

PROCEEDINGS OF THE SEMINAR ON RESEARCH FINDINGS 2008

Edited by
RESEARCH MANAGEMENT CENTRE



IIUM Press

Published by:
IIUM Press
International Islamic University Malaysia

First Edition, 2009
©IIUM Press, IIUM

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without any prior written permission of the publisher.

Perpustakaan Negara Malaysia

Cataloguing-in-Publication Data

Proceedings of the Seminar on Research Findings 2008 / edited
Research Management Centre.
ISBN 978-983-3855-78-0

1. Islamic law--Research--Congresses. 2. Universiti Islam Antarabangsa
Malaysia. Pusat Pengurusan Penyelidikan.
340.07

ISBN: 978-983-3855-78-0

Copy no:	11 22191
Initial:	AAR
Date:	2112-110
Location:	MADN /PJ /ISTAC /NILAI /K/ K2

fp
LG
173
P47
P963
2008

22/2/11/nhb
6/6/11/nhb

CONSTITUTIONAL ROLE AND POWERS OF THE MODERN MONARCHY IN DEMOCRATIC GOVERNMENT: THE MALAYSIAN EXPERIENCE

*Khairil Azmin Mokhtar**

ABSTRACT

The so-called figurehead monarch of Westminster-type constitutions, where the positions of head of state and the head of government are held by different persons, needs to be appreciated in light of the substantive and discretionary powers exercised by such heads of state in the maintenance of a just and democratic system of government. In the Malaysian Constitutional framework the position of the Yang di-Pertuan Agong and the Sultans are actually a modern one as much as democracy itself is, and an interesting comparison may be made with nations with similar but non-hereditary heads of state. Instances and events referred in the paper illustrate the practical significance of the Malaysian monarchy.

*Within Malaysian constitutional and social contexts the function of monarchy goes beyond symbolic roles because it has important responsibility and duties to protect and preserve democratic ideals underpinning the philosophy of this nation. As heads of state the monarchs are constitutionally bound to ensure the governments are functioning within parameters set out in the Constitution and to protect interest of the people regardless of their religion and political affiliation. The Malay rulers, as stated by His Highness Raja Nazrin, must adapt to these changing circumstances. Though the institution is steeped in tradition it must reflect a contemporary outlook. This is admitted by His Highness Raja Nazrin Shah in his speech titled *The Monarchy in Contemporary Malaysia* that 'Changes, when required, have to be addressed and accommodated to suit the temper of times.' The monarchs in Malaysia have proven their resilience by adapting themselves to the changing needs and aspirations of the Malaysian society from time to time, and at the same time manage to preserve their traditional role and their tradition. This is an important factor for their success and perseverance.*

INTRODUCTION

Arguably, as stated by Rodney Brazier in his book *Constitutional Reform*, an elected Head of State 'would extend democracy to the pinnacle of the state,' and a hereditary ruler, even if he is a constitutional monarch, is less favourable than an elected President. The notions cannot be generalised and certainly in Malaysia it is not so. The Malay rulers have constitutional roles and commitment in preserving and upholding democracy and constitutionalism in the country.

* Lecturer at Ahmad Ibrahim Kulliyah of Laws, International Islamic University Malaysia.