



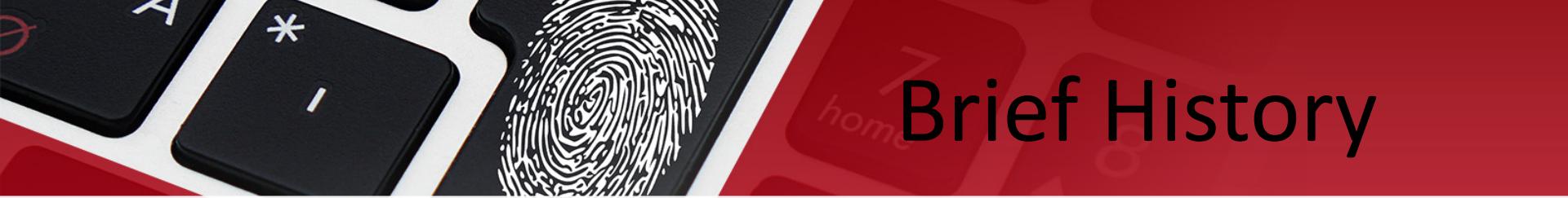
SPECIAL LECTURE: COMPUTER FORENSIC IN RELATION TO MALAYSIAN LEGAL SYSTEM

References:

- Guide to Computer Forensics and Investigations*
- Certified Ethical Hacker and Forensic Investigations*
- www.kehakiman.gov.my
- Malaysian Cyber Laws*

Objectives

- Understanding Malaysian Court
- Malaysian Cyber Law
- Testimony as a technical/scientific or expert witness
- Testifying in court
- Testifying in depositions and hearings
- Procedures for preparing forensics evidence for testimony



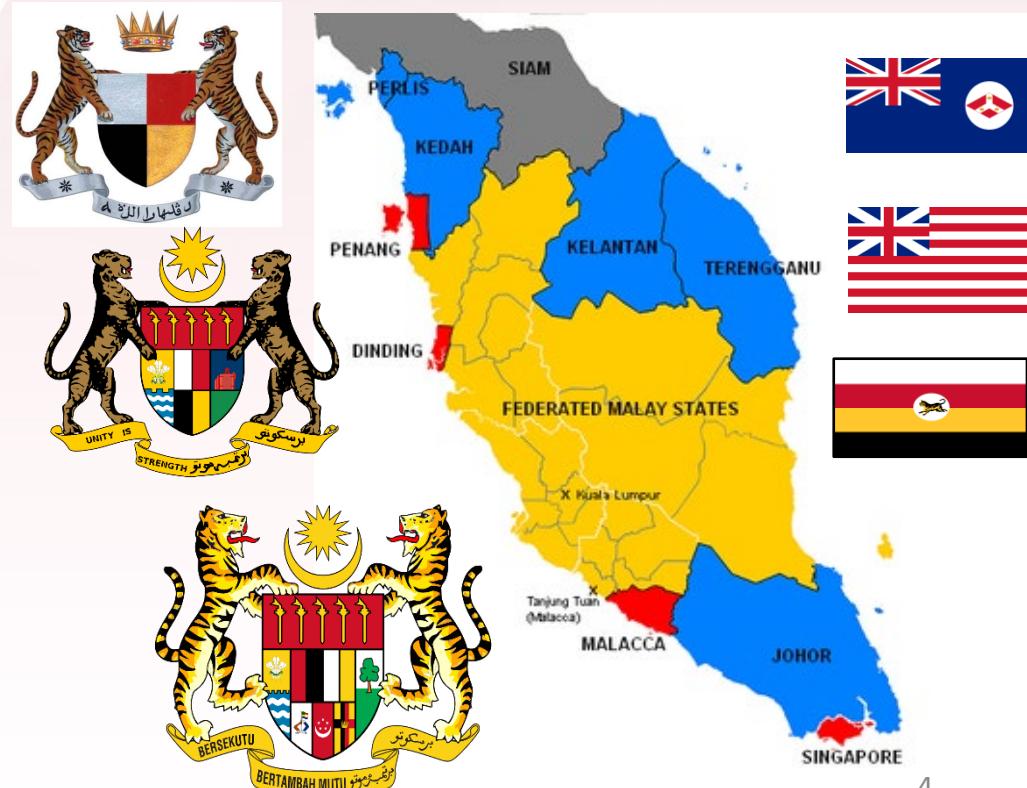
Brief History

- Early Kingdom (2nd-14th)
 - Chih Tu, Gangga Negara, Langkasuka, Kedah Tua, Srivijaya
- Islamic Sultanate(12th)
 - Kedah, Kelantan, Brunei, Melaka, Sulu, Pahang, Perak, Terengganu, Selangor, Negeri Sembilan & Perlis
- East India Company (1824)
- Western Colonisation
 - Portuguese (1511-1641)
 - Dutch (1641-1824)
 - Straits Settlement – 1826-1946
 - Non Federated States (1826-1946)
 - Federated States (1895-1946)

