowledge and awareness regarding the safety of using electronic devices to access the internet, which leaves many people in the nation vulnerable to cybercrime syndicates.

In addition, the study of Ismail et al., (2022), in a journal titled *"Is the Macau Scam a Fraud?"* explains that the term fraud in general carries different definitions among academics around the world. This is because the term *"fraud"* has different definitions according to legal statutes, criminal justice departments, government, and private sector around the world. According to Nasim Khan et al., (2019) in a journal titled *"The Relationship Between Internet Fraud Crime and Employment Productivity Management"* mentioned that it was a strange thing when this case was reported in the media on a large scale, but almost every month there are reports on this case published as if the previous issues did not give any effect or lesson to others. Then, according to Abdul Rahim (2018) in the *"Macfea"* bulletin explains that one of the precautions that a prudent user should take to guard against being duped by this syndicate is to not readily believe the information that is communicated over the phone. Using social media can have an impact on one's engagement in criminal activity, according to Bidin et al., (2015) in their article *"Cyber Espionage: New Crimes in Contemporary Society"*. However, he said, it can be concluded that the legal framework and existing laws do not have specific provisions to deal with the issue of cyber espionage.

Furthermore, cyber laws are made to ensure that users use the internet wisely. In the study of Pitchan et al., (2019) in the journal *"Malaysian Cyber Security Policy: A Survey of Netizen Awareness and the Law"* stated that cyber law enforcement is a good way to deal with cyber threats. According to the study of Ismail et al., (2021) in the journal *"Liability for Tort Fraud in Forensics"* stated that fraud is a branch of offense under tort law. The definition of fraud is an act in which the perpetrator causes the victim to suffer harm or loss. A study by Ismail et al., (2022) in the journal entitled *"The Legal Proof of Macau Scam in Malaysia"* states that there are provisions that may apply to Macau Scam fraud, namely the Penal Code [Act 574], Section 24, Section 25, Section 415, Section 170, and Section 420 which briefly explains the term fraud.

On top of that, according to the study of Ahmad Termimi et al., (2013) in the article titled *"Cyber Crime: Classification Between Al-Jaraim and Al-Jina'i According to The Islamic Legal System"* said in the context of discussions about cybercrime, anything actions that can be categorized as cases of *hudud*, *qīsās*, and heavy *ta'zīr* are included in the jarīmah classification. A study written by Hasbullah et al., (2022), in the journal *"Dealing with Cyber Fraud and False Investments Based on Al-Quran and Al-Sunnah"* discusses the purpose of determining guidelines based on Al-Quran and Al-Sunnah to deal with various types of cyber fraud and fake investments. According to the study of Meerangani et al., (2019) in his journal *"Elements of Al-Hirz and its Position in Cyber Crime Today"*

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said that cybercrime is a modern crime category that is increasing along with advances in information and communication technology. In sentencing this crime according to the Islamic perspective, the element of *āl-hīrz* or property storage is one of the main things that will be given attention.

Then, to prevent the abuse of social media at the national and international levels, various laws and strategies have been implemented. According to the study of Md Isa et al., (2021) in journal entitled *"Maqasid Syariah as a Spiritual Control Strategy in the Use of Social Media"* stated that Islam can be utilized in this scenario as an efficient spiritual control system to address digitalization issues by utilizing Maqāṣid Al-Sharī'ah and its five principles. Based on the study by Marziana Madah Marzuki et al., (2020) in her article "*Fraud Prevention in Malaysia: Maqasid al-Sharī'ah Perspective"* discusses the financial report fraud prevention strategy (FFR) that needs to be implemented by organizations or companies from the point of view of Maqāṣid Al- Sharī'ah.

