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ECONOMIC DEVELOPMENT AND LAW SCHOOL CURRICULUM : THE COUNTRY'S EXPERIENCE

paper by

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Malaysia has for the last eight years attained economic growth at the rate of eight percent and it has been reported lately that the growth rate of the economy for the first quarter of 1995 is 9.9 percent and for the second quarter 9.3 percent.¹ Economic development involves, inter alia, the large inflow of foreign capital, foreign investments, the setting-up of new industries, developments in the financial and manufacturing sectors, and increased demands for manpower and services. Regulatory bodies and institutions have been established and existing ones expanded to cope with the burgeoning demands of the economy.

With more industries, factories and industrial buildings, the necessary infrastructural support must be built. The demand for skilled and unskilled labour mounts and large tracts of land are cleared. Increased international trade and business transactions require supportive services at the

¹ The New Straits Times, 5 September 1995.

various exit and entry points in the country and relevant qualified supportive personnel.

The commercial and financial sectors have developed in tandem with the country's active participation in international trade and business transactions. The need for the regulation of the securities and money market have led to the establishment of the Securities Commission. Various laws have been passed and, where necessary, amendments thereto are made to suit the needs of the country's industries and various economic sectors. The most recent legislative activity took the form of the passing of the Future Industry (Amendment) Act 1995.

The ^{below 3 percent} ~~rate~~ rate of unemployment and the demand for labour has led to a large influx of foreign labour. The Minister for Human Resources recently put the figure as over a million foreigners legitimately or illegitimately working in the country. The domestic maids come mainly from the Philippines, Thailand and Indonesia whilst the construction and plantation workers come mainly from Indonesia, Sri Lanka, Bangladesh, Pakistan and Myanmar. The hospitality industry and the manufacturing sector requires additional manpower too. Unmistakeably, a strong labour force is necessary to service and maintain the economy.

Concomitant with infrastructural, industrial, commercial and financial development is the growing demand for supportive professional

services. The legal profession is not left out. In fact, the legal profession has never faced greater challenges as it does now. Much publicity was given to Malaysia's ratification of the General Agreement on Trade and Services (GATS) and its implications on the local legal scene. Much talk have been bandied about replacing the local Bar examinations (the Certificate in Legal Practice - CLP) with another course and examinations. At one time, there were also talk on the establishment of the Malaysian Law Academy. The trend toward specialisation in legal practice is increasingly being felt with the upsurge in international business transactions, trade and investments.

The number of legal practitioners have grown tremendously in the past ten years. At the end of 1992, there were 4043 lawyers practising, an increase of over 77.5 percent over a four-year period. In 1995, up to the time of writing this paper, there were 5,007 lawyers practising.² The lawyers are sourced from universities in the United Kingdom, Australia, New Zealand, Singapore and the four local institutions of higher learning. Because law is a localised discipline and is based on local experiences, culture and background, lawyers who service the rapid growth in the economy must be suitably-trained and equipped with the necessary knowledge and expertise to meet the challenges.

The Bar Council, which is the umbrella body governing practising lawyers do undertake the function of providing training of its

² Figures by courtesy of the Bar Council of Malaysia.

members by conducting continuing legal education programmes and courses in areas such as labour law, foreign investments, the securities market, alternative dispute resolutions, and international business transactions. For the young undergraduates undergoing training at the universities, instruction in areas relevant to the market must be undertaken to equip graduates and budding law practitioners with the necessary basic tools of the profession.

There are three other government law schools besides the Faculty of Law of the University of Malaya; being a member of the latter, I will now focus on the programmes and efforts taken at the faculty.

The Faculty of Law, University of Malaya is the country's ~~oldest~~ ^{oldest} law school and is ever sensitive to the needs of the country. As far as possible, staff are sent abroad for training in the Masters or doctoral programmes in specific areas of need. On their return, these staff pass on their new-found knowledge and experiences to their students in specific areas of the laws. Law teachers and professors from abroad are invited from time to time either on a visiting basis or on exchange programmes to assist in areas where local staff or expertise may be lacking. Indeed, the faculty currently has an exchange programme with the University of Nottingham, United Kingdom where staff from that university have for the last four years been coming to conduct guest lectures and/or seminars, and to exchange ideas on the law in the areas of interest of the particular participant.

The University of Malaya most recently signed a Memorandum of Understanding with the International Institute of Air and Space of the University of Leiden, the Netherlands and amongst the objectives ^{are} staff training and the import of expertise.

