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**BY UM CONSTITUTION TEAM**

The opening of the Negeri Sembilan state legislative assembly on April 23, 2026, gained national attention due to a growing constitutional and customary dispute involving the state's royal leadership. Yang di-Pertuan Besar Tuanku Muhriz Tuanku Munawir officiated the session despite the four Undang Yang Empat boycotting the ceremony in an attempt to depose him and appoint Tunku Nadzaruddin Tuanku Ja'afar as the new ruler.

The Undangs alleged that Tuanku Muhriz had committed serious breaches of Islamic law and customary tradition, while the state government rejected the move by citing Article 14(3) of the state constitution, arguing that Mubarak Dohak had already been legally removed from his position as Undang of Sungei Ujong on April 17, before leading the declaration against the Ruler. Although Tuanku Muhriz delivered the royal address, the assembly was immediately adjourned *sine die* (indefinitely) due to the unprecedented absence of the territorial chiefs and the resulting uncertainty over the state's constitutional order.

Commentary *Article*



MACC Under Scrutiny: Can Institutional Reform Restore Public Trust?



Mr. Zander Lim Wai Keong

Zander Lim Wai Keong is a former Deputy Public Prosecutor who served with both the Malaysian Anti-Corruption Commission ('MACC') and the Attorney General's Chambers (AGC), where he specialised in criminal prosecutions and appellate matters before the Court of Appeal and Federal Court of Malaysia. His work focused heavily on corruption, money laundering, and complex white-collar crime cases.

During his time with the MACC, Zander was involved in several high-profile and public-interest prosecutions, including Malaysia's first corporate liability prosecution under Section 17A of the MACC Act 2009 and the Sabah Water Department corruption case. He also handled matters involving former Prime Ministers, Deputy Prime Ministers, state EXCO members, and government-linked entities.

Having practised both as a Deputy Public Prosecutor and as defence counsel, Zander brings extensive experience from both sides of the criminal justice system. In recognition of his contributions, he was awarded the Excellent Service Award (Anugerah Perkhidmatan Cemerlang) by the MACC in 2022.

COMMENTARY

Recent developments involving the Malaysian Anti-Corruption Commission (“MACC”) have once again placed the institution at the centre of national discussion and public scrutiny. Allegations reported by Bloomberg on 10 and 12 February 2026 sparked widespread debate concerning institutional accountability, governance, public confidence, and the broader effectiveness of Malaysia’s anti-corruption framework.

Broadly speaking, the reports alleged, among others, that the Chief Commissioner of the MACC had purportedly breached certain public service conduct requirements relating to shareholdings in a public listed company. The reports further alleged the existence of a so called “corporate mafia” network purportedly involving certain individuals linked to the Commission, allegedly connected to pressure exerted on shareholders of public listed companies.

These allegations quickly generated significant public reactions. Civil society groups, members of the legal profession, politicians, academics, and members of the public voiced concerns regarding the integrity and independence of the institution. Demonstrations and public statements followed, with many calling for institutional reform, greater transparency, and stronger accountability mechanisms within the MACC.

Among the reforms most commonly proposed is the suggestion that the appointment process of the Chief Commissioner should involve Parliament rather than remaining solely based on the advice of the Prime Minister. The argument advanced by proponents of reform is that parliamentary involvement may help strengthen institutional independence and restore public confidence in the Commission.

There is merit in discussing institutional reform openly and constructively. However, we should not be too quick to criticise any organisation, including enforcement agencies, whenever allegations arise, particularly where such allegations have yet to be substantiated or proven through proper investigations by independent bodies or determined by a court of law.

There is no doubt that public confidence is crucial to institutions, especially institutions such as the MACC, whose role directly impacts public administration, governance, and the rule of law. Nevertheless, individuals and groups must also act responsibly and avoid unnecessarily magnifying allegations directed at either an individual or an organisation as a whole without proper evidence or investigation.

Doing so may not only affect public perception and confidence towards the institution concerned, but may also jeopardise the country's image internationally and indirectly affect investor confidence in determining whether Malaysia remains a suitable destination for investment. Ultimately, this may impact the nation's economy and, consequently, the livelihood and welfare of the people of Malaysia. Having said that, the larger question remains whether structural reform alone would necessarily resolve concerns relating to institutional independence and public trust.

First, we must understand the current structure governing the appointment of the Chief Commissioner of the MACC. Under *Section 5(1)* of the *Malaysian Anti-Corruption Commission Act 2009* ("MACC Act 2009"), the Chief Commissioner is appointed by the Yang di-Pertuan Agong on the advice of the Prime Minister.

In many ways, this mechanism is not unique and broadly reflects the appointment structure adopted for several important public offices within Malaysia's constitutional framework, including the Chief Justice of Malaysia and the Inspector-General of Police. As such, discussions surrounding institutional reform and appointments should be approached carefully and within the broader context of Malaysia's constitutional and administrative structure.

