

## Navigating Party Loyalty and Party Hopping in Malaysia Through Nordin Salleh and Khaliq Mehtab's Cases

Hershan @ Ray Herman<sup>1\*</sup>, Muhammad Izwan Ikhsan<sup>2</sup>

Ku Mohd Amir Aizat Ku Yusof<sup>3</sup>

<sup>1</sup>Department of Law, Universiti Teknologi MARA, Sabah Branch, 88997, Kota Kinabalu Campus, Sabah, Malaysia.

Email: [hershanray@uitm.edu.my](mailto:hershanray@uitm.edu.my)

<sup>2</sup>Department of Law, Universiti Teknologi MARA, Sabah Branch, 88997, Kota Kinabalu Campus, Sabah, Malaysia.

Email: [izwanikhsan@uitm.edu.my](mailto:izwanikhsan@uitm.edu.my)

<sup>3</sup>Department of Law, Universiti Teknologi MARA, Sabah Branch, 88997, Kota Kinabalu Campus, Sabah, Malaysia.

Email: [amir979@uitm.edu.my](mailto:amir979@uitm.edu.my)

### CORRESPONDING

#### AUTHOR (\*):

Hershan @ Ray Herman  
([hershanray@uitm.edu.my](mailto:hershanray@uitm.edu.my))

#### KEYWORDS:

Party hopping  
Freedom of association  
Party defection  
Party loyalty  
Democracy

#### CITATION:

Hershan @ Ray Herman, Muhammad Izwan Ikhsan & Ku Mohd Amir Aizat Ku Yusof. (2023). Navigating Party Loyalty and Party Hopping in Malaysia Through Nordin Salleh and Khaliq Mehtab's Cases. *Malaysian Journal of Social Sciences and Humanities (MJSSH)*, 8(10), e002572. <https://doi.org/10.47405/mjssh.v8i10.2572>

2

### ABSTRACT

This article delves into the intricate dynamics of party loyalty and its implications for political stability in Malaysia, with a specific focus on party hopping. This study applies a doctrinal approach by examining statutory provisions, courts' judgments and secondary sources. Through a detailed analysis of two landmark cases – Nordin Salleh and Khaliq Mehtab – this study uncovers the underlying challenges within Malaysia's political landscape. The analysis illuminates the judicial position in Nordin Salleh and the departure in Khaliq Mehtab's cases; to which contrasting judicial positions were taken by the then Supreme Court in the former and the Federal Court in the latter. In light of these findings, the study underscores the critical need for robust and adaptable political institutions capable of withstanding such disruptions, thereby fostering a stable and resilient democracy. Furthermore, this study draws attention to the 2022 constitutional amendment addressing party hopping, acknowledging it as a positive step towards enhancing stability. However, it also highlights the existing gaps in the reforms, particularly in light of the pending application in court. In conclusion, this study posits that the constitutional amendment represents a commendable effort to advance political stability, but its efficacy remains to be seen.

**Contribution/Originality:** This study is one of very few studies which have investigated the legal perspective on party hopping in Malaysia. To date, it is arguably the first study that compares the decision of Nordin Salleh and Khaliq Mehtab on the issue of freedom of association and party hopping.

## 1. Introduction

The phenomenon of party hopping is not new in Malaysia, but it drew a renewed interest post- “Sheraton move” in March 2020 which led to the downfall of the ruling coalition, as a result of defection by some members in the ruling parties (Saidin, 2023). Throughout history, the party system has evolved into a defining characteristic of Malaysia's political landscape. Electoral competitions frequently revolve around national coalitions, even though smaller "mosquito" parties coexist (Weiss, 2013). In the 1955 Malayan General Election, the Alliance Party, consisting of the United Malays National Organisation (UMNO), the Malayan Chinese Association (MCA), and the Malayan Indian Congress (MIC), achieved a remarkable triumph by securing 51 out of 52 seats (Carnell, 1955). Their success continued in 1959 when the Alliance Party once again emerged victorious, winning 74 out of 104 seats in the Malayan Parliament. On the other side, the left-wing coalition, the Socialist Front, comprising the Labour Party of Malaya and Parti Ra'ayat, managed to secure a total of eight seats (Abdul Ghafor, 2001). The 1964 election witnessed the Alliance Party winning 89 seats, while the Socialist Front could only secure two seats (Vasil, 1965). Moving to the 1969 election, the Alliance Party joined forces with Parti Bumiputera Sarawak and Sarawak Chinese Association, resulting in a victory in 74 seats (Rudner, 1970).

