

LOCAL GOVERNMENT ELECTIONS: IS THIS THE TIME TO BRING IT BACK?

By

Nabil Aswad b. Mohd Hatta (2006200668)

Mohd Redza Azhar b. Rezali (2006200658)

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

University Teknologi MARA

Faculty of Law

October 2008

The students/authors confirm that the work submitted is theirs own and that
appropriate

credit had been given where reference has been made to the work of others.

ACKNOWLEDGEMENT

This research project paper has been carried out by a team which includes Nabil Aswad b. Mohd Hatta and also Mohd Redza Azhar b. Rezali. Therefore, we would like to acknowledge the contribution of certain parties.

Our deepest gratitude to Allah S.W.T because without His blessings and guidance, this research project paper would not have been initiated yet alone completed within the time span given. We would also like to express our utmost gratitude and thank you to our beloved supervisor, Puan Mazlina bt Mangsor due to the time, effort and advice which she has unselfishly given us. It would be safe to say that the journey that we took to complete this research project paper would not have been as smooth or as pleasant without the guidance given by Puan Mazlina. May Allah S.W.T repay her for the help she has given us and the patience that she had in supervising us.

We would also like to extend a special thank you to those that we have interviewed, notably Puan Normawati, Datuk Wan Mohamad Khairil Anuar b. Wan Ahmad, Yang Berhormat Tuan Khalid Samad and also Professor Aziz Bari. Not only have they provided us with valuable and vital information for our research paper, their willingness to share their experience with us was an invaluable experience for us. We also would like to thank them for their cooperation in granting us an interview even though with the limited time they have.

We would also like to take this opportunity to thank the contribution of our beloved parents who has helped us through providing moral support and financial assistance to us. We would also like to acknowledge the contribution of our friends in helping us and being with us through the good and also stressful times during the conduct of this research paper.

ABSTRACT

This study concerns whether local government elections should be brought back into our country's system. Councillors are the people who represent the public in the local authorities. Presently, local councillors are appointed by the State Government. However, this was not always the case because before 1965, local councillors were elected via local government elections. However, it was suspended in 1965 and the suspension has remained until now.

The present appointment system has been plagued with various problems. Corruption, non transparency, lack of accountability and also efficiency are some of the problems that have arisen which could be attributed to the appointment system. What is worse is that these problems have continued to exist for more than 40 years.

This study will emphasis on bringing back local government elections, highlighting the need for it in our system and most importantly, the people. There are also recommendations given on what is the best way to tackle the problems that are preventing local government elections from being brought back.

TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iii
Contents	iv
List of cases	vi
Table of Legislation	vi

CHAPTER ONE: INTRODUCTION

1.0	Introduction	1
1.1	Background	1
1.2	Research Questions	4
1.3	Objective of the Study	5
1.4	Research Methodology	6
1.5	Scope and Limitations of the Research	6
1.6	Significance of the Study	7
1.7	Outline of the Research	7
1.8	Conclusion	8

CHAPTER TWO: LITERATURE REVIEW

2.0	Introduction	9
2.1	Klang Valley: It's Composition	10
2.2	Definition of Local Government Elections	11
2.3	Hybrid Structure in the United Kingdom	11
	2.3.1 Elected Local Government in United Kingdom	14
	2.3.2 Non Elected Local Government in United Kingdom	16
2.4	State Level Local Government in Australia	17
	2.4.1 Local Government Election	18
2.5	Centralised System of Local Government	20
	2.5.1 Ordinary Local Public Entities	22
	2.5.2 Special Local Public Entities	22
	2.5.3 The Evolution of Local Government in Japan	23
2.6	Conclusion	24

CHAPTER THREE: THE IMPORTANCE OF LOCAL GOVERNMENT ELECTIONS

3.0	Introduction	26
3.1	Democracy	26
3.2	Accountability	28
3.3	Transparency	30
3.4	Eradicate Corruption & Abuse of Power	33
3.5	Conclusion	36

CHAPTER FOUR: THE CHALLENGES TO REVIVE BACK LOCAL GOVERNMENT ELECTIONS

4.0	Introduction	37
4.1	Legal Challenges	37
	4.1.1 Local Government Act 1976 (Act 171)	37
	4.1.2 Emergency (Essential Powers) Act 1979	43
4.2	Social and Administrative Challenges	45
	4.2.1 Race Factor	45
	4.2.2 Funds	46
	4.2.3 Decentralisation	47
4.3	Political Challenges	47
	4.3.1 Political Will	47
	4.3.2 Vote Buying	48
4.4	Conclusion	49

CHAPTER FIVE: RECOMMENDATIONS AND CONCLUSION

5.0	Introduction	50
5.1	Current Situation	50
5.2	Recommendations	51
	5.2.1 Pilot Study	51
	5.2.2 Conduct a Referendum	52
	5.2.3 Amend the Act	53
5.3	Conclusion	54
	Bibliography	55
	Appendices	59
	Appendix 1	59
	Appendix 2	61
	Appendix 3	63
	Appendix 4	65