

ER 5: RESEARCH RESULTS (I):

RECORDS DATA OBTAINED FROM THE TRIBUNAL

This chapter presents the content analysis on the records data obtained from the Tribunal for Consumer Claims in Kuala Lumpur. The first section of content analysis presents the profiles of the claimants from the records. The second section investigates the relationship between gender, race and age of claimant, issues in dispute, type of claim, claim on goods, claim on services, amount of claim, duration from filing to hearing, evidence and the award from the tribunal through cross tabulation. The current study uses Statistical Package for the Social Science (SPSS 12.0) for preliminary data analysis and to test several hypotheses.

5.1 Introduction

As mentioned in Chapter 4, in order to reduce the study to a manageable size, records for seven years (2000 to 2006) were selected for this study. These completed court files within the category of 'Statement of Claim' were examined for all the cases filed. Such cases defined the consumer as the claimant who brought the complaint against the defendant (company or manufacture) for some dissatisfaction concerning the acquisition of goods or services. The total number of cases collected in six weeks was 364. However, there were 24 cases where the complaint process was still in progress; only 340 cases were completed and obtained the award from the Tribunal. Thus, this study focused on these 340 cases to explore whether the tribunal fulfilled its role as an effective and speedy forum for the consumers and to identify the main factors that

5.2 Content Analysis

As introduced in the early chapters, McAlister and Erffineyer (2003) define content analysis as ãa research method used to quantify and analyze the words, concepts, and relationships within text, this method is advantageous for understanding social communication and interaction and allows for an unobtrusive means of analyzing these interactions and relationshipsö (p. 345).

The complaint records contain a variety of information. Each file includes the name, gender, age of claimant, issues in dispute, type of claim, claim on goods or services, amount of claim, duration from filing to hearing the case in the tribunal, evidence of complaint, and award of the tribunal. For each claimant, it is necessary to examine the entire file to gain an understanding of the individual situation and to create an abstract of the complaint. The 340 complaint cases obtained from the tribunal were analyzed as in the following section. The data was analyzed by using SPSS. Descriptive statistics (frequency distributions and cross tabulations) were employed in this study.

5.2.1 Profile of Claimant in the Records

The description of the sample will be discussed in this section, including the frequency of the award of the tribunal, claimantø demographic profiles, issues in dispute, type of claim, claim on goods, claim on services, amount of claim, duration from filing to hearing and evidence.

Referring to the award of the Tribunal in Kuala Lumpur, 80.9% of complaint cases were judgment for claimant (claimant won); 8.5% of claims were judged to respondent, indicating that 8.5% of complaint cases were claimant were against claimant (claimant failed). Another 10.6% cases in the Tribunal of Kuala Lumpur were judged as being out of jurisdiction, which were those in respect to land, or any interest in land (see Table 5.1). The high rates of claimant success, ranging from 74% to 100%, is consistent with the previous studies from Downing, Peters and Sankin, (1975), Hollingsworth, Feldman and Clark (1973), Purdum (1981), Bradley, Sherman and Bryant (1982), Steadman and Rosenstein (1973) and Yngvesson and Hennessey (1975). This result indicates that the Tribunal in Malaysia can be seen as one approach for consumers to redress their complaints.

Table 5.1: The Award (Outcome) in the Tribunal Records

	Number	Percent
Claimant Won	275	80.9
Claimant Failed	29	8.5
Out of Jurisdiction	36	10.6
Total	340	100

b. Demographic Characteristics of Claimants

Demographic factors are also important in registering the complaint cases in the Tribunal. These include gender, race and age.

i. Gender

In terms of gender of claimant, 141 complaint (41.5%) cases were from males; another

led by females. Among these filed complaint cases, female claimants are more likely to seek redress in the Tribunal than male claimants in the Kuala Lumpur Tribunal (see Table 5.2). No study in the past has been done to examine the records data to make a comparison with this result.

