

AN ANALYSIS ON THE EFFECTS OF THE ABOLISHMENT OF THE
EMERGENCY ORDINANCE 1969 AND INTERNAL SECURITY ACT 1960

By

MUHAMAD HAZIM BIN AZMAN (2011398531)
MOHD KHALID BIN MURSHIDI (2011710001)
MOHAMMAD NA'IM BIN SAMSUL HAIRI (2011745961)
MUHAMMAD AMIRUL SHAFIQ BIN ZAINAL SHAH (2011599883)

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

UNIVERSITI TEKNOLOGI MARA
FACULTY OF LAW

JUNE 2014

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

ACKNOWLEDGEMENT

In the name of Allah s.w.t, the Beneficent and the Merciful

First and foremost, we would like to express our deepest gratitude to our very supportive and attentive advisor, Madame Nur Asma, for the continuous supervision and attention given in providing assistance and guidance. She has helped us place ideas into words. Without her continuous support, we would not even manage to reach half the level of the research done. Our thanks can never be sufficed with mere words. We would also like to thank our families, especially parents, brothers and sisters, for understanding and supporting us from day one. We also would like to thank the people we conducted our interviews towards them. Special thanks for each other, for the commitment and hard work was completing this research. We pray that our hard work will be beneficial to other researchers who intend to pursue their research in this field and who has a keen eye for this subject matter.

ABSTRACT

This research provides an analysis on the effect of the abolishment of Emergency Ordinance and Internal Security Act in Malaysia. These analyses focus on the issue whether the abolishment of laws without trial does give good effect or bad on the judicial and protecting society, as we know today. Detention without trial is also known as the preventive detention is a form of preventive measure executed by the government through the implemented laws in order to detain the person for the non-punitive purpose in the putative manner. Hence, the government can imprison a person without any criminal charge if the government thinks that the person has brought threats and harms to the unity and integrity of the nation. There were a few detention without trials law which have been repealed by the Parliament as examples the Emergency (Crime Prevention and Public Order) Ordinance 1969 and also the "ISA" 1960, which both these repealed laws will be emphasized as the subject of this proposal.

Table of Contents

Acknowledgement				i
Abstract				ii
Table	of	Contents		iii
List	Of	Cases		vi

CHAPTER ONE: INTRODUCTION 1

<i>1.1 Introduction</i>				<i>1</i>
<i>1.2 Background</i>	<i>of</i>	<i>Study</i>		<i>2</i>
<i>1.3 Problem Statement</i>				<i>4</i>
<i>1.4 Research Question</i>				<i>5</i>
<i>1.5 Research Objective</i>				<i>5</i>
<i>1.6 Research Methodology</i>				<i>6</i>
<i>1.7 Scope</i>	<i>of</i>	<i>Research</i>		<i>7</i>
<i>1.8 Limitation</i>	<i>of</i>	<i>Research</i>		<i>8</i>
<i>1.9 Significance</i>	<i>Of</i>	<i>Research</i>		<i>9</i>

CHAPTER TWO: LITERATURE REVIEW 11

<i>2.1 View on Literature Review</i>				<i>11</i>
--------------------------------------	--	--	--	-----------

CHAPTER THREE: THE DEFECTS AND KEY FACTORS OF THE ABOLISHMENT OF THE DETENTION WITHOUT TRIALS

<i>3.1 Introduction</i>				<i>22</i>
<i>3.2 Integral part in the making of Emergency Ordinance</i>				<i>23</i>
<i>3.3 The vital components in emergency</i>				<i>24</i>
<i>3.4 Criticism in emergency</i>				<i>26</i>
<i>3.5 Criticism based on human rights and international</i>				<i>26</i>
<i>3.6 Integral part of Internal Security Act 1960</i>				<i>29</i>

<i>3.7 The Vital Component of Internal Security Act 1960</i>	30
<i>3.8 Criticisms of Internal Security Act 1960</i>	32
CHAPTER FOUR: RESEARCH FINDINGS	38
CHAPTER FIVE: RECOMMENDATIONS AND CONCLUSION	46
BIBLIOGRAPHY	49
APPENDIX	52