Besides overseas inputs, local expertise in the profession and practice are utilised as well. There are courses conducted either wholly or partly by these practitioners and professionals who are very experienced and experts in their respective fields.

Other than contributing towards the undergraduate and postgraduate programmes, foreign and/or local expertise be they at the faculty or in local practice, conduct short courses in the faculty's legal education extension programme (LEEP). The courses are highly specialised and are targeted for specific clientele. The programme has plans to move away from the university and to service the needs of the profession in other locations as well, for examples, in Penang in the north, and Johor Bharu in the south. There are areas where strict focus on the law is insufficient - inputs from other disciplines are imperative, for example, medico-legal issues and building-town planning issues. The legal education extension programme (LEEP) must address this need.

Because the law governs everyone and there is need for everyone to be informed of what laws affect them, the study of law should be

easily and readily accessible. Indeed, the demand for law courses has been tremendous and has led to the mushrooming of "twinning programmes" with overseas law schools by private educational institutions. Commencing next academic session, the faculty plans to offer its Bachelor of Laws degree on a distant learning basis in addition to its traditional on-campus programme. This new programme will enable aspiring lawyers to study part-time and improve themselves for the 'market' demands. Their work experience plus a basic tertiary education in law will certainly enhance their potential for higher-level employment. For those who cannot afford to leave their jobs to attend full-time university instruction, this new programme is timely.

The Minister of Education has announced earlier this month that most courses at local universities will be reduced from four-year courses to three-year courses to enable early entry of graduates into the employment market. In this way, local graduates will be on par with graduates from overseas who normally return about a year earlier than local graduates. Besides balancing the stage at which most graduates would enter the job market, the proposed requirement aims to service the needs of the commercial, industrial and financial sectors and the public services which currently suffer severe shortages of qualified manpower.

To this end, the Faculty of Law would have to re-adjust its four-year course to a three-year one. There is an on-going exercise to revamp the curriculum and to trim certain courses. New option courses would be

introduced from time to time depending on availability of staff. Existing option courses would also be resurrected whenever possible. This on-going revamping of the curriculum would now have to incorporate the reduction of the period of study from four years to three years. Some courses may be trimmed to half unit courses whilst others would remain as one unit courses. Others may combine as one unit courses with necessary shifts in emphasis.

would be locally-trained because of the many facilities and programmes enabling them.

There have been much talk and discussion about centralising the training of would-be legal practitioners. It has been proposed that all law graduates, be they from local or overseas institutions, should undergo a common two-year programme conducted by the Qualifying Board before they are eligible to be called to the Bar. The first part of the programme would basically encompass the existing syllabi for the existing Certificate in Legal Practice (CLP) examinations and a few other subjects, including the Malaysian Constitution. The main purpose here is to acquaint overseas graduates with certain basic local laws. The second portion of the programme would encompass the practical module and is aimed at replacing the current nine-month reading-in-chambers or pupillage. To facilitate a smooth change from the four-year undergraduate programme to three years, a change of curriculum to accommodate the new three-year programme, and the proposed centralisation of professional training, a synchrony of moves is advocated. Presently, the 1996/97 academic session commencing in July 1996 has been targeted for the first and second changes. The third change is still at the discussion level. If this stage ^{could} ~~can~~ be accelerated and targeted to

coincide with the 1996/97 academic session, the change in undergraduate curriculum could incorporate this centralisation move. Besides, it would facilitate the paperwork for the distant learning programme targeted for the 1996/97 academic session.

In the long term, it is not difficult to envisage that all lawyers would be locally-trained because of the many facilities and programmes enabling attainment of law qualifications locally.

The Faculty of Law, University of Malaya has done very well so far considering the fact that it has a small staff of about forty full-time teachers with more than half being relatively junior. The pyramidal staff chart requires the faculty to devote much time on staff training and depend quite heavily on external input for its traditional teaching programmes and the LEEP. The staff strength has to expand in the very near future to meet the faculty's needs and to realise its goals. Quality academic staff are needed at all levels and particularly in areas such as international business transactions, international trade law, international air and space law, international maritime law, securities regulation, insolvency, construction law, alternative dispute resolution, mergers and takeovers, and industrial property law.

The faculty constantly monitors the developments in and the needs of the country, particularly in the legal profession and embarks on new

programmes or modifies existing ones to suit those needs. Indeed, the law is often said to be the servant of society - the Faculty of Law, University of Malaya aspires to produce quality graduates to serve that society efficiently and adequately.

15 September 1995