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Malaysian Legal Information on the Web

HARVINDER KAUR*

Abstract

This article identifies and provides a brief description of Malaysian electronic legal information and resources. It guides non-legal and legal information-seekers to find useful legal information and resources on the web. A brief description of the Malaysian legal system and its history is also highlighted to give an understanding of the context of the development of the country's legal system and its resources.

Introduction: About the Country

Malaysia is situated in East Asia and comprises Peninsular Malaysia, Sabah and Sarawak. It is a federation of thirteen states and three federal territories. Malaysia practices parliamentary democracy and is ruled as a constitutional monarchy. The federal government consists of three components: the Legislature (Parliament), the Executive and the Judiciary. The state government is headed by the Ruler (*Sultan*), with the exception of the States of Melaka, Penang, Sabah and Sarawak which are headed by a Governor appointed by the King. The country gained its independence in 1957 after a long period of British colonization. *Bahasa Malaysia* (known as Malay) is the official language of the country and English is the second widely used language.

Kuala Lumpur, known as the garden city and currently known for its famous landmark, the Petronas Twin Towers, is the capital of Malaysia. Malaysia has a total population of more than 20 million, with the Malays, Chinese and Indians as the three most dominant ethnic groups. Although the country is a predominantly Muslim society, there is no restriction in practicing other faiths. Since its independence the country has gone through a rapid change from an agricultural nation to an industrial nation; and now there is an emphasis on information technology. Hence, there is a growing

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dependence on the use of the latest technology in the dissemination of information. This also has made an impact on the legal profession. The technology and the internet have brought major changes in imparting and promoting legal information.

Review of literature

A literature search reveals the earlier attempts to identify and outline Malaysian legal resources. Shaika Zakaria (1988) presented a detailed outline of various Malaysian legal sources available till the end of 1980's.¹ A similar article, by Edzan (2000), highlighted the print version of Malaysian primary and secondary legal sources available till the end of 1990's.² There have also been various studies from other jurisdictions examining legal resources available on the Web for the purpose of simplifying the search of a vast range of legal information. Jatkevicius James (2000) and his co-authors identified and examined the significant and freely available legal sites on the Web.³ And Vander Meer and Fravel (2002) provided a listing of Malaysian criminal justice information available on the Web.⁴

Objective

The aim of this article is to identify and describe Malaysian legal websites and electronic legal resources available on the Internet. This information is of immense use and value to anyone seeking information on the Malaysian legal system and services.

Methodology

¹ Shaika Zakaria. Sumber-sumber maklumat mengenai undang-undang Malaysia. 7 *Kekal Abadi* 7 (1988).

² N.N. Edzan. Malaysian legal sources: print. 5 *Malaysian Journal of Library & Information Science* 19 (2000).

³ Jatkevicius, James, Hart, Patricia and Krisin Haderlie. Free legal resources aggregators on the web. 23 *EContent* 27 (2000). *Library Literature and Information Science*

<http://vnweb.hwwilsonweb.com/hww/shared/shared_main.jhtml;jsessionid=KBPDD5ER5ZDMLQA3DILSFGGADUNGIIV0?_requestid=50864>

⁴ Vander Meer, Patricia Fravel. One click to Criminal Justice. 26 *Online (Weston, Conn.)* 48 (2002). *Library Literature and Information Science*
<http://vnweb.hwwilsonweb.com/hww/shared/shared_main.jhtml;jsessionid=KBPDD5ER5ZDMLQA3DILSFGGADUNGIIV0?_requestid=50864>

In order to determine the aim of this study a number of key websites were identified. These websites were then placed under 3 different categories, namely:

1. Malaysian legal system and services;
2. Online/Electronic law reports and legislation; and,
3. Other legal information.

The first category includes a selected list of government websites. These provide an overview of the information on the Malaysian Constitution, the legal system, the judiciary and legal services. The second category focuses on the information of commercial publishers' websites. These provide information on the law reports, legislation, products and free resources that are available on their websites. The third category highlights other legal information, namely, legal portals and law association websites.

The websites were identified using the Google search engine and book marked. The sites were examined in the following areas:

- scope,
- availability of free resources,
- language(s) used,
- ease of use,
- overall usefulness,
- significance,
- strengths and weaknesses.

