

## DEMOCRATIC PROCESS IN MALAYSIA: THE FUTURE OF MALAYSIAN ELECTORAL SYSTEM

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The Federation of Malaysia adopts the first-past-the-post (FPTP) electoral system in implementing the democracy in the Federation. The system has been emplaced since the independence of Malaysia in 1957. There is however, suggestion to change the current electoral system to proportional representation (PR) system. This paper aims to analyze the current and the suggested electoral system for Malaysia, the FPTP system or PR system from the legal perspective and the experience in other parts of the world. Research data were collected through library research and interviews with legal experts in Malaysia. The data were analyzed using content analysis by employing the thematic approach. The study found that the current legal structure support FPTP system and that major revamp of the law need to be done if Malaysia is to introduce new electoral system. It is also found that there are concerns from the legal fraternity whereby most of them agree that the FPTP system is still the best system for Malaysia. This is due to the advantages of FPTP system which suit the situation in Malaysia. However, most of the respondents also incline to the view that Malaysia should change to proportionate representative in the future; because of the advantages of PR electoral system, where, among others are, 'every vote counts' and it reduces the gerrymandering issue. It is also found that many countries tried to change its electoral system, but only New Zealand is the best model to look into. It is found that, if there is a change in the electoral system, there are implications to take into consideration. The paper suggests that any changes to the future electoral system in Malaysia require massive legislation amendment, as well as the readiness of the people should be taken into account.

**Keywords:** electoral system, electoral law, first-past-the-post, proportional representation, electoral system in Malaysia

### I. INTRODUCTION

Malaysia is a Federation consists of 14 states which gained her independence on August 31, 1957 and later Sabah and Sarawak joined the Federation of Malaysia September 16, 1963 (Hai, 2002). The first election for Malaysia was in July 27, 1955 (Smith, 1955). The importance of the Malaysian first election was that it paved way for Malaysia to gain its independence from the British Government. Malaysia, as the British protectorate, adopted the similar system as the Westminster system for election (Sachsenroeder, 2013), i.e. the first past the post system (FPTP) also known as plurality or simple majority system (Reilly, Ellis & Reynolds, 2005). There are many electoral systems in the world but most of the systems aim to achieve democratic process in establishing the government for the country. Two main electoral systems in the world are FPTP or plurality system and Proportional Representation (PR) system.

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The FPTP system takes into account the number of seats won by the contending parties, disregarding the overall number of total votes garnered by the losing parties. The party that won most (by simple majority) seats are considered as the winner of the election that allows the winning party to form the government (Rachagan, 1993). On the other hand, under the proportional representation system, every party choose the representatives based on the percentage of votes secured from the voters. If Party A receives X% of votes, under the proportional representation system, Party A will have X% of the total seats (Schwartz, 2002) that is the composition of the legislature will be similar to the percentage (Ides, 2011). Countries like the United Kingdom (UK), India, Malaysia, Pakistan and most of the former British protectorate countries adopt the FPTP system. Some still adopt the FPTP system but with modification like Thailand, Taiwan, Philippines and South Korea which adopt the mixed plurality and PR system (Reilly, 2007, p.193). Most European, African and Latin American countries choose Proportional Representation system (Ides, 2011) and East Asian countries like Indonesia chooses the hybrid of PR system (Sulistyo, 2002). In the other parts of the world, countries like New Zealand (Commonwealth Law Bulletin, 1993; Roberts, 1997; Stephen, 2008), Sweden, Norway, Spain, Germany, South Africa, France and Switzerland choose the proportional representation system and mixed-member proportional over the FPTP system (Ides, 2011). However, after nearly 60 years of the independence of the Federation of Malaysia, there are suggestions to change the electoral system in Malaysia, from the FPTP system to PR system (Utusan Malaysia, 2013). Even the Parliament of Malaysia set up a Parliamentary Select Committee (PSC) on Electoral Reforms to relook into the changes from the FPTP system to PR system (Parliament of Malaysia, 2012). As such, this study embarks on the same premise, looking at both electoral systems based on the legal aspects and the views of the experts from the legal fraternity. The outcome will provide a future landscape of democratic process in Malaysia.

