

Volume 3 (2025)



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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. Roshma 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.

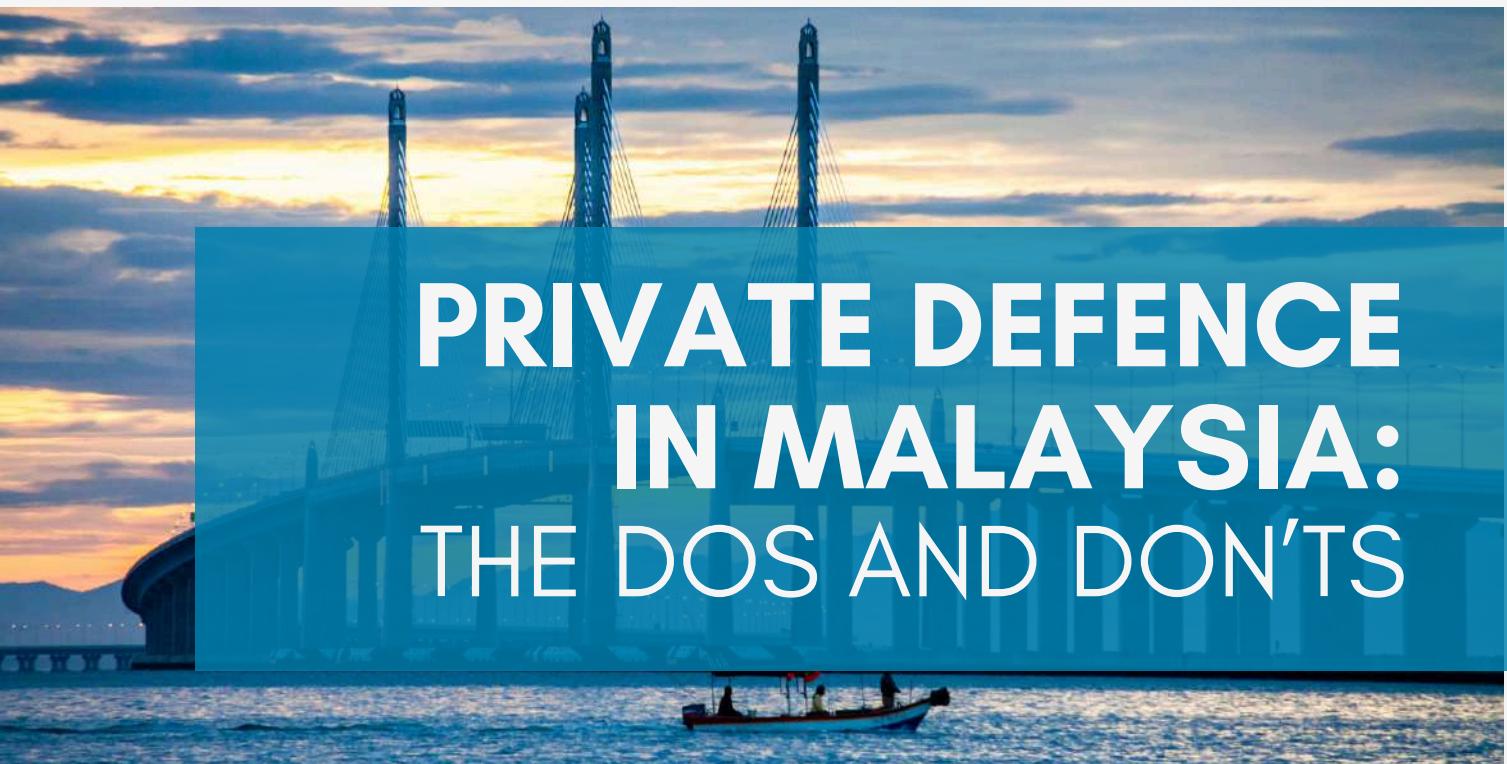
I would like to thank the authors, reviewers, and editorial team members who made RMU4U Bulletin Volume 3 possible. We hope this publication serves as a resource for understanding key issues and inspires further exploration.

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





PRIVATE DEFENCE IN MALAYSIA: THE DOS AND DON'TS

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What is Private Defence?

Private defence is a vital legal right in Malaysia, designed to protect individuals from harm when faced with unlawful threats. Provided in Sections 96 to 106 of the Penal Code, this right allows people to defend themselves, others, or their property when immediate danger arises. However, the law is clear that this right is not absolute. It can only be used when there is a genuine and imminent threat, and the actions taken must be reasonable and proportional to the danger.

