

# Intellectual Discourse

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# *Intellectual Discourse*

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***Book Review***

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# In the Name of Covid-19: Democratic Reversal and the Return of Authoritarian Malaysia under Muhyiddin’s Perikatan Nasional

**Muhamad M.N. Nadzri\***

**Abstract:** In late February 2020, the democratically-elected *Pakatan Harapan*’s coalition government was toppled, arguably through a self-inflicted coup by its component party *Bersatu*, which brokered a deal with its allies from within and outside of the coalition. Based on a synthesis from Bridget Welsh’ ideas on political mandate and Andreas Schedler’s new institutionalism, this article explores how the royal mandate was taken advantage of by the newly formed coalition government, the *Perikatan Nasional* (PN), in confronting challenges for its survival by resorting to authoritarianism, blanketed by its policies to tackle the Covid-19 pandemic. However, it is argued that the pandemic brought an adverse effect to PN’s regime integrity in a way that it had both become the source of regime sustainability and regime subversion. While the democratic reversal is clearly apparent, the failure of Muhyiddin’s administration to effectively deal with the challenges of good governance during the pandemic had eventually led to its own demise.

**Keywords:** Barisan Nasional; Covid-19 pandemic; Malaysia; Pakatan Harapan; Perikatan Nasional.

**Abstrak:** Pada lewat Februari 2020, kerajaan Pakatan Harapan (PH) yang telah dipilih secara demokratik melalui Pilihan Raya Umum 2018, dijatuhkan melalui apa yang boleh dianggap sebagai rampasan kuasa sendiri (*autocoup*) oleh Bersatu, iaitu salah satu parti komponennya, bersama sekutu-sekutu parti itu di dalam dan luar PH. Berdasarkan sintesis idea Bridget Welsh tentang mandat politik dan perspektif Andreas Schedler mengenai institusionalisme

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baharu, artikel ini meneroka bagaimana mandat di-Raja telah digunapakai oleh kerajaan baharu yang terbentuk ketika itu – Perikatan Nasional (PN) dalam berhadapan dengan cabaran-cabaran survival pemerintahannya melalui kaedah autoritarianisme atas nama pandemik Covid-19. Walau bagaimanapun, artikel ini menghujahkan pandemik itu membawa kesan yang bertentangan kepada integriti rejim—ia telah menjadi punca kepada ketahanan dan kejatuhannya. Meskipun kebalikan demokrasi di bawah pentadbiran Muhyiddin boleh dilihat dengan jelas, namun kesukarannya untuk menangani cabaran-cabaran yang dibawa oleh pandemik melalui governans yang berkesan akhirnya membawa kepada kejatuhan kerajaannya.

## Introduction

In May 2018, Pakatan Harapan (PH) dramatically defeated the longstanding UMNO/Barisan Nasional (BN) government in the 14<sup>th</sup> General Election. The breakthrough was made possible by a double jeopardy suffered by the ruling regime, contributed by a fundamental elite rupture within the BN coalition when the defectors later made a pact with PH and coordinated their campaign to challenge the former in the 2018 election (Nadzri, 2018). The pact was not so much of an ideological congruence found among parties in PH, but rather a marriage of convenience *vis-à-vis* an “intra-elite struggle for power” (Gomez & Nawab, 2019). Its main objective, which is somewhat short-sighted, was to topple the BN government and oust the then prime minister, Najib Abdul Razak, from power. Hence, it was more of a semi-“replacement” or a quasi-“transplacement” of political administration (Huntington, 1991), or a governmental change rather than a regime change (Tapsell 2020).

However, it is empirically unreflective to say that the PH regime was just as similar to the previous BN regime. Although cronyism (Gomez, 2019) and patronage (Case, 2019, pp. 21-24) persisted, the PH government did make some noticeable progress during its term from May 2018 to February 2020 (Azmil, 2020, p. 105; *New Straits Times*, 2020). The rights to freedom of expression and assembly, for instance, saw significant improvement (Bedi, 2019); so much so that it actually turned the PH government as the main target of politics of dis/mis-information and ethno-populism (Shah, 2019; Jomo K.S., quoted in Kow, 2019). The independence of judiciary also saw significant



improvement since the late 1980s (*Freedom House*, 2020), while the role of the Parliament was being revived from a mere rubber-stamp institution (Mauzy, 2013) through several changes towards reforms and democratic practices (Reuters, 2019). Nevertheless, as indicative to its nature as a semi-replacement regime, PH displayed a combination of old order elite (who dominantly control the government) and reformists, making changes and continuity of policies and practices of the previous regime. Instead, they dynamically evolved from a substantially hybrid regime (Case 2019) to a weak democracy.

As a result of the short-sighted and loose coalition, PH's integrity as the ruling government went unresolved since the early phase of its administration. UMNO's splinter party, the Malaysian United Indigenous Party or Bersatu, led by Mahathir Mohamad and Muhyiddin Yassin dominated key positions in the government—Mahathir held the prime minister's office while Muhyiddin held the home minister's office. Mahathir made full use of his prerogative as the prime minister to appoint a majority of Bersatu MPs in his cabinet although his party won only 13 seats out of the 113 seats PH won in the 2018 election. His skilful manoeuvre had placed important checks against the influence of the larger reformer groups particularly from the People's Justice Party (PKR) and the Democratic Action Party (DAP) both in the ruling coalition and the government. Nevertheless, the reformers constituted a large majority in the coalition and were pushing for a more equitable form of coalition. When Anwar Ibrahim was pardoned and released from the prison soon after PH's triumph in the general election, allies within PH, particularly Bersatu, became increasingly uncomfortable (Abdullah, 2019). After 22 months in power, Bersatu initiated a self-coup with the support from the opposition parties through the palace, with Muhyiddin's faction came out as the victor.

