7 Will of The Malay Kings: An Analysis On The History And Malaysian Constitution

Ramlah Adam

Introduction

On 5th of August 2011, Raja Nazrin Shah, the Crown Prince of Perak had reminded the people regarding the Will of the Malay Kings, which were written when they unanimously signed their support in favoring the independence of Malay Land Federation on the 31st of August 1957. These will by itself was an evidence of their attention on the future of their people in a free country. This will, however, had never been exposed to the public as a reminder. This is because the Monarchy institution had been accepted undisputedly as a ruling and governing body, as well as the social-culture of the people. However, with the latest development, the status of the Malay Kings is mentioned wrongly in the modern as well as social media, thus jeopardizing their rightful status. Thus, the Kings themselves had to step forward in defending this institution, by stating their status both in the constitution and societal level. One of the way of doing this is to remind the people about the 7 Will of the Malay Kings.

Why was the 7 Will Originally Expressed?

The concern of the Kings in the future of their people against the political challenges as well as the struggle to maintain their unity was groundly based. With the Malay Land Federation achieving their freedom, it only means that the Kings had passed the governance and state management to the people themselves. In the concept of Constitutional King practiced upon independence, the Kings can no longer select the leaders of the states nor the country. The choice is in the hand of the people in an election held every 5 years. The people now has the right to vote anyone they see fit to lead and govern the country. As such, absolute sovereignty of the Kings in governance was disappeared; rights is to only select the Prime Minister, the Cabinet and the Head of States from the party that won the majority in the Parliament or the states. As such, through this Will, the Kings are reminding the people on the necessity of governing the country and the states without abandoning the issues mentioned in the Will.

Secondly, the 7 Will was intended to stress that all of the issues mentioned to be cared and well-preserved are the basics of Malay civilizations that set foot on the Malay Land since hundreds of years ago, long before the arrival of Western colony in this area. The Malay kingdoms formed and flourished, and were replaced by another in the whole Malay World or Malay Archipelago, were the core of an important racial civilization. They are always connected and rivaled for greatness and marine control surrounding the Malay Archipelago. The important characteristics as the core to this racial civilization are the governmental system, language and literature, as well as the religion of Islam spread through trading, marriage, conquests, as well as formation of learning centers and infamous teachers. Not to mention a vast trading network where its goods were the demand of the world. The Malaccan Malay Sultanate would not be conquered by the Portuguese if it was not that great of an empire. The Dutch and the British also would not colonize the Malay Land and other archipelagos if their economy was not that advanced of a state. The existence of kingdoms over the past hundreds of years enabled a great civilization to be strongly built. Even though history had forgotten them, the basics of these kingdoms did survive up until now through
the positive actions of the kings. By that, the 7 Will of the Malay Kings is an act of reminder to the people of the achievement of past Malay kingdoms. (1)

Thirdly, the Malay Kings wished to ensure that the protection and support towards their people, particularly Malay, will be continued in maintaining the harmony and unity of the society and the country. The opening of the Malay Land Constitution citizenship to any race born in the Malay Land had increased the number of residents of Malay Land with such an impact. In addition, they were also allocation for applied citizenship. In the 1955 Election, the total of Malay voters was 84.2%, but in the 1959 Election, the percentage of Malay voters was only 55%. This means that the opportunity of citizenship to all races had weakened the Malay political power. This situation concerned the kings that not only saw their original people shrinking in number, but also had their political power weakened, and it will become worse if it includes economy and education setback. As such, a degree of protection and the status in the 1957 Independence Constitution should be reinforced with the 7 Will, as and additional protection wall of their status and unity in an independent country. (2)

The 7 Will covers all basic issues that set foot in the glorious days of Malay kingdoms before the arrival of the colonizers, which was later included in the National Constitution as the basic issues of the Malay Land Federation (later known as Malaysia). These basic issues were the land known as Malay Land Federation, Malay Reserved Land, Malay Military Regiment, the sovereignty and the status of the Malay Kings as rulers, Malay language as the National Language, Islam as the Federal Religion, the Special Rights of the Malay as well as the Legit Rights of other races in the Malay Land Federation.

The 7 Will of The Malay Kings

The 7 Will was brought forward once again by the Crown Prince of Perak, Raja Dr. Nazrin, on the 6th of August 2011, which states:

(translation)

“O races, that on 5th of August 1957, the Nine Malay Kings as the Ruler King from four United Malay States and five Non-United Malay States had agreed to sign the constitution to the formation of the Malay Land United Federal Constitution by affirming 7 Will of the Malay Kings which states:

The Will of the Kings was delivered before independence to the Malay people who were the original people and the subjects of the Malay Kings are as follow”:

“We commanded to our linage and descendants 7 will that if you are united and hold on to it, forever you will stay in harmony and peace”.