As a result, the researcher discovered through reviewing earlier study that there are no further studies that expressly address the remedies provided to victims of the Macau Scam from the standpoint of civil law and syarī'ah perspectives. The previous discussion was seen to revolve around the aspects of definition, enforcement, cyber security threats, factors in the occurrence of scams, types and forms of scams, and ways to deal with this issue from continuing to spread. Remedial measures for victims of the Macau Scam crime are rarely mentioned, much less when it comes to Maqāṣid Al-Syarī'ah and the legal implications. As a result, it is believed that this proposed study is essential to both advancing the area of study on this topic and doing justice to the victims of the Macau Scam.

Methodology

The primary research strategy for this research is qualitative. The researchers use descriptive document analysis method to gather information through bibliographic research on sources, including Acts, Enactments, journal articles, seminars, conference papers, and associated websites. The data relating to the available laws provided for Macau Scam's issues was collected and compiled. The theory and practice that were used in our nation were then examined to analyse it. As a result of document analysis, the researcher found that there are several cyber laws that can be used to overcome this problem such as the Prevention of Money Laundering and Terrorism Financing Act [Act 613], Section 420 of the Penal Code [Act 574], the Communications and Multimedia Act 1998 [Act 588], Computer Crime Act 1997 [Act 563], Electronic Commerce Act 2006 [658], Personal Data Protection Act 2010 [709] and Consumer Protection Act 1999 [Act 599] (Amendment 2010), while the level of awareness among the public is one of the main causes of this issue of fraud (scam). Subsequently, appropriate suggestions for enhancing remedies using a legal approach grounded in Maqāṣid Al-Syarī'ah will be feasible.

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Discussions

Understanding Macau Scam Issues

The Macau Scam issue is a telecommunication crime involving financial fraud that uses international lines from Hong Kong and locals (Abdul Rahim, 2018). According to Mohamed (2020) claimed that the Macau Scam syndicate in Malaysia employs a range of techniques to trick their victims, such as lottery fraud, kidnapping, and impersonation (spoofing), in which the perpetrators pretend to be law enforcement officials, representatives of commercial or national banks, or other government agencies. Spoofing is a technique where the caller communicates using a voice platform via internet protocol (VoIP), allowing the caller to put any phone number to trick the recipient into thinking the caller is from the phone number displayed on the screen of the phone. For instance, the scammer's phone number will be posted as the authority if they want to pretend to be the court. This demonstrates how this software can change an individual's position as an online fraudster to match the preferences of the fraud syndicate (Shamsudin, 2020). Therefore, it can be understood that the following is one of the modus operandi that is often used by perpetrator to intimidate a victim into falling for a lie.

Macau Scam Syndicate's Target Victims

Through reading and research, the researcher found that among the victims who are often targeted by the Macau Scam syndicate are retirees, government and private employees, teachers, and senior citizens with a total loss recorded is more than RM 5 million throughout 2020. In MyMetro on 10 September 2020 stated that this syndicate is targeting government employees because they think that government employees are more comfortable with making bank loans if compared to others (Abdul Rahim, 2020). Besides, according to Mohd Asri (2023), numerous people have been deceived by the members of the Macau Scam syndicate, resulting in losses of RM254,600 for a 30-year-old teacher, RM247,642 for a 60-year-old housewife, and RM12,000 for a 21-year-old student. These strategies to combat internet fraud vary based on patterns of commercial crime over time. As such, it may be concluded that, although a new kind of commercial crime has emerged, online fraud has not changed significantly-rather, its mode of operation has evolved to reflect contemporary trends. This tactical change is in keeping with the times, the expansion of knowledge, and technological advancements (Amir Shariffuddin, 2023).

