MALAYSIAN STREET RALLY: A THREAT TO THE NATION OR HUMAN SECURITY

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ABSTRACT

Aim: Rally or street demonstration is not considered a new phenomenon in Malaysia. Organising rallies or street protests are often associated with the crime act of public order that can jeopardise national security.

Methodology: The issue of street demonstrations can also be viewed from the context of the clash between national security and human security regime.

Results: This paper will take an academic approach to discuss more objectively on street rally from four main perspectives, namely: i) Street Rally from The Perspectives Of Law And Security ii) Human Rights And Civil Demands; And iii) Public Reactions And It’s Implication In The Political, Economic, And Social Aspects.

Conclusion: Based Interview and literature reviews, this paper will conclude a comprehensive analysis about the street demonstrations by focusing on aspects of human security and ways to deal with this phenomenon in the context of nation building in Malaysia.

Originality/Value: this study was conducted for Organising rallies or street protests are often associated with the crime act of public order that can jeopardise national security.

Keyword: Malaysia, street demonstration, national security, human security.

COMÍCIO DE RUA NA MALÁSIA: UMA AMEAÇA À NAÇÃO OU À SEGURANÇA HUMANA

RESUMO

Objetivo: Manifestações de rua ou comício não são considerados um fenômeno novo na Malásia. Organizar comícios ou protestos de rua são frequentemente associados ao ato criminoso de ordem pública que pode pôr em risco a segurança nacional.

Metodologia: A questão das manifestações de rua também pode ser vista a partir do contexto do conflito entre a segurança nacional e o regime de segurança humana.

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Resultados: Este artigo adotará uma abordagem acadêmica para discutir mais objetivamente sobre comícios de rua a partir de quatro perspetivas principais, ou seja: i) comício de rua a partir das perspetivas da lei e da segurança ii) direitos humanos e demandas civis; e iii) reações públicas e sua implicação nos aspectos políticos, econômicos e sociais.

Conclusão: Com base em entrevistas e revisões da literatura, este artigo concluirá uma análise abrangente sobre as manifestações de rua, concentrando-se em aspectos de segurança humana e maneiras de lidar com este fenômeno no contexto da construção da nação na Malásia.

Originalidade/valor: este estudo foi realizado para a Organização de comícios ou protestos de rua são muitas vezes associados ao crime de ato de ordem pública que pode pôr em risco a segurança nacional.

Palavra-chave: Malásia, manifestação de rua, segurança nacional, segurança humana.

1 INTRODUCTION

Street rally are often associated with civil rights movement and political nationalism in the urge to seek independence from the British colonialism. The act of demonstration is displayed during the Malay retaliation against the formation of the Malayan Union. A huge rally known as the Malay Congress was firstly organised by the Selangor Malay Association (Persatuan Melayu Selangor) on March 1-4, 1946 that involved 41 Malay associations. These associations have approved three main motions which are i) The establishment of United Malays National Organisation (UMNO); ii) Protesting the formation of Malayan Union; and iii) Organising the Malay National Education Foundation (Derma Pelajaran Kebangsaan Melayu) (Information Department, 2008).

However, street rallies are commonly related to crucial confrontation after the Curfew Proclamation, which were caused by the Communist insurgency and political resistance from left wing parties in 1948. The 13 May incident, for instance, which resulted from the rise of tensions among races, had then led to the arrest of major opposition leaders through the ‘Ops Lalang’ in 1987. Other crucial moments are seen from the Reformation movement caused by the termination of Dato’ Seri Anwar Ibrahim from his post as the deputy prime minister in 1998, and the formation of HINDRAF movement in 2008.

According to local political analysis, Prof. Mohammad Agus Yusoff (2012), street demonstrations against the government are categorised under civil disobedience. Generally, civil disobedience is a form of resistance of the people who are dissatisfied and refused to comply with the government and its leader. The purpose of this action is to pressure the government to fulfil the demands of the people. Rawls (1971:363) said
that civil disobedience is a peaceful public demonstration which are performed publicly and intended to demand for changes of law or government policies. Rawls debated that civil disobedience happened to communities that does not have any open mediums to widely express their dissatisfactions.

Rawls’s description on civil disobedience was supported by Bedau (1991:51). He stresses that civil disobedience is exhibit in a peaceful manner because of the people’s frustration towards the government’s policy or its officials. Bedau related civil disobedience with the African-American community, which had expressed their dissatisfactions about their discriminations and injustice that they received in the United States.

From the linguistic term, street rally is defined as a protest done by a group of people, rioting, or performing demonstrations to express their dissatisfactions. Meanwhile, demonstration is described as an act of protesting (Kamus Dewan 2008:33). Demonstration can be used as a way to convey general views based on political and social justice. The success of a demonstration can be viewed by the large number of participations. Among some of the ways to conduct demonstrations is by marching in a group of people from one place to another, holding a public speech, or holding a picket line. A picket line is when a group of people assemble themselves at a public spot which then developed into a riot, forcing authorities to fulfil their demands, or until the group is dissemble by the authorities by force.

