POST-INDEPENDENCE MALAYSIA POLITICAL EXPERIENCE: ASSESSING THE IMPACT OF POLITICAL STRIFE, RACIAL, AND RELIGION TOWARDS GOVERNMENTAL PARTIES AT RESPECTIVE STATES

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Abstract: This paper discusses the development and tension of bilateral political relationship in states such as Singapore, Sabah, Terengganu and Perak due to different ruling parties in Federal and the States. This strained relationship does not only involve disputes involving legal issues, but also triggers political struggles that lead to the separation of territories with the state and the change of ruling parties in the states involved. The political development in these issues worsened when racial and religious issues were also dragged, triggering serious inter-racial riots in some of the states. In particular, political differences are a political cancer that is difficult to treat to the point of tainting the harmonious relationship in Malaysia since independence and recorded a dark history in Malaysia's political development that triggered the May 13, 1969 racial riot. The difficulty of Perikatan (later Barisan Nasional) accepting the fact that there are different political streams such as PAP, PAS and Pakatan Rakyat (PR) governing several states is the cause of the 'political eruption' to maintain the interests and status quo of the party coalition as the only capable coalition leading the country and the state. To examine this in more detail, this article will highlight discussions on issues of political turmoil due to differences in political believes and ruling parties in selected states.
1. Introduction

1.1 Establishment of Malaysia, from Party Disputes to Government Conflicts

The success of the establishment of Malaysia on 16 September 1963 was another historic event in political development in the country after independence. The idea of establishing Malaysia was first highlighted during the Southeast Asian Foreign Association Conference on 27 May 1961 in Singapore. To ensure that the idea of establishing Malaysia was not forgotten after the conference ended, a Malaysian Unity Consultative Committee spearheaded by Donald Stephen was established to provide information on the plan for the formation of Malaysia to the people.

In addition, the government also appointed each representative of the legislative assembly from the affected regions to sit on the committee to explain to the people in their respective areas. However, the information and negotiation process were more focused on the territories and does not involve specifically the states under the administration of the Federation of Malaya. Therefore, the federal government of Malaya together with the British government formed the Cobbold Commission on 17 January 1962 after being recommended by the committee to review views from various parties, especially from the North Borneo and Sarawak regions. As a result of the survey and accumulation of views, the commission found that 80 percent of the population in the two provinces support the effort towards independence through participation in Malaysia (Kamarul Zaman Haji Yusoff 2013, p.58-60).

In addition, there are several recommendations that have been submitted by the commission for consideration by the government before deciding whether to pursue the establishment of Malaysia or vice versa. A final committee to evaluate the recommendations submitted by the Commission was formed and headed by Tunku as well as several other Ministers in the Cabinet. The Cabinet Committee finally agreed to a report produced by the commission thus leading to a two-week negotiation process with the British government. The consultation successfully reached an agreement from the Commonwealth organization headquartered in Malborough, London and the agreement for the formation of Malaysia involving representatives from Sabah, Sarawak, Malaya, Singapore and the Commonwealth was inked on 9 July 1963 and the declaration of the establishment of Malaysia was carried out on 16 September 1963.
In general, the intention of the establishment of Malaysia were to achieve three main objectives, to establish political and economic relations, curbing the development of the growing Communist influence in Singapore and accelerate the independence process of the provinces involved. The fact that the Communist ideology was spreading into the political parties in Singapore has alarmed Tunku Abdul Rahman and thus becoming a pressure on him to realize the establishment of Malaysia. At the initial stage, PAS agreed with the plan to establish Malaysia in a Special General Meeting which was held on 15 October 1961 at the Majestic Hotel, Kuala Lumpur (Kamarul Zaman Haji Yusoff 2013, p.60-65). The meeting was organized specifically to discuss the establishment of the ‘Persekutuan Melayu Raya’ which includes Indonesia and other Indonesian provinces in the Philippines.