Limitation

Information on websites changes constantly. Some websites are upgraded frequently and information may be added, discarded or rearranged. This fact is an inherent limitation of this study. As such the information may not always be accurate. Secondly, not all the Malaysian legal websites are included in this article, such as the websites of law firms, state Bar committees, and courts. These websites were excluded because links to these sites are available from the other websites discussed in this article.

MALAYSIAN LEGAL SYSTEM AND SERVICES

With the implementation of e-Government a number of government department websites are readily available on the web. Also available are sites of the Malaysian Parliament and the Judiciary.

Malaysian Parliament

(<http://www.parlimen.gov.my/>)

In Malaysia, the power to legislate is vested in Parliament at the federal level, and the State Legislative Assembly at the state level. However the Federal Constitution is the supreme law of the federation. The power of Parliament and State Legislature in Malaysia is limited by the Constitution. The site is available in English and Bahasa Malaysia, the National Language of Malaysia. The website contains general information about and functions of the legislative bodies of Parliament; the Senate and House of Representatives. Also available are information on the committee members, the library (known as Resource Center) and calendar of events for Parliamentary proceedings. This site also provides links to the websites of Inter Parliament of Malaysia, World Parliament, Malaysian Government Departments, State Government and Political Parties. Some free resources available from this website includes

- Acts of Parliament from 1990 onwards,
- Hansard (Parliamentary Debates) from 1990, which is available only in the Bahasa Malaysia,
- Bills from 1990 onwards (available in Bahasa Malaysia and English) and
- Order Paper of the House of Representative and the Senate available from 1999 onwards (available in both Bahasa Malaysia and English).

This website is simple and easy to browse. It is especially useful for those looking for general information on how the Malaysian parliament functions and how the law is legislated.

Malaysian Judiciary

(<http://www.kehakiman.gov.my/>)

The Malaysian legal system grew out of a colorful historical background and diverse cultures. This manifests itself in a unique system comprising a combination of the common law, Syariah law (Islamic law) and customary law traditions. Colonization brought the influence of the English common law. The frequent reference of English cases as precedents on the common law ensures its enormous influence on Malaysian law. Much of it became incorporated into Malaysian law mainly through sections of the Civil Law Act 1956. Section 3(1) provides for the general application of English Law, Section 5 provides for the application of English law in commercial matters and section 6 provides for the exclusion of English land law.

Under the Court of Judicature Act 1964 the Malaysian Judiciary comprises, in order of hierarchy, the Federal Court (formerly Supreme Court), the Court of Appeal, two High Courts, one for West Malaysia, and the other for East Malaysia (the states of Sabah & Sarawak). Below the High Courts are the subordinate courts namely the Sessions Court, followed by the Magistrates Court. In West Malaysia the Magistrate's Court is followed by the *Penghulu's* Court.⁵ The judiciary's website contains detailed information on the Malaysian judicial system, the jurisdictions of the courts, the judges' profiles, and a list of official members. This website provides information of the Registrar's Circulars, an index of practice directions and notes. Also available on this website are courts' addresses, cause lists of the Federal Court, the Court of Appeal and the High Court and selected speeches by the Chief Justice. The Federal Court administers this site.

Besides legislation, the law is also found in cases decided by the superior courts, the Federal Court, the Court of Appeal and the two High Courts. This website offers for free a list of the latest and archived judgments of the Federal Court (2003 onwards) and the Court of Appeal (2000 onwards). Also available on this website are: the Courts of Judicature Act 1964, the Rules of the Federal Court 1995 and the Rules of the Court of Appeal 1994 and the annual report of the superior and subordinate courts in Malaysia (2004/2005).

This site is useful for those who wish to seek information on the Malaysian judiciary, the courts as well as updates of the latest judgments. The website is easy to browse. However, one weakness of this website is the language used. The website does not provide multiple language options. Although the layout of the website is in English, the links and the content of the information are mainly in Bahasa Malaysia. The site could be improved if this linked information was available in English as well.

