

Legislative Role in the Poverty Alleviation Policy

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Abstract

Legislative institutions role in public policies deliberations marks its oversight function against the executive's action. Policies introduced by the government in the form of motion in the House are not legally binding towards government act although the motion's purpose is to elicit a decision of the House. The resolution taken from the motion may take the form of a proposal for the House to do something, order something to be done or express an opinion with regard to some matter. Malaysia's national development policies have been introduced, debated and decided in Parliament since the country in its formative years of the Federation of Malaya in 1950. The government has never failed to present its five-year plan since the First Malaysia Plan 1966-1970 until the recently tabled, the Twelfth Malaysia Plan 2021-2025. The poverty alleviation policy was prominent in the Second Malaysia Plan 1971-1975, in which the new economic policy was introduced to restructure the society through its economic activity. This paper discusses the case of poverty alleviation policy being brought and debated in the Dewan Rakyat (House of Representatives) of Malaysia, despite the fact that such a policy in the legislative sphere is a matter of formality. This paper set out to examine the interplay between executive and legislative as the fusion of power between the two spheres in a Westminster parliamentary system offers a veritable explanation of the concept of separation of powers. It can thus be suggested that poverty alleviation policy and programmes need to be monitored and constantly scrutinised by none other than the legislative instruments themselves to signify an effective parliamentary representation function.

Keywords: Dewan Rakyat, Parliament of Malaysia, Policy, Poverty Alleviation, Separation of Powers

Introduction

Legislative institution's function as a lawmaking body is more noticeable to many as the outcome of the role, in terms of passed law, is visible. Likewise, the representation function of a legislator is also publicly known, albeit usually politically motivated. On the other hand, the oversight function of the legislative body has to oversee strenuous efforts to be at least not seen as futile. Nevertheless, the legislative institution shoulders a substantial responsibility in checking the executive's actions and policies. The stage at which the legislative oversight role over the executive will determine the oversight function as *ex ante* or *ex post*.¹ Poverty alleviation policy holds a unique status among the many government policies. It comes as no surprise that poverty eradication tops the United Nation's Sustainable Development Goals, for which by 2030, at least half the proportion of men, women and children of all ages living in poverty in all its dimensions are reduced, thus becoming a global agenda for sustainable future.

Parliament, in discharging its oversight function, checks government's policy, including poverty alleviation, in numerous approaches. In a more advanced parliament, oversight over policy relating to the poverty alleviation approach is exercised in the government's annual budget cycle, most notably through the parliamentary budget office.² The parliamentary budget offices are usually established under the act of parliament, mandating the office to examine the performance of government programmes³ and provide independent analysis of the budget cycle.⁴ However, in many other parliaments, poverty alleviation policy comes as a matter of completed policy introduction in parliament leaving small room for the legislative's role in influencing the policy. Despite having a marginal role, parliament can still affect its influence through monitoring and evaluation of such a poverty

¹ Riccardo Pelizzo and Rick Stapenhurst, "Tools for Legislative Oversight: An Empirical Investigation," in *Legislative Oversight and Budgeting: A World Perspective*, eds. Rick Stapenhurst, Riccardo Pelizzo, David M. Olson and Lisa von Trapp (Washington: The World Bank, 2008), 10.

² "Poverty and income security," *Congressional Budget Office*, accessed July 6, 2022, <https://www.cbo.gov/topics/poverty-and-income-security>.

³ William Okecho, "The Role of the Legislative Budget Offices – the Uganda Experience," in *Parliaments, Poverty Reduction and the Budget Process in Africa*, ed. (Ottawa Ontario: Parliamentary Centre, 2009), 8.

⁴ Australia Parliamentary Service Act 1999, s 64A.

alleviation policy,⁵ fulfilling its oversight role, which ‘the ability—at least de jure, if not de facto—to sanction governments when enforcement of accountability is required’.⁶

Policy introduction by government in the House of Parliament is carried out in the form of motion as accorded in the Standing Orders of the House. A motion is an instrument to enable a decision, or an expression of opinion to be reached by the House.⁷ The Australian House of Representatives Practice defines a motion can be in ‘the form of a proposal made to the House by a Member that the House do something, order something to be done or express an opinion with regard to some matter’.⁸ Therefore, in this approach, parliament is empowered, albeit with limitations, to check policies introduced by the government for accountability. It is also pertinent to note that the different role of parliament and government for poverty alleviation policy marks the separation of powers between the legislative and the executive.

The paper set out to review poverty alleviation policies introduced in the Parliament of Malaysia and examine the way in which the parliamentary oversight role is being carried out against these policies. Parliamentary oversight forms an essential part of parliamentarians’ duty to take the government into account. The extent to which this oversight role on poverty alleviation policies is effective in ensuring the efficiency of the policy implementation will be examined upon the principles of separation of powers in a Westminster parliamentary system. The separation of powers between the executive and the legislative is fundamental for transparency and accountability in a system of government. This paper begins by presenting the poverty alleviation policy incorporated in the Malaysia Plans since they were first tabled in Parliament. It will then go on to analyse the effectiveness of parliamentary scrutiny on the policy and its impact on the separation of powers. This paper

⁵ Katrina Sharkey, Theodore Dreger and Sabina Bathia, *The Role of Legislatures in Poverty Reduction: Experience and Future Directions* (Washington: The World Bank, 2006), 3.