The results of the PAS special general meeting were contrary to Tunku's original plan which only wanted to involve the states of Sarawak, North Borneo (Sabah), Brunei and Singapore in the formation of Malaysia (Parliament Hansard 1961). Dr. Burhanuddin's political goals have always been against the vision of his party since before independence but he continued to pursue his goals despite that. His appointment as the President of PAS and winning the Besut Parliamentary seat in 1959 was the best opportunity for him to realize the establishment of ‘Persekutuan Melayu Raya’. Thus, on 15 October 1961 he moved a private motion in the Dewan Rakyat to engage Indonesia and several other Malay provinces around the Philippines in the formation of Malaysia. However, the majority of members of the Dewan Rakyat especially from PERIKATAN decided to reject the private motion. Dr. Burhanuddin's failure to gain support marked the onset of PAS's opposition to the establishment of Malaysia.

Although the Dewan Rakyat rejected the private motion, PAS still did not give up by holding another meeting on 5 to 6 January 1962 as an immediate reaction to the decision of the Dewan Rakyat. The essence of the organization of the meeting is to insist the government to make an amendment to the Federal Constitution immediately to protect and guarantee the rights of the Malays through the formation of Malaysia. The motion to amend the Federal Constitution was submitted by PAS representative, Hasan Adli Arshad on 5 October 1962, but the debate on the motion was not continued the next day. The government's rejection of PAS 'insistence and proposal caused the party to boycott any activities and celebrations related to the establishment of Malaysia. In fact, PAS through its government in Kelantan has acted legally by bringing the federal government to court on the issue of the establishment of Malaysia.

The turmoil that dragged the two governments to the court occurred because according to the Kelantan government, the constitutional amendments to enable the establishment of Malaysia had revoked the provisions of the Federation of Malaya Constitution. The amendment also resulted in Kelantan being empowered to absolutely govern the state as before the establishment of the Federation of Malaya. This has also provided an opportunity for the Kelantan government to determine any administrative decisions and not be bound by the Federal government. Thus, the Kelantan government had acted by filing a declaration of revocation of the Malaysian Act and temporarily applied for a delay in its establishment to restrict the implementation of the Malaysian Agreement in 1963 until the case was resolved. However, on 14 September 1963, the Chief Justice of Malaya, Thompson C.J. decided that a temporary deferment application requested by the Kelantan government was rejected.
Although the declaration of the establishment of Malaysia continued on 16 September 1963, the PAS government in Kelantan argued that this case was brought to court to defend the powers and positions of Malay-Muslims in the country. For PAS, the establishment of Malaysia should be balanced by Indonesian participation and other regions from around the Philippines in view of the large population of Chinese populations in Singapore. If Tunku did not involve the two territories proposed by PAS, then the position of Malays who have over the years dominated the country's political power would be increasingly threatened. However, Tunku sees Singapore's participation in perspective of security to control the growing influence of communists in the state.

For PAS, the establishment of Malaysia needs to be balanced with the participation of Indonesia and other regions around the Philippines by taking into consideration the large Chinese population in Singapore. If Tunku's did not involve two areas of the proposed PAS, the previous position of the Malays who dominate the country's political power will increasingly threaten. Nevertheless, Tunku’s viewed Singapore's participation from the perspective of security interests in controlling the growing influence of Communist beliefs in the country.

1.2 Transition to Terengganu Government in 1961: Federal Government Party intervention

The determination to form a Malay-Islamic political cooperation was tested after the general election in 1959 especially in Terengganu when the state was governed by PAS for the first time. Political turmoil involving the Malays especially in Terengganu began after PAS won 13 of the 24 seats contested in the First Malayan General Election in 1959. Meanwhile, UMNO, who spearheaded PERIKATAN and Part Negara (PN) won only seven and four seats contested in the election.

The success of winning a majority of the number of seats allowed the PAS party to form a state government in Terengganu with a simple majority for the first time. Thus, PAS State Assemblyman for Setiu constituency, Mohd Daud Abdul Samad was elected as the first Menteri Besar to lead the Terengganu government. But the election of Mohd Daud as Menteri Besar has sparked internal political turmoil of PAS thus threatening the stability and smoothness of the state government's administration. The turmoil was sparked by the dissatisfaction arising among members and PAS leaders with regard to the election of Mohd Daud as Menteri Besar of Terengganu.

