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UHE3182 MALAYSIAN STUDIES

Chapter 3 MALAYSIAN CONSTITUTION

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AN INTRODUCTION TO THE MALAYSIAN CONSTITUTION



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Learning Outcomes

- Know the concept of Malaysian Constitution
- Discuss the supremacy of the constitution
- Describe the main provisions of the constitution.



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Introduction

- The constitution is important for a sovereign country like Malaysia.
- The Federal Constitution is the highest law of the Federation as stated in Article 4(1);



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What is the Constitution?

- The constitution is a document that outlines the highest laws of the land and the principles in advancement of the rule of the country. The constitution symbolises the existence of a parliamentary democracy that provides guarantees to the ruling body and people in the aspects of protection, status, rights, and more.



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- The constitution touches on various aspects of the system of ruling, special status of the Malays, religion, language, freedom of rights and such.
- The constitutions also outlines federal, state and shares powers.
- the constitution is highest source of the country's laws.



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Types of Constitution

- Written Constitution
- Unwritten Constitution



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Written Constitution

- Document or series of document.
- Codified in a single document.
- Supreme law of the country – Constitutional Supremacy (M'sia: Art 4(1) of the FC)
- Enacted constitution
- Countries with written constitutions are: the United States of America, India and Malaysia.
- The Malaysian Constitution is a written constitution, which in turn based on basic principles of the British government and constitutional conventions. The Malaysian Constitution, therefore, has rightly been described as based upon the 'Westminster' model.



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Unwritten Constitution

- • Not codified in a single document - the rules and principles of the constitution are scattered in the forms of statutes, charters, political conventions and practices.
- • Derived from many sources: – Historical Documents
- • Magna Carta – some rights of the King given to Barons
- • Bill of Rights 1689 – certain political & civil rights given to citizens such as freedom of speech in Parliament, freedom from cruel & unusual punishments



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SUPREMACY OF CONSTITUTION



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Group Discussion

- What do you understand by the concept of constitution?
- What do you mean personal liberty? Refer to the Constitution of the Federation of Malaysia and the practice of Parliamentary democracy in Malaysia, discuss the allowances and the limits of the freedom under discussion.



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References

- <http://itslaw.blogspot.com/2010/09/malaysian-constitution.html>



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