

Regime Type and Pandemic Policy Hybrid Exceptionalism in Malaysia

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Abstract

This essay argues that democratic and closed authoritarian regimes are ambiguous in the consistency and effectiveness of their COVID-19 pandemic policy. By contrast, hybrid regimes like Malaysia's associate with better policy outcomes. With this regime type's institutions made up of limited civil liberties and manipulated elections, nascent democratic procedures encourage some policy accountability. At the same time, authoritarian controls create scope for rigorous policy enforcement. But beneath this institutional plane more is at work. Thus, in the case of Malaysia, analysis revisits Harold Crouch's rendition of hybrid politics as "responsive and repressive" systems, bringing into view this regime type's socio-political foundations. Chief among them is the country's divided and ranked society, which is tightly entwined with the country's skewed political institutions. In this context, leadership preferences, societal compliance, enforcement powers, and state capacity have aligned to strengthen Malaysia's pandemic policy. But, in turn, the current government has worked to harden the hybrid regime, seeking to safeguard its ascendancy and pursuit of patronage.

Keywords: Civil liberties, COVID-19, divided society, electoral manipulations, hybrid regime, limited repressive-responsive, Malay-Muslims, Malaysia, pandemic policy, patronage.

Within Southeast Asia, Malaysia appears particularly vulnerable to the COVID-19 pandemic. As an upper-middle-income country, its extensive transport infrastructure and brisk spatial mobility forge vectors for viral transmission. Additionally, urbanization has produced a widely shared taste for modern-day shopping complexes and entertainment clusters. Local and international tourism thrive. At the same time, in underpinning this economy,

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a vast informal sector has taken root, with local and migrant workers herded closely into tenements and dormitories. More broadly, strong communitarian outlooks persist, fomenting large family gatherings and religious assemblies. In these conditions, Malaysia fell victim to a noxious first wave of COVID-19 in February 2020, afflicting it with the highest rate of virus infection in the region. But soon afterward, despite fluctuations, the government managed the pandemic overall with consistency and effectiveness. In view of Malaysia's adverse circumstances, then, how do we explain this comparative policy success?

Obvious answers would include Malaysia's state bureaucracy which, by regional standards, features a robust health-care system and efficient security apparatus. The country's educational levels are also reasonably high, promoting widespread awareness over public health and hygiene. Further, at a cultural level, collective, other-regarding sentiments seem still to prevail. But perhaps most crucially, Malaysia's economy is prosperous enough that it can more readily weather lockdown and attendant recession than Indonesia and the Philippines, its insular Southeast Asia comparators.

In this journal issue, however, contributors are asked to address questions regarding pandemic policy performance from the vantage of regime type. In stark terms, have governments operating authoritarian or democratic systems better contained the transmission of COVID-19? On this account, locating analysis in Malaysia broadens perspective, for its politics are neither democratic nor steeply authoritarian. Rather, by amalgamating institutional elements of both systems, Malaysia's politics amount to what may best be conceptualized as a hybrid regime. Thus, while the factors enumerated above doubtlessly go far in explaining Malaysia's effective pandemic policy, what more might extension of the examination to the country's hybrid regime tell us? How can such analysis reorder and reilluminate these factors, therein discovering new explanatory angles?

In drawing on recent data from Malaysia, this essay hypothesizes that a hybrid regime, more than other regime types, may help to motivate and to enable a government to produce effective pandemic policy. At base, a hybrid regime's democratic procedures, though limited, encourage some accountability over policy making. Its authoritarian controls, though restrained, produce necessary autonomy over stringent policy enforcement.

However, such claims over a hybrid regime and policy capabilities, even if supported, are in themselves insufficient. Though the hybrid regime may indeed add potency to policy making, this does not tell us the direction that policy might take. Why in Malaysia has accountability resulted in the prioritization of public health over economic recovery? And why has coercion been deployed as much to enforce movement control orders as to tighten the government's own hold on office? To explain these beneficent policy outcomes in Malaysia, analysis pushes beyond the hybrid regime's institutions to explore their socio-political foundations.

Finally, Malaysia's recent record shows that even as a government is motivated and enabled by hybrid politics to produce effective pandemic policy, it may work to alter the regime's character. Indeed, with its standing enhanced in the eyes of citizens by its pandemic management, it also may constrain opposition parties and dissidents in hopes of securing its tenure.

Under Malaysia's hybrid regime, two successive governments grappled with COVID-19. *Pakatan Harapan* (Alliance of Hope) gained power through a stunning electoral turnover in mid-2018. But it was displaced by *Perikatan Nasional* (National Alliance), which took office through a tawdry process of defections and re-coalescence in early 2020, just as the virus set in. What is more, both governments altered the hybrid regime. *Pakatan* implemented modest reforms, seeking to meet its commitments to democratic change and good governance. *Perikatan* rolled these reforms back, striving more venally to amass state patronage. Hence, these governments liberalized and hardened the hybrid regime, respectively, in order to pursue different aims. But whether soft or hard in character, this regime type may also have helped in prompting these governments to produce effective pandemic policy.

This essay begins by briefly surveying democratic and authoritarian regimes and their ambiguous implications for managing COVID-19. Next, it focuses on hybrid politics in Malaysia, examining institutions, but also their socio-political foundations, thus augmenting an account of consistency and effectiveness in pandemic policy. To broaden focus in this way, the study revisits Harold Crouch's more holistic rendition of hybrid politics as "responsive and repressive" systems.¹

Analysis then turns to the records of *Pakatan* and *Perikatan*, showing how each of these governments was motivated and enabled by the hybrid regime to manage the pandemic. But it also records the tumultuousness of the power transfer between these ruling coalitions, the ongoing factionalism that tears at the *Perikatan* government today, and the recent rollback of democratic and governance reforms. Thus, we see in Malaysia discrete episodes of soft and hard subvariant forms within the hybrid category. But what shows through is the consistency and effectiveness in pandemic policy across these changes, further evoking the motivating and enabling effects that hybrid regimes may impose on the governments that operate them.

