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Uncover the Origin and Roles of Community Representatives: The Councillors in Malaysia

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Abstract

The objectives of this study are to highlight the origin, roles and responsibilities of councillors in Malaysia and provide an overview of their functions at the local level. They are approximately 3500 councillors situated among 155 local councils in Malaysia. They are the representatives of the local community that come from a variety of backgrounds. These councillors deal with a variety of complex and sometimes contentious issues at the local level. In Malaysia, councillors are appointed by the state government. However, many people are unaware of the role's councillors should played with. Thus, this study highlights their origin, roles and responsibilities by reviewing the literature from secondary sources such as local government acts and journals. Findings showed that several methods can be used by the local councillors to engage with the community at the local government level. In conclusion this study hopes to shed a clearer view of the councilors' roles and functions in the community.

Keywords: Councillors, Representative, Community, Local Government, Malaysia

Introduction

This study aims to provide in-dept information on the origin, roles and responsibilities of community representatives in Malaysia, namely the councillors. These councilors are appointed by the state governments in Malaysia. Any governing entity covering an area smaller than a state, such as cities, villages, town school district, and rural fire protection, is referred to as local government (Tayib et al., 1999). Local government in Malaysia occupies the lowest point in history of Malaysian government hierarchy after the federal and state government (Norris, 1980). There are basically three governing laws being practicing in Malaysia, known as (i) the Local Government Act (Act 171) that implemented in Peninsular Malaysia, (ii) Local Government Ordinance 1961 (Sarawak No. 11 of 1996) which effective in Sarawak and, (iii) the Local Authority Ordinance 1996 (Chapter 20) for local government in Sabah. Local government also known as local authority in Malaysia. Basically, there are three categories of local government which are (i) City Council, (ii) Municipal and (iii) District Council. All categories of local government are performing the same functions (Category of Local Authority, 2008). The local government in Malaysia is headed by the (i) President (Yang

Di-Pertua) in the case of Municipal and, (ii) The District Council or Mayor (Datuk Bandar) in the case of City Council. Following the President or Mayor is the local councillors who are appointed by the respective state governments. The President, Mayor and local councillors are responsible over taxes, assessment tax and by laws. Till date, there is limited discussion on Malaysia local councillors, thus this manuscript contributes to the body of knowledge by presenting the origin, roles and responsibilities of Malaysia's councillors.

Literature Review

What Local Councillor is All About?

Residents are given opportunity to participate in the management of the places in which they live through local governments. It is because management affairs should be administered by people living in the area itself. A local councillor plays the same role as a Member of Parliament (MPs) plays at the federal level. Whereby, they are referred to as a representative of the community but at the local level. Local councils have their own jurisdiction, and they cannot operate outside their boundaries. For an example, Klang Municipal Council cannot operate outside its boundaries. The boundaries of each local council are determined by the respective State authorities through Gazette Plan.

Malaysia practices a non-elected local government system (Ting et al., 2014). A councillor is appointed by the state government under Section. 10 of the Local Government Act 1976 (Act 171). Until today, the leaders of all local councils, irrespective of whether they are city councils, municipal councils or district councils are still appointed. This is because the federal government of Malaysia has abolished the election of the local government representatives due to several issues. One of it was the Malaysian-Indonesian confrontation (Tennant, 1973). In addition, according to Section 10 (2) of the Local Government Act 1976 (Act 171) states that "councillors of the local authority shall be appointed from among persons the majority of whom shall be persons ordinarily residents in the local authority area who in the opinion of the state authority have wide experience in local government affairs or who have achieved distinction in any profession, commerce or industry, or are otherwise capable of representing the interests of their communities in the local authority area".

As in Malaysia, the appointment of the councillors is from the state governments. They are chosen from a variety of backgrounds. For an example, in Selangor, the councillors are appointed by Pakatan Rakyat government while in Pahang since the administration of the state under Barisan Nasional, therefore the appointment of the councillors are by Barisan Nasional government. The similar practice applies to other states government as well. In addition, Section 10 (3) of the Local Government Act 1976 (Act 171) states the duration of office of each councillor shall not be longer than three years. However, most of the state governments reappoint the councillors for every two years.

