

# SEJARAH KEDAULATAN NEGARA

1. PRSEJARAH
2. PROTOSEJARAH
3. SRIWIJAYA
4. MELAKA
5. NEGERI-NEGERI MELAYU
6. MERDEKA DAN RAJA BERPERLEMBAGAAN

# TERRITORIAL IMPERATIVE

- *The Territorial Imperative: A Personal Inquiry Into the Animal Origins of Property and Nations* ,1966, American writer Robert Ardrey. It describes the evolutionarily determined **instinct among humans toward territoriality** and the implications of this territoriality in human meta-phenomena such as **property ownership and nation building**.

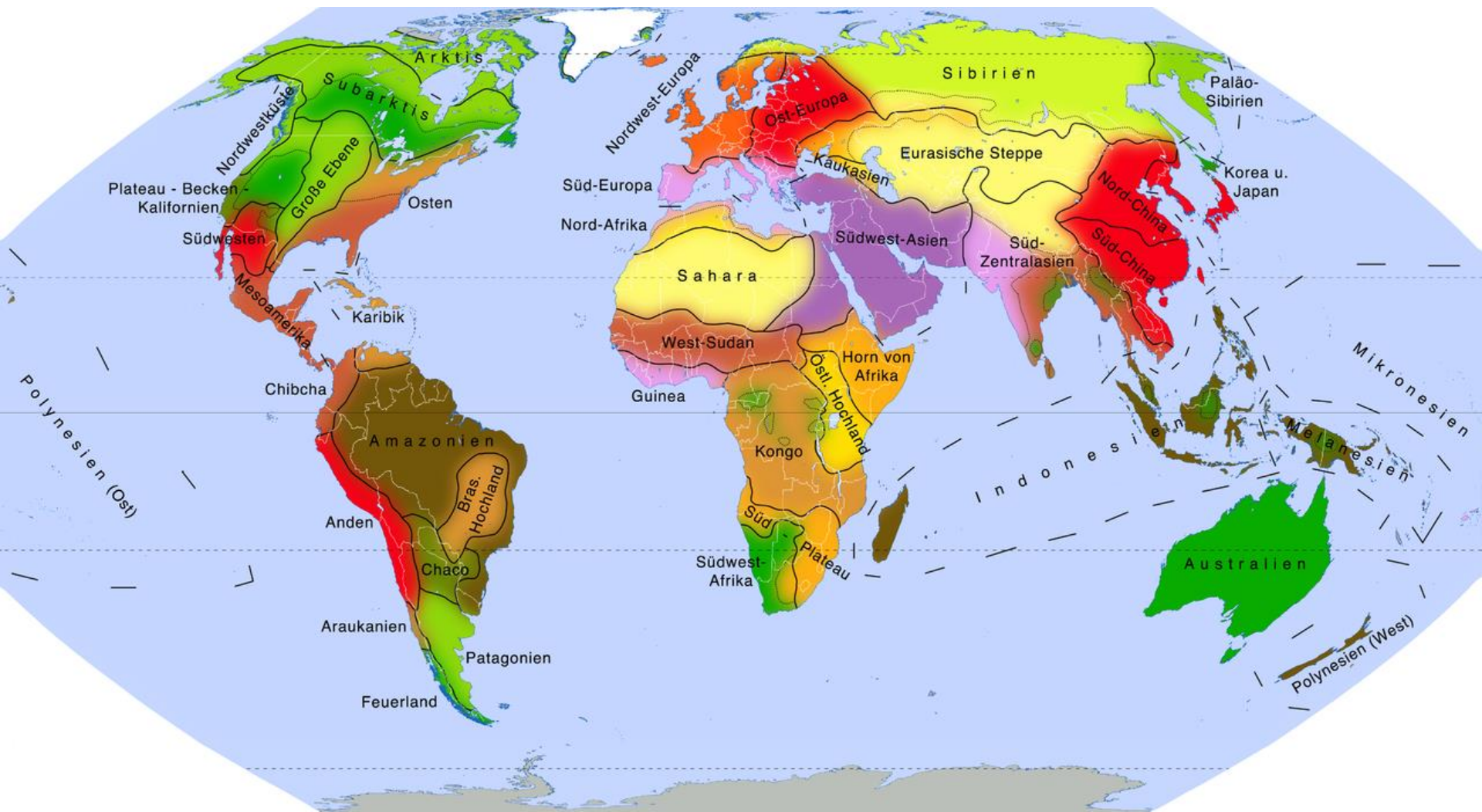
# NEGARA / STATE

- **State**, political organization of society, or the body politic, or, more narrowly, the institutions of government. The state is a form of **human association** distinguished from other social groups by its purpose, the **establishment of order and security**; its methods, the **laws and their enforcement**; its territory, the area of jurisdiction or **geographic boundaries**; and finally by its **sovereignty**. The state consists, most broadly, of the agreement of the individuals on the means whereby disputes are settled in the form of laws.

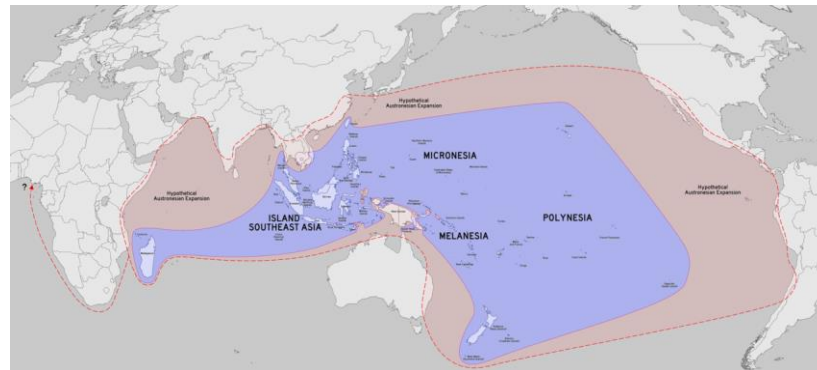
# FEDERATION OF MALAYA AS STATE

- Federal Constitution
- NOTES Art. 1
- The present (2010) Article without Clause (4) was inserted by Act 26/1963, section 4, in force from 16-09-1963 (i.e. when Malaysia was established). The original Article as it stood on Merdeka Day read as follows: “1. (1) The Federation shall be known by the name of Persekutuan Tanah Melayu (in English the Federation of Malaya). (2) The States of the Federation are Johore, Kedah, Kelantan, Negeri Sembilan, Pahang, Perak, Perlis, Selangor and Terengganu (formerly known as the Malay States) and Malacca and Penang (formerly known as the Settlements of Malacca and Penang). (3) The territories of each of the States mentioned in Clause (2) are the territories of that State immediately before Merdeka Day.”.
- Clause (2) a. Amended by Act 59/1966, section 2, in force from 09-08-1965 (i.e. the date Singapore left Malaysia) by deleting therefrom paragraph (c) which read as follows: “(c) the State of Singapore.”.
- b. The present Clause was substituted by Act A354, section 2, in force from 27-08-1976. This Clause before its substitution by Act A354 was amended by Act 26/1963, section 4, in force from 16-09-1963 (i.e. when Malaysia was established) read as follows: “(2) The States of the Federation shall be— (a) the States of Malaya, namely, Johore, Kedah, Kelantan, Malacca, Negeri Sembilan, Pahang, Penang, Perak, Perlis, Selangor and Terengganu; (b) the Borneo States, namely, Sabah and Sarawak; and (c) the State of Singapore.”

