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KETUA HAKIM NEGARA
MAHKAMAH PERSEKUTUAN
MALAYSIA
KUALA LUMPUR

CHIEF JUSTICE
FEDERAL COURT
MALAYSIA
KUALA LUMPUR

K.H.N. 47

10 Januari 1996

Y.A.A. Presiden Mahkamah Rayuan.

Y.A.A. Hakim Besar Malaya

Y.A.A. Hakim Besar Sabah & Sarawak

Y.A. Hakim-Hakim Mahkamah Persekutuan

Y.A. Hakim-Hakim Mahkamah Rayuan

Y.A. Hakim-Hakim Mahkamah Tinggi

Y.A. Pesuruhjaya-Pesuruhjaya Kehakiman,
Mahkamah Tinggi.

Y.A.A./Y.A.,

ARAHAN KETUA HAKIM NEGARA BIL. 1 TAHUN 1996

Kod Etika Hakim 1994 yang telah dibincang di dua Mesyuarat Hakim-Hakim dan diterima oleh semua Hakim telahpun diperkenankan oleh Seri Paduka Baginda Yang di-Pertuan Agong dan diWartakan sebagai P.U.(B) 600 dalam Warta Kerajaan bertarikh 20hb Disember 1994, (dilampirkan).

Matlamat Kod Etika Hakim 1994 itu ialah untuk menentukan bahawa Badan Kehakiman benar-benar bersih, cekap dan beramanah.

Artikel 125(3) [dibaca dengan Artikel 125(9)] Perlembagaan Persekutuan (dilampirkan) memperuntukkan bahawa sesaorang Hakim yang tidak mematohi kehendak Kod Etika Hakim 1994 boleh dikenakan tindakan tatatertib.

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Walaupun perenggan 3(h) dan 3(2) Kod Etika Hakim 1994 telah menetapkan waktu pejabat sesaorang Hakim, saya masih menerima aduan dari merata tempat di Malaysia yang mengatakan ada Hakim yang lewat ke pejabat sehingga jam 10.00 pagi dan ada yang tidak datang ke pejabat disebelah petang. Jika aduan-aduan ini benar, maka Hakim-Hakim berkenaan bukan sahaja telah menunjuk teladan yang tidak baik kepada pegawai-pegawai bawahan mereka, tetapi boleh menjejaskan imej baik Badan Kehakiman.

Oleh itu mulai 1.2.1996 (bagi Wilayah Persekutuan 2.2.1996) semua Hakim Mahkamah Persekutuan (termasuk Presiden Mahkamah Rayuan dan Hakim-Hakim Besar Mahkamah Tinggi) dan dan semua Hakim Mahkamah Rayuan, Mahkamah Tinggi dan Pesuruhjaya-Pesuruhjaya Kehakiman adalah dikehendakki mengetik jam perakam waktu apabila sampai ke pejabat di sebelah pagi (jam 8.00 pagi) dan apabila meninggalkan pejabat di sebelah petang (4.00 petang atau 4.15 petang mengikut negeri tempat bertugas).

Bagi Hakim-Hakim berpejabat di Bangunan Sultan Abdul Samad dan di bangunan Pejabat Pos lama jam perakam waktu disediakan di tepi lif. Hakim-Hakim lain hendaklah mengguna jam perakam waktu yang digunakan oleh kakitangan Mahkamah masing-masing.

Saya sendiri juga akan mengetik jam perakam waktu.

Sekian, selamat tahun baru 1996, dan selamat bertugas.

`BERKHIDMAT UNTUK NEGARA'

(TAN SRI DATO' SERI MOHD. EUSOFF B. CHIN)
Ketua Hakim Negara Malaysia.

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(4) Subject to Clause (3), a person taking the oath on becoming a judge of the Federal Court shall do so in the presence of the Chief Justice or, in his absence, the next senior judge available of the Federal Court.

(5) A person taking the oath on becoming a judge of a High Court (but not Chief Judge) shall do so in the presence of the Chief Judge of that Court or, in his absence, the next senior judge available of that Court.

Tenure of office and remuneration of judges of Federal Court.

125. (1) Subject to the provisions of Clauses (2) to (5), a judge of the Federal Court shall hold office until he attains the age of sixty-five years or such later time, not being later than six months after he attains that age, as the Yang di-Pertuan Agong may approve.

(2) A judge of the Federal Court may at any time resign his office by writing under his hand addressed to the Yang di-Pertuan Agong but shall not be removed from office except in accordance with the following provisions of this Article.

