

CHAPTER SIX

The Impact of E-networking Technology in Malaysian Syariah Justice System

Roos Niza Mohd Shariff

School of Law

College of Law, Government & International Studies

Universiti Utara Malaysia, 06010 Sintok, Kedah

roosniza@uum.edu.my

INTRODUCTION

E-networking technology is being developed nationwide through several phases to clear up backlog cases in courts. Ultimately, the implementation of e-networking technology which expands its infrastructure connection and services will ease administration and trials conducted in the courts. This includes various technologies, such as broadband wireless, which can accommodate higher capacity and also satellite transmission to cover a wider area, not only in the e-government for the civil servants but also to connect to the public and private sectors.

The Judiciary which controls the justice system is the branch of government which administers justice according to the law. (Queensland Parliament, 2015). Judiciary acts as a platform to protect and enforce the rights of the individuals and punish the wrong-doers and the function is called the administration of justice. Transparent information system and good records management indirectly hinder the misuse of power or corruption, case postponement and delayed decision in the judicial delivery and management, which also reflects the good image of judiciary system and upholds the rights of individual and society at large ((Nurul Aiqa M. Z., Wan Satirah W. M. S. & Saiful Farik M. Y., 2017; Wan Satirah W.M.S. & Abrar H., 2012).

E-networking technology has been proposed and inculcated in Syariah Courts for a better and speedy management through standardisation of practice thus facilitates in resolving backlog cases. Wan Satirah W.M.S. & Abrar H. (2013) posited that by using the electronic government network called EG*Net nationwide, E-Syariah applications managed to standardize work environment in Syariah Courts and link all the business processes on a single channel. Case clearance rate has risen significantly since then.

Impasse and friction in the Syariah Courts caused exacerbation to parties in the courts which created further legal quandary on top of the existing legal predicament faced by the parties. Basically these were due to the lack of standardization in the record management system in the Syariah Courts among

states. These settings increased pressure on the courts of law to achieve faster and reliable service of justice with consistent and fair verdict.

Wan Satirah W.M.S. & Abrar H (2012) proposed a technology adoption framework for electronic court management which can be used by the policy makers for the enhancement of justice system. In 2011, Wan Satirah W.M.S. & Abrar H., stressed that e-networking technology allow for better management of court management within institutionalization theory. It presents various kind of technology adoption in courts, including video conferencing with high-tech video presenters and monitors, recreation of crime scene, electronic filing system, electronic case management with electronic court records management and systematic information storage and retrieval system. E-networking technology referring to Wan Satirah W.M.S. & Abrar H (2013), is expected to benefit the policy makers and judicial practitioners.

MALAYSIAN DUAL LEGAL SYSTEMS

Malaysia administered dual legal systems, based on both English common law and Islamic law. Civil Courts have jurisdiction over the majority of laws, including contracts, torts, property, crime, constitutional and administrative matters. Syariah Courts which are established and regulated by the states, have jurisdiction over Islamic family law matters and applies only to Muslims.

A significant amendment in 1988, Article 121(1A) of the Federal Constitution states that the Civil Courts have no jurisdiction in matters that fall within the Syariah Courts jurisdiction. Nevertheless, the conflict of jurisdiction concerning Syariah and Civil Courts are not completely solved. The aim of the amendment which created in Article 121(1A) was in many ways to avoid for the future any conflict between the decisions of the Syariah Courts and the Civil Courts. Unfortunately, Ahmad Mohamed Ibrahim (1989) purported that it appeared to have caused even more confusion, uncertainty and conflict.

Islamic law applies only to Muslim citizens and includes only matters specified in the State List of the Federal Constitution such as matrimonial law, charitable endowments, bequests, inheritance, and offences that are not governed by federal law (matrimonial offences, khalwat (close proximity), and offences against the precepts of Islam). The power to legislate these matters lies with each state legislature and state Sultan, with the Federal Parliament only legislating such matters for the Federal Territories of Kuala Lumpur, Labuan and Putrajaya. Since there are 13 states and one federal jurisdiction, there are 14 different sets of Islamic laws in Malaysia. In 1984, the Federal Parliament enacted the Islamic Family Law (Federal Territories) Act 1984 (Act 303) for the Federal Territories that was designed to be a model law for the other states. Many of the states have adopted slightly altered versions of this model. Syariah law, therefore, varies from state to state.

