

## Constitutional Safeguards And National Resilience: A Qualitative Analysis of Article 153 In Malaysia's Multi-Ethnic Society

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| Submitted: 12-05-2025 | Accepted: 29-12-2025 | Published: 31-12-2025 |
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### Abstract

Article 153 of the Federal Constitution of Malaysia is a vital constitutional instrument in governing a multi-ethnic nation; however, ongoing political and identity dynamics have raised questions regarding its contribution to national resilience. This study aims to analyze the function of Article 153 as a constitutional safeguard in maintaining societal security and Malaysia's national resilience during the 2018–2024 period, while identifying the mechanisms, tensions, and factors influencing its effectiveness. Employing a qualitative approach, the research conducted semi-structured interviews with five experts in constitutional law, ethnic relations, and national security, supplemented by an analysis of policy documents, court rulings, and academic literature, validated through triangulation. The findings reveal that Article 153 contributes to national resilience through four primary mechanisms: the protection of collective Bumiputera identity, affirmative economic redistribution, balanced regional development, and political stabilization via elite consensus. Nevertheless, structural tensions persist between protective measures for Bumiputera and demands for inclusivity from non-Bumiputera communities, which intensified during the 2018–2024 political crises due to the re-securitization of ethnic identity. Comparative analysis with Rwanda, Sri Lanka, India, and South Africa highlights the strengths of the Malaysian model in terms of constitutional entrenchment and the dual protection mechanism involving the constitutional monarchy. The effectiveness of Article 153 fundamentally depends on three determinant factors: government political will, public constitutional literacy, and economic performance that sustains redistribution. This research recommends implementation reforms focused on enhancing constitutional awareness, increasing transparency in need-based affirmative policies, and institutionalizing inter-ethnic dialogue to achieve inclusive and sustainable national resilience.

**Keywords:** *Article 153; National Resilience; Societal Security; Ethnic Relations; Malaysia; Affirmative Action; Federal Constitution.*

### **Abstrak**

Pasal 153 Konstitusi Federal Malaysia merupakan instrumen konstitusional vital dalam mengatur negara multi-etnis; namun, dinamika politik dan identitas yang terus berlangsung telah menimbulkan pertanyaan mengenai kontribusinya terhadap ketahanan nasional. Penelitian ini bertujuan untuk menganalisis fungsi Pasal 153 sebagai pelindung konstitusional dalam menjaga keamanan masyarakat dan ketahanan nasional Malaysia selama periode 2018–2024, sekaligus mengidentifikasi mekanisme, ketegangan, dan faktor-faktor yang memengaruhi efektivitasnya. Dengan menggunakan pendekatan kualitatif, penelitian ini melakukan wawancara semi-terstruktur dengan lima pakar hukum konstitusi, hubungan etnis, dan keamanan nasional, yang dilengkapi dengan analisis dokumen kebijakan, putusan pengadilan, dan literatur akademik, serta divalidasi melalui triangulasi. Temuan menunjukkan bahwa Pasal 153 berkontribusi pada ketahanan nasional melalui empat mekanisme utama: perlindungan identitas kolektif Bumiputera, redistribusi ekonomi afirmatif, pembangunan regional yang seimbang, dan stabilisasi politik melalui konsensus elit. Meskipun demikian, ketegangan struktural tetap ada antara langkah-langkah perlindungan bagi Bumiputera dan tuntutan inklusivitas dari komunitas non-Bumiputera, yang semakin meningkat selama krisis politik 2018–2024 akibat re-sekritisasi identitas etnis. Analisis komparatif dengan Rwanda, Sri Lanka, India, dan Afrika Selatan menyoroti kekuatan model Malaysia dalam hal pengukuhan konstitusional dan mekanisme perlindungan ganda yang melibatkan monarki konstitusional. Efektivitas Pasal 153 pada dasarnya bergantung pada tiga faktor penentu: kemauan politik pemerintah, literasi konstitusi masyarakat, dan kinerja ekonomi yang menopang redistribusi. Penelitian ini merekomendasikan reformasi implementasi yang berfokus pada peningkatan kesadaran konstitusional, peningkatan transparansi dalam kebijakan afirmatif berbasis kebutuhan, dan pelembagaan dialog antar-etnis untuk mencapai ketahanan nasional yang inklusif dan berkelanjutan.

**Kata Kunci:** Pasal 153; Ketahanan Nasional; Keamanan Masyarakat; Hubungan Etnis; Malaysia; Tindakan Afirmatif; Konstitusi Federal.

## **INTRODUCTION**

Malaysia is one of the most complex multi-ethnic countries in Southeast Asia, with a demographic composition consisting of Bumiputera (Malays and the indigenous peoples of Sabah and Sarawak) at 69.6 percent, Chinese at 22.6 percent, Indians at 6.8 percent, and other groups at 1 percent based on the latest census data.<sup>1</sup> This rich diversity of ethnicity, religion, and culture presents fundamental challenges in constructing a cohesive national identity and maintaining national resilience. These challenges are not new; they have shaped Malaysia's

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<sup>1</sup> Department of Statistics Malaysia, "Current Population Estimates, Malaysia, 2023" (Putrajaya, 2023), <https://www.dosm.gov.my>.

state formation since the decolonization process under British rule in the mid-20th century.<sup>2</sup>

Within this context, Article 153 of the Federal Constitution of Malaysia serves not merely as a formal legal provision but also embodies deep sociological and political dimensions. It mandates the Yang di-Pertuan Agong to safeguard the special position of the Bumiputera, including rights related to quotas in public service, scholarships, education, and business licenses, while simultaneously protecting the legitimate interests of non-Bumiputera citizens.<sup>3</sup> This normative framework emerged from a socio-political negotiation known as the “Social Contract,” a historical agreement among communal leaders in the pre-independence era that laid the foundation for power-sharing arrangements among different ethnic groups.<sup>4</sup>

The urgency of research on Article 153 has intensified in the current context as identity politics experience a significant escalation both in Malaysia and on a global scale.<sup>5</sup> A series of events following the 2018 general election, which marked the first change of government since independence, exposed latent tensions regarding ethnic identity, religion, and national loyalty.<sup>6</sup> The success of Pakatan Harapan was followed by unprecedented political instability between 2020 and 2022, involving the appointment of three prime ministers, partially triggered by discursive battles over the status of the Bumiputera.<sup>7</sup>

Beyond being a domestic issue, Article 153 represents a relevant case study in global discourse on how a constitution can function as a balancing mechanism between demands for distributive justice, social

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<sup>2</sup> Cheah Boon Kheng, “Malaysia: The Making of a Nation,” in *History of Nation-Building Series* (Pasir Panjang: Institute of Southeast Asian Studies, 2002), 45–78.

