



CONSTITUTIONAL FRAMEWORK ON NATIONAL
LANGUAGE: ITS IMPLEMENTATION IN MALAYSIAN
EDUCATION POLICY

BY

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ABSTRACT

The research offers a critical insight in the position and the role of the national language in the Malaysian Educational Policy. This topic is seen through the constitutional and legal framework of the country. The position of the national language is seen entrenched in the constitution. In the seventies there was a gradual shift from English language to Malay language in the educational institutions, from primary level all the way to the tertiary education. This has been provided under the Education Act 1961 which was based on Razak Report and the Rahman Talib Report. The process was largely successful, producing thousands of Malaysians using the same curriculum and taught in the national language. However, in later years English language was reintroduced in educational institutions. Changes took place sometime in the mid nineties where the government allowed several courses to be taught in English in the universities. This was seen as a concession to the demands of the job market as well as the reaction to the rapid pace of globalisation. In the year 2003, the government decided that mathematics and science subjects to be taught in English in all government schools. Various reactions were heard from the public and some argued that this move is inconsistent with the constitutional status of the Malay language. The researcher employed doctrinal and textual analysis as the main basis of methodology. Several interviews have been conducted with various stakeholders in the education sector, in order to ascertain how the policy formulated and the standard of execution at schools. The findings reveal that the position of national language is generally weak since the legal framework is feeble. The government reversed its decision of teaching mathematics and science subjects in English in 2010. The study proposes amendment to the relevant legislations and a formation of a consultative body by the government in education matters.

ملخص البحث

قدّم هذا البحث نظرة نقدية لمكانة اللغة الوطنية ودورها في قرار التعليم الماليزي. ويُرى هذا الموضوع من إطار الدستور والقانون لهذه الدولة. وتبدو مكانة اللغة الوطنية راسخة في دستور الدولة. بداية من السبعينات، هناك تحول تدريجي من اللغة الإنجليزية إلى اللغة الماليزية في المؤسسات التعليمية من المستوى التمهيدي إلى المستوى العالي. وهذا متضمّن تحت قانون التعليم الصادر 1961 الذي بُني على أساس تقييري زراق ورحمن طالب. إن هذا التنفيذ بشكل كبير ناجح في جعل الماليزيين يتخذون المقرر الدراسي الموحد ويدرس هذا المقرر باللغة الوطنية. ورغم الحصول على الاستقلال منذ أكثر من ستين عاماً، تستخدم اللغة الإنجليزية لأغراض رسمية في ماليزيا. قد وقعت التغييرات في وسط التسعينات لما أجازت الحكومة تدريس بعض المواد الدراسية في الجامعات. وهذا نتيجة لطلب سوق الوظائف ومسايرة مع الانتشار السريع للعملة. وفي عام 2003، أصدرت الحكومة القرار مفاده وجوب تدريس مادة الحساب والعلوم باللغة الإنجليزية في كل المدارس الحكومية. ويلاحظ وجود ردة فعل لهذا القرار من العوام. اتخذ الباحث منهج التحليل المذهبي والمنهج التحليلي منهجين أساسيين لهذه الدراسة. وقد أجرى عدد من المقابلات مع أصحاب الشأن في مجال التربية والتعليم لأجل التأكد من معرفة كيفية اتخاذ القرار وتنفيذه في المدارس. وأبرزت نتائج البحث أن اللغة الوطنية ضعيفة نوعاً ما لضعف الإطار القانوني. والحكومة رجعت عن قرارها في تدريس الرياضيات والعلوم باللغة الإنجليزية في عام 2010. ويقترح هذا البحث تعديلات في بعض التشريعات المناسبة وإقامة الجهات الاستشارية من قبل الحكومة في أمور التربية والتعليم.

