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JOHOR'S APPOINTED STATE ASSEMBLYMEN AND THE DEMOCRATIC PROBLEM OF UNELECTED LEGISLATIVE POWER

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Executive Summary

This note argues that Johor's enactment to introduce up to five appointed ADUNs is fundamentally undemocratic because it allows unelected individuals to exercise legislative influence without a direct mandate from voters. While the Johor government frames the enactment as a way to bring expertise, professional experience and broader representation into the State Assembly, the central concern is that these appointees would not merely advise the legislature but may participate as members of the assembly. Expertise can be accommodated through select committees, advisory panels, public hearings and legislative research support without converting non-elected individuals into lawmakers. Political parties should also build technocratic capacity from within by identifying, recruiting, training and moulding experts, professionals and subject matter specialists, and eventually fielding them as electoral candidates. This would allow expertise to enter the democratic process with electoral legitimacy, thereby strengthening credibility, accountability and public trust. If the concern is under-representation, the more democratic remedy is redelineation rather than appointment.

The democratic risk is sharpened by Johor's political arithmetic and constituency imbalance. The State Assembly currently has 56 elected seats, with BN holding 40. If expanded to 61 members through five appointed ADUNs, a coalition with 36 elected seats could still reach a two-thirds bloc of 41 seats with the help of appointees. At the same time, several Johor state seats already exceed 100,000 registered voters, including Kota Iskandar, Puteri Wangsa, Tiram, Permas, Skudai and Perling. This suggests that Johor's representational challenge is better addressed by a redelineation exercise that reflects voter distribution and urban growth. Comparisons with Sabah, Terengganu and Pahang do not cure the democratic defect. The note concludes that Johor should not proceed with appointed ADUNs with voting power; it should instead strengthen committees, expert consultation, legislative research capacity and, where appropriate, pursue redelineation to correct malapportionment.

Context

Johor has recently passed a constitutional amendment allowing the appointment of up to five non-elected state assemblymen to the Johor State Legislative Assembly. And, if given full effect, would increase the size of the assembly from 56 to 61 members. This constitutional amendment should not be treated as a narrow procedural amendment or a harmless attempt to improve policy expertise through technocracy.

It is, in fact, a democratic problem. The crux of the issue is that the constitutional amendment allows individuals who did not face voters to enter the Johor Legislative Assembly and potentially exercise legislative influence alongside elected representatives.

The main legislative body, whether federal or state, is not simply a policy seminar or expert advisory council. Its main purpose is to exercise mandated public power through the ballot box and hold the government accountable on behalf of constituents. The move to allow appointed state assemblymen dilutes this principle, as the door is opened to a configuration where electoral outcomes can be supplemented or even politically rebalanced through appointment.

Technocratic Ideals, But at What Cost?

Menteri Besar Onn Hafiz Ghazi argued that Johor's rapid development and new investments require a broader range of views in the state assembly, including voices from sectors such as the economy, education, technology, youth, women and civil society. That argument may seem progressive, or even laudable, as it prima facie combines a mix of democracy and technocracy in policymaking at the state assembly level. After all, Johor's state governance deals with multi-scale economic planning, cross-border cooperation with Singapore through the Causeway and the Special Economic Zone, as well as developmental pressures linked to urbanisation. It is entirely fair to say that elected representatives may benefit from technical input.

Nevertheless, the devil lies in the details. The enactment does not address the democratic subversion of the Johor state assembly. Expertise can be brought into the legislative process through mechanisms such as select committees, expert testimony, public hearings and better research support. If the concern is unequal representation or rapidly expanding urban constituencies, the proper constitutional-democratic remedy is redelineation rather than the creation of unelected assembly members. The government's argument therefore confuses three different things: the need for expert advice, the need for fairer representation, and the conferral of legislative status on unelected individuals.

The problem is especially serious because the enacted amendment changes the composition of the assembly itself. The Menteri Besar also proposed an amendment to Part Two in Article 15 of the Johor State Constitution 1895 with the phrase "not exceeding five appointed members". Previously, the provision referred to the assembly consisting of elected members, with the number fixed at 56 unless otherwise provided. The proposal therefore does not merely create an advisory mechanism outside the assembly; it inserts appointed members into the assembly's formal structure. The nominated assemblymen would be appointed through a motion supported by at least seven assembly members, approved by a simple majority, and assented to by the Ruler.

