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PRESS FREEDOM, NEW MEDIA AND POLITICAL COMMUNICATION IN MALAYSIA – A SOCIETY IN FLUX

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“Malaysia, truly Asia” is the motto with which the government of the south-east Asian tiger economy courts visitors from all over the world; a catchy slogan which not only incorporates the rich biodiversity, ethnic, religious and cultural diversity of the country, but also describes a tarnished reality. This includes the rigid social and political conditions under which Malaysia has been governed since its independence in 1957. Reporters Without Borders placed Malaysia 131st on its 2009 ranking of press freedom, just ahead of Singapore and directly behind Thailand. A total of 175 countries make up the list. Opportunities to conduct political communication through new media are of particular relevance in view of these relationships.

Malaysia is a constitutional, democratic parliamentary elective monarchy. Its parliament is designed following the Westminster system and thus consists of two chambers. Officially, these are responsible for federal legislation, controlling the government, etc. In practice, however, things are different, and Malaysia is only hesitantly changing from a single-party system to an open two- or multi-party system. The dominance of the Barisan National (BN) government coalition, which has ruled for over fifty years, has led to a monopoly of power. Transparent decision making processes are therefore rare, parliaments are almost no longer supervisory bodies to the executive, and the judiciary and especially the country's media have only limited independence. An opposition is only slowly developing, and the country's political culture has consequently remained democratically rudimentary. The

authoritarian features of Malaysia's political system have also hindered the formation of an active civil society in the last few decades, and a series of legal provisions has led to an increasing erosion of civil rights (freedom of opinion, assembly, information) for Malaysian citizens.

TRADITIONAL MEDIA ARE HEAVILY LEGALLY RESTRICTED

The legal framework for the traditional media is as restrictive as a corset. The Sedition Act of 1948¹, which makes agitative actions a punishable offence, must be mentioned here, along with the historical note that in reaction to the uprising on May 13th 1969, in which 200 people died, merely questioning and challenging the abolition of constitutional articles which allow certain special privileges for ethnic Malays and other indigenous groups amounts to agitative action in the eyes of the government.² In addition, the law grants almost every police officer the right to detain people without a warrant, even merely for attempted agitative actions.³

A further restrictive law is the Printing Presses and Publications Act (PPPA) of 1984,⁴ which is of great significance for the Malaysian newspaper sector.

The legislative act regulates the printing, importing, (re)production, dissemination and distribution of publications, and penalizes breaches of these with, among other things, a prison term of up to three years.⁵ The law

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essentially requires newspapers to possess a publication license from the interior minister, as a regulatory measure. The problem here is the validity period of the license, which is limited to a maximum of a year⁶ and can be

1 | Attorney General's Chambers, "ACT 15 – SEDITION ACT 1948", Laws of Malaysia, January 1 2006, <http://www.agc.gov.my/agc/Akta/Vol.%201/Act%2015.pdf> (accessed March 10, 2010).

2 | cf. Section 3 (1) (f) *ibid.*

3 | cf. Section 11 *ibid.*

4 | Attorney General's Chambers, "ACT 301 – PRINTING PRESSES AND PUBLICATIONS ACT 1984", Laws of Malaysia, January 1 2006, <http://www.agc.gov.my/agc/Akta/Vol.%207/Act%20301.pdf> (accessed March 10, 2010).

5 | cf. Section 5 (2) *ibid.*

6 | cf. Section 12 (1) *ibid.*

rescinded at any time.⁷ The 1987 *Operation Lalang*, which was designed to contain and marginalize the opposition, can be mentioned in illustration. In the course of this police operation, 106 opposition leaders, activists and academics were jailed under the much-discussed Internal Security Act (ISA) of 1960 – around forty of them for approximately two years. Along with these mass arrests, four newspapers also had their licenses revoked. To regain their publishing license, the resignation of certain journalists had to be submitted to the newspapers.⁸

The 1960 Internal Security Act (ISA)⁹, mentioned briefly above, is perhaps the most controversial law in Malaysia.

