

**A CRITICAL STUDY ON THE EFFECTIVENESS OF THE LAW AND THE
ENFORCEMENT AUTHORITY IN ERADICATING ORGANISED CRIME
SYNDICATE IN MALAYSIA**

By

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ABSTRACT

Organised crime group according to Section 130U of Penal Code (Act 574) means two or more people acting together with the aim of committing one or more serious offences in order to obtain material benefit, power or influence. Malaysia has many laws and authority that govern the organized crime syndicate in Malaysia. The existing laws include Penal Code (Act 574), Criminal Procedure Code (Act 593), Societies Act 1966 and Prevention of Crime Act (Amendment and Extension) 2013. Not only that, a special anti-crime operation called Ops Cantas Khas was created in 2013. However, the effectiveness of these laws and authority are questioned as countless violent offences occurred in Malaysia is either a direct or indirect result of organised crime. In order to further combat organised crime syndicate, stronger enforcement of the law as well as stricter authority is needed in hope of eliminating the organised crime syndicate entirely. In short, the law governing the organised crime syndicate must be met with a more tangible response. Therefore, this research includes comparing the laws in Malaysia with other countries, mainly Hong Kong and United States of America as these countries have an effective way to combat organised crime. It is hoped that this research will provide answers as to the main reason why organized crime syndicates still exist despite various laws in Malaysia and the necessary steps to be taken to efficiently enforce the relevant laws to combat the crime syndicate in Malaysia

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CHAPTER ONE: INTRODUCTION

1.0 Background Research

Organised crime group according to Penal Code means two or more people acting together with the aim of committing one or more serious offences in order to obtain material benefit, power or influence.¹ In the same code, serious offence is defined as any offence punishable with imprisonment for a term or at least 10 years².

Malaysia has many laws and authority that govern the organised crime syndicate in Malaysia. The existing laws include Penal Code (Act 574), Criminal Procedure Code (Act 593), Societies Act 1966 and Prevention of Crime Act (Amendment and Extension) 2013. Not only that, a special anti-crime operation called Ops Cantas Khas was created in 2013.

However, the effectiveness of these laws and authority are questioned as many violent offences occurred in Malaysia because of organised crime. In 2013, 15,098 murders and robberies occurred between January to June 2013.³ Not only that, there were also many shooting cases reported. For instance, the chairman of MyWatch who was a Malaysian crime watchdog was shot. The alarming factor is that this incident happened after the victim called for an independent body to investigate police's involvement in organised crime syndicates.⁴

The fact that government repealed Emergency (Public Order and Crime Prevention) Ordinance in 2011 to allow a person to be detained without trial does not help either. The government has tried to combat criminal laws by amending the criminal laws related to organized crime. Prevention of Crime Act 1959 (PCA) was

¹ Penal Code (Act 574) at s 130U

² *Ibid*

³ Sukumaran, Tashny (Malaysia: 2 August 2013). 'Pemandu: Police Statistics Show Violent Crime On The Rise' *The Star Online* <<http://www.thestar.com.my/News/Nation/2013/08/02/Crime-Pemandu-statistics/>> accessed 15 April 2014

⁴ Foster, Rebecca (Malaysia: 1 November 2013) *Sea Globe: Public Enemies*. <<http://sea-globe.com/public-enemies-gangs-crime-malaysia/>> accessed 15 April 2014