

**New Legislation Must Ensure Fundamental Liberties Are Protected**  
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The Malaysian Bar welcomes the announcement by the Honourable Prime Minister that the government intends to abolish the Sedition Act 1948. The Malaysian Bar has long called for its abolition, arguing that this legislation is repressive, anachronistic and an affront to fundamental liberties.

The Malaysian Bar however is still of the view that replacement legislation, under whatever name, is unnecessary. The Penal Code, for example, contains sufficient provisions to deal with incitement to racial hatred and other forms of hate speech.

However, in the event that the Honourable Prime Minister intends to proceed with this proposed National Harmony Act, two important factors must be taken into account. Firstly, the law should as far as possible refrain from criminalising speech and ideas. Given the potential for abuse and curtailment of the freedom of speech and expression, the law should be slow to introduce criminal offences.

Secondly, matters like loyalty, mutual respect and national unity cannot be legislated. These are ideals that have to be gradually developed and naturally cultivated, and not instantly demanded by force of law.

As the details of the proposed National Harmony Act are yet to be outlined, we welcome the assurance by the Honourable Prime Minister that the Attorney General will be responsible for ensuring that proper consultation with all stakeholders will be undertaken. Such consultations are an important element to ensure that our democracy is genuinely inclusive and participative.

We have had two recent examples where new legislation, while on the one hand extending recognition of the human rights of Malaysians, has nonetheless restricted the very expression of those rights in certain respects. These are the Peaceful Assembly Act and Security Offences (Special Measures) Act. We caution against the proposed National Harmony Act being utilised in a similar fashion.

The Malaysian Bar will continue to play its role in providing careful and considered opinion and feedback in the promulgation of new legislation in order to ensure that the fundamental liberties of Malaysians are upheld and protected.

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