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DECLARATION

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*To my beloved parents - Alias bin Ahmad & Azizah binti Abdul Hamid, May Allah the Almighty
bless them and forgive their sins, so that we can meet again in His Jannah;
wife –Khairul Bariyah binti Abdul Halim, and children - Asma' Safiyyah,*

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Universal Declaration of Human Rights

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LIST OF ABBREVIATIONS

AMCJA	-	All Malaya Council for Joint Action
AMR	-	All Malaysia Report
BMA	-	British Military Administration
CACE	-	Central Advisory Committee on Education
CLJ	-	Current Law Journal
DBP	-	Dewan Bahasa dan Pustaka
FMS	-	Federated Malay States
GMP	-	Gerakan Mansuhkan PPSMI
ICESCR	-	International Covenant of Economics, Social and Cultural Right
KBSM	-	Kurikulum Baru Sekolah Menengah
KBSR	-	Kurikulum Baru Sekolah Rendah
MBMMBI	-	Memartabatkan Bahasa Melayu Memperkukuh Bahasa Inggeris
MEB	-	Malaysian Education Blueprint
MCA	-	Malaysian Chinese Association
MCP	-	Malayan Communist Party
MIC	-	Malaysian Indian Congress
MLJ	-	Malayan Law Journal
NLAF	-	National Language Action Front
NUTP	-	National Union of the Teaching Profession
PAGE	-	Parent Action Group for Education Malaysia
Pas	-	Parti Islam SeMalaysia
PENA	-	National Writers' Association
PIBGN	-	Majlis Permuafakatan Persatuan Ibubapa Guru Nasional

PPSMI	-	Pengajaran dan Pembelajaran dalam Bahasa Inggeris
SITC	-	Sultan Idris Training College
SPM	-	Sijil Pelajaran Malaysia
STPM	-	Sijil Tinggi Pelajaran Malaysia
UCSCA	-	United Chinese School Committee Association
UCSTA	-	United Chinese School Teachers' Association
UFMS	-	Unfederated Malay States
UMNO	-	United Malays National Organisation
UDHR	-	Universal Declaration of Human Rights
YDPA	-	Yang Dipertuan Agong

CHAPTER ONE

INTRODUCTION

1.0 INTRODUCTION

Education has a tremendous effect to human society. It is through education that knowledge and information is received and spread throughout the world. One who is not educated would not have access to such knowledge and wisdom. In contrast, an educated man would be able to tap a wide spectrum of knowledge which expands his horizon. Education is generally seen as the foundation of the society which brings economic wealth, social prosperity and political stability.

A nation which aspires to achieve growth and development would put much emphasis on education for its citizens. The quality of human resource for a particular country can be easily measured according to the literacy rate of its population. This may explain the fact that rich and developed nations of the world have very high literacy rate and productive human resource. Malaysia being a developing country regards education as one of her priorities in ensuring the country could also reach to the level of those developed countries.

Apart from that, education is also seen by Malaysian policymakers as a potential tool for nation-building. This aspect is extremely important since the country is

comprised of diverse races and ethnicities. The country has always put education policies as part of the bigger mechanism of forging unity and nation-building. Therefore it is not surprising that education has consistently been given quite a large percentage of allocation in the country's annual budget. For instance, the allocation for education in the National Budget 2011 is RM29.3 billion out of RM212 billion¹.

This interest in education is not new. Even during the colonial era there existed schools for different communities in the country. The influx of immigrants from China and India that were brought in by the British shaped the fabric of society in Malaya and later gave rise to the vernacular schools *i.e* schools whose medium of instruction were either in Mandarin or Tamil. The Malay community also had schools established in their villages. This situation continued until the World War II reached our shores. In the years before *Merdeka*, there have been several education reports commissioned by the British to draft an education system for future independent Malaya. In the negotiations among the Malay, Chinese and Indian leaders that took place before *Merdeka*, various matters were discussed *e.g* position of the Rulers, citizenship, special position of the Malays including education. Eventually, it is also one of those issues that have influenced the nature of race relations in Malaysia².

