

TO whom does Malaysia belong to may sound like a hilarious question, but do not overestimate the capacity to which the human mind is used.

Experience and observation will tell you that many of us (sometimes me included), often make a choice of not thinking about things based on facts. Instead, we form conclusions based on conjectures and other people's uninformed opinions.

So who does Malaysia belong to?

There are many ways of approaching this question. As I often tell the audience in my talks about "thinking", we have to understand the question first before we can even attempt to seek an answer.

For example, if we think of Malaysia as a politico-legal entity - a "nation" - then it becomes obvious that the question relates to an examination of the legal structure of the nation.

Seeking the answer may lead to further questions. It is no longer a "kedai kopi" kind of discussion where everyone wants to have a say simply because they can make sounds with their mouths. That can be a tiring experience, at least for me.

So when then did the politico-legal entity called "Malaysia" come into being?"

Malaysia was legally born on Sept 16, 1963, when the Federation of Malaya (West Malaysia), Singapore, Sabah and Sarawak formed the larger Federation of Malaysia. About two years later, the Malaysian Parliament passed a Bill to separate Singapore from the Federation. Hence, from 1965, Malaysia is legally made up of what is know today as West and East Malaysia.

Obviously, we do not think that the Federation of Malaysia had come about as a result of some casual social chat between the leaders of the respective states over teh tarik.

There were meetings and discus-

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sions back and forth between the parties and they came up with an agreement to join together as the Federation of Malaysia vide the Malaysia Agreement 1963.

Whenever there is an agreement, there are terms and conditions for the parties to abide by. The agreement, however, is not the subject of this article.

When you see Malaysia as a legal entity, you will immediately ask a few other questions: How is Malaysia managed as a nation and who manages it? What are the rights, duties, obligations, and privileges of the "members" of this

Federation of Malaysia? What about "non-members" who are present in the Federation?

These kind of questions have to be asked and thought about. We can understand that the "members" refer to the states that make up Malaysia and most of the human beings who live here.

The human beings make up the citizens and the non-citizens and well, some illegal immigrants. Each of these human beings have different legal status in our country.

When we speak of "belong", we think in terms of ownership, management, rights and privileges.

How is it possible to say something belongs to you if you do not own it, or do not have the right to manage it?

Legally, the nation is "owned" by the citizens of the country because they are authorised to "manage" the country and to determine its destiny. The citizens can either bring the nation to a high level of civilisation or bring it down to a failed state.

The basic framework of the rights of the citizens and how the nation is to be managed is provided for in the Federal Constitution, correctly termed by the constitutional law expert Professor Emeritus Dr Shad Saleem Faruqi as the "document of destiny".

How we interpret the Constitution and if at all we give "life" to the provisions in the Constitution will shape the destiny of the nation. The Constitution is the supreme law of the land and it is an extremely important document that every citizen should know.

It is important to note that the Constitution does not confer any rights to "ownership" of the nation based on ethnicity or religion.

Every citizen is equal before the law save for particular laws relevant to particular groups of citizens due to the diverse nature of our citizenry. The Constitution clearly spells out the fundamental liberties that all citizens have a right to enjoy in Part II, and the manner in

which the Federation of Malaysia is to be managed in Part IV and VI.

There are also provisions regarding the civil service (Part X), the judiciary (Part IX) and elections (Part VIII), to name a few.

In this regard, therefore, any claims to ownership of the country in terms of religion or ethnicity is therefore not supported by the reality of the law.

It is also a divisive and bigoted perspective which will harm the nation in the long run. In layperson terms, Malaysia legally belongs to all Malaysians and they have equal rights and duties to develop Malaysia and to live in it peacefully.

Do not behave as if the country belongs only to the politicians in power. We should have learnt this lesson by now. Ownership does not come without an effort. You have to protect the nation as how you protect your home or property in accordance with the laws.

If you really think this country belongs to you, then you should not simply be subservient to unjust laws, if any.

You have to challenge it and ensure that it is consistent with the provisions in the Constitution and move your parliamentary representatives to pass just laws that will protect you and develop the nation wholesomely. Ownership comes with real responsibility and not with mere slogans, rhetoric or political speeches.

It is most unfortunate that despite having achieved independence for more than 60 years, there are still many citizens who are ignorant of the Constitution.

This I believe, is largely due to their own apathy and also due to the unfortunate Malaysian culture of taking the politicians to be their teachers.

Hence, political narratives that affront common intelligence are mistaken to be the law by the feeble minded amongst us. We have to move forward and take responsibility for the destiny of the nation on our own shoulders.