



**OPENING OF THE LEGAL YEAR  
SABAH AND SARAWAK 2023**

**SPEECH BY  
THE RIGHT HONOURABLE THE CHIEF JUDGE OF SABAH AND SARAWAK**

**(SALUTATIONS)**

The Right Honourable Tun Tengku Maimun binti Tuan Mat, the Chief Justice of Malaysia and YABhg. Dato' Zamani Ibrahim;

The Honourable Tun Md Raus Sharif, Former Chief Justice of Malaysia;  
The Honourable Dato' Mohamad Zabidin Mohd Diah, Federal Court Judge (also covering the duties of the Chief Judge of Malaya) and YBhg. Datin Sharifah binti Dato' Dr. Che Rus @Darus;

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

Honourable Members of the Judicial Appointments Commission;

Honourable brother and sister Judges of the Federal Court, Court of Appeal, High Court and Judicial Commissioners;

The Honourable Solicitor General I of Malaysia;

The Honourable State Attorney General of Sabah and the Deputy State Attorney General of Sarawak;

Presidents of the Malaysian Bar, the Sabah Law Society and the Advocates Association of Sarawak and representative from the Law Society of Brunei Darussalam;

Heads / Representatives from the Federal and State Departments and Agencies, Representatives from the US Department of Justice – OPDAT and United Nations Development Programme (UNDP), Judicial and Legal Officers, Members of the Bar, members of the Media, legal publishers, distinguished guests, Ladies and Gentlemen.

Assalamualaikum warahmatullahi wabarakatuh and a very good morning. Selamat datai ke Miri. Nama merita?

**(WELCOMING THE GUESTS)**

- [1] Allow me to express my sincerest and heartfelt gratitude to all of you for taking part in this hallowed ceremony to mark the beginning of our legal year. Your continued support for the administration of justice is deeply appreciated.
- [2] We are privileged to be able to gather here today in our first fully physical OLY Sabah and Sarawak procession since the Covid-19 pandemic. The previous OLY was held in a hybrid manner with most guests having to attend virtually via video conferencing. I am glad that we have moved past that.
- [3] I thank the Solicitor General, the State Attorney Generals of Sabah and Sarawak and the Presidents of the Advocates Association of Sarawak and Sabah Law Society, respectively, for their speeches. I applaud your achievements for the past year. I look forward to our continued cooperation to expand effective access to justice.
- [4] If I may also make a brief recapitulation of the happenings in the year 2022 for the High Court of Sabah and Sarawak.

#### **(PERFORMANCE OF COURTS)**

- [5] Last year, the High Court of Sabah managed to dispose 51% of 6,219 registered civil cases, and 61% out of 840 registered criminal cases. These numbers include cases carried forward from previous years which also applies to all the Courts that I will mention later.
- [6] Whereas, the High Court of Sarawak had disposed 50% out of 8,349 registered civil cases, and 289 out of 1,259 registered criminal cases.
- [7] Out of 2,527 registered civil cases in the Sessions Court of Sabah, 67% were disposed last year. As for criminal cases in the Sessions Court of Sabah, 76% out of 4,595 registered cases were disposed.
- [8] In Sarawak, 63% out of 2,702 registered civil cases were disposed in the Sessions Court. While, 85% out of 3,962 registered criminal cases were disposed.
- [9] The Magistrates' Courts of Sabah disposed 81% out of 12,542 registered civil cases and 80% out of 73,231 registered criminal cases in 2022.
- [10] The Magistrates' Court of Sarawak on the other hand, disposed 81% out of 7,489 registered civil cases and 92% out of 47,168 registered criminal cases in 2022.

#### **(REPORT OF COURT ACTIVITIES)**

- [11] The year 2022 also saw the lifting of stiff Covid-19 restrictions which had allowed us to come together after two years of self-isolation and virtual meetups.
- [12] The Sarawak Court Working Group on Environment (SWGE) and the Kota Kinabalu Court Working Group on Environment (KKWGE) were fortunate to have

been able to co-organise a number of events together with the WWF Malaysia. I wish to highlight a few.

- [13] On 16 June 2022, SWGE launched the Sentencing Guidelines for Wildlife Crimes in Sarawak. The aim of this guideline is to promote consistency and reduce disparity in sentences relating to wildlife crimes.
- [14] Immediately after the launching, SWGE took part in the Conservation Programme at Bung Bratak Heritage Centre. Activities include a briefing on the history of the Bung Bratak Heritage Centre and planting of trees.
- [15] In an effort to foster and inspire a conservational spirit within the judicial community, the "*Aram Ngabas Gua Kamek: Let's Visit Our Caves*" programme was launched on 27 November 2022 with a visit by SWGE members to Gua Silabur, Serian.
- [16] KKWGE had also organised a number of events namely the "1 Hour 4 Nature with WWF", Seminar on Environmental Conservation and Enforcement in Sabah: Protecting Natural Heritage with the Sabah Parks and the 2<sup>nd</sup> Borneo Colloquium on Environmental Justice in collaboration with WWF and SLS.

