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- In general, JournalMP is a journal for legislative studies in the Parliament of Malaysia, parliaments in the Southeast Asia region, and State Legislative Assemblies of all states in Malaysia.

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EDITORIAL

In July 2019, Parliament passed the amendment to Article 119 of the Federal Constitution. Two provisions were amended: reducing the age of eligibility to vote in elections and allowing the automatic registration of persons as voters upon reaching the age of 18. Sections 3(a) and (b) of the Constitutional (Amendment) Act 2019 were recorded in the gazette as P.U.(B) 615/2021 and became effective on 15th December 2021.

In 2022, Parliament passed the Anti-Hopping law via the Constitutional (Amendment) (No. 3) Act 2022 (Act A1663), and it took effect on October 5, 2022. In the last edition of the Parliament Journal, I lamented about the law that awaited tabling in Parliament, and finally, the law has become a reality. The amendment to Article 48 and the new Article 49A incorporated the Anti-Hopping law. The law provides, among others, that a member of Parliament who leaves his party after being elected in an election shall vacate his seat after joining another political party. The exceptions are that he will not lose his seat if he is removed from his party or if he joins another party *en bloc* together with other members of his political party. The amendment received wholesale support from members of Parliament, something that has not happened for a long time.

The State of Kelantan had once passed an enactment that prohibited party-hopping, with the consequence of the member of the State Assembly losing his/her seat. When it was applied against two members of the Assembly, who were deemed to have lost their seats for party-hopping, the validity of the enactment was challenged in court.¹ The court decided that the enactment was contrary to Article 10(2) of the Federal Constitution, freedom of association.

The court concluded that the anti-hopping law was unconstitutional because members of the assembly were guaranteed the right to choose their political party as provided by the constitution, and the right should not be impinged by any law. The court went on to decide (obiter) that even if the law was valid, the state legislature had no jurisdiction to pass such a law as only Parliament has the power to pass the law.

¹ *Dewan Undangan Negeri Kelantan & Anor lwn Nordin bin Salleh & Anor* [1992] 1 MLJ 697.

The 2022 constitutional amendment is significant due to several reasons. First, the amendments to articles 10 and 48 have expanded the right to freedom of association vis-à-vis the *Nordin bin Salleh* decision by the Supreme Court. In that respect, Parliament and the State Assemblies are free to promulgate a law to prevent party-hopping. In the *Nordin bin Salleh* case, the Supreme Court held that:²

Turning to the right to form associations guaranteed by Art 10(1)(c), it is the right of direct relevance to the issue which arises for decision in the present case; by Art 10(2)(c), only Parliament may by law impose such restrictions thereon, as it deems necessary or expedient in the most exceptional circumstances and that too in the interest of the security of the Federation or any part thereof, public order or morality, and on no other grounds.

In this case, the Kelantan Constitution — a state law — by art XXXIA, seeks to restrict the fundamental right of a member of the legislature to form associations, which of course, includes the right to dissociate, and it operates by way of disqualification, once the member exercises that right.

It is, in our view, inconceivable that a member of the legislature can be penalized by any ordinary legislation for exercising a fundamental right that the Constitution expressly confers upon him subject to such restrictions as only Parliament may impose and that too on specified grounds, and on no other grounds.

Notable speeches by the judges of the Supreme Court further imposed the stand taken by the Supreme Court in the case. Gunn Chit Tuan SCJ said:³

Applying that test, I am of the view that the right claimed by the respondents in this case, i.e. the right to leave one political party and to join another, is an integral part of the fundamental right of association or at least partakes of the same basic nature and character as the freedom of association so that the exercise of that right to leave one political party and join another is in reality and substance nothing

2 Ibid, at 713.

3 Ibid at p 718. See Puthan Perumal, “The concept of a deliberate fundamental breach of Member of Parliament’s oath as Member of Parliament” [2020] 5 MLJ xxxvii. The writer argued that the right to stand as a candidate and the right to remain as an elected legislature are two different matters regulated by different provisions and considerations.

but an instance of the exercise of the fundamental right of association guaranteed under art 10(1)(c) of the Federal Constitution.

The General Election was held on 19th November 2022. The outcome was another first for Malaysia. No coalition had obtained a simple majority, and for the first time since independence, we experienced a hung Parliament. Still, the impact of “Undi 18” was not seen to significantly determine the outcome, despite it being said to have increased the number of young voters 18-21 years old to up to 1.4 million.⁴ On the other hand, the Anti-hopping law, in a way, had a positive impact, perhaps with no attempt being made by any of the elected members to jump ship. A controversy was nonetheless recorded in the case of four MPs from Sabah.

The Sabah’s four MPs from Sabah won the general election under the Perikatan Nasional (PN) banner but then exited PN when Gabungan Rakyat Sabah (GRS) declared to leave Bersatu (PBBM).⁵ Bersatu is the main party in the PN coalition. On December 10, 2022, former Sabah Bersatu leader Datuk Seri Hajiji Noor was reported to have said that Sabah Bersatu leaders had unanimously decided to quit Bersatu but would remain under the GRS.⁶ On December 29, 2022, Ronald Kiandee, the Sabah Bersatu chief and Beluran MP, sent a notice to the Dewan Rakyat to complain about the status of the said four MPs after they exited Bersatu. On January 15, 2023, Sipitang MP Datuk Matbali Musah, one of the four affected MPs, confirmed that he received a copy of the letter from the Speaker to the Sabah PN chief stating that the four seats remain unchanged and there are no casual vacancies.⁷ The Speaker purported to have decided under Article 49A(3) of the Federal Constitution. If the decision is challenged in a court of law, does Article 63 of the Federal Constitution prevail? There are two questions to determine whether

4 Farah Solhi, Fuad Nizam, “GE15: Young voters cast as kingmakers” – *The New Straits Times*, November 8, 2022.

5 GRS is the coalition currently in power.

6 Bernama, <<https://www.theedgemarkets.com/node/649916>>29 November 2022.

7 New Strait Times, “Four Sabah MPs who exited Bersatu have been told they get to keep their seats, says Matbali”, by Olivia Muwil, December 29, 2022. This was confirmed by Sipitang MP Datuk Matbali Musah after he received a copy of a letter from the speaker addressed to Sabah Perikatan Nasional chief Datuk Seri Dr Ronald Kiandee today. Matbali added that copies of the letter were also sent to other three MPs — Minister in the Prime Minister’s Department Datuk Armizan Mohd Ali (Papar), Deputy Tourism, Arts and Culture Minister Khairul Firdaus Akbar Khan (Batu Sapi) and Datuk Jonathan Yassin (Ranau).

the four have vacated their seats under Article 49A of the Constitution. First, whether they have been disqualified under the Constitution, and second, whether the decision made by the Speaker is protected by parliamentary privilege.

On the disqualification matter, Article 48(1)(a)-(f) provides for the scenario when a person is disqualified from becoming a member of Parliament.⁸ The provisions are applicable for pre- and post-election qualifications. Article 49A is applicable as a post-election disqualification. By article 49A (3), the decision to disqualify MPs and to declare the seats vacant is the responsibility of the Speaker of Dewan Rakyat. The question is whether the House Speaker's decision under Article 49A (3) is a 'proceeding' in the context of clause (1) of Article 63. If it is a 'proceeding' of the House, the decision is not challengeable in a court of law. Article 72(1) of the Federal Constitution states, "The validity of any proceedings in the Legislative Assembly of any State shall not be questioned in any court." Therefore, it is unclear whether the matter will see its day in court.

In a hung parliament, political parties are expected to negotiate among themselves to garner the majority support to present to His Majesty Yang di-Pertuan Agong that a leader among them should be appointed as the Prime Minister. According to the UK Cabinet Manual, when an election does not result in an overall majority, the incumbent government remains in office and is entitled to testify in Parliament if it can command the confidence of the House of Commons. It is expected to resign if it fails to command confidence. Alternatively, political parties may hold discussions to establish who is best able to command the confidence of the House of Commons and should form the next government. After the 15th General Election, the Yang di-Pertuan Agong mooted the establishment of a unity government, and after a few days of negotiation, His Majesty exercised his power under Article 43(2) of the Federal Constitution to appoint Datuk Sri Anwar Ibrahim as the tenth Prime Minister of Malaysia. The first unity government was established since independence. When Parliament convened, the vote of confidence was tabled, and Dewan Rakyat endorsed the new Prime Minister and his government.

⁸ The grounds for disqualification include undischarged bankruptcy, holding the office of profit, failure to submit a report on election expenses under the law, being convicted by the court of law and sentenced to at least a year imprisonment or a fine of not less than RM2000, voluntarily obtains another country's citizenship or exercises another country's civil rights.

In this edition of the Journal, there are nine articles covering various issues that are directly and indirectly related to the legislature.

The first article on parliamentary select committees, entitled “Sistem Jawatankuasa Pilihan Khas di Dewan Rakyat, Parlimen Malaysia: Penilaian kritikal terhadap instrumen semak dan imbang legislatif” (The Special Select Committee in the Dewan Rakyat, Parliament of Malaysia: A critical appraisal of legislative checks and balances instrument) looks at the role of checks and balances in the legislature through the Special Select Committee System in the Dewan Rakyat. The paper provides, first, a brief overview of the background to the establishment of the current Special Select Committee System in the Dewan Rakyat, followed by a comparison with select committee systems in the United Kingdom, Australia, and New Zealand. Next, this paper analyses the strengths and possible improvements of the Special Select Committee System before concluding with serious considerations for its strengthening as a way forward for the realisation of the Special Select Committee System for legislative bodies in Malaysia.

The second article on the Research and Publication Division of the Malaysian Parliament, entitled “Pengukuhan Perkhidmatan Penyelidikan Bagi Keberkesanan Parlimen” (Strengthening Research Services for the Effectiveness of Parliament), evaluates this study and explores the functions and research products introduced by this division to further strengthen its function and role in the parliamentary institution. An exploration of the similarities and differences in functions and products was also conducted involving the research section in three foreign parliaments, namely the UK Parliament, Parliament House of Australia, and New Zealand Parliament. The selection of these three countries has been the main reference for Parliament Malaysia since its establishment in 1959. The findings showed that the Research and Library Division of the Parliament of Malaysia had improved its service and competency with the addition of new products such as opinions and editorial writings in the local newspaper and article journals. Furthermore, strengthening this research division also involves external participation, particularly by academicians and civil society, in various academic activities organised by this division. The findings further suggest the need to increase the number of research officers working at the Research and Library Division of the Parliament of Malaysia to meet the high workload and product output.

The use of “pantun” in the Dewan Negara proceeding is the theme of the third article, “‘Yang Indah-Indah’, Language and Ideology in the

Discourse of Pantun of Dewan Negara 14th Parliament”. The article seeks to discuss politicians’ inclination to use ‘pantun’ as a discursive strategy in political discussions despite its brevity due to its accurate, concise, and captivating quality and its strong effect on readers. Consequently, discourse Pantun becomes one of the important sources of explanation of the phenomena of language and power that take place in political discourse. The study aims to elucidate the relationship between language and power that exists in Pantun forms, as well as analyse the principles that support the aesthetics of Pantun recited in the Fourteenth Parliament of Senate Assembly’s Hansard text. Van Dijk’s Ideological Square Scheme within the Critical Discourse Analysis is applied, along with Muhammad Haji Salleh’s literary theory, Puitika Sastera Melayu (PSM).

Food security is an issue of great importance to the country. The fourth article, entitled “Food Politics and the Paradigm Shift in the Parliament Debate and Food Security” argues that food security is a political issue and should be handled with care in confined aspects known as food politics. This is a preliminary study to determine the most prominent topics of food security among the members of the House of Representatives debates and whether the debates were in line with and portrayed the actual situation on the ground among the public. Hansards from the Parliament of Malaysia (2019;2022) were obtained as secondary data for analysis. The finding showed that availability was frequently mentioned in the debates in parliament. It is not surprising, as availability was the precursor of the other dimension of food security. Additionally, the food security issues raised by our politicians align with the issue shaking the public, which is the 3C shock.

The fifth article is on Sustainable Development Goals (SDGs), entitled “Perspectives, Experiences, and Involvement of Youths in Promoting Sustainable Development Goals in Malaysian Parliamentary Constituencies” analysed SDGs that aimed to create new partnerships that involve all sectors of society to establish a community that leaves no one behind. People often think of youth as drivers of innovation and social change, and they can play a key role in realising the SDGs at the local level. This study used an action research methodology to examine the perspectives, experiences, and competence of Malaysian youths regarding their contributions to promoting the SDGs. Data was taken from the Malaysian SDG Agent Initiative, which involved 67 participants in a quantitative survey and 24 in the second phase as SDG Agents. The findings describe youths’ perspectives and experiences with three aspects

of youth involvement in promoting SDGs. It is unequivocally affirmed from various perspectives that youth hold such a significant role as active agents contributing to the promotion of the SDGs, especially in raising awareness about the SDGs in the local community via organising SDG workshops and participating in different dialogues.

The sixth article, entitled “Parliamentarians & Multi-Stakeholder Partnerships in Implementing SDGs at Parliamentary Constituencies (Between 2020 and 2022) during the 14th Parliamentary Session,” explains the role played by the Parliamentary Group Malaysia on Sustainable Development Goals (APPGM-SDG) and a review of its performance over the past three years and the way forward for the next four to five years. Through the localisation process, the importance of partnerships between parliamentarians, civil society activists, academicians from universities, and policy think tank groups have a direct impact at both the grassroots at the micro level through SDG micro solution projects and policy advocacy on macro and national and cross-cutting concerns. Both dimensions have good scope for citizens and participation in grassroots decentralised delivery of services on the one hand, as well as macro national level policy formulation.

The seventh article on “Youth Development in Muar Parliamentary Constituency through ‘the Room’ Projects” deals with the All-Party Parliamentary Group Malaysia on the Sustainable Development Goals (APPGM-SDG) that works with constituencies to combat the issues to achieve Sustainable Development Goals. Muar is one of the constituencies collaborating with APPGM-SDG in developing the Muar youth. The objective of ‘The Room’ project is to promote youth engagement in creative and arts activities. In the course of running the project, it is discovered that youth encounter a variety of obstacles that might restrict their personal development, limit their chances, and impede their capacity to contribute to society. These obstacles can be associated with education, jobs, mental health, and social concerns. The youth’s need for a creative space was raised during issue mapping. The Room project related to Sustainable Development Goals to achieve the SDG 17 goals. The finding shows that the projects successfully attracted 175 youth participants in various 11 activities, and there are nine SDGs involved with the project, such as SDG 1, SDG 3, SDG 5, SDG 8, SDG 10, SDG 11, SDG 12, SDG 14 and SDG 16.

The eighth article, entitled “Malay States Rights to the Continental Shelf: Malaysia Case Study According to Watanic Jurisprudence Analysis,” examines the sovereign rights of a country over her territorial waters. It

is an old issue, but disputes continue, resulting in political tensions. The paper aims to review the rights of a Malay state over the territory of the Continental Shelf in Malaysia, as it is there that petroleum resources are explored. It is a legal analysis using a case study design promoting the method of watanic jurisprudence to analyse a few primary legislations, including UNCLOS, the Continental Shelf Act 1966, and the Territorial Sea Act 2012. This paper concluded that the territorial waters of the Malay States in the Federation could not be limited to 3 nautical miles from the low tide line in pursuance of the Territorial Sea Act 2012 without strict compliance with Article 2 of the Federal Constitution. The legitimacy of the territorial limits of the State's waters is essential as it determines the State's rights to the Continental Shelf and its petroleum production recognised for a coastal state by International Law.

The ninth article, titled "Terrorism and the Overview on Impacts Towards Government Policies in Malaysia, the United States, and the United Kingdom", studied anti-terrorism legislation in Malaysia in comparison with similar statutes in the United States and the United Kingdom. The introduction of the Security Offences (Special Measures) Act (SOSMA) 2012 in Malaysia is one of the significant legislations in combating terrorism. Anti-Terrorism legislations are, without a doubt, a sine qua non for countries in pursuit of the state's stability and security. The article evaluates the impacts of terrorism on government policies in Malaysia, the United States, and the United Kingdom, and emphasis will be placed on whether the policies, i.e., the domestic legislation carried out, manage to play a significant role in combating terrorism.

Prof. Dr. Nik Ahmad Kamal bin Nik Mahmud
Chief Editor

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Sistem Jawatankuasa Pilihan Khas di Dewan Rakyat, Parlimen Malaysia: Penilaian Kritikal terhadap Instrumen Semak dan Imbang Legislatif

*The Special Select Committee in the Dewan Rakyat,
Parliament of Malaysia: A Critical Appraisal of
Legislative Checks and Balances Instrument*

*Muthanna Saari**

Abstrak

Fungsi teras Parlimen didefinisikan sebagai fungsi legislatif, pengawasan dan perwakilan menggambarkan sumbangan penting institusi Parlimen kepada keseluruhan tadbir urus dalam negara dengan menambah nilai terhadap aktiviti Eksekutif selain daripada memberikan legitimasi kepada tindakan Eksekutif. Peranan Parlimen dalam memastikan tadbir urus awam yang baik ditunjukkan melalui fungsi perwakilan serta aspek kebertanggungjawaban kerajaan di Parlimen. Kertas ini bertujuan untuk meneliti peranan semak dan imbang badan perundangan melalui Sistem Jawatankuasa Pilihan Khas di Dewan Rakyat. Latar belakang penubuhan Sistem Jawatankuasa Pilihan Khas semasa di Dewan Rakyat, Parlimen Malaysia dibentangkan dan dibandingkan dengan beberapa sistem jawatankuasa pilihan yang diamalkan di Parlimen United Kingdom, Australia dan New Zealand. Seterusnya, kertas ini akan membuat pemerhatian terhadap kelebihan dan aspek penambahbaikan Sistem Jawatankuasa Pilihan Khas di Dewan Rakyat sebelum dirumuskan dengan pertimbangan untuk pemerkasaan dan jalan ke hadapan bagi Sistem Jawatankuasa Pilihan Khas badan perundangan di Malaysia secara keseluruhannya.

* Muthanna Saari is a former Research Officer at the Parliament of Malaysia and currently a SLAB Fellow at the Faculty of Business and Economics, Universiti Malaya (UM). Email: muthanna@um.edu.my

Kata kunci: Dewan Rakyat, Jawatankuasa Pilihan Khas, Parlimen, Peraturan Mesyuarat, Semak dan Imbang

Abstract

The core functions of parliament, namely, legislative, oversight and representative, reflect the significant contribution of parliament institutions to the overall governance of the country. These roles add value to the Executive's activities while at the same time legitimising their actions. The role of parliament in ensuring good governance is manifested through the representation function and the government's accountability in parliament. This paper aims to examine the role of checks and balances in the legislature through the Special Select Committee System in the Dewan Rakyat, Parliament of Malaysia. The paper first gives a brief overview of the background of the establishment of the current Special Select Committee System in the Dewan Rakyat, followed by a comparison with select committee systems in the United Kingdom, Australia and New Zealand. Next, this paper analyses the strength and possible improvements of the Special Select Committee System before concluding with serious considerations for its strengthening as a way forward for the realisation of the Special Select Committee System for legislative bodies in Malaysia.

Keywords: Dewan Rakyat, Special Select Committee, Parliament, Standing Orders, Check and Balance

Pengenalan

Fungsi badan perundangan perlu sentiasa disemak bagi memastikan badan perundangan berjalan sepertimana tujuan yang diperuntukkan kepadanya. Berdasarkan doktrin pengasingan kuasa dalam sistem Kerajaan, seperti yang dinyatakan Jean Blondel,

Fungsi badan perundangan ialah untuk menyediakan suatu cara bagi memastikan badan eksekutif, yang berkemungkinan hasil daripada tuntutan-tuntutan yang dimasukkan ke dalam apa-apa keputusan, untuk disemak sekiranya keputusan tersebut mendatangkan kesusahan, masalah dan ketidakadilan.¹

Manakala fungsi perwakilan parlimen juga perlu dikekalkan dalam erti kata sebenar, sepertimana pandangan John Stuart Mill dalam

1 J. Blondel, *Comparative Legislatures* (New Jersey, Prentice-Hall, 1973).

Considerations on Representative Government, 'parlimen sebagai kongres pandangan yang melibatkan proses perundingan bagi menimbang dan menilai hujah-hujah yang pelbagai'.²

Perbincangan berkenaan isu-isu perlu melibatkan penaakulan (*reasoning*) daripada pelbagai pihak yang terdiri daripada cadangan (berserta hujah) dan mencabar hujah serta idea sehingga akhirnya suatu keputusan politik untuk semua pihak yang terikat dengan keputusan tersebut dapat dicapai. Perkara 44 Perlembagaan Persekutuan yang meletakkan Parlimen, terdiri daripada Yang di-Pertuan Agong dan dua Majlis Parlimen yang dikenali sebagai Dewan Negara dan Dewan Rakyat, sebagai badan perundangan tertinggi dalam negara tidak seharusnya menjadi sekadar suatu tempat bagi isu-isu dan permasalahan yang dikemukakan untuk perhatian pihak Kerajaan, menantikan jawapan yang telah sedia disesuaikan (*pre-tailored*), tanpa melibatkan cabaran terhadap perubahan struktur dan persoalan mengapa permasalahan berkenaan dibenarkan berlaku terlebih dahulu. Selaras dengan Perkara 43(3) Perlembagaan Persekutuan berkenaan kebertanggungjawaban pihak Eksekutif kepada Parlimen, adalah penting bagi Parlimen untuk meneliti, menyemak dan mencabar dasar-dasar Kerajaan. Dalam amalan demokrasi berparlimen, proses ini akan menjadikan ahli Parlimen sebagai pihak yang cukup berani untuk berhujah dan seterusnya hujah berkenaan dibalas dengan hujah lain secara matang.

Adalah penting untuk merujuk objektif yang digariskan dalam Laporan Suruhanjaya Reid 1957 semasa mengesyorkan sistem demokrasi berparlimen yang menjadi amalan dalam negara sehingga hari ini. Pertamanya, hendaklah wujud peluang yang sepenuhnya bagi pembangunan sebuah bangsa yang bersatu, bebas dan demokratik. Dalam konteks negara ini, konsep *parliamentarism* merupakan teras kepada amalan demokrasi, memperuntukkan Kerajaan mendapatkan legitimasinya daripada badan perundangan serta dalam masa yang sama bertanggungjawab kepada badan perundangan.³

Kertas ini bertujuan untuk meneliti peranan semak dan imbang badan perundangan terhadap peruntukan undang-undang serta dasar dan pelaksanaan pihak Eksekutif melalui Sistem Jawatankuasa Pilihan

2 J.S. Mill, *Considerations on Representative Government* (United Kingdom, Parker, Son and Bourn, 1861).

3 K. Palonen & J.M. Rosales, *Parliamentarism and Democratic Theory: Historical and Contemporary Perspectives* (Toronto, Barbara Budrich Publishers, 2015).

Khas di Dewan Rakyat. Peranan jawatankuasa pilihan khas parlimen, menurut *Erskine May* adalah untuk –

menjalankan tugas yang luas, memerlukan kaedah operasi berbeza dan sering kali lebih fleksibel berbanding dengan yang dijalankan dalam prosiding Majlis Mesyuarat, dan secara khususnya, jawatankuasa pilihan khas boleh melaporkan pandangan dan pemerhatian terhadap sesuatu perkara.⁴

Australia House of Representatives Practice menyatakan, ‘tujuan utama jawatankuasa parlimen ialah untuk menjalankan penyiasatan serta melaksanakan fungsi yang tidak sesuai dilakukan oleh Majlis Mesyuarat’.⁵ Manakala bekas Yang di-Pertua Dewan Rakyat, Tan Sri Mohamad Ariff Md Yusof dalam *Law, Principles and Practice in the Dewan Rakyat (House of Representatives) of Malaysia* pula menyatakan, ‘jawatankuasa parlimen yang distrukturkan dengan lebih baik menyediakan mekanisme untuk ahli Parlimen berfungsi sebagai pengawas, memastikan kementerian dan jabatan Kerajaan beroperasi mengikut dasar dan peraturan yang diluluskan oleh Parlimen’.⁶

Oleh itu, kertas ini akan memberikan latar belakang penubuhan Sistem Jawatankuasa Pilihan Khas di Dewan Rakyat, Parlimen Malaysia dan membuat perbandingan dengan beberapa sistem jawatankuasa pilihan di Parlimen United Kingdom, Australia dan New Zealand. Seterusnya, pemerhatian terhadap kelebihan dan aspek penambahbaikan Sistem Jawatankuasa Pilihan Khas di Dewan Rakyat dikemukakan dan akhirnya kertas ini dirumuskan dengan pertimbangan untuk pemerkasaan dan jalan ke hadapan bagi Sistem Jawatankuasa Pilihan Khas badan perundangan di Malaysia secara keseluruhannya.

Latar belakang penubuhan

Sistem jawatankuasa parlimen merupakan amalan yang berdasarkan kepada standard penanda aras antarabangsa seperti mana yang disyorkan

4 D. Natzler & M. Hutton (eds), *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament Twenty-fifth edition* (London, LexisNexis, 2019).

5 D. Elder & P. Fowler (eds), *House of Representatives Practice Seventh Edition* (Canberra, Department of House of Representatives, 2018).

6 M.A. Md Yusof, ‘The Committee System’ dalam M.A. Md Yusof, R. Hamzah & S.S. Faruqi (eds), *Law, Principles and Practice in the Dewan Rakyat (House of Representatives) of Malaysia* (Subang Jaya, Thomson Reuters Asia, 2020) 367.

oleh *Commonwealth Parliamentary Association* (CPA). Antara penanda aras bagi badan perundangan demokratik yang digariskan ialah:⁷

- Badan perundangan berhak dan mempunyai sumber yang mencukupi untuk membentuk jawatankuasa tetap dan sementara.
- Penentuan ahli bagi setiap jawatankuasa hendaklah terdiri daripada ahli parti majoriti dan minoriti dan membayangkan komposisi politik dalam badan perundangan.
- Badan perundangan perlu mewujudkan kaedah yang telus dalam melantik pengerusi jawatankuasa.
- Setelah ditubuhkan, jawatankuasa hendaklah mengadakan pertemuan secara kerap dan mengikut masa yang dipersetujui.
- Kesemua undi dan keputusan penting serta justifikasi terhadap keputusan berkenaan hendaklah diketahui umum.
- Jawatankuasa mempunyai kuasa untuk memanggil saksi, dokumen dan rekod dan kuasa ini hendaklah dipanjangkan kepada saksi-saksi dan bukti daripada cabang Eksekutif, termasuk pegawai-pegawai Kerajaan.
- Hendaklah wujud anggapan bahawa badan perundangan berhak merujuk sesuatu undang-undang kepada suatu jawatankuasa dan sebarang pengecualian hendaklah bersifat telus, didefinisikan dengan jelas dan bersifat luar biasa.
- Jawatankuasa hendaklah meneliti undang-undang yang dirujuk kepadanya dan mempunyai kuasa untuk mengesyorkan pindaan atau meminda undang-undang tersebut.
- Jawatankuasa berhak dan mempunyai sumber yang mencukupi untuk berunding dan/atau melantik pakar dalam bidang berkenaan.
- Jawatankuasa hendaklah mendapatkan dan menerima pandangan daripada awam berhubung isu berkaitan dan memberikan tempoh

⁷ CPA, *Recommended Benchmarks for Democratic Legislatures* (London, CPA, 2018) <<https://www.cpahq.org/media/10jjk2nh/recommended-benchmarks-for-democratic-legislatures-updated-2018-final-online-version-single.pdf>> dicapai 29 Ogos 2022.

masa yang munasabah bagi sesuatu pandangan bertulis yang disediakan.

- Jawatankuasa mendengar bukti secara terbuka melainkan terdapat alasan yang kukuh bagi pendengaran secara tertutup.
- Badan perundangan hendaklah melindungi pemberi maklumat termasuk *whistle-blower* atau penjawat awam dan saksi-saksi yang menyampaikan bukti yang relevan kepada jawatankuasa berkenaan rasuah atau aktiviti yang melanggar undang-undang.
- Hanya ahli legislatif yang dilantik ke dalam jawatankuasa, atau pengganti yang dibenarkan, mempunyai hak untuk mengundi dalam jawatankuasa berkenaan.

Sejarah Sistem Jawatankuasa Pilihan Khas di Dewan Rakyat merekodkan beberapa jawatankuasa pilihan khas yang bersifat sementara dan melibatkan isu tertentu pernah diwujudkan. Antara jawatankuasa pilihan khas berkenaan ialah Jawatankuasa Pilihan Khas Berhubung dengan Penambahbaikan Proses Pilihan Raya, Jawatankuasa Pilihan Khas Mengenai Perpaduan dan Khidmat Negara, Jawatankuasa Pilihan Khas Mengkaji Rang Undang-undang Kanun Keseksaaan (Pindaan) 2004 dan Rang Undang-undang Kanun Tatacara Jenayah (Pindaan) 2004 dan Jawatankuasa Pilihan Khas Mengenai Projek *Lynas Advance Material Plant* (LAMP).⁸

Sistem Jawatankuasa Pilihan Khas di Dewan Rakyat semasa telah bermula pada Penggal Pertama Parlimen Keempat Belas. Penubuhan jawatankuasa pilihan khas telah diluluskan melalui pembentangan Penyata Jawatankuasa Dewan Majlis Mesyuarat Dewan Rakyat DR. 6 Tahun 2018 bertarikh 16 Ogos 2018. Penyata berkenaan telah membentangkan keputusan mesyuarat Jawatankuasa Dewan terhadap cadangan untuk menubuhkan jawatankuasa pilihan khas menurut Peraturan Mesyuarat 81(1), Peraturan-peraturan Majlis Mesyuarat Dewan Rakyat.⁹ Walaupun cadangan asal ialah bagi penubuhan sebanyak 16 buah jawatankuasa pilihan khas, namun sebanyak enam jawatankuasa

8 Parlimen Malaysia, *Parlimen Malaysia: Tonggak Demokrasi dan Legislatif Negara* (Kuala Lumpur, Parlimen Malaysia, 2022) 112.

9 Jawatankuasa Dewan, *Penyata Jawatankuasa Dewan Majlis Mesyuarat Dewan Rakyat* (DR 2018-2022, DR.6/2018), <<https://www.parlimen.gov.my/ipms/eps/2018-08-16/DR.6.2018%20-%20DR%206.pdf>> dicapai 29 Ogos 2022.

pilihan khas telah dipersetujui untuk ditubuhkan 'sebagai perintis... berdasarkan kepada kepentingan dan hala tuju negara' seperti berikut:

- i. Jawatankuasa Pilihan Khas Menimbang Rang Undang-undang;
- ii. Jawatankuasa Pilihan Khas Bajet;
- iii. Jawatankuasa Pilihan Khas Pertahanan dan Hal Ehwal Dalam Negeri;
- iv. Jawatankuasa Pilihan Khas Hak Asasi dan Kesaksamaan Gender;
- v. Jawatankuasa Pilihan Khas Hubungan Antara Negeri-negeri Persekutuan; dan
- vi. Jawatankuasa Pilihan Khas Untuk Melantik Jawatan-jawatan Utama Perkhidmatan Awam.

Terma rujukan penubuhan jawatankuasa pilihan khas diperincikan tujuan penubuhannya, keanggotaannya seramai tujuh orang ahli termasuk pengerusi dan tempoh pelantikan selama dua tahun atau dua penggal. Melalui penubuhan jawatankuasa pilihan khas ini, turut dicadangkan penambahan peruntukan kewangan dan sumber tenaga manusia yang sewajarnya bagi jawatankuasa pilihan khas ini dapat berfungsi dengan berkesan. Hasrat penubuhan jawatankuasa pilihan khas juga untuk mengukuhkan urusan perjalanan Majlis Mesyuarat Dewan Rakyat dalam memperkasakan institusi Parlimen Malaysia.¹⁰

Sistem Jawatankuasa Pilihan Khas Dewan Rakyat seterusnya dikembangkan melalui penubuhan empat lagi jawatankuasa pilihan khas pada Penggal Kedua Parlimen Keempat Belas. Penyata Jawatankuasa Dewan DR. 6 Tahun 2019 bertarikh 16 Oktober 2019 telah dibentangkan bagi penubuhan jawatankuasa pilihan khas seperti berikut:

- i. Jawatankuasa Pilihan Khas Pilihan Raya;
- ii. Jawatankuasa Pilihan Khas Hak Asasi Manusia dan Hal Ehwal Perlembagaan;
- iii. Jawatankuasa Pilihan Khas Hubungan dan Perdagangan Antarabangsa; dan
- iv. Jawatankuasa Pilihan Khas Sains, Inovasi dan Alam Sekitar.

¹⁰ ibid.

Melalui penambahan empat jawatankuasa pilihan khas ini khususnya Jawatankuasa Pilihan Khas Hak Asasi Manusia dan Hal Ehwal Perlembagaan, Jawatankuasa Pilihan Khas Hak Asasi dan Kesaksamaan Gender dinamakan semula sebagai Jawatankuasa Pilihan Khas Kesaksamaan Gender dan Pembangunan Keluarga.¹¹ Penambahan dan penamaan semula jawatankuasa pilihan khas ini menjadikan jumlah jawatankuasa pilihan khas Dewan Rakyat sebanyak 10 buah jawatankuasa pilihan khas.

Fungsi jawatankuasa pilihan khas adalah sebagai mekanisme semak dan imbang terhadap pihak Eksekutif dengan tidak mencampuri fungsi dan bidang kuasa yang telah ditetapkan kepada pihak Eksekutif. Peranan jawatankuasa pilihan khas sebagai salah satu instrumen Legislatif adalah memudahkan, menambah baik dasar-dasar Kerajaan supaya menjadi lebih cekap dan seterusnya memberi pengesahan kepada tindakan dan dasar yang dilaksanakan oleh Kerajaan. Peraturan Mesyuarat 83(4), Peraturan-peraturan Majlis Mesyuarat Dewan Rakyat menyatakan perbincangan jawatankuasa pilihan dihadkan kepada perkara yang diserahkan oleh Majlis kepadanya dan juga kepada apa-apa yang berkenaan dengan perkara tersebut seperti yang dibenarkan oleh Majlis Mesyuarat.

Perbincangan, siasatan, keputusan dan syor-syor yang ditetapkan oleh jawatankuasa pilihan khas hendaklah dikemukakan kepada Majlis Mesyuarat dalam bentuk penyata atau penyata khas tertakluk kepada Peraturan Mesyuarat 86, Peraturan-peraturan Majlis Mesyuarat Dewan Rakyat. Pembentangan penyata jawatankuasa pilihan khas kepada Majlis Mesyuarat Dewan Rakyat memberi ruang kepada Parlimen khususnya dan pihak awam amnya meneliti isu-isu yang dibincangkan dalam jawatankuasa pilihan khas. Sepanjang tempoh dua tahun terma penubuhan jawatankuasa pilihan khas berkenaan, beberapa jawatankuasa pilihan khas telah membentangkan penyata masing-masing kepada Majlis Mesyuarat Dewan Rakyat selaras dengan tujuan penubuhan dan terma rujukan yang ditetapkan. Berikut antara penyata jawatankuasa pilihan khas berkenaan:

- i. Penyata Jawatankuasa Pilihan Khas Bajet DR. 4 Tahun 2019 berkenaan 'Hutang dan Liabiliti Kerajaan' bertarikh 17 Julai 2019;¹²

11 Jawatankuasa Dewan, *Penyata Jawatankuasa Dewan Majlis Mesyuarat Dewan Rakyat* (DR 2018-2022, DR.6/2019), <<https://www.parlimen.gov.my/ipms/eps/2019-10-16/DR.6.2019%20-%20DR%206.2019.pdf>> dicapai 29 Ogos 2022.

12 Jawatankuasa Pilihan Khas Bajet, *Hutang dan Liabiliti Kerajaan* (DR 2018-2022, DR.4/2019), <<https://www.parlimen.gov.my/ipms/eps/2019-07-17/DR.4.2019%20-%20DR%204.2019.pdf>> dicapai 29 Ogos 2022.

- ii. Penyata Jawatankuasa Pilihan Khas untuk Melantik Jawatan-jawatan Utama Perkhidmatan Awam DR. 12 Tahun 2019 berkenaan 'Pelantikan Ketua Hakim Negara, Pelantikan Ketua Polis Negara, Pelantikan Pengerusi dan Ahli-ahli Suruhanjaya Hak Asasi Manusia (SUHAKAM) dan Pelantikan Ketua Pesuruhjaya Suruhanjaya Pencegahan Rasuah Malaysia (SPRM)' bertarikh 2 Disember 2019;¹³ dan
- iii. Penyata Jawatankuasa Pilihan Khas Hubungan dan Perdagangan Antarabangsa DR. 4 Tahun 2020 berkenaan 'Laporan Mesyuarat Jawatankuasa Pilihan Khas Hubungan dan Perdagangan Antarabangsa Bil. 1 Tahun 2020' bertarikh 2 November 2020.¹⁴

Seterusnya, berikutan perubahan kepimpinan di peringkat Kerajaan Persekutuan pada Mac 2020, Sistem Jawatankuasa Pilihan Khas Dewan Rakyat diteruskan dengan beberapa perubahan. Penubuhan jawatankuasa pilihan khas yang baharu diterima melalui Penyata Jawatankuasa Dewan DR. 3 Tahun 2020 bertarikh 2 November 2020.¹⁵ Kesemua 10 jawatankuasa pilihan khas sedia ada tidak diteruskan dan diganti dengan sembilan jawatankuasa pilihan khas seperti berikut:

- i. Jawatankuasa Pilihan Khas Kebebasan Asasi dan Hak-hak di bawah Perlembagaan;
- ii. Jawatankuasa Pilihan Khas Kewangan dan Ekonomi;
- iii. Jawatankuasa Pilihan Khas Keselamatan;
- iv. Jawatankuasa Pilihan Khas bagi Agensi-agensi di bawah Jabatan Perdana Menteri;

13 Jawatankuasa Pilihan Khas untuk Melantik Jawatan-jawatan Utama Perkhidmatan Awam, *Pelantikan Ketua Hakim Negara, Pelantikan Ketua Polis Negara, Pelantikan Pengerusi dan Ahli-ahli Suruhanjaya Hak Asasi Manusia (SUHAKAM), Pelantikan Ketua Pesuruhjaya Suruhanjaya Pencegahan Rasuah Malaysia (SPRM)* (DR 2018-2022, DR.12/2019), <<https://www.parlimen.gov.my/ipms/eps/2019-12-02/DR.12.2019%20-%20DR%2012.2019.pdf>> dicapai 29 Ogos 2022.

14 Jawatankuasa Pilihan Khas Hubungan dan Perdagangan Antarabangsa, *Laporan Mesyuarat Jawatankuasa Pilihan Khas Hubungan dan Perdagangan Antarabangsa Bil. 1 Tahun 2020* (DR 2018-2022, DR.4/2020), <<https://www.parlimen.gov.my/ipms/eps/2020-11-02/DR.4.2020%20-%20DR%204.2020.pdf>> dicapai 29 Ogos 2022.

15 Jawatankuasa Dewan, *Penyata Jawatankuasa Dewan Majlis Mesyuarat Dewan Rakyat* (DR 2018-2022, DR.3/2020), <<https://www.parlimen.gov.my/ipms/eps/2020-11-02/DR.3.2020%20-%20DR%203.2020.pdf>> dicapai 29 Ogos 2022.

- v. Jawatankuasa Pilihan Khas Pertanian dan Perdagangan Dalam Negeri;
- vi. Jawatankuasa Pilihan Khas Pembangunan Infrastruktur;
- vii. Jawatankuasa Pilihan Khas Pendidikan;
- viii. Jawatankuasa Pilihan Khas Hal Ehwal Wanita & Kanak-kanak dan Pembangunan Sosial; dan
- ix. Jawatankuasa Pilihan Khas Kesihatan, Sains dan Inovasi.

Sebagai tambahan, satu Seksyen Jawatankuasa Pilihan Dewan Rakyat telah ditubuhkan dengan penambahan perjawatan di Seksyen Penyata Rasmi di Bahagian Pengurusan Dewan Rakyat, Parlimen Malaysia. Penubuhan seksyen ini ialah bagi memastikan kesemua jawatankuasa pilihan khas yang ditubuhkan dapat berfungsi dengan lancar dan berkesan.

Berikutnya, satu Jawatankuasa Pilihan Khas Hal Ehwal Antarabangsa telah ditubuhkan melalui Penyata Jawatankuasa Dewan DR. 8 Tahun 2021 bertarikh 11 Oktober 2021 bagi menjadikan keseluruhan jawatankuasa pilihan khas sebanyak 10 jawatankuasa.¹⁶ Sistem Jawatankuasa Pilihan Khas di Dewan Rakyat yang dilaksanakan pada masa ini dibentuk bagi melaksanakan tugas semak dan imbang terhadap Kementerian yang berkaitan. Fungsi setiap jawatankuasa pilihan khas ini dipadankan dengan Kementerian seperti Jadual 1.

Jadual 1. Kluster Jawatankuasa Pilihan Khas Dewan Rakyat

Bil	Jawatankuasa Pilihan Khas	Kementerian
1.	Jawatankuasa Pilihan Khas Kebebasan Asasi dan Hak-hak di bawah Perlembagaan	(tiada Kementerian yang sepadan, sebaliknya Jawatankuasa bertanggungjawab berdasarkan isu)
2.	Jawatankuasa Pilihan Khas Kewangan dan Ekonomi	• Kementerian Perdagangan Antarabangsa dan Industri • Jabatan Perdana Menteri (Ekonomi) • Kementerian Kewangan

16 Jawatankuasa Dewan, *Penyata Jawatankuasa Dewan Majlis Mesyuarat Dewan Rakyat* (DR 2018-2022, DR.8/2021), <<https://www.parlimen.gov.my/ipms/eps/2021-10-11/DR.8.2021%20-%20DR%208.2021.pdf>> dicapai 29 Ogos 2022.

Bil	Jawatankuasa Pilihan Khas	Kementerian
3.	Jawatankuasa Pilihan Khas Keselamatan	• Kementerian Pertahanan • Kementerian Dalam Negeri
4.	Jawatankuasa Pilihan Khas bagi Agensi-agensi di bawah Jabatan Perdana Menteri	• Menteri di Jabatan Perdana Menteri (Hal Ehwal Sabah dan Sarawak) • Menteri di Jabatan Perdana Menteri (Tugas-Tugas Khas) • Menteri di Jabatan Perdana Menteri (Parlimen dan Undang-undang) • Menteri di Jabatan Perdana Menteri (Hal Ehwal Agama)
5.	Jawatankuasa Pilihan Khas Pertanian dan Perdagangan Dalam Negeri	• Kementerian Pertanian dan Industri Makanan • Kementerian Perdagangan Dalam Negeri dan Hal Ehwal Pengguna • Kementerian Perusahaan Perladangan dan Komoditi
6.	Jawatankuasa Pilihan Khas Pembangunan Infrastruktur	• Kementerian Kerja Raya • Kementerian Pengangkutan • Kementerian Perumahan dan Kerajaan Tempatan • Kementerian Pembangunan Luar Bandar
7.	Jawatankuasa Pilihan Khas Pendidikan	• Kementerian Pendidikan • Kementerian Pengajian Tinggi
8.	Jawatankuasa Pilihan Khas Kesihatan, Sains dan Inovasi	• Kementerian Kesihatan • Kementerian Sains, Teknologi dan Inovasi
9.	Jawatankuasa Pilihan Khas Hal Ehwal Wanita & Kanak-kanak dan Pembangunan Sosial	• Kementerian Pembangunan Wanita, Keluarga dan Masyarakat
10.	Jawatankuasa Pilihan Khas Hal Ehwal Antarabangsa	• Kementerian Luar Negeri

Sumber: Jawatankuasa Dewan, Dewan Rakyat

Amalan sistem jawatankuasa parlimen luar negara

Sistem jawatankuasa di parlimen luar negara merupakan suatu amalan yang telah diguna pakai di kebanyakan institusi legislatif yang

telah matang. Parlimen seperti United Kingdom, Australia dan New Zealand merupakan contoh badan perundangan yang telah menggunakan sistem jawatankuasa secara meluas dalam menjalankan fungsi dan peranan institusi legislatif masing-masing. Aspek-aspek yang diketengahkan dalam perbandingan ini bertujuan memberi gambaran kepada sistem jawatankuasa yang diamalkan di parlimen luar negara yang telah menstrukturkan sistem ini sebagai sebahagian daripada peraturan tetap di institusi legislatif masing-masing.

United Kingdom

Sistem jawatankuasa di *House of Commons*, United Kingdom merupakan antara sistem jawatankuasa yang terkehadapan dalam sistem parlimen *Westminster*. Sistem jawatankuasa ini mula diperkenalkan pada tahun 1979 dengan matlamat untuk mewujudkan suatu sistem yang memeriksa perbelanjaan, pentadbiran dan dasar jabatan-jabatan utama Kerajaan.¹⁷ Sehingga kini, sistem jawatankuasa di *House of Commons*, United Kingdom telah berkembang dan menjadi suatu sistem yang kompleks, sesuai dengan tempoh sistem ini mula diguna pakai di Parlimen United Kingdom. Sistem jawatankuasa yang diamalkan adalah berdasarkan jawatankuasa pilihan jabatan (*departmental select committee*) yang membayangi tugas dan fungsi setiap jabatan Kerajaan. Terdapat kira-kira 35 buah jawatankuasa di *House of Commons*, United Kingdom dengan 20 buah jawatankuasa pilihan jabatan.

Jadual 2. Jawatankuasa Pilihan *House of Commons*, United Kingdom dan Jabatan Kerajaan Utama yang Berkenaan

Bil	Jawatankuasa Pilihan Jabatan	Jabatan Kerajaan yang Berkenaan
1.	<i>Business, Energy and Industrial Strategy</i>	• <i>Business, Energy and Industrial Strategy</i>
2.	<i>Defence</i>	• <i>Ministry of Defence</i>
3.	<i>Digital, Culture, Media and Sport</i>	• <i>Department for Digital, Culture, Media and Sport</i>
4.	<i>Education</i>	• <i>Department for Education</i>

17 L. Maer, O. Gay & R. Kelly, *The Departmental Select Committee System – Research Paper 09/55 15 June 2009* (London, House of Commons Library, 2009) <<https://researchbriefings.files.parliament.uk/documents/RP09-55/RP09-55.pdf>> dicapai 30 Ogos 2022.

Bil	Jawatankuasa Pilihan Jabatan	Jabatan Kerajaan yang Berkenaan
5.	<i>Environment, Food and Rural Affairs</i>	• <i>Department for Environment, Food and Rural Affairs</i>
6.	<i>Foreign Affairs</i>	• <i>Foreign and Commonwealth Office</i>
7.	<i>Health and Social Care</i>	• <i>Department of Health and Social Care</i>
8.	<i>Home Affairs</i>	• <i>Home Office</i>
9.	<i>International Development</i>	• <i>Department for International Development</i>
10.	<i>International Trade</i>	• <i>Department for International Trade</i>
11.	<i>Justice</i>	• <i>Ministry of Justice (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers)</i>
12.	<i>Levelling Up, Housing and Communities</i>	• <i>Department for Levelling Up, Housing and Communities</i>
13.	<i>Northern Ireland Affairs</i>	• <i>Northern Ireland Office; administration and expenditure of the Crown Solicitor's Office (but excluding individual cases and advice given by the Crown Solicitor); and other matters within the responsibilities of the Secretary of State for Northern Ireland (but excluding the expenditure, administration and policy of the Office of the Director of Public Prosecutions, Northern Ireland and the drafting of legislation by the Office of the Legislative Counsel)</i>

Bil	Jawatankuasa Pilihan Jabatan	Jabatan Kerajaan yang Berkenaan
14.	<i>Science and Technology</i>	• <i>Government Office for Science</i>
15.	<i>Scottish Affairs</i>	• <i>Scotland Office (including (i) relations with the Scottish Parliament and (ii) administration and expenditure of the offices of the Advocate General for Scotland (but excluding individual cases and advice given within government by the Advocate General))</i>
16.	<i>Transport</i>	• <i>Department for Transport</i>
17.	<i>Treasury</i>	• <i>Treasury, HM Revenue & Customs</i>
18.	<i>Welsh Affairs</i>	• <i>Wales Office (including relations with the Wales Parliament/Senedd Cymru)</i>
19.	<i>Women and Equalities</i>	• <i>Government Equalities Office</i>
20.	<i>Work and Pensions</i>	• <i>Department for Work and Pensions</i>

Sumber: *Parlimen United Kingdom*¹⁸

Selain jawatankuasa pilihan jabatan, terdapat jawatankuasa yang bersifat silang fungsi yang meneliti isu-isu yang melangkaui sesuatu perkara di bawah tanggungjawab jabatan Kerajaan. Antara jawatankuasa yang juga dikenali sebagai *cross-cutting committee* ini ialah *Environmental Audit Committee*, *European Scrutiny Committee*, *Liaison Committee*, *Public Accounts Committee* dan *Public Administration Committee*. Keanggotaan dalam jawatankuasa pilihan jabatan adalah antara 11 dan 14 orang ahli yang dipilih berdasarkan kekuatan sesebuah parti politik dalam keseluruhan komposisi perwakilan di *House of Commons*, United Kingdom. Penentuan calon pengerusi jawatankuasa pilihan dirunding bersama Speaker dengan parti-parti politik setelah suatu pilihan raya umum selesai. Nama calon akan dicadangkan melalui usul dalam *House of Commons*, United Kingdom dan pemilihan pengerusi jawatankuasa pilihan dilaksanakan melalui undi rahsia dalam *House of Commons*, United Kingdom.¹⁹ Pemilihan pengerusi dan ahli jawatankuasa pilihan secara bebas yang mula diperkenalkan melalui rekomendasi *Reform of the House of Commons Committee* pada tahun 2009 diperakui sebagai

¹⁸ United Kingdom, House of Commons Standing Orders, SO. 152.

¹⁹ *ibid.* SO. 122B.

antara pembaharuan yang paling signifikan bagi meningkatkan kuasa, kredibiliti dan kebebasan jawatankuasa pilihan.²⁰

Philip Norton berpandangan bahawa penginstitutionian jawatankuasa pilihan di *House of Commons* mengukuhkan peranan proaktif badan legislatif terhadap kerajaan. Selain itu, keterangan yang dikemukakan di hadapan jawatankuasa oleh pihak luar daripada kerajaan pula, telah membekalkan anggota jawatankuasa dengan maklumat dan nasihat yang membolehkan mereka meneliti dan mencabar maklumat yang dibentangkan oleh pihak kerajaan.²¹ Menyedari kepentingan input pihak luar kepada jawatankuasa pilihan, penglibatan awam dengan jawatankuasa pilihan *House of Commons* dinyatakan sebagai suatu perkara yang perlu dicapai oleh jawatankuasa pilihan. Matlamat ini juga tidak terhad kepada sekadar meningkatkan penglibatan awam dengan jawatankuasa pilihan tetapi terhadap persoalan bagaimana penglibatan ini memberi input secara langsung kepada laporan akhir kerja jawatankuasa.²²

Australia

Sistem jawatankuasa di *House of Representatives*, Australia dijelaskan dalam Bab 16 *Standing Orders House of Representatives* Australia²³ dan dinyatakan melalui Jawatankuasa Tetap (*Standing Committee*), Jawatankuasa Pilihan (*Select Committee*) dan Jawatankuasa Bersama (*Joint Committee*). *House of Representatives* Australia menubuhkan Jawatankuasa Tetap yang diperuntukkan dalam *Standing Order* 215 yang ditubuhkan sepanjang tempoh sesuatu Parlimen dan akan ditubuhkan semula dalam Parlimen seterusnya selain mempunyai peranan yang berterusan. Jawatankuasa Tetap berkenaan ialah:

- i. *Standing Committee on Agriculture and Water Resources*;
- ii. *Standing Committee on Communications and the Arts*;

20 L. Fisher, 'The Growing Power and Autonomy of House of Commons Select Committees: Causes and Effects' (2015) 86(3) *The Political Quarterly* 419, 421.

21 P. Norton, 'Nascent institutionalisation: Committees in the British parliament' (1998) 4(1) *The Journal of Legislative Studies* 143, 151.

22 A. Walker, N. Jurczak, C. Bochel dan C. Leston-Bandeira, 'How Public Engagement Became a Core Part of the House of Commons Select Committees' (2019) 72(4) *Parliamentary Affairs* 965.

23 Australia, House of Representatives Standing Orders, SO. 214 Appointment of Standing Committees. Standing Committees shall be appointed at the beginning of each Parliament.

- iii. *Standing Committee on Economics;*
- iv. *Standing Committee on Employment, Education and Training;*
- v. *Standing Committee on the Environment and Energy;*
- vi. *Standing Committee on Health, Aged Care and Sport;*
- vii. *Standing Committee on Indigenous Affairs;*
- viii. *Standing Committee on Industry, Innovation, Science and Resources;*
- ix. *Standing Committee on Infrastructure, Transport and Cities;*
- x. *Standing Committee on Social Policy and Legal Affairs;* dan
- xi. *Standing Committee on Tax and Revenue.*

Kuasa jawatankuasa tetap ini termasuk menyiasat dan melaporkan apa-apa perkara yang dirujuk kepadanya oleh Parlimen atau seseorang Menteri. Perkara berkenaan termasuk cadangan rang undang-undang, usul, petisyen, undi dan perbelanjaan serta apa-apa dokumen dan laporan. Selain itu, laporan tahunan agensi Kerajaan dan laporan Ketua Audit Negara yang dibentangkan di Parlimen juga dirujuk secara terus ke jawatankuasa tetap sekiranya sebarang penyiasatan berkehendak dijalankan. Walau bagaimanapun, bagi melayakkan suatu penyiasatan dijalankan, perkara berikut perlu dipatuhi:

- i. Laporan dirujuk kepada suatu jawatankuasa berdasarkan jadual yang dibentangkan oleh Speaker yang menetapkan bidang pertanggungjawaban bagi setiap jawatankuasa.
- ii. Speaker diberi kuasa untuk menentukan sebarang perkara sekiranya bidang pertanggungjawaban tidak jelas atau bertindih antara satu jawatankuasa dengan yang lain.

Keanggotaan bagi setiap jawatankuasa seramai lapan orang (lima ahli Kerajaan dan tiga bukan Kerajaan). Manakala 10 orang ahli dilantik bagi *Standing Committee on Economics*, *Standing Committee on Employment, Education and Training*, dan *Standing Committee on Infrastructure, Transport and Cities*. Setiap jawatankuasa juga boleh melantik sehingga empat orang ahli tambahan (dua ahli Kerajaan dan dua bukan Kerajaan atau bebas) bagi sesuatu penyiasatan dengan hak penyertaan yang sama dengan ahli lain tetapi tiada hak mengundi.

