

Reviving the spirit of Rukun Negara

Ideally, the Rukun Negara should have been incorporated into the Federal Constitution as a preamble. Perhaps it is time to do so now given our regression in race and religious relations.

A SEJAHTERA Malaysia forum on social harmony and national unity is being held today in Kuala Lumpur and I have been asked to speak about "Understanding the Rukun Negara".

Given the recent acrimony and lawlessness about the "socks issue", I believe it is pertinent for all of us to remind ourselves of our Rukun Negara.

This blueprint for national unity was drafted in 1970 after the race riots on May 13, 1969.

A National Consultative Council (NCC) of 67 distinguished persons was assembled under the chairmanship of Tun Abdul Razak Hussein, then Deputy Prime Minister and chairman of the National Operations Council.

The NCC drew from all races, religions and regions. The ruling Alliance and opposition parties (except one), federal and state governments, including Sabah and Sarawak, and civil society groups and minorities actively participated. Regrettably, women were represented by only two members.

The NCC chiselled out five stirring objectives of our nation.

- > Unity;
- > A democratic way of life;
- > A just society where the prosperity of the country can be enjoyed together in a fair and equitable manner;
- > A liberal approach towards our rich and varied cultural traditions; and
- > A progressive society that will make use of science and modern technology.

Supporting the five objectives were five transcendental principles:

1. Belief in God;
2. Loyalty to the King and country;
3. Supremacy of the Constitution;

**SHAD
SALEEM
FARUQI**



Reflecting on the law

4. Rule of law; and
5. Courtesy and morality.

Regrettably, the five objectives are rarely talked about and public authorities and school textbooks give attention only to the five principles.

The Rukun Negara was launched by the then Yang di-Pertuan Agong on Aug 31, 1970. Like the Pancasila of Indonesia, it was meant to be the chart and compass, and sail and anchor of the country.

Unfortunately, it could not be presented to Parliament because the Emergency Proclamation of May 15, 1969 had suspended Parliament.

Ideally, the Rukun Negara should have been incorporated into the Federal Constitution as a preamble.

But because Parliament was not in session in 1970, and amendments to the Constitution require special parliamentary legislation, the Rukun Negara began its journey as a background ideological statement.

Regrettably, it has not been converted into law and is not backed by any sanctions. Perhaps it is time to do that now given our regression in race and religious relations.

In fact, in mid-2016, a group of social activists led by Dr Chandra Muzaffar of JUST International

had drafted a Preamble for our Constitution based on the Rukun Negara, and proposed its adoption by the government and Parliament.

I was given the task of capturing the high aspirations of the group and adopting and adapting our existing and venerated national ideology as the template for our preamble.

The first draft of our effort appeared in my column in *The Star* on Sept 29, 2016.

We prepared a report and wrote to all ministers and MPs that incorporating the venerated provisions of the Rukun Negara into the opening passage of our document of destiny would strengthen both documents. Sadly, our report and proposal received very few official responses.

Perhaps it is time to revive the proposal.

We sincerely believe that the objectives and principles of the Rukun Negara are substantially in line with the provisions of our supreme Constitution. The Rukun Negara distills the essence of our Constitution, and provides a guide to our legislature, judiciary and executive.

1. The Rukun Negara's "supremacy of the Constitution" is provided for in Articles 4(1) and 162(6) of the Constitution.

2. "Belief in God" is honoured in Articles 3 and 11.

3. "Loyalty to King and country" is required by innumerable provisions including Articles 32-38.

4. "Rule of law" is implied in provisions for judicial review of governmental action in Articles 4, 121 and 128.

5. "Morality" is safeguarded by empowering Parliament in Articles 10 and 11 to enact laws to safeguard morality.

6. "Democratic way of life" is promoted by innumerable provi-

sions conferring personal liberties and providing for elected and representative assemblies.

7. "Rich and varied cultural traditions" are protected by provisions for freedom of religion, right to native languages and traditions, customary rights, freedom of speech, assembly and association, and the special rights of Sabah and Sarawak in our federal set-up.

Like the Rukun Negara, our Federal Constitution supplies the foundation for moderation, tolerance, harmony and national unity. Even in its "ethnic clauses", the Constitution reflects a spirit of compromise, compassion and moderation.

In recognition of the fact that Malaya was historically the land of the Malays, the Merdeka Constitution incorporated a number of features indigenous to the Malay archipelago.

However, the Malay-Muslim features in the Constitution are balanced by other provisions suitable for a multiracial and multireligious society.

The Constitution is replete with safeguards for the interest of other communities, though the actual practice shows a wide disparity between theory and reality.

All in all, the spirit of the Constitution is that unity does not mean uniformity.

The country is a rich cultural mosaic. The various communities are allowed to maintain their distinct ethnic identities, cultures, religions, languages, lifestyles, dresses, foods, music, vernacular schools, etc.

Secularism and religion live side by side. Mosques, temples and churches dot the landscape.

Political parties, business, and cultural associations are allowed to be organised on ethnic or religious lines.

Some success has indeed been

achieved to discover that which unites us and to tolerate that which divides us.

Sometime ago, we scored fairly well on the World Peace Index, being ranked 19 out of 153 states evaluated.

In addition to the above legal provisions, the rainbow coalitions that have ruled the country for the last 66+2 years are built on an overwhelming spirit of accommodation among the races, a moderation of spirit and an absence of the kind of passions, zeal and ideological convictions that in other plural societies have left a heritage of bitterness.

In the commercial and economic area, there is right to property, freedom of trade and commerce, a relatively open, globalised economy, encouragement to the non-Malay dominated private sector to invest in the economy, freedom to import and export and to transfer funds to and from abroad. In general, economic opportunities have given to everyone a stake in the country.

Sadly, we have suffered a regression. Since the 90s, racial and religious polarisation has reached alarming levels.

The task of restoring the 1957 and 1963 spirit of tolerance and accommodation is an arduous one. We all have a role to play. As a beginning, let us improve our constitutional literacy to imbibe the Constitution's spirit of tolerance and inclusiveness.

And let us again request the government to incorporate both parts of the Rukun Negara as a preamble to our supreme Constitution.

The writer is holder of the Tunku Abdul Rahman Chair at the Faculty of Law, Universiti Malaya. The views expressed here are the writer's own.