

DATE: 17/03/2008

Danger of power struggle leading to snap elections

NST- 17/3/2008

■ By Ridzwan Abdullah and
Mazlinda Mahmood
news@nst.com.my

KUALA LUMPUR: A menteri besar without the full backing of his party's state assemblymen could face a vote of no-confidence, a constitutional expert said.

Prof Dr Shad Saleem Faruqi, commenting on the tussle between Datuk Seri Shahidan Kasim and Datuk Dr Md Isa Sabu for the leadership of Perlis, said repeated no-confidence motions could force the ruler, in a worst case scenario, to dissolve the state assembly and precipitate snap elections.

"However, that scenario can best be avoided if the assemblymen from the party with a clear majority seeks an immediate audience with their ruler."

Conveying their support by meeting their party leader, Prime Minister Datuk Seri Abdullah Ahmad Badawi, as in the case of Terengganu and Perlis, was a step in the right direction.

However, the wiser move was for the group of assemblymen to also meet the ruler and convince him that their party's choice for menteri besar had their support.

"They must send out the message that they are standing behind their leader's choice for menteri besar," said Shad, a senior professor of law at Universiti Teknologi Mara.

He said the situations in Terengganu and Perlis differed.

While both the favoured candidates had the endorsement of the prime minister, only one appeared to have the majority back-



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ing of his colleagues in the assembly. "While Datuk Seri Idris Jusoh appears to have clear support from the majority of the Terengganu assemblymen, Shahidan, in Perlis, does not."

Kangar member of parliament Datuk Seri Radzi Sheikh Ahmad said the Raja of Perlis, Tuanku Syed Sirajuddin Putra Jamalullail, had exercised his rights under the Laws of the Constitution of Perlis to appoint Bintong assemblyman Md Isa as the state's menteri besar.

Article 39(2) of the state consti-



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tution states that the ruler shall appoint a menteri besar who commands the confidence of a majority of the state assembly.

"When Shahidan presented the letter of recommendation from the prime minister to the ruler, Tuanku instructed him to bring over nine people but he could not.

"Md Isa commands majority support. Of the 14 Barisan Nasional representatives in the 15-member state assembly, eight unanimously and of their free will supported him. So, he was appointed the menteri besar by the

ruler in the presence of the state legal adviser, state secretary and the Raja Muda."

He said Md Isa was not Tuanku Syed Sirajuddin's personal choice.

"If Shahidan had come to Tuanku with the majority, then he would have been appointed the menteri besar. It's as simple as that," Radzi said.

Kelantan Umno chief Datuk Seri Annuar Musa said when it came to candidates representing the party, the basic principle was that the leader would make the decision.

He said in the case of Perlis, the 14 state assemblymen had squabbled.

"The Raja of Perlis was correct in his decision to appoint the person who holds the majority support. What is not correct is the action of the elected representatives who should have supported the prime minister's choice. This is something very unhealthy and would set a bad precedent."

Under no circumstances should the ruler make his own choice as this is contrary to the basic principles of democracy, Annuar said.

"Of course, should the ruler not be satisfied with the choice, he must consult the prime minister."

In the case of Perak, where there had been a delay in the swearing-in of the menteri besar, Shad said the ruler had taken the right step.

With no one party having a clear majority in the assembly, Shad said the Regent of Perak had acted in the best interests of his subjects by demanding an assurance that the loose alliance of the DAP, Parti Keadilan Rakyat and Pas could work together.