Penubuhan jawatankuasa pilihan pula diperuntukkan dalam *Standing Order* 223 yang menyatakan bahawa Parlimen boleh melantik jawatankuasa pilihan melalui usul, dan hendaklah menetapkan tarikh bagi pelaporan prosiding jawatankuasa pilihan tersebut kepada Majlis Mesyuarat. Seorang ahli jawatankuasa pilihan hendaklah membentangkan laporan jawatankuasa pada atau sebelum tarikh yang ditetapkan, kecuali Majlis Mesyuarat membenarkan lanjutan masa. Oleh itu, jawatankuasa pilihan di *House of Representatives* Australia adalah bersifat *ad-hoc* dengan jangka hayat tertentu sahaja. Apabila laporan akhir jawatankuasa pilihan dibentangkan di Majlis Mesyuarat, jawatankuasa pilihan ini terhenti kewujudannya.²⁴

New Zealand

Jawatankuasa pilihan yang ditubuhkan oleh Parlimen dan hanya boleh melaksanakan fungsi dan kuasa yang diberikan oleh Parlimen. Dalam pengertian lain, jawatankuasa pilihan tidak mempunyai fungsi dan kuasa yang tidak dimiliki oleh Parlimen.²⁵ Sistem jawatankuasa di *House of Representatives*, New Zealand juga diperuntukkan di dalam *Standing Orders* setiap kali Parlimen baharu ditubuhkan. Jawatankuasa ini dikenal sebagai *subject select committees* dan 12 jawatankuasa ini berserta bidang subjek masing-masing ialah seperti berikut:

- i. ***Economic Development, Science and Innovation Committee:*** *business development, tourism, Crown minerals, commerce, consumer protection and trading standards, research, science, innovation, intellectual property, broadcasting, communications, information technology.*
- ii. ***Education and Workforce Committee:*** *education, training, employment, immigration, industrial relations, health and safety, accident compensation.*
- iii. ***Environment Committee:*** *conservation, environment, climate change.*
- iv. ***Finance and Expenditure Committee:*** *economic and fiscal policy, taxation, revenue, banking and finance, superannuation, insurance, Government expenditure and financial performance, public audit.*

24 Elder & Fowler (n 5) 647.

25 M. Harris & D. Wilson (eds), *McGee Parliamentary Practice in New Zealand Fourth Edition* (Auckland, Oratia Books, 2017) <<https://www.parliament.nz/media/4113/parliamentary-practice-in-nz-final-text.pdf>> dicapai 29 Ogos 2022.

- v. **Foreign Affairs, Defence and Trade Committee:** customs, defence, disarmament and arms control, foreign affairs, trade, veterans' affairs.
- vi. **Governance and Administration Committee:** public governance, parliamentary and legislative services, Prime Minister and Cabinet, State services, statistics, internal affairs, civil defence and emergency management, local government.
- vii. **Health Committee:** health.
- viii. **Justice Committee:** constitutional and electoral matters, human rights, justice, courts, crime and criminal law, police, corrections, Crown legal services.
- ix. **Māori Affairs Committee:** Māori affairs, Treaty of Waitangi negotiations.
- x. **Primary Production Committee:** agriculture, biosecurity, racing, fisheries, productive forestry, lands, and land information.
- xi. **Social Services and Community Committee:** social development, social housing, income support, women, children, young people, seniors, Pacific peoples, ethnic communities, arts, culture and heritage, sport and recreation, voluntary sector.
- xii. **Transport and Infrastructure Committee:** transport, transport safety, infrastructure, energy, building and construction.

Majlis Mesyuarat boleh merujuk apa-apa perkara untuk penyiasatan oleh jawatankuasa, namun, secara relatifnya bilangan perkara yang dirujuk kepada jawatankuasa adalah kecil kerana jawatankuasa pilihan mempunyai kuasa secara umum untuk menerima penerangan atau menjalankan penyiasatan berhubung perkara yang berkaitan dengan bidang subjek jawatankuasa tersebut. Walau bagaimanapun, sekiranya jawatankuasa berhasrat untuk menjalankan penyiasatan terhadap perkara di luar bidang subjek yang ditetapkan, jawatankuasa boleh memohon kebenaran daripada Majlis Mesyuarat.

Keanggotaan jawatankuasa pilihan tidak ditentukan melalui *Standing Orders*, tetapi ditentukan oleh *Business Committee*. Keanggotaan jawatankuasa juga bergantung kepada parti-parti politik yang mempunyai wakil di Parlimen serta keutamaan yang dikehendaki dilaksanakan oleh wakil-wakil parti masing-masing.²⁶ Peranan *Business*

26 ibid.

Committee ini diperakui mempunyai pengaruh terhadap ketelusan parlimen menjalankan urusannya termasuk bagaimana kerajaan merundingkan urusannya di dalam parlimen.²⁷ Setiausaha Dewan (*Clerk of the House*) ialah urus setia bagi Jawatankuasa pilihan dan secara praktiknya tugas ini dilaksanakan oleh seorang Setiausaha Jawatankuasa bagi pihak Setiausaha Dewan. Tugas Setiausaha Jawatankuasa termasuk mempengerusikan proses pelantikan Pengerusi Jawatankuasa, memberi nasihat berkaitan tatacara dan operasi jawatankuasa pilihan, menjalankan mesyuarat jawatankuasa, merekodkan apa-apa keputusan jawatankuasa, merangka program kerja jawatankuasa, mendraf laporan untuk dibentangkan kepada Majlis Mesyuarat dan memberi nasihat berhubung penglibatan awam. Selain itu, nasihat pakar dalam bidang subjek jawatankuasa disediakan oleh penyidik dari Perpustakaan Parlimen, manakala nasihat gubalan legislatif pula dari pejabat Setiausaha Dewan.²⁸

Sistem Jawatankuasa Pilihan Khas sebagai instrumen semak dan imbang legislatif

Dengan wujudnya Sistem Jawatankuasa Pilihan Khas yang tidak bersifat sementara dan terhad terhadap sesuatu isu tertentu sahaja, instrumen bagi fungsi dan peranan semak dan imbang Parlimen dapat dikembangkan. Pilihan untuk mengemukakan sesuatu perkara untuk perhatian Kerajaan atau awam tidak lagi terhad di dalam Majlis Mesyuarat atau Kamar Khas Dewan Rakyat, tetapi boleh dibawa ke jawatankuasa pilihan khas. Bahkan, jawatankuasa pilihan khas yang ditubuhkan juga mempunyai mandat yang lebih luas melalui terma penubuhan yang digariskan bagi meneliti perkara-perkara yang berada di bawah tanggungjawabnya. Berbanding jawatankuasa pilihan khas yang bersifat sementara terhadap sesuatu isu khusus, jawatankuasa pilihan khas ini boleh menimbangkan pelbagai perkara di bawah bidang tanggungjawabnya berdasarkan keutamaan yang difikirkan oleh jawatankuasa pilihan khas berkenaan.

Secara amnya, pelbagai perkara telah dipertimbangkan, diteliti dan disiasat oleh kesemua jawatankuasa pilihan khas yang ditubuhkan.

27 E. McLeay, 'Scrutiny and Capacity: An evaluation of the parliamentary committees in the New Zealand Parliament' (2006) 21(1) *Australasian Parliamentary Review* 158, 171.

28 Harris & Wilson (n 25).

Kreativiti dan kepekaan jawatankuasa pilihan khas dalam menimbang, meneliti dan menyiasat perkara di bawah bidang tanggungjawabnya secara langsung dan tidak langsung menambah baik peranan semak dan imbang Parlimen terhadap Kerajaan dan pada masa yang sama berupaya meningkatkan kebertanggungjawaban Kerajaan terhadap segala dasar dan tindakan yang diambil. Justeru, walaupun tidak semua jawatankuasa pilihan khas telah berhasil menyediakan penyata, beberapa penyata jawatankuasa pilihan khas yang telah dibentangkan kepada Majlis Mesyuarat Dewan Rakyat menggambarkan keseriusan dan kerja yang telah dilakukan oleh sesebuah jawatankuasa pilihan khas. Contohnya, Jawatankuasa Pilihan Khas Hal Ehwal Wanita dan Kanak-kanak dan Pembangunan Sosial yang membentangkan perbincangannya berhubung kes penderaan seksual terhadap kanak-kanak, pemerkasaan gender dan rang undang-undang antigangguan seksual, kewarganegaraan kanak-kanak, kes keganasan rumah tangga dan lain-lain lagi.²⁹

Jawatankuasa Pilihan Khas Kesihatan, Sains dan Inovasi pula membentangkan penyata berhubung kawalan tembakau dan merokok dan menggariskan beberapa syor terhadap Rang Undang-undang Kawalan Hasil Tembakau dan Merokok 2022.³⁰ Jawatankuasa Pilihan Khas Kesihatan, Sains dan Inovasi juga membentangkan penyata berkenaan mesyuarat jawatankuasa yang dijalankan meliputi penelitian terhadap perkara seperti situasi dan langkah kawalan pencegahan COVID-19 oleh Kerajaan, program imunisasi COVID-19 serta pemerkasaan sistem perkhidmatan kesihatan awam.³¹ Dua penyata oleh Jawatankuasa Pilihan Khas Kesihatan, Sains dan Inovasi ini menunjukkan peranan jawatankuasa pilihan khas dalam menimbang perkara-perkara

29 Jawatankuasa Pilihan Khas Hal Ehwal Wanita dan Kanak-kanak dan Pembangunan Sosial, *Penyata Mesyuarat-mesyuarat Jawatankuasa Pilihan Khas Hal Ehwal Wanita dan Kanak-kanak dan Pembangunan Sosial Bil. 1-9/2021, Bil. 1-2/2022* (DR 2018-2022, DR.14/2022), <<https://www.parlimen.gov.my/ipms/eps/2022-08-04/DR.14.2022%20-%20DR%2014.2022.pdf>> dicapai 30 Ogos 2022.

30 Jawatankuasa Pilihan Khas Kesihatan, Sains dan Inovasi, *Rang Undang-undang Kawalan Hasil Tembakau dan Merokok 2022* (DR 2018-2022, DR.9/2022), <<https://www.parlimen.gov.my/ipms/eps/2022-07-28/DR.9.2022%20-%20DR%209.2022.pdf>> dicapai 30 Ogos 2022.

31 Jawatankuasa Pilihan Khas Kesihatan, Sains dan Inovasi, *Laporan Jawatankuasa Pilihan Khas Kesihatan, Sains dan Inovasi* (DR 2018-2022, DR.13/2021), <<https://www.parlimen.gov.my/ipms/eps/2021-11-01/DR.13.2021%20-%20DR%2013.2021.pdf>> dicapai 30 Ogos 2022.

berkepentingan awam di bawah bidang tanggungjawabnya serta meneliti rang undang-undang di bawah bidang tanggungjawabnya.

Jawatankuasa pilihan turut memainkan peranan terhadap sesuatu rang undang-undang yang dibentangkan di Parlimen sepertimana yang diperuntukkan oleh Peraturan Mesyuarat 54(2), Peraturan-peraturan Majlis Mesyuarat Dewan Rakyat. Jadual 3 menunjukkan rang undang-undang yang dirujuk kepada jawatankuasa pilihan khas.

Jadual 3. Rang Undang-undang (RUU) yang Dirujuk kepada Jawatankuasa Pilihan Khas

Bil	Jawatankuasa Pilihan Khas	Rang Undang-undang (RUU)	Status
1.	Jawatankuasa Pilihan Khas Menimbang Rang Undang-undang	Rang Undang-undang Suruhanjaya Bebas Aduan Salah Laku Polis 2019	Laporan dikemukakan kepada Majlis Mesyuarat berikutan siri pendengaran awam terhadap rang undang-undang berkenaan. ³²
2.	Jawatankuasa Pilihan Khas Menimbang Rang Undang-undang Perlembagaan (Pindaan) (No. 3) 2022 dan Mengenai Peruntukan Larangan Ahli Dewan Rakyat Bertukar Parti	Rang Undang-undang Perlembagaan (Pindaan) (No. 3) 2022	Penyata dikemukakan ³³ kepada Majlis Mesyuarat sebelum rang undang-undang ini diluluskan di Dewan Rakyat pada 28 Julai 2022

32 Jawatankuasa Pilihan Khas Menimbang Rang Undang-undang Suruhanjaya Bebas Aduan Salah Laku Polis 2019, *Laporan Jawatankuasa Pilihan Khas Menimbang Rang Undang-undang Suruhanjaya Bebas Aduan Salah Laku Polis 2019* (DR 2018-2022, DR.10/2019), <<https://www.parlimen.gov.my/ipms/eps/2019-11-27/DR.10.2019%20-%20DR.10%20Tahun%202019%20-%20Laporan%20Jawatankuasa%20Pilihan%20Khas%20Menimbang%20Rang%20Undang-Undang%20Suruhanjaya%20Bebas%20Aduan%20Salah%20Laku%20Poli.1.pdf>> dicapai 1 September 2022.

33 Jawatankuasa Pilihan Khas Menimbang Rang Undang-undang Perlembagaan (Pindaan) (No. 3) 2022 dan Mengenai Peruntukan Larangan Ahli Dewan Rakyat Bertukar Parti, *Penyata Jawatankuasa Pilihan Khas Menimbang Rang Undang-undang Perlembagaan (Pindaan) (No. 3) 2022 dan Mengenai Peruntukan Larangan Ahli Dewan Rakyat Bertukar Parti* (DR 2018-2022, DR.7/2022), <<https://www.parlimen.gov.my/ipms/eps/2022-07-18/DR.7.2022%20-%20DR%207.2022.pdf>> dicapai 1 September 2022.

Bil	Jawatankuasa Pilihan Khas	Rang Undang-undang (RUU)	Status
3.	Jawatankuasa Pilihan Khas Menimbang Rang Undang-undang Kawalan Produk Tembakau dan Merokok 2022	Rang Undang-undang Kawalan Produk Tembakau dan Merokok 2022	Dalam penelitian Jawatankuasa. ³⁴

Sumber: Parlimen Malaysia

Selain itu, perkara yang diteliti oleh jawatankuasa pilihan khas turut dimaklumkan secara umum bagi menarik perhatian awam terhadap perkara yang dilakukan oleh jawatankuasa pilihan khas. Jawatankuasa Pilihan Khas Kebebasan Asasi dan Hak-hak di bawah Perlembagaan yang membincangkan isu buruh paksa dalam sektor perladangan dan pembuatan di Malaysia turut menuntut penjelasan pihak Kerajaan berhubung status Malaysia yang diletakkan di Tahap 3 dalam Laporan Perdagangan Orang 2021.³⁵ Jawatankuasa Pilihan Khas Hal Ehwal Antarabangsa pula menjalankan prosiding berhubung isu tuntutan kumpulan Sulu ke atas aset-aset negara.³⁶ Dalam isu ini, kuasa jawatankuasa pilihan khas dalam meneliti suatu perkara digambarkan dengan kuasanya memanggil Menteri Luar Negeri, Menteri di Jabatan Perdana Menteri (Parlimen dan Undang-undang) dan Peguam Negara menghadiri prosiding dan memberi keterangan di hadapan Jawatankuasa Pilihan Khas.³⁷

Secara keseluruhannya, kebanyakan Menteri, Timbalan Menteri, Ketua Setiausaha dan Ketua Jabatan telah hadir untuk membuat pembentangan dan terlibat dalam perbincangan isu yang dipertimbangkan oleh jawatankuasa pilihan khas. Selain itu, jawatankuasa pilihan khas turut

34 DR Deb 26 Ogos 2022, Bil. 26 <<https://www.parlimen.gov.my/files/hindex/pdf/DR-02082022.pdf>> dicapai 1 September 2022.

35 'Jawatankuasa Pilihan Khas syor agensi kerajaan beri penjelasan isu buruh paksa,' *Astro Awani* (21 Julai 2022) <<https://www.astroawani.com/berita-malaysia/jawatankuasa-pilihan-khas-syor-agensi-kerajaan-beri-penjelasan-isu-buruhpaksa-372244>> dicapai 30 Ogos 2022.

36 'Parlimen: Jawatankuasa Pilihan Khas mula prosiding isu Tuntutan Kumpulan Sulu 11 Ogos,' *Astro Awani* (26 Julai 2022) <<https://www.astroawani.com/berita-malaysia/parlimen-jawatankuasa-pilihan-khas-mula-prosiding-isu-tuntutan-kumpulan-sulu-11-ogus-372977>> dicapai 30 Ogos 2022.

37 'Prosiding isu tuntutan Sulu panggil menteri, peguam negara,' *BH Online* (26 Julai 2022) <<https://www.bharian.com.my/berita/nasional/2022/07/980439/prosiding-isu-tuntutan-sulu-panggil-menteri-peguam-negara>> dicapai 30 Ogos 2022.

membuka ruang kepada pihak luar seperti badan-badan bukan kerajaan, pertubuhan masyarakat sivil, ahli akademik dan individu untuk memberi maklum balas dan pandangan sama ada secara bersemuka atau bertulis. Kesediaan jawatankuasa pilihan khas memberi ruang kepada penglibatan awam diyakini mampu meningkatkan keberkesannya dalam menjalankan peranan semak dan imbang terhadap kerajaan. Jadual 4 menunjukkan jumlah mesyuarat jawatankuasa pilihan khas yang telah dijalankan sejak awal penubuhannya pada tahun 2019 sehingga tahun 2022.

Jadual 4. Bilangan Mesyuarat Jawatankuasa Pilihan Khas Dewan Rakyat, 2019-2022

Tahun	Bilangan Mesyuarat Jawatankuasa Pilihan Khas
2019	48
2020	4
2021	56 (Jawatankuasa pilihan khas tidak bermesyuarat semasa Parlimen digantung)
2022	64

Sumber: Parlimen Malaysia

Keberkesanan fungsi dan peranan jawatankuasa pilihan khas turut bergantung kepada komitmen dan kefahaman ahli jawatankuasa pilihan khas yang dilantik. Tidak dinafikan bahawa jawatankuasa pilihan khas merupakan sistem baharu di Malaysia dan memerlukan masa bagi sistem ini untuk mampu berfungsi dengan berkesan. Tambahan pula, pendekatan dalam jawatankuasa pilihan khas yang lebih bersifat perbincangan dalam satu bilik jawatankuasa yang lebih kecil adalah berbeza daripada perbahasan dalam Majlis Mesyuarat yang bersifat kepartian. Semua ini memberi kesan kepada sejauh mana ahli jawatankuasa pilihan khas dapat memainkan peranan mereka secara optimum dalam perbincangan jawatankuasa pilihan khas.

Komitmen pengerusi dan ahli jawatankuasa pilihan khas juga memainkan peranan terhadap keberkesanan sesuatu jawatankuasa pilihan khas melaksanakan fungsinya. Keanggotaan ahli Dewan Rakyat dalam mana-mana jawatankuasa pilihan khas dan penglibatan secara aktif dalam jawatankuasa pilihan khas akan mempengaruhi gerak kerja sesuatu jawatankuasa pilihan khas. Jadual 5 menunjukkan komposisi keanggotaan ahli Dewan Rakyat dalam 10 jawatankuasa pilihan khas

serta penglibatan sedia ada dalam Jawatankuasa Kira-kira Wang Negara (PAC), Parlimen Keempat Belas.

Jadual 5. Keanggotaan Ahli Dewan Rakyat dalam Jawatankuasa Pilihan Khas dan Jawatankuasa Kira-kira Wang Negara (PAC), Parlimen Keempat Belas

Bil	Komposisi	Bilangan ahli Kerajaan	Bilangan ahli Bukan Kerajaan (termasuk Bebas)
1.	Ahli sebagai Menteri	29	
2.	Ahli sebagai Timbalan Menteri	33	
3.	Ahli dengan satu jawatankuasa pilihan khas	25	39
4.	Ahli dengan dua jawatankuasa pilihan khas	10	1
5.	Ahli dengan tiga jawatankuasa pilihan khas	1	
6.	Ahli dengan jawatankuasa pilihan khas dan PAC	8	
	JUMLAH (tidak termasuk keanggotaan dalam PAC)	98	40

Sumber: Parlimen Malaysia

Berdasarkan komposisi tersebut, terdapat seorang ahli Dewan Rakyat yang menganggotai sehingga tiga jawatankuasa pilihan khas. Beberapa ahli juga menganggotai jawatankuasa pilihan khas dan turut menganggotai PAC. Dalam hal ini, terdapat ahli Dewan Rakyat yang menganggotai PAC dan dalam masa yang sama menjadi Pengerusi Jawatankuasa Pilihan Khas. Keanggotaan ini memberikan cabaran bukan sahaja kepada ahli tersebut, tetapi kepada jawatankuasa pilihan khas yang dipengerusikannya kerana komitmen yang tinggi diperlukan khususnya kepada kerja-kerja dalam PAC. Keseimbangan komposisi antara ahli Kerajaan dengan Bukan Kerajaan dalam jawatankuasa pilihan khas perlu diteliti semula memandangkan lebih separuh daripada ahli Bukan Kerajaan tidak menganggotai mana-mana jawatankuasa pilihan khas. Manakala hampir semua ahli Kerajaan yang bukan Eksekutif menganggotai jawatankuasa pilihan khas, bahkan ada yang menganggotai lebih daripada satu jawatankuasa pilihan khas.

Walau bagaimanapun, melalui persetujuan antara Kerajaan dan Pembangkang melalui Memorandum Persefahaman Transformasi dan

Kestabilan Politik (CSA) yang dimeterai pada 13 September 2021,³⁸ perkara berhubung Sistem Jawatankuasa Pilihan Khas turut diberi perhatian. Klausula 3.2 menyatakan bahawa “Memastikan Parlimen menstruktur semula Jawatankuasa Pilihan Khas yang sedia ada dan menambah lagi Jawatankuasa Pilihan Khas Parlimen...” dan klausula 3.3 menyatakan bahawa “Memastikan jumlah Ahli Parlimen Kerajaan dan Pembangkang yang menganggotai Jawatankuasa Pilihan Khas Parlimen adalah lebih seimbang supaya terbayang di dalamnya kadar parti masing-masing di dalam Majlis seperti termaktub di dalam Perkara 82(1) Peraturan Mesyuarat, dan memastikan Jawatankuasa Pilihan Khas Parlimen dipengerusikan secara sama rata oleh Ahli Parlimen Kerajaan dan Ahli Parlimen Pembangkang”.³⁹

Sehubungan dengan itu, daripada 10 jawatankuasa pilihan khas sedia ada, lima jawatankuasa pilihan khas dipengerusikan oleh ahli Dewan Rakyat daripada Kerajaan:

- i. Jawatankuasa Pilihan Khas Kebebasan Asasi dan Hak-hak di Bawah Perlembagaan;
- ii. Jawatankuasa Pilihan Khas Kewangan dan Ekonomi;
- iii. Jawatankuasa Pilihan Khas Agensi-agensi Di Bawah Jabatan Perdana Menteri;
- iv. Jawatankuasa Pilihan Khas Pembangunan Infrastruktur; dan
- v. Jawatankuasa Pilihan Khas Hal Ehwal Wanita dan Kanak-kanak dan Pembangunan Sosial.

Manakala lima lagi jawatankuasa pilihan khas dipengerusikan oleh ahli Dewan Rakyat daripada Pembangkang:

- i. Jawatankuasa Pilihan Khas Keselamatan;
- ii. Jawatankuasa Pilihan Khas Pertanian dan Perdagangan dalam Negeri;
- iii. Jawatankuasa Pilihan Khas Pendidikan;

38 Memorandum Persefahaman Transformasi dan Kestabilan Politik di antara Kerajaan Persekutuan dan Pakatan Harapan 13 September 2021 <<https://www.parlimen.gov.my/images/webuser/bkk/MOU.pdf>> dicapai 30 Ogos 2022.

39 *ibid.* lampiran, 4.

- iv. Jawatankuasa Pilihan Khas Kesihatan, Sains dan Inovasi; dan
- v. Jawatankuasa Pilihan Khas Hal Ehwal Antarabangsa.

Berikutan penstrukturan semula pengerusi jawatankuasa pilihan khas ini, komposisi ahli-ahli jawatankuasa pilihan khas juga distrukturkan semula daripada tujuh orang ahli kepada sembilan orang ahli yang melibatkan lima ahli daripada Kerajaan dan dua ahli daripada Pembangkang kepada lima ahli Kerajaan dan empat ahli Pembangkang. Penstrukturan semula komposisi ahli jawatankuasa pilihan khas ini merupakan perkembangan positif terhadap Sistem Jawatankuasa Pilihan Khas selaras dengan penanda aras yang dicadangkan bagi sebuah badan legislatif yang lebih demokratik. Justeru, langkah meningkatkan keanggotaan jawatankuasa pilihan khas ini membuka ruang kepada lebih ramai ahli Dewan Rakyat untuk terlibat dengan tugas jawatankuasa pilihan khas sekali gus memberi nilai tambah kepada kualiti dan kapasiti ahli Dewan Rakyat dalam menjalankan tugas dan peranan legislatif.

Perkara terakhir yang perlu diberi perhatian kepada Sistem Jawatankuasa Pilihan Khas adalah berhubung sistem sokongan yang melibatkan sumber manusia dan kewangan. Pada peringkat awal penubuhan Sistem Jawatankuasa Pilihan Khas, jawatankuasa pilihan khas diurussetiakan oleh sumber manusia sedia ada khususnya daripada Bahagian Pengurusan Dewan Rakyat. Keperluan untuk mewujudkan sekretariat khusus untuk mengurus setia jawatankuasa pilihan khas merupakan suatu pra-syarat kepada kelancaran dan keberkesanan fungsi dan peranan jawatankuasa pilihan khas. Seksyen Jawatankuasa Pilihan Khas di bawah Bahagian Pengurusan Dewan Rakyat mula diwujudkan pada tahun 2021 dengan perjawatan Ketua Penolong Setiausaha, Penolong Setiausaha, Pembantu Tadbir dan Pembantu Operasi. Seksyen ini dikembangkan lagi pada tahun 2022 dengan perjawatan Pegawai Penyelidik bagi membantu Pegawai Penyelidik Parlimen sedia ada daripada Bahagian Penyelidikan dan Perpustakaan yang membantu fungsi jawatankuasa pilihan khas.

Sekretariat Jawatankuasa Pilihan Khas semasa merupakan sumber guna sama antara kesemua jawatankuasa pilihan khas. Seramai 13 orang pegawai dan kakitangan bagi mengurus setia perjalanan 10 jawatankuasa pilihan khas merupakan kekangan semasa kepada kelancaran Sistem Jawatankuasa Pilihan Khas. Seorang Ketua Penolong Setiausaha yang menjalankan tugas Setiausaha Jawatankuasa bagi pihak Setiausaha Dewan Rakyat bagi kesemua 10 jawatankuasa pilihan khas perlu ditambah baik bagi meningkatkan keberkesanan jawatankuasa

pilihan khas. Amalan di *House of Representatives* Australia ialah dengan menentukan suatu jawatankuasa pilihan disokong oleh seorang setiausaha jawatankuasa, dua atau lebih pegawai penyelidik/program (bergantung kepada jumlah jawatankuasa pilihan khas yang perlu disokong) dan satu atau lebih kakitangan sokongan.⁴⁰ Walaupun suatu sekretariat jawatankuasa ini juga perlu menyokong lebih daripada satu jawatankuasa, namun, pasukan sekretariat ini mempunyai fokus dan keutamaan dalam mengurus setia jawatankuasa pilihan yang ditugaskan.

Selain sokongan sekretariat melalui sumber manusia yang mencukupi, jawatankuasa pilihan khas turut disokong dengan peruntukan kewangan. Peruntukan kewangan adalah penting bagi jawatankuasa pilihan khas menjalankan aktiviti dan fungsinya dengan berkesan. Fungsi dan peranan jawatankuasa pilihan khas dimantapkan susulan pemberian peruntukan tambahan berjumlah RM15 juta bagi meningkatkan keberkesanan tadbir urus jawatankuasa pilihan khas Parlimen. Antara inisiatif tersebut termasuk melantik pegawai dan kakitangan secara lantikan kontrak untuk memperkukuhkan pengurusan dan penyelarasan jawatankuasa pilihan khas Parlimen. Beberapa lawatan kerja telah dilakukan oleh jawatankuasa pilihan khas khususnya dalam meneliti dan memahami perkara yang ditimbangkan oleh jawatankuasa pilihan khas dengan lebih baik. Jawatankuasa Pilihan Khas Hal Ehwal Wanita dan Kanak-kanak dan Pembangunan Sosial contohnya telah mengadakan lawatan kerja ke London, United Kingdom antara lain bagi meneliti sistem sokongan terhadap mangsa kes penderaan kanak-kanak dan mekanisme dan inisiatif terhadap perlindungan kepada mangsa dan saksi.⁴¹ Selain daripada lawatan kerja, peruntukan kewangan juga merupakan aspek penting sekiranya jawatankuasa pilihan khas berhasrat menjalankan sebarang prosiding penyiasatan dan sesi libat urus berhubung perkara-perkara yang ditimbang dan diteliti oleh jawatankuasa pilihan khas.

Kesimpulan

Tujuan kertas ini ialah untuk memberikan gambaran kepada Sistem Jawatankuasa Pilihan Khas di Dewan Rakyat yang mula diperkenalkan

40 Elder & Fowler (n 5) 679.

41 Jawatankuasa Pilihan Khas Hal Ehwal Wanita dan Kanak-kanak dan Pembangunan Sosial, *Laporan Lawatan Kerja Jawatankuasa Pilihan Khas Hal Ehwal Wanita dan Kanak-kanak dan Pembangunan Sosial ke London, United Kingdom pada 23-26 Mei 2022* (DR 2018-2022, DR.15/2022), <<https://www.parlimen.gov.my/ipms/eps/2022-08-04/DR.15.2022%20-%20DR%2015.2022.pdf>> dicapai 30 Ogos 2022.

sebagai suatu sistem yang kekal dan berstruktur bermula tahun 2018. Sebagai suatu usaha penambahbaikan dan pembaharuan di Parlimen, Sistem Jawatankuasa Pilihan Khas dihasratkan untuk menambah instrumen semak dan imbang badan legislatif terhadap badan eksekutif. Selain itu, dengan penubuhan jawatankuasa pilihan khas yang dipadankan dengan kementerian dan jabatan Kerajaan yang berkaitan, aspek kebertanggungjawaban dan kecekapan Kerajaan dalam merangka dan melaksanakan dasar awam dapat dipertingkatkan.

Sebagai suatu sistem yang masih baharu, jawatankuasa pilihan khas perlu disokong dengan sistem sokongan yang meliputi sumber manusia yang cekap dan sumber kewangan yang mencukupi. Sekretariat Jawatankuasa Pilihan Khas yang sedia ada perlu terus berkembang sehingga pada suatu peringkat setiap jawatankuasa pilihan khas mempunyai sekretariat khusus yang mampu memberi fokus kepada tugas dalam jawatankuasa pilihan khas tersebut. Sistem sokongan ini adalah penting bagi memberi tanggapan yang betul kepada ahli-ahli Dewan Rakyat yang dilantik ke dalam sesebuah jawatankuasa pilihan khas bahawa peranan mereka dalam jawatankuasa pilihan khas adalah bermanfaat dan mempunyai impak tertentu. Ini secara tidak langsung menyediakan suatu 'laluan kerjaya' kepada ahli Dewan Rakyat melalui jawatankuasa pilihan khas untuk meningkatkan profil perwakilan dan politik masing-masing.

Komitmen ahli-ahli Dewan Rakyat yang dilantik menganggotai jawatankuasa pilihan khas juga merupakan salah satu faktor penentu keberkesanan sesuatu jawatankuasa pilihan khas. Keupayaan ahli-ahli yang menganggotai jawatankuasa pilihan khas dalam memahami perkara-perkara di bawah bidang tanggungjawab jawatankuasa pilihan khas masing-masing mampu memberi nilai tambah kepada sejauh mana perkara yang ditimbang dan diteliti oleh sesuatu jawatankuasa berupaya menghasilkan impak. Formula yang tepat bagi penentuan komposisi keanggotaan dalam jawatankuasa pilihan khas pula merupakan perkara yang saling berkaitan dengan komitmen ahli-ahli Dewan Rakyat yang dilantik dalam jawatankuasa pilihan khas.

Sebagai kesimpulan, Sistem Jawatankuasa Pilihan Khas di Dewan Rakyat merupakan suatu instrumen yang perlu diguna pakai untuk meningkatkan kualiti dan tahap Parlimen Malaysia ke arah suatu institusi legislatif yang dihormati. Fungsi semak dan imbang jawatankuasa pilihan khas juga boleh membantu Kerajaan melaksanakan tanggungjawabnya secara kolektif terhadap Parlimen sepertimana diperuntukkan dalam

Perkara 43(3) Perlembagaan Persekutuan. Akhir sekali, keberkesanan jawatankuasa pilihan khas Parlimen dinyatakan sebagai —

Oleh kerana komposisi dan kaedah tatacara, yang berstruktur tetapi secara relatifnya adalah tidak formal berbanding Majlis Mesyuarat, jawatankuasa adalah lebih sesuai untuk mengumpul bukti daripada kumpulan pakar atau individu. Dalam erti kata lain mereka ‘membawa Parlimen kepada rakyat’ dan membenarkan perhubungan terus antara ahli-ahli dengan awam. Bukan sahaja penyiasatan jawatankuasa membolehkan ahli untuk lebih memahami pandangan masyarakat, namun dengan menjalankan suatu penyiasatan, jawatankuasa sebenarnya mempromosikan perbincangan awam berhubung sesuatu perkara.⁴²

Perakuan

Draf awal kertas ini telah dibentangkan oleh Yang di-Pertua Dewan Rakyat di Persidangan Speaker-speaker Parlimen dan Dewan Undangan Negeri Se-Malaysia Tahun 2022, Pulau Langkawi, Kedah Darul Aman, 10 September 2022 dan telah mendapat kebenaran untuk diterbitkan.

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Pengukuhan Perkhidmatan Penyelidikan Bagi Keberkesanan Parlimen

Strengthening Research Services for the Effectiveness of Parliament

Siti Fahlizah Padlee and Norlizawaty Abdu Samad***

Abstrak

Bahagian Penyelidikan dan Perpustakaan Parlimen Malaysia merupakan satu bahagian di Parlimen Malaysia yang menawarkan perkhidmatan penyelidikan dan menyediakan sumber maklumat kepada ahli parlimen merentasi parti politik. Pengukuhan perkhidmatan bahagian ini dengan memastikan akses perkhidmatan kepada penyelidikan yang tidak berat sebelah, terkini dan kemudahan maklumat yang bermutu dalam memberi impak keberkesanan parlimen sebagai satu badan legislatif di negara ini. Kajian ini memaparkan fungsi dan produk-produk penyelidikan oleh Bahagian Penyelidikan dan Perpustakaan dalam mengukuhkan lagi fungsi dan peranannya di dalam institusi parlimen. Penerokaan kepada persamaan dan perbezaan fungsi dan produk turut dilaksanakan pada bahagian penyelidikan di tiga parlimen luar negara iaitu *UK Parliament*, *Parliament House of Australia* dan *New Zealand Parliament*. Pemilihan tiga negara ini adalah merupakan rujukan amalan utama yang diguna pakai oleh Parlimen Malaysia sejak penubuhannya pada 1959. Pengumpulan data dilakukan melalui laman web rasmi *House of Commons Library*, *Parliamentary Library-Parliament of Australia* dan *Parliamentary Library-New Zealand Parliament* serta jawapan bertulis oleh pegawai-pegawai daripada *House of Commons Library*, *UK Parliament*, *Parliamentary Library*, *Parliament House of Australia* dan *Parliamentary Information Service, New Zealand Parliament* yang dihantar menggunakan emel. Kajian ini mendapati pengukuhan Bahagian Penyelidikan dan Perpustakaan Parlimen Malaysia melalui mempertingkatkan aspek perkhidmatan dan kompetensi dengan adanya pertambahan produk-produk baharu seperti

* Siti Fahlizah Padlee is a former Research Officer at the Parliament of Malaysia and currently PhD candidate in Political Science at Universiti Kebangsaan Malaysia.

** Norlizawaty is a Director of Policy and Strategic Planning Division from Immigration Department of Malaysia.

penulisan pendapat dan nota editorial di akhbar tempatan dan penulisan artikel jurnal. Selain itu, pengukuhan bahagian ini turut melibatkan kolaborasi kerjasama dengan ahli akademik dan masyarakat sivil dalam penganjuran aktiviti berbentuk ilmiah. Dapatan juga menyarankan syor pertambahan jumlah bilangan pegawai penyelidik yang bertugas di Bahagian Penyelidikan dan Perpustakaan Parlimen Malaysia bagi memenuhi jumlah tanggungan kerja dan output produk yang tinggi.

Kata kunci: penyelidikan, parlimen, produk, ahli parlimen, perkhidmatan

Abstract

The Malaysian Parliamentary Research and Library Division is a division of the Parliament Malaysia that offers research services and informational resources to parliamentary members across political parties. Strengthening the service of this research division by ensuring that accessing the research service with non-partisan, timely and facilitating quality information in providing more effectiveness of parliament as a legislative body in this country. This study explores the functions and research products introduced by this division to further strengthen its function and role in the parliamentary institution. Exploration of the similarities and differences in functions and products was also conducted involving the research section in three foreign parliaments, namely the UK Parliament, Parliament House of Australia, and New Zealand Parliament. The selection of these three countries is the main reference of Parliament Malaysia since its establishment in 1959. Data collection was done through the official websites of the House of Commons Library, Parliamentary Library-Parliament of Australia, and Parliamentary Library-New Zealand Parliament as well as written responses sent via emails by officials from the House of Commons Library, UK Parliament, Parliamentary Library, Parliament House of Australia, and Parliamentary Information Service, New Zealand Parliament. The findings showed that the Research and Library Division of the Parliament of Malaysia has improved its service and competency with the addition of new products such as opinions and editorial writings in local newspaper and article journal. Furthermore, strengthening this research division also involves external participation, particularly by the academicians and civil society, in various academic activities organised by this division. The findings further suggest the need to increase the number of research officers working at the Research and Library Division of the Parliament of Malaysia to meet the high workload and product output.

Keywords: research, parliament, product, parliamentarian, services

Pengenalan

Institusi parlimen merupakan satu badan perundangan yang mempunyai nilai demokrasi seperti perwakilan, telus, aksesibiliti dan keberkesanan. Bagi memenuhi nilai-nilai tersebut, tentunya ahli parlimen memerlukan akses kepada penyelidikan yang tidak berat sebelah, terkini dan kemudahan maklumat yang bermutu.¹ Ahli parlimen yang berpengetahuan memainkan peranan penting dalam menggubal dasar dan membuat keputusan. Oleh itu, penubuhan penyelidikan parlimen memberi kepentingan dalam membantu ahli parlimen dengan menawarkan perkhidmatan penyelidikan secara percuma, bebas daripada pengaruh mana-mana parti politik serta perkhidmatannya boleh digunakan pada bila-bila masa.²

Daripada sudut lain pula, penyelidikan parlimen dilihat sebagai satu gabungan kepakaran para penyelidik berpengetahuan dan mahir sebagai sebuah badan pemikir, persatuan profesional, kumpulan berkepentingan, ahli akademik dan penasihat politik. Malah, para penyelidik juga haruslah mempunyai pengetahuan dalam pentadbiran kerajaan.³ Berdasarkan pada terminologinya, terdapat istilah perpustakaan parlimen atau legislatif perpustakaan yang menjelaskan maksud fungsinya iaitu untuk memberi perkhidmatan penyelidikan dan maklumat yang berkaitan tentang parlimen.⁴ Sejarah perkembangan objektif penubuhan penyelidikan parlimen untuk menawarkan perkhidmatan profesional yang mempunyai produk yang berkualiti tinggi kepada ahli parlimen dan juga kepada pemegang taruh yang lain. Penyelidikan parlimen juga telah menawarkan perkhidmatan berorientasikan teknologi maklumat

1 D. Beetham, *Parliament and democracy in the twenty-first century: A guide to good practice*, (Geneva: Inter-Parliamentary Union, 2006) 35 <<https://www.ipu.org/resources/publications/handbooks/2016-07/parliament-and-democracy-in-twenty-first-century-guide-good-practice>>.

2 K. Jones, 'One step at a time: Australian parliamentarians, professionalism and the need for staff. *Parliamentary Affairs*', (2006) 59(4), 638–653 <<https://doi.org/10.1093/pa/gsl015> David Jágó>.

3 Ibid.

4 H. G. B. Angheliescu, 'Historical Overview: The Parliamentary Library from Past to Present,' in: *Changing Visions: Parliamentary Libraries Past, Present, and Future* (Gro Sandgrind and Hermina G.B. Angheliescu, eds.), Special themed issue of *Library Trends*, 58/4 (2010): 418434, <<https://www.ideals.illinois.edu/handle/2142/16672>>.

seiring dengan perubahan teknologi.⁵ Walau bagaimanapun, dalam proses pemodenan kepada peralatan dan pelaksanaan perkhidmatan penyelidikan berkemungkinan tidak dapat dilaksanakan jika terdapat kekangan peruntukan parlimen yang keputusan peruntukan selalunya diputuskan dengan campur tangan ahli politik.⁶ Hal ini, memberi kesan kepada keberkesanan pengukuhan penyelidikan dan juga secara tidak langsung mempengaruhi keberkesanan parlimen.

Kumpulan penyelidik dilantik sebagai staf parlimen bagi menjalankan tugas dalam mencari bahan maklumat kepada ahli parlimen. Kebanyakan jumlah bilangan penyelidik adalah mengikut keperluan perkhidmatan penyelidikan di perpustakaan berkenaan. Selain itu, perkhidmatan perpustakaan juga berfungsi sebagai pusat pengumpulan koleksi buku, jurnal dan majalah melalui pangkalan data langganan elektronik. *U.S Library Congress*, contohnya menyaksikan pengumpulan sebanyak 110 juta buku dan 75,000 koleksi langganan bulanan.⁷ Kertas ini bertujuan untuk membincangkan penubuhan Bahagian Penyelidikan dan Perpustakaan di Parlimen Malaysia serta pengukuhan penubuhannya agar fungsi bahagian ini kekal relevan serta memberi impak kepada keberkesanan parlimen, bermula pada tahun 2005 hingga 2022. Perbincangan dibahagikan kepada empat bahagian iaitu;

- i) garis panduan penubuhan penyelidikan di parlimen yang disediakan oleh *Inter-Parliamentary Union (IPU)* dan *International Federation of Library Associations and Institutions (IFLA)*,
- ii) amalan penyelidikan parlimen di luar negara,
- iii) latar belakang penubuhan Bahagian Penyelidikan dan Perpustakaan Parlimen Malaysia, dan
- iv) perbincangan dan kesimpulan kajian.

5 F. Fitsilis, 'Strengthening the Capacity of Parliaments through Development of Parliamentary Research Services. 13th Workshop of Parliamentary Scholars and Parliamentarians', 29-30 July 2017 Wroxton College, Oxfordshire, UK <https://www.researchgate.net/publication/314095636_Strengthening_the_Capacity_of_Parliaments_through_Development_of_Parliamentary_Research_Services?enrichId=rgreq-2084c50fd6b2c3305c767a16a4d945c0-XXX&enrichSource=Y292ZXJQYWdlOzMxNDA5NTYzNjBUzo1MTU5NTQ5NTkyNDEyMTIAMSUwMDAyNDY1NjY1NQ%3D%3D&el=1_x_3&_esc=publicationCoverPdf>.

6 F. Fitsilis (n 5).

7 R. Pelizzo, 'Parliamentary Libraries, Institutes and Offices: The Sources of Parliamentary Information' (2004). *World Bank Institute*. <https://www.researchgate.net/publication/228190716_Parliamentary_Libraries_Institutes_and_Offices_The_Sources_of_Parliamentary_Information> .

Metodologi kajian ini menggunakan kaedah kualitatif dengan menggunakan kaedah pengumpulan data primer dan data sekunder yang dianggap paling sesuai dengan mengambil kira keterlibatan tempoh masa yang terhad. Kaedah kajian dengan menggunakan pendekatan kualitatif ini memfokuskan kepada konstruktivisme dan interpretasi.⁸ Selain itu, kaedah kualitatif juga menerangkan tentang suatu aktiviti pengkaji di dalam dunia sebenar pengkajian yang melibatkan praktis amalan penyediaan set material di lapangan dan interpretasi yang menerangkan tentang sesuatu bidang pengkajian kepada pengetahuan umum.⁹ Bagi kaedah pengumpulan data primer pula akan menerangkan tentang pengumpulan data baharu dan belum pernah dianalisis serta ianya bertujuan bagi menjawab persoalan kajian.¹⁰ Oleh itu, pengumpulan maklumat kajian ini dengan menggunakan data primer adalah melalui kaedah jawapan bertulis yang dihantar oleh pegawai-pegawai *House of Commons Library, UK Parliament, Parliamentary Library, Parliament House of Australia* dan *Parliamentary Information Service, New Zealand Parliament* melalui e-mel. Manakala, definisi data sekunder ialah data yang berkaitan dengan maklumat yang telah dikumpul ataupun ditulis oleh penyelidik lain.¹¹ Data sekunder yang diperolehi dalam kajian ini adalah daripada maklumat yang terdapat pada laman web rasmi *UK Parliament, Parliament House of Australia* dan *New Zealand Parliament*.

Garis Panduan Penubuhan Penyelidikan di Parlimen yang disediakan oleh *Inter-Parliamentary Union (IPU)* dan *International Federation of Library Associations and Institutions (IFLA)*

Inter-Parliamentary Union (IPU) merupakan satu organisasi gabungan parlimen negara-negara luar yang telah ditubuhkan pada tahun 1889. Pada peringkat awal, penubuhan organisasi ini merupakan idea sekumpulan ahli parlimen yang komited untuk mempromosikan keamanan melalui diplomasi dan dialog antara parlimen. Organisasi ini terus berkembang dengan pertambahan jumlah keanggotaan seramai 178 ahli dan 14 ahli bersekutu. Penubuhan organisasi ini merupakan satu mekanisme bagi diplomasi parlimen dan pemerkasaan ahli parlimen

8 V. Jupp, *The Sage Dictionary of Social Research Methods*, (Sage Publications, 2006) 250 <<http://text-translator.com/wp-content/filesfa/Dic-of-Social-Research.pdf>>. Diakses pada 21 Februari 2023.

9 Denzin, N.K & Lincoln, Y.S, *Introduction: The Discipline and Practice of Qualitative Research*, (Sage Publications, 2008). 1-40.

10 F. Fitsilis (n 5).

11 Bailey. K.D, *Methods Of Social Research*, 1994, (The Free Press, 1994) 447.

dalam mempromosikan keamanan, demokrasi dan memastikan pembangunan mampan di dunia ini.¹² Manakala, *International Federation of Library Associations and Institutions* (IFLA) merupakan gabungan organisasi perpustakaan global yang bermatlamat untuk melindungi kepentingan profesion perpustakaan dan menambah baik perkhidmatan perpustakaan di seluruh dunia. IFLA memperoleh manfaat dan sokongan teguh daripada ahli IFLA, komuniti profesional dan kolaborasi dengan rakan kongsi.¹³

Dengan merujuk garis panduan perkhidmatan penyelidikan parlimen yang diterbitkan oleh IPU dan IFLA, kedua-dua organisasi ini telah menyenaraikan lima fasa utama penubuhan perkhidmatan penyelidikan parlimen. Fasa pertama, tadbir urus, fasa kedua penjelasan mandat, fasa ketiga penentuan pelaksanaan servis perkhidmatan operasi, fasa keempat menjalin kerjasama atau kolaborasi dan fasa kelima, laporan perkhidmatan. Fasa pertama adalah berkaitan pelaksanaan tadbir urus dalam aspek tanggungjawab perkhidmatan dengan kerjasama perpustakaan parlimen. Perkhidmatan penyelidikan dan juga perpustakaan parlimen berperanan dalam mengumpul koleksi rekod parlimen dan juga bertanggungjawab mencari maklumat kepada klien utama iaitu ahli parlimen. Fasa ini juga menerangkan tentang keperluan untuk melantik penyelidik yang datang daripada pelbagai bidang dalam melaksanakan tugas penyelidikan. Hal ini penting bagi mendapat kepercayaan ahli parlimen dan menghasilkan penyelidikan yang berkualiti. Bahkan, produk penyelidikan juga mestilah bebas dan perkhidmatan penyelidikan seharusnya mempunyai hubungan kerjasama yang efektif dengan perpustakaan dalam mendapatkan data dan maklumat bagi tujuan penyelidikan demi memenuhi keperluan ahli parlimen.¹⁴

Fasa kedua dalam garis panduan ini membincangkan tentang mandat penubuhan perkhidmatan penyelidikan yang memfokuskan kepada objektif penubuhan perkhidmatan penyelidikan yang jelas agar dapat memenuhi permintaan selaras dengan sumber yang terdapat pada perkhidmatan penyelidikan tersebut. Selain itu, klien utama yang

12 Inter-Parliament Union, For Democracy, For Everyone, <https://www.ipu.org/about-us>.

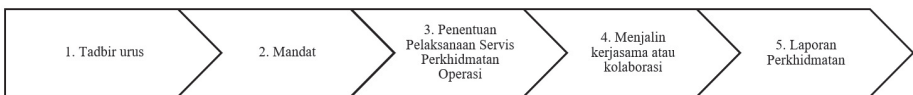
13 International Federation of Library Associations and Institutions, <https://www.ifla.org/about/>.

14 Guidelines for Parliamentary Research Services, Inter-Parliamentary Union (IPU) and the International Federation of Library Associations and Institutions (IFLA), 2015, 14-15 < <http://archive.ipu.org/pdf/publications/research-en.pdf> >.

mendapatkan akses perkhidmatan penyelidikan ini adalah kumpulan parti politik, individu-individu daripada parti politik atau orang awam. Objektif dan aktiviti perkhidmatan penyelidikan akan terus berkembang jika terdapat keperluan oleh ahli parlimen dan juga pemberian peruntukan bajet yang bersesuaian.¹⁵ Fasa ketiga, pelaksanaan operasi juga perlu dititikberatkan dalam garis panduan IPU dan IFLA. Pelaksanaan operasi ini memerlukan pelantikan penyelidik yang memenuhi kriteria yang telah ditetapkan. Kredibiliti dan prestasi perkhidmatan penyelidikan akan terjejas jika melantik penyelidik yang tidak mahir dan kurang profesional dalam bidang penyelidikan.¹⁶

Fasa keempat, penyelidikan parlimen perlu menjalin dan mengukuhkan lagi hubungan kerjasama dan sokongan di antara penyelidik parlimen dengan pemegang taruh seperti Kementerian, ahli akademik dan masyarakat sivil. Kepentingan menjalinkan kerjasama dengan Kementerian dapat memantapkan lagi pengetahuan dan penyelidikan terhadap polisi yang dirangka oleh Kementerian. Bahkan, penyelidikan parlimen juga perlu memanfaatkan kepakaran yang dimiliki oleh ahli akademik kerana golongan ini dilihat tiada kecenderungan berpolitik atau *non-partisan*. Selain itu, pentingnya mempunyai jalinan hubungan kerjasama dengan masyarakat sivil yang mempunyai kepakaran dan menjadi rujukan dalam sesuatu isu.¹⁷ Fasa kelima, penghasilan laporan oleh penyelidikan parlimen penting sebagai satu peluang kepada penyelidikan untuk membincangkan penambahbaikan aktiviti penyelidikan agar selaras dengan mandat atau objektif yang telah ditetapkan.¹⁸

Rajah 1: Lima fasa penubuhan penyelidikan parlimen yang terdapat dalam garis panduan IPU dan IFLA



15 Guidelines for Parliamentary Research Services, Inter-Parliamentary Union (IPU) and the International Federation of Library Associations and Institutions (IFLA), 2015, 16-18 < <http://archive.ipu.org/pdf/publications/research-en.pdf>>,

16 Ibid.

17 Guidelines for Parliamentary Research Services, Inter-Parliamentary Union (IPU) and the International Federation of Library Associations and Institutions (IFLA), 2015, 37-38 < <http://archive.ipu.org/pdf/publications/research-en.pdf>>,

18 Guidelines for Parliamentary Research Services, Inter-Parliamentary Union (IPU) and the International Federation of Library Associations and Institutions (IFLA), 2015, 37-38 < <http://archive.ipu.org/pdf/publications/research-en.pdf>>41.

Amalan Bahagian Penyelidikan Parlimen di Luar Negara

Terma model *Westminster* mempunyai penerangan yang pelbagai iaitu seperti perlembagaan English,¹⁹ perbandingan negara-negara yang mempunyai sistem British²⁰ dan negara-negara yang melaksanakan sistem *Westminster*.²¹ Model *Westminster* juga interpretasi yang memperjelaskan tentang ciri dan kepercayaan perlembagaan yang mempunyai pelbagai fungsi yang menjadi satu institusi dan satu tradisi yang sah,²² serta ianya turut dikaitkan sebagai satu budaya dan satu fenomena sejarah.²³ Model *Westminster* juga adalah dijelaskan sebagai satu sistem yang berlawanan dengan sistem berpresiden seperti yang diguna pakai oleh negara Amerika Syarikat.²⁴ Oleh itu, Britain merupakan sumber contoh utama sebagai negara demokrasi *Westminster*.²⁵ Model ini menerangkan sistem perwakilan di parlimen dan negara-negara yang menjadi rujukan utama selain Britain ialah Kanada, Australia dan New Zealand disebabkan negara-negara ini merupakan bekas jajahan British dan juga merupakan negara Komanwel.²⁶ Pada awal penubuhan Parlimen *Westminster* iaitu pada tahun 1295,²⁷ menyaksikan struktur parlimen ini tidak mempunyai raja dan hanya satu dewan sahaja tidak seperti yang diamalkan pada masa kini. Evolusi penambahbaikan Parlimen *Westminster* secara berterusan dilihat dengan adanya pengwujudan dua Dewan di bawah Mahkota Permaisuri, percukaian dan undang-undang di bawah Tudors,

19 Rhodes RAW, Wanna J and Weller P, '*Comparing Westminster*'. (Oxford: Oxford University Press, 2009).

20 Pinto-Duschinsky M, "Send the rascals packing: Defects of proportional representation and the virtues of the Westminster model." (1999) *Representation* 36(2), 117-126.

21 Eggers A and Spirling A, "Party Cohesion in Westminster Systems: Inducements, Replacement and Discipline in the House of Commons, 1836-1910." (2016) *British Journal of Political Science* 46(3), 567-89.

22 De Smith SA, "Westminster's export models: the legal framework of responsible government." (1961) *Journal of Commonwealth Studies* 1(1), 3-16.

23 M. Russell and R. Serban, *The Muddle of the 'Westminster Model': A Concept Stretched beyond Repair*, University College London (2020), London School of Economics and Political Science.

24 Simeon R and R.BA, "Reflections on comparing federalisms: Canada and the United States." (2010) *Publius: The Journal of Federalism* 40(3), 1-9.

25 Lijphart A, '*Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*'. (1999) London and New Haven: Yale University Press.

26 M. Russell and R. Serban (n 23).

27 M. Bond, *The History of Parliament and The Evolution of Parliamentary Procedure*, House Of Lords Record Office 1966 <<https://www.parliament.uk/globalassets/documents/parliamentary-archives/evolution.pdf>> Diakses pada 2/3/2023.

organisasi staf Parlimen, penempatan dan prosedur yang teratur dan berstruktur.²⁸ Di bahagian ini, terdapat tiga negara yang dikemukakan dengan memaparkan kajian amalan bahagian penyelidikan parlimen bagi negara-negara komanwel seperti *UK Parliament*, *Parliament House of Australia* dan *New Zealand Parliament*.

UK Parliament

House of Commons Library telah wujud sejak tahun 1818.²⁹ Penubuhan unit penyelidikan yang bernaung di bawah perpustakaan parlimen adalah bebas daripada mana-mana parti politik serta bertanggungjawab dalam menyediakan pelbagai maklumat kepada ahli parlimen. Perkongsian produk merangkumi artikel, penyelidikan secara terperinci, papan muka interaktif dan *podcast*. Produk-produk ini bukan sahaja dapat diakses oleh ahli parlimen, bahkan orang awam juga dapat mengakses produk-produk ini. Bahagian ini juga dianggotai seramai 87 pegawai penyelidik muda dan senior yang dibahagikan kepada lapan kumpulan mengikut kepakaran masing-masing. Namun begitu, keseluruhan jumlah pegawai penyelidik ini tidak meliputi kakitangan dan pegawai *Library Services* yang menjalankan tugas penyelidikan bagi tujuan bibliografi, pegawai penyelidik daripada bahagian *Parliamentary Office of Science and Technology* serta pegawai penyelidik yang mempunyai bidang kepakaran khusus yang menjalankan tugas penyelidikan di Jawatankuasa Pilihan Khas.³⁰ Unit ini juga mempunyai pembahagian sebanyak enam produk utama iaitu

- i) *insights*,
- ii) *research briefings*,
- iii) *debate packs*,
- iv) *data tools and resources*,
- v) *constituency casework article*, dan
- vi) *podcast*.

