ADEQUACY OF SAFE CITY PROGRAMME IN PREVENTING SNATCH THEFT UNDER THE PENAL CODE (REVISED 1997) IN MALAYSIA: WITH SPECIAL REFERENCE TO THE LEGAL POSITION IN THE UNITED KINGDOM

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ABSTRACT: Criminal activities have become one of the major concerns, not entirely in Malaysia but around the world. The alarming statistic of criminal cases, particularly snatches theft has been extensively reported in the media, both conventional and social due to its impact towards the victims, their families and the society. The earnestness of the crime have led governments in many states to implement Safe City Program especially in urban arenas. This plan has been put in as one of the steps in bringing down the crime rate as it aims at creating a safe and peaceful surroundings of the urban center and housing as well as to uphold the security of the community. This concept paper exploits the literature review in examining the sufficiency of the Safe City Program in preventing snatch theft under the Penal Code (Revised 1997) in Malaysia. Since the implementation of Safe City Programme in Malaysia still at the initial stage and is progressing, it is apparent that the question of adequacy of Safe City Program in preventing snatch theft under the Penal Code (Revised 1997) in Malaysia can only be effectively addressed by carefully examining the strengths and weaknesses of the current legislation with special reference to the legal position in the United Kingdom in order to identify the gaps that need to be filled.

KEYWORDS: criminal activities, snatch theft, safe city programme, penal code, adequacy

BACKGROUND

It is undoubtedly that snatch theft became one of the major issues in most countries like Malaysia and calling serious consideration at both local and national levels. The critical of this crime has been revealed expansively in the majority media and by bloggers, mostly due to the traumatic effect on the victim and their families. Snatch thefts, even is considered as petty crimes as opposed to house burglaries or car thefts, but it ranks among the most rampant crime and can be potentially harmful (The Star, 2009). There are about 70% of street crimes recorded happened in Kuala Lumpur, Johor, Selangor and Penang and about 30% of all street crimes were snatched thefts (GTP Roadmap). It has been reported in The Star (2006) that 83% of snatch thefts were committed by motorbike riders and from January to June 2003, statistics from the Crime Investigation Department of the Royal Malaysian Police showed that there were 8,700 reported snatch theft cases in the country. The breakdown showed that Selangor recorded the highest number of cases at 2,172 followed by Kuala Lumpur (1,891) and Johor (822) (The Star). It

was revealed in Parliament that there had been an increase in the number of reported snatch theft from 14,368 reported cases in 2001, to 14,640 cases in 2002, to 15,798 cases in 2003 (Baljit Singh Sidhu, 2007).

According to A. N. Aris-Anuar, N. Jaini, H. Kamarudin, R. A. Nasir (2011), the shocking data and the rampancy of snatch theft cases have led to implementation of the Safe City Program. The Government of Malaysia implements Safe City Program in 2004 in several urban cities as one of the steps in reducing the rate of the street crime, particularly the snatch theft in Malaysia (Bandar Selamat, 2010 Safe City). The concept of Safe City aims at creating a safe and peaceful environment of the city and housing, so as to lessen the crime rate through environmental design principles, security and community development (Nor Eeda Binti Haji Ali, 2006). Six immediate actions which emphasis on proper environmental design will be undertaken under the Safe City Programme namely, the separation of pedestrian walkways from motorised lanes; lighting; safety alarm; safety mirrors, cleaning and clearing of unkempt areas; installation of CCTVs; and the establishment of Geographical Information System (GIS) based maps for the identification of crime hotspots. As reported by Federal Department of Town Country Planning, up until April 2007, only Shah Alam has implement 100 percent from all measures outlined. However, ironically Shah Alam was ranked as the fifth highest in the crime rate index in Selangor(Nur Uyun Bt Aman).

In United Kingdom, on the other hand, Safer Cities Program was introduced as a crime prevention initiative which is currently operated through 20 projects in England with goals to reduce crime, to lessen the fear of crime, and to form safer cities where economic enterprise and community life can flourish (Nick Tilley, 1993). The program provides funding for individual projects, with the United Kingdom Home Office and Audit Commission responsible for monitoring and evaluating Safer Cities. This kind of comprehensive approach to reduce street crime was successfully implemented in the United Kingdom whereby street crime, especially snatch theft had risen dramatically through late 2001 and early 2002 (GTP Roadmap). In response, then Prime Minister Tony Blair launched and led the Street Crime Initiative, involving all the criminal justice agencies such as police, prosecutors, courts, prison and probation service. Many other government departments participated, including Education, Culture and Sport, Transport and local government. This holistic approach was successful whereby it quickly reversed the rise in snatch theft, which fell by well over 20% by the end of 2003.

