

UNIVERSITI TEKNOLOGI MARA

A STUDY ON PREVENTION OF CRIME ACT 1959 AND
ITS ADHERENCE TO FUNDAMENTAL RIGHTS

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AUTHOR'S DECLARATION

I declare that the work in this dissertation was carried out in accordance with the regulations of Universiti Teknologi MARA. It is original and is the results of my own work, unless otherwise indicated acknowledged as referenced work. This thesis has not been submitted to any other academic institution or non-academic institution for any degree or qualification.

I, hereby, acknowledge that I have been supplied with the Academic Rules and Regulations for Post Graduate, Universiti Teknologi MARA, regulating the conduct of my study and research.


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ABSTRACT

The Prevention of Crime Act 1959 amended in 2013 is meant to provide an effective legal framework to control organised and serious crime in Malaysia. Although the intention of the Act is good but the law and provision made affecting the fundamental rights of a person. The infringement includes detention without trial in court, limited access to judicial reviews and absence of independent body to supervise the report of the Inquiry Officer and decision of the Board. Conversely in United States of America and Australia the laws that govern organised crime make no provision of detention without trial. Further, the Australian jurisdiction allows judicial review. Additionally, the Australian jurisdiction does establish an independent commission to prevent, detect and investigate corruption issues which may develop at Australian Crime Commission Act level. With the deficiencies identified under POCA and the strength available United States of America and Australia systems, the research proposes that POCA needs a review for the purpose of overcoming the deficiencies of the Act that affect fundamental rights of a person.