## **II. PROBLEM STATEMENT**

It is no doubt that the FPTP electoral system has advantages where there will be clear winner of the election, giving political stability and reducing the numbers of too many political parties represented in the Parliament. However, the disadvantages of the FPTP electoral system are also apparent where the elected member of Parliament are not truly representing the voice or choice of the people, termed by Faruqi (2008) as “elected but not representative”. Other disadvantages of FPTP system are lower percentage of voters turn out, ill feeling towards the ruling party, lack of representation for the women and minorities, also unequal representation between constituencies (Schwartz, 2000). The problem of “elected but not representative” occurs in the FPTP system due to the fact that the elected members

who won the election maybe representing or gaining 45% of the voters' vote but the party win more seat than the other party to form the government. As such, the 55% voters' votes go unrepresented and "not counted" and the situation also known as "the-winner-takes-all" (Schwartz, 2000). Subsequently, there will be ill feeling towards the winning or ruling party. Ides (2010) argued that FPTP system does not truly democratic and caused few countries which implementing the FPTP system to consider the PR system like the UK (Packman, 2010), Canada (Schwartz, 2000), the United States of America (Fullerton, 2001; Ides, 2010) and Malaysia (Parliamentary Select Committee on Electoral Reform Report, 2012; Utusan Malaysia 2013).

The Election Commission of Malaysia, as mentioned at the above, is considering the current FPTP system with other alternative systems, mainly the PR system (Sinar Harian, 2013; Utusan Malaysia, 2013). This is in line with report of the Parliamentary Select Committee (PSC) on Electoral Reform which was passed by the parliament in 2012 (Siti Noranizahhafizah, 2013). One of the recommendations by the PSC on Electoral Reform is for Malaysia to consider a new electoral system which is PR system or to improve the current FPTP system (Parliamentary Select Committee on Electoral Reform Report, 2012, paragraph 22; Siti Noranizahhafizah, 2013; Sinar Harian, 2012). Besides, the 13<sup>th</sup> Malaysian General Election recorded the highest number of election petition in the Malaysian history with 56 election petitions. 21 election petitions came from the Barisan Nasional and 35 election petitions petitioned by the opposition parties (Bernama, 2013). Does this high number of election petition show the irrelevance of the current FPTP electoral system in Malaysia? Thus, it is the aims of this study to overview the legal consequences of changing into a new electoral system as well as to examine the views of the legal experts on the matter.

### **III. RESEARCH METHODOLOGY**

This study adopts doctrinal research methodology which is normally used in legal research. It is also known as pure legal research methodology (Yaqin, 2007) where the data were collected from the statutes and journal as well as library research. Qualitative and socio-legal approach also adopted in this study where it is to analyse the relevance or the need of changing the current electoral system of FPTP to PR system in Malaysia. The data were collected through interviews with eight legal experts in Malaysia. Research instruments i.e. open-ended questions were developed for the interviews. The primary data were also collected from the Acts like the Federal Constitution of Malaysia, Election Act 1958 and Election Commission Act 1957, while secondary data were collected through journals, books, bulletin, and internet sources. The data were then analysed using content analysis by employing the thematic approach.

