



SYSTEM OF GOVERNMENT THE PARLIAMENTARY DEMOCRACY IN MALAYSIA

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1. INTRODUCTION

WHAT FORMS A GOVERNMENT?

Malaysia practices parliamentary democracy, where the government is divided into **three main branches**.



PARLIAMENTARY DEMOCRACY SYSTEM

Malaysia practices **parliamentary democracy with a constitutional monarchy**.

His Majesty the King is the head of state. Parliament, the most important institution in a country that practices the principles of democracy, held its first meeting on September 11, 1959.

Legislatures in Malaysia: Terms of Reference

To make recommendations for a federal form of constitution for the country as a single, independent, self-governing unit within the Commonwealth based on parliamentary democracy with a bicameral legislature.



<https://www.wipo.int/wipolex/en/text/194852>

2. THE PARLIAMENT/ LEGISLATIVE BODY

(1) (FEDERAL LEGISLATIVE)

According to the Constitution (Articles 44-45), the power of the legislative body is with Parliament, **which is the highest legislative body in Malaysia**. Parliament is a **bi-cameral** legislature comprising a lower house called the **House of Representatives (Dewan Rakyat)** and an upper house known as the **Senate (Dewan Negara)**. His Majesty the King (Yang di-Pertuan Agong) is also a part of Parliament.



<http://www.parlimen.gov.my>

The Senate (Dewan Negara)

FUNCTION: LAW-MAKING, DISCUSS VARIOUS ISSUES.
ROLE: REVISING CHAMBER/MATURE DELIBERATION; SCRUTINIZE THE GOVERNMENT'S ACTION; LEGITIMISE THE LAW; PROTECT THE POSITION OF STATES.

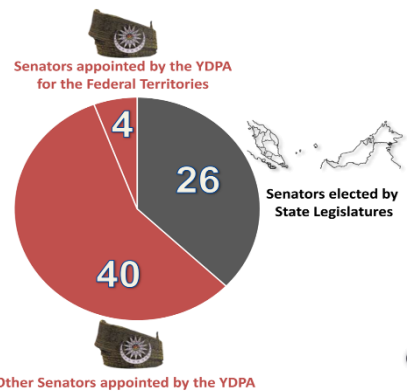
The Senate consists of **70 Senators**.

The membership of the Senate is made up of two categories:

● **26 members** were elected by the **State Legislative Assembly** to represent 13 states (each state is represented by two members).

● **44 members** were appointed by His Majesty the Yang di-Pertuan Agong on the advice of the Prime Minister, including two members from the Federal Territory of Kuala Lumpur and one member each from the Federal Territory of Labuan and Putrajaya.

(Clause (1) Article 45)



TO BE ELIGIBLE AS A MEMBER, A PERSON MUST:

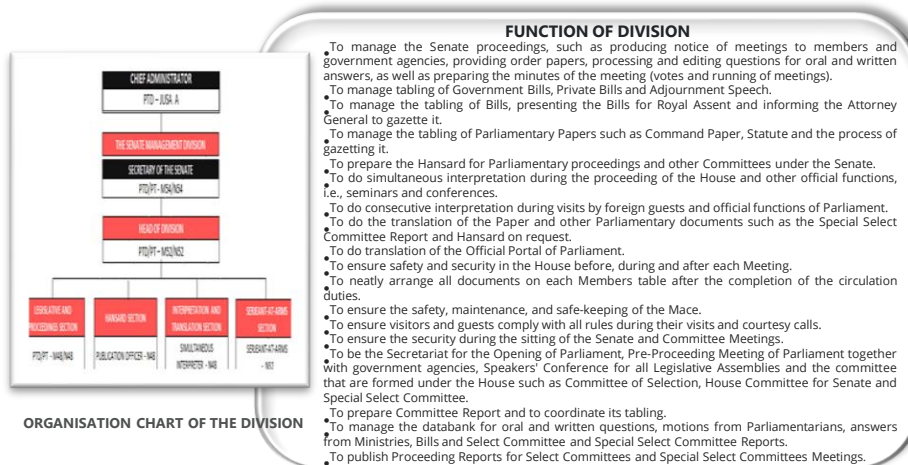
- Be a Malaysian citizen
- Be not less than **30 years old**
- Be of sound mind
- Not be an undischarged bankrupt

The tenure of office is a **three-year term** for a maximum of two terms, applicable to both federal and state appointments.

Every member, before taking his seat in the Senate, must take the prescribed oath before the President of the Senate. By the oath, the Members swear or affirm that they will faithfully discharge their duty as Senators to the best of their ability, to bear true faith and allegiance to Malaysia, and to preserve, protect, and defend the Constitution.