In my respectful view, no doubt greater parliamentary involvement in the appointment process may indeed strengthen institutional legitimacy and introduce an additional layer of scrutiny. Such reforms may also improve public perception by enhancing transparency and reducing concerns regarding executive influence.

Nevertheless, parliamentary participation alone does not automatically guarantee complete institutional independence. In practice, political realities and governance structures continue to play a role regardless of the appointment mechanism adopted. Even the Chief Commissioner appointment directly under the parliament, the governing majority may still significantly influence the outcome of appointments because the governing majority was the government of the day.

As such, the effectiveness and credibility of an institution cannot depend solely on the framework of appointment. Institutional integrity is ultimately shaped by the professionalism, independence, and commitment of the individuals entrusted to serve within the organisation itself.

It is equally important to recognise that no public institution is entirely immune from allegations involving individual officers or leadership. However, allegations involving certain individuals should not automatically define the integrity of the institution as a whole or diminish the contributions of many officers who continue to perform their duties professionally and in good faith.

Having previously served within the MACC as a Deputy Public Prosecutor during the tenure of the current Chief Commissioner, I had the opportunity to work closely with investigating officers and enforcement personnel within the organisation. From my own experience, many of the officers whom I encountered were dedicated towards carrying out their statutory responsibilities professionally and without fear or favour.

Their work often involved extensive investigations, long working hours, and significant public pressure. Anti-corruption enforcement is rarely straightforward, particularly when investigations involve influential individuals, complex financial transactions, or matters attracting national attention. Yet many officers continued to carry out their responsibilities with commitment and professionalism despite these challenges.

Following 2018, Malaysia witnessed an increase in corruption related investigations, prosecutions, and convictions involving various individuals and entities. Several high profile cases involving politicians, public officials, and corporate figures demonstrated that anti-corruption enforcement efforts were being pursued actively and visibly.

In the recent years, public confidence in the MACC appeared relatively stable, particularly in light of these enforcement activities and the Commission's increasingly visible role in tackling corruption related offences. While criticisms of the institution have always existed to some extent, there remained a general perception that anti-corruption enforcement efforts were continuing with seriousness and commitment.

This was also reflected, to some extent, in Malaysia's performance in the Corruption Perceptions Index ("CPI") published by Transparency International. Malaysia recorded a modest improvement between 2024 and 2025, with its CPI score increasing from 50 to 52 points and its global ranking improving from 57th to 54th place. This reflected, to some extent, a gradual improvement in perceptions relating to public sector governance, accountability, and anti-corruption efforts within the country.

As pointed out above, various allegations have recently been made against enforcement institutions. Taking the example of the alleged "corporate mafia" issue, it was reportedly stated by the Royal Malaysia Police in early April 2026 that there was, at that stage, no evidence linking the MACC institutionally to the alleged network. Nevertheless, the allegation itself had already created a serious negative public perception towards the MACC and gave rise to the impression that the institution as a whole was corrupt.

Such unsubstantiated allegations risk undermining public confidence in the institution despite the MACC's longstanding efforts in combating corruption at not only the lower levels, but also involving high-profile and senior individuals over the years.

While investigations and public scrutiny should always be welcomed in any democratic society, allegations involving institutions must ultimately be assessed carefully based on evidence, due process, and proper investigation, rather than speculation or premature conclusions alone.

This is not to suggest that criticism or reform should be discouraged. On the contrary, constructive criticism and public accountability remain essential to ensuring that institutions continue to improve and operate transparently. Public discourse, media scrutiny, and institutional oversight all play an important role in strengthening governance and maintaining confidence in public institutions.

At the same time, public discussions surrounding institutional reform should remain balanced and measured. There is a difference between recognising legitimate concerns and prematurely concluding that an entire institution has lost its integrity based solely on allegations which remain subject to scrutiny and investigation.

In this regard, the recent appointment of former High Court Judge Datuk Seri Abdul Halim Aman as the new Chief Commissioner of the MACC may assist in strengthening public confidence moving forward. The appointment of an individual with judicial and prosecutorial experience may contribute positively towards institutional leadership, particularly given the importance of fairness, independence, and adherence to the rule of law in anti-corruption enforcement.

Leadership undoubtedly plays an important role in shaping public confidence. A credible and respected leadership structure can strengthen institutional culture, reinforce public trust, and improve perceptions regarding independence and professionalism despite no institutional reform has been made.

Ultimately, the issue of institutional confidence extends beyond the question of who appoints the Chief Commissioner. Public confidence is shaped by a combination of factors including transparency, professionalism, consistency in enforcement, accountability, and the ability of the institution to act independently and fairly regardless of the individuals involved.

