

The Progress of the Freedom of Speech in Malaysia's Political Trajectories: A Review

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ABSTRACT

This article reviews and attempts to understand the progress of the freedom of speech, through the analysis of the series of political events in different eras, and also to describe the impact of freedom of speech on Malaysian society. This article describes the Pre-Colonial and British Colonialist Era and the most important moments and events as watershed moments in Post-Independence Era, and significantly Internet Era which has changed and improved the lives of Malaysian people Socio-politically.

Key Words: Freedom of speech, Pre-Colonial Malay Sultanate, British Colonialist Era, Post-Independence Era, Internet Era

1. INTRODUCTION

The review is about a fundamental human right which is known as the freedom of speech. The significant role of mass media in society is to inform, educate and entertain, and it is not only identified as the fourth estate in a developed society, (Faruqui & Ramanathan, 1998) but is also recognized as the eye of a society which considerably controls political affairs, one of the important aspects in making a better democracy (Graber, 2003). This article attempts to review the introduction and progress of the idea and concept of freedom of speech in Malaysia before independence and also to describe several serious events which led to stricter conditions for the Malaysian media, and also the Internet Era or New Media Era, which led to improved media freedom and freedom of speech for Malaysians. This study explains these events and eras, which may provide a better understanding about the situation of freedom of speech against Malaysian plural society before independence and up to the present.

2. THE PRE-COLONIAL MALAY SULTANATE

Between 1400 and 1511, Malay society was fundamentally distributed into two traditional levels of society, the ruling group of Kings and noblemen, and the other class which consisted of the common people and slaves (Sani, 2010). The Malay Sultanate constituted a system of absolute monarchy (López, 2001). In fact, Malay society in the pre-colonial times comprised the fundamental two-class structure as a stratified governing class, being the controlling class. The governing class comprised a level of society which kept the power politically and also as a monopoly, and who used power by themselves directly as leaders holding suzerainty over particular lands, or "through agents in the smaller political units, as the Penghulu or Ketua at the local level" (Abraham, 1997, p. 55). In other words, the governor had complete power and the relations between the governor and the people were established on the basis of a social contract that appeared from thoughts of sovereignty (*daulat*) and disloyalty (*derhaka*). Sovereignty signifies that the Malay governors were the heads of society and had a particular divine position to lead the society that could not be endangered and disapproved of by the citizens. The definition of disloyalty points out to acts and/or speech against the king (Zainal, 1970). When Islam came to Melaka during the Malay Sultanate, it provided guidance by allowing freedom of thought in making decisions, and stressed equality beyond race, gender and position, while the Malay Sultanate was being controlled by the spiritual beliefs of Hinduism and Buddhism, and the life of the people was focused around the life of the King and their freedom was totally a privilege of the governor's discretion. Islam emphasized the equal opportunity of humans as "caliphs on Earth" (*khalifatu'llah*), which denied the formation of strata (Sani, 2010, p. 23). However, with the coming of Islam, the Arabic word *daulat* was adopted to declare the cultural and religious thought which

put the monarch higher than criticism and censure, and required absolute loyalty from his subjects (López, 2001). In fact, in this era, the concept of freedom has been manifested in the conditions of being (merdeka) free or independent and (orang merdeka) being a free man in relation to slaves. These terms are to be found in the writings of the Melaka Laws. In fact, freedom had not grown into an inherent social value to be supported for all. Every person is not equal in the presence of the ruler. In fact, an arranged attempt for individual freedom did not appear in several pre-colonial non-Western societies until the colonial period. It was then that the attempt for self-determination and democratic systems went hand in hand with the attempt for individual human rights. Hence, some scholars believe that the thought of freedom, comprising the freedom of speech, had previously taken root in the pre-colonial Malay states and is not especially Western in source. This is due to the fact that the sense of individual value had been relegated to the landless peasants, who were frequently stressed into compulsory work or reduced to slavery to pay off their debts - a type of debt-bondage - the ruling elite perpetuated. Despite the fact that the thought of free speech had existed in the pre-colonial period, the institution of free speech, like the modern system, hardly lived during the Malay Sultanate. The thought of the institutionalization of the freedom of speech was presented when the British established the Malay colonies (Sani, 2010).