Gerstle and Helmke (2012:148) described that non-western countries view on national security contradicts with individual security. This is because national security cannot stand alone without regime security, although the security of the regime conflicts with the interest and the security of its people in general. In this case, a research conducted by United Nations Development Programme (UNDP) in 1994 had categorised seven individual securities. From seven categories, the rights of assembly are separated under two other categories, which are personal assembly (crime) and political assembly (oppression by the government and violation of human rights) (Nor Azizan Idris, 2012: 81).
2 STREET RALLY FROM THE PERSPECTIVES OF LAW AND SECURITY

National Security refers to an interest of a country in protecting its boundaries from local and international threats. The concept of National Security can be divided into three sections:

a) Traditional Security – focusing on international political and military threats

b) Non-traditional Security – focusing from internal threats

c) Comprehensive Security – focusing on traditional, non-traditional and every aspects of that can be threaten with, for example the environment, economy, and social aspect of a country

There are several scholars with modern strategic thinking whom argue more on the concept of security, among them are Barry Buzan, Michael H Low, and John M Collin. These scholars are the fore fathers of modern strategic thoughts which will then defined specifically on the concept of national security.

According to Barry Buzan (1990), security is viewed as safeguarding ones way of life with the presence of law, which includes freedom from attacks and military administrated governing, internal subversive activities, and imposing threats against the political, social, and economical aspects of the country. Meanwhile, Michael H Low (1998) viewed security from the national continuity perspective, which involved traditional defence policy and non-military movement that touches upon the economic, social, environment and political aspects of the country. Michael argues that this is to ensure the country is capable to obtain its continuity in spreading its objectives and influences domestically and internationally. John M Collin (2002) argues security as various methods taken by a country to defend its national interest and obtain its objectives despite facing global and internal threats. John argue that having a strong political institution, combine with great economic power and social system are more important than having strong military capabilities.

Based on this matter, it is found that security is best defined when a state is in its secure and peaceful conditions. However, there are several factors that can threaten a nation’s security. From the realist point of view, a country must practice continuous defence practice to face internal and external threats. Malaysia, for instance, has been influenced with curfew laws since the pre-independence years. This was seen during the proclamation of the First Curfew in 1948, which is stated in the text below:
“In 1948, the growing tension between the colonial authorities and the radical nationalists, socialists, and communists reached its peak. After the killing of several British planters and attacks on various British colonial enterprises by communist insurgents, a state of Emergency was declared on June 19, 1948… Several radical Malay nationalists were rounded up and detained without trial, according to the Emergency regulations of the time” (Farish A. Noor, 2009).

From June 16-18, 1948, by applying the British Military Administration (BMA), an authorisation of power was given to the police to conduct searches, detaining insurgents, implementing curfews, controlling the locals’ movement and imposing death sentences to civilians whom are caught with having firearms without permits. This matter was later reinforced with the implementation of the Printing Presses And Publications Act 1984 that bans any newspapers from being published without having permit from the government (Baharuddin Abdul Hamid 2008).

After gaining independence, proclamation of a state of emergency was then seen as the highest law framed under Article 150 in the Malaysian Constitution. At that time, the proclamation was seen crucial and needed to manage various threats to the nation’s security. The state of emergency can only be declared by the Yang di-Pertuan Agong (the King of Malaysia) under the circumstances of the presence of threats to the nation, which will cause disruption of peace and security. This was supported by Lord Reid through his statement which reads:

“Neither the existence of fundamental rights nor the division of power between the federation and the state ought to be permitted to imperil the safety of this state or the preservation of a democratic way of life. The Federation must have adequate power in the last resort to protect these essentials national interests” – (Mohd Salleh Abas 1982)

In this matter, we can assume that the critical approach introduced by Buzan, Ole Weaver and Jaap de Wilde is best used as framework for our further analysis. Based on their theories, if a matter is related to one of nation’s policy, then it will be managed and funded by the government. On the other hand, Copenhagen school of thought argues that the act of security will prevail when the state actors can convince other state actors that a threat is real. Since securitisation is a serious issue, people might have to accept the action taken outside the norms of political procedures without resistance (Kamarulzaman Abdullah 2012).

In our opinion, the securitization process of street rally or demonstration can be considered as a threat to the nation after the proclamation of emergency during the May 13 incident. Through here, the stages of curfew are implemented in the Majlis Gerakan
Negara (MAGERAN) administration, under Tun Abdul Razak Hussein. MAGERAN was responsible to assist the prime minister to restore peace and harmony, to strengthen military forces, and to ensure the needs and important administration bodies were directed in the whole nation. The process of securitisation was mentioned in Tunku Abdul Rahman’s speech after the 1969 General Election which said:

“What happened in Kuala Lumpur was an unintended event and the security forces have secured all roads and places. It is throughout this condition I have to announce the state of emergency in Kuala Lumpur. The curfew has been implemented and I have given the authorisation for all states to implement curfews should it be required, because the safety of this country and its people is my highest priorities, which I will, implement all my powers to protect it (Helen Ang February 22, 2013).

