

**THE IMPLEMENTATION OF THE LAW ON SEAT BELT USAGE IN
MALAYSIA: A COMPARATIVE STUDY WITH AUSTRALIA**

By

Norazman Shah bin Abdullah (2005257846)
Fatimah Hani binti Ali (2005257965)
Ayob bin Mohd Zainuddin (2005257919)

Submitted in partial fulfillment of the requirements
for the degree of Bachelor of Legal Studies (Hons)

University Teknologi MARA
Faculty of Law

April 2009

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

(ii)

ACKNOWLEDGEMENTS

First and foremost, we would like to take this opportunity to thank Allah s.w.t. for giving us the serenity and strength in completing this honours research paper.

We would also like to take this opportunity to express our deep appreciation to our supervisor Puan Che Audah binti Hassan for her guidance, support and patience in completing this research. Her tolerance and assistance were also invaluable. We want to put forward our appreciation to Assoc. Prof. Puan Norha binti Abu Hanifah for providing us with guidance on how to develop our point of view during our drafting of the research proposal for our Honours Project Paper.

In addition, we would like to thank the following individuals for their time and patients in their assistance to our project paper. It is quite a task for us to complete our honours project paper without their helpful input and cooperation. This special thank is dedicated to Yang Berbahagia Datuk Surit Singh, director-general of Road Safety Department Malaysia, Yang Dihormati Dato' Abd. Aziz bin Yusof, Chief Traffic Branch Royal Malaysian Police and Assoc. Prof. Dr Wong Shaw Voon, Director of Malaysian Institute of Road Safety Research.

Our parents and family are to be thanked for their moral support, encouragement and understanding throughout this research. Last but not least, we would like to thank each of our group members for the devotion, commitment, tolerance and collective efforts to make this research project a success.

Thank you.

ABSTRACT

The seatbelt law in Malaysia has been in existence since 1979 which is thirty years. Despite the introduction of the new rear seatbelt law to supplement the old existing law, the existing seatbelt laws should be reviewed to ensure that the law remains effective and proven to be life saver for car occupants. Comparison was made with Australian seatbelt laws to examine the possibility of adopting the Australian principle of laws or appropriate provisions with regards to the law of seatbelt usage into the Malaysian scenario.

The Malaysian seatbelt laws were found to be non-comprehensive as it has not been reviewed for 30 years except for the recent introduction of the rear seatbelt law. The contents of the law are generally addressed without specification on certain matters for example on child restraint and pregnant women. Issues of liability of drivers on omission by passengers and punishment on repeated offenders have never been discussed in Malaysian seatbelt law.

Adopting Australian seatbelt laws into our Malaysian seatbelt laws will help Malaysia in its development of the laws to ensure that car occupants' safety will always become a priority. The improvement of the Malaysian seatbelt law is to enhance the level of compliance of the laws among car users and passengers.

TABLE OF CONTENTS

ACKNOWLEDGEMENT	ii
ABSTRACT	iii
TABLE OF CONTENTS	iv
TABLE OF LEGISLATION	vii
CHAPTER ONE: BACKGROUND OF STUDY	
1.0 Introduction	1
1.1 Problem Statement	3
1.2 Objective of Study	4
1.3 Methodology	5
1.4 Scope and Limitation	6
1.5 Significance of Study	7
1.6 Provisional Plan of Research	8
CHAPTER TWO: LITERATURE REVIEW	
2.0 Introduction	10
2.1 Critics of the Seatbelt Law	10
2.2 Bias in the Estimation of Seatbelt Effectiveness	11
2.3 Seatbelt and its Effect on Car Occupants	12
2.4 Implementation of the Law on Seatbelt Usage in Malaysia	13
2.5 Implementation of the Law on Seatbelt Usage in Australia	14
CHAPTER THREE: MALAYSIAN LAW	
3.0 Front Seatbelt Law	18
3.1 Rear Seatbelt Law	26
3.1.1 Controversial issues	32

CHAPTER FOUR: AUSTRALIAN LAW

4.0	Introduction	35
4.1	New South Wales Road Rules	37
4.2	Other Road Rules	42

CHAPTER FIVE: FINDINGS OF THE STUDY

5.0	Introduction	46
5.1	Findings	46
5.1.1	Generality	46
5.1.2	Application	47
5.1.3	Punishment	49
5.1.4	Jurisdiction	51
5.1.5	Discretionary power of the enforcement officer	51
5.1.6	Child restraint	52
5.1.7	Handbook	52
5.1.8	Fourth Rear Passenger	53
5.1.9	Foreign Cars	53

CHAPTER 6 – CONCLUSION AND RECOMMENDATION

6.0	Conclusion	55
6.1	Recommendation	56
6.1.1	Continuous Review	56
6.1.2	Comprehensiveness	57
6.1.3	Application to pregnant women	58
6.1.4	Liability of driver on omission by passengers	59
6.1.5	Punishment for repeated offenders	60