



OECD Asia-Pacific Academy for Tax and Financial Crime Investigation: Conducting Financial Investigations

Case Study: Brunei Darussalam Challenges of Domestic Asset Seizure

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Mengutip Hasil ● Memudahkan Perdagangan Merentas Sempadan ● Membantu Memelihara Keselamatan Negara



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Brunei Darussalam

| Brunei Darussalam | |
|-------------------------------|--|
| Region | Southeast Asia |
| | North Coast, Borneo Island |
| Population | 0.42M |
| Area: | 5,765 KM ² |
| Official language & religion: | Malay & Islam |
| Currency: | Brunei Dollar (1:1 pegged with Singapore Dollar) |





Legal frameworks of domestic asset seizure

CUSTOMS & EXCISE LAWS

Section 131, Customs Order 2006 & section 137, Excise Order 2006:
Forfeiture of goods for the commission of an offence against these orders

CRIMINAL PROCEDURE CODE, CHAPTER 7, LAWS OF BRUNEI

Section 357: Order for custody and disposal of property in certain cases

CRIMINAL ASSET RECOVERY ORDER (CARO), 2012

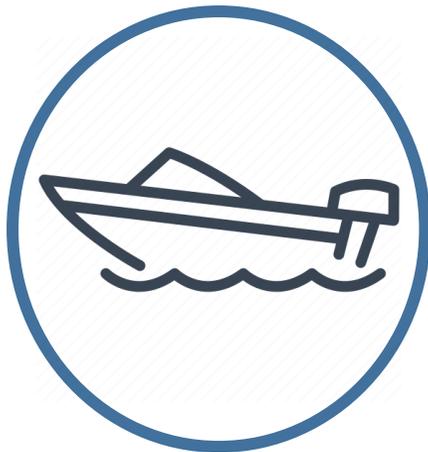
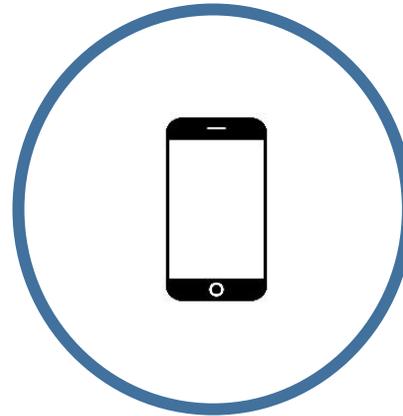
Section 60: Conviction based confiscation

Section 83: Non-conviction based forfeiture

Section 84: Forfeiture where there is no prosecution



Types of assets seized so far





Current challenges

- Time constraint to establish a clear connection between the asset and the alleged crime during 'fresh cases'.
- A long period of time needed to prove ownership of the seized assets.
- Forfeiture of assets depend also on other agencies e.g. Attorney General Chambers, Central Bank, digital forensic, etc.
- Parallel investigation with other agencies.



WAYFORWARD



TERIMA KASIH
THANK YOU