What has been discovered is the process of securitisation was repeated many times by the political leadership whenever street demonstrations occurred; either it was triggered by the subversive agents, civil movements, or by the opposition party. The elements of the implications will be elaborated further in the fourth section of this research. Our framework which is in line with the Copenhagen’s theory, explains that securitisation, through street rally, can be proven with the implementation of curfew law and the Internal Security Act (ISA) to counter demonstration and apprehending the individuals behind involved. These actions was implemented in the arrestment of Dato Seri Anwar Ibrahim in 1998 and 120 politician leaders in the ‘Ops Lalang’ in 1987 (Milne, 1999). Political analysts like Milne and Tunku Abdul Rahman Putra Al-Haj have condemned on the implementation of ISA during Mahathir’s administration, although Mahathir insisted the implementation was done based on security measures. Mahathir defended the decision to implement the ISA Act was done by the Malaysian Royal Police Force (PDRM), without having to wait for his authority. This was mentioned in his statements below:

2.1 ‘OPS LALANG’

“…UMNO prepared to stage a mass rally of 500,000 people on Nov 1 1987 to demonstrate the strong support that the Government enjoyed, but wary of the deteriorating situation, we chose not to permit the rally. In these rapidly deteriorating circumstances, the police felt that a repeat of the May 13 riots of 1969 was more than likely. The IGP advised me that the pre-emptive arrests under the ISA had to be made quickly if public order was to be maintained. Agreeing to follow the IGP’s recommendation meant having to overcome my own conscience” (Mahathir Mohamad 2011:554).
2.2 ON THE 1998 REFORMATION (REFORMASI 1998)

“Meanwhile, events in Indonesia seemed to encourage Anwar and his supporters. On May 21 1998, Indonesia President Suharto had been overthrown through massive and sustained street demonstrations. Taking a leaf from the Indonesian anti-Suharto campaign, Anwar began to talk about Reformasi… He went as far to urge his followers to burn down my house and the UMNO Headquarters. One group actually did manage to break into the UMNO building and vandalise some rooms. The police however could not ignore Anwar’s demonstrations any longer; Games or no Games. On the evening of September 20, they arrested him at his house” (Ibid: 691-692).

Based on the experience or institutional memory of the security forces, the threats against public security started from predicted and unpredicted causes. Despite of any reasons, a chaos will led to riots and violence, thus will become worst in a short period of time if left unattended. Sometimes chaos caused from an issue will lead to the existence of other issues, thus threatens the public order.

The threats against public security might occur from a combination of these sensitive sentiments as listed below:

a) Racism
b) Religious issues
c) Political differences
d) Economy
e) Education
f) Corporate conflicts; and
g) Cultural issues

These issues can happen regardless of it being planned or not. However, there are possibilities that these sentiments are exploited by opposition groups, extremists, communists or subversive, to create a chaotic environment until it leads to riot and act of violence. These conditions without doubt can jeopardise the public’s peace and harmony.

The Malaysia Penal Code (Act 574) provides punishments for criminal offences was inherited from the Penal Code of the Federated Malay States (F.M.S), that was establish in 1936 during the British colonial administration (Commissioner of Law Revision Malaysia 2006). In this context, illegal assembly was framed under Paragraph VIII of the Offences Against Public Tranquillity. Section 141 until 160 provides punishments for threatening the public order, including organising illegal assembly, rioting and causing chaos.
As how the process of securitisation of the street demonstration can be related to the enforcement of the curfew law, the process of desecuritization can be related with the abolishment of curfew proclamations. The abolishment was done on Malaysia Day, during a presentation speech by Dato’ Sri Mohd Najib Tun Abdul Razak on September 16, 2011. In his speech, which was aired live through national electronic media, he stressed upon the political transformation agenda framed under Article 10 of the Federal Constitution, including in what is stated in article (e) and other rising issues related to peaceful assembly and street demonstration:

a) The abolishment of three curfew proclamation which were the Sarawak Proclamation of Curfew 1966; Proclamation of Curfew 1969 (regarding the May 13 incident); and Kelantan Proclamation of Curfew 1977;

b) The abolishment of the Internal Security Act 1960 and replaced it with Security Offences (Special Measures) Act (SOSMA);

c) Banishment Act 1959 while reviewing several laws to make sure it is applicable with current affairs;

d) This comprehensive study review will involve Restricted Residence Act 1933 and Printing Presses And Publications Act 1984 where the annual renewal principle is abolished and replaced with producing license until it was annulled; and

e) The government reviewed on Section 27 of the 1967 Police Act by considering Article 10 of the Federal Constitution about the freedom of assembly while strongly opposing street demonstrations. However, the permit to organise legal assemblies will be given on several basis that will be known and on consideration referred from the international norms (Malaysiakini, November 15, 2011)