694
Analysis

The introduction of the 7 Will clearly states a few issues that probably went unrealized of its importance by the society of this country. Among those are the date 5th of August 1957; this date was mentioned specifically as an important date which the 7 Will was written, just a few weeks before the Declaration of Independence of the Malay Land Federation. This means that the will was written before the date of the Independence Day. It was a very special moment for the kings to pass their responsibilities to their people. Under this independent government, the Kings wish to see their people are ready with a political decision to select their own leader through election. It is up to the people’s consideration herewith to choose their own leader. The Malay Kings from there on, in the concept of Constitutional King, are only capable of selecting the highest governmental leader in the National or state level.

This will was written as a separate entity from the 1957 Malay Land Federal Constitution, or also known as 1957 Independence Constitution. It is an obligation by the Malay Kings in strengthening their stance on the same issues included in the 1957 Constitution. This Will can be seen as a special reminder for the Malay community from their Kings. It should be a conscious tool for all of them.

The Will was dedicated to the Malay community who were the subject of the Kings from the early emergence of past Malay kingdoms. Orang Asli were the original people too, and they have existed even before the emergence of the Malay Kingdom. In fact, in some states they have been a part of the Malay kingdom itself. Without the Malay community, a Malay kingdom cannot be formed since the people are the supporters as well as the followers to the monarchy institution and the government itself. By that, the king will always see his own people as a necessity in sustaining their existence and survival; therefore a king will always love his people that carry him; therefore a reminder towards unity and the strength of the Malays based on the 7 Will is relevant in sustaining the Malay Kings and the governmental states of Malaysia. The security and safety of the Malay people are very important to the kings.

The 7 Will was:

First: “We name and we called it, this land that you step on and this sky you shed under as the Malay Land Federation”.

Analysis

The Malay Land Federation achieved her independence on the 31st of Aug 1957 was a political entity founded on the 1st of February 1948. It unites eleven states, nine of them with kings and two Strait States. With that, the concept of a Federal government was started as the base or the form of the national government system. This name was used until the 1957 independence for the Malay states, Malacca and Penang until the formation of Malaysia in 1963. This means that the land commanded by the kings as the motherland of the Malays and the sky with they seek shelter is a country and nation that will always be theirs. This is because the name significantly symbolized a specific name, the Malay Land. This particular land represent the land that existed thousands of years ago, with various names called by travellers and traders on this peninsula shaped land. It was famous with the name Golden Peninsula, which later known as Malacca Peninsula with the
Malaccan Strait being a crucial pathway for traders and colonizers alike. All of the kingdoms formed along its coast were not famous, until the raise of Malaccan Sultanate on the 15th century. The Malaccan Sultanate later built a great empire until the whole peninsula was known as Malacca Peninsula. It then changed name to Malay Peninsula by the British, before it was changed again into Malay Peninsula to match with the name Malaya invented by the British. The nickname Malay Peninsula is closer to the hearts of Malays, for example Keretapi Tanah Melayu Berhad (Malay Land Train Co.) still retains its name until now.

This nickname later vanished with the formation of Malaysia on the 16th of September 1963. As the matter of fact, this is a great sacrifice to the Malays and their kings when the name Malay Land Federation no longer being mentioned nor used in the Malaysian Constitution. That name is forever lost; the nickname Malay Land that is so obvious in its meaning to the Malays had disappeared. The formation of Malaysia as a federation contains a bigger members, fourteen states that are still blessed and signed in the 1963 Malaysian Treaty by the Malay Kings, which are known as Kings of Malaysia. This was stated in the Federal Constitution, Section 1(1,2) Federal States, Religion and Law. (3)

In other words, the Malay Kings that commanded this land and heaven as the Malay Land Federation, now had commanded Malaysia as a land to be uphold by the people. The Malay Kings, who signed the Malaysian Treaty consciously changed the nation’s name with a new one; this however did not lessen the responsibility to the Malays, the majority of this nation, that will live together with the native Sabahan and Sarawakian, as well as all other races that had become the citizen of Malaysia. With that, the Malay Kings that ruled all the states with a king will be known as Yang Di-Pertuan Agong when his turn came, had widen his position as the people’s protector, and he rose over all of the people who are his nation. For that, it is a responsibility for the entire nation to be loyal to the King, as what had been stated in the second pillar of Rukun Negara (National Pillars). As such, with the nation now known as Malaysia, the Malay Kings are now known as Malaysian Kings with their people consisted of various races even though the responsibility is still closed in the hearts of the Malays.