28 Ibid.

29 A Brief Chronology of the House of Commons, House of Commons Information Office, 2010.

30 E. Wood, Director of Service Development, House of Commons Library. 2022.

Setiap produk penyelidikan ini adalah berkaitan dengan lapan topik utama iaitu

- i) Brexit,
- ii) Corona Virus,
- iii) *economy, business, and transportation*,
- iv) *home affairs*,
- v) *parliament and elections*,
- vi) *science, environment, and technology*,
- vii) *social policy*, dan
- viii) *world affairs*.³¹

Penubuhannya selama 204 tahun menyaksikan penglibatan beribu-ribu sumber maklumat yang disediakan oleh bahagian ini. Sebagai contoh bahagian ini melanggan lebih 4000 e-journal yang merangkumi pelbagai genre seperti undang-undang, pentadbiran kerajaan, politik dan sains sosial. Bahkan, bahagian ini juga turut mempunyai akses katalog tempatan dan juga antarabangsa seperti *Erskine May*, *Ebooks*, *London Review of Books*, dan *New York Review of Books*. Perkhidmatan bahagian ini tidak terhad kepada penulisan penyelidikan, malahan turut menawarkan perkhidmatan seperti taklimat perpustakaan induksi, latihan dan ceramah.³²

Parliamentary Library, Parliament House of Australia

Seperti di parlimen di negara-negara komanwel yang lain, bahagian penyelidikan *Parliament House of Australia* merupakan sebahagian daripada bahagian perpustakaan parlimen yang telah ditubuhkan pada tahun 1901. Bahagian ini menawarkan perkhidmatan sumber maklumat, analisis dan advokasi kepada ahli parlimen. Penyediaan perkhidmatan penyelidikan juga berstatus sulit dan khusus kepada permohonan ahli parlimen serta ahli parlimen dan kakitangan daripada

31 House of Commons Library, <<https://commonslibrary.parliament.uk/>> Diakses 5 September 2022.

32 V. Jupp. (n8).

jawatankuasa. Bahagian ini menyediakan produk penyelidikan yang terperinci yang boleh didapati melalui salinan bercetak atau digital. Selain itu, bahagian perpustakaan parlimen melaksanakan tugas seperti pemantauan terhadap akhbar berita dan media, pengumpulan statistik dan analisis rang undang-undang.³³ Penubuhan bahagian ini termaktub di bawah Akta Perkhidmatan Parlimen 1999, dan melaksanakan fungsinya sebagai badan berkanun. Pustakawan parlimen ini perlu melaporkan aktiviti dan urusan bahagian kepada pegawai Yang di-Pertua.³⁴ Seramai 85 orang pegawai penyelidik yang bertanggungjawab untuk memenuhi tugas permohonan penyelidikan oleh ahli parlimen dan kakitangannya. Jumlah ini diperuntukkan di bawah bajet 2022-2023 yang disalurkan kepada bahagian ini.³⁵ Selain itu, produk penyelidikan juga merangkumi penerbitan artikel atau analisis seperti *Parliamentary Handbook*, *Briefing Book*, *Budget Review*, *Bills Digests*, *research papers*, *quick guides* dan *FlagPost blog post*. Bahagian ini juga terbahagi kepada tujuh seksyen iaitu i) *Economic Policy*, ii) *Foreign Affairs, Defence and Security*, iii) *Law and Bills Digest*, iv) *Politics and Public Administration*, v) *Science, Technology, Environment and Resources*, vi) *Social Policy* dan vii) *Statistics and Mapping*.

Jadual 1: Tujuh Seksyen yang Terdapat Pada Bahagian Penyelidikan Parliamentary Library

Tujuh Seksyen di Bahagian Penyelidikan
1. Economic Policy
2. Foreign Affairs, Defence and Security
3. Law and Bills Digest
4. Politics and Public Administration
5. Science, Technology, Environment and Resources
6. Social Policy
7. Statistics and Mapping

33 About the Parliamentary Library. Parliament of Australia, https://www.aph.gov.au/About_Parliament/Parliamentary_departments/Parliamentary_Library/About_the_Parliamentary_Library> Diakses 5 September 2022.

34 Bailey (n10).

35 J. Curtis, Assistant Secretary Research Branch, Parliamentary Library, Parliament House of Australia, 2022.

New Zealand Parliamentary Library- New Zealand Parliament

Bangunan yang menempatkan perpustakaan parlimen New Zealand telah dibina dalam dua peringkat iaitu pada tahun 1883 dan ianya siap sepenuhnya pada tahun 1899. Bangunan ini menempatkan perpustakaan *Parliament New Zealand* yang telah dikenali dengan nama *the General Assembly Library* pada 1901.³⁶ Kini, bahagian perpustakaan dikenali sebagai *New Zealand Parliamentary Library*. Fungsi utama bahagian ini ialah untuk menyediakan perkhidmatan penyelidikan kepada ahli parlimen dan juga kakitangan parlimen. Jumlah kakitangan yang bekerja sebagai penyelidik ialah seramai 25 orang.³⁷ Dua produk utama yang diterbitkan oleh bahagian ini iaitu *Monthly Economic Review* dan kertas penyelidikan. *Monthly Economic Review* merupakan penyelidikan tinjauan keseluruhan berkaitan ekonomi New Zealand dan merangkumi data terkini tentang peningkatan ekonomi, pengangguran, inflasi, perdagangan serta data kewangan. Tinjauan penyelidikan ini diterbitkan sebanyak 11 kali dalam setahun. Manakala, bagi kertas penyelidikan pula, merangkumi kajian meluas yang menyentuh semua isu.³⁸

Latar Belakang Penubuhan Bahagian Penyelidikan dan Perpustakaan Parlimen Malaysia

Bahagian Penyelidikan dan Perpustakaan Parlimen Malaysia ditubuhkan pada 19 Oktober 2005. Sebelumnya, bahagian ini dikenali sebagai Unit Penyelidikan. Penubuhan perkhidmatan penyelidikan Parlimen Malaysia bermatlamat untuk menyediakan analisis yang tidak memihak kepada mana-mana parti politik serta bersesuaian dengan keperluan ahli parlimen. Pelanggan utama bahagian ini ialah Yang di-Pertua Dewan Negara, Yang di-Pertua Dewan Rakyat, Ahli Parlimen Dewan Rakyat, Ahli Parlimen Dewan Negara, Jawatankuasa Pilihan Khas, Bahagian Antarabangsa dan Protokol, Setiausaha Dewan Rakyat dan Setiausaha Dewan Negara.

Pada peringkat awal penubuhan, unit ini hanya mempunyai empat produk utama iaitu; (i) untuk membantu Ahli Parlimen dalam mencari bahan maklumat,

36 Parliamentary Library Today, < <https://www.parliament.nz/en/visit-and-learn/history-and-buildings/buildings-and-grounds/parliamentary-library/parliamentary-library-x/>> Diakses 5 September 2022.

37 Sarah, Parliamentary Information Service, New Zealand Parliament, 2022.

38 Library Research Papers, <<https://www.parliament.nz/en/pb/library-research-papers/research-papers/>> Diakses 4 September 2022.

- (ii) menulis nota perbahasan,
- (iii) menulis nota ikhtisar dan percakapan, dan
- (iv) menganalisis rang undang-undang.

Keanggotaan staf pada masa itu hanyalah seramai sepuluh orang pegawai penyelidik sahaja. Pemilihan staf bagi jawatan pegawai penyelidik bersandarkan kepada latar belakang akademik, profesional dan berpengalaman luas dalam bidang masing-masing. Namun, pada tahun 2007 terdapat penambahan lima orang pegawai penyelidik yang menjadikan jumlah keseluruhan pegawai penyelidik Parlimen Malaysia seramai 15 orang. Perkembangan seterusnya berlaku apabila terdapat perubahan kepimpinan pada 2014, seorang Setiausaha Bahagian Penyelidikan dan Perpustakaan Parlimen Malaysia telah dilantik. Dalam pada itu, unit penyelidikan juga telah bergabung dengan unit perpustakaan menjadikannya daripada sebuah Unit kepada satu Bahagian.

Selain itu, bagi memudahkan lagi urusan penghasilan produk mengikut seksyen masing-masing telah diwujudkan empat seksyen dan juga pelantikan ketua bagi setiap seksyen pada tahun 2016 iaitu;

- i) Sosial,
- ii) Sains dan Teknologi,
- iii) Ekonomi, dan
- iv) Antarabangsa dan Keselamatan.

Perubahan juga turut berlaku melalui penambahan produk utama bahagian ini yang bermula dari tahun 2014 dan seterusnya berkembang hingga ke tahun 2020. Perubahan signifikan ialah pada tahun 2020 yang jelas menunjukkan usaha Bahagian ini dalam menghasilkan produk kontemporari serta melaksanakan usaha pendemokrasian parlimen secara berterusan terutamanya dengan melibatkan penyertaan orang awam dengan parlimen. Sebagai contoh, bahagian ini telah berjaya mengadakan dua kali simposium Parlimen Malaysia yang penganjurannya telah bermula pada tahun 2021. Simposium Parlimen Malaysia merupakan sebuah program ilmiah yang disertai oleh ahli panel jemputan yang terdiri daripada ahli akademik, Ahli Parlimen serta para penyelidik bebas. Objektif simposium ini bagi memberi peluang kepada ahli panel dari pelbagai bidang untuk berkongsi pendapat dan

idea berdasarkan pada penyelidikan masing-masing khususnya yang berkaitan dengan hal ehwal Parlimen.

Begitu juga dengan penganjuran Sesi Bual Bicara Bersama YB yang telah berjaya dilaksanakan sebanyak tiga kali pada tahun 2021 dan dijayakan bersama-sama dengan YB Senator Ras Adiba Radzi yang juga merupakan hos utama bagi program tersebut. Selain itu, penerokaan teknologi maklumat memberi kesan kepada bahagian ini untuk mewujudkan sistem *electronic-Parliamentary Research System* (e-PRS) yang telah dirasmikan pada 20 Julai tahun 2020. Sistem ini merupakan satu sistem pengurusan ilmu yang bertujuan memantapkan urusan dokumentasi dan boleh diakses di mana-mana sahaja. e-PRS juga merupakan medium utama penyampaian maklumat kepada Ahli Parlimen bagi membantu tugas mereka sebagai Ahli Parlimen dengan lebih berkualiti dan efisien.

Rajah 2: Perkembangan Produk Bahagian Penyelidikan bermula dari tahun 2004 hingga 2022



Perbincangan dan Kesimpulan Kajian

Perbincangan kajian ini menelusuri garis panduan penubuhan penyelidikan di parlimen yang disediakan oleh *Inter-Parliamentary Union* (IPU) dan *International Federation of Library Associations and Institutions* (IFLA), perbandingan tiga perkhidmatan penyelidikan di *UK Parliament*, *Parliament House of Australia* dan *New Zealand Parliament* dan seterusnya latar belakang penubuhan Bahagian Penyelidikan dan Perpustakaan Parlimen Malaysia. Meskipun, penubuhan Bahagian Penyelidikan dan Perpustakaan Parlimen Malaysia tidak menyatakan punca rujukan utama dan amalan yang diguna pakai adalah merujuk garis panduan IPU dan IFLA. Namun, perkembangan pada awal penubuhan bahagian ini

hinggalah kini dilihat memenuhi lima fasa seperti yang terdapat pada garis panduan IPU dan IFLA. Penemuan pada kajian ini menunjukkan Bahagian ini berkerjasama dengan menggabungkan Unit penyelidikan dengan perpustakaan untuk menjadi satu Bahagian pada tahun 2014. Gabungan ini memberi kelebihan dengan adanya tadbir urus yang sistematik dan secara idealnya telah memudahkan pengawalseliaan kepada produk penyelidikan dan perpustakaan di bawah satu tadbir urus yang sama. Selain itu, pada awal penubuhan pelantikan pegawai penyelidik hanya 10 orang sahaja. Namun, lantikan pegawai penyelidik ditambah lima orang menjadikan 15 orang pegawai penyelidik. Pelantikan ini disebabkan oleh tuntutan kerja yang semakin meningkat dan lantikan mereka adalah daripada latar belakang akademik yang berbeza.

Mandat utama bahagian ini juga terus berkembang seiring dengan peredaran masa. Sebagai contoh, mandat atau objektif utama penubuhan bahagian ini ialah untuk menyediakan analisis yang tidak memihak kepada mana-mana parti politik serta bersesuaian dengan keperluan ahli parlimen. Dengan adanya mandat tersebut, Bahagian ini telah menghasilkan produk penyelidikan yang pada awalnya hanya empat produk sahaja, namun kini bertambah kepada 14 produk. Klien juga dengan jelas dinyatakan pada mandat penubuhan Bahagian ini iaitu Yang di-Pertua Dewan Negara, Yang di-Pertua Dewan Rakyat, Ahli Parlimen Dewan Rakyat, Ahli Parlimen Dewan Negara, Jawatan Kuasa Pilihan Khas, Bahagian Antarabangsa dan Protokol, Setiausaha Dewan Rakyat dan Setiausaha Dewan Negara.

Kesedaran terhadap pentingnya mendapat sokongan daripada golongan seperti ahli akademik dan masyarakat sivil telah menghasilkan perubahan pada jalinan kerjasama apabila Bahagian ini menjemput golongan tersebut bagi program simposium dalam membincangkan isu-isu semasa. Dengan merujuk fasa keempat pada garis panduan penubuhan penyelidikan di parlimen oleh IPU dan IFLA, menunjukkan penyelidikan parlimen juga perlu memanfaatkan kepakaran yang dimiliki oleh ahli akademik kerana golongan ini dilihat tiada kecenderungan politik atau *non-partisan*. Begitu juga dengan jalinan kerjasama dengan masyarakat sivil yang mempunyai kepakaran dan menjadi rujukan dalam isu-isu semasa.³⁹ Namun begitu, pelaporan tidak disediakan

39 Guidelines for Parliamentary Research Services, Inter-Parliamentary Union (IPU) and the International Federation of Library Associations and Institutions (IFLA), 2015, 37-38 < <http://archive.ipu.org/pdf/publications/research-en.pdf> > ibid n17.

oleh Bahagian ini. Ketiadaan pelaporan ini mewujudkan kelompangan kelemahan pada Bahagian ini kerana pelaporan merupakan elemen penting yang melibatkan proses penambahbaikan yang berterusan bagi mencapai objektif dan aktiviti seperti yang disarankan pada garis panduan IPU dan IFLA.⁴⁰

Kajian ini juga meneroka aspek keberkesanan parlimen dengan melihat penglibatan bahagian penyelidikan parlimen ini yang bertindak secara efektif dalam penyelidikan bagi menghasilkan produk kajian dan sebagai sumber maklumat seperti nota perbahasan dan artikel jurnal yang mengandungi kajian yang mendalam yang boleh digunakan sebagai rujukan perbahasan kepada ahli parlimen. Pelaksanaan penyelidikan oleh penyelidik parlimen menunjukkan secara jelas bahawa bidang tugas adalah bersifat bebas dan merentasi parti politik yang juga merupakan persamaan prinsip yang diamalkan oleh *UK Parliament*, *Parliament House of Australia* dan *New Zealand Parliament*. Peranan dan kesinambungan produk daripada Bahagian Penyelidikan Parlimen Malaysia turut diperkembangkan bagi memaparkan satu bahagian yang kompetitif dan kekal relevan. Sebagai contoh, bahagian ini telah membuka penglibatan masyarakat sivil sebagai satu cara pendekatan dalam merakyatkan parlimen. Terdapat juga beberapa aktiviti baharu yang dilaksanakan antaranya ialah seperti Simposium Parlimen Malaysia dan Sesi Bual Bicara Bersama YB. Selain itu, produk penyelidikan juga dikembangkan dengan penerbitan jurnal artikel dan penulisan artikel di media massa utama. Seiring dengan kemajuan teknologi, Bahagian Penyelidikan Parlimen Malaysia telah menaik taraf perkhidmatan dengan mewujudkan *electronic-Parliamentary Research System* (e-PRS) yang merupakan satu sistem pengurusan ilmu yang bertujuan untuk memantapkan urusan dokumentasi dan boleh diakses di mana-mana sahaja.

Selain itu, kajian ini juga memposisikan persamaan dan perbezaan daripada aspek bilangan penyelidik dan produk perkhidmatan penyelidikan di antara Parlimen Malaysia dengan parlimen di negara-negara Komanwel. Penemuan kajian ini akan meneguhkan pengkategorian produk-produk penyelidikan bagi setiap negara berkenaan. Justeru, kajian ini mampu meningkatkan usaha dan komitmen pihak yang bertanggungjawab bagi mengukuhkan lagi Bahagian Penyelidikan Parlimen Malaysia bukan hanya di peringkat domestik tapi ke peringkat antarabangsa. Walau bagaimanapun, kajian

40 Guidelines for Parliamentary Research Services (n 18)

ini mendapati bahawa jumlah pegawai penyelidik daripada Bahagian Penyelidikan Parlimen Malaysia adalah kurang jika dibandingkan dengan pegawai penyelidik yang terdapat di *UK Parliament*, *Parliament House of Australia* dan *New Zealand Parliament*. Perbezaan yang ketara dilihat dengan jumlah penyelidik melebihi 25 hingga 87 orang jika dibandingkan dengan pegawai penyelidik di Bahagian Penyelidikan Parlimen Malaysia hanya seramai 15 orang sahaja. Kajian ini turut mendapati kekurangan pegawai penyelidik merupakan kekangan utama yang mempengaruhi kelancaran urusan tadbir dalam memenuhi mandat yang telah ditetapkan. Dalam menangani kekangan ini, penambahan bajet adalah penting bagi melantik lebih ramai pegawai penyelidik. Oleh itu, cadangan penambahan dalam pemberian peruntukan kepada bahagian ini agar dapat melantik lebih ramai pegawai penyelidik yang diperlukan. Dapatan kajian ini disokong dengan kenyataan oleh garis panduan IPU dan IFLA yang menyatakan bahawa objektif dan aktiviti kepada perkhidmatan penyelidikan akan terus berkembang jika terdapat keperluan oleh ahli parlimen dan juga pemberian peruntukan yang bersesuaian.⁴¹

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‘Yang Indah-Indah’: Bahasa dan Ideologi dalam Pantun Perbahasan Dewan Negara Mesyuarat Parlimen Ke-14

‘Yang Indah-Indah’: Language and Ideology in Discourse of Pantun of Dewan Negara 14th Parliament

*Muhammad Qhidir bin Mat Isa**

Abstrak

Pantun merupakan kesenian sastra Melayu tertua menuntut kepada penciptaan ‘yang indah-indah’. Selain gatra ritma muzik yang harmoni, tingkah-meningkah yang jelas kedengaran, pantun bahkan padat dan transendental pada kiasan bagi menyampaikan maksud tertentu. Oleh sebab itulah, ahli politik cenderung memanfaatkan seni ini dalam wacana politik sebagai strategi diskursif untuk berbahas kerana pantun sifatnya ringkas tetapi menggoda, tepat, padat dan sangat mendalam kesan tujuhnya. Kesan ini menjadikan pantun antara sumber penting untuk menjelaskan fenomena bahasa dan kuasa yang berlaku dalam perbahasan. Maka, kajian ini berobjektif untuk menjelaskan hubungan bahasa dan kuasa dalam bentuk-bentuk pantun serta menganalisis prinsip-prinsip yang menunjangi keindahan pantun diucapkan dalam teks Penyata Rasmi Parlimen Keempat Belas, Dewan Negara. Kajian ini mengaplikasikan model Analisis Wacana Kritis van Dijk khususnya skema *The Ideological Square* dan teori sastra iaitu Puitika Sastra Melayu (PSM). Rumusan mendapati, selain daripada fungsi prosedural pantun juga penting untuk membina polarisasi binari dengan penggunaan strategi diskursif seperti Pembuktian, Puji Diri, Ketermangsaan, Keterbebanan, Pengungkapan, Ilustrasi, Argumentasi, Generalisasi dan Metafora. Pantun-pantun yang dianalisis juga didapati secara relatif memenuhi keenam-enam prinsip ‘yang indah-indah’ berdasarkan teori PSM.

Kata kunci: Puitika Sastra Melayu, wacana Parlimen, analisa wacana politik, Dewan Negara.

* Muhammad Qhidir bin Mat Isa ialah Pegawai Penerbitan di Parlimen Malaysia. E-mel: qhidirisa@parlimen.gov.my.

Abstract

As the oldest Malay literary art form, Pantun aspires to the creation of 'yang indah-indah'. In addition to the harmonious musical elements, vivid alternate rhymes that are both perceived, the beauty of a Pantun lies in its ability to convey deductive meanings using solid and transcendental allegory. For this reason, politicians are inclined to make use of this art form as a discursive strategy in political discussions despite its brevity due to its accurate, concise, and captivating quality and its deep effect on readers. Consequently, discourse Pantun becomes one of the important sources of explanation of the phenomena of language and power that take place in political discourse. Therefore, this study aims to elucidate the relationship between language and power that exist in Pantun forms, as well as to analyse the principles that support the aesthetics of Pantun recited in the Fourteenth Parliament of Senate Assembly's Hansard text. Van Dijk's Ideological Square Scheme within the Critical Discourse Analysis is applied, along with Muhammad Haji Salleh's literary theory Puitika Sastera Melayu (PSM). In short, in addition to its procedural function, it was found that poetry plays an important role in generating binary polarization through various discursive strategy such as Evidentiality, Self-Glorification, Victimisation, Burden, Lexicalisation, Illustration, Argumentation, Generalisation and Metaphore. The selection of Pantun in this study dynamically and relatively fulfilled all six principles of 'yang indah-indah' of PSM theory.

Keywords: Puitika Sastera Melayu, Parliamentary discourse, Political Discourse Analysis, Dewan Negara

Pengenalan

Pantun ialah sastera lisan bergenre puisi tradisional Melayu yang asli dan tertua dalam tamadun Melayu.¹ Makna literal 'pantun' adalah 'seperti', 'umpama', 'laksana' dan 'kiasan'.² Buktinya ada disebut dalam patah-patah Minang yang berbunyi;

Sepantun ayam tidak berinduk,
Menampi orang sedang makan

1 M.T. Ahmad, *Kurik Kendi Merah Saga* (Kuala Lumpur, Dewan Bahasa dan Pustaka, 2020).

2 Za'ba, *Ilmu Mengarang Melayu* (Kuala Lumpur: Dewan Bahasa dan Pustaka, 1965).

Terdapat pandangan bahawa istilah pantun datang daripada Bahasa Jawa, menggabungkan akar kata /-pan/ daripada 'sopan' dan akar kata /tun-/ pula daripada perkataan 'tunjuk' atau 'tuntun'.³ Juga, terdapat pandangan bahawa seni ini berasal daripada masyarakat Batak, Sumatera⁴ kerana mereka mempunyai budaya mengutip akar, ranting, daun dan bunga bagi dijadikan sebuah 'surat' kepada kekasih. Tiap-tiap benda yang dikutip haruslah mempunyai bunyi-bunyi nama yang sama dan makna benda-benda tersebut mempunyai suatu mesej khusus kepada si penerima. Tentang keaslian, terdapat pandangan menyatakan, pantun Melayu adalah asli diciptakan sepenuhnya oleh budaya Melayu.⁵ Selain itu, terdapat juga pandangan terbaharu yang menyatakan, genre pantun Melayu bersusur galur daripada pengaruh era perkembangan agama Buddha pada abad ke-7 dengan adaptasi falsafah 'gātha' dan 'logik Buddha (*Dharmakīrti*)' yang membentuk landasan ciri umum pembayang dan pemaksud pantun.⁶ Isu ini masih menjadi polemik akademik.

Tidak ada catatan definitif yang menjelaskan sejarah tepat asal usul seni berpantun. Namun, pendapat terkuat menyatakan, pantun adalah sastera rakyat yang lahir dalam era budaya pratulis⁷ Melayu, kemudiannya masuk ke dalam wacana tekstual. Ada pengkaji berpandangan catatan terawal ditemukan dalam era persuratan Melayu Hindu-Buddha pada teks *Hikayat Bayan Budiman* (1371M) selain *Hikayat Raja-Raja Pasai* (~1390M), *Hikayat Pandawa Lama* (~1525M) dan *Hikayat Inderapura* (<1600M). Ini berterusan pada era Melayu-Islam, dalam teks *Undang-Undang Melaka* (~1450M), *Hikayat Aceh* (~1625M), *Hikayat Merong Mahawangsa* (~1821M), *Hikayat Isma Yatim* (1881) dan beberapa teks hikayat lainnya.⁸ Namun, terdapat pandangan lain yang menyatakan bahawa pantun-pantun sekitar abad ke-15 sebelum *Sejarah Melayu* (~1612)

3 Lihat <<https://adoc.pub/pantun-transformasi-dari-tradisi-lisan-tradisi-tulisan-hingg.html>> dicapai 25 Disember 2022.

4 M.H.Salleh, *Puitika Sastera Melayu Edisi Ketiga*, (Kuala Lumpur, Dewan Bahasa dan Pustaka, 2021) 49.

5 Lihat <<https://www.malaycivilization.com.my/items/show/142630>> dicapai 25 Disember 2022.

6 C.T. Boon, 'Srivijayan Buddhist Logic and Its Impact on the Malay Pantun' Melayu (2020) 13(1) *Jurnal Antarabangsa Dunia Melayu* 133-160 <<http://jurnal.dbp.my/index.php/Melayu/article/view/5802>> dicapai 25 Disember 2022.

7 L. S. Razali dan S. B. M. Radzi, 'Motif Maritim Dalam Pantun Melayu' (2023) 3(1) *Jurnal Tuah* 21-33.

8 Boon (n 6) 134.

sebenarnya bentuknya belum sempurna. Bentuk yang sempurna utuh hanya muncul lewat karya-karya Hamzah Fansuri pada abad ke-17.⁹

Kajian tentang pantun dimulakan oleh beberapa pegawai Inggeris dan Belanda yang sangat tertarik dengan budaya ini. Antara pengkaji orientalis terawal adalah Johannis Christopher Lorberi (1688) dengan transliterasi pantun Melayu-Latin.¹⁰ Kemudiannya, diikuti oleh William Marsden yang terawal membincangkan secara mendalam proses dan fitur pantun Melayu dalam transliterasi pantun Melayu-Inggeris, *Grammar of Malayan Language, with an Introduction and Praxis* (1812). Beliau diikuti oleh nama-nama lain seperti R.O. Winstedt dan R. J. Wilkinson, *A History of Calssical Malay Litterrature* (1969), Francois-Rene Daillie, *Alam Pantun Melayu: Studies on the Malay Pantun* (1990), A. W. Hamilton, *Malay Pantuns* (1959) selain J. Crawford C. A. van Ophuijen, H. Overbeck, A. Hamilton, M. G. Emies, C. Hooykaas, L. Phillip Thomas dan C. Hugh Holman. Victor-Marie Hugo pula adalah orientalis yang bertanggungjawab 'mengeksport' seni pantun ke dunia sastra Eropah dengan nama lain '*pantoum*' dalam catatannya, *Les Orientales* (1829). Daripada catatan tersebut, muncullah Ernest Fouinet, penyair Perancis yang mempopularkan seni pantun ke dalam literatur moden Eropah sekitar abad ke-19 dan ke-20.¹¹ Di Amerika Syarikat, nama-nama yang turut sama mempopularkan seni '*pantoum*' ini antaranya Anne Waldman, Donald Justice melalui karya John Ashbery *Some Trees* (1959).¹²

Di Sri Lanka, terdapat seni hampir sama dengan pantun yang dinamakan '*phanthong*'¹³ yang dicirikan dengan seni bahasa percampuran antara Melayu, Sinhala dan Tamil.¹⁴ Di samping itu, dalam budaya beberapa suku asli Nusantara terdapat istilah budaya yang sehomofon dan serupa dengan pantun seperti Minangkabau dengan '*panuntun*', iaitu sastra lisan menjadi panduan tatasosial, Tagalog dengan '*tonton*', bermaksud tersusun, Bisaya dengan '*panton*' bermaksud mendidik, suku Toba dengan '*pantun*' bermaksud kesopanan dan kehormatan.¹⁵

9 Y. Ismail, *Kesusasteraan Lama Dan Baru* (Sintok, Kedah: Universiti Utara Malaysia 2008).

10 M.P. Harun, *Puisi Melayu Tradisional: Satu Perbincaraan Genre dan Fungsi* (Kuala Lumpur, Malaysia: Dewan Bahasa dan Pustaka, 1989).

11 J.D. Brannon, '*There is That Line Again: Revealing the Pantoum in Context*' <<https://poets.org/glossary/pantoum>> dicapai 30 Disember 2022.

12 Lihat <<https://poets.org/glossary/pantoum>> dicapai 30 Disember 2022.

13 H. Jelani, '*Manuskrip 'Panthong' dari Sri Lanka*' (2018) <<https://wa-iki.blogspot.com/2013/09/manuskrip-panthong-dari-sri-lanka.html>> dicapai 30 Disember 2022.

14 M.H. Eizah, *Simbol dan Makna dalam Pantun Melayu* (Kuala Lumpur, APM-ITBM, 2019).

15 R. H. Djajadiningrat, *Erti Pantun Melayu yang Ghaib* (Petaling Jaya, Malaysia, 1965).

Asas puitika pantun terbina daripada konvensi tujuan sastera Melayu sejak dahulu lagi, iaitu menuntut kepada keindahan.¹⁶ Keindahan itu adalah seni yang teratur, lurus dan membawa kepada kebaikan, secara konkrit mahupun abstrak.¹⁷ Ini dapat dilihat dalam dua aspek. Pertama, secara teknikal, pantun bermula seringkas-ringkas dua baris, lalu bercambah kepada empat baris. Baris pertama adalah pembayang dan merupakan 'isyarat bunyi' dan baris kedua adalah maksud dan adalah 'jodoh bunyi'. Ia menjadi empat baris apabila digandakan baris pembayang dan baris maksud. Perbezaan ketara pantun dengan 'patah-patah Melayu' lain seperti sajak, syair, gurindam adalah pada 'tataisyarat bunyi' dan 'jodoh bunyi' yang mewujudkan ritma a-b,-a-b. Pun begitu, terdapat juga pandangan yang menerima ritma a-a-a-a yang mirip kepada rima akhir syair.¹⁸

Selain itu, puitika pantun Melayu asli turut terakam dalam konsep tukang *in-situ*. Contohnya, pantun terkenal "*Gunung Daik bercabang tiga...*". Gunung Daik di Lingga jika dilihat dari laluan perkapalan seperti di Tanjung Buton, Pelabuhan Mepar, Pelabuhan Penarik serta pesisir Pantai Pasir Panjang, iaitu dari arah selatan dan barat daya gunung, hanya menampakkan dua cabang puncak.¹⁹ Akan tetapi, bagi penduduk yang tinggal berhampiran kaki gunung seperti di desa Merawang dari arah tenggara, akan jelas melihat tiga cabang puncak gunung terutama hari cerah.²⁰

Deskripsi terawal ciri pantun oleh Zaaba seperti kedua-dua aspek di atas dilanjutkan oleh beberapa pengkaji. Pendapat yang sering dirujuki adalah oleh Harun Mat Piah, membezakan genre pantun dengan bentuk puisi-puisi Melayu yang lain melalui enam kriteria, iaitu; aspek rangkap berasingan, perkataan sebagai unit terpenting, aspek berlebihan jumlah

16 Salleh (n 4) 45.

17 Harun (n 8) 78-79

18 Salleh (n 4) 90.

19 Lihat <<https://www.google.com/maps/place/Benteng+Lekok/@0.2587405,104.5907339,3a,75y,90t/data=!3m8!1e2!3m6!1sAF1QipNWsv14iePbZJZzpl0xl6UsrPcURu0QoKZuD5Vq!2e10!3e12!6shhttps:%2F%2Fhl5.googleusercontent.com%2Fp%2FAF1QipNWsv14iePbZJZzpl0xl6UsrPcURu0QoKZuD5Vq%3Dw203-h114-k-no!7i4160!8i2352!4m5!3m4!1s0x2e276b0c90c08de7:0xc968352bfa7c78f0!8m2!3d-0.25-87405!4d104.5907339>> dicapai 30 Disember 2022.

20 Lihat <<https://www.google.com/maps/@0.2071111,104.5989183,3a,31.1y,280.02h,101.39t/data=!3m8!1e1!3m6!1sAF1QipMTddeHicVVLUsF3Fdns4pl1a44VRi2ICiwtrIq!2e10!3e11!6shhttps:%2F%2Fhl5.googleusercontent.com%2Fp%2FAF1QipMTddeHicVVLUsF3Fdns4pl1a44VRi2ICiwtrIq%3Dw203-h100-k-no-pi-0-ya189.00002-ro0-fo100!7i10240!8i5120>> dicapai 30 Disember 2022.

perkataan atau suku kata berlebihan, aspek stanza dan kuplet, skema rima dan keseluruhan stanza sebagai satu fikiran yang bulat.²¹

Magis-magis habluran puitika Melayu yang terpercik daripada landasan pemikiran cara-cara orang Melayu bersastera bersusur galur daripada bahasa, persekitaran dan falsafah bangsa Melayu sendiri. Pada bahasa, orang Melayu dituntut menukangi pantun dengan 'bahasa beradat' atau 'bahasa dinobat' yang diertikan "*bahasa sastera yang condong kepada yang merdu, yang membawakan muzik yang berimbang, bermotif dan harmonis*". Tujuannya bagi mengapai tingkatan 'yang indah-indah',²² iaitu kedudukan karya seni yang tinggi mutu, langka, terpuji dan dipandang sebagai seni Melayu yang amat sempurna dan halus.²³ Fenomena ini dikaji oleh Muhammad Haji Salleh (seterusnya MSM) yang kemudian membina gagasan Teori *Puitika Sastera Melayu* (seterusnya PSM) bermula tahun 1989.

Teori PSM boleh dikatakan teori yang sangat mampan dalam perkembangan teori sastera Melayu. Ia telah dieksperimenkan ke atas pelbagai genre, baik novel,²⁴ syair tradisional²⁵ atau kompilasi pantun.²⁶ Teori ini bahkan mendapati perhatian khusus untuk dibahasakan dan dikritik berkaitan metodologi^{27,28} dan falsafah keindahan.^{29,30} Pun begitu, kajian-kajian sebelumnya hanya mengaplikasikan teori ini ke atas karya-

21 Harun (n 10) 190-195.

22 Frasa yang dikutip daripada teks-teks nadir tradisional Melayu yang lazim menggunakan frasa ini dan dijadikan konsep kedudukan tertinggi dalam PSM.

23 Salleh (n 4) 110-120.

24 R. M. Zain dan N. R. N. M. Affendi, 'Unsur Estetika Bahasa Dalam Novel-novel Pemenang Sayembara Fiksyen Sains dan Teknologi 2012-2017' (2019) 30 *MANU-Jurnal Pusat Penataran Ilmu dan Bahasa* 189-212.

25 K. Anwar, 'Tradisi Sastera Johor-Riau: Suatu Kajian Terhadap Syair Sejarah' (Tesis Kedoktoran, Nanyang Technological Institute, 2016).

26 M. Z. A. Halim, 'Bukit Lagi Bintang Berkarang: Manifestasi Puitika Sastera Melayu' (Persidangan Antarabangsa Bahasa, Sastera dan Budaya, 2021) <<https://anyflip.com/trfpm/zoqs/basic/151-200>> dicapai 31 Disember 2022.

27 A. Abdul Halim, 'Konsep Keindahan dalam Kesusasteraan Melayu Tradisional' (2011) 2(1) *PENDETA-Jurnal Bahasa dan Sastera Melayu* 99-117 <<https://ejournal.upsi.edu.my/index.php/PENDETA/article/view/1109>> dicapai 31 Disember 2022.

28 H. M. Affandi, *Yang Hampas dan yang Bernas dalam Teori Sastera Malaysia* (Kuala Lumpur, Dewan Sastera, 1991).

29 H. Ismail, 'Teori Puitika Sastera Melayu: Interpretasi dan Praktikaliti' (2019) 30 *MANU-Jurnal Pusat Penataran Ilmu dan Bahasa* 31-49 <<https://doi.org/10.51200/manu.v29i.1867>> dicapai 31 Disember 2022.

30 A. Abdul Halim, *Kritikan Estetik Dalam Kesusasteraan Melayu: Satu Pandangan Baharu* (Tanjung Malim, Universiti Perguruan Sultan Idris, 2012)

karya sastra dan tidak melibatkan kajian silang bidang dalam domain sosial lain seperti politik.

Nor, et. al., (2019) pula melakukan kajian korpus melalui analisis kolokasional (*collocational analysis*) dalam wacana Parlimen (*Parliamentary discourse*) khusus ke atas himpunan konkordans perkataan 'ekonomi'.³¹ Metodologi campuran (*mixed method*) dimanfaatkan menggunakan aplikasi Wordsmith 5.0 di samping analisis wacana kritikal kualitatif yang melihat hubungan bahasa dan kuasa ke atas *Hansard* Parlimen Pertama (1959) hingga Parlimen Ketiga Belas (2018). Berpandukan *The Ideological Square Model* oleh van Dijk kajian mendapati, terdapat hubungan pola kekerapan penggunaan dengan isu ekonomi global. Dikesan juga, beberapa strategi diskursif (*discursive strategy*) tertentu dengan praktis prosodi positif dan negatif untuk membina dan memperkukuhkan polarisasi binari Ahli-ahli Parlimen pro-Kerajaan dan pro-Pembangkang. Lakuan bahasa (*language act*) Ahli-ahli Parlimen pro-Kerajaan adalah cenderung untuk mengabsahkan dasar-dasar kerajaan menggunakan prosodi-prosodi positif. Manakala, lakuan bahasa prosodi negatif cenderung digunakan oleh Ahli-ahli Parlimen pro-Pembangkang untuk memperkatakan kesan-kesan ekonomi global terhadap ekonomi negara. Akan tetapi, kajian lakuan bahasa ini hanya meneliti khusus kepada perkataan tertentu.

Justeru, terdapat kelompangan menghubungkan kajian wacana sastra dalam wacana politik, terutamanya kajian yang tertumpu kepada model estetika lakuan bahasa seperti pantun dan fungsinya dalam fenomena bahasa dan kuasa. Oleh yang demikian itu, kajian ini bertujuan untuk;

- (i) pasti fungsi-fungsi pantun terutama berkenaan sisi-sisi hubungan bahasa dan kuasa; dan
- (ii) menganalisis pantun-pantun daripada perbahasan Majlis Dewan Negara, Parlimen Keempat Belas berdasarkan teori PSM.

Metodologi

Kajian ini menggunakan metodologi kajian teks ke atas entri-entri data daripada Penyata Rasmi (*Hansard*) persidangan Dewan Negara, Parlimen Keempat Belas merangkumi lima penggal dari 17 Julai 2018 hingga

31 N.F.M., Nor., A.A.N.C., Abdul Rahman., A., Jaludin., I., Ho Abdullah., dan S.Tiun, 'A Corpus Driven Analysis of Representations Around the Word 'ekonomi' in Malaysian Hansard Corpus" (2019) 19(4) *GEMA-Online Journal of Language Studies*, 66-95 <<http://journalarticle.ukm.my/14098/1/35648-114058-1-PB.pdf>> dicapai 31 Disember 2022.

16 Ogos 2022. Jangka waktu ini khusus dipilih sebagai pertimbangan pemerhatian yang mendapati pola dinamika politik, pelbagai isu yang intens selain pelantikan tokoh-tokoh bahasa sebagai Ahli Dewan. Ini terbukti dengan dapatan sejumlah 520 pantun dan seloka diucapkan hanya dalam Dewan Negara sahaja. Jumlah ini adalah peningkatan mendadak berbanding persidangan-persidangan Parlimen sebelumnya. Kajian menggunakan model Analisis Wacana Kritis van Dijk, iaitu skema *The Ideological Square* untuk objektif pertama dan Teori *Puitika Sastera Melayu* (2021) untuk objektif kedua.

Fungsi-Fungsi Pantun

Konsep besar 'Wacana Politik' (*political discourse*) dapat difahami sebagai 'cara berpolitik' (*way of doing politics*).³² Konsep ini terbina daripada domain cirian seperti lakuan politik, sistem politik, nilai politik, ideologi politik, institusi politik, organisasi politik, kumpulan politik, aktor politik, perhubungan politik, proses politik dan kognisi politik.³³

Fungsi-fungsi pantun di Parlimen dikategorikan dalam domain ucapan politik (*political speeches*). Ucapan ini berbentuk diskursif dan dapat dilihat semasa sesi soal jawab kementerian, sesi pembentangan usul atau rang undang-undang, sesi perbahasan usul atau rang undang-undang, jawapan Menteri serta mesyuarat-mesyuarat Parlimen di luar Dewan seperti mesyuarat Kamar Khas dan mesyuarat Jawatankuasa Pilihan Parlimen. Ruang diskursif inilah digunakan oleh politikus untuk mempromosikan dan melaksanakan sasaran kehendak politik (*political will*) ke arah mengkritik atau mencorak tadbir urus (*governance*) kerajaan semasa (*government of the day*).³⁴ Matlamat ucapan politik menerusi strategi diskursif ini pada akhirnya adalah untuk memanipulasi, mendominasi³⁵ memimpin, memperoleh kuasa, mendidik dan menghalalkan penaklukan.³⁶ Berdasarkan dapatan data, fungsi-fungsi

32 T.A. van Dijk, 'What is Political Discourse Analysis?' (1997) 11 *Belgian Journal of Linguistics*, 11-52. < https://e-l.unifi.it/pluginfile.php/909651/mod_resource/content/1/Van%20Dijk%20Waht%20is%20political%20discourse%20analysis.pdf> dicapai 31 Disember 2022.

33 Ibid.

34 A. Partington, 'Corpus Analysis of Political Language' in A.C. Carol (ed.), *The Encyclopedia of Applied Linguistics* (Blackwell Publisher, 2013).

35 N.Fairclough, *Language and Power* (London, Longman, 1989).

36 I. Aman, 'Bahasa Dan Kuasa: Analisis Wacana Barisan Nasional Dalam Pilihan Raya Umum Malaysia Ke-11' (2008) *Akademika* 72, 69-96. Lihat<<https://www.semanticscholar.org/paper/Bahasa-dan-Kuasa%3A-Analisis-Wacana-Barisan-Nasional-Aman/8fa45adf9c055724caedecaea301de3372a27e7c>> dicapai 31 Disember 2022.

berpantun dapat dikesan digunakan dalam sesi-sesi yang dinyatakan seperti di bawah;

Seleksi 1: Menyebut Soalan oleh Ahli-ahli Senator	
(1.1) <i>Sorong papan, tarik papan; Soalan saya hari ini nombor lapan</i>	(1.4) <i>Rumah papan rumah batu; Soalan saya nombor satu.</i>
(1.2) <i>Dato' Sri Speaker bijak laksana; Bangkitlah saya untuk bertanya; Ayuh jawab Menteri soalan saya; Soalan saya nombor lima</i>	(1.5) <i>Buah kedondong buah delima; Sedap dimakan bersama-sama; Mesyuarat ini mesyuarat terakhir saya; Saya kemukakan soalan nombor lima .</i>

Seleksi 2: Menjawab Soalan oleh Menteri atau Timbalan	
(2.1) <i>Sorong papan di Gunung Daik; Ini jawapan, dengar baik-baik.</i>	(2.4) <i>Jambu air jambu batu; Ini jawapan nombor satu</i>
(2.2) <i>Pagi-pagi naik kereta; Hendak membeli sayur dan ikan; Yang Berhormat Tuan Yang di-Pertua; Izinkan saya jawab soalan.</i>	(2.5) <i>Batang bukan sebarang batang; Batang lurus hendak buat papan. Datang bukan sebarang datang; Datang nak jawab soalan YB Senator Othman</i>

Seleksi 3: Memanggil Soalan Tambahan, Jawapan Menteri atau Timbalan oleh Tuan Yang di-Pertua/ Timbalan	
(3.1) <i>Menanti si dara tinggal di teratak, Teratak terletak di hujung jalan, Nombor satu soalan terletak, Menanti jawapan merungkai simpulan.</i>	(3.4) <i>Batu karang di Teluk Jelatang; Nampak dari Gunung Tahan. Sebab YB Menteri jarang-jarang datang; Bolehlah menjawab satu lagi soalan</i>
(3.2) <i>Sekali dihukum, dua kali dihukum; Orang datang dari Selama; Sekali belum, dua kali pun belum; Dapat kita dengan PM bersama</i>	(3.5) <i>Banyak bunga di Tasik Chini; Hendakkah bertanya tambahan lagi?</i>
(3.3) <i>Hal-hal di atas tanah; Letak di atas tanah juga. Jika sudah bersedia sila kemukalah; Hati di sana menunggu jua</i>	(3.6) <i>Makan-makan kuih keria; Letak-letak tepi sawah. Eloklah dijawab dengan segera; Supaya hati tidak gundah</i>

Selain itu, tinjauan data pantun juga mendapati terdapat fungsi pantun bagi sesi perbahasan usul atau rang undang-undang oleh Ahli-ahli Senator dan Tuan Yang di-Pertua atau Timbalan. Daripada tinjauan, didapati fungsi ini merupakan fungsi yang paling ketara dan intens dengan pertembungan ideologi politik.

Seleksi 4: Pantun dalam Sesi Perbahasan oleh Ahli-ahli Senator, Menteri atau Timbalan	
(4.1) <i>Buah cempedak di luar pagar, Ambil galah tolong jolokkan; Memang tiada politik parti di KTAR, Kalau ada, DAP tolong tunjukkan</i>	(4.12) <i>Dengan PH Malaysia baharu pun menjelang, Rezeki rakyat takkan lagi membanting tulang; Kais pagi pun cukup makan petang, Rakyat gembira hati senang</i>
(4.2) <i>Harapkan pegar, pegar makan padi, Harapkan BN barang harga naik tinggi, Ekonomi merosot kerana kleptokrasi, Kais pagi hanya cukup makan pagi</i>	(4.13) <i>Buah cempedak di luar pagar, Ambil galah tolong jolokkan; Kalau lah bukan sebab kuota pelajar, Manalah perlunya KTAR diadakan.</i>
(4.3) <i>Nama diberi Muhyiddin bin Mohd Yassin, Perdana Menteri Malaysia Kelapan; Pemimpin utama Malaysia Prihatin, Kasih akan rakyat Bapa Kebajikan</i>	(4.14) <i>Hang Jebat Hang Kasturi; Budak-budak rajin belaka; Sila duduk dan jangan lari; Daulat Tuanku Payung Negara</i>
(4.4) <i>Harapkan pegar, pegar makan padi, Harapkan PN, MB Perak hilang majoriti, Peja mabuk kuasa kurang berhati-hati, Diusul sokongan terselit pisau belati</i>	(4.15) <i>ADUN PN pura-pura senyum berseri, Demi kuasa tikam MB pasukan sendiri; Kejatuhan Faizal jelas terbukti, Siapa tamak dialah yang rugi.</i>
(4.5) <i>Bangun pagi pergi bersenam, Masa berlari tersadung ke parit; Sudahlah Pakatan henti politik dendam, Rakyat sudah sedar mereka tertipu dan berasa pahit</i>	(4.16) <i>Buah cempedak di luar negara; Harapkan pegar, pegar makan padi; Dulu jerit hapuskan kuota bumiputera; Malaysian Malaysia masihkah perjuangan DAP?</i>

(4.6) <i>Saya budak miskin dari Kampung Simpalit, Mandi sungai sebelum matahari terbenam; Belanjawan Pakatan menyepit dan terpalit, Saham merudum ekonomi terus menjunam</i>	(4.17) <i>Buah pedada di dalam taman; Menjadi idaman si anak rusa; Sudah kuasa jatuh di tangan; Tidak henti Pakatan beri alasan pula</i>
(4.7) <i>Dapat sebiji buah senduduk, Buat ubat penyakit sendi; Lompat parti kerja terkutuk, Mandat rakyat jangan dikhianati.</i>	(4.18) <i>Bercabang tiga si Gunung Daik, Kubur pandang nampak di pinggir; Sudah dua tahun prestasi Pakatan kurang baik, Rakyat sudah lemas dan mula menggigil</i>
(4.8) <i>Rancang bukan sebarang rancang, Kuasa Allah siapa yang tahu; Ketua Pembangkang memukul canang, Akhirnya hampa penuh syahdu</i>	(4.19) <i>Menteri Belia dan Sukan produktif; Kreatif menjalankan program dan aktiviti; Maju negara kerana belia positif; Belia cemerlang yang dihajati</i>
(4.9) <i>Burung kedidi di pohon nangka; Anak bayan hinggap di dahan. Orang berbudi kita berbahasa; Muafakat Perikatan erat perpaduan</i>	(4.20) <i>A, B, C, D, GST, Dah tukar ke SST; Harga barang masih tinggi, Rakyat tanya, apa sudah jadi?</i>
(4.10) <i>A, B, C, D, GST, Dah tukar ke SST; Apa hendak tipu lagi, Rakyat kata, tunggulah nanti.</i>	(4.21) <i>Littoral Combat Ship kejutan baharu, Seluruh negara haru-biru; Kalau semangat kenegaraan tidak menentu, Tunggu PRU-15, rakyat palu</i>
(4.11) <i>Tak kira ribut atau taufan, PH mampu membawa negara ke hadapan; Politik, agama dan perkauman, Tak laku lagi sebagai umpan.</i>	

Seleksi 5: Menjemput Pembahas, Menteri atau Timbalan oleh Tuan Yang di-Pertua dan Timbalan Yang di-Pertua	
(5.1) <i>Pemimpin berilmu pemimpin yang bijak; Kebijaksanaan itu adalah disanjung; Di mana bumi dipijak; di situlah langit dijunjung.</i>	(5.4) <i>Kerap di tepi permatang, Permatang ada di sana, Bercakap jangan panjang, Bertandang jangan lama</i>
(5.2) <i>Sudah petang ia hari; Sudah kembang bunga petola; Sudah dibentang huraian diri; Sudah hilang sakit kepala</i>	(5.5) <i>Getah lantun tetaplah lantun; Ia melantun ke atas para. Dalam pantun nak diberi pantun; Dalam pantun ada bicara.</i>
(5.3) <i>Jauhnya terbang burung belatuk; Ia nya lalu di tengah halaman. Banyak khidmat cemerlang pihak Dato'; Mari kita hargai zaman berzaman</i>	(5.6) <i>Cik Zaiton buat teh tarik; Cik Salim menyumbang gula. Pantun Yang Berhormat sedia menarik; Akan dicap kesemuanya</i>

Seleksi 6: Membuka dan Menangguhkan Majlis Mesyuarat oleh Tuan Yang di-Pertua atau Timbalan Yang di-Pertua	
Membuka Majlis	Menangguhkan Majlis
(6.1) <i>Minum air kelapa muda, Kelapa dipungut dari selatan, Berikan kasih kepada yang muda, Pada yang tua diberikan penghormatan</i>	(6.8) <i>Apakah tanda-tanda orang perjuangan; Pedih dan perit dibawa berlari; Susah payah tiada halangan; Kemenangan perjuangan yang kucari-cari</i>
(6.2) <i>Salam hormat kepada semua; Pemegang kata pemegang bicara; Agar terus sihat sentiasa; Jagalah kesihatan setiap masa</i>	(6.9) <i>Pokok serai daun keladi, Hidup subur di sungai seberang, Bukan budi sebarang budi, Budi baik dikenang orang</i>
(6.3) <i>Perak dipakai, suasa dibela, Gerak dah sampai, masa sudah tiba</i>	(6.10) <i>Sampan kolek menuju ke hilir, Sarat penuh dengan muatannya, Jangan berkata hanya dibibir, Cintakan negara apa buktinya.</i>
(6.4) <i>Perak dipakai, Suasa dibela; Gerak dah sampai, Puasa dah tiba</i>	(6.11) <i>Bunga melur, bunga kekwa, Hidup segar dihias melati, Semangat merdeka kekal di jiwa, Nescaya hidup lebih bererti.</i>

(6.5) <i>Suasa dipakai; Perak dibela. Masa dah sampai; Gerak dah tiba</i>	(6.12) <i>Di atas bukit tanamnya ubi; Burung tempua buat sarang; Bukan budi sebarang budi; Budi baik dikenang orang</i>
(6.6) <i>Apa tanda kain pelekat; Raginya halus dibentang lebar. Apa tanda pemimpin rakyat; Budinya halus orangnya sabar</i>	(6.13) <i>Kapal api dari seberang; Sarat bermuat dengan barangan; Maafkan saya lebih dan kurang; Diumpat boleh dicaci jangan</i>
(6.7) <i>Yang ditunggu sudah tiba; Dipanggil sudah sampai; Yang dikira sudah ada; Insya-Allah tujuan tercapai</i>	(6.14) <i>Ayam hutan terbang ke hutan; Tali terjerut di pagar duri; Adik bukan saudara pun bukan; Hati tersangkut kerana budi</i>

Perbincangan

Fungsi-fungsi pantun dalam Seleksi 1, Seleksi 2, Seleksi 3, Seleksi 5 dan Seleksi 6 bersifat teknikal iaitu digunakan dengan tujuan prosedural seperti; menyebut nombor soalan; menjemput Menteri atau Timbalan Menteri menjawab; dalam jawapan oleh Menteri atau Timbalan Menteri; menjemput soalan tambahan dalam sesi jawab lisan; memanggil pembahas, Menteri dan Timbalan Menteri untuk sesi perbincangan usul atau rang undang-undang; serta membuka dan menangguk mesyuarat.

Manakala, semasa sesi perbincangan yang dikumpulkan dalam Seleksi 4, didapati perbincangan terutamanya peringkat dasar berlaku dalam suasana yang sangat sengit kerana ia merupakan medan pertembungan ideologi (kepartian) yang paling ketara. Ketika ini, lakukan bahasa sama ada ucapan, celahan, pertanyaan retorik selain sarana pantun dan seloka dimanipulasikan dengan sangat kerap. Oleh sebab itu, Analisis Wacana Kritis (seterusnya AWK) diterapkan supaya dapat menerangkan fenomena dan hubungan antara kuasa dan ideologi secara kritis dan bersistematik.³⁷ Berdasarkan model van Dijk iaitu skema *The Ideological Square Model*,³⁸ dikotomi utama iaitu '*us versus them*' merupakan asas

37 N. Fairclough, *Analysing Discourse: Textual Analysis for Social Research* (London, Routledge 2003).

38 T. A. van Dijk, 'Ideology and Discourse Analysis' (2006) *Journal of Political Ideologies* 11(2), 115–140 <<https://discourses.org/wp-content/uploads/2022/07/Teun-A.-van-Dijk-2013-Ideology-and-discourse.pdf>> dicapai 31 Disember 2022.

menjelaskan tingkah laku seperti representasi positif sendiri dan representasi negatif pihak lawan untuk dimanipulasi, menimbulkan kesan diskriminasi dan prejudis terhadap pihak lawan.³⁹⁴⁰

Berdasarkan Seleksi 4, analisis peringkat makro yang terbina adalah seperti di bawah;

Senator Pro-BN/ Perikatan Nasional: Aku; Kami, Kita → Kumpulan Dalam

Senator Pro-Pakatan Harapan : Lain-lain, Mereka → Kumpulan Asing

Tinjauan mendapati, meskipun ucapan politik ini diujarkan di Dewan Negara yang secara umumnya tidak begitu ketara binarisme Kerajaan-Pembangkang berbanding di Dewan Rakyat, namun kewujudan pantun-pantun berasaskan dikotomi di atas, dapat dilihat pada Seleksi 4.

