

DEMOCRATIC REFORMS IN MALAYSIA: WHERE IT'S HEADING TO?¹

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ABSTRAK

Banyak yang berpendapat bahwa kinerja buruk koalisi partai penguasa pada pemilihan umum 2008 membawa permulaan yang baru bagi lanskap politik Malaysia. Semenjak kemerdekaan, koalisi partai penguasa atau Front Nasional (BN) dipimpin oleh tiga partai besar berbasis tiga ras (Melayu, Cina dan India), yaitu United Malay National Organization (UMNO), the Malaysian Chinese Association (MCA) and the Malaysian Indian Congress (MIC). Front ini menguasai parlemen dengan proporsi dua pertiga keseluruhan kursi parlemen. Namun, partai-partai oposisi yang bersatu melalui pembentukan koalisi longgar semakin memiliki kemampuan untuk menolak dominasi Front Nasional. Keadaan ini menciptakan pertanyaan menarik mengenai masa depan perkembangan politik di Malaysia. Lebih dari 50 tahun berkuasa, pemerintaban yang terbentuk dari koalisi partai penguasa merasa puas dan tidak memiliki kemampuan untuk berhubungan dan menyerap kritik maupun aspirasi masyarakat. Permasalahan mengenai tidak ditepatinya janji-janji; korupsi, nepotisme dan kolusi; sistem pemerintah yang tidak demokratis dan lemahnya institusi demokrasi; sistem pemilu yang tidak memadai; lemahnya pembagian kekuasaan; manipulasi dan kemandirian peradilan, dan peran masyarakat sipil dan media merupakan faktor yang melatarbelakangi timbulnya sejumlah kritik yang ditujukan pada Front Nasional. Bagaimanapun, pertanyaan akan terus ada, sejauh mana pemilih Malaysia memilih partai politik di luar garis rasial? Faktor apa yang mempengaruhi pemilih Malaysia memilih partai politik di luar koalisi partai penguasa? Apakah partai oposisi membuat terobosan lebih dalam pada pemilihan umum berikutnya? Apakah hal ini merupakan awal dari reformasi demokrasi di Malaysia? Maka dari itu, tujuan dari makalah ini adalah untuk membahas dan menganalisa pertanyaan-pertanyaan kritis di atas.

Keyword: reformasi demokrasi, koalisi partai,

INTRODUCTION

Since its independence in 1957 from the British colonial power, Malaysian political system has been based on ethnic line. The system is represented by three major racial groups namely, the Malays, Chinese and Tamil Indian. But the Malays have been groups together with other indigenous people especially from Sabah and Sarawak such as Kadazan, Iban, Dayak and Orang Asli (the aborigines). Together they form a politically coined word of Bumiputra (the son of soil). The Bumiputra represents roughly about 65% of total population, whereas The Chinese around 22 % and the Tamil Indian around 9%. For years Malaysia tended to vote political parties that represented their racial interest and identity. The United Malays National Organization (UMNO), formed in 1946, represents the interest of the Malays. UMNO is the predominant party of the 14-party ruling coalition, called Barisan Nasional (BN), with the

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Malaysian Chinese Association (MCA) representing Chinese, the Malaysian Indian Congress (MIC) representing the Indians and some regional parties. Although there is other multiracial based political parties within BN such as Gerakan and Partai Progresif Rakyat or People's Progressive Party (PPP), these parties in fact dominated by certain race. In the case of Gerakan, for instance, the party has dominated by the Chinese, whereas, PPP has been dominated by Tamil Indian

The main opposition parties are Parti Islam Malaysia (PAS), Democratic Action Party (DAP), and Parti Keadilan Rakyat (PKR). The PAS, which basically a Malay based political party emphasizes on Islam as the main cause of its struggle. In recent years, PAS has tried to woo non-Malays voters by offering associate memberships to them. At the same time, PAS has not discount the possibilities of accepting Muslim non-Malays to stand for the party election (The Star, 2009). The DAP is a predominantly Chinese and the PKR, a multiethnic party under the leadership of Dr Wan Azizah Ismail, the wife of the former Deputy Prime Minister Anwar Ibrahim. Since the release of Anwar from jail for alleged sodomy and corruption charges, PKR has been virtually led by Anwar himself, although he is an advisor to the party.

