

SPEECH BY Y.A.B. DATO HUSSEIN ONN,
PRIME MINISTER OF MALAYSIA, AT
THE FIFTH MALAYSIAN LAW CONFERENCE
AT DEWAN TUNKU ABDUL RAHMAN,
KUALA LUMPUR, ON WEDNESDAY,
25th OCTOBER, 1979, 10.00 A.M.

Mr. Chairman,

President of the Bar Council, Malaya

My Lord President.

Honourable Judges,

Distinguished Guests,

Ladies and Gentlemen.

1. It is nine years since I stopped practising law to join the Government. Law has always been my interest, even now. It is a useful qualification to have. It is especially so, when one is in the government where one does quite a lot of legislation work.

2. I am glad to get the opportunity this morning of meeting members of the legal profession. I wish to thank the president and members of the Bar Council for the great honour in inviting me to open this Fifth Malaysian Law Conference. We have with us, the Lord President, the two Chief Justices, Judges, the acting Attorney-General, law professors and lecturers, legal officers, magistrates and lawyers. This is indeed a distinguished gathering of members of the legal profession.

3. As this conference is held once in two years, there are naturally many matters to discuss. I understand there are seven topics for discussion. They are well-chosen and should be interesting and useful. The legal profession certainly has an important part to play in the political, social and economic development of our country.

4. I am aware that some laws are controversial, and that some members of the legal profession have strong views against them.

In particular, I would like to mention the Internal Security Act, 1960, and the Emergency Regulations. The question of human rights has also been raised. The Government's views and stand on these matters have been made known many times before. The fact that some people still cannot agree, does not alter the Government's views and stand. These laws have been enacted for good reasons. The Government, with the mandate given by the people, has the duty and responsibility to maintain law and order, and to ensure the security and well-being of the nation.

5. Let me start by reminding this conference that our country has a constitution. We have always been careful to act within the constitution. All laws are made consistent with the provisions of the constitution. The Government is an elected Government; the Dewan Rakyat is an elected legislative body; the judiciary is completely independent; the executive is answerable to parliament and the people. The constitution guarantees fundamental liberties, although in certain cases and under certain circumstances? they can be restricted. Let us not forget that before and after independence, there was

an armed communist insurrection in the country. The insurrection still goes on even now. It is either in the form of outright violence, or subversion. We have shown that armed insurrection and physical violence can quite easily be countered and faced, though not without great cost to lives, limbs and property. Facing and countering subversion is another matter. Subversion is more insidious, more subtle and therefore more difficult to deal with. We have found from experience bitter experience that resort to the normal process of law is ineffective. The ineffectiveness only makes these subversive

elements more bold and treat the rule of law with utter contempt. They hide behind the law to perpetrate their evil deeds. I agree that normally, they should be charged and tried. But it is easier said than done. Peace and security are of paramount importance to us. Subject to reasonable safeguards, these people should be separated and detained. The framers of the constitution have foreseen this problem, and have made provisions for it under Article 149. The Internal Security Act, 1960, is made under that Article.

6. There are a number of times in the short history of our country when emergency situations have arisen. In 1948, the communists launched their armed insurrection, and we are still faced with this problem. This was followed by the Indonesian confrontation, the constitutional crisis in Sarawak, the racial clashes in May 1969, and the political crisis in Kelantan. On all these occasions, we had situations which seriously threatened the peace and security of the country, and ordinary laws were inadequate to deal with them. Again the framers of the constitution

have foreseen such a situation, and have made provisions for it under Article 150. Emergency regulations can and have been made under the provisions of this Article. The point I wish to make is that, these powers have been used when situations and circumstances warranted their use, that is, to maintain law and order and to ensure peace and security. The Government will continue to make use of these powers as long as they are necessary. Emergency regulations and the Internal Security Act are not new issues. The majority of the people has always supported the Government on these

issues, by electing it into office at every general election. Allegations of misuse of these powers and maladministration of them are separate matters. The Government has never condoned or allowed any abuse or maladministration of these powers. Complaints are always investigated, and if found to be true, appropriate actions are taken.

7. Let me now come to the question of human rights. From criticisms which have been made, one may get the impression that the Government does not respect human rights.

This is not true.

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The Government is always scrupulous in upholding and defending human rights. Apart from the Internal Security Act and the Emergency Regulation^which are unavoidable and necessary for the preservation of national security and public order, I am not aware of any other laws which purposely infringe human rights. Let us not forget that many had laid down their lives and sacrificed their limbs to defend the country and our way of life. The Internal Security Act and the Emergency Regulations are to ensure the

security of the nation, for which these people had made sacrifices. The price for doing away with the Internal Security Act is the destruction of our democratic system and our way of life. As I have said, our constitution provides against infringement of fundamental liberties. The Rukunegara upholds the rule of law. These are not empty words. They are scrupulously

being practised. Our criminal law and procedure, our law of evidence, our employment, social security and trade union laws, are some examples of our respect for human rights. Any one who claims that his rights have been infringed can obtain redress from the courts. Complaints can be made to members of parliament or ministers. They can write to the press. Questions can be asked in parliament. In short, there are ample safeguards, and there are many ways in which human rights in this country are protected.

8. We are indeed fortunate that within a relatively short time after independence, we are able to govern our country fairly well. We have a workable constitution; we have a good legal system; our judiciary is completely independent; our civil service is efficient and reliable, and so are our police and armed forces; we uphold and practise parliamentary democracy. Let us not belittle what we have achieved, in such a comparatively short time, in the political, social and economical fields.

Ladies and Gentlemen.

9. Having said what I wanted to say,
I now have great pleasure in declaring open
this conference.



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