

**ANTI PARTY HOPPING LAW IN MALAYSIA (WITH SPECIAL
REFERENCE TO PENANG): AN ANALYSIS OF ITS CONSTITUTIONALITY
AND FEASIBILITY OF ITS APPLICATION TO THE FEDERATION OF
MALAYSIA AS A WHOLE**

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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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We hope that this paper will contribute to better understanding of Anti Party Hopping Law and the need for its application throughout the Federation of Malaysia.

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Abstract

The issue of party hopping has been a hot topic across the world, including our country, Malaysia. There are several legal issues pertaining to the Anti Party Hopping Law as there are several cases which have been brought up before the court for instance the case of *Nordin Salleh v State Assembly of Kelantan [1992] 1 MLJ 343* where in this case, the court needs to deal with the conflict between the issue of party hopping and freedom of association which is guaranteed in the Constitution.

A research paper with similar issue has been done before by the previous students. However, the main focus and arguments in both papers are different where this paper reviews on the constitutionality of Anti Party Hopping Law in Penang while the previous paper did not mention about the said law but included the Anti Defection Law of other countries as Anti Party Hopping Law in Penang was not yet introduced. Other than that, this paper aims to suggest the conditions that have to be fulfilled by a member if he wants to hop party while the previous paper was done to recommend that Anti-Defection Law should be enacted by way of amending Article 48 of the Federal Constitution. Plus, this research provides the legal views on the validity of Anti Party Hopping Law with regards to the constitutional law as there are restrictions provided on Article 10 of Federal Constitution while the previous paper was done to suggest that for the state level, Anti-Defection law can be enacted in state assemblies by way of amending S.6(1) of Part 1 to the Eight Schedule to the Federal Constitution.

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