The Federal Constitution clearly defines the separation of power between the Federal and State government. List 1 of Schedule 9 of the constitution provides that all matters of civil and criminal law and legal administration fall under the Federal's list, whereas List 2 provides that Islamic law matters are vested to State governments. As a result, Civil and Syariah Courts become separate independent entities with their own specific jurisdiction as provided by Article 121(1A) of the constitution.

E-networking technology is inculcated as one of the many mediums to avoid encroachment by the State laws on the Federal legislative domain, or vice versa.

The Four Sects of Islamic Thought

The cardinal sources of Islamic law are Al-Quran, Hadith and the tradition of the Prophet Muhammad SAW. Schools of Islamic thoughts were founded considerably after the death of the Prophet Muhammad SAW and emerged during the time of the Umayyid Caliphate.

The four major schools of Sunni Islamic legal reasoning and repositories of positive law applicable in Malaysia are Shafie, Hanafi, Maliki and Hanbali. Moreover, these four sects of Islamic thought utilizes qiyas (analogical reasoning) as a method of legal reasoning, ra'y (personal opinion) and istihsan, commonly known as juristic preference, which, in some circumstances, can operate to ameliorate harsh consequences that might otherwise flow from strict legal reasoning, and which is believed by some to be based on principles of equity as interpreted by the jurist (Vejerano, 2010, Ibrahim Ihsan Samad, 2008, Ahmad Rafieuddin, 2008, Mahamassani, S., 2000).

Islamic jurisprudence was interpreted in different ways according to the sects. In reaching the verdict, jurists interpret the Al-Quran and the tradition of Prophet according to their sect taking into consideration other factors such as conscience, culture, welfare of parties and ijihad (reinterpretation of Islamic law according to prevailing circumstances). As a result, similar cases had been decided differently across the globe, and they are recorded in different places.

Consequently different verdicts have been passed in similar cases in different parts of the world. Due to the disparities in the way states Syariah Courts are being administered, the overall paradigm faces issues relating to data quality, lack of interoperability and information integration.

Thus the major challenge for e- Syariah project is to introduce standardization of process, practice, technology and strategy. E- Syariah initiative has made attempts to streamline work processes in Syariah Courts by categorizing cases for example divorce, child custody, inheritance and crime offences. Each case is treated uniquely to avoid overlapping of cases.

RELATED REPORTED CASES

The most significant purpose of inculcation of e-networking technology in syariah justice system is the integration of Syariah Courts of various states in Malaysia which provides for the standardisation of practice and management of courts' records. Previously there were cases of conflicting legal jurisdictions intersected with syariah laws in different states. Parties were awarded with different courts' orders from different states on the same subject-matters. For instance, the High Court in Alor Setar granted the custody of children to the mother but the father obtained a custodial order for the same children from the Syariah Court in Shah Alam. The paramount argument lies in the issue of jurisdictions and states' authorities. E-networking technology as yet has to be enhanced and upgraded to follow along this line. This was pointed out by Zin, N. M (2005), in order to avoid a tug of war situation since both parents are equally responsible for their children.

Custodial Dispute

Several case laws provide a general background against which problems in relation to child custody might be assessed. Pertinent cases deal with custody and the rights of a non-converting spouse against a converted spouse when one spouse converts to Islam and "crosses over from one jurisdiction to another", and typically include disputes where the children of the converted spouse are themselves converted to Islam without the knowledge or consent of the non-converting spouse as a ploy to secure custody through the Syariah Court system.

In the case of *Ganga Devi a/p Chelliah v Santanam Damodaram* [2000] 2 AMR 1485, the parties were Hindus and married in 1987 according to Hindu rights. The husband converted to Islam and obtained an order of the Alor Setar Syariah Court giving custody of the son to the husband. It was held that because of Article 121 (1A) [of the Constitution] the High Court has no jurisdiction to set aside the order of the Syariah Court (Teoh, L. 2003).