Malaysia also holds a good record in holding general elections at least every five years except in a period between 1969 and 1971 where the constitution was suspended due to the racial riots. Secret balloting and vote counting have been fairly carried out. From time to time outside observers were invited to monitor and to determine whether the elections were conducted in a fair and impartial manner. Furthermore, opposition candidates could gain seats in the Parliament. In fact, PAS has been able to capture two major Malay heartland states of Kelantan in the 1990 General Elections and added Terengganu in the 1999 General Elections. Nonetheless, PAS lost the Terengganu state during the 2004 election. This appears to suggest that democracy does exist in Malaysia.

Malaysia's 12th General Election also known as Pilihan Raya Umum ke 12 (PRU 12) has been considered a watershed in the Malaysian political history. It is the second time since 1969 in the BN's political history that it nearly lost its power grips in Malaysian politics. The PRU 12 that was held on 8 March 2008 posed a major blow to the premiership of Abdullah Badawi, who took over the leadership baton from the controversial Malaysian Prime Minister, Mahathir Mohamad in 2002. Abdullah promised more political openness, transparency, and democratic reform to the Malaysian political system. Not surprisingly, he led a landslide victory in the General Election of 2004.

PRU 12, however brought a grim picture to Abdullah administration and BN's power consolidation in the post Mahathir period. An about 70% of Malaysia's 10.9 million eligible voters had cast their ballots in the 222 parliamentary seats and 505 States seats. The ruling coalition, BN won a mere 51.2% of the popular vote as against 64% in the 2004 polls, while the

opposition improved its performance from 9% to 37%. The ruling coalition which had won 91% of the parliamentary seats and had control over 12 of the 13 Malaysian states in 2004 are down to holding 63% of the parliamentary seats and with a mandate to govern only 8 of the 13 states. The opposition, in the PRU 12 was more united by forming also coalition party called Pakatan Rakyat (PR) (please refer to Table 1, 2 and 3 respectively for the statistical analysis of PRU 12).

Furthermore, the opposition coalition of PR was not only able to retain its control in the state of Kelantan, but at the same time was able to capture four more state assemblies namely Kedah, Penang, Perak and Selangor. The PRU 12 also marked the first successful bid for opposition coalition to control the richest state in Malaysia, Selangor.

It has been argued that the ruling coalition's dismal performance in the PRU 12 has brought a new beginning to the Malaysia political landscape. Malaysian society is said to have voted beyond the racial line. The ability of opposition parties through a loose coalition to deny the BN's majority has raised an interesting question on the future of the country's political

Table 1.
Total Votes Obtained by political Parties in PRU 12

Political Parties	Total Votes Obtained	Percentage
BN	4,081,115	51.4
PKR	1,529,256	19.3
PAS	1,140,598	14.4
DAP	1,097,752	13.8
SNAP	8,615	0.1
PRM	19,126	0.2
BERSEKUTU	942	0.01
INDEPENDENT	65,399	0.8
- TOTAL VOTE	7,942,803	100.0

Sumber: Suruhanjaya Pilihan Raya Malaysia (Election Commission of Malaysia)
(http://www.spr.gov.my/index_files/galeri_infromasi/statistik/STATISTIKPRU12.pdf 10 April 2010)

Table 2.
Total Votes Won by Barisan Nasional (BN)

Year	2004	2008
UMNO	109	79
MCA	31	15
MIC	9	3
Others	49	43
Total Seats Won	198	140
Total Seats in Parliament	219	222

Sumber: Suruhanjaya Pilihan Raya Malaysia (Election Commission of Malaysia)
(http://www.spr.gov.my/index_files/galeri_infromasi/statistik/STATISTIKPRU12.pdf 10 April 2010)

Table 3.
Total Seats Won by Opposition Parties in PRU 12

Year	2004	2008
DAP	12	28
PAS	7	23
PKR	91	31
Total Seats Won	20	82
Total Seats in Parliament	219	222

