

Malaysian public administration

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Acknowledgements This report is only possible with the sincere dedication of our group members and Dr. WasonLueangpapat, Public Administration Professor. For the members, their contributions and hard work has been the chance to fulfill their part of the distributed duty in Public Administration of Malaysia. As researchers and editors, we especially want to acknowledge the Comparative Public Administration lecturer, Ajarn. Dr. WasonLueangpapat, to his friendly contributed lectures and every example that he has tried to make us understand. Even though, we still did not get them. The other groups that we must acknowledge are our parents who bring us up and sponsor for every tutorial fee and other financial supports. Finally, an untold number of people made it possible for us to work on this Malaysia report, including friends and former teachers in high school. We deeply appreciate the support and contributions of all.

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WirinyaSrisawat | 5303641293 | Research, Prepare information: Malaysia's background | Comments on Purpose and Drawback All members This report serves the requirement of Ajarn. Dr. WasonLueangpapat and the needs of those who wish to learn how government works in Malaysia, focusing on the system of public administration. According to what we have learned and conceive in the Comparative Public Administration course, Ajarn. Wason contributes us many case studies of United Kingdom, United State of America, Germany and Thailand. This report is a term assignment that we must research and analyze; (1) structure, (2) process, (3) challenge, and (4) change in public administration of interested country. In this report, these topics allow answering such questions as: * What is the general background of Malaysia? * What is the Malaysian's governmental structure and process? * What are the challenges of Malaysian's public administration? * How Malaysia deals with those upcoming challenges? This report has included what topics that ajarn. Wason has mentioned during Q&A on our group presentation, Decentralization and local governance in Malaysia: * British Colonial Legacy * Decentralization * Inter-Governmental Relationships * Community Relations and Emerging Recentralization * Process Toward Recentralization and Weakening on Decentralization * Reinforcing Centralization * Restructuring and Impact on Decentralization * Where to Decentralization? This report required a lot of time consuming because there are many detail to research and look through. Therefore members attempted to copy and paste information into this report which was considered as plagiarism. As the editor of this report, I had already asked them to make every copy and paste into their own languages and paraphrases. We had

tried our best to accomplish this paper. Please give us a suitable mark.

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on Decentralization 57 Where to Decentralization? 58 Conclusion 61

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constitutional monarchy in Southeast Asia. It consists of thirteen states and

three federal territories and has a total landmass of 329, 847 square

kilometers (127, 350 square mi) separated by the South China Sea into two

similarly sized regions, Peninsular Malaysia and Malaysian Borneo. Land borders are shared with Thailand, Indonesia, and Brunei, and maritime borders exist with Singapore, Vietnam, and the Philippines. The capital city is Kuala Lumpur, while Putrajaya is the seat of the federal government. In 2010 the population exceeded 27.5 million, with over 20 million living on the Peninsula. Kuala Lumpur Overall Detail of Malaysia Capital (and largest city) | Kuala Lumpur[a] Putrajaya(administrative centre) 3°08′N 101°42′E | Official language(s) | Malaysian[b] | Official script | Latin alphabet[c] | Used for some purposes | English[d] | Ethnic groups | 50.4% 23.7% 11.0% 7.1% 7.8% | MalayChineseIndigenousIndianOther | Demonym | Malaysian | Government |

Federal constitutionalelectivemonarchyand Federalparliamentary democracy | | King | Abdul Halim | | Prime Minister | NajibTunRazak (BN) | | Deputy Prime Minister | MuhyiddinYassin(BN) | Legislature | Parliament | | Upper house | Dewan Negara | | Lower house | Dewan Rakyat | Independence | From the United Kingdom | | Malaya | 31 August 1957 | | Sarawak | 22 July 1963 | | North Borneo[e] | 31 August 1963 | | Federation of Malaya, NorthBorneo, Sarawak, andSingapore[f] | 16 September 1963 | Area | | Total | 329,847 km² (67th) 127,355 sq mi | | Water (%) | 0.3 | Population | | 2010 census | 28,334,135 (42th) | | Density | 86/km² (114th) 216.45/sq mi | GDP (PPP) | 2011 estimate | | Total | \$447.279 billion | | Per capita | \$15,568 | GDP (nominal) | 2011 estimate | | Total | \$278.680 billion | | Per capita | \$9,699 | Gini (2002) | 46.1 (36th) | HDI (2011) | 0.781 (high) (61th) | Currency | Ringgit (RM) (MYR) | Time zone | MST (UTC+8) | | Summer (DST) | Not observed (UTC+8) | Date formats | dd-mm-yyyy | Drives on the | Left |

ISO 3166 code | MY | Internet TLD | . my | Calling code | +60 | ^ a. Kuala Lumpur is the capital city and is home to the legislative branch of the Federal government. Putrajaya is the primary seat of the federal government where the executive and judicial branches are located. ^ b. The terminology as per government policy is Bahasa Malaysia (literally Malaysian language) [10] but legislation continues to refer to the official language as Bahasa Melayu (literally Malay language). ^ c. Under the National Language Act 1967: " The script of the national language shall be the Rumi [Latin] script: provided that this shall not prohibit the use of the Malay script, more commonly known as the Jawi script, of the national language." ^ d. English may be used for some purposes under the National Language Act 1967. ^ e. Before the accession, Sabah was referred to as North Borneo. ^ f. Singapore became an independent country on 9 August 1965. | Geography The geography of Malaysia deals with the physical and human geography of Malaysia, a country located in Southeast Asia. There are two distinct parts to this country being Peninsular Malaysia to the west and East Malaysia to the east. Peninsular Malaysia is located south of Thailand, north of Singapore and east of the Indonesian island of Sumatra. East Malaysia is located on the island of Borneo and shares borders with Brunei and Indonesia. Malaysia Map Malaysia has its origins in the Malay Kingdoms present in the area which, from the 18th century, became subject to the British Empire. The first British territories were known as the Straits Settlements, whose establishment was followed by the Malay kingdoms becoming British protectorates. The territories on Peninsular Malaysia were first unified as the Malayan Union in 1946. Malaya was restructured as the Federation of Malaya in 1948, and

