



# **UiTM@Media** **2016**



# Rencana Pilihan



UiTM@Media  
2016





**reflecting on the law** Shad Saleem Faruqi

newsdesk@thestar.com.my

## The rules of royal succession

The Federal Constitution provides the basis for choosing the King's successor, aide tapestry of constitutional conventions or practices.

THE five-year reign of our fourteenth Yang di-Pertuan Agong, Tuanku Abdul Halim Mu'adzam Shah, the Sultan of Kedah, is coming to a close on Dec 12 this year. His Majesty was also our fifth Yang di-Pertuan Agong from Sept 21, 1970 to Sept 20, 1975 and has the unique distinction of being the first and only reigning Sultan to be elected by his brother Rulers to ascend the federal throne twice.

Who will succeed His Majesty in December? Under the Federal Constitution, Articles 32, 38(2) and the Third Schedule provide the basic rules relating to succession but these have become inlaid with a rich tapestry of constitutional conventions or practices.

**Conference of Rulers:** Under Malaysia's unique system of elective monarchy at the federal level, the King is elected by the Conference of Rulers.

For the purpose of the sovereign's election, the Conference consists only of his brother Rulers from the nine Malay states. The Governors of Malacca, Penang, Sabah and Sarawak take no part in the election nor are they eligible to contest.

**Rotation:** Unlike the bloody

"Wars of the Roses" fought over the English throne, the nine Malay monarchs have developed a civilised though complex system of sharing the federal throne.

They take turns in such a way that every Ruler who is willing and deemed suitable by the Conference can occupy the federal throne at least once before another Sultan occupies it twice. For this reason no King can be immediately re-elected after expiry of his five-year term.

The first cycle of occupying the federal throne was completed with the election of the Sultan of Perak, Sultan Azlan Shah, as the ninth Yang di-Pertuan Agong from 1989 to 1994.

The list is as follows: Negri Sembilan (August 31, 1957 – April 1, 1960); Selangor (April 14, 1960 – September 1, 1960); Perlis (September 21, 1960 – September 20, 1965); Trengganu (September 21, 1965 – September 20, 1970); Kedah (September 21, 1970 – September 20, 1975); Kelantan (September 21, 1975 – March 30, 1979); Pahang (April 26, 1979 – April 25, 1984); Johor (April 26, 1984 – April 25, 1989); Perak (April 26, 1989 – 5 April 25, 1994).

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The second cycle commenced in 1994 with the selection of the Negri Sembilan Ruler, Tuanku Ja'afar, whose father Tuanku Abdul Rahman was the country's first federal monarch. Negri Sembilan (April 26, 1994 – April 25, 1999) was followed by Selangor (April 26, 1999 – November 21, 2001); Perlis (December 13, 2001 – December 12, 2006); Trengganu (December 13, 2006 – December 12, 2011) and Kedah (December 13, 2011 to now).

**Election list:** The 1957 Constitution provides for an "election list" based on the precedence the Rulers recognise among themselves.

According to a book by former Lord President Tun Mohamed Suffian Hashim, in 1957 the seniority or precedence was as follows: Johor, Pahang, Negri Sembilan, Selangor, Kedah, Perlis, Kelantan, Trengganu and Perak.

However, the Sultan of Johor declined and perhaps this was also the case with Pahang. And so the throne was offered to the next senior-most Ruler – the Yang di-Pertuan Besar of Negri Sembilan. This List was also followed in the election of the then Sultan of Selangor as the second King.

But for the third and subsequent elections, the 1957 seniority list was not followed by the Conference of Rulers, due possibly to the exceptional factors mentioned below.

**Exceptional factors:** The "election list" is the key to understanding the complexities of royal succession at the federal level. But this list is not permanent and is varied for every election in accordance with Part I of the Third Schedule. It is also subject to a number of exceptions.

First, a Ruler is disqualified if he is a minor. Second, a Ruler may notify the Keeper of the Rulers'

Seal that he does not desire to be elected. Examples are Johor in 1957, Pahang in 1970 and Johor again in 1975.

Third, if five members of the Conference by a secret ballot resolve that a Ruler for reasons of infirmity of mind or body or for any other cause is unsuitable for exercising the functions of the Yang di-Pertuan Agong, he is barred from the election (though his position as State Ruler remains unaffected).

Fourth, if there is a change in the Ruler of a state due to death, removal or resignation, then the state is transferred to the last rung of the Federal succession ladder. Such successions took place due to the death of the Ruler in Kedah (1958), Johor (1959), Negri Sembilan (1960), Selangor (1960), Kelantan (1979) and Selangor (2001). The Sultan of Kelantan in 2010 was removed from the throne due to disability.

Fifth, after each election, the Ruler who was elected as King is omitted from the list.

In all of the above five cases, the Ruler's state goes to the bottom of the List and the Ruler whose State is first on the election list is offered the post, subject, of course, to the power of the Conference to disqualify a Ruler.

Which now brings us to the question: who among the nine State Rulers will be anointed with the post of the next Yang di-Pertuan Agong? Only the Conference of Rulers knows the answer.

One can only guess that the Sultan of Pahang is the senior most. We have to wait till late November.

**Shad Faruqi is Emeritus Professor of Law at UiTM. The views expressed are entirely the writer's own.**



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New Straits Times, The Star, Sunday Star, The Sun, Star Metro,  
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