Journal of Emerging Legal Studies
Vol. 1 No. 1, pp. 58-74 | October 2026
DOI: https://doi.org/10.24191/jels.v1i1.1005

Contemporary Issues on Recalibrating the Constitutional Role of the Rulers in Malaysia's Legislative Process

Norazlina Abdul Aziz[1*], Muhammad Fikri Othman[2], & Rosa Ristawati[3]

[1,2]Faculty of Law, Universiti Teknologi MARA, Shah Alam, Selangor, Malaysia
[3]Faculty of Law, Universitas Airlangga, Surabaya, Indonesia
Email: [1]noraz397@uitm.edu.my, [2]muhammad300@uitm.edu.my, [3]rosarista.ocha@gmail.com

*Corresponding author

ARTICLE INFO

Article history:
Received : 12 September 2026
Accepted : 2 October 2026
Published : 30 October 2026

Keywords:
Yang di-Pertuan Agong
Royal Assent
Legislative Process
Constitutional Monarchy
Malaysian Law

Cite as :
Abdul Aziz, N., Othman, M. F., & Ristawati, R. (2026). Contemporary issues on recalibrating the constitutional role of the rulers in Malaysia's legislative process. *Journal of Emerging Legal Studies, 1*(1), 58–74. https://doi.org/10.24191/jels.v1i1.1005

ABSTRACT

The constitutional role of the Yang di-Pertuan Agong (YDPA) and the Conference of Rulers in Malaysia's legislative process reflects the complex interaction between constitutional monarchy, parliamentary democracy and constitutional supremacy. Although federal legislative authority is vested in Parliament under Article 44 of the Federal Constitution, Parliament constitutionally comprises the YDPA, the Dewan Negara and the Dewan Rakyat. The King therefore occupies a constitutionally recognised position within the legislative institution, although this role differs from the deliberative and voting functions performed by the two Houses. This article examines the historical and constitutional foundations of royal participation in Malaysia's legislative process, focusing particularly on Articles 38, 44, 55, 66 and 159 of the Federal Constitution. It considers the transformation of royal assent following the constitutional controversies of 1983–1984 and the constitutional amendments concerning royal immunity in 1993, which significantly influenced the constitutional relationship between the monarchy and elected institutions. The article further distinguishes the individual constitutional responsibilities of the YDPA from the collective functions of the Conference of Rulers, particularly concerning consultation and consent in legislative matters. Employing a doctrinal legal research approach, the study analyses relevant constitutional provisions, historical developments and contemporary constitutional practices to examine emerging issues surrounding the legislative powers of the YDPA and the State Rulers. It evaluates whether the existing constitutional framework provides sufficient clarity in preserving the appropriate institutional balance between the monarchy, legislature and executive within Malaysia's evolving constitutional democracy. The article concludes that greater procedural clarity is necessary to distinguish consultation from constitutionally required consent and to establish effective mechanisms for identifying proposed legislation affecting constitutionally protected royal interests, thereby strengthening constitutional compliance, institutional accountability and respect for constitutional supremacy.

1. INTRODUCTION

Malaysia's constitutional framework establishes a distinctive system of constitutional monarchy in which the Yang di-Pertuan Agong (YDPA) and the State Rulers occupy important positions within the legislative structure (Yang & Khalid, 2024). At the federal level, Article 44 of the Federal Constitution expressly places the YDPA as a component of Parliament alongside the Dewan Negara and Dewan Rakyat, while the State Constitutions similarly recognise the respective Rulers' roles in State legislative processes (Ang & Whiting, 2013). Although legislative authority is primarily exercised through elected legislatures, the Constitution assigns the Rulers several functions connected with law-making, including the summoning, prorogation and dissolution of legislatures, the opening of legislative sessions, and the process of royal assent to Bills (Azlan Shah, 1982; Faruqi, 2019a; Wan Husain, 2021).

Recent constitutional and political developments have, however, generated renewed debate over the nature and limits of these powers (Harding & Kumarasingham, 2022; Osman, 2025). Questions have emerged concerning the distinction between discretionary and non-discretionary functions, the effect of constitutional conventions, the requirement to act on advice, and the extent to which royal involvement may influence the legislative process (Abdul Aziz et al., 2024; Abdul Aziz & Ristawati, 2020; Abdul Razak & Wan Hasan, 2021; Mohamad Mangsor et al., 2021). The operation of Articles 40, 55 and 66 of the Federal Constitution is particularly significant in determining the constitutional boundaries between the monarchy, the executive and Parliament. These issues demonstrate that the Rulers' legislative role cannot be understood merely as ceremonial; rather, it forms part of a carefully structured constitutional arrangement designed to balance democratic government, constitutional monarchy and the rule of law.

Malaysia's constitutional system combines parliamentary democracy, federalism and constitutional monarchy within a written and supreme Constitution (Harding, 1996; Shah, 2022; Tan & Neo, 2023; Yang & Khalid, 2024). Parliament possesses extensive legislative authority, but that authority is neither unlimited nor legally independent of the Constitution. Article 44 of the Federal Constitution provides that the legislative authority of the Federation is vested in Parliament, which consists of the YDPA, Dewan Negara (Senate), and Dewan Rakyat (House of Representatives). Therefore, federal legislation is enacted through the constitutional participation of these three components. Under Article 74(1), Parliament may make laws with respect to matters enumerated in the Federal List (List I) and Concurrent List (List III) of the Ninth Schedule. The Federal Constitution establishes Parliament, allocates legislative powers between the Federation and the States, prescribes procedures for the enactment of legislation and protects certain constitutional provisions through special amendment requirements. This structure distinguishes Malaysia from a system based on unrestricted parliamentary sovereignty (Ali Mohamed & Ahmad, 2022; Yang & Khalid, 2024). Parliament is the principal democratic law-making institution, but its powers are exercised within a constitutional framework. The Constitution therefore performs two functions simultaneously: it authorises the exercise of legislative power and places legal limits upon that power (Md Yusof et al., 2020; Osman, 2025).

The historical development of this arrangement is closely connected to the constitutional position of the Malay Rulers (Ahmed et al., 2016; Azlan Shah, 1982). The Federation of Malaya Agreement 1948 provided an important institutional foundation for the federal constitutional system and recognised the Conference of Rulers as a significant constitutional body (Fernando, 2014; Stockwell, 2010). The constitutional settlement preceding independence retained the institution of the Rulers while establishing the office of the YDPA as the federal Head of State (Ahmed et al., 2016). The resulting system was influenced by the Westminster model but adapted to the political, historical and federal circumstances of Malaya (Abdul Aziz et al., 2024; Harding, 2022; Mohamad Mangsor et al., 2021).

The Reid Commission's work contributed to the development of the constitutional framework adopted at independence (Stockwell, 2010). Although the structure drew on Westminster traditions, Malaysia's Constitution did not reproduce the United Kingdom's model of parliamentary sovereignty (Fernando & Ling, 2015). Instead, it created a federal Parliament operating under a written constitutional instrument, with entrenched provisions, judicially enforceable limits and a constitutionally protected monarchy (Faruqi, 2019b). Parliament's own institutional history recognises the adoption of a parliamentary democracy influenced by the Westminster model, but the Malaysian

system must be understood in light of its written constitutional structure (Faruqi, 2019a; Harding & Kumarasingham, 2022). Article 44 is central to this analysis. It provides that the legislative authority of the Federation is vested in a Parliament consisting of the YDPA and two Houses, namely the Dewan Negara and the Dewan Rakyat (A Rahman, 2021). The King is therefore constitutionally included within Parliament. This does not mean, however, that the YDPA performs the same functions as members of either House. The Dewan Negara and Dewan Rakyat debate and vote on Bills, whereas the King performs distinct constitutional functions connected with the operation of Parliament and the enactment of legislation (Dzulkifli & Mohd Zameri, 2010; Jones, 1995).