Malaysia has drawn some lesson from the United Kingdom's experience and has already launched four initiatives in which one of it is partnerships at local level to reduce snatch theft will be established through the Safe City Program. The Safe City Program will bring together the PDRM, local councils, National Anti-Drugs Agency, Welfare Department and other relevant bodies to tackle local problems with localized initiatives. Since the implementation of the Safe City Program is at initial or early stage, ample times are needed for analysis and see how Safe City Program has helped in reducing the snatch theft cases in the urban cities in Malaysia (New Straits Times, 2011).

We are of the view there is a need to study on the sufficiency of the Safe City Program in preventing snatch theft in urban areas in Malaysia as there are plenty measures or strategies provided under the program. Furthermore, since the implementation of Safe City Program in Malaysia still at the initial stage and is progressing, there is a necessity for this study to have special reference or benchmark to the United Kingdom where it has successfully implemented the concept. Therefore, this study aims to investigate the adequacy of Safe City Program in preventing snatch theft under the Penal Code (Revised 1997) (the "Penal Code") in Malaysia with special reference to the legal position in the United Kingdom and to propose relevant recommendations to enhance Safe City Program in Malaysia.

LITERATURE REVIEW

The Safe City concept appeared in the ideas of Jane Jacobs through her journal entitled "Life and Death of American Cities" and it was published in 1961. Based on personal observation, Jane Jacobs recommends the basic theory of safe city whereby she states that if a city's streets are safe from barbarism and fear, the city is thereby tolerably safe from barbarism and fear. According to her, the Safe City creates determined scale of study in which safety in cities is an enormously complex interconnected subject; it touches on the perceptions and psychology of individuals, and the impact that the built environment has on opportunities for crime, physical contribution to economic renewal and decline, resultant population flows, middle-class flight to the suburbs, even global instability and threats of international terrorism.

Jacob (1961) claimed that diverse land use is a key factor in preventing crime and suggests that neighbourhoods have many different functions such as residential, commercial, and leisure activities' centres. She further argued that the streets and sidewalks of the city are paramount to the perceptions of order and safety as the streets and its sidewalks are the main public places of a city and are its most vital organs. For Jacobs, the more people are in public, the opportunities for crime and disorder are drastically reduced, given that people act as the 'eyes and ears' of the street. In other words, natural surveillance is increased when people take the street and therefore, a city that is perceived as safe would draw large crowds, thereby increasing the perception that the city is safe, which in turn, might actually make the city safer. Her idea of safe city concept have been accepted as the main guideline for town planning in the United States and later elaborated and extended by Oscar Newman in his Defensible Space Theory.

Other than that, according to Ahmad Nazrin Aris Anuar et al., safe city is a part of liveable cities concept focuses on the crime problem in urban areas. Alec Brownlow in his journal contents that safety is of central importance to urban economic development, whereby to be a competitive city is to be a safe city or, at least, a city that is perceived to be safe by the consuming public, and vice versa. Discretion in police response and law enforcement is an important and powerful tool in the production of the safe city. Safe city concept and initiatives have been successfully implemented in the United Kingdom ("UK"), Canada, United States ("US") and Australia.

Simon Hallsworth in his book adopts a broad definition of street crime as all crimes perpetrated in publicly shared place. A report prepared for the Crime and Drugs Division, Government Office for London defines street crime as crimes recorded as robbery of personal property and snatch theft. Street crime is also used to describe the offences of robbery, attempted robbery and snatch theft from the person irrespective of the location. In year 2002 the Prime Minister of the UK described the problem as a 'national emergency'. A rise in street crimes was indicative of general lawlessness and held the view that street offences were 'gateway crimes' to more serious offences.

According to The Lifers Public Safety Steering Committee of the State Correctional Institution of Pennsylvania, two of the major factors that contribute most heavily to this street crime culture are economic and psychological. Unemployment, living costs, and an intense desire for material wealth drive the first major component of the street crime culture. The second major component of street crime culture consists of psychological forces, especially those that influence men's self-image based on distorted conceptions of manhood. The paramount need in the street crime culture for respect, proving one's manhood and being viewed as courageous, drive this second aspect where the lives of others are of less value than the image they have of themselves.

