

[Working Paper Series: Ups and Downs of Direct Democracy Trends in Asia]

Malaysia's Ongoing Tussle With Democracy

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Abstract

Following Malaysia's fourteenth general election (GE14) in 2018, there was a genuine sense of optimism brimming in the imagination of many of its citizens. A result of the undercurrents formed ever since GE12 back in 2008, the difficult transitions away from colonial legacies like patronage or feudalism as well as traditional political arrangement of consociationalism were beginning to unravel. A more democratic environment began to organically take shape in many layers of Malaysian society in tandem with the gradual electoral rejection of the long-ruling National Front (BN) coalition, culminating in the first ever democratic change of federal government in GE14 after more than six decades of single-party dominance.

However, a sudden collapse of the Pact of Hope (PH) coalition due to party defectors and ideological differences led to a unique political and constitutional crisis that gave birth to a new coalition named the National Alliance (PN). After poor handling of the COVID-19 situation and blatant attempts at undermining democratic pillars, Malaysians again went through a period of uncertainty as the PN coalition endured an internal reshuffle involving the prime minister's post. All of these recent incidents have given rise to many questions as to the health of democracy in Malaysia. Some have felt utterly confused and disillusioned with the entire democratic process, while others are actually galvanized to offer alternatives via more participatory or direct forms of democracy.

Introduction

Many observers of Malaysia anticipated a more progressive shape of democracy for the country as it bucked the global and regional trend of sliding backwards into more authoritarian regimes or far-right

populist rule. Unfortunately, the deposed BN coalition effectively manufactured a narrative to entice its long-time political rival, the Pan-Malaysian Islamic party (PAS), into working together in forming the National Concord (MN) to destabilize the PH government and potentially return the BN coalition to power. This strategy led to the eventual resignation of the seventh prime minister and self-sabotage of the promising “New Malaysia” agenda. Leadership ambiguity ensued for several weeks until the hastily assembled PN coalition stepped in as a substitute amidst the start of the pandemic.

The far less transparent and rather desperate installation of the PN government without the people’s mandate led to clear and urgent demands from the Malaysian public, especially its civil society, to rethink democracy and reform its decaying institutions as posited by Francis Fukuyama in his works. As the eighth prime minister was forced to make way for the current prime minister to avoid being removed in a vote of no confidence in Parliament, numerous concessions were dealt out as part of a Memorandum of Understanding (MoU) between the fragile government and the largest opposition bloc. This further invited public criticism as the deal was discussed and done among the leaders of the respective parties and its supporting members of Parliament (MPs).

Such an “elite” form of deliberation adds salt to the wound for the people who felt cheated by some of their elected representatives that jumped ship and collaborated with the electoral losers. This is further exacerbated by the double standard SOP practiced by law-enforcers during the COVID-19 lockdowns in Malaysia that gave politicians leeway while the public received the full brunt of penalty fines. There is a near-total deficit of trust towards the entire political establishment on both sides of the aisle, triggering conversations on renewed calls for a more inclusive and deliberative democracy that can actually resolve the real issues that average Malaysians are facing.

Definition and Local Context

Essentially, deliberative democracy or direct democracy is a process that aims to gather the relevant stakeholders or those citizens whose daily interests and future prospects are affected by a particular issue to willingly participate in expressing their opinions and exchanging ideas. Once these valuable inputs are shared and critically evaluated, participants begin to discuss and determine for themselves what sort of policies derived from the dialogue are best to put forth in the interest of all members of the public, irrespective of background or social status. Once a consensus is reached, this inclusive

decision-making approach not only gives a platform for citizens to voice their concerns to influence policy making, but more importantly it gives a certain measure of responsibility for the stakeholders themselves to also ensure that their recommendations are indeed implemented and that they have a sense of mutual ownership of public policy.