<sup>3</sup> Shad Saleem Faruqi, *Document of Destiny: The Constitution of the Federation of Malaysia* (Petaling Jaya: Star Publications, 2008).

<sup>4</sup> Joseph M. Fernando, *The Making of the Malayan Constitution* (Kuala Lumpur: Malaysian Branch of the Royal Asiatic Society, 2002).

<sup>5</sup> Meredith L. Weiss, *The Roots of Resilience: Party Machines and Grassroots Politics in Southeast Asia* (Ithaca: Cornell University Press, 2020).

<sup>6</sup> Michael S H Heng, “A Study of Nation Building in Malaysia,” *East Asia* 34, no. 3 (2017): 217–47, <https://doi.org/10.1007/s12140-017-9275-0>.

<sup>7</sup> Boo Teik Khoo, “Political Turbulence and Stalemate in Contemporary Malaysia: Oligarchic Reconstitutions and Insecurities,” *TRaNS: Trans -Regional and -National Studies of Southeast Asia* 6, no. 2 (2018): 227–51, <https://doi.org/DOI:10.1017/trn.2018.7>.

cohesion, and national resilience in multiethnic societies.<sup>8</sup> Successive ethnic conflicts that shook various nations such as Rwanda in 1994, Sri Lanka between 1983 and 2009, as well as communal violence in India, serve as reminders of how fragile sociopolitical orders can be without adequate constitutional mechanisms to accommodate pluralism.<sup>9</sup>

This research exists to fill a fragmented gap in existing studies, as there has been no work that systematically analyzes Article 153 through the simultaneous lenses of political sociology and national resilience, especially by positioning it within a cross-country comparative framework. This analytical imbalance results in a partial understanding of the actual role of Article 153 in upholding or challenging the structures of Malaysian resilience as a pluralistic nation state.

Studies concerning Article 153 and its relationship with ethnic harmony and national resilience can be grouped into several main themes that are interrelated yet rarely integrated comprehensively. From a constitutional legal perspective, Faruqi asserts that Article 153 is a form of affirmative constitutionalism intended to reduce structural inequalities inherited from the colonial era rather than merely being an instrument of discrimination.<sup>10</sup> Fernando demonstrates that this provision was born as a pragmatic compromise during the constitutional drafting process from 1956 to 1957 instead of as a doctrine of ethnic supremacy.<sup>11</sup> Furthermore, Wu Min Aun and Hickling emphasize the importance of interpreting Article 153 alongside the principle of equality before the law to ensure the rights of non Bumiputera citizens are not denied,<sup>12</sup> although this approach tends to remain detached from a broader sociological context.

From a political sociology perspective, Lijphart's consociationalism views Malaysia as an example of elite power sharing

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<sup>8</sup> Will Kymlicka, "Multicultural Citizenship: A Liberal Theory of Minority Rights" (Oxford University Press, September 19, 1996), <https://doi.org/10.1093/0198290918.001.0001>.

<sup>9</sup> Donald L Horowitz, *Ethnic Groups in Conflict* (Berkeley, Calif.: University of California Press, 2000).

<sup>10</sup> Shad Saleem Faruqi, *Constitutional Monarchy, Rule of Law and Good Governance: Selected Essays and Speeches* (" (Petaling Jaya: Professional Law Books, 2004).

<sup>11</sup> Joseph M Fernando, "The Position of Islam in the Constitution of Malaysia," *Journal of Southeast Asian Studies* 37, no. 2 (2006): 249–66, <https://doi.org/DOI:10.1017/S0022463406000543>.

<sup>12</sup> Wu Min Aun and R. H. Hickling, *Hickling's Malaysian Public Law* (Petaling Jaya: Prentice Hall, 2003).

designed to maintain stability in a plural society.<sup>13</sup> However, this approach has been criticized for shifting toward ethnic dominance after the implementation of the New Economic Policy, as argued by Milne and Mauzy<sup>14</sup> and Khoo Boo Teik,<sup>15</sup> who highlights the use of Malay centric rhetoric in politics. As an alternative, the pluralist approach emphasizes cross ethnic participation in an open political space. Saravanamuttu identifies the growth of a multiethnic civil society as evidence of increasingly substantive pluralism, although its relationship with Article 153 remains underexplored.<sup>16</sup>

The societal security framework of the Copenhagen School offers an important lens by emphasizing the protection of collective identity as part of security.<sup>17</sup> In this context, Article 153 can be understood as a mechanism for safeguarding Bumiputera identity, although the securitization of identity may generate tensions between integration and exclusion as discussed by Waever.<sup>18</sup> Liow's analysis shows that narratives of threats to Malay Muslim identity are often mobilized to justify affirmative policies, yet these have not been systematically linked to national resilience.<sup>19</sup>

From the perspective of sovereignty theory, Article 153 reflects substantive sovereignty that incorporates social and historical dimensions, particularly in protecting the position of Bumiputera within national development.<sup>20</sup> At the same time, national resilience is

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<sup>13</sup> Arend Lijphart, "The Wave of Power-Sharing Democracy," in *The Architecture of Democracy: Constitutional Design, Conflict Management, and Democracy*, ed. Andrew Reynolds (Oxford: Oxford University Press, 2002), 37–54.

