

INTRODUCTION

This project paper is a study of subversive activities with an emphasis on the laws against subversion in Malaysia. Subversive activities in Malaysia, which are now causing some public anxiety, is a factor of some importance in South East Asia, particularly after the recent Communist victories in Indo-China.

Although this study is concerned principally with the legal controls of subversion in Malaysia, it does not claim to be a comprehensive discussion of the laws against subversion, but only a general account of the laws for the prevention of subversion in Malaysia. It is thought that, in view of the intensified acts of terrorism by the subversive elements in Malaysia, it is necessary for us to examine the laws relating to subversive activities more closely since they involve the interest of the State as well as the individual.

The purpose of this study is to examine the impact upon individual liberties of government measures designed to ensure internal security and to expose and control subversive elements or subversive conduct. The problem arises out of the conflict between the rights of the government which needs power to govern and to preserve its position and that of the individual who needs to have freedom without unwarranted restrictions. The question is, how far do these laws encroach upon the individual liberty of a person and the necessity of having such laws.

However, it is to be noted that, in writing this project paper the writer is aware that the problem of subversion in Malaysia cannot be solved solely by having bulwarks of legislations. Instead, the causes for such anti-national activities should be ascertained. Although we must face the fact that these subversive activities cannot be wiped out totally, there are other measures which are regarded as effective weapons in curbing these activities to the minimum level. Malaysia is an encouraging example of how a Communist rebellion can be suppressed by a combination of vigorous military and police actions coupled with wide ranging measures of settlement, political reform and adjustment of policies such as the Malaysian Economic Plan.

This project paper is divided into five chapters. Chapter I is divided into two major Parts; Part A outline the origins and current position of subversive activities and insurgency in the ASEAN region namely Indonesia, Thailand, Phillipines and Singapore, while the Malaysian position will be dealt with in Part B of the chapter. This chapter is preceded by the introduction on International subversion.

It is inevitable that in the course of chapter I, emphasis will be laid on the Communist movements since they are the main threats prevailing in these countries. Though the Vietnam war is over, insurgencies continue to plague the nations of Asia. All of the countries consider this as a serious threat to their security. This is evident in Thailand where the government decided to increase

its military spending by 20% and adding 167 million dollars for internal peace keeping.¹

Chapter II is devoted to a legal analysis of subversion. In this chapter, the writer made a comparative study of subversion between the Malaysian and American position. The rest of the chapters concentrate on the legal controls of subversion in Malaysia. Chapter III traced the origins of these legislations before Merdeka while chapter IV deals with the post Merdeka laws. It was felt necessary by the writer to treat the Internal Security Act in a separate chapter because it is the principal legislation against subversion in Malaysia. Therefore chapter V is devoted to the study of the Act.

¹Time. February 9, 1976 at p. 5.