

MALAYSIA

BASIC INFORMATION FOR LEGAL RESEARCH IN MALAYSIA

By

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INTRODUCTION

“It must be remembered that the freedom to which we aspire is the freedom to govern ourselves under a system in which parliamentary institutions shall be exclusively representative of the people's will”. Tunku Abdul Rahman, subsequently the first Prime Minister of the Federation, moving the second reading of the Federal Constitution Bill, August 15, 1957 ¹.

Verdant Malaysia, shaking off the shackles of British colonialism in 1957, marched on to mould a plural society of varied races, founding a vibrant nation of variegated character, governed by a viable political and legal system. Malaysia's colonial past and political developments coloured the legislative output and attendant system of administration of justice. These events need to be traced briefly to put in perspective the current legal system and sources of law.

A The Hindu, Portuguese and Dutch Era, 1500 - 1824

The Malay Peninsular with its strategic location in the pathway of the east -west sea trade attracted powerful early civilizations in particular, the Indian and to a lesser extent Chinese. Around the turn of the fifteenth century an Indian Prince Parameswara founded the Sultanate of Malacca, which flourished as an important commercial market. It later became the main center for diffusion of Islam when Parameswara embraced the religion. In the time of his grandson, Muzaffar Shah (1446 - 1459) the influence of Malacca spread to other states of Perak, Pahang, Terengganu and Kedah. The advent of Islam had far reaching effect in the *lex loci* of Malaysia. Islamic laws were increasingly applied alongside Malay customary law (Adat). Several formal legal texts were compiled during this era and these sources are:

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1. Hukum Kanun Melaka or Risalat Hukum Kanun²
2. Undang-undang Laut Melaka³
3. Pahang Legal Digest-prepared for the Sultan Abdul Ghafur (1592-1614A.D)⁴
4. Kedah Law⁵
5. Majallat al-Ahkam⁶
6. Ahkam Shariyyah⁷

The influence of the early Indian Kingdom is even now reflected in the absorption of Indian royal salutations and Sanskrit terminologies in palace rites and language⁸.

Subsequently Malacca was captured by the Portuguese in 1511 and they held sway until 1641 when they were ousted by the Dutch who remained in power till 1795. Thereafter the British seized control for several years but the Dutch regained the territory in 1801. However it was formally handed over to the British under the terms of The Anglo - Dutch Treaty, 1824. The treaty in fact carved up the region between the two European powers to operate and consolidate their activities in the agreed portions - the Dutch in Indonesia and the British in the Malayan Peninsular and Singapore. In the island of Borneo, the division was such that the eastern part (now Indonesian Kalimantan) fell to the Dutch while the western sector (North Borneo now Sabah and Sarawak) came under the British control.

Both the Portuguese and Dutch occupancy did not seem to have left any indelible mark in the Malaysian legal system. However today, a thriving Portuguese community centred in Malacca is a living testimony of that nation's link to Malaysian history.⁹ The Dutch, reputed to have a profound respect for law established a Court of Justice in Malacca. Law books containing a collection of regulations applicable in Java were sent to Malacca but dearth of written records of how justice was administered has left no sources of law to posterity. Reference was been made in the case of "*Rodyke v Williamson*"¹⁰ to "Dutch law at Malacca" and Sir Walter John Napier in his treatise¹¹ expressed the view that "there can be no doubt, that, in principle, the English Courts should have administered the Dutch Law previously administered by the Dutch courts".

B. The British Era, 1824-1957

With the British occupancy, the whole scenario changed and to day the Malaysian legal system remains deeply rooted in the English legal traditions although the grip is being loosened with the replacement of English with national language (Bahasa Melayu) as the official language, promotion of Islamic legal doctrine and abolition of appeals to the Judicial Committee of the Privy Council as the final court of appeal.

A brief review of the political developments is necessary to place the current legislative pattern in proper perspective. Today, Malaysia is a federation of thirteen states, which historically developed in isolation until the Japanese occupation of Malaya in 1941 during World War II. Upon Japanese surrender in 1945, the British Military Administration governed the country as a single administrative unit. The aforementioned political development can be diagrammatically represented thus:

Malaysia - Federation of 13 States			
Straits Settlements	Federated Malay States	Unfederated Malay States	Borneo States
1. Penang (Prince of Wales Island) 2. Malacca	3. Perak 4. Pahang 5. Selangor 6. Negeri Sembilan	7. Kedah 8. Perlis 9. Kelantan 10. Terengganu 11. Johor	12. Sabah (North Borneo) 13. Sarawak

The present day legislation devolved from the legal administration of each of the above components which were eventually amalgamated to form the federation of Malaya in 1957 and Malaysia in 1963. A short legislative history of each component follows.

Straits Settlements

The colony of Straits Settlements established by the British comprised Penang (then known as The Prince of Wales Island), Malacca and Singapore. These entities came under direct British administration and English law was made applicable by three Charters of Justice introduced in 1807, 1826 and 1855. Cases which considered the impact of the three Charters of Justice in the Straits Settlement are listed in E.R. Keok's *"Tables of Written Law, 1808 - 1898"*¹². In the early days, the Straits Settlements was treated as part of the British Indian Empire and came under the legal, political and executive sovereignty of the Bengal Presidency. This explains why some areas of current Malaysian laws, notably contract, evidence and penal provisions are patterned on the Indian Codes.

The Straits Settlements ceased to be part of the Indian administration from April 1867 with the passing of the Government of the Straits Settlements Act 1866 (29 & 30 Victoria c. 115), whereunder the Legislative Council of the Straits Settlements was endowed with legislative authority. Ordinances began to be promulgated and published with the initiation of the Straits Settlements government gazette on 1 April 1867. In 1946¹³ the Straits Settlements was disbanded following the brief formation of the Malayan Union (discussed hereafter) comprising the nine Malay States and the colonies of Penang and Malacca. Singapore was excluded from the Union and remained a British colony until it gained independence in 1963 when it became a constituent state of the Federation of States of Malaysia but broke away from Malaysia in 1965 and became completely autonomous and independent country.

The Sources of Straits Settlements laws are:

1. Malacca Naning Customs (On Land Law)¹⁴
2. Chinese Customary Law¹⁵
3. Mulla on Hindu Law¹⁶
4. Indian Acts passed during the period extending from the 22nd day of April 1834 to the 31st day of March 1867, and now in force in the Colony of the Straits Settlements as determined by the Commissioners appointed by His Excellency the Governor of the Straits Settlements under the provisions of the Statute Law Revision Ordinance 1889¹⁷
5. J. A. Harwood's *Acts and Ordinances of the Legislative Council of the Straits Settlements from the 1st April 1867 to 1st June 1886 together with certain Acts of Parliament, Orders of Her Majesty in Council, Letters Patterns, and Indian Acts in force in the Colony of the Straits Settlements*¹⁸

6. Garrard, *The Acts and Ordinances of the Legislative Council of the Straits Settlements from the 1st April 1867 to 7th March 1898*. It contained in chronological order, the unrepealed Acts and Ordinances of the Straits Settlements as of 7 March 1898 ¹⁹
7. *The Laws of the Straits Settlements*, Revised Edition, 1835-1919, published in five volumes in 1920 excluding war and emergency legislation, known as the Braddell Edition²⁰
8. William Murrison, *Laws of the Straits Settlements*, 2nd rev. ed., 1926-contained all the Ordinances of the Straits Settlements revised up to and including the last day of December 1925 ²¹
9. *The Laws of the Straits Settlements*, Edition of 1936, consisting of five volumes of the legislation in force on 31 December 1935 ²². Section 5 of the Revised edition of the Laws (Annual Supplement) Ordinance 1936 provided for the publication of annual cumulative supplements of the law right up to 1940. These cumulative supplements superseded all previous annual supplements. The supplements for 1941 and 1942 on the other hand contained only the legislation passed during those years ²³
10. Subsidiary legislations made under powers conferred by Straits Settlements Acts and Ordinances published in the Gazette by the Government Printer from 1889-1940 ²⁴ which had various titles. Subsidiary Legislation for the years 1889-1897 were entitled *Ordinances and Rules and Regulations by His Excellency the Governor in Council during the years 1889-1897* ²⁵. Volumes for 1898 to 1907 were *Orders, Rules and Regulations, etc., 1898-1907* ²⁶. From 1908 to 1914, the volumes of subsidiary legislation were issued under the title *Orders of the Governor in Council, Rules and Regulations and By-laws* ²⁷. For 1915 to 1939, it was entitled as *Royal Proclamation Orders by the King in Council, Proclamations and Orders by the Governor in Council: Rules, Regulations and Bye-laws*, published in the Government Gazette ²⁸ while volume for 1940 was published under the title *Proclamations and Orders by the Governor in Council: Rules, Regulations and Bye-laws* ²⁹
11. Peter Benson Maxwell, *An Alphabetical Index to the Acts of the Legislative Council of India which apply to the Settlement of Prince of Wales' Island, Singapore and Malacca, 1867* ³⁰
12. Moore, *Index to the Unreported Ordinances of the Colony of the Straits Settlements from 1867 to 1872: with a list of the Orders in Council, Proclamations and Notifications, 1873* ³¹
13. Noronha, *List of Ordinances or Portions of Ordinances of the Colony of the Straits Settlements which have been repealed, amended or substituted from April 1, 1867 to December 13, 1880, showing by what other Ordinance the repeal, etc., has been effected, Singapore, 1881* ³²
14. Kyshe, *Index to the Laws of the Straits Settlements from April 1867 to 28th February 1882, 1882-3*. The second edition was published in one volume in 1893 entitled *Chronological Table and Index of the Acts and Ordinances in force in the Colony of the Straits Settlements. Second edition to the end of 1892* ³³
15. Buckley, *Alphabetical Index to the Acts and Ordinances in force in the Straits Settlements on 1st January 1897. Alphabetical Table of Acts and Ordinances wholly repealed after the publication of Harwood's revised edition of the Ordinances. Chronological Table of the Acts and Ordinance 3 of 1886* ³⁴
16. Bourne, *Alphabetical Index to Acts and Ordinances in force in the Straits Settlements, August 1907, 1907* ³⁵
17. Sir William George Maxwell, *A Chronological List of the Imperial Acts applicable to the Straits Settlements and of the Indian Acts in force in the Straits Settlements and of the Acts*

and Ordinances of the Straits Settlements, together with Orders in Council, Rules, Regulations and By-Laws made thereunder and in force on 31st December 1907. With alphabetical index of the Indian Acts and Local Ordinances ³⁶ The 14th edition of this series was published in 1926. The 15th edition published in 1927 was divided into two volumes. Volume 1 was entitled *The Chronological Table of Straits Settlements Laws*. It contained lists of the Imperial and Indian Acts applicable to the Straits Settlements (Part I) and the Straits Settlements Ordinances in four parts:- (a) A list of the annual ordinances up to the end of 1925 (Part II); (b) Ordinances included in the Revised Edition of 1926 showing former legislation (Part III); (c) Ordinances prior to 1926 but not included in the Revised Edition of 1926 which were still in force on 31st December 1926 (Part IV) and (d) Ordinances 1926 (Part V). Volume II was entitled *The Chronological Table of Straits Settlements Laws*, which consisted of a list of the Straits Settlements Ordinances together with the Proclamations, Notifications, Rules, Regulations and By-Laws made thereunder and in force on the 1st January 1927, which was produced with an alphabetical index ³⁷ After that, no further editions of volume I were published. Only volume II resumed its publication. The last pre-war edition was the twenty-fifth which was produced in 1941.

