A COMPARATIVE ANALYSIS ON
THE NEED TO REGULATE THE LAW ON ALLOCATING
AIR MARSHAL ON-BOARD MALAYSIA’S AIRCRAFT

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others.
ABSTRACT

The aim of this research is to ascertain the applicability of air marshal in helping to supplement the Malaysian airline system. The existing security system is full of weaknesses, contributing to the rise of undesirable events such as plane disappearance and hijacking. The widespread belief on the existing security measure has managed to only instil temporary confidence in the security system among the public. Thus, this paper demonstrates that the application of air marshal promotes a better sense of security, allowing passengers of local airlines to feel safe on-board air crafts. This paper also reviewed the operation of air marshal teams in the United States of America and Israel and the success that they had accomplished through the deployment of air marshal. Interviews with the Principal Assistant Director (Airlines and Catering) of the Department of Civil Aviation, the President of National Union of Flight Attendants Malaysia and a pilot from Malaysia Airlines had been conducted to explore the suitability of air marshal program to be incorporated into the Malaysian aviation system. The general result is that the air marshal could be positioned in the system, but not without consistent effort as the road to implement it will be shackled with many limitations, principally the lack of awareness from the authority about the advantages of air marshal. The authors of the research believe that the application of air marshal program is feasible as it will not only enhance the current civil aviation system, but simply supplements it in order to avoid future mishaps.
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CHAPTER 1 - INTRODUCTION

1.0 Research Background

Malaysia Airlines was nominated as one of the best airlines in Asia as they provide good hospitality and security in terms of security checks and also airplane maintenances. In general, the security in Kuala Lumpur International Airport (KLIA) is already in compliance with the international standard according to the Chief of the Department of Civil Aviation.

However, recently the whole world has been awakened by the news of the disappearance of one of Malaysia Airlines’ commercial airplane MH 370. This has raised eyebrows as to why one of Asia’s best airlines with one of the best security records could disappear without a trace. Thoughts on hijacking and terrorism raised alarming questions and negative comments on the security of the airplane.

In Malaysia, matters regarding airplane and aviation are governed by the Malaysia Civil Aviation Regulations 1996, Civil Aviation Act 1969 as well as Aviation Offences Act 1984. These statutes govern the security of the airplane, the requirements of flying the airplane and pre-requisites in hiring pilots and the cabin crews.

Prior to the September 11 incident in 2001, a lot of countries in the world have established the enforcement of air marshal to tighten the security of their airlines, for example the United States of America (U.S.A.), the United Kingdom (U.K.), Israel, Australia, Germany and Canada.

Air marshal can be defined as a law enforcement officer with a role of maintaining the safety and security of passenger in aircraft. Air marshals go undercover and act as regular passengers when on board. They also keep constant surveillance on board of an aircraft as well as prevent any hostile act well before it takes place. When an attack or hijacking offers, it is necessary for them to promptly
halt the threat. A gun is carried around to alleviate any threatening situation that could arise on board. Besides that, they are professionally trained to detect apprehensive movement and react accordingly using whatever means essential to keep the passengers safe.

Malaysia has yet to enforce the presence of an air marshal in the airplane. The only guarantee that is provided is an elite squad which is a multi-service force tasked with counter terrorism in the Malaysian Special Operations Force. The squad is made up of 10 Paratrooper Brigade, Grup Gerak Khas (GGK), Pasukan Khas Laut (PASKAL), Pasukan Khas Udara (PASKAU), Pasukan Gerakan Khas (PGK), Unit Gempur Marin (UNGERIN), Trup Tindakan Cepat (Rapid Actions Troop) and the Special Task and Rescue (STAR). These eight components of the Special Forces have been appointed with the crucial purpose of ensuring Malaysia’s security particularly in dealing with terrorism. However, these existing forces are still insufficient to ensure the safety of airline security system. For this reason, the absence of air marshal on board of Malaysian airplanes was critically questioned by the world prior to the disappearance of MH 370.

The main issue that will be focused on in this research is the weakness of the security in the aircraft. Weak security in the aircraft renders the aircraft vulnerable to threats as well as dangerous situations and this has raised concerns on the strictness of the security. Therefore, this research proposes the allocation of air marshals in every Malaysian aircrafts, travelling domestically and internationally.

1.1 Problem Statement

The recent disappearance of MH 370 belonging to Malaysia Airlines has opened up the eyes of the nation specifically about the weakness of the local airline security. Malaysia has been under the spotlight because of the incident and this is clear evidence that despite having various Special Forces, aircrafts are still prone to threats. Many threats are posed to not only Malaysia, but also to the world as a weak