

# Kempen PerlembagaanKu MyConstitution Campaign

Simplifying the messages of the Constitution.

Reaching 6 million households in Malaysia.

A Campaign for the *Rakyat* by the *Rakyat*.



Constitutional Law Committee



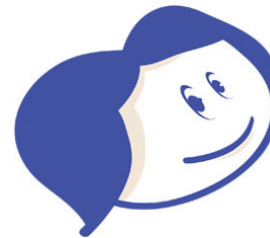
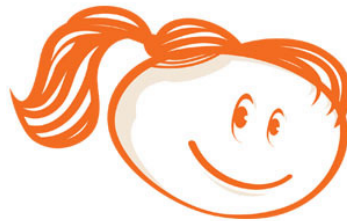
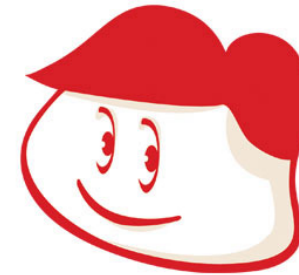
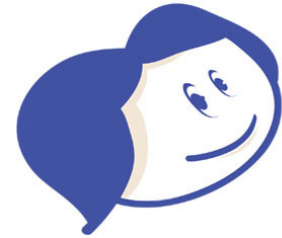
# Logo



Constitutional Law Committee



# OUR Constitution



Constitutional Law Committee



# Constitutional Law Committee



The vision and mission of the ConstiLC:

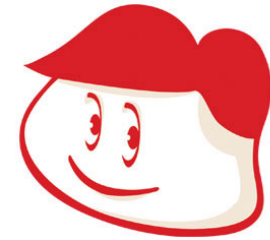
- promote the concept of constitutionalism and the rule of law
- raise awareness and educate the *rakyat* on the Federal Constitution
- document and respond to constitutional issues that arise
- conduct research and advise the Bar Council on constitutional matters



Constitutional Law Committee



# ConstiLC Initiative



## MyConstitution Campaign/Kempen PerlembagaanKu

- Aims:
  - ✓ to educate and empower the *rakyat*
  - ✓ to create greater awareness of the Federal Constitution



Constitutional Law Committee



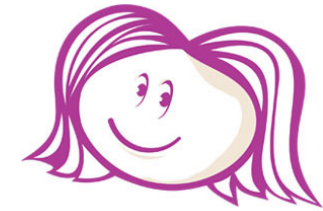
# Why?



- ✓ The Federal Constitution is the supreme law of the land and the 'rule-book' of our country.
- ✓ It sets down how our country is governed.
- ✓ It enshrines principles of the rule of law, democracy and democratic governance.



# What?



- ✓ Producing a series of 9 *Rakyat* Service Advertisements (RSA) on the Federal Constitution
- ✓ Publishing a series of 9 pocket-sized, layperson's guides to the Federal Constitution – the *Rakyat* Guides (RG)
- ✓ Hosting a series of awareness-raising and interest-building programmes through workshops, dialogues, forums and lectures – “Conversations on the Constitution”
- ✓ Publishing a series of articles regarding the Federal Constitution in the media



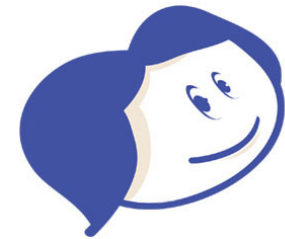
# Themes



1. Introduction to the supremacy of the Constitution
2. Institutions established by the Constitution & the Separation of Powers
3. Federal – State Relations
4. Rakyat: Citizenship & Fundamental Liberties
5. Elections & Democracy
6. Parliament/Legislature
7. Executive/Government
8. Judiciary/Courts
9. Sabah & Sarawak



# RG 1: What is the FC?



You can also learn more about the MyConstitution Campaign on follow: @myconstitution

www.myconstitution.com  
www.malaysiakini.com.my  
www.constitution.com.my  
www.constitution.com/MyConstitution  
www.parliament.com/MyConstitution

We can be reached at:  
Bar Council Constitutional Law Committee  
Bar Council Secretariat  
No. 15, 16 & 17  
Leboh Pasir Besar  
10050 Kuala Lumpur  
Tel: 63-2055 3803  
F: 63-2024 1553  
E: council@malaysianbar.org.my

3. You are building your neighbour's or Muslim, your best friend's B&B and your colleague is Christian. Under Article 14 of the Constitution, each of you has a right to profess and practice your respective religions.

4. There are plans to build a new highway in your housing area and the government has served you with a notice to compulsorily acquire your land. Article 15(2) of the Constitution states that no person shall be deprived of property "save in accordance with law". Therefore, the government can acquire your land but it must do so in accordance with the law. This includes giving you sufficient notice and compensating you.