In *Shamala Sathiyaseelan v Dr Jeyaganesh C. Mogarajah & Anor* [2004] 2 CLJ 416, the parties were Hindus and married in 1998 according to Hindu rights. After divorce, the High Court initially granted Shamala the custody of her two children. However, the father, Ridzuan, who converted to Islam, obtained a custodial order (exparte) for the same children from the Syariah Court in Shah Alam. The Civil Court cited the defendant (Ridzuan) for contempt and ordered that the children be returned to the plaintiff (Shamala). The Civil Court also declared that the Syariah Court order was not binding on a non-Muslim and set aside the warrant of arrest issued by the Syariah Court.

Subsequent to this High Court decision, Shamala applied to the Civil High Court for a declaration that the conversion of the minor children to Islam was a nullity. The Civil Court dismissed Shamala's application on the ground that the Civil Court did not have the jurisdiction to hear the matter and only the Syariah Court could adjudicate on such matters. Further, the learned Judge agreed that Shamala did not

have the locus to appear in the Syariah Court.

While cases of *Ganga Devi a/p Chelliah v Santanam Damodaram* and *Shamala Sathiyaseelan v Dr Jeyaganesh C. Mogarajah & Anor* both addressed situations where one spouse in a custody dispute “crosses over from one jurisdiction to another”, they are only ostensibly relevant to the situation where a spouse in a custody dispute converts out of Islam and anticipates denial of parental contact by reason of being an apostate (Ngo, F. Y. (undated)). This accord with the structure of Malaysia’s dual legal system where the practice of Civil Courts relinquishing jurisdiction in cases where state Syariah Courts have concurrent jurisdiction in accordance with Article 121(1A) of the Federal Constitution.

Referring to the case of *Latifah Bte Mat Zin v Rosmawati Binti Sharibun* [Civil Appeal No 02-39-2006(W)], that if laws are made by Parliament and State legislatures in strict compliance with the Federal List and State List there should not be any situation where both courts have jurisdiction over the same matter or issue.

Polygamous Marriages

Each state in the country decides on its own Muslim family law. All states in Malaysia have chosen to allow polygamy albeit conditions. Muslim men face several restrictions under the law before they can marry a second (or third or fourth) wife. However, these conditions are not strictly applied. In Perak, for example, the decision to contract polygamous marriage is made solely by the husband and the Syariah Court is not required to grant permission. Kelantan and Terengganu have deleted the specific conditions for polygamy, leaving the Syariah judge to use his own discretion to decide on whether a husband is eligible to take another wife. Perlis allowed polygamous marriages without the consent of the existing wife.

This means that the laws are more stringent in some states than others which has created some loopholes. For example, in order to avoid the laws in their own state, some husbands have gone across to states within Malaysia, and even across international borders, to contract polygamy without the consent of the existing wife. As some state laws require the courts to seek the views of the existing wife or wives, some husbands have gone across borders to marry another woman to avoid the law in their own states.

Before the inculcation of e-networking technology, it is not possible to check if your intended husband is already married or not although the law imposed that the husband has to register his marriage. There is still no common computerized register of Muslim marriages, which means that the Courts and State Religious Departments are not able to establish immediately if the intended husband is already married or not. So, it is actually very difficult to ascertain the marital status of the intended husband. One would actually end up having to check every state to find this information.

The Encroachment of State Legislatures into Federal Matters

Pursuant to Schedule 9, List II, Item 1 of the Constitution, State assemblies are empowered to create and punish offences against the precepts of Islam, except as regards matters included in the Federal List. The Federal Court has made clear there are two constitutional qualifications to the exercise of this power:

(a) Where an offence is already in existence in the Federal Penal Code, for example, a state assembly cannot create a similar offence, for to do so would offend against the exception in Item 1 that no further state legislation is allowable where ‘matters [are already] included in the Federal List’.

(b) Moreover, since Item 4(k) provides that ascertainment of Islamic law and other personal law is a federal matter, there are swaths of Islamic matters which come under Federal purview. The Federal Court pointed out that banking, finance and insurance are matters listed in the Federal List, accordingly the question whether a particular product of banking, finance or insurance is syariah-compliant falls within Item 4(k) and is a federal matter.