Persekutuan Malaysia

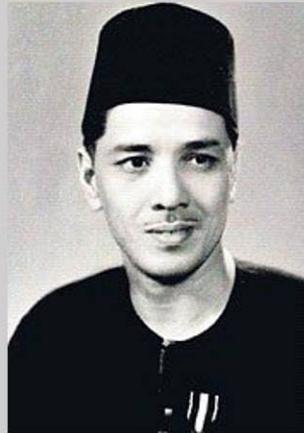
ملaysia

- 13 states 3 FT
- Straits Settlements (1826)
- Federated States (1895)
 - Pahang, Perak, Selangor, Negeri Sembilan
- Non Federated States (5 States)
- Malayan Union (1946-1948)
- Persekutuan Tanah Melayu (1948-1963) 11 States 2 British Settlement)
- Independence 1957
- Malaysia 1963
- Singapore left (1965)



Terms from History

- Melaka is 馬六甲 Mǎliùjiā
- Buddhist tradition, half an **Amalaka** fruit was the final gift to the Buddhist Sangha
- Johor is 柔佛 Róufú جوهر Soft Buddha vs Gem
- Cawan 茶碗 Tea Bowl
- Parameswara परमेश्वर paramezvara - Supreme Being
- Bandar is بندر port
- Syurga स्वर्ग Svarga heaven
- Puasa उपवास upavāsa fasting



UTHMANIYYAH



JOHOR



MAJAPAHIT



GETIH-GETAH SAMUDERA



SANG DWAJA/PATAKA



UMNO



SANG SAKA MALAYA



INDONESIA
SANG SAKA
MERAH PUTIH



REKABENTUK ASAL



REKABENTUK YANG DIPINDA



MALAYA (1957) - 11 JALUR



USA (13 STATES)



USA (50 STATES)

**PEREKA JALUR GEMILANG
MOHAMED BIN HAMZAH
05.03.1918 - 19.02.1993**



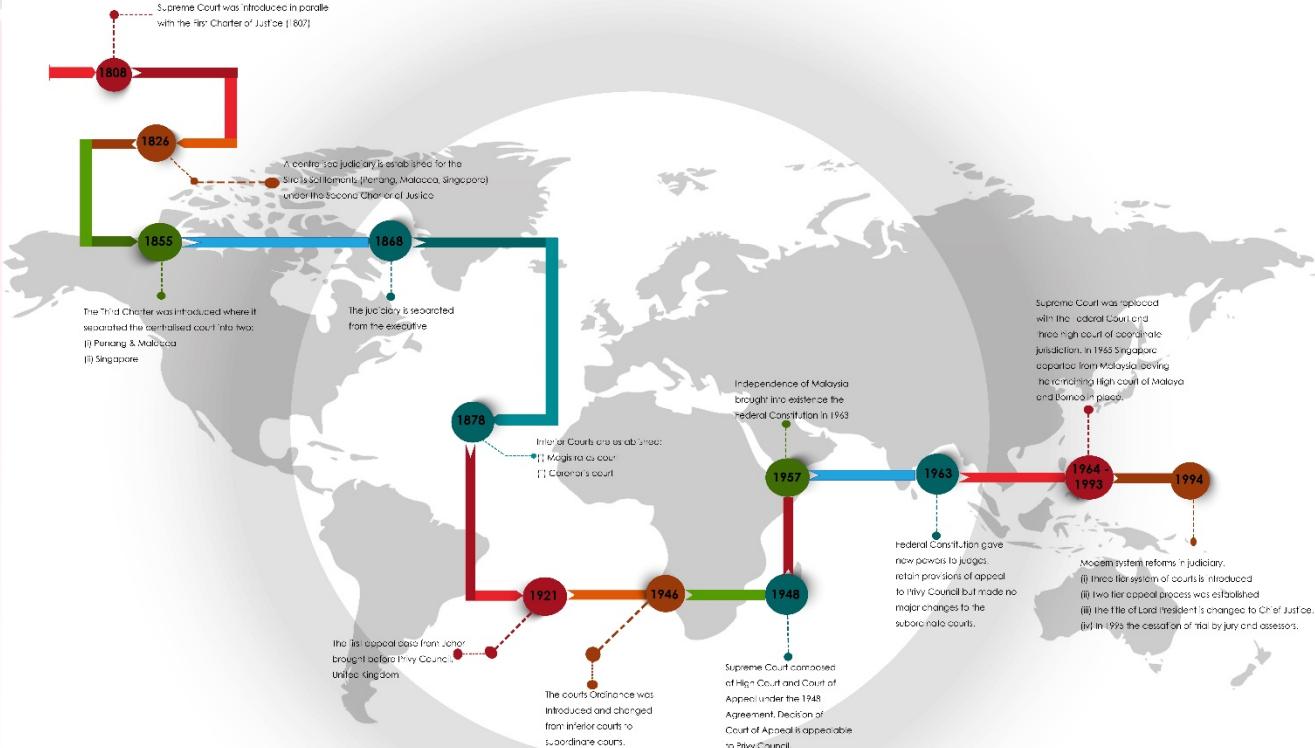
MALAYSIA (1963) - 14 JALUR

Democracy, Check & Balance

- Constitutional Monarch
- Separation of Power
- Check & Balance
 - Legislature
 - Dewan Rakyat
 - Dewan Negara
 - Executive
 - Judiciary
- Federation of States
- Power of States

