

A futuristic, blue-toned digital interface with a grid of icons, a central scale of justice, and glowing lines and dots.

# CLJ PRIME

## USER GUIDE

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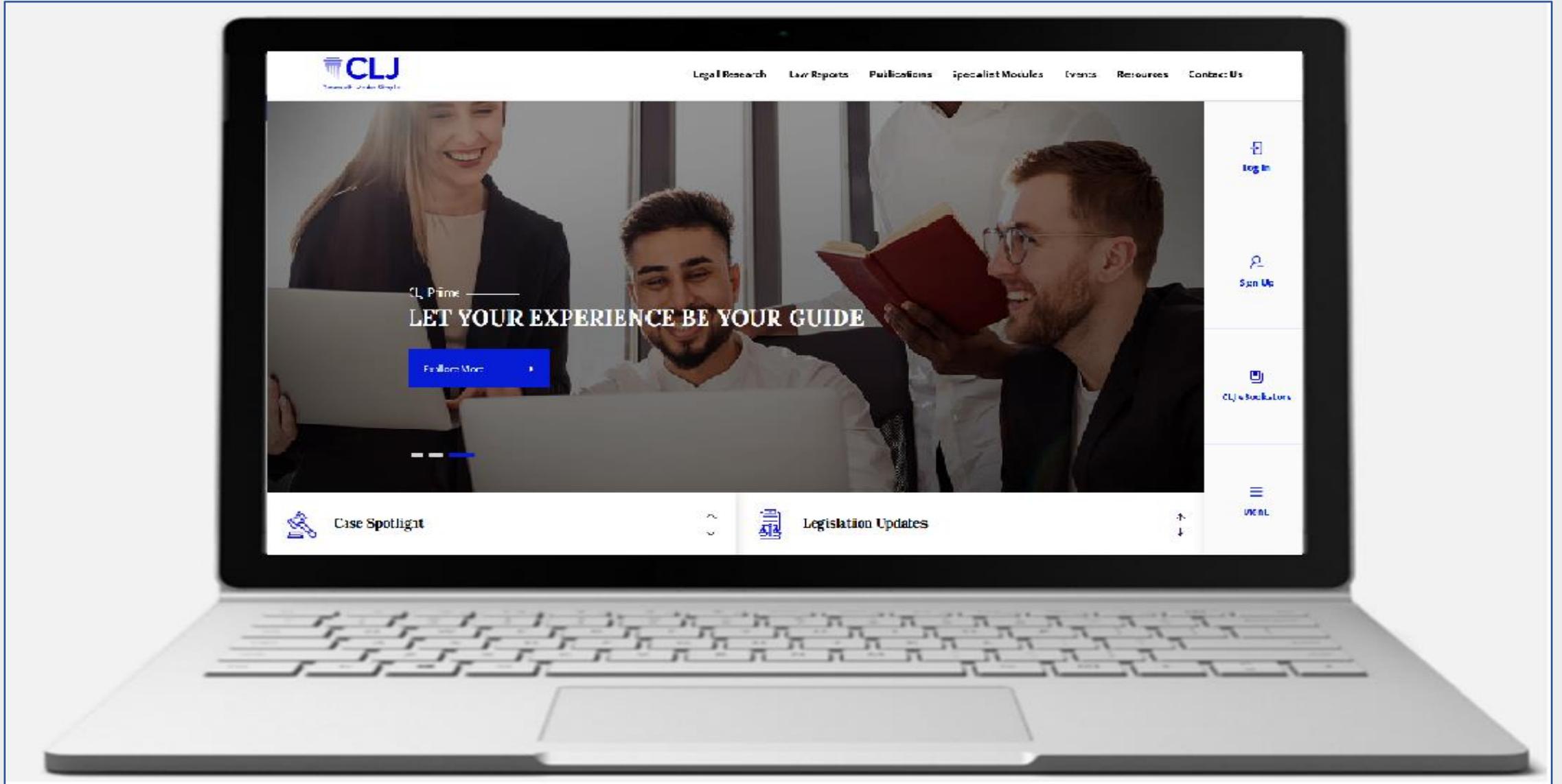
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# Landing page



# Landing page – Case Spotlight & Legislation Updates



## Case Spotlight

**Case Spotlight** highlights selected latest cases from the Malaysian courts and ICLR (series of UK law reports)

### LIM KENG JIT v. MAJLIS BANDARAYA PETALING JAYA

COURT OF APPEAL OF MALAYSIA

HAS ZANAH MEHAT JCA; CHE MOHD RUZIMA GHAZALI JCA; SEE MEE CHUN JCA

[CIVIL APPEAL NO: B-01(A)-426-06-2022]

10 JULY 2023

[Read More](#)

### PETER CHANG NYUK MING v. TIMBALAN MENTERI DALAM NEGERI & ORS

FEDERAL COURT, PUTRAJAYA

MARY LIM FCJ; HARMINDAR SINGH DHALIWAL FCJ; RHODZARIAH BUJANG FCJ

[CRIMINAL APPEAL NO: 05(HC)-2-01-2023(S)]

10 JULY 2023

[Read More](#)



## Legislation Updates

**Legislation Updates** shows the latest list of 5 Federal principal and Amending acts

### PRINCIPAL

- **ACT 848 Fees (Department Of Broadcasting Malaysia) (Validation) Act 2023**
- **ACT 847 Revision Of Sentence Of Death And Imprisonment For Natural Life (Temporary Jurisdiction Of The Federal Court) Act 2023**
- **ACT 846 Abolition Of Mandatory Death Penalty Act 2023**
- **ACT 845 Finance Act 2023**
- **ACT 844 The Pure Life Society (Shuddha Samajam) Incorporation Act 1957 (Revised 2023)**

### AMENDING

- **ACT A1696 Printing Of Qur'anic Texts (Amendment) Act 2023**
- **ACT A1695 Insolvency (Amendment) Act 2023**
- **ACT A1694 Malaysia Co-Operative Societies Commission (Amendment) Act 2023**
- **ACT A1693 Mental Health (Amendment) Act 2023**
- **ACT A1692 Criminal Procedure Code (Amendment) (No. 2) Act 2023**

# Landing page – Quick Links

## Quick Links

A short-cut link to view the listed items in the **Latest FC/CA Judgments**, **e-JT** and **Legislation Alerts**. These listed items will change from time to time

Latest FC/CA Judgments



e-JT



Legislation Alerts



# Latest FC/CA Judgments



#	Judgment Date	Court	Cases
1	14/08/2023	CA	<a href="#">LEE YEOK FONG &amp; ORS v. KHOO TENG KEAT &amp; ORS</a> [CIVIL APPEAL NO.P-04(NCVC)(W)-307-07/2022]
2	10/08/2023	CA	<a href="#">MALAYAN PRODUCE COMPANY SENDIRIAN BERHAD v. LANDBANQ SDN BHD</a> [RAYUAN SIVIL NO: W-02(NCvC)(W)-798-07/2020]
3	07/08/2023	FC	<a href="#">LIN WEN-CHIH &amp; ANOR v. PACIFIC FOREST INDUSTRIES SDN BHD &amp; ANOR</a> [CIVIL APPEAL NO 02(f)-38-07/2021(S)]
4	02/08/2023	CA	<a href="#">DELTA HAULAGE TRANSPORT (M) SDN BHD &amp; ANOR v. SHANMUGAM RAMASAMY &amp; ANOR</a> [RAYUAN SIVIL NO: B-02(IM)(NCVC)-198-01/2021]
5	31/07/2023	CA	<a href="#">SEBUMI MAGNETIK SDN BHD v. SEBUMI MAGNETIK SDN BHD (COMPLEX ASIA CITY) SDN BHD &amp; ORS &amp; ANOTHER APPEAL</a>

