

Three Decades of Digital Authoritarianism in Malaysia: The Government's Role in Polarizing Society

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	Obstacles to Access	Limits on Content	Violation of User Rights	Total Score
2016	16	19	20	55
2017	17	19	20	56
2018	17	19	19	55
2019	17	21	19	57
2020	17	21	20	58
2021	17	21	20	58
2022	18	22	19	59

Introduction

Malaysia's score on internet freedom 2016-2022: **Partly Free**

Source: Freedom on the Net 2022: Malaysia

Rise of Islamization in Malaysia



Penubuhan Bank Islam: Kajian dalam peringkat akhir - Anwar

MARANG, 4 Jan. - Penubuhan Bank Islam yang diumumkan hari dalam peringkat akhir minggu terakhir dan penubuhannya bagi memulakan beroperasi dengan berkesan telah...

Terdahulu Menteri di Jabatan Perdana Menteri, Encik Anwar Ibrahim, berkata langkah ini penting kerana bank tersebut akan menjadi satu-satunya bank yang menawarkan skim Islam di negara ini di mana Islam...

Setiap di pertengahan Januari dan Minggu Besar peringkat Negosi Tersebut di sini malam tadi, beliau berkata kerajaan juga akan memperolehi pakej-pakej skim untuk Bank Islam termasuk di antaranya adalah untuk membolehkan pengadapan dan cadangan mereka sebelum bank itu ditubuhkan.

Menurutnya, kerajaan tidak ingin melihat penubuhan Bank Islam gagal. Oleh itu, beliau berkata pihaknya akan memastikan semua aspek yang berkaitan dengan penubuhan bank tersebut...



ENCIK ANWAR IBRAHIM

Keputusan ini sedang menunggu... penubuhan Bank Islam yang akan dilaksanakan pada akhir Februari di Kuala Lumpur.

Jalan yang terdapat membolehkan pengadapan cadangan skim ini kepada pihak teras Bank Islam untuk dipinda mengikut kehendak mereka yang membolehkan mereka berunding dengan penubuhan bank tersebut.

Menyebut tentang Darulul Islam Antarabangsa, Encik Anwar berkata kerajaan sedang memulakan runding dengan bank, penanam dan pengembang. Beliau yang akan diarahkan oleh menteri tersebut yang akan ditubuhkan di Kuala Lumpur.

Darulul Islam Antarabangsa juga merupakan satu-satunya bank yang membolehkan ia melakukan perniagaan dan perniagaan di seluruh dunia.





Democracy and Internet Censorship

Question: Is there a relationship between internet censorship and religious identity in Malaysia?

Argument: The Malaysian government has limited access online by using **religious rhetoric** as justification (fitnah). Since Malaysia has a majority Muslim population, it is easier to justify such restrictions in the name of Islam.

Background: Malaysia's political opposition was forced online following the 1998 reformasi movement because they were denied access to mainstream media. As a result, they turned to "alternative" media online such as using blogposts (Jeff Ooi, Che'gu Bard).



Internet Governance Institution

As part of Mahathir Mohamad's agenda to develop the internet in the 1990s, a 10-point promise was made including a guarantee of no censorship of the internet (MSC Status Office 2017).

This is also guaranteed through Section 3(3) of the Communications and Multimedia Act 1998 (CMA), which states that **“Nothing in this Act shall be construed as permitting the censorship of the Internet.”**

The main body that regulates telecommunications and the internet in Malaysia is the Malaysian Communications and Multimedia Commission (MCMC) established in 1998.

The Communications and Multimedia Act 1998 provided the regulatory licensing framework whereas the MCMC Act created the MCMC itself.

Section 211 and Section 233 of the CMA 1998 makes it illegal for platforms and users to share or create content that is “**indecent**, obscene, false, menacing, or **offensive** in character with intent to **annoy**, abuse, threaten or harass any person”.

Under Section 213 of the CMA 1998, offensive content is “anything which offends good taste or decency; is offensive to public feeling, is likely to encourage crime or lead to disorder, or is abusive or threatening in nature” based on “the country’s social, religious, political, and educational attitudes and observances, as well as the need to accommodate global diversity in a borderless world.”

While the MCMC does not technically block websites, Section 263(2) of the CMA 1998 requires Malaysian **Internet Service Providers (ISPs) to assist MCMC** in preventing the above criminal offences.

The Malaysian government attempted to target political activists in cyberspace by using laws such as the Sedition Act and the Communications and Multimedia Act

After the government lost its two-thirds majority in the 2008 election, they started spreading their own narratives online (Thein 2012).

Johns and Cheong (2019) looked at the Malaysian government's response to the Bersih street protests that emerged in 2007. According to the analysis, the authorities used two different strategies to stifle the protest movement.