Human rights organizations in particular criticize the act in the strongest possible terms¹⁰, as it authorizes police officers of any rank to take suspects into custody for twenty-four hours. This can be extended to sixty days if agreed by higher ranking police officers.¹¹ If this period also expires, the interior minister is afforded the right to prolong the imprisonment for a period of up to two years. After this runs out, the minister can pronounce his decision again.¹² In this respect, the ISA provides a highly questionable tool for the imprisonment of “suspects” for undetermined periods, without requiring a single court order. Prison terms of up to six years¹³ are currently known, which are predominantly

7 | cf. Section 3 (3) *ibid*.

8 | P. Ramakrishnan, “OPERATION LALANG – P. RAMAKRISHNAN”, October 27, 2009, <http://www.themalaysianinsider.com/index.php/opinion/breaking-views/41494--operation-lalang-p-ramakrishnan> (accessed March 10, 2010) and “OPERASI LALANG”, Human Rights Resource Center Malaysia, <http://hrforall.wordpress.com/operasi-lalang/> (accessed March 10, 2010).

9 | Attorney General’s Chambers, “ACT 82 – INTERNAL SECURITY ACT 1960”, Laws of Malaysia, January 1 2006, <http://www.agc.gov.my/agc/Akta/Vol.%202/Act%2082.pdf> (accessed March 10, 2010).

10 | “Malaysia’s Internal Security Act and Suppression of Political Dissent”, Human Rights Watch, <http://www.hrw.org/legacy/backgrounder/asia/malaysia-bck-0513.htm> (accessed March 10, 2010).

11 | cf. Section 73, *ibid*.

12 | cf. Section 8, *ibid*.

13 | Siaan Ansori and Greg Lopez, “THE INTERNAL SECURITY ACT IN MALAYIA: ABOLISH, NOT REFORM IT”, East Asia Forum, August 27 2009, <http://www.eastasiaforum.org/2009/08/27/the-internal-security-act-in-malaysia-abolish-not-reform-it/> (accessed March 10, 2010).

applied to terror suspects. In 2008, however, an opposition MP was imprisoned for eight days according to this law.¹⁴ Several officials of a Hindu NGO were imprisoned for two years in 2007 after organizing street protests.¹⁵ Now, however, the government seems to be taking the massive criticism of this law more seriously and plans to evaluate the law and aim it at terrorists and serious criminals.¹⁶ There are also other effective instruments of oppression besides these laws. Among them are, for example, the Defamation Act (1957) and the Official Secrets Act (1972).

All these legislative acts have created an atmosphere of suppression and oppression in recent decades and led to a successive undermining of freedom of opinion and media pluralism. It is therefore no surprise that the majority of traditional media products are either in the hands of the government or belong to governmental companies.

PAST PRESS CENSORSHIP INTO THE NEW MEDIA LANDSCAPE

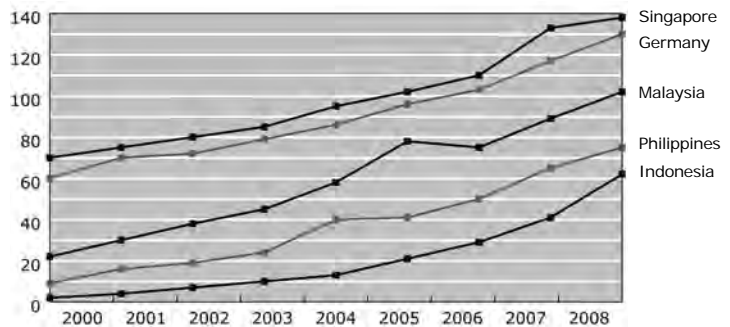
In recent years, Malaysian citizens have acquired new technology which has provided them with additional opportunities for communication and information procurement that are far less easy to control than traditional media channels. The pioneers are the Internet with its almost endless communications platforms, and mobile telecommunications with the ability to send SMS messages. The significance of SMS messages can be very quickly explained by the fact that the technology is a popular and uncomplicated way of carrying information from A to B. Part of this success is the relatively wide distribution of mobile phones in Malaysia. In 2008, a density of 100 mobile phones per 100 inhabitants was reached for the first time.

14 | "TERESA KOK RELEASED FROM ISA DETENTION", *The Star Online*, September 19, 2008, <http://thestar.com.my/news/story.asp?file=/2008/9/19/nation/20080919132938&sec=nation> (accessed March 10, 2010).