This design gives the ruling majority substantial control over the appointment process. A simple majority approval mechanism means that whichever bloc controls the assembly can realistically determine who enters as appointed ADUNs. In Johor's present context, this is not a hypothetical concern. The current 56-seat assembly consists of 40 Barisan Nasional representatives, 12 Pakatan Harapan representatives, three Perikatan Nasional representatives and one Muda representative. The amendment itself was passed with 40 votes in favour and 16 against.

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Legislative Arithmetic and the Risk of Political Manipulation

The legislative arithmetic is where the democratic concern becomes concrete. At present, a simple majority in a 56-seat assembly is 29 seats, while a two-thirds majority requires 38 seats. Once the assembly is expanded to 61 members, a simple majority becomes 31 seats and a two-thirds majority becomes 41 seats. If the five appointed ADUNs are aligned with the government of the day, they can materially alter the effective political balance.

Scenario	Elected seats won	Appointed ADUNs	Total bloc in 61-seat assembly	Political effect
BN retains current position	40	5	45/61	Stronger supermajority
BN loses 4 current seats	36	5	41/61	Still reaches two-thirds
BN wins simple majority only	29	5	34/61	Converts narrow majority into safer governing bloc
BN falls short of majority	26	5	31/61	Could reach majority only if appointments are politically enabled

The above shows that the proposal by the Menteri Besar cannot be taken at face value, Johor BN currently holds 40 seats, and it was reported earlier this year that Johor BN intended to defend the 40 seats it currently holds in the next state polls, with the remaining 16 seats to be negotiated with potential partners. If BN wins all 40 again, five appointed ADUNs would enlarge its bloc to 45 out of 61. More importantly, even if BN loses four of its current seats and wins only 36 elected seats, the five appointed ADUNs could still bring the governing bloc to 41 seats, enough for a two-thirds majority in a 61-member assembly.

That is the democratic distortion. Voters may reduce the ruling coalition's elected majority at the ballot box, but the appointment mechanism can restore part of that lost dominance after the election. In effect, appointed ADUNs may operate as an electoral insurance mechanism. This is not merely about five individuals being appointed for their expertise. It is about whether the elected threshold for legislative control can be lowered through post-election appointments. Even if the appointed ADUNs are presented as purely technocratic figures with no formal affiliation to any political party, the risk of democratic distortion remains because their legislative authority would derive from appointment rather than electoral mandate. They would not be directly accountable to the electorate through the ballot box.

A Case for Redelineation

Redelineation is therefore a stronger democratic response to Johor's representational problem. If the state's concern is that fast-growing urban areas, youth, women, professionals or civil society voices are insufficiently represented, the answer should be to correct constituency imbalances and improve the electoral map. Appointed ADUNs do not solve malapportionment. They may even worsen it, because they add non-constituency legislators without reducing the burden carried by elected representatives in over-sized seats.

Available election data show that several Johor state constituencies already exceeded 100,000 registered voters in the 2022 Johor state election. These are largely urban or semi-urban seats around the Johor Bahru-Iskandar Malaysia growth corridor. The largest, Kota Iskandar, had 116,415 registered voters. Puteri Wangsa had 112,804; Tiram had 105,707; Permas had 103,598; Skudai had 102,828; and Perling had 101,263. This sits in sharp contrast with smaller constituencies such as Bukit Naning with 22,594 voters and Tenang with 22,613 voters. The gap suggests that Johor's representation problem is structural and spatial, not merely technocratic.

Johor DUN seat above 100,000 voters	Registered voters (2022)	Winner in 2022	Policy relevance
N49 Kota Iskandar	116,415	BN	Largest voter base; urban growth pressure
N41 Puteri Wangsa	112,804	MUDA	Major urban/peri-urban
N40 Tiram	105,707	BN	Large constituency within Johor
N43 Permas	103,598	BN	High voter load and urban service demands
N48 Skudai	102,828	PH	Dense urban constituency
N46 Perling	101,263	PH	Large urban constituency

Source: The Star, Johor state seats election results page, based on registered voter figures for the 2022 Johor state election

In fact, based on the more recent electoral roll data, these constituencies have grown and appear likely to continue growing. This is consistent with Johor's broader urbanisation trajectory and further reinforces what the 2022 figures already show: Johor's representational problem is not a lack of appointed expertise, but a malapportionment problem. Several urban and semi-urban constituencies already carry voter bases far larger than smaller constituencies elsewhere in the state. If the objective is more representative governance, the democratic remedy should be redelineation.