18. A pamphlet periodically published entitled *Index to Straits Settlements Laws* with alphabetical format ³⁸
19. Braddell, *Index to the Revised Laws of the Straits Settlements*, 1924 ³⁹
20. Aloysius de Mello, *De Mello's Manual of the Law of Extradition and Fugitive Offenders-applicable to the Eastern Dependencies of the British Empire*, 2nd edition, 1933 ⁴⁰

Federated Malay States

Unlike the Straits Settlements which were colonies under direct British rule, in the Malay States, British authority rested upon agreements concluded with the rulers of the respective states. In return for British protection, each ruler retained sovereignty in his state but was bound to accept British advice on all matters except Malay custom and religion. Thus with the signing of the Treaty of Federation 1895, ⁴¹ in return for military protection, four states namely, Perak, Selangor, Negeri Sembilan and Pahang became Protected States or more commonly termed the Federated Malay States. Administrative co-ordination was achieved by the Governor of the Straits Settlements being concurrently designated the High Commissioner for the Federated Malay States. Legislation was enacted by the Federal Council constituted in 1909 ⁴² with the rulers as members of the Council. This arrangement continued until the amalgamation of all the States by the British Military Administration in 1946, to form the Malay Union.

The Laws promulgated and sources for tracing the same are as follows:

1. *Enactments Passed in the Federal Council* published annually from 1910 to 1941 ⁴³
2. A. B. Voule's *Laws of the Federated Malay States, 1877-1920*, published in three volumes in 1921. The first volume was divided into five parts: part 1 consisting of state laws prior to the Federation, and parts 2 to 5 contained laws of each of the four States of Perak, Selangor, Negeri Sembilan and Pahang ⁴⁴
3. William Sumner Gibson, *Laws of the Federated Malay States, and of each of them in force on the 31st day of December, 4 vols., 1934* ⁴⁵ Five supplements to this were published between 1937 and 1939 with title *1937 Supplement to the Laws of the Federated Malay States, containing the Enactments of the Federated Malay States enacted between the 1st January, 1935 and the 31st December, 1936* ⁴⁶ In 1938 and 1939, four supplementary volumes (loose-leaf), entitled *Supplement to the Revised Edition of*

the Laws of the Federated Malay States were published, with updates by means of supplementary pages until 1941⁴⁷ Separate supplement of State legislation was also issued in 1940⁴⁸

4. L. A. Allen's compilation of two volumes of the state subsidiary legislation entitled *Reprint of the Rules, Regulations, Orders and By-laws, made under the Laws of the Federated Malay States* in 1927, revised up to 31 December 1926⁴⁹. Another revised edition published in 1938, comprised of seven loose-leaf volumes were entitled *Proclamations, Orders, Notices, Rules, Regulations, Declaration, Appointments, Forms and By-laws, in force on the 31st day of December 1935, made under the Federated Malay States and of each of them*⁵⁰
5. Government Press's *State Subsidiary Legislation... Made under Principal Enactments which have been passed by the State Councils of Perak, Selangor, Negri Sembilan and Pahang since December 31, 1934* published in 1941⁵¹
6. Indices to the laws of the Federated Malay States entitled *Chronological List of Federal Enactments, 1909-1934, with Rules*⁵² and H. A. Forrer's *Chronological Lists of State and Federal Laws, 1877-1934, with Rules [No. 13]* published in 1935⁵³.

Unfederated Malay States

Five States, namely, Kelantan, Kedah, Perlis, Terengganu and Johore anxious to maintain their autonomy in local issues, concluded various agreements with the British whereby the respective rulers were promised protection in return for control of their foreign affairs and considerable influence in their governments. These five states termed the Unfederated Malay States were administered by the Governor of the Straits Settlements who acted as the High Commissioner of these States.

Legislation was enacted by the State Council of each state. The laws passed by the various Unfederated Malay States are recorded in the following sources:

1. Enactments of Johore from 1907-1942 published annually by the Government Printing Office in Johore Bahru from 1908-1942
2. W. Pryde's *The Laws of Johore, Revised Edition*, in three volumes, covering period from 1910-1927, and was published according to The Revised Edition of the Laws of Johore Enactment 1926⁵⁴
3. W. H. Thorne and M. C. Hay, *The Laws of the State of Johore, in force on the 1st day of January, 1935*⁵⁵
4. *Chronological Table of Johore Enactments, together with appointments, rules and notifications thereunder in force on the 21st day of December 1919*⁵⁶ and *Chronological Table of Johore Enactments, in force on October 31, 1938*⁵⁷
5. *The Government of Kedah Enactments*, in Jawi and English, published in Alor Star from 1906 to 1928. Between years 1929 and 1938, ten further volumes entitled *State of Kedah Enactments* were published⁵⁸
6. G. B. Kellagher's *The Laws of the State of Kedah, which contained laws in force on 30 Rabialawal 1353 [July 13, 1934], 1934*⁵⁹ and Supplements entitled *Supplement to the Laws of Kedah*, compiled from 1937-39⁶⁰
7. C. W. Dawson's two volumes of subsidiary legislation entitled *Rules, Regulations and Notifications made under the Kedah Enactments (in force on 1st Rabialawal 1355) [22nd May 1936]*⁶¹ and two supplements by S.N. King and I.W. Blelloch in 1939 and 1941⁶²

8. *Index to Kedah Enactments, actually in force on the 1st day of the year A.H. 1353 (April 16, 1934) together with rules, orders and regulations made thereunder.*
9. *Enactments of the State of Kelantan*, published annually from 1904 to 1941 and *Legislation in Kelantan*, which contained Enactments, Proclamations and subsidiary legislation which was also published in Malay (Jawi script) entitled *Kerajaan Kelantan*
10. *Selected Laws, 1911-1939 (including all amendments in force on 1st January, 1953* ⁶³
11. *Chronological List and Index to the Laws of Kelantan, 1322 A.H. to 1352 A.H. (1904 A.D.-1932 A.D.), revised to December 31, 1932* ⁶⁴, and *Index to the Laws of Kelantan in force on May 1, 1937* ⁶⁵
12. *The Enactments of Perlis*, published annually by the Government Press, most written in Jawi and English, from 1909 to 1942
13. *Chronological List of the Laws of Perlis from the year 1326 A.H. (1909) till the end of the year 1334 A.H. (1916)* ⁶⁶
14. *Annual volumes of Trengganu Enactments*, published from 1904 to 1914
15. J. Calder, *Laws of Trengganu, in force on the 20th day of Muharram, 1358 A.H. [1939], Revised edition* ⁶⁷
16. *Provisional List with Index of the Laws of Trengganu in force on the 1st day of Muharram 1358 A.H. corresponding to the 20th day of February 1939 A.D.*, Singapore, 1939.

The Malayan Union 1946 - 1948

The foregoing state of affairs continued substantially until 1946. Following the surrender of the Japan and the end of the Japanese occupation of Malaya (1942-1945), the British government mooted the idea of a Malayan Union comprising all the Malay States and the Settlements of Penang and Malacca as a unitary state. However, the Malayan Union proved abortive as the Malays objected vehemently to the liberal franchise laws which eroded their special position as sons of the soil and the sovereignty of the rulers. After a lapse of two years a more acceptable political arrangement was devised by the British. The alternative chosen was the Federal system comprising the Malay States and the settlements of Penang and Malacca resulting in the formation of Federation of Malaya in 1948.

The Malayan Union government Press published the following laws:

1. *The Malayan Union Government Gazette* published from 1 April 1946 and 31 January 1948 (Kuala Lumpur: Malayan Union Government Press, 1946-48)
2. *Ordinances passed during the years 1946-1947 and Rules thereunder* ⁶⁸
3. *Malayan Union and Federal Ordinances and State and Settlements Enactments passed during the year 1948* ⁶⁹

C. Federation of Malaya 1948 - 1963

The formation of the Federation marked a landmark in the political and legal history of Malaysia. It was set up to secure twin objectives, namely a central Federal Government but preserving the integrity of the individual states and their Rulers. The Federation of Malaya Agreement 1948⁷⁰ signalled the constitutional progress towards eventual self-government. The Constitutional Conference held in London in 1956 settled that full self-government and independence for the Federation within the Commonwealth should be proclaimed. A new Federation of Malaya

Agreement 1957, revoking the previous Agreement 1948 brought into force a new Federal Constitution on August 31, 1957 and the birth of independent Malaya.

Laws that were promulgated at Federal and State levels were all published as part of the respective Federal and State Gazettes. The initial volumes for the year 1948 also included the Ordinances of the Malayan Union. For the years 1949 to 1957 the volumes were published as Federal Ordinances, State and Settlement Enactments.

Federal legislation even after independence in 1957, continued to be termed Ordinances because of the provisions of Article 164⁷¹ of the Federal Constitution which expressly provided for the Legislative Council set up under the Federation of Malaya Agreement 1948 to continue functioning until 1959. The Council was dissolved in 1959 by proclamation and Federal legislation⁷² thereafter came to be termed Acts when the first Parliament began sitting on 11 September 1959.

