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A Sociological Analysis of the Malay Sultanate in Malaysia

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Abstract

The institution of the Malay Sultanate has existed in the Malay states' social system for centuries and is directly involved in government. According to this royal system, the king has absolute power in government. However, after the British colonization, the Sultan had to receive advice from the residents except in matters concerning Islam and Malay customs. History proves that in half the country, the throne has been removed from the palace and placed in a museum to be used as historical and cultural material. At the beginning of the nineteenth century, there were more than 900 thrones in the world, but this number declined to 240 in the twentieth century. While in 1993 there were only 26 kings who were enthroned and 6 of them were kings or absolute monarchies. In Malaysia, the Institution of the Malay Sultanate remains within the Constitutional Monarch's framework. Issues such as the king's immunity, the king's personality, interference outside of the jury section in national administration, the role of checks and balances, political stabilizers, and pillars of unity began to emerge after the 1990s until now. Based on the study, the community has received the Malay Sultanate Institution well. For the Malays, as well as the Chinese, and Indians as well as the bumiputras of Sabah and Sarawak, the tradition of royal rule has been a practice since the time of the Malay Sultanate of Malacca. The Malay Sultanate is an important element in Malaysia as a symbol of unity and a pillar of justice in society. However, continuous efforts need to be taken to ensure that the Institution of the Malay Sultanate continues to be relevant over time. This is due to the current pattern showing that monarchical institutions around the world are shrinking their role due to the development of democracy which emphasizes the power of the people. Various parties such as the government, NGOs, the community, individuals, and private parties, need to improve the program of the Institution of the Malay Sultanate, especially the role of the royal institution in Malaysia through debate competitions, essay writing, forums, and so on. Through this method, the people will support the Sultanate of Malaya and continue to accept it in the future and with time.

Keywords: *Institutions of the Malay Sultanate, ethnicity, Malays, Islam, constitutional sociology*

Introduction

The institution of the Malay Sultanate is the oldest and has already existed in the social system in the Malay states for centuries which is directly involved in the governance of Malaya or Malaysia. In Malay, the term 'kingdom' is believed to be derived from the word 'raja'. The relationship between these terms proves that 'king' and 'kingdom' have a very close relationship with each other so it is used as a title for the head of state of Malaysia and the head of state for the nine states that practice the monarchy system. According to this monarchical system, the king has absolute power in every government and state administration with the help of officials who were appointed especially before the British colonization. Before the Second World War, despite

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being under British rule, the sultans were sovereign rulers and had full power in their respective countries. But at the same time, in some agreements with the British, the sultan needed to receive advice from British officials who were appointed as British Residents or Advisors except those that touched on the Islamic religion and Malay customs. This situation continued until the introduction of the Malayan Union in 1946 where the Sultan was only in power in Malay customs and the Islamic religion and the state's administrative power was held by the Governor. As a result of opposition by the Malays, the Malayan Union Constitution was dissolved and replaced by the Federation of Malaya in 1948. Through this new constitution, the sultan's rights were restored to them. They are given the right to know matters related to law-making with the concept of a Constitution Malaysia is one of the countries in the world that still practices the constitutional monarchy system. It is a legacy of the political system that remains to this day. The institution of the King in Malaysia is a traditional institution that exists as the core of the government and administration system of the Malay kingdom that has been around for centuries.

The institution of the King established in this country has evolved from an Absolute Monarchy system to a Constitutional Monarchy system. In the Absolute Monarchy system, the King has absolute power in every government and administration of the state with the help of dignitaries who were appointed especially before the British colonization. The king is the central pillar of all power and legal orders. The king is also the organizer of national customs.

Whereas in the Constitutional Monarch system, the Monarch must act by the provisions of the constitution that have been established while closing the space for absolute power. Through the Constitutional Ruler system, His Majesty the Rulers of the states must act on the advice of the Executive Council led by the Menteri Besar. While at the Federal level, the Yang di-Pertuan Agong must act on the advice of the Council of Ministers led by the Prime Minister in all matters except in some matters referred to as discretionary powers.

