

PRESS STATEMENT BY DATUK WIRA SYED AMIR SYAKIB ARSALAN

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“The Constitution Is Not for Sale — Why I’m Challenging the JAC Act”

Today, I have initiated a legal action in the High Court of Malaya to challenge the constitutionality of the Judicial Appointments Commission Act 2009 (JAC Act). This was not a step taken lightly. It was made after deep reflection on the future of our constitutional democracy.

The Federal Constitution provides a carefully balanced framework for the appointment of judges — one that involves the Yang di-Pertuan Agong, the Prime Minister, and the Conference of Rulers. This process is not merely procedural; it reflects the spirit of constitutional monarchy and collective governance envisioned by our founders.

The JAC Act, however well-intentioned it may have been, alters that constitutional arrangement in a way that raises serious legal and institutional concerns. By creating a statutory mechanism that operates independently of the original constitutional structure, the Act risks shifting foundational powers away from the institutions that were entrusted with them.

This is not a question of personalities or politics. It is a question of principle. The Constitution is the highest law of the land. Any law that seeks to bypass or reassign its carefully crafted processes must be scrutinised — not just by lawyers, but by all Malaysians.

My concern is not only about who appoints judges — but how. The legitimacy of our courts depends not only on their independence but also on the transparency, accountability, and constitutional integrity of the system that shapes them.

Other jurisdictions have faced similar debates. In India, a parallel system was struck down to preserve judicial independence within constitutional bounds. While our context differs, the underlying question remains the same: should critical institutions evolve through constitutional amendment and deliberation, or through statutory innovation that may override the supreme law?

This case is not about resistance to change — it is about insisting that change be made in the right way, through the right channels, and with due respect for our constitutional heritage.

I file this challenge as a Malaysian concerned about constitutional order. I do not represent any faction, interest group, or ideology. I act in my personal capacity, as someone who believes that the Constitution must be defended, not reinterpreted by convenience.

I urge all Malaysians — especially those entrusted with upholding the rule of law — to consider the long-term implications of allowing constitutional norms to be quietly redrawn. Our democracy rests not just on the letter of the law, but on our collective commitment to its principles.

I have done my part. I now place my faith in the courts to do theirs.

Thank you.

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