Berdasarkan *The Ideological Square Model* van Dijk, di peringkat analisis mikro dikesan penggunaan sembilan strategi diskursif seperti berikut; Pembuktian (*Evidentiality*), Puji Diri (*Self-Glorification*), Ketermangsaaan (*Victimisation*), Keterbebanan (*Burden*), Pengungkapan (*Lexicalization*), Ilustrasi (*Illustration*), Argumentasi (*Argumentative*), Generalisasi (*Generalisation*) dan Metafora (*Metaphor*).⁴¹ Dalam huraian di bawah, 'Pewacana' merupakan pembahas atau pemantun daripada pihak Kerajaan dan Pembangkang.

Pembuktian (*Evidentiality*)

Strategi diskursi ini menekankan kepada bentuk pembuktian secara spesifik diajukan kepada pihak lawan atau diajukan oleh pewacana untuk mencabar representasi kebolehpercayaan pihak lawan atau mengangkat nilai kebolehpercayaan pihak pewacana. Pantun-pantun bentuk ini dapat dilihat pada (4.1), (4.6) dan (4.21). Pantun (4.1) mempersoalkan bukti tuduhan DAP bahawa Kolej Tuanku Abdul Rahman dikuasai

39 N. Noor, dan B.A. Hamid, 'Cyberbullying in the Name of God: Critical Discourse Analysis of Online Responses to The Act of De-Hijabbing in Malaysia' (2021) 3*L: Southeast Asian Journal of English Language Studies* 27(4), 215-229 < <http://journalarticle.ukm.my/18438/1/49560-173378-1-PB.pdf>> dicapai 31 Disember 2022.

40 S. Ghaffari, 'Discourses of Celebrities on Instagram: Digital Femininity, Self-Representation and Hate Speech' (2020) 19(2) *Critical Discourse Study* <<https://doi.org/10.1080/17405904.2020.183992>> dicapai 31 Disember 2022.

41 T. A. van Dijk, 'Critical Discourse Analysis and Conversation Analysis' (1999) *Discourse and Society* 10(4), 459-470 <<https://doi.org/10.1177/0957926599010004001>> dicapai 31 Disember 2022.

oleh parti politik tertentu. Pantun (4.6) mencabar keyakinan terhadap belanjawan oleh Pakatan Harapan dengan kemeruduman ekonomi ketika itu manakala, pantun (4.21) pewanca memetik isu spesifik, iaitu isu penyelewangan *Littoral Combat Ship* untuk mencabar legitimasi kebolehpercayaan pihak lawan.

Puji Diri (Self-Glorification)

Diskursif ‘Puji Diri’ adalah suatu bentuk strategi untuk menampakkan kebaikan ideologi dan lakuan politik pihak pewacana serta kesan baik terhadap rakyat dengan beberapa pernyataan yang biasanya selektif. Bentuk ini dilihat pada pantun (4.3), (4.9), (4.11), (4.12) dan (4.19). Pantun (4.3) dan (4.9) adalah diskursif ‘Puji Diri’ untuk mengangkat representasi bagus di blok Perikatan Nasional. Manakala, pantun (4.11), (4.12) dan (4.19) adalah pernyataan-pernyataan yang memuji dasar dan individu politik daripada Pakatan Harapan.

Ketermangsaan (Victimisation)

Bentuk diskursif ‘Ketermangsaan’ merupakan bentuk cara untuk menjadikan pewacana atau pihak ketiga sebagai mangsa yang menerima kesan buruk daripada lakuan politik dan dasar-dasar pihak lawan. Ini akan menimbulkan simpati terhadap pihak pewacana dan tanggapan mewujudkan negatif terhadap pihak lawan. Dalam pantun (4.2), pewacana iaitu daripada Pakatan Harapan, menyatakan bahawa pihak parti lawan iaitu BN telah menyebabkan ekonomi merosot kerana kleptokrasi lalu menjadikan pewacana dan rakyat sebagai pihak ketiga sebagai mangsa kepada tindakan tersebut.

Keterbebanan (Burden)

‘Keterbebanan’ merupakan strategi diskursif yang memanfaatkan masalah-masalah daripada lakuan politik lampau sebagai di luar kawalan pewacana untuk menimbulkan simpati, mengabsahkan atau membenarkan tindakan pewacana yang mungkin bertentangan dengan nilai murni masyarakat. Dalam pantun (4.13), pewacana iaitu ahli politik MCA memanfaatkan kesan dasar-dasar lampau sebagai alasan mengabsahkan dasar penubuhan Kolej Tuanku Abdul Rahman yang dituduh oleh pihak lawan iaitu DAP sebagai institusi yang dikuasai kuasa politik tertentu dan bersifat segregasi perkauman.

Pengungkapan (Lexicalisation)

Pewacana dalam strategi ini menggunakan bentuk-bentuk perkataan atau frasa yang jelas bersifat jelik, negatif, sensitif atau berkonotasi buruk untuk merepresentasikan ideologi dan dasar-dasar pihak lawan. Ini dapat dilihat dalam pantun (4.4), (4.5), (4.7), (4.10) dan (4.14). Pantun (4.4), (4.7) dan (4.14) dengan frasa seperti "*Peja mabuk kuasa; lompat parti kerja terkutuk; sila duduk jangan lari*" disebut oleh pewacana daripada Pakatan Harapan untuk memburukkan imej pihak Perikatan Nasional dan BN. Manakala, pantun (4.5) dan (4.10) pula mengecam pihak Pakatan Harapan yang dikatakan oleh pewacana mengambil tindakan bersifat politik dendam dan menipu rakyat.

Ilustrasi (Illustration)

Strategi ini memanfaatkan kejadian yang berlaku ke atas pihak lawan sebagai gambaran yang boleh meningkatkan lagi imej pewacana dan memburukkan imej pihak lawan. Pantun (4.15) oleh pewacana daripada Pakatan Harapan memanfaatkan peristiwa kegagalan Menteri Besar Perak mendapat sokongan dalam pengundian Usul Undi Percaya di DUN Perak pada 3 Disember 2020 yang dikatakan berpunca daripada sikap tamak bekas Menteri Besar Perak tersebut.

Argumentasi (Argumentative)

Pewacana dalam strategi ini memanipulasikan kumpulan hujah atau fakta yang berbentuk koheren, sistematik dan selektif untuk mengabsahkan di pihak pewacana. Bentuk ini kita dapat lihat dalam pantun (4.16), (4.17) dan (4.20). Pewacana dalam pantun 4.16 menyebut tentang ideologi '*Malaysian Malaysia*' yang dikatakan menyarankan penghapusan kouta bumiputera untuk membina representasi buruk khalayak terhadap pihak DAP dan Pakatan Harapan. Pantun (4.17) pula berhujah mempertikaikan mengapa pihak Pakatan Harapan tidak dapat menepati janji meskipun telah mendapat mandat. Pantun 4.20 cuba membina representasi negatif terhadap pihak Pakatan Harapan dalam soal janji manifesto menangani harga barang yang tinggi.

Generalisasi (Generalisation)

Strategi ini digunakan oleh pewacana dengan membuat kesimpulan umum untuk memberikan gambaran buruk terhadap imej pihak lawan. Pantun 4.18 memperlihatkan tindakan pewacana yang cuba membina

imej rakyat ‘lemas’ dan ‘menggigil’ sebagai kesimpulan umum prestasi Pakatan Harapan.

Metafora (Metaphor)

Metafora merupakan bentuk cara diskursi wacana yang cuba membentuk gambaran atau perumpamaan baik di pihak pewacana dan buruk di pihak lawan, seperti dalam bentuk (4.8), Ketua Pembangkang ketika itu dinyatakan memukul ‘canang’. ‘Canang’ merupakan alat muzik berbentuk gong tetapi bersaiz kecil digunakan dalam seni wayang kulit yang diketuk untuk menghasilkan bunyi mengasyikkan.⁴² Namun, pewacana bukanlah merujuk perbuatan memukul canang secara literal, sebaliknya istilah tersebut adalah perumpamaan bahawa Ketua Pembangkang hanya pandai bercakap tentang cerita-cerita mengasyikkan.

Berdasarkan lakuan kesembilan-sembilan strategi diskursif di atas, jelas wujudnya hubungan binari yang disebut van Dijk; *“the typical positive evaluation of US and OUR actions in positive terms and of THEM and THEIR actions in negative terms”*.⁴³

Puitika Pantun-Pantun Melayu

Dunia Luas yang Dipadatkan

Menurut Muhammad Haji Salleh (2021), orang Melayu dahulu kala menyusun pantun daripada ‘pengalaman-pengalaman dunia’ dan pemikiran mereka. Pengalaman dunia adalah ‘renungan kehidupan’ sejak daripada kecil yang hingga menjelang usia lanjut, dan mencapai tahap kematangan lalu menjadi wawasan diri. Wawasan diri itulah yang cuba dipadatkan oleh pengarang pantun. Wawasan inilah yang mendasari tatasusunan citra, baris dan perkataan. Namun, sekadar menemukan sebuah wawasan tidak cukup menyerlahkan makna. Makna yang cemerlang dapat berlaku apabila pengarang memastikan baris-baris pantun itu wujud jalinan saling melengkapi serta mempersembahkan harmonika konotasi bunyi, gambaran dan suasana.

‘Makna cemerlang’ adalah hasil permainan citra ‘yang indah-indah’. Citra berupa bekas-bekas kenangan lampau yang diingat oleh pengarang. Namun, daripada apa-apa yang diingatnya, yang hanya diambil oleh

42 Lihat <<https://prpm.dbp.gov.my/Cari1?keyword=canang&d=243192&>> dicapai 30 Disember 2023.

43 T. A. van Dijk (n 41) 463-465.

pengarang daripada khazanah kenangannya itu yang terlalu membekas di hati yang boleh jadi daripada kenangan indah dan kenangan sedih.

Berdasarkan dapatan daripada entri-entri, kajian mendapati terdapat sebahagian pantun diucap sebagai lakuan bahasa dalam perbahasan juga mencapai ciri-ciri di atas. Antara seleksi pantun yang paling ketara adalah;

Seleksi 7: Seleksi Contoh Pantun Berciri Dunia Luas yang Dipadatkan	
(7.1) <i>Dari Mersing sampai Kelantan, Daerah baharu ECER ialah Segamat, Rancangan baik kerajaan dialu-alukan, Pembangunan Kelantan diharap sangat</i>	(7.5) <i>Jambatan besi ada di Tawau; Jambatan besi juga didirikan di Kota. Jawapan sudah pun diberi oleh anak Rembau; Yang juga Menteri Kesihatan kita</i>
(7.2) <i>Ada damak ada ipuh; Naik ke bukit nampak sumpitnya; Emas perak senang disepuh; Besi buruk nampak karatnya</i>	(7.6) <i>Mari pergi ke Kampung Boyan; Pergi bersama dengan Pak Abu; Terima kasih atas soalan; Insya-Allah saya cuba jawab satu per satu</i>
(7.3) <i>Anak teruna merantau ke Belaga; Mudik nanti membawa raga; AyuhbersamamemperjuangkanMA1963; Sejahtera Malaysia kita sekeluarga</i>	(7.7) <i>Bandar Pasir Mas di negeri Kelantan; Bandar sempadan Rantau Panjang. Jangan rancangan hanya rancangan, Tahun 2025 masih dok angan-angan</i>
(7.4) <i>Bunga dedap di atas para, Anak Dusun pasang pelita, Kalau tersilap tutur bicara, Jemari disusun maaf dipinta</i>	(7.8) <i>Datang ke Parlimen bermuka ceria; Bentara tolong bukakan pintu; Awal Bismillah pembuka bicara; Soalan saya nombor satu</i>

Mainan Kiasan dan Saranan

Selain itu, menurut teori PSM, pantun yang indah-indah juga mempamerkan corak permainan kiasan dan saranan dengan maksud pengarang mempunyai strategi tertentu untuk memanipulasikan citra-citra supaya terhasil bentuk-bentuk pantun yang menyentuh, mengejek atau menggoda hati pendengar.

Prinsip kiasan menghindari sifat terlalu terang-terangan yang merosakkan 'kehalusan' pantun, juga, menghindari bentuk-bentuk pantun janggal yang tidak logik pada akal dan sistem sosial masyarakat yang berpunca daripada keketikan pengalaman dan pemikiran pengarang.

Antara ciri pantun dengan kiasan yang cemerlang adalah pada baris pembayang pun pengarang berhasil membentuk dunia pembayang dengan susunan kata-kata yang dapat membawa sifat, ciri atau wujudnya yang sama dengan baris maksud. Tanpa persamaan sifat, ciri atau wujud kata-kata itu, pantun yang terhasil hanya bergantung kepada ritma. Namun, persamaan itu tidak boleh terlalu ketara. Jadi, pendengar perlu masuk ke dalam dunia *terra incognita* dan daripada kesamaran itu pendengar turut sama meneroka ruang makna. Lebih samar itu lebih misteri, justeru mencabar upaya minda pendengar. Itulah tarikan utama seni berpantun.

Prinsip kiasan berpantun juga adalah kerana orang Melayu mementingkan maruah atau air muka. Oleh sebab itu, pantun asli Melayu mampu menyampaikan hajat pewacana, tetapi tidak secara terus kerana merisikokan ‘jatuhnya air muka’ pemantun atau pendengar pantun.

Dalam tinjauan pantun, didapati beberapa bentuk kiasan juga dimanfaatkan oleh Ahli-ahli Parlimen Dewan Negara untuk mengkritik dasar-dasar, seseorang, atau sekelompok, terutamanya yang berlainan ideologi. Dapatan diperoleh adalah seperti berikut;

Seleksi 8: Seleksi Contoh Pantun Berciri Mainan Kiasan dan Saranan	
(8.1) <i>Apa diharap padi sebandang; Daun lebat ditiup bayu; Apa diharap budi orang; Tidak sama budinya ibu</i>	(8.5) <i>Burung perling matanya merah; Mari hinggap di pohon kekabu; Saya mengerling bukannya marah; Hati di dalam bagai digaru</i>
(8.2) <i>Sayang rokok hisap di mulut; Asapnya bergulung hingga ke pipi; Tuan bercakap manis di mulut; Saya mendengar pedih di hati</i>	(8.6) <i>Sirih ada pinang pun ada; Saja saya tak letak di tapak; Kasih ada sayang pun ada Saja saya tak beri nampak</i>
(8.3) <i>Bunga melur bunga melati; Mari pakai di ufuk hati; Budaya orang kita, yang tua dihormati; Yang muda dikasihi</i>	(8.7) <i>Dari jauh tersenyum sinis; Ingat teruna pada si dara; Berhadapan saja mulutnya manis; Paling belakang lain bicara</i>
(8.4) <i>Nasi dingin bersayur mumbang; Sayur dimasak dalam belanga; Kami tidak ingin melihat kumbang; Kalau kumbang merosakkan bunga</i>	(8.8) <i>Cantik si dara di sebalik tabir; Buat si teruna ternanti-nanti; Bicara jangan sekadar di bibir; Biar seiring tujuan di hati</i>

Dunia Berjodoh

Teori PSM juga menyatakan bahawa sebuah pantun yang baik, menampilkan jalinan harmoni antara dua dunia, iaitu dunia alam raya dan dunia manusia. Dua dunia ini juga disebut, dunia luaran dan dunia dalaman. Dunia alam raya atau dunia luaran berupa gambaran suasana, latar dan keadaan misalnya pepohon, bebunga, mergastura, sungai, laut, teluk, direnungi, diperhalusi dan dipersenikan ekosistemnya untuk menuntun pembaca kepada makna yang hendak disampaikan pada rangkap kedua. Di peringkat ini, daya kreativiti lewat renungan yang tajam amat dituntut pada pengarang kerana pewacana perlu memerhatikan sifat, wujud, dan fungsi-fungsi objek alam persekitaran itu dan hubungannya dengan kehidupan manusia.

Hasil renungan, perhalusan dan persenian itulah kemudiannya berpindah ke dunia manusia, iaitu pada rangkap kedua yang menyatakan maksud pantun sama ada berbentuk perasaan, fikiran atau nasihat.⁴⁴ Perpindahan antara dua dunia pada kedua-dua rangkap ini harus harmoni dan berimbang pada sifat dan wujud. Tidak boleh bertingkah atau terputus hubung kait logika antara dunia alam raya dan maksud pada dunia manusia. Berdasarkan tinjauan data-data yang diperoleh, berikut merupakan pantun-pantun yang didapati memperlihatkan prinsip dunia berjodoh;

Seleksi 9: Seleksi Contoh Pantun Berciri Dunia Berjodoh	
(9.1) <i>Budak-budak bermain tombak; Tombak diikat dengan rantai; Kalau takut dilambung ombak; Jangan berumah di tepi pantai</i>	(9.5) <i>Anak muda naik mendaki; Dibawa jauh ke tanah tinggi. Kalau tidak berhati-hati; Mungkin pandemik akan parah lagi</i>
(9.2) <i>Tegak rumah kerana sendi; Runtuh sendi rumah binasa. Tegak bangsa kerana budi; Runtuh budi hilanglah bangsa</i>	(9.6) <i>Bertiup angin bersama khabar, Menusuk ke setiap pancaindera; Bara jangan dibiarkan terbakar, Kelak binasa rumah kita</i>

44 E. M. Hussain, T. I. M. T. M. Ali, dan S. Jaafar, 'Simbol Tumbuhan Dalam Pantun Dari Perspektif Puitika Sastra Melayu' (2015) 26(1) *Jurnal Pengajian Melayu (JOMAS)* 235-255 <<https://ejournal.um.edu.my/index.php/JPM/article/view/9702>> dicapai pada 31 Disember 2022.

(9.3) <i>Kalau hendak membeli cermin, Belilah cermin tembus cahaya; Kalau mahu menjadi pemimpin, Jadilah pemimpin lurus bicara.</i>	(9.7) <i>Beras segantang sudah disukat; Lalu disimpan di atas para. Andai pemimpin sama muafakat; Negara damai, rakyat sejahtera</i>
(9.4) <i>Kalau hendak pergi memancing; Jangan lupa membawa umpan. Kalau kita tidak mahu lagi dikencing; 'Katak politik' mesti kita hapuskan</i>	(9.8) <i>Kalau meniup seruling bambu; Siapa yang ikut akan terbuai. Kalau hidup saling membantu; Mana yang kusut akan selesai</i>

Sama Ukuran

Menurut teori PSM pantun yang puitis merupakan pantun seimbang teknikalitinya. Pantun seimbang mempunyai jumlah perkataan atau suku kata, bunyi muzik yang sama bilangannya pada rangkap pembayang dan rangkap maksud. Jumlah-jumlah tidak boleh terlalu berlebihan dan tidak boleh pula kurang yang lalu menampakkan ketidakseimbangan. Ukuran teknikal yang seimbang bukan sahaja dapat dilihat pada bentuk pantun bertulis, tetapi juga dapat didengar pada bentuk lantunan irama dan pada makna yang memaparkan silogisme maksud.

Walau bagaimanapun, sesetengah pantun Melayu tulen pun ada kalanya agak melanggar prinsip ini. Tidak banyak, tetapi ada. Contohnya jumlah perkataan atau suku kata yang tidak seimbang antara salah satu baris atau ritma konvensional a-b-a-b tidak digunakan sebaliknya menggunakan ritma a-b-a-c.⁴⁵ MSM berpandangan, meskipun harmoni merupakan elemen yang mustahak dalam pertukangan pantun namun, harmoni bukanlah tujuan utama pantun kerana jika terlalu harmoni, ia mengehadkan aneka citra pantun dan membosankan.

Ada juga pantun yang jika ditulis, jumlah perkataannya tidak seimbang. Namun, apabila dilantunkan iramanya dengan tepat dan betul, iramanya itu akan melindungi ketidakseimbangan pada jumlah perkataan atau suku kata pantun. Daripada dapatan data kajian, didapati pantun-pantun yang memperlihatkan aspek sama ukuran adalah seperti berikut;

45 Salleh (n 4) 248-250.

Seleksi 10: Seleksi Contoh Pantun Berciri Sama Ukuran	
(10.1) <i>Rangkap-rangkap di hulu; Ada durian di kemudian. Yang sudah bercakap habislah dahulu; Yang hendak jawab ada kemudian</i>	(10.5) <i>Mari kita pancing ikan; Sila berucap teruskan</i>
(10.2) <i>Ijok-ijok tali perahu; Tali bemban dibuat rakit. Esok-esok baru tahu; Menaruh dendam bawa penyakit</i>	(10.6) <i>Emas berlian cincin suasa; Perhiasan diri buat pusaka. Manalah tahu tertikam bisa; Niat di hati baik belaka</i>
(10.3) <i>Daun palas taruh direndam; Bemban sebatang batwa beradu. Saya malas menaruh dendam; Dendam sebulan setahun rindu</i>	(10.7) <i>Pandai menyukat; Pandai menghitung. Tak pernah dekat-dekat; Tetapi sampai ke batang hidung</i>
(10.4) <i>Kacang bukan sebarang kacang; Kacang soya dibuat tauhu. Rancang bukan sebarang rancang; Kuasa Allah siapa yang tahu</i>	(10.8) <i>Hijau menguning, padi di sawah; Tunduk berisi, bagai nak rebah. Pendirian kukuh, tak goyah; Menghadap cabaran, tak gelabah</i>

Muzik Seiring Kata

Pantun sememangnya merupakan seni puisi yang terkenal kerana irama harmoni senada serta ritmanya bersilang-silang umumnya. Bunyi-bunyi sedemikian menimbulkan semacam keriang dengan adanya irama menurun dan menaik lewat permainan vokal dan konsonan yang kompleks. MSM menyatakan bahawa, muzik pantun Melayu Asli 'yang indah-indah' memperlihatkan bunyi-bunyian bergema, saling sahut-menyahut dan berulang-ulang dan fenomena ini tidak terletak hanya di hujung baris. Letak fenomena ini relatif, mungkin pada awalan baris, di pertengahan atau seperti kebiasaannya di akhir baris. Juga, boleh terjadi lewat teknik menyalin konsonan (aliterasi), menyalin vokal (asonansi), menyalin kata di baris awal baris (anafora) atau di akhir (epifora). Teknik-teknik ini boleh berbentuk dalam dua pasang ataupun tiga pasang baris dengan ciri-ciri di atas sama ada berturutan atau berselang-seli.

Dalam teknik asonansi misalannya, pengarang bermain dengan jalinan antara bunyi-bunyi vokal hadapan seperti /i/,/e/,/ε/ dan /a/ atau selang-sela antara bunyi-bunyi vokal belakang seperti /u/,/o/ dan

/o/ atau menggabungkan antara dua kategori bunyi vokal tersebut selain mahir bermain dengan diftong Melayu seperti /ai/,/au/ atau /oi/, bentuk-bentuk digraf, vokal berganding dan konsonan bergabung. Apa yang penting adalah pada akhirnya, suatu ekosistem irama dengung dalaman yang tingkah-meningkah, sahut-menyahut itulah yang akan membangkitkan keasyikan kepada pendengar. Tinjauan daripada data mendapati, beberapa pantun menonjolkan ciri-ciri muzik seiring kata adalah seperti berikut;

Seleksi 11: Seleksi Contoh Pantun Muzik Seiring Kata	
(11.1) <i>Helang terbang mencari makan; Terbang tinggi mekar di atas. Puan Timbalan Yang di-Pertua mohon izinkan; Atur bicara mulakan bahas</i>	(11.5) <i>Apa diharap padi seberang; Entah menjadi entahkan tidak. Apa diharap kasihnya orang; Entahkah sudi entahkan tidak</i>
(11.2) <i>Alang-alang berdakwat biar hitam; Alang-alang berminyak biar licin. Alang-alang menyeluk pekasam; Biar sampai ke panggal lengan</i>	(11.6) <i>Dari Arau pergi ke Tumpat, Bawa bekal berupa ketupat; Tolong jawab dengan cepat, Soalan saya nombor empat</i>
(11.3) <i>Di sana padi, di sini padi; Itulah nama sawah dan bendang. Di sana budi, di sini budi; Barulah sempurna bernama orang</i>	(11.7) <i>Kerakap tepi pematang; Pematang ada di sana. Bercakap jangan panjang; Bertandang jangan lama</i>
(11.4) <i>Lompat si katak lompat; Tersalah lompat masuk perigi. Lompat parti jangan tidak lompat; Perbuatan keji menghina diri</i>	(11.8) <i>Pat-pat siku lipat; Soalan saya nombor empat</i>

Patut dan Sesuai

Untuk memahami prinsip ini, kita perlu kembali kepada makna perkataan ‘patut’. ‘Patut’ menurut kamus bermaksud “baik lagi elok (perangai, perbuatan, dll.) senonoh, layak sesuai (untuk melakukan sesuatu dll.), sepadan, sesuai benar, berpadanan, seimbang, setimbang, tidak boleh tidak, mesti dan wajib”.⁴⁶ Manakala, menurut MSM, ‘patut’ dalam

46 Lihat <<https://prpm.dbp.gov.my/cari1?keyword=patut>> dicapai 30 Disember 2023.

istilah kesusasteraan adalah "...yang sesuai untuk sesuatu baris, sesuatu untuk konteks dan sesebuah karya". Prinsip 'patut' memandu pengarang supaya memilih dan mereka bentuk pantun dalam bentuk yang tidak berlebih-lebihan, sederhana dan tepat mengikut konteks suasana dan maksud yang ingin diangkat.

Menurut sumber daripada teks-teks Melayu Klasik, yang dikatakan patut dan sesuai itu tampak pada dua ciri, iaitu hasil seni yang tidak 'janggal' dan kesannya apabila dibacakan harus terasa 'manis'. Maksud 'janggal' daripada segi perkamusan adalah "*tidak sedap dilihat atau didengar, atau canggung, tidak laras*". Manakala, 'manis' pula akan menampilkan hasil seni yang sedap didengar sopan, lemah lembut dan kena pada tempatnya. Pendengar mengesani ciri 'manis' ini lewat aneka ragam dunia- yang dimetaforakan oleh pengarang dalam pantunnya. Hasil pantun yang 'manis' tidak sama mutunya dengan pantun biasa kerana untuk mencapai tahap itu, pengarang bukan sahaja perlu berwaspada dengan kata-kata yang kesat atau gopoh, pengarang juga perlu memastikan intonasi yang selaras, harmonika ritma dan makna yang akan ditanggapi oleh pendengar itu pula haruslah logik.

Prinsip dan patut juga tidak semata menekankan kepada hal-hal kepengarangan pantun. Malahan turut menitikberatkan tentang cara pemantun itu kemudiannya melafazkan pantun yang dikarang. Ini disebut oleh MSM sebagai 'gerak yang patut'. Ketika membacakan pantun terdapat semacam had laju yang perlu dipatuhi oleh pemantun berpandukan irama bunyi-bunyi menaik dan menurun. Pengarang pantun Melayu Asli juga sangat prihatin tentang tataatur imej atau citra yang dipaparkan. Daripada citra pada baris pertama akan dihubungkan dengan baris-baris seterusnya dengan tertib dan mengikut susunan yang patut. Berdasarkan tinjauan daripada data, berikut adalah pantun-pantun yang mempamerkan ciri-ciri patut dan sesuai;

Seleksi 12: Seleksi Contoh Pantun Patut dan Sesuai	
(12.1) <i>Orang ramai pergi ke sawah; Letak dia di sebelah padi. Jangan YB rasa susah; Disambung kelak lain kali</i>	(12.5) <i>Kalau hendak menjerat rusa; Siapkan tali disimpul erat. Kalau hendak berbuat jasa; Tetapkan hati betulkan niat</i>
(12.2) <i>Kalau tuan memakan pauh; Bersama nasi berlauk tenggiri; Kalau Ahli-ahli YB pergi jauh; Pandai-pandailah YB menjaga diri</i>	(12.6) <i>Dari Langat ke Tanjung Sepat; Singgah sebentar di Kanchong Darat; Pelantikan Tan Sri adalah tepat; Moga Dewan diangkat darjat</i>

(12.3) <i>Ayam hutan terbang ke hutan; Tali sangkut pagar berduri; Adik bukan saudara pun bukan; Hati tersangkut kerana budi</i>	(12.7) <i>Simpan buah dalam raga, Cincin emas cincin suasa, Kasih ibu membawa ke syurga, Kasih bapa sepanjang masa</i>
(12.4) <i>Apa tanda si pohon kayu; Lebat daunnya elok bersusun; Apa tanda orang Melayu, Halus budinya bijak berpantun</i>	(12.8) <i>Emas berlian cincin suasa; Perhiasan diri buat pusaka. Manalah tahu tertikam bisa; Niat di hati baik belaka</i>

Perbincangan

Berdasarkan data di atas, analisis mendapati kebanyakan pengalaman dunia yang dimanfaatkan dalam wacana pantun di Parlimen adalah daripada sumber-sumber lokal pemantun. Antaranya seperti nama-nama kampung atau daerah yang hampir dengan pemantun seperti ‘Kampung Boyan’ dalam pantun Dato’ Sri Dr. Haji Wan Junaidi bin Tuanku Jaafar; ‘Belaga’ dalam pantun Datuk Bobbey Ah Fang bin Suan; ‘Pasir Mas’ dan ‘Rantau Panjang’ dalam pantun Sr. Haji Mohamad Apandi bin Mohamad. Selain itu, terdapat juga penggunaan objek-objek sekitaran masyarakat asli Semenanjung dan Borneo seperti dalam pantun (7.2) dan (7.5) oleh Dato’ Isa bin Ab. Hamid serta (7.4) oleh Datuk John Ambrose. Kedua-duanya Senator yang dilantik mewakili masyarakat Orang Asli.⁴⁷ Kecenderungan lokaliti juga berbentuk nama-nama dasar kerajaan dan isu semasa, iaitu ECER dan MA1963 di lokaliti pemantun seperti dalam pantun (7.1) selain pengalaman di Parlimen (7.8).

Peristiwa bahasa yang melatari wacana Parlimen tekal dengan fitur-fitur berbentuk cadangan, penghujahan, penilaian, perkongsian dan terutama sekali kritikan. Oleh sebab itu, kita dapati pada pantun (8.2), (8.3), (8.4), (8.5), (8.6), (8.7) dan (8.8) sarat dengan bentuk-bentuk teguran dan kritikan. Akan tetapi, pemantun ketika berpantun didapati masih berwaspada dengan risiko ‘jatuhnya air muka’ khalayak sasaran. Ini dengan cara tidak menyebut mana-mana pihak, parti atau individu.

Pantun-pantun perbahasan tekal menggunakan unsur-unsur samar dengan objek-objek tradisi pantun dalam baris pembayang, iaitu ‘anak dara’, ‘anak teruna’, ‘burung perling’, bunga-bunga, rokok, nasi dingin,

47 Lihat <<https://www.nst.com.my/news/nation/2019/04/481829/isa-ab-hamid-sworn-senator-second-term>> dicapai 15 Disember 2022.

padi dan sirih. Kesamaran pada pembayang itu kemudiannya beransur-ansur terang ke ruang makna yang tepat dan jelas seperti; "*Tuan bercakap manis di mulut, Saya mendengar pedih di hati*" dan "*Berhadapan saja mulutnya manis; paling belakang lain bicara*". Pada pantun (8.5) dan (8.8) didapati pada baris pembayang dan makna terdapat keselarian pilihan "*Burung Perling matanya merah-saya mengerling bukannya marah*"; perilaku "*Si teruna ternanti-nanti dengan-bicara jangan sekadar di bibir*". Keselarian hubungan inilah yang disebut-sebut sebagai keunggulan penukangan pantun Melayu oleh Zaaba⁴⁸ dan MHS. Pengkaji Barat bahkan menganggap pantun sebagai jasad dan roh (*body and soul*)⁴⁹ atau ibarat kumandang dengan bunyi, iaitu tautan kesamaan makna yang diperindahkan lagi dengan keselarian bunyi.⁵⁰

Kajian juga mendapati, terdapat pelbagai bentuk penjodohan antara dunia luaran dengan dunia manusia dalam pantun-pantun perbahasan Dewan Negara. Hubungan antara dua dunia terjalin pada baris pembayang dan makna kelihatan bersifat harmoni, logik dan tidak kontradiktif. Berdasarkan data, 'dunia-dunia luaran' dimanfaatkan mampu menyerlahkan sifat, wujud, dan fungsi-fungsi objek seperti "budak-budak yang bermain tombak", "sendi rumah", "cermin tembus cahaya", "pancing dan umpan", "seruling bambu", beras, angin yang bertiup serta anak muda yang mendaki ke tanah tinggi. Berdasarkan data, didapati seleksi objek-objek pantun wacana politik, sepertinya lebih ekstensif daripada pantun-pantun dalam wacana khusus yang cenderung kepada objek tumbuhan dan haiwan.⁵¹ Namun, cakupannya masih dalam lingkungan alam kosmologi Melayu tradisional.⁵² Taakulan daripada sifat, wujud, dan fungsi-fungsi objek tersebutlah lalu digarap menjadi nasihat seperti "usah berani-berani jika tidak mahu menanggung risiko", "pentingnya budi membina bangsa", "sikap ketelusan pemimpin", "jangan menipu seperti mengumpan ikan", "berhati-hati dengan risiko seperti mendaki", "jangan biarkan khabar angin berleluasa", "sepakat apabila keputusan telah diambil" serta "nilai murni yang dibuat bersama

48 Zaaba. (n 2) 187-190.

49 F.R. Daillie, *Alam Pantun Melayu: Studies on the Malay Pantun* (Kuala Lumpur, Dewan Bahasa dan Pustaka, 1988).

50 V.I. Braginsky, *Yang Indah, Berfaedah dan Kamal: Sejarah Sastra Melayu dalam Abad 7-19* (Jakarta, INIS, 1998).

51 M. H. Eizah, 'Simbol dan Makna dalam Pantun Melayu Bingkisan Permata' (Tesis Kedoktoran, University of Malaya 2016).

52 H. Zurinah, *Unsur Alam Dalam Puisi Melayu Moden* (Bangi, Universiti Kebangsaan Malaysia, 2010).

akan mempengaruhi dan menyelesaikan masalah". Nyata, ketelitian memilih simbol daripada alam kosmologi Melayu dan keselariannya membentuk sebuah nasihat adalah inti keindahan pantun⁵³⁵⁴ dan ciri-ciri inilah antara elemen terpenting untuk mengangkat kualiti pantun perbahasan.

Selain itu, analisis juga mendapati terdapat keseimbangan bunyi-bunyi, suku kata dan bilangan perkataan terkesan dalam himpunan data. Keseimbangan bunyi-bunyi dikesan pada tiga tempat, pangkal baris seperti 'ijok-ijok' dengan 'esok-esok'(10.2), pengulangan pada pantun (10.4) dan (10.7), di tengah baris 'palas-malas'(10.3) dan 'rangkap-cakap'(10.1) serta yang paling ketara sekali adalah ritma suku kata di akhir baris, '/-lu//an//lu//an/'(10.1), '/-hu//it//hu//it/'(10.2), '/-am//du//am//du/' (10.3), '/-ang//hu//ang//hu/'(10.4), '/sa//ka//sa//ka/'(10.6), '/-kat//ung//kat//ung/'(10.7), /-wah//bah//yah//bah/(10.8). Pengulang terbentuk di peringkat kata, frasa dan ayat sama ada dalam bentuk empat dan dua baris. Bilangan perkataan juga lazimnya antara empat hingga lima perkataan sahaja sama ada untuk semua baris ataupun berselang-selang antara baris dalam satu rangkap. Secara pengucapan pula, jeda dalam Seleksi 10 terletak berseragam, iaitu selepas dua perkataan terawal setiap baris. Deskripsi contoh adalah seperti di bawah;

Rangkap-rangkap # di hulu #
 # Ada durian # di kemudian #
 # Yang sudah bercakap # habislah dahulu #
 # Yang hendak jawab # ada kemudian #
 # Hijau menguning # padi di sawah #
 # Tunduk berisi # bagai nak rebah #
 # Pendirian kukuh # tak goyah #
 # Menghadap cabaran # tak gelabah #

Daripada aspek muzik bahasa, analisis mendapati Seleksi 11 di atas menunjukkan adanya orkestra bunyi-bunyi, iaitu pada vokal, konsonan, diftong dan digraf berunsurkan paralelisme terutamanya pada perkataan yang sama ukuran. Misalannya, paralelisme pengulangan penuh dipangkal sintaks seperti 'alang-alang' (11.2), 'apa diharap' (11.5), 'di sana-disini' (11.3) dan 'lompat' (11.4). Pengulangan penuh di tengah

53 Eizah (n 44) 136.

54 A.B. Zainal dan R. Ramli, *Pantun Warisan Rakyat* (Kuala Lumpur, Jabatan Kebudayaan dan Kesenian Negara, 2008).

sintaks seperti 'entahkan' (11.5) dan 'jangan' (11.7). Selain itu, didapati juga bentuk muzik bahasa yang paling ketara adalah paralelisme berbentuk suku kata sama ada perkataan di awalan, pertengahan dan akhir dalam sintaks masing-masing. Awalan contohnya adalah /-lang/ antara baris pertama dan kedua pantun (11.1), /-kap/ dan /-ang/ berselang-seli dalam pantun (11.7). Paralelisme pertengahan pula adalah seperti '-ber' sintaks pertama dan kedua dalam pantun (11.2), /-di/ berselang-seli dalam pantun (11.3) dan antara sintaks pertama dan kedua dalam pantun (11.5). Paralelisme suku kata pada akhir sintaksis pula bentuknya kita dapat lihat boleh terjadi antara tiga dengan dua suku kata /-kan//as//kan//as/ (11.1), tiga dengan satu suku vokal /-pat//i//pat//i/ (11.4) dan /-ang//a//ang//a/ (11.7), tiga dengan tiga suku kata /-ang//dak//ang//dak/ (11.5) dan /-pat//pat//pat//pat/ (11.6) dan /-pat//pat/ (11.8). Di sini kita dapati benang-benang bunyi sahut-menyahut, gema-bergema, tingkah-meningkah melibatkan kepelbagaian perkataan dan suku kata. Orkestra bunyi ini menyerlahkan irama-irama dengung yang merupakan keunggulan pantun-pantun perbahasan yang diteliti.⁵⁵

Berdasarkan Seleksi 12, didapati terdapat beberapa bentuk yang menyerlahkan ciri patut dan sesuai. Bentuk pertama yang menandai ciri ini ialah citra yang harmoni antara baris, sederhana dan tidak janggal seperti mana dalam kesemua Seleksi 12, masing-masing mengekalkan pasangan objek yang harmonis, iaitu tentang padi dan pesawah, buah dan lauk, ayam hutan dan pagar, pohon dan sifatnya, rusa dan alat menjratnya, daerah-daerah di Kuala Selangor, sifat penyayang ibu bapa dan perhiasan emas dan suasa.

Kedua yang menandai ciri patut dan sesuai ini adalah keselarasan antara pembayang dan maksud. Dalam pantun (12.3), lakuan ayam hutan yang ingin terbang ke hutan tetapi tiba-tiba tersangkut di pagar berduri diinspirasi untuk menyampaikan maksud rasa kasih sayang yang timbul tanpa disangka-sangka. Pantun (12.4) bercerita tentang tanda-tanda pohon yang indah, iaitu berdaun lebat dan tersusun yang membayangi baris maksud, iaitu Melayu sejati itu terletak pada kehalusan budi dan kebijaksanaan berpantun. Pantun (12.5) pula bercerita mengenai persediaan menangkap rusa yang merupakan pembayangan kepada maksud persediaan khalayak pendengar supaya membetulkan niat sebelum berbakti.

Citra yang harmoni, sederhana, tidak janggal serta keselarasan antara pembayang dan maksud dilihat menjadikan pantun-pantun

55 Salleh (n 4) 251-300.

ini kedengaran manis-manis. Seleksi pantun di atas menepati prinsip keindahan dengan mengelakkan unsur-unsur jijik, lucu dan berkonotasi negatif.⁵⁶ Kemanisan ini diperkuatkan lagi dengan pemilihan pembayang yang indah-indah seperti emas berlian, cincin suasa, pepohonan yang indah dan makanan yang baik.

Selain itu, berdasarkan tinjauan juga mendapati terdapat beberapa bentuk yang tidak atau kurang memenuhi ciri pantun. Ini selari pandangan beberapa pengkaji yang mendapati perubahan fitur sosial masyarakat Melayu beralih dari era tradisional ke era moden mempengaruhi kualiti pantun yang dihasilkan oleh generasi bukan tradisional ini.⁵⁷ Berdasarkan teori PSM, didapati pantun-pantun yang kurang memenuhi ciri pantun puitis adalah seperti berikut;

Seleksi 13: Seleksi Contoh Pantun Kurang Memenuhi Ciri Pantun	
(13.1) <i>Bercabang tiga si Gunung Daik, Kubur pandang nampak di pinggir; Sudah dua tahun prestasi Pakatan kurang baik, Rakyat sudah lemas dan mula menggigil.</i>	(13.5) <i>Senator Apandi dari Jeli, Di negeri Kelantan lokasinya hulu; Seluruh Senator ucap Happy Deepavali, Kepada sahabat beragama Hindu.</i>
(13.2) <i>Pohon selasih di dalam kolam, Anak haruan berenang-renangan; Terima kasih saya ucapkan, Budi Tuan Yang di-Pertua menjadi kenangan</i>	(13.6) <i>Tak kira ribut atau taufan, PH mampu membawa negara ke hadapan; Politik, agama dan perkauman, Tak laku lagi sebagai umpan.</i>
(13.3) <i>Buah cempedak di luar negara, Harapkan pegar, pegar makan padi; Dulu menjerit hapuskan kuota bumiputera, “Malaysian Malaysia” masihkah perjuangan DAP?</i>	(13.7) <i>Belia merempit berputar-putar, Bila jatuh terlanggar papan; Menteri kacak lagi pintar, Membawa belia maju ke hadapan.</i>

56 M.P. Harun, ‘Realiti Dan Kreativiti Pantun Melayu’ dlm. W.Y. Wan Abdul Kadir (ed.), *Pantun Manifestasi Minda Masyarakat* (Dewan Bahasa dan Pustaka, 1996).

57 N.A. Theis, A.A. Omar, N.A.I. Samin, dan A. N. Hisham, ‘Penggunaan Pembayang Unsur Alam dalam Pantun Siber: Analisis Kelogikan’ (E-Proceeding: Insan Junior Researcher International Conference (iJURECON), Nilai, 2020) <<https://oarep.usim.edu.my/jspui/handle/123456789/7436>> dicapai 29 Disember 2022.

(13.4) <i>September Hari Malaysia, Dari Perlis ke Sabah dirayakan bersama; Vaksin COVID-19 yang muktamad belum dijumpa, Kerana itu janganlah leka berjaga-jaga.</i>	(13.8) <i>Pekerja asing negara hebat Memang menjadi idaman semua; Apa-apa saja undang-undang yang dibuat, Biarlah untuk kebaikan bersama.</i>
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Berdasarkan Seleksi 13, beberapa ciri pantun yang tidak memenuhi keenam-enam prinsip PSM adalah atas sebab-sebab yang berikut;

- (i) melanggar prinsip sama ukuran, iaitu (13.1), (13.4);
- (ii) melanggar prinsip patut dan sesuai, iaitu (13.2), (13.7), (4.2), (4.4);
- (iii) melanggar prinsip dunia berjodoh, iaitu (4.1), (13.3);
- (iv) melanggar prinsip muzik seiring kata, iaitu (13.1), (13.2), (13.4); dan
- (v) melanggar prinsip kiasan dan saranan, iaitu (4.11), (4.21) (4.12);

Faktor yang paling ketara memberi kesan negatif kepada nilai puitika adalah penggunaan bahasa kesat, kasar dan gopoh dalam menyampaikan maksud. Ini bertentangan dengan prinsip mengelakkan perkataan dan bunyi-bunyi yang “*tidak sedap dilihat atau didengar, atau canggung, tidak laras*”. Misalannya “pohon selasih di dalam kolam” adalah kenyataan yang janggal. Manakala, pantun (13.7), (4.2) dan (4.4) mempunyai istilah berkonotasi buruk seperti ‘belia merempit’, ‘BN-kleptokrasi’, ‘Peja-mabuk kuasa’. Ini telah sama sekali menjatuhkannya air muka kumpulan umur atau orang yang ditujukan pantun. Kedua, pemantun terlihat gopoh mengesampingkan kiasan pada baris sintaks seperti pantun (4.11), (4.21) dan (4.12). Ketiadaan objek kiasan, terus memadatkan dengan maksud ingin disampaikan boleh mengelirukan sama ada bentuk tersebut adalah pantun atau genre-genre lain seperti syair, puisi atau gurindam.

Ketiga, pantun kurang puitis disebabkan ada kontradiksi atau kesenjangan keterlaluan antara sintaks pembayang dan sintaks maksud. Berdasarkan contoh (4.1) dan (13.3) pemantun gagal mengaitkan antara sifat, wujud dan fungsi ‘buah cempedak’, ‘galah’ dengan politik kolej KTAR dan buah ‘cempedak’, ‘pegar’ dengan dan kuota bumiputera. Ini kerana, pantun terlalu bergantung hanya semata-mata supaya berbunyi sama di awal ayat. Terdapat juga pantun yang dikarang, terlalu meleret-

leret lalu tidak mematuhi prinsip sama ukuran. Ukuran perkataan pantun (13.1) misalnya adalah 5-5-7-6 manakala (13.4) adalah 3-6-6-5. Ini seterusnya mengganggu ritma bunyi pada kedua-dua contoh tersebut. Pantun 13.1 dengan ritma /-ik//ir//ik//il/, pantun (13.2) dengan ritma /-lam/-gan//kan//gan/ dan pantun 13.4 dengan ritma /-ia//ma/-pa//ga/. Tambahan, pemantun tidak menangani perbezaan bunyi-bunyi dengan memilih diksi yang homofon sama ada di awal baris atas tengah baris

Intinya, pemilihan kata adalah sangat penting.⁵⁸ Pantun sangat bergantung kepada kekayaan perkataan-perkataan yang terkumpul berupa pengalaman pengarang atau dalam teori PSM disebut pengalaman dunia yang luas.⁵⁹ Pemilihan kata yang unggul mencerminkan harmonika bunyi-bunyi dan makna, sarat menampung kiasan, tepat menebak maksud, kata-kata asli, tradisi, dekat dengan alam Melayu dan boleh juga kata-kata yang jarang digunakan untuk menunjukkan wibawa perbendaharaan kata pemantun. Inilah yang disebut oleh Zaaba sebagai 'bentuk sempurna', 'ciri dalaman dan ciri luaran' bagi Harun Mat Piah, 'ibarat kumandang dengan bunyi' bagi Braginsky dan dinamakan MHS sebagai 'yang indah-indah'.

Kesimpulan

Rumusan daripada analisis wacana politik van Dijk mendapati pantun-pantun sebagai lakuan bahasa dalam wacana Parlimen sama ada ditukangi sendiri, disalin terus daripada korpus pantun sedia ada mahupun diubah suai sedikit daripada pantun asal jelas memiliki peranan penting dalam hubungan bahasa dan kuasa. Ahli-ahli Senator Dewan Negara khususnya yang mempunyai kecenderungan politik tertentu menggunakan pantun untuk tujuan evaluasi dasar dan kritikan terhadap parti lawan menggunakan isu-isu semasa untuk memperkukuhkan dan merobohkan legitimasi antara satu sama lain.

Keenam-enam prinsip PSM yang terkesan menunjukkan keanekaragaman kekuatan dalam seleksi pantun. Masing-masing pantun memiliki kekuatan tersendiri misalnya ada yang sarat dengan citra dunia, ada yang anggun bermain dengan kiasan, ada juga yang unggul mengaspirasikan unsur-unsur alam, ada tampak indah dengan tatasunan

58 R. Setyadiharja, *Khazanah Negeri Pantun* (Yogyakarta, Deepublish, 2020).

59 N. A. F. Zuraimi, 'Estetika Dan Kebijaksanaan Dalam Pantun Melayu: Suatu Kajian Berdasarkan Puitika Sastera Melayu' (Thesis Kedoktoran, Universiti Malaysia Kelantan, 2022).

kata serta ada pula yang begitu ceria dengan permainan muzik yang harmoni. Pun begitu, terdapat juga pantun-pantun yang memiliki dua, tiga atau kesemua prinsip keindahan PSM. Dapat disimpulkan, 'yang indah-indah' dalam seleksi data bersifat dinamik dan relatif.

Mengenai bentuk-bentuk pantun yang bersifat 'buruk' dan 'cacat', ini adalah kerana pantun dimanipulasikan secara '*mala fide*', sedangkan pantun Melayu adalah seni yang menuju ke arah keindahan, kebaikan serta keharmonian. Justeru, tidak wajar seni ini dimanipulasikan untuk agenda dikotomi politik dan ideologi mana-mana pihak.

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Food Politics and the Paradigm Shift in the Parliamentary Debate on Food Security

*Mohd Zulhelmi Syafuddin Tan, * Ahmad Naqiyuddin Bakar, **
Yarina Ahmad*** Quratul Ain Abdul Razak, ****
and Izzat Azri Ahmad Kharul Anuar******

Abstract

Food security has become a pertinent issue that is constantly being discussed in the mass media and even in parliamentary debates among the politicians. The topic of food security is political; hence, it should be handled with care within a confined aspect known as food politics. This paper is a preliminary stage study to examine which facets of food security that were most prominently debated among the members of the House of Representatives and whether the discussions were in line with and accurately portrayed the actual situation on the ground among the public. Hansards from the Parliament of Malaysia seatings in 2019 and 2022 were obtained as secondary data for analysis. The finding showed that the question of food availability was frequently mentioned in parliamentary debates as availability was the precursor to the other dimensions of food security. Additionally, food security issues raised by our politicians correspond with current major global issues that are affecting the public; collectively known as the 3C-shock: COVID-19, Climate Change and Conflict (Russia-Ukraine War).

Keywords: food politic, food security, agriculture, Global Food Security Index (GFSI), United Nations Food and Agriculture Organization (FAO)

* Mohd Zulhelmi Syafuddin Tan is a Research Officer at Malaysian House of Parliament. E-mail: mohdzulhelmi@parlimen.gov.my.

** Prof. Dr. Ahmad Naqiyuddin Bakar is a Lecturer at Faculty of Administrative Science and Policy Studies, Universiti Teknologi MARA.

*** Prof. Dr. Yarina Ahmad is a Lecturer at Faculty of Administrative Science and Policy Studies, Universiti Teknologi MARA.

**** Quratul Ain Abdul Razak is a Final Year Student at Faculty of Business Management, Universiti Teknologi MARA.

***** Izzat Azri Ahmad Kharul Anuar is a Final Year Student at Faculty of Business Management, Universiti Teknologi MARA.

Introduction

Food politics refers to the political atmosphere, institutions, processes, or content that either deter or promote food security or insecurity.¹ Dr Marion Nestle² popularised the term food politics. The premise of this term refers to the food industry, which like any other industry, plays a political tug-of-war to ensure that government policies and legislations favour and benefit them³. In many countries, including Malaysia, a nation's political stability and ability to provide for its citizens' nutritional needs are often inextricably linked. The disruption of food supplies brought on by wars and other forms of civil strife has historically been the root cause of significant instances of famine and malnutrition.

Nevertheless, food security and political stability are intertwined and interdependent on one another. For instance, a nation's ability to ensure the availability of its food supply can affect its government's stability.⁴ Concurrently, political instability, which can take the form of wars or civil strife, can affect a country's ability to provide adequate food for its citizens,⁵ as recently demonstrated in Ukraine. The greatest threat to the stability of a regime is the possibility of urban unrest, which can be sparked by a lack of food or a sudden increase in the cost of various food items. Therefore, governments' hypersensitivity, especially among Asian countries, to the issue of food security may be reflective of their bid to avert social unrest which could potentially lead to a political revolution. Consequently, ensuring food security becomes essential to the survival of the regime. Because the existing food systems are both

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- 1 M. Phillipov, 'The New Politics of Food: Television and the Media/Food Industries,' *Media International Australia* 158, no. 1 (2016): pp. 90-98, <<https://doi.org/10.1177/1329878x15627339>> accessed 10 October 2022.
 - 2 Western nutritionist who wrote on how the food industry influences nutrition and health. She believes politics, government and the food industry are influencing the way consumers eat.
 - 3 M. Nestle, 'Food Politics: How the Food Industry Influences Nutrition ... – Jstor Home,' ed. Michelle Pollan, (2016) <<https://www.jstor.org/stable/10.1525/j.ctt7zw29z.6>> accessed 26 November 2022.
 - 4 Carolan, Michael. *Embodied Food Politics*. 1st ed. London, England: Routledge, Taylor & Francis Group, 2016, pp 10.
 - 5 E. Flannery and D. Mincyte, 'Cultural Studies ↔ Critical Methodologies 10, no. 6' (June 17, 2010): pp. 423-427, <<https://doi.org/https://doi.org/10.1177/1532708610372>> accessed 10 October 2022.

unsustainable and unequal, a change in political structure is required in order to achieve the desired level of development.^{6,7}

Food Politics is a Subset of National Security

National security comprised of both military and non-military dimensions. The traditional perspective of national security accounted for the arms race, military technology, order of battle, military capabilities and strength of nations as an effective strategy to deter potential force, aggressors and threats of power to both internal violation and territorial integrity of the state. However, the non-military dimensions and forms exceed war, crime and violence but focus on society's physical, socioeconomic and psychological quality of life. It may include economic security, energy security, social security, environmental security, infrastructure security, cyber security and food security. Countries that could not guarantee food security to their general populace would often fare poorly in the economy and prosperity. Current security threats are no longer confined to political factors but involve economic considerations. Overall national prosperity and better gross domestic production (GDP) are tightly linked with food security. There are many linkages between food security and the economy. However, the most obvious is the production of agricultural produce.

Former Malaysia's Defence Minister, Hishammuddin Hussein, at Asia's top security summit, *i.e.*, the Shangri-La Dialogue, in Singapore, was quoted as saying that soaring food prices are a security concern.⁸ He then pointed to the political instability in several nations facing the threat of inflation as a warning to the rest of the region. Rising food prices may push people over the edge, generating a wave of instability with potential protests and riots affecting the security environments of the nations. The skyrocketing price of staple food items like wheat and rice stokes fury, warranted or otherwise, against governments. The best examples are the recent unrest in Sri Lanka and Pakistan over inflation

6 C. Lavin, 'Eating Anxiety: The Perils of Food Politics on JSTOR,' (University of Minnesota Press, 2013), <<https://www.jstor.org/stable/10.5749/j.ctt32bcnz>> accessed 29 September 2022.

7 M. Leach and the others, 'Food Politics and Development,' *World Development* 134 (October 2020): Article-105024, <<https://doi.org/10.1016/j.worlddev.2020.105024>> accessed 29 September 2022.

8 Online, The Star. "Food Security Critical for Peace, Says Hishammuddin." The Star. Nation, June 12, 2022. <<https://www.thestar.com.my/news/nation/2022/06/12/food-security-critical-for-peace-says-hishammuddin/.....>> accessed 19 November 2022.

and the Arab Spring⁹ more than 10 years ago,¹⁰ where protestors cried out for freedom, justice and bread. Food insecurity threatens social stability and exacerbates conflicts; no country is immune to this.

Definition of Food Security

When discussing the terminology of food security, there needs to be a thoughtful exploration of the more meaningful definition of food security. Hence, the main objective of this study is to produce a strong consensus on the most discussed food security issues among the members of the House of Representatives. The parliamentary answers of the Ministry of Agriculture and Food Security,¹¹ an institution entrusted to oversee food security, were studied to reach this objective, along with two (2) policy documents, the *National Agrofood Policy 2021–2030* and the *National Food Security Policy Action Plan 2021–2025*. The Malaysian government typically applies food security terminology to everything that are related to the national food supply when disseminating information to the public. Conceptually, this is because the term food security appears relatively quantifiable and straightforward.¹²

The meaning of the term food security, even though it has a commonly accepted definition, is often very diverse, making it difficult to expect a clear definition of food security without using a specific approach to narrow the discussion. The Food and Agriculture Organization of the United Nations defines food security as a situation that exists “*when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life*”.¹³

9 “Arab Spring.” Encyclopædia Britannica. Encyclopædia Britannica, inc., February 14, 2023. <<https://www.britannica.com/event/Arab-Spring>> accessed 14 February 2023.