Suruhanjaya Pilihan Raya Malaysia (Election Commission of Malaysia)
(http://www.spr.gov.my/index_files/galeri_infromasi/statistik/STATISTIKPRU12.pdf 10 April 2010)

development. Will the BN echo the same fate like that of Taiwan's Kuomintang or Indonesia's Golkar after years in power? Critics argue that the BN has made little progress to the country's democratization process. More than fifty-year in power has made the ruling coalition government complacent and unable to bring itself in touch with the grouses and expectations of the society. Issue of broken promises, corruption; nepotism and collusion; non-democratic systems of government and weak democratic institutions; inadequate electoral systems; a lack of separation of powers; manipulation and independence of the judiciary; and the role of civil society and the media are factors that were blamed. The PRU 12 is said to be the first wake-up call for the ruling coalition. Yet questions remain to what extent Malaysians have voted beyond the racial line? What factors contribute to rejection of Malaysian electorate to the ruling coalition? Will the opposition parties make more inroads in the next general elections? Is it the beginning of democratic reforms in Malaysia? The following sections will discuss and analyze those questions.

THE 12TH GENERAL ELECTIONS OF 2008 AND THE AFTERMATHS

The post PRU 12 is also the beginning of political tussle between BN and PR. The PR state governments in Kedah, Penang, Perak and Selangor were quick to discredit BN previous state governments for incompetence, state fund mismanagement and alleged corrupt practices. At the federal level, parliamentary sessions were used a venue to pressure government for more political transparency and accountability.

The BN government at the federal level in the post PRU 12 appears to lose control in managing the country. BN-led government under Abdullah Badawi was seen to be weak with a lot of political struggle within the coalition. There calls within UMNO, the major party component in BN, for Badawi to step down, began to increase. Power struggle began to surface in other BN party components such MIC, MCA and PPP. Political tussle within MIC, that represents the interest of the Indian community, became more acute when its decade long party president, Dato S Sammy Vellu, was openly challenged by the party members.

The decision by Badawi to hand over political leadership to his deputy, Dato Najib Tuan Abdul Razak, earlier than expected under the power succession plan, was then the culmination of the internal rift within BN. The initial plan of power transition was scheduled to be held in 2010, but growing discontent over Badawi's administrative performance and his responsibility for the abysmal performance of BN in the PRU 12, expedited the handing over of the reins of power to his successor to April 2009.

Malaysian social political scenario has also begun to change. Non-Malays became more vocal in their call for a more fair treatment for non-bumiputra especially on the issues of public university admission, employment in public services, the disbursement of scholarship and the empowerment of non-bumiputra minority groups especially the Tamil Indian. In most of the previous elections the bulk of the Indian community has been supporting the ruling coalition despite the poor image of the MIC amongst the Indians. It was felt that the ethnic Indians, being just 8% of the total population, cannot cause much ripples in the overall outcome of the elections. However this time the impact has been definitely felt. The MIC, which had a track record of winning almost all the parliamentary and state seats contested, has been annihilated in this election. The party managed to retain only 3 of the 9 parliamentary seats and 6 of the 19 state seats it contested (see Table 3 earlier). The President of the MIC (Samy Vellu), Deputy President, two Vice Presidents, the Youth chief and Women's wing chief lost in the election. One major contributing factor for the debacle of the Indian party was the advent of the Hindu Rights Action Force (Hindraf) and their demonstration on 25 November 2007 that rocked Malaysia and brought the plight of ethnic Indians to the attention of the international media. The handling of this demonstration and subsequent follow up action has to take a fair share of the blame for the poor showing of this party.

Another major development in the post PRU 12 is the political battle between BN and PR in the state of Perak, one of five of opposition-ruled Malaysian states. The state of Perak was captured by the PR coalition government when BN was unable to form a state government. However, when three legislators (one from DAP and two from PKR) in Perak switched sides in February 2009, overturning a narrow majority in the 59-seat assembly, it has created one of the biggest constitutional and court battles between the two opposing parties. According *the Economist*, the defections were reportedly: "... induced by the threat of corruption probes, to the bare-knuckle tactics of Najib Razak, since sworn in as prime minister in place of the mild-mannered Abdullah Badawi." (The Economist, 2010).