#### **IV. FINDING AND DISCUSSION**

##### **(A) Electoral Laws and Legislation**

One of the findings of this study is that there are several laws governing the election in Malaysia. The main laws and legislation governing electoral system in Malaysia are –

- i) The Federal Constitution
- ii) Election Offences Act 1954 (Act 5)
- iii) Election Commission Act 1957 (Act 31)
- iv) Election Act 1958 (Act 19)
- v) Elections (Registration of Electors) Regulations 1971
- vi) Elections (Conduct of Elections) Regulations, 1981
- vii) Elections (Postal Voting) Regulations 2003

The Constitution of Federation of Malaya was first introduced on 31 August 1957 and later introduced as the Federal Constitution of Malaysia on September 16, 1963 on the day which Federation of Malaysia was established. According to Bari (2008), article 4(1) provides that the Federal Constitution is the highest law of the Federation. Part VIII of the Federal Constitution provides for the election provisions in Malaysia. Part VIII starts from article 113 to article 120, provide for the conduct of elections (article 113), constitution of Election Commission (article 114), assistance to Election Commission (article 115), the Federal constituencies (article 116), State constituencies (article 117), method of challenging election (article 118), method of questioning election petition of no return (article 118A), qualifications of electors (article 119) and direct elections to the Senate (article 120). These provisions under the Federal Constitution also permit the introduction of rules and regulation to facilitate the running of the election in Malaysia.

As for the do's and the don'ts during the election, the Election Offences Act 1954 (Act 5) is an Act to prevent electoral offences and corrupt and illegal practices at elections; to provide for the establishment of enforcement teams and for matters connected therewith; to provide for the appointment of election agents and to control election expenses; and to provide for election petitions. The Act was enacted in 1954, before the Independent of Malaysia, for the purpose of governing the first election in 1955. The Act consist of several parts concerning electoral offences (Part II), corrupt practices (Part III), election agent, election expenses and illegal practices (Part IV), enforcement team (Part IVA), excuse for corrupt or illegal practice (Part V), grounds for avoiding elections (Part VI) and election petitions (Part VII).

As regard to the agency that responsible for the running of election in Malaysia i.e. the Election Commission, the governing act is Election Commission Act 1957

where it is an Act to make provision for the remuneration, privileges and protection of members of the Election Commission, for the punishment of offences in connection with the Election Commission other related matters. In addition to it, there are also Rules and Regulation which is enacted as provided under Part V of the Election Act 1958 to facilitate the conduct of election in Malaysia. One of the rules and regulation is the Elections (Conduct of Elections) Regulations, 1981 which provide among others on the writ and notice of election (section 3), nomination paper (section 40) and so forth. Other regulations are the Elections (Registration of Electors) Regulations 1971 and Elections (Registration of Electors) Regulations 2002 which provide for the matter relating to the registration of electors. There is also the Elections (Postal Voting) Regulations 2003, the regulations that provide the governing provisions on the postal voting like postal voters (Part II), issuing of ballot papers (Part III) and opening of postal voters' ballot box (Part IV). These regulations provide the details on matters relating to election in Malaysia which clearly facilitate the implementation of the FPTP electoral system.

#### **(B) The Electoral System and Its Implication**

This study found that the electoral system also plays an importance role that has significant implication towards the outcome of the election result. Arguably, the choice of electoral system is the most important rule of the political game (Lundberg, 2007). As pointed out by Sachsenroeder (2013), "...in the first-past-the-post electoral system, relatively small changes in voter preferences can change the outcome dramatically." The choice of electoral system really matters as it has consequences to the outcome of the election. The strategy that generally deploys is that, majority principle like the FPTP electoral system is chosen if there is a single or two dominant parties. If there are multiple parties, the choice in term of strategy is in favour of more inclusive electoral formulas, such as of PR electoral system (Colomer, 2004).

As discussed earlier, the FPTP electoral system is the system that applicable in Malaysia since independent in 1957. The FPTP system takes into account the number of seats won by the contending parties, disregarding the overall number of total votes garnered by the losing parties. The party that won most (by simple majority) seats are considered as the winner of the election, that allow the winning party to form the government (Rachagan, 1993). From 1974 to 2004, the Barisan Nasional won the General Election by two-third majority in every General Election. It was in 2008 to 2013 that the ruling party (Barisan Nasional) did not obtain the two-third majority but still maintain the majority to rule the country. This is because the FPTP does not looking into popular votes or the number of votes obtained by any party but only looking the number of seats or constituencies won by the parties (Ng Chak Ngon, n.d). As such, the FPTP system allows the ruling party to provide clear national goal, provide stability, deliver the promises, single accountability,

able to manage conflict or in other words, function effectively as government. This clearly shows why the FPTP system is still implemented in Malaysia because the system provides dominance in the election result and the ruling parties enjoy political primacy in the FPTP electoral system that give advantage to their political survival (Kunaraja, 2014).

