

PAKATAN HARAPAN'S FIRST YEAR IN PUTRAJAYA: REFORM AND RESISTANCE

Tahun Pertama Pakatan Harapan di Putrajaya: Perubahan dan Pertentangan

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ABSTRACT

On 9 May 2018, the longstanding ruling regime in Malaysia, the Barisan Nasional (the National Front, BN), suffered its first loss in the 14th General Election (GE14) to the Pakatan Harapan (the Alliance of Hope, PH) despite its heavy use of authoritarian measures. In the subsequent months, a number of reforms were made largely by changing the heads of key government agencies apart from reviewing the role of those agencies towards the process of democratisation. Although the standard of reforms in Malaysia during the first year of PH's rule was arguably a small scale restructuring, it has attracted a substantial amount of resistance from certain quarters – from within and outside the new ruling party. This article contends that the reform projects implemented by the Mahathir-led PH government during its first year in Putrajaya was somewhat constrained by structural characteristics of the new ruling party alongside the current reality of the Malaysian economy and its society. For these reasons, the objective of this article is two-fold. Firstly, it makes a concise survey of the reform projects that have been implemented by PH government between mid-2018 to mid-2019. Secondly, it identifies the sources of resistance that have significantly constrained the potential for a fuller level of democratisation in the Mahathir-led PH government.

Keywords: Anwar Ibrahim; democratisation in Malaysia; Mahathir Mohamed; Pakatan Harapan; reform

ABSTRAK

Pada 9 Mei 2018, Barisan Nasional (BN) telah ditewaskan buat pertama kalinya oleh pakatan pembangkang. Melalui pendekatan politik yang strategik dan pragmatik dalam usahanya untuk memenangi Pilihan Raya Umum ke-14 (PRU-14) dan

mereformasi pemerintahan negara, Pakatan Harapan (PH) berjaya mengalahkan BN meskipun dengan majoriti yang kecil. Tidak lama kemudian, beberapa perubahan dilakukan kebanyakannya dengan menukar ketua-ketua agensi kerajaan selain daripada menyemak semula peranan agensi-agensi itu dalam proses pendemokrasian. Walaupun tahap reformasi di Malaysia pada tahun pertama pemerintahannya boleh diujahkan sebagai satu penstrukturan semula yang berskala rendah, ia telah menarik penentangan yang signifikan dari beberapa pihak – di dalam dan di luar parti pemerintah. Artikel ini menghujahkan projek reformasi yang dilaksanakan pada tahun pertama kerajaan PH di bawah kepimpinan Mahathir secara umumnya tercengkam dengan struktur parti pemerintah, ekonomi Malaysia dan masyarakatnya. Untuk itu, artikel ini dibahagikan kepada dua bahagian utama. Pertama, ia membuat refleksi terhadap projek reformasi yang dilaksanakan oleh PH dari pertengahan tahun 2018 sehingga pertengahan tahun 2019. Kedua, ia mengenal pasti punca-punca penentangan terhadap reformasi yang telah secara signifikannya mengekang potensi pendemokrasian yang lebih menyeluruh dalam kerajaan PH pimpinan Mahathir.

Keywords: *Anwar Ibrahim; pendemokrasian di Malaysia; Mahathir Mohamad; Pakatan Harapan, reformasi*

INTRODUCTION

On 9 May 2018, the longstanding ruling regime in Malaysia, the *Barisan Nasional* (the National Front, BN), suffered its first loss in the 14th General Election (GE14) to the *Pakatan Harapan* (the Alliance of Hope, PH) despite its heavy use of authoritarian measures. One key factor behind the historic victory was reform agendas offered by PH—60 promises packaged in a manifesto called the *Buku Harapan* (the Book of Hope). The book laid out five core manifestos with primary focus on fixing inequalities and malpractices in politics, governance, economy, regional, and socio-cultural affairs.

Mahathir Mohamad, on his first night as the seventh Prime Minister of Malaysia, declared that “... certain heads of department will have to go... some of them were aiding and abetting with the previous kleptocratic leadership” (*New Straits Times* 2019). It was a clear signal of his determination to push reform agendas laid out in the book. Several months later, the new government was already pushing for the ratification of International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Rome Statute. Nevertheless, it had to backtrack on the move after receiving a huge backlash from the public especially from the Malay community.

This article contends that the reform agendas attempted by the Mahathir-led PH government during its first year in Putrajaya was constrained by structural issues within the government administration faced by the new ruling party as well as the pressing

reality in socioeconomic and social issues. The objective is two-fold. First, this paper surveys the reform projects implemented by the PH government between May 2018 to May 2019. Second, it identifies the sources of resistance that significantly impeded the potential of the PH government to implement large scale democratisation agenda.

THE STRUCTURE OF DEMOCRATISATION FORCE AND THE MALAYSIAN SOCIETY

Malaysian society can be best described as a diverse and plural society beyond ethnicities and religious creeds, but also include the multitude of economic classes, education systems, and regionalities. Many institutions were built based on these criteria, which continue to preserve and reproduce its plural characteristics. In politics, political parties in Malaysia are mainly ethnic- and regional-based such as the United Malays National Organization (UMNO) and *Warisan* in Sabah. While there are political parties that are based on universal principles and multicultural in character such as the case of Democratic Action Party (DAP) and the People's Justice Party (PKR), they are usually dominated by one dominant ethnic in practice. The Chinese are dominant in DAP while Malays in PKR.

