



# Malaysia's Flawed Democracy: A Stumbling Block Towards Becoming a First World Developed Nation



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## [ *Abstract* ]

In 1991, Malaysia, under the leadership of then-Prime Minister Mahathir Mohamad, launched an ambitious 30-year national development program known as Vision 2020. The goal of this program was to transform Malaysia into a First World developed nation by the year 2020. One of the aspirations of the program was to create a psychologically liberated, secure, ethical, and mature democratic society. Vision 2020 is a failure and Malaysia is still not a mature democracy. This article identifies four main areas that make up a flawed democracy practiced in Malaysia, and shows how they work against the country's aspirations to become a developed nation. The electoral system is rigged to help the incumbent remain in power. The widespread practices of money politics have become a curse to the country. The press and media organizations are restricted. Civil society activities are suppressed. As a result of these issues, Malaysia will not be able to achieve the status of a developed nation, lacking democratic accountability and inclusive institutions.

**Keywords:** Democratic accountability, media and election, Malaysia, civil society, freedom of expression, money politics.

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## I . Introduction

In 1991, the then Prime Minister, Mahathir Mohamad embarked Malaysia onto a thirty-year development plan called Vision 2020. The plan aimed to transform Malaysia into a First World developed nation by year 2020. The aspiration to foster and develop a mature democratic society was spelled out in Challenge No. 3. By that, he envisioned a “mature consensual, community oriented Malaysian democracy that can be a model for other developing countries” (Mohamad 1991). Since the plan also included aspirations to ensure an economically just, caring, and ethical society, by Landman (2007)’s definition of democracy, a mature democracy is one that has progressed from a procedural democracy that holds free and fair elections, to a social democracy that includes protection of property, civil, minority, economic and social rights, in addition to institutional accountability and rule of law. A mature democracy is one where institutions, including the Constitution, are constantly adjusting to ensure that the government is always “of the people, by the people and for the people.” Government should be accountable and transparent to the people (Singh 2013).

The year 2020 came and Malaysia failed to transform itself into a First World country. Instead, 2020 turned out to be an *annus horribilis*. Not only was the country hit by the COVID-19 pandemic, the democratically elected Pakatan Harapan (PH) coalition government collapsed in February 2020 because of defections.<sup>1</sup> This event reversed the hard-won democratic breakthrough the country had achieved in unseating the Barisan National (BN) coalition which had already ruled for almost six decades and created a legitimacy issue (Tayeb 2021). United Malay National Organization (UMNO) was the hegemon in Malaysian politics that had lost Federal power for the first time in 2018 (Malaysiakini Team 2020). This development showed democracy in Malaysia was still less than ideal. PH was replaced by a new coalition government called Perikatan Nasional (PN) that consisted of Bersatu, BN, PAS (Pan Malaysian Islamic Party) and a few who defected from PKR

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<sup>1</sup> There was no anti-hopping law at that time. Anti-hopping law was finally passed in Parliament on July 28, 2022.

(People's Justice Party). Muhyiddin Yassin<sup>2</sup> became the eighth Prime Minister (PM).

More undemocratic moves ensued in the next two years. Azhar Azizan Harun was unconstitutionally appointed as the new speaker without a vote (Palansamy 2020). In a voice recording that appeared on the internet, Muhyiddin Yassin was heard strategizing to woo other MPs from other political parties with offers of cabinet positions and chairmanships in government-linked companies (GLCs) (Aziz 2020). GLCs continued to be a tool for the PM to garner political support. Political appointments to these GLCs are disruptive to their operation and can affect their ability to support the economy (Gomez 2020). The PN government used the COVID-19 pandemic as an excuse to call for a state of emergency (Anand 2020) and shut down the parliament. This made a mockery of democracy because elected representatives could not fulfil their duties to scrutinize government plans and raise citizens' issues (Ramakrishnan 2020). Center for Independent Journalism warned that the emergency law was being misused to curtail freedom of expression, while the Malaysian Bar and Labor Law Reform Coalition expressed grave concern that democratic rights were being suppressed (Malaysiakini 2021). Renowned local economist Jomo Kwame Sundaram and two other economic experts, Nungsari Ahmad Radhi and Muhammed Abdul Khalid, opined that the imposition of a state of emergency had not helped Malaysia's economy but instead had made it worse (Hadi 2021).

On August 3, 2021, Muhyiddin lost his majority in Parliament when 11 UMNO MPs withdrew their support for him (Teoh and Hassan 2021). With this development, graft-tainted UMNO was back in power since the ninth PM was their man. Buoyed by victory in several by-elections, UMNO called for the 15<sup>th</sup> General Election (GE15) on November 19, 2022, but it resulted in a hung parliament. In the end, at the behest of the King, PH formed a "unity" government, together with UMNO; GPS, the coalition that won in Sarawak; and PBS, the coalition that won in Sabah. Anwar Ibrahim,

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<sup>2</sup> His real name is Mahiaddin Yassin but he is commonly known as Muhyiddin Yassin.

the leader of PH, became the tenth PM after more than two decades of trying to secure that position.