# KAWASAN BUDAYA/CULTURAL AREAS

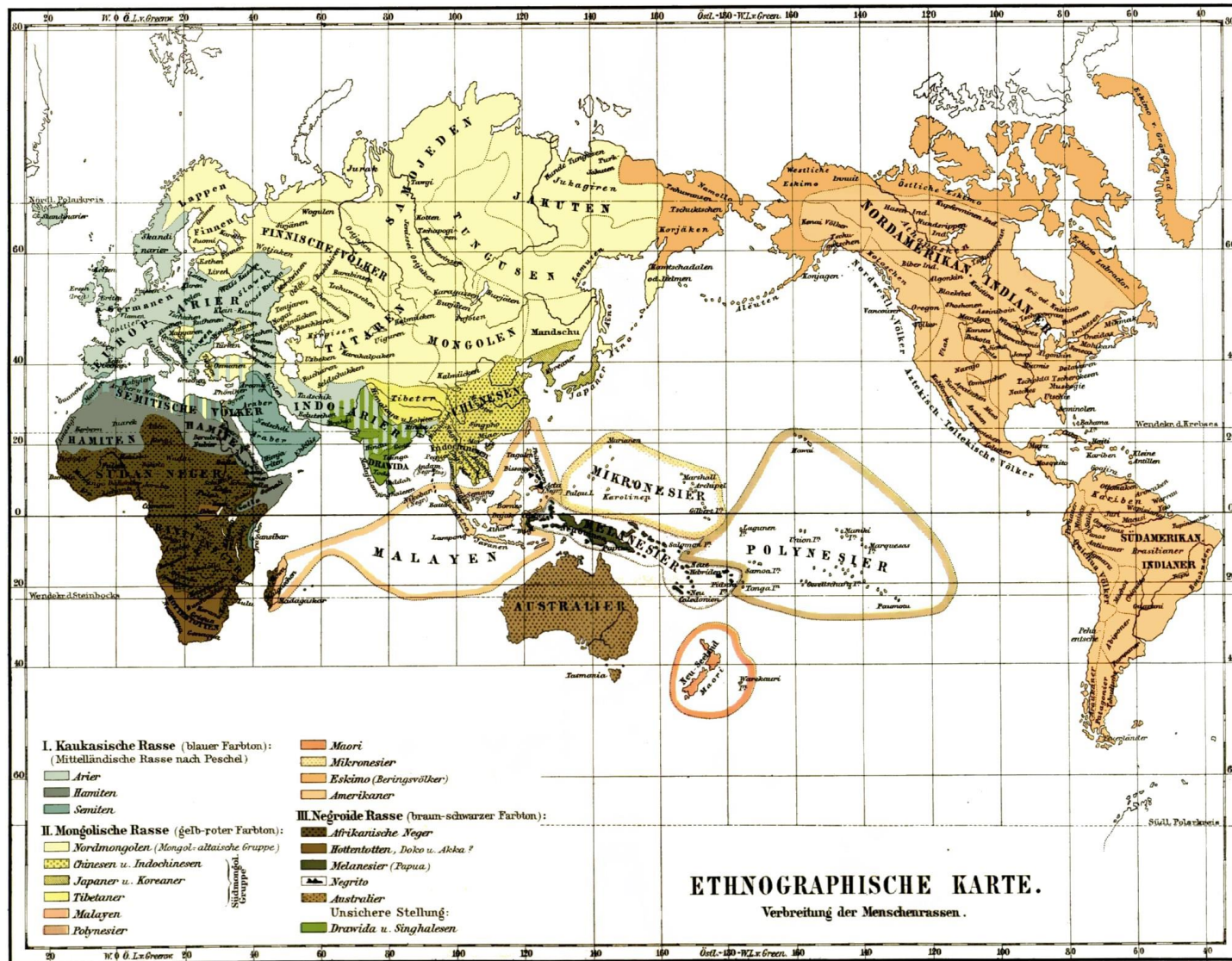


# BAHASA-BAHASA MALAYO-POLINESIA LANGUAGES





# WORLD ETHNOGRAPHIC MAP



# SOVEREIGNTY/KEDAULATAN

- Sovereignty is a political concept that refers to dominant power or supreme authority. In a monarchy, supreme power resides in the "sovereign", or king. In modern democracies, sovereign power rests with the people and is exercised through representative bodies such as Congress or Parliament. The Sovereign is the one who exercises power without limitation. Sovereignty is essentially the power to make laws, even as Blackstone defined it. *The term also carries implications of autonomy; to have sovereign power is to be beyond the power of others to interfere.*
- Beyond lawmaking power, two other (often contentious) aspects of sovereignty are eminent domain (the right of the sovereign to take private property for public use) and sovereign immunity(which offers the sovereign protection from lawsuits).  
<https://www.law.cornell.edu/wex/sovereignty>.



# HEAD OF STATE

- **Chapter 1 - The Supreme Head**
- **Article 32**
- **(1)** There shall be a Supreme Head of the Federation, to be called the Yang di- Pertuan Agong, who shall take precedence over all persons in the Federation and shall not be liable to any proceedings whatsoever in any court.

## Article 34

- **8)** Nothing in Clause (1) shall prevent the Yang di-Pertuan Agong exercising as Ruler of his State any power vested in him either alone or in conjunction with any other authority -
- **(a)** to amend the Constitution of the State; or
- **(b)** to appoint a Regent or member of a Council of Regency in the place of any Regent or member, as the case may be, who has died or has become incapable for any reason of performing the duties of the office of Regent or member of the Council of Regency..... respectively.

# CONSTITUTIONAL LIMITATIONS OF YDPA

- **Article 34**

- **(1)** The Yang di-Pertuan Agong shall not exercise his functions as Ruler of his State except those Head of the religion of Islam.
- **(2)** The Yang di-Pertuan Agong shall not hold any appointment carrying any remuneration.
- **(3)** The Yang di-Pertuan Agong shall not actively engage in any commercial enterprise.
- **(4)** The Yang di-Pertuan Agong shall not receive any emoluments of any kind payable or accruing to as the Ruler of his State under the provisions of the Constitution of that State or of any State law.
- **(5)** The Yang di-Pertuan Agong shall not, without the consent of the Conference of Rulers, be absent from the Federation for more than fifteen days, except on a State visit to another country.

# CONFERENCE OF RULERS

- **Article 38**

- **(1)** There shall be a Majlis Raja-Raja (Conference of Rulers), which shall be constituted in accordance with the Fifth Schedule.
- **(2)** The Conference of Rulers shall exercise its functions of -
  - **(a)** electing, in accordance with the provisions of the Third Schedule, the Yang di-Pertuan Agong and Timbalan Yang di-Pertuan Agong;
  - **(b)** agreeing or disagreeing to the extension of any religious acts, observances or ceremonies to the Federation as a whole;
  - **(c)** consenting or withholding consent to any law and making or giving advice on any appointment which under this Constitution requires the consent of the Conference or is to be made by or after consultation with the Conference, and may deliberate on questions of national policy (for example changes in immigration policy) and any other matter that it thinks fit.

# CONFERENCE OF RULERS – ART.38

- **(4) No law directly affecting the privileges, position, honours or dignities of the Rulers shall be passed without the consent of the Conference of Rulers.**
- **(5) The Conference of Rulers shall be consulted before any change in policy affecting administrative action under Article 153 is made.**
- **(6) The members of the Conference of Rulers may act in their discretion in any proceedings relating to the following functions, that is to say -**
  - **(a) the election or removal from office of the Yang di-Pertuan Agong or the election of the Timbalan Yang di-Pertuan Agong;**
  - **(b) the advising on any appointment;**
  - **(c) the giving or withholding of consent to any law altering the boundaries of a State or affecting the privileges, position, honours or dignities of the Rulers; or**
  - **(d) the agreeing or disagreeing to the extension of any religious acts, observances or ceremonies to the Federation as a whole.**

# YDPA AS THE EXECUTIVE AUTHORITY OF THE FEDERATION

- **Article 39**

- The executive authority of the Federation shall be vested in the Yang di-Pertuan Agong and exercisable, subject to the provisions of any federal law and of the Second Schedule, by him or by the Cabinet or any Minister authorised by the Cabinet, but Parliament may by law confer executive function on other persons.

- **Article 40**

- **(1)** In the exercise of his functions under this Constitution or federal law and of the Second Schedule, by him or by the Cabinet or any Minister authorised by the Cabinet, but Parliament may by law confer executive function on other persons.

- **Article 40A**

- **(1)** In the exercise of his functions under this Constitution or federal law the Yang di-Pertuan Agong shall act in accordance with the advice of the Cabinet or of a Minister acting under the general authority of the Cabinet, except as otherwise provided by this Constitution; but shall be entitled, at his request, to any information concerning the government of the Federation which is available to the Cabinet.

# POWER OF DISCRETION OF YDPA

- **(2)** The Yang di-Pertuan Agong may act in his discretion in the performance of the following functions, that is to say -
  - **(a)** the appointment of a Prime Minister;
  - **(b)** the withholding of consent to a request for the dissolution of Parliament;
  - **(c)** the requisition of a meeting of the Conference of Rulers concerned solely with the privileges, position, honours and dignities of Their Royal Highnesses, and any action at such a meeting and in any other case mentioned in this Constitution.
- **(3)** Federal law may make provision for requiring the Yang di-Pertuan Agong to act after consultation with or on the recommendation of any person or body of persons other than the Cabinet in the exercise of any of his functions other than -
  - **(a)** functions exercisable in his discretion;
  - **(b)** functions with respect to the exercise of which provision is made in any other Article.

# YDPA APPOINTS PM AND CABINET MEMBERS

- **Article 43**

- **(1)** The Yang di-Pertuan Agong shall appoint a Jemaah Menteri (Cabinet of Ministers) to advise him in the exercise of his functions.
- **(2)** The Cabinet shall be appointed as follows, that is to say -
  - **(a)** the Yang di-Pertuan Agong shall first appoint as Perdana Menteri (Prime Minister) to preside over the Cabinet a member of the House of Representative who in his judgment is likely to command the confidence of the majority of the members of that House; and
  - **(b)** he shall on the advice of the Prime Minister appoint other Menteri (Ministers) from among the members of either House of Parliament;
- but if an appointment is made while parliament is dissolved a person who was a member of the last House of Representatives may be appointed but shall not continue to hold office after the beginning of the next session of Parliament unless, if he has been appointed Prime Minister, he is a member of the new House of Representatives, and in any other case he is a member either of that House or of the Senate.
- **(3)** The Cabinet shall be collectively responsible to Parliament.
- **(4)** If the Prime Minister ceases to command the confidence of the majority of the members of the House of Representatives, then, unless at his request the Yang di- Pertuan Agong dissolves Parliament, the Prime Minister shall tender the resignation of the Cabinet.



# FEDERAL LEGISLATURE

- **Article 44**

- The legislative authority of the Federation shall be vested in a Parliament, which shall consist of the Yang di-Pertuan Agong and two Majlis (Houses of Parliament) to be known as the Dewan Rakyat (House of Representatives).

- **Article 45**

- **(1)** Subject to Clause (4), the Senate shall consist of elected and appointed members as follows:
  - **(a)** two members for each State shall be elected in accordance with the Seventh Schedule; and
  - **(aa)** two members for the Federal Territory of Kuala Lumpur and one member for the Federal Territory of Labuan shall be appointed by the Yang di-Pertuan Agong; and
  - **(b)** forty members shall be appointed by the Yang di-Pertuan Agong.
- **(2)** The members to be appointed by the Yang di-Pertuan Agong shall be persons who in his opinion have rendered distinguished public service or have achieved distinction in the professions, commerce, industry, agriculture, cultural activities or social service or are representative of racial minorities or are capable of representing the interests of aborigines.

