

## **Glossary of commonly-used terms in criminal proceedings**

Daftar kata perkataan/frasa yang sering digunakan dalam procedur jenayah

**This is a glossary of commonly-used terms in criminal proceedings with Malay translation. Translations in other languages are in the works.**

**We are constantly working to improve the glossary. Please contact us at [agc@agc.gov.sg](mailto:agc@agc.gov.sg) if you have any feedback on how the glossary can be enhanced.**

**The translated terms in this glossary are intended for general understanding of the commonly used terms in criminal proceedings.**

Ini adalah daftar kata istilah-istilah yang sering digunakan dalam prosedur kes-kes jenayah dengan penterjemahan dalam bahasa Melayu. Penterjemahan dalam bahasa lain sedang diusahakan. Kami sentiasa berusaha untuk memperbaiki daftar kata ini. Sila hubungi kami di alamat [agc@agc.gov.sg](mailto:agc@agc.gov.sg) sekiranya anda mempunyai sebarang maklum balas untuk mempertingkatkan daftar kata ini.

Penterjemahan dalam daftar kata ini adalah untuk pemahaman umum tentang istilah-istilah yang sering digunakan dalam prosedur kes-kes jenayah.

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### 1. **Accused person = Yang tertuduh.**

**A person who has been charged in court with an offence or who has been informed by a law enforcement agency that he may be prosecuted for an offence.**

Seseorang yang telah didakwa di mahkamah atas sesuatu kesalahan atau yang telah diberi kenyataan oleh pihak berkuasa yang dia akan didakwa atas sesuatu kesalahan.

### 2. **Adjournment = Penangguhan**

**An adjournment is the postponement of any court proceeding at the court's direction. An adjournment can be granted for a variety of valid reasons, such as medical inability to be in court, the need for the police to complete investigations or defence counsel needing time to take instructions from an accused person.**

Sesuatu penangguhan dijalankan apabila sesuatu kes itu terpaksa ditangguhkan atas perintah mahkamah. Sesuatu penangguhan boleh diberikan atas banyak sebab, misalannya tidak upaya kerana masalah kesihatan, pihak polis memerlukan masa untuk melakukan penyiasatan atau kerana pihak peguam pembela memerlukan lebih masa atas nasihat dari yang didakwa.

### 3. **Affidavit = Afidavit**

**An affidavit is a written statement of fact, made under an oath or by a solemn promise known as an affirmation, before a person having power to administer the oath or affirmation (e.g. a Commissioner for Oaths).**

Satu pengakuan bersumpah atau pengakuan perjanjian mutlak, yang bertulis, yang dilakukan dihadapan seseorang yang mempunyai kuasa melakukan angkat sumpah atau perjanjian mutlak itu. (eg. A Commissioner for Oaths)

### 4. **Ancillary Hearing = Pendengaran Kes Sampingan**

**An ancillary hearing (also known as a voir dire) is often referred to as a trial-within-a-trial because it takes place during the course of a trial. This type of hearing is commonly used to determine whether an incriminating statement made by an accused person was made voluntarily; if so, the statement will become evidence in the trial and can be considered by the court in deciding whether an accused person is guilty.**

Juga dikenali sebagai bicara dalam bicara. Dilakukan apabila kenyataan yang diberi tertuduh dilakukan tidak secara paksa. Kalau ia dilakukan secara tidak

paksa, ia boleh diterima sebagai bukti sewaktu perbicaraan dan boleh diterima mahkamah sebagai kenyataan untuk menjatuhkan hukuman terhadap tertuduh.

## 5. Appeal = Rayuan

**An appeal is a type of legal proceeding before the High Court or Court of Appeal whereby the Prosecution or the Defence (or sometimes both) seeks to alter a decision made by a trial court or a court before which an accused person has pleaded guilty (e.g. to reverse a conviction or to have a sentence reduced or enhanced, as the case may be). Appeals from cases that are heard in the Subordinate Courts go before the High Court. Appeals from cases that are heard in the High Court go before the Court of Appeal.**

Sesuatu rayuan adalah tindakan undang-undang dari Mahkamah Tinggi atau Mahkamah Rayuan di mana pendakwa raya atau peguam bela (atau kadangkala kedua-dua sekali) ingin mengubah keputusan yang dibuat oleh mahkamah perbicaraan atau mahkamah di mana yang tertuduh telah mengaku bersalah (umpamanya untuk mengubah tuduhan atau mengurangkan hukuman atau sebaliknya). Rayuan kes dari Mahkamah Rendah akan dijalankan di Mahkamah Tinggi. Rayuan kes dari Mahkamah Tinggi akan dijalankan di Mahkamah Rayuan.

## 6. Appellant = Pembuat Rayuan

**The appellant is the party that initiates an appeal.**

Pembuat Rayuan adalah pihak yang meminta rayuan dibuat.

## 7. Assistant Public Prosecutor = Penolong Pendakwa Raya

**An APP is a person appointed by the Public Prosecutor to carry out certain duties of the Public Prosecutor. APPs can conduct trials before the Subordinate Courts and the High Court.**

Seorang APP adalah seseorang yang dilantik oleh Pendakwa Raya untuk menjalankan tugas tertentu yang dilakukan Pendakwa Raya. APPs boleh menjalankan pembicaraan di Mahkamah Rendah atau Mahkamah Tinggi.