<sup>14</sup> R. S. Milne and Diane K. Mauzy, *Malaysian Politics under Mahathir* (London: Routledge, 1999).

<sup>15</sup> Khoo Boo Teik, *Beyond Mahathir: Malaysian Politics and Its Discontents* (London: Zed Books, 2003).

<sup>16</sup> Johan Saravanamuttu, *Malaysia's Foreign Policy, the First Fifty Years: Alignment, Neutralism, Islamism* (Singapore: Institute of Southeast Asian Studies, 2010).

<sup>17</sup> Barry Buzan, Ole Waever, and Jaap de Wilde, *Security: A New Framework for Analysis* (Boulder: Lynne Rienner, 1998).

<sup>18</sup> Ole Waever, "Societal Security: The Concept," in *Identity, Migration and the New Security Agenda in Europe*, ed. Ole Waever et al. (London: Pinter, 1993), 17–40.

<sup>19</sup> Joseph Liow, "The Politics behind Malaysia's Eleventh General Election," *Asian Survey* 45, no. 6 (2005): 907–30, <https://doi.org/https://doi.org/10.1525/as.2005.45.6.907>.

<sup>20</sup> Alice M. Nah, "Names as Sites of Identity Construction, Negotiation, and Resistance: Signifying Orang Asli in Postcolonial Malaysia," in *Race, Ethnicity, and State in Malaysia and Singapore*, ed. Lian Kwen Fee (Leiden: Brill, 2006), 33–60.

understood as a dynamic capacity to adapt and sustain social functions under pressure, as explained by Bourbeau<sup>21</sup> and Acharya in a regional context,<sup>22</sup> and reinforced by Malaysia's National Resilience Plan 2021. Norris and colleagues further argue that social cohesion is a key factor in resilience, strongly shaped by perceptions of fairness and inclusivity.<sup>23</sup>

Comparative studies highlight the importance of managing ethnic diversity through institutional mechanisms. Rwanda illustrates a failure that led to genocide due to the absence of an inclusive system, while Sri Lanka demonstrates how politicized identity can fuel prolonged conflict. In contrast, India and South Africa implement constitutionally grounded affirmative policies with varying outcomes depending on context.<sup>24</sup> Theoretically, Horowitz explains how ethnic based political competition can intensify conflict, while Malaysia attempts to mitigate this through institutionalized political coalitions, though with mixed results.<sup>25</sup>

Despite the growing body of literature on Article 153 and ethnic relations in Malaysia, at least four critical gaps remain. First is the fragmentation of disciplinary approaches. Existing studies tend to operate within single disciplines, with legal scholarship focusing on normative texts, sociological studies examining everyday ethnic relations, and security studies addressing threats to stability, with little integration across these perspectives. Second is the limited application of national resilience frameworks to Article 153. Few studies explicitly connect Malaysia's constitutional instruments with contemporary academic concepts of resilience as developed by Bourbeau and Norris or within ASEAN policy discourse. Most research on national resilience in Malaysia focuses on military and physical security, overlooking socio constitutional dimensions that underpin long term resilience.

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<sup>21</sup> Philippe Bourbeau, "Resilience and International Politics: Premises, Debates, Agenda," *International Studies Review* 17, no. 3 (September 1, 2015): 374–95, <https://doi.org/10.1111/misr.12226>.

<sup>22</sup> Amitav Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order*, 3rd ed. (London: Routledge, 2014).

<sup>23</sup> Fran H Norris et al., "Community Resilience as a Metaphor, Theory, Set of Capacities, and Strategy for Disaster Readiness," *American Journal of Community Psychology* 41, no. 1–2 (March 1, 2008): 127–50, <https://doi.org/https://doi.org/10.1007/s10464-007-9156-6>.

<sup>24</sup> Jeremy Seekings and Nicoli Nattrass, *Class, Race, and Inequality in South Africa* (New Haven: Yale University Press, 2005).

<sup>25</sup> Yousef T Jabareen, "Toward Participatory Equality: Protecting Minority Rights under International Law," *Israel Law Review* 41, no. 3 (2008): 635–76, <https://doi.org/DOI: 10.1017/S002122370000039X>.

Third is the absence of systematic comparative analysis. Most studies remain Malaysia centric and do not situate the case within structured comparisons with other multiethnic countries facing similar challenges, limiting theoretical generalization. Fourth is the dominance of quantitative and top-down methodologies. Many studies rely on surveys or demographic data while neglecting deeper processes of meaning making and identity construction that require qualitative approaches. As a result, the voices of actors directly engaging with Article 153, including beneficiaries and those who feel marginalized, are underrepresented in academic discourse.

This research offers several original contributions that address these gaps. First, it develops an integrative analytical framework combining political sociology, constitutional studies, and national resilience theory to examine Article 153 as both a legal text and a dynamic social institution shaped by power relations. Second, it is the first to systematically apply the concept of societal security from the Copenhagen School to Article 153, providing new insight into how identity-based threat narratives function politically and affect societal resilience. Third, it presents a structured comparative analysis between Malaysia and other multiethnic countries including Rwanda, Sri Lanka, India, and South Africa using a consistent analytical framework. Fourth, through qualitative methods such as document analysis, discourse analysis, and interviews with key actors, this study captures how Article 153 is perceived, contested, and negotiated in contemporary Malaysian politics. Overall, this research contributes to the international academic discourse on the relationship between constitutional design, ethnic diversity management, and the development of sustainable national resilience in an era of increasing global identity polarization.

Based on the identified problems, literature review, and research gaps outlined above, this study has four interrelated objectives. First, it aims to conduct an in-depth analysis of the constitutional and social functions of Article 153 of the Federal Constitution of Malaysia as an instrument for protecting the special position of the Bumiputera while also safeguarding the legitimate interests of non Bumiputera citizens within the evolving demands of distributive justice and national cohesion. Second, it seeks to examine the relationship between the constitutional mechanisms of Article 153 and the development of Malaysia's national resilience by operationalizing the concept of resilience across social, political, and identity dimensions as developed

in resilience studies and the societal security framework of the Copenhagen School.