The FPTP system is also claimed to have long benefited the ruling party (Brown, 2005), and in the case of Malaysia, the Barisan Nasional, in the sense that the FPTP system allows the Barisan Nasional to maintain a two-thirds parliamentary majority, even when its share of the popular vote fell to barely above half. As mentioned earlier, Brown (2005) stated that Barisan Nasional has an average of 80.8 per cent share of parliamentary seats with the popular vote averaged at 57.6 per cent in each election. This is however the situation up to 2004 election. In 2008 election, the majority of the Barisan Nasional was clear, with 140 seats against 82 for the opposition, which is four times their previous share but vote shares gained was very narrow where Barisan Nasional only gained 50.27% against 46.75% for the opposition (Sachsenroeder, 2013). In 2013 election, the opposition won the popular vote. However, due to the FPTP electoral system, Barisan Nasional retained its majority in parliament by winning the majority of the parliamentary seats. Kunaraja (2014) asserts that gerrymandering had allowed the Barisan Nasional to win 60% of the seats despite only winning 47% of the popular vote. Gerrymandering is claimed to facilitate easier manipulation of boundaries to benefit particular groups/party. This magnifying effect of the FPTP electoral system is also a common phenomenon across many other countries in the world that adopting the system (Brown, 2005).

The electoral systems also had other implications, such as, either to prioritise the government effectiveness and accountability or to promote greater fairness to minority and diversity in social representation. The FPTP system is said to create more stability, effectiveness and accountability of the government whilst the PR system is providing diverse representation and representing the minority (Norris, 1997). Both systems have its own implications that are difficult to single out the best of all system, but it is depending on the nature and the needs of the country. Norris (1997) pointed out that any choice of electoral system would have impacted the election of parties to parliament, the proportionality of votes to seats, the production of coalition or single-party governments, the representation of social groups, levels of electoral turnout, and the provision of constituency services. With regards to stability and effective government, it is found that 56.3 per cent of countries which implementing their elections under the majoritarian systems (including FPTP) are having single party government. The majoritarian system may also produce coalition government as happened in the UK in 2010. However, almost every country with PR electoral system has coalition government (Norris, 1997). New Zealand had unstable coalition government for the first five years

after the 1996 election by using the PR/MMP electoral system. Also, the system creates “party hoppers” which is undemocratic (Cody, 2003).

Apart from that, this study also found that the changes of the electoral system will also involve the implication on organisational structures of the parties contesting in the election. The organizational structure of a party in the FPTP system should be different from the organizational structure of a party in the PR or MMP electoral system. This is due to the fact that different organisational structures have different capabilities and capacities. Stephens (2008) gave the example of the National Party of New Zealand where the party organisational structure of the party was tailored to suit the first-past-the-post electoral system. The party organisational structures proved to be successful, where the party won twelve of the nineteen elections. However, when the new MMP electoral system was introduced in 1993, the National Party organizational structures remained the same (that suited the FPTP system) and consequently lost in the four consecutive elections (Stephens, 2008). Thus, when there is new electoral system reform, the party organizational structures must also reform to suit the new system.

In sum, it can be seen that the changes in the electoral system may affect the outcome or the results of the election; and any electoral systems, either the FPTP or PR electoral systems, have different implication towards the outcome of the election result, the type government establish and the organisational structures of the party must be suitable with the electoral system.

