

MALAYSIAN LEGAL SYSTEM

General Editor

Ashgar Ali Ali Mohamed

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CONTENTS

Preface	i	2.3.2 Common Classification	40
Foreword	iii	2.3.2.1 National Law	40
Abbreviations	v	2.3.2.1.1 Public Law	42
Contributors	vii	2.3.2.1.2 Private Law	45
Table of Cases	xiii	2.3.2.2 International Law	49
Table of Legislation	xli	2.4 Substantive Law And Procedural Law	52
CHAPTER 01		2.4.1 Substantive Law	52
MALAYSIAN LEGAL SYSTEM: AN INTRODUCTION	1	2.4.2 Procedural Law	53
1.1 Law And Legal System	1	2.5 Criminal Law And Civil Law	53
1.2 Malaysian Legal History	5	2.5.1 Criminal Law	54
1.3 Colony And A Protectorate Or Protected State: The Distinction	10	2.5.2 Civil Law	54
1.4 Malaysian Legal System: Chapterisation	12	2.6 Federal Law And State Law	55
		2.6.1 Federal Law	55
		2.6.2 State Law	55
CHAPTER 02		CHAPTER 03	
LAW: FUNCTIONS, CLASSIFICATIONS AND DIVISIONS	33	MAJOR LEGAL SYSTEMS IN THE WORLD	57
2.1 Introduction	33	3.1 Introduction	57
2.2 Definition Of Law	33	3.2 Civil Law System	58
2.2.1 Juristic Definition	33	3.3 Common Law System	59
2.2.2 Statutory Definition	36	3.4 Islamic Legal System (Syariah)	63
2.3 Classification Of Law	38	3.5 Mixed Legal Systems	70
2.3.1 Classical Classification	38	3.6 Adversarial System v. Inquisitorial System	72
2.3.1.1 Eternal Law (Lex Aeterna)	38		
2.3.1.2 Divine Law (Lex Divina)	38	CHAPTER 04	
2.3.1.3 Natural Law (Lex Naturalis)	39	THE DOCTRINE OF RECEPTION	79
2.3.1.4 Man-made Law (Lex Humana)	39	4.1 Introduction	79
		4.2 Acquisition Of Territory In International Law	80

4.3	The Doctrine Of Reception	83	7.3	The Malay States Were Sovereign States	129
4.4	Settled Or Ceded Territory: The Distinction	84	7.4	British Intervention And Reception Of English Law In The Federated Malay States	131
4.5	Modern International Law No Longer Favourable To Colonialism	87	7.5	Reception Of English Law Into The Federated Malay States	132
4.6	Conclusion	88	7.5.1	Informal Reception: The Residential System	132
CHAPTER 05			7.5.2	Formal Reception: Civil Law Enactment 1937	135
DOCTRINE OF TERRA NULLIUS: A REVIEW OF MABO & ORS v. QUEENSLAND (NO. 2) CASE		89	7.6	British Intervention And Reception Of English Law In The Unfederated Malay States	136
5.1	Introduction	89	7.6.1	Informal Reception	136
5.2	Reception of Common Law	90	7.6.2	Formal Reception: 1951 Civil Law (Extension) Ordinance	138
5.3	Doctrine of Terra Nullius	94	7.7	Administration Of The Malay States	139
5.4	The History of Australia and Mabo Case	96	7.8	Impact Of British Colonisation On Local Law	139
5.5	Conclusion	102	7.9	Conclusion	142
CHAPTER 06			CHAPTER 08		
RECEPTION OF ENGLISH LAW IN THE STRAITS SETTLEMENTS		103	RECEPTION OF ENGLISH LAW IN SABAH AND SARAWAK		
6.1	Introduction	103	8.1	Introduction	143
6.2	Brief History Of The Straits Settlements	104	8.2	Brief History on the Colonial Rules in Sabah and Sarawak	144
6.3	Brief Historical Account Of The Legal Administrations In Penang	108	8.3	The Reception of English Law in Sabah and Sarawak	146
6.4	Formal Introduction And Reception Of The English Law In The Straits Settlements	111	8.3.1	Reception of English Law in Sarawak	147
6.5	Conclusion	126	8.3.2	Reception of English Law in Sabah	152
CHAPTER 07			8.4	Conclusion	154
RECEPTION OF ENGLISH LAW INTO MALAY STATES		127			
7.1	Introduction	127			
7.2	The Legal System Before British Intervention	127			