The bid to abolish the proclamation of curfew then was approved by the House of Representatives on November 24, 2011 (ref). Article (v) was later followed by the amendment and enforcement of the Peaceful Assembly Act 2012 (Act 736). This Act resembles the rights of organising peaceful assembly, without firearms and to structure other restrictions that match with the usage of the act in order to guarantee the safety of the public as well as the federation. Under this act, street rally is defined as ‘an open
assembly that started with a gathering of a few people at a certain place, which then evolves into a huge crowd demonstrating for a specific cause’.

However, the amendment of this act was opposed by the opposition parties who believed the act would cause more restrictions to the rights of holding street demonstration. The opposition representatives eventually walked out of the hall during the hearings to protest the act. In Section 4 of the Act, peaceful assembly was not further clarified as an assembly without the presence of firearms, or an assembly led by foreigners and without defining the absolute meaning of ‘street demonstration’.

By that argument, the opposition alliance made an application to the Kuala Lumpur High Court to rule Section 4(1)(c) and Section 4(2)(c) of the Peaceful Assembly Act was contradicting with the Article 10 of the Federal Constitution. On February 18, 2013, High Court Judge Kamardin Hashim ruled that the banning of street rally made by the Parliament were reasonable; to protect the safety of the nation and to preserve peace within the public (Ahmad Johari Mohd Ali, January 19 2013).

Within this development, it can be concluded that the government did had intentions to provide an open space for the people to voice their concerns through peaceful assembly with restrictions according the law. The political transformation agenda which was announced by the Prime Minister indicates how the government has started to adjust its approach in handling security issues, including human security.

3. THE IMPLICATIONS OF DEMONSTRATION TOWARDS HUMAN SECURITY

“As mentioned earlier in this paperwork, many of the South East Asia countries are on the process of development and democratization, while human rights was considered as a luxury, in which can only be taken account when welfare and security, alongside political freedom and the status of a developed nation, are among strong fundamentals of a sovereign state” (Tatsuo 1999: 34-37).

The issue of human security made its way to the international scene when the United Nations (UN) tried to ascertain the global security phenomenon through a critical perspective. By taking the post-Cold War incident as a case study, they have discovered that the aspect of security does not only evolve around war and self-defence, but more towards prioritising on human security. On 1994, United Nations Development Programme (UNDP) has issued a Human Development Report that identifies 7 categorises of human security; i) economy (unemployment, absence of social security
network); ii) food (lack of access and food supplies); iii) health (at risk in being affected by contagious diseases, lack of clean water sources; iv) environment (pollution, natural disaster); v) personal (crime, drugs, violence); and vii) society (government oppression, violation of human rights). From all seven categories, this study will be focusing on four relevant elements that relate with street demonstration, which is personal, society, economy and political security.

3.1 THE SECURITY OF THE INDIVIDUAL AND SOCIETY

Street demonstration involves people to form a huge crowd which then distracts the daily activities in the area. For instance, traffic congestion occurs because of blockade of some of the main roads where the demonstration took place. This is seen during the Bersih 3.0 rally where several main roads heading to the city of Kuala Lumpur was closed due to 22,270 participants rallying on the streets (Utusan Malaysia 2012). During the rally, traffic congestion can be seen occurring at Kajang, Selangor, Nilai and Negeri Sembilan (Utusan Malaysia 2012). To avoid from being held at roadblocks, most of the Bersih 3.0 protestors use transit trains and monorail as their way of transportation heading to the rally place. However, the situation did not ease the problem as organisers kept relocating venues which then caused disturbance to the public transportation flow.

Besides that, local society can also be affected by the presence of groups of protestors, passing through neighbourhoods or business premises while protesting for their cause. Besides the loud chants, flyers and pamphlets that are thrown randomly caused the areas to be littered. The worst effect of all is rude protestors vandalising and stealing items during the rally. Due to the wild attitude of protestors, Kuala Lumpur City Hall issued a notice to claim over RM351,203.45 worth of loss and damages to the organisers of Bersih 3.0 (Utusan Malaysia 2012).

Besides that, such gatherings also contribute to the act of vandalism done by its supporters. In Malaysia, a demonstration consist a large number of participants, which is a perfect camouflage for violent behaviours. This incident was shown during the demonstration of freeing Anwar on January 9, 2012, where three small explosions occurred at the parking lot of the Court Complex at Jalan Duta. As a result, four people were injured while two more suffered from mild heart attacks, and some vehicles were damaged due to the explosions.
Demonstration also ignites a mixture of emotions, such as anger and dissatisfaction, among its participants. Influenced under unsteady emotions; one can be easily influenced to do certain damages and violence, depending on how they were manipulated by their peers. This would then led to provocations, chaos or vandalism, which would influenced others to participate in a violent behaviour and destroying properties or objects near to them as they demonstrated along the way.