Shows the 10 most recent FC and CA cases uploaded into the database



## WIRAMUDA (M) SDN BHD v. KETUA PENGARAH HASIL DALAM NEGERI

FEDERAL COURT, PUTRAJAYA  
TENGKU MAIMUN TUAN MAT CJ  
NALLINI PATHMANATHAN FCJ  
VERNON ONG LAM KIAT FCJ  
ZABARIAH MOHD YUSOF FCJ  
MOHAMAD ZABIDIN MOHD DIAH FCJ  
[CIVIL APPEAL NO: 01(f)-38-08-2022(W)]  
31 MAY 2023  
[2023] CLJ JT (17)

**Abstract** – Section 4C of the Income Tax Act 1967 has rendered art. 13 of the Federal Constitution illusory because, having received what amounts to an adequate compensation under art. 13, the landowner now has to pay tax under s. 4C for the compensation received. This effectively results in the landowner getting less of the compensation and this amounts to an infringement of art. 13. Section 4C is thus unconstitutional and liable to be struck down.

**CONSTITUTIONAL LAW:** Fundamental liberties – Right to property – Constitutionality of s. 4C of Income Tax Act 1967 – Lands compulsorily acquired by State Government for construction of highway – Compensation received by landowner for acquisition of lands subjected to tax – Whether s. 4C in contravention with art. 13(2) of Federal Constitution – Whether s. 4C deprives landowner of adequate compensation granted in accordance with Land Acquisition Act 1960 – Whether s. 4C constitutional

**REVENUE LAW:** Income tax – Compensation – Lands compulsorily acquired by State Government for construction of highway – Compensation received by

# Legislation Alerts



## UPDATED

*(as of 25 August 2023)*

- **PU(A) 132/2023**  
[Windfall Profit Levy \(Amendment\) Regulations 2023](#)  
Regulations 3, 4, 5, 7, 8, 10 and 14; First Schedule amended by PU(A) 493/1998  
In force from: 1 January 1999
- **ACT 438**  
[Free Zones Act 1990](#)  
First Schedule amended by PU(B) 335/2023  
In force from: 15 August 2023
- **ACT 438**  
[Free Zones Act 1990](#)  
First Schedule amended by PU(B) 304/2023  
In force from: 1 August 2023
- **ACT 438**  
[Free Zones Act 1990](#)  
First Schedule amended by PU(B) 303/2023  
In force from: 1 August 2023
- **ACT 438**  
[Free Zones Act 1990](#)  
Second Schedule amended by PU(B) 302/2023

## REVOKED

*(as of 17 August 2023)*

- **PU(A) 49/2016**  
[Malaysia Deposit Insurance Corporation \(First Premium and Annual Premium in Respect of Insurer Members\) Order 2016](#)  
Revoked by: PU(A) 222/2023  
In force from: 21 July 2023
- **PU(A) 496/2012**  
[Malaysia Deposit Insurance Corporation \(Differential Premium Systems in Respect of Insurer Members\) Regulations 2012](#)  
Revoked by: PU(A) 221/2023  
In force from: 21 July 2023
- **PU(A) 28/2011**  
[Malaysia Deposit Insurance Corporation \(Annual Premium and First Premium in Respect of Deposit-Taking Members\) Order 2011](#)  
Revoked by: PU(A) 219/2023  
In force from: 21 July 2023
- **PU(A) 34/2011**  
[Malaysia Deposit Insurance Corporation \(Differential Premium Systems in Respect of Deposit-Taking Members\) Regulations 2011](#)  
Revoked by: PU(A) 218/2023  
In force from: 21 July 2023

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Case Spotlight

Legislation Updates

Menu

# Search Directory

The screenshot shows the Search Directory interface. At the top, there are tabs for 'Caselaw', 'Legislation', and 'Article'. Below these is a search bar with a 'Search Term' label and a text input field. To the right of the search bar are two dropdown menus: 'Search In' and 'Proximity'. The 'Search In' dropdown is open, showing options: 'Full Text', 'Full Text', 'Head Notes', 'Case Name', 'Counsel', and 'Annotation'. The 'Proximity' dropdown is also open, showing options: 'Anywhere', 'Exact Phrase', 'Within Sentence', 'Within Para', 'Within 10 Words', 'Within 20 Words', 'Within 30 Words', 'Within 50 Words', 'Within 100 Words', 'Within 150 Words', and 'Within 200 Words'. A red box highlights the search term input field. Three callouts are present: callout 1 points to the search term input field with the text 'Enter Search Term here'; callout 2 points to the 'Search In' dropdown with the text 'Select Search In'; callout 3 points to the 'Proximity' dropdown with the text 'Select Proximity'. Below the search bar, there are buttons for 'Advanced Search' and 'Clear Search'. At the bottom, there are buttons for 'Last 10 Searches', 'Saved Annotation', and 'Save'.

## Search In and Proximity

The **Search In** option changes according to search criteria selected.

The **Proximity** options are the same for all type of search criteria selected.

# Search Directory - Search In

The screenshot shows the CLJ PRIME Search Directory interface. At the top, there is a navigation bar with icons for Search Directory, Browse, Forms, Precedents, Glossary, References, and e-Books. Below this, the 'Search Directory' section is active, with tabs for Case Law, Legislation, and Articles. A search term input field is present, along with 'Advanced Search' and 'Clear Search' buttons. A 'Search In' dropdown menu is open, showing the following options: Full Text (selected), Head Notes, Case Name, Counsel, and Annotation. A red box highlights the dropdown menu, and a red arrow points to the 'Full Text' option.

<b>Full Text</b>	Searches the entire Caselaw database
<b>Head Notes</b>	Searches only in the Head Notes
<b>Case Name</b>	Searches only the Case Name
<b>Counsel</b>	Searches the list of Counsels representing the parties
<b>Annotation</b>	Searches only within the annotation created under the Case Law

# Collapsible and expandible features

The screenshot shows the CLJ PRIME Search Directory interface. At the top, there is a navigation bar with the CLJ PRIME logo and a 'Foreign Case Law' dropdown. Below this is a search bar with 'Search Term' and 'Search In' (set to 'Full Text') fields. The 'Search Directory' section has tabs for 'Caselaw', 'Legislation', and 'Article'. Below the search bar, there are three filter buttons: 'Last 10 Searches' (highlighted with a red box and a 'Collapsed' callout), 'Saved Annotation', and 'Saved Searches'. A callout box on the right explains that expanding these filters will show items listed under 'Last 10 Searches, Saved Annotation, Saved Searches and Saved Keywords'.

