

# Federal system of government assignment



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In addition, the thirteen states form a federal government led by a prime minister and each of the states has its self autonomous. According to (Ann., 1 999) Malaysia is a federation of thirteen states and two federal territories. It has a federal constitution and thirteen state constitutions. The federal constitution is the supreme law of the land. In this discourse, It will be discussed the type of federation and Its characteristics government in Malaysia, it has to be understood deeply the types of governments, constitutions and federalism.

Federalism A federation, or federal states, is a political body described by a combination of partially self-governing states or provinces united by a central (federal) government. In a federation, there is a self-governing status of the element states and there is also separation of powers between them and the central government that is explicitly demonstrated in the constitution and may not be amended by a unilateral decision of the latter. Hence the legislature of the whole country has a limited power, while the legislatures of the states or provinces have also limited power.

Neither is fortunate to the other; both are co-ordinate (Where, 1966). The federalism is a type of government or constitutional structure that powers and resources are divided into different hierarchies of administration. Federal level, state level and local level are most common entities that form a federal system of government expressed by the constitution or a separate federal law. (Modern Constitutions Author) In a federal constitution, the powers of the government are divided between a government of the whole country and the governments of parts of the country in such a way that each government is legally independent.

The government for whole country has its own area of powers and it exercises them without any control from the governments of the constituent parts of the country and the constituent governments exercise their power without any control of the central government. Federal law is the body of law created by the federal government of a country. A federal government is formed when a group of political units, such as states or provinces Join together in a federation, surrendering their individual sovereignty and many powers to the central government while retaining or reserving other limited powers.

As a result, two or more levels of government exist within an established geographic territory. The body of law of the common central government is the federal law (Wisped). There are many governments that adopted federal system of government such as America, Canada, Australia, Malaysia and etc. But each of them has its own way of federalism which has articulated by its constitution or federal law. Taking Canada for example, its constitution establishes an independent government for the whole country, but it permits that government to exercise certain limited powers of control over the governments of ten provinces.

Although there are certain powers vested in the provinces to exercise exclusively, yet it is provided that the executive government of Canada may veto or dismiss the bills or acts passed by the provinces (Where, 1966). In Australia, although the constitution articles strictly protects the power of the states from the control of the government of the Commonwealth, the state governments are little more than the administrative agencies of the Commonwealth. Irish is because of the wealthy of the central government.

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Most of states depend on the central financially, which led them to relinquish some of their powers (Where, 966). It be said, therefore, that the Australian Constitution works in practice like unitary Constitution embodying a considerable measure of decentralization or In America, the Constitution and federal law are the supreme law of the land, thus avoiding conflict between state and territorial laws in the fifty U. S. States and in the territories. However, the scope of federal pre-emption is limited, because the scope of federal power is itself rather limited.

In the unique dual-sovereign system of American federalism, states are the plenary sovereigns, while the federal sovereign assesses only the limited supreme authority enumerated in the Constitution Abraham, 2006). The United States Constitution provides for a federal government that is superior to state governments with regard to its enumerated powers. These powers include the authority to govern international affairs, the currency and national defense. The Supreme Court makes final decisions regarding all federal laws. United States federal laws are codified in the United States Code (Wisped).

Malaysia system of government comprises the federal, state and local government. Malaysia is thirteen states united and joined together within institutional monarchy using the British system and is categorized as a representative democracy. The federal government adopts the principle of separation powers and has three branches: executive, legislature and Judiciary. Ere state governments in Malaysia also have their respective executive and legislative bodies. The Judicial system in Malaysia is a

federalism body operating uniformly throughout the country (Wisped Answers).

The federal government of Malaysia adheres to and is created by the Federal Constitution of Malaysia, the supreme law of the land. Federal Government The federal government has three branches of the governments such as federal legislature, executive and Judiciary. The executive branch is more powerful than legislature, while Judiciary is weakest institution. The monarchy is head of the government in whole. There is also a committee of rulers that comprise the Sultans of nine states and four state governors.

Conference of Rulers The Conference of Rulers is the supreme institution in the country and unique because it is the only such institution in the world today. When the country achieved Independence, the Conference of Rulers was constituted under Article 38 of the Federal Constitution. When the Conference of Rulers deliberates on matters of national policy, the Yang did-Perpetuate Agony shall be accompanied by the Prime Minister, and the other Rulers and Governors (Yang did-Perpetuate Niger) by their Minter Baser or Chief Ministers.

No law directly affecting the privileges, position, honor or dignity of the Rulers shall be passed without the consent of the Conference of Rulers. The Conference of Rulers shall be consulted before any change is made in administrative policy under Article 153. All Rulers and the Yang Did-perpetuate Niger are automatically members of the Conference of Rulers. The governors shall not be members of the Conference of Rulers convened for purposes relating to the election of the Yang did-Perpetuate Agony and

the Tumbala Yang di-Perpetuane Agong, the removal of the Yang di-Perpetuane Agong or the privileges of the Rulers.