- First, it sent out cybertroopers to spread articles that would harm the protest movement's reputation.
- Second, the government implemented the Sedition Act and the Communications and Multimedia Act.

The framework for this study will be based on a report published by the European Centre for Populism Studies (Yilmaz et al. 2022) that described four levels of internet governance



Full Network Level Governance

The Malaysian government has yet to fully shut down the internet.

The closest the government came to being accused of affecting the full network was in 2012 when cell phone usage was disrupted during the Bersih civil rally (Yuen 2012).

Even then, the government claimed that the slow internet speed was simply due to more users being online than on foul play by the government.





Sub-Network or Website Level Governance

Malaysia has received a score of 7 out of 11 by Comparitech, a UK tech website, with a score of 11 denoting fully censored internet in a country (Moody 2021).

Based on data from OONI Explorer, multiple websites are censored in Malaysia ranging from **pornography** to websites that **criticised Islam**.

From 2018 until 2020, 2921 pornographic websites were blocked while 4277 pornographic websites were blocked from 2015 until 2016 (Malik 2021; Bernama 2016b). Based on Section 292 of the Penal Code, Malaysians are not allowed to possess anything pornographic in nature.



A high-profile case in 2013 involved two persons (Alvin Tan & Vivian Lee) who were charged for posting pornographic images of themselves on their blog.

Following a widely reported infographic on sugar babies in 2021, MCMC blocked the Sugarbook website for violating Section 233 of the CMA Act 1998 due to having elements of prostitution (Rozaidee 2021).

In 2022, a couple was charged under Section 233 of CMA 1998 for sharing a video regarded to be an insult to Islam, after the woman stripped at an open mic event after claiming to have memorised the Quran (Solhi, 2022).

At the height of ISIS rule in the Middle East in 2015, MCMC also blocked 72 websites in relation to the spread of extremist ideology (Bernama, 2016b).

In the name of protecting religion, the Malaysian government had also prohibited **Steam**, a digital distribution service for video games, because of the combat game Fight of Gods, which pits religious characters, including Jesus Christ, against one another (Stewart, 2017).





MCMC has also been accused of abusing its power against the opposition.

During the 14th general election in 2018, MCMC ordered 11 internet service providers to **block three websites by Malaysiakini** on live updates of the election results for fear it could affect “national stability, public order and harmony, and economic stability” (Malaysiakini 2018).

Proxy or Corporation Level Governance

According to **Twitter's** Transparency Report (2020), there were 275 legal demands to remove or withhold content on the platform from 2012 until 2020 by the Malaysian authority.

Interestingly, 153 requests, or 55.6%, were made in the period of July until December 2020

An example of such request was in December 2020 against Bermana TV, a parody account that satirized the **Bernama** news agency.

The same trend is observed according to **Facebook's** Transparency Center (2020).

376 contents were restricted by Facebook between January and June 2020, more than double the previous count at 163 from July until December 2019.

According to the report, during this period in 2020, Facebook restricted access in Malaysia to 10 items reported by MCMC, including 5 items pertaining to COVID-19 misinformation that violated Penal Code Sections 505(b) and 124I, and 3 items that were alleged to constitute locally illegal hate speech.



Juli Jalaludin started the Facebook pages **Murtad di Pantai Timur** (Apostate in the East Coast) and **Murtad in Kelantan** (Apostate in Kelantan) with a group of her Facebook friends.

These pages were later blocked because they were thought to offend and insult Islam (Cheng 2022).

But Facebook groups that actively spread **anti-Shia** hatred, such as Gerakan Banteras Syiah with more than 25,000 followers (Roknifard 2019) were not banned.

Meta Vs. Malaysia

Malaysia said on June 23 it will take legal action against Meta for failing to remove "undesirable" posts. What is the definition of undesirable?

Facebook has recently been "plagued by" a significant volume of undesirable content relating to 3R, defamation, impersonation, online gambling and scam advertisements. Allowing abuse of network facilities or application services can be offences under CMA 1998. (Reuters, 2023)

Meta has agreed on July 4th to work with police in Malaysia to tackle online scams and remove "undesirable content" from its platforms.

Meta representatives had pledged to work with enforcement agencies to combat rampant online crime and posts contravening the "3R" (Azmi, 2023)



In the first half of 2022, according to the Google Transparency Report retrieved in February 2023, 47.9% of contents asked for removal were removed from Google's platforms, including YouTube, Google Search, and Blogger.

There are numerous reasons why Google may not have removed government-requested content.

For instance, the request may have been unclear, or the author may have already removed the content.



