

Composition and functions of the malaysian parliament essay sample

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Malaysia's Parliament is a bicameral legislature constituted by the House of Representatives (Dewan Rakyat), the Senate (Dewan Negara) and the Yang Di-Pertuan Agong. As the ultimate legislative body in Malaysia, Parliament is responsible for passing, amending and repealing acts of law. Parliament has the exclusive power to make federal laws over matters falling under the Federal List and the power, which is shared with the State Legislatures, to make laws on matters in the Concurrent List. The other function of the Parliament is to impose new taxes, additional one or abolish any taxes and to approved the nation's budget for a specific year. Parliament's members are permitted to speak on any subject without fear of censure outside Parliament; the only body that can censure an MP is the House Committee of Privileges.

Such "Parliamentary immunity" takes effect from the moment a Member of Parliament is sworn in, and only applies to when that member has the floor; it does not apply to statements made outside the House. An exception is made by the Sedition Act passed by Parliament in the wake of the 13 May racial riots in 1969. Under the Act, all public discussion of repealing certain Articles of the Constitution dealing with Bumiputra privileges such as Article 153 is illegal. This prohibition is extended to all members of both houses of Parliament. Members of Parliament are also forbidden from criticizing the King and judges. The House of Representatives (Dewan Rakyat, literally People's Hall) is the lower house of the Parliament of Malaysia. Members of the Dewan Rakyat are often referred to as members of parliament or MPs.

Like the Dewan Negara, the Dewan Rakyat meets at the Malaysian Houses of Parliament in Kuala Lumpur. The House of Representatives (Dewan Rakyat)
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is made up of 222 elected members. Each appointment will last until Parliament is dissolved for general elections. There are no limits on the number of times a person can be elected to the House of Representatives (Dewan Rakyat). All bills must usually be passed by both the Dewan Rakyat and the Dewan Negara (the Senate), before they are given Royal Assent by the Yang di-Pertuan Agong (Monarch). The Senate (Dewan Negara, literally National Hall) is the upper house of the Parliament of Malaysia. The Dewan Negara consists of 70 senators: 26 are elected by the state legislative assemblies, with two senators for each state in the Federation, while the other 44 are appointed by the Yang di-Pertuan Agong (King), of whom four senators are appointed to represent the federal territories.

The Dewan Negara reviews legislation that has been passed by the lower house, the Dewan Rakyat; both meet at the Houses of Parliament in the capital city of Kuala Lumpur. Both houses must pass a bill before it can be sent to the King for royal assent; however, if the Dewan Negara rejects a bill, it can delay the bill's passage by only a year before it is sent to the King. Originally, the Dewan Negara was meant to act as a check on the Dewan Rakyat and represent the interests of the various states. However, the original constitution, which provided for a majority of state-elected senators, has since been modified to make senators appointed by the King the majority. The Yang di-Pertuan Agong (King) is the head of state of Malaysia. The office was established in 1957 when the Federation of Malaya (now Malaysia) gained independence.

Malaysia is a constitutional monarchy with an elected monarch as head of state. The Yang di-Pertuan Agong's role is that of a constitutional monarch. The Federal Constitution and Parliamentary Acts made in accordance with it define the extent of his powers as the Federal Head of State. The executive power of the federal government is vested in him. The monarch's powers are basically divided into two broad categories: •the powers that he exercises on the advice of the Prime Minister, a Minister, the Cabinet, the Conference of Rulers, or some other officer or institution; and •the powers that he exercises at his discretion (without the consent of any other authority). The discretionary powers of the Yang di-Pertuan Agong pertain chiefly to appointing the Prime Minister, withholding consent to dissolve Parliament, and calling meetings with the Conference of Rulers “ concerned solely with the privileges, position, honour and dignities of Their Royal Highnesses.”

Under the Westminster System, the Yang di-Pertuan Agong is expected to appoint a Prime Minister who will command the confidence of a majority of the elected lower house of Parliament, the Dewan Rakyat. Should the Prime Minister be or become unacceptable, he may be forced out by a vote of no confidence, which would require the Yang di-Pertuan Agong to dissolve Parliament on advice of the Prime Minister, or refuse to dissolve Parliament and appoint someone else as Prime Minister. Conventionally, the Prime Minister is the head of the party with a majority in Parliament. Since independence in 1957, this has been the Barisan Nasional (National Front, formerly known as the Alliance). The Yang di-Pertuan Agong renews the appointment of a Prime Minister after every general election until the minister decides to step down.

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Whenever the Prime Minister chooses to dissolve Parliament, he calls for a general election. The Yang di-Pertuan Agong may choose to refuse a Prime Minister's request to dissolve Parliament, as one of his discretionary powers. A state legislative assembly (Dewan Undangan Negeri, DUN; also known simply as state assembly) is the legislative branch of the state governments of each of the 13 Malaysian states. Members of a state legislative assembly comprise elected representatives from single-member constituencies during state elections through the first-past-the-post system. The assemblies have powers to enact state laws as provided for by the Constitution of Malaysia. The majority party in each assembly forms the state government, and the leader of the majority party becomes Menteri Besar (for states with hereditary rulers) or chief minister (for states without hereditary rulers) of the state.

After the March 2008 general election, the Barisan Nasional coalitions were the majority party in eight states, while the opposition won five states. In February 2009, BN regained Perak after 3 Pakatan Rakyat assembly members defected. The state legislative assemblies are unicameral, unlike the bicameral Parliament of Malaysia. The hereditary rulers or Yang di-Pertua Negeri (governors) are vested with powers to dissolve their respective state legislative assemblies on the advice of the Menteri Besar or chief minister. Once dissolved, elections must be carried out within an interim period of sixty (60) days.

Usually, state elections are held simultaneously with the federal parliamentary elections, with the exception of Sarawak, and before 2004,

Sabah. Legislative Assembly has legislative power over matters under the State List (such as land, local government, Syariah law and Syariah courts, State holidays and State public works). Parliament and State legislatures share the power to make laws over matters under the Concurrent List (such as water supplies and housing) but Article 75 provides that in the event of conflict, Federal law will prevail over State law. These lists are set out in Schedule 9 of the Constitution, where:

- the Federal List is set out in List I,
- the State List in List II, and
- the Concurrent List in List III.

There are supplements to the State List (List IIA) and the Concurrent List (List IIIA) that apply only to Sabah and Sarawak. These give the two states legislative powers over matters such as native law and customs, ports and harbours (other than those declared to be federal), hydro electricity and personal law relating to marriage, divorce, family law, gifts and intestacy. As Kuala Lumpur, Putrajaya and Labuan are Federal Territories, they do not have state legislative assemblies and are governed directly by the federal government under the Ministry of Federal Territories together with local authorities, namely the Kuala Lumpur City Hall, Putrajaya Corporation and Labuan Corporation respectively.