As stated by Professor Shad Saleem Faruq (Malaysian Bar, 2007), many examples of state criminal enactments which contravene both the spirit and letter of Schedule 9, List II, Item 1. For example, the Syariah Criminal Offences (State of Penang) Enactment 1996 contains many provisions that overlap with federal criminal offences. Among them are:

- Section 7 on insulting or bringing into contempt the religion of Islam. This overlaps with section 298 of the federal Penal Code;
- Section 8 on deriding Quranic verses or Hadith. This too may be covered by section 298 of the Penal Code;
- Section 18 on gambling. This overlaps with the federal Gaming Tax Act 1972 (Act 65);
- Section 25 and 26 relating to *liwat* and *musahaqah*. These are covered by sections 377A to 377C Penal Code;
- Section 30 about giving false evidence which is also covered by section 191 of the Penal Code;
- Section 32 relating to the defiling of a mosque. This is similar to section 295 of the Penal Code;
- Sections 43 to 46 on abetment. These sections overlap with sections 107 to 114 of the Penal Code.

There are many encroachment of State Legislatures into Federal matters which still unsolved by the inculcation of e-networking technology.

IMPLEMENTATION OF E-NETWORKING TECHNOLOGY IN SYARIAH JUSTICE SYSTEM

The backlog of syariah cases shuns society from referring their cases to the Syariah Courts. There are various reasons the courts took lengthy time to settle a case such as limited number of Syariah Courts' judges, officials and staffs comparing to the high volume of syariah cases and limited budget allocated for syariah departments resulting in poor infrastructures, misunderstanding of court's instructions, lack of customer friendly attitude, vague understanding of legal procedures, etc. The Federal government does not have direct control over the administration and functioning of Syariah Courts.

On the other hand, State governments are dependent on the Federal government for budget allocations. Wan, M. S. W. S. & Haider, A. (2012) pointed that the most significant reason was the unavailability of complete information relating to the case as and when required. In certain scenario, the cases lingered on for more than a year just because of the fact that information available to the judges was incomplete, hence they could not arrive at a conclusive decision.

Over the years, there has been significant discrepancy and mismatch between the administration and functioning of Syariah Courts throughout the country. This discrepancy and mismatch is restricted to the workflow of the courts rather than in the decisions carried out by the courts. Thus, since early 2000, Malaysian government has been proactive with its e-government initiative. This e-government initiative has been introduced to maintain the steady flow of Multimedia Super Corridor (MSC) flagship application. Under this initiative, Syariah Courts were selected to become the pilot project named e-Syariah project. With the implementation of e-Syariah, the Syariah Judiciary Department of Malaysia or *Jabatan Kehakiman Syariah Malaysia* (JKSM) is the department responsible for all affairs relating to syariah law enforcement including provision of staff, facilities, physical and logistics instruments, procedures and service quality improvement.

In consistent with the government's aspiration in e-networking technology development efforts for all sectors in Malaysia, JKSM was given the mandate as the main driving force in realising the 7th E-Government Prime Application, the e-Syariah Project. Referring to Wan, M. S. W. S. & Haider, A. (2012), its administration has become the reference point not only for Malaysian public organizations such as the National Registration Department and Police Department but also by various overseas organizations whom interested in learning and sharing the experienced gained by the courts.

ELECTRONIC SYSTEM IMPLEMENTATION

Ethical Standards in the Digital Technology

Reamer, F. G. (2017) postulated that throughout the years, ethical standards in all fields have matured significantly. Therefore, it is pertinent that legal aspects

followed the digital development of conceptual frameworks and protocols. Social workers' increasing use of digital technology poses novel and unprecedented ethical challenges pertaining to privacy, confidentiality, informed consent, professional boundaries, conflicts of interest, documentation, client abandonment, and professionalism, among others.

The development of e-networking technology usage is prominent within the Malaysian judicial system concerning both the judiciary and court administrators. In essence, they both play a pivotal role in the future direction of the legal system of Malaysia as the world now circulating around technology designs and constructions. E-networking technology is here to stay and it is of utmost importance that the judiciary and the administrators of justice realize the role and use of e-networking technology as a multidimensional tool in the effective and efficient administration of justice (Jashpal Kaur Bhatt, 2005).

Introduction of E-Syariah

Department of Syariah Judiciary Malaysia (2017) asserted that E-Syariah is the seventh Government project under the Flagship Multimedia Super Corridor (MSC). It is an integrated case management system that integrates all the processes involved in the handling of cases of the Syariah Courts. It also involved electronic network that connects the State Syariah Courts with Department of Syariah Judiciary Malaysia (Jabatan Kehakiman Syariah Malaysia (JKSM)) and related agencies created for the purpose of coordination and information sharing.