It is not the first time that such power struggle occurred in Malaysia's political and democratic landscape. Over the recent years, the country had already experienced four changes of government within a span of less than 5 years. To many Malaysians, the fact that a democratically elected government could collapse easily was a cause of concern. It also highlights the country's weak democratic system, as well as gaps in the election procedure and the Constitutional framework. This research identifies the major flaws of democratic processes that have prevented Malaysia from becoming a mature democracy as aspired in Vision 2020 in the last 3 to 4 decades. Most academic researches only analyzed the state of democracy in Malaysia (Case 1993; Lemiere 2019; Tayeb 2021) and/or a component of democracy such as the media (Ismail et al. 2017; Netto 2000; Sani 2015) or civil society (Chan 2018; Bowie 200; Khoo 2018; Jayasooria 2021). I have not found any that linked it to economic growth nor explained how an immature democracy could stall Malaysia in its journey to the First World. This study fills that gap and argues that high democratic accountability is necessary for Malaysia to prosper and reach the First World, from the perspective of theory of development.

## **II . Flawed Democracy**

Democracy in Malaysia has been given many names. It is a semi-democracy that holds elections and allows opposition parties to exist but there is uneven playing ground to deter opposition from getting into power (Case 1993: 184-186). The political governance practiced in the last five decades in the country is premised on electoral authoritarianism, where elections are not overtly rigged but subtler maneuvers are used to engineer desired outcomes (Tapsell 2018: 130). Details of such subtle maneuvers are provided in Section 2.1. Political parties, professional associations, labor unions or other advocacy groups are allowed to be formed and to recruit members but they are thwarted from becoming such a force that can threaten

the power of ruling elites. Some scholars call it competitive authoritarianism (Giersdorf and Croissant 2011; Weiss 2017). Democracy cannot be measured in absolute terms but what is measured is just a subjective assessment of the relative degree a country possesses the defined characteristics of an ideal democracy (Geissel et al. 2016). Malaysia is only partly free in character according to Freedom House Report 2021, scoring 21/40 for political rights and 31/60 for civil liberties.<sup>3</sup> Elections that are set up in a clientelistic manner in non-competitive places where certain personalities dominate and unfair barriers put up against civil societies and opposition parties, point to a flawed democracy (Acemoglu 2021: 42). Patronage and money politics is a common feature at every election. Incumbent parties offer projects or programs, or material goods in exchange of votes (Ufen 2020; Hazis 2009; Bagang and Puyok 2019). Indeed, according to Democracy Index 2022, Malaysia is categorized as a flawed democracy with an aggregate score of 7.30 and ranked 40<sup>th</sup> out of 167 countries, which means it has done better than three quarters of the countries in the world, but there is still room for improvement, especially in areas of the function of government, political participation, political culture, and civil liberties.<sup>4</sup>

Although the three branches of government in Malaysia are supposed to balance and limit each other's power, the separation of powers was removed during Mahathir's tenure as fourth Prime Minister of Malaysia. The Judiciary has been accused of pandering to the abuses of other two branches (Neo and Tay 2018). The Legislative branch has often acted as a rubber stamp for the Executive branch (Lee and Cheng 2019). The role of Parliament to scrutinize bills in the legislative process has been undermined by the Cabinet's dominance. Bills and amendment bills are drafted by the government ministries and rushed through Parliament without adequate scrutiny by parliamentarians. In the past, many bills were rushed through due to political loyalty when BN enjoyed a two-thirds majority support. Although Malaysia has a Parliamentary Select Committee (PSC) mechanism to provide post-legislative

<sup>3</sup> See <https://freedomhouse.org/country/malaysia-freedom-world/2021>.

<sup>4</sup> Democracy Index 2022 by Economist Intelligence Unit.

scrutiny, that mechanism has had limited use in the past (Khoo 2020: 62). Given the many legislations that have been introduced since Mahathir's era that arguably infringed on the constitutional and human rights of Malaysians, setting up more PSCs to evaluate and amend repressive and undemocratic laws is crucial.

From my analysis, Malaysia's progress towards becoming a mature democratic society in the last 3-4 decades has been impeded by various factors, including (i) rigging of elections, (ii) money politics, (iii) restricted freedom of speech and (iv) suppression of civil society's activities. These stumbling blocks have resulted in a lack of accountability and transparency, which undermines the principles of democracy and prevents truly capable politicians to rise to lead the nation into the First World. The following sections will elaborate in detail these four blemishes of democracy found in Malaysia.

## **2.1. Covertly Rigged Election System**

Holding an election is an inherent part of any democracy as it allows the will of the people to be brought to the fore in determining their political leaders. However, an analysis of past elections has identified many significant flaws in the Malaysian electoral system (Wong and Soon 2012). These flaws show that the job of the Election Commission (EC) is not to run a free and fair election, but rather to ensure the ruling party remains in power. That is the result of the EC being under the Prime Minister's department, effectively making the PM the de-facto boss of the EC. In addition to having control over the EC, BN amended the Constitution or introduced a slew of laws to entrench the ruling party and make it difficult for Malaysians to have a change of government (Ng n.d.). The Police Act 1967 was used to limit freedom of assembly. The University and Universities College Act 1971 was put in place to discourage student activism. The Printing and Publications Act 1984 was used to muzzle the media. The Internal Security Act 1960 was used to throw opposition members into jail without trial before it was repackaged as Security Offences (Special Measures) Act 2012. The Sedition Act 1984 was used to charge anyone deemed to incite hatred for the government. Official

Secrets Act was used to punish whistleblowers (Whiting 2018).