The coup happened in late February 2020, when the first wave of the Covid-19 pandemic hit Malaysia and the world. Muhyiddin's coalition government, later known as the Perikatan Nasional (National Alliance, PN), faced several challenges from Anwar's PH and the Mahathir's faction since the inception of the new government as they both believed that Muhyiddin did not have the majority support from the MPs. Instead of proving the legitimacy of his government, Muhyiddin strategically manipulated democratic institutions and procedures, seeking popular

legitimacy by systematically constraining freedoms and rights by blanketing them under policies to tackle the Covid-19 pandemic.

Based on the above premises, this paper seeks to highlight the sudden return of authoritarianism in Malaysia, through various manoeuvres by Muhyiddin's PN government in consolidating his powers and constraining the challenges to the regime's survival under the pretext of combating the pandemic. As it was a government with less legal-rational mandate, but more of a traditional one (Welsh, 2021), its policies in responding to the Covid-19 were crucial for the regime to obtain popular public approval. As indicated in the last three general elections in Malaysia (2008, 2013 and 2018) and the change of governments, the voters are now more informed and critical towards those in power, while party-identification is on a downward trend to an incremental size of rational voter in the country (Ostwald, 2019). In addition to that, the PN government had to confront the legacy from PH, particularly its tolerance with political criticisms and the restoration of an independent judiciary. Despite the return of authoritarianism in Malaysia under Muhyiddin's PN, particularly through executive aggrandizement (Thompson, 2021), political developments in Malaysia since 2008 had arguably set up some check and balance mechanisms on the political system to prevent it from turning into a full authoritarian regime (Nadzri, 2018), despite still hovering in the grey area of a "hybrid regime" category albeit skewed to an autocracy (Lemiere, 2021).

### **The Trappings of a Hybrid Regime in Malaysia**

Malaysia is often cited as one of the prime references of a hybrid regime in most scholarly discussions on political system (Levitsky & Way, 2002). A hybrid regime is neither fully democratic nor fully authoritarian (Gervasoni, 2018). The two forces of regime i.e. transformation—democratisation and autocracy dynamically co-exist on every level of the political system and compete with each other to construct a new reality, a category, or a system. In contrast to absolute monarchy, dictatorship, or totalitarianism, hybrid regimes are not fundamentally sustained by forces of traditional institutions such as the military junta or a police state, instead it is maintained through skilful manipulation of new democratic institutions and processes such as elections or legislative, judiciary, and executive power (Case, 2020). Additionally,

as noted by Ekman (2009, p. 8), “hybrid regimes... are not poorly functioning *democracies* but new forms of *authoritarian regimes*”.

The British's Anglo-Malay Working Committee in 1946 - involving the British officials in Malaya, UMNO leaders, and representatives of the Malay Rulers (Wah, 1973) – ushered a new political system for an independent Malaya which had led to the establishment of a parliamentary democracy with constitutional monarchy and federal state in 1957 (Milner, 1991). The 1957 Federal Constitution of Malaya, later Malaysia in 1963, integrated and combined various interests within its society and territory which were not only significantly different but were opposing one another (Fong, 2016). The power of the traditional authority is limited with its parliamentary democracy but the Malays are still holding substantive residual powers. The Malays are conferred special rights *vis-à-vis* the recognised legitimate interests over other communities (Stockwell, 1976; Andaya & Andaya, 1982). Citizenry rights and freedoms are also enshrined in the constitution along with the operatives of the branches of government (the separation of powers between the legislative, the executive, and the judiciary), and demarcated jurisdiction between the federal and state governments. Constitutionally, national elections must be held once every five years and all Malaysian citizens above twenty-one years old are eligible to vote (Ufen, 2009).

Rather than allowing Malaya to freely self-determine on their own, there was an agenda to preserve the British interests in Malaya, particularly its economic control over various industries; thus, alliance with conformist elites was sought. As a result, Malay aristocrats and administrative officers who largely worked for the colonial government enjoyed a widening political space at the expense of radical and left-leaning leaders who were banned from politics since 1948. Chandra Muzaffar (2020) referred to the groups as the “Malay administocrats.” The political control over the left-leaning group, the pragmatic pact between UMNO-MCA-MIC (which later formed the Alliance coalition), and identity politics championed by the UMNO/Alliance substantially contributed to its landslide victory in the first general election held in 1955. This victory for UMNO/Alliance became the first independent Malayan government in 1957. While the Alliance adopted a multiparty model to power, the political ends of the UMNO/Malay administocrats did not fully accept democracy, but rather to hold onto state power in

achieving sectoral and party interests in the name of religion (Islam), the nation (Malay), and the state (*Tanah Melayu*).