⁶ Cindy Kroon and Rick Stapenhurst, “Parliament’s Role in Poverty Reduction Strategies,” *World Bank Institute Capacity Development Briefs Number 26*, May 2008, <https://openknowledge.worldbank.org/bitstream/handle/10986/9517/448880BRI0Box311PUBLIC10CDBriefNo26.pdf?sequence=1&isAllowed=y>.

⁷ Mohamad Ariff Md Yusof, “Motions,” in *Law, Principles and Practice in the Dewan Rakyat (House of Representatives) of Malaysia*, eds. Mohamad Ariff Md Yusof, Roosme Hamzah and Shad Saleem Faruqi (Subang Jaya: Sweet & Maxwell, 2020), 317.

⁸ David Elder and Peter Fowler, *House of Representatives Practice Seventh Edition* (Canberra: Department of the House of Representatives, 2018), 289.

provided the opportunity to advance the importance of having an effective mechanism for poverty alleviation policy and the role of parliamentarians in poverty reduction strategy.⁹

Poverty alleviation policies in Malaysia Plans

The Malaysia Plan is the single most authoritative document on the national development plan that outlined a five-year development policy of the country since the formation of Malaysia in 1963. Notwithstanding the First Malaysia Plan was only introduced in 1966, the country, in its formative year of the Federation of Malaya, has also introduced the First Five-Year Malaya Plan 1956-1960 and the Second Five-Year Malaya Plan 1961-1965. Going earlier, during the pre-Independence in 1957, the Draft Development Plan 1950-1955 was introduced in the Federal Legislative Council on 26 July 1950. The list of Malaysia Plans tabled in the *Dewan Rakyat* as in Table 1, shows that the country has never failed to table its development plan to Parliament. It can be construed that Parliament is regarded as where such a policy should be tabled and deliberated.

Table 1. Malaysia Plan tabling in Parliament

Bil.	Policy and the mover	Tabled	Passed
1.	First Malaysia Plan, 1966-1970 by the Deputy Prime Minister, Tun Haji Abdul Razak bin Dato' Hussein	15 December 1965	17 December 1965
2.	Second Malaysia Plan, 1971-1975 by the Prime Minister, Tun Haji Abdul Razak bin Dato' Hussein	12 July 1971	19 July 1971
3.	Third Malaysia Plan, 1976-1980 by the Prime Minister, Datuk Hussein bin Onn	19 July 1976	28 July 1976

⁹ "Parliaments, Governance and Poverty Reduction," *The World Bank*, accessed July 6, 2022, <https://agora-parl.org/sites/default/files/agora-documents/WB%20-%20Parliaments%2C%20Governance%20and%20Poverty%20Reduction%20-%20EN%20-%20PDP.pdf>.

Bil.	Policy and the mover	Tabled	Passed
4.	Fourth Malaysia Plan, 1981-1985 by the Prime Minister, Dato Hussein Onn	27 March 1981	6 April 1981
5.	Fifth Malaysia Plan, 1985-1990 by the Prime Minister, Dato' Seri Dr Mahathir bin Mohamad	21 March 1986	1 April 1986
6.	Sixth Malaysia Plan, 1991-1995 by the Prime Minister, Dato' Seri Dr Mahathir bin Mohamad	10 July 1991	22 July 1991
7.	Seventh Malaysia Plan, 1996-2000 by the Prime Minister, Dato' Seri Dr. Mahathir bin Mohamad	6 May 1996	22 May 1996
8.	Eighth Malaysia Plan, 2001-2005 by the Prime Minister, Dato' Seri Dr. Mahathir bin Mohamad	23 April 2001	3 May 2001
9.	Ninth Malaysia Plan, 2006-2010 by the Prime Minister, Dato' Seri Abdullah bin Haji Ahmad Badawi	31 March 2006	27 April 2006
10.	Tenth Malaysia Plan, 2011-2015 by the Prime Minister, Dato' Sri Mohd. Najib bin Tun Abdul Razak	10 June 2010	30 June 2010
11.	Eleventh Malaysia Plan, 2016-2020 by the Prime Minister, Dato' Sri Mohd. Najib bin Tun Abdul Razak	21 May 2015	15 June 2015
12.	Twelfth Malaysia Plan, 2021-2025 by the Prime Minister, Dato' Sri Ismail Sabri Yaakob	27 September 2021	7 October 2021