Those functions include summoning and proroguing Parliament, dissolving Parliament in accordance with the Constitution, addressing Parliament and signifying assent to Bills (Dzulkifli & Mohd Zameri, 2010). Article 66 places the YDPA within the formal process by which federal Bills become law. Yet the practical significance of royal assent has changed substantially since independence (Wan Husain, 2021). The constitutional controversies of 1983–1984 resulted in important changes to the relationship between the executive, Parliament and the Rulers. The later amendment of Article 66 introduced a mechanism under which a Bill may become law after the expiry of a prescribed period even if assent has not been signified. The result is that the YDPA no longer possesses an effective indefinite veto over ordinary federal legislation. The current constitutional position is reflected in Article 66(4A), under which a Bill becomes law upon the expiry of thirty days if the constitutional requirements have otherwise been fulfilled. This development does not render the monarchy constitutionally irrelevant. Royal assent is only one aspect of the constitutional relationship between the Rulers and the legislative process. The Conference of Rulers performs separate functions, including the consent functions protected by Article 38(4). Article 159(5) also requires the consent of the Conference of Rulers for amendments affecting specified constitutional provisions (Harding & Kumarasingham, 2022; Wan Husain, 2021). These requirements raise important questions concerning the scope of constitutional entrenchment and the meaning of legislation that directly affects the privileges, position, honours or dignities of the Rulers.

This article examines three principal questions within the emerging issues on the legislative role of the ruler. First, what is the historical and constitutional basis for the involvement of the Rulers in Malaysia's legislative process? Secondly, how have the constitutional amendments relating to Article 66 altered the role of the YDPA in ordinary legislation? Thirdly, what substantive role remains for the Conference of Rulers where legislation affects specially protected constitutional arrangements?

2. LITERATURE REVIEW

The legislative role of the Malay Rulers—the nine hereditary State Rulers and the federal YDPA, elected from among them—occupies a distinctive place in comparative constitutional scholarship. Unlike the largely ceremonial monarchies of the Westminster tradition, the Malaysian monarchy retains discretionary constitutional functions, most visibly in the assent process, even as successive amendments have progressively narrowed royal room for maneuver (Harding, 2022; Neo, 2012; Osman, 2025). This review synthesises the academic and legal-commentary literature on how the Rulers' formal role in law-making has changed from the colonial period through the Merdeka settlement of 1957, the confrontations of 1983–84 and 1993–94, and the post-2003 resurgence of royal assertiveness. Three broad strands of scholarship are identified: constitutional-historical accounts tracing the monarchy's transformation from a locus of sovereign authority to a Westminster-style constitutional office; doctrinal legal analyses of the specific articles governing assent, veto and immunity; and socio-political accounts explaining why, despite this formal attenuation, the institution has retained and at times reasserted practical influence.

Literature broadly agreed that the legislative role of the Rulers cannot be understood without its pre-colonial and colonial antecedents. Scholarship on the Malacca Sultanate and subsequent Malay states treats the Ruler as the original repository of both executive and legislative sovereignty, with law-making authority exercised through royal decree and customary law (*adat*) rather than any separated legislature (Ahamat & Alias, 2018; Md Damiri et al., 2023). British intervention, beginning with the Residential System from 1874 and consolidated through the Federated and Unfederated Malay States, is described as the start of a long process by which sovereign prerogative was progressively confined

to religion and Malay custom while administrative and legislative power passed to British-advised councils (Fisher, 1984; Md Damiri et al., 2023; Milner, 2020; Samsudin et al., 2025; Sundara Raja, 2015). These studies frame this as a reconfiguration in which colonial authority effectively curtailed royal autonomy particularly in areas such as finance, legislation, and foreign policy, even as the monarchy retained symbolic authority as a cultural buffer preserving Malay-Muslim identity under colonial rule (Osman, 2025). This colonial-era compression set the template that the 1948 Federation of Malaya Agreement and, later, the Reid Commission would inherit. The scholars examining the Malay Monarchies in Constitutional and Social Conception argue that the monarchies survived decolonisation not because the Westminster template required a monarchy, but because their pre-colonial role and social embeddedness gave them a bargaining position at independence that pushed their constitutional powers beyond ordinary Westminster norms, a theme that recurs throughout the literature on later legislative reforms (Harding & Kumarasingham, 2022; Osman, 2025; Shah, 2022). The King's discretion also extended to appointing a Prime Minister likely to command majority support, withholding consent to a dissolution of Parliament, and proclaiming a state of emergency (Abdul Aziz et al., 2024; Abdul Aziz & Ristawati, 2020; Faruqi, 2020; Osman, 2025; Shah, 2022). The Malaysian Bar's practitioner-oriented overview of powers and functions of state rulers corroborates this account for the state level, noting that Article 71 and the Eighth Schedule entrench essential provisions in every state constitution, most significantly the general rule that Rulers act on advice except in relation to enumerated discretionary powers of which assent to state Bills was, at the outset, one of the more consequential (Abdul Aziz et al., 2024; Mohamad Mangsor et al., 2021; Samsudin et al., 2025). This body of literature therefore converges on a key finding that the Rulers' legislative role was not merely symbolic. Assent was a genuine (if narrowly circumscribed) discretionary power, embedding the monarchy as a potential check within the legislative process rather than a rubber stamp. This provides a starting point against which all subsequent amendments must be measured.

The most heavily documented episode in the literature is the 1983–84 crisis, treated as the decisive turning point in the legislative role of the Rulers. Multiple sources, ranging from the academic account (Jalil, 2007; Rawlings, 1986; Stockwell, 1988) to journalistic retrospectives, describe how the government tabled the Constitution (Amendment) Bill 1983, among whose provisions were amendments to Article 66 that would have deemed a Bill assented to if the YDPA failed to act within a stipulated period, together with a transfer of the emergency-proclamation power from the YDPA to the Prime Minister (Azmi, 2021; Harding, 2022; Sarwar & Ananth, 2016; Shah, 2022). The Malaysian Bar's historical account notes the Rulers' objection rested on Article 38(4), which required Conference of Rulers' consent for laws directly affecting Rulers' privileges, position, honours or dignities, a procedural safeguard the government was accused of bypassing (Foo & Tan, 2018). The literature is unanimous that the YDPA, backed by the Conference of Rulers, withheld assent, precipitating a prolonged public and behind-the-scenes confrontation. Accounts diverge slightly on the precise chronology and the government's tactics, but converge on the resolution, the Constitution (Amendment) Act 1984 compromise. This scenario is summarised in a writing by Wong and Yeoh (2026) on a legal commentary discussing the above episode as precedent, stating that the monarch's power has eventually been compromised, preserving a limited residual role for the YDPA in the legislative process (a time-bound power to return Bills with reasons) while explicitly tying the emergency power to Cabinet advice. Concretely, secondary sources (Abdul Razak & Wan Hasan, 2021; Samsudin et al., 2025) described the settled position as allowing the King to withhold assent and return a non-money Bill with objections for a period of about thirty days, after which, if Parliament repassed it, the King could delay a further period before the Bill became law regardless of assent, in other words, a delay rather than an absolute veto. Scholars such as Faruqi stated that the 1983–84 scenario falls within a broader pattern of humiliations of the monarchy that continued into the 1990s, framing it as the first of several deliberate legislative curtailments of royal prerogative (Ahmed et al., 2016; Faruqi, 2005; Harding & Kumarasingham, 2022).

