SUARA RAKYAT MALAYSIA (SUARAM) AS A MALAYSIAN CIVIL SOCIETY ORGANIZATION: STRENGTHS AND CHALLENGES

MOHAMMED H. Y. DARKHALIL

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MOHAMMED H. Y. DARKHALIL

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ABSTRACT

Malaysian semi-democratic political system poses a question over the effectiveness of civil society organizations in Malaysia. Suara Rakyat Malaysia (SUARAM) is one of the most important secular human rights civil society organizations that aims to promote human rights in Malaysia, and its main target has been to reject detention without trial under the Internal Security Act. Experience of SUARAM can be considered a realistic example of Malaysian NGOs which partially oppose the policies of government. A case study on SUARAM can highlight the ability of Malaysian civil society to achieve their goals and highlights the main challenges to civil society activism in the country. This study argues that the role of Malaysian civil society is crucial but inefficient in promoting political rights. To put it briefly, findings of this study show that hegemony over Malaysian civil society by the state imposes a number of challenges that negatively influence the work of civil society groups. Despite the significant achievements of civil society groups such as SUARAM, those challenges have curbed democratization process in the country.

ABSTRAK

Sistem politik semi-demokrasi Malaysia telah menimbulkan persoalan mengenai keberkesanan organisasi masyarakat sivil di Malaysia. Suara Rakyat Malaysia (SUARAM) merupakan salah sebuah badan bukan kerajaan hak asasi manusia sekular yang paling penting dimana penubuhanya bertujuan untuk mempromosikan hak asasi manusia di Malaysia. Sasaran utama organisasi ini adalah untuk bertindak terhadap penahanan tanpa bicara yang dilakukan di bawah Akta Keselamatan Dalam Negeri. SUARAM adalah contoh realistik NGO Malaysia yang berusaha menentang dasar-dasar kerajaan. Kajian mengenai SUARAM ini menjelaskan sejauh mana kemampuan matlamat masyarakat sivil di Malaysia boleh dicapai. Disamping itu juga, kajian ini menjelaskan cabaran-cabaran yang dihadapi oleh organisasi sivil di Malaysia. Kajian ini mendapati bahawa peranan masyarakat sivil di Malaysia adalah penting namun kurang cekap dalam mempromosikan hak politik. Berdasarkan kajian terhadap SUARAM, kawalan ke atas masyarakat awam di Malaysia oleh badan kerajaan memberikan beberapa cabaran yang menjejaskan kejayaan mereka. Walaupun pencapaian organisasi sosial di Malaysia agak signifikan, namun cabaran tersebut mengekang proses pendemokrasian di negara ini.

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LIST OF ABBREVIATIONS

ABIM	Muslim Youth Movement of Malaysia or *Angkatan Belia Islam Malaysia*
ALIRAN	Aliran Kesedaran Negara
COMANGO	Coalition of Malaysian NGOs in the UPR Process
CSA	Civil Society Agent
DAP	Democratic Action Party
DDA	Dangerous Drugs Act
DEMA	Malaysia Youth & Student Democratic Movement
EO	Emergency Ordinance
HAKAM	National Human Rights Society
HRINGO	Human Rights International Nongovernmental Organizations
HRNGO	Human Rights Non-Governmental Organizations
ICC	International Coordinating Committee
IKRAM	Pertubuhan IKRAM Malaysia
ISA	Internal Security Act
ISMA	Malaysian Muslim Solidarity
LGBT	Lesbian, Gay, Bisexual, and Transgender
MCA	Malaysian Chinese Association
MIC	Malaysian Indian Congress

MP	Member of Parliament
NGOs	Non-Governmental Organizations
OHCHR	Human Rights Council in the United Nations
OSA	Official Secrets Acts
PAS	Malaysian Islamic Party or *Parti Islam Se-Malaysia*
PBP	People Before Profits
PCA	Prevention of Crime Act
PCOM	Palestinian Cultural Organization Malaysia
PSRM	Socialist Party in Malaysia or *Parti Sosialis Malaysia*
ROS	Registrar of Society
SIS	Sisters in Islam
SOSMA	Security Offences Special Measures Act
SUARAM	Voice of the Malaysian People or *Suara Rakyat Malaysia*
SUHAKAM	The Human Rights Commission of Malaysia or *Suruhanjaya Hak Asasi Manusia Malaysia*
UIAM	International Islamic University Malaysia or *Universiti Islam Antarabangsa Malaysia*
UMNO	United Malays National Organization or *Pertubuhan Kebangsaan Melayu Bersatu*
UPR	Univeral Periodic Review
US	United State

CHAPTER 1

INTRODUCTION

Different societies have witnessed struggling initiatives by non-state forces in order to alleviate the hegemony of authoritarian regimes, and to promote civil rights particularly in Eastern Europe, Latin America, and parts of Asia during the last decades. It has been historically demonstrated that civil society has a very crucial role to accelerate the democratization process. Furthermore, it deals with various issues such as human rights, women, education and environment as well. However, civil society groups confront challenges that limit the role they are supposed to play in different social and political issues.

The key element which contributes to realize political development for any society is to democratize all parts of the political regime. In addition, the crucial role in democratization process is significantly led by civil society organizations. In the Malaysian case, there has been a successful economic development experience. Nevertheless, that success has to be accompanied side by side with political and social development in order to realize a comprehensive development.

In Malaysia, semi-democracy has driven the country to its statist democratic environment. Malaysian government attempts to promote legitimacy by showing a certain amount of democratic measure (Jesudason, 1995). In order to have indubitable effectiveness of civil society in post-colonial settings, social groups must have a reasonable degree of autonomy from the existent political regime (Jesudason, 1995). In this regard, limited democratic aspects of Malaysia political system has disadvantageously affected civil society function.

Interaction between civil society organizations and citizens face expressive vicissitudes in developing and underdeveloped societies. Realizing genuine interaction between civil society and citizens is an obvious indication to the effectiveness of civil society organizations. In Malaysia, citizens' involvement in civil society activities seems to be less desirable. Limited interaction between Malaysians and civil society organizations is caused by some paramount component such as the semi-democratic system, marginalized function of social groups, racial division, and so fourth.

SUARAM, founded in 1989, is a consequential non-governmental organization appertaining to human rights in Malaysia. It defends certain aspects of human rights especially freedom from abuse of police power; law enforcement agencies; freedom of speech and expression; freedom of information; freedom of assembly and association; freedom of religion; the rights of minorities, refugee, asylum seekers, migrants and trafficked persons.

This study will focus on SUARAM and examine the role it plays. Experience of SUARAM particularly the achievement, weaknesses and limitations the organization encounter are worthy to be analyzed to point out a fragmentary area of Malaysian civil society. Accordingly, the study seeks to address the following matters: First, establishment, targets, activities, finance of the organization. Second, premier achievements of SUARAM as an antipathetic NGO to Malaysian government. Lastly, challenges and frustrating elements to the organization.

PROBLEM STATEMENT

Social groups are less effective actors in the underdeveloped and developing countries as a result of persistent challenges and obstacles which hinder and diminish the role

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they play. In a similar context, Malaysia is classified as a "semi-democratic" or "quasi-democratic" state (Case, 1993); consequently, there are many impediments that limit effectiveness of Malaysian civil society organizations such as SUARAM. SUARAM's performance can be examined after more than 20 years working to promote human rights in the country.

Therefore, this study aims to experimentally address the question; "Why is SUARAM still able to play an effective role in Malaysian society?" Basically, this study is divided into two parts; the first part will examine the achievements of SUARAM as a civil society organization that is seen opposed to the state. The second part will discuss the fundamental factors which confine the efficiency of the organization.

OBJECTIVES OF STUDY:

The objectives of this study are:

1- To explain the establishment, structure, funding and activities of SUARAM as a civil society organization in Malaysia.

2- To highlight the role SUARAM play as a pioneer human rights civil society organization in Malaysia.

3- To explain the significant achievements of SUARAM.

4- To examine the external and internal factors limiting the effectiveness of SUARAM.

SIGNIFICANCE OF STUDY

Although there were many researches about civil society organizations in Malaysia, no attempt was done to explore the potential of SUARAM. Accordingly, the present study focuses on the beginnings of the organization and explores its primary achievements and influences on Malaysian society. In addition, this work was undertaken to determine the major obstacles limiting its potency and effectiveness.

Besides, this current study contributes to inspire other researchers to conduct more works on Malaysian civil society. Overall, findings of this study underscore the position of SUARAM as a consequential organization. The uniqueness of this study exists in the fact that it is unprecedented work that explores beginning, effectiveness of SUARAM as well as the major challenges to it.

LITERATURE REVIEW

A considerable amount of literature has been published on democracy and civil society in Malaysia. For instance, *Democracy in Malaysia: Discourses and Practices* (Khoo & Loh, 2002)*, Political Islam and Malaysian Democracy* (Thirkell-White, 2006) *, Semi-Democracy in Malaysia: Withstanding: the Pressures for Regime Change* (Case, 1993)*, Working for Democracy: Footprints from Civil Society in Malaysia, Statist Democracy and the Limits to Civil Society in Malaysia* (Jesudason, 1995) and *Civil Society, Moderate Islam, and Politics in Indonesia and Malaysia* (Freedman, 2009).

Many researchers have argued that a number of factors fundamentally affect Malaysian civil society. Condition of democracy, political system, political culture, political freedoms are meaningful to be taken into account. On Malaysian democracy and political system, Khoo and Loh (2002) in *Democracy in Malaysia: Discourses and Practices* have discussed the terms "quasi-democracy", "semi-democracy" or "modified democracy"; According to them, "these characterizations implied that the political system was now perched uneasily between democracy and authoritarianism" (Khoo & Loh, 2002, p. 4).

On the other hand, Case (1993), in his article *Semi-Democracy in Malaysia: Withstanding the Pressures for Regime Change,* concludes that semi-democracy in Malaysia is considered limited but stable in its attendance; it is unlike a number of countries which have recently witnessed political change against the regimes. Significance of this article is its focus on the Malaysian elites as a fundamental factor to indicate the level of democracy in the country. Here the regime is considered

"Hardly an unstable regime, prodding elites along one course or the other. It is not so much the regime form that constrains elites as it is elite that operate the

regime… intransigent elites can use state power effectively to curb middle-class participation over long period" (Case, 1993, p. 205).

Case also suggests that the regime might rapidly become more democratic when the present elites are replaced with others who appreciate the full democratic utility. The article also attempts to specify the concept of "semi-democracy" (Case, 1993).

Culture is another key factor that influence Malaysian democracy, particularly the existence of various cultures which are based on religious and ethnic grounds. Thirkell-White (2006) argues that general culture contributes to formulate Malaysian democracy. The author found that Islam is one factor that affects the configurations of democracy in the country. Furthermore, he argues that "social and historical factors have created incentives for a less authoritarian and more economically successful political economy than in most of the Muslim world; but Malaysia remains at best a semi-democracy" (Thirkell-White, 2006, p. 241).

In addition, the revival of political Islam has had a deep impact on Malaysian society, which causes constant rigors to build liberal democratic system comparable to the Western-style. On the other hand, he emphasized that civil and political rights are facing challenges where there are obvious limitations to them in Malaysia; "Islamic ideas have altered the nature of Malaysian politics, but they have done so in a way that has been shaped by domestic social and political conditions, particularly the unique Malaysian configuration of ethnic, political and class power" (Thirkell-White, 2006, p. 437).

However, he mentioned that, "there is a reasonably vibrant civil society, which is able to debate and criticize government policy" (Thirkell-White, 2006, p. 241). The importance of this study is that it has taken the historical dimension of Malaysian

democracy into consideration. It also accentuates the big role of Islamic ideas in shaping the politics in Malaysia (Thirkell-White, 2006).

In another study, Francis Loh Kok Wah argues that "Asian Values" affect Malaysian democracy. Asian Values "represented an ideological project of the Asian elites who sought to restrict mass political participation within their own states while seeking a stronger voice for Asia within the community of states" (Khoo & Loh, 2002, p. 72). He believes that emergence of non-governmental organization, the 'compatibility' of Islam with secular, democratic government and promoting the role of women in the political sphere are new range of discourses and practices in the Malaysian society. The most interesting aspects of this book are; First, it contains a number of particular essays written by different authors; Second, it discusses important issues related to democracy in Malaysia such as media industry, mainstream press, public administration and political non-governmental organizations; Furthermore, other parts discuss the relations between democracy and Muslim politics, Asian Values and developmentalism perspective (Khoo & Loh, 2002).

Democratic political systems make many efforts in order to protect the general freedoms, particularly freedom of speech, which subsequently promote the role of civil society. Another study, *Freedom of Speech and Democracy in Malaysia* by Mohd Azizuddin (2008) attempts to analyze Malaysian freedom of speech scenario. He argues that the role of constitution and laws are important factors which influences Malaysian democracy and freedom of expression. Azizuddin presents;

> *"The constitution and other laws, however, have provisions that seek to punish those who are found to be exceeding their right of expression by expressing controversial views on issues such as the special rights of the Malays and other indigenous people (Bumiputera), the rights of immigrant races (especially Chinese and Indians) to citizenship, the position of the king, and the status of the*

Malay language as the national language and a host of other issues that could potentially be sensitive in the context of fragile race relations in the country"

(Azizuddin Mohd Sani, 2008, p. 86).

According to him, laws are obviously exploited by the government in order to control public opinions and to restrain political opposition. He believes that denial of political speech of political opposition and civil society might lead the government to facilitate corruption and abuse of power; "Power has increasingly been concentrated in the hands of the Executive, and the centralization of power has blocked the opposition, the NGOs and the media from serving as an effective check and balance on the powers that be" (Azizuddin Mohd Sani, 2008, p. 100).

Meanwhile, a number of works attempt to articulate and explain context and situation of Malaysian civil society. Those are considered helpful to provide valuable information over Malaysian civil society. In spite of focusing more on Malaysian civil society role in woman issues, a book entitled W*orking for Democracy: Footprints from Civil Society in Malaysia* published in (2007) consists of a number of articles which deals with Malaysian NGOs experience in their struggles for realizing a democratization process (Collective, 2007). Regarding the importance of young people as a primary part among civil society work and democratization process, Jac Sm Kee argues that;

"The capacity of young people especially those belonging to institutions of higher education, to participate in formal democratic processes is strictly controlled through legislative means. Instead of human, civil or political rights, the prevalent and acceptable discourse for youth centers are around economic development"

(Kee, 2007, p. 71).

So, most young people are refrained from engaging constructively in civil society process except those in relation to the economic issues and development.

Furthermore, Anil Netto posed that "especially post-*Reformasi* in 1998, the struggle for a more just society, the struggle against oppressive laws, and the struggle against privatization have brought together, under various common platforms, groups that would normally be working separately. A wide range of coalition has been formed" (Netto, 2007, p. 118).

Despite the fact that civil society in Malaysia has its own sphere in Southeast Asia; it is not separated from a general political and social environment in the region. Lee Hock Guan in *Civil Society In Southeast Asia* (Lee, 2004) emphasizes that the struggle in the public sphere for democracy, human rights including the freedoms such as the freedom of association are not original phenomena in Southeast Asia; he believes that emergence of those aspects in Southeast Asia is as result of colonial existence. Additionally, Garry Rodan in "Civil Society and other Political Possibilities in Southeast Asia" (Rodan, 1997) argues that authoritarian regimes' capacity for promoting alternatives to Southeast Asian civil society is not uniform. He sees that Southeast Asia has political diversity including prospect to the existence of extensive civil society.

However, James V. Jesudason (1995) argues that Malaysian civil society does not have that much ability to offer an alternative to Malaysia's milieu of statist democracy. In his study, "Statist Democracy and the Limits to Civil Society in Malaysia", Jesudason argues that "historical and institutional patterns of economic and political development have not provided the political space for effective political alliances to emerge in order to replace the ruling coalition" (Jesudason, 1995, p. 336). The most interesting aspect of his work is that it "examines how the path of political development in Malaysia, in particular the range of activities in which the state has come to be involved, affects the democratic potential of civil society" (Jesudason, 1995, p. 337).

Power to democratization process through Muslim associations in both Malaysia and Indonesia are examined by Amy L. Freedman (2009) in her work *Civil Society, Moderate Islam, and Politics in Indonesia and Malaysia*. However, she argues, in Malaysia;

> "*Many non-government organizations, NGOs' have financial links or overlapping membership with state organizations or political parties. Thus, it would be difficult to see many Malaysian civil society organizations as independent. Despite this, it is not always clear if religiously-related policies are dictated by the state, or if non-state actors use their links to the state to influence policies*" (Freedman, 2009, p. 109).

Furthermore, Freedman is less optimistic about the effectiveness of civil society organizations in Malaysia. Describing the NGOs in Malaysia, she considers that activities of NGOs are more constrained (Freedman, 2009). So, the significant role of civil society in the political development is absent, which weaken the comprehensive development process in the country.

In 2003, Meredith L. Weiss in her article "Malaysian NGOs: History, Legal Framework and Characteristics" points out that NGOs in contemporary Malaysia are extended to include Chinese communities, Indian associations and Malay-Muslim organizations. However, she believes that there are many factors which constrain work of NGOs in the society including political environment, personal structure, insufficiency of funds, and religious and ethnic divisions. She also mentioned that the limited popular commitment to voluntarism and political activism is another obstacle to a vibrant civil society in Malaysia (Saliha Hassan, 2003).

In her article "The Malaysian Human Rights Movement" in (2003), Meredith L. Weiss believes that there is no consensus among all NGOs involved in the activism of human rights in Malaysia. She considers that there are two fundamental views about human rights in the country; Liberal humanistic explanation and the religious

justifications of particular rights. Additionally, Weiss and Saliha Hassan (2003) argue that the operation of human rights movement is different and not comparable to other types of Malaysian NGOs. Finally, Weiss believes that efforts of most NGOs struggling against laws which are in contradiction with human rights are ineffective (Saliha Hassan, 2003).

Previous studies provided important background information about democracy and civil society in Malaysia. On the other hand, human rights non-governmental organizations and the involvement of civilians are discussed by Kiyoteru Tsutsui (2004); he mentioned that various non-governmental factors were global expansion engine of human rights in the era after the Second World War. Based on the data Tsutsui has used, citizen memberships of Human Rights International Nongovernmental Organizations (HRINGOs) increased dramatically within the last twenty years. Even at the national level, countries' participation in international human rights movement was increased in the past few decades. His statistical analyses have found that citizens' participation in HRINGOs are affected by nongovernmental factors, which indicates that citizens in less democratic countries have increased their participation in human rights activities (Tsutsui & Wotipka, 2004).

