

**A LEGAL STUDY ON THE EFFECTIVENESS OF THE
ELECTION OFFENCES ACT 1954 ('ACT 5') TO
REGULATE ELECTION EXPENSES IN MALAYSIA**

By

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Submitted in Partial Fulfilment of the Requirements
for the Masters of Enforcement Law

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December 2017

The student/author confirms that the work submitted is his own and that appropriate credit has been given where references have been made for the work of others

Abstract

This research covers the topic on the effectiveness of the Election Offences Act 1954 ('Act 5') in regulating election expenses in Malaysia. The principal reason for embarking on this research is the profound concern on election expenses which have significant bearing on the integrity of elections and democracy as well as governance in the country.

In this regard, the election expenses are being paid by the election candidates themselves and/or their political parties. The massive amount of money expended (known as 'money politics') may be used to shape the electoral outcome. When this occurs, capable candidates may be defeated by undeserving candidates who are financially superior. The latter candidates after being elected may then direct their energy in recouping the amount they had spent. It can therefore be expected that there could be abuse of power by them. If so, this would dangerously threaten the fabric of democracy and governance. There would be consequently less time spent to devote on economic development and welfare. Thus, ultimately the people suffer.

The election expenses are inextricably linked to party funding. The logic is simply that having better funding would enable candidates to spend more in their campaign expenditure. Thus, nothing would stop them from utilizing their financial resources to influence voters to win. Hence, in order to minimize the abuse of power and corruption, there is a serious need to exert some control on party funding. In this respect, it should be mindful that donors are not purely altruistic and have vested interest when contributing to party funding. The 'pay time' will come after the election.

The issues of election expenses and funding are prevalent in other countries too. Accordingly, this research would also focus on the electoral laws of United Kingdom, Australia and Singapore which comprised the Commonwealth countries. The input received therefrom could be used to reform and strengthen our electoral laws which would hopefully, result in clean and fair elections.

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CHAPTER ONE

INTRODUCTION TO THE RESEARCH

1. Introduction

This particular chapter focuses on the background of the research followed by a problem statement. This chapter will also emphasize on the objective of the research and its methodology which will be followed by a discussion on its scope and limitations including the contribution of the research. A plan of the study is attached leading to a conclusion of the research.

1.1 Background

As a principle of democracy, electoral candidates either individually or from political parties contest in an election in order to be elected to govern a country. In the run-up to the election and during the election day itself, candidates have to incur substantial election expenses – such as printing pamphlets and posters, media advertisement, paying party workers, etc.

The electoral candidates are therefore ever mindful on the paramount need to source funds to defray the election expenses. The sources of funds come from donations, political contributions, membership fees of political parties, etc. If a candidate has greater access to campaign finance compared to another candidate, he is surely in a better position to campaign and stands a better chance at winning. As such “.....*the more a challenger*