Table 5.2: Gender of Claimants in the Tribunal Records

	Number	Percent
Male	141	41.5
Female	199	58.5
Total	340	100

ii. Race

In the Kuala Lumpur Tribunal for Consumer Claims, the results show that among the total number of 340 complaint cases 40.6% of complaints (138) were from Malays, 47.6% of complaint cases (162) were from Chinese, and another 11.8% cases (40) were claimed by Indians (see Table 5.3). This result indicates that the Chinese in Kuala Lumpur are more likely to seek redress for their dissatisfaction in the Tribunal than Malay and Indians. This result can be accepted due to Chinese are majority population in the capital city (above 60%). This data only investigated the Tribunal in KL. Thus, it cannot be represented the race for using the Tribunal in the other states. However, no study has been done on the records data to make a comparison with this result.

Table 5.3: Race of Claimants in the Tribunal Records

	Number	Percent
Malay	138	40.6
Chinese	162	47.6
Indian	40	11.8
Total	340	100

iii. Age

According to the studies by Fan and Xiao (1998) and Liefeld, Edgecombe and Wolfe (1975), 18 to 25 years old are young consumers (Fan and Xiao, 1998) and 26 to 54 years old can be grouped as middle age complainers. Thus, above 55 years old consumers can be seen as old consumers. In this study, complainers in the 18 to 25 years old group were 10.3% (35 cases), claimants of 26 to 54 years old were 80% (around 272 cases), and another 6.5% complainers were above 55 years old (see Table 5.4). The unidentified cases on age group were 3.2% (11 complaints). The results show that consumers of middle age were more likely to seek redress to improve their satisfaction in the Tribunal. No study has been done on the records data to compare with this result.

Table 5.4: Age of Claimants in the Tribunal Records

	Number	Percent
18 to 25 years old	35	10.3
26 to 54 years old	272	80.0
Above 55 years old	22	6.5
Unidentified	11	3.2
Total	340	100

c. *Issues in Dispute*

Concerning the issues in dispute (see Table 5.5), 70.3% of the claimants were dissatisfied with the quality of products. For example, the goods or service quality was not as good as promised; consumer felt dissatisfied with the service (lost baggage, parcel, warranty, receipt, renovating or innovation); consumers felt cheated on the

...ge, direct selling, no job as promised, repairs); and some complaints concerned damaged goods. A total of 23.5% of complaint cases were filed for the price of the goods and services, such as consumers asked for a refund or payment for goods or services due to being misled, late delivery, loan problem and so on. Whereas, only 6.2% of consumers were discontent concerning the place, due to companies or businesses were not providing or delivering the goods or services as promised. The results showed that complaints about the quality of products were more than for price and place. This means that the quality of goods or services was more important for consumers. This result is consistent with a study by Day (1979), they found that consumers' dissatisfaction with durable products tended to be more concerned with product quality issues. However, no study has been done on the records data to compare with this result.

Table 5.5: Issues in Dispute in the Tribunal Records

	Number	Percent
Product	239	70.3
Price	80	23.5
Place	21	6.2
Total	340	100

d. Type of Claim

According to the classification in the Tribunal records, the complaint cases can be divided as goods and services. In this study, claims on goods were 55.6% (189 cases), claims on services were 44.4% (151 complaints) (see Table 5.6). This result means that consumers felt more dissatisfied with goods than services. Since this study was using a

of claim as compare to other studies, the result of this study

cannot be compared with the results of other studies.

Table 5.6: Type of Claim in the Tribunal Records

	Number	Percent
Goods	189	55.6
Services	151	44.4
Total	340	100

e. Claim on Goods

Referring to the claim on goods (see Table 5.7), complaints about durable products were 167 cases (88.4%), and for nondurable products 22 cases (11.6%) were filed among the 189 complaints. Among the 189 lodged complaint cases, 88.4% of consumers complaints were for cars, motorcycles, condominiums, hand phones, home facilities (furniture, kitchen cabinet, television cabinet, home light, cooking utensil and gate), electronic products (refrigerators, digital cameras, washing machines, MP3 players, slimming machines, exercise bike, computers). Only 11.4% claimants were dissatisfied with the nondurable products ó clothes, shoes, wallets and other goods, such as food, rental, cosmetics and jewellery, user manuals, and learning package. Consumers were more likely to seek redress on the durable products than the nondurable products. This result is similar to a study by Moyer (1985) where the complainers were dissatisfied with relatively expensive and complex products. Also, Day (1979) found that consumers felt discontent about the quality of durable products. However, no previous study has been done using court records.