Regime Types and Pandemic Policies

As Marcus Mietzer recounts in his essay in this issue, the causal linkages between political regimes and policy effectiveness in managing COVID-19 are ambiguous. Across East and Southeast Asia, governments operating democratic

¹ Harold Crouch, *Government and Society in Malaysia* (Ithaca, NY: Cornell University Press, 1996).

systems in Japan, South Korea, Taiwan, and East Timor imposed mostly effective policies, limiting the movements of citizens, closing borders, issuing focused messaging, and carrying out testing and contact tracing. Infection rates in these countries, then, remained mostly subdued. But governments in Indonesia and the Philippines, in featuring enough turnover in presidential elections to constitute “electoral democracies,” reacted haphazardly to the pandemic. Hence, they left the movement of citizens unregulated, messaging unclear, and infections uncounted and widespread. The records of democratic countries outside the region reproduce this policy binary. As observers have trumpeted *ad nauseum*, pandemic policy in Australia and New Zealand stands in utter contrast to that of the ineffectiveness of the United Kingdom, the United States, and Brazil.

Given democracy’s strikingly mixed record, analysts often opine that governments operating authoritarian regimes can more readily manage the pandemic, principally by imposing movement controls. The drastic lockdowns undertaken in China and Vietnam stand as exemplars. In Cambodia, too, policy effectiveness was attained through “aggressive” detection and tracing.² But further afield, authoritarian politics sometimes produced policy disasters, especially during the pandemic’s early phase. As well-known, autocratic leaders in Russia and Iran appeared notoriously indifferent in their countries to the onset of COVID-19.

Amid these divergent trajectories, it is worth turning attention to hybrid regimes. Within Southeast Asia, Malaysia’s government is joined by those of Singapore and Thailand in operating systems of this type. Further, they have all shown comparative consistency and effectiveness in their pandemic policy. To be sure, given the small number of country cases and short time frames, it is too soon to attribute these beneficent managerial records to the effects of hybrid politics. But it is noteworthy that alongside democratic and authoritarian regimes, hybrid politics show less ambiguity over performance. So far, they have all avoided starkly negative policy outcomes.

Thus, we can reasonably hypothesize that hybrid regimes, in amalgamating democratic procedures and authoritarian controls, best motivate and enable the governments that operate them to devise pandemic policy. To be sure, within a hybrid institutional framework, governments in Malaysia, Singapore, and Thailand have attuned their respective approaches to local conditions, therein displaying policy variations over the terms of testing, tracing, quarantining, and economic revival. But as in Malaysia, distinctive dynamics might be charted by peering beneath hybrid institutions into their socio-political foundations. Thus, in Singapore and Thailand, too, Crouch’s wider portrayal of hybrid politics as responsive and repressive might be fruitfully deployed.

² Rebecca Ratcliffe, “Thailand, Malaysia, Vietnam... How Some Countries Kept Covid at Bay,” *Guardian* (June 14, 2020), <https://www.theguardian.com/world/2020/jun/14/thailand-malaysia-vietnam-how-some-countries-kept-covid-at-bay> (accessed July 18, 2020).

Hybrid Politics in Malaysia

Before addressing questions over how a hybrid regime might encourage effective pandemic policy in Malaysia, it is necessary to ask how this system and its subvariant forms emerged. During the 1950s, as Malaysia neared independence, British colonial officials installed a low-grade, yet functioning democracy. But long prior to instituting this political regime, the British had forged a “divided” society, recruiting labor principally from China and South Asia in order to drive an intensely extractive economy. A social structure thus concretized over time in fierce communal identities and rivalries. In this configuration, “indigenous” and, hence, “sovereign” Malay-Muslims confronted the “non-Malays” who, though given citizenship at independence, remained stigmatized as aliens and “migrants.” Thus, after an election held in 1969, which altered and vividly numerated communal power relations, ethnic rioting erupted in Kuala Lumpur. This fearsome upheaval is known locally as the “May 13th incident.”

In the aftermath of the May 13th ethnic rioting, the Malays National Organization (UMNO), the mainstay of the country’s ruling coalition, sought to reenergize its Malay-Muslim supporters. To this end, UMNO began systemically to privilege the Malay-Muslims across political, business, educational, and cultural arenas. Further, to defend this societal ranking against non-Malay complaints over discrimination, as well as its own paramouncy, UMNO transfigured the country’s democratic politics into an explicitly hybrid regime. Civil liberties were thus limited, but not fully extinguished, while elections were manipulated, but not shorn of all competitiveness. UMNO’s prime minister, Tun Abdul Razak, in then surveying his party’s handiwork, ventured that “so long as the form of democracy is preserved, the substance can be changed to suit the conditions of a particular country.”³ Armed with this institutional framework and buoyed by its favored Malay-Muslim constituents, UMNO led its new ruling coalition, *Barisan Nasional* (National Front) to ten consecutive electoral victories. It thus came to enjoy an unbroken tenure from 1974 to 2018, some forty-four years, twice the normal life expectancy of already long-living hybrid regimes.⁴

Soft Hybridity: Electoral Turnover and Reforms

Under hybrid politics, the elections that take place, however manipulated, remain modestly competitive. Thus, while typically imbuing the government with at least limited legitimacy, they carry the risk at some junctures of the

³ Zakaria Haji Ahmad, “Malaysia: Quasi Democracy in a Divided Society,” in *Democracy in Developing Countries*, ed. Larry Diamond et al. (Boulder, CO: Lynne Rienner, 1989), 349.

⁴ On the durability of different authoritarian regimes, see Barbara Geddes, “What Do We Know about Democratization after Twenty Years?” *Annual Review of Political Science* 2 (1999): 115-144.

government's losing. In Andreas Schedler's memorable phrase, elections that are usually "regime-sustaining" now become "regime-subverting."⁵

In May 2018, after its long string of victories, the UMNO-led Barisan was defeated in a general election. Briefly, Malay-Muslims had grown resentful over "grand corruption" in UMNO, peaking with a scandal involving 1 Malaysian Development Berhad (1MDB), a government-run investment fund.⁶ Many Malay-Muslims cast their ballots in protest, splitting the electorate's support between UMNO and *Parti Islam se-Malaysia* (PAS), an Islamist party. Through the gap that then opened, Pakatan Harapan, a reformist coalition, snatched a plurality and ascended to office.

