

PRESS STATEMENT

Justice Datuk Dr. Haji Hamid Sultan bin Abu Backer, Judge of the Court of Appeal, Malaysia retires on 27th August 2021.

He had an illustrious career on the bench having been elevated first as a Judicial Commissioner in March 2007 and then a High Court Judge in October 2009 and thereafter as a Court of Appeal Judge in January 2013.

Over the span of 14 years on the bench, Justice Hamid Sultan had written over thousands of judgments on various aspects of the law. Despite his suspension on 4th February 2021, he has kept his momentum and embarked on writing three books, namely on Company Law, Construction Law and on the Federal Constitution.

His book on Company Law also delves into the Limited Liability Partnership Act 2012. Lord Nicholas Bourne of Aberystwyth, a member of the UK House of Lords had this to say of the book:-

“His outstanding characteristics are independence of thought and action which I massively admire and respect.”

The book on Construction Law includes areas on Adjudication and Mediation. Experts in the field such as Colin Ong QC and the past President of Chartered Institute of Arbitrators, London, Francis Xavier (Senior Counsel of the Supreme Court of Singapore) who provided their foreword to the Book had only accolades for its successful publication. While, Dato Mah Weng Kwai in his foreword explains that Judge Hamid Sultan’s expertise in Syariah and Islamic Finance has been demonstrated in the book in the realm of alternative dispute resolution, making the book holistic for practitioners in Civil and Syariah law.

The book on the Federal Constitution includes chapters on the Oath of Office, Rule of Law and Judicial Review with Public and Private International Law comes with a foreword by Dato Seri Hishamudin Yunus (ret Judge Court of Appeal) and Dato Bastian Vendargon (Advocate & Solicitor) as well as a review by Prof. Emeritus Shad Faruqi.

In these current times, the book on the Federal Constitution will be of great assistance to all Malaysians. To facilitate greater understanding of the Federal Constitution, Justice Hamid and the editorial team are now working towards publishing a Bahasa Malaysia and Tamil versions of the book.

There is a need to equip all Malaysians with a better understanding of the Federal Constitution. To this end, Justice Hamid and the editorial team would like to have the book translated to Mandarin and other languages. To meet this agenda, the editorial team hopes that volunteers will come forward to carry out the translations.

Thus far, Justice Hamid has written over ten books, which may be considered a historical achievement in the Malaysian Legal history. Most of his books were written in the last 30 years as a lawyer and as a judge. They have been widely used by those who are involved in the study, practice as well as in the administration of law and justice in Malaysia. The two unique concepts of Justice Hamid that is of international significance and pride is related to his Jurisprudence on Constitutional Oath anchored in

many of his judgments.¹ In fact, no less than 9 jurists have reviewed the concept and commended it. These include Justice Sanjay Kishan Kaul (ret Chief Justice of Madras), Justice Dr. Marc Spitzkatz (Judge High Court, Berlin Germany), Dato' Seri Gopal Sri Ram (ret Judge, Federal Court Malaysia), the late Dato' K C Vohrah (ret Judge, Court of Appeal Malaysia), Tan Sri Mohammad Arif, (the then Speaker of the House of Representatives, Malaysia) and Prof. Emeritus Shad Faruqi.

Justice Hamid's other concept is the University cum Court Annexed Arbitration research concept facilitated by The Middle East Institute of National University Singapore. This concept has received the recognition of international jurists. They include, a retired President of the UK Supreme Court who acknowledge that the concept is ingenious and that he will inform the relevant institutions to consider the concept as a means to avoid the backlog of court cases during the Covid -19 era. With such support from great jurists, Justice Hamid has decided that upon his retirement, he would dedicate most of his time to promote affordable arbitration as a global initiative. He hopes that his concept of affordable arbitration could be implemented for matters filed in court and where parties have agreed that upon an unsuccessful mediation they will submit to affordable arbitration. For this purposes, Justice Hamid has mooted the idea of establishing a LLP Partnership to facilitate affordable arbitration and alternative dispute resolution (ADR) services in Malaysia as well as in other countries. Justice Hamid hopes that his efforts will bear fruition and, in the process, it will help the poor, needy and oppressed to have access to justice through this ADR mechanism. He believes that this ADR mechanism will save much costs for litigants and reduce the appeal process. The concept if implemented with the support of the government will see substantial savings to the exchequer.

Justice Hamid had today launched the 3 new books, namely on Company Law, Construction Law and on the Federal Constitution. These books will be on special offer from 1st September to 30th September 2021 and are available at www.janablegal.com. With these 3 new books, Justice Hamid hopes to impart guidance and knowledge on the ever-developing areas of law.

Press Statement given on behalf of the Editorial Team.

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¹ The Constitutional Oath jurisprudence has been developed in several judgments namely (i) Nik Noorhafizi bin Nik Ibrahim & Ors v PP [2014] 2 CLJ 2737; (ii) Nik Nazmi bin Nik Ahmad v PP [2014] 4 CLJ 9448; (iii) Teh Guat Hong v Perbadanan Tabung Pendidikan Tinggi Nasional [2015] 3 AMR 359; (iv) Chong Chung Moi @ Christine Chong v The Government of the State of Sabah & Ors [2007] 5 MLJ 441. See also see Social Justice: Constitutional Oath, Rule of Law & Judicial Review – Malaysian Chapter @ www.janablaw.com.