# YDPA POWERS OF PARDON

- **Article 42**
- **(1)** The Yang di-Pertuan Agong has power to grant pardons, reprieves and respites in respect of all offences which have been tried by court-martial and all offences committed in the Federal Territories of Kuala Lumpur and Labuan; and the Ruler or Yang di-Pertua Negeri of a State has power to grant pardons, reprieves and respites in respect of all other offences committed in his State.
- **(2)** Subject to Clause (10), and without prejudice to any provision of federal or State law to remit, suspend or commute sentences for any offence shall be exercisable by the Yang di-Pertuan Agong if the sentence was passed by a court- martial or by a civil court exercising jurisdiction in the Federal Territories of Kuala Lumpur and Labuan and, in any other case, shall be exercisable by the Ruler or Yang di-Pertua Negeri of the State in which the offence was committed.
- **(3)** Where an offence was committed wholly or partly outside the Federation or in more than one State or in circumstances which make it doubtful where it was committed, it shall be treated for the purposes of this Article as having been committed in the State in which it was tried. For the purpose of this Clause the Federal Territory of Kuala Lumpur or the Federal Territory of Labuan as the case may be, shall each be regarded as a State.
- **(4)** The powers mentioned in this Article -
  - **(a)** are, so far as they are exercisable by the Yang di-Pertuan Agong, among functions with respect to which federal law may make provision under Article 40 (3);
  - **(b)** shall, so far as they are exercisable by the Ruler or Yang di-Pertuan Negeri of a State, be exercised on the **advice of a Pardons Board** constituted for that State in accordance with Clause (5).

# LANTIKAN DYMM YDA



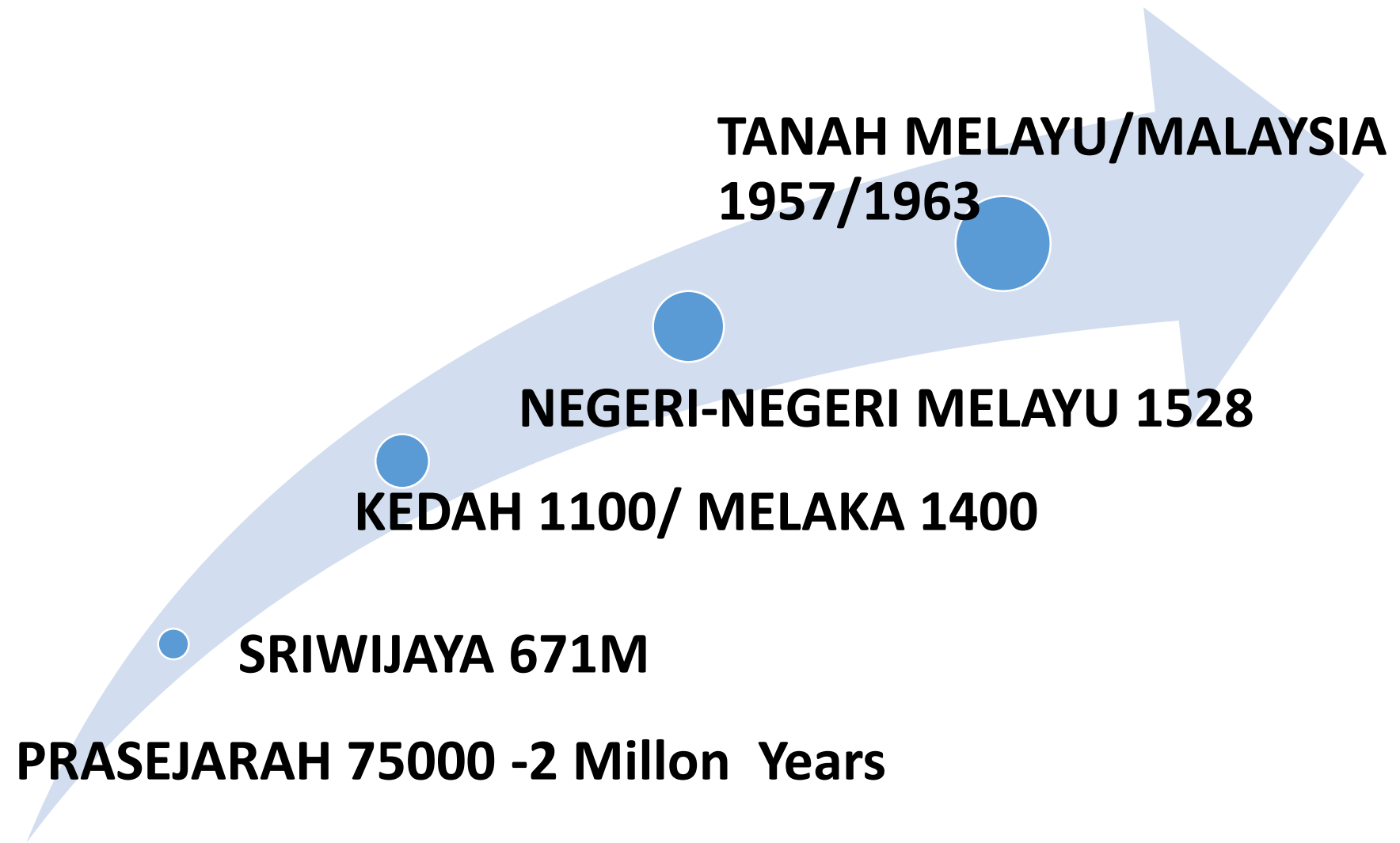
# YDPA UITM CANSELOR



# REID COMMISSION 1956

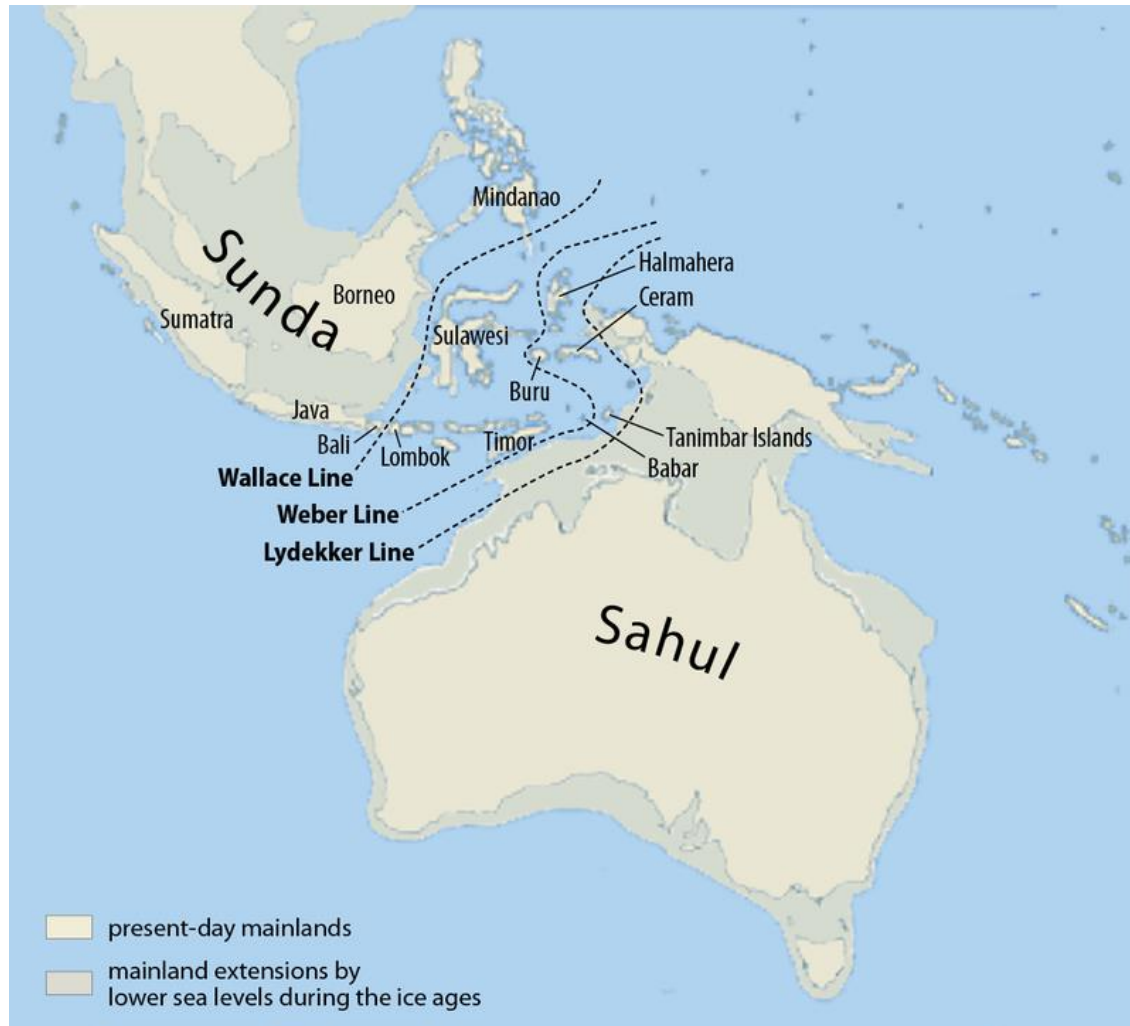
- 14. In making our recommendations we have had constantly in mind two objectives: first that there must be the fullest opportunity for the growth of a united, free and democratic nation, and secondly that there must be every facility for the development of the resources of the country and the maintenance and improvement of the standard of living of the people. These objectives can only be achieved by the action of the people themselves: our task is to provide the framework most appropriate for their achievement. **We must start from the present position as we find it, taking account not only of the history and tradition of Malaya but also of existing social and economic conditions.**

# GARIS SEJARAH 75000 TAHUN





# SUNDALAND 2MILLION YEARS





# SUNDALAND

- In addition to the Malay Peninsula and the islands of Borneo, Java, and Sumatra, it includes the Java Sea, the Gulf of Thailand, and portions of the South China Sea. In total, the area of Sundaland is approximately 1,800,000 km<sup>2</sup>. The area of exposed land in Sundaland has fluctuated considerably during the past recent 2 million years; the modern land area is approximately half of the maximum extent.

