

No.	Course Code / Course Name	LAA 3064 MOOT / MOCK AND PLACEMENT	
1	Status / Level	MAJOR / DEGREE	
2	Credit Hours	4 CREDIT HOURS LECTURES: 2 HOURS X 14 sessions TUTORIALS : 1 HOUR X 14 sessions	
3	Method of Delivery	LECTURES, TUTORIALS / DISCUSSIONS AND MOOTING	
4	Assessment	<u>Practical Training</u> 40% <u>Coursework</u> [a] Presentation/ Participation 10% [b] Mooting 10% [d] Assignment 10% [d] Mid Semester Test 10% Final Examination 60%	100% 100%
5	Lecturers	Dato' Faiza Tamby Chik Former High Court Judge of Malaya Zulkifli bin Hasan LL.B (Hons) (UIAM), LL.B (S) (UIAM), MCL (UIAM) Advocate and Solicitor (Malaya) Norman Zakiyy Chow Jen T-'Chiang LL.B (Hons) (UIAM), LLM (Malaya University) Diploma in Syariah and Legal Practice (IIUM) Advocate and Solicitor (Malaya)	
6	Course Objectives	The objectives of this course are as follows:- [a] to train the students in acquiring the necessary skills in handling interview, giving advice and eventually the handling of the case in court; [b] to train the students the techniques of applying the substantive law and the procedural law in court; and [c] to expose the students the aspects of ethics in the profession.	

7	Course Synopsis	<p>This course is intended to train students the practical aspect of applying the legal principles that they have gained from first year through final year in an organized method. The course is divided into two parts. Part I will concentrate on the necessary skills needed by every legal officer either as officer of the Syariah Court or as a Peguam Syarie. Students will be exposed to the roles and responsibilities of Peguam Syarie including the ethical aspects. This course will also expose the students as to the entry requirements to be admitted as Peguam Syarie.</p> <p>Lawyering skills such as interviewing of clients techniques, the techniques of giving advice to potential clients, the method of negotiation, preparation and research of brief or case for purposes of trial, preparation of documents for submission at Syariah Court and advocacy skills during trial.</p> <p>Part II of this course will concentrate on the attachment of students at various Syariah Courts, legal firms handling Syariah cases, Syariah judicial departments, Legal Aid Bureau and other organizations that are suitable to train students in gaining the necessary experience. Students attached to these organizations will be supervised by the academic staff of the Faculty of Syariah and Law.</p>
8	TOPICS	<p>TOPIC 1 (2 HOURS)</p> <p>(a) Legal profession In Islamic Perspective</p> <p>The Holy Quran : <i>Surah Al-Anbiya</i> (21) :78-79 <i>Surah Yusuf</i> (12): 22-29 <i>Surah An-Nisaa</i> (4): 105</p> <p><u>Required Reading</u></p> <p>Ahmad Ibrahim and Mahmud Saedon, <i>‘Judges and Lawyers under the Shariah’</i> in Aidit Ghazali (ed), Islam and Justice, 1993, IKIM, Kuala Lumpur. Baharudeen Abu Bakar, <i>Amalan Undang-undang Dalam Mahkamah Shariah’</i> in Abdul Monir Yaacob (ed), <i>Undang-undang Keterangan dan Prosedur di Mahkamah</i>, 1995, IKIM, Kuala Lumpur. <i>Minhaj Et Talibin</i> by Imam Nawawi-Administration of justice-Book 5.</p> <p><u>Recommended Reading</u></p>