The Alliance's supremacy persisted in the 1974 election through its successor entity, Barisan Nasional. This fresh coalition, comprising UMNO, MCA, MIC, Pan-Malaysian Islamic Party (PAS), United Sabah National Organisation (USNO), Parti Pesaka Bumiputera Bersatu, Sarawak United Peoples' Party, Parti Gerakan Rakyat Malaysia, Sabah Chinese Association, and People's Progressive Party, achieved a resounding triumph, securing a staggering 135 out of 154 seats (Pillay, 1974). Barisan Nasional's dominance continued in the 1978, 1982, 1986, 1990, 1995, 1999, 2004, 2008, and 2013 general elections (Lee, 2019). The fourteenth general election in 2018 marked the first time that Barisan Nasional was defeated in general election, garnering only 74 seats while Pakatan Harapan (comprised of Parti Keadilan Rakyat, Amanah, Bersatu and Democratic Action Party) and its pact, Warisan in Sabah and an independent candidate managed to gain 121 seats, ending the 60-year-rule of Alliance/ Barisan Nasional (Nadzri, 2019). Nevertheless, in March 2020, the political turmoil in Pakatan Harapan has led to the collapse of the government where Bersatu left the coalition en bloc, while some members of PKR signed the statutory declaration to support Perikatan Nasional to form the government (Saidin, 2023). The election result as shown above illustrates the importance of joining a coalition in order to win elections in Malaysia.

Switching allegiance from one party to another would result in abrupt change in the ruling government, especially when the ruling coalition commands a slim majority at the Houses (Moten, 2023). The act of party hopping has the potential to result in political instability, leadership, and constitutional crises, and unscrupulous conduct among politicians, allowing them to back any Prime Ministerial candidate or retract support against the incumbent Prime Minister at their discretion whenever they please (Pumuye, 2021). In Malaysia, the use of statutory declarations has led to the collapse of the incumbent government in Perak, and this was acknowledged by the Federal Court in *Dato' Seri Ir Hj Mohammad Nizar bin Jamaluddin v Dato' Seri Dr Zambry bin Abdul Kadir (Attorney General, intervener)*, [2010] 2 MLJ 285. The Apex Court observed that the evidence of the loss of support to the Menteri Besar could be gathered from extraneous sources, and not limited to the vote of confidence before the Assembly. The utilization of statutory declarations also played a pivotal role in the downfall of the PH's Federal Government in March 2020, as

Bersatu departed the coalition as a unified group, and certain PKR MPs extended their support for the establishment of a new government (Sun, 2022).

This article explores the legal perspective of party hopping in Malaysia by analysing the laws in relation to freedom of association and party switching, judicial pronouncements with regard to the issue, and the contemporary challenges that occur as a result of party hopping and the introduction of the anti-hopping law.

## 2. Method

This study primarily employs doctrinal research methodology. Doctrinal research involves the interplay of legal doctrine and legal practice in which causal, structural and functional connections between legal doctrine, legislation and legal practice are scrutinised (Pattaro, 2005). The research examines primary legal sources, including the Federal Constitution, State's Constitution, and Societies Act 1966 (Revised 2021) (Act 335). Additionally, it investigates relevant court decisions related to party loyalty, freedom of association, and party hopping, sourcing these cases from online law databases like CLJLaw, Lexis Advance, and eLaw. Furthermore, the study draws upon secondary sources such as journal articles, conference papers, theses, and other academic writings.