Second: “We declare and we spare for you, so thus we permit you to declare and spare for your children, other than the mountains, lakes and reserved forests, Malay Reserved Land, for the ratio up to 50%, and you may compete what’s left with other races”.

Analysis

Malay Reserved Land is a legal allocation established since the 1900 by the British in concurring to the request of Raja Culun Ibni Sultan Abdullah of Perak, who wants the lands owned by the Malays and a portion of the lands in the Malay states are gazetted as Malay reserved, that cannot be sold to other races. This is a form of protection for the Malays as native or son of soil of the Malay Land from the pressure of traders and immigrants to the Malay Land. The British saw this as a reasonable request that, they fulfill in the form of this act. In fact, in states that does not have a king such as Melaka, Penang, Sarawak and North Borneo (Sabah), British did implement the same act as well. Malay Reserved Land, Tanah Adat Melayu (Malay Cultural Land) and Tanah Anak Negeri (Malay Son of Soil Land) are made to ensure that the incoming foreign investors and
immigrants that are capable of buying federal and state land without any limitation, can do so without jeopardizing the status and welfare of the son of soil i.e. the Malays.

In the 1957 Independence Constitution, this subject had been made a clear chapter. It was prolonged later on in the 1963 Federal Constitution (Malaysia) as Chapter 89, Malay Reserved Land, Chapter 90, Special Allocation on Cultural Land in Negeri Sembilan and Malacca, and Tanah Pegangan (Hold Land) by the Malays in Terengganu (4). These allocations clearly show that the early allocations by the British government are maintained. However, the Dewan Undangan Negeri’s (State Assembly) jurisdiction that allows new enactment to be formed with regards the Malay Reserved Land had lessened its credibility. The Malay’s habit of selling the Malay Reserved Land to other races also contributes to the decreasing of these Malay Reserved Land. The Sultan of Selangor, Sultan Idris Sharifudin Shah had commanded on 2012 that the Malay Reserved Land is to be maintained its original status in preserving the Malay rights and welfare in the future. The act of taking the Malay Reserved Land under the name of state and federal development, furthermore not replacing them with another land really concerned him. This advice from His Excellency is somewhat true; as of today the Malay Reserved Land had decreased to only 30% of its original number.

Third: “In order to care for you and your descendants, as well as your rights, we have formed the Royal Malay Regiment other than to prevent turbulences from within the country and also outside threats”.

Analysis

The Royal Malay Regiment is a national military force founded under Section 16(1) 1972 Firearm Force Act. This section states that: “Anyone can be recruited to the permanent force; with the condition that only Malays are allowed to join the Royal Military Army”. This means that the 1972 Firearm Force Act had allocated a clear statement that the Royal Military Army is only opened only to Malays.

This is because the Malay Army were originally, as been willed by the Malay Kings, are meant to protect the king’s sovereignty as well as the Malay states that had become the leader and the Malay nation. The Malay Kings’ Will was put forward on 1902, after the formation of Negeri-Negeri Melayu Bersekutu (Federated Malay States) in 1896. It was proposed in Durbar by the late Sultan of Perak, Sultan Alang Iskandar and Yang diPertuan Besar Negeri Sembilan, Tunku Mohamad Ibni Yam Tuan Antah. Other dignitaries such as Dato’ Abdullah Dahan and Raja Sir Chulan also supported this proposal. After that, the British had organized few discussions with the Malay Kings, to the point that this regiment was founded in 1st of March 1933 under the Malay Regiment Ordinance. The first trial company with 23 (some say 25) members, under Major G. Mc Bruce had been made the apprentice of the first local defense force. This had become the pride of the local people since the British’s practice was to bring the British Indian Army and British Army as their governing assistance in controlling the Malay states could be lessened with the foundation of the Royal Malay Regiment.

Even though at the beginning it was hard to enlarge this regiment because of British’s policy on restricting budget, this regiment slowly reinforced until it became two battalions just before the 2nd World War. Their ability and loyalty to the nation and country was immensely tested during the
Japanese invasion in Bukit Candu, Singapore under Lieutenant Adnan. After the British had regained its authority of Malay Land in 1945, the Royal Malay Regiment had fought against Parti Komunis Malaya (Malayan Communist Party) along with other security force. The number of those who fall in between 1948-1960 was not small. The Sungai Semu incident that occurred on 25th March 1950 by 250 Communist terrorists upon the Royal Malay Regiment that it took 25 lives from D3 Company was an incident that cannot be forgotten. So thus the sacrifice made by the Royal Army in the battle of Sungai Yu, Titi, Negeri Sembilan and few other places all around the country. This regiment also took part during the 1963 Indonesian Confrontation on the Malay Land. The Kalabakan Incident also took the lives of the Royal Malay Regiment in defending their country. Peace mission by the United Nation also became a contributing source for the regiment on the international level, such as Bosnia, Congo and others.

