

PUBLIC AWARENESS OF THE CONSTITUTIONAL MONARCHY AMONG SOCIETY IN KOTA KINABALU, SABAH.

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ABSTRACT

This study focuses on the issue of public awareness of constitutional monarchy in Kota Kinabalu, Sabah. Public awareness of the constitutional monarchy is essential to ensure that society understands the significance of actions taken by the constitutional monarchy in Malaysia. In conducting this study, researchers used univariate analysis, covering two main variables: the roles of the Yang Di-Pertuan Agong (YDPA) and the roles of the Conference of Rulers. These variables are from the Federal Constitution. The study was conducted through an online questionnaire that involved 60 respondents, who were divided into two groups: 30 Bumiputera respondents and 30 non-Bumiputera respondents. The data were collected and analysed using descriptive statistics through the Statistical Package for the Social Sciences (SPSS).

Keywords: constitutional monarchy, limited monarchy, the YDPA, the Conference of Rulers, democracy

Introduction

Democracy is a government by people for people, whereby the people have their say. It is contrary to the monarchy, whereby the monarch rules the state. However, as democracy develops, many states have embraced democracy while at the same time retaining the monarchy aspect, including Malaysia. The system is known as a limited monarchy or constitutional monarchy. This kind of monarchy is present in democracies where the constitution restricts the monarch's authority, and the constitution's supremacy still places the sovereignty of the state in the hands of the people (Bulmer E, 2017). A constitutional monarchy is a system of government in which a monarch shares power with a constitutionally organised government. The monarch may be the *de facto* head of state or a purely ceremonial leader (Britannica, T. 2018). In addition,

the establishment of constitutional monarchy has been the cumulative result of introducing formal legal provisions and norms that replaced royal policy-making power with representative government, and the king became the figurehead of the state (Tridimas, 2021). Historically, the Royal Institution in Malaysia is almost 700 years old (Omar, S., & Wan Mahmud, W. A., 2017). The constitutional monarchy established in Malaysia is headed by the Yang Di-Pertuan Agong (YDPA), known as the Supreme Head of the Federation (Article 32 Constitution of Malaysia), and he is chosen by the Conference of Rulers every five years. The Conference of Rulers consists of Their Royal Highnesses, the Rulers (Sultan and Raja), and the Yang di-Pertua Yang di-Pertua Negeri of States not having a Ruler; their roles are established under Article 38 of the Federal Constitution. Since Malaysia is a democratic country, the Federal Constitution is the supreme power of the state; therefore, the appointment and removal of the YDPA are established under Part I and III of the Third Schedule in the Federal Constitution. The YDPA is only a nominal power, with the real power being held by the Prime Minister and his cabinet (Nasuruddin, 2017). The unique aspect of constitutional monarchy in Malaysia is that it establishes a balance of power in the executive branch, whereby the YDPA has the power to appoint the Prime Minister who has been chosen among the candidates that won the General Election within the winning political party. Therefore, democracy in Malaysia allows the people to choose their head of government indirectly through a General Election to represent them in the government.

