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Mahathir-monarchy

KUALA LUMPUR, Dec 2nd (Bernama) -- Datuk Seri Dr Mahathir Mohamad said today it is vital that the Rulers not get involved in politics to ensure the continuity of the system of constitutional monarchy and parliamentary democracy.

The Prime Minister said that though the Federal Constitution and the laws of the country do not prohibit Rulers from getting involved in politics, it is important for all quarters to have an understanding of the matter.

Winding up debate at the Umno general assembly here, the Umno president explained at length the concepts of constitutional monarchy and parliamentary democracy.

Datuk Seri Dr Mahathir said that though the country had a written constitution and various laws which explain the position of the Rulers and the rights of the people, there is no special article in the constitution which says that Malaysia practises the system of constitutional monarchy and parliamentary democracy.

+Nevertheless, certain provisions in the constitution and laws convey the understanding that Malaysia has a constitutional monarchy and follows the system of parliamentary democracy,+ he said. -- more

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He added that no country has such a comprehensive system of laws which clearly specified what one can or cannot do.

Datuk Seri Dr Mahathir said that if something not specifically prohibited meant that it was allowed, then the Rulers would be allowed to get involved in politics, and even vote and be elected representatives, Menteri Besar and Prime Minister in a parliamentary democracy.

+What the Constitution specifically prohibits is for Rulers to hold salaried posts and to do business,+ he added.

The Prime Minister said that if the Rulers get involved in politics in a democratic system, then the Rulers can be challenged and ousted. +If this can be done, then the Rulers will no longer be Rulers in the ordinary sense of the word.+

Instead, in Malaysia, the people accept and want to maintain Rulers who cannot be ousted by the people, he said.

He added that though there was no specific law prohibiting Rulers' involvement in politics, for the sake of continuity of the institution of Rulers their involvement was contrary to the system of constitutional monarchy and parliamentary democracy. -- more

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Datuk Seri Dr Mahathir said knowledge of the system of constitutional monarchy and parliamentary democracy required all quarters to not only abide by the written laws but also have an understanding of the unwritten concept, spirit and tradition.

He said that in situations where it is difficult to criticise and where the reaction to irregularities cannot be clearly indicated, it is difficult to convince the concerned party of the serious nature of a situation.

The Prime Minister said that according to the Sedition Act 1948, any action or speech that had the tendency to be seditious towards a Ruler can be interpreted as seditious.

He said that whether the action or speech had the tendency to be seditious or not was up to the courts to make an assessment and pass judgment.

+Owing to the fear of the law, it is possible that the uneasiness is suppressed and not expressed,+ he added.

Datuk Seri Dr Mahathir, who is also the Home Minister, said that because there is no clear evidence of the uneasiness among the people the acts which contribute to the uneasiness would continue and possibly increase. -- more

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As a result, day by day, the uneasiness would build up and, suddenly, it would explode, he said, adding that by then it would be too late to check any extreme act.

This was what happened to several communities which suppressed the people's thinking until, suddenly and without any warning, a revolution broke out, he said.

Datuk Seri Dr Mahathir said the Sedition Act prohibited the people from resorting to seditious acts not only against the Rulers but also against the government. +But the government is open to criticism against it,+ he added.

The government, he said, rarely prosecuted anyone under the Sedition Act although many accusations had been made frequently by individuals, groups and the media which can cause hatred for the government among the people.

+Baseless accusations that the government is corrupt will definitely caused hatred among the people who will want to topple the government, but the government does not use the Act to save itself,+ he said.

Datuk Seri Dr Mahathir said that only when it was evident that these accusations would spark riots and chaos would the government take action.

He said the government was reluctant to use the Act because a government has to be aware of the people's feelings. -- more

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+If there is no criticism of the government, then any wrongdoing on the part of the government would continue,+ he said.

As a result, the hatred of the people towards the government would build up and one day explode in a revolution to topple it, he said.

He added: +Therefore, even with the Sedition Act, the people must be given the freedom to criticise, and the criticism must be made in a clear manner.

+If only one or two persons make the criticism, it may be assumed as being their opinion only and not the view of the general public.+

He said the people, and of course Umno members, must be given the opportunity to openly voice whatever is in their hearts without too much restriction by the Sedition Act.

He said under the Federal Constitution and laws, Rulers are free from any legal action as provided by Article 181(2) which states: +No proceedings whatsoever shall be brought in any court against the Ruler of a state in his personal capacity.+

In spite of this, it did not mean that the Rulers were free to do as they please. The freedom was restricted in accordance with an unwritten understanding, he added.

The freedom does not mean that the Rulers can steal, murder or commit any crime which the public is prohibited from committing, he said. -- more

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Datuk Seri Dr Mahathir said when freedom from legal action is provided, the understanding is that the Rulers will not deliberately and excessively do something prohibited by law.