Claim on Goods in the Tribunal Records

	Number	Percent
Durable Product	167	88.4
Nondurable Product	22	11.6
Total	189	100

f. Claim on Services

Regarding the claim on services (see Table 5.8), the highest percentage of complaints was for professional and personal services (64.9%), followed by repairs and general services (21.8%), and financial services and insurance (4.6%). Consumers were more dissatisfied with professional and personal services than repairs and general services and financial services and insurance, such as discontent with career (job) consulting, tour services, maid agency, bills for telecom, water and bus fee, beauty treatment, some courses (yoga, driving school, computer, game, etc.) and other services (hospital, school, wedding photos, and so on). This result is consistent with a study by Day (1978) in which professional and personal services represent the most frequent dissatisfaction for consumers. This indicates that dissatisfaction is directly related to the quality of supplier's performance. Out of jurisdiction consisted of complaints on security, baby care, share, and taxi.

Table 5.8: Claim on Services in the Tribunal Records

	Number	Percent
Repairs and General Services	33	21.8
Professional and Personal Service	98	64.9
Financial Services and Insurance	7	4.6
Out of jurisdiction	13	8.6
Total	151	100

With respect to the amount of claim (see Table 5.9), 30% of all claims were for amounts between RM50 ó 999, followed by RM3,000 ó 4,999 (27.6%), RM1,000 ó 2,999 (25.3%), and RM7,000 ó 25,000 (17.1%). One of the reasons for creating the Tribunal for Consumer Claims was to provide an approach to consumers for action against irresponsible and unscrupulous suppliers or manufacturers, especially when the amount of claim is small. Presently, claims in the TCC are allowed for amounts of RM5,000 and below, and where the total amount of claims does not exceed RM25,000. These results indicate that around 55.3% of consumers filed claims in the Tribunal for less than RM2,999, while complaints cases for RM15,000 to 25,000 were around 17.1%. These results confirm that the TCC provided one forum for consumers to take action against irresponsible companies or manufacturers although the amount of claim is small. This result is consistent with the study of Hollingsworth, Feldman and Clark (1973), which found that consumers' claims are for small amounts in the Small Claims Court.

Table 5.9: Amount of Claim in the Tribunal Records

	Number	Percent
RM 50 ó 999	102	30
RM 1,000 ó 2,999	86	25.3
RM 3,000 ó 6,999	94	27.6
RM 7,000 ó 25,000	58	17.1
Total	340	100

h. Duration from Filing to Hearing

One goal of the Tribunal for Consumer Claims is the speedy administration of justice. Therefore, the rule of the Tribunal is that the tribunal should set its award within sixty

registration when consumers registered their complaints in the tribunal. The data from the records shows that 77.9% of cases were completed within 60 days; 15% of the cases received the award within 80 days due to disputes between both parties; 4.4% of the cases closed the cases within 100 days; and only 2.6% of the cases recorded the award above 101 days due to postponement by both parties or some personal reason. Thus, generally the cases were completed within the 60 days (see Table 5.10). Only around 20% of complaint cases remained undecided after 60 days. The results of this study are consistent with the studies from Hollingsworth, Feldman and Clark (1973) and Purdum (1981). The result indicates that the TCC provides speedy judgment for consumers.

Table 5.10: Duration from Filing of Cases to Hearing in the Tribunal Records

	Number	Percent
Below 60 days	265	77.9
61 to 80 days	51	15
81 to 100 days	15	4.4
Above 101 days	9	2.6
Total	340	100

i. Evidence of Complaint

Referring to the evidence of complaint, this study found that the evidence of complaint attached to the cases was 81.8%, 18.2% of claimants presented their cases without evidence of complaint in the records (see Table 5.11). No study has been done on the records data to compare with the result in this study.