The Perak case has snowballed into a constitutional crisis that reveals the fragile underpinnings of a democracy yet to be tested by a handover of power at the federal level. As a result of the defections, Dr Zambry Kadir, UMNO state assemblyman from Pangkor was installed as Menteri Besar (chief minister) after the state's Sultan, His Highness Sultan Azlan Shah agreed to the formation of the new government. The appointment was received with

scores of demonstrations led by the former Menteri Besar, Nizar Jamaluddin and speaker of the house calling for the dissolution of the house and immediate snap elections.

Although the High court's verdict gave a breathing life to former Menteri Besar, the euphoria was short-lived. The new installed UMNO-led government managed to successfully obtain a stay from an appeals court against the reinstatement of Nizar Jamaluddin. That decision allowed Dr Zambry Kadir, UMNO's candidate, to return as caretaker chief minister. The Perak saga remains uncertain. A judicial deliberation by the Federal Court, the highest in the Malaysian judiciary system, would decide on the right owner of the post of Menteri Besar. No dates so far have been fixed.

REJECTIONS ON THE RULING COALITION GOVERNMENT: SOME CONTRIBUTING FACTORS

Some critics have argued, especially from the opposition, that PRU 12 is the beginning for opposition to garner more support from the people in taking over the government.⁵ There were others who have predicted that the BN-coalition government will meet the same fate like its counterpart in Indonesia (Golongan Karya, Golkar) and Taiwan (Koumintang). Nonetheless, it is worth analyzing why BN coalition government after years in power since independence was rejected by voters in the last elections.

There were many factors that could explain this. The first factor attributes to the release of Anwar from jail and his eligibility to reenter politics. In fact his wife decided to vacate the parliamentary seat of Permatang Pauh in the state of Penang to give way for his husband to lead the constituency. As expected, Anwar won the by-election with a commendable majority. Anwar has brought with him the spirit of reformasi and people's power that drew support from disenchanted youth, Malays and non-Malays middle class alike, and even from former UMNO members who were fed up with power politics in the party. He has called for democratic reform in the Malaysian political, economic and social system. The call for reformasi started after the sacking of the former Deputy Prime Minister Anwar Ibrahim in 1998. The 2004 campaign dwelt on proposed reforms especially of the police force and to reduce corruption besides other economic measures. The results achieved at the end of the term were not commensurate and some more cases of ruling party members being involved in civil/criminal cases came to light. Hence the call for reformasi had been revived by the opposition.

Another contributing factor was Badawi laissez faire lack luster leadership. Much was expected from Abdullah Ahmed Badawi with his 'Mr. Clean' image after that long reign of Dr. Mahathir Mohamad. Though he was more accessible and considered more 'Islamic' than his predecessor, he was not firm. The economy had stagnated, though some extraneous factors

5. See for instance an online article Youth vote BN loose battle to opposition, *the Malaysian insider* (<http://www.themalaysianinsider.com>)

beyond his control were also instrumental for rise in the cost of living, unemployment etc. His management style and decision making were often questioned and did not have an efficient team of advisors.

The third possible contributing factor is infighting within BN itself. Time and time again, there were media reports indicating rifts within the UMNO—divisions such as the old guard and the new guard and factions supporting the Prime Minister or the Deputy Prime Minister. The political rift in UMNO became worst when the former prime minister, Mahathir Mohamad opted to leave UMNO thus a smack to the Abdullah's grips over the party. At the same time, Badawi, as the party head could not rein in the party to work as one and also failed to curb the Malay chauvinism working against the interests of the non-Malays. Cooperation with the other coalition partners was also wanting in many respects.

The advent of information technology could also explain BN's fate during the PRU 12. The opposition embraced modern campaigning: by taking advantage of the internet and mobile telephony, which was seen during the recent protests of the monks in Myanmar and the crackdown by the junta were evidenced during this election. The opposition deprived of the pro-government media had taken full advantage of this as against the ruling coalition, which was rather over confident. With over 42% of the Malaysians reportedly using the internet, the message of the opposition could reach the masses.