Communal politics that is deeply entrenched in the Malaysian political landscape makes it nearly impossible for any single political party to dominate the legislative branch on its own (Ostwald et al. 2018). Instead, the prevailing multi-party system in Malaysia provides an incentive for inter-party and inter-cultural pacts between political elites from different parties to increase their chance of winning the elections. Political coalition proves to be the most effective strategy for political parties in Malaysia. UMNO-led BN serves a prime example, having stayed in power for six decades. A coalition between 13 parties across West and East Malaysia, UMNO-led BN stayed in power for six decades and enjoyed smooth victories in the first nine GE due to uncoordinated opposition bloc. Starting from GE10 in 1999, the opposition bloc began to organise themselves into coalitions, despite several ups and downs, making the electoral contest more competitive (Ufen 2020). The most significant turning point for the opposition bloc came in 2008 when they succeeded to deny BN a two-third majority in GE12 for the first time since 1969; and in GE13 in 2013, BN continued to suffer when it lost in popular vote to the then PH coalition. At that point, political coalition took a central role in political bargaining between elites and changed the political landscape in Malaysia to a sort of bi-party (coalition) system. In both elections, BN was defeated in almost every urban and Chinese-majority constituencies.

The major huddle for the opposition bloc, even until today, is the strong support from the large part of Malay and *Bumiputera* communities to the UMNO-led BN—a key electorates that have kept them in power. For so long, UMNO-BN has been projecting

itself as the protector of the natives through exploitative clientelism (Chandra 1979). Through a manipulative control over the mainstream media, opposition parties particularly DAP was often demonised by BN as a “communist” and an anti-Malay organisation—pushing away Malay voters from DAP as well as instilling deep-seated distrust towards the party (Muhamad Nadzri & Jamaie 2018). BN’s menu of manipulations include gerrymandering and malapportionment by redrawing electoral boundaries to increase Malay-majority constituencies, which intensified since 2003 primarily to secure its position and this lasted until mid-2018 (Lim Hong Lai 2002).

Unlike the previous *Barisan Alternatif* or *Pakatan Rakyat* coalition, the PH coalition prior to the 2018 GE incorporated a Malay-based political party, Malaysian United Indigenous Party (PPBM, BERSATU) and an East Malaysia political party the *Warisan* in Sabah. Incorporating Mahathir into PH was no easy task, primarily because of his authoritarian track record as the 4th Prime Minister, from 1981-2003. Another matter in fact is his complicated relationship with Anwar Ibrahim, former Deputy Prime Minister, whom he personally sacked. Thus it explains the reluctance of PKR and PH president at the time, Wan Azizah Wan Ismail, who is Anwar’s wife to cooperate with Mahathir during the founding of PH (with DAP and *Amanah* Political Party) in September 2015 despite the latter’s apparent animosity towards Najib’s administration. Wan Azizah also took some time to work with former UMNO elites such as Muhyiddin Yassin, Shafie Apdal, and Mukhriz Mahathir who were expelled by Najib, the sixth prime minister, in late 2015 (Nadzri 2018).

Eventually, Wan Azizah settled on a liberal approach towards Mahathir and former UMNO leaders. Meetings between PH leaders with Mahathir and former UMNO leaders were held. Indeed, things were progressing steadily even though Anwar, who was still in prison in 2016, was still cautious of Mahathir. PH leaders began to see the presence of Mahathir and the ousted UMNO leaders as a golden opportunity to make a breakthrough with the Malay electorates and *Bumiputera* constituencies. Although PH leaders, without consulting Wan Azizah, also made a plan to assist Mahathir and ex-UMNO leaders to establish a new Bumiputera party to contest and perhaps eventually replace UMNO. The move was crucial following PAS’ decision under the new leadership of Abdul Hadi Awang to break away from opposition coalition in mid-2015. A year after PH was established, Mahathir finally met Anwar on 5 September 2016 before announcing the establishment of PPBM two days later. The breakthrough eventually saw the incorporation of PPBM into PH in December 2016. Following that, PH made another surprise in early 2018 by naming Mahathir as its Prime Minister candidate.

With regard to the democratisation framework, the regime change as explicated above was both made possible by the coordination among opposition parties and the split within the ruling elites. But in the context of Huntington's political liberalisation processes, the regime change in Malaysia did not fit perfectly into any of his proposed model of transitions (transformation, replacement, and transplacement) (Huntington 1991). It can be considered as a quasi-replacement as the regime change was facilitated by a number of key (former) leaders from the ruling party, made possible by the split of ruling elites beforehand. As a matter of fact, Mahathir himself led the 'replacement' project. The man is known for his authoritarian and strongman style of leadership during his first incumbency, which was opposed by the very same group of opposition he would be working with in PH. It was not only Anwar and Wan Azizah who have doubt in cooperating with Mahathir. The sentiment was also shared by the Secretary General of DAP, Lim Guan Eng, as well as the then PKR Deputy President, Azmin Ali, who opposed Mahathir's candidature as Prime Minister.

Behind these hesitations lie the concerns and questions over the true objective of the opposition's struggle—of whether the regime change was merely to oust Najib from power as portrayed in Mahathir's speeches since 2015, or a means for a holistic reformation agenda towards genuine democratisation process. Certainly at the time, cooperation between PH and the former ruling elites seemed like the most logical strategy to capture Putrajaya. The new structure of the opposition force, the quasi-replacement model, which is broader and more representational compared to the previous design through incorporation of ethnic/regional based political parties i.e. PPBM and *Warisan* succeeded in ending BN's 60 years of hegemony. At the same time, however, the structure of the transition also put some constraints and thus, limits the extent of change that can be implemented by the new regime post-GE14. This article utilises this analytical framework to explore and examine the dynamics of democratisation during the first year of PH's administration in two main spectrums: (1) the implementation of its reform projects, and (2) the ways in which PH identified the sources of resistance towards a genuine democratisation of the political system. The selection of these cases allows for a focused and organised comparison. The study is based on newspaper articles, library research, and field observation.

