

**Understanding the powers of the King**  
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*A quick look at the duties of the King.*

MALAYSIANS celebrate the Yang di-Pertuan Agong's official birthday today as the first Saturday of June is mandated by the Malaysian constitution as His Majesty's birthday.

To most Malaysians, the Yang di-Pertuan Agong is a celebrated figurehead at the helm of a unique system of government that recognises a constitutional monarchy and a functioning parliamentary democracy.

Unique, because unlike most other countries that recognise one royal family, we see a new lineage elected to the throne every five years from among the nine existing royal families in Peninsular Malaysia.

When the term figurehead is mentioned, the common assumption is that the King's role is purely ceremonial and carries very little clout in terms of actual powers to dictate how the country is run.

This assumption is not entirely correct. The King's powers are divided into five categories that cover the entire spectrum of his dominion - executive functions, legislative functions, judicial functions, other important duties and appointment of persons to important posts.

For the most part, the various clauses and sub-clauses that make up the categories require the King to act on the advice of the Prime Minister, and in certain cases from other people as well.

But there are instances where the King could be the one man who decides the future of not just aspiring prime ministers, but the entire country.

Constitutional law expert Prof Emeritus Datuk Dr Shad Saleem Faruqi explained that the King is bound by a clear set of guidelines when appointing a Prime Minister.

A prime minister in-waiting must first belong to the Dewan Rakyat, and secondly, in the opinion of the Agong, command the majority of the Lower House - which in this case would be the Dewan Rakyat.

This would be straightforward when the winning party in a general election commands a clear majority in the Lower House.

The King's true powers however, only emerge in the case of a hung Parliament.

In a situation where there is no clear majority, the King can call on two opposing prime ministers-in-waiting to submit their lists of supporters within a specified amount of time, and it is up to the King to vet the lists in whatever way he sees fit as the Constitution is silent on the methodology. And because the claim of a majority must satisfy the Agong, the final decision rests in his hands alone, Dr Shad Saleem said. And this is the situation where the Agong can exercise his greatest power.

The Agong has even more discretion in deciding whether or not to grant a request to dissolve Parliament, as the Constitution does not state any specific grounds to justify the King's decision to withhold consent.

While this clause allows a lot of leeway for interpretation, Dr Shad Saleem said, there were three conceivable scenarios where the King could freely exercise his right to not grant consent.

The first is when the ruling Government decides to call for snap polls immediately after losing a general election.

Unless the Agong feels that the winning party can form a strong and stable Government, the request can be denied.

The King can also say no if he believes a round of polls will be prejudicial to national interests such as the health of the economy, and likewise if the prime minister is using the polls to subvert the constitution, by gaining an unfair advantage over his opponents in his own party, for example.

It must be noted that while the monarch can refuse to allow a dissolution (of Parliament), he cannot directly call for one.

"That is the prerogative of the Prime Minister," Dr Shad Saleem said.

The Agong can also refuse to give his assent to any Bill passed by both the Dewan Rakyat and Dewan Negara, if he finds that the Bill in question is unconstitutional.

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