New Media and Political Participation in Malaysia: Impacts and Limitations

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Abstract: This study highlights the impact of new media in shaping the political participation in Malaysia. The emergence of new media has marked a new wave of Internet-based application as it becomes a platform for user to interact with the application in an easy and prompt way. The advancement of social media not only proliferates the transparency of democracy by facilitating the flow of information about government to the society; but also has substantially altered the landscape of politics in Malaysia. With the current development of new media and technology, the public has greater unlimited direct access to political news resulting in difficulty for the government to control online news and information flow, which affect the political power of democratic government. This study aims to examine the extent of impacts of new media on political participation. It also examines the legal limitation of freedom of media use and its practices in Malaysia.

Key words: new media, political participation, media control, politic

1 INTRODUCTION

Malaysia practises parliamentary democracy with a constitutional monarchy. Although Malaysia is constitutionally a democratic country, the level of political and civil liberties is minimal. The practice in Malaysia has been that people have the power to elect their leaders through the electoral process, once in four or five years’ time. However, democracy will not be fully achieved in a country unless the issue of representation is taken seriously by the citizen (Rashila Ramli, 2005). Participation may have impacts on the decision-making process during elections and policy implementation. The simplest form of participation is voting and the most significant form of participation is the mobilisation of support during national elections.
The use of new media is not novel in Malaysia. It is not only used for political purposes, but also for business, economic, entertainment and others. In the Malaysian political perspective, it was actively utilised in 1998 after Anwar Ibrahim was sacked from the government. The internet was utilised to disseminate information between Anwar’s supporters and the broader public. People choose to evade traditional media by using the internet to obtain information directly regarding political, social and economic life (Press & William, 2010). In fact, in the 2004 General Elections’ campaigns, despite the oft-used “poster wars”, ceramah (talk); political parties also conducted campaigns using social media such as the internet and short message services (SMS) (Rashid Moten & Tunku Mohar Tunku Mokhtar, 2006). This contributes to the involvement of voters in politics in which voters can get involved in the decision-making process and make rational choices once they get access to political process, parties, candidates and programmes. Thus, the new media became a new medium to obtain information due to the restriction imposed by the government on conventional media.

However, it was difficult for the government to restrict the rise of internet among citizen even though the government made regulatory controls by implementing certain acts and introducing permits for the media to function (Brown, 2005). Thus, in order to capture and attract voters, the politicians, government and opposition parties had their own Facebook, Twitter and Instagram in order to get voters’ attention to generate support from them (Leong, 2015).

![Number of Facebook users in Malaysia from 2017 to 2023](https://example.com/facebook_stats.png)

*Figure 1: Source: Facebook statistics Malaysia. (2017)*

The statistic shows that the number of Facebook users in Malaysia is expected to increase to reach 24.2m, up to 22m in 2017 (see figure 1). This situation may lead to more people using media as a medium for communication in order to express their opinions of the government.
There is an increase in the percentage of political awareness among citizens as well as a sense of belonging to political parties among women. Some claim that their involvement in politics arises from social pressure in which they do not want to be excluded by society. However, based on studies by Milner (2008) youths refuse to get involved in politics. Dahlgren (2009) also mentioned that the youth are not interested in getting involved in the political affairs and have less trust in representative institutions as well as politicians (Blais & Loewen, 2009). Thus, this paper has two aims: to examine the extent of impacts of new media on political participation in Malaysia and to examine the legal limitation of freedom of media use and its practices in Malaysia.

2 REVIEW OF LITERATURE

2.1 Political Participation

Political participation is very vital in order to strengthen the application of a democratic system. Without people’s involvement, it is difficult for a country to be called democratic. Some scholars have mentioned that Malaysia does not really practice full democracy, but more of a form of semi-democracy. There are many forms of political participation, ranging from voting to personal contact with the decision makers and lobbying or contesting for public office (NSTP, 1990). Moreover, Verba et al. (1978) stated that effective participation leads to vital relationship between all other social and political goals.

According to Tang & Lee (2013) joining political group, communicating with politicians, casting votes during the elections, supporting petitions and getting involved during the campaign period can also be considered as political participation. Campaigns are important to provide voters basic information and opportunities to make political choices.