Political oppressions and later manipulations were used to cripple dissidents, while weakened institutional democratic checks, and election gerrymandering largely contributed to UMNO's hegemony for more than six decades until the 2018 General Election. Nevertheless, the character of the political system was not entirely static or plainly moving towards authoritarianism *per se*. It was still very much dynamic in nature with a lot of new challenges of democratisation to UMNO's autocratisation projects at various political levels, largely brought by the forces of modernisation and globalisation. In 1984, Mahathir's BN administration attempted to tighten its grip over the mass media by enacting the Printing Presses and Publications Act as his regime's response against media literacy and burgeoning size of working and middle class. The move was substantially effective and most of the media in Malaysia were considered as propaganda tools in regime perpetuation until late 1990s. The arrival of internet technology, however, came about at the same time as the major split in UMNO/BN (Anwar was side-lined from UMNO which gave birth to PKR), which opened up some new sites of resistance, political contestation and 'new media' although Mahathir had responded by enacting another draconian law – the Communication and Multimedia Act in 1998. Throughout the history of post-colonial Malaysia, political competition remains vibrant albeit with the said moves of "authoritarian innovations" (Dettman, 2020) to the extent that the system is considered as "competitive authoritarianism" (Levitsky & Way, 2002). The opposition bloc managed to win a few regional states repeatedly since the 1959 general election, and won popular votes in the 2013 general election before ultimately ousting UMNO/BN in the 2018 general election.

The above illustrations were a direct application from Schedler (2009: 329) idea on how the autocrats are confronted with the challenge of survival, vertically and horizontally. Autocrats in the hybrid regime of Malaysia also faced "challenge of governance" when they had to "secure their ability to power" (Schedler 2009: 326) based on the recognised policy demands domestically and internationally particularly by introducing new, or reforming or repealing the existing rules and organisations without significantly alter the regime character or allow those rules and organisations to place real democratic checks

on the autocrats. Although such moves might probably help autocrats in maintaining their regime relevancy, the establishment of new organisations and rules might possibly pose a source of threat to the regime continuation (Schedler 2009: 339). In contrast to Schedler's account, this paper contends that the challenge of governance for Muhyiddin's PN was not essentially institutional, but rather performance-based. The state's institutions under Muhyiddin's administration, as explored later in this paper, helped to sustain the new regime rather than subverting it.

Welsh (2021) argues that there are three types of political legitimacy in the hybrid regimes of Malaysia, namely; the traditional, legal-rational, and performance-based. This could be seen as a synthesis of concept of authority by Max Weber (Spencer, 1970), and Pepinsky's (2009) account on the relations between performance (economic) and authoritarian regimes stability. Arguably, those are not "types" but rather constitute important elements or components for authoritarian governance or mandate in Malaysia. This is because having only one, or even two, of the components is not always sustainable. The traditional legitimacy exists when the regime is dominated by the Malay-Muslim, championing the agenda of Malay supremacy and protecting its interests in relevant government institutions. The legal-rational aspect comes into discussion when the regime is capable of securing a win at a national election. The performance-based mandate, as its name suggests, is achieved through effective policy and decision making in bringing about progress in the state, particularly economic growth. The durability of the BN regime for six decades was due to the fact that they scored well in all components of those mandates before declining in its performance since Abdullah Badawi's leadership. On the other hand, PH is seen lacking in the traditional and its performance was also circumscribed.

The PN did not come to power on a legal-rational basis. It has neither win a national election nor established through a legislative procedure, but its mandate to govern essentially came from a traditional legitimacy through a royal endorsement and it was strengthened with the fact that PN is mostly comprised of conservative Malay-Muslim leaders. Nevertheless, as argued above, having only one of the components in the political mandate was not sustainable in the long run, even for a hybrid regime in Malaysia. Although the Covid-19 pandemic allowed PN to subvert checks and balances horizontally (particularly from

the parliament) and vertically (especially the civic groups) through politicisation and skilful manoeuvres, thus helping the PN's regime survival, it also posed a challenge of governance to the regime. The political survival of PN depends on how well the government can effectively manage the pandemic and its repercussions in the short run, which will impact its legal-rational basis (through confidence vote or elections) or traditional mandate in the long run.

### **Bersatu Clinging onto Power in Putrajaya: From Pakatan Harapan to Perikatan Nasional**

The 2020 'auto coup' was considered by Bersatu and its allies since the early phase of PH administration as one of the means to cling on to power (Hilman 2020: interview). If the media regarded the self-coup as the "Sheraton Move", Bersatu and its allies perceived it as "the right move" (*langkah kanan*) (Hilman 2020: interview). UMNO and opposition leaders were invited to defect to Bersatu when PH captured Putrajaya in May 2018. Due to the pressure from criminal investigations, continuation of unequal allocations to the opposition in contrast to the government MPs, and political economic rewards, Bersatu has managed to double its number of MPs to 26 in just a year through the practice of party hopping (Umavati 2021).

As the promised of the transfer of power after two years from Mahathir to Anwar was approaching, Bersatu and its allies brokered new alliances with the opposition parties, which had not only frustrated Anwar's rise to power, but more importantly, it was engineered to keep its governing position, even at the cost of breaching the 2018 GE's mandate. The power brokerage was successful, albeit more dramatic in reality where Bersatu managed to hold its grip on the pinnacle of power in Putrajaya. On the other hand, Mahathir's faction was side-lined and eventually expelled from the party by the groups led by the Bersatu's president Muhyiddin Yassin during the process of the eventful power transition in late February 2020, which was permitted by the Malaysian structure and the practice of a hybrid regime (Levitsky & Way, 2002).