Historically, Malaysia practices an indirect form of democracy, which is the representative mode it inherited from its British colonial experience. This foreign concept was carefully designed and infused with existing local context during the early period formation of the federation to establish the current modern system, which is a constitutional monarchy. Malaysia's democracy is somewhat distinct compared to other nations in the world on the basis of its complex power structures and diverse social fabric. Even at the highest level, the elected King (Yang di-Pertuan Agong) is subject to consultation with his fellow brethren through the Royal Council (Majlis Raja-Raja) for any official matters. As there are nine monarchs in Peninsular Malaysia, they each assume the Kingship of the Federation of Malaysia on a five-year rotational basis after internal deliberations.

Beneath the royal institution, which is limited or bound by the federal Constitution, are the executive, legislative, and judiciary branches of government that were adopted heavily from the Westminster system. As the executive and legislative branches are fundamentally elected from amongst the public, it is here that the functions of democracy apply. Candidates stand for elections both at federal and state levels on behalf of their constituencies and the prevailing winners then enter into the lower chamber of a bicameral parliament structure or state assemblies to convey the issues, debate motions, and suggest policies to be enacted. The party or coalition that gains the majority of MPs in the lower house will go on to form the cabinet for the executive branch.

Delving deeper into Malaysia's representative democracy, the interactions and affiliations between the MPs and their grassroots base through various avenues and local activities remains a vital component of public engagement. As representatives, maintaining such physical outreach or media communication is necessary to enable greater participation among the constituency. It also functions as a means of information dissemination for government initiatives whereby national agendas are explained to the public and feedback is channeled through the elected representatives, who then take this feedback into consideration when forming policies at the executive level or passing laws at the legislative level. Nevertheless, there exist crucial gaps within such dealings, with the example of some MPs who respond by providing services to the voters to curry favor for the next electoral cycle.

External Developments

Although Malaysia shares a geographical landscape and common cultural features with ASEAN, the country's path to democracy differs greatly to its counterparts as the experience in gaining independence, its population makeup, and choices taken by the founding fathers when appraising democracy have been dissimilar. Due to anxieties surrounding racial and religious sensitivity, Malaysia chose to adopt a more exclusive form of deliberative democracy that entrusts its privileged segments to assume leadership decisions and facilitate items relating to personal liberties. Deliberative or direct democracy was not an attractive option during the inception of Malaysia as a nation-state back in the 1940's and 1950's, yet the topic seems fairly relevant today, especially for the younger generation. Direct democracy is being seriously explored given the challenges and changes taking place in many contemporary democracies.

Malaysia's strategic location in the heart of Southeast Asia as well as its long-held stable democracy (some define it as semi or quasi-democracy) provides it with generous access to its surrounding neighbors to learn from their different models of governance. That being said, popular trends or new changes, particularly those pertaining to democracy, that occur in the ASEAN region will in some way or form permeate to impact Malaysia's own trajectories. The propagation of identity politics and appointment of "strongman" leaders amidst crises have recently stalled democracy's inroad in this part of the world. The examples of very open democracies such as Indonesia and Philippines practicing direct or deliberative democracy at village or community level are offset by the extreme fundamentalism and populist authoritarian tendencies in these same places.

Additionally, Malaysia's well-developed infrastructure compared to the rest of the region has also given Malaysians wide access to international news coverage and knowledge from universities abroad regarding the political experiments performed in more advanced liberal democracies. Malaysians had easy access to real-time updates at their fingertips on events like the United Kingdom's exit from the European Union (Brexit), the presidency of Donald Trump in the United States, and the Arab uprisings across the Middle East and North Africa (MENA) region, allowing them to observe the many volatile drawbacks and difficulties of sustaining democracy. These episodes, coupled with the neighboring examples of China's rapid prosperity despite its excessive display of human rights violations and India's escalating social polarization despite being the world's largest democracy, put discussions about democracy in Malaysia at a slight disadvantage.