According to the Federal Constitution, the constitutional monarchy is required to act on the advice of the Prime Minister, except in specific situations that require royal discretion (Shad Saleem Faruqi, 2022). The role of the constitutional monarchy goes beyond the symbol by protecting the peace and harmony of the state. This can be seen in late 2015, in the context of the 1MDB investigation, when the Conference of Rulers questioned the government's credibility and integrity in administering the country (Milner, 2017). Apart from that, during the rise of religious matters in October 2017, the Sultan of Johor condemned a launderette for following a Muslim-only scheme, stating that Johor belongs to all races and religions and is not a Taliban state (Milner, 2017). In addition, the latter claimed that the Conference of Rulers subsequently expressed its concern to preserve "the unity that currently exists within our multi-religious and multi-ethnic society" and, despite being the 'leaders' of Islam and despite their constitutional obligation to safeguard the Malaysian special position,' they find themselves to be ruling above all subjects irrespective of ethnicity. Starting in 2020, the constitutional monarchy exerted a vastly enhanced influence in several legal, political, and administrative areas. First is the appointment of the Prime Minister; Tan Sri Muhyiddin Yassin was appointed as Prime Minister in 2020 after Tun Mahathir quit the position; then, in 2021, Dato' Ismail Sabri was appointed by YDPA, replacing Tan Sri Muhyiddin Yassin; and lastly, the appointment of Dato' Sri Anwar Ibrahim in 2022. All of the appointments of the stated Prime Minister were not based on the electoral process or a vote of confidence in Dewan Rakyat; rather, they were created in Istana. Other than that, in 2020, for the first time, a YDPA refused the Prime Minister's advice on the proclamation of emergency; only in January 2021 did the YDPA accept the advice. Then, in July 2021, once again, the YDPA refused to revoke some of the Emergency Ordinance on the grounds that the Parliament was about to come to session. (Shad Saleem Faruqi, 2022). Based on these occurrences, it can be seen that the constitutional monarchy in Malaysia is not a symbol alone; it also has its role in maintaining peace and harmony in Malaysia.

Contempt of the Constitutional Monarchy

As democracy blooms, several issues could be seen as ridiculing the constitutional monarchy, either the YDPA or the Conference of Rulers. Most issues were based on freedom of speech, specifically in social media. According to the Universal Declaration of Human Rights 1948 (UNESCO 1948), Article 19, the right to communicate is a fundamental human right that underpins the very essence of democracy, and it is a key factor in the fulfillment of other rights. It “includes the right to hold opinions without interference and to seek, receive, and impart information and ideas through any medium, regardless of frontiers.” In addition to that, Article 10 of the Federal Constitution guarantees freedom of speech. However, in Malaysia, the freedom of speech is guided. There are many cases involving social media that fall under the Communication and Multimedia Act of 1998. One of them was in 2009 when six people were brought to the Session Court of Kuala Lumpur, Petaling Jaya, Butterworth, and Kota Kinabalu for leaving dirty and disreputable comments on the Sultan of Perak in a blog. Another case was in 2011, when someone insulted the national anthem, *Negaraku*. The perpetrator changed the lyrics to make fun of not only the national anthem but also the Raja and the Prime Minister (Wan Amizah Wan Mahmud & Muhammad Adnan Bin Pitchan, 2017).

Other than that, in 2015, there was a case involving Alvin Tan and Vivian Lee whereby they used their social media to insult the YDPA. In 2018, there was a case involving a lawyer who was investigated for her online article that was deemed to be seditious for questioning the Constitutional Monarch (Malaysiakini, 2018). The more recent issue was when the YDPA appointed Prime Minister Tan Sri Muhiddin Yassin after the sudden resignation of Tun Mahathir in 2020; it caused a viral trend on Twitter, ‘#NotMyPM’ (Ng, E 2020). According to the Royal Malaysian Police statistics for April 2019, 523 reports over postings insulted the royal institution, with 472 reports specifically on insulting the YDPA (Looi, S 2019). This shows there are Malaysians who are not aware of the importance of respecting and understanding Malaysia’s constitutional monarchy. The cases of insults towards the constitutional monarchy on social media were due to a lack of historical knowledge and a lack of understanding of the roles and functions of the constitutional monarchy among the people themselves. The issue of insults to the constitutional monarchy in Malaysia can be reduced if every stratum of society, especially the younger generation, understands it well and does not exaggerate any issues concerning the Malays in the constitution. Hence, the people play a significant role in maintaining harmony and peace despite their differences in ethnicity or religion by having knowledge and a better understanding of the constitutional monarchy system in Malaysia. Therefore, the study aims to raise public awareness about the role of constitutional monarchy in society in Kota Kinabalu.

Materials and Methods

Respondents and research design

The study is a cross-sectional study, and it was done during the early stages of COVID-19 in Malaysia, from February 2020 until February 2021. During this time, it was a challenge to collect data; therefore, it used Roscoe (1975), which involved 60 respondents in Kota Kinabalu Sabah. The sampling technique used in this study is purposive sampling under non-probability sampling. The data was collected using an online survey, a Google Form, whereby the link to the form was distributed through WhatsApp.