Sources for tracing Federal Acts are:

1. The Federation of Malaya Ordinances, State Enactments and subsidiary legislation which commenced publication in February 1948. From 1949-1957, they were published as *Federal Ordinances and State and Settlements Enactments*⁷³
2. *Ordinances and Acts passed during the year 1959*⁷⁴ which were later issued as *Acts of Parliament passed during the years 1960-1963*⁷⁵
3. *Federal Subsidiary Legislation, 1947-1963*⁷⁶ and *State Subsidiary Legislation, 1957-1963*⁷⁷
4. *State and Settlements Subsidiary Legislation* for the years 1951-56⁷⁸

D. Sabah & Sarawak

Sabah (earlier known as British North Borneo) and Sarawak fell into the hands of the British under the Anglo - Dutch treaty 1824 mentioned earlier. Labuan which was a British protectorate was amalgamated with British North Borneo to comprise the present state of Sabah which today is a constituent state of Malaysia.

Sarawak, originally a dependency of Brunei, was ceded to James Brooke, the first Raja of Sarawak in 1841. It was made a colony by the Sarawak Order in Council 1946⁷⁹ and Sarawak joined the Federation of Malaysia in 1963 subject to special constitutional provisions.

Compilations of Laws of Sabah & Sarawak are:

1. E. P. Gueritz's *Proclamations and Notifications of the State of North Borneo, 1883-1902*, published in 1902⁸⁰
2. S.S. Cookson's *The Ordinances of the State of North Borneo, 1881-1941*, 1915⁸¹ which was revised by J. Maxwell-Hall in 1929⁸² and C.F.C. Macaskie in 1937⁸³
3. *A Reprint of the Laws of that part of the Colony of North Borneo, in force on the 31st day of December 1946*, comprising of three volumes⁸⁴
4. G. Bannerman Kellager, *Laws of North Borneo, in force on the 30th June 1953, Revised edition*, 1954⁸⁵ It had six volumes: volumes I-IV contained Ordinances, volume V, subsidiary legislation, while volume VI included a reprint of Imperial Statutes. Volumes VII, a Supplement to the Revised Edition prepared by J.M. Maxwell-Hall, contained the Ordinances and subsidiary legislation enacted between July 1953 and the last day of December 1954⁸⁶

5. *The Laws of North Borneo*, published annually ⁸⁷. From 1963-66, these volumes were produced as *The Laws of Sabah* ⁸⁸. From 1967 onwards, they were known as Sabah Enactments, and were issued as the First Supplement to the Sabah Government Gazette ⁸⁹
6. *Orders* issued by the Rajah of Sarawak, covered the period of 1863-1922 ⁹⁰
7. *State Orders* (the Green Book) published by authority in Kuching in 1933. From 1936-1941, six annual volumes of *State Orders* were produced ⁹¹
8. T.S. Boyd, *The Laws of Sarawak, 1927-1935 (the Red Book)*, 1936 ⁹²
9. R.Y. Hedges, *Laws of Sarawak, in force on the second day of July 1947*, Revised edition, 1948, produced in three volumes ⁹³
10. G. E. Strickland, G.B. Kellagher and G.V. Chichester Young, *The Laws of Sarawak, Revised Edition, 1958* ⁹⁴ which comprised of nine volumes and included Ordinances, treaties, Imperial Statutes, subsidiary legislation and an Index
11. *The Laws of Sarawak, Revised Edition of Local Subsidiary Legislation*, 3 vols., 1963 ⁹⁵
12. *The Reprint of Sarawak Laws Declared to be Federal Laws* ⁹⁶
13. *Reprint of State Laws of Sarawak*, prepared in accordance with the provisions of the Reprint of State Laws Ordinance 1967, published in two loose-leaf volumes ⁹⁷
14. *Cases on Native Customary Law in Sabah*
15. *Cases on Native Customary Law in Sarawak*

I. MALAYSIA 1963

The concept of a closer association encompassing the Federation of Malaya, Singapore, Sabah, Sarawak and Brunei was mooted as early as 1961. To realize the concept of Malaysia, lengthy negotiations and referendums were held and paved the way for the signing of the Malaysia Agreement 1963. ⁹⁸ However, Brunei backed out at the closing stages of the negotiations. The Malaysia Act 1963 ⁹⁹ of the Federation of Malaya came into force on September 16, 1963 whereby a Federation by the name of Malaysia was constituted and the eleven states of the Federation of Malaya, Sabah, Sarawak and Singapore became the States of Malaysia. In 1965 Singapore ceased to be part of Malaysia and became an independent sovereign state.

Malaysian legislation comprises:

- (1) The Federal Constitution
- (2) State Constitutions of each of the 13 states of Malaysia
- (3) Federal Acts of Parliament
- (4) State Enactments
- (5) Subsidiary Legislation under (3) and (4) above

A. The Federal Constitution

Malaysia is a federation of thirteen states with a written constitution, The Federal Constitution. It has been declared the supreme law of the land and any law inconsistent therewith is void. ¹⁰⁰ Each state has a constitution of its own besides Federal Constitution. The Federal Constitution introduces a parliamentary form of government based on the British module. Legislative authority of the Federation is vested in Parliament which is a bi-cameral body comprising the *Dewan Rakyat* (House of Representatives) and *Dewan Negara* (Senate).

The territorial limits on the legislative authority of the States and demarcation of subject matters between the Federal and State legislatures are spelt out in the Ninth Schedule to the Constitution. It comprises three lists namely:

1. List I - The Federal List. Subjects include such matters as external affairs, defence, internal security, education and penal laws.
2. List II - The State List. Subjects include land, agriculture, forestry, local Government, riverine fishing, Islamic Law etc.
3. List III - The concurrent list, which include social, welfare, scholarships, town and country planning, protection of wild life etc.

The Malaysian Parliament is the primary legislative body. Malaysian statutes comprise Federal Acts, Ordinances and subsidiary legislation which are published in the Federal Gazette.

B. The Malaysian Gazette

Federal Gazettes

The format and mode of publication of the official gazettes are stipulated in section 18 of the Interpretation Act 1948 and 1967 (Act 388). The said section provides that the Federal Gazette shall be published in five parts namely;

1. Main gazette (Warta Kerajaan): Published fortnightly every alternate Thursday embodies all matters which require public notification (e.g. Acquisition of land, unclaimed moneys etc) or which the government considers necessary to be published for general information (e.g. petitions for winding - up of companies etc.), excluding matters which are required to be published in the supplements mentioned hereafter.
2. Acts Supplement (Tambahan Akta): Published as and when necessary containing all principal Acts passed by Parliament, and such Acts as are revised pursuant to the Revision of Laws Act 1968 (Act 1). Amendments Acts are also published in this part of the gazette.
3. Legislative Supplement A (Tambahan Perundangan A): Published as and when necessary embodying all subsidiary or delegated legislation, royal proclamation, orders etc.
4. Legislative Supplement B (Tambahan Perundangan B). Published as necessary to contain all subsidiary legislation other than required to be published in Legislative Supplement A. This supplement carries notifications *inter alia* of appointments to public and judicial posts, date of coming into force of laws and lists of licensed institutions issued by the National Bank of Malaysia (Bank Negara).
5. Bills Supplement (Tambahan Rang Undang - Undang): Published as and when necessary to contain all Bills introduced in Parliament after the first reading. By convention this Supplement is published in blue paper.

State Gazettes

The State gazettes of each of the eleven States of Peninsular Malaysia are published in four parts namely:

1. Main gazettes of each of the eleven States of Peninsular Malaysia
2. Enactments Supplement containing the principal laws and amendments
3. Legislative Supplement comprising subsidiary legislation
4. Bills of Supplement containing the bills presented to the State Legislature

Sabah and Sarawak Gazettes

The situation in Sabah and Sarawak is slightly different from the Peninsular State gazettes.

1. Sabah gazettes consist of six parts:
 - (a) Main Gazette
 - (b) First Supplement (Enactments)
 - (c) Second Supplement (Subsidiary Legislation)
 - (d) Third Supplement (Bills)
 - (e) Fourth Supplement (Local government matters)
 - (f) Trade Mark Supplement
2. Sarawak gazettes are published in five parts:
 - (a) Part I (Ordinances)
 - (b) Part II (Legislative Supplement)
 - (c) Part III (Bills)
 - (d) Part IV (Local Government Supplement)
 - (e) Part V (Sarawak Government Gazette)

With the exception of Sarawak, all parts of the Federal and State Gazettes are now published in both English and the national language (Bahasa Melayu) in accordance with the provisions of the National Language Act 1963/1967 (Act 32)¹⁰¹. The national language text is authoritative, unless otherwise prescribed by the Yang di-Pertuan Agong¹⁰².

C. Laws of Malaysia

Since 1969 all Federal Acts are issued under Laws of Malaysia series by virtue of the provisions of Revision of Laws Act 1968 (Act 1). This Act empowered the Commissioner of Law Revision to revise as well as print such laws as the Commissioner deems fit¹⁰³. A new practice of sequentially numbering the Acts was adopted beginning with the said Revision of Laws Act 1968 as Act 1. The year following the title of the Act denotes the year of original enactment. The earlier practice of commencing a new series of numbers for the Acts enacted for each year was discontinued. Similar practice of sequential numbering of amendment Acts was also adopted but with insertion of prefix "A" before the numbers to differentiate these amending laws from the principal Acts¹⁰⁴.

The most recent reprint of the entire Laws of Malaysia was undertaken by the Commissioner of Law Revision between the years 2000 - 2002. The entire series from Act 1 - Act 615 has been issued in loose leaf format. The Federal constitution has been similarly reprinted ¹⁰⁵.

Subsidiary legislation continues to be issued for each current year as Supplement A and B (*Tambahan Perundangan A and B*). These Supplements are given new series of numbers each year and are distinguished by the prefixes P.U. (A) ¹⁰⁶ and P.U. (B) respectively.

D. State Laws

State Laws are termed Enactments and subsidiary legislation and are published in the state gazettes from time to time. Enactments are numbered consecutively with commencement of fresh numbering each year. State subsidiary legislations are published along similar lines.