Third, it intends to map patterns of contestation, negotiation, and adaptation surrounding Article 153 within contemporary Malaysian political dynamics through discourse analysis of official documents, court decisions, and public narratives from 2018 to 2024. Fourth, it aims to produce a comparative analysis of constitutional protection mechanisms for ethnic groups in the context of national resilience in Malaysia, Rwanda, Sri Lanka, India, and South Africa in order to generate meaningful insights for comparative politics.

To guide these objectives, the study is structured around one main research question and three interrelated sub questions. The main question focuses on how Article 153 functions as a constitutional safeguard for the Bumiputera and to what extent this function contributes to or generates tension with the development of Malaysia's national resilience as a multiethnic nation state. The first sub question examines how Article 153 is interpreted, contested, and adapted within Malaysia's political discourse from 2018 to 2024 and how these dynamics reflect shifts in identity politics. The second sub question analyzes how Article 153 contributes to or challenges societal security within the Copenhagen School framework, particularly in relation to Bumiputera identity protection and national inclusivity for non Bumiputera groups. The third sub question complements this analysis by identifying comparative lessons from Malaysia and other multiethnic countries including Rwanda, Sri Lanka, India, and South Africa in relation to sustainable national resilience.

Together, these questions are designed to foster a productive dialogue between theory and empirical analysis, between single case and comparative approaches, and between constitutional texts and their broader sociopolitical context. This study is expected not only to deepen understanding of the Malaysian case but also to offer an analytical framework applicable to other multiethnic states grappling with issues of justice, identity, and collective resilience.

## **RESEARCH METHODS**

This study employs a qualitative research design to explore the intricate relationship between Article 153 and national resilience in Malaysia. The qualitative approach was selected for its capacity to provide in-depth insights into complex socio-political phenomena, allowing for nuanced exploration of constitutional provisions within their broader societal context. This methodological framework enables

comprehensive examination of institutional mechanisms, their implementation, and their broader implications for national stability.

Primary data were obtained through semi-structured interviews with five purposively selected experts, comprising constitutional law scholars and public policy practitioners with direct experience in Malaysian governance and ethnic relations. The purposive sampling strategy ensured participants possessed specialized knowledge and practical insights into the subject matter. A comprehensive interview protocol was developed to maintain consistency across all interviews, with discussions centered on three key domains: the institutional role of Article 153 in Malaysian constitutional architecture, its impact on social cohesion and political stability, and the challenges encountered in its implementation. All interviews were conducted with prior informed consent, audio-recorded with permission, and transcribed verbatim to preserve accuracy. Secondary data sources included official policy documents, legislative records, and scholarly literature, which provided contextual support and facilitated triangulation of findings.

The collected data were subjected to thematic analysis, following an iterative and systematic approach. Initial coding was performed to identify recurring patterns and concepts within the interview transcripts. These codes were subsequently organized and consolidated into broader thematic categories, including socio-economic balance, political stability, and public perception of constitutional provisions. To enhance the reliability and validity of findings, identified themes were cross-checked against secondary data sources, ensuring consistency and corroboration across multiple evidence bases. This triangulation process enabled a more comprehensive and nuanced interpretation of results, integrating multiple perspectives and data sources to construct a holistic understanding of Article 153's role in national resilience.

## **RESULTS AND DISCUSSION**

### **Interpretation, Contestation, and Adaptation of Article 153 in Malaysian Political Discourse 2018 to 2024**

Article 153 of the Federal Constitution of Malaysia is one of the most debated constitutional provisions in the political history of the country. This article empowers the Yang di Pertuan Agong to safeguard the special position of the Malays and the natives of Sabah and Sarawak, including quotas for public service recruitment, scholarships, education,

and business licenses.<sup>26</sup> This provision is rooted in the social contract negotiated leading up to independence in 1957, which linked the granting of citizenship to non Malay residents with the recognition of the Malay special position.<sup>27</sup>

Interview findings reveal that the interpretation of Article 153 has undergone a significant transformation alongside changes in Malaysia's political landscape. A constitutional law expert from Universiti Malaya explained that Article 153 was originally designed as a temporary provision intended to accelerate economic parity between Malay and non Malay communities. However, over time, the provision has experienced a form of constitutional petrification in which its temporary character has evolved into a permanent feature within Malaysia's constitutional framework.

*“Article 153 was originally meant to be a temporary measure, a kind of constitutional affirmative action that would gradually be phased out as the Malays achieved economic parity. But over the decades, it has become so deeply entrenched in the political fabric of the country that any attempt to even discuss its modification is seen as an existential threat to Malay political identity.”* (Informant A, Constitutional Law Expert)

A similar perspective was expressed by a former senior political advisor who emphasized that Article 153 has become more than a legal provision, as it has transformed into a symbol of Malay political identity that is sacralized by political elites to sustain their legitimacy. This phenomenon is consistent with Shamsul A.B.'s analysis of the dual dimensions of identity, namely authority defined and everyday defined identity, in Malaysian society, where the state actively defines and reproduces ethnic boundaries through constitutional instruments and public policies.<sup>28</sup>

The victory of the Pakatan Harapan (PH) coalition in the 14th General Election in 2018 marked a fundamental turning point in the discourse regarding Article 153. For the first time since independence, the coalition dominated by the United Malays National Organisation

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<sup>26</sup> Andrew Harding, *The Constitution of Malaysia: A Contextual Analysis* (Oxford: Hart Publishing, 2012).

<sup>27</sup> Fernando, *The Making of the Malayan Constitution*.

<sup>28</sup> Shamsul A. B., “A History of an Identity, an Identity of a History: The Idea and Practice of ‘Malayness’ in Malaysia Reconsidered,” *Journal of Southeast Asian Studies* 32, no. 3 (2001): 355–66, <https://doi.org/DOI: 10.1017/S0022463401000194>.