Constitutional Sociology in Malaysia

In the history of the drafting of the Federal Constitution, several things will be seen, especially the discussion about ethnic cooperation in drafting the constitution until it was finally accepted and agreed upon by the three largest ethnic groups in Malaysia consisting of the Malays, Chinese, and Indians. This proves that the local people were involved in the drafting of the current constitution. The history of this formulation is important to analyze because through it the spirit and purpose of a provision can be studied. The Constitution cannot be understood accurately without referring to the history and the main features and background of its formulation. What is clear is that certain provisions were made such as the Islamic religion, the monarchy, and the special position of the Malays that had existed for a long time before the arrival of the British. While the presence of immigrant nations later also influenced the development of the constitution.

So, it is important to look at the legal position before and during the British colonization of Malaya before focusing on the discussion about the history of the drafting of the Federal Constitution which involved all ethnicities at that time. The position of the law before and during this colonial period greatly influenced and was taken into account in the drafting of the Federal Constitution as found in the Johor State Constitution and the Terengganu State Constitution, especially regarding Islam and the Malays.

In Malaysia, before the existence of the Melaka Code of Law written during the reign of Sultan

Muzaffar Shah (1446-1456) by Hang Sidi Ahmad and the Law of the Sea of Melaka, Islamic law was practiced earlier than that through the Terengganu Inscription dated 14 Rajab 702H equivalent to 22 February 1303. This Terengganu inscription provides several regulations about crime, transactions, and administration (Hooker, 1976). This was followed by the Pahang Laws compiled during the reign of Sultan Abdul Ghafur Mahaiyuddin Shah (1592-1614), the Kedah Laws (Harbor Laws, 1650), Tembera Dato' Seri Paduka Tuan (1078H/1666M), Hukum Kanun Dato' Star (t.t), the Law of Kedah (1199H/1784M) and the Law of Ninety Nine of Perak which was brought into the state of Perak from Hadramaut during the time of Sultan Ahmad Tajuddin Shah (1577-1584) shows that there was a law in writing in Malaya at that time which was more oriented towards Islamic law. This shows that Syarak law has been used by the Malay community for matters involving religion, inheritance, marriage, and local matters (Abdul Majeed, 1969). However, matters that touch on statecraft is not found in the law.

But the law cannot be equated with modern constitutional principles due to the values and structure of society at that time being different from the current situation. Thus, the constitution in Malaya has started since the existence of the Melaka Code of Law. This is because the nature and content of a constitution depend on or are influenced by the needs of the time. For this reason, the constitution in the Melaka era should not be judged using the glasses or benchmarks of today.

The earliest written constitution produced in Malaya in 1895 was the Johor State Constitution. In the constitution, it is provided that a king must be Malay, of royal blood, a descendant of Johor Kings, male, and a Muslim. The ministers must also be Malays, people of the Sultan, and adhere to the Islamic religion. While in point VII it is provided that the state religion for the state of Johor is Islam. It should continuously and forever be the state religion of Johor. Article VII of the constitution provides that:

... what is called the State Religion for this region and the state of Johor is Islam and that being the case, Islam must continuously and forever be and be recognized and spoken as the state religion, that is, any other religion must never- times made or pronounced as the state religion, even though all other religions are allowed and always understood as should be allowed to be practiced peacefully and peacefully by the people who adhere to it in every part and region and subjugated colony within the state of Johor.

After that, in 1911, there was also the Terengganu Constitution which provides that the king who rules Terengganu must always be Muslim and Malay and from the lineage and descendants of the Sultans of Terengganu. The ministers must also be Muslims and citizens of the state of Terengganu. In chapter 51, it is noted that Islam is the state religion. The foundation of the written constitution shown by the Constitution of Johor and Terengganu became a pioneer for the emergence of the constitution of other states in Malaya. In this regard, Abdullah @Alwi Hassan (2006) opined that there was no formal and written constitution in the states of Malaysia before 1948 except in Johor and Terengganu. This is in line with the opinion of Abdul Samat Musa (2006) who says the history of the modern written constitution begins with the Johor Constitution and is followed by the Terengganu Constitution. However, after the British colonization of Malaya, it turned out that English law was more prominent, and existing laws were set aside including the constitution in the Malay States at that time.

