

## CHAPTER 2

### LITERATURE REVIEW

#### 2.1 Introduction

This chapter discusses several topics, which are the Western social contract, social contract and traditional elements in Malaysia, issues related to traditional elements, and also the knowledge, attitude, and practices (KAP) studies in Malaysia and other countries. This research explains the social contract because the concept of Malaysia's social contract also discusses the same elements as traditional elements in Federal Constitution. Therefore, this chapter first explains the social contract theory in the West and its concept in Malaysia.

#### 2.2 Social Contract in the West

According to history, the social contract theory began in Europe around 17 and 18 centuries ago. This idea was established by English philosophers such as Thomas Hobbes (1588-1679), John Locke (1632-1704), and Jean-Jacques Rousseau (1712-1778) (Abdul Aziz Bari, 2008; Hobbes, 1651; Locke et al., 1962).

Hobbes (1651), in his book *The Leviathan*, mentioned that a social contract is an agreement used to guarantee the self-interest of each individual for the safety and security of each. Thus, each individual must agree to an agreement that has been agreed upon and enforced by a sovereign person.

On the other hand, Locke (1764) also mentioned the social contract theory in his book *The Second Treatises of Civil Government*. He indicates that the theory of social contract might be similar to the concept of the State of Nature. The State of Nature consists of human beings who have freedom of nature. Man has freedom in ordering actions or possession within their limit in nature. Man, also has a state of equality, where they can have reciprocal power and administer justice towards each other.

As stated in the book *Social Contract Essays* by Locke, Hume, and Rousseau (1962), reveals that the social contract is sealed by the government and society. The government acts as the ruler of the country, and the society is the subject of that country. The social contract contains the rules that have been agreed upon and accepted by both parties, which are the rulers and the society. The rulers also have a huge responsibility to protect the society, and in return, the society must obey the law that has been implemented by the rulers.

Moreover, Rousseau (1923) also mentioned the same thing, which is there must be an agreed code of laws to implement it for rights and duties to be knit together, as well as justice, enabled to achieve its object.

"When I say that the matter of law is general, I mean that the law is concerned with the subjects of a State taken as a whole and with actions considered as purely abstract. It never treats a man as an individual, nor an act as special or exceptional. The People, subject to the enactments of law, must be its authors, for it belongs only to those who have combined together to order the conditions of their society" (Locke, Hume & Rousseau, 1962, pp. 201-204).

In addition, Rousseau (1923), in his book *Du Contract Social* states that the theory of social contract is more concerned with the voice, rights, and the individual (man) than about the state. However, this contract must also be complied with by every individual involved. If it is not complied with, then the contract will be void.

According to Lessnoff (1990), in his book titled *Social Contract Theory*:

"Social contract theory, then, is a branch of political philosophy. A social contract theory can be defined as, most typically, one which grounds the legitimacy of political authority, and the obligations of rulers and subjects (and the limits thereof), on a premised contract or contracts relating to these matters" (Lessnoff, 1990, p. 3).

From that statement above, Lessnoff indicated that the social contract theory is a branch of political philosophy. This theory became the basis of the law and the legitimacy of governmental power in politics. This theory also contains the duties of a ruler or the government and the people who are governed (society) according to the limits of the law that has been enshrined in the social contract agreement.

Then, Muldoon (2006), in his book titled *Social Contract Theory for a Diverse World-Beyond Tolerance*, viewed that Locke indicated that the social contract theory is a State of Nature that includes individuals with recognised property rights and people living successfully together (Muldoon, 2006).

In conclusion, based on all the above views, all of these theories argue that the power or authority of the government should be based on the consent of those in power.

The agreement between the rulers and society was reached based on the system running

at the time. But, in this modern era, the widely used method to make an agreement is by holding an election.

### **2.3 Social Contract in Malaysia**

In Malaysia, some scholars such as Mohd Salleh (2015), Nazri (2013), Abdul Aziz (2008), and Shamrahayu (2018) has given the meaning of social contract in the context of Malaysia's constitution. Social contracts are defined as a common agreement among multiracial leaders in determining the nation's direction during the independence era. This agreement was reached after negotiations and compromise by all parties through a consensus-based political party that represented the United Malays National Organization (UMNO), the Malayan Chinese Association (MCA) and the Malayan Indian Congress (MIC). Social contracts should not be considered merely the consent of the leaders or elite classes of the respective tribes but are symbolic of the consent of the leaders representing their respective races. The Alliance gained the support of the people as evidenced by the Alliance's victory in the country's first general election in 1955 (Abdul Manaf, 2009; Abd Aziz et al., 2017).

Furthermore, the social contract is regarded as the consensus between the Malays and non-Malays. This is because the non-Malays obtain citizenship by the jus soli process. On the other hand, the Malays get the provision of special rights based on Article 153 in the Federal Constitution of Malaysia. Therefore, the social contract is a symbol that shows that the society accepts and recognises the power of the government

and in which they get protection, and in return, they abide by all the rules (Abdul Aziz, 2008).

In addition, the social contract is also known as traditional elements (Nazri, 2012a). Traditional elements include the monarchy institution, Islam, Malay Language, and special positions of the Malays (Mohd Salleh, 1984). All of these traditional elements are regarded as a pre-condition and acceptance of Malays and non-Malays before Independence Day. This consensus also shows that all ethnicities can unite together without war and conflicts among them.

However, Wan Ahmad Fauzi (2020) views that the social contract concept did not happen in Malaysia. The opinion of scholars regarding the Federation of Malaya agreement 1957 resulting from inter-ethnic negotiations and the principle of people's sovereignty is a popular claim. The negotiation process on matters related to Islam, the position of the King, the Malay Language, and the special position of the Malays has been misunderstood by many parties as a process of bargaining between ethnicities to achieve independence. In fact, the Federation of Malaya agreement 1957 was formed due to the Federation of Malaya Agreement 1948. Although the Reid Commission received 131 memoranda from various parties, they were bound by the terms of reference set by the Malay Rulers and the Queen of England. This shows the limitations of the jurisdiction of the Reid Commission. The Reid Commission only acted as the drafter of the proposed constitution, and the real power rested with the Malay Rulers and Queen Elizabeth II.

In conclusion, social contract theory in the West differs from the social contract or traditional elements in Malaysia. The Western social contract theory is also not suitable to use in the Malaysian context because the society or people have the freedom rights to act within their limit in life (Locke, 1823). While, in Malaysia, the absolute power is based on the concept of Constitutional King. Therefore, the more appropriate term to be used is traditional elements because it describes the four elements of tradition in the Malaysian Federal Constitution, 1963.

#### **2.4 Brief Historical Development of the Malaysian Federal Constitution**

The Constitution is the highest source of law for a sovereign nation. Constitutions are divided into two types, which are written and unwritten constitutions. According to Mohd Salleh (2015) and Abdul Aziz (2008), the written constitution is a document containing all the highest laws, which are considered necessary to establish a modern country. The unwritten constitution is the legal principles that are not collected in a single document. Before the formation of the Malaysian Federal Constitution, Malaya had written laws such as *Hukum Kanun Melaka*, *Undang-undang Laut Melaka*, *Undang-undang Johor*, *Hukum Kanun Pahang*, *Undang-undang Kedah*, *Undang-undang Sungai Ujung* and *Undang-undang 99 Perak* (Wan Ahmad Fauzi Wan Husain, 2017; Wan Ahmad Fauzi Wan Husain, 2020).