Table 5.11: Evidence of Complaint in the Tribunal Records



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	Number	Percent
	62	18.2
Yes	278	81.8
Total	340	100

Based on the frequency of the award of the Tribunal, the claimant's demographic profiles, issues in dispute, type of claim, claim on goods, claim on service, amount of claim, duration from filing to hearing and evidence, the results showed that judgment for claimant (claimant won) was around 81%, Chinese and female consumers of middle age were more likely to use the Tribunal for their complaints, the issues for complaint were more on the quality of durable products and dissatisfied with professional and personal services, around 55% of claims were for small amounts against irresponsible companies or manufacturers, around 78% of complaint case were settled within 60 days, and 81.8% of claimants provided written documentary evidence. These results indicate that the Tribunal for Consumer Claims in Kuala Lumpur was able to solve small sized claims in a speedy way for consumers.

5.2.2 Hypotheses Testing on Selected Variables and the Award of the Tribunal

The Chi-square statistics test was used to observe the relationship between the claimant's gender, race, age and the award from the Tribunal. Other relationships between issues in dispute, type of claim, claim on goods, claim on services, amount of claim, duration from filing to hearing, evidence and award from the tribunal will also be presented in this section. The contingency coefficient statistics were used to determine the strength of the relationship between the factors. The output of the relationship

and the award of the Tribunal is shown in Table 5.12. For

the statistical cross tabulation data analysis refer to **Appendix D**.

Table 5.12: The Association between the Variables in the Tribunal Records

Hypothesis	Relationship	Chi- square (χ^2)	P – Value	Contingency Coefficient	Hypothesis Support
H1a	Gender of Claimant Award	0.641	0.726	-	No
H1b	Race of Claimant Award	3.609	0.462	-	No
H1c	Age of Claimant Award	5.714	0.222	-	No
H1d	Issues in Dispute Award	25.688	0.000*	0.275	Yes
H1e	Type of Claim Award	1.537	0.464	-	No
H1f	Claim on Goods Award	38.143	0.000*	0.449	Yes
H1g	Claim on Services Award	110.439	0.000*	0.855	Yes
H1h	Amount of Claim Award	27.989	0.000*	0.287	Yes
H1i	Duration from Filing to Hearing Award	28.326	0.000*	0.289	Yes
H1j	Evidence of Complaint Award	1.237	0.539	-	No

*: $p < 0.001$

a. Relationship between Gender of Claimant and the Award of the Tribunal

In order to examine the relationship between gender of claimant and award of the tribunal, the hypothesis below was developed.

H1a: There is a significant relationship between the gender of claimant and award of the Tribunal.

From the results displayed in Table 5.12, the relationship between gender of claimant and the award of the Tribunal was found to be non-significant ($p = 0.726$) (full result of relationship refers to the Table D-1 in the Appendix D). This result indicates that the gender of claimant does not influence the award of the Tribunal. Thus, H1a was not supported in this study. This result was consistent with the study by Bradley, Sherman

which they found gender does not affect the probability of winning in court. Therefore, the Tribunal in Kuala Lumpur is unbiased concerning gender, as it did not affect the award of the Tribunal.

b. Relationship between Race of Claimant and the Award of the Tribunal

The results in Table 5.12 were used to examine the relationship between race of claimant and the award of the Tribunal. The hypothesis below was developed.

H1b: There is a significant relationship between race of claimant and award of the Tribunal.

Based on the results shown in Table 5.12, the relationship between race of claimant and the award of the Tribunal was found to be non-significant ($p = 0.462$) (full result of relationship refers to the Table D-2 in the Appendix D). This result indicates that race of claimant does not affect the award of the Tribunal. Therefore, H1b was not supported in this study. This result was consistent with the study by Bradley, Sherman and Bryant (1982) and Bonner and Metzen (1992) in USA. Therefore, the Tribunal in Kuala Lumpur is unbiased concerning race as it did not affect the award of the Tribunal.

c. Relationship between Age of Claimant and the Award of the Tribunal

To investigate the relationship between age of claimant and the award of the Tribunal, the hypothesis below was developed:

H1c: There is a significant relationship between age of claimant and award of the Tribunal.