CHAPTER 09		10.6.9 Special Provisions On Subversion And Emergency	195
CURRENT APPLICATION OF ENGLISH LAW: SECTIONS 3, 5 AND 6 OF THE CIVIL LAW ACT 1956	155	10.6.10 Citizenship	195
9.1 Introduction	155	10.6.11 Federal And State Relationship	197
9.2 Civil Law Act 1956 (Act 67)	157	10.6.12 Special Provisions For Sabah And Sarawak	198
9.2.1 Section 3 Of The Civil Law Act 1956 - General Application Of English Law	157		
9.3 Conclusion	176	CHAPTER 11	
		LEGISLATION	199
CHAPTER 10		11.1 Separation Of Power In Malaysia	199
FEDERAL AND STATE CONSTITUTIONS	177	11.2 Written Law	201
10.1 Introduction	177	11.3 Structure Of Parliament	204
10.2 Malaysian General Structure	177	11.4 Distribution Of Legislative Powers	205
10.3 What Is Constitution	178	11.5 Types Of Bills	208
10.4 Brief History Of Malaysian Constitutions	179	11.6 Legislative Process In Malaysian Parliament	210
10.5 State Constitutions	184	11.7 Royal Assent	212
10.6 Features Of Federal Constitution	184	11.8 Constitution Amendment Bills	214
10.6.1 Supremacy Of The Constitution	184	11.9 Withdrawal Of Bills	216
10.6.2 Constitution Creates Organs Of Government	185	11.10 Gazette	217
10.6.3 Constitutional Monarch	187	11.11 Date Of Law Coming Into Force	218
10.6.4 Parliamentary Democracy	190	11.12 Retrospective Legislation	218
10.6.5 Fundamental Liberties	191	11.13 Subsidiary Legislation Or Delegated Legislation	220
10.6.6 Islam Is The Religion Of The Federation	191	11.14 Judicial Control Of Subsidiary Legislation	222
10.6.7 Malay Privileges And Legitimate Interests Of Other Races	193	11.15 Delegatus Non Potest Delegare	227
10.6.8 Constitutional Amendment	193	11.16 Amending Or Revoking A Subsidiary Legislation	227
		11.17 Subsidiary Legislation May Be Retrospective	228

CHAPTER 12

STARE DECISIS AND RATIO DECIDENDI	229
12.1 Doctrine Of Stare Decisis	229
12.1.1 Application In England	237
12.1.2 Application In Malaysia	239
12.2 Adherence To Stare Decisis In The Interest Of Certainty And Finality Of Law	243
12.3 Decisions Offending Stare Decisis And Its Effect: An Illustration	249
12.3.1 Supreme Court's Decision In Chan Chin Min & Anor v. Lim Yok Eng	249
12.3.2 Federal Court's Decision In Adorna Properties Sdn Bhd v. Boonsom Boonyanit	252
12.3.3 Federal Court In Metramac Corporation Sdn Bhd v. Fawziah Holdings Sdn Bhd	255
12.4 Adherence To Precedent: A Rule Rather Than Exception	258
12.5 Re Hj Khalid Abdullah: A Review	261
12.6 Jurisdiction And Power Of The Federal Court To Reopen, Rehear And Re-examine Its Previous Decision	274
12.7 Ratio Decidendi	285
12.8 Obiter Dicta	296
12.9 Conclusion	299

CHAPTER 13

STARE DECISIS FROM SYARIAH PERSPECTIVE	301
13.1 Introduction	301
13.2 Status Of Judicial Precedent In Syariah	302
13.3 Legal Maxim 'Ijtihad Cannot Be Revoked By Another Ijtihad': The Meaning Of	305
13.4 The Origin And Proof Of The Legal Maxim	305
13.5 The Scope Of The Legal Maxim	306
13.6 The General Rule Of The Legal Maxim	307
13.7 The Application Of The Doctrine Of Judicial Precedent In Syariah Courts	308
13.7.1 Malaysia	309
13.7.2 Nigeria	311
13.7.3 Pakistan	315
13.8 Conclusion	316

