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EU-MALAYSIA CHAMBER OF  
COMMERCE AND INDUSTRY

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**Unofficial Translation**  
**Speech of YAB Tan Sri Dato' Haji Muhyiddin Bin Haji Mohd Yassin**  
**Prime Minister of Malaysia**  
**Dated 12<sup>th</sup> January 2021**

Bismillahirrahmanirrahim.

Assalamu'alaikum wa rahmatullahi wa barakatuh dan salam sejahtera.

My dear brothers and sisters,

How is everyone? I wish you are well, brothers and sisters.

1. Following the statement issued by the National Palace in relation to the Proclamation of Emergency enforcement in this country, I stand in front of you brothers and sisters this morning to make some explanations.

2. Yesterday I was accepted to face His Majesty, the Yang di-Pertuan Agong, to present the advice of the Cabinet to His Majesty, the King, to issue an Emergency Proclamation pursuant to Article 150 (1) Federal Constitution to declare Emergency for the whole Federation effective from 11 January 2021 to 1 August 2021 for His Majesty's attention.

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3. Article 150 (1) of the Federal Constitution provides:

“If the Yang di-Pertuan Agong is satisfied that a large emergency is happening that causes security, or economic cycle, or public order within the Federation or any part of it being threatened, then the Yang di-Pertuan Agong may issue an Emergency Proclamation by making therein a declaration of meaning as such”.

4. Pursuant to Article 150 (1) of the Federal Constitution, threats to the economic life are one of the foundations for an emergency proclamation to be made. In the case of *Stephen Kalong Ningkan versus The Government of Malaysia*, the Privy Council stated in its judgment that –

*“An emergency to be within that article (article 150(1) of the Federal Constitution) must be not only grave but such as to threaten the security or the economic life of the Federation or any part of it, the natural meaning of the word itself is capable of covering a very wide range of situations and occurrences, including such diverse events as was famines, earthquakes, floods, epidemics and the collapse of the civil government.”*

5. In this case, given that the world at this time is facing the threat of the COVID-19 pandemic that has directly become a major threat to the economic life of the people in this country, a declaration of emergency can be made by His Majesty, the Yang di-Pertuan Agong, in connection with this matter. In addition to the sudden increase in positive COVID-19 cases, there are several states in Malaysia such as Johor, Pahang and Kelantan which are experiencing major flood disasters which directly has been a major threat to the security and economic life of the people.

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6. As I have explained when announcing the implementation of the Movement Control Order yesterday, cases of COVID-19 infection are on the rise and show no signs of decline in the near future. Therefore, the Government needs to have certain powers to ensure that this epidemic can be curbed more effectively and the health services provided to the people not paralyzed.

7. After considering the advice of the Cabinet, His Majesty was satisfied that there was a need to issue an Emergency Proclamation to enable the Ordinance to be promulgated under Clause (2B) of Article 150 to provide the necessary powers to curb and prevent the spread of the COVID-19 epidemic more seriously in this country.

My dear brothers and sisters,

8. Allow me to provide further clarification on the form of emergency in force in this country. I would like to emphasize that the emergency declared by His Majesty, the Yang di-Pertuan Agong, is not a form of military coup. Curfew will also not be enforced. Instead, during this emergency period, the civil government will continue to function.

9. *Let me assure you that the civilian government will continue to function. The emergency proclaimed by Yang di-Pertuan Agong is not a military coup and curfew will not be enforced.*

10. In terms of government administration, the Cabinet and the State Executive Council will continue to function in accordance with the Federal Constitution and any ordinance proclaimed by His Majesty, the Yang di-Pertuan Agong from time to time. I assure you that the administrative and public service machinery of the Federal and State Governments will not be interrupted by this declaration of emergency.

11. During this period of emergency, if His Majesty is satisfied that there are certain circumstances that cause him to take immediate action, then His Majesty may declare any ordinance necessary according to the current circumstances.

12. In this context, several Emergency Ordinances may be promulgated by His Majesty, the Yang di-Pertuan Agong for the purpose of curbing the COVID-19 epidemic which includes matters related to the use of private hospital assets, temporary land takeover, buildings or mobile properties of private hospital or make a request for the use of private hospital resources for the purpose of treating COVID-19 patients.

13. Accordingly, the Government can also get involvement more inclusively from the private sector including private health care facilities to help ease the burden borne by Government agencies especially public hospitals. Through this ordinance, assistance that can be obtained from the private sector covering human resources, expertise, facilities, assets, laboratories testings and utilities.

14. In addition, the necessary powers under this Ordinance will also be used to facilitate businesses and to overcome any rules which complicates the delivery of fast, efficient, and effective public health services in this time of pandemic.

15. An ordinance may also be proclaimed to provide enforcement power to the Malaysian Armed Forces in addition to existing power, in accordance with the powers allocated to the Police Royal Malaysia under the Criminal Procedure Code or any other relevant law enforcement.

16. The Malaysian Armed Forces will also be allocated power to help perform public health related functions and the functions performed by the related public officer during this pandemic. In accordance with this Emergency Proclamation, the aspect of national border control will also be tightened with empowered military personnel other than police and immigration to arrest PATI and anyone who encroaches on the borders of the country.

17. In addition, an Ordinance may also be proclaimed to amend Prevention and Control of Infectious Diseases Act 1988 to increase the effectiveness of the enforcement of this Act in curbing the transmission of COVID-19. This includes increasing penalties or punishment for anyone who violates the law and regulations related to COVID-19 epidemic control.

18. Ordinances with purpose to combat economic sabotage, monopoly and excessive increase in the price of goods in pandemic time can also be proclaimed by His Majesty. Enforcement of stricter action and heavier penalties can be charged for this purpose.

