

Malaysian Judicial Appointments

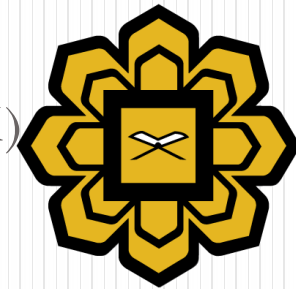
Commission and Independent Judiciary: A Change We Believe in

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Introduction

- Ensure capable and independent judge
- appointment

Problem in Judiciary

- Political intervention
- Perceived corruption

The Judicial Appointment Process

- The Federal Constitution provides that judges of the High Courts, the Court of Appeal and the Federal Court are to be appointed by “the Yang di-Pertuan Agong, acting on the advice of the Prime Minister, after consulting the Conference of Rulers”.
- For judges other than the Chief Justice, the Prime Minister should consult the Chief Justice before tendering his advice

Proposal for Change

- irregularity in appointment and promotion of judges.
- The Judicial Appointment Commission Act 2009 received its Royal Assent in January 2009.
- The Commission consists of five serving judges and four “*eminent persons*”.
- The function is only to propose candidates for the Prime Minister to consider
- Additional qualification: The 2009 Act provides that the Commission has to consider, among others, integrity, competency, impartiality, moral character, legal writing skill and case management

Conclusion