The new administration, now known as the Perikatan Nasional (National Alliance, PN), headed by Muhyiddin was a coalitional government consisted of five main parties –Muhyiddin's Bersatu, PAS, UMNO/BN, *Gabungan Parti Sarawak* (the Sarawak Parties Alliance, GPS), and a faction of 10 MPs from PKR led by Azmin Ali.

The government was dubbed by many, and in fact identified itself, as a Malay-Muslim government, due to the identities of most of its MPs and the political ideologies of the aforementioned parties. Shamsul (2020) considered their collaboration in PN as political alignments amongst leaders who share relatively similar idea of nations-of-intent, a vision of Malaysia as a nation at the core of Malay-Muslim centrality. The power transition was carried out in the palace, widely seen as a new political innovation allowed by the Malaysian courts since 2010. However, the model of a 'Malay-Muslim' government itself is not in parallel with ethnically and regionally diverse social composition in Malaysia. Such a model had been disregarded by the previous governments, from the Alliance to PH because it would disrupt the political stability of the ruling party culturally, and also politically where a comfortable majority will be difficult to achieve.

The coup against PH marked the return of the old authoritarian order. Nevertheless, as with other authoritarian governments, the PN was confronted with two key political challenges of its existence: challenges of survival and governance (Schedler, 2009). Apart from the support of the palace, the PN government was 'blessed' with the outbreak of the Covid-19 pandemic in Malaysia. These two advantages, however, were not utilised by PN in improving its political support particularly on legal rational mandate or the regime's performance, on the contrary, these were exploited as an easy way to stay in power.

### **The Perikatan National's Challenge of Survival**

The ultimate challenge of PN's survival is largely beholden in the parliament. The government was neither democratically elected by the electorate, nor voted in by the parliamentarians. It was formed based on fickle statutory declarations (SDs) among Members of the Parliament, presented by their respective party leaders to the palace with uncertainty and clarity. The SD-style governmental change brokered directly within the palace is a rather new authoritarian innovation (Dettman, 2020), introduced during the Najib era in manoeuvring the 2009 coup in Perak in, whereby the conventional legislative procedure for vote of confidence was side-lined (Muhamad Nadzri, 2020).

The issue of uncertainty multiplied as the support or opposition to the PN government were increasingly based on individual MPs, rather than their respective parties. Consequently, the opposition continued to

pressure the government to prove its majority in the parliament. Despite having a razor-thin majority, PN preferred to avoid taking any risks of being toppled from the vote of confidence (The Economist, 2020). Hence, a number of political manoeuvres were made to circumscribe the power of the institution, mostly in the name of Covid-19, particularly in checking over the government's legitimacy (and powers) and accountability, while at the same time mobilise several moves to increase the number of support from defections and thus strengthening the ruling coalition (Azmil, 2020). From these observations, Muhyiddin apparently adopted these four main strategies:

- i. Burgeoning Payroll Vote and Co-Option
- ii. Crippling the Legislature
- iii. Centralisation of power
- iv. Political persecution and abuse of state machineries

#### *Burgeoning Payroll Vote and Co-Option*

Bersatu may be a small party compared to the likes of UMNO/BN or PKR, but their 2018's victory with PH had enabled them to have a direct and dominant control over access to state powers, especially being part of the old establishment that enjoys support from the Malays and their institutions in contrast to PKR and DAP. Bersatu was in a dominant position during the coup, and they were in a better bargaining position in influencing others to support the party to be the leading ruling party. In order to get UMNO/BN and others to support them, a gigantic cabinet-size was established during PN's administration, with more than 70 ministers and deputies (Azmil, 2021; Case, 2021). Some ministries, like the Health Ministry and the Education Ministry, have two deputies. Several political appointments in the Executive with less certain responsibilities were made, such as the position of Prime Minister's Special Ambassador that comes with ministerial privileges. PAS president and Marang MP, Abdul Hadi Awang, was appointed as the Prime Minister's Special Ambassador to the Middle East, a position which is highly believed as "ceremonial" in nature (Fauzan, 2021).

Other MPs were appointed as chairpersons at various Government-Linked Companies and Federal Agencies. Nevertheless, few UMNO leaders were left out, like former deputy prime minister and UMNO president Ahmad Zahid Hamidi and former prime minister Najib



Abdul Razak, partly due to their ongoing court cases. They were also not incorporated as a form of a check against their dominance to their hegemonic position as top figures in UMNO. During Muhyiddin's administration, for example, former Sabah chief minister Musa Aman's corruption charges were dropped. In contrast to Zahid and Najib, Musa Aman is not only harmless to the ruling regime, but his influence in Sabah is highly beneficial to the PN. Musa played a big role in allowing PN to wrest control over Sabah from the Warisan-PH rule in July 2021.

This payroll vote strategy is essentially beneficial to the strengthening of Bersatu with certain costs to UMNO (Wong, 2020). The political coalition between UMNO and PAS which was formalised in 2019 was weakened when PAS prioritised its relations with Bersatu in PN over the former. The shifting position made by PAS is understandable, not only due to the fact that Bersatu was the main centre of power, but being a smaller party of 18 MPs and previous experiences with UMNO dominating its allies, PAS felt that Bersatu was a safer partner for them although their relationship with UMNO is still desired if they were to maintain their governing position. UMNO was split between those supporting the party's president, and those supporting the PN, making Bersatu on the right track of achieving its original objective of establishment: to be the dominant 'Malay party' by replacing UMNO.