E. Retrieval Tools

Laws of Malaysia (Federal)

Title	Scope
1. Table of Laws - Reprint, 2002 ¹⁰⁷	Mere listing of the 615 Acts which have been reprinted between 1999 -2002 in alphabetical and numerical order. Lacks annotation of amendments since date of reprint
2. Federal Statute Law Referencer: Index to Federal and State Laws as at 30 June 2002 ¹⁰⁸	The most comprehensive index available to date. Lists the laws alphabetically with annotation of all amendments to each Act as at cut off date. Chronological list of principal and amending laws are included.
3. Index to Federal Subsidiary Legislation, 1946 - 65, 1966 - 82, 1983 - 93, 1994 – 96 and 1997 - 99 in 5 volumes ¹⁰⁹	Lists Subsidiary Legislation in chronological order and alphabetical listing with relevant subsidiary legislation subsumed under the principal Acts.
4. Index to Federal Acts, Amendments Act and Subsidiary Legislation 2000-2001 [with notes] ¹¹⁰	Alphabetical listing with the relevant subsidiary legislation subsumed under the principal Acts

State Laws

Title	Scope
Index to State Enactments and Subsidiary Legislation, 1986-1995 ¹¹¹	Chronological and alphabetical listing. No update issued yet.

II. THE JUDICIAL SYSTEM AND THE DOCTRINE OF JUDICIAL PRECEDENT

Laws enacted by Parliament will remain buried in the statute books until they are interpreted and applied by the judges in adjudicating cases brought before the courts. The judiciary plays a pivotal role in the administration of justice and judge made law or case law under the doctrine of judicial precedent together with statutory law is the backbone of the legal system.

The Federal Constitution establishes a hierarchical judicial system. The judicial power of the Federation, the constitution of the superior courts and the appointment and powers of the judiciary are clearly enunciated in the Constitution ¹¹² and the Courts of Judicature Act 1964 ¹¹³. Since the Federal Constitution is regarded as the supreme law of the land, the courts have power to declare a law as unconstitutional and void, although the courts have used these powers sparingly.

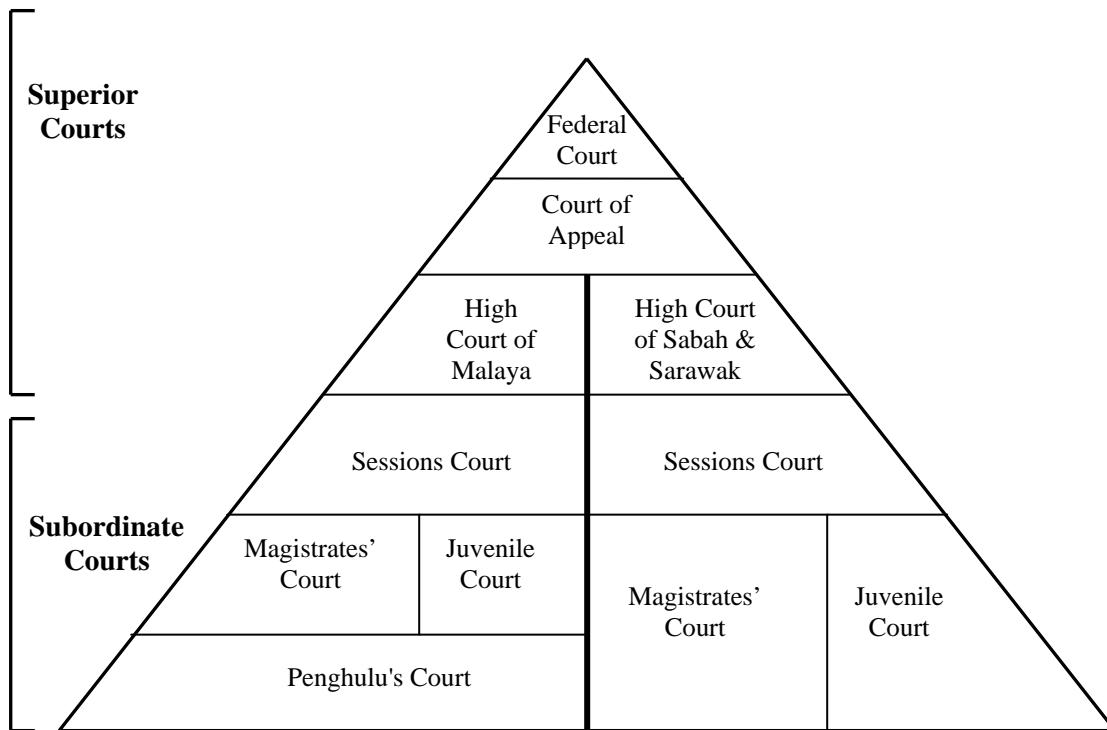
Each time a change in the constitutional structure of what is now known as Malaysia occurred during the past century and a half (i.e. from Federated and Unfederated Malay States to Malayan Union, to Federation of Malaya to Federation of Malaysia) continuity was maintained as each new system adopted (with modifications) all existing statutes and case law created under the previous administration. This incremental inheritance encompassed decisions of all the courts under the previous systems. For this reason, the historical devolution of the court hierarchy is traced to identify sources of law emanating from the law reports published during successive developmental stage.

Following the British intervention in the Malay States there gradually emerged a modern system of courts and law reporting. The first formal court established in the Straits Settlements was the Court of Judicature of Prince of Wales ' Island (as Penang was then officially known) constituted by the first Charter of Justice, 1807. Subsequently with transfer of the Straits Settlements from the India Office to the Colonial office in 1867, the Court of Judicature was abolished and replaced by the Supreme Court of the Straits Settlements established by the Supreme Court Act 1867 ¹¹⁴ and Supreme Court Ordinance 1868 ¹¹⁵. The second Charter of Justice extended the courts jurisdiction to cover Singapore and Malacca. The Supreme Court thus constituted, albeit with several changes in matters of detail, remained in existence until 1942, and the outbreak of World War II. In 1946 with the disbandment of the Straits Settlement under the Malayan Union Government, the Courts Ordinance, 1946 was enacted establishing the constitution and powers of the civil and criminal courts.

Similar patterns of judicial development occurred with the various realignments of the Malay States. Originally, each State had its own Courts Enactment but in the sweeping changes effected by the Malayan Union Government in 1946, the Courts Ordinance 1946, constituted uniform civil and criminal courts with substantially the same powers as were formerly exercised in the territories included in the Malayan Union (i.e. the Federated and Unfederated Malay States, Penang and Malacca)

With establishment of the Federation of Malaya, the Courts Ordinance 1948 was passed consolidation the law relating to the court system throughout the Federation and repealing all previous laws relating thereto.

The present Court structure (represented diagrammatically below) set forth in the Federal Constitution, is organized in a hierarchical judicial system with the Federal Court at the apex.



The hierarchy is an integral part of the appeals system. It provides the necessary tiers and distinguishes between appellate and lower courts. The appeal system is the bedrock on which the doctrine of binding precedent evolved based on the premise that decisions of higher courts would bind all lower courts in the hierarchical structure ensuring a degree of certainty in adjudication.

A. Judicial Committee of the Privy Council

Prior to 1985, the Judicial Committee of the Privy Council based in London was the final court of appeal. Technically, the appeals from the Federal Court were made to the King (Yang di-Pertuan Agong) but were in fact heard and disposed of by the Privy Council. This practice emanated from the provision in the First Charter of Justice of 1807 for appeals from the Court of Judicature of Prince of Wales's Island be routed to the King in Council in the United Kingdom. Similar right of appeal to the Privy Council seems to have been established in the other Malay States through the uniform policy adopted by the British via the advisory and protectorate status. With the attainment of independence, the desire for full judicial autonomy soon set in motion steps to eliminate the last vestige of colonial legal legacy ¹¹⁶.

With effect from 1 January 1978, appeals to the Privy Council from the Federal Court of Malaysia were abolished in criminal and constitutional cases ¹¹⁷. Appeals in civil cases, however continued to be routed to the Privy Council until 1985 when such appeals were also abolished by the Constitution (Amendment) Act 1983 (Act A566).

The abolition however, does not affect the doctrine of binding precedents in respect of past Privy Council decisions which continue to bind all courts in Malaysia below the level of the Federal Court. This fact has been affirmed in a very recent case ¹¹⁸ by the Court of Appeal where the judge averred " In our view the present appeal is already covered by high authority which is binding upon us. It is the decision of the Privy Council ..." The Federal Court, now the final court of appeal, considers such decisions as "persuasive" ¹¹⁹, only and are followed where compatible with Malaysian social and economic policy.

A comprehensive four volume compilation of all decisions of the Privy Council, on appeal from Malaysia as from 1875 to the last appeal heard in 1989 have been published as an enduring record of a long chapter in Malaysian judicial history ¹²⁰.

B. Law Reports and Digests

As law reports record the judgments delivered by the courts and tribunals in legal proceedings, the history of law reporting follows closely the development of the courts and the judiciary. The inherent authority of the law reports rests in their being permanent records of pronounced judgements vital to the legal practitioner for citation in court as binding judicial precedents. This mandates the need for both accuracy of reporting and quality of editors composing the catch words and head note which prefaces the full judgment.

Unfortunately in Malaysia there is not to date an official law report as exists in the United Kingdom where the Law Reports published by the Incorporated Council of Law Reporting for England and Wales in designated the "official law reports" by means of a Practice Direction ¹²¹. In a further development the British courts, gearing for the publication of judgments in electronic format have issued a recent Practice Direction ¹²² whereby "neutral" form of citation has been devised "to facilitate the publication of judgments in the World Wide Web".

Law reporting in Malaysia began in the latter part of the nineteenth century when a more regulated court system and judiciary was in place and a need for a record of judge made law was evident ¹²³. From the first published report in printed for private circulation in 1869 (see sources listed below), law reporting in Malaysia has progressed to the issuance of three major reports (Malayan Law Journal, Current Law Journal and All Malaysia Reports) serving a legal fraternity of almost ten thousand six hundred lawyers and substantial judicial personnel. Competition among the commercial publishers of the law reports has led to proliferation in the number volumes published each year, often reporting cases which do not expound any significant proposition of law. Law reports are also available in electronic devices and on -line databases as listed hereafter, but the local courts have not to date formally accepted production of print-out from on-line sources.