The uncertainty in Terengganu was seen as the best opportunity by UMNO to overthrow the government administered by PAS despite being led by the Malays. This happened because UMNO and PAS were still unaware of the need to establish political cooperation with each other to strengthen the Malays. The movement to overthrow Mohd Daud as the Menteri Besar became more aggressive when there were several Terengganu PAS branches circulated a poison_pen letter dated 18 June 1969 to PAS Secretary-General Abdullah Zawawi Hamzah. Among the contents of the poison_pen letter was allegations that the Menteri Besar of Terengganu is of unsound mind and often seen talking to himself while being treated at a hospital in Kuala Terengganu. Following the health problem, Mohd Daud also allegedly failed to carry out his duties as Menteri Besar since April 1961. In fact, he also allegedly tried to avoid meeting the Sultan of Terengganu even though he was repeatedly summoned (Kamarul Zaman Haji Yusoff 2013, p.57-58).
The widespread circulation of the poison-pen letter has raised concerns among the people of Terengganu about the direction of the state government administration. Following the instability of the political situation at that time, UMNO had sought to overthrow PAS government in Terengganu by hiding two PAS assemblymen, namely Wan Said Mohd Noor (Kuala Besut) and Abdul Kader Mohamed (Kuala Terengganu). After a few days, the two PAS assemblymen came forward to declaring they had joined UMNO on October 30, 1960 (Ramlah Adam 2003, pp. 176-177). UMNO’s main purpose in hiding the two PAS assemblymen is to reduce support for the PAS government during the no-confidence motion session. In fact, UMNO has influenced these two elected representatives to defect with lucrative reward instead of staying in PAS and continues living a simple life. In fact, UMNO at the same time also incited Federal government officials working in the state of Terengganu to reject state government policies.

In addition, UMNO also influenced four PN assemblymen to participate in their plan to overthrow the leadership of Mohd Daud. UMNO believes if PN State Assemblymen agrees to join, then the PERIKATAN government which will be formed in Terengganu will be a stable government. This is because, political parties in Terengganu need at least 14 DUN seats to form a government with a strong majority. Despite Mohd Daud's best efforts to defend his position, the PAS government finally collapsed when a motion of no-confidence was submitted by PN State Assemblymen, Wan Daud Wan Ahmad during the DUN sitting on 30 October 1961 (Kamarul Zaman Haji Yusoff 2013, p.70-80). On the same day, the two PAS assemblymen who were hidden by UMNO came forward to declaring their support to UMNO and officially defected from PAS.

The motion tabled in the Terengganu DUN sitting at that time was supported by two PAS State Assemblymen’s themselves, namely Ahmad Azam Napiah, the Jeram State Assemblyman and Mat Ismail, the Jerteh State Assemblyman. Meanwhile, the State Assemblyman for Ulu Terengganu Barat constituency, Omar Abdul Rahman was stopped by the DUN Speaker, Mohd Taib Sabri from participating in the voting session. The Speaker’s action was seen as a deliberate political trick to reduce the amount of support in the voting session. Even the Terengganu DUN Speaker who, at that time, was a PAS member announced his participation in UMNO. This turn of event has facilitated the plan to overthrow the PAS government led by Mohd Daud (Kamarul Zaman Haji Yusoff 2013, p.57-60 and Ramlah Adam 2003, p.207-209). After Mohd Daud was overthrown, UMNO together with former PAS and PN state assemblymen announced the formation of a PERIKATAN state government led by Ibrahim Fikri as Menteri Besar and this marked the end of the PAS-led government which only lasted for three years.
1.3 The 1964 Riot in Singapore: The Challenge of Malaysian-Singapore Federalism