Participation is not only limited to involvement of participating citizen in politics but is also more than that. According to Verba (1987), political participation can be defined as those activities by citizens that are directly aimed to influence people to choose the government and their actions. Palmer (1975) emphasized that political participation within the electoral process is under the two main headings of voting and campaign activity. It focused on a flow of influence upward from the masses and it does not involve support for a pre-existing unified national interest but it is part of a process by which the national interest or interest are created.

Moreover, Huntington and Nelson (1976) discussed two major principle institutions to organize the expansion of political participation; political parties and the party system itself. Furthermore, Huntington and Nelson discussed types of behaviour that relate to political participation. The first type is electoral activity, for instance voting, working in the election and campaign activities. Next is lobbying
which might include generating support or opposition for a particular legislative proposal. Another type is organizational activity which means an individual’s involvement as a member in an organization in order to influence the government’s decision making. Contacting is also one of the types discussed by Huntington and Nelson. Lastly is violence, which is physical damage to person or property in order to affect the government’s decision making.

Many studies have discussed the causes of people’s involvement in politics in Malaysia. According to Rogers (1992), the Malaysians who are not involved in politics did not have much interest to participate, particularly among villagers. However, this situation has changed gradually throughout the years due to factors such as growing communal concerns, rising levels of education and exposure to mass media, establishment of the UMNO branch in the community and good relationships between kampong leaders and UMNO officials. Besides, benefits given by the government to the rural development programme and increasing political awareness and concern during the election campaigns are also contribute to the increasing of political participant among citizens.

However, it is not without its pitfall in that outward displays of political standpoints do tend to cause divisiveness among people in society, sometimes even in families. Furthermore, given how easy it is to sway political campaigns by the influential impact of stories, verified and unverified, the internet is rife with misinformation and speculation. Satterfield (2016) went to discuss about the effects resulting from news, or rather news from unsubstantiated sources, beginning from creating social circles, resulting in a growing snowball of half boiled conspiracy theories and uncorroborated news with political biases. A darker utilisation of the realm of social media is described by Connell & Vogler (2017), in which they outlined how cyberspace has become a new battlefield. They have argued on how state actors can, with prior implementation of information warfare measures, achieve political objectives without fielding a conventional military force. They also went on to state how this might be accomplished not necessarily by shifting perspectives, but rather by inundating social media with a plethora of doctored and fake content, thereby cultivating doubt and paranoia among the populace that ultimately leading to the disqualification of the usage of the Internet as a democratic tool.

2.2 New Media

According to Garrison (1996), Domingo & Heinonen (2008), the emergence of New Communication Technology (NCT) has created challenges for conventional media, particularly the printed newspaper. From a Malaysian perspective, the presence of new media is still controlled by the government. The media has strong social and cultural influences upon society especially during an election. Mustafa (2002) states that, the previous government; Barisan Nasional controlled the media in order to maintain power. As a result, media such as the television, radio and
newspaper have wide coverage on Barisan Nasional policies, its contribution and campaigns, and give less disclosure on the activities and agenda of opposition parties. Furthermore, Brown (2005) also argued that during the Barisan Nasional rule, BN controlled the conventional media through the two methods of legislative regulation and corporate ownership. As a result, citizens become passive recipients of information without objections. In fact, the government introduced the Printing Presses and Publications Act 1984, Sedition Act 1948 and others in order to control the citizen. Zaharom (2002) also discusses that most of the newspaper so called government-controlled newspaper; their contents are released under government supervision as with the cases of News Straits Times, Malay Mail and Berita Minggu.

Interestingly, in the 13th General Election, it totally changed as voters, particularly the young voters, preferred new media as their alternative medium of communication and information on issues related to politics. Indirectly this situation led to active involvement of politics among Malaysians. Looking at the advantages of new media on political process, social media allows individual to connect with their representatives in a way that was not existed in the past, for instance by providing a direct line of communication with their representative on a virtual public platform. Constituents can voice their problems and can force their representatives to look after public demand and interest. Additionally, voters have access to a wide range of information allowing them to make right decisions on candidates and policies (Satterfield, 2016).

