

【Liu Zhewei's column】 Remove the Registrar of Associations to regulate political party affairs



Liu Zhewei

Last updated 6 months ago · Posted on 14 Jul 2022 2:00PM · 0 comments



Rather than arguing about whether the Registrar of Societies has the power to interfere in party affairs, this responsibility should be transferred to a more neutral body. (File photo: Perspective Malaysia)

The basic principle of a democratic country is separation of powers, which is to ensure that no one person or institution can have absolute power, as advocated by the first Baron Acton advocated the liberal saying "power corrupts people, absolute power absolutely corrupts people", which is also the reason for the separation of powers between the executive, the legislature and the judiciary, one department can check and balance the other.

A political party is an institution that has the potential to hold the highest power and functions of the State. Unlike other associations, which also need to register with the Registrar of Societies, they do not hold executive power over the state, but political parties can use the power to govern after victory in national

elections.

For this reason, I do not believe that political parties and associations should come under the jurisdiction of the Registrar of Societies.

First, let's look at the real situation, and then look at his structure.

By subordinating the Registrar of Societies to a government department, i.e. authorising the executive power (the Minister of the Interior) to have a say in the affairs of political parties, can these Ministers really exercise professional judgment and not interfere in the decisions of the Registrar of Societies?

Can the Registrar of Societies really have the courage and courage to make decisions they think are right without self-restraint? I have reservations about both.

Let me give you a few examples of why the Pakatan Harapan could not register as an alliance during the Barisan Nasional regime, but it could be approved immediately after the successful administration of PH.

Why does the United Democratic Party (MUDA) have to go through complicated procedures and even seek legal channels to register with the Registrar of Associations and Societies, and many new parties have already been approved for registration later than the United Democratic Party?

Now, in the case of UMNO, why hasn't the amendment of UMNO's constitution been approved for so long? Do you believe that the Registrar of Societies is neutral? What I have raised above is all skeptical. The Registrar of Societies could not convince me of their neutrality.

Even though I assume that the Registrar of Societies can act professionally and neutrally, I believe that political party affairs should not be placed under the jurisdiction of the Registrar of Societies, as the structure of the Registrar of Societies is prone to conflicts of interest.

The registration of the United Democratic Party (MUDA) with the Registrar of Associations has to go through complicated procedures and even seek legal channels before it can be approved. (File photo: Perspective Malaysia)

我先声明，利益冲突并不意味着一定会有违法行为，或涉及政党的人也不一定可以从中得益。

我举例，若有人以市场价一半的价格出售别墅给我，我又买下了，这没有什么问题，因为出现利益冲突的可能性小。但是如果卖家是我的学生，即使我非常肯定我可以在他的考试钟不偏不倚，但从可能性的角度，这就形成了利益冲突。

这也发生在前新加坡内阁资政李光耀身上。他对某房产感兴趣，而发展商也给予他折扣，但他依然带入国会寻求国会的同意，即使当时他已经退休，但是以他的身份有可能会有利益冲突，所以就先申报。

简单来说，发生在社团注册局的利益冲突并非好事。与其争论社团注册局是否有权干预党务，不如将这一责任转移到更中立的机构。

我建议，最简单的方法是把这项责任从社团注册局转移到选举委员会。当然，实际上并没有什么不同，因为选举委员会本身目前很难获得公众信任。但从结构上来看，这就是非常有可能的事情。眼前，选举委员会的问题是与人的利益冲突，而不是结构本身。

遭到干预，最简单的方法是把这项责任从社团注册局转移到选举委员会。 (档案照：透视大马)



与社团注册局比较，选举委员会在法律上是独立的委员会，而且他们享有独立委员会的特权，例如委员会的独立性，由国家元首委任，委员任期有保障（政府不能随意开除）等等。


到那时，政府需要做的是加强选举委员会来获得民众的信任。与现在不同的是，现在的社团注册局做决定时有太多自由斟酌权，而这些决定往往偏向当权政府（如上所给的例子）。这样会对反对党不公平，对马来西亚的政治制度也产生巨大的负面影响。


事实上，现在正是时候推动类似动议的最佳时机，在此之前，只有反对党与社团注册局有不愉快的经历。现在，巫统也经历这样的情况，如果政治不稳定时不推动这项改革，那么当一个政党可以长期执政时，就很难实现改革，因为反对党不得不按照政府（另一个政党）的意愿来管理他们的政党。


** 刘哲伟目前在国际伊斯兰大学政治学系任职助理教授。在此之前，也曾其他高等学府执教。刘哲伟先后于马来西亚国立大学取得政治学学士及硕士学位，并于英国布里斯托大学取得政治学博士。*

若想留言，请订阅或登录。

The Malaysian Insight <

 The Malaysian Insight
Farmers question gov't s claim of 3-day approval for foreign labour
VEGETABLE farmers are perplexed by the government's assurance that approval for foreign hires can be processed as quickly as three days. Federation of Vegetable Farmers Associations president...

 Ravin Palanisamy
Pakatan, BN must join forces or lose Selangor, say pundits
PAKATAN Harapan (PH) and Barisan Nasional (BN) need to forge an electoral pact and come to an understanding on seat allocations for the Selangor state elections if they want to keep the...

 CROWDYNEWS < >