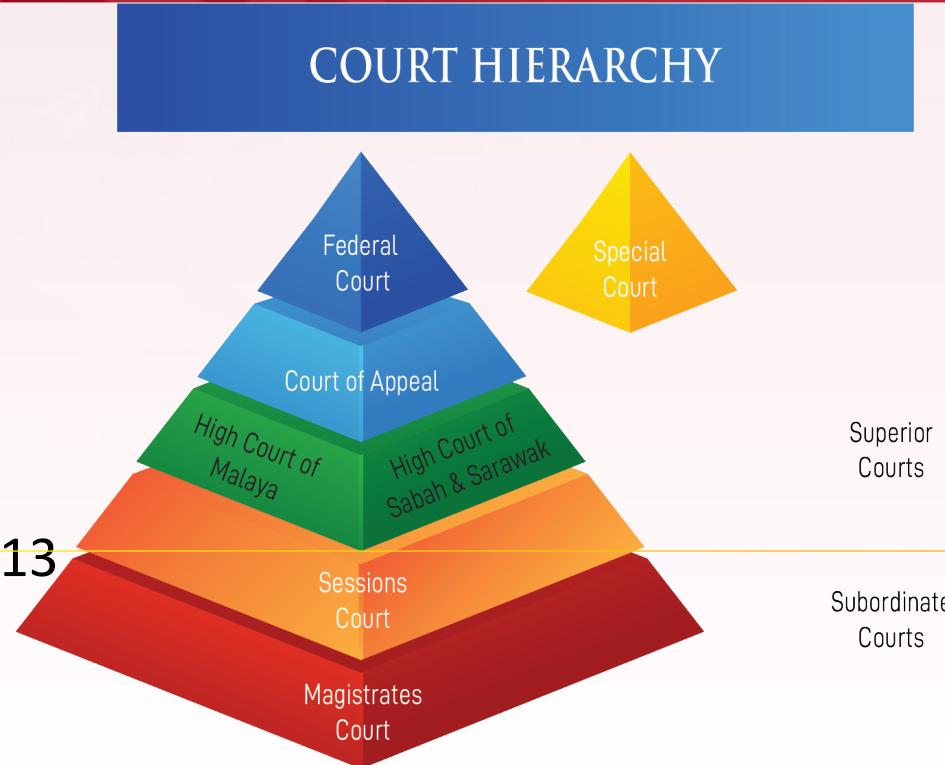


THE HISTORICAL DEVELOPMENT OF JUDICIAL SYSTEM IN MALAYSIA



The hierarchy of courts

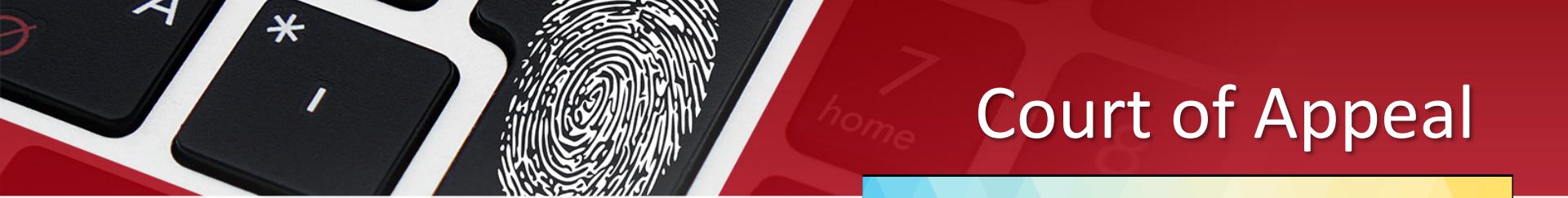
- Federal Court
- Court of Appeal
- High Court
- Subordinate Court
 - Sessions Court
 - Magistrates' Court
 - Penghulu Court has been abolished since 1 March 2013
- Syariah Courts – Islam/Muslim Affairs





Composition of Federal Court

- Chief Justice
- President of the Court of Appeal
- Chief Judges of the High Court in Malaya and the High Court in Sabah and Sarawak
- 11 other Federal Court judges.



Court of Appeal

- Maximum of 32 Judges
- Headed by the President of the Court of Appeal and constitutes up to ten Court of Appeal Judges.
- Every proceeding in the Court of Appeal shall be heard and determine by three judges or such a greater uneven number of judges.

THE JURISDICTION OF COURT OF APPEAL

Jurisdiction

Under Article 121 (1B) of the Federal Constitution, the jurisdiction of the Court of Appeal is to determine appeal from the decisions of the High Court in relation to the civil or criminal cases and any other jurisdiction given by or under the federal law.