Factors of Victim Involvement in Online Scam

There are several factors that cause an individual to be easily deceived and targeted by scammers and cyber criminals. The first and most important element that may be considered is the general lack of awareness in society. Understanding the most recent advancements in financial crime is the best methods for preventing cyberfraud (Zainal Abidin et al., 2018). Besides, as reported by the Daily News on November 1, 2020, panic is another factor contributing to the fact that a great number of victims fall prey to this scam's tactics. As is well known, most victims of the Macau Scam syndicate claim that they feel afraid, apprehensive, and panicked because of the horrific

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fraud techniques employed by this organization, especially the elderly. As a result, they make snap decisions that ultimately result in significant losses (Abdul Jalil, 2020). This scam's tendency to arise is also influenced by persons who are easy to trust. Moreover, another contributing factor to this financial fraud is the sharing of personal information on social media. This is because sharing personal data on social media profiles, such as phone numbers, account numbers, proof of transactions, residential addresses, and personal background, makes it simpler for criminals and scammer to use the data to plan syndicates based on the modus operandi of shipping (Khadijah Alavi et al., 2020). Additionally, according to Mr. S. Baskaran, the disclosure of the victim's personal information is a major contributing factor to the Macau Scam problem in our nation. One possible reason for this private data leak could be that the information was sold to a third party. But there are also data revealed by the victims themselves. (Fomca: Smart Scammer, 2020).

Another aspect of this financial crime is the increasingly smart fraudsters. Particularly for individuals who exploit other people's identities, their skill in tricking the victims makes it more difficult for the authorities to exercise restraint and establish their culpability. This will make it more difficult for the authorities to find them and bring legal action against them (Nasim Khan et al., 2019). Finally, as everyone is aware, the Macau Scam is getting worse every day because so many individuals are still unaware of the tricks and schemes employed by this syndicate. If people don't learn their lessons or are avaricious and want to get rich without working hard, then this crime will only get worse. The ability of the authorities to monitor and enforce the law must also be improved considering the more complex methods of operation (Suhana Mohamed, 2020).

Findings

Laws in Malaysia Pertaining to Cybercrime

In today's world, the law is a crucial component. This is because living under the law allows for harmony, tranquillity, and the absence of turmoil. These norms and regulations establish boundaries and standards for every action, ensuring that no one goes beyond the call of duty to oppress others (Berita Harian, 2015). However, the government continues to face various challenges in enforcing the law. (Pitchan & Omar, 2019). Therefore, to prevent the Macau Scam from getting worse, the authorities can use several acts to address the problem. This is the first step in ensuring that the rule of law and community harmony are maintained, particularly when it comes to dealing with cyber-criminal matters and abuse that primarily occurs through social media rather than continuing to be rampant. Among them are:

(1) Penal Code [Act 574]

A Malaysian statute that addresses the Macau scam contains no legal provisions. But the Penal Code [Act 574], has some sections that can be connected to the Macau Scam. Fraudulently, dishonestly, and cheating are the three terms that could be indicative of a Macau Scam's crime. First, as defined by Section 25 of the Penal Code [Act 574], *"a person is said to do a thing fraudulently*

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if he does that thing with intent to defraud but not otherwise". Second, according to Halsbury's Laws of Malaysia (2017), *"dishonestly"* refers to performing any action with the intent to cause wrongful gain or loss to another person, regardless of whether the act results in wrongful gain or loss. This definition is found in Section 24 Penal Code [Act 574]. Thirdly, the term *"cheating"* in Section 415 Penal Code [Act 574] refers to the following: whoever by deceiving any person, whether or not such deception was the sole or main inducement, (a) fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property; or (b) intentionally induces the person so deceived to do or omit to do anything which he would not do or omit to do if he were not so deceived and which act or omission causes or is likely to cause damage or harm to any person in body, mind, reputation, or property. A person who intentionally commits crimes against others is expressly mentioned in these three provisions.

This coincides with the Macau Scam, which is a criminal act committed by an individual or group of individuals to deceive another person for a large sum of fast money on purpose. Regarding prosecution, the fraud laws in Macau may allow for the prosecution of the scammer (Ismail et al., 2022). Meanwhile, Section 420 under this code, discuss about involving the offense of deceiving fraudulently to induce deception for the handing over of victim's money or property to a cyber-criminal. If convicted, they can be imprisoned for not less than one year and not more than ten years, and whipping can also be fined (Bernama, 2020). It can be seen when an individual deceives a victim by saying that the victim is involved in illegal activities. For example, "the victim will be punished under the act of Anti-Money Laundering and Anti-Terrorism Financing 2011 (AMLA)", then the scammer will ask the victim to transfer the money to a specific account if the victim fails to do so, the victim will be sentenced to imprisonment and so on.