Institutional reform should therefore be viewed as an ongoing process rather than a single solution. Continuous improvements in governance, oversight, transparency, and accountability are important to ensure that institutions such as the MACC continue to command public confidence and remain effective in carrying out their statutory responsibilities.

At the same time, it is equally important to recognise the many officers within the MACC who continue to discharge their responsibilities diligently and in good faith in pursuit of the institution's objectives under the *MACC Act 2009*. Regardless of differing views on reform, anti-corruption enforcement remains an essential pillar in maintaining public trust, institutional integrity, and the rule of law within the country.

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Local Reform

CONSTITUTION

WHIPPING OF CONVICTS CONSTITUTIONAL, FEDERAL COURT RULES

The Federal Court ruled that judicial whipping for men is constitutional, with Chief Justice Wan Ahmad Farid Wan Salleh holding that the “moral efficacy” of punishments lies within Parliament’s authority rather than the judiciary. The majority dismissed challenges under Articles 5 and 8 of the Federal Constitution, finding no sufficient proof of gender discrimination or a violation of the right to life, and affirming that whipping serves a legitimate deterrent purpose within a regulated sentencing framework. The review application by the prisoners was therefore dismissed. However, Justice Lee Swee Seng dissented, arguing that whipping amounts to cruel and inhumane punishment that undermines human dignity.

ANTI-BULLYING TRIBUNAL READY SOON

The government is finalising an anti-bullying tribunal under the Anti-Bullying Act 2026. It is set to operate nationwide later this year, with specialised regional zones. This statutory body operationalises the state's implicit obligation to guarantee the fundamental liberties of citizens. This includes children's rights to life, personal liberty, and equal protection under the law. While the new tribunal centralises specialised legal and psychological recourse, victims still retain constitutional protections and access to justice. This access is available through existing statutory channels, such as the Penal Code.



Local Reform

CONSTITUTION



NEW MACC CHIEF'S APPOINTMENT MUST BE CONSTITUTIONAL, SAYS SUHAKAM

Following the appointment of Datuk Seri Abdul Halim Aman as the new MACC Chief Commissioner, Suhakam emphasised that the process must strictly adhere to the Federal Constitution. Under Article 40 and Section 5(1) of the MACC Act 2009, the Yang di-Pertuan Agong acts on the binding advice of the Prime Minister. This requirement renders the King's executive role formal and ceremonial.

Suhakam warned that departing from this established constitutional framework violates the rule of law and compromises democratic governance. Such actions also risk undermining public trust in the independence of Malaysia's primary anti-corruption institution.

PIG FARMING ROW: CONSTITUTIONAL DIMENSIONS OF WONG'S PROPOSAL

Selangor assemblyperson Wong Siew Ki's proposal for modern, closed-house pig farming has drawn significant attention after appearing to conflict with a decree by Sultan Sharafuddin.

The episode raises important constitutional considerations. Wong grounded her position in Article 8(2) of the Federal Constitution, contending that pig farming should receive equal protection comparable to other livestock industries. More broadly, the matter illustrates the constitutional tension between the freedom of speech afforded to lawmakers within the state assembly and the executive influence exercised by the constitutional monarchy.



Local Reform

SABAH & SARAWAK



SARAWAK READY TO DEFEND JUDICIAL APPOINTMENT ISSUE IN COURT WITH MA63, CONSTITUTIONAL FACTS

Sarawak Premier Abang Johari maintained that the state shall legally defend its right to be consulted regarding judicial appointments to the High Court in Sabah and Sarawak. In representing the GPS coalition, he emphasised that these rights are firmly grounded within the Malaysia Agreement 1963 (MA63) and the Federal Constitution. He further asserted Sarawak's intention to defend pre-Malaysia state laws, like the Oil Mining Ordinance (OMO) 1958 and the Distribution of Gas Ordinance 2016 (DGO), to ensure they remain valid under the constitutional framework.

Local Reform

SABAH & SARAWAK



COURT OF APPEAL GRANTS STAY TO PUTRAJAYA OVER SABAH 40PC REVENUE RULING

The Court of Appeal, in a highly followed matter led by Judge Mohamed Zaini Mazlan, granted Putrajaya a stay of execution against the High Court order compelling negotiations on Sabah's 40% revenue share. The appellate court reasoned that immediate enforcement would prejudice public funds, administrative stability, ongoing fiscal planning, and broader constitutional governance considerations, pending determination of the federal appeal.

SABAH, SARAWAK CONSTITUTIONAL RIGHTS UNDER SCRUTINY AMID MAJOR COURT DISPUTE

The Borneo's Plight in Malaysia Foundation (BoPiMaFo) says two ongoing court cases could reopen key constitutional issues affecting Sabah and Sarawak. Its president, Daniel John Jambun, said the cases involve Sabah's 40% revenue entitlement under Article 112D of the Federal Constitution and the petroleum governance dispute between Petronas and Petros. He noted that the High Court's recent decision on Sabah's entitlement marks a rare instance of judicial enforcement of a constitutional safeguard previously addressed through political negotiations under the Malaysia Agreement 1963.



