

Constitution key to resolving leadership crisis - Experts

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By Mohd Fharkhan Abdul Ghapar dan Aisha Hani

KUALA LUMPUR, Sept 25 -- Datuk Seri Anwar Ibrahim shocked the nation on Wednesday with his claim that he has strong support from MPs to form a new Federal Government.

Some say it is just a political ploy aimed at influencing Sabahans as they head to the state polls this Saturday.

Nevertheless, the statement by the Opposition Leader raises many questions, especially in terms of how the situation should be dealt with under the country's Constitution.

According to experts, the latest political crisis can be resolved through the country's supreme law, including referring to the jurisdiction of the Yang di-Pertuan Agong.

International Islamic University Malaysia Legal Expert Prof Dr Nik Ahmad Kamal Nik Mahmood, when speaking to Bernama, said at this point, Anwar should have an audience with His Majesty to submit the evidence backing his claim.

He said the loss of a majority could either be proven via a vote of no confidence in Parliament or in the form of documentation via statutory declarations made by members of the Dewan Rakyat.

“The important thing is to have clear evidence to be presented to the Yang di-Pertuan Agong on whether a politician has the support of the majority or not. It is up to the Agong to make a decision, and then appoint a new Prime Minister.

“Muhyiddin should also be given a chance to prove that he still has the majority,” he said.

Nik Ahmad Kamal said this method was used during the leadership crisis in Perak in 2009, when the majority of state assemblymen expressed their loss of confidence in the state government at the time.

He said if Anwar chose the Parliament route, there were several processes to go through after the notice of the motion of no confidence is sent to the Dewan Rakyat Speaker, and the result of the vote would then be presented to the Yang di-Pertuan Agong.

The Malaysian Parliament has never seen a motion for a vote of no confidence against the sitting prime minister. However, at the Second Meeting of the Third Term of the 14th Parliament sitting in July, former prime minister Tun Dr Mahathir Mohamad sent a notice of no-confidence motion against Muhyiddin in Parliament.

The Langkawi MPs motion was also listed in the Order Paper, however, the motion was not tabled and debated at the sitting.

The third option, meanwhile, is to give the mandate back to the people to choose a new government through the General Election, by dissolving Parliament.

Constitutional expert Prof Dr Shamrahayu Abd Aziz said based on Article 43 (4) of the Federal Constitution, if the Prime Minister no longer has the confidence of the majority of the members of the Dewan Rakyat, the Prime Minister should resign, unless the Parliament is dissolved by His Majesty upon the former's request.

"His Majesty can dissolve the Dewan Rakyat, when there is a request from the Prime Minister, who believes he has lost the confidence (of MPs)," she said.

However, Shamrahayu said no SDs could be used once His Majesty had consented to the dissolution of Parliament.

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