3 METHODS

This research aims to find out the implications that media has towards political participation and its limitation in Malaysia by using qualitative method; structured interview. The structured interviews were conducted to support the findings of the information; upon four interviewees who were academicians; who had the relevant of knowledge due to their expertise or knowledge in a skill or discipline. The interviews were recorded, transcribed and analysed and the researcher identified key elements and recurring themes in the data and categorised them. Black letter law is also used to refer to the cases and legislations. In order to support the data, the researcher also analyzed relevant newspapers, journals, books and internet.
4 FINDING AND DISCUSSION

4.1 New Media and Political Participation

As we entered into an era of unprecedented interconnectivity, we find that information is able to move at equally unprecedented rates among large populaces. This has severe implications on the political process and new age media such as Facebook, Twitter, and Whatsapp to name a few have a role to play in ensuring that established institutional processes such as the electoral process are improved and not disrupted. Due to that, new media plays a critical role in information dissemination and public participation (Banerjee, 2004).

To support, Mohd Fazil (2019) stated that:

‘Politically implemented new media strategies are changing the idea of Malaysian society becoming a digital society, the concept of ‘being digital’ points beyond its strictly technical meaning in the context of 2018 general election in Malaysia and social media platforms are changing the possibilities of political discussion in multi-racial Malaysia. these are just a few examples of changes caused by the adoption of digital media in Malaysia.’

Light (2000) stated that democratisation in Malaysia has changed drastically as users bypassed stringent structures of political organisation and scrutiny of government authorities through new media. One demographic that relies heavily on social media for news and information are young voters between the ages of 18 to 29, while older demographics continue to prefer traditional sources (Curry, 2016). Agus, Badrul & Mujibu (2019) also stressed that new media can uphold the level of democratisation in Malaysia, by giving people chances to practise their freedom in the social media to give their opinions and views openly in Facebook and Instagram. However, Agus asserted that, democratization would take times due to the political culture that we have in Malaysia.

Mujibu (2019) stressed that,

‘… theory of democracy is practicing in Malaysia. Unlike the other countries, the level of economic is decreasing, somehow the level of democracy increasing in Malaysia. People are aware that they have their rights and participate in elections.’

It can be argued that while social media should be expected to improve the democratic process by giving all citizens the ability to voice their concerns, it is not without its pitfalls. New media enables the public to have greater and unrestricted direct access to political news, sidestep obstacles and gatekeeping controls of publishers, editors and journalists in traditional media (McPhail, 2002). According
to Shiratudin et al. (2016), this new crop of voters, also referred to as Generation Y, spent most of their young lives growing up with technological progress and as such have a deep relationship with technology and understand comprehensively its multiple uses. Masiha et al. (2018) indicated that while internet access alone does not determine political participation, exposure to political material on social media can increase participation. They went on to discuss about the fact that social media such as Facebook can foster political engagement as it pulls down the barriers for the open expression of opinions.

Furthermore, these forms of new media also allow its members to be involved in any movement through less time and energy consuming means by just ‘liking’, ‘joining’, or ‘reposting’ various political material. According to Zheng (2010) political institution believe that, participate actively in political communication by using social media is vital; especially during the campaign period. It is like a medium of information towards others, in order to get public opinions, support for the candidates and political positions. Many politicians used media in order to interact with their constituents and have discussion with their potential voters (Hong and Nadler 2011).

Recently, Facebook, Twitter and Instant Messaging (IM) apps such as WhatsApp are also playing an important role in political participation (Salman & Saad, 2015). It should be noted that platforms such as Twitter and Facebook offer the ability to not only disseminate general information but also crafted political opinions through their channels. Zeng et al. (2010), Kavanaugh et al. (2011), Paris & Wan (2011), Steiglitz et al. (2012) all espoused the value behind constantly gathering, monitoring, analysing, summarizing, and visualising political information in the realm of social media with the objective of improving communications with politicians and voters. For instance, a key factor is to identify (political) ‘opinion leaders’, who are also referred to as ‘influencers’ and maintain the flow of the discourse occurring among their followers, especially during times of election campaigns. Potential topics of concern and/or sore spots among voters can be identified by tracking emergent issues and trends. This should ultimately lead to the development of a mechanism that is able to deliver brief and complete reviews which covers all social media platforms by aggregating and visualizing the results either through frequent and consistent reporting or a ticker that provides the information in real-time. It has been put forward by Lake & Huckfeldt (1998) that persons with wider networks/social circles participate more due to the fact that they come into contact with individuals who possess higher levels of education. As a result, they are able to learn from these educated individuals thereby allowing them to participate in manners that were not previously possible.

