

23 JUL 1996
Mahathir-Syariah
SYARIAH COURTS TO BE REORGANISED

KUALA LUMPUR, July 23 (Bernama) -- Syariah courts in the country will be reorganised to improve their administration, Prime Minister Datuk Seri Dr Mahathir Mohamad said today.

He said the reorganisation was agreed by the Cabinet at its meeting on July 3.

"This does not mean we are going to take over. The Syariah courts will still come under the state governments but we want to streamline their administration," he told reporters after opening the International Seminar on the Administration of Islamic Laws at the Institute of Islamic Understanding Malaysia (Ikim) here.

He said the Cabinet also agreed to make the service of Islamic affairs officers a Joint Service for the whole country.

A memorandum on the two matters was submitted to the Cabinet by a special committee set up to study the proposed reorganisation. It was headed by the Chief Secretary to the Government Tan Sri Ahmad Sarji Abdul Hamid.

In a press statement to explain the reorganisation decision, the Prime Minister cited several weaknesses which had been identified in the system of Syariah court and judicial management.

Among them, he said, is the diverse Islamic religious administration enactments and regulations in the states, such as the Hukum Syarak and Administration Enactment, Islamic Family Laws Administration Enactment, State Criminal Code Enactment and State Syariah Court Procedure Enactment which gave rise to different forms of legal management between the states.

Other weaknesses include the enforcement of laws and regulations only in states which have adopted them and the shortage of judges and officers in the Syariah lower and high courts which led to the postponement of cases.

Dr Mahathir said from 1992 until last year, 63,306 cases were postponed in Syariah courts in the country, with 17,876 of the cases postponed last year.

He said the Syariah court and judicial management will be improved through several methods, such as the creation of a Syariah Officers Joint Service by the federal government for posts in Syariah courts which use the existing Syariah Officers Scheme of Service.

A Syariah Judicial Department, to be headed by the Syarie Chief Judge of Malaysia, will be established under the Prime Minister's Department while four posts for Syariah Court of Appeal judges will be created, he said.

The federal government will pay all emoluments, fixed monthly allowances and other allowances of Syariah officers who serve in the state Syariah High Court and Syariah Court of Appeal.

It will also obtain the consent of the Conference of Rulers or the state governments on the creation of the Syariah Officers Joint Service.

Dr Mahathir said an agreement will be made with the state governments regarding matters connected with the Syariah courts, such as provisions for appointment, confirmation, entry into the permanent and pensionable establishment, promotion, transfer and discipline.

He said the structure of Syariah courts in the states will continue to be maintained in line with the state Hukum Syarak Administration Enactments while the Syarie Chief Judge and Syariah officers will be appointed by the

state authorities.

On the proposed Joint Service for Islamic affairs officers, Dr Mahathir said it is meant to enhance the system of managing Islamic affairs in the country.

He said legislation will be introduced to provide for the service and the appointment of the officers through the Public Service Commission to serve in the state Islamic religious departments. -- BERNAMA

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