Attorney General's Chamber

(<http://www.agc.gov.my/>)

The Attorney General's Chambers (AGC) of Malaysia consists of lawyers who advise and draft laws for the government and appear in court for the government for prosecution in criminal cases and when the government is a party in civil suits. In short they are lawyers for the Malaysian government.

⁵ *Penghulu* is the headman of a village.

The website allows you to browse in English and Bahasa Malaysia. Useful information on this site includes a profile of the AGC.⁶ It also includes contact information of the State Legal Advisor's Offices, State Deputy Public Prosecutor's Offices and Prosecution Units at Government Agencies. Other useful information includes the full text of the Secretariat Treaty on Mutual Assistance in Criminal Matters among Like-Minded ASEAN Member Countries and links to other government departments' websites, such as the Legal Affairs Division. To view the collection of the AGC library the website offers access to the library's online catalog and a list of the latest Laws of Malaysia in PDF format. The website is easy to browse and contains sufficient information on the activities and information of the AGC.

Legal Aid Bureau of the Prime Minister's Department

(<http://www.bheuu.gov.my/bbg/index.shtml>)

A person who is unable to hire a lawyer due to financial setbacks or is not legally represented by a lawyer in either the Federal Court or the Court of Appeal can seek assistance from the Legal Aid Bureau. It is part of the Prime Minister's Department. The website provides the organizational history and the information of the services offered. Under this tab, information on the eligibility and the procedure to apply for legal aid is available. Here you can find court fees and look up the panel of lawyers who do legal aid work listed by state. Also set out is the procedure for lawyers who wish to apply to be on the panel. This website provides links to two other relevant legal department of the Prime Minister's Department namely the Department of Insolvency Malaysia and Department of Legal Matters. This website has a simple layout and is easy to browse; however, information is available only in Bahasa Malaysia. This site is significant for those who wish to know the procedure for obtaining government legal assistance.

Department of Syariah Judiciary Malaysia

(<http://www.esyariah.gov.my/>)

Besides the common law, Islamic law – also referred to as *Syariah Law* – is another major source of Malaysian law. Islamic law has been adopted gradually since Islam gained a footing in Malaysian culture back in the 15th century. Before then, Malay customary law was applied. The principles of Islamic law are based on the Holy Quran and the Hadith of the

⁶ The profile includes the charter, the past and present Attorney Generals of Malaysia, the Solicitor Generals of Malaysia, its organizational chart and information of the AGC divisions.

Prophet. When the British colonized Malaysia, English law was adopted in most criminal matters, as well as in areas such as evidence and civil procedure. Islamic law was limited to marriage and divorce matters and applied only to Muslims.

After Malaysia obtained its independence, Islamic law gained its status as part of Malaysian law. Each of the 13 states in Malaysia has an enactment for the administration of Islamic laws. As such, there are variations in the law administered in these states. Each state has a *syariah court* (Islamic Court) and a *syariah judge* appointed by the state ruler (*Sultan*) who is the head of the religion. The states of Penang, Malacca, Sabah, and Sarawak do not have a ruler, so the *Yang Dipertuan Agong* (King) is the head of the religion of Islam in these regions. These courts deal mainly with Islamic law for some family matters and criminal offences relating to the practice of Islam. Its jurisdiction extends only to Muslims. The Department of *Syariah* Judiciary Malaysia was established by the Federal Government in order to standardize matters pertaining to Islamic law among the states. The objective is to foster coordination among state *syariah* departments/courts with regard to *syariah* law, procedures and the appointment of *syariah* court judges. To know more about the practice and the administration of Islamic law in Malaysia, visit the Department of *Syariah* Judiciary Malaysia *esyariah* portal at <http://www.esyariah.gov.my/>. This website gives you information on the organizational profile, resource centre (library) and other departments within the *syariah* judiciary. The information is available in Malay and English language.

The site allows *Syariah* lawyers to register online and obtain access to free online *e-syariah* newsletters and also to check the status of their clients' cases nationwide. Other useful information includes the information on the Department of *Syariah* Judiciary Malaysia library, its policy and access to the library Online Public Access Catalogue. The Reference Material tab provides access to case abstracts published in the *Jurnal Hukum*. Other free reference resources include links to *syariah* state enactments and ordinances. Other services and information include online "*Faraid*" calculation, *Syariah* Criminal Case Registration (for members only), access to *syariah* court directories listed by states, guidelines of court procedures and processes, *syariah* court case schedules, and an archive which contains legal news pertaining to *syariah* law.

