

SPEECH OF THE ATTORNEY GENERAL OF MALAYSIA

OPENING LEGAL YEAR 2025

May it please Your Honours,

YAA Tun Tengku Maimun Tuan Mat, the Chief Justice of Malaysia,

The Honourable Minister of Law YB Dato' Sri Azalina binti Othman Said,

YAA Tan Sri Datuk Amar Abang Iskandar bin Abang Hashim, the
President of the Court of Appeal,

YAA Dato' Sri Hasnah binti Dato' Mohammed Hashim, Chief Judge of
Malaya,

YAA Tan Sri Abdul Rahman bin Sebli, Chief Judge of Sabah and
Sarawak,

Judges of the Superior Courts and Judicial Commissioners,

Honourable State Attorney-General of Sabah,

Honourable State Attorney-General of Sarawak,

President of the Malaysian Bar,

President of the Sabah Law Society,

President of the Advocates Association of Sarawak,

Fellow officers of the judicial and legal service,

Distinguished guests, members of the legal fraternity, ladies and
gentlemen.

Assalamualaikum warrahmatullahi wa barakatuh, a very good morning, warm greetings and Salam Malaysia MADANI.

Introduction

Honourable Chief Justice, esteemed members of the judiciary, distinguished colleagues in the legal profession, respected guests, and ladies and gentlemen.

1. May I begin by recording my most profound and utmost appreciation to the Malaysian Judiciary, particularly The Right Honourable Chief Justice of Malaysia, for the privilege and honour to address the esteemed gathering of the legal fraternity on this august and celebrated occasion of the Opening of the Legal Year 2025.
2. On this solemn occasion, I would like to express my special gratitude to YBhg. Tan Sri Idrus bin Harun, the former Attorney General from 6 March 2020 until 6 September 2023 and my predecessor Federal Court Judge YA Tan Sri Ahmad Terrirudin Bin Mohd Salleh, who helmed the Attorney General's Chambers for the period of one year before I took office on 12 November 2024, and all our predecessors for their tireless work in ensuring our legal system remains a beacon of fairness and stability. It is not too late to congratulate YA Tan Sri

for the appointment and your dedication in ensuring the success of AGC during your tenure as the Attorney General is much appreciated.

Achievements in 2024

YAA, YA, ladies and gentlemen,

3. It has been almost two (2) years since the vision of a civilised, skilled and inclusive society, styled in the outfit of “Malaysia MADANI”, was introduced by Prime Minister YAB Datuk Seri Anwar Ibrahim. As the *rakyat* who also wears the hat of a public officer, “Malaysia MADANI” is not just a brand imprinted on our official letters or a lip service we pay in our opening speech remark. Instead, it is a common goal that all citizens, especially us in public service, must aspire to achieve and assist. Thus, as the principal legal advisor to the Government, AGC plays a vital role in ensuring that all Government initiatives are implemented in accordance with the law.

4. As we usher in the new year, I wish to mention some of the AGC’s notable contributions in bringing the country to better heights:
 - (a) first, as the legal advisors and Parliamentary drafters for the Government, AGC officers collaborated with the Ministry of Home Affairs to ensure that the Constitution (Amendment) Bill

2024 saw the day. The historic amendments to the Federal Constitution, among others, accorded equal rights to citizenship by operation of law for children born outside the Federation whose mothers were Malaysian citizens at the time of the children's birth;

- (b) secondly, pursuant to the coming into force of the Revision of Sentence of Death and Imprisonment for Natural Life (Temporary Jurisdiction of the Federal Court) Act 2023 [Act 847] on 12 September 2023, AGC officers had worked relentlessly to handle applications for revision of death sentences and imprisonment for natural life. The team has successfully disposed all of the 1,056 applications fixed in the Federal Court;
- (c) thirdly, my office has played a major role in asserting Malaysia's position at the public hearings concerning the International Court of Justice's Advisory Opinion on the legal consequences of Israel's policies and practices in the Occupied Palestinian Territory, including East Jerusalem, at the Peace Palace in The Hague, Netherlands. Further, during the 62nd Annual Meeting of the Asian-African Legal Consultative Organization (AALCO) held in Bangkok, Thailand, Malaysia addressed several key

topics, including its firm stance against Israel's violation of international law in the Occupied Palestinian Territories;