3. BRITISH COLONIALIST ERA

Initially, the British colonials wanted to establish their Straits Settlements in order to find places to trade, as they had been recognized for the past centuries as traders. They found this area befitting in trading relations as it enlarged their realm and system of commercial relations easily. In fact, systematic exploitation of natural resources was the main reason the British entered the Malays states, which was required in the first step to gear up for the strengthening of political power and which had required a start in political control over a huge territory with a native populace and a big but provisional Chinese settler populace. Obviously, it was very important to the British that a way must be established for British political power to be recognized with Malay acquiescence, even by force (Abraham, 1997). In fact, modern mass media in the region appeared with the British colonial government but what was understood about the role of the English press was that it was to serve British interests and also to satisfy the commercial needs of European communities in Malaya, and consequently the newspapers were summarized to commercial news and advertisements (Othman, 1992). The "Government Gazette" was approved as the first newspaper, which was published in what is now named Malaysia, later known as the "Prince of Wales Island Gazette" (PWIG). In 1806, it initiated publication on the island of Penang, then known as a presidency named "Prince of Wales Island", under the control of the British East India Company. It was used as a house organ for the colonials to publicize their goods, printing government announcements and keeping them up-to-date with the happenings in England" (Loh & Khoo, 2002). It is worth noting that in the colonial era, there were more than 40 English language newspapers in the Malay Peninsula, such as The Malacca Observer, The Perak Pioneer and The Malay Mail. For example, the Perak Pioneer and the Native States Advertiser were the first few English newspapers to appear in the Federated Malay States in 1894, followed by the Malay Mail in 1896 in Selangor. At that time, there were also Malay language newspapers, such as Sari Perak and Jajahan Melayuas (Othman, 1992). In the early decades of the twentieth century, the spirit of nationalism amongst the local populace used the democratic access of self-rule and freedom of speech to oppose the British. They used newspapers as a way to declare Malay interests and opposition to British government policies. Kaum Muda (the Youth Group), the first nationalist group, used the newspaper to extend its views, particularly on the challenge against the British colonial system. The most important responsibility undertaken by the Malay newspapers was to increase political awareness among the Malays and force the British to alter policies. In fact, the rapid growth of printing technology, and the quick development in the number of Malay newspapers led to the increase in political awareness against the British, to urge them to alter their policies. For example, "Majlis" was a significant newspaper that had spread thoughts about democracy and how Malays could achieve a better life. Therefore, the thought of democracy and the requirement for the freedom of speech gradually grew in society (Sani, 2010). Putting it in another way, the responsibility of the media had become more significant as an instrument to achieve freedom of speech in instituting democracy and in preparing to decolonize the Malay states during the 1950s, where it was believed that the British gave up their pre-war authoritarian controls in order to institute democracy and insert freedom of speech. Due to the colonial government's attempt in protecting their investments from unchecked local government, the British consequently revealed local elites to consociational methods through a series of Community Liaison Committees and allowed the formation of political parties as well. However, institutionalization of individual freedom in Malay states before colonial rule to the rule of law or freedom of speech was insignificant or nugatory. However, during the colonial period, freedom of speech developed gradually and irregularly. For example, the British would, admit individual liberty, in regards to the truth of granting it to any person, but would withdraw it if the colonial

system faced opposition. In addition, the colonial rule permitted the freedom of the press, but, similarly, prohibited journals and newspapers which portrayed its power and prestige in a poor light (Sani, 2010).