### *Crippling the Legislature*

The first parliamentary sitting was initially scheduled for 9 March 2020 by the previous government, before the coup. It could be a good opportunity for the new administration to obtain popular legitimacy. However, the sitting was postponed to 18 May 2020 due to the nationwide lockdown because of Covid-19. The 18 May 2020 parliamentary sitting was confined to just a day sitting which only allowed for the Royal Address. Consequently, the opposition proposal for a vote of no confidence against Muhyiddin, which had been accepted by the then Speaker of the House Mohamad Ariff Md Yusoff, was effectively frustrated.

Mohamad Ariff's professionalism posed a threat to Muhyiddin's PN survival and in the July 2020 sitting. His impartiality was observable when he disallowed a special parliamentary sitting for a motion of confidence by Mahathir (the then interim Prime Minister) in late February 2020 based on procedural grounds, and later accepted his motion of vote of no confidence against Muhyiddin's administration in

May 2020, which Muhyiddin skilfully responded with the one-day sitting scheme (Mohsin, 2020). Mohamad Ariff also allowed the motion for his removal as the Speaker of the Lower House by Muhyiddin without any prejudice, and recuse himself during the passing of the motion in the July 2020 sitting which led to his withdrawal (Ahmad Naqib, 2020). Azhar Azizan Idrus, the former Election Commission chairman was a newfound Muhyiddin's ally. He was appointed as the new Speaker and the motions for a vote of no confidence against Muhyiddin was effectively buried despite several attempts by the opposition MPs to table a private member's bill (Shad Saleem, 2021; Veena Babulal & Muhammad Yusri, 2020). In late 2020, Muhyiddin's government was once again inevitably placed in a precarious situation in the parliament, when his administration needed to secure an approval for the 2021 National Budget. Later in September 2020, Anwar went public and announced that he had the majority support of the MPs and was granted audience with the Agong in mid-October 2020. Although the Palace seemed unconvinced with Anwar's claim of majority, Muhyiddin's administration immediately sought a royal approval for a declaration of Emergency in the name of combating the Covid-19 pandemic about two weeks later (Saleena, 2020). The proposal for "health emergency" was ultimately rejected by the Agong because in his view, the current laws were sufficient in responding to the pandemic. Muhyiddin's government survived the budget approval in the Parliament in November 2020, due to a temporary change of mind among UMNO's top leadership towards Muhyiddin, after the Agong's advice (*New Straits Times*, 2020).

In early January 2021, however, rumours were rife that UMNO would retract its support for the PN. Two UMNO MPs from Machang and Padang Rengas had openly withdrawn their support for Muhyiddin. PN's majority in the Dewan Rakyat was once again under threat and Muhyiddin wasted no time in proposing an Emergency for the second time to the Agong. In contrast to the Agong's decision in October 2020, a special meeting was called for the Conference of Rulers, before the Agong granted Muhyiddin's proposal to declare Emergency, citing his duties as a constitutional monarchy (Case, 2021, p. 17).

The government's avoidance of proper parliamentary sittings has not only helped Muhyiddin's administration to cling on power by evading a vote of no confidence, but more importantly, it has effectively crippled the legislative functions in Malaysian legal-political system (Shad Saleem, 2021). Consequently, parliamentary checks and balances

which had progressed during the Pakatan years were halted or rather regressed when the government avoided its parliamentary accountability and responsibility, and the issue of the government's mandate to rule persisted. Although the executive's avoidance for the parliamentary sittings had brought about political stability, it was only temporary and the crippling of the legislative functions arguably contributed to the mess in the government handling of Covid-19. Muhyiddin's government was seen to have failed in managing the pandemic. When the Conference of Rulers meeting was called in June 2021, the Agong and the Malay Rulers decreed that the Emergency declaration did not address the Covid-19 pandemic and rejected the proposal by Muhyiddin's cabinet to extend the Emergency beyond August 1, 2021, calling on the Federal and State governments to reinstate the functions of the legislative bodies immediately.

### *Centralisation of Power*

Closely related to the above issue, the problem of power centralisation has re-emerged under the PN whereby the legislative functions of the parliament have been snatched and denied by the Executive particularly through the introduction of Emergency Ordinance (Essential Powers) 2021. The EO was gazetted on 14 January 2021 under the conditions allowed by the Proclamation of Emergency on 11 January 2021. Despite the absence of any expressions for political constraints in the proclamation, about half of the provisions in the EO were targeted against the convening of the legislative bodies at the national and state levels, and against the possibilities for holding elections (Case, 2021, p. 19).

Therefore, once again, not only the lifeline of government was saved by Covid-19 politics, but the parliamentary powers were snatched by the Executive, thus avoiding the government from any legislative checks and accountability and enabled the apparently minority government to rule essentially at will, as long as the EO is still in order (Ostwald, 2022). More emergency Ordinances were introduced in the following weeks, including a political law ostensibly against fake news, resembling the Anti-Fake News Law introduced by the Najib administration in 2015, and a financial ordinance which allowed the government to use public funds without the approval of the Parliament.

The Law Minister, Takiyuddin Hassan, once explicated the example of the new fake news ordinance, ostensibly to control the spread of fake news from anti-vaxxers, but also including “interpreting the emergency to save the PN government” (Kini TV, 2021). The financial ordinance, on the other hand, has allowed the government to extract hundred billion of ringgits from the national coffers without any scrutiny from the national legislature and transparency to the public, as an apparently extraordinary budget in dealing with the diverse implications brought by Covid-19 pandemic in Malaysia (Lim, 2021b).