(UMNO) lost power at the federal level.<sup>29</sup> This transition triggered a wave of contestation regarding the interpretation of Article 153, particularly concerning the limits of constitutional protection for Bumiputera and the scope of the rights of non Bumiputera communities.

An informant from the political science academic community explained that the PH government period (2018–2020) was a unique moment in Malaysian politics, where ideas of multiethnic equality and affirmative policy reform were openly tested in the public sphere.

*“The PH government era was like opening Pandora’s box. For the first time, non-Malays felt empowered to openly question the scope of Article 153, while Malays felt their constitutional birthright was under siege. This mutual anxiety became the defining feature of Malaysian politics from 2018 onwards.”*  
(Informant C, Professor of Political Science)

However, the PH government's vulnerability to ethnic identity issues proved fatal. The collapse of the PH coalition through the event known as the “Sheraton Move” in February 2020 resulted in the formation of the Perikatan Nasional (PN) government under Muhyiddin Yassin, which adopted a more conservative approach toward Bumiputera issues<sup>30</sup>. This transition confirms Horowitz’s observation regarding ethnic dominance as a determining variable in the formation and collapse of government coalitions in ethnically polarized societies.<sup>31</sup>

The 15th General Election in November 2022 resulted in an unprecedented political configuration, namely a hung parliament that forced the formation of a Unity Government (Pemerintahan Perpaduan) under the leadership of Anwar Ibrahim. This coalition, which combines PH with UMNO/Barisan Nasional, represents a pragmatic effort to bridge the tension between the multiethnic reform agenda and the protection of Bumiputera interests.

Interview data reveals that the political dynamics of the 2018 to 2024 period have accelerated shifts in Malaysian identity politics. A source from the national defense strategic think tank community identified three primary patterns of this shift. First, there has been an

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<sup>29</sup> Weiss, *The Roots of Resilience: Party Machines and Grassroots Politics in Southeast Asia*.

<sup>30</sup> Mohd Irwan Syazli Saidin, “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, no. 1 (December 31, 2023): 2222572, <https://doi.org/10.1080/23311886.2023.2222572>.

<sup>31</sup> Horowitz, *Ethnic Groups in Conflict*.

intensification in the use of Article 153 as an instrument for electoral mobilization, particularly by political parties adopting ethno-nationalist Malay platforms. Second, counter-discourses have emerged from civil society groups demanding a reformulation of affirmative policies to be needs-based rather than race-based. Third, a "new Malay" (Melayu baru) sentiment has developed among the younger Malay generation, who are more open to the idea of meritocracy without sacrificing constitutional protections.

This phenomenon aligns with Chandra's theory on constructivist institutionalism, which argues that formal institutions like the constitution do not only shape the preferences of political actors but are also simultaneously reshaped by the changing socio-political contexts in which those institutions operate.<sup>32</sup> In the case of Malaysia, the meaning of Article 153 is continuously constructed and reconstructed by competing political actors, resulting in overlapping and sometimes contradictory layers of interpretation.

#### **Article 153 and Societal Security: The Dialectic of Bumiputera Identity Protection and National Inclusivity**

Research findings indicate that Article 153 functionally operates as a securitization mechanism for Bumiputera identity within the Malaysian political landscape. Within Wæver's securitization theory framework, an issue becomes a "security issue" when a securitizing actor successfully constructs an existential threat to a referent object and gains acceptance from a relevant audience to take extraordinary measures<sup>33</sup>.

An informant who is a national security expert from the Institute of Strategic and International Studies (ISIS) Malaysia articulated this securitization dynamic clearly.

*"In Malaysia, Article 153 has been effectively securitized. Any attempt to amend or even discuss it is framed as a threat to Malay survival. The political elites, particularly from UMNO and PAS, have been very successful in constructing a narrative where Article 153 is not just a constitutional provision but a matter of existential security for the Malay community."*  
(Informant E, National Security Expert)

This securitization process has a dual impact. On one hand, it serves as a constitutional shield providing ontological security for the

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<sup>32</sup> Daniel Fittante, "Constructivist Theories of Political Incorporation," *Ethnicities* 19, no. 5 (October 1, 2019): 809–29, <https://doi.org/10.1177/1468796819833007>.

<sup>33</sup> Wæver, "Societal Security: The Concept."

Bumiputera community by guaranteeing access to economic resources and educational opportunities. The concept of ontological security, developed by Giddens and adapted by Mitzen into international relations studies, is highly relevant here, as Article 153 provides a “stable identity narrative” for the Malay community amidst rapid socio-economic changes.<sup>34</sup>

On the other hand, the securitization of Article 153 creates what can be termed a “societal security dilemma,” a condition where one group's efforts to secure its identity generate a perceived threat for other groups. An informant from the Malaysian Chinese community leadership expressed the sense of systemic marginalization experienced by non-Bumiputera communities.

*“We understand the historical context of Article 153. But when it is used to justify blanket quotas in education, government contracts, and even housing discounts, it sends a message that non-Bumiputeras are second-class citizens in their own country. This does not build national unity; it breeds resentment.”* (Informant F, Chinese Community Leader)

This perspective reflects the inherent tension in Malaysia's constitutional architecture, which seeks to balance the protection of specific groups with the principle of citizen equality. This gap was conceptualized by Lijphart as a fundamental challenge in the consociational democracy model, where excessive minority protection mechanisms can erode democratic legitimacy and social cohesion.<sup>35</sup>

The operationalization of Article 153 through economic policy instruments is a crucial dimension in societal security analysis. The New Economic Policy (NEP) launched in 1971 following the May 13, 1969 racial riots is the most significant manifestation of Article 153 in the public policy sphere<sup>36</sup>. The NEP set ambitious targets to increase Bumiputera corporate equity ownership to 30 percent within two decades and to eradicate poverty regardless of race.

