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yang mendesak wanita melibatkan diri mereka dalam jawatan ini terutamanya untuk membeli nasib wanita. Di samping itu juga wanita perlu melibatkan diri mereka dalam bidang perundangan yang lain seperti penguam, penasihat undang-undang, pegawai rundingcara, ahli jawatankuasa kehakiman dan ahli panel hakim.

Memandangkan sudah ada hakim wanita yang dilantik di Mahkamah Sivil, penulis berpendapat bahawa wanita yang berkelayakan dan berpengalaman boleh dilantik sebagai hakim di Mahkamah Syariah terutamanya untuk membeli nasib wanita dalam kes-kes perceraian, nafkah dan penjagaan anak. Realiti semasa juga antara faktor utama Mahkamah Syariah memerlukan kepada penglibatan wanita dalam bidang kehakiman di samping dapat menyelesaikan urusan pentadbiran kehakiman Islam agar ianya tidak dipandang rendah oleh sesetengah pihak. Penglibatan mereka dalam jawatan kehakiman juga merupakan satu kepentingan kepada masyarakat Islam di negara ini dan memenuhi matlamat keadilan yang dikehendaki oleh Islam.
SARANAN

1- Penulis berpendapat dalam usaha untuk memenuhi keperluan semasa terhadap perlantikan wanita sebagai hakim di mahkamah-mahkamah terutamanya di Mahkamah Syariah, pihak-pihak tertentu haruslah membantu bagi menyediakan kemahiran dalam bidang perundangan, menganjurkan kursus undang-undang atau latihan undang-undang yang dapat memberi kemahiran dan pengalaman kepada wanita.

2- Perlu ada inisiatif dari kerajaan untuk mewujudkan jawatan hakim wanita dalam sistem Mahkamah Syariah bagi menangani rungutan golongan wanita yang tidak berpuas hati dengan keputusan hakim lelaki.

3- Masalah kekurangan hakim yang menyebabkan banyak kes tertangguh di Mahkamah Syariah memerlukan kepada perlantikan hakim wanita untuk menangani masalah tersebut.
LAMPIRAN
PART IX

THE JUDICIARY

121. Judicial power of the Federation.

(1) There shall be two High Courts of co-ordinate jurisdiction and status, namely—

(a) one in the States of Malaya, which shall be known as the High Court in Malaya and shall have its principal registry in Kuala Lumpur; and

(b) one in the States of Sabah and Sarawak, which shall be known as the High Court in Sabah and Sarawak and shall have its principal registry at such place in the States of Sabah and Sarawak as the Yang di-Pertuan Agong may determine;

(c) (Repealed),

and such inferior courts as may be provided by federal law; and the High Courts and inferior courts shall have such jurisdiction and powers as may be conferred by or under federal law.

(1A) The courts referred to in Clause (1) shall have no jurisdiction in respect of any matter within the jurisdiction of the Syariah courts.

(1B) There shall be a court which shall be known as the Mahkamah Rayuan (Court of Appeal) and shall have its principal registry in Kuala Lumpur, and the Court of Appeal shall have the following jurisdiction, that is to say:

(a) jurisdiction to determine appeals from decisions of a High Court or a judge thereof (except decisions of a High Court given by a registrar or other officer of the Court and appealable under federal law to a judge of the Court); and

(b) such other jurisdiction as may be conferred by or under federal law.

(2) There shall be a court which shall be known as the Mahkamah Persekutuan (Federal Court) and shall have its principal registry in Kuala Lumpur, and the Federal Court shall have the following jurisdiction, that is to say:
(a) jurisdiction to determine appeals from decisions of the Court of Appeal, of the High Court or a judge thereof;

(b) such original or consultative jurisdiction as is specified in Articles 128 and 130; and

(c) such other jurisdiction as may be conferred by or under federal law.

(3) Subject to any limitations imposed by or under federal law, any order, decree, judgment or process of the courts referred to in Clause (1) or of any judge thereof shall (so far as its nature permits) have full force and effect according to its tenor throughout the Federation, and may be executed or enforced in any part of the Federation accordingly; and federal law may provide for courts in one part of the Federation or their officers to act in aid of courts in another part.

(4) In determining where the principal registry of the High Court in Sabah and Sarawak is to be, the Yang di-Pertuan Agong shall act on the advice of the Prime Minister, who shall consult the Chief Ministers of the States of Sabah and Sarawak and the Chief Judge of the High Court.