10 Maria Josua and Mirjam Edel, ‘The Arab Uprisings and the Return of Repression,’ *Mediterranean Politics* 26, no.5 (2021): pp. 586-611, <<https://doi.org/10.1080/13629395.2021.1889298>> accessed 11 November 2022.

11 Formerly known as Ministry of Agriculture and Food Industries. Headquartered in Precinct 4, Putrajaya.

12 M. Z., Syafuddin Tan and the others. A conceptual study on the actors of the food security sustainability in Malaysia. *e-Proceeding 1st International Conference on Public Policies and Social Studies Student Edition* (2022). UiTM, Shah Alam. pp. 131 – 139.

13 Achieving food security for all is at the heart of the efforts of FAO. The definition was retrieved from a report ‘The State of Food Security and Nutrition in the World, 2021 Edition. See < https://reliefweb.int/report/world/state-food-security-and-nutrition-world-2021-transforming-food-systems-food-security?gclid=CjwKCAjw_YShBhAiEiwAMomsEHuBLDYJyVuoFA_8SNIrJpJzHqSDE18v2_LNGz9ZYOVcsmnqh9xJhoC8R8QAvD_BwE> accessed 29 September 2022.

Dimensions of Food Security

There are four (4) food security dimensions: availability, access, utilisation and stability.¹⁴

Figure 1: Inter-level dimensional relationship of food security¹⁵

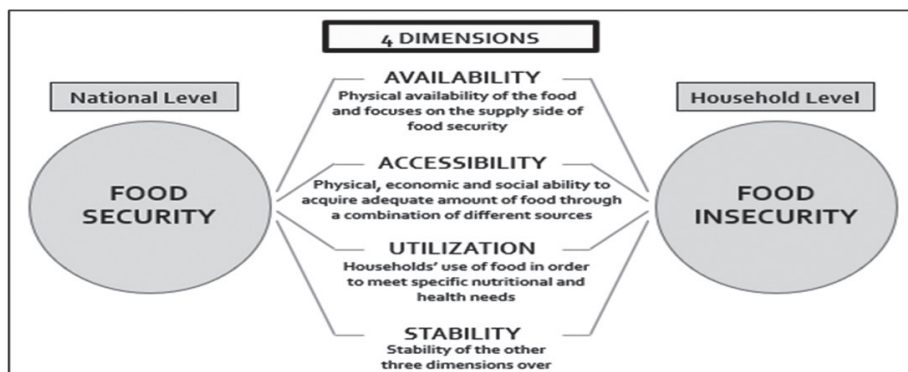


Figure 1 shows an inter-level dimensional relationship between the food security dimensions at two (2) levels, which are national and household. The dimensions are hierarchical, starting from availability. After all, we cannot speak about accessibility before the food is even physically available. The same goes for utilisation, which must be preceded by accessibility to food that are affordable to consumers. Finally, the stability dimension describes the temporal dimension when the supply, distribution and consumption of food at the household level remain constant in the long term.

Food Security in Malaysia

Currently, Malaysia is facing what some experts would describe as the 3C-shock,¹⁶ *i.e.*, the COVID-19 pandemic, impacts from conflicts in Russia-Ukraine, and climate change effects such as floods and drought. Undoubtedly, the current direction of Malaysia's food security will be landscaped upon these shocks. Food security is a never-ending concern

14 M. Akbari and the others, 'The Evolution of Food Security: Where Are We Now, Where Should We Go next?,' *Sustainability* 14, no. 6 (19 March 2022), <<https://doi.org/10.3390/su14063634>> accessed 8 December 2022.

15 Presentation from a MAFS officer to the authors on 9 September 2022 (*personal communication*).

16 A term coined by Professor Datin Paduka Fatimah Mohamed Arshad, a Senior Fellow of the Institute for Democracy and Economic Affairs (IDEAS).

in academic discussions. Frequently debated in the mass media and the Parliament of Malaysia, this issue never failed to catch the public's attention. Food system disruption post-COVID-19 and floods in Malaysia, combined with the global food crisis amid the Russia-Ukraine conflicts, caught the attention of Malaysian King al-Sultan Abdullah, who decreed that the food security crisis needs to be addressed immediately.¹⁷ A long-term plan must be drawn up to strengthen food security and ensure a reasonable cost of living.

Long-standing structural problems affecting the domestic food security are keeping Malaysia vulnerable to the global food supply shortage shock that has sent prices of food items soaring. Food insecurity in the country came under the limelight following the COVID-19 pandemic which has revealed underlying inequalities in food accessibility. The first factor, the COVID-19 pandemic, unintentionally exposed the underlying threats to food security sustainability. The threats are lower agricultural productivity, supply chain disruption, and affected international trade caused by the protectionism policy.^{18,19,20,21,22} During the COVID-19 pandemic, food production and distribution have been disrupted due to the limited supply of raw materials and inputs, shortages in labour

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- 17 'King: Food Security Crisis Needs to Be Addressed Immediately,' BERNAMA, *The Star Online*, (June 6, 2022), <<https://www.thestar.com.my/news/nation/2022/06/06/king-food-security-crisis-needs-to-be-addressed-immediately>> accessed 10 October 2022.
 - 18 Cappelli, Alessio, and Enrico Cini. "Will the COVID-19 Pandemic Make Us Reconsider the Relevance of Short Food Supply Chains and Local Productions?" *Trends in Food Science & Technology*. U.S. National Library of Medicine, March 31, 2020. <<https://pubmed.ncbi.nlm.nih.gov/32288230/>> accessed 8 October 2022.
 - 19 C. Chin, 'The Impact of Food Supply Chain Disruptions amidst Covid-19 in Malaysia,' *Journal of Agriculture, Food Systems, and Community Development* 9, no. 4 (August 19, 2020): pp. 1-3, <<https://doi.org/10.5304/jafscd.2020.094.031>> accessed 8 October 2022.
 - 20 J. Clapp and W. G. Moseley, 'This Food Crisis Is Different: Covid-19 and the Fragility of the Neoliberal Food Security Order,' *The Journal of Peasant Studies* 47, no. 7 (October 11, 2020): pp. 1393-1417, <<https://doi.org/10.1080/03066150.2020.1823838>> accessed 8 October 2022.
 - 21 M. Z. Syafuddin Tan and the others. A conceptual study on the actors of the food security sustainability in Malaysia. *e-Proceeding 1st International Conference on Public Policies and Social Studies Student Edition* (2022). UiTM, Shah Alam. pp. 131 – 139.
 - 22 M. Shafullah, U. Khalid, and S. M. Chaudhry, 'Do Stock Markets Play a Role in Determining the COVID-19 Economic Stimulus? A Cross-Country Analysis,' *SSRN Electronic Journal*, July 7, 2020, pp. 1393-1417, <<https://doi.org/10.2139/ssrn.3644851>> accessed 31 August 2022.

and market access, hindrances in global supply chains and exports, as well as decreasing bulk demand from the hospitality and tourism sector.^{23,24} Concurrently, food prices showed significant increase due to the unpredictable market and changes in consumer patterns. Transport restrictions hampered the agricultural services and production. They prevented farmers from selling their produce or buying inputs, resulting in a loss of produce and income; and an increase in post-harvest loss as well as food waste. At the same time, consumers were also faced with difficulties in accessing enough food to meet their daily dietary needs.²⁵

The best reference to benchmark the development of Malaysia's food security will be the annual Global Food Security Index (GFSI).²⁶ The index recorded several scores for Malaysia in various dimensions and indicators from 2012 until its latest edition in 2022. GFSI is highly influential and often quoted by Malaysia's politicians, media, academicians, and the government whenever they speak about food security.

Global Food Security Index (GFSI)

Malaysia ranked 43rd among 113 countries in the GFSI 2020. In 2021, Malaysia climbed to the 39th position in 2021 before slipping into the 41st position in 2022. Overall, it showed that Malaysia could be categorised as relatively food-secure, as Malaysia scored higher than the median

23 A. A. A., Shaharudin, 'Protecting the Agriculture Sector During the Covid-19 Crisis'. (6 April 2020). Khazanah Research Institute <https://www.krinstitute.org/Views-@-Protecting_the_Agriculture_Sector_During_the_Covid-19_Crisis.aspx> accessed 20 December 2022.

24 N. Vaghefi, 'The Heavy Impact of Covid-19 on the Agriculture Sector and the Food Supply Chain,' Penang Institute (December 3, 2021), <<https://penanginstitute.org/publications/covid-19-crisis-assessments/the-heavy-impact-of-covid-19-on-the-agriculture-sector-and-the-food-supply-chain/>> accessed 10 October 2022.

25 J. M. Abdullah and the others, 'A Critical Appraisal of Covid-19 in Malaysia and Beyond,' The Malaysian journal of medical sciences: MJMS (10 April 2020), U.S. National Library of Medicine, <<https://pubmed.ncbi.nlm.nih.gov/32308536/>> accessed 10 October 2022.

26 The Global Food Security Index (GFSI) considers the issues of food affordability, availability, quality and safety, and sustainability and adaptation across a set of 113 countries. The index is a dynamic quantitative and qualitative benchmarking model constructed from 68 unique indicators that measure the drivers of food security across both developing and developed countries. The index published by the Economist Impact and supported by CORTEVA Agriscience. The 1st edition was published in 2011.

score of the GFSI.²⁷ As a matter of fact, GFSI ranked Malaysia in the 2nd place behind Singapore in the Southeast Asia region 10 years in a row.²⁸

However, the public in general has varying perspectives on food security than MAFS. Many relevant parties still perceive Malaysia as being too dependent on food imports, as can be witnessed from the record-setting import bill for 2020, which hit MYR55.5 billion, thus assuming Malaysia has yet to arrive at the desired state of food security. In comparison, Malaysia's import bill in 2015 was recorded at MYR45.3 billion. From 2015 to 2020, there was a constant increment of 4.1% per year on the food import bill. However, post-COVID-19 pandemic, Malaysia's food import dependency has worsened, as the 2021 food import bill hit MYR63.6 billion, a shocking increment of 14.6% in just one year. Meanwhile, in 2022, the food import bill reached MYR70 billion. The amount is outrageous because, as a comparison, it is nearly equivalent to the MYR77.6 billion development fund allocated under Budget 2022, which ironically is the highest development fund ever administered in history.²⁹

Food Security and Agriculture Setting in Southeast Asian Countries

Most of the agricultural land in Malaysia is situated in tropical lowlands, as does other Southeast Asian countries. Seasonal rainfall conditions largely control the productivity of tropical agriculture. Agriculture and farming practices depend on specific climate conditions. In that sense, agricultural practice is always context-specific, depending on local socioeconomics, environment and climate. Along those lines, food security and agricultural settings in other countries in Southeast Asia were comparable to Malaysia.

27 N. Shamsudin, "Food Security 2021 and Beyond," *New Straits Times* (Columnist, January 3, 2021), <<https://api.nst.com.my/opinion/columnists/2021/01/654137/food-security-2021-and-beyond>> accessed 8 November 2022.

28 Malaysia was ranked 1st in Southeast Asia in 2012, but from 2013 onwards fell to 2nd place, tailing Singapore.

29 According to the Ministry of Finance, development budget for 2023 will be as high as MYR95 billion, but pending approval from both houses of parliaments. See <https://www.bernama.com/bm/ekonomi/news_bajet.php?id=2127407> accessed 22 December 2022.

Table 1: Agriculture and Food Security Governance in the Southeast Asian Countries

Country	Ministry Overseeing Agriculture/Food Security	Dedicated Food Security Agency	Agriculture/Food Security-Related Policies
Malaysia	Ministry of Agriculture and Food Security	Food Safety and Quality Division (Ministry of Health)	• National Agro-Food Policy 2021–2030 • National Agri-Commodity Policy 2021–2030 • National Food Security Policy Action Plan 2021–2025
Brunei	Ministry of Primary Resources and Tourism	Food Safety and Quality Control Division (Ministry of Health)	• Agro-Food Industries Action Plan • Aquaculture Industries Action Plan
Singapore	Ministry of Sustainability and the Environment	Singapore Food Agency	• 30 by 30 Goal (30% local food production by 2030)
Indonesia	Ministry of Agriculture	National Food Security Agency	• 2012 Food Law
Cambodia	Ministry of Agriculture, Forestry, and Fisheries	Department of Drugs and Food	• Cambodia Industrial Development Policy 2015–2025
Laos	Ministry of Agriculture and Forestry	Nil	• Agriculture Development Strategy 2025 and Vision to 2030
Myanmar	Ministry of Agriculture and Irrigation	Food and Drugs Administration (Ministry of Health)	• Myanmar National Action Plan for Food and Nutrition Security
Philippines	Department of Agriculture (equivalent to a ministry)	National Food Authority	• Philippine Development Plan 2017–2022
Thailand	Ministry of Agriculture and Cooperatives	Thai Food and Drug Administration (Ministry of Public Health)	• 20-Year Agricultural Development Plan (2017–2036)
Vietnam	Ministry of Agriculture and Rural Development	Agency of Food Safety	• Agricultural Restructuring Plan 2017–2020

Table 1 shows that each of the Southeast Asian countries has its unique agriculture and food security setting. For example, small countries like Singapore and Brunei do not have an agriculture ministry. However, both countries' agriculture and food security matters are still being taken seriously and is placed under the purview of an appropriate ministry. However, the table also demonstrated that most governmental agencies across Southeast Asia focused more on food quality (micro-level) than food sustainability (macro-level).

Methodology

This study analysed the focus of the discussions among parliament members that revolved around food security. The members of parliament covered in this desk research were limited to the House of Representatives. The House of Representatives was chosen as the unit of analysis over the Senate on the basis that members of the House of Representatives represented the voices of their respective constituencies, thereby portraying more accurate ground responses. The analysis in this study was conducted on the contents of the parliamentary Hansard retrieved from the Malaysian House of Parliament online portal archive section.³⁰

In Malaysia, there was no platform to discuss food security holistically. Meanwhile, Singapore, for example, formed the Singapore Food Agency (SFA) on April 1, 2019, as a statutory body under the Ministry of Sustainability and the Environment. The formation of SFA came to light with 'The Singapore Food Story' initiative, launched in March 2019, to increase the current 10% food self-sufficiency to 30%, an increment of 300% by 2030.³¹ Compared to Malaysia, it can be said that Singapore uses a whole-of-system approach to tap into all existing expertise in government agencies, the private sector, and higher education institutes.

The core objective of this study is to serve as a baseline and exploration to dive into the parliamentary debate. The sub-objective was to crosscheck whether the issues raised by the parliamentarians are aligned with what was happening to the public on the ground. Henceforth, this study should be regarded primarily as a preliminary assessment of members of parliament's involvement in the whole-of-nation approach regarding food security concerns.

30 The archive can be accessed at <<https://www.parlimen.gov.my/hansard-dewan-rakyat>>.

31 See <<https://www.sfa.gov.sg/fromSGtoSG/our-sg-food-story>> accessed 9 October 2022.

Findings and Discussion

A peek into Malaysia's House of Parliament debates from meetings in 2019³² and 2022³³ is shown in Table 2 and Table 3 below. The analysis used Hansard of 2019 and 2022, thus illustrating the shift in discussion topics between pre- and post-COVID-19.³⁴

Table 2: Analysis of the frequency of dimensional-level topics being debated in the House of Representatives in 2019³⁵

Dimension and Date	National Level				Household Level			
	Availability	Accessibility	Utilization	Stability	Availability	Accessibility	Utilization	Stability
12-Mar-19	√						√	√
13-Mar-19	√						√	
14-Mar-19			√			√	√	
18-Mar-19	√	√				√√		
19-Mar-19	√√√	√	√	√		√		
20-Mar-19	√√√√			√√	√			√√
21-Mar-19	√							√√√√√
25-Mar-19	√√	√√√						
27-Mar-19	√√	√						
28-Mar-19		√√	√√	√√√				
1-Apr-19	√			√				
3-Apr-19	√	√		√√				
4-Apr-19			√	√				
8-Apr-19		√		√				
9-Apr-19		√	√					
10-Apr-19		√		√√√√				
11-Apr-19				√√√√				
1-Jul-19				√				
2-Jul-19								
3-Jul-19	√						√	
4-Jul-19						√		
9-Jul-19	√√	√√			√		√√	
10-Jul-19								

32 2019: 1st meeting from 11 March to 11 April, 2nd meeting from 1 to 18 July, and 3rd meeting from 7 October to 5 December 2019.

33 2022: 1st meeting from 28 February to 24 March, 2nd meeting 18 July to 4 August, and 3rd meeting from 3 to 10 October 2022.

34 In 2020 and 2021, Parliament of Malaysia convened with adherence of tight procedures. See *Dinamika, Parlimen Malaysia Mendepani COVID-19* published by Parliament of Malaysia (2022). Hence, for an apple-to-apple comparison, this study chose 2019 and 2022 sessions for the analysis, where the sessions were convened normally.

35 The '√' represents each time food security was debated by a member of parliament.

Dimension and Date	National Level				Household Level			
	Availability	Accessibility	Utilization	Stability	Availability	Accessibility	Utilization	Stability
15-Jul-19		√		√				√
16-Jul-19								
17-Jul-19	√						√	
18-Jul-19	√√√	√√		√				
7-Oct-19								
8-Oct-19								
9-Oct-19	√√	√	√√			√	√√	
10-Oct-19								√
11-Oct-19		√			√			√
14-Oct-19	√√	√√		√√			√	
15-Oct-19	√√√	√√	√				√	√√
16-Oct-19	√√√	√√					√	√
17-Oct-19	√	√√						
21-Oct-19	√√√√	√	√				√	
22-Oct-19	√√	√				√√	√√	
23-Oct-19	√√	√				√	√	
24-Oct-19	√√	√		√√	√		√√	
29-Oct-19	√√√	√		√		√		
30-Oct-19	√							
31-Oct-19	√√√	√√	√√	√√			√	
4-Nov-19	√	√		√				
5-Nov-19		√						
6-Nov-19	√	√√		√				
7-Nov-19	√			√				
11-Nov-19	√	√√√						
12-Nov-19	√√√		√√		√		√√	
13-Nov-19		√	√	√			√	
14-Nov-19	√	√√						
18-Nov-19	√√	√√	√	√			√	
19-Nov-19		√		√			√	
20-Nov-19	√	√		√√√				
21-Nov-19	√√√	√√	√	√			√√	
25-Nov-19					√		√	
26-Nov-19	√							
27-Nov-19	√√			√	√			
28-Nov-19	√	√			√		√√	
2-Dec-19	√	√√						
3-Dec-19	√	√		√				
4-Dec-19	√		√√√√					
5-Dec-19			√					
Frequency Count	41	37	16	26	8	9	24	8

Table 3: Analysis of the frequency of dimensional-level topics being debated in the House of Representatives in 2022

Dimension and Date	NATIONAL LEVEL				HOUSEHOLD LEVEL			
	Availability	Accessibility	Utilization	Stability	Availability	Accessibility	Utilization	Stability
1-Mar-22	√	√						√
2-Mar-22				√				
3-Mar-22						√		
7-Mar-22					√			
8-Mar-22	√			√√				√
9-Mar-22		√√		√			√√	
10-Mar-22						√√		
14-Mar-22	√√	√						
15-Mar-22	√	√	√					
16-Mar-22				√				
21-Mar-22	√√√							
22-Mar-22				√				
24-Mar-22		√						
28-Mar-22								
18-Jul-22		√√√		√√√				√
19-Jul-22	√√	√√√√√√				√		√
20-Jul-22	√	√√√		√				√
21-Jul-22	√√	√√√					√√	
25-Jul-22	√			√	√			
26-Jul-22	√√√	√						
27-Jul-22		√√						
28-Jul-22		√						
1-Aug-22	√√√√√√√√√√	√√√	√	√	√√	√√		
2-Aug-22				√		√		
3-Aug-22			√√					
4-Aug-22	√	√		√	√			
Frequency Count	12	14	3	11	4	5	2	5

Generally, across both levels (national and household) and throughout all dimensions, the analysis reveals a trend with some similarities, characterized by a decrease in total frequencies.

National Level versus Households Level

Pre- and post-COVID-19 saw no significant change in the trend of the members of the House of Representatives discussions. In 2019, the national level discussion on food security monopolised the debate with 75 counts versus 30 counts for household level discussion. Meanwhile, in 2022, the figure was 79 to 20. This demonstrated that our parliamentarians

preferred to touch on food security issues at the national level compared to the household level. Politicians are expected to pick up on points that may nudge the public's attention, which is very typical and practised in the United Kingdom, too.³⁶ Most of the public would rather hear about what the government wants to do for food security at the national level because the people feel that national efforts will benefit them and the public as a whole. Household efforts, on the other hand, will only benefit a few, primarily the B40. The public's perception might be an understatement; however, what the public intensely perceived should not be taken lightly.

The public perception on Malaysia as a highly import-dependent country was epitomised in a particular event in 2019,³⁷ when the former Minister, Salahuddin Ayub, received a letter from a farmer named Wak Ibas. In his letter, Wak Ibas pleaded to the minister for the government to reconsider the country's food import policy. Wak Ibas claimed that he and his friends, referring to other farmers like himself, cannot compete with cheaper imported agricultural produce. The cheap import will kill small farmers and eventually affect the local production rate. Concluding his letter, Wak Ibas sarcastically proposed to change the ministry's slogan of '*Agriculture is a Business*' to '*Let's Just Import Agriculture Produce*' to show his disappointment.

Many pieces of the literature showed that food insecurity mostly impacts children and migrant workers.^{38,39,40} who are, unfortunately, a class of

36 Dace, Hermione, Brianna Miller, and Jess Lythgow. "Why Politicians Should Be Talking about Food." Institute for Global Change. Tony Blair, March 29, 2022. <<https://institute.global/policy/why-politicians-should-be-talking-about-food>> accessed 1 November 2022.

37 During the launching of '*Ministry of Agriculture and Agrobased Industries Way Forward: Priority and Strategy 2019 – 2020*' in February 14, 2019 at MAEPS, Serdang. The main author was present.

38 A. Wahab, 'The Outbreak of Covid-19 in Malaysia: Pushing Migrant Workers at the Margin,' (24 October 2020), *Social Sciences & Humanities Open* <<https://www.sciencedirect.com/science/article/pii/S2590291120300620>> accessed 2 November 2022.

39 S. Verghis and the others, 'COVID-19 and Refugees in Malaysia: An NGO Response,' (31 March 2021): *Journal of Mental Health & Psychosocial Support in Conflict Affected Areas* 19, no. 1 pp. 15-20, <https://doi.org/10.4103/INTV.INTV_18_20> accessed at 4 November 2022.

40 S. Rengarajoo and S. T. Tan, 'Household Income and Its Correlation with Child Hunger During the COVID-19 Pandemic: A Cross-Sectional Study,' (13 December 2022), *Journal of Hunger & Environmental Nutrition*, <<https://doi.org/https://doi.org/10.1080/19320248.2022.2157693>> accessed 8 November 2022.

people that are ineligible to vote in an election. Therefore, it explains the disinterest of our politicians in speaking more about households' food security, leaving the responsibilities to non-governmental organisations (NGOs).⁴¹

Trend Shift in the Dimensional Aspects

Availability tops the discussions in 2019 and 2022 at both levels, with counts of 32 and 36, followed by accessibility at 29 and 37. Both dimensions showed an upward trend. The stability dimension showed a linear trend with 18 and 19 counts in 2019 and 2022. The only dimension that showed a downward trend was utilisation; decreasing from 26 (2019) to 7 (2022). Food availability is an intermediate dimension, positioned between accessibility and utilisation. This fact seems logical since food availability is a precursor to food accessibility and food utilisation.

A study about availability⁴² demonstrated that unavailability of food consequently affected the public's purchasing power (becoming insufficient as the price hiked), inefficient distribution and inadequate use of food at the household level, which ultimately aggravated food insecurity worldwide.^{43,44}

Parliamentary Debates and 3-C Shocks Impacts on the Public

The public was very much affected by the disruption of supply chain and economic slowdown, which ultimately lead to loss of income and poverty. Some people who lost their income and jobs were subjected to health vulnerability, lower nutrition security, and lower affordability

41 Malaysia had good NGOs such as Malaysia Food Bank Foundation and Food Aid Foundation as well as faith-based groups aiming to close the widening gap left by government policies within the society.

42 E. B. Abbade, 'Availability, Access and Utilization: Identifying the Main Fragilities for Promoting Food Security in Developing Countries,' (2 October 2017), *World Journal of Science, Technology and Sustainable Development* (Emerald Publishing Limited <<https://www.emerald.com/insight/content/doi/10.1108/WJSTSD-05-2016-0033/full/html>> accessed 9 December 2022.

43 S. Gillespie, M. van den Bold, and J. Hodge, 'Nutrition and the Governance of Agri-Food Systems in South Asia: A Systematic Review,' (2019): *Food Policy* 82, no. Special Issue: Leveraging Agriculture for Nutrition in South Asia pp. 13-27, <<https://doi.org/10.1016/j.foodpol.2018.10.013>> accessed 9 December 2022.

44 E. B. Nchanji and C. K. Lutomia, 'Sustainability of the Agri-Food Supply Chain amidst the Pandemic: Diversification, Local Input Production, and Consumer Behavior' (28 October 2021): *Advances in Food Security and Sustainability* 6 pp. 211-229 <<https://doi.org/10.1016/bs.af2s.2021.07.003>> accessed 23 November 2022.

to buy food. The disrupted supply chain, on the other hand, affected food availability. When viewed in a bigger picture, all of these factors contributed to food insecurity. Other implications to food security also include a growing consumption that is faster than the production capacity; leading to the need to source from imports to meet local demands.

From the analysis of the keywords used by the members of the House of Representatives, three (3) themes emerged, *i.e.*, (i) high food prices and demanding access to food; (ii) decreasing affordability of food; and (iii) lower availability of food. Therefore, it can be summed that the findings from the parliamentary debates reflected the actual situation that is affecting the public on the ground.

Conclusion and Recommendations

The most discussed topic of food security in the House of Representatives was identified, *i.e.*, food availability. A shift was observed, as during the post-COVID-19 parliamentary session, the topics of utilisation were less discussed compared to the pre-COVID-19 at both levels of national and households. The finding conforms with the flow of the food security dimensions hierarchy, *i.e.*, utilisation can only be discussed after the issues of availability and accessibility have been addressed. On the other matter, the spectrum of discussion on food security in the House of Representatives obtained from the analysis showed that it reflected and was in line with the current scenario, as shown in Tables 2 and 3.

Economists predicted that starting at the end of 2021, several foodstuffs in Malaysia will be in short supply and subject to increasing prices.⁴⁵ Both the price rise, and supply shortages were believed to result from supply chain glitches, the recent December 2021 floods, and post-COVID-19 labour shortages. The Russia – Ukraine war worsens the glitches in the global supply chain. Malaysia's agriculture sector has been stagnant over the past 20 years.⁴⁶ The government has been perceived as marginalising the agriculture sector by allocating meagre development funds under the national budget. Even well-known global fast-food franchise in

45 M. Hunter, 'Malaysia's Looming Food Crisis,' Free Malaysia today (FMT) (Letter to the Editor, 28 February 2022) <<https://www.freemalaysiatoday.com/category/opinion/2022/02/28/malaysias-looming-food-crisis/>> accessed 11 November 2022.

46 G. S. M. Ali, 'Pandangan Bernas Dr Hasan Mohd Ali Tentang Pertanian 22 Tahun Lalu,' Bebas News (Minda Bebas, 14 April 2022) <<https://bebasnews.my/2022/04/14/pandangan-bernas-dr-hasan-mohd-ali-tentang-pertanian-22-tahun-lalu/>> accessed 19 November 2022.

Malaysia were faced with shortages of particular food items starting in January 2022. McDonald's was short on its fun fries,⁴⁷ while KFC had limited supply of its chicken.⁴⁸ The issue persisted until May 2022. As a result of this personal experience, an individual might assume that their level of food security at the individual level reflects the national food security situation. When this perception is replicated across the general population, it leads to a growing overall lack of confidence in the current local production. The public will continue to perceive Malaysia as an import-dependent nation. After all, this shortage symbolises the beginning of a much bigger national problem that would eventually force the Malaysian government to impose drastic measures. For instance, the government even relinquished approved permits (AP) for all types of food importation, banned chicken exports, and began stockpiling food, starting with chicken.⁴⁹

Fundamentally, the food security issue must be addressed to avoid disastrous consequences it could inflict upon Malaysia should the dietary needs of the citizens are denied under whatever circumstances. However, as there are severe structural issues involved, the Malaysian food crisis cannot be considered cyclical. Furthermore, since the scope of this study is limited only to the House of Representatives, future research using members of the Senate as the unit of analysis is highly recommended to complement these findings.

As previously explained, Malaysia was ranked 39th in the GFSI 2021 by the Economist Intelligence Unit. The ranking was far below resource-scarce countries such as Singapore, which came in at 15th, and even Qatar, at 24th. To the Malaysian government's credit, they have attempted to undertake a structural reform of local food production; however, it will take years before the public can expect tangible results. One (1) of the initiatives was the introduction of the *National Food Security Action*

47 M. Meisenzahl, 'More Global McDonald's Customers Are Facing French Fry Shortages as the Supply Chain Continues to Face Strain,' Business Insider (Home 1 Retail, February 5, 2022), <<https://www.businessinsider.com/mcdonalds-faces-french-fry-shortages-in-malaysia-indonesia-and-taiwan-2022-2>> accessed 1 November 2022.

48 During a debate in House of Representatives on 2 March 2022, former Jerlun Member of Parliament complained that he went to KFC but was told all chicken menu had already out of stock. See <<https://www.youtube.com/watch?v=9w40tcyOPOM>> accessed 22 October 2022.

49 'Tiada Lagi AP Untuk Import Bahan Makanan,' MalaysiaKini, (May 18, 2022) <<https://www.malaysiakini.com/news/621586>> accessed 13 November 2022.

Plan 2021-2025 on top of the existing *National Agrofood Policy 2021-2030* amidst public concern about the rising cost of food when the COVID-19 pandemic disrupted supplies. Nonetheless, several past administrations in Malaysia had failed in achieving the targets of previous similar blueprints. The lack of participation from private entities, combined with the disorientation of government agencies, are the main problems that often besets the execution of efforts to address structural deficiencies at every level of the supply chain.

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Perspectives, Experiences, and Involvement of Youths in Promoting Sustainable Development Goals in Malaysian Parliamentary Constituencies

Zoel Ng and Philus Thomas***

Abstract

The Sustainable Development Goals (SDGs) are a set of goals that aim to create new partnerships that involve all sectors of society to create a community that leaves no one behind. People often think of youth as drivers of innovation and social change, and they can play a key role in realising the SDGs at the local level. This study used an action research methodology to examine the perspectives, experiences, and competence of Malaysian youths with regard to their contributions to promoting the Sustainable Development Goals. Data was taken from the Malaysian Youth SDG Agent Initiative, which involved 67 participants in a quantitative survey and 24 in the second phase as SDG Agents. The findings describe youths' perspectives and experiences with three aspects of youth involvement in promoting SDG. It is unequivocally affirmed from various perspectives that youth hold such a significant role as active agents contributing to the promotion of the SDGs, especially in raising awareness about the SDGs in the local community via organising SDG workshops and participating in different dialogues. Youths also have a positive regard for their abilities and effectiveness, which is a good sign that their diverse experiences have helped build the country. As a result, recommendations are made to bring to people's attention ways for youths to be included in constituency-based sustainable development.

Keywords: SDG, Youth, Malaysia, Parliament Constituencies, Parliamentarians.

* Zoel Ng is Head of Capacity Building and Development at the All-Party Parliamentary Group Malaysia for Sustainable Development Goals (APPGM-SDG).

** Philus George Thomas is Coordinator of the Malaysian Youth SDG Agent Initiative at the All-Party Parliamentary Group Malaysia for Sustainable Development Goals (APPGM-SDG).

Introduction

Youths in Malaysia are defined as those aged 15 to 30; they account for 30.5% of the total population. Youths are often referred to as the “pillars of the future” and “energetic changemakers.” Such is the trust that is placed by multifaceted groups towards this special group of individuals, including the government and its initiatives, that are becoming relevant and directed towards the empowerment and development of youths in Malaysia.¹

The Sustainable Development Goals (SDGs) present a unique chance to create new partnerships involving all societal sectors, from international associations and national politicians to civic groups and voluntary gatherings. Youth could contribute to the success of the SDGs by coming together in alliances that share resources, knowledge, technology, and finances. Multi-stakeholder collaborations are not separate organisations; instead, they are parts of many areas of development and environmental protection. Furthermore, every parliament’s duty to promote their nation’s sustainability unavoidably concerns the implementation of the SDGs, regardless of how they are labelled.

Over a third of the SDGs mention young people directly or indirectly, focusing on their empowerment, participation, and/or well-being. There are 20 youth-specific targets spread over six key SDGs: Goal 2 (hunger), Goal 4 (education), Goal 5 (gender equality), Goal 8 (decent work), Goal 10 (inequality), and Goal 13 (climate change). If we involve young people in achieving Goals 16 (peaceful societies) and Goal 17 (partnerships for goals), there is a greater potential to realise active participation, inclusion, responsibility, and improved global relations.

Concepts of efficient nation-building have included high state capacity to deliver public goods and well-developed voluntary organisations to enhance nation-building. Underlying these concepts are factors of multi-stakeholder partnership. Young people are drivers of innovation and social change, and can play a key role in realising the SDGs at the local level. Engaging with youth ensures that the goals are more than just global aspirations but that there is also tangible change on the ground. This entails the aspect that youths remain the under represented group in matters of governance and decision-making. Youths should have a sense

1 TheStar, ‘More Programmes to Train and Empower Youths as Future Leaders’ (*The Star* 14 September 2022) <<https://www.thestar.com.my/news/nation/2022/09/14/more-programmes-to-train-and-empower-youths-as-future-leaders>> accessed 14 December 2022.

of trust so that their unique and creative ideas can be used for growth and development. Through this involvement, youth can learn how to take action against global challenges and understand the importance of collective efforts. Additionally, working with local activists and parliamentarians, youths will learn valuable skills and competencies such as collaboration, problem-solving, communication, and organisational management that will benefit them both professionally and personally in the future. Ultimately, offering meaningful opportunities for youth to collaborate with the SDGs helps to empower them to become agents of change in our world today.

With narratives of the role of youths in promoting SDGs, this study aims to collect the perspectives, experiences, and competence of youths with regard to their contributions to promoting SDGs. Unfortunately, there is a lack of research that shows how young people's approaches and experiences help put the SDGs into action in their local communities. Therefore, this study also gives suggestions for how Malaysian parliamentarians can be involved in the lives of Malaysian youth so that they can be mobilised in their home districts to help promote the SDGs.

Significance of Study

There is significance in understanding the dimensions of promoting the SDGs and the vitality of youth participation in them. Therefore, it is hoped that with this study, various stakeholders, including the parliamentarians, may strengthen their efforts to utilise the grit, passion, and talent of youths in localising and implementing the SDGs. The recommendations aim to effectively mechanise youth participation in promoting SDGs while also orienting existing and upcoming initiatives in the local community context to empower all Malaysian youths to participate in this global agenda actively.

Limitations and Implications of Study

The study employs an action research methodology with youths as its target group; the limitations discovered are that because it is founded on the subjective experiences of youths in their involvement in parliamentary constituencies via the sustainable development goals, perspectives of youths outside of this means of work are limited. The data also does not account for the perspectives and experiences of youths that are not involved in any kind of organisation or initiative that is directed towards promoting the SDGs. The scope of this study is also limited by

the Malaysian Youth SDG Initiative's call for specific action. The study also shows that the government needs to take stock and reach out to young people from all walks of life to give them the tools and platform they need to take part in the development of the constituency. In the same way, this study adds to the current and up-to-date research on how youth see and help promote the SDGs.

Methodology

This study used the action research method. The goal of action research is to solve problems in a way that is participatory, collaborative, and iterative so that action and knowledge can be gained. In this study, two phases were specifically analysed in a timeline of the conduct of the Malaysian Youth SDG Agent Initiative: first, the collection of quantitative data via survey form was analysed from the Malaysian Youth SDG Agent Initiative, where 67 participants applied for the initiative, and second, the local and international involvement of the youth agents related to SDG promotional activities was analysed. In Phase 2, 24 people were chosen as Youth SDG Agent Initiative representatives for their communities. Their progress and achievements in promoting the SDGs in the local constituencies were recorded in the timeline from August to December 2022. The subjects of the study were youths ages 18–30 randomly sampled by the dissemination of the survey form to gather youths across Malaysia to be active participants in the Youth SDG Agent.

The study maintained the anonymity and confidentiality of the participants involved in the research. The action research study was not curated for the purpose of the research article but rather is descriptive in nature of the transpiring events of the Malaysian Youth SDG Agent Initiative. Therein, this study also maintains beneficence, respect for persons, and integrity. The study was conducted with a collaborative approach between the researchers, the participants, and the stakeholders who invested time and energy into the success of the initiative.

Literature Review

Youth Development in Malaysia

Youth was regarded as the government's partner in implementing community-related projects relevant to sustainable development and protecting the environment. Studies have mentioned the role of youth in supporting sustainable development (and SDG localisation).

Furthermore, youths have the ability to be the person in charge of bringing about sustainable changes. Nevertheless, in terms of youth empowerment and recognition of the importance of youths in promoting the SDGs, each nation has its guidelines for catering to the development of the nation's youths, as outlined in national youth policies. Researchers have further defined youth policies as *"a system of measures and legislation for the establishment and maintenance of a certain social status of the younger generation, and along with it, a certain quality of life and quality of the young people, which in the long term is the economically active population of the country."*²

The Malaysian Youth Policy (MYP) highlighted the priorities for the youths of Malaysia to be responsible citizens at various levels, including national and international levels. The means for the development of the youths of Malaysia included categories of knowledge development, attitudinal development, entrepreneurial and vocational development, healthy lifestyles, facilities for social interaction, partnerships for development, and international relations and networking. The overseers of the developments in matters of institutional and policy framework were placed under the Ministry of Youth and Sports, the National Youth Consultative Council, and the Malaysian Youth Council.

Measures are being undertaken by various stakeholders, especially the government, in dealing with the concurrent holistic developments of youths in Malaysia; however, the question of how much further youths are reciprocating to these initiatives and the mechanisms by which they ought to function to produce an impact in developing the country remain unwritten. There are currently registered at the Registrar of Youth (ROY) 9,433 active youth-led organisations. This takes into account the fact that there is a growing interest among youths in contributing to national developments.

Parliamentarian Roles in Youth Development

The advocacy for the involvement of youths in institutional and governance reform has been in prominent space, where in recent times, there is more involvement of youths in activism for national change, and parliamentarians could play an invaluable role in it. The Youth

2 Indira Rystina and Zhaniya Kussainova, 'Comparative Analysis of National Youth Policy in Different Countries' (2014) 140 *Procedia - Social and Behavioral Sciences* 654.

Parliament programme, initiated by the Ministry of Youth and Sports, is one mechanism linking youth with local development. Moreover, this kind of platform will help equip young people with the skills and experience they need to lead, grow, and thrive in their communities. The parliamentarians' expertise and guidance will be invaluable for the development of the youth in the country, as these young people will gain important insights into the workings of the real development concerns where they live.

In a case study,³ youths were revealed to be disempowered when their efforts and potential contributions to economic, social, and political developments were underestimated and underutilised. Furthermore, past studies have also shown the importance of youths' collaboration with policymakers and adults for the purpose of engaging youths in civic matters.

Political figures and systems can empower youths through matters of conflict and conciliation,⁴ as seen from the issues that the SDGs address. The International Institute for Sustainable Development records the need for parliamentarians to engage youth demographics in the areas of development, namely in the context of the case that shows rural and agricultural developments and resilience building. Nonetheless, there is no negation of the importance of the role of parliamentarians in their necessity to empower youth in development and civic engagements.

Referring to UNDP's Approach in Engaging Youths in Promoting SDG

The United Nations Development Programme (UNDP) works to empower youth worldwide, nurturing their influence and capacity for sustainable development and peace. The "Empowered Youth, Sustainable Future" 2014–2017 Strategy is the foundation for establishing partnerships with youth. The mechanisms of empowerment include:

1. Supporting young people by establishing formal spaces for their participation, giving them opportunities to participate in

3 Timothy Marango and others, 'Youth Empowerment, a Requisite for Rural Development: Case of the Chimanimani District of Zimbabwe' (2021) 17 Commonwealth Youth and Development.

4 Jane Lo, 'Empowering Young People through Conflict and Conciliation: Attending to the Political and Agonism in Democratic Education' [2017] Democracy education <<https://www.semanticscholar.org/paper/Empowering-Young-People-through-Conflict-and-to-the-Lo/b2b8014270a3c11353afd6ea99478bccef94b735>> accessed 28 December 2022.

decision-making processes, contribute data, and have an impact on development priorities and funding allocations.

2. Recognising barriers to accelerating goals and targets' development and defining efficient interventions that support the achievement of results on a number of fronts, such as those supporting increased youth participation and civic engagement or those combating prejudice against young people.
3. Delivering efficient, demand-driven, context-specific, and evidence-based policy advice and technical help using our global programming expertise and depth and breadth of knowledge.

The strategy also emphasises monitoring and accountability, research, and advocacy. The Malaysian Youth SDG Agent Initiative includes a process similar to this where the SDG Agents are to provide a video recording about local issues and a proposed solution to tackle them; they are also required to identify resources and support needed to conduct a pilot test of the solutions. Mentoring sessions happen once a month and also upon request. This process helps the youth take ownership of the local issues and position themselves as changemakers.

The Case for Engagement- Malaysian Youth SDG Agent

Following the 2021 Malaysian Youth SDG Summit that gained approval and attention from stakeholders, the initiative for youths to be equipped with the necessary skills to become change agents through the agenda of the Malaysian Youth SDG Agent was brought to attention and will be implemented in 2022 as a term-based project for capacity-building among youths for policy advocacy, raising local awareness about SDGs, understanding local challenges, identifying local partners, and proposing micro solution projects that can contribute to sustainable development.

The Malaysian Youth SDG Agent Initiative, initiated by the youth development arm of the secretariat of the All-Party Parliamentary Group on Sustainable Development Goals (APPGM-SDG), aims at mobilising and engaging youths from the ages of 18 to 30 to promote the SDGs in the parliamentary constituencies of Malaysia. The 2022 Youth SDG agents were launched on June 11, supported by 10 youth-oriented organisations, namely: Majlis Belia Malaysia (MBM), Junior Chamber International Malaysia (JCIM), Alumni Parlimen Belia, Angkatan Belia Islam Malaysia (ABIM), International Youth Center (IYC), World Wide Fund for Nature (WWF), Malaysian Youth Diplomacy (MyDiplomacy), Selangor Youth

Community (SAY), Higher Education Malaysia Association (HEYA), and Malaysian Indian Youth Council (MIYC).

A Memorandum of Understanding was signed among the 10 strategic partners with the secretariat of the APPGM-SDG and was witnessed by the 2022 UN Resident Coordinator, the 2022 Minister of Youth and Sports, and the 2022 head of the APPGM-SDG secretariat on June 11, 2022. Since then, the Youth SDG Agent has taken flight for its first term on 22/23. Youth SDG Agents are those that represent their respective constituencies, which align with the 30 constituencies that are covered by the APPGM-SDG in 2020-2022. With the support of the strategic partners in their respective roles, the youths are given this platform to grow and be involved in SDG localisations and better understand their constituencies through the lens of SDGs.

Perceived Skills and Attitude and a Relational View of the SDG World

Understanding one's abilities, knowledge, and values within the context of a community is an essential skill in achieving sustainable development; this requires an inner journey where a leader learns through a reflective process. This reflective practice will enable feedback loops and opportunities for growth. Youth must be collaborative, inclusive, rooted in ethics, and willing to learn. Furthermore, a competent change maker should be competent in managing resources, have the foresight to set long-term goals without sacrificing principles or values, inspire stakeholders to participate in governance processes, embrace the transformation, be cognizant of economic efficiency and environmental responsibility progressions, and coordinate implementation plans across government departments. To reach these Sustainable Development Goals (SDGs), there must also be strong leadership and meaningful engagement from multiple stakeholders. Finally, a strong understanding of self, skill, and valuable experience is necessary to ensure that the youths have the competency to promote Sustainable Development Goals at national and international levels.

Result

The findings present the perceived skills possessed by youths in promoting the SDGs and contributing to nation-building, their experiences in nation-building through the means of the SDGs promotion, and the engagement of youth SDG agents in youth development and promoting the SDGs.

Finding 1: Perceived Skills and Attitude Possessed by Youths

The findings from the data collection indicated the skills that youths perceived themselves to possess. The classification of the skills that youths perceive themselves to have was thematically analysed and identified as being technical, communication, leadership, and green skills. An excerpt from the data on the skills that youth perceive themselves to have is provided below.

P1: I have green fingers. I naturally learn how to grow plants and vegetables. I also cook on my own. I write and compose music for fun. Professional side, I do advocacy in civil law.

P2: My strongest attribute is my dedications. I take on every challenge head-on and do what I need to accomplish my goals. I also have a bit of designing skills and very good at public speaking.

P3: Equipped with basic coding, analytical skills, marketing skills. I will always learn about marketing and coding during my free time to ensure that I am well-prepared for the digitalized world.

P4: I possessed high diplomatic skills and I love handling matters related to Public Relations...I have not many problems when it comes to handling conflicts and I can solve them with a smile. I love working under pressure because that's where I see myself very productive and efficient. Being a STEM graduate, I am very passionate about technology, and I love coding. This may add up into my special skills too. Furthermore, I am involved with many organisations throughout my university days and in that manner, I can say that I am a good team player and also a great listener. So my peers usually looks up to me whenever they have problems and they don't have the difficulty in opening them up to me. Last but not least, I am blessed with analytical skills because I love playing around with facts and numbers!

Finding 2: Youth Experiences in Programmes Related to SDGs

The findings indicated an active involvement of youths in nation-building, addressing societal gaps and creating solutions through the SDGs. The modality of conduct included the participation of volunteerism and other start-ups by various stakeholders. The excerpts below show the experiences of youths in their involvement in promoting the SDGs that contributed to nation-building at micro-levels.

P1: I volunteered in YOSH Programme – Kotak Rezeki Ummat. We went to the villages ... and distributed the boxes filled with groceries. Apart from that, upholding SDG 11, I joined Stargazing Programme ... where they organized a talk ... They talked about Solid Waste and How we can help create a sustainable world.

P2: During COVID-19 Pandemic, number of families that been affected due to Movement Control Order was severe. I ... founded an initiative ... where every month the families that been affected especially those from B40's received a food basket with all the basic necessities and it doesn't stop there. Even though the MCO order has been lifted, we works with local leaders to raise fund to continue this act of kindness.

P3: I have been working with the forest-dependent community & the youth for five years, educating them on their environmental rights, strengthen the environmental democracy literacy amongst them and empowering them to be knowledgeable, proactive, progressive & able to mobilise their own action to achieve environmental protection & justice. Under the Small Grant Programme (SGP) funded by Global Environment Facility (GEF) and implemented by the United Nations Development Programme (UNDP), my team & I conducted several empowerment programs targeted the forest-dependent communities such as the Orang Asli & coastal fisherman as well as the youth ... I also work on the environmental issues & campaign advocacies with the cross-sectional stakeholders. I have been involved in the consultations between the government agencies, state government as well as the federal governments on the revision of some development policies, laws & regulations.

P4: I started a campaign alongside like minded individuals ... which focuses on raising the awareness and importance of the circular economy.

Findings 3: Engagement of Youth SDG Agents in Youth Development and Promoting the SDGs

Findings from the initiation of the Malaysian Youth SDG Agent Initiative discovered the potential of the platform to mobilise and develop Malaysian youths in promoting the SDGs. Excerpts show the experiences of the selected youth SDG agents in nation-building through the promotion of the SDGs.

Table 1: Youth SDG Agent representation in local, national and global SDGs promotions

Youth Representatives from Parliament Constituencies	Type of Involvement in Promoting SDGs
All 24 youth SDG Agents from a different location	Identify 1 pressing local issue and propose for solution
Youth SDG Agents from Indera Mahkota, Pahang	Met with their parliament YB to understand the local SDG efforts, and they were given a task to interview the community
Youth SDG Agents from Batu Kawan, Penang	Participated in the SDG localisation workshop
Youth SDG Agents from Bentong, Pahang and Ipoh Barat, Perak	Participated in the Imagine Peace Camp (IPC) in South Korea, various topics of discussion were moderated, including the topic of peace (SDG 16)
Youth SDG Agent from Petaling Jaya, Selangor	Began internship at the secretariat of APPGM-SDG and participated in the meeting with the Ministry of Education on exploring the Sustainable Development Goals awareness and implementation through education
Youth SDG Agents from Ipoh Barat, Perak; Batu Kawan, Penang; Kumbang Pasu, Kedah; and Indera Mahkota, Pahang.	Represented Malaysia to join the UN Youth formation consultation on establishing a UN office for youths via online
Youth SDG Agent from Petaling Jaya, Selangor	Assisted in organising the Malaysia SDG mid-term review conference on SDG developments
Youth SDG Agents from Cheras and Indera Mahkota, Pahang	Organised SDG capacity-building workshops addressing awareness of the SDGs in Cheras, Indera Mahkota and Kuantan

Discussion

The findings describe youths’ perspectives and experiences with three aspects of youth involvement in promoting SDGs: a) how youths’ skills

and attitudes are perceived to be, b) how youths have been involved in SDG-related programme, and c) how youth SDG agents are working to promote the SDGs. The findings, as per the data collection, are driven by the involvement of youths in the meta-perspectives of the Sustainable Development Goals. It is unequivocally affirmed from the lens of various perspectives that youth hold such a significant role as active agents contributing to the promotion of the SDGs, especially in raising awareness about the SDGs in the local community via organising SDG workshops.

Nonetheless, another factor that appears to be motivating youths to get involved in promoting SDGs is the hope for the future that they hold. This has a significant effect on how and where the group will work on the national agenda. In line with the role of parliamentarians and government agencies, youths hope to raise awareness of the needs of the nation and be given opportunities to get involved in systems to make changes that matter, network and build meaningful connections with different parts of society, serve the community, and learn from and empower their peers to make changes for sustainable development.

Intergenerational and multi-stakeholder partnerships are sure ways of proceeding forward to improve and engage the involvement of youths in building the nation through the promotion of the SDGs. With regard to this, it is pivotal that youths are further educated on the dynamics of the SDGs, why they are important, and how they impact lives. Along with this is the idea that youth, regardless of their cultural backgrounds, should be encouraged and empowered by their sociological settings to impact and make changes in their respective communities and societies, creating micro and macro impacts based on their respective capacities. Lastly, as we've seen with the lowering of the voting age in Malaysia and other steps the government has taken to make the democratic system as open as possible, youths should be encouraged to build their country without political bias. This is emphasised because political bias influences people's behaviours and shapes their perceptions of verifiable reality. Members of parliament and other stakeholder groups play an important role in directing youths' motivations towards the implementation of the SDGs.

The relationship between self-worth and self-efficacy leads to contributions to nation-building, and studies show that people who volunteer and do acts of service have a good sense of self-worth and

self-efficacy.⁵ Nonetheless, in relation to the current study, it is seen from the findings that youths had a positive self-worth with regard to their roles in promoting SDGs and a positive regard for their capabilities and efficacy, which positively shows their respective contributions to nation-building through their experiences.

Similar to the relevance in the Malaysian context of the implementation of the SDGs through the passionate involvement and experience of youths, comparatively, the following table indicates the excerpts from the best practises of other countries that utilised the grit of youths in the promotion and implementation of the SDGs. The information was obtained from the Voluntary National Review (VNR) submitted and presented by respective countries to the UN High-Level Political Forum (HLPF):⁶

Table 1: Example of Youth Involvement in the SDG Implementation (As Reported in the Countries VNR)

Country	Youth Involvement in the SDG Implementation/ SDG Localisation Process
Denmark	• Youth contributed to the SDG VNR • Youth was considered as Partners in SDG • Danish Youth Associations assisted the government in campaigning for the SDG at numerous educational system • Danish Youth Organisations engaged with the SDG at global and national platforms
New Zealand	• Youth at universities were engaged at the National SDG Summits with other SDG Stakeholders
Papua New Guinea	• Commitments to engage the youth in SDG were affected by COVID-19
Country	Youth Involvement in the SDG Implementation/ SDG Localisation Process

5 Kevin M Brown, Russell Hoye and Matthew Nicholson, ‘Self-Esteem, Self-Efficacy, and Social Connectedness as Mediators of the Relationship between Volunteering and Well-Being’ (2012) 38 Journal of Social Service Research 468.

6 Zoel Ng, Philus Thomas and Mohd Idham Yusof, ‘A Mid-Term Review of Malaysia Civil Society Organization in Engaging Youths in SDG Implementation’, Malaysia SDG Conference 2022 (2022).

Country	Youth Involvement in the SDG Implementation/ SDG Localisation Process
Indonesia	• Youth organisations supported the SDG localisation process through voluntary programmes and dissemination of SDG awareness • Youth organisations were included in the VNR preparation
Germany	• Youth was selected as delegates at HLPF
Japan	• Youth were among the parties that engaged in VNR preparation
Sweden	• Swedish Youth council were consulted in preparing the VNR • Youth representative was sent as a delegate for HLPF
Czech Republic	• Youth points of view were illustrated in each SDG progression

Recommendations are drawn to bring to people's attention ways to include youths in constituency-based sustainable development consistent with the youth development policy.

Recommendations

One suggested way to get more young people involved in parliamentary constituency development is to give them more chances to watch and take part in the process. This could mean giving students training and resources that help them learn through experiences like issue mapping, connecting to local champions, conducting microprojects, job shadowing, trips to the parliament, and internships. By getting young people involved in these activities, they can learn more about what their representatives do and why it is important for them to see local development through the lens of sustainable development.

In addition to creating opportunities for youth engagement, parliamentarians can use technology to encourage youth involvement. For example, the parliament can develop online campaigns that allow young people to talk about local sustainable issues and suggest solutions openly and respectfully via social media platforms like Twitter or Facebook. This method not only gets young people interested, but it also gives a

voice to people who might not be heard through more traditional ways of communicating.

Finally, parliamentarians should consider institutionalising and grooming youth SDG agents in their constituency and offering incentives such as tuition vouchers and recognition for those who make significant positive impacts on the local development of the constituencies.

Reflection

Without a doubt, youths are the future of the nation; therein, all layers of society, both nationally and internationally, acknowledge the need for youths to be involved in nation-building and their importance in providing futuristic and creative ideas to develop and create change that is meant for positive developments where necessary. Key to this is issue mapping and partnerships from the various agencies that drive national developments. Therefore, it is hoped that there will be consensus taken into account by various stakeholders, especially parliamentarians, to equip and include youths in nation-building through platforms such as the Malaysian Youth SDG Agent. A whole-of-society approach must be considered in promoting the SDGs and youth engagement in them. Parliamentarians should stand in solidarity for the empowerment and mobilisation of youths because youths have the grit, passion, and power to make a difference. This study hopes that members of the parliament will be aware of and take into account the youth's perspectives and experiences in national and global developments.