## 3. Findings

### 3.1. The constitutional guarantee of freedom of association and party hopping

Freedom of association allows individuals to identify themselves with people of the same values and ideals which enable the manifestation of organized society. The importance of freedom of association can be seen when historically the conqueror, in order to exert control over the inhabitants, abolished freedom of association as the preliminary step to eliminate effective opposition (Lord McIntyre in *Reference Re Public Service Employee Relations Act (Alberta) [1987] 1 S.C.R. 313*).

In Malaysia, Article 10(1)(c) of the Federal Constitution pronounces the right to freedom of association. Article 10 (1) (c) states that "*Subject to Clauses (2), (3) and (4)...all citizens have the right to form associations...*". It means, the supreme law of Malaysia guaranteed to a citizen the rights to form, to join, not to join or resign from an association. Generally, the right to freedom of association can only be restricted under the circumstances prescribed in Article 10 (2) which include "*the security of the Federation*", "*public order*" and "*morality*". When the Federal Constitution was enforced in 1957 as the Constitution of the Federation of Malaya and subsequently amended in 1963 to form the Constitution of Malaysia, there was no specific provision in it to deal with the defection of Members of Parliament from one political party to another. However, the constitutional protection of freedom of association under Article 10 (1)(c) of the Federal Constitution has traditionally been regarded as the reference to determine the validity of laws enacted to deal with the consequences of a member of a legislative assembly resigning from his political party, popularly known as anti-hopping laws (Thomas, 2016).

It is mandatory for political parties in Malaysia to register with the Registrar of Societies under the Societies Act 1966. The term 'political party' is defined in Section 2 of the Societies Act 1966 as any society that, in its objects or rules, either directly or indirectly, enables the society to participate in elections for the Dewan Rakyat, Dewan Undangan Negeri, or a local authority through its candidates or facilitates the appointment or

election of a person endorsed by the society to the Dewan Negara. Additionally, it includes any society that engages in activities or pursues objectives related to participating in elections or seeking the appointment or election of a person to the Dewan Negara, regardless of its stated objects or rules (Section 2 Societies Act 1966).

Before the amendments made to the Federal Constitution via the Constitution (Amendment) (No 3) Act 2022, Act A1663 that restricts Members of Parliament from switching parties was enforced effective Wednesday, October 5, 2022, the absence of a specific provision in the Federal Constitution to address issues concerning the defection of politicians had historically shifted the balance of power in the Malaysian political scene, for example in Terengganu (1961), Perak (2018) (Ng, 2022) and Sabah (1994) where several defections of lawmakers toppled or installed state governments. To date, the worst case of mass political defection in Malaysia took place in 1994 for 48 seats in the Sabah Legislative Assembly where the PBS-led state government collapsed in less than a month after it was formed. It is interesting to note that prior to the introduction of the anti-hopping law provisions in the Federal Constitution, there were several attempts to introduce anti-hopping laws in some of the states in Malaysia (Chin, 1994).

For instance, after the 1986 state elections, the Parti Bersatu Sabah (PBS) made changes to Article 18 (2) (d) of the State Constitution without prior consultation with the federal leadership. This constitutional alteration, which was officially approved by the Yang di-Pertua Negeri on May 20, 1986, stipulated that if an elected assemblyman switched to another political party after being elected on a particular party's platform, the assemblyman would need to step down and go through a by-election (Anjumini, 2023). The amendment was introduced with the intention of curbing the frequent occurrence of opportunistic politicians changing their party affiliations solely for financial gain (Yusoff, 2001). The federal leadership opposed the amendments claiming that they were undemocratic but informally viewed the action as an attempt by the then Chief Minister of Sabah and the President of PBS to deter dissatisfied PBS members from defecting. This was seen as a means to prevent the Barisan Nasional from having an opportunity to persuade PBS assemblymen to join their allied parties (Yusoff, 2001).

The most significant attempt to introduce an anti-hopping law prior to the previously mentioned constitutional amendment can be seen in the reported case of *Dewan Undangan Negeri Kelantan & Anor. v Nordin Salleh & Anor.* [1992] 1 MLJ 697 which will be discussed in a more in-depth manner in the subsequent section of this write-up. Based on the historically rampant party-hopping among Malaysian politicians, the introduction of an anti-hopping law is a welcome development in the Malaysian political scene and will help to maintain political stability by preventing shifts in party allegiance. In addition, it can be used as a mechanism to impose punitive measures on members who defect from one political party to another (Sodial, 2022).

