

【刘哲伟专栏】固定国会任期法案治标不治本



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作者认为，推动固定国会任期法指标不治本。（档案照：透视大马）

这个问题的诞生，主要是政府担忧是国会议员跳槽来改变政权，这就是我称之为问题与解决方案不匹配的原因。问题在于议员跳槽到其他政党，而不是无视民主精神去执政。

直到今天，我们还不清楚政府试图带入的固定国会任期的重点是什么，所以我尝试从不同的角度来探讨。

第一，固定选举日期

我在多年前就支持这样的想法，在传统的议会民主制度中，现任首相在决定议会解散日期方面占有优势，所以在位的首相都可以利用这一优势，决定对自己有利的解散议会日期和时机，而这就是选举日期不确定性的原因，导致无论是官方和个人规划、经济投资和投资者信心等都存在不确定因素，甚至政府和反对党之间不公平的政治竞争。

对我而言，最好是确定选举日期，消除那些不必要的不确定性。2011年国会固定任期法令对英国国会的选举日期进行了固定，2015年5月7日大选后每5年的5月举行选。倘若英国议会以三分之二多数认为应该提前进行选举，则可以给予豁免，换言之，可以为任何意外情况留有余地。如果途中发生必要的意外事件，我认为反对党不会投票反对。然而，如果这样的日期改变只是对政府有利的話，反对党肯定会投反对票。这也意味着改变日期对于整个国家来说并不是必要的事情。

第二，政府决定选举日期

虽然我们不知道政府到底在想什么，但我相信，意见的分歧很大程度上是因为这个原因，而不是固定的选举日期。

政府希望选举后能够执政，而不会被罢免。而反对党希望他们能够通过喜来登行动和最新的迪拜行动等合乎宪法手段获得权力。

正如上周我的文章中提到的，我个人反对此类举动。然而，以不民主的方式让政党掌权，而又不给反对党挑战的余地，是一个糟糕的主意。如果政府执政不好怎么办？我指的不是现任政府，而是未来当选的任何一个政府。制衡机制是必要的，消除绝对权力也是必要的。这就是为什么在自由民主国家中，他们不仅有一个关于如何向个人或机构授予权力的框架，而且还有如何从他们身上剥夺权力的框架。否则，即使只是给与他们短短五年的绝对权力，也是极其危险的。

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值得我们警惕的历史事件是纳粹德国元首希特勒（Adolf Hitler）。他也是通过民主手段获得了德国的最高权力，但由于太多的权力集中在他的手中，使他变成了独裁者。这一历史事件的一个简单结论是，如果赋予太多权力而没有任何制衡机制，那么民选领导人也有可能变成独裁者。



作者建议重新引入旧版反跳槽法，由此避免由于个人利益而跳槽来使得政府崩盘。（档案照：透视大马）

第三，重新引入旧版反跳槽法

这是我已经讨论过很多次的另一个话题。如果当前的担忧是阻止议会议员跳槽到另一个反对党，那么就引入有效的反政党跳槽法。

现行版本的反跳槽法的漏洞是引发后续种种担忧的主要原因，因此我建议重新引入旧版本。可以参考我之前《一语成鉴：反跳槽法令新不如旧》[文章](https://www.themalaysianinsight.com/chinese/s/4709800) (<https://www.themalaysianinsight.com/chinese/s/4709800>)。

通过限制国会议员跳槽，就不会发生政府崩盘的担忧。同时，如果现任政府确实很糟糕，甚至连执政党的议员都认为继续支持这个政府是错误的，他们就可以辞职或被所在政党开除，从而促成选举。如果选民本身与议员的想法一致，那么这位即将跳槽的议员就可以赢得补选，同样的情况也发生在其他希望离开政府的议员身上，从而导致政府垮台。

重新引入旧版反跳槽法可以避免由于个人利益而跳槽来使得政府崩盘，这样，我们可以拥有稳定的政府，但与此同时，该法案本身也为推翻不良政府留下了空间。

结论

绝对的权力，带来绝对的腐败。若任何政府拥有绝对的权力，即使那是通过民主选举所获得，依旧不理想。

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[Liu Zhewei Column] The bill to fix the term of Congress is only a temporary solution, not a fundamental solution



Liu Zhewei

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The author believes that promoting fixed parliamentary terms is not a fundamental solution. (File photo: Malaysian Perspective)

This problem was born out of the government's fear that MPs would change the regime by jumping to other parties, which is what I call a mismatch between the problem and the solution. The problem is MPs jumping to other parties, not ignoring the spirit of democracy and governing.

