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`Respect separation of powers'

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PUTRAJAYA, Fri. - Prime Minister Datuk Seri Dr Mahathir Mohamad today advised judges to respect the separation of powers between the executive and the judiciary and to avoid negative remarks on the existing laws.

Dr Mahathir said he feared that if the principle was not adhered to, it may lead to anarchy.

"Let the legislature determine the law.

"If the law is not good, the people will demand for change, that is the system in a democracy. If judges do not apply the law as it is then of course the whole system will break down ... that would cause anarchy," Dr Mahathir said when asked for his comments on instances where judges have been overly critical of the law.

He said that if the judiciary failed to respect the separation of responsibility, then it might set a precedent for others to act in a similar manner and transgress into matters which were beyond their jurisdiction.

"We have a clear division between the legislative and administration (executive) and the judiciary. If we transgress and fail to respect this division, then others will also do the same and maybe the responsible authorities will be forced to interfere in judicial matters. So that is why it is very important for us to respect the division," he added.

Dr Mahathir was speaking at a Press conference after launching the e-Syariah, a web-enabled integrated electronic application system for Syariah courts here.

Earlier, Dr Mahathir said judges should always be neutral and not be influenced by any personal interests or sentiments while carrying out their responsibility of ensuring justice.

Judges, Dr Mahathir said, should not be influenced by politics and social issues, which are not relevant to their case.

"If a judge strays far from a just judgment because he enjoys total freedom, then the judge and the judiciary will lose the people's trust. If this becomes obvious and repetitive, then the freedom cannot possibly protect the judge.

"The removal of a judge is a tedious matter but to ensure justice this could be done. No one in our society is above the law," the Prime Minister said, adding that only an administration which subscribed to the Rule of Law could ensure the people's well-being.

Touching on the application of the Syariah, he said that the Islamic law should not be stressed on its forms but more on the substance that it provided.

"It is unjust in Islam and in any other law to punish the victim while the perpetrator is let free. Judgment means seeking justice via the process and not simply sticking to the process even if it leads to injustice.

"Arguments that although certain process might seem unjust but they were actually just, because it is the process or procedures which were in accordance with Islam is unacceptable because Islam is never unjust, Islam does not condone nor promote injustice," he said.

Dr Mahathir pointed that there was nothing lacking in the Islamic law but it was the way the law was interpreted that often drew criticism.

At the Press conference later, Dr Mahathir was also asked about the long delays in case disposal at syariah courts.

Describing the situation as serious, and pointing out that justice delayed was justice denied, he said the Government had taken initiatives to solve the shortcomings.

"That is why we introduced the e-syariah electronic administration system, so that the process could be expedited," he said.

E-syariah is an electronic administration system which would revolutionise and bring effective changes to the operations of the Syariah courts.

It is designed to improve the management of the cases while streamlining the various processes involved, including the registration of Syariah lawyers and online monitoring of Syariah case status.

E-syariah is an e-Government project initiated by Mampu.