### 3.2. Nordin Salleh's case: An exploration of freedom of association

Before the 2022 constitutional amendment that introduced provisions against party-switching, the Supreme Court ruled in *Dewan Undangan Negeri Kelantan & Anor. v Nordin Salleh & Anor* [1992] 1 MLJ 697 represented a pivotal moment in Malaysian legal history. In this case, the respondents had been elected to the Kelantan State Legislative Assembly in the General Elections of October 21, 1990, and had subsequently taken their oaths as members. On April 25, 1991, the first appellant passed the *Enakmen Undang-Undang Perlembagaan Tubuh Kerajaan Kelantan (Bahagian Pertama) (Pindaan) 1991* (The

Constitution of Kelantan (Part I) (Amendment) 1991). On July 3, 1991, the first appellant issued a resolution under the contested legislation, declaring that the first and second respondents were no longer members of the Dewan Undangan Negeri Kelantan and that the seats for the Sungai Pinang and Limbongan constituencies were vacant. Consequently, the Election Commission of Malaysia organized by-elections in these constituencies, with the nomination date set for August 12, 1991, and the by-elections taking place on August 26, 1991. During these by-elections, the respondents ran as Barisan Nasional candidates but were unsuccessful.

The appeal to the Supreme Court was rooted in a ruling made by the High Court, which determined that Article XXX1A of Part One of the State of Kelantan Constitution, to the extent that it stipulates that a Legislative Assembly member who belongs to a political party would cease to be a member of the Legislative Assembly if they resigned or for any reason ceased to be a member of that political party, was in conflict with sub-clause (1) (c) of Article 10 of the Federal Constitution, which guarantees the right to freedom of association. As a result, it was deemed ineffective under sub-clause (1) of Article 4 of the Federal Constitution. Subsequently, the five-member Court in this case declared unconstitutional an enactment that forced a State Assembly member to be a member of a political party and disqualified them from the State Assembly if they resigned from that party, essentially an anti-party-switching provision. By finding Article XXX1A of Part I of the Kelantan State Constitution inconsistent with Article 10 (1) (c) of the Federal Constitution and thus unconstitutional, the Supreme Court upheld the integrity of the Constitution as it stood.

The Supreme Court's ruling leads to several key observations. Firstly, the right to establish associations is a fundamental right granted to Malaysian citizens. This right is considered inherent and irrevocable, and State Legislative Assemblies in Malaysia do not have the authority to completely remove, abolish, or diminish it. However, while this right is fundamental, it is not absolute, as Parliament can impose restrictions through legislation. Nevertheless, any such limitations should not be so extensive or substantial that they effectively obliterate or eliminate these rights; instead, they should be minimal, circumscribed, and proportionate. Secondly, the case implies that Article 10 of the Federal Constitution recognizes an equal right not only to form associations or join them but also the right to disassociate from an association, including a political party, at any time without facing discrimination or harm. Lastly, any laws enacted by Parliament to constrain the freedom of association are subject to constitutional challenge in the courts, as outlined in Article 4(1) of the Federal Constitution, which declares the Constitution as the supreme law of the land. If any law passed by Parliament or a Legislative Assembly is found to be inconsistent with the Constitution, it is rendered void to the extent of that inconsistency, and this responsibility falls to the judiciary.

### 3.3. Khaliq Mehtab's case: A departure from Nordin Salleh

Several related cases have arisen concerning the impact of Article 14A of the Penang State Constitution (PSC) on the prohibition of party hopping. These cases include: *Khaliq Mehtab Mohd Ishaq & Anor v Dewan Undangan Negeri Pulau Pinang & Anor* [2023] 9 MLJ 259, *Khaliq Mehtab bin Mohd Ishaq & Anor v Dewan Undangan Negeri Pulau Pinang & Anor* [2023] MLJU 736, *Zulkifli bin Ibrahim v Dewan Undangan Negeri Pulau Pinang & Anor* [2023] MLJU 440, and *Afif Bin Bahardin v Dewan Undangan Negeri Pulau Pinang & Anor* [2023] MLJU 439.

