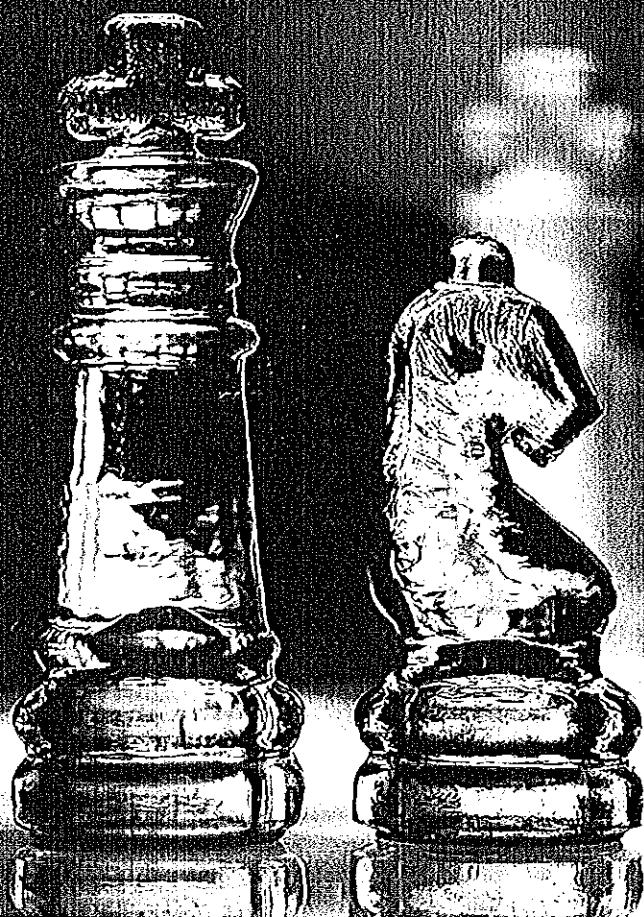


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General Editor
Ashgar Ali Ali Mohamed



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*with best wishes
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CHAPTER CRIMINAL PROCEDURE¹

22

22.1 CRIMINAL PROCEDURE

In Malaysia, the criminal procedures shall apply to all the Penal Code offences but subject to any written law which provides to the contrary.² Criminal procedure was governed by four separate codes, namely the Criminal Procedure of the Federated Malay States, the Criminal Procedure of the Straits Settlements, the Criminal Procedure of Sabah and the Criminal Procedure of Sarawak. At present criminal procedures are tried in the main by the Criminal Procedure Code.³

22.1.2 Criminal Procedure: Adjective or Substantive Law?

Adjective law is sometimes called as remedial law because it includes those parts of the law which are concerned with the enforcement of the law and the process of seeking relevant relief from the court. It is the procedure by which rights are enforced and wrongs are being redressed. This law sets out the procedure for obtaining a decision according to substantive law.

On the other hand, substantive laws refer to both private laws and public laws. This means the part of the law that creates, defines, and regulates rights for example law of contract, law of torts and more. It refers to the body of rules that determine the rights and obligations of individuals and collective bodies.⁴

1 This chapter is contributed by Mohamad Ismail b. Mohamad Yunus.

2 Criminal Procedure Code, s. 3.

3 Act 593. Hereinafter referred to as the 'CPC'.

4 Abdul Rani and Halim Sidek, *Pre-trial Process in Criminal Proceedings* (International Law Book Services, 2002).