



FINAL EXAMINATION
MARCH 2023

COURSE TITLE	MALAYSIAN POLITICAL AND LEGAL SYSTEMS
COURSE CODE	TPAD3313
DATE/DAY	21 JUNE 2023 / WEDNESDAY
TIME/DURATION	01:00 PM - 03:00 PM / 02 Hour(s) 00 Minute(s)

INSTRUCTIONS TO CANDIDATES :

1. Please read the instruction under each section carefully.
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(This Question Paper consists of 4 Printed Pages including front page)

*****DO NOT OPEN THE QUESTION PAPER UNTIL YOU ARE TOLD TO DO SO*****

There are **FOUR (4)** questions in this paper. Answer **ALL** questions based on the article below. **[100 MARKS]**

Penal Code to be amended to include tracking as a form of stalking

KUALA LUMPUR: The government is set to amend the Penal Code to include "any manner" of tracking, as a form of stalking, Datuk Seri Azalina Othman Said told the Dewan Rakyat today.

The Minister in the Prime Minister's Department (Law and Institutional Reform) said this would also include tracking a person via satellite or Global Positioning System (GPS).

"Stalking is no longer physical anymore, it can be done through technology.

"People can take your phone... maybe your wife can use it on you, use your face (to unlock your phone) while you sleep and install (a tracking) application," she said at a press conference in Parliament today.

The new section, section 507A, categorised several actions as harassment, which included following or tracking a person in any manner or by any means; communicating or attempting to communicate with a person in any manner or by any means; loitering at the place of residence or business of a person; and giving or sending anything to a person in any manner or by any means.

Under the new section, "stalking" is defined as "whoever repeatedly by any act of harassment intending to cause, or knowing or ought to know that the act is likely to cause, distress, fear or alarm to any person of the person's safety."

"Repeatedly" refers to at least two occasions.

Anyone found guilty of committing the offence would be punished with imprisonment for up to three years or slapped with a fine, or both.

The government would also be amending the Criminal Procedure Code allowing the court to issue a protection order against a person being investigated or charged with an offence of stalking.

Also tabled by the Deputy Minister in the Prime Minister's Department were amendments to the Criminal Procedure Code (CPC) to create a new Section 98A.

Ramkarpal, who is in charge of law and institutional reforms, said that the new law will provide victims protection against stalkers.

At present, he said that a protection order is only available to divorced couples.

He said the new law will offer a protection order against total strangers who have stalkers including relatives, former spouse or partner.

Under the section, a victim or through a representative, can make an ex parte application to the court for the protection order.

The order can be issued against a person who is being investigated for or is charged with stalking.

Those who flout the protection order can face a jail term of not exceeding one year, fine or both.

Ramkarpal said that the amendments of both laws covers offences committed by both sexes.

The amendments were passed by Dewan Rakyat through a majority voice vote.

The application for protection order under the new Chapter XA, could be made by the victim; the victim's counsel; or an adult, guardian, or relative of a child or incapacitated adult.

Source: Adapted from New Straits Times, March 16, 2023.

QUESTION 1

(20 Marks)

Explain the **TWO (2)** pertinent issues discussed in the article.

QUESTION 2

(25 Marks)

Based on the answer in (1), explain how the system of law impacts the political environment; *socially, economically and politically*. Provide specific examples from the article to support your claims.

QUESTION 3

(25 Marks)

"The amendments were passed by Dewan Rakyat through a majority voice vote."

Based on the statement above, explain the sources and discuss the process of amending the law in Malaysian. Support your claims with the application to the case.

QUESTION 4

(30 Marks)

“Ramkarpal, who is in charge of law and institutional reforms, said that the new law will provide victims protection against stalkers. The new law will offer a protection order against total strangers who have stalkers including relatives, former spouse or partner.”

Discuss the **FIVE (5)** arguments FOR and AGAINST the statement above. Justify your answers with reasoning.

***** END OF QUESTION PAPER *****

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