Instrumentation

The online questionnaire had two sections. Section A was the demographic profiles of the respondents; Section B consisted of respondents' awareness of the constitutional monarchy system, respondents' awareness of the roles of the YDPA, and respondents' awareness of the roles of the Conference of Rulers. Section A consists of five questions to determine the demographic data of the respondents involved in this research. Section B consisted of 28 questions that were meant to achieve the objectives of this research. For Section B, questions 8 to 19 were meant to achieve the first objective, which was to determine the public awareness of the roles of the YDPA; questions 20 to 28 were meant to achieve the second objective, which was to identify the awareness of the public towards the roles of the Conference of Rulers in Malaysia; and lastly, questions 1 to 7 were meant to achieve the third objective which was to differentiate the public awareness of constitutional monarchy between the Bumiputera and non-Bumiputera groups.

Data analysis

The data were analysed in Statistical Package for Social Science (SPSS) version 25. It analysed the profile of respondents as well as measurement test analysis and descriptive analysis using score level and mean. The reliability statistic for Cronbach's alpha test was 0.796, which indicated that all statements that had been constructed in the questionnaire sets were reliable. Therefore, to make an inferential analysis, the researchers used the independent sample T-test technique.

Result

Table 1 shows the mean scores for all the variables in the study. Based on Table 1, the first variable, the respondents' awareness of the constitutional monarchy system in Malaysia, recorded a medium mean of 3.48, whereas the other two variables scored a high mean; the respondents' awareness of the roles of the YDPA was 3.79, and the respondents' awareness of the roles of the Conference of Rulers was 3.59.

Table 1: Mean scores for all variables

Variables	Mean
Awareness of the Constitutional Monarchy system	3.4810
Roles of the YDPA	3.7931
Roles of The Conference of Rulers	3.5963

N-60

Table 2 shows the difference in awareness of constitutional monarchy between the Bumiputera and non-Bumiputera. Based on Table 2, there was a slight difference in the mean recorded for both groups. However, the overall mean was in the high range, between 3.5 and 5.0, with the Bumiputera group slightly higher than the non-Bumiputera group.

Table 2: Mean score: Public Awareness of Constitutional Monarch based on Bumiputera and Non-Bumiputera

Question	Group	Mean
1. I know the term of Constitutional Monarchy means	Bumiputera	4.2333
	Non-Bumiputera	3.8333
2. I know there is a Constitutional Monarchy in Malaysia	Bumiputera	4.7000
	Non-Bumiputera	3.9667
3. I know the history of Malaysia's Constitutional Monarchy	Bumiputera	4.2667
	Non-Bumiputera	3.3333
4. The Constitutional Monarchy belongs to the Executive branch in the separation of power in Malaysia	Bumiputera	3.8883
	Non-Bumiputera	3.4333
5. Constitutional Monarch maintains harmony among multicultural and multi-ethnic societies	Bumiputera	4.1667
	Non-Bumiputera	3.8000
6. The Constitutional Monarchy is merely a symbol of the country	Bumiputera	2.1667
	Non-Bumiputera	2.4333
7. The Constitutional Monarchy belongs to the Judiciary branch of government	Bumiputera	2.2000
	Non-Bumiputera	2.3667

Discussion

The study was conducted to understand the awareness of society towards the constitutional monarchy in Malaysia. Based on the result of the study, the respondents have medium-range knowledge of the constitutional monarchy system in Malaysia with a score of 3.4810 (considered medium as the mean score between 2.5 and 3.4, according to Oxford and Burry, 1995). This shows that most of the respondents do know the constitutional monarchy system in Malaysia. In order to strengthen the analysis based on the respondents' knowledge, the study also collected data on the components of the constitutional monarchy itself, which consist of the roles of the YDPA and the roles of the Conference of Rulers.

