

**ADEQUACY OF ARTICLE 5(1) OF FEDERAL CONSTITUTION IN PROTECTING  
ASYLUM SEEKERS AND REFUGEES IN DETENTION CENTERS**

**BY**

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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 to the work of others.

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The basic human rights of rights to life should be enjoyed by every person in Malaysia regardless of his status on whether he is a citizen or a non-citizen. This right should not be infringed and abused by other parties and should instead be protected. However, as what we are discussing in our research, these rights are not adequately applicable to protect asylum seekers and refugees in detention centres in Malaysia during their stay there. This scenario should be looked at seriously as it affects the asylum seekers and refugees’ life and dignity and at the same time, affecting Malaysia’s image internationally.

This is the main reason why we are conducting this research. We hope the recommendations proposed by us will eventually lead to solutions on how the law can adequately protect asylum seekers and refugees rights to life in the detention centres, be it Article 5(1) of Federal Constitution or other laws that are applicable to them.

Firstly, we would like to give thanks Allah S.W.T as He gave us the ability and strength to carry on our entire task with patience until the completion of the paper. Without Him, we do not think we would have the capability to complete this challenging and full of commitment task.

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## **ABSTRACT**

The title of this research is the “Adequacy of Article 5(1) of the Federal Constitution in protecting asylum seekers and refugees in detention centers”. This research is to determine whether Article 5(1) is adequate in protecting asylum seekers and refugees in detention centers due to the ill treatment in detention centers.

Recently, Malaysian enforcement has been abusing their powers in the detention centers and causes inhumane treatment to the detainees. There have been eligible reports and statistics where the ill treatment occurs in the detention centers. There are various factors contributing to these phenomena. We need to find the best solutions in order to stop the inhumane treatment of asylum seekers and refugees in detention centers. Article 5(1) has to be examined thoroughly to identify whether it is sufficient to protect the asylum seekers and refugees.

At the end of this research, we will come out with few suggestions for the government to cover the loopholes of Article 5(1) and other statutes. Thus we hope that the issues of the adequacy of Article 5(1) and the ill treatment of asylum seekers and refugees in detention centers can be overcome.

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