(d) fourthly, in March 2024, the World Trade Organization (WTO) panels had decided in favour of Malaysia, in the case of the Government of Malaysia against the European Union (EU) and several EU Member States *Concerning Palm Oil and Oil Palm Crop-Based Biofuels*. WTO panels decided that there are elements of the EU regulations that have violated the principle of non-discrimination under the WTO Rules, and the EU should comply with the Panel's decision by modifying its rules accordingly. AGC's officers were part of the successful Malaysian team; and

(e) fifthly, aiming to reform the civil service, AGC was instrumental in the historic formulation and execution of the new Public Service Circular called Sistem Saraan Perkhidmatan Awam (SSPA) to implement the new remuneration scheme for the public service. Among the improvements brought about by this new service scheme are new salary packages and retirement benefits, including replacing pensionable with annuity schemes for new recruits. The construct of this new scheme reaches

every member of the federal public service, and all the states, statutory authorities and local authorities may adopt the SSPA.

YAA, YA, ladies and gentlemen,

6. The role of a drafting officer of AGC extends far beyond just perfecting the language of a Bill. As civil servants, it is our duty to draft the most acceptable bills, given the interplay of stakeholders' aspirations, interests, and standpoints. The year 2024 is no different in that as AGC has held steadfast in realising the Government's legislative efforts and reform agendas in various fields, including finance, business, security, health, education and administration of justice, The following are some of the key highlights:

7. AGC played a key role in the rapid development of the Cyber Security Act 2024 [Act 854], along with its four accompanying regulations. The collaboration of the AGC team and the National Cyber Security Agency (NACSA) has ensured that Malaysia is equipped with a cybersecurity framework to confront emerging cyber threats effectively as it creates a secure digital environment essential for businesses seeking to protect their operations and sensitive data. Strong cybersecurity measures enhance trust and confidence in Malaysia's digital

infrastructure, making the country an appealing destination for tech companies and innovation.

8. The enactment of the Control of Smoking Products for Public Health Act 2024 [Act 852] represents a significant effort to address the growing concern of children and teenagers being exposed to electronic cigarettes and vaping. The Act had undergone scrutiny by the Special Select Committee twice and generated widespread debate across the nation. Additionally, necessary amendments were made to the Food Act 1983 [Act 281] to remove all provisions related to tobacco products, which are now entirely governed by Act 852.

9. The intention to create a centralised agency to manage and protect Malaysia's borders has finally come to fruition with the enactment of the Malaysia Border Control and Protection Agency Act 2024 [Act 860]. The Act aimed to overcome the massive bureaucratic and operational issues of having various enforcement agencies operate at entry points, each with different procedures, which complicates the movement of people entering and exiting Malaysia and contributes to congestion.

10. The Evidence of Child Witness Act 2007 [Act 676] was also amended to empower the court to secure convictions based solely on the testimony of a child witness, even in the absence of corroboration and provides for the competency of child witnesses, procedures for their testimony, and inquiries to assess a child's understanding of the oath. Consequential amendments were made to the Evidence Act 1950 [Act 56], the Sexual Offences Against Children Act 2017 [Act 792], the Oaths and Affirmations Act 1949 [Act 194], the Security Offences (Special Measures) Act 2012 [Act 747] and the Armed Forces Act 1972 [Act 77], to streamline the procedural and substantive aspects of evidence from child witnesses.

11. Next, the amendment to the Audit Act 1957 [Act 62] empowers the Auditor General to examine, inquire into, and audit the accounts of any entity, including companies registered under the Companies Act 2016 [Act 777], that receive a "financial guarantee" from the federation or the state. In line with the principle of "follow the public money audit," the amendment emphasises transparency, accountability, and the proper management of public funds.

12. The enactment of the Penal Code (Amendment) Act 2024 [*Act A1721*], which addresses offences related to payment instruments and accounts at financial institutions, was a response to the alarming rise of online financial fraud in the country.