Pamela Paxton (2002) argues that the current theory of democracy and the initiatives of international policy have revealed an intense interest of the relationships between the power of social capital and democratization process. In her work '*Social Capital and Democracy: An Interdependent Relationship',* Paxton also outlined that democracy is created and maintained by vibrant associations. She considers that "social capital was found to promote democracy while a return effect from democracy to social capital was also established" (Paxton, 2002, p. 272).

According to Weiss, Malaysia's recent development shows that the activation of social and coalitional capital with institutions developing as necessary to further political change. She mentioned that there is a rise of implicit consciousness by the agents of civil society (CSAs) over the long term. That encourages individuals to adopt other political norms. Voters and elites have become convinced by the (CSAs) that change is necessary and possible. She concludes that shift in orientation of civil society structures can facilitate political reform side by side with other crucial factors (Weiss, 2006).

Furthermore, involvement of human rights civil society organizations in political life in Malaysia is obvious in the case of one of the most important organization called SUARAM. In his book, *SUARAM 20 years defending human rights*, Soong (2009) emphasized that SUARAM was born as a result of ISA exercises against human rights in Malaysia. Soong mentioned that SUARAM has become the Malaysian human rights center in spite of the challenges the founders confronted at the time of establishment. For example, founders of SUARAM were not able to register the organization under civil registrar. Accordingly, they were compelled to register it as a business organization (Soong, 2009).

SUARAM's function is to support victims of human rights violations and their families. Furthermore, it monitors and documents all the cases recorded. Importantly, vision of SUARAM is "to uphold human rights for a society that is equal, just and democratic", and its mission is "to build a human rights movement through empowerment, advocacy and solidarity". On the ground, SUARAM trains and educates Malaysians to be aware of human rights principles. In order to achieve that, it organizes a number of programs such as Know Your Rights, human rights workshops, internship programs and youth sector development. Moreover, it supports democracy and human

rights not only in Malaysia but also in Southeast Asia. Soong concluded that challenges to SUARAM are mainly represented by the Internal Security Act (Soong, 2009).

Finally, previous literature provided valuable facts and information about different explanations of democracy and civil society in the Malaysian context. In order to conduct this study, democracy and civil society in Malaysia have to be articulated as key concepts. There are many books and articles written about civil society in Malaysia. Some works have mentioned SUARAM as a considerable Malaysian NGO; however, there was no academic attempt to examine SUARAM in depth, specifically the external and internal factors affecting negatively on the performance of the organization.

THEORETICAL FRAMEWORK

Debate on civil society would be useless if it was to evaluate what explanation is correct and what is wrong. The most useful and practical discussion is when each approach contributes to provide clear explanation. Emergence of civil society is a modern notion of the late 18th century and as a result of the Scottish and Continental Enlightenment (Carothers & Barndt, 1999). Moreover, liberal dimension of civil society has deeply emerged as a result of both American and French revolutions. However, the term civil society goes back to Cicero and other Romans and ancient Greek philosophers. Classically, civil society used to be comparable with state. Importantly, There is a consensus that when citizens are associated based on their own wishes and interests, there is a civil society realm (Carothers & Barndt, 1999).

Civil society term has different uses. In one instance, it refers to an organized regime that works in order to secure the rule of law on behalf of common good. On the other, it refers to the space that includes various associations and groups existing between the

individuals and government. These are often described as secondary institutions or voluntary groups such as trade unions, families, self help groups, religious organizations, charitable associations, neighborhood organizations, clubs and so on (DeLue & Dale, 2015).

Civil society takes an institutional dimension to democracy. Certain environment and different factors related to the public sphere can contribute to the growth of civil society and enhancing it to make it more effective. They can be included in

> "the existence of a pluralist parliament working according to democratic procedures; the separation of legislative, executive and judicial powers; the existence of law guaranteeing fundamental freedoms of opinion and association, as well as the rights of man; equality of all before the law; the principle of political alternation, which presupposes the organization of free and transparent elections" (Gueye, 2005, 119)

Michael Edwards (2004) suggests three different sets of models that offer definitions to the civil society idea. Civil society is seen by the first school as a part of society, which is distinct from the market and state. It is also formed in order to realize advancing common interests and facilitate collective actions. Civil society is considered as a third sector; furthermore, all associations and networks between state and family are contained, with the exception of firms (Edwards, 2004).

Second school does not consider civil society in normative terms as the realm of self-interest; rather they consider civil society as a realm of service. Moreover, they describe it as a breeding ground for the "'habits of the heart' – attitudes and values like cooperation, trust, tolerance, and non-violence" (Edwards, 2004, p. 1). Civil society in this sense means a part of society that "is motivated by a different way of being and living in the world, or a different rationality, identified as 'Civil'" (Edwards, 2004, p. 1).

For the third school of thought, civil society is considered as;

> "An arena for public deliberation, rational dialogue and the exercise of 'active citizenship' in pursuit of the common interest – in other words, as the 'public sphere'. Though often ignored in the policy and practice of governments, international agencies and even parts of academia, no understanding of civil society can be complete without full appreciation of the role played by the public sphere in democracy and development" (Edwards, 2004, p. 3).

During classical liberalism era, economic interests consisted of people's demand to create an extensively self-structured civil sphere. These economic interests emerged as political rights expanded, with the state being an intimidation to the development of civil society. The acts of commoditization, industrialization, urbanization, and class conflicts led to the arrival of new opinions and ideas on civil society (Rucht, 2011).

An argument by Karl Marx brought the idea that a persistent state of social incorporation could never be achieved within the capitalist-bourgeois society's structure. Eventually, the capitalist system would fall into calamity and be overthrown due to a clash within social classes (Rucht, 2011).

However, the collapse of socialist-oriented states in Eastern Europe and the strategies of nationalist and statist weak performance have been a factor to empower the neo-liberal model of civil society. The neo-liberal theory is not far different from its mother theory; Differences are not about promoting capitalism, markets and commercialization, However, the main difference is to redefine state's position in this process. Neo-liberal project has been promoted in competition with the options of other nationalists and statists communities. Dramatically, a vital role is played by civil society liberation in a struggling process for legitimating the shift of balance forces locally and internationally as well as for de-legitimizing the resisting and contending options (Beckman, 1993).

For neo-liberal understanding of civil society, state plays a cardinal role in a civil society liberation and construction process. Civil society which functions its autonomy away from the state relied on the intervention of state, including rules enforcement which helps to regulate and constitute the different rights. In the context of neo-liberal concept of civil society;

> "The freedoms of civil society are gained struggles against inherited constrains, including feudal, patriarchal, religious and other restrictions. Furthermore, the freedom and emancipation of subordinated social groups depends on the ability of state to restrain the exercise of power in society based on arms, property, gender, ethnicity and other factors which discriminate between people in access to resources" (Beckman, 1993, p. 30).

This present study is to be approached by the Gramscian perspective of civil society. Figuring out Malaysian civil society situation could be more understandable by using the Gramscian explanation of civil society, Gramsci considers civil society as

> "An arena of contestations between differing political forces, it must be borne in mind the contestations cannot be assumed present in all empirical context. If there are no vigorous contestations of ideas and thoughts in civil society, then we must ask why there are no contestations taking place. In societies that are not democratic the space for contestation of different kind of politics is very limited. What essentially prevails is that, given the authoritarian nature of regimes, politics is often minimized by ensuring that the civil society is under the hegemony of the state. opposing political options and regime challenges in the sphere of civil society are not allowed, in some situations the regime would not have any qualms in repressing any challenges through the use of laws and often over repression" (Lee, 2004, p. 206).

For Gramsci, hegemony is a formation of alliance gradually developed and centered around social group, which exercise intellectual and moral leadership on other deferent groups. It can be understood as a kind of domination that is alternative to exercise coercion or armed force on other social groups. It eventually leads to a combination and consent balanced in deferent proportions which characterize the integral state that represents a hegemonic equilibrium (Fontana, 2000).

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Hegemony means that force does not only rule individuals, but also ideas. It can be figured out simply as; "it means political leadership based on the consent of the led, a consent which is secured by the diffusion and popularization of the world view of ruling class" (Bates, 1975, p. 352) in the context of civil society and state. Gramsci believes that "private organisms" such as schools, churches, clubs, journals, and parties all compose civil society.

Those as molecules contribute to form social and political consciousness. On the other hand, public institutions such as governments, courts, police, and army compose the political society that exercise direct dominion. Deferent methods are used by the ruling class to exert power over society. Civil society is considered as a marketplace of ideas, where intellectuals construct cultures;

> "the intellectuals succeed in creating hegemony to the extent that they extend the world view of the rulers to the ruled, and thereby secure the "free" consent of the mass to the law and order of the land. To extent that the intellectuals fail to create hegemony, the ruling class falls back on the state's coercive apparatus which disciplines those who do not "consent," and which is "constructed for all society in anticipation of moments of crisis of command…when spontaneous consensus decline" (Bates, 1975, p. 353).

Ruling class wanted to dominate not to lead, which means they seek a new kind of force to become the nation's arbiter. That results in a passive revolution when the struggle is led by the state not by the class, which push to a dictatorship without hegemony (Bates, 1975).

Social group's supremacy can be achieved through consensual submission of dominated people. Unjust arrangement of society reinforced in popular culture, scholarly exchanges, churches, schools and other social institutions in the hegemonic regime. Mass of people willingly consent to such system that cause them to be disempowered. Furthermore, that consent is fundamentally secured by the law (Litowitz, 2000).

Gramsci argues that arena where ruling elites extend and reinforce their power is civil society. So, it is not described as a sphere of freedom but of hegemony. Hegemony depends on consent that is not an outcome of free choice; "Consent is manufactured, albeit through extremely complex mediums, diverse institutions, and constantly changing processes" (Buttigieg, 1995, p. 7).

Gramsci's explanation of civil society can be a useful analytical tool to figure out how an opposition organization such as SUARAM works in a semi-democratic political system. Experience of SUARAM is worthwhile to be analyzed in order to understand how civil society is an arena of contestations of ideas. This is in reference to Gramsci's idea that civil society is under the state hegemony. Liberal ideas still face big difficulty to coexist with the general Malaysian social culture and the ruling political elites will pose a number of challenges for opposing civil society organizations to achieve their social and political goals.

SCOPE OF THE STUDY

Gramsci's perspective about civil society can be a useful intellectual tool to analyze civil society organizations and the role they play in the political life in less democratic societies. Malaysia does not adopt a full democratic political system, so, Gramsci's thoughts are applicable in the Malaysian case.

This study does not deal with the whole experience of civil society organizations in Malaysia. It is very specific as it tries to understand the situation of one considerable experience among them. SUARAM is a human rights non-governmental organization, and the scope of this study is to analyze the effectiveness of the organization in view of the external and internal challenges. External and internal challenges including political

system, judiciary, and laws as well as the leadership, fundraising and other factors are considered significant indications to the situation of Malaysian civil society. Furthermore, the establishment, activities, structure, financial support of the organization will also be included in the scope of the study.

LIMITATIONS OF THE STUDY

Main limitation of the study is the situation of SUARAM as an unfavorable organization to the policies of the government. SUARAM staff have a lot of reservations on the information they provide such as those in relation to financial aid. It is understandable because most of them were investigated by the police about the activities they organize, and the issues they adopt. Strategy to overcome that obstacle was to widen the number of indirect questions about the subject of study.

On the other hand, it took a long time to set appointments to conduct interviews. Furthermore, it was very difficult to reach some people who could provide valuable information. Moreover, limited resources about Malaysian civil society and SUARAM itself was another obstacle.

RESEARCH METHODOLOGY

This study relies on several methods of data collection. This qualitative research depends on analyzing a number of interviews in relation to the objective of study. For obtaining relevant data, electronic database searches have been conducted.

The major methods of data collection strategy that was applied to undertake this study is data collection through primary and secondary sources:

1. Secondary sources included information from relevant sources; books, academic articles and websites;

2. Primary sources included interviews carried out to obtain information about Malaysian civil society and SUARAM as well. The primary sources will be represented through interviews with three of SUARAM's leaders such as the executive director and the activities coordinator of SUARAM, and another interview was conducted with the opposition leader such as Arutchelvan, Secretary General of Parti Sosialis Malaysia, in order to get new insights about the civil society situation in Malaysia and SUARAM as well.

Participant interviewees are crucial and relevant to answer questions of the study. Furthermore, they provided inestimable data to achieve its goals. A number of them were a source of valuable information in relation to activities, structure, fund raising of SUARAM and other matters related to the organization.

Those interviewed include; First, Arutchelvan, the Secretary General of Parti Sosial Malaysai, human rights trainer and former executive director to SUARAM; Second, Yap, current executive director to SUARAM; Third, Diva, one of SUARAM's staff and the coordinator of its activities; Fourth, Fikri, a volunteer lawyer and activist working with SUARAM. She worked on human rights issues adopted by SUARAM side by side

with other lawyers. Furthermore, she has a wide experience over the situation of human rights in Malaysian. Ibrahim is the Vice President of IKRAM and Chairman of the Abolish ISA movement, where he worked very closely with SUARAM. Hsi is the Public Relations Officer of the Human Rights Commission of Malaysia (SUHAKAM), she has important and deep information about the situation of human rights in Malaysia. More importantly, SUHAKAM has a partial contradiction to SUARAM as it worked quite closely with the government. On the other hand, Lee is an Amnesty International Malaysia Campaigner, and also has valuable information about human rights situation in the country, as well as the work of civil society organizations. Yosuf is a political lecturer and scholar in the UIAM. Imran is an academic and Chairman of the Palestinian Cultural Organization Malaysia (PCOM). He works closely with Malaysian local civil society organizations. He also has a wide awareness about the political conditions that affect the work of civil society (See List of Interviews conducted in the Reference Section).

It is important to mention that all interviews were conducted face to face except the interview with Lee, which was by e-mail

ORGANISATION OF THE STUDY

This research consists of five chapters.

Chapter 1:

This introduction chapter consists of research problem, research objectives, theoretical framework, research methodology, and significance of the study. The relevant literature

review is very helpful to locate the study within the context of civil society development globally and in the region specifically.

Chapter 2:

Chapter Two will provide a background to SUARAM, as it is the case study in this research. It will discuss the establishment, structure, work, funding, and goals of the organization. Furthermore, it will highlight the main activities of SUARAM while also discussing Malaysian people's participation in the activities of this organization.

Chapter 3:

Chapter Three discusses the major accomplishments of SUARAM. Many dimensions will be taken into account; Firstly, the role of SUARAM to increase Malaysians' awareness about their political rights; Secondly, the influences on the government behavior; Thirdly, the issues which were dealt with by SUARAM in relation to the judiciary and others; Finally, other sides such as the role in enforcing pressure on the Malaysian government in order to promote human rights in Malaysia.

Chapter 4:

Chapter Four analyzes political and social contexts which influence the performance and the effectiveness of civil society organizations in Malaysia. It will also discuss how those external influences affect negatively on the functioning of SUARAM, and to discuss the internal challenges as well.

Chapter 5:

Chapter Five is the final chapter where the findings of this study are stated. It will present important findings of the study leading to the conclusion at the end of the chapter, in light of Gramsci's thoughts on civil society.

CHAPTER 2

BACKGROUND OF SUARAM

INTRODUCTION

Eexistence of particular civil society organization is as a result of different factors or reasons. Emergence of such social groups is fundamentally to deal with existing educational, social, economic or political problem by dissimilar manners. Those organizations, without exception, have their goals and visions that mostly relate to existing and realistic issues. Furthermore, they stem from particular ideology or other backgrounds. Similarly, SUARAM has posed its goals, vision and mission based on the international principles of human rights, which contradict to some extent with the local values, where a number of human rights violations have been witnessed and recorded.

In addition to human rights violations in the country, the existence of Internal Security Act (ISA) which contributes to abuse of power by executive authority, and Operation *Lalang* as well were considered the main factors to the establishment of SUARAM. ISA is a Malaysian law that grants power and allowance to the government to arrest individuals for 60 days without trial. This law has been considered as a harsh tactic to stifle the political opposition. On the other hand, Operation *Lalang* or *Operasi Lalang* was a massive event that happened in Malaysia in October 1987, when Malaysian government arrested a hundred and nineteen citizens under the power of ISA.

Consequently, this chapter will focus on analysing and understanding those factors represented by ISA and Operation *Lalang* and further to define the establishment, work, structure and fund of SUARAM.

THE MAIN FACTORS FOR THE ESTABLISHMENT OF SUARAM

INTERNAL SECURITY ACT (ISA)

Malaysian government has been frequently criticized because of utilizing the ISA. It is a law enacted in the 1960s as a preventive act. It granted Malaysian government the permission to detain individuals without trial. Arresting citizens under this act prevents them to defend their self, in other words, there is no court procedures. Historically, ISA was enacted originally to lessen the danger of communism in Malaysia. Later, it was exploited against political opponent, civil society, and individual groups (Hammond, 2006).

Hammond shows that ISA was used to maintain UMNO as a ruling party. Further more, helped to sustain its power in the country (Hammond, 2006). On the other hand, Rahim believes that ISA accorded executive power to prevent the actions which is prejudicial to Malaysian security (Rahim, 2006).

Sayed Ibrahim, the Vice President of IKRAM, emphasizes that Malaysian government has been able to weaken opposite parties, and further to detain leaders of other independent groups. Moreover, there are many violations of basic human rights which were exercised under the ISA. These violations included detention without trial, violation of freedom of speech and freedom of assembly (Ibrahim, 2014, Personal Interview).

Historically, ISA was not emerged suddenly, the Internal Security Action was considered a reflection to English colonial political system (T. Lee, 2002). Origins of ISA were derived from the period of British colonial government when the violence of communists was increased in 1947. That pushed the colonial government to enact the

Emergency Regulations Ordinance in 1948. During emergency times, the High Commissioner was given wide-ranging powers by the constitution. This rank gave him the power to make any regulations in the consideration of public interest that involves changing the procedure of ordinary criminal. Furthermore, he was granted power to modify any written law. High Commissioner was empowered to impose curfews and censoring media publications as well as detaining persons without trial (T. Lee, 2002).

Additionally, in 1948, a state of emergency declared to expand power in order to confront the communist activists who were attempting to establish a communist republic by overthrowing the existing government. That operation was known the Malayan Emergency, it also lasted until 1969. Gradually, Internal Security Act was introduced to replace the Emergency Regulations (T. Lee, 2002).

