

# **Political Crisis 2020 and How the Federal Constitution is being Implemented**

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## **Introduction:**

### **Timeline Of 2020 Political Crisis In Malaysia**

#### **21 February 2020**

Pakatan Harapan held a presidential council meeting where they unanimously agreed to let Tun Dr Mahathir Mohamad decide on the Prime Minister handover date. Tun said that the decision will be made in November, after the APEC summit.

#### **22 February 2020**

PAS deputy president, Datuk Tuan Ibrahim Tuan Man said that the party decided to revoke its initial proposition of waiting for Tun Dr Mahathir to pick a date to succession to the Prime Minister seat.

#### **23 February 2020**

PPBM, UMNO and GPS leaders held a separate meeting amid speculations. Later that evening, PPBM, UMNO, PAS, GPS, Warisan chiefs, and former PKR deputy chief, Datuk Seri Azmin Ali met with Yang di-Pertuan Agong.

Datuk Seri Azmin and his faction later met with opposition MPs at a PJ hotel.

#### **24 February 2020**

Datuk Seri Anwar Ibrahim, Datuk Seri Dr Wan Azizah Wan Ismail, Lim Guan Eng, Mohamad Sabu met with Tun.

PKR and DAP held emergency meetings later in the day.

It was later announced that PKR sacked Datuk Seri Azmin Ali, Zuraida. But they later quit their party, leaving PKR and PH together with 11 other MPs.

Tun Dr Mahathir Mohamad made a shocking announcement shortly after that. A statement was released by the Prime Minister's Office, stating that Tun Dr Mahathir Mohamad has sent his letter of resignation as Prime Minister to Yang di-Pertuan Agong. It would also be reported that the Prime Minister would resign as Chairman of Bersatu.

The day ended with Yang di-Pertuan Agong appointing Tun Dr Mahathir Mohamad as the interim Prime Minister, with the Pakatan Harapan Cabinet dissolved. Malaysia's stock market closes at its lowest since 2011.

## **25 and 26 February**

Yang di-Pertuan Agong met with 222 Members of Parliament on the nation's future.

On 25th February 2020, Pakatan Harapan has decided to remain united while the opposition coalition of BN, PAS and PBRS vote for a fresh election.

On 26 February 2020, the Pakatan Harapan coalition nominates Anwar as Prime Minister while Tun Dr Mahathir Mohamad proposes a unity government.

## **27 February 2020**

Kedah MB, Datuk Seri Mukhriz Mahathir announced in a press conference that the Kedah state government will remain as a combination of Pakatan Harapan and Bersatu.

He added that he will remain as Kedah's Chief Minister.

Chief Minister Adly Zahari said that the Melaka state administration remains as status quo.

Johor will be ruled by a new political coalition.

Tun Dr Mahathir Mohamad retains his position as Chairman of Bersatu.

Tun Dr Mahathir announced the 2020 Economic Stimulus Package.

## **28 February 2020**

A day after Tun Dr Mahathir Mohamad announced that there'll be a special Parliamentary session, the Yang di-Pertuan Agong released a statement to deny that there will be any Parliament session on Monday to pick a new Prime Minister. He

explained in the statement that he will continue to work on a solution to resolve the country's political turmoil.

BERSATU nominated Party President Tan Sri Muhyiddin Yassin for Malaysia's 8th Prime Minister. UMNO and PAS have also declared their support to Tan Sri Muhyiddin Yassin to be Malaysia's 8th Prime Minister.

Attorney-General Tommy Thomas submits his letter of resignation to Tun Dr Mahathir Mohammad. His term was initially due to end only in June 2020.

## **29 February 2020**

Tan Sri Muhyiddin Yassin is the 8th Prime Minister of Malaysia.

## **1 March 2020**

Tan Sri Muhyiddin Yassin is sworn in as the 8th Prime Minister of Malaysia.

## **ii. Commentary**

There is actually no such thing as a 'backdoor government'. It is either a legitimate government or an illegitimate government, and if necessary, such as on the Perak State constitutional crisis of 2009, it is for the courts to rule on it. The King performs his constitutional role or who to appoint as the next prime minister. If he is not able to find an MP who can command a majority in Parliament, then he can persevere and wait a little longer for an MP concerned to have a simple majority. Legitimate 'horse trading deals' are being done all the time. Or he can call for a snap election. It is entirely up to the King and no right thinking person should challenge his decision. Sure, you can express your wish or opinion but do not protest yet. It would be better to leave it to the wisdom of the King to make such a decision. If you think he has made the wrong decision, then you may protest but within the framework of the law, otherwise you may be committing an offence, especially relating to sedition.

It may not be immoral or wrong to appoint a new government halfway through its term when the ruling Pakatan Harapan (PH) coalition collapsed. The King can dissolve Parliament and call for snap polls. There are also those who support the idea of a snap election because they believe they have no chance of forming a new government and/or that they would now perform much better in the polls. There are basically two

ways of looking at this issue of whether MPs are allowed to change their mind halfway through its term, defect from the ruling coalition and decide by a simple majority to form a new government regardless of whether PH is involved or not.

In our parliamentary system of democracy, it is the voters who first elect their respective MPs and then it up to the MPs to decide who to support as the prime minister and if chosen by the King, he or she shall then form the government of the day. There are no requirements for such an MP to have a political party or for his/her party to be in a coalition. The MP concerned can be a lone ranger and a gardener for all you know, as long as the King believes that he can command a simple majority in Parliament. The spirit of this rule is explicitly and clearly stated in the Constitution.

Many people do not seem to understand that the key element of our democratic system is that a majority of MPs can at any time, form a new government, as long as the country's constitution and Head of State (in our case, the King) allow for it. It is fully legitimate and democratic. If the voters are not happy with the stance taken by their respective MPs, then go voice out to them or remove them at the next election. This is the spirit of how our democratic system works. This concept is also practiced by the more democratically mature countries in Europe and Australia.

You may argue that you voted for an MP on the understanding that he or she is a member of a party and the party is part of a coalition with a group manifesto that you agree with. There is also an understanding made public on who should be the prime minister if the coalition has a simple majority in Parliament. And that this MP is not allowed to defect from his/her party or coalition and he/she is even not allowed to change his/her mind half-way through the term (of normally five years) for whatever reasons, on who should be the incumbent or next prime minister. The first part is clearly stated in the Constitution. The second aspect is only an understanding or assumption and there are no way of proving how many voters actually supported this argument. If you still insist on the second, then you must campaign to change the law like what the Penang State did, to outlaw party hopping or defection at the federal level. However, such a law, in my opinion, is immature and undemocratic. The dynamics and pace of changes taking place during the five-year period, must be recognized. Calling for a snap election should only be the last resort as it is time consuming with huge public funds and resources involved. It may also be more divisive and destabilizing at a time when we should be more focused on promoting unity in

purpose and action, especially in addressing the problems of our economy and how to move it forward.

Regarding the latest political crisis at the time of writing has directed every MP to see him in the presence of the Chief Secretary to find out where they stand before deciding on the way forward. This action by the King is highly commendable. He is demonstrating clearly to the Rakyat that he would act within the spirit of the Constitution on his appointment of a new prime minister or in calling for a snap election. It is the hope that since the biggest challenge facing our country now is the economy, the new prime minister would appoint a new minister of finance who has the competence, experience, wisdom and integrity to undertake such a massive job.