

**LEGISLATIVE CONTROL OF PSYCHOTROPIC SUBSTANCES IN PRIVATE
CLINICS: A STUDY ON THE EXISTING LAWS IN MALAYSIA**

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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.

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ABSTRACT

In Malaysia, the abuse of psychotropic substances in private clinics is of concern unless strict controls are imposed because it can create more drug problems and it will show a bad image of the country. Abuse of psychotropic substances occurs when the medical practitioners are found involved in unlawful practices such as supply not for medical treatment, failure to maintain records and not having a proper storage. Even though legislations and enforcement programs exist, the problem persists. Enforcement of the laws by the relevant authorities is still inadequate to curb the problems. This research project is set out to examine the existing laws, which relates to the psychotropic substances in order to determine whether it is adequate to control abuse of psychotropic substances in the private clinics. It highlights the reasons of inadequacy of the relevant authorities in controlling the psychotropic substances in private clinics. This research uses the qualitative research methodology. Information is gathered from Law Journals, Law Reports, articles, books and semi-structured interviews. Through the research, it can be found that weaknesses of the enforcement are the main factor contributing to the problem of abuse of psychotropic substances in private clinics in Malaysia. The existing legislation is able to control the substances; however, improvement should be done such as in the definition of terms and the punishment imposed. Thus, there is a need to improve the laws, the enforcement approaches and the practices of medical practitioner in handling the psychotropic substances.

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CHAPTER ONE

INTRODUCTION

1.0 BACKGROUND

According to the speech by the former Minister of Health Malaysia in the First Malaysian Conference on Addiction Medicine,¹ Dato' Dr. Chua Soi Lek, the substance abuse situation in our country is quite worrying. Despite the Government spending up to RM50 million a year on its drug rehabilitation programme at 28 government-run drug rehabilitation centres throughout the country, the number of drug addicts reported each year has not shown any signs of abating. In fact, anecdotal reports claim that up to 70% of drug users who left the centres went back to drugs again. Substance abuse refers to the harmful or hazardous use of psychotropic substances, alcohol and illicit drugs.²

In rehabilitation centres, suspected or certified drug addicts could undergo examination, detection, detoxification, counselling, vocational, physical restoration, moral and civic education, agricultural and training under one roof.³ Officers and staffs placed in these one-stop centres comprise of social workers, psychologists, medical officers, religious teachers and many other supporting agencies. These centres help take away the elements of addiction by severing the demand for drugs when drug addicts are confined for treatment. Compulsory residential treatment and rehabilitation present an important mean to stabilize the chaotic lifestyle of many drug addicts.⁴

¹ The First Malaysian Conference on Addiction Medicine, Grand Plaza Park Royal Hotel Kuala Lumpur, 2 October 2004

² Anon, "Substance Abuse", available at www.who.int/topics/substance_abuse/en/, accessed on 25 August 2008

³ Assoc. Prof Dr. Abdul Rani Bin Kamaruddin, "Drug Dependants and Rehabilitation: From the Cold Turkey to the Harm Reduction Approach", The Malaysian Law Journal Articles, [2007] 3 MLJA 66

⁴ Ibid