



## When Confidence Matters

Sadly, our courts seem to be plagued by delays and postponements. Why aren't real long-term solutions being identified?

DELAYS, POSTPONEMENTS AND A HUGE BACKLOG OF CASES — THIS SEEMS TO be the current state of affairs in our courts.

The recent high-profile murder case involving a Mongolian woman where the judge could only fix the trial date at the earliest for next year, must have hit home hard on how bad the backlog really is.

Imagine, if the three accused are eventually found not guilty in 2008, they would have languished in jail for more than a year due to no fault of theirs.

They are not alone. According to reports, there are more than 20,000 remand prisoners awaiting court mention dates, while another 13,000 await judgment.

As they say, justice delayed is justice denied. It is unacceptable that after nearly 50 years of independence, citizens can be subjected to such gross injustice. Is it their fault that the courts are bursting at their seams?

Such delays in the civil courts will also have an adverse effect on foreign investment sentiment. Foreign investors will be wary of putting their money in Malaysia if they feel they can't seek speedy redress to legal disputes.

Who wants to wait years just to get a hearing after filing a civil suit? Why does it take more than two years before a bank can obtain the green light keys to auction the property of loan defaulters? Why is it very much quicker in neighbouring countries?

As it stands, we are not exactly the most attractive investment destination in Asia, so the last thing we need is another excuse for foreigners to stay away. When the wheels of justice roll slowly, so does business. To the frustrated businessman, time is money.

In November last year, even the Prime Minister criticised the courts for delays in hearing corruption cases, saying this would jeopardise efforts to fight graft. This goes to show that delays by courts can have wide repercussions.

So what can be done?

We really don't want to hear the same old excuses that the delays are being caused by lawyers, the prosecution, the accused or the

Chemistry Department. This finger-pointing has been going on for far too long. The important thing is to find a long-term solution.

There have been many suggestions in the past, some workable. The latest is the suggestion to expand the e-judiciary project nationwide. It is an electronic court system designed to reduce backlog of cases in courts. Let's hope it does not take a few more years before it is expanded nationwide.

One way to hasten court cases would be to set up separate courts for various offences relating to traffic, murder, family disputes to be graft and drug trafficking. If special courts were to be set up for these offences, it would be easier to monitor the backlog and take remedial measures.

Another solution is to encourage mediation in civil suits. It is cheaper and quicker. Only when mediation fails should litigation be considered.

Court officials should also be more accountable for the safe-keeping of court documents entrusted to them. There have been many instances when important

files go missing or are lost altogether, causing unnecessary delays and costs.

Why such shoddiness is still tolerated in our courts is anyone's guess! Unless those responsible are severely dealt with, such gross negligence will continue for a long, long time.

At the end of the day, raising the standards of the judiciary is more than just appointing new judges to reduce backlogs. It means better judgments, better quality support staff, improved judges' remuneration to attract the best and maintaining the highest standards of integrity.

And yes, it would not be a bad idea while we are at it to consider abolishing the Legal & Judicial Services, currently under executive control. This will bring Session Court judges and Magistrates under the ambit of the Chief Justice and will, thus, enhance their independence.

Why not? After all, a lot has been said about the independence and confidence of the judiciary. That is the crux of the matter, isn't it? **mb**

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