A further wave of literature addresses the 1993 and 1994 amendments, generally treated as completing the process begun in 1983–84 by modifying the Rulers' personal legal immunity alongside further adjustments to the legislative-assent mechanism. Scholars describe the Constitution (Amendment) Act 1993 (Act A848), which removed the Rulers' absolute immunity from civil and

criminal proceedings, created a Special Court to try cases involving Rulers, and critically for the legislative dimension narrowed further the scope for a Ruler to obstruct legislation (Lee, 1993; Lee et al., 2019). Faruqi's (2019a) account notes that in 1994, Article 66 was amended yet again to enable Parliament to bypass the King in the legislative process if there was a delay or refusal of royal assent. The Malaysian Bar's overview similarly records the parallel amendment to the Eighth Schedule, which requires state constitutions to stipulate that a Ruler shall assent to a Bill within thirty days, failing which the Bill becomes law without the Ruler's assent. This provision effectively closed the avenue by which state-level royal assent could be withheld indefinitely, mirroring the federal-level reform to Article 66. Taken together, these amendments reinforced constitutional supremacy over traditional royal prerogatives (Cox, 2020). On this reading, the significance of the reforms extends well beyond the narrow question of legislative assent: the same logic of constitutional supremacy is understood to bear on matters of clemency under Article 42, curbing what had previously been regarded as a largely discretionary royal function. UM Consti Team (2025) discusses how the 1993 amendments altered the royal immunity framework under Articles 32(1) and 181(2), distinguishing proceedings involving the Rulers in their personal capacity from those concerning their official functions. Notably, the literature records that this round of amendments was itself contested on procedural-legitimacy grounds. Faruqi (2020), writing in an ISIS Malaysia commentary, reports arguments including that the 1993 amendment was enacted contrary to mandatory constitutional requirements, and proposes that the Federal Court's advisory jurisdiction under Article 130 could in principle be invoked to test its validity, an issue scholars note has never been definitively resolved. This strand of literature (Faruqi, 2005; Osman, 2025) is significant because it shows the debate over the Rulers' legislative role has persisted as a live question of constitutional legitimacy well beyond the 1990s, rather than being settled once and for all by the amendments themselves.

Read together, the doctrinal literature on Articles 66, 159 and the Eighth Schedule identifies a consistent trajectory: the Rulers' assent power moved from a genuine discretionary veto at independence, to a time-limited delaying power after 1984, to an effectively automatic royal assent after 1994, whereby a Bill becomes law upon expiry of a fixed period irrespective of the Ruler's action (Abdul Aziz et al., 2024; Faruqi, 2019b; Harding & Kumarasingham, 2022). In short, the 1983–1984 constitutional changes weakened the Rulers' ability to delay legislation. The constitutional framework was altered so that legislation could ultimately become law without royal assent, thereby limiting the monarch's capacity to operate as an effective legislative check on the executive and Parliament (Lee, 1993; Lee et al., 2019; Shah, 2022). The Malaysian Bar's practitioner literature corroborates this reading for the state level, while noting that residual and non-legislative discretionary powers (e.g., appointment of a Chief Minister where no clear majority exists, refusal of a dissolution request) remained largely untouched, a distinction the literature treats as important because it explains why the monarchy retained political relevance even after its legislative veto was effectively extinguished. A related strand of literature (Faruqi, 2019b) emphasises that Article 159 amendment requirements were tightened rather than loosened in tandem, Conference of Rulers' consent was extended in 1983–84 to cover a wider range of constitutional amendments than before, including some provisions unconnected to Malay special position. Scholars read this as a partial countervailing concession, the Rulers lost ordinary legislative leverage but gained an enhanced veto over specified categories of constitutional amendment, a nuance that complicates any simple narrative of one-directional royal decline.

A final and increasingly significant strand of the literature examines the apparent paradox between the formal attenuation of royal powers through successive constitutional amendments and the renewed political visibility of the Malaysian Rulers since the early 2000s. Faruqi (2020) provides an important contribution to this discussion, observing that following Mahathir Mohamad's resignation as Prime Minister in 2003, the monarchy, particularly at the State level, began to demonstrate a more assertive constitutional presence. This development became especially apparent in controversies concerning the appointment of Menteri Besar in Perak (2009-2010), Perlis (2018), Selangor (2014) and Terengganu (2008). These episodes suggest that the constitutional amendments limiting royal authority did not necessarily render the monarchy institutionally passive. Rather, they redirected the exercise of royal influence towards areas in which the Federal and State Constitutions continue to confer discretion upon the Rulers. The 2009 Perak constitutional crisis, in which the Sultan's discretionary determination

that the Chief Minister had lost majority confidence was ultimately upheld by the Federal Court, is treated across the literature including by Osman (2025) as the paradigmatic modern instance of this reassertion illustrating that although the legislative veto was extinguished by 1994, other discretionary powers of appointment and dissolution, never subject to the same amendments, have become the primary vehicle through which the monarchy exercises contemporary constitutional influence. This is an important qualification for any review focused narrowly on the legislative role: the literature suggests that royal influence over law-making proper has been formally minimised, while royal influence over the political process that produces legislative majorities has, if anything, grown more visible in the two decades following the 1993–94 settlement.

Broader literature supports a more nuanced interpretation of this development. Scholarship identifies an increasing willingness among the Rulers to invoke their constitutional responsibility in matters involving the appointment of the Prime Minister and the constitutional requirement to act on ministerial advice. Such developments should not necessarily be characterised as a restoration of the extensive royal authority associated with the period preceding the constitutional crises of the 1980s. Instead, these developments suggest an evolving conception of constitutional monarchy in which traditional royal authority operates within, and is increasingly expressed through, the principles and conventions of Westminster constitutionalism (Lee, 1993; Lee et al., 2019). In the post-2003 period, the formal reduction of the Rulers' legislative powers has coexisted with renewed political assertiveness, exercised through their remaining discretionary functions outside the legislative process. Scholars differ in their assessment of the overall effect of these reforms. Some argue that focusing solely on the formal reduction of royal powers understates the monarchy's continued social significance and its capacity to exercise influence through constitutional functions unaffected by the amendments of the 1980s and 1990s (Abdul Aziz et al., 2024; Faruqi, 2020; Osman, 2025; Shah, 2022). What is not contested is that the constitutional provisions concerning assent, amendment and royal immunity, namely Articles 66, 159, 181–183 and the Eighth Schedule, have been amended repeatedly and in one direction, toward reducing the Rulers' capacity to obstruct legislation, even as broader questions about the procedural legitimacy of some of these amendments (notably 1993) remain, in the literature's own assessment, unresolved.