THE REFORM PROJECTS UNDER MAHATHIR'S PH

In general, the reform projects undertaken by the PH government since its first day in Putrajaya were guided by its electoral manifesto the *Buku Harapan*. There are five

main pillars of the book which were further divided into 60 promises:

1. PILLAR 1: Reduce the people's burden
2. PILLAR 2: Institutional and political reforms
3. PILLAR 3: Spur sustainable and equitable economic growth
4. PILLAR 4: Return Sabah and Sarawak to the status accorded in Malaysia Agreement 1963
5. PILLAR 5: Create a Malaysia that is inclusive, moderate and respected globally

As we can see, the main pillars of reform proposed by PH reflect the current problems and challenges faced by both the state and society in Malaysia. The objective is to rebuild the country based on the notion of equitability and fairness, chiefly through the practice of good governance, institutional reforms, and democratisation. PH's achievements during its first year can be explored in three main areas i.e. economy, society, and politics which are interrelated.

In the economic aspect, a number of policies were introduced to reduce the burden of the people. The first thing that PH did was to abolish the Goods and Services Tax (GST), its most popular manifesto in GE14. Mahathir's administration later stabilised the petroleum price and restructured the repayment scheme for tertiary education loan. The new government further abolished the monopoly over the control of rice held by the government-linked company (GLC) BERNAS. Several other goodies were given to the public including subsidised public transportation in Klang Valley and better internet access at a lower price.

Nevertheless, the major overhaul in the management of national economy took place in the structures of the government. The Ministry of Finance was no longer held by the Prime Minister, a practice that started in 2003. Further, the administration of the economy was divided into two ministries: the Ministry of the Economic Affairs (MEA) and the Ministry of Finance (MoF). This structural change not only placed a check on the Prime Minister's power over the national coffers but also to balance out the power held by the Minister of Finance (Lim Guan Eng) with the newly-created MEA (Azmin Ali). Mahathir's decision in appointing Lim, a pro-Anwar DAP leader and an accountant, as well as the PKR Deputy President, Azmin, also reflected Mahathir's search for persistence. Immediately after their appointments, both ministries started to open investigations on major GLCs. Chairpersons of 1Malaysia Development Board (1MDB), Felda, and Tabung Haji for example, including the Najib Razak and his cronies (such as Isa Samad and Abdul Azeez Rahim) were brought to court. Almost all directorships in GLCs were reviewed and gradually substituted with new candidates.

In the social aspect, a more significant proposal for creating an equitable society was pushed forward. The most ambitious one would be the attempt to ratify the International Convention on the Elimination of All Forms of Racial Discrimination

(ICERD) in October 2018. The move received huge support by progressive groups largely dominated by non-Malays, including the natives of Sabah and Sarawak. It sought to resolve the age-old challenge of racial issues and cultural inequality. Secondly, the policy to raise the minimum wage to MYR1500 a month (approximately USD375) over a period of five years. The increment for 2019 however was only MYR 100 i.e. from MYR1050 to MYR1150. That said, the PH government later abandoned the discriminatory practice of setting different minimum wages between West and East Malaysia.

In education, the government put higher priority on children from the lower income group. 70 percent of the 2019 intake for MARA Junior College (MRSM), a highly subsidised and full boarding school, came from lower income families. Teachers were freed from administrative work to enable them to prepare better lesson plans for teaching. Another major move was the proposal to recognise the Unified Examination Certificate (UEC) awarded to the graduates of Chinese Independent High Schools (CIHS) for admission to public universities in Malaysia. The UEC is one of the contentious issues relating to ethnic relations in Malaysia, as the aforementioned schools are independent of government and the national school system. The CIHS's syllabuses are independently enacted by the Dong Zong, an association for the Chinese school management. Mode of instructions are mixed but Mandarin is used as the primary language. Nevertheless, there are also other 'independent' schools like private Islamic schools and international schools. Graduates of international schools in Malaysia have long been recognised for the admission to public universities. Similar case applies to graduates of Islamic schools in Malaysia particularly those who received the Malaysian Higher Religious Certificate (STAM). It seems only natural for UEC graduates and CIHS schools to demand similar recognition for its educational status. The recognition of UEC was in fact included in BN's 2018 electoral manifestos and it has been recognised for the admission to private universities in Malaysia since 2014.

The main focus of reform agendas by the PH government however lies in the political and institutional change. It is in this area that this article would focus on. PH's reform agendas during its first year can be divided into two main processes namely the change of institutional leadership, and the change of rules and regulations. On the night of Mahathir's appointment as the seventh Prime Minister, he stated that "...certain heads must fall. We find that some people were abetting a prime minister which the world has condemned as a kleptocrat" (Anith 2018). Accordingly, he later changed key institutional leaders in the state agencies. First of all, he re-appointed a retired Malaysian Anti-Corruption Commission (MACC) Deputy Commissioner, Mohd Shukri Abdull, as the new Commissioner on 22 May 2018. Mohd Shukri is considered a man of integrity in Malaysia, and he is one of the key figures that were

mistreated by Najib's administration due to his persistence in pursuing the 1MDB case. Then, surprisingly, the PH government appointed a senior practicing lawyer, Tommy Thomas, as the new Attorney General of Malaysia on 5 June 2018. It was a rather bold decision. Not only that Thomas was the first private practice lawyer to be appointed to such senior post, but he was also the first non-Malay ever appointed for the position. Tommy Thomas is also known for his expertise in the constitution of Malaysia as well as a staunch critic of repressive laws in the country. His appointment, despite unconventional, was welcomed by the progressive groups in Malaysia.