The timing of election and campaign period was blamed for the poor performance of BN. The elections were not due till May 2009. However the elections were called for in March 2008 to preclude Anwar Ibrahim from contesting. The miscalculation was more in the long campaigning period of 13 days, which favored the opposition to muster themselves and coordinate a strategy to deny the two-thirds majority to the ruling coalition. At the same time, the opposition was able to cooperate fully compared to the previous elections. The two opposition parties DAP and PAS, for instance, had different ideologies and could not see eye to eye on many issues. But, the third party PKR under the leadership of Anwar Ibrahim provided the link to get these three together and arrive at the major decision to field one opposition candidate for each constituency and to ensure there is no division of votes for the opposition. In addition, the opposition also managed to field strong candidates compared to the ruling coalition of BN. The opposition had more professionals and business men than the ruling coalition. The opposition candidates were more articulate and were well informed.

Finally, BN tended underestimate the political sophistication of Malay electorates. The electorate was not carried away by the false promises and showed their displeasure with the continued arrogance and over confidence of the ruling coalition. The BN's campaign strategy appeared to use the same old strategy since independence whereas; the Malay electorates have become more mature in their political calculation. Malaysia in fact has witnessed a more mature and confident and growing Malay middle class who rejected narrowed political ideology.

THE DYNAMIC OF MALAYSIA'S DEMOCRACY: REFORM, REFORMED OR TO BE REFORMED?

The PRU 12 results have inevitably led to debate on the current and future direction of democratic processes in Malaysia. As mentioned earlier in the previous section, Malaysian have entered into a new dimension and meaning of democracy. PRU 12 has shown that Malaysians wanted a total reformation of democratic process.

Nonetheless, if democracy is defined (to borrow Abraham Lincoln's famous statement) as government of the people, by the people, and for the people, Malaysia hardly fulfills the criteria. Democracy, as we understand and practice, according to Wesson (1985:33), is not ruled by the people through the direct election but a: "system which ensures that ordinary people have rights and can make themselves heard, and it provides a means of checking and renewing the holders of high office." Hewison, Rodan & Robison (1993:6) describe democracy in terms of: "certain objectives and guarantees", which include legal guarantees for citizens" to participate in the formulation of policies, the institutionalization of political freedoms, legitimacy of political contestation, and accountability. Democracy, Case (1997:81) argues, is a: "political accommodation" that "reflects and essentially underpins the prevailing hierarchies of power embodied in the social order." Yet there are fundamentals to every concept of democracy: freedom of opinion, expression, press, and organization; consistent conduct of free election which the voters have free and informed choice; an independent judiciary system; minimal violence in political life; impartial bureaucracy, police and armed forces; civil rights; and respect for individual property. The irony is that in some countries including Malaysia, although the process democratization was in its full swing during the 1970s and 1980s, the pace of it gradually slowed in the 1990s, and "even reversed in some cases, as newly-elected presidents flouted constitutions, and militaries and bureaucracies carved out 'reserved domains'" (Case 1997:88).

At the first glance, Malaysia appears to be a democratic country. Having gained independence from the British colonial power in 1957, Malaysia adapted a very much Westminster type of government. The head of the state is the Yang DiPertuan Agong (the King, hereafter referred to as the Agong) who is selected by his colleague in the Council of Rulers who happen to be the hereditary sultans of the nine Malay states in peninsular Malaysia. The Agong together with other eight sultans were regarded highly and their status was never discussed openly neither by the public nor the government. The reason would be that the Agong and the sultans were the symbol of Malay dominance in the multiracial society hence this position was jealously guarded by the Malay political elites. As a result, the 'above-the-law status' of the sultans is never discussed and debated openly in public, apart for it being considered libel under the Sedition Act.

Nonetheless, democracy practiced in Malaysia is not simply the idea of "increasing political participation of the masses in the making of the rules, checking arbitrary rules and the replacement of unjust rulers" (Hari Singh 2000:525). It is more, as Hari Singh (2000:526) argues, a kind of oligarchic structure that is premised on the idea that "governmental authority rests on a small group of elites which, while in power, would seek to perpetuate its rule." Political elites in Malaysia themselves play a central role in democratization. How the democracy is practiced depends heavily on the interests, values, and actions of political leaders, whether ensconced, downwardly mobile, or at least potentially, upwardly mobile. The attempt to move towards a 'strong executive' model is more obvious during the Mahathir administration.