The new Pakatan government acted on its commitments to democratic change and good governance. Freedoms were increased for the press and civil society, competitiveness in by-elections was made more robust, parliamentary oversight was enhanced through a new select committee system, governance was improved by appointing professional managers to state-owned enterprises, and corrupt practices were curbed as cabinet ministers showed new probity. In this way, Malaysia's hybrid regime shifted onto softer ground. What is more, when the time came, this soft subvariant form of hybrid politics would correlate with Pakatan's rapid, if brief, implementation of effective pandemic policy.

Hard Hybridity: Party Defections and Backsliding

The Pakatan coalition, in relying on personnel appointments and ad hoc decisions, never bedded down its reforms through new legislation. And yet, to the extent that it did introduce reforms, it seemed only to alienate the Malay-Muslim community. Indeed, many Malay-Muslims turned longingly now to the defeated UMNO-led Barisan, appearing collectively to ask, "What have I done?"⁷ Hence, they recoiled from non-Malay officials who, in hopes of greater ethnic equality, had been appointed by Pakatan as cabinet ministers and heads of executive agencies. And as their resentments over corruption faded, the Malay-Muslim community clamored for the renewal of patronage schemes and payments, helping to restore their "rightful" communal and material dominance.

While fueling these sentiments among the Malay-Muslims, UMNO and PAS coalesced in a new opposition vehicle, *Muafakat Nasional* (National

⁵ Andreas Schedler, *The Politics of Uncertainty: Sustaining and Subverting Electoral Authoritarianism* (Oxford: Oxford University Press, 2013).

⁶ Callum Burroughs, "The Bizarre Story of 1MDB," *Business Insider Malaysia* (December 18, 2018), https://www.google.com/search?q=Callum+Burroughs+The+Bizarre+Story+of+1MDB&rlz=1C1CHZL_enPH754PH754&oq=Callum+Burroughs+The+Bizarre+Story+of+1MDB&aqs=chrome..69i57.13944j0j15&sourceid=chrome&ie=UTF-8 (accessed August 5, 2019).

⁷ Serina Rahman, "Was It a Malay Tsunami? Deconstructing the Malay Vote in Malaysia's 2018 Election," *The Round Table* 107, no. 6 (2018): 669-682, <https://www.tandfonline.com/doi/abs/10.1080/00358533.2018.1545941> (accessed August 20, 2020).

Consensus). In addition, some factional leaders within Pakatan, in recognizing their coalition's dimming second-term prospects, now broke away. Muhyiddin Yassin, the deputy president of the United Indigenous Party of Malaysia (Bersatu), then led these defectors in aligning with UMNO, PAS, and other parties in opposition. They then forged a new coalition, Perikatan Nasional, which, upon persuading the king that it held a majority in parliament, was duly named in late February 2020 as the new government.

Once installed, Perikatan met with much criticism over the “back door” mode by which it had gained entry to office, the timing of its “move” amid a fast-gathering pandemic, and its evident rush to amass state positions and patronage. Hence, as is detailed in this essay's final section, Perikatan sought to muffle opposition and dissidence by rolling back Pakatan's reforms, thereby restoring the hybrid regime to a harder subvariant form. Yet, even as it limited civil liberties and rifled the state for resources, Perikatan also implemented effective pandemic policy, at least during its first half-year in power.

Malaysia's Hybrid Regime and Pandemic Policy

Hybrid regimes concretize in twin institutional dimensions of limited, but not extinguished, civil liberties and manipulated, yet moderately competitive, elections.⁸ As such, we should not think of these regimes as “diminished democracies.” Rather, in the nuancing and weighting of their twin dimensions, they reside at the pluralist end of the authoritarian spectrum.⁹ Hence, they promote some accountability, yet afford a severe coercive capacity. Accordingly, they may strike the “right” institutional balance, helping to motivate and enable a government to attain policy consistency and effectiveness, in this instance over pandemic management.

We return to the question, however, of why, in Malaysia, accountability was made manifest in control orders and lockdowns rather than perpetuating market activities. And why was coercion used as much for enforcing pandemic polices as it was for suppressing political opposition? To explain these policy directions, we turn now to Crouch's interpretation of hybrid regimes as both responsive and repressive.

Briefly, with regard to responsiveness, Malaysia possesses a track record of state-led developmental achievement. As much as industrialization, this has involved societal progress, helping urgently to frame the pandemic as a human security threat. In addition, this resolve is fueled by Malaysia's divided and ranked society, with the government deriving support from the favored Malay-

⁸ See Robert Dahl, *Polyarchy: Participation and Opposition* (New Haven, CT: Yale University Press, 1972).

⁹ Andreas Schedler, *Electoral Authoritarianism: Dynamics of Unfree Competition* (Boulder, CO: Lynne Rienner, 2006).

Muslim community. In turn, this segment, in its rivalry with “non-Malay” categories, attains a collectivist outlook and regard that encourages compliance with government policies. It bears noting, however, that this collectivism, in its communally demarcated and reactive kinetic, is quite different from the general benignity upon which Carl Frey et al. laid such cultural stress.¹⁰

In terms of repression, historical legacies traceable to Malaysia’s post-War counterinsurgency help in sustaining the government’s vast internal security apparatus. Path dependence thus ensures the potency of the Police Special Branch, the Police Field Force, and other more ordinary surveillance and coercive agencies that congeal in the government’s hefty enforcement power. Finally, to drive both the responsiveness and repression that characterize Malaysia’s hybrid regime, the country exhibits what by regional standards may be cast as state strength, evident in its bureaucratic competencies and general organizational capacities.¹¹

Malaysia’s governments, then, driven partly, we hypothesize, by a hybrid regime, have developed consistent and effective policies by which to contain COVID-19. They are motivated and enabled by this regime type’s institutions. Their particular policy directions find roots in a wider set of socio-political foundations, captured in Crouch’s framework of responsiveness and repression. To recount, these factors include leadership preferences, societal compliance, and residual enforcement powers, with each undergirded by state strength. In these conditions, whether guided by soft or hard subvariants of hybrid politics, successive governments in Malaysia undertook sound planning, clear messaging, testing, contact tracing, quarantining, color-coding, and rapid designation of infectious hot spots. However, before enumerating specific policy outputs, let us inquire more deeply into underlying dynamics, informing preferences, compliance, and capacities.

