



Malaysia — Va-PoReg Country Report

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07/01/1896 Start Direct Rule Colonial Regime [of United Kingdom]: On 07/01/1896 the unification of ‘British Malaya’ took place, when the four ‘Protected’ states of Perak, Selangor, Negri Sembilan and Pahang were joined together as the Federated Malay States (FMS) (Shennan 2000).¹ The federation was centralized under a Resident General who at the same time was High Commissioner, however, each state retained its own Sultan as head of state and sovereignty (Belfield 1902, Shennan 2000). In 1898, a Federal Council was established by the British, tasked with the administration of the federation. It was composed of the High Commissioner for the Malay States, the Chief Secretary to the Government, the four sultans, the British Residents of the four states, and four appointed members representing commercial interests.² Based on our observations, no multiparty executive or legislative elections were held during this period, which aligns with the observations of LIED. In addition to that, LIED identifies political liberties as absent, while V-Dem’s PCLI is classified by us as indicating that political liberties are not really present for this timeframe. The Anglo-Malay treaties did not undermine the legal sovereignty of the Malay Rulers in any manner (Lau 1991). However, the Malay Rulers held little to no meaningful authority, as they were unable to make decisions against or without the consent and advice of the British Resident. Therefore, this period is coded as a Direct Rule Colonial Regime of the United Kingdom. However, before the formation of the Malayan Union in 1946, the territories were not under a single unified administration.³ For the relevant period, V-Dem’s JCE indicates that judicial constraints on the executive are robust. At the same time, V-Dem’s LCE shows no value, which, with appropriate caution, can be interpreted as an absence of legislative constraints on the executive.

12/08/1941 End Direct Rule Colonial Regime [of United Kingdom, Liberal Democracy]/Start Direct Rule Occupation Regime [by Japan, Constitutional Monarchy]: On this date, Japan invaded Malaya and established a military administration which ruled the territories for nearly four years (Soh 1998). Based on our observations, no multiparty executive or legislative elections were held during this period, which aligns with the observations of LIED. For that period, LIED identifies political liberties as absent and V-Dem’s PCLI is also classified by us as indicating that political liberties are absent. For the relevant period, V-Dem’s JCE indicates that judicial constraints on the executive are robust. At the same time, V-Dem’s LCE shows no value, which, with appropriate caution, can be interpreted as an absence of legislative constraints on the executive.

08/15/1945 End Direct Rule Occupation Regime [by Japan, Constitutional Monarchy]/Start No Central Authority: On 08/15/1945, Japan surrendered to the Allied Powers leaving a three-week period of interregnum without a central authority before the British Royal Marines landed at Penang on 09/05/1945 (Soh 1998, Tadin 1960).

09/06/1945 End No Central Authority/Start Direct Rule Occupation Regime [by United Kingdom, Liberal Democracy]: British military governance was enforced under the authority of Lord Louis Mountbatten, serving as the Supreme Allied Commander, granting him comprehensive judicial, legislative, executive, and administrative powers and duties across Malaya (Lau 1991, Soh 1998). Based on our observations, no multiparty executive or legislative elections were held during this period, which aligns with the observations of LIED. LIED identifies political liberties as absent, and V-Dem’s PCLI is likewise classified by us as

showing that political liberties are absent. For the relevant period, V-Dem's JCE indicates that judicial constraints on the executive are robust. At the same time, V-Dem's LCE shows no value, which, with appropriate caution, can be interpreted as an absence of legislative constraints on the executive.