<http://www.parlimen.gov.my>

THE SENATE MANAGEMENT DIVISION

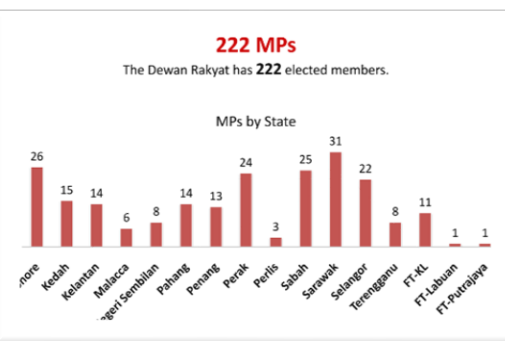


<https://www.parlimen.gov.my/maklumat-umum-sekretariat.html?view=220&uweb=web&id>

The House of Representatives (Dewan Rakyat)

FUNCTION: LAW-MAKING, AMENDING THE CONSTITUTION, NATIONAL FORUM, CHECKING & BALANCE.

ROLE: POLITICAL FORUM; PRIME SOURCE OF LEGISLATION; SCRUTINIZE POLICIES AND ADMINISTRATION; HAS THE POWER TO OVERRIDE THE SENATE—1 MONTH IN THE MONEY BILL AND TWELVE MONTHS IN THE NON-MONEY BILL.



The House of Representatives has **222** elected members, and each member represents a Parliamentary Constituency

A general election is held every five years to elect members of the House of Representatives. Parties with the most elected members can form a federal government to rule the country.

(Clause (1) Article 46).

TO BE ELIGIBLE AS A MEMBER, THE PERSON MUST:

- Be a Malaysian citizen
- Be not less than **18 years old**
- Be of sound mind
- Not be an undischarged bankrupt
- Not at the same time be a member of both Houses

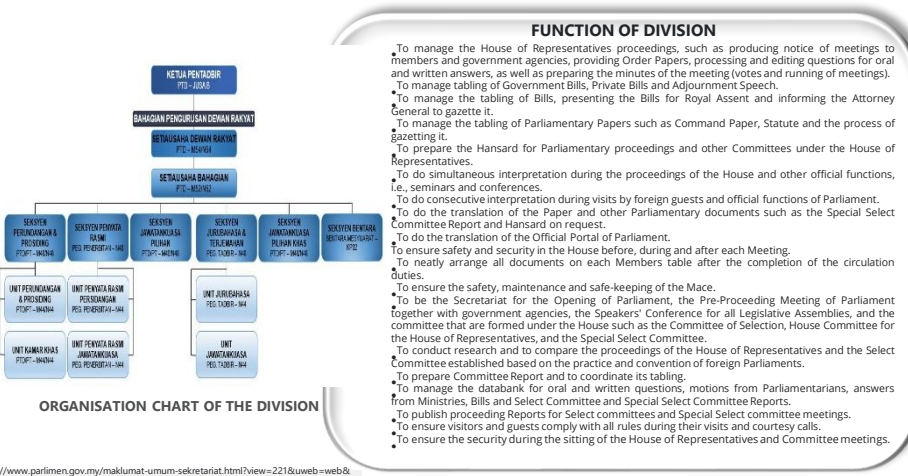
Every member, before taking his seat in the House of Representatives, must take the prescribed oath before the Speaker.

By taking the oath, the members swear or affirm that they will faithfully discharge their duty as members to the best of their ability, to bear true faith and allegiance to Malaysia, and to preserve, protect, and defend the Constitution.

The Speaker may be a member of the House or a non-member who is qualified to be elected as the Speaker of the House.

<http://www.parlimen.gov.my>

THE HOUSE OF REPRESENTATIVES MANAGEMENT DIVISION



<https://www.parlimen.gov.my/maklumat-umum-sekretariat.html?view=221&uweb=web&id>

THE SENATE VS THE HOUSE OF REPRESENTATIVES

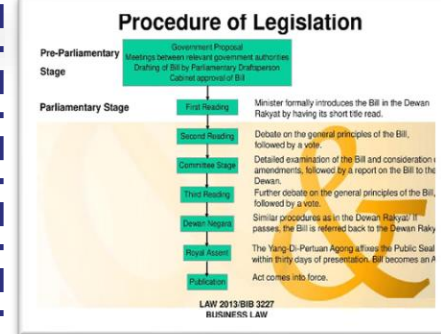
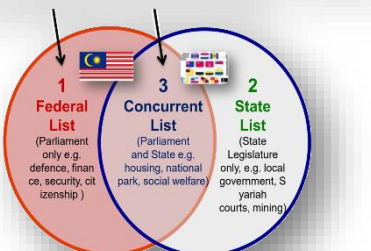
According to the Constitution (Articles 45-55)