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Parliamentarians & Multi-Stakeholder Partnerships in Implementing SDGs: In 57 Parliamentary Constituencies (Between 2020 and 2022) during the 14th Parliamentary Session

Prof. Datuk Dr. Denison Jayasooria and Nur Rahmah Othman**

Abstract

Parliamentarians in Malaysia have been very active in localising Sustainable Development Goals (SDG) at the constituency level since the establishment of the All-Party Parliamentary Group Malaysia on Sustainable Development Goals (APPGM-SDG). Between October 2019 (when the APPGM-SDG was established) and October 10, 2022 (when the Parliament was dissolved), the 14th Parliament launched a truly bipartisan initiative. It is a significant establishment of a formal structure and mechanism for engagement between parliamentarians and non-parliamentarians. It was the first of the APPGMs and remained very active in the 14th parliament. This article reviews these three years noting achievements, challenges, and the way forward for the 15th parliamentary session over the next four to five years. Through the localisation process, we have recognised the importance of partnerships between parliamentarians, civil society activists, and academicians from universities and policy think tank groups. This partnership has a direct impact at both the grassroots at the micro level through SDG micro solution projects and policy advocacy on the macro national and cross-cutting concerns. Both dimensions have good scope for citizens' participation in grassroots decentralised delivery of services on the one hand, as well as macro national level policy formulation. This process has definitive lessons for the global community.

Keywords: Multi-stakeholder partnerships, parliamentarians as SDG champions, localising SDGs, solving local problems, grassroots democracy, and policy advocacy.

* Prof. Datuk Dr. Denison Jayasooria is Head of The Secretariat for the All-Party Parliamentary Group Malaysia on Sustainable Development Goals (APPGM-SDG).

** Nur Rahmah Othman is a law graduate from Manchester University United Kingdom, has been a staff of the APPGM-SDG since Jan 2020 and has been a member of the secretariat leadership team.

Introduction

The 2018 General Elections ushered in a wave of parliamentary reforms by the Speaker of the 14th Parliament session in mid-2018. The attempt was to make Parliament accessible to the people for open discussion. The view was that there must be an active citizenry in a climate of democratic freedoms. After all, the new government in Putrajaya had brought down a 60-year coalition, which was previously thought impossible.

A people's parliament, which provides an open space for engagement, was envisioned, and this climate for democratic reform facilitated innovations for partnerships and cooperation.

This article highlights how a group of civil society convinced parliament of an innovation that had much impact in the 14th Parliamentary session and is hoped to would be replicated by the 15th Parliamentary Speaker and session.

Two earlier articles in the Parliament Journal (Vol 1: 2021) also capture the early beginnings of this action by parliamentarians in bringing development assistance to their parliamentary constituencies, including providing reasons why MPs were seen as local SDG champions.¹

Parliamentarians, elected by the people, have a major role on behalf of their voters to convey their views in Parliament. In most cases, voters who are grassroots citizens also expect their MPs to solve many of their local concerns. Although there is confusion about the role of appointed counsellors in local government and state assembly representatives, as MPs are accessible to the people, they tend to see themselves as their representatives.

The Malaysian government accepted the SDGs in 2015 and has since incorporated the SDGs into development planning. Since then, Malaysia has benchmarked development progress with the SDGs, as reflected in its Voluntary National Review Report on the SDGs to the United Nations in 2017² and 2021.³

1 Denison Jayasooria, 'Role of Parliamentarians in Localising SDGs in Malaysia' (2021) 1 (Journal of the Malaysian Parliament) <https://journalmp.parlimen.gov.my/jurnal/index.php/jmp/article/view/34> accessed December 2022.

2 'Malaysia Sustainable Development Goals Voluntary National Review 2017' (Economic Planning Unit 2017) <<https://sustainabledevelopment.un.org/content/documents/15881Malaysia.pdf>> accessed December 2022.

3 'Malaysia Voluntary National Review (VNR) 2021' (Economic Planning Unit 2021) <https://www.epu.gov.my/sites/default/files/2021-07/Malaysia_Voluntary_National_Review_%28VNR%29_2021.pdf> accessed December 2022.

The localisation of the SDG agenda provides an excellent opportunity for MPs to strengthen their role as effective champions of the SDGs. Policy advocacy has placed MPs at the heart of the SDGs, from the mapping exercise to local prioritisation to the identification of solution projects and providers. The theme of leaving no one behind also enables them to identify and address the concerns of people, not just their voters living in their constituencies.

Achievements

Much progress has been made over the past three years, as is documented here. Similarly, we recognise that we face numerous challenges, which have also been briefly stated. We also recognise that we face a significant challenge in 2023, and the 15th session of the Parliament affords us this opportunity.

Establishment of APPGM-SDG

The 14th Parliament Speaker, Tan Sri Dato' Mohamad Ariff Bin Mohd Yusof, started a series of Parliamentary reforms⁴ in 2018, which included hosting public forums and discussions and opening up Parliament for the participation of non-parliamentarians in these forums. The vision was to enable the Parliament as an institution to be close to the people and to foster a thinking public. It was during one of these lecture series when there was a discussion on SDGs, that civil society leaders engaged with the Speaker. As a result, they managed to convince him to establish an APPGM on SDGs.⁵ This was continued by the next Speaker, Tan Sri Azhar bin Azizan Harun, and during his tenure between 2020 and 2022, five different APPGMs were established before the dissolution of the 14th Parliament.⁶

Based on the parliamentary guidelines, the "All-Party Parliamentary Group Malaysia (APPGM) is a forum or platform for topics of common

4 Denison Jayasooria, 'Monitoring and Review of SDG 16 plus in Malaysia (2015-2020)' (2021) <<https://ada2030.org/adda-admin/images/Malaysia-SDG-16-Plus-National-Case-Study.pdf>> 18.

5 Denison Jayasooria, 'Role of Civil Society Organisations in Localising SDGs in Malaysia' (Alizan Mahadi and Nazran Zhafri eds, Institute of Strategic and International Studies 2021). <https://www.jstor.org/stable/resrep29683.18#metadata_info_tab_contents> accessed December 2022.

6 Parliament of Malaysia, 'Kumpulan Rentas Parti Parlimen Malaysia (KRPPM)' (www.parlimen.gov.my) <<https://www.parlimen.gov.my/kumpulan-rentas-parti-parlimen-malaysia-krppm.html?uweb=dr&lang=en>> accessed December 2022.

interest among members of the House of Representatives and the Senate, as well as other parties, including academicians, professionals, and non-governmental organisations (NGOs), as partners to discuss, research and submit reports of recommendations to the Parliament or its committees”.⁷

This engagement between parliamentarians and the general public, especially civil society and academicians, is very significant in the APPGM approach. Based on the parliamentary guidelines, five members of the lower house need to support the establishment of an APPGM. The chair must be from a government party and a backbencher. The deputy must be from an opposition party. Members of the upper house and the senate could also join as members. The quorum is three members. The secretariat could be a civil society or an academic institution.

This is the first time the Malaysian parliament has formally created a structure for a partnership model between parliamentarians and non-parliamentarians. In all existing structures, like the Parliamentary Select Committees, CSOs and academics are invited to share their views. However, in the APPGM system, they are part of the committee as members of the secretariat.

Based on the APPGM guidelines, each APPGM’s Secretariat is responsible for raising funding and managing the activities. Parliament will not provide any resources. Furthermore, if they raise more than RM10,000.00, they must submit a report to parliament.

Public Funding Secured Since 2020

The APPGM on SDG was the first of the APPGMs approved in October 2019 and became operational in 2020 with a special allocation of RM2 million announced in the 2020 Budget. The secretariat team from the Malaysian CSO SDG Alliance met up with the Budget section of the Ministry of Finance (MOF) Malaysia with a proposal to undertake a pilot study of localising SDGs in ten parliamentary constituencies. This experience is well documented in the APPGM-SDG annual report 2020,⁸ which was also circulated to members of parliament. MOF approved the second allocation of RM5 million in 2021 and RM10 million in 2022.

⁷ Ibid.

⁸ All-Party Parliamentary Group Malaysia, ‘APPGM-SDG Annual Report 2020’ (APPGM-SDG 2020) <<https://www.parlimen.gov.my/images/webuser/jkuasa/LAPORAN%20KRPPM/APPGM-SDG%20ANNUAL%20REPORT%202020.pdf>> accessed December 2022.

Published Annual Reports

Over the three years between 2020 and 2022, a total of 57 parliamentarians were enlisted in the localising of the SDGs programme. The 2021 Annual Report was also published and released to MPs. It is also uploaded to the Parliament website.⁹ One could conclude that during the 14th parliamentary session, the APPGM approach has been consolidated, even with the changes in government between 2018 and 2022. Malaysia saw three Prime Ministers and two Parliament speakers; however, all of them supported the idea of APPGMs, as the initial one resulted in five¹⁰ APPGMs by the time Parliament was dissolved in October 2022.

Therefore, the APPGM-SDG receives the recognition of parliament and the full support of the Economic Planning Unit (EPU) and the Ministry of Finance. When Malaysia presented the Voluntary National Review (VNR) Report 2021 at the High-Level Political Forum (HLPF) at the UN HQ in New York, a specific reference was made both to the localising agenda of APPGM-SDG¹¹ and the Malaysian CSO SDG Alliance.¹²

Bipartisan Nature

Civil society managed to secure the support of several Members of Parliament (MPs). Hon. Maria Chin Abdullah was elected as Chair and Hon. Dato' Nancy Shukri as a deputy in October 2019, with several other Members of Parliament (MPs) as members. With the fall of the Pakatan Harapan (PH) government and the establishment of the Perikatan Nasional (PN) coalition government, there was a change to the chair, with Hon. Dato' Seri Rohani Abdul Karim as Chair and Hon. Maria Chin Abdullah as the deputy, with several other MPs as members.

In the 14th Parliament session, between 2020 and 2022, a total of 57¹³ MPs participated in the localising of SDGs. They were from both

9 All-Party Parliamentary Group Malaysia on the Sustainable Development Goals, 'APPGM-SDG Annual Report 2021' (APPGM-SDG 2022) <<https://www.parlimen.gov.my/images/webuser/jkuasa/LAPORAN%20KRPPM/APPGM-SDG%202021%20Annual%20Report%20.pdf>> accessed December 2022.

10 Parliament of Malaysia (n 8).

11 Malaysia Voluntary National Review (VNR) 2021 (Economic Planning Unit, Prime Minister's Department 2021) 121.

12 Ibid 122.

13 All-Party Parliamentary Group Malaysia on the Sustainable Development Goals, ('MPs & Constituencies – 14th Session (2018-2022)' (Google Drive 2022). <<https://drive.google.com/file/d/1aiXwoOS5vqfnrpdaw2qPFmaf1sbLfLdTH/view>> accessed December 2022.

the government and opposition parties. They were also from various states in both the peninsular and Sabah -Sarawak on Borneo Island, including rural, suburban, and urban constituencies.

Table 1: MPs by Party Affiliations (2020 to 2022)

	2020	2021	2022
Government party MPs	5	8	14
Opposition party MPs	5	12	13
Total	10	20	27

The MPs were from all the major political parties, such as PKR, DAP, PAS, GPS, Amanah, Warisan, UMNO, and MCA. These are political parties with different political ideologies and the histories of their political struggles. However, on the SDGs, there is a consensus on economic, social, and environmental concerns pertaining especially to people development and addressing grassroots concerns in the constituency. Each MP receives an allocation of RM120,00.00 for micro-SDG solution projects after the local mapping exercise is conducted.

Evolvement of an Effective Secretariat

We established a very effective secretariat. The Malaysian CSO SDG Alliance is a network of CSOs with economic, social, and environmental concerns, including human rights, gender, and indigenous people. As a network, it does not have a legal structure or bank account. It is more of a networking and advocacy-lobby group.

Legal Entity

Therefore, there was a need for a legal entity for the Secretariat, which could be one of the main organisations in the Alliance, such as the Society for the Promotion of Human Rights (PROHAM), WWF, ISIS Malaysia, the National Council for Women Organisations (NCWO), or even KITA-UKM (the Institute for Ethnic Studies-UKM). Members of these organisations were the prime movers behind the APPGM-SDG.

Members of these organisations as individuals collectively agreed to form a new society registered as the Society for the Promotion of SDGs in January 2020. The Society is now the legal organisation, with key members of the Malaysian CSO SDG Alliance as members.

The parliamentary guideline indicated that no parliamentary staff or budget should be allocated for the APPGM work. The committee and the Secretariat were responsible for raising funds for its operation and work.

Staffing

In the case of staffing, in the first year, we employed only two staff. The Secretariat relied on volunteers from the Alliance and local universities for the work of localisation of SDGs. By 2022, we had expanded our human resources to twelve staff. Therefore, the staff, contracted persons, and volunteers have played a major role.

This team is also multi-ethnic and multi-religious, and there is a good gender balance. We continue to have a large pool of resource persons and volunteers in the Secretariat. Each comes from different fields of expertise and disciplines, as the SDGs are very multi-dimensional.

Table 2: Personal Resources (2020 to 2022)

	2020	2021	2022
Staff	2	7	12
Contract Persons	2	9	6
Resource Persons / Volunteers	15	11	27
Total	18	28	45

Coordinating Office

We had no coordinating office for two years. We worked from parliament when there were formal meetings or different organisations, and even from Mamaks. We only rented an office space at Avenue 8, Petaling Jaya, from December 2021, from where we now coordinate the work and where the majority of staff and meetings are held. We recognise that the Covid period was challenging for the field visits and monitoring of SDG micro solution projects.

MPs generally support the secretariat staff and resource persons from civil society organisations or local universities and have some knowledge of addressing local issues.

Since receiving public funds in early 2020, we have submitted a monthly financial and activity report to Parliament, the Economic Planning Unit, the Ministry of Finance, and APPGM-SDG’s Chairman and Deputy,

as well as the Treasurer. We also undertake external auditing of the accounts, and the audited report is submitted in our annual report for 2020 and 2021.

Methodology in Localising SDGs

As part of our localising SDGs, we undertake four dimensions of work, which serve as our methodology:

The first is mapping local needs and prioritisation through a three-day field visit to each parliamentary constituency.

Second is the SDG micro solutions project, where we allocate RM120,000.00 per constituency. These micro-projects secure between RM30,000 and RM40,000 per community project.

The third is policy analysis through situation analysis, thematic and case studies arising from the mapping exercise.

The fourth is SDG awareness and capacity-building programmes at the district level, especially with civil servants and local community leaders.

Members of Parliament are active in mapping local needs and issues in the parliamentary constituency as they provide pre-visit information on the parliamentary constituency, including a profile, a list of local needs and issues, as well as potential places to visit. The MP's office is very active in contacting local leaders, as well as district-level agencies. The secretariat also undertakes a search and conversation with CSOs and community groups to determine vulnerable communities and those who might be left behind.

Mapping – Analytical Framework

Over the past three years (2020-2022), the APPGM-SDG team perfected the analytical framework.¹⁴ This framework consists of a set of six steps, as listed below:

14 This was first developed by Alizan Mahadi of ISIS Malaysia in 2022 and utilised by the field researchers over the past three years.

Table 3: Analytical Research Framework of the APPGM-SDG

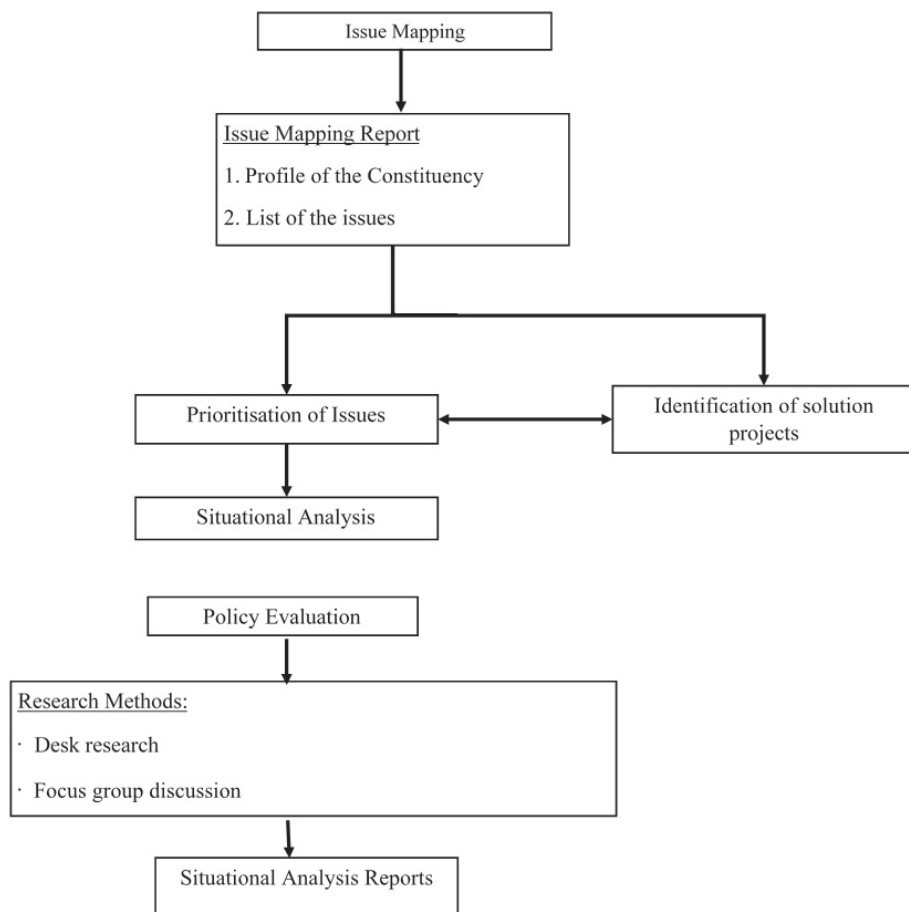
Step	Output / Activity
STEP 1: What are the most crucial cross-cutting issues across social, economic, and environmental within the parliamentary constituency?	Issue Mapping
STEP 2: Who is being left behind?	Issue Mapping
STEP 3: Which issues should be prioritised?	Prioritisation of Issues
STEP 4: Analysis of why these issues occur	Impact Assessment and Policy Evaluation
STEP 5: How should we resolve the issue sustainably?	Prioritisation of Solutions and Solutions Project Proposal
STEP 6: Execution and Monitoring of progress and impact	Solutions Project Execution and Monitoring

It is important to note that the APPGM-SDG has adopted a Human Rights-Based Approach (HRBA) in operationalising the research framework. The HRBA is popular in various United Nations and international research. It is a useful programming tool that anchors international norms and standards.

The HRBA gives equal attention to the process and attainment of the SDGs. These two components align with the objectives of the APPGM-SDG to produce an impact assessment (goal attainment) and a policy evaluation on the development delivery (process). It is a methodology specifically for assessing the principle of “leaving no one behind” under the 2030 Agenda for Sustainable Development.

The Mapping exercise, local needs prioritisation, and situational analysis is a grounded research methodology adopted by the APPGM-SDG research team in localising SDGs. The various stages are well illustrated in Diagram 1.

Diagram 1: An Overview of the Localisation of the SDGs by the APPGM-SDG



Case Studies and Situational Analysis

The three day field study and mapping lead to the next phase of the research, which comprises of case studies and situational analysis. In this phase, the APPGM-SDG researchers identified common concerns across the parliamentary constituencies.

For 2020 and 2021, Alizan Mahadi was responsible for the research and policy work, and he provides a helpful summary of the 14 major concerns listed in Table 4.¹⁵ Here are the key concerns across the

¹⁵ Alizan Mahadi and Zainal Abidin Sanusi (eds), *Localising SDGs in 10 Parliamentary Constituencies* (Persatuan Promosi Matlamat Pembangunan Lestari 2022).

parliamentary constituencies and how they apply to the SDGs. These concerns have direct policy implications at the national-macro level.

Among the 14 major concerns are poverty, social protection, land, drug-related crime, and food security. All these require further study, including the policy implications of short-term and long-term policy intervention in addressing them.

Table 4: Cross-cutting Situation Analysis from the APPGM-SDG issue mapping of ten parliamentary constituencies in 2020

No	Cross-Cutting Policy Issues	Locations	SDG	Number of Locations
1	Poverty and Imbalanced Development (Infrastructure)	Jeli, Kuching, Papar, Pendang, Pensiangan, Tanjung Piai, Petaling Jaya	SDG10, SDG11	7
2	Social Protection, Social Safety, and Welfare	Jeli, Selayang, Pendang, Kuching, Petaling Jaya	SDG1, SDG16	5
3	Land Tenure, Security, and Settlements	Bentong, Kuching, Pendang, Tanjung Piai, Petaling Jaya	SDG11, SDG16	5
4	Youth Development, Employment, and Drugs	Batang Sadong, Jeli, Kuching, Pensiangan, Petaling Jaya	SDG3, SDG4	4
5	Food Security and Agrofood Supply Chain	Batang Sadong, Bentong, Papar, Pendang	SDG2, SDG1, SDG8	4
6	Digital Connectivity	Batang Sadong, Petaling Jaya, Jeli, Papar	SDG 9	4
7	Health	Batang Sadong, Bentong, Pensiangan	SDG 3	3
8	Welfare and Rights of Single Mothers and Gender Mainstreaming	Jeli, Pensiangan, Petaling Jaya	SDG5, SDG1, SDG16	3
9	Environmental Governance (Pollution, Human-wildlife conflict, oceans, and river governance)	Papar, Selayang, Tanjung Piai	SDG6, SDG14, SDG12, SDG6, SDG15	3

No	Cross-Cutting Policy Issues	Locations	SDG	Number of Locations
10	Disaster Management (Floods) and Climate Change	Pendang, Tanjung Piai, Petaling Jaya	SDG6, SDG11, SDG13	3
11	Affordable Housing & Urban Poverty	Selayang, Petaling Jaya	SDG11, SDG1	2
12	Sustainable Tourism	Tanjung Piai, Pendang	SDG 12	2
13	Refugees, Migrants, and Stateless Rights	Selayang	SDG 16	1
14	Social Cohesion and Unity	Bentong	SDG 16	1

For 2022, Teo Sue Ann, the lead researcher, identified the situational analysis dimensions based on case studies and thematic concerns. These too, centre around the theme of “leaving no one behind”. It is significant to note the specific target groups on the ground with whom we have been interacting.

On case studies, the APPGM-SDG researchers conducted the case study with a focus on a specific locality and target group that were identified from the issue mapping. As a result, six target groups have been identified, as per Table 5.

Table 5: Case studies identified from the APPGM-SDG issue mapping in 2022

Region	Target Groups/ Topics	Location
North	Fishing village & mangroves	Sungai Batang Tiga, Parit Buntar
Central	Urban Poor (B40), settlers & housing	Kampung Bunga Raya, Sungai Buloh
	Overdevelopment in Cheras	Taman Supreme, Cheras
East	Resettlement of the indigenous people	RPS Pasik, Gua Musang
Sabah	Infrastructure gaps & geographical challenges	Kg Pamgi, Tenom
Sarawak	Border Security	Kg Mongkos, Serian

In 2022, the situational analysis revolved around target groups and themes. Table 6 provides the list of situational analyses identified from the 27 parliamentary constituencies in 2022 by Teo Sue Ann.

Here are the concerns of flat dwellers, farmers, urban poor, single parents, and indigenous people (Orang Asal or Orang Asli) as the most vulnerable in Malaysian society and linked to the theme of leaving no one behind. The detailed analysis reveals a complex set of cross-cutting concerns impacting economic, social, and environmental concerns.

Table 6: Situational analysis -Target group & Themes (2022)

Themes	Locations
PPR residents	Jerlun, Kangar, Kuantan, Gua Musang, Tebrau, Sungai Buloh, Cheras, Kalabakan
Farmers	Parit Buntar, Jerlun, Kangar, Kuantan, Kuala Kerai, Tangga Batu, Tenom, Kalabakan
Fishermen	Parit Buntar, Kuantan, Tangga Batu, Tampin, Kuala Kerai, Gua Musang, Kangar, Jerlun, Merbok, Kalabakan
B40 (Urban Poor)	Tampin, Tenom, Tangga Batu, Tebrau, Merbok, Kalabakan, Beaufort, Keningau
Education and school (teachers and students)	Kuantan, Tangga Batu, Tebrau, Tenom, Kalabakan, Tanjung Manis, Gua Musang
Single parents	Parit Buntar, Kangar, Kuanta, Tangga Batu, Kuala Kerai, Tenom, Tebrau, Merbok, Kalabakan, Beaufort, Gua Musang
Orang Asli/Asal	Tampin, Tebrau, Gua Musang
Heritage	Jerlun, Merbok, Paya Besar
Senior Citizens	Tangga Batu, Kalabakan, Bukit Mertajam

It is, therefore, significant to note that this situational analysis undertaken by Alizan Mahadi or Teo Sue Ann has policy implications requiring long-term policy changes through the development planning process. This is the next phase for policy advocacy work, especially among parliamentarians.

SDG Micro Solution Projects¹⁶

A major activity of the APPGM-SDG is undertaking micro-SDG solution projects after mapping and prioritisation local needs. The approach is in the identification of local needs; we also try to address some of the short-term concerns through SDG micro solution projects, which are

16 James Raj and Paniirselvam Jayaraman, ‘Grassroots Participation through Solution Projects’.

implemented over 3 to 6 months by a local partner in partnership with local communities.

Status of Solution Projects

Table 7 provides an update on the current status of the solution projects between 2020 and 2022. This is not a complete list, as many constituencies in 2022 did not identify their community projects at the grassroots due to the dissolution of parliament in October 2022.

Table 7: Status of Solution Projects from 2020 – 2022

Year	2020		2021		2022	
	Ongoing	Completed	Ongoing	Completed	Ongoing	Completed
Status	0	34	0	87	111	4
Total by year	34		87		115	
Grand Total						236

Over the past three years, a total of 236 micro-SDG solution projects have been approved by the committee. Of those approved, 121 have been undertaken.¹⁷

Currently, in 2022, a total of 115 projects have been approved, of which four have been completed, and the remaining 111 are being undertaken.¹⁸ Due to Parliament being dissolved, some projects were not approved in several constituencies. These will be decided when the new APPGM-SDG committee is constituted.

Detailed descriptions of the 236 solution projects are available by parliamentary constituency, with project description, project type, and who the solution provider is. These are decentralised projects identified by local communities. More such local community identified micro projects should be undertaken with active participation by local communities.

MPs are active in the finalisation of micro projects and allocations with the Secretariat and discuss with them when the solution projects and providers are short listed. All short listed projects are brought before

17 All-Party Parliamentary Group Malaysia on the Sustainable Development Goals, '121 SDG Solution Projects Undertaken between 2020 and 2021' (Google Drive) <<https://drive.google.com/drive/folders/1BNDkX4Ff6KEXi7AlJqHCnaUG-ZDguIcE>> accessed December 2022.

18 All-Party Parliamentary Group Malaysia on the Sustainable Development Goals, '115 SDG Solution Projects Approved in 2022 and Still Being Undertaken' (Google Drive) <<https://drive.google.com/drive/folders/1PLj8TT4X4k6j-glIQJ1Yq6vXBm0Ra2xS>> accessed December 2022.

the committee after due diligence is undertaken by the solution team in the Secretariat. A minimum of three MPs must review the projects before they receive the final green light for approval. Once decided, the Secretariat team prepares an MOU with the solution provider based on the project proposal, which is designed to address one of the identified issues from the mapping exercise.

It is also interesting to note that the solution projects can be classified into three major categories, as indicated in Table 8. Here, 66% or 156 projects are economy based or related to income generating. 28% or 67 projects are social-based projects, and only 6% or 13 are environmental-based. While this is a simplistic classification, many projects could be cross-cutting and multi-dimensional.

Table 8: Solution Projects by SDG Themes

Project Category	2020	2021	2022	Total	%
Economy	18	59	79	156	66
Social	14	23	30	67	28
Environment	2	5	6	13	6
Total	34	87	115	236	100

Solution projects are divided into eleven project types, as indicated in Table 9. Of these, 55% or 129 out of 236 is income generation.

Table 9: Solution Projects by project type

Classification	2020	2021	2022	Total	%
Income Generation	15	48	66	129	55
Education	6	8	6	20	8.5
Digitalization	1	6	4	11	4.7
Skills Development	5	6	10	21	8.9
Heritage	1	1	3	5	2.1
Fresh water, waste migrant & health	2	8	11	21	8.9
Mindfulness	0	0	3	3	1.0
Community Learning Center	0	2	5	7	2.9
Inter-agency	3	6	1	10	4.2
Basic infra & amenities	1	1	3	5	2.1
Drug Prevention	0	1	3	4	1.7
Total	34	87	115	236	100

In the case of target groups, especially on the theme of leaving no one behind, Table 10 provides the breakdown. The largest target group served are the indigenous people of Sabah and Sarawak (57 projects, or 24%), followed by women (47 projects, or 20%), and then youth (42 projects, or 18%).

Table 10: Categories of target groups in solution projects

Target Group	2020	2021	2022	Total	%
Women	7	20	20	47	20.0
Youth	5	17	20	42	18.0
PWDs	0	0	4	4	1.7
Refugees	1	2	1	4	1.7
Orang Asli	3	1	3	7	3.0
Orang Asal Sabah & Sarawak	4	15	38	57	24.0
Farmers	1	5	2	8	3.4
Fisherman	2	5	3	10	4.2
Small traders	1	6	5	12	5.0
Villagers	5	11	10	26	11.0
PPR / Flat Dwellers	5	5	9	19	8.0
Total	34	87	115	236	100

Solution Providers

The existence of solution providers is one of the significant discoveries made in the localisation of the SDGs. As shown in Table 11, we have been assisted by 97 solution providers over the past three years. However, locating such providers, particularly in rural and interior areas, is increasingly challenging.

Table 11: Solution Providers (2020 – 2022)

Year	2020	2021	2022
Solution Providers	25	78	97

We also noted that the largest number of SDG solution providers are registered societies (47 out of 97, or 48%), followed by those registered under company registration (22 out of 97, or 23%). The remaining 28 solution providers fall into eight other categories, as indicated in Table 12. Universities, youth-based organisations, and social enterprises and cooperatives are among these.

Table 12: Category of Solution Providers

Solution Providers	2020	2021	2022
University	6	8	7
Society	11	40	47
Company Registration (SSM)	0	19	22
Youth Based Organisations	1	3	5
Foundation	4	1	2
Social Enterprises	3	3	4
Cooperatives	0	4	4
MPs office	0	0	3
Residents’ association & Community safety group (KRT)	0	0	2
RCE-UCSI	0	0	1
Total	25	78	97

Effective monitoring of solution projects

A major area determining the success of the solution projects is the project management necessary to ensure the effective and efficient delivery of the intended objectives. In this context, early detection of issues and challenges, while the project is in progress, is vital. We also seek to find a solution and mitigate the potential shortfalls in the projects. There is a clear strategy for monitoring the progress. Regular capacity-building programmes are organised monthly with all the solution providers. This has resulted in the success of the projects and meeting the objectives and targets for achieving the SDG targets and indicators.

Independent impact evaluation on solution projects

In addition to effective monitoring, we undertake an independent impact evaluation, which is undertaken by the Social Science Society (PSSM)’s two key members, namely Prof. Dato’ Dr. Rashila Ramli and Prof. Dr. Sity Daud. The impact evaluation has three components. The first is document review. The second is a focus group discussion with project beneficiaries, and the third is a project site visit. The findings will be compared with SDG goals, targets, and indicators, as well as correlated with the identified policy issues and the solution projects undertaken.

Capacity Building and SDG Awareness Programmes¹⁹

The secretariat has established a mySDG Academy and developed several training modules. Four modules were developed as per Table 13.

Table 13: SDG Training Programs by mySDG Academy

Training Days	Programme Name
2 full Days f2f training	Building Inclusive Communities in partnership with UNDP
1 full Day f2f training	SDG & Community Transformation (BM) in partnership with Sejahtera Centre, IIUM
1 full Day f2f training	SDG Project Management (BM, English, Chinese)
Hybrid mode	SDGs and Human Rights

Ground-level awareness and training were undertaken firstly by Zainal Abidin of the Sejahtera Centre at the International Islamic University Malaysia (IIUM) and later by Zoel Ng through the mySDG Academy. The IIUM team conducted 13 awareness workshops on SDGs in 13 different locations. These were largely attended by district-level civil servants. Details can be found in Table 14.

Table 14: Capacity building programs by IIUM team

No.	Location	Date	No of Participants
1	Batu Kawan	15 Nov 2021	27
2	Permatang Pauh	16 Nov 2021	27
3	Jeli	16 Jan 2022	15
4	Pasir Mas	8 Feb 2022	24
5	Tumpat	9 Feb 2022	33
6	Sik	22 March 2022	22
7	Kubang Pasu	13 Apr 2022	18
8	Libaran	9 May 2022	21
9	Pendang	24 May 2022	21
10	Pontian	19 June 2022	25
11	Baling	26 June 2022	22
12	Ipoh Barat	6 July 2022	24
13	Kota Belud	23 July 2022	49

19 Zoel Ng, 'SDG Society Report' (2022).

The mySDG Academy hosted 10 capacity-building programmes around the country focusing on civil society and community leaders in creating awareness of SDGs. A unique feature here is that the secretariat identified a local partner who provides the hosting and ensures that about 20 to 30 participants attend the session, especially people living in that location. Details are in Table 15.

Table 15: SDG Awareness & Training programs by mySDG Academy

No.	Location	Date	Local Partner	No of Participants
1	Sabah	28 Aug 2022	Borneo Comrad	31
2	Penang	12 Sept 2022	Penang State Government	31
3	Sarawak	19 Oct 2022	UPEN Sarawak	69
4	Sabah	22 Oct 2022	Sabah State Government	47
5	Cheras	23 Oct 2022	Pudipang Enterprise	17
6	Johor	29 Oct 2022	Global Peace	49
7	Bukit Mertajam	20 Nov 2022	ASWIP	39
8	Indera Mahkota	10 Dec 2022	MIYC Kuantan	41
9	Kuantan	11 Dec 2022	MIYC Kuantan	37
10	Petaling Jaya	17 Dec 2022	MyPJ	25

We recognise that SDG awareness and training are lacking at the grassroots, and more needs to be done to equip civil servants, CSO and local community leaders.

Grooming Youths as Partners in Localising SDGs²⁰

Zoel Ng has been working on reaching out to young people about the SDGs with the aim of providing youths between the ages of 15 and 30 with the skills, knowledge, attitude, network, and resources they need to become partners in localising the SDGs.

This participatory approach enables youths to contribute their perspectives on achieving the goals in their respective communities, while also aiding in creating awareness and building capacity among local actors. It is especially pertinent given that youths comprise a large proportion of the population in many countries, and their potential

²⁰ Zoel Ng is leading this youth section and has a good team of young people in SDGs

to contribute to social and economic development should not be overlooked.

In November 2021 and June 2022, the secretariat organised the Malaysian Youth SDG Summit with the support of more than 30 youth organisations, the UN Resident Coordinator in Malaysia, and the Malaysian Ministry of Youth and Sports. In August 2022, we launched the Youth SDG Agent with 10 prominent national youth groups.

The Youth Section in the Secretariat now offers three different youth SDG engagement programmes, as indicated in Table 16.

Table 16: Youth engagement programs

Mechanism	Programme Name
1-day program to feature the high-impact projects led by youth in building a sustainable community	Youth SDG Summit
One-year program to groom local youths to be the champion in localising SDGs. They will have the chance to be involved in policy round table discussions, SDG micro-projects and capacity-building programmes	Youth SDG Agent
Continuously review youth engagement and participation in localising SDGs	Conferences & journal writing

Challenges

While the APPGM-SDG team has achieved much over the past three years, we have noted four key challenges. These are:

Firstly, the cross-cutting nature of SDGs concerns as opposed to the silo approach. Most agencies and organisations have adopted a silo approach due to their agency mandates or funding. However, in the SDGs, we see the multi-dimensional nature of problems as well as the need for a more holistic approach to problem-solving and interventions.

Second, we recognise the complex nature of development concerns at the grassroots, especially in the context where decentralisation is weak. Malaysia adopts top-down approaches, with most planning and decision-making occurring at the Federal or State government levels.

Local communities could make their requests or voice their needs, but they do not have the powers to execute the decisions as both the budget and the approval authority are at the top and undertaken during the development planning process, which occurs once every five years, or as a request through annual national budgets. Thirdly, while we have been successful at the micro solution projects, many of the concerns identified need greater intervention to see lasting solutions. As we have undertaken the mapping exercise in 57 parliamentary constituencies, we note that there are about 10 to 15 unresolved issues and concerns in every local that are projecting a negative impact on the people.

Therefore, more attention to macro policy advocacy concerns is necessary to monitor issues identified and their policy interventions, which might require short-term or long-term policy solutions.

Lastly, one of the weaknesses of the past three years is our inability to secure the full support of the district agencies; however, in recent times, we have been able to secure the support of District Officers. We see the value of engaging with agencies early. We will do this before undertaking the field visit. This early encounter enables a better working relationship.

Way forward

The 15th Parliament had its first session on December 19, 2022. We are in discussion with the new Speaker about reactivating the APPGMs and waiting for his formal endorsement and parliamentary procedure. We have already secured the support of eight MPs from the lower house and one from the Senate for the re-establishment of the APPGM-SDG. We have written a letter to the Speaker and hope to meet him in early January 2023 for the activation of APPGM-SDG in the 15th Parliament session.

Update on the MPs in the 15th Parliament Session

Based on the General Election 15 results, we can see a change in the MPs in our 57 parliamentary constituencies. Of the 57 constituencies, only 26 are from the GE14 batch, and 31 are new MPs.²¹ This is a major new task for the secretariat to create awareness among the 31 new MPs and win their confidence and partnership.

21 All-Party Parliamentary Group Malaysia on the Sustainable Development Goals, '57 Parliamentary Constituencies' (appgm-sdg.com) <<https://appgm-sdg.com/BI/Constituencies/>> accessed December 2022.

For 2023, we will reach out to another 26 new constituencies, of which 13 will be from government parties and another 13 from opposition parties.

Five Focus Areas in 2023

In reviewing the agenda for 2023 and beyond, we recognise that there are five major areas we need to focus on in the coming year.

First, strengthening decentralised ways for planning and delivering services and programmes as well as policies, legislation, and resource allocation for SDGs.

In localising the SDGs, a key is a decentralised approach of working at the grassroots with district and local government agencies and local communities. Malaysia has very good development plans formulated at the top levels; however, we need to strengthen grassroots democracy and the participation of ordinary people in determining local needs, concerns, and agendas.

Second, district-level SDG working groups or local Multi Stakeholder Taskforce.

There has been much discussion on setting up a mechanism at the district and local government level for multi-stakeholder participation. This was discussed during the preparation of the 2021 Voluntary National Review (VNR), organised by the EPU. This was added to the VNR report as a recommendation for the way forward.

In localising SDGs, in addition to working with local authorities, efforts are being made to engage with the district offices. This is to ensure an inter-agency SDG delivery taskforce is organised at the district level to enhance the role of all agencies including a multi-stakeholder group (civil society, private sector, and academic networks) in addressing economic, social, and environmental concerns at the grassroots level.²²

Over the past three years in the localising of SDGs, the APPGM-SDG team has felt that this multi-stakeholder group was most needed in mapping local needs and finding the solutions that required a multi-agency intervention due to the cross-cutting nature of the local development concerns.

Currently, at the district level, many working groups address security matters, poverty, and natural disasters, but none on SDG concerns.

22 Malaysia Voluntary National Review (VNR) (n 13) 120.

Local government might have a committee, but this might not involve Federal agencies, which are largely responsible for most of the SDG targets and indicators on poverty eradication, education, health, and the environment, to name a few of the 17 goals. We will work with EPU and seek the support of the State secretaries to ensure that the district-level officers will work closely with our teams.

Third, capacity-building programmes for government staff, CSO-NGO, local community leaders, and the business community on the SDGs.

The Secretariat has established the mySDG Academy, a training arm and a social enterprise to ensure the sustainability of the efforts. In 2022, under the leadership of Zoel Ng, the academy has been undertaking many capacity-building programmes including the development of different training modules for the training of civil servants, CSO, and community leaders. These will be intensified in 2023 and beyond.

Fourth, there is a need to increase the parliamentary discussions and workings in small groups with government agencies in discussing root causes and finding solutions.

This approach is critical to resolving many ground issues identified during the mapping exercise that have remained unresolved over the past three years. The situation analysis reports have documented these, including the case studies, but there is an urgent need to discuss them.

In 2023, the secretariat will set up the Centre for Social Inclusion with the specific objective of documenting the local issues and seeking local solutions through dialogue with the relevant agencies for long-term changes. We plan to undertake this, with MPs leading the policy discussions. There is a need to systematically address these concerns, including ensuring no one is left behind as well as addressing the cross-cutting nature of policy interventions.

Conclusion

The past three years have seen the foundational work of localising SDGs at the parliamentary level and the opportunity for MPs to be local champions. This is a unique role for parliamentarians. While MPs have a key role as policymakers in parliament, they also play a role in understanding and addressing grassroots concerns at the ground level. The 17 SDGs, a comprehensive development agenda, provide the MPs with a range of intervention strategies, targets, and indicators at the ground level, as well as pointers for their parliamentary debates.

The APPGM-SDG approach provides this avenue to work at the grassroots and macro policy levels. Furthermore, it is key to note that a secretariat of academics and civil society activists supports the MPs.

The 12th Malaysia Plan advocated a whole of nation approach similar to SDG 17:17 on multi-stakeholder engagement. Therefore, the APPGM SDG example is unique, and Malaysia has much to share with the world on localising SDGs.

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Youth Development in Muar Parliamentary Constituency Through 'The Room' Projects

*Siti Nur Ain Zakinuddin**

Abstract

The All-Party Parliamentary Group Malaysia on the Sustainable Development Goals (APPGM-SDG) is a bipartisan party that works with constituencies to combat the issues to achieve the Sustainable Development Goals. Muar is one of the constituencies collaborating with APPGM-SDG in developing Muar youth. The objectives of 'The Room' project is conducted in Muar to promote youth engagement in creative and arts activities. The problem statement is that youth encounter various obstacles that might restrict their personal development, limit their chances, and impede their capacity to contribute to society. These obstacles can be associated with education, jobs, mental health, and social concerns, among others. During issue mapping, the youth's need for a creative space was raised. The methodology used is grounded research through in-depth interviews and focused group discussions (FGD). Pudipang Industries, the solution provider, introduced 11 activities for this 'The Room' project related to Sustainable Development Goals to achieve the SDG 17 goals. They have been awarded a RM40,000 grant to address youth engagement issues within the next four months. The finding shows that the projects successfully attracted 175 youth participants in various 11 activities, and nine SDGs involved with the project, such as SDG 1, SDG 3, SDG 5, SDG 8, SDG 10, SDG 11, SDG 12, SDG 14 and SDG 16.

Keywords: Sustainable Development Goals, Youth, Creative and Arts Activities, Self-Identity Development, APPGM-SDG

Introduction

A parliamentary constituency is a geographical area where a seat represents the electorate. A representative who won the election for a parliamentary constituency will sit in the House of Representatives on

* Siti Nur Ain Zakinuddin is the Secretariat of All-Party Parliamentary Group Malaysia on the Sustainable Development Goals.

behalf of the constituency. The Election Commission decides where a parliamentary constituency’s borders are located. In Malaysia, there are 222 seats for parliamentary constituencies representing the whole of Malaysia, including East and West Malaysia. This article focuses on the Muar Parliament as it focuses on youth development. The population of Muar is 314,776 and consists of Malay, Chinese, Indian and other stateless people who are undocumented.¹ Muar is a semi-rural-urban town located in Johor. These cities are 150 kilometres (93 miles) southwest of the Malaysian capital, Kuala Lumpur. It is 50 kilometres north of Batu Pahat and 179 kilometres north of Singapore.² Nearly 90% of the land is used for agriculture, primarily oil palm plantations, which dominate the landscape. Sg. Muar Basin, one of the three river basins, is where Muar is situated. Lembangan Kecil Muar and the basin of Sg. Sarang Buaya. The former, which spans Johor, Melaka, Negeri Sembilan, and Pahang, is the largest river basin in Johor and is also transboundary in nature. The youth are the biggest population in Muar, as shown in Table 1.1.

Table 1.1 The age group of Muar community

Age Groups	Population
0-14	71,991
15-64	222,120
65 and above	20,665

The Muar Member of Parliament (MP), Syed Saddiq, is known as a young leader who believes that youth can be the Malaysian ‘Kingmaker’ one day. After winning the 14th and 15th elections, Syed Saddiq is now the Muar MP. He is very optimistic about quality jobs for youth, a dignified salary, affordable housing, good public transportation, and climate change.

Due to this, the All-Party Parliamentary Group Malaysia on Sustainable Development Goals (APPGM-SDG) came up with the suggestion to improve the engagement of youth through creative and arts programmes. APPGM-SDG is a bipartisan initiative driven to implement the SDGs in Parliamentary constituencies. The SDGs are put into action by analysing

1 City Population. https://www.citypopulation.de/en/malaysia/admin/johor/0106__muar/
2 Muar Municipal Council. <https://www.mppmuar.gov.my/en/visitors/muar-background/page/0/1>

problems and possible solutions, doing policy research, facilitating multi-stakeholder partnerships, raising awareness, and building capacity at the local level.³ The APPGM-SDG team comprises parliamentarians, academics, solution providers, and civil society activists. In this project, the APPGM-SDG will focus more on young people's development in Muar.

Methodology

During the initial discussion with YB Syed Saddiq, Muar's preliminary issue mapping work began. APPGM-SDG found that Muar district has the potential for developing youth talent and inspiration. A preliminary virtual community profile exercise was then conducted to identify concerns, regional players, and important destinations. The issue mapping field visits were conducted from May 1–3, 2021. The research team and MP officer reached out to a range of stakeholders, including *penghulu mukim* and *ketua kampungs*, local communities, government organisations, the community of fishermen, youth organisations, NGOs, and single mothers. Due to the pandemic, the visits were also carried out during the period of the Movement Control Order (MCO). The APPGM-SDGs members and MP's officer followed the SOP to the greatest extent feasible and took the appropriate precautions, including keeping physical distances, avoiding physical contact, and donning masks. Data was collected through in-depth interviews and focused group discussions (FGD) in an unstructured manner due to MCO. The discussion themes revolved mainly around social, economic, and environmental issues and the unique challenges faced by the target groups. Potential solutions and ways forward for these issues were also explored.

Due to that, this project was proposed to APPGM-SDG with funding of RM40,000.00 for four months. This proposal was given consideration based on the previous performance of Pudipang Industries. After a tedious review and deliberation, the proposal was approved by the APPGM-SDG committee. Once the proposal is submitted, it is reviewed by the APPGM-SDG team and external experts. The solution providers will then be briefed on the project flow and get approval to start the project after the first payment is made.

3 APPGMSDG Annual Report 2021.

Issues

After completing the issue mapping, several youth-related issues in Muar were identified. The issues of self-identity development and mental and physical endurance that the youth themselves faced created a gap in their development. Other than that, the issue of the minimum wage of RM1,200 per month needs to be studied as soon as possible because of the high cost of living and the many commitments. The youth were stressed by the minimum wage rate and guaranteed employment opportunities. Apart from that, the atmosphere of creativity in Muar is not lively and is receding. Some parties, like Pudipang Industries, intend to run youth and creativity programmes in Muar with grants from the United Nations Educational, Scientific and Cultural Organization (UNESCO), Cendana and the Iskandar Regional Development Authority (IRDA). Compared to other districts in Johor, there is a gap between the organisers and government agencies because getting approval from the local government is difficult. There is a lot of bureaucracy and long approval periods. Government agencies were found to be more supportive of government programmes and did not welcome outside programmes. It is difficult for the youth to get a grant from the private sector to run the programme because they lack confidence in the youth.

Besides, the Internet problem in Muar is critical and affects the People Housing Projects (PPR) area when doing business online. Having access to the Internet is crucial in modern society. Internet use is correlated with creating a sizable number of new jobs, making it a key driver of economic growth. The Internet has a profound effect on everyone's daily lives. Every generation, from children to seniors, has seen their lives changed by the Internet. WhatsApp and Facebook are the most well-known, socially accepted, and widely used Internet applications. The Internet gives us access to and knowledge of what is happening in the world; for instance, through the Internet, everyone follows up on political issues and keeps up with the news every day.

Analysis

As the backbone of society, young people represent a new generation. Though it has been said countless times, youth have the most influence over leaving a legacy. Every generation has its struggles that lead to people living under pressure. Today's youth, Gen Y⁴ and Gen Z,⁵ are evolving

4 Refers to people born between 1981 and 1996.

5 Refers to Zoomers born between 1997 and 2012.

in a world beset with challenges. The primary distinction between Generations Y and Z is that Generation Y refers to those Millennials born between 1981 and 1996, while Generation Z refers to Zoomers born between 1997 and 2012. Both of these generations are referred to as "digital natives." Their exposure to technology, however, differs since Generation Y witnessed the advent of technology and the Internet, but Generation Z has never lived without advanced technologies.⁶ Furthermore, when compared to prior generations, Gen Z spends less time reading books and indulging in outdoor activities such as sports or gardening. It can be said that youth nowadays need unique activities to sustain a better life. As they are Gen Z, the approach to their involvement should be different. We have to win their hearts before we listen to them, which is why there should be a place where they can gather and express their feelings with us.

APPGM-SDG recognises Pudipang Industries as a potential solution provider for resolving the issues of youth engagement. Pudipang Industries is a creative community that plays the role of an independent movement focused on arts and culture as well as community development in Muar, Johor. Pudipang began his adventure in 2006 and functions as the driving force behind independent teenagers, especially in the fields of art, creativity, education, and entrepreneurship. In addition, Pudipang has consistently offered exciting and engaging arts material to the community through the organisation of music events, concerts, and visits to Jakarta and other Asian countries to expand and develop the integration of arts into people's daily lives in Malaysia.

During the analysis, a few challenges towards youth were considered problems that relate to the issues in Muar. The socio-economic structures of the past have endangered the viability of the earth and prevented far too many people from living healthy, happy and fulfilling lives. The youth encounter the problem of being unable to find a productive place in society, either within the conventional education system or in satisfying employment. Lack of employment opportunities, academic failure, negative self-perception, family strife, peer pressure to conform, substance abuse, a dearth of affordable housing, negative stereotypes, the constant availability of social media, and criminal activity round out the top ten problems that today's youth face.⁷

6 Anuradha, 'What is the Difference Between Generation Y and Z' (2021).

7 Emma Finamore, 'The Top 10 Challenges Facing Young People Today' (All About School Leavers, 30 April 2019).

Apart from that, another upcoming challenge that worries the youth is the change of political ideologies and accelerating climate change,⁸ the radicalisation and involvement in violent extremism⁹ and the unequal distribution of economic benefits. A generation of young people is dealing with underemployment or the fast-changing job market, stagnating income, and rising city property costs.¹⁰ The study about current sex orientation found that up to 19% of teenagers oscillate between and within heterosexual and sexual minority identities, and up to 21% of adolescents experience variations in other- and same-sex attractions.¹¹ This is the youth challenge of identifying their sexual orientations.

The challenges that youth face can not only lead to poverty but also significantly impact their mental health. Mental health support, in particular, is critical to supporting today's youth's well-being.¹² The World Health Organisation (WHO) (2021) reported that one of the main causes of illness and disability among youth is behavioural disorders, followed by anxiety disorders and depression.¹³

It cannot be denied that youth nowadays love to share their knowledge and opinions with others. But then, digitalisation has kept the youth away from confronting people, including going out, resting, and spending time physically with their friends and family. The requirement to leave the house or even their bedroom is being replaced by digital. They can shop for food, clothing, books, and music, communicate with friends, study, play games, use the bank, and entertain themselves with social media. The effects of challenges have a profoundly damaging impact on sustainable living. For example, digitalisation has the harmful impact of increasing crime. Social media allows young people to share personal

8 Karen O'Brien, Elin Selboe & Bronwyn M. Hayward, 'Exploring Youth Activism on Climate Change: Dutiful, Disruptive, and Dangerous Dissent' (2018) 23(3) *Ecology and Society* 42.

9 Alpaslan Özerdem & Sukanya Podder, 'Disarming Youth Combatants: Mitigating Youth Radicalization and Violent Extremism' (2012) 4 *Journal of Strategic Security* 63.

10 Faiz Zaidi, 'An Emergence of Youth Participation in Malaysian Politics' (Institute for Democracy and Economic Affairs (IDEAS), 24 August 2021).

11 Stewart and others, 'Developmental patterns of sexual identity, romantic attraction, and sexual behavior among adolescents over three years' (2019) 7 *Journal of Adolescence* 90.

12 Ercell Charles, 'How to Motivate Gen Z and Overcome Challenges in Remote Work' (Dale Cerneige, 24 February 2022).

13 World Health Organization (WHO), 'Mental health of adolescents'. (17 November 2021).

information, making it easier to perpetrate crimes such as kidnapping, robbery, and rape against women. This has created fear among the youth, especially women. The majority of them are aware of crimes committed using social media, but only 28% of them have limited their use of social media out of fear of becoming potential victims.¹⁴

Besides, the political ideologies that keep changing from time to time will impact the youth's perceptions towards politicians. The current voting age of 18 and above will help the youth decide which government to choose. Youth may perceive this as an impediment to their freedom of expression and ability to choose a better administration. However, the growth of social movements such as Undi18, which advocated for the bill's approval, demonstrates how eager the youth are to participate in decision-making.¹⁵

Thus, the youth are forced to find ways to combat all the issues mentioned, including climate change, radicalisation and extremism, underemployment, stagnating income, and rising city property costs, to maintain a sustainable life in the future. There should be a better channel for people to market themselves and express their thoughts. More forums and opportunities should be provided for youth to express themselves and contribute to Malaysia's democracy. More than that, the youth should be allowed to develop themselves economically, socially, and environmentally.

From this analysis and issue mapping, researchers found that the SDG's related to the issues in Muar as follows:

- Goal 1: End poverty in all its forms everywhere
- Goal 3: Ensure healthy lives and promote well-being for all at all ages
- Goal 5: Achieve gender equality and empower all women and girls
- Goal 8: Promote sustained, inclusive, and sustainable economic growth, full and productive employment and decent work for all
- Goal 10: Reduce inequality within and among countries

14 Suriati Ghazali and Norhayati Mat Ghani, 'Perception of Female Students towards Social Media-Related Crimes' (2018) 26 *Pertanika Jurnal* 769.

15 Faiz Zaidi, 'An Emergence of Youth Participation in Malaysian Politics' (Institute for Democracy and Economic Affairs (IDEAS), 24 August 2021).

- Goal 11: Make cities inclusive, safe, resilient and sustainable
- Goal 12: To ensure sustainable consumption and production patterns
- Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development
- Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

With the potential effects of Pudipang Industries in mind, APPGM-SDG implemented a few programs to encourage youth involvement in Muar. Pudipang Industries has approved 11 programmes under the project named 'The Room'. This programme is not just a better solution to filling the youth's time with some activities, but it also helps in combating the issues of digitalisation; the lack of confidence in the public; the protections for dealing with bullies or criminals; and the fact that there is no centre for youth to channel their views and input. For youth to address issues and make decisions that significantly affect them, they should be involved in empowering young people as valuable partners. Through these projects, the teenagers in Muar will band together and work as one under a movement or hub with a collective way of working that will positively affect them from various directions while also transforming Muar into a harmonious district with a competent society.

Moreover, the programmes involving youth in discussions will significantly invest in a wide range of community issues.¹⁶ There will be advantages for both local communities and the youth themselves when they get the chance to voice their opinions and share their thoughts. Youth input is beneficial not only for youth programmes but also for programmes and policies that influence the general public.