Apart from that, this e-networking technology promulgated E-Syariah in changing and reforming the operation of the Syariah Court to a better standard in terms of management operation and processes. It will also streamline the case management as well as to streamline the process of handling the Syariah Lawyers registration. Daily business operation could be enhanced through the use of Office Automation System and Library Management System JKSM through simplified books and library materials ordering process for the Judges and the Registrar of the Syariah Court reference. E-Syariah Portal provides information about the court procedures, current rules and case status enquiries. Faraid calculation can also be made electronically. E-networking in the Syariah Courts rotated to achieve its objectives :

1. Improving the quality of service of the Syariah Court;
2. Improving the effectiveness of JKSM in coordinating and monitoring agencies under this department;
3. Increase productivity and efficiency of management in the Syariah Court throughout the country;
4. Upholding the symbols of Islam through the use of e-networking technology (Department of Syariah Judiciary Malaysia, 2017).

The quality of information relating to a case is essential in reaching a conclusive and fair verdict. This would rely on the comprehensiveness and availableness of records. All relevant documentation relating to the case conforms to certain standard of quality and is accessible, available, retrievable and dependable as and when required. The pervasiveness of e-networking technology provides new opportunities for court automation and information management in judiciary. Improperly managed records deprived the aim of judicial institutions to bestow legal rights to individuals and society.

Electronic Records Management

The lifecycle management of court records is the centerpiece of e-Syariah initiative. These records are further integrated with other e-government initiatives so as to ensure speedy and effective service for various government department as well as society at large. Using these integrated records, other departments such as the religious departments, home ministry, police, immigration and customs are able to identify potential hazards and areas of concern. Furthermore, with the availability of information to general public, *qadhis* around the country are able to access information relating to the same or different cases which is a great uplift in reviewing, understanding and applying interpretation or sources of syariah laws.

In the Court of Appeal, Putrajaya, when Tan Sri Dato' Sri Zaki Tun Azmi, the previous president of Court of Appeal first visited the court of appeal registry on 2nd January 2008, the first place he went was to the file room. On seeing it at first sight, he screamed and wanted something to be done with the horrendous environment. And after the file room reform, files are all in order and can be found easily within two-three minutes, and can be handled by 3 staff instead of 12 staff previously. Today, Court of Appeal already employed bar coding system in managing its records (Nurul Aiqa M. Z., Wan Satirah W. M. S. & Saiful Farik M. Y.,2017; Saman & Haider, 2013; Rahmah 2008).

Interfaced Problems

Responding to these opportunities and pressures, courts of law are embracing e-networking technology at various levels to provide faster, reliable and consistent service to the society. While the courts of law embrace e-networking technology, few problems arose such as:

- there are increased demands on government to provide information to citizen for awareness of e-networking technology.
- records in court system consists of various magnitudes in terms of significance, consequences, cruxes and substances. There are court proceedings, evidences, statutory declarations, precedents from old cases and even references to different and variuos sources of law.
- IT literacy among the public still exist thus not all information are accessible, available or retrievable.

This makes information management in general, and record retrieval in particular an intricate task.

Contextually Court Records Management

A research question was posed by Wan, M. S. W. S. & Haider, A. (2012), on how can e-networking technology allow for better management of court records in Malaysia. This is due on the fact that records management has technical, organizational, social and cultural dimensions. Therefore our knowledge of reality can only be gained through social constructions such as consciousness, shared meanings, documents, tools and other artifacts. Thus method of qualitative interpretive approach was suggested which do not predefined dependent and independent variables but focuses on the complexity of human sense plus common sense as the situation emerges. In this case, it is the way people manage the life cycle of records management in Syariah Courts is imperative. An interpretive task which provided a rich understanding of the contextually oriented court records management issues was crucial. Documents should be reviewed and workflows should be observed on how records are managed, inspected, stored, retrieved and retired in Syariah Courts.

