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Malaysian Elections:
Time for Anti-Party-Hopping Rule?

By Farish A. Noor

Synopsis

As Malaysia's 13th general election draws near, there is growing concern about party-hopping by elected representatives. Malaysian civil society groups are calling for a mechanism to put an end to this undemocratic practice.

Commentary

AS MALAYSIA heads towards its 13th general election – which must be called by April next year – political analysts, civil society activists and politicians have begun to ask: Should there not be a system or mechanism to prevent elected representatives from switching from one party or coalition to another?

Thus far the state government of Penang controlled by the opposition Pakatan Rakyat (PR), has considered the possibility of having such a mechanism in place. Several political parties in Malaysia have made it obligatory for all members who wish to stand for office to take an oath not to change sides should they be elected.

Party-hopping over the years

Calls for such a mechanism to be introduced are not new and Malaysia has witnessed many instances where Members of Parliament have changed parties after being elected. In some cases, party-hopping has been effective enough to bring about a change of government in the State Assembly, as was the case in Trengganu in 1959, Kelantan in 1978, Sabah in 1995 and most recently in Perak following the general election of 2008. Adding to the anxiety of some Malaysians is the current spate of party-hopping and defections taking place in Sabah, where two Barisan Nasional (BN) leaders – Lajim Ukin and Wilfred Bumburing – have abandoned the BN coalition for the PR.

The trend of party-hopping is not without its critics. Political analysts and civil society activists have argued that as long as there is no mechanism to prevent an MP or State Assembly member from changing sides without taking his or her constituency along, then the vote of the ordinary Malaysian does not count for much. Voters who elected an individual from party A may find the person representing party B the next day. In recent months the PR seems to be aggressively courting disgruntled representatives of the BN in some states like Sabah, and inviting them to abandon the ruling coalition in the lead up to the GE.

If such a mechanism is to be installed, what form or shape would it take? And can such a mechanism be

introduced ahead of the coming GE? Some political parties already have their own internal mechanisms that are meant to prevent party-hopping. The Malaysian Islamic Party PAS for instance, operates a form of religious oath-taking (b'aiyat) which those who are chosen to stand for election are compelled to take, swearing loyalty to God and the party. Some of the other parties have opted for legal instruments such as binding statutory oaths as well. But these mechanisms have not prevented MPs or State Assembly members from jumping ship and changing sides, as recent cases have shown.

No permanent seats

What is missing is a mechanism or a rule that ensures that even if a politician were to change sides (say, from the BN to the PR, or vice-versa) the constituency under his or her control would not follow and that a by-election will have to be called to re-elect a new representative. The other concern is that the general election is drawing closer as Prime Minister Najib Razak has to call it before the end of the full term in April 2013. As the date of the elections remain unknown, both sides are trying their best to win over errant and disgruntled members of the opposite camp.

The current mood-swing in Sabah, where members of the BN have defected to the PR, is reminiscent of the mass exodus of opposition politicians to the BN in the mid-1990s. Many Malaysia-watchers note that those defections were organised by some senior BN leaders then, including Anwar Ibrahim, now leader of the opposition PR.

Then, as now, MPs and State Assembly members who are dissatisfied with their own parties chose to simply party-hop. As neither the BN nor PR is prepared to relent with the elections looming, it is more than likely that instances of party-hopping will increase in the coming months.

Unpredictable election results ahead

The third, and perhaps most difficult, problem with the current situation is that it has made the election results in Malaysia unpredictable. The country has had 12 general elections thus far, and all of them were conducted with certain established norms in place, rendering them predictable. But if party-hopping grows as a trend, it will be almost impossible to predict which side will win the next elections, and with what margins of victory.

In the absence of a circuit-breaking mechanism that prevents massive party-hopping, it is quite possible that the final results on polling day may be overturned or reversed overnight, should a substantial number of MPs and State Assembly members change sides. This would in turn introduce an element of unpredictability into the elections, thereby raising concerns about the democratic nature of politics in Malaysia.

As such, some Malaysian activists and analysts are calling on all political parties in the country to show some restraint in their campaigns to woo the other side and display a modicum of respect for the rules and norms of constitutional democracy in the country.

Dr. Farish A Noor is a Senior Fellow with the Contemporary Islam Programme at the S. Rajaratnam School of International Studies (RSIS), Nanyang Technological University (NTU).