EC manipulates the electoral roll. Malaysia did not practice automatic voter registration until a court ordered EC to make all 18 years or older eligible to vote by December 31, 2021 (Aziz 2021). In terms of voter disenfranchisement, a significant portion of voters had been kept from exercising their rights to vote during election (Chan 2021: 11). There had also been many instances where voters' names were transferred to another constituency without their knowledge or permission, preventing them from voting. Furthermore, the electoral roll is not "clean" and contains phantom voters, including those who have already passed away, multiple names registered under the same address or identity card (ID) number, or untraceable persons (Pemantau 2013; Reuters 2018). While many Malaysians are denied the right to vote, some foreigners have been allowed to vote. Legalizing illegal immigrants would only encourage them to vote for those who benefit them. The impact of illegal immigrants on election results became starkly apparent in Sabah's certified electoral rolls in 1999 where a huge increase in the number of voters did not tally with its traditional growth rate and could only be explained by the influx of legalized immigrants (Frank 2006: 76).

Before 2017, postal voting was allowed for only military, police, overseas government servants, and their family members, but the system has been fraught with irregularities because the vote collection process is unsupervised by independent observers. There were past allegations of military votes being used for double voting or for stuffing the ballot box (Teoh 2011; Hornbill Unleashed 2018); there were also drastic increases of postal votes in marginal seats to tip the balance (BERSIH 2008). Ordinary overseas Malaysians were denied their right to vote until an amendment in 2017 to Election (Registration of Electors) Regulations 2002, but the enfranchisement of new overseas voters seemed half-hearted when ballot papers arrived late and insufficient time was given to post them back (Pemantau 2018). When the election process is not carried out in a free and fair manner, democracy is deliberately kept underdeveloped and goal no. 3 of Vision 2020 is made unachievable.

The partiality of EC towards the incumbent government makes

it an unprofessional body in many ways. The campaign period and the election date are set at the discretion of the EC. GE15 was called during the monsoon season since a low voter turnout would favor BN according to past data (Herrera-Lim 2018). Sensing the rise of support for the opposition, GE14 was intentionally set on a Wednesday to discourage voters from voting as a voting day is not automatically a public holiday and some voters will have to return to their hometowns to vote. Not only will East Malaysians working in West Malaysia find it hard to fly home to vote, those from northern states working in southern states in West Malaysia would also find it difficult to go back to their hometown to vote. The shortest campaign period of only 10 days was provided for the 2008 by-election of the Parliamentary seat of Permatang Pauh, which was a stronghold of the then opposition leader. Such a short campaign period is not favorable for opposition candidates as they do not get equal government media access (Gomez et al. 2018). In GE14, there were even two cases where EC officers sabotaged the nomination of opposition candidates Tian Chua (Karim 2019) and Streram Sinnasamy (Yatim 2018)

Electoral manipulation also occurs by re-drawing electoral boundaries. EC had been accused of resorting to gerrymandering and malapportionment against constitutional provisions to help its long-time political master, UMNO/BN retain power. Political scientist Wong Chin Huat (2017a) analyzed 2016 EC's proposal to redraw the electoral boundaries of federal and state constituencies in Selangor state and found the proposed re-delineation exercise was unnecessary.<sup>5</sup> In 2018, a Federal Court ruled that EC's actions could not be subjected to judicial review in a case brought up by PH-led Selangor state government (Kannan 2018). This demonstrates that the judiciary, an important constitutional entity in the country, lost its will to check the Executive's political power and allowed a flawed democracy to flourish in Malaysia (Chan 2018: 125-126). One unethical action allegedly committed by EC in violation of the spirit of democracy is the amalgamation of constituency areas. There have been several cases where two or three pro-opposition constituencies

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<sup>5</sup> The original version of this report was submitted to the Court in the judicial review filed by the State Government of Selangor, February 2017.



were combined into one, resulting in underrepresentation while a pro-BN constituency could be divided into two, resulting in overrepresentation.

Gerrymandering and malapportionment gave undue advantage to BN in many past elections. In 2018, the opposition-held Bangi in Selangor had the biggest parliamentary constituency in Malaysia in terms of voter size, with approximately 179,000 voters, while in the same state, the smallest constituency was BN-held Sabak Bernam which had around 37,000 voters (Ng 2018). When we compare Bangi constituency to Igan constituency in Sarawak, which had only 19,592 voters, we can see the significant inequality in the value of votes across these constituencies.<sup>6</sup> Malapportionment, along with other forms of electoral manipulation, is a form of electoral fraud that has been incredibly effective. For example, BN was able to win 51% of the seats in Parliament in the 2008 General Elections with only 15.4% of the popular vote, according to an analysis expressed in a memorandum submitted to the Malaysian Parliament (Ng n.d.). In recent state elections, BN won a two-third majority of contested seats with only 38% of the popular votes in Melaka (Welsh 2021) and 43% in Johor state election (Malaysiakini Team 2022).