The First Malaysia Plan, the first development plan of the country as a united nation after the formation of Malaysia, focused on promoting the integration among the population

through better welfare for people. The enlargement of the economy by the steady increases in levels of income and consumption, raising productivity and income-earning capacity, generating more employment opportunities, stimulating new types of economic activity, and encouraging active participation from all segments of population in the economic and social process.¹⁰ Tun Abdul Razak, the Deputy Prime Minister during his speech in moving the motion to table the First Malaysia Plan, remarked Parliament's stature for such an important development plan,

*Mr Speaker, Sir, I rise to propose today no ordinary motion. I rise to propose before this Parliament the symbol of our democracy, a plan for economic and social development for the next five years, a plan of purpose and intention to enable our country to travel yet further on the road to accelerated progress and prosperity, a plan to give Malaysia its rightful place in the international, economic community of free nations of the world.*¹¹

The motion, seconded by the Finance Minister, laid the country's socio-economic situation and its progress compared to the past five years. The Plan reported the average income in the country, the labour force that signifies employment rate, the early sign of economic activities transformation, progress in the development of basic infrastructures such as road construction, electricity generation and water supply, school enrolment as a result of the development of education system, and the hospital capacity to indicate the development of country's healthcare system. The presentation of the nation's socio-economic state, exhibited in Chapter I and II of the Plan, could be taken as the Government's responsibility to report its action and achievement to the legislature. More importantly, it was open to debate in Parliament.

Likewise, the Second Malaysia Plan was also introduced to strengthen national unity, as clearly stated '[a] stage has been reached in the nation's economic and social development where greater emphasis must be placed on social integration and more equitable distribution of income and opportunities for national unity and progress'.¹² It was apparent that both

¹⁰ *First Malaysia Plan 1965-1970* (EPU, Kuala Lumpur, 1965), <https://www.epu.gov.my/sites/default/files/2020-03/chapt1.pdf> 2.

¹¹ Malaysia. *Hansard Parliamentary Debates*, Dewan Rakyat, 15 December 1965, 5740, <https://www.parlimen.gov.my/files/hindex/pdf/DR-15121965.pdf> (emphasis added).

¹² *Second Malaysia Plan 1971-1975* (EPU, Kuala Lumpur, 1971), 1.

plans took on the national unity and social integration theme as they were shaped against the same backdrop of threats to the relatively young nation's existence. The First Malaysia Plan in 1965 and the Second Malaysia Plan in 1971 were devised following the separation of Singapore from Malaysia in 1965 and the bloody racial riot in 1969, respectively. Moreover, the latter has been argued to have compelled the Government to report on poverty on regular basis.¹³

The Second Malaysia Plan, which incorporates the New Economic Policy (NEP), has been the game-changer in how the country was shaped and developed in the following decades. So much attention and debate went around the implementation of NEP because of the 'two-pronged objective' outlined in the Plan. First, to eradicate poverty irrespective of race, and second, to restructure the Malaysian society out of race identification based on economic function. Therefore, compared to the First Malaysia Plan, which tried to portray the significant progress of the nation as a new sovereign country, the Second Malaysia Plan truthfully acknowledged the dire socio-economic state of the country. The sense of remorse to heal the nation through a holistic approach could be sensed in the speech by the Prime Minister in his motion tabling the Plan,

*The basic approach to the Second Malaysia Plan and future development plans is to help build national unity through development, in which we will progress not as individuals alone, but even more so as a united nation. I am sure that every true Malaysian will rise to the occasion to meet the challenge, share the opportunities and shoulder the responsibilities.*¹⁴

Subsequent Malaysia Plans carried almost the same features in presenting the country's socio-economic situation and its progress, the continuation of the development programme from one plan to another, and most importantly, it was tabled, debated and passed in Parliament. Reference to NEP has been constantly made as the policy was set to last for two decades in anticipation of a generational change is necessary for a plan to take effect. NEP was the main policy in the First Outline Perspective Plan 1970-1990 that set the

¹³ Jomo Kwame Sundaram and Wee Chong Hui, *Malaysia@50: Economic Development, Distribution, Disparities* (Petaling Jaya: Strategic Information and Research Development Centre, 2014), 67.

¹⁴ Malaysia. *Hansard Parliamentary Debates*, Dewan Rakyat, 12 July 1971, 2631, <https://www.parlimen.gov.my/files/hindex/pdf/DR-12071971.pdf>

goals of eradicating poverty. The Plan 'envisaged the incidence of poverty declining from 49% in Peninsular Malaysia in 1970 to 16.7% in 1990', and restructuring society had been referred to and revisited in the Third, Fourth and Fifth Malaysia Plan motion tabling and debates in Parliament.

