

Civil Courts and their Jurisdictions

Written by

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The Malaysian Courts of Justice are made up of the Superior Courts and the Subordinate Courts. The Superior Courts comprise the Federal Court, the Court of Appeal and the two High Courts, one for Peninsular Malaysia and one for Sabah and Sarawak (formerly known as Borneo). The Subordinate Courts in Peninsular Malaysia consist of the Sessions Court, Magistrates Court and the Penghulu Courts. Subordinate Courts in Sabah and Sarawak consist of a Sessions Court, Magistrates Court and Native Court. In addition to the above, there is also a Court for Children (for offenders below the age of 18).

The Federal Court Hears appeals from the Court of Appeal

The Court of Appeal Hears appeals from the High Court relating to both civil and criminal matters

The High Court

Civil Jurisdiction The High Court has jurisdiction to try all civil matters but generally confines itself to matters in which the Magistrates and Sessions Courts have no jurisdiction. These include matters relating to divorce and matrimonial cases, appointment of guardians to infants, the granting of probate of wills and testaments and letters of administration of the estate of the deceased person, bankruptcy and other civil claims where the amount in dispute exceeds RM250000

Criminal Jurisdiction The High Court may hear all matters but generally confines itself to offences in which the Magistrates and Sessions Courts have no jurisdiction, for example, offences which carry the death penalty.

Appellate Jurisdiction The High Court may hear appeals from the Magistrates and Sessions Courts in both civil and criminal matters.

Sessions Court

Civil Jurisdiction The Sessions Court may hear any civil matter involving motor vehicle accidents, disputes between landlord and tenant and distress action. The Sessions Court may also hear other matters where the amount in dispute does not exceed RM 250,000.00.

Criminal Jurisdiction A Sessions Court has jurisdiction to try all criminal offences EXCEPT those punishable by death.

The Magistrate Court

The Magistrates Court deals with a vast majority of cases, both civil and criminal and sits in almost all major towns in Malaysia.

Civil Jurisdiction A Magistrates Court may hear a civil case when the amount in dispute does not exceed, RM 25000. Where the amount claimed does not exceed RM 5000, the claimant may wish to file his claim in the small claims division of the Magistrates Court. If so, the claimant must be prepared to conduct the case himself, as legal representation is not permitted.

Criminal Jurisdiction A Magistrates Court may hear criminal matters where the offence is punishable by a fine only, for example, traffic offences and where the offence provides for a term of imprisonment not exceeding ten years. A magistrate may not, however, impose a term of imprisonment exceeding five years.

Penghulu Court

The Penghulu Courts exist only in East Malaysia. It is headed by a penghulu (headman) appointed by the respective authority for a mukim (an administrative district) where the penghulu resides. It has very limited original jurisdiction in both civil and criminal matters. This jurisdiction is limited to proceedings in which all parties are persons of an Asian race that speak and understand the Malay language. In civil matters, the Penghulu Court may hear proceedings in which the plaintiff seeks to recover a debt or a liquidated claim with or without interest for a sum not

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exceeding RM 50.

In criminal matters, it may try minor offences which normally carry a small fine not exceeding RM 25.</p>