15 | "Hindraf Trio, 10 Others Freed From Isa", *The Malaysian Insider*, May 08 2009, <http://www.themalaysianinsider.com/index.php/malaysia/25858-hindraf-trio-10-others-freed-from-isa> (accessed March 10, 2010).

16 | Deborah Loh, "ONG TEE KAT (PANDAN)", *The Nut Graph – MP Watch*, February 10 2010, <http://www.thenutgraph.com/mp-watch-anifah-aman> (accessed March 10, 2010).

Figure 1:

Mobile Phones per 100 Inhabitants in Selected Countries

Source: International Telecommunication Union (ITU).

Opposition parties recognized these signs of the times in the 2004 and 2008 election campaigns and attempted to make use of them for their benefit. The three largest Malaysian mobile network operators actually registered increased SMS traffic, particularly during the results announcement and throughout the 2008 polling day. Mobile network operator Celcom, for instance, recorded an increase in use of around 15 percent on polling day. The leading operator, Maxis, even spoke of a 31 percent increase.¹⁷

The motivations for individual parties to use SMS messages to the population more intensively may vary, but the economic factor in particular plays a leading role. A politician states that a 2m x 0.75m banner costs around €20, while 2,000 SMS messages could be sent for the same financial outlay as these cost just 1 cent per SMS. Such a cheap instrument of voter mobilization is far more likely to spark a “wildfire” among an expanding electorate than email, for instance. After all, this latter clearly lacks personal character; there are simply too many undesired mass emails and spam messages. On mobile phones, by contrast, people are rarely confronted with mass-distributed SMS messages, and they are not subject to state censorship. In this way, a voter can receive a short political message quickly, easily, unfiltered and above all free from any external pressure.¹⁸

17 | Jo Timbuong, “Surge in SMS Traffic on Election Day”, *Sunday Star*, March 30, 2008, 24.

18 | Foong Pek Yee, Lee Yuk Peng and Ng Cheng Yee, “Role Played By SMS in Election Outcome”, *Sunday Star*, March 30 2008, 23 - 34.

Criticism from the ruling BN coalition frequently likes to seize on this very point. Some voices claim that this degree of contact with new methods of communication is “unhealthy” for a multi-ethnic state like Malaysia. There is a fear of actions which, in the eyes of the government, fulfill the criteria of incendiary actions under the previously mentioned *Sedition Act*, and which in further consequence are therefore punishable. For this reason, calls from the government camp for suitable tools for tracking and the facilitation of police work in this area are growing louder.

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The development of digital communication is borne substantially by the Internet. In Malaysia, the worldwide network has a certain special status, as in August 1996 the then Prime Minister Dr. Mahathir Mohamad announced a national plan to create an international Multimedia Super Corridor along the lines of Silicon Valley. Everything was aimed at the overall goal of making Malaysia an international multimedia distribution center and catapulting the state into the information technology era.¹⁹ As Malaysia is, like many other aspiring nations, dependent on foreign direct investments (FDI), foreign companies in the information and communications industries could hardly be attracted by censorship laws. As a result, a document (albeit not legally binding) was agreed upon – the Bill of Guarantees. Written into the ten-point catalog of guarantees was the assurance that no Internet censorship would take place.²⁰ To date, these have essentially been met. Only a few sites with pornographic content have been blocked so far. However, in August 2008 a well-known blog was for the first time blocked for a month because “some comments are insensitive and borderline agitative.”²¹ After the block ordered by the Malaysian Media and Communications

19 | Lim Chee Aun and Song Kee Jiunn, “MALAYSIAN MILESTONES”, Keranamu Malaysia, <http://phoenity.com/hibiscus/history/milestones.html> (accessed March 10, 2010).

20 | “MSC MALAYSIA 10 POINT BILL OF GUARANTEES”, Multimedia Super Corridor, <http://www.msomalaysia.my/topic/MSOMalaysia+Bill+of+Guarantees> (accessed March 10, 2010).

21 | Andrew Ong, “Malaysia Today Blocked! Order From MCMC”, *Malaysiakini*, August 27, 2008, <http://www.malaysiakini.com/news/88683> (accessed March 10, 2010).

