

## ILLICIT DRUGS AS A THREAT TO NATIONAL SECURITY

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### ABSTRACT

*The world politics today has in many ways changed the level of threat towards security. Safety that was previously centred on military threat is currently threatened by the new security issues brought about by non-state actors. Like drugs and human trafficking, small and light weapon trade, labour issues, child prostitution etc. The drug trade that has long been plaguing the world is still an issue that is persistently occurring until today. This study argues that the lacking of coordination and implementation of the policy had contributed to the drug threat. The significant role played by non-state actors, namely in cross-border organised crimes, especially drug-related has advocated the views of neo-liberalism. On 19 February 1983, Malaysia was the first country in the world to have declared drugs as a threat to national security and passed the mandatory death sentence for drug traffickers. However, Malaysia now approaching the third decade still has to confront this worrying issue. Besides, Malaysia as a coastal country, has also created an opportunity for such crime to easily penetrate the national border through land and air. Malaysia, a transit country solidifies the finding that this cross-border crime has its own network and collaboration, which has taken the advantage the Visa on Arrival. Subsequently, this paperwork also examines the effectiveness of the policy and what appropriate actions should be taken to curb this issue.*

**Keywords:** *illicit drugs, cross-border crime, non-state actors, national security, approach*

### Introduction

Globalisation, or a concept generally known as the borderless world, liberal democracy, basic rights and the rise of the civil society, suggests that our lives have been determined by incidences that has taken place outside our boundaries

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(Cusimano, 2003). Debates on globalisation have their strength and weaknesses, and yet they shed light on cross-border issues as globalisation also leaves a negative impact on the international society. The threat of drugs that has been prevalent since the 90s, the increasingly grave drug issues at the international level, the involvement of various syndicates in drug-related crime illustrated the role of the non-state actors who have increasingly put the national security at peril. Based on the current situation, human collective crime, drug trafficking, human trafficking and illegal immigration (PATI) have grown exponentially. These crimes are estimated to rake in profits as much as 20 billion Pounds (RM 100 Billions) every year (Iselin et. al. 2003).

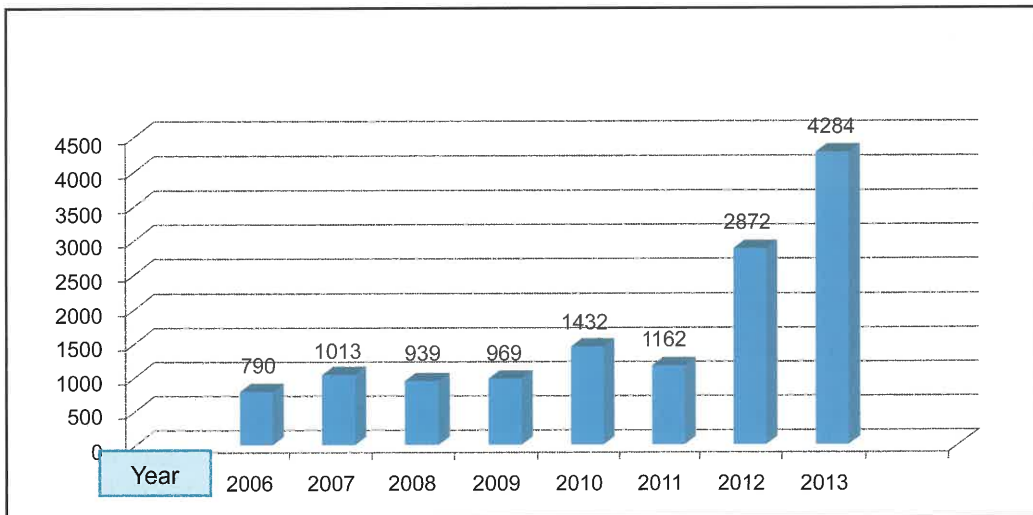
Drug trafficking, for instance, has fast become a global phenomenon and global concern. As it has been regarded as “a new threat” or a “*grey area phenomenon*”, it did not appeal much to national security scholars despite the fact that its threat has been nothing but persistence (Zarina Othman, 2009, 2002). Various kinds of efforts of prevention have been exercised even at the international level, and at regional level, but they have yet to be validated as effective. This matter has now risen as one of the most worrying political agenda in many countries. Even great countries like the United States of America, have also declared “drug war” (Poulos 2010; Martha & Otwin 2005). This trafficking issue was also put forth in the United Nations Conference, including the European Union for debate, and it is now one of the leading agenda (*International Drug Policy Consortium*, 2010).

In the South East Asian region, drugs penetrate a country by means of trafficking or smuggling (Abraham, 2011). Drug trafficking crime in this region, plaguing the countries such as Thailand, Indonesia, also the Philippines, also set up camps in Malaysia and Singapore which serve as drug transit countries. There is also such crime from outside the region like Iran, Nigeria, China and Pakistan. Drugs smuggled from the African continent and the Middle East are carried to the South East Asian region or specifically delivered to two separate destinations; firstly, countries or areas outside South East Asia, for example the United States, Western Europe and Australia. Secondly, drugs are sent to countries where the state of the economy is outstanding, for instance Brunei Darussalam, Thailand or Malaysia. This shows that high demand comes from countries with higher status of living and Malaysia is one of the countries that have become the hub for this kind of activity (Charun, 2011).

Also, in terms of the involvement with crime, a lot of international and local crime analysts (Charun 2011) state that foreign traffickers tend to have a significant relationship with the level of national security as these foreign traffickers have a connection with the local drug trafficking syndicate network. With the emergence

of the network, to compete with one another in the activity, the syndicate will smuggle weapons and firearms from the neighbouring countries to be used as protective tools for their respective members (Martha & Otwin, 2005). When weapon-related activities becomes widespread, other activities will also follow for example armed robbery. This will further create chaos and disorder. Mohamed (2012) has given an example of an incident and what happened in the town of the Golok River, Thailand on 17 Sep 2011 where the Chief of Police, Col. Chaka Porn Then Thong issued a statement that the bomb explosion which had taken 6 lives including 5 from Malaysia and injuring 60 others was probably ignited by an act of revenge by smugglers and traffickers, following 117 actions of curbing the syndicate activities by the police there. The involvement of foreigners in illegal activities is greatly distressing. This can be seen from arrests of foreigners in Malaysia by the authorities. Please refer to Charts 1:

**Chart 1. Arrests made on Foreigners (2006-2013)**



Source: RMP Narcotics Crime Investigation Department's Annual Report (2006-2013)

According to the report issued by the Narcotics Crime Investigation Department, Bukit Aman (2011), there were a lot of seizures on various types of firearms (Heavy Crime offences) such as (Pistols, Pump Guns, SMG, Hand Bombs and Bullets). In 2008, there were 40 cases and 87 arrests, in 2009 there were 38 cases and 78 arrests, whereas in 2010 there were 48 cases and 98 arrests and in recent years, there was an increase to 49 cases and 92 arrests. From the study carried out by the department, 15–25 percent of the crime cases involving asset property crime index were committed by drug addicts.

The National Drug Policy Vision is to create a country which is free from the threat of drugs by 2015. This is to ensure the well-being of the people and to sustain national stability and durability. Thus, this paper work is to analyse just how far is the effectiveness of the drug policy that has been introduced and if this policy is still relevant in addressing the drug issues. The data obtained demonstrated that there are still a lot of weaknesses and gaps in terms of the implementation of the enforcement policy, and the rehabilitation still appears to be less effective in addressing the issue. In an attempt to address the question, this paper work will discuss on the threat of drugs as the country's number one enemy. Other than that, the views from experts in the field including suggestions on the policies needed to be change will also be put forth.

### **Methodology**

This article employs a qualitative method, and the data that can be seen are both primary and secondary in nature. To study the concept of security, country and human security, this study has designed, gathered and analysed the data so that sufficient amount of facts and patterns of data can be produced to help in the analysis. (Keith & Wagenen, 1991). The primary data was obtained through interviews with the main informants from government enforcement agencies and non-government private bodies. Apart from that, this study adopted interviews with experts from the pharmaceutical field, the police force and officers from the National Anti-Drugs Agency as well as officers of PUSPEN. Among the agencies which are directly involved in this study are the National Anti-drugs Agency (NADA), Royal Malaysia Police (RMP), Royal Malaysia Custom (RMC), Ministry of Health Malaysia (Infectious disease control department, Pharmacy department).

For non-governmental bodies (NGOs), the interviews were carried out with the Chairman and the officers of Malaysian AIDS Council (MAC) and the Data Prevention Association Malaysia (PEMADAM). These parties are able to facilitate the data expansion to become more credible and effective. Meanwhile, the departments' yearly documents and reports, newspapers, personal documents like diaries, letters or journals from the department's mini library were also selected as reference materials for this study. Secondary data were obtained from printed materials and documents including books and government reports. The NGOs and United Nations which discuss previous studies also serve as supporting data and additional references (Mauch & Birch, 1993).

This article is also the outcome of reading from past study reviews on several research in the academic context, covering books, journals, theses/dissertations, and monographs related to the title of this research. It also collects secondary

data from several websites namely World Health Organisation, National Anti-Drug Agency in United States of America, National Institute of Drug Abuse and the Drug Policy Alliance. These agencies are important as they have a wealth of data and information related to this study. Having gathered the data, the researcher uses the Nvivo 8 database to see the trend and pattern of the findings which are able to help in the analysis of the findings and conclusion.

## **The Analysis of Current Drug Issues in Malaysia**

### **The Threat of Drugs as Number One Problem**

The drugs in Malaysia (Malaya, Sabah and Sarawak) prior to independence, is one of the crimes that have a long history in this country. Before independence, drug addiction of opium, heroine and morphine had then been a threat, where there were as many as 24,799 people involved (Low 1986 quoting Purcell 1967). Other than that, drug-processing materials were also controlled by the enactments of the Straits Settlements, Malay Allied States and Malay non-Allied States (PPAD, 1992). Before independence, in 1952 after the Japanese occupation in Malaya and after independence in 1957, drug laws were known as 1952 Dangerous Drugs Ordinance and 1952 Toxic Ordinance (Ismail 2001 quoting Lee 1954).

As the drug issue is becoming more and more serious in Malaysia , in 1981, the number of drug addicts had increased to 77, 685 people, while the drug law had been amended from 1952 Dangerous Drugs Ordinance to 1952 Dangerous Drugs Act (Mimi Kamariah, 1991). After independence, we can recall that several policies on drugs were introduced. The post-independence policies are also known as the Supply Reduction Policy and the Demand Reduction Policy (Saudagar Singh, 1999).

The Anti-Drug Staff Unit (Pasukan Petugas Anti Dadah, 1983) reported that the issues on addiction and drug trafficking among youths have led to the declaration of the drug issue as 'the nation's number one enemy' on 19 February 1983 by the fourth Prime Minister (Tun Dr. Mahathir Mohamad). With the declaration, the drastic change that was translated as the enforcement was seen then as the solution and central to the National Drug Policy together with the prevention through the legislation. The policy imposes the mandatory death sentence to trafficking offenders, detainees without prosecution and mandatory treatment (cold turkey). Drugs are seen as a threat to the national security as it is no longer an issue of the neighbourhood and trivial social ill but is in fact, a societal foe which is a menace to security (Pasukan Petugas Anti Dadah, 1990).

The declaration was made after drug addiction in the country reached an epidemic level. If any assertive steps are not taken, the main target would be the younger generation who are the backbone and beacon of hope for the country in the future. Other than that, the widespread drug addiction and trafficking can also affect the social, economic, spiritual and cultural well-being of the people and further weaken as well as threaten national security. There is a very close connection between drug abuse and crime. Due to this, the cost borne by the country to combat drug abuse will also be very high. Following this factor, government agencies involved as dictated in Order number: 13 have allocated the establishment of the Anti-Drugs Staff Unit with the role as members of the Anti-Drugs Work Committee who are responsible for all anti-drug actions. Among the enforcement agencies involved in their respective fields of expertise and act are based on the policies dictated by the National Attorney, Royal Malaysia Police, Royal Malaysia Custom and Excise Office, the Pharmacy Department of the Ministry of Health, Prison Office and also Drug Treatment and Rehabilitation Department, Ministry of Domestic Affairs followed by several other departments with their own duties in regard of anti-drug actions<sup>3</sup>.

Other than that, in the book 'Drugs as the Number One Enemy' (2007), the fifth Prime Minister YAB Tun Abdullah Bin Hj Ahmad Badawi had reminded all parties to re-examine the way we handled the drug issues in response to the many challenges that have come our way today. He added that the government since 1983 had declared drugs as our number one enemy. Almost thirty years have passed, and the issue has not been curbed as effectively as it should be and it became even more and more serious. YAB Tun Abdullah Bin Hj Ahmad Badawi then asserted that the issue has brought along many effects and costs to the country<sup>4</sup>. The unchanging policy up to the point when an agency was set up, specifically to address the issue of drugs in the country is another effort of the government in empowering or adding to the human capital in the effort to combat the threat of drugs in Malaysia.

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<sup>3</sup> Agencies involved are responsible in implementing policies that have been ruled out, like conducting enforcement, prevention, and rehabilitation duties and international cooperation.

<sup>4</sup> The various costs burdened by the country include cost to run Narcotics Rehabilitation Centers (30 centers nationwide), the expenditure for the danger of drugs awareness campaigns the medical costs of the addicts and so on. The negative impact to the country includes the country's image to the rest of the world, the criminal acts by drug traffickers and addicts and the society's insecurity and fear with their surrounding, caused by the negative perception brought by the drug addicts.

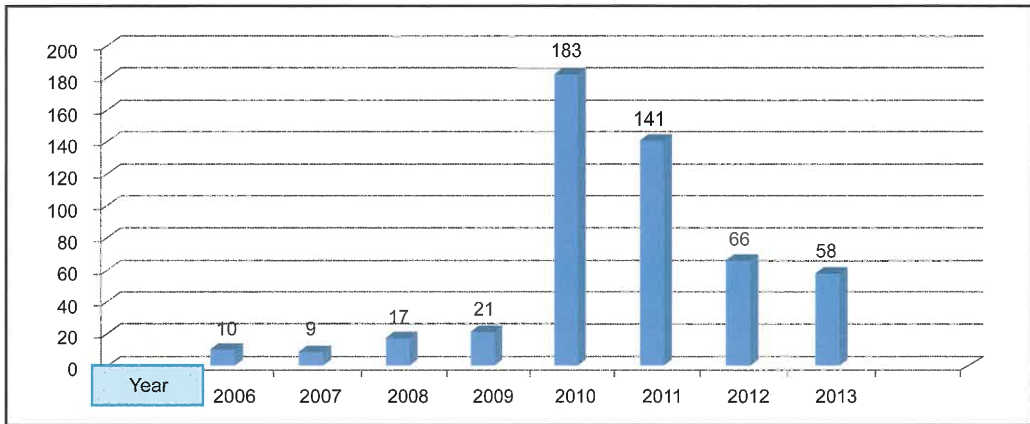
## Threat From The International Syndicate

The trend of drug abuse in this country has started to show a transition of the interest from abusing traditional drugs like heroine and opium to abusing synthetic drugs such as *syabu* and ecstasy. Those who misuse drugs also have the tendency to use various types of drugs at the same time. Although the current generation clearly shows their tendency to misuse synthetic drugs, traditional drug issues like heroine still pose a threat to the nation. There have been a lot of arrests based on the smuggling of synthetic drugs by foreigners where the drugs are processed in large-scale laboratories in this country (*Metro* 18 November, 2011). Other than that, a lot of foreigners were detained at the Kuala Lumpur International Airport for bringing in the illegal substances.

The issue we have with the influx of foreigners involved in crime is due to the Malaysian open door policy which had made it easier for tourists to enter the country with only the visa on arrival (VOA) facility as shown in a study by (Charun, 2011). It more or less contributed to bigger opportunities for the criminals to carry out their activities. Until today, middle-eastern countries especially Iran are granted the VOA by the Malaysian government. They can live in Malaysia for the period of 90 days with the VOA and after the period of 90 days, the Iranians are allowed to apply for another 90-day extension (Perumal, 2011). This means that, once they enter Malaysia, the Iranians can stay in the country up to the period of 3 months.

Therefore, such an opportunity is grabbed by drug trafficking syndicates to make Malaysia their drug transit country and to expand their network of drug syndication. Chart 2 below shows the arrest of the foreigners involved in drug trafficking at the International Airports nationwide. The airports preferred by the drug criminals are the Kuala Lumpur International Airport (KLIA) followed by the Low-Cost Carrier Terminal (LCCT) and Bayan Lepas Airport and the Kota Kinabalu Airport as the third choice. The chart also indicated a significant increase in the arrest of offenders from 2006 to 2013. The smuggling situation or trend using the airports by the non-state actors (syndicates) revealed that in carrying out their activities smoothly, it is being done without fear or intimidation of the existing laws in Malaysia.

**Chart 2: Arrests of Traffickers at the Airport (2006-2013)**



Source: RMP Narcotics Crime Investigation Department's Annual Report (2006-2013)

### **Threat from Addiction Issue**

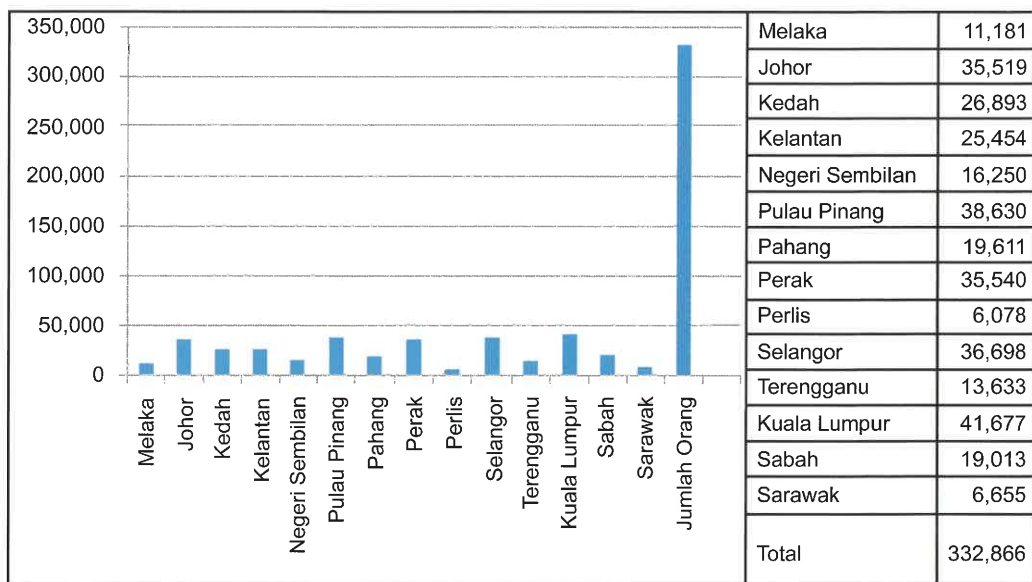
Following the influx of traditional and synthetic drugs into Malaysia, this serves as a contributor to the increasingly severe issue of drug addiction in the country. Based on the RMP report in 2010, overall arrests involving heroine made up 42%. In 2011, about 138,215 addicts were arrested according to the report issued by the RMP in Bukit Aman (2011). In 2007, 26763 people were arrested according to Section 15 (1) (a), 1952 Dangerous Drugs Act (the offence of using synthetic drugs for oneself), while in 2011, 72,369 people were arrested for inserting drugs into their bodies. With the above figure, it provided proof of the weaknesses of the approach adopted in executing the prevention and rehabilitation policies. Based on the factor where the demand of drugs decreases, the supply will also decrease but in actual fact it was the exact opposite.

Although various policies and strategies have been implemented, there is minimal success as the rates of distribution and addiction of drugs are on the increase. This is based on the average detection of the number of new addicts every year. The average of 3,306 new addicts per year was detected before 1983 but this had increased a year after to an average of 9,059 new addicts. Other than that, according to the study by Saudagar Singh (2000), before Malaysia declared that drugs is its number one enemy in 1983, the rate of recidivists was 46%. In the meantime, after the policy was introduced, the percentage increased to 59.4 % per year.



According to the National Anti-drugs Agency (NADA), from 1988 to 2002, there were as many as 235,495 people, including 50,000 active addicts. Non-governmental bodies like (NGOs), or the Malaysian Drug Prevention Association (PEMADAM, 2011) estimated that 350,000 people were involved in drug abuse nationwide. This figure increased to 1,300 addicts every month. The total number of drug addicts since 1998 to 2012 is as shown in Chart 3.

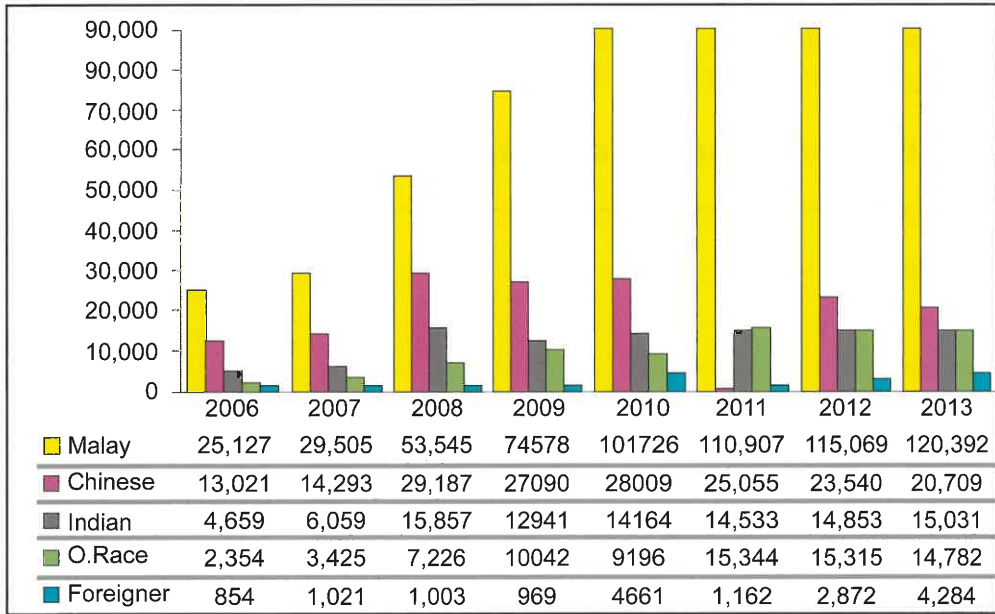
**Chart 3. The Accumulated Total of Drugs Addicts (1998 -2012)**



Source: National Anti-drugs Agency from 1998 to 2012

Table 1 shows the statistics released by the RMP Bukit Aman where the total number of offenders arrested by race (arrests made due to trafficking, possession, and the addiction of drugs normally for self-consumption) had increased from year to year (Karim, 2005). From the year 2006 until 2012 the total number of arrests related to drug offences had increased every year.

**Table 1: Arrests Under the DDA 1952, Poison Act 1952, DAA (R&T) 1983 and DDA (SPM) 1985 By Race (2006 –2013)**



Source: PDRM Narcotic Crime Investigation Department Report Bukit Aman (2006- 2013)

Meanwhile, in terms of ethnic, Malays are the most dominant group and this is followed by other races. From the total number of drug addicts arrested and those who have undergone rehabilitation, the number of youths in this country makes up the largest group which is 42.54 % or 11.12 million citizens aged between 15-40 years old (Malaysian Statistics Department 2009). They are the country’s hope, treasure and vital asset. Based on the report from the National Anti-Drug Agency (2008, 2009, 2010, 2011 and 2012) after the analysis, the youth makes up the largest group that is easily exposed to the risk of addiction. This is made evident through the statistics of the majority of addicts detected throughout the years of 2008 to 2012 where youths made up (77%).

The youths involved are aged between 19-39 years old whereas teenagers between 13-18 years old were noted to have been (4 %) while adults aged 40 years and above made up only (19%). Male constituted the largest group which is 98%, and female only 2%. Although those arrested underwent rehabilitation in the Narcotics Rehabilitation Center (PUSPEN), the possibility of them going back to their old routine was high. The unsuccessful rehabilitation system needs to be examined in detail by the government and non-governmental bodies in curing the addicts

(Community Therapy) where it can serve as a more effective form of support for former addicts (Zaman Khan, personal communication, July 9, 2012). Although the NGOs has adopted some less-than remarkable ways or forms of support for addicts in terms of their rehabilitation, a better outcome would be possible if the government and the NGOs work collaboratively. A study made by a police officer shows that the government has channelled an insufficient allocation to the NGOs like PEMADAM, PENGASIH etc. (Rosman, 2006). Table 1 also shows how many of the addicts were already members of the Drug Rehabilitation Centers. However, when they are set free, the addicts will repeat their routine as evidently seen from Table 1 on the total number of recidivists due to the failure of the implementation of the rehabilitation of drug addicts.

**Table 1: The total number of recidivists (1990-2011)**

<b>Year</b>	<b>New Addict</b>	<b>Recidivist</b>
1990 to 1995	51,516 People	78,648 People
1996 to 2000	85,026 People	85,396 People
2001 to 2005	88,304 People	83,621 People
2006 to 2011	54,310 People	45,908 People
<b>Total</b>	<b>279,156 People</b>	<b>293,573 People</b>

Source: National Anti-drugs Agency From 1990 to 2011

Due to the failure of this policy, the government had to suffer from heavy financial burden in terms of the treatment and rehabilitation of addicts in 30 Narcotics Rehabilitation Centers all over the country (AADK 2010). The treatment cost for an addict in the rehabilitation centers financed by the government is RM 19.77 sen per day or RM 593.10 sen per month covering management, services, supply, food and beverages costs for the occupants (Ruhanie Ahmad, 2012). Other than that, in terms of the expenditure of the construction and the management of 30 rehabilitation centers all over the country, between the year 1984 and 2003, the government had spent approximately RM1.037 billion (Bernama News, 2008). This expenditure was considered too heavy to be channelled into a non-productive project. The total cost did not include management costs and payment to staff of several agencies and also it did not cover indirect costs.

### **Threat of the Spreading of Infectious Disease**

Drug issues are not only the issues of an individual or family, but they are also plaguing the society and the country at large. The increased rates of HIV / AIDS infections every year shows the failure or the lack of success of the National

Drugs Policy. Statistics from the Malaysian Health Ministry (2011) shows that from 1986 to 2010 as many as 77,664 Malaysian citizens were infected by HIV/AIDS. From the number, 14,298 people had died. From the HIV/AIDS cases detected, 75 per cent or 46,292 people were addicts who used needles. Meanwhile, the treatment cost for those infected by HIV/ AIDS was RM 1200.00 per person per month and the total costs involved were approximately RM 7.205 billion.

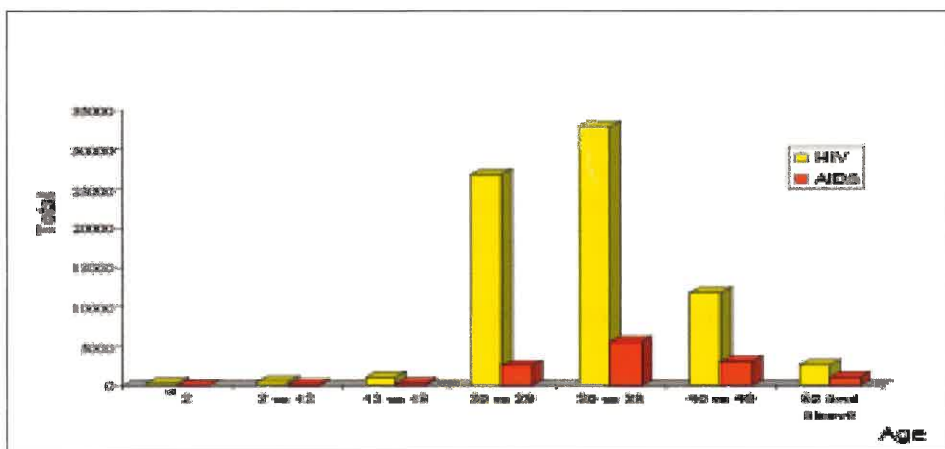
The Health Minister (2005) had issued a statement that the government had allocated RM 500 million to implement the National Strategy Plan for HIV/AIDS endorsed by the Cabinet on the 12 April 2006 for the period of 2006-2010. The plan contains six main strategies covering the infection prevention, treatment and care efforts, as well as the support services. This will be a burden to the Government's financial resources where the money should be spent on a more productive development plan. Please refer to Table 2 and Chart 4 where they show the seriousness of HIV /AIDS in Malaysia.

**Table 2: The Current Situation of HIV and AIDS Infections (2011)**

Category	Total Case
HIV Infected	91,362 Cases
AIDS Infected	16,362 Cases
Number of Death till 2010	14,298 Cases
Latest statistics of HIV infected	77,664 Cases
Expected infections from drug addicts	70 %

Source: Ministry of Health Malaysia, 2011

**Chart 4: HIV and AIDS Sufferers in Malaysia by Age Group**



Source: Ministry of Health Malaysia, 2010

In the discussion on other dangerous diseases other than the one mentioned above, Hepatitis is also the result received from the use and the misuse of drugs. Before we elaborate on Hepatitis C in Malaysia, the world is also facing a similar problem as it poses a threat to drug victims and is among diseases that spread easily as the result of needle-sharing (Fraser, 2011). In Malaysia, Hepatitis C has yet to find a cure or the appropriate medication which can be trusted to control or cure it (Rushidi Ramly, personal communication, December 21, 2013). In 2007 in a study done by medical experts from the department of infectious disease control of the Health Ministry, it is discovered that from ten areas chosen in the study involving 1,300 addicts undergoing the Hepatitis C test, 82% test results suggest that they are Hepatitis C virus-positive (Rushidi Ramly, personal communication, December 21, 2013). Addicts tend to use needles that are unclean, causing them to get skin diseases when the skin is jabbed. The jabbing effect will make the skin exposed to the germs which will proliferate and infect the victims.

### **Gap in Terms of Enforcement**

Enforcement acts as a very strong weapon that is often carried out by a lot of countries in combating drug issues and yet it tends to illustrate some prominent gaps. In terms of the seizures and arrests on drug traffickers and on the ownership of drugs, it can never be denied that there have been a lot of accomplishments displayed in the local news. However, in terms of the investigation of drugs cases, it is very weak causing failure in the prosecution of many cases and also various cases being removed from court trials and the offenders set free due to the frail investigation (*Utusan Melayu*, 2010). In a study by a Law Faculty student from UKM for her master's thesis, (Yusramizza, 2007) in the interview with the police, it was found that it was also the case of weak handling of the investigation due to the lack of training and resources.

Weak law enforcement by the enforcing agencies and the abuse of power and fraud are reported to have also occurred involving the police, the NADA and the Custom etc. As an example, the loss of drugs worth RM 1 million from the strong room in the Johor Police Headquarters in July 2008 as reported (*Utusan Melayu* 2008) has pin pointed to the weakness that prevailed in the police force. Several officers and members of the Police Narcotics Department, Johor were arrested. In the writing of Ab. Rahman in (*Majalah Mingguan*, 2005) there was a display of weakness in terms of the enforcement, bribery arrests on law enforcers, low-quality investigations and also heavy workload. In strengthening this claim, Dato' Abdul Malik Ishak: Judge, High Court in Malaya stated this in an international seminar in Kuala Lumpur (2001:28):

*'There are sufficient and effective legislations to combat the drug problems in Malaysia. Enforcement agencies must double their efforts to weed out the drug problems with zest and gusto. The investigative agencies must investigate thoroughly all the cases and the prosecution of offenders must be carried out meticulously to ensure the desired results'.*

The statement above shows that the judge had expressed his dissatisfaction towards all enforcing agencies which have carried out the investigation where he opined that the investigation must be thorough in order to win a case. Besides this, enforcement in terms of the legislation is also weak.

Based on the studies done by (Yusramizza, 2007; Azlaine, 2005; Yusuh dan Che Mat, 1996) when it comes to the legislation, laws like DDA 1952 are remarkably flawed (SPM, Amendment 1985) whereby in any decision made to arrest the non-trial offenders, the decision must be made together with the Advisory Board. In this law, the minister has an absolute power in the decision-making to rule out if the offender is to be detained, banished or even freed, whereby the decision might oppose to that of the Advisory Board. This will eventually lead to the dismissal of many cases by the Advisory Board as they do not adhere to the procedures predetermined by the law. Other than that, there is also a weakness in the DDA 1952 (Forfeiture of Property Amendment, 1988) showing that properties of offenders abroad will not be able to be forfeited. The lack of cooperation in terms of the coordination from the National Attorney Office with the Finance Ministry also contributed to the vulnerable drug policy in Malaysia.

In relation to the above matter, the existing laws are also ambiguous. For instance, section 6 (1) (b) Drug Addicts Act (Treatment and Rehabilitation) 1983, does not explain officers who are responsible towards addicts under the influence of drugs. Section 6 (1) (b) DAA (Treatment and Rehabilitation) 1983, rules out that:

*" If one that has undergone the tests mentioned in both Sections 3 and 4 and following the tests, is admitted by the government's medical officer or registered medical practitioners as a drug addict, the officer must bring him, or make him present, before the Magistrate and the magistrate must be recommended by the Rehabilitation officer and after he has been given the chance to make a representation -(b) orders him to be placed under the supervision of an officer in a place decided in the order, for not less than two, and not more than three, years "*

NADA does not play its main role in arresting addicts even though it is stated in their main duty as agreed by the RMP. If NADA does commit itself to the

duty that has been agreed upon, then the RMP would be able to concentrate on syndicated drug trafficking and ownership cases. The job scope of NADA was raised by the former IGP, Tan Sri Musa Hassan<sup>5</sup> in the local newspaper stating that NADA only works on the side like holding exhibitions and talks (*News Strait Times*, 2006). The National Anti-drugs Agency (NADA) also adopts the laissez-faire attitude in giving treatment and counselling to addicts supervised before January 2010. Following that, having signed the (MOU) with the RMP on 8 January 2010 only then did NADA started to give more attention to addicts undergoing the supervision program (*Berita Harian*, 2010). Drug addicts prefer to undergo supervision-oriented programs than rehabilitation at the Narcotics Rehabilitation Center (PUSPEN). This is because drug treatment and rehabilitation programs' modules at the rehabilitation centers lack the effectiveness in curing the addicts. They only carry out physical activities for the addicts. Other than that, the service quality at the Rehabilitation Center has influenced the weakness of the program at the Rehabilitation Center as stated by (Muhamar Yazil, 2007) in his Master's thesis.

## **The Proposed Approach in Handling Drug Threat**

### **The Re-evaluation of the Enforcement Approach**

An approach is an important element in an action for both long and short term. In this section, we will discuss several suggestions to ensure that the rehabilitation approach to the human is appropriate in addressing the increased rate of trafficking and addiction. In Malaysia, the increase of the trafficking and addiction is intertwined. One of the terms that are commonly used by the RMP is addict cum pusher. In Malaysia it describes a lot of Malays who are addicts and who gradually turn into pushers or traffickers (Musa Hasan, Interview, 2012; Jamaludin Kudin, personal communication, October 16, 2012; Haris Wong Abdullah, personal communication, October 18, 2012). The step to retain the sentence of hanging to death is imposed to those in possession of drugs of certain amount and for a certain purpose.

The punishment is meant for mostly, the traffickers. It means that it is illogical for one to admit that he or she possesses drugs in a large amount for consumption. With the high price of drugs, it is illogical that the drugs are solely for themselves.

This means that the hanging punishment serves to fulfil the concept of *deterrent*. It means that it does not deter people from consuming drugs, but it prevents

<sup>5</sup> The main duty implied is for the PDRM to be able to concentrate on the enforcement as outlined in the national drug policy in curbing grand-scale drug cases involving drugs-related syndicates and cases. Meanwhile, in terms of the rehabilitation, steps such as the supervision of addicts can be handed to the AADK as they are the agencies which are responsible to carry out the rehabilitation programs.

them from distributing or selling drugs to others (Jamaludin Saad, 2013). Other informants also gave the same reaction where the punishment is still needed to ensure the security of innocent people who are 'forced' or coerced into taking drugs. The punishment is vital so that the crooks can be sentenced thus further reducing the rate of trafficking (Zainol Abidin, 2012). The majority of informants agreed that stringent laws must continue, despite the fact that the society sees the hanging punishment to be ineffective. Life imprisonment will not frighten the society and control the rate of trafficking and possibly a lot more people will venture into this illegal activity.

The 20-year imprisonment sentence will be lessened, if the offenders are in their best behaviour while they are doing their time in prison. For some cases, there are sentences that are curtailed into 10 years of imprisonment and when they are released, most former inmates would be back to their old habits and continued to live in luxury based on their drug-selling profits (Mohamad Sabri, personal communication, July 9, 2012; Zainul Abidin, personal communication, July 19, 2012; Jamaludin Kudin, personal communication, October 16, 2012). In relation to this, the opinions of the persons above are also supported by the Deputy Director (Intelligence/Operation) of the Narcotics Crime Investigation Department. Haris Wong Abdullah (personal communication, October 18, 2012) maintained:

*"..For example, the legislation. if you really look at it, from arrest until it is time for trial, when will this come to end. One year, two years, it is too long. There is no deterrent for them. And since our law has been stringent, the court would dismiss the case at the slightest technical error. This means that the 1983 mandatory death did have its good and bad points. And that is why recently Singapore has revisited it and made some change".*

The views from the informants comprising of government's high-order officers are actually very much relevant, according to our former (4<sup>th</sup>) Prime Minister, Dr. Mahathir Mohamad (personal communication, November 23, 2012) who was once a strict law-maker in regard of drugs in 1983, where he enforced the hanging-to-death sentence for drug traffickers. He advised that the harsh sentence should not be terminated, but of late, he did hear that the government had intended to abolish the mandatory death sentence. He only had this excuse to give, whereby he asserted that small or grand-scale traffickers are equal, and when the punishment is made lighter, they would not be afraid to commit another crime as they are free and they have the money worth billions of ringgit. In the interview, he admitted to be disappointed and had this to say:



*"...Now there are people who urge that the death sentence is terminated. I have the opinion that should the sentence be invalidated, the traffickers would be more fearless. And their life sentence is just for 13 years. and if they are freed, they might already have billions of ringgit and of course he would be so willing to be inside and get great profits anyway. For me, carriers and traffickers are the same, big or small.."*

Although almost all of the informants interviewed have given their agreement on up keeping the mandatory death sentence, but from the views of the victims of trafficking, they begged for the government's sympathy and mercy as a lot of them had regretted their actions and would like to be back on track to lead normal lives (Helmi, personal communication, November 12, 2012). Helmi (personal communication, November 12, 2012) is a life-long prisoner who will be hanged any time as he was found guilty for trafficking drugs 6 years ago. He stated this;

*"..My suggestion on the drug cases or issues is that for the policy or law to be re-examined. Like recently, there is a suggestion that the hanging-to-death sentence is abolished. I agree strongly. Because if there are only few addicts arrested and hanged, then it wouldn't be fair. If we really need to hang somebody, then it should be the grand-scale traffickers or the 'big sharks'. If the offence is light, then we should sentence them life imprisonment or 20-year imprisonment.."*

In talking about and discussing the hang-to-death sentence, most NGOs have disagreed with the sentence being imposed to innocent people like the drug 'mules' or traffickers who distributed drugs in small amount despite the law that has dictated as such (Zaman Khan, personal communication, July 9, 2012; Yunus Pathi, personal communication, May 10, 2013). However, the problem lies in the fact that we are not sure how many judges would issue this kind of verdict, whereby a lot of them do not impose such sentences towards most of the drug cases which should be subjected to the punishment. An interview with one of the members of the policy formulation at the Legislation Department at the Royal Malaysia Police Narcotics Crime Investigation Department, Dato' Jamaludin Kudin (personal communication, October 16, 2012) was conducted, where he explained that the laws deemed rigid would be amended in the future and he added;

*"..As we already have implemented this hanging-to-death sentence for this trafficker, I feel that if we were to revoke the principle, then it might not be right. But actually, we may have headed towards a little change or not flexibility but choice....So we have looked into the Australian laws. We focus on.. look at the Australian laws where choices are left with the*

*judge. That means, it would be easier for the judge to impose the sentence as compared to the current laws which are very rigid...”*

The views or suggestions put forth by informants in the interviews reveal their dissatisfaction with the approach that Malaysia has adopted. The approach implied is in terms of handling punishment, remission as the procedure has been stringent on every agency and department. There is also a lack of coordination and supervision on every action suggested by the examining parties. Based on the following written interviews, we will shed light on several suggestions and opinions of the informants who explained the importance and significance of every action they carried out.

### **Support towards Drug Addiction and Trafficking Victims**

An appropriate measure that needed to be adopted is that the government or agency involved in the issue needs to exert some realistic efforts to give their support to drug victims. In reality, they are really the same persons and are inter-connected with one another. Even more specifically, if we examine closely, the great number of traffickers are Malays. All in all, the informants interviewed agree that Malays make up the largest group involved in both drug addiction and trafficking. Most drug issues and victims are actually complicated facts to interpret. Yet, we need to take necessary and effective actions, the commitment and trustworthiness between the government and agency and the victims. The victims of drug addiction and trafficking need to be supported. As an expert in the area of drug addiction, Hussain Habil (personal communication, January 11, 2013) stated that the confidence and the subsequent support in all the programs initiated need to be emphasised. He added:

*“..Back then, the National Anti-drug Agency is also not confident with programs like the Harm Reduction Program or the Medical Assistant Program even Methadone, it did not have the confidence, even the government didn't. The society is even more unconvinced, but after we have done a study in Malaysia we find that it works. And now, the Agency has also made use of Methadone in their treatment.”*

Trust, and also the continuity of the tasks carried out must be informed to the addicts so that it will produce the intended outcome. Not only that the support must be given to victims out of the walls of the prison, the world at large is also giving attention to victims in the prison. In terms of how the prison management manages support for victims in the prison, of late, the prison tries to change the approach in handling the issue of prisoners and when a paper work was presented

on this, it has been endorsed at the South East Asian level. This further highlighted the importance of the concept of support (Jamaludin Saad, personal communication, March 5, 2013). Other than the above statement on the issue of support for drug victims, the basis of the support should also not be taken lightly, as stressed by Adeeba Kamarulzaman (personal communication, February 14, 2013):

*“..I think we have to have a lot more of vocational training and so on. They will already be out of jail in their 30s or 40s, right. They might not know anything else except for going into and getting out of jails, right. So, it is like we have to retrain them and as a society we are not ready .. you know they do not even have a temporary home, you know, and don't get us started with the family, who is already stigmatised. Family just neglects them. My team members and I did bring them home with us. after the study that we did in Kajang, my team and I will take them with us, the day of their release from prison, we brought them home; for some of them- their parents just said 'thanks and you can bring them anywhere you like'. So how do you expect them to be cured? You know..”.*

Most informants interviewed stated that there are a lot of issues that Malaysia seems to have turned a blind eye to, based on the necessity or appropriateness of the actions that need to be taken. Why does this keep on happening, due to Malaysia's non-serious attitude in handling every arising issue? The government's approach towards the supply reduction and the demand reduction is increasingly apparent as far as the implementation is concerned. This is shown by the statistics of arrests and detainment where there is a show of increase in both the approaches. Although there are various implementations of enforcement, prevention and rehabilitation strategies, the statistics on the negative effects have also increased, and they are on Aids, cholera and so on (Shaari Ngadiman, 2005). Consistent with the statement, there is a need to change the approach from wasting away to the approach that is more economical. We have interviewed several informants from various backgrounds- academic experts, medical experts and those directly involved in drug-related activities done by international agencies.

The serious increase of the victims from drug trafficking and addiction is not an embellished illusion by the mass or parties doing the research. Most of the agencies which already have to perform their main duties also have to bear with this extra workload as there are a lot of people who are in desperate need of humanitarian help and assistance. The Malaysian Royal Custom Department as the tax-remitting agency also has the duty to curb the drug issue in Malaysia. Dato' Zainul Abidin (personal communication, July 19, 2012) had stated:

*“..we have a lot of drug addicts now, actually if we calculate.. how much have we spent? We should have been able to accumulate the money for community welfare and charity. But we have to bear all this. For no reason actually. We spend so much money on that. How many millions. We have spent thousands on the land. also the prison. Actually we the Custom should be able to focus more on revenue, we forget about this drug. Nothing is handed to us Custom...we should have more time on.. but as this is a form of contract signed for the country, so like it or not you got to do. So, that is how I look at it, if we need to do this social contract.”.*

In regard of the overlapping duties between the agencies and government departments, immediate action has to be taken, to coordinate the tasks and responsibilities more clearly. The statements from the above informants are among suggestions and several approaches that are thought to be relevant and appropriate as to curb the threat of drugs in this country.

### **The Strategies and Approaches to Combat Illicit Drugs**

In Malaysia, the problem of increase in drug addiction and trafficking are interrelated with one another, for example the issue of drug addiction has its own relationship with drug trafficking problem. One of the terms that are normally used by the Royal Malaysia Police (RMP) is drug addicts who become drug traffickers or ‘addicts cum pusher’. The use of the term has classified many Malays to become both drug addicts and traffickers. In addressing the issues of drug trafficking and addiction, there are a number of strategies and approaches to be undertaken. One of the elements to address the issue of drug trafficking included the need to inculcate the ‘nationalism spirit’ approach onto the addicts and traffickers. The ‘nationalism spirit’ approach means strengthening the education system, incorporating various elements of humanistic approach such as loving the nation and communities to name a few. Despite various forms of education that have been implemented so far, their success rate however is not encouraging. In other words, holistically, various theories have been and are being used to address this issue but in practical, their implementation needs to be further improved on.

Meanwhile, in order to address the issue of addiction, there is a need for implementing the ‘social security’ approach coupled with continuing the policy of providing the necessary support for the existing victims. In addition, the approach needed to be introduced and implemented on a ‘multi-sectoral’ level so as to enable each approach that is being proposed to be implemented with full commitment from all parties involved. The ‘Social Security Concept’ needs

to be established to address the problems faced by the drug addicts as victims and ex-drug traffickers. Social security means that the Government provides a special budget to be allocated for preventing instances such as repeat addicts and traffickers and crimes to name a few from happening (Ahmad Nizar Ya'akob, personal communication, February 23, 2014). Economic or financial constraints faced by the ex-drug addicts and traffickers after being detained or within the time frame under detention and observation is an extremely important issue for them in ensuring their daily survival. With the implementation of the social security concept, there is a 'safety net' for the drug addicts as well as the ex-drug traffickers from the drug syndicates or groups that are obviously lacking in nationalism spirit (syndicate/drug traffickers).

The readily available policy still carries some weaknesses due to the inefficacy and lack of commitment from various parties when it comes to the enforcement. Coordination is non-existent between the enforcers, namely the government agencies and the NGOs. For agencies it is also proposed that a remote rehabilitation place is set up, like '*Kampung Baru*' or the 'One Stop Centre' during the Communism era a few decades ago. The provision of a place such as a specific area or 'new village' to place them would help in preventing them from re-engaging into the unwanted and unhealthy activities, in addition to ensuring the security of the communities from the threat to social security as mentioned. This is because the form of threats coming from the ex-addicts and traffickers can be prevented. By doing this, they can still be free to undertake their daily activities such as working etc. in the same community and in addition contribute towards generating the national economy.

## **Conclusion**

In conclusion, the issue of drug problem in Malaysia needs to be addressed more comprehensively through the existing National Drug Policy, as well as implementing the relevant actions that are suitable from time to time. Nonetheless, the drug issues faced by Malaysia at present is also being contributed by the borderless world (globalisation), especially by the non-state actors. The globalisation era of today has allowed the international drug trafficking syndicates to broaden their empires. Equally important, the information technology that is always progressing has made it possible for drug trafficking to further threaten and innovatively create various means of selling and spreading their items in the future. The information technology facilities are also misused for the purpose of selling and buying drugs. Additionally, the social media such as Facebook are also being abused to attract more local citizens to willingly become *drug mules*. Thus, as has been discussed, although the government has created laws and policies related to drugs, especially

the mandatory death sentence, these are still rendered ineffective as deterrent to the issue of drug trafficking and addiction in Malaysia. Youths, aged between 20 and 40 years old made up the largest group victimised by drug traffickers and addicts. It is proposed that the government adopts an approach that leans more towards human security (Human Capital). Although fundamentally, Malaysia has taken a swifter action on the national security to address drug trafficking and addiction issues, the human security approach stands prominent as one of the proposed measures to combat drug issues in this country.

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