		<p>Sunan Abu Dawud, Kitab Al-Aqdiyyah pp. 1013,1016, 1232. Muwatta Imam Malik, Kitab Al-Aqdiyyah p. 313 Ibn Qayyim al-Jauziah, Al Turuq al Hukumiyyah pp. 68,70,79,83-84.</p> <p>(b) Legal profession in Islamic and Malaysian Legal History</p> <p>[i] Islamic History</p> <ul style="list-style-type: none"> • Justice in the Prophet’s Period. • Justice in the Period of Khulafa Ar-Rashidin. • Justice in the Umayyad Period. • Justice in the Abbasid Period. <p><u>Required Reading</u></p> <p>Dr. Mohamad Muslehuiddin, “<i>Judicial System of Islam Its Origin and Development</i>”, Islamic Publications Private Ltd, Lahore Pakistan 1991. Farid Sufian Shuaib, Tajul Aris Ahmad Bustami & Mohd Hisham Mohd Kamal, <i>Administration of Islamic Law in Malaysia Text and Materials</i>, 2001, MLJ.</p> <p><u>Recommended Readings</u></p> <p>Dr. Ahmad Abdul Muniem Al-Bahai, <i>Tarikh Al Qada fil Islam</i>.</p> <p>[ii] Malaysian Legal History</p> <ul style="list-style-type: none"> • The position of Islamic Law Prior to The Reception of English Law- (Malacca Sultanate, Portuguese and Dutch). • The position of Islamic Law during British Period • The position of Islamic Law after Independence <p>[a] The Establishment of the Syariah Court, [b] Judges of the Syariah Court [c] Syariah Prosecutor [d] Peguam Syarie / Lawyers in the Syariah Court</p> <p><u>Required Reading</u></p>
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Ahmad Ibrahim, Ahilemah Joned, *Malaysian Legal System*, Dewan Bahasa dan Pustaka, 1995, Kuala Lumpur.
Farid Sufian Shuaib, Tajul Aris Ahmad Bustami & Mohd Hisham Mohd Kamal, *Administration of Islamic Law in Malaysia Text and Materials*, 2001, MLJ.

Recommended Reading

Ahmad Ibrahim, *Pentadbiran Undang-undang Islam di Malaysia*, IKIM, 1997, Kuala Lumpur.

Hamid Jusoh, *The Position of Islamic Law In the Malaysian Constitution With Special Reference To The Conversion Case In Family Law*, Dewan Bahasa dan Pustaka, 1991, Kuala Lumpur.

TOPIC 2 (4 HOURS)

1. Officers of the Syariah Courts

[a] Qadhis / Judges in the Syariah Court

[i] Qualifications of a Qadhi

[ii] Position of Qadhi

[iii] Functions of Qadhi

[iv] Adab Al-qadhi

Section 41, 42, 43 and 44 Administration of Islamic law (Federal Territories) Act 1993.

[b] Registrar

[i] Appointment of Registrar

[ii] Functions of Registrar

Section 45 Administration of Islamic law (Federal Territories) Act 1993.

[c] Religious Enforcement Officer

[i] Appointment of Religious Enforcement Officer

[ii] Functions of Religious Enforcement Officer

Section 58 Administration of Islamic law (Federal Territories) Act 1993.

