

‘Malaysia Trade Act’ (Malay Version)

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Book Review

Written by Wu Min Aun and Beatrix Vohrah, this book is produced when the current teaching of Malaysia Commercial Law, authors found that there is a shortage of reading material available. There is no a volume that gives the study of Commercial Law in Malaysia. Thus students often have to refer to books on English Commercial Law. This practice is quite unsatisfactory because the law was not only different from many aspects, but also because such substances less local essence.

The purpose of this book is to bring students to a major study on the key areas of Malaysia Commercial Law. As long as there is still need guidance in legal trade in industry and commerce, students who will be a lawyer or accountant, or who are preparing for their careers will find this book very useful. While writing this book, authors often collide with the uncertainty in the local law. For such things, they have to refer to the resources of the United Kingdom and the Commonwealth, particularly India and Australia. The second problem is to maintain an appropriate balance between the need to discuss the topics that are deemed necessary and to keep the content of this book not to be too long. The basic method of this book is to state the main principles and illustrate them with cases and examples where the principles have been fully understood by readers. They can then review in detail the aspects that would be focused.

The law can be classified into public, private or international. Public Law is related to the affairs of state. They include constitutional law, administrative law and criminal law. In comparison, private law or the civil law dealing with the relationship between individuals, their rights and their duties. They include contract law, property law, commercial law in general and the law of tort. Tort law is concerned with civil offenses such as negligence, nuisance, libel and invasion. Under this law, an action for compensation or damages may be brought by any person for the wrong doings of others. Unlike criminal law, acts in private or civil law is taken at the request of the person concerned. The party initiating an action commonly referred to as the claimant or plaintiff while the accused is the defendant or the defendant [1].

International Law is in a different level, it may be of public international law or private international law. Public international law dealing with the relationship between countries. On the other hand, private international law sometimes referred to as conflicts of applicable laws, is concerned with the application of several national laws to the facts of the case in question, involving two or more countries, such as the legal system must be used for contracting marriage between two different countries in a third country.

For present purposes, the source refers to the source of the law, i.e., the rules of law which gathers law. Resources that are important in Malaysian law are the Constitution, Thirteen State Constitutions of the States comprising the Federation, Federal law made by Parliament, state laws made by the Council of State, Federal and legislation subsidiary of state made by the parties or bodies under the powers vested in it by Act of Parliament, or Enactments Council of State, the judgment of the courts of the Superior, the principle of English law that applied to situations local and Islamic law applied to Muslims only.

Commercial Law is not a law of real branches. It is a compilation of the various parts of the law, especially contracts and private property. It drew special attention, especially for the business sectors in a community. It organizes the rights and obligations of parties engaged in trade transactions. With the subject matter is different, and this includes contracts, agency, partnership, negotiable instrument, sale of goods and insurance. Malaysia Trade Law has basically been imported from England, India and Australia either directly or through legal judicial decisions. Some statutes have been emulated all over the laws of a country and have been modified according to local conditions. But most local statutes on subjects not spend energy trading. The courts by virtue of sections 3 and 5 of the Civil Law Act 1956 apply English law to meet the lacuna. In this sense the study of business law in Malaysia is comparable in terms of approach. Someone had to master not only local cases and material but also that in England and the other Commonwealth countries.

References

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