After Singapore's participation in Malaysia, inter-racial relations during the two-year period worsened compared to the previous era, triggering tensions and unforeseen racial riots. The racial tensions, particularly involving the Chinese in Malaya began when PAP continued playing the racial card and started questioning the basis of government administration and Malay supremacy. Even Lee Kuan Yew on August 4, 1964 publicly condemn and urge the slogan 'Malays must unite' propagated by UMNO to be replaced with 'Malaysia must unite' (Mohamed Nordin Sopiee 1976, p.194-195). Kuan Yew’s aggressiveness was increasingly evident in his speech where he quoted that the Malays are a group of immigrants and non-indigenous and therefore are not entitled for privileges:

Malay began to migrate to Malaysia to noticeable numbers only about 700 years ago. Of the 39 per cent Malays in Malaysia today, about one third are comparatively new immigrants like the Secretary-General of UMNO, Dato' Syed Jaafar Albar who come to Malay from Indonesia just before the war at the age more than 30 years. Therefore, it is wrong to and illogical for the particular racial group to think that they are more justified to be called Malaysian and the others can become Malaysian only through their favour. (Fletcher 1969, p.32-35).

Lee Kuan Yew's continuous actions in disputing the Malays' supremacy and position has sparked the outrage of UMNO leaders such as Syed Jaafar Hasan Albar and Othman Abdullah. These two leaders slammed the racist remarks by Lee Kuan Yew who was deemed worse than the English colonialists who had never questioned the rights of the Malays over the country.

Lee Kuan Yew's speeches disputing Malay’s privileges have initiated a political cooperation among the Malays especially in Singapore who rose to denounce his racist remarks. As a reaction, Syed Jaafar Albar organized a conference on 12 July 1964 that brought together 450 representatives from 123 Malay organisations in Pasir Panjang, Singapore to demonstrate the spirit of Malay solidarity. In his counter-speech, Syed Jaafar Albar stated that the conference was a platform to bring the Malays together to redeem the race's fall in the economic, education and other sectors. According to him, the situation occurred because of PAP’s unfair treatment to the Malays in Singapore and slammed Lee Kuan Yew as the cause of the racial tension during that time (Mohammad Redzuan Othman, Ahmad Kamal Ariffin Mohd Rus and Abdul Halim Ramli 2012, p.76-77).
At the end of the conference, a joint resolution was reached and declared. The resolution decided that all Malay organisations would not participate in a meeting with Lee Kuan Yew on 19 July 1964. Following the organization of the conference, Lee Kuan Yew and Seenivasagam criticised Syed Jaafar Albar during a Parliamentary session on 13 July 1964 for blowing up racial sentiment among the Malays. Lee Kuan Yew also requested for the government to restrict the entry of Syed Jaafar Albar to Singapore to stop him from continuing to incite the Malays to go against PAP. Lee Kuan Yew's insistence proved that the Malay political cooperation led by Syed Jaafar Albar had succeeded in threatening the PAP leader who had been very outspoken in questioning the Malay supremacy. The rise of the Malays in Singapore did not end there, but the momentum continued on until 19 July 1964 when 900 leaders of 103 non-Malay political organisations met Lee Kuan Yew to seek clarification on the essence of the agreement that allegedly denied the special privileges of the Malays during the formation of Malaysia (Mohammad Redzuan Othman, Ahmad Kamal Ariffin Mohd Rus and Abdul Halim Ramli 2012., p.77-79).

During the meeting, Lee Kuan Yew stated that the Singapore government would not create a quota system in the employment sector, granting of licence and provision of Malay reserve land. In fact, this was agreed in the Constitution before the establishment of Malaysia in 1963, but Singapore under the leadership of the PAP government would not deny opportunities and training for Malays to hold key positions in the government. This situation shows that the PAP government is only willing to open up competition between Malays and other races in Singapore without providing special protection to the Malays. The PAP government's policy has increasingly weakened the position of Malays in Singapore who are increasingly marginalised as political power in the territory is dominated by the Chinese. This continuing political and discriminatory pressure eventually triggered a racial riot event on July 21, 1964, two days after the meeting of Malay leaders with Lee Kuan Yew.