The history of formation of the Malaysian Federal Constitution can be said to have started since Malaya took refuge under the auspices of the British government at the end of the 19th century. Since this date, the Malay states began to receive a new

administration, brought by the British government (Mohd Salleh, 2015). In the Second World War (1942-1945), the Malay Peninsula was occupied by Japan and after this war, it was placed under British military administration which ended on March 31, 1946. When the British military administration ended, a new government called the Malayan Union was established (Mohd Rizal & Shamrahayu, 2014).

The Malayan Union was established following the meeting of the Sir Harold Mac Michael Commission, the representative of the British King with the Malay kings (Mohd Rizal & Shamrahayu, 2014; Mohd Salleh, 2015). When the Malayan Union was established, the Straits Settlements were abolished. Penang and Malacca are joined by the nine Malay states, which are Kelantan, Kedah, Perlis, Terengganu, Johor, Perak, Selangor, Negeri Sembilan and Pahang. With the merger of the nine Malay states and the two British colonies, the Malayan Union was established, and due to this organization, the Federated Malay States were abolished (Mohd Rizal & Shamrahayu, 2014; Mohd Salleh, 2015).

The purpose of the Malayan Union was established solely to please the British administration. Under this system, all power rests with the governor of the Malayan Union, so that the power to pardon wrongdoers. The Governor can cancel all decisions made by the Legislative Council. In relation to the position of Malay kings, they only had authority in matters of Islamic religion and Malay customs. The State Legislative Council established in each states could only make laws about local matters. In addition, laws made by the council can be annulled by the Malayan Union Legislative Council (Mohd Rizal & Shamrahayu, 2014; Mohd Salleh, 2015).

However, the Malays led by the late Dato' Onn Jaafar did not agree with the organization of Malayan Union. He devoted his energy to oppose this new government. In the minds of Malays, Malayan Union is a great loss to the Malay kings and their people, because all power in the hands of kings is only power about Islam (Mohd Rizal & Shamrahayu, 2014; Mohd Salleh, 2015). Therefore, due to the opposition from the Malays, especially after the First Malay Congress in 1946 and the establishment of UMNO by Dato' Onn Jaafar on 11 May 1946 (Mohd Rizal & Shamrahayu, 2014; Wan Hashim, 2014), on July 25, 1946, Dato ' Onn Jaafar and 11 other committee members were entrusted to draft a new constitution to replace the Malayan Union Constitution. The new constitutions later known as Malaya Agreement 1948 and the Malayan Union was abolished at that time. On February 2, 1948, the Federation of Malaya was founded (Mohd Rizal & Shamrahayu, 2014; Mohd Salleh, 2015).

This federation is established according to the agreement that has been signed by the Malay kings and King George VI, King of England (Mohd Rizal & Shamrahayu, 2014; Mohd Salleh, 2015). States included in this Federation are nine Malay states and two British colonies namely Penang and Malacca. Every state had a certain power, but this power was broad and considered it was important to establish a strong central government. The head of this new Federation was the High Commissioner. As the representative of the King of England, he had extensive power in making laws and run the country's administration. The Federal Legislative Council consisted of the High Commissioner as its chairman, three permanent officers, Attorney General, Secretary General and Financial Secretary, eleven officials and 34 non-officials. All of them were appointed by the High Commissioner. Legislative Council of this federation had the power to make laws as which was written in the schedule of the agreement. The High

Commissioner had veto power to block any bill that was been approved by the Federal Legislative Council. In short, the High Commissioner had the power to run the administration of this country without complying with the requirements of the Federal Legislative Council (Mohd Salleh, 2015).

The 1948 Federation of Malaya Agreement had restored the power of kings in matters of state administration. This agreement had established a council called the Council of Kings. The Council of Kings has the right knowing all the basic matters made by the Commonwealth government. The High Commissioner is obliged to inform matters related to government policy to the King's Council so that he may know their thoughts on the government matters. The Malay Kings agreed to accept the advice from the High Commissioner about their respective state governments (Mohd Salleh, 2015).

Since 1948, every Malay state had their own constitution. However, Johor and Terengganu indeed already had a constitution before. Johor had a constitution since 1895 and Terengganu since 1911. However, constitutions of both states were amended to suit the needs of the Malaya Agreement 1948 (Mohd Salleh, 2015).

Once the Federation of Malaya was established in 1948, the Party of Malayan Communists began to oppose the government with the intention of seizing power and overthrowing the government. Their ambitions were almost succeeded. To prevent Communist Party movement, a state of emergency was declared on July 13, 1948. In this situation, the Federal government was empowered to take any measures to prevent the communist danger. Among the measures taken by the government was to transfer people who live far from the city, isolated and scattered at the outskirts forest into

special places known as Kampung Baharu. These villages are closely guarded to protect from the danger of the communists (Mohd Salleh, 2015).

Decisive measures are necessary to combat communist terrorists. Communism is a political ideology. British government gradually took over it with a new political understanding in order to fight this belief and stop it from spreading throughout the country. In line with that goal, educational donations, scholarships and courses were given to school students and officials service (Mohd Salleh, 2015). In the affairs of the central government, a new system was made, which was called Member System. Some members of the Federal Legislative Council were given responsibility for several government departments and positions, for example matters of internal security, health, education and others. The person given the responsibility was called as Member and he was responsible towards the Secretary General (Mohd Salleh, 2015).

After that, the first election was held in June 1955 to elect members of the Federal Legislative Council. This election made the Federal Legislative Council was reorganized to include 52 elected members, 34 appointed members and 12 officers' government, and a chairman appointed by the High Commissioner with the consent of the Malay kings (Mohd Salleh, 2015). Then, Tunku Abdul Rahman Putra Al-Haj as Leader of Alliance Party appointed as Chief Minister when the general election is won by the Parti Perikatan which consists of from political parties UMNO, MCA and MIC with 51 seats, with only one seat won by Parti Islam Tanah Melayu (Mohd Salleh, 2015).

The state elections were also held on that same year in order to elect members of the Legislative State Council. This election was also won by the Parti Perikatan. Consequently, all legislative bodies in the Malaya have members elected by the people at the end of the year 1955. After British Colonial Secretary's visit to Malaya in August 1955, a conference was held in London in January and February of 1956. The conference had agreed to make the Malaya an independent and sovereign nation on 31 August 1957. Then, the Constitutional Committee promised in the conference was appointed in March 1956, chaired by Lord Reid. This authority began its work in June 1956, and has released his report in December of that year as well. This committee was responsible in drafting the Federal Constitution that creates a strong central government so that the administration in this country can run smoothly and neatly (Mohd Rizal & Shamrahayu, 2014; Mohd Salleh, 2015).

Among the recommendations of this committee which were included in the Federal Constitution 1957:

- i) The importance of holding the same level of citizenship for the entire Federation;
- ii) Every state that joins in this Federation should be given certain powers and Malay kings must be made as a constitutional king with sovereignty and greatness only, but his authority is carried out by the president or Government Meeting;
- iii) The special rights of the Malays must be maintained in a way that is considered to be in the interests of non-Malay.

- iv) This independent country should also be a Commonwealth country and has a constitutional head of state (Mohd Rizal & Shamrahayu, 2014; Mohd Salleh, 2015).

After that, the Federal Constitution was drafted and the Federation of Malaya became an independent and sovereign country on 31 August 1957 after accepting the recommendations of the Reid Committee. This independence was achieved according to the agreement signed between the British king and the Malay kings in 1957. After that, the British Parliament have approved a law that recognized the independence of Federation of Malaya. Under this legal authority, the British King drafted a constitution for the independence of the Commonwealth of Malaya which came into force on 31 August 1957. Meanwhile, the Federal Constitution was also approved by the Federal Legislation Council on 27 August 1957. By this way, The Federation of Malaya becomes a sovereign country and its role in international relations (Mohd Rizal & Shamrahayu, 2014; Mohd Salleh, 2015).