Another method that the government has used to manage proxies is by **prosecuting online news portals.**

The Federal Court found in February 2021 that the online news portal Malaysiakini is liable for contempt of court over five readers' comments that were alleged to have "clearly meant that the judiciary committed wrongdoings, is involved in corruption, does not uphold justice and compromised its integrity."
(Malaysiakini 2020)

This was following the amendment made in 2012 to the Evidence Act 1950 which allowed for repercussions on online commentators.

The main controversy over the insertion of **Section 114A** into the Act is that anyone who "facilitates" the publication of offending material, even though not being the person behind the comments, such as social media organizations, online forums, news webpages, or even public places that provide WiFi, may be liable to legal action

A close-up photograph of a hand holding a large, three-dimensional '@' symbol made of light-colored wood. The symbol is positioned on a wooden desk. In the background, a hand is visible holding a smartphone. The lighting is warm and soft, creating a professional and focused atmosphere.

Network-Node or Individual Level Governance

Of all the levels of network governance, the prosecution and harassment of users are the more common method for the Malaysian government.

For example, during the pandemic, the government has issued a **gag order against civil servants** from sharing online comments that are critical towards the government (Palansamy 2021).

Self-censorship is common in Malaysia, and it can be argued to have been encouraged by the authority.

MCMC released a statement in January 2021 reminding internet users not to post anything that is offensive involving the “3R”: Royalty, Religion, and Race (MCMC 2021a).

Current Minister of Digital and Communication, Fahmi Fadzil, also recently reminded of the same thing. Freedom of speech or stability?

Fahmi Reza, a well-known graphic designer, has been investigated at least nine times by the police for his satirical artworks criticizing the government including the royalty.

Police officers even entered Fahmi's house by force in April 2021 to arrest him for alleged sedition. The investigations were carried out under Section 4(1) of the Sedition Act and Section 233 of the Communications and Multimedia Act (Lim 2021).

Another case involved **Ain Husniza**, a 17-year-old who exposed a male teacher on TikTok for allegedly making a rape joke in class.

Ain has been harassed and abused online by those who defended the ustaz on grounds that it was simply a 'joke'. Beyond misogyny, there is also an element of religious superiority with online commenters criticising her for not wearing the hijab (Al Jazeera 2021).



As discussed earlier, the government has also been attempting to write its own online narrative.

In 2022, the Royal Malaysian Police was accused by Meta, Facebook's parent company, of being linked to a **"troll farm"** with coordinated efforts to promote the then-government and criticise the opposition (Zolkepli 2022).

This is worrying as the police is supposed to be a non-partisan institution that is responsible for public peace.

In this way, digital freedom has been taken advantage of by government institutions for authoritarian measures against political opponents. The Royal Malaysian Police strongly denied the accusations (Babulal 2022).

The Malaysian government under Muhyiddin Yassin was criticized in late 2020 for rebranding the Special Affairs Department (JASA) into the Department of Community Communication (J-KOM) with an initial budget of RM85.5 million (\$19.3 million).

Following public outrage, the department's budget was reduced to RM40 million (\$9 million).

J-KOM is accused by the opposition (then and now) of being the government's propaganda machine that is also involved in funding “**cybertroopers**” who are paid to create positive content for the government and ruthlessly criticize the opposition.

The Oxford Internet Institute reported that cybertroopers in Malaysia use bots to flood social media, spread disinformation and engender further social polarization (Bradshaw et. al, 2021).

Religion's Role in Digital Authoritarianism

A religious justification for digital authoritarianism is the use of the term **'fitnah'** to condemn fake news and to justify internet curbs especially through self-censorship.

For example, a deputy youth chief of PAS mentioned that “the spread of fitnah [slander] is rampant every time before elections where it can threaten the harmony of people's lives.” (Noh 2021)

Because of this, when the Islamist PAS was in government, they started the “Stop Fitnah on Social Media” campaign before the 2022 general election.

But who decides what is fitnah, what is not?



Conclusion

Digital authoritarianism in Malaysia is possible under the banner of protecting the 3R—Religion, Race, and Royalty.

The Malaysian government does put certain limitations on digital media in the form of outright blocks to websites, and in more extreme cases, harassment and intimidation of individuals and political opponents.

Since political and religious figures are both relatively active on social media, rather than decrying the platform as 'evil', religious figures have mostly advice to be cautious when posting information online.

Due to this relative openness, and the fact that the government has never imposed a total shutdown of the internet, Malaysia's Freedom on the Net score has been relatively stable (Table 1) although categorised as partly free.

Wherever religion is used to justify censorship, it is against "deviant" groups such as Shia and Ahmadiyya or those who were proselytising to Muslims.

In a multicultural country where Islam is highly institutionalised, the fragility of social cohesion is of the utmost concern to the government and if maintaining social cohesion entails utilising authoritarian methods such as controlling sub-networks, proxies, and network-nodes, the government sees it only as necessary.