The essence of these cases revolves around the first plaintiff, who serves as the Member of the State Assembly (ADUN) for Bertam, and the second plaintiff, holding the ADUN position for Teluk Bahang. Initially, both plaintiffs were affiliated with Parti Pribumi Bersatu Malaysia (Bersatu). In the 14th General Election of 2018 (14th GE), there was a coalition called Pakatan Harapan (PH), which included PKR, Bersatu, Democratic Action Party, and Parti Amanah Negara, contesting the election. It is worth noting that, during this period, the PH coalition was not officially registered under the Societies Act 1966. Consequently, all PH candidates, including the plaintiffs from Bersatu, contested the election using the PKR logo. The plaintiffs were successfully elected to the Penang State Legislative Assembly (PSLA) during the 14th GE.

Following their victory in the 14th GE, PH not only won the national election but also secured the majority of seats in the PSLA, enabling them to form the State Government of Penang. However, the Federal Government, led by PH, later collapsed, leading to the formation of a new political coalition named Perikatan Nasional (PN). This new coalition consisted of Bersatu, Barisan Nasional (BN), and Parti Islam Se-Malaysia (PAS). Due to this political realignment, the plaintiffs found themselves in the opposition camp of the PSLA, as their political party, Bersatu, departed from PH to join PN. Subsequently, the second defendant introduced a motion to enact anti-hopping legislation in accordance with Article 14A of the PSC. This motion aimed to declare the plaintiffs' seats vacant, which would, in turn, trigger the need for by-elections.

The plaintiffs argued that the motion was invalid due to the unconstitutionality of Article 14A. They filed an originating summons to seek a declaration that Article 14A was void and unconstitutional under Article 4(1) of the Federal Constitution (FC) because it conflicted with Article 10(1)(c) of the FC on freedom of association. They further submitted an application for an injunction to prevent the State from presenting the motion, which was ultimately approved. Subsequently, the defendants filed an application to refer the question to the Federal Court as to whether Article 14A of the PSC was invalid due to inconsistency with Article 10(1)(c) of the FC.

In response to the sole constitutional question, the Federal Court answered in negative and unanimously held that Article 14A of the PSC did not offend Article 10(1)(c) of the FC. A seven-member panel of the Federal Court, presided over by Chief Justice Tun Tengku Maimun Tuan Mat, reversed the earlier ruling of the Supreme Court in the Datuk Nordin Salleh case, declaring it null and void. The Apex Court determined that the entitlement to alter one's political party affiliation after being elected as a representative in the Assembly does not constitute a fundamental right as envisioned in Article 10(1)(c) of the Federal Constitution.

The Federal Court observed that when an elected representative achieves success in an electoral competition under the banner of the political party they originally aligned with, they have essentially exercised their right of association through that party. It is considered an integral component of the effective operation of a parliamentary democracy to have the authority to validly limit and oversee this through the enactment of laws. The right to be a member or to remain a member of the House or a State Assembly is not a right guaranteed by article 10(1)(c) (Majid et al., 2022).

The Apex Court further held that the criteria for eligibility to become a member of the House or a State Assembly are issues related to the functioning of parliamentary democracy and do not relate to the individual elected representative's personal right or

freedom to affiliate with a particular political organisation or party as per Article 10(1)(c) of the Federal Constitution. The stance taken in the Nordin Salleh case was constitutionally incorrect.

### 3.4. 2022 constitutional amendment on anti-hopping law in Malaysia

In 2022, significant reforms were made with regards to anti-hopping law by way of constitutional amendment. The Constitution (Amendment) (No. 3) Act 2022 brought modifications to Articles 10, 48, and 160, and introduced a fresh Article 49A as well as Section 7A in the Eighth Schedule of the Federal Constitution (Lynn, 2023). In addition, through the 2022 amendment, a new provision, subsection 3A of Article 10, was added. This provision specifies that the right to establish associations in connection with a member of the House of Representatives and Legislative Assembly of any State, as granted in paragraph (c) of Clause (1), is subject to restrictions imposed by Article 49A and section 7A of the Eighth Schedule, notwithstanding the provisions in paragraph (c) of Clause (2) and Clause (3) (Ee & Yow, 2022).

