

CONSUMER CONTRACTS OF SALE OF GOODS: THE LEGAL DILEMMA IN MALAYSIA

Sakina Shaik Ahmad Yusoff
Rahmah Ismail
Azimon Abdul Aziz
Suzanna Mohamed Isa
Kartini Aboo Talib@Khalid
Universiti Kebangsaan Malaysia

Abstract

The modern era is an ultra-modern and complicated era, with sophisticated industrial and commercial technologies invading production and distribution of goods. The advancement of technology has placed at the disposal of Malaysian consumers a range of complex and sophisticated products, consumable and non-consumable. The complexities of modern industrialisation, mass production and mass distribution, the technology and the style of modern communications and advertising have accentuated the problems of a consumer in the present day market. In view of the prevailing socio-economic conditions, consumerism in Malaysia has to have its own way to protect the rights of consumers as buyers in a world of sellers. In the area of law affecting sale of goods, Malaysia has now two legislations acting as double barriers for consumers, the Sale of Goods Act 1957 and the Consumer Protection Act 1999. These two legislations have however created grave problems in consumer contracts. The problems posed by these legislations have the potentials of creating confusion and despair among consumers in their claims

against suppliers and manufacturers. The legal regime of sale of goods in Malaysia is in need of an urgent review for the problem of dualism of law which may lead to problems of conflict of laws. Adopting the doctrinal legal research methodology, emphasizing on the analytical and critical approach, this article exposes the legal dilemma a consumer may face in bringing a suit for a breach of a contract of sale of goods in Malaysia. The article emphasizes on several problems of dualism and conflict of laws in the area of sale of goods.

Keywords: conflict of law, consumer contracts, dualism of law, law of sale of goods, Malaysia.

Introduction

The war of business is always a shifting battleground, all in the effort to gain competitive advantage. In the manufacturing business, the battleground has been shifting from marketing in the 1960s, to manufacturing in 1970s, to quality in 1980s, and now it is the customer service decade. People are now