Early law reports:

1. *Wood's Oriental Cases: A Selection of Oriental Cases Decided in the Supreme Courts of the Straits Settlements, 1842-1869.* Collected and arranged by Robert Carr Woods, 1 vol., Penang. Printed for Private Collection, 1869. Reprinted by Sweet & Maxwell Ltd, London
2. Stephen Leicester, *Straits Law Reports; a Report of Cases Decided in the Supreme Court of the Straits Settlements, Penang, Singapore and Malacca [1827-1877].* With an analytical index, Penang: Commercial Press, 1877

3. *Straits Law Reports, New Series* ¹²⁴
4. *Magistrates Appeal Cases; Straits Settlements, 1884-1891*, 1 vol., Penang
5. *Kyshe's Reports: Cases Heard and Determined in Her Majesty's Supreme Court of the Straits Settlements, 1808-1890*. Edited and reported by James William Norton Kyshe, 4vol., Singapore: Singapore & Straits Printing Office, 1885-1890 ¹²⁵
6. *Straits Law Journal and Reporter, 1888-1892*, 5 vol., Singapore: W. Makepeace, 1888-1892 ¹²⁶
7. *Straits Settlements Law Reports, 1893-1931*, 15 vol., Singapore: Committee of the Singapore Bar, 1893-1931 ¹²⁷
8. *Straits Settlements Law Reports, Supplement No 1* ¹²⁸
9. *Straits Settlements Law Reports, New Series, 1926-1942*, 17 vol., Singapore: Government Printing Office, 1927-1950 ¹²⁹
10. John Robert Innes, *A Short Treatise on Registration of Title in the Federated Malay States with Reports of Cases under the Land and Mining Laws from 1907-1913*, Kuala Lumpur: F.M.S. Government Printing Office, 1913
11. R. St. J. Braddell, *The Laws of the Straits Settlements; a Commentary*, Kuala Lumpur: Oxford University Press, 1982. A reprint of the 1915 edition
12. *Federated Malay States Law Reports, 1906-1941*, 15vol., Kuala Lumpur: Federated Malay States Government Printing Office, 1922-1941 ¹³⁰
13. *Quarterly Notes of Cases Decided in the Supreme Court of the Straits Settlements, 1 January 1926-30 September 1927*, 1 vol., Singapore: Government Printing Office, 1927 ¹³¹
14. Evan Nuttall Taylor, *The Customary Law of Rembau (Containing Cases)*, Singapore: Malayan Branch, Royal Asiatic Society, 1932
15. R.St.J. Braddell, *Common Gaming Houses [With an Appendix of Unreported Cases, 1886-1925]*, 2nd edition, Singapore: Kelly & Walsh, 1932
16. Aloysius De Mello, *A Manual of the Law of Extradition and Fugitive Offenders Applicable to the Eastern Dependencies of the British Empire (The Straits Settlements, Hong Kong, India, Ceylon and the Protected States of Malaya and Borneo)*, 2nd edition, Singapore: Government Printing Office, 1933 (With an appendix of cases decided in the Straits Settlements.)
17. *Malayan Cases; Being a Collection of Old and Important Cases which are Still Law*, Edited by Bashir A. Mallal and Nazir A. Mallal, Singapore: Malayan Law Journal Office, 1939-, 4vol. to date; vol. 4 comp. by Al-Mansor Adabi, 1980 ¹³²
18. *Johore Law Reports, 1915-1940*, 2vol., Singapore: Published by Authority, 1939-1941
19. *Law Reports of the Malayan Union, 1946-1947*, 2 vol., Kuala Lumpur: Government Press, 1948-1950
20. *Journal of the Malayan Branch Royal Asiatic Society* ¹³³
21. *Malayan Law Reports, 1950-1954*, 5vol., Kuala Lumpur: Government Press, 1951-1954. (With Supplement for 1952, 1vol.) ¹³⁴
22. *Sarawak, North Borneo and Brunei Supreme Court Reports, 1928-1963*, 8 vol., Kuching Government Printers, 1955-1964 ¹³⁵

Current law reports:

1. Law Reports of the Commonwealth (1980-) ¹³⁶
Citation: [1980] LCR (Comm)

2. Malayan Law Journal (1932-) ¹³⁷
Citation: [2003] 1 MLJ 12
3. Malayan Law Journal 1948-49 Supplement ¹³⁸
Citation: [1948-49] MLJ Supp
4. Malayan Law Journal 1949 Supplement
Citation: [1949] MLJ Supp
5. Malaysian and Singapore Company and Securities Law Reports
Citation: [2003] 2 CSLR 1
6. Current Law Journal (1981-)
Citation: [2003] 2 CLJ 32
7. All Malaysia Reports (1992-)
Citation: [2003] 3 AMR 142
8. Supreme Court Reports (1988-96)
Citation: [1993] 1 SCR 223
9. Malaysian Appeal Cases (1995-1998)
Citation: [2003] 5 MAC 111

Cases and Statutes judicially considered:

1. *Mallal's Digest Case and Legislation Citor 1932-1991*, 2vol., Kuala Lumpur: Malayan Law Journal, 1994
2. Cases and Legislation Judicially Considered appearing in the *Consolidated Tables 1992-1994, 1995-1996*, Kuala Lumpur: Malayan Law Journal
3. Consolidated Index of Legislation Judicially Considered appearing in the reference binder to the *Annotated Statutes of Malaysia*, Kuala Lumpur: Malayan Law Journal, 1994
4. Index of Legislation Judicially Considered appearing in the annual index to the *All Malaysian Reports*

C. Digests and Indexes

There is only one major digest of law reports “Mallal's Digest” accompanying the oldest law report, Malayan Law Journal which began publication in 1932. However cumulative indexes are issued by all three reports to aid research. The shortfall of these research aids is their limited coverage in that each publisher's index covers only their own respective reports without carrying parallel citations to the same case reported in a rival report.

The Digests and indexes published as retrieval tools for Law reports are as follows:

1. *Pallonjee's Digest of Cases, 1808 - 1911* ¹³⁹ covering cases decided in the Straits Settlement the Federated Malay States.
2. *McCabe Reay's Digest of Reported Cases, 1897 - 1925* ¹⁴⁰ covering cases only of the Federated Malay States.
3. *H.C. Willan's FMS Digest* ¹⁴¹, *Being a Digest of Reported Cases Decided in the Supreme Court of the Federated Malay States, Johore and Kedah from 1907 to 31st day of December 1935*. A supplement was issued in 1940 covering judicial decisions from 1935 - 1940.
4. C.H. Withers - Payne, *The Malayan Digest* ¹⁴², *Being a Complete Digest of Every Case in the Colony of the Straits Settlements and the Federated Malay States from 1808 to the Present Day [i.e. 1936], Including Annotation and a Full Index*. Supplements published in 1937 and 1940.
5. *Mallal's Digest of Malayan Case Law* ¹⁴³ *Being a Comprehensive Digest of All Decisions of the Supreme Courts of Malaya, 1803 - 1939*. A second edition was published in 1953 with a supplement thereto ¹⁴⁴ being brought out in 1958 which also contained in an appendix a Digest of Sarawak, North Borneo and Brunei Case Law 1928 to 1956.
6. *Mallal's Digest of Malaysian and Singapore Case Law 1808 - 1965 3d ed, 1965 - 1987*¹⁴⁵
7. *Mallal's Digest of Malaysian and Singapore Case Law 1808 - 1988 4th ed, 1990*. This is the most ¹⁴⁶ current edition comprising twelve volumes, kept up to date annual supplements reissue of specific volumes every three to four years are published dependent on the development on a given area of law. Thus re-issue ranging from 2000 - 2002 have been published. A useful Consolidated Subject Index, 1808 - 2000, was issued to cover all twelve volumes of the Digest.

Indexes

1. Malayan Law Journal Consolidated Tables 1932 - 1998 ¹⁴⁷ issued in four volumes comprising:
 - Volume I General Index and Table of Cases Reported
 - Volume II Cases Judicially Considered
 - Volume III Legislation Judicially Considered
 - Volume IV Subject Index

The Consolidated Table of Cases Reported has been re-issued in 2001.
2. Current Law Journal Consolidated Index [1993 - 2000] ¹⁴⁸ comprising Table of Articles, Cases Reported, Legislation Judicially Considered and Subject Index. Annual Consolidated Index 2001 issued to supplement the above stated publication.
3. All Malaysia Reports Cumulative Index, 1992 - 1998 ¹⁴⁹ comprising Table of cases reported, Subject Index and Legislation Judicially Considered. Annual indexes (non - cumulative) issued in 1999, 2000 and 2001.

III. ISLAMIC LAW IN MALAYSIA

Before the advent of British control in the Malay States Islamic law was fully and generally applied in all the nine Malay States ¹⁵⁰. The courts under the British influence, although conceding that Islamic law is the law of the land, did not hesitate to apply English rules of justice, equity, and reasonableness on principles of "justice and fairness" ¹⁵¹. This practice paved the way for the erosion of the influence of Islamic Law in the Straits Settlements and the Malay States.

In the pre - colonial era the Sultanate of Malacca being the portal through which Islam gained a foothold in the Malayan Peninsular, there was compilation of Malay-Muslim law known as Risalat Hukum Kanun or Hukum Kanun Melaka. After the downfall of the Malacca Sultanate to the Portuguese, the Malacca version of the Islamic Law was adapted and applied to other Malay States particularly Pahang, Johore and Kedah.

Islam in contemporary Malaysia is again gaining ground. It now enjoys royal patronage and constitutional status as official religion of the country. The respective rulers of the various states are the guardians of the religion. In states such as Penang, Malacca, Sabah and Sarawak where there are no rulers, the Yang di-Pertuan Agong (Supreme Ruler) is the head.

Islamic law is now enforced by legislation enacted in conformity with the powers and limitations enunciated in the Federal Constitution ¹⁵². Islamic law is a matter for the State Legislatures. It is administered by the Syariah Courts and the civil courts have no jurisdiction in respect of any matter within the jurisdiction of the Syariah Courts. The exclusive jurisdiction of Shariah Courts include matters affecting the family, succession, charities and religious affairs. In criminal matters jurisdiction is conferred on the Syariah Court by the Syariah Courts (Criminal Jurisdiction) Act 1965 (Act 355).