7. Pahang has just won the Malaysia Cup. To celebrate the victory the Pahang State Government declares tomorrow a State holiday in Pahang. You live in Perak but are a fan of the Pahang football team. Your first thought is to see holiday tomorrow to celebrate. Unfortunately, you cannot since the Perak State Government is declaring tomorrow a holiday in Perak because each State Government has the right to declare its own state holidays.

[But you can pack up your belongings and move to live in Pahang! Please see paragraph 2 above.]

8. You pay taxes every year. In order to use the money that you pay, the Federal Government must prepare a Budget every year and present it to Parliament to explain how it is going to spend the money. Before the Federal Government can use the money, Parliament must "pass" the Budget. If you are not happy with how the Federal Government proposes to spend your tax monies in its Budget, you can go to your Member of Parliament and ask him or her to object or to propose an amendment to the Budget in Parliament.

9. You have been convicted by the police and brought to a police station. You tell the police that you want a lawyer to represent you. The police must allow you access to your lawyer as Article 5(2) of the Constitution states that you have a right to legal representation.

10. You have the right to learn, speak and use other languages even though Article 15(1) of the Constitution says that the Malay language is the official language of the country.

**Frequently Asked Questions about the Constitution**

**1. Do I have to obey the Constitution?**

Yes, everyone has to. That includes you, your Members of Parliament, judges, government officials, the police force, companies and associations.

In fact, the Prime Minister, the Cabinet, Members of Parliament, judges and even the Yang di-Pertuan Agong take oaths that they will obey the Constitution.

Even you take an oath to obey the Constitution every time you vote in the Polling Station.

**2. What happens if someone does not obey the Constitution?**

The Constitution generally grants powers, imposes obligations and defines roles. If a person or institution does not act within the power or role granted to them, it means that there are constitutional issues involved.

**3. What happens if people disagree on what a particular provision in the Constitution means? Who decides?**

The courts have power to determine all issues in respect of the interpretation of the Constitution. Once the Federal Court decides on what a particular provision means, it is binding on everyone unless it is later overruled by a subsequent Federal Court decision.

Over time, the Federal Court's interpretation of the Constitution may change to take into account changing circumstances.

**4. Can the Constitution be amended?**

Yes, it can. In fact our Constitution has been amended several times.

Article 139 of the Constitution says that, in general, the Constitution may be amended if the Bill (i.e. the proposal for the amendment) is passed by not less than two thirds of the members of the Dewan Rakyat and the Dewan Negara.

**5. Parliament seems to have so much power to amend the Constitution. How can we ensure that the power is not abused?**

Firstly, Members of Parliament are elected by Malaysian citizens like you and me. If a proposed amendment to the Constitution is not popular among Malaysians, then the Members of Parliament are unlikely to vote for it, otherwise they may be elected again via Parliament in the next general elections. If you are unhappy with any proposed amendment to the Constitution, you can go to your Member of Parliament or to any Member of Parliament and voice your concerns.

Secondly, all Members of Parliament take an oath that they shall "preserve, protect and defend" the Constitution. Some people argue that because of this oath, Members of Parliament should not amend the most important and sacrosanct parts of the Constitution.

**6. Where can I get a copy of the Constitution?**

You can buy a copy at most major bookstores. It may also be found on our website: [www.myconstitution.com](http://www.myconstitution.com)

**What's Next?**

Learn about your Constitution in our other Rakyat Guides on the booklets of the Constitution, Federal State relations, the Rakyat, the Executive, the Parliament, the Judiciary, Elections and more!

**The Rakyat Guides 1: What is the Federal Constitution?**

**PerlembagaanKu MyConstitution**



# RG 1: What is the FC?



**Introduction**

The Federal Constitution of Malaysia ("Constitution") is the most important document in our country because it determines what kind of country we live in.

- It sets up our democratic system
- It lists the powers of government
- It sets our rights

The Constitution is the **supreme law** of the land. This means the Constitution says who can make laws, and limits the kinds of laws that can be made.

**Why should you know what the Constitution says?**

Because our way of life and how our government is set up are set by the Constitution. For example:

- We are Malaysians because the Constitution says so
- We can vote for our leaders because the Constitution says so
- We have a Parliament that makes laws because the Constitution says so
- We have courts and judges because the Constitution says so
- We have a federal government and thirteen state governments because the Constitution says so
- We are guaranteed certain fundamental rights because the Constitution says so
- We are guaranteed certain fundamental rights because the Constitution says so

**What is the Constitution?**

The Constitution consists of 30 Parts.

