



Pusat Pengajian Undang-undang
School of Law

Universiti Utara Malaysia

AN OVERVIEW OF THE LEGAL SYSTEM AND LEGAL EDUCATION IN MALAYSIA




Dr. Muhammad Nazrul Abd Rani
School of Law
Universiti Utara Malaysia

CONCEPT

Concept of a Legal System

A legal system refers to the overall legal regime of a country. It provides:

A background image of a pair of scales of justice, symbolizing law and equity, is visible on the left side of the slide.

Institutions, principles, rules, and methods for regulating the relationship between law and society.

Describes the sources of law and procedures for making law and resolving disputes.

Classifies laws (civil, criminal, public, private, procedural, and substantive).

It outlines the rights, responsibilities, and duties of citizens towards each other and the state.

HISTORICAL DEVELOPMENT OF MALAYA



Malacca Sultanate (15th century): The spread of Islam and establishment of Islamic law



Portuguese (1511), Dutch (1641), and British (1786) colonization influenced the legal system

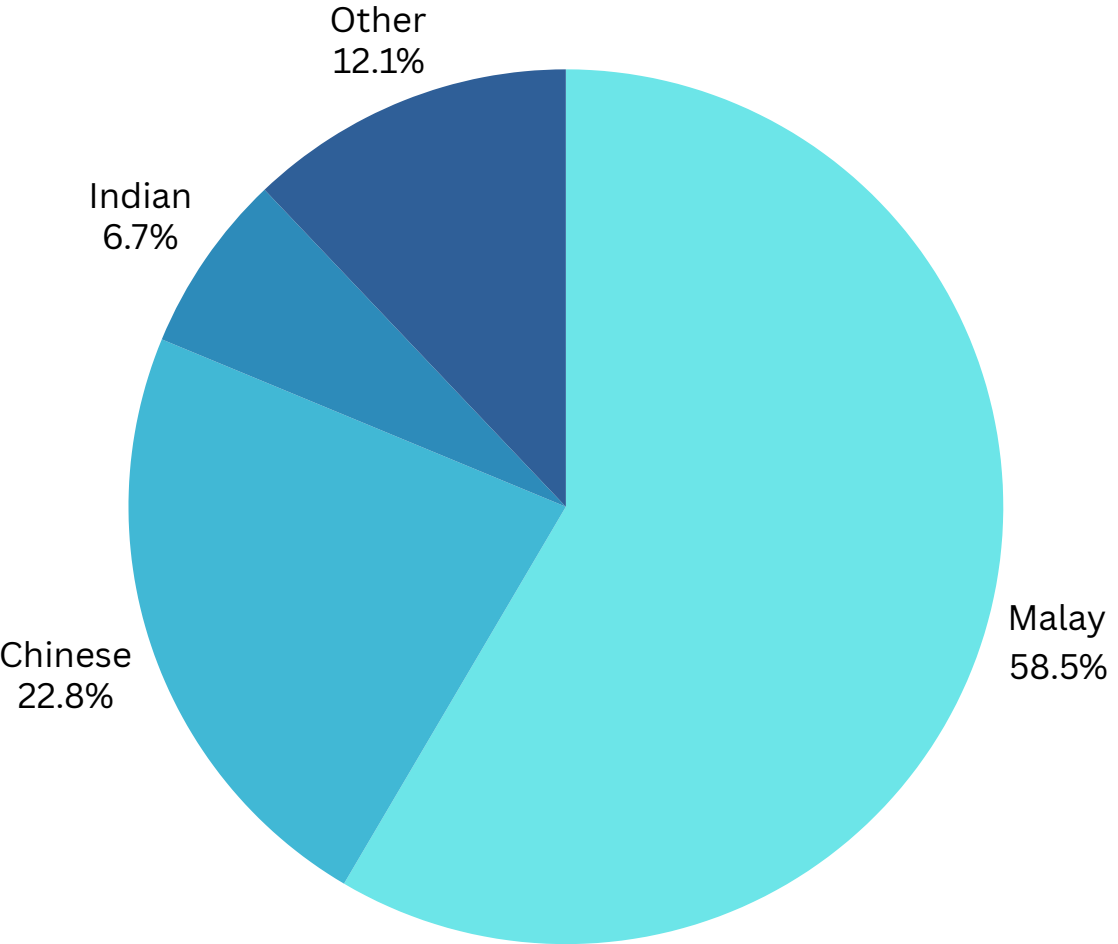


Compilation of local laws like the Hukum Kanun and Undang-Undang Melaka



British colonial period reshaped the legal landscape, introducing common law

MALAYSIA'S GEOGRAPHY AND POPULATION



- Two non-contiguous regions: Peninsular Malaysia and East Malaysia (Sabah & Sarawak).
- Population: About 34.1 million (2024); 79% live in Peninsular Malaysia, and 21% in East Malaysia.
- 3 main races in Malaysia; Malay, Chinese and Indian
- Historical influences: From Hindu-Buddhist kingdoms to Islamic influence since the 14th century.