3. METHODOLOGY

This study adopts a qualitative research design grounded primarily in doctrinal legal research, supplemented by an in-depth literature review, a normative approach, and content and thematic analysis, in order to examine the legislative powers of the Malaysian Rulers and the issues and challenges surrounding them. Doctrinal analysis is employed to systematically identify, describe, and interpret the relevant constitutional provisions (Hutchinson, 2025; Majeed et al., 2023), particularly those concerning royal assent, the Eighth Schedule, and related articles of the Federal Constitution, treating law as a coherent body of rules capable of close textual analysis (Varuhas, 2023). This is complemented by a literature review, conducted through structured searches of academic databases, journals, and institutional repositories using defined keywords, which maps existing scholarship, identifies gaps and unresolved debates, and situates the doctrinal findings within the broader body of constitutional law scholarship (Abdul Raof et al., 2025). A normative approach is further adopted to move beyond mere description of the law as it stands (Taekema, 2018), allowing the study to critically evaluate whether the existing constitutional framework adequately balances the institutional role of the Rulers as constitutional monarchs against the principles of parliamentary democracy and constitutional supremacy. Content and thematic analysis is used as the primary technique for organising and interpreting the material gathered (Abdul Raof et al., 2025), with content analysis applied to the text of the Federal Constitution, relevant statutes, and the Reid Commission Report, and thematic analysis applied to the literature to identify recurring themes such as constitutional supremacy over royal prerogative and institutional tension between the Rulers and the legislature. The analysis adopts a historically grounded approach that traces the evolution of the Rulers' legislative role from the pre-independence period, through the Reid Commission's recommendations and the drafting of the 1957 Federal Constitution, to the constitutional amendments of 1983 and 1993 to 1994 and present-day practice, thereby situating contemporary issues within their proper historical trajectory. Primary sources

relied upon include the Reid Commission Report, the Federal Constitution and its amendments, relevant statutes, and reported case law, while secondary sources comprise peer-reviewed journal articles, books, legal commentaries, and materials from online legal databases and professional bodies such as the Malaysian Bar. Data is analysed through an iterative process of textual reading, coding, and thematic categorisation, with constitutional provisions first examined on their own terms before being read against scholarly commentary and synthesised historically to address the study's central research questions. The study acknowledges that, as a qualitative doctrinal work, it relies solely on documentary sources rather than empirical data such as interviews (Abdul Raof et al., 2025).

4. FINDINGS AND DISCUSSION

The Reid Commission (1956–57) is consistently identified as the architect of the compromise that created the rotational, elective YDPA, a federal head of state chosen by and from the nine hereditary Rulers through the Conference of Rulers while preserving the individual Rulers' status in their respective states (Third Schedule, Federal Constitution; Rawlings, 1986; Stockwell, 2010). Analysis by Osman (2025) on "Democracy and the Constitutional Monarchy in Malaysia" describes this as an institutional innovation that affirmed both the individual sovereignty of Malay states and the symbolic unity of the federation, while explicitly locating the monarchy's post-independence position as more than merely ceremonial. Gillen (1994, p. 7) explains that the 1957 Constitution granted the King "the power of assent to legislation" and describes comparable discretion for the State Rulers. This historical arrangement provides a starting point for examining how subsequent constitutional developments reshaped the relationship between royal authority and elected government (Faruqi, 2020).

4.1 Constitutional and Historical Foundation

Malaysia's constitutional monarchy cannot be understood solely by reference to conventional descriptions of a ceremonial monarchy. The Federal Constitution assigns the YDPA specific constitutional functions and places the institution of the Rulers within the structure of the Federation (Abdul Aziz et al., 2024; Faruqi, 2019a; Harding, 1996; Harding & Kumarasingham, 2022). At the same time, those functions are limited by constitutional text, convention and the general principles of responsible government. The position is therefore neither one of personal rule nor one of complete ceremonial insignificance.

4.1.1 Constitutional Monarchy within a Written Constitution

The YDPA acts within a constitutional system in which executive authority is generally exercised on the advice of the Cabinet or a Minister acting under the authority of the Cabinet (Abdul Aziz et al., 2024; Faruqi, 2020; Fernando, 2014; Hickling, 1984). Article 40(1) (Federal Constitution) reflects this general principle while preserving certain areas of constitutional discretion. The King's role must consequently be analysed function by function rather than through a generalised assumption that the monarch is either politically dominant or entirely passive. The same approach is necessary when examining the legislative process. The Constitution includes the YDPA in Parliament (Faruqi, 2019a; Foo & Tan, 2018), but this inclusion does not transform the King into a third deliberative chamber. Instead, it recognises that the legislative institution includes both the parliamentary Houses and the Head of State, whose constitutional functions form part of the formal enactment process.

4.1.2 The Historical Role of the Rulers

The constitutional position of the Rulers predates the establishment of the modern federal Parliament. The Federation of Malaya Agreement 1948 placed the Malay States within a federal structure while preserving the constitutional position of the Rulers (Ahamat & Alias, 2018). The Conference of Rulers became an important institution through which the Rulers could exercise collective constitutional functions (Ahmed et al., 2016; Jones, 1995; Stockwell, 2010). The constitutional settlement of 1957 did not abolish this institutional role. Rather, it reorganised the relationship between the Rulers, the federal government and Parliament. The creation of the YDPA provided a federal Head of State, while the Conference of Rulers remained a separate collective body with constitutionally defined responsibilities (Abdul Aziz et al., 2023; Dzulkifli & Mohd Zameri, 2010;

Stockwell, 2010). This history matters because it demonstrates that the monarchy was not added to an otherwise complete parliamentary system as a merely ceremonial feature. The constitutional order was negotiated around the coexistence of representative government and the continuing institution of the Rulers. The legislative role of the monarchy must therefore be understood as part of the constitutional compromise through which the Federation was established.

4.1.3 The Composition of Parliament

Article 44 provides that the legislative authority of the Federation is vested in a Parliament consisting of the YDPA and two Houses (Federal Constitution). The provision has both institutional and conceptual significance. Institutionally, it confirms that the King is a constituent component of Parliament. Conceptually, it rejects the idea that Parliament consists only of the Dewan Rakyat and the Dewan Negara (Dzulkifli & Mohd Zameri, 2010). The King's inclusion reflects the constitutional principle that legislation requires more than deliberation and voting by the Houses; it also requires the formal participation of the Head of State in the manner prescribed by the Constitution. The provision should not, however, be read as conferring identical powers on all three constituents of Parliament. Members of the two Houses participate in legislative debate and voting. The YDPA does not ordinarily participate in parliamentary debate or vote on Bills (Yang & Khalid, 2024). His functions are instead associated with the constitutional operation of Parliament, including summoning, prorogation, dissolution, the Royal Address and royal assent. Article 44 therefore establishes an integrated but differentiated legislative institution. The King is constitutionally part of Parliament, but the nature of his participation is distinct from that of the elected and appointed members of the two Houses.

4.2 Royal Assent

4.2.1 Royal Assent as a Stage in Law-Making

Article 66 governs the exercise of federal legislative authority and the presentation of Bills to the YDPA. Following passage by both Houses, a Bill is presented to the King for assent. The King signifies assent by causing the Public Seal to be affixed to the Bill, after which it is published as law. Historically, royal assent was understood as the final constitutional stage separating a Bill passed by Parliament from an enacted law (Dzulkifli & Mohd Zameri, 2010). In a constitutional monarchy influenced by Westminster practice, the formal requirement of assent symbolised the participation of the Head of State in legislation. The legal and political consequences of withholding assent, however, depended upon the constitutional text and the conventions surrounding the office. Malaysia's constitutional experience demonstrates that the meaning of assent cannot be determined by historical analogy alone. The constitutional text has changed, and those changes have altered the legal consequences of refusal or delay.

4.2.2 The Constitutional Controversies of 1983–1984

The constitutional amendments of 1983 and 1984 represented a major turning point. The controversy concerned the extent to which the Rulers could delay or prevent the operation of legislation and the balance between the authority of the elected government and the constitutional position of the monarchy. The episode should not be reduced to a simple conflict between Parliament and the Rulers. It was instead a dispute over the allocation of constitutional authority and the procedures by which disagreements between institutions should be resolved. The subsequent amendments reflected negotiation and compromise, while also establishing a clearer framework for the treatment of Bills presented for royal assent. The broader importance of the episode lies in the way it exposed the constitutional tension between two principles. The first is that Parliament, as the representative legislative institution, must be capable of enacting laws necessary for public administration. The second is that the constitutional monarchy cannot be treated as a purely symbolic institution where the Constitution assigns it specific functions and protections. The amendments sought to accommodate both principles. They preserved the formal role of the YDPA while limiting the possibility that assent could be withheld indefinitely.