## 8. Backdating = Tarikh balik

**Backdating refers to an order made by a sentencing judge for a sentence of imprisonment to begin from a date earlier than the date on which the sentence is pronounced. It is common for sentences of imprisonment to be backdated to the date when an accused person was**

**first remanded, unless that accused person has been released on bail thereafter.**

Tarikh balik dilakukan atas perintah hakim untuk memulakan tarikh pemenjaraan lebih awal dari tarikh keputusan pembicaraan tamat. Ini adalah biasa untuk tarikh balik apabila tertuduh mula di dalam penjara melainkan dia telah dibebaskan atas ikat jamin.

## **9. Bail = Jaminan**

**Bail is a form of security (by cash or by pledge of personal property) furnished by one or more sureties to ensure the attendance of an accused person for investigations or attendance in court. The amount of bail offered in each case is fixed by the police or the court, as the case may be, and depends on factors such as the seriousness of the offence in question. Once the bail has been furnished, the accused person may be released; the accused person's failure to subsequently attend when required to do so may result in forfeiture of the bail.**

Jaminan adalah sesuatu sekuriti (tunai atau harta peribadi) yang dijanjikan oleh penjamin untuk memastikan yang tertuduh akan hadir untuk siasatan atau di sesi mahkamah. Jumlah jaminan telah ditetapkan oleh pihak polis atau mahkamah dan tertakluk pada jenis jenayah yang dilakukan. Apabila, jaminan telah dibuat, tertuduh boleh dibebaskan; tertuduh yang gagal hadir apabila diwajibkan akan hilang jaminan itu.

## **10. Bailable offence = Kesalahan yang boleh diikat jamin**

**A bailable offence is an offence for which bail must be offered by the court or the police as of right. Whether an offence is a bailable offence can be determined by referring to the 5th Column of the First Schedule to the Criminal Procedure Code.**

Kesalahan yang boleh diikat jamin mesti memberikan jaminan kepada mahkamah atau polis. Untuk mengetahui bahawa kesalahan itu boleh diberikan ikat jaminan, sila periksa 5th Column of the First Schedule to the Criminal Procedure Code.

## **11. Burden of proof = Bukti bebanan**

**This refers to a legal duty placed on parties in a criminal trial to prove particular facts. For instance, the prosecution bears the burden of proving each element of an offence that an accused person is charged with and that an accused person is guilty (i.e. an accused person does not have to prove he is innocent), while an accused person bears the**

**burden of proving the existence of legal defences (such as the defence of intoxication).**

Ini adalah tugas dimana pendakwa raya mesti mengemukakan bukti yang tertuduh itu bersalah. (Yang tertuduh tidak wajib mengemukakan bukti yang dia tidak bersalah)

## **12. Caning = Sebat**

**Caning is a form of punishment which can be imposed for particular offences such as serious sexual offences, offences involving the use of violence, drug trafficking, harassment of persons who borrow from unlicensed moneylenders and vandalism. Males above the age of 50 and females are excused under the law from being caned. Accused persons who are sentenced to caning undergo a medical examination to determine their fitness for caning. If caning cannot be imposed whether on medical grounds or otherwise, a court may imposed imprisonment in lieu of caning.**

Hukuman sebat dilakukan atas kesalahan berat seperti kesalahan seksual, keganasan, pengedar dadah, pinjaman tailong. Lelaki lebih 50 tahun dan wanita tidak akan disebat. Tertuduh harus diistikharkan sihat oleh doktor sebelum disebat. Pesalah boleh dikenakan penjara jika disahkan tidak sihat oleh doktor.

## **13. Charge = Sabit**

**A charge is a formal legal document which sets out the particulars of an accused person and the details of the offence which he has been accused of committing (e.g. the time, place and manner in which the offence was allegedly committed). When an accused person is charged in court, the charge is read out to him and he is then asked by the court how he wishes to plead to the charge. Each offence that an accused person is accused of committing has to be set out in a separate charge.**

Kesabitan adalah dimana tertuduh diberi penjelasan atas sebab-sebab kenapa dia disabit kesalahan itu. Apabila seseorang disabit bersalah, dia akan ditanya mahkamah untuk menerima/menolak kesalahan tersebut. Setiap kesalahan harus disabit berasingan.

## **14. Contempt of Court = Menghina Mahkamah**

**Contempt of court refers to a range of conduct that tends to undermine the administration of justice by the courts. There are two broad categories of conduct that constitutes contempt of court: disobedience of orders of court and interference with the administration of justice.**



**The latter type of contempt includes doing acts that have a real risk of prejudicing the administration of justice (scandalising the court) or prejudicing the fair conduct of a trial (sub judice contempt).**

Menghina mahkamah atau tidak mengikut arahan dan peraturan mahkamah.

#### **15. Conviction = Sabit bersalah**

**A conviction is a formal declaration by a court that an accused person is guilty of an offence.**

Apabila disabit bersalah , itu bermakna tertuduh didapati bersalah.