Johor DUN seat above 100,000 voters	Registered voters, DPPR 2025	Winner in 2022
N49 Kota Iskandar	131,330	BN
N41 Puteri Wangsa	127,599	MUDA
N40 Tiram	116,608	BN
N43 Permas	113,172	BN
N46 Perling	109,210	PH
N48 Skudai	106,497	PH

Source: Election Commission of Malaysia, Johor State Electoral Roll as at 31.12.2025

The redelineation argument is thus pertinent because it provides a principled alternative to appointment. Rather than adding five unelected voices into the assembly, Johor should ask whether voters in large constituencies are receiving equal representational weight. A voter in Kota Iskandar should not effectively carry a much lighter representational value than a voter in a smaller rural seat. If urbanisation and population growth have made some constituencies too large, the remedy should be new or rebalanced elected seats, not nominated legislators who answer to the appointment process rather than to voters.

Redelineation Should Not Be Constrained by Outdated Racial Assumptions Especially in the Generation Z Era

An argument occasionally raised against redelineation is that it may produce more non-Malay majority constituencies. However, non-public information made available to us suggests that this assumption may be overstated. The large urban and semi-urban constituencies in Johor are not uniformly non-Malay in character but appear to reflect a more mixed demographic profile. The redelineation argument should therefore not be framed as a racial redistribution exercise. It is better understood as a democratic representation issue: voters in oversized urban and semi-urban seats should not have their voting weight diluted merely because constituency boundaries have not kept pace with population growth.

Beyond the data, the objection also rests on an increasingly outdated understanding of Malaysian political behaviour. Malaysia today is considerably more educated, urbanised and internationally connected than it was decades ago. Greater participation in international trade, particularly in higher value industries and knowledge-based sectors, has produced a population that is increasingly exposed to diverse ideas, workplaces and social environments. At the same time, Malaysia has gradually moved towards a more integrated and multi-racial political reality. Even among many non-Malays, there is broad and concrete acceptance of the country's distinctive constitutional and historical arrangements, including the position of the monarchy, the significance of Islam, and the preservation of Bumiputera rights within the constitutional framework. Political competition is therefore less likely to turn on race, and more likely to turn on questions of functionality, competence, governance and integrity.

This shift may become even more pronounced as Generation Z assumes a larger role in shaping the nation's political landscape. This is a generation that grew up in a more connected and fluid social environment, where schools, colleges, universities and the internet have exposed them to Malays speaking English or Mandarin, Chinese speaking Malay, Indians speaking Malay or Mandarin, and many other forms of everyday cross-cultural interaction. For many younger Malaysians, multilingual and multi-racial realities are not abstract ideals, but part of their lived experience.

This is also a generation that can compare the performance of its elected representatives almost instantly, not only against other representatives within the same state, but also against those in other states and even other countries. In that environment, racial identity may no longer provide the same political immunity it once did. A representative who fails to deliver can now be measured against better-performing leaders elsewhere, regardless of race or party. As political information becomes more accessible, voters are more likely to ask whether their representatives are competent, responsive and honest, rather than whether they merely belong to the "right" communal category.

If the objective behind appointed ADUNs is genuinely to strengthen technocratic governance and introduce expertise into public institutions, then the democratic response should not be to bypass elections. Political parties should instead begin systematically identifying, training and nurturing technocrats, subject-matter experts and professionals from diverse racial, religious, professional and socio-economic backgrounds, and fielding them as electoral candidates. This is especially important given Johor's urbanisation trajectory, particularly in the southern region, where elected representatives will increasingly be required to balance everyday community concerns with more complex questions of development, infrastructure, investment, housing and public services. Expertise should be brought into democratic competition, not insulated from it or reduced to an ancillary part of it. A technocrat who secures public legitimacy through the ballot box strengthens both expertise and democracy simultaneously. A technocrat who secures public legitimacy through the ballot box strengthens both expertise and democracy simultaneously.