Malaysia's "first past the post" (FPTP) voting system has effectively upheld the electoral authoritarianism and communalism perpetuated by the BN coalition, which was dominated by UMNO for almost six decades. In his analysis of FPTP in Malaysia, Wong Chin Huat (2018) provides an analysis of FPTP in Malaysia, stating:

...the ultimate critique against FPTP in Malaysia is not the malpractices of malapportionment and gerrymandering, but its mismatch with Malaysia's divided society, which produces parties with strong communal or regional bases.... Instead of promoting moderation in societies without deep divides, FPTP in Malaysia radicalizes the desperate opposition, which in turn places strain on the centrist ruling coalition ...wrongly incentivizes government and

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<sup>6</sup> Senarai Harga Daftar Pemilih Untuk Pilihan Raya Umum ke-14 Yang Diwartakan Pada April 10, 2018 (The Voter Registration Price List for the 14<sup>th</sup> General Election which was gazetted on April 10, 2018) [https://www.spr.gov.my/sites/default/files/HargaDPI ST42017\\_PRU14.pdf](https://www.spr.gov.my/sites/default/files/HargaDPI ST42017_PRU14.pdf)

opposition parties into malign competition.

FPTP system promotes negative partisanship and divisiveness, as it allows someone with a majority of less than forty percent to rule. Many scholars and activists have suggested alternative systems that are already in use in some developed countries (Wong 2017b; BERSIH 2017; Reilly 2019). Balasundram (2020) argued for proportional representation (PR) to replace FPTP. The Election Reform Committee recommended Closed-list Proportional Representation (CLPR) for parliament (Ruzki 2020). However, implementing these alternatives would require a constitutional change and the politicians who have benefited from the existing voting system might not want to support such change. More importantly, any discussion about a new voting system should involve civil society groups and opposition politicians to reach a consensus.

Subtly rigged elections only serve to entrench the non-performing incumbent government and prevent capable opposition leaders from rising to power. When elections are not conducted in a free and fair manner, Malaysia is not a mature democracy as aspired in Vision 2020. There will arise the question of legitimacy that may create political instability that is not conducive for economic growth and keep investors away. This problem of a biased EC can be resolved if the EC is made accountable to Parliament or the King, instead of the PM. Ting Mu Hung (2022) proposes that the appointment of EC chairman and fellow members be made apolitical, and that laws should be enacted to set clear criteria for constituency delineation and allowable deviation from the average size of constituency and streamlining of election management processes. This is in addition to allocation of more authority and resources to EC to function well independently. Incumbent politicians may not be in favor of reform that can reduce their chance of getting re-elected. EC has reformed itself a fair bit in the last decade, making a change of government possible in the last two elections but Malaysians must continue to demand for further electoral reform.

## 2.2. Entrenched Practice of Money Politics

The lack of laws governing political financing in Malaysia certainly strengthens ruling parties' ability to raise funds. Political parties require funds to sustain their operations all the times, including both electoral campaigns and regular non-campaign periods. These funds are necessary for providing solutions to their constituents, conducting policy research, and hiring adequate staff for service centers. Political parties can accept unlimited donations from sources in the country or overseas. They are allowed to own businesses (Amran and Azhari 2021). Ruling parties have the advantages of utilizing the resources of government-linked companies to benefit their political campaigns. UMNO was able to access significant resources and sustain resilience over the decades by engaging in activities such as vote buying or patronage, cash handouts, gifting, small favors, and promises of development during an election campaign (ibid.). Pre-2018 opposition parties, on the other hand, were not so fortunate, as they had to rely solely on membership fees, contribution from their MPs and supporters, sales of newsletters, and fundraising activities (Gomez 2012: 1383). Consequently, they were unable to make grand promises or offer freebies to voters during their campaigns.

In the existing system, there is no transparency of the sources of political funding, nor any accountability of their usage and purposes. Money given to the party may end up in an elite politician's personal accounts or in his charitable foundations (Gomez and Kunaratnam 2021). Most of the time, party members are unaware about the existence of such slush funds. The use of foundations to receive slush funds began in the 1980s, when patronage politics emerged as a result of the New Economic Plan.<sup>7</sup> The extensive nexus between politics and businesses resulted in many government-linked companies and UMNO-linked companies becoming conduits for UMNO's secret slush funds (Loh 2021). Former Prime Minister Najib Razak claimed that some of the money siphoned from the 1MDB scandal was used during the 2013 General

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<sup>7</sup> A 20-year affirmative plan started in 1971 which meant to reduce poverty and correct wealth imbalance among the races. It has been extended under different names to favor Malays and discriminate non-Malays.

Election. Zahid Hamidi, his former deputy, is now facing more than forty court charges for misappropriating RM20.8 million of the funds of Akal Budi Foundation between 2014 and 2016 (Malaysiakini 2019).

Civil societies and Transparency International have called for regulation of political funds received from private sources (Azhari and Yeoh 2021). However, it appears that political parties from both sides of the divide are not supportive of such regulation (Hisamudin 2022). Opposition parties are particularly concerned that their donors may be targeted by the state if they do not win the election (Dettman and Gomez 2020: 36-55). This has led to an increased awareness of the need to provide political parties with public funds. Unregulated private funding into political parties has a negative effect on representative democracy. This is because after an election win, the interests of these private donors must be taken care first, which hinders democracy's ability to represent and defend public interests.