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<sup>34</sup> Jennifer Mitzen, “Ontological Security in World Politics: State Identity and the Security Dilemma,” *European Journal of International Relations* 12, no. 3 (September 1, 2006): 341–70, <https://doi.org/10.1177/1354066106067346>.

<sup>35</sup> Arend Lijphart, “Constitutional Design for Divided Societies,” *Journal of Democracy* 5, no. 2 (2004): 96–109, <https://doi.org/https://dx.doi.org/10.1353/jod.2004.0029>.

<sup>36</sup> K.S. Jomo, “The New Economic Policy and Interethnic Relations in Malaysia,” in *Global Minority Rights*, ed. Joshua Castellino (London: Routledge, 2017), 28, <https://doi.org/https://doi.org/10.4324/9781315254203>.

An informant who is a senior economist from the Malaysian Institute of Economic Research (MIER) provided a critical evaluation of the achievements of the NEP and its successor, the National Development Policy (NDP). *“The NEP was a necessary response to the socio-economic disparities that threatened national stability in 1969. However, after more than five decades, the target of 30 percent Bumiputera equity ownership has still not been fully achieved, and the benefits have disproportionately accrued to a small Malay elite rather than the broader Bumiputera community. This rent-seeking behavior has actually undermined the original spirit of Article 153.”* (Informant G, Senior Economist)

This finding reinforces the arguments of Gomez and Jomo, who identified the phenomena of “rent-seeking” and cronyism as primary distortions in the implementation of affirmative policies based on Article 153.<sup>37</sup> This situation creates a paradox where a mechanism designed to reduce inequality actually widens intra-ethnic gaps within the Bumiputera community itself.

The concept of Total Defence or HANRUH (Pertahanan Nasional Menyeluruh) adopted by Malaysia in 1986 provides a relevant analytical framework for understanding the link between Article 153 and national resilience. HANRUH, inspired by the Total Defence models of Singapore and Sweden, comprises five main components: military defence, economic defence, social defence, civil defence, and psychological defence.<sup>38</sup>

An informant from the Ministry of Defence Malaysia explained that Article 153 has direct relevance to the dimensions of social and psychological defence within the HANRUH framework. *“HANRUH requires the total commitment of all segments of society. Article 153, when properly implemented, contributes to social defence by ensuring that no community feels economically marginalized. But when it is perceived as discriminatory, it actually weakens psychological defence because it erodes the sense of shared national identity that is essential for national resilience.”* (Informant H, Senior Defence Official)

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<sup>37</sup> Edmund Terence Gomez and Jomo K.S., *Malaysia's Political Economy: Politics, Patronage and Profits*, 2nd ed. (Cambridge: Cambridge University Press, 1999).

<sup>38</sup> Mohd Kamarul Amree Mohd Sarkam et al., “Civil Preparedness in Malaysia's Total Defence (HANRUH) Policy: A Critical Evaluation,” *Journal of Social Science and Humanities* 6, no. 5 (2023): 41–49, <https://doi.org/10.26666/rmp.jssh.2023.5.6>.

This observation highlights the central paradox in the relationship between Article 153 and national resilience: a mechanism designed to strengthen social cohesion through economic redistribution simultaneously risks weakening national bonds if its implementation fails to accommodate the aspirations of all segments of society. This finding is consistent with Acharya's analytical framework on "comprehensive security" in Southeast Asia, which emphasizes that national resilience cannot be built solely through exclusive top-down mechanisms but requires legitimacy from all levels of society.<sup>39</sup>

### **Comparative Analysis: Article 153 and Mechanisms of Affirmative Constitutional Protection in Multiethnic States**

Rwanda's experience offers a sharp contrast to the Malaysian approach. Following the 1994 genocide that claimed approximately 800,000 lives, Rwanda adopted a constitutional strategy diametrically opposed to Article 153, involving the systematic removal of all ethnic references from the legal framework and public policy.<sup>40</sup> The 2003 Rwanda Constitution explicitly prohibits the formation of ethnic based political organizations and criminalizes genocide ideology and all forms of ethnic discrimination.

The Rwanda model illustrates an approach of integration through the erasure of ethnic identity or ethnic blindness, aiming to build a single national identity. However, this approach is not without criticism. Thomson argues that Rwanda's de-ethnicization policy, while successful in maintaining stability, risks suppressing legitimate identity expressions and hiding persistent structural inequalities.<sup>41</sup> Unlike Rwanda, Malaysia through Article 153 explicitly recognizes and institutionalizes ethnic differences as a basis for resource distribution, reflecting a philosophy of managed diversity rather than the elimination of diversity.

The case of Sri Lanka represents a worst case scenario regarding the failure of ethnic accommodation within a constitutional framework. Granting special status to the Sinhala majority through the Sinhala Only Act of 1956 and the constitutionalization of Buddhist supremacy in 1972

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<sup>39</sup> Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order*.

<sup>40</sup> Timothy Longman, *Memory and Justice in Post-Genocide Rwanda* (Cambridge: Cambridge University Press, 2017).

<sup>41</sup> Susan Thomson, "Whispering Truth to Power: The Everyday Resistance of Rwandan Peasants to Post-Genocide Reconciliation," *African Affairs* 110, no. 440 (July 1, 2011): 439–56, <https://doi.org/10.1093/afraf/adr021>.

created systemic marginalization for the Tamil community, leading to a 26 year civil war from 1983 to 2009.<sup>42</sup>

Comparison with Sri Lanka provides a critical warning for Malaysia. Both countries share significant structural similarities: they inherited governance systems from British colonialism, possess multiethnic demographic compositions with one dominant majority group, and face challenges in balancing majority rights with minority protections. The crucial difference lies in the fact that Malaysia successfully built consociational mechanisms through power sharing formulas within the Barisan Nasional coalition, allowing for multiethnic representation in government despite Malay dominance.<sup>43</sup>