A couple of months later, the PH government appointed a practicing lawyer, Azhar Harun, as the new Chairman of the Election Commission (EC). Like Tommy Thomas, Azhar was also one of the prominent lawyers who is critical to the government in the past. Several months after that, three political activists who are associated (in varying degrees) with an influential electoral reform organisation known as BERSIH were appointed as permanent members of the EC. The judicial branch did not escape Mahathir's clean-up. The top two justices in the branch, Raus Sharif and Zulkefli Ahmad Makinuddin, were requested to end their services by Mahathir's close associate, Daim Zainuddin. Although both agreed to concede on 31 July 2018, the appointments of the new Chief Justice, Richard Malanjum, and the President of Court of Appeal, Zulkefli Ahmad Makinuddin, were made on 14 July 2018 before the agreed date. Richard Malanjum was the first person from East Malaysia and the first local non-Muslim to head the judiciary. On 4 May 2019, Richard Malanjum was replaced by Tengku Maimun Tuan Mat after the former's compulsory retirement. Tengku Maimun became the nation's first female Chief Justice. Both of them, Richard Malanjum and Tengku Maimun, are known for making their dissenting judgments on high-profile cases in the past.

Nevertheless, the chiefs of two top agencies namely the Chief Secretary of the State, Ali Hamsa, and the Inspector-General of Police (IGP), Fuzi Harun, were spared from being affected by a quick slashed off by Mahathir even though both were known to be Najib's lieutenants in the past. During GE14, Ali was seen assisting BN's campaign while Fuzi is known for his pro-BN stance, at least during his time as the Director of the Special Branch (highly politicised Malaysian secret service). In fact, his appointment as IGP in 2017 had cut through the line of the Deputy IGP Noor Rashid Ibrahim. However, on the night of the 2018 election when it was clear that Najib's administration had lost the majority in the parliament, the duo were the first to 'defect' to Mahathir's camp. Although the then chief of the EC was yet to announce the official result of the election, it was Ali, as the then highest-ranked civil servant in Malaysia, who declared that the date of May 10 and 11 as public holiday as per PH's electoral promise and thus, indirectly recognised PH as the new government of the day. Fuzi also played a crucial role on that night by directing more security personnel

to Mahathir; signaling his acknowledgment towards Mahathir as the new head of government.

Another interesting development in the Malaysian police force after the PH takeover was the re-appointment of Abdul Hamid Bador as the Director of the Special Branch on 23 May 2018—the third most powerful position in the force. Just like Mohd. Shukri of the MACC, Abdul Hamid was called for service after his optional retirement in 2015 and is known to be a critic of Najib's administration. Two days before his nomination, Abdul Hamid along with Abdul Gani Patail (former Attorney General) and Abdul Kassim Mohamed (former MACC Chief) were appointed to the IMDB Special Investigation Task Force. The three of them were responsible for an attempt to charge Najib in the court of law in 2015. In less than a year, Abdul Hamid was appointed as the new IGP on 4 May 2019. Abdul Kassim on the other hand was appointed by Mahathir to lead the newly established anti-corruption center, the Global Infrastructure Anti-Corruption Centre (GIACC) on 1 June 2018. Following Mahathir's 'spring cleaning,' his cabinet ministers also did the same in their respective ministries. In the Ministry of Education, for example, top administrators at the public universities were replaced. Unlike other cases, however, administrators particularly the professors were not forced to retire and free to return to their original positions in the faculties.

Apart from replacing the heads of the government institutions and agencies, PH's major reform exercises in politics involved the re-strengthening of the rule of laws. BN's six decades of rule had resulted in over-centralisation of power to the government and consequently undermines the concept of the supremacy of the Malaysian Constitution by the practice of supremacy of the executive. Since the state's independence in 1957, draconian laws were pragmatically introduced by the previous regime from time to time as a response to the dynamics of democratic forces. Eventually, the concept of the rule of laws in Malaysia was superseded by the practice of rule by laws, especially during Mahathir's first premiership (1981-2003).

The newly elected PH government upheld the fundamental liberties of the citizens as enshrined in the Federal Constitution to a much fuller level. During BN's administration, civil liberties were often portrayed and considered by the government as conditional and subordinated to the Acts of Parliament. This has allowed, for example, the practice of detention without trial by the notorious Internal Security Act (ISA) which directly undermines the provision of Article 5 (liberty of the person) of the Federal Constitution of Malaysia. About a week after PH's victory, the Langkawi Police Department—Mahathir's constituency—arrested an individual who criticised Mahathir. It is believed that the action was the first politically-charged arrest under the PH regime. Mahathir in response criticised the police's action and expressed his dissatisfaction. The arrest also received criticism by another PH Member of Parliament

as “... it goes against the Pakatan Harapan government’s policy to uphold freedom of expression” (*The Sun Daily* 2018).

Accordingly, the individual was released by the police. On another occasion in early May 2019, the police arrested an individual who criticised the Crown Prince of Johore. Under the BN rule, the sultans, the royalties, and the top government elite were often protected from public criticism through the enforcement of the colonial relic law—the Sedition Act 1948. Once again, Mahathir publicly expressed his disagreement through a tweet on his *Twitter* page saying “... [t]he rakyat [the people] has the freedom to criticize a leader if they have to. Freedom of speech is an important part of democracy. Except for threats, accusations or insults towards ruling rulers, any leader can be criticized without affecting the rakyat’s right to speak out” (*The Star* 2019a).

The freedom of media was also upheld by the new government with less intervention from the executives. Critical commentaries against the government were often tolerated even though a few ruling elites seemed dissatisfied with such liberal stance. Accordingly, in April 2019, Malaysia was accorded by the Reporters Without Borders (RSF) the highest marks in media freedom in Southeast Asia superseding older democracies in the region such as the Philippines and Indonesia (*The Star* 2019b).

