

Aggrandizement of Prime Minister's Power The Transformation of the Office of the Prime Minister in Malaysia¹

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Introduction

Since Datuk Seri Dr. Mahathir Mohamd's accession to the Malaysian prime ministership in July 1981, there has been a visible and increased concern about the aggrandizement of prime-ministerial power vis-à-vis other institutions in Malaysia.² Some of the questions often put forward are about whether the powers assumed by the Prime Minister are against the spirit of the present Malaysian Constitution, about the unwieldiness of a large and Malay-dominated Cabinet, and about the degree to which such key agencies within the Prime Minister's Department (PMD) are held accountable to democratic institutions. Such a trend has altered the role and changed the style of functioning of the office of the Prime Minister.

In this paper we will show how the aggrandizement of the Prime Minister's power in Malaysia is exacerbated by two related developments. Firstly, the attempt by new prime ministers to mould structure and process to their personalities, management styles and political objectives, and, secondly, the institutional and organizational changes within the Prime Minister's Department.

1 An earlier version of this paper was presented at the XVth World Congress of the International Political Science Association July 21-25, 1991, Buenos Aires, Argentina.

2 The Federation of Malaysia consists of Peninsular Malaysia, and the states of Sabah and Sarawak. In 1985, Malays and Bumiputera (aboriginals) comprised 56.6 per cent of the population in Peninsular Malaysia, Chinese 32.8 per cent, and Indians 10.1 per cent. In Sabah, Bumiputera accounted for 84.2 per cent of the population, while Chinese constituted 14.9 per cent. In Sarawak, 70.1 per cent of the population were Bumiputera, while 28.7 per cent were Chinese.

Powers and Functions of the Prime Minister in the Malaysian Constitution

The Constitution of Malaysia (Malaya at the time of Independence in 1957) is modelled on that of Britain and India.³ While making some modifications to conform to local conditions, the Malaysian Constitution adhered to certain basic principles of the British and Indian model in which the Prime Minister, not the Head of State, was the effective head of government. Other essential features include linkage between the executive and the legislature, collective responsibility, cabinet secrecy, and the ultimate answerability to the electorate.

Within this constitutional model, the powers and functions of the Malaysian Prime Minister are to a great extent similar to those of the Prime Minister of England or India. The Prime Minister is the leader of the majority party (in Malaysia's case, the National Front coalition - *Barisan Nasional*) in the Lower House of Parliament (the *Dewan Rakyat*). He is formally appointed by the constitutional Head of State, namely, the *Yang di-Pertuan Agung*. He remains in office so long as he enjoys the confidence of the Lower House, and his Cabinet is collectively responsible to it. The prime minister selects the ministers and deputy ministers, allocates portfolios, coordinates functions, and settles conflicts among various ministries.

In practice, the Malaysian Prime Minister is also the President of the United Malays National Organization (UMNO), the dominant party in the coalition government. He is also the Chairman of the Barisan Supreme Council, which supervises the major decisions arrived at in close-door bargaining sessions among ethnic leaders.

How has the power of the Malaysian Prime Minister changed during the thirty-four years since Independence? The holder of the Prime Minister's office has assumed more and more of the powers that he has always had under the Constitution. Since 1957, Malaysia has seen four prime ministers at the helm, and it would be appropriate to look at their appointment and mode of governance in order to gain a better understanding of the transformation in the office of the prime minister.

3 For an overview of the making of the Malaysian Constitution, see R.H. Hickling, "An Overview of Constitutional Changes in Malaysia: 1957-1977," in: Tun Mohamed Suffian, H.P. Lee, and F.A. Trindade, *The Constitution of Malaysia. Its Development: 1957-1977*, Kuala Lumpur: Oxford University Press, 1978.

Appointments and mode of governance of the Four Prime Ministers

Two scholars of Malaysian politics once remarked: "Governments in Malaysia have borne the stamp of the ideas, actions, styles, and personalities of its four prime ministers."⁴ This general observation is indicative of the importance of the personality of Malaysian prime ministers. The Prime Minister sets the tone and style of government and provides the main thrust on certain policies. He imparts his tone and temper to the government and influences the policy-initiatives and decision-making to a large extent. In general, it appears that the personalization of the Prime Minister's office has a great deal to do with the character and temperament of the individual Prime Minister. His political make-up not only influences his choice of policies and programmes but also the extent to which he exercises his power.