# OCCUPATION OF SUNDALAND

- Widely accepted theory, the ancestors of the modern-day Austronesian populations of the Malay archipelago and adjacent regions are believed to have migrated southward, from the East Asia mainland to Taiwan, and then to the rest of Maritime Southeast Asia.
- An alternative theory points to the now-submerged Sundaland as the possible cradle of Asian population: thus the "Out of Sundaland" theory.

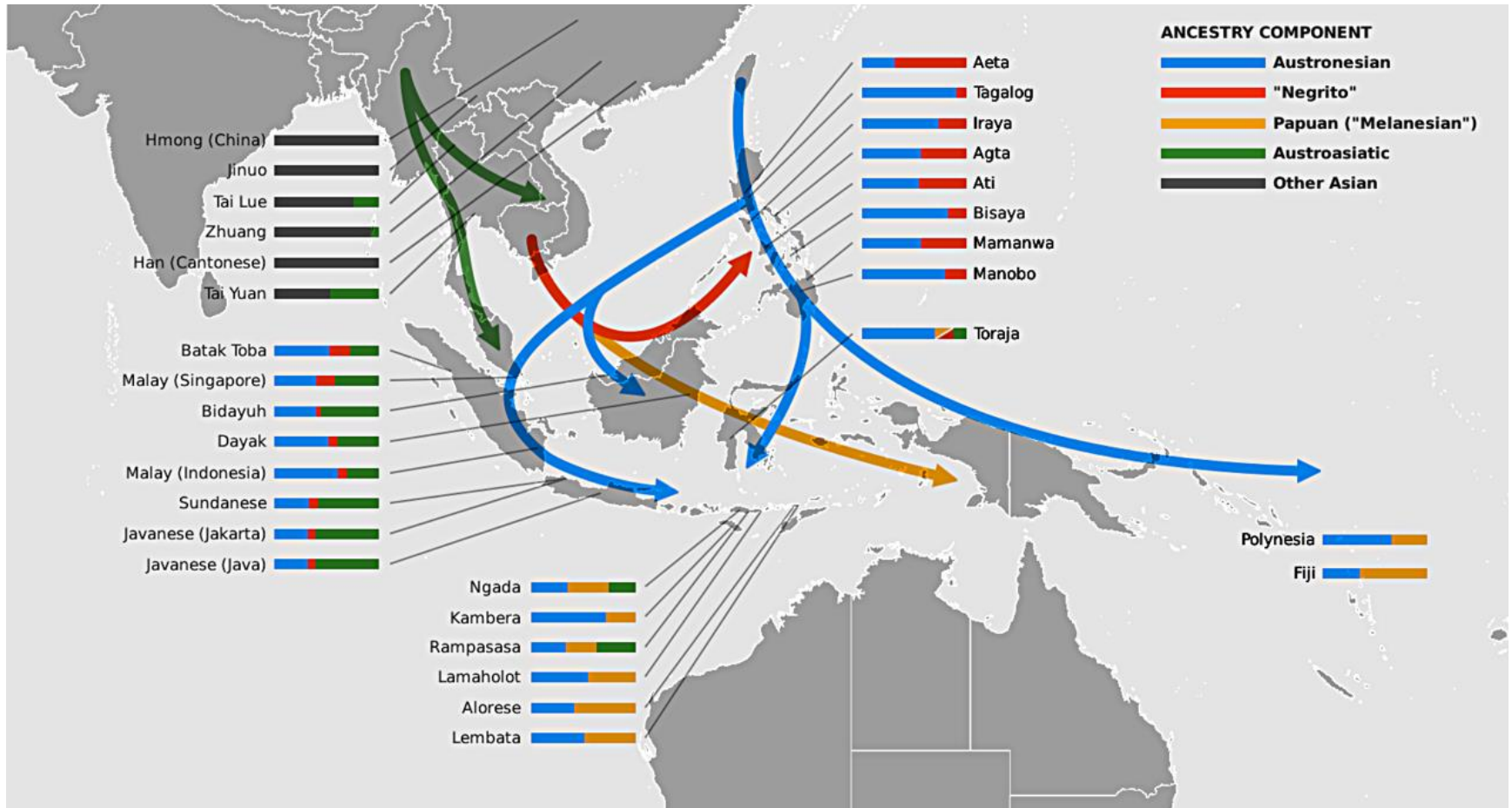
# GENETIC STUDY

- A study from Leeds University and published in *Molecular Biology and Evolution*, examining mitochondrial DNA lineages, suggested that humans had been occupying the islands of Southeast Asia for a longer period than previously believed. Population dispersals seem to have occurred at the same time as sea levels rose, which may have resulted in migrations from the Philippine Islands to as far north as Taiwan within the last 10,000 years.[1](#)

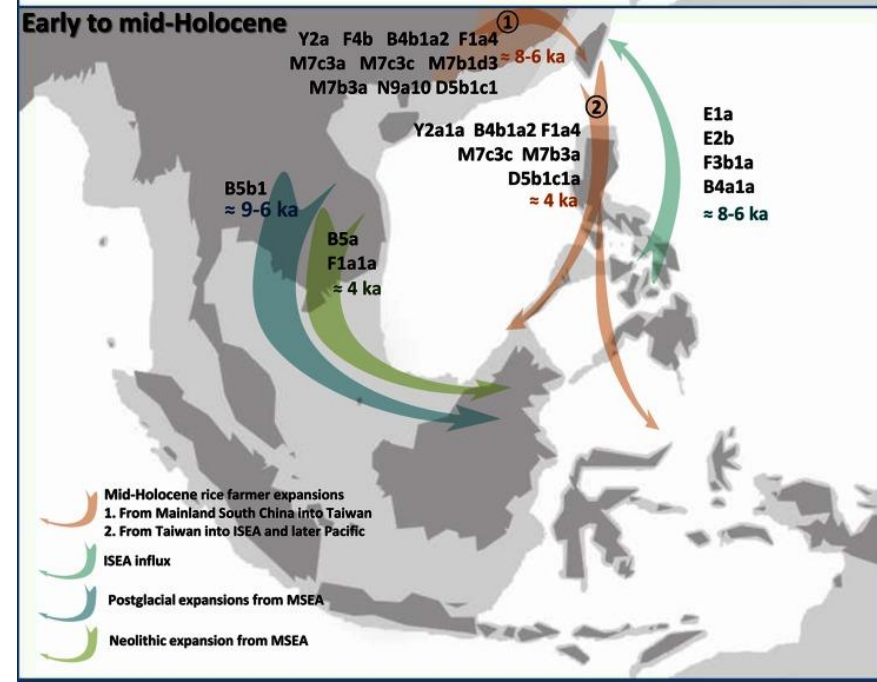
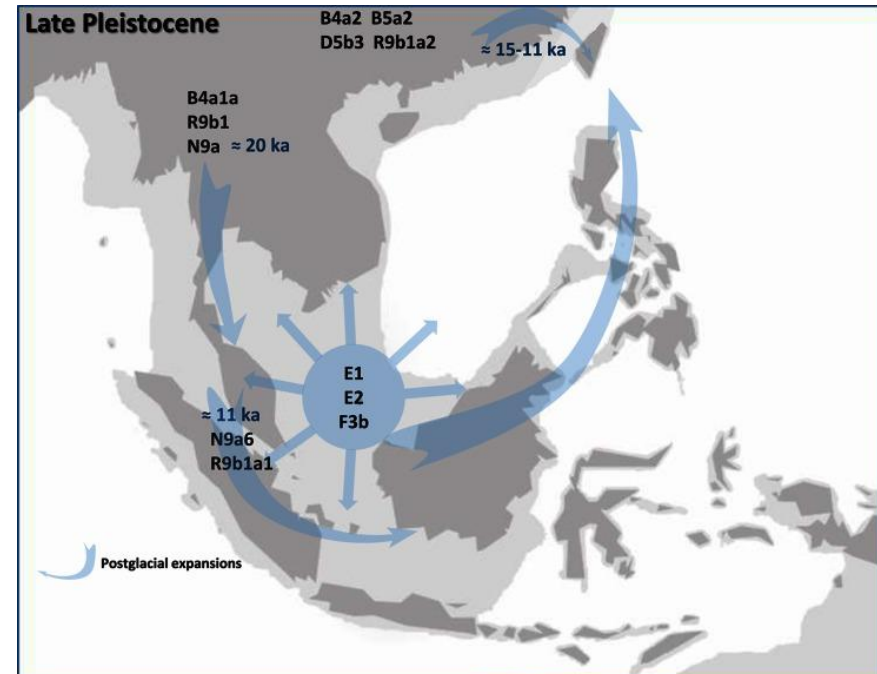
# 50,000 YEARS OF SUNDALAND

- Genetic similarities were found between populations throughout Asia and an increase in genetic diversity from northern to southern latitudes. Although the Chinese population is very large, it has less variation than the smaller number of individuals living in Southeast Asia, because the Chinese expansion occurred very recently, within only the last 2,000 to 3,000 years.
- Oppenheimer locates the origin of the Austronesians in Sundaland and its upper regions.<sup>[36]</sup> Genetic research reported in 2008 indicates that the islands which are the remnants of Sundaland were likely populated as early as 50,000 years ago, contrary to a previous hypothesis {Bellwood and Dizon 2005} that they were populated as late as 10,000 years ago from Taiwan.<sup>[37]</sup><sup>[[dubious](#) – [discuss](#)]</sup>
- From the standpoint of historical linguistics, the home of the Austronesian languages is the main island of Taiwan, also known by its unofficial Portuguese name of Formosa; on this island the deepest divisions in Austronesian are found, among the families of the native Formosan languages.