This research also found that new media gives great impacts by changing the political landscape in Malaysia. Agus, Mujibu & Badrul (2019) asserted that, ‘...social media led to the downfall of Barisan Nasional especially during 2008 and 2013 General Elections, in which BN was unable to garner a two-third majority in
the parliament. It is because the social media has changed the mind-set of the younger generation, the middle class, and intellectuals from voting for BN to changing the government. In addition to that, changes have happened in terms of dissemination of alternative news to citizens. Awareness among netizens, especially in the Malaysian political climate, are more critical towards the government, know about their rights, are able to compare and choose a good government’.

Mujibu (2019) added,  

‘Previously, the information was exclusively for the government. The citizen just got ‘less’ information through the mainstream media given by the government. But now, the citizen becomes as participant; participating in politics.’

Despite the presence of fake news and charges of sedition in the new media, many professionals express their ideas using this medium. Indirectly, it may influence how people view their governments. Due to that, the government cannot take it for granted the opinions of citizens because all information can be disseminated and shared to others. Besides, new media also increases the levels of democratization in Malaysia in which people are allowed more freedoms, either expression and/or press in Malaysia.

Openness about government has taken place by the empowering of citizens to participate, share their opinions through Facebook, Twitter, Youtube and Instagram, especially with regards to their political views towards government; a freedom that is not present with conventional media like television and newspaper. The previous study also found that, new media, gives a space for netizen to receive public attention; with netizen support, people feel encouraged to speak up in public instead of behind closed doors (Pauline, 2015). However, a research by Zhang and Zungia (2012), even when there are people looking at social media to get political views, it does not mean that social media is a medium to encourage them to participate in politics.

4.2 New Media Law and Limitation in Malaysia

Any activities related with media are governed and regulated by media law. It is located in various different but interrelated laws, such as the Printing Presses and Publications Act 1984 [Act 301], the Communications and Multimedia Act 1998 [Act 588], the Defamation Act 1957 [Act 286] (Revised 1983), the Sedition Act 1948 [Act 15]. It includes issues of censorship, copyright, defamation, broadcast law, and antitrust law. In short, media law as defined by Oxford Law Dictionary (2016) is legislation through which governments regulate the mass media. Apparently, it becomes responsibility and power of the mass media not only to entertain but also to give information and education to society. Furthermore, it also can act as the conscience-keeper of society by exposing wrong-doing in the public and private
sectors (Shad Saleem Faruqi & Sankaran Ramanathan, 2000). In general, media law attracts the public to understand their individual rights, public and the state rights as it intersects with human rights i.e. freedom of speech and expression.

Agus (2019) stated that,

‘Despite of laws execution, the government is responsible to give awareness among people to change the political culture, not limit people’s right by using the existing laws. It is important to understand more about the importance of clarifying the difference, being responsible citizen, not only highlighting national and religious issues, discuss the importance issues that we share together, universal issues like human rights, freedom and social justice. The government can abolish the laws but not limit people to voice out their opinions…’

It is therefore pivotal to the government to give awareness to citizens about their rights but on the same times to strike a balance between freedom and limitation.

4.2.1 Printing Presses and Publication Act 1984 (PPPA)

The Printing Presses and Publication Act 1984 (PPPA 1984) that was previously based on Printing Presses Ordinance 1948 is a Malaysian statute which governs the publication and the usage of printing presses in Malaysia. It is under supervision of Ministry of Home Affairs of Malaysia that is responsible for matters relevant to national security and public order. Historically, the colonial government of Straits Settlements in Singapore had enacted the provisions for licensed printing presses in 1920 and 1924 for the Federated Malay States. It was known then as Printing Presses Ordinance 1948 that was used during Emergency period caused by communist insurgency (Mohd Azizuddin, 2008). In 1972 this Ordinance was revised due to 13 May 1969’s riot that provides the power to revoke the licenses of newspapers that aggravated national sensitivities or were detrimental to national development goals.

The main purpose of PPPA 1984, as stated in its Preamble is to regulate any activities regarding printing presses to include uses of printing, the production and reproduction of publications. Apparently, PPPA 1984 has been used to tighten and strengthen the law regarding monitoring the ownership of printing presses and the production of printed materials such as books, magazines and papers. It also seeks to control the publication distribution, and importation of publication from abroad and puts limitation on these activities. Any act that against the law will be penalized with a strong penalty, including jail sentences.

In 1987, an amendment was made to include an offence of publishing false news. Any publication that is maliciously publishing any false news is prohibited under Section 8A. Under this section, any printer, publisher, editor and the writer thereof shall be guilty of an offence and shall, on conviction, be liable to
imprisonment for a term not exceeding three years or to a fine not exceeding twenty thousand ringgit or to both.