The nature of demonstration is to demand for change, in which the people push the current government to comply with their demands. In this matter, the Malaysian police force is deployed to ensure the safety of the public and its surrounding during a demonstration. However, demonstrators regarded the presence of the police force as the agent of safeguarding the government regime. This then led demonstrators to act aggressively towards the police force, especially during rallies. The chaos continues with the involvement of international media, making bias report and airs on the police force acts of brutality against the demonstrators. The incident of the demonstrators acting aggressively towards the police is seen during the Bersih 3.0 rally, where a group of demonstrators had overturned and vandalised a police car without hesitation. The act indicates how the demonstrators have no sense of fear and respect towards the police force, as well as the law.

In April 19, 2012, the Minister of Home Affairs stated the Bersih 3.0 rally is not a national threat (Utusan Malaysia 2012). However, restrictive safety measures was made top priority and implemented throughout the rally. In this matter, the police had put up barbed wire fences inside the Merdeka Stadium to prevent demonstrators to assembly in the area. The Malaysian police added that the usage of water cannons and tear gas by the Federal Reserve Unit (FRU) in the Bersih rally is in accordance with the police procedures against aggressive demonstrators who refused to disperse the field (Utusan Malaysia 2012). For the Bersih organisers, it is a whole different scenario. Despite all negativity shown through the media, the Bersih organisers would not claim responsible for any of its demonstrator’s action throughout the rally.

In general, a street rally although conducted in a peaceful manner, still inflicts negative perspective in the eyes of the world. This is because these demonstrations could be an indicator of a government failing to take proactive measures towards the will of the people, causing the people’s representatives to openly demand claims from the government. Malaysia has a complex dimension of citizens, coming from various races,
religions, and ideologies that contributes for the claims. Besides having different backgrounds, the public’s consciousness of free democracy and fighting for human rights are among strong factors behind the formation of street rallies in Malaysia. The organisers’ decision to ignore the public’s safety as a priority brings harm than good in the demonstration.

In the Islamic point of view, the rights of the community are neglected, ignored by the participants and organisers of the rally. This is because rally causes public nuisance and disruption of peace. Besides that, passionate participators are willing to bring along their children and elders with them without considering of their safety in the rally. In fact, some of the participators in the rally are participating merely to gain experience and thrilled with the whole idea. With that matter, they tend to neglect the sense of responsibility and dare to commit in vandalism as they are overshadowed by the crowd. These participators also hide behind helmets or masked themselves in order not to be recognised by the authorities.

Besides that, participators usually are thrilled and influenced to fight for a cause. International struggles, such as fighting for human rights and voicing out demands by civil activists, influenced local demonstrators to do the same. One of the examples that further portray this matter is through the authorisation of the Slavery Abolition Act 1833 by the UK parliament. The abolishment of this act happened due to the demonstrations done by the black civil movement, which had ended the slavery era in Great Britain. Meanwhile, the fight against discrimination and injustice towards the minority by the African-American movement has pressured the government to establish the Civil Right Act in 1964. These successes had shown the positive implications of street demonstrations, as long as it is on pure cause.

However, globalization today has led to the influence of an extreme demand for human rights, which overshadows religious teachings and moral values. The approval of LGBT culture in certain countries like Norway, Iceland, Sweden and Argentina has led to the demanding of its culture to be approved in other countries as well, including Malaysia. In fact, the LBGT community are bold enough to expose their sexual orientation, demanding for their rights through Bersih 3.0.

The impact of globalization has become increasingly powerful, in line with the pace of virtual media and social networking sites. The rapid growth of virtual media has also been a catalyst for the community to gain information and the latest political
sensation. In fact, people are more relying towards information found through the internet, such as blogs and social networking sites that eventually indicate the support for freedom of the media. Bersih 3.0 also claimed that the participation of journalists and independent media clearly indicates how the media are tired of being ‘under-controlled’ and rise to for freedom of press.

For demonstration organizers, the effectiveness of a demonstration depends on the numbers of demonstrators attending the event, when it should be based on the acceptance of the cause and the government's response towards the propagandas. Therefore to gain such attention, organizers come up with magnetic strategies that attract the peoples’ interest, mainly through virtual media sensations.

We also cannot neglect the importance of bloggers’ and social media practitioners’ influence in attracting supporters. Bloggers and individuals behind social media tend to unearth sensational issues on their own by reporting the latest info in their blog or social sites. Video recording on cameras and mobile phones are widely used in capturing actual moments during the Bersih 2.0 demonstration, in which have attracted more supporters. Sharing information online through Twitter and Facebook without a doubt has given free publicity to Bersih 2.0 and 3.0 demonstrations. It has influenced other supporters to held demonstrations in foreign countries. In fact, there was a video of "Bersih 2.0: First Time Knot” which provides guidelines and tips for new protesters to manage their own demonstration.