# AUSTRONESIAN GENOME



# PLESTOCENE HOLOCENE

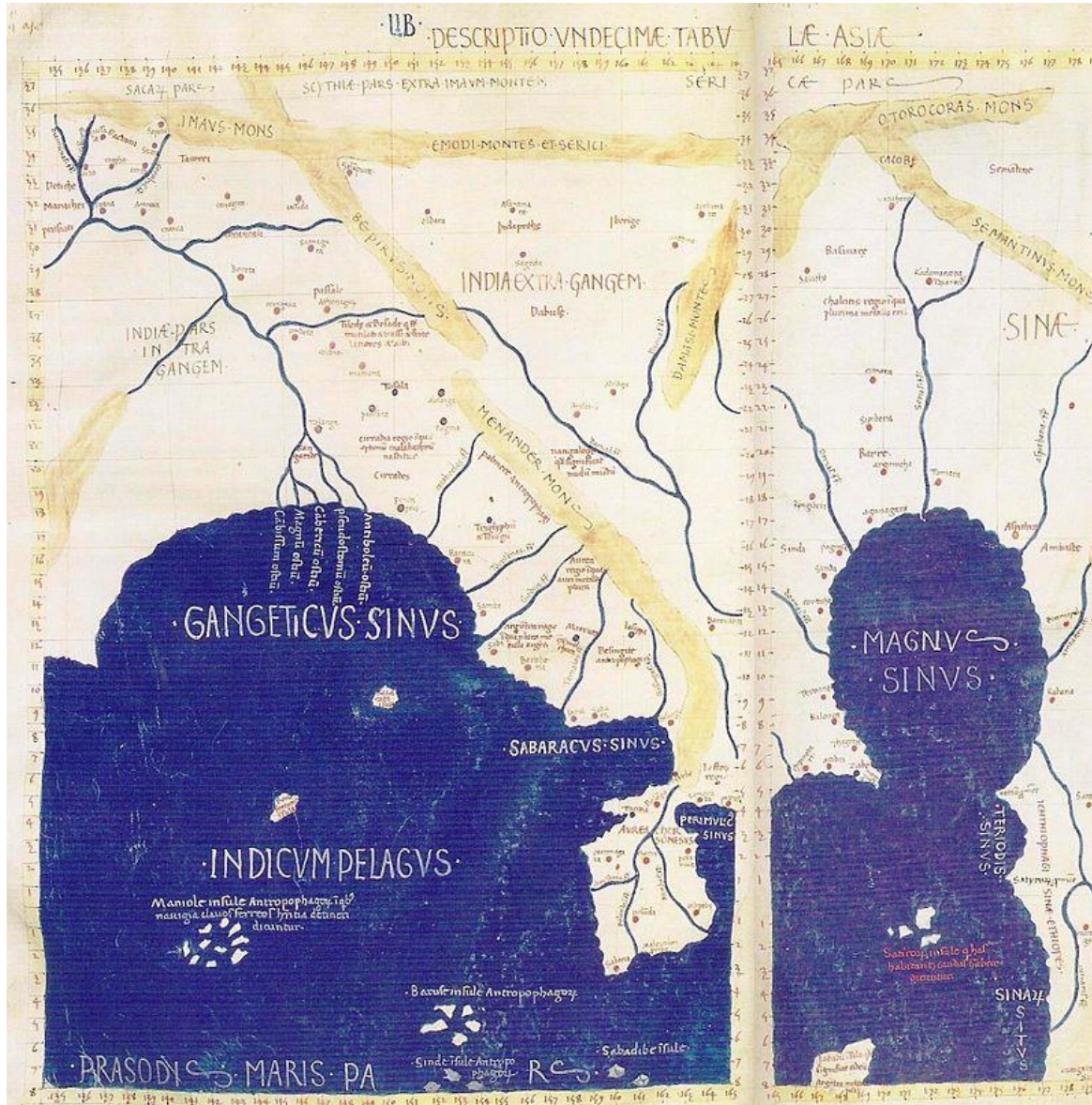


# PRE SEJARAH

- 1.83Mil BC In 2009 stone axes found in Perak state in 2008 were the world's oldest dating to about this time. The result had a margin of error of 610,000 years. (AP, 1/30/09)
- **c65000BC Geneticists in 2005 used DNA evidence , human emigration from Africa , from the southern end of the Red Sea and then along the coast of India and Southeast Asia. The Orang Asli people of Malaysia likely descended from this 1st migration. (SFC, 5/13/05, p.A7)(Econ, 12/24/05, Survey p.5)**
- c500 AD The first settlers of Madagascar from the Malay Archipelago in the middle of the first millennium. DNA studies in 2012 indicated that the number of women in the first group of settlers numbered about 30.  
(Econ, 3/24/12, p.84)
- 600-1200AD Ceramic shards at Kampong Sungai Mas in the Bujang Valley date to this time. Brick foundations and a block of shale with a Buddhist mantra inscribed in Sanskrit was also found. (AM, Mar/Apr 97 p.F)



# PTOLEMY – GOLDEN CHERSONESE – 100 AD



# PTOLEMY-GOLDEN CHERSONESE- 100 AD



# YAVADVIPA AND SUVARNABHUMI

Southeast Asia with the Malay world being a part of it, is one of the most important center of human civilization. This region was known since very early times and was mentioned in different ancient historical sources with various place-names. Among them *Yavadvipa*, *Malayadvipa*, *Suvarnavdipa*, *Suvarnabhumi* from Indian *Ramayana* and *Jatak* a text; *Jabadiu*, *Chryse*, *Argyre*, *Golden Khersonese*, in Ancient Greek and Latin tradition; *Ch'ih t'u*, *Shih -li-fo-shi*, *Tun-Sun*, *Ko-Lo* etc, in early Chinese historical sources.

**(Prof.Tatiana Denisova)**

# HISTORY – TIME LINE

- **700s - 1700s**
- **(700 - 1100) Most of the Malay peninsula was under the Buddhist Srivijaya empire, based near Palembang**
- (1400s) Prince Parameswara founded Malacca
- (1409) Admiral Cheng Ho of China arrived in Malacca
- (1511) Portuguese captured Malacca, the center of the East Indian spice trade
- (1641) Dutch and their allies took over Malacca, built A Famosa fortress
- (1786) British Captain Francis Light opened Penang, built Fort Cornwallis

# HISTORY -1800-1840

- **1800s**(1819) British took over Singapore
- (1824) United Kingdom and Netherlands signed Anglo-Dutch Treaty regarding trade rights in Spice Islands, Dutch ceded Malacca to British, kept Riau
- (1826) Settlements of Malacca, Penang and Singapore combined and formed Colony of Straits Settlement, gave the British more influence over the Malay sultanates
- (1831) Naning War, in opposition to British taxation policies, was led by Malay leader, Dol Said
- (1840s) Chinese tin miners invited to western coast of Malaya

# HISTORY - 1800-1896

- (1841) Kingdom of Sarawak (*now a state of Malaysia*) rewarded to Sir James Brooke by Brunei
- (1860s) Tin prospectors invited to Kuala Lumpur
- (1867) Straits Settlement established four individual settlements: Malacca, Dinding, Penang and Singapore into one British Crown colony
- (1861-1874) Larut War was a series of four wars fought among Chinese secret societies and local Malays over mining areas in Perak
- (1874) British and Sultan of Perak signed Pangkor Treaty, legitimized British protectorate of certain states in Malaya
- (1895) Selangor, Perak, Negeri Sembilan, Pahang joined together to become Federated Malay States
- (1896) Disputes between locals and British North Borneo Company in North Borneo (*now state of Sabah*) led to Mat Salleh Rebellion



# HISTORY - 1900-1945

- **1900s**(1902) Thailand annexed three provinces, Pattani, Yala and Narathiwat
- (1909) Thailand, United Kingdom signed Anglo-Siamese Treaty, dissected northern Malay states
- (1914) In Battle of Penang, Germans sank two Allied warships in Strait of Malacca
- (1941) Japanese forces landed in Thailand, started advancement toward Malay Peninsula, Singapore and Burma
- (1941-1942) Malayan Campaign was fought between Allied and Japanese forces in Malaya, Allies were defeated, over 9,600 killed
- (1941-1945) Japanese occupied British Malaya, North Borneo, Sarawak, over 100,000 people killed
- (1942) Parit Sulong Massacre: Imperial Japanese Army took nearly 300 Allied troops as prisoners, many were killed
- (1945) Japanese surrendered; British returned, established British Military Administration (BMA) in Strait Settlements



