THE REMOVAL OF PERAK'S MENTERI BESAR FROM CONSTITUTIONAL PERSPECTIVE

By:

Kamal Hadi Bin Ahmad Zaki 2007294152

Muhammad Syafiq Bin Aminudin 2007294058

Mohd Radzi Bin Mohd Sani 2007294128

Submitted in Partial Fulfilment of the Requirements For the Bachelor in Legal Studies (Hons)

UNIVERSITI TEKNOLOGI MARA Faculty of Law

15 Oktober 2009

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

ABSTRACT

The issue of the removal of Perak's Menteri Besar in constitutional perspective has brought lots of dilemma which has opened vast legal loopholes in the governance of constitution in our country. Therefore, this research aims are to explore the legal aspect in the State of Perak by examine the validity of the resignation letters made by the 3 Perak State Assemblymen, examine the powers vested in the Sultan of Perak's in dismissing the Menteri Besar and examine whether the procedural aspects of the removal of former Menteri Besar of Perak in accordance with the provision of the Perak's Constitution. The first chapter in this research provides the introduction of our draft proposal in conducting this research. The next chapter provides the power of Sultan and State Ruler on which this chapter discuss more on the discretionary powers of Sultan and State Ruler references with Federal Constitution and Perak Constitution. Further on chapter three it provides the cases study which relating with our research paper. Next, chapter four provides the current judgement in High Court and Court of Appeal in Perak's present crisis. Lastly, chapter five provides findings and conclusion. The issue of the removal of Perak Menteri Besar is still waiting to be heard at Federal Court, for that it is important for our group to analyze all the possible and relevant issue to achieve a precise outcome in this research.

ACKNOWLEDGEMENT

In the name of Allah, the Most Beneficient and the Most Merciful.

This research paper has been conducted by a group which has included Kamal Hadi B Ahmad Zaki, Muhammad Syafiq B Aminudin and Mohd Radzi B Mohd Sani from UiTM Law Faculty. This research paper could not be completed without the support and encouragements of many people whom we are really grateful.

First of all, we convey our deepest gratitude to Allah s.w.t for giving us the ability and knowledge to get through our life. We sincerely wish to express our most gratitude to Madam Nadzriah Ahmad who supervised and supported this research paper from the start until it's completion. Thank you for the patience, time spent with us, advice and the guidance.

We would also like to thank our the respondents Prof Shad Saleem Faruqi, lecturer in UiTM Shah Alam and Constitutional Expert in Malaysia and Mr Sabri Bin Hassan, lawyer from Aishah Kama & Sabri for the assistance in giving us input and time throughout this project paper.

We also want to thank our families, friends and the librarians in UITM Shah Alam for their time and help in completing this project paper. Thank you all.

TABLE OF CONTENT

<u>CHAPTER</u>	<u>PAGE</u>
TITLE	
ACKNOWLEDGEMENT	ii.
ABSTRACT	iii
CONTENTS	iv
CHAPTER ONE INTRODUCTION	
1.0 Research Title	1
2.0 Introduction	1
3.0 Background	1
4.0 Research Question	3
5.0 Objective	4
6.0 Literature Review	4
6.1 The Sultan's Prerogative	5
6.2 The Menteri Besar's Right	6
6.3 Role of Legislative Assembly	7
6.4 The Resignation Letter by 3 Perak's State	8
Assembly and Casual Vacancy	
7.0 Methodology	11
8.0 Scope	12
9.0 Limitation	12
10.0 Significance of The Study	12

CHAPTER TWO POWER OF SULTAN AND STATE RULER

2.1	Non Discretionary Powers of YDPA	13
2.2	YDPA's Right To Give Consent or To Be Consulted?	14
2.3	Discretionary Powers of The YDPA	17
2.4	Comment on The Provision on The Roles of YDPA	18
2.5	Power of The State Ruler and Governor	19
	2.5.1 The Power of State Ruler in accordance to	19
	The Federal Constitution (Eight Schedule)	
	2.5.2 State Ruler's Power Under Perak's Constitution	21
2.6	Discretionary Power of The State Ruler	21
	2.6.1 Comment on The Eight Schedule Federal Constitution	22