Therefore, any offense involving fraud and surrender of money or property will be subject to action under this Section. For example, according to Rizanizam Abdul Hamid on 5 December 2019, there are a total of 51 Chinese between the ages of 17 until 46 were arraigned in the Magistrate and Sessions Court in Ayer Keroh, on charges of making the house as an open gambling centre and committing online fraud activities. Of the total, 22 accused was pleaded guilty to the charges of managing laptops and mobile phones as well as making the house as a gambling centre. The confession was recorded before Magistrate Muhammad Nazrin Ali Rahim who later sentenced them to one month imprisonment and fined RM 20,000 for each accused. The same court also set an additional two-month imprisonment if the accused failed to pay the fine (Metro TV, 2019).

(2) *Act 613 which is an act for preventing anti-money laundering and preventing anti-terrorism financing of unlawful activities 2001.*

Among the offenses that can be convicted under this act is related to money laundering such as (a) any individual who engages directly or indirectly, in a transaction that involve the proceeds of illegal activities or equipment of offense, (b) acquires, receives, possesses, disguises, transfers, converts, exchanges, carries, disposes of or using proceeds from illegal activities or instrumentalities of an offence. For example, those convicted of money laundering can be sentenced to imprisonment not exceeding 15 years and can also be liable to a fine of not less than

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five times the amount or value resulting from the illegal activities or equipment of the offense at the time of the crime, or a fine of five million ringgits according to whichever is higher (Bernama, 2020).

Therefore, anyone who has found guilty of money laundering directly or indirectly in the current controversial issue related to financial fraud Macau Scam where this syndicate cunningly traps victims using their modus operandi can be prosecuted under this act if convicted error. For example, in the case of Public Prosecutor against Gan Kiat Bend & Other Cases, the accused was charged under four charges based on money transfer transactions. The accused has been found guilty of all the charges. For the first charge, the accused was accused with accepting illegal money amounting to RM 2 million. For this charge, the accused was found guilty and sentenced to 5 years imprisonment and a fine under section 55 (2) AMLATFPUAA 2001 amounting to RM 2 million. (Khalijah Ahmad et al., 2017).

(3) Communications and Multimedia Act 1998

The document analysis results found that this act is enforced by the implementing body, such as the Malaysian Communications and Multimedia Commission (MCMC). The Act containing 282 Sections also provides for two Sections related to cyber security, namely Section 211 and Section 233. Pursuant to Section 211 (1) an individual or content application service provider shall not provide content, which is indecent, obscene, false, menacing, or offensive in nature for the intent to annoy, abuse, threaten or harass any person. Based on this provision, activities such as cyber bullying, pornography, sending viruses, spreading slander or false news are an offense under this Section. If in violation of Section 211 (1) then fines and imprisonment can be imposed under Section 211 (2) which is, liable to a fine not exceeding fifty thousand ringgit or imprisonment for a term not exceeding one year (Act 588, 2006).

For example, under the same Section an administrator or member of the WhatsApp, Telegram or WeChat group may be subject to action if they commit an offense as provided in this Section. Although there are two sections that related to cyber security, but based on document analysis, this act still needs improvement to strengthen the aspect of cyber security. Among that is, there is no provision in this act that allows the MCMC to arrest cyber criminals. This causes the MCMC to act only as a place to receive complaints, investigate and block websites that violate the rules under Sections 211 and 233. Simultaneously, MCMC must rely on assistance from the PDRM as PDRM has the power in arrest. In addition, it also takes a long time to prosecute the offender in court. Furthermore, this act also does not outline the period for storing a record of internet users by network service providers (Pitchan & Omar, 2019).