Recent Issues

The main obstacle in Malaysia for something as familiar as representative democracy to evolve into direct democracy would be convincing the persons located in semi-urban and rural constituencies of its merits. The inequalities that they face, be it in terms of robust discourses or economic opportunities, can very much hinder their appreciation of untested measures. It would seem far more practical for these communities to delegate the responsibilities of managing policies to an elected representative while they attend to their daily affairs. An entrenched system of race-based policies, religious bureaucracy, and the decades-long nexus between political status and business interests further complicates any attempts at altering the present circumstances.

As exemplified by the political turmoil post-GE14, there have always been resisting elements both within administration hierarchies and the general populace that push back against progressive ideals by casually labeling them foreign undesirables that threaten the majority's way of life. It is often implied that implementing more democracy would dilute certain facets of the social contract, and thus the perception is to merely tolerate the beneficial outcomes of democracy like peace and freedom while overlooking its core principles like good governance or justice. Moreover, the proponents of democracy and human rights in Malaysia are usually found in urban-centric areas, have been involved with activism, are exposed to multicultural surroundings, and belong to a younger age bracket. Those that can identify themselves in any of these four quadrants tend to be willing to support direct democracy tools like referendums or petitions.

As a consequence of Malaysia's rapid modernization in the 1980's and 1990's, we witnessed a clear national direction that invested early on in the tech ecosystem which broadened the digital space as unintended compensation for a partially free public sphere. The internet cafes, blogs, online forums, and social media sites like Yahoo or MySpace back then revolutionized Malaysia's democratic scene by providing alternative avenues for deliberation and dissent to take place. Over time, this inculcated the steady advance of prominent civil society organizations and informative media outlets to enrich conversations about democracy. This now seems to be bearing fruit as their integrity as an autonomous "third force" remains intact against the backdrop of the political establishment's scramble to grab power. A burgeoning volunteer culture is seen with the #KitaJagaKita movement and recent flood disaster relief efforts.

Another example of formidable NGO networking in Malaysia is the increasing presence at stakeholder engagement events hosted by the government. Such consultations, either through high-

level face-to-face meetings or town hall dialogues, have in recent years become more widespread as the government acknowledges the important role played by civil society organizations in both nation building and policy making. Furthermore, in the era of the constant surveillance of the 24/7 news cycle, no sitting government can afford to discount strategic partners or casually dismiss their demands as they did in the past, since doing so would seriously hurt their reputation and subsequently affect their electability, particularly in city-centric and ethnically mixed seats.

All of this indicates that there is already latent potential for community-driven initiatives in Malaysia to step up and fill in the gaps or reprimand the abuses committed by formal institutions, rigid administrations, and, most troublingly, political parties, which had principally dictated public affairs from 1957 up until 2018. With the continuing fragmentation of the political class, there is ample room and purposeful interest for a reconsideration of democratic models in Malaysia. A citizen's assembly mirroring the Scandinavian and Irish case studies has been touted by the Better Malaysia Initiative and has garnered some traction. However, criticisms include the implementation mechanism as well as the fact that it is a proposal by elite individuals to start an elite council consisting of eminent Malaysians emulating the National Operations Council in the early 1970's after the deadly racial riots of May 13th.

There are more positive indicators in favor of direct democracy. The mounting influence of online petitions through websites such as change.org to instigate pressure towards specific issues, the policy suggestion from BERSIH 2.0 on recall elections to hold party-hopping MPs more accountable, and sub national efforts by IDEAS to encourage citizens to monitor state government budgets and procurement are all examples demonstrating that efforts towards direct democracy are already in the pipeline.

Emerging Trends and Conclusion

Looking at the upward trend among Malaysians to seek direct democracy as an outlet for their disappointments with representative democracy, we find that much of the frustration centers around the shattered expectations for institutional reform after the infamous Sheraton Move incident in February 2020. The collapse of the PH government created intense debates as to the motives of elected representatives and the actual meaning or value of their votes. The situation has also fashioned a variety of choices as new political parties emerge, such as the youth-based party MUDA (Malaysian United Democratic Alliance), the anti-corruption party PEJUANG (Homeland Fighters Party) and the

inclusive Parti Bangsa Malaysia (Malaysian Race Party) to name a few. This suggests that decentralization of traditional power distribution in Malaysia is well underway.