After the Second World War, there were several important changes, especially those involving the administrative system and the struggle for independence in Malaya. Among the important changes is the plan to create a federal state in Malaya. Under the plan, the Federated Malay States,

the Unfederated Malay States, and the Straits Settlements would be combined into a unified political unit known as the Malayan Union with Singapore remaining a separate colony. Due to the great hatred towards the Malayan Union plan, the Malays refused to cooperate and organize protests and demonstrations against the Malayan Union (Muhammad Kamil Awang 2001).

For the Malays, they realized that their political position had been reduced to the status of a mere colony and the Sultans had no power to protect the rights, privileges, and status of the Malays. Regarding the idea of equal citizenship, the Malays see that the numerous and rapidly growing Chinese descendants will take over the reins of political power and this worries the Malays. The Malays rejected the Malayan Union agreement because it was not formed according to the constitution, tradition, or custom and did not bring benefits to the Malay States.

Finally, the Malayan Union was replaced by a federation, the Federation of Malaya. Its territory covers the territory proposed for the Malayan Union. Through the concept of federation, the central government has authority in all matters of importance as a whole, but at the same time, it maintains the autonomy of the states and respects the greatness, dignity, and jurisdiction of the Kings in matters of Islam and Malay customs. The Federation of Malaya was declared on 1 February 1948 under the Order of the Council of the Federation of Malaya 1948 covering nine Malay states and two of the three Straits Settlements, namely Penang, and Malacca. Singapore was separated as a Crown Colony outside the Federation.

An Agreement on the Federation of Malaya between the British and the government of the Federation of Malaya was signed in 1957. The agreement included a new Federal Constitution and the State Constitutions of Penang and Malacca. The agreement also canceled the Federation of Malaya Agreement of 1948. In the United Kingdom, the Federation of Malaya Independence Act 1957 was passed and an order in Council was made under it which gave legal authority to the Constitution set out in the Schedule to the Federation of Malaya Agreement 1957 and canceled the Order in the Federation Council of Malaya 1948.

At the Federal level, the Federal Constitution Ordinance 1957 was enacted by the Federal Legislative Council. While in each state, a State Enactment has been passed which gives legal force to the Federal Constitution. After the constitutional problem was resolved, the draft Federal Constitution was finally accepted and declared as the Constitution of Malaya on 31 August 1957. The Federal Constitution has renewed again when Singapore, Sabah, and Sarawak joined Malaya to form Malaysia on 16 September 1963.

The formation of Malaysia in 1963 brought another dimension to ethnic relations in Malaysia. With the inclusion of Sabah and Sarawak, the ethnic position of the Bumiputera in those two states is given the same status as the Malays, that is they are also included in Article 153. But the provision does not give a license to oppress other races because the special rights of the Malays and the Bumiputera of Sabah and Sarawak need to be protected in a way that does not deny the rightful position of the ethnic group. The Malaysia Agreement made in 1963 is an agreement that has been agreed between the leaders of Malaya, Sabah, and Sarawak. It is better known as Article Twenty and Article Eighteen which contain the demands of Sabah and Sarawak agreeing to join Malaysia. Among those contained in Article Twenty and Article Eighteen are immigration, language, finance, and the special rights of Bumiputera Sabah and Sarawak. It can be referred to in List II and List III as well as those related to additional provisions for Sabah and Sarawak.

Institutional History of the Malay Sultanate

History proves that in half the country, the throne has been removed from the palace and placed in a museum to be used as historical and cultural material. At the beginning of the nineteenth century, there were more than 900 thrones in the world, but this number declined to 240 in the twentieth century (Azlan Shah, 1980). While in 1993, there were only 26 kings on the throne and 6 of them were kings or absolute monarchs (Abdul Aziz Bari 1999).