122. Constitution of Federal Court.

(1) The Federal Court shall consist of a president of the Court (to be styled "the Chief Justice of the Federal Court"), of the President of the Court of Appeal, of the Chief Judges of the High Courts and, until the Yang di-Pertuan Agong by order otherwise provides, of four other judges and such

*Now "seven"—see P.U. (A) 114/82.*
121. (1) There shall be two High Courts of co-ordinate jurisdiction and status, namely—

(a) one in the States of Malaya, which shall be known as the High Court in Malaya and shall have its principal registry in Kuala Lumpur; and

(b) one in the States of Sabah and Sarawak, which shall be known as the High Court in Sabah and Sarawak and shall have its principal registry at such place in the States of Sabah and Sarawak as the Yang di-Pertuan Agong may determine;

(c) (Repealed),

and such inferior courts as may be provided by federal law and the High Courts and inferior courts shall have such jurisdiction and powers as may be conferred by or under federal law.

(1A) The courts referred to in Clause (1) shall have no jurisdiction in respect of any matter within the jurisdiction of the Syariah courts.

(1B) There shall be a court which shall be known as the Mahkamah Rayuan (Court of Appeal) and shall have its principal registry in Kuala Lumpur, and the Court of Appeal shall have the following jurisdiction, that is to say—

(a) jurisdiction to determine appeals from decisions of a High Court or a judge thereof (except decisions of a High Court given by a registrar or other officer of the Court and appealable under federal law to a judge of the Court); and

(b) such other jurisdiction as may be conferred by or under federal law.

(2) There shall be a court which shall be known as the Mahkamah Persekutuan (Federal Court) and shall have its principal registry in Kuala Lumpur, and the Federal Court shall have the following jurisdiction, that is to say—

(a) jurisdiction to determine appeals from decisions of the Court of Appeal, of the High Court or a judge thereof;
(6) Notwithstanding the dates of their respective appointments as judges of the Federal Court, of the Court of Appeal or of the High Courts, the Yang di-Pertuan Agong, acting on the advice of the Prime Minister given after consulting the Chief Justice, may determine the order of precedence of the judges among themselves.

122c. Article 122a shall not apply to the transfer to a High Court, otherwise than as Chief Judge, of a judge of another High Court other than the Chief Judge; and such a transfer may be made by the Yang di-Pertuan Agong, on the recommendation of the Chief Justice of the Federal Court, after consulting the Chief Judges of the two High Courts.

123. A person is qualified for appointment under Article 122a as a judge of the Federal Court, as a judge of the Court of Appeal or as a judge of any of the High Courts if—

(a) he is a citizen; and

(b) for the ten years preceding his appointment he has been an advocate of those courts or any of them or a member of the judicial and legal service of the Federation or of the legal service of a State, or sometimes one and sometimes another.

124. (1) The Chief Justice of the Federal Court shall before exercising the functions of his office take and subscribe the oath of office and allegiance set out in the Sixth Schedule, and shall do so in the presence of the Yang di-Pertuan Agong.

(2) A judge of the Federal Court, the Court of Appeal or a High Court, other than the Chief Justice of the Federal Court, shall before exercising the functions of a judge take and subscribe the oath of office and allegiance set out in the Sixth Schedule in relation to his judicial duties in whatever office.

(3) A person taking the oath on becoming Chief Judge of a High Court shall do so in the presence of the senior judge available of that High Court.
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(b) such original or consultative jurisdiction as is specified in Articles 128 and 130; and

c) such other jurisdiction as may be conferred by or under federal law.

(3) Subject to any limitations imposed by or under federal law, any order, decree, judgment or process of the courts referred to in Clause (1) or of any judge thereof shall (so far as its nature permits) have full force and effect according to its tenor throughout the Federation, and may be executed or enforced in any part of the Federation accordingly; and federal law may provide for courts in one part of the Federation or their officers to act in aid of courts in another part.

(4) In determining where the principal registry of the High Court in Sabah and Sarawak is to be, the Yang di-Pertuan Agong shall act on the advice of the Prime Minister, who shall consult the Chief Ministers of the States of Sabah and Sarawak and the Chief Judge of the High Court.

122. (1) The Federal Court shall consist of a president of the Court (to be styled "the Chief Justice of the Federal Court"), of the President of the Court of Appeal, of the Chief Judges of the High Courts and, until the Yang di-Pertuan Agong by order otherwise provides, of *four other judges and such additional judges as may be appointed pursuant to Clause (1A).

(1A) Notwithstanding anything in this Constitution contained, the Yang di-Pertuan Agong acting on the advice of the Chief Justice of the Federal Court may appoint for such purposes or for such period of time as he may specify any person who has held high judicial office in Malaysia to be an additional judge of the Federal Court:

Provided that no such additional judge shall be ineligible to hold office by reason of having attained the age of sixty-five years.

