

**KEYNOTE ADDRESS BY YAB PRIME MINISTER: 37TH LAWASIA
CONFERENCE 2024 “NAVIGATING THE LEGAL LANDSCAPE IN
THE DIGITAL AGE”**

By : DATO’ SERI ANWAR IBRAHIM

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YAB DATO’ SERI ANWAR BIN IBRAHIM

PRIME MINISTER OF MALAYSIA

37th LAWASIA CONFERENCE 2024

NAVIGATING THE LEGAL LANDSCAPE IN THE DIGITAL AGE

13 OCTOBER 2024 (SUNDAY) | 1.00 PM

HILTON HOTEL

KUALA LUMPUR

***Assalamualaikum warahmatullahi wabarakatuh dan Salam
Sejahtera***

Yang Amat Arif Tun Tengku Maimun binti Tuan Mat,

Chief Justice, Federal Court of Malaysia;

Yang Berhormat Dato' Sri Azalina Othman Said,

Minister in the Prime Minister's Department (Law and Institutional Reforms);

Yang Amat Arif Tan Sri Datuk Amar Abang Iskandar bin Abang Hashim,

President of the Court of Appeal of Malaysia;

Chief Justices and Heads of Delegation of the Conference of Chief Justices of Asia and the Pacific;

Yang Berusaha Encik Shyam Divan,

President of LAWASIA;

Yang Berusaha Encik Mohamad Ezri bin Abdul Wahab, President
of Malaysia Bar;

Distinguished Moderators, Speakers and Panellists;

Media Partners; and

Distinguished Guests, Ladies and Gentlemen

1. Satu penghormatan kerana dapat bersama-sama dalam sidang penting Perundangan Asia dan saya ucap tahniah kepada Bar Council Malaysia dan Jawatankuasa kerana dapat menjalankan majlis ini dengan berjayanya.

Ladies and Gentlemen,

2. Bringing together such a diverse and formidable assembly of legal minds from across Asia and the Pacific is no small feat, and it is indeed an honour to be among you.
3. I would also like to acknowledge the presence of distinguished members of the Bench, not the least of whom, the holder of the country's highest judicial office, YAA Chief Justice Tun Tengku Maimun.
4. In my years of political office in government as well as out of government, I have said many things about lawyers and judges. And some of them have been highly critical.
5. Nevertheless, one thing that I have consistently said and maintained is that while the rule of law must prevail, the independence of the judiciary must also remain paramount in upholding and administering justice without fear or favour.
6. I need not cite the plethora of judicial precedents and authorities to reiterate my unwavering support for the imperative of judicial independence, which is subsumed under the doctrine of separation of powers. These are principles enshrined under the grund norm or the basic structure of the Federal Constitution.
7. However, the lessons of history must not be forgotten. In the past, we have seen how this sacrosanct principle has been violated by the

powers that be, working hand in glove with the highest judicial office, perverting the course of justice in order to serve nefarious and vile political ends.

8. But let me firmly declare that enough is enough and that, that era is over and gone and that we will never allow such abuse and violations ever to happen again.

Distinguished guests,

Ladies and gentlemen,

9. The coming days offer us a timely platform to examine how our legal frameworks must evolve to address the unprecedented advancements in technology that are influencing every aspect of our lives.
10. As we embrace the digital age, it is essential that we balance the winds of change with the wisdom of experience. In this regard, Oliver Wendell Holmes Jr. has famously said that “The life of the law has not been logic: it has been experience”.
11. You will agree that in the experience department, I have had my fair share of being subjected to “the insolence of office,” the “law’s delay”, and gross abuse of power.