achieved independence on 31 August 1957. Malaya united with Sabah, Sarawak, and Singapore on 16 September 1963, with being added to give the new country the name Malaysia. However, less than two years later in 1965, Singapore was expelled from the federation. Since independence, Malaysia has had one of the best economic records in Asia, with GDP growing an average 6.5% for almost 50 years. The economy has traditionally been fuelled by its natural resources, but is expanding in the sectors of science, tourism, commerce and medical tourism. The country is multi-ethnic and multi-cultural, which plays a large role in politics. The government system is closely modeled on the Westminster parliamentary system and the legal system is based on English Common Law. The constitution declares Islam the state religion while protecting freedom of religion. The head of state is the King, known as the Yang di-Pertuan Agong. He is an elected monarch chosen from the hereditary rulers of the nine Malay states every five years. The head of government is the Prime Minister. History of Malaysia Evidence of modern human habitation in Malaysia dates back 40,000 years. The first inhabitants are thought to be Negritos. Traders and settlers from India and China arrived as early as the 1st century AD, establishing trading ports and coastal towns in the 2nd and 3rd centuries. Their presence resulted in strong Indian and Chinese influence on the local cultures, and the people of the Malay Peninsula adopted the religions of Hinduism and Buddhism. Sanskrit inscriptions appear as early as the 4th or 5th century. The Kingdom of Langkasuka arose around the 2nd century in the northern area of the Malay Peninsula, lasting until about the 15th century. Between the 7th and 13th centuries, much of the southern Malay Peninsula was part of the maritime

Srivijaya Empire. After the fall of Srivijaya, the Majapahit Empire had influence over most of Peninsular Malaysia and the Malay Archipelago. Islam began to spread among Malays in the 14th century. In the early 15th century, Parameswara, a prince of the former Srivijayan Empire, founded the Malacca Sultanate, commonly considered the first independent state in the peninsula. Malacca was an important commercial center during this time, attracting trade from around the region. Parameswara became a Muslim, accelerating the spread of Islam. A Famosa fortress in Malacca was built by the Portuguese in the 16th century. In 1511 Malacca was conquered by Portugal, after which it was taken by the Dutch in 1641. In 1786 the British Empire established a presence in Malaya, when the Sultan of Kedah leased Penang to the British East India Company. The British obtained the town of Singapore in 1819, and in 1824 took control of Malacca following the Anglo-Dutch Treaty. By 1826 the British directly controlled Penang, Malacca, Singapore, and the island of Labuan, which they established as the crown colony of the Straits Settlements. By the 20th century, the states of Pahang, Selangor, Perak, and Negeri Sembilan, known together as the Federated Malay States, had British Residents appointed to advise the Malay rulers, to whom the rulers were bound to defer by treaty. The remaining five states in the peninsula, known as the Unfederated Malay States, while not directly under British rule, also accepted British advisers around the turn of the 20th century. Development on the Peninsula and Borneo were generally separate until the 19th century. Under British rule the immigration of Chinese and Indians to serve as laborers was encouraged. Sabah was governed as the crown colony of British North Borneo after it was leased from the Sultanate

of Sulu in 1878. In 1842, Sarawak was ceded by the Sultan of Brunei to James Brooke, whose successors ruled as the White Rajahs over an independent kingdom until 1946, when it became a British colony. In the Second World War the Japanese army invaded and subsequently occupied Malaya, Sabah, Sarawak, and Singapore for over three years. During this time, ethnic tensions were raised and nationalism grew. Popular support for independence increased after Malaya was reconquered by Allied Forces. Post-war British plans to unite the administration of Malaya under a single crown colony called the Malayan Union met with strong opposition from the Malays, who opposed the weakening of the Malay rulers and the granting of citizenship to the ethnic Chinese. The Malayan Union, established in 1946 and consisting of all the British possessions in the Malay Peninsula with the exception of Singapore, was quickly dissolved and replaced by the Federation of Malaya, which restored the autonomy of the rulers of the Malay states under British protection. During this time, mostly Chinese rebels under the leadership of the Malayan Communist Party launched guerrilla operations designed to force the British out of Malaya. The Malayan Emergency lasted from 1948 to 1960, and involved a long anti-insurgency campaign by Commonwealth troops in Malaya. After this a plan was put in place to federate Malaya with the British crown colonies of Sabah, Sarawak, and Singapore. The proposed date of federation was 31 August 1963; however, the date was delayed until 16 September 1963 due to opposition from Indonesia's Sukarno and the Sarawak United Peoples' Party. Merdeka Square in Kuala Lumpur, where Independence Day is celebrated on 31 August each year, federation brought heightened tensions including a conflict with

Indonesia, Singapore's eventual exit in 1965, and racial strife. This strife culminated in the 13 May race riots in 1969. After the riots, the controversial New Economic Policy was launched by Prime Minister Tun Abdul Razak, trying to increase the share of the economy held by the bumiputra. Under Prime Minister Mahathir Mohamad there was a period of rapid economic growth and urbanisation beginning in the 1980s. The economy shifted from being agriculturally-based to one based on manufacturing and industry. Numerous mega-projects were completed, such as the Petronas Towers, the North-South Expressway, the Multimedia Super Corridor, and the new federal administrative capital of Putrajaya. However, in the late 1990s the Asian financial crisis almost caused the collapse of the currency and the stock and property markets. Malaysia economics Malaysia, a middle-income country, has transformed itself since the 1970s from a producer of raw materials into an emerging multi-sector economy. Under current Prime Minister NAJIB, Malaysia is attempting to achieve high-income status by 2020 and to move farther up the value-added production chain by attracting investments in Islamic finance, high technology industries, medical technology, and pharmaceuticals. The NAJIB administration also is continuing efforts to boost domestic demand and to wean the economy off of its dependence on exports. Nevertheless, exports - particularly of electronics - remain a significant driver of the economy. As an oil and gas exporter, Malaysia has profited from higher world energy prices, although the rising cost of domestic gasoline and diesel fuel, combined with strained government finances, has forced Kuala Lumpur to reduce government subsidies. The government is also trying to lessen its dependence on state oil producer