In the last five decades or after the second world war, among the thrones that were removed or transferred to museums, either through the process of revolution or due to the modern political reality, was Egypt, King Farouk I who ruled from 1938-1952 was overthrown by Colonel Gamal Abdel Nasser and was replaced by his son named Fuad II, and less than a year Egypt turned into a Republic. Iran, Mohammad Reza Shah Pahlavi was the Shah of Iran from 1941-1979, as a result of a revolution led by Islamic fundamentalists, the Shah had to leave Iran in January 1979, and on February 11 of the same year, Iran became a republic and the Shah died in exile in Egypt on July 27, 1980. In Libya, King Idris ruled between 1949 and September 1, 1969, when he was overthrown through a coup by Colonel Muammar al-Qaddafi. In Greece, King Constantine II ruled from 1964-1974, the military regime abolished the institution of the monarchy on June 1, 1973, and replaced it with a republic. In Romania, King Michael ruled from 1940-1947, was forced to abdicate and live in exile, being replaced by a communist system. In Ethiopia, Emperor Haile Selassie I ruled from 1930-1974, through a coup d'état, and the formation of a military government led to the abolition of the institution of monarchy in 1975. In the Central African Republic, Jean-Bedel Bokassa who crowned himself in 1977-1979, was overthrown through a bloody coup on 21 September 1979. In India, 565 kings lost their positions when India achieved independence in 1950 (The Straits Times 1993). In Vietnam, King Bao Dai was overthrown in 1955 and in Afghanistan, the king was overthrown in 1973 (Asiaweek 1993).

However, some thrones have been restored, such as in Spain when King Juan Carlos replaced the dictator General Franco who died in 1975 (Asiaweek 1993). And in 1993 King Sihanouk returned to the throne in Cambodia through re-enthronement at the age of 70, after 23 years removed in 1970 through a coup d'état, the Cambodian monarchy was finally restored (Utusan Malaysia 1993).

To most people, the institution of the monarchy seems awkward or something out of date and not commensurate with the money spent. The third quarter of the last century saw a strong republican movement to eliminate the kings (Satyavrata Patel 1970). This idea continues until now and many of these institutions have become victims through the historical process as discussed above. The latest republican movement is like Australia with the head of state held by the President like in the United States. In Britain, Labor Party politicians known for their anti-Monarchy and republican attitudes have blamed the monarchy for Britain's decline as an economic and political power. The fact is, through a long evolutionary process, the monarchy as the oldest government institution in Britain has changed from an absolute monarchy to one that acts according to the advice of ministers.

The monarchy system as a socio-cultural institution has shown continuity through time and place. As a dynamic institution, it is certain that in the process of history, there have been many changes in its form and content. But as long as the original form can still be recognized as original, without

many radical changes that change the whole, then this institution is considered to continue until the present day (Zainal Kling 1984). Although the monarchy system in this country is recognized as unique the function of the Council of Kings is quite broad, covering various fields, some matters can be discussed by all members of the Council and there are also half of the matters that can only be decided by the Kings alone such as the appointment of the Yang di Pertuan Agong.

In Malaya, the institution of the sultanate is the oldest in the context of Malay society and culture. This institution can be linked to the political system and the concept of Malay feudalism which for ages has described the leadership structure of traditional Malay society. Strictly speaking, the Institution of the Malay Sultanate covers the concept and system of the Malay community that can be reviewed based on the background and socio-cultural history of this country, from the early stages of development until the concept of the sultanate was further strengthened when Malaya achieved independence.

The maintenance or continuation of the institution of monarchy in this country is not something that happened by chance in terms of history, but rather the maintenance of the glory and life of the ancient past. Similarly, its existence in the post-independence era as enshrined in the constitution is more than an ornament (mental functions). The post-independence period shows the position of the monarchy operating in a limited manner through a written constitution. The Federal Constitution binds the Federal Government and each of the thirteen states. In addition, each state has its constitution or body of law. This means that in Malaysia, there are fourteen constitutions, where the constitution is very important and is the source of authority to govern the country. In the framework of democracy, it needs support from various institutions and also other elements of value. Therefore, there is no doubt that the country not only needs a legal code to allow it to continue to exist, but it must also have an ideology, history, or national spirit. For a country whose history relies on the monarchy, maintaining the history means also maintaining the institution, which aspect is synonymous with the monarchy.

Although various steps have been taken such as the exposure of the Malay Sultanate in history subjects at the school level and Malaysian Studies or Malaysian Nationality courses at the Higher Education Institution level, it continues to be a polemic in the community which shows that these steps are still not able to explain this matter.

This is in line with the speech of the Yang di-Pertuan Agong when inaugurating the First Meeting of the Second Term of the 12th Parliament in the Dewan Rakyat which explained the history of independence and the Federal Constitution should be explained to young people so that they better understand the basis of the formation of the nation (Daily News 2009). Does this problem show that the younger generation's acceptance of the position of the Malay Sultanate is decreasing?

