

RSOG Seminar :

“A Preamble to the Federal Constitution of Malaysia”

with

Prof. Dr. Kamaruddin Mohd Said
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Universiti Sultan Zainal Abidin

When : 11 April 2014
Where : Razak School of Government
Speakers : Prof. Dr. Kamaruddin Mohd Said

About The Seminar

How many Malaysians can confidently say that they have read the Federal Constitution of Malaysia, or at the very least, understand the fundamentals of the Constitution. Do Malaysians understand the role and content of the Constitution?

In this talk, Dr. Kamaruddin discussed about the Federal Constitution and the need for a preamble to this document. He believes that a Preamble will help frame the Constitution's important concepts and can be used as a tool for national integration.

He also highlighted that the Preamble could function as a framework of principles for preserving and strengthening the social, economic, political and educational systems as well as the socio-cultural sub-system in Malaysia, and thus steer the national integration process in the long-term.

Summary

Dr. Kamaruddin began the talk by giving an explanation on how the idea of a preamble took place. In November 2013, the National Professors' Congress deliberated on the issue of national reconciliation and had passed a seven-point resolution that was presented to the Prime Minister Datuk Seri Najib Tun Razak. Among the resolutions passed was a proposal for a Preamble to the Federal Constitution of Malaysia.

He said the Congress was of an opinion that a Preamble would help embody the spirit, direction and aspirations of the Federal Constitution. It would also serve to guide Malaysians towards the true direction and original intention of the Federal Constitution.

The proposed Preamble to the Federal Constitution is as follows:

“Kami rakyat Malaysia bermuafakat menegaskan tekad kami untuk memantapkan penyatupaduan nasional dan pembangunan Negara, dengan kalbu yang suci, menjunjung prinsip kepercayaan kepada Tuhan, kesetiaan kepada Raja dan Negara, Keluhuran Perlembagaan, Kedaulatan Undang-undang, dan Kesopanan dan Kesusilaan, dan menjunjung prinsip kudus iaitu demokrasi yang berintegriti, meritokrasi yang merangkum, hak asasi sejagat yang insani berdasarkan adat, agama dan budaya tempatan yang pelbagai, keadilan sosio-ekonomi yang seimbang, dan etika mulia; maka dengan hati yang tulus ikhlas, mendaulatkan Perlembagaan ini”.

He stressed that the Preamble is not a definite product as it was only at a tentative stage and would require the input of other Malaysians to refine it. According to Dr. Kamaruddin, the Preamble espouses the significance of the Rukunegara and adds on new principles that are demanded by today’s international community.

“It looks at inclusive meritocracy and not complete meritocracy, which would leave the less skilled behind. It looks at inclusive human rights and not absolute human rights, which is dangerous as freedom must be tied to the welfare of a community. It also looks at a balanced social-economy justice and a common value system for all,” he said.

Issues Raised:

- 1) The religion of Islam was not mentioned in the Preamble and neither was Islamic law given prominence in the Preamble. Dr. Kamaruddin explained that the Federal Constitution of Malaysia is a Constitution for all Malaysians and all records indicate that the Federal Constitution was meant to be a secular Constitution. He explained that under Article 3 of the Federal Constitution, Islam has a special place but it does not elaborate to the point where Islam governs the running of all other matters, i.e it is not an Islamic constitution. It states that “Islam is the religion of the Federation; but other religions may be practised in peace and harmony in any part of the Federation”.

He further explained that during the creation of the Rukunegara, the term ‘Kepercayaan kepada Tuhan’ is used as the denomination for all religions and not specifically for Islam only. The Rukunegara respects the belief of all religions.

- 2) Dr. Kamaruddin pointed out that Malaysia practices integration where there are many cultures and not assimilation, where there is only one culture and other cultures adhere to a single culture. He explained that if Islam was used (instead of the more generic 'Tuhan') in the Rukunegara, Malaysia would not be practicing integration but instead, assimilation.
- 3) Reading and looking at the Constitution within a whole context is important. Dr. Kamaruddin cited an example which has been debated hotly in the country and taken out of context by certain parties. He cited Article 153 which states "it shall be the responsibility of the Yang di Pertuan Agong to safeguard the special position of the Malays and native of any of the states of Sabah and Sarawak and the legitimate interest of other communities". He said the word is 'special position' and not 'special rights'.

About The Speaker

Prof. Dr. Kamaruddin Mohd. Said is trained in anthropology and sociology. He received his BA (Hons) and MA from the University of Malaya, specializing in the sociology of industrial relations. Further, he gained his MA and Ph.D from the University of California, Berkeley, specializing in economic anthropology. He is a professor of sociology of industrial Relations.

His research interest is focused on the study of social mindsets. He served Universiti Kebangsaan Malaysia for 35 years, and is now Assistant Vice Chancellor, at University of Sultan Zainal Abidin (UniSZA), Kuala Terengganu. At the same time he serves the National Council of Professors of Malaysia (Majlis Profesor Negara) as one the cluster heads. Recently, he also serves as a coordinator of the Indonesia-Malaysia Professorial Alliance (Ikatan Profesor Indonesia-Malaysia).

Photo Gallery

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