

**A LEGAL STUDY ON MONARCHY SYSTEM IN MALASIA: A
COMPARATIVE WITH INDIA AND UNITED KINGDOM**

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

ABSTRACT

This study, "*A Legal Study on Monarchy System in Malaysia: a Comparative with India and United Kingdom*", is completed as a fulfillment of the course of Bachelor of Legal Studies (Hons). This study was mainly conducted in Shah Alam and Kuala Lumpur to look into the main reasons why the public question the position of the Monarchs and the Yang di-Pertuan Agong in the present day and a comparison is made between India and United Kingdom.

There are several methods used in order to find answers and to collect facts to answer the research questions and to meet the objectives of the study. Qualitative research which is library-based was conducted to gather information and relevant data in this study. The relevant data was gathered from various text books, journals, and articles both from the shelves and on the internet.

The searchers have conducted interviews with an individual well-versed in the relevant area of constitutional law that is Madam Nurnazida Binti Nazri who is a lecturer of Faculty of Law in University Technology of Mara; in obtaining a clearer insight on the topic.

Apart from that, the researchers have also provided the comparison of the Monarchy system with United Kingdom and its non-existence in India's government. These project papers touch on laws and its components. We have included our recommendation and conclusion at the end of our project paper which we hope it will help to put to rest the situation regarding this issue.

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CHAPTER ONE:

A LEGAL STUDY ON MONARCHY SYSTEM IN MALAYSIA: A COMPARATIVE WITH INDIA AND UNITED KINGDOM

1.0 INTRODUCTION

Malaysian monarchy is based on tradition which goes back to 1400AD when the kingdom of Melaka was founded.¹ Based on the ancient tradition, the existence of a kingdom was dependent on the presence of a ruler (Raja). The system continued after the fall of Melaka in 1511 as a result of Portuguese conquest.

By the end of 18th century, there were nine kingdoms in the Malay Peninsula which are Perak, Johor, Kedah, Negeri Sembilan, Pahang, Terengganu, Kelantan, Perlis and Selangor.² Meanwhile, British influence continued to expand in the Peninsula. The presence of the British changed the politico-economic scenario in the Peninsula. However, a federal system allowed the reservation of the Sultanates under the British perpetuated the legal notion each Sultan was a sovereign ruler. A Durbar (Ruler's Council) was instituted in 1897. In 1909, a Federal Council was inaugurated whose membership included the Malay Rulers as a result of which the Durbar was temporarily dispensed with. After its formation, the Federal Council co-existed with Straits Legislative Council which is Penang, Singapore and Melaka.³ The unique tradition of Malaysia's Paramount King began in 1957 when the British returned the administration of the country to the people of the nation.

The Conference of Rulers (COR) or also known as the Monarch is part of the government of Malaysia. In the organisation of the Federal Government occupies the highest position. Malaysian applies the constitutional monarchy system in ruling the country. This made the monarch vested with some powers in the constitution. The

¹ Richard O. Winstedt, *A History Of Malaya* (Marican & Son Sdn Bhd Publication 1st Edn 1935) p. 30.

² Ibid at 28.

³ Ibid at 31.

Conference safeguards the privileges, dignity and honour of the Rulers.⁴ The Conference has a special responsibility to protect the special rights of the Malays and Bumiputeras and the legitimate rights of all Malaysians.⁵ In addition the consent of the Conference is essential to any change involving the sensitive issues.⁶

There are very few monarchies left in the world. One of them is United Kingdom (UK). United Kingdom monarchy exist from the year 1603 where the Stuarts were the first king of the United Kingdom. Now, the House of Windsor rule United Kingdom. Here, the monarch involve in the executive, legislative and judiciary. In addition, there also exist House of Command and House of Lord to assist the Monarch in their ruling.

On the other hand, India is one of the countries that had abolished their monarchy system. The abolishment occurred in 21th December. In ancient India, the citizen subjected to the authority of the state. During that period, the whole of India experienced absolute monarchy. The system demands the king to be the supreme authority of the land. However, the coming of the British had changed the system in India and after independence, India had fully a apply democracy system with republic character.

Comparison between United Kingdom and India is needed in order to look at the best outcome of the monarch ruling the country. However, as our country applies the constitutional monarch system in the government, thus, there are some powers vested to the monarch. These powers are listed out in Federal Constitution. In addition, the monarch hold substantive role in order to bring stability and harmony to the country. The monarch goes beyond the symbolic and sentiment. These are the reasons why the monarchy system needs to be retained.

⁴ Federal Constitution 2010 at Article 38(4).

⁵ Federal Constitution 2010 at Article 153.

⁶ Federal Constitution 2010 at Article 10.