His Majesty the Yang di-Perpetuane Agong is not a member of the Conference of Rulers accompanied by the Prime Minister as his advisor. The chairman for the proceedings of the Conference of Rulers is one of the nine Malay Rulers appointed on a rotational basis (Yang di-Perpetuane Agong). Monarchy The monarch of Malaysia is the Yang di-Perpetuane Agong (MUDA), commonly referred to as the King of Malaysia. Malaysia is a constitutional elective monarchy, the Yang di-Perpetuane Agong is selected for a five-year term from among the nine Sultans of the Malay states. The other four states that do not have monarchies are ruled by governors (Malaysian Constitution).

The position has to date been, by informal agreement, based on systematic rotation between the nine sultans; the order was originally based on seniority. According to the Federal Constitution of Malaysia, the MUDA is considered as the Supreme Head of the Federation (Article 32). As a constitutional head, the MUDA is to act on the advice of the Prime Minister (Article 40). The MUDA or monarch king basically has three broad powers vested in him (Among, 2007). 1. The appointment of a prime minister (article 40-2-a) from a member of the House of Representatives who has the confidence of the majority of the members of that house (Among, 1999).

The power to exercise based on the advice from the Prime Minister, the Cabinet, and the Conference of Rulers (Article 32, 38, 40) 2. The power to exercise based on his discretionary power (without the consent or influence

of any other authority) 3. Ere power to pardon (granting of pardons), reprieves and respites, and/or of emitting, suspending or commuting sentences, under Clause (12) of Article 42. The HYDRA shall also be the Supreme Commander of the Armed Forces (I. E. Police, Army) in the Federation of Malaysia (Article 41).

The Yang did-Perpetuate Agony is also the head of the Islamic faith in Malaysia. Besides that, he is also the head of the religion of Islam for states that do not have kings, such as, Malice, Penman, Saba, Karakas, and all the Federal Territories in Malaysia. ( Abraham it'll, 2007). Federal Legislative power is divided between federal and state legislatures. The cameral parliament consists of the lower house, the House of Representatives or Dean Rackety (literally the “ Chamber of the People”) and the upper house, the Senate or Dean Engage (literally the “ Chamber of the Nation”).

As illustrated in the articles (44 ; 45) of the constitution, all seventy Senate members sit for three- {ear term (to a maximum of two terms); twenty-six are elected by the thirteen state assemblies, and forty-four are appointed by the king based on the advice of the Prime Minister (Malaysian Constitution). The 222 members of the Dean Rackety are elected from single-member districts by universal adult suffrage. Parliament has a maximum mandate of five years by law. The king may dissolve parliament at any time and usually does so upon the advice of the Prime Minister.

General elections must be held within three months of the dissolution of parliament. In practice this has meant that elections have been held every

three to five years at the discretion of the Prime Minister (Malaysian Constitution). Legislative power is divided between federal and state legislatures. Malaysia has two sources of law. The national constitution, the nation's supreme law, can be amended by a two-thirds majority in parliament. The second source of law is Syariah (Islamic law), which applies only to Muslims. The federal government has Islamic law, and interpretations vary from state to state.

The parliament follows a multi-party system and the governing body is elected through a first-past-the-post system (Ann., 1999). Federal Executive power is vested in the cabinet led by the prime minister; the Malaysian constitution stipulates that the prime minister must be a member of the Lower House of parliament who, in the opinion of the Yang di-Pertuan Agong (HYDRA), commands a majority in parliament. The cabinet is chosen from among members of both houses of Parliament and is responsible to that body (Malaysian Constitution).

The Executive branch of the government consists of the Prime Minister as the head of the government, followed by the various ministers of the Cabinet. Strictly speaking, the Executive branch does not have the right to intervene in the Legislative or Judicial branches of the State. This is to ensure that the principle of separation of power is adhered to, as guaranteed by Article 127 of the Federal Constitution (Abraham et al., 2007). The Executive branch of the government formulates various socio-economic policies and development plans, for the development of the country as a whole.



The Executive has the power and authority to generate revenues through the collection of various taxes, levies, fines, summons, custom duties, and fees, to name some, from the general public (Misgovernment). Judiciary The superior court of Malaysia consists of the High Court of Malay, the High Court of Sabah & Sarawak, the Court of Appeal and the Federal Court. The Federal Court is the highest court of the land. The High Courts have general supervisory and revisionary jurisdiction over all the

Subordinate Courts and hear appeals from the Subordinate Courts in civil and criminal matters. Whereas, the Court of Appeal hears all civil appeals against decisions of the High Courts except where against judgment or orders made by consent. The Court of Appeal also hears criminal appeals against decisions of the High Courts (The Malaysian Bar). There is also a Special Court, established in 1993 to hear cases brought by or against Ruler. Before its establishment, Rulers were immune from any proceedings brought against them in their personal capacity (Malaysian Constitution).

