

Candidates Watch Campaign – Replies
Jaharberdeen @ Jabar

Question 1

In not more than 80 words, please provide a brief introduction about yourself and how you perceive yourself as a legal practitioner.

I took up law because of two main reasons: Firstly, I wanted a profession that can expose me to different disciplines and being a litigation lawyer does just that. In one case, you are you exposed to the workings of a company, in another, you become an expert in soil testing and yet in another, you learn about the “other side” of human nature in criminal cases. Secondly, I wanted to be part of the law making process in the country instead of being just a “complainer” like most people is prone to be. I feel being a legal practitioner has enabled me to achieve both the aforestated reasons. In this sense, I am fortunate that God has blessed me with the profession that I love.

Question 2

Which committee would you seek to chair and what are your aspirations and intentions for the said committee during your tenure? If you do not intend to chair a committee, please state your reasons for the same and tell us what do you intend to achieve during your tenure as a Council Member?

If I am offered to chair the Syariah Law Committee, I would love to do so. The issue of a dual legal system has ‘troubled’ me for years. I have discussed this issue and related matters in my book “Islam: Antara Isi dan Kulit” which was published in 2006. It will be interesting for the committee to deliberate on this issue and possibly come up with a paper. Also other syariah-civil related issues which will necessarily arise in a multi-religious society needs to be addressed. I have also raised similar issues in my book published 2 months ago entitled: “Rapera – Urgently wanted!”

Question 3

The issue of setting a term limit for members serving the Bar Council has attracted many supporters as well as detractors. Do you think that there should be a term limit for members to be in the Bar Council? Please provide reasons for your answer.

I will support the setting of a term limit because this will pave the way for new members to serve the Bar Council who may be able to inject new perspectives.

Question 4

Based on feedback received, many Young Lawyers are leaving the profession because of perceived deteriorating working conditions at the Bar. What are your views about the working conditions that Young Lawyers are being subjected to and how would you seek to improve these conditions?

I am not aware of any complaints of young lawyers leaving the profession due to deteriorating working conditions. I recall my chambering period was a daily work period from 830am to 11pm including most Saturdays at an allowance of RM700.00! Later as a practitioner, there was no significant change in the working hours.

Question 5

The Johor Bar and the Penang Bar have recently held EGMs, *inter alia*, to obtain feedback in relation to the Fast Track System implemented by the judiciary which places emphasis on a Key Performance Index (“KPI”). Has the quality of justice dispensed by the Courts suffered as a result of the KPI that has been put into place? What would you do to improve the situation?

My concern is that justice hurried may result in justice buried. KPIs cannot be based solely on the number of cases disposed as opposed to *how and why* they are disposed. Any move to “hurry” the courts will surely impact on the quality of justice as the proper dispensation thereof will require careful consideration of facts and law and often, these requires time. I would encourage KPIs at the administrative levels, for example, speedy extraction of cause papers, orders, etc.

Question 6

Do you think the Solicitor’s Remuneration Order (SRO) has achieved the objectives it was put in place for? Do you think more should be done by the Bar Council to ensure adherence to the SRO or alternatively, should the SRO be done away with all together?

I must apologise that I have never addressed this issue before and hence, I am unable to put forth a credible response now.

Question 7

What are your views on the failure of the Attorney-General to bring charges against the individuals named by the Royal Commission of Inquiry in their findings on the leaked video-clips *vis a vis* judicial appointments? What action do you propose the Bar Council take?

The AG's chambers should disclose the reasons why they are unable to take any action against the relevant individuals and the Bar Council should require them to do so. Possibly, there could be evidential issues. I am unable to comment further unless I have the AG's reasons before me.