Constitution Unveiled

Between Reform and Restriction: Constitutional Debates on Malaysia's Evolving Citizenship Framework



Ms Larissa Ann Louis

(Partner, Azri, Lee Swee Seng & Co
(ALSSCO))

Ms Larissa Ann Louis is a partner at Azri, Lee Swee Seng & Co where she heads the firm's pro bono unit and specialises in constitutional law and dispute resolution. A significant portion of her practice is related to human rights on statelessness and citizenship issues, particularly involving individuals who lack formal recognition or seek legal identity in Malaysia.

OVERVIEW

Malaysia's recent constitutional amendments mark a pivotal development in citizenship law, which is set to take effect on 1 June 2026. At the heart of these reforms lies a long-awaited shift toward gender equality, a milestone made possible by a rare and historic two-thirds majority with 206 Members of Parliament voting in favour. This achievement underscores a national consensus on granting Malaysian mothers the right to confer automatic citizenship on children born overseas.

Yet, the broader amendment package has sparked significant debate. To unpack these tensions, we spoke with Ms Larissa to gain valuable insight into whether these amendments reflect a genuine shift toward substantive equality or reveal deeper constitutional tensions.

01

A “Give and Take” Constitution: Reform at a Cost

The amendments have been widely and rightfully praised for advancing gender equality in line with *Article 8* of the Federal Constitution. Ms Larissa acknowledges the immense achievement in securing legislative support to rectify this long-standing gender bias. However, the broader amendment package simultaneously restricts existing pathways to citizenship, which Ms Larissa describes as “they gave some, but they took some as well”.

The regressive amendments include:

- *Section 1(a) of Part II, Second Schedule*, removes the pathway for automatic citizenship for children born in Malaysia to permanent resident (PR) parents after Malaysia Day.
- *Article 15(2)* and *Article 15 (15A)* reduce the age limit from “21 years” to “18 years” for the purpose of obtaining citizenship via registration.
- *Article 26(2)* replaces the term “date of marriage” with “date of obtaining citizenship” (“date of acquisition of citizenship by registration”) to revoke citizenship for foreign spouses of Malaysian men (who obtained citizenship via registration in pursuant to *Article 15(1) of FC*) if the marriage is dissolved within 2 years from the said date.
- Prospective application of reforms, which exclude children born prior to the amendments. This limitation is particularly detrimental to Malaysian mothers seeking to confer citizenship on their existing overseas-born children, as *Section 1(b) and 1(c) of Part II, Second Schedule* strictly assess citizenship entitlement based on the situation at the time of birth.

Text vs Justice: Interpreting Article 14

02

The constitutional debate surrounding citizenship was notably catalysed in *Suriani Kempe & Ors v Government of Malaysia*,^[1] which kick-started the amendment process. The High Court’s purposive interpretation, which read the word “father” to include “mother” in line with *Article 8(2)*, marked a significant push toward substantive equality. This ultimately demonstrated that while courts can catalyse change, resolving deep-seated constitutional gender bias often requires a legislative remedy.

This tension is further reflected in *CTEB & Anor v Ketua Pengarah Pendaftaran Negara (‘CTEB’)*,^[2] where the majority adopted a strict textual approach regarding illegitimate children born overseas. The debate centred on the conflicting interpretations of *Section 17, Part III of the Second Schedule*, which directs that references to a “parent” or “father” of an illegitimate child be construed as references to the mother. The majority strictly applied this to mean “parents” must be defined by their marital status at the time of birth, effectively denying the biological Malaysian father the ability to confer citizenship. In contrast, Tengku Maimun CJ’s dissent offered what may be described as a “dream interpretation” by Ms Larissa. Her Ladyship emphasised that citizenship provisions should be construed “as widely as possible” to avoid unjust exclusions.^[3]

Text vs Justice: Interpreting Article 14

02

As Ms. Larissa explained, these differing interpretations tackle distinct legal hurdles: **CTEB** hinges on whether a “parent” is defined by biological reality or marital status, whereas **CCH & Anor v Pendaftar Besar bagi Kelahiran dan Kematian** (‘CCH’) separately addresses whether ‘abandonment’ under *Section 19B of Part III of the Second Schedule* can be interpreted to protect vulnerable children.^[4]

Ultimately, these competing interpretations underscore a fundamental constitutional limitation. As Ms Larissa noted, litigation is not the appropriate avenue for resolving such issues, as they involve changes to the Constitution itself, which reinforces the principle that while courts may interpret, it is Parliament that must ultimately amend.

