



GOVERNING MALAYSIA

Edited by
Abdul Razak Baginda

Malaysian Strategic Research Centre

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CHAPTER TWO

Malaysian Constitution After 50 Years

Abdul Aziz Bari

Introduction

THE CONSTITUTION OF MALAYSIA¹ — FEDERAL and state constitutions — officially came into being on 31 August 1957. However, the foundations and contents of the Constitution have been around much earlier than that. And after the document was given legal effect on that date it continued to develop through various means. These included formal amendments by parliament, interpretation by the court as well as through the emergence of certain practices, which fill the gaps left by the provisions of the Constitution².

Looking at the form and structure one may get the impression that the Constitution is heavily influenced by the British. However, if one takes a closer look at the key institutions, such as the monarchy³, as well as the working of other institutions, one would get the feeling that the Constitution is very much a locally-inspired document⁴ not to mention the fact that locals too took part in the various drafting stages of the Constitution way back in 1956–57.

¹ For an overview see Abdul Aziz Bari, *Malaysian Constitution: A Critical Introduction*, Kuala Lumpur: The Other Press, 2003.

² See Abdul Aziz Bari & Farid Sufian Shuaib, *Constitution of Malaysia: Text and Commentary*, 2nd edn. Kuala Lumpur: Pearson Prentice-Hall, 2006.

³ See Abdul Aziz Bari, "The Development and Role of Constitutional Monarchy in Malaysia", unpublished PhD Thesis, University of Birmingham, England, 1996.

⁴ See, e.g., Abdul Aziz Bari, "The Evolution of Malaysian Constitutional Tradition: A Preliminary Discourse", (2005) LR 133.