

Malaysian Studies 3

CONSTITUTION: SPECIAL PROVISIONS

Outline

- National Language
- Religion
- Fundamental Liberties
- Article 153
- Citizenship

**WHAT IS THE NATIONAL
LANGUAGE IN MALAYSIA?**

National Language

- Most **important factor** in determining the **true identity** of a nation.
- **Malay language** has been the *lingua franca* since the **15th century** with the **Kingdom of Malacca**.
- **Malay Language** was made the **official language** of the country (Article 152 for official means).
- It is a **symbol of nationalism** and **unity of the country**

National Language

- The language issue **cannot be used by any parties or individuals** as a mean to attract votes.
- In other words, it **cannot be questioned or debated publicly.**
- One can be accused under the Sedition Act (Akta Hasutan) 1948

**WHAT IS THE OFFICIAL
RELIGION IN MALAYSIA?**

Religion

- **Islam** has been in **Malaya** since the **13th century** and **widely spread** during the time of **Melaka Sultanate**, and it **continued even when Malaya was colonized by British** from 1874 until it independence.
- **Article 3 (1)** of the **Constitution** clarifies that **Islam** is the **official religion in Malaysia** but **other religions** are allowed to be practiced in **peace and harmony** in any part of the federation.
- **Raja or sultan** is the **Head of Islamic Religion** in his state, while for **Melaka, Penang, Fed. Territory and Sabah and Sarawak** under the **YDPA**



Fundamental Liberties

a) Freedom of worship

- **Every person** has the **right to practice a religion**.
- However, the state and federal laws have the **rights to control and obstruct** any development of beliefs **other than Islam among the Muslims**.
- A **person under 18 can't be asked to participate in a religious ceremony** other than his own.
- A person **can't be asked to pay** whatsoever **tax other than for the used of his religion**.
- Groups of the same religion have the **rights to organize religious business** inclusive of setting up a foundation and owning property

Fundamental Liberties

b) Personal freedom

- A person **cannot have his life taken away** or his **freedom destroyed** except as required by the law.
- Has a **freedom to speak, to assemble and to form unions/associations**, and
- Freedom from **abuse of law, speak, assemble, to form unions, exile and restriction of movement**.
- **Freedom of worship**
- **Equal in education**
- **Right to own property**



Fundamental Liberties

c) Economic freedom

- Freedom from **slavery** and **forced labour**,
- Freedom to **own property**, and
- Freedom to **form associations**

Article 153

- ❖ Refers to :
 - ✓ the **rights of Malays**
 - ✓ the **position of indigenous people in Sabah and Sarawak**
 - ✓ The privilege such as on:
 - a. Education**
 - scholarship, assistance, specialties in course.
 - b. Civil service**
 - c. Economy**
 - license for business and trade, etc

Citizenship

- Special status held by the people who have the right to be in a country.
- Special **rights of a citizen**: -
 - a. To vote in election
 - b. Take part in politics
 - c. Post for citizens only
 - d. Free to own landed property
 - e. Benefits and facilities
 - f. Freedom of movement
 - g. Not to be exiled

Citizenship

- In return: -
 - i. National service
 - ii. Abide the laws
 - iii. Contribute to the productivity of the country
 - iv. Participate and support national programmes

Citizenship

❖ Ways of acquiring citizenship (Citizenship Rule 1964):

1. BY LAW

❖ 2 categories:

- a. **An Individual born BEFORE Malaysia day and become the citizen of the federation, will become a citizen automatically.**
 - i. When born, **both parents were citizen or permanent resident, OR**
 - ii. **Born outside the federation on or after the independence – the father must be a citizen and work under the federal government. After the birth, need to register at the Consulate office (within one year).**

Citizenship

- b. An individu born ON OR AFTER Malaysia day and become citizen of the federation based on certain provisions:**
 - i. Born in Malaysia**
 - mother or father must be a citizen or permanent resident.
 - ii. Born outside Malaysia**
 - Father must be a citizen or work for the government. Within a year the birth needs to register at the Consulate office.

Citizenship

2. REGISTRATION

a. **Through marriage**, the conditions are:

- i. If the husband is a **citizen in October 1962 or prior to that, and the marriage is still binding, OR**
- ii. The **foreign woman has lived in the Federation for two years before the application is made, has the intention to continue living in the Federation and is of good conduct**

Citizenship

- b. Others, registration can be made by:-
- i. A person **below 21 years** old whose parents are not necessarily citizens
 - ii. A person **born in the Federation before Independence Day.**
 - iii. A person who **was living in Sabah and Sarawak on Malaysia Day**

Citizenship

3. NATURALIZATION

- a. It is **open to foreigners** who are interested in becoming Malaysian citizens. Requirements:
- i. Aged **21 and above**, and
 - ii. Have **lived in the Federation for at least 10 out of 12 years from and up to the date of application**, and
 - iii. Have the **intention to live permanently** in the country, and
 - iv. Of **good conduct** and
 - v. Have **sufficient knowledge of the Malay language**

** oath of allegiance

Citizenship

4. TERRITORIAL MERGER

- The **easiest method** to acquire citizenship of the Federation.
- A merger between one or two areas to become a bigger country/nation.
- However, it still requires them to **register**.

Citizenship

❖ Loss of citizenship:

a. RENUNCIATION:

- 21 years old and above, **voluntarily surrenders** the citizenship.

b. REVOCATION:

- **Violated any laws and prohibited action** according to the following:
 - i. He has **become a citizen of another country**.
 - ii. He is **enjoying all the rights and facilities in another country**, whereas those rights are given only to the citizens of those countries, for example, he participates in the **foreign country's elections or possesses a foreign passport**.

Citizenship

- iii. A **woman** becomes the **citizen of a foreign country through marriage** with a man from the country concerned.
- iv. **Acts negatively** showing he is **no longer loyal** to Malaysia.
- v. Has **business or ties with a hostile country**.
- vi. Has been **sentenced in a state** within a **period of five years after becoming a citizen of the Federation**, with a jail sentence of not less than 23 month or fine not less than RM5,000,00.
- vii. Gives **services to another country without permission**

Citizenship

- viii. **Lives continuously for five years in a foreign country** unless he is on service with or on behalf of the Malaysian government.
- ix. The citizenship has been **falsely obtained**.
- x. A **foreign woman** who acquired her citizenship status through marriage, is **divorced from the husband, except** in the case of divorce where the **husband has passed away**.

*** Citizenship is a special status, not immune from any withdrawal

Thank You.