After achieving independence, the Federation of Malaya eliminated the remnants of communism, improve the living standards of rural dwellers, develop the economy and most importantly introduce the name of the Federation at the international level (Mohd Salleh, 2015). It can be said that all these efforts were successful. The Emergency declared on 13 July 1948 also ended on 31 July 1960 (Mohd Salleh, 2015).

Before the formation of Malaysia, Tunku Abdul Rahman reached an agreement in principle with Lee Kuan Yew, the Prime Minister of Singapore and also the leader of People's Action Party (PAP) to merge the two states, which are Malaya and Singapore

on 23 August 1961 in order to achieve Singapore's independence. At that time, Singapore was not yet independent, because domestic security matters were still up to the Internal Security Council which consisted of the British, Singapore and Malaya, while defence and foreign affairs were still in the hands of the British (Mohd Salleh, 2015).

But before the agreement was reached, Tunku Abdul Rahman had stated that the three regions in North Borneo namely Brunei, Sarawak and Sabah could also be merged with Tanah Melayu under the name of Malaysia in a speech at a luncheon given by journalists on 27 May 1961 (Mohd Salleh, 2015). This speech was well received by the British government, which caused him to be invited by Harold MacMillan, the British Prime Minister, to attend a conference on this matter in London, on 20 to 23 November 1961. Both parties agreed to investigate further the plan to establish that Malaysia.

After a referendum was conducted by the Committee led by Lord Cobbold on the people of Sabah, Sarawak and Singapore, it was found that all the states agreed to join and form Malaysia on 31 August 1963 (The official portal of the National Archives of Malaysia, 2023). However, the Bruneian government refused to join because of the status of the Sultan of Brunei and the way in which the oil revenue was distributed which was considered by Brunei as a great loss to him (Mohd Salleh, 2015; Official Portal of the National Archives of Malaysia, 2023). In addition, the formation of Malaysia also opposed by the governments of the Philippines and Indonesia. Then, the Malaysian Agreement was signed in London by the British government, the Federation of Malays, Singapore, Sabah and Sarawak on 9 July 1963 (Mohd Salleh, 2015).

According to this Malaysian Agreement, the British Parliament approved a law to give independence to Singapore, Sabah and Sarawak and each state had a new constitution. On behalf of the Federation of Malaya, the Federal Parliament passed a law called the Malaysia Act to amend the existing Federal Constitution to be adapted to the concept and structure of the establishment of Malaysia. The Malaysia Act was passed on 26 August 1963. Although this act was initially expected to come into force on 31 August 1963, but due to the objections of the governments of Indonesia and the Philippines, the birth of Malaysia was delayed until 16 September 1963 (Mohd Salleh, 2015).

But, on 9 August 1965, Singapore was separated from Malaysia and became an independent and sovereign country. The reason was because of the threats from People's Action Party (PAP) and the establishment of the Malaysian Solidarity Convention (MSC) led by the PAP which consisted of non-Malay opposition parties. The slogan, 'Malaysian Malaysia' insists on the existence of a country not for the interests of certain communities only. For the Alliance Party, the slogan such an attack on the privileges of the Malays, Islam, Malay as the official language and even the Malay Sultan (Mohd Rizal, 2009; Mohd Salleh, 2015).

## **2.5 Traditional Elements in the Malaysian Federal Constitution 1963**

There are four traditional elements that have been discussed in this topic. Among them are monarchy institutions, Islam as a Federal religion, the Malay language, and the special rights of the Malays.

### 2.5.1 The Monarchy Institution

The Malay monarchy institution has existed for centuries. Before the colonial era, the Kings or Sultans had absolute power in the government and administrative affairs of their states. Therefore, all people must abide by the rules set by the Kings or Sultans (Nazri, 2013).

Then, during the Malayan Union in 1946, all eleven states in Malaya were combined together into one central government by the British. During this period, the absolute power of the Kings and Sultans and the special rights of Malays were eliminated. The citizenship status was also the same for all races, and Malaya became a united country. This amendment was agreed upon by the Parti Komunis Malaya (PKM) and the Chinese ethnic in Malaya but opposed by the Malay people because it because it challenges the special position of the Malays (Mohd Rizal & Shamrahayu, 2014).

Therefore, a negotiation between the British and representatives of the Malay Rulers was held in February 1948 to suggest another constitution that addressed ten important things that must be included in the Federation of Malaya Agreement in 1948, which are:

- i. United Malaya, including Singapore and several near islands;
- ii. Malaya as a nation-state;
- iii. Malay Language as the official language;
- iv. Flag and national anthem of Malaya;
- v. Government and State Meeting elected by-election;

- vi. Restore the sovereignty of the Malay Rulers;
- vii. Development of economic, political, and education of the Malays;
- viii. Matters relating to customs and Islam is governed entirely by Malays;
- ix. Common citizenship for individuals claiming allegiance to Malaya;
- x. Defence and foreign affairs were temporarily administered by the central and British governments (Mohd Rizal & Shamrahayu, 2014).

However, this constitution was amended and modified several times due to pressure from several parties and an emergency implementation during that year (Mohd Rizal & Shamrahayu, 2014).

As a consequence of the emergency implementation, the British suggested the establishment of non-Malay political parties, such as the MCA, to represent the Chinese ethnicity. MCA was established by Tun Tan Cheng Lock. UMNO party, which represents the Malay people, was established in 1946 by Dato' Onn Jaafar. The MIC, which represents the Indian ethnic was established in 1946 by John Thivy (Mohd Rizal & Shamrahayu, 2014).

In 1955, all the political parties united together and formed the Alliance Party or *Parti Perikatan*. Then, the result of the tolerance of these three races is aimed at resolving issues regarding ethnic interests. However, the ethnic tolerance maintains the special position of Malays and grants *jus soli* citizenship to the non-Malays (Mohd Rizal & Shamrahayu, 2014).

After the dissolution of the Malayan Union and the establishment of the Federation of Malaya Agreement in 1957, the Sultan's rights were restored. The Sultans are also allowed to be involved in the process of making laws. Thus, after Independence Day, the Malay monarchy institution continued, but the jurisdiction of the kings was adapted according to the concept of a constitutional monarch and parliamentary democracy (Nazri, 2013).

On 27 Mei 1961, Tunku Abdul Rahman, Prime Minister of Malaya gave speeches at *Majlis Jamuan Akhbar*, Hotel Adelphi, Singapore. He expressed the need to combine the Federation of Malaya with regions such as Singapore, Brunei, North Borneo (Sabah) and Sarawak in order to build a country named Malaysia. This aimed to create a closer and broader understanding of political policy among these regions (Official Porter of National Archives of Malaysia, 2023). Then, the consensus results obtained by the Cobbold commission showed that the people of Sabah, Sarawak and Singapore agreed to merge and formed Malaysia. As a result of the amendment of the Federation of Malaya in 1957, the constitution of the Federation of Malaysia in 1963 was drafted on 16 September 1963 in accordance with the formation of Malaysia (Official Porter of National Archives of Malaysia, 2023).

The provisions regarding monarchy institutions in the Malaysian Federal Constitution, 1963 are stated as below:

- i. The provisions regarding The Yang di-Pertuan Agong as the Supreme Head of Malaysia and having power over three legislatures, parliament, and stamping seal are according to Articles 32, 55, and 66.

