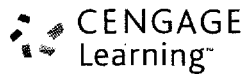

GOVERNMENT AND POLITICS IN MALAYSIA



Edited by
ABDUL RASHID MOTEN

Government and Politics in Malaysia

Edited by
Abdul Rashid Moten



Australia • Brazil • Japan • Korea • Mexico • Singapore • Spain • United Kingdom • United States



CENGAGE
Learning™

Government and Politics in Malaysia

Edited by Abdul Rashid Moten

© 2008 Cengage Learning Asia Pte Ltd

ALL RIGHTS RESERVED. No part of this work covered by the copyright herein may be reproduced, transmitted, stored or used in any form or by any means graphic, electronic, or mechanical, including but not limited to photocopying, recording, scanning, digitizing, taping, Web distribution, information networks, or information storage and retrieval systems, without the prior written permission of the publisher

For permission to use material from this text or product, email to **asia.publishing@cengage.com**

ISBN-13: 978-981-4239-27-1

ISBN-10: 981-4239-27-5

Cengage Learning Asia Pte Ltd
5 Shenton Way
#01-01 UIC Building
Singapore 068808
Tel (65) 6410 1200
Fax: (65) 6410 1208

Cengage Learning products are represented in Canada by
Nelson Education, Ltd.

For product information, visit **cengageasia.com**

Printed in Malaysia by Art Printing Works Sdn Bhd
1 2 3 4 5 6 7 11 10 09 08 07

Contents

Foreword	i	
Preface	iii	
Acknowledgements	vii	
Contributors	ix	
List of Acronyms	xiii	
List of Tables and Figures	xxiii	
Map of Malaysia	xxiv	
Malaysian Flag	xxv	
Chapter 1	Society, Politics and Islam: An Overview	1
	A Brief History	2
	A Plural Society	5
	A Constitutional Monarchy	7
	A Federation	9
	A Parliamentary Democracy	12
	A Dominant Party System	15
	Civil Society	15
	An Islamic State	18
	Conclusion	22
Chapter 2	Development in Malaysia: An Overview	25
	Development Policies	26
	Pre-independence Period	27
	Independence to 1969	28
	1970 to the Mahathir Era	31
	Selected Development Policies During the Mahathir Era: A Profile	34
	Islamisation Policy	35
	Vision 2020	36

	Look-East Policy	39
	70 Million Population Policy	39
	Economic Policy	40
	Foreign Policy	42
	Development Policies: Abdullah Badawi's Administration	42
	Conclusion	44
Chapter 3	Constitution and Constitutionalism	47
	Nature and Types of Constitution	47
	Constitutional Government	49
	Constitution Making: An Overview	51
	The Constitution of Malaysia	53
	The Rigid Constitution	57
	Constitutional Government in Malaysia	59
	Conclusion	61
Chapter 4	Federalism: Origin and Applications	63
	The Theory of Federalism	63
	The Evolution of Federal Idea in Peninsular Malaysia	65
	Centrifugal and Centripetal Trends	66
	The Formation of Malaysia, 1963	68
	Federal Territories	70
	Distribution of Legislative Powers	70
	Mutual Delegation of Powers	72
	Federal Legislation on State Subjects	72
	Sabah and Sarawak	75
	Federal Power During Emergencies	76
	The Federal Character of The 1957 Constitution	77
	Conclusion	79
Chapter 5	Real and Nominal Political Executive	83
	Nature and Functions of Political Executive	83
	Political Executive: A Muslim Viewpoint	85
	Political Executive in Malaysia	86

The Yang di-Pertuan Agong	86
The Real Executive: Perdana Menteri	91
The Cabinet	94
Deputy Prime Minister	97
Deputy Ministers	97
Parliamentary Secretaries	99
Political Secretaries	99
Conclusion	100
Chapter 6 The Bicameral Legislature	103
Legislature in Malaysia: A Brief History	104
Composition of the Parliament	105
Qualifications	108
Nature and Functions of Parliament	110
The Standing Orders	113
Procedure of the House	113
Prayers	113
Administration of Oath	113
Royal Messages	114
Announcement by the Speaker or President	114
Questions to Ministers	114
Oral and Written Replies	114
Procedure in respect of Questions for Oral Replies	115
Requests to move the Adjournment of the House	115
Obituary Speeches	116
Presentation of Bills	116
First Reading	117
Second Reading	117
Committee Stage	117
Third Reading	118
Adjournment Speeches	118
Parliamentary Immunity	118
The Opposition	119
Observations	119
Conclusion	120