(4) Computer Crimes Act 1997

The document analysis results show that this act provides for an error in the computer or cyber misuse (Abdul Manap & Jamal, 2003). The act consists of three main parts and has 12 Sections. Based on Section 3 (1) it emphasizes on offenses related to computer misuse with the intention of performing unauthorized access. For example, someone who does not have permission from the

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computer owner has turned on the computer system and downloaded some information from the system to the diskette (Anita & Nazura, 2004). If convicted, they can be fined not more than RM 50,000 or imprisoned for a term not exceeding five years or both. Besides, from the document analysis result found that there is also Section 4 which states about the offense of unauthorized access which commit for further crimes. However, this Section 4 only applies when there is an offense under Section 3 above. Thus, this makes it difficult to apply Section 4 for the prosecution process (Pitchan & Omar, 2019).

(5) Personal Data Protection Act 2010

With the advancement in the field of ICT and technology has made a person's privacy information easily invaded by irresponsible parties for a certain purpose. Some local companies or irresponsible people often misuse someone's personal data, especially commercially and violate the principles of Personal Data Protection 2010. If convicted, they can be fines do not exceed RM 300,000 or imprisoned for period not exceeding two years or both. The findings show that the main purpose of the drafting of this act is to regulate the processing of personal data of individuals involved in commercial transactions, including online transactions. Under this act there are several provisions of the Section that governing the misuse of personal data such as Section 43 (1) (2) (3) that related to the right to prevent processing for purposes of direct marketing as well as Section 129 (5) on the transfer of personal data to external locations Malaysia (Pitchan & Omar, 2019).

In conclusion, the researcher can conclude that there are many legal provisions related to cyber-crime where it is usually read in conjunction with other criminal codes in court due to criminal conviction. An effective measure in addressing this issue of cyber threats is through cyber law enforcement. As we all know, cyber law was created to ensure that people use cyber platform reasonably and prudently. However, there are still many who are unaware of the existence of cyber law and the increasing number of cyber-crime cases every year. In this case, an internet user needs to know about the existence of this cyber law as a guide for them to differentiate between what is right and what is wrong as well as be able to protect themselves if they become a cyber-victim. Generally, a problem cannot be solved through the law enforcement only, but the society needs to be aware of the law and realize what the offense against it is involving illegal activities.

Macau Scam according to the Perspective of Islamic Criminal Law

Islamic Syarīah has outlined a complete guide in every aspect of human life including on the criminal aspect. In Islamic criminal law, Fiqh Crime has provided a general guide to deal with Muslims' criminal acts. As we all know, the Macau Scam issue is also included in criminal offenses on the Islamic side. Cyber-crime in society's reality nowadays exists in various forms, whether it involves property, dignity, or religion. However, due to the multiple crime condition, not all cyber-crimes can be categorized as hudud, *qisās* and *ta'zīr* (severe) cases. In the context of discussions on cyber-crime, any act that can be categorized as hudud, *qisās* and *ta'zīr* which is a serious case is included in the classification of jarīmāh (Muhamad Asyraf Ahmad Termimi et al., 2013). For example, in crimes of hacking involving the transfer of money or property, this act is

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categorized as the offense of stealing enshrined in hudud offenses. If it cannot be convicted of hudud offense, it will be subject to severe *ta'zīr* punishment. However, it is different from hacking, which is breaking into electronic or computer banking accounts with the excuse of obtaining the victim's personal information or testing their skills in information and communication technology (ICT).

For such acts, it only involves losses that do not have elements of theft as well as loss of property to the victim, then it is classified as a crime that will be punished with light *ta'zīr*. Based on the above statement, it can be understood that Macau Scam's issue is included in the classification of jarīmāh because it involves the illegal transfer of money or property. So, something related to the transfer of money or property will be severely punished (Muhamad Asyraf Ahmad Termimi et al., 2013). As we all already know, Islam has explained in detail about all the laws in its sources such as Al-Quran, Hadith, *Ijmā* and *Qiyās*. Thus, these four primary sources become the premise of every problem that occurs even involving new cyber-crime issues. There are many verses of the Qur'an that discuss on human personality and behaviours. Cyber-crime happens when people forget God's law, follow lust, and are influenced by the devil's call (Amboala et al., 2014).