Responsiveness

Leadership Preferences

On the responsiveness side of the ledger, we first observe the need for a government to possess the leadership preferences and political will by which to drive consistent and effective policy outputs. On this score, we noted the policy choices of presidents in the United States, Brazil, and Russia, strikingly negative referents over how to contain viral transmission. But in Malaysia,

¹⁰ Carl Benedikt Frey, Chinchih Chen, and Giorgio Presidente, “Democracy, Culture, and Contagion: Political Regimes and Countries Responsiveness to Covid-19,” Oxford Martin School, Oxford University (May 13, 2020), <https://www.oxfordmartin.ox.ac.uk/publications/democracy-culture-and-contagion-political-regimes-and-countries-responsiveness-to-covid-19/> (accessed November 12, 2020).

¹¹ Dan Slater and Sofia Fenner, “State Power and Staying Power: Infrastructural Mechanisms and Authoritarian Durability,” *Journal of International Affairs* 65, no. 1 (2011): 15-29.

whatever the subvariant form of hybrid politics, successive governments treated the pandemic with reasonably consistent and effective policy outcomes.

Hybrid regimes, in their signature dimensions of limited civil liberties and manipulated elections, are intrinsically motivating and enabling. But more than their institutions, this regime type's distinctive socio-political foundations can help, too. In brief, governments in Malaysia are driven by a lengthy track record of developmental commitments and achievements, encompassing education, infrastructure, financial systems, and, most signally for this analysis, public-health and disaster management. As Eric Kuhonta notes, after Singapore, Malaysia is regularly evaluated as the most developed country in the Southeast Asian setting.¹² We detect in this the historical legacies, cumulating in path dependency, which in further imbricating Malaysia's hybrid regime, encouraged a robust policy response to COVID-19.

Societal Compliance

Leadership preferences and policy effectiveness in Malaysia are redoubled by the country's distinctively divided and ranked society. This social structure further motivates the government's policy responsiveness. It also encourages societal compliance. However, as mentioned, this dynamic is not so benign or complete as Frey et al. anticipate, guided by tropes over Asia's collectivist outlooks.

Rather, as Donald Horowitz observed in Malaysia, a configuration persists in which privileged Malay-Muslims confront the non-Malays in a "bipolar" face-off.¹³ This posture has evolved over time, with Muslim-Malays making up some two-thirds of Malaysia's population today. But a sense of collectivity born of social polarization still fires the government to show policy responsiveness to its ethno-religious supporters. Indeed, though political elites in the UMNO-led Barisan typically retained the lion's share of patronage resources for themselves, they took care to issue distributive programs and payments to their Malay-Muslim constituents. And this segment, in turn, most often replies with uncritical compliance, greatly reducing, though not eliminating, the need for coercion.

Repression: Enforcement Powers

On the repressive side of the ledger, Malaysia's government, when prodded, can unleash an extensive security apparatus. As mentioned, counter-insurgency experiences spawned a path-dependent trajectory by which this capacity has persisted. This is made manifest in institutional continuities in the intelligence

¹² Erik Kuhonta, *The Institutional Imperative: The Politics of Equitable Development in Southeast Asia* (Stanford, CA: Stanford University Press, 2011).

¹³ Donald Horowitz, *Ethnic Groups in Conflict* (Berkeley, CA: University of California Press, 1985).

gathering and intimidation tactics of the Police Special Branch, the everyday Royal Malaysia Police force, riot brigades, surveillance agencies, and the military. Further, these units are bound through selective Malay-Muslim recruitment to UMNO and, at present, its ethno-religious partners in Muafakat and Perikatan. The government, then, while relying mostly on societal compliance, can exert its enforcement powers to deal with any laxity over, or residual resistance to its pandemic policy.

Responsiveness and Repression

By regional standards, Malaysia exhibits a high degree of state strength, deriving initially from historical legacies and manifesting in organizational capacities. Malaysia thus operates a bureaucratic apparatus which, if “bloated” in order to accommodate Malay-Muslim jobseekers, retains “islands” of managerial and regulatory capacity in crucial policy spheres. Central to containing the pandemic, then, were Malaysia’s health and defense ministries.

Hybrid Politics: Motivating and Enabling Malaysia’s Government

As elaborated above, Malaysia has operated soft and hard forms of hybrid politics in its confrontation with COVID-19. But while the Pakatan and Perikatan governments operating these subvariants displayed respective commitments to governance reforms and venal patronage, they both demonstrated policy consistency and effectiveness. Below, we begin by recounting a two-month period during which Pakatan acted to slow virus transmission, then assess the half-year in which Perikatan coped with resurgences.

Pakatan Harapan: Soft Hybridity and Effective Policy

In December 2019, outbreaks of COVID-19 appeared in Wuhan, China. On January 23, 2020, Singapore announced its first cases. Two days later, Malaysia declared its own first case, imported by a tourist from Wuhan. On February 3, the first Malaysian citizen tested positive.

By most accounts, the Pakatan government reacted haphazardly. Analysts ascribed this to a “political crisis that was happening at the same time,” driven by the defections from Pakatan’s ranks.¹⁴ Thus, in a bare feint to citizens, the government blithely advised that the “virus would not spread easily in Malaysia.” However, in other reports, as early as December, the government acted more concertedly, convening meetings by which to review its resource capacity and legislative frameworks for managing pandemics.¹⁵

¹⁴ Ain Amara Md Sha et al., “COVID-19 Outbreak in Malaysia: Actions Taken by the Malaysian Government,” *International Journal of Infectious Diseases* 97 (August 2020), pp. 108-116, <https://www.sciencedirect.com/science/article/pii/S1201971220304008> (accessed October 25, 2020).

