

THE ADEQUACY OF LEGAL FRAMEWORK REGARDING
MOTOR VEHICLE THEFT IN MALAYSIA WITH REFERENCE TO
SINGAPORE

By

Norhanim Bte Idham (2009241554)

Athirah Bte Abd Razak (2009451462)

Norfarhana Bte Azizan (2009274163)

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

Universiti Teknologi MARA

Faculty of Law

December 2011

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

ABSTRACT

In Malaysia, motor vehicle theft is a one of the crime that mostly occurred and committed. There is law governing this particular offence which is provided under section 379 of the penal code but the problem still cannot be solved. Even though we have this provision, however, the said law is seems to be inadequate which causes many issues have arisen. The society started to argue that the crime is still occurred because we do not have an effective law and special clause as applied in Singapore, where their country is really strict with regards to this matter. Not only that, it is also argued that the leniency of the judge in making decision for the motor vehicle theft offender had caused the law become more ineffective.

This research is to examine the law on theft of motor vehicle under Malaysia Penal Code which will focus on Section 379 with reference to the Singapore Penal Code and to study how the implementation of the section 379A regarding punishment available for motor vehicle theft which later will answer the question of whether the law is sufficient or Malaysia need to adopt such proviso in Singapore.

Furthermore, this research adopts qualitative type of research therefore; a library-based research will be conducted. Information will be gathered from books, cases study, articles, journals and statistics which cover the aspect of law on theft on motor vehicle specifically. The central aim of conducting the library research is to find the definition of theft, nature, and characteristic of theft thus narrow down to the theft on motor vehicles. Moreover, this study will be governed through case studies whereby those related cases will be analyzed in order get further explanations and understandings regarding how the law itself is being enforced in Malaysia. Then, internet search will also be conducted. Online database such as Lexis-Nexis and online articles will be used to obtain information that related to this research.

Therefore, a comparison should be made with Singapore in order to determine how far the adequacy of legal framework regarding motor vehicle theft in Malaysia.

ACKNOWLEDGEMENT

Bismillah irah man irah im

"In the name of Allah, the Most Gracious and the Most Merciful"

All the gratitude and thanks to Allah the Almighty for giving us the opportunity and strength to complete this Project Paper as it was one of the major course in completing our Bachelor of Legal Studies (Hons).

First of all, we would like to express our gratitude towards Pn Mimi Sintia Hj Mohd Bajury, our supervisor who always gives us ideas and suggestions on our topic. Although she is our supervisor and advisor, we work as one team and she is very helpful. Her magic words and miracle advice had taught us the reality of doing a research.

Furthermore, we would like to express our gratitude to our interviewees; Malacca Session's Magistrate, Mr. Muhamad Hazri Bin Hanafi, a law lecturer of University Teknologi Mara Shah Alam, Puan Che Audah Hassan, as well as Mr. Alias Bin Ahmad Puad, the Lans Koperal at the Bukit Aman Police Station. They not only provided us with precious and essential responses to the interview, their enthusiasm to allocate their time to share their knowledge with us have been a priceless experience. We would like to thank them again for the assistance in granting an interview despite with the limited time given.

We would also like to extend our special appreciation to our parents, family and friends who have contributed direct and indirectly in the completion of our Honours Project Paper by providing love, care, monetary, and moral support. We would not forget those good old days.

Last but not least appreciation is given to all individuals that had helped directly or indirectly in completing this Project Paper. Thank you.

TABLE OF CONTENT

Acknowledgment			i
Table	of	Content	ii
Abstract			iv
List	of	Cases	v
List of Statutes			vi

CHAPTER ONE: INTRODUCTION

1.0	Introduction	1
1.1	Problem Statement	3
1.2	Objective of the study	4
1.3	Literature Review	4
1.4	Methodology	9
1.5	Scope and Limitation	9
1.6	Significance of Study	10
1.7.	Provisional Plan of Research	11

CHAPTER TWO: THE LEGAL FRAMEWORK REGARDING MOTOR VEHICLE THEFT IN MALAYSIA

2.0	Introduction	12
2.1	Malaysia's Scenario on Motor Vehicle Theft	13
2.2	Statistic Relating to Vehicle Theft in Malaysia	17
2.3	The Law governing punishment for Motor Vehicle Theft	19
2.4	Elements of Theft	20
	2.4.1 Dishonest Intention	20
	2.4.2 Movable Property	21
	2.4.3 Possession of another's property	22
	2.4.4 Moving Property in order to such taking	23
2.5	Criminal Procedure	24
	2.5.1 Malaysian Law on Bail	25
	2.5.2 Sentencing	27
	a) Imprisonment	28
	b) Whipping	30
	c) Fines	30
	2.5.3 Mitigating Factors	31
	2.5.4 Aggravating Factors	32
2.6	Conclusion	33

CHAPTER THREE: THE LEGAL FRAMEWORK REGARDING MOTOR VEHICLE THEFT IN SINGAPORE

3.0	History of Singapore Penal Code	34
3.1	Singapore and its Social Background	35
3.2	Scenario in Singapore relating to Motor Vehicle Theft	36
3.3	Existing Law in Singapore for Motor Vehicle Theft	36
3.4	Criminal Procedure Code and Sentencing	38
3.5	Case	40
3.6	Conclusion	41

CHAPTER FOUR: COMPARISON BETWEEN MALAYSIA AND SINGAPORE WITH REGARD TO ADEQUACY OF LEGAL FRAMEWORK IN MOTOR VEHICLE THEFT IN MALAYSIA

4.0	Finding	43
4.1	Comparison between Malaysia and Singapore	47
4.1.1	Law regulating of Motor Vehicle Theft	
	a) Penal Code	47
	b) Criminal Procedure Code	48
4.1.2	Social Background	48
4.1.3	Unemployment	48
4.1.4	Changes in Society	52
4.2	Conclusion	53

CHAPTER FIVE: RECOMMENDATION ON HOW TO ENHANCE THE EXISTING LAW IN MALAYSIA REGARDING MOTOR VEHICLE THEFT TO BE MORE ADEQUATE AND CONCLUSION

5.0	Recommendation and Conclusion	54
-----	-------------------------------	----

Bibliography

Appendix 1: Interview Questions