CHAPTER 14

ISLAMIC LAW	319
14.1 Islam: An Overview	319
14.2 Islamic Law Or 'Syariah'	321
14.3 Syariah In Malaysia	326
14.4 Islam In The Federal Constitution	332
14.5 Syariah Courts	339
14.6 Administration Of Islamic Law (Federal Territories) Act 1993	349

CHAPTER 15	
CUSTOMARY LAW	351
15.1 Definition Of Customary Law	351
15.2 The Historical Background Of The Legal Recognition Of Customary Law By Court In Malaysia	355
15.2.1 Straits Settlements	355
15.2.2 The Malay States	357
15.2.3 Borneo States	358
15.3 Customary Laws In Malaysia	359
15.3.1 Malay Customary Law (Adat)	359
15.3.2 Chinese Customary Law	365
15.3.3 Hindu Customary Law	367
15.3.4 Orang Asli Customary Law	371
15.4 Conclusion	376

CHAPTER 16	
THE LAW REFORM (MARRIAGE AND DIVORCE) ACT 1976 AND ITS EFFECTS ON NON MUSLIMS CUSTOMARY LAWS ON FAMILY MATTERS	377
16.1 Introduction	377
16.2 Position Before The Law Reform (Marriage And Divorce) Act 1976	378
16.3 Law Reform (Marriage And Divorce) Act 1976	383
16.4 Importance Of Registration Of Marriage	384
16.5 Legal Effect Of Registration	385
16.6 Conclusion	390

CHAPTER 17	
JURISDICTION AND POWERS OF THE CIVIL COURTS	391
17.1 Introduction	391
17.2 Hierarchy Of Courts In Malaysia	394
17.3 Jurisdiction And Powers Of The Civil Courts	396
17.3.1 Special Court	396
17.3.1.1 Cases Adjudicated And/Or Transferred To Special Court	398
17.3.2 Federal Court	400
17.3.3 Court Of Appeal	402
17.3.4 High Court	404
17.3.5 Sessions Court	414
17.3.6 Magistrate Court	414
17.4 Summary Of Jurisdiction	415

CHAPTER 18	
SPECIFIC COURTS AND TRIBUNAL	433
18.1 Introduction	433
18.2 Syariah Courts	434
18.3 Industrial Court	439
18.4 'Labour Court'	446
18.5 Native Court Of Sabah	457
18.5.1 Native Court Of Appeal	457
18.5.2 District Native Court	458
18.5.3 Native Court	459
18.6 Native Courts In Sarawak	461
18.6.1 Native Court Of Appeal	463
18.6.2 Resident's Native Court	463
18.6.3 District Native Court	464
18.6.4 Chief's Superior Court	465
18.6.5 Chief's Court	467
18.6.6 Headman's Court	467

18.6.7 Powers To Sarawak Native Courts To Impose Penalties	467		
18.6.8 Imprisonment In Default Of Penalty	468		
18.7 Tribunal For Consumer Claims	468		
18.8 Tribunal For Homebuyer Claims	472		
CHAPTER 19		CHAPTER 20	
ROYAL COMMISSION OF INQUIRY	477	STATUTORY INTERPRETATION	489
19.1 Introduction	477	20.1 Introduction	489
19.2 The Basic Functions Of The Royal Commission Of Inquiry	479	20.2 Intrinsic Aids	490
19.3 Legal Status On Holding Royal Commission Of Inquiry In Malaysia	480	20.3 Extrinsic Aids	498
19.4 Establishment Of The Royal Commission Of Inquiry	482	20.4 Judicial Principles Governing Statutory Interpretation	502
19.5 Terms Of Reference For The Establishment Of The Royal Commission Of Inquiry	483	20.4.1 The Literal Approach	503
19.6 The Powers Of The Commissioner Stipulated In The Royal Commission Of Inquiry	483	20.4.2 The Golden Approach	516
19.7 Findings Of The Royal Commission Of Inquiry	484	20.4.3 The Mischief Approach	521
19.8 Challenging The Findings Of A Commission Of Inquiry	485	20.4.4 The Purposive Approach	527
19.9 Issues Surrounding The Royal Commission Of Inquiry	487	20.5 When Do Statutory Provisions Have To Be Interpreted?	544
19.20 Conclusion	488	20.6 Particular Rules Of Interpretation	546
		20.7 Presumptions	561
		20.7.1 The Doctrine Of State Immunity	561
		20.7.2 The Presumption Against Retrospective Legislation	561
		20.7.3 The Presumption Against Barring The Individual From The Courts	565
		20.7.4 The Presumption Against Taking Away Property Without Compensation	568
		20.7.5 The Presumption Against The Alteration Of Common Law Doctrines Unless A Statute Expressly States That To Be The Case	569
		20.7.6 If A Statute Is Silent As To Mens Rea, (Criminal Intent), Mens Rea Is Required	569

