

To all members of my family,

Thank you for everything.

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Salmah Sharif  
Shah Alam.

### List of Articles

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## A: Introduction

Malaysia as a political entity came into existence on 16th. September. 1963 but the existence of constitution as the highest law of the country that bound everybody is much more earlier than that, that is when Malaya became independent in 1957.

This means that our constitution is a historic form or written document which has culmination of historical process where we fought against the British Government for our right and freedom such as political independence, self government, democracy and civil liberties and economic well being which as a result these rights are expressly conferred in our constitution.

Constitution is an ideal concept of law which guides the men how the country should be ruled and it also with its provision makes this country a better place to which the individual and multi religious society live.

The constitution basically deals with;

- a) Rights of individual correspond to the duties of the state toward the individual, and
- b) Duties of individual towards the state which correspond to the right of the society against the individual.

Thus the state under an obligation not to infringe upon the right of individual and on the otherhand the individual must balance their personal right with the society affairs so their act will not become a threat to society.

There must be constitutional balance in asserting the right of individual and duties of state. As a result we can

find in our constitution as conferred in Article 10 freedom of speech which at the same time will be taken back if it cause a threat to the country either morally or the security of the country.

We at the same time adopted common law principles such as doctrine of separation of power and rule of law which is the basic idea of constitutionalism. Dicey concept of rule has been expressly adopted in Article 8 of Federal Constitution that all person are equal before the law and entitled to the right and equal protection of the law.

It always been said by many writers that justice must not only seemed to be done by stating it in the constitution but must be done and the determining factor to ensure justice is done is the role of the court, which must decide anything brought to him without fear or favour to anybody.

Constitution by virtue of Article 121 Of Federal Constitution has conferred power to judiciary the function to ensure that the legislature and also every citizen to accord with the democratic way of life and they not allowed an existence of supreme parliament.

This could only be done if the court willing to declared any act contravene the constitution void. To do so the judiciary must be an independent body if not the decision made will always be in favour of legislature and executive.

As constitution is express in words, which is capable of many interpretation and as a result of this there has been a lot of challenges made in the court of law not only the validity of new law but also the meaning of constitutional provision.