First, the role of the YDPA. The public who recognises the roles of the YDPA will always be aware of the importance of the YDPA (Awang Sariyan, 2008). Upon analysis of the public awareness of the roles of the YDPA, it was revealed that the respondents in Kota Kinabalu have a high awareness of the roles of the YDPA. This was proven when the mean score was 3.7931 and was considered a high mean score according to the mean scale by Oxford & Burry (1995). Hence, the finding proved that the respondents were aware of the roles of the YDPA as provided in the Federal Constitution Articles 32, 41, 42, and 43. This finding is aligned with the claims by Ostwald (2020), whereby the roles of the YDPA may not have been obvious. However, due to the changing political environment, the public can directly see and know the YDPA's power and its importance. One of the examples was when Malaysia had a

political crisis with the former Prime Minister, Dato' Sri Najib and some people requested the YDPA remove the then Prime Minister, Dato' Sri Najib, for his controversial case. Nevertheless, the role of the YDPA is restricted to the selection of the Prime Minister and does not extend to the authority to remove the Prime Minister from office. Hence, the YDPA lacks the authority to dismiss the incumbent Prime Minister, Dato' Sri Najib. In this regard, it is evident that the YDPA has the authority to designate the Prime Minister while lacking the prerogative to dismiss the incumbent individual from office. It goes the same with the political crisis of the sudden resignation of former Prime Minister Tun Mahathir in 2020. During this time, the YDPA played an important role in appointing the new Prime Minister, Tan Sri Muhyiddin Yassin (Bernama 2020). Despite the emergence of public dissent expressed through the hashtag #NotMyPM on the social media platform Twitter, it is imperative for the general populace to comprehend that the exercise of authority by the YDPA is grounded in the highest source of power, namely the Federal Constitution. In short, the function of the YDPA is not akin to that of an absolute monarchy, as it necessitates adherence to the powers vested in the YDPA by the Federal Constitution. Thus, the decision of the YDPA to appoint the new Prime Minister back then, replacing Tun Mahathir, was according to the principle of democracy, which put the Federal Constitution ahead of everything. In addition, the recent *Kembara Kenali Borneo* event, which took place from September 3 to September 13, 2023, provided evidence of the warm reception and affection that the people of Sabah extended towards the YDPA and his family. Individuals from many areas displayed a combination of enthusiasm and patience while eagerly anticipating the arrival of the YDPA. During this particular occasion, the residents of Sabah were allowed to engage with the YDPA and Raja Permaisuri Agong while also expressing their concerns regarding the challenges experienced in Sabah. The YDPA addressed these issues in his address during the *Santapan Malam Kerajaan Negeri Sabah* (Jennifah Nordin, 2023). Furthermore, the YDPA diligently pursued all correspondence presented to him during the *Kembara Kenali Borneo* expedition, thereafter, transferring all pertinent items to the federal government. The present observation reveals that while possessing nominal power inside Malaysia, the populace also recognises the functions of the YDPA and its consequential impact on the well-being of the citizens.

The following analysis was on the respondents' awareness of the roles of the Conference of Rulers. The Conference of Rulers in Malaysia not only consists of the YDPA and the Rulers of the State, the 9 Rajas and Sultan, but it also includes the governors of the other four states, Penang, Melaka, Sabah, and Sarawak. After performing a complete descriptive analysis, it was revealed that the public in Kota Kinabalu has a high awareness of the functions of the Conference of Rulers. The result after analysis showed a high mean score, which was 3.5963. The mean score was considered high as the value passed 3.5. Surprisingly, despite the reports by Royal Malaysian Police figures, the YDPA and the Conference of Rulers were insulted by 523 accounts in April 2019. The results show that the respondents were aware of the functions of the Conference of Rulers as provided in the Federal Constitution Article 3(2), 71, and 159. This could be due to the misunderstanding of those who insult the Royal Institution, or they cannot see the importance of the Royal Institution itself. Generally, in a democratic state, the people are the ones who decide the path of the country, while Malaysia is a democratic state implementing constitutional monarchy. Therefore, when people do not fully understand the roles of constitutional monarchy in a democratic state, they are likely unable to see the significance of constitutional monarchy in a democratic state, making them more likely to criticise it. One of the significant roles of the constitutional monarchy in Malaysia recently was in deciding the government of Malaysia during the 2022 general election, when there was no political

