

Expert : no legal need for Malay deputy MB
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K Kabilan

A constitutional expert today dismissed claims being made by the Selangor royal household that the deputy menteri besar should ideally be a Malay to assist the menteri besar in Islamic and cultural duties. MCPX

prof dr abdul aziz bari“The Sultan of Selangor does not need the menteri besar or the deputy menteri besar in matters pertaining to religion and Malay custom,” Prof Abdul Aziz Bari (left), who lectures law at the International Islamic University Malaysia, told Malaysiakini.

He added that the sultan, being the head of Islamic matters and the Malay adat, is the person in charge of such matters in the state, and not the menteri besar or his deputy.

Abdul Aziz was referring to media statements made by the Selangor sultan’s private secretary Muhammad Munir Bani on the palace’s “preference” for a Malay deputy menteri besar.

Yesterday Muhammad Munir denied reports that the sultan wanted “a deputy from a particular race”.

khalid ibrahim selangor mb cm swearing in ceremony 130308 06However, he added the sultan was the religious head for Islam and Malay culture and the menteri besar has the task of assisting in these duties, which would also have to be handled by his deputy and as such, it was only proper that a Malay be the deputy menteri besar.

PKR’s secretary-general and Ijok state assemblyperson Khalid Ibrahim (photo, right) was sworn in as the new menteri besar yesterday.

Khalid has not named his deputy but it is believed that a Chinese candidate from the DAP, which is second biggest party in the ruling coalition, will fill in that slot.

Unnecessary and unconstitutional

Abdul Aziz said that a prolonged delay in the appointment of a deputy menteri besar was unnecessary and might even be unconstitutional.

“Matters cited by the palace are entirely within the sultan’s jurisdiction,” he said. Abdul Aziz added that this was also the position in eight other states which have sultan or raja. In states without the sultans - Malacca, Penang, Sabah and Sarawak - the gap is filled by the Yang di Pertuan Agong.

“As the sultan may act on his own discretion on these matters, the constitution provides that a council may be appointed to assist him.

“This is what is commonly known as religious councils or majlis agama, which looks after the religious department or the jabatan agama. In the other four states and federal territories, the Agong will have the same establishment,” added Abdul Aziz.

He further stated that in any event that the sultan needs assistance on such matters, he has the state mufti to fall back on.

"The reason why the constitution put those matters under the sultan's exclusive jurisdiction is pretty clear; namely history and that it will prevent religion from being politicised.

"Given this, the reading of the Selangor palace is quite contrary to the spirit of the constitution.

"In fact, the problem within the Muslim community is that the politicians control the mosques while religious matters are being handled politically at the expense of Islam," he said.

Khair's problem

Abdul Aziz said the Selangor palace must differentiate state religious matters and state administration, adding that the state constitution does not allow for these to be mixed.

He added it was precisely this convergence that caused the Barisan Nasional to suffer defeats in Saturday's national polls.

khair toyo and ong ka ting campaign 220208 happy"One of the reasons why PAS thrived was (former menteri besar Dr Mohd) Khair Toyo (right) behaved as if he was the head of Islam.

"This makes one wonders where the sultan is for he is the head of religion with an essentially absolute power to look after the religion," added Abdul Aziz.

He also noted that his comments on this matter were not seditious as the "law says one may point out mistakes".

"And it is important that the better interpretation of the constitution is put in the public domain," he added.

Khalid told the media yesterday that he has not decided on his deputy, whom he said could be from any race. DAP's Teresa Kok, the state assemblyperson for Kinrara, is the leading candidate for the post.