#### **(BECOMING A WORLD CLASS MODERN JUDICIARY)**

- [17] As a fast-growing emerging and developing country, our aim in the judiciary has always been to deliver a world-class modern justice system that is independent, effective, responsive, efficient, pioneering and one that staunchly upholds the rule of law.
- [18] As most of you are aware, the digitalization of the Sabah and Sarawak Courts started more than a decade ago. Today, we have continued to introduce disruptive technologies into our justice system in order to be future-ready.
- [19] Our Artificial Intelligence in Court Sentencing (AiCOS) system continues to be fed with sentencing data for offences under Subsection 12(2) of the Dangerous Drugs Act 1952 and will also be implemented for offences under Section 380 of the Penal Code within the year. While its counterpart intended for personal injury claims is in the works.
- [20] The redevelopment of the Integrated Court System (ICS) is also well underway through the e-Kehakiman Sabah Sarawak (eKSS) project. Throughout the year 2022, a majority of the courthouses in Sabah and Sarawak have undergone a digital makeover with the installation of new hardware and software for the Court Recording Transcription (CRT) system.
- [21] We strive to provide safe, secure and convenient facilities and amenities for our stakeholders. We take note of the facilities that are out of order in some courthouses, particularly the air-conditioning system in the Kuching Court Complex. Rest assured that repair works are underway and we will continue working to refurbish, repair and replace these facilities.

- [22] We have, as well, integrated the eCourt Finance (ECF) system in an effort to digitalize monetary transactions in Courts. These are all necessary accompaniments in order for the judiciary to deliver efficient service to members of the public and stakeholders.
- [23] As part of our effort to improve access to justice, we are also carrying on the service of the Mobile Court Programme with support from members of the Bar, related government departments and NGOs.
- [24] We are also committed in equipping members of the judiciary with the right tools for the profession. A substantial number of monthly and bimonthly judicial capacity building programmes have been prepared for the Judicial Officers. These include, the monthly Judicial Community Forum, the Seminar on Contempt of Court and more. In essence, the Judges and Judicial Commissioners share their knowledge with the officers in an interactive environment.
- [25] All of these measures, especially the introduction of disruptive technologies, must of course be in line with the concept of open justice and judicial independence.
- [26] Open justice refers to the accessibility to judicial proceedings by the public. Accessibility in this context includes allowing the public to observe trials as they happen in real time and allowing public access to records of the trial proceedings. This concept promotes transparency and would inspire public confidence in the judiciary.
- [27] As aptly put by the revered philosopher Jeremy Bentham:
- “Where there is no publicity there is no justice. Publicity is the very soul of justice. It is the keenest spur to exertion and the surest of all guards against improbity.”
- [28] On the other hand, judicial independence refers to the concept that the judiciary must be able to exercise its functions in accordance with the law without any interference, be it extrinsic or intrinsic. Both concepts are pivotal to protecting democracy and the integrity of the judiciary.
- [29] As the conduit through which the information on judicial proceedings are passed to the general public, the media plays a vital role to ensure that both these concepts are properly observed.
- [30] Against this backdrop, I echo the sentiment expressed by my sister Judge, the Right Honourable Chief Justice of Malaysia, at the recent Opening of the Legal Year 2023 procession in Putrajaya, when Her Ladyship said:
- “We [Judges] write [our judgments] to keep the public abreast of the judicial function and not to seek validation from the public or from any other quarters...judicial independence will not be compromised so long as cases are decided without fear or favour, without ill-will or motive, without any external or internal pressure and without regard to personalities.”

## (CONCLUSION)

- [31] Distinguished guests, all of you are important stakeholders in our peregrination to deliver effective, responsive and efficient judicial service. I hope that we could share this vision together as we strive to embrace changes and keep ourselves abreast with the time.
- [32] In ushering the new legal year 2023, allow me to take this opportunity to thank all of you for your cooperation and camaraderie in upholding the rule of law as officers of the Court regardless of your role, be it as Counsel, Judge or Court staff. We look forward to your steadfast cooperation and continued support in this new legal year in discharging our role to dispense justice to our various stakeholders.
- [33] I would also like to thank the Organising Committee for this year's OLY led by the Registrar of the High Court of Sabah and Sarawak for their efforts and endeavours. I also wish to especially thank Yang Arif Tuan Dean Wayne Daly and Dato' Hasbi Binti Hassan for their contributions in ensuring that the events are well coordinated and executed.
- [34] Let us walk into the year 2023 with renewed strength, vigour and commitment to the rule of law.

- [35] I will end my speech with two 'Pantun';

*Gunung Kinabalu megah berdiri  
Lambang kemegahan ibu pertiwi  
Tahun baharu penuh aspirasi  
Akses keadilan perlu ditepati*

*Sungai Rajang terus berbudi  
Kenyalang tinggi di awan biru  
Sabah Sarawak sentiasa di hati  
Aman makmur terus maju.*

- [36] I now declare open the legal year for Sabah and Sarawak 2023!

- [37] Thank you.