#### **16. Corrective training = Pembelajaran pemulihan**

**Corrective training is a type of custodial sentence that involves training of a corrective character for a substantial period of time. It is an alternative to imprisonment and is imposed on convicted accused persons who are aged at least 18. Before corrective training is imposed, a court must be satisfied that it can assist in the accused persons' reformation and the prevention of crime. The minimum term for corrective training is 5 years and the maximum term is 14 years. Unlike imprisonment, there is no remission for corrective training.**

Pembelajaran pemulihan diberikan kerana penjara didapati tidak sesuai boleh tertuduh. Sebelum melalui pemulihan, mahkamah harus menetapkan bahawa ia sesuai buat tertuduh untuk mengubah sikap beliau dan membendung beliau dari melakukan kesalahan yang sama. Paling singkat adalah 5 tahun dan paling lama adalah 14 tahun.

#### **17. Coroner's Inquiry= Maklumat dari doktor bedah siasat**

**A Coroner's Inquiry is a fact-finding court proceeding conducted by a Coroner, who is a judicial officer, into the cause of and circumstances connected with a death. In carrying out his role, the Coroner may direct police officers as well as a forensic pathologist in carrying out investigations into the cause of and circumstances connected with the death. The detailed provisions governing the purpose and jurisdiction of the coroner, as well as the procedure of the inquiry, can be found in the Coroners Act.**

Maklumat dari doktor bedah dapat mengishtiharkan tentang punca kematian. Maklumat boleh didapati menerusi kerjasama polis.

## **18. Criminal Case Disclosure = Kongsian Kes Jenayah**

**Criminal case disclosure refers to the legal obligations of the Prosecution and the Defence to exchange certain types of information about their respective cases before trial. Criminal case disclosure applies to trials of most types of offences in the District Court and for all trials in the High Court. The detailed legal provisions governing criminal case disclosure can be found in Parts IX and X of the Criminal Procedure Code.**

Beerti kedua-dua pihak, pendakwa raya dan pembela harus mengongsi maklumat dalam perbicaraan. Hal lebih lanjut boleh didapati di bahagian IX and X of the Criminal Procedure Code.

## **19. Criminal Motion =Pendengaran Kes Jenayah**

**This is a type of proceeding before the High Court or the Court of Appeal where applications for particular types of court orders in criminal proceedings are heard. Examples of such applications include an application to the High Court to vary the terms of bail offered by a Subordinate Court, an application to the High Court to introduce fresh evidence at the hearing of an appeal, and an application for permission to refer questions of law of public interest to the Court of Appeal.**

Ini dilakukan di Mahkamah Tinggi atau Mahkamah Rayuan di mana perbicaraan akan didengar. Umpamanya mendaftar di Mahkamah Tinggi tentang ikat jamin yang ditetapkan di Mahkamah Rendah, kes melihat bukti baru di dalam kes rayuan dan keizinan supaya sebarang soalan mengenai hukum hak umum kepada Mahkamah Rayuan.

## **20. Criminal Reference = Rujukan mengenai Jenayah**

**This is a type of proceeding before the Court of Appeal in which questions of law of public interest are determined. Such questions may arise out of decisions made by the High Court in appeal cases or criminal revisions, and can be referred by any party to those proceedings. However, if a party other than the Public Prosecutor wants to refer such questions, permission from the Court of Appeal is required.**

Dilakukan di Mahkamah Rayuan di mana soalan undang-undang yang harus diketahui rakyat umum dirujuk. Ini mungkin dari keputusan Mahkamah Tinggi dalam kes rayuan dan boleh dirujuk maklumat tersebut oleh mana-mana pihak. Namun, jika digunakan selain oleh pihak pendakwa raya, keizinan dari Mahkamah Rayuan harus diminta terlebih dahulu.

## **21. Criminal Revision = Ulang kaji mengenai Jenayah**

**This is a type of proceeding before the High Court where the High Court reviews the record of proceedings before a Subordinate Court to correct any irregularity in the decision of that court (e.g. if a Subordinate Court orders a person to pay a fine in excess of what is provided for by law).**

Ini dilakukan di Mahkamah Tinggi oleh Mahkamah Tinggi supaya rekod mengenai sesuatu kes yang dibuat oleh Mahkamah Rendah boleh diperiksa kesahihan keputusan yang dibuat (Misalannya jika Mahkamah Rendah memaksa seseorang membayar saman melebihi had undang-undang yang telah ditetapkan)

## **22. Cross-examination = Serang kenyataan dari peguam pihak lawan.**

**Cross-examination is the examination of a witness during a trial by the opposing party and takes place immediately after the examination-in-chief of the witness has been completed. The purpose of the cross-examination is to elicit favourable facts from the witness, or to test the veracity of facts brought up by the witness during his examination-in-chief. The detailed legal provisions governing cross-examination can be found in Part III of the Evidence Act.**

Ini dilakukan untuk saksi dari pihak lawan setelah saksi dari ketua pemeriksa tamat dijalankan. Ia dilakukan untuk mendapat sesuatu maklumat yang jitu dari saksi atau untuk mengkaji kesahihan bukti yang diberikan saksi. Untuk keterangan lanjut sila baca Part III of the Evidence Act.

