

Chapter 4

LEGAL EDUCATION

Legal Education in Malaysia had a late beginning. A Faculty of Law at the University of Malaya was only established in 1972. In that year, the first batch of 51 law students enrolled for the first session 1972-1973. Since then, other universities have been established with their own Faculties of Law, notably, the Universiti Kebangsaan Malaysia and the International Islamic University. Law is also taught at Institut Teknologi MARA (newly up-graded to an University) where, for many years prior to its status as an University, it had been providing a Diploma in law course, catered to producing para-legal personnel to service the courts and other Legal Departments.

1. PHILOSOPHY OF LEGAL EDUCATION

The Philosophy behind the need for legal education in Malaysia is clearly outlined in the Report of the Board of Studies prepared for the establishment of the Faculty of Law at the University of Malaya. Among others, it states the following:

- (i) As an independent country, Malaysia should have a Faculty of Law where its Constitution and laws can be studied and from which knowledge about its Constitution and laws can be disseminated.
- (ii) The study of law needs to be oriented to the needs of Malaysia. Students who study law in the United Kingdom or Australia only study the basic English law. While students in the University of Singapore are required to study Singapore and Malaysian Law, the coverage of Malaysian law especially in regard to Muslim law and Customary law is insufficient for the needs of Malaysia. It is essential to build up a

Malaysian consciousness in law studies as in other fields.

- (iii) Malay is the national language of Malaysia and it will be necessary to train legally qualified men and women who are also proficient in Bahasa Malaysia. If our laws and the proceedings in our courts are to be in Bahasa Malaysia in future it will be necessary to train our legally qualified men and women in Bahasa Malaysia. The institution of a Faculty of Law in Malaysia is a necessary step for the implementation of the use of Bahasa Malaysia in the courts and in the legal departments.
- (iv) Malaysia has hitherto been largely dependant on universities and professional organisations (the Inns of Court and the Law Society) in the United Kingdom and Australia and on the University of Singapore for the training of legally qualified persons. It is estimated that the total number of students who seek to read law from Malaysia is about 120 annually and this number is likely to increase in future.
- (v) There is a great need for research into Malaysian law, not only as regards the reception of the common law but also in the fields of Muslim Law and Customary Law.”

Legal Faculties in the University of Malaya, as well as Universiti Kebangsaan Malaysia and the MARA University of Technology follow the same philosophy behind legal education as above, that is, a concentration on Malaysian law which will include the reception of English law or the Common law, as well as Muslim law and customary law. However, at the International Islamic University, the study of law differs, in that the emphasis is on Islamic law, with a comparison between Islamic law or Islamic Legal System with the secular law.

2. COURSES AND STRUCTURE OF LEGAL STUDIES

Public Universities in Malaysia follow what is known as the semester system, borrowed from the United States, as opposed to the Term System of the United Kingdom (previously, the structure of studies was based on the term system). An academic year is divided into basically two semesters, with examinations conducted at

the conclusion of each semester. A semester runs for approximately 14 weeks, exclusive of a one-week mid-semester break.

Legal studies at the University of Malaya is made up of two components: (i) a three-year academic legal studies course, leading to the award of a Bachelor of Jurisprudence degree, and (ii) a one-year professional legal studies course, at the end of which, the Bachelor of Laws (LLB) degree is awarded. This structure became operational from the 1996/97 academic years. Previously, the Faculty of Law offered a four-year course, combining both academic and professional elements, leading to the LLB degree. The split in structure is to enable students to make a choice, that is, whether they wish to exit after the conclusion of the academic degree, or whether they wish to continue with the professional component and obtain the LLB degree. The professional component would be important and is required if the student wishes to pursue a career in the Judicial and Legal Service, or to serve as advocates and solicitors. Otherwise, it is not really a necessity to have the professional component.

The academic component is offered in three Parts – with Part I (the beginning stage) comprising of courses such as the Malaysian Legal System, Constitutional Law, Contract and Tort as well as Islamic Law. The second stage, Part II or the Middle Stage comprises of courses such as Criminal Law, Administrative Law, Land Law, Equity and Trusts and Moots. The Third Stage or Part III consists of courses such as Jurisprudence, Company Law and three other elective courses such as International Law, Family Law, Commercial Transactions, Environmental Law, Intellectual Property, Landlord and Tenant, Media Law, Banking Law, Cyber Laws, and Medical Law. A student could also opt to do a minor dissertation or project paper in a chosen field. At the Professional level, the courses offered include Evidence, Criminal Procedure, Civil Procedure, Professional Practice, Remedies and Ethics.

3. CERTIFICATE OF LEGAL PRACTICE (CLP)

There is no common Bar Examination. However, the Certificate of Legal Practice examination was introduced in 1984 to help students who have graduated overseas, particularly from the United Kingdom, who have failed to gain admission to the English Bar due to the requirement that they obtain at least a second class (upper) in their English Bar examination. Such students could return to Malaysia and do the CLP,

which, upon passing, will enable them to be called to the Malaysian Bar. This course is actually under the auspices of the Qualifying Board of the Bar, but since 1984, the Faculty of Law University of Malaya had been helping the Qualifying Board to conduct the course and examination. About 300 students are admitted into this course each year.

4. POST-GRADUATE COURSES

Like other Law Faculties throughout the world, the Faculty of Law at the University of Malaya also offers post-graduate courses such as the Doctor of Philosophy and Masters in Law.

The Masters in Law (LLM) programme consists of that by pure dissertation, coursework and dissertation and pure coursework. Some of the courses offered at the Masters level include Comparative Constitutional Law, International Human Rights and Humanitarian Law, Law of the Sea, Securities Regulation, Copyright, Employment Law, International Environmental Law and Comparative Administrative Law. Candidates have to take four courses for the pure coursework course, and two courses for the coursework and dissertation course. The minimum period of completion is two semesters, and maximum is six semesters.

5. EXTERNAL DEGREE PROGRAMME

An External Degree Programme in Law is offered only by the Faculty of Law, University of Malaya. This programme began in 1996, and is modeled along the University of London, external degree in law programme. Candidates who successfully complete their studies under this programme will be awarded the Bachelor of Jurisprudence degree (external). In order to enter the legal profession candidates will have to obtain the Certificate in Legal Practice.

6. DIPLOMA IN PUBLIC LAW

In 1997 the Faculty of Law University of Malaya introduced the Diploma in

Public Law course. The course is the result of a request from the Royal Malaysian Police Council for the Faculty to offer a Diploma specifically tailored for the needs of police officers. The first twenty candidates enrolled in the 1997/98 academic session. The course includes many subjects offered by the Faculty for the Bachelor of Jurisprudence/LLB degree. The Diploma entitles the holder to continue his or her studies in the Bachelor of Jurisprudence/LLB degree by transferring the credits obtained for the Diploma course.