



# GOVERNING MALAYSIA

Edited by  
Abdul Razak Baginda

Malaysian Strategic Research Centre

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## The Monarchy and State Governing

*Abdul Aziz Bari*

### Introduction

AS AN INSTITUTION THAT IS not elected and governed by hereditary-principle, monarchy is obviously an anachronism in modern democracy. It has to be admitted, however, that the monarchy is not the only institution that is not elected. The judiciary and the public service—which in Malaysia includes the armed forces<sup>1</sup> and the police force – are also not elected and yet they perform certain important roles. The judiciary, for example, has even been given power to declare laws passed by parliament, unconstitutional in the course of judicial review. These institutions, in other words, are worse than the monarchy when it comes to justifying their position in the Constitution<sup>2</sup>.

Such an anomaly justifies the position of institutions like the monarchy, albeit indirectly. But what is more important is that the monarchy may be useful in fulfilling certain roles such as providing the symbol of identity, becoming an icon of unity as well as assuming the role of guardianship of the state. Arguably the monarchy is in rather a special position to assume these positions.

Some of the roles assigned to the monarchy in Malaysia are unique due to the nature and history of the country<sup>3</sup>. In recent years the

<sup>1</sup> See Abdul Aziz Bari, "Armed Forces Personnel as Public Servants: A Review of the Decision in *Abdul Salam bin Husin*" [2001] 1 MLJ xxix.

<sup>2</sup> For an overview see Abdul Aziz Bari, *Malaysian Constitution: A Critical Introduction*, Kuala Lumpur: The Other Press, 2003.

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 See Abdul Aziz Bari, "The Development and Role of Constitutional Monarchy in Malaysia", unpublished PhD Thesis, University of Birmingham, England, 1996.