(3) If the Prime Minister, or the Chief Justice after consulting the Prime Minister, represents to the Yang di-Pertuan Agong that a judge of the Federal Court ought to be removed on the ground of any breach of any provision of the code of ethics prescribed under Clause (3A) or on the ground of inability, from infirmity of body or mind or any other cause, properly to discharge the functions of his office, the Yang di-Pertuan Agong shall appoint a tribunal in accordance with Clause (4) and refer the representation to it; and may on the recommendation of the tribunal remove the judge from office.

(3A) The Yang di-Pertuan Agong on the recommendation of the Chief Justice, the President of the Court of Appeal and the Chief Judges of the High Courts, may, after consulting the Prime Minister, prescribe in writing a code of ethics which shall be observed by every judge of the Federal Court.

(4) The said tribunal shall consist of not less than five persons who hold or have held office as judge of the Federal Court, the Court of Appeal or a High Court or, if it appears to the Yang di-Pertuan Agong expedient to make such appointment, persons who hold or have held equivalent office in any other part of the Commonwealth, and shall be presided over by the member

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first in the following order, namely, the Chief Justice of the Federal Court, the President and the Chief Judges according to their precedence among themselves, and other members according to the order of their appointment to an office qualifying them for membership (the older coming before the younger of two members with appointments of the same date).

(5) Pending any reference and report under Clause (3) the Yang di-Pertuan Agong may on the recommendation of the Prime Minister and, in the case of any other judge after consulting the Chief Justice, suspend a judge of the Federal Court from the exercise of his functions.

(6) Parliament shall by law provide for the remuneration of the judges of the Federal Court, and the remuneration so provided shall be charged on the Consolidated Fund.

(6A) Subject to the provisions of this Article, Parliament may by law provide for the terms of office of the judges of the Federal Court other than their remuneration.

(7) The remuneration and other terms of office (including pension rights) of a judge of the Federal Court shall not be altered to his disadvantage after his appointment.

(8) Notwithstanding Clause (1), the validity of anything done by a judge of the Federal Court shall not be questioned on the ground that he had attained the age at which he was required to retire.

(9) This Article shall apply to a judge of the Court of Appeal and to a judge of a High Court as it applies to a judge of the Federal Court, except that the Yang di-Pertuan Agong before suspending under Clause (5) a judge of the Court of Appeal or a judge of a High Court other than the President of the Court of Appeal or the Chief Judge of a High Court shall consult the President of the Court of Appeal or the Chief Judge of that High Court instead of the Chief Justice of the Federal Court.

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MALAYSIA

Warta Kerajaan

SERI PADUKA BAGINDA

DITERBITKAN DENGAN KUASA

HIS MAJESTY'S GOVERNMENT GAZETTE

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P.U. (B) 600.

PERLEMBAGAAN PERSEKUTUAN

KOD ETIKA HAKIM 1994

PADA menjalankan kuasa yang diberikan oleh Fasal (3A) Perkara 125 Perlembagaan Persekutuan, Yang di-Pertuan Agong atas syor Ketua Hakim Negara, Presiden Mahkamah Rayuan dan Hakim-Hakim Besar Mahkamah-Mahkamah Tinggi, dan selepas berunding dengan Perdana Menteri, menetapkan kod etika yang berikut:

Nama.

1. Kod etika ini bolehlah dinamakan **Kod Etika Hakim 1994.**

Pemakaian.

2. (1) Kod Etika ini hendaklah terpakai bagi seseorang hakim di sepanjang tempoh perkhidmatannya.

(2) Pelanggaran mana-mana peruntukan Kod Etika ini bolehlah dijadikan suatu alasan bagi memecat seseorang hakim daripada jawatan.

Kod Etika.

3. Seseorang hakim tidak boleh—

(a) membelakangkan tugas-tugas kehakimannya demi kepentingan persendiriannya;

(b) berkelakuan dengan sedemikian cara yang mungkin menyebabkan kepentingan persendiriannya bercanggah

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(c) berkelakuan dengan apa-apa cara yang mungkin menyebabkan syak yang munasabah bahawa—

(i) dia telah membiarkan kepentingan persendiriannya bercanggah dengan tugas-tugas kehakimannya hingga menjejaskan kegunaannya sebagai seorang hakim; atau

(ii) dia telah menggunakan kedudukan kehakimannya bagi faedahnya sendiri;

(d) berkelakuan tidak jujur atau dengan sedemikian cara hingga memburukkan nama atau mencemarkan nama Badan Kehakiman;

(e) kurang cekap atau kurang berusaha;

(f) sesungguhnya dan tanpa penjelasan yang munasabah melengah-lengahkan menyelesai kes-kes, memberi keputusan-keputusan dan menulis alasan-alasan penghakiman;

(g) enggan mematuhi sesuatu perintah pentadbiran yang patut atau enggan mematuhi apa-apa arahan statutori;

(h) tidak hadir di mahkamahnya dalam masa waktu pejabat tanpa alasan yang munasabah atau tanpa kebenaran terlebih dahulu daripada Ketua Hakim Negara, Presiden Mahkamah Rayuan atau Hakim Besar, mengikut mana-mana yang berkenaan; dan

(i) menganggotai mana-mana parti politik atau mengambil bahagian dalam apa-apa aktiviti politik.