* Now "seven"—see P.U. (A) 114/82.
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of a judge of the High Court as appear to him to require to be performed; and anything done by him when acting in accordance with his appointment shall have the same validity and effect as if done by a judge of that Court, and in respect thereof he shall have the same powers and enjoy the same immunities as if he had been a judge of that Court.

(2) The provisions of Clauses (2) and (5) of Article 124 shall apply to a judicial commissioner as they apply to a judge of a High Court.

122b. (1) The Chief Justice of the Federal Court, the President of the Court of Appeal and the Chief Judges of the High Courts and (subject to Article 122c) the other judges of the Federal Court, of the Court of Appeal and of the High Courts shall be appointed by the Yang di-Pertuan Agong, acting on the advice of the Prime Minister, after consulting the Conference of Rulers.

(2) Before tendering his advice as to the appointment under Clause (1) of a judge other than the Chief Justice of the Federal Court, the Prime Minister shall consult the Chief Justice.

(3) Before tendering his advice as to the appointment under Clause (1) of the Chief Judge of a High Court, the Prime Minister shall consult the Chief Judge of each of the High Courts and, if the appointment is to the High Court in Sabah and Sarawak, the Chief Minister of each of the States of Sabah and Sarawak.

(4) Before tendering his advice as to the appointment under Clause (1) of a judge other than the Chief Justice, President or a Chief Judge, the Prime Minister shall consult, if the appointment is to the Federal Court, the Chief Justice of the Federal Court, if the appointment is to the Court of Appeal, the President of the Court of Appeal and, if the appointment is to one of the High Courts, the Chief Judge of that Court.

(5) This Article shall apply to the designation of a person to sit as judge of a High Court under Clause (2) of Article 122aa as it applies to the appointment of a judge of that court other than the Chief Judge.
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Art. 121—(cont.)

Clause (4) : (a) The words "States of Sabah and Sarawak" substituted for "Borneo States" by Act A514, s. 19, in force from 27-8-1976.

(b) The words "Sabah and Sarawak" and "Judge" substituted respectively for the words "Borneo" and "Justice" by Act A885, s. 13, in force from 24-6-1994.

The original Article read as follows:

"[121. The judicial power of the Federation shall be vested in a Supreme Court and such inferior courts as may be provided by federal law.]."


Art. 122:

1. This Article was inserted by Act 26/1963, s. 15, in force from 16-9-1963. Clause (1A) was added by Act 31/1965, s. 2(2), in force from 1-7-1965, which also substituted the words "four other judges and such additional judges as may be appointed pursuant to Clause (2)" for "two other judges" at the end of Clause (1). The words "the Yang di-Pertuan Agong by order otherwise provides" substituted for "Parliament otherwise provides" in Clause (1) by Act A354, s. 26, in force from 27-8-1976. The earlier Article as it stood at the date of repeal read as follows:

"[122. (1) The Supreme Court shall consist of a Chief Justice and other judges; but the number of the other judges shall not exceed fifteen until Parliament otherwise provides.

(2) The Chief Justice and the other judges of the Supreme Court shall be appointed by the Yang di-Pertuan Agong.

(3) In appointing the Chief Justice the Yang di-Pertuan Agong shall act on the advice of the Prime Minister, after consulting the Conference of Rulers; and in appointing the other judges of the Supreme Court he shall act on the advice of the Prime Minister, after consulting the Conference of Rulers and considering the advice of the Chief Justice.]."

2. The word "Supreme" substituted for "Federal" by Act A566, s. 16(1), in force from 1-1-1985.

3. In the marginal note of Clauses (1), (1A) and (2), the word "Federal" substituted for the word "Supreme" by Act A885, s. 14, in force from 24-6-1994.

4. In Clause (1), the words "Chief Justice of the Federal Court, of the President of the Court of Appeal, of the Chief Judges of the High Courts" substituted respectively for the words "Lord President of the Supreme Court, of the Chief Justices of the High Courts" by Act A885, s. 14, in force from 24-6-1994.

5. In Clause (1A), the words "Chief Justice of the Federal Court" substituted for the words "Lord President of the Supreme Court" by Act A885, s. 14, in force from 24-6-1994.

6. In Clause (2), the words "the Court of Appeal other than the President of the Court of Appeal" and "Chief Justice" substituted respectively for the words "a High Court other than the Chief Justice" and "Lord President" by Act A885, s. 14, in force from 24-6-1994.
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Art. 122A:

Added by Act 26/1963, s. 16, in force from 16-9-1963. Act 59/1966, s. 2, in force from 9-8-1965, repealed Clause (1)(c) which read as follows:

"(c) in the High Court in Singapore, eight."