The appointment of local councillors by the state government since 1976 is a subversion tactic against a three-tier government. Subversion tactic in this case may refers to a kind of political tool that are used to achieved political goals (Hosmer & Tanham, 1986). Therefore, through the appointment of the councillor, the local community which referring to the voters or ratepayers can no longer choose any parties for the local government as the party that controls the state government will decide to appoint local authorities. This may create an issue and promotes massive political scandals for decades since the appointed of councillors may tend to obey the political masters who appoint them.

The Legal Framework

Councils operate under the laws enacted by Parliament. The Local Government Act 171 establishes a legal framework that reflects modern community expectations and gives local government considerable authorities to prepare for and provide services and amenities to their residents. Furthermore, the Local Government Act of 1976 gives councils additional service-related powers. Simultaneously, if a council acts or determines without the appropriate legislative authority, it may be found to be operating beyond its authority by a court of law. If a council's power is not employed in the way that the Parliament specifies, it could be construed as if it has not been utilized at all. Councils must exercise caution when exercising their authority. Otherwise, their judgements, as well as any actions that follow from them, may be declared illegal.

The Town and Country Planning Act 1976 (Act 172) was adopted by the Malaysian Parliament in 1976 with the goal of establishing a unified system of legislation and policy for town and country planning in Peninsular Malaysia. Furthermore, The Town and Country Planning Act 1976 (Act 172) and its subsequent amendments stated the provision of public participation in Section 9 (sub section 1, 2 and 3), 12 A, 13, 14 and 15. This is to ensure that public engagement is required in the formation of the country's development plans. Local government, as the primary planning body, must guarantee that adequate participation in the preparation of local plans is ensured (Nurudin et al., 2015). The West Malaysian Street Drainage and Building Act 1974 (Act 133) on the other hand, regulates most of the development and construction operations, which including street maintenance, soil removal, and watercourses (i.e., storm water drains, structures, earthworks, and nuisances). According to the regulations established under the Street, Drainage and Building Act 1974 (Act 133), the local council is responsible for enforcing building control laws in their administration area and ensuring development in accordance with the aforesaid Act and any building by laws. The local council is also accountable to the issue of Certificates of Fitness for Occupation (CF) to certify that buildings are built as per approved procedure and are safe to occupy. Therefore, a council could be held accountable for activities taken carelessly that cause harm to people or property. This liability extends to the activities of employees or others who have been entrusted the council's responsibilities.

The Relationship between the Federal, State and Local Government

Local government in any state is the lowest level of government and thus has to fall back on state and federal government in terms of decision making and policies (Norris, 1980). Under Item 4 in List II of the Ninth Schedule of the Federal Constitution specify that the local government is included under the State List. Thus, all local governments shall fall under the exclusive control of the state governments. As a result, the state government has the authority to decide what types of programs and policies are appropriate for local governments. The local governments obtain their power and autonomy from the state government through the decentralization process. Local governments in Kuala Lumpur, Labuan, and Putrajaya, on the other hand, are under the Federal Territories Ministry's jurisdiction. Despite the fact that municipal government are under the control of their individual state governments, the federal government has some influence over them (Nooi, 1989).

Basically, the Malaysian local government are controlled by both federal and state government. The federal government has two (2) keys control over local governments. The first one is through the Ministry of Urban Well-being, Housing and Local Government (MHLG)

and the second through the National Council for Local Government (NCLG). The state government has complete jurisdiction over local governments, apart from those in federal territories, which are governed by the federal government.

Table 1

The List of Controls of the Federal Government over Local Government

National Council for Local Government (NCLG)	Ministry of Urban Well-being, Housing and Local Government
Responsible to assist and coordinate the local government regarding legal matters and major policy issues (Federal Constitution, Article 95A) (Malaysia 1986: 79-80).	The Ministry's main responsibilities including providing adequate housing for all citizens, policy planning and implementation, the establishment of local governments, the provision of effective fire and rescue services, and the strengthening and implementation of the Town and Country Planning Act 1976.
Meet and discuss local government policy issues at least once a year.	It is also in charge of developing local government policy and ensure the local government carry out their functions.
Membership consists of: i. Federal cabinet minister (as the chairman) The chairman is the Prime Minister or Deputy Prime Minister or a Senior Minister. ii. Representative from all state governments. iii. 10 representatives from the federal government.	It is responsible for the general development of local government in Malaysia, and it has the authority to direct state governments to implement federal objectives.
The council's decision binds the Federal and state governments except for the state of Sabah and Sarawak	They are also accountable for upgrading the entire local government system to improve local government effectiveness and efficiency.
As a means for the federal, state, and local governments to coordinate policies and legislation concerning local government	It is responsible to oversee the local government legislation in Peninsular Malaysia.