4.2.3 The Effect of Article 66(4A)

Article 66(4A) substantially limits the capacity of the YDPA to prevent an ordinary Bill from becoming law. If assent is not signified within the constitutionally specified period, the Bill becomes law upon the expiry of that period. The mechanism prevents legislative paralysis arising solely from the absence of affirmative assent. The practical consequence is that royal assent is no longer an unrestricted substantive veto. It remains a constitutionally prescribed stage in the enactment of legislation, but its absence cannot indefinitely defeat a Bill that has been passed in accordance with the constitutional requirements applicable to it. This does not mean that the formal process has become legally meaningless. Presentation of the Bill, the opportunity for assent and publication as law remain constitutionally significant. Nor does Article 66(4A) necessarily displace other constitutional requirements that operate independently of ordinary royal assent. In particular, a Bill may be subject to a separate requirement of Conference of Rulers' consent under Articles 38(4) or 159(5). Royal assent and Conference consent must therefore be analysed separately.

4.2.4 The Distinction between Assent and Consent

The distinction between royal assent and the consent of the Conference of Rulers is essential. Royal assent under Article 66 forms part of the ordinary federal legislative process. It applies to Bills presented to the YDPA after passage by the Houses. By contrast, the consent required under Article 38(4) concerns legislation that directly affects the privileges, position, honours or dignities of the Rulers (Abdul Aziz et al., 2023). Article 159(5) imposes a further consent requirement for constitutional amendments affecting specified provisions. These mechanisms serve different purposes. Royal assent relates to the formal enactment of a Bill. Conference consent operates as a special constitutional safeguard in relation to protected subject matter. The latter cannot automatically be treated as satisfied merely because a Bill has passed both Houses or has become law through the operation of Article 66(4A). This distinction also prevents an inaccurate description of the Conference of Rulers as possessing a general veto over legislation. The Conference's consent function is limited to matters falling within the constitutional provisions and subject-matter categories specified by the Constitution. It does not extend to ordinary legislation simply because that legislation has political importance or affects government policy.

4.3 The Conference of Rulers and Constitutional Entrenchment

4.3.1 The Privileges, Position, Honours or Dignities of the Rulers

Article 38(4) provides that no law directly affecting the privileges, position, honours or dignities of the Rulers may be passed without the consent of the Conference of Rulers (Stockwell, 2010). The provision protects the constitutional position of the Rulers while placing the protection within a defined legal framework. The phrase "directly affecting" is particularly important. It suggests that not every law with an incidental or indirect effect on the monarchy requires Conference consent. At the same time, the phrase should not be interpreted so narrowly that legislation can substantially alter a protected royal function merely because the alteration is expressed indirectly or through a general statutory scheme. A contextual approach is therefore necessary. The relevant inquiry should consider the substance and practical operation of the proposed legislation, its relationship to the constitutional position of the Rulers and whether it materially alters an attribute expressly protected by Article 38(4). The inquiry should focus on constitutional effect rather than legislative form.

4.3.2 Constitutional Amendment

Article 159 establishes the general procedure for constitutional amendment, including the requirement of a two-thirds majority in Parliament for specified amendments. Article 159(5) introduces an additional safeguard by requiring the consent of the Conference of Rulers before amendments affecting certain protected provisions may become law. The provision demonstrates that constitutional amendment is not always a matter of parliamentary arithmetic. Even a Bill supported by the required majority may be constitutionally incomplete if it fails to satisfy an additional consent requirement. Parliamentary majority and constitutional validity are related but distinct questions. Article 159(5) is therefore an important expression of constitutional entrenchment. It protects elements of the

constitutional settlement from alteration through ordinary political processes alone. The provision also confirms that the Conference of Rulers has a role that is distinct from the role of the YDPA in the ordinary assent process.

4.3.3 The Scope of Protected Royal Interests

The meaning of "privileges, position, honours or dignities" remains an important area of constitutional uncertainty. A narrow interpretation may allow legislation to change significant aspects of the monarchy without Conference consent, provided that the change is not expressed as a direct alteration of a protected privilege or position. An excessively broad interpretation, however, could require Conference consent for legislation that merely has political or administrative consequences for the Rulers (Abdul Aziz et al., 2023). The better approach is to interpret Article 38(4) in light of the Constitution as a whole. The provision should protect the essential constitutional attributes of the Rulers without converting the Conference into a general legislative chamber. A proposed law should trigger the consent requirement where it directly and materially alters the legal position, constitutional functions or protected status of the Rulers. This approach respects both constitutional monarchy and parliamentary democracy. It prevents indirect erosion of constitutionally protected arrangements while preserving Parliament's authority to legislate on matters falling within its ordinary constitutional competence.

4.4 The 1993 Amendments and Procedural Constitutionalism

The constitutional amendments relating to royal immunity in 1993 provide a further illustration of the importance of procedural constitutionalism. The amendments altered the legal position of the Rulers and introduced a framework involving the Special Court and related procedural safeguards. The significance of the episode extends beyond the question of immunity (Lee et al., 2019). It demonstrates that legislation affecting the monarchy must be assessed not only by reference to its substantive objective but also by reference to the procedures required by the Constitution. Where the Constitution requires additional consent or prescribes special institutional arrangements, those requirements cannot be replaced by ordinary parliamentary approval. The 1993 amendments also illustrate the need to distinguish constitutional accountability from ordinary political contestation. The removal or modification of immunity does not necessarily imply the abolition of the monarchy. Rather, it reflects an attempt to reconcile the constitutional status of the Rulers with principles of legal accountability and the rule of law. At the same time, any analysis of the 1993 amendments should remain attentive to the constitutional safeguards that accompanied the changes. The creation of a special procedure for proceedings involving the YDPA or a Ruler indicates that constitutional accountability may be structured differently from ordinary legal proceedings. The relevant question is not whether the Rulers are subject to law in the abstract, but how the Constitution defines the applicable legal process.

4.5 The Monarch's Wider Constitutional Role

4.5.1 Parliament, Dissolution and Political Uncertainty

The legislative role of the YDPA cannot be examined through Article 66 alone. The King's constitutional functions concerning the summoning, prorogation and dissolution of Parliament may become particularly important during periods of political uncertainty. Article 40(2)(b) recognises a discretionary element in relation to a request for the dissolution of Parliament. Article 43(2)(a) is also relevant where the appointment of a Prime Minister depends upon identifying the member of the Dewan Rakyat who is likely to command the confidence of the majority (Faruqi, 2020). These functions do not give the monarch general authority to determine public policy or to replace the political process. Their importance arises where ordinary political mechanisms do not produce an obvious constitutional answer. In such circumstances, the monarch may perform a stabilising function by ensuring that constitutional government continues in accordance with the Federal Constitution. The same principle applies to the formation of government following an election or a change in parliamentary support. The question is not whether the monarch should govern, but how the constitutional office should operate when political facts require constitutional judgment.

4.5.2 Constitutional Restraint

The stabilising role of the monarchy depends upon restraint. A constitutional monarch must operate within the limits imposed by the Constitution and established constitutional practice. Discretion should be exercised to preserve constitutional government, not to advance an independent political programme. This principle also applies to Parliament. Recognition of the constitutional position of the Rulers does not authorise the monarchy to substitute itself for legislative deliberation (Abdul Aziz et al., 2023). Parliament remains responsible for scrutinising Bills, debating public policy and determining whether legislation should be passed. The constitutional relationship is therefore reciprocal. The Rulers must respect the democratic authority of Parliament, while Parliament must respect the constitutional procedures protecting the Rulers. Neither institution can legitimately disregard the constitutional role assigned to the other.