The screenshot shows the expanded search filters. The 'Last 10 Searches' filter (highlighted with a red box) displays a list of search terms: Vacant possession, harta sepencarian, "vacant possession", and Gurbachan Singh. The 'Saved Annotation' filter displays a list of annotations with dates and case references: 03Dec2021 [CASELAW], 19July2022 [CASELAW], AGC Melaka [CASELAW], agc17marmelaka [CASELAW], ALSa Today [CASELAW], bhb2210 [CASELAW], deleum [CASELAW], and JAPENSWP [CASELAW]. The 'Saved Searches' filter (highlighted with a red box) displays a list of saved search terms: 19JulyAGCPerak, agc27melaka, agc=pahang, agcsabah16ogos, bousted, CHYeap, deleum, and ecerdc. The 'Saved Keywords' filter displays a list of saved keywords: 19JulyAGCPerak, AGMelaka, ecerdc, ickl, japenswp, jbg Sabah, JustinCase123, and klcourt0708.

A central icon of the scales of justice, symbolizing law and equity, set against a background of a futuristic, glowing blue digital interface with various icons and data points.

# CASE LAW

# Caselaw – Search Term

The screenshot displays the CLJ PRIME search interface. At the top left is the logo 'CLJ PRIME'. On the top right, there is a 'Foreign Case Law' dropdown menu and a user profile icon. Below the logo, a navigation bar contains icons for 'Forms', 'Precedents', 'Glossary', 'References', and 'e-Books'. The main search area is titled 'Search Directory' and has three tabs: 'Caselaw', 'Legislation', and 'Article'. The 'Caselaw' tab is selected. Below the tabs is a search bar with the text 'vacant possession absolute assignment'. To the right of the search bar are two dropdown menus: 'Search In' set to 'Full Text' and 'Proximity' set to 'Anywhere'. An orange 'SEARCH' button is to the right of these dropdowns. Below the search bar are two links: 'Advanced Search' and 'Clear Search'. At the bottom of the search area, there are four buttons: 'Last 10 Searches', 'Saved Annotation', 'Saved Searches', and 'Saved Keywords'. Two callout boxes are present: one pointing to the 'Caselaw' tab with the text 'Select Case Law', and another pointing to the search bar with the text 'Enter Search Term here'.

In the above example, the search engine will individually look for the words **vacant, possession, absolute and assignment**. All the words must exist in each judgment.

# Searching parameter

Search	Example	Explanation
<b>AND</b>	Contract<space>Breach<space> Damages	A space is interpreted as an "AND" connector.
<b>OR</b>	Contract / Breach / Damages	Include a space before and after "/". Returns results with any or a combination of the words.
<b>" "</b>	"Aggravated Damages"	Returns results with exact phrase <b>Aggravated Damages</b> .
<b>All the words and exact phrase</b>	Contract<space>Breach<space> "Aggravated Damages"	Returns results containing all the words and exact phrase.
<b>Any of the words or phrase</b>	Contract / Breach / "Aggravated Damages"	Returns results with any or a combination of the words and phrase.
<b>NOT</b>	<b>not</b> (Collateral)	Search will <b>exclude</b> the <b>word</b> "Collateral".
<b>NOT</b> (phrase)	<b>not</b> ("Collateral Damage")	Search will <b>exclude</b> the <b>phrase</b> "Collateral Damage".

# Caselaw - Search results

**Caselaw**

Matched: **252** Sort By  Order  Page  of 26

Number of Results found

<input type="checkbox"/>	TITLE / COURT / JUDGMENT DATE / CASE NO / CONTEXT	SEGMENT	CITATION	JUDGE
<input type="checkbox"/>	<b>KOK SUE LYNN &amp; ORS v. MAYFAIR VENTURES SDN BHD</b> HIGH COURT MALAYA, SHAH ALAM 31-10-2022 [WRIT NO. BA-22NCVC-284-07/2021] ...9 ("HDR") which provides that vacant possession of the parcels and common facilities shall be delive...	<input type="button" value="i Select v"/>	[2022] 1 LNS 2556	ROHANA ABDUL MALEK JC
<input type="checkbox"/>	<b>TAN YING YEE &amp; ORS v. MAYFAIR VENTURES SDN BHD</b> HIGH COURT MALAYA, SHAH ALAM 31-10-2022 [WRIT NO. BA-22NCVC-286-07/2021] ...9 ("HDR") which provides that vacant possession of the parcels and common facilities shall be delive...	<input type="button" value="i Select v"/>	[2022] 1 LNS 2557	ROHANA ABDUL MALEK JC
<input type="checkbox"/>	<b>NG LAY GUEK v. MAMMOTH EMPIRE LAND SDN BHD</b> HIGH COURT MALAYA, PULAU PINANG 04-11-2022 [GUAMAN CIVIL NO: PA-28PW-18-03/2022; COMPANIES WINDING UP PETITION NO.: PA-28NCC-72-11/2020] ...icant a Notice Of Delivery Of Vacant Possession (VP Notice ) [5] In December 2020, the Applicant ack...	<input type="button" value="i Select v"/>	[2022] 1 LNS 2632	KENNETH ST JAMES JC

# Caselaw – Filter search results by Segment

**Caselaw**

Matched: **252** Order Descend Page 1 of 26 Go

	TITLE / COURT / JUDGMENT DATE / CASE NO / CONTEXT	SEGMENT	CITATION	JUDGE
<input type="checkbox"/>	<b>KOK SUE LYNN &amp; ORS v. MAYFAIR VENTURES SDN BHD</b> HIGH COURT MALAYA, SHAH ALAM 31-10-2022 [WRIT NO. BA-22NCVC-284-07/2021] ...9 ("HDR") which provides that vacant possession of the parcels and common facilities shall be delive...	Select v	[2022] 1 LNS 2556	ROHANA ABDUL MALEK JC
<input type="checkbox"/>	<b>TAN YING YEE &amp; ORS v. MAYFAIR VENTURES SDN BHD</b> HIGH COURT MALAYA, SHAH ALAM 31-10-2022 [WRIT NO. BA-22NCVC-286-07/2021] ...9 ("HDR") which provides that vacant possession of the parcels and common facilities shall be delive...	Select v	[2022] 1 LNS 2557	ROHANA ABDUL MALEK JC
<input type="checkbox"/>	<b>NG LAY GUEK v. MAMMOTH EMPIRE LAND SDN BHD</b> HIGH COURT MALAYA, PULAU PINANG 04-11-2022 [GUAMAN CIVIL NO: PA-28PW-18-03/2022; COMPANIES WINDING UP PETITION NO.:	Select v	[2022] 1 LNS 2632	KENNETH ST JAMES JC

Filter results using Segment

<b>Abstract</b>	A brief explanation about the case.
<b>Headnotes</b>	An extract from the judgment consisting of subject, catchwords, ratio of decision and held.
<b>Case Referred</b>	List of cases referred to in the judgment.
<b>Legislation Referred</b>	List of legislation referred in the judgment.
<b>Editor's Note</b>	Editor's note on case appeal, if any.
<b>Counsel</b>	List of counsels representing the parties.