4. INDEPENDENCE ERA

In Malaysia, the United Malays National Organization (UMNO) as the most powerful party in Malaya (even before independence) negotiated Malayan independence (Means, 1996) and since 1957, served as the ruling party and later as a founding member of the Barisan Nasional (BN) party as a political coalition, which has kept its power to this day (Case, 2005). Crouch (1996), believes that the formulation of undemocratic rules such as the Internal Security Act, provides ways for the ruling party to insist on power in a dictatorial manner. In turn, Case (2001) stated that the political system in Malaysia demonstrates both authoritarian and democratic aspects. He believes that the political system in Malaysia has few of the protections associated with liberal democracy and also practices more systematic repression associated with hard authoritarianism. He believes a free media survives in a country with a political system that observes democratic laws and respect to the freedom of speech, while the media in Malaysia has a different situation. Structurally, Malaysia follows parliamentary democracy, a system received as a legacy from the British (Loh & Khoo, 2002). In fact, Malaysia practices power-sharing by the Barisan Nasional (BN, National Front), a coalition government that is controlled by the United Malays National Organization (UMNO) and Malaysia's governing power responsible for implementation and executive powers lay generally within the Malays. Other coalition partners, especially the non-Malay parties, the Malaysian Chinese Association (MCA) and the Malaysian Indian Congress (MIC), contributed to the Cabinet to affect the regime policy. Truthfully, political permanence in Malaysia requires that Malays keep political control of the state. Of course, to maintain this political control by the Malays, this political system has been altered oft times in the electoral system, the party system, the nature of political contestation, and even the Constitution to guarantee that Malays hold political power (Sani, 2009). In other words, the political system in Malaysia is shaped on a carefully planned structure of policies to support the financial assistances and political power of the Malays, who worry about immigrant communities' influence and progress in economic and political power. Therefore, the regime imposes particular privileges for Malays through quotas for the regime and private-sector employment, entrance to college or university education, and the right of entry to public housing, and also through a diversity of growth programs purpose-built for the Malays. Overall, other ethnicities (non-Malays) have to depend on their own selves or their own ethnic groups. These policies have different effects on the groups in the society because on one hand, Malays regard their special rights as a suitable shape of affirmative action, but on the other, non-Malays usually observe these policies as inherently discriminatory and a basic refusal of the same privileges for all people (Means, 1996). In turn, Mahathir believes that human rights have been recognized since independence and it has been practically adopted within the context of the Malaysian society irrespective of race, skin color, creed and religion. This can be proven by the fact that since independence in 1957, as the result of the compromise between Malays and non-Malays, the non-Malays have been given rights in politics (voting rights), social institutions and the economy as Malaysian citizens. They were also appointed or elected as ministers, chief ministers, Malaysian civil servants, judges, police, and so forth. The non-Malays also bitterly attacked Malay Special Rights and suggested that it deprived the interests and the rights of non-Malays. The Malays are aware that, in theory, the Malays are said to have enjoyed these provisions as stated in the Constitution, but Malay Special Rights had never fully achieved the goals which are claimed as the justification for such policies, at any stage to the Malays and significant social changes in Malay society (Mohamad, 1970). With regards to human rights, the Prime Minister Tun Abdul Razak argued that human rights should be interpreted in a broad sense, and thus it is up to the country to suit it with its norms, culture, values, environment and social system (Slimming, 1969). With respect to the facts mentioned above, Malaysia experienced several important events which had affected the control of freedom of speech in this country.

5. THE MAY THIRTEENTH TRAGEDY

One of the events that prompted the administration to have more control of the media was the racial riots on 13th May 1969 (Hajjafari, 2013). In the 1969 general elections, the ruling Alliance coalition was unsuccessful for the first time in Malaysian history to achieve a majority of at least two-thirds of the votes in the Dewan Rakyat. The opposition parties, succeeded in entering into several Alliance strongly-held constituencies (Nain & Wang, 2004). It was clear that the ruling Alliance Party had faced a major obstacle in the general elections though it had planned to keep a simple parliamentary majority. In fact, the Chinese-based Democratic Action Party (DAP) and Gerakan Party were able to gain more votes from the non-Malay voters than the Malaysian Chinese Association (MCA) (Nain & Wang, 2004). Overjoyed groups in favor of the Democratic Action Party and Gerakan filled the streets of Kuala Lumpur with their banners and flags. It was a prompt answer to the final results of the elections, which was joyfulness for the opposition and a