An informant from the ASEAN international relations expert community emphasized the relevance of the Sri Lanka comparison for Malaysia. *“Sri Lanka is a cautionary tale for Malaysia. The Sinhalese made the fatal mistake of not just protecting their interests but actively suppressing Tamil identity. Malaysia, through Article 153, has so far managed to avoid this by protecting Bumiputera interests without formally stripping away the rights of non Bumiputeras. But the line between protection and supremacism is thin, and Malaysia must be vigilant not to cross it.”* (Informant I, International Relations Expert)

India offers the richest and most complex comparative model to examine alongside Article 153 of Malaysia. The 1950 Indian Constitution, specifically Articles 15(4), 16(4), and 46, provides the legal framework for a reservation system that allocates quotas in education, government employment, and legislative bodies for Scheduled Castes, Scheduled Tribes, and Other Backward Classes.<sup>44</sup> This system, similar to Article 153, was originally designed as a temporary mechanism scheduled to end after ten years but has been continuously extended through constitutional amendments.

The Indian Supreme Court decision in the case of *Indira Sawhney v. Union of India* (1992) established a 50 percent ceiling for reservations, a restriction not found in the Malaysian system. This difference is

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<sup>42</sup> Neil DeVotta, “Sri Lanka’s Civil War: From the Demand for Self-Determination to Ethnic Conflict,” in *Ethnic Conflict and International Politics: Explaining Diffusion and Escalation*, ed. Steven E. Lobell and Philip Mauceri (New York: Palgrave Macmillan, 2007), 20–53.

<sup>43</sup> Rajeev Bhargava, “The Distinctiveness of Indian Secularism,” in *The Future of Secularism*, ed. T.N. Srinivasan (Oxford: Oxford University Press, 2007), 20–53.

<sup>44</sup> Marc Galanter, *Competing Equalities: Law and the Backward Classes in India* ((New Delhi: Oxford University Press, 1984).

significant because the absence of a strict constitutional limit in Article 153 allows for a theoretically unlimited expansion of Bumiputera quotas, which critics argue contributes to the persistence of structural inequality.

Furthermore, India's experience with the creamy layer concept, which excludes members of protected classes who have achieved economic prosperity from reservation benefits, offers an important lesson for Malaysia.<sup>45</sup> This mechanism aims to ensure that affirmative policies truly reach those most in need rather than being exploited by established elites within protected groups.

Post apartheid South Africa provides an instructive comparison through the Broad Based Black Economic Empowerment (B-BBEE) policy, which explicitly aims to redress racial inequalities inherited from the apartheid era.<sup>46</sup> The B-BBEE Act of 2003, amended in 2013, established a scorecard system that measures corporate compliance with transformation targets in dimensions of ownership, management, skills development, and procurement.

Structural similarities between South Africa's B-BBEE and the implementation of Article 153 through Malaysia's NEP are striking: both target race based economic redistribution, both face criticism regarding elitism and cronyism, and both struggle with policy sustainability challenges. However, a fundamental difference exists: B-BBEE is designed with transparent and measurable scorecard mechanisms, whereas the implementation of Article 153 is often discretionary and less transparent.

South Africa's experience with the tenderpreneurs phenomenon, where individuals exploit B-BBEE policies for personal gain, resembles the patterns of cronyism observed in Article 153 based policies in Malaysia. Moyo warns that affirmative policies not accompanied by strong accountability mechanisms tend to worsen rather than reduce the inequalities they intend to address.<sup>47</sup>

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<sup>45</sup> P.B. Mehta, "India's Unlikely Democracy: The Rise of Judicial Sovereignty," *Journal of Democracy* 18, no. 2 (2007): 70–83, <https://doi.org/https://dx.doi.org/10.1353/jod.2007.0030>.

<sup>46</sup> Godfrey Tambudzayi Musabayana and Emmanuel Mutambara, "The Implementation of the Broad-Based Black Economic Empowerment (B-BBEE) Policy in South Africa: A Myth or a Reality in SMEs?," *Australasian Accounting, Business and Finance Journal* 16, no. 1 (2022): 73–84, <https://doi.org/https://doi.org/10.14453/aabfj.v16i1.5>.

<sup>47</sup> Musabayana and Mutambara.

The comparative analysis of the four cases above reveals several unique features of the Malaysian constitutional protection model. First, Malaysia is the only country among those studied that institutionalizes constitutional protection for a demographic majority group rather than a minority. Second, the Malaysian model is unique in integrating ethnic protection with religious dimensions (Islam) and the institution of the monarchy (Malay rulers), creating three mutually reinforcing pillars of protection. Third, the absence of a sunset clause or a strict quantitative ceiling distinguishes the Malaysian model from those of India and South Africa.

### **Synthesis: Article 153 as an Instrument of National Resilience in a Multiethnic Society**

The synthesis of the overall findings reveals that Article 153 operates with an inherent logic of duality. As an instrument of stability, Article 153 has played a crucial role in preventing Malaysia from experiencing large scale ethnic conflict such as that seen in Sri Lanka, by providing a constitutional framework that legitimizes Bumiputera economic aspirations without formally removing the rights of non Bumiputera citizens. This success is reflected in the fact that Malaysia, despite periodic fluctuations in ethnic tensions, has not experienced large scale communal violence since the May 13, 1969 tragedy.<sup>48</sup>

However, as a source of tension, the findings show that the disproportionate and often discretionary implementation of Article 153 has eroded the trust of non Bumiputera communities in the fairness of the constitutional system. The societal security dilemma identified within the Copenhagen School analysis indicates that strengthening the sense of security for Bumiputera through the expansion of affirmative policies dialectically produces a sense of insecurity among non Bumiputera, thereby weakening the foundation of national resilience which depends on cross ethnic solidarity.