### **(C) Call for Change of Electoral System in Selected Countries**

The study also found that a few countries in the world proposed to change or changed to a new electoral system. However, only selected countries are briefly discussed here.

In the United States of America, Electoral College system cause controversy because the system produced “wrong winner” because the elected president that won the election does not actually won the popular vote (Gringer, 2008; Fullerton, 2001; Fakhouri, 2010). The production of the so called “wrong winner” happened for the fourth time in the year 2000 presidential election that demand for the opponent of the college system to introduce the alternative to the system. However, the proposal for changes in the presidential electoral system that use Electoral College system in the United States of America need to undergo tedious constitutional amendment process. In the end, due to the cumbersome process to amend the constitution to end the Electoral College system, the reform is yet to materialize in the United States of America (Gringer, 2008). The demand in the United States of America of the change of the electoral system also concerns with the under representation of women and ethnic minorities (Norris, 1997). Ides (2010) also proposed the amendment of California Constitution to implement the PR electoral system, replacing the FPTP electoral system. In Canada, demand for

change of electoral system from FPTP to PR system was voiced out by Schwartz (2000). He claimed that legislature in Canada is “fundamentally defective”. The obvious grudge over the current FPTP electoral system is that the election result always produces different percentage of seats compared to the percentage of the votes that the party gets in the election. A party which garner majority of popular vote may end up winning very few seats in the Parliament, while a party which win with less than 40 percent of popular vote can still win the election and form the government under the current FPTP system in Canada. As such, it is also suggested for Canada to change its electoral system by at least incorporating some elements of PR system (Schwartz, 2000).

In the UK, the issue of restructuring the electoral system has become the subject of serious debate. The debate was to change the current FPTP electoral system to another alternative system (Norris, 1997) like the Alternative Voting (AV) system. Packman (2010) quoted Vernon Bogdanor (2009) that said “A hung parliament, were it to occur, and would almost certainly put the reform of the first-past-the-post electoral system at the centre of the political agenda.” True enough; the 2010 election in the UK produced a hung Parliament that paved way for coalition government in the FPTP electoral system. Since no party able to command an outright majority, the Conservative Party which won 307 seats out of 650 seats in the House of Commons, formed a coalition government with Liberal Democrats which received 57 seats. The incumbent party i.e. the Labour Party, obtained 258 seats. Due to the election result that produced hung parliament, the demand for electoral system change in the UK become imminent. Thus, the UK Parliament introduced the Voting System and Constituencies Act (PVS Act) which was later passed and received the Royal Assent on February 16, 2011. The PVS Act gave way for a referendum to be held, to choose whether or not for the UK to change from the FPTP electoral system to AV system. The referendum was held between May 5, 2011 and October 31, 2011 (Packman, 2010). The result of the referendum was clear, that is to stay with the FPTP system. There were 67.9 percent (representing 13 million voters) of voters opposed the switching of the FPTP system to AV system. Only 32.1 percent (representing 6.2 million voters) chose to change to AV system (White, 2011).

An interesting example of the country that successfully changes its electoral system from FPTP to MMP is New Zealand. New Zealand had implemented the FPTP voting system for more than a century. New Zealand had been regarded as “purest” example of Westminster model of democracy and being regarded as “more British than Britain” (Roberts, 1997). However, this landscape has changed. New Zealand has changed its electoral system from the FPTP system to mixed member proportional (MMP), a subset of PR system based on the system practiced in Germany (Boston, Levine, McLeay & Roberts, 1996). This was after a referendum in 1993 and the new system (i.e. MMP) was first used in 1996 (Stephens, 2008).



