

Volume 3 (2025)



# RMU e-Bulletin



**Research Management Unit**  
Universiti Teknologi MARA Cawangan Kedah

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# Embracing New Horizons: A Fresh Start for 2025



As we stand at the threshold of a new year, I welcome you to RMU4U Third Edition (January 2025). The start of a new year symbolizes renewal, an opportunity to recalibrate our aspirations and refresh our collective commitment to academic excellence, research endeavours, and impactful scholarly contributions.

The year 2024 saw significant progress within our academic and research community. It was a testament to the passion, perseverance, and creativity of all members of the UiTM Kedah family. As we reflect on those accomplishments, let us also look ahead with determination to elevate our efforts in research, publication, and innovation. Let 2025 be the year we chart new pathways for discovery and collaboration, bringing our work to greater heights.

This year, I encourage all of us to reaffirm our scholarly goals by setting clear, measurable targets for research outputs, impactful writings, and knowledge sharing, aiming to contribute meaningfully to society both locally and globally. Let us strengthen research collaborations by building networks across disciplines, faculties, and institutions to foster cross-disciplinary solutions to real-world challenges. At the same time, we must focus on innovation by exploring new ideas, embracing digital tools, and pioneering creative solutions that align with global trends and local needs. Above all, let us support each other by sharing expertise, mentoring the next generation, and collaborating to overcome challenges, creating a thriving research ecosystem where everyone uplifts one another.

Let this be a year where we balance ambition with reflection, passion with purpose, and innovation with impact. The Research Management Unit (RMU) remains steadfast in supporting your research journey through resources, platforms, and opportunities for growth.

As we embark on this new chapter, I wish each of you the strength to pursue your aspirations and the resilience to overcome any obstacles. Together, let us make 2025 a year of breakthroughs, achievements, and shared successes.

**Here's to a productive and inspiring year ahead.**

Sincerely,

*Prof. Dr. Roshima Said*

**Acting Rector, UiTM Kedah**



# A Message from the Chief Editor

Dear Readers,

I am pleased to announce the return of the RMU4U Bulletin with Volume 3, showcasing a diverse array of academic inquiries and professional perspectives across multiple themes. This edition continues our commitment to facilitating intellectual exchange and presenting research that engages with contemporary issues.

In this volume, the Law & Policy theme stands out with the highest number of contributions, featuring 14 papers that explore significant aspects of governance, justice, and societal well-being. These papers highlight the role of legal frameworks and policies in addressing current challenges and contributing to societal development.

Highlighted works include topics such as "Enhancing Access to Justice: The Role, Challenges, and Future of Small Claims Courts in Malaysia" and "Environmental Public Interest Litigation: Broadening Locus Standi to Safeguard Collective Interests," which examine the evolving landscape of legal rights and public interest. Additional discussions, such as "Alternative Dispute Resolution (ADR) in Islamic Banking and Finance in Malaysia" and "Balancing Nature and Faith: Protection and Conservation of Water Resources from the Perspective of Islamic Law," shed light on the interplay between ethics, faith, and law in addressing societal challenges.

In addition to the focus on Law & Policy, this issue covers a range of topics that contribute to understanding innovation and societal change. Articles such as "AI-Driven Recommendations in Mobile Shopping Apps, Podcasts, Animations & Gen Z: Revamping Organizational Behavior Learning, and The Role of Social Media in Shaping Islamic Entrepreneurship" explore the intersections of technology, education, and culture in today's world.

This edition represents the collaborative work of our contributors, whose insights and expertise have shaped the content of this bulletin. We encourage readers to engage with these ideas and consider their implications for further research and practical applications.

I would like to thank the authors, reviewers, and editorial team members who made RMU4U Bulletin Volume 3 possible. We hope this publication serves as a resource for understanding key issues and inspires further exploration.

Thank you for being part of this endeavor. Let us continue to learn and exchange ideas

Warm regards,

Dr Azyyati Anuar  
Chief Editor, RMU4U E-Bulletin







# JUSTICE AND MENTAL HEALTH: UNDERSTANDING THE INSANITY DEFENSE IN MALAYSIA

**Irma Kamarudin, Sarirah Che Rose & Siti Khadijah Abdullah Sanek**

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## **Introduction to the Defence of Insanity**