High Court

- High Court in Malaya
- High Court in Sabah and Sarawak (before 1994, the High Court in Borneo).
- Before 1969, the High Court in Singapore
- unlimited civil jurisdiction, and generally hear actions where the claim exceeds RM1,000,000





Session Court

- Does not exceed RM1,000,000
- Exception however is in matters relating to motor vehicle accidents, landlord and tenant and distress, where the Sessions Courts have unlimited jurisdiction pursuant to s 65(1)(a)SCA

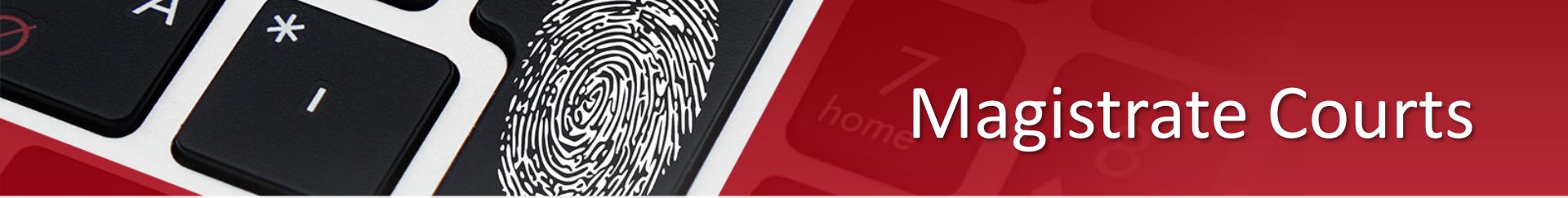
Jurisdiction of Sessions Court

01 Civil Jurisdiction

Hear all civil cases such as accident claims, dispute between the landlord and tenant for the value more RM100,000.00 (Ringgit Malaysia One Hundred Thousand only) but not exceeding RM1,000,000.00 (Ringgit Malaysia One Million only).

02 Criminal Jurisdiction

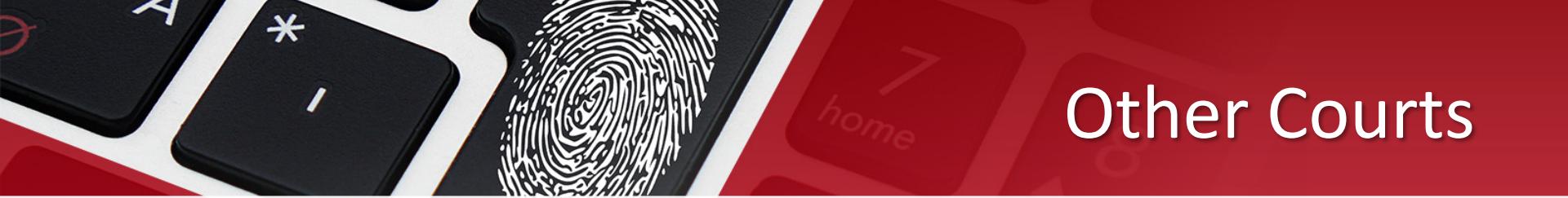
Hear all criminal cases except for the case subject to death penalty.



Magistrate Courts

- Magistrates are divided into First Class and Second Class Magistrates, the former being legally qualified and having greater powers.
- Second Class Magistrates are normally appointed.





Other Courts

- Penghulu Court's criminal jurisdiction is limited to offences of a minor nature charged against a person of Asian race which is specially enumerated in his warrant, which can be punished with a fine not exceeding RM25. (abolished 1 March 2013)
- Sabah and Sarawak, Native Courts having jurisdiction on matters of native law and custom.

Civil Cases

Procedures In Civil Cases



starting a case



general
INFO



how to FILE
a claim?



how to DEFEND
a claim?

trial



what do I do
in a TRIAL?

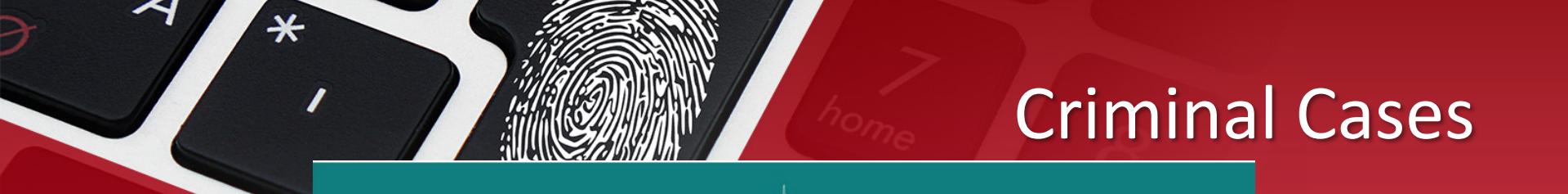


what if I DISAGREE
with the decision
of the judge?

post-trial



what do I do with the
COURT ORDER?