The country's socio-economic progress during the previous Malaysia plan duration was to be presented in the new Malaysia plan tabling. The country's poverty rate is one element that attracts great attention to the Malaysia Plan. Poverty alleviation programmes and policies showed visible impact during the Second Malaysia Plan period, as signified in the poverty rate of the country. From 1970 to 1975, the poverty rate of the country decreased from 59% to 54% and from 21% to 19% in urban and rural areas, respectively.¹⁵ The Fourth Malaysia Plan reported that the national poverty rate went further down from 49.3% in 1970 to 29.2% in 1980.¹⁶

In the Sixth Malaysia Plan, the first plan introduced after the conclusion of the Fifth Malaysia Plan that marked the end of the NEP, the proportion of hardcore poor in the country was reported at 4% of the total households.¹⁷ Therefore, the Plan had set its target to reduce the poverty rate from 17.1% in 1990 to 11% in 1995 'through economic growth and programmes and projects to alleviate poverty'.¹⁸ The performance of the country's development with the new National Development Policy in place, replacing the NEP, showed that the poverty rate of the country during the first five years post NEP fell from 16.5% in 1990 to 8.9% in 1995, way above the target set.¹⁹

However, the integrity of the country's poverty rate faces continuous debates as it does not commensurate with the reality of the poor people in the country. In the Eleventh Malaysia Plan tabling in 2015, it was reported that the country has technically eliminated

¹⁵ Malaysia. *Hansard Parliamentary Debates*, Dewan Rakyat, 19 July 1976, 2621, <https://www.parlimen.gov.my/files/hindex/pdf/DR-19071976.pdf>.

¹⁶ Malaysia. *Hansard Parliamentary Debates*, Dewan Rakyat, 27 March 1981, 1092, <https://www.parlimen.gov.my/files/hindex/pdf/DR-27031981.pdf>.

¹⁷ Malaysia. *Hansard Parliamentary Debates*, Dewan Rakyat, 10 July 1991, 8381, <https://www.parlimen.gov.my/files/hindex/pdf/DR-10071991.pdf>.

¹⁸ *ibid.*

¹⁹ Malaysia. *Hansard Parliamentary Debates*, Dewan Rakyat, 6 May 1996, 60, <https://www.parlimen.gov.my/files/hindex/pdf/DR-06051996.pdf>.

hardcore poverty, with a poverty rate of 0.6% in 2014.²⁰ The poverty line income used to measure the incidence of poverty in the country has also been criticised, most notably from the report of the UN's Special Rapporteur on extreme poverty and human rights in his visit to Malaysia in 2019. The report stated that '[t]he current line is inadequate and almost universally considered to be misleading.'²¹ It went further by recommending the Government to –

adopt a meaningful poverty line, consistent with international standards and including vulnerable non-citizen populations. Policies in key sectors should be adjusted to specifically address the needs of the lowest 15–20 per cent of the income distribution, who are widely considered to live in poverty.

In response to the argument on the poverty rate measurement approach, the Mid-Term Review of the Eleventh Malaysia Plan has considered to review the country's poverty line income. In addition to reviewing the existing poverty line income model, the report also introduced the multidimensional poverty index to align with international practices and complement the poverty line income model.²² The Government responded to parliamentary questions by Member for Port Dickson on its response to the UN Special Rapporteur on extreme poverty and human rights report by assuring its intention and commitment to review the existing poverty line income approach. Despite standing by its model claimed to be in accordance with international standards, the Government accepted that its poverty measurement must be conducted with caution, especially at the micro-level, which might not capture the actual households' consumptions, needs and demographic.²³

The recent Twelfth Malaysia Plan 2021-2025 dedicated a substantial focus on poverty issues by expanding its approach towards achieving equitable wealth distribution and inclusive of all populations. While not only acknowledging the country's poverty situation

²⁰ Malaysia. *Hansard Parliamentary Debates*, Dewan Rakyat, 21 May 2015, 21, <https://www.parlimen.gov.my/files/hindex/pdf/DR-21052015.pdf>.

²¹ Philip Alston, *Report of the Special Rapporteur on extreme poverty and human rights on his mission to Malaysia* (Geneva: UN Human Rights Council, 2020) <https://www.srpoverity.org/wp-content/uploads/2020/07/malaysia-final-report.pdf>.

²² *Mid-Term Review of the Eleventh Malaysia Plan* (EPU, Putrajaya, 2018), 11-8, <https://www.epu.gov.my/sites/default/files/2020-08/Mid-Term%20Review%20of%2011th%20Malaysia%20Plan.pdf>.

²³ Malaysia. *Parliamentary Questions*, Dewan Rakyat, 7 October 2019, 2-4, <https://www.parlimen.gov.my/files/jindex/pdf/JDR07102019.pdf>.

through a revised poverty line income model, every issue and challenge, target and strategy has revolved around the importance of reflecting a multidimensional perspective. With that thinking, targets have been made for absolute and relative poverty incidence to drop to 4.2% and 15.6% by 2025, respectively.²⁴ Evidently, the poverty rate, measured on the reviewed poverty line income, has significantly risen, thus increasing the number of poor people while at the same time setting a better minimum acceptable standard for the livelihoods of people.