13. As an effort to improve access to justice, foster a more equitable arbitration process in Malaysia, and enhance Malaysia's standing amongst the global international arbitration community, the Arbitration Act 2005 [*Act 646*] was amended to introduce, among others, a comprehensive framework for third-party funding, ensuring transparency and integrity through statutory disclosure requirements and code of practice.

14. Apart from these noteworthy legislative moves, which have been passed by the Parliament, another 42 Bills have been drafted and tabled, and 708 subsidiary legislation have been published in the *Gazette* in 2024.

YAA, YA, ladies and gentlemen,

15. In 2024, AGC has also remained committed to ensuring that the present legislation meets the current needs of societies and is in line with modern-day developments. Hence, realising the critical importance of the Courts of Judicature Act 1964 [*Act 91*] to the legal fraternity and the public

at large, AGC and the Chief Registrar's Office of the Federal Court of Malaysia collaborated in reprinting Act 91 to ensure that all relevant amendments are incorporated into the new reprinted Act.

16. AGC has been collaborating with the Legal Affairs Division of the Prime Minister's Department to implement two (2) law reform projects proposed by the Government in 2024 namely the Public Advocacy Bill to replace the Legal Aid Act 1971 [Act 26] and the amendment of laws relating to trusts in Malaysia.

YAA, YA, ladies and gentlemen,

17. Aligned with the Government Digital Transformation's directive, AGC has developed an online system known as "*Modul Daftar Kertas Siasatan*" (e-Daftar) and "*Modul e-Representasi*" (e-Rep). Apart from being environmentally friendly due to the paperless approach, digital case management systems allow for efficient tracking of cases, from the initial investigation to the final verdict. These systems are equipped with alert features which will notify us through email should the time allocated for specific actions be about to lapse or expire. These systems can reduce the time and resources required to manage large volumes of criminal cases, allowing prosecutors to focus on the substantive aspects of their work.

18. e-Daftar is a system which enables enforcement agencies to register their criminal investigation papers online. As of early December 2024, this system has recorded 455,170 investigation papers and is currently being used in 10 States, 161 agencies and by 391 Deputy Public Prosecutors. The system will be expanded to the whole country before the year end.

19. The e-Rep will replace the manual process for handling representations submitted by lawyers. Lawyers will be automatically notified through emails, and the status of representations can be checked online.

20. Besides that, AGC has also embarked on the Case Decision Reporting (LKK i-AGC) system. The LKK i-AGC system, which can be accessed from any device/location, ensures that reports of the lower court decisions are sent to the Appellate and Trial Division for further instruction to the prosecutors regarding the next course of action at the appellate level and will be extended to all relevant agencies.

YAA, YA, Ladies and gentlemen,

21. In 2024, the AGC continued to navigate our country's complex legal terrain while relentlessly defending the Government's interests in a series of high-stakes cases.

22. From constitutional challenges that tested the limits of governance to landmark public interest litigations, the Government's unyielding dedication to the greater good of the society served as a beacon to AGC's pursuit of integrity and fairness in each and every case we handled.

Some notable highlights from the past year include:

- (i) the case of **A v. Mahkamah Rayuan Syariah Wilayah Persekutuan & 3 Ors [08(f)-314-09/2023(W) – Federal Court]**, where the AGC had successfully argued and preserved the legal position that the decision of the Syariah courts cannot be reviewed by the civil courts; and
- (ii) in the case of **Chong Ton Sin & Anor. v. Menteri Dalam Negeri & Anor [08(f)-341-10/2023(W) – Federal Court]**, AGC has successfully defended the prohibition order/ban imposed by the Minister of Home Affairs against a disputed book entitled "*Gay is OK! A Christian Perspective*" pursuant to

subsection 7(1) of the Printing Presses And Publication 1984 [Act 301].

23. The AGC has stayed true and will continue to honour our commitment to ensuring that public interest litigations are resolved expeditiously. This includes exploring the possibility of re-evaluating the allocation of officers to handle civil matters to reflect on the increasing workload and complexity of matters being handled.

24. Our commitment also extends to working hand in hand with our client departments to ensure that public officers are equipped with knowledge of the prevailing laws by guiding ongoing cases, as well as giving lectures in courses and knowledge-sharing sessions. These efforts are aimed at ensuring that our client departments are kept abreast of the current legal trends as it will help them to take prompt actions to minimise any legal risks or setbacks.