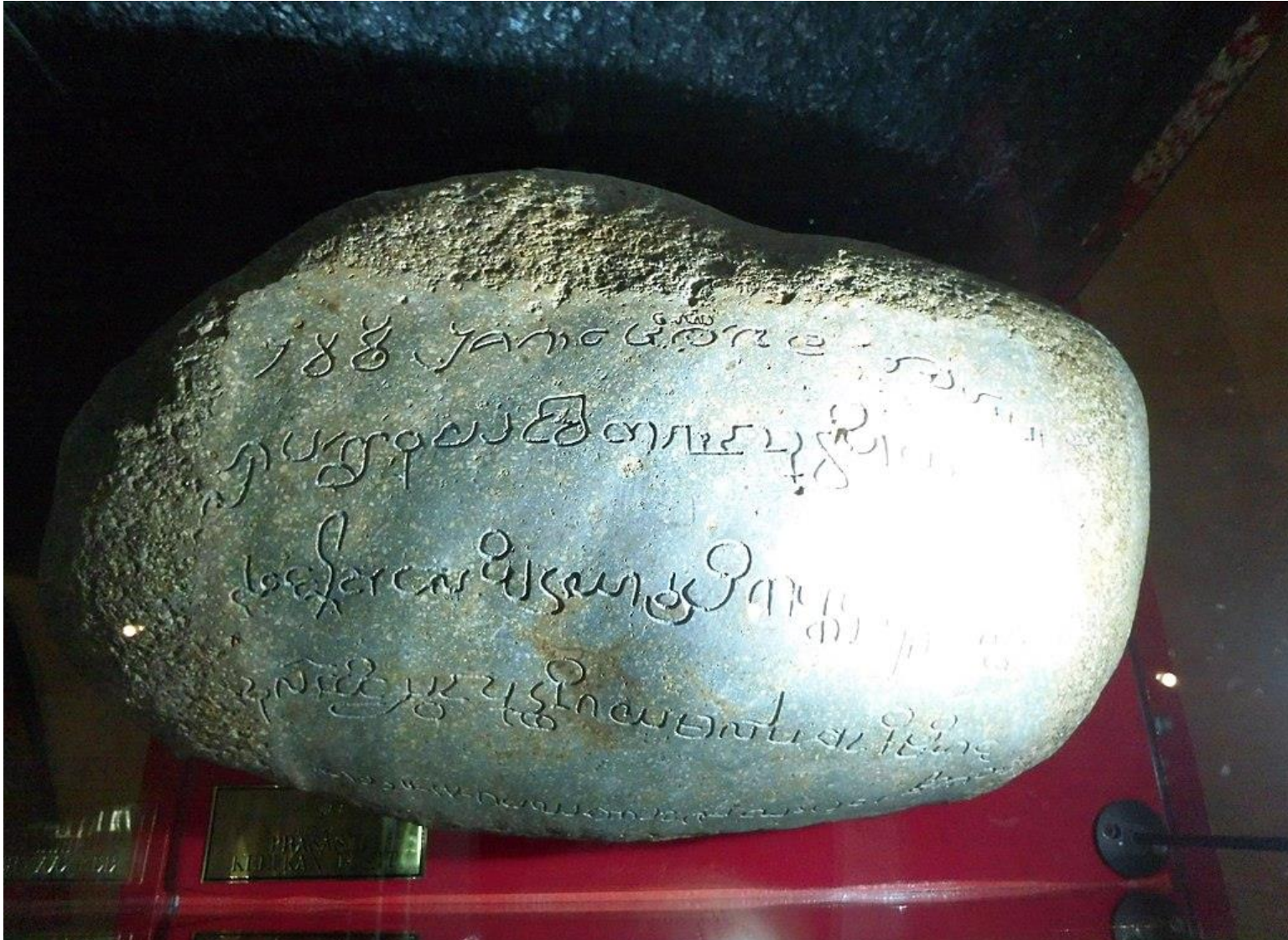
# HISTORY - 1946-1967

- (1946) Straits Settlements dissolved, replaced by the Malayan Union, which along with Malay Peninsula, was unified under a single COLONIAL government
- (1948) Malayan Union disbanded DUE TO FIERCE MALAY RESISTENCE, formed Federation of Malaya
- (1948) British declared state of EMERGENCY in Malaya due to destruction of rubber plantations and tin mines by Communists
- (1957) Malaya gained independence from Britain, established itself as a constitutional monarchy, the Federation of Malaya; Tunku Abdul Rahman became prime minister
- (1963) Sabah, Singapore, Sarawak joined Federation of Malaya, now Federation of Malaysia
- (1965) Separation agreement signed by Malaysia and Singapore
- (1965) Malaysian Parliament voted to expel Singapore from the Federation
- (1965) Malaysia was seated on UN Security Council, Indonesia refused to recognize Malaysia, withdrew from the United Nations and waged guerrilla war against them
- (1966) Malaysia and Indonesia reached peace agreement; Indonesia rejoined UN
- (1967) Association of Southeast Asian Nations (ASEAN) was established with Malaysia as one of the five founding members

# HISTORY - 1968-1981

- (1968-1989) The Communist Insurgency War was conducted by Malayan Communist Party against the Malaysian armed forces
- (1969) Riots between Malays and Chinese occurred in Kuala Lumpur causing state of emergency and curfew to be established
- (1970) Prime Minister Rahman resigned, Tun Abdul Razak became prime minister
- (1971) New Economic Policy introduced which offered affirmative action for Malays AND OTHERS
- (1975) Vietnamese fleeing from the war, began arriving in Malaysia
- (1976) Prime Minister Razak died, Tun Hussein Onn appointed prime minister
- (1977) Chief minister expelled from Pan-Malaysian Islamic Party (PAS), triggered unrest, national emergency declared, PAS expelled from the coalition
- (1981) Prime Minister HUSSEIN Onn stepped down, Mahathir Mohamad appointed prime minister

# INSCRIPTION OF KEDUKAN BUKIT, PALEMBANG - 682M



# WAAD RAJA-RAKYAT MELAYU (KONTRAK SOSIAL MELAYU)

- *“Maka sembah Demang Lebar Daun. ‘Adapun Tuanku segala anak cucu patik sedia akan jadi hamba ke bawah Duli Yang Dipertuan; hendaklah ia diperbaiki oleh anak cucu duli Tuanku. Dan jika ia berdosa, sebesar-besar dosanya pun, jangan difadhihatkan, dinista dengan kata-kata yang jahat; jikalau besar dosanya dibunuh, itupun jikalau berlaku pada hukum Syarak.’*
- *Maka titah Sang Sapurba, ‘Akan pinta bapa itu hamba kabulkanlah, tetapi hamba minta satu janji pada bapa hamba.’*
- *Maka sembah Demang Lebar Daun, ‘Janji yang mana itu, Tuanku?’*
- *Maka titah Sang Sapurba, ‘Hendaklah pada akhir zaman kelak anak cucu bapa hamba jangan durhaka pada anak cucu kita, jikalau ia zalim dan jahat pekerti sekalipun.’*
- *Maka sembah Demang Lebar Daun, ‘Baiklah Tuanku. Tetapi jikalau anak buah Tuanku dahulu mengubahkan dia, maka anak cucu patik pun mengubahkanlah’*
- *Maka titah Sang Sapurba, ‘Baiklah, kabullah hamba akan waadat itu.’”*

# PRASASTI KEDUKAN BUKIT 682M

- *svasti śrī śakavarīṣā tīta 605 (604?) ekādaśī śu-klapakṣa vulan vaiśākha ḍapunta hiya<ṃ> nāyik disāmvau mangalap siddhayātra di saptamī śuklapakṣa vulan jyeṣṭha ḍapunta hiya<ṃ> marlapas dari mināngatāmvān mamāva yaṃ vala dualakṣa dangan ko-duaratus cāra di sāmvau dangan jālan sarivutlurātus sapulu dua vañakñā dātaṃ di mata japsukhacitta di pañcamī śuklapakṣa vula<n> <...>laghu mudita dātaṃ marvuāt vanua <...>śrīvijaya jaya siddhayātra subhikṣa <...>*