The Coalition for Clean and Fair Elections, also known as BERSIH, has proposed the introduction of a public political funding system in Malaysia to 'make party politics more stable, institutionalized, policy-driven, gender-balanced, and professionalized (Ooi 2021: 5). Researcher Ooi Kok Hin, in his report to BERSIH, highlights the benefits of such a system, which are as follows:

The funds will aid political parties to operate more autonomously without having to exclusively rely on private funding. This will reduce the influence of rich private donors, help smaller parties which do not have resources or access to rich corporations, and slightly discharge political parties from excessive fund-raising... This will enable elected representatives to focus more on their parliamentary duties in service of public interests e.g. by researching about policies and monitoring corruption instead of fundraising dinners with corporate donors (ibid: 70). BERSIH further suggests that funds should be allocated based on vote shares, rather than seat shares. In addition, there should be a condition to encourage female representation and indirect funding for all eligible parties.

Money politics is inimical to democracy. Malaysian voters are

generally subject to disengagement from popular politics. They are systematically disengaged from important issues and left incapable to participate in decision-making processes. As a result, many voters are vulnerable to voting for those who give empty promises or immediate gifts during election campaigns (ANFREL 2013). Vote-buying practices mean corrupt politicians are voted in and they will recoup by misappropriating development funds. In the big picture, public service delivery will be affected or there will be fewer or smaller development projects (Khemani 2013). Consequently, economic growth cannot be sustained and the country cannot achieve the income level and the democratic maturity of a First World country.

### 2.3. Restricted Freedom of Press and Information

Before the advent of internet and digital technology, mainstream Malaysian media companies were owned and controlled by component parties within the political alliance BN. UMNO and their cronies printed *Utusan Malaysia*, *Mingguan Malaysia*, and magazines such as *Wanita* and *Mastika* (Gomez et al. 2018: xxii). Media Prima, owned by government-linked companies, runs two English language newspapers and three Malay language newspapers as well as a few TV channels, including TV3, 8TV, and NTV7. MCA runs an English language newspaper, *The Star*, while some other politically connected companies are licenced to print Chinese dailies such as the *China Press* and *Sin Chew Jit Poh*. Meanwhile, MIC owns a Tamil language newspaper called *Tamil Nesan*. Ananda Krishna, a close friend of Mahathir, operates Astro satellite TV and a few radio stations (ibid.: xxii-xxiii).

These mainstream media serve as a propaganda machine for their political owners and shapes the thinking and perception of the masses. In other words, the mainstream press operated as a propaganda apparatus of BN or semi-privatized appendage of the Ministry of Information whenever BN was in power (Sani 2014: 66-71). Reading those local newspapers gave their readers a sense that everything, except for the opposition politicians or their political enemies, was fine in the country. These pro-BN media organizations often failed to uphold democratic process, including scrutinizing the

state, ensuring accountability of elected officials, defending judicial independence, and ensuring a free flow of information. Unfortunately, a large segment of society tolerated these state-backed anti-democratic actions for many decades (Wong 2000: 137).

Freedom of speech is a right guaranteed in Malaysia's Constitution, but it is subject to laws enacted by Parliament in the name of national security and public order (Sani 2015: 345). The Internal Security Act 1960 did away with the need for the government to justify its actions through judicial process. The Sedition Act 1948 gives the government wide power to define what is deemed seditious. The Official Secrets Act 1972 requires journalists to prove first what they publish is not an official secret. The Printing Press and Publishing Act 1994 empowers the Minister of Home Affairs to revoke any printing permit without the possibility of judicial review. As a result of these draconian laws, most mainstream media personnel end up practicing self-censorship. (Gomez et al. 2018: xx). In 1987, *The Star*, *Sin Chew Jit Poh* and a Malay weekly *Watan* were suspended and allowed to resume only in 1988 after some editorial staff replaced (Sani 2015: 352). In 2015, *The Edge Weekly* joined the list of many publishers which had their permits cancelled (Shukry 2015). Beyond the traditional print media, many media sites such as *The Malaysian Insider*, *The Edge Malaysia*, and *Sarawak Report* were blocked from reporting on the 1MDB scandal (de Hann 2016: 4).

Reporters ended up only reporting on matters approved by their editors or owners and avoided exposing the inefficiencies or faults of authorities, including corruption, unscrupulous overcosting or waste, or lack of enforcement of preventive measures. Investigative journalism is often hindered by legal constraints, the threat of lawsuits, and the lack of whistleblowers when the law is weak in protecting them (Ismail et al. 2017). When mainstream media churned out disinformation, distortion and sensational news, the National Union of Journalists did not call out on its members or non-unionized fellow professionals to adhere to ethical reporting. The ruling coalition abused state apparatus such as national radio and TV to campaign, or painted opposition candidates in negative light (Houghton 2013).