25. Additionally, in striving to modernise our daily operations with digital advancements, the AGC through our Civil Division had also looked into ways to expedite and facilitate the consent of the Attorney General under subsection 9(1) of the Government Proceedings Act 1956 [Act 359] to

institute a suit in relation to a public, religious, social or charitable trust in Peninsular Malaysia.

26. Accordingly, we are pleased to share that we have successfully implemented online applications via AGC's e-Services Portal for all requests related to the Attorney General's consent under section 9 of Act 359, starting from 1 August 2024.

YAA, YA, ladies and gentlemen,

27. The role of AGC is not confined to the domestic legal context but extended beyond our borders, particularly in the realm of international law and foreign relations. It is noteworthy to highlight AGC's contribution in the following events:

- (i) in August 2024, after over three years of negotiations, Malaysia concluded its participation in the drafting of the United Nations Convention Against Cybercrime. Led by the National Cyber Security Agency (NACSA) and supported by AGC, the final session of the Ad Hoc Committee took place in New York from 29 July to 9 August 2024. The Committee approved a draft General Assembly resolution annexing the final text of the Convention, which will now proceed to the

General Assembly for consideration. AGC's role in the drafting and negotiations was vital in ensuring that Malaysia's positions were reflected in the Convention, supporting the government's efforts to combat cybercrime and counter the use of information and communications technologies for criminal purposes; and

- (ii) in 2024, Malaysia also concluded two significant instruments under the leadership of the Ministry of Home Affairs. The Memorandum of Understanding with the United States, signed on 2 August 2024, strengthens cooperation in combating transnational crime, while the treaty with Iran, signed on 24 July 2024, provides a legal framework for the international transfer of prisoners. AGC's role in the drafting and negotiations of these instruments was essential in ensuring that the principles of international cooperation and mutual assistance were upheld, while being carefully aligned with Malaysia's domestic laws and policies to guarantee the effective implementation of its obligations or commitments towards each of its foreign counterparts.

YAA, YA, ladies and gentlemen,

28. The year 2024 has seen the initiation of many reforms. AGC was part of these watershed moments and played key roles in the establishment of Chief Children Commissioner and Children Commissioners by law, under the auspicious of the Human Rights Commission of Malaysia, to specifically deal with human rights matters relating to children.

29. Further, as the legal advisor to the Government, AGC has been involved in negotiations of many high-impact projects implemented both through the public-private partnership (PPP) and conventional methods. Recognising that the government's involvement is crucial in ensuring a prosperous economy, we have exercised the utmost care and diligence in balancing the importance of Malaysia's growth without jeopardising the sanctity of the law.

30. To date, AGC has been involved in many projects where we have played a pivotal role. There are too many to name, and listing only a few would do injustice to the sacrifices of our officers who have poured their hearts and souls into protecting the interests of the government and the public.

YAA, YA, ladies and gentlemen,

31. AGC places great emphasis on the importance of lifelong learning. To this end we have actively sought and collaborated with the Public Service Department (JPA), public universities and government-linked companies (GLCs) to ensure that our legal officers can pursue their post-graduate opportunities locally and internationally.

32. On top of these initiatives, AGC has also partnered with prominent local universities to ensure optimum results can be gained in various aspects of training, research and legal services to enhance our professionalism.

YAA, YA, ladies and gentlemen,

33. In 2024, AGC celebrated several warm memories and milestones, reflecting its rich history and ongoing commitment to legal service. Among the highlights were—

- (a) *Persidangan Pegawai Undang-Undang 2024*, which has brought together 1,500 AGC legal officers from across the country, was successfully held in August 2024. The event became a forum for all AGC officers to unite and rejuvenate our vows to serve the country to the best of our abilities;

