

**A STUDY ON THE LAWS RELATING TO ROAD ACCIDENTS IN
MALAYSIA**

By

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**The students/authors confirm that the work submitted is their own and that
appropriate credit has been given where reference has been made to the work of
others.**

ABSTRACT

This research has been conducted to analyze the existing legal framework in Malaysia governing the traffic law relating to road accidents in Malaysia, where, special references have been made to the legal position in Australia and United Kingdom. This research aims to examine the adequacy in Malaysian law regarding the existing traffic law which still needs to be revised in certain areas in order to reduce the high rate of accident in Malaysia. This study focuses on the causes of the high rate accident and whether the law is adequate to deter people from committing traffic offence and thus reducing the accident rate. Therefore, this research aims to analyze abundance of issues regarding traffic laws such as the deterrence mechanism, the effectiveness of legislation, and the future approaches that can be taken to overcome this problem. It has been revealed throughout this study that even if the existing law is comprehensive, yet it will not be much of help if the existing law is poorly enforced. Furthermore, the use of educational programs and measures to cultivate the young minds and to change the cultural perception of the road users are also stressed in this research.

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CHAPTER ONE

INTRODUCTION

1.0 INTRODUCTION

By virtue of preamble in the Road Transport Act 1987, road traffic law can be understood as the provision for the regulation of motor vehicles and of traffic on roads and other matters with respect to roads and vehicles which also includes the provision for the protection of third parties against risks arising out of the use of motor vehicles and for the co-ordination and control of means of and facilities for transport. The road traffic law will also govern the co-ordination and control of means of and facilities for construction and adaptation of motor vehicles as to make provision for connected purposes.¹

In Malaysia, there are many problems arising from traffic violations alone. Despite having Road Transport Act 1987 and Road Traffic Rules 1959 to govern these instances, but they still fail to curb high-accident rates in Malaysia. Road safety is indeed important and something should be done in improving the law and order for the road users.

This study concerned on the efficiency and the weaknesses of the Road Traffic Law in Malaysia as can be seen from the number of the high accident rates and traffic offences. The high number of traffic violations that should be concerned about, since in Malaysia alone, road traffic casualties and fatalities ranked high even in south-east Asia². Based on the number of the high accident rates and traffic offences, it can be concluded that something is missing from the enforcement and regulations of the road traffic law in Malaysia

This research will put the view of the public in a much larger scale and identifies other causes of accidents plus highlighting on the most common on the road offences

¹ Road Transport Act 1987 Long Title and Preamble

² World Health Ranking, "Road Traffic Accidents Death Rate Per 100,000 Age Standardized", available at <http://www.worldlifeexpectancy.com/cause-of-death/road-traffic-accidents/by-country> accessed on 12 October 2013