1. *The Tunku Abdul Rahman Administration (1957-1971)*

Tunku Abdul Rahman, the first Prime Minister of Malaysia, was a prince of the Kedah Sultanate.⁵ He was the single person most responsible for Malaya's Interdependence. The Tunku's style and approach to governance dominated the Alliance coalition government in the post-colonial period.⁶ Instead of the politics of retribution and compartmentalization, Tunku Abdul Rahman initiated the politics of communal accommodation. With some exceptions he had resisted the temptation and pressure to make special concessions to his Malay supporters, and other ethnic groups as "the vanquished". Instead, the Alliance coalition government in 1957 granted, in principle at least, fairly important Cabinet seats and senior positions in the state apparatus to political allies: the Malayan (later Malaysian) Chinese Association (MCA) - the

4 R.S. Milne and Diane K. Mauzy, *Malaysia: Tradition, Modernity, and Islam*, Boulder, Colorado: Westview Press, 1986, p. 119.

5 Harry Miller, *Prince and Premier: A Biography of Tunku Abdul Rahman Putra*, Singapore: Eastern Universities Press, 1982, p. 13. See also Willard Hanna, *Eight Nation-makers: Southeast Asia's Charismatic Statesmen*, New York: St. Martin's Press, 1964.

6 The Alliance party, formed in 1957, comprised the United Malays National Organization (UMNO), the Malayan (later Malaysian) Chinese Association (MCA), and the Malayan (later Malaysian) Indians Congress (MIC). In 1974, Tun Razak replaced it with the National Front (*Barisan Nasional*) which consisted of nine parties, inclusive of the original three.

Chinese political party in the Alliance coalition government - leadership was given the Ministries of Finance, Labour and Social Welfare, and Commerce and Industry, and the Malayan (later Malaysian) Indian Congress (MIC), the Ministry of Health.

In effect, the Tunku's personality facilitated the process of consensus and compromise. Once he became the Prime Minister the Tunku attempted to chart a course of development in which a balance was struck among diverse and competing interests. In this regard, the sentiment which bound old political comrades together, (something which is lacking in the post-Tunku period) was extremely significant for the functioning of the Malaysian Cabinet system.⁷

The Tunku was deposed after the racial riots of 13 May 1969. He was severely criticized by a group of "ultras" led by Dr. Mahathir Mohamed and Datuk Musa Hitam. The major criticism against the Tunku was that he had betrayed the Malay race by giving in too much to the Chinese. As Mahathir, while in political wilderness, put it: "The Malays were disenchanted because in their eyes the Government continually favoured the Chinese and failed to correct the real imbalance in the wealth and progress of the races."⁸ He was extremely critical of the Tunku's style of governance. While the Tunku was successful in expelling Mahathir from the UMNO, he could not secure his own position as Prime Minister and resigned in 1970. The taking over of the executive office by a new group constituted a "coup d'etat" of radical UMNO politicians, according to one observer.⁹

2. *The Razak Administration (1970-1974)*

Tun Abdul Razak succeeded the Tunku as Prime Minister in 1970 after the 13 May racial riots in the capital. Razak, like the Tunku, had an aristocratic background. His father was a member of the Pahang aristocratic family. As a young man, he went to Cambridge University to study law. It was during this period that he began a life-long association with Tunku Abdul Rahman. When he returned to Malaya, Razak en-

7 See Ho Khai Leong, "Indigenizing the State: The New Economic Policy and the Bumiputera State in Peninsula Malaysia," Ph. D. dissertation, Ohio State University, 1988, p. 82.

8 Mahathir Mohamad, *The Malay Dilemma*, Kuala Lumpur: Federal Publications, 1970, p. 13.

9 Subky Latiff, "U.M.N.O. - 30 Years," *Southeast Asian Affairs*, 1977.

tered the civil service and politics. He held the post of Deputy President of the UMNO from August 1951 until he became Malaysia's second Prime Minister on 23 January 1970.