One can argue that origins of ISA which go back to the colonial period should not be reflected on the independent and consequent government to keep using it. Colonialism contributed to create an atmosphere that ease using coercive act such as ISA. However, problem is when independent governments exercise it in a way or another, particularly when the number of people - arrested under the ISA is approximately 20,000 after 30 years from independence (T. Lee, 2002).

Malaysian government was allowed under the ISA to detain individuals who *"has acted or is about to act or is likely to act any manner prejudicial to the security of Malaysia or any part thereof or to the maintenance services therein or to the economic life thereof" (Malaysia, 2006, p. 61)*.

ISA can be considered as a cohesive tool to isolate Malaysians from political life particularly when they are in contradiction with the state. "Security of Malaysia" is justification which is considered loose and normative when it is used by political elites. It seems alike "Counter Terrorism operations", when initially was meant to eradicate

terrorist groups and curb their actions. However, some governments have been using it in order to weaken Islamic political opposition parties.

Fritz also agrees with this point. He considers that one of the most consequential functions of ISA was to confront against the communist existence in Malaysian society. The persons who were involved in communist activities and most specifically the then Labor Party that was formed by the Socialist Front have originally been targeted by the ISA. However, after the decline of the communist risk particularly in the late 1960s, people who are targeted by ISA was changed (Fritz & Flaherty, 2002).

What Malaysians deem of ISA can indicate whether it creates a public dissatisfaction or no. Sayed Ibrahim emphasizes that most Malaysians have been against the ISA. For Malays, there have been two different views about the ISA. First, vast majority of Malays opposes it. On the other hand, part of them considers it beneficial to Malaysian society as it contributes effectively to lessen the threat of extremist Islamic groups such as Al-Qaida. Furthermore, they consider it as a preventative instrument to potential racial conflict in Malaysia (Ibrahim, 2014, Personal Interview).

Importantly, Ibrahim mentioned also that non-educated Malays often adopt the second view, and if they became aware of its disadvantages, they would easily change their mind to oppose it. For other Malaysians, most other ethnic groups have been against the existence of ISA (Ibrahim, 2014, Personal Interview). Ibrahim considers ISA unfair because if there was an evidence that somebody truly accused in issues related to the threat of internal security he is supposed to be judged under the rule of law and courts (Ibrahim, 2014, Personal Interview).

Accordingly, one essential function of Malaysian NGOs is to educate Malaysians about the danger of acts such as ISA. So, the existence social groups to

oppose ISA is considered in line with necessary social demand, and the birth of SUARAM is a natural result and reaction to the ISA.

Eventually, Malaysian government decided to abolish the ISA law in 2012. Ibrahim considers that was as a result of the efforts made by people. According to Ibrahim:

> "There have been many sacrifices in order to succeed in these issues; there are thousands of people who have been arrested under this law" (Ibrahim, 2014, Personal Interview).

However, it was replaced by another law called Security Offences (Special Measures) Act or SOSMA.

OPERATION OR *OPERASI LALANG*

Number of social groups were established as a reaction to governmental. The most crucial factor led to the establishment of SUARAM was a massive event which took a place in Malaysia in October 1987 called Operation Lalang. It was one of human rights appearances in Malaysia at that time. Hundred and nineteen citizens were arrested; all of them were accused by the Prime Minister Mahathir Mohammed of racial and religious extremism. On the other hand, many claim that they were not members in political parties, and number of them were activists in social issues. However, those activists attempted to develop an alternative cases for Malaysian society (Wong, 2011).

Internal Security Act was used by the government to detain number of activists from diverse and different backgrounds including leaders of the opposition, other opposition MPs, Church workers, educationists, Islamic fundamentalists, trade unionists, academicians, rubber tappers, social workers and others. Importantly, this operation also extended to arrest members of the ruling *Barisan Nasional* (Soong, 1989). Lim Kit Siang, Karpal and Dr. Chandra Muzzafar Singh, the former president of

Aliran, are examples of parliament members who were arrested under Operation Lalang (Party, 1988).

Use the justification of anti-terrorism has not been recent in Malaysia. Soong mentioned that persons arrested by the ISA in Operation Lalang were accused as terrorists who threatened the security of society. He added that detentions included Islamic fundamentalists, pantheists, Protestants, Catholics, communists, Chinese educationists, passport forgers and trade unionists (Soong, 1989).

Significantly, arresting number of effective opposite leaders without trial accorded them support from local organizations such as the political parties PSRM, PAS, DAP, Protestant groups and the Catholic Church as well as international human rights organizations (Soong, 1989).

Operation *Lalang* did not exclude attacking media. Three newspapers such as the Star, Sin Chew Jit Poh and Watan lost their publishing licenses and printing permits. Furthermore, political meetings and gatherings were prohibited as a result. In spite of releasing 70 of 119 detainees after 60 days of investigation, *Lalang* Operation has lasted for a long time (Party, 1988).

Operasi Lalang was ostensibly introduced for the containment of ethnic tension between Malays and Chinese. Contention point was about teaching Chinese language in primary schools. In 1987, when the government appointed unqualified teachers to teach Mandarin in the schools, Chinese activists considered that as an attempt by the government to weaken the position of Chinese language (Party, 1988).

Malaysian Chinese Association (MCA) and the Democratic Action Party (DAP) as well as important segments of Chinese population and civil society organizations have held vigorous protests in response to the intervention of government. Gradually,

the issue improved when a large Chinese rally had been held in Penang. Furthermore, Chinese community members demanded to make Chinese or Mandarin language an official language in Malaysia (Party, 1988).

In the midst of events, there had been a rally of 3000 Chinese educationists who vowed to carry out a boycott. At the same time, 30000 Chinese students did not attend schools in Penang that day. On the other hand, UMNO's youth wing held a counter-rally in Kuala Lumpur as a response to Chinese protests. They portrayed Chinese protests as an attempt to alleviate Malay political dominance in Malaysia. In order to control the situation, Malaysian government arrested a number of Malaysian activists and carried out certain coercive procedures (Party, 1988).

According to the sensitive relations between main races in Malaysia particularly Malays, Chinese and Indians, "would it be reasonable if the government let the case of chaos to transfer to become a bloody racial conflict?" On the other hand, have the consequences of Lalang Operation been exaggerated? Preventative actions might seem reasonable in developing and underdeveloped societies because the dominant political culture has many coercive values, which cause a bloody conflict such as that massive racial conflict in 1969. However, arresting parliament members and remaining other prisoners to two months without trial an exaggerated action, which poses the question whether there were invisible targets beyond the operation.

Briefly, Lalang Operation has been considered a practical embodiment to the ISA. SUARAM was established as a response to a particular political atmosphere in Malaysia, and it has not been established as a result to the frivolity. There have been many "Malaysian legal Acts" contributed gradually to create a general condition in Malaysia, which contradicts with international human rights. Accordingly, the existence of any social group sound reasonable. In spite of considering Lalang Operation a direct

factor to the establishment of SUARAM, the emergence of SUARAM is a practical step to resist the status quo represented by the existence of coercive laws, especially the Internal Security Act.

VIOLATIONS OF HUMAN RIGHTS IN MALAYSIA

Existence of human rights organizations is very important to the societies suffering from violations of human rights. These organizations work and make huge efforts in order to promote and protect human rights in the society. Moreover, they have become crucial in the era of globalization. There have still been extensive violations of human rights in many parts in the world, particularly violations of political and civil rights.

In Malaysian context, obviously, many observers show that there have been some legal acts which are considered as violations to human rights in the country. In contradiction to civil and political rights which are supposed to be accorded to Malaysians, Malaysian government exercises certain laws which allow it to detain individuals without trial. In addition, these laws constrain the freedom to expression and assembly. In spite of the improvement of The Police Act 1976 in 1988 which states that a police permit should be given 2 weeks prior to a public assembly, police has not followed that and opposes any assemblies being done by the NGOs (Arutchelvan, Interview, Aug 13, 2014) (Soong, 2009). Despite the restrictions which are exercised by Malaysian government to hamper the voice of political opposition, there are a number of social groups that concern and try to promote human rights.

On the other hand, the Societies Act 1966 is a law that confines the rights to association. It states that at least seven individuals are obligated as society in an association (Soong, 2009). The government can register or de-register a society, or even

modify its characteristics. Authorization for this might require a long time (Muzaffar, 1986). This is why HAKAM, the National Human Rights Society, needed many years to complete its registration process. Furthermore, Malaysian chapter of Amnesty International required much time during the registration process as well (Soong, 2009).

It is reasonable to argue that Malaysian government attitude can be prejudicially reflected on the registration decision. In Malaysia, ruling elite has had a plan to enhance the status of Malaysia to become a developed country by 2020. However, individuals' free participation in social and political life is a key element towards comprehensive and successful development process. Accordingly, constraining basic freedoms is obviously contradicted with the goal that has been set out.

Another policy which is in contradiction to human rights is the Universities and University Colleges Act (Muzaffar, 1986). It intrudes on student and academic rights, stating under Section 15(3) that students are not able to perform actions in any way that oppose or even express support to political parties (Soong, 2009).

Students are considered the future leaders in society. Consequently, they have to be aware of the social and political issues. Furthermore, they were supposed to have a deep experience over politics and social work. So, this kind of legal acts hinder civil groups to carry out its functional work.

Briefly, there has been a combination of legal acts which contribute to restrict political activities. Association and Universities Colleges acts are examples of that. So, that has contributed to create a coercive environment, where many violations of human rights lead consequently to the emergence of social groups to deal with such issues.

BEGINNINGS OF SUARAM

SUARAM started it work as a reaction to the violation of human rights in Malaysia particularly the detention without trial. It was fundamentally founded to support the detainees of Operation Lalang. However, the founders made efforts to make SUARAM as an organization to adopt the issue of detainees as a public concern. SUARAM has supported a number of political detainees in Malaysia. Furthermore, it has extended its work to include all aspects of political human rights in the country.

There had been a coalition of democratic voices that emerged as a result to *Lalang* Operation demanding the release of detainees. It led to create a joint concern between families and supporters to sustain an anti-ISA campaign. Accordingly, that group gave a powerful motivation to the creation of SUARAM – Suara Rakyat Malaysia or Voice of the Malaysian Peoples. Collectively, detainees who were released and Families Support Group members decided to form SUARAM as a human rights organization in 1989 (Arutchelvan, 2014, Personal Interview).

The immediate concern of SUARAM was to support ISA detainees, their families as well as to invalidate all ISA's detentions without trial (Yap, Interview, May 15, 2014). It goes without saying that in contradiction with a big number of organizations working in order to realize certain agendas, it should be noticed that SUARAM was emerged based on social demand. Detention without trial is a social problem and SUARAM worked to deal with it, which makes it more realistic. However, it is important to mention that SUARAM extended its concerns over the years gradually. There have been other human rights issues in relation to the general public started to be taken into account. SUARAM has slowly taken up other human rights issues. The following section will discuss some aspects of SUARAM's work in Malaysia.

SUARAM'S WORK IN MALAYSIA

SUARAM attempts to defend all civil and political rights aspects particularly the abuse of police power and law enforcement agencies; freedom of speech and expression; freedom of information; freedom of assembly and association; freedom of religion; the rights of refugees; asylum seekers; migrants and trafficked persons. Yap says that an advantage has been given to SUARAM that it is completely considered a local organization (Yap, 2014, Personal Interview).

I take a different view that founders and staff of the organization are doubtless local; however, the ideology they adopt which is supported by international Western countries makes SUARAM non-separated from the political international context. That gives the organization to be supported by international institutions. Reasonably, SUARAM is not a completely local organization, and it is not a considerable disadvantage at the same time.

Briefly, SUARAM's vision is to "establish a society to become peaceful and sustainable" (Yap, 2014, Personal Interview). Malaysian Society suffers from challenges threatening the sustainability of peaceful social life. One significant challenge is the ethnic polarization, which makes up a potential threat in the future. Work to promote peace and sustainability of society is a preventative step against any social risk including racial conflict. So, the declared vision of SUARAM can be realistic and suitable to a society like Malaysia.

On the other hand, promoting and protecting human rights in order to empower people is the mission of SUARAM (Yap, 2014, Personal Interview). This mission seems useful not only for Malaysian society, but also for any society. However, human

rights concept is still considered very controversial one particularly in Malaysian society. Adopting the international human rights creates a kind of contradiction in a society which has a number of dominant ideas that are not in line with international human rights.

SUARAM has been established since 1989. The fundamental work of SUARAM has been to cover issues related to political and civil human rights particularly the detention without trial in Malaysia. When any person is arrested under the ISA, SUARAM attempts to record his case completely. These issues are what SUARAM basically work for. Furthermore, it offers help and assigns lawyers to defend the political detainees. More over, it offers a help to the families of prisoners and tries to highlight their cases (Yap, 2014, Personal Interview). For instance, there are a number of prisoners who died in Malaysian police headquarters, and there are also a number of people had been arrested when they were organizing social activities. SUARAM works to expose the human right violations in those cases.

SUARAM also attempts to expose the abuse of power by police. Additionally, the organization supports the campaign of victims. Furthermore, it raises the voices of families of victims to the human rights commission as well as the united nation. SUARAM also assigns lawyers in order to defend the detainees in the courts (Yap, 2014, Personal Interview).

As it was mentioned before, SUARAM has worked seriously to support the victims and their families. In the detention cases, SUARAM releases 'urgent appeals' as well as coordinates 'urgent arrest teams' for monitoring and assisting. Furthermore, it monitors and documents human rights violations. Legislature and judiciary of Malaysia are also monitored (Yap, 2014, Personal Interview).

SUARAM is a practical organization as it covers a social problem regardless to its limited capacity. When somebody is arrested because of his political ground, he confronts an uncongenial problem which he needs exigent support, and that what SUARAM aids.

Besides, SUARAM has another function. After the establishment of the Human Rights Commission of Malaysia SUHAKAM in 2000, SUARAM had been monitoring the performance of this national commission in upholding human rights. Furthermore, it was an observer over the general elections to ensure the fair and free elections (Yap, 2014, Personal Interview). With my conservatory to the wide scope of SUARAM activities comparing to its capacity, it has given a functional role to observe governmental commission and activities, which really reflects the serious role that SUARAM plays.

Through networking, SUARAM has worked side by side with other NGOs to record all the violations of human rights. It is important to mention that this sort of reports has played a role to increase the awareness of human rights among Malaysians (Soong, 2009). I argue that SUARAM contributes to create a kind of social partnership between the social groups, which helps to promote solidarity in the society as well.

Volunteers are considered essential to the work of SUARAM. They work as assistants with the staff in different aspects of human rights such as documenting, monitoring, publications, research, fundraising and organizing work (Arutchelvan, Interview, Aug 13, 2014). It is my impression that those volunteers will have a significant role in the democratization process. Their experience in SUARAM contributes to increase the awareness they have on human rights issue in the country.

SUARAM also extended its work to cover the issues related to refugees. In spite of offering help to the refugees of neighboring countries, it offers kinds of help to the refugees from Syria, Libya, and Iraq. The organization deals mostly with Rohingya refugees from Burma (Diva, 2014, Personal Inteview). SUARAM claims that Malaysian government does not recognize the Rohingya refugees, and it does not offer a protection to them. Moreover, as those refugees from Burma do not have any document such as a passport, visa or any identity, they are so vulnerable to be arrested by police. In some cases, police arrest them and send them to the jail; sometimes they send them back to their country. So, SUARAM makes lots of effort to solve their problems (Yap, Interview, May 18, 2014).

SUARAM also tries to maintain human rights regionally. International solidarity and national sovereignty and liberty protests in Southeast Asia are well supported by SUARAM (Yap, Interview, May 18, 2014). Additionally, it supported East Timorese during its disputes with Indonesia in the past few decades. Allying with other Malaysian NGOs, SUARAM structured the Second Asia Pacific Conference on East Timor on 9th November, 1996. Various well-known speakers were called to the conference in order to speak about "the Search for Peace in East Timor" (Soong, 2009).

In my point of view, SUARAM represents an observer, supporter and reformer to human rights in Malaysia. In spite of the non-consensus over human rights in its liberal form in Malaysian society, organizations like SUARAM are very important to democratization process. However, general political environment is considered as an obstacle to the organization in order to achieve its goals, and that will be discussed and analyzed in the fourth chapter of the study. Importantly, capacity of SUARAM is limited because of the lack of fund, which will be discussed in the fourth chapter. So, in spite of the advantage for SUARAM to deal with a big number of issues, it can be

considered an internal obstacle because that contradicts with the importance of specialization to the organization.

ACTIVITIES ORGANIZED BY SUARAM

In order to achieve its goals, SUARAM organizes a number of public activities such as demonstrations. Diva, the coordinator of activities in SUARAM, says that public demonstrations are basically organized in response to special cases of human rights violations (Diva, 2014, Personal Inteview). He mentioned also that the number of participants does not exceed 20 persons as a result of governmental constraints against the activities in public. SUARAM tries to push Malaysian government to deal with some cases based on human rights principles with other social groups such as Lawyers for Liberty (Soong, 2009).

In 2013, for example, there was a case of Malaysian man who was killed as a result of being beaten up by the police at police station in Bukit Aman in Kuala Lumpur. As a reaction, SUARAM organized a demonstration with the cooperation of Lawyers for Liberty and sent a memorandum to the Malaysian Human Rights Commission, which finally led to charge and investigate five police officers due to the issue (Diva, 2014, Personal Inteview). I hold the view that the number of participants of SUARAM's demonstrations is not effective to put pressure on the government. However, these demonstrations can highlight the cases of victims relatively, and this forces the government to deal with those cases seriously.

SUARAM organizes training workshops such as Your Rights and the Police Power and Peaceful Assembly Act in order to educate Malaysian people about their

rights. Significantly, the number of participants of each training workshop is ranging between 10 to 20 persons, mostly students (Diva, 2014, Personal Inteview).

Firstly, Your Rights and the Police Power workshop is conducted by lawyer trainers who are concerned on human rights particularly in relation to the police violations of human rights. Secondly, Peaceful Assembly Act workshop attempts to educate Malaysians about their basic rights of peaceful assembly. In order to ease the process of registration in these workshops, SUARAM uses its formal website and its public account on Facebook. Furthermore, SUARAM also organizes human rights lectures aiming different groups of students. For example, there was a student group called (DEMA) which was mobilized by SUARAM to attend a lecture and they were around 30 students (Diva, 2014, Personal Inteview).