What had happened in New Zealand in regards to the electoral system was actually very similar to what had happened in Malaysia. The public in New Zealand made the demand for the switch of electoral system when the Labour Party which was the opposition party, had won more popular votes throughout the country in the 1978 and 1981 parliamentary elections. However, the incumbent National Party which was the government at that particular time, won majority of seats but not the popular votes, thus, stayed in power. As Nagel (2012) quoted Jack Vowles with regards to the FPTP system in New Zealand before the change of the system, "...The essential flaw in our present [FPTP] arrangements is a simple one: *power is given to minorities who think they have a majority* (emphasis added)." The FPTP system was also coined by the New Zealanders as an electoral system where "elected dictatorship" (Cody, 2003) rule the country after winning the election. This sparked the move to change the electoral system in New Zealand to reflect the demand and the choice of the voters. The move to change to new electoral system in New Zealand started with the Royal Commission Report in the mid-80s; and the report suggested a new electoral system which was the MMP. The Royal Commission suggested the MMP as practiced in Germany where voters have two votes. Based on the MMP system, some of the members of the parliament are directly selected by the simple majority system while the rest will be based on the party list. The party list will determine the composition of the party that controls the Parliament (Levine & Roberts, 1994).

To determine the efficacy between the FPTP and MMP systems for New Zealand, the Royal Commission had taken into account ten criteria for consideration, namely, fairness for political parties, effective representation to the minorities and special groups, effective representation for the Maoris, political integration effective representation of constituents, effective participation of the voters, government, parliament, parties and its integrity. There were two referendums that were held by New Zealand before MMP system enforced. In September 1992, a referendum result showed 84.7 percent of votes demanded for a new electoral system against only 15.3 per cent that wanted to remain with the old system of FPTP. The details of the referendum results showed that 70.5 percent of votes chose MMP system, Supplementary Member system received 5.6 percent, Single Transferable Vote was 17.4 percent and Preferential Proportional Representation received 6.6 percent (Electoral Referendum Act 1993). According to Levine and Roberts (1994), the referendum result was the starting point of the changes of electoral system in New Zealand. Based on the referendum result in 1993, the people of New Zealand opted to change its electoral system to MMP system and the new system was first tested in the 1996 election (Stephens, 2008).

The New Zealand election on November 6, 1993 was the final and the last election that used the FPTP system. Three years later, New Zealand held the election by using the MMP system on October 12, 1996 (Roberts, 1997). Based on the

1996 election result, it showed that the new MMP electoral system was a success as recommended by the Royal Commission. The result of the 1996 election gave powers to several parties to control the parliament where there were six parties controlling the parliament. For the Maoris, there were 15 representatives in the House of Representatives in the New Zealand Parliament. Representation from the women also increased to 29 percent as compared to only 21 percent in 1993. The percentage of voters' turnout also increased; and it was higher than the 1990 and 1996 election. The National Party and the New Zealand First party formed a coalition government by controlling 61 seats from the 120 members of House of Representatives. As such, there no majority or monopoly party that governed the country and this was said to be fairer and balance for New Zealand (Roberts, 1997).

Looking at the experience of New Zealand, Roberts (1997) highlighted two lessons to be learnt. Firstly, about 25 years ago, it was never come across any mind that New Zealand which follows very Westminster like style would change its electoral system from the FPTP system that was emplaced for more than hundred years. Secondly, it is a great example for any countries around the world which would like to switch to new electoral system. Even at the earlier stage of transformation, New Zealand experienced difficulties and rocky start with the PR system; it is however proven that democracy may be achieved by the using the new system (Nagel, 2012). Besides, before any changes made to the electoral system, thorough, rigorous and in depth research, debate and public consultation must be carried out. The electoral system is the basis for democracy process and thus cannot be taken lightly (Roberts, 1997).

As such, it can be seen that there are other implications with regards to the changes in the electoral system; like stability and effectiveness of the government, voters' turnout, representation of minority and so forth. New Zealand is the best example with regards to the changes of electoral system. For Malaysia, the success of and the problems encountered by New Zealand in introducing a new electoral system, changing from the FPTP system to MMP system, may be a lesson to be learned by Malaysia if any electoral system reform is to be implemented, or, just taken as points for improvement to the current electoral system that we have.