Tun Razak's management style, however, was markedly different from the Tunku's. While the Tunku was paternal and personal in his approach, Razak relied more on bureaucratic and organizational mechanisms to get the job done. The setting up of the National Operations Council (NOC) - of which he was the Chief Executive - during the suspension of Parliament in the months immediately after the 1969 riots, was definitely a Razak move. The establishment and the elevation of the National Operations Room as a policy analysis unit during his administration is another. He was described by a veteran political scientist as "one of Asia's most dynamic development politicians and Malaysia's superadministrator."¹⁰

Specifically, Razak was best remembered as a policy innovator and implementor of policies in favor of the Bumiputeras.¹¹ Before he became Prime Minister he was already a pioneer in rural development in the 50s. As Education Minister he wrote the famous "Razak Report", which advocated the national education policy through a unified, single education system. However, Razak's most important legacy is the New Economic Policy (NEP), the cornerstone of economic and political development in the country.¹²

3. The Hussein Onn Administration (1976-1981)

When Tun Razak died suddenly in 1976, there was a succession crisis in the country, since Razak himself had not actively cultivated a successor. Tun Hussein Onn, as Deputy Prime Minister, assumed the office of Prime Minister reluctantly as he was a relative newcomer to UMNO

10 Milton Esman, *Administration and Development in Malaysia*, Ithaca: Cornell University Press, 1972, p. 9.

11 The word "Bumiputera" literally means "son of the soil", referring to the country's aboriginals, the natives of Sabah and Sarawak, and the Malays. But since the implementation of the New Economic Policy in 1971, its meaning has been narrowed to denote exclusively the Malays.

12 The New Economic Policy (NEP) was promulgated in 1971 with the "over-riding objective of national unity". Its major objectives were "to reduce and eventually eradicate poverty, by raising income levels and increasing employment opportunities for all Malaysians, irrespective of race." *Second Malaysia Plan*, Kuala Lumpur: the Government Press, 1971, p. 1.

politics. Many cynics thought that he would only be a caretaker prime minister. In many ways, Hussein Onn proved them wrong.

Hussein Onn was the son of the venerable Malay politician, Datuk Onn bin Ja'afar, who was one of the founding fathers and first President of the UMNO. Together with his father, he was expelled from the UMNO in 1951 when the elder Onn proposed that the UMNO include other ethnic groups as members. Hussein Onn left for England to study law at Lincoln's Inn. In 1968, after his studies, he was persuaded by Razak, who was his brother-in-law, to rejoin the UMNO. That move propelled him into national prominence and subsequently he was nominated as a member of the Executive Committee of the UMNO in June 1969. He became the Minister of Education in Tun Razak's first Cabinet.

Hussein Onn's administration was characterized by moderate and middle-of-the-road policies. As one Opposition leader put it: "There was absolutely no suspicion about him being extreme in any way and this is very important in a multi-racial country."¹³ He implemented many of the policies which had already been passed. A shy, retiring man, he shunned the media. He was also known for his cautiousness and slowness in coming to a decision. His efforts to minimize political confrontation over the controversial issues on his agenda through cautious public statements and time-consuming consultation, led some to accuse him of indecision and ambiguity. His approach was painstaking and even timid. In general, he maintained a lower profile than his predecessors.

Although Hussein Onn's management of the premiership was consistent with that image, it sometimes proved to be otherwise. One of his first and most crucial decisions was the choice of Datuk Seri Dr. Mahathir Mohamad as his Deputy. The decision provoked unease in the component parties in the Barisan Nasional coalition government. There were objections from the old guard in the UMNO who had expected Ghafar Baba, an experienced old timer with wide grassroots support in the party, to be appointed instead. Another decisive move was his decision, just three months after he became Prime Minister, to prosecute the Selangor Menteri Besar Datuk Harun Idris, a powerful Malay politician, for corruption and criminal breach of trust.

While there were dictatorial trends during his reign, such as the 1981 amendment of the Constitution, which allowed the paramount rulers of

13 A statement made by DAP Vice-Chairman Karpal Singh. *The New Straits Times*, 17 May 1981.

the Federation to declare a state of emergency in case of an "imminent" rather than actual threat to national security or to public order and peace, the Hussein Onn administration lacked any significant policy innovations. In May 1981, he announced his intention to step down and not to stand for reelection as President of the UMNO, citing his ill health as the main reason.