## **23. Day Reporting Order**

**The DRO is a type of community sentence which can be imposed by a court in particular cases in lieu of any sentence of imprisonment, caning and fine. A DRO requires an offender to report to a day reporting centre for purposes of counselling and rehabilitation.**

DRO adalah hukuman yang dijatuhkan mahkamah supaya dia tidak perlu dipenjarakan, disebat atau disaman. DRO mewajibkan tertutudh untuk pergi ke pusat rasmi supaya dia boleh diberikan kounseling dan pemulihan.

## **24. Default sentence = Pemenjaraan automatik.**

**A default sentence is a period of imprisonment that has to be served by an accused person who is ordered to pay a fine but is unable to do so. If an accused person is only able to pay part of a fine, the period of the default sentence that has to be served is reduced proportionately.**

Pemenjaraan ini dilakukan apabila tertuduh gagal membayar saman. Jika saman dibayar separuh, tempoh pemenjaraan juga akan dikurangkan.

## **25. Defence counsel = Peguam Bela**

**A defence counsel is a lawyer representing an accused person in criminal proceedings.**

Peguam bela adalah peguam bagi tertuduh.

## **26. Deputy Public Prosecutor = Naib Pendakwa Raya**

**A DPP is a person appointed by the Public Prosecutor to carry out certain duties of the Public Prosecutor. Apart from conducting trials before the Subordinate Courts and the High Court, as well as appeal and other proceedings before the High Court and Court of Appeal, a DPP can also perform other duties of the Public Prosecutor (such as giving consent for the prosecution of certain offences) if authorised to do so by the Public Prosecutor.**

DPP adalah seseorang yang dilantik Pendakwa Raya untuk melakukan tugas tertentu. Selain dilantik untuk perbicaraan di setiap mahkamah, dia juga boleh melakukan tugas Pendakwa Raya (seperti memberi izin untuk menjatuhkan hukuman) .

## **27. Examination-in-chief = Ketua Pemeriksa**

**The examination of a witness during a trial by the party who calls the witness is called the examination-in-chief. The purpose of the examination-in-chief is to, by way of questions posed to the witness, draw out facts that will prove either the prosecution's case, or the Defence, as the case may be. The detailed legal provisions governing the examination-in-chief can be found in Part III of the Evidence Act.**

Seseorang yang menyoal saksi sewaktu perbicaraan supaya saksi dapat menolong pihak pendakwa raya. Untuk keterangan lebih lanjut sila rujuk Part III of the Evidence Act.

## **28. Fine = Saman**

**A fine is a monetary penalty imposed by a court on a convicted accused person. A court imposing a fine may also order that the fine be paid in instalments. An accused person who is unable to pay a fine will have to serve a default sentence of imprisonment.**

Saman adalah di mana tertuduh dikehendaki membayar sejumlah bayaran

wang. Mahkamah boleh menyuruh tertuduh membayar saman secara ansuran. Sesiapa yang gagal membayar saman boleh dipenjarakan secara automatik.

### **29. Gag order = Perintah Bisu**

**A “gag order” refers to an order made by a court hearing a criminal matter that has the effect of prohibiting the doing of any acts that are likely to lead to the identification of a witness in respect of whom the order is made (e.g. publication of the name, address or photograph of the witness). Such orders are commonly made in relation to alleged victims of sexual offences. Acting in contravention of such an order is an offence.**

Ini dilakukan mahkamah jika didapati kenyataan itu boleh memberi maklumat tentang saksi (nama, alamat atau gambar saksi). Perintah ini dilakukan selalunya dalam kes seksual. Sesiapa yang melanggar perintah dikira telah melakukan jenayah.

### **30. Hostile Witness = Saksi Liar**

**A hostile witness, also known as adverse witness, is a witness whose testimony during examination-in-chief is unfavourable to party calling that witness. A lawyer conducting the examination-in-chief of such a witness may apply to the court to declare the witness a hostile witness so as to be able to cross-examine that witness.**

Saksi Liar adalah di mana kenyataan saksi itu memberi maksud yang di tidak sehaluan dengan Ketua Pemeriksa. Jika peguam mendapati saksi yang dikemukakan itu saksi liar, dia boleh meminta mahkamah supaya membenarkan dia supaya menyerang kembali saksi tersebut.

### **31. Impeachment = Pembohongan**

**Impeachment is the process through which a lawyer attempts to cast doubt on the credibility of a witness and attempts to show the court that the witness should not be believed. One of the most common ways in which a lawyer seeks to impeach a witness is by showing the court that the witness has made former statements that are inconsistent with what the witness has said in court.**

Ini adalah proses di mana peguam menunjukkan kepada mahkamah bahawa saksi adalah seorang pembohong. Ia dilakukan diantaranya ialah dengan menunjukkan keterangan saksi yang diberikan dahulu bercanggah dengan apa yang dikatakan sekarang di mahkamah.

### **32. Imprisonment = Pemenjaraan**

**Imprisonment is a form of punishment which involves the deprivation of physical liberty. A convicted accused person sentenced to imprisonment is physically confined in a Prison for the duration of the sentence.**

Ini adalah hukuman di mana tertuduh masuk kedalam lokap.