Efficient Service Delivery

In court administration, the large quantity of records and lack of human resource gives the utmost challenge to the court officials to handle case management effectively (Hamzah 2010). Given such a situation, the need for effective records management system is mounting. There is also a pressing need for a clear definition of legal framework (Johare 2007). Moreover, the increase demands of the public need to be catered to. Any shortcomings resulted from the poor management in public service delivery may lead to the question of integrity of public sector, as well as the issue of survival, respect and vigor as a nation (Wan, M. S. W. S. & Haider, A. 2012).

E-Networking Technology

Syariah Courts are constitutionally state courts where the courts are created and regulated by each state laws and under the responsibility of the state authorities. Following this, various technology initiatives were introduced in Malaysia since early 2000 for reasons of:-

- a. maintaining the flow of information from government to citizen and from citizen to government. Under the Multimedia Super Corridor (MSC) flagship, e-Syariah became one of the pilot project.
- b. creating a one-stop center where the Syariah Judiciary Department of Malaysia is responsible for all affairs relating to syariah law enforcement.
- c. integrating records with other departments such as the police, immigration, customs, home ministry and other related departments in identifying potential hazards.

- d. allowing access for Syariah Courts in all states to avoid posing different interpretation or different sources of syariah law (Wan, M. S. W. S. & Haider, A., 2012).
- e. standardizing and stabilizing the work processes and procedures in all Syariah Courts.

Further, an electronic network and communication between all Syariah Courts was established nationwide using the electronic government network called EG*Net (e-Syariah Implementation Synopsis, 2005). Wan, M. S. W. S. & Haider, A. (2012) stated that the technologies purported in Syariah Courts consist of five modules as follows:

- 1) Syariah Court Case Management System, which is an integrated case management system developed fully to accommodate the needs of syariah case management in all Syariah Courts covering states and district. Case Management System (CMS) is a system that allows cases be managed electronically, without physical files. For cases that need for a full trial, the preparation for the trial date, including the submission of relevant documents needs to be made through this application. Some other cases that need not to be heard before judges are managed by the Deputy Director using this system and decisions made are recorded immediately in the presence of lawyer of both parties (plaintiff and defendant). Some of the most important measures of CMS have been the tightening up, through the issuance of court directives of timeframes for lawyers' provision of documents essential to decisions on both affidavit and full trial cases (Nurul Aiqa M. Z., Wan Satirah W. M. S. & Saiful Farik M. Y., 2017; Wan Satirah W.M.S. & Abrar H., 2013b).
- 2) Syariah Lawyers Management System, which is a system that provides facilities for the registration of new applications or renewal of practicing certificates for Syarie lawyers. It also serves in maintaining a database containing details of registered practicing Syarie lawyers to facilitate coordination by the authorities for better monitoring.
- 3) Office Automation, which is a system that provides facilities such as word processing, spreadsheets and graphic presentations to improve productivity in the office operations of the Syariah Courts. Judges, registrars, and staff are provided with internet and email facility. Schedules for case hearing can be sent to all syariah judges through email.
- 4) Library Management System, a web-based library management system that allows users to conduct electronic searches, borrowing and returning of books and other materials. The catalog of library materials available at the Syariah Judiciary Department of Malaysia Library and the State Syariah Libraries is accessible for bookings and loans to judges and registrars. Case Files, where cases are provided with a unique case classification number

according to the Practice Direction No 1 Year 2000. However, hard copies with paper documents are also being used for legal purposes. It is the legal requirement that hard copy records being maintained for legal reasons, since official seal need to appear on all papers. For example, documents to be officially sealed on paper and manually signed. At the moment, the relevant laws are being reviewed so as to implement electronic seals. In addition, the laws relating to risk of manipulation of electronic records are also being examined by States and Federal government committees. In the meantime, the courts would use electronic records.

- 5) E-Syariah Portal, a portal serves as an information gateway to provide the public and staff of the Syariah Courts with the latest news on court procedures and regulations. Serves as one-stop center for the public to post enquiries online to the courts about Islamic law and its administration (Department of Syariah Judiciary Malaysia, 2006).

The implementation of e-Syariah Portal has opened up new avenue to reform government operations in adopting a customer-focused approach via online service. E-networking technology could provide paths to consolidate legal interpretations as further nourishment to aid the current hitch.

