

Don't hide behind bad law, academic tells Kedah MB
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By Debra Chong

KUALA LUMPUR, Jan 29 — Constitutional law expert Abdul Aziz Bari has advised Datuk Seri Azizan Abdul Razak not to hide behind legal technicalities in the face-off with student activists over academic freedom in Kedah.

"The MB should not hide behind all the technicalities. The ball is at his court actually," the former law professor said in a statement to The Malaysian Insider.

He reminded the Kedah menteri besar that there were good and bad laws, and that the Universities and University Colleges Act (UUCA) belonged to the latter category.

"Just like the ISA, Sedition Act or PPPA," he said, referring to the series of security and printing and publication laws that federal opposition bloc Pakatan Rakyat (PR) have described as draconian and archaic and promised to reform in their election manifesto they called Buku Jingga.

Azizan, a senior PAS leader, has been defending state-owned Kolej Universiti Insaniah's (KUIN) suspension of five students under the Universities and University Colleges Act (UUCA) in May last year.

"How can he (Aziz) ask me to interfere in university administrative matters? Secondly it has been brought to court... so why the fuss," Azizan said yesterday.

Abdul Aziz (picture) resumed his sparring match with Azizan after the latter accused him of being "blind to existing laws" and not behaving like a proper academic.

The former law lecturer at the International Islamic University (UIA) urged Azizan to revoke KUIN's decision to suspend its five undergraduates and render the court case academic.

"As a syariah scholar the Kedah MB should know this. He has overlooked this and should say sorry and revoke all the decisions in KUIN," Abdul Aziz said.

He further criticised Azizan for using state funds to hire a lawyer to represent the varsity in court.

The Malaysian Insider understands the state government has appointed prominent lawyer Karpal Singh, who is also DAP chairman and a senior PR leader, to be KUIN's counsel while PAS' legal advisor, Mohamed Hanipa Maidin, will be representing the undergraduates.

Abdul Aziz urged Azizan from dragging in leaders from the political alliance into the matter to save PR "from something that is not only time and money wasting but above all making mockery of the noble promise made in the common policy framework."

He also urged Karpal to reconsider his decision.

He reminded both Azizan and Karpal that Malaysia had enough laws to control undergraduates and both should not continue to defend the UUCA and other unjust laws but keep to their reform promises and abolish the varsity law.

The "KUIN Five" were hauled up before a disciplinary committee on May 25, 2011 for breaching the UUCA by participating in a demonstration, making speeches with loudspeakers and holding a press conference to protest the use of a religious teaching block to house a smart school.

Mohd Faiz Mohd Arshad was suspended for two semesters while the rest were barred for one semester and given warning letters.

Although the suspension was meted out nearly eight months ago with four of the five having already served their one-semester bans, the activists have filed to challenge the varsity's decision in court.

Mohd Faiz Mohd Arshad wants his suspension lifted and his friends have demanded monetary compensation for missing out on school.

Azizan had said he disagrees that KUIN's administration were in the wrong and added he would leave it to the court to judge the truth of the case.

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