During the BN era, a few non-BN parties were allowed to have their own print media in the form of newsletters, but not without restriction. PAS published *Harakah*, Democratic Action Party published *the Rocket News* and PKR, *Sinar Harapan*. These non-BN publications were only allowed to sell their newsletters to their respective members and at their offices. *Harakah* during its glory days in the late 1990s had a circulation in excess of 300,000 copies (more than the circulation of mainstream newspapers) in the immediate period following the sacking of Anwar Ibrahim, who was then the deputy PM under the Mahathir's administration (Netto n.d.). Alarmed with the increased circulation and popularity of *Harakah* at that time, the Home Ministry then reduced its print frequency from twice a week to twice a month (Netto 2000).

Following the availability of internet to the mass public, many bloggers and online news platforms have emerged to provide alternative news to their readers. One of the most successful online media platforms is *Malaysiakini*. On November 9, 2016, a pro-BN group "Red Shirt" of some 500 persons, gathered outside the *Malaysiakini* office and threatened to tear down part of its building (IFJ 2016), drawing condemnation from the International Federation of Journalists and the National Union of Journalists. Media personnel in Malaysia continue to face unwarranted challenges from state and non-state actors (ibid.). To punish *Malaysiakini* and try to put it out of business, the Federal Court imposed a hefty RM500,000 fine on it for anti-government and anti-judiciary third-party comments left at its online news portal (Rashid 2021). A strong and independent media is an important pillar of democracy that serves to keep society informed with alternative perspectives on any issue or matter of national interest. Any government attempt to attack the Fourth Estate is certainly against good democratic practices upheld in the First World countries.

According to the 2021 World Press Freedom Report, Malaysia dropped from 101 in 2020 to 119 in 2021 out of 180 evaluated countries. Reporters Without Borders has called on the Malaysian government to ensure that journalists can work without fear (IFJ 2021). Detractors like Chamril Wariya denies there is no press freedom in Malaysia and the evaluation of it should not be based

on the standard of Western media but to consider the context of local laws and culture (Bernama 2021). Many have supported legislations to curb hate speech (Buang 2019). Government claims that the control of the media is to ensure political stability and safeguard national security but the truth is, it is more for the political survival of the ruling power (Sani 2015: 341). The use of legislation and media ownership to curb press freedom hampers the formation of a free and informed society. The Malaysian government shows itself as immature and unable to meet Vision 2020 Challenge No. 3 to create a mature democratic community-oriented society. Press freedom is inherent in an ideal democracy and an effective tool to expose any corrupt activities of politicians. Therefore, it is essential that media institutions be respected, allowed to do their job, and contribute to the vibrancy of democracy. Political leaders and government should not be afraid of criticism and must be open to receiving feedback from members of society. This will enable the government to improve its services to the people, and establish an important cornerstone of democracy.

Political literacy among the voters is low. Many people in Malaysia still vote based on ethnic politics and religious affiliation (Welsh 2020). Therefore, press freedom and freedom of information are important so that voters can make informed choices about who has the best ability to bring real development to them and country in the long run. Schools in Malaysia do not teach students about the election process or the importance of each vote in reflecting the collective will of the people and fulfilling their civic duty to vote. EC should work with the Education Ministry to provide voter education in schools. The laws restricting press freedom and freedom of expression should be repealed or reformed to constrain the power of the authority to arbitrarily act against the citizens without judicial scrutiny.

#### **2.4. Weak Civil Society and Stalled Democratization**

Civil society groups are agents of development and democracy in their own right. They advocate for the eradication of poverty and social injustices, uphold democratic value, and call on governments to respect human rights. For example, the Malaysian CSO-SDG



Alliance is a network of NGOs with sustainable development in mind (Jayasooria 2021: 188). They reach out to empower, represent, and defend people living in vulnerable situations, triggering social improvement. Amnesty International Malaysia and Human Rights Watch Malaysia are two examples of these types of non-profit organization. Civil society can play a role in limiting and checking state power, as well as promoting political participation (Bunbongkarn 2004: 138 & 141). In Philippines, civil society movement was one of the factors that led to the fall of Ferdinand Marcos Sr. and Joseph Estrada (ibid.: 139 & 142).

However, in Malaysia, citizen participation in decision making process is still deemed limited under the semi-authoritarian state. While civil society is often seen as synonymous to non-governmental organizations (NGOs), the definition of civil society should also include the entire range of organized groups and institutions that are outside the purview of the government. This means mass media, think tanks, universities, and social and religious groups that are not set up by government, can be part of civil society (Diamond 2004). For example, Malaysia's Center for Public Policy Studies, the Asian Strategy and Leadership Institute, and the Institute of Strategic and International Studies are three think-tanks interested in the areas of foreign policy, social policy, education policy, and economics (Harridon et al. 2022: 169)

As civil society includes opposition political parties too, the sacking of Anwar Ibrahim in 1998 was considered a critical catalyst for the growth of civil society in Malaysia. Anwar's party PKR was set up in 1999 to work with other existing political parties to raise the public's awareness about corruption, justice, and ill governance (Bowie 2004: 196-197). The BN government did not view the rise of civil society favorably. 16 people who supported Anwar Ibrahim's cause were charged under Internal Security Act 1960. Among them were Kamarudin Jaafar of Institute of Policy Research and Siddiq Baba of International Islamic University (Amnesty International 1998). When PAS managed to seize control of Terengganu in 1999, the UMNO-led federal government stopped payment of oil royalties to that state (Bowie 2004: 198). The ethnocentric government has frequently stirred up issues regarding the 3Rs (race, religion, royalty)

in its attacks on elements of civil society, spreading fear that the Chinese would take over the country or that the position of Islam and Malay privileges would be threatened (ibid.: 198-199). Such government actions to weaken civil society often generated a backlash that further hurt support for the government (ibid.: 200).