The amendment also eliminated Article 48(6), which previously barred individuals from serving as members of *Dewan Rakyat* for five years if they resigned from their membership. This change now enables them to run for re-election immediately after resigning from *Dewan Rakyat* (Ee & Yow, 2022). Moreover, Article 49A(1) in relation to switching political allegiances outlines that a Dewan Rakyat member will forfeit their membership, resulting in their seat becoming vacant if they either resign from or cease to be a member of their original political party, or if they, after being elected as an independent candidate, opt to join a political party. Nonetheless, Article 49A(2) stipulates that a member of the House of Representatives will not lose his membership in that House solely due to factors such as the dissolution, cancellation of his political party's registration, or their resignation from his party's membership upon being elected as a Speaker (Kok & Tan, 2022).

To remove any ambiguity, Article 160(2) introduced a definition of a "political party" that encompasses any group that, within its declared objectives or regulations, whether they serve as its central mission or serve as secondary elements, permits the group to engage in elections for the House of Representatives or a State Legislative Assembly by nominating its candidates. Additionally, it includes any group that, irrespective of the specific content of its stated objectives or regulations, is involved in activities or pursues goals related to participating in elections for the House of Representatives or a State Legislative Assembly by putting forward its candidates. This definition also encompasses a registered coalition of such groups under federal law. Concerning the Eighth Schedule, the 2022 amendment introduced a new provision, Section 7A, which mirrors the content of Article 49A(2) but applies specifically to the State's Constitution and State Legislative Assemblies. Additionally, the amendment removed Subsection (5) of Section 6. This change was made to align State legislation with Federal law, ensuring consistency in the prohibition of party switching (Kok & Tan, 2022).

Despite the lauded support towards the law to ensure political stability and bolster public trust, its significant vulnerability lies in its inability to be utilised when a political party switches between coalitions (Ng, 2022). The exclusion of provisions related to switching coalitions is clearly delineated in the explanatory statement for the newly introduced Article 49A, which states that a House of Representatives member who belongs to Party A and is part of a political party coalition will not lose his membership in that House even if

Party A departs from the coalition, whether or not Party A joins another political party coalition or establishes a new coalition of parties.

The unclear distinction between coalition and party affiliation can lead to confusion and uncertainty when implementing an anti-defection mechanism. By drawing the illustration of the 2020 political turmoil, when Bersatu left the PH coalition, the issue was whether Bersatu members should vacate their seats which were won under PH ticket (albeit using PRK logo). This complexity intensifies when political parties are involved in multiple coalitions. For instance, Bersatu, STAR, and SAPP are affiliated with both the PN and GRS coalitions. In the event that Bersatu withdraws from one of these coalitions, should its MPs forfeit their seats, even though they maintain their party membership and affiliation with the other coalition? (Wong & Wo, 2022). Another major drawback of the anti-hopping law is that a member of *Dewan Rakyat* who faces expulsion from their political party is not obliged to relinquish their parliamentary seat. Instead of voluntarily resigning to join a different political party, which would create a vacant seat, they can engage in behaviour so disruptive or detrimental to their own political party that it forces the party to expel them, but their seats shall not be vacated (Kok & Tan, 2022).

The ultimate test of the constitutional amendment regarding party switching has yet to be determined through a judicial review initiated by Bersatu. This legal action aims to vacate four parliamentary seats in Sabah that were secured by its former members during the 15th General Election. In their application, Bersatu claimed that the Speaker's decision to retain these parliamentary seats for its ex-members lacked validity. The party contended that these four individuals ceased to be Bersatu members upon their election as Members of the House of Representatives. Furthermore, Bersatu argued that these four MPs had clear intentions to change their party affiliation to the one granted the authority to form the government, as evidenced by the appointment of two of them to the Cabinet (Khairulrijal, 2023).