According to Abdul Aziz Bari (2002), the crisis regarding the Malay Kings began to occur in the 1980s. Although a crisis had arisen before that, the impact did not reach the level of constitutional amendments as happened in the 1980s and 1990s. For example, in 1983, amendments were made to the Yang di-Pertuan Agong's power of assent to laws passed by Parliament and the power to declare a state of emergency. In 1993, the issue of the King's immunity against the amendment of the King's immunity to be prosecuted for personal offenses in the Special Court arose. These

issues have had an impact on people's thinking. In terms of the future, the Kings will have to rely on their strength. Protection by laws such as the Sedition Act does not guarantee the survival of the royal institution because the implementation of the law depends on the actions of the ruling government and the last bastion of the royal institution is the acceptance of the people.

Not much research in the current context has been done on the institution. Many writings are more focused on the historical and legal aspects, while Malaysia is a very interesting 'living history' and enough material to be used for the study because almost a third of the kings who are still on the throne in the world today reside in the nine Malay States in Malaysia (Abdul Aziz Bari 1999). In fact, not only, taking into account the background of a society with various ethnic groups, different religious beliefs, and beliefs that have different socio-cultural systems as well as different levels of economic and political achievement, then it is interesting to study.

Allocation of Malay Sultanate Institutions in the Constitution

According to Shamrahayu (2012), the Federal Constitution places the Yang di-Pertuan Agong as the main head of state (par. 32), which legally consists of three government bodies, namely the Legislature, the Executives, and the Judiciary. Article 44 places the Yang di-Pertuan Agong as one of the three elements of Parliament. His Majesty has the power to summon, adjourn and dissolve Parliament (par. 55) as well as put his stamp on Bills that have been approved by the Legislature in the law-making process (par. 66). His Majesty is the Supreme Commander of the Armed Forces (par. 41). The Yang di-Pertuan Agong has the power to pardon and suspend a sentence (par. 42). His Majesty is responsible for safeguarding and preserving the special position and rights of the Malays as well as the interests of other races (par. 153).

Through the power of discretion, ordering the Council of Malay Rulers to hold a meeting to discuss the privileges, position, honor, and glory of the Malay Rulers (par. 40(2)(c)), the Yang di-Pertuan Agong is the head of the Islamic religion for His Majesty's state itself, Penang, Melaka, Federal Territories, Sarawak and Sabah (par. 3). The Yang di-Pertuan Agong has the discretionary power to appoint the Prime Minister from any member of the Dewan Rakyat whom he thinks may be trusted (par. 40(2)(a) and 43(2)(a)). His Majesty can also use the discretionary power to dissolve Parliament if there is a request from the Prime Minister (par. 40(2)(a)(b)). His Majesty has the power to appoint and remove the Cabinet of Ministers and Deputy Ministers after receiving the advice of the Prime Minister (par. 43(5)). The Yang di-Pertuan Agong can declare an emergency (par. 150) and also make an emergency law (ordinance) if both Houses of Parliament are not in session simultaneously (par. 150(2B)). On the advice of the Prime Minister, His Majesty has the power to appoint members of commissions established by the Constitution, such as the Police Commission (par. 140) and the Education Commission (par. 141A). His Majesty also appoints the Attorney General on the advice of the Prime Minister (par. 145).

Apart from the power and role, the position of the Institution of the King is guaranteed by the Constitution. Among them, although members of the House of Parliament have the freedom to make any statement related to the Malay Monarchs, they are not allowed to advocate or propose the abolition of the Institution of Monarchs in any Parliament proceedings (par. 63(5)). Constitutional amendments to any provision related to the Council of Rulers (par. 380 and the King's priority (par. 70)) cannot be implemented without the consent of the Council of Rulers (par. 159(5)).

In the legal aspect, the position of the Malay Rulers is somewhat saved not only by the capacity of the general position but also by personal safety. In addition to the constitutional provisions mentioned above, the national criminal law also safeguards the position of Malay Kings. The law that is so relevant is the Penal Code. Acting against the King, which is categorized as an offense against the five nations, is an offense punishable by life imprisonment or the death penalty. For example, the mistake of fighting against Kings. The death penalty can also be imposed on any person who is found guilty of committing an offense against the body of the King or the potential successor of the King. Meanwhile, life imprisonment or a fine could be imposed on any person proven to be plotting to depose or dethrone the King.