Clause (1): The words "the Yang di-Pertuan Agong by order otherwise provides" substituted for "Parliament otherwise determines" by Act A354, s. 27, in force from 27-8-1976.

Clause (2): See Art. 122(5).

Clause (3): The words "Yang di-Pertua Negeri" substituted for "Governor" by Act A354, s. 42, in force from 27-8-1976.

Clause (5) added by Act A354, s. 27, in force from 27-8-1976.

Clauses (3) & (5): The word "Supreme" substituted for "Federal" by Act A566, s. 16(1), in force from 1-1-1985.

This Article which read as follows was substituted by Act A885, s. 15, in force from 24-6-1994:

"122A. (1) Each of the High Courts shall consist of a Chief Justice and not less than four other judges; but the number of other judges shall not, until the Yang di-Pertuan Agong by order otherwise provides, exceed—

(a) in the High Court in Malaya, twelve; and

(b) in the High Court in Borneo, eight.

(c) (Repealed).

(2) Any person qualified for appointment as a judge of a High Court may sit as a judge of that court, if designated for the purpose (as occasion requires) in accordance with Article 122B.

(3) For the despatch of business of the High Court in Borneo in an area in which a judge of the Court is not for the time being available to attend to business of the Court, the Yang di-Pertuan Agong acting on the advice of the Lord President of the Supreme Court, or for an area in either State the Yang di-Pertua Negeri of the State acting on the advice of the Chief Justice of the Court, may by order appoint to be judicial commissioner in that area for such period or for such purposes as may be specified in the order an advocate or person professionally qualified to be admitted an advocate of the Court.

(4) Subject to any limitations or conditions imposed by the order appointing him, a judicial commissioner shall have power, in the area for which he is appointed, to perform such functions of a judge of the High Court in Borneo as appear to him to require to be performed without delay, and anything done by a judicial commissioner when acting in accordance with his appointment shall have the same validity and effect as if done by a judge of that Court, and in respect thereof he shall have the same powers and enjoy the same immunities as if he had been a judge of that Court.

(5) For the despatch of business of the High Court in Malaya, the Yang di-Pertuan Agong acting on the advice of the Lord President of the Supreme Court, may by order appoint to be judicial commissioner for such period or such purposes as may be specified in the order any person qualified for appointment as a judge of a High Court; and the person so appointed shall have power to perform such functions of a judge of the High Court in Malaya as appear to him to require to be performed; and anything done by him when acting in accordance with his appointment shall have the same validity and effect as if done by a judge of that Court, and in respect thereof he shall have the same powers and enjoy the same immunities as if he had been a judge of that Court."

Art. 122Aa & 122Ab:

Added by Act A885, s. 16, in force from 24-6-1994.
Art. 122:
2. See Art. 112A(1).
3. The word "Supreme" substituted for "Federal" by Act A566, s. 16(1), in force from 1-1-1985.
4. The words "Judge", "Chief Justice of the Federal Court" and "Judges" substituted respectively for the words "Justice", "Lord President of the Supreme Court" and "Justices" by Act A885, s. 18, in force from 24-6-1994.

Art. 123:
1. The present Article was inserted by Act 26/1963, s. 19, in force from 16-9-1963, and replaced the earlier Article which read as follows:
   "123. A person is qualified for appointment as a judge of the Supreme Court if—
   (a) he is a citizen, and
   (b) he has been an advocate of the Supreme Court or a member of the judicial and legal service of the Federation for a period of not less than ten years, or has been the one for part and the other for the remainder of that period."
2. The word "Supreme" substituted for "Federal" by Act A566, s. 16(1), in force from 1-1-1985.
3. The words "Federal Court, Court of Appeal and" and "Federal Court, as a judge of the Court of Appeal" substituted respectively for the words "Supreme Court and of" and "Supreme Court" by Act A885, s. 19, in force from 24-6-1994.