Macau Scam Prevention Approach according to Maqāṣid Al-Sharī'ah

The fundamental element to help launch a government's governance through the function of individual formation to create a flawless nation is the principle of maqāṣid al-sharī'ah. The well-being of individuals and society will be guaranteed if the three maqāṣid al-sharī'ah maslahahs namely maslahah daruriyat (basic needs), maslahah hajiyyat (additional needs) and maslahah tahsiniyyat (complementary) are fulfilled in a balanced way (Ab Rahmani et al., 2022). There are five goals of syarīa which are (maqasīd al-syārīyyāh) legislated hudud and qīsās punishment that is to preserve religion, preserve life, preserving the intellect, preserving the offspring, and protecting universal human property. What is meant by maintaining property (Hifz al-Mal) is to protect the wealth of society from destruction and from the transfer of property to other's hands in an illegal way including a ban on injustice, denying rights and so on many others (JAKIM, 2016). For example, an officer who abuses his power to deceive and take property illegally in his possession is punished with *ta'zīr*. This is because some elements in the crime of theft could not be fulfilled and cannot convict the offender with the punishment of amputation. Therefore, the offense of breach of trust will be summed up under the punishment of *ta'zīr* which is under the government's power to hold and impose punishment under the offense committed by the criminal.

In conclusion, cyber-crime (Macau Scam) is a current issue that needs to be discussed in detail as considering all aspects related to the crime. There are several criminal elements of stealing in Islamīc law, namely that the first to take a property silently, meaning that the thing stolen is property. In contrast, the property belongs to someone else and has the intention to steal. Each of these stealing elements has its conditions. Therefore, if these elements and conditions are required, it is considered to have fulfilled the elements of stealing. When convicted of an offense, it should be punished by amputation of hand. However, if there is *syubhāh* in fulfilling every element or

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condition of the criminal law of stealing then the hudud punishment of amputation of hand will be dropped and replaced with the punishment of *ta'zīr* which is under the jurisdiction of the government to enact such a law (Abdul Manap & Jamal. 2003). This is because the crime of stealing according to the Islamic legal system is the act of transferring property that does not belong to the ownership of a person from the place of storage and within the intention to own. Actions that require all the elements in that definition can be convicted of theft and sentenced to hudud (Ahmad Termimi et al., 2017).

Conclusion

The Macau Scam issue is a form of cyber-crime that occurs in our country, and it is a new form of challenge in dealing with it from continuing to spread. Therefore, all parties must play their respective roles and work together to ensure that financial fraud does not continue to increase. Therefore, the involvement of the government, police and other authorities is expected to curb this issue from spreading further. From the perspective of civil law, Malaysia needs to bolster its legal system, bolster law enforcement, and simplify reporting procedures. Providing victim support services and increasing public awareness are essential elements of this approach. Considering that many scam activities are global in character, international collaboration is also necessary. In the aspect of Islamīc law, although the crime of stealing is categorized as one of the crimes of hudud, qīsās, and ta'zīr but cyber-crime related to this property needs to be detailed in each of element to ensure that it complies with the main requirements of the Islamīc law. However, for offenses whose punishment is not stated in the Islamīc law is included in the violations of ta'zīr, which is under the government's jurisdiction to make regulations together with the punishment. Maqasid Al-Syariah with its five holistic structures which include guardians of religion (hifz al-din), soul (hifz al-nafs), intellect (hifz al-'aql), property (hifz al-mal) and offspring (hifz al-nasl) is seen as having great potential to be used as a guide when dealing with this issue to achieve good in this world and in the hereafter. To prevent the negative impact of the Macau Scam issues from continuing to spread, guidelines for its use based on the maqāṣid al-sharī'ah based on al-Quran and al-Sunnah are urgently needed.

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