

Element of law

Law



Malaysian parliament system is derived from the Westminster System which that is the parliamentary system of government that has been adopted in the United Kingdom (U. K.) as well as many parts of the Britain Empire. Westminster System consist few characteristics. In U. K. , the three organs of the English legal system, which is name as the Legislature, the Executive, and the Judiciary is lead by the sovereign, or the monarch and it also known as a constitutional monarchy.

Her Majesty the Queen is the representative of the people and the Head of the State in the same time although the powers of the sovereign have been diluted by the effect of the Bill of Right 1689. Yet, the throne still passes on from generation by generation in the Royal Family by succession. Besides, the supreme power of authority in the Westminster System is hold by the head of state. The head of state can impose and collecting taxes, applying laws and forming treaties in commerce with foreign countries.

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In an election, the leader of the winning party will directly become the Prime Minister of that country and also the wide power wielded by the head of state or the Prime Minister which is become a characteristics of this system. The Prime Minister also can hold the mandate of the people. The Executive branch will form by the remaining party members and known as the Government for the country. Examples of Datuk Seri Najib Tun Razak has been appointed as the Sixth Prime Minister in Malaysia since 3rd April 2009, and his leading party National Front are form the Executive branch of Malaysia.

The party that obtains the second highest number of votes in the elections are known as the opposition party. This party is function to forming an effective check-and balance mechanism to achieve transparency in the Legislature for the benefit and to prevent abuse of power. Furthermore, they also can compel the resignation of the government when existing government are meet with the motion of no confidence. The Westminster System also characterized by its bicameral system in the Legislature or Parliament, which means it consists two Houses- the House of Lords and the House of Commons.

The House of Lords is constituted by legal experts in the country such as lawyers and academicians for the usage of draft legislation which is to be implemented in the country whereas the House of Commons is formed by the people who are winning in the election of the country. The new law will be process in these two houses. Moreover, Parliamentary privilege is also a special characteristic in the Westminster System, where members of parliament are given the opportunity to speak and debate freely about the matters in the country in ordinary parliamentary proceedings.

Members may not arrest and not legal action will be taken against any statements in Parliament under the Act of Parliamentary Privilege 1987.

Hansard is for use to record the parliamentary debates and it is an invaluable source of information. Government Process Malaysia was independent since 1957. Our Malaysia's government system has furnished institutional ballast and stability to a country. As we known, Malaysia government system and process are mostly like as British ' Westminster' and ' Whitehall' models.

The valid functioning of the Malaysian government system is attributable to the monarchy, and nevertheless to the three main branches of government which is the legislature, the executive, and the judiciary. The doctrine of the separation of these three ' powers' is guaranteed by the Federal Constitution. The interplay of every branches of government is testimony to an orderly political process in which the government's writ is large and regarded as indispensable.

Certainly, Malaysia has an authoritative and working government system once the role of police, civil service, and armed forces are taken into account. Undeniably, Malaysia is a country of constitution monarchy. The Yang di-Pertuan Agong or Paramount Ruler is an elective position which signifies national unity and stand for the Malay underpinning of a multi-racial nation. At the federal level, House of Representatives are form by the representation of the people and supported by the Senate.

However, in the Malaysian context it is the apportionment of executive responsibility to Minister in the Cabinet that in practice forms the core of the political system whereas the judiciary represent the third pillar of the government system. The head of the executive of government is the Prime minister. The prime minister of Malaysia is the embodiment of elective political power and of the ambition of the body politic. The Prime Minister is the important role for the nation's political, social fabric and economic of that country.

Example of first Prime Minister in Malaysia- Tunku Abdul Rahman, he is the first and only Chief Minister of Federation of Malaya from 1955 to

the Independence of Malaya and Malaysia was successful to independence in 1957. Besides, he and his successors have had their own personality and ideas stamped on the various phases of the country's development.

Political Process In the political process, election of the nation and state levels are to decide the government mandate that contributed to Malaysia's overall political development.

Elections also decide the representation in Parliament, and those parties are won the majority seats in Parliament to form the government for the five years and that can help to peaceful political change within all political parties. Besides, the manner in which political parties have flourished is a conspicuous feature of the Malaysian political process. This is important to the spirit of democratic governance and helps some post-colonial countries to achieve independence and reduced the military dictatorship or single party with supreme power.

There are three factors caused the party system need to endure. First, in the past of roots of the colonial, where liberal-democratic ideas were injected into society. Second, the communist threats to the Alliance government following Malaya's Independence strengthen the domination coalition's undertaking to democracy. The last is a party system allowed for pluralism in a multi-racial society in order to all races to be one of represented in government. It has been the ability to coalesce competing ethnic demands by mediation between political parties that show Malaysia's political process was success.

In the success, the power-sharing formula forged through the Barisan Nasional to guide the Alliance to win in the eleven general elections since 1957. In the BN, the United Malays National Organization (UMNO) was the party that lead to seek for independence but it has share power with the Malaysian Chinese Association (MCA), the Malaysian Indian Congress (MIC), Parti Bersatu Sabah, the Sarawak United People's Party and other BN components parties that has gather the power or ability to win in election to control the Parliament and the various convocation.

As we seen, political tensions in Malaysia become serious now. There are many action taken by someone and political party. First, our Malaysian 13th general elections should be take place by March 2013 but our Prime Minister delayed until 03 April 2013 only announced the dissolution of Parliament and general election held on 05 Mei 2013. Many opposition party parliamentary have complain about this issue but they have not right to control the Prime Minister to decide when to dissolve the Parliament even the Judiciary hard to intervene.

Besides, the sodomy case of the leader of opposition party, Anwar Ibrahim, has cast a shadow over the whole political process even the case was thrown out of court on 9 January 2012, but not more than 10 days the attorney general had lodged an appeal on this case. Because of this, the political tensions escalate again and the efforts of Prime Minister to reforms have been slander.

The range of reforms included the repeal Internal Security Act that allowed for detention without trial has been negates due to the decision to appeal.

The decision to appeal against Anwar case allowed the Malaysian and most international observers consider as a politically motivated. If the government had not appealed Anwar's acquittal, opposition has more power to beat the BN government due to most worrying issues today such as economy, inequality, crime inflation, immigrant workers and corruption.

But this all are stop by the existing government and hard to appeal in the court. Opposition party have claim out electoral reforms request. But most of the term in the list of electoral reforms have rejected by the BN government and only one term are adopted in the 13th general election but it has failed and costly to adopted this term. This matter has made the many Malaysian very angry and disappointed on it.

This all things are control by the BN government and not one can intervene in this issue and also hard move this issue into court. On my opinion, I think that the separation of power is not functional in Malaysia. This is because all the things are control by the government and Prime Minister even the judge are appointed by the Yang di-Pertuan Agong but is advised by Prime Minister that show the Prime Minister has supreme power to decide anything and we have not power or little power to refute it.