

**OFFENCES UNDER ROAD TRANSPORT ACT 1987: A COMPARATIVE
ANALYSIS BETWEEN THE DAY FINE SYSTEM AND THE FIXED
FINANCIAL SYSTEM**

By

Fatin Nadira Binti Abdul Wahab (2011614204)

Muhammad Zahier Bin Zulkifli (2011480162)

Mohamad Nurhidayat Putra Bin Sulaiman (2011808066)

Nik Muhammad Syafiq Bin Nik Hilmi (2011479438)

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

Universiti Teknologi MARA

Faculty of Law

December 2013

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.

ACKNOWLEDGEMENT

We would like to express our deepest gratitude to Madam Ainul Hafiza Binti Zainudin, our research advisor for her patient guidance, enthusiastic encouragement and significant critiques of this research work. Special thanks to Associate Professor Ibrahim Bin Lamat, senior lecturer in MARA University of Technology (UiTM) Shah Alam for his valuable information on day fine system, to Madam Farah Azura Binti Mohd Saad, Magistrate in the Magistrate Court Shah Alam for her legal information in supporting our research project and to Assistant Superintendent of Police (ASP) Haji Mohd Asri Bin Shafie from District Police Headquarters Shah Alam for his assistance in channelling very useful information on traffic offences.

This research project has been carried out by our group members who include Fatin Nadira Binti Abdul Wahab, Muhammad Zahier Bin Zulkifli, Mohamad Nurhidayat Putra Bin Sulaiman and Nik Muhammad Syafiq Bin Nik Hilmi. With the fullest efforts from each members of the group, this research project is successfully completed.

Finally, we would like to extend our acknowledgement to our parents for their support and encouragement throughout this research.

ABSTRACT

The purpose of this research is to suggest the implementation of the day fine system for compoundable offences under the Road Transport Act 1987 in Malaysia. Day fine is a unique system since the amount of fine is varied according to the offender's financial background and it has been adopted in many Western countries.

Under the Road Transport Act 1987, there are some traffic offences which are punishable with compound. Compound is a financial punishment in which the amount of the fine imposed for an offence is fixed. Thus, each offender regardless their financial status, will be imposed the same amount of fine for committing the same type of an offence.

However, the fixed financial system fails to reduce the rate of the accidents and traffic offences due to the inefficiency of the fixed fine system in promoting the deterrence and punitive effect among the traffic offender. Therefore, we would like to suggest the implementation of the day fine system as an initial step towards the reduction of traffic offences and accidents in Malaysia.

We managed to identify the weaknesses of the fixed fine system by way of interview, case study and observing the current situation related to traffic offences that happened in Malaysia. Furthermore, we made a comparative study with countries that adopt the day fine system to determine the efficiency of such system.

In conclusion, the day fine system is proven to be an effective mechanism in reducing the rate of traffic offences and accidents in Malaysia.

TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iii
Contents	iv
List of Cases	vi
Table of Legislation	vii

CHAPTER ONE: INTRODUCTION

1.0	Introduction	1
1.1	Background	1
1.2	Research Questions	3
1.3	Research Objectives	3
1.4	Research Methodology	4
1.5	Scope of the Research	5
1.6	Limitations	5
1.7	Significance of the Research	6
1.8	Literature Review	7
	1.8.1 Conceptual definition	7
	1.8.2 Historical Development	7
	1.8.3 The Calculation of Day Fine	7
	1.8.4 Advantages of Day Fine	8
	1.8.5 Weaknesses of Day Fine System	10
	1.8.6 Legal Discussion	11
1.9	Research Plan	16

CHAPTER TWO: THE FIXED FINE SYSTEM IN MALAYSIA

2.0	Introduction	17
2.1	Offences Under Road Transport Act 1987	17
2.2	KEJARA System	19
	2.2.1 Definition	19
	2.2.2 Demerit Points Under KEJARA System	20
2.3	Automated Enforcement System (AES)	22
	2.3.1 Definition	22
	2.3.2 How AES Works	22
2.4	Weaknesses in Malaysia's Current System	23
2.5	Justification	26
2.6	Case Comment	27
2.7	Interview	32
	2.7.1 Respondents	32
	2.7.2 The Views of the Respondents	33

**CHAPTER THREE: THE IMPLEMENTATION OF DAY FINE SYSTEM
IN FINLAND, SWEDEN, WEST GERMANY AND
STATEN ISLAND OF UNITED STATES OF
AMERICA**

3.0	Introduction	38
3.1	Finland	38
	3.1.1 Background	38
	3.1.2 Calculation	39
3.2	Sweden	41
	3.2.1 Background	41
	3.2.2 Calculation	43
3.3	West Germany	45
	3.3.1 Background	45
	3.3.2 Calculation	47
3.4	Staten Island	48
	3.4.1 Background	48
	3.4.2 Calculation	49
3.5	Comparative Table	52

CHAPTER FOUR: RECOMMENDATIONS AND CONCLUSIONS

4.0	Introduction	56
4.1	Problems and Challenges	56
	4.1.1 Enforcement	56
	4.1.2 Implementation	57
	4.1.3 Reaction of Public	57
	4.1.4 Accessing Financial Records	58
4.2	Calculation	58
4.3	Recommendations	59
4.4	Conclusion	61
	Bibliography	62
	Appendices	65
	Appendix 1: Category of Offences under Road Transport Act 1987	65
	Appendix 2: Demerit Points under KEJARA System	67
	Appendix 3: Statistic of Road Deaths	69
	Appendix 4: Statistic of Traffic Offences in Selangor	70
	Appendix 5: Statistic of Road Accidents in Selangor	71
	Appendix 6: Interview Questions (Police Officer)	72
	Appendix 7: Interview Questions (Lecturer)	74
	Appendix 8: Interview Questions (Magistrate)	76
	Appendix 9: Application Letter for Statistic to PDRM	78