The above practice of centralisation of power amid the pandemic, particularly the declaration of the Emergency and the introduction of new ordinances, had suspended Muhyiddin administration from its legal rational mandate—by blocking parliamentary scrutiny (horizontal checks) and popular accountability (vertical checks)—but solely resorted to the King’s authorisation (traditional mandate) and its governing performance. Nonetheless, by doing so, the character of the political system has significantly moved to a fuller authoritarianism with essentially unfettered governmental powers (executive supremacy) and tighter control over the nation’s political freedoms.

#### *Political persecution and abuse of state machineries*

Political persecution strategy, one of the BN-styled authoritarian governance (Rodan, 2009), was brought back by the PN government. Political persecution was employed to target certain leaders in the ruling coalition as well (Case, 2021). Generally, there were three tactical moves utilised by Muhyiddin’s PN:

- a. Using the state’s enforcement agencies in charging or intimidating the government’s opposition.
- b. Practising differential treatments against the opposition representatives.
- c. Banning the registration of new political parties which are in direct competition with Bersatu.

The police force, anti-corruption agency, Malaysian Commission of Multimedia and Communications (MCMC) and the Attorney-General Chambers were among the key agencies used by the Muhyiddin’s administration in weakening and intimidating its opponents (Noore

& Habib, 2022). The criminal charges against Zahid were somewhat inconsistent with the government's decision to drop the corruption charges against the influential former Chief Minister of Sabah Musa Aman in June 2020. A number of opposition representatives were also intimidated, including in petty issues such as pressing accountability for the government in certain misdeeds. Former youth and sports minister and Muar MP, Syed Saddiq was seen repetitively and continuously harassed by various state agencies in forcing him to change his support to Muhyiddin's administration (Free Malaysia Today 2021). In March 2021, he was investigated for misusing Bersatu's party fund, allegedly in early 2020. He was later charged by the MACC in July 2021. Prior to that, Saddiq was investigated by the police and the MCMC over his remarks on social media condemning custodial death of A. Ganapathy in a police lock-up (Camoens, 2021). Although these harassments failed to force Saddiq to change his allegiance, it has effectively created fear among the opposition members. A few MPs defected to PN when they were investigated by the authorities including a former PH Minister and PKR Vice President Xavier Jeyakumar (Firdaus 2021). Quoting former Inspector-General of Police Abdul Hamid Bador, "(Leaders) are power crazy and ready to buy others and threaten them (if they refuse to be bought). That is corruption" (Straits Times, 2021).

Differential treatments were made against the opposition-controlled states, constituencies and their representatives (Malaysia Kini, 2020b; In combating the pandemic, the opposition-controlled states like Selangor and Penang were, at first, not included in the national coordination agency. It was after continuous pressure by the lawmakers that the states were later included albeit with significant limitations. No allocations were given to the opposition members until the mid of 2021 when the political stability of the ruling coalition worsened (Malaysia Post, 2021). Most of the assistance given to the opposition-controlled constituencies were channelled through various federal ministries and respective parties. Facilities under the government ministries were used by PN ministers in boosting political support in their constituencies. The Minister of Higher Education for example, organised for a university hospital in the Klang Valley to send their doctors and nurses to her constituency hundreds of kilometres away for several days, to provide vaccinations to her constituents (Astro Awani, 2021).

The split in the Bersatu in late February 2020 has eventually divided the party into three groups. The biggest faction stayed with Muhyiddin – the victor of the 2020 political coup. The main contender, Mahathir's faction with five MPs regrouped and established a new political organisation, the *Pejuang Tanah Air* (Pejuang). The axed youth chief, Syed Saddiq set up a new political party known as the Malaysian United Democratic Union (MUDA). Both of these parties faced difficulty to get their parties officially registered by the Registrar of Society (ROS) which is under direct ministerial control of the Home Minister who is also the secretary-general of Bersatu (Berita Harian, 2021; Lim, 2021). It was only after a year that Mahathir's Pejuang was registered in June 2021 through a court order.

### ***Muhyiddin's Challenge of Governance: Impacts of Covid-19 to the New Regime***

Unlike institutional challenges faced by other authoritarian states impacted by modernisation, globalisation and democratisation, the Muhyiddin administration's challenge of governance was originally more of its performance rather than institutional. The Covid-19 pandemic has necessitated many governments, including democracies, to adopt more autocratic measures in dealing with its impacts. This bodes well with the Muhyiddin administration, having weak control over the confidence of the MPs in the parliament, in strengthening his government and his party.

Despite the skilful manoeuvres, Muhyiddin's performance in dealing with the challenge of governance in combating the pandemic has significantly deteriorated after six months in power (Case, 2020). Mandated by the palace and traditional sentiments among the Malay conservatives, Muhyiddin however, faced difficulties in strengthening the support for his administration against the implications brought by the pandemic in politics, the national economy, the health system and education (Kurlantzick, 2021).

During the first six-months of PN rule, the executive power was held by the professional state bureaucrats. The nature of relatively conformist Malaysian society with less intervention by the political executives to the bureaucracy enabled the state to effectively control the first wave of pandemic by July 2020 (Case 2020). The national coffers, arguably, were still sound, allowing the government to provide various

kinds of assistance to the people. As a result of that, Muhyiddin secured high approval ratings from June to September 2020 when his policies began to take effect.