03

*Transitional Justice and the
“Lost Generation”*

One of the most contentious aspects of the amendments is its prospective application. The new provisions apply only to children born after the reforms take effect, leaving those born earlier in a state of continued uncertainty. From a transitional justice perspective, this raises concerns about a “lost generation” — individuals who were denied citizenship under previous frameworks and remain excluded despite the recognition of inequality.

While prospective application is often justified on grounds of administrative certainty and alignment with international practice, Ms Larissa notes that the government’s position was influenced by comparative approaches in jurisdictions such as Singapore, India and the United Kingdom, where similar citizenship reforms were implemented prospectively as a matter of “best practice.”

However, she questions whether reliance on external models is sufficient in the Malaysian context. Rather than simply mirroring other jurisdictions, the question becomes whether constitutional reform should actively remedy past violations or merely prevent future inequity, particularly among existing individuals who continue to bear the consequences of earlier discrimination.

The Human Impact of Statelessness and Vulnerability

04

Beyond temporal application, the amendments carry profound human implications. Ms Larissa highlights that the removal of citizenship pathways tied to permanent resident ('PR') status disproportionately affects vulnerable groups, including children of stateless persons, Orang Asli and Orang Asal communities, and children born to third-generation ethnic Indian and Chinese families in Peninsular Malaysia who have intergenerationally only been granted PR status. The critical focus here must be on the child; if a parent's PR status is no longer recognised as a valid pathway for conferring citizenship, it is the child who directly suffers the loss of this automatic right. Consequently, many are now left to rely on discretionary processes, specifically registration under *Article 15A* and naturalisation under *Article 19*, shifting citizenship from an automatic right to an uncertain, administrative outcome.

This concern regarding vulnerability is reflected in judicial reasoning. In *CCH* the Federal Court emphasised that *Section 19B*, which provides that a newborn child found exposed and abandoned in a place is presumed to be born to a mother who is a permanent resident of that place,^[5] must be interpreted to cover "new born children who are left and discovered in a place without any trace of their biological parents," including those abandoned in public places.^[6] The Court further held that "the broadest possible interpretation of the word "found exposed"... must... encompass the plight of abandoned newborn children, otherwise the overarching intent of preventing statelessness would be defeated or rendered illusory."^[7]

In this sense, *Section 19B* operates as a constitutional "safety net" against statelessness. However, the impending removal of the word "permanent resident" from *Section 1(a)* creates a severe legal complication for this safeguard. Because *Section 19B* relies on presuming an abandoned newborn's mother is a Malaysian PR, removing the PR pathway from *Section 1(a)* effectively neutralises *Section 19B's* ability to automatically grant citizenship to foundlings, leaving these vulnerable children at a high risk of statelessness.

Who Decides? Parliament, Courts, and the Role of Lawyers

05

The question of citizenship reform ultimately raises a deeper institutional issue: who drives meaningful constitutional change? While litigation has been instrumental in highlighting gaps within the law, Ms Larissa emphasises that courts remain bound by constitutional text. As such, where reform requires altering the Constitution itself, the responsibility lies with Parliament.

At the same time, she notes that all actors play a role. Strategic litigation remains important, but as a catalyst. Lawyers, in particular, shape reform by carefully selecting cases, framing arguments, and pushing constitutional boundaries. As she observed, these cases require “the right plaintiffs with the right facts” to expose structural inequalities and compel institutional response.

However, she cautions that even strong legal victories may not translate into lived realities. Constitutional guarantees, including equality under Article 8 and fundamental liberties under Article 5, must be read broadly and harmoniously, yet their effectiveness ultimately depends on legislative action and administrative implementation.

Beyond Malaysia: Comparative Lessons and Bureaucratic Realities

06

Beyond Malaysia, Ms Larissa highlights how jurisdictions such as Singapore and Australia have adopted more proactive approaches to citizenship reform. While international instruments such as the Universal Declaration of Human Rights (UDHR) remain persuasive rather than binding in Malaysia, she suggests that they should still exert normative pressure in shaping constitutional interpretation and reform.

Yet, she stresses that reform is not merely about aligning with international standards, but about ensuring that rights are meaningfully realised on the ground. In practice, significant bureaucratic barriers persist. Applications for citizenship under *Articles 15A and 19* often depend heavily on ministerial discretion, with little transparency, limited reasoning, and no clear right of appeal. In contrast, systems such as Australia provide tribunal mechanisms to review administrative decisions. A safeguard largely absent in the Malaysian framework.

More critically, implementation gaps continue to undermine reform. As Ms Larissa points out, inconsistencies across National Registration Department (JPN) offices, from differing document requirements to varying officer discretion, create uncertainty for applicants. The process can depend on which officer is encountered, whether legal representation is present, and how the application is framed. This disproportionately affects vulnerable individuals, many of whom lack access to legal assistance and are left navigating an opaque system alone.