I believe that those training workshops are crucial to promote human rights in the society. It is a basic step to spread knowledge of human rights. However, SUARAM should have the ability to organize more workshops in order to influence a big number of people, particularly students. There are many challenges that SUARAM is still confronting, but challenges cannot prevent SUARAM to educate bigger number of Malaysians on human rights. Educating people should be a priority for SUARAM to achieve its goals, taking into account its limited capability. This kind of internal problems will be discussed in the fourth chapter.

In 2013, SUARAM managed to sell 90% of its annual Report (Diva, 2014, Personal Inteview). In my opinion, SUARAM annual human rights reports make up a considerable database in relation to human rights in Malaysia. They discuss the situations of human rights in Malaysia. They cover the violations of basic political human rights in Malaysia. These human issues covered by SUARAM include all detention cases without trial, police abuse of power, freedom of expression, freedom of

assembly, refugees, migrants and asylum seekers, and racial and religious intolerance. It seems to me that this report is the most important work that SUARAM does.

On the other hand, wide scope of the activities organized by SUARAM is not in line with the importance of specialization. There are many issues related to human rights but do disperse the work of the organization. For example, SUARAM has developed its work to include environmental issues such as the Selangor dam, the Bakun dam, and the destruction of permanent forest in Bukit Sungai Putih. In 2000, it collectively organized the "People Before Profits (PBP)" conference in Kuala Lumpur with other NGO in order to raise the people's awareness about environmental protection and sustainable development. Furthermore, the organization held a public forum in 2002 attempting to increase Malaysian's awareness on sustainable development concerns in the light of human rights within Malaysian context (Soong, 2009).

Moreover, it is important to mention that there are several activities organized by SUARAM occasionally as a reaction to some policies contracted with human rights. SUARAM requested a Consultation of Concerned Malaysian NGOs on the planned Bakun Dam (Soong, 2009). They were in possession of around 40 Malaysian non-government organizations. The goal was determined to affect local individuals who will have been influenced by the creation of the dam. They interviewed individuals living in the local area that had already been relocated to the Asap Resettlement Scheme, measured certain conditions at Asap, looked at the way the individuals settling in new places while referring to compensation payments, and received opinions of individuals, government officers and politicians towards this resettlement process.

Finally, SUARAM organizes a fundraising every year which basically highlights the main activities that SUARAM has done during the year as well as showing the most important issues related to the organization and human rights in Malaysia. In its annual

fundraising, SUARAM also releases its annual human rights report and sells a number of books to receive more donations from the interested people and groups.

I would say that the mobilization of only 20 people for a public activity after 25 years of the establishment poses many questions. 20 participants for a public demonstration does not make up a pressure on the government. It is like an attempt to revolve slowly from the first step which often makes those public activities rather useless. For educating people, it would be more effective if SUARAM organized more than three or four workshops per year. In order to create a new generation adopting the principles of human rights, more educational activities have to be done by the organization.

There are reasons preventing SUARAM to work effectively. These might be external or internal factors. There is no doubt that external factors represented by political system, ethnic division and different cultures are significant factors affecting the work of SUARAM negatively. On the other hand, the wide scope of concerns adopted by SUARAM can be considered another internal problem.

STRUCTURE OF SUARAM

It is significant to include the structure of SUARAM in this chapter which helps to understand the structural side of SUARAM as a company in order to explore the performance of the organization. SUARAM has a board of directors; this board contains three persons and one of them is the executive director. This board of directors has the very last decision and the staff has to present a report every year to this board. The staff who meet once every week consists of 5 or 6 persons who deal with human rights issues directly (Yap, Interview, May 18, 2014).

Volunteers are not formally considered part of the organizational structure as it was registered as a company. Those volunteers make up a Consultative Body; they have a function to offer advices, ideas and suggestions to the organization. The volunteers elect that Consultative Body. It is important to say that SUARAM does not have elections inside the organization because it is not registered under the Registrar of Society (ROS); it was registered as a company. Based on that, it cannot register members and if there were not members, there would not be internal elections (Arutchelvan, Interview, Aug 13, 2014). This is also considered one of the challenges for SUARAM.

At present, SUARAM has only two offices; one in Kuala Lumpur and the other in Penang. It is important to mention that SUARAM used to have an office in Johor which was closed because it did not have enough staff members due to financial problem as well (Yap, Interview, May 18, 2014). However, SUARAM works nationally and its work covers all Malaysian states. It monitors local media in order to know the cases of human rights violations in other states. Moreover, SUARAM does not have volunteers who are aimed to work in other states. If any violation takes a place in Pahang, Johor, Sabah and Sarawak, SUARAM gets information in cooperation with other NGOs as a basic resource (Yap, Interview, May 18, 2014). For instance, in Sarawak, there are a number of organizations adopting issues related to indigenous people.

SUARAM'S FUNDING

Funding NGO reflects its independency. Furthermore, it indicates its ability to work freely in a particular society. Yap says that SUARAM does not suffer from financial problems at the moment as much as its suffering from social and political challenges that have been imposed as a result of different factors. Importantly, Yap has denied that SUARAM receives any foreign financial support (Yap, Interview, May 18, 2014).

Contradictorily, Arutchelvan confirmed the inaccuracy of Yap's statement over foreign fund when he mentioned that SUARAM received fund from Hivos (Dutch organization) which supports human rights organizations (Arutchelvan, 2014, Personal Interview). I would say that receiving financial fund from any foreign organization cannot be considered a considerable imperfection to SUARAM. However, the contradiction between Arutchelvan and Yap (both of them are Executive Directors of SUARAM) over the foreign fund indicates that there is an attempt to maintain the reputation of SUARAM as a local organization to a large extent. So, SUARAM does not hesitate to receive any financial funding from foreign sources.

Reasonably, if we want to measure the size of SUARAM's activities, we can find that it would have the ability to work based on local funding. Yap says that SUARAM's fund depends locally on public and private donors who contribute in the fund raising. Those donors hold events for local fund raising. Furthermore, SUARAM as any non-profit organization relies on selling books and campaign products in the process. According to Yap, donors have never intervened in its work and organizational affairs (Yap, Interview, May 18, 2014).

SUARAM relies financially on a number of resources. Malaysian Society nowadays has the ability to fund civil society organizations. So, SUARAM relies on the

donation of people as a main financial resource. Another resource that SUARAM relies on is selling the annual reports, t-shirts and other publications. However, it is significant to mention that fund raising system of SUARAM is still insufficient to get sufficient public donations for a human rights organization (Yap, Interview, May 18, 2014). Significantly, background of donors is diverse and people from the Middle Class are the main contributors to funding (Arutchelvan, Interview, Aug 13, 2014).

CONCLUSION

This chapter provides a background to SUARAM. It deals with the establishment of the organization, its work, activities, structure, and funding process. Firstly, SUARAM has been basically established to campaign against detention without trial in Malaysia. There have been two main push factors to the organization establishment, namely the Internal Security Act (ISA) and Operation *Lalang*. This chapter also discussed both the ISA and operation *Lalang*.

ISA is a law created in 1960 which was enacted, as a preventive act when there is no provision for trial. It has been used to detain a person without trial. So, if the government arrested any person under that act, he cannot defend himself through a court procedure. On the other hand, Operation Lalang was a massive event that took a place in Malaysia in October 1987 where a hundred and nineteen citizens had been arrested. All of them were accused by the Prime Minister Mahathir Mohammed for racial and religious extremism.

This chapter also describes first days of SUARAM where it was confronting many difficulties and challenges such as the lack of fund and the inability to get access to people in Malaysia as a result of monopolizing media by the ruling coalition. On the

other hand, scope of SUARAM's work was discussed in this chapter. Fundamental work of SUARAM has been to cover the issues related to the detention without trial in Malaysia. It has also maintained basic political human rights in the country as well. Furthermore, the organization offers support and help to the victims and their families.

Vision of SUARAM is basically to establish a peaceful and sustainable society. Besides, promoting and protecting human rights in order to empower people is the mission of SUARAM. This chapter discussed the main activities which SUARAM organizes such as the publication of the annual human rights report, demonstrations and training workshops on human rights. In addition, it describes the structure of the organization and also highlights funding process. The next chapter will discuss the main achievements of SUARAM.

CHAPTER 3

ACHIEVEMENTS OF SUARAM

SUARAM aims to advance democratic values, defend freedom of expression, and promote more spacious political participation from the public. In conjunction with different civil society organizations and various NGOs in the country, SUARAM makes considerable efforts to sustain principals of freedom and rescue civil and political rights. One of the greatest efforts that SUARAM has made is the publication of the only (local) Malaysian annual human rights report, which represents a considerable independent database about human rights in Malaysia.

Obviously, legal reforms and the annual human rights reports are the main achievements SUARAM has achieved. The long struggle through various and different activities to abolish a number of laws such as the ISA and Emergency Laws have given a significant status to SUARAM as a pioneer achiever to promote human rights in Malaysian Society. Nowadays, police cannot easily extend the detentions for a long time. Furthermore, annual licensing for the printing process and publication acts have been abolished.

Additionally, SUARAM has been campaigning against the non-independency of the National Human Rights Commission SUHAKAM. As a result, the organization has become more independent. Moreover, SUARAM is still campaigning against the Sedition Act. In 2012, Malaysian Prime Minister promised to abolish it, and now it is still in the process to be abolished. So, this chapter will discuss and analyze the main

achievements mentioned above. This chapter will also analyze the role of SUARAM in dealing with these issues.

OFFERING AN INDEPENDENT INFORMATION BASE ON HUMAN RIGHTS IN MALAYSIA

SUARAM has not given up publishing its annual reports since 1998. This report shows an overview of the situation of human rights in Malaysia for the year during International Human Rights Day. In 1999, SUARAM made its efforts to publish the full human rights report (Soong, 2009). Lee Pei, Head of Public Relations of Human Rights Commission of Malaysia (SUHAKAM) says:

> "Sophisticatedly, SUARAM is one of the biggest information provider in Malaysia in terms of providing information on human rights. From time to time, they provide valuable information and documentation about the violations of human rights to SUHAKAM. For example, it assists some victims to submit memorandum to SUHAKAM" (Hsi, 2015, Personal Interview).

In addition, these reports have important function in educating people about their basic political rights. Moreover, they try to inform Malaysians to be aware about the violations of human rights, and to increase their awareness about the laws that contribute to violating human rights, and that how the report articulates SOSMA as a dangerous law replaced by ISA. It is important to mention that SUARAM's basic target has been to deal with the issues in relation to detention without trial and abuse of power by police. In my point of view, one of the most significant stages to solve that problem is to observe and collect all the information related to those issues.

Lee considers that human rights report as one of the biggest achievements for SUARAM. However, she mentions that there is main imperfection of the report because it focuses only on civil and political human rights, which means a limited coverage of a wide scope of human rights. (Hsi, 2015, Personal Interview).

Specialization is a very important factor for success in the modern societies including the work of civil society organizations. This consideration obviously contradicts with what Lee mentions about the imperfection of the report that it focuses only on political rights. So, when SUARAM's Annual Report focuses on one area on human rights, which is the political rights, this should be considered as a strong point to the report based on the consideration of specialization.

Furthermore, SUARAM has limited its capacity for funding and staffing to cover all the violation of human rights in the country as well. Since the random work makes up a big challenge, SUARAM should focus on special area because specialization is necessary for any organization to achieve its goals effectively.

SUHAKAM has been non-independent national human rights commission, and there has been a non-consensual history between both bodies. SUARAM had an opposite view towards the behavior of government, when SUHAKAM had closeness to the government particularly in its beginning.

For example, Forum Asia is a network of human rights NGOs in the region located in Bangkok, which links closely to SUARAM. It publishes an annual report about the performance of national human rights institutions in the region, and SUARAM provides a section about the performance of the national human rights commission every year. Lee's concern is not only on the incorrect information in SUARAM's report, but she also claims that SUARAM provides factual mistakes about SUHAKAM to Forum Asia (Hsi, 2015, Personal Interview). However, when asked Lee, she did not provide real evidence on those factual mistakes.

In spite of becoming more independent, the commission is logically still weak to the government's effectiveness. Furthermore, the claim here is that SUARAM's report has

factual mistakes in the chapter related to SUHAKAM. So, the critique here is not about the accuracy of the report, when Lee says that there is a mistakes in the chapter related to SUHAKAM only, it is clear that she critiques what SUARAM has written about SUHAKAM, which highlights a kind of a personal problem related to SUHAKAM.

It is not an advantage for the government to address all violation of human rights in Malaysia, because there are a lot of government practices that are incompatible with human rights. So, such reports serve as evidence for human rights violations in the courts where all the documents recorded by the organization can be asset in keeping evidence. Consequently, the cases, facts and numbers provided by SUARAM's report can help to explore the situation of human rights in Malaysia. Functionally, human rights report mainly increases the awareness of people about their basic human rights, and that is embodied in the case of SUARAM's annual report.

Fadiah Fikri, Human Rights lawyer/activist, emphasizes that SUARAM is a leading organization in documenting the abuses of human rights in Malaysia. She mentioned that "SUARAM had a role not only in documenting the abuses, but also advocating human rights in Malaysia" (Fikri, 2015, Personal Interview). Publishing the human rights report fulfills SUARAM's obligation and responsibility. Furthermore, the importance of the report is owed to its documentation for all abuses of human rights in Malaysia (Fikri, 2015, Personal Interview).

However, because of the lack of resources and proper political environment in Malaysia, SUARAM's report cannot be considered perfect as it could not cover all areas or provide all information, but it does not affect its credibility, because it documents all evidence based on the records of victims of the violation of human rights, this is in fact a strong contribution by SUARAM.

One advantage of SUARAM reports is that they are considered more detailed and informative. They depend on both secondary and primary sources including,

> "Direct reports of human rights abuses to the SUARAM office by victims, NGOs, Journalists; on-the-spot monitoring and field research by our coordinators and associates in northern, central, southern and East Malaysia as well as embedded questions in the federal and state parliaments" (Yap, 2014, Personal Interview).

Consequently, there are number of examples provided to show how the annual report tries basically to expose human rights violations in Malaysia in order to increase the people's awareness of their basic political rights. It is important to mention that SUARAM tries to cover all the issues of detention without trial; abuse of power by the police; freedom of expression and information; freedom of assembly; freedom of association; freedom of religion; and refugees and asylum seekers.

For example, in order to uncover what is going in relation to the issue of detention without trial in Malaysia, SUARAM exposed four preventative laws which contribute and help the government to arrest any person without trial on its 2013 human rights annual report (Yap, 2014, Personal Interview). It mentioned that Internal Security Act ISA 1960, Security Offences (Special Measures) Act SOSMA 2012, Prevention of Crime Act PCA 1959, and the Dangerous Drugs (Special Preventative Measures) Act DDA 1985 are considered serious concerns as they are in contradiction with international human rights. SUARAM identifies these laws for the people to understand them, and to figure out how dangerous they are on Malaysian society. Furthermore, this report has recorded all the cases related to the detention without trial.

Providing examples from the 2013 report is not just a narrative to what SUARAM has written in its reports; it is an attempt to articulate how we could consider the reports as a big achievement specially to provide information and explain how the report deals with different human rights issues in Malaysia.

What should be mentioned here that report plays an important role to spread the awareness between Malaysians over their political rights. Media is crucial for civil society to be more effective and to realize more achievements. However, mobilization of media by the ruling coalition is one obstacle that prevent SUARAM and other NGOs to raise their voice and to achieve the goals they have set out.

CONTRIBUTION TO LEGAL REFORMS AND THE ABOLISHMENT OF THE INTERNAL SECURITY ACT

Developing countries still suffer from some legal actions, which is in contradiction to political rights. Consequently, that makes up a direct threat to individuals. The role of NGOs is crucial to promote and protect political and other rights. Changing and reform legal actions after long struggle by NGOs and social groups are undoubtedly considered a tangible achievement.

Malaysian society has suffered from a number of legal actions for long time, such as suffering from the ISA and its present negative reflections presented by SOSMA. The existence of organizations like SUARAM is a natural reaction to these laws. In spite of the restrictions that Malaysian political system imposes, there is a free space to social groups to work. That increases the possibility to achieve different goals and make partial reform in the society.

As it was mentioned previously, SUARAM was established as a result of Operation *Lalang* when the ISA had been exercised to arrest a number of Malaysians. Since its establishment, the main target of SUARAM has been to abolish the ISA. In spite of replacing the ISA by SOSMA, SUARAM has made lots efforts to abolish it. To what extent has SUARAM contributed to the abolition of ISA?

Advocacy work, mobilizing grassroots and pressure campaign on the government are necessary for NGOs in order to make legal changes in the countries. These campaigns and advocacy work can be considered the key to make distinct changes particularly when they became accumulative by the time. That was embodied in the work of SUARAM in order to promote human rights in Malaysia.

In Lee's point of view, SUARAM has dedication in doing advocacy work in terms of pushing the government to change laws; it puts considerable pressure on the government in the hope of the improvement of human rights' situation in the country (Hsi, 2015, Personal Interview). In terms of mobilizing grassroots and communities, she also emphasized that SUARAM has the ability to push for tangible and collective work against violations of human rights.

For Lee, SUARAM has played a very important role in pushing for legal reforms, particularly in the issue of ISA and other repressive laws in cooperation with other Malaysian civil society organizations in terms of peaceful assembly. Moreover, she has a point of view that SUARAM has played a leading role in order to accomplish legal reforms such as work with a big number of volunteers as well as group of human rights lawyers based on voluntary bases (Hsi, 2015, Personal Interview).

To have a leading role in legal reforms, it needs a confidence from other social groups and parties. Authorizing SUARAM to have a leading role in the coalition against ISA, for example, that indicates how SUARAM is socially trusted. Furthermore, it indicates that the organization is also socially active. It is important to mention that SUARAM has become one of the most specialized organizations in the country in relation to political rights.

Fadiah Fikri is a lawyer and activist in human rights; she campaigns against detention without trial in the courts. She considers the elimination of ISA as a big achievement to SUARAM (Fikri, 2015, Personal Interview). As a specialist in human rights, she observed and can understand the role of SUARAM in the abolition of ISA, Fadiah Fikri said that SUARAM made a lot of efforts including running campaigns, lobbying in the parliament and going to international community.

Some organizations have to take a leading role in social movements in the developing world. There are many factors such as the historical one and the deep experience that give a leading role to a particular organizations or individuals. Some interested persons emphasize that SUARAM had a leading role in the abolition of ISA.