12. These machinations have sent me from the halls of power to the labyrinths of incarceration! I do believe I have garnered sufficient credit hours to be admitted as an honorary member of the Bar. You know, I had this rare opportunity to be associated with great luminaries in the legal of profession and back and forth the courts, and I'm serious to be rightfully considered. Thank you.
13. Judicial and legal reform must be reflected as the nation advances with the changing times for development and progress. We 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.
14. And they have relevance to the issue raised by the various speakers on digitalization and AI. In my exchanges with the heads of NVIDIA, Microsoft and Google and others. As you know, placed Malaysia as one of the important hubs of AI and also hub for semiconductor. The one interesting question that I will not fail to ask is, is AI serving the cause of humanity or sector group or powers that be, particularly the industrialized rich countries. The answer is consistent from all these players.
15. Number one, it depends on our capability to understand, appreciate and give the desired input. Because AI is devoid of faith and values, it will only serve and respond according to subject's materials submitted to it. So, to answer the question raised by Yang Amat Arif being with respect on the issue of Strawberry, AI has been taught to spell as a according to the correct pronunciation. You pronounce

strawberries only two “r”, so AI is correct. I’m not suggesting that Chief Justice is wrong. I would be in trouble that, but the context is must be well understood.

16. And that question Chief Justice has raised eyebrows among linguists. How to proceed with AI in the context of AI being I mean having this so-called expertise in terms of language and grammar, they are grappling with it. Incidentally, I’ve just allocated some funds for our universities to look at the possibility of increasing the translation efforts in this country into Bahasa in other languages.
17. And this issue was raised the most successful among developing emerging economics, of course, the Mohamed bin Zayed University of Artificial Intelligence (MBZUAI) in Abu Dhabi. So, there are issues, but which means the legal fraternity in the judiciary and the experts. We must reign indigenous talents to be able to appreciate the importance of this change and to give the desired inputs into the AI. Otherwise, the issues of justice or law or reform of understanding will be geared solely or not entirely according to the Western values and norms. And this may result in some problems.
18. Many of the issues in law justice are universal, no doubt, but they issue concern in terms of in our values with Asian values or religious values, which must be considered. And I think that was duly reflected by the Chief Justice point about the capacity of finally the judges who adjudicate.

Distinguished guests,

Ladies and gentlemen,

19. Like skilled sailors navigating uncharted waters, we must guide our laws through the rapid tides of innovation while keeping the ship of justice steady. In this regard, the challenge is not simply to apply existing laws to new contexts but to proactively anticipate future developments, ensuring that our legal systems are adaptable and responsive.
20. The legal profession plays a critical role in this evolution, working closely with policymakers and stakeholders to design frameworks that encourage innovation while safeguarding justice and equity. This is another major problem when we deal with digitalization AI because without clear intervention by the authorities, it will lead to further gap between the elites and the masses because invariably only the select few will have the capacity to master this new technology. And this principle must be accepted, and effort must be done by all government, ministries and the legal fraternity to ensure that this further democratize in terms of democratization of access to quality technology.
21. This changing landscape requires us 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.

22. *Dura lex, sed lex* e. though the law is harsh, it is still the law – so goes the maxim. But to my mind, equity and good conscience should prevail when it becomes clear that strict application of such a doctrine will lead to injustice.
23. In this vein, I strongly believe that our laws must be flexible yet robust, capable of safeguarding individual rights while promoting creativity and innovation. Further, there must be a balance between private rights on the one hand, and public and societal interests on the other.
24. A legal system that is too rigid or a judgement that is made without due consideration of public policy repercussions will not only stifle progress, but risks eroding public trust and causing injustice. By way of comparison, in other jurisdictions, such as Shariah law, the doctrine of *istihsan* or equity, allows for juristic discretion when and if it serves the course of justice.
25. In making this call, I do not, even for a moment, suggest that we let the law of chaos and uncertainty rule the roost but rather that striking the right balance is essential to ensuring that our judicial and legal system remains dynamic and robust.
26. As Roscoe Pound, renowned for sociological jurisprudence, once said, “Law must be stable and yet it cannot stand still. Hence all thinking about law has struggled to reconcile the conflicting demands of the need of stability and the need of change.”