#### 4. Conclusion

In conclusion, the cases of Nordin Salleh and Khaliq Mehtab shed light on the intricate dynamics of party loyalty and political stability in Malaysia. These instances serve as poignant reminders of the challenges faced by the nation's political landscape. While party hopping has been a contentious issue, it is essential to recognise that it is often a symptom of deeper systemic problems within the political framework. The phenomenon of party hopping reflects the complex interplay of individual ambitions, ideological shifts, and the pressures of a highly competitive political environment. It underscores the need for robust and adaptable political institutions that can withstand such disruptions, fostering a stable and resilient democracy.

To effectively navigate the complex terrain of party loyalty and ensure political stability, Malaysia must embark on comprehensive electoral and political reforms that prioritise transparency, accountability, and fairness. Although the 2022 constitutional amendment represents a positive step toward enhancing political stability, the reforms still leave room for improvement, particularly concerning changes in coalition allegiances and expulsion from political parties. Nonetheless, the transitions from Nordin Salleh to Khaliq Mehtab offer valuable insights into the intricacies of Malaysia's political arena on freedom of association and the power of the Parliament and State Legislative Assemblies to limit the right. By addressing the underlying issues that contribute to party hopping and striving for a more inclusive political landscape, Malaysia can progress toward a more stable and

prosperous future for its citizens. In conclusion, this study contends that the constitutional amendment represents a commendable effort to advance political stability, but its effectiveness remains to be seen, especially as it awaits practical application in the Bersatu vs GRS case.

### **Acknowledgement:**

The authors would like to thank the UiTM Sabah Branch for the support and time given for the completion of this article.

### **Funding:**

No funding is received for this study.

### **Conflict of Interests**

The authors declare no conflict of Interest.

### **References**

- Abdul Ghafor, N. (2001). *Pilihan Raya 1999: Satu analisis prestasi UMNO [Election 1999: An analysis of UMNO's performance]*. Masters thesis, Universiti Malaya.
- Afif Bin Bahardin v Dewan Undangan Negeri Pulau Pinang & Anor [2023] MLJU 439*
- Anjumin, E. (2023, June 1). "Sabah anti-party hopping laws should also apply to nominated assemblymen". *New Straits Times*. Retrieved from <https://www.nst.com.my/news/nation/2023/06/915529/sabah-anti-party-hopping-laws-should-also-apply-nominated-assemblymen>
- Carnell, F.G. (1955). The Malayan Elections. *Pacific Affairs*, 28(4), 315-330.
- Chin, J. (1994). The Sabah State Election of 1994: End of Kadazan Unity. *Asian Survey*, 34(10), 904-915.
- Dato' Seri Ir Hj Mohammad Nizar bin Jamaluddin v Dato' Seri Dr Zambry bin Abdul Kadir (Attorney General, intervener), [2010] 2 MLJ 285
- Dewan Undangan Negeri Kelantan & Anor. v Nordin Salleh & Anor. [1992] 1 MLJ 697*
- Ee, K.C. & Yow, J. (2022, October 31). *Anti party hopping laws introduced in Federal Constitution of Malaysia*. Retrieved from <https://www.rahmatlim.com/publication/articles/22605/anti-party-hopping-laws-introduced-in-federal-constitution-of-malaysia>
- Khairulrijal, R. (2023, April 28). Bersatu files judicial review to vacate four parliamentary seats in Sabah. *New Straits Times*. Retrieved from <https://www.nst.com.my/news/crime-courts/2023/04/903751/bersatu-files-judicial-review-vacate-four-parliamentary-seats-sabah>
- Khaliq Mehtab bin Mohd Ishaq & Anor v Dewan Undangan Negeri Pulau Pinang & Anor [2023] MLJU 736*
- Khaliq Mehtab Mohd Ishaq & Anor v Dewan Undangan Negeri Pulau Pinang & Anor [2023] 9 MLJ 259*
- Kok, C.K. & Tan, W.L. (2022 August 1). Malaysia's Anti-Party Hopping Law : A Compromised Law? *Lexology*. Retrieved from <https://www.lexology.com/library/detail.aspx?g=bdb42f41-979c-498a-a67e-32bb7ad2e3b0>