- ii. The provisions regarding The Yang di-Pertuan Agong as Supreme Government of the Armed Forces and has power over forgiven and suspension of law are according to Articles 41 and 42.
- iii. The provisions regarding the responsibility of The Yang di-Pertuan Agong for safeguarding and preserving the position of Malays, citizens of Sabah and Sarawak and legitimate interests of other races as in Article 153.
- iv. The provisions regarding the power of The Yang di-Pertuan Agong towards the Sultans Council are in Articles 50 (2)(c), 63 (5), 70, 159 (5), and 380.
- v. The provision of The Yang di-Pertuan Agong as head of Islam in Malaysia is in Article 3.
- vi. The provision of The Yang di-Pertuan Agong on power in matters of state governance as in Articles 40 (2)(a), 40 (2)(a)(b), 43 (2)(a), 43 (5), 140, 141, 145, 150, and 150 (2B) (Shamrahayu A. Aziz, 2012).

All of these provisions of the monarchy institution are important to maintain the sovereignty and supremacy of the Malays.

### **2.5.2 Islam as A Federal Religion**

According to Al-Attas (1969) and Fatimi (1963), Islam was spread to Malays in the 7th Century by the Arab traders in Malay Archipelago. The Arab traders act as preachers to spread Islamic teachings to the community. The majority of people at the

time were Hindus. Among the ways of their teaching are teaching Islam in the castle, learning the Malay Language and traditions as well as marrying the local people. Several preachers also married into the Sultan's family to facilitate the spread of Islam to the community (Arba'iyah Mohd Noor, 2011). The glorious era of Islam in Malacca is beneath the empire of Sultan Muzaffar Shah (1335-1459) and Sultan Mansur Shah (1459-1477) (Syaimak Ismail et al., 2021). Factors that contribute to the growth of Islam in Malacca are because of political stability, the rapid development of knowledge, and the enforcement of Islamic law in *Undang-Undang Laut Melaka* and *Undang-Undang Melaka* or also known as *Hukum Kanun Melaka* (Syaimak Ismail et al., 2021).

During the British colonial era, the position of Islam is placed under the power of Sultans. This is because, Islam was also the religion of states in Malaya. This is stated in Article VII of the Johor Constitution in 1895 and the provision Phase 51 of the Terengganu Constitution in 1911. However, there was a slight conflict of opinion between the British representative, Alliance Party, and Malay Kings regarding the provision of Islam as the Federal religion during the independence negotiation. The representative of Kings wanted Islam to remain as a state matter and kept under the power of Sultans in every state. The British also agreed with the Sultans regarding this matter (Shamrahayu A. Aziz, 2012).

However, the provision of Islam as the Federal religion has been restored by Hakim Abdul Hamid, the only commission member who is Muslim. He mentioned that the suggestion of Islam as the Federal religion was agreed upon by the Alliance. Other countries also have their official religion, and that matter does not have a bad effect on those countries. Therefore, the provision regarding Islam was included in the Federal

Constitution of Malaya in 1957. Article 3 (1) states Islam is the Federal religion, but other religions can also be practised harmoniously in every state (Shamrahayu, 2012).

The definition of Islam as the Federal religion is based on the interpretation of the court and by scholar's perspective. Firstly, the court stated that the provision of Islam in the constitution is only limited to matters regarding ceremonies. This is based on the case of *Che Omar bin Che Soh v Public Prosecutor* (1988). However, according to the case of *Meor Atiqurahman bin Ishak v Fatimah bte Shihi* (2000), the position of Islam is the highest above other religions (Nazri Muslim & Ahmad Hidayat Buang, 2012).

Secondly, scholars such as Sheridan and Groves (1979) stated that the provision of Islam is to give external Islamic characteristics to official matters of the country. This view is also agreed upon by Mohamed Sufian Hashim. Accordingly, he viewed the meaning of Islam as the Federal religion only for official ceremonies such as reciting *du'ā* during the coronation of The Yang di-Pertuan Agong on Independence Day and others (Nazri & Ahmad Hidayat, 2012).

However, the provision of Islam as the Federal religion cannot be twisted by anyone (Sani, 1973). The provision of Islam in Article 3 of the Federal Constitution is clear and states Islam as the state religion. Thus, any translation in human constitutions that oppose Allah's orders in al-Qur'an and al-Sunnah cannot be accepted. Ahmad Ibrahim (1996) also agreed with these views. He indicated any matters that have been accepted in the case of *Che Omar bin Che Soh v Public Prosecutor* regarding Islam in Article 3 are the same as the view of the party that drafted that provision (Nazri & Ahmad Hidayat, 2012).

The provisions regarding Islam in the Malaysian Federal Constitution, 1963 are not only stated in Article 3 (1). Among other provisions regarding Islam in the Federal Constitution of Malaysia are stated as below:

- i. Article 3 (2): Sultans, as the head of Islam in every state, gives power to The Yang di-Pertuan Agong to become the supreme head of Islam in the country.
- ii. Article 3 (3): The Yang di-Pertuan Agong as the head of Islam must be stated in constitutions of Malacca, Penang, Sabah, and Sarawak.
- iii. Article 3 (4): Nothing in the above matters reduces any other provision in this Constitution. This is an approach to ensure the civil rights of non-Muslims remain secure to avoid their annoyance during the drafting of the Constitution Federation of Malaya in 1957.
- iv. Article 8 (2): No discrimination against citizens solely based on religion, race, ethnicity, place of birth, or gender in any law or the appointment to any position or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposal of property or in connection with the establishment or the journey of any trade, business, profession, or job.
- v. Article 11 (4): Restrictions and controls on the development of beliefs and doctrines. This means that the provision of religious freedom does not mean that non-Muslims can arbitrarily spread propaganda or their religious doctrine to Muslims in Malaysia.
- vi. Article 11 (3): Every religion can:

- (a) manage their own religious matters;
  - (b) establish and maintain institutions for religious or charitable purposes; and
  - (c) acquire and own property and hold and administer it in accordance with the law.
- vii. Article 12 (2): The Federal Government, as well as the state government, can allocate financial expenses as well as other assistance to Islamic institutions.
- viii. Article 12 (4): Religion of a person under the age of eighteen shall be determined by his parents or guardians.
- ix. Article 150 (6A): Islamic law is guaranteed during an emergency. Parliament or the Executive cannot make any matter or change regarding Islamic law even during an emergency (Text Translated by the Attorney General for the Federal Constitution of Malaysia, 2010; Shamrahayu, 2012).

Based on these provisions, it is clearly shows that the position of Islam as a Federal religion in Malaysia is essential and special. Non-Muslims need to respect the position of Islam in Malaysia because at the same time, the law in Malaysia gives freedom to non-Muslims to practice their religion in a state of peace and tranquillity.

### 2.5.3 Malay Language

Before the colonial era, the Malay Language has been the *lingua franca* in the Malay Archipelago (Mohamed Suffian, 1987). However, the Malay Language is officially used in administration, education, trade, and daily communication during the era of the Malacca Sultanate (Awang, 2014). This shows that other races that came and lived in Malacca also accepted and used it in their life.

The Malay Language also became the intermediate or communication language during the British colonial administration before World War II (Mohamed Suffian, 1987). However, after that, the Malay Language was marginalised as the colonial British prioritised the using of English language, although there is a provision for the Malay Language in the law (Nazri & Abdul Latif, 2012). Therefore, the Malay leaders wanted to restore the provision of the Malay Language as the official language in Malaya during a negotiation between the British and representatives of the Malay Rulers in February 1984 (Mohd Salleh, 1985).