There might be one or two instances of contravening the law and the community will close one eye but, if there is deliberate and repeated violation of the law, the community will not tolerate it, he added.

He said that at times those who committed offences were not the Rulers but members of the royal household. Because of respect for the Rulers, very often the offences are ignored.

He said this attitude is fraught with dangers because the feelings aroused are not directed at the member of the household concerned but at the Ruler too, thus, directly affecting the image of the Ruler.

Datuk Seri Dr Mahathir said that to some extent the Rulers possess influence and there were people who wished to use it.

As such, if someone checked the Ruler in the interest of preserving his status, there will be others who try to take the opportunity to arouse the Ruler's hatred towards that person, he added.

In the political arena, if the party responsible for advising the Ruler, checked the Ruler, this might be used by political opponents to obtain the support and sympathy of the Ruler with the aim of using the Ruler's influence in the political arena, he said. -- more

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Datuk Seri Dr Mahathir said because of this risk, those who should advise the Ruler did not give the necessary advice. Thus, the Ruler will not be aware of the people's feelings about his action and, once again, it would lead to the Ruler not discontinuing that action.

As such, although the Sedition Act and custom prevents the people from taking action, their anger will rise, he said, adding that this might eventually lead to action to abolish the system of Rulers.

Quoting the Malay proverb +Kerana nila setitik, rosak susu sebelanga+ (a rotten apple spoils the whole barrel), he said because of that one rotten apple, the general assembly this time was forced to debate the resolution on the Rulers and Constitution.

He added: +Our aim of openly debating the violation of the system of constitutional monarchy and parliamentary democracy in Kelantan is not to change the system of Ruler in that state or to have a revolution.

+Our intention is to remind certain quarters, as early as possible, about the deviation that has taken place and the danger it entailed.

+We are certain that if it is not checked, the party concerned will continue his actions and this might draw stronger comment that will mar the situation, or it might lead to action by those who feel slighted, that cannot be curbed easily. -- more

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+The final and actual objective of our debate is to save the system of constitutional monarchy in Malaysia. The constitution and laws alone cannot save whatever system of government anywhere.

+What can save any system is the benefit derived from its practice and the continuous support of the people for the system.+

Datuk Seri Dr Mahathir said that in the history of Umno after independence, matters relating to the Rulers had never been debated because the system of constitutional monarchy and parliamentary democracy had never been violated by anyone.

For 33 years after independence the system had carried on well and although there was a constitutional crisis in 1983 Umno did not debate matters touching on the Rulers even though at that time the feeling of uneasiness was felt within and outside Umno.

He then related the history of the system of monarchy in the country beginning from feudal times before colonialism until the setting up of the Malayan Union. According to him the Malay states were always weak and the political situation seldom stable.

The Malayan Union plan which restricted the powers of the Malay rulers as head of the Islamic religion and Malay customs was opposed by the Malays so much so that the British eventually called off the plan and replaced it with the Federation of Malaya, he said. -- more

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With the change, the position of the Rulers returned to what it was before the Japanese occupied the Malay states and the Rulers were not involved directly with the administration which was placed under the Legislative Council while the British High Commissioner headed an Executive Council which was fully in power.

+It was clear that the Malays, through Umno, had struggled to redeem the position of the Rulers that was lost after the signing of the Malayan Union agreement,+ he said.

After independence, Umno had no intention whatsoever to abolish the system of monarchy. What they struggled for was how to maintain the monarchy without setting aside democracy, he added.

Thus, the system of constitutional monarchy and parliamentary democracy with the British system of constitutional monarchy as a model was set up, he said.

Datuk Seri Dr Mahathir said that the constitutional monarchy, like the British concept, was not directly involved with the administration but the Rulers had specific roles.

The Prime Minister said that under the system of constitutional monarchy in Malaysia, the Rulers act on the advice of the chief executive chosen by the people, except on matters relating to the dissolution of Parliament and the appointment of the chief executive himself, besides matters relating to the Islamic religion and the Malay custom. -- more

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In the appointment of the chief executive, the Ruler was subject to the stand of the elected representatives in Parliament. If the Ruler appointed someone who did not enjoy the support of the majority of the elected representatives, he might be ousted through a no-confidence vote, he said.

As such, he said, the chief executive, whether he may be the Menteri Besar or the Prime Minister, must be an elected representative who commanded the support of the majority of the elected representatives.

Usually, the top leader of the party with a majority in the election would be most likely to have the support of the majority of the elected representatives, he said.

The Prime Minister said that if he had not been appointed and another elected representative was appointed by the Ruler, even if he had taken the oath of office, he would fail when the House begins its session and a no-confidence vote is taken.

+In other words, even though the Ruler can appoint a government chief executive, the appointment is subject to the stand of the elected representatives voted in during the election,+ he said. -- Bernama

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