

GUN REGULATION IN MALAYSIA : ENFORCEMENT OR PREVENTION

BY

Faten Fathonah Bt Kamarudin (2011172145)

Norliana Akmar Bt Ghazali (2011185359)

Nur Shahida Azira Bt Yussoff (2011190885)

Siti Sha Erdawati Akma Bt Omar (2011190879)

Muhammad Elmy Afyfy Bin Abdul Rahman (2011538439)

Submitted in Partial Fulfillment of the Requirements
for the Bachelor in Legal Studies (Hons)

Universiti Teknologi MARA
Faculty of Law

June 2014

ABSTRACT

This research discusses on the enforcement of gun control regulation in Malaysia, the focal point of this research is the prevention strategy is more important rather than enforcement of gun control regulation. By definition, enforcement means the act of compelling observance of or compliance with a law while prevention means the action of stopping something from happening.

Malaysia gun control regulation is too focused on enforcement, such as the prosecution approach, the process of purchasing firearms and the licensing system. However, there is insufficient focus on prevention, such as acknowledgement from a family member as a crucial element to obtain license.

An approach that was taken to make this research adequate is qualitative method. Four research questions are posed, in order to make the discussion well-structured and organized. Primary and secondary data are collected from many sources in order to provide a well comprehensive research. Field work such as interview was also conducted for confirmation and verification of the informal information that had been gathered.

As a conclusion, this research was made with hope that it could be made as a reference in the near future on any improvement of gun control regulation in Malaysia and it is adequate to meet the need of the reader.

TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iii
Content	iv
List of Cases	vi

CHAPTER ONE : INTRODUCTION

1.0	Introduction	1
1.1	Research Statement	3
1.2	Research Objective	6
1.3	Research Questions	6
1.4	Research Methodology	7
1.5	Scope of Research	9
1.6	Keywords	10

CHAPTER TWO : LITERATURE REVIEW

2.0	Introduction	11
2.1	Co-relation Between Guns and Violence	11
	2.1.1. More Guns More Crime	13
2.2	Regulation of Guns	16
2.3	Management of Gun Control	17
2.4	Enforcement in Malaysia	19
2.5	Conclusion	20

CHAPTER THREE : THE ENFORCEMENT OF GUN REGULATION IN MALAYSIA

3.0	Firearm's Control Laws	21
3.1	National Laws	21
3.2	Compliance With United Nation Convention Against Transnational Organized Crime	24
3.3	Provision for Postal Delivery	26
3.4	Regulation Analysis	27
3.5	Case Analysis	28
3.6	Conclusion	30

CHAPTER FOUR: THE ENFORCEMENT OF FIREARMS LAWS IN MALAYSIA

4.0	Introduction	31
4.1.	Firearms And Licensing	32

4.1.1.	Age Requirement	32
4.1.2.	Provision for Postal Delivery	33
4.1.3.	Acknowledgement of Present or Ex-spouse and Non-Family Members	34
4.2.	Firearms And Maintenance	35
4.2.1.	Identification Card for the Firearms Holder	35
4.3.	Firearms And Firearm's Replica	37
4.3.1	The Usage Of Paintball Markers in Sport	38
4.4.	Firearms And Ammunition	39
4.4.1.	Ammunition Marking	39
4.5.	Firearms And Black Market	40
4.5.1	Easy Access From Sea to the Mainland	40
4.6.	Firearms And Disposal	41
4.6.1.	Destruction Of Unwanted Firearms	41
4.6.2	Provision For Amnesties	41
4.7.	Conclusion	42

CHAPTER FIVE: INTERVIEW

5.0	Introduction	43
5.1	Licensing Issues	: DSP Ayob Bin Mohd Zainuddin 44
5.2	Maintenance Issues	: DSP Mad Yossof Bin Akop 46
5.3	Enforcement Issues	: DSP Ayob Bin Mohd Zainuddin 48
5.4	Declaration	50
5.5	Opinion in Regards to Enforcement of Gun Regulation in Malaysia	51
5.6	Conclusion	51

CHAPTER SIX: RECOMMENDATIONS AND CONCLUSION

6.0.	Introduction	52
6.1	Legal Framework of the Firearms Law	52
6.2	The Enforcement versus The Prevention Approach	53
6.3	Recommendation	55
6.3.1.	Firearms and Licensing	55
6.3.2	Firearms and Maintenance	56
6.3.3	Firearms and Firearm's Replica	56
6.3.4	Firearms and Ammunition	57
6.3.5	Firearms and Black Market	57
6.3.6	Firearms and Disposal	57
6.4	Conclusion	58

Bibliography	59
--------------	----

Appendices

Appendix 1: Interview Questions	65
---------------------------------	----

CHAPTER 1

INTRODUCTION

1.0 BACKGROUND OF RESEARCH

The index crimes¹ in Malaysia have tremendously increased, in which as at September 2013, the statistics rose to 74.9%.² This number indicates that the levels of crime in Malaysia is unacceptably high.

Up to July 2013, there are 30 gunshot cases and some were shot dead since April 2013.³ This number shows that 8 cases per month and approximately 2 cases per week.⁴ This obviously shows that shot has gone viral in Malaysia. Among the high profiles cases were the incidents of shooting involving the former Director General of Customs, Datuk Shaharudin Ibrahim in Putrajaya on the 26th April 2013⁵, the death of founder of Arab Malaysia Bank, Hussain Ahmad Najadi in Kuala Lumpur on 29th July 2013,⁶ and also the manager of the bank was shot to death in the evening after office hours, by the security guard, respectively.⁷

¹ MalaysianDigest, Peningkatan Kes Tembak Masyarakat Ragu Terhadap Statistik Jenayah Dan Bimbang Tentang Keselamatan', available at <http://www.malaysiandigest.com/>, accessed on 20th May 2014.

² MalaysiaKini, 'Zahid's PCA Justification Disputes Police Statistics', available at <http://www.malaysiakini.com/news/245558>, accessed on 2nd April 2014.

³ 30 Gunshot and Some were Shot Dead since April 2013, available at <http://www.funnymalaysia.net/since-april-2013-in-malaysia>, accessed on 20th May 2014

⁴ Sithraputhran, Siva. "Custodial Death Pile Pressure on Malaysian Government", available at <http://article.wn.com/view/WNATE1E6E004F6C9A26773DDC8AF705678C5/>, accessed on 30 March 2014

⁵ Azura Abas and Loi Kye Lee, ' Customs Deputy DG II Shot Dead ', available at <http://www.nst.com.my/latest/customs-deputy-dg-ii-shot-dead-1.264755>, accessed on 2nd April 2014.

⁶ The Star Newspaper, 'Arab Malaysian Banking Group Founder Hussain Ahmad Najadi Shot Dead In Parking Lot, Wife Survives', available at <http://www.thestar.com.my/News/Nation/2013/07/29/Shooting-ambank-founder-Hussain/>, accessed on 2nd April 2014.

⁷ Zachariah, Elizabeth, ' Ambank Security Guard Shoots Colleagues Dead in Robbery, available at <http://www.themalaysianinsider.com/malaysia/article/ambank-security-guard-shoots-colleague-dead-in-robbery>, accesses on the 2nd April 2014.