Notably, private defence cannot be used as a pretext for retaliation or planned aggression or in cases where other options, like involving the authorities, are available. By setting these boundaries, Malaysia's legal framework ensures that private defence is a means of justice, empowering individuals to act in critical moments without crossing ethical and legal limits. This balance protects both personal safety and the integrity of the legal system, preventing the misuse of private defence as an excuse for excessive force or vigilantism.



The Do's in Private Defence

Exercising the right of private defence in Malaysia comes with clear responsibilities to ensure such actions are legally justified. First and foremost, individuals should only act when there is an immediate and imminent threat to their life, safety, or property. Any defensive action must be reasonable and proportionate to the level of danger faced. For instance, responding to a minor disagreement with lethal force would go beyond what the law permits.

Private defence should always be a last resort, used only when no other options, such as escaping or seeking help from authorities, are available. Furthermore, it is crucial to promptly report the incident to the police, providing a truthful account along with any evidence or witness statements to substantiate the defensive actions. By adhering to these "DOs," individuals can act confidently within the boundaries of Malaysian law, protecting themselves while ensuring they remain accountable to legal and ethical standards.



The Don't's in Private Defence

Although the right to private defence is firmly protected under Malaysian law, it comes with clear boundaries, and certain actions must be avoided to remain within legal limits. Individuals cannot use excessive or disproportionate force when defending themselves, as the law only permits reasonable actions given the threat level. For example, using deadly force against someone committing a minor theft or trespassing without violence would go far beyond what is justified.

The right to private defence also cannot be used as a cover for retaliation or revenge; it applies strictly to immediate and unavoidable dangers. Similarly, provoking an aggressor to create a reason for self-defence is considered an abuse of this right and can lead to criminal charges. Once the threat has been neutralized, the use of force must cease, as the right to private defence ends the moment the danger subsides. Furthermore, when these options are available, individuals are expected to explore other legal alternatives, such as retreating from the situation or seeking help from law enforcement. Ignoring these "DON'Ts" not only weakens the legitimacy of a self-defence claim but could also result in prosecution under the law.



Some cases under private defence in Malaysia

In Malaysia, the judiciary has consistently reinforced the boundaries of the right to private defence, rejecting claims where actions exceed what the law allows. For instance, in the case of Alandu a/l Santhanasmay v PP, the appellant struck the victim on the head with a gun, causing the victim to fall unconscious. Despite this, the appellant continued his attack, stabbing the victim twice in the neck, which resulted in the victim's death. The appellant was convicted of murder and sentenced to death. Such cases underscore the judiciary's firm approach in curbing the misuse of private defence to justify disproportionate or retaliatory violence, emphasising that the right must be exercised strictly within its intended boundaries (Ashgar Ali Ali Mohamed & Muhamad Hassan Ahmad, 2023).

In contrast, PP v Moo Hee Seng & Anor, the first and second accused, a father and son, faced charges after an incident involving an attempted robbery at their home. The victim had attempted to rob the wife of the first accused and the mother of the second accused, injuring her hand with a knife during the struggle. Acting in self-defence, the two accused apprehended, restrained and struggled with the victim. The pathologist determined that the victim died due to chest injuries caused by a blunt object, leading to contusions in both lungs. The court held, based on the circumstances, that both accused were protected by the right of private defence (Ashgar Ali Ali Mohamed & Muhamad Hassan Ahmad, 2023).

Conclusion

The right to private defence is an essential legal safeguard in Malaysia, designed to protect individuals in critical situations. However, it must be exercised responsibly and within the limits of the law. Following the principles of proportionality, immediacy, and necessity ensures this right is not misused. These principles preserve private defence as a legitimate protective measure rather than a tool to justify excessive or retaliatory actions. Failing to understand or apply these principles correctly can lead to serious legal repercussions, as shown in cases where courts have dismissed claims of private defence due to misuse or violations. Individuals are encouraged to seek legal advice to avoid such consequences if they are ever uncertain about their rights or actions. Consulting a legal professional provides clarity and ensures that decisions made are aligned with the law, protecting both individual rights and the broader justice system. Ultimately, using private defence responsibly reflects a careful balance between safeguarding personal safety and maintaining societal order.

References:

Ashgar Ali Ali Mohamed, & Muhamad Hassan Ahmad (Eds.). (2023). Criminal law in Malaysia. Sweet & Maxwell, Thomson Reuters.

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