# Caselaw – Search Within Results (in left panel)

**Caselaw**

Save Search Assign Keyword

Search Term: vacant possession and assignment  
Database: CASELAW  
SearchIn: FULLTEXT  
Proximity: ANYWHERE

Sort By Date Order Descend

Search Within Results

Search

Filter

**Jurisdiction**

- ALL
- FEDERAL COURT
- APPEAL COURT
- HIGH COURT
- INDUSTRIAL
- APPEAL COURT SYARIAH
- HIGH COURT SYARIAH
- LOWER COURT SYARIAH
- PRIVY
- SESSIONS COURT

**Subject**

- ALL
- ADMINISTRATIVE LAW (3)
- AGENCY (1)
- BANKING (16)
- BANKRUPTCY (3)
- BILLS OF SALE (1)
- CIVIL LAW ACT (2)

	T / JUDGMENT DATE / CASE NO / CONTEXT	SEGMENT	CITATION
<input type="checkbox"/>	<b>KOK SUE LYNN &amp; ORS v. MAYFAIR VENTURES SDN BHD</b> HIGH COURT MALAYA, SHAH ALAM 31-10-2022 [WRIT NO. BA-22NCVC-284-07/2021] ...9 ("HDR") which provides that vacant possession of the parcels and common facilities shall be delive...	Select	[2022] 1 LNS 2556
<input type="checkbox"/>	<b>TAN YING YEE &amp; ORS v. MAYFAIR VENTURES SDN BHD</b> HIGH COURT MALAYA, SHAH ALAM 31-10-2022 [WRIT NO. BA-22NCVC-286-07/2021] ...9 ("HDR") which provides that vacant possession of the parcels and ...	Select	[2022] 1 LNS 2557
<input type="checkbox"/>	<b>... SOUTH EMPIRE LAND SDN BHD</b> ... LAU PINANG 04-11-2022 [GUAMAN CIVIL COMPANIES WINDING UP PETITION NO.: ...ery Of Vacant Possession (VP Notice ) [5] In December 2020, the Applicant ack...	Select	[2022] 1 LNS 2632
<input type="checkbox"/>	<b>ULTIMATE ESSENCE SDN BHD v. 120 PENDUDUK-PENDUDUK APARTMENT-APARTMENT YANG DIKENALI SEBAGAI ISSORIA, FABRICIANA, CHAZARA DAN 2 LOT BANGLO DI ATAS TANAH YANG DIKENALI SEBAGAI H.S.(D) 4329 LOT 139L DAN HS. (D) 2052 LOT PT 1393 MUKIM SERENDAH DAERAH HULU, NEGERI SELANGOR BUTIRAN SEPERTIMANA DI LAMPIRAN A PADA AFIDAVIT SOKONGAN &amp; ANOR</b> HIGH COURT MALAYA, KUALA LUMPUR 17-11-2022 [GUAMAN CIVIL NO: WA-24NCVC-1085-07/2016] ... the defendants to deliver up vacant possessions of the said lands (b) On 21 10 2016, parties settle...	Select	[2022] 1 LNS 2739

Use **Search Within Results** to narrow down results further

Use **Jurisdiction** and/or **Subject** to filter the search results

# Caselaw - Other features

The screenshot shows the Caselaw search interface. On the left, there is a search sidebar with a 'Save Search' button (A) and an 'Assign Keyword' button. Below these are search filters for 'Search Term', 'Database', 'SearchIn', and 'Proximity'. A 'Search Within Results' field and a 'Search' button are also present. At the bottom of the sidebar is a 'Jurisdiction' filter with various court options. The main search results area shows a table of cases. At the top of this area, there is a 'Matched: 4146' indicator and a 'Sort By' dropdown menu (B) set to 'Relevance' and 'Order' set to 'Descend'. The table has columns for 'TITLE / COURT / JUDGMENT DATE / CASE NO / CONTEXT', 'SEGMENT', 'CITATION', and 'JUDGE'. Three rows of results are visible, each with a checkbox on the left. The first row is 'PENGURUSAN DANAHARTA NASIONAL BERHAD v. YONG WAN HOI & ANOR (NO 2) [62]'. The second row is 'EVEREST POINT SDN BHD & ANOR v. LIM PECK SIM & ORS [64]'. The third row is 'DREAM PROPERTY SDN BHD v. ATLAS HOUSING BHD [72]'. The 'JUDGE' column for the first row lists 'ABDUL MALIK HAJI ISHAK'. For the second row, it lists 'MD RAUS SHARIF PCA', 'RICHARD MALANJUM CJ', 'HASAN LAH FCJ', 'RAMLY ALI FCJ', and 'ZAHARAH IBRAHIM FCJ'. For the third row, it lists 'RAUS SHARIF PCA', 'AHMAD MAAROP FCJ', 'HASAN LAH FCJ', 'RAMLY ALI FCJ', and 'AZAHAR MOHAMED FCJ'. A 'Filter' button is located below the sidebar. Navigation arrows and 'Page 1 of 415 Go' are at the top right.

A. **Save Search** – Save relevant cases by ticking the checkboxes, enter a name for the search and click “save”. Retrieve saved cases under Search Directory – “**Saved Searches**”.

**Assign Keywords** – Tick relevant cases and assign a keyword to the selection. Retrieve under Search Directory “**Saved Keywords**”.

B. **Sort by** – Sort results based on **Date**, **Title**, **Court**, **Citation**, **Referred** (the number of times the cases is being referred or used by other judgments) or **Relevance** (the number of times the searched words or phrases being used in the judgments ) either in descending or ascending order.

C. **Judge** – Click on a specific judge’s name to get a list of judgment(s) by the selected judge.

D. View relevancy of cases based on annotating term – **ovrd**, **foll**, **not foll**, **dist**, **cit**, **aff** and **refd**. The higher the number the higher is its merits.

# Caselaw - Display of case

CLJ PRIME

Annotation Assign Keyword Send to MyPad View MyPad Go To Para 1 Go

[2023] 3 CLJ 68

**AVANTGARDE ARENA SDN BHD v. PREMA BONANZA SDN BHD**  
**HIGH COURT MALAYA, KUALA LUMPUR**  
**LEONG WAI HONG JC**  
**[CIVIL SUIT NO: WA-12ANCvC-202-08-2020]**  
**25 JANUARY 2023**

PDF

**Abstract - (i) As the property buyer had full knowledge of the extension of time for vacant possession obtained by the housing developer from the Controller of Housing at the time it signed the sales and purchase agreement, it was therefore bound by it. There was much force for the doctrine of estoppel to apply; (ii) An O. 14 summary judgment application for liquidated damages based on the alleged delay in delivery of vacant possession ought to also be dismissed if the opposing party has successfully raised triable issues.**

**CIVIL PROCEDURE:** Summary judgment - Appeal for - Filing for O. 14 judgment for liquidated damages based on late delivery of vacant possession - Whether plaintiff had full knowledge of extension of time obtained by defendant at time of signing of sale and purchase agreement - Whether filing of suit time-barred - Triable issues - Whether arose

**LAND LAW:** Housing developers - Vacant possession - Late delivery of - Whether plaintiff had full knowledge of extension of time obtained by defendant at time of signing of sale and purchase agreement - Whether filing of suit time-barred - Triable issues - Whether arose - Whether summary judgment application ought to be dismissed