As the administration of Muslim law is a state matter, Syariah Courts were established at the various state levels. Jurisdiction is restricted only to Muslims resident in that particular state. Comprehensive uniform laws of civil and criminal procedure have been introduced and the status of the Syariah Courts have been elevated with the appointment of legally qualified judges in Syariah law. Amendments to the Federal Constitution ¹⁵³ has revoked the jurisdiction of the High Court in respect of any matter within the scope of the Syariah Courts.

Decisions of the Syariah Courts are reported in the Jernal Hukum ¹⁵⁴. A topical list of the Islamic Laws passed by the respective states appears in Part II of the Index to State Laws of the Federal Statute Law Referencer ¹⁵⁵.

IV. TREATIES

Treaties are important sources of international law and treaty collections have great value. The Vienna Convention on the Law of Treaties 1969 defines "treaty" as an international agreement concluded between States in written form and governed by international law. Treaties can be multilateral or bilateral, and many states publish their own treaty series. In Malaysia, the early treaties and agreements were concluded mainly between the individual Malay States and the

colonial powers, namely the Dutch and the British. These treaties were in fact collected and compiled under government authority as follows:

1. Report on the Treaties and Engagement with the Native States of Malayan Peninsular anterior to 1860 ¹⁵⁶ by Colonel Cavenagh, Governor of the Straits Settlements
2. Treaties and Other Papers Connected with Native States of the Malay Peninsular by the Straits Settlements Government 1888 ¹⁵⁷
3. Treaties and Engagements entered into with or affecting the Native States of the Malay Peninsular 1889 by the Straits Settlements Government 1889 ¹⁵⁸
4. Treaties and Engagements affecting The Malay States and Borneo edited by W.G. Maxwell and W.S.Gibson, 1924 ¹⁵⁹

No further official compilation of treaties surfaced since 1924. In 1981 a private publication brought the treaty records up to date. It was a two volume work entitled "A Collection of Treaties and other Documents affecting the States of Malaysia, 1761 - 1963" ¹⁶⁰.

Apart from the above two collections of Johore treaties are held in the Law Library of University of Malaya . One is an undated compilation of treaties between the British and the State of Johore from 1818 to 1915 ¹⁶¹, and the other comprises Johore treaties from 1819 to 1927 in Jawi by Haji Mohd Said bin Haji Sulaiman. This latter collection was published in 1941 entitled "Buku Treaty Johore dengan Pertamabahnnya" ¹⁶² (Johore Book of Treaties with Supplement).

Currently there is no treaty series in Malaysia. The Treaty Division in the Ministry of Foreign Affairs acts as the custodian of all treaties between Malaysia and other countries. Listings appear periodically in the Ministry's quarterly journal entitled "Foreign Affairs Malaysia" published since 1968.

A list of the current treaties subscribed to by Malaysia are:

- S=Where Malaysia is the signatory*
1. Convention for the Protections of Industrial Property and Revisions
Paris: 20-03-1883 Malaysia: 01-01-1989 (S)
 2. International Convention for the Publication of Customs Tariffs
Brussels: 05-07-1892 Malaysia: 07-01-1959 (S)
 3. Constitution of the International Labour Organisation Versailles: 1901
Malaysia: 11-11-1957
 4. Agreement for the Suppression of the Circulation of Obscene Publications and 1949
Protocol
Paris: 04-05-1910 Malaysia: 31-8-1957
 5. International Convention for the Unification of Certain Rules of Law Respecting
Collisions between Vessels Brussels: 23-10-1910 Malaysia: 3-3-1913
 6. Minimum Age (SEA) Conventions (ILO)
Genoa: 09-07-1920 Malaysia: 03-03-1964 (Sarawak)
 7. Convention and Statute on Freedom of Transit
Barcelona: 20-04-1921 Malaysia: 28-01-1924
 8. Minimum Age (Trimmers and Stokers) Convention (ILO 15)
Geneva: 11-11-1921 Malaysia: 03-03-1964 (Sabah & Sarawak)

9. Medical Examination of Young Persons (SEA) Convention (ILO 16)
Geneva: 11-11-1921 Malaysia: 03-03-1964 (Sabah & Sarawak)
10. Right of Association (Agriculture) Convention (ILO 11)
Geneva: 11-11-1921 Malaysia: 11-01-1960
11. Workmen's Compensation (Agriculture) Convention (ILO 12)
Geneva: 12-11-1921 Malaysia: 05-06-1961
12. Weekly Rest (Industry) Convention (ILO 14)
Geneva: 17-11-1921 Malaysia: 03-03-1964 (Sarawak)
13. International Convention for the Suppression of the Circulation of and Traffic in Obscene Publications and 1947 Protocols
Geneva: 12-09-1923 Malaysia: 21-08-1958
14. Convention and Statute on the International Regime of Maritime Ports
Geneva: 09-12-1923 Malaysia: 31-08-1966
15. International Convention for the Unification of Certain Rules of Law Relating to Bills of Lading
Brussels: 25-08-1924 Malaysia: 24-08-1970
16. Equality of Treatment (Accident Compensation) Convention (ILO 17)
Brussels: 05-06-1923 Malaysia: 11-11-1957
17. Workmen Compensation (Accidents) Convention (ILO 17)
Brussels: 10-06-1925 Malaysia: 11-11-1957
18. Protocol for the Prohibition of the use in war of Asphyxiating Methods of Warfare
Geneva: 17-06-1925 Malaysia: 10-12-1970
19. International Convention for the Suppression of Counterfeiting Currency with Protocol and Optional Protocol
Geneva: 20-4-1929 Malaysia: 04-07-1972
20. International Convention for the Unification of Certain Rules Relating to International Carriage by Air
Warsaw: 12-10-1929 Malaysia: 16-09-1970
21. Convention on the Stamp Laws in Connection with Bills of Exchange and Promissory Notes
Geneva: 07-06-1930 Malaysia: 14-01-1960
22. 1930 Forced Labour Convention (ILO 29)
Geneva: 28-06-1930 Malaysia: 14-01-1960
23. Convention on the Stamp Laws in Connection with Cheques
Geneva: 19-03-1931 Malaysia: 14-01-1960
24. Underground Work (Women) Convention (ILO 45)
Geneva: 20-06-1936 Malaysia: 11-11-1957
25. Recruiting of Indigenous Workers Convention (ILO 50)
Geneva: 20-06-1936 Malaysia: 11-11-1957
26. Contracts of Employment (Indigenous Workers) Convention (ILO 64)
Geneva: 27-06-1939 Malaysia: 11-11-1957
27. Penal Sanction (Indigenous Workers) Convention (ILO 65)
Geneva: 27-06-1939 Malaysia: 11-11-1957
28. Convention on International Civil Aviation
Chicago: 07-12-1944 Malaysia: 11-11-1957
29. International Air Services Transit Agreement
Chicago: 07-12-1944 Malaysia: 31-12-1959
30. United Nations Charter
San Francisco: 26-06-1945 Malaysia: 19-9-1957

31. Declaration of Acceptance of the Obligations Contained in the Charter of the United Nations
San Francisco: 26-06-1945 Malaysia: 17-9-1957
32. Constitution of the Food and Agriculture Organisation (FAO)
Quebec: 16-10-1945 Malaysia: 9-11-1957
33. Constitution of the United Nations Educational Scientific and Cultural Organisation (UNESCO)
London: 16-11-1945 Malaysia: 16-6-1958
34. Articles of Agreement of the International Monetary Fund
Washington: 27-12-1945 Malaysia: 07-03-1958
35. Convention on the Privileges and Immunities of the United Nations
London: 13-2-1946 Malaysia: 28-10-1957
36. Constitutions of the World Health Organisation (WHO)
New York: 22-07-1946 Malaysia: 24-4-1958
37. Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs
New York: 11-12-1946 Malaysia: 21-1-1958
38. Protocol Bringing under International Drugs Outside the Scope of the Conventions of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs as amended by the ;Protocol signed at Lake Success
New York: 11-12-1946 Malaysia: 21-8-1958
39. Labour Inspection Convention (ILO 81)
Geneva: 11-07-1947 Malaysia: 1-7-1963
40. Contracts of Employment (Indigenous Workers) Convention (ILO 86)
Geneva: 11-07-1947 Malaysia: 19-5-1958
41. General Agreement in Tariffs and Trade
Geneva: 30-10-1947 Malaysia: 24-10-1957
42. Convention for the Suppression of the Circulations of and Traffic in, Obscene Publications concluded at Geneva on 12.9.1923 and amended by the Protocol signed at Lake Success
New York: 12-11-1947 Malaysia: 21-8-1958
43. Convention on the Privileges and Immunities of the Specialised Agencies
New York: 21-11-1947 Malaysia: 29-03-1962
44. Convention on the International Maritime Organisation
Geneva: 6-03-1948 Malaysia: 17-6-1971
45. Employment Service Convention (ILO 88)
Geneva: 9-7-1948 Malaysia: 6-6-1974
46. Constitution of the International Rice Commission
Washington: 29-11-1948 Malaysia: 15-9-1958
47. Labour Clauses (Public Contracts) Convention (ILO 94)
Geneva: 29-6-1949 Malaysia: (Sabah & Sarawak:3-3-1964)
48. Protection of Wages Convention (ILO 95)
Geneva: 1-7-1949 Malaysia: 17-11-1961
49. Right to organise and collective Bargaining Convention (ILO 98)
Geneva: 1-7-1949 Malaysia: 5-6-1961 (Sabah & Sarawak: 3-3-1964)
50. Conventions for the Protection of War Victims concerning:
 - (1) Amelioration of the Condition of Wounded and Sick in Armed Forces in the Field
 - (2) Amelioration of the Condition of Wounded and Sick and Ship wrecked Members of Armed Forces at Sea