4. The Mahathir Administration (1981-)

Datuk Seri Dr. Mahathir Mohamad was sworn in as Malaysia's fourth Prime Minister on 1 July 1981. His ascendance to power was miraculous. He had been expelled from the UMNO in 1969, but after his readmission to the party he was elected member of its Supreme Council. In 1973, he was made a senator and, a year later, the Education Minister in the Razak administration. In June 1981, Mahathir, then Deputy President of the UMNO and Deputy Prime Minister and Hussein Onn's choice as successor, was elected unopposed by the UMNO General Assembly as its new President. His ascension to the position of Prime Minister was greeted with apprehension by certain quarters, especially by the non-Malay community, because he was perceived as a Malay chauvinist.

In terms of education and outlook, Mahathir differed greatly from his predecessors. Unlike Tunku Abdul Rahman, Tun Razak and Tun Hussein Onn, Mahathir, a medical practitioner by training, had few ties with the traditional Malay elite. His political career since his early youth had been shaped through the UMNO in the post-Independence years, and his political outlook therefore displayed traits of anti-colonialism.

When Mahathir took over the premiership, he appointed Datuk Musa Hitam, another outspoken critic of the Tunku, as Deputy Prime Minister. The "2-M" administration, as it was popularly dubbed, assumed power with a great deal of reformist zeal. While the Hussein Onn administration showed itself to be cautious, circumspect and at times hesitant, the "2-M" administration started off with unprecedented vigour.

The Mahathir administration may be divided into two periods. The first period began in 1981 and ended in 1984. The mood of the administration during this period was captured in the slogan "Clean, Efficient and Trustworthy Government" used during the 1982 general elections. Among other things, the Mahathir administration tried to scrutinize mismanaged and unprofitable government-owned Bumiputera enter-

prises, to stamp out corruption from the public sector, to improve efficiency, and to curb political infighting at the federal and state levels.¹⁴

In the second period after 1985, Mahathir's performance was more controversial. His administration was rocked with allegations of corruption in the government, political infighting in the UMNO, and the abuse of executive power against dissenting Oppositions within and without the Barisan Nasional.

The preceding discussion of the background and personality of four prime ministers leads to the question of the exercise of power - one of the most keenly debated subjects in the study of the Prime Minister's office. In the following sections I will attempt to provide evidence for the aggrandizement of prime ministerial power.

Transformation of the Prime Minister's Department

The Prime Minister's Department (PMD) is the chief government ministry at the federal level. It constitutes the heart of the executive-bureaucratic arena of the Malaysian polity and hence of the day-to-day policy process of government. The *raison d'être* of the department is to serve the Prime Minister in discharging his responsibilities - as leader of the Malaysian people, as head of the government and of the administration, as chief spokesman within the *Dewan Rakyat*, as leader of the UMNO. His office, and in this case the Prime Minister's Department, reflects, in large measure, his priorities, thinking, personality and style.

The department came into existence in July 1957 with the dissolution of the former Chief Secretary's Office and the Office of the Secretary to the Government. The original department consisted of only three sections, namely, the Cabinet and Constitution Section, the Security and Intelligence Section and the Secretariat of the Economic Adviser. In November 1961 the Security and Intelligence Section had been incorporated into the Ministry of Internal Security (subsequently the Ministry for Home Affairs). By 1967, the Prime Minister's Department had expanded considerably. It consisted of thirteen sections.¹⁵

14 The best assessment of the Mahathir administration of this period is by Diane Mauzy and R.S. Milne, "The Mahathir Administration in Malaysia: Discipline Through Islam," *Pacific Affairs*, vol. 56, no. 4, Winter 1983/84.

15 These are: Cabinet and Constitution Division, the Administration and Finance Division, the Ceremonial Division, the Research Division, the Economic Planning Unit, the Federal Translation Bureau, the Accommodation Office, the Malaysia Af-

Two points need to be made here. During the independence period, the most immediate concerns of the leadership were the Communist threat and the Malayization of the bureaucracy. Thus the department had division that looked into these matters. By the late 60s, in addition to these concerns, the functions of the department had expanded to the area of economic development. The Economic Planning Unit was re-organized and expanded in 1957 following a visit by a World Bank team. This unit took on particular significance in the following years as it was responsible for drafting all the Five-Year development plans for the country.