Petronas, which supplies at least 40% of government revenue. The central bank maintains healthy foreign exchange reserves and its well-developed regulatory regime have limited Malaysia's exposure to riskier financial instruments and the global financial crisis. Nevertheless, decreasing worldwide demand for consumer goods hurt Malaysia's exports and economic growth in 2009, although both showed signs of recovery in 2010. In order to attract increased investment, NAJIB has also sought to revise the special economic and social preferences accorded to ethnic Malays under the New Economic Policy of 1970, but he has encountered significant opposition, especially from Malay nationalists. For Malaysia GDP Growth Rate (The Gross Domestic Product (GDP) expanded 1.2 percent in the fourth quarter of 2011 over the previous quarter. Historically, from 2000 until 2011, Malaysia's average quarterly GDP Growth was 1.17 percent reaching an historical high of 5.90 percent in September of 2009 and a record low of -7.60 percent in March of 2009. Malaysia is a rapidly developing economy in Asia. Malaysia, a middle-income country, has transformed itself since the 1970s from a producer of raw materials into an emerging multi-sector economy. The Government of Malaysia is continuing efforts to boost domestic demand to wean the economy off of its dependence on exports. Nevertheless, exports - particularly of electronics - remain a significant driver of the economy. This page includes: Malaysia GDP Growth Rate chart, historical data, forecasts and news. Data is also available for Malaysia GDP Annual Growth Rate, which measures growth over a full economic year. Chapter 2: Structure and Process Malaysia is a federal parliamentary monarchy, the Prime Minister of Malaysia is the head of the government. The Malaysian political system

refers to all those regulations and practices and the structure of laws that show how the government is run. Malaysian political system has a unique foundation on which the country's machinery functions. Legal Structure The law of Malaysia is mainly based on the common law legal system. The law was a direct result of the colonization of Malaya, Sarawak, and North Borneo by Britain between the early 19th century to 1960s. The supreme law of the land or the Constitution of Malaysia, sets out the legal framework and rights of Malaysian citizens. Federal laws enacted by the Parliament of Malaysia apply throughout the country. The constitution of Malaysia also provides for a unique dual justice system, the secular laws (criminal and civil) and sharia laws.

1. Legislative Branch Malaysia has a bicameral Parliament consisting of the Senate or Dewan Negara with 70 seats; 44 appointed by the paramount ruler, 26 appointed by the state legislatures and the House of Representatives or Dewan Rakyat with 219 seats. The members of which are elected by a popular vote to serve a term of five-years. The legislative power of the political system of Malaysia is divided between the federal and the state legislatures. The House of Representatives with 219 members are elected to parliamentary terms lasting up to 5 years. Sabah holds 20 seats in House of Representatives and Sarawak holds 28 seats in House of Representatives. Parliament is the legislative authority for the Federation, and in this capacity, it makes laws suitable or appropriate to the Federation as a whole. Parliament passes federal laws and makes amendments exists to federal laws, examines the government's policies, approves the government's expenditures, and approves new taxes. To enable Parliament to undertake the responsibilities to it fully and effectively, the Constitution

confers or discusses certain rights and legal immunities designated Parliamentary Privileges upon Parliament. These privileges are enjoyed by each House as a whole, and by individual members of Parliament. Each Houses are empowered to regulate their own procedure and each has exclusive control over their own proceedings, the validity of which may not be questioned in any court. Members of the Parliament individually enjoy immunity from civil and criminal proceedings in respect of things said or

Legislative Branch 70 Senates (Upper House) 219 House of Representatives (Lower House) 26 elected by the states assemblies 44 appointed by King Elected to parliament 5 years term done by them in Parliament, and the same immunity protects other persons acting under the authority of either House.

2. Executive Branch Malaysia, a federal constitutional elective monarchy, is nominally headed by the Paramount Ruler or Yang di-Pertuan Agong , commonly referred to as the King of Malaysia. Selected for a term of five-years from among the nine Sultans of the Malay states. The other four states, which have titular Governors, do not participate in the selection. The political system of Malaysia is closely modeled on that of Westminster parliamentary system, a legacy of British colonial rule. Abdullah bin Ahmad Badawi has been the Prime Minister since 31 October 2003 chosen from the lower house of parliament. The Executive power is vested in the cabinet led by the prime minister. The members of the cabinet are all chosen from among members of both houses of Parliament and are responsible to that body. The Cabinet appointed by the prime minister from among the members of Parliament with permission of the supreme ruler elections which the supreme or paramount ruler elected by and also from the hereditary

rulers of nine of the states for five-year terms; election last held in 12 December 2001. The prime minister designated from among the members of the House of Representatives and following legislative elections, the leader of the party that wins a plurality of seats in the House of Representatives becomes prime minister. Executive Branch Prime Minister 26 Ministers 5 officers of Prime Minister Although, the Constitution accords the Yang di-Pertuan Agong with executive authority, subject to the provisions of any federal law and of the Second Schedule of the Constitution, Parliament may by law confer executive functions on other persons. Except as otherwise provided for by the Constitution as regards his position and authority, the Yang di-Pertuan Agong usually acts in accordance with the advice of the Cabinet or more specifically, of the Prime Minister, in the exercise of his functions. However, the Yang di-Pertuan Agong is entitled to and at his request, any information concerning the government of the Federation which is available to the Cabinet. The Prime Minister who is also the Chairman of the cabinet which is made up of 24 Ministers responsible for various functions. The cabinet is led by the prime minister. The Malaysian Constitution specifies that the prime minister must be a member of the lower house of parliament who in the opinion of the Yang di-Pertuan Agong, and commands a majority in parliament. The cabinet is chosen from among members of both houses of parliament and is responsible to that body. 3. Judicial Branch The Malaysian legal system is based on English common law and most of the laws and the constitution are adapted from Indian law . There are the Federal Court, Court of Appeals, high courts, session's courts, magistrate's courts, and juvenile courts. The judges of the Federal Court are