Links to other Islamic portals and departments such as the Singapore *Syariah* Court, the Association of Malaysian *Syariah* Lawyer (*Persatuan Peguam Syare Malaysia*) and a United States based Islamic Portal are listed in

this website. The website is attractive and well designed. However the weakness of this website is that it is not easily and readily accessible. The website gives provides insight into the function of Malaysian *syariah* courts and an overview of Islamic law practice in Malaysia.

LAW REPORTS & LEGISLATION/ELECTRONIC DATABASES

In Malaysia, most legal articles and judgments are published in a number of local law reports, namely, the *Malayan Law Journal*, the *Current Law Journal* and *All Malaysian Reports*. Besides print versions, most of these reports are now also available on CD Rom and online. Only subscribers are able to access the database and retrieve the report in the full text version. The publishers provide websites to disseminate information about their products and services for users to purchase online. These sites also provide useful free resources such as brief judgments and legal news.

Malayan Law Journal (www.mlj.com.my)

The *Malayan Law Journal* (MLJ) is the oldest and the leading law report in Malaysia. The founder publisher, Bashir Mallal, started the publication in 1932, reporting Singapore and Malaysian cases. In 1964, MLJ became a division of Reed International (Singapore) Pte Ltd. and the journal was published by its own publishing company called Singapore Malayan Law Journal (Pte) Ltd. In 1987, MLJ became part of the Butterworth International Group and is now a member of LexisNexis Group. The publication has evolved from the print version to CD Rom and Online in tandem with the expansion of law and advances in technology. Generally the MLJ CD or online database (via lexis.com) covers the full text of reported and unreported cases and articles. At present, the publisher has also expanded its products and services to the publication of books, CDs and organizing conferences and workshops.

The MLJ site gives information about products and services, namely books and CDROMs. You can purchase the products online via the MLJ Bookstore link. Here you can browse books by title, category of product, and subject index. One very useful link is "Free Resources" where you can access a huge range of legal articles at no cost.

Legal professionals, academicians and judicial officers' are encouraged to publish their articles in the *Malayan Law Journal*. Submission and copyright guidelines are given. Additionally, authors can update the

content of the articles online; however the guidelines to do so are lacking. The customer service center link provides contact information on services and products. Under the technical support link, guidelines to download the CD Rom are provided. Details of Conferences and Seminars organized by LexisNexis are also available from this site. Interested parties can download the registration forms. In general, this website is designed to promote and sell products, and it also contains some useful free resources. This site is easy to navigate and the language used on it is English.

Malaysian Current Law Journal

(<http://www.cljlaw.com>)

Another popular local legal report is the *Malaysian Current Law Journal* (MCLJ), published since 1981 by CLJ Legal Network (Pte) Ltd. The MCLJ has expanded from print to online accessibility. The MCLJ database contains cases, legislation, articles, treaties, forms, practice notes, precedents and legal references. The databases include reported cases from the CLJ (coverage from 1981-to date), the Business Law Journal, Malaysian Tax Cases CLJ Supplement from 1985 to 1998, Industrial Awards (1980 to date) and selected unreported cases from 1984 to date. All cases are searchable within a single search window. One point to note about this database is that its search and display process for all the resources are simple and smooth.

Free information on this site includes the latest legal news from daily newspapers. You will find this under the "News" tab. The current list of latest judgments, Bills, principal and amending Acts, and subsidiary legislation are found under the "Law Resources" tab. Individuals who wish to receive by email the latest updates of new cases of the Malaysian superior courts cited in the MCLJ and the Industrial Law Report Bulletin can do so by registering for this service, which is free of charge. Only paid members will be able to access the full text of the cases. Information on other products and services are provided along with the contact information. One of the latest efforts made by the same management of the CLJ database is the Online Commonwealth Law Cases database. I found no major weakness of this website or the database. The website is easy to access and the information available is sufficient for its purpose as a commercial website.