However, such sensational information could also cause violence and lead to death. This has been proven in the death of Mark Duggan, who was shot dead by the police in Tottenham on 4 August 2011. This incident has caused the public to riot, causing violence in England in 2011. An estimation of 200 million pounds of damage was recorded due to the incident (Daily Mirror 18 Oct 2011). This riot was also known as the BlackBerry riot, as the organizers and participants used mobile phones and social networking site in sharing the latest status report on the protest online.

The concept of organising a rally expands as people began to act creatively to cultivate the concept through flash mob, as done by the group KillTheBill and Occupy Dataran. Organizers view flash mob as a spontaneous and quick way of assembling people that requires no assembly permit from the police. Such concept has an attraction when the participants of the KillTheBill.org simultaneously conducted flash mobs in several locations throughout Malaysia, including Kuantan, Kuching, Kluang, Segamat,
Johor Bahru, Seremban, Taiping, Ipoh, Malacca, Penang and Teluk Intan. These flash mobs have been uploaded and shared in their groups’ Facebook page.

It is without doubt that there are various mechanisms and mediums in voicing or demanding to strengthen democracy. Demonstration is said can be avoided if there is enough space to display people's rights. However, we can see that the existence of Bersih was due to the exposures through the internet and social media in demanding for free elections, which were not taken actions of under the leadership of Abdullah Badawi, during the 2005’s General Election. Therefore, street demonstrations are now seen as a solution to social activists in ensuring that their struggles are heard and receive immediate reactions from the government.

In making sure that their demands are heard, organizers cooperated with non-governmental organizations (NGOs) related to the cause. This can be seen with the involvement of the Bar Council in accordance with the demands of Bersih 2.0, which is by handling a clean and transparent election system through intensive research on the constitution and the judiciary. In fact, with the involvement of Suara Rakyat Malaysia (SUARAM) in Bersih has allegedly showed the existence of foreign sponsors who sponsored the NGOs involved in promoting the process of democratization, as well as promoting the organization of street demonstrations.

3.2 ECONOMIC SECURITY

In Malaysia, demonstrations are held on famous landmark locations around the city such as the National Palace, Stadium Merdeka, Jalan Bukit Bintang and Jalan Tunku Abdul Rahman. These places, known as the Kuala Lumpur's Golden Triangle, are main and thriving business points, with populations reaching around 9300 inhabitants per square kilometre (DBKL 2013). Thus, a large-scale parade will certainly affect residents and local traders. According to the Small and Medium Entrepreneurs Association of Malaysia (IKHLAS), around RM817 205.00 losses have been incurred by 317 traders at Pertama Complex during Bersih 2.0 (Utusan Malaysia, 2012). Even the Sogo Complex had to close its premises during the demonstration in order to avoid any damages or theft.

Following the extreme street protests that could be a symptom of economic instability, investors and financiers would be concerned to enter the national market. They are terrified and reluctant to inject capitals into the domestic business due to the cost of financing will increase in respond to the risk of failure of refund losses. Even the cost of
business and goods will increase thus complicate the sale of goods. Economic activity will decline and affect majority of innocent civilians. Furthermore, traders will lose customers and incurred losses due to repair damage caused by vandalism that happened during the demonstration. Bersih 2.0 shows that traders around the capital had experience losses of at least RM100 million, while traders at Lorong Tuanku Abdul Rahman have bear losses estimated at RM3 million (Utusan Malaysia, 2009).

Normally, street demonstrations will get wide media coverage within and outside of the country. Thus the international community refuses to choose Malaysia as a tourist destination with the sense that violence happened everywhere in Malaysia, although the rally took part in a very short period of time and occurred in a very small location. Negative perception of the country is also difficult to be erased and it could take many months before foreign tourists would feel safe to visit Malaysia again. The inflow of foreign currency will decrease and will affect the tourism industry. Even the Ministry of Tourism insisted that the occurrence of street demonstration affect the confidence of foreigners that Malaysia is safe and stable to stay in the long term through the Malaysia My Second Home Program (MM2H) (Utusan Malaysia, 2012). Negative impact on the tourism industry is not only felt by those who are directly involved in the tourism sector, but all levels of society, including small businesses, food stall operators, taxi drivers and others. President of the Klang Valley Taxi Drivers Association, Datuk Aslah Abdullah claimed a total of 21,000 taxi drivers in the Klang Valley estimated losses of RM3.2 million following the Bersih 2.0 rally (Utusan Malaysia, 2009).

3.3 POLITICAL SECURITY

“The right of peaceful assembly shall be recognized. No restriction may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others” (Article 21, International Covenant on Civil and Political Rights (ICCPR)).