appointed by the paramount ruler on the advice of the prime minister. The federal government has authority over external affairs, defense, internal security, justice, federal citizenship, finance, commerce, industry, communications, transportation, and other matters. The Federal Court has original jurisdiction in constitutional matters and in disputes between states or between the federal government and a state. Peninsular Malaysia and the East Malaysian states of Sabah and Sarawak each have a high court. The Constitution which is the supreme law of the Federation spells out, among others, the duties and powers of the Federal and State Governments and their relationship. One of the main functions of the Federal Court in its original jurisdiction " to the exclusion of any other court" is to determine whether a law made by Parliament or a State Legislature is invalid on the ground that it makes provision to a matter with respect to which Parliament or, as the case may be, the State. Legislature has no power to make the law. It also has exclusive jurisdiction to determine disputes between States or between the Federation and any State. His Majesty Yang di-Pertuan Agong, who has been chosen from nine Sultans of the Malay states and serves for a five years term. The current King is Tuanku Mizan Zainal Abidin. The King is the head of the Islamic faith in the country. The Executive Power is exercised by the government and the devolved governments of the 11 states in Peninsular Malaysia, Sabah, and Sarawak headed by the Prime Minister. As stated in the Constitution, the prime minister must be a member of the Lower House, and usually controls a majority in Parliament. The present Prime Minister is Dato' Seri Abdullah Ahmad Badawi, informal known as " Pak Lah". The Malaysian Parliament is a bicameral congress which consists of the

Senate (Dewan Negara/Upper House) and the House of Representatives (Dewan Rakyat/Lower House). All 77 Senators serve for a three years term, with a maximum of two terms. The 26 are chosen by the 13 state assemblies while the 44 are selected by the King with the recommendation of the Prime Minister. Yang di-Pertuan Agong may invoke the advisory jurisdiction of the Federal Court by referring for its opinion questions as to the effect of any provision of the Constitution which appears to him likely to arise. The Federal Court also makes final judgments on legal matters which come before it on appeal from the Court of Appeal. It is the greatest and ultimate court in civil, criminal and constitutional matters. Moreover, having the jurisdiction to hear and determine any appeal against any decision made by the High Court and in respect of any criminal matter decided by the Sessions Court, section 50 of the Courts of Judicature Act, in 1964 also provides that an appeal shall lie to the Court of Appeal, with the leave of that Court, against any decision of the High Court in the exercise of its revisionary jurisdiction in respect of any criminal matter decided by a Magistrates' Court but such appeal shall be confined to only questions of law. The Malaysian Judicial System is composed of the Superior Courts and the Subordinate Courts. The Superior Courts consist of The Federal Court as the apex court of all, the Court of Appeal, and High Courts (High Court in Malaya and High Court in Sabah and Sarawak. The Subordinate Courts are The Sessions Court, the Magistrates' Court and the Court for Children. Each Superior and Subordinates Courts practices their specific judicial functions conferred by the Federal Constitution. The Federal Court is the apex court and had the highest judicial authority in Malaysia. It is headed by the Chief Justice and with the provision of the Federal

Constitution. The Federal Court must also consists of the President of the Court of Appeal, two chief judges of the two High Courts and seven other judges. All judges in the Federal Court are appointed by the Yang Di-PertuanAgong, with the advice of the Prime Minister, after consulting the Conference of Malay Rulers. According to the preparation or provisions of the Federal Constitution, there are 4 main jurisdictions of the Federal Court: *

- * Exclusive Jurisdiction to determine whether a law made by the Parliament or by the Legislature of a State is invalid and to determine the disputes between States or between the Federation and any State.
- * Referral Jurisdiction. The Federal Court should (without interfering the jurisdiction of the Federal Court to hear and determine appeals and subject to any rules of court regulating the exercise of that jurisdiction), determines any question arises in the hearing of the other court to the effect of any provision of the Federal Constitution, and send the case back to that court to be decide according to the determination.
- * Advisory jurisdiction. The Yang Di-PertuanAgong may refers to the Federal Court for its opinion on any question regarding the Federal Constitution or any constitutional issue, and the opinion of the Federal Court shall be pronounce in an open court.
- * Hearing and Determining Appeals: Civil Appeals & Criminal Appeals. The Federal Court may hears and determines appeals against decisions of the Court of Appeal to any criminal matter decided by the High Court in the exercise of its original jurisdiction. Civil appeals against the decision of the Court of Appeal may be made to the Federal Court with the leave of the Federal Court.

According to the Federal Constitution, the Special Court has an exclusive jurisdiction to hears and determines all offences committed in the Federation

by the Rulers of any States or even the Yang di-PertuanAgong; and it also has to jurisdiction to try all civil cases by or against any of the Rulers of any States or Yang Di-PertuanAgong, regardless of where the case was risen. The Court of Appeal has the jurisdiction to hear and determines all civil criminal appeals against any decisions of the High Courts. The High Court has the unlimited jurisdiction to hear and determine all criminal cases and civil cases. The High Court also acts as the appellate court referred by the Subordinate Courts, although not all decisions can be appeal from the Subordinate Courts to the High Courts. In spite of the High Court, also acts as the revisionary power over all Subordinate Courts in the matter of criminal proceedings or criminal procedures. The Sessions Court acts as the highest court of the Subordinate Courts. The Sessions Court can try all criminal cases, except the offences which need to be punished with death sentences. For civil cases, the Sessions Court can hear and determine matters or cases with the value do not exceed RM 250thousand. The Magistrates' Court has jurisdiction to try all criminal offences for which the maximum sentences does not exceed ten years imprisonment or with fine only. And for civil cases, magistrates can hear and determine all offences with the amount disputed are not exceeding RM 25thousand. The Court for Children has jurisdiction to hear and determine any charges against a child, or may dispose the charges against the child. Federal Court Court of Appeal High Court (Malaya) High Court (Sabah & Sarawak) Sessions Court Sessions Court Magistrate's Court Hierarchy of the Malaysian Judicial System Juvenile Court Penghulu's Court Juvenile Court Penghulu's Court Magistrate's Court 3. 1 The Superior Courts The Superior Courts are divided into Federal Courts, the