[d] Pegawai Sulh

[i] Qualifications of Pegawai Sulh

		<p>[ii] Appointment of Pegawai Sulh [iii] Functions of Pegawai Sulh</p> <p>Tatacara Mal (Sulh) Selangor 2001 (KTM SS01), Manual Kerja Sulh JKSM dan Pekeliling Ketua Hakim MSS 1/2002.</p> <p>[e] Syariah Prosecutor</p> <p>[i] Qualifications of Syariah Prosecutor [ii] Appointment of Syariah Prosecutor [iii] Functions of Syariah Prosecutor</p> <p>Section 58 Administration of Islamic law (Federal Territories) Act 1993.</p> <p>[f] Peguam Syarie in the Syariah Court</p> <p>[i] Qualification and requirements of admission as Peguam Syarie- Members of the Bar and Non-members of the Bar. [ii] Responsibilities and Duties of Peguam Syarie</p> <p>Section 50 (1) Enakmen Pentadbiran Undang-undang Islam Selangor 1989.</p> <p>Section 55 (1) Akta Pentadbiran Undang-undang Islam (WP) 1993.</p> <p>Peguam Syarie Rules (Selangor) 1991, Peguam Syarie Rules (Wilayah Persekutuan) 1993</p> <p><u>Required Reading</u></p> <p>Berita Harian, <i>Sulh Produk Baru Mahkamah Shariah</i>, 17 September 2002.</p> <p>Enakmen Kanun Prosedur Mal Syariah (Selangor) 1991.</p> <p>Farid Sufian Shuaib, Tajul Aris Ahmad Bustami & Mohd Hisham Mohd Kamal, <i>Administration of Islamic Law in Malaysia Text and Materials</i>, 2001, MLJ.</p> <p>Imam Khassaf, <i>Adab Al-Qadhi (Islamic Legal and Judicial System)</i>, 2004, Adam Publishers & Distributors.</p> <p>Legal Profession Act 1976.</p> <p><i>Manual Kerja Sulh</i>, Jabatan Kehakiman Shariah Malaysia.</p> <p>Mahmud Saedon Awang Othman and Nik Ahmad Kamil Nik Mahmood, 'Adab al-Qadhi in Daily Activities of a Qadhi', IIU Law Journal 0012No. 1992.</p> <p>Mahmud Saedon Awang Othman, <i>Intitusi Pentadbiran</i></p>
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	<p><i>Undang-undang dan Kehakiman Islam</i>, Dewan Bahasa dan Pustaka, 1996, Kuala Lumpur. Peguam Syarie Rules 1991 (Selangor). Peguam Syarie Rules 1993 (Federal Territories). <i>Prosiding Seminar Hasil Penyelidikan</i>, Kolej Universiti Islam Malaysia, 2003. Salleh Buang, <i>The Education and Training of Shariah judges and Lawyers in Malaysia</i>, Shariah Law Journal, Vol 6 Oct 1990.</p> <p><u>Recommended Reading</u></p> <p>Ahmad Ibrahim, <i>Al Ahkam (Pengkakiman dan Kepeguaman)</i>, Dewan Bahasa dan Pustaka, 1997, Kuala Lumpur. Ahmad Ibrahim, <i>Pentadbiran Undang-undang Islam di Malaysia</i>, IKIM, 1997, Kuala Lumpur. <i>Adab Al Qadhi in Islamic Law</i> by Fyzee, Asaf Ali Ashgar (1964) Mal LR 406. Tan Yock Lin, <i>The Law of Advocates and Solicitors in Singapore and Malaysia</i>, 1991 MLJ.</p> <p><u>TOPIC 3 (8 HOURS)</u> <u>Art of Advocacy</u></p> <ul style="list-style-type: none"> • Factors determining Advocacy in Syariah Court. • Court System In Malaysia. • Syariah Court and Civil Court • Adversarial or Inquisitorial System? <p><u>Professional conduct in general</u></p> <p><u>[a] Pre-trial</u></p> <p>[i] Accepting a case</p> <p>[ii] Interviewing of client’s techniques.</p> <p>[iii] The techniques of giving advice to potential clients.</p> <p>[iv] The method of negotiation, preparation for purposes of trial.</p> <p>[v] Research techniques.</p> <p>[vi] Preparation of Witness</p> <p>[vi] Preparation of documents for submission at Syariah Court.</p>
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		<p>i. Bundle of Authority ii. Bundle of Documents</p> <p>[b] <u>Advocacy skills during trial.</u></p> <p>[i] Speaking in court</p> <p>[ii] Types of Questions</p> <ul style="list-style-type: none"> • Probing Question • Insinuation Question • Leading Question • Confrontation Question <p>[iii] Examination in chief</p> <p>[iii] Cross-examination</p> <p>[iv] Re-examination</p> <p>[v] Cross-examination of experts</p> <ul style="list-style-type: none"> • 2 methods of cross-examining an expert. • To discredit the expert • To establish an alternative interpretation of the facts upon which the expert's opinion is based. <p>[vi] Submission Techniques</p> <p><u>Required Readings:-</u></p> <p>Tan Yock Lin, <i>The Law of Advocates and Solicitors in Singapore and West Malaysia</i>, 1991 MLJ</p> <p><u>Recommended Readings:-</u></p> <p>Jeffery Pinsler, <i>Evidence, Advocacy and The Litigation Process</i>, 1982, Butterworth Michael Hyam, <i>Advocacy Skills</i>, 1990, Blackstone Press Limited.</p> <p><u>TOPIC 4 (4 HOURS)</u></p> <p>Duties to Clients</p> <p>[a] Duty to represent unless embarrassed [b] Duty to uphold interest of client [c] Duty to disclose all circumstances to client [d] Duty of skill and care towards client [e] Conflict of interest [f] Not to abuse the Confidence Reposed to Him by Client</p>
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[g] Not to withhold client's papers to the Detriment of Clients

[h] Render Proper Account to Client

Required Readings:-

Kod Etika Peguam Syarie
Legal Profession Act 1976.

Case:

Rhina Bhar v Malaysian Bar (1994) 1 MLJ 24
Rondel v Worsley

TOPIC 5 (4 HOURS)

Professional Ethics

Definition and concept

Why it is so important to the legal profession?

- Lawyers must assume personal moral responsibility for the consequences of their personal actions.
- Lawyers are bound by his professional duties.

Ethics in General

[a] To uphold dignity of profession.

[b] Conduct with candour, courtesy and fairness towards other Peguam Syarie.