In addition, Milne and Mauzy (1992) stated that during the negotiation process of the social contract, one of the provisions that the Malay leaders insisted on was for the Malay Language to be the official language. In return, the non-Malay ethnic can use their mother language in their daily life. These provisions increased the number of non-Malay votes during the election and showed ethnic tolerance at the time (Nazri & Abdul Latif, 2012).

One of the efforts that have been made by our previous leaders to uphold the Malay Language is through the Razak Statement in 1956 on education. A study by Ratnam (1969) stated that the Malay Language is used in education to unite all ethnicities in Malaya. In the beginning, the non-Malay ethics could not accept it because they were afraid that their mother language would be eroded, but this situation changed after Independence Day (Nazri & Abdul Latif, 2012).

Awang (2014), in his study, also indicated that the Rahman Talib Committee in 1960 strengthened the Razak Statement in 1956. After that, all matters in the Rahman Talib Committee were put as the foundation of the Education Act in 1961. This Act seeks to establish a national education system that fosters the development of culture, economy, and politics while making the Malay Language the National language. This Act also became a way to unite all ethnicities in Malaya at the time (Awang, 2014).

Therefore, the provision regarding the Malay Language as the official language in the Federal Constitution of Malaysia is based on Article 152, which states that the National language is the Malay language, and it should be in provision was written laws by the Parliament: with the condition that-

- (a) No one can be prohibited or restrained from using (other than the meaning of official), or from teaching or learning, any other language; and
- (b) Nothing else in this Phase can affect the rights of the Federal Government or either the rights of any State Government to maintain and continue the use and study of the language of any other race within the federation (Text Translated by the Attorney General for Federal Constitution, 2010).

Based on the above provision, Awang (2014) mentioned that the Malay Language is the language of unity. Therefore, all ethnicities in Malaysia must respect the Malay Language as the national language of Malaysia. This is because other ethnicities can use their mother language in their daily communication except in official matters. The Malay Language is also one of the important things in developing a nation country. A nation country means the development of a country that is based on all races and several principles, including the National Language Policy.

#### **2.5.4 Special Rights of Malays**

Malay people are among the primitive community in Malaya before the colonial era. The Malay people are a community that lives in the Malay Archipelago. They speak the Malay Language with different dialects. Even though they consist of various tribes, the linguists and cultures name them of Malay descent (Ali, 2008). According to Article 160(2) in the Federal Constitution of Malaysia (1963), Malays are also defined as someone who practices Malay traditions in their life, speak the Malay language, and are also Muslims:

- a) Born before Merdeka Day in the Federation or in Singapore or whose mother or father was born in the Federation or in Singapore or on the day of Merdeka it is domiciled in the Federation or in Singapore or
- b) Is the offspring of such a person (Singaporean or Malaysian).

Mohamed Suffian (1987) analysed that according to the above provision, Indian people can be regarded as Malay if they are Muslims, habitually speak the Malay language, and practice Malay customs and traditions. Therefore, Malay people can be regarded as non-Malay when that person is not a Muslim, although he or she practices Malay traditions or speaks the Malay Language (Nazri et al., 2011).

The provision of special rights of Malays in Article 153 is regarding the quota of permits or licenses, appointments in public service posts, scholarships in education, and admission to the public higher education. According to Article 153 (1), The Yang di-Pertuan Agong is responsible for protecting the special position of Malays and Bumiputera and also the legitimate interests of other ethnicities. Therefore, based on Article 153 (8)(a), the legitimate interests of the Chinese and Indians in public higher education institutions, permits or licenses, and public services also cannot be taken away (Text Translated by the Attorney General for the Federal Constitution, 2010).

However, the above provision is also bounded by Article 8 (5)(f), which is regarding the equal rights of all ethnicities in Malaysia except for the admission of troops into the Malay Soldier Regiment that is only for the Malay people. In addition, the provision of special rights of Malays is also stated in Article 89 regarding the Malay reserve land and Article 90 regarding Special provisions relating to customary land in Negeri Sembilan and Malacca and Malay holdings in Terengganu (Text Translated by the Attorney General for the Federal Constitution, 2010).

All of these provisions are very important for the Malays because the special rights of Malays are one of the traditional elements that must be protected as it is a

national heritage. Moreover, Malays also sacrifice by giving citizenship to other ethnics as eloquently said by Tun Suffian, former chief justice of the state:

"in return for loosening the requirements for granting citizenship to non-Malays, the rights and privileges of the Malays as the indigenous people of this country should be written in the constitution, and there are also other provisions that are agreed to by the leaders of the non-Malays." (Mohd Rizal & Shamrahayu, 2014, p. 102).

## **2.6 Issues Related to Traditional Elements in Malaysia**

There are some past studies that have addressed issues related to traditional elements in the Federal Constitution of Malaysia. Among them are issues related to the monarchy institution or system, Islam, the Malay language, and the special rights of Malays.

### **2.6.1 The Monarchy Institution**

Among the past studies related to the history of Malay monarchy institutions are by Wan Ahmad Fauzi et al. (2017) and Mohd Shazwan et al. (2017). The study by Wan Ahmad Fauzi et al. (2017) discussed the legal history of Malay Kings in the Federal Constitution. This study explains the level of involvement of the kings in the institutionalisation of the Federal Constitution and the Hansard trial during the process of drafting the Federal Constitution, Reid Commission Report, and White Paper of Constitution.

Mohd Shazwan et al. (2017), in their study, explains the history of the institution of the Malay Rulers Council during the British administration. Durbar of Malay Kings was established after establishing the Federated Malay States or *Negeri-Negeri Melayu Bersekutu* in 1896. Durbar means the meetings of Rulers or Kings. This study also explains the evolution of Durbar's role until the establishment of the Malay Rulers Council after the independence of Malaysia. The results of the study found that the Conference of Rulers is an important institution in the Malaysian administrative system, especially as a protector of the privileges of the Malays since the era of the Durbar institution.

From a previous study, the issues related to the relevance of the present position of the monarchy are based on the history of the enactment of the Federal Constitution of Malaya in 1957. This is because there are many protests against the feudal political system made by Malaysian citizens after the endorsement of the amendment. The protest was carried out by means of demonstrations, the show of feelings, and making statements in the printed and social media (Shamrahayu, 2012).

In addition, there is also an issue related to the contempt towards the monarchical institution based on a study by Wan Amizah & Muhammad Adnan (2017). This study describes the analysis of the concept of control and new media freedom on 4 cases of contempt towards Malay Kings on social media. Among them are contempt cases of the Perak Sultan via blog, Johor Sultan via Twitter, Terengganu Sultan via Facebook, and also the case of mocking the Malay Kings, Prime Minister, and the National Anthem via Facebook. The study found that although the law regarding the prohibition on contempt towards Sultan has been set, there are still a handful of people

who violate the rules. Therefore, the existing rules and legislation are still insufficient and need to be strengthened if the symptoms of insulting the sovereignty of the King's institution are to be eliminated.

Other than that, there are also studies which discussed the role of the monarchy institution in Malaysia. A study by Nazri (2013; 2014) stated the role of the provision of the monarchy institution in preserving the position of Islam. The subject regarding the role of the monarchy institution is only included in the History subject. There is no special subject in school regarding this topic. Other than that, a study by Mashitoh and Mohd Al Adib (2017) indicated that there is a provision for the role of the Sultan as the judge in Islamic matters. Even though, Sultans may not use his powers arbitrarily because Malaysia practices the principle of separation of powers (Mashitoh and Mohd Al-Adib, 2017).

