

PM: Judicial independence must prevail

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Bernama

The independence of the judiciary must remain paramount in upholding and administering justice without fear or favour, while the rule of law must prevail, said Prime Minister Anwar Ibrahim.

Anwar emphasised that judicial independence is rooted in the doctrine of separation of powers, which is enshrined as a fundamental principle within the basic structure of the Federal Constitution.

“In the past, we have seen how this sacrosanct principle was violated by those in power, working hand in glove with the highest judicial office to pervert the course of justice and serve nefarious and vile political ends.

“But let me firmly declare that enough is enough. That era is over, and we will never allow such abuses and violations to happen again,” Anwar said during the opening ceremony of the 37th LawAsia Conference 2024 today.

Also present were Chief Justice Tengku Maimun Tuan Mat, Minister in the Prime

Minister's Department (Legal and Institutional Reform) Azalina Othman Said, Malaysian Bar president Mohamad Ezri Abdul Wahab, and LawAsia president Shyam Divan.

The conference, held today until Oct 15, gathered bar leaders, jurists, professional organisations, and individual lawyers from across the Asia-Pacific region to discuss regional developments in law, judicial practice, legal education, and cross-border dispute resolution.

Having said that, Anwar stressed that laws must be flexible yet robust, capable of safeguarding individual rights while promoting creativity and innovation.

He warned that a legal system that is too rigid or judgments made without due consideration of public policy repercussions will not only stifle progress but also risk eroding public trust and causing injustice.

"By way of comparison, in other jurisdictions, such as syariah law, the doctrine of istihsan, or equity, allows for juristic discretion when it serves the course of justice," Anwar said, adding that striking the right balance is essential to ensure the judicial and legal system remains dynamic and robust.

Keeping abreast with changes

On that note, the prime minister noted judicial and legal reform must reflect the nation's progress as it advances with changing times for development. He emphasised that legal frameworks must evolve to address unprecedented advancements in technology.

He reiterated that the judicial and legal system should neither be held hostage to the views and demands of the elite nor succumb to the dictates of pressure groups serving the interests of the rich and powerful.

Anwar highlighted that in a rapidly evolving world, the legal profession plays a critical role in working closely with policymakers and stakeholders to design frameworks that encourage innovation while safeguarding justice and equity.

"We must guide our laws through the rapid tides of innovation while keeping the ship of justice steady.

"We need to rethink whether our laws are adequate to protect privacy, security, and public trust, and even more importantly, whether judicial decisions can serve the nation's interests in the long run," he said.

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