Instrument for oversight role in Parliament and its efficiency

In addition to every single Malaysia Plan, a mid-term review for each plan has also been tabled in Parliament, usually within the three-year after its first tabling. For example, the Mid-Term Review of the Second Malaysia Plan was tabled in 1973 with a clear objective of 'fulfil[ing] the pledge to keep the progress of the Plan under continuous review and to provide solid foundation for the many aspects of the New Economic Policy'.²⁵ As described in the previous section, the Mid-Term Review of the Eleventh Malaysia Plan offered an honest assessment of the progress made in the country. To put things into perspective, the review was tabled by a new Government at the Federal level following the change of government post-2018 general election.

Poised to mark its policy and direction different from the previous Government, the Pakatan Harapan Government tabled the Mid-Term Review of the Eleventh Malaysia Plan in 2018. The mid-term review committed to reviewing the Government's alleviation policy through new priorities and emphases on enhancing inclusive development and well-being of people. The Government also acknowledged that its assistant programmes must be improved to reach its target better.²⁶ Therefore, '[t]he targeting of recipients eligible for assistance will also be refined to be more need-based, which will include socio-demographic and geographical factors'.²⁷ As a result, the country's new direction in the coming decade, set for

²⁴ *Twelfth Malaysia Plan 2021-2025* (EPU, Putrajaya, 2021) <https://rmke12.epu.gov.my/en>.

²⁵ *Mid-Term review of the Second Malaysia Plan 1971-1975* (EPU, Kuala Lumpur, 1973), <https://www.epu.gov.my/sites/default/files/2020-02/Kajian%20Separuh%20Penggala%20RMK2.pdf>.

²⁶ Malaysia. *Hansard Parliamentary Debates*, Dewan Rakyat, 18 October 2018, 30, <https://www.parlimen.gov.my/files/hindex/pdf/DR-18102018.pdf>.

²⁷ *Mid-Term review of the Second Malaysia Plan 1971-1975* (n 25) 11-8.

the Twelfth Malaysia Plan 2021-2025 and the Thirteenth Malaysia Plan 2026-2030, is guided by the introduction of the Shared Prosperity Vision (SPV) 2030.

The element of oversight of the development policy is expressed through the formulation of the mid-term review of the Malaysia Plan on top of the Malaysia Plan tabling in Parliament itself. It becomes a complete cycle for parliamentary oversight function, from the tabling of the plan, the mid-term review of the plan, and the review of selected outcomes of the plan in the subsequent plan tabling. The whole cycle of a particular Malaysia Plan within five years presents quintessential opportunities for parliamentarians to scrutinise the Government's development policy, especially its measures for poverty alleviation.

Debates in Parliament on Malaysia Plan offer powerful insight into Government's development planning and implementation as every issue raised will have to be addressed by the responsible minister, in accordance with the Standing Orders of the House. For the Twelfth Malaysia Plan, Minister in the Prime Minister's Department (Economy), whose ministry is responsible for preparing the Malaysia Plan document, was tasked to conclude the winding-up session by the ministries. 68 parliamentarians raised issues related to the ministry, including 30 members debating on poverty and well-being issues.²⁸ The winding-up session revealed Government's plan to eradicate hardcore poverty by 2025 through 'a whole of nation approach with the involvement of civil society organisations and community-based organisations, while district offices will be empowered to reduce pockets of poverty at the community level'.²⁹

Despite the parliamentary convention of non-interruption during the winding-up session, the Minister still received a number of questionings from fellow parliamentarians. Under the pretext of seeking clarification from the Minister, parliamentarians quizzed about the Malaysia Plan's efficacy in solving poverty issues in the country. For example, members from the state of Sabah in East Malaysia vent their discontentment with the fact that eight out of ten poorest districts in Malaysia in 2019 are in Sabah. Being diplomatic and tactful, the Minister defended the Plan by way of justifying the country's development vision, although not directly addressing the issues raised. Furthermore, parliamentarians are promised to be

²⁸ Malaysia. *Hansard Parliamentary Debates*, Dewan Rakyat, 7 October 2021, 100, <https://www.parlimen.gov.my/files/hindex/pdf/DR-07102021.pdf>.

²⁹ *ibid.*

involved in engagement sessions for feedback and to suggest how the Government can best implement the Plan.

Another instrument widely used by parliamentarians to elicit information on poverty-related issues from the Government is through parliamentary questions. Held for 90 minutes daily,³⁰ the parliamentary question session provides a useful platform for parliamentarians, its functions summarised as –

- 1) a control function: aims to impose parliamentary accountability on the government;
- 2) a legislative function: parliamentarians put pressure on the government to engage actively in a policy-making process to achieve a certain result;
- 3) a representative function: highlight constituents' concerns and push local issues on to the agenda; and
- 4) an information function: ask for information on a policy or state of affairs more generally.³¹

As exemplified from the parliamentary question by Member for Port Dickson on the Government's stance on the UN Special Rapporteur on extreme poverty and human rights report, this question typified its legislative function in pressuring the Government to state its commitment towards certain policy matters. The question was answered together with the other 16 Members of Parliament similar questions submitted for the third parliamentary session in 2019, particularly related to the UN Special Rapporteur on extreme poverty and human rights report. In addition, 20 more poverty-related parliamentary questions slated for the 35-day parliamentary session were answered separately. The number of poverty-related questions for a single parliamentary session signifies parliamentarians' interest in poverty-related issues and how the legislative plays its oversight role against the executive.

