

Members of the State Assembly, Council of Regency Decide On the Position of Mukhriz - Constitutional Experts

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KUALA LUMPUR, Jan 20 (Bernama) -- The position of Datuk Seri Mukhriz Tun Mahathir as Menteri Besar of Kedah can only be decided via a vote of no confidence in the Kedah State Assembly or the power vested in the Council of Regency, said constitutional experts.

Universiti Teknologi Mara (UiTM) Law Faculty, Law Professor, Prof Emeritus Datuk Dr Shad Saleem Faruqi said if the Kedah State Assembly was in session, the position of Mukhriz must be decided based on the support of the State Assemblymen in the state.

"His position in the assembly depends on majority support that he gains whether it is from government's assemblymen or other assemblymen," he told Bernama today.

However, he said, if the Kedah State Assembly was not in session currently, the power to decide on the position of Mukhriz was subjected to the power of the Council of Regency, as the Sultan of Kedah, Tuanku Abdul Halim Mu'adzam Shah at the moment is the Yang di-Pertuan Agong.

"For the time being, we have to wait and see what will happen next," he said.

Shad said this when asked to comment on the announcement by Kedah UMNO Liaison Committee deputy chief, Datuk Seri Ahmad Bashah Md Hanipah today who said almost all the Kedah UMNO leaderships had voiced non-confidence in the leadership of Mukhriz as Menteri Besar and State UMNO Liaison Committee chairman.

Meanwhile, another constitutional expert, Associate Professor Dr Shamrahayu Abd Aziz said Ahmad Bashah's announcement was only a view and could not be validated into a document in deciding the position of Mukhriz as Menteri Besar.

Shamrahayu, who is Distinguished Fellow at the Syariah, Law and Politics Study Centre, Malaysian Islamic Understanding Institute (IKIM), said, on the other hand, it must be taken to the State Assembly sitting and a vote of no confidence be passed by the members of the State Assembly with a least a simple majority.

"This is basically a loss of confidence, we have gone through experiences like this before, the latest in Selangor.

"It (loss of confidence) must be taken into the State Assembly where the members must state their stand by signing a statutory declaration that they have lost faith in the Menteri Besar.

"If it is a simple majority, then only it becomes something valid and impacts the position of the Menteri Besar, which then must be submitted to the Sultan to decide," said Shamrahayu.

Meanwhile, political analyst Associate Professor, Dr Ahmad Martadha Mohamed was of the opinion, after announcing the loss of confidence at the leadership of Mukhriz, Ahmad Bashah's action would surely be taking the matter to the State Assembly session to decide the position of Mukhriz.

The Universiti Utara Malaysia's Law, Government and International Studies College Dean suggested that the UMNO central leadership sought the feedback from all quarters in the state including the general public so that the decision that would be made later would not be contrary to their aspiration.

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