The event of the racial riots erupts during the Maulidur Rasul parade which was participated by at least 21 thousand Malay-Muslims in Singapore. As the procession was ongoing, an unknown individual threw a glass bottle towards the participants who were marching through the Lorong 12 area, Jalan Geylang. The action had forced the Federal Reserve police unit (FRU) to redirect the march to the Kallang and Kampung Poo Soo areas, thus sparking clashes in the area. The fighting escalated into the evening, causing chaos and surrounding buildings were set on fire by rioters. The riots on the first day killed four residents, while 178 others were injured (Mohamed Nordin Sopiee 1976, p.192-194).
The riots that started from the Geylang area have spread rapidly to other areas such as Chinatown, Tanjung Pagar and Arab Street. This situation has created anxiety among the Malays because they may be a victim of the deepening unrest. Therefore, the Malay residents in the Queenstown area have left their homes to find a safer shelter. To ensure the situation does not worsen, the Singapore government has deployed police and military forces to control the affected areas and impose a curfew from 9.30pm to 6.00am. Despite the implementation of the curfew, 24 incidents of fights were reported. The ongoing riots during the curfew showed that the racial tensions in Singapore had hit a serious level. The tragedy has claimed 22 lives and injured 461 victims involving the Malays and Chinese (Mohamed Nordin Sopiee 1976, p.195-198). Although various races fell victim to the riot, but the Singapore government claimed that the Malays led by UMNO was the primary cause that triggered the incident.

The rise of the Malays particularly leading up to and during the racial riot was the culmination of anger towards PAP who failed to honor its promise not to compete in the peninsular. Therefore, the Malays decided to work together to defend the Malay's rights and supremacy that is often disputed by other races. This stemmed from racial sentiments that were often played by PAP and has widened the gap in the racial relations between Chinese and Malays. Lee Kuan Yew's actions in attacking and disputing the Malays' position and privileges also provoked an increasingly serious conflict between PAP and UMNO. PAS's concerns regarding Chinese dominance through PAP before the establishment of Malaysia has become a reality. PAS realized that PAP has a hidden political agenda when they agreed to join the establishment of Malaysia as opposed to PAKATAN'S intention to strengthen the country's stability. As a result of this fall-out, racial relations in Singapore and peninsular Malaysia deteriorated significantly and subsequently triggered the racial fights in 1964. The racial riots occurred after the Malays are aware of the importance of forming political cooperation to fight against the injustice in the administration of PAP in Singapore.

Ultimately, Tunku Abdul Rahman decided to remove Singapore from Malaysia as a solution to the long-running political feud. The motion to remove Singapore was put forward by Tunku in a Parliamentary session on 9 August 1965 through a bill called ‘The Constitution and Malaysia (Singapore Amendment Bill). After nearly two hours of debate, the motion was unanimously approved by a total of 126 MPs without any objection from the opposition bloc (Kin Wah Chin 1983: 104-107).
1.4 Sabah Political Struggle: Between Federal Political Wills and the Decline of Local’s Choice

Sabah's political history also shows a serious struggle between the Federal ruling party and the state government. This can be seen in the case of Datuk (Datu) Amir Kahar bin Tun Datu Haji Mustapha v Tun Mohd Said bin Keruak Yang Dipertua Negeri Sabah & Ors [1995] 1 MLJ 169. In the 1994 election, the government of the Parti Bersatu Sabah (PBS), under the incumbent Chief Minister Datuk Seri Joseph Pairin Kitingan, achieved a slim 25-23 victory. PBS secured 25 seats while Barisan Nasional won 23 of the 48 state seats at that time. However, the success of PBS in forming the state government did not last long when a few days later, three PBS ADUNs, namely Datuk Lajim Ukin, Datuk Rubin Balang and the appointed State Assemblyman, Datuk Zaini Isa announced their support and joined Barisan Nasional.

Several other state assemblymen also joined the Barisan Nasional and caused the PBS government to lose power to rule in Sabah. The Chief Minister from the PBS government, Dato 'Joseph Pairin Kitingan, later resigned as Sabah Chief Minister when PBS members showed their support to BN. After successfully acquiring a majority in the Sabah state assembly, Datuk Sakaran Dandai from UMNO was sworn in as the new chief minister and the government under the PBS administration in the fourth term only lasted for two weeks before being taken over by Barisan Nasional.

