CONSTITUTIONAL LAW AND HUMAN RIGHTS IN MALAYSIA

Selected Issues

KHAIRIL AZMIN MOKHTAR

IIUM PRESS
INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA
CONSTITUTIONAL LAW AND HUMAN RIGHTS IN MALAYSIA
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IUMM Press
Table of Contents

Preface i
Table of contents v
Table of Cases x
Table of Statutes xiv

CHAPTER 1
The Civil Service and The Doctrine of Holding Office at Pleasure
Nik Mohd Kamal 1

CHAPTER 2
Crown Privilege Under The Common Law and The Evidence Act
Mohd. Akram Bin Shair Mohamed 25

CHAPTER 3
The Role of Judicial Review in Malaysia as a tool of Check and Balance under The Doctorine of Separation of Powers
Khairil Azmin and Siti Aliza Binti Alias 45

CHAPTER 4
The Accountability and Integrity of the Judiciary
Faridah Jalil 71

CHAPTER 5
Contempt of Court and a Chilling Effect on Freedom of Speech and Expression: Rethinking the Malaysian Courts’ Attitude in Striking a Balance
Shukriah Mohd Sheriff 99

CHAPTER 6
The Price of Access to Justice: Adversial Costs in Public Interest Litigation
Abu Haniffa Mohamed Abdullah 123

CHAPTER 7
Functions and Privileges of the Malaysian Parliament: An Overview
Khairil Azmin Mokhtar 143
CHAPTER 8
The Election Commission: History and Functions
Tengku Mohar Mokhtar 169

CHAPTER 9
Elected Members and the Right to Change Party
Muhd Umar Abd Razak 193

CHAPTER 10
The Status, Scope and Application of Islamic Law in the Federal Framework and the Legal System of Malaysia and Nigeria
Khairil Azmin Bin Mokhtar and Mr Abdulmumini A. Oba 213

CHAPTER 11
The General Principles of Good Governance in Public Administration in Malaysia: A Judicial Approach
Ibrahim Ismail 239

CHAPTER 12
The Malaysian Constitution, Political Party and Party System
Wahabuddin Ra'ees 260

CHAPTER 13
Living in Limbo: Constitutional and Legal Issues of Unregistered Birth
Nor Hafizah Binti Mohd Badrol Afandi 277

CHAPTER 14
Establishing an Effective Coordination Mechanism between Federal and State for Promoting Good Governance and Achieving Sustainable Land Administration for Malaysia
Ainul Jaria Maidin 293

CHAPTER 15
Right to Development as a Human Right: A Challenge to Malaysia
Salawati Mat Basir 333
CHAPTER 16
The Rights of the Orang Asli under the Federal Constitution of Malaysia
Hamimah Hamzah and Humud Abia Kadouf

CHAPTER 17
The Rights to Health: Guidance from International Human Rights Law and Experience from Other Countries
Husna Fauzi

CHAPTER 18
Rights of Persons with Disabilities - The ‘Almost forgotten’ Protection under the Malaysian Federal Constitution
Ikmal Hisham Md. Teh

CHAPTER 19
Basic Principles and Constitutional Legal Framework of Freedom of Information
Juriah

CHAPTER 20
Right to Privacy in Malaysia: Development, Cases and Commentaries
Sonny Zulhuda

CHAPTER 21
Eliminating Slavery and Combating Human Trafficking in Malaysia: The Relevant Constitutional Provisions and Domestic and International Laws
Khairil Azmin Mokhtar

CHAPTER 22
Gender Equality under Article 8 of the Federal Constitution: Beatrice A/P at Fernandez V Sistem Penerbangan Malaysia Revisited
Siti Aliza Binti Alias
CHAPTER ELEVEN

The General Principles of Good Governance in Public Administration in Malaysia: A Judicial Approach

Ibrahim Bin Ismail

Introduction

The expression ‘good governance’ has been constantly used lately in both public sector as well as private sector. In the context of a private body it should be within the framework of the statute, which governs the body and also its constitution. In the public sector, it means that the administrators should not abuse and misuse the power given to them. They are regarded as the trustees of the public at large. The focus of this paper is on good public governance in the public sector or to be exact, good governmental administration as interpreted by the judiciary especially through its judicial review power.

It would be wise for this paper to elaborate on certain key words appearing in the topic. The word ‘governance’ comes from the word ‘govern’ and has several meanings. First, it means rule by authority; conduct policy and affairs of State; and secondly, the activity or manner of governing; action, manner, power of governing. Technically, governance means the process of decision-making and the process by which decisions are implemented (commission) or not implemented (omission). Legally, it means the management and administration of a body should be within the boundary of legal frameworks.