4.5.3 Parliamentary Scrutiny and Constitutional Accountability

The monarchy cannot compensate for weak parliamentary scrutiny. The primary responsibility for examining legislation belongs to Parliament, particularly the Dewan Rakyat and Dewan Negara. Effective legislative review requires adequate time for debate, informed committee consideration and meaningful examination of the legal and constitutional consequences of Bills. The existence of royal assent and Conference consent should not encourage Parliament to transfer its responsibility for legislative scrutiny to the monarchy. Royal institutions are not substitutes for democratic accountability. Conversely, the existence of a parliamentary majority does not eliminate the need to comply with special constitutional procedures. A constitutionally effective system therefore requires both robust parliamentary deliberation and respect for the limited but substantive safeguards associated with the Rulers.

4.6 Recommendations

The principal issue concerning the legislative role of the Malaysian Rulers lies not in the absence of constitutional provisions governing their authority, but in the potential ambiguity surrounding the circumstances in which those provisions are triggered and the manner in which they operate within the legislative process. The Federal Constitution establishes a carefully structured balance between Parliament, the YDPA and the Conference of Rulers, with each institution exercising functions within constitutionally prescribed boundaries. Although Parliament is vested with legislative authority, that authority remains subject to constitutional limitations, including specific safeguards that preserve the role of the Rulers in matters of particular constitutional significance. These safeguards assume particular importance where proposed legislation or constitutional amendments affect matters expressly protected by the Constitution and therefore require the involvement or consent of the Conference of Rulers. Accordingly, reform should not be directed towards either expanding or restricting royal authority. Rather, it should focus on strengthening procedural clarity so that the constitutional implications of proposed legislation are identified at an early stage and the respective roles of Parliament, the YDPA and the Conference of Rulers are properly observed before the legislative process is completed.

A principal reform should be the introduction of a constitutional compatibility assessment at the pre-legislative stage. Bills with potential implications for the constitutional position, privileges or functions of the Rulers should expressly identify whether special procedures under Articles 38(4), 159(5), 161E or other relevant provisions are engaged. Requiring the government to accompany such Bills with a constitutional statement would compel the executive to articulate its interpretation before parliamentary deliberation. This would be particularly important where legislation does not expressly remove a royal function but may nevertheless materially alter its practical or legal operation. Such scrutiny would not bind the courts, which retain the ultimate responsibility for constitutional interpretation, but it would provide a clearer evidential and constitutional basis upon which Parliament and other constitutional institutions could proceed. Greater conceptual precision is equally necessary in distinguishing consultation, consent and royal assent. These concepts represent different constitutional processes and should not be treated interchangeably.

Consultation generally permits the relevant constitutional institution to express its views without necessarily conferring power to prevent enactment. Consent, where expressly required by the Constitution, is more substantial because compliance forms part of the constitutionally prescribed procedure for the proposed measure. Royal assent, by contrast, concerns the YDPA's formal position within the federal legislative process under Article 66. This distinction is especially important because the constitutional evolution of Article 66 has substantially limited the possibility of withholding assent as a mechanism for preventing legislation duly passed by Parliament. Consequently, the more significant contemporary question concerning royal legislative power may arise not at the final stage of assent, but earlier in the legislative process where the Constitution expressly requires the consent of the Conference of Rulers. This makes enhanced scrutiny of constitutional amendments particularly important. The constitutional amendment power under Article 159 is extensive, but it is not procedurally uniform. Certain constitutionally protected matters are subject to additional requirements, including the consent mechanism under Article 159(5). The existence of such requirements demonstrates that the Federal Constitution does not adopt an unrestricted model of parliamentary supremacy.

To ensure Parliament exercises its constituent power within established limits, a specialised parliamentary committee should systematically review proposed constitutional amendments prior to final passage to confirm they do not infringe upon royal interests or entrenched provisions thereby preventing post-enactment litigation. The efficacy of this safeguard relies on transparent legislative records that explicitly document the specific constitutional provisions, procedures, and stages of compliance whenever the Conference of Rulers is consulted or provides consent. Ultimately, meticulous record-keeping serves a vital constitutional function by offering definitive, transparent proof of procedural compliance and safeguarding against sensitive institutional disputes arising from incomplete communications.

At the substantive level, Article 38(4) should be interpreted in a principled manner that preserves the constitutional position and protected functions of the Rulers, while avoiding an interpretation that would effectively elevate the Conference of Rulers into an additional legislative chamber with a general supervisory role over Parliament. An unduly restrictive interpretation, however, may weaken the constitutional safeguard by allowing Parliament to affect the powers, privileges or constitutional position of the Rulers through indirect legislative measures rather than through provisions that expressly modify those powers. The interpretation of Article 38(4) should therefore focus on the substance and practical effect of the proposed legislative measure, rather than merely its form or terminology, so as to ensure that constitutionally protected royal functions cannot be circumvented through indirect legislative action. Conversely, an excessively broad interpretation could subject ordinary legislation having only incidental consequences for the monarchy to royal consent, thereby disturbing the democratic allocation of legislative authority. A more coherent approach is therefore to ask whether the proposed law directly and materially alters a constitutionally protected privilege, position, honour, dignity or function of the Rulers. The emphasis should be placed upon the legal substance and constitutional effect of the legislation rather than merely its political consequences. Ultimately, these reforms reflect the distinctive character of Malaysia's constitutional order. The relationship between Parliament and the Rulers should not be framed as a contest between parliamentary supremacy and royal supremacy. Neither accurately describes the Federal Constitution. Malaysia operates under constitutional supremacy, within which Parliament, the executive, the judiciary, the YDPA and the Conference of Rulers exercise powers derived from and limited by the Constitution. The Rulers' participation in the legislative process is therefore neither purely ceremonial nor an unrestricted power of legislative veto. Rather, it is functionally differentiated: Article 66 regulates the YDPA's participation in the ordinary enactment process, while provisions such as Articles 38(4) and 159(5) preserve a more substantive role for the Conference of Rulers in relation to specifically protected constitutional matters.

5. CONCLUSION

The constitutional role of Malaysia’s Rulers in the legislative process has undergone substantial transformation since independence. The Malay Rulers and the Conference of Rulers formed part of the institutional foundations of the Federation, while the Federal Constitution subsequently integrated the YDPA into the composition of Parliament. Article 66 has significantly reduced the practical force of

royal assent as a potential legislative veto. Under Article 66(4A), the absence of assent cannot indefinitely prevent an ordinary Bill from becoming law. Royal assent nevertheless remains a constitutionally prescribed stage in the legislative process, and the YDPA continues to perform broader functions relating to Parliament and the formation and continuity of government. The more substantial contemporary safeguard lies in the distinct consent functions of the Conference of Rulers. Articles 38(4) and 159(5) demonstrate that certain constitutional matters are protected against alteration through ordinary parliamentary approval alone. These provisions preserve a limited but substantive role for the Conference in relation to legislation that directly affects protected royal interests or specified entrenched provisions. The constitutional relationship should therefore not be framed as a contest between Parliament and the Rulers. Parliament remains the principal democratic law-making institution, but its authority is derived from and limited by the Federal Constitution. The Rulers, in turn, possess neither unlimited political authority nor merely symbolic status. Their constitutional functions operate within defined legal boundaries and are most significant where the Constitution requires institutional continuity, procedural protection or concurrence in relation to specially protected matters. Malaysia's experience demonstrates that constitutional monarchy and parliamentary democracy are not inherently incompatible. Their coexistence depends upon institutional restraint, accurate interpretation of constitutional text and faithful observance of prescribed procedures. Future reform should therefore focus not on expanding royal power or diminishing parliamentary authority, but on clarifying the procedures through which both institutions perform their constitutionally assigned roles.

