

**THE ADEQUACY OF CONSUMER PROTECTION ACT 1999 IN
PROTECTING CONSUMERS' RIGHTS IN MALAYSIA OVER
MISLEADING AND DECEPTIVE CONDUCT**

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The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made the work of others.

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Abstract

This research is a critical analysis on the adequacy of Malaysian Consumer Protection Act 1999 (CPA 1999) in governing consumers' protection. CPA 1999 was enforced on October 1999 under the Ministry of Domestic Trade, Cooperation and Consumerism in order to provide a greater protection to the consumers. Under the Act, the rights granted as the consumers cannot be taken away from consumers notwithstanding conditions in any agreement that they have signed.

However, after more than 10 years of enforcement, consumers' rights are still being abused either by the traders or the consumers themselves. This led to a question where is the significant and effectiveness of the CPA 1999 of consumers' rights which are still fail to be upheld? It might be some loopholes of the said Act which make it inefficient. Thus, this study was conducted in order to examine the adequacy of the CPA 1999 in protecting consumers' rights over misleading and deceptive conduct in Malaysia.

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CHAPTER ONE

INTRODUCTION TO THE RESEARCH

1.0 Introduction

This chapter contains the background of the study, research question, objectives and followed by research methodology. Next, this chapter includes the scope, limitation and significance of the study. Finally, it also provide for the plan of the research and conclusion.

1.1 Background of the Study

The Consumer Protection Act 1999 (hereinafter referred as ‘CPA 1999’) is an Act which comes into force on 15th November 1999 in order to provide protection for the consumers.¹ The CPA 1999 is applicable in respect of all goods and services that offered or supplied to one or more consumers in trade.² The word consumer was defined as any person who might wish to be supplied with the goods for his own private use or consumption.³

The evolution of the CPA 1999 started since the end of British Colonial rule whereby Malaysia, as part of its national development agenda, has given priority to consumer welfare and protection.⁴ In the earlier years after the independence of Malaysia, the consumer welfare only focused on the basic needs such as shelter, foods, health and education.⁵ Then, the modernization accompanied by the capital intensive economic development began to take root in 1970’s.⁶ As income arose, there was also a corresponding and large increase in the consumption of goods and services.⁷ As a result, consumers and businesses began trading new ground where

¹ Deloitte Touche Tohmatsu, “How it was Established”, available at <http://www.kassimchanconsultants.com.my>, accessed on 27 January 2010.

² Ibid at 1.

³ L.B.Curzon ,”*Dictionary of Law*” (International Law Books Services Petaling Jaya 2007 6th ed) p. 90

⁴ Josie M Fernandez, ‘‘Protecting Consumers’’, available at <http://www.malaysianbar.org.my>, accessed on 27 January 2010.

⁵ Ibid at 4.

⁶ Ibid at 4.

⁷ Ibid at 4.