

## CRIMINAL PROCEDURE IN MALAYSIA

By  
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"To my knowledge other than Mallal's Criminal Procedure Code there is no other work on Malaysian criminal law and procedure which is as comprehensive as this book ever written by anyone". (Lord President, Tun Dato' Hj Mohamed Salleh Bin Abas, Foreword to the book).

This is a textbook which fulfils a need for information on the rules of criminal procedure for both students and legal practitioners alike. The author has had long experience lecturing in the subject and the contents of this book owe their origin to the systematic studies made by Puan Mimi as a lecturer.

It is clear that the author attempted to present a huge amount of material in the most efficient manner possible. The result is a kind of "recipe approach" to an extremely complex subject area. While this book is primarily concerned with the exposition of basic principles, the author has included in the text aspects of comparative criminal procedure by reference to decisions outside Malaysian jurisdiction whenever relevant.

However, it is unfortunate that the author in concentrating upon offering a comprehensive and detailed presentation of the basic elements of criminal procedural rules insufficient critical analysis is undertaken of the concepts behind such rules themselves. This is not to suggest that the author does not raise issues when they arise. Instances of this appear throughout the discussions in the various chapters.

There are 15 chapters. Logically the chapters are arranged to "reflect the various stages in the criminal process". Broadly, these chapters can be classified in three stages: Pretrial (involving Arrest and Investigation of Offences, Questioning and the Rights of the Suspect, Prosecution of Offenders); Trial (encompassing rules governing Summary and High Court Trials, Sentencing); and the Post-Trial (covering Appeals and other Forms of Redress).

An Introductory Chapter provides the background to the various sources of laws and statutes concerning criminal procedure in Malaysia. Chapter II describes the Court System, its hierarchy and jurisdiction to try various categories of offences. In this regard, it may be suggested that organizational charts could have been provided in order to accompany the factual and detailed information relating to the structure of courts and their powers (in the manner of "a picture speaks a thousand words").

Chapters III, IV and V are devoted to a deliberation of the investigative powers of the police from arrest, search and seizure to police investigation proper covering essential aspects of pretrial procedure.

Rules of trials are covered in Chapters X and XI.

Chapter XIV on Sentencing presents information on the types of sentences available to the courts and the factors which influence the type of sentence or order eventually to be meted out by the court concerned. A point of regret here is that except for a cursory discussion of the aims of sentencing and sentencers the philosophical or criminological aspects of sentencing have been omitted. Understandably though, in a book such as this and within the limited space available, emphasis must necessarily be placed more on the purely objective provisions governing the imposition of sentences and orders on an offender.

The book concludes with the chapter on means of obtaining redress for grievances which arise from the judgments of Magistrates' courts.

If the aim of this book is (as it surely must be) to present in a narrative form, a description of procedure involved in criminal proceedings, this book more than justifies the purpose.

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