Then, in relation to all of the above issues, there are also past studies related to perceptions toward the monarchy institutions in Malaysia. Among them are the perception of citizens toward the monarchy institution in Perlis and Kedah (Ramlah & Noormaizatul Akmar, 2013). This study results in different perceptions of the multi-ethnics toward the monarchy institution based on their demographic backgrounds which are between races, the location of residence, the level of education received, as well as their exposure and expectations towards the institution of the King. Overall results, the Malays have high level of knowledge and good perception towards the King's institution. The exposure and culture that dominates the monarchy which is the core of the Malay community has made them familiar with the institution. Students and those who are working in the government sector also have a positive perception of this

institution. There is also a lack of understanding among other races. However, all people who are under the rule of the King of Perlis and Kedah have high hopes for their king as their authoritative leader (Ramlah & Noormaizatul Akmar, 2013).

There is also another study regarding the perception and respect of university students in Klang Valley towards the Kings and Sultans by Khairul Hamimah and Faridah (2017). This study shows the low attention of university students towards History subjects, but they still have respect toward the monarchy institution.

Based on previous studies related to the monarchy institution, there is no study which used KAP model to measure the provisions related to the monarchy institutions among youths in Klang Valley. The quantitative studied by Studied by Ramlah and Noormaizatul Akmar (2013) measured the perceptions of people in Kedah and Perlis, while Khairul Hamimah and Faridah (2017) measured the perceptions of university students in Klang Valley. Both studies not focused on multi-ethnic youths. Other past studies by Shamrahayu (2012), Wan Ahmad Fauzi et al. (2017), Mohd Shazwan et al. (2017), Mashitoh and Mohd Al-Adib, (2017), Nazri Muslim (2013; 2014) used qualitative approaches which narrates the history of monarchy institutions and analysed the power of Sultans and Kings based on their provisions in the Malaysian Federal Constitution qualitatively.

## 2.6.2 Islam

There are many issues related to Islam as the Federal religion. Firstly, the issue regarding apostates. The apostate case is very dangerous because it is related to the faith of Muslims toward their one and only God, Allah SWT. A study was carried out by Mohd Sabree and Mohd Soviee (2015) regarding apostates' cases in Malaysia. Although there is a provision of religious freedom based on Article 11 (1) in the Federal Constitution, this issue should also not be taken lightly by all Muslims as it will become an increasingly contagious cancer in the context of the Islamic faith.

A former group of G25 civil servants also criticised apostasy, saying that an individual's decision to quit his religion is between them and their God based on Article 11 (1), which assures everyone in Malaysia, including Muslims and non-Muslims, has three different rights namely, the right to profess, practice and propagate their religion (Augustin, 2020).

The same study was also carried out by Nurhafilah (2007) regarding the apostate and religious freedom and the spreading of religious teachings. According to Article 11 (4), believers of other religions other than Islam cannot spread their religion to Muslim believers. However, Muslims can spread their religion to non-Muslims. One of the previous cases regarding this matter was the case of Jamaluddin Othman in 1989. Jamaluddin has been detained under the ISA for allegedly being involved in the activity of spreading Christianity to Muslims. Nonetheless, that case is invalid because, at the time, there was no law regarding the spreading of non-Islamic teachings in the Federal Territory.

In his book, Mohd Aizam (2015) also states matters related to Islam as the Federal religion, issues regarding deviant teachings, Liberal Islam, religious pluralism, and superstitious matters. Among deviant teachings that emerge in Malaysia are *Shī'ah*, *Al-Arqam*, and *Aurad*. Examples of superstitious matters are mysticism, the practice of blasphemy, ghost shows, and the selling of magical water. Liberal Islam is an ideology that propagates secularism or freedom in religion, speech or opinion, and also in behaviours. This ideology also opposes the teachings of Islam. Religious pluralism also propagates that all religions are true. These ideologies are very dangerous and can also lead to apostate.

Nazri et al., (2013) mentioned in their study that religion also a part of the issue regarding social conflict reported from year 1996-2002. Therefore, the study measured the level of students' knowledge, comprehension and acceptance towards provisions of Islam and Malay in the Malaysian Federal Constitution. The study results in the high level of students' knowledge, comprehension and acceptance towards provisions of Islam and Malay. However, there is a significant difference in level of students' knowledge, comprehension and acceptance between type of ethnicity among IPTAs students (Nazri, Wan Zulkifli, et al., 2013).

So, based on all previous studies stated before, there is no KAP model used as measurement model or variables on traditional elements in the Malaysian Federal Constitution, 1963. Most of them used qualitative analysis. Even though Nazri, Wan Zulkifli, et al., (2013) used quantitative approach, but the study used knowledge, comprehension and acceptance as the measurement variables.

### 2.6.3 Malay Language

Past studies related to the effort toward uplifting the status of the Malay Language as the National language are conducted by Mohd Rashid (1992), Awang (2014), and Ahmad Rizal et al. (2015).

The study by Mohd Rashid (1992) is regarding the effort towards uplifting the status of the Malay Language in education. The Malay Language is a tool for the unity of race, a language of communication, and also a language of knowledge. This study also discusses the issue of using mixed language in communication and the issue regarding the 2002 policy changes that made English a compulsory language in Mathematics and Science subjects.

In their study, Ahmad Rizal et al. (2015) discussed the development of data ranking the Malay Language as the language of knowledge to uplift its status globally. This study was held at the Universiti Kebangsaan Malaysia (UKM). Awang (2014), in his study, also addressed strategies to ensure the success of the Malay Language as the National language based on the history of the social contract. Among them are planning related to the status and role of the Malay language, nurturing of the Malay language, measures to make Malay a supranational language, and the consistency of attitudes and stances of national leaders so that the role of the Malay Language as one of the pillars of nation-building continuously improved and strengthened.

There are also studies regarding the measurement of perception levels toward the Malay language. A study was done by Siti Nurul Jannah and Junaini (2019) regarding the perception of Generation Z towards the identity of the Malay Language in facing the Industrial Revolution 4.0 (IR4.0). The study found that the attitude and appreciation of the identity of Generation Z towards the Malay Language were at a low level. Besides that, Zamri et al. (2017) also studied the level of understanding, appreciation, and practices of the Malay Language identity in education students in five Research Universities. The results found that students in the Public Universities education generally retain their Malay Language identity. The level of appreciation and practices of the Malay Language is at a level that still remains the identity.

Moreover, Nazri & Abdul Latif (2012) also studied the level of knowledge, understanding, and acceptance of students in Public Universities regarding the provision of the Malay Language in the Federal Constitution. Overall, the level of knowledge, understanding, and acceptance of students is high. However, there is also a difference in the level of knowledge, understanding, and acceptance (KAP) based on the demographical background of students, which are ethnicity, religion, and educational stream.

However, based on all previous studies, several gaps can be seen because previous studies do not used KAP as their measurement-based framework on the provisions related to Malay language. The focused population of past studies also differ as most of them measured university students. But, this study focused on multi-ethnic youths in Klang Valley.

#### 2.6.4 Special Rights of Malays

There are many past studies related to the issue of the special rights of Malays. Among them is the study by Ratnam (1969), which discusses about the acceptance of the Malays and non-Malays regarding the provision of special rights for Malays. This study addressed that Malays agree with this provision as it can upgrade their life rather than other non-Malay ethnicities. Mohamed Suffian (1987), in his study, also stated that Article 153 aims to enhance the life of Malays as Malays are much less advanced in their life and not intended to restrain the progress of non-Malays (Nazri et al., 2011; Nazri, 2012).