Today, the Royal Military Regiment had become a well-respected force. Its role as the main infantry unit under the Malaysian Army is feared. Now it has become a great national's defense with the strength of 25 battalions. The hope of the Malay Kings in their Will to secure the Malays and their descendants, and now other races as well, had become the regiment’s responsibility in defending this beloved land.

Fourth: “We maintain and we assure the government and the sovereignty of the Malay Kings in this country”.

Analysis

What has been willed by the kings during the independence of the Malay Land Federation is their guarantee that the Malay Kings are the true leader of this country. This means that the kings will always be assured of their status in both of the federal and state constitution. This is also the allocation inserted in the 1957 Independence Constitution and 1963 Federate Malaysia Constitution.

The monarchy institution is a very old institution, founded through Wa’adat (pledge) between the people and the king in Bukit Siguntang Mahameru, Palembang, Indonesia. In this pledge or social contract, the Malays under Demang Lebar Daun had agreed to accept a king to be their leader as long as the king is just and are concern for his people, under the concept “Raja adil Raja disembah, Raja zalim Raja disanggah” (a fair king is a king to salute, a cruel king is a king to rebel against). Since then, the concept of the king as a government and Malay leader had become the concept for all the kingdoms in the entire Malay Archipelago. Ever since the days of Funan, Champa, Sri Wijaya, Majapahit, Demak, Banjarmasin, Brunei, Acheh and Melaka, the king had become the core strength under the concept Raja Mutlak (Absolute King). These mean that all the governmental decisions and actions are all under his hand, while the executions are represented by the state and county dignitaries who were selected by him. The loyalty to the king had become the government basis and the concept of sovereign king became the unifying factor of the people’s respect. The continuity of the Malay kingdom existed clearly against all the odds it stood against.

In the Malay Peninsula, the Malacca Sultanate had become a famous kingdom and empire, which was a continuation of the kingdom of Sri Wijaya. Parameswara, the Malay king of Palembang, had opened Malacca and his descendants had widened Malacca Empire into a great and vast empire which functioned as a trading center and Islamic learning center. The Malaccan sultans, such as
Sultan Mudzafar Shah, Sultan Mansur Shah, Sultan Alaudin Riayat Shah and Sultan Mahmud Shah were responsible in developing Malacca along with well-known dignitaries, such as Tun Perak and Laksamana Hang Tuah and his 5 brothers. The widening of the Empire had enabled the spreading of its governmental, economy and cultural systems being spread to all of Malay Peninsula, East Coast of Sumatera and the Riau-Lingga archipelago. The Absolute King concept was used to the full.

Even though Siam, the Dutch, British and Japan had all occupied the Malay states, the monarchy institution had survived as the head of state and leader of the locals. Only Portuguese had dethroned the monarchy system in Malacca that continued until today. This policy had been continued until this country achieved its independence. In fact, the Malay Kings as the head of state had never truly lost its status, even though it fell under the British management. The British had maintained the king institution, just as they maintained the King/Queen of England as their head of state. With that, the concept of Constitutional King practiced in England had been adopted in the Malay Land Federation when they formed the 1948 Malacca Land Federation and achieved independence in 1957, and after that the formation of Malaysia in 1963.

Another important thing that marked the evolution of the Malay Kings authority that is included in the 1948 Federation Treaty is the concept of Constitutional King that replaced the concept of Absolute King that has been used in the monarchy systems of the Malay Land. Under this system the Malay Kings acted as throne rulers that rouse over his people and state and handed in the state management to the officials that he picked. Each sultan in each state selects the State Minister, a standardized position all over the Malay Land Federation as the chief minister of the state. Under him lie the state departmental leaders. This management system already existed during the Absolute King period, but under this new management, the laws and procedures that came under the responsibilities of the Minister are written and lay down clearly. With that, the king’s command is subjected to the law and existing procedure; however the Sultan’s discretion can always occurred under the Minister’s advice.

The concept of General Election was also included in the Treaty; in article 40, stated that when the appropriate time came, an election will be held for the all the people of the Malay Land Federation to choose their leader that will manage the county, the state and the country. With that allocation, the kings had passed down the obligation of selecting the managerial leaders to the hands of the people themselves through the election system. With also that allocation, the Municipal Election was introduced through the 1953 Local Authorities Ordinance. Before that, as a trial, the first town election was held in George Town in 1951 and in Kuala Lumpur 1952. It was later held across the capital cities. With the invention of 1954 Election Ordinance (5) the state level election was held during the same year. In both of this election level, the United Malay National Organization (UMNO) and Malaysian Chinese Association (MCA) had won with big margin. With that, the concept of Constitutional King which contained the message that the kings as rulers did not involve directly in the leadership process and state managerial matters were practiced before the 1957 independence. His Majesty’s role as the state leader is only in selecting the State Minister, which had been chosen beforehand by the people are obvious.