Notwithstanding answers provided by the responsible ministry, albeit in a written form, questions asked directly in the House have more prospects for further deliberation and scrutiny. Three supplementary questions allowed to the initial question can sometimes be counterproductive to the context of the question. On the other hand, answers provided by

³⁰ Standing Orders of the Dewan Rakyat, SO.24.

³¹ Anna-Lena Högenauer, "Regional parliaments questioning EU affairs," *The Journal of Legislative Studies* 23, no. 2 (2017): 183-199.

the ministry are not necessarily satisfying the parliamentarian's expectations.³² Similarly, it has also been suggested that the trend of questions on a broader range of topics are not answered specifically by a responsible department –

*and the theatrical behaviour often on show... can certainly be seen as detrimental to adequate scrutiny which, in turn, may suggest that Parliament is ineffective at holding the government accountable, and may reinforce the widespread idea that Parliament is a weak institution, dominated by the executive.*³³

The new Federal Government in 2018 had also established a parliamentary caucus on reform and governance composed of parliamentarians from all major political parties in Parliament. In line with the new Government's reform agenda, the caucus set to revisit the country's policies and directions, including its approach to solving poverty issues. Triggered by the UN Special Rapporteur on extreme poverty and human rights, the caucus held a seminar in Parliament to look into the state of the economy, poverty and gaps in the country with an eye to influence debates in the upcoming parliamentary sitting.³⁴ The seminar passed a resolution recommended the Government –

- i. to study and review a more contemporary definition of poverty, including the poverty line income of the country,
- ii. to reform the approach in addressing the poverty issue by emphasising a multidimensional approach, namely, life expectancy, health, education, and not limited to absolute poverty definition that focuses on monetary and income aspects,
- iii. to ensure efficient policies implementation and development programme, avoid leakage and abuse of power,
- iv. to introduce an economic policy that encourages balanced economic growth and fair and inclusive wealth distribution toward the targeted group.

³² Muthanna Saari, "IR 4.0 in Parliament: Conceptualising the application of artificial intelligence and machine learning in the Parliament of Malaysia's parliamentary questions," *International Journal of Law Government and Communication* 5, no. 20 (2020): 124-137.

³³ Stephen Bates, Peter Kerr, and Ruxandra Serban, "Questioning the government," in *Exploring Parliament*, eds. Cristina Leston-Bandeira and Louise Thompson (Oxford: Oxford University Press, 2018), 174-86.

³⁴ "Reform caucus to hold seminar on Malaysia's poverty rate," *Malaymail*, October 7, 2019, <https://www.malaymail.com/news/malaysia/2019/09/24/reform-caucus-to-hold-seminar-on-malaysias-poverty-rate/1793611>.

The seminar, in terms of highlighting the issues of poverty in Parliament, has created awareness among parliamentarians on the poverty situation in the country. As anticipated, the upcoming parliamentary sitting i.e. the Third Meeting of 2019, was dominated by poverty-related issues, especially concerning the UN Special Rapporteur on extreme poverty and human rights report. Although the caucus was short-lived due to the change of the Federal Government in 2020, issues brought by the caucus have created a sense of consciousness on how the Government's policies to be scrutinised despite their limited influence. However, the way such a policy debate is staged 'and give[s] voice to competing opinions and preferences has far-reaching implications for the legitimacy of state power'.³⁵

Impact of oversight role on separation of powers

The responsibility of Parliament for the oversight role is affirmed in the Federal Constitution of Malaysia in which 'the Cabinet shall be collectively responsible to Parliament'.³⁶ The provision is in line with the principle of executive accountability to Parliament of the Commonwealth Latimer House Principles on the Three Branches of Government.³⁷ Accountability to Parliament is prescribed through parliamentary procedures as a mechanism to enforce executive accountability, effectively marking the separation of powers between the executive and legislative. Separation of powers, as expounded in the Latimer House Principles, 'requires each branch of government to restrain the exercise of authority to its own sphere to avoid encroaching on the legitimate discharge of constitutional functions by the other branches.'³⁸

Walter Bagehot, the leading theorist of the cabinet government, in his seminal work, 'The English Constitution' marked that the English system that defines the Westminster parliamentary system as 'the nearly complete fusion, of the executive and legislative

³⁵ Emma Crewe, "Anthropology of parliaments," in *Handbook of Parliamentary Studies: Interdisciplinary Approaches to Legislatures*, eds. Cyril Benoît and Olivier Rozenberg (Cheltenham: Edward Elgar Publishing Limited, 2020), 389-425, 417.