[c] Not to communicate with client of another Peguam Syarie.

[d] Not to appear for party represented by another Peguam Syarie.

[e] Not to mislead the court.

[f] Duty of disclosure.

[g] Professional Undertakings.

[h] Not to advertise

Required Readings:-

Kod Etika Peguam Syarie
Legal Profession Act 1976.
Legal Profession (Practice and Etiquette) rules 1978

TOPIC 6 (2 HOURS)

Professional Misconduct

[a] Complaint and misconduct.

[b] Conviction of a criminal offence.

[c] Breach of duty with regards to undertakings.

[d] Dishonest and fraudulent conduct in the discharge of his duties.

[e] Breach of any rules of practice and etiquette of the profession.

Rule 16 (2) (1) PSR (Selangor) 1991 and Rule 94 (3) of LPA 1976.

Disciplinary Action

Section 94 of the LPA and Rule 19 of Peguam Syarie Rules Selangor 1991-

- Struck off
- Suspend
- Warning
- Any other order deems fit and reasonable.

Required Readings:-

Rule 93-103 of LPA 1976.

Rule 94 of LPA 1976 and Rule 19 of PSR (Selangor) 1991.

Legal Profession (Practice and Etiquette) rules 1978

TOPIC 7 (2 HOURS)

Contempt of Court

a) Civil Contempt

- Disobedience to court order

b) Criminal Contempt

- Deception to court
- Offensive conduct in court
- Acting without authority

c) Contempt in Syariah Court

Cases:-

Civil Court:-

MBF Holdings BHD V Houg Hai Kong

Re TT Rajah

Re Zainur Zakaria

Cheah Cheng Hock v PP

Re Kumaraendran

Lai Cheng Chong v PP

Shariah Court:-

Kamariah Salim lwn Zulkifli Puteh

Abd Kadir Geroh.

Section 229-230 of Selangor Syariah Civil Procedure Enactment (Amendment) 2003.

Section 229 of Selangor Syariah Civil Procedure Enactment (Amendment) 2003.

9	MAIN REFERENCE	<ol style="list-style-type: none"> 1. Farid Sufian Shuaib, Tajul Aris Ahmad Bustami & Mohd Hisham Mohd Kamal, <i>Administration of Islamic Law in Malaysia Text and Materials</i>, 2001, MLJ 2. Tan Yock Lin, <i>The Law of Advocates and Solicitors in Singapore and West Malaysia</i>, 1991 MLJ
10	REFERENCES	<ol style="list-style-type: none"> 1. Jeffery Pinsler, <i>Evidence, Advocacy and The Litigation Process</i>, 1982, Butterworth 2. Michael Hyam, <i>Advocacy Skills</i>, 1990, Blackstone Press Limited. 3. Farid Sufian Shuaib, <i>Powers and Jurisdiction of Syariah Courts in Malaysia</i>, 2003, MLH 4. Imam Khassaf, <i>Adab Al-Qadhi (Islamic Legal and Judicial System)</i>, 2004 Adam Publishers & Distributors 5. Justice Dato' Wan Yahya Pawan Teh. <i>The Conduct and Qualities of an Ideal Lawyer</i> [1980] 2 MLJ lxxxvi. 6. Ahmad Ibrahim, <i>Al Ahkam (PENGHAKIMAN DAN KEPEGUAMAN)</i>, Dewan Bahasa dan Pustaka, 1997, Kuala Lumpur.
11	ACTS AND ENACTMENTS	<ol style="list-style-type: none"> 1. Legal Profession Act 1976 2. Legal Profession (Practice and Etiquette) rules 1978 3. Legal Profession (Disciplinary Board) Procedure Rules 1994 4. Legal Profession (Professional Liability) Insurance Rules 1992 5. Administration of Islamic Law (Federal Territories) Act 1993 6. Peguam Syarie Rules 1991 Selangor and other states. 7. Kod Etika Hakim Syarie. 8. Kod Etika Peguam Syarie. 9. Administration of Islamic law (Federal Territories) Act 1993. 10. Enakmen Pentadbiran Undang-undang Islam Selangor 2003. 11. Perlembagaan Persekutuan 12. Judges' Code of Ethics 1994. 13. Tatacara Mal (Sulh) Selangor 2001 (KTM SS01) 14. Manual Kerja Sulh JKSM and Pekeliling Ketua Hakim MSS 1/2002.