The Senate	VS	The House of Representatives
70	Number of Members	222
• ELECTED BY STATE LEGISLATURES (2 EACH, 26 TOTAL) • APPOINTED BY THE YDPA IN RESPECT OF FEDERAL TERRITORIES (4) • APPOINTED BY THE YDPA (40)	Mode of Appointment	ELECTED BY VOTERS
• 3 YEARS, UNAFFECTED BY THE DISSOLUTION OF PARLIAMENT. • A PERSON CAN ONLY BE A SENATOR FOR A MAXIMUM OF TWO TERMS, WHETHER CONSECUTIVE OR NOT.	Term of Office	UNTIL THE DISSOLUTION OF PARLIAMENT
STANDING ORDERS OF THE SENATE	Rules for the Proceeding	STANDING ORDERS OF THE HOUSE OF REPRESENTATIVES

LEGISLATIVE AUTHORITY TO MAKE FEDERAL LAWS

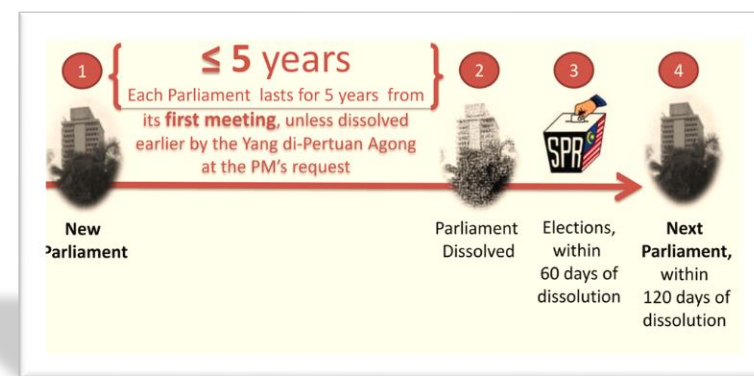
According to the Constitution (Articles 44-68)

Parliament may make federal laws in respect of matters falling under the **Federal List** or the **Concurrent List**.



PARLIAMENTARY CYCLE

According to the Constitution (Article 55)



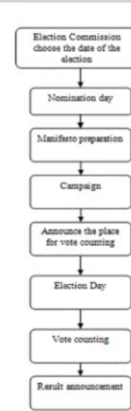
RELATIONSHIP BETWEEN PARLIAMENTARY DEMOCRACY & ELECTIONS

- Form a democratic country.
- Maintain leadership.
- Choose candidates to fill the highest post in the government.
- Strengthen the stability and legitimacy of an organization and political community.

The important elements of an election are:

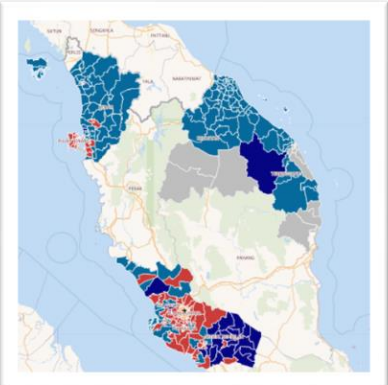
- The Constituency.
- The Voters.
- The Candidates.
- The Electoral Process of an organization and political community.

THE PROCESS OF ELECTION



2. THE PARLIAMENT/ LEGISLATIVE BODY

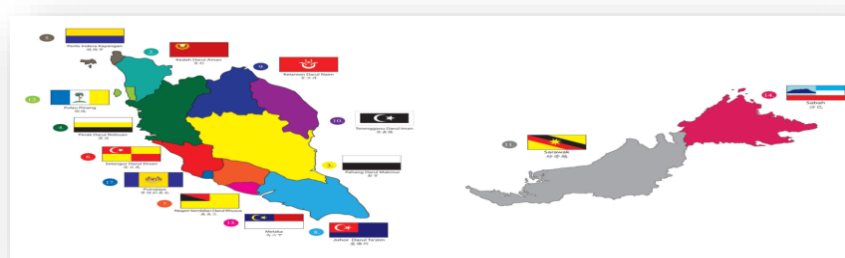
(2) (STATE LEGISLATURES)



Each state has a unicameral **state legislative chamber (Dewan Undangan Negeri)**, whose members are elected from single-member constituencies. State governments are led by Chief Ministers, who are state assembly members from the majority party in the DUN.

