

MEDIA STATEMENT

IDEAS: RESTORE PARLIAMENTARY DEMOCRACY AND DEBATE THE REVOCATION OF EMERGENCY ORDINANCES

Kuala Lumpur, 29 July 2021: The Institute for Democracy and Economic Affairs (IDEAS) strongly urges the government to be honest and transparent by immediately calling for debate on the revocation of the Emergency Ordinances in Dewan Rakyat. Article 150(3) provides that “A Proclamation of Emergency and any ordinance promulgated...shall be laid before both Houses of Parliament and, if not sooner revoked, shall cease to have effect if resolutions are passed by both Houses annulling such Proclamation or ordinance,...” (emphasis added).

IDEAS notes with grave concern the stern rebuke by the Yang di-Pertuan Agong towards the surprising announcement of the revocation of the Emergency Ordinances by Law Minister Datuk Seri Takiyuddin bin Hassan in Parliament on Monday 26th July 2021. The statement from the Istana Negara emphasised that the YDPA had decreed that the Ordinances were supposed to be *tabled and debated* in Parliament as per His Majesty’s audience with the Law Minister and the Attorney General on the 24th of July.

Tricia Yeoh, CEO of IDEAS said, “This is unprecedented and it reflects the severity of this issue. The Agong has stated in no uncertain terms that the government’s act of applying for the Ordinances’ annulment in haste, and not having tabled them in Parliament, alongside its conflicting and confusing statements, have failed to respect the rule of law as upheld by the Rukun Negara. We believe that the government must seriously consider its position in light of these recent developments.”

IDEAS views YDPA’s official statement as a signal of a constitutional crisis, in which the government is seen to be exercising its powers beyond what is permitted within constitutional boundaries. Ever since the Parliament was suspended seven months ago, there have been severe transparency and accountability deficits in the legislative decision-making process.

In line with the YDPA’s statement, IDEAS urges the government to debate on the revocation of the Emergency Ordinances announcement by Law Minister Datuk Seri Takiyuddin bin Hassan. Such a process will restore the people’s confidence in Parliamentary democracy, as one of the pillars of democracy.

Yeoh calls for serious attention and importance to be given to the decree of the YDPA as well as His Majesty's concern through the statement issued earlier today. She added, "We must not allow democracy to suffer, and Malaysia deserves greater transparency and accountability in weathering the present COVID-19, economic and presently constitutional crisis."

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About IDEAS

The Institute for Democracy and Economic Affairs (IDEAS) is a nonprofit research institute, dedicated to promoting solutions to public policy challenges, focussing on three overarching missions – advancing a competitive economy, ensuring trust in institutions and promoting an inclusive Malaysia. IDEAS is Malaysia's first independent think tank, free of personal interests and partisan influences. For more information, visit www.ideas.org.my.

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KENYATAAN MEDIA

IDEAS: KEMBALIKAN DEMOKRASI BERPARLIMEN DAN PERBAHASAN TERHADAP PEMANSUHAN ORDINAN DARURAT DENGAN SEGERA

Kuala Lumpur, 29 Julai 2021: Institut Demokrasi dan Hal Ehwal ekonomi (IDEAS) menggesa kerajaan untuk bertindak jujur dan telus dengan segera mengadakan perbahasan tentang pemansuhan Ordinan-ordinan Darurat di Parlimen. Perkara 150(3) mengatakan bahawa “Proklamasi Darurat dan apa-apa ordinan yang dimasyhurkan di bawah Fasal (2B) hendaklah dibentangkan di hadapan kedua-dua Majlis Parlimen dan, jika tidak terlebih dahulu dibatalkan, hendaklah terhenti berkuat kuasa jika ketetapan diluluskan oleh kedua-dua Majlis yang mengumukakan Proklamasi atau ordinan itu...”.

IDEAS mengambil maklum akan teguran tegas Yang di-Pertuan Agong terhadap pengumuman mengejutkan tentang pemansuhan Ordinan-ordinan Darurat oleh Menteri di Jabatan Perdana Menteri (Hal Ehwal Undang-undang), Datuk Seri Takiyuddin bin Hassan, di Parlimen pada Isnin 26 Julai 2021. Kenyataan Istana Negara menekankan YDPA telah bertitah bahawa Ordinan ini harus *dibentangkan dan dibahaskan* di Parlimen ketika majlis menghadap secara maya bersama Menteri dan Peguam Negara pada 24 Julai 2021.

Ketua Pegawai Eksekutif IDEAS, Tricia Yeoh berkata, “Hal ini pertama kali berlaku dan ia membayangkan keparahan isu ini. YDPA dengan tegas bertitah bahawa tindakan kerajaan memansuhkan Ordinan ini dengan tergesa-gesa tanpa membentangkannya di Parlimen, berserta dengan pelbagai kenyataan yang bercanggah dan mengelirukan, menunjukkan kegagalan menghormati prinsip kedaulatan undang-undang yang terdapat dalam Rukun Negara. Kami percaya pihak kerajaan perlu mempertimbangkan keseriusan isu ini berdasarkan perkembangan terbaharu.”

IDEAS melihat kenyataan rasmi baginda YDPA sebagai satu isyarat krisis perlembagaan, iaitu pihak kerajaan telah menggunakan kuasa eksekutif melampaui batasan perlembagaan. Selama tujuh bulan persidangan Parlimen digantung, terdapat defisit ketelusan dan pertanggungjawaban yang parah dalam proses membuat keputusan perundangan.

Sejajar dengan kenyataan baginda YDPA, IDEAS menyeru pihak kerajaan untuk membahaskan pemansuhan Ordinan-ordinan Darurat seperti yang diumumkan oleh Menteri Hal Ehwal Undang-undang, Datuk Seri Takiyuddin bin Hassan. Proses ini akan mengembalikan keyakinan rakyat terhadap demokrasi berparlimen sebagai salah satu tonggak demokrasi.

Yeoh menyeru satu perhatian dan kepentingan serius diberikan kepada titah YDPA serta kekhawatiran baginda melalui kenyataan yang dikeluarkan pada hari ini. Beliau menambah, “Kita tidak harus membenarkan kemerosotan demokrasi, dan Malaysia layak memperoleh lebih ketelusan dan pertanggungjawaban dalam menghadapi krisis Covid-19, ekonomi dan kini perlembagaan.”

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Tentang IDEAS

Institut Demokrasi dan Hal Ehwal Ekonomi (IDEAS) merupakan sebuah institut penyelidikan bukan berasaskan keuntungan, mengkhususkan kepada mempromosikan penyelesaian terhadap cabaran dasar awam berdasarkan kepada prinsip kedaulatan undang-undang, kerajaan terhad, pasaran bebas, dan kebebasan individu. IDEAS merupakan badan pemikir bebas pertama Malaysia, tanpa kepentingan peribadi serta pengaruh berpihak. Untuk maklumat lanjut, lawati www.ideas.org.my.

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