27. In this regard, by way of example, many jurisdictions in advanced economies have moved with the times to balance between the freedom of contract and the demands of contractual justice. In many cases, contractual justice prevails. The broader context of applying such a principle is that it could well cut across adjudication in matters pertaining to the law of torts as well as trust and equity or even constitutional and administrative law.
28. While lawyers are professionally bound to serve their clients to the best of their ability, it is crucial to let conscience be our guide, ensuring that fairness, truth, and the rule of law remain at the core of every decision. In other words, lawyers do have a higher calling and that is to uphold justice, which is a duty enjoined by the spirit of the law as well as by rich tradition.
29. Whether in the Bar or on the Bench, the spirit of the law and the demands of justice must never be lost. As the saying goes, fiat justitia, ruat coelum– “let justice be done, though the heavens may fall.” A maxim, though common enough, yet it bears constant reminding.
30. Presiding over cases, especially under immense pressure and while navigating sensitive issues, requires tremendous courage. And judges stand as the pillars of justice, upholding the law without fear or favour and remaining unflinching in the face of adverse popular opinion. Cynics will say: Leave that job to the politicians, for they are practitioners par excellence in playing to the gallery!

31. Now, in all earnestness, I say this should not be so, even for politicians if they are indeed true to their calling, which is to serve the rakyat for the greater good of the nation.
32. Many times, tough decisions have to be made but do we make them by succumbing to the dictates of political expediency in order to become popular, or do we take the bull by the horns? In this regard, as a responsible government, I took the unpopular course of action just last May by deciding to implement the diesel subsidy rationalisation plan. Certainly not popular but of utmost necessity.
33. Rather than merely paying lip service while doing nothing because of the fear of being unpopular, as previous governments had done, we walked the talk to summon firm political courage to do what our moral dictates demand.
34. In this vein, being committed to the highest standards of responsibility and accountability, and to social justice, we will continue to proceed boldly on the course of structural reforms. Not doing so would be dereliction of the moral duty of good and responsible governance.

Ladies and gentlemen,

35. As digital trade continues to expand, it is crucial that we develop regulatory frameworks that facilitate cross-border data flows while

ensuring robust protections for privacy and data security. In addressing these challenges, we must balance innovation with regulation, fostering consumer trust and supporting the legal recognition of electronic transactions in the global economy.

36. I am proud to note that Malaysia has established a new Digital Ministry to lead our nation's digital transformation efforts. The Malaysian Bar has been a proactive partner in this effort, offering its expertise in shaping the regulation of artificial intelligence and other emerging technologies. This partnership highlights how the legal profession can play a vital role in shaping Malaysia's digital future.
37. I look forward to recommendations on a comprehensive digital roadmap that will guide the legal sector's progress and ensure its continued relevance in an increasingly digital world.
38. Take into consideration issue of justice and equity and values. But that will guide the legal sectors progress and ensure its continued relevance in an increasingly digital world. Malaysia is advancing rapidly in digital transformation, gaining recognition as a hub for critical cutting-edge technologies in Southeast Asia. Additionally, he was engaged in multilateral dialogues to forge international agreements that foster economic growth while fortifying our legal institutions.
39. Malaysia is advancing rapidly in the digital transformation, gaining recognition as a hub for critical, cutting-edge technologies in

Southeast Asia. Additionally, we must engage in multilateral dialogues to forge international agreements that foster economic growth while fortifying our legal institutions.

40. I call upon the esteemed members of the legal fraternity across Asia and the Pacific to harness our shared values and diverse perspectives as we work to address the cross-border legal challenges of the digital era.
41. I've just return, as you know, from the ASEAN Summit in Vientiane, where I met leaders from Premier Li Qiang, Prime Minister Modi and others, ASEAN and our neighbours, including Secretary of State Antony Blinken. Of course, we discussed, among others, issues of digitalization and challenges of AI. And we are fortunate, despite our strong views on the issues of humanitarian values of the hypocrisy and the contradiction between the achievement of Ukraine and Gaza and our strong rebuke against again issue of hypocrisy in allowing atrocities in Gaza. We still had very cordial meeting with Secretary Antony Blinken. And Malaysia remains very attractive destination for foreign investments, those China, India, but more so that's the States of America.
42. With that, I believe, is partly due to political stability and the trust in the judicial system and in efficient manner conducting the affairs of all government. Sekali lagi saya ucap terima kasih kepada Majlis Peguam, dan LAWASIA dan didoakan mudah-mudahan kejayaan besar dalam mencapai natijah yang bermanfaat bagi negara dan dunia.

Assalamualaikum warahmatullahi wabaratuh.

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