The results in Table 5.12 show that the relationship between the age of claimant and the

found to be non-significant ($p = 0.222$) (full result of

relationship refers to the Table D-3 in the Appendix D). This result indicates that age of claimant does not influence the award of the Tribunal. Thus, H1c was not supported in this study. This result was consistent with the study by Bonner and Metzen (1992) in USA found that the age of claims does not affect the award of the court. Therefore, the Tribunal in Kuala Lumpur is unbiased concerning age of claimant as it did not affect the award of the Tribunal.

d. Relationship between Issues in Dispute and the Award of the Tribunal

Issues in dispute were defined as the reasons for complaint in the tribunal. In order to observe the relationship between issues in dispute and the award of the Tribunal, the hypothesis was developed as show below:

H1d: There is a significant relationship between issues in dispute and award of the Tribunal.

The results displayed in Table 5.12 showed that the relationship between issues in dispute and the award of the Tribunal was significant ($p = 0.000$) (full result of relationship refers to the Table D-4 in the Appendix D). However, the strength of the association was 0.275, so it could be concluded that the association between the issues in dispute and the award of the Tribunal were somewhat weak. Therefore, H1d was supported in this study. The results found that claimant winning the complaint cases on the product were 84.1%, 73.8% on the price and 71.4% on the place. On the other hand, claimant failed cases on the price were 20%. Thus, complaint about the product had higher probability of wining, and complaint on the price showed higher probability for

lies have been done examining the relationship between the

issues in dispute and the award (outcome) of the Tribunal or court.

e. Relationship between Type of Claim and the Award of the Tribunal

Based on the classification of the Tribunal, the claim can be divided into claim on goods and services. In order to find the relationship between type of claim and the award of the Tribunal, a hypothesis was developed as show below:

H1e: There is a significant relationship between the type of claim and award of the Tribunal.

From the results displayed in Table 5.12, the relationship between type of claim and the award of the Tribunal was found to be non-significant ($p = 0.464$) (full result of relationship refers to the Table D-5 in the Appendix D). This result indicates that type of claim is not related to the award of the Tribunal. H1e was not supported in this study. However, no previous study has been done to examine the relationship between the type of claim and the award (outcome) of the Tribunal or court.

f. Relationship between Claim on Goods and the Award of the Tribunal

Concerning the relationship between claim on goods and the award of the Tribunal, a hypothesis was developed as show below:

H1f: There is a significant relationship between the claim on goods and award of the Tribunal.

Based on the results shown in Table 5.12, H1f was supported in this study. This result

is significantly related with the award of the Tribunal ($p = 0.000$). The strength of the association was 0.449, which indicates a strong association between the two variables. The result also showed that 86.8% claimants would win the cases if they complain on the durable products, this means that complaining on the durable products is better chance to win the case in the Tribunal for Consumer Claims in Kuala Lumpur (refers to Table D-6 in Appendix D). However, no previous study has been done to examine the relationship between the claim on goods and the award (outcome) of the Tribunal or court.

g. Relationship between Claim on Services and the Award of the Tribunal

For the sake of testing the association between the claim on services, the hypothesis below was developed.

H1g: There is a significant relationship between the claim on services and award of the Tribunal.

From the results in Table 5.12 and Table D-7 in the Appendix D, there is a significant relationship between the claim on services and the award of the Tribunal ($p = 0.000$).

H1g was supported in this study. The strength of the association was 0.855, so it could be said that the association between the claim on services and the award of the Tribunal was strong. The result also found that the probability of winning are almost equal for complaining about different services categories, such as repairs and general services (87.9%), professional and personal services (85.7%) and financial services and insurance (85.7%). On the other hand, 13.3% of complaining cases on professional and personal service were claimants failed. This result is reasonable due to consumers may

ces. However, no previous study has been done to examine

the relationship between the claim on services and the award (outcome) of the Tribunal or court.

h. Relationship between Amount of Claim and the Award of the Tribunal

In order to examine the relationship between the amount of claim and the award of the Tribunal, a hypothesis was developed as show below:

H1h: There is a significant relationship between the amount of claim and award of the Tribunal.