Table 6.1
Dimensions of pre and post E-syariah implementation

No	Dimensions	Pre-implementation	Post-implementation
1	Settlement of case	Less efficient as it took lengthy time to settle a case	65% of cases are settled less than a year
2.	Coordination of time	No time coordination.	Registration of a new case takes approximately 2 minutes
3.	Overlapping of case	Cases of overlapping could not be easily traced	Automatic traced cases of overlapping
4.	Delayed case	No reminder about case delayed	Automatic reminder of case delayed
5.	Case backlog	Difficulty in managing, verifying and checking the case status manually.	No more backlog of cases
6.	Process	Different work process among states caused difficulty	standardize court procedures and work processes
7.	Integration with agencies	None	System is integrated
8.	One-stop centre	different departments dealing with a court case	One-stop centre
9.	Retrieval of old records	Customers had to contact the registrar or store keeper to retrieve records	Records are available

Source: Wan, M. S. W. S. & Haider, A. (2012)

Today the e-networking technology is essential in saving time, manpower and cost, and in implementing cases, administrative management and strategies within the judicial services. The legal office environment has embraced e-networking technology not just to save costs and time but also to give firms a competitive edge and ensuring security as well. The need for e-networking technology will thus involve a discussion of the current problems plaguing the judicial system in Malaysia and a consideration of current judicial practices and trends elsewhere in the world. Jashpal Kaur Bhatt (2005) posited that as Malaysia has inherited the common law system of the British, it will come as no surprise to find that we are facing similar issues and problems in the context of our own judicial system.

CONCLUSION

The integration between e-networking technology and the court of law systems has brought forward a significant impact to the nation as a whole since court records preserve the memory of a nation's civilization in judicial matters. It is a material change in the administration of justice. Court proceedings, evidence, and court records (statutory declarations or affidavits) should be managed properly because they are precedents from decided cases and essential references to the sources of law. For years, both Civil and Syariah Courts stood side by side complementing each other in the best interest of the parties amidst few conflicting decisions in resolving cases. Case settlement suffered hindrance due to legal technicalities and legal jurisdictions in the Syariah Courts. Hence, e-networking technology was inculcated as administrative reforms in upgrading the quality of services of Syariah Courts in all states with special focus in reducing backlog of cases by improving and standardizing record management system in the syariah justice system.

REFERENCES

- Ahmad Mohamed Ibrahim. (1989). The Amendment of Art 121 of the Federal Constitution: Its Effect on the Administration of Islamic Law. *Malayan Law Journal*. Kuala Lumpur. 2 MLJ xvii.
- Ahmad Rafieuddin. (2008). *Islamic school of thoughts*. 12th ed. McGraw Hill, England.
- Case of Ganga Devi a/p Chelliah v Santanam Damodaram [2000] 2 AMR 1485.
- Case of Latifah Bte Mat Zin v Rosmawati Binti Sharibun [Civil Appeal No 02-39-2006(W)].
- Case of Shamala Sathiyaseelan v Dr Jeyaganesh C Mogarajah & Anor [2004] 2 CLJ 416.
- Country Research Section of the Refugee Review Tribunal (RRT). (2005). Australia RRT Research Response Number: MYS17446. *UNHCR REF WORLD UNHCR*.
- Department of Syariah Judiciary of Malaysia.(2017). *Introduction of E-Syariah – JKSM*.
- www.jksm.gov.my/index...syariah.../329-introduction-of-e-syariah. Accessed 30 December 2018.