The appellant ('plaintiff') was the purchaser of a condominium built and sold by the respondent ('defendant'). The sale and purchase agreement ('SPA') stipulated that the defendant was required to complete the common facilities within 54 months from the date of the SPA failing which the defendant also had to pay liquidated damages. The prescribed statutory period of 36 months for completion pursuant to the prescribed form under Schedule H of the Housing Development (Control and Licensing) Regulations 1989 ('Regulations') had earlier, prior to the SPA, been extended to 54 months by the Controller of Housing ('Controller') pursuant to an application by the defendant. The plaintiff alleged that the defendant delivered vacant possession late by the defendant to the plaintiff based on 36 months for completion. The plaintiff relied on the decision in *Ang Ming Lee & Ors v. Menteri Kesejahteraan Bandar, Perumahan dan Kerajaan Tempatan & Anor and Other Appeals* ('*Ang Ming Lee* ') alleging the extension to 54 months for completion was invalid. The plaintiff thus filed a suit against the defendant alleging that the defendant was liable for liquidated damages. It was pertinent to note that the SPA was signed after the extension to 54 months was granted by the Controller. The plaintiff filed for O. 14 judgment for liquidated damages based on 36 months which was dismissed by the Sessions Court. Hence, the plaintiff appealed. The issues that arose were (i) whether the

Remove Highlight

## Caselaw – Features in display of case

### PDF

Download, print or save the judgement's pdf or email the pdf to a specific email recipient

\*#\*

### PRINT

Print the judgment in view (available only to judgments without PDF)

### CASE CITATOR

Click on "ovrd –Overruled, dist – Distinguished, foll – Followed, not foll – Not Followed, refd – Referred, cit"- Cited, listed below case citation in results page to view other cases cross referenced to case under review or view from judgment. – Print the citator listing.

### CASE HISTORY

Get list of the case history \*#\*

## Caselaw – Features in display of case

### ASSIGN KEYWORDS

Tick selected cases and assign keyword to selected cases. Retrieve under Search Directory “Saved Keywords”

### SEND TO- MYPAD

Highlight portions of a case and save it under MyPad

### VIEW- MYPAD

View previously saved notes and/or send notes via email

### ANNOTATION

Key in personalised notes about the case and save. Retrieve using search or under Search Directory

## Caselaw – Features in display of case

### REMOVE HIGHLIGHT

Highlighted search words/phrases are removed and not shown when printed.

### VIEW PARTIES

Pop-up window on & Ors, & Anors, & SATU LAGI & etc. shows list of parties.

### CASE OVERRULED

Click to view: Notice on an over-ruling judgments.

### ABSTRACT

An Abstract provides a birds eye view on the ratio of a court judgment to simplify case research

# Caselaw – Features in display of case

CLJ PRIME

Annotation Assign Keyword Send to MyPad View MyPad **Go To Para** 1 ▾ Go

[2023] 3 CLJ 68

**AVANTGARDE ARENA SDN BHD v. PREMA BONANZA SDN BHD**  
HIGH COURT MALAYA, KUALA LUMPUR  
LEONG WAI HONG JC  
[CIVIL SUIT NO: WA-12ANCvC-202-08-2020]  
25 JANUARY 2023

PDF

Select **Go To Para** to go to the paragraph number in the case.

**Abstract -** (i) As the property buyer had full knowledge of the extension of time for **vacant possession** obtained by the housing developer from the Controller of Housing at the time it signed the sales and purchase agreement, it was therefore bound by it. There was much force for the doctrine of estoppel to apply; (ii) An **O. 14** summary judgment application for liquidated damages based on the alleged delay in delivery of **vacant possession** ought to also be dismissed if the opposing party has successfully raised triable issues.

**CIVIL PROCEDURE:** Summary judgment - Appeal for - Filing for **O. 14** judgment for liquidated damages based on late delivery of **vacant possession** - Whether plaintiff had full knowledge of extension of time obtained by defendant at time of signing of sale and purchase agreement - Whether filing of suit time-barred - Triable issues - Whether arose

**LAND LAW:** Housing developers - **Vacant possession** - Late delivery of - Whether plaintiff had full knowledge of extension of time obtained by defendant at time of signing of sale and purchase agreement - Whether filing of suit time-barred - Triable issues - Whether arose - Whether summary judgment application ought to

# Caselaw – Features in display of case

CLJ PRIME

Annotation Assign Keyword Send to MyPad View MyPad Go To Para 14 ▾ Go

[2023] 2 CLJ 310  
[2023] 1 LNS 18

**TOH SHU HUA & ORS v. WAWASAN RAJAWALI SDN BHD & ANOR**

PDF

ANTARA

1. TOH SHU HUA  
(NOMBOR K/P: 870226-05-5346)

2. TOH SHU CHING  
(NOMBOR K/P: 880428-05-5132)

3. AHMAD FARID MOHD SHAHBUDIN  
(NOMBOR K/P: 830416-10-5395)

4. JOEAKMAL JOHARI  
(NOMBOR K/P: 870531-14-5153)

5. HAIRUL HILMI RAMLEE  
(NOMBOR K/P: 740713-10-5579)

6. AQILAH YAHAYA  
(NO. K/P: 850829-10-5068)

Abstract - A sale and purchase agreement within the ambit of the statute where completion given by the Controller of H have perpetuated misrepresentation o warranted and a breach of duty with in the agreement; and (iii) When there is e

must be read extension of are found to manner not substance of developers.

Hover over **ORS**, **ANOR** or **SATU LAGI** to view list of other parties

# Caselaw – Advanced Search

Limit search results by choosing any one or a combination of the options available in **Advanced Search**.

The screenshot displays the 'Advanced Search' interface. The 'Advanced Search' tab is highlighted with a red box. The interface includes several search filters:

- Act in Cases:** Input field for Act in Cases, Sections, and Judge.
- Cases From:** Radio buttons for All, Reported, UnReported, Industrial, Syariah, and ICLR.
- Citation:** Dropdown menus for Journal, Year, Vol, and Page.
- Judgment Date:** Date pickers for From and To.
- Jurisdiction:** A list of jurisdictions with checkboxes: ALL, FEDERAL COURT, APPEAL COURT, HIGH COURT, INDUSTRIAL, APPEAL COURT SYARIAH, HIGH COURT SYARIAH, LOWER COURT SYARIAH, PRIVY, SESSIONS COURT, and SESSION COURT.
- Case No:** Input field for Case No, Award, Award No, and Award Year.
- Citation Converter:** Dropdown menus for Journal, Year, Vol, and Page.
- Only Cases:** Dropdown menu for Only Cases.
- Country:** Dropdown menu for Country.
- Language:** Dropdown menu for Language.
- Subject:** A list of subjects with checkboxes: ALL, ADMINISTRATIVE LAW (1932), AGENCY (159), AGRICULTURAL HOLDING (7), AGRICULTURE (3), ANIMALS (37), ARBITRATION (654), ARMED FORCES (26), ARMS AND EXPLOSIVES (4), AUCTIONS AND AUCTIONEERS (6), and AUSTRALIA (1).