Another progressive move by the new government was its fuller recognition of the freedom of assembly. In the past, protesters were often mistreated as the ruling party only selectively recognised the rights for assembly. In fact, it was the success of continuous and repeated mobilisations of Malay protestors by the opposition parties in late 2018 that forced Mahathir’s administration to backtrack on its decision to ratify ICERD. The growing discontent among some of the royalties and Malay conservative groups continued to grow over the government’s attempt to ratify the international treaty of Rome Statute. Yet again, it had forced PH to withdraw Malaysia’s status as signatory in May 2019, partly after the oppositions were planning to take thousands of Malays to the streets.

To further check the power of the executive, a Parliamentary Select Committees (PSCs) comprising representatives from both political camps was established. In December 2018, six topical PSCs were formed namely PSC of Budget, PSC of State and Federal Relations, PSC of Consideration of Bills, PSC of Defense and Home Affairs, PSC of Major Public Appointments, and PSC of Rights and Gender Equality. Each of these committees comprised seven MPs in which two of them were from BN and PAS, respectively. All committee members held no position in the executive branch. Several months later, 11 more PSCs were planned to be established in Trade and Foreign Affairs; Human Rights and Constitutional Affairs; Health, Education, Community

and Social Development; Environment, Climate Change, Energy and Technology; Economy, Urban Affairs, Rural; and Sustainable Development (*The Edge Markets* 2019). Through these practices, several positive changes can be notified. The PSC of State and Federal Relations, for example, has played a relatively significant role in improving the federal-state relation particularly between Putrajaya and East Malaysia as well as opposition-controlled states in the East Coast of the Peninsular.

In the Promise 27 of the *Buku Harapan*, PH vowed to revoke the following oppressive laws: Sedition Act 1948; Prevention of Crime Act 1959; Universities and University Colleges Act 1971; Printing Presses and Publications Act 1984; National Security Council Act 2016; and mandatory death by hanging in all Acts. PH also pledged to abolish draconian provisions in: Penal Code 1997 especially on peaceful assembly and activities harmful to democracy; Communications and Multimedia Act 1998; Security Offences (special measures) Act 2012 (SOSMA); Peaceful Assembly Act 2012; and Prevention of Terrorism Act (POTA) 2015. Up until the end of its first year, most of the legal reforms aforementioned were still under progress except for the mandatory death penalty. On 13 March 2019, the government decided to do away with the mandatory death penalty and leave it to the court whether a person convicted of a serious crime will be hanged (*Channel News Asia* 2019). Despite the procedural changes of the law which are still in process, the substantive spirits of some of the laws have been respected by the government like the cases of freedom of expression and assembly.

THE LIMIT OF, AND THE RESISTANCE TOWARDS, REFORM OF MAHATHIR-LED PH GOVERNMENT

In a succinct reflection on the performance of PH's first year in Putrajaya, one of the leading experts on Malaysian politics William Case stated that "the new Malaysia rather looks like the old Malaysia" (Case 2019). He referred to the Sedition Act that had yet to be abolished and further used by the PH government to silent dissents against the Malay rulers. For him, the current state of the Malaysian political system is still "a hybrid regime" and "the government is behaving very much like an autocratic government that had been replaced". Although the author does not entirely agree to Case's proposition, his criticism does carry some resonances to the current challenges in Malaysian politics. This part provides a brief survey of the challenges and resistance towards change which consequently constrained PH's agenda for a fuller reform in Malaysia. This article argues that challenges of reform projects in the new Malaysia lie within the dynamic interrelationships between the current configuration of the Malaysian political system, the nature of its multiethnic society, and viability of the national economy of the state.

PH could not realise most of the economic changes stated in electoral promises during its first year. GST was abolished for several months before being replaced with Sales and Service Tax (SST) in September 2018. The rate is the same as GST, capped at six percent. The reintroduction of SST has brought double jeopardy to the Malaysian economy and society. Economically, the move to abolish GST had caused the government to lose more than MYR20 billion (USD 5 billion) for the last two quarters of 2018 alone. This placed a lot of pressure on the already strained national coffers. In September 2018, the Finance Minister, Lim Guan Eng, told the public that the government was left with MYR450 million for operation expenses on 30 April 2018 (Surendran 2018). This provided justification for the selling of some government assets massive holdings of companies in Malaysia and overseas, as well as the loans taken by the government to strengthen its financial capacity (Tay 2019). At the same time, while the abolishment of GST did not bring significant impact to lower the price of consumers' goods, the reintroduction of SST on the other hand certainly inflated the overall price of goods.

The bleak economic situation put great constraint on the ability of the new government to deliver most of its promises in its first year. The government has yet to abolish the highway tolls (Promise 6) and provide targeted petrol subsidy to the lower income group (Promise 7). This has affected the popularity of, and the trust towards, the new government (*The Star* 2018a). The failure to fulfil Promise 6 and Promise 7 partly contributed to the success of BN to wrest back the Semenyih state constituency in Selangor. Located around 35 kilometers from Kuala Lumpur, many semi-urbanites in Semenyih are hoping for the abolishment of tolls and subsidise petrol to lower their burden on the cost of living.

Once again, to secure the viability of national economy and attract foreign direct investment, the government seemed to be forced to compromise its pledge in increasing the minimum wage with significant adjustment within one year. The increment made was only MYR100 for the year 2019 after the original proposal of MYR 50 received a huge backlash from the public. Many considered the move as backtracking PH's Promise 35 (Raising the dignity of workers and creating more quality jobs) and as "an insult to 15 million laborers" in the country (Cheah 2018).