The plaintiff, Datuk Amir Kahar bin Tun Datu Haji Mustapha who was one of the cabinet ministers of Dato 'Joseph Pairin Kitingan had filed an application to challenge the validity of the new government and sought for a declaration order that Pairin's resignation was personal and has no effect to the Sabah cabinet. The issue that arised here was whether Pairin's resignation was in accordance with the Sabah State Constitution and can be accepted causing his cabinet to also be dissolved. The court later ruled that the cabinet had been dissolved as the Chief Minister had lost the trust of the majority of members of the House despite the Chief Minister resigning in person or refusing to resign. The issue of whether Pairin resigns personally did not arise because when he lost the confidence of the majority of the members of the House, the resignation was legal. In the context of the state of Sabah, the Menteri Besar is part of the Executive Council or state EXCO, then if the council resigns or ceases to carry out its duties then automatically the Menteri Besar or Chief Minister also ceases to perform duties.

1.5 Power Transition in Perak: Political Change vs Political Importance

The political crisis in Perak began when a Bota ADUN from the UMNO party, Dato’ Nasarudin Hashim, announced that he is no longer an UMNO member and joined PKR on January 25, 2009. The announcement caused the number of Pakatan Rakyat ADUNs to increase to 32 while reducing the number of Barisan Nasional ADUNs to 27 people only
On 1 February 2009, two assemblymen who were also members of the Perak state EXCO from PKR namely Y.B Jamaluddin Mohd Radzi (Adun Behrang) and Y.B Captain (R) Osman Jailu (Assemblyman Changkat Jering) have disappeared and cannot be contacted for five days. The Menteri Besar of Perak made a police report on the disappearance of the two assemblymen. PKR subsequently made a statement alleging that the disappearance of the assemblymen was done by UMNO and accused the Chairman of the Perak State UMNO Relations Body, Y.A.B Dato' Seri Mohd Najib Tun Abdul Razak of being responsible for their disappearance. On the same day a DAP assemblyman from the Jelapang constituencies who was the Deputy Speaker of the Perak State Assembly, Y.B Hee Yit Foong also cannot be traced and did not attend the state government's official ceremony. He was suspected to be declaring his exit from the party and joining the Behrang assemblyman and Changkat Jering as independent members at the Perak State Legislative Assembly.

On the same day, the Speaker of the Perak DUN, Y.B TuanV. Sivakumar has declared that the Behrang and Changkat Jering ADUNs have submitted letters to resign and the DUN seats for the two constituencies have been declared vacant. However, the two State Assemblymen denied the Speaker's statement that they had resigned as State Assemblymen and stated that the letter had been kept by the PKR Perak state office and signed as a condition that if they resigned then automatically the seats held would be declared vacant. Apart from that, Y.B Hee also denied that he would leave the DAP party but he still failed to attend the ceremony organized in conjunction with the Sambutan Jubli Perak Sultan Azlan Shah.

On February 3, 2009, the State Assembly Speaker sent a notice informing the vacancies of the Behrang and Changkat Jering state seats to the Election Commission of Malaysia (EC) but the EC refused to hold by-elections because it considered that the seats still have a valid incumbent. However, the next day, the three assemblymen informed the Speaker that they had left their respective parties and still retained their seats as Independent assemblymen supporting Barisan Nasional. A press conference was held by Y.A.B Dato 'Seri Najib in the afternoon in Putrajaya announcing that the position of Barisan Nasional seats in Perak was 28 and supported by 3 Independent assemblymen and the Bota assemblyman who left UMNO has returned to join the party. This allowed Barisan Nasional to obtain a simple majority in the Perak DUN and give them the right to form a new government to replace the Pakatan Rakyat government. The Menteri Besar of Perak, Dato 'Seri Ir. Nizar on the same day in the afternoon approached the Sultan of Perak to seek for consent to dissolve the Perak DUN to make way for by-election to be held in the state. After he addressed the Sultan, the Sultan of Perak did not immediately decide whether to follow the advice of the Menteri Besar to dissolve the DUN or vice versa.
On the next day, The Chairman of the Perak State UMNO Relations Body, Dato' Seri Najib and 4 former Pakatan Rakyat assemblymen met the Sultan of Perak and presented a letter of support signed by all Barisan Nasional and Independent assemblymen to him. The contents of the letter clearly expressed support to anyone chosen by Najib and subsequently appointed by Sultan Azlan Shah as the new Menteri Besar of Perak representing Barisan Nasional. On the same day, Pakatan Rakyat filed an application to the Ipoh High Court to declare all three state assembly seats namely Behrang, Jelapang and Changkat Jering vacant. Finally, in the afternoon, the Sultan of Perak called Y.A.B Dato 'Seri Nizar telling him that he had lost the confidence of the majority of the members of the House and His Majesty rejected his request to dissolve the Perak DUN. He also ordered Nizar and the EXCO line-up to resign and if he refused then the post of Menteri Besar would be automatically vacated.