# Caselaw – Advanced Search - Subject

**Advanced Search** [Clear Search](#)

Act in Cases  Sections  Judge

Cases From  All  Reported  UnReported  Industrial  Syariah

ICLR

Citation  Journal  Year  Vol  Page

Judgment Date From  To

Jurisdiction

- ALL
- FEDERAL COURT
- APPEAL COURT
- HIGH COURT
- INDUSTRIAL
- APPEAL COURT SYARIAH
- HIGH COURT SYARIAH
- LOWER COURT SYARIAH

Case No  Award  Award No  of  Award Year

Citation Converter

Only Cases

Country

Subject

- ALL
- ADMINISTRATIVE LAW (1932)
- AGENCY (159)
- AGRICULTURAL HOLDING (7)
- AGRICULTURE (3)
- ANIMALS (37)
- ARBITRATION (654)
- ARMED FORCES (26)

English  English  Malay

**Choose to display the Subject heading between English and Malay**

Journal  Year  Vol  Page

From  To

Only Cases

Country

Language

Subject

- ALL
- (1)
- ADAT DAN UNDANG-UNDANG ANAK WATAN (65)
- AGENSI (47)
- AKHBAR DAN PENERBITAN (3)
- AKTA UNDANG-UNDANG SIVIL (66)
- AMANAH (169)
- ANGKATAN TENTERA (16)
- BIDANGKUASA (82)
- BIL-BIL JUALAN (4)
- DANA WANG SIMPANAN (16)

Malay

# Caselaw – Advanced Search – Cases From

**Advanced Search** [Clear Search](#)

Act in Cases  Sections  Judge  Case No  Award

Cases From  All  Reported  UnReported  Industrial  Syariah

 ICLR

Citation     Citation Converter   Only Cases

<b>Reported</b>	Consists of cases from the Current Law Journal ( <b>CLJ</b> ), Reprint series ( <b>CLJ Rep</b> ), Supplementary series ( <b>CLJ SUPP</b> ), Shariah reports ( <b>CLJ SYA/ISL/SHR</b> ), Malaysian Tax Cases ( <b>MTC</b> ), Business Law Journal ( <b>BLJ</b> ), Industrial Law Reports ( <b>ILR</b> ) and Sessions & Magistrates' Cases ( <b>SMC</b> ).
<b>Unreported</b>	Consists of the Legal Network Series ( <b>LNS</b> ) which is a compilation of cases that have not been published by <b>CLJ</b> and are generally not Head-noted though some have Abstracts and Catchwords.
<b>Industrial</b>	Consists of reported ( <b>ILR</b> ) and unreported ( <b>LNS 2</b> ) cases from the Industrial courts.
<b>Syariah</b>	Consists of reported and unreported ( <b>LNS 3</b> ) cases from the Syariah courts from 2004-2013.
<b>ICLR</b>	Containing a series of UK law reports consisting of the Weekly Law Reports, Law Reports, Industrial Cases Reports, Business Law Reports, Weekly Law Report Dailies and the Public & Third Sector Law Reports.



# LEGISLATION

# Legislation – Search term

The screenshot shows the CLJ PRIME search interface. At the top, there is a navigation bar with the CLJ PRIME logo on the left and a 'Foreign Case Law' dropdown on the right. Below this is a secondary navigation bar with icons and labels for 'Search Directory', 'Browse', 'Forms', 'Precedents', 'Glossary', 'References', and 'e-Books'. The main content area is titled 'Search Directory' and has three tabs: 'Caselaw', 'Legislation' (which is selected), and 'Article'. A search bar contains the text 'employment'. Below the search bar are two buttons: 'Advanced Search' and 'Clear Search'. To the right of the search bar are two dropdown menus: 'Search In' and 'Proximity'. The 'Search In' dropdown is open, showing options: 'Full Text', 'Act Title', 'Sec.Title', 'Act Number', and 'Annotation'. The 'Proximity' dropdown is also open, showing options: 'Anywhere', 'Exact Phrase', 'Within Sentence', 'Within Para', 'Within 10 Words', 'Within 20 Words', 'Within 30 Words', 'Within 50 Words', 'Within 100 Words', 'Within 150 Words', and 'Within 200 Words'. An orange 'SEARCH' button is located to the right of these dropdowns. At the bottom of the page, there are three panels: 'Last 10 Searches', 'Saved Annotation', and 'Saved Searches'. The 'Last 10 Searches' panel shows 'Others'. The 'Saved Annotation' panel shows 'No Saved Annotations'. The 'Saved Searches' panel shows 'No Saved Searches'. There are also partial views of 'Keywords' and 'Words' panels.

**1** Enter **Search Term** here

**2** Select **Search In** option

**3** Select **Proximity**

# Legislation – Search In

The screenshot shows the 'Search Directory' interface with the 'Legislation' tab selected. The search term 'employment' is entered in the search box. Below the search box are links for 'Advanced Search' and 'Clear Search'. A dropdown menu for 'Search In' is open, showing options: 'Full Text' (selected), 'Act Title', 'Sec. Title', 'Act Number', and 'Annotation'. At the bottom, there are three buttons: 'Last 10 Searches', 'Saved Annotation', and 'Saved Searches'.

<b>Full Text</b>	Searches the entire text of the legislation database excluding the Act Title
<b>Act Title</b>	Searches only in the act title/act name
<b>Sec. Title</b>	Searches only within the section title of the act
<b>Act Number</b>	Searches only the act number
<b>Annotation</b>	Searches only within the annotation created under the legislation

# Legislation – Results page

Search Directory Browse Forms Precedents Glossary References e-Books

## Legislation

Save Search Attach Keyword

Search Term: **employment**  
Database: ACTRULE  
SearchIn: FULLTEXT  
Proximity: ANYWHERE

Search Within Results Search

Filter

Subject English

Matched: 4056 Sort By Title Order Descend Page 1 of 406 Go

<input type="checkbox"/>	<b>AKTA CUKAI PENDAPATAN (PINDAAN) 2002</b> <b>Section: 19</b> t of gains or profits from an <b>employment</b> , which is or may be payable by that person for that year of...	AKTA A1151 s.19	AMENDING
<input type="checkbox"/>	<b>AKTA ORDINAN PEGUAM BELA (SABAH) (PINDAAN) 2017</b> <b>Section: 23</b> o practise under Part IV.14H. <b>Employment</b> of a foreign lawyer by a Sabah law firm(1) A Sabah law firm...	AKTA A1528 s.23	AMENDING
<input type="checkbox"/>	<b>AKTA ORDINAN PEGUAM BELA (SABAH) (PINDAAN) 2017</b> <b>Section: 19</b> curing or having procured the <b>employment</b> in any legal business of himself or any other advocate;(d) ...	AKTA A1528 s.19	AMENDING
<input type="checkbox"/>	<b>ORDINAN PEGUAM BELA (SABAH) (PINDAAN) 2017</b> <b>Section: 15</b> shall for the purpose of his <b>employment</b> in such cause or matter be deemed to be a person to whom a ...	AKTA A1528 s.15	AMENDING
<input type="checkbox"/>	<b>AKTA PERHUBUNGAN PERUSAHAAN (PINDAAN) 2007</b> <b>Section: 8</b> t:"(c) may enter any place of <b>employment</b> where any workmen in respect of whom a claim for recognitio...	AKTA A1322 s.8	AMENDING
<input type="checkbox"/>	<b>AKTA PERKAPALAN SAUDAGAR (PINDAAN DAN PELUASAN) 2007</b> <b>Section: 4</b> ract, including a contract of <b>employment</b> .249V. Detention of shipWhere the Designated Authority has r...	AKTA A1316 s.4	AMENDING

The **Search Term** is highlighted within the results

# Legislation – Search on Act Title

The screenshot shows a search interface with three tabs: Caselaw, Legislation (selected), and Article. A search bar contains the term 'employ'. A dropdown menu for 'Search In' is open, with 'Act Title' selected. A list of search results is displayed, with 'EMPLOYMENT INFORMATION ACT 1953 (REVISED 1975)' highlighted. Below the search bar are sections for 'Saved Searches' and 'Saved Keywords', both showing 'No Saved Searches' and 'No Keywords' respectively.