For instance, a programme in Australia gives youth skills and a voice called 'Bridge Awards'. This programme is stimulating and demanding for the development of youth. It allows youth to learn new skills, enhance physical fitness, participate in community service, and foster an adventurous spirit. 'THE ROOM' from Pudipang Industries has similar goals in youth development, but the programme differs in

16 Jan Brennan, 'A Guide to Capturing Youth Input' (2021) 110 National Civic Review.

that there are no restrictions on participants joining any programme and no strict guidelines. The participants willingly join without any force from some groups, and it is free without charge. Among the 11 featured programmes are *seni silat*, BMX, hip-hop, story-telling, book writing process, multiracial discussion, and a mural art workshop. These various programmes have varying effects in a wide range of areas, such as race mixing, youth voice, sports skills, youth confidence, and self-defence training.

Impact

The engagement of youth in 'THE ROOM' by Pudipang Industries promotes positive outcomes by providing opportunities, cultivating positive relationships, and imparting the necessary support to help young people develop their assets and avoid at-risk behaviours. This programme encourages enjoyment as well as good health and well-being to live sustainably. For example, mural art workshops by 'THE ROOM', which can be a therapy for mental health, have been quite popular. Soldiers returning from the battlefields of World War II in the mid-20th century were treated by therapists using art as a form of treatment for post-traumatic stress disorder (PTSD). The advantage of art therapy is that it is a complementary treatment that promotes artistic self-expression to improve mental health and well-being.¹⁷

Fortunately, the programmes can improve interpersonal skills among the participants. Interpersonal skills are characteristics that come into play while engaging and talking with people. They cover a wide range of situations in which communication and collaboration are essential. These skills include the capacity to interact with other people and to develop meaningful connections with other individuals. People skills, as commonly known, involve your basic personality qualities and how you have learned to handle particular social circumstances. Effective interpersonal skills have a beneficial impact on professional progress. For example, the sharing and telling stories sessions can help with interpersonal communication. Interpersonal communication is sharing thoughts, ideas, sentiments, and emotions between two or more people in person. This involves both verbal and non-verbal aspects of interpersonal communication.

17 Sarah Kuta, 'How Making Art Helps Improve Mental Health' Smithsonian Magazine, (11 July 2022).

... 'I'm impressed with this programme because we never had a chance to sit down and discuss any issues, especially because we are from different races. Before this, The Room was not really utilised by youth for any forum or discussion, that's why I was so happy to meet all of the participants ...' – Kok Keong, The Rekan participant.

... 'This programme helps me to express my feelings because, all this time, I haven't known where to share my thoughts and ideas. Even though people can't help me solve my problems, when I share what is hidden in my thoughts, I feel so relieved. Besides, through this programme, I can point out my comments towards the school's homework and the education in Malaysia ...' – Fatin, Story telling participant.

... 'This programme is unique because we stood up as a community and had a verbal dialogue on what to do in Muar and discussed the development of youth in terms of social, economic, and cultural heritage and all the uniqueness of Muar with both Malays and Chinese ...' – Farhan, The Rekan participant.

This demonstrated that the programme positively impacts youth's feelings and will benefit their mental health. The programme also creates a space for communication among youth from different backgrounds. The discussion of Muar's history and heritage among the youth is unique because not many youths love to share and know the history. This can also develop and maintain a love for their place of origin.

Apart from that, the female youth learn how to defend themselves from any harm through the martial arts programme provided. During puberty, most females experience feelings of insecurity, severely undermining their confidence. And if they do not restore the confidence in adolescence that they lost throughout puberty, they will always feel uncertain and unconfident for the rest of their lives. The most significant benefit for the martial artist is that confidence is developed, which benefits one in all aspects of life. Martial arts can help ladies discover their inner power and sharpen their skills. It is thought that a matriarchal civilisation existed throughout the bronze period in the primordial era. No strict societal constraints on females would confine them to low-power roles in domestic affairs. Over time, through martial arts, the youth can develop the ability to think quickly and come to wise decisions in an instant. These abilities transfer to real-life situations where quick action is necessary to salvage a bad situation. The best part is that these situations

do not necessarily have to involve physical fights. Hence, women have an equal right to practise martial arts, which will reduce all forms of violence against women.

Moreover, these programmes were founded on the concept that young people can accomplish and grow artistically and personally through creative expression and skill development in the arts. They built their programmes mainly on their own, improving their methods via reflexivity. These programmes stay committed to artistic excellence while claiming to be involved in youth development through the arts.

Table 1.2: The issues, projects, participants and their impacts.

Issues	The projects	Participants	Impacts
The socioeconomic systems of the past have put the planet's survival in peril and hindered far too many people from living full, healthy lives.	THE WALL	9	The participants get new knowledge on how to expand their businesses through vlogging, mural arts, writing fiction, agriculture, and t-shirt printing.
	RAPAT RIPTA	38	
	PADU BEB	15	
	TANAH KITA TANAH SYURGA	6	
	BUDAK PRINTING	9	
• The problem of self-identity development and mental and physical endurance. • The issue of youth not having a place to manage their creative and artistic activities in society.	REKAN	15	The youth have a place to share their stories, opinions, express their feelings, participate in creative sports, and express their opinions in education.
	IKRAR PERWIRA	19	
	SATRIA BERBASIKAL	16	
	STEP BY STEP	14	
	MARI BERCERITA	25	
	SEKOLAH KITA	9	

Overall, the programme conducted by Pudipang has achieved its targets and objectives. The Muar youth are actively engaged in good activities, which can strengthen their bond with the communities, improve their confidence, overcome their shyness, and, most importantly, show their leadership. Leaders with genuine, strong, and trusted relationships with their teams and recognise that spending time creating these relationships makes them more effective leaders and lays the foundation for success.

Sustainability

The Pudipang Industries have already moved to another level, as they currently own the Muar Youth Hub, which also functions as a regional SDG implementation centre called MAPO. Muar Youth Hub is a long-term project that includes five sub-programmes. The five sub-programmes are MAPO Radio, Akademi Silat Ophir Pantera, RCG Studio, MAPO Kiosk, and MAPO and Asia. These programmes involve various groups with different specialisations. In addition, these programmes require collaboration from various communities, agencies, and individuals as implementing partners.

Furthermore, Pudipang has allied with Yayasan Hasanah in promoting activities that relate to youth involvement. Yayasan Hasanah (Hasanah) was established as an independent grant-making foundation to have a more substantial impact that supports Khazanah's efforts to advance Malaysia.¹⁸ Yayasan Hasanah focuses on Malaysia's pressing community, social, and environmental challenges. They seek to bring politicians, civil society organisations, corporations, and local communities together to collectively influence people and the environment.

Pudipang Industries has already completed the first phase of the projects. The second phase also attracts youth to join the activities without forcing them to do so. In the long term, MAPO will collaborate with the Singapore-Jakarta Youth Hub, which shows they have already hit the ASEAN standard. MAPO will also assist other leaders, agencies, and non-governmental organisations to maintain their capabilities to improve youth engagement in activities.

Conclusion

In conclusion, the ideas passed from youth to youth have a positive impact on society, especially the young generation. By developing programmes and connecting young people to projects, they will be able to interact in society and re-engage in the routes of civic participation while finding new methods to channel their passion and ideas. The programmes are effective and will help Malaysia achieve its Sustainable Development Goals. Hence, the programmes should be applied to the whole country to ensure the SDGs' goals are achieved. Young people's empowerment is an essential aspect that motivates them to engage in the country's decision-

18 Yayasan Hasanah, 'Who We Are' (2019).

making processes. Their involvement in all policy-making and approval procedures is required. Empowerment can occur at both the individual and collective levels, and empowerment is a tool that not only brings about changes at the personal level but also at the collective, political, and social levels.¹⁹ The youth's challenging situation, characterised by dire economic conditions and a lack of work prospects, will lead to their disinterest in contributing to the country's success and progress.²⁰ The APPGM-SDG shows the solution regarding the importance of youth engagement in many activities performed through Pudipang Industries. This can help in achieving the SDGs' goals in the long term. This is aligned with the United Nations Partnership for the Sustainable Development Goals effort through Youth 4 Global Goals (Youth4GG). Youth4GG is an initiative that attempts to mobilise young people to help accomplish the Sustainable Development Goals (SDGs)²¹, commonly known as the Global Goals and Agenda 2030. Youth will be activated in three stages: awareness, comprehension, and action. The straightforward structure enables organisations from all industries to discover entry points for working with youth on the SDGs. The initiative's fundamental goal is to inspire young people to take action to make the world a better place, moving beyond the conventional role of lobbying.

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Hak Negeri Melayu ke Atas Pelantar Benua: Kajian Kes Malaysia Mengikut Analisis Jurisprudens Watan

*Malay States' Rights to the Continental Shelf:
Malaysian Case Study According to Watanic
Jurisprudence Analysis*

*Wan Ahmad Fauzi bin Wan Husain**

Abstrak

Hak kedaulatan sebuah negara ke atas wilayah perairan bukanlah isu baharu. Sebagai sebuah Negara yang merdeka, negara ini memiliki kedaulatan di dalam wilayah kekuasaannya dan kedaulatan luar berbentuk pengiktirafan antarabangsa. Pertikaian ke atas hak kewilayahan masih berlaku sehingga hari ini di antara sebuah Negara dengan Negara lain yang mengakibatkan ketegangan politik antarabangsa. Isu tempatan yang dekat dengan subjek ini yang masih berlarutan adalah hak sebuah negeri dalam Persekutuan ke atas pengeluaran petroleum. Justeru, makalah ini bertujuan untuk menganalisis hak sebuah Negeri Melayu ke atas wilayah Pelantar Benua di Malaysia, kerana di situ sumber petroleum dicari gali. Kajian ini akan membuat analisis undang-undang menggunakan reka bentuk kajian kes yang mengemukakan metod jurisprudens watan untuk menganalisis beberapa perundangan utama yang merangkumi UNCLOS, Akta Pelantar Benua 1966 dan Akta Laut Wilayah 2012. Makalah ini mendapati wilayah perairan Negeri Melayu di dalam Persekutuan tidak boleh dihadkan setakat 3 batu nautika daripada garis air surut melalui Akta Laut Wilayah 2012 tanpa mematuhi syarat ketat Perkara 2 Perlembagaan Persekutuan. Legitimasi had wilayah perairan Negeri itu amatlah penting kerana akan menentukan hak Negeri

* Datuk Dr. Wan Ahmad Fauzi bin Wan Husain bertugas sebagai Profesor Madya di Institut Antarabangsa Pemikiran Islam dan Tamadun, Universiti Islam Antarabangsa Malaysia (ISTAC-IIUM) dan pernah menjadi pengamal undang-undang, sebagai seorang Peguambela & Peguamcara di Mahkamah Tinggi Malaya Kuala Lumpur.

ke atas Pelantar Benua dan hasil petroleum yang diiktiraf bagi sebuah negeri pantai oleh Undang-Undang Antarabangsa.

Kata Kunci: Hak Negeri Melayu, Wilayah Perairan, Pelantar Benua, Petroleum, Jurisprudens Watan

Abstract

The sovereign rights of a country over territorial waters are not a new issue. As an independent State, it has sovereignty within its territory and external sovereignty in the form of international recognition. Disputes over territorial rights remain between one State and another today, resulting in tensions in political relations. A local issue close to this subject that still arises is the right of a state in the Federation over petroleum production. Hence, this paper aims to analyse the rights of a Malay State over the territory of the Continental shelf of Malaysia, as it is there that petroleum resources are explored. This study is a legal analysis using a case study design promoting the method of watanic jurisprudence to analyse a few primary legislation, including UNCLOS, the Continental Shelf Act 1966, and the Territorial Sea Act 2012. This paper found that the territorial waters of the Malay State in the Federation cannot be limited to 3 nautical miles from the low tide line in pursuance of the Territorial Sea Act 2012 without strict compliance with Article 2 of the Federal Constitution. The legitimacy of the territorial limits of the State's waters is essential as it determines the State's rights to the Continental shelf and its petroleum production recognised for a coastal state by International Law.

Keywords: Malay States Rights, Territorial Waters, Continental Shelf, Petroleum, Watanic Jurisprudence

Pengenalan

Semasa penggubalan deraf Perjanjian Persekutuan Tanah Melayu 1957, Duli Yang Maha Mulia Raja-Raja Melayu telah bersetuju bagi maksud pembentukan sebuah kerajaan Pusat yang kuat, kedaulatan mereka yang meliputi baki kuasa perundangan dan eksekutif sebagai raja dalam negeri baginda masing-masing tidak mempunyai batasan, melainkan setakat kuasa yang secara sukarela dipersetujui untuk diserahkan atau dibataskan, yang membenarkan Seri Paduka Baginda Yang di-Pertuan Agong dan Parlimen untuk melaksanakan suatu kuasa perundangan, serta membenarkan Yang di-Pertuan Agong dan Jemaah Menteri

melaksanakan suatu kuasa pentadbiran *`as a single independent self-governing unit'* bagi sebuah Persekutuan.¹

Syarat tersebut termaktub dalam Memorandum Cadangan DYMM Raja-Raja Melayu bertarikh 12 September 1956.² Namun begitu, didapati berlaku pelanggaran terhadap syarat yang diberikan oleh Raja-Raja Melayu apabila berlaku pindaan tanpa mematuhi peruntukan Perkara 38(4),³ penggubalan akta yang bercanggah dengan Perlembagaan Persekutuan termasuklah pindaan ke atas Undang-undang Tubuh Kerajaan Negeri yang dibuat melalui Jadual Kelapan Perlembagaan Persekutuan selepas tarikh 31 Ogos 1957.⁴

Makalah ini bertujuan untuk menganalisis hak sebuah Negeri Melayu ke atas Pelantar Benua⁵ seperti mana yang diiktiraf oleh undang-undang Antarabangsa dalam konteks sebuah persekutuan seperti Malaysia. Kajian di sini membataskan isu keabsahan wilayah perairan negeri yang dihadkan setakat 3 batu nautika dari garis air surut melalui Akta Laut Wilayah 2012.

Kajian ini penting kerana akan membahaskan kedudukan hak Negeri Melayu ke atas Pelantar Benua sekaligus memberikan kesan kepada aktiviti yang dilaksanakan oleh Kerajaan Persekutuan Malaysia di dalam lingkungan Pelantar Benua. Banyak isu dapat diungkai seterusnya memberikan keadilan kepada Negeri Melayu yang membentuk Persekutuan apabila kedudukan Pelantar Benua disemak mengikut undang-undang dalam Perlembagaan.

1 Wan Ahmad Fauzi Wan Husain, *Yang di-Pertuan Agong: Kedaulatan, Prerogatif dan Amalan* (Kuala Lumpur, Dewan Bahasa dan Pustaka, 2021) 1-15.

2 (1956) 5-15.

3 38(4) berbunyi, "Tiada undang-undang secara langsung menyentuh keistimewaan, kedudukan, kemuliaan atau kebesaran Raja-Raja boleh diluluskan tanpa persetujuan Majlis Raja-Raja."

4 Perkara 4(1) Perlembagaan Persekutuan berbunyi, "Perlembagaan ini adalah undang-undang utama Persekutuan dan apa-apa undang-undang yang diluluskan selepas Hari Merdeka dan yang berlawanan dengan Perlembagaan ini hendaklah terbatal setakat yang berlawanan itu."

5 Article 76(1) of the United Nations Convention on the Law of the Sea states, "The continental shelf of a coastal state comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea through the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance."

Permasalahan Kajian

Hak ke atas Pelantar Benua masih belum dibahaskan secara mendalam meskipun itu merupakan isu pokok kepada konflik antara Kerajaan Persekutuan dengan Kerajaan Negeri khususnya Terengganu⁶ dan Kelantan⁷ sejak sekian lama. Isu Pelantar Benua penting dalam penentuan kedudukan sebenar hasil petroleum yang dicari gali bersambungan dengan wilayah perairan masing-masing.⁸

Tuntutan hasil petroleum sebagai royalti oleh Kerajaan Terengganu dan Kelantan terhadap Kerajaan Persekutuan menjadi asas untuk menterjemahkan komitmen jumlah bayaran yang lebih tinggi selaras dengan jumlah penjualannya. Sehingga kini belum ada pemerhatian mendalam tentang persoalan undang-undang yang menyentuh hak kedaulatan Negeri Melayu berlandaskan jurisprudens dibuat bagi menjawab isu pemilikan Pelantar Benua dalam sebuah Persekutuan seperti Malaysia.

Metodologi

Makalah ini menggunakan kajian kualitatif analisis undang-undang dalam reka bentuk kajian kes. Jurisprudens watan digunakan untuk mentafsirkan peruntukan undang-undang perlembagaan yang berkaitan dengan lebih jelas kerana pendekatannya lebih bersifat tempatan.

Jurisprudens watan menganalisis isu undang-undang dan pentafsiran berdasarkan teks perlembagaan itu sendiri, statut, dan prinsip undang-undang yang diterima dalam kerangka kedaulatannya. Dengan berbuat demikian, aspek kedaulatan, sejarah tempatan dan adat dianalisis untuk menentukan sistem perlembagaan suatu negara atau kerajaan yang mengandungi falsafah, doktrin dan prinsip yang betul. Adat itu merangkumi undang-undang, amalan, budaya, resam, takrifan istilah, dan mencerminkan kefahaman tempatan berhubung dengan falsafah dan linguistik.⁹ Falsafah dan linguistik yang terkandung dalam adat

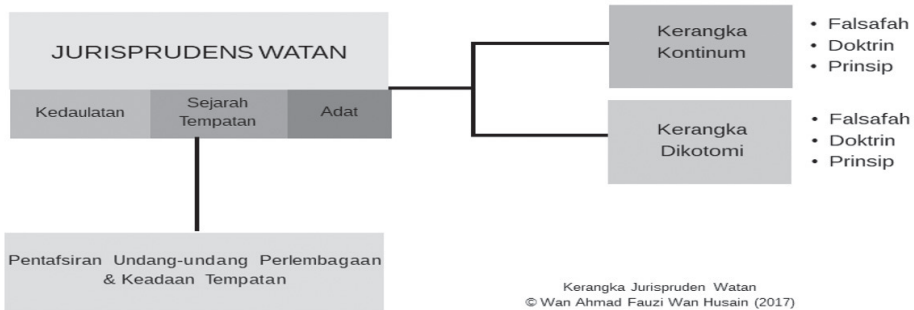
6 Malaysiakini 24 Februari, 2023, Kelantan dan Terengganu tak layak terima royalti minyak, <<https://m.malaysiakini.com/news/656263>> diakses pada 6 Mac 2023

7 Sinar Harian 6 Mac, 2023, Kelantan tuntutan bayaran royalti minyak, <<https://sinarharian.com.my/article/248372/edisi/kelantan-tuntut-bayaran-royalti-minyak>> diakses pada 6 Mac 2023

8 Wan Ahmad Fauzi Wan Husain, *Jurisprudens Watan Perlembagaan Persekutuan: Teks, Konteks & Isu-Isu Ketatanegaraan*. (Selangor, Abad Sinergi Sdn. Bhd., 2018) 37-56.

9 Wan Husain W.A.F., 'Konsep Kedaulatan Raja-Raja Melayu Menurut Kerangka Peribumi' (2017) 29(2) KANUN 41-73.

tempatan memberikan maklumat yang lebih sahih tentang suatu isu dalam perbahasan sebagaimana digambarkan oleh Carta di bawah.



Metodologi yang menjadi asas kepada jurisprudens watan diabsahkan oleh Mahkamah Persekutuan dalam kes *Indira Gandhi A/P. Mutho v. Pengarah Jabatan Agama Islam Perak & Ors and other appeals* apabila Mahkamah Persekutuan menerima pakai kaedah pentafsiran perlembagaan oleh Mahkamah Agung Kanada seperti yang berikut:

The rules of constitutional interpretation require that constitutional documents be interpreted in a broad and purposive manner and placed in their proper linguistic, philosophic, and historical contexts ... Generally, a constitutional interpretation must be informed by the foundational principles of the Constitution, which include principles such as federalism, democracy, the protection of minorities, as well as constitutionalism, and the rule of law ... These rules and principles of interpretation have led this Court to conclude that the Constitution should be viewed as having an 'internal architecture' or 'basic constitutional structure' ... The notion of architecture expresses the principles that the individual elements of the Constitutional are linked to the others and must be interpreted by reference to the structure of the Constitution as a whole ... In other words, the Constitution must be interpreted to discern the structure of Government that it seeks to implement.

Justeru rujukan dibuat tidak hanya terbatas kepada Laporan Suruhanjaya Reid untuk mentafsirkan peruntukan Perlembagaan Persekutuan yang berkaitan bahkan dengan meneliti pelbagai sumber berwibawa lain yang digariskan dalam kaedah pentafsiran perlembagaan oleh Mahkamah Persekutuan.

Bagi maksud di atas, sejarah asal Tanah Melayu termasuklah punca kuasa dan bentuk perundangan yang pernah berkuatkuasa akan ditonjolkan berserta statut dan kes yang telah diputuskan untuk menyokong rumusan kajian ini.

Kepentingan Pelantar Benua

Pemilikan Pelantar Benua penting kerana menyentuh juga hak ke atas hasil petroleum yang dicari gali di dalam kawasanya. Sebuah negeri yang memiliki kawasan Pelantar Benua secara langsung mempunyai hak ke atas petroleum yang dicari gali. Kedudukan tersebut di sisi undang-undang antarabangsa akan dibahaskan selepas ini dengan meneliti aspek sejarah perundangan Negeri Melayu, undang-undang tempatan Malaysia dan undang-undang Antarabangsa.

Sejarah Malaysia

Perlu ditegaskan bahawa Persekutuan Tanah Melayu terbentuk lebih dahulu daripada Malaysia oleh kuasa kedaulatan Raja-Raja Melayu dan penyerahan kedaulatan ke atas Negeri Selat oleh Kerajaan British kepada Yang di-Pertuan Agong.¹⁰ Malaysia pada hakikatnya ialah “*a larger Federation*” apabila Persekutuan Tanah Melayu menerima masuk melalui kuatkuasa Perkara 2 Perlembagaan Persekutuan tiga buah tanah jajahan British sebagai syarat kemerdekaan mereka, iaitu Singapura, Sabah dan Sarawak.¹¹ Walau bagaimanapun, prinsip kedaulatan dan ciri asal Persekutuan Tanah Melayu di bawah Perjanjian Persekutuan Tanah Melayu 1957 masih kekal.

Hubungan di antara Negeri dan Persekutuan dijelaskan dalam peruntukan di Bahagian Enam Perlembagaan Persekutuan. Parlimen hanya mempunyai kuasa setakat yang termaktub dalam Perlembagaan Persekutuan, manakala kuasa baki perundangan adalah terletak pada Dewan Perundangan Negeri¹². Akta Parlimen hanya mengatasi enakmen Negeri sekiranya konflik yang berlaku itu jatuh bawah bidang kuasa Parlimen.¹³ Persekutuan hanya sebuah unit pemerintahan yang tidak mempunyai wilayah sendiri sehinggalah berlaku penyerahan Wilayah

10 Lihat W.A.F. Wan Husain, ‘Watanic Jurisprudence: Governing Principles in Legislative Powers Under the Federal Constitution’ (2022) Vol. 2 *Journal of the Malaysian Parliament*, 130.

11 Lihat Laporan Suruhanjaya Cobbold; Perjanjian Malaysia 1963; Wan Ahmad Fauzi Wan Husain, *Kedaulatan Governan Utama Negara* (Selangor, Abad Sinergi Sdn. Bhd. & Penerbit UMP, 2022) 329-334.

12 Perkara 77 Perlembagaan Persekutuan.

13 Perkara 74, 75 Perlembagaan Persekutuan; *The City Council of George Town & Anor vs The Government of the State of Penang & Anor* [1967] 1MLJ 169, FC; *Mamat bin Daud & Others vs Government of Malaysia* [1988] 1 MLJ 119.

Persekutuan Kuala Lumpur, diikuti dengan Wilayah Persekutuan Labuan dan Wilayah Persekutuan Putrajaya.¹⁴

Daripada sudut sejarah, Persekutuan Tanah Melayu bolehlah disifatkan sebagai pemersekutuan semula Kerajaan Melayu yang dahulunya berada bawah taklukan dan naungan Empayar Melayu Melaka. Empayar Melayu Melaka terubur setelah mangkatnya Sultan Mahmud II (dikenali juga sebagai Sultan Mahmud Mangkat Dijulang) di Kota Tinggi, Johor pada tahun 1699, iaitu anak cucu putera Raja Melaka.¹⁵

Pemersekutuan semula itu berlaku apabila pada 21 Januari 1948, sembilan buah Perjanjian Negeri ditandatangani di antara Kerajaan British dengan sembilan orang Raja-Raja Melayu. Negeri Sembilan ditandatangani oleh Yang di-Pertuan Besar dan lima orang Pembesar Memerintah yang merupakan pemerintah bersama bagi negeri tersebut.¹⁶ Butiran penting Perjanjian Negeri 1948 adalah seperti berikut:

1. Perjanjian MacMichael dengan Raja-Raja Melayu yang telah ditandatangani dalam tahun 1945 dibatalkan (Perjanjian MacMichael).
2. Perjanjian antara British dan Raja-Raja Melayu sebelum Perjanjian MacMichael dikuatkuasakan semula selagi tidak bercanggah dengan Perjanjian Negeri 1948 dan Perjanjian Persekutuan yang akan dimuktamadkan.
3. Kedaulatan yang meliputi keistimewaan, kuasa dan bidang/kuasa Raja-Raja Melayu dalam negeri baginda masing-masing adalah diakui sama seperti yang dimiliki sebelum tarikh 1 Disember 1941 tertakluk pada peruntukan Perjanjian Persekutuan dan Perjanjian Negeri 1948.
4. Kerajaan British diberikan kuasa kawalan penuh ke atas pertahanan dan hal ehwal luar negara, atas balasan kuasa tersebut maka Kerajaan British bertanggungjawab untuk melindungi semua kerajaan dan negeri Melayu daripada ancaman luar.

14 Perkara 1(4) Perlembagaan Persekutuan.

15 Wan Ahmad Fauzi Wan Husain, *Rekonfigurasi Epistemologi Jati Diri Melayu dan Manifestasinya ke Atas Silat Seni Gayong*, Tesis Sarjana Falsafah, (Universiti Malaysia Kebangsaan, Bangi, 2013) 90.

16 Allen, J. de, Stockwell, A.J. & Wright, L.R. (Ed.). *A Collection of Treaties and Other Documents Affecting the States of Malaysia*, Vol. 2, (London, Oceana Publications, 1981) 128.

5. Raja-Raja Melayu hendaklah menuruti nasihat penasihat British dalam semua urusan kerajaan selain daripada urusan yang berkaitan dengan agama Islam dan adat Melayu, bagaimanapun Raja-Raja Melayu berhak untuk berunding dengan Pesuruhjaya Tinggi atau Raja British melalui Setiausaha Kerajaan jika baginda merasakan perlu.
6. Raja-Raja Melayu bersetuju untuk memerintah berdasarkan peruntukan Perlembagaan Negeri dan Perjanjian Persekutuan.
7. Raja-Raja Melayu bersetuju untuk menubuhkan Majlis Mesyuarat Kerajaan (*State Executive Council*) dan Majlis Mesyuarat Negeri (*Council of State*).¹⁷

Kesan daripada Perjanjian Negeri 1948 amat besar sekali kerana telah mengesahkan kedaulatan Raja-Raja Melayu seperti mana yang wujud sebelum 1 Disember 1941 serta menghapuskan implikasi Perjanjian MacMichael dan penubuhan Malayan Union ke atas Negeri Melayu dan Raja-Raja Melayu.

Dalam pada itu, Kerajaan British mengakui wilayah sesebuah Negeri Melayu mengikut takrifan, “*such one of the Malay States as the circumstances may require and includes all dependencies, islands and places, which, on the first day of December 1941, were administered as part thereof, and the territorial waters adjacent thereto*”.¹⁸

Persempadanan Negeri

Perjanjian Persekutuan bertarikh 5 Ogos 1957 ditandatangani oleh sembilan orang Raja-Raja Melayu dengan Ratu British melalui wakil baginda Sir Donald MacGillivray. Raja-Raja Melayu menandatangani perjanjian tersebut kerana kedaulatan mereka masih terpelihara malah diakui oleh Kerajaan British.¹⁹

Dalam Perjanjian Persekutuan 1957, Negeri Melayu ditafsirkan, “*The States of Johore, Pahang, Negri Sembilan, Selangor, Kedah, Perlis,*

17 Sebelum penubuhan Majlis Mesyuarat Kerajaan dan Majlis Mesyuarat Negeri, Negeri Melayu sudah sejak ratusan tahun mempunyai sistem pemerintahan tradisional dalam bentuk syura mengikut adat Melayu.

18 The Federation of Malaya Order in Council bertarikh 26 Januari 1948.

19 Lihat Hansard Parlimen British, dlm. Wan Ahmad Fauzi Wan Husain, Kedaulatan Governan Utama Negara (Selangor, Abad Sinergi Sdn. Bhd. & Penerbit UMP, 2022) 344, 348.

Kelantan, Trengganu and Perak, and all dependencies, islands and places which, immediately before the thirty-first day of August, nineteen hundred and fifty-seven, are administered as part thereof, and the territorial waters adjacent thereto;"

Berdasarkan Perjanjian Persekutuan 1957, sesebuah negeri terus diakui mempunyai wilayah yang meliputi tanah, pulau dan suatu kawasan yang ditadbir sebagai sebahagian daripada negeri berserta wilayah perairan yang berhampiran dengan pantainya. Raja-Raja Melayu berpegang bahawa kawalan atas tanah dalam wilayah negeri baginda masing-masing adalah sebahagian daripada manifestasi kedaulatan (*territorial sovereignty*) seperti yang diakui oleh undang-undang antarabangsa.²⁰

Perjanjian Persekutuan 1957 menginstitusikan Persekutuan Tanah Melayu yang kemudiannya dinamakan Malaysia²¹ setelah kemasukan Singapura, Sabah dan Sarawak. Singapura kemudiannya dikeluarkan daripada Malaysia pada tahun 1965 melalui pindaan Perlembagaan Persekutuan untuk mengesahkan keputusan Jemaah Menteri.²²

Negeri yang bersekutu membentuk Persekutuan terdiri daripada Johor, Kedah, Kelantan, Melaka, Negeri Sembilan, Pahang, Penang, Perak, Perlis, Sabah, Sarawak, Selangor and Terengganu.²³ Wilayah bagi setiap negeri dalam Persekutuan adalah wilayah yang termasuk di dalam negeri itu sebelum Hari Malaysia, iaitu 16 September 1963, kecuali wilayah yang telah diserahkan oleh negeri Selangor dan Sabah kepada Kerajaan Persekutuan.²⁴

Kewujudan tiga buah wilayah Persekutuan dan takat persempadanan wilayah tersebut termaktub dalam Perkara 1(4) Perlembagaan Persekutuan. Perkara 1(4) berbunyi:

Wilayah Negeri Selangor tidak termasuk Wilayah Persekutuan Kuala Lumpur yang ditubuhkan di bawah Akta Perlembagaan (Pindaan) (No. 2) Akta 1973 dan Wilayah Persekutuan Putrajaya yang ditubuhkan di bawah Akta Perlembagaan (Pindaan) 2001 dan Wilayah Negeri Sabah tidak termasuk Wilayah Persekutuan Labuan yang ditubuhkan di bawah Akta Perlembagaan (Pindaan) (No. 2) 1984, dan semua Wilayah Persekutuan itu hendaklah menjadi wilayah-wilayah Persekutuan.

20 Memorandum Cadangan DYMM Raja-Raja Melayu (1956) 36.

21 Perkara 1(1) Perlembagaan Persekutuan berbunyi, "Persekutuan adalah dinamakan Malaysia dalam Bahasa Melayu dan dalam Bahasa Inggeris."

22 Perkara 2 Perlembagaan Persekutuan.

23 Perkara 1(2) Perlembagaan Persekutuan.

24 Perkara 1(3) Perlembagaan Persekutuan.

Setakat hari ini, tiada peruntukan dalam Perlembagaan Persekutuan yang menyerahkan perairan Negeri Melayu kepada Kerajaan Persekutuan, bahkan sebarang perubahan persempadanan negeri sedia ada hendaklah tertakluk kepada Perkara 2 Perlembagaan Persekutuan. Perkara 2 Perlembagaan Persekutuan memperuntukkan;

Parlimen boleh melalui undang-undang –

- (a) menerima masuk Negeri-negeri lain ke dalam Persekutuan;
- (b) mengubah sempadan mana-mana Negeri, tetapi undang-undang yang mengubah sempadan sesuatu Negeri tidak boleh diluluskan tanpa persetujuan Negeri itu (yang dinyatakan melalui undang-undang yang dibuat oleh Badan Perundangan Negeri itu) dan Majlis Raja-Raja.

Persempadanan Semula Wilayah Negeri

Persempadanan semula atau perubahan kepada sempadan wilayah negeri hanya berlaku buat pertama kalinya pada 1 Februari 1974 apabila pindaan Perlembagaan Persekutuan melalui Akta A206 berkuatkuasa. Pindaan ini hanya melibatkan negeri Selangor yang menyerahkan seluas 40,593.14 hektar wilayahnya kepada Kerajaan Persekutuan atas balasan sebanyak RM3.5 billion untuk membentuk Wilayah Persekutuan Kuala Lumpur.²⁵

Perubahan sempadan ini tidak melibatkan perairan negeri Selangor kerana wilayah Kuala Lumpur tidak bersambung dengan lautan. Untuk mencapai legitimasi pembentukan Wilayah Persekutuan Kuala Lumpur, rang undang-undang telah diluluskan oleh Dewan Undangan Negeri Selangor sekaligus meminda Undang-undang Tubuh Kerajaan Negeri Selangor.²⁶ Proses yang sama berlaku pada peringkat Parlimen melalui Akta A206 untuk meminda Perkara 1(3) dan Perkara 1(4) Perlembagaan Persekutuan.

Pindaan wilayah memerlukan perkenan Majlis Raja-Raja. Prosiding yang melibatkan apa jua undang-undang yang mengubah sempadan sesuatu negeri akan diputuskan oleh Majlis Raja-Raja, dalam bidang kuasa ini raja-raja bertindak atas budi bicara, tanpa tertakluk kepada nasihat Eksekutif.²⁷

25 Perjanjian Penyerahan Kuala Lumpur bertarikh pada 1 Februari 1974 antara Kerajaan Persekutuan dengan Kerajaan Negeri Selangor di Istana Negara.

26 Enakmen Wilayah Persekutuan 1973 (En. No. 4/1973); Enakmen (Pindaan) Undang-Undang Tubuh Selangor 1974 (En. No. 7/1974).

27 Perkara 38(6)(c) Perlembagaan Persekutuan.

Perjanjian Penyerahan Kuala Lumpur sebagai Wilayah Persekutuan telah disaksikan oleh Raja-Raja Melayu di Istana Negara pada 1 Februari 1974. Kerajaan Selangor diwakili oleh Al-Marhum Sultan Salahuddin Abdul Aziz Shah Al-Haj Ibni Al-Marhum Sultan Hisamuddin Alam Shah, Sultan Selangor manakala Kerajaan Persekutuan diwakili oleh Tuanku Abdul Halim Muadzam Shah Ibni Al-Marhum Sultan Badlishah, Seri Paduka Baginda Yang di-Pertuan Agong.

Penyerahan Wilayah Kuala Lumpur telah mematuhi peruntukan mandatori Perkara 2 Perlembagaan Persekutuan yang mensyaratkan 3 perkara yang berikut, iaitu:

1. melalui undang-undang yang diluluskan di Parlimen;
2. melalui undang-undang yang diluluskan oleh Dewan Undangan Negeri bagi Negeri yang terbabit dengan persempadanan semula; dan
3. perkenan Majlis Raja-Raja.

Mengulas mengenai pembentukan Wilayah Persekutuan Kuala Lumpur, Abdul Aziz Bari et. al,²⁸ menulis seperti yang berikut:

It was held²⁹ that through an amendment to the Constitution, the Federal Territory was constitutionally exercised from the State of Selangor. This amendment came into force on 1 February 1974. The amendment also provides that the Federation shall exercise sovereignty over the Federal Territory. It follows that all powers and jurisdictions in or in respect of the newly-created Federal Territory shall be vested in the Federation. The amendment also has for the purpose of art. 2(a)-admitted the newly-created Federal Territory to the Federation. It was argued in the High Court that the Federal Territory was res nullius or no man's land and that the high court was sitting in the middle of nowhere. It must be noted that until 1 February 1974, the Federation of Malaysia essentially was just a legal entity; without a physical presence.

Penyerahan wilayah Labuan oleh Kerajaan Sabah dan wilayah Putrajaya oleh Kerajaan Selangor juga berlaku dengan mematuhi peruntukan Perkara 2 Perlembagaan Persekutuan.³⁰ Penerimaan masuk wilayah Labuan dan Putrajaya berlaku melalui pindaan ke atas Perkara 1(4)

28 (Third Edition) *Constitution of Malaysia, Text and Commentary* (Selangor, Prentice Hall 2009) 4.

29 Hen Chean Seng & Anor v Public Prosecutor [1983] 1MLJ 297,298.

30 Perkara 1(4) Perlembagaan Persekutuan.

Perlembagaan Persekutuan. Pindaan yang sama juga diluluskan oleh Dewan Undangan Negeri Sabah melalui Enakmen Wilayah Persekutuan Labuan 1984 dan Dewan Undangan Negeri Selangor melalui Enakmen Wilayah Persekutuan Putrajaya 2000 untuk meminda perlembagaan negeri masing-masing.

Berbeza dengan isu kemasukan sebuah negeri dalam Persekutuan. Prosedur dalam kes penerimaan masuk sesebuah negeri baharu tanpa melibatkan perubahan sempadan negeri lain telah dibahaskan dalam Saman Kerajaan Kelantan terhadap Tunku Abdul Rahman Al-Haj.³¹ Mahkamah Agung memutuskan Parlimen mempunyai kuasa di bawah Perkara 159 Perlembagaan Persekutuan³² untuk meminda Perkara 1(1) dan 1(2) Perlembagaan Persekutuan tanpa kehendak undi majoriti dua per tiga bagi maksud untuk menerima sesebuah negeri baharu ke dalam Persekutuan. Thomson CJ yang mengetuai panel Mahkamah Agung menegaskan seperti yang berikut:

*In ... (amending the said provisions).. I cannot see that Parliament went in any way beyond its powers or that it did anything so fundamentally revolutionary as to require fulfilment of a condition that the Constitution itself does not prescribe, that is to say, condition to the effect that the State of Kelantan or any other State should be consulted.*³³

Hak Kedaulatan Negeri

Sembilan buah Negeri Melayu iaitu Johor, Kedah, Kelantan, Negeri Sembilan, Pahang, Perak, Perlis, Selangor dan Terengganu mempunyai kedaulatan yang terpelihara malah diakui oleh Kerajaan British sebelum mereka bersekutu untuk membentuk Persekutuan Tanah Melayu,³⁴ Negeri Melayu merupakan negeri di bawah Perlindungan (*Protectorate States*), bukanlah dijajah.

31 The Government of the State of Kelantan v the Government of the Federation of Malaya & Tunku Abdul Rahman Putra Al-Haj [1963] MLJ 355.

32 159(4)(bb) berbunyi, "tertakluk kepada Perkara 161E apa-apa pindaan yang dibuat bagi atau berkaitan dengan penerimaan masuk mana-mana Negeri ke dalam Persekutuan atau pergabungannya dengan Negeri-Negeri Persekutuan, atau apa-apa ubah suaian yang dibuat tentang pemakaian Perlembagaan ini bagi sesuatu Negeri yang diterima masuk atau bergabung sedemikian sebelum itu;"

33 The Government of the State of Kelantan v the Government of the Federation of Malaya & Tunku Abdul Rahman Putra Al-Haj [1963] MLJ 359A.

34 Terkandung dalam sembilan buah Perjanjian Negeri bertarikh 21 Januari 1948 yang ditandatangani oleh sembilan orang Raja Melayu dengan Raja British yang diwakili oleh Sir Gerard Edward James Gent.

Kedudukan Raja Melayu sebagai ketua Kerajaan yang berdaulat dan berkuasa terpelihara sepanjang tempoh campur tangan British di Tanah Melayu. Antara dalil yang menunjukkan kekuasaan dan kedaulatan Raja-Raja Melayu diiktiraf oleh British ialah kes *Mighell*³⁵ dan *Duff Development Co.*³⁶ Secara perundangannya menurut Braddell,³⁷ hubungan Kerajaan Great Britain dengan Negeri Melayu Bersekutu adalah bagi maksud perlindungan dan bantuan dalam pemerintahan yang masih di bawah Sultan masing-masing. Walaupun Sultan dikehendaki bertindak atas nasihat Residen namun tugas asasi Residen adalah untuk memberikan nasihat, bukannya memerintah.

Kedaulatan Raja-Raja Melayu sehingga kini masih dijamin oleh Perlembagaan Persekutuan sepertimana yang diperuntukkan dalam Perkara-perkara 181(1) dan 71(1). Perkara 181(1) berbunyi:

Tertakluk kepada peruntukan-peruntukan Perlembagaan ini, kedaulatan, hak kedaulatan, kuasa dan bidangkuasa Raja-Raja dan hak kedaulatan, kuasa dan bidangkuasa Pembesar-Pembesar Memerintah Negeri Sembilan dalam wilayah mereka masing-masing sebagaimana yang telah ada dan dinikmati hingga sekarang adalah tetap tidak tersentuh.

Perkara 71(1) pula berbunyi;

Persekutuan adalah menjamin hak Raja sesuatu Negeri untuk mewarisi dan memegang, menikmati dan menjalankan hak-hak Perlembagaan dan keistimewaan-keistimewaan Raja Negeri itu mengikut Perlembagaan Negeri itu;

Selain daripada Negeri yang bersekutu membentuk Malaysia sepertimana tersebut di atas, kini terdapat tiga buah wilayah Persekutuan yang terdiri daripada Kuala Lumpur, Labuan dan Putrajaya yang terletak di bawah kedaulatan Seri Paduka Baginda Yang di-Pertuan Agong.³⁸

35 *Mighell v. the Sultan Johor* [1894]

36 *Duff Development Co. v. The state of Kelantan* [1924] AC 797; Lihat Wan Ahmad Fauzi Wan Husain, *Kedaulatan Raja-Raja Melayu: Jurisprudens, Governan & Prinsip Perlembagaan Persekutuan* (Selangor, Abad Sinergi Sdn. Bhd., 2018).

37 Braddell, R. *The Legal Status of the Malay States* (Singapore: The Malaya Publishing House Limited., 1931).

38 Seksyen 4 Akta Perlembagaan (Pindaan) (No. 2) 1984; Akta Perlembagaan, Akta Perlembagaan (Pindaan) 2001; dan Akta Perlembagaan (Pindaan) (No. 2) 1973.

Penginstitutionan Kerajaan Persekutuan

Perjanjian Negeri 1948 adalah batu asas kepada penginstitutionan Perlembagaan Persekutuan Tanah Melayu, sebelum ia dinamakan sebagai Malaysia. Perjanjian tersebut membuktikan Raja-Raja Melayu kekal berdaulat dan menunjukkan sumber kuasa sebenarnya terhadap terbentuknya Persekutuan Tanah Melayu yang bebas daripada campurtangan British pada 31 Ogos 1957.³⁹

Kedudukan tersebut jelas termaktub dalam Fasal 2 Perjanjian Negeri 1948 yang memperuntukkan seperti yang berikut:

Federation Agreement means the Agreement which is to be made between His Majesty and Their Highnesses the Rulers of the Malay States of Johore, Pahang, Negri Sembilan, Selangor, Perak, Kedah, Perlis, Kelantan and Trengganu for the establishment of the Federation, and includes any amendment thereof;

Batu asas tersebut diletakkan oleh Raja-Raja Melayu selaras dengan kedaulatan yang dimiliki oleh baginda bersalasilah daripada Empayar Melayu Melaka, yang apabila Parameswara memeluk agama Islam, pemerintah atau raja adalah berkedudukan sebagai bayangan Allah SWT di atas bumi.⁴⁰ Atas pegangan akidah Islam maka Raja-Raja Melayu memiliki kedaulatan yang pada hakikatnya adalah milik mutlak Allah SWT dalam bentuk satu amanah pemerintahan (*sovereignty trust*).⁴¹

Perjanjian Negeri 1948 juga antara lain, merakamkan persetujuan Raja-Raja Melayu untuk memerintah berdasarkan perlembagaan bertulis. Tertakluk kepada prerogatif Raja-Raja Melayu, kuasa nyata Raja-Raja akhirnya melalui Perjanjian Persekutuan Tanah Melayu 1957 didelegasi dan/atau diserahkan kepada Perlembagaan Persekutuan dengan syarat yang termaktub dalam perlembagaan tersebut.

39 Wan Ahmad Fauzi Wan Hussain et. al, 'Raja-Raja Dalam Penginstitutionan Perlembagaan Persekutuan Tanah Melayu 1957: Satu Kajian Sejarah Perundangan' (2017) 2(1) Journal of Nusantara Studies (JONUS) 27-39.

40 Andaya, B. W. & Andaya, L. Y, *A History of Malaysia* (Hong Kong, Macmillian Press, 1984) 53-55.

41 Firman Allah SWT dalam Surah Ali 'Imran 3:26 bermaksud; "Katakanlah (Wahai Muhammad); Wahai Tuhan yang mempunyai kuasa pemerintahan! Engkaulah yang memberi kuasa pemerintahan kepada sesiapa yang Engkau kehendaki dan engkaulah yang mencabut kuasa pemerintahan daripada sesiapa yang Engkau kehendaki. Engkaulah juga yang memuliakan sesiapa yang Engkau kehendaki dan Engkaulah yang menghina sesiapa yang Engkau kehendaki. Dalam kekuasaan Engkaulah sahaja adanya segala kebaikan. Sesungguhnya Engkau Maha Kuasa atas tiap-tiap sesuatu."; Wan Ahmad Fauzi Wan Husain. Konsep Kedaulatan Raja-Raja Melayu Menurut Kerangka Peribumi. 29 KANUN (2) JULAI 2017: 41-73.

Hasil rundingan di antara Raja-Raja Melayu dengan Kerajaan British, dengan mengambil kira pandangan daripada Partai Perikatan, Persatuan Islam Sa-Malaya dan lain-lain badan bebas yang mewakili suara rakyat, maka Raja-Raja Melayu bersetuju takat kuasa mereka diperturunkan kepada Persekutuan di bawah pemerintahan Yang di-Pertuan Agong melalui Perjanjian Persekutuan 1957.⁴² Perjanjian Persekutuan 1957 bertujuan untuk membentuk sebuah persekutuan baharu 'self-government', termasuklah penyerahan kedaulatan Pulau Pinang dan Melaka oleh Kerajaan British kepada Persekutuan Tanah Melayu dan pembebasan Negeri Melayu daripada campurtangan pentadbiran British secara mutlak.

Dalam *Federation of Malaya Independence Act, 1957*, Seksyen 1(2)(b) memaktubkan seperti yang berikut:

For the termination of Her Majesty's sovereignty and jurisdiction in respect of the said Settlements, and of all other Her power and jurisdiction in and in respect of the Malay States or the Federation as a whole, and the revocation or modification of all or any of the provisions of the Federation of Malaya Agreement, 1948, and of any other agreements in force between Her majesty and the Rulers of the Malay States.

Meskipun rundingan bagi pembentukan Perlembagaan Persekutuan 1957 diseliakan oleh sebuah Suruhanjaya yang dipengerusikan oleh Lord Reid, namun bidangkuasa Suruhanjaya Lord Reid hanya setakat mencadangkan draf sebuah perlembagaan dalam bentuk sebuah persekutuan dengan mengambil kira struktur asas perlembagaan Negeri sedia ada berlandaskan terma rujukan yang ditetapkan.⁴³ Dengan kata lain,, Suruhanjaya Reid ialah *the drafter of the proposed constitution* manakala Raja-Raja Melayu dan Ratu British sebenarnya *the maker of the Constitution*.⁴⁴ Sebahagian draf Perlembagaan yang dibentangkan oleh Suruhanjaya Reid pada Februari 1957 telah dipinda oleh sebuah Jawatankuasa Kerja yang terdiri daripada wakil Raja-Raja Melayu, Partai

42 Pada Ketika ini, Kerajaan Negeri Melayu sudah pun mempunyai Undang-undang Tubuh Kerajaan Negeri masing-masing dalam bentuk moden yang dikuatkuasakan melalui kedaulatan Raja-Raja Melayu.

43 W. A. Fauzi Wan Husain. (2021), *Watanic Jurisprudence: Articulating the Legitimate Elements of the Basic Structure of the Federal Constitution*. IIUM Law Journal 29(1): 1-2.

44 Penglibatan Ratu British dalam Perjanjian Persekutuan Tanah Melayu 1957 kerana baginda menyerahkan kedaulatan ke atas Pulau Pinang dan Melaka kepada Persekutuan Tanah Melayu yang diketuai oleh Yang di-Pertuan Agong.

Perikatan dan dipengerusikan oleh Pesuruhjaya Tinggi Persekutuan Tanah Melayu.⁴⁵

Perjanjian Persekutuan Tanah Melayu akhirnya ditandatangani pada 5 Ogos 1957 oleh semua Raja Melayu dengan Pesuruhjaya Tinggi Sir Donald MacGillivray bagi pihak Ratu Britis.⁴⁶ Tanpa persetujuan Raja-Raja Melayu pastinya Perlembagaan dan Kerajaan Persekutuan tidak akan wujud seperti pada hari ini.

Had Perairan 3 batu Nautika

Pada 13 Mei 1969 telah tercetus satu peristiwa berdarah akibat daripada isu perkauman. Berikutan itu, Yang di-Pertuan Agong pada 15 Mei 1969 mengeluarkan satu Proklamasi Darurat bagi mengawal keselamatan dan ketenteraman awam di seluruh negara.

Akibat daripada Proklamasi itu, Ordinan Darurat (Kuasa-Kuasa Perlu) No. 7 1969 [P.U. (A) 307A/1969] dibuat menggunakan peruntukan kuasa dalam Perkara 150(2) Perlembagaan Persekutuan. Perkara 150(2) berbunyi:

Perisytiharan Darurat di bawah Fasal (1) boleh dikeluarkan sebelum berlakunya kejadian yang mengancam keselamatan, atau kehidupan ekonomi, atau ketenteraman awam dalam Persekutuan atau mana-mana bahagiannya jika Yang di-Pertuan Agong berpuas hati bahawa ada kemungkinan yang hampir akan berlakunya kejadian yang mengancam itu.

Ordinan Darurat (Kuasa-Kuasa Perlu) No. 7 1969 memperuntukkan seperti yang berikut:

For the purpose of the Continental shelf act, 1966, the Petroleum Mining act, 1966, the National Land Code and any written law relating to land in force in Sabah and Sarawak, any reference to territorial waters therein shall in relation to any territory be construed as a reference to such part of the sea adjacent to the coast thereof not exceeding three nautical miles measured from the low-water mark.

Kewajaran untuk menghadkan perairan negeri setakat 3 batu nautika dari garis air surut sesungguhnya perlu dipersoalkan kerana Parlimen

45 Federation of Malaya Constitutional Proposal 1957.

46 Wakil rakyat dan pemimpin Parti Perikatan tidak terlibat untuk menandatangani Perjanjian Persekutuan Tanah Melayu 1957, itu menunjukkan kontrak sosial tidak wujud dalam kerangka Perlembagaan Persekutuan, sebaliknya penubuhan Persekutuan Tanah Melayu berpaksikan kepada kedaulatan Raja-Raja Melayu menurut adat Melayu.

atau Kerajaan Persekutuan sudah mempunyai bidangkuasa yang cukup atas pertahanan bagi Persekutuan dan keselamatan dalam negeri.⁴⁷ Apabila Proklamasi Darurat yang dikeluarkan oleh Yang di-Pertuan Agong pada 15 Mei 1969 telah diumumkan oleh Dewan Rakyat pada 24 November dan Dewan Negara pada 20 Disember 2011 maka semua Ordinan Darurat yang dibuat melalui Proklamasi Darurat itu terhenti berkuatkuasa apabila habis tempoh enam bulan bermula dari tarikh sesuatu Proklamasi Darurat diumumkan.⁴⁸

Kesan daripada itu, berkuatkuasa dari 21 Jun 2012, wilayah air Negeri adalah meliputi semua kawasan yang bersambung dengannya seluas yang diiktiraf oleh undang-undang Antarabangsa bagi sebuah negeri pantai (*a coastal state*).

Status Akta Laut Wilayah 2012

Akta Laut Wilayah 2012 digubal untuk menggantikan Ordinan Darurat (Kuasa-Kuasa Perlu), No. 7 1969 yang telah terhenti berkuatkuasa apabila Proklamasi Darurat 1969 diumumkan oleh Dewan Negara pada 20 Disember 2011.

Seksyen 3(3) Akta Laut Wilayah 2012 mentafsirkan laut wilayah (*territorial sea*) sebagai:

Bagi maksud Akta Pelantar Benua 1966 [Akta 83], Akta Perlombongan Petroleum 1966 [Akta 95], Kanun Tanah Negara [Akta 56/65] dan mana-mana undang-undang bertulis yang berhubungan dengan tanah yang berkuatkuasa di Sabah dan Sarawak, apa-apa sebutan mengenai laut wilayah dalamnya hendaklah berhubungan dengan mana-mana wilayah ditafsirkan sebagai sebutan mengenai bahagian laut itu yang berdampingan dengan pantai wilayah itu tidak melebihi 3 batu nautika diukur dari garis air surut.

Peruntukan Seksyen 3 Akta Laut Wilayah 2012 bermaksud untuk menghadkan wilayah perairan sesebuah Negeri hanya pada 3 batu nautika dari garis air surut, ini secara langsung telah mengubah persempadanan Negeri.

Seksyen 4 Akta Laut Wilayah 2012 pula meletakkan hak kedaulatan ke atas laut wilayah pada dan dijalankan oleh Yang di-Pertuan Agong sebagai hak Malaysia. Ini pastinya telah menyentuh dan mengambil hak kedaulatan Raja-Raja ke atas negeri baginda masing-masing sepertimana

47 Butiran 2 dan 3, Jadual Kesembilan Senarai Persekutuan, Perlembagaan Persekutuan

48 Lihat Mukaddimah Akta Wilayah Lautan 2012; dan Perkara 150(7) Perlembagaan Persekutuan.

yang dijamin oleh Perkara 181(1) dan Perkara 71(1) Perlembagaan Persekutuan.

Perkara 2(b) Perlembagaan Persekutuan, sepertimana yang diulas, mengenakan syarat tertentu jika perubahan sempadan Negeri hendak dibuat. Dalam hal ini, Parlimen hendaklah terlebih dahulu mematuhi syarat atau sekatan yang dikenakan sebelum boleh melaksanakan kuasa membuat undang-undang sedemikian.⁴⁹

Justeru, Seksyen 3 dan 4 Akta Laut Wilayah 2012 hanya boleh dikuatkuasakan setelah mematuhi syarat yang ditetapkan oleh Perkara 2 Perlembagaan Persekutuan. Dalam satu sudut yang lain, Seksyen 3 dan 4 Akta Laut Wilayah 2012, bercanggah dengan Perkara 1(3) Perlembagaan Persekutuan. Berkaitan dengan Akta Laut Wilayah 2012 juga, Dewan Undangan Negeri Kelantan merupakan negeri pertama meluluskan usul menolak Akta tersebut.⁵⁰ Usul pada 5 November 2015 tersebut bertujuan untuk menolak pemakaian Akta Laut Wilayah 2012 ke atas negeri Kelantan.