- Lee, C. (2019). *Economic Voting and the End of Dominant Party Rule in Malaysia*. *Economics Working Paper*. ISEAS Yusof Ishak Institute. Retrieved from <https://www.iseas.edu.sg/images/pdf/ISEASEWP2019-1Lee.pdf>
- Lynn, K.C.Y. (2023, January 9). Opening of the Legal Year Speech 2023: Speech by President of the Malaysian Bar [2023] 1 MLJ xviii
- Majid, A., Karim, R., Thanasegaran, H. & Lee, M.Y. (2022). The Federal Court Overrules the Decision on the Party-Hopping case *Dewan Undangan Negeri Kelantan & Anor v Nordin Salleh & Anor* [1992] 1 MLJ 697 [2022] 4 MLJ li
- Moten, A.R. (2023). *Research Note: The 15th General Elections in Malaysia*. ISEAS - Yusof Ishak Institute, 45(1), 111-127.
- Nadzri, M.M.N. (2019). The 14th General Election, the Fall of Barisan Nasional, and Political Development in Malaysia, 1957 - 2018. *Journal of Southeast Asian Studies*, 37(3). <https://doi.org/10.1177/186810341803700307>
- Ng, S.F. (2022 October 19). *Malaysia's Anti-hopping Law: Some Loopholes to Mull Over*. Fulcrum: Analysis on Southeast Asia. retrieved from <https://fulcrum.sg/malaysias-anti-hopping-law-some-loopholes-to-mull-over/>
- Pattaro, E. (2005). *A treatise of legal philosophy and general jurisprudence*. New York: Springer.
- Pillay, C. (1974). *The 1974 General Elections in Malaysia*, Singapore: ISEAS Publishing <https://doi.org/10.1355/9789814380072>
- Pumuye, G.M. (2021). *Discussion Paper No. 2021/4: Restricting Party Hopping in Papua New Guinea's Parliament*. Department of Pacific Affairs, Australian National University.
- Reference Re Public Service Employee Relations Act (Alberta)* [1987] 1 S.C.R. 313
- Rudner, M. (1970). The Malaysian General Election of 1969: A Political Analysis. *Modern Asian Studies*, 4(1), 1-21. doi:10.1017/S0026749X00010957
- Saidin, M.I.S. (2023). Malaysia's crisis of political legitimacy: Understanding the 2020 power transition and 'Sheraton Move' polemics through the 'eyes' of Malaysian political science graduates. *Cogent Social Sciences*, 9(1), 2222572.
- Sodial, K. (2022). Anti-Defection Law and Its Loopholes. *Indian Journal of Law and Legal Research*, 4, 1-7.
- Sun, C.K. (2022). *The Fall of the Pakatan Harapan (PH): Contesting Nationalism in Malaysia*. Honours thesis, Western Michigan University.
- Thomas, T. (2016). *Abuse of Power. Selected Works on the Law and Constitution* [Review of *Abuse of Power: Selected Works on the Law and Constitution*]. Strategic Information and Research Development Centre.
- Vasil, R. K. (1965). The 1964 General Elections in Malaya. *International Studies*, 7(1), 20-65. doi:10.1177/002088176500700102
- Weiss, M. L. (2013), Coalitions and Competition in Malaysia – Incremental Transformation of a Strong-party System. *Journal of Current Southeast Asian Affairs*, 32(2), 19-37.
- Wong, C.H. & Wo, C.X. (2022). *Advancing Democratic Representation, Stability and Accountability: Regulating Change of Party Affiliation in Malaysia*. Selangor: Jeffrey Sachs Center on Sustainable Development.
- Yusoff, M. A. (2001). Sabah Politics Under Pairin. *Malaysian Journal of Science*, 6, 29-48.
- Zulkifli bin Ibrahim v Dewan Undangan Negeri Pulau Pinang & Anor* [2023] MLJU 440