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Mahathir-Justice

UPHOLDERS OF LAW MUST GIVE IMPORTANCE TO JUSTICE, SAYS DR MAHATHIR

BANGI, April 30 (Bernama) -- Justice will exist in society if those involved in upholders of law give importance to justice than anything else, especially personal interest, said Tun Dr Mahathir Mohamad today.

The former prime minister said prosecutors, judges and defence counsel among others must be sincere and honest in presenting and reviewing evidence and arguments presented, and all decisions and punishments must be made in accordance with the law.

"The ideal situation such as this is difficult to create but if efforts are made towards this, the possibility of achieving justice is greater. The law cannot guarantee justice even if it is effective in preventing crimes and injustices from becoming widespread in society," he said in his acceptance speech on being awarded an honorary doctorate in Law by Universiti Kebangsaan Malaysia (UKM) here.

The award was presented by the Yang di-Pertuan Besar of Negeri Sembilan Tuanku Ja'far Tuanku Abdul Rahman in his capacity as UKM Chancellor.

Also present were the Tuanku Ampuan of Negeri Sembilan Tuanku Najihah Tunku Besar Burhanuddin, Tun Dr Siti Hasmah Mohd Ali and Higher Education Minister Datuk Dr Shafie Mohd Salleh.

Dr Mahathir also said the law formulated by the legislature or feudal authority was not necessarily good or just and the punishments imposed were usually influenced by the culture and value system at that time.

"During the dark ages in Europe, a thief could be sentenced to death. But today, the punishment is lighter. As such, the law that was considered good and just in one period might be considered harsh in another period. This means that governing according to law is not necessarily good or just," he said.

In addition, he said there were also those in the judiciary who were not happy with the law that was formulated and passed by the legislature

had taken steps to deny and cripple it although a constitutional democracy had determined that only the legislature could make the law.

"The judiciary creates power for it to conduct judicial review. As such, the people's right to make the law through their elected representatives has been infringed and set aside," he said.

He said it was difficult for anyone to exercise control on the matter considering the position of judges, once appointed they were beyond criticism and action.

"The people cannot replace judges, in fact Parliament and the government also cannot replace judges, only judges could discipline judges through a complicate process which in practicality is seldom carried out," he said.

Dr Mahathir said that media could also play the role in determining whether governing according to the law was practical or not with an accused could be found guilty or not due to sentiments created by the media during the trial.

"The law can also be crippled and denied through wrong the interpretation by the party involved in the enforcement process. For a smart lawyer for example, there are many ways he can use to defend the accused," he said.

-- BERNAMA
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