Search Term: employ

Search In: Act Title

Anywhere

SEARCH

Key in first few letters of an Act name

Select Act Title

CHILDREN AND YOUNG PERSONS (EMPLOYMENT) ACT 1966 (REVISED 1988)

EMPLOYEES PROVIDENT FUND ACT 1951 (REVISED 1982) (REPEALED BY THE EMPLOYEES PROVIDENT FUND ACT 1991 [ACT 452])

EMPLOYEES PROVIDENT FUND ACT 1991

EMPLOYEES' MINIMUM STANDARDS OF HOUSING, ACCOMMODATIONS AND AMENITIES ACT 1990

EMPLOYEES' SOCIAL SECURITY ACT 1969

EMPLOYMENT (RESTRICTION) ACT 1968 (REVISED 1988) (SUPERSEDED BY THE EMPLOYMENT (RESTRICTION) ACT 1968 (REVISED 2017) [ACT 796])

EMPLOYMENT (RESTRICTION) ACT 1968 (REVISED 2017)

EMPLOYMENT ACT 1955 (REVISED 1981)

**EMPLOYMENT INFORMATION ACT 1953 (REVISED 1975)**

EMPLOYMENT INSURANCE SYSTEM ACT 2017

PORT WORKERS (REGULATION OF EMPLOYMENT) (DISSOLUTION) ACT 2000

PORT WORKERS (REGULATION OF EMPLOYMENT) ACT 1965 (REVISED 1989) (REPEALED BY THE PORT WORKERS (REGULATION OF EMPLOYMENT) (DISSOLUTION) ACT 2000 [ACT 607])

PRIVATE EMPLOYMENT AGENCIES ACT 1981

SELF-EMPLOYMENT SOCIAL SECURITY ACT 2017

Saved Searches

No Saved Searches

Saved Keywords

No Keywords

Select the relevant Act from the drop-down list

# Legislation – Results page

CLJ PRIME Foreign Case Law Welcome

Search Directory Browse Forms Precedents Glossary References e-Books

## Legislation

Save Search Attach Keyword

Search Term:  
Database: ACTRULE  
SearchIn: FULLTEXT  
Proximity: ANYWHERE  
ActFilter: MY\_FS\_ACT\_1981\_265

Search Within Results  Search

Filter  
Subject English

Matched: 1 Sort By Title Order Descend Page 1 of 1 Go

TITLE / CONTEXT	ACT / SECTION NO	ACT TYPE
<b>EMPLOYMENT ACT 1955 (REVISED 1981)</b> An Act relating to employment.[Peninsular Malaysia - 1 June 1957, LN /1957; Federal Territory of Labuan - 1 November 2000, PU(A) 400/2000]...	ACT 265	PRINCIPAL

Page 1 of 1 Go

Click on the Act Title to display the Act

# Display of legislation

**CLJ PRIME** Annotation Assign Keyword Send to MyPad View MyPad Print Act Definition

**EMPLOYMENT ACT 1955 (REVISED 1981)**  
**ACT 265**

**Royal Assent:** In Force from: 1 June 1957 [LN 228/1957] - Peninsular Malaysia; 1 November 2000 [PU(A) 400/2000] - Federal Territory of Labuan  
w.e.f 18 February 1982 **Gazetted Date:** 28 January 1982

[List of Amendments](#) [Amending Acts](#) [Subsidiary Legislation](#)

**Section Index** Version 3

- Preamble ✓
- PART I PRELIMINARY**
- 1 Short title and application ✓
- 2 Interpretation
- 2A Minister may prohibit employment other than under contract of service ✓
- 2B General power to exempt or exclude ✓
- 3 Appointment of officers
- 4 Appeals
- 5 Effect on Act of other written laws ✓
- PART II CONTRACTS OF SERVICE**
- 6 Saving of existing contracts ✓
- 7 More favourable conditions of service under the Act to prevail ✓
- 7A Validity of any term or condition of service which is more favourable
- 7B Removal of doubt in respect of matters not provided for by or under this Act

**Preamble**

Cases Referred <sup>43</sup> 👁️ 📄 ← Prev Next →

An Act relating to employment.

[Peninsular Malaysia - 1 June 1957, LN 228/1957; Federal Territory of Labuan - 1 November 2000, PU(A) 400/2000]

Remove Highlight ✎

+  
Tr  
-

Click the **Cases Referred** tab to view cases that have referred to a particular section

Select individual sections from the **Section Index** panel

Move the cursor over the icons to see its description



# ARTICLES

# Articles – Search Term

The screenshot shows the CLJ PRIME search interface. At the top left is the CLJ PRIME logo. At the top right, there is a 'Foreign Case Law' dropdown menu and a 'Welcome' user greeting. Below the header is a navigation bar with icons for 'Search Directory', 'Browse', 'Forms', 'Precedents', 'Glossary', 'References', and 'e-Books'. The main content area is titled 'Search Directory' and has three tabs: 'Case Law', 'Legislation', and 'Articles'. The 'Articles' tab is selected. Below the tabs is a search form with a 'Search Term' input field containing 'artificial intelligence'. To the right of the input field are two dropdown menus: 'Search In' and 'Proximity'. The 'Search In' dropdown is open, showing options: 'Full Text', 'Full Text', 'Title', and 'Annotation'. The 'Proximity' dropdown is also open, showing options: 'Anywhere', 'Exact Phrase', 'Within Sentence', 'Within Para', 'Within 10 Words', 'Within 20 Words', 'Within 30 Words', 'Within 50 Words', 'Within 100 Words', 'Within 150 Words', and 'Within 200 Words'. A red box highlights the search term input field, and a callout bubble with the number '1' points to it, containing the text 'Enter Search Term here'. Another red box highlights the 'Search In' dropdown menu, and a callout bubble with the number '2' points to it, containing the text 'Select Search In option'. A third red box highlights the 'Proximity' dropdown menu, and a callout bubble with the number '3' points to it, containing the text 'Select Proximity'. Below the search form are two buttons: 'Advanced Search' and 'Clear Search'. At the bottom of the page, there are three dropdown menus: 'Last 10 Searches', 'Saved Annotation', and 'Saved Searches'.

