

TSUNAMI: THE MALAYSIAN GOVERNMENT LIABILITY

By

Jarina Binti Jamaludin (2003465761)

Norahayu Binti Abd Rani (2002375983)

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

Universiti Teknologi MARA

Faculty of Law

October 2005

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

Acknowledgement

Bismillahirrahmanirrahim

Assalamualaikum w.b.t.

First and foremost, no word can truly convey our eternal gratitude for everything Allah S.W.T in His infinite wisdom and benevolence has provided for us, within or beyond our knowledge that has allowed us to produce this humble dissertation.

We would gratefully advance our acknowledgements to a number of people in preparing and completing this project paper, for their assistance and kindness. Most of all, we are indebted to our supervisor En.Haris Bin Abdul Rani, who has given his unfailing support, his constructive criticisms and the encouragement throughout preparing the project paper. He has been a great and an excellent supervisor with a great sources and inspiration. With his knowledge and experiences in the field of law in many ways gives us a lot of support and encourage us to complete this Honours Project Paper.

Our sincere gratitude also goes to our friends and course mates of UiTM Shah Alam for their kind assistance and support, for providing us with lot of discussion, advices and supportive comments. These special thanks also go to all of the lecturers, especially Associate Professor Dr. Zaiton Hamin for giving the inspirational ideas on the initial topic and proposal of the project paper. For the staff of Perpustakaan Tun Abdul Razak (PTAR) I and II of UiTM Shah Alam who have helped us a lot in getting the references and all materials, thank you for all of your compassion and also a lot and lots of thanks to everyone who involved for their cooperation in completing this task.

Last but not least, this appreciation also dedicated to our beloved family & relatives for their endless support, help and encouragement. With the blessing of Allah, we are now ready to submit this Honours Project Paper to the Faculty of Law, UiTM Shah Alam.

Almighty Allah blesses you all...

This research project has been carried out by a team which has included:

Jarina bt Jamaludin

Norahayu bt Abd Rani

UiTM Shah Alam

October 2005.

Abstract

—

This research will focus on the problems arising in administration, cause of action towards the government and the government's responsibility to create a safe environment to citizens by providing an alert system of disaster. This research also had compare on how the government's outside Malaysia deal with the claim regarding the negligence of the government body or servants.

The tsunami that had occurred in the 11 countries bordering Indian Ocean including Malaysia, had brought a mass destruction, thousands of people died. The failure of the government to give early information and to evacuate the people from the disastrous place should be questioned. Malaysia is well known as one of the country that not in the Ring Fire in Asia, however, the government should not rely on that fact not to provide an alert system. By providing an alert system for disaster, the government had fulfilled their responsibility in the light of contractual liability to create a safe environmental to citizens.

In the process of collecting data, basic reading of law of negligence and government's liability will be done through the relevant secondary sources such as books, textbooks and extracts from the internet.

The aim of this research is not to bring an action towards the government, but to find a resolution whether the government should provide the alert system of disaster. The disaster like tsunami could be happen in future, so that the government should take a better precaution steps to prevent a lot of mass

TABLE OF CONTENTS

<i>Acknowledgement</i>	ii
<i>Abstract</i>	iv
<i>Table of Cases</i>	viii
<i>Tables of Statutes</i>	xiii

CHAPTER ONE: RESEARCH PROPOSAL

1.0	Problem Statement	1
1.1	Objectives of Research	2
1.2	Importance of Research	3
1.3	Scope of Research	4
1.4	Methods of Research	5

CHAPTER TWO: INTRODUCTION

2.0	Definition of Tsunami	6
2.0.1	Tsunami Wave Heights and Tsunami Travel Times	8
2.1	Definition of Government	9
2.2	Definition of Negligence	14