She further highlights structural gaps within the legal framework itself. For instance, the division between *Articles 15A* (for those below 18) and *Article 19* (for those above 21) creates a “limbo” affecting individuals aged 18 to 21, who often find themselves ineligible for either pathway. Similarly, the imposition of time limits such as the one-year registration period for children born abroad, as stipulated in Second Schedule raises practical challenges, particularly where administrative delays or lack of awareness hinder timely applications.

Ultimately, Ms Larissa emphasises that constitutional reform must go beyond textual amendment. It must “trickle down” into consistent administrative practice, supported by proper training, clear procedures, and accessible safeguards. Without this, even well-intentioned reforms risk remaining theoretical, highlighting that the true challenge lies not only in changing the law, but in ensuring its fair and effective implementation.

Conclusion

Malaysia’s citizenship amendments represent a defining constitutional moment. The achievement of a two-thirds majority to finally enshrine gender equality in citizenship is a triumph for women’s rights that should be celebrated. Yet, it remains a complex milestone — neither wholly progressive nor entirely regressive. As the amendments come into force, the real test will lie not only in their legal interpretation but in their practical impact. In navigating this evolving framework, the question remains: can constitutional reform truly deliver substantive equality, or will it continue to operate within the constraints of administrative and institutional limits?

Footnotes

^[1] Suriani Kempe (President and office bearer of Persatuan Kebajikan Sokongan Keluarga Selangor & Kuala Lumpur (Family Frontiers)) & Ors v Kerajaan Malaysia & Ors [2021] 12 MLJ 558.

^[2] CTEB & Anor v Ketua Pengarah Pendaftaran Negara, Malaysia & Ors [2021] 4 MLJ 236.

^[3] *ibid*, para [56].

^[4] CCH & Anor (on behalf of themselves and as litigation representatives of one CYM, a child) v Pendaftar Besar bagi Kelahiran dan Kematian, Malaysia [2022] 1 MLJ 71.

^[5] Federal Constitution, Second Schedule, Part III, Section 19B.

^[6] CCH & Anor (on behalf of themselves and as litigation representatives of one CYM, a child) v Pendaftar Besar bagi Kelahiran dan Kematian, Malaysia [2022] 1 MLJ 71, para [53].

^[7] *ibid*, para [54].

Landmark Cases

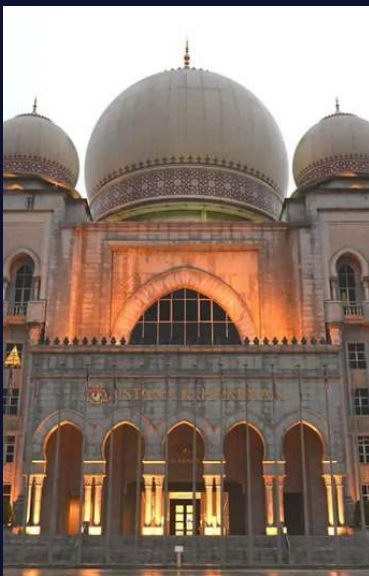
LOGAN A/L SEGARAN & ORS V KERAJAAN MALAYSIA ***[2026] 7 MLJ 659***

The plaintiffs were charged under section 130V(1) of the Penal Code for membership in the organised criminal group “Geng TR,” an offence classified as a security offence under SOSMA. They challenged the constitutionality of several SOSMA provisions, alleging violations of Articles 5, 8, 121(1), and 149 of the Federal Constitution by displacing judicial oversight and undermining safeguards. The High Court upheld sections 4(5), 13, 14, 15, 16, 18A, and 20, holding that although these provisions modified procedural and evidentiary rules, they remained valid under Article 149 as they did not extinguish the judiciary’s core adjudicatory functions. However, the court declared section 30 unconstitutional, finding that its mandatory remand requirement stripped judges of discretion and violated judicial power under Article 121(1) by undermining the judiciary’s role as independent arbiters of liberty.



KETUA PENGARAH PENDAFTARAN NEGARA & ORS V ***TAN JUN YAN AND ANOTHER [2026] 3 MLJ 134***

The Court of Appeal set aside the High Court’s declaration granting citizenship to the plaintiff by operation of law under Article 14(1)(b). The plaintiff, an adopted child of Malaysian citizens, failed to prove his biological parentage or that he satisfied the constitutional requirements under the Second Schedule. The court held that adoptive parents do not fall within the meaning of “parents” for citizenship purposes, and the presumption for abandoned children under section 19B was inapplicable due to insufficient evidence. It further ruled that the plaintiff did not establish that he was not a citizen of another country, and that section 2(3) could not substitute evidential requirements. Accordingly, the plaintiff was not entitled to citizenship by operation of law.



