

## **WILL DAP BE ALLOWED TO BECOME SELANGOR'S MB?**

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By Super Admin**

**And this is entirely up to the Sultan to decide and the sole prerogative of His Highness. So it really does not matter how many seats DAP wins and whether they win the largest minority (not majority because majority would mean 29 seats all on their own) and whether they have Malay candidates. The Sultan would want a Malay-Muslim from a Malay-Muslim party and chances are PKR would still be the Menteri Besar of Selangor, with the backing of Umno and PAS.**

## **THE CORRIDORS OF POWER**

**Raja Petra Kamarudin**

The fallacy most people believe in is that His Highness the Sultan is obligated by law to take the advice of the Menteri Besar. This is based on the concept that His Majesty the Agong 'shall take the advice of the Prime Minister'.

This belief is strengthened by the story regarding the First Prime Minister and the First Agong. A certain British minister was peeved that he could not just walk in to meet Tunku Abdul Rahman without first making an appointment so when he met Tuanku Abdul Rahman the British minister suggested that His Majesty sack his biadap Prime Minister.

The Agong replied that in Malaysia it is the Prime Minister who sacks the Agong and not the other way around.

At federal level it is a bit different and the appointment of the Prime Minister follows the Federal Constitution of Malaysia. The Agong shall appoint a Prime Minister from amongst one of the 222 members of the House who, in the opinion of His Majesty, commands the majority confidence of the House.

Most people are of the opinion that this means the Prime Minister must be the leader of the party that wins the most number of Parliament seats in the general election. If that is so then in the event Barisan Nasional wins just 110 seats in Parliament while PAS, PKR, DAP, Harapan, PSM, PRM, etc., combined, win 112 seats then Umno gets to become the Prime Minister.

Barisan Nasional is a legally registered party. Hence its 110 seats would come from one party. The other parties won 112 seats combined. And whether they call it Pakatan Rakyat or Pakatan Rakyat 2.0, it is not a legally registered party. Therefore at 110 seats Barisan Nasional won the most number of seats while the balance 112 seats are shared and no one party won those 112 seats all on its own.

So by saying that the party that won the most number of seats becomes the Prime Minister would mean Barisan Nasional will always be in power even with just 100 out of 222 seats because no other party on its own could win more than 100 seats. They can win more than 100 seats only if a few parties combined their seats to beat Barisan Nasional's 100.

How then will the Agong decide who should become the Prime Minister? The Agong will have to decide based on who in His Majesty's opinion commands the majority confidence of the House. The two key issues here is 'His Majesty's OPINION' and 'commands the majority CONFIDENCE'.

We must remember that 'opinion' and 'confidence' are subjective and each person would view this differently.

Nevertheless, thus far since Merdeka the interpretation has always been that majority confidence would mean the leader of the party that won the most number of Parliament seats. However, in the event that there is a split in Parliament and the split is across parties, how would His Majesty decide? Well, this has never happened before so the Agong has not yet been tested on this. Maybe soon, however, this is going to be put to the test if they attempt a vote of no confidence against Prime Minister Najib Tun Razak.

At state level it is a bit different, though, and this has been tested many times before. And each time it is His Highness the Ruler who makes that decision. Also, the states that have Rulers are more strict on who can become the Menteri Besar (with the exception of the four states that have Governors).

For example, in 2008, Barisan Nasional won 20 state seats in Selangor while PKR won 15, DAP 13 and PAS eight. If based on majority seats then Umno should have been the Menteri Besar with 20 seats. His Highness the Sultan, however, did not take majority seats (20) but majority confidence (36) as the guide.

It was the same in Perak where Barisan National won 28 seats against DAP's 18, PKR's seven and PAS's six. Again, His Highness the Sultan took majority confidence and not majority seats as the guide or else Nizar Jamaluddin from PAS, the party that won the smallest number of seats, just six, would not have been able to become the Menteri Besar.

Now that brings us to Selangor in 2018, when the next general election is due. What if DAP were to win 22-25 seats, Umno 10-12 seats, PKR 15-16 seats, PAS 5-8 seats, and Harapan 5-6 seats? Who would become the Menteri Besar?

The state constitution says the Menteri Besar must be Malay-Muslim. So, if based on majority seats, and if DAP were to field 3-5 Malay-Muslim candidates, then they can become the new Selangor Menteri Besar.

But that may not be quite what happens. While the DAP choice of Menteri Besar may be a Malay-Muslim, His Highness can also consider whether this Malay-Muslim represents Malay-Muslim interests or whether he represents a non-Malay-non-Muslim party.

In other words, it is not enough that the Menteri Besar is a Malay-Muslim, he must also be from a Malay-Muslim party. So, if Umno, PAS and PKR want Azmin Ali to remain the Menteri Besar, then His Highness would reappoint him the Menteri Besar on the basis of the 30 or so 'majority confidence' versus DAP's 22-25 'majority seats'.

Harapan might support a DAP Menteri Besar but if Umno, PKR and PAS want Azmin or someone else from PKR then the new Selangor Menteri Besar would be from PKR and not from DAP even if DAP singly has the most number of seats in the Selangor State Assembly.

And this is entirely up to the Sultan to decide and the sole prerogative of His Highness. So it really does not matter how many seats DAP wins and whether they win the largest minority (not majority because majority would mean 29 seats all on their own) and whether they have Malay candidates. The Sultan would want a Malay-Muslim from a Malay-Muslim party and chances are PKR would still be the Menteri Besar of Selangor, with the backing of Umno and PAS.

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