huge and sudden shock to the Alliance. The election campaign had played the role to instigate a racial skirmish (Soong, 2007). But according to the government's report, the cause of this tragedy, was that, there were inflammatory speeches made by political candidates from various parties during the election campaigns, and the victory processions staged by some opposition parties. These events alarmed the government. Consequently, to control these events, the King, on the advice of the government, proclaimed a state of emergency for Malaysia. At the same time, the government decided to suspend the publication of all newspapers for two days starting from 16 May 1969, which was an attempt to curb further spread of ethnic violence. Then, the ruling party permitted all the newspapers to publish, but with the provision that the government had the right to censor items that were deemed dangerous to national security. While a new government was finally shaped, the real powers to administer the country lay in a newly- set up body, the National Operations Council (NOC), which was controlled by the Deputy Prime Minister, Tun Abdul Razak Hussein. Apparently, the NOC was ordered to devise various methods to revive parliamentary democracy, to restructure public trust and create ethnic unity. One of the ways towards political stability and friendly relations among the ethnic bunches that the government was supposed to suggest was the formation of an Emergency Law to improve the Sedition Ordinance (1948). This alteration, completed in 1971 when Parliament was rebuilt, controls and limits the freedom of expression and of the press, especially on "to the issues of the rights of citizenship, Malay special rights, the status and powers of the Malay rulers, the status of Islam, and the status of Malay language as the sole national language." It also forbids any act, expression or publication that has a tendency to bring about feelings of hatred and hostility among the different ethnic groups (Loh & Khoo, 2002, p. 125). Sani (2010) believes since then, all basic forms of freedom, especially the freedom of speech, have been restricted on the grounds of political stability and towards the advancement of harmonious relationships among the races. On the other hand, Muzaffar (1989) believes that Malaysians are extremely fearful of irritating any person from another group of people in case it leads to an ethnic fight. This fear is likened to the way the Japanese experience fear concerning the "danger of earthquakes" (p. 324). Therefore, not only does the Prime Minister Tun Abdul Razak presume that this event served as a lesson not to be repeated in any possible way, and this subject can be guaranteed to put such themes beyond the arrival of race demagogues and other subversives but also by the Malaysians to support the government on this subject, which had significant justifications to restrict the freedom of speech. On the other hand, the opposition has had a difficult time if they wanted to react against political decisions, for the reason that any unfriendly response would be interpreted as undermining the government. Therefore, it is safe to say that the actions of the opposition parties have been affected by the limitations on basic freedoms (Milne & Mauzy, 1978). The 1969 riots have led to the revision of the Control of Imported Publications Act (1958) in 1972. This correction gives power to the Minister of Home Affairs to prohibit or "censor any imported publication deemed prejudicial to public order, national interest, morality, or security". It enables the government to enforce severe controls over imported materials, complementing similar controls over locally produced materials (Loh & Khoo, 2002, p. 126). Other legislations such as the Internal Security Act, Sedition Act and etc. were amended due to racial riots, served as a measure to strengthen the government's control in protecting harmony among the ethnic groups (Hwang, 2003). Comber (1983) pointed out that the Alliance Party believed this tragedy occurred due to the exploitation of racial sentiments over the special rights of Malays which took place through the abuse of freedom of speech by the opposition. In turn, Guan (2000) believes that since 13 May, ethnic relations have avoided racial conflicts due to legal limitations which may lead to prosecution and also because of the economic inequality gap which has created tension among the ethnic groups in Malaysia. However, after the elections in May 1969 and tension between the main ethnic groups, all basic and essential rights for types of freedom, mainly the freedom of speech, have been restricted for the reasons of political stability and supporting harmonious connections among the ethnicities, according to the Emergency Law (Sani, 2010). However, Loh and Khoo (2002) believe that the emergency period also provided an opportunity for the ruling party, which has been in power since the 1969 general elections. On the other hand, in 1971, as a reaction to the racial riots, the government created the New Economic Policy (NEP), which was devised to empower inter-racial connections by its two pronged objectives: to decrease and finally, to eliminate poverty by raising income levels without discrimination to any ethnic groups and also secondly, to restructure the Malaysian society to rectify the economic instability so as to decrease and finally remove recognition of ethnicities with prescribed economic roles (Kim, 2001). In addition, Dr. Mahathir Mohamad defended the implementation of the New Economic Policy (NEP) during his time in the government, and believes that not only Malays had benefitted from NEP but also the Chinese who were in business, as this policy has indirectly benefitted them (Malaysia today, 2012).

6. OCTOBER 27TH 1987 "OPERASI LALANG"

In 1987, Malaysians experienced another infamous incident in the limitation of the freedom of speech in the country. In fact, one might have considered that there were significant issues going on politically in

1987, for Malaysia to be involved in ethnic violence that would endanger racial harmony nearly as serious as the 13th May 1969 incident. The Malays had separated into two main opposed groups. In that time, there was yet to be an economic recession and government scandals, particularly a scandal involving Bumiputra Malaysia Finance (Milne & Mauzy, 1999). Case (2002) in his book, explains, Mahathir in the first few years in his post as Prime Minister stated his government's new responsibility to privatization. Additionally, during an economic decline in the mid-1980s, his Finance Minister, Daim Zainuddin started to reduce state expenditures substantially. It was in relation to what Mahathir had declared, that the NEP would be kept in abeyance. Bitterness set in, taking form lastly in the configuration of a new UMNO group, as the party moved toward its assembly election in 1987. At that time, Mahathir's Team A emerged to keep the loyalties of top corporate Malays (korporat Melayu). Team B led by Tengku Razaleigh, appealed to the severely alienated smaller business populace. Case (2002) believes that the UMNO assembly election that took place in 1987 was the most competitive UMNO election. And, without a doubt, it was unjust as well. He argues that merely following the "much bargaining and vote buying, capped by some dubious ballot counting" Mahathir was able to prevent Razaleigh's contest. In addition, Razaleigh insisted, on trying to discover by way of the Parliament, the courts, the media, and public rallies a way to ensure a new assembly election. Mahathir just as rapidly answered, managing a dramatic sweep in late 1987, the famous counter measure known as Operasi Lalang, detaining various opposition parliamentarians and social critics (p. 116). On the other hand, educational changes which prepared for broader usage of the Malay language angered opposed responses from the Chinese. The same went for the ongoing issue of utilizing Chinese characters on definite placards (Milne & Mauzy, 1999). The Democratic Action Party, Malaysian Chinese Association party, Gerakan and some civic associations together lodged a complaint. Parents of the schools organized a strike as well. Unfortunately, a soldier unexpectedly began to fire and a passer-by was shot (Yong, 2004). The amendment of rules by Mahathir was displayed as an action of avoidance beginning with a measure taken named Operasi Lalang on 27th October 1987. Sani (2010) argues that Operasi Lalang was not only a policy of selective detention, but also several main newspaper licenses had been revoked, such as the English-medium newspaper The Star, the Chinese-medium newspaper Sin Chew Jit Poh and the Malay weekly Watan. They were supposed to have been involved in activities detrimental to the security of Malaysia. Under the Printing Presses and Publications Act (PPPA) of 1984, all printing presses need a license, which is bestowed by the Home Affairs Minister and must be renewed annually (Gong, 2011). They did continue publication in 1988, but the prohibitions, and changes in the editorial staff, created a condition of self-censorship between journalists (Sani, 2010). In addition, Milne and Mauzy (1999) argue that Mahathir, confronted with a recurrence of May 13th, took two actions which had a definite air of impartiality. He prohibited all rallies – and actually, UMNO had organized a huge one earlier. In addition, starting from October 27, over several weeks, a total of about 120 arrests were made. In launching Operation Lalang, Mahathir stressed the need to keep away from a new May 13th (p. 108).

