

OPENING OF THE LEGAL YEAR 2026

- . The Right Honourable the Chief Justice of Malaysia
- . The Right Honourable the President of the Court of Appeal of Malaysia
- . The Right Honourable the Chief Judge of Sabah and Sarawak
- . The Right Honourable the Chief Judge of Malaya
- . The Honourable Attorney General of Malaysia
- . The Honourable Deputy Minister in the Prime Minister's Department (Law and Institutional Reforms)
- . Honourable Judges of the Superior Courts and Judicial Commissioners;
- . The Honourable State Attorney General of Sabah
- . The Honourable State Attorney General of Sarawak
- . The Honourable President of the Sabah Law Society
- . The Honourable President of the Advocates' Association of Sarawak
- . The Honourable President of the Malaysian Bar
- . Distinguished Guests;
- . Ladies and Gentlemen.

I. Purpose — Reflection Over Ritual

What matters most in the Opening of the Legal Year is not the parade, but the

reflection and accountability that must follow.

Ritual has its place. But ritual without reflection becomes habit. And habit without accountability becomes inertia. The Opening of the Legal Year is not performance; it is a moment for the legal profession to pause, to assess what has endured, what has failed, and what must now change.

Meaningful work is rarely easy. But what endures is not what is inherited unquestioned or followed blindly. What endures is what proves useful, disciplined, and fit for purpose.

That is the spirit in which the Sabah Law Society approaches this Legal Year — not theatrically, but institutionally.

II. Institutional Standing — Cooperation Without Consolidation

Sabah's participation in professional and institutional structures reflects cooperation, not consolidation.

We engage as equals because we are equals.

The Sabah Law Society is a statutory body established by federal statute — not a regional appendage defined by perception. Our contribution to the legal profession in this country is not aspirational; it is established. And respect follows fact, not permission.

Recent amendments to Legal Profession Act, including reforms recognising Sabah and Sarawak representation on the Legal Profession Qualifying Board;

did not create this reality. They acknowledged — belatedly — an institutional truth that had long existed, even when it was not openly recognised.

Brotherhood, as Malcolm X reminded us, is a principle — not a plea.

It is extended in good faith, without surrender of dignity.

This has always defined the Sabah Law Society's engagement with the Malaysian Bar, the Advocates Association of Sarawak, and the international legal fraternity.

Our standing is also reflected externally. In 2027, Sabah will host the ASEAN Bar Leaders Summit — not as a courtesy venue, but as a regional legal actor trusted to convene, contribute, and lead.

When cooperation no longer suffices, what anchors all the work that is still standing?

The answer lies not in personality — but in constitutional memory.

III. Constitutional Memory and Accountability

In October 2025, a decision of the High Court in Sabah did more than resolve a legal question.

That decision reaffirmed a foundational principle of our constitutional order — that the courts in this country are independent, and that they are guided by law.

The issues before the Court were determined on legal principle, not political convenience, and without regard to sentiment or pressure.

Recent constitutional litigation concerning Sabah's rights under the Federal Constitution, including provisions relating to financial arrangements and federal–state obligations, has reminded us of a basic truth: when constitutional duties are neglected for decades, the courts retain both the authority and the responsibility to give effect to the Constitution — because the Constitution is not optional.

History, as Malcolm X said, is a people's memory.

And rights that are not remembered become rights that are not respected.

Rights that are not respected, in time, are treated as if they never existed.

The Sabah Law Society takes the position that constitutional arrangements are not historical footnotes. They are living obligations that continue to shape governance, accountability, and justice in this Federation.

Accordingly, the Sabah Law Society will continue to advance, defend, and explain what is due to Sabah under the Federal Constitution — not as a matter of politics, but as a matter of law.

We will take a more proactive role in educating Sabahans about the constitutional arrangements that shaped this Federation, because these are

not abstract provisions. They are part of Sabah's legal history, and part of its present legal reality.