Commission (MCMC) was lifted, the owner of the blog was taken into custody. His imprisonment was ended by court order after just fifty three days.²²

GROWING POLITICAL COMMUNICATION OVER THE INTERNET

Nevertheless, the Internet in Malaysia still enjoys the freedoms that have been successively undermined in the traditional media. However, a trend towards stricter control and monitoring is noticeable. There are numerous reasons for this: on the one hand, it is highly political blogs, online newspapers and critical discussion forums that are a thorn

in the side of some authorities; on the other, it is the users themselves who are on the lookout for precisely such information with their "surfing habits". Thus the MCMC determined in a report on individual households' internet usage in 2008 that 94 percent of

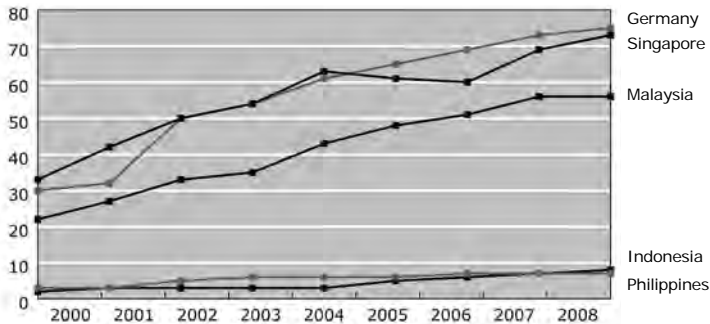
Against this backdrop, the Internet in Malaysia is developing into one of the most important information media. From a political point of view, the Internet has become a campaign poster of unknown dimensions.

Internet users search for political information, blogs or online newspapers. In the same report three years previously, just 40.5 percent of respondents indicated that they visited the Internet for information of this kind. In the report it is further cited that 27.88 percent of respondents indicated that they themselves participate in blogs.²³ This strong transformation or reorientation in usage behavior is presumably also due to the critical media that are only to be found on the Internet.

22 | "Leading Blogger Raja Petra Kamaruddin Finally Released", Reporters Without Borders, November 7, 2008, <http://www.rsf.org/Leading-blogger-Raja-Petra.html> (accessed March 10, 2010).

23 | Malaysian Communications and Multimedia Commission, "Household Use of the Internet Survey 2008", http://www.skmm.gov.my/facts_figures/stats/pdf/HUIS08_02.pdf (accessed March 10, 2010).

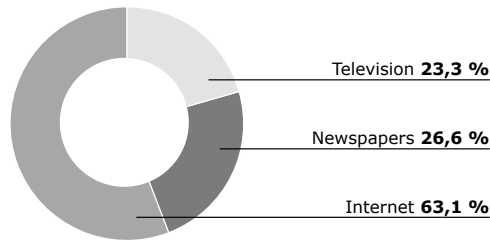
Figure 2:
**Internet Users per 100 Inhabitants in
 Selected Countries**



Source: ITU.

Against this backdrop, the Internet in Malaysia is developing into one of the most important information media. From a political point of view, the Internet has become a campaign poster of unknown dimensions. A look back to the parliamentary election campaign in March 2008 confirms this. A study carried out by Zentrum Future Studies Malaysia with 1,500 respondents between the ages of twenty-one and fifty proves the strongly growing influence of new media on the electorate. The participants were asked which medium they trusted most during the election campaign. A whole 64.5 percent of twenty-one to thirty year olds stated that they frequented blogs and other online media for reliable information. Only 23.1 percent preferred television and 12.4 percent trusted newspapers. Similar figures applied to the thirty-one to forty year old age group: 61.7 percent refer to online information, whereas only 23.5 percent refer to TV and just 14.8 percent to newspapers. However, the forty-one to fifty year old demographic demonstrated a different sense of truth; they predominantly believe in traditional media like newspapers and television.

Figure 3:
Credibility of Different Media Sectors During Election campaign (respondents between twenty-one and forty years of age)



Source: Zentrum Future Studies Malaysia.

Dr. Abu Hassan Hasbullah, who runs the Zentrum institute and teaches at the University of Malaya, concludes from this data that the BN coalition lost their connection to the electorate and therefore the “information and media war” of the 2008 election campaign due to their lack of effort on the Internet. He adds that by the middle of 2000, more than 7,500 blogs and websites were controlled by the opposition. The government, conversely, could boast just three websites.²⁴

POLITICIANS AND PARTIES BLOG, TWITTER, FLICKR...