Public Comment

LAWYERS WARN AGAINST GIVING PUBLIC PROSECUTOR UNFETTERED POWERS

Criminal lawyers, inter alia Salim Bashit and A Srimurugan, warned against the latest proposed bill which transfers prosecutorial powers from the AG to a new Public Prosecutor. This is following the proposal to grant the new PP ‘unfettered’ powers under Article 145(3) of the FC to drop chargers after a prima facie case is established. Such was argued that it disrespects judicial effort and wastes public resource, and the lawyers insisted that trial judges must retain the final discretion— an acquittal or a discharge not amounting to an acquittal (DNAA).



SUHAKAM COMMENDS THE DISSENTING JUDGMENT AS MORE RIGHTS-CONSISTENT AND CONSTITUTIONALLY FAITHFUL

Suhakam criticized a 2-1 Federal Court majority ruling which upheld that caning as a punishment was constitutional, and does not violate fundamental liberties. Contrastingly, SUHAKAM praised the dissenting judgement by Judge Lee Swee Send who maintained that caning violates such fundamental liberties enshrined under Article 5(1) and 8(1) of the Federal Constitution, constituting cruel and degrading punishment. SUHAKAM further urges Malaysia to accede to the UN Convention against Torture (UNCAT).



SUHAKAM FLAGS NEED FOR CHILD ACT REFORM AFTER REFORM AFTER APEX COURT DECISION

Suhakam has urged urgent reform of Section 97 of the Child Act following the Federal Court’s dismissal of a review application by seven prisoners detained “at the pleasure of the ruler.” It criticised the continued use of indefinite detention for offences committed as children and called for a determinate, transparent, and reviewable sentencing framework aligned with constitutional rights and international obligations.



International News



PALESTINIANS VOTE IN FIRST ELECTIONS SINCE GAZA WAR

Palestinians in the West Bank and central Gaza held municipal elections, the first since the Gaza war began. Turnout in the West Bank reached 53.44% after a late surge, while participation in Gaza's Deir el-Balah remained low at 22.7%. President Mahmud Abbas welcomed the vote despite ongoing challenges. Voters cited local concerns such as infrastructure and limited resources under occupation, though some criticised the timing amid war and rising settler violence. The elections reflect efforts to sustain democratic processes despite security concerns and difficult conditions.



POLAND'S PARLIAMENT PLANS TO SWEAR IN JUDGES AFTER PRESIDENT'S DELAY, ESCALATING CONSTITUTIONAL STANDOFF

Poland's ongoing rule-of-law crisis intensified in April 2026 after the government moved to swear in four Constitutional Tribunal judges before Parliament rather than the president, escalating a constitutional standoff. President Karol Nawrocki rejected the move, arguing it violated constitutional procedure, while the government maintained that he had no authority to block judges approved by Parliament. The dispute has raised concerns over a split tribunal and legal uncertainty, with both sides accusing each other of breaching the constitution amid a broader conflict over judicial independence.

International News



RULING PARTY IN INDIA SUFFERS SETBACK AS CONSTITUTIONAL AMENDMENT DEFEATED IN PARLIAMENT

A major Constitution Amendment Bill introduced by the Bharatiya Janata Party government led by Narendra Modi was defeated in the Lok Sabha on April 17, 2026, after failing to secure the required two-thirds majority. The bill, which proposed implementing 33% reservation for women from 2029 alongside increasing Lok Sabha seats to 816 through delimitation, received 298 votes in favour and 230 against, falling short of the 352 votes needed. This marks the first time in nearly 12 years that a government-sponsored constitutional amendment under Modi has been rejected in Parliament.

The defeat was largely driven by opposition resistance to the delimitation component, which involves redrawing constituency boundaries and has long been a contentious issue. While most opposition parties supported the idea of reserving seats for women, they opposed the manner in which delimitation was bundled with the proposal, arguing it could disproportionately benefit the ruling party in northern and central regions. Several opposition leaders viewed the move as a strategic attempt to combine two issues with differing levels of support, potentially allowing the government to gain politically regardless of the outcome.

Following the vote, political tensions escalated, with the government accusing opposition parties such as the Congress, TMC, DMK, and Samajwadi Party of blocking women's reservation despite publicly supporting it. In contrast, opposition leaders framed the outcome as a victory against what they described as a politically motivated restructuring of electoral boundaries. Despite the setback, government figures characterised the defeat as a "blessing in disguise," suggesting it could be used to highlight opposition inconsistencies in the lead-up to key state elections.