Founded in 2005, BERSIH is arguably the most successful organizer of people's movement in Malaysia. It has organized five major rallies in the past decade to demand electoral reform and greater democracy for Malaysia (Chan 2018). The government banned such rallies. BERSIH activists and protesters were hosed down with water cannon, fired with tear gas, or arrested (BBC 2011). A democratic triumph occurred in 2018 GE14 when BN was ousted from federal power for the first time since the country's independence. One of the reasons for this unprecedented feat was because BERSIH managed to delay the election until 2018 through court challenges to EC's proposed delineation exercise (Chan 2018: 126-127). This delay allowed the opposition to gain momentum on a myriad of national issues. As of March 20, 2018, BERSIH was supported by 92 NGOs working on different issues related to the 1MDB corruption scandal and unfair election system (ibid.: 112). However, the significance of BERSIH is overexaggerated according to its critics. BERSIH is viewed as uncivil for not upholding a non-partisan watchdog role but comes across as being pro-PH, displaying judgmental bias against the EC and government, and treating Malay Muslims NGOs as uncivil (Ismail 2022).

In terms of human rights issues, two major coalitions of local civil society organizations (CSOs) are involved with the Malaysian government in the Universal Periodic Review (UPR) process organized by United Nations. These coalitions are the Coalition of Malaysian NGOs (COMANGO) and the Malaysian Alliance of Civil Society Organization in the Universal Periodic Review (MACSA). COMANGO's members of the COMANGO consists of 52 secular CSOs operated by human rights activists and practicing lawyers. On the other hand, the MACSA's members are Muslim CSOs promoting human rights values that align with Islam. These CSOs took the approach of not challenging the state in the UPR process but instead cooperating and striving to reaffirm government policies.

Although a relationship is established between CSOs and the state in this work arrangement, the former's influence on the latter is still limited to selected issues. The accepted recommendations remain confined to conservative issues, such as those regarding women, children, and persons with disabilities (Sarune et al. 2020: 176).

In assessing the influence of CSOs on the government on sensitive or conservative issues, a group of researchers of University of Malaya, have the following to say:

Relatively, there is no open door at present for the discussion of controversial issues such as LGBT rights and freedom of religion. The state's willingness to provide a space for CSOs to participate in the UPR process is merely guided by the requirement of the mechanism itself. The substantive aspect of what exactly civil society wants has yet to materialize. The role of CSOs in the public decision-making process is therefore still marginal, as procedural democracy is still a current practice (ibid.: 176). Indeed, many LGBTs and apostates continue to be discriminated and persecuted by the state. They can be jailed up to three years, fined up to RM5,000 and caned up to 6 strokes (Human Rights Watch 2021). There is still room to expand the work of CSOs beyond submission of stakeholder reports and public relations activities.

While cooperation between civil society and government is important, the former should be careful not to be politically co-opted to the extent they are no longer independent. CSOs should adopt a non-partisan approach in order to gain the confidence of the general public and thereby legitimacy. CSOs must balance between the need to assist people and the respect for the legitimate role of government, and build their capacity to create space for effective resistance without simultaneously becoming a target for repression. For a democracy to thrive, there must be dynamic participation by the people to make government accountable for their policies and actions (Khoo 2018). Without civil society, there will be no demand for democratic accountability and better representation of different interest groups. Democracy will be under-developed and Malaysia will bear no semblance to a First World country.

### **III. Link between Democracy and Economic Prosperity**

Is democracy important for economic prosperity? According to the theory of development by economists Daron Acemoglu and James Robinson (2012: Ch. 3 and Ch. 4), inclusive institutions are vital and necessary for sustainable economic growth, and extractive institutions are detrimental for any country. Inclusive institutions are those where power is spread out more evenly and they benefits the general good while extractive institutions benefit only those few where power is concentrated or do not benefit the majority nor the country. Their team of researchers found that although democracy is not a sufficient condition for a political system that can cultivate the sort of values or people participation ideally required to build inclusive institutions, it is generally conducive for economic growth, contrary to what many of its detractors think. Democracy is also very good for education, children's health, and many things associated with a modernized society. (Acemoglu 2021: 42; Acemoglu et al. 2014). The greedy leaders set up extractive institutions that work for their own interests and not for the country. That is what UMNO and its coalition partners did in Malaysia over the last six decades, to the point that Malaysia has not been able to reach First World status as aspired for in Vision 2020.