04/01/1946 End Direct Rule Occupation Regime [by United Kingdom, Liberal Democracy]/Start Direct Rule Colonial Regime [of United Kingdom, Liberal Democracy]: On this date, the Malayan Union was promulgated that consisted of the nine federated and unfederated Malay states, the two Straits Settlements of Malacca and Penang including the Province Wellesley and excluding Singapore (Tadin 1960). The Sultans (the traditional rulers of the Malay states) conceded all their powers to the British Crown except in religious matters.⁴ The Malayan Union was placed under the jurisdiction of a British Governor which formally re-imposed colonial rule: Additionally, the substitution of British Residents for the Sultans as the heads of the State Councils significantly diminished the political standing of the Sultans.⁵ Therefore, this period is coded as direct rule colonial regime. On 02/01/1948 the Malayan Union, established in 1946, was dissolved when the Federation of Malaya was formally established under a constitutional framework that restored the autonomy of the rulers of the Malay states under British protection (Tadin 1960).⁶ However, on the level beyond the domain of the separate rulers the United Kingdom was still in control. In early 1948 the British government banned Angkatan Wanita Sedar (AWAS), together with several other political parties like PKMM and Hisbul Muslimin, accusing them of having connections to the Malayan Communist Party.⁷ In 1948 the Federal Legislative Council was formed. The procedure of the selection indicates an ongoing colonial character of the period. The council was composed of representatives from the Malay, the Chinese and the Indian communities, which were appointed by the British High Commissioner for Malaya.⁸ On 06/17/1948 the Anti-British National Liberation War also known as the Malayan Emergency began. On this date, the United Kingdom declared a state of emergency following several guerilla attacks on plantations. The war was fought between the communist pro-independence Malayan National Liberation Army (MNLA) on one side and the military forces of the Federation of Malaya, the British Empire and the Commonwealth on the other side.⁹ Based on our observations, no multiparty executive or legislative elections were held during this period, which aligns with the observations of LIED. Universal suffrage was absent (LIED). Political liberties were absent according to LIED and not really present according to V-Dem's PCLI. For the relevant period, V-Dem's JCE is interpreted by us as indicating that judicial constraints on the executive are robust, while V-Dem's LCE is classified by us as indicating that legislative constraints on the executive were limited after 1949, before which no value was given.

07/27/1955 End Direct Rule Colonial Regime [of United Kingdom, Liberal Democracy]/Start (Monarchical) Electoral Autocracy [semi-sovereign, external affairs under United Kingdom, Liberal Democracy]: On this date, the first Malayan general elections took place.¹⁰ The Alliance (consisting of the three main ethnic parties: the United Malays National Organization (UMNO), the Malaysian Chinese Association (MCA) and the Malaysian Indian Congress (MIC)) won 51 of 52 contested seats in a 98-seat legislative council, the British controlled the other seats. The British favored the Alliance over more radical political forces. Tunku Abdul Rahman, the leader of the Alliance became Malaya's first elected Chief Minister (the post of Prime Minister was only implemented in 1957) (Tan 2001). At that time, it was difficult for non-Malays to become citizens and 84% of the electorate was Malay though only 50% of inhabitants were there. Thus, the elected legislative council was not democratic, as defined in the coding rules, because it was less than 60% elected, and suffrage was limited by ethnic restrictions (Andaya/Andaya 1982, Rabushka 1970: 346-47, Means 1996: 103, Geddes/Wright/Frantz 2014: 77). Based on our observations, multiparty executive and legislative elections were held during this period, which aligns with the observations of LIED. These elections were not competitive (LIED). According to V-Dem's CEI not really cleanliness is scored. However, the overall election conditions were somewhat free and fair (V-Dem's EF&FI). Regarding the political liberties, they were absent according to LIED and scored a not real present according to V-Dem's PCLI. In 1956, male suffrage was introduced followed by the introduction of female suffrage a year later.¹¹ The percentage of the population participating in the elections of 1955 was above 15 percent (Vanhanen 2019). Based on our observations,

multiparty executive and legislative elections were held during this period, which aligns with the observations of LIED. For the relevant period, V-Dem's JCE is interpreted by us as indicating that judicial constraints on the executive are robust, while V-Dem's LCE is classified by us as indicating that legislative constraints on the executive were limited.