- E-Syariah Implementation Synopsis. (2005). *Syariah Judiciary Department of Malaysia*.
 Percetakan Nasional Malaysia Berhad, Kuala Lumpur.
- Federal Constitution in 1957. The Commissioner of Law Revision, Malaysia.
- Federal Constitution in 1957. (Amendment 1988). Act A704. The Commissioner of Law Revision, Malaysia.
- Hamzah, H. (2010) Personal interview, Chief Registrar's office, Federal Court of Malaysia. In Wan, M. S. W. S. & Haider, A. (2012). *Courtroom technology: a case study of Shariah court in Malaysia*. International Conference on Information Resources. Management (CONF-IRM) Association for Information Systems (AIS) Electronic Library (AISEL.) CONF-IRM 2012 Proceedings.
- Ibrahim Ihsan Samad. (2008). *The four schools of Islam*, 5th ed. Islamic Publications Ltd, Lahore, Pakistan.
- Jashpal Kaur Bhatt. (2005). Role of information technology in the Malaysian judicial system: issues and current trends. *Journal of International Review of Law, Computers & Technology*. Vol. 19. Issue 2: Development of information and technology law in Asia.
- Johare, R. (2007). A global search for universal models of education and training in electronic records management. *Malaysian Journal of Library & Information Science*, 1(12), 1-22.
- Joseph, A. L. R. (2007). *Jurisdictional conflict between Islamic law and Civil laws in Malaysia*. A Review of the Judgment of the Federal Court in *Latifah Bte Mat Zin v Rosmawati Binti Sharibun*.
- Mahamassani, S. (2000). *The philosophy of Jurisprudence in Islam*. The Open Press, Kuala Lumpur.
- Malaysian Bar. (2007). Jurisdictional conflict between Islamic law and Civil laws in Malaysia. www.malaysianbar.org.my Accessed 30 December 2018.
- Ngo, F. Y. (undated). *Malaysia's Family Law: Custody and Religion*. <http://www.lawasia.asn.au/uploads/images/FLMalaysia.pdf>. Accessed 1 January 2018.
- Nurul Aiqa M. Z., Wan Satirah W. M. S. & Saiful Farik M. Y. (2017). Managing electronic records in Malaysian Civil Courts: A review of literature. *International Journal of Academic Research in Business and Social Sciences*. Vol. 7, No. 8 ISSN: 2222-6990.
- Queensland Parliament. (2015). The role of the Judiciary. *Archives and Manuscripts*. 39(2), 66-94.
- Reamer, F. G. (2017). Evolving ethical standards in the digital age. *Journal of Australian Social Work*. Vol. 70. Issue 2: Special issue: e-professionalism and the ethical use of technology in social work.
- Syariah Judiciary Department of Malaysia (2006), Practive Direction No 13 Year 2006.
- Teoh, L. (2003). *Understanding Islamic Jurisprudence*. Council of Churches of Malaysia. <http://www.ccmalaysia.org/news/news%20200312c.htm>. Accessed 1 January 2019.

- Vejerano, M. S. N. (2010) *The four schools of thought in Islam. Principles of Islamic Jurisprudence*. Universiti Brunei Darussalam.
<https://www.scribd.com/document/79732525/4-Schools-of-Thought-in-Islam>. Accessed 1 January 2019.
- Wan Satirah W.M.S. & Abrar H. (2013)a. E-Shariah in Malaysia: technology adoption with injustice system. *Transforming Government: People, Process and Policy*. Vol. 7. No 2. pp. 256 – 276.
- Wan Satirah W.M.S. & Abrar H. (2013)b. E-Shariah: information and communication technologies for Shariah Court management. *Legal Information Management*. 13(2), 94–106.
- Wan Satirah W.M.S. & Abrar H. (2012)a. Information and communication technology workforce employability in Malaysia. *Campus-Wide Information Systems*. Vol. 29 Iss 2 pp. 80-89.
- Wan Satirah W.M.S. & Abrar H. (2012)b. *Courtroom technology: a case study of Shariah court in Malaysia*. International Conference on Information Resources Management (CONF-IRM) Association for Information Systems AIS Electronic Library (AISeL.) CONF-IRM 2012 Proceedings.
- Wan Satirah W.M.S. & Abrar H. (2011)a. E-procurement implementation: a case of Malaysia government. *Transforming Government: People, Process and Policy*. Vol. 5 Iss 4 pp. 330-344.
- Wan Satirah W.M.S. & Abrar H. (2011)b. The implementation of electronic records management system: a case study in Malaysian judiciary. Paper no. 170. AMCIS 2011 Proceedings, Association of information System, USA.
http://aisel.aisnet.org/amcis2011_submissions/170. Accessed 30 December 2018
- Wan Satirah W.M.S. & Abrar H. (2009). Electronic records management in the Malaysian public sector: the existence of policy. *Records Management Journal*. Vol. 19 Iss 3 pp. 231-244.
- Zin, N. M (2005). *How best interests of the child is best served in Islamic law with special reference to its application in the Malaysian Shariah court*.
<http://www.lawrights.asn.au/docs/zin2005.pdf>. Accessed 30 December 2018.