There are, however, other dimensions to educational discourse in Malaysia. These include issues of minority rights and identities especially in relation to the non-Malays that manage to retain their vernacular schools until present as pointed above. Even the

¹ The Star 15th October 2010.

²An excellent description of race relations and its bearings to education especially in the years before and after the World War II in Malaya can be found in Ibrahim Saad (1977). *Pendidikan dan Politik di Malaysia*. Kuala Lumpur: Dewan Bahasa dan Pustaka

majority population feels that education plays a key role in protecting their identity and faith. This can be seen from the establishment of religious schools, popularly known as *Sekolah Agama Rakyat* (SAR), which falls under the states' jurisdictions as enumerated in the Ninth Schedule of the Federal Constitution. There were adverse reactions from many quarters when the Government decided to stop giving aid to SAR in 2002. Most of the states quickly followed the Federal Government's directive except two opposition-held states at that time; Kelantan and Terengganu. The matter dragged on for several years until August 2008 when Kelantan finally handed over 20 SAR and *Sekolah Agama Negeri* (SAN) to the Ministry of Education after several conditions put up by the state were accepted³. While the government had its own reasons in doing so, the Opposition Members of Parliament questioned the move in the Dewan Rakyat, claiming that it was politically motivated⁴. Indirectly the issue struck onto the federal-state relationship which add another dimension to the educational discourse.

In addition to that, the then Prime Minister Dr. Mahathir Mohamed introduced *Pengajaran dan Pembelajaran Sains dan Matematik dalam Bahasa Inggeris* (PPSMI) in 2003. The policy aimed at improving the command of English among primary and secondary school students. Since its commencement, the policy has been the subject of intense debate by academicians, politicians and the public alike. The Prime Minister justified the move by saying that the quality of English language among Malaysians has declined considerably and such move was needed to ensure the country's competitiveness. Those who were against the policy argued that the two subjects were

³See <http://www.malaysiakini.com/news/87692>

⁴Aturan Urusan Mesyuarat Dewan Rakyat 17/3/2003 at p.18
<http://www.parlimen.gov.my/files/opindex/pdf/AUMDR170303.pdf>

best taught by the pupils' own mother tongue. Some argued the policy has also contravened the position of Malay Language as provided by Article 152 of the Federal Constitution and National Language Act 1967.

Issues that centre on education do indeed touch the public concern. It is not surprising that any groups who are involved in educational issues would sometimes resort to certain constitutional provisions in buttressing their argument like those who argued for the abolishment of PPSMI since its inception in 2003. Rallies and demonstrations were held in March 2009 to show their stand. In another development, a Deputy Minister was heckled last Sunday by a group of protesters in a rally organized by Chinese School Committees Association (*Dong Zong*) over the shortage of teachers in Chinese primary schools⁵.

The above discussion proves that education issues have always been a concern to many Malaysians. It relates directly to issues of unity and integration, on the preservation of community's identity, as well as other aspects like the federal-state relationship. All these would have direct bearing to several provisions of Federal Constitution. Since there is no definite work on the subject, the researcher feels that a research in this area of constitutional law is needed so that the matter can be further explored and analysed.

1.1 Aims and Objectives of the Study

1. To examine the historical background of Malaysian Education Policy in the light of its emphasis on National Language to secure the nation building process.

⁵<http://thestar.com.my/news/story.asp?file=/2012/3/25/nation/10983477&sec=nation>

2. To examine the existing laws and policy relating to education and the National Language.
3. To analyse the current issues and problems relating to the National Language in the context of Malaysian Education Policy.
4. To offer suggestions for the constitutional and legal improvements of the usage of National Language in the Malaysian Education Policy.

1.2 Statement of the Problem

The research undertaken is based on the premise that the constitutional and legal position of national language within the Malaysian Education Policy is not well-defined. The Federal Constitution clearly provides that the Malay Language shall be the national language and there is a specific statute on the Malay Language being the national language. Nevertheless, the researcher observes that the constitutional provisions and the statute are not adequate in promoting the Malay Language as the national language in Malaysia.