FEDERAL SYSTEM AND CONSTITUTIONAL MONARCHY



His Majesty Sultan Ibrahim ibni Sultan Iskandar and Her Majesty Raja Zarith Sofiah binti Raja Idris Shah

Malaysia practices a federal system with a strong central government. There are three level of government; federal, state and local government

States enjoy some autonomy, especially Sabah and Sarawak (East Malaysia) - due to Malaysian Agreement 1963

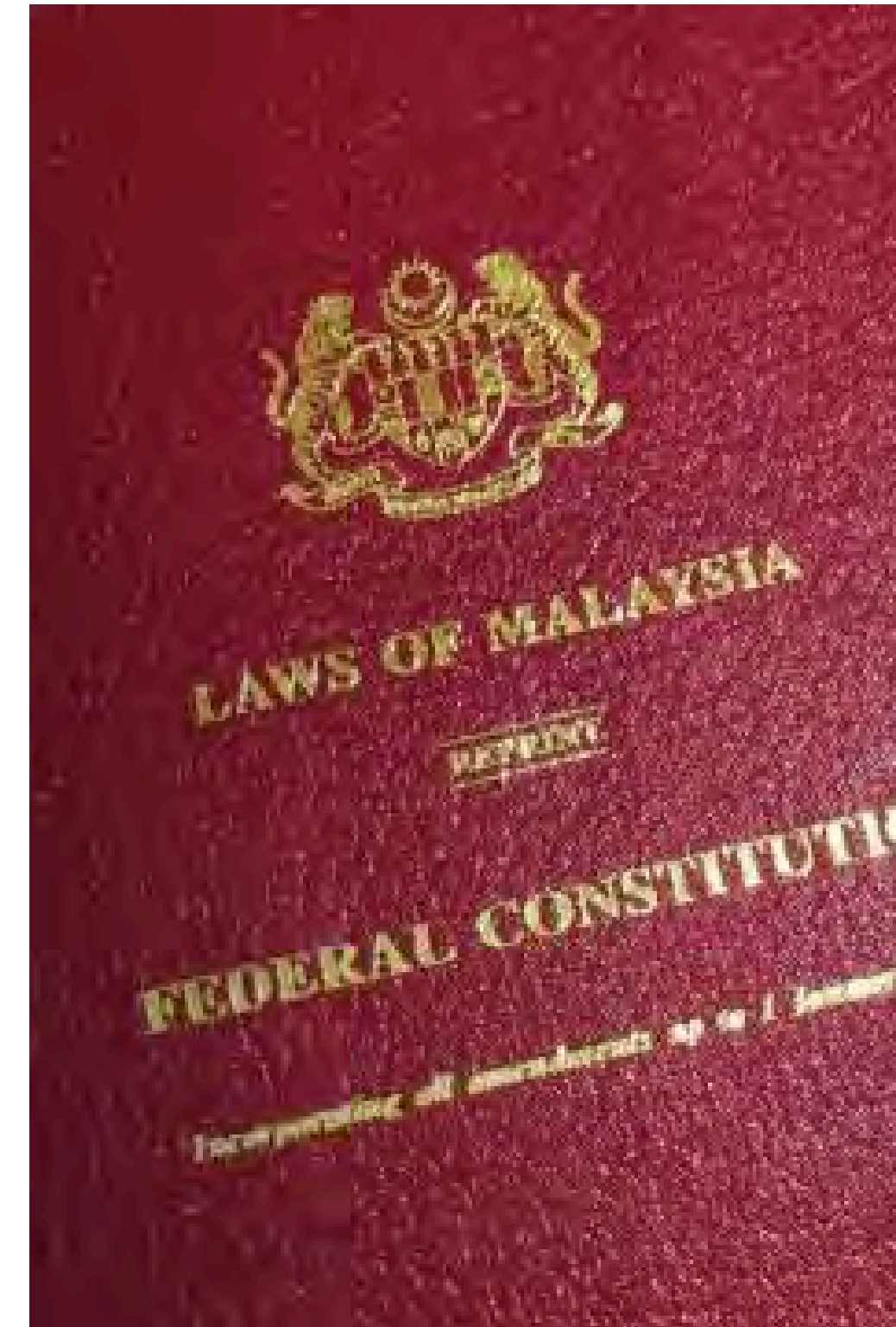
Unique rotational monarchy: Nine hereditary Rulers elect a King (*Yang di-Pertuan Agong*) every five years