When PH made a breakthrough to Putrajaya in May 2018, the largest support came from the urban and semi-urban areas across Malaysia. Ethnically, majority of PH voters came from non-Malays and only around one-quarter of Malays and the natives supported PH. On the contrary, BN and PAS dominated the rural and the Malay constituencies. Here lies the dynamic intersection and complexity of Malaysian politics, economy and society. The dynamics allowed PH to advance by a simple majority to the federal power through a three-corner fight in the 2018 election, apart

from the economic situation and mismanagement that badly damaged BN's reputation. But as I shall detail further below, the economic situation during the first year of PH's administration did not change much, particularly at the everyday level. The damage that have been made by the previous administration would take years to recover. At the same time, cooperation between BN and PAS proved to garner huge support from Malay communities, predominantly in the peninsular. In the first half of 2019, the BN-PAS alliance successfully defeated PH in three by-elections consecutively (Cameron Highlands, Semenyih and Rantau), although the latter recorded an easy win in four by-elections in the second half of 2018 (Sungai Kandis, Balakong, Sri Setia, and Port Dickson).

The new coordination of the opposition post-GE 2018 has further divided Malaysians into deep racial and ideological cleavages. The politics of egalitarianism, multiculturalism, and internationalism—the key cultural projects for PH—ironically shifted towards a more conservative and ethno-populist tone in contemporary Malaysian politics; it was perceived as threats to Islam, the Malay communities, and the rulers. UMNO-PAS aggressively attacked ICERD and Rome Statute ratifications and mobilised thousands of Malays to express their disagreement over the moves by the government. Coupled with slow economic recovery during the first year of PH in power, the ethno-populism politics found resonance with the bulk of the Malay populace. At the same time, the non-Malays and the progressive groups wanted the government to execute reforms much more swiftly. The government's backtracking on the two policies were perceived rather negatively by them.

Following PH's declining popularity among the Malays, PPBM as the Malay component in PH was also dragged into the sentiment, causing it to be more conservative. The original motive of PPBM elites were to oust Najib and replace UMNO as the party for the Malays and the natives. But the party was too young and small. The political marriage with PH in 2016, therefore, was a must for PPBM to gain access to the former political resources. As part of the terms and conditions, PPBM leaders need to pragmatically uphold the opposition's politics of reforms as influenced by Anwar. Even though the party was able to help PH to make the entrance to the federal government, the electoral success of the party was somewhat frustrating. PPBM was allocated the highest number of seats in GE14 to propagate the idea to Malay communities (Saifuddin 2019: interview), but the party only managed to win 12 parliamentary seats.

Nevertheless, PPBM fate was sealed when Mahathir was chosen by PH as the interim premier of the new government. Despite having only one fourth parliamentary representatives in contrast to PKR, Mahathir calculatedly set up his cabinet based on the concept of equal partnership. The number of PH parliamentarians appointed to

the cabinet is comparative from one to another, and thus strengthening the position of PPBM *vis-à-vis* the stronger parties in the ruling coalition. Consequently, almost all of the 12 PPBM parliamentarians were appointed to the massive size of Malaysian cabinet of 28 ministries. PKR and DAP's influence in the government, thereby, strategically weakened although the two were the largest parties in PH with 48 and 42 parliamentarians respectively. PPBM's President, Muhyiddin, was appointed as the Minister of Home Affairs, arguably the second most powerful position in the government. To further strengthen its position as the ruling coalition, PPBM unabashedly worked on getting UMNO parliamentarians and state representatives into the party. By May 2019, PPBM doubled the size of its parliamentary members to 26 representatives through the party hopping exercise. It also made a way in Sabah in early 2019 when eight assemblypersons from UMNO jumped ship to PPBM. Although many were unhappy with this development (*Malaysiakini* 2019) including those in PKR, DAP, and *Warisan*, Mahathir and PPBM disregarded their criticisms and continued strengthening PPBM. In Sabah for example, after the UMNO leadership exodus to PPBM, 100 000 UMNO members were reported to join PPBM *en masse* (Miwil 2019).

The temptation for UMNO leaders to join PPBM is clear. Not only that PPBM held a dominant position within the power structures of the federal government through Mahathir's and Muhyiddin's positions, but it also had better access to economic and social resources as part of the government of the day. For this reason, UMNO leaders who were confronted with criminal investigations after GE14 were not only offered a way out by PPBM leaders, but would potentially enjoy much of the same privilege like in the previous government. Ex-UMNO leader Mustapa Mohamed, for example, was Najib's cabinet minister and a long-time UMNO loyalist. Mustapa was investigated by the police for several days in mid-September 2018 over some questions of certain funds related to 1MDB which he received from the Kelantan UMNO (*Astro Awani*, September 20, 2018), most probably for the 2018 election. It was a classic *modus operandi* of BN in the past to launder public money for political and personal uses. All of a sudden on 18 September 2018, Mustapa announced that he was no longer an UMNO member after being a member for more than 40 years. About a week later, Mustapa made headway to PPBM with a rather grand welcoming party with the presence of all top PPBM leaders including Mahathir and Muhyiddin (*The Star* 2018b). In early December 2018, Mustapa was appointed by the government to head the Special Parliamentary Select Committee on the Budget, a position which is supposed to be held by a PH parliamentarian.