Table 1 shows the controls of the federal government towards local government through the National Council for Local Government (NCLG) and Ministry of Urban Well-being, Housing and Local Government (MHLG). The first column of Table 1 explains about the functions of NCLG. The provision pertaining to NCLG is stated under Article 95A of the Federal Constitution. NCLG plays an important role in ensuring the working of the local government. While second column of Table 1 elaborates on several functions of the MHLG.

Table 2

State Controls over Local Government under the Local Government Act

Financial controls	Administrative controls
Section 39 - Revenue of local authority Section 41 - Raising of loans by local authority Section 42 - Power to issue bonds Section 46 - Power to borrow for special purposes Section 47 - Loans by government Section 49 - Overdrafts from banks Section 55 - Budget needs approval of state government Section 56 - Supplementary estimates need approval of state. Section 60 - Audit of accounts to be tabled in state legislative assembly. Section 130 - Basis of assessment of rates to be decided by state and any increase in rates need approval of state authority.	Section 3 - Declaration and determination of status of local authority areas Section 4 - Change in name, status, and alteration of boundaries Section 5 - Merger of two or more local authorities Section 9 - Power of State authority to issue directions Section 10 - Appointment of councillors Section 16 - List of offices which show a full list of posts, numbers and types must be sent to state authority. Any reduce in rank of category an officer's appointment must be approved by state authority. Section 26 - Votes of majority decisive but in case of conflict, state authority can intervene. Section 102 - All by laws must be approved by state government. Section 165-Transfer of functions to state authority if it feels that the local authority cannot carry out its functions properly.

Table 2 on the other hand shows the controls of the state government over local government. The Local Government Act is the primary means through which the state exerts influence over local government (Act 171). Among the important elements we discuss in this paper is regarding the appointment of the President or Mayors and councillors (Tennant, 1973). Among others there are also by laws can be passed by the councillors but must get the approval from the state government as per Section 102 of the Local Government Act. Therefore, there are two (2) control of the state government namely the first one is in terms of financial control and the second one is in term of administrative controls.

The Roles of the Councillor

Basically, there are no clear definition of the roles of the councillor, however the Victorian Local Government Board (LGB) has recognized the importance of defining the roles of councillor in local government. During 1994-1995, the LBG when introduced the sweeping reforms to the Victorian system of local government has noticed that there is a need to clarify and clearly define the roles and functions of the councillor if local government is to meet the challenges of the next century. Furthermore, according to LGB, "the future councillor's function is shifting to overall responsibility for defining guiding policies, setting delivery standards, and reviewing management performance" (Newnham & Winston, 1997). Therefore, it is believed that being a councillor is a significant privilege and challenge. For instance, Selangor State Government has introduced the procedural guidelines of local authority councilors to clearly defined their roles in tender and quotation committee, as well as eligible allowances they earned.

There will be a lot to learn as a rookie councillor to be a good leader. As a current councillor, it is critical that they stay informed about developments that affect the community and continue to expand their knowledge. For example, local government division in state secretary office will organize town hall session twice a year to equip councillors with current policies and share best practices among local government. Local councillor also is a member of the one stop center committee. Therefore, councilor will know where the new developments in their area of jurisdiction and any community concerns regarding the development project will be highlighted.

Local councillors play a critical role in satisfying the needs of their communities (Denters & Klok, 2013). They serve their communities by listening to people in the local area and then representing those views to council. Even though the councillors need to represent the best interest of the community, however sometimes the decision that the councillors must take is vary from what the communities expect. This is because they need to reconsider the future needs and community interest over a longer period (Newnham & Winston, 1997). Local councillors also must ensure that they make decisions that can change local communities and environments. The communities that councillors represented are made up of a variety of people from various backgrounds who have distinct demands and interest. Effective Councils are made up of councillors that reflect this combination. That is why the councillor is presume as the leader of the local government, the policy makers, and the representative of the people (Newnham & Winston, 1997). In addition, by comparing the method of choosing the local council is differ between Malaysia and Uganda, however in choosing the local council is about the same whereby the local councillors derive their representative authority from diverse groups with various interests (Kyohairwe & Kiwanuka, 2014).