Parliamentary elections are held **at least once every five years**. Registered voters of **age 21 and above** may vote for the members of the House of Representatives and, in most of the states, for the state legislative chamber. Voting is not mandatory.

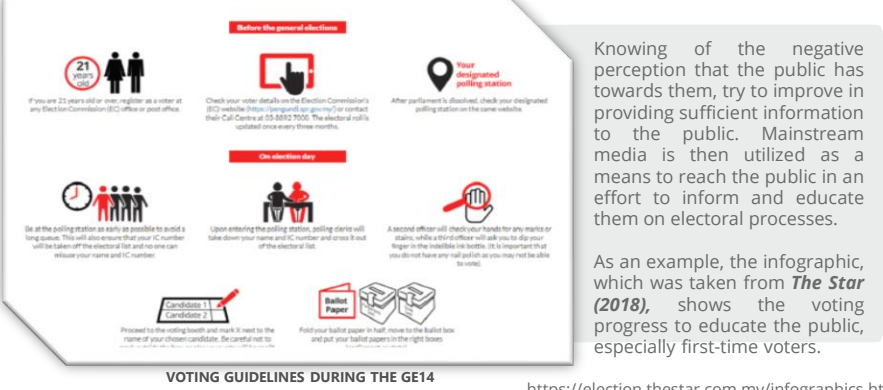
STATE EXECUTIVE COUNCIL



The executive council is similar to the cabinet at the federal level. The ruler of the state appoints firstly the chief of ministers from the members of the legislative assembly, who, in his opinion, is likely to command the confidence of the majority of the members of the assembly. In a party system, this will normally be a person from the majority party or a coalition. Then the ruler appoints members of the executive council in consultation with the chief ministers. The appointed executive council will be presided over by the chief of ministers.

3. RELEVANT CASE STUDY

MALAYSIAN 14TH GENERAL ELECTION



<https://election.thestar.com.my/infographics.html>

4. SUMMARY

Every citizen needs to be aware that they are the driving force behind the system of democracy and elections in this country.

Without their participation, the elections cannot be carried out. Hence, every individual who feels responsible for the development of democracy in the country should be prepared to involve themselves, either to vote or as part of the election mechanism. It is hoped that every citizen will cooperate to ensure the continued existence of this democratic process.



- What is the function of Parliament?
- How many members are there in the Senate and the House of Representatives?
- How many types of elections are there in Malaysia?
- What are the qualifications to be a candidate?

- What do you understand about the relationship between parliamentary democracy and elections?
- Briefly describe the process of making laws in parliament.

Discussion Questions

ANSWERS

- Parliament is a legislative body for the federal government that passes and amends federal laws, scrutinizes government policies, and approves government budgets and proposals for new taxes.
- The Senate comprises 70 members: Two members for each State; two members for the Federal Territory of Kuala Lumpur, one member each for the Federal Territory of Labuan and the Federal Territory of Putrajaya; and forty members shall be appointed by His Majesty the King. The number of members of the House of Representatives has 222 members who are elected through the electoral system.
- The four types of elections available are as following:
 - (a) General Elections;
 - (b) Primary Elections;
 - (c) Run-off Election;
 - (d) Local Elections (State Elections).General elections and Local Elections are the 2 main types of elections. General Elections, where Members of Parliament (MPs) are elected; held nationwide because there are MPs across the country. On the other hand, State Elections, where members of the State Legislative Assembly (ADUNs) are elected, and were held at a State level because each state has its respective ADUNs.
- In the system of elections, candidates contesting the elections can represent any party or become independent candidates. A person is qualified to be a candidate in any election if he or she meets the following requirements:
 - (i) a citizen of Malaysia and residing in the country;
 - (ii) Aged not less than 21 on the day of nomination of candidates; and
 - (iii) Residing in the State where he or she is contesting.

- (a) Form a democratic country;
- (b) Maintain leadership;
- (c) Choose candidates to fill the highest post in the government; and
- (d) Strengthen stability and legitimacy of an organization and political community.

- The Parliament has the power to make laws through the Dewan Rakyat and Dewan Negara, approving bills which are consented by the Yang di-Pertuan Agong. All draft laws have to be initiated in either Parliamentary chamber, the exception being bills on finance which must be initiated in the Dewan Rakyat. Each bill approved by a chamber of Parliament must undergo four stages before being approved:
 - (a) First Reading
 - (b) Second Reading
 - (c) Discussion at Committee Level
 - (d) Third Reading

Source:

<https://www.wipo.int/wipolex/en/text/194852>

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