

Questionnaire 4 (For Governmental Office, Public Organization, etc)

Currently, the Ministry of Justice of Japan is conducting a research in Malaysia, “Research for discussing how to assist Japanese companies and Japanese people in other countries from legal perspectives.” This kind of researches have been already conducted in Singapore, Indonesia, Thailand, Philippines, and Myanmar. Like such countries’ organizations, it would be really appreciated if you could help answer the following questions.

1. Function

Q1-1. Please let us know your organization and your primary function.

Malaysian Bar – legal profession regulator

2. Publicity/Accessibility of Laws and Regulations

Q2-1. Please let us know whether the laws and regulations in your jurisdiction are open to public and accessible for everyone.

All of the laws, regulations, and circulation letters, as well as administrative instructions/rules are open/accessible for everyone.

→ How are these open/accessible? (i.e. official publication, books, internet)

Online – 1. Malaysian Parliament website; 2. Attorney General’s Chambers website; 3. Independent law/legal-related websites

Only limited laws and regulations are open/accessible

→ How are these open/accessible? (i.e. official publication, books, internet)

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Not open/accessible

Q2-2. For those who answer, “Only limited laws and regulations are open/accessible” and “Not open/accessible,” is there any way for people to access/know laws and regulations closed to the public?

To refer/ask related governmental offices,

To ask law firms to research

Other()

No way to access/know

3. Publicity/Accessibility of Court Judgments/Precedents

Q3-1. Please let us know whether the laws and regulations in your jurisdiction are open to public and accessible for everyone.

All of the judgments/precedents in all instances are disclosed, and everyone can reach the judgments/precedents.

If you check this, how are these disclosed?

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Only the judgments/precedents in the supreme court are disclosed and everyone can reach the judgments/precedents.

If you check this, how are these disclosed?

Official website of the judiciary – www.kehakiman.gov.my

Other

If you check this, how are the judgments/precedents disclosed?

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Court Judgments/Precedents are not disclosed.

4. Restriction on Foreign Lawyers and Foreign Law Firms

Q4-1. In your jurisdiction, is there any restriction on activities of foreign lawyers and foreign law firms?

Yes

No

Q4-2. For those who answered “Yes” in the question Q4-1, please describe what the restriction(s) is/are.

Please refer to attached Legal Profession (Amendments) Acts.

Q4-3. For those who answered “Yes” in the question Q4-1, how do you enforce the restriction(s)?

Per our discussion, there is little or no way for the “restrictions” to be enforced as there were no provisions in the amended Acts to cater for “enforcement.” Also, the movement of foreign lawyers in and out of the country are “immigration” related matters.

Thank you very much for answering the questions.

If you have any questions, please contact the person below.

The outsourcee of the Research:

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