For example, Fadiah Fikri believes that SUARAM has taken a leading role, because it was the secretariat of a coalition consisting of 84 civil society organizations and political parties aiming to abolish the ISA (Fikri, 2015, Personal Interview) (Ibrahim, 2014, Personal Interview). Consequently, when SUARAM lead a big coalition against ISA, this means that it became the most obvious achiever in the abolition of ISA. Importantly, that might probably give SUARAM a position to have a leading role in another movements or issues related to human rights in the country.

It became obvious that SUARAM had a leading role in the abolition of ISA. Yet, that does not mean in any case that SUARAM has only achieved that. Lee believes that SUARAM was not a single agent contributing to do so, it was one of the most important actors assisted to abolish the ISA (Hsi, 2015, Personal Interview). I would say that there were cumulative determinations that should be taken into account.

SUARAM mechanism is based on social collective action. It deems that as an effective instrument to get rid of the violation of human rights. For example, the Anti-

ISA movement in 2000 was collectively organized and strengthened by SUARAM. On the ground, there were seventy-one of participant Malaysian organizations (Soong, 2009).

SUARAM's collective work with other Malaysian organizations can be considered one aspect of democratization process, which has definitely contributed to the abolition of the ISA and other repressive laws. The individual's human rights culture that tried to be enhanced by SUARAM in Malaysia is a very important step to realize the process of democratization. SUARAM organizes a number of democratic activities such as the peaceful protests and demonstrations demanding to protect human rights; this means that SUARAM attempts to legitimize them as aspects of democracy.

SUARAM often calls for discussions with other Malaysian NGOs in common issues irrespective of ideological or ethnical backgrounds of those social groups (Hsi, 2015, Personal Interview). In spite of the existence of some partial contradictions between the ideology of SUARAM and the Islamic values in issues such as LGBT, relatively, it seems to me that SUARAM does contribute in the solidarity and harmonious processes among the society which beholds a Muslim majority and being threatened by the danger of social disintegration.

On the other hand, Ibrahim, Vice President of IKRAM, emphasized that "SUARAM has not been hesitant to be a participant among any attempt to abolish the ISA; it was much earlier and has been a key partner in the Malaysian coalition against the ISA" (Ibrahim, 2014, Personal Interview). He mentioned that SUARAM has organized a huge number of activities such as protests and demonstrations, and it assisted to develop campaigns to amplify the consciousness of people over the hazard of ISA and its contradiction with basic political and civil human rights (Ibrahim, Interview, Aug 7, 2014).

There have been another examples about how SUARAM work against the ISA. Soong says that the movement took a place in 2002, went on a hunger strike in remembrance of the imprisonment of six *reformasi* detainees. In addition to the hunger strike, there was a movement that displayed certain vents, and a meeting in public about the ISA's 42nd anniversary. Another movement called "Mala Fide Campaign", joined them because the government did not take action against the abusive power being held against the *reformasi* detainees. However, the police eventually stopped that movement near the Selangor Chinese Assembly Hall (Soong, 2009). Importantly, SUARAM was the secretariat of the Anti-ISA Movement that prepared a major demonstration which took place on 1st August, 2009 in Kuala Lumpur. There were 30,000 participants, showing how effective it can be, and that was followed by the release of a majority of the ISA captives (Soong, 2009).

Annually, SUARAM organizes 3 or 4 activities of training in order to educate Malaysians about their basic rights as well as the rank of human rights in Malaysia including the risk of ISA and similar laws. There are a number of persons, nearly 100, who attended those activities, mostly students (Diva, 2014, Personal Inteview). I would say if the number of training activities was increased, it would be more effective in a society like Malaysia, however, in the midst of unsatisfied political culture over international human rights - adopted by the political ruling elites and non-small number of Malaysians; those yearly 100 trainees will effectively help to promote this perspective of human rights in Malaysia.

Moreover, the existence of this number of training activities is likely to increase from time to time. Promoting human rights by this kind of activities is recorded as a basic introduction and an effective instrument to the organization in order to achieve

targets anticipated by legal reforms, particularly when it includes the other Malaysian states outside Kuala Lumpur and Penang.

In the context of globalization, policies of governments which touch human rights are difficult to be vague. Furthermore, international interventions by the Western countries has become obvious in order to promote human rights in the developing and underdeveloped parts of the world, regardless whether it is locally acceptable or not, and regardless to their real intentions. Local human rights organizations attempt to protect and promote human rights by collaboration with international organization in order to put pressure on the government.

This is what SUARAM tries to do in Malaysia. Arutchelvan, Secretary General of Parti Sosialis Malaysia, considers SUARAM as a key collaborator with international human rights organizations that work to protect human rights in Malaysia (Arutchelvan, 2014, Personal Interview). For example, he said that it has worked side by side with Amnesty and Human Rights Watch to abolish the laws that contradict with human rights such as the Emergency Ordinance and ISA. Furthermore, it has collaboratively organized joint forums on the abuse of power by police and organized campaigns such as signature campaigns.

SUARAM adopts the international concept of human rights that aim to bond the dissimilar societies all over the world under such perception. Significantly, when the international organizations impose pressure on the governments in cooperation with local human rights organizations such as SUARAM, local organizations with this effort can achieve an international goal in paving the way to promote the global human rights.

High level of freedom of expression indicates a healthy development process in different societies. When all individuals can express what they keep in mind about the

disadvantages and advantages of different issues without threat and intimidation by authorities, it accelerates the comprehensive development. However, the absence of freedom of expression contributing to marginalize wide segments in the society.

Consequently, this increases the intense hatred of all over the society. ISA and later SOSMA can be considered a threatening legal action that might contribute to widening intense hatred of Malaysian society. This might probably be very dangerous to Malaysian society in the light of ethnical division in the future. That why working to push for legal reforms is important. So, the abolishment of ISA is certainly very significant and considerable achievement not only for SUARAM and other interested social groups, but for Malaysian society.

Function of police is to impose security and protect the individuals in the society. Whatever was the power of police, it would must be in the benefit of individuals and the public interest. This power can be seen as a grant from the society to police in order to keep stability and security among the society. Unfortunately, some officers use the power against people in the developing countries rather. As a result, social groups attempt to put all police officers under the power of law, rather than using it incompatibly with human rights.

SUARAM has been campaigning against the abuse of power by police since 1989; it has not hesitated to expose and campaign against it (Arutchelvan, 2014, Personal Interview). Similarly, there are many activities done by SUARAM in order to keep watch over Malaysian police (Diva, 2014, Personal Interview). For example, the organization prearranged the "People's Tribunal on the Abuse of Police Power" side by side with other concerned Malaysian NGOs in 1996 in order to commemorate the International Human Rights Day. This event was meant to be attended by estate workers, urban poor, indigenous peoples, migrant workers and social activists in order

to investigate some cases of abuse of police power. Another example, in 2004, SUARAM submitted a memorandum collectively with a coalition of Malaysian NGOs to Inspector General of Police who was newly appointed that time. The memorandum contained a demand to take into account the increase of deaths and injuries of suspects while in police custody.

Fadiah Fikri emphasized that SUARAM has campaigned against Section 27 of the Police Act, where it highlighted the abuses of power by police (Fikri, 2015, Personal Interview). Similarly, she added that SUARAM went to the parliament and lobbed against the act. Furthermore, it has recorded all abuses of power by police to SUHAKAM (National Human Rights Commission). Moreover, Lee believes that SUARAM works collectively in order to expose any violation of human rights by police. It attempts to involve wide networks of organizations in this process ((Hsi, 2015, Personal Interview).

That indicates how SUARAM works to build popular grassroots struggling against the violation of human rights rather than the individual actions. It is clear that police violations in Malaysia has become a public issue as a result of different efforts made by various and different figures, and SUARAM has taken a lead role among those significant efforts. In 2012, Malaysia abolished Section 27 of the Police Act. This act was seen by SUARAM as a contributor to the violation of human rights in Malaysia.

When the police want to arrest any person, they were able under this law to detain him up to 14 days. During that period, the detainees might face torture. Nowadays, when the police want to arrest somebody, they can detain him for 4 days, then up to 14 days. If they want to extend, they have the right to extend for only 3 days (Yap, 2014, Personal Interview).

It does not seem as a radical change. However, I have no doubt that is more compliable with human rights when the police cannot arrest the person for more than 14 days in the past, which reduces the possibility of detainees being tormented; and it lets the families and lawyers of detainees to make sure whether they have been subjected to torture such as the ability to see the injuries on their bodies. So, it is considered an achievement to SUARAM, as it has been a pioneer worker to deal with the issue.

Furthermore, there used to be an annual license of press and printing in Malaysia. In that case, if any organization or any company wants to publish or print something, they were supposed to apply for a license every year, which means that they would not be able to get the permit to print or publish if the application was rejected.

For example, The Star lost its license in 1987. On this ground, this procedure put restrictions in front of the freedom of expression. At present, press and printing companies do not have to get that license annually. Fadiah Fikri claims that although SUARAM has not done direct work in removing the Annual Printing License, but it has contributed with other NGOs to focus on the issues of media reform and freedoms (Fikri, 2015, Personal Interview).

Restrictions on publication is considered a violation to the freedom of expression. When the law forces organizations and companies to renew the license every year, this can be seen as a type of authoritarianism over press and media. The state attempt to control it by these kind of laws, once the publishers contradict with the policies of government, it can easily withdraw the license. So, efforts of SUARAM and the other Malaysian social groups to abolish this law contributing to promote justice and freedom of expression within the society.

Abolishment these kind of laws are crucial step towards promoting human rights in the country. Furthermore, it accelerates the democratization process. One of the best can be achieved by these legal reforms that it contributes to create more hope for Malaysian social groups that they have the ability to make noticeable changes in the country. Consequently, there will probably be an improvement of their performance in human issues. Furthermore, the number of interested social groups in the related issues is likely to increase.

MAKING SUHAKAM A MORE INDEPENDENT COMMISSION

Existence of national human rights commissions is an attempt to involve various social parts in the process of promoting rights including the government. Some governments in the developing world establish this type of commissions. However, they might not be self-governing from the governments. As a result, social groups initiate activities in order to make the commissions more autonomous.

As a result of big protests and demonstrations by Malaysians in 1998 opposing human rights violations in the country, and as a result of the international pressure on the government that time, Mahathir Mohammed decided, in 2000, to establish a national human rights commission in order to show that he had intentions to promote new political reforms in the country (Yap, 2014, Personal Interview).

In the earlier years of its work, there were many negative perceptions about the establishment of SUHAKAM; there have been voices considering the institution useless and dependent. Civil society organizations have expressed misgivings on the independency of SUHAKAM. This goes back to some issues which took a place before 2009, when SUHAKAM was established under the parliament in 1999. The government

did not specify the criteria of the national human rights commission (Ibrahim, 2014, Personal Interview).

Yap says Mahathir appointed the former Attorney General to be the chairperson of SUHAKAM (Yap, Interview, Aug 15, 2014). Assigning the former Attorney General can definitely infuriate Malaysian social groups. Because it means that Prime Minister hired the person who previously defended the government in all human rights violation matters. It seems that the commission wanted to be as a servant to the government rather than being the protector to human rights in the country.

Furthermore, Lee His, Public Relations Officer of SUHAKAM, added that they appointed other members including government retirees, prompting Malaysian civil society to show its dissatisfaction about the new commission (Hsi, 2015, Personal Interview). This indicates also that the commission started under the cloak of government.

In this context, Paris Principles are international standard and guidelines on the self-governing performance of the national human rights commissions and how human rights commission should be operated, and they have been adopted by the United Nation. The human rights commission has to be complied by Paris Principles. Paris Principles have been considered a standard to solidify the performance of all the national human rights commission in all over the world.

Accordingly, there are three levels to evaluate the national commissions. First, if the commission was compatible completely with Paris Principles that would give it (A Status), which means it has a voice in the Human Rights Council in the United Nations (OHCHR). Next, (B Status), on the other hand, reflects that the national commission is partially complied with Paris Principles, which means that it is not qualified to get the

benefit of the voice in (OHCHR). Finally, (C Status) means that the performance of national commission is contradicted with Paris Principles.

Lee emphasized that SUHAKAM has got (A status) based on Paris Principles, and became a member at (OHCHR) since its establishment up to 2008 (Hsi, 2015, Personal Interview). However, SUARAM's activists believed that SUHAKAM was not a completely independent commission, and that was based on an observation by SUARAM on the performance of SUHAKAM.

As a result, SUARAM submitted a report about the performance of SUHAKAM including all the reservations to the International Coordinating Committee (ICC), an international network of human rights commissions recognized by the United Nations. Accordingly, ICC issued a letter to SUHAKAM stating its intention to scale it down from (A status) to (B status).

Additionally, SUHAKAM was given one year to do whatever it can to regain its (A status). As a result, Lee emphasized that the Malaysian government has lobbied to make SUHAKAM comply with Paris Principles. Furthermore, there were a number of reforms including the selection process of commissioners. For example, the commissioners used to be selected by the Prime Minister previously, which was not agreeable to Malaysian NGOs. Based on the ICC letter, Malaysian government amended a law to make it compulsory to set up a selection committee, which led to involvement of civil society organizations and judiciary members in this committee. Finally, these reforms led to the repositioning of SUHAKAM to (A Status) again, but with more independent performance (Hsi, 2015, Personal Interview).

It is clear that SUARAM was the main factor to improve the situation of the commission to become more impartial. Additionally, it has been observing it. Lee, Yap

and Ibrahim argue that SUARAM has not been hesitated to campaign in order to make the commission more independent (Ibrahim, 2014, Personal Interview) (Hsi, 2015, Personal Interview) (Yap, 2014, Personal Interview).

SUHAKAM is very vital because it observes all human rights comprehensively in all over Malaysia. Improvement of SUHAKAM and making it more independent commission can be seen as institutional reform to one of the most important parts in the process of promoting human rights in Malaysia. So, this achievement can contribute to protect human rights in the country enormously.

In spite of the achievements that SUARAM has realized, Freedman shows her less optimism about the effectiveness of NGOs in Malaysia (Freedman, 2009). SUARAM is one organization aiming to promote political rights in Malaysia. Constant violations of human rights and the existence of SOSMA are indications that NGOs in Malaysia still face challenges limiting their work.

Table 1: ACHIEVMENT OF SUARAM

	ACHIEVEMENTS OF SUARAM	YEAR
1.	Annual Human Rights Report	Since 1998
2.	Internal Security Act (ISA) and Emergency Ordinance (EO) Repealed	2012
3.	Annual Licensing for Print Media	2012

4.	Reform of Criminal Procedure Code	2007
5.	Abolishment of Section 27 of the Police Act	2012
6.	Holding Government Accountable for Scorpene Submarines Scandal	2009
7.	Improved Independence and Effectiveness of SUHAKAM	2009
8.	Raising Public Awareness on Human Rights	

Source: Compiled from interviews and Published Sources

CONCLUSION

This chapter discussed the main achievements of SUARAM. SUARAM made lots of efforts to promote human rights in Malaysia. It is important to mention again that the main target of SUARAM has been to campaign against detention without trial and abolish the Internal Security Act. The main achievements of SUARAM can be briefed as; Firstly, the legal changes as it has contributed to abolish many laws that contradict with human rights such as the ISA and the emergency laws.

Secondly, SUARAM has become a very important information base of human rights by collecting and recording all the violations of human rights in the country, and providing an Annual Human Rights Report Furthermore, it increases awareness of Malaysians about their basic political human rights. This chapter discusses two examples; the detention without trial and the abuse of power by police and how the annual report can have a functional role to provide information and knowledge on the violation of human rights in Malaysia.

Thirdly, SUARAM worked to educate the individuals on human rights. For instance, there have been a number of training workshops organized by SUARAM since its beginnings. Fourthly, it contributed to promote democratization within the country by its serious attempts to promote human rights and democratic activities. Fifthly, SUARAM has a considerable role towards offering assistance to refugees such as the documentation of refugees cases and offering human aid to them. Finally, SUARAM has fundamentally played an important role in making SUHAKAM an independent commission. The next chapter will discuss the internal as well as the external challenges to SUARAM.

CHAPTER 4

EXTERNAL AND INTERNAL FACTORS LIMITING SUARAM

To study weaknesses of any social organization particularly in the case of civil society organization, social and political environments affecting the work of specific organization should be taken into account. We should gain knowledge about the main general dimensions before knowing the weaknesses of the organization itself. So, it is ineffective to analyze any civil society organization away from its social and political environments.

Similarly, as it is one of the civil society organizations in Malaysia, the weaknesses of SUARAM should not be studied away from the Malaysian civil society context. The obstacles that face the civil society organizations in Malaysia generally could be applied on SUARAM, whereas separating it from its general environment can give unrealistic and weak results. In this chapter, the main obstacles facing civil society in Malaysia generally will be discussed. This will be followed a discussion focusing on SUARAM particularly.

From the Gramsci perspective on civil society, the state tries to impose its hegemony on civil society in less democratic societies. Malaysia cannot be considered as a full democratic country based on what was emphasized by many researchers. Significantly, the condition of political environment and the space of political freedom indicate whether civil society is effective or not. How Malaysian state tries to impose its hegemony on Malaysian society, can be explained by analyzing the external factor considered as challenges to effective civil society in Malaysia.

EXTERNAL FACTORS

1. POLITICAL SYSTEM IN MALAYSIA AND THE CONSTRAINTS OF POLITICAL FREEDOM

There is a mutual relationship between the condition of democracy and the effectiveness of civil society. It has been demonstrated that successful and effectiveness of civil society is a reflection to democratic social and political environment. On the other hand, civil society has a crucial role in the democratization process, and it is considered a saver to democracy in the society. So, the weakness of civil society organizations role means that there is a real defect in the democracy system.

In the case that political system has both democratic and undemocratic aspects, it might be an authoritarian political system that show democratic aspects in order to give soft image. Furthermore, it might be an attempt from the ruling elites to legitimize their dominance. On the other hand, political system in that case may probably be passing through real democratization process.

In Malaysia, political system has both democratic and undemocratic aspects. That push some specialists to consider it as a semi-democratic political system (Case, 1993). In the same context, Jesudason considered the statist democracy in Malaysia as obviously distinguished from the personal rule systems, states of one party, military regime or bureaucratic systems in which the political system has a number of democratic features. He believes that Malaysia is mostly known as a semi-democratic state because it constrains the societal organizing by the government. For Jesudason, semi-democracy in Malaysia means that there are regular elections in light of the existence of many parties that are permitted to establish, solicit contribution, operating headquarters and to select leaders and candidates (Jesudason, 1995).

Including both democratic features as well as other undemocratic mainly represented by constraining political freedoms in the political system contributes reasonably to classify it as a semi or incomplete democratic one. Furthermore, such aspects led some writers and activists to believe that controlling the mainstream media by the government, for example, helps the ruling party to access a wider public even during the campaigning periods.

