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'Statewide emergency in Melaka will suspend an election'

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PETALING JAYA: Melaka need not conduct an election just yet if a statewide emergency is proclaimed there, say lawyers.

Drawing parallels with the situation in Sarawak, lawyer Joshua Wu said this will mean constitutional provisions requiring a state election be temporarily suspended.

"During the period of the statewide emergency, the present Melaka government can remain as a caretaker/interim government," he said when contacted.

Wu, who writes on constitutional issues, said the legal power to proclaim an emergency lies in the hands of the Yang di-Pertuan Agong.

Sarawak was supposed to conduct elections by Aug 6 this year as the term of the state legislative assembly ended on June 6.

However, the country was under a declaration of Emergency from Jan 11 until Aug 1 due

to the Covid-19 pandemic, with the power to dissolve the state assembly coming under the Agong in consultation with the Sarawak Yang di-Pertua Negeri as provided for under Articles 13 and 15 of the Emergency (Essential Powers) Ordinance 2021.

With the pandemic still raging then, the King then extended the state of emergency for Sarawak from Aug 2 to Feb 2 of next year, meaning that no elections will be held until then.

Once the state of emergency lapses, the Sarawak state election must be held within 60 days.

In the case of Melaka, the Yang di-Pertua Negeri Tun Mohd Ali Rustam consented to the dissolution of the 14th Melaka legislative assembly on Monday, with the proclamation of the dissolution of the assembly then gazetted yesterday.

Wu said the process in Melaka is similar to the one in Sabah when its former chief minister Datuk Seri Shafie Apdal requested for the dissolution of the state legislative assembly

last year, with the Yang di-Pertua Negeri agreeing to this.

Another lawyer, Lim Wei Jiet, also said the Melaka polls have to be held, unless there is an emergency imposed such as that in Sarawak.

He lamented that the voters of Melaka are being put at risk of a Covid-19 outbreak just because of "political infighting within Umno and senior politicians' inflated egos".

"It looks like the ruling party has really not learnt the lesson from the Sabah election, which we all know led to disastrous consequences for Malaysia as a whole," added Lim, who is Malaysian United Democratic Alliance (Muda) pro-tem vice-president.

Political analysts, however, believe that the state must go to the polls.

Universiti Utara Malaysia political lecturer Prof Dr Mohd Azizuddin Mohd Sani said since the decision has been made to dissolve the state assembly, there is nothing else that can be done but for an election to be held within 60 days.

With Covid-19 still a threat in the nation, Prof Mohd Azizuddin said the Election Commission (EC) will have to come up with a strict standard operating procedure (SOP) to limit the gathering of people and ensure there are no ceramah.

"Campaigning can be allowed online only. "We can also see the performance of the EC in conducting an election during the pandemic," he said.

He also hoped the EC will assist voters through methods such as postal voting.

National Professors Council senior fellow Dr Jeniri Amir is also all for an election to be held in Melaka.

"This is the only way out because even with the appointment of another chief minister, there is no guarantee of stability in the government.

"Many countries in the world have conducted elections during Covid-19 and as long as people comply with the SOP, it will be fine. You can't run away from elections. It's democracy," he said.