¹⁵ Ratcliffe, “Thailand, Malaysia, Vietnam... How Some Countries Kept Covid at Bay.”

In short order, Pakatan's energetic Health Minister, Dzulkefly Ahmad, began to reorganize hospitals in the event of large outbreaks. He increased the stocks of reagents needed for diagnostic testing. He set a policy, too, whereby those who tested positive, even if asymptomatic, were quickly quarantined in hospitals. Accordingly, the first wave of virus infection in Malaysia appeared to have been contained toward the end of February, with some fifteen Chinese nationals and seven Malaysians who had tested positive and been hospitalized now discharged. In addition, in facing a slowing economy, Prime Minister Mahathir unveiled a stimulus package by which to prop up travel agencies and shopping malls. Shortly afterward, however, the Pakatan government was displaced by Perikatan.

Perikatan: Hard Hybridity and Policy Effectiveness

Soon after Perikatan assumed office, it looked away as a large religious gathering took place. This event, organized by Tabligh Jama'at, an Islamic missionary group, was held from February 27 to March 1 at the Seri Petaling mosque, south of Kuala Lumpur. Some 16,000 worshipers from Malaysia and across the Muslim world gathered in brotherhood and prayer, sitting closely together and joining hands. Though joyous, these behaviors soon spawned a second wave of COVID-19 in Malaysia, contributing to 450 of the 673 cases confirmed in Malaysia at the time. On March 17, the first death was announced in the country. A participant from Thailand expressed his surprise that the event "went ahead. But in Malaysia," he observed, "God is very important. The belief is strong."¹⁶

On the last day of the gathering, Muhyiddin Yassin, Perikatan's leader, was sworn in as prime minister. But as the pandemic's second wave took hold, he was quickly confronted by a public in "panic." Initially, the Perikatan government, like its Pakatan predecessor, appeared distracted. But this was due less to the transfer of power, which had now been completed, than to hurried allocations of patronage through which to settle relations between the coalition's clamoring parties and factions.

However, even as the new Perikatan government struggled to consolidate, it remained motivated and enabled by the hybrid regime and associated socio-political dynamics to demonstrate policy effectiveness. Thus, Muhyiddin, in chairing the National Security Council, reorganized this body as the main agency by which to coordinate pandemic planning. He then designated his defense minister, Ismail Sabri, to set and enforce various movement control orders and myriad standard operating procedures (SOPs).

¹⁶ "How Sri Petaling Tabligh Became Southeast Asia's Cov-19 Hotspot," *Straits Times* (March 12, 2020), <https://www.nst.com.my/news/nation/2020/03/575560/how-sri-petaling-tabligh-became-southeast-asias-covid-19-hotspot> (accessed August 1, 2020).

But unlike Pakatan before it, wherein the health minister, Dzulkefly, had taken the lead in overseeing pandemic policy, Perikatan, preoccupied with positions and patronage, left this role to a lead civil servant, Dr. Noor Hisham, the director-general of the Ministry of Health and a trained endocrinologist. Meanwhile, Perikatan's new health minister displayed ineptness early on by counseling citizens to drink warm water as a cure for COVID-19. The environment minister followed up by recommending a thorough cleaning of sewage systems.

Some analysts have contended, then, that Malaysia was mostly successful in managing the pandemic because Perikatan's grasping politicians, in their preoccupation with patronage, ceded discretion over pandemic management to health-ministry officials. In these circumstances, medical professionals, dedicated health-care workers, and science-based evidence prevailed in most aspects of policy formation. A stern lockdown was swiftly imposed through the Movement Control Order (MCO), confining citizens to their homes and shutting "non-essential" industries.

In these conditions, though the health ministry eschewed the mass testing undertaken by South Korea, it strengthened diagnostic capacity through which to focus on high-risk individuals, buildings, and neighborhoods. It organized vigorous contact-tracing teams. And though closing industries, it preserved logistics in order to avoid food shortages.

In analyzing Malaysia's effective pandemic management, we return now to Crouch's interpretation of hybrid regimes as "repressive-responsive" systems. This framework helps us to collate policy outputs in terms of the political will and societal compliance that imply responsiveness; the enforcement powers that derive from repressive capacity; and the state strength and resources that drive both responsiveness and repression.

Perikatan's Policy Responsiveness

Leadership Preferences

As shown above, Malaysia's government has been driven by the country's lengthy record of developmental achievement to confront COVID-19 as a human security threat. Its policy responsiveness was made manifest on a number of fronts. First, the government demonstrated political will through its comparatively rapid and vigorous preparations, firmly imposing a lockdown and undertaking timely testing and tracing. In the judgement of one medical analyst, then, "Malaysia was one of the first countries to come out with various quick responses to protect its citizens from Covid-19."¹⁷

Second, clear and focused messaging was issued by the director-general of the health ministry, Hisham Noor, and the minister of defense, Ismail Sabry Yaakob, appointed as the sole government spokespersons for the pandemic

¹⁷ Ain Umaira et al., "COVID-19 Outbreak in Malaysia."

policy. They each gave daily press briefings, with Hisham, in particular, widely lauded for providing “leadership in crisis communication.” In his dual role, he provided expert advice to the government, then updated the public early each evening on state television with information about infection rates, clusters and hot spots, strategy choices, recoveries, and deaths. And in demonstrating the prioritization of professionalism and science, Hisham rebuked the health minister over the claim that drinking warm water allayed viral infection.

Hisham’s audiences valued his performances as reassuring, suitably cautioning, and steadfastly credible. Indeed, he came to be celebrated internationally as one of world’s three leading doctors striving to manage the pandemic, along with Dr. Anthony Fauci, the U.S. government’s infectious disease expert, and Ashley Bloomfield, New Zealand’s director-general of health.¹⁸ Hisham’s messaging to citizens was reinforced through sundry internet platforms, including the health ministry’s official portal and a dedicated Facebook user account. Simple infographics were deployed to provide guidelines for distancing and hand-washing. Media were drawn in more generally, too, deploying the hashtag #stayhome. With regard, however, to the defense ministry and its minister, Ismail Sabry, more austere in bearing and tone, assessment is reserved for the discussion on repression below.