It is classified as semi-democratic because it takes the democratic process as a facade to get legitimacy internally and externally (Jesudason, 1995). A Single party, the United Malays National Organization (UMNO), has controlled Malaysia since the independence and made up a coalition with the Malaysian Chinese Association (MCA), Malaysian Indian Congress (MIC) and other parts called Barisan National (National Front) after its falling back in the recent elections.

What raises doubts about Malaysian democracy that single party has been controlling it since the independence. All political powers have the right to be involved in the governance process in democratic societies, however when it is monopolized by single political power, that indicates a case of exclusion to different parts in the political life including social groups and civil society organizations.

There is space for freedom for political opposition in Malaysia. However, it is limited as long as they are excluded by the single party government. This affects the political development negatively. Economic development is a big achievement to UMNO, however, development process should be comprehensive. Economic development has to be accompanied by political development where individuals and social groups could participate in the political life. However, economic development with excluding political opposition is a kind of hegemony.

Jesudason believes that UMNO has promoted its power as a ruling party by the strategies of successful economic development and building coalitions smartly with the minor parties. Furthermore, UMNO has dominated the coalitions of ethnic parties to remain perpetually in power and it has widely created patronage for avoiding elections defeat as well. More importantly, it has not hesitated to forcibly reduce the criticism of public about its activities through the periods of elections (Jesudason, 1995).

Malaysian economic development case indicates that there has been a truthful will from the ruling elites to enhance the economic situation in the country. The positive reflections of economic development are very obvious on Malaysian society. So, it is injustice to consider that ruling elites try to legitimize their dominance by economic development. Furthermore, regardless of the case of exclusion to political opposition, political situation would not be better if there has not been economic development in the country. Economic development is crucial to political satiability and development.

In terms of the liberal dimension of the regime, Jesudason sees that opposed parties and organizations have been permitted by the Home Ministry to form, acting through the Registrar of Societies (Jesudason, 1995). Furthermore, these organizations are considered capable in popular forums and legislative arenas for raising grievances to which the government is sometimes obliged to respond. However, the responses of government have also weakened these organizations and limited their capacity to mobilize that number of followers, which would give them the power to affect or influence policymaking. This governmental policy to restrain these organizations includes detention orders, sedition acts, emergency powers and the constraints upon communication and assembly (Jesudason, 1995).

It is possible to assume that the democratic appearances are to get legitimacy internally and externally. However, it is wrong to overlook the fact that other political

power in Malaysia has become able partially to preserve balance between society and state. So, it is not easy for the ruling elites to marginalize the position of other political power completely.

Asian values are one justification or proof of semi-democratic system in Malaysia. Khoo believes that political participation is restricted as a result of Asian values culture, furthermore, it was used by Malaysian political elites to justify their semi-authoritarian type of government (Khoo & Loh, 2002). Asian values can be another challenge to the work of civil society organizations that adopt the international or foreign values such as SUARAM. SUARAM can be portrayed as an organization with values that contradict with Asian or "local" values. Using Asian values can be most effective locally.

Gramscian hegemony is a formation of alliance gradually developed and centered around social groups, which exercise intellectual and moral leadership on the other deferent groups (Fontana, 2000). "Asian Values" has its several functions that are supposedly in favor of Asian societies in Southeast Asia. Furthermore, it offers an independent and private way of thinking within the globally dominant ideas. However, it can be one appearance of what Gramsci poses on how the ruling or intellectual class dominate other social groups.

Therkell believes that Islam can affect the democracy in Malaysia (Thirkell-White, 2006). It affects everyday life including political life. However, there is nothing in Islam urging to constrain the involvement of people and social groups in the political life. Ibrahim says that constraining political freedom is not accepted for many Islamic Malaysian NGOs such as Ikram that has campaigned against the ISA, for example (Ibrahim, 2014, Personal Interview). Islam is similar to Asian values as they can be

easily used by ruling elites in Malaysia to control the country. Furthermore, it can be seen as a justification to impose a hegemony by the state.

Hegemony means that force does not only rule individuals, but also ideas. Malay majority believes in Islam. Accordingly, they follow the orders and thoughts of Islam. So, Islam promote the power of ruling elites, it is not unexpected as the majority believes in Islam, at the same time it is a noticeable factor that contributes to impose the hegemony by the state.

Gramsci believes that aim of ruling class is to dominate not to lead. If there was a voice of social which threatens their dominance over society, they would use different repressive methods to constrain or to eradicate it. Former Deputy Prime Minister Anwar Ibrahim tried to lead a reformative movement initially through his allies in the dominant UMNO. Shortly, thereafter, he was sacked from both the cabinet and UMNO. After a prolonged trial, he has been imprisoned for a period of six years on corruption and sodomy charges. Critically, there was a wide internal and international rejection by legal experts against his arrest. As a result, massive street demonstrations and public rallies had supported Anwar Ibrahim and rejected the detention. Otherwise, that movement had expanded to critique the power abuse by the ruling regime on publication, internet, video-tapes and cassettes.

"The demand of *Reformasi* movement has gone beyond concern for Anwar's well-being. Its demands now include: the reinstatement of rule of law and separation of powers; the repeal of the Internal Security Act (ISA which allows for detention without trial) and other coercive laws which undermine civil liberties; transparency in decision-making and government accountability; an end to corruption, nepotism and cronyism; and ultimately, a change of government" (McGregor, 2008).

Reformative movement reflects that the opposition political powers cannot be marginalized in Malaysia. It indicates that there has been a Malaysian voice refusing the semi-democratic political system. It was a natural reaction to status que aiming to achieve the democratization in the country. When social groups and political parties being involved in movement against the policies of government and against situation of human rights, it means that they make up the power that lobby and observe the state.

On the other hand, semi-democracy limits the role of opposition towards accelerating the process of democratization. Freedom of expression and freedom of association are crucial for civil society organization to achieve their goals. However, restrictions imposed by the government over political freedom is a fundamental and obvious indication that state tries to impose a kind of hegemony over civil society.

There are many laws that contradict with freedom of expression in Malaysia such as the Sedition Act. Hence, civil society and individual cannot express their opinion freely, some issues are considered prohibited for discussion, which led the government to proceed and use any method in order "defend" the national security.

It seems that the constrains of political freedoms help the government in Malaysia to promote and empower its hegemony rather than promoting democracy, through using the power of parliament in its strong representative existence known as the National Front which has the ability to design laws in order to protect the regime from any political challenge.

For example, SUARAM tried to expose what the organization considered as corrupt practice by the government in the issue of Submarine French Company in 2012. SUARAM had gone to French courts when the government bought the submarines from that French company. As a result, Malaysian government responded angrily; it had

questioned and investigated the directors, staff and the volunteers of SUARAM (Yap, 2014, Personal Interview).

Human rights organizations are exposed to risk because they challenge the policies directly. This will definitely affect their performance to achieve the goals of enhancing the situation of human rights. If the opposition leader was detained, it would be possible to arrest any human rights activist.

Gramsci believes that the arena of contestation between different kind of politics is limited in less democratic societies. He means that civil society is under the hegemony of state, and civil society is not relatively contradicted with state. Accordingly, SUARAM deal with sensitive issues related to political rights in Malaysia. That makes the organization more suffered from the hegemony of state than being in a real arena of contestation.

The study found that all staff of SUARAM faced detention or investigations by Malaysian security agencies. This example reflects how the arena of contestation is limited. According to Arutchelvan, most of SUARAM staff and volunteers have been arrested. For example, Mr. Yap the executive director has been arrested twice; firstly, he was arrested for five days, and secondly, for half a day. In different situations, the government arrested all, namely Arul, Sentia Gabriel, and Nalini, who are activists of SUARAM (Arutchelvan, 2014, Personal Interview). So, these detentions make up an obstacle for political freedom in Malaysia; and that explain why some researchers like Case (1993) classify the Malaysian political system as semi-democratic.

Democracy means to involve people in every day political life. It is important to mention that election alone is not democracy. Free and regular elections is one of the aspects of democracy, however, when the individuals, civil society and political parties

have the ability to participate in political life every day by observing the behavior of government and expressing what they believe without any threat, the meaning of democracy will be embodied. In this case, political system contribute to promote the role of non-government actors.

On the contrary, Malaysian semi-democracy limit the people's participation in the political life. For example, Arutchelvan emphasized that freedom of assembly is constrained. He says that if any demonstration or protest was organized, the government would come and use all the tools to hamper it including the use of force, and all of these procedures are under the umbrella of law (Arutchelvan, 2014, Personal Interview). He added also that the possibility of Malaysians to be arrested by the government is widened even if they protest in order to save their lands, houses, and the environment.

In 1995, SUARAM organized a public activity against the police behaviors. It invited the people who are victims of police abuse to talk about the violations of the police. The reaction was that the government had attacked the place of activity and arrested all the persons who contributed to organize that activity accusing them as communists (Arutchelvan, 2014, Personal Interview). Furthermore, when SUARAM organized the campaign for the freedom of East Timor the government had disturbed the entire event by arresting all the persons who organized it.

One important and effective instrument for civil society organizations is when the individuals have the ability to collectively express, promote and defend the different ideas they believe. However, constraining the freedom of assembly in Malaysia warns that hegemony is still a big challenge to the work of civil society, which lead to slow the process of political development down.

2. ETHNIC DIVISION AND THE NEGATIVE EFFECTS

In Malaysia, there is a majority of ethnic In Peninsular Malaysia, the majority of ethnic groups are Malay, Chinese, and Indian. In Sarawak and Sabah, however, it consists of Iban and Kadazan as the largest ethnic groups. Furthermore, there are a variety of ethnic groups in which individuals have a certain belief or religion. It can be more sensitive when the ethnicity is related to religion. Ethnic groups such as the Malay believe in Islam and other ethnic groups might consist of any other religion that the individuals choose to follow. In East Malaysia, for example, native groups who do not follow the religion of Islam are usually Christians.

Societies with the diversity of ethnic groups can be affected by number of disadvantages, which extend to affect civil society. It is not inevitable, however, the dominant ethnic culture has a role. likewise other considerations used by ruling elites in the third world, those in Malaysia might have been using both of ethnicity and religion in order to keep the status they have had since the independence. Ethnicity and religion are very sensitive and easy to be used for spreading the cultures of discriminations and hatred, which contribute to keep the political status of ruling elites.

Importantly, following the independence of Malaysia, associations of power as well as new policies of the state has had an impact on the development of the identities of Malays, Chinese and Indians. Arutchelvan believes that the problem in Malaysia in this context is that the national state attempts to make individuals' identity more recognizable in ethnic lines in order to strive for more socially and economically beneficial advantages (Arutchelvan, 2014, Personal Interview). Similarly, Milne emphasized that ethnic identity in the category of a public identity is a matter of Malaysian public evaluation as well as recognition, and has an effect on how individuals identify themselves (Milne, 1977).

When the discrimination and social dispersion are dominant in the local culture that extend to the performance on civil society. It is important to mention that Chinese and Indian are not small ethnic groups, they make up a high percentage of population comparing to Malays. So, spreading the cultures of discrimination and social dispersion among three major ethnic communities and between Malays and Chinese can be more negatively affected to civil society organizations consequently.

Ethnic and religious contradictions contribute to impose hegemony on the society as will, particularly when they are considered very sensitive matters. Gap between different ethnic groups is considerable in Malaysia, and that promote such hegemony, when ruling elite is made up from a certain ethnic group in particular.

Gwen Lee, a campaigner in Amnesty International Malaysia, believes that different groups organized around ethnic division often have incompatible goals, leading to polarization in an ethno centric society such as Malaysia. She also mentioned also that individual interests have been formulated for some years now in ethnic terms and CSO have to defend the same rights for all Malaysians(G. Lee, 2015). Consequently, that might probably open the scope for non-Malay groups to struggle against a perceived threat of a cultural takeover from the Malay-dominated state. Furthermore, the competition between cultural and political notions has obstructed the promotion by the civil society organizations of individual equal rights.

In my point of view, the development of the people's identities in Malaysia based on ethnic differences would probably lead to the absence of a national sense that might also lead to separate social work without collective national feeling. Civil society work is related to the structure of society including the dominant culture and social work. So, promoting the ethnic identity helps to create ethnic competition rather than collectively act to oppose the government or the public policy.

In Malaysia, the ethnic identity seems to be hugely noticeable among society, and that might be considered a positive factor on the work of civil society to the major ethnic group, particularly when the government widely represents that majority ethnic group. However, civil society organizations contradicted with ethnic ruling group such as SUARAM will definitely face many difficulties to work freely in order to achieve its goals. Briefly, ethnic division in Malaysia contributes to discharge the civil society from its power and effectiveness.

In the consideration of the effectiveness of ethnic division on civil society, Tan (2000) believes that middle class should be a very important factor to make civil society organizations effective. However, the ethnic division affects negatively on the role of middle class. In Malaysia, Tan sees that Malay and non-Malay relationship sparked disadvantages. Moreover, the individuals did have an impact on each other's identity (Tan, 2000). He sees that Malay middle class consists of individuals with their own interests who are more self-assured about society. Furthermore, with this comes an additional class of entrepreneurs who have the ability to compete with the Chinese. This class has a fear of the Chinese impact on the economy in the future (Tan, 2000).

The power of civil society organizations is potential beyond the unity of middle class, but when there is an ethnic division among this class, the performance of civil society tends to be less effective on the society. However, there have been lots of efforts made in order to unite and build a common sense between Malaysian civil society organizations such as what it was mentioned in the previous chapters, whereas SUARAM could build coalitions struggling towards legal reforms side by side with other organizations such as Islamic ones.

On the other hand, the ethnic sensitivity is still existent and it could be widely embodied when posing values that contradicted with the religious background of the

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major ethnic group. For example, LGBT matter posed by SUARAM is contradicted with Islam which is the religion of the major ethnic group in Malaysia. However, that does not mean that the social will to get rid from the social discrimination is completely not existent. It is possible to have social elites representing all the population in the country. It was mentioned in the previous chapter where discussing the collective work between SUARAM and different social groups, even with Malays.

3. STATE MONOPOLIZATION OF MASS MEDIA IN MALAYSIA

Media has the power to create dominant views and ideas. Gramsci believes that different methods are used by ruling class to impose hegemony. If the media was monopolized by government, then it is one of the those which he means. Freedom of media is obviously necessary for civil society and human rights organizations in any country. Media is a decisive tool in alarming stakeholder such as local and International organizations about Human Rights violations. Media, either newspapers or online contents, also constitute a tribune for Human Rights organizations to address issues and to challenge governmental policies.

Freedom of expression situation is another indication to hegemony. It became clear that freedom of expression is crucial for civil society organization to achieve its goals. However, mobilizing media can be to deter the voices against government in Malaysia indicating that state imposes its hegemony over civil society organizations. When the government monopolize the media, which contributes to limit the arena of contestation between state and civil society, because the voice of social groups would be partially absent.

One of the appearances of semi democratic political system in Malaysia is the monopolization of media by the state. Ibrahim says that government and the organizations that are close to the ruling party and ruling coalition own the TV channels, radio station and newspapers (Ibrahim, 2014, Personal Interview). For example, TV3, TV7 are owned by organizations close to the government, and the government owns the National TV. Similarly, in the newspapers, Star is owned by the Malaysian Chinese Association MCA, which is under the ruling coalition. On the other hand, Ibrahim emphasizes that there is no banning on alternative media such as Blogs and Social Networks; however, the government does observe those network.

It is big challenge because media is one of the most crucial instrument for civil society organizations to achieve their goals. Free media can raise the voice of people towards the governments. Furthermore, it contributes to spread knowledge and awareness to people about different issues that are considered very necessary for them to achieve balance between society and state.

Strangling the voice of people by the monopolization of media by the government and ruling elites is an indication to less effective civil society organizations. This can be obviously applied to Malaysia when the organizations are contradicted to the policies of government and the interests of political elites. In spite of using the alternative media, SUARAM cannot raise its voice effectively away from the mainstream media.

Gwen Lee emphasizes, "the controlled freedom of press that currently exists in Malaysia is a very convenient way for the government to silence anyone raising Human Rights issues. The legislation governing the freedom of media is very restrictive and the "respect of the law" is often used as a pretext to conduct abusive arrests". She adds that situation of the media recently worsened in Malaysia, which is ranked 147th out of 180

countries in the 2015 Reporters Without Borders Press Freedom Index (G. Lee, 2015, Personal Interview).

That how elites in the third world do in order to keep their social, political and economic dominance. Public awareness of poor and unjust governances is the first to step push people towards reformation and change, and that what make a threat to the ruling elites. So, they resort to gag people in order to maintain the different status they have had.

It is important to mention that Gwen Lee puts into account several recent examples that support this very low ranking of Malaysia. First, the state decided to amend the Official Secrets Acts (OSA) to include mandatory jail sentence for journalists and others who revealed materials obtained from government sources. Second, recently, five members of the Malaysian Insider have been arrested under the 1948 Sedition Act and the 1998 Communications and Multimedia Act because of reportage about one article. Third, cartoonist Zunar has currently been investigated under nine different charges over his tweets on Anwar Ibrahim's conviction(G. Lee, 2015, Personal Interview).

Yap emphasize that there has been no media tool belongs to the opposition or NGOs. Getting the license to have a media tool is likely to be impossible for the persons or institutions that are not part of the ruling coalition. Another big difficulty was represented by how to get access to media. Since its beginning, SUARAM could not send the information that has become ready about human rights violations out to newspapers and news agencies (Yap, 2014, Personal Interview).

One advantage to NGOs that they can raise the voice of people in orderly manner. Furthermore, they have plans and strategies of how to effect on the people's

awareness. It is possible to say that NGOs can be the organizer of the voice of people to fulfill their demands. However, this make a deep threat to ruling elites. So, this can explain the dominance of government over the tools of both media and journalism.

Not only that, it seems that the government tries to portray NGOs contradicting with the national values and present them as a big danger to the internal security in order to legitimize the dominance of current political elites on power. That what Anuar believes that government uses the media to generalize a propaganda that is in favor of its policies. Furthermore, he adds that the government attempts to show NGOs as institutions aiming to promote the instability in the society (Anuar, 2007).

