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UHE3182 MALAYSIAN STUDIES

Chapter 4 THE MAIN PROVISIONS IN CONSTITUTION

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Learning Outcomes

- Know the main provisions in Malaysian Constitution
- Discuss issues related to each articles



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Introduction

- Each country must have constitution as a symbol of sovereignty.
- Malaysian constitution also can be used as one of characteristics of Parliamentary Democracy.
- Malaysian Constitution have 183 Articles, but there are 5 Articles which is known as Main Provision/Traditional Elements.



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Article 152 (National Language)

- Article 152 refer to Bahasa Melayu as official language of the country.
- According to Malaysian Constitution, Article 152. (1)
The national language shall be the Malay language.
(a) no person shall be prohibited or prevented from using teaching or learning other language
(b) nothing in this Clause shall prejudice the right of the Federal Government or of any State Government to preserve and sustain the use and study of the language of any other community in the Federation.



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Article 3 (Religion of the Federation)

- Article 3. (1) stated that Islam is the religion of the Federation, but other religions may be practised in peace and harmony in any part of the Federation.
- In every State which is not having a Ruler the position of the Ruler as the Head of the religion of Islam in his state is The Yang Dipertuan Agong.



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Article 32 (Monarchy)

- In Article 32. (1) There shall be a Supreme Head of the Federation, to be called the Yang di-Pertuan Agong, who shall take precedence over all persons in the Federation and shall not be liable to any proceedings whatsoever in any court except in the Special Court established under Part XV.
- (2) The Consort of the Yang di-Pertuan Agong (to be called the Raja Permaisuri Agong) shall take precedence next after the Yang di-Pertuan Agong over all other persons in the Federation.
- (3) The Yang di-Pertuan Agong shall be elected by the Conference of Rulers for a term of five years, but may at any time resign his office by writing under his hand addressed to the Conference of Rulers or be removed from office by the Conference of Rulers, and shall cease to hold office on ceasing to be a Ruler. (Federal Constitution, p. 40)



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Article 153

- Article 153. (1) stated that it shall be the responsibility of the Yang di-Pertuan Agong to safeguard the special position of the Malays and natives of any of the States of Sabah and Sarawak in terms of public service and of scholarships, permit or licence. (Federal Constitution, p.146).



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Conclusion

- The main provisions in Malaysian Constitution is a symbol of Malaysia as a nation state with a sovereignty.
- Those articles also made Malaysia as a peaceful multiracial country.
- All races must appreciate the elements in Malaysian Constitution.



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Group Discussion

- Each group are assigned to explore three Articles together with any cases/issues related. Example:
- Article 3 – Islam as the official religions.
- Article 152 – Malay language as official language
- Explain the justification of Bahasa Melayu as a national language.



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References

- <http://itslaw.blogspot.com/2010/09/malaysian-constitution.html>
- Federal Constitution as at 1 November 2010.



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