Mohd Salleh (1985) mentioned that the special rights of Malays include appointments in public service posts, scholarships in education, and permits or licenses in business trades. Other than that are the Malay reserve lands and the admission to the Malay Soldier Regiment. Daud (2001) stated that the special rights of Malays are reciprocity for them as they have established civilisation, defended their homeland from the threat of colonialism, being open-minded and tolerant (Nazri et al., 2011; Nazri, 2012).

Moreover, Nazri et al. (2011) studied the level of acceptance of students towards the provision of Malays in the Federal Constitution. Overall, the results show the level of KAP of students towards the provisions of the Malays in the constitution is high. However, there are significant differences in the level of KAP of students according to ethnicity and their educational stream. Then, as analysed by Nazri et al. (2013), the

provisions of Malays in the Federal Constitution are not only in Article 153 but also included in Article 8 (5) (f), Articles 89 and 90, and the Thirteenth Schedule on the demarcation of the election area.

Nazri (2012) also analysed the implications of provisions of Islam and Malays towards students in Malaysia. The study shows there are implications for the Malay students as they are still particularly sensitive to the issues related to Islam and the Malays. Among the causes of sensitivity are the fading spirit of tolerance and understanding among the people, the role of the mass media in sensationalising issues involving the special position of the Malays and Islam, and the lack of knowledge of the history of the drafting of social contracts.

Based on the above past studies, there is no literature studying the level of knowledge, attitude and practices towards the provision of the special rights of Malays towards youths in Klang Valley, Malaysia, which has been a polemic issue in ethnic relations. As stated before, Ratnam (1969) and Nazri (2011) measured acceptance, and Nazri (2012) analysed the implications towards provisions of Islam and Malay. The previous studies also focused on university students rather than youths in this country.

## **2.7 Knowledge, Attitude, and Practices (KAP) Model**

The KAP Model in this study indicates the KAP variables as a measurement indicator to measure respondents' knowledge, attitude and practices regarding traditional elements in the Malaysian Federal Constitution. The KAP Model process was

originated from learning theory by Bandura (1976) and diffusion of innovation theory by Roger (1996). Rogers (1995) stated that members of social system accept innovation through four stages over time. The stages include acquisition of knowledge, persuasion, decision and confirmation. To add more, Bandura (1976) explained that individual behaviours are learned through social context. Then, the theory of planned behaviour by Ajzen (1991) are another perspective used to consider behaviour changes. However, the KAP Model survey was originating from the fields of family planning and population in 1950s and used to assess the relationship among knowledge, attitudes, and practices (Launiala, 2009; Liao et al., 2022).

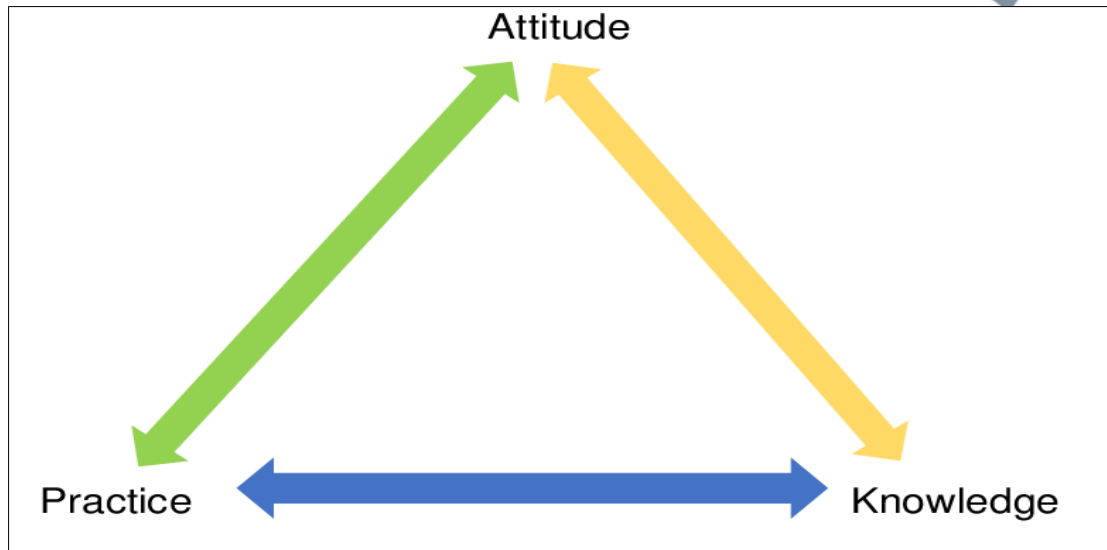
The KAP theory is a health behaviour change theory whereby the changes in human behaviour are divided into three successive processes, which are the acquisition of knowledge, the generation of attitude, and the formation of practices (Launiala, 2009; Fan et al., 2018).

The meaning of knowledge, attitude and practices has been described in a studied by Bano et al., (2013), as mentioned by Librahim, G (1995):

"Knowledge means the ability to pursue and use information, and by understanding, learning experience, and identifying the studying technologies. Attitude indicates the result of making reactions in some ways in some situations and observes and explains based on the result of a reaction or combined into one point of view. Practice indicates what knowledge and habit work together" (p. 30).

From the definition above, knowledge is the process of acquiring and using information through comprehension, experience, and skill (Bano et al., 2013). Attitude refers to the way people react in a certain situation by interpreting the situations or events according

to people's own will (Bano et al., 2013). Finally, practice is the application of performance-based on people's knowledge and understanding that leads to an act or habit (Bano et al., 2013).



Source: Bano et al. (2013)

**Figure 2.1:** Knowledge, Attitude and Practices (KAP) Model Framework

Based on the figure above, the KAP Model also shows the progressive relationship between knowledge, attitude, and practices as follows: knowledge is the foundation of behaviour change, and belief and attitudes are the driving force of behaviour change in practices (Fan et al., 2018).

Now, the KAP Model survey is a well-established model and is widely used in many fields. Through reading, the researcher found that there were several articles using the KAP Model in various fields in Malaysia and overseas, such as in the medical and health (Launiala, 2009; Nor Samee'ah, 2011; Jamaliah, 2011; Mohd Hilmi, 2013;

Farahat et al., 2014; Ministry of Health, 2015; De Pretto et al., 2015; Ritchie et al., 2019; Selvarajoo et al., 2020), education (Shalmani and Toorani, 2016; Nor Kalsum, 2016; Luo et al., 2017; (Royal Government of Bhutan Ministry of Education and United Nations Children's Fund (UNICEF), 2017), food agriculture industries (Mihalache et al., 2021; Campbell, 2011; Wan Rohaya, 2013). However, most researchers used the KAP Model in health and the medical field rather than in other fields.

### **2.7.1 KAP Model in Other Countries**

In the education sector, there are many KAP studies that have been conducted in other countries. The KAP have been expanded in the field of blended learning (Luo et al., 2017), management of schools (Shalmani and Toorani, 2016), children's disability (Royal Government of Bhutan Ministry of Education and United Nations Children's Fund (UNICEF), 2017), and student's environment (Jamilah et al., 2011).

Next, the KAP Model is also used in the health and medical sectors, which are family planning and pregnant women (Launiala, 2009), the health of professional students (Ritchie et al., 2019), haze pollution (De Pretto et al., 2015), dengue prevention (Selvarajoo et al., 2020), mosquito management (Maeda, 2017), Ebola disease (Ministry of Health, 2015), premarital care (Farahat et al., 2014) and the green fashion innovation of the environment (Ahmad et al., 2020).

Lastly, researchers in the food industry sector also use the KAP method. Among their studies are food safety (Mihalache et al., 2021) and street food vendors (Campbell, 2011).