Elaborating further on decentralization, the MOU signed between the PN government and the PH opposition bloc has also revisited the issue of federal-state relations between Peninsular Malaysia and the Bornean territories connected to the Malaysian Agreement of 1963 (MA63). As such democratic discourse gains momentum, civil society organizations and progressive politicians have also raised improvements to local council elections in the hope this will mark a catalyst for moving the needle of Malaysia's conventional political culture. Leading the charge is the talented UNDI18 movement that successfully pursued the expansion of the legal voting age as well as automatic voter registration in Malaysia. Their advocacy and organization of the #Lawan street protest built optimistic expectations for MUDA as a youth generation bloc aiming to disrupt the status quo.

With a weakened majority government as well as an opposition coalition in such disarray, the predominant logic in reading Malaysian politics would be the formation of post-electoral pacts or shared governments for the foreseeable future. A far less powerful state and a steadily influential civil society segment do indeed encourage more involvement from the public that can endorse further support for direct forms of democracy. The key lessons are to further strengthen the people's room for dissent and protect their civil liberties in tandem with basic human rights. Simultaneously, enhancing democratic literacy that can create more awareness of disinformation is pertinent to restoring trust to public institutions. By executing such reforms, there is potential for progress. However, further nurturing is required before a mature democracy can benefit all.

Nevertheless, there has to be caution against the potential to return to the feudalistic mindsets and patronage practices that heavily rely upon cronyism and grassroots servicing. An attempt at a political comeback by the former sixth prime minister using a populist personality, despite the tainted image of the 1MDB corruption scandal, is truly frightening and threatens Malaysian democracy. ■

References

- Bohman, J. (1998). 'The Coming Age of Deliberative Democracy', *Journal of Political Philosophy* 6 (4): 400–425.
- Disch, L. (2011). 'Toward a Mobilization Conception of Democratic Representation', *American Political Science Review* 105 (1): 100–114.
- Dryzek, J.S. (2000). *Deliberative Democracy and Beyond: Liberals, Critics, Contestations* (Oxford: Oxford University Press).
- Dryzek, J.S. (2009). 'Democratization as Deliberative Capacity Building', *Comparative Political Studies* 42 (11): 1379–1402.
- Kuyper, J. W. (2016). 'Systemic representation: democracy, deliberation, and nonelectoral representatives', *American Political Science Review* 110 (2): 308–324.
- Mansbridge, J., Bohman, J., Chambers, S., Christiano, T., Fung, A., Parkinson, J., and Warren, M.E. (2012). "A Systemic Approach to Deliberative Democracy," in J. Parkinson and J. Mansbridge (eds.). *Deliberative Systems: Deliberative Democracy at the Large Scale* (Cambridge: Cambridge University Press), pp. 1–26.
- Moore, A. (2017). *Critical Elitism: Deliberation, Democracy, and the Problem of Expertise* (Cambridge: Cambridge University Press).
- Rehfeld, A. (2006). 'Towards a General Theory of Political Representation', *Journal of Politics* 68 (1): 1–21.
- Urbainati, N. (2006). *Representative Democracy: Principles and Genealogy* (Chicago: University of Chicago Press).

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This series of reports was compiled as a part of Asia Democracy Research Network's joint research project on Ups and Downs of Direct Democracy Trends in Asia. The research for these reports was conducted entirely by EAI and its partner think tanks in Asia, including Indonesian Institute of Sciences, Society for Participatory Research in Asia, Jesse M. Robredo Institute of Governance, Verite Research, King Prajadhipok's Institute, Independent Research Institute of Mongolia, and Institute for Democracy and Economic Affairs.

This program was funded in part by the National Endowment for Democracy (NED).

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"Malaysia's Ongoing Tussle With Democracy"

979-11-6617-421-6 95340

Date of Issue: June 7 2022

Typeset by Juhyun Jun

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