CHAPTER 21		CHAPTER 22	
CIVIL PROCEDURE	571	CRIMINAL PROCEDURE	593
21.1 What Is Civil Procedure	571	22.1 Criminal Procedure	593
21.2 Law Regulating Civil Procedure	571	22.1.2 Criminal Procedure: Adjective Or Substantive Law?	593
21.3 Preliminary Matters	573	22.2 The Meaning Of Mandatory And Directory	594
21.3.1 The Cause Of Action	573	22.3 Due Process	596
21.3.2 Identifying The Appropriate Court And Its Jurisdiction	574	22.4 Roles Of The Police	597
21.3.3 Parties And Proceedings	577	22.5 Constitution Of The Police Force	597
21.3.4 Limitation Period	578	22.6 General Duties Of Police Officers	598
21.4 Commencement Of Civil Suit	581	22.7 Duty To Investigate Under CPC	600
21.4.1 Service Of Documents Locally And Abroad	582	22.8 Preventive Action	602
21.4.2 Entering An Appearance And Failure To Enter Appearance	583	22.8.1 Police To Prevent Seizable Offences	602
21.4.3 Pleadings And Judgment In Default Of Pleadings	583	22.8.2 Information Of Design To Commit Seizable Offences	603
21.5 Interlocutory Proceedings	584	22.8.3 Arrest To Prevent A Seizable Offences	603
21.6 Preventive Reliefs	587	22.9 Prevention Of Injury To Public Property	604
21.7 Security For Costs	587	22.10 Arrest	605
21.7.1 Pre Trial Procedure	586	22.10.1 What Constitutes An Arrest?	605
21.7.2 Pre Trial Case Management	587	22.10.2 Constructive Arrest	606
21.7.3 Trial And Judgment	587	22.10.3 Actual Arrest	607
21.7.4 Enforcement Of Judgments	588	22.10.4 Non Arrest	609
21.8 Appeal	590	22.10.5 Degree Of Force Used In Affecting An Arrest	611
21.9 Costs	591	22.10.6 Using Of Handcuff	611
21.10 Conclusion	592	22.10.7 Resistance By The Accused	612

22.10.8 Persons Who May Arrest	612	CHAPTER 24	
22.10.8.1 Arrest By Police Officer And Penghulu	613	ALTERNATIVE FORMS OF DISPUTE RESOLUTION	641
22.10.8.2 Arrest By Private Person	618	24.1 Introduction	641
22.10.8.3 Arrest By Magistrate Or Justice Of The Peace	619	24.2 Dispute Resolution Vide Litigation: The Constrains	641
22.11 Charges	620	24.2.1 Litigation Costs	645
22.11.1 Objectives Of Charges	620	24.3 Mediation	647
22.11.2 General Principles	621	24.4 Settlement Agreement	654
22.12 Sentencing	622	24.5 Arbitration	655
22.12.1 Purposes Of Sentencing	622	24.5.1 Arbitration: Definition	657
22.12.2 Retribution	622	24.5.2 Arbitration Agreement	658
22.12.3 Deterrence	623	24.5.3 Arbitrator	659
22.12.4 Rehabilitation	624	24.5.4 Appointment Of An Arbitrator	661
		24.5.5 Arbitration Proceeding	662
		CHAPTER 25	
CHAPTER 23		THE JUDICIARY AND THE BAR (CIVIL SYSTEM)	675
EVIDENCE	625	25.1 Introduction – The Malaysian Judiciary	675
23.1 Introduction	625	25.2 The Malaysian Judicial Structure	678
23.2 The Litigation Process	628	25.2.1 Superior Court Judges	679
23.3 Evidence	629	25.2.2 The Subordinate Court Judge	683
23.4 Facts In Issue	630	25.3 Jurisdiction Of Malaysian Courts	685
23.5 Admissibility	630	25.3.1 The Superior Courts	685
23.6 Relevant	630	25.3.2 The Subordinate Courts	689
23.7 Weight	632	25.4 Ethics Of Judges	692
23.8 Prejudice	633	25.5 Legal Profession In Malaysia	695
23.9 Fairness	633	25.6 Legal Profession Act 1976	697
23.10 Opinion Evidence	634	25.7 The Malaysian Bar	698
23.11 Similar Fact Evidence	636	25.8 Admission To Legal Profession	700
23.12 Hearsay	637	25.9 Conclusion	704
23.13 Proof	639		