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19. All ordinances proclaimed by His Majesty the Yang di-Pertuan Agong will be gazetted and can be known by the people.

My dear brothers and sisters,

20. During this period of emergency too, the executive power of the Federation will cover any matter within the jurisdiction of the state legislature except for any Islamic law related matters or Malay customaries or any matter of law or customs of the natives in Sabah or Sarawak, religion, citizenship and language, in accordance with the Clause 6A Article 150 of the Federal Constitution.

21. In addition, Parliament and the State Legislative Assembly will not convene until a time fixed by the Yang di-Pertuan Agong.

22. General Election, State Elections and By-Elections will not be held during the Emergency period. Under normal circumstances, a by-election must be held within 60 days after the seat is declared vacant. State Elections must be held within 60 days after the State Legislative Assembly dissolved. As we all know, the people at this time do not want the Elections to be held, to prevent the COVID-19 epidemic from spreading especially after the recent Sabah State Election.

23. To ensure the implementation of the emergency period is done fairly, an Independent Special Committee will be established under an Ordinance to advise His Majesty, in the event of an Emergency still occurring in the Federation, on whether to continue the enforcement of the Proclamation of Emergency or to terminate the Proclamation earlier than the determined date.

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24. Recently there have been parties urging for the Elections to be held. However, I do not intend to hold any elections. The main thing that prevented me from advising His Majesty, the Yang di-Pertuan Agong to dissolve Parliament to enable General Elections to be held, is due to the COVID-19 pandemic.

25. The decision not to hold elections during the ongoing COVID-19 pandemic is in line with one in five of the principles of Maqasid Syariah which is to take care of life or hifz al-nafs. Within this context, it is my duty as Head of Government to take care of the lives of the people by protecting our brothers and sisters from the COVID-19 infection. This is the ultimate benefit which is demanded by Islam.

26. Therefore, I am giving my firm commitment that General Election will be held as soon as the Independent Special Committee which will be established certifies that the COVID-19 epidemic has subsided or fully recovered and the election is safe to be held. At that time, it is up to the people to choose which government is qualified to govern the country and to take care of the welfare of our brothers and sisters. This is a commitment and a promise I will fulfill, God willing.

27. For me, in a situation where the country and the people are facing a great harm, it is very important for all politicians to set aside their differences and jointly unite the people. When the time comes to be political, then be fully and politically responsible.

28. I also assure you that during this period of emergency, the judiciary will continue to function to uphold the law and justice. The National Alliance Government will continue to defend the independence of the judiciary and will never interfere with court proceedings. The judiciary will continue to be the beacon of justice in our country and I will never interfere in the business of the court.

29. Economic activities will also continue to function subject to the SOP and the Movement Control Order in force. The government will ensure that economic activities do not stop so that the people can continue to work and businesses, trades and industries can continue to operate as usual.

30. The government is also committed to ensuring that best governance practices continue to be practiced throughout the emergency period. Internationally recognized national regulatory organizations, namely Central Bank of Malaysia, the Securities Commission, and Malaysia Stock Exchange, will continue to play their role as catalysts, regulators and facilitators of companies and markets.

31. To all the stakeholders keenly monitoring what is happening in Malaysia, I emphasise that Malaysia is open for business. In facing these challenging times, this Period of Emergency will give us much needed calm and stability, as well as enable us to focus on economic recovery and regeneration. We remain committed to good governance in these times and we have a robust and dynamic regulatory ecosystem. We must remember that the Government has a 6-stage strategy in place for economic recovery since March last year and was incorporated in the Budget 2021. Continued stability will enable us to sustain and build upon the economic recovery trajectory that we have been working hard for since last year.

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32. I urge you to remain calm and give full trust and support to the government in curbing the spread of COVID-19 more effectively during the emergency period. I also call on all politicians, civil society leaders, non-governmental organizations, religious bodies, youth, students and all walks of life to unite and work together in facing this very difficult situation. Importantly, our only goal is that we must win in the fight against COVID-19.

33. Let us practice self-discipline more strictly throughout this period of MCO and Emergency in force. Hopefully we will be able to tackle the curve of COVID-19 infection immediately and further reduce the pressure on our country's health system which is burdened with the increasing number of positive COVID-19 cases every day.

34. I strongly warn, that anyone who tries to disrupt the Government's efforts to manage the COVID-19 pandemic and the country's economy will be dealt with sternly for the welfare of the people and national security.

35. I also hope that the religious scholars and religious leaders will pray for the well-being of our country and hopefully we are all protected from any disaster.

36. On behalf of the Government, I once again pay tribute to the concern and wisdom of His Majesty, the Yang di-Pertuan Agong in approving the declaration of emergency under Article 150 of the Federal Constitution to address with the COVID-19 pandemic more effectively.

37. I pray that His Majesty, the Yang di-Pertuan Agong, Raja Permaisuri Agong, Royal Princes and Princesses, all relatives of His Majesty and all citizens continue to be protected by Allah SWT. Hopefully the COVID-19 outbreak that is hitting our country will soon end. *Amin, Amin Ya Rabbal Alamin.*

*Wabillahi al-taufiq wal hidayah wassalamu'alaikum wa rahmatullahi wa barakatuh.*

**YAB TAN SRI DATO 'HAJI MUHYIDDIN BIN HAJI MOHD YASSIN**  
**January 12, 2021**

**DISCLAIMER:** The original document is written in Malay language. EUROCHAM Malaysia has translated this from the original Malay version at our best understanding and knowledge. Should there be any inconsistency or difference between the English translation and the original Malay version, kindly note that the original Malay document is the final governing and prevailing version.