FEDERAL CONSTITUTION OF MALAYSIA

Foremost legal instrument and contains 181 provisions, called Articles. The supreme law of the land, enacted in 1957 (Art. 4). Provides a framework for law-making, governance, and citizen rights

State Constitutions exist but must align with the Federal Constitution

Provides for judicial review and the protection of fundamental liberties



CONSTITUTIONAL RIGHT OF MALAYSIA



Fundamental rights are enshrined in Articles 5–13 of the Federal Constitution

Rights include freedom of speech, assembly, religion, and protection against retrospective criminal laws

Some limitations exist, such as laws on sedition, public order, and preventive detention

ISLAM AS THE OFFICIAL RELIGION

Article 3(1) of the Federal Constitution recognizes Islam as the religion of federation. Other religions can be practiced in peace and harmony.

Religion is a state matter (every state has its own rule) - Under state list (FC).

Syariah courts have jurisdiction over personal matters of Muslims (Art 121 (1A), but their reach is expanding.



DEMOCRATIC AND PARLIMENTARY SYSTEM

Malaysia has a bicameral Parliament (Dewan Rakyat (222 MPs) and Dewan Negara (70 senators - 26 elected by the State Assembly, 44 appointed by the King))

Regular general elections every five years for federal and state legislatures

Attributes of democracy: Political parties, protection of human rights, and judicial independence



SEPARATION OF POWER

- In Malaysia, we have three branches of government
- Separation of power to provide check and balance