(2) Bagi maksud perenggan (1)(h) "waktu pejabat" ertinya—

(a) di Negeri di mana hari Ahad ialah hari kelepasan mingguan—

(i) Isnin hingga Khamis—8.00 pagi hingga 12.45 tengah hari dan 2.00 petang hingga 4.15 petang;

(ii) Jumaat—8.00 pagi hingga 12.15 tengah hari dan 2.45 petang hingga 4.15 petang, kecuali di Sabah dan Sarawak—8.00 pagi hingga 11.30 pagi dan 2.00 petang hingga 4.15 petang;

(iii) Sabtu—8.00 pagi hingga 12.45 tengah hari; dan

(b) di Negeri di mana hari Jumaat ialah hari kelepasan mingguan—

(i) Sabtu hingga Rabu—8.00 pagi hingga 12.45 tengah hari dan 2.00 petang hingga 4.00 petang;

(ii) Khamis—8.00 pagi hingga 12.45 tengah hari.

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(3) Seseorang hakim hendaklah, semasa perlantikannya atau pada bila-bila masa selepas itu sebagaimana yang dikehendaki berbuat demikian oleh Ketua Hakim Negara, mengisytiharkan secara bertulis segala asetnya kepada Ketua Hakim Negara.

Dibuat pada 2hb Disember 1994.
[(5) dlm JK/MA 289; PN. (PU²) 540.]

Dengan Titah Perintah,

TAN SRI DATO' SERI AHMAD SARJI BIN ABDUL HAMID,
Setiausaha Jemaah Menteri

FEDERAL CONSTITUTION

JUDGES' CODE OF ETHICS 1994

IN exercise of the powers conferred by Clause (3A) of Article 125 of the Federal Constitution, the Yang di-Pertuan Agong on the recommendation of the Chief Justice, the President of the Court of Appeal and the Chief Judges of the High Courts, and after consulting the Prime Minister, prescribes the following code of ethics:

Citation.

1. This code of ethics may be cited as the **Judges' Code of Ethics 1994.**

Application.

2. (1) This Code of Ethics shall apply to a judge throughout the period of his service.

(2) The breach of any provision of this Code of Ethics may constitute a ground for the removal of a judge from office.

Code of Ethics.

3. (1) A judge shall not—

(a) subordinate his judicial duties to his private interests;

(b) conduct himself in such manner as is likely to bring his private interests into conflict with his judicial duties;

(c) conduct himself in any manner likely to cause a reasonable suspicion that—

(i) he has allowed his private interests to come into conflict with his judicial duties so as to impair his usefulness as a judge; or

(ii) he has used his judicial position for his personal advantage;

(d) conduct himself dishonestly or in such manner as to bring the Judiciary into disrepute or to bring discredit thereto;

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(f) inordinately and without reasonable explanation delay in the disposal of cases, the delivery of decisions and the writing of grounds of judgment;

(g) refuse to obey a proper administrative order or refuse to comply with any statutory direction;

(h) absent himself from his court during office hours without reasonable excuse or without prior permission of the Chief Justice, the President of the Court of Appeal or the Chief Judge, as the case may be; and

(i) be a member of any political party or participate in any political activity.

(2) For the purpose of paragraph (1)(h) "office hours" means—

(a) in a State where Sunday is a weekly holiday—

(i) Monday to Thursday—8.00 a.m. to 12.45 p.m. and 2.00 p.m. to 4.15 p.m.;

(ii) Friday—8.00 a.m. to 12.15 p.m. and 2.45 p.m. to 4.15 p.m., except in Sabah and Sarawak—8.00 a.m. to 11.30 a.m. and 2.00 p.m. to 4.15 p.m.;

(iii) Saturday—8.00 a.m. to 12.45 p.m.; and

(b) in a State where Friday is a weekly holiday—

(i) Saturday to Wednesday—8.00 a.m. to 12.45 p.m. and 2.00 p.m. to 4.00 p.m.;

(ii) Thursday—8.00 a.m. to 12.45 p.m.

(3) A judge shall, on his appointment or at any time thereafter as may be required by the Chief Justice, declare in writing all his assets to the Chief Justice.

Made the 2nd December 1994.
[(5) dlm JK/MA 289; PN. (PU²) 540.]

By Command,

TAN SRI DATO' SERI AHMAD SARJI BIN ABDUL HAMID.
Secretary to the Cabinet