- (3) Treatment of Prisoners of War
- (4) Protection of Civilian Person in Time of War
Geneva: 12-08-1949 Malaysia: 24-8-1962
- 51. Convention on Road Traffic
Geneva: 19-9-1949 Malaysia: 10-9-1958
- 52. Protocol modifying the 1890 Convention Concerning the Creation of an International Union of Publication of Customs Tariffs
Brussels: 16-12-1949 Malaysia: 01-04-1959
- 53. Agreement on the Importation of Educational Scientific and Cultural Materials
New York: 22-11-1950 Malaysia: 29-16-1959
- 54. Convention on the Nomenclature in Goods in Customs Tariffs and 1955 Amending Protocol
Brussels: 15-12-1950 Malaysia: 30-3-1979
- 55. International Conventions to Facilitate the importation of Commercial Samples and Advertising Material
Geneva: 7-11-1952 Malaysia: 21-8-1958
- 56. Customs Convention on the Temporary Importation of Private Road Vehicles
New York: 4-6-1954 Malaysia: 7-5-1958
- 57. Convention Concerning Customs Facilities for Touring
New York: 4-6-1954 Malaysia: 7-5-1958
- 58. Additional Protocol to the 1954 Convention Concerning Customs Facilities for Touring relating to the Importation Tourist Publicity and Material
New York: 4-6-1954 Malaysia: 7-5-1958
- 59. Articles of Agreements of the International Finance Corporation
Washington: 25-5-1955 Malaysia: 20-3-1958
- 60. Protocol Amending the 1929 Convention for the Unification of Certain Rules relating to International Carriage by Air
The Hague: 28-9-1955 Malaysia: 20-9-1974
- 61. Supplementary Convention on the Abolition of Slavery, the Slavery Trade and Institutions and Practices similar to Slavery
Geneva: 7-9-1956 Malaysia: 18-11-1957
- 62. Statutes of the International Atomic Energy Agency
New York: 26-10-56 Malaysia: 15-1--1969
- 63. Statutes of the International Centre for the Study of the Preservation and Restoration of Cultural Property
New Delhi: 5-12-1956 Malaysia: 4-11-1966
- 64. Convention on the Nationality of Married Women
New York: 20-2-1957 Malaysia: 24-2--1959
- 65. 1957 Abolition of Forced Labour Convention (ILO 105)
Geneva: 25-6-1957 Malaysia: 13-10-1958
- 66. Convention on the Territorial Sea and the Contiguous Zone
Geneva: 29-4-1958 Malaysia: 21-12-1960
- 67. Convention on the High Sea
Geneva: 29-4-1958 Malaysia: 21-12-1960
- 68. Convention on Fishing and Conservation of the Living Resources of the High Seas
Geneva: 29-4-1958 Malaysia: 21-12-1960
- 69. Convention on the Continental Shelf
Geneva: 29-4-1958 Malaysia: 21-12-1960

70. Optional Protocol (to the 1958 Law of the Sea Conventions) concerning the Compulsory Settlement of Disputes
Geneva: 29-4-1958 Malaysia: 1-5-1961
71. Convention of the Recognition and Enforcement of Foreign Arbitral Awards
New York: 10-6-1958 Malaysia: 5-11-1985
72. Articles of Agreement of the International Development Association
Washington: 26-1-1960 Malaysia: 24-9-1960
73. Single Convention on Narcotic Drugs
New York: 30-3-1961 Malaysia: 11-7-1967
74. Convention on the Asian Productivity Organisation (APO)
Manila: 14-4-1961 Malaysia: 1.1.1983
75. Vienna Convention on Diplomatic Relations
Vienna: 18-04-1961 Malaysia: 9-11-1965
76. Optional Protocol to 1961 Vienna Convention on Diplomatic Relations Concerning the Compulsory Settlement of Disputes
Vienna: 18-04-1961 Malaysia: 9-11-1965
77. Conventions on the A.T.A Carnet for the Temporary Admission of Goods
Brussels: 6-12-1963 Malaysia: 13-6-1988
78. Vienna Convention on Diplomatic Relations
Vienna: 24-4-1963 Malaysia: 1-10-1991
79. Treaty Banning Nuclear Weapon testing in the Atmosphere in Outer Space and Underwater
Moscow: 5-8-1963 Malaysia: 15-7-1964
80. Convention on Offences and Certain Other Acts Committed on Board Aircraft
Tokyo: 14-9-1963 Malaysia: 5-3-1985
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Washington: 18-3-1965 Malaysia: 8-8-1968
82. Convention on Facilitation of International Maritime Traffic 1965
London: 9-4-1965 Malaysia: 9-4-1965 (S)
83. Agreement Establishing the Asian Development Bank
Manila: 4-12-1965 Malaysia: 16-8-1966
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London: 5-4-1966 Malaysia: 12-1-1971
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Monaco: 3-5-1967 Malaysia: 3-7-1975
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Geneva: 22-2-1967 Malaysia: 10-9-1969
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London: 23-6-1969 Malaysia: 24-4-1984
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Boston: 25-7-1969 Malaysia: 11-12-1975
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Mexico City: 27-9-1990 Malaysia: 8-5-1975

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Washington: 11-2-1971 Malaysia: 21-6-1972
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Vienna: 21-1-1971 Malaysia: 22-7-1986
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Washington: 20-8-1971 Malaysia: 20-8-1971
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Geneva: 25-3-1972 Malaysia: 20-4-1978
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Washington: 10-4-1972 Malaysia: 6-9-1991
97. Convention on the International Regulations for Prevention of Collisions at Sea
London: 20-10-1972 Malaysia: 23-12-1980
98. Convention for the Protection of the World Cultural on Natural Heritage
Paris: 16-11-1972 Malaysia: 7-12-1988
99. International Convention on International Trade in Endangered Species of World Fauna and Flora
Washington: 3-3-1973 Malaysia: 20-11-1977
100. International Convention on the Simplification and Harmonization of Customs Procedures
Kyoto: 18-5-1973 Malaysia: 8-6-1993
101. International Telecommunications Conventions and Optional Protocol Malaga, Trimolinos: 25-10-1974 Malaysia: 13-4-1976
102. Convention on a Code of Conduct for Liner Conferences
Geneva: 6-4-1974 Malaysia: 27-8-1982
103. International Convention for the Safety of Life at Sea
London: 1-11-1974 Malaysia: 19-10-1983
104. Constitution of the Asia Pacific Telecommunity
Bangkok: 27-3-1976 Malaysia: 23-6-1977
105. Agreement Establishing the International Fund for Agricultural Development
Rome: 13-6-1976 Malaysia: 23-1-1990
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London: 3-9-1976 Malaysia: 12-7-1980
107. Constitution of the United Nations Industrial Development Organisation (UNIDO)
Vienna: 8-4-1979 Malaysia: 28-7-1980
108. International Natural Rubber Agreement 1979
Geneva: 6-10-1979 Malaysia: 29-1-1980
109. Universal Postal Convention and General Regulations of UPU
Rio de Janeiro: 26-10-1979 Malaysia: 17-2-1982
110. Postal Parcels Agreement
Rio de Janeiro: 26-10-1979 Malaysia: 17-2-1982
111. Convention on the Elimination of all Forms of Discrimination against Women
New York: 18-12-1979 Malaysia: 5-7-1995
112. Asia Pacific Postal Convention
Jog Jakarta: 27-3-1981 Malaysia: 27-3-1981

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Geneva: 26-6-1981 Malaysia: 4-9-1981
114. International Telecommunication Convention and Optional Protocol
Nairobi: 6-11-1982 Malaysia: OP. (Optional Additional Protocol)
115. UN Convention on the Law of the Sea
Montego Bay: 10-12-1982 Malaysia: 10-12-1982
28-7-94 signed the Agreement to Implement Part XI. : 20-3-1996
116. Agreement Establishing the Association of Tin Producing Countries (ATPC)
London: 29-3-1983 Malaysia: 16-6-1983
117. Commonwealth Telecommunications Organisation Financial Agreement
London: 30-3-1983 Malaysia: 14-6-1987
118. International Convention on the Harmonized Commodity Description and Coding System
Brussels: 14-6-1983 Malaysia: 15-12-1987
119. International Tropical Timber Agreement
Geneva: 18-11-1983 Malaysia: 14-12-1984
120. Universal Postal Convention and General Regulations of UPU
Hamburg: 27-7-1984 Malaysia: 13-8-1986
121. Vienna Convention for the Protection of the Ozone Layer
Vienna: 22-3-1985 Malaysia: 29-9-1989
122. Convention Establishing the Multilateral Investment Guarantee Agency
Seoul: 11-10-1985 Malaysia: 2-8-1991
123. Constitution of the Asia-Pacific Postal Union
Bangkok: 4-12-1985 Malaysia: 14-1-1988
124. International Convention against Apartheid in Sports
New York: 10-12-1985 Malaysia: 16-5-1986(S)
125. Agreement on the Reconstruction of the Commonwealth Agricultural Bureaux as Cab
International
London: 8-7-1986 Malaysia: 11-3-1987
126. Convention on Early Notification of a Nuclear Accident
Vienna: 26-09-1986 Malaysia: 1-9-1987
127. Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency
Vienna: 26-09-1986 Malaysia: 1-9-1987
128. International Natural Rubber Agreement 1987
Geneva: 20-3-1987 Malaysia: 25-6-1987
129. Protocol on Substances that Deplete the Ozone Layer
Montreal: 16-9-1987 Malaysia: 29-8-1989
130. Agreement on the Network of Agriculture Centers in Asia and the Pacific
Bangkok: 8-1-1988 Malaysia: 4-7-1991
131. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving
International Civil Aviation, supplementary to the 1971 Convention for the Suppression
of Unlawful Acts Against the Safety of Civil Aviation
Montreal: 24-2-1988 Malaysia: 8-7-1988
132. Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances
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Disposal
Basel: 22-3-1989 Malaysia: 8-10-1993
134. Terms of References of the International Tin Study Group
Geneva: 7-4-1989 Malaysia: 18-10-1989

