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Dear Dr. Lau,

APPRECIATION FOR ARTICLE CONTRIBUTION

The Institute would like to take this opportunity to extend our sincere appreciation and gratitude to you for your insightful contribution through the article titled "**Constituency Allocation in Malaysia: Embracing Inclusivity**." Your thought added significant value to the development of DASAR Volume 2 and holds meaningful weight as part of our publication.

2. We are pleased to inform you that DASAR Volume 2 was successfully printed and is currently being distributed to contributors as well as our academic partners.

3. We would be most grateful if you could take some time to review the book and share with us any thoughts or feedback you may have.

Should you have any inquiries or need additional copies of the book, please do not hesitate to reach out, we will be happy to arrange for you.

Thank you once again for your support and contribution.

"DEMI BANGSA MALAYSIA"

Sincerely,



SRIDERAN TAMIL MOGAN
Chief Executive Officer

Date: 24th July 2025
Ref. No.: 25072404

DASAR

Institutional Reform in Malaysia

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VOLUME 2

Khairul Syakirin Zulkifli and Sim Why Jean examine the limitations of the Election Commission in ensuring the transparency of the electoral process. They argue that the Election Commission lacks the autonomy to carry out its responsibilities due to its subordination to the Prime Minister's Office. They propose restructuring the Election Commission into three specialised agencies under the purview of the Parliamentary Select Committee. The authors also propose that the Election Commission should also be tasked with registering political parties, in line with practices in New Zealand, Australia, Canada and the United Kingdom. Their piece also touches on the importance of having a comprehensive political financing law.

Lau Zhe Wei's piece touches upon the problem of inequitable constituency allocation. Lau begins by looking at how constituency development funds were allocated during the Barisan Nasional era. It has been the usual practice that the opposition's elected representatives do not receive any funds, but Lau questions whether this practice should continue, characterising it as socially unjust, contradicting democratic norms and Islamic political thought. Instead, Lau proposes that the current government provide equal allocations for all elected representatives through institutionalising constituency funding, and pursue this by making the necessary changes to the Constitution. As there is no guarantee who will form the next government, such reform would safeguard all parties' future.

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Constituency Allocation in Malaysia: Embracing Inclusivity

Dr. Lau Zhe Wei

During the era of Barisan Nasional dominance, constituency development fund allocations were often only provided to the government's elected representatives. Although obviously unfair in the eyes of universal values, politically, Barisan Nasional had few incentives to afford the opposition equal treatment. This is simply one of the measures by which in a single-party or dominant-party system, the incumbent minimises the likelihood it will be defeated. By maintaining their dominance, they ensure that they will never be subject to the same unfair treatment as their opponents.

However, with the ball of a change of government finally starting to roll, the possibility has arisen that whatever mechanisms that have been applied to lock out the current opposition can easily be turned onto the current government should they lose power. Indeed, this is the pattern for all political parties that suffer from such injustices during their days in opposition.

One of the main excuses given by Anwar-led government is that they never say no to the opposition, but rather ask them to negotiate. The question to discuss today is, should constituency allocation be distributed equally to all elected representatives regardless of partisan background, or is it entirely the prerogative of a government to decide how to spend their yearly budget?

Although the constitution guarantees equality unless expressly authorised otherwise, on the specific issue of constituency allocation, the constitution is silent. Such allocations are considered an executive discretion rather than constitutional right. In simple term, this is the right of any sitting government not to allocate any constituency development funds to their opponent. Moreover, in most cases, denying allocation to the opposition's elected representatives does not necessarily mean that people in these constituencies are being neglected. Funding can still be channelled through other government agencies such as district offices or political agencies such as the constituency coordinator. However, despite these remedies, it is not possible to justify the degrading of the elected opposition that results from the decision to withhold constituency development funds.

Denying Constituency Allocation is Social Injustice

Firstly, it breaches the concept of equality and justice in the name of universal values. To elaborate further on this western and liberal democracies-led concept, countries such as Sweden, Norway, Denmark, New Zealand, Canada, and many more treat opposition-elected representatives as similarly as possible to government backbenchers. The common principle used to argue for this similar treatment is to safeguard the equal playing field for government and opposition.

Secondly, the fourth value of Malaysia Madani (or Malaysian SCRIP), 'respect', is explicitly defined as embracing inclusivity, celebrating diversity, and acknowledging different world views. Although the explanation does not specifically mention political

inclusivity, based on the broad view of community articulated, including ethnicity, religion, tradition, world view and other differences, it is reasonable to conclude that the spirit of Malaysia Madani is intended to encourage putting aside differences and living harmoniously under the same roof. Unless these beliefs are propagated solely for stakeholders outside politics, while tacitly accepting discrimination within politics against political foes, the spirit of Malaysia Madani suggests that discrimination should not be permitted in any form.

The concept of Malaysia Madani is derived from the Islamic part of the country's heritage. The great Islamic philosopher, Abu Nasr Muhammad al-Farabi, popularly known as al-Farabi, proposed ideas on how an ideal state should function. He introduced the concept of *al-Madina al-Fadila* (the Virtuous City). Similar to Plato's *The Republic*, al-Farabi focuses not only on material development but also on the development of virtue. Among the main elements of virtue are justice and equality. This in line with the teaching of Prophet Muhammad, in which non-believers living within an Islamic state should receive equal protection. The main difference between al-Farabi and Plato is that the former incorporated the role of the divine into his framework for an ideal state. Unlike the era of *al-Jahiliyyah* (the age of ignorance), when societies commonly practised social injustice, al-Farabi proposed that a wise leader should be able to address his political opponents through reasoned discourse, not by adopting the attitude of a tyrant

Proposed Solutions

Based on the three arguments above from the perspective of democracy, Malaysia Madani, and al-Farabi's Virtuous City, unless any government can reasonably justify placing their political opponents at an electoral disadvantage, such as possible misuse of funding by the elected representative in question, any action discriminating against a political opponent contradicts the three perspectives above. Therefore, the following two proposals are put forth to address this potential injustice, making Malaysia more politically inclusive.

