

**A COMPARATIVE STUDY ON THE DOCTRINE OF SEPARATION OF
POWER BETWEEN EXECUTIVE AND THE LEGISLATIVE IN
MALAYSIA AND THE UNITED STATES OF AMERICA**

By

SHALEHHUDDIN BIN SALAM (2008408848)

ABDUL MUHAIMIN BIN MUSTAFA (2008408616)

MUHD ASYRAF BIN ABDUL AZIZ (2008408752)

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FACULTY OF LAW**

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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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Abstract

Fundamental aspect of a government is the three basic and essential functions in its administration namely the executive, legislative and the judiciary with their own respective functions and responsibilities. This notion is symbolized by the doctrine of separation of powers. The central idea of this doctrine is that the whole power of the state should not be given to only one person or authority in the State.

The problem with the application of this doctrine in Malaysia is when the executive and legislative power of the State is given to the same personnel. A Minister is also a member of the Parliament which means an executive also sits as the legislator. This situation is totally different from the United States, whereby the executive and the legislative power has been separated between the President and the Congress strictly and embodied in its Constitution.

Due to this, the researchers aim to observe the application of the doctrine of separation of powers between the executive and the legislative in Malaysia and the United States. The researchers also intend to examine the extent of the functions of the two branches of government in each system accordingly.

The background of interviewees has been ensured to be of different character in order to get a balance input for the report. The authorities consist of views from Member of Parliament, minister, academician and representative from a Non-Governmental Organization (NGO). The comparison of application on the doctrine of separation of powers has been made in order to get the significance and importance of the doctrine. Based on the study conducted, it is suggested that the differences in terms of the application of the doctrine is mainly because of the different types government apply in the two nations respectively. Nevertheless it is important to be noted that the doctrine is of utmost important to ensure good governance and provide check and balance between branches of government.

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