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# **REGULATING UNFAIR CONTRACT TERMS FOR SMALL BUSINESSES IN MALAYSIA**

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**Abstract Summary :** This paper discusses that unfair contract terms in business transaction can caused unjust the small businesses with less bargaining power. Their cost and risk will be transferred to the consumers who the government aims to protect at the very first place. While small businesses play the essential role in the economic development on our country, Malaysia is lacking in comprehensive legislation to protect the small business against the unfair contract terms. While the judiciary had attempted to protect them as a weaker party via the concept under the common law as in doctrine of inequality of bargaining power and doctrine of unconscionability, there is still some doubt as to the extent of its applicability towards small businesses. It is suggested that a new legislation to be enacted in order to provide full protection for small businesses against unfair contract terms in their daily business operations. The findings for this paper is recommended for academics and legislators in safeguarding the small businesses against unfair contract terms.