Criminal Cases



PROCEDURES IN CRIMINAL CASES

remand

trial

post-trial



what is a
REMAND?



what about
BAIL?





WHAT DO I DO IN A TRIAL? Ethics

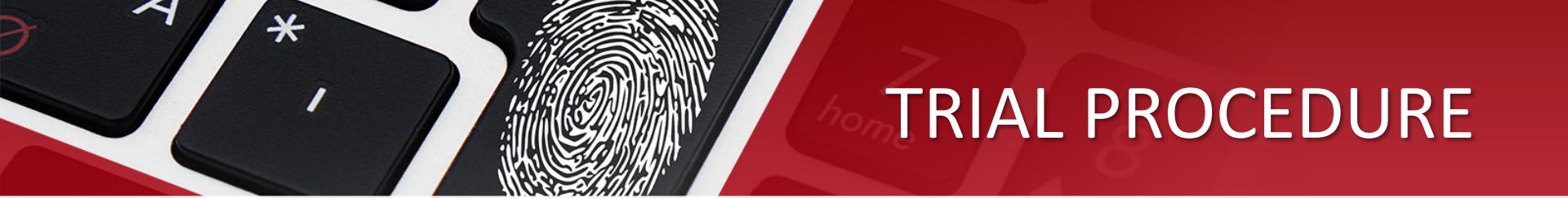
ON THE HEARING DATE PRE TRIAL CASE MANAGEMENT (PTCM)

- Upon the close of pleadings, the Court will call the parties up for a PTCM.
- You must compile all your documents and identify your witnesses.
- At the PTCM, the Court will inquire on the issues, documents and witnesses of the case.
- The Court will then give direction as to what documents are needed to be filed in Court together with the timelines for all the filings.
- You must comply with the timelines unless an extension of time is allowed by the Court.
- Failure to comply with the directions may result on the dismissal of your claim.



ON THE HEARING DATE

- If you require the court to issue a subpoena to your witnesses, an application should be made earlier to the court.
- Remind witnesses of the trial date.
- Arrive at the court complex 15 minutes earlier than the stipulated time. The court will convene at 9:00 am.
- Dress appropriately. You must comply with the court dress code.
- Upon arrival, please check your case in the cause list displayed at the court notice board or inform the court interpreter of your attendance.
- Bring along documents to be used during trial.
- Speak and conduct yourself in a courteous manner. If you are addressing a Judge in the Sessions Court, you should refer the Judge as "Tuan Hakim" or "Puan Hakim". For Magistrates Court, you should refer the Judge as "Tuan Majistret" or "Puan Majistret" or "Your Honour".



TRIAL PROCEDURE

- If you are the Plaintiff you will start first. You can call witnesses or testify yourself. You must also produce your documents for you and your witnesses to identify.
- You and your witnesses can be cross examined by the Defendant.
- After cross examination, you may re-examine the witness to explain what he or she had said during cross examination. You cannot bring up additional issues that was not raised during the cross examination.
- After you have called all your witnesses the Defendant will then start his case by calling his witnesses and by repeating the same process.
- Submission can be done by way of oral or written at the end of the case :



TRIAL PROCEDURE

- Reply by the plaintiff.
- Defendant's submission ; and
- Plaintiff's submission ; followed by
- Decision of the Judge/ Magistrate.
- The judgment is the decision of the Court at the conclusion of the trial. The Court may either allow or dismiss your claim.
- Costs – usually the losing party will have to pay the cost of the successful party.



FILING OF JUDGMENT

- If you are the successful party, you have to file a draft judgment / order of the Court according to Form 75 Rules of Court 2012.
- After extracting the draft judgment / order you need to file the fair copy of the draft judgment / order.
- After filing the fair copy of the judgment / order, you have to serve it to the losing party.



The Malaysian Cyberlaws

- Copyright Act 1987 Act 332 (Amendment 2012)
- Digital Signature Act 1997
- Telemedicine Act 1997
- Computer Crimes Act 1997 (Amendment 2006)
- Communications and Multimedia Act 1998
- Optical Disc Act 2000