### **33. In camera = Dalam kamera**

**A court hearing a criminal matter has power to order that any part of the proceedings be heard in camera instead of in open court, if the court is satisfied that it is expedient to do so (for instance, if the victim is testifying in the trial of an accused person for rape). When proceedings are heard in camera, members of the public are not allowed to be present.**

Mahkamah mengenai kes jenayah boleh mendengar keterangan saksi dalam kamera jika ada sebab-sebab yang munasabah (seperti keterangan seseorang yang telah dirogol). Jika ini berlaku, orang awam tidak dibenarkan lihat.

### **34. In Chambers = Dalam bilik hakim**

**Pre-trial proceedings or discussions between the parties and the court are conducted “in chambers”, which is to say, in the judge’s private chambers. Members of the public are not allowed to attend such proceedings (e.g. pre-trial conferences, criminal case disclosure conferences).**

Segala urusan mahkamah dilakukan dalam bilik hakim. Orang awam tidak dibenarkan mengikut urusan berikut.

### **35. Judge = Hakim**

**A judge is an official appointed by the President who has the authority and responsibility to preside over proceedings in court and make legal rulings. District Judges and Magistrates hear cases in the Subordinate Courts while Judges hear cases in the High Court and the Court of Appeal. A judge may preside over different types of criminal proceedings. For instance, during a trial, a judge sits as a neutral finder of fact to hear evidence produced by the Prosecution and the accused person or defence before making a finding as to whether an accused person is guilty; if an accused person is found guilty and convicted, the judge also decides upon the appropriate sentence to be imposed in accordance with the law.**

Seseorang yang dilantik Presiden untuk menjatuhkan hukuman. Hakim Daerah dan Hakim Biasa mendengar kes di Mahkamah Rendah. Hakim mendengar kes di Mahkamah Tinggi dan Mahkamah Rayuan. Hakim akan mendengar bicara dari kedua belah pihak sebelum membuat sebarang keputusan. Jika tertuduh didapati bersalah, hakim juga akan menjatuhkan hukuman yang tertentu terhadapnya.

### **36. Mandatory Treatment Order = Perintah Rawatan Wajib**

**A MTO is a type of community sentence which is targeted at convicted accused persons who have committed offences that are linked to their pre-existing psychiatric conditions. The option for imposing a MTO is not available in a number of instances, such as where the accused person has committed very serious offences. Typically, a convicted accused person who is sentenced to a MTO is required to undergo psychiatric treatment in lieu of imprisonment and/or fines. A MTO is capped at two years and the service of a MTO, being a community sentence, renders the record of conviction for the offence for which a MTO is imposed as spent, which means that the convicted accused person is deemed to have no record of that conviction.**

Ini dilakukan jikalau kesalahan tertuduh yang berikutnya ada sangkut paut dengan masalah mental yang dihadapinya dahulu. Tertuduh sebegitu haru melakukan ujian mental supaya tidak terus dipenjarakan.

### **37. Mitigation = Rayuan Khas**

**Mitigation is a legal submission made by an accused person or his defence counsel before sentencing, whereby mitigating factors, which are facts or circumstances or conditions that may warrant a more lenient punishment, are highlighted for the court's attention. Examples of mitigating factors include the previous good character of an accused person or the fact that he is a first-offender.**

Ini dilakukan oleh yang tertuduh atau peguam belanya supaya diringankan hukuman. Misalannya tertuduh adalah orang yang baik sebelum kejadian itu dan ini adalah tertuduh kesalahan yang pertama.

### **38. Non-bailable offence = Jenayah tanpa jaminan**

**A non-bailable offence is an offence for which the court or the police have the discretion as to whether to offer bail. Non-bailable offences are generally more serious than bailable offences. Whether an offence is a**

**non-bailable offence can be determined by referring to the 5th Column of the First Schedule to the Criminal Procedure Code.**

Ini adalah jenayah di mana pihak mahkamah atau polis ada kuasa supaya tertuduh diberi jaminan atau tidak. Kalau jenayah itu tiada jaminan, ia beerti jenayah yang serius. Sila rujuk 5th Column of the First Schedule to the Criminal Procedure Code untuk keterangan lanjut.

### **39. Open Court = Mahkamah Terbuka**

**Most criminal proceedings such as trials and appeals are held in “open court”, which means that members of the public can attend these proceedings.**

Ini bermakna orang awam boleh menyaksikan perbicaraan itu.

### **40. Plea of guilt = Mengaku Bersalah**

**A plea of guilt is a formal admission by an accused person in court that he has committed an offence for which he has been charged. When an accused person pleads guilty, he accepts the facts surrounding the commission of the offence set out in the statement of facts prepared by the Prosecution. An accused person who pleads guilty out of remorse may be entitled to a discount in the sentence that he would otherwise have received upon conviction.**

Tertuduh memberi kenyataan bahawa memang dia yang bersalah dan bersetuju tentang kenyataan Pendakwa Raya tentang jenayah yang telah dia lakukan itu. Tertuduh yang mengaku bersalah dan menunjukkan sesalan akan diberikan keringanan dari segi hukuman.