ACKNOWLEDGEMENT
This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors. The authors thank the Faculty of Law, Universiti Teknologi MARA, Shah Alam, and the Dean for the support and encouragement in completing this article.

DATA AVAILABILITY
This doctrinal and normative study is based on published legal, institutional and scholarly materials identified in the article and its references. No primary empirical data were collected, and no original dataset was generated. The supporting source materials can be accessed through the cited publications and links, subject to the access conditions of the respective publishers and institutions.

CONFLICT OF INTEREST
The authors declare no conflict of interest.

ETHICS APPROVAL
Not applicable.

USE OF GENERATIVE ARTIFICIAL INTELLIGENCE
The authors used ChatGPT and Claude AI for developing discussion and language editing. All intellectual contributions, interpretations, and critical analyses remain the responsibility of the authors, and the final content was reviewed and validated by the authors.

AUTHOR CONTRIBUTIONS

Conceptualisation	:	Norazlina Abdul Aziz
Methodology	:	Norazlina Abdul Aziz and Rosa Ristawati
Formal Analysis	:	Norazlina Abdul Aziz
Writing (Original Draft)	:	Norazlina Abdul Aziz
Writing (Review & Editing)	:	Norazlina Abdul Aziz, Muhammad Fikri Othman and Rosa Ristawati

REFERENCES

Abdul Aziz, N., Mohamad Mangsor, M., & Mohd Yusoff, M. F. S. (2024). The Malaysian monarchy system: A review of the literature. In R. Abdul Rahman, M. F. Labanieh, M. Z. Haq, Z. Mohamed Yusoff, & A. S. Abd. Aziz (Eds.), *Proceedings of the 12th UUM International Legal Conference 2023 (UUMILC 2023)* (pp. 282–294). Atlantis Press. https://doi.org/10.2991/978-94-6463-352-8_22

Abdul Aziz, N., & Ristawati, R. (2020). The constitutional power of the executive in the age of rule of law: A comparative study on Malaysia and Indonesia. *Sociological Jurisprudence Journal, 3*(2), 75–83. https://doi.org/10.22225/scj.3.2.1857.75-83

Abdul Aziz, N., Saripan, H., Mohamad Mangsor, M., & Ristawati, R. (2023). Beyond the monarch: Rulers and the policy environment in Malaysia and the United Kingdom. *Environment-Behaviour Proceedings Journal, 8*(26), 301–306. https://doi.org/10.21834/e-bpj.v8i26.5196

Abdul Raof, N., Abdul Aziz, N., Omar, N., Othman, R., & Mat Salleh, H. (2025). Exploring the depths: A comparative analysis of doctrinal and non-doctrinal legal research. *International Journal of Research in Social Science and Humanities, 6*(5), 122–129. https://doi.org/10.47505/IJRSS.2025.5.13

Abdul Razak, A. M., & Wan Hasan, W. N. (2021). A reappraisal on the constitutional functions of the Crown, the Parliament and the judiciary to defend Malaysian constitutionalism. *Journal of the Malaysian Parliament, 1*, 175–192. https://doi.org/10.54313/journalmp.v1i.37

Ahamat, H., & Alias, N. (2018). The evolution of the personality of the Malay Sultanate States. In I. de la Rasilla & A. Shahid (Eds.), *International law and Islam: Historical explorations* (pp. 249–276). Brill Nijhoff. https://doi.org/10.1163/9789004388376_013

Ahmed, M., Kausar, R., & Behan, R. A. (2016). Analysis of democratic constitutional monarchy: A case study of political system of Malaysia. *Asia-Pacific—Annual Research Journal of Far East & South East Asia, 34*, 76–90. https://sujo.usindh.edu.pk/index.php/ASIA-PACIFIC/article/view/665

Ali Mohamed, A. A., & Ahmad, M. H. (Eds.). (2022). *Constitutional law in Malaysia*. LexisNexis.

Ang, H. L., & Whiting, A. (2013). Federalism and legal unification in Malaysia. In D. Halberstam & M. Reimann (Eds.), *Federalism and legal unification: A comparative empirical investigation of twenty systems* (pp. 295–337). Springer. https://doi.org/10.1007/978-94-007-7398-1_12

A Rahman, N. A. (2021). *Accountability in the parliament of Malaysia: A study on interruptions by the chairperson in the Dewan Rakyat* [Doctoral dissertation, University of Bonn]. bonndoc. https://nbn-resolving.org/urn:nbn:de:hbz:5-63715

Azlan Shah. (1982). The role of constitutional rulers: A Malaysian perspective for the laity. *Journal of Malaysian and Comparative Law, 9*(1–2), 1–18. https://ajba.um.edu.my/index.php/JMCL/article/view/15350

Azmi, Z. (2021). Government's powers during an emergency. *Journal of the Malaysian Parliament, 1*, 18–37. https://doi.org/10.54313/journalmp.v1i.29

Cox, N. (2020). *The royal prerogative and constitutional law: A search for the quintessence of executive power*. Routledge. https://doi.org/10.4324/9781003048718

Dzulkifli, F. Z., & Mohd Zameri, N. D. (2010). The functions of constitutional monarchy in Malaysian political system: The perceptions of Malay community. In *Political managements and policies in Malaysia: Proceedings of the Seminar on Nasional Resilience (SNAR 2010)* (pp. 353–369). Institute of Tun Dr. Mahathir Mohamad's Thoughts, Universiti Utara Malaysia. https://repo.uum.edu.my/id/eprint/3182/

Faruqi, S. S. (2005). The Malaysian Constitution, the Islamic state, and hudud laws. In K. S. Nathan & M. H. Kamali (Eds.), *Islam in Southeast Asia: Political, social and strategic challenges for the 21st century* (pp. 256–277). Institute of Southeast Asian Studies. https://doi.org/10.1355/9789812306241

Faruqi, S. S. (2019a). *Our constitution*. Sweet & Maxwell.

Faruqi, S. S. (2019b, December 10). *Our constitution—Our document of destiny*. Institute of Strategic and International Studies (ISIS) Malaysia. https://www.isis.org.my/2019/12/10/malaysias-constitutional-fundamentals-no-1-of-a-series-of-tun-hussein-onn-chair-in-international-studies-essays-on-the-federal-constitution-2/

Faruqi, S. S. (2020, March 26). *Appointment of a prime minister (No. 3 of the Tun Hussein Onn Chair in International Studies essay series)*. Institute of Strategic and International Studies (ISIS) Malaysia. https://www.isis.org.my/2020/03/26/appointment-of-a-prime-minister-no-3-of-a-series-of-essays-by-the-tun-hussein-onn-chair-in-international-studies/

Fernando, J. M. (2014). Defending the monarchy: The Malay rulers and the making of the Malayan constitution, 1956–1957. *Archipel, 88*, 149–167. https://journals.openedition.org/archipel/528

Fernando, J. M., & Ling, H. H. (2015). British and Commonwealth legacies in the framing of the Malayan constitution, 1956–1957. *Britain and the World, 8*(2), 181–203. https://doi.org/10.3366/brw.2015.0190

Fisher, M. H. (1984). Indirect rule in the British Empire: The foundations of the residency system in India (1764–1858). *Modern Asian Studies, 18*(3), 393–428. https://doi.org/10.1017/S0026749X00009033

Foo, R., & Tan, A. (2018). Separation of powers in "new Malaysia": Hope and expectations. *Journal of International and Comparative Law, 5*(2), 529–567. https://www.jicl.org.uk/storage/journals/November2020/iXqvvmB8iYsXBEA31zk0.pdf

Gillen, M. R. (1994). *The Malay Rulers' loss of immunity* (Occasional Paper No. 6). University of Victoria, Centre for Asia-Pacific Initiatives. https://www.uvic.ca/research/centres/capi/assets/docs/Gillen_Malay_Rulers.pdf

Harding, A. (1996). *Law, government and the constitution in Malaysia*. Kluwer Law International.