In the context of education policy of a State, the constitutional and legal position of national language is pertinent to ensuring specific goals which are purported to be achieved by the State. Such goals include national cohesion, national identity, nation-building etc. However, in Malaysia the current situation is rather complicated due to the existence of vernacular schools which are recognized by the policy itself. Consequently there is limited acceptance and usage of the Malay language within and outside the school

environment particularly by the members of vernacular schools' community. There remains to be seen whether there is adequate nexus between the Malaysian constitutional and legal frameworks on national language and the various Malaysian education policy reports. It is not clear whether those reports reflect the aspirations contained in those frameworks and whether they (the reports) make reference to the constitutional and legal provisions which make up such frameworks. It is also not clear whether the agencies entrusted to promote national language in Malaysia (including Dewan Bahasa dan Pustaka) play a significant role in working of Malaysian Education Policy.

It is therefore important to explore the possibility of strengthening the constitutional and legal provisions on national language as well as their implementation and enforcement, particularly in the context of Malaysian Education Policy. It is important to clarify the nexus between the constitutional and legal framework of national and the education policy so that the problems associated with limited acceptance and usage of Malay language in the school environment particularly that of vernacular schools.

1.3 Hypothesis

The hypothesis that the study seeks to establish is that problems pertaining to education and educational policies are not entirely political or racial. Indeed there is a constitutional dimension to them; namely they are actually rooted in the relevant constitutional provisions. Major changes have taken place in Malaysian educational landscape especially with the passing of Education Act 1996. These changes need to be examined

in the light of constitutional provisions as well as the relevant legislations. It is believed that not every change that has been implemented is consistent with the constitutional provisions. The inconsistencies and controversies surrounding national language and educational issues would have been avoided if the provisions of the Constitution have been duly observed.

1.4 Research Methodology

This study is qualitative in nature and primarily will be a library-based research. Textual and doctrinal analyses would be the main basis of the methodology for this research. Primary sources shall be looked into such as the constitutional provisions, legislations, Hansard, and constitutional commission reports. Statutory provisions relating to education and language law in Malaysia would also be examined. Provisions of the Legislative List in the Ninth Schedule, Article 12, Article 152 and Article 153 of the Federal Constitution would be analysed thoroughly. Besides this, analysis would also be made on other laws relating to education and language such as Education Act 1961, University and University Colleges Act 1971, Education Act 1996, Private Higher Education Institutions Act 1996, National Language Act 1967, Dewan Bahasa & Pustaka Act 1959 and several other legislations. As for doctrinal analysis it involves the case law analysis on several related cases and legal principles.

References would also be made to secondary sources like textbooks, journal articles, encyclopedia, monographs, magazines and newspapers. The study would also take into account some of the relevant researches; including those carried out by

educationists, linguists, sociologists and historians. This method has been employed especially in determining the education and language policy of the nation, as well as their development.

To get a better understanding on how the education policies were formulated and implemented, a series of semi-structured interviews would be set up. The interviews are an approved form of qualitative research, of which were duly conducted, and its findings were elaborated on in Chapter 5. The data collected would serve to support not only observations of the researcher, but also to assist doctrinal and theoretical analysis made. To determine who the interviewees are, the purposive approach was adopted in setting the criteria. This would allow the data to be more focused rather than interviewing those who are not specially exposed to the issues at hand as suggested by Patton.⁶Purposive sampling is also known as judgmental sampling, since the interviewees are chosen because of their valuable knowledge to the researcher. They are the policymaker, executor of the policy, and other related stakeholders in education and language issues like parents' groups or activists. These respondents involved includes Former Chief Secretary of the Ministry of Education, Head of National Union of Teaching Profession (NUTP), and leaders of selected Non-governmental organisations (NGOs).

⁶See Patton, M.Q. *Qualitative Research and Evaluation Methods* (California : Sage Publications, 2002).