

# 'COMPENSATION CLAIM WILL BE A DETERRENT'

Prospect of both criminal penalties and financial liability will make roads safer, says expert

NOEL ACHARIAM  
KUALA LUMPUR  
news@nst.com.my

**A** PROPOSAL by the Transport Ministry to amend the Road Transport Act to make reckless drivers pay compensation to victims could make roads safer.

Universiti Putra Malaysia Road Safety Research Centre head Professor Dr Law Teik Hua said this system would boost deterrence.

He said the proposal calls for heavy financial penalties on top of criminal punishments such as fines, imprisonment and licence suspension.

He said the twin threat of criminal penalties and direct financial liability would force drivers to be more cautious.

"However, deterrence relies not just on how severe a penalty is, but also on how certain and swift it is.

"The real impact on driver behaviour will depend on consistent enforcement, active prosecution and widespread public awareness of the steep financial obligations."

He said the proposal was meant to offer an alternative, faster route to relief rather than replace civil remedies.

"The advantage here is speed. Once a driver is found guilty of dangerous or reckless driving causing death or serious injury, they can be ordered to compensate the victim right away.

"This cuts out the need to initiate civil proceedings, which typically drag on for several years."

He said even if a court-ordered payout is deemed insufficient, victims could still pursue the balance through civil suits, unless the amendment explicitly bans it.

On the practical challenge of securing payouts from insolvent or bankrupt offenders, Law said courts could not demand money that simply does not exist.

"If an offender has no funds,

claimants will have to look at options like motor insurance payouts, seizing the offender's personal assets or court-ordered installment plans.

"While some countries have government-managed funds to compensate victims of uninsured or insolvent drivers, Malaysia does not yet have a comprehensive fund of this kind."

He said receiving a criminal court payout should not block victims from seeking further damages in civil court.

"This serves as a fast-track financial lifeline to help victims avoid exhausting civil procedures. If the court's award falls short of the victim's actual needs, the door remains open for civil action to recover the balance.

"However, any subsequent civil claim would be reduced by the amount already received from the criminal court."

Yesterday, Transport Minister Anthony Loke told the Dewan Rakyat the proposed amendments would empower the courts to order offenders to pay compensation to victims or their next of kin.

He said the court would take into account factors such as the severity of the injuries or loss of life, the losses suffered and the offender's ability to pay.

Lawyer Datuk Joy W. Appukuttan said it was unclear how the government planned to merge personal injury claims, which are civil matters, into criminal cases.

"There are fundamental differences between civil and criminal proceedings. For one, the burden and standards of proof are completely different.

"In civil cases, it is based on a balance of probabilities, while in criminal cases, it must be proven beyond a reasonable doubt."

He said while this system is not new, in Malaysia it must be guided by its effectiveness.

"In the United Kingdom, laws allow criminal courts to grant compensation, but this does not preclude a victim from also pursuing a civil lawsuit for personal injury against the offender.

"Any review of our laws must be weighed carefully and not rushed through out of urgency. Otherwise, the driver may end up being the victim as well."