

Scholar: Malaysian constitution one of modern world's longest lasting
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By R. Sittamparam

KUALA LUMPUR: A leading scholar on comparative law, and law and development, yesterday expressed admiration for the Malaysian Constitution which he saw as one of the few in the modern world to have lasted this long.

Professor Andrew Harding, who is director of the Centre for Asian Legal Studies at the National University of Singapore, said having studied the Malaysian Constitution for more than 30 years, he admired the achievement of the commission that drafted the constitution and the fact that their work remains valid and relevant even in today's complex world.

"Few constitutions in the modern world have lasted this long. For this we can thank Tunku Abdul Rahman and the Alliance leadership of the time and Sir Ivor Jennings (who was Tunku's Cambridge law classmate).

"The Tunku provided the basic political structure in the form of Malaysia's social contract and insisted on a liberal democratic framework for the new state while Jenkins did most of the great work of translating all of this into legal form and intelligent detail."

Harding said this in his paper entitled "Constitutionalism in Malaysia: The Reforms and the Path Ahead" at the Transformation of Security and Fundamental Rights Legislation Conference.

He said for half a century after Independence, the Constitution had provided a firm foundation for the country's political, social, administrative, economic and legal life.

"It is taken for granted in thousands of ways as the very routine and touchstone of public life, even for people whose backgrounds and political views could hardly be more divergent.

"Even if the actual text of the constitution remains unaltered, change occurs by means of statute law, administrative and procedural changes, judicial decisions, executive actions and the daily discourse of politics and public debates.

"In the foremath of a general election, when feelings run high, it is I think particularly important to stress the centrality of the Constitution, which gives frame and meaning to our celebration of democracy and what we share in common, even as we debate those issues, including constitutional issues, that divide us most deeply."

Harding said those who look to Malaysia's achievements often pose the question, how a country with such deep ethnic and religious divides has managed to conjure social and economic outcomes that nobody would have imagined in 1957.

He said one answer to this question lay in the Constitution and how it has reflected changing ideas of the state and the democratic, constitutional order.

"Despite its deep divisions, Malaysia has prospered and even offers a role model for developing or emerging states across Asia and the Muslim world."

Harding said Malaysia was home to two of the great and proud legal traditions of the world — those of Islam and the common law — which have lived side by side for more than a century.

“The habit of accommodation and respect for different value systems runs deeply in Malaysian society.

“Were it otherwise, this grand experiment in political society would not have survived and I believe this country's democratic traditions of tolerance and accommodation are conditions enabling it to perfect its democracy in the coming years.”

Harding added that wherever there is constitutional government, it requires constant vigilance and struggle by statesmen, lawyers, intellectuals, and active citizens in different sectors, just to keep it alive.

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