As the leader of the Malay States, the Malay Kings are involved in the process of achieving the national independence in 1957. The Malay Kings as a group, has been decided by the Malay King Council’s meeting, had produced a memorandum to the Reid’s Commission with regards to their wish in having a free nation. In that memorandum, all of His Majesties demanded that their status
as Constitutional Kings to be preserved, and their position and the state’s and national’s leader are to be included in the Constitution. Their positions are also being put above the law and the people of Malay Land Federation. The Sultans memorandum had been accepted by Reid’s Commission by preserving ‘s their status, jurisdiction, special rights and sovereignty without any deficit as in the 1948 Federal Treaty. With that, the Malay Kings as the main leader of the states had signed the 1957 Federal Treaty on 27th of June 1957 in the King’s House (Carcosa Seri Negara), Kuala Lumpur. His Majesty’s love towards everything with regards to the Malay Land Federation had been manifested in the 7 Will on August 5th 1957, just a few days before the Independence Day of the Malay Land. The declaration of independence was made by Tengku Abdul Rahman witnessed by His Majesty on a beautiful stage.

As the leader and ruler of the people, His Majesty witnessed the joy if his people in attaining independency, not only from the British but from the kings as well. The Malay Kings under the Constitutional King concept had passed down their responsibility to select officials and leaders through City Election (1951), State (1954) and Federal Meeting Council (1955). With these elections, the people have the power to determine their own leaders, they are their representatives in managing the state and national affairs. The kings no longer are absolute in power who can force their people without being restricted to the law and procedure. The modernization of this state managerial affair had decreased the power of the kings and open up spaces for the people. Now, the people’s voice is the core in the country’s management and affairs. The freedom of speech and action of the people in making decisions are the independence of the people during the 1957 Independence Day.

With that, even though Malaysia was formed on the 16th of September 1963 was a new name replacing 1957 Malay Land Federation, the status, jurisdiction, special rights and sovereignty of the Malay Kings as the head of state and nation are maintained in the constitution. In the Malaysian Federal Constitution, they are a lot of clauses that indicate the status, power and rights of the Malay Kings on the federal level. Among them:

1) Federal Section 1, Chapter 1 The Head of State, 32. The Main Head of State for the federation, and his queen.
   (1) Let there be one Main Head of State for the federation under the name Yang Di Pertuan Agong, that plays the most important role in the federation and cannot be charged in any court except for the Special Court that is founded under Section 15 (Federal Constitution until 15 Mei 2008, p. 19).
   (2) Section 4, Chapter 2 Kings Council, Kings Council 39. (1) Let there be a Kings Council that is held under the Fifth Table (Ibid, p. 22)
   (3) Section 4, Ruler Chapter 3, 39. The federal ruler jurisdiction; 'The ruler’s jurisdiction is in the hand of Yangi Pertuan Agong and is subjected to any federal law legal allocation as well as the Second Table, that jurisdiction can be executed by him or the Minister Cabinet or any minister that is given jurisdiction by the Minister Cabinet, but the Parliament is able with legal rights hand in the responsibilities of a leader to any person.
   (4) 40(1), ‘Yang Di Pertuan Agong has to act under advice.
   (5) 41, The Royal Military’s Highest Commander.
   (6) 42(1) The rights of pardon, etc.
   (7) 43, Minister Cabinet (1), 43Ae. Deputies Minister.
   (8) Section 5 States, Article 70 (1)(2) the priority of the king and Yang Di Pertua Negeri.
(9) 71. Federal Guarantee of State Constitution.
(10) Judiciary Section 9, Article 122AB, the selection of Judiciary Commissioner.
(11) 122b. The selection of Federal Court judges, Appeal Court and High Court.
(12) Public service Section 10, article 137. Arm Force Council (1)
(13) 145. General Attorney.
(14) Special rights against subversive behavior, organized brute and criminal actions that harm the public and state of emergency jurisdiction, Section 11, Article 150. State of emergency declaration (1)(2)(2A)(2B)
(15) Public and etc, Section 12. 153. Quota difference on public services, permit etc. for the Malays (1)(2)(3)(4)(5)(6)(8A)(10)
(16) 160(2), ‘Malays’ (a,b), ‘Kings’ (a,b)
(17) Exception for the Kings Sovereignty, etc.
(18) Proceeding against Yang Di Pertuan Agong and the kings, Section 15.
(20) 183. No action can be taken against Yang Di Pertuan Agong or the kings except with the permission of the General Attorney himself. (6)