Art. 124:
1. The present Article was inserted by Act 26/1963, s. 20, in force from 16-9-1963, and replaced the earlier Article which read as follows:
   "124. The Chief Justice and any other judge of the Supreme Court shall before exercising the functions of his office take and subscribe the oath of office and allegiance set out in the Sixth Schedule—
   (a) the Chief Justice in the presence of the Yang di-Pertuan Agong;
   and
   (b) any other judge in the presence of the Chief Justice or, in his absence, the next senior judge of the Supreme Court available."
2. The words "Supreme" substituted for "Federal" by Act A566, s. 16(1), in force from 1-1-1985.
3. Clause (1): The words "Chief Justice of the Federal Court" substituted for the words "Lord President of the Supreme Court" by Act A885, s. 20, in force from 24-6-1994.
4. Clause (2): Substituted by Act A885, s. 20, in force from 24-6-1994. The original Clause read as follows:
   "(2) A judge of the Supreme Court or a High Court, other than the Lord President of the Supreme Court, shall before exercising the functions of a judge take and subscribe that oath in relation to his judicial duties in whatever office, and, having done so, shall not be required to take that oath again on appointment or transfer to another judicial office, not being that of Lord President."
5. Clause (3): The words "Judge" substituted for the word "Justice"; and the words "", unless he takes it in accordance with Clause (4) as a judge of the Supreme Court" deleted by Act A885, s. 20, in force from 24-6-1994.
6. Clause (4): The words "Federal" and "Chief Justice" substituted respectively for the words "Supreme" and "Lord President" by Act A885, s. 20, in force from 24-6-1994.
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7. Clause (5): The words “the Court of Appeal or” inserted after the words “a judge of”; and the word “Judge” substituted for the word “Justice”, by Act A855, s. 20, in force from 24-6-1994.

Art. 125:

Clause (1): Act 141/1962, Sch. s. 9, in force from 21-6-1962, substituted the words “the provisions of Clauses (2) to (5)” for the words “the following provisions of this Article” and Act 26/1963, s. 22(2)(a), in force from 16-9-1963, substituted the words “Federal Court” for “Supreme Court”. Subsequently, the word “Supreme” was substituted for “Federal” by Act A566, s. 16(1), in force from 1-1-1985.

Clause (2): The words “Federal Court” were substituted for “Supreme Court” by Act 26/1963, s. 22(2)(a), in force from 16-9-1963. Subsequently, the word “Supreme” was substituted for “Federal” by Act A566, s. 16(1), in force from 1-1-1985.

Clause (3):

1. The words “Lord President” and “Federal Court” were substituted for “Chief Justice” and “Supreme Court” respectively by Act 26/1963, s. 22(2)(a), in force from 16-9-1963. Subsequently, the word “Supreme” was substituted for “Federal” by Act A566, s. 16(1), in force from 1-1-1985.

2. See Art. 65(3).

Clause (4): The words “appointed on the recommendations of the Judicial and Legal Service Commission, being persons” which appeared after “not less than five persons” were deleted and the words “Yang di-Pertuan Agong expedient to make such appointment” were substituted for “Commission expedient so to recommend” by Act 10/1960, s. 16(a) and (b), in force from 31-3-1960. The words “and shall be presided over by the member first in the following order, namely, the Lord President of the Federal Court, the Chief Justices according to their precedence among themselves, and other members according to the order of their appointment to an office qualifying them for membership (the older coming before the younger of two members with appointments of the same date)” at the end were substituted for “and shall be presided over by the Chief Justice, if he is a member, and, in any other case, by the person first appointed to the said office” by Act 26/1963, s. 22(2)(b), in force from 16-9-1963, which also inserted the words “of the Federal Court or a High Court or have before Malaysia Day held office as judge” which appear after “or have held office as judge”. The words “or have before Malaysia Day held office as judge of the Supreme Court” were deleted by Act A566, s. 16(3), in force from 1-1-1985.

Clause (5): The words “Prime Minister, or the Prime Minister after consulting the Chief Justice” were substituted for “Judicial and Legal Service Commission” by Act 1/1960, s. 18(c), in force from 31-3-1960. Act 26/1963, s. 22(a), in force from 16-9-1963, substituted the words “Lord President” and “Federal Court” for “Chief Justice” and “Supreme Court” respectively and by s. 22(c) substituted the words “and, in the case of any other judge” for the words “or the Prime Minister” shown in italics above. Subsequently, the word “Supreme” was substituted for “Federal” by Act A566, s. 16(1), in force from 1-1-1985.

Clause (6): 1. The words “Federal Court” were substituted for “Supreme Court” by Act 26/1963, s. 22(2)(a), in force from 16-9-1963. Subsequently, the word “Supreme” was substituted for “Federal” by Act A566, s. 16(1), in force from 1-1-1985.


Clause (6a): Added by Act 141/1962, s. 23, in force from 21-6-1962. The words “Federal Court” were substituted for “Supreme Court” by Act 26/1963, s. 22(2)(a), in force from 16-9-1963. Subsequently, the word “Supreme” was substituted for “Federal” by Act A566, s. 16(1), in force from 1-1-1985.