#### **(D) Views from Experts**

The study also gathered the views from the legal experts on the election matters. The views of the respondent here only highlighted on the theme of what should be taken into account if Malaysia wants to adopt a new electoral system like PR system. It is not about whether or not Malaysia should change from the FPTP electoral system to a new system.

The respondents agree that if Malaysia is to change to a new electoral system, many aspects must be taken into consideration, primarily the infrastructure and the support system to ensure the smooth running and efficient conduct of the new

election system. The mindset of the people must also be taken into account that the new electoral system is better than the current system especially in term of its validity and integrity. This is also in relation to the negative perception toward the Malaysian Electoral Commission (MEC). The negative perception towards MEC must be corrected before any new electoral system is to be introduced (respondent 10).

Besides the perception, the people readiness and understanding of the new electoral system is very crucial. As mentioned before, the PR system, if it is to be implemented, is more complicated than the FPTP system. The people must fully understand the new system, especially the people in the rural areas. The rural areas people may not be exposed to the new development on the new system. Unlike the younger generation as well as urban people, they are more exposed and open to the online and outside world. The generation then may have different political views on and aware as what is happening in other parts of the world like in the UK, Japan, United States of America and Taiwan (respondent 4). As such, it is argued by most of the respondents that any new changes to the electoral system must come together with the development of the people and their readiness to change. The MEC must be improved in terms of its organizational structure, to be fully independent and be free from any political interference and only answerable to the parliament and the King (respondents, 3, 4, 8 and 12).

However, there are concerns from most of the respondents that the implementation of a new electoral system, other than the current FPTP system, will weaken the special privileges enjoyed by the "bumiputeras". The "bumiputeras" are the Malays and natives of any of the States of Sabah and Sarawak (Federal Constitution, article 153). The respondents claim the election in Malaysia is very much racist and ethnic centric (respondents 1, 2, 3, 5, 9, 10 and 11). As pointed out by respondent 13, the Federal Constitution is a gift to the bumiputeras as it gives the provision on "gerrymandering" and thus, making gerrymandering constitutional and give the advantage to a particular ethnic or race, especially to the ruling party. The other concerns of the expert respondents are also in relation to the unequal development and physical infrastructure between constituents. The PR system does not establish a close relationship between the representative and the people, since the elected representative does not represent specific constituency (respondents 1 & 9). For a country like Malaysia, to create effective linkages between the government and the people at the constituents, the FPTP system gives a clear advantage. The current FPTP system creates effective delivery system (of the government) and thus avoiding imbalance development between constituents (respondent 2). Overall, all of the respondents agree that on the aspects of law and legislation as well as the electoral administration, major revamp need to be done, but, Malaysia is always ready for the new electoral system in the near future. What is lacking is just the political will and readiness of the ruling government.

## V. CONCLUSION

As a conclusion, there are advantages of electoral systems, the FPTP as well as the PR system. However, to claim that one system is superior to the other is inaccurate since different electoral systems serve different purpose and different objective, although the ultimate aim is for the democratic process to flourish. A referendum as what had been held in the UK should be organized in Malaysia to see the views of the people. Besides, in depth and rigorous study must be carried out as what had been done in New Zealand because the proposal for any electoral change must not be taken lightly. Furthermore, it is suggested and recommended that there should be an establishment of independent Election Reform Committee which will report on the management and conduct of elections, the appointment of Election Commission and its administration staff (Kuttan, et.al, 2005). Last but not least, the establishment of Royal Commission or independent body is also suggested to study thoroughly on the electoral system, considering the limitations of the FPTP system and the new system that is fairer for all and suitable for Malaysia. Focus must also be given to the electoral laws and legislation including the Federal Constitution to facilitate the new electoral system in Malaysia. The New Zealand and the UK Government has tried to change to a new electoral system. The UK people said NO but the New Zealanders said YES. What about Malaysia?

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