

**A CRITICAL STUDY ON LEGISLATING COMPULSORY VOTING LAW IN  
MALAYSIA**

By:

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

## **ABSTRACT**

This paper is basically a study that determines the need to legislate compulsory voting law in Malaysia. As stated in Chapter One, this study is conducted due to legal criticism levelled against the present system of voting in Malaysia. Therefore, the need to legislate compulsory voting law in Malaysia is measured by analyzing whether or not the present system of voting in Malaysia is in fact muddled with problems. The conceptual and theoretical framework regarding compulsory voting have been laid down in Chapter Two of this paper and it is submitted that compulsory voting serves numerous advantages and based on the statistics and the evidences given by different scholars, the needs for compulsory are vital as the present system of voting in Malaysia is not effective enough to ensure higher turnout and to uphold democracy. Chapter Three examines the current legal positions in three countries that enforced compulsory voting in their system which are Australia, Singapore and Belgium. These three countries serve as an idea and the models for Malaysia in adapting the law on compulsory voting. Meanwhile, the recommendations that Malaysia should consider in changing the existing law relating to voting in Malaysia are presented and concluded in Chapter Four. Therefore, it is submitted that compulsory voting does give its very own potential to make citizens participate in the selection of government.

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## CHAPTER ONE: INTRODUCTION

### 1.0 INTRODUCTION

In the early history of voting in the world, Athens had the first decision-making of choosing their leader in the 6th century B.C.E by giving the rights of vote to the citizens.<sup>1</sup> The citizens had been given the right to vote for the legislation and executive bills.<sup>2</sup> However, the right to vote was not made available to all citizens where only a male adult was allowed to vote in Athens. In addition, during the first establishment of voting system, the voting pattern was only shaped by the political talks by the poets at the theatres.<sup>3</sup> In the history of compulsory voting, Liechtenstein was the first country that established compulsory voting laws which was in 1862 and followed by Belgium in 1893.<sup>4</sup>

Voting is one of the crucial system in some countries as it will determine on who will lead the country. In some countries such as Belgium, Singapore and Australia, voting has been made as compulsory. This means that any failure to cast vote will render the person to be liable under specified provision. However, in Malaysia, voting is not compulsory and even registration as voter also is not compulsory. As a democratic country, does this system practice in our country is sufficient to uphold the principle of democracy?

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<sup>1</sup> Gratschew, M, 2006. 'Voter Turnout In Western Europe' <[http://www.idea.int/publications/voter\\_turnout\\_weurope/upload/chapter%203pdf](http://www.idea.int/publications/voter_turnout_weurope/upload/chapter%203pdf)> accessed 20 April 2014

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*