08/31/1957 Continuation Electoral Autocracy [as independent country]: On this date, the Federation of Malaya achieved independence from the United Kingdom within the British Commonwealth of Nations. Power was transferred to Tunku Abdul Rahman, the leader of UMNO, a Malay ethnic party, which had joined forces with Chinese and Indian ethnic parties in the Alliance (Tadin 1960). Because the 1955 elections are not regarded as democratic, this period is coded as electoral autocracy. With the declaration of independence, the MNLA lost their *raison d'être* in the conflict with the British Empire, the Commonwealth and the military forces of the Federation of Malaya. Nevertheless, they continued their communist opposition. On 07/31/1960, the Malayan government declared the end of the Malayan Emergency.¹² When Britain ended colonial rule in Singapore, Sarawak and Sabah (North Borneo), these ethnically distinct states were joined with independent Malaya to form the Federation of Malaysia on 09/16/1963 (Tan 2008). On 04/25/1964, the first general election after the formation of the Federation of Malaysia was held.¹³ The Alliance Party consisting of the United Malays National Organization, the Malaysian Chinese Association and the Malaysian Indian Congress gained a majority. State elections were not held in Singapore, Sabah and Sarawak as transitional provisions allowed state legislatures to choose their representatives without a democratic election.¹⁴ Subsequent elections were held on 05/10/1969 for members of the 3rd Parliament of Malaysia, although voting was postponed until between 06/06/1970 and 07/04/1970 in Sabah and Sarawak. The election on 05/15/1969 saw Alliance lose its majority in Perak, Selangor and Penang in addition to Kelantan. The result of the election and subsequent reactions led to rioting.¹⁵ In May 1969, racial riots in Kuala Lumpur led to a declaration of national emergency. A nine-member National Operations Council (NOC) was attributed full authority to use restraint against the riots on 05/15/1969 (Lansford 2021: 1022). From 1969 to 1971, the NOC governed the country in lieu of the elected government and was dissolved on 02/20/1971, with the restoration of Parliament.¹⁶ The Alliance was extended to become the National Front (BN). In order to avoid further ethnic unrest, the BN integrated some smaller parties and even PAS. The BN won at least 83% of the seats in the national parliament in the elections in 1974, 1978, 1982 and 1986, against an opposition consisting largely of PAS (since 1978) and the social democratic and pre-dominantly Chinese DAP (Ufen 2009: 605-606). In the 2013 elections, the opposition won the majority of the votes. They could not assume government posts however because of alleged gerrymandering and the first-past-the-post system.¹⁷ The BN ruled Malaysia from independence in 1957 until 2018, maintaining power by manipulating electoral districts, appealing to ethnic nationalism and suppressing criticism through restrictive speech laws and politicized prosecutions of opposition leaders.¹⁸ Based on our observations, multiparty executive and legislative elections were held during this period, which aligns with the observations of LIED. LIED categorizes the elections as not competitive for the whole timeframe. V-Dem's CEI indicates multiple changes. Until 1963 electoral cleanliness is scored. Between 1964 and 1968, the elections were not really clean. For the following six years no cleanliness at all was achieved. From 1975 to 1994, not real cleanliness was scored again. The following five years were again classified with no cleanliness. Since 2000 the country scores not real electoral cleanliness again. Moreover, V-Dem's EF&FI classifies the elections as somewhat free and fair the first seven years of independence. Until 1969 the election conditions were ambiguous. From 1970 to 1973 no elections were held, before the outcomes were ambiguous again until 1985. From 1986 to 2003 not real freedom and fairness was achieved. Since 2004, the overall election conditions are classified as ambiguous. As per FH's classification starting from 1972, the country receives a score of 5 as free, which we categorize as rather free. Between 1974 and 1983 a score of 6 to 7 designates the country as partly free, which aligns with our interpretation of rather free. From 1984 onward Malaysia fluctuates between a score from 8 to 10, categorized as partly free and not free, which we interpret as moving between rather not free and not free. In addition to that, political liberties were not achieved for the whole time (LIED). V-Dem's PCLI states that political rights

were not really present until 1998. Since 1999, ambiguous outcomes are given. In 1957 and 1958, based on Polity5's evaluation, during this period, the executive's power was limited to a degree between substantial constraints and parity with other institutions, fitting Intermediate Category 3. From 1959 to 1968, as per Polity5's classification, the executive's authority was significantly constrained by institutional checks during this time. In 1969 and 1970, based on Polity5's assessment, the executive faced slight limitations on power. From 1971 to 1995, according to the Polity5 indicator, during this period, the executive faced substantial limitations on decision-making power. Between 1996 and 2007, as per Polity5's classification, the executive experienced moderate limitations on authority, placing it in the second intermediate category. Since 2008, based on Polity5's assessment, during this period, the executive encountered substantial institutional limitations on power. For the relevant period, V-Dem's JCE is interpreted by us as indicating that judicial constraints on the executive are robust until 1981 and between 2004-2012 as well as 2018-2023, and moderate between 1982-2003 and 2013-2017. V-Dem's LCE is classified by us as indicating that legislative constraints on the executive were limited between 1957-1971 and 2002-2017, absent between 1972-2001 and moderate between 2018-2023. This is a borderline case between an electoral autocracy and a one-party autocracy. While no single party remained in power, a party coalition, the Barisan Nasional founded in 1973 but existing before as the Alliance Party¹⁹, factually held power for over 50 years. Nevertheless, multiparty elections were held and opposition parties existed even though suppressed by the ruling coalition.