CHAPTER 26		27.7 Powers Of The Attorney General In Criminal Cases	758
THE JUDICIARY AND THE BAR (SYARIAH SYSTEM)	705	27.8 Power To Conduct Criminal Proceedings	763
26.1 Introduction	705	27.9 Power To Discontinue Criminal Proceedings	768
26.2 Administration Of Justice In Islam	702	27.10 Attorney General To Represent Judges Sued In Personal Capacity	769
26.3 Syariah Judiciary	711	27.11 Attorney General Represented Government At International Court Of Justice And Tribunals	770
26.4 Conduct Of Judges	715	27.12 Prosecutorial Immunity	771
26.5 Registrar Of The Court	716		
26.6 Syariah Prosecution	716	CHAPTER 28	
26.7 Chief Religious Enforcement Officer And Religious Enforcement Officer	720	LEGAL AID IN MALAYSIA	775
26.8 Peguam Syarie	721	28.1 Case History	775
26.9 Non-muslim As Peguam Syarie	723	28.2 Introduction	776
26.9.1 Syariah Is An Integral Part Of The Religion Of Islam	738	28.3 Adversarial Process Of Litigation Requires Legal Representatives	779
26.9.2 Obligation Of Upholding Justice And Accountability To Creator	741	28.4 Legal Aid And Legal Representation	781
26.10 Conclusion	748	28.5 Bar Council Legal Aid Centre	785
CHAPTER 27		28.6 National Legal Aid Foundation	787
ATTORNEY GENERAL: ROLE AND POWERS	749	28.7 Court-assigned Counsel	788
27.1 Attorney General	749	28.8 University-run Legal Aid Clinic	789
27.2 Solicitor General	751	28.8.1 Ahmad Ibrahim Kulliyah Of Laws (Aikol) Legal Clinic	790
27.3 Deputy Public Prosecutors	752	28.9 Legal Aid In Islam	793
27.4 Federal Counsel In Civil Matters	753	28.10 Conclusion	797
27.5 Whether Attorney General Supervises And Controls Judicial Officers?	754		
27.6 Attorney General's Department	757		

Access to justice is a universal human right, as reflected in the Universal Declaration of Human Rights and many international and regional human rights instruments, as well as the United Nations 1990 Basic Principles on the Role of Lawyers. Based on this firm conviction, we believe that access to lawyers and legal services should be guaranteed and made available to all, especially to the poor and other disadvantaged persons, when necessary to achieve a just and fair result.²

28.1 CASE HISTORY

Neha is a single mother with two toddlers. She came to the UK to escape persecution from her ex-husband who was abusing her physically and mentally. She came here as a student, determined to make a life for herself. When she arrived in the UK, she realised that she was pregnant. Her husband convinced her to sponsor his visa and eventually he arrived in the UK, after Neha's first child was born. In due course she had another child. However her husband became violent towards her as he got into alcoholism and later left Islam. This severely disrupted her studies and Neha dropped out of school. The abuse and violence got worse and she had to call the authorities. Neha has a restraining order against her ex-husband. She has found it very difficult to get back into her studies while managing two young children and dealing with her trauma. Her student visa lapsed and she applied for asylum. She is afraid to go back home where her family and her husband's family have made it clear she is unwelcome as she will be a source of shame for them. Neha and her kids are now asylum seekers. She has no access to unemployment benefits and she cannot work. In fact, in order to obtain the asylum seeker status, she had incurred a lot

1 This chapter is contributed by Farheen Baig Sardar Baig.

2 Joint statement of the International Forum for Legal Aid at <http://www.hurights.or.jp/asia-pacific/043/07.html>