7. ASIAN FINANCIAL CRISIS AND REFORMASI MOVEMENT (1997-1999)

In 1997 and 1998, Malaysia and its government had a serious problem with the economic crisis and it appeared that UMNO as the ruling party was vulnerable (Case, 2001). Several countries such as Thailand, Indonesia, Korea and the Philippines had been severely affected and faced bad experiences with the financial crisis during these years. But these countries tried to solve the problem by turning to the International Monetary Fund (IMF) for financial assistance. Malaysia, however, made an alternative decision not to request the IMF for help. The government chose instead an alternative to unilaterally manage capital flowing in and out of the country by fixing the Malaysian Ringgit at a certain level in the international market. This remarkable move was important for Malaysia's development strategy that had welcomed international capital markets (Abdelal & Alfaro, 2003). But to choose this development strategy as a final selection to solve the financial crises in Malaysia, it led to differences between Mahathir and his deputy, Anwar Ibrahim, that had aggravated the competitiveness between them, leading eventually to Anwar's removal and arrest (Case, 2001). In other words, in the resulting political crisis, although Anwar was sacked from UMNO and all positions in the government by Mahathir, he had since been known as a symbol of the Reformasi (reformation) movement in Malaysia, which requested greater transparency and accountability in the ruling party. At that time, the ruling party attempted a fresh mandate in the 1999 general elections, and Anwar had previously been jailed and the movement had gathered around Wan Azizah, Anwar's wife (Balasubramaniam, 2006). Besides this, Anuar (2005) believed that the controlled mainstream media's manipulation helped to remove Anwar from the political scene altogether. He argues, when dissenters challenge and contest the state's control, the media functions as an instrument for keeping dissent under control. For instance, following the unexpected dismissal of Anwar Ibrahim, the full weight of the controlled mainstream media's manipulation fell on Anwar Ibrahim and his followers. In fact, the media deliberately humiliated Anwar as exemplified by the fact that his street demonstrations and court trials were shown by the media in Malaysia. In fact, between 1998 and 1999, this has seriously provoked domestic

criticism of apparently biased media coverage of the Anwar Ibrahim issue and the Reformasi movement. Meanwhile, the BN as the ruling party did not permit the renewal of licenses for magazines such as Detik, Tamadun, Wasilah, and the newspaper Eksklusif that had criticized the government about problems such as the Anwar issue and political rights. During the period that Anwar was the main topic of discussion, generally the role of mainstream media was to vilify Anwar and attempt to discredit the Reformasi movement. Anwar Ibrahim fought against the accusations, which were given extensive advertisements on front-pages in the media and others implicated together with him were regularly denied the right to answer to the accusations leveled at them. The media also regularly showed Reformasi supporters as aggressive rioters and rabble-rousers determined on demolishing the country's stability (Sani, 2004, p. 355). The Information Minister limited opposition access to public television and radio, and defended and believed that these media outlets, operated by the state, must prioritize the government agenda (Gong, 2011). On the other hand, while the control of the media became more evident, a new player in the media world, the Internet, posed a serious challenge to the country (Sani, 2010). In addition, when Anwar was detained on September 20th, the media was not closing in to provide news of its condition. On the other hand, some websites such as Sang Kancil, Anwar, Voice of Freedom, and Where is Justice moved quickly to supply the information which was not provided by the mainstream media (Kim, 2001). Besides this, the ruling party found it very difficult to take control of the waves of criticism in the websites that were pro-Reformasi or pro-Anwar, such as Laman Reformasi (<http://members.tripod.com/~mahazalimtwo>), Anwar dot com (<http://www.anwar.com>), freeMalaysia (<http://www.freemalaysia.com>), and Reformasi Dot Com (<http://www.reformasi.com>). On the other hand, the opposition parties had also founded their own websites and they could easily distribute information about their plans or specific acts to the people. For example, one of these website established by PAS is Harakah Daily (<http://www.harakahdaily.net>) (Sani, 2010). In other words, new media existed in Malaysia since the early 1990s, but in 1998 after the detention and prosecution of Anwar Ibrahim, new media came into the limelight (Rajaratnam, 2009). In turn, Postill (2014) states following the general election in 2014, the majority of reformasisites become extinct or inactive. In other words, "the decline and eventual demise of oppositional sites in 2004 is proof of 'the ephemeral nature of [the] virtual world'. These are sites, he adds, at the mercy of the vagaries of political contention – here today, gone tomorrow. The existing evidence, however, contradicts this assessment. It is important, first of all, not to reduce a country's politics to its electoral cycle" (p. 84)