LEGISLATIVE



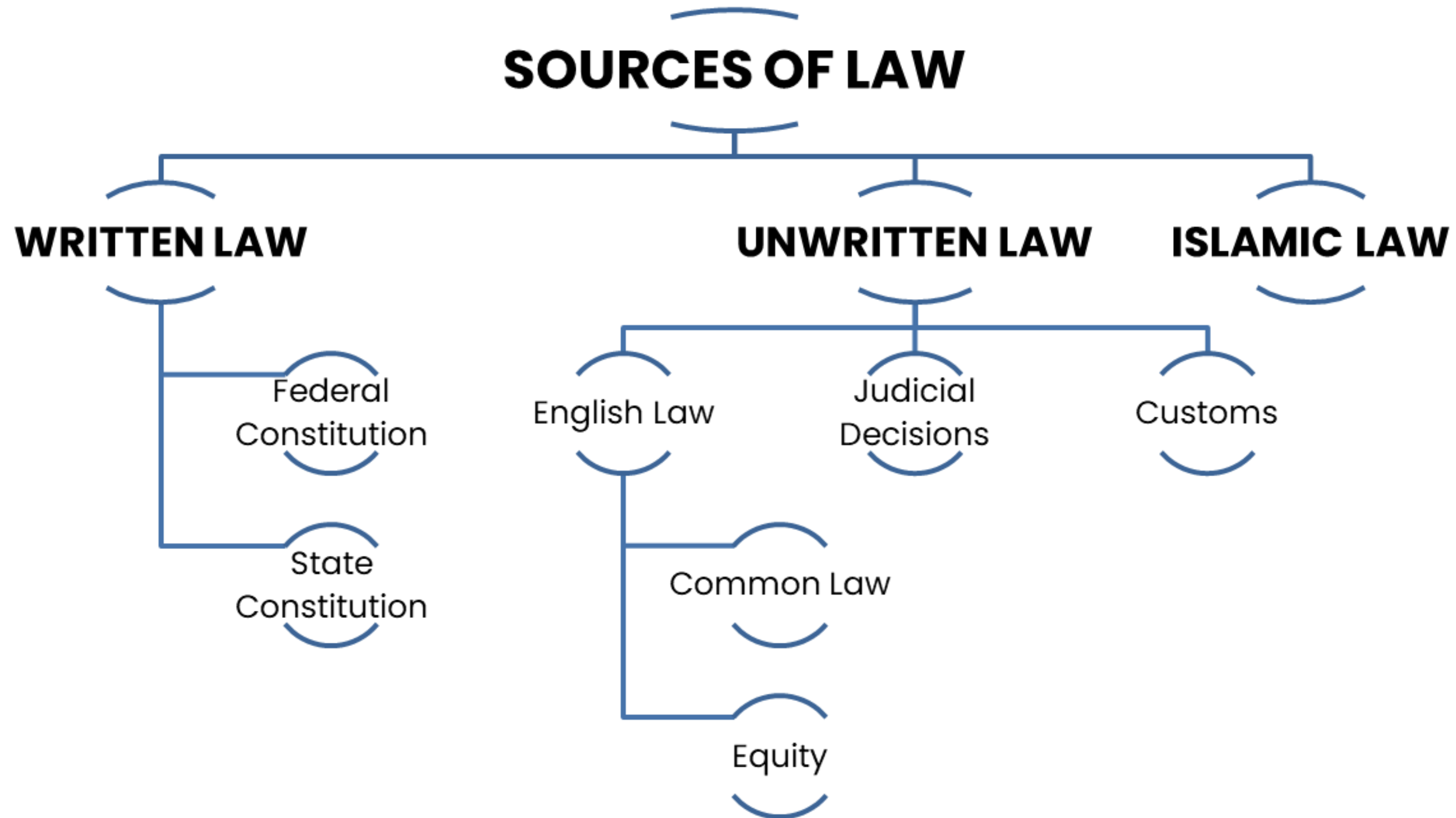
EXECUTIVE



JUDICIARY



SOURCES OF LAW IN MALAYSIA



LEGAL SYSTEM IN MALAYSIA



The legal system consists of secular, syariah, and customary laws.

Different court systems: Civil courts, Syariah courts, and Native courts (in East Malaysia).



Conflicts of law are frequent, especially between civil and syariah jurisdictions.

JUDICIARY IN MALAYSIA



Hierarchy: Federal Court, Court of Appeal, High Courts, Sessions Courts, and Magistrate Courts

Syariah Courts (High Court and Lower Court) operate separately for Muslim personal law matters

Native Courts in Sabah and Sarawak for indigenous customs



INTRODUCTION TO LEGAL EDUCATION IN MALAYSIA



LEGAL EDUCATION IN MALAYSIA

Legal education in Malaysia offers diverse options, ranging from undergraduate to postgraduate studies

Institutions such as public and private universities, and foreign law schools, play a key role in shaping future legal professionals

The legal profession requires thorough academic and practical training



ACADEMIC PATHWAY UNDERGRADUATE DEGREE (LL.B)

The Bachelor of Laws (LL.B) is the first step
in legal education

Curriculum includes core subjects:
Constitutional Law, Contract Law,
Criminal Law, Tort Law, and Land
Law.

Typically, it is a 3–4 year program offered by
public universities such as Universiti Malaya
(UM), Universiti Kebangsaan Malaysia (UKM),
Universiti Utara Malaysia (UUM) and private
institutions such as Multimedia University,
Taylors University and HELP University.

Practical components like mooting,
internships, and legal clinics are
often part of the program.



CERTIFICATE IN LEGAL PRACTICE (CLP)

The CLP is a mandatory qualification for non-local law graduates to practice in Malaysia

It serves as a postgraduate examination that tests knowledge of Malaysian law in subjects such as Evidence, Criminal Procedural, Civil Procedure, and Professional Practice

Graduates from recognized local LL.B programs are exempted from the CLP (public universities and Multimedia University)

The CLP exam is known to be rigorous, with a pass rate ranging from 30-40%.



PUPILLAGE / CHAMBERING

After passing the CLP or completing an LL.B from a recognized institution, candidates must undergo a 9-month pupillage (also known as chambering)

This involves working under the supervision of a qualified lawyer (Master - experience > 7 years) at a legal firm. Pupils gain practical experience in legal drafting, court procedures, and client interactions

The Bar Council organizes courses and seminars during this period to supplement practical training (ethics course and legal aid)



ADMISSION TO THE MALAYSIAN BAR

Upon completing pupillage, candidates apply for admission to the Malaysian Bar

They must file a petition in the High Court and obtain a 'Sijil Amalan Guaman' Practising Certificate)

The final step involves a formal ceremony where they are called to the Bar

Admission allows them to practice as Advocates & Solicitors in Malaysia



THANK YOU