

CRIMINAL ADVOCACY

A Student's Guide

Zuraini Ab Hamid



HARUN M. HASHIM LAW CENTRE

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By

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This book is dedicated to all my beloved colleagues and students at Ahmad Ibrahim Kulliyah of Laws and Harun M. Hashim Law Centre (IIUM).

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May Allah bless and reward them in this world and hereafter.

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PREFACE

Advocacy is an art to persuade a judge to agree with the pray by the prosecutor or defense counsel. The Merriam-Webster dictionary defines advocacy as the act or process of supporting a cause or proposal or the act or process of advocating something. It involves various skills, and the skills are gained through experience. Advocacy skills must be possessed by law students and legal practitioners if they want to succeed in their pray.

This book is specially drafted for law students and new legal practitioners who are just beginning a career in the legal world and are looking for practical guidelines to conduct criminal cases and trials in court. The idea to write this handbook came a few years back. Having more than five years of experience teaching law for various criminal subjects and giving talks to students at IIUM and the ministry, I found that advocacy in criminal law is really important. When giving or conducting lectures and seminars, I prefer to share current practices in Malaysia, which I gained as a Deputy Public Prosecutor at Attorney General's Chambers of Malaysia (AGC) and observation at courts and legal firms. To strengthen the students' understanding, I often share video clips and video recordings of criminal trials in court. At the end of the lecture, I hold discussions to make sure they understand the related procedures. Later, after completing several topics, I assign students to conduct role-plays such as the pre-trial session, trial session and submission of sentencing.

However, some of them faced troubles in conducting the role-play. The majority of them requested for notes and expressed their wish to have a complete written reference. They encounter problems because of failure to attend lectures. In fact despite attending lectures and taking down notes, they seem to lack or have little confidence even in their own notes and in certain cases, kept meeting their instructor for further consultation and confirmation.

This book intends to give some guidelines to students and hopefully as assistance for them in deciding their career path. They will also be guided on how to conduct criminal trials in court from the very beginning until the end of the case. This book was written in a simple manner and style to enable the reader to easily understand the content, examples and exercises (illustrations).

Zuraini Ab. Hamid is a lecturer at Ahmad Ibrahim Kuliyah of Laws, International Islamic University Malaysia. She is the author of the book *Human Trafficking in Malaysia and Anti-Human Trafficking Laws in Malaysia*, as well as numerous articles, which have been published in national and international journals. She is actively involved in research related to human trafficking, international issues, criminal law and transnational organised crimes where she is working under few research grants as principal and co-researcher. In 2019, she is recognised as subject matter expert of human trafficking by U.S Department of Justice. Dr. Zuraini was formerly a Deputy Public Prosecutor at Attorney General's Chambers of Malaysia where she was entrusted to conduct criminal cases at lower and high courts in Kuala Lumpur and Selangor. This book was prepared based on her working experience, court observation and industrial attachment at legal firm.

CONTACT US:

Harun M. Hashim Law Centre
Level 2, Ahmad Ibrahim Kuliyah of Laws
International Islamic University Malaysia

Telephone: 03-6421 4273/4274
Email: lawcentre@iiu.edu.my
Website: <https://lawcentre.iiu.edu.my>

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