**Part I: The States, Religion and Language of the Federation**

The country is a Federation of thirteen states and three federal territories.

Islam is recognised as the religion of the Federation, but other religions may be practised in peace and harmony.

The Constitution is the supreme Law of the Federation. Any law that goes against the Constitution is void.

**Part II: Fundamental Liberties**

The Part sets out our fundamental liberties:

- the right to life and liberty
- freedom from slavery and forced labour
- equality before the law
- freedom of movement
- freedom of speech, assembly and association
- freedom of religion
- rights to education
- rights to property

**Part III: Citizenship**

A person can become a Malaysian citizen by:

- being born here
- by being married to a Malaysian man or having a Malaysian parent
- being lawfully in the country for a long enough time

Part III also tells us how we can stop being citizens and how we can lose citizenship.

**Part IV: The Federation**

This Part sets up our government.

The Supreme Head of the Federation is the Yang di-Pertuan Agong. The Yang di-Pertuan Agong is elected by the Conference of Rulers and his term is for five years.

The Conference of Rulers is made up of all the Rulers of the States and the Governors of the States without Rulers.

Part IV also establishes the Cabinet and the office of Prime Minister.

It establishes Parliament, which consists of the Yang di-Pertuan Agong and two Houses of Parliament known as the House of Representatives (Dewan Rakyat) and the Senate (Dewan Negara).

**Part V: The States**

Each State has its own constitution and its own law-making body called the State Legislative Assembly. The State Legislative Assemblies have the power to make certain laws.

The Ruler of each State has rights and privileges.

**Part VI: Relations between the Federation and the States**

This Part sets out the distribution of powers between the Federation and the States.

This means that there are certain matters that the Federal Parliament can make laws on, certain matters that the State Legislative Assemblies can make laws on, and certain matters that both of them can make laws on.

**Part VII: Financial Provisions**

Part VII says that the government cannot impose taxes or spend money unless authorised by law.

**Part VIII: Elections**

Part VIII sets out our right as citizens to vote for our leaders.

The body in charge of conducting all elections and preparing the "voters list" (a list of all voters) has ministers called the "Election Commission".

The Election Commission is appointed by the Yang di-Pertuan Agong and should enjoy public confidence.

**Part IX: The Judiciary**

Part IX establishes the court system in Malaysia and sets out what matters can and cannot be decided by the Malaysian courts.

Part IX also sets out the judges of the High Court, Court of Appeal and Federal Court to be appointed.

**Part X: The Public Services**

This Part describes the public service of Malaysia which includes:

- the police force
- the armed forces
- the education service

It also includes public service in such as those who work for ministries and federal and State Governments.

The appointment, promotion and dismissal of members of the public service are performed by "Commissions" and members of the Commissions are mainly appointed by the Yang di-Pertuan Agong.

Part X also establishes the office of Attorney General.

**Part XI: Special Powers Against Subversion, Organised Violence, and Acts and Omissions Prejudicial to the Public and Emergency Powers**

Parliament has the power to make laws that may go against other rights in the Constitution during an emergency or for reasons of public safety.

The national language is the Malay language.

The Yang di-Pertuan Agong is responsible for:

- protecting the special position of Malays and the rulers of Sabah and Sarawak
- protecting the legitimate interests of other communities.

This Part also sets out how amendments can be made to the Constitution.

**Part XII: Additional Provisions for States of Sabah and Sarawak**

There are special provisions for Sabah and Sarawak. For example, for the nomination of other Ruler for the rulership of Sabah and Sarawak.

**Part XIII: Temporary and Transitional Provisions**

This Part explains how the Laws before Independence are still in force until Parliament makes new laws to replace them.

**Part XIV: Oath for Rulers' Sovereignty, etc. & Part XV: Proceedings against the Yang di-Pertuan Agong and the Ruler**

The sovereignty, powers, prerogatives and jurisdiction of the Ruler are provided in Part XV.

Under Part XV, proceedings by or against the Yang di-Pertuan Agong or the Ruler of a State in his personal capacity must be brought before the "Special Court".