Mature democracy is a boost for economic development (Heo and Hahm 2015). A stable, mature democracy with high literacy helps reduce corruption (Dutta and Mukherjee 2016). Except for a few benevolent authoritarian regimes such as Singapore and China, sustainable economic growth is tied to a vibrant democracy that guarantees political and civil rights to people, enabling them to voice out their problems and demand appropriate government actions (Banik 2022: 235-236). The exercise of these rights provides the right incentives, be it in the economic or political sphere, for politicians and the government to serve the people. Norway and New Zealand are two countries at the top on the Democracy Index scale, enjoying sustainable economic growth that have kept them in the First World. Singapore has been able to sustain its First World status because the PAP party that has ruled it for almost six decades embraces meritocracy. Lee Kuan Yew (1990) encouraged the ablest

and best intellectuals to join politics, and advised his people to avoid voting for hypocrites, jokers, charlatans, and sweet talkers. Similarly, the Chinese Communist Party today practices meritocracy at party elections to allow their ablest to rise to power (Li 2013). So economic prosperity and social well-being depend on the quality of elected political leaders; those who think of the next generation, instead of the next election.

In his theory of development, political scientist Francis Fukuyama (2013) listed democratic accountability and social mobilization among the six dimensions of development a country should imbibe well in order to get to into the First World. Democratic accountability is important because it allows informed voters to remove those non-performing politicians in a free and fair elections (Fukuyama 2011: 321-322). In Malaysia where the electoral system is far from ideal, many tainted politicians could get themselves elected back again and again. Mahathir, who was implicated in many scandals (Wain 2009; Lim 2017) was able to rule for 22 years and again was given a chance to be PM in 2018.<sup>8</sup> Najib Razak managed to become the sixth PM in 2009 despite being linked to the Scorpene scandal and the murder of Altantuya (Mokhtar 2017); he is now in jail for the 1MDB scandal. Zahid Hamidi of UMNO still got himself re-elected in GE15 despite facing many corruption cases and is now deputy PM in the unity government. Social mobilization is also a key element in a liberal democracy because it can help a country break out from any dysfunctional political or economic equilibrium caused by rent-seeking traditional elites (Fukuyama 2011: 476). Indeed, the BERSIH movement helped topple BN from power in GE14 for the first time in history of Malaysia, and thus civil societies should be encouraged to continue their good work to demand for greater democratic accountability. Inefficient democratic institutions and weak civil society activism are stumbling blocks in Malaysia's journey towards attaining the status of developed country.

If the elections are conducted fairly, without vote buying, with

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<sup>8</sup> The current PM Anwar Ibrahim insinuated Mahathir had enriched his children during Mahathir's 22-year tenure as PM. The latter has sued the former. It will be an interesting court case to follow.

freedom of information, and the awareness of issues highlighted by civil society and media, Malaysian voters can choose wisely, thereby increasing the chance of electing truly capable leaders. If they are not performing, they can be voted out in the next election. When incumbent politicians know that the EC will “cheat” to help them stay in power, they will be less incentivized to perform or do the right thing for the country and the people. When EC ignores vote buying, power crazy politicians will find a way and often source bribes from development funds. There will be less money left for development after an election, leading to lower economic growth than can be achieved otherwise or missed opportunities for development. Money politics is pervasive among a few other types of corruption in Malaysia (Azmi and Zainuddin 2020). Emir Research tabulated that Malaysia lost approximately RM4.5 trillion to corruption and leakages in the last 26 years (Hussin 2023).

#### **IV. Conclusion**

Democracy is less than vibrant in Malaysia. There is no real separation of powers between the three branches of government. EC does not hold fair elections but works to keep the incumbent government in power through gerrymandering and malapportionment. There is little regulation on political financing and no anti-hopping laws prior to July 2022 to stop elected politicians from overturning the mandate given by the voters, but instead many laws to curb freedom of media, free expression and information, and rights to peaceful assembly. True democratic accountability is low. The fact that UMNO and corrupt politicians could still win elections even when they were scandal tainted, shows voters’ ignorance of the big picture consequence on the progress of the country. The fact that a democratically-elected PH government could be toppled so easily and be replaced with an un-mandated PN government further confirms a weak democracy.

By allowing EC and other institutions to be compromised in the last six decades, Mahathir and UMNO have tarnished democracy in Malaysia, and making it unable to meet Vision 2020 Challenge

No. 3. Undemocratic processes in turn entrenched extractive politicians in power and allowed further establishment of extractive institutions in the country that worked against achieving the other strategic challenges in Vision 2020. It is no wonder then that whole Vision 2020 program failed.

Voting in an election is a skill, and should not be done at random or based on gut feel or one's fancy and whims; it is not an opportunity to receive money or goodies in exchange for votes. Malaysian voters must be taught how to vote wisely by equipping them with better analytical skills through high quality education system. They must learn that for a country to achieve First World status, its political development must be inclusive to avoid concentration of power in too few hands, and to avoid abuse of power, and to set up other inclusive institutions that will provide quality infrastructure and efficient public services as well as to encourage a system of democratic accountability that allows citizens to appraise the leaders' performance in free and fair elections. They should vote out extractive politicians who are barriers to the country's progress towards a developed country status.

Malaysia must reform any laws or electoral institutions that impede its progress towards a mature democracy. A good start for reform is to remove EC from the purview of the PM, and allow it to carry out free and fair elections independent from executive interference, so that most capable politicians can rise to power in a meritocratic manner to reform any extractive institution to be inclusive. Malaysia needs reform-minded political leaders who can orchestrate the many dimensions of development inclusively. Without such reforms, Malaysia will not be able to progress fast towards the First World

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