Court of Appeal, the High Court of Malaya, and High Court of Sabah and Sarawak. Being the highest court in Malaysia, the Lord president of the Federal Court is the head of the Judiciary. The Federal Court comprises the Chief Justice, the President of the Court of Appeal, the Chief Judge of Sabah and Sarawak, and six Federal Court Judges. In each proceeding to be heard by the Federal Court, there has to be a minimum number of three judges. The Federal Court has authority over appeals and can be referred to various matters except those which come under the jurisdiction of the Syariah Court. Among its functions include hearing appeals on decisions meted out by the High Court in both civil and criminal cases; to hear exclusively matters between any state and the Federal Government and issues pertaining to the Federal and State legislation; matters arising from the High Court, and issues pertaining to the Federal Constitution. The Court of Appeal came into effect on 24th June 1994. The Court of Appeal is directed and controlled over by the President of the Court of Appeal and eight judges. The Court of Appeal is authorized to hear any appeal and decide on the outcome of any decision made by the High Court or criminal matter decided by the Sessions Court. There are two High Courts in Malaysia, which are the High Court of Malaya and High Court of Borneo. The High Court has unlimited power in the exercise of its jurisdiction over criminal and civil cases. However, only cases that are beyond the jurisdiction of the subordinate courts are brought before the High Court. The High Court consists of two Chief Judges (one in Peninsular Malaysia and one in Sabah and Sarawak) and more than fifty Judges and Judicial Commissioners.

3. 2 Subordinate Courts

The Subordinate Courts in Peninsular Malaysia are divided into the Sessions Court,

Magistrate's and Penghulu's Court. In East Malaysia, the Subordinate Courts comprise the Sessions Court, Magistrate's Court and Native Court. The Sessions Court is the highest of the subordinate courts and has the authority to hear all matters criminal in nature, except those that carry the death sentence. In civil cases, the Sessions Court can hear matters pertaining to tenancy agreements, motor vehicles, accidents and many more as long as the value disputed does not exceed RM250, 000. In the case of the Magistrate's Court, there are two, known as the First Class Magistrate's Court and Second Class Magistrate's Court. In either court, one magistrate presides. The first class magistrate has jurisdiction to hear offences which carry sentences not exceeding a prison term of 10 years, offences punishable with a fine and civil cases involving claims below RM25, 000. The maximum sentence a magistrate can dish out is 5 years imprisonment, 12 strokes of the rotan, and a fine of RM10, 000 or any combination of above. The second class magistrate has the jurisdiction to hear offences of which the maximum term of imprisonment does not exceed a year or punishable with a fine only. The magistrate may sentence an offender to a maximum of 6 months' imprisonment, a fine not exceeding RM1, 000 or both. The Penghulu's Court is the lowest of the Subordinate courts in Peninsular Malaysia. This court has the jurisdiction to hear trials involving minor offences that carry a fine not exceeding RM25. In civil matters, the Penghulu's Court may only hear disputes not exceeding RM50. In Sabah and Sarawak, the Native Courts have jurisdiction over matters pertaining to native laws and customs in which both parties are native and involve religious, matrimonial or sexual issues. For civil cases, this particular court

can hear cases that involve disputes not exceeding RM50. It is under the scrutiny of the District Officer.

3. 3 Other Courts The Juvenile Courts have similar jurisdiction with the Magistrate's Court and hear cases involving offenders aged 18 and below. This court comprises a President and two lay assessors who advise him on the sentence. This Court is closed to the public and if an offender is found guilty, he or she is dealt with under the provisions of the Juvenile Act until the age 21. All appeals on decisions made by the Juvenile Court are heard by the High Court. The Syariah Court deals with matters pertaining to the religious laws of the Muslims and its jurisdiction is solely over Muslims. While this is true, it is also stated in Article 121 of the Federal Constitution that the secular courts of Malaysia do not have jurisdiction over matters that fall into the jurisdiction of the Syariah Court. The Court-Martial has jurisdiction over any member of the various military forces in the country. It consists of a President and at least two officers who must be present during a trial. The Special Court was set up under Article 182(2) of the Federal Constitution which states that " any proceedings by or against the Yang Di-PertuanAgong or the Ruler of a State in his personal capacity shall be brought in a Special Court established under clause (1) of Article 182." This court has exclusive jurisdiction to hear all offences committed in the Federation by the Yang Di-PertuanAgong or the Ruler of a State.

4. Local Government Malaysia has 13 states with three components, which are the city of Kuala Lumpur, Labuan, and Putrajaya. Malaysia is governed by federalism system which is involving one or several states that having more autonomy than others. Although it has a highly centralized system of government, Malaysia has given the states of Sabah and Sarawak

powers that normally fall under federal jurisdiction. These Bornean states have considerably more autonomy than the 11 other states in areas such as taxation (in particular customs and excise), immigration and citizenship, trade, transportation and communication, fisheries and several social affairs sectors. The aim of this approach is to protect the distinctive characteristics of the two states and their interests.

4. 1 What is a Local Government?

Although there is no specific meaning of the local government, many experts and researchers who specialize in political science had been trying to form a theory which uses to identify the system of local government. There is an author whose name is William Hampton gave a basic definition and an interesting way to look at it. He looks into the root of the word ‘ local government’ and from there he elaborates the nature of local government in his book ‘ Local Government and Urban Politics’. The word ‘ Local’ implies an area consecrated by long history and tradition, an environment that construct our spatial-awareness. And it is from such awareness that build the socio-economic. Knowledge of the local government which is able to scale the need of its locality by providing public services, While for the word ‘ government’, it indicates that the local government is the ‘ creature’ of the parliament, created with the characteristic and framework of the ruling government — be it the state or the federal government. Although its authorities are much lesser than the State and Federal government, it is still a stronger meaning than the word ‘ administration’ because local politicians or the experts are expected to develop policies that appropriate for their localities within the framework of national legislation.