**How does the Constitution work?**

- In the 2008 General Election, you voted to elect your Member of Parliament and your State Legislative Assemblyman. Article 113(1) of the Constitution says you are entitled to vote if: (a) you are at least 17 years of age and (b) you are registered in the electoral roll. You cannot vote if, for example, you are serving a prison sentence or have been declared as a person of unsound mind.
- You live in Penang and have decided to stick your relations in Singapore. You can apply to Signification on the North-South Dispute (signed through English, Hindi, Telugu and the Federal Territory of Kuala Lumpur) without a passport or any form of identification. Later, you decide to move to Kuala Lumpur and start there. You can do all these things because Article 9(2) of the Constitution says that in general, every citizen has the right to move freely throughout Malaysia and to reside in any part of it. However, there are certain exceptions to Article 9(2) in Sabah and Sarawak.
- You and your husband are Malaysian citizens but you gave birth to your son in Indonesia. Under Article 24 of the Constitution, your son is automatically a Malaysian citizen because he was born in a Malaysian birth.
- You live in Kuala Lumpur. You think Kuala Lumpur is the greatest city in Malaysia. You think it is the most place to live in. You are a brilliant painter and the demand for your art in all of Malaysia. You think Kuala Lumpur should be the federal capital of Malaysia. Unfortunately, the Constitution states that Kuala Lumpur is the federal capital of Malaysia. "until Parliament otherwise determines". If you want Kuala Lumpur to be the federal capital of Malaysia, you will have to lobby Parliament to make the change.



# Facebook: MyConstitution



A screenshot of a Microsoft Internet Explorer browser window displaying the Facebook page for the group 'PerlembagaanKu/MyConstitution'. The browser's address bar shows the URL 'http://www.facebook.com/MyConstitution?ref=ts'. The Facebook page header includes navigation tabs for 'Wall', 'Info', 'Photos', 'Discussions', 'Events', and 'Links'. The main content area features a post from the group with the text 'PerlembagaanKu/MyConstitution Campaign Coverage on New Strait Times today. Do comment and give us your feedback!'. Below this is a link to an NST Online article titled 'NST Online 'Rakyat Guides' explain governing system' with a source URL 'www.nst.com.my'. The article snippet mentions 'KUALA LUMPUR: One of the tenets of the Rukun Negara, the recitation of which is a weekly norm for students, is to uphold the supremacy of the Federal Constitution.' The page also shows a 'Write something...' text box, an 'Attach' button, and a 'Share' button. On the right side, there is an advertisement for 'Buy from Suppliers' from Alibaba.com. The bottom of the browser window shows the Windows taskbar with the Start button and several open applications, including 'Malaysia opposition lo...', 'Café World on Face...', and 'Facebook | Perlemba...'. The system clock in the bottom right corner indicates the time is 3:09 PM.



Constitutional Law Committee



# Twitter: @myconsti



The screenshot shows a Microsoft Internet Explorer browser window with the address bar displaying <http://twitter.com/MyConsti>. The page content includes the Twitter logo, the MyConstitution profile picture (a colorful group of cartoon faces), and the name "MyConsti". A "Following" button is visible. The main content area shows a tweet from @mw4reds: "For now, it's only going to be in English and Malay. In the future, it will hopefully be in Tamil and Mandarin as well." Below this are links to campaign coverage on the New Strait Times and NST - Rakyat Guides. The right sidebar shows profile statistics: 48 following, 62 followers, and 150 tweets. The bottom of the browser window shows the Windows taskbar with the Start button and several open applications.



Constitutional Law Committee



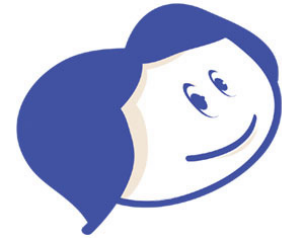
# YouTube: PerlembagaanKu



Constitutional Law Committee



# Campaign website



## **[www.perlembagaanku.com](http://www.perlembagaanku.com)**

(to be launched on November 13, 2009)



Constitutional Law Committee



# Launch: November 13, 3pm, BC



- ✓ Minister/Deputy Minister of Law to officiate
- ✓ RG 1 & RSA 1 to be officially released
- ✓ 100,000 copies of RG 1 to be distributed
- ✓ Forum: “What is the Federal Constitution?” featuring Abdul Aziz Bari, Azmi Sharom, Hj. Sulaiman Abdullah, Shad Saleem Faruqi & Malik Imtiaz Sarwar



# Media Partnership

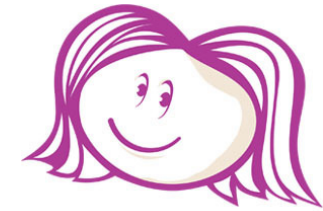


- ✓ Pre-launch coverage
- ✓ Coverage of the launch
- ✓ Publish the *Rakyat* Guides
- ✓ Support the distribution of the *Rakyat* Guides
- ✓ Broadcast the *Rakyat* Service Advertisements
- ✓ Link your online sites to the Campaign website
- ✓ Provide column space to write about the Constitution and the Campaign periodically



Constitutional Law Committee





We look forward to working with you

**THANK YOU**



Constitutional Law Committee

