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Malaysia's Political Crisis: A New Power Twist?

By Yang Razali Kassim

SYNOPSIS

Since the King's rejection of Prime Minister Muhyiddin Yassin's move to declare emergency rule, questions have been raised about the role of the constitutional monarchy in Malaysia. Is there a flexing of royal power by shifting the political trajectory in an unconventional manner? How will the people react to these moves by the monarch to stabilise the situation in the midst of the raging COVID-19 pandemic?



Malaysia's King, Yang di-Pertuan Agong -- Bernama photo

COMMENTARY

IN MALAY POLITICAL culture, *murka*, or wrath, is usually associated with royal anger.

The triggering act of *derhaka* – disloyalty or treason – can invite royal *murka*. In traditional Malay society, *derhaka*, or going against the ruler, is deeply frowned upon.

The political flux following the 2018 fall of the Barisan Nasional (BN), the long-ruling coalition led by UMNO, has catalysed a debate among Malaysians, especially the Malay voters, on the salience of *murka* and *derhaka* as they witnessed the recent actions of their King, conventionally a symbolic representation, in the rough and tumble of political life.

Flexing Royal Constitutional Power

In the last nine months, the Malaysian King, Sultan Abdullah, who is formally referred to as Yang di-Pertuan Agong (Supreme Ruler), asserted his constitutional authority three times to calm the open contestation among the country's contending politicians and to prevent a complete meltdown of parliamentary government. It is a display of royal intervention not seen before in modern-day Malaysian politics.

The *first* was in February 2020 following a political coup that overthrew the elected Pakatan Harapan (PH) government and installed the Perikatan Nasional (PN) or National Alliance administration led by Muhyiddin Yassin. The surprising development was the King's determination on who would be prime minister from among the possible candidates then competing to fill the power vacuum amid the emergence of the COVID-19 pandemic.

Under normal circumstances, the Agong's duty would be to procedurally endorse the choice of prime minister proposed by the party that won the general election. But since this was no normal circumstance, the King was thrust into playing his stabilising role, which he did. Following a series of private "interviews" with each of the 222 elected Members of Parliament (MPs), Sultan Abdullah appointed Muhyiddin as prime minister.

The *second* action was on 23 September 2020 when the Opposition leader, Anwar Ibrahim, claimed to have amassed a "convincing and formidable majority" of MPs to form a new government. The Agong did not immediately accept Anwar's claim and did not issue a royal edict as desired by Anwar for Muhyiddin to resign as prime minister. Instead, the King let the PN government continue in office, for now, to handle the COVID-19 pandemic.

A month later, on 23 October, Prime Minister Muhyiddin, fearing being deposed amid a worsening pandemic, asked the King for endorsement to invoke emergency rule. To everyone's surprise, and displaying for the *third* time his constitutional prerogative, Sultan Abdullah rejected Muhyiddin's emergency plan. The King then urged all political leaders to "stop their politicking" and get down to tackling COVID-19.

The royal intervention brought relief to many Malaysians, who had been kept on edge by the seemingly unending political crisis. Had the King consented to emergency, parliament would have been suspended and the prime minister would have no elected representatives to account to, as required in a parliamentary democracy.

It would also have delayed the approval of the next national budget, now under

consideration. If parliament rejected the budget, it would amount to a vote of no-confidence and the prime minister would have to step down.

King as Kingmaker?

This series of royal assertiveness had never happened before at the federal level. There was a 2009 intervention by Sultan Azlan Shah in the state of Perak to resolve competing claims for control of the state government of that period. The Agong's 2020 decision at the federal level to deny a nation-wide emergency rule threw Muhyiddin's ruling PN coalition – already wobbly because of its razor-thin, two-MP majority – into a tailspin.

The King, on the other hand, emerged from the political turmoil with a stronger position. The Malaysian constitutional monarchy is unique. It comprises nine hereditary rulers from the nine Malaysian states with a royalty and they each take turns reigning as the Agong, who is the head of state. Together, they sit in the Rulers Council which meets as necessary and gives advice to the King on particular matters raised for consideration.

The joint statement of the Rulers Council in support of the King's rejection of emergency rule shed more light on the monarchy's thinking. The brother rulers declared that they were guided by the principles of constitutional monarchy and parliamentary democracy.

They disclosed their concerns over “the serious implications (that) the emergency proposal would have on the image of the country; investor confidence within and outside the country; as well as on the livelihood of the people”.

Significantly, the brother rulers stressed the importance of “respecting the check and balance mechanism between the government and the King's role” and the overarching need for “balancing the various competing demands so as to guarantee justice and contain any abuse of power”.

Far From Over

Some Malaysian experts noted that such references had never been heard before from the Palace. Others have interpreted that Muhyiddin suffered a major setback, compounding the negative perception of the ruling PN coalition that questioned the legitimacy of his government.

The political drama is far from over. Eager not to be seen as *derhaka* or disloyal, the country's various political factions have been locked in a huddle to strike a *modus vivendi* despite their growing mutual distrust. Prime Minister Muhyiddin, crestfallen after the royal rejection, had contemplated resigning. Given his flimsy majority, his immediate task of getting the new budget passed will test his negotiating and political skills.

As it turned out, Muhyiddin survived the budget vote in parliament on 26 November – the first of three rounds of voting – when the Opposition leader Anwar took a surprising last-minute “tactical” decision not to vote down the budget, for now.

Statements from various parties showed that both sides in parliament were eager not to displease the Agong, for fear of being seen by the public as *derhaka*, which could cost crucial Malay votes. Still, the budget vote is not over yet as the critical one is scheduled for 17 December, for the third and final round.

Future Role of the Constitutional Monarchy

An unintended consequence of the current political crisis is on the fundamental question of the role of the constitutional monarchy. Traditionally, the monarch plays a symbolic role as ruler. A previous independent-minded king once tried to exercise his authority by withholding assent to parliamentary bills, causing problems to the elected government of the day. This led to the country's first constitutional crisis with the royalty.

The current crisis is of a completely different nature. Here the King is not the destabilising power – the political elite is. Yet, some Malaysians are now wondering whether the King is beginning to overstep his constitutional powers.

One lawyer in Kuala Lumpur has already filed a law suit asking the court to determine if the King was legally allowed to block an invocation of emergency rule. Does this legal action amount to suing the King, and if so, can the monarch be sued? All these questions could potentially lead to another constitutional crisis.

It is uncertain how things will pan out. To discuss the constitutional power of the King, it is necessary to look at the Federal Constitution but the scholars in this field have not raised the core issues as yet – including the relevance and implications of *murka* and *derhaka*. Perhaps the legal action taken by the said lawyer might bring some clarity, if the constitutional context is pertinent.

Critically, the deliberations in the Rulers Council, where the other royals are likely to have stated their respective positions, cannot be ignored. Their recent joint statement has hinted to some contours of their concerns.

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