³⁶ Federal Constitution of Malaysia, art 43(3).

³⁷ CPA (Commonwealth Parliamentary Association), Commonwealth Legal Education Association, Commonwealth Magistrates' and Judges' Association, and Commonwealth Lawyers' Association, *Commonwealth (Latimer House) Principles on the Three Branches of Government* (2009), 12.

³⁸ Commonwealth Secretariat, *The Commonwealth Latimer House of Principles: Practitioner's Handbook* (London: Commonwealth Secretariat, 2017), 16.

powers'.³⁹ The cabinet, as the connecting link between the executive and legislative, is the greatest committee of the legislative body selected to be the executive body.⁴⁰ In this regard, members who sit in the executive body exercise a fusion role between the two bodies, plan and decide for policies execution while having in mind the legislative's mind of oversight and scrutiny over executive's policies. This structure should have given an advantage to members in ensuring policies are planned and implemented responsibly as the legislative institution always plays its oversight role over the executive.

Armel Le Divellec opines that 'the logic of parliamentary government is thus that the exercise of legislative powers by Parliament is subject to its function of supporting the executive'; hence, 'Parliament is not fundamentally a body that is able to move itself, but one which is animated by "the executive"'.⁴¹ So much power wielded by the executive in discharging its legislative function ie. the passage of legislation and the fusion of the executive and legislative in some way, has weakened the legislative's oversight role. Nevertheless, the system of fusion between the two branches brings a power equilibrium that could perfectly conform to the principles of separation of powers. First, in a fusion of the executive and legislative, the separation between the two branches is not absolute, thus allowing 'each branch to keep a check and balance on the others to prevent abuse and/or efforts to influence others.'⁴² Secondly, 'if the fusion of the branches is taken too far, they stop policing one another and the potential for abuse increases again.'⁴³

The executive responsibility to Parliament is provided in generality rather than specific. It is not something available in statute; no law requires when a minister should apologise or resign, thus 'the nature of government accountability to Parliament is slightly vague in practice.'⁴⁴ Furthermore, executive accountability to Parliament also implies that ministers are required to explain but are not necessarily responsible for the matters brought

³⁹ Walter Bagehot, *The English Constitution* (London: Kegan Paul, Trench & Co., 1888), 10.

⁴⁰ *ibid.* 11.

⁴¹ Nicholas Bamforth, "Separation of Powers, Public Law Theory and Comparative Analysis," in *Constitutionalism and the Role of Parliaments*, eds. Katja S Ziegler, Denis Branger and Anthony W Bradley (Oxford and Portland, Oregon: Hart Publishing, 2007), 181-2.

⁴² Commonwealth Secretariat (n 38) 17.

⁴³ Rory Hamilton Coggins, "Bagehot and executive fusion," Cambridge University Law Society, accessed June 7, 2022, <https://www.culs.org.uk/per-incuriam/bagehot-and-executive-fusion>.

⁴⁴ Mark Bennister and Phil Larkin, "Accountability in Parliament," in *Exploring Parliament*, eds. Cristina Leston-Bandeira and Louise Thompson (Oxford: Oxford University Press, 2018), 143-51.

in Parliament. The implication of this is the inability of Parliament to impose any sanction for the poor performance of the executive in its policy implementation. While, on the one hand, it confirms the principles of separation of powers between the executive and legislative, on the other hand, it signifies the efficiency of the legislative in accounting for the executive actions.

Likewise, although the concept of separation of powers is not expressly mentioned in the Federal Constitution of Malaysia, the way the Constitution is structured indicates that the concept is 'an ingrained part or basic structure of the Federal Constitution.'⁴⁵ Separation of powers in Malaysia as distinct is mentioned in *Public Prosecutor v Kok Wah Kuan* as –

*... we have our own model. Our Constitution does have the features of the separation of powers and at the same time, it contains features which do not strictly comply with the doctrine. To what extent the doctrine applies depends on the provisions of the Constitution.*⁴⁶

Commenting on the separation of powers, Mohd. Salleh Abas, a former Lord President of Malaysia, suggests that the doctrine is applicable in the country in a modified structure in which Parliament is set to be supreme than the executive.⁴⁷

What follows from the discussion on separation of powers is the impact of the oversight role by the legislative body on the doctrine itself, in this context, poverty alleviation policies scrutinisation in Parliament. As illustrated in the previous section, Malaysia Plans laying poverty alleviation strategies and programmes have been continuously presented, albeit with some criticism and challenges, but still managed to escape further scrutiny through promising numbers and targets for such a policy implementation. Nevertheless, the effectiveness of executive responsibility to Parliament depends on various factors; the scale of and how wide the issue is being discussed in the public domain, characteristics of the Prime Minister and government and the opposition, and the socio-economic state of the country.⁴⁸

⁴⁵ Mohamad Ariff Md Yusof and Shad Saleem Faruqi, "The Constitutional Position of Parliament," in *Law, Principles and Practice in the Dewan Rakyat (House of Representatives) of Malaysia*, eds. Mohamad Ariff Md Yusof, Roosme Hamzah and Shad Saleem Faruqi (Subang Jaya: Sweet & Maxwell, 2020), 13-38.