Even the BN coalition has now jumped onto the Internet bandwagon: the prime minister blogs²⁵, regularly tweets, is on Facebook and publishes photos of events he has attended on Flickr and the accompanying videos on a dedicated YouTube channel. Prime Minister Najib Razak’s omnipresent media campaign 1Malaysia, which can be found in all the traditional media and more than ever on the Internet, should also be mentioned. The website 1malaysia.com is particularly noteworthy, as it serves as a central communications platform and provides links to the profiles of all other portals, but above all publishes Najib’s blog. It attempts to publish at least weekly entries in which comments on current political events of the day are

24 | “How BN Lost the Media War”, *New Straits Times*, April 2, 2008.

25 | “Blogs Listing”, 1Malaysia, http://www.1malaysia.com.my/index.php?option=com_myblog&Itemid=54&lang=en (accessed March 10, 2010).

frequently made, new plans are published or new details about the far-reaching 1Malaysia concept are outlined to readers.

On the other side of the political spectrum is Anwar Ibrahim, the leader of the opposition People's Alliance coalition (*Pakatan Rakyat*, PR), which has been actively communicating through Twitter since January 2008. Since then, the opposition leader seems to enjoy this and reports on the latest events at all times and from everywhere. He even tweeted directly from the courtroom in February 2009 as the defendant in a court case.²⁶ Besides this, he also maintains a corresponding blog which is updated almost daily. However, not only extensively well-known politicians are using the Internet to express themselves; more and more ordinary MPs are also using the medium.

A completely new approach in this context in Malaysia and in south-east Asia is a project that is based on the concept of the German portal *Abgeordnetenwatch* (MP Watch). This venture was implemented by a new, analysis-oriented online newspaper by the name of *The Nut Graph*.²⁷ The journalists were aware that a direct transference of the German model to Malaysia would fail. Three questions each were therefore chosen from the editorial team and from readers to be put to MPs. These questions about religious orientation, civil rights, self-image and the ideal image of a parliamentary democracy were sent to all 222 MPs in stages for six months starting in January 2010. A two week deadline was requested for replies. The response was very varied, but tended to be similar to *Abgeordnetenwatch* in

26 | Sue-Ann Chua, "Court Visits Alleged Sodomy Scene", *The Edge*, February 4, 2010, <http://www.theedgemaalaysia.com/political-news/159102-update-court-visits-alleged-sodomy-scene-.html> (accessed March 10, 2010).

27 | A partner project of Konrad-Adenauer-Stiftung in Malaysia, *The Nut Graph* has published political and cultural information on the Internet since August 2008. The web portal creates up-to-date reports, comment and analysis and seeks dialog with readers. Additional information: <http://www.thenutgraph.com/what-is-the-nut-graph> (accessed April 22 2010) and Deborah Loh, "Knowing Your MPs", *The Nut Graph*, January 8, 2010, <http://www.thenutgraph.com/knowing-your-mp> (accessed March 10, 2010).

Germany. While some politicians balked for many different reasons, others quickly recognized the opportunity for grandstanding and publicity. Some were unaccustomed to being suddenly asked for their opinion and suddenly not being able to rely on the party line.²⁸ "We want MPs to be aware of their responsibilities. We want to remind them and the public what they are actually there for. They are supposed to make our laws, not shake hands and give out money in the marketplace", explains Jaquelin Ann Surin, editor in chief of *The Nut Graph*.

CONCLUSION

If, in conclusion, we ask how great the influence of new media is on political communication in Malaysia, we must assume this is constantly increasing. Is it already possible to deduce a trend and cultural transformation towards a stronger democratization and political liberalization of the country? Perhaps. Thus far, there is admittedly a lack of guaranteed empirical studies and specific analyses. But the ability of Malaysian citizens to communicate with each other in the mostly uncensored new media should not remain without further social and political consequences. At any rate, the proportion of new media users will again increase strongly before the next regular parliamentary election in 2013. This will have an impact on the parties, their elected representatives and future election campaigns.

28 | Deborah Loh, "Watching Our MPs", *The Nut Graph*, February 18, 2010, <http://www.thenutgraph.com/watching-our-mps> (accessed March 10, 2010).