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Nice: 30-6-1989 Malaysia: 30-6-1989
136. Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific and 1990 Protocols
Wellington: 24-11-1989 Malaysia: 27-6-1995
137. Asian Pacific Postal Convention
Rotorua: 6-12-1990 Malaysia: 6-12-1990
138. Agreement Concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality National of Cambodia
Paris: 23-10-1991 Malaysia: 31-3-1993
139. United Nations Framework Convention on Climate Change
New York: 9-5-1992 Malaysia: 13-7-1994(S)
140. United Nations Convention on Biological Diversity
Rio De Janeiro: 5-6-1992 Malaysia: 30-9-1992
141. Constitution of the International Telecommunication Union
Geneva: 22-12-1992 Malaysia: Optional Protocol
142. Convention of the International Telecommunication Union
Geneva: 22-12-1992 Malaysia: Optional Protocol
143. Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction
Paris: 13-1-1993 Malaysia: 14-1-1993
144. International Cocoa Agreement 1993
Geneva: 16-7-1993 Malaysia: 21-12-1993(S)
145. Charter of the Asian and Pacific Development Centre
Bangkok: 1-4-1992 Malaysia: 15-6-1995
146. Agreement Establishing the World Trade Organisation
 - (a) Multilateral Agreement on Trade in Geneva
 - (b) General Agreement on Trade in Services
 - (c) Agreement on Trade Related Aspects of Intel lecture Property Rights
 - (d) Understanding on Rules and Procedures Governing the Settlement of Disputes
 - (e) Trade Policy Review Mechanism
 Malaysia: 6-9-1994
147. International Cocoa Agreement 1993
Geneva: 16-7-1993 Malaysia: 25-1-1994
148. International Tropical Timber Agreement 1994
Geneva: 26-1-1994 Malaysia: 1-3-1995
149. United Nations Convention to Combat Desertification on those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa
Paris: 14-10-1994 Malaysia: 6-10-1995
150. International Natural Rubber Agreement 1995
Geneva: 17-2-1995 Malaysia: 24-12-1996

V. SECONDARY SOURCES OF RESEARCH

A. Annotated statutes

The only source of annotation to Malaysian statutes is that published by the Malayan Law Journal entitled "Annotated Statutes of Malaysia" ¹⁶³ in loose-leaf binders. Annotation is made to selected statutes and the work is therefore not comprehensive. Each annotated Act is issued in booklets which are re-issued periodically.

B. Encyclopedic Works

The first point of reference when researching an area of law is encyclopedic works which give a succinct statement of the current legal position on a given point of law. The only such work in respect of Malaysian law is Halsbury's Laws of Malaysia ¹⁶⁴ which to date has published seventeen volumes on various areas of law.

C. Law Dictionaries

A dictionary in Bahasa Melayu is available entitled "*Kamus Undang-Undang*" ¹⁶⁵. In the absence of locally published dictionaries in English, recourse has to be made to foreign works, but compilations of words and phrases judicially defined are often referred to seek meanings attributed by the courts to specific terms and phrases. One such source is "*Words and Phrases Judicially Defined*" published by Malayan Law Journal ¹⁶⁶. Apart from this, publications there are dictionaries on appropriate Bahasa Melayu terminologies for parallel legal terms in the English language ¹⁶⁷. With the increased use of the local language in court proceedings these terminology texts are very useful.

D. Law Journals

Law journals are useful sources of academic comment and analysis of legal developments. The most useful legal journals published in Malaysia are:

1. Malayan Law Journal
2. Jernal Hukum
3. Malaysian Current Law Journal
4. Malaya Law Review
5. Jernal Undang-Undang: Journal of Malaysian and Comparative Law ¹⁶⁸
6. Survey of Malaysian Law ¹⁶⁹
7. Insaf ¹⁷⁰
8. Adil ¹⁷¹
9. Malaysian Tax Journal ¹⁷²
10. The Writ ¹⁷³
11. Journal of the Straits Branch of the Royal Asiatic Society, Singapore, 1878-1922
12. Journal of the Malaysian Branch of the Asiatic Society ¹⁷⁴
13. Index Malaysiana ¹⁷⁵

E. Internet CD-ROM etc

In the electronic age, the on-line sources are the most current and readily available sources:

1. www.lawnet.com.my -contains full text of all legislations, including Amendments, Bills, P.U.(A) & P.U.(B)
2. www.lexis.com -contains online sources for legal information including cases, legislations, journal articles etc.
3. www.cljlaw.com -contains cases, legislations of Malaysia, words and phrases judicially defined etc.
4. www.sc.com.my -provides guidelines, statutes and other legal matters related to securities
5. www.epu.jpm/Bi/guidelines/fic/FIC1.HTM -provides guidelines for the acquisition of assets, mergers and take-overs
6. www.bnm.gov.my/IslamicBanking/default.asp?1 -provides information on Islamic banking in Malaysia
7. www.malaysianbar.org.my -official website of the Bar Council, Malaysia
8. www.kln.gov.my/english/Fr-foreignaffairs.htm -contains list of all treaties subscribed to by Malaysia
9. Malayan Law Journal on Disk-produced by MLJ
10. Malaysian Court Forms in Civil Proceedings on Disk-produced by LexisNexis
11. Singapore Malaysia Case Law Library on Disk by LexisNexis & MLJ

VI. LEGAL RESEARCH CENTRES

The most useful resource centres for legal research are the well-stocked libraries of University Malaya ¹⁷⁶, National University of Malaysia (Universiti Kebangsaan Malaysia) ¹⁷⁷ and International Islamic University Malaysia (Universiti Islam Antarabangsa Malaysia) ¹⁷⁸. All these universities conduct legal education courses up to postgraduate level and have extensive legal materials to support requisite research needs.

Another good repository of historical documents is the National Archives of Malaysia (Arkib Negara Malaysia) ¹⁷⁹.

ENDNOTES

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- ² Sharifah Suhana Ahmed, *Malaysian Legal System*, Kuala Lumpur: Malayan Law Journal, 1964, pp. 1-3.
- ³ *Ibid.*
- ⁴ Abdul Monir Yaacob, "Shariah Courts in Malaysia, Past, Present and Future," in Ahmad Mohamed Ibrahim and Abdul Monir Yaacob, *The Administration of Islamic Law*, Kuala Lumpur: Malayan Law Journal, 1997, p. 21.
- ⁵ *Ibid.*
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- ⁸ Suhana, *ibid.* n 2 Supra
- ⁹ a) Mukhtiar Kaur, *Portuguese Eurasians in Malaysia: A Subject Approach, 1986 [Microfiche 9696]*. b) Abdul Kohar Rony, *Bibliography-Portuguese in South East Asia*, Berlin: A Verlag, 1999.
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- ¹⁴ Suhana, *Ibid.*, p. 22.
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- ²⁰ London: Waterloo, 1920, 5 vols.
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- ²³ Shaikha Zakaria, "The Legal Literature of Malaysia," in M. B. Hooker, *Malaysian Legal Essays*, Kuala Lumpur: Malayan Law Journal, 1986, p. 339.
- ²⁴ G. W. Bartholomew, *Ibid.*, p. 332.
- ²⁵ Singapore, 1890-98, 9 vols.
- ²⁶ Singapore, 1899-1908, 10 vols.
- ²⁷ Singapore, 1908-15, 7 vols.
- ²⁸ Singapore, 1916-40, 25 vols.
- ²⁹ Singapore, 1941.
- ³⁰ G. W. Bartholomew, *Ibid.*, p. 334.
- ³¹ *Ibid.*, p. 335.
- ³² *Ibid.*
- ³³ *Ibid.*
- ³⁴ *Ibid.*
- ³⁵ *Ibid.*
- ³⁶ *Ibid.*
- ³⁷ *Ibid.*

- 38 *Ibid.*
- 39 *Ibid.*
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subsidiary legislation. This compilation was not a revision, but was a reprint of the laws of North Borneo
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Edition of the Laws (Supplementary Volume) Ordinance 1955 (No.9 of 1955) and was published in two parts.
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Appendix, 87.
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Edition of Laws Ordinance 1946, and replaced both the Green Book and the Red Book.
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Legislative Assemblies of Sabah and Sarawak, including official purposes of the Federal Government shall
come into operation until ten years after Malaysia Day. Sabah, however, began publishing its Gazettes and
Supplements in both English and Bahasa Melayu as from October 1973, with the passing of its National
Language (Application) Enactment 1973 (N. 7 of 1973) and the Constitution (Am) Enactment 1973 (No. 8 of
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provide for the extension of the operation of the National Language Act 1963/1967, as amended, to all parts
of Malaysia.
102 National Language Act 1963/67 (Act 32) section 6.
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- ¹¹⁵ Ordinances No. 5 of 1868 (Straits Settlements).
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- ¹¹⁹ Abdul Hamid Omar, Tun, *The Judiciary in Malaysia*, Kuala Lumpur: Asia Pacific Publications, 1994, p. 28.
- ¹²⁰ Visu Sinnadurai (Ed.), *The Privy Council Cases, Malaysia, Singapore, Brunei, 1875-1990*, Kuala Lumpur: Professional Law Books, 1990.
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- ¹²² Practice Direction (Judgments: Form and Citation) [2001] 1 WLR 194.
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- ¹²⁹ New Series, published by authority began in 1926 and ended with volume for 1941-42. Cited by year of volume.
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- 170 A journal published by the Bar Council, as from 1967. It includes articles, comments and notes on current developments which are interest to legal practitioners, as well as notices of forthcoming conferences and seminars. The frequency of the journal varies from year to year.
- 171 Published by The Judicial and Legal Officers Association, 197?, It was originally intended to be a quarterly publication, but, owing to the dearth of contributions, it now appears irregularly. Besides articles, the journal also publishes digests of Acts, administrative law reports, and listings of legal officers in the Government service. From 1981, Adil has also started to include a section on legal terminology in Malay.
- 172 It began publication in August 1974. Published twice a year by the Inland Revenue Officers Union, Peninsular Malaysia, arising out of the need for income tax literature. It contains articles, recent tax legislation and cases on taxation.
- 173 Annual publication of the Sabah Law Association, 1978-., It includes not only articles, but also the judgments of the Sabah Court, and a directory of legal and judicial officers, as well as legal practitioners in Sabah.

¹⁷⁴ Succeeded the Journal of the Straits Branch of the Royal Asiatic Society. Published in Singapore, 1923- Suspended 1941-45. Contains scholarly articles on the history, literature and customary laws of Malaysia, Singapore and Brunei.

¹⁷⁵ Compiled by Lim Huck Tee and D.E.K. Wijasuriya, Kuala Lumpur: Royal Asiatic Society, Malaysian Branch, 1970. A Supplement was published in 1974. These two volumes covered the entire run of J.S.B.R.A.S and J.M.B.R.A.S. from 1878 up to 1973.

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