Public Prosecutor v Pung Chen Choon [1994] 1 MLJ 566 is the first case ever held by court under this provision. It was a case against The Borneo Mail editor, Pung Chen Choon in which a false news was published on 16 July 1990 stating that a priest Benjamin Basintol was detained under the Internal Security Act 1960 (this Act was repealed on 31 July 2012). In that statement, it was stated that one Roman Catholic priest based in Keningau has fled police arrest and a few other priests were understood to be in the police wanted list and that publication of statement were in violation of Section 8A(1) of PPPA 1984 and punishable under the same Act. The defence counsel brought an issue, among others, on whether Section 8A is constitutionally valid. Within few years, the section has been invoked in a number of highly publicised cases in which beyond the scope of this paper to discuss.

However, PPPA 1984 is not without its flaws. Section 3 that requires the owners of the printing presses to apply licenses annually from Home Affairs Ministry can be said as a powerful tool to force the media to conformity to government-approved views as the Minister has absolute power to grant, refuse, suspend or revoke the annual publication license which newspapers must obtain to operate (SUARAM 2003) Chandra Muzaffar (1986) in criticizing the PPPA 1984 ever said “the 1984 Printing Presses and Publications Bill removes whatever minor safeguards that now exist in checking the exercise of executive authority. It confers absolute power upon the minister concerned. Whatever his virtues as an individual, there is no doubt that he will be in a position to control the most fundamental of all freedoms—the freedom of expression. It may well give him the sort of dictatorial image that he may not desire or deserve’ Further, the decision made by the Home Minister can be withdrawn without any judicial review.

However, Section 3 is only applicable for publication and printing presses activities of commercial use and business purposes. In this regard, no license is required for the impression of any engraving, printing of visiting or business cards, billhead or letterheads, any letter, memo, and documents of business, typed, printed or reproduced by a non-printing or non-publishing house (Section 3(8), PPPA 1984).

The government may also at its discretion ban the publication, import and circulation of any manuscripts deemed prejudicial to ‘public order, morality, security, the relationship with any foreign country or government, or which is likely to alarm public opinion, or which is otherwise prejudicial to public interest or national interest’ (Section 7, PPPA 1984). Any editors, journalists, publishers and printers if found guilty of ‘maliciously publishing false news, defined as ‘not taking reasonable measures to verify the news’ will be punished for a imprisonment term and/or heavy fine of RM 20,000 (Section 8A(1) PPPA 1984).

The wider effects of the PPPA have been far reaching upon freedom of expression, press and the media. It can be seen in the case of three newspapers, the English-medium The Star, the Chinese Sin Chew Jit Poh and the Malay weekly
Watan had their licenses revoked during the Operasi Lalang (Weed Operation) in 1987. The publication was resumed in 1988 but the ban had resulted in changes of editorial staff. This provoked serious domestic criticism of allegedly one-sided coverage by the mainstream press.

Other than that, some presses such as Harakah owned by Pan-Islamic Malaysia Parti (Parti Islam SeMalaysia or famously known as PAS), had previously been forced to limit its circulation from twice a week to twice a month and must sell the paper not to the public but to the PAS party members only. Suara owned by Peoples Party (Party Rakyat Malaysia) and the Rocket owned by DAP were often been threatened for their license to be terminated or not to be renewed. In 2000, the government party of BN (as they were then) did not renew the permits of magazines like Detik, Tamadun, Wasilah and a newspaper Eksklusif for criticising the government on the issues of Anwar Ibrahim’s case and the Reformasi movement in 1998 and 1999. (Amnesty International 1999). Two main reasons why PPPA was introduced in Malaysia and to restrict freedom of press are, firstly, to ensure racial order and, secondly, to limit the ability of foreign presses in influencing people’s attitudes and minds against the government and country as a whole. For these reasons, the government uses its power to strengthen the media laws particularly the PPPA and control almost all local media companies either directly or indirectly.

### 4.2.2 The Communications and Multimedia Act 1998

After 10 years on commission, the Broadcasting Act 1984 was replaced by the Communications and Multimedia Act 1998 (CMA) which came into effect on the 1st of April 1999. The new CMA is not only gives power to government to regulate all manners of broadcasting but also provides a regulatory framework to cater for the convergence of the telecommunications, broadcasting and computing industries including Internet. Its objective, among others, is to make Malaysia a hub for communications and multimedia information and content services and to be a major global centre.

