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THE CONSTITUTIONAL CRISIS
OVER THE CONSTITUTION
(AMENDMENT) BILL, 1983.

BY

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INTRODUCTION

The law is one of the most important characteristics to a country, because it enables that country to work out the administration and activities smoothly. Since a country and its people are not static and changes always take place, therefore amendments are necessary and are required from time to time. That is the feature of man-made law and only God's Law is complete and ever lasting which needs no amendment to it.

In Malaysia under Article 4(1) of the constitution says:

"(1) This constitution is the supreme law of the Federation and any law passed after Merdeka Day which is inconsistent with this constitution shall, to the extent of the inconsistency be void."

The constitution is a solemn contract the product of intensive negotiations and bargaining between the Queen of England and the sultans on the one hand and the other communities¹ on the other. The late Tun Razak bin Hussein, the then Deputy Prime Minister, described the constitution as "the charter of our Nation and a framework within which

1. They were represented by the Alliance Party which comprised: (1) the United Malays National Organization or UMNO, (2) the Malaysian Chinese Association or MCA, and (3) the Malaysian Indian Congress or MIC.

the aims of our society and the aspirations of our people may be achieved."² Herman Finer³, once defined 'constitution' in terms of its process of amendment for, is to 'deconstitute and reconstitute' that the amending clause is so fundamental to a constitution that he was tempted to call it the constitution itself.

The importance of the amendment process is particularly highlighted in respect of the constitution of Malaysia which has often been characterized as a document 'so painstakingly negotiated and agreed upon by the major races in Malaysia.'⁴

The Malaysian Constitution has taken into consideration historical factors which have moulded the nation's traditions and character, including the role of the Rulers.⁵

2. A statement made by the Deputy Prime Minister when he moved a motion in Parliament on April 22, 1960 to amend the Constitution. Parliamentary Debates April 1960 to August 1960, p. 303.
3. Herman Finer, The Theory and Practice of Modern Government, Methuen, London, 4th Ed, 1962, p. 127.
4. As stated by the Late Prime Minister of Malaysia, Tun Abdul Razak - Parliamentary Debates on the Constitution Amendment Bill, 1971, Government Printer, Kuala Lumpur 1972, p. 3.
5. The STAR, 8th November 1983.