"Does constraining mainstream media cause benefits or imperfections to Malaysian society?" Muslim Imran believes constraining media might be necessary in certain situations. This applies to Malaysia in which racial and religious sensitivities might lead to instability if they were not respected in media. He has given an example from Egypt during the period of President Mohammed Mursi. There was a famous comedian called Basim Yusif who was given full freedom to express anything against the president and his political party by a Television Program called Albarnamige. He had made jokes on the President which finally led to effect negatively on his prestige. That was one of the most important factors contributed to make a case of chaos in the country, when big number of rallies formed on the streets against the President who at the time spent less than one year in power (Imran, 2015, Personal Interview).

Promoting stability in the society does not contradict with the liberation of media because the state could identify and determine what would shake the stability of society and prevent people to touch the sensitive matters that might affect negatively on the stability. On the other hand, the situation in Egypt is different because there had just been a revolution. However, Malaysia is a very stable country comparing to Malaysia.

It is logical to say that might to push Malaysian NGOs to use the social networks and website as alternative to mainstream media. However, social network would be less effective instrument to civil society organizations if it was the only tool to achieve their goals. Mainstream media are considered crucial instrument to them in order to realize what they aim to.

Furthermore, observing the alternative media makes their work slower, because civil society organizations often play opposed roles against the policies of government. If the government observed the alternative media, this would make all the activists and organizations exposed to the risk. So, that is considered another factor making SUARAM less effective among the society since it could not use the mainstream media as well as observing its website and other accounts on social networks.

4. MALAYSIA'S JUDICIARY AND THE LACK OF IMPARTIALITY

Judiciary must be another available instrument for civil society to achieve the desired goals. It can be a crucial instrument when it is separated from the executive authority, and here is one importance of the separation of powers. Separation of powers is very important in this context because it makes the judiciary more independent. Consequently, the independency of judiciary make it more just in dealing with civil society issues.

On the other hand, when judiciary is close and affected by the ruling elites that raises doubts about its integrity. Civil society organizations need an impartial judiciary that do justice to the issues they adopt. However, ruling elites attempt to control the judiciary in non-democratic countries. They exploit the judiciary in line with their interests.

However, she believes that Malaysia faced crucial issues regarding its judiciary independence as early as 1988 when judges where suspended by the executive power because of a non-accommodating decision. For her, Malaysian Judicial independence is still uncertain nowadays. For example, the public are questioning about the decision of the case of Anwar Ibrahim which has been ongoing since 1998 (G. Lee, 2015, Personal Interview). Similarly, Syed Ibrahim believes that Malaysian judiciary is used by the ruling coalition against the opposition(Ibrahim, 2014, Personal Interview).

This will definitely hamper the work of Malaysian civil society organizations, because judiciary is one of the most crucial tools for civil society to achieve its goals. However, when the Malaysian judiciary occasionally becomes so close to the executive authority based on what Ibrahim mentioned, it could be considered as a kind of exclusionary dominance over the judiciary, which is contradictory with democratic systems.

On the other hand, after the *Reformasi* process, Ibrahim emphasizes that people in Malaysia has become more aware of public issues, "they knew that there are lots of issues that are not right, which means that they become more involved to support the public issues campaigned by different NGOs" ((Ibrahim, 2014, Personal Interview). So, freedom of judiciary in Malaysia is related to the power of people who support certain issue. Moreover, when the people organize big and strong groups for public demands in Malaysia, the government will be forced to make changes, and in this case the judiciary will be pressured and forced to judge fairly.

If NGOs had a wide and huge support from the people in certain issue, the judiciary would work partly separated from the dominance of government. Yet, Yap believes that there is no single Malaysian NGO that has the ability to get that much power from the people until they work collectively in wide and strong coalitions (Yap,

2014, Personal Interview). Similarly, when SUARAM organize a demonstration, for instance, the number of participant does not exceed 20 persons (Yap, 2014, Personal Interview) and that does not make up any real pressure on the judiciary.

Generally, from Yap's point of view, judiciary is not considered in favor of social groups whereas the law always gives the power to government. He added that law in Malaysia helps to legitimize the performance of Malaysian government (Yap, 2014, Personal Interview)). In spite of the existence of number of judges who are fair with fair judgments, the law has played an important role to limit the role of these judges. That makes an obstacle for civil society groups' work, when social groups go to the courts and the courts have to follow the law which is often in favor of the government (Ibrahim, 2014, Personal Interview).

5. NEGATIVE DIVERSITY OF MALAYSIAN NGOS

Diversity of ideas and demands should be a healthy matter to social groups. However, when they became based on ethnic and religious considerations, that would weaken the role of social groups to achieve public goals. It contributes to distract the efforts they make, which slow the democratization process. The efforts should not be only related to religious or ethnic considerations, because that makes civil society very far to achieve the balance between society and state, which is considered one of the fundamental functions to civil society.

Ibrahim believes that diversity of Malaysian NGOs is considered one of the weak points among Malaysian civil society (Ibrahim, 2014, Personal Interview). Internally, these organizations need to be consolidated. The relationship between SUARAM as a secular organization and other Islamic civil society organizations, for example, is considered

good particularly when they deal with common issues such as the campaign against the existence of ISA. However, they are contradictory with each other in some issues such as the freedom of religion as they adopt different ideas about the freedom of religion.

For example, SUARAM has a secular principle considering persons having the right to convert freely to other religions. On the other hand, one of the Islamic thoughts considers converting from Islam to another religion or to leave Islam is prohibited. Some Muslims believe that any person has the right to become Muslim but he or she does not have the right to leave it.

Ibrahim believes that one of the challenges that SUARAM suffer from is that there are Islamic Malaysian NGOs that fight against it, because they believe that it is dangerous to Malaysian society based on the consideration of Muslim majority in Malaysia (Ibrahim, 2014, Personal Interview). However, for Ibrahim, Islamic NGOs in Malaysia could be divided into extreme and moderate groups.

Extreme Islamic groups adopt the idea that secular organizations are completely against Islam and consider them enemy to Islamic community such as ISMA. On the other hand, there is another kind of Islamic NGOs, which do not consider the secular groups as enemy to society. In spite of the contradictions, these moderate Islamic NGOs try to find common denominators to work side by side with secular or non-Islamic organizations in order to fulfill public common goals effectively (Ibrahim, 2014, Personal Interview).

When moderate religious groups such as Ikram work with the seculars such as SUARAM, that reflects a healthy phenomenon and the diversity cannot be seen as disadvantage. However, diversity can be considered as unhealthy phenomenon when both hatred and enmity are dominant among the social and political environment.

The general public and the impression of people are considered another challenge to civil society organizations in Malaysia(Ibrahim, 2014, Personal Interview). Basically, it makes up a very negative point against the NGOs' work. ISMA, for example, is an Islamic NGO but its work is based on the hypotheses that give the power to Malays who represent the majority Muslim in Malaysia and give the power to Islam (Yap, 2014, Personal Interview). This means reducing the role of Chinese and Indians in the society. Consequently, it helps to affect negatively on the role of non-Malay NGOs.

SUARAM is similar to a number of Malaysian NGOs when they are accused of adopting western values that are "contradictory" with local values. Yap says that government has lots of propaganda to distort the image of the organization. SUARAM is even shown as an organization that represents a western tool among the Malaysian and Eastern society (Yap, 2014, Personal Interview). For example, it is common to portray SUARAM as a Jewish organization, the story here is that US is controlled by the Jewish and SUARAM is related to the US. Therefore, SUARAM might be imaged as Jewish.

Organizations like ISMA are considered a real challenge to SUARAM's work. ISMA does not hesitate to stand as an obstacle in front of SUARAM work. For example, SUARAM was a secretary member in a coalition called COMANGO; a coalition of 54 Malaysian NGOs in the Universal Periodic Review (UPR) process. COMANGO is a Universal Review process aiming to review the human rights report for all the countries in the United Nation. Those Malaysian NGOs formed that coalition to submit their recommendations. ISMA has attacked the coalition considering it contradictory with Islamic values as it promotes issues such as the freedom of religion and LGBT. ISMA's campaign was to move Malaysian Muslim communities to be

aggressive against this coalition in order to "defend" Islam. Moreover, ISMA appealed to the government in order to break and close up the coalition. As a result, Home Ministry had a press statement over the coalition considering it as illegal. It was a challenge to SUARAM and it became at least as headache that affects negatively on the activity (Ibrahim, 2014, Personal Interview).

Islamic civil society seems to be more effective in Malaysia. However, Danial Yusof, lecturer in political sciences, believes that both Islamic and secular organizations face the same challenges when they deal with issues contradicted to the policies of government (Yusof, Interview, Oct 20, 2015). It indicates that democratization and political development would not be accelerated even if the Islamic civil society was involved. So, hegemony by state over civil society including the Islamic ones, in spite of the closeness between Islamic and Malays identities

6. SOSMA

Security helps to create a stable society, however, it should not be exaggerated. The restriction to different freedoms does not increase the public security. It is a kind of personal security to the ruling elites. Laws can help to promote sustainable security in the society, but it creates a case of suppression when it is used incompatible to human rights.

Gramsci believes that regime in less democratic countries repress any challenges from civil society by using laws. SOSMA is another law which has been introduced to be replaced by ISA. As long as the content of SOSMA and ISA is still existent, this makes up a challenge against any project or activity contradicting with the government or ruling coalition.

In spite of abolishing the ISA in 2012, SOSMA is considered for a number of Malaysians more dangerous than ISA. Unlike ISA, whereas there was no trial, the main difference between these laws is that there is a close trial. However, the problem here is not to go to court, it is related to the justice and neutrality of trials. So, SOSMA is obviously considered another kind of ISA(Yap, 2014, Personal Interview).

SUARAM is a part of various groups that oppose some policies of the government. SOSMA can be seen as a considerable challenge whereas the government uses it in order to weaken the opposition. If SUARAM made up a risk or attempted to activate an issue that is not in the profit of government; the directors, staff and volunteers would be arrested under this law. Alternatively, this law stands as a potential baton hampering any significant and effective activity.

7. SUARAM AND ITS WORK AS A COMPANY

There is a difference between registration and getting the permission to register the organization. Registration means that when number of individuals who have the same interests and goals decide to establish an organization, they can register easily without any restriction as long as they do not contradict with the public interest. However, when the decision became dependent to the considerations of security agencies then it would be an obvious violation to the freedom of association.

It became clear that civil society organizations in Malaysia operate in a partially restrictive environment and face a range of laws that limit the fundamental freedoms of association, assembly and expression. One of these laws is the Societies Act 1966, which contribute to control political parties and non-governmental organizations. For Gwen Lee this act is much restrictive in the initial registration process, because the

procedure is very long and applications can be delayed or even dismissed. Moreover, this Act imposes many conditions on the activities of civil society organization(G. Lee, 2015, Personal Interview).

These difficulties can create a big problem in Malaysia, because that contribute to push, many organizations to undertake their advocacy activities illegally or have to register as companies. Furthermore, there is a negative impact of registering civil society organizations as companies that they face many legal and bureaucratic obstacles in raising funds for their causes.

Yap mentioned that it was almost impossible to register SUARAM as a human rights organization in Malaysia as the Home Ministry at that time had prevented them doing so (Yap, 2014, Personal Interview). Eventually, the founders have seen it easier to register it as a company under the Registrar of Business. The staff of SUARAM found the operation of SUARAM as a company faces fewer restrictions to hold different activities compared to being registered as a society under the Registrar of Society (Yap, 2014, Personal Interview).

SUARAM was born in a political contest that partially contradicts with the Western perspective of human rights, which put a number of difficult challenges for the organization to work effectively. One of the challenges that SUARAM faced in the establishment is the registration of organization. In spite of considering SUARAM itself as a non-governmental human rights organization, the founders could not register it under the Registrar of Society.

Permission to register as civil society organization is a big restriction to social groups to be registered formally. Registration does not need a permission to register in the democratic countries, if the interest of the individuals does not contradict with the

public interest. This restriction can be considered as a kind of hegemony, because the difficulty to register is related to the will of ruling elites.

SUARAM was forced to work as a company because it could not get the permission to register as a civil society. That is not just a hegemony form the state on civil society. It is a kind of hegemony towards society and individuals, and an attempt to prevent them working politically. It can be considered as a pro-active action from the state to avoid any voice contradicting with the policies of government.

INTERNAL FACTORS LIMITING SUARAM

1. FUNDING PROBLEM

Funding is another problem facing civil society organizations. Importantly, the key element to achieve the goals of organization is to skip all the financial problems and to get more funds. Most of Malaysian NGOs rely on three methods of funding(Yap, 2014, Personal Interview). First, self-funding is very basic to fund NGOs in Malaysia, which is dependent on the donations from the members. Secondly, they also rely on the public donations such as getting grants or sometimes getting financial support from the government. Thirdly, foreign organizations or institutions contribute to fund Malaysian NGOs.

The rate of fund is related to how the organization has the ability to present its goals as well as making the people convinced of the goals. For example, one of the methods that Islamic NGOs uses is the charity work such as maintaining single mothers, and helping orphans. So, they show pictures of what they do, and then present that to

the potential supporters who might fund them based on the goals. The funders always need to be convinced over what the NGOs do(Ibrahim, 2014, Personal Interview).

Significantly, Ethnic division in the society affects negatively on the funding process. SUARAM has generally been led by Chinese since its establishment, which makes it so easy to be portrayed as an ethnic organization. In spite of the reality that Chinese minority in Malaysia is considered rich, the Malay have to be taken into account because they represents the majority which gives them an importance in the fund raising process.

Depending on donation from members and public only is not enough. The work scope of SUARAM is bigger than its capacity. It does not have offices all over Malaysia because of the non-efficiency of funds. Furthermore, SUARAM cannot employ that number of staff and spread enough observers to cover all human rights violations in Malaysia. So, financial problem is still another challenge limiting SUARAM.

Rich people hesitate to support NGOs as they are more considered with protecting themselves and their property of being in risk (Ibrahim, 2014, Personal Interview). Personal interest is threatened based on this consideration. Malaysian rich people who represent the bourgeoisie are crucial to fund civil society. However, personal interest cannot be ignored. If those bourgeoisies had a sense of danger towards their wealth or properties, they would avoid funding the organizations.

Human rights issues raising sensitivity to the government in Malaysia. SUARAM is facing a problem to get fund from rich people who make up important and original factor to support NGOs. On the other hand, working with human rights needs staff that cannot work without a monthly salary. Furthermore, in the issues that is supposed to be shown on the courts, the organization had to support lawyers who

cannot also work for free. So, how to fund the organization was another big difficulty that SUARAM faced in the time of establishment.

2. COVERING AND HIGHLIGHTING A WIDE SCOPE OF ISSUES IN RELATION TO HUMAN RIGHTS VIOLATIONS

Specialization is a very original factor for any organization to achieve its goals successfully. Specialization means to work in a single area in human rights rather than cover all over human rights issues. SUARAM has started as an organization to campaign against the existence of ISA in Malaysia, which is in relation to political rights.

However, SUARAM has gradually widened its work to incorporate human rights issues such as the refugees, even those coming from the Middle East (Yap, 2014, Personal Interview)). Expansion of the area that SUARAM work in might be because of the constant and numerous violation of human rights in Malaysia. It is should be mentioned that SUARAM has limited fund and staff, so focusing in a single area is necessary and important to achieve its goals.

SUARAM had extended its work to include other subjects in human rights such as freedom of religion and freedom of expression after it was particularly working against the detention without trial. That can be seen as an achievement as well as an internal challenge at the same time. It is considered as an existence obstacle standing in front of the organization because that makes it less focusing according to its capability which negatively effects on the effectiveness of the organization.

The organization attempts to deal with all aspects of human rights among the society (Yap, 2014, Personal Interview). In spite of considering the focusing matter as an internal challenge, it has hugely helped to make SUARAM serves as a database of human rights in Malaysia. So, that might be considered as an advantage as well as a

challenge at the same time, particularly, when the scope of work is more than the financial capacity of organization or by the existence of sufficient staff.

Furthermore, the activities of SUARAM in Kuala Lumpur and Penang are still limited in spite of it has offices (Yap, 2014, Personal Interview). Consequently, their work might be very ineffective in other states due to the shortage in staff. More importantly, working all over Malaysia makes the organization less focused to defend human rights in the places where the lack of offices and staff.

Occasionally, SUARAM's work seems less focused because it has not hesitated to deal with issues are not directly in relation to political rights such as corruption. It worked to prevent the possible corruptions by the government. Although it has been endangered when its entire staff had been investigated, SUARAM has worked to expose the issue of French submarine company since there was corruption surrounding the deal. Furthermore, SUARAM has not given up showing the issue in the French court (Yap, 2014, Personal Interview).

Furthermore, SUARAM focuses also on the human rights issues in Southeast Asia (Soong, 2009). For example, it has worked in human rights issues in both Myanmar and East Timor; it sent a group of specialists who have interviewed the people over there in order to make human reports and statements. Furthermore, SUARAM has collected financial and material aid for people in East Timor. So, working regionally is another internal point that contradicts with focusing in

These issues are very relevant to human rights; however, SUARAM has had a very limited capability to deal with all human rights subjects locally and regionally. I agree with Yap who considers SUARAM as an organization which covers and deals with many issues related to refugees in Malaysia as an achievement to the organization.

But it can be as an internal problem to the organization because that makes it less-focused on political human rights issues based on the priority.

3. CHINESE DOMINANCE AND ABSENCE OF MALAYS IN SUARAM

Realistically, there are three ethnic groups and number of other minorities living together in Malaysia. The relationship between them seems to be peaceful, however, it could be considered very sensitive. The dominance of Chinese in establishing and then leading SUARAM is another internal challenge to SUARAM. Chinese dominance in the head of the organization could easily dye it by an ethnical tincture, particularly, when all of the board of directors and the executive director are Chinese (Yap, 2014, Personal Interview).

Importantly, problem here is not related to the professionalism or the ability of Chinese to lead the organization; however, Chinese dominance might be exploited by the reluctant of SUARAM to portray the organization with ethnical agendas. So, Malays, Indians and individuals form the other groups should be involved in the leading role.

4. INEFFECTIVE LEADERSHIPS OF SUARAM

In order to achieve its goals, NGOs have basically to be led by effective leaderships who can raise their voices. Leaderships have a very important role among the NGOs. Furthermore, NGOs need more engaging leaders who can move members and activists who have the ability to work within the insufficiency of resources.

Ibrahim believes that SUARAM faces a problem represented by the lack of effective and strong leaderships (Ibrahim, 2014, Personal Interview). It is very important for SUARAM to make significant and considerable impacts on Malaysian

society. Therefore, it has to push one or more popular leaders to be in charge. Furthermore, the effective leaders can contribute to receive more funds when SUARAM lives a realistic financial problem.