8. INTERNET ERA

Since the Internet was first introduced in Malaysia, there has been a question over the supply of online political content and its impact and influence on freedom of speech and democracy (Muhamad, 2015). This has led to various significant studies on the effect of Internet and new media on democracy in Malaysia (Kim, 2001). In turn, Diamond (2012) pointed out to Malaysia as one of the several countries in Asia that could form a wave of democratization. Historically, in Malaysia, the Internet era began in 1995. Then, in August 1996, Malaysia based a variety of programs and policies in connection to domestic digital divides to support widespread information and communication technology (ICT) implementation among the public. Simultaneously, the government began constructing the Multimedia Super Corridor (MSC) which is known as Malaysia's version of Silicon Valley. Furthermore, the Malaysian government introduced a Bill of Guarantees that comprised a promise as a pledge to not censor the Internet so as to attract companies to this high-tech hub (Smeltzer, 2008). Historically, Mahathir, after taking over as Prime Minister, had a vision for Malaysia which is known as Vision 2020 to serve as the focus and direction for Malaysians (Kim, 2001). The Multimedia Super Corridor was known as the first "major investment in its technology-based future" (Jussawalla & Taylor, 2003, p. 97) and it was also one of the several schemes designed in the overall plan of Vision 2020, where Malaysia aimed to attract investors investment of approximately RM 50 billion in an advanced digital network (Kim, 1998). In fact, this strategy supported the people to remain united and embrace the progressive powers of ICTs; in response, Malaysians were assured of global socio-economic advantages and overall national progress. After a decade, the government goes on to symbolically build new and modern ICT infrastructure as the main engine of economic development (Smeltzer, 2006). On the other hand, Koh (2008) and Yong, (2008) state that the 1998 Communications and Multimedia Bill is known as the greatest gift given by the ruling party as the government to the Malaysian civil society to ensure zero Internet censorship. While the Internet became very popular in Malaysia, the first Internet survey about Malaysian Internet user in 1995 showed that there were 20,000 Internet users out of a population of 20 million which means that one out of every thousand people had access to the Internet in the country. Moreover, this number increased to 2.6% of Malaysians in 1998. Generally, this number increased to 467,000 in 1998 and 701,000 in 2000 which illustrated an increasing growth (Paynter and Lim, 2001) and Internet users in Malaysia went up from 2.5 million in 2006 to 24.5 million in 2017 (Povera, 2018). In this regard, Gong, (2011) believes that the role of Internet in countries with democratic manners can be completely dissimilar from its role in less democratic countries. For example in countries where freedom of

expression is not guaranteed and the government controls the mainstream media, the Internet plays a crucial role as the catalyst for dramatic consequences. In Malaysia, exploiting of the government's guarantee to not censor the Internet has caused to create a range of critical websites such as Malaysiakini, Aliran, Merdeka Review, Malaysia Today, The Free Media (Kenyon & Marjoribanks, 2007).