1. Allocating equal financial access to both government and opposition elected representatives.

This proposal is simple. As a matter of principle, treat both sides of the political divide equally. In terms of mechanism, if a sitting government is concerned that political opponents may misuse the constituency fund, the government can issue expenditure guidelines to monitor it. Moreover, existing laws such as the Malaysian Anti-Corruption Commission (MACC) Act are sufficient safeguards to ensure transparency and accountability. Even if existing mechanisms aren't convincing in ensuring proper usage of the fund, new laws can be drafted. Therefore, technicalities cannot be used as a convenient excuse to erode the principle of justice.

2. Institutionalise constituency funding through constitutional amendment.

Policies that are not institutionalised often imbalance the power structure of the political system. Those without power become

subject to those with power. Institutionalising a policy can directly accord certain rights to stakeholders. Under normal circumstances, a government cannot easily deny such rights.

As Malaysia is a parliamentary democracy, institutionalising constituency funding through an ordinary law or executive order may not be sufficient, as any sitting government will not only control the executive branch but will also control a majority in the Parliament as well. Therefore, any law or policy designed to compel a government may not be useful, as it can easily be overturned by a simple majority vote in Parliament.

A more robust proposal is to include such clauses into the constitution. As Malaysia has a flexible constitution, inserting this new clause is possible, with the main hindrance being a lack of political will. Observing the political landscape in Malaysia today, achieving a two thirds majority in both houses is unlikely for any government. This means that should constituency allocations be incorporated into the constitution, it is unlikely that a government could unilaterally remove them.

Conclusion

Institutionalising and incorporating equal treatment of constituency allocations is eminently possible. This is largely because of the current electoral uncertainty in Malaysia, where no party can confidently claim that it is likely to win power.

Unlike the landscape before the 2008 general election, when Barisan Nasional was overwhelmingly likely to win in federal and most state elections, it is now entirely possible for Barisan Nasional representatives to sit on the opposition benches, except in the Kelantan state assembly and occasionally in other states. The 2008 general election changed the political landscape by demonstrating that the opposition could win in certain states. Nevertheless, the federal government remained safely in the hands of Barisan Nasional, giving it little incentives to stand in the shoes of the opposition. However, the 2018 general election may have served as a helpful circuit breaker in this regard, as all political parties experienced being in government and opposition.

As nothing can be assured in terms of future electoral performance, defending the rights of the opposition today also builds a safety net for current government members in the future should they fall back into opposition. Therefore, this policy proposal does not necessarily aim to disadvantage the current government, but rather ensures an equal playing field going forward.

Khairul Syakirin Zulkifli

Khairul Syakirin holds a Bachelor's degree in Political Science from the International Islamic University Malaysia (IIUM) and earned his Master's degree in Humanities with a specialization in Political Science in 2017. His experience includes conducting research on various socio-political projects at IIUM and serving as a researcher at the Institut Masa Depan Malaysia (MASA) from 2019 to early 2021. In 2022, he rejoined MASA to lead the Political and Parliamentary Research Department.

Dr. Lau Zhe Wei

Dr. Lau Zhe Wei is an assistant professor in the Department of Political Science, International Islamic University Malaysia (IIUM), and a prolific commentator on Malaysian Politics. He received his Bachelor and Master degrees in Political Science from Universiti Kebangsaan Malaysia (UKM), and his PhD in Politics from the University of Bristol, United Kingdom. His research interests include Malaysian politics and elections. Dr. Lau is regularly consulted by both local and international media for his expert in political analysis.



About SEDAR Institue

SEDAR Institute is an autonomous think tank advocating for a liberal and progressive Malaysia. Through political and policy research, we develop ideas and strategies to identify the best path forward to advance Malaysia's core values of equality, justice, and freedom.

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Date : September 18, 2025

Ref No. : 25091801

To Whom It May Concern,

RE: CONFIRMATION OF NON-ISBN PUBLICATION

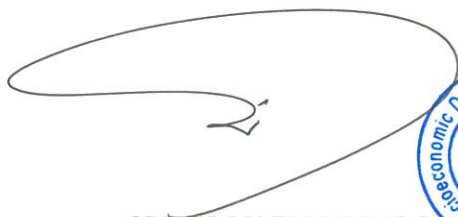
This letter serves to confirm that the following publications produced by our organisation do not carry an International Standard Book Number (ISBN):

1. *DASAR Vol. 1: Policymaking in Malaysia*
2. *DASAR Vol. 2: Institutional Reform in Malaysia*

Both volumes are internal publications prepared for limited circulation and are not intended for commercial distribution. As such, no ISBN has been assigned to these works.

We trust this letter clarifies the status of the above publications. Should you require any further information, please do not hesitate to contact us.

Yours faithfully,



SRIDERAN TAMIL MOGAN

Chief Executive Officer

