

Assignment 3 (Sources of Law) (25%)

Doctrine of Judicial Precedents

The decision of a judge over a case can become binding on other judges having cases with similar attributes, circumstances and situations. For example a decision of the Federal Court over a case can bind the lower courts and a decision of a High Court can bind the Sessions Courts or the Magistrates Courts.

Answer the following questions:

Critically evaluate the advantages and disadvantages of judicial precedents in the legal system.

1. In Malaysia, there two High Courts i.e. the High of Malaya and the High Court of Sarawak and Sabah. How is the rule of judicial presidents applied in these High Courts? Justify your answer.
2. How would the judges in the lower courts overcome the doctrine of binding judicial precedents?
3. If the law in the country could be developed through the doctrine of judicial precedents, why is there a need for statutory law?

Instructions

1. State your name and student ID number, the name of the lecturer and the date of your submission.
2. Submission of the assignment report should be done in the 9th week
3. You must submit your assignment in the Turnitin Submission Folder.
4. Your similarity report must not exceed 20%.