### **2.7.2 KAP Model in Malaysia**

In the health and medical sector, there are several articles using the KAP method. One of them is a study conducted by Mohd Hilmi and Kamaliah (2013), which aims to look at the impact of the H1N1 prevention campaign message issued by the Ministry of Health in 2009 on the KAP of the people in Northeast Penang.

Another research related to health is a thesis by Nor Samee'ah (2011). This thesis measured the KAP of mothers regarding the issue of child malnutrition. The study shows a correlation between the level of attitude and practices of mothers towards child malnutrition, but there is no correlation between the level of knowledge and attitude of mothers towards child malnutrition.

In the education sector, especially early childhood education, there is a KAP study conducted by Nor Kalsum (2016). This study aims to identify the level of awareness of Universiti Pendidikan Sultan Idris (UPSI) students on the principles of a sustainable campus, further analysing the relationship between students' knowledge, attitude and behaviour and their level of awareness of the principles of a sustainable campus.

In the field of environmental issues, a KAP research was done by Jamaliah et al. (2011). The main purpose of the study was to determine the level of KAP of the public on issues related to the environment and environmental conservation methods.

There is also KAP research done by Wan Rohaya and Zuroni (2013) in the organic food industry. This study aims to identify the level of KAP of using organic products among consumers in Kuala Krai, Kelantan. Organic products are important to ensure the health of the human body, which is free from dangerous poison.

Based on all the previous studies, many researchers use KAP Model in the medical field and also other fields. Therefore, this research uses KAP Model as it has been applied in other fields and is also well established which measure the knowledge, attitudes and practices on traditional elements in the Malaysian Federal Constitution, 1963.

## **2.8 The Framework of the Study**

Literature from previous studies has found that in studies related to traditional elements, the variables that need to be considered are knowledge, understanding, and acceptance (Nazneen et al., 2017; Nazri et al., 2011; Nazri & Abdul Latif, 2012; Nazri et al., 2013), perception (Ramlah & Noormaizatul Akmar, 2013; Khairul Hamimah & Faridah, 2017; Nazri et al., 2017), application and practice (Zamri et al., 2017).

Based on the previous studies, there is no study specifically using the KAP Model as a tool of measurement on traditional elements in the Federal Constitution

(1963). Therefore, this study uses a self-administered survey guided by the scale developed by DeVellis (2017), the Federal Constitution 1963, and validated by face and content validity. The instrument development was also based on the guidance of the KAP survey by the World Health Organization (2008). The instrument of this study measures traditional elements by looking at several constructs, namely the constructs of knowledge towards traditional elements, attitude for traditional elements, and practices towards traditional elements. All these constructs are combined to determine the overall level of traditional elements of the multi-ethnic youths in Klang Valley, Malaysia. This instrument has been validated by Prof Dr. Abdul Samat Musa, Prof Dr. Ahmad Hidayat Buang, Prof Madya Dr. Khadijah Khambali, Prof Madya Dr. Nazri Muslim, Prof Madya Dr. Shamrahayu A. Aziz, Dato' Dr. Wan Ahmad Fauzi Wan Husain, Prof Madya Dr. Wan Shahrazad, and Dr. Othman Talib.

Figure 2.2 shows the framework of the study forming the results from the KAP Model framework and reviews from previous studies involving all variables. This study measures the level of all independent variables, which are knowledge, attitude and practices on traditional elements. This study also measures the differences between KAP variables and demographical background, which are religion, ethnicity, and level of education as an antecedent between variables (H<sub>01</sub>, H<sub>02</sub>, H<sub>03</sub>, H<sub>04</sub>, H<sub>05</sub>, H<sub>06</sub>, H<sub>07</sub>, H<sub>08</sub>, H<sub>09</sub>) based on previous studies (Nazri et al., 2011 & 2012). Then, this study measures the relationship between all independent variables (H<sub>010</sub>) on traditional elements in the Malaysian Federal Constitution 1963.



Meaning:

“Recite in the name of your Lord who created. Created man from a clinging substance. Recite, and your Lord is the most Generous. Who taught by the pen. Taught man that which he knew not” (Al-Qur’an, Al-Alaq 96: 1-5).<sup>1</sup>

In Islam, attitude in Arabic language called as *akhlāq* or *khulūq*. Al- Ghazāliyy (1988) views the meaning of *al-khulūq* in his book *Ihyā’ ‘Ulūm al-Dīn*: “*Al-khulūq (attitude or behaviour) is explaining the situation in the soul that resides in it. And from it all arise actions easily, without the need for thought and research.*”

From the previous definition, it can be seen that Al-Ghazāliyy insisted that *Al-khulūq* is a situation that exist in human soul which leads to human action without the need for thought, intention or consideration. Therefore, good attitude will lead to good actions and practices.

Prophet Muhammad SAW in hadith narrated by Ibn Mājah also has been questioned and teaches the following:

Meaning:

“O Messenger of Allah, which Muslim believer is the most important?”  
He replied, “The person with the best character” (Hadith. Ibn Mājah. *Sunan Ibn Mājah*. Kitāb Al- Zuhd: # 4259).

Other religions also urge to have good attitude and practices good deeds in daily life such as the concept of The Noble Eightfold Path in Buddhism, *Yamas* and *Niyamas* in Hinduism, Five Virtues and Five Cardinal Relation in Confucianism and also the Ten

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<sup>1</sup> All Quranic translations in this writing are based on Saheeh International. 2004. *The Qur’ān*, London: Al-Muntada Al-Islami. Translations from other sources will be cited accordingly.

Commandment in Old Testament in Christianity (Molloy, 2010; Mohd Rosmizi et al., 2022).

Therefore, in the context of this study, multi-ethnic youths need to seek or have knowledge, have good attitude and practices well about the provisions related to traditional elements and other provisions in the Malaysian Federal Constitution. This is to ensure that they know about the positions of Islam and other religions, the rights of all multi-ethnic citizens, the positions of Malay language and other languages, languages as well as the position of Yang-Di Pertuan Agong and their sultans. They also can react and practice well not only towards provisions related to traditional elements, but also other provisions in the Malaysian Federal Constitution. All ethnics need to live in one country in peace and harmony and also know and respect the rights of each other whether they have different religious, ethnicity and educational background. Allah SWT says:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا

إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَىٰكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ<sup>١٣</sup>

Meaning:

“O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted” (Al-Qur’an. Al-Hujurat 49: 13).

## 2.9 Conclusion

Based on the overall literature review, the social contract theory in Malaysia is influenced by the Western social contract, which is an agreement to seek the rights of citizens from the ruler of the country. The social contract contains rules that must be obeyed by the ruler and society to achieve harmony and peace in a country. Therefore, the theory of social contract by western is not adopted in Malaysia because the power of the Malay Rulers is bounded by the provisions in Federal Constitution. Upon achieving independence, all ethnic must be united, have mutual respect, and accept the traditional elements of the Federal Constitution.

The traditional elements in the Malaysian Federal Constitution, 1963 are the basic provisions from the Federation of Malaya 1948, which related to the monarchy institution, Islam as the Federal religion, the Malay language as the National Language, and the special rights of Malays as the native people in the Malay Archipelago. In return, the Chinese and Indians get the eligibility for citizenship in condition according to the *jus soli* principle. This chapter also explains the provision of traditional elements in the Federal Constitution 1963 and 1957, issues related to traditional elements in Malaysia, and the KAP model, which is being used in this study to construct the instruments. This research uses self-administered instruments based on traditional elements in the Federal Constitution and the KAP Model as a study framework.