The PMD today is much bigger and more specialized in terms of organization and staff personnel. In 1990/91 it had forty-eight divisions/units/branches under its jurisdiction.¹⁶ A significant portion of the resources of the Prime Minister's Department is concentrated on planning, formulation, coordination, and implementation of economic policies. For such purposes, the following agencies exist: Economic Planning Unit (EPU), Implementation, Coordination and Development Administration Unit (ICDAU), General Planning Unit (GPU), Policy Centre, Public Service Department (PSD). All these agencies are relatively independent and they "operate with a varying degree of autonomy."¹⁷

In summarizing the development of the Prime Minister's Department during the last two decades, a number of issues emerge very clearly. Firstly, there has been an unavoidable increase in service support functions resulting from unparalleled demands on the Prime Minister's time and energy. Secondly, there has been a deliberate increase in bureaucratic functions resulting from a desire on the part of the Prime Minister to install more effective administrative control over the formulation and

fairs Division, the Office of the Special Commission on Salaries, the Actuarial Section, the Malaysian Centre for Development Studies, the Development Administration Unit, and the Psychological Warfare Section.

- 16 They are: (I) Divisions: 1. Administrative and Financial, 2. Cabinet, 3. Development of Federal Territory, 4. Islamic Affairs, 5. Management of Government Buildings; (II) Units: 1. Economic Planning Unit (EPU), 2. Implementation and Coordination Unit. 3. Malaysian Administrative Modernization and Manpower Unit (MAMPU); (III) Other Miscellaneous Bodies: 1. Advisory Board, 2. Atomic Energy Licensing Board, 3. Klang Valley Planning Secretariat, 4. Islamic Centre, 5. Malaysian Micro-Electronic Systems Institute, 6. National Population and Family Development Board, 7. National Security Council, 8. Protocol Bureau, 9. Public Complaints Bureau.
- 17 Elyas Omar, "Policy Analysis and Development in Malaysia," in: *Policy Analysis and Development* Part 1. Kuala Lumpur: Asian Centre for Development Administration, 1974, p. 217.

implementation of national policies. Thirdly, there has been a shift in emphasis from security concerns to economic development concerns. Finally, the department serves the interests of the Prime Minister more than anything else. The department, like the civil service, is staffed only with Malay bureaucrats of Malay descent who have served the government for a long time.¹⁸

Relationship Between the Prime Minister and Other Institutions

1. *The Prime Minister and the Cabinet*

As the head of the Cabinet, the Prime Minister's routine functions include summoning meetings of the Cabinet, finalizing its agenda and acting as its Chairman. The Cabinet, including its head, is "collectively responsible" for the direction, co-ordination and supervision of the business of government and its administrative organization. Normally, however, it is the Prime Minister who determines policy decisions and the broad manner in which they are to be executed. His power to appoint various governmental and political functionaries is exercised in the name of the government and tends to grant him wide opportunities for patronage.

The relationship between the Prime Minister and the Cabinet has changed tremendously. This has largely to do with the different management styles and personalities of the prime ministers. For Tunku Abdul Rahman, the Cabinet was a discussion forum for policy matters.¹⁹ By contrast, under the Mahathir administration, the Cabinet is no longer used as a forum, but rather as a rubber-stamp institution that gives legitimacy to government policies. Admittedly, there were policy issues in which exchange and negotiation between ethnic leaders were still quite extensive. Equally obviously, when there was strong elite consensus in the Barisan Nasional on issues considered a threaten to their respective

18 In fact, there are no non-Malays in the top hierarchy in the department. See Lim Fung Chee, "The Public Service - Whither the Balance," in: *The Malaysian Chinese. Towards National Unity*, Eastern Universities Press, 1982.

19 Gordon Means wrote: "Tunku Abdul Rahman, while he was Prime Minister, used the institution of the Cabinet and the Alliance National Council to facilitate candid political exchanges and fairly free multilateral discussion of policy alternatives." Gordon Means, *Malaysian Politics. The Second Generation*, Kuala Lumpur: Oxford University Press, 1991, p. 284.

positions and credibility, bargaining behind closed doors in the Cabinet - dubbed by politicians as "the proper channels" - was still common. Nonetheless, the bulk of the issues dealing with ethnic configurations were resolved through a process of *Bumiputera* (Malay) domination. Bargaining in the Cabinet, to the extent that it is meaningful, occurred only around the edges of the issues involved.