Harding, A. (2022). *The constitution of Malaysia: A contextual analysis* (2nd ed.). Hart Publishing.

Harding, A., & Kumarasingham, H. (2022). The Malay monarchies in constitutional and social conception. *Asian Journal of Law and Society, 9*(3), 399–417. https://doi.org/10.1017/als.2022.32

Hickling, R. H. (1984). Malaysia: Constitution (Amendment) Act 1983 and Constitution (Amendment) Act 1984. *Journal of Malaysian and Comparative Law, 11*(1–2), 213–218. https://jati.um.edu.my/index.php/JMCL/article/view/15941

Hutchinson, T. (2025). Doctrinal research. In D. Watkins & M. Burton (Eds.), *Research methods in law* (3rd ed., pp. 8–38). Routledge. https://doi.org/10.4324/9781032710372-2

Jalil, F. (2007). *Judicial accountability: A study of Malaysia* [Doctoral dissertation, University of Warwick]. Warwick Research Archive Portal. https://wrap.warwick.ac.uk/163817/

Jones, D. S. (1995). Resolving the constitutional question of the Malaysian king and rulers. *Asian Journal of Political Science, 3*(1), 13–31. https://doi.org/10.1080/02185379508434051

Lee, H. P. (1993). Hereditary rulers and legal immunities in Malaysia. *University of Tasmania Law Review, 12*(2), 323–336. https://classic.austlii.edu.au/au/journals/UTasLawRw/1993/17.pdf

Lee, H. P., Foo, R., & Tan, A. (2019). Constitutional change in Malaysia. *The Journal of Comparative Law, 14*(1), 119–138.

Majeed, N., Hilal, A., & Khan, A. N. (2023). Doctrinal research in law: Meaning, scope and methodology. *Bulletin of Business and Economics, 12*(4), 559–563. https://doi.org/10.61506/01.00167

Md Damiri, M. D., Pakhriazad, H. Z., Paiman, B., & Mohd Hasmadi, I. (2023). Revisiting British Malaya's era: An intriguing historical legal analysis of land administration and colonial forestry. *Journal of Politics and Law, 16*(4), 27–35. https://doi.org/10.5539/jpl.v16n4p27

Md Yusof, M. A., Hamzah, R., & Faruqi, S. S. (Eds.). (2020). *Law, principles and practice in the Dewan Rakyat (House of Representatives) of Malaysia*. Sweet & Maxwell.

Milner, A. (2020). Malaysia's multi-monarchy: Surviving colonisation and decolonisation. In R. Aldrich & C. McCreery (Eds.), *Monarchies and decolonisation in Asia* (pp. 95–111). Manchester University Press. https://doi.org/10.7765/9781526142702.00011

Mohamad Mangsor, M., Abdul Aziz, N., Rahmat, N. E., & Zainudin, A. H. (2021). Modelling Lockean legalism in the executive emergency power on environment and climate change domain in Malaysia. *International Journal of Academic Research in Business and Social Sciences, 11*(5), 774–784. https://doi.org/10.6007/IJARBSS/v11-i5/10032

Neo, J. L. C. (2012). Change and continuity: The constitutional head of state and democratic transitions in Malaysia. *Malayan Law Journal, 5*, i–xxiv.

Osman, S. K. (2025). Democracy and the constitutional monarchy in Malaysia: A constitutional analysis of monarchical discretion and democratic legitimacy, 1983–2022. *JAWI, 8*(1), 103–116. https://doi.org/10.24042/00202582772300

Rawlings, H. F. (1986). The Malaysian constitutional crisis of 1983. *International and Comparative Law Quarterly, 35*(2), 237–254. https://doi.org/10.1093/iclqaj/35.2.237

Samsudin, N. M. I., Salleh, S. N. F. A., Atiyah, G. A., & Kambol, R. (2025). A systematic analysis of the interrelationship between Yang di-Pertuan Agong's power as the head of Islam and his discretionary powers. *Global Journal al-Thaqafah*, 32–55. https://doi.org/10.7187/GJATSI102025-3

Sarwar, M. I., & Ananth, S. (2016). The National Security Council bill: A colorable exercise of power. *Malayan Law Journal, 2*, cxix–cxli. https://www.malaysianbar.org.my/cms/upload_files/document/The%20National%20Security%20Council%20-%20Bill%20A%20Colorable%20Exercise%20of%20Power.MLJ2016.pdf

Shah, D. (2022). The 'three Rs' in Malaysia's struggle for constitutional democracy. *Federal Law Review, 50*(2), 137–155. https://doi.org/10.1177/0067205X221087460

Stockwell, A. J. (1988). Princes and politicians: The constitutional crisis in Malaysia, 1983–4. In D. A. Low (Ed.), *Constitutional heads and political crises: Commonwealth episodes, 1945–85* (pp. 182–197). Macmillan. https://doi.org/10.1007/978-1-349-10197-9_11

Stockwell, A. J. (2010). Merdeka! Looking back at Independence Day in Malaya, 31 August 1957. In R. Holland, S. Williams, & T. Barringer (Eds.), *The iconography of independence: 'Freedoms at midnight'* (pp. 113–130). Routledge.

Sundara Raja, S. (2015). The early British administrators in the Malay states, 1874–1909. *SEJARAH: Journal of the Department of History, 24*(1), 32–41. https://doi.org/10.22452/sejarah.vol24no1.3

Taekema, S. (2018). Theoretical and normative frameworks for legal research: Putting theory into practice. *Law and Method, 2018*(2), 1–17. https://doi.org/10.5553/REM/.000031

Tan, K. Y. L., & Neo, J. L. (Eds.). (2023). *Constitutional principles and institutions: Text, cases & materials*. Sweet & Maxwell.

UM Consti Team. (2025, January 22). *Episode 33: Royal immunity*. https://www.umconstiteam.com/post/episode-33-royal-immunity

Varuhas, J. N. E. (2023). Mapping doctrinal methods. In P. Daly & J. Tomlinson (Eds.), *Researching public law in common law systems* (pp. 70–103). Edward Elgar Publishing.

Wan Husain, W. A. F. (2021). Watanic jurisprudence: Articulating the legitimate elements of the basic structure of the Federal Constitution. *IIUM Law Journal, 29*(1), 1–28. https://doi.org/10.31436/iiumlj.v29i1.650

Wong, C.-H., & Yeoh, T. (2026). Malaysia's centralised federalism: Shaped by (de)colonisation, communalism and the Cold War, now strained by democratisation. In V. K. Tandon, L. Gillot-Assayag, & C. Forster (Eds.), *Federal theories and practices: Dynamics of federalism and democracy in South and Southeast Asia* (pp. 191–224). Palgrave Macmillan. https://doi.org/10.1007/978-3-032-19959-1_9

Yang, Y., & Khalid, N. A. (2024). *System of government: The parliamentary democracy in Malaysia* [Academic poster]. ScienceOpen Posters. https://doi.org/10.14293/P2199-8442.1.SOP-.PTEVJP.v1