⁴⁶ *Public Prosecutor v Kok Wah Kuan* [2008] 1 MLJ 1, 16.

⁴⁷ Mohd. Salleh Abas, *Prinsip Perlembagaan & Pemerintahan di Malaysia* (Kuala Lumpur: Dewan Bahasa dan Pustaka, 2015), 10.

⁴⁸ Shad Saleem Faruqi, *Our Constitution* (Subang Jaya: Sweet & Maxwell, 2019), 214-5.

Despite acknowledging the impact of parliamentary scrutiny and recommendations towards influencing policy is limited, Baroness D'Souza, a former Speaker of the House of Lord, argues that parliamentary scrutiny –

*put items on the agenda, let the government know what the views are, express the views of various sector of the community...so it lets the government know it sets standards, and tackles issues which are often very difficult for the government to tackle.*⁴⁹

In a sense, the oversight and scrutiny of Parliament over the government's policy and its implementation is hardly measurable in terms of tangible results otherwise affected through political means. However, the very essence of separation of powers between the executive and legislative is enhanced by the perseverance of parliamentarians in putting forward legitimate scrutiny over the government's action.

Moreover, by way of moving the motion tabling a development policy does not bind or restrict the executive's action over the policy itself. The passing of the motion, or otherwise, should be interpreted as a political endorsement for the government and not something hindering the policy implementation. Putting the policy for debates and voting in the House indicates the executive's readiness to allow the legislative to carry out its oversight function. It simply amplified the separation of powers between the two branches.

Conclusion

The aim of this paper was to examine the way in which Parliament's oversight role is being carried out over the government's poverty alleviation policies in Parliament. The extent to which Parliament's oversight role is effective in ensuring the efficiency of the policy implementation was also assessed through various available parliamentary instruments for check and balance. The second aim of this paper was to determine the impact of poverty alleviation policies scrutinisation by the legislative body on the concept of separation of powers. Policy scrutiny in the legislative body made no significant difference in the executive's

⁴⁹ Frances D'Souza, "The Evolution of Parliamentary Scrutiny Tools" (presentation, Westminster Seminar 2022, London, March 14-18, 2022).

direction in policy implementation and its efficiency. Limited avenue for further scrutiny in Parliament, aside from the primary parliamentary questions sessions or motion debates and the winding-up sessions, has curtailed the legislative's oversight role in Parliament.

The paper has also shown that the legislative's scrutiny and oversight over the executive's poverty alleviation-related policies has intensified the separation of powers between the two bodies. Depending upon how the executive responds to the matters raised by parliamentarians, the concept of separation of powers could be further affirmed or even relaxed. The fusion in a Westminster parliamentary system, by some means, offers a befitting framework for a functional executive and legislative. The Minister, a legislator herself, in discharging its executive function, clearly has in mind any responses and consequences towards the introduced policy from the separate function of legislative on scrutiny and oversight. On the other hand, the oversight role of parliamentarians complements their representation function, marking the separation of powers and functions between the two branches.

The present paper adds to the growing body of research that indicates the overbearing power of the executive has reduced the impact of the legislative's oversight role.⁵⁰ A majority and politically stable government have increased the tendency of leaving the executive with the desired power to implement its policies and legislations, thus decreasing the tenacity of parliamentary oversight and scrutiny. The question raised by this paper is whether the efficiency of the legislative's oversight and scrutiny over the executive's poverty alleviation policy could be affected. A working and impacting check and balance would not only realise parliamentary functions but also benefit the people at large through well-scrutinised policies in Parliament. Finally, policy debates in Parliament have entrenched the separation of powers, as mentioned by the Deputy Prime Minister in the winding-up session of the Second Malaysia Plan,

Sir, it is true that in parliamentary democracy, the majority party rules, and in this House it is the right of the Government, which is the majority party, to implement the

⁵⁰ Petr Kopecký, "Power to the executive! the changing executive-legislative relations in eastern Europe," *The Journal of Legislative Studies* 10, no. 2-3 (2004): 142-153; Meg Russell, Daniel Gover, and Kristina Wollter, "Does the Executive dominate the Westminster legislative process?: six reasons for doubt," *Parliamentary Affairs* 69, no. 2 (2016): 286-308.

*Plan which it promised the electorate, but it is not true to say that you cannot change our Plan if you are a Member of the Opposition, because in the parliamentary democracy and in this Parliament you can make a Motion amending our Plan, you can ask for a Motion to amend the Plan, and it is up to you to make the Resolution.*⁵¹

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