For example, Malaysiakini, a pro-opposition website in the form of daily online newspaper is free from laws of licensing and government regulations due to its ownership structures as an independent website (Downing, 2011). To date, Malaysiakini, has reached over 2.5 million readers every month with independent coverage of political and current affairs (Malaysiakini, 2018) and it is also recognized as a significant opposition voice in Malaysia and as Malaysia's only independent news organization. It has become popular for the reasons of partisan reporting of the reform movement and alienating citizens from traditional media shapes (Kenyon & Marjoribanks, 2007). For some years now, it has been apparent that the number of readers on websites such as Malaysiakini, Malaysia Today and Malaysian Insider as well as other social media sites, such as Facebook has dramatically increased and Malaysians use these sites as the alternative sources of political news, which is known as a critical factor clarifying the opposition coalition's 2008 success (Liow, 2012). In addition, the increasing the number of Internet users has led to swift emergence of blogs (George, 2007). In turn, Sreedharam and Jalil (2013) and Salleh (2013) in their articles indicate to important role of weblogs politically in Malaysia. They believe that Weblogs are the popular way for a web user to publish ideas and opinions on the web in the country. Because bloggers and blog readers can easily and freely participate, discuss and make a remark on any issue in blogs. More importantly, according to reports, there are more than 10,000 Malaysian-based blogs which are very popular and prominent in Malaysia such as Jeff Ooi (Screenshots, www.jeffooi.com; he is known as the most influential blogger) and Kadir Jasin (The Scribe, kadirjasin.blogspot.com), Ahirudin Attan (Rocky's Bru, rockybru.blogspot.com), and opposition leader Lim Kit Siang (www.limkitsiang.com) (George, 2007, p. 900). In addition, Tan and Ibrahim (2008) in their investigation on blogging and democracy in Malaysia found that blog readers felt alternative media such as news platforms and blogs were more reliable than the local mainstream media in reporting certain issues in Malaysia. Smeltzer (2008) in his research indicated that Malaysian bloggers believe that their positive role as a communication tool has been crucial in improving Malaysia's media landscape. Additionally, Drezner and Farrel (2007) generally believe that there is evidence which proves that blogs mobilize thoughts, and set the agenda for political elites such as journalists and politicians, while providing interested citizens with a new and surprisingly effective way to participate in politics. In fact, this function emphasizes media effects, such as agenda setting, on public opinion and voting behaviours. Diffusion from blogs to other mass media is an important element due to bloggers' limited access to traditional mass media (i.e., newspapers and television) in Malaysia (Vegh, 2003). Moreover, Vegh (2003), Lim (2009), Gong (2011) and Pandi (2011) in their investigations found one of the benefits of blogging in Malaysia i.e. without the distribution of the news about the rallies, the mobilization of Malaysian citizens to participate in mass rallies could not have taken place if the news and information of the rallies was not posted by the bloggers. For example, the BERSIH Rally as one of the biggest and earliest of these public protests was organized by the Coalition for Fair and Clean Election or BERSIH on 9 July 2011 (as the second in a series that started in 2007) and its Information was circulated through social media and specially personal blogs for several days prior to the event (Postill, 2014). Furthermore, Sani and Zengeni (2010) in their study on democratization in Malaysia and the impact of social media such as blogging and online news portals in the 2008 general election argue that without doubt the people utilizes the Internet as a channel for alternative information in which they have witnessed democratic values being freed from censorship and also the increase in transparency of the government facilitated by the information flow. For example, during the 2008 Malaysian general election, social media was undeniably an important tool in promoting democracy. Blogging and online news portals have opened up the space for the Malaysian people to deliberate on political issues and gave the opportunities for the political opposition to use in influencing and controlling the election outcome. In 2008 general election, the ruling party (BN) lost five state governments and also 82 seats in the 222-seat national Parliament which means oppositions won 36.9% of the parliamentary seats, while BN only succeeded in securing the remaining 140 seats or 63.1% (Tan & Ibrahim, 2008). In other words, BN with 50.6 percent popular votes compared to 49.4 percent achieved by the political oppositions swung against the non-Malay component parties within the multi-ethnic coalition. Notably, the general election in 2008 not only marks a new political section in Malaysian history but also with the policy of free virtual space, the social media has enormous potential in facilitating the democratization process and democracy in the country (Sani and Zengeni, 2010). As a result, Sani, (2009) believes that the result of election proved that in comparison to traditional media, Malaysians, through new media, have experienced better information flow in their country, which has been revealed as a significant factor in future elections (Liow, 2012). In addition, after the election in 2008, most scholars such as Tan & Ibrahim, (2008); Sani (2009); (Rajaratnam, 2009); Case (2010); (Downing, 2011) and (Yangyue, 2014) have acknowledged the effective use of the Internet by opposition forces in the election and believe that the opposition groups went online and turned efficiently to blogs, news portals,

