



**MEDIA STATEMENT
HUMAN RIGHTS COMMISSION OF MALAYSIA (SUHAKAM)**

EDITOR, NEWS DESK

FOR IMMEDIATE RELEASE

**SUHAKAM URGES CLARITY AND STRICT ADHERENCE TO THE CONSTITUTION IN
MACC CHIEF APPOINTMENT PROCESS**

KUALA LUMPUR (25 APRIL 2026) - The Human Rights Commission of Malaysia (SUHAKAM) notes the recent developments concerning the appointment of the Chief Commissioner of the Malaysian Anti-Corruption Commission (MACC) and statement by the Prime Minister that a list of candidates for the position has been presented to His Majesty the Yang di-Pertuan Agong. This development raises grave concern on the constitutionality of the process and calls for the importance of ensuring that the appointment process continues to be carried out strictly in accordance with the Constitution and the applicable statutory framework. SUHAKAM therefore stresses that the Prime Minister bears the constitutional responsibility to advise on this appointment and must discharge this duty with firmness, clarity, and fidelity to the law. The proper exercise of this responsibility is essential to preserving constitutional order and maintaining public confidence in national institutions.

SUHAKAM wishes to stress here that Malaysia is a constitutional monarchy founded upon the principle of the supremacy of the Federal Constitution and the rule of law. Within this constitutional framework, the Yang di-Pertuan Agong acts in accordance with constitutional provisions, including the well-established principle that His Majesty's in the exercise of his functions *shall act* on the advice of the Prime Minister or the Cabinet, except in very limited and clearly defined circumstances. This is clearly spelt out in Article 40 of the Federal Constitution.

In this regard, Section 5(1) of the Malaysian Anti-Corruption Commission Act 2009 (Act 694) expressly provides that the Chief Commissioner shall be appointed by the Yang di-Pertuan Agong on the advice of the Prime Minister. When this provision is read together with Article 40 of the Federal Constitution, what is stipulated is that the effective appointing authority is conferred by the Constitution and the law to the Prime Minister. The role of the Yang di-Pertuan Agong in the appointment process is merely formal or ceremonial. His Majesty must accept whoever the Prime Minister advises should be appointed. Of course, His Majesty is not precluded from giving his views or advice or seeking more information on the Prime Minister's choice; however, ultimately, the Prime Minister's advice or choice prevails. Any departure from this constitutional framework is inconsistent with and violates the Federal Constitution and undermines Malaysia's democratic system of governance.

At the same time, SUHAKAM respectfully underscores the sanctity of the Federal Constitution as the supreme law of the Federation. All institutions of the State, including the monarchy, have distinct and important roles that must be exercised within the respective constitutional limits. Upholding these boundaries is vital to ensuring stability, accountability, and respect for the rule of law.



**MEDIA STATEMENT
HUMAN RIGHTS COMMISSION OF MALAYSIA (SUHAKAM)**

SUHAKAM further notes the growing calls for institutional reform to strengthen the independence of the MACC, including the adoption of a more transparent and merit-based appointment process. Consideration should also be given to mechanisms such as Parliamentary vetting or oversight to ensure that appointments are subject to appropriate checks and remain free from undue influence. The independence and credibility of the MACC depend not only on the individual appointed, but also on the integrity and legality of the appointment process itself. Any perception of constitutional deviation risks eroding public trust in anti-corruption efforts and governance more broadly.

SUHAKAM calls for full and strict adherence to the Federal Constitution and the Malaysian Anti-Corruption Commission Act 2009 in the appointment of the next Chief Commissioner, while also encouraging meaningful reforms to enhance transparency, accountability, and institutional integrity in the longer term.

-END-

**Human Rights Commission of Malaysia (SUHAKAM)
25 April 2026**