CONCLUSION

Briefly, this part of study discussed the internal and external factors limiting the effectiveness of SUARAM. Firstly, the external factors include the political system in Malaysia which could be identified as a semi-democratic as a result to many factors such as its noticeable constrains on the society by the government. This affects negatively on the work of the organization.

Secondly, there is a majority of the ethnic groups in Peninsular Malaysia, who are Malay, Chinese, and Indian. Sarawak and Sabah, however, consisted of Iban and Kadazan as their largest ethnic groups. When this ethnic factor extended to include the ethnic and religious divisions, the society would probably face a social division, which also affect on the performance of civil society organizations. So, the work of SUARAM is limited as a result to that ethnic division in Malaysia.

Thirdly, media is one of the most important tools for the civil society to achieve its goals. However, Malaysian mainstream media is controlled by the government which helps to disperse the voice of opposition civil society and other opposition groups. That is one of the main problems that SUARAM suffers from as it cannot use the media to promote and maintain human rights in Malaysia, and that makes it unable to expose the violation of human rights easily.

Fourthly, the judiciary system is used by the ruling coalition against the opposition. Human rights organizations usually appeal to the courts in order to deal with the violation of human rights issues. However, SUARAM still face a big problem presented in its inability to use the courts for campaigning against the government. Fifthly, the diversity of Malaysian NGOs is considered one of the weak points over Malaysian civil society organizations, particularly when the contradictions appear between the liberal and Islamic organization. Extreme Islamic NGOs like ISMA consider SUARAM as an enemy to the Malaysian Muslim society. Furthermore, the situation becomes difficult between the moderate Islam organizations and SUARAM when issues such as the LGBT are posed.

Sixthly, after abolishing the ISA in 2012, SOSMA replaced it. It seems less dangerous; however, it is not different in the connotation of the ISA. The existence of the content of ISA means that the political opposition including NGOs faces the risk of detention on political background. Seventhly, there is a phenomenon considered one of the civil society appurtenances in Malaysia. SUARAM and number of Malaysian NGOs still registered as companies which avoid them to work as other social-like ABIM, SIS and IKRAM. So, SUARAM has legally been registered as a company. This factor helps in limiting its effectiveness.

On the other hand, the existence of external factors is accompanied by other internal factors. Internal factors are the specialization and funding. Firstly, funding problem is an internal factor contributed to limit SUARAM's ability to achieve its social liberal goals. This problem impedes SUARAM to observe and cover all the violation of human rights in Malaysia. It also makes SUARAM unable to open branches overall the Malaysian states.

Secondly, specialization is considered a crucial factor in the success of the organization, particularly for the social organizations as they aim to realize social goals. In spite of the advantages of the wide scope of SUARAM's work, it affects negatively on the performance of the organization since it works on many subjects of human rights as well as it attempts to cover human rights issues regionally.

Thirdly, the dominance of Chinese at the head of the organization puts doubts over the agenda of the organization. Malaysia has a majority of Malays which must be taken into account to open the scope for Malays to lead the organization. Finally, SUARAM still have a problem in the lack of social effective leaderships, the existence of social effective leaders on the head of SUARAM helps to raise the voice of the organization as well as it contributes to increase the funds of the organization. Briefly, both of external and internal factors limiting the effectiveness of SUARAM have been discussed and analyzed in this chapter.

CHAPTER 5

CONCLUSION

A number of researchers have made efforts to conduct academic research about civil society organizations in Malaysia. However, none of these studies have focused on SUARAM as a human-rights organization. Consequently, this study aimed to discuss the establishment, structure, activities, and the goals of SUARAM. Additionally, it analyzed the obstacles and challenges confronting the organization in achieving its goals. In order to give a clear image about those challenges, this study has discussed the most important achievements of the organization.

The importance of this study is to provide a clearer understanding of SUARAM and civil society movement in Malaysia. So, it contributes to create an academic work on SUARAM as an important secular organization in Malaysia. Furthermore, it is the first academic study that highlights the challenges facing SUARAM to achieve its goals as well as discussing the main achievements of the organization. It explains also the conditions of how the external challenges limit the work of Malaysian civil society organization.

This study has used the Gramscian perspective on civil society as a theoretical framework. For Gramsci, governments impose hegemony over civil society organizations in less democratic societies. So, they would be less effective in the society. Findings of this study can explain how Malaysian political system weakens the presence of civil society particularly those organizations which are in contradiction with the policies of dominant powers and values.

There are many indications to show how Malaysian state has established itself by means of ideology, politics, and power. Besides, disagreeing with political groups, competition outside the state is instigated by political NGOs. This study found that Malaysian NGOs that contradict with the Malaysian state face a number of challenges imposed by the ruling elites to promote their power and control in the political life. The concept of hegemony can be embodied when highlighting the experiment of SUARAM.

SUARAM tries to promote political rights against the abuse of power by police and law enforcement agencies. Furthermore, it adopts the international perspective of the freedom of speech and expression; freedom of information; freedom of assembly and association; freedom of religion; the rights of refugees; asylum seekers; migrants and trafficked persons. SUARAM's ideology is considered sensitive in Malaysian society because it partially contradicts with the dominant culture of political elites. This underscores the importance of examining the concept of hegemony over civil society in Malaysian context.

However, it is necessary to mention that SUARAM cannot represent all Malaysian civil society. Because there is a diversity of identities such as the Islamic and secular NGOs. But SUARAM can represent civil society organizations when they are in contradiction with the state and the policies of government, particularly the issues in relation to political rights and legal reforms.

ISA is considered a crucial factor to the establishment of SUARAM as well as the Operation Lalang in 1987. These two factors can explain how Malaysian state imposes its hegemony over civil society based on Gramsci's perspective. ISA, a law enacted in 1960, is a legal act allowing the government to arrest individuals without trial. In this consideration, opposing the policies of government is absolutely constrained.

Malaysian government has arrested a number of Malaysian activists under the Internal Security Act including opposition MPs, church workers, educationists, and Islamic fundamentalists. Even members from Barisan Nasional have been arrested. Lim Kit Siang and Karpal Singh are some examples of detainees who were arrested in the Operation Lalang. Consequently, SUARAM was established as a reaction to ISA which makes up a big challenge to the work of the organization.

SUARAM organizes diverse activities including demonstrations, public protest and others such as educating people, and recording the violation human rights in Malaysia in order to achieve its goals. It attempts to achieve its work side by side with other organizations such as Lawyers for Liberty, for example. It relies on available financial resources such as donations form Malaysians. Furthermore, it sells several publications such as the annual human rights report. However, this is still insufficient to support a human-rights organization. Several contributors offer financial aid and most of them are from the middle class.

Accordingly, that helps SUARAM to realize a number of achievements. Doubtless, these achievements can be seen as steps to promote political rights in Malaysia, but they have not completely resolved the problem yet. There are many violations of human rights in Malaysia and the disadvantages of ISA are still partially existent, because it has been replaced by SOSMA, which allows the government to arrest any individual without trial.

Findings of this study include the establishment and main achievements of SUARAM as well as the challenges obstructing its work to be more effective in Malaysian society. However, the achievements hitherto realized by SUARAM are crucial to promote political rights in the country.

SUARAM has been working since 1989 and there have been many achievements. Making SUARAM as a database of human rights in Malaysia through the documentation of most human rights violations in the country is one of the significant achievements. Furthermore, it has contributed to the abolition of some laws which are in contradiction to human rights such as the ISA.

SUARAM has been publishing its annual human rights report since 1998. Working to promote human rights has to be started with available and realistic information, because the first step is to diagnose the situation. On the other hand, SUARAM's annual report is not perfect, but what SUARAM offers in terms of information about political rights is appreciated compared to its rather limited capacity.

The reports include primary and secondary sources such as the information recorded from numerous victims or journalists who write about human rights violations. Field research and data from individuals associated in different areas of Malaysia are sources that provide information for such reports as well. Accordingly, they are important because they contribute to increasing the awareness about human rights. Furthermore, they highlight the situation of political rights in Malaysia.

Effective civil society organizations are crucial in the political life. One important thing that organizations can do is legal reforms. SUARAM has been struggling in order to make legal reforms or to abolish those which are in contradiction to human rights. It is important to mention that those legal reforms have not been completely resolved and remain part of the political rights problem in Malaysia.

SUARAM has contributed in the abolition of ISA, although it was replaced by SOSMA. Furthermore, Section 27 of the Police Act was eliminated in the year 2012. After the abolition of the section 27 of the Police Act, the situation had improved,

because the previous law enabled the police to arrest individuals for 14 days, where the prisoners are likely to be tormented.

As a result of the repeal of the Act through SUARAM's efforts, police can only imprison individuals up to 3 or 4 days at most nowadays. This is an example of how SUARAM could improve the situation and that corresponds with international human rights as the law acknowledges that an individual cannot be imprisoned by a police for over 14 days, and are less likely to be severely punished.

Press companies or organizations had to apply for annual licenses in Malaysia. Another improvement that SUARAM has contributed regarding to the freedom of expression is the abolishment of the annual license of press and printing. Applications for license could be rejected in the past, for example, 'The Star' lost its license in 1987. However, press companies are not required to renew their license after SUARAM lobbied for an end to this practice.

In spite of the legal reforms, violation of human rights still exists. The ISA has been replaced by SOSMA, and police are still allowed to imprison individuals without trial. As long as SOSMA is existent, freedom of expression is still constrained in spite of the abolition of the ISA, section 27 of Police Act and the annual license of press and printing. So, legal reforms that SUARAM has achieved can be considered as an improvement to the situation of human rights. However, they are not a complete solution.

The state has to be involved in promoting human rights, because that accelerates the political development process. National Human Rights Commissions are an attempt to involve the states in the Third World for better human rights situation. However,

those commissions are likely to be less independent when they are formed and controlled by the political elites to impose a hegemony over the society.

SUARAM has made several attempts to push for the independency of Malaysian National Human Rights Commission (SUHAKAM). Function of SUARAM has been to observe and develop the performance of the commission. An opposing actor to the state is presented by SUARAM's role in reforming SUHAKAM, and it has succeeded tremendously in this function. It also reflects that SUARAM has the ability to change although slowly and gradually in relation to promoting human rights in Malaysia.

SUARAM annually organizes 3 or 4 training workshops which targets approximately 100 individuals. For Malaysian society, this number of activities would be more effective if it was increased. Nonetheless, those trained people will have enough impact on the awareness and promotion of human rights in Malaysia. This method is one way to support human rights which the organization looks forward to.

Public activities, educating people, working with other social groups and forming coalitions done by SUARAM have contributed towards the democratization process in Malaysia. Organizing several training activities on human rights is a necessary step regardless of the number of participants. Small number of participants is as a result of the limited capacity of the organization as well as the mainstream political culture in Malaysia.

The achievements are tangible indications that human rights NGOs are becoming more effective in Malaysia. In the past, it was more difficult for NGOs to achieve noticeable changes and reforms in the country. This might go back to globalization and the consequent impact of increasing Malaysians' awareness over their political rights and the collective actions in particular.

However, regarding to the goals set out by SUARAM's founders, they have not been achieved in entirety yet owing to some external and internal challenges. SUARAM has been confronting a number of challenges that limits its work particularly in the midst of Malaysian political and cultural environments. Challenges to SUARAM are basically divided into internal and external factors. The external factors include the monopoly of media by the ruling coalition, which limits the work of Malaysian NGOs particularly those that are in contradiction to the policies of the government. On the other hand, SUARAM's effectiveness is limited due to internal factors such as the absence of socially effective leaderships and financial problems.

Hegemony by state can be embodied in the semi-democratic political system in Malaysia, which plays a considerable role to constrain the role of political opposition including civil society organizations. Obviously, certain amount of democratic measures have been taken by the regime to secure some sort of legitimacy. Malaysian political system does not only consist of democratic aspects, but also undemocratic ones.

Moreover, government spreads propaganda and portrays NGOs as a potential hazard which prompt instability in the society. Furthermore, NGOs are considered by the government as enemies to the national values and threats to internal security. It attempts to spread misleading ideas about social groups who do not agree with the actions of the government. SUARAM is an example where it has been described as a Jewish organization aiming to create instability in Malaysia.

It is important to say that media is vital for civil society to affect the people. One function of civil society is to involve people in the political life. However, Malaysian mainstream media is monopolized by the ruling elites. Therefore, that limits the effectiveness of civil society organizations. Instead, NGOs in Malaysia use alternative media instruments to influence the individuals in society.

Those instruments include blogs, Facebook, Tweeter, YouTube and other social networks. They are used by NGOs because alternative media cannot be totally controlled by the government. Therefore, the alternative instruments have a function to help Malaysian NGOs increase people's awareness about different issues. However, it cannot be as effective as the mainstream media. Furthermore, Malaysian judiciary has a problem that it is biased towards the government than social groups. And social groups that attend courts are usually required to listen to what the law states, which is usually in the favor of the government.

SOSMA is a law replaced by ISA. It is considered hazardous, compared to ISA, which had been abolished in the year 2012. While no trial was required in ISA, a close trial in SOSMA has been kept from being publicized.

Organizations such as SUARAM are registered as companies, proving an obstacle to the success of the organization. Founders of SUARAM attempted to register it under Registrar of Society (ROS). Unfortunately, that has been officially rejected. So, working as a company lessens its effectiveness.

Ethnic division is an immense problem when it comes to politics. Middle class is crucial for civil society organizations. When ethnic division extends to include the middle class, that will negatively influence the work of civil society. In Malaysia, successful civil society relies on the support of Malay middle class, which represent the majority. On the other hand, Chinese are unable to form self-ruling bourgeoisie. In the past, SUARAM has been portrayed as an ethnic (Chinese) organization due to the prominent role of a few Chinese as its Board and founding members.

Discrepancy between various Malaysian NGOs has been a disadvantage to civil society in Malaysia. Such organizations must have common identity in order to succeed.

One example of this is the association between SUARAM as a secular organization with Islamic civil society organizations, where they are able to work on common issues such as the ISA. Despite the fact that they are able to do so, they oppose each other on certain other issues such as the freedom of religion.

In addition to the discrepancies between Islamic organizations and SUARAM in certain issues, there are Islamic Malaysian NGOs which have disputes with SUARAM, and they portray the organization as a threat to Malaysian society, because SUARAM is a secular organization which works in a society with a Muslim majority. These Islamic NGOs in Malaysia, such as ISMA, can be classified as extreme social groups.

It must be acknowledged that the organization works at a rate over its capability. SUARAM is unable to hire sufficient staff to maintain all its activities or involve in all the issues in relation to human rights. Therefore, the financial means and standing is still a big concern to SUARAM.

Considering the expansion of human rights in Malaysia, SUARAM has expanded its work scope as well. Focusing on specific area of human rights, which are political human rights has contributed to make SUARAM a reliable human rights organization. However, SUARAM works occasionally on issues that are beyond the scope of political rights, which leads to further internal challenge to its effectiveness.

Besides working at the national level, involvement in regional work challenges SUARAM. It deals with human rights issues in countries in the region such as Myanmar and East Timor. The organization sent activists to Myanmar in order to interview individuals living there to find out and record what took a place in the country and to provide information about the country's situation.

The national political environment has also not been in favor of SUARAM's work. SUARAM has not been able to open branches in all Malaysian states. The organization does not have the proper staff and equipment needed, such as sufficient volunteers and office space.

It is significant to suggest some potential solutions in order to solve some of the problems plaguing the work of SUARAM. Overcoming the external challenge is not an easy process. Undemocratic aspects of the Malaysian semi-democracy cannot be surmounted by individual activities. It needs a wide coalition to make cumulative effort that can create social change.

Based on the experiences of SUARAM and as a result of the Malaysian semi-democracy, Malaysian civil society organizations which oppose the policies of government still face a problem in their inability to organize effective activities. So, the existence of a coalition that works towards solving a problem in the absence of full democracy is very vital; it should create a collective chain of work and activities that can help achieve realistic success.

In Malaysia, there should be a wide coalition made up by a number of social, political and economic institutions in order to make realistic changes that accelerates democratization process in the country. Functionally, SUARAM should be part of a real coalition to change the status quo. Maybe it ought to be a motive in order to establish an effective coalition which works based on realistic and operative strategies.

On the other hand, Malaysian government and ruling coalition have to review all undemocratic aspects which limit the role of civil society organizations. So, Malaysian government has to rethink again about the situation of civil society organizations. There

has been noticeable economic development; however, it has to be accompanied by an actual political development.

SUARAM should rethink to restructure the board of directors, taking into account the ethnic distribution in the country. The dominance of Chinese heading or serving s Board members of SUARAM is not in favor of its work. It does not imply an effort to marginalize the important role of Chinese in leading the organization, but it may open the scope for other races to participate in leading it, particularly the Malays. Malays represent the majority of Malaysian population, so the absence of Malays in the leadership of SUARAM raises doubts among Malays, mainly the less educated people about the agenda of the organization in light of the distortion process against it.

In spite of the advantages of the wide scope of the work of SUARAM, focusing in niche areas is very imperative to achieve its goals. SUARAM should focus on certain human rights subjects in Malaysia. Furthermore, it should limit the area where it works, working in human rights issues in Southeast Asia such as in Myanmar and Cambodia affects negatively on its performance in Malaysia, because it still suffers from the financial limitations. Accordingly, the work of SUARAM should be balanced by its capacity.

Human rights organizations have a vital function in social movements to promote democracy, and they work to become a protector to the basic human rights. It is important to mention that any social movement has to have socially effective leaders who are seen as trustworthy by people. SUARAM should employ those leaders who can increase the status of the organization. Leaders such as Dato' Ambiga Sreenevasan, who is one of the eight recipients of US International Women of Courage Award in 2009 is, in my opinion, a good example of an effective social leader on Malaysian civil society.

Finally, it is recommended to make more efforts in order to understand civil society academically. There are many issues related to civil society organizations that are still vague. Firstly, the actual interaction between Malaysian people and Malaysian civil society organization should be taken into account. One of the most significant roles of civil society organizations is to involve people in the political life. Enhancing such interaction will contribute to understanding the importance of Malaysian civil society organization as well as their functions.

The interaction between the ordinary people and civil society organizations gives a clear indication of the status of democracy in Malaysia. Moreover, the effects of Malaysian ethnic division on the performance of civil society organization should also be studied. When the ethnic identities overshadow the national identity, civil society organization will be negatively affected, and they become servants of ethnic agendas more than national agendas.

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[1] All the interviews were conducted face to face except the interview with Lee, which was by E-mail.

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