### **41. Pre-trial conference = Diskusi sebelum perbicaraan**

**A PTC is a type of pre-trial legal proceeding. During a PTC, which takes place in chambers before a judge, the court, the Prosecution and the Defence discuss administrative matters pertaining to the trial such as the number of hearing days required for trial, the number of witnesses to be called, or whether an accused person wishes to plead guilty or to claim trial. One or more PTCs may be fixed for a particular case, depending on the issues to be resolved before it is ready to proceed to trial or a plea of guilt.**

Ini dilakukan didepan hakim oleh pendakwa raya dan peguam bela tentang hal-hal bersangkutan dengan hari perbicaraan, saksi yang akan dipanggil, atau adakah tertuduh ingin mengaku bersalah atau sebaliknya. Kadangkala PTC boleh menjangkau lebih sehari.



#### **42. Preventive detention = Pencegahan demi keselamatan orang awam**

**Preventive detention is a type of custodial sentence that is an alternative to imprisonment and which is imposed on convicted accused persons who are aged at least 30 and whom the court considers, because of their habitual offending, to be a menace to society and therefore deserving of being incarcerated for an extended period for society's protection. The minimum term for preventive detention is 7 years and the maximum term is 20 years. Unlike imprisonment, there is no remission for preventive detention.**

Selain dipenjarakan secara biasa, untuk mencegah penjenayah yang kerap melakukan jenayah yang sama dan untuk keselamatan orang awam, dia boleh diberi hukuman ini. Seawalnya adalah 7 tahun dan paling lama 20 tahun. Beza diantara penjara secara biasa dan ini adalah, pemenjaraan cara ini tidak membolehkan penjenayah dibebaskan awal.

#### **43. Primary Legislation = Undang- undang Tunjang.**

**Primary legislation is law that is passed by Parliament. Acts of Parliament such as the Penal Code, as well as amendments to such Acts, begin life as a Bill, which has to be passed by a majority in Parliament. Thereafter, the President must assent to the Bill before it becomes law.**

Ini adalah undang-undang yang diluluskan Parlimen. Akta dalam Parlimen seperti Penal Code, atau kemas kini akta wajib diluluskan Parlimen. Presiden kemudian harus setuju sebelum ia menjadi hukum negeri.

#### **44. Pro Bono = Pembelaan Percuma**

**Acting pro bono refers to the provision of free professional legal services by a lawyer to a client such as an accused person. Accused persons in need of legal advice or free legal aid may approach the Pro Bono Services Office of the Law Society of Singapore.**

Apabila ini dilakukan, pembelaan tersebut oleh peguam tidak memerlukan bayaran dari tertuduh. Tertuduh yang inginkan bantuan guaman ini boleh pergi ke Pro Bono Services Office of the Law Society of Singapore.

#### **45. Probation = Pantauan**

**Probation is a community-based sentence where a convicted accused person is placed under the supervision of a Probation Officer and**

**required to comply with various conditions, including participating in programmes specially tailored for his rehabilitation.**

Ini adalah hukuman dimana tertuduh harus dipantau oleh Probation Officer (Seseorang yang melakukan pemantauan) dan harus mengikut undang-undang yang tertentu supaya dia cepat insaf.

#### **46. Prosecution = Sabit Kesalahan**

**Prosecution is the institution and conducting of legal proceedings against an accused person. The term ‘the Prosecution’ refers to the party instituting such proceedings. Most prosecutors (e.g. DPPs and APPs) represent the State in criminal matters but a small percentage of prosecutions are conducted as private prosecutions, with legal proceedings instituted by private individuals who are not part of the State.**

“the Prosecution” adalah pihak yang menginginkan tertuduh dihukum kerana bersalah. DPP dan APP mewakili pihak negeri dalam menyabit sesiapa yang dituduh bersalah.

#### **47. Public Prosecutor = Pendakwa Raya**

**One of the primary roles performed by the Attorney-General of Singapore is that of the Public Prosecutor. As the Public Prosecutor, the Attorney-General has the control and direction of all criminal prosecutions and proceedings in Singapore. Decisions such as on whether a person should be charged and if so for what offences are made by the Public Prosecutor and those assisting him in the exercise of prosecutorial discretion. The detailed provisions governing the power of the Public Prosecutor can mainly be found in Article 35 of the Constitution and in the Criminal Procedure Code.**

Sebagai Pendakwa Raya, AG (Attorney General) adalah kuasa dalam menyabit sesiapa di Singapura. Keputusan untuk menyabit seseorang itu dibuat oleh pendakwa raya dan mereka yang menolong beliau. Untuk keterangan lanjut silah baca Artikel 35 dalam Constitution dan dalam Criminal Procedure Code.

#### **48. Qualifying the plea = Cukup Rayuan**

**If an accused person pleads guilty to a charge and later disputes any material fact(s) of the offence against him after the statement of facts has been read in court, he has qualified the plea and may choose to challenge the charge against him in a trial.**

Jika tertuduh mengaku bersalah dan setelah itu menyangkal bukti yang ditunjukkan, dia dikira cukup rayuan dan boleh melawan tuduhan yang diajukan terhadapnya dalam perbicaraan.