Consti Fun – Damental Fact

Post Smart

Know Your Rights Under Article 10

The Basic Right

Freedom of Speech and Expression is Protected

 Under Article 10(1)(a), Malaysians have the right to:


**express
opinions**


**share
ideas**


**artistic
expressions**


**web
content**

 **Caution But, it is NOT absolute**
 under Article 10(2)(a), restrictions may apply for:

-  • Public Order
-  • National Security
-  • Morality

- Parliamentary Privilege 
- Defamation, etc

WHAT CAN GET YOU FLAGGED

- ✗ **Section 233 of CMA 1998**
 Sharing content that is deemed obscene, indecent, false, menacing, or grossly offensive with the intent to annoy, abuse, threaten, or harass
- ✗ **Seditions Act 1948**
 Content that has a 'sedition tendency' against Government/Rulers, promote ill-will between different races or questions sensitive matters protected by FC ie. bumiputera privilege
- ✗ **Defamation Act 1957 (Civil) & Section 499 of the Penal Code (Criminal)**
 Posting false statements that harm a person's or company's reputation may lead to legal liability

Source:

- Federal Constitution of Malaysia, Article 10(1)(a) & Article 10(2)(a).
- Communications and Multimedia Act 1998 (Act 588) (Malaysia) s 233.
- Seditions Act 1948 (Act 15) (Malaysia).
- Defamation Act 1957 (Act 286) (Malaysia).
- Penal Code (Act 574) (Malaysia) ss 499 & 505

Consti Fun – Damental Fact

Post Smart

Know Your Rights Under Article 10

WHAT CAN BE POSTED AND HOW TO POST SAFELY

 You are allowed to:



**Share
Views**



**Criticise
Policies**



**Discuss
Public Issues**

Posting Guidelines



VERIFY:

Double-check facts before hitting 'Share'. Misinformation or rumors can be seen as an attempt to cause public fear under Section 505 of the Penal Code



ANONYMITY ISN'T A SHIELD:

Using a fake profile doesn't exempt you from the law. Digital footprints are traceable via IP addresses.



KNOW THE PLATFORM:

Understanding a site's "Community Guidelines" is your first line of defense before the law even gets involved.

Legal Consequences:

IF YOU ARE INVESTIGATED



You may be Called for Questioning:

You have the rights to ask the reason for investigation



Right to Legal Counsel:

You have the right to contact a lawyer immediately



Device Seizure:

Authorities generally need a warrant to seize your devices under the Criminal Procedure Code, unless it falls under Section 248 of the CMA 1998



Passwords:

Under Section 249 of the CMA, you may be legally required to provide access (passwords/encryption codes) to a seized device. Refusal can lead to separate charges.

Source:

- Communications and Multimedia Act 1998 (Act 588) (Malaysia) ss 248 & 249.
- Criminal Procedure Code (Act 593) (Malaysia).

Events



1. International Conference on Law and Political Science (ICLPS)

Date: 19th-20th June 2026

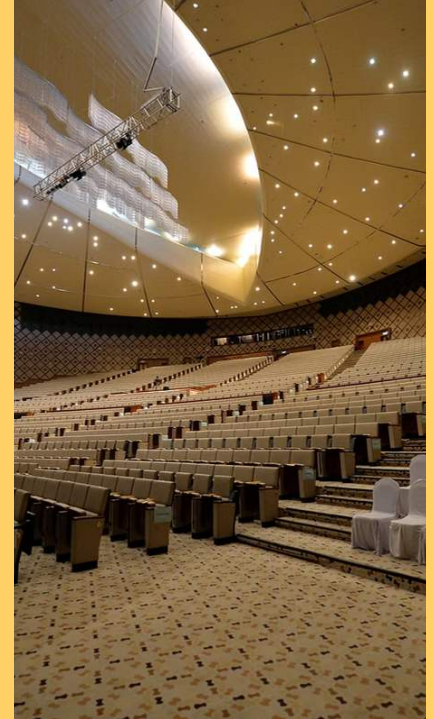
Venue: Putrajaya, Malaysia



2. Commonwealth Legal Education Association (CLEA) Conference 2026

Date: 2nd–3rd April 2026

Venue: Shangri-La Hotel, Kuala Lumpur



3. International Conference on Penal Law Crime and Criminal Justice (ICPLCCJ - 2026)

Date: 20th May 2026

Venue: Putrajaya, Malaysia

What We Do?

UMCT Law Series

The Law Series is a student-run online newsletter. Every month, the Consti Team writes on an array of issues, perceived through the lens of constitutional law, to raise public awareness and, most importantly, constitutional literacy.



Consti Colloquium (@umconstiteam on Instagram)

Consti Global Snapshot

The Consti Global Snapshot is an online newsletter where the Consti team explores the unique features of the constitutions from different countries, their historical context, the challenges it has faced, and the valuable lessons we can draw to enrich our own constitutional framework.



SPECIAL THANKS OF GRATITUDE TO

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Saleem Faruqi*

Mr. Magesan A/L R Ayavoo

Dr. Sharon Kaur A/P Gurmukh Singh

Dr. Wilson Tay Tze Vern

Dr. Sheila Ramalingam

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