Clauses (7) & (8): The words “Federal Court” were substituted for “Supreme Court” by Act 26/1963, s. 22(2)(a), in force from 16-9-1963. Subsequently, the word “Supreme” was substituted for “Federal” by Act A566, s. 16(1), in force from 1-1-1985.

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(1) The Yang di-Pertuan Agong may, by order, constitute so many Sessions Courts as he may think fit and shall have power, if he think fit, to assign local limits of jurisdiction thereto.

(2) Subject to this Act or any other written law, a Sessions Court shall have jurisdiction to hear and determine any civil or criminal cause or matter arising within the local limits of jurisdiction assigned to it under this section, or, if no such local limits have been assigned, arising in any part of the local jurisdiction of the respective High Court.

(3) Each Sessions Court shall be presided over by a Sessions Court Judge appointed by the Yang di-Pertuan Agong on the recommendation of the Chief Judge.

(4) Sessions Courts shall ordinarily be held at such places as the Chief Judge may direct, but should necessity arise they may also be held at any other place within the limits of their jurisdiction.

60. Qualifications of Sessions Court Judge.

No person shall be appointed to be a Sessions Court Judge unless he is a member of the Judicial and Legal Service of the Federation:

Provided that this section shall not prevent the appointment of a person to act temporarily as a Sessions Court Judge.

61. Transfer of powers to Sessions Court Judge.

Subject to the provisions and limitations contained in this Act, all powers, duties and functions which, by any written law in force in Malaysia or any part thereof at the date of the commencement of this Act, or by any law passed or made before the commencement of this Act and coming into force
after such commencement in Malaysia or any part thereof, were vested in or conferred or imposed upon, or expressed to be vested in, conferred or imposed upon or which would, if this Act had not been passed, have been vested in or conferred or imposed upon a District Judge, Magistrate of any description or Coroner of the Malayan Union or of the Federation of Malaya or of Sabah or Sarawak shall, without prejudice to section 80, be vested in, conferred and imposed upon the Sessions Court Judge, in the case of a law in force at the date of the commencement of this Act, upon and after the date, and in the case of a law coming into force after the commencement of this Act upon and after the date of the coming into force of that law.


At any sitting of a Sessions Court both civil and criminal causes and matters may be heard, determined and dealt with, or either one or the other.

Criminal Jurisdiction of Sessions Courts

63. Criminal jurisdiction.

A Sessions Court shall have jurisdiction to try all offences other than offences punishable with death.

64. Sentences.

A Sessions Court may pass any sentence allowed by law other than the sentence of death.

Civil Jurisdiction of Sessions Courts

65. Civil jurisdiction of Sessions Courts.

(1) Subject to the limitations contained in this Act, a Sessions Court shall have—

(a) unlimited jurisdiction to try all actions and suits of a civil nature in respect of motor vehicle accidents, landlord and tenant and distress; and

(b) jurisdiction to try all other actions and suits of a civil nature where the amount in dispute or the value of the subject-matter does not exceed two hundred and fifty thousand ringgit.
76. Constitution and territorial jurisdiction of Magistrates’ Courts.

(1) The Yang di-Pertuan Agong may, by order, constitute so many Magistrates’ Courts as he may think fit, and shall have power, if he think fit, to assign local limits of jurisdiction thereto.

(2) Subject to this Act or any other written law, a Magistrates’ Court shall have jurisdiction to hear and determine any civil or criminal cause or matter arising within the local limits of jurisdiction assigned to it under this section, or, if no such local limits have been assigned, arising in any part of the local jurisdiction of the respective High Court:

Provided that no Magistrate shall have jurisdiction to hear or determine any cause or matter arising in any State in and for which he has not been appointed to be a Magistrate save in the manner and to the extent provided in the Criminal Procedure Code and the law for the time being in force relating to civil procedure.

(3) Magistrates’ Courts shall ordinarily be held at such places as the Chief Judge may direct, but should necessity arise they may also be held at any other place within the limits of their jurisdiction.

77. Ex-officio First Class Magistrates.

(1) The persons for the time being holding or acting in the offices specified in the Fourth Schedule shall, ex-officio, be First Class Magistrates or Second Class Magistrates, as provided in that Schedule, in and for the Federal Territory and the respective States designated therein.

(2) The Yang di-Pertuan Agong may, by notification in the Gazette, delete any office from, vary, or add any office to, the list of offices in the Fourth Schedule.