CLJ PRIME

Foreign Case Law Welcome

Search Directory Browse Forms Precedents Glossary References e-Books

Search Directory

Case Law Legislation **Articles**

Search Term

artificial intelligence

Advanced Search Clear Search

Search In

Full Text  
Full Text  
Title  
Annotation

Proximity

Anywhere  
Anywhere  
Exact Phrase  
Within Sentence  
Within Para  
Within 10 Words  
Within 20 Words  
Within 30 Words  
Within 50 Words  
Within 100 Words  
Within 150 Words  
Within 200 Words

SEARCH

1 Enter Search Term here

2 Select Search In option

3 Select Proximity

Last 10 Searches Saved Annotation Saved Searches

# Articles – Results page

CLJ PRIME Foreign Case Law Welcome

Search Directory Browse Forms Precedents Glossary References e-Books

## Article

Save Search Attach Keyword

Search Term: artificial intelligence  
Database: ARTICLE  
SearchIn: FULLTEXT  
Proximity: ANYWHERE

Search Within Results  Search

Filter

Subject English

Matched: 43 Sort By Title Order Descend Page 1 of 5 Go

	TITLE	AUTHOR
<input type="checkbox"/>	<b>IS THERE A BASIS TO PUNISH PARENTS FOR THEIR CHILDREN'S MISBEHAVIOUR?*</b> logising with company law and artificial intelligence (AI) principles. China's FEPL is a ground-brea...	Ben Chester Cheong <sup>[1]</sup> Lim Wei Ting <sup>[1]</sup>
<input type="checkbox"/>	<b>INTERNATIONAL HUMAN RIGHTS: CHALLENGES AND SOLUTIONS FOR INTELLIGENT JUDGMENT IN THE AI ERA*</b> and solutions for developing artificial intelligence (AI) systems that are capable of making judg...	Yichen Pan**
<input type="checkbox"/>	<b>LIABILITY ARISING FROM THE USE OF ARTIFICIAL INTELLIGENCE</b> f Liability?What happens when artificial intelligence does not perform as expected? This article exp...	Cheryl Seah
<input type="checkbox"/>	<b>BEST THINGS IN LIFE ARE NOT FOR FREE: COPYRIGHT AND GENERATIVE AI LEARNING*</b> taining Material Generated by Artificial Intelligence ', 37 CFR Part 202 (16 March 2023): https://www...	Professor David Tan**
<input type="checkbox"/>	<b>TECH DIPLOMACY AS AN ELIXIR FOR THE INTERNET GOVERNANCE IMBROGLIO</b> ists with robots in an era of artificial intelligence -driven technologies like blockchain, the metav...	Parveen Kaur Harnam Singh*
<input type="checkbox"/>	<b>CHATGPT - GAME CHANGER FOR KNOWLEDGE MANAGEMENT*</b> major milestone in generative artificial intelligence (AI). The technology can be harnessed and tran...	Angeline Poon**
<input type="checkbox"/>	<b>PROGRAMMING AN INCLUSIVE LEGAL PROFESSION: IN CONVERSATION WITH AN AI CHATBOT*</b> released by Open AI, 'How can artificial intelligence assist in an inclusive legal profession?' The ...	Angelique Nelis**

The Search Term is highlighted within the results

# Articles – Advanced Search

The screenshot shows an advanced search interface for articles. At the top, there are tabs for 'Case Law', 'Legislation', and 'Articles'. Below the tabs is a search bar with a 'Search Term' label and a 'Search In' dropdown menu set to 'Full Text'. A callout box with the number '3' points to the search bar, containing the text: 'Key in first few letters of the Author's name'. Below the search bar are two buttons: 'Advanced Search' and 'Clear Search'. The main search area is divided into two sections: 'Subject' and 'Author'. The 'Subject' section has a dropdown menu with a list of subjects and their counts, such as 'CHARITIES (1)', 'CHILDREN AND YOUNG PERSONS (21)', 'CIVIL LAW ACT (3)', 'CIVIL PROCEDURE (61)', 'COMMERCE (8)', 'COMPANY LAW (108)', 'COMPETITION LAW (14)', 'CONFLICT OF LAWS (1)', 'CONSTITUTIONAL LAW (129)', 'CONSTRUCTION LAW (16)', 'CONSUMER LAW (11)', and 'CONTRACT (69)'. A callout box with the number '1' points to this list, containing the text: 'Select from Subject'. The 'Author' section has a dropdown menu with the text 'PROFES' entered. A callout box with the number '2' points to this dropdown, containing the text: 'OR select Author from the drop-down list'. Below the search area, there are three buttons: 'Last 10 Searches', 'Saved Annotation', and 'Saved S'. The bottom right corner of the page shows the number '40'.

# Articles – Advanced search - Results page

Search Directory Browse Forms Precedents Glossary References e-Books

## Article

Save Search Attach Keyword

Search Term:  
Database: ARTICLE  
SearchIn: FULLTEXT  
Proximity: ANYWHERE  
AUTHOR=DR SHAD SALEEM FARUQI:  
ASSOCIATE PROFESSOR OF LAW, ITM

Search Within Results Search

Filter

Subject English

Matched: 1 Sort By Title Order Descend Page 1 of 1 Go

	TITLE	AUTHOR
<input type="checkbox"/>	<b>BEAUTY CONTESTS AND SYARIAH LAW IN SELANGOR</b> The prosecution of three Muslim girls by the Selangor Syariah authorities for taking part in a "beauty contest" has raised quite a controversy. Besi...	Dr Shad Saleem Faruqi: Associate Professor of Law, ITM

Page 1 of 1 Go

Click on the **Title** to display the Article

# Display of Article

CLJ PRIME

[1997] 4 CLJ i  
Malaysia

**Beauty Contests And Syariah Law In Selangor**  
by  
**Dr Shad Saleem Faruqi: Associate Professor of Law, ITM**

Annotation Assign Keyword Send to MyPad View MyPad PDF

The prosecution of three Muslim girls by the Selangor Syariah authorities for taking part in a "beauty contest" has raised quite a controversy. Besides criticism of the manner in which the young girls were apprehended and humiliated, the enforcement of the Selangor Syariah Law raises some important issues of law and philosophy which require careful examination.

This note will comment on the following issues:

1. Are some aspects of the Selangor Criminal Law Enactment (1995) in possible violation of the Federal Constitution?
2. Was the fatwa by the Selangor Mufti drafted and issued in accordance with the Syariah Law?
3. Can the law on criminal abetment apply to the organisers of *ratu cantik* ('beauty queen') contests?
4. Should syariah judges be given discretion to "tailor" the punishment to suit the offence?
5. Is it the business of the law to enforce private morality?
6. Should the individual rights of beauty contestants be subordinated to the broader goal of promoting the dignity of women?

**Constitutional Issues**

From the constitutional perspective, a number of difficult issues have been brought to centre stage because of the unprecedented prosecution of three young Muslim females for participating in a "beauty contest". First, there is a question of the constitutionality of s. 12 of the Enakmen Jenayah Syariah (Selangor) 1995 (the Selangor Criminal Law Enactment 1995). This section makes it a criminal offence to question a fatwa issued by the Mufti. Is this provision reconcilable with the constitutional right to freedom of speech and expression guaranteed by Art. 10(1)(a) of the Federal Constitution?

Article 10(1) gives to every citizen the right to "freedom of speech and expression". This constitutional right is not confined to oral speech. It includes communication by signs, symbols and gestures, freedom of the press and freedom to propagate ideas through advertisements. Even "symbolic speech" like the manner of one's dressing and grooming can be treated as part of one's freedom of speech and expression.<sup>3</sup>

Article title and author

THANK YOU