

Business law assignment

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Malaysia is mainly based on the common law legal system. Malaysia has three main bodies in the country's administrative system are executive, the legislative and the judiciary and each has its own role. Malaysia is a federation of 13 states with a Federal Constitution and 13 State Constitution. The Federal Constitution provides for the Yang Di-Perpetuane Agony who owes his position to the Constitution and act accordance with it. The Constitution can only be changed by a two-thirds majority of the total number of members of the legislature.

The Federal Constitution comprises many Articles concerning the religion of the federation and many other related subjects. Besides the Federal Constitution, there is a state constitution where each state has their own constitution regulating the government of that state. Malaysia, which consists of Peninsular Malaysia, Sabah and, Sarawak is one political unit, but it is not exactly governed by the same set of laws. There is two important links which is the Parliament and Federal Court.

The Parliament can and does legislate for the whole country while the Federal Court acts as a final court of appeal for the whole country. The Federal laws are made by the legislative (members of Parliament and senators) sitting in the Parliament of Malaysia and applies nationwide. The Federal law is the supreme law of the land that applies throughout the country and it is also known as the Constitution of Malaysia. The Federal Constitution provides the legal framework for the laws, legislation, courts and other administrative aspects of law.

It also defines the government and monarch, and their powers, as well as the rights of the citizens. The state laws are made by assemblymen sitting in the State Legislative Assembly (Dewan Undangan Negeri) and only applies in the particular states. Moreover, the Federal Constitution also provides that Parliament may make laws with aspect to any of the matters enumerated in the Federal Lists. State Legislature may Business law By Kane-Gawk Parliament and State Assembly may also make laws with respect to any matters enumerated in the Concurrent List.

But if there is inconsistency, laws made by Parliament shall prevailed laws made by State Assembly. The laws of Malaysia can be divided into two types of laws which is written law and unwritten law. Written laws are laws which have been enacted in the constitution or in legislations. Written law is the most important source of law because it refers to that portion of Malaysian Law which includes. Unwritten laws are laws which are not contained in any statutes and it is not made by the formal legislative bodies. This is known as the common law or case law.

Customs are an important source of unwritten law. Every race has its own customs. Hindu and Chinese customary law applied to the Hindus and Chinese respectively. Besides that, natives in Sabah and Sarawak have their own customary law which relates to the land and family matters. In situation where there is no law governing a particular circumstance, Malaysian case law may apply. If there is no Malaysian case law, English case law can be applied. English Law is used as a source of law which was provided in Section 3 and Section 5 of Civil Law Act 1956.

However, Section 3 is bound on two limitations. The first limitation is that English Law applied only in the absence of local statutes on particular subjects. The second limitation is only part of the English Law that is suited to local circumstances will be applied. The Constitution of Malaysia also provides for a Justice system. The Federal Court is the highest in hierarchy of courts in Malaysia. It has Jurisdiction to hear and original appellate on both constitution question advisory Criminal appeals only can made by he convict as against sentence only.

For civil appeals, it is disallowed if amount in demand is less than ARMOR, 000. For the Court of Appeal, it has Jurisdiction to hear and determine any appeal against any High Court decision on criminal matters. Civil appeals which can hear only where the amount of claim is at least ARMOR, 000. For High Court, it consist of two chief Judges, one in peninsular Malaysia and one in Saba and Karakas. High Court has Jurisdiction to hear and original appellate supervisory. High Court Jurisdiction is to try cases under her province only and also has Jurisdiction to hear appeal from subordinate courts.

The Constitution of Malaysia also provides that Islamic law is a state law. Islamic law refers to the Shari law. The court is known as the Assyria Court. Shari law only applies to Muslims. With regards to civil law, the Assyria Court has Jurisdiction in personal law matters, for example marriage, inheritance, and apostasy. In some states there are Shari criminal laws, but the amount is not more than RAMMER and imprisonment to not more than 3 years.

Judiciary in Malaysia has undergone its ups and downs throughout half a century or so.

It is still early to say that the Malaysian Judiciary is reaching its mature stage. This essay aims to examine the development and effectiveness of the Malaysian legal system aiding the government to maintain order within the country. In my opinion, the Malaysian legal system has significant development role in assisting the Malaysian government to develop as a leading country. The Malaysian legal system is able to help government bring peace and continuous development to the country by upholding judicial integrity and public confidence in the effort of reducing corruption.

By using the public law, international law, and private law can effectively bring peace and build confidence among the peoples. Through the effort the country and reduce corruption. However, there are people that will misuse the power of law and breaks the law. With the efforts done by the Judiciary, the executives are able to effectively enforce law against corruption in order to achieve as a leading country with no corruption. Apart from that, Malaysian legal system is able to empower the government to rule the country with the power of laws.

However, the power is divided into three branches which is the legislative, the executive, and the judiciary branch. Each of the branch is independent and has its own specific function in order to assist the government. The legislative have power to makes the laws, the executive have power to implements the laws, and the Judiciary act as the court system to interpret the laws and decides legal controversies. This means the government has

allowed to act as system of rule by making the law, implements the law, interprets the law, and decides legal controversies.

However, they cooperate with one another and also prevent one another from attempting to assume too much of power. So each branches acts as a restraint on the power of the other two. Other than that, Malaysian government have set ambitious targets to reduce crime levels significantly. Therefore, the Malaysian legal system has enacted the government to reduce the crime rate and bring harmony for the society by the enforcement of criminal law. By prosecuting the government transformation programmer, the crime rate can be effectively reduced.

This is reported by the Home Minister according to the statistic that show decline in crime rate since 2008 until 2013. This is because the criminal law has been enforced, thus it regulates social conduct, proscribes threatening as well as includes the punishment of people who break these laws. In addition, there are capital punishment will be apply on who did capital crimes. Therefore, people will fear not to violate the law but to obey as they don't want to get themselves in punishment. In fact, reducing crime is a vital part of Malaysia's plan to become a fully developed country.

Moreover, a legal system is the only procedure which can ensure that human rights are respected. This mean the government has allowed to act as a system of rule with different categories of law to maintain the status quo, to protect property, and vested rights. Hereby, through the enforcement of public law can helps settle disputes among the people in the society.

Everyone has he right to freedom of speech where they can speak out

anything for their rights. Everyone also has the right to deserve no unfair detainment which mean no one shall be subjected to arbitrary arrest, detention or exile when no one was found guilty.

Thus, Malaysian legal system can helps government effectively to protect the rights of human. Next, Malaysia is deemed to be a democracy country as the parliamentary system which is a system with the election parliament to elects a prime minister. With the word of democracy which mean the people will be involve in choosing the government through the election. The Election Commission (SEC) will carry out its constitutional duties and responsibilities to properly conduct a General Election in every five years.

The General Election is deemed to be a fair election as it voted by the peoples. With the democracy system, Malaysia will more likely become a peace, harmony and developed country in any aspect like politic, economy, and social. More than that, Malaysian legal system has allowed the government to enforce the labor law to protect the rights of employees. Therefore, one of the law which is the Fair minimum wage, overtime pay, record keeping and youth labor. As the law of ELSE will ensure that employees with fair pay and fair work environments as well as regulating the employment issues.

One advantage of the minimum wage is that is helps to close the income gap between the rich and poor. Although there is still a significant difference, the minimum wage at least puts a floor in the gap so it does not grow wider. Narrowing this gap is important to maintaining a population with equal freedoms. In fact, this increases the people's buying power, thus improving

economic growth as well as develop as a leading country. In the conclusion, Law is something that can be powerful when come to about rights of anything.