Following on from Dato 'Seri Nizar's refusal to resign as Menteri Besar, the State Secretary, Dato' Dr. Abdula Rahman Hashim has instructed him, through a letter issued by the SUK Office, to vacate the Chief Minister's and EXCO's office. On 6 February 2009, Dato 'Seri Nizar was barred from entering the Menteri Besar's office to carry out his duties. On the same day, the Pangkor assemblyman, Dato' Dr. Zambry Abdul Kadir was sworn in as the new Menteri Besar of Perak before the Sultan of Perak to replace Dato 'Seri Ir. Nizar Jamaluddin. Former Menteri Besar of Pakatan Rakyat Dato' Seri Ir. Nizar still claimed that he was the legitimate Menteri Besar and on 10 February 2009, he and his EXCO tried to enter the State Secretary building to carry out his duties but were barred.

On 13 February 2009, he filed a judicial review in the Kuala Lumpur High Court to request the court to declare a mistake in the judgment at the Ipoh High Court and apply for an injunction restraining Zambry from serving as Menteri Besar. Apart from that, the assemblyman from Canning constituency had filed a motion with the Committee of Privileges to take action against Zambry and his EXCO for insulting the House by seizing the power of the Perak government unconstitutionally. The Committee, headed by the Perak State Assembly Speaker, convened on 18 February 2009, decided to suspend Zambry and his line of EXCO from attending the state assembly for a period of 18 months and a year, respectively.

Kuala Lumpur High Court Judge Aziz Rahim, who sat on May 11, 2009, ruled that Nizar was still the legitimate Menteri Besar of Perak and argued that by referring to the Perak State Government Constitution, no vote of no confidence, which is a method to dismiss Nizar as Menteri Besar of Perak, was ever made in the Perak DUN. However, the lawyer representing Zambry filed an appeal against the decision made by Hakin Aziz Rahim in the Court of Appeal on 13 May 2009. On 22 May 2009, the judges of the Court of Appeal, namely Judge Raus Sharif, Judge Zainun Ali and Judge Ahmad Maarop argued that The High Court has erred in its judgement and the court accepted Zambry's appeal and declared him as the legitimate Menteri Besar of Perak. Following the judgement, on 19 June 2009, Nizar filed an application for judicial review in the Federal Court regarding the decision of the Court of Appeal. The Federal Court convened on 9 February 2010 declared that the decision made by the Court of Appeal was correct and thus Dato 'Seri Zambry Abdul Kadir had been declared as the legitimate Menteri Besar of Perak.
2. Conclusion

The diversity of political streams is a uniqueness that Malaysia has had since before independence showing the existence of democratic space in this country. However, in reality, the practice of democracy since independence was not implemented independently when the status quo of the country's largest party coalition, Barisan Nasional (formerly Perikatan) began to be challenged, causing political conflicts to safeguard the interests of the coalition.

In general, the conflict between State government and Federal government arose as a result of differences in political believes and serious racist outbreaks that was not properly addressed by political leaders. This writing is an added value to the corpus of knowledge related to political conflicts and legal issues manipulated to undermine the survival of political enemies in Malaysia.

References


