

**JOURNAL OF MALAYSIAN AND  
COMPARATIVE LAW**

**JURNAL UNDANG-UNDANG**

**VOLUME 47 (ISSUE 1)**

**2020**

**Faculty of Law  
University of Malaya  
50603 Kuala Lumpur  
MALAYSIA**

## THE ISSUE MAY BE CITED AS (2020) 47 (1) JMCL

The Journal adopts an open access policy. Articles published in the Journal from its first edition in 1974 to the present (subject to an embargo period of 1 year for the most recent edition) can be viewed and downloaded at <https://ejournal.um.edu.my/index.php/JMCL>.

### TO PLACE A SUBSCRIPTION

Full details of subscription rates and back issues:

Journal	Issues per year	Location	Annual Subscription	Single Issue	Previous Issue*
Effective July 2019, the new price for JMCL	2	Local	RM 120	RM 65	RM 60
		Overseas	USD 50	USD 30	USD 25

To place a subscription, please contact:

The Administrative Assistant  
Journal of Malaysian and Comparative Law  
Faculty of Law  
University of Malaya  
50603 Kuala Lumpur  
Malaysia

Tel: 03-7967 6509 / 7967 6575

Fax: 03- 7957 3239/7967 6573

Email: [jmcl@um.edu.my](mailto:jmcl@um.edu.my)

\*only where available

© Copyright is vested in the Faculty of Law, University of Malaya. No part of this publication may be reproduced or transmitted in any form or by any means whatsoever, without prior permission from the Faculty. All enquiries seeking permission to reproduce any part of this publication should be addressed to the Managing Editor.

# Contents

---

**VOLUME 47 (ISSUE 1)**

**JUNE 2020**

---

## ARTICLES

- Jaspal Kaur Sadhu Singh    Free Speech, Constitutional Interpretation and Sedition in Malaysia: Taking a Rights-Expansive Approach    1
- Raphael Kok Chi Ren    Suppressing Fake News or Chilling Free Speech: Are the Regulatory Regimes of Malaysia and Singapore Compatible With International Law?    25
- Norhabib Bin Suod S. Barodi    Oath (*Yamin*) as a Method of Proof and the Right to Due Process in the Philippines: A Response to *Tampar v Usman*    71

## SHORTER ARTICLES AND NOTES

- Alima Joned    The Awesome (Curious) Powers of the Registrar-General of Births and Deaths: Some Observations on the *Bin Abdullah* Case    97

## Editorial Note

Our June 2020 edition of the JMCL kicks off with Jaspal Kaur’s analytical discourse on the Malaysian Federal Court’s decision in the case of *Public Prosecutor v Azmi bin Sharom*. In “Free Speech, Constitutional Interpretation and Sedition in Malaysia: Taking a Rights Expansive Approach”, the author examines how the Federal Court tested the constitutionality of the Sedition Act 1948 by interpreting the clauses of article 10 of the Federal Constitution, in particular the approaches to constitutional interpretation adopted by the Courts.

In “Suppressing Fake News or Chilling Free Speech: Are the Regulatory Regimes of Malaysia and Singapore Compatible with International law?”, Raphael Kok examines enforcement measures taken both by Malaysia under the Communications and Multimedia Act 1998 and Singapore under the Protection from Online Falsehoods and Manipulation Act 2019, to combat “fake news”. The article examines the compatibility of those enforcement measures with international norms on human rights.

In “Oath (*Yamin*) as a Method of Proof and the Right to Due Process in the Philippines: A Response to *Tampar v Usman*”, Norhabib bin Suod S. Barodi argues that oath under the tightly compartmentalised and specific parameters of s 7(1) of the Special Rules of Procedure in the Shariah Courts of the Philippines is harmonious with the constitutional right to due process vis-a-vis litigations between Muslim parties in the Philippines Shariah Courts.

Last but not least is a case note by Alima Joned on a recent Malaysian Federal Court decision, for short referred to as the *bin Abdullah* case. In her note, Alima argues that the Court should have approached the case solely from an administrative law standpoint, and that the majority had misapplied the standard of judicial review.

Dr. Sharifah Suhanah Syed Ahmad  
Executive Editor