4. 2 Local Government in Malaysia

The local government or local authority is the lowest level in the

system of government in Malaysia, after federal and state. It has the power to collect taxes and to create laws and rules and to grant licenses and permits for any trade in its area of jurisdiction, in addition to providing basic advantages, collecting and managing waste and garbage as well as planning and developing the area under the jurisdiction. Local authorities in Malaysia are generally under control of exclusive purview of the state governments and headed by a civil servant with the title Yang Di-Pertua (President). Local government areas and the boundaries is usually consistent with district boundaries but there are some places where the boundaries are not consistent and may overlap with adjoining districts especially in urbanized areas. The Local government is a part of the three government structure — the federal government, the state government and the local government. Local government in Malaysia is essentially an urban phenomenon, which comes to say that the existence and functions of local government should be seen as an essential system of administration to diverse urban setting society. From the evidence in the history had shown that the establishment of the local government is basically to provide the necessities for the tax payers. Local Government has to respond for many services which related to housing, water supply, waste management, taxation, land assessment, and other matters. Ministry of Housing and Local Government respond for the Local Government in all states with the help of National Council for Local Government. By the year 1965, Malaysia has 5 types of local authorities:

Table 1: Total Number of Local Authorities and Their Financial Status by Type, 1965 | Type of Local Authority | No. of Units | Financially Autonomous | Financially Non-autonomous | Municipalities | 3 | 3 | - | Town Councils | 37 |

27 | 10 | Town Boards | 37 | 5 | 31 | Local Councils | 289 | 289 | - | District Councils | 7 | 4 | 3 | Total | 373 | 329 | 44 | Source: Report of the Royal Commission (Kuala Lumpur: Government Printer, 1970), p. 330 | The responsibilities of a local government in Malaysia are basically: * City planning * Licensing and Control * City beautification * Health services * Cleanliness * Controlling contagious disease * Construction and regulating road system * Managing traffic system and Public Transportation * Regulating drainage system * Providing and maintaining Public advantages. The local government should be seen as the easiest bureaucracy where can participate. According to a ministerial report, Local Government's aim is " self-government through the medium popularly elected councils with a large measure of freedom of action and financial independence" (Ministry of Technology, Research, and Local Government) This statement comes to prove that the existence system of local government is a symbolic structure which indicates the trust of the federal government to the citizens by giving them the freedom to self-govern. By allowing the local government to be run by its citizens, it will not only educate the understanding of Local Government to the citizens, but also be able to reflect the democratic characteristic that Malaysia has been holding on. John Stuart Mill " Justifies Local Government political education such as it is the prime element in democracy, and has an intrinsic value regardless of the functions it may carry out. High Court in Peninsula High Court in Sabah Legislative Minister of Housing and Local Government Election Commission Judicial and Legal Sem. Commission Police Force Commission Public Service Commission Education Service Commission Town & Country Planning Department Local

Government Commission Other Department Minister Besar (State Chief Minister) Ministries Commission Sultan Yang Dipertuan Negeri (head of state) Executive Parliament Cabinet Prime Minister House of Representative Senate Auditor-General Judiciary Supreme Court Yang Dihpertuan Agong Land and District Office Branches of State Agencies Branches of Federal Agencies Peninsula's Office Village Headman District Action Committee District Security Committee District Development Committee State Security Committees State Development Committees Local Government Division in the State Land State Secretary's Office State Agencies Branches of Federal Agencies Town & Country Planning Department of the State Land Executive Council (EXCO) Exco Committees State Action Council Kampung Development and Security Committee Mukim Development and Security Committee Local Authorities

5. The State and Civil Society

1 Ombudsperson The Parti Islam SeMalaysia (PAS) of Malaysia has established an ombudsperson system (or Hisbah system) to monitor compliance with ethical standards. All leaders are required under this system to declare their assets and wealth, and there is a special committee to investigate violations. Members of the general public can submit a complaint about any member in the party.

5. 2 Civil Society Malaysia's Societies Act (1966) governs political parties, NGOs, associations, and charities in Malaysia, and all of these organizations must register with the Registrar of Societies, under the Ministry of Home Affairs. Parties have to submit financial accounts to the Registrar, but these accounts are not disclosed to the public and there is no requirement for parties to reveal the sources of their funds. The current law also does not prevent political parties from owning and managing financial

enterprises, and there are no spending or contribution limits. The Election Offences Act includes specific campaign finance regulations for candidates. Several civil organizations have lobbied for stricter regulations, particularly with respect to party financing. There are also regular consultations between government ministries and departments and the private sector provided, which were established for fewer than two service circulars issued in 1984 and 1991 dealing with the implementation of the Malaysia Incorporated Policy. Among many directives for improving relations between the public and private sectors are the establishments of Consultative Panels, the holding of Annual Dialogue, formal interaction through participation in seminars, informal interaction through sports and social events and permission for government departments to receive tokens of appreciation (non-monetary) from the private sector.

6. Civil service The Public Service Department, Malaysia is the foremost personnel agency. All aspects of human resource management policy come within the ambit of the Public Service Department. The Public Service Commission is responsible for appointment and recruitment of personnel. Appendix B represents the structure of the PSD. The functions of the PSD are as follows: (a) formulation of policies on recruitment, appointment, promotion, discipline and termination of service; (b) determining manpower requirements and organizational structure for all government agencies; (c) formulation of policies on remuneration and other facilities for public sector personnel; (d) negotiation with aggrieved parties on claims made by workers and representing the government in all proceedings of the Public Service Tribunal; (e) providing adequate trained manpower to all government

agencies; and (f) administering and implementing all laws and regulations pertaining to pension and other retirement benefits.

6. 1 Legal basis

The Federal Constitution (Article 132) defines 'Public Service' as consisting of: (i) General Public Service of the Federation; (ii) Public Service of the States; (iii) Joint public Service; (iv) Education Service; (v) Judicial and Legal Service; (vi) Police Force; and (vii) Armed Forces. To ensure the impartiality of the Public Service, and to protect it from political interference, a number of Service Commissions were established under the Constitution. The Head of The Service Commissions or Council are appointed by the Yang Di Pertuan Agong. The Commissions/Council presently existing are (i) Judicial and Legal Service Commission; (ii) Public Service Commission; (iii) Public Commission; (iv) Education Service Commission; (v) Armed Forces Council; and (vi) The respective State Public Service Commissions.