This is related to the ethnic composition of the Cabinet, in which Chinese-based political parties were under-represented.²⁰ The MCA has claimed that the decline in the number of cabinet positions had made it ineffective in voicing the Chinese demands to the government.²¹ While maintaining that Cabinet representation is the "basis of political power", the party further stressed that the key ministries were occupied by the UMNO, and that such a situation has eroded the bargaining power of the MCA.

Apart from ethnic politics, the line-up and composition of the Cabinet also provides some indications for the policy directions of the new Prime Minister. For example, Tun Razak made changes in his cabinet line-up to reflect the transition to a "New Order". When he succeeded the Tunku in 1970, Razak brought along with him newcomers and dismissed all the Tunku's men except one. In subsequent reshuffles, more changes were made and the 1974 reshuffle completed the gradual phasing out of the "old guard". Razak's Cabinet comprised the new breed of young Malay politicians who were ready to confront the non-Malays. Mahathir, who had been expelled from the UMNO in 1969, was now appointed the Education Minister, and Datuk Musa Hitam, who had been removed from official position because of his loyalty to the Tunku, was now appointed Minister of Primary Industries.

Structurally, the number of ministries has also gradually expanded. Many of the new ministries were formed to help Bumiputeras. For example, in 1974, the Ministry of Coordination of Public Corporations - renamed Ministry of Public Enterprises in 1976 - was created to complement the implementation of the New Economic Policy. In other cases, new ministerial posts were symbolic rather than substantial. For example, the Minister for Sarawak (or Sabah) Affairs was an *ad hoc*

20 Michael Yeoh Oon Kheng, "The Politics of Under-Representation," in: *Malaysian Chinese*, Kuala Lumpur: Eastern Universities Press, 1984.

21 Yeoh, "The Politics of Under-Representation."

creation to placate politicians. At one point, Mahathir even use Cabinet positions to coopt his political rivals.²²

2. The Prime Minister and the Parliament

Besides the Cabinet, the Malaysian Parliament interacts with and influences the Prime Minister to the extent that it acts as a semaphore of public opinion and the people at large. The Malaysian Parliament, however, in the context of *Barisan Nasional*-dominance, has obvious limitations in addition to those imposed by party discipline and whips.²³ In general it has not had the effect of modifying policies and their execution to the extent the prevailing political climate of public opinion demanded.

This is reflected by the fact that since 1959, the coalition BN government has had at least a two-thirds majority, which enabled it to amend the Constitution to its liking. At best, Parliament was used by the Opposition members to raise issues that affect the nation and to hold government accountable for its policies. It has been used more as a debating forum than a policy-making institution. In short the Opposition's influence on the policies of the government has been marginal, while the Prime Minister occupied a paramount position in Parliament.

Many of the first-generation elites, like Tunku Abdul Rahman, were determined to make Parliament work,²⁴ but as the government learnt the use of power, it began to display an inclination for the form rather than the substance of parliamentary democracy. Bills initiated by the government have never been defeated.²⁵ In that regard Parliament has

22 In 1988, Mahathir offered Cabinet positions as Ministers without Portfolio to former Trade and Industry Minister Razaleigh Hamzah and former Deputy Prime Minister Datuk Musa Hitam after both of them broke rank with him.

23 As Esman commented: "Through centralized party control and strict party discipline, reinforced by respect and deference for authority, Parliament has been weak and manipulated by the senior political leadership." See Esman, *Administration and Development in Malaysia*, p. 64.

24 Tan Chee Khoon, an Opposition leader in the 50s and 60s, once hailed the Tunku as a "parliamentarian." See Tan Chee Khoon, "The Tunku and His Role in Post-War Malaya," in: Democratic Action Party, *National Day Celebration*, Petaling Jaya: DAP, 1985.

25 Michael Ong, "Government and Opposition in Parliament: The Rules of the Game," in: Zakaria Haji Ahmad (ed.), *Government and Politics of Malaysia*, Kuala Lumpur: Oxford University Press, 1987.

been used by the executive to direct policies and to suppress Opposition within the Malaysian polity.

In general, the Prime Minister and his government are in absolute control of Parliament and the legislative process. Prime ministerial supremacy in Parliament is without question. Since the ascendancy of Mahathir, this position has become more evident. While the opposition respected the Tunku, Hussein Onn, and even Razak, there has been a marked lack of warmth and affection for Mahathir. His disregard of Parliament, when he often made important policy statements outside the house, has further burdened the relationship between the government and Parliament.