Nevertheless, in ensuring the dominance of his group and party in Malaysian politics, politics gradually took over practical and cautious decisions in managing the political affairs during the pandemic. Soon after successfully gaining control over Putrajaya, PN captured Johor, Melaka and Kedah from defections, the coalition also collaborated with Musa Aman in toppling the Warisan-PH government of Sabah. The project was successful but it came with huge political costs. In contrast to the other states captured by the PN, the victory in Sabah was more dramatic as it was secured painstakingly through a fresh election in September 2020 in the midst of the second wave of Covid-19 pandemic.

The threat was deemed non-existent by the ambitious PN in capturing Sabah to the extent that movements of people between Sabah to the Peninsular were loose, apparently to allow easy access for the PN ministers, leaders and its machineries to commute between the two regions. As a result of the easing of movement restrictions, there was a significant increase of Covid-19 cases reported in Sabah and as it went sporadic, hundreds of cases started emerging throughout the country. Prior to that, daily Covid-19 cases saw only two digits per day and it increased by three digits right after the election and it went to more than four digits by the end of 2020. Since then, more than one million people have been infected by Covid-19 in July 2021 with more than 12,000 deaths. The Covid-19 management in Malaysia was considered one of the world's best in mid-2020, but later became among the worst in mid-2021.

Consequently, the PN government gradually lost support from the people, and also from the palace. As indicated from the royal decrees, PN's political lifeline was prolonged during the first 12-months in Putrajaya. The royal decree that approved the Emergency declaration reminded all politicians not to play with politics during the pandemic, effectively targeting opposition critics. However, Muhyiddin's administration totally misread the conditional support from the palace.

The 'royal vaccine' which appears to protect the PN government from the 'opposition virus' made the government believe that it would be immune to the critics at no costs. As a result of that, the royals were

partly criticised for its role in the coup and the gradual weakening of the parliament. The Agong was perceived to be in favour of the PN government constitutionally or personally (The Guardian, 2020). Nevertheless, the poor performance of the PN government in managing the pandemic and the economy—despite political manoeuvres designed to enable the government to deal with threats of Covid-19 more effectively—led to the Agong and the Malay Rulers showing displeasure and disappointment towards the PN government in mid-2021. Due to the worsening situation of Covid-19, economic downturn and unemployment, the King seemed to be no longer wanted to be associated with the government, or seen to be responsible for the mess created by the PN government.

Although the royal vaccine initially saved the government from being toppled in the parliament, it has inadvertently weakened its accountability and also the possibility for cooperating with the opposition. Coupled with an overzealous project to increase the dominance of Bersatu, it heightened the political competition between the PN against the opposition parties, and also within the ruling alliance. These instances have distracted PN from the fundamental issues of governance. It was not long before a major crack occurred within the PN when parties within the coalition competed against each other in the Sabah State Election in September 2020, only after six months in power. Later in December 2020, UMNO staged an internal coup against the Bersatu/PN leadership in the state of Perak, through a vote of confidence procedure in the state assembly. Bersatu's deputy president Ahmad Faizal Azumu who was the *Menteri Besar* of Perak became the casualty from the internal coup by UMNO.

Without parliamentary scrutiny and almost absolute power in governance, the PN government gradually became less accountable but also less efficient. Missed opportunities of bipartisan cooperation and collaboration through parliamentary sittings were forsaken. Prime Minister Muhyiddin Yassin gave very few media interviews during his first-year tenure and they were usually in the form of a top-down national address, directly avoiding any questions and concerns from the public. Muhyiddin's government slowly became dissociated with the ground which eventually contributed in making unpopular and unrealistic policy decisions. Apart from a number of reversals in policies, there were also ill-conceived policies such as lockdowns and the reopening



of schools and universities in the early 2021 in the midst of the rising Covid-19 cases.

### **The Push Against Autocratisation**

Despite the pandemic and growing autocratisation during the Muhyiddin's years, the push against authoritarianism continues, albeit with greater constraint. There are, at least, four sources of resistance against Muhyiddin's autocratisation; namely the social media, the opposition, the civil society organisations and surprisingly, the constitutional monarchs.

Social media has been a platform of effective oppositional politics in Malaysia since 2010. It has significantly contributed to the fall of BN as well as the PH, in 2018 and 2020 respectively. Under the PN rule, although the more popular style of oppositional politics of street demonstrations were constrained by the pandemic, the politics in the social media is very much sustained. In fact, despite the PN government being considerably popular during the first six-month in power, most of its policies were passive. While the government needed popular support and lacked a clear majority in the Parliament, it was responsive and reactive to the trends on social media. As a result, the government became increasingly reactive to the popular demands and started modifying or changing its policies to appease the public (The Star, 2020).

Nevertheless, as discussed in the previous section, the Muhyiddin administration apparently gave more focus on the regime's survival rather than the challenges of governance, perhaps due to the poor judgments and miscalculations of his support from the people and the monarchs. Gradually, the policies were self-serving interests of the ruling elites rather than policy-based, including wresting power from the opposition-controlled states (Kurlantzick, 2021). Unpopular policies and poor management of the Covid-19 pandemic crisis led to the calls for Muhyiddin's resignation as the prime minister and the administration was called '*kerajaan gagal*' or failed government as the people were increasingly dissatisfied with the performance of the government in handling the socio-economic issues (Victor, 2021).