Besides, crime prevention has been defined in the 2002 Guidelines for the Prevention of Crime as comprising "strategies and measures that seek to lessen the risk of crimes occurring, and their possible harmful effects on individuals and society, including fear of crime, by intervening to influence their multiple causes". The National Crime Prevention Institute of US defines crime prevention as, "the anticipation, recognition and appraisal of a crime risk and the initiation of some action to remove or reduce it".

DISSCUSSION

In the UK, snatch theft is categorised as robbery in the circumstances where the offender steals and uses force on any person or put any person in fear of being then. It was held by the Court of Appeal that whether force had been used or not is a matter to be left to the jury and the jury were entitled to conclude that pulling a bag down amounted to force. Section 8(2) of the Theft Act 1968 provides that a person convicted on indictment of robbery or assault with intent to rob shall be punished with maximum punishment of imprisonment for life.

Designing out crime initiatives are underpinned by a variety of planning policy guidance notes and Acts of Parliament including Section 17(1) of the Crime and Disorder Act 1998 which states:

"Without prejudice to any other obligations imposed upon it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can to prevent crime and disorder in its area."

In Malaysia, snatch theft was previously categorised as theft under Section 378 of the Penal Code. When the crime of snatch theft became very rampant in Malaysia, the Penal Code was amended in 2006 to categorize snatch theft as robbery, of which the punishment is provided Section 392 of the Penal Code. This amendment is made by an insertion of paragraph (e) in illustration to Section 390 which states:

"Z is walking along the road. A on a motorcycle snatches Z's handbag and in the process causes hurt to Z. A rides away with Z's handbag. A has therefore committed robbery".

Section 392 of the Penal Code provides a punishment of imprisonment for a term which may extend to fourteen years, and he shall also be liable to fine or to whipping in case where robbery has been committed. The punishment is heavier compared to previous punishment for snatch theft under Section 379 of the Penal Code where it provides for punishment of imprisonment for a term which may extend to seven years, or with fine, or with both, and for a second or subsequent offence shall be punished with imprisonment and shall also be liable to fine or to whipping. There is no legislation in Malaysia that has been made to legislate and execute crime prevention.

In the UK, Safer Cities Programme was launched in March 1988 by the Department of the Home Office. It aims to reduce crime and fear of crime and to address the social, physical and economic problems of disadvantaged urban areas, particularly the council housing estates. The program takes a partnership or multiagency approach. Safer Cities Programme focuses on five main areas. First is the involvement of voluntary bodies and the private sector in the design and delivery of Safer Cities initiatives. Second is the drastic tackling on a range of crime problems such as domestic and commercial burglary, domestic violence, vehicle crime, shop theft, crime against small business and disorder issues such as graffiti and vandalism. Third is the use of key indicator by the police which is the decrease of the fear of crime as a consequence of successfully reducing crime per se. Forth is the implementation of situational approaches

focusing on physical security measures in order to prevent burglary in both domestic and commercial settings.   Fifth is an implementation of socially orientated initiatives such as educational and publicity campaigns and support for people to ensure that all possible predictors of crime and disorder are addressed.

Meanwhile, in Malaysia, the policy of Safe City Program is laid down by the Federal Department of Town and Country Planning, Ministry of Housing and Local Government Malaysia with the aim to improve public safety across Malaysia based on the recommendation of NKRA Lab: Reducing Crime in Malaysia on 5 October to 19 November 2009 The Safe City Programme 2004 consisting 23 measures toward crime prevention have been redefined to 15 steps to make our cities safe. 15 steps for Safe City Programme is clustered into 3 main strategies, namely the environmental design initiatives, target hardening and management, community involvement and public awareness. The first strategy which is environmental design initiatives contains the first, second and third measures. The first measure is the separation of pedestrian walkways from motorised lanes by the provision of bollards, dedicated walkways, railing, landscaping and dedicated motorcycle lanes. The second measure is the implementation of Crime Prevention Through Environmental Design ("CPTED") which includes the guidelines on CPTED itself, lighting, provision of dedicated pedestrian walkways, landscaping treatment, provision of bollards and railings, closed-circuit television ("CCTV") installation in commercial premises and public places and Geographic Information System ("GIS") Crime-based mapping manual. The third measure is the establishment of GIS mapping for crime and Safe City Programme to monitor the effectiveness of safe city programme in crime reduction.