The Malaysian Cyberlaws

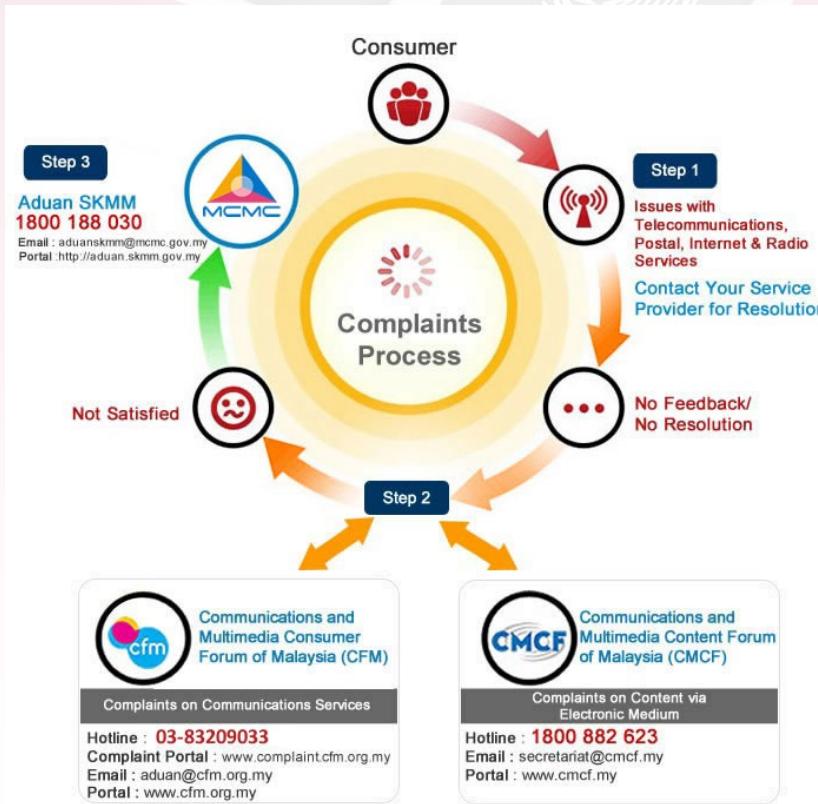
- Payment Systems Act 2003 Act 627 (repealed by Act 758)
- Financial Services Act 2013 Act 758
- Electronic Commerce Act 2006 Act 658
- Electronic Government Activities Act 2007 Act 680
- Personal Data Protection Act 2010 Act 709
- Commercial Vehicles Licensing Board (Amendment) Act 2017
(to cater to e-hailing)



Investigative Agency: Malaysia

- Malaysia Communications & Multimedia Commission (MCMC)
 - Complaint Hotline : 1800 – 188 – 030
 - Facsimile : 03 – 8688 1880
 - SMS : SKMM ADUAN [Complaint Details] SMS to 15888
 - WhatsApp MCMC Tip-Off: 016 - 220 6262
 - Email: aduanskmm@mcmc.gov.my
 - Website: <https://www.skmm.gov.my>
- Royal Malaysian Police – PDRM
 - <https://www.facebook.com/CyberCrimeAlertRMP/>
- National Cyber Security Agency (NACSA)
 - <https://www.nacsa.gov.my/>
- Cyber Security Malaysia
 - <https://www.cybersecurity.my/en/index.html>
- Malaysia Computer Emergency Response Team (MyCERT)
 - <https://mycert.org.my/>

Incident Reporting



PERKHIDMATAN JABATAN SIASATAN JENAYAH KOMERSIL

SEMAKMULE
Website : <https://ccid.rmp.gov.my/semakmule/>
Google Play Store : Check Scammers CCID
• Semak nombor akaun bank dan nombor telefon yang terlibat kes jenayah komersil.

CCID INFOLINE
(Whatsapp sahaja)
013-211 1222
Waktu operasi : 0800 - 0000 Hrs
• Semak laporan polis.
• Semak status siasatan.
• Menyalur maklumat kes-kes jenayah komersil.

CCID SCAM RESPONSE CENTER
03-2610 1559
03-2610 1599
Waktu operasi : 0800 - 2000 Hrs
• Pertanyaan modus operandi kes tipu dalam talian.
• Mangsa tipu dalam talian boleh menyalur maklumat transaksi pindahan wang.

FACEBOOK
@JSJKPDRM
@CyberCrimeAlertRMP
• Menyampaikan maklumat kepada orang awam tentang modus operandi jenayah komersil dan siber yang terkini.

<https://aduan.skmm.gov.my/>

MCMC COMPLAINT PORTAL

Panduan Pengguna / User Guide

cfm

COMMUNICATIONS & MULTIMEDIA CONSUMER FORUM OF MALAYSIA

consumer.forum.malaysia

@cfm_malaysia

GET YOUR

be a SMART consumer

digital tv subscriptions

broadband packages

Buat Aduan Baru / Lodge New Complaint

Jenis Aduan / Complaint Type *

Complaint

Jenis Perkhidmatan / Type of Service *

Website

- Sila pilih / Please Select -
- Hacking
- Love Scam
- Phishing/pharming
- Sextortion
- SPAM
- Web Defacement

SELAH DATANG KE SISTEM ADUAN MCMC

Sistem Aduan MCMC adalah satu saluran komunikasi menerusi Internet untuk pengguna membuat aduan kepada pihak Suruhanjaya mengenai isu berkaitan sektor Komunikasi dan:

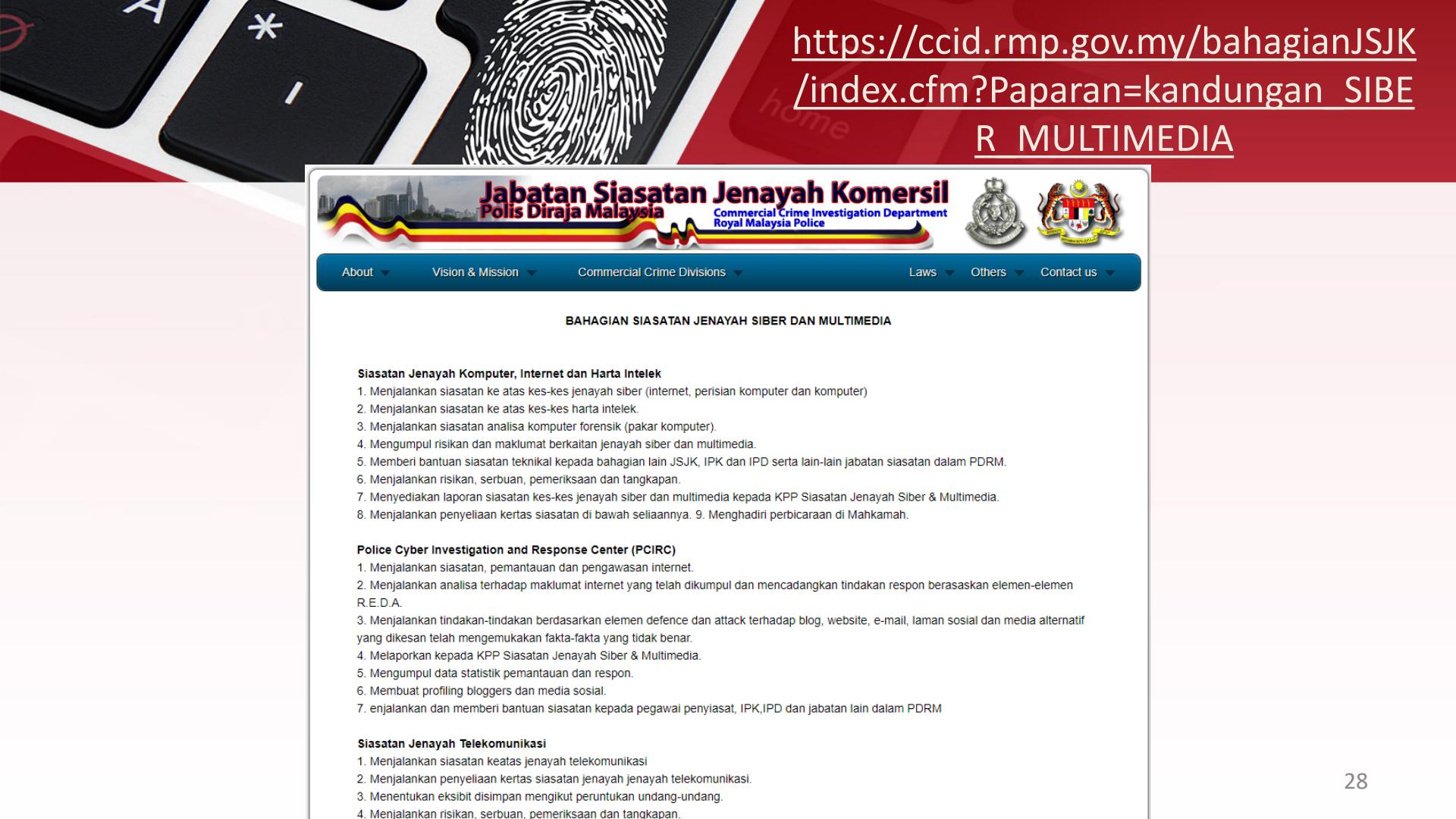
» Telekomunikasi

» Penyiaran

- Sila pilih / Please Select -

CONSUMERS

R MULTIMEDIA



Jabatan Siasatan Jenayah Komersil
Polis Diraja Malaysia
Commercial Crime Investigation Department
Royal Malaysia Police

About ▾ Vision & Mission ▾ Commercial Crime Divisions ▾ Laws ▾ Others ▾ Contact us ▾

BAHAGIAN SIASATAN JENAYAH SIBER DAN MULTIMEDIA

Siasatan Jenayah Komputer, Internet dan Harta Intelek

- Menjalankan siasatan ke atas kes-kes jenayah siber (internet, perisian komputer dan komputer)
- Menjalankan siasatan ke atas kes-kes harta intelek.
- Menjalankan siasatan analisa komputer forensik (pakar komputer).
- Mengumpul risikan dan maklumat berkaitan jenayah siber dan multimedia.
- Memberi bantuan siasatan teknikal kepada bahagian lain JSJK, IPK dan IPD serta lain-lain jabatan siasatan dalam PDRM.
- Menjalankan risikan, serbuhan, pemeriksaan dan tangkapan.
- Menyediakan laporan siasatan kes-kes jenayah siber dan multimedia kepada KPP Siasatan Jenayah Siber & Multimedia.
- Menjalankan penyeliahan kertas siasatan di bawah seliaannya. 9. Menghadiri perbicaraan di Mahkamah.