A similar trend can be observed in the State of Perak. The result in 2018 at the state level was a stalemate, where no political party had the majority. Perak's PH Chief, a former UMNO member and Mukhriz Mahathir's senior special officer, Ahmad Faizal

Azumu, from PPBM then worked out his former colleagues in UMNO. This later resulted in two UMNO/BN assembly persons supporting PH and thus allowing PH to form the state government thus enabling Ahmad Faizal to become the new Perak's *Menteri Besar* (Chief Minister) even though he was the only PPBM representative in the state assembly (Kumaran 2018). A few days later, one of the aforementioned UMNO/BN defectors, Zainol Fadzi Paharudin, joined PPBM and within a month he was appointed as an Advisor to the Perak Chief Minister—a post equivalent to an executive councilor. Interestingly, Zainol Fadzi was also one of Perak's executive councilors in the previous regime.

The growing popularity of UMNO-PAS alliance has induced PPBM to be more conservative in projecting the role of the party as 'truer' and better Malay-based party. In the case of rejection of ICERD in the late 2018 for example, PPBM actively proposed for the cancellation of the government's plan to ratify the convention after it was heavily criticised by the oppositions and some quarters within the Malay communities (Nor Fazlina 2018), even though the plan was originally moved by their supreme leader. In the end, the plan was halted, not so much because it was rejected by the Malay public, but because it was politicised by the oppositions and more importantly it failed to get consensus from PPBM. The quasi-replacement structure of PH government, generated by the incorporation and the symbolic role of PPBM as the Malay-based party in the PH coalition, has structured political continuity *vis-à-vis* political change in the new government. We can clearly observe how continuity and the previous legacy is negotiated and reproduced in the new political environment governed by PH. The author shall explicate three case studies in brief about this development with regard to promised political and institutional change.

Promise 12 of the Harapan Book pledged to 'Limit the Prime Minister's term of office and restructure the Prime Minister's Department'. Part of the way to achieve this was stipulated in the book, "Prime Minister's ability to manipulate key institutions by creating a stronger check and balance mechanisms. Relevant powers will be decentralized to other bodies, including to the Parliament" (*Pakatan Harapan* 2018: 39). This is the reason why the PSC on Major Public Appointments was established in December 2019 to vet the merit and quality of the potential candidates before shortlisting them for the PM and Cabinet to select. Nevertheless, the aforementioned PSC was not involved in the appointment process of a number of top positions in key government agencies. The PSC was kept in the dark on the appointment of the current IGP, Abdul Hamid Bador, and much more recently, Anwar's family antagonist, Lateefa Koya, as the MACC Chief. Mahathir did not only disregard the institution that he himself helped to establish but subscribed to the "old idea of making appointments decided by the prime minister" (*MOLE*, June 11, 2019). In reflecting Mahathir's

reluctance towards reform in the major public appointments, one of the leading civil organisations in Malaysia, BERSIH, criticised the Prime Minister as “following the letter of law but ignoring its spirit” (*The Sun Daily* 2019).

Significantly related to Promise 12 is Promise 22, ‘Make the governance of our Government-linked Companies (GLC) world class at par with international standards’. In this promise, PH vowed to “ensure the appointment of state and national GLC Board members will be made based on merit and professionalism, not based on politics” (Pakatan Harapan 2018: 54). But once PH was in power, Mahathir separated the Ministry of Finance (MoF) responsibilities into two, by establishing the Ministry of Economic Affairs (MEA). Accordingly, some GLCs were no longer under the purview of the Finance Minister, Lim Guan Eng, but under Mahathir’s PKR associate Azmin Ali. At the same time, the federal government’s sole sovereign wealth fund, Khazanah Nasional, was transferred to the Prime Minister Department (PMD). In September 2018, MEA organised a congress on “The Future of Bumiputera and the Nation”. In the congress, Mahathir emphasised “the need to reinstitute the practice of selective patronage, targeting *Bumiputera*”, which was endorsed by his economic advisor, Daim Zainuddin (Gomez 2019). In the past, selective patronage had allowed UMNO elites and politically-connected businessmen to reap the national wealth unscrupulously.

GLCs, according to Terence Gomez, were the strategies and the tools for BN’s crooked politicians to get luxurious projects and enjoy high economic status through their political appointments in GLCs and regulatory bodies. In late May 2019, Mahathir ensured that the government would provide special treatment to Malay contractors for the gigantic East Coast Rail Line (ECRL) project worth more than USD10 billion in total (*Sinar Harian* 2019). Prior to that in January, BN parliamentarian, Khairy Jamaludin, had criticised the Rural and Regional Development Minister, Rina Harun, from PPBM for appointing her party members in several agencies under her purview. The practice was rather similar to the BN years whereby those who lost in general election would have a chance to get appointed in GLCs or other government agencies. The Minister of Education, Maszlee Malik, also appointed another PPBM leader, Wan Saiful Wan Jan, who lost his electoral contest in 2018 to head one of the most important agencies under the ministry.

With regard to Promise 27 ‘Abolish oppressive laws’, the PH government only made review on the promise to repeal the oppressive laws. The new government seemed not too happy to abolish these laws. This attitude has allowed the police, the public prosecutors, and the court to use the laws to cripple political dissents in the new Malaysia. A renowned Malaysian sociologist and politician, Syed Husin Ali, was investigated under the Sedition Act by the police over the criticisms that he made

to the royalty in a public forum on Rome Statute at University Malaya in late April 2019. To Mahathir, the police probe was a “normal police procedure” without any mentioning on the moral weight on using the law that PH declared to repeal in 2018 (*Bernama* 2019). Quite recently, the Sedition Act was used by the prosecutor and the court to imprison a religious preacher, Wan Ji Wan Hussin, for his remark on the Sultan of Selangor. The High Court in Shah Alam in early July 2019 not only upheld the decision made by the Session Court in April 2018 but overzealously increased the term of imprisonment from nine to twelve months (Prakash 2019). Again in early July 2019, the Prime Minister’s media advisor A. Kadir Jasin took a spat against a junior academician from the National University of Malaysia (UKM) over the latter’s article that criticised government policies in selling a public asset in an enormous volume. The former told the latter in public not to “take academic freedom for granted” and not to spread ‘fake news’ (*Malaysia Dateline* 2019). Therefore, the best expectation that can be made on this is: most of the oppressive laws will stay during Mahathir’s years, even though we can assume one or two laws would be repealed (and replaced) while others would be upgraded to a better balance between the public interest of human rights (Promise 26) and the government’s interest in ensuring security.