#### **49. Re-examination = Periksa kembali**

**After a witness has been cross-examined during a trial, the party who called him may examine him again. Such examination is known as re-examination. The purpose of re-examination is to provide the party calling the witness with an opportunity to clarify or explain matters which came up during the cross-examination, and appear to have compromised that party's case. The detailed legal provisions governing re-examination can be found in Part III of the Evidence Act.**

Setelah saksi sudah selesai ditanya oleh kedu-dua belah pihak, dia boleh ditanya lagi oleh peguam pertama. Cara ini membolehkan peguam menyangkal butiran yang dikeluarkan saksi tersebut. Butiran lanjut ada di Part III of the Evidence Act.

#### **50. Reformative Training = Latihan Reformasi**

**Reformative training is a type of sentence involving the deprivation of physical liberty. Reformative training can be imposed on convicted accused persons aged between 16 and 21 in lieu of any other sentence. It consists of a period of at least 18 months' detention in a Reformative Training Centre where convicted accused persons undergo a structured training regimen including foot drills, counselling and education. Following the training phase, convicted accused persons are released on supervision until the expiration of 4 years from the date of the sentence.**

Bagi mereka umur 16 hingga 21, hukuman latihan reformasi boleh dijatuhkan. Hukuman ini menjangkau sekurang-kurangnya 18 bulan di pusat reformasi. Penjenayah mesti melalui latihan regimen, kounseling dan juga pembelajaran. Setelah dibebaskan, beliau akan dipantau setelah 4 tahun berlalu.

#### **51. Remanded for Investigations = Dipenjara semasa siasatan.**

**“Remand” is a term used to refer to pre-trial detention of an accused. Under the Criminal Procedure Code, a court may order that an accused be remanded if the court is of the view that the detention of the accused is necessary for the purpose of investigations by a law enforcement agency. An accused person may be remanded for investigations for up to 8 days at a time.**

Dalam Criminal Procedure Code, mahkamah boleh menyuruh tertuduh dipenjarakan sewaktu siasatan masih dijalankan. Dia boleh dipenjarakan sedemikian selama 8 hari.

#### **52. Remission = Disingkatkan pemenjaraan.**

**Remission is the reduction in the term of a sentence of imprisonment, conditional upon the good conduct and behaviour of a convicted accused person who is sentenced to imprisonment. Currently prisoners who qualify for remission are granted one-third remission of their sentences of imprisonment.**

Ini dilakukan jika penjenayah itu menunjukkan kelakuan baik. Sekarang, penjenayah yang menunjukkan kelakuan baik di penjara akan dikurangkan sebanyak sepertiga hukuman beliau.

#### **53. Representations = Perwakilan**

**A written or oral appeal to the Prosecution made by an accused person or through his defence counsel to highlight certain facts in his favour, with the aim of seeking the exercise of prosecutorial discretion to the benefit of the accused person. Representations can be made to among other things, persuade the prosecution to prefer a charge for a less serious offence or to seek a withdrawal of the charge against him altogether.**

Ini adalah rayuan secara lisan atau bertulis oleh tertuduh kepada pendakwa raya di antaranya supaya hukuman diringankan atau tuduhan itu ditarik balik.

#### **54. Respondent = Penerima Rayuan**

**The respondent is the party against whom an appeal is brought.**

Seseorang atau sesuatu pihak yang menerima rayuan.

#### **55. Sentencing = Menjatuhkan hukuman**

**Sentencing is the process by which a judge, following the conviction of an accused person for an offence, determines and pronounces the punishment to be imposed on the accused person. The punishment that can be imposed depends on factors such as what is prescribed in the statutory provision creating the offence, the sentencing powers of the court and whether the accused person has committed previous offences. Prior to sentencing, the court can hear the accused person's**

**mitigation as well as submissions by the Prosecution on the appropriate sentence.**

Hakim akan menjatuhkan hukuman terhadap tertuduh yang disabit bersalah. Hukuman tertakluk kepada banyak hal seperti adakah tertuduh pernah melakukan kesalahan tersebut. Sebelum menjatuhkan hukuman, mahkamah boleh mendengar rayuan tertuduh dan juga dari pihak pendakwa raya.

#### **56. Sentencing Benchmark = Had Menjatuhkan Hukuman**

**The “sentencing benchmark” for a type of offence or (e.g. cases of outrage of modesty involving contact with the victim’s private parts) is the sentence which is likely to be imposed by the court for that type of offence, based on the sentencing practice in previous similar cases. That being said, the sentencing benchmark is merely a guideline; a court will examine the individual facts of each case to determine the appropriate sentence.**

Ini adalah hukuman berdasarkan kes-kes terdahulu. Ini hanyalah sandaran semata-mata. Mahkamah akan memeriksa setiap bukti dalam kes masing-masing.