Chapter 7	Judiciary	123
	A Brief History	124
	The Judicial Structure	126
	The Conflict between Civil and <i>Syariah</i> Courts	129
	The Judiciary and the Separation of Powers	130
	Independence of the Judiciary	132
	The Judiciary Crisis of 1988	133
	Proposals for Judicial Reforms	135
	Conclusion	136
Chapter 8	Political Parties and Party System	139
	Political Party and Party Systems	139
	Political Parties in Malaysia	141
	A Brief History	142
	The Alliance	144
	Barisan Nasional	145
	PAS: The Islamic Party	148
	DAP: The Social Democratic Party	150
	Other Opposition Parties	151
	Coalitions in Malaysian Politics	153
	The Opposition Coalitions	155
	The Malaysian Party System	157
	Conclusion	158
Chapter 9	Elections and Electoral System	161
	Nature and Functions of Elections	162
	Major Electoral Systems	163
	Plurality Systems	163
	Majority Systems	164
	Proportional Representation Systems	164
	Mixed Systems	165
	Elections in Malaysia	166
	A Brief History	167
	Malaysian Electoral System	169
	Party System and Voting Trends	172
	The Elections	174

Evaluating Elections and Electoral System in Malaysia	183
Conclusion	187
Chapter 10 Human Rights	191
Human Rights Defined	191
Muslims and Human Rights	193
Human Rights in Malaysia	194
Respect for the Integrity of the Person	196
Respect for Civil Liberties	200
Respect for Political Rights	203
Government's Reactions to Allegations of Violations of Human Rights	205
Discrimination Based on Race, Gender, Disability, Language, or Social Status	206
The Workers' Rights	209
Conclusion	211
Chapter 11 Public Administration	213
The Administrative Structure	213
Local Government	216
The Civil Service	217
Modernisation and Reform Programmes	219
Trends, Issues And Concerns	222
Centralisation	222
Elitism and Generalist Posture	223
Politics-Bureaucracy Nexus	224
Lack of Local Democracy and People's Participation	225
Dominant Executive	226
Weak Public Accountability	227
Conclusion	228
Chapter 12 Police Administration	231
A Brief History	232
The Structure	234
Chain of Command	235

The Functions	237
Recruitment and Training	239
Successful Police Strategies	241
The Royal Commission of Inquiry	242
Government Response	243
Conclusion	246
Chapter 13 Military Professionalism and Civil-Military Relations	249
Civilian Subordination of the Malaysian Armed Forces	249
Budgetary Allocation, Training, and Military Professionalism	253
The Military's Role in External Defence and Structure of the Armed Forces	256
The Military's Political Role (if any), and Involvement in Policy Development	258
Capabilities, Training and Development, Command and Control	260
Role of the Armed Forces in Nation-building and U.N. Peacekeeping Missions	261
Conclusion: The MAF in the Context of Malaysia's Political Economy	264
Chapter 14 Foreign Policy	269
The Funnel of Causality	269
The Environment and Decision Making Structures	272
Foreign Policy: Tunku Abdul Rahman	274
Foreign Policy: Tun Abdul Razak Hussein	276
Foreign Policy: Tun Hussein Onn	276
Foreign Policy: Tun Dr. Mahathir Mohamad	277
Foreign Policy: Abdullah Ahmad Badawi	287
Conclusion	291
Further Reading	295
Index	301

Judiciary

Judiciary is a branch of government that is concerned with the administration of justice. It upholds law and order by ensuring that all are equally treated before the law. It is composed of a body of judges in a constitutional system and is always separated from the other two branches of government to guarantee the judicial qualities of objectivity and detachment. In democratic as well as Islamic political systems the independence of the judiciary is regarded as an essential prerequisite of a just and free society.

Judiciary in Islam is called *qaḍā'* which literally means execution, that is, of the ruling, or *ḥukm*, of the *sharī'ah*. The literal meaning of *qaḍā'* is also reflected in its juridical application where *qaḍā'* is defined as declaring the *ḥukm* of the *sharī'ah* concerning a dispute in a manner that is binding on the disputing parties. The prompt enforcement of valid judicial decisions is a basic postulate of *qaḍā'* in Islam. Judicial decisions should not therefore be delayed, as an unwarranted delay could be prejudicial, and may well undermine the substance of justice. *Qāḍī* is the judge, appointed by the political leader and entrusted with the execution of justice in all matters of religious law, such as marriage, divorce, inheritance, and religious endowments (*awqāf*). Originally, the *qāḍī* was meant to handle civil and criminal cases, too, but the tendency through the centuries has generally been to leave those to the civil authorities, who were not of the '*ulamā'*. The ideal requirements for being a *qāḍī* are stringent and include having a blameless character and life, possessing a thorough grounding in the legal sciences, and even having the ability to act as a *mujtahid*. It is the *qāḍī*'s sworn and sacred duty to be fair and balanced in his deliberations, regardless of the status and power of the parties to litigation.