

RSIS Commentary is a platform to provide timely and, where appropriate, policy-relevant commentary and analysis of topical and contemporary issues. The authors' views are their own and do not represent the official position of the S. Rajaratnam School of International Studies, NTU. These commentaries may be reproduced with prior permission from RSIS and due recognition to the author(s) and RSIS. Please email to Mr Yang Razali Kassim, Editor RSIS Commentary at RSISPublications@ntu.edu.sg.

Beyond Media Freedom: Is Malaysia Ready for a More Open Society?

By Najwa Abdullah

SYNOPSIS

One of the Pakatan Harapan's (PH) reform agenda includes greater freedom of speech and the media. To what extent does the current situation on the ground reflect this?

COMMENTARY

WHEN THE Barisan Nasional (BN) was in power, the state justified its position on freedom of speech and control over the mainstream media on grounds of national stability and preserving harmony between the different races and religions. Following its electoral victory in 2018, the Pakatan Harapan (PH) coalition has promised to break away from the past and adopt a different approach.

“Promise 27” of PH’s electoral manifesto calls for the abolition of oppressive laws that include revocation of the Printing Presses and Publications Act 1984 (PPPA 1984) and the Communications and Multimedia Act 1998 (CMA 1998). Both traditional media – television, printing press and book publications and the Internet fall under the purview of these legal provisions.

Dilemma: Balancing Freedom with Responsibility

In their public statements following the 2018 general election, Dr Mahathir Mohammad and Anwar Ibrahim signaled that a newly liberated media environment was essential to the reform process. On 2 June 2018, Anwar reportedly said that he hoped there would be a lessening of censorship and that the media would be “free to write about issues affecting the country”.

Likewise, Mahathir announced that the government was looking into limiting political parties' share of ownership in mainstream media companies to 10%. There have been some changes. For instance, PH has agreed to set up the Malaysian Media Council, which is supposed to act as an autonomous body overseeing standards and regulations in the media industry. Other tangible signs could be seen in the reporting on the 1MDB stories, although one can argue that it is in PH's interest to get the information out to the public.

However, the issue is one of great complexity. At the launching of Facebook Malaysia office on 28 May 2019 Mahathir called on social media companies such as Facebook to forge cooperation with Putrajaya to regulate social networking platforms.

He cautioned that freedom of speech in Malaysia had to be within the boundaries of the law, and reiterated the importance of responsible behaviour on online platforms, adding that "the rule of thumb is simple: what is illegal offline is almost always illegal online".

Islamic Publications – Not So Straightforward

An example of the complexities facing PH is over Islamic publications that are considered sensitive. Besides the need to secure the support of religious leaders, PH is also dealing with the narrative espoused by the Opposition of a PH government that does not defend the rights of Malays in Malaysia.

The pressure on PH is real and this could be seen in the imbroglios over the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Rome Statute. To a certain extent, the continued ban on some Islamic publications, which is governed under the PPPA 1984, is deeply tied to this dilemma.

Between 2012 and 2016, there were three publications banned by the then-federal government, namely "Islam without Extremes: A Muslim Case for Liberty" by Mustafa Akyol and two volumes of "*Wacana Pemikiran Reformis*" (translated as Discourse of Reformist Thought) edited by Farouk Musa; all published by Islamic Renaissance Front of Malaysia (IRF).

On 22 April 2019 the High Court decided to reject IRF's appeal to overturn the ban, reportedly stating that the books "could cause confusion among Muslims in Malaysia" and "hurt public order and alarm public opinion". Speaking to Free Malaysia Today, IRF Director Farouk Musa said the decision reflected the PH government's "lack of moral courage to undo the previous government's wrongs especially in matters of Islam". He cautioned that the move "would only encourage the authorities to control books on Islamic topics".

This example has led to some critics questioning PH's commitment to media freedom, in particular whether such freedom extends to all communities. To others, expectations of a radical change are unrealistic given the sensitivity and complexity of the situation in Malaysia. Moreover, under the current political climate, any issue relating to race and religion may be used by some quarters to target PH.

Internet as Game Changer

Amidst the debate over greater media freedom, nobody disputes the fact that the Internet has played a key role in Malaysia in allowing those who opposed the then BN government to express their views. Social media has given the *rakyat* the agency to become news producers and propagators as well as watchdog of the government. The then opposition – the Pakatan Rakyat (PR) and later PH – also benefited from this phenomenon.

Nonetheless, the Internet is a double-edged sword. Apart from its emancipatory traits, the Internet also engenders new social problems – from the spread of extremist views to the proliferation of fake news. In the New Malaysia, the Internet has become a fertile ground for divisive politics that plays up racial, ethnic, and religious issues.

Months after GE 14, PH became a target of conservative onslaught in the digital platforms, ranging from the communal panic over the ratification of the ICERD to the fear of non-Malays taking over the federal government. A case in point is the spread of racially charged fake news related to the Finance Minister Lim Guan Eng on social media which, among others, portrayed him as a menace to Islam and Malay interests.

Another example is when a Sarawakian was jailed for 10 years after he was found guilty of insulting the Prophet Muhammad on his Facebook account. The CMA 1998 continued to be used in both cases to act on the dissemination of false information with regard respectively to the issues of Lim Guan Eng and blasphemy for the Sarawakian.

Next Steps

The promise of media freedom in the New Malaysia has raised many issues that the PH government is still trying to fathom: How far can media freedom go?

With the threat of cyber-bullying, fake news, and hate speech looming large in digital spaces, what is the optimal balance between regulation and freedom of expression? The issues are not unique to Malaysia; many countries are also trying to deal with them.

As for Malaysia, the continued use of PPPA 1984 and CMA 1998 in dealing with recent cases suggests that PH will need time to find its feet when it comes to media freedom. Beyond the normative structural change, PH ultimately will have to decide its stance on the freedom of thought and expression, their relationship with public order and the political cost of any reforms to the current laws.

Najwa Abdullah is a Research Analyst with the Malaysia Programme at the S. Rajaratnam School of International Studies (RSIS), Nanyang Technological University (NTU), Singapore. This version includes some concluding sentences which have been inadvertently deleted in the version released earlier.

Nanyang Technological University

Block S4, Level B3, 50 Nanyang Avenue, Singapore 639798
Tel: +65 6790 6982 | Fax: +65 6794 0617 | www.rsis.edu.sg