- (b) the inaugural AGC Coffee Table Book entitled *Journey Through Time –From Kuala Lumpur to Putrajaya* was also launched at the conference, which showcased AGC’s journey, its milestones and its contribution to the nation’s legal development. The book serves not only as a tribute to AGC’s past achievements but also as a vital historical record for future generations;
- (c) we have also made a strategic move to send legal attaches to key international institutions, namely the Permanent Mission of Malaysia to the United Nations, New York and the Embassy of Malaysia in the Hague, Netherlands. Efforts are also underway to place our officers in the Office of the Permanent Representatives of Malaysia to the World Trade Organization (WTO), in Geneva, Switzerland; and
- (d) the AGC has taken the initiative to engage with the community by holding the Kampung Angkat Madani Programme at Kampung Jilid 8, Mukim Bujang, Kuala Muda, Kedah. The programme exhibits the serious commitment of the MADANI Government to ensuring all walks of the rakyat would benefit from Government development efforts. To this end, AGC has

overseen the construction of crucial infrastructures, including a local bridge, jetty, and football field. The program is still ongoing, and various community, welfare and education programmes have been carried out.

Way forward - 2025

YAA, YA, ladies and gentlemen,

33. In the coming year, we look forward to facing new challenges and seize new opportunities for growth and progress. We will continue to work towards serving the nation by enhancing access to justice for all, ensuring that the law remains accessible, transparent and fair.

34. I am pleased to mention here, AGC's future development plans for the year 2025 which include —

- (a) studying the need to establish the Appellate and Trial Division Unit for Sabah and Sarawak for criminal appeals with experienced and highly skilled Deputy Public Prosecutors taking into account all factors;
- (b) following the relocation and upgrade of the Selangor State Prosecution's Office to the Ideal Convention Centre (IDCC) in

Shah Alam and the newly transformed District Prosecutor's office in Teluk Intan, Perak, AGC will continue with the relocation of the entire AGC Kuala Lumpur branch from Wisma Chase Perdana to Menara MATRADE, Kuala Lumpur. We are also aiming to relocate and upgrade another seven (7) District Prosecutor's offices namely in Ampang, Selayang, Lahad Datu, Kemaman, Tampin, Kuala Kangsar and Bukit Mertajam; and

- (c) we have created eighty (80) new positions for both Deputy Public Prosecutors and Federal Counsels to cater for the growing needs in an increasing number of cases and new courts.

Conclusions

YAA, YA, ladies and gentlemen,

35. I would like to quote a verse from the Surah Al-Maidah, verse 8 of the Holy Quran as follows-

يَا أَيُّهَا الَّذِينَ ءَامَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ ۚ وَلَا يَجْرِمَنَّكُمْ
شَنَّانُ قَوْمٍ عَلَىٰ ءَلَّا تَعْدِلُوا ۚ ءَعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ ۚ وَاتَّقُوا اللَّهَ ۚ إِنَّ
اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ

O believers! Stand firm for Allah and bear true testimony. Do not let the hatred of a people lead you to injustice. Be just! That is closer to righteousness. And be mindful of Allah. Surely Allah is All-Aware of what you do.

(Al-Maidah:8)

With that in mind, allow me to conclude by emphasising that the cooperation of AGC, the Judiciary and the Bar is vital. This is a high calling, but I have complete confidence that we are up to the task. I am also determined for AGC, the Judiciary and the Bar to continue to be inclusive, fair, resilient and united. On behalf of AGC, I pledge our fullest cooperation to the Bar and undivided support to the Judiciary in discharging our constitutional duty to administer justice.

36. Please allow me to recite two passages of pantun or Malay poem to illustrate this message that I just mentioned:

Indah Jambangan Bersilang Ranting

Bunganya Sarat Cantik Digantung

Andai Ringan Sama Dibanting

Kalau Berat Sama Diusung

Pergi Ke Pasar Membawa Bakul

Untuk Diisi Baju dan Kain

Ringan Dan Berat Sama Dipikul

Tanda Muafakat Erat Terjalin

37. As we embark on another year, I would like to take this opportunity to thank all and let us do so with a renewed resolve to advance justice, promote the rule of law and contribute to a just society for all; let me end my speech with Nelson Mandela's famous call, "*Let there be justice for all. Let there be peace for all.*".

Thank you, and I wish you all a successful and fulfilling year ahead.

THE ATTORNEY GENERAL OF MALAYSIA

26 DECEMBER 2024