and YouTube to win the hearts and minds of youth voters in their offices or homes during general election which was an unprecedented political development in the political history of Malaysia. In addition, in March 2008, Prime Minister Abdullah Badawi in an unusual acknowledgment pointed out to ignoring the Internet as “the biggest mistake” of Barisan Nasional in the 2008 General Election. Moreover, he also added that blogs, news websites and SMS messages as the media to which many voters and opposition candidates had turned to when they felt the mainstream media was not giving them the information they sought. Generally, it is presumed that newspapers, print media, television are important, but the young people have instead turned to SMS and blogs (Malaysia Today, 2008). According to Kasmani et al., (2014) although the use of social media by the oppositions during the campaigns of the Malaysian general election in 2008 was significant, during the general election in 2013 the ruling coalition, BN, had however rapidly surpassed in using social media and in particular in using the Twitter as a popular micro blogging platform. In fact, after the 2008 elections, leaders of the Barisan National coalition decided to boldly exploit the power of the Internet and commenced blogging and taking advantage of Twitter to join their supporters in the virtual world, which made the 2013 election Malaysia’s first social media election (Kasmani et al., 2014). In the 2013 election, BN had made a competitive position and strong inroads into the social media. During the 2008 General Election, ruling parties and opposition leaders only used YouTube as their only Social Media Platform, but in the 2013 General Election, the use of social media increased and leaders of both parties exploited and joined Facebook and Twitter (Gomez, 2014). However, the results show that the ruling party became weaker compared to the 2008 election and the opposition parties were able to deny the ruling BN a two-thirds majority in Parliament in both elections (Noh, 2014). Overall, Malaysia was ranked 144th in the Worldwide Press Freedom Index by Reporters Without Borders in 2018 and was also given a “Partly Free” status on the Freedom in the World report by Freedom House in 2018. In Malaysia, although the Internet is not restricted by cyber censorship, the government has restrained the Internet through the prosecution of Web operators under existing media and libel regulations, such as SA (Sani, 2013). Najib Tun Razak, as Prime Minister, pointed out to race problems, which were critical, and demanded that the political management take charge in managing race relations in Malaysia. He believes that in abstaining from words or acts which can “offend other races, and then temperature-raising incidents can be avoided” (The Star, 2010). Generally, the Internet as an online media form, being independent from and critical of the ruling party as government, compared to traditional mainstream media, enjoys much higher credibility among Malaysians (Yangyue, 2014), which has led to better freedom of speech in the new media era. In addition, there is a general agreement among scholars that with the advent of the Internet, the Malaysian government experienced a disruption and interruption in controlling of channels of mass media and its content in the country and political oppositions were able to mobilize supporters in unprecedented numbers. Most scholars argue that the success of the Pakatan Rakyat (PR) was a result of using the Internet in Malaysia (Rashid, 2009; Muhamad, 2015).

9. CONCLUSION

The paper survived the concept of freedom of speech in several periods, which started in during the pre-colonial Malay sultanate and ended with the Internet era. The concept of freedom in the pre-colonial Malay sultanate under the Melaka Laws was confined in two concepts of sovereignty and disloyalty and the definition of disloyalty points out to acts and/or speeches which were against the king. At this time, Islam came and had a significant role on the emphasis of equal opportunity of humans as caliphs on Earth (khalifatu'llah), which denied the formation of stratum and elitism. In the British colonialist era, colonial rule permitted the freedom of the press, but, similarly, prohibited journals and newspapers when they portrayed their power and prestige poorly. The Western world at this time had an influence on the growth of the freedom of speech in the Malay Peninsular, particularly due to the Industrial Revolution and the capitalist system. However, Britain’s responsibility to such freedom was limited to its own interest. Rapid development in the number of newspapers and growth of the printing technology gave power to Malay newspapers to be more judgmental and critical to the policies of the British colonial government. Freedom of speech developed during the early years of Independence. After Independence, Malaysia followed a parliamentary democracy, a system received as a legacy from the British. After independence, tragedies such as 13 May, in a plural society no less, caused a limitation on all basic and essential rights for freedom, mainly the freedom of speech, while Operation Lalang, the Asian financial crisis and the Reformasi Movement have led to the government’s decision to have more control and limitations for the Malaysian media. However, since 1998, the politicization of Malaysian cyberspace began with the Reformasi movements and started with Reformasi-related pro-Anwar Ibrahim websites, which were rapidly mushrooming and led to the booming of online activism. Observers have noted, the policy of non-censorship of Internet content which inadvertently helped to create a new space for political dissent. As more and more Malaysians become regular Internet users, the online sphere is increasingly appropriated by people who are critical of the government and seek to use it to create a sense of autonomy, free from

government ideology and policies. Today, the Internet is a crucial site for political contestation and debate in Malaysia, used by both government and opposition groups and supporters. In Internet era, the patterns political communication has indeed changed and it caused to arise new opportunities for fostering democracy in Malaysia.

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