The main role of a councillor is to represent the residents in their area, like what the role of a federal member of parliament or a state assemblyman is. The other roles of an appointed representative can be summarizing as follows:

- i. Make decisions in the best interests of the entire community, not just a small group of people.
- ii. Represent all residents and ratepayers' interests.
- iii. Ensure that the community is led and guided.
- iv. Facilitate communication between the community and the council.
- v. Develop a policy framework for their council regarding the regulatory functions of the council.
- vi. Develop and oversee the implementation of the council's strategic plans, which help to influence the area's future orientation.
- vii. Ensure that taxpayer money is spent in the community's best interests.
- viii. At the relevant local council, to represent the people and the local community on matters pertaining to their living condition.
- ix. As a liaison between the community and the local government, as well as the patron of their local's association.
- x. To communicate the local community's feedback and response on the level of service provided by the local council.
- xi. Establish a vital relationship between the community and the council.
- xii. Representing the community's interests, providing leadership, and communicating and promoting the council's interest to other levels of government and relevant bodies.

- xiii. Responsible for making decisions in the best interests of the entire community when it comes to service provision and resource allocation.
- xiv. Provide direction and leadership to the community. When communities face issues such as climate change, drought, high unemployment, or skill shortages, this is extremely crucial.
- xv. If there is any abuse or misuse of power or funds by the local council, to elicit a response from the community.
- xvi. To increase public participation in the local council's activities and programs.

Other than performing the above-mentioned roles, the councillors also need to enhance citizen involvement. It is important to improve citizen participation with the council that represents them (Copus, 2003). This also will make sure that the citizen has trust towards the councillors and local government. Trust normally associates with confidence, belief and the intend to act beneficially (Xiu & Liu, 2005). Therefore, by gaining the trust of the local community, the councillors and local government will indirectly gain the local community support. This also shows the attitude of the residents towards government and their representative is positive and important (Rahman, 2016).

The Methods to Work with The Community

Councillors are the community's representatives and are held accountable to them. Even though in Malaysia, the councillors are appointed and not elected but it does not mean that the councillors are not accountable to the communities in their respective areas (Lee, 2012). It is crucial that public will be able to contact and meet with councillors to discuss and contribute their thoughts and ideas. As a result, councillors should devote time to both official and informal community participation. This will safeguard the policies and programs of the council to be accepted and fulfil the needs of the community. It is important for the councillors to involve the public to participate in any actions and decisions decided by them. This is because participation means any program and policies decided may affect the community life (Marzuki, 2009).

Councillors are frequently called upon to set priority among competing demands for limited resources. This means that councillors must be able to access a wide range of perspective to make balanced choices based on a community-wide perspective. Hence community engagement is important to the success of a councillors' connection with the community they represent (Singh et al., 2017). Community engagement is a tool that councillors can use to better understand and incorporate the public's wishes and concerns into decision-making. A two-way flow of information is required for effective community engagement (Head, 2007). Community participation may be a powerful tool for raising community awareness of a problem and building support for council policies and actions (Nurudin et al., 2015).

Table 3

Methods to Engage the Community

Methods	Explanations
• Face to face	Public meetings are the most common method of sharing information.
• Surveys	Surveys can be useful for collecting information from a small sample of the community on specific issues.
• Public hearings or meetings	The most traditional and familiar form of public participation.
• Citizen Advisory Committees or Task Forces	May be convened to examine one or more issues, provide ongoing advice to an agency or organization and/or make recommendations on specific issues.
• Citizen Juries and Review Panels	Have been used to weigh or perhaps develop policy options/choices, usually around a single, clearly defined issue.
• Alternative Resolution/ Negotiation	Dispute Mediation/ Processes are increasingly popular methods of reaching consensus or resolving conflicts over risk-related issues.
• Digital media	The internet has opened a new world of community engagement in local government.

Table 3 shows several methods that can be used by the local councillors to engage the community. The councillors can use any of the methods to get community or public feedback or suggestion pertaining to any of the issues or policy. The councillors after getting the response of the community, should as fast as possible channel the reaction to the local government (Liyunan, 2015).

Conclusion

Since the local government is the lowest level of government system, it is the closest to citizen. Therefore, the councillors must understand their roles and responsibilities to the local community as to overcome all the local communities' issues and try to serve the communities at their best. As such, it is important that they can be contacted easily by the community and can work hand in hand with the community and council effectively.

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