Rulers include the Yang di-Perpetuan Agong (the elected Monarch), and the heads of state of Malaysia's component states. State Legislatures Each state has a unicameral state legislative chamber (Malay: Dewan Undang Negeri) whose members are elected from single-member constituencies. State governments are led by Chief Ministers (Menteri Besar in Malay states or Menteri in states without hereditary rulers), who are state assembly members from the majority party in the Dewan Undang Negeri. They advise their respective sultans or governors.

In each of the states with a hereditary ruler, the Chief Minister is required to be a Malay, appointed by the Sultan upon the recommendation of the Prime Minister (Malaysian Constitution). Parliamentary elections are held at least once every five years, with the last general election being in March 2008.

Registered voters of age 21 and above may vote for the members of the House of Representatives and, in most of the states, for state, political

scientists have suggested that its federalism is highly centralized :

(Khan, 2008). State Executive Council The executive council is similar to the cabinet at the federal level.

The ruler of the State appoints firstly the chief of ministers from the members of legislative assembly “ who in his opinion is likely to command the

confidence of the majority of the members of the assembly. In party system, this will normally be a person from the majority party or a coalition. Then the

ruler appoints members of executive council in consultation with the chief of ministers. The appointed executive council will be presided over by the chief

of ministers. Separation of Powers Separation of power is the doctrine and practice of dividing the powers of a government among different branches to guard against abuse of authority.

A government of separated powers assigns different political and legal powers to the legislative, executive, and Judicial branches. The legislative branch

has the power to make laws. The executive branch has the authority to administer the law and to appoint officials and oversee the administration of

government responsibilities. While the Judicial branch has the power to try cases brought to court and to interpret the meaning of laws under which the

trials are conducted. A government of separated powers is less likely to be

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tyrannical and more likely to follow the rule of law: the principle that government action must be constrained by laws.

A separation of powers can also make a political system more democratic by making it more difficult for a single ruler, such as a monarch or a president, to become dictatorial. The division of powers also prevents one branch of government from dominating the others or dictating the laws to the public. Most democratic systems have some degree of separation of powers, but the United States stands as the preeminent example of the practice (Incarnate, 2009). In Malaysia, the Judiciary may declare as null and void an executive act or a parliament act if either violates the Constitution.

The executive branch is entirely free because it is controlled by the parliament to which it is answerable. However, in the Malaysian system members of the cabinet usually controls overwhelmingly majority in parliament and dictate its legislative program. Similarly, Judicial appointments to the superior courts are made by the executive branch and parliaments may change the law there is a system of indirect check on the Judicial power (Ann., 1999). The system as practiced in Malaysia is closer to the British rather than American model. There is no separation of power between executive and legislative powers.

There is a fusion of legislative and executive functions. The Yang di-Pertuan Agong who is the head of the executive branch and cabinet ministers are the integral part of the parliament. Advantages and Disadvantages of Federalism There are several advantages and disadvantages of federal government and federalism. Some of the

advantages of adopting federal system of government are the following:

firstly, it ensures that government remains close to the people because the state government argue that they are more in tune with the daily needs and aspirations of people especially relevant to small and isolated places.

Secondly, it encourages development of the nation in a decentralized and regional manner and allows for unique and innovative methods for attacking social, economic and political. On the hand, the disadvantages of the federalism could be the following: It can lead to duplication of government and inefficient, over-lapping or contradictory policies in different parts of the country. In addition, it can lead to inequality between the states and lead to unhealthy competition and rivalry between them. Furthermore, it can lead to over-government that will result to corruption (Wisped Answers). Conclusion

Malaysia is federal parliamentary and Monarchy system of government.

There are different levels of government such as federal government, thirteen state governments and local level. In addition, the country is ruled by a monarchy and prime Minister working and consulting together. The king is the head of the State and appoints the prime minister who comes from the majority party or coalition in the lower house and the cabinet after advice of the PM. Malaysian federalism is unique compared with other federal systems in the world today. It has the conference of rulers which consist of nine Malay kings and four governors of the states.

Federal parliament has House of Representative which is elected by universal adult suffrage and senate which most of the members are appointed by the monarchy with the consultation of the PM. The monarchy of

the country is not inherited like Great Britain, but the monarchies of the nine Malay states elect him by seniority and rotation. The states are ruled by monarchies and governors. State governments are led by Chief Ministers. The executive council is similar to the cabinet at the federal level. There is infusion of power between cabinet and the parliament because most of the cabinet members are appointed from among the parliament.