In realizing the aims, Malaysian government had set up a commission known as the Malaysian Communication and Multimedia Commission (Suruhanjaya Komunikasi dan Multimedia) (MCMC). The commission was appointed on the 1st November 1998 as the sole regulator of the new regulatory regime. Its main role is to promote the government’s national policy and regulate the communications and multimedia sector in Malaysia. In order to enforce these tasks, the MCMC is given sole power to approve, amend, or revoke broadcasting and other licenses (Lee, 2002).

Although regulation in the form of licensing is provided for, one of the cornerstones of the new regulatory framework is self-regulation by the various industries, including the ICT and multimedia content industries. Even though there was no definite and conclusive term to define ‘self-regulation, a wide array of self-
regulatory tools have proven track records as substitutes for government regulation (Price, 2000).

While content regulation includes the prohibition of offensive content as clearly stated in Section 211 of the CMA 1998: “No content applications service provider, or other person using a content applications service, shall provide content which is indecent, obscene, false, menacing, or offensive in character with intent to annoy, abuse, threaten or harass any person” (Communications and Multimedia Act 1998). Apparently, CMA has been used by the government to control the reporting of news which was slanderous in nature, especially those disseminated by online portals. Section 233 (1) further provides it becomes a crime to the use of network facilities or network services by a person to transmit any communication that is deemed to be offensive and could cause annoyance to another person.

In 2015 itself, a bundle of cases had been reported involving Section 233(1)(a). To begin with, former Minister in the Prime Minister’s Department Dato’ Zaid Ibrahim was charged on 3 December 2015 for the alleged offence of publishing the transcript of a speech that he delivered at the Royal Selangor Club on his blog. The blog post, entitled “Rally Behind Tun Dr Mahathir Mohammad”, called for the removal of Najib Abd Razak, the Prime Minister that time. Before that, former Chief Minister of Malacca Tan Sri Abdul Rahim Thamby Chik was charged on 5 October 2015 for allegedly posting an item on his Facebook account concerning Raja Muda Selangor. Other cases, in July 2015 Whistleblower website Sarawak Report was investigated, and access to it blocked for allegedly publishing unverified information relating to the Prime Minister and 1MDB. Also, political analyst, Shahbudin Husin was investigated on 29 September 2015 for allegedly posting a comment piece entitled “Kenapa lawatan rasmi Zahid ke Indonesia sama tarikh dengan majlis sanding anaknya di Jakarta?” These are few top landmark cases involving Section 233 (1) CMA 1998 and it has been criticized as giving draconian effect and a serious encroachment on the freedom of speech and expression guaranteed by Article 10(1)(a) of Federal Constitution (Steven Thiru,2015).

Section 233(3) of the CMA stipulates, upon conviction, the imposition of a maximum fine of RM50,000 or a maximum one-year jail term or both, as well as a further fine of RM1,000 for every day the offence is continued after conviction.

Apparently, these sections of the CMA 1998 are intended to promote maturity, responsibilities and accountabilities for internet users to apply self-regulation by checking their facts before making any online publication and to utilise the internet for good purpose conjunctively. Based on the interview session, Agus & Mujibu agreed that self-regulatory is important in order to control the issues among citizen and to be a responsible citizen of the state.

4.3 New Media and Its Impacts

Weiss (2012) asserted that, the political impact of new media can be examined through the following aspects namely information, identity building, and
mobilisation. Looking at the first aspect of information, new media has disrupted the monopoly of traditional media by allowing for the free dissemination of previously inaccessible news. Unconventional, yet a near substitute, sources of information include online news websites, blogs, tweets and social networking sites. Additionally, these forms of new media enable citizens with the ability to carry out their own form of investigative journalism. As far as identity building is concerned, new media provides the platform for citizens to adopt new collective identities in a way which was not previously possible along cognitive, moral, and emotional lines with a much larger community, classification, practice or institution (Poletta & Jasper, 2001). Cyber-communities among Malaysians often rise above ethnic and religious fences which aid in making new ground across socio-political divides. In terms of mobilisation, increased connectivity can, as described by Weiss, utilised to mobilise through networking, recruitment, agenda setting and action.

