

Hierarchy of Courts



Week 11 & 12

Superior Courts

- **Federal Court**
- Federal Court is the highest court in Malaysia.
- To hear civil and criminal appeals from the decisions of the Court of Appeal and High court, 128 (3) FC
- To exercise exclusive original jurisdiction on those matters conferred on it under Article 128 (1) and (2) of the FC.
- Pronounce the validity of any federal or state legislation as being excess of powers
- To determine constitutional questions, which have arisen in the proceedings of High Court
- To give its opinion on any question referred to it by Yang di-Pertuan Agong concerning the effect of any provision of the constitution which has already arisen or appears likely to arise as provided under Article 130 of the federal constitution

- Court of Appeal
- Has jurisdiction to hear and determine any appeal against High Court decision on criminal matters under Article 121 (1B) of the Federal Constitution and section 50(1) of the Courts of Judicature Act 1964
- To hear and determine civil appeals generally for cases where the amount or value of the subject matter of the claim is at least two hundred and fifty thousand ringgit under section 68(1) of the Courts of Judicature Act 1964

High court

- The jurisdiction of the High court is original, appellate and supervisory
- Has unlimited criminal and civil powers. Any civil matter which cannot be determined in the subordinate courts is heard before the high court
- Hears criminal and civil appeals from magistrates and sessions courts
- Also possesses the power to refer any points of law arising in the appeal for the decision of the Court of Appeal if it feels that it is in the public interest and of paramount importance s35 CJA 1964
- Has been conferred general supervisory and revisionary jurisdiction over all subordinate courts

Magistrates Court

- The Magistrates courts deal with civil and criminal cases. Is presided by a magistrate
- First Class Magistrate
- To try all criminal offences for which the maximum term of punishment provided by the law does not exceed ten years' imprisonment, of all offences punishable with fine only, as well as offences on robbery, lurking, house trespass or house breaking at night under Section 85 of the Subordinate Courts Act 1948
- Criminal jurisdiction
- May pass any sentence allowed by the law not exceeding:-
 - i) five years' imprisonment
 - ii) a fine of ten thousand ringgit
 - iii) whipping up to twelve strokes; or
 - iv) the combination of any of the above mentioned
- Civil Jurisdiction
- To try all actions and suits of a civil nature where the amount in dispute or value of the subject matter does not exceed RM25, 000 under section 90 of the Subordinate Courts Act 1948

- Second Class Magistrate
- Has jurisdiction to try criminal offences where the maximum term of imprisonment provided by the law does not exceed twelve months' imprisonment or offences punishable by fine only under section 88 of the Subordinate Courts Act 1988
- May pass any sentence allowed by the law
- i) not exceeding six months' imprisonment
- ii) a fine of not more than one thousand ringgit; or
- iii) any sentence combining either of the aforesaid punishment

Subordinate Courts

- Session Courts
- Penghulu Courts
- Juvenile Courts

