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## Back to the spirit of Merdeka

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Soon, we will be celebrating the 60th anniversary of our nation's independence, or "Merdeka" in Bahasa Malaysia. Unlike previous years, the Merdeka Day celebration on Aug 31 will be different. Instead of the usual parade, we will have a re-enactment of the Merdeka declaration in 1957.

It seems Dataran Merdeka will be designed to look like Stadium Merdeka, where the historic Merdeka declaration took place in 1957.

We are told the objective of replicating the stadium atmosphere as it was in 1957 is to remind Malaysians today of the hard work and sacrifices of our forefathers in fighting for the freedom of our beloved country.

It is indeed timely, not only for the rakyat to remind themselves of the struggle of our founding fathers, but more importantly, for our political leaders to revisit, rediscover and reaffirm the true spirit of Merdeka and the vision our founding fathers inspired for this new country called Malaya back in 1957.

The true spirit of Merdeka and the vision of Tunku Abdul Rahman, our first prime minister, is best summed up in the following words in the 1957 Proclamation of Independence: "... [This nation] shall be forever a sovereign democratic and independent State founded upon the principles of liberty and justice and ever seeking the welfare and happiness of its people and the maintenance of a just peace among all nations."



We should be mindful that in the present context, a nation's sovereignty can be compromised, liberty and justice threatened, and the welfare and happiness of its people unsettled not only by the usual suspect of foreign imperialism, but also by oppressive and corrupt elected governments, filthy rich and ruthless big businesses, or extremist elements in all forms. And worse still, a combination of all of the above.

For a long time after independence, Malaysia was blessed with dedicated and selfless national leaders who would always put the national interest above all else; a civil service made up of men and women of competency and integrity who administered the nation well, a judiciary that commanded respect not only among the people but also of the Commonwealth, and a security force we could count on to defend the people from enemies within and outside our shores.

Unfortunately, the constitutional and political institutions so painstakingly nurtured and built over the years by our forefathers have lately faced issues of credibility and impartiality, whether perceived or real.

Who can fault the sceptics, when in recent years, we have government ministers openly trivialising the decisions of our civil courts, enforcement agencies publicly refusing to enforce valid and subsisting court orders, and many more instances of blatant disregard for the rule of law.

Apparently, decades of practising the politics

of political expediency by both sides of the divide have brought us to this slippery political cliff. But we have no one to blame but ourselves for we are the ones who voted them into parliament.

Apathy and, worse, appeasement, is obviously not an option. In fact, that only feeds the beast it seeks to tame. All dictatorial systems, religious or political, have a capacity to go postal: to move from attacks on their perceived enemies that can be rationally explained to random, almost meaningless assaults on the smallest of transgressions.

If this disturbing trend is allowed to develop unchecked, slowly but surely, we will witness certain ideas, expressions and behaviour, which are acceptable and even legal now, deemed unacceptable soon. Next, certain groups will lobby to outlaw them, and demand that transgressors be punished.

One example is the recent call by a minister that atheists should be "hunted down" by the authorities as there is no place for groups like them under the Federal Constitution.

Though such voices may be insignificant at the start, soon, they could grow in popularity and their uncompromising views written into law and eventually subject this country to the rule of tyranny.

Lately, we have also seen instances of intimidation of judges hearing politically-driven or religion-based cases. Demonstrations have been held outside court buildings and in some highly sensitive cases, judges were even perceived, rightly or wrongly, to be under

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# Duty-bound to uphold the supremacy of constitution, equality before the law

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pressure to subordinate their duty to uphold the law to race or religion.

This reminds us of what Tun Mohamed Suffian, the former head of the judiciary, had to say about the duty of judges in upholding and defending the Constitution in a multi-racial and multi-religious society:

“...In a multi-racial and multi-religious society like yours and mine, while we judges cannot help being Malay or Chinese or Indian, or being Muslim or Buddhist or Hindu or whatever, we strive not to be too identified with any particular race or religion so that nobody reading our judgment with our name deleted could with confidence identify our race or religion, and so that the various communities, especially minority communities, are assured that we will not allow their rights to be trampled underfoot.”

Even though Tun Suffian’s words were directed at judges, they also ring true for members of our legislature and the executive. In fact, all are duty-bound to uphold and defend the principles of the supremacy of constitution, equality before the law and other basic features of our nationhood as enshrined in our Federal Constitution.

Hence, both the judiciary and legislature, the two institutions entrusted by the supreme law of the land, the Federal Constitution, and mandated by the people through the electoral process to uphold, defend and realise our forefathers’ vision, must resist any attempt by political forces of whatever stripe to temper with

the basic structures of our nationhood.

Make no mistake, in years to come, the Constitution, the foundation upon which Malaysia stands, will continue to be challenged and tested by rising calls for more liberties by civil society, escalating demands arising from regional sentiments in Sabah and Sarawak in particular, and the persistent push to hasten the pace of Islamisation.

While celebrating the 60th anniversary of Merdeka, this nation is in dire need of courageous, determined and principled individuals — in the corridors of power at Putrajaya, the august house of Parliament, and on the bench of Istana Kehakiman — to brave the seemingly insurmountable challenges and rise to the occasion with strength and hope to hold the nation together by defending the true spirit of Merdeka and the basic structure of our nationhood.

At this juncture, we had better pay heed to what Ronald Reagan once warned his countrymen about: “Freedom is never more than one generation away from extinction. We didn’t pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day, we will spend our sunset years telling our children and our children’s children what it was once like in the United States where men were free.” **E**

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**Khaw Veon Szu, a former executive director of a local think tank, is a practising lawyer. Opinions expressed in this article are his personal views.**