ELECTORAL SYSTEM IN MALAYSIA: THE NEED FOR A REPRESENTATIVE GOVERNMENT

By

Nicholas Bowie Anak Buyong (2009507121)
Mohd. Nizam Bin Yahya (2009596123)
Freddy Anak Bunyak (2009956855)

Submitted in Partial Fulfillment of the Requirements for the Bachelor of Legal Studies (Hons)

Universiti Teknologi MARA
Faculty of Law

June 2012

The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.
ABSTRACT

The gist of democratic election is to create a government that represents the voice of the people. This research was carried out to study the Malaysian electoral system and to identify whether our election system is in compliance with the gist of the democratic election that allows the establishment of a representative government and to identify the deficiencies in our system. To improve the deficiencies it is necessary to perform a comparative analysis of the different types of electoral systems practice in most part of the world and its implementation in some chosen countries in this research such as France, German, United Kingdom and South Africa. The comparative study is vital so as to see the strength and weaknesses of the other systems adopted in countries under research. From the comparative analysis the research proposed some recommendations to improve the deficiencies present in our electoral system. The result of this study may be useful as reference in improving our electoral system so that it is more democratic and accountable to the people, rather than focusing on winning the election which is not the pure purpose of having an election.
TABLE OF CONTENTS

Acknowledgment ii
Abstract iii
Table of Contents iv
Lists of Cases vii

CHAPTER ONE: INTRODUCTION

1.0 Research Topic 2
1.1 Research Background 2
1.2 Problem Statement 3
1.3 Research Objective 5
1.4 Research Methodology 5
1.5 Literature Review 6
1.6 Significant Contribution 12
1.7 Scope, and Limitation 13

CHAPTER TWO: ELECTORAL SYSTEMS

2.1 Introduction 14
2.1.1 What is electoral system? 15
2.2 Importance of Electoral System 16
2.3 Types of Electoral System 17
2.3.1 Introduction 17
2.3.2 Majoritarian Systems 18
2.3.2.1 First Past to the post 18
2.3.2.1.1 Implementation of the system 19
2.3.2.1.2 Advantages of First-Past-the-Post system 20
2.3.2.1.3 Disadvantages of First-Past-the-Post system 21
2.3.2.2 Two-Round System or Second Ballot 24
2.3.2.2.1 Implementation of the system 24
2.3.2.2.2 Advantages of Two-Round System or Second Ballot 30
2.3.2.2.3 Disadvantages of Two-Round System or Second Ballot 30
2.3.2.3 Alternative vote 31
2.3.2.3.1 Implementation of the system 32
2.3.2.3.2 Advantages of Alternative vote 39
2.3.2.3.3 Disadvantages of Alternative vote 39
2.3.3 Proportional Representation System
   2.3.3.1 List system
   2.3.3.2 Single Transferable Vote
   2.3.3.3 Implementation of the system
   2.3.3.4 Advantages of Proportional System
   2.3.3.5 Disadvantages of Proportional System

2.3.4 Mixed System
   2.3.4.1 Implementation of the system
   2.3.4.2 Advantages of Mixed System
   2.3.4.3 Disadvantages of Mixed System

2.4 Concluding remarks

CHAPTER THREE: ELECTORAL SYSTEM IN MALAYSIA

3.1 Introduction

3.2 Historical Development

3.3 Laws governs the electoral system in Malaysia
   3.3.1 Federal Constitution
   3.3.2 Statutes
   3.3.3 Election Commission

3.4 Electoral systems in Malaysia

3.5 Advantages of the electoral system in Malaysia

3.6 Disadvantages of the electoral system in Malaysia

CHAPTER FOUR: ELECTORAL SYSTEMS IN OTHER COUNTRIES

4.1 South Africa
   4.1.1 Introduction
   4.1.2 Electoral system practices in South Africa
   4.1.3 Advantages of the system practices in South Africa

4.2 United Kingdom
   4.2.1 Introduction
   4.2.2 Electoral system practices in United Kingdom
   4.2.3 Advantages of the system practices in United Kingdom

4.3 Germany
   4.3.1 Introduction
   4.3.2 Electoral system practices in Germany
   4.3.3 Advantages of the system practices in Germany

4.4 France
   4.4.1 Introduction
   4.4.2 Electoral system practices in France
   4.4.3 Advantages of the system practices in France

4.5 Comparative Analysis and Concluding remarks
1.0 Research Topic

Electoral System in Malaysia: The Need for a Representative Government

1.1 Research Background

Generally, election is a method by which voters make a choice between options. According to the Oxford Advanced Learner Dictionary, election can be defined as the process of choosing a person or a group of people for position especially political position.¹

Politically, election is a system that allows people to elect their own government. This government must be representatives for the people and become their voice and accountable for their wishes in the parliament. It is important for the people to be given free and genuine choice between at least two choices or candidates to be their representative. For that purpose, several electoral systems have been created to reflect the votes cast by the electors. It is a main challenge to the nation to determine the best system to be exercise.

Unfortunately, elected assemblies are not always representative. Rules surrounding democratic election often lead to undemocratic results.² For instance, Malaysian Electoral system adopts the UK electoral system, called Simple Plurality System or first-past-the-post system. The hallmark of this system is that constituencies are single-member constituencies and candidate with the largest vote wins the electoral district even if those who endorse him do not constitute an absolute majority of the election.³ This raised an issue whether the election reflects

² See Professor Shad Saleem Faruqi, Document Of Destiny: The Constitution of the Federation of Malaysia (Star Publications (Malaysia) Bhd) p588.
³ Ibid at 591.