Jazimin (2017) has discussed that the abolishment of the acts like Internal Security Act 1960 (ISA) has created a new history of democratization in Malaysia. Previously, this Act was important in order to control political conflict and hinder citizens from critiquing the government (Khoo, 2002), but it has gradually changed during Abdullah Badawi’s administration when he gave space to alternative media such as Malaysiakini to cover his program (Ismail, 2014). Even though the abolishment of the ISA has been replaced with the newer, different law; Security Offences (Special Measures) Act 2012 (SOSMA) and Prevention of Terrorism Act 2015 (POTA), it has been at the same time opened a new democratic door for Malaysians, as it still impacts freedom of speech and freedom of expression in Malaysia. In fact, the Acts also have implications towards national integration in Malaysia, in which it leads to ethnic sentiment, religious conflict, languages and others. According to the statistics, sedition cases have increased since the acts have been abolished like sedition towards the institution of the Monarchy, Racism and religion which represented 43% (refer to figure 2).

Adapted from Jazimin Zakaria (2017)
Thus, openness by the government especially to the new media provides beneficial impacts towards democracy, but at the same time against the freedom of speech and expression (Article 10) when they touch upon the sensitivities of the Monarchy institution (Article 38), Islam as a national religion of Malaysia (Article 3(1)), Bahasa Melayu as national language (Article 152) and special rights of Malays and Bumiputera (Article 153) which are a sensitive issue for Malays. Article(s) 5 until 10 of Federal Constitution are the basic fundamental liberties and freedom guaranteed to Malaysian and its citizens. Article 10(4) for example, has provided a clear provision that imposing restrictions when it comes to the interest of the security of the Federation. According to this provision, any law may be passed by Parliament to prohibit questioning of any matter, right, status, position, privilege, sovereignty or prerogative established or protected by the provisions of Part III (citizenship), Article 152 (national language), Article 153 (reservation of quotas for Malays, etc.) or Article 181 (sovereignty of the rulers) otherwise than in relation to the implementation thereof as may be specified in such law.

Advertisement, Printing Presses and Publications, Official Secrets, Telecommunications, Foreign Publications, Sedition, Defamation, Copyright, Court Reporting, Contempt of Court, Contempt of Parliament, Broadcasting, Films, Obscene Publications and Financial Reporting are among the areas that prominently covered by the legal provisions regulate free speech and expression in Malaysia (Shad Saleem Faruqui & Sankaran Ramanathan. 1998). As for freedom of speech on the Internet, it is also a parcel of freedom guaranteed under the Federal Constitution and the debate on democratic society and digital speech is nothing new (see Balkin, 2004). Zhang et al. and Zungia (2012) stated that, even though many scholars believed that many people are looking at the social media to get political news, it’s doesn’t mean that social media is helping their participation in politics. This argument is supported by Badrul (2019).

 “…not all people refer to the social media in order to get any information that related to politics. Social media means also for entertainment, business, and economics. Even though they are referring to social media to read about political matters, it is not influence them in making decision regarding the political matters.”

However, Agus (2019) believed that:

 “… the policy of the government and politicians has affected the national integration in Malaysia, not the social media as social media bring closer the citizen together. But the polarization happened in Malaysia causes by politicians with racism and other issues, just to get support from voters.”
However, most people believe that one of the reasons the Internet worked so well is that it has been free of government regulation from censorship (Biegel, 2001). In fact, it became the MSC Bill of Guarantees when Prime Minister (when he was then), Mahathir Mohamad launched the ambitious Multimedia Super Corridor (MSC) project in 1996 which included a commitment that the Malaysian government would never censor the Internet just to attract the world’s leading Information Technology (IT) companies. There is no doubt that the Internet assists people to evade the intrusive force of censorship as it is a conduit for alternative information and democratic value and the policy of non-censorship has therefore continue until today. Further with the emergence of new technology, the government will find difficulty to stop citizen from using the Internet. But as Kirby J views in Dow Jones and Company Inc. v Gutnick (2002) 210 CLR 575, para 87, the difficulty in exercising effective legal control ‘does not mean…that the Internet is, or should be, a law-free zone.’ It is thus pivotal to find the best solution by tailoring the traditional law into the new media to ensure that the perpetrators or wrongdoers will not escape from any liability.