05/09/2018 End Electoral Autocracy/Start Electoral Democracy: On this date, in a political upheaval, the BN-led coalition suffered defeat in the general elections, primarily due to voters' response to ongoing allegations of corruption against Najib. In the polling, the opposition PH-led coalition won 121 seats compared to 79 seats secured by the BN(Lansford 2021: 1023). The elections led to what is acknowledged as the country's initial democratic transfer of power between opposing political groups at the federal level since gaining independence.²⁰ Yet, the ruling coalition, Barisan Nasional, has faced criticism for alleged vote-buying.²¹ Several irregularities in the elections were reported.²² Based on our observations, multiparty executive and legislative elections were held during this period, which aligns with the observations of LIED. However, LIED considers the elections as competitive. V-Dem's CEI scores ambiguous cleanliness outcomes. Since 2018 the elections are acknowledged as somewhat free and fair (V-Dem EF&FI). Per FH's scoring for the assessed regime period, the country is classified as partly free with a score of 8, which we categorize as rather not free. Regarding the political liberties they are still considered as absent by LIED and are somewhat present according to V-Dem's PCLI. For the relevant regime period, V-Dem's JCE is interpreted by us as indicating that judicial constraints on the executive were robust, while V-Dem's LCE is classified by us as indicating that legislative constraints on the executive were moderate.

Electoral Democracy as of 07/01/2025 continued.

Additional Sources (Brownlee 2003, Brownlee 2008, Case 1993, Means 1996, Wiesner 1972, Brownlee 2007, Pepinsky 2009, Slater 2010)

Notes

¹ https://en.wikipedia.org/wiki/Federated_Malay_States

² https://en.wikipedia.org/wiki/Federated_Malay_States#Formation_and_power_structure,
<https://hansard.parliament.uk/Commons/1912-12-11/debates/2994382b-dd55-48fc-b747-63694c0c3943/FederatedMalayStates>

³ https://en.wikipedia.org/wiki/British_Malaya

⁴ https://en.wikipedia.org/wiki/Malayan_Union

⁵ https://en.wikipedia.org/wiki/Malayan_Union

⁶ <https://en.wikipedia.org/wiki/Malaysia#History>

⁷ https://en.wikipedia.org/wiki/1948_in_Malaya

⁸ [https://en.wikipedia.org/wiki/Federal_Legislative_Council_\(Malaya\)](https://en.wikipedia.org/wiki/Federal_Legislative_Council_(Malaya))

⁹ https://en.wikipedia.org/wiki/Malayan_Emergency

- ¹⁰ https://en.wikipedia.org/wiki/1955_Malayan_general_election
- ¹¹ https://en.wikipedia.org/wiki/Universal_suffrage#cite_note-centralasiainstitute.org-37
- ¹² https://en.wikipedia.org/wiki/Malayan_Emergency
- ¹³ https://en.wikipedia.org/wiki/1964_Malaysian_general_election
- ¹⁴ https://en.wikipedia.org/wiki/1964_Malaysian_general_election
- ¹⁵ https://en.wikipedia.org/wiki/1969_Malaysian_general_election
- ¹⁶ https://en.wikipedia.org/wiki/National_Operations_Council
- ¹⁷ https://en.wikipedia.org/wiki/2018_Malaysian_general_election
- ¹⁸ <https://freedomhouse.org/country/malaysia/freedom-world/2022>
- ¹⁹ https://de.wikipedia.org/wiki/Barisan_Nasional
- ²⁰ <https://freedomhouse.org/country/malaysia/freedom-world/2022>
- ²¹ https://en.wikipedia.org/wiki/2018_Malaysian_general_election
- ²² https://en.wikipedia.org/wiki/2018_Malaysian_general_election

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