According to the laws framed under International human rights, freedom of assembly are part of the civil and political rights, which must be guaranteed by the government and can only be restricted for reasons of national security and public order. Despite the fact that Malaysia has not signed the ICCPR, but as a member of the United Nations, the right to assemble is also stated under Article 20 (1) of the International
Declaration of Human Rights (UDHR). Thus as a country that respects human rights, the right to assembly and association has been recognized explicitly under Article 10 of the Federal Constitution.

Although Article 10(1)(b) of the Constitution provides that all citizens have the right to assemble peacefully, but according to Article 10(2)(b), the statute of limitations can be introduced if such rights are abused and can affect the security and public order. For example, assembly causing violence such as fights, violence, blocking of traffic on the road and so on can be prohibited. Section 27 and 27A of the Police Act 1967 is the law that introduced restrictions to ensure that such rights are not abused by individuals or groups of individuals and thereby to ensure security and public order.

Assembly Permit as required under Section 27 of the Police Act is a form of restriction to avoid manners or actions that can harm the public security and order. As explained in the preceding section, emergency allows the government to implement extensive restrictions on rights of assembly and association, as set out under the provisions of the constitution. According to the publication of the International Community of the Red Cross (ICRC), which is responsible for monitoring the implementation of the International Humanitarian Law (IHL), in addition to the non-derogable human rights such as the right to live, freedom of religion, freedom from slavery and discrimination, other rights may be postponed and constrained during emergency situations to protect national security and public order. However, these controls should be weighted, non-discrimination and does not conflict with any international laws (ICRC, 2008).

Following the abolition of the proclamation of emergency, government constraints which were previously implemented are now exposed to the monitoring of the UN Human Rights Council, political parties, civil society and other NGOs in addition to the Human Rights Commission of Malaysia (SUHAKAM). SUHAKAM’s report entitled "Freedom of Assembly", among others, has criticized the police in enforcing laws related to peaceful assembly. This includes constraints on technical aspects such as permits for political rallies for opposition parties such as PAS and PKR, the withdrawal of permits and the use of excessive force to disperse rallies or demonstrations (ICESCR 2000). Police crackdown on Bersih 2.0 participants was raised by Human Rights Watch (HRW) in its official statement on the Universal Periodic Review of Malaysia at the UN Human Rights Council in March 2013. The report also criticized the Peaceful Assembly Act
2012, which said has imposed a variety of widely restrictions forms and on a discretionary basis to conduct peaceful assembly (Human Rights Watch in March 2013).

The Malaysian history is laden with experiences of how the nation’s culture started a demonstration, which started as a platform to fight for important issues to be conveyed to the people. The resistance against Malayan Union by Dato Onn Jaafar that aimed to claim the rights that were seized from the Malay Rulers and as the impetus for a movement for independence. The Coffin Parade 152, which consist of linguistic activists that wants to uplift the Malay language that are enshrined in Article 152 of the Constitution today, indicates that a peaceful demonstration of carrying a symbolic coffin have managed to open the eyes of the government to give recognition to the Malay language.

Large-scale street demonstrations have attracted the public’s attention to the ideological struggle and demands of its organizers. The involvement of political parties in the Bersih 1.0 is also seen has affected the people's vote, which resulted poorly for Barisan Nasional during the 12 general election. Bersih 3.0 is also considered by most people as an attempt to overthrow the current government, as organizers ignore following the legal channels, nor negotiating with the Election Commission (EC) despite EC's willingness to negotiate. Thus it is not possible that the demonstrations could be used by opposition as instrumental tool in changing the political landscape of the country. Such incidents have happened in other countries, when a series of demonstrations are seen successful in overthrowing legitimate government like Iran's Islamic Revolution (1979), People's Revolution in the Philippines (1986), protests in Tiananmen Square China (1989) and the rise of Romania in 1989 to bring down Nicolae Ceausecu. These incidents are also similar to the large scale demonstration in Indonesia, when the 1998 economic crisis has led President Suharto forced to resign in May 1998. As a result, it has opened the door to political democratization in Indonesia after Suharto's autocratic rule for 32 years (Hill & Sen 2005).

The most interesting impact of demonstration is how this medium could unify a nation. The world was able to see the unification of Germany, which took 28 years after the collapsed of the Berlin Wall on November 09, 1989. Democracy was demanded by the people of Germany through demonstrations in eliminating Communism from their political governance. However, the process of democratization takes a long time to build. Demonstration against the autocratic in Indonesia, for example, began in the 1970s but it
only appeared success in 1998. Another similarity of this is portrayed by the African minorities in the United States, where the people demanded for equal rights through demonstration since 1950. However, the law that prohibits discrimination was not approved until 1964.