party that managed to get a majority win. In Federal Constitution Article 40A (1), YDPA has the authority to appoint a Prime Minister who gains the majority support in the general election. However, since there was no majority support, the YDPA had to use his wisdom. Other than diligently inviting all the politicians who won the election to discuss that matter, YDPA also met with the Conference of Rulers on the courses of action that have to be taken that align with the Federal Constitution. Other than that, in late 2021, Nazir Razak, the brother of former Prime Minister Najib Razak, joined 55 other citizens to make wide-ranging proposals for institutional reform; one of them was proposing that the Conference of Rulers establish a deliberative assembly to advise parliament. Despite doubts as to whether the initiatives proposed are within the constitutional functions of the monarchy or not, this shows that many Malaysians of all races see the Sultans as more trustworthy than politicians and as capable of providing checks and balance in government (Shad Saleem Faruqi, 2022). Thus, it can be seen that the constitutional monarchy can ensure public rest and mitigate political instability.

The last analysis was to determine the differences between Bumiputera and non-Bumiputera in their awareness of the constitutional monarchy system in Malaysia. As for the Bumiputera respondents, the results showed 5 out of 7 questions with high mean scores in the range of 3.5–5.0. This means that the Bumiputera respondents have a high level of awareness of the constitutional monarchy system in Malaysia. In contrast, the non-Bumiputera results showed three statements with a high mean score between 3.5 and 5.0 only. This indicated that the awareness of non-Bumiputera respondents was lower than that of Bumiputera respondents. This can be seen when the Bumiputera respondents have more questions with a high mean score level. According to Article 153 of the Federal Constitution, the constitutional monarchy has the authority to safeguard the rights of Malays and the Natives of Sabah and Sarawak. Therefore, the difference in awareness between the Bumiputera and non-Bumiputera could be related to identifying the Bumiputera with the constitutional monarchy. Article 153 is one of the prominent issues in Malaysia and has been seen as one-sided since Malaysia is a plural society. However, it is part of the social contract that was agreed upon by the founding fathers when Malaya gained independence in 1957. Before independence, the United Malay National Organisation (UMNO), the Malaysian Chinese Association (MCA), and the British agreed on equal citizenship for all races. In exchange, the MCA agreed that Malaya's head of state would be drawn from the ranks of the Malay Sultans, that Malay would be the official language, and that Malay education and economic development would be promoted and subsidised (UUM, 2023). However, despite the slight differences between the Bumiputera and non-Bumiputera, it can be concluded that both are aware of the constitutional monarchy. This can also be seen in the recent *Kembara Kenali Borneo*. Almost all Sabahans were excited to see the YDPA. People asked the Conference of Rulers to advise the Parliament. This shows that it does not matter which group people belong to. Malaysians of all races see the constitutional monarchy (Sultans) as more trustworthy than politicians (Shad Saleem Faruqi, 2022).

Conclusion

Overall, it can be concluded that the majority of respondents involved in this study have a medium level of awareness of the roles of constitutional monarchy. In terms of awareness of the roles of the Yang di-Pertuan Agong (YDPA) and the Conference of Rulers, most respondents showed high awareness. Other than that, there is a significant difference between the awareness of the roles of the YDPA and the awareness of the respondents of the roles of the Conference of Rulers, whereby respondents are less aware of the latter. With regards to the comparison between the

Bumiputera respondents and the non-Bumiputera respondents on their awareness of the roles of the YDPA and the Conference of Rulers, it is seen that the Bumiputera respondents exhibit a greater level of awareness in contrast to the non-Bumiputera respondents. However, it is worth noting that both Bumiputera and non-Bumiputera respondents have shown a high level of awareness of the existence of the YDPA and the Conference of Rulers in Malaysia. This study is beneficial in understanding the significant roles of the constitutional monarchy in ensuring the balance of power in Malaysia, understanding the 3R (royal, religion, and race), and reminding people to embody the National Pillar in ensuring peace and harmony in Malaysian plural society.

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