Pemilikan kawasan Pelantar Benua

Pelantar Benua⁵¹ ditafsirkan sebagai *“dasar laut dan tanah di kawasan bawah laut yang bersempadanan dengan pantai Malaysia tetapi di luar had perairan wilayah Negeri, yang permukaannya terletak sedalam tidak lebih dua ratus meter di bawah permukaan laut, atau, jika kedalaman air di luar sempadan itu membolehkan pengeksploitasian sumber alam di kawasan tersebut, terletak lebih dalam lagi;”*

Yang dimaksudkan oleh tafsiran kawasan Pelantar Benua ialah suatu kawasan di luar wilayah perairan Negeri (*territorial waters*). Tafsiran yang menghadkan perairan Negeri tidak melebihi 3 batu nautika dari garis air surut kini boleh dipertikai. Ini kerana Proklamasi Darurat 1969 telah diungkai dan terhenti berkuatkuasa pada 21 Jun 2012 manakala Akta Laut Wilayah 2012 tidak mematuhi syarat Perkara-perkara 2(b) dan 38(4) Perlembagaan Persekutuan.

Undang-Undang Laut Antarabangsa telah digubal dalam Konvensyen Bangsa-Bangsa Bersatu di Montego Bay pada 10 Disember 1982 (*United Nations Convention on the Law of the Sea*). Malaysia telah mendepositkan

49 Perkara 74(3) berbunyi, “Kuasa untuk membuat undang-undang yang diberikan oleh Perkara ini boleh dijalankan tertakluk kepada apa-apa syarat atau sekatan yang dikenakan oleh Perlembagaan ini mengenai mana-mana perkara tertentu”.

50 Bernama 5 November 2015.

51 Seksyen 2 Akta Pelantar Benua 1966.

suratcara ratifikasi pada 14 Oktober 1996, oleh hal demikian menurut Perkara 308 Konvesyen tersebut, mula berkuatkuasa setakat yang berkenaan dengan Malaysia pada 14 November 1996.

Penyertaan dalam Konvesyen ini amat penting untuk mengukuhkan kedaulatan undang-undang dalam perhubungan antarabangsa. Bernard H. Oxman⁵² menyifatkan seperti yang berikut:

The core idea of the Convention is a fundamental shift to multilateralism from unilateralism in the development of the law of the sea. Basic to the Convention's structure are numerous duties to report to, consult, obtain approval from, and respect rules promulgated by various international organizations, including not only the International Sea-Bed Authority but other competent international organizations, including the International Maritime Organization.

United Nations Convention on the Law of the Sea (UNCLOS) telah mengiktiraf bahawa kedaulatan Negeri Pantai (*coastal state*) melepasi wilayah Tanah. Perkara 2(1) UNCLOS memperuntukkan seperti berikut;

The sovereignty of a coastal State extends, beyond its land territory and internal waters and, in the case of an archipelagic state, its archipelagic waters, to an adjacent belt of sea, described as the territorial sea.

Perkara 76(1) UNCLOS seterusnya memperuntukkan seperti yang berikut:

The continental shelf of a coastal state comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance.

Secara ringkasnya, UNCLOS meletakkan kawasan Pelantar Benua sejauh 200 batu nautika dari garis dasar keluasan laut wilayah diukur, berada bawah hak kedaulatan negeri pantai.

Walaupun “*coastal State*” dalam UNCLOS merujuk sebuah negara, namun dalam konteks Malaysia sebagai sebuah Negara Persekutuan, sesuai dengan peruntukan Perkara 1(1), (2), (3) dan (4) Perlembagaan Persekutuan, hak kedaulatan atas Pelantar Benua adalah terletak dalam

52 Professor of Law, University of Miami School of Law. The Rule of Law and the United Nations Convention on the Law of the Sea. 7 EJIL (1996) 353-371.

perairan pantai Negeri masing-masing mengikut kaedah ukuran yang ditetapkan oleh UNCLOS.

Laut Wilayah yang berada bawah kekuasaan Kerajaan Persekutuan dalam konteks negeri pantai hanyalah setakat Labuan sesuai dengan maksud peruntukan Perkara 1(4) Perlembagaan Persekutuan. Ini kerana Negeri di bawah Perkara 1(2) Perlembagaan Persekutuan mempunyai wilayah sempadan masing-masing sebelum mereka bersekutu dalam Malaysia.⁵³

Walaupun kuasa perundangan dalam hal-ehwal luar negeri termasuklah triti, perjanjian dan konvensyen dengan negara lain dan segala perkara yang menghubungkan Persekutuan dengan mana-mana negara lain; pelaksanaan triti, perjanjian dan konvensyen dengan negara lain; dan organisasi antarabangsa; penyertaan dalam bidang antarabangsa dan pelaksanaan keputusan yang diambil dalam badan itu;⁵⁴ adalah berada bawah Parlimen, namun semua ini adalah tertakluk kepada apa-apa syarat atau sekatan yang dikenakan oleh Perlembagaan Persekutuan mengenai mana-mana perkara tertentu.⁵⁵

Syarat dan sekatan memberi suatu maksud yang luas, dan hendaklah termasuk semua perkara yang secara jelas jatuh dalam bidang kuasa Negeri, dan kuasa baki perundangan (*residual power legislation*) sepertimana yang diperuntukkan oleh Perkara 74(2) dan 77 Perlembagaan Persekutuan. Perlembagaan Persekutuan dalam hubungan antarabangsa, memberi kuasa perundangan kepada Parlimen untuk membuat undang-undang berbentuk dasar dan memberi mandat kepada Kerajaan Persekutuan untuk melaksanakan dasar tersebut bagi menjaga hak kepentingan Kerajaan Persekutuan juga hak kepentingan Kerajaan Negeri.⁵⁶

Seperti yang dijelaskan, UNCLOS mengiktiraf kedaulatan sesebuah negeri pantai melepasi wilayah darat hingga meliputi Pelantar Benua sejauh 200 batu nautika dari garis dasar keluasan laut wilayah diukur.

53 Perkara 1(3) Perlembagaan Persekutuan.

54 Perenggan 1 [butiran (a), (b) dan (d)] Senarai 1 Jadual Kesembilan, Perlembagaan Persekutuan.

55 Perkara 74(3) Perlembagaan Persekutuan.

56 Thomson CJ dalam Kes *The Government of the State of Kelantan v the Government of the Federation of Malaya & Tunku Abdul Rahman Putra Al-Haj* [1963] MLJ 358J-359A menegaskan, "*The real question is not whether any such radical change will, in fact, result from what has been done by Parliament and the executive but whether Parliament or the Executive Government has trespassed in any way the limits placed on their powers by the constitution.....*"

Memandangkan Malaysia ialah sebuah Persekutuan yang terdiri daripada Negeri-Negeri Melayu, Sabah dan Sarawak, maka negeri pantai hendaklah mempunyai maksud negeri-negeri dalam Persekutuan yang mempunyai pantai.

Pentafsiran negeri pantai selain daripada ini akan bercanggah dengan peruntukan Perlembagaan. Khususnya, tanah dan perairan pada asalnya adalah milik Negeri melainkan diserahkan mengikut peruntukan Perkara 2(b) Perlembagaan Persekutuan. Bukan itu sahaja, juga akan melibatkan hak kedaulatan Raja-Raja dan Kuasa Baki Perundangan yang dijamin oleh Perlembagaan kerana isu Pelantar Benua tidak disebut dalam mana-mana senarai dalam Jadual Kesembilan.⁵⁷

Rumusan

Memandangkan Akta Laut Wilayah tersebut melampaui batas Perlembagaan yang diperuntukan oleh Perkara 1(3) dan Perkara 2(b) maka ia dengan sendirinya tidak boleh dikuat kuasa tanpa pematuhan syarat yang ketat mengikut Undang-undang Tubuh Kerajaan Negeri masing-masing serta Perkara-perkara 2 dan 38(4) Perlembagaan Persekutuan.

Prosiding mahkamah perlu dibuat untuk membatalkan penguatkuasaan peruntukan Akta Laut Wilayah 2012 yang mengubah sempadan wilayah perairan Negeri, begitu juga peruntukan yang sama dalam Akta Pelantar Benua 1966, Akta Perlombongan Petroleum 1966, Akta Laut Wilayah 2012, Akta Zon Ekonomi Eksklusif 1984 atau mana-mana akta yang memberikan implikasi yang sama. Tindakan tersebut dapat mengembalikan hak ke atas hasil petroleum kepada Negeri Melayu yang memiliki kawasan Pelantar Benua.

Pihak Kerajaan Negeri Melayu khususnya yang mempunyai pantai sewajarnya mengambil langkah yang proaktif dalam isu hak kedaulatan ke atas Pelantar Benua demi melindungi hak dan kepentingan mereka. Justeru, dicadangkan Kerajaan Negeri Melayu mengemukakan rang undang-undang Pelantar Benua Negeri bagi menetapkan hak kedaulatan dan wilayah milik Negeri seperti diwarisi pada tarikh Hari Persekutuan Tanah Melayu 1957 dan diiktiraf oleh undang-undang Antarabangsa bagi sebuah negeri pantai.

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Terrorism & The Overview on Impacts Towards Government Policies in Malaysia, The United States and The United Kingdom

Noraini Othman, Mohd Sharazad Saiful Bahri,**
Hazliana Yahaya*** and Augustine Leonard Jen*****

Abstract

The terrorist acts that occur around the world, with a significant incident of September 11, have brought about changes in government policies not only in Western countries but also in Malaysia. In fact, the introduction of the Security Offences (Special Measures) Act (SOSMA) 2012 in Malaysia is one of the significant legislations in combating terrorism. Anti-Terrorism legislation is, without a doubt, a sine qua non for countries in pursuit of their states' stability and security. Therefore, this article evaluates the impacts of terrorism on government policies in Malaysia, the United States and the United Kingdom and emphasis will be placed on whether the policies, i.e., the domestic legislation carried out, manage to play a significant role in combating terrorism.

Keywords: Terrorism, SOSMA, Terrorism Act 2006, PATRIOT Act 2001, POTA 2015

Introduction

Terrorism is a pervasive risk capable of causing tremendous harm, loss of life, and economic disruption. Governments across the globe have been compelled to implement steps to prevent, minimise, and respond to terrorist activities. Terrorism challenges the sovereignty of a state because

* Noraini Othman is Research Officer at the Parliament of Malaysia. Email: noraini@parlimen.gov.my.

** Mohd Sharazad Saiful Bahri is Research Officer at the Parliament of Malaysia. Email: msharazad@parlimen.gov.my.

*** Hazliana Yahaya is Research Officer at the Parliament of Malaysia. Email: hazliana.yahaya@parlimen.gov.my.

**** Augustine Leonard Jen Research Officer at the Parliament of Malaysia. Email: augustine@parlimen.gov.my.

it questions the state's ability to protect its citizens against violence, and therefore, the States needs to be perceived as acting against it. After the event of 9/11, it also constitutes a challenge to the nature of the State in international law and to the international community as a whole. Terrorism's effects on government policies are complicated, nuanced, and country-specific. This study examines the impact of terrorism on the legislative policies of Malaysia, the United States, and the United Kingdom. In addition, the study will investigate the government's legislative approach to handling terrorism-related crime.

The study will employ a comparative methodology to examine the influence of terrorism on the legislative policies of these three nations. This method will allow us to compare and contrast the legislation adopted by these nations in response to terrorist threats. The focus of the analysis will be on the legal frameworks established to combat terrorism, as well as the actions taken to address the fundamental causes of terrorism.

Malaysia, the United States, and the United Kingdom have faced different terrorist attacks and developed distinct anti-terrorism strategies. As a result, domestic and international terrorist organisations have threatened Malaysia, whilst international terrorist organisations have targeted the United States and the United Kingdom. In addition, the legislation adopted by these nations in response to terrorism has changed with the nature and breadth of the threat over time.

Policymakers, security specialists, and scholars interested in counterterrorism will find this study's conclusions extremely relevant. The study will contribute to comprehending the efforts in combating terrorism and the function of legislation in addressing this threat. It will also shed light on the efficacy of various legislative options and the lessons that can be drawn from the experiences of these three nations.

What Constitutes Terrorism or Terrorist Acts?

There is no universal definition of what constitutes terrorism or terrorist acts. Various legal systems come out with various definitions, and no consensus has ever been achieved on a single legally binding definition. True, various terrorism concepts among the states have led to different legislations enacted in combating terrorism.¹

1 In 1994, the United National General Assembly came out with a resolution 49/60 that defined terrorism which includes "criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes" and that such acts "are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them."

In the United Kingdom, the legal definition of terrorism is provided in Section 1 of the Terrorism Act 2000. This defines terrorism as the use or threat of action that involves serious violence against a person, involves serious damage to property, endangers a person's life, creates a serious risk to the health or safety of the public, or is designed seriously to interfere with or seriously disrupt an electronic system. These acts are carried out in circumstances where the use or threat is designed to influence the government or intimidate the public or a section of the public, and the use or threat is made to advance a political, religious, or ideological cause.

Meanwhile, in the United States, Section 802 of the USA Patriot Act of 2001 defines terrorism whereby a person engages in domestic terrorism if they do an act "dangerous to human life" that is a violation of the criminal laws of a state or the United States if the act appears to be intended to intimidate or coerce a civilian population; influence the policy of a government by intimidation or coercion; or affect the conduct of a government by mass destruction, assassination or kidnapping.

Section 802 of the USA Patriot Act of 2001 expanded the definition of terrorism to cover "domestic", as opposed to international terrorism. Section 802 does not create a new crime of domestic terrorism. However, it expands the type of conduct that the government can investigate when investigating "terrorism". The USA Patriot Act expanded governmental powers to investigate terrorism, and some of these powers are applicable to domestic terrorism.²

In Malaysia, Section 130B(2) of the Penal Code (Act 574) defines terrorism as any act that is done with the intention of causing death or serious bodily injury to any person; or causing extensive destruction to a place or property; or causing serious disruption of any essential service, facility or system; or creating a public emergency. The section further elaborates on terrorism to include any act intended to intimidate the public or a section of the public, disrupt any public service or facility, or create fear and panic among the people.

Malaysia

Terrorism is a major global threat that has significantly impacted how countries' approach national security and criminal justice. The rise of terrorism in Malaysia can be traced back to the late 1990s and early 2000s,

2 'Redefines "Domestic Terrorism" <<https://home.csulb.edu/~cwallis/382/readings/160/ACLU%20Concerns.html>> accessed 2 March 2023.

when regional and international terrorist groups began to target the country. This included groups such as Jemaah Islamiyah and the Abu Sayyaf Group, which aimed to establish an Islamic state in Southeast Asia and carry out attacks against Western interests.

Internal Security Act (ISA) 1960

In response to this threat, the government of Malaysia introduced the Internal Security Act (ISA) in 1960, which granted sweeping powers to the police and security forces to detain and interrogate suspected terrorists. However, the ISA was heavily criticised for its lack of due process and the long periods of detention without trial under the Act.

In 2012, the ISA was repealed and replaced with the Security Offences (Special Measures) Act 2012, commonly known as SOSMA. The law is intended to address security offences such as terrorism, espionage, and acts of sabotage and provides special measures to be taken by the authorities in the investigation, prosecution, and detention of individuals suspected of committing such offences. The ISA has been used in a politically motivated and discriminatory manner to target non-violent members of civil society whom the government sees as a threat. Since its commencement, more than 4,000 individuals³ have been imprisoned under the ISA. However, it was heavily criticised for its lack of due process and the long periods of detention without trial that it allowed. After the repeal of the Internal Security Act (ISA) 1960 (Act 82) in September 2011, the Malaysian government strengthened its legal framework to address this threat. The following legislation represents Malaysia's legal framework used to take action against terrorists.

The Penal Code (Act 574)

The Penal Code is a key component of our criminal law and includes provisions for making terrorism and other related offences illegal. These offences of terrorism, spelt out under Section 130B, involve financing terrorism, sheltering terrorists, aiding terrorists, and encouraging or promoting terrorism. Punishments for these offences are severe under the Penal Code and can result in up to 30 years imprisonment, life imprisonment, or the death penalty.

3 Amnesty International March 2003 < <https://www.amnesty.org/fr/wpcontent/uploads/2021/06/asa280062003en.pdf> > accessed 28 February 2023.

The offence of terrorism is considered a serious crime in Malaysia, and any person convicted of the offence may face severe penalties, including life imprisonment. Furthermore, the section includes provisions for the punishment of anyone who provides or collects funds with the intention of supporting a terrorist act or organisation. It also covers the offence of promoting or supporting terrorist activities through any means, including propaganda, recruitment, and training.

The Security Offences (Special Measures) Act 2012 (SOSMA)

SOSMA was passed in 2012 to replace the Internal Security Act (ISA) of 1960. Like the ISA, SOSMA is a security law meant to preserve and protect national security. Under the act, a person suspected of committing security offences can be detained for up to 28 days,⁴ with the possibility of further extension up to a maximum of 60 days with the approval of the Public Prosecutor. This extended detention period allows law enforcement agencies to conduct a more thorough investigation, as they are given more time to gather evidence and question suspects.

One major criticism of SOSMA is that it allows for detention without trial, which is a violation of the right to a fair trial and due process. This means that individuals can be detained for an extended period without being charged or given the opportunity to defend themselves in court. Additionally, the lack of oversight and accountability mechanisms in SOSMA may also lead to abuse of power by authorities. In particular, there have been several high-profile cases of individuals arrested and detained under SOSMA for their political activities, for example, in the case of Maria Chin binti Abdullah, Datuk Seri Khairuddin Abu Hassan and Matthias Chang.⁵

The Prevention of Crime (Amendment and Extension) Act 2014 (POCA)

POCA was initially legislated in 1959 to address serious and organised crime in Peninsular Malaysia. However, it was amended in 2014 to expand its application to all states in Malaysia and to include terrorism offences in its application. POCA is a preventive law where an independent board (Prevention of Crime Board) may detain for up to two (2) years or restrict for up to five (5) years⁶ any person whom the board has

4 Special Offences (Special Measures) Act, Section 4(5).

5 Hansard of Dewan Rakyat, 26 July 2022.

6 Prevention of Crime (Amendment and Extensions) Act 2014, Section 15.

reason to believe to be involved in serious crimes or terrorism activities. In addition, POCA allows the application of an electronic monitoring device (EMD)⁷ on any person under a restriction order to detect and monitor the person's movement.

The Prevention of Terrorism Act 2015 (POTA)

Similar to POCA, POTA is also a preventive law enacted in 2015. An independent board may detain up to two (2) years or restrict up to five (5) years⁸ – any person whom the board has reason to believe to be involved in the commission or support of terrorist acts involving “listed terrorist organisations” in a foreign country. The listed terrorist organisation under POTA is a specified entity declared under sections 66B and 66C of the Anti-Money Laundering, Anti-Terrorism Financing, and Proceeds of Unlawful Activities Act 2001. POTA also allows the application of an electronic monitoring device (EMD)⁹ on any person under restriction to detect and monitor the person's movement.

One of the key provisions of the act is the creation of special detention centres, where individuals suspected of terrorist activities can be detained without trial for up to two years.¹⁰ This provision has been criticised by human rights groups, who argue that it violates the right to due process. It is argued that POTA is too broad and gives the government too much power,¹¹ and the law allows the detention of individuals without trial, which is a violation of their human rights. Provisions under POTA induced criticisms among human rightists due to the ousting of judicial controls¹² under the scheme, which raised concern as to where the principled criminal procedure and justice is heading when there is no check and balance available.

Special Measures Against Terrorism in Foreign Countries Act 2015 (SMATA)

SMATA was legislated in June 2015 as a special measure to deal with persons who engage in the commission or support of terrorist acts in foreign countries. The act was specially made to address the growing

7 Prevention of Crime (Amendment and Extensions) Act 2014, Section 7A.

8 Prevention of Terrorism Act 2015, Section 17(1).

9 Prevention of Terrorism Act 2015, Section 6(2).

10 Prevention of Terrorism Act 2015, Section 13(1).

11 The Impact Of Anti-Terrorism Law and Policy On Criminal Justice System: A Case Study Of Malaysia[2017] 5 MLJ lxxxvi< <https://www.hrw.org/news/2015/04/07/hrw-slams-malaysias-new-repressive-anti-terrorism-law>>accessed 3 March 2023

12 Prevention of Terrorism Act 2015, Section 19.

international threat of foreign terrorist fighters (FTF), particularly the Islamic State (IS). SMATA is applicable when terrorism activities involving any entity or group are declared under sections 66B and 66C of the Anti-Money Laundering, Anti-Terrorism Financing, and Proceeds of Unlawful Activities Act 2001. In addition, under SMATA, the authorities (the Director General of Immigration and the Minister of Home Affairs) may suspend, revoke or hold travel documents (including foreign travel documents) if police suspect the person is travelling to foreign countries to participate in terrorism activities.

Extradition and Mutual Assistance in Criminal Matters

Extradition is the act of physical transfer of custody of the person being extradited to the legal authority of the requesting jurisdiction.¹³ Persons subject to extradition in existing treaties are individuals known to have committed acts of international terrorism, to have attempted to commit acts of international terrorism or to have aided and abetted terrorist acts, at least in some cases.

Malaysia also has legislated laws relating to extradition and mutual assistance in criminal matters. Under these legal frameworks, i.e., the Extradition Act 1992¹⁴ and the Mutual Assistance in Criminal Matters 2002,¹⁵ several countries have made treaties. Both treaties have been very useful in curbing the movement of fugitive criminals (including terrorists) and rendering assistance for prosecution in other countries.

Terrorism Financing

In terms of countering the financing of terrorism, Malaysia has comprehensive legislation that criminalises terrorism financing, which provides a penalty of up to 30 years of imprisonment (Penal Code s. 130N).¹⁶ Terrorism financing offence is also provided under section 66B(4) of the Anti-Money Laundering, Anti-Terrorism Financing

13 Sadoff, David A. (24 December 2016). *Bringing International Fugitives to Justice: Extradition and its Alternatives*. Cambridge University Press.

14 Government of Malaysia, 'Extradition Act 1992 [Act 479]' (Malaysia Federal Legislation, 20 February 1992) <<https://lom.agc.gov.my/ilims/upload/portal/akta/outputaktap/Salinan%20 Warta%20 Akta%20479.pdf>> accessed 14 January 2023.

15 Government of Malaysia, 'Mutual Assistance In Criminal Matters Act 2002 [Act 621]' (Malaysia Federal Legislation, 30 May 2002) <<https://lom.agc.gov.my/act-detail.php?act=621&lang=BI>> accessed 14 January 2023.

16 Government of Malaysia, 'Penal Code (Amendment) Act 2003 [Act A1210]' (Laws of Malaysia, 25 December 2003) <<https://www.lawnet.com.my/eGazette/Download/?ID=10292>> accessed 14 January 2023.

and Proceeds of Unlawful Activities (AMLATFPUAA) Act 2001,¹⁷ where making funds available to listed individuals or entities may be punished severely, i.e., up to RM3 million of fine and/or five years of imprisonment.

AMLATFPUAA 2001 provides the legal framework for the Malaysian AMLCFT regime. Under the AMLCFT regime, Malaysia has implemented targeted financial sanctions (TFS) as part of its measures to prevent the financing of terrorism. Malaysia's TFS regime complies¹⁸ with the Financial Action Task Force (FATF) standard, where Malaysia is able to give effects to the ISIL (Daesh) and Al-Qaida Sanctions List as designated by the Committee established pursuant to Resolutions 1267 (1999) and 1989 (2011). The TFS targeted financial sanctions in Malaysia to adhere to the regulations of UNSCR 1373. As of 31 May 2019, Malaysia has identified 31 individuals and 28 groups that are linked with terrorist activities as "specified entities" who are now subject to asset-freezing.¹⁹

Measures Taken by The National Security Council in Countering Terrorism in Malaysia

The National Security Council of the Prime Minister's Department is responsible for developing national security policies and organising their execution by various government departments, especially those involved in security. They have established numerous security measures, including regular anti-terrorism exercises in critical national infrastructure and the International Ships and Port Facility Security Code (ISPS Code) in maritime zones.

Malaysia's Counter-Terrorism Strategy

In addressing the threat of terrorism, Malaysia has adopted a multipronged strategy involving hard and soft approaches, namely

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- 17 Government of Malaysia, 'Anti-money Laundering, Anti-terrorism Financing And Proceeds Of Unlawful Activities Act 2001 [Act 613]' (Malaysia Federal Legislation, 5 July 2001) <https://lom.agc.gov.my/ilims/upload/portal/akta/outputaktap/1719599_BI/010722_Act%20613_final.pdf> accessed 14 January 2023.
 - 18 Bank negara Malaysia, 'Maintaining Financial Integrity' (BNM Annual Report 2019, Economic & Monetary Review 2019, and Financial Stability Review 2nd Half 2019, 14 January 2023) <https://www.bnm.gov.my/documents/20124/2724769/ar2019_en_full.pdf> accessed 14 January 2023.
 - 19 Parliament of Malaysia, '10th AIPA Caucus Report' (10th ASEAN Inter-parliamentary Assembly (AIPA) Caucus Meeting Kuala Lumpur, Malaysia 16-19 June 2019, 20 June 2019) <<https://www.parlimen.gov.my/laman-aipa-cucus.html?&view=1704&uweb=p&lang=en>> accessed 14 January 2023.

preparedness, prevention, response and recovery, which includes, inter alia, enhanced intelligence and international cooperation, enhanced legislative, law enforcement, and border security, protecting national critical infrastructures and soft targets and others.²⁰

(a) Establishment of Counter Messaging Centre (CMC)

The Counter Messaging Centre under the Royal Malaysia Police (RMP) has been fully operational since December 2017. The establishment was first announced in November 2016 to counter the narratives of terrorists and extremists, especially in cyberspace and one of the targets is to counter false claims and religious misinterpretations that are being propagated by Daesh and seek to engage with those vulnerable online communities that are easy prey for Daesh recruiters. In terms of the operation, CMC uses the MICE approach, which refers to Monitoring, Investigation, Countering and Executive action.

(b) Digital Counter Messaging Centre (DSCD) in SEARCCT, Wisma Putra, Malaysia

On 8 May 2015, the United States approached SEARCCT and proposed the establishment of a Regional Counter-Terrorism Digital Communications Centre to be hosted at the Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT). The purpose of the proposed Centre was to counter Daesh's messaging and provide subsequent counter-narratives. This US-led initiative was followed by a USD500,000 grant, which was utilised for infrastructure, hardware, software and training. Specifically, the Centre looks into four main areas, namely (i) monitoring the terrorist messaging; (ii) developing counter-narratives; (iii) developing counter-messaging end-products; and (iv) disseminating the digital end-products to best reach and impact the targeted audience.

Border security is very important to prevent illegal entry and the intrusion of terrorist elements into Malaysia's territory. Border security agencies include the Immigration Department, Royal Malaysia Police (General Operation Force), Malaysia Armed Forces, Royal Malaysia Customs Department, Malaysia Maritime Enforcement Agency, Border

20 Parliament of Malaysia, '10th AIPA Caucus Report' (10th ASEAN Inter-parliamentary Assembly (AIPA) Caucus Meeting Kuala Lumpur, Malaysia 16-19 June 2019, 20 June 2019) <<https://www.parlimen.gov.my/laman-aipa-caucus.html?&view=1704&uweb=p&lang=en>> accessed 14 January 2023.

Control Agency (AKSEM), and the Eastern Sabah Security Command (ESSCOM). In order to enhance border security, various steps have been taken, including tightening the screening process at borders and entry points, implementing control systems at various entry points, such as the National Enforcement and Registration Biometrics System (NERS), the Immigration Screening System (MyImms) and cooperating with international organisations such as the INTERPOL through the various relevant applications and databases, Stolen and Lost Travel Documents (SLTD), INTERPOL's i-24/7 and notices, as well as the UN Security Council Sanction List.²¹

While Malaysia's counterterrorism efforts have succeeded, preventing low-tech lone-wolf strikes inspired by IS remains difficult. As a result, Malaysia has chosen a combination of "hard" and "soft" tactics to handle the issue, emphasising that a military solution alone is insufficient to combat radicalisation and violent extremism.

Concerning the protection of soft targets, the Malaysian Cabinet approved the Guidelines on Enhancing the Security of Public Places and Facilities from Terrorist Attacks on 7th March 2018. This guideline was a reference for government agencies, the private sector and the public to protect themselves from terrorist attacks. Engagement includes programmes designed to win the target groups' hearts and minds to neutralise or win them over. Some programmes are awareness lectures and Friday sermons to the public on the threat of radicalism, militancy and terrorism.

NSC conducted not less than 20 Lecture Programmes and Executive Talks in collaboration with other agencies such as the Special Branch, the Social Welfare Department, the Department of National Unity and Integration (JPNIN) etc. These programmes are intended to raise public awareness about the dangers of the IS threat.

The United States

During most years, the United States experienced few terrorist events on its soil – e.g., in 1998, 2000, and the years following 2001, there were no terrorist events in the United States (Sandler and Enders, 2004; US Department of State, 1999-2004). Terrorism alters economic behaviour,

21 Parliament of Malaysia, '10th AIPA Caucus Report' (10th ASEAN Inter-parliamentary Assembly (AIPA) Caucus Meeting Kuala Lumpur, Malaysia 16-19 June 2019, 20 June 2019) <<https://www.parlimen.gov.my/laman-aipa-cucus.html?&view=1704&uweb=p&lang=en>> accessed 14 January 2023.

primarily by changing investment and consumption patterns as well as diverting public and private resources away from productive activities and towards protective measures. Terrorism destroys capital and reduces the economic capacity of the country affected. It was estimated that the economic impact of terrorism was USD 33 billion in 2018. In the 18 years from 2000 to 2018, terrorism cost the world economy USD 855 billion.²²

Terrorism has had a significant impact on the United States regarding the human toll of attacks and the economic and political repercussions. For example, the 9/11 terrorist attacks, carried out by Al-Qaeda, resulted in the deaths of nearly 3,000 people²³ and caused billions of dollars in damage. This event led to the passing of the USA PATRIOT Act, which expanded the government's surveillance and law enforcement powers.

Anti-terrorism laws and policies in the US have been a source of controversy, with some arguing that they infringe on civil liberties and civil rights. The Patriot Act 2001, for example, has been criticised for its provisions allowing for monitoring electronic²⁴ communications and searching personal records without a warrant.

Additionally, drone strikes, targeted killings, extraordinary rendition and enhanced interrogation techniques have been controversial and criticised for human rights violations. The government's use of the state secrets privilege to prevent litigation has also been controversial. Furthermore, the government's use of no-fly lists and watchlists has been criticised for racial and religious profiling and a lack of due process.²⁵

The 1995 Oklahoma City bombing prompted the Clinton administration to pass the "Antiterrorism and Effective Death Penalty Act of 1996". Following the September 11 terrorist attacks against the United States, the Patriot Act, also known as the USA PATRIOT Act, was approved by the U.S. Congress and signed into law by President George W. Bush on October 26, 2001. In September 2002, the U.S. national security strategy

22 'The Economic Impact of Terrorism from 2000 to 2018' <<https://econpapers.repec.org/article>> accessed 1 March 2023.

23 'Two Decades Later, the Enduring Legacy of 9/11' <<https://www.pewresearch.org/politics/2021/09/02/two-decades-later-the-enduring-legacy-of-9-11>> accessed 1 March 2023.

24 'Surveillance Under The Patriot Act' <<https://www.aclu.org/issues/privacy-surveillance>> accessed 1 March 2023.

25 'Extraordinary Rendition, Extraterritorial Detention and Treatment of Detainees: Restoring Our Moral Credibility and Strengthening Our Diplomatic Standing' <<https://www.govinfo.gov/content/pkg/CHRG-110shrg40379/html/CHRG-110shrg40379.htm>> accessed 1 March 2023.

defined terrorism as “premeditated, politically motivated violence against innocents”.²⁶

Doe V. Holder²⁷ (Challenging Patriot Act's National Security Letter Provision and Associate Gag Provision)

The USA Patriot Act has been at the centre of debates ever since it was passed 45 days after the terrorist attacks of September 11, 2001. It calls into question the delicate balance between personal freedom and national security. A National Security Letter (NSL) sent to an Internet Service Provider (ISP) under the Patriot Act was made known to the New York Civil Liberties Union (NYCLU) and American Civil Liberties Union (ACLU) in 2004. Along with the NSL recipient, the NYCLU and ACLU filed a lawsuit contesting the legality of Section 2709. The lawsuit claimed that both on its face and when applied to the case’s facts, the Act is unconstitutional. The plaintiffs claimed that the First, Fourth, and Fifth Amendments are violated by Section 2709’s extensive subpoena power.

Section 505 and The National Security Letter Lawsuit

Section 505 of the USA PATRIOT Act, also known as the “National Security Letter” (NSL) provision, allows the FBI to issue NSLs to obtain certain types of sensitive information,²⁸ such as financial and telephone records, without a warrant or court order.

NSLs are issued by FBI field offices and are used in national security investigations. They are not subject to judicial review before they are issued, but recipients can challenge them in court. As a result, NSLs have been the subject of several lawsuits challenging their constitutionality. One notable lawsuit is *Doe v. Mukasey*, in which a group of anonymous plaintiffs, including an internet service provider and a library, challenged the constitutionality of Section 505 of the USA PATRIOT Act. The plaintiffs argued that the NSL provision violates the First and Fourth Amendments of the Constitution by allowing the government to obtain sensitive information without a warrant or court order and by imposing

26 Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot Act) Act of 2001 – Authenticated U.S. Government Information GPO, Public Law 107–56—OCT. 26, 2001.

27 <https://www.aclu.org/cases/doe-v-holder> (2004).

28 Andrew E. Nieland, ‘National Security Letters and the Amended Patriot Act’ (2007) 92 Cornell L. Rev. 1201 <<https://core.ac.uk/download/pdf/216736213.pdf>> accessed 1 March 2023.

a gag order on recipients of NSLs, which prevents them from discussing the letters or even acknowledging their existence.

The case was eventually dismissed by the court for lack of standing, as the plaintiffs could not prove that they had received an NSL. However, the court's ruling did not address the constitutional issues raised by the plaintiffs.

The Supreme Court's actions, which have mainly revolved around the detention of terror detainees at Guantanamo Bay, have received mixed reviews in the United States. According to the 2004 *Hamdi v. Rumsfeld* ruling, detainees who were citizens of the United States had the right to habeas corpus even if they were labelled as "enemy combatants".²⁹

In another case, it was held by the court that the proposed military commissions for prosecuting terrorism suspects were deemed to violate the four Geneva Conventions and the Uniform Code of Military Justice in the 2006 *Hamdan v. Rumsfeld* ruling.³⁰

Terrorism Risk Insurance Act – The Other Side of The Coin

United States President George W. Bush signed the Terrorism Risk Insurance Act into law on November 26, 2002. The Act created a federal "backstop" for insurance claims related to acts of terrorism.

Four ideal components of an insurable risk are listed in a well-known insurance textbook: Losses must be definite, measurable, accidental, fortuitous, and not catastrophic (i.e., unlikely to result in losses for a significant portion of the risks at the same time). There must also be enough insureds to make losses reasonably predictable. Given that terrorism losses have not been shown to be predictable over time, the United States' terrorism risk fails the first requirement. When losses are caused by terrorism, they are typically concrete and quantifiable, so the terrorist risk may satisfy criterion two. However, due to the malicious human actors that perpetrate terrorist acts, whose objectives, attack methods and targets are constantly changing.³¹

The underwriting decisions made by insurers themselves significantly determine whether it fails the fourth criterion (i.e., whether the insurers insure a large number of risks in a single geographic area that would

29 *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004).

30 *Hamdan v. Rumsfeld*, 547 U.S. 1016 (2006).

31 Terrorism Risk Insurance: Overview and Issue Analysis for the 116th Congress, Congressional Research Service <https://crsreports.congress.gov/R45707> accessed at <https://sgp.fas.org/crs/terror/R45707.pdf>.

be affected by a terrorist strike). It is understandable that insurers have generally sought to minimise their risks in specific geographic regions with a theoretically higher potential for terrorist strikes, making terrorism insurance more challenging to find in those areas.

In response to the 9/11 terrorist attacks, the United States government has taken a number of actions to combat terrorism, including the passage of the USA PATRIOT Act, the creation of the Department of Homeland Security, and the initiation of military operations in Afghanistan and Iraq. Some of these actions have been criticised for violating American citizens' civil liberties and human rights. This can be seen as an erosion of the country's sovereignty as it involves the government compromising its citizens' rights.

Additionally, the United States' actions in response to terrorism, such as targeted killings, have been criticised by other nations and international organisations as violating international law and undermining the sovereignty of other nations. The US's foreign policy post 9/11 is seen by some as overly aggressive and militaristic, which has strained relations with other nations and led to a loss of trust and credibility in the international community.

Furthermore, the government's increased security measures, such as the collection of personal data, profiling and surveillance, have been criticised for violating civil liberties and privacy rights, further undermining the nation's sovereignty.

Since terrorism casts doubt on a state's ability to defend its inhabitants from violence, the state must be seen acting against it to maintain its sovereignty. Following the 9/11 attacks, it also poses a challenge to both the international community as a whole and the definition of the state under international law.

The Fight Goes On

The recent assaults in London, as well as in Paris, Berlin, and Madrid, have made the struggle against terrorism even more urgent for Western democracies. The real cost of the bloodshed is still unknown to researchers and the government, despite ongoing terrorist violence. Governments have commissioned studies on the "costs" of terrorism to examine the financial losses incurred by cities in the aftermath, but there is little data on how terrorism affects public opinion and personal well-being. This is partially because the indirect costs of terrorism, such as heightened fear and anxiety or an aversion to outgroups, are harder to quantify than the direct costs, such as a decline in national productivity.

In the United States, one new organisation was identified by the Department of State as a foreign terrorist organisation (FTO)³² in 2020. Under the Department's authority granted by Executive Order (E.O.) 13224, 13 organisations and people were also classified as Specially Designated Global Terrorists.

In one of the latest cases, the United States District Court for the Eastern District of New York on February 24, 2023, charged Mohammad Ibrahim Bazzi (a Lebanese and Belgian citizen) and Talal Chahine (a Lebanese citizen) with conspiracy to conduct and cause United States persons to conduct unlawful transactions with a Specially Designated Global Terrorist, attempt to conduct and cause United States persons to conduct unlawful transactions with a Specially Designated Global Terrorist; and money laundering conspiracy.

The defendants, in this case, attempted to provide continued financial assistance to Hizballah, a foreign terrorist organisation responsible for death and destruction, and it was alleged that he had provided millions of dollars to Hizballah over the years, generated from his business activities in Belgium, Lebanon, Iraq and throughout West Africa. The United States intends to seek Bazzi's extradition to the Eastern District of New York (after he was arrested by Romanian law enforcement authorities upon his arrival in Bucharest on February 24, 2023) to face the charges in the indictment. Each count in the indictment is punishable by up to 20 years imprisonment.³³

In summary, the impact of terrorism on the United States has been significant, and the anti-terrorism laws and policies put in place in response have been a source of controversy, with some arguing that they infringe on civil liberties and civil rights.

UK Laws on Counter-Terrorism

The United Kingdom faces a potentially greater terror threat than the United States. In contrast to the United States, Britain endured the threat of terrorism throughout the Northern Ireland conflict, which resulted in 3,297 deaths, over 10,000 injuries, 35,798 shootings, 15,351 bombs,

32 'Country Reports on Terrorism 2020' <<https://www.state.gov/reports/country-reports-on-terrorism-2020>> accessed 1 March 2023.

33 'Sanctions Evasion and Money Laundering Charges Unsealed Against Specially Designated Global Terrorist Mohammad Bazzi and Talal Chahine' <<https://www.justice.gov/usao-edny/pr/sanctions-evasion-and-money-laundering-charges-unsealed-against-specially-designated>> accessed 1 March 2023.

21,049 armed robberies, and the discovery of 11,605 firearms and 115,517 kilogrammes of explosives.³⁴ Hence, the basis for anti-terrorism laws is rooted in legislation passed at the time of the Troubles in Northern Ireland as before the 2000s, most attacks were linked to the Northern Ireland conflict, while during the late 20th century there were also attacks by Islamic terrorist groups.

Since the 1970s, thirteen (13) pieces of substantial legislation have been enacted to fight domestic and international terrorism, including laws concerning hostage-taking, the transport and use of nuclear materials, aviation and maritime security, and terrorist acts committed in Northern Ireland and on mainland Britain as part of the struggle for Irish nationalism. These anti-terrorism measures were never intended to last permanently and always needed fresh parliamentary approval whenever they were amended or extended. However, the Terrorism Act of 2000 expands existing counter-terrorist legislation and places it largely on a permanent basis. In addition, since September 11, 2001, the Labour government has introduced six new significant pieces of anti-terror legislation.³⁵

The Terrorism Act 2000 (TA) is the direct successor of decades of counter-terrorism laws in the United Kingdom and Northern Ireland. It contains some new advanced measures alongside more common provisions, provides a wholly new definition of terrorism and repeals the PTA in the mainland United Kingdom and Northern Ireland. Meanwhile, the power of the Secretary of State to prohibit or outlaw organisations is maintained, offences related to fund-raising, money laundering and supporting other forms of financial aid for terrorism are established, and the courts are given the authority to confiscate money or other property linked with terrorist offences, as well as the power to seize cash at borders.

The Terrorism Act also provides the police with additional investigative powers, including the power to demand customer information from financial institutions, notwithstanding any restriction on the disclosure of information imposed by statute or otherwise. It retains official powers

34 Todd Landman, 'Imminence and Proportionality: The U.S. and U.K. Responses to Global Terrorism' (2007) 38 Cal W Int'l LJ 75 <<https://scholarlycommons.law.cwsl.edu/cgi/viewcontent.cgi?article=1115&context=cwilj>> accessed 20 January 2023.

35 Todd Landman, 'Imminence and Proportionality: The U.S. and U.K. Responses to Global Terrorism' (2007) 38 Cal W Int'l LJ 75 <<https://scholarlycommons.law.cwsl.edu/cgi/viewcontent.cgi?article=1115&context=cwilj>> accessed 20 January 2023.

to stop and detain persons at ports and borders and arrest and detain persons suspected of being involved in terrorist activities.

In the case of *R v Zakaria Abdu Rahman Yanaouri*,³⁶ the suspect was detained by the authorities on the 11th of January 2020, whereby it was discovered that he possessed documents containing five issues of *Rumiyah*, the Daesh propaganda magazine. Each of those contained an article in a section known as “Just Terror Tactics” that contravenes Section 58 of the Terrorism Act 2000 in that they contained instructional information likely to assist a person in the preparation of acts of terrorism and had materials that show Zakaria Yanaouri was sympathetic to and supportive of the teachings and propaganda of Da’esh. Video images of beheadings and scenes of the execution of Da’esh captives were also discovered. Zakaria Yanaouri pleaded guilty to all five counts and was sentenced to 32 months imprisonment on each count to run concurrently.

The Terrorism Act 2000 is later replaced by the Terrorism Act 2006, the latter of which creates a number of new offences, including the “direct or indirect encouragement or other inducements” of terrorism.³⁷

UK Response to September 11th

The UK Government responded promptly to the events of September 11. In less than three months, it adopted an additional piece of anti-terrorist legislation known as the **Anti-Terrorism, Crime and Security Act 2001 (ATCSA)**, which went far beyond any of its predecessors and led to a highly debated derogation from Article 5 of the ECHR barely two years after it had been incorporated into UK law. In December 2001, Parliament passed the Anti-Terrorism Crime and Security Act 2001 (ATCSA), Part 4, which allowed the Home Secretary to order the indefinite detention of foreign terrorist suspects who could not be deported on the grounds that they faced a real risk of ill-treatment, contrary to Article 3 ECHR. In order to do this, the government derogated Article 5 under the ECHR.³⁸

36 ‘The Counter-Terrorism Division of the Crown Prosecution Service (CPS) – Successful prosecutions since 2016’ (Gov. UK) <<https://www.cps.gov.uk/crime-info/terrorism/counter-terrorism-division-crown-prosecution-service-cps-successful-prosecutions-2016>> accessed on 27 February 2023.

37 The Terrorism Act 2006 listed out a number of new offences. These new offences include the offences of encouragement of terrorism, dissemination of terrorist publications, an offence of the preparation of terrorist acts, and further terrorist training offences.

38 ‘Counter-terrorism and human rights’ (Justice) <<https://justice.org.uk/counter-terrorism-human-rights>> accessed 1 March 2023.

The terrorist attacks have not stopped there. In less than four years after the terrorist attacks on New York City and Washington, D.C., London faced sequences of successful terrorist attacks on July 7, 2005, followed by a series of unsuccessful attacks on July 21, 2005.³⁹ On 7 July 2015, four suicide bombers struck London's transport network, killing 52 people and injuring over 770 others.⁴⁰

The UK Government has recognised that the extended detention powers in the ATCSA are incompatible with Article 5(1) of the ECHR in circumstances where persons are detained either with a view to deportation but without deportation proceedings International Legal Practitioner JUNE 2002 being commenced or without any prospect of criminal prosecution. The UK Government has therefore derogated from the Convention.⁴¹

The Prevention of Terrorism Act 2005

In 2004, the House of Lords ruled by quashing a derogation order pertaining to Part IV of the ATCSA. Instead of attempting to revise the Part IV powers, the government implemented a system of control orders known as POTA.

This Act is enacted to allow the Home Secretary to make "control orders" for people that are suspected of being involved in terrorism, including placing them under house arrest, restricting their access to mobile telephones and the internet, and requiring that visitors be named in advance, plus a requirement to cooperate with surveillance of the individual's movements or communications, including electronic tagging. In enforcing this Act, it draws a distinction between so-called 'derogating' and 'non-derogating' control orders. Derogating orders permit the Home Secretary to impose house arrest but can only be issued if the government deviates from the ECHR. Non-derogating orders do not permit the imposition of house arrest, but they can still involve extensive limitations on personal liberty.⁴²

39 Todd Landman, 'Imminence and Proportionality: The U.S. and U.K. Responses to Global Terrorism' (2007) 38 Cal W Int'l LJ 75 <<https://scholarlycommons.law.cwsl.edu/cgi/viewcontent.cgi?article=1115&context=cwilj>> accessed 20 January 2023.

40 'London bombings of 2005' (British Transport Police) <<https://www.btp.police.uk/police-forces/british-transport-police/areas/about-us/about-us/our-history/london-bombings-of-2005>> accessed 24 February 2023.

41 Ben Brandon, 'UK Legal Response to Terrorism: Past Lessons and Future Concerns' (2002) 27 Int'l Legal Prac 46.

42 'Counter-terrorism and human rights' (Justice) <<https://justice.org.uk/counter-terrorism-human-rights>> accessed 1 March 2023.

Under the Control Orders regime, the Home Secretary was required to make a statement to Parliament every three months listing the number of measures in force. The Act was repealed on 15 December 2011 by Section 1 of the Terrorism Prevention and Investigation Measures Act 2011.

Terrorism Prevention and Investigation Measures Act 2011 (TPIMs)

This Act is introduced as a mechanism to replace the control orders whereby the Secretary of State may, by notice (a “TPIM notice”), impose specified terrorism prevention and investigation measures on an individual whom they have reason to believe is engaging in or has previously engaged in terrorism-related conduct under the Terrorism Prevention and Investigation Measures Act of 2011 (the TPIM Act).

With the introduction of this law, it repeals the control orders (Prevention of Terrorism Act 2005), outlining terrorism prevention and investigation measures, putting a higher standard on protecting the civil liberties of individuals, among others, setting a higher test for the measures to be imposed compared to the previous control orders, maximum time limit of two (2) years; imposing a more flexible curfew; and giving access to a mobile telephone and a computer with an internet connection to individuals subject to a control order. It also guarantees the right to appeal for an individual against the refusal of a request to revoke or vary the measures, and leave of the high court shall be obtained in order to impose the measures. It is said that the TPIM Act marked a key milestone in the government’s programme to rebalance intrusive security powers and increase safeguards for civil liberties.⁴³

Counter-Terrorism and Sentencing Act 2021

The Act increases the maximum penalty for three terrorism offences from 10 to 14 years, which will require the Courts in cases where it appears that any non-terrorism offence with a maximum penalty of more than two years was committed in the course of an act of terrorism or for the purposes of terrorism to actively consider whether the offence was committed with a terrorist connection and should be aggravated as

43 ‘Terrorism Prevention and Investigation Measures Act’ (Gov. UK, 25 October 2016) Terrorism Prevention and Investigation Measures Act< <https://www.gov.uk/government/collections/terrorism-prevention-and-investigation-measures-act>> accessed 27 February 2023.

such. At present, the Courts are only expressly required to consider this at the point of sentencing in relation to a defined list of non-terrorism offences set out in Schedule 1 of the Sentencing Code (for England and Wales) and Schedule 2 of the Counter-Terrorism Act 2008 (for Scotland and Northern Ireland).

Under this law, anyone convicted of a significant terror offence will no longer have the option of an early release; instead, they will be required to serve their whole sentence in prison. The most serious criminals now face a minimum of 14 years in prison and a maximum of 25 years on a licence, with greater monitoring, for crimes including planning or carrying out acts of terrorism where lives were lost or in danger.⁴⁴

The Act expands upon the emergency law that was passed in February 2020 in response to the terrorist attacks in Streatham and Fishmongers' Hall,⁴⁵ which retrospectively ended automatic early discharge for terrorists serving standard-definition sentences. As a result, they had to serve at least two-thirds of their sentence in prison before being considered for release by the Parole Board.

Impacts of Counter-Terrorism Laws on Human Rights

The United Kingdom has ratified a number of international treaties that require it to respect and implement various rights for its citizens and others under its control or jurisdiction, including the right to freedom of expression. Article 10(2) of the European Convention on Human Rights guarantees the right to freedom of expression and the substance of which is given domestic effect through the provisions of the Human Rights Act 1998 (pre-Brexit).

The “direct or indirect encouragement or other inducement” of terrorism is one of the new offences added by the Terrorism Act of 2006, whereby the terminology used in the new legislation and policy is so ambiguous as not to meet the legal requirement that restrictions on freedom of expression be established. Besides that, the court made a

44 Ministry of Justice, The Rt Hon Priti Patel MP, and The Rt Hon Robert Buckland KC MP ‘Longer jail terms and stricter monitoring as new terror laws gain Royal Assent’ (Gov. UK, 29 April 2021) <<https://www.gov.uk/government/news/longer-jail-terms-and-stricter-monitoring-as-new-terror-laws-gain-royal-assent>> accessed 25 February 2023.

45 ‘Terrorism Prevention and Investigation Measures Act’ (Gov. UK, 25 October 2016) Terrorism Prevention and Investigation Measures Act <<https://www.gov.uk/government/collections/terrorism-prevention-and-investigation-measures-act>> accessed 27 February 2023.

particular distinction on the point of particular Convention rights being breached. Following *Secretary of State for the Home Department v JJ*,⁴⁶ the House of Lords held that the restrictions imposed within the control measures would be open to challenge on the basis of incompatibility, with a focus on Art. 8 (right to privacy and family life), Art. 10 (freedom of speech), and Art. 11 (freedom of assembly).

In that case, the House of Lords held that the obligations imposed on six men under control orders made by the Secretary of State under the Prevention of Terrorism Act 2005 (UK) ('PTA') deprived those men of their liberty in violation of Art. 5 of the European Convention on Human Rights (pre-Brexit). In the leading majority judgment, Lord Bingham of Cornhill, citing *Guzzardi v Italy*,⁴⁷ stated that deprivation of liberty may take numerous forms other than classic detention in prison or strict arrest. In determining whether or not that individual has been deprived of liberty, the task of the court is to look at the 'concrete situation' of the individual concerned and assess the impact of the measures in question on a person in the situation of a person subject to them. In practice, this meant that each respondent was effectively in solitary confinement for 18 hours every day. The effect of the control orders on the respondents was held to be analogous to detention in an open prison.⁴⁸

Another crucial issue is the application of the Principle of Proportionality in International Humanitarian Law, whereby it refers to the ways in which sovereign states ought to respond to attacks or the threat of attacks from other states, the ways in which states may intervene in an armed conflict on humanitarian grounds, as well as the ways in which they ought to conduct any armed action. It is clear from *A More Secure World*⁴⁹ that proportionality should be considered one

46 *Secretary of State for the Home Department (Appellant) v. JJ and others (FC) (Respondents)* [2007] UKHL 45.

47 *Guzzardi v Italy* (1980) 3 EHRR 333.

48 In a separate but concurring judgment, Lord Brown of Eaton-under-Heywood said: The borderline between deprivation of liberty and restriction of liberty of movement cannot vary according to the interests sought to be served by the restraints imposed. The siren voices urging that it be shifted to accommodate today's need to combat terrorism (or even that it be drawn with such a need in mind) must be firmly resisted. Article 5 represents a fundamental value and is absolute in its terms. Liberty is too precious a right to be discarded except in times of genuine national emergency. None is suggested here.

49 Todd Landman, 'Imminence and Proportionality: The U.S. and U.K. Responses to Global Terrorism' (2007) 38 Cal W Int'l LJ 75<<https://scholarlycommons.law.cwsl.edu/cgi/viewcontent.cgi?article=1115&context=cwilj>> accessed 20 January 2023.

of the five criteria used by states for making policy: the seriousness of the threat, proper purpose, last resort, proportional means, and balance of consequences. At this stage, the concept of proportionality dictates that no governmental level should take any action beyond that required to achieve the objective of government.

It is crucial to relate the notion of proportionality to the social contract. Citizens in a sovereign state consent to granting the government authority over them only to the extent required to maintain peace and order. Otherwise, the state's overreaction to both internal and external threats will undermine the social contract, compromise the state's legitimacy, and may even motivate citizens to rebel violently against the state.⁵⁰

The International Law of Human Rights also makes a clear distinction between derogable and non-derogable rights. For instance, Article 4 of the International Covenant on Civil and Political Rights (ICCPR), to which the United States and the United Kingdom are state parties-stipulates that in times of "public emergency that threatens the life of the nation," certain rights protections cannot be eliminated, including the right to life (Article 6), freedom from slavery and servitude (Article 8), imprisonment for failure to uphold a contractual obligation (Article 11), protection against ex post facto legislation (Article 15), the right to legal personality and recognition (Article 16), and the right not to be subjected to arbitrary interference in privacy, home, and correspondence.

As for the United Kingdom, Article 15 of the European Convention on Human Rights (pre-Brexit) stipulates that during times of war or public emergency threatening the life of the nation, a country may not derogate from similar rights protections as those found in the ICCPR. These examples suggest that there is indeed a lower boundary for curbing liberties below which countries may not go in their efforts to fight terrorism, even if such terrorist activities threaten the life of the nation.⁵¹

50 Todd Landman, 'Imminence and Proportionality: The U.S. and U.K. Responses to Global Terrorism' (2007) 38 Cal W Int'l LJ 75<<https://scholarlycommons.law.cwsl.edu/cgi/viewcontent.cgi?article=1115&context=cwilj>> accessed 20 January 2023.

51 Todd Landman, 'Imminence and Proportionality: The U.S. and U.K. Responses to Global Terrorism' (2007) 38 Cal W Int'l LJ 75<<https://scholarlycommons.law.cwsl.edu/cgi/viewcontent.cgi?article=1115&context=cwilj>> accessed 20 January 2023.

Conclusion

Recent attacks in London, Paris, Berlin, and Madrid have intensified the fight against terrorism, which has long been a national concern in Western democracies. From an examination of the legislation of three nations, namely Malaysia, the United States, and the United Kingdom, it is possible to conclude that all domestic legislation is intended to combat terrorism in its entirety. True, eliminating terrorism is an ongoing process that cannot be accomplished overnight. However, this is not an excuse for not making a serious effort to combat the issue. This article provides a comparative analysis of three states' current legislation and the effects of enacted laws, focusing on human rights issues. In Malaysia, despite numerous criticisms regarding SOSMA, the House of Representatives obtained a simple majority vote on 26 July 2022, resulting in the continuation of the SOSMA sunset clause. Combating terrorism should unquestionably be the top priority of the states. However, a balance must be struck to create a harmonious integration between national security and the fundamental rights of individuals.

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