

**A REVIEW ON SECTION 8(1) OF PARK BY-LAWS (FEDERAL TERRITORY)
1981**

By

Nur Faezah Bt Mas'od (2005479269)
Norfiza Bt Apfandi (2005479212)

Submitted in partial fulfilment of the requirements
for the degree of Bachelor of Legal Studies (Hons)

**Universiti Teknologi MARA
Faculty of Law**

October 2007

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.

ACKNOWLEDGMENT

We wish to thank to Almighty Allah, because of His bless, we are granted with a good health and be able to finish this challenging research and as always, there are those who need to be thanked for their willing assistance on this work. First of all, we would like to express our highest gratitude to our supervisor for this research, Puan Rozita bt Othman who had helped us from the beginning up to the completing this task. We gratefully blessed by his present and patience.

We also owe a particular debt of gratitude to our parents. These noble persons in our life always gave us either money or moral support to us. Personally, our deepest thanks go to them.

To all staff of the Perpustakaan Tun Abdul Razak 2 who have spent their valuable time to help us gathered information in the library, we would like to express our biggest thank you; in no perfunctory sense for the most helpful cooperation, we have been accorded along our way to finish this research.

And last but not least, all of our friends deserve a special mention. All of them remained patient and cheerful even when we were working under considerable pressure.

Lastly, to all these people and to others who have in one way or other, given us invaluable help, assistance and advice, we are profoundly grateful for their generous assistance.

NUR FAEZAH BT MAS'OD

NORFIZA BT APFANDI

ABSTRACT

This research which entitled A Review on Section 8(1) Park By-Laws (Federal Territories) Act 1981 (hereinafter to be referred as “the By-laws” had been conducted upon realizing the fact that there is a need to look into the weaknesses in the said by-laws and came out with possible solutions subsequently. The early stage of conducting this research commenced with the submission of the research proposal on July 2007.

The research had been carried out by looking into Section 8(1) of the By-laws, where it is an offence for anyone who acting in indecent behaviour. The problem comes in when the word of “indecent behaviour” had not been defined elsewhere in the By-laws, which renders the said specific section to be a catch-all provision. The discussion on the meaning of “indecent behaviour” inevitably required us to discuss on the jurisprudential view on morality.

At the end of this review, it can be concluded that the word “indecent behaviour” requires a thorough study, apart from taking into consideration that Malaysia is a multicultural and multi religious country with citizens from a different walks of life living in. this is crucial in order the legislation bodies to enact such By-laws to curb indecent behaviours without infringing the freedom of rights as enshrined in the Malaysian Federal Constitution.

TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iv
List of Cases	v

CHAPTER ONE: INTRODUCTION

1.0 Introduction	1
1.1 Problem Statement	4
1.2 Objective of Study	4
1.3 Literature Review	5
1.4 Methodology	9
1.5 Limitation of the Research	10
1.6 Significant of the Research	11
1.7 Provisional Plan of the Research	12

CHAPTER TWO: MORALITY AND THE PROBLEM OF DEFINING MORALITY

2.0 Introduction	14
2.1 Definition of Morality	14
2.1.1 Lexicon Interpretation	14
2.1.2 Jurists and Scholars Analysis	16
2.2 Hart-Devlin Debate	19
2.3 Articles and Report	22
2.4 Various Theories on Morality	23
2.5 Conclusion	26

CHAPTER THREE: MORALITY IN MALAYSIAN PERSPECTIVE

3.0 Introduction	28
3.1 The Concept on Morality	29
3.1.1 Concept of Human Action	29
3.1.2 Freedom of Religion	30
3.1.3 Hart-Devlin Debate	32
3.2 Constitutional Effect	34
3.2.1 Classifications of Freedom	34
3.2.2 The Federal Constitution Interpretation	36
3.2.3 Discussion on Cases	38
3.2.3.1 Lee Mau Seng v Minister For Home Affairs, Singapore & Anor	38