Institutional Position of the Malay Sultanate in the Constitution

The emergence of the Non-Unionized Malay States in 1895 caused dissatisfaction among the kings because the British formed and controlled the administrative policy and implemented it. As a result, a Durbar was held in Kuala Kangsar in 1897 which was an early gathering of four kings for the states of Perak, Selangor, Negeri Sembilan, and Pahang. This was followed by the next Durbar in 1903 in Kuala Lumpur, 1927 in Kuala Kangsar, 1932 in Pekan, 1933 in Kuala Kangsar and Seri Menanti (Abdul Aziz Bari 2005). The proposal to establish the Council of Rulers started from the Constitution of the Malayan Union which established the Council of Sultans. In terms of structure, its membership consists of kings and British officers, namely the Secretary General of the Malayan Union, the Legal Adviser, and the Financial Secretary, and is chaired by the Governor of the Malayan Union. Although the Malayan Union was dissolved, this idea was not discarded but continued by the 1948 Federation of Malaya Agreement with the establishment of the Council of Rulers under that constitution. The Council of Rulers as established under the Federal Constitution has the following functions which are contained in

Article 38(2):

- a) Electing the Yang di-Pertuan Agong and the Deputy Yang di-Pertuan Agong by the provisions of the Third Schedule;
- b) Approving or not approving that any act, practice, or religious ceremony covers the entire Federation;
- c) Approving or not approving any law and making or giving advice on any appointment which under this Constitution requires the approval of the Council or which is required to be made by or after consultation with the council;
- d) appoint the members of the Special Court under Clause (1) Article 182.
- e) grant pardon, reprieve, and respite, or remit, suspend, or mitigate punishments under Clause (12) Article 42.

The council can also consider questions related to national policy such as changes in immigration policy and any other matter it deems appropriate. The Council consisted of the Sultans and Yang Dipertua Negeri as well as Chief Ministers and Chief Ministers. However, when the council is held to elect or terminate the appointment of the Yang di-Pertuan Agong or the Deputy Yang di-Pertuan Agong or matters related solely to the privilege, position, glory, and greatness of the

Kings or acts, practices or religious ceremonies, The State President is not considered a council member.

When the Federation of Malaya achieved independence in 1957, the institution of the monarchy was continued with several amendments to adapt to the concept of parliamentary democracy and a constitutional monarchy. According to the concept of the Constitutional Monarch, they are required to receive advice from the Minister and act according to that advice. For example, at the central level, the Yang di-Pertuan Agong, in carrying out his duties, must act according to the advice of the Cabinet. While at the state level, the King must act on the advice of the Government Meeting Council. However, in this case, the advice given should be guided by the provisions and spirit of the constitution. This makes it clear that advice that conflicts with the constitution and the law should not be followed.

At the Federal level, the Yang di-Pertuan Agong must be appointed, i.e. a sultan chosen from the Kings of the nine Malay States. Based on the concept of a Constitutional Monarch, the Yang di-Pertuan Agong is empowered to rule the Federation where His Majesty is required to act on the advice of the Cabinet. The Yang di-Pertuan Agong is also the Supreme Commander of the Federal Armed Forces and has the power to pardon and suspend the sentences of those who have been convicted by military courts and for offenses committed within the Federal Territory of Kuala Lumpur. His Majesty is one of the three main elements of the federal legislature, namely Parliament. As the main individual in the Federation, His Majesty has the power to make important appointments not only according to the Constitution but also according to Acts of Parliament.

At the state level, referring to the Malay State Constitution, except the State Constitution of Sembilan, the Sultan is the Head of the State and has the executive power of the state. However, the authority must be exercised on the advice of the Council or Menteri Besar. The Sultan also has the power to pardon and suspend punishment for those who have been convicted of crimes committed within his state. The Sultan also has the power to make appointments under the State Constitution and state laws. The Sultan is known as the Pillar of Honor and justice and has the sovereign right to bestow awards, honors, and stars of honor on whomever he pleases when the situation calls for it.

In addition to the provisions above, the constitution also makes provisions related to the order of priority for the Yang di-Pertuan Agong and other Kings. The position of the Yang di-Pertuan Agong takes precedence over everyone in this Federation and the priority position of other Kings among them is according to the date they were appointed as King. But in his own country, a King takes precedence over the Kings of other countries.