In confronting the economic impact of lockdown, Perikatan also demonstrated political will by adding to Mahathir’s stimulus package four more of its own. To this end, the government formed an Economic Action Council which, throughout the first half of 2020, tried to bolster tourism, construction, manufacturing, mining, and agriculture. Its second package focused expressly on small- and medium-sized enterprises (SMEs), facing the specter of bankruptcy amid lockdown.¹⁹ These were supplemented by various kinds of ad hoc cash transfers, wage subsidies, discounts, and moratoriums on the payment of bank loans, mortgages, and rent.

Perikatan also engaged with societal entities, therein demonstrating new forms of political will and responsiveness. Through public-private partnership models forged with private hospitals and laboratories, the government rapidly increased bed space, intensive-care facilities, and the availability of test kits and ventilators. This helped in supplementing university and defense ministry hospitals, as well as the convention centers, indoor stadiums, and public halls that already had been requisitioned for COVID-19 patients.

¹⁸ Elena Koshy, “The Reluctant Hero: A Candid Conversation with Health Director-General Datuk Dr Noor Hisham Abdullah,” *New Straits Times* (August 2, 2020), https://www.google.com/search?rlz=1C1CHZL_enPH754PH754&q=Elen+Koshy,+%E2%80%9CThe+Reluctant+Hero:+A+Candid+Conversation+with+Health+Director-General+Datuk+Dr+Noor+Hisham+Abdullah.%E2%80%9D+New+Straits+Times,+August+2,+2020,+at&spell=1&sa=X&ved=2ahUKEwil8YvYlKnrAhUWdCsKHwTSD5kQBSgAegQIDBAo&biw=1000&bih=607 (accessed August 2, 2020).

¹⁹ Athira Nortajuddin, “Reviving Malaysia’s Virus-Hit Economy,” *ASEAN Post* (July 3, 2020), <https://theaseanpost.com/article/reviving-malaysias-virus-hit-economy> (accessed August 20, 2020).

Moreover, to help in staffing these facilities, the government returned several thousand retired nurses to service in order to aid frontline workers. And it contributed funds for the purchase of the personal protection equipment that frontline workers were required to wear. Finally, this public-private model was extended to large privately owned hotels. With self- or home-quarantining inconsistently observed, hotels were engaged by the government to serve alongside other public facilities as state-designated quarantine centers.

The government also turned to public universities, which obliged by designing and producing rapid-test kits, sanitizers, and face shields. Prison inmates took to sewing protection garments for front liners. The government and its private sector partners also contributed jointly to the COVID-19 Fund, a scheme through which to raise money for patients who had lost their livelihoods. Universities collected money for students made indigent by the pandemic's economic impact. Malaysia's Inland Revenue Board—a raw signifier of state strength—encouraged donations by offering tax deductions. The Employee Provident Fund reduced mandatory contributions. Meanwhile, more autonomously functioning NGOs held fundraisers for hospitals in order to purchase personal protection equipment. And they provided food and shelter for the homeless, amid deteriorating economic activity.

Societal Compliance

The Pakatan government, and even more its Perikatan successor, also were driven to show policy responsiveness by the delineation of Malaysia's divided and ranked society. The government's resource commitments to health care, education, and poverty mitigation, though cumulating in a laudable record, have most favored the Malay-Muslim community from which it derives support. Therefore, despite the outcome of the May 2018 election, constituents mostly obliged, voting for the Perikatan candidates in by-elections and complying with government directives.

Thus, the government's policy responsiveness helps to elicit from its constituents a high degree of societal compliance. To recall, the hybrid regime's alloyed institutions, articulating through a subsidiary array of socio-political dynamics, have prompted the government to emit a particular set of responsive and repressive policy outputs. A privileged Malay-Muslim community, its collective identity steeled by its rivalry with disfavored non-Malay minorities, is prompted to respond with political support and societal compliance. A sentiment prevails across much of the Malay-Muslim community that the current Perikatan government, much more than the previous Pakatan coalition, is *their* government, with its ethno-religious interests at heart. We anticipate, then, that in this pattern of "segmented" collectivism, most Malay-Muslims would respect compliance with state directives. More than in many disarticulated Western settings, Malay-Muslims in Malaysia made great personal and economic sacrifices, locking down, distancing, obscuring their visages with masks, closing their small businesses, and isolating.

Poignant evidence is found in attitudinal changes among motivated Islamic movements. Initially, many adherents dismissed the threat of COVID-19, declaring defiantly at the gathering in Seri Petaling, for example, that “none of us have [sic] a fear of Corona. We are afraid of God.”²⁰ But over time religious leaders swayed their followers to observe the government’s standard operating procedures. The mufti of the state of Perak, Harussani Zakaria, warned that it was a “sin” to violate regulations and that “the government implements SOPs for the good of the ummah, so we are obliged to take care of the *maslahat ummah* (roughly, public interest).” The mufti of Kelantan stressed “the obligation of the Muslim *umat*...to ensure the well-being of all. All our activities and behaviors...are included in jihad... . So is its obligatory for all groups to obey government directives.” And the mufti of Pahang reminded followers that “directives for the sake of general well-being were contained in the Quran and Hadith of the prophet... . We must be thankful because our situation is better than in other countries, but when SOPs are not obeyed, then we ourselves will be in difficulty.”²¹ Despite Malaysia’s high levels of religiosity, then, popular complaints subsided over the suspension of congregational activities.

