

**LEGISLATING ANTI- DEFECTION LAW: A COMPARATIVE STUDY  
BETWEEN MALAYSIA & OTHER COUNTRIES**

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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.

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Lastly, it is our sincere wish that this project paper would contribute and become an aid in understanding Anti-Defection Law in Malaysia.

Thank you.

## **Abstract**

Defection has been an issue committed by legislators throughout the world. In order to deal with this issue, Anti-Defection Law has been enacted in 40 countries with the primary objective of preventing the government from being changed by way of defection. Somehow, the law is different in those countries and has its own advantages as well as disadvantages and this project paper provides a specific analysis on four countries which enact this law namely Singapore, India, Bangladesh and Israel.

Unfortunately, Malaysia has not enacted this law for various reasons. Hence, the objective of this paper is to find out whether Anti-Defection Law can be adopted in Malaysia and if the answer is affirmative then the next aim is to provide an ideal Anti-Defection Law which can be implemented in this country as well on how to tackle the solve the problems which prevent this law from being enacted in this country.

It is found that Anti-Defection Law fails to prevent defection totally but it is the best measure to reduce the possibility of a government to be changed due to defection. Apart from that, we found that there are several legal issues pertaining to the law as there are several cases which have been brought up before the court especially in India as the validity of the law has been challenged and the court also needs to deal with the conflict between the law and freedom of association which is guaranteed in the Constitution.

On top of that, this project paper also provides the way on how Anti-Defection Law can be enacted in Malaysia specifically in dealing with the case of Nordin Salleh as well as the amendment of Federal Constitution in order for this law to be enacted. Finally this research provides the provision of Anti-Defection Law which can be enacted in Malaysia after all necessary steps have been taken to solve the setbacks which prevent this law from being legislated.

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