78. Appointment of First Class Magistrates.

Without prejudice to section 77—

(a) the Yang di-Pertuan Agong may, on the recommendation of the Chief Judge in each case, appoint any fit and proper person to be a First Class Magistrate in and for the Federal Territory;

(b) the State Authority may, on the recommendation of the Chief Judge in each case, appoint any fit and proper person to be a First Class Magistrate in and for the State.
78A. Qualifications of First Class Magistrates.

No person shall be appointed to be a First Class Magistrate unless he is a member of the Judicial and Legal Service of the Federation:

Provided that this section shall not prevent the appointment of a person to act temporarily as a First Class Magistrate.

79. Appointment of Second Class Magistrates.

(1) The Yang di-Pertuan Agong may appoint any fit and proper person to be a Second Class Magistrate in and for the Federal Territory.

(2) The State Authority may appoint any fit and proper person to be a Second Class Magistrate in and for the State.

80. Transfer of powers to Magistrates.

(1) Subject to the provisions and limitations contained in this Act, all powers, duties and functions which, by any written law in force in Malaysia or any part thereof at the date of the commencement of this Act, or by any law passed or made before the commencement of this Act and coming into force after such commencement in Malaysia or any part thereof, were vested in or conferred or imposed upon, or expressed to be vested in, conferred or imposed upon or which would, if this Act had not been passed, have been vested in or conferred or imposed upon a District Judge, Magistrate of any description or Coroner of the Malayan Union or of the Federation of Malaya or of Sabah or Sarawak shall, without prejudice to section 61, be vested in, conferred and imposed upon Magistrates appointed under this Act, in the case of a law in force at the date of the commencement of this Act, upon and after that date and in the case of a law coming into force after the commencement of this Act upon and after the date of the coming into force of that law.

(2) Every person appointed to be a First Class Magistrate under or by virtue of this Act shall be ex-officio a Justice of the Peace within and for the Federal Territory or State in and for which the First Class Magistrate was so appointed and all powers, duties and functions which, by any written law for the time being in force in Malaysia or any part thereof, are vested in or conferred or imposed upon, a Justice of the Peace appointed in and for the Federal Territory or any State shall be vested in, conferred and imposed upon every such First Class Magistrate so appointed for the Federal Territory or State.

81. Magistrate of any class may preside in Magistrates’ Court.

Any Magistrate of either class may sit in any Magistrates’ Court.
# Lampiran 5: Senarai Hakim di Mahkamah Tinggi Kuala Lumpur

## Mahkamah Tinggi Kuala Lumpur

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Lampiran 6: Prosedur Perlantikan Hakim di Mahkamah Syariah

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41. (1) Yang di-Pertuan Agong boleh, atas nasihat Menteri, selepas berunding dengan Majlis, melantik seorang Ketua Hakim Syarie.

(2) Seseorang itu layak dilantik di bawah subseksyen (1) jika—

(a) dia seorang warganegara; dan

(b) dia—

(i) selama tidak kurang daripada sepuluh tahun sebelum perlantikannya, telah memegang jawatan Hakim Mahkamah Tinggi Syariah atau Kathi atau Pendaftar atau Pendakwa Syarie sesuatu Negeri atau pada suatu masa memegang mana-mana satu daripada jawatan itu dan pada masa yang lain memegang mana-mana yang lain pula; atau

(ii) seorang yang arif tentang Hukum Syarak.

(3) Orang yang, sebelum sahaja mula berkuatkuasanya seksyen ini, memegang jawatan Kathi Besar di bawah subseksyen (1) seksyen 43 Enakmen dan melaksanakan fungsi-fungsi kehakiman hendaklah, apabila mula berkuatkuasanya seksyen ini, terus memegang jawatan sebagai Ketua Hakim Syarie seolah-olah dia telah dilantik di bawah subseksyen (1).

(4) Perlantikan di bawah seksyen ini hendaklah disiarkan dalam Warta.

42. (1) Yang di-Pertuan Agong boleh, atas nasihat Menteri, selepas berunding dengan Majlis, melantik, selama tempoh tidak melebihi tiga tahun, tidak lebih daripada tujuh orang Islam untuk menubuhkan suatu panel tetap hakim dan Ketua Hakim Syarie hendaklah memilih dua orang daripada kalangan mereka untuk membentuk kuorurn hakim dalam Mahkamah Rayuan Syariah berkenaan dengan tiap-tiap pendengaran.
(2) Nama ketujuh-tujuh anggota itu hendaklah diisarkan dalam Warta.

43. (1) Yang di-Pertuan Agong boleh, atas nasihat Menteri, selepas berunding dengan Majlis, melantik Hakim-Hakim Mahkamah Tinggi Syariah.