Despite of its positivity, demonstration done in Malaysia is a different scenario. Street demonstrations are used by Malaysian opposition party as platforms justify their actions, by making the people as shields. The Bersih 2.0 propaganda and demonstrations has been most widely played by the opposition. Although Bersih 1.0 claimed to be non-partisan, but it is undeniable that it is politically motivated when participants were mobilized by the opposition, especially by PAS (Oon Yeah, 2012). Malaysia is also considered at the third phase of democratization, which is the monitory democracy. According to John Keane (2009), this is the phase where there is a rise of NGOs and civil issues influenced in most policy makings. This is seen through an increase in basic and deeds drawn up in line with the requests and demands by civil society groups, such as the improvement in the electoral process by the Election Commission of Malaysia and the 2012 Amendment of the Universities and University Colleges Act 1971 (AUKU 1971). The success of consensus was met on meetings, but demonstration is still considered as a stepping stone in getting the attentions of the Government to have something prosecuted.

Demonstration in front of the embassy of a country is usually caused by the disapproval of a policy or actions made by the countries concerned. It meant to urge the countries involved to act as demanded by the demonstration organizers. This can be seen though a demonstration held by about 500 people in front of the Embassy of Sweden in Malaysia in protesting against three Swedish newspapers that published drawings of the Prophet Muhammad S.A.W (Utusan Malaysia, 2010). However, demonstrations could also sour the relations between countries. This should be resolved well between governments through negotiation. This can be seen when a group of people gathered in front of the Indonesian Embassy in Malaysia as a reaction towards the Ganyang Malaysia issue by the Indonesians (Utusan Malaysia, 2010).

Usually, street demonstrations are covered by the media, thus projecting negative images to foreign countries. This exacerbates the country’s image, especially if the demonstration was held at a famous tourist site that is able to affect the perceptions of both international and domestic tourists. Moreover, tension between Malaysia and tourists’ country of origin will exist if these protests led to damages or causing injuries to
people. Therefore, Malaysia will be blamed for not making efforts to control and manage these demonstrations, as well as guaranteeing the safety of foreign tourists in the country.

This has been portrayed throughout Bersih 3.0 where its demonstration was held abroad in 80 countries, thus giving Malaysia a negative impression by global citizens. Although the demonstration was held peacefully, we cannot ignore how it gave the impression that the country is less sensitive to the requests and demands of civil citizens. To make it worst, demonstrators have portrayed wrong information towards international citizens on the Malaysian government.

4. CONCLUSION

As a conclusion, we have discussed street demonstrations from a wide range of perspectives. In the most basic context, peaceful assemblies and demonstrations are recognised as human rights by the federal constitution and made into the highest law of the nation. The process of public order issue securities which include street demonstrations are good indicators to benchmark the country's transition, from an tense situation to the restoration of freedom of expression through political transformation introduced by the government under the leadership of Dato 'Sri Mohd Najib bin Tun Abdul Razak. Meanwhile, it is also important to recognize the risk factors that may emerge through this phenomenon if it is not well-managed by the government.

During the preparation of this paper, we have managed to held an interview with a senior police officer who had been directly involved in dealing with intense public situations, including the bloody Memali incident, Ops Lalang and Reformation 1998. According to him, the police enforcement has the right to consider and approve an assembly without political interference. In approving a permit application, the police enforcement will investigate the risks and threats that may arise from a rally. An unapproved permit was due to the opposition’s refusal to comply with the laws and regulations of the state on freedom of assembly and public order itself. He also admitted that the changes in the government's approach in dealing with this issue was also driven by the growth of globalization and the increasing level of knowledge and awareness among the people, especially in relation to human rights. In addressing these aspects, the government views are compelled to raise the level of education and expertise of police officers in order to afford the technical aspects and law enforcement in addressing more challenging situations.
We also found interest of the Sinar Harian debate mentioned in June 20, 2012, between UMNO representative, Saifuddin Abdullah against PAS representative, Salahuddin Ayub entitled "Demonstration Street: Strengthening or Demolition of Democracy" (AFP 20 June 2012). Among other things, street demonstrations are usually referred as the last platform to voice out peoples’ aspirations. In this context, there are not enough platforms or mediums provided in the mainstream media as they are under the control of the government. Another interesting development found through this study is when political party like UMNO and NGOs which are pro UMNO in the states ruled by opposition such as Penang and Selangor have already started using street protests as platforms to express their views to the state government.

To be frank, we have found that there are no direct statistical evidence to show how street demonstrations could cause substantial losses to the country’s economy and the tourism industry. On the state government level itself, the National Key Result Area (NKRA) main focus is on apprehending street crimes such as robbery and other crimes compared to public order offences (PEMANDU 2013).

As a step forward in the process of nation building, the government will always be urged to fulfil the people’s demands of rights, including freedom of assembly and freedom of expression in accordance with the development of democracy. In this case, what is more important is to find a balance between the majority’s interest and security, and the future of the nation as a sovereign state.

NOTES

1. Malaysia is recognised as the fourth best country in the Global Retirement Index list, as well as the best in Asia.
REFERENCES


Malaysian Street Rally: A Threat to the Nation or Human Security