This work is carried out through our law reform committees, research initiatives, and constitutional advocacy task forces — not as commentary, but as institutional duty.

IV. Law Reform — From Announcement to Activation

Many speeches and reports have spoken of the urgent need to revise outdated laws — including the Land (Subsidiary Title) Enactment 1972 and the Town and Country Planning Ordinance.

Yet year after year, the refrain remains the same: studied by one committee, reviewed by another.

There is no such thing as a perfect law. But delay, in the name of perfection, carries its own cost.

Law reform is not measured solely by what we announce. It is measured by what we activate — including implementation that allows citizens meaningful access to quasi-judicial functions, and above all, fair and just treatment throughout the process.

There are low-lying fruits ripe for immediate implementation.

One such fruit is the Appeal Board under section 28L of the Town and Country Planning Ordinance, statutorily constituted decades ago and awaiting only appointment. In a state experiencing sustained land development, institutional checks and balances are not optional.

Another is the designation of digitally-ready departments or written laws under section 6 of the Electronic Government Activities Enactment 2014, enabling lawful electronic transactions, recognised electronic signatures, and accessible digital processes. Lawyers have adapted. Courts have adapted. It is time the wider system followed.

And when reform is delayed or left incomplete, the cost is not abstract.

It is carried by people.

V. Environmental Governance and the Silver Economy — Law at the Point of Vulnerability

Sabah has not waited for federal law to set the pace.

In July 2025, the State Legislative Assembly passed the Climate Change and Carbon Governance Enactment 2025, affirming that carbon rights within the

State belong to Sabah. The law establishes the Sabah Climate Action Council, a state-level climate registry and fund, and embeds safeguards to ensure indigenous consultation and community benefit-sharing.

These are examples of law reform not merely discussed in principle, but written, enacted, and awaiting disciplined implementation.

At the same time, Sabah is entering a demographic phase where a single cohort carries overlapping responsibility — economic, familial, and legal.

Many continue working — expanding sideways rather than upward — sustaining ageing parents, managing succession, absorbing care responsibilities, while remaining economically active themselves.

As a result, this same cohort becomes the financial, legal, and emotional engine of the silver economy.

The Labour Ordinance of Sabah (Amendment) Act 2025 may not use the term “silver economy,” but it squarely serves its purpose.

By enabling flexible working arrangements, extending statutory protection to all employees regardless of salary, and recognising that medical interruptions should not end working lives, the law acknowledges a simple reality: many Sabahans will work longer, not by choice, but by necessity.

Labour law reform, in this sense, is not adjacent to the silver economy — it is foundational to it.

And when so much responsibility converges at once — economic, familial, and

legal — the integrity of the profession is no longer abstract. It becomes the line that holds everything together.

VI. Professional Integrity — Standards and Self-Governance

When the law meets people at their most vulnerable, the measure of justice is no longer theory or policy — it is professional conduct.

Professional integrity is not static. It evolves with the demands placed upon it.

While professional publicity rules have been updated under the Legal Profession Act for Peninsular Malaysia, Sabah's position remains clear. The Sabah Law Society regulates its members under the Advocates Ordinance. In that capacity, we are reviewing our own rules to ensure that professional conduct, dignity, and public trust remain aligned with contemporary realities.

Strong professions do not wait to be told how to govern themselves.

Closing — Memory, Structure, Continuity

I end with a reminder that I always return to, 59:18:

“Let every soul consider what it has sent on for tomorrow.”

For institutions, tomorrow is not rhetoric.

It is structure.

It is memory.

It is continuity.

The Sabah Law Society will continue to stand — not loudly, but deliberately;
not theatrically, but institutionally.

We extend the same faith to our Courts — that our Courts continue to stand
above momentary turbulence, guided by law, and not by sentiment or
convenience.

Because institutions that matter do not chase applause.

They build systems.

And they are remembered.

Happy New Year, Yang Amat Arif.

Much Obligated

Mohamed Nazim Maduarin

President, Sabah Law Society