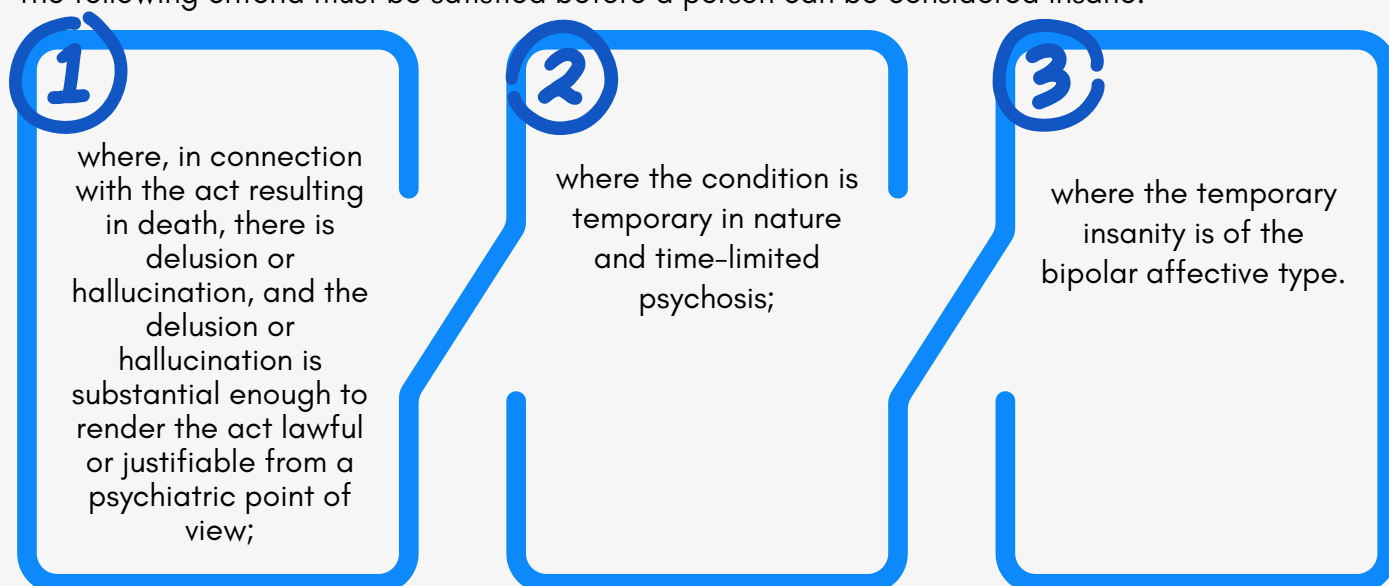
Defense of insanity refers to a defense that can be raised by an accused who was insane at the time of the crime. All modern legal systems have a version of the defense of insanity, and Malaysia is no exception. This dialogue begins by addressing the historical development of the defense of insanity, then followed by a discussion on the theoretical underpinnings of such defense that seeks to draw a distinction between treatment and punishment, illness and evil, and misfortune and culpability. The aim is to educate readers about the medical, cultural, and social contexts of mental disorders. In so doing, it is hoped that the lawfulness and ethicality of a non-insane person receiving treatment will be clear.

## **Legal Provisions and Criteria for Insanity Defence in Malaysia**

The plea of insanity, or defence of insanity, in Malaysia is covered under two main legislations: the Criminal Procedure Code and the Penal Code. There is limited literature exploring this plea, and no specific literature that gives comprehensive details on the plea and its validity except in the general sense. Not only that, there are no laws and other legislative documents that support the existence of mental disorders.

Under the Criminal Procedure Code, the High Court is the only court permitted to determine this matter by referring the suspect to a government psychiatrist or any other expert. Under the Penal Code, this matter is predetermined and must be pleaded by the Attorney-General. A person is insane when the entire process of mind, reason, and will are impaired to such an extent as to render the person incapable of valuing the moral quality of the act or conforming their conduct to the requirements of the law. By contrast, in Malaysia, a person is considered insane when such a mental disorder displaces the ability of the suspect to: firstly, appreciate the nature and quality of the act, and secondly, to know whether the act done is wrong and unlawful.

The following criteria must be satisfied before a person can be considered insane:



As a general rule, the burden of proving insanity is embraced by the defence, which then possesses a legal burden. The distinction between permanent insanity or continuous insanity and temporary or passing insanity is crucial for the determination of legal capacity in an individual. It shall be incumbent upon the accused to raise this defence in their plea. Once proven, it will move onto the defence of insanity. The procedure from duress to insanity will be directed and arranged by the court accordingly.

Domestic legislation in Malaysia sets out and opposes the above international legislation. It is an individual duty under the Criminal Procedure Code to raise a defence and to prepare psychiatric or psychological reports and allow relevant evidence to be presented to the trial court. The relevant provisions with respect to the insanity defence are found under section 94 of the Criminal Procedure Code. He is not entitled to lodge a defence along with the Attorney-General in any case. These findings lead to the legal regime transitioning from a wrong diagnosis to the appearance of lynching.

#### Biodata of author

Irma Kamarudin is currently a senior lecturer at the Law Department UiTM Kedah Branch. She obtained her Bachelor of Laws (LL.B Hons) from the International Islamic University of Malaysia (IIUM) in 2004. Then, in 2006 she completed her Master of Comparative Laws (MCL) at the International Islamic University Malaysia (IIUM). Her expertise covers Business & Commercial Law and Administrative Law while her research interests include child law, business law and administrative law.

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