However, to say that the internal resistance to PH’s reforms only came from PPBM and the external challenge from the Malay communities could be somewhat overstating. The internal resistance and challenges also came from other component parties in PH as well. Hanipa Maiden, a Deputy Minister at the Prime Minister Department (Laws), and one of the top leaders in *Amanah* concurred that Mahathir has done no wrong with regard to his power in making major public appointments. According to him:

...to be fair to the honourable PM, all the parties must also realise that the Office of the Prime Minister has come together with its certain privileges duly enjoyed by the PM alone, and not by other offices. Certainly, we never want to see such privileges to be unduly ‘abused’ and I don’t see how they [are] going to be unduly ‘abused’.

(Hanipa Maiden cited in Shankar 2019)

Mohamed Sabu, one of *Amanah* supreme leaders, just about a month after the 2018 election revealed that the National Security Council Act 2016 which gives the power to the cabinet to declare security areas—will not likely be revoked as promised in the *Harapan* Book. In contrast, he said the government is “looking to review, because NSC actually is a good vehicle, especially for government officers to serve the government” (Palasamy 2018). On the appointments of government politicians to the public agencies, DAP saw it as a non-issue, particularly to the regulatory bodies (Ida Nadirah 2019). Unsurprisingly, DAP appointed one of its MP, Charles Santiago as Chairperson of the National Water Services Commission (SPAN) in early 2019. For the appointment of politicians to GLCs, the Economic Affairs Minister and PKR Deputy

President, Azmin Ali, in January 2019 stressed out that the government “does not rule out appointing politicians for top positions in government-linked companies (GLCs), if they have the necessary expertise” (Rahimy 2019).

CONCLUSION

“Two dogs meet on the street in Moscow. The first dog says, “How are things different for you with Perestroika?” And the second dog says, “Well, the chain is still too short, and the food dish is still too far away...but now we are allowed to bark as much as we want”

(Anonymous, 1995).

This article examines the reform projects attempted by the new PH government. It identifies and discusses the extent of PH reform projects in the economic, social, and political realms before examining the limit of PH’s one-year reform projects under the leadership of Mahathir. It observes how the popular euphoria of having a new government after the six-decade of BN authoritarian rule has gradually contracted since early 2019 when the new government behaved, as Case reflected, like the older version. The problem of economic viability has put a constraint on PH reform agenda in the economy, particularly in reducing the burden of the people. This challenge has affected PH popularity particularly among the youth and the urbanites. Whereas, the political configurations within and outside the ruling party have halted PH’s reform projects in rebuilding the Malaysian nation-state based on the notion of equality and justice. In fact, some Malaysians and observers were concerned that PPBM under the leadership of former authoritarian leader Mahathir might turn to be a newer version of UMNO or UMNO 2.0.

Despite the issues and challenges highlighted throughout this article, the new Malaysia has made significant progress. Economically, the government still managed to provide some subsidy in a number of basic needs even though not as lavish or populist as the last several years of BN rule. With a lot of financial loopholes caused by the previous government, it was somewhat irrational for the government to fulfill all of its economic promises within a year. Politically, there is also some progress in fundamental rights, particularly in freedom of expressions. There were eight by-elections within the first year of PH in Putrajaya and the contests, particularly since early 2019 were competitive but much more free and fair, despite certainly reported misuses of power by the new government. Nevertheless, the social dimension of Malaysian democratisation was the most troublesome one. Ethnic relation has worsened, largely due to ethno-populist politics championed by UMNO and PAS leaders and the hurried top-down reforms such as the Rome Statute ratification by the new government.

The new Malaysia is clearly no longer a hybrid regime, but more of a weak democracy. It could easily pass the Schumpeter's minimalist or procedural democracy test, where the previous regime BN could barely succeed. The challenge of the current state of Malaysian democracy under the leadership of 'Mahathir 2.0' is in terms of its quality: low and weak. Despite the establishment of new procedural changes and change of the heads of government agencies, the executive particularly Mahathir and leaders from PPBM continued to disregard the political institutions and practices are restrained in some matters. The old elitist culture, the legacy from the six decades of BN rule in Malaysia which is observable among some of the leadership particularly in PPBM, goes hand in hand with the new culture of political pluralism. Infrequent engagement with the public and their participation made the new political system less democratic. However, the political system is no longer a rule by one, like in the past when it was singlehandedly controlled by the Prime Minister.

It is certainly not a system ruled by many as it is still elitist and less democratic. The change of regime that happened in GE14 in Malaysia, nevertheless, has pushed the system from rule by one to rule by few. The rule by few, or a weak democracy in the current state of Malaysia has been made possible through the change of leadership and institutional reform *vis-à-vis* certain leadership continuity and the old political practice. The challenge of strengthening democracy in the new Malaysia to a much fuller form is not just political but more so cultural. Even so, the current state of Malaysian politics, after only one year PH in the federal power, may be the best result that they can possibly achieve based on the enormous problems left by the previous kleptocratic regime, although of still too little. The political development for the first year of PH in Putrajaya, therefore, might be best characterised as modest, but progressive.

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