

# [Court observation persuasive](https://assignbuster.com/court-observation-persuasive/)

Court observation The courts have the function of giving the public a chance to present themselves whether to prosecute or defend themselves if any disputes against them rises.

It is known to everyone that a court is a place where disputes can be settled while using the right and proper procedures. The court is also the place where a just, fair and unbiased trial can be heard so that it would not cause any disadvantage to either of the party involved in the dispute. The parties are given a chance to represent themselves or to choose to have a legal representative , which is mostly preferred by many. In the Session Court that I attended, the physical appearance of the court is similar to other courts.

The judge sits in the centre and in the presence of everyone at the front. The Interpreter sits in front of the judge with the Bar Table placed directly in front of the interpreter. On the right hand side of the Bar Table is the Witness box and the defendant sits directly at the back of Bar Table. A police officer is placed on the left side of the defendant to guard the public and those present in the court.

There is a divider between where the public sits with those involved with the legal proceedings. Everyone entering the courtroom will have to bow the judge as a sign of respect to the judge before they proceed to their respective seats. The role of the interpreter is to make sure the witness reads the oath before testifying in the case. In the case that I attended, both the plaintiff and defendant were represented by their respective lawyers. As I only had the opportunity to witness the defendant’s lawyer to prove his version of the case, as to call witness and asking questions. I felt that he wasn’t effective when presenting his case as he fumbled with his words a lot and was not questions most of time to the defendant.

This shows that the counsel is unable to present himself well enough to communicate his facts to the witnesses. I also felt that counsel has not done a good job and would very unlikely be able to catch the attention of the judge. In Malaysia Judiciary System, the Adversarial System is practiced, where the two parties involved in the dispute I given the chance to present and prove their version of facts and disprove the version of the other side. Am impartial judge listens to the evidence and makes a decision as to which side is guilty.

In this case will determine the question of fact where else the jury determines the questions of fact. However, the Adversarial System in Malaysia is practiced without a jury due to constraints and other disadvantages of empanelling juries. Thus, in this system, the judge role is to determine the Questions of Law as well as the Questions of Facts. He or she is also to ensure that the Rules Of THE case without interruption unless she is asked questions by the counsels. I unfortunately only had a little time to witness the proceedings, so I only got to see the calling witnesses to present evidence according to the Rules of Evidence. So far, the type of evidence produce is not hearsay evidence but direct oral evidence where the witness told the court what he saw.

The lawyers and the judge then record the evidence presented. The proceedings of the hearing were formal where the Rules of Procedures is carried out. The judge is to ensure the existence of theses rules in every hearing. Silence is to be kept in the courtroom and the public is not supposed to speak and hand phones are to also be switched off to avoid any disruption in the court room.

. Everybody attending before the judge is required to now to the judge when he or she walks in or out if the court as a sign of respect. The judge is addressed as Yang Arif in the Sessions court and the lawyers and the judge have to follow the dress code of wearing black and white during the court proceeding. In my opinion, the court did quite well in dealing fairly and equally with all that came before it. The defendant was givien the chance to be represented by his lawyer and the plaintiff was given the chance to be represented by its lawyer as well.

The lawyer did their duty to try to prove their versions of facts and try to disprove the opposing party in order to won the case. The lawyers were given the chance to cross-examine witness who is called by the respective lawyers.