PH too, was badly affected by the withdrawal of Bersatu from the pact and defections of Azmin Ali's faction in PKR. PH was further weakened with disunity and being disorganised after the defections

although opposition leader Anwar Ibrahim enjoyed the biggest support among them. The support, nevertheless, was not enough without Mahathir's faction, making both of them desperately finding a shortcut to return to power, rather than focusing on re-building the opposition pact. While Anwar made a secret pact with the UMNO's president to topple Muhyiddin (Maisarah, 2021), Mahathir used his reputation trying to influence the palace to re-appoint him as an interim prime minister in a war-like cabinet government (Hana, 2021). These challenges were significant towards the PN government, pushing the latter to use extra-legal measures as highlighted in the third section of this paper.

The civil society groups, like BERSIH 2.0, were under significant constraints during the first year of PN in power. This was not only due to the threats of the pandemic and the lockdowns, but also due to their more diplomatic characters and tolerance to the previous PH government. The group can be also seen trying to be more 'civil' with PN, by promoting better policies for the political and electoral system through webinars, in contrast to their aggressiveness against the BN government in the past with large scale demonstrations. The expressive and aggressive civic movements were assumed by new groups, mostly among youths. There were at least two street protests in the past year, the first was held on 29 February 2020 in protest of the appointment of Muhyiddin Yassin as the new prime minister and the second protest held on 31 July 2021, saw 1,000 people turning up in black shirts in Kuala Lumpur demanding for Muhyiddin's resignation (Hazlin, 2021).

The last source of resistance or opposition against authoritarianism of the PN unexpectedly came from the monarchy. In reality, the support of the monarchy to Muhyiddin's administration was not as strong as it may seem. The conditional support from the monarchy was dependent on Muhyiddin's performance and it is usually based on the majority support from the Malay Rulers. Perhaps, by being the newest Sultan in the Conference of Rulers, the Agong, Al-Sultan Abdullah Al-Mustafa Billah Shah of Pahang is more diplomatic and consultative with his fellow Malay Rulers. Many key decisions made by the King were discussed with the Malay Rulers in the Conference of Rulers to seek consensus. These include the decisions to select a new prime minister in late February 2020 and the consideration for Muhyiddin's first request for a proclamation of Emergency later that year.

As Muhyiddin's administration performed poorly despite the Emergency in January 2021, the Agong gradually distanced himself from the PN's government and at the same time the Conference of Rulers were also seen as more expressive against the PN government. In June, the Agong and the Malay Rulers decreed that the Emergency should not be extended after August 1, 2021 with the exception for the state of Sarawak in which the state election is postponed until 2022. The Agong and the Malay Rulers have also decreed that the legislatures both at the state and federal levels must reconvene immediately to debate on the Emergency Ordinances and policies related to Covid-19 management by the government. Muhyiddin was reluctant to reconvene the Parliament as decreed by the King, risking his position should a vote be allowed during the special sitting. The government convened a week-long Special Sitting in the Parliament, only to appease the King but eventually avoiding a debate and vote over the Emergency Ordinances. The Agong was dismayed when the government announced in the sitting that all Emergency Ordinances were revoked a few days before the sitting in the Cabinet Meeting (Sarawak Report, 2021). The relationship between the monarchy and Muhyiddin's government turned sour since mid-2021 due to the misstep of the government to revoke the Emergency Ordinances without due diligence and proper procedure.

## **Conclusion**

The Muhyiddin's administration responses against the challenges of survival has not only reversed the newly-found democratisation opportunities (Huntington, 1993) in Malaysia, but recorded a new autocratisation episode (Pelke & Croissant, 2021). The episode was reflected by Malaysian political observers as "hybrid exceptionalism" (Case, 2020), "democratic regression" (Azmil, 2020), and "democratic backsliding" (Saleena, 2020) which is in line with the stance taken by this paper and with international comparison such as the work by Lurhmann and Rooney (2021).

Nevertheless, the political system during the Muhyiddin's era was still hovering in the hybrid topology although it was inclined towards the authoritarian spectrum particularly through the significant reduction of legislative powers through Emergency proclamation in early 2021. His government still collapsed (in August 2021), however, indicating

that even a strong government with immense executive and legislative powers is not totally immune from political pressures and accountability.

On the one hand, as per Pepinsky (2009) studies on Suharto's Indonesia (1968 to 1998) and Mahathir's Malaysia (1981 to 2003), the governments' performance is crucial for maintaining the legitimacy of an authoritarian regime, in contrast to legal-rational mandate such as electoral support. On the other hand, some features of democracy are arguably (and surprisingly) proven to be necessary for the maintenance of a hybrid regime, particularly the mechanisms for imposing governing accountability to the executive. In the case of Malaysia under Muhyiddin, almost all of the mechanisms for political accountability, horizontally from the Parliament and vertically from the people (the media and civic groups) were fended-off, suspending the potential for co-governance (with the Parliament and the oppositions) and essentially alienating the government from its people, while at the same time over-relying on (the conditional) royal and cultural support (traditional mandate). The consequence is proven to be disastrous for Muhyiddin's administration, which continued to be over-focusing on the challenges for survival and undermining the challenges of governance and the need to perform competently.

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