The monarchical institutions that exist in Malaysia today are protected by the Constitution through Article 38(4) which means that no amendment can be made to the provisions relating to the Council of Kings, the order of precedence, and their rights to inherit as Kings of their
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respective States without the consent of the Council of Kings - the king. Next, no law that directly touches their privilege, position, glory, or greatness can be passed without the consent of the Council of Kings. This shows that it is extremely difficult to obtain such consent and is constitutionally protected.

The Institutional Role of the Malay Sultanate in the Context of Constitutional Sociology

The institution of the Malay Sultanate has been accepted as a symbol of unity. The Federal Constitution in Article 153 safeguards the position of the Malays without neglecting the position and interests of other races. This means the King is not only the King of a particular nation or group. The King is the umbrella of national sovereignty to provide equal protection to every citizen regardless of race, religion, and politics. The king who sits at the top of the government structure is a symbol of power and a symbol of unity. Today, Malaysia still practices the system of government of Parliamentary Democracy and Constitutional Monarchy. All people regardless of race and religion live in peace and enjoy the widest wealth on this blessed earth. Countries in Europe still maintain the monarchy system and praise their Kings.

Therefore, the Institution of the Malay Sultanate in Malaysia nowadays needs to be maintained and maintained. There are two main reasons why this King's Institution needs to be maintained. First, as a continuation of religion, culture, customs, and way of life. This is because the government and policy can change every five years, but some things need to be maintained for the stability and continuity of religion, identity, culture, and the way of life of the community in this country. For centuries, the culture and way of life of society in Malaysia have been the way of life of Malay and Islamic culture. This culture and way of life need to be maintained and protected because it is the core and foundation of the morals, manners, decency, and decency of the majority of Malaysian society. Without a strong moral or religious foundation, the morals and manners of Malaysian society will be weak. It was at this time that the Institution of the Malay Sultanate was important as a protector and maintainer of identity and way of life despite the change of government in Parliament.

Second, the Malay Sultanate is a final check institution to the power of the government and the Prime Minister. Although the republican system without the Royal Institution will create a democratic system with people's power, history has proven all over the world that democratic systems are vulnerable to misuse of power and corruption as well as a dictatorship as a result of the centralization of power that is easily created by manipulating public opinion. For example, it was the democracies that elected Hitler in the German national elections as their leader in the early 20th century. Democracy also elected Slobodan Milosevic as the president who incited the majority of Yugoslavia's Serbs to kill the Bosnian ethnic minority in ethnic cleansing in the early 1990s. And democracy was also unable to prevent the ethnic genocide in Rwanda in 1994 and worsened the situation when the Hutu majority who controlled the government through elections killed one million Tutsi ethnic minorities. The democratic system is good and until now there is no other political system that is better than the democratic system. However, this system needs to be balanced because it is not perfect and has resulted in tragedies like the tragedies in history around the world as above.

Although there is a Parliament and a court to check the balance of the government, but if the Parliament is strongly controlled by the representatives of the government, then it will not succeed in checking the balance of the government and the Prime Minister. History has also proven that the courts have also been exposed to the influence of the Prime Minister's power. Even the court has also been the cause of tragedies like the one that happened in Rwanda in 1994, the beginning of the genocide of the Tutsi ethnic group by the majority Hutu ethnic group was when a court judge accused the Tutsi ethnic group of killing the Hutu President of Rwanda who died as a result of a rocket fire that hit a helicopter rode it. Therefore, the Institution of Rulers in Malaysia is important to be preserved and maintained as a protector of the continuity of the identity, way of life, and culture of the Malaysian community, and as the last check and balance institution for the people and the country after other institutions such as Parliament and the courts have failed.