Moreover, the second strategy which is targeted hardening contained the fourth until the twelfth measures. The strategies are the provision of police post or mobile police post, safety mirrors, crime prevention signages, safety alarms, motorcycle parking with locking facilities, installation of CCTV in commercial premises and public places, lighting, unobstructed view of public walkways and the exercise of appropriate activities at vulnerable crime spots. In addition to that, the third strategy which is community involvement and public awareness contains the thirteenth, fourteenth and fifteenth measures, namely the provision of education, public awareness and publicity, improvement of surveillance in the housing areas and the fixed agenda on Safe City Programme at full local authorities' council meeting.

From the jurisdictional context, little attention has been paid on the comparative studies between the Safe City policies and existing legislations governing the Safe City initiatives in the UK and Malaysia. Whatever few studies that have been conducted on the Safe City policies are those between the UK, US, Canada and Australia.

In the UK, the main strand of the literature on Safe City has highlighted that crime prevention and community safety initiatives through Safer Cities Programme has been correctly targeted at repeat victims in burglary cases. Of importance is the recent literature which has focused on the importance of the responsibilities of built environment professionals for safety in public spaces through design intervention intended for crime prevention and the control of human behaviour. In addition to that, the literature has suggested that even in the most advanced Safer Cities in the UK, there is no specific and most important strategy is yet identifiable to be focused on, and no fully self sustaining structure is in place to develop one and take it forward since all the measures under the Safer Cities Programme have to implemented simultaneously in order to prevent crimes.

The existing literature has focused solely on the crime opportunities which depend on everyday movements of activity, where the literature mentioned that the snatch theft offenders pay closer attention to the absence of people and safety measures. Considerable literature has also

discussed on the key points of additional safety measures for Safer Cities Programme for the future which are among others by promoting higher density in depleted urban neighbourhoods, equalising the incentives to renovate old buildings, improving public transport and managing neighbourhoods to encourage a social mix. Of interest is the literature on the unpredictable shifts of snatch theft and robbery cases in the UK which indicates the needs for improvised and advanced safety measures in the urban spaces.

In Malaysia, the current literature has paid attention on the overview of the Safe City Programme under the purview of the Ministry of Housing and Local Government, the extent of local authorities' involvement and how these efforts contribute to a safer city. It is also highlighted in the considerable literature that the success of Safe City Programme lies in the partnership between public, private and voluntary sectors, where local government has the potential to affect crime and public safety through its community safety policies and practices. Of interest is the recent literature on how an efficient law must be codified to facilitate the building of a safe city despite many strategies and measures done in preventing crimes under the Safe City Programme in Malaysia.

The extant literature has paid attention on the importance of the adoption of more situational crime prevention measures and cooperation by the community in order to build their safety-net environment in addition to the existing measures under Safe City Programme. For instance, Nor Eeda Binti Haji Ali in her journal suggests that Safe City Concept is effective in reducing the crime's problem and that the awareness and cooperation between the communities in neighbourhood is important to ensure the fully effectiveness and successful of the safe city concept.

Also, the current literature has paid attention on the successfulness of Safe City Programme in promoting tourist safety in Putrajaya. In terms of effectiveness however, it shows some weaknesses where the implementation of the measures under Safe City Programme should be deliberated. Of significance, the literature has highlighted that further investigations need to be conducted by expert groups in Malaysia, such as town planners, landscape architects, architects and urban crime personnel on the implementation of the measures under Safe City Programme.

Hence, the review of the literature indicates that much of the Safe City literature in the UK have focused more on the repeat victimisation, the role of built environment professionals, enhancement of current safety measures, crime opportunities and trends of crimes. On the other hand, the review of the literature in Malaysia suggests that the attention has been given more on cooperation and partnership between all sectors, the need for efficient law and the need for further investigations by the experts on the Safe City initiatives.

CONCLUSION

Based on the background and literature review of this proposal, it is apparent that the Malaysian Government is putting in efforts to prevent snatch theft under the Penal Code by implementing the Safe City Programme. Nevertheless, the adequacy of the Safe City Programme in preventing snatch theft under the Penal Code is questionable as there are still rooms for snatch theft cases in Malaysia. It is observed that in order for Malaysia to acquire comprehensive and effective prevention of snatch theft, the law and policy regulating the implementation of Safe City Programme must be improved by having a tighter law and policy enforcement such as the

position in the United Kingdom. Therefore, there is a need to review and improve the law and policy with regard to Safe City Programme in order to fill in the lacuna.

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