Based on the results shown in Table 5.12 and Table D- 8 in the Appendix D, the results supported H1h. This shows that the amount of claim is significantly related with the award of the Tribunal ($p = 0.000$). The strength of the association was 0.287, which indicates a somewhat strong association between the amount of claim and the award of the Tribunal. The amount of claim is an important factor in determining the award of the Tribunal. This variable was categorized into four groups, which are öRM 50 to RM 999ö, öRM 1,000 to RM 2,999ö, öRM 3,000 to RM 6,999ö and öRM 7,000 to RM 25,000ö. This study found that the highest probability of wining (87%) by claimant is at the group öRM 50 to RM 999ö and öRM 1,000 to RM 2,999ö. This result could be accepted due to around 55.3% claimant claims on the amount at these two groups. However, around 41.4% claimants were failed in the öRM 50 to RM 999ö group. The result in this study was consistent with the studies by Bonner and Metzen (1992) and Bradley, Sherman and Bryant (1982), who found that the amount of claim by the claimant determines the respondent's offer to settle out of court and claimant winning in



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at the amount of claims also influence the award of the

Tribunal in Kuala Lumpur.

i. Relationship between Duration from Filing to Hearing and the Award of the Tribunal

Pertaining to the association between the duration from filing to hearing and the award of the tribunal, a hypothesis was developed as below:

H1i: There is a significant relationship between the duration from filing to hearing and award of the Tribunal.

According to the results shown in Table 5.12 and Table D-9 in the Appendix D, the results showed that claim on duration from filing to hearing was significantly related with the award of the Tribunal ($p = 0.000$). H1i was supported by the result. The strength of the association was 0.289, which indicates a somewhat weak association between the two factors. In the registered complaint cases, the highest probability wining (83.8%) could be closed below 60 days, 80.4% of wining cases were also at the 61 to 80 days of duration time. For the filed complaint cases in the Tribunal in Kuala Lumpur, the cases above 101 days (22.2%) were claimant failed. Therefore, the longer duration time was employed, the more complaint cases were claimant failed. However, this study could not make a comparison study as no study has been done to examine the relationship between the duration from filing to hearing and the award (outcome) of the Tribunal or court.

In order to investigate the relationship between evidence and the award of the Tribunal, a hypothesis was developed as show below.

H1j: There is a significant relationship between the evidence of complaint and award of the Tribunal.

From the results displayed in Table 5.12 and Table D-10 in the Appendix D, the relationship between the evidence of complaint and the award of the Tribunal were found non-significant ($p = 0.539$). This result indicates that type of claim is not related to the award of the Tribunal. Therefore, H1j was not supported in this study. This result was consistent with the finding from Bradley, Sherman and Bryant (1982). Therefore, a claimant with a convincing story in the court, but with no documented evidence was still able to win the complaint. This indicates that written evidence is not important to the outcome of the judgement.

Referring to the tests for the relationship between gender of claimant, race of claimant, age of claimant, issues in dispute, type of claim, claim on goods, claim on services, amount of claim, duration from filing to hearing, evidence and the award of the Tribunal, the results show that issues in dispute, claim on goods, claim on services, amount of claim and duration from filing to hearing are significantly related to the award of the Tribunal. The results indicate that the Tribunal for Consumer Claims is unbiased in its judgment as gender of claimant, race of claimant, age of claimant and the evidence from the claimant were not influenced the award of the Tribunall. All in all, the objective records of the Tribunal, as much as they revealed, indicate that the goals of the Tribunal



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speedy and effective justice are realized in a number of

cases.

5.3 Chapter Summary

This chapter provided the research results from the recorded data obtained from the Tribunal for Consumer Claims in Kuala Lumpur. The results showed that the Tribunal for Consumer Claims in Kuala Lumpur is unbiased to the consumers as the judgments did not depend on the gender or race of the claimant, and claimants with evidence were not treated differently from claimants without evidence. The results also reveal that the TCC provides an efficient and speedy service to the consumers in Malaysia as the outcome of the tribunals are dependent on the issues in dispute, claim on goods, claim on services, amount of claim and duration from filing to hearing.