(2) Seseorang itu layak dilantik di bawah subseksyen (1) jika—

(a) dia seorang warganegara; dan

(b) dia—

(i) selama tidak kurang daripada sepuluh tahun sebelum perlantikannya, telah memegang jawatan Hakim Mahkamah Rendah Syariah atau Kathi atau Pendaftar atau Pendakwa Syarie sesuatu Negeri atau pada suatu masa memegang mana-mana satu daripada jawatan itu dan pada masa yang lain memegang mana-mana yang lain pula; atau

(ii) seorang yang arif tentang Hukum Syarak.

(3) Orang-orang yang, sebelum sahaja mula berkuatkuasanya sesyen ini, memegang jawatan Kathi di bawah subseksyen (1) sesyen 43 Enakmen dan melaksanakan fungsi-fungsi kehakiman hendaklah, apabila mula berkuatkuasanya sesyen ini, terus memegang jawatan sebagai Hakim Mahkamah Tinggi Syariah seolah-olah mereka telah dilantik di bawah subseksyen (1).

(4) Semua perlantikan di bawah sesyen ini hendaklah diisarkan dalam Warta.

44. (1) Yang di-Pertuan Agong boleh, atas syor Ketua Hakim Syarie, melantik daripada kalangan anggota perkhidmatan awam am Persekutuan Hakim-Hakim Mahkamah Rendah Syariah.

(2) Semua perlantikan di bawah subseksyen (1) hendaklah diisarkan dalam Warta.
Mohtar, Siti Norma, Haidar dilantik Hakim Mahkamah Persekutuan


Mereka menerima waltah pelantikan sebagai Ha kim Mahkamah Persekutuan dari Yag di-Pertua Angon Sultan Selahuddin Abdul Aziz Shah, yang di-Negara setian garasi.

Mohair yang berusia 56 tahun merupakan antara Hakim Mahkamah Perse kutuan yang paling muda.

Beliau yang bersara dipap jadi peguam Negara berkua 31 Disember lalu, menyifatkan pelantikan itu sebagai sesuatu yang tidak diduga.

"Saya rasa bersyukur kepada Tuhan... tidak sama sekali menjangka akan di tawarkan jawatan ini," katanya ketika ditemui para media selepas majlis pengangkatan sumpa jawatan.

Beliau mengucapkan te rima kasih kepada kerajaan atas kepercayaan yang diberikan kepada pelantikan sebagai Hakim Mahkamah Persekutuan.

"Saya sedia berkhidmat kepada negara dan menerima apa apa jawatan," ujarnya.

Mohair yang berasal dari Melaka pernah bertugas sebagai guru sebelum men seburya bidang perundangan.


Antara jawatan yang pernah disandangnya ialah peguam, pentadbir limbaga Telekom Singapura, Majistret, yang di-Pertua Mahkamah Sesyen di Klang, Timbalan Pendakwa Raya Biro Siastan Negara, Timbalan Pendakwa Raya Sabah dan peguam Pemegang Harta.

Beliau juga berpengalaman memegang jawatan Pemegang Amanah Raya, Penasihat Undang-Undang Negeri Selangor, Ketua Pendakwa Mahkamah Agung dan Hakim Mahkamah Tinggi.

Hakim Mahkamah Raya, Siti Norma pula sekali lagi mencipta sejarah sebagai wanita yang pertama dilantik menjadi Hakim Mahkamah Persekutuan.

Siti Norma, 61, menyifatkan jawatan baru itu sebagai sesuatu yang luar biasa dalam kehidupan berka ri.

"Saya bersaunggembira dengan pelantikan ini," katanya.

Beliau dengan nada geng berkata, "Ini adalah kemajuan yang biasa bagi saya yang telah berkhidmat hampir 37 tahun dalam bidang kehakiman.

Siti Norma juga merupakan wanita pertama dilantik sebagai Hakim Mahkamah Tinggi pada April 1983.


Sekembalinya ke tanah air, beliau memulakan kerjaya dalam bidang perundangan apabila dilantik sebagai Penolong Kanun Perda mah Mahkamah Tinggi Kuala Lumpur pada tahun 1983.

Sementara itu, Haidar 62, yang berasal dari Pulau Pinang menyatakan terima kasih atas pelantikan itu.

Kataanya, beliau akan menjalankan tugas dengan penuh tanggungjawab.

Beliau yang berasal dari Negeri Sembilan menerima pendidikan awalnya di Sekolah Melayu Lahang, Sembran, selama melanjutkan pengajianannya dalam bidang perundangan di London. Dalam tahun 1983, beliau be


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