All of the Federal Constitution’s articles indicate that the Kings’ Will on the Malay Kings as the ruler are guaranteed of their position and status included in the 1957 Independence Constitution and are continued in the 1963 Malaysian Constitution. The kings willingness to share the jurisdictive power with the people had saved the institution from disappearing in a free country’s administration. Compared to the 1945 Indonesian Revolution of the Republic of Indonesia, the Kings of Malaysia were wiser in cooperating with the people in preserving their sovereignty and status. When it was stated in the constitution, their status is legit and is not only rhetoric or a traditional symbol. It had become a legitimate Malaysia’s rule and government of today.

Fifth: “We declare that Islam is the religion of the federation”.

Analysis

This Will is very important since it is a trust in preserving Islam as the Federal religion forever more. This is because Islam had been practiced in the Malay kingdoms even before the arrival of the colonizers. For that, it was assimilated in the management system, governmental leadership as well as in the lives of the local people.

Islam had begun to spread with the emergence of Malay kingdoms in Kedah, Terengganu and Malacca. Malacca particularly had been the center of Islam since it was carried full-heartedly by the Kings of Malacca and their dignitaries. Sultan Mansor Shah, Sultan Alauddin Riayat and Tun Perak were among the prominent figures known as the proponents of Islam. Hukum Kanun Melaka (Malaccan Law Code) also used Islam as its base and the way of living during that time. When Malacca became an empire, Islam was spread through conquest, royal marriage, and trading network that gave the fruits of friendship. Islam had later become the official religion of the state and is embraced by all of the people in across the Malay Land.

The arrival and colonization of outside power in the Malay Land did not jeopardized Islam as a belief system and the way of living of the Malays. The fall of Malacca to the hands of the Portuguese in 1511 had only crippled Islam in Malacca as the rulers’ religion, however other states
that was under Malacca’s conquest and influence did not bulged with Christianity brought by the Portuguese. For that, Islam as the main creed of the people and their leaders stayed intact; all of the kings had used and maintained Islam as the way of life. This is proven through the writings that were left out in the form of Hikayat (Folk-fore), religious scripture and Malay manuscripts archived in and outside the country.

British who influenced the Malay Land in 1870s until the early 20th century, did not disturbs the status of Islam in the Malay states. In fact it was the British’s policy to hand in the religious and cultural affairs under the Malay Kings. Prohibitions are also made against Christian missionaries in bringing Christianity to the Malays. Malay parents also did not sent their children to English schools managed by the missionaries, fearing their children will be influenced towards Christianity. The Malay society also practiced Islamic teachings in their home, mosques, places of prayer, pondok (Islamic teaching hut), madrasah (Islamic school), as well as colleges in and outside the country in ensuring Islamic education within the young generations. Because of that when the independence planned and achieved Islam was still strong within the Malay society.

This Will of the kings had been included in the Independence Constitution that Islam is the Federal religion, which means it will be protected and honored by the nation. On state level, eleven states of Malaysia had honored Islam as the states’ official religion. In Chapter 1, States, Religion and Federal Law, Article 3, The Religion of the Federation (1) “Islam is the federal religion; however any other religion are free to be practiced peacefully in any parts of the Federation”. (7) The Malay Kings’ jurisdiction in religious matter is also being preserved until today. In a demanding situation, the kings will give their command to the people to properly follow Islamic teachings as the national’s religion without intermingle Islam with party’s politics. For example in the issue of the usage of the word Allah among the non-muslims, the Sultan of Selangor had stepped out and provide a reminder to the people the the word is exclusive only to Muslims. The Islamic law is being preserved and watch over by the Majlis Agama Islam (Islamic Council) and Jabatan Agama Islam (Islamic Deparment) in each and every state. The Yang Di Pertuan Agong’s jurisdiction also covers religious matters in states without kings. The Syariah Court was also introduced in every state for it to handle all religious issues among the Muslims, while the Federal Syariah Court are being formed in an attempt to unify Islamic law and management across the country.

Sixth: “We affirmed that the Malay language is the national’s language”.

Analysis

The Malay Language is Malay’s language of civilization that helped its foundation and growth. The Malay Language had become the official language of the states in their management. It was also the language used in spreading the literature and Islamic teachings. It was also the trading language, the lingua franca of the Malay Archipelago. Outside contact by the Malay Kings with the westerners was also conducted in Malay Language. Westerns officials learned the Malay Language and Jawi writing for the sake of trading and dealings with Malay government. The Malay Language had become an infamous language all around the Malay Archipelago and South East Asia.