However, as strong as this impetus might be, it bears underscoring that more than any herded culturally determined sense of encompassing Asian collectivism, societal compliance turned on a particular ethno-religious community’s instrumental calculation over its privileged ranking. And yet, for pragmatic reasons, casual observation suggests that at least in the capital city of Kuala Lumpur, non-Malays also generally adhered to government directives. The unifying dreaded “other,” then, key to producing relational identity, appeared to be located in the guise of the country’s harshly interned migrant workers, vilified as socially alien, illegally clustering, languishing in tenement buildings at close quarters, and acting grievously as unhygienic super-spreaders.²² In this context, reactive behavioral changes at the societal level were readily observable in public arenas, manifesting in social distancing, mask-wearing, hand-washing, and observance of strict SOPs during shopping and travel.

Perikatan’s Repressive Capacity: Enforcement Powers

In taking the advice of the Health Ministry, but in acting also on its own policy aims, the defense ministry made use of the repressive capacity that hybrid regimes allow to impose tough policy enforcement. Early on, in reacting to

²⁰ Hannah Beech, “‘None of Us Have [sic] a Fear of Corona’: The Faithful at an Outbreak’s Center,” *New York Times* (March 20, 2020), <https://www.nytimes.com/2020/03/20/world/asia/coronavirus-malaysia-muslims-outbreak.html> (accessed August 19, 2020).

²¹ Mohd. Fadhli and Mohd. Sulaiman, “Berdosa Langgar SOP Covid-19” [It is sinful to violate SOP COVID-19], *Utusan Malaysia*, August 10, 2020, 4.

²² Emily Ding, “Malaysia’s Coronavirus Scapegoats,” *Foreign Policy* (June 19, 2020), <https://foreignpolicy.com/2020/06/19/malaysias-coronavirus-scapegoats/> (accessed August 19, 2020).

the Tabligh gathering in Seri Petaling that had spawned the pandemic's second wave, the government undertook "aggressive measures by working closely with the police to locate possible carriers of the virus."²³ This involved rapid detection through swab testing, followed by stern quarantining and, indeed, general lockdown on March 18. However, as we anticipate under a hybrid regime, these measures were fastidiously justified by the terms of the Control of Infectious Diseases Act 1988 and Police Act 1967.

During the months that followed, the defense minister, Ismail Sabry, unveiled in succession the Movement Control Order, the Recovery Movement Control Order (RMCO), various "Enhanced" Movement Control Orders (EMCOs), and consequent limits on travel from "red" and "yellow" zones, across state boundaries and through international entry points. Further, to help in enforcing these restrictions, police were joined by the army, with troops deployed on the streets of Malaysian cities for the first time since the dreaded May 13th incident. Security forces mounted roadblocks and vehicle inspections. They carried out checks for social distancing in markets, restaurants, hawkers stalls, factories, banks, and government offices. Hefty "compounds" were imposed, and violators arrested. Apartment blocks identified as hotspots were duly sealed and their residents tested. Undocumented migrant workers, contrary to earlier assurances, were whisked to the Immigration Department's detention centers. The Ministry of Housing and Local Government and Kuala Lumpur City Council followed up with extensive disinfection activities.

Responsiveness and Repression: State Strength

The government's responsive and repressive policy outputs enumerated above could have been undertaken only by its possessing state strength. What stands out, however, is its acquisition of additional strength amid crisis, visible in its rapid upscaling of health-care facilities and its rigorous enforcement of lockdown.

To be sure, policy missteps punctuated the government's policies. As we have seen, ministers sometimes delivered off-the-cuff and wrongheaded advice. Contradictions in control orders and retractions triggered uncertainty, panic buying among consumers, and hoarding. Arrests and detentions over the MCO were unevenly imposed, while aged-care facilities were neglected. Migrant workers, demonized as unhygienic, as we have seen, were themselves infected by locals on occasion, as shown by a cluster in the town of Pedas in Negeri Sembilan.²⁴ Migrants were then put at risk again in the detention centers where they were held by the immigration department. Finally, Perikatan's economic

²³ Ain Umaira et al., "COVID-19 Outbreak in Malaysia."

²⁴ Azrul Mohd Khalib, "Malaysia's COVID-19 Response—The Next Steps," ISEAS Yusof Ishak Institute, Malaysia Studies Programme webinar (June 24, 2020), <https://www.iseas.edu.sg/media/event-highlights/webinar-on-malysias-covid-19-response-the-next-steps/> (accessed June 24, 2020), and Code Blue, "Pedas Cluster Started by Malaysians Who Infected Foreign Workers: MOH" (June 22, 2020), <https://codeblue.galencentre.org/2020/06/22/pedas-cluster-started-by-malysians-who-infected-foreign-workers-moh/> (accessed August 20, 2020).

stimulus packages, while heralding some RM250bn in disbursements, actually amounted to much more modest distributions of RM25bn (U.S.\$5.8bn), only slightly more than the documented losses of 1MDB.²⁵ Economic dislocation was exacerbated, too, by the patronage that Perikatan avidly pursued.²⁶

Even so, Malaysia's record over COVID-19, in its relative policy consistency and effectiveness, encourages hypothesizing that its hybrid regime, more than democratic or closed authoritarian systems, motivated and enabled the government to manage the pandemic. Further, as the records of both Perikatan and Pakatan show, this relationship held whether the government liberalized or hardened politics within the hybrid category. But let us turn now to the modes by which Perikatan hardened the regime, enabling it to limit accountability, while acting on its deeper priorities, namely, the consolidation of power and the amassment of patronage.

Malaysia's Government: Hardening Hybrid Politics

If successive governments in Malaysia were each motivated and enabled by a hybrid regime to contain COVID-19, they were committed also to other aims, prompting them to work to alter their regime's character. In this way, they respectively produced soft and hard subvariants of hybrid politics. As recounted above, through the May 2018 election, Pakatan Harapan ousted the Barisan Nasional, then undertook some modest liberalizing reforms. But in late February 2020, through defections and re-coalescence, Perikatan Nasional displaced Pakatan. And, as it amassed patronage and excluded the opposition, it steadily rolled reforms back.

Pakatan's liberalizing reforms, however, while in some areas substantive, had never gained grounding in concrete legislation and lasting institutional changes. In addition, the coalition's record in managing the pandemic, while ably led by Dzulkefly as health minister, was cut short. We can only speculate in this case, then, over how the government's having effectively curbed the virus in its initial stage might have equipped it to deepen reforms and soften the hybrid regime.