Police Cyber Investigation and Response Center (PCIRC)

- Menjalankan siasatan, pemantauan dan pengawasan internet.
- Menjalankan analisa terhadap maklumat internet yang telah dikumpul dan mencadangkan tindakan respon berdasarkan elemen-elemen R.E.D.A.
- Menjalankan tindakan-tindakan berdasarkan elemen defence and attack terhadap blog, website, e-mail, laman sosial dan media alternatif yang dikesan telah mengumukkan fakta-fakta yang tidak benar.
- Melaporkan kepada KPP Siasatan Jenayah Siber & Multimedia.
- Mengumpul data statistik pemantauan dan respon.
- Membuat profiling bloggers dan media sosial.
- enjalankan dan memberi bantuan siasatan kepada pegawai penyiasat, IPK,IPD dan jabatan lain dalam PDRM

Siasatan Jenayah Telekomunikasi

- Menjalankan siasatan keatas jenayah telekomunikasi
- Menjalankan penyeliahan kertas siasatan jenayah jenayah telekomunikasi.
- Menentukan eksbit disimpang mengikut peruntukan undang-undang.
- Menjalankan risikan, serbuhan, pemeriksaan dan tangkapan.



e-Reporting

Ini adalah satu inisiatif Polis Diraja Malaysia untuk memudahkan orang awam membuat report polis secara online melalui Internet.

Kemudahan ini disediakan khas untuk membuat laporan polis bagi kes kehilangan dokumen atau barang yang tidak berkait dengan jenayah.

No. Kad Pengenalan Baru :

Login

[Daftar Pengguna]

[Lupa Katalaluan]

Peringatan : Hanya untuk report polis melibatkan tempat kejadian di Balai-Balai Polis Kontijen Kuala Lumpur, Balai Polis Kajang (Selangor), Balai Polis Batu Pahat (Johor), Balai Polis Sitiawan (Perak) dan Balai Polis Jalan Patani (Pulau Pinang).

[https://www.nacsa.gov.my
/incident_report.php](https://www.nacsa.gov.my/incident_report.php)



OFFICIAL PORTAL

 | 

FAQ  |  |  | 

[HOME](#) | [ABOUT US](#) | [SERVICES](#) | [LEGAL](#) | [FAQ](#) | [CONTACT US](#)

REPORT AN INCIDENT

Please choose category of Incident report form:

Form Category

Individual

Organisation

[https://mycert.org.my
/portal/index](https://mycert.org.my/portal/index)

Latest Advisory

[16-05-2021] MA-805.052021: MyCERT Advisory - Microsoft May 2021 Security Updates



MyCERT
Malaysia Computer Emergency Response Team

CyberSecurity
MALAYSIA



ABOUT US

SERVICES

RESOURCES

CONTACT US



OUR SERVICES



Alert & Advisories



Incident Report



Cyber Threat
Research Center



Incident Statistics



Relevant Act in Malaysia

- [Evidence Act 1950 ACT 56](#)
- [Trade Marks Act 1976 ACT 175](#)
- [Copyright Act 1987 ACT 332](#)
- [Trade Descriptions Act 2011 ACT 730](#)
- [Intellectual Property Corporation Of Malaysia Act 2002 ACT 617](#)

<https://www.myipo.gov.my>

The screenshot shows the official portal of the Intellectual Property Corporation of Malaysia (MyIPO). The header features the MyIPO logo and the text "The Official Portal of INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA (MyIPO)". A navigation bar below includes links for "KENALI KAMI", "PATEN", "CAP DAGANGAN", "REKA BENTUK PERINDUSTRIAN", "PETUNJUK GEOGRAFI", and "HAK CIPTA". A sub-menu on the left lists "MEDIA", "PAUTAN", "GALERI", "PEROLEHAN", and "CAREER". A search bar at the top right contains the placeholder text "Carian: contohnya, Bagaimana untuk mendaftar logo saya?". Below the header, there's a banner about the implementation of MyIPO operations during the MCO 3.0. To the right, there are images related to TISC Malaysia and online services. At the bottom, there are links for the Madrid System, IPR Marketplace, and the Intellectual Property Academy.

Start – Portal Rasmی Perbadanan

https://www.myipo.gov.my/ms/start/

EN BM

Guest

MyIPO The Official Portal of INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA (MyIPO)

KENALI KAMI PATEN CAP DAGANGAN REKA BENTUK PERINDUSTRIAN PETUNJUK GEOGRAFI HAK CIPTA

REKA BENTUK SUSUN ATUR LITAR BERSEPADU

Carian: contohnya, Bagaimana untuk mendaftar logo saya?

MAKLUMAN:

PELAKSANAAN OPERASI MYIPO SEPANJANG TEMPOH PERINTAH KAWALAN PERGERAKAN 3.0 (TOTAL LOCKDOWN)

TISC MALAYSIA

PERKHIDMATAN ATAS TALIAN

MADRID SISTEM CAP DAGANGAN ANTARABANGSA

IPR MARKETPLACE

AKADEMI HARTA INTEL



Thank You