Till today, it is not clear what the point of fixed parliamentary terms that the government is trying to bring in is, so I have tried to approach it from a different angle.

First, fix the election date

I supported this idea many years ago. In traditional parliamentary democracies, the incumbent prime minister has the advantage in deciding the date of dissolution of parliament, so any incumbent prime minister can use this advantage to decide the date and timing of dissolution of parliament that is beneficial to him. This is the reason for the uncertainty of election dates, which leads to uncertainty in official and personal planning, economic investment and investor confidence, and even unfair political competition between the government and the opposition.

For me, it is better to fix the election date and eliminate unnecessary uncertainty. The Fixed Term of Parliament Act 2011 fixed the date of the election of the British Parliament, and the election will be held in May every five years after the general election on May 7, 2015. If the British Parliament thinks that an early election should be held by a two-thirds majority, an exemption can be granted, in other words, there is room for any unexpected circumstances. If necessary unexpected circumstances occur along the way, I don't think the opposition will vote against it. However, if such a date change is only beneficial to the government, the opposition will definitely vote against it. This also means that changing the date is not necessary for the whole country.

Second, the government decides the election date

While we don't know exactly what the government is thinking, I believe the difference in opinion is largely due to this reason rather than the fixed election date.

The government hopes that after the elections they will be able to govern and not be removed from office, while the opposition hopes that they can gain power through constitutional means such as the Sheraton move and the latest Dubai move.

As mentioned in my article last week, I am personally against such moves. However, it is a terrible idea to keep a party in power in an undemocratic way without giving the opposition room to challenge. What if the government is not good at governing? I am not referring to the current government, but any government elected in the future. Checks and balances are necessary, and so is the elimination of absolute power. That is why in liberal democracies, they

not only have a framework on how to grant power to individuals or institutions, but also how to take it away from them. Otherwise, giving them absolute power for even just five years is extremely dangerous.

A historical event that deserves our attention is Adolf Hitler, the leader of Nazi Germany. He also gained supreme power in Germany through democratic means, but because too much power was concentrated in his hands, he became a dictator. A simple conclusion of this historical event is that if too much power is given without any checks and balances, then elected leaders may also become dictators.



The author suggested reintroducing the old anti-hopping law to prevent the government from collapsing due to personal interests. (File photo: Malaysian Insight)

Third, reintroduce the old anti-job-hopping law

This is another topic I have discussed many times. If the concern is to stop MPs from jumping to another opposition party, then introduce effective anti-party-hopping laws.

The loopholes in the current version of the anti-job-hopping law are the main reason for the subsequent concerns, so I suggest reintroducing the old version. You can refer to my previous [article](https://www.themalaysianinsight.com/chinese/s/4709800) (<https://www.themalaysianinsight.com/chinese/s/4709800>), "A Lesson: The New Anti-Job-hopping Law Is Not as Good as the Old One" .

By limiting MPs from defecting, there is no worry about the government collapsing. At the same time, if the current government is really bad and even the MPs of the ruling party think it is wrong to continue to support it, they can resign or be expelled from their party, thus prompting an election. If the voters themselves agree with the MP's ideas, the MP who is about to defect can win the by-election, and the same happens to other MPs who want to leave the government, causing the government to collapse.

Reintroducing the old anti-hopping law can prevent the government from collapsing due to personal interests, so that we can have a stable government, but at the same time, the bill itself leaves room for overthrowing a bad government.

in conclusion

Absolute power leads to absolute corruption. If any government has absolute power, even if it is obtained through democratic elections, it is still not ideal.

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