3. *The Prime Minister and the Judiciary*

The judiciary in Malaysia has been relatively independent of political interference. Such judicial independence and integrity were secured in part by the constitutional provisions governing the appointment, removal and remuneration of judges. The relationship between the judiciary and the executive has not been controversial as the three earlier prime ministers showed respect for an independent judiciary.

However, no Prime Minister has challenged the independence of the judiciary more than Mahathir. Since political divisions began to emerge in the UMNO, political factions have resorted to legal action to strengthen their positions, and Mahathir have sought to define more limited roles for the judiciary vis-à-vis the executive.²⁶ From 1986 onwards, he began to verbally assault the Court frequently after a number of cases were decided by it against the government and UMNO. The tension between the executive and the judiciary quickly escalated and reached its climax when the Lord President, Tun Mohamed Salleh Abas, the head of the Malaysian Supreme Court, was sacked.

In May 1988, Tun Salleh Abas was suspended by the King on the advice of the Prime Minister. A number of allegations were brought against him and a tribunal, as provided for in the Constitution, was established to inquire into his alleged "misconduct". The tribunal found the Lord President guilty and he was dismissed from office on 8 August 1988. At the same time, the Acting Lord President advised the King to suspend

26 John Funston, "Challenge and Response in Malaysia: The UMNO Crises and the Mahathir Style," *Pacific Review*, vol. 1, no. 4, 1988, pp. 363-373.

five other Supreme Court judges (two were later dismissed) who had come to Tun Salleh's defence.²⁷

The suspension of the five Supreme Court judges and the sacking of Tun Salleh represented a watershed in Malaysia's legal history. This episode called into question the role of the executive vis-à-vis the judiciary. It was also a clear instance of the aggrandizement of prime ministerial power. On the whole, this had an adverse impact upon Malaysian society as far as Mahathir's leadership is concerned. The Johor Bahru by-election in 1988 was won by a candidate who had campaigned against Mahathir on this particular issue.

4. *The Prime Minister and the Constitutional Monarch*

The relationship between the first three prime ministers and their constitutional monarch, the *Yang di-Pertuan Agung*, was quite cordial. For one thing, the prime ministers themselves had come from aristocratic families. It was only during the Mahathir administration that differences emerged. This period saw the tensions between prime ministerial power vis-à-vis the constitutional rights of the monarch become a major issue.

The Constitutional crisis of 1983 was at the heart of the tension. In August of that year, Mahathir introduced a constitutional amendment bill that contained changes in 22 clauses of the Constitution which, according to him, were strictly a matter of administrative procedures "consequential and aimed at exploring and dispelling doubts to do with certain procedures." The public was kept in the dark as to what these "certain procedures" were; these in fact concerned the constitutional rights of the *Yang di-Pertuan Agung*.²⁸ After the bill was passed in Parliament, the monarch refused to sign it. While Mahathir tried hard to mobilise support to push through the amendments, the rulers were

27 For a personal account of the tribunal, see Tun Salleh Abas, *The Role of the Independent Judiciary*, Malaysia: Percetakan A-Z Sdn. Bhd., 1989.

28 Clause 12 sought to amend Article 66 (5) of the Constitution which stated that a bill shall become law on receiving the royal assent after it has passed both Houses of Parliament. The amendment provided that: "If for any reason whatsoever, the Bill is not assented to within 15 days of the Bill being presented to the Yang di-Pertuan Agung, he shall be deemed to have assented to the Bill and the Bill shall accordingly become law." Clause 21 required that the state constitutions be amended to reflect the Federal Constitution. Clause 20 sought to amend Article 150 of the Constitution by giving power to the Prime Minister - and not the Yang di-Pertuan Agung - to declare a state of emergency.

steadfast in their position, holding the Conference of Rulers to decide against the amendments. The Prime Minister finally gave in and tried to work out a compromise. A large part of the original Constitution was then retained.²⁹

The constitutional crisis had at least two effects. Firstly, it had contaminated the cordial relationship between the office of the Prime Minister and the constitutional monarch. Secondly, it had caused confusion and schism among the Malay community. While the outcome of the crisis did not in any way strengthen Mahathir's position as Prime Minister, it heightened the tension between these two important institutions in the country.