LawNet

(<http://www.lawnet.com.my>)

If you wish to obtain comprehensive and up to date Malaysian legislation, LawNet would be the right database to subscribe to. It is an

authoritative online database for Malaysian Laws published by the Commissioner of Law Revision in collaboration with Malayan Law Journal Sdn Bhd. This database contains the full text of the Malaysian Constitution, Acts (updated and original), amendments, federal and state Gazettes (from 2001 onwards), Judgments (Privy Council), news of the latest releases of Acts, amendments and Bills. The database is easy to browse and quick to download. Only subscribers are provided free legislation; however, some useful information available for non-subscribers includes a list of recent published acts, latest legal news, links to other legal websites, and previews of legal terms and information on the subscription of LawNet database.

OTHER LEGAL INFORMATION

LEGAL ASSOCIATION: THE MALAYSIA BAR

(<http://www.malaysianbar.org.my/>)

The Malaysian legal profession is organized as an association to protect its interests. The Malaysian Bar was established under the Advocates and Solicitors' Ordinance 1947, which was repealed and superceded by the Legal Profession Act 1976. Its website provides information on

- the role and function of the Malaysian Bar,
- membership enrollment information,
- Association officers,
- rulings,
- calendar of events,
- employment opportunities,
- online Bar Forum,
- Bar library information,
- selected published news on the legal profession and development.

Some links are accessible for registered members only, such as practice directions, selected articles, and subscriptions to the mailing list. Information available for non-members includes selected judgments, access to the full text articles from the Malaysian Bar publication, INSAF, and its official newsletter called *Praxis/Infoline*. This is available under "Resources Centre" tab. Non-members are also able to access the Legal Profession Act 1976 and all the rules and regulations which is available at the "Governing Laws" tab. A comprehensive directory of Malaysian lawyers, Notaries Public, Commissioners for Oaths and Syariah Lawyers are also available in this website.

The Malaysian Bar has incorporated information for the public in order to create public awareness of legal matters, such as information on the sale and purchase of houses, hire purchase of goods, and complaints against lawyers. Some useful links to other sites such as State Bar Committees, Law Associations, Law Societies and Bar Councils of other jurisdictions are available on this website. Overall, the information, links and the layout of the website are well designed and organized. It is easy to browse and the language used is English.

Legal Portal: Lawyerment

(<http://www.lawyerment.com.my>)

Quick and easy access to various Malaysian legal information and resources are available at the Lawyerment website. It is the premier Malaysian legal web portal, created and administered by Magnificent Communication since 2000. The site was created to provide comprehensive legal information to legal professionals, students, business and the public. It provides a handy search engine and access to an astonishing variety of legal information, including:

- legislation,
- courts,
- law schools,
- professional bodies,
- societies,
- local legal directories and news,
- legal guides,
- legal information by topic,
- cases,
- mailing lists,
- international legal links, and many more.

The language used at the site is English. This portal is simple, well-organized, well designed, and has plenty of coverage of legal matters and information, although some links have expired and are no longer accessible. While still a useful site, it could be greatly improved if it was better maintained.

Conclusion

All the sites listed above are unique and useful in their own ways. My evaluation of the websites reveals that these websites contain useful information such as information on the Malaysian legal system, links to state

bar committees, free resources such as a list of latest acts, judgments, articles, and other useful legal links. Generally, they are guides to what legal information is available and where to find Malaysian legal resources and services. In particular, non-reference librarians can help users to do preliminary research, and guide the librarian to purchase legal resources for its institution's collection.

Information technology and globalization makes information readily available. In the legal field, one can search for any country's legal information and services online. This global development has also made access to the services of Malaysian legal publishers much easier and promotes their legal databases and products online. As such, valuable electronic legal resources and services for Malaysia are readily available to librarians, non-law librarians, legal firms, legal professionals and the public.

The Malaysian legal associations or publishers' websites which have in-house publications, namely DSJM, Malaysian Bar Council, MLJ and CLJ, have included guidelines for submitting articles for publishing in their publications. This encourages legal professionals to submit quality articles.

Most of these websites are easily accessible. The language used on most websites is English, though some websites also use Bahasa Malaysia. The use of dual language extends the value of these websites to both Malaysian and international users.

Additional Resources

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