

**A LEGAL REVIEW ON THE CONTEMPT OF COURT IN MALAYSIA**

**By**

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others**

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## **ABSTRACT**

This project paper is a legal research study on the law governing the contempt of court in Malaysia .Contempt of court is an element used by the court to help protect the dignity of the administration of justice in a court session. Presently, the law governing the contempt of court in Malaysia is scattered and insufficient thus exposed to the abuse of power by the judicial system and caused injustice to the society, as the bench mark of what would amount to contempt of court are not described and defined in any Act that is available in Malaysia.

A comparative study with the law governing the contempt of court in the United Kingdom will be used as a guideline and prove in laying out the weaknesses and loopholes on the law of contempt of court in our country.

The purpose of this paper is to review the laws that govern the contempt of court in Malaysia. Many scholars have pointed out on the great importance of having our own contempt of court act and even the Bar Council have delivered their own proposed contempt of court act. However, the proposed act which have been proposed on the year 1999 is still under consideration of the Attorney General Chamber until the present day.

Along the journey to complete this project paper, we have found out there are quite number of reasons for the improving the existing law governing the contempt of court in Malaysia. We also stumble upon cases pertaining to contempt of court that arises due to the lack of knowledge on the part of the litigant on what amount to contempt of court.

Thus, we hope our study could bring light to the legal issues that have arisen due to the lack of law governing the contempt of court in Malaysia. Furthermore, it would also help in assisting the policy makers in Malaysia in improving the law by reviewing the current laws on contempt of court in Malaysia.

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## **CHAPTER ONE: INTRODUCTION**

### **1.0 INTRODUCTION**

This proposal would be on reviewing the law on contempt of court in Malaysia. This proposal would include these following elements which are Introduction, Research Background, Research Question, Research Objectives, Research Methodology, Scope of Research, Limitation of Research, Significance of Research, Literature Review, Provisional Plan and References.

### **1.1 RESEARCH BACKGROUND**

Contempt of court is an element used by the court to help protect the dignity of the administration of justice in a court session. It is used to ensure that the public does not interfere in the course of administration of justice. Contempt of court is enforced to give our courts power effectively to protect the right of the public by ensuring that the administration of justice shall not be obstructed or prevented<sup>1</sup>. Therefore, the common belief in which that contempt of court is enforced for the protection of the judges is wrong.

Contempt of court is also applied in Malaysia. This is to ensure that the course of administration of justice in Malaysia is not interfered. The provisions that cover the enforcement of contempt of court in Malaysia are rather scattered. The provisions that cover the enforcement of contempt of court in Malaysia are the Civil Law Act 1956, Subordinate Courts Act 1948, Courts of Judicature Act 1964, and the Federal Constitution which very recently has been combined under one Act which is The Rules

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<sup>1</sup> Gomez, Jerald A. "Contempt of Court." *The Journal Of Malaysian Bar* XXX, no. 2 (2001).