

UNIVERSITI TEKNOLOGI MARA

**A LEGAL STUDY OF THE EFFECTIVENESS OF
POISONS ACT 1952 IN REGULATING
POSSESSIONS OF 'KETUM' OFFENCE**

MOHD HAFIZI BIN HANAPI

Dissertation submitted in partial fulfillment
of the requirements for the degree of
Master in Enforcement Law

FACULTY OF LAW

JANUARY 2018

AUTHOR'S DECLARATION

I declare that the work in this thesis was carried out in accordance with the regulations of Universiti Teknologi MARA. It is original and is the results of my own work, unless otherwise indicated or acknowledged as referenced work. This thesis has not been submitted to any other academic institution or non-academic institution for any degree or qualification.

I, hereby, acknowledge that I have been supplied with the Academic Rules and Regulations for Post Graduate, Universiti Teknologi MARA, regulating the conduct of my study and research.

Name of Student : Mohd Hafizi Bin Hanapi
Student I.D. No. : 2015104367
Programme : Master of Enforcement Law
Faculty : Law
Thesis : A Legal Study of the Effectiveness of Poisons Acts 1952 in
Regulating Possession of 'Ketum' Offence

Signature of Student :
Date : January 2018

ABSTRACT

Possession of 'Ketum' is no strangers and this offence is increasing year by year. Criminals prefer to use 'Ketum' from dangerous drugs because 'Ketum' is easy to find and the price is cheaper than other dangerous drugs. Furthermore, the sentences of possession of 'Ketum' is lower than sentences to other dangerous drugs because 'Ketum' is considered as poison and listed under Poisons Act 1952; not under Dangerous Drugs Act 1952. Heroin is one of the example under dangerous drugs which have same effect with 'Ketum' but it is listed under Dangerous Drugs Act 1952. Hence, the offender will may repeat committing the crime because the sentence is lower and inadequate to give lessons to the offender. This research to analyses about the adequacy of Poisons Act 1952 in regulating possession of 'Ketum' and other relevant statutes that can be used to regulate possession of 'Ketum' comparing with other countries such as Thailand. End of this chapter, the author will show that, Poisons Act 1952 is inadequate in regulating possession of 'Ketum' offences.

ACKNOWLEDGEMENT

In the name of Allah, the Most Gracious and the Most Merciful. Alhamdulillah, all praises to Allah for the strengths and His blessing in completing this dissertation paper. A special appreciation goes to my supervisor, Dr. Sheela Jayabalan and also Prof Madya Dr. Norha Abu Hanifah, for their supervision and constant support. Her invaluable help of constructive comments, suggestions and recommendations have contributed to the success of this completion.

I would like to express my appreciation to the Dr. Sheela Jayabalan, Head of Post graduate Progame, and also Administration Staff for their support and help towards my postgraduate affairs.

My deepest gratitude goes to my beloved parents; Mr. Hanapi Bin Awang and Mrs. Nik Nak Binti Nik Mat and my beloved wife; Fetri Sabrina also to my sisters; Siti Fethia for their endless love, prayers and encouragement.

Special thanks also dedicated to all my friends, especially all my classmates and others for their kindness and moral support during my study. Thanks for the friendship and memories.

This dissertation paper would not have been existed without the full support and consent from PDRM Malaysia.

To those who indirectly contributed in this research, your kindness means a lot to me. Thank you very much.

Mohd Hafizi Bin Hanapi, Januari, 2018

TABLE OF CONTENTS

	Page
AUTHOR'S DECLARATION	i
ABSTRACT	ii
ACKNOWLEDGEMENT	iii
TABLE OF CONTENT	iv
LIST OF TABLE	viii
LIST OF ABBREVIATIONS	ix
CHAPTER ONE: INTRODUCTON	
1.1 Introduction	1
1.2 Research Background	2
1.3 Problem Statement	3
1.4 Research Question	3
1.5 Research Objective	3
1.6 Literature Review	4
1.6.1 Conceptual Framework	4
1.6.2 Legal Framework	5
1.7 Research Methodology	6
1.8 Significance Contribution of the Research	6
1.9 Scope and Limitation	7
1.9.1 Scope	7
1.9.2 Limitation	7
1.12 Conclusion	7
CHAPER TWO: LITERATURE REVIEW	
2.1 Introduction	8
2.2 Conceptual Framework	8
2.2.1 Definition	8
2.2.2 Ketum in Malaysia	10