Apart from exercising the powers provided by the Constitution, the Yang di-Pertuan Agong is also a symbol of the unity of the Malaysian community which consists of various ethnicities. Malays, Chinese, Indians, and other nationalities regard His Majesty as the custodian of the interests and hopes of every ethnic group in Malaysia. This is because under the Constitution it has been provided that it is the responsibility and trust of the Yang di-Pertuan Agong to preserve the special position of the Malays and bumiputras of Sabah and Sarawak and the legitimate interests of other races. The same thing is also where the Council of Rulers has authority in the matter of amendments to provisions related to citizenship. This trust and responsibility is a very difficult matter because issues such as religion and the special position of the Malays as well as citizenship are often controversial in a multi-ethnic society. If these issues are not addressed properly, they can destabilize the country. Although His Majesty's function as a symbol of unity and continuity seems passive and uncontroversial, guarantees that will help highlight the neutrality of the Yang di-Pertuan Agong must be there to prevent His Majesty from being seen as a tool of the government.

The Malay Sultanate is also linked to religious issues. This is because they are the religious leaders in their respective states and are responsible for safeguarding the Islamic religion and any amendments to be made to the Islamic religion must first be approved by the kings. The rationale for the role of the Council of Rulers in this matter is that the constitution only emphasizes the issue of national administration. So, when it comes to religious issues, it is left to be managed by the royal institution. This was agreed upon when drafting the constitution where the Kings allowed the declaration of Islam as the federal religion after being assured that it would not affect their position as religious leaders in their respective states.

The Yang di-Pertuan Agong is also a symbol of justice and equality because it is His Majesty who appoints all the judges of the Federal Court and the High Court on the advice of the Prime Minister after consultation with the Council of Rulers. Similarly, it is necessary to negotiate the appointment of the national auditor, the chairman, and members of the Election Commission and the Education Service Commission. These positions are important in safeguarding the rights of

the people with a neutral attitude that is not in favor of any party or the government itself. His Majesty can also be considered a Pillar of Honor because His Majesty is authorized to bestow honors, medals, and stars to those concerned who have provided excellent service to the country regardless of ethnic boundaries.

The Yang di-Pertuan Agong and the Council of Rulers are very important elements of tradition in Malaysia. To the Malays, they are hope and a symbol of unity among people of multiple ethnicities. This is because they are not elected politically and are excluded from any politics. This is one of the reasons that allow the royal institution to have the potential to play a role without imposing conditions such as those set by political parties. While political parties, every decision will be bound by the sentiments and considerations of the party. The Yang di-Pertuan Agong is the only constitutional institution that is Malay and Islamic and is very important because the Prime Minister, Cabinet, and Parliament are not necessarily controlled by Malays. Symbolically, the Yang di-Pertuan Agong acts as the holder of authority and power handed over by the Malay states to the central authority.

The Malay Sultanate is well-received by the community. For the Malays, as well as the Chinese and Indians, the tradition of monarchical rule in Malaya at that time had been a practice since the time of the Malacca Malay Sultanate. The Malay Sultanate is an important element in Malay society as a symbol of unity and a pillar of justice in society.

However, continuous efforts need to be taken to ensure that the Malay Sultanate continues to be relevant with time. This is due to the current pattern showing that monarchical institutions around the world are shrinking their role due to the development of democracy which emphasizes the power of the people. The relevant ministries need to increase programs among students about the Malay Sultanate, especially the role of the royal institution in Malaysia through debate competitions, essay writing, forums, and so on.

Outside of educational institutions, the role of government departments such as the Information Department need to intensify efforts to explain the role of the Malay Sultanate through exhibitions, anniversary celebrations, and coronation ceremonies. Through this method, the people will support the Sultanate of Malaya and continue to accept it in the future and with time.

Conclusion

To ensure the continuation of the tradition of the Malay Sultanate, of course, changes need to take place in the Institution of the Malay Sultanate. This will make the position of the institution in line with the demands of the times. A diligent attitude to self-advancement, sharing wealth, and making affirmations in some things are sometimes very necessary. Although the position of the Malay Sultanate in the Constitution and the national legal system is quite prominent, we cannot expect that what is carved in the law will not be eroded. This is because what is mentioned about the Constitution is that it is an organic law that can be changed and depends on and stems from politics. Apart from that, the monarchical and constitutional system should not be used as

a reason to restrict the King's contribution to the country. Boosts credibility as a King; getting closer to the people's problems and improving the people's living standards can also be defined as the implicit meaning of the Constitutional King. A Constitutional King does not only refer to a King who acts solely on the advice of the Cabinet of Ministers, even in politically motivated matters. The Constitutional King must be wise to ensure that the concept of 'constitutionalism', especially the abuse of power, is fully implemented.

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