

**ANALYTICAL STUDY ON FAILURE OF NATIONAL LANGUAGE
POLICY'S IMPLEMENTATION IN THE MALAYSIAN LEGAL
SYSTEM**

By

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ABSTRACT

Basically, this research project explains and studies on the failure of the national language policy's implementation in the Malaysian Legal System. It explores into the meaning of the national language, the position of the national language in Malaysia and several other countries, the relationship between the national language with Malaysia's history, legal jurisprudence, and psychology, together with the views from various perspectives, on the implementation of the national language in Malaysia. In this research, we have also read through landmark cases, that reveal the importance of the national language, which the court has regrettably overlooked. There are several issues highlighted by the respondents in this research; which are crucial and must be brought to the attention of the public, legal officers, legal practitioners and academicians. Therefore, the research findings will create much needed awareness to the society about the importance of the national language in unifying the nation. In addition, a comparison is made of the situation in Malaysia and in other countries such as Indonesia, Singapore and Brunei. This will indirectly give some ideas, and help the relevant authorities to understand the reasons why the implementation of the national language in the Malaysian Legal System is vital in this country. At the same time, by conducting this research, we hope that it will be a guiding light, and grant to the injured parties, or the accused, in civil and criminal cases, the opportunity to seek justice, and ensure that justice is dispensed to all parties, regardless of their capability in conversing in either the English language or the national language. After collecting, analysing and justifying all the findings, based on the opinions and all the reliable facts and sources, we have come to a conclusion that it is possible to implement the national language in the Malaysian Legal System if the government, the Bar Council, the Attorney General's Chambers and the law firms in Malaysia, gives serious effort and attention, to overcome all the obstacles faced in the implementation, in order to implement the national language in this country.

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CHAPTER ONE: INTRODUCTION

1.0 Introduction

The top leaders in Malaysia have decided that an independent Asian country could not continue to use English as the medium or as an official language if it aimed to unite its society. Therefore, this particular chapter will discuss about the background of research, problem statement, research questions, objectives of research, research methodology, scope of research, limitations, and significances of research.

1.1 Background of Research

When the Federal Constitution was being drafted, all the leaders decided that the national language must be one of the ingredients in the constitution and the language should be the Malay language.¹ The evidence can be seen in the Report of the Federation of Malaya Constitutional Commission or known as the Reid Commission Report 1957 where in Para. 170 clearly stated that the Malay language should be the national language and English should be retained as an official language for 10 years. Parliament should then be free to decide whether to discontinue the usage of the English language. In that particular report, it was clearly stated that the Reid Commission have decided to recommend that Malay should be the national language, and for a period of at least ten years English should continue to be used as an official language since there were many citizens of the Federations who have had little opportunity in the past to speak Malay fluently so it would not be fair for them that Malay should become the sole official language in the immediate future.²

Historically, the position of the Malay language as the national language is one of the elements in the social contract agreed by every race in this country. The struggle

¹ Tunku Sofiah Jewa, *Tun Mohamed Suffian's: An Introduction to the Constitution of Malaysia* (Pacifa Publication Kuala Lumpur 2007) p.395.

² Report of the Federation of Malaya Constitutional Commission (1957) London: Her Majesty Office.