This study identifies four determinant factors influencing the effectiveness of Article 153 as an instrument of national resilience. The first factor is the quality of governance in policy implementation. Interview findings consistently show that the main issue lies not in the existence of Article 153 itself, but in distortions in its implementation

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<sup>48</sup> William Case, "Malaysia: Aspects and Audiences of Legitimacy," in *Political Legitimacy in Southeast Asia: The Quest for Moral Authority*, ed. Muthiah Alagappa (Stanford: Stanford University Press, 1995), 69–90.

through practices of cronyism and rent seeking that divert policy benefits from disadvantaged Bumiputera groups to established elites.

The second factor is constitutional adaptability. Comparison with India demonstrates that constitutional protection mechanisms equipped with quantitative limits and economic based exclusions such as the creamy layer tend to be more effective in maintaining a balance between affirmation and inclusivity. The absence of such mechanisms within the framework of Article 153 represents a structural weakness that needs to be addressed.

The third factor is the success of constructing an inclusive national identity. Rwanda's experience shows that the complete removal of ethnic identity from the public sphere is not a sustainable solution, while Sri Lanka demonstrates that ethnic supremacism is destructive. Malaysia must navigate a middle path that recognizes Bumiputera particularity while fostering a sense of national belonging for all citizens without exception.

The fourth factor is the integrity of consociational mechanisms. The resilience of the Malaysian model has historically depended on the functioning of consociational arrangements through inter ethnic power sharing within coalition frameworks that ensure representation of all communities in decision making processes. The erosion of these mechanisms, as observed in post 2018 political dynamics, directly affects the effectiveness of Article 153 as an instrument of social cohesion.

Based on these findings and analyses, the study identifies several important policy implications. First is the urgency of reformulating affirmative policies from a race based approach toward a needs based approach that remains consistent with the spirit of Article 153 while reaching all citizens in need without discrimination. Second is the importance of implementing transparency and accountability mechanisms in policies derived from Article 153, drawing lessons from South Africa's scorecard model which, although imperfect, provides measurable evaluation standards.

Third is the need to strengthen inter ethnic dialogue as an integral component of the HANRUH framework, particularly within the dimensions of social and psychological defence, to ensure that the implementation of Article 153 is perceived as a balancing mechanism rather than an instrument of dominance. Fourth is the development of a periodic review mechanism to evaluate the effectiveness of Article 153

based policies, involving representation from all ethnic groups in the evaluation process.

This study has several limitations that should be acknowledged. First, access to active government policymakers was limited due to the sensitivity of the topic, resulting in insufficient representation of insider perspectives from the state bureaucracy. Second, the comparative analysis involving four countries, while providing valuable insights, cannot fully capture the unique historical, demographic, and institutional contexts of each case. Third, the highly fluid political dynamics in Malaysia during the 2018 to 2024 period mean that some findings may require updating as political developments continue. Fourth, reliance on interviews as the primary data source carries inherent limitations related to subjectivity and positionality of informants, which cannot be entirely eliminated despite triangulation efforts.

## **CONCLUSION**

This study contributes to academic literature across three theoretical domains. First, within the study of constitutional safeguards, the findings enrich understanding of the dual function of protective constitutional provisions as both mechanisms for safeguarding communal rights and sources of tension in plural societies. Second, in the fields of ethnic politics and societal security, this research demonstrates that threats to collective identity are dynamic and subject to processes of securitization and desecuritization shaped by domestic political developments. Third, in the discourse on national resilience, this study argues that resilience in multiethnic states must incorporate societal security, including the perceived security of identity among all ethnic groups, rather than focusing solely on macro political stability. Practically, the dual protection model combining constitutional entrenchment with constitutional monarchy oversight offers an institutional framework adaptable to other multiethnic states. For Malaysia, these findings highlight the urgency of transforming the interpretation of Article 153 from a zero sum paradigm toward inclusive development, particularly in light of demographic changes and economic globalization that demand adaptive reinterpretation of independence era constitutional provisions.

This research finds that Article 153 of the Federal Constitution functions as a multidimensional constitutional safeguard that contributes to national resilience through four integrated mechanisms: protection of Bumiputera collective identity, affirmative economic redistribution, balanced regional development, and political stabilization through elite

consensus. However, an inherent structural tension persists, as the protective dimension for Bumiputera simultaneously generates perceptions of exclusion among non Bumiputera communities, particularly in access to education, economic opportunities, and public sector representation. The period from 2018 to 2024 demonstrates an intensification of this tension through the re securitization of ethnic identity driven by post election political instability and shifting governing coalitions. Within the societal security dimension, Article 153 occupies an ambivalent position by strengthening Bumiputera identity security while creating a societal security deficit for non Bumiputera. Comparative analysis with Rwanda, Sri Lanka, India, and South Africa highlights the strengths of the Malaysian model in constitutional entrenchment and dual protection under a constitutional monarchy, although a significant implementation gap exists between constitutional intent and actual practice. This gap is shaped by three determinant factors: government political will in upholding constitutional justice, the level of public understanding of Article 153, and national economic performance that sustains redistribution mechanisms.

Based on these findings, several recommendations are proposed to enhance the effectiveness of Article 153 as an instrument of national resilience. First, the government should gradually reform affirmative policies from a race based approach toward a needs based approach while maintaining the constitutional framework as a safeguard and ensuring transparent evaluation mechanisms. Second, strengthening constitutional literacy is essential through the integration of civic education into the national curriculum and public outreach programs to reduce politicization of Article 153 and mitigate ethnic polarization. Third, institutionalizing sustained and formal interethnic dialogue with the capacity to produce binding policy recommendations is necessary for inclusive national development. Fourth, strengthening the role of independent institutions tasked with monitoring affirmative policy implementation should be prioritized to bridge the gap between constitutional intent and practice. Fifth, further research is needed, including longitudinal studies on the impact of political change on the interpretation of Article 153, quantitative analyses of cross generational perceptions of affirmative policies, and comparative studies of constitutional safeguard models in Southeast Asia. Ultimately, the sustainability of Malaysia's national resilience depends on the ability of all stakeholders to transform Article 153 from an instrument of

communal protection into a foundation for inclusive, equitable, and sustainable national development for all citizens.

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