

Hierarchy courts of subordinate courts in malaysia essay sample

[Law](#), [Court](#)



*“ Subordinate Court” means any inferior court from the decisions of which by reason of any written law, there is a right of appeal to the High Court and includes any Court of a Magistrate of the Third Class established under the Subordinate Courts Ordinances of Sabah [Sabah Cap. 29] and Subordinate Courts Ordinance of Sarawak [Swk. Cap. 42]; and means, in relation to the High Court, any such Court as by any written law has jurisdiction within the local jurisdiction of that High Court. Subordinate courts consist of the Sessions Court, the Magistrate’s Court and Penghulu’s Court.

SESSIONS COURT

A Sessions Court has the jurisdiction to hear both criminal and civil cases. At present there are eighty seven Sessions Court judges throughout Malaysia. A Sessions Court judge is appointed by the Yang di-Pertuan Agong on the recommendation of the respective Chief Judges. Jurisdiction

Criminal

A Sessions Court has the jurisdiction to try all offences other than offences punishable with death. Except for the sentence of death, a Sessions Court may pass any sentence including natural life sentence. Civil

A Sessions Court has-

(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 subject matter does not exceed RM250, 000. 00.

MAGISTRATES' COURT

The Magistrates' Courts have jurisdiction to hear both criminal and civil cases. At present there are one hundred and fifty one Magistrates throughout Malaysia. For the Federal Territory, magistrates are appointed by Yang di-Pertuan Agong on the recommendation of the Chief Judge. In each of the States, magistrates are appointed by the State Authority on the recommendation of the respective Chief Judges. Familiar to most urban people as it is established in all major towns and sometimes goes on circuit to regional areas. This court has the jurisdiction to hear civil cases and criminal cases. There are two types of classes of magistrate i. e. First Class and Second Class. Jurisdiction

First Class Court:

Criminal

A First Class Magistrate has jurisdiction to try all offences for which the maximum sentence does not exceed ten years imprisonment or with fine only and offences related to punishment for robbery and house breaking by night. Civil

A First Class Magistrate has the jurisdiction to hear all actions and suits of a civil nature where the amount in dispute or value of the subject matter does not exceed RM25, 000.

Second Class Court:

Criminal

The Second Class Magistrate has the jurisdiction to try offences punishable

with 12 months imprisonment or punishable with fine only as well as may pass sentence not exceeding 6 months imprisonment or fine not more than RM1000 or combination of the above. Civil

The Second Class Magistrate has the jurisdiction to try civil actions for the claim of a debt not exceeding RM3000. Performs minor function i. e. granting bail, mentioning cases.

PENGHULU'S COURT

Penghulu's Courts are the lowest level of the Court Hierarchy in West Malaysia. The court of a penghulu presided by a Penghulu or Headman appointed by the state government for a mukim which is an administrative district. Jurisdiction

Criminal

Penghulu's Court has the jurisdiction to try offences as stated in his Kuasa or offences punishable with fine only. The jurisdiction is limited to offences which can be punished with a fine not exceeding RM25 Civil

Penghulu's Court has the jurisdiction to try cases involving a claim of debt not exceeding RM50 and the parties involved are Asian and understand Malay.