#### **57. Standard of Proof = Bukti Munasabah**

**This refers to the legal test for the sufficiency of evidence that a party seeking to prove particular facts during a trial has to satisfy before those facts are accepted by the court as true. The standard of proof required for the Prosecution is higher; the Prosecution has to prove facts beyond reasonable doubt. The standard of proof required for the accused person or the Defence is lower; the accused person or the Defence only has to prove facts on a balance of probabilities.**

Sebelum bukti itu dianggap benar, ia harus melalui pelbagai periksa supaya ia boleh dianggap munasabah. Bukti Munasabah dari pihak pendakwa raya lebih tinggi kerana dia perlu menunjukkan bukti tanpa sebarang keraguan. Peguam bela hanya harus menunjukkan bukti itu tidak munasabah untuk memansuhkan bukti tersebut.

#### **58. Statement of Facts = Keterangan Bernas**

**A legal document prepared by the Prosecution that describes how an offence was committed; it is a narration of the circumstances and facts making up the offence. After the accused person has pleaded guilty to the charge against him, the Prosecution will usually read out the statement of facts in court. The accused person has to admit to the**

**statement of facts without qualification before the court can find him guilty and convict him.**

Ini adalah kenyataan bertulis dari pendakwa raya yang menerangkan bagaimana kesalahan itu dilakukan dan kenyataan yang menunjukkan mengapa ia bernas. Setelah tertuduh mengaku bersalah pendakwa raya akan membaca Keterangan Bernas ini. Tertuduh harus mengaku yang keterangan itu adalah betul sebelum mahkamah boleh menyabit dia bersalah dan jatuhkan hukuman.

#### **59. Subsidiary Legislation = Undang-Undang Subsidiari.**

**Subsidiary legislation is law made by Ministers or other statutory bodies and appointees, and not by Parliament. The power to make subsidiary legislation is found in Acts of Parliament. Subsidiary legislation made under an Act has to be consistent with the purposes of that Act. It usually comprises procedural rules for the implementation of matters provided for in the Act, but can also consist of provisions that create offences.**

Ini adalah undang-undang yang dibuat Menteri atau badan kanun lain dan bukan oleh Parlimen. Kuasa ini terletak dalam Akta Parlimen. Undang-undang subsidiari dalam akta harus sejajar dengan akta berikut. Selalunya ia berlandaskan prosedur yang telah dikanunkan dalam akta itu.

#### **60. Summons = Perintah**

**A written order from a court requiring an accused person to appear in court at particular date and time to answer to a criminal charge against him.**

Perintah bertulis dari mahkamah yang memerlukan tertuduh hadir di mahkamah pada hari dan masa yang ditentukan supaya dalam menjawab sabit yang diajukan.

#### **61. Surety/bailor = Penjamin**

**A surety (also known as a “bailor”) is a person who provides the bail amount that is ordered by the court or the police. Before an accused person is released on bail, he must find one or more sureties to provide the bail amount ordered by the court. The number of sureties required depends on the terms of the bail. The surety has certain legal obligations, such as to keep in contact with the released person, to ensure that he attends the next court date or appointment with the police, and to ensure that he does not leave Singapore without permission from the court or the police. If the surety is in breach of any**

**of these duties, the court may forfeit the whole or any part of the bail amount.**

Seseorang yang menjadi penjamin pada tertuduh. Sebelum tertuduh bebas dalam ikat jamin, dia perlu mencari penjamin bagi dirinya. Penjamin perlu mengikut undang-undang yang dikeutarakan seperti mesti mengetahui pergerakan tertuduh, mesti menyuruh tertuduh hadir pada sesi mahkamah berikutnya dan menjaga agar tertuduh tidak keluar negeri. Kalau penjamin tidak menjaga apa yang telak dimenterai, wang jaminan dia akan diambil.

## **62. Trial = Perbicaraan**

**A court proceeding in which the Prosecution introduces evidence, through witnesses, to prove beyond reasonable doubt that an accused person is guilty of an offence. If the Prosecution fails to do so, the accused person will be acquitted. An accused person who has been charged with having committed an offence is entitled to claim trial and call witnesses as well as introduce evidence in his defence as the law presumes that he is innocent until proven guilty.**

Perbicaraan adalah tempat di mana pendakwa raya mengemukakan bukti dan saksi supaya dapat membuktikan dengan tiada keraguan yang tertuduh itu bersalah. Jika tidak mampu, yang tertuduh akan dibebaskan. Tertuduh pula boleh memanggil saksi dan mengutarakan bukti semasa perbicaraan untuk menunjukkan yang dia sememangnya tidak bersalah.

## **63. Witness = Saksi**

**Any party called by either the Prosecution or the Defence in a trial who can give evidence relevant to the commission, or otherwise, of the offence for which an accused person has been charged. For instance, the Prosecution may call witnesses who saw how the offence took place or to whom the victim of an offence made a complaint about the offence; the Defence may call witnesses who can testify that an accused person was somewhere other than where the Prosecution alleges he was when the offence was committed (such witnesses are also known as alibi witnesses).**

Sesiapa yang dipanggil pihak pendakwa raya atau peguam bela untuk memberi bukti keterangan adalah saksi. Misalnya, pendakwa raya boleh memanggil saksi yang melihat kejadian itu. Peguam bela pula boleh memanggil saksi untuk mengesahkan bahawa tertuduh berada di tempat lain dan bukan di tempat kejadian jenayah itu berlaku. (Saksi sedemikian digelar "saksi alibi")