# EMPIRE Kadatan

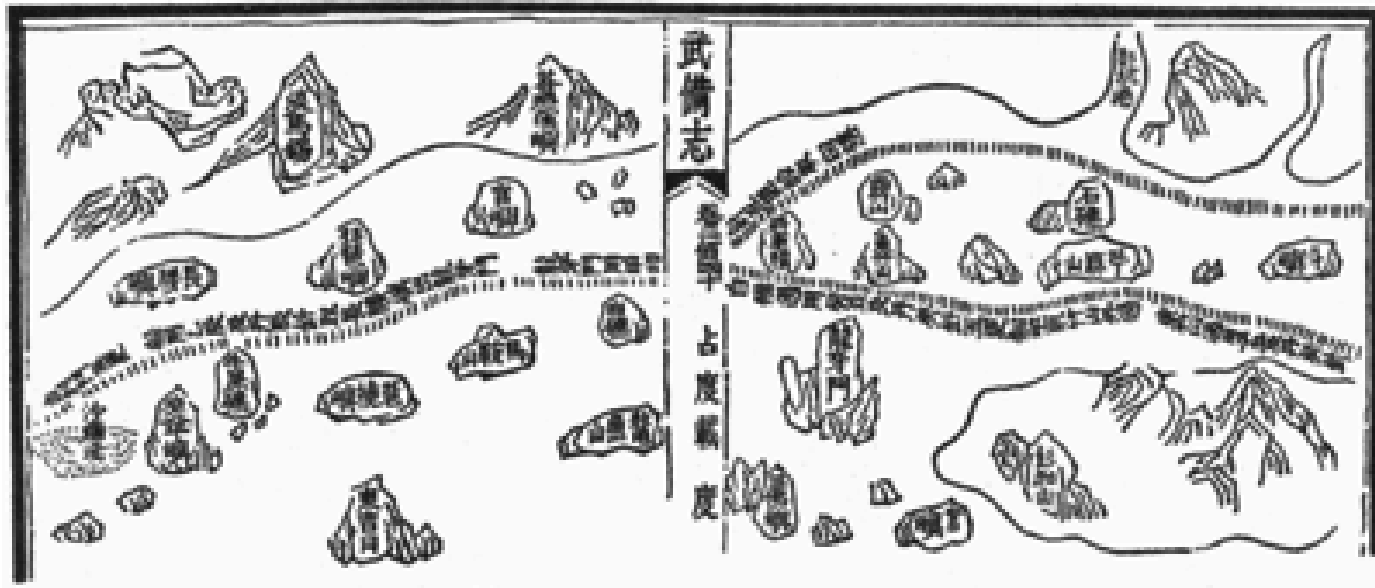




# 14TH CENTURY SINGAPORE: THE TEMASEK PARADIGM- LIM TSE SIANG



# TEMASIK – SINGAPURA DALAM PETA PELAYARAN ZHENG HE ABAD 15





# SULATANATE OF MELAKA 1400-1511



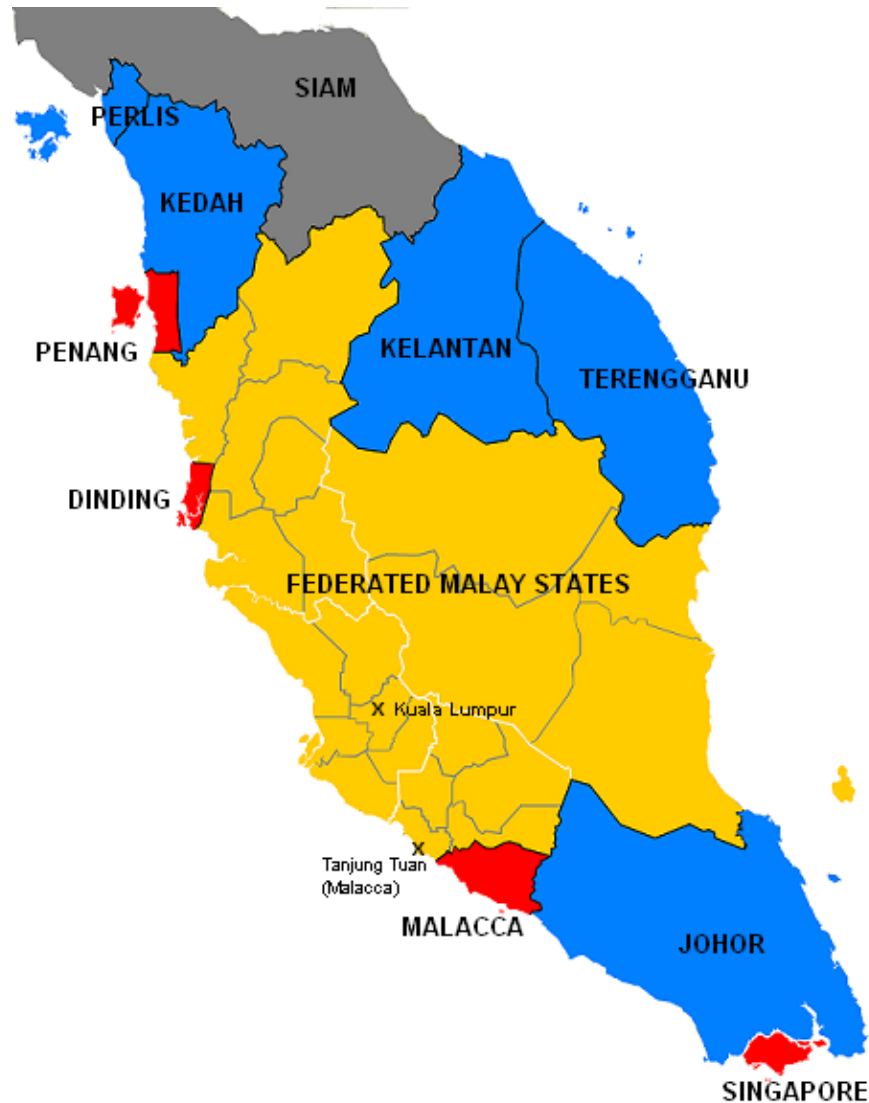
# ARRIVAL OF EUROPEANS IN MALAY WATERS



# EMERGENCE OF MALAY STATES – 1528 -

- Kesultanan Riau-Lingga
- Kesultanan Johor
- Kesultanan Kedah
- Kesultanan Singgora
- Kesultanan Perak
- Kesultanan Pahang
- Kesultanan Terengganu
- Kesultanan Kelantan

# THE MALAY STATES DURING THE BRITISH ADMIN.: 1874-1956



# SOVEREIGNTY DURING THE BRITISH ADMINISTRATION – CASE OF ETHEL PROUDLOCK

- The ***Ethel Proudlock case*** refers to Ethel Proudlock's 1911 trial for murder which took place in Kuala Lumpur, FMS (now Malaysia). The trial became a *cause célèbre* scandalising British colonial society.
- William Somerset Maugham wrote a short story about the case which he subsequently turned into a successful 1927 play *The Letter* and which in turn received several film and TV adaptations, the most well known is William Wyler's classic *film noir The Letter*. In addition it was referenced in a 1977 film *East of Elephant Rock* by Don Boyd.
- It was the subject of a 2000 book by Eric Lawlor.

# KES PEMBUNUHAN OLEH ETHEL PROUDLOCK

- On the evening of 23 April 1911, she was alone in the VI headmaster's bungalow (near the present-day Pasar Seni LRT/MRT station [\[2\]](#)[\[3\]](#)) while her husband dined with a fellow teacher. In the course of that evening she shot dead William Steward, a mine manager. Steward had visited her by rickshaw and had told the rickshaw boy to wait outside. Shortly afterwards the boy heard two shots and saw Steward stumble out of the house across the verandah followed by Proudlock carrying a revolver whose remaining 4 bullets she emptied into him.

# PENGAMPUNAN SULTAN SELANGOR KEPEDA ETHEL PROUDLOCK

- Proudlock stood trial for murder in June 1911. There was no jury and her case was heard by a judge and two assessors.
- However the judge found her guilty of murder on the basis of inconsistencies in her testimony and other circumstantial evidence and sentenced her to death.
- Proudlock appealed the verdict and spent five months in [Pudu jail](#) awaiting her appeal.
- During the course of that time a number of petitions were got up for her, including one from her husband and the boys of the Victoria Institution, prompting the **Sultan of Selangor to pardon her.**

# MIGHELL V. SULTAN OF JOHORE. - [1894]

- **Ratio:** In 1885 the Sultan of Johore came to England, and according to the plaintiff, Miss Mighell, took the name Albert Baker and promised to marry her.

Held: ***The Sultan was entitled to immunity even though up to the time of suit 'he has perfectly concealed the fact that he is a sovereign, and has acted as a private individual.'*** ***'When once there is the authoritative certificate of the Queen through her minister of state as to the status of another sovereign, that in the courts of this country is decisive'.***

To an argument that he had waived this immunity, the court held that the only way that a sovereign could waive immunity was by submitting to jurisdiction in the face of the court as, for example, by appearance to a writ. If the sovereign ignored the issue of the writ, the court was under a duty of its own motion to recognise his immunity from suit.



# DUFF DEVELOPMENT CO V KELANTAN GOVERNMENT: HL 1924

- 1912 the Government of Kelantan granted the appellant company a certain mining rights to be exercised in that state. There was an arbitration clause a dispute was referred to arbitration who made an award in favour of the company. In 1921 Kelantan applied to the Chancery division to set aside the award on the ground that Kelantan was a sovereign state. Before setting aside, ***the court asked the government the status of Kelantan and the British minister answered that Kelantan was an independent state and that GB did not exercise any sovereignty over Kelantan, notwithstanding that Kelantan had not political relations with other states but just through the King of England.***

# COURT DECISION

- Arguments to take the certificate as conclusive evidence cited by Lord Sumner: (Best evidence) the court has to inform itself from the best material available (One voice doctrine) courts and executive should follow the same approach in matters of foreign affairs. [Other argument suggested (not cited by the court) is when an element of recognition by the UK government is necessary] The government of Kelantan had not submitted to the jurisdiction of the court for the purpose of the proceedings to enforce the award, either by assenting to the arbitration clause or by applying to the court to set aside the award. Oppenheim 'it is the practice of English courts to accept as conclusive statements by Secretary of Foreign affairs and Commonwealth Affairs relating to certain categories of questions of fact in the field of international affairs. In such cases the statement is conclusive, even in face of contrary evidence' The 'practice' has been incorporated in statutes; State immunity act 1978, 21

# BRITAIN HELD RESPONSIBLE FOR 1948 MASS KILLING IN BATANG KALI

- LONDON (Reuters) - Britain was responsible for the 1948 killing of 24 unarmed Malayan civilians who were shot dead by British troops during a campaign against Communist insurgents, a London court ruled on Tuesday, contradicting the official government position.
- ***The mass killing in the rubber plantation village of Batang Kali, in what was then the British Protected State of Selangor, has caused six decades of controversy and remains an issue in Malaysia where many believe it was a cold-blooded massacre.***
- The official version at the time was that the 24 victims were insurgents or their supporters who were killed while attempting a mass escape.

