

## ‘Recognizing Malaysia Contract Law’ (Malay Version)

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### Book Review

Written by Sakina Shaik Ahmad Yusoff and Azimon Abdul Aziz, this book is an original work published in Bahasa Malaysia specifically to equip the reader with various aspects of local contract laws, the information presentation format that is easy and simple. In terms of substance, this book covers the five key aspects of contract law, namely the notion of a contract that includes concepts foundation and the historical development of contract law such contract formation that describes the key elements of the contract valid and enforceable by law, release contract, the contents of the contract and the remedies for breach of contract.

The development of commercial law are rapidly becoming the backbone of economic activity requires a system of contract law firm in controlling basic transactions every commercial transaction. The information technology revolution that began at the end of the 20th century shows a shift in trading methods. This shift represents a fundamental mutation in the economy and necessarily brings with it many challenges to the legal world, especially the law of contracts that underlie the formation of commercial law in general. Legal developments should be in tandem with the changing economic and technological development. But in the process of reviewing existing laws to be in line with the government’s aspiration in particular and global world in general, a solid understanding of the existing basic principles is very important [1].

Thus, the production of this book is a contribution to the development of Malaysian law in line with the objective to provide a basic understanding of the laws of the local contract. Publishing this kind of book is also a contribution to enrich the treasure of the local scientific material in the areas of law that are written in English. This book is a scientific material that can be used as a textbook at various levels of certificate, diploma and bachelor’s degree, either in college or in higher learning institutions both public and private. In addition, the book is also very useful for those who dabbled in the world of business or that are running any type of business as the law of contract is the cornerstone of all types of businesses.

Every second a contract is entered into by individuals, government bodies and non-governmental organizations, private agencies and commercial institutions. Every society requires a means through which the agreement achieved or planned exchange can be made and upheld.

Thus the law serves to maintain the contract agreement has been reached for the unity of the contract. Contract law not only controls but it also facilitates the exchange economy. Contract law in Malaysia as in England is a reflection of the political-economic philosophy prevailing in the country.

Contract law is a branch of private law in Malaysia. The term of the contract is indeed something which on the face easily recognizable but conceptually difficult to define. Based on Tillotson in Contract Law in Perspective, in the midst of contract law is the idea of consent, appointments and related consultancy. To make a deal that’s something that can be enforced by law, thus making a valid contract, several key elements must exist, namely an agreement which resulted from a recommendation or an offer made by one party and an absolute acceptance of the offer by the other side, there is the consideration given and received by each of the contracting parties, the parties contracting must intend to establish a relationship on the side of the law, each party to the contract must be able to establish a contract, each party should enter into the contract with the free volition and the object is the essence of the contract must be something that is valid in law.

There are various types of contracts such as contracts of sale and purchase, hire purchase contract, loan contract, scholarship contract, employment contract, service contract and others. The average contract can be divided into three main types, namely unilateral contract, bilateral contract and collateral contract. There are two important concepts in the law of contract, freedom of contract and the sanctity of contract. The book is divided into five chapters which are relevant taking into account the scope of the law of the contract locally. Chapter 1 is the introduction touching on the definition of contract, rational and functions of contract law, foundation concepts of contract law and the historical development of the local contract law. Chapter 2 discusses eight key elements of the valid contract and enforceable by law. Chapter 3 discusses four ways in which a contract can be discharged in accordance with the law. Chapter 4 describes the definition and classification of exemption terms and clauses in the contract and Chapter 5 touches on remedy, including compensation and equity remedies that can be claimed by the aggrieved party in the event of breach of contract.

### References

1. (2006) Petaling Jaya: International Law Book Services, pp: 220.

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