By contrast, Perikatan's management of the pandemic, effectively overseen by Hisham Noor and the Ministry of Health, had at the time of writing run six months. In what follows, then, we are able to document how containing

²⁵ Evelyn S. Devadason, "Malaysia's Massive Fiscal Injections Miss the Mark," *East Asia Forum* (July 1, 2020), <https://www.eastasiaforum.org/2020/07/01/malysias-massive-fiscal-injections-miss-the-mark/#:~:text=Malaysia's%20spending%20to%20fight%20COVID,impact%20on%20the%20tourism%20industry> (accessed August 15, 2020).

²⁶ Tashny Sukumaran, "Cronyism Threatens Malaysia's Economic Recovery, Muhyiddin Warned," *South China Morning Post* (August 17, 2020), <https://www.scmp.com/week-asia/politics/article/3097460/cronyism-threatens-malysias-economic-recovery-muhyiddin-warned> (accessed August 17, 2020).

the virus enhanced the government's standing, helping it to roll back reforms and harden the hybrid regime, even as it frenetically pursued patronage and marginalized opposition. This record is in keeping with experiences in many other country settings, with populists and autocrats exploiting pandemic conditions in order to tighten authoritarian controls and cover their tracks.²⁷

Re-amassing State Patronage

Under the Perikatan government, elite-level patronage flows, while always spirited in Malaysia, have grown supercharged. Spurred early on by the precariousness of its position and the fearsomeness of COVID-19, the coalition rushed to share patronage across its parties and factions. Thus, the coalition's ministers, their deputies, and special envoys with cabinet rank, a topmost assemblage convened upon Muhyiddin's ascending to the prime ministership, swelled by nearly half again of its former size, from fifty-five members under the previous Pakatan government to seventy today. As a Pakatan member of parliament (MP) ruefully observed, "this is a cabinet where everyone gets his piece."²⁸

But even so distended a formation was unable to satisfy Perikatan's appetites. Thus, many professional managers were ousted from the country's long roster of government linked corporations (GLCs), thereby making way for restless aspirants.²⁹ Indeed, even the secretary-general of PAS, Perikatan's anchor of religiosity, ventured that for those parliamentarians in his party who had not received high postings, "Alhamdulillah, I understand all government MPs will be given the responsibility to manage GLCs."³⁰ *Sarawak Report* essayed, in turn, that "since many of the MPs thus rewarded are naturally unsure how long this Covid Coup might last, they are taking the opportunity to cash in quick."³¹

²⁷ Stephen Thomson and Eric Ci Ip, "COVID-19 Emergency Measures and the Impending Authoritarian Pandemic," *Journal of Law and the Biosciences* (September 29, 2020), <https://academic.oup.com/jlb/advance-article/doi/10.1093/jlb/ljaa064/5912724#207838607> (accessed October 21, 2020).

²⁸ "Malaysia's New Cabinet 'Oversized,' Lacks Diversity: Pakatan Harapan MPs," *Channel News Asia* (March 10, 2020), <https://www.channelnewsasia.com/news/asia/malaysia-muhyiddin-cabinet-oversized-diversity-pakatan-harapan-12521630> (accessed August 19, 2020).

²⁹ Shannon Teoh, "Muhyiddin to Appease Disgruntled Partners with State Agency GLC Appointments," *Straits Times* (April 14, 2020), <https://www.straitstimes.com/asia/se-asia/muhyiddin-to-appease-disgruntled-partners-with-state-agency-glc-appointments> (accessed August 20, 2020).

³⁰ Mohsin Abdullah, "When Heading a GLC Is a Political Reward," *Edge Markets* (April 14, 2020), <https://www.theedgemarkets.com/article/when-heading-glc-political-reward> (accessed August 19, 2020).

³¹ "Regrets? Too Few to Mention," *Sarawak Report* (May 26, 2020), <https://www.sarawakreport.org/2020/05/regrets-too-few-to-mention-comment/> (accessed August 19, 2020).

Excluding the Opposition

While Perikatan generously provisioned its own parties, it quarantined those in Pakatan, resorting to familiar patterns by which state resources are deployed in stark partisan fashion. For example, in chairing the National Security Council's initial meeting over the pandemic, Muhyiddin excluded officials who hailed from states still controlled by Pakatan. And though the council later relented, it refused again to engage these officials when deciding suddenly in June to reopen sundry industries.

The pettiness of this partisanship runs deeper. Pakatan MPs in opposition found that the Perikatan government had blocked their allocations for the Community Development Funds that are supposed to be issued to all parliamentarians. Amid the penury induced by the pandemic and business closures, these funds had grown vital.³² Further, while "food baskets" were gathered at distribution centers around the country for delivery to the neediest of locked-down constituents, only Perikatan's political branches could access them. Pakatan MPs thus looked on haplessly as staples were heaped in Perikatan offices, then declared their fury over social media.³³

In summary, Perikatan amassed patronage in hopes of promoting cohesion across its parties and factions and support among its social constituencies. At the same time, it mostly denied Pakatan state resources, seeking to weaken the opposition. Finally, to avoid accountability over these behaviors, Perikatan went further, applying the repressive capacity that its hybrid regime affords, thereby producing a hard subvariant. In doing this, it drew on the popularity that it had begun to earn over its management of the pandemic, enabling it more readily to restrict rule of law, civil liberties, and parliamentary functioning. As Azmil Tayeb noted,

There's a high degree of patriotism among Malaysians now, rallying around the cause of fighting the pandemic, so the government is taking advantage of that to crack down on dissenting voices... [A]s the patriotism wears off and people start to feel economic fallout from the pandemic then it'll be much harder for the government to silence its critics.³⁴

Let us briefly survey these new limits below.

³² "Pro-Harapan MPs Claim Annual Allocations Pulled," *Malaysiakini* (March 20, 2020), <https://www.malaysiakini.com/news/515750> (accessed August 20, 2020). However, Perikatan later restored RM100,000 in allocations to Pakatan MPