

**DIFFERENCES IN THE PATTERN OF VIOLENT CRIMES BETWEEN ILLEGAL
IMMIGRANTS AND MALAYSIANS:
A COMPARATIVE STUDY OF CONVICTED OFFENDERS IN THREE
SELECTED PRISONS IN SABAH, MALAYSIA.**

by

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PERBEZAAN DI DALAM CORAK JENAYAH KEGANASAN DI ANTARA
PENDATANG TANPA IZIN DAN RAKYAT MALAYSIA: SATU KAJIAN
PERBANDINGAN DI KALANGAN PESALAH YANG TELAH DIHUKUM DI
TIGA PENJARA DI SABAH, MALAYSIA.

ABSTRAK

Kajian ini telah diperintis bermangkinkan kenyataan-kenyataan yang telah dibuat oleh pengubal-pengubal polisi yang mengatakan di negeri Sabah, pendatang tanpa izin lebih banyak terlibat dalam jenayah keganasan berbanding rakyat Malaysia. Justeru itu, kajian ini telah dihasilkan berlandaskan objektif-objektif berikut: (i) untuk menjelaskan corak jenayah keganasan di Negeri Sabah; (ii) untuk menjelaskan, variasi berkenaan corak jenayah keganasan di negeri Sabah; (iii) untuk menjelaskan, variasi faktor-faktor penyebab jenayah keganasan di antara pendatang tanpa izin dan rakyat Malaysia; (iv) untuk mengenalpasti faktor-faktor berkaitan jenayah keganasan di kalangan banduan di negeri Sabah.

Kajian ini merupakan kajian keratan lintang (*cross sectional*) dengan menggunakan strategi deduktif [berdasarkan lima teori iaitu Teori Pertalian Kawalan Sosial (*Social Control Bond Theory*), Teori Ketegangan (*Strain Theory*), Teori Perbezaan Asosiasi (*Differential Association Theory*), Teori Tumpuan Minat (*Focal Concerns Theory*) dan Teori Delikueni dan Apungan (*Delinquency and Drift Theory*)] serta strategi abduktif. Kajian ini mencakupi populasi banduan di negeri tersebut iaitu seramai 219 orang. Kesemuanya telah dijatuhkan hukuman dan dipenjarakan di tiga buah penjara di negeri Sabah iaitu di bandar Kota Kinabalu, Tawau dan Sandakan. Mereka merupakan banduan yang telah dihukum melakukan satu atau lebih daripada lima jenis jenayah keganasan berikut iaitu membunuh, cuba membunuh, merogol, menyamun atau menyebabkan cedera parah ke atas seseorang.

Data kajian dikumpul dengan menggunakan kaedah berikut; (i) Borang soalselidik (*self-administered standard structured questionnaires – SASSQ*); (ii) temuduga

terperinci (*in-depth face-to-face interviews*); dan (iii) analisa kandungan dokumen. Data telah dianalisa menggunakan analisa data berkomputer (*Social Science Statistical Package software-SPSS*) versi 12.5. Penganalisaan pembolehubah *di* dan *tri* menggunakan jadual kontigensi (*di and tri variable cross tabulation analyses*) telah digunapakai untuk melihat corak yang terhasil bagi menjawab soalan-soalan kajian 1, 2 dan 3. Soalan kajian keempat, telah dianalisa dengan mengunapakai kaedah ujian χ^2 .

Hasil keseluruhan kajian ini mendapati bahawa; (i) pendatang tanpa izin boleh dikaitkan dengan kebanyakan dari jenayah keganasan di negeri Sabah; (ii) jenayah terancang lebih melibatkan pendatang tanpa izin berbanding rakyat Malaysia, (iii) kawasan pendalaman (*rural area*) di dapati boleh dikaitkan dengan penjenayah yang terlibat dengan jenayah keganasan; (iv) lebih banyak perbezaan berbanding persamaan dari segi faktor-faktor yang boleh dikaitkan dengan jenayah keganasan antara pendatang tanpa izin dan penduduk Malaysia; dan (v) kelima-lima teori yang telah digunapakai didapati lemah dan kurang mampu untuk menerangkan punca-punca berlakunya jenayah keganasan secara keseluruhan di negeri Sabah. Teori-teori yang digunapakai misalnya, Teori Pertalian Kawalan Social hanya dapat menerangkan tentang jenayah rogol dan samun serta menjelaskan jenayah bunuh secara lemah. Teori Ketegangan pula, hanya mampu menerangkan mengenai jenayah rogol dan bunuh sahaja. Teori Asosiasi Kebezaan mampu menerangkan tentang jenayah samun sahaja sementara Teori Tumpuan Minat, langsung tidak boleh menjelaskan mana-mana jenayah keganasan yang dikaji. Sebaliknya, Teori Delikuensi dan Apungan, didapati mampu menerangkan mengenai jenayah-jenayah bunuh, rogol, samun dan menyebabkan cedera parah kecuali jenayah cuba bunuh.

Impikasi yang amat ketara dapat diterjemahkan daripada kajian empirikal ini adalah teori teori bersifat tempatan perlu dibangunkan memandangkan teori-teori luar yang digunakan untuk menguji fenomena dalam konteks tempatan hanya mampu memberikan penjelasan yang lemah dan tidak menyeluruh.

Kata kunci ; Jenayah keganasan, Rakyat Malaysia, Pendatang Tanpa Izin, Sabah

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ILLEGAL IMMIGRANTS AND MALAYSIANS:
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SELECTED PRISONS IN SABAH, MALAYSIA.**

ABSTRACT

This study was prompted by lamentations of policymakers that illegal immigrants, not Malaysians, are associated with most of the violent crimes committed in the state of Sabah. This study was conducted to meet the following objectives: (i) to describe the patterns of violent crimes in Sabah; (ii) to describe the variations in violent crime patterns between illegal immigrants and Malaysians (iii) to describe the variations in terms of contributory factors related to violent crimes between illegal immigrants and Malaysians (iv) to identify the factors associated with violent crimes amongst convicted offenders.

A cross sectional study adopting the *deductive* strategy (based on five theories namely Social Control Bond Theory, Strain Theory, Differentiation Association Theory, Focal Concerns Theory and Delinquency and Drift Theory) and the *abductive* strategy was carried out. This was a population study of 219 inmates who were convicted and imprisoned in the three prisons in Sabah (Kota Kinabalu Prison, Tawau Prison and Sandakan Prison) for committing one or more of the following five types of violent crimes: murder, attempted murder, rape, robbery or assault.

Data were collected using three tools: (i) self-administered standard structured questionnaires (SASSQ); (ii) in-depth interviews and (iii) document content analysis. Data analyses were done using the Social Science Statistical Package software (SPSS version 12.5). *Di* and *tri* variable cross tabulation analyses were used to highlight

pattern variables that were meaningful to answer research questions 1, 2 and 3. As for research question 4, the χ^2 test was used.

The findings of this study indicate that (i) illegal immigrants are associated with most of the violent crimes that were committed in Sabah; (ii) organised crime is more a feature of illegal immigrants than Malaysians; (iii) high-density rural areas tend to be associated with violent offenders; (iv) there were more differences than similarities in the factors that associated with violent crime between illegal immigrants and Malaysians and; (v) theories that were used to guide this study were useful, although not fully capable of identifying factors associated with violent crime. For example, the Social Control Bond Theory has an association to rape, robbery and least associated with murder. The General Strain Theory has an association to rape and murder. Differentiation Association Theory has an association to robbery only whereas Theory of Focal Concerns was not associated to any type of violent crime. On the other hand, Theory of Delinquency and Drift has an association with all types of violent crimes except attempted murder.

The most obvious implication of this study is that, it represents another addition to the growing roster of studies that have offered up empirical support to the need for locally grown theories. These results may also be interpreted as providing at least partial support for the five criminological theories that were used in this study.

Key Words: Violent crime, Malaysians, Illegal immigrants, Sabah

CHAPTER I

THE RESEARCH PROBLEM

1.1 Introduction

The government was gravely concerned about the discovery of dangerous weapons, during the crackdown on illegal immigrant squatter settlements in Sabah. Indonesians were the worst offenders in serious crimes, such as rape, murder and robbery (Malaysia reveals full extent of aggressive crackdown on immigrants, 2002).

A more compelling reason is the belief that immigrants are responsible for a great deal of crime (Malaysia to expel illegal immigrants, 2002).

The incomers are causing more crime and other social problems and he said he would propose increasing the punishment for illegal aliens into the country" accused Deputy Prime Minister Abdullah Badawi (Malaysia's illegal immigrants face cane, 2001)

Deputy Prime Minister Datuk Seri Abdullah Badawi told the Dewan Rakyat Tuesday that the recent discovery of dangerous weapons at the illegal immigrant squatter settlements in Sabah was a matter of grave concern to the Government. The discovery could lead to many interpretations and probably they wanted to use them to carry out criminal activities, as there were illegal immigrants who had been found to commit crime in Sabah. (Daily Express, 13th March 2002).