6. 2 Recruitment

The Public Service Commission, an independent body, is responsible for recruitment of personnel in the Civil Service. Under Article 144(1) of the Federal Constitution, the main functions of the Commission are to appoint, confirm, emplace on the permanent or pensionable establishment, promote transfer and exercise disciplinary action over members of the service or services to which its jurisdiction extends. The main objective of the recruitment policy of the Civil Service of Malaysia is to attract and retain high caliber personnel in the public sector. The policy and procedure of recruitment is provided in the General Orders Chapter 'A' (Appointments and Promotions) 1973. Its legal status is to be formed in Article 132(2) of the Federal Constitution. The salient feature of the recruitment policy is that appointments whether on permanent and or temporary basis must be from

Malaysian citizens, and be in accordance with the scheme. 6. 3 Promotion

The Performance Appraisal System is used in determining annual salary progression and promotion. This system introduces a more systematic, and reliable assessment because there are fewer subjective elements. It recognizes the need to give more weight to different aspects for different service groups. Aspects that are being evaluated includes: (a) work output based on knowledge, work quality, timeliness, ability to manage and make decisions; (b) good values such as trustworthiness and reliability; (c) potential for leadership; and (d) the annual targets as agreed upon by both the officer being evaluated and the reporting officer. Under the New Remuneration Systems (NRS), seniority in the civil service is no longer given a top priority. The selection process for officers to be promoted includes an assessment on qualities such as leadership, innovativeness and creativity in addition to their qualifications, experience, training, Performance Appraisal Report, performance at the mandatory Management Courses conducted in National Institute of Public Administration (INTAN) and on interview. The promotion from one grade to another is based on the availability of vacancies. However, for Research Officers, University Lecturers, and Medical and Dental Specialists, promotion exercises are carried out in accordance with the procedures as stipulated in the relevant schemes of service and subjected to: (a) considerations of a Panel that includes a representative from the Public Service Department; and (b) the use of a performance evaluation system as stated above. 6. 4 Remuneration Public Service remuneration consists of salary; they pay by fixed allowances and variable payments such as housing and critical service allowance. Public Service

personnel are also provided with various benefits such as medical treatment or hospitalization and quarters for certain essential service like the Fire Service and Police Force. The objective of such remuneration is to ensure that members of the Public Service receive fair and reasonable wages and compensation in carrying out their duties. Pension: the mandatory retirement age for a public servant is 55. However, an employee may apply for optional retirement upon attaining 40 years of age. Public sector personnel appointed on or after 12 April 1991 can either opt to join the Pensions Scheme or the Employees' Provident Fund Scheme. Retirement Benefits: the benefit after retirement are: (i) Gratuity; (ii) Lifelong monthly pension; (iii) Cash award in lieu of accumulated leave. These payments are given to a pensionable employee upon retirement. For those on optional retirement, only gratuity and cash award in lieu of accumulated leave are paid upon retirement whereas pension is only payable upon attaining the age of 45 for women and 55 for men. New appointees to the public service on or after 12 April 1991 will be paid their pensions at the age of 55. Upon the pensioner's demise, the remaining pension is granted to the dependents, namely widow, or widower; and eligible children.

6. 5 Training The National Institute of Public Administration (INTAN) was established as the training arm of the Public Service Department to provide training for the public service. INTAN's training programs emphasized the demands of planning and implementing successful development programs, training of administrators and staff as agents of change, financial and economic management skills, computer literacy as well as public policy and international relations (until the establishment of the Foreign Service Institute in 1992).

7. Ethics and Civil

Service 7. 1 Corruption In 2003 there is a test call “ CPI score “ that is relates to perception of the degree of corruption. It has seen by business people, country analysts and ranges between 10 is mean highly clean and 0 is mean highly corrupt. Survey Used: they use to assess a country’s performance. There are 17 surveys were used but at least 3 surveys were required for a country then included in CPI. Standard Deviation: there are different indicate that tell the value of the sources. First, values below 0. 5 indicate agreement, values between 0. 5 and 0. 9 indicate some of agreement, and values equal and larger than 1 indicate disagreement. High-Low Range: Provides the highest and lowest values of the sources. Number Institutions: Refers to the number of independent institutions that assessed a country's performance. Since some institutions provided more than one survey. 90 percent confidence range: Provides a range of possible values of the CPI score. With 5 percent probability the score is above this range and with another 5 percent it is below. Malaysia's Anti-Corruption Agency (ACA) was founded in 1967 by merging three earlier bodies. An Anti-Corruption Unit had been set up in the Prime Minister’s Department as early as 1959. The main functions of the ACA were (and are) to: (i) investigate and prosecute offences of corruption; (ii) prevent and curb corruption in the public service; (iii) investigate the conduct of civil servants. Corruption is defined in the Prevention of Corruption Act 1961 and Ordinance 22, 1971, to include bribery, false claims and the use of public position or office for pecuniary or other advantage. False expenses claims are dealt with by the Agency, but the police also deal with some cases of fraud. The Agency has power to investigate, interrogate, arrest and prosecute. Staff members were

appointed initially by transfers from the police but are now recruited into a separate administration. They receive public sector pay, plus an incentive allowance. There are six divisions: Prosecutions; Investigations; Information; Prevention; Training; Administration. Legislation, regulation, operation and motivation are closely linked. For example, regulation allow Customs Officers at the checkpoint and police on the street to carry only a small amount of cash on their person, and investigation by random checks and searches of such officers provide evidence of corrupt cash payments and help motivate staff against the acceptance of bribes. 7. 2 Ethics ACA is an institution that gives agencies to identify the top ten corruption prone agencies in Malaysia. They want to set up Ethics, Quality, and productivity committee at state and department level. Moreover the civil service has created “ the twelve Pillars” these are the value of time, the success of perseverance, the pleasure of working, the dignity of simplicity, the worth of character, the power of kindness, the influence of example, the obligation of duty, the wisdom of economy, the virtue of patience, the improvement of talent, preventing corruption receives more emphasis now than in the past with a three pronged strategy of information, education, and communication. These are created to appeal people to avoid corruption, which based on morality, social pressure with money, self — respect and loyalty. Chapter 3: Challenges and Changes New Public Management (NPM) In general, the NPM is the context of contemporary administrative changes driven for improving public sector efficiency and performance in the delivery of services. As mentioned earlier, the main of these changes is the application of private sector values and management tools in the public sector and the delivery of public services