The arrival of outside power and colonizers had enriched this language until it became more complex and fit the locals well. Even though outside influences that came introduced their own languages, Malay language had continued to be the official language of the governing body, apart from the foreign language. However, the English’s colonization had given a big impact on the
Malay language, to the point that it’s integrity was rivaled and challenged. The British had succeeded in forming a generation that upholds their language through the English education system brought by the missionaries. To make it even more effective, the British office had made it a mean in getting a job in their office. The English language, thus, became the language of priority within their businesses and trades. The Malay Language was only the managerial language within only the kings and the Malay people. It had become the secondary language in British’s office on the central level and the Malay states.

This issue had awakened the Malay Kings of the sinking position of the Malay language in the current situation. For that, when the Malay Land Federation had achieved their independence, the Malay Kings are obliged to preserved the honor of Malay Language as the official language of this country. Because of that, in the 1957 Will of the Malay Kings, the status of this language as the national’s language of the federation had been included in the 1957 Federal Constitution in General and etc., section 12, Article 152, National Language (1) The National Language is the Malay Language and it has to be in use in any writings as allocated in the law by the Parliament. With the condition that; a) no one can be prohibited or arrested from using any meaning other than the official meaning, or to learn and teach any other language of other races within the Federation. (8)

With that, even though up until today Malay Language is still being challenged by English language, the status of Malay language is so special as the national’s language of a free and sovereign country. The Malay language had also become the unifying language of the Malaysian people, and also the language of knowledge in high education institutions, as well as primary and secondary school. This Will of the Kings seems to be upheld still until today.

Seventh: “We entrust to the Malay Kings to preserve the special rights of the Malay people as well as legit interest of other races (Later on added special bearing of Sabah’s and Sarawak’s sons of soil)”.

Analysis

The Malay Special Rights have always been the main focus of the Malay Kings ever since the 2nd World War. As the matter of fact, attention and care for the Malay people had always been close to the kings since the Malay people are the people of the Malay Kings since the very beginning of the Malay Kingdom since the 1st Century AD. For the Malay Kings of the Malay Archipelago and Malay Land, the social contract between the king and Malay people had been conducted in Bukit Siguntang Mahameru and was carried out in Malacca by Hang Jebat; however it was also strongly adhered by Hang Tuah until the monarchy system as the ruler of the people are well preserved until today. The relationship between the king and the people is a leader-follower relationship. Without the people, there is no king, and without the leadership of a king, the people had no sovereign leadership. This is the concept of Malay Kingdom some time ago; therefore the Malay Kings are always concerned with his people’s interest all the time.

For example, in signing the Malayan Union Treaty on the end of December 1945 and early January 1946, the Malay Kings had questioned the open citizenship in the 1946 Malay Union. That policy allowed anyone who was born in the Malay Union, or had lived at least 7 years or any British colonized land to be a citizen of the Malay Union. For Sultan Abd Aziz Shah, the Sultan of Perak,
that citizenship policy would submerge the number of Malay people and their future. This is because with economic setback, education and living standard, the Malays will always be left behind and are isolated by the Malay Union. So did the Sultan of Terengganu, Sultan Ismail Nasisudin Shah, have the same opinion. So did Sultan Hishamudin Alam Shah, the Sultan of Selangor during that period, who was concerned about the increasing number of immigrants that it jeopardized the status of the Malay people. Even though their plead and insistence were ignored by the British who used the office to overtake the kings’ jurisdiction, the Malay Kings however defended their people’s rights as their supporter. So did Sultan Badlishah, the Sultan of Kedah who defended his throne and people with protest letters, even though in the end he was compelled to hand in his signature.

The Malay Kings and the Malays were always hand in hand in defending the status of the Malays as the sons of soil. Malayan Union did not managed by the British as the result of the cooperation and unity among the kings and their people. Even though they had originally signed the 1946 Malayan Union Treaty, the kings lead by the Sultan of Johor, Sultan Ibrahim had withdrawn their approval of the Malayan Union. All of them listened to the people’s plea at the Station Hotel, Kuala Lumpur, to boycott Sir Edward Gent’s inauguration as the Governor of Kuala Lumpur, at the Kings House, Kuala Lumpur. The Malay Kings also listened to the people’s request lead by UMNO to renegotiate with the British to withdraw Malayan Union. The negotiation that ended almost two years after that caused the British to withdraw Malayan Union that was originally introduced on the 1st of April 1946 and was replaced with Malay Land Federation on 1st of February 1948. (10)