As quoted above, the leadership and policymakers of Malaysia have obviously indicated grave concern over the issues of illegal immigrants in the state of Sabah. Strong controversial claims have been made through the media that many of these illegal immigrants are responsible for various social problems not only in Sabah but in Malaysia in general. Furthermore, an analysis based on police crime statistics shows that illegal immigrants are responsible for large numbers of violent crimes committed in Sabah.

1.2 The Theme of This Study

The theme of this study is focused on violent crimes committed by both illegal immigrants and Malaysians in Sabah. This pressing scenario of crime or violent crime for that matter is not just an isolated phenomenon in the state of Sabah but also has been affecting people globally. It is said that one of the most striking characteristics of

global societies in recent years is the escalation of violence that has permeated our daily lives, and in many cases, has changed our lives forever (Annual NCIH, 1995). The Annual Conference of the National Council for International Health (NCIH) has further affirmed that many cities all over the world are the loci of various forms of violence. It is a complex phenomenon, its causes are multidimensional and its consequences have ramifications far beyond the immediate perpetrators and victims. According to McKendrick and Hoffman (1990), violence breeds upon itself, and its insidious influence reaches out not only to every corner of present society but also into the future, for today's violence is the seed from which tomorrow's violence will grow.

Thus, the numerous claims made by policymakers in the media about crime in Sabah indicate the importance of and the need for a scientific investigation on violent crimes in this state in order to depict a clearer picture of the actual situation.

1.3 Geography and Demographic Background

Sabah is popularly known as "The Land Below The Wind". It was once known as North Borneo, under the British colonialists from the late 19th century to early 20th century. It changed its name to Sabah after gaining independence through Malaysia on 16th September 1963. Sabah is the second largest state in Malaysia behind Sarawak and it is situated in the northern part of Borneo, which is the third biggest island in the world. As shown in figure 1.1 below, it is bordered by Sarawak on its southwestern side and Kalimantan (Indonesian Borneo) to the south. Sabah has a coastline of approximately 1440 km and with the South China Sea in west and north, the Sulu Sea in the northeast and the Celebes in the east. Sabah's total land area is 76,115 sq km (29,388 sq miles) (Philippines' Claim to Sabah, 2003).

The result of a national census conducted in 2001, revealed that Sabah had a population of 2.44 million compared with 1.73 million in 1991, an increase of 3.83% per

annum. The population increase in Sabah is largely due to immigration of foreigners. There were 600,000 foreigners in Sabah out of its 2.44 million populations (Department of Statistics, 2001). This is largely contributed to the influx of transient workers and illegal immigrants from the southern Philippines and Indonesia (About Sabah, 2003).



Figure 1.1 Map of Sabah Showing the Three Main Cities Where Data was Collected

1.3.1 Migration Background

Before looking at issues concerning violent crime, it is prudent to first present the background on immigration into Malaysia¹ in general. This is done in order to ground the problem of immigrants (who are part of the problem) being linked to violent crime.

Immigrants into Malaysia hail mainly from countries within South East Asia (Mantra and Haris, 1997). Of all migrants, the majority hail from Indonesia. Indonesian immigration

¹ Malaysia is referring to Peninsular Malaysia, Sabah and Sarawak.

(legal and illegal) to Malaysia has been an on-going process prior to World War II. After the war, the British colonial government established plantations and harbours. This was an endeavour to exploit the resources in Peninsular Malaysia, Sabah and Sarawak. However, due to the low quality and shortage of local manpower, they faced the problem of insufficient labour to implement these processes. In order to solve this problem, the British adopted an open door policy that attracted labourers from areas like South China, the Philippines, India and Indonesia into Malaysia. This was the first time that Malaysia was confronted with the problem of multi-ethnicity (Mantra and Haris, 1997).

Following these post war British economic activities and the rapid development of Malaysia subsequently, people within the sub region of Asia have been migrating into the greener pastures of Malaysia. Many of the migrants are known to have had relatives from permanent settlements in Malaysia. One factor, which has facilitated the increased rate of immigration into Malaysia, is that many of these pioneer immigrants still maintain contacts with people in their countries of origin and that constitutes a very important source of information about the availability of job opportunities in Malaysia. Besides helping new arrivals to settle down and seek jobs, the pioneers assist by obtaining the required documents from local authorities, namely entry permits to visit relatives in Malaysia. This also misleads the intending migrants into believing that their entry into the country is legal which is a common problem with the Indonesian migrant workers of East Flores and Bawean Island (Mantra, 1998).

New migrants usually enter Malaysia in the company of those who have just travelled from Malaysia to their country of origin, who, when returning to Malaysia, use routes and tricks to avoid trouble with the authorities. This flow declined during the war but increased again when the relationship between the governments stabilized (Mantra and Haris, 1997).