5. The Prime Minister and the Party

The Prime Minister of Malaysia is also the President of the UMNO. His relationship with his own party is therefore of utmost importance for his survival since it involves the question of succession and legitimacy. The person who becomes the President of the UMNO will inevitably become Prime Minister. It is this power stake that made the UMNO a centre of factional fighting ever since its conception in 1945.

Tunku Abdul Rahman's position in the UMNO when he was Prime Minister was initially never questioned. As a Nationalist, he was more or less in tune with the general mood of Malay society during the 40s and 50s. Rural Malays accepted him as the person who would best maintain the continuity between traditional Malay rule and the modern political institutions of the post-Independence period. Many young Malay politicians, however, including Mahathir, were extremely critical of the Tunku. When Tun Razak took over the premiership, the old and the new factions of the UMNO were engaged in a constant power tussle. Razak's ascendancy in a way exacerbated the disunity within the UMNO. He acted quickly to remove the so-called "semi-feudal establishment" of the

29 Article 150 of the Constitution was retained – the Prime Minister will not be the sole arbiter as to when a state of emergency could be declared. Also, the amended bill allowed the King to express disagreement with a bill and to send the bill back to Parliament. If the bill was then carried with a two-third majority or more, it would be presented to the King for a second time and would automatically become law after 30 days.

Tunku's government. In the process he alienated the old veterans.³⁰ As for Hussein Onn, his position in the party was not secured until the UMNO General Assembly in 1978.

Mahathir's relationship with the UMNO is the most tumultuous and turbulent of all of the four prime ministers. Divisions within the UMNO during Mahathir's premiership became deep and irreconcilable. In March 1987, Trade and Industry Minister, Tunku Razaleigh Hamzah, mounted a bitter, unprecedented challenge to Mahathir's party leadership. Although Mahathir won, the tradition of unchallenged UMNO leadership was broken. Followers of Razaleigh continued to torment the UMNO by filing suits against it. In early 1988, they challenged Mahathir in court, claiming that the UMNO election was improperly conducted according to the provisions in the Societies Amendment Act. To the surprise of everybody, the court sided with the followers of Razaleigh, and declared the UMNO illegal. Mahathir quickly reorganized and registered his political party, and renamed it the UMNO Baru (New UMNO).³¹

Another major development during the Mahathir years is "money politics", in which wealth was used to "buy" important party posts. In addition, the ascendancy of Malay politician-businessmen as an influential policy-making group made the system more and more open to political patronage by the chief executive.³² The rise of a Bumiputera politico-business class is particularly important in the articulation of class-based pro-Bumiputera policies.³³ It is argued that, because of this particular phenomenon in the Malaysian polity, the New Economic Policy would continue in one way or another.³⁴

Conclusion

There are several conclusions that we can draw from the preceding discussion. Firstly, Malaysia's Prime Minister's Department has developed a distinct style of its own, partly because of the changes in the

30 These men who had grown up politically with the Tunku were Datuk Senu, Khir Johari, Ghazali Jawi and Tun Haji Sardon.

31 A.B. Shamsul, "The 'Battle Royal': The UMNO Elections of 1987," *Southeast Asian Affairs, 1988*, Singapore: Institute of Southeast Asian Affairs, 1988, pp. 170-88.

32 Edmund Gomez, *Politics in Business: UMNO's Corporate Investments*, Kuala Lumpur: FORUM, 1990.

33 Ho, "Indigenizing the State," pp. 275-280.

34 Ho, "Indigenizing the State," pp. 340-347.

socio-economic condition of the country and partly because of the personalities of the incumbent. Secondly, the present office of Prime Minister is a matrix of autocracy. The constitutional processes and institutions that act as checks to prevent the Prime Minister from gaining dictatorial control over the nation are incapable of functioning effectively. The Prime Minister has attempted to wrest more power, and in most cases he has succeeded. Under Mahathir, authority has shifted more toward the overtly political Prime Minister's Department.

The status and powers of the Prime Minister in Malaysia have gradually changed over the years from Tunku Abdul Rahman to Mahathir Mohamad. It can be said that just as Razak's premiership marked a new era compared with the Tunku's, Mahathir's premiership, in turn, has marked a greater change in terms of the aggrandizement of prime ministerial power.