# SOVEREIGNTY OF SULTAN

- In its judgment, the court rejected the claimants' argument that the government had a legal duty to hold an inquiry. Lawyer John Halford said they would appeal against the decision.
- ***But in a victory for the claimants, the court rejected the government's argument that under treaties in force at the time, the soldiers were under the command of the local sultan and that responsibility for their actions had passed to Malaysia.***

# Perang Johor-Portugis





# PERANG NANING 1831



# PENENTANGAN TERHADAP BRITISH 1831-1928

- Leaders of 19th and 20th century rebellions against British rulers in Pre-Malaysian states
- **Malacca** Dol Said (1831–1832); **Sarawak**-Rentap (1853–1863); Syarif Masahor (1860–1862); Rosli Dhobi (1946)
- **Negeri Sembilan** -Tuanku Antah ibni Yamtuan Radin (1872–1874)
- **Perak** -Lela Pandak Lam (1875–1877); Ngah Ibrahim (1875–1877); Sultan Abdullah(1875–1877)
- **Pahang** -Dato' Bahaman (1891–1894); Mat Kilau (1891–1894)
- **Sabah**- Mat Salleh (1894–1905); Antanum (1915)
- **Kelantan** - Tok Janggut (1915)
- **Terengganu**- Haji Abdul Rahman Limbong (1922–1928)

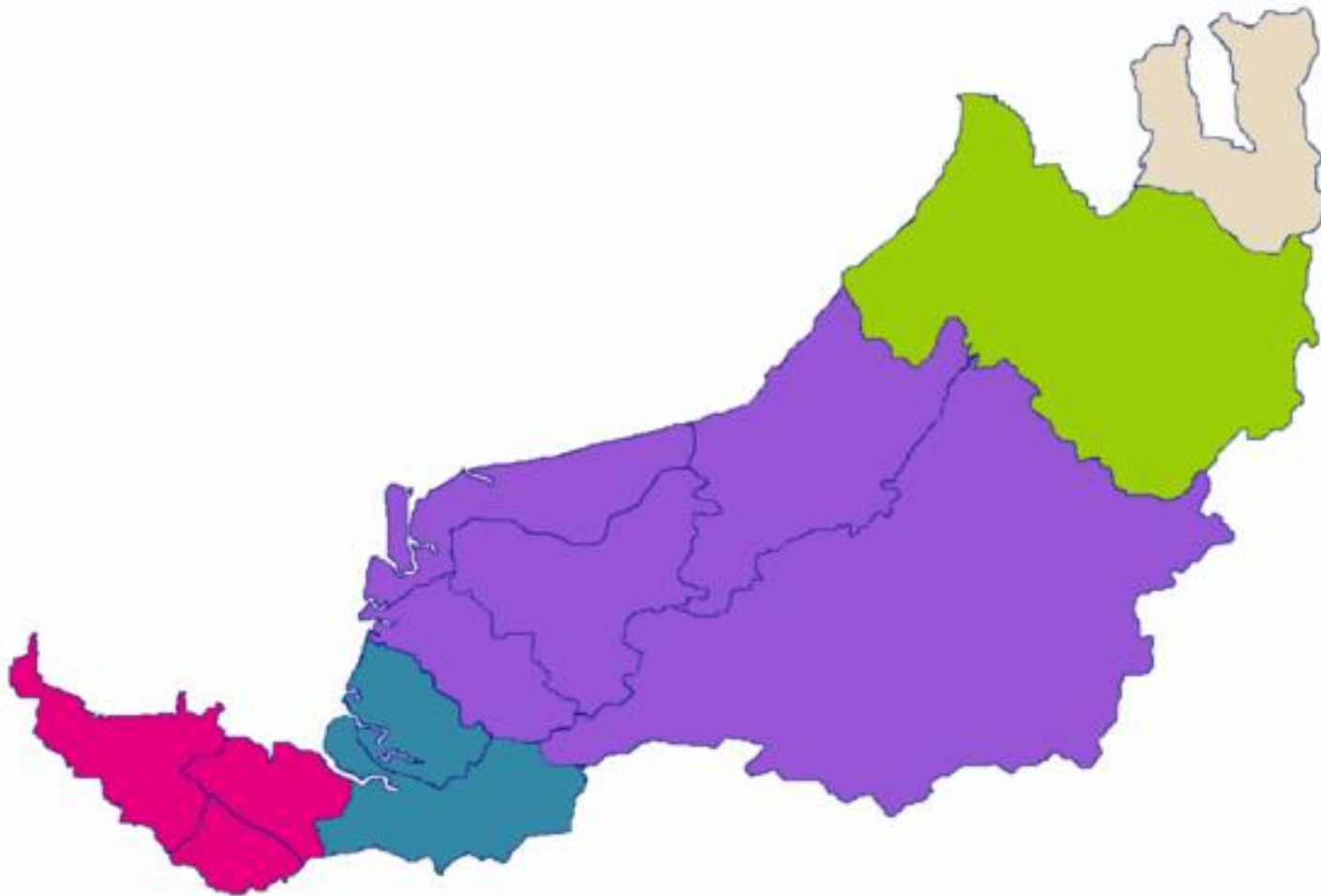




# RESISTANCE AND PROTECTORATE 1874-1957



# SARAWAK - BAHAGIAN



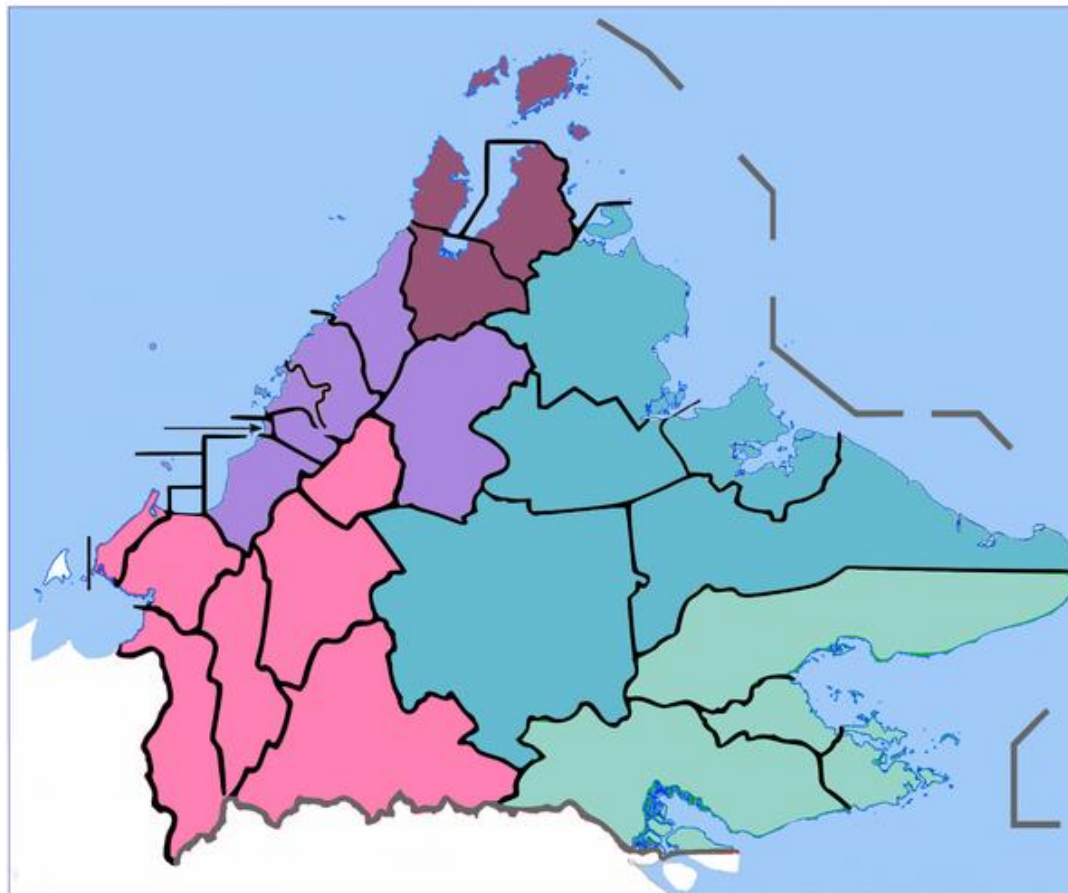
# SARAWAK

- Kesultanan Brunei - 15th century–1599; 1641–1841
- Kesultanan Sarawak 1599–1641
- Raja Puteh Sarawak 1841–1941; 1945–1946
- Empayar Jepun 1942–1945
- Koloni British 1946–1963
- Malaysia 1963–kini

# ROSLI DHOBI MEMBUNUH DUNCAN STEWARD DI SIBU 1949



# BAHAGIAN SABAH





# Tugu Mat Salleh di Tambunan

.



# SABAH

- Kesultanan Brunei : kurun 15–1882
- Kesultanan Sulu: 1658–1882
- British North Borneo: 1882–1941; 1945–1946
- Empayar Jepun: 1942–1945
- Koloni British North Borneo: 1946–1963
- Malaysia: 1963–kini

# TANAH MELAYU / MALAYSIA MERDEKA 1957 / 1963





# FENOMENA 8 DISEMBER 2018





# CABARAN BARU - PENAKLUKAN DALAM NEGERI / ANTARABANGSA



# PERUTUSAN ANTI ICERD



# RAJA BERPERLEMBAGAAN