within market mechanisms. Regarding to the neo-liberal economic theory, the NPM ideology is based on the assumption that the existing structures and policies of the government has caused inefficiency and low performance standard. It further asserts that the problems of the government are so pervasive that they cannot be resolved easily by modifying the structures of public bureaucracies. Consequently, the proponents of the NPM propose several alternatives in the form of customer-driven management and market-based solutions. There is no any precise consensus and definition of what constitutes NPM. Put into another word, reforms activated or initiated in different parts of the world during the past two decades under the rubric of NPM are so varied that it is hard to capture them in a single definition. This explains why some analysts tend to view the NPM as a “ menu" from which the countries may choose and apply depending on their specific situations. Therefore, the NPM represents a major shift in public sector administration — a shift that redefines and incorporates changes in its structures, processes and values. The structural changes entail organizational decentralization, reduction in hierarchies, streamlining organizational arrangements to eliminate unnecessary units/agencies. This also implies the creation of single purpose agencies, quasi-privatization and contracting out functions. The changes in the processes include, among others, the injection of management techniques and market values in the public sector. More specifically, the NPM suggests changes in the process of budgeting, human resource management, and quality initiatives that would enhance efficiency of public bureaucracy and force it to be more responsive to the needs of its customers. Clearly, the values NPM seeks to promote through such changes

include efficiency, effectiveness, flexibility and dynamism. In short, the NPM calls for putting the customers first, making service organizations compete, using market mechanisms to solve problems, entrepreneurship and cost recovery initiatives, employee empowerment, downsizing and decentralization of decision making, streamlining the budget process and decentralization of personnel management. With all this, the NPM seeks to change the traditional rule-bound, process-oriented administrative culture into flexible, innovative, dynamic and result-oriented one. Obviously, the more these elements are present in a particular country the thorough its NPM reform is believed to be. The development of Malaysia before the public administration reform As independence in 1957 Malaysia was an exporter of primary commodity to the international market, but with strong state patronage and drives for industrialization under the New Economic Policy (NEP) the nation began to export light manufacturing goods in the 1970s. By early 1980s, a major policy shift occurred when the new government opted for heavy industrialization and joint ventures with foreign partners. Within a short period of time Malaysia managed to increase its export substantially to emerge as a leading exporter of manufacturing and electronics goods in the world. The increasing reliance on exports means that the Malaysian economy has become integrated with the global economy. And after the global economy predominately influence on Malaysian economy, it also brought so many challenges to Malaysia in both directly and indirectly ways. Challenges to Public Administration First challenge: According to, integration with the global economy, when the global economic recession was occurring in 1980s, it also led Malaysia to rethink of economic principles and policies.

Malaysia could neither remain unaffected nor could ignore the realities as they had serious implications for the domestic economy. Globally, the new economic philosophy not only questioned the size and capacity of the public sectors but also presented market mechanisms as a better alternative way to achieve greater efficiency and faster economic growth. Thus, there are so many worldwide movements towards privatization and commercialization. Such a situation demand concrete response on part of the Malaysian government in order to be tackled the challenges. There are some examples of strategy that Malaysian government used to handle with economic recession at that time: 1. In 1983, Malaysian government decided to reduce its roles and involvement by applying the concept of privatization as a major strategy. 2. Regarding to direct response to economic challenges, the Second Outline Perspective Plan (OPP2) in 1991 or well known as National Development Policy (NDP) has specified the target in socio-economic spheres and the strategies to be pursue to achieve developmental goal. 3. The vision 2020 (a thirty years strategic plan), already outline Malaysia's aspiration and policy implications to achieve the goal of a fully developed nation status. 4. Public and private cooperation as a mean to promote and fasten the process of economic growth, the public services was expected to play a vital role in achieving national development goal. Second challenge: The second challenge came from the political and economic changes taking place in the international and domestic in 1990s. Events like the collapse of communism in Eastern Europe and USSR, establishment of a single European market, formation of regional free-trade blocs and the opening up of the Chinese market for foreign investment have posed tremendous challenge for

countries like Malaysia. This has been compounded further with the process of globalization and its consolidation. With world economy becoming increasing global and fierce competition among the states for market share and survival, globalization has posed huge challenge for the Malaysian economy. Third challenge: This challenge has been compound further with the process of globalization and it consolidation, with world economy becoming increasing global and competition among states for market share and survival, globalization has posed huge challenge for Malaysian economy because it heavily dependent on external trade. Therefore, Malaysia required emphasizing on the future direction and strategies for its economic survival and strongly pace of socio-economic development. Forth challenges: Since the early 1990s, good governance has increasingly come to be seen as a critical element for sustainable development as it gets a lot supports from major international and regional organizations like United Nations and World Bank. And after the Asian financial crisis in 1990s, the governance issue has been serious concerned because the crisis has exposed the imperfection of the public management and the lack of transparency as well. Public Management reforms in Malaysia 1. The “ Malaysia incorporated” policy During that time, the economic and developmental imperatives had activated the Malaysian leadership to look for policy choices followed other countries. In 1981 the “ Look East Policy” was first introduced seeking to learn and benefit from the experiences of Japan and South Korea. The highlight assumption was that Malaysia had much to learn from and emulate the experiences of these countries, which were able to tackle the global uncertainties. A direct outcome of the Look East Policy was the introduction

of the Malaysia Inc. policy in 1983. Based on the Japanese notion of “coordinated interdependence” the Malaysia Inc. represents a new way of approaching the task of national development whereby a new relationship between the public and private sector has been deeply conceived. The element of this approach is that it is necessary for the public and the private sectors to intimately work, support, facilitate and supplement each other for increased socio-economic development. Under the policy the entire country is seen as a business corporation with the private sector fuelling its growth and expansion and the public sector providing the support vital for the success of the corporation. Hence, the Malaysia Inc. not only calls for an end to the traditional antagonistic relationship between the public and private sectors but also underscores the need for establishing a symbiotic relationship between them for realizing national developmental goals. This is justified in terms of mutuality of benefits: the private sector is likely to benefit from higher profits and growth and the government will benefit in terms of higher revenue and increased employment. While initially it took the form of a slogan and efforts were focused mainly on promoting the understanding of the concept and its philosophy, subsequently emphasis was laid on the actualization of the concept through concrete programs and schemes. Since its inception in 1983, a series of mechanisms have been developed to foster collaboration between the government and the private sector. The Malaysian Business Council (MBC), the Malaysia Inc. Officials Committee and consultative panels have held regular dialogue sessions at different levels/ministries thus facilitating the exchange of ideas and information, (