This success had brought a lot of meaning to the monarchy system and institution of this country. With the 1948 Federal Treaty and the introduction of Malay Land Federation as the federal government, the Malay Kings had resumed their throne as Constitutional Kings. The people were given the right to vote through elections. With that, the kings and the people are sharing their power, however the kings are still above the people in status; and the concept of kings’ sovereignty are preserved in the governance and ruling system. With this status, the Malay Kings can still be leaders of their people as before. The security on their people can also be preserved, and for that the Malay’s special rights can be included in the 1948 Federation Treaty. In Chapter 19, it is said that the Special Protection for the Malays is under the British High Commissioner. The Malay Kings later insisted to include them under the 1957 Independence Treaty. In this treaty, the jurisdiction of these rights is under the Yang Di Pertuan Agong on the national level and under the kings of state on the state level. The Kings Council on the other hand acts as the final protection body.

In the Malaysian Federal Constitution this right was inserted as well. In General and etc., Section 12, Article 153. Reserves in service quota, permits etc., for the Malays.

(1) It is the responsibility of the Yang Di Pertuan Agong to preserve the special rights of the Malays and the son of soil any Borneo states and the legit interests of other races accordingly to this allocation.

(2) Whatever may be written in this Constitution, however it is subjected to Chapter 40 and the allocation of this matter. Yang Di Pertuan Agong should commit to His duty under this Constitution with any means necessary in preserving the rights of the Malays and any son of soil of Borneo and also determining the reserves for the Malays and any sons of Sabah and Sarawak a degree deemed necessary by the Yang Di Pertuan Agong with regards to
any position in public services other than a state’s public position and scholarship, other assists and any other educational rights or practice alike and any other special assistant given or created by the Federal Government with the degree deemed necessary by the Yang Di Pertuan Agong on the permit or license in handling any trade or business, and reserving permit or license are subjected to the legal allocation of this matter. Etc. (3),(4),(5),(6),(7),(8),(8A), (9), (9A), (10).

In Chapter 153 (10) it is stated: The Constitution by the state with kings can make equivalent allocations (with any necessary modification) with the allocation of this matter. (11). This means that any constitutional allocation on the Special Rights of the Malays had been put into agreement with the British by the Malay Kings before independence, practiced in the Independence Treaty and Malaysia. The Malay Kings’ concern of their people was inserted into the Constitution that was preserved until today. With the formation of Malaysia, these rights were prolonged to the sons of soil of Sabah and Sarawak. Another issue that should be remembered is that Malays’ Special Rights did not downgrade other rights of other races. What has been allocated for the Yang Di Pertuan Agong is a right to allocate certain quota for the Malays and sons of soil of Sabah and Sarawak in scholarship, permit and trading license, public sector, practices as well as educational opportunity such as universities, maktab and colleges. The Parliament also is not allowed to form any legal rule that restricts this reserved quota. The Malay Kings in the state level can execute this allocation as well, in their respective states. This last Will had been entrusted on the constitutional level for the people of the Malay Kings of Malaysia.

Conclusion

The 7 Will of the Malay Kings signed on the 5th of August 1957 was a reminder and trust of the Malay Kings to the Malay people for them to take a good care of it. All of the Will had been included in the 1957 Independence Constitution as an agreement by the people of all the races. The enlargement of citizenship of the Malay Land Federation that had been implemented on 1957, had served as a replacement for the Malay Special Rights based on the 1948 Independence Treaty. Other issues that had been included in the Will are issues that occurred even before the arrival of the colonists. Those are the issues that had been the base of Malay civilization and kingdom, founded by the great empire of Malacca. The kings’ status as the head of state, Malay language as the official language as well as lingua franca, Islam as the official religion, the Royal Malay Army as the Malay military force, Malay Reserved Land as their rights, and the name Malay Land Federation as the country’s name, as well as tradition related issues of the Malays. However, the ruling and management system had switched into Constitutional King and Parliamentary Democracy, had blended the old and new system that run smoothly over these 55 years. A shift of perspectives may had occurred, however the kings position acts as a balance to the country’s managerial system that was chosen by the people themselves. This Will also intended to preserve the Malay’s responsibility in maintaining issues that are related to them in Malaysia. The Malaysian people were also commanded by the kings, now known as the Kings of Malaysia to keep cooperating in this harmonic way of life. The 7 Will is still relevant up until today since it was written in clear in the Malaysian Federal Constitution, still in practice today.
Endnotes

(1) For more on the Malay governmental system, see: *Sejarah Melayu*, Fajar Bakti, Kuala Lumpur.


(9) CO 537/1541, Sir Mac Michael, *Negotiations With The Malay Rules*.
