



UNIVERSITI
TEKNOLOGI
MARA

Cawangan Negeri Sembilan

ACADEMY OF LANGUAGE STUDIES

Edition: 16/2025

APB REMBAU E-BULLETIN



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UNMASKING THE 'PRO BODOH' MINDSET: ESCAPING THE NERAKAZEN TRAP

Written by: Muhammad Azril Bin Roslan

Recently, Malaysia was shaken by the tragic news of a death in a school in Sabah. I will not mention the specific case here, as most readers are already well aware of it. My purpose in writing this article is not to revisit the incident itself. Instead, it is to highlight something equally disturbing: the disappointing level of legal ignorance on display among many netizens.

It is one thing not to know, but it is another to display that lack of knowledge with such confidence on social media. A little effort in reading and understanding before typing would not hurt. The adage, "You are what you eat," applies here. In reality, what you choose to write often reveals even more. It shows what you know and what kind of person you are: careless and loud, or thoughtful and informed.

“Aren’t lawyers afraid to defend bullies, murderers, or criminals?”

It is the lawyer’s duty to defend the accused. Guilt or innocence is not determined by the lawyer or by netizens, but by the judge. The same question could easily be thrown back at prosecutors. Are they not afraid of charging someone who may later be proven innocent? Do they not fear sin? Judges, too, could be asked the same. Should they be accused of wrongdoing if they convict the innocent or

release someone whom netizens claim is guilty?

Malaysian criminal law is human made. This approach guarantees legal representation to all defendants. If you were accused, would you go to court with only your "Google knowledge" of the law? It maybe you, your sibling, your parents, or relatives on the dock tomorrow. Only then will lawyers become important. Can you promise you'll never need a criminal lawyer?

“Pro bono? Must be for publicity.”

Lawyers are human too. They feel empathy, compassion, and the desire to help. Many also seek spiritual reward, and this goal is not limited to Muslim lawyers. Non-Muslim lawyers also hold values of charity and service within their beliefs. It is often the successful lawyers who are most willing to take pro bono cases. For them, money is no longer the issue. The real reward lies in helping those who cannot afford representation and in giving back to society by using their knowledge to protect the vulnerable.

To my knowledge, I have never come across a lawyer who handled a case for free simply to gain fame. In fact, the opposite is usually true. They fight harder, even when they know they will not receive a single cent. That kind of dedication reflects sincerity, not publicity. Since their early training, lawyers have been taught that service to society is part of their

professional duty. Providing free help when necessary is one way of fulfilling that responsibility. Netizens should realise that pro bono work is not a publicity stunt but a commitment to justice.

“Double Standard” and the Forgotten Protection of Children

The identity and image of a child accused, victim, or witness cannot be broadcast in any medium under Section 15(1) of the Child Act 2001. Names, addresses, photos, school information, and parents' information are included. Any breach is a crime punishable by five years in prison, an RM10,000 fine, or both. This law protects children's wellbeing and future by allowing rehabilitation and preventing societal shame.

Many minors' identities have been revealed by the media. This displays ignorance or disrespect for the legislation protecting minors. In law, ignorance is never a defence; therefore, whether the media knows about this rule is irrelevant. In the recent viral case in Sabah, people were astonished and upset when youngsters' identities were suppressed. There was no evidence of bias or partiality. Only the law is being administered properly.

“When is a post-mortem compulsory in Malaysia?”

A post-mortem is compulsory when the cause of death is uncertain or when there is suspicion that the death may be linked to a criminal act. In such cases, the hospital

will not release a burial permit until a pathologist has carried out a full examination and confirmed the cause of death. This ensures that no foul play is overlooked and that justice can be properly pursued.

However, when a person dies in hospital under the supervision of doctors, and the cause of death has already been established through medical treatment and observation, a post-mortem is not required. The death certificate can then be issued by the National Registration Department based on the certified cause of death.

This distinction exists because not every death needs to be subjected to an autopsy. Where the cause is already clear, the process respects the dignity of the deceased and avoids unnecessary procedures. Where doubt or suspicion exists, the law makes it compulsory to protect truth and justice.

“Bail means freedom?”

Many netizens believe that when someone is granted bail, they are automatically “set free” and no longer under the law. Bail is not an acquittal. It is a temporary release with strict conditions while awaiting trial. The person remains an accused and is still bound to return to court. Granting bail is about balancing the right to liberty with ensuring the accused attends trial, not about declaring innocence.

“Justice is not Fast Food”

Upon an arrest, the netizens frequently want swift retribution. The importance of due process, investigation, and evidence collection in the legal process is lost on them. Premature conclusions can lead to the wrongfully convicted. The innocent and the accused are both protected by the length of time it takes for trials to conclude. Without rules, justice would be run by the crowd.

**References:**

1. Child Act 2001, Section 15(1)
2. Criminal Procedure Code (CPC)
3. Evidence Act 1950, Act 56
4. Legal Profession Act 1976, Act 166
5. Na'aim, M. S. M., Rajamanickam, R., & Nordin, R. (2022). The right of an accused to defence under the criminal justice system in Malaysia. *Journal of Nusantara Studies (JONUS)*, 7(1), 43-58.