Obviously, the oppositions and civil society movements have benefited from the non-censorship policy by creating a new public sphere of the Internet after mainstream broadcasting and printed media are hostile to them (George 2006: 60-70). However, too much freedom will render unwelcoming situation. To illustrate, the current case of the insulting of Prophet Muhammad by a senior citizen aged 68 is the best example to show how tremendously dangerous if such a freedom of speech becomes without limitations. In this case, Wai Foo Sing uploaded a caricature of Prophet Muhammad and his wife, Saidatina Aisyah and transmitted offensive communications in his Facebook account on 18 February 2019. For this offence, he was charged under Section 298 A(1) of the Penal Code for disparaging religious doctrine that may causing disharmony, disunity or feelings of enmity, hatred and ill-will on grounds of religion among the people of different religions in the country. If found guilty, he can be imprisoned up to five years. He is also being charged under Section 233 (1) (a) of the Communications and Multimedia Act 1998 for the same offence, which provides a jail term of up to one year or a fine or both if found guilty in transmitting offensive communication with the intent to cause annoyance to other people on his Facebook account.

This case has widely attracted the public’s attention again as this is not the first time it happened in Malaysia. Before this, different but similar facts of the case have been reported about the same issue. In this case, a 22-year old factory operator named A. Taneson was charged with the same offence under Section 298 A of the Penal Code for insulting Prophet Muhammad in his Facebook page under the account ‘Sarkat Tanesan’ on February 2019. Both cases are still under trial. Even though the above-mentioned cases are not directly related with political participation in Malaysia, it has illustrated clearly that the freedom of expression must be exercised within parameter prescribed by law and with precaution. Even in
the environment of cyberspace where freedom is seemingly ‘borderless’, people must be aware that the right must be exercised within the ambit of restriction of laws to avoid the rampant issue of hate speech.

No doubt, the scopes covered by media law become unprecedented, complicated, and wider than before with the emergence of Information Communication Technology (ICT). To illustrate, two weeks after the General Election in 2008, former fifth Prime Minister, Abdullah Ahmad Badawi admitted that it was “a serious misjudgment” to underestimate the power of the Internet, which was used extensively by the opposition to sway voters during the campaign (Lars Willnat, 2013). Before this, media law only covered on traditional communication such as newspaper, television, radios, and magazine with limited coverage and dissemination. But with the boom of advancement in ICT, the clear lines between traditional and distinct communication has been eroded (White and Lauria, 1995), giving more spaces and medium for members of society to freely speak loud. However, no matter how good technology is in enabling mass communication to reach out to virtually every single person in the society, it is pertinent for the people in society to be sensitive on what they do share online especially matters which may humiliate others. Freedom of speech is a valuable right as what has been guaranteed by the Universal Declaration of Human Rights (UDHR) and the Malaysian Federal Constitution under Article 10. Yet it can create riots and cause havoc in the society if it is not wisely utilized.

Hence, media law is acted as a strike and balance medium in balancing between two conflicting principles; freedom of expression and legal constraints laid down in statutes of common law specifically in the area of defamation and national interest issues. The question is how to maintain and apply these rights to online environment. As Agus (2019) has firmly said that:

“… social media can be used to disseminate information and becomes an interactive tool to sharing the view, therefore it becomes a good medium to bring ‘togetherness’ within the society. Hence it is important not to put too much constrains and limitations on community unless it affects the national integration and security. Yet, the term ‘national security’ must be clearly defined before any law be used as a weapon to detain any individuals in the name of safeguarding the national security. Right to freedom of speech and media only can be exercised within execution of law accordingly and with just, and not because of differences of political views and approaches in order to ensure the harmonization situation remains in Malaysia.”
5 CONCLUSION

Social media has a huge potential to empower democracy and strengthen the democratisation process in Malaysia and being a very powerful channel for conveying and disseminating information, media itself ought to serve the public with thoroughness and accurate information to help society to develop informed opinions and make firm choices (Chiyamwaka, 2008). However, it is equally crucial to note that, new media, with its policy of free cyberspace can be counter-productive if appropriate measures are not properly designed and effectively implemented. It is unacceptable in a democratic country for media to be used to spread hatred, disunity, and ill-will which could affect the harmonization of the country under the disguise of freedom of speech.

What is clear from this analysis is that with the rise of Internet and new social media, the availability of democratic media practices has changed the Malaysian political landscape and its corresponding effects on the experiences of being Malaysians. Therefore, more extensive and in-depth research that addresses the impact of these new media experiences can provide an encompassing understanding of how overlapping and complex new media experiences penetrate and evolve society and the experience of citizenship over time.

References


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