The "Other States Have Done It" Argument

Supporters of the enactment have pointed to other states, arguing that similar arrangements already exist in Pahang, Sabah and Terengganu. Some have also pointed out that Pahang appointed five nominated assemblymen in 2024, including figures from PKR and Amanah, and questioned why the mechanism is considered undemocratic in Johor but acceptable elsewhere. This is politically inconvenient for Pakatan Harapan, and it should not be brushed aside. If a party objects to appointed ADUNs in Johor, it must also be prepared to explain its position on similar mechanisms in states where its allies have benefited.

However, inconsistency by political parties does not settle the democratic question. Precedent alone is not a constitutional principle. It is at best a political defence. If anything, the comparison shows that the problem may be wider than Johor.

Pahang provides the most direct comparison. In 2024, five appointed members were sworn in: Datuk Ahmad Irshadi Abdullah Al-Qari, Datuk Wong Tat Chee from MCA, Haris Salleh Hamzah from Umno, Pahang Amanah chairman Mohd Fadzli Mohd Ramly and Pahang PKR deputy chairman Rizal Jamin. Bernama reported that the appointment motion was supported by a simple majority after being proposed by the Menteri Besar and supported by seven assemblymen. It also reported that there were no constituencies assigned to the five appointed assemblymen. Pahang therefore demonstrates the practical risk: appointed seats can become political allocations among parties rather than purely technocratic appointments.

Terengganu is different but still relevant. Its appointed-member mechanism has been linked to the under-representation of women and non-Muslims. Reports note that Article 27(2) of the Terengganu State Constitution allows the assembly to appoint non-Muslim or female members where such representation is absent, with no more than four appointed members. That makes Terengganu's model more targeted than Johor's because it is tied to a representational deficit. Even then, the broader democratic concern remains on whether representation gaps should be remedied by appointment, or should parties be pressured to nominate more diverse candidates and allow voters to decide.

Sabah is also not a clean analogy. Sabah has a distinct constitutional and historical context, including nominated assemblymen under its state constitution. The Sabah State Assembly consists of 73 elected members and up to six nominated members, and commentary on Sabah's constitutional arrangements has noted that its nominated-member system has been implicated in debates over majority support and chief ministerial appointment. Johor cannot simply invoke Sabah without acknowledging that Sabah's constitutional history is exceptional. Borrowing Sabah's model without Sabah's context risks turning a special arrangement into a general tool of political convenience.

The stronger democratic position is therefore clear: appointed ADUNs should not have legislative voting power. If Johor wants expertise, it should strengthen legislative committees, expand public consultation, improve research support for ADUNs and invite experts to testify on bills and policy proposals. If Johor wants fairer representation, it should support a redelineation exercise that better reflects population growth, voter distribution and urban service burdens. These reforms would improve the quality and fairness of lawmaking without weakening the electoral basis of the assembly.

At the very least, if Johor proceeds, strict safeguards are necessary. Appointed ADUNs should be barred from voting on certain items such as confidence motions, supply bills, constitutional amendments and matters affecting the survival of the government. Their appointments should require cross-party approval, not merely a simple majority. Their qualifications, conflicts of interest, political affiliations and appointment rationale should be published before approval. They should not receive constituency-style allocations because they do not represent constituencies. Without these safeguards, the enactment risks becoming a backdoor method of strengthening the government's numbers.

Conclusion

Johor's appointed ADUN enactment is therefore undemocratic not because expertise is undesirable, but because expertise and representation are being used to justify unelected legislative power. The ballot box must remain the primary source of authority in a state assembly. If voters choose 56 representatives, the government should not be able to add five more political actors into the chamber through appointment and label it as institutional strengthening. Where expertise is needed, the assembly should rely on committees and advisory mechanisms, while political parties should build their political base with technocrats at the forefront and put them before voters through elections. Where representation is unequal, Johor should pursue redelineation. In a democracy, the answer to under-representation is more meaningful electoral representation, not unelected appointees allowed to exercise power.

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