The Government's response to the calls for political and social reforms was indeed slow. The establishment of the Human Rights Commission, for instance, is the government's political decision to improve its tarnished image on human rights. The regional factor might have to some extent influenced the government decision to set up the commission. Several neighboring countries like Indonesia have responded to the human rights issue. Malaysia could no longer afford to be seen as oblivious to the current concern about human rights. Events in Indonesia have, undoubtedly, been watched closely by the major protagonists in Malaysian politics. The fall of Suharto and its aftermath served as a 'reminder' to Malaysians that resorting to violence, i.e., street demonstrations by the *reformasi* supporters would not serve in the long-term interests.

The Commission was gazetted under the Human rights Commission of Malaysia Act 1999 to 'promote awareness' in relation to human rights and to inquire into complaints regarding infringements of human rights. Its first task immediately after the gazette was to set up a hearing for the alleged assault made by the then Inspector General of Police on Anwar. Yet critics were cynical since the commission has a very limited jurisdiction, only 'to advise' and 'to assist' the government in formulating legislation and administrative directives and procedures and recommend the necessary measures to be taken. Furthermore, one of the functions of the Commission are: "to recommend to the Government with regard to the subscription or accession of treaties and other international instruments in the field of human rights."⁶ "The Commission, therefore, is not an independent body that can monitor the human rights abuse in Malaysia. It only can undertake investigation, recommend and advise the government based on its findings. Yet it is the government that will decide whether further action would be taken.

The above development in fact costs BN's political survival. Badawi attempted to introduce more democratic process in the society but his attempts were actually a backfire to BN. It either BN was not prepared for a more democratic process or the population became

6. *Human Rights Commission of Malaysia, Law of Malaysia Act 597.*

inpatient with BN's so called guided democratic process. For years, it was the government that defined the best democratic system for the population. Internal and external elements that criticize government's way of handling the country's democracy were labeled as threat to national security. The government even went further by arguing that it knew best for the people. Citing the multiracial nature of the society, the government always argued that Malaysia needed a strong state to unite the country. Preventive laws, which critics refer to as draconian, such as Internal Security Act (ISA), Printing Act and others, were ways for the government to curb excessive criticism. But, PRU 12 shows that Malaysia could not buy anymore those arguments. There were no concrete racial based issues that could be championed by the BN in PRU 12. The Malaysian electorates therefore seemed to cast their vote beyond racial line.

Dato Najib Abdul Razak took the queue from ruling coalition government's past mistake. The Najib administration appears to emphasis on people's first and people's know best approaches showing government's changing attitude towards democratic process in the country. At the same time, the Najib administration also introduced the concept One Malaysia emphasizing on the equal rights of all Malaysians regardless of their ethnic origins. To what extent government's new approach will win back people's heart with these new political approaches, remains to be seen. But one thing for sure, Malaysians have become more mature politically and BN under Najib Abdul Razak has uphill tasks to win back people's trust and confidence. It is indeed BN that has to be reformed and transformed in order for them to be relevant in the next general elections.

CONCLUSION: WHAT FUTURE LIES?

For the first time in Malaysian history, the opposition, made up of disparate race based or multiethnic parties and with different ideologies had come together in a coordinated effort to have a credible force in the parliamentary seats and wrest control of four more states in addition to Kelantan (which was already with the opposition). This has upset the calculations or predictions of most political analysts or pundits. The opposition has thus achieved its pre-poll target of denying the two-thirds majority to the ruling coalition. Much of the credit for this historic feat goes to Anwar Ibrahim, the former Deputy Prime Minister in getting the parties together to agree to field one opposition candidate for most of the constituencies and to help that candidate irrespective of the candidate's race or allegiance.

Malaysian perception and opinion on democracy has changed remarkably in recent years. It was not 'government knows best' anymore but the *rakyat* (population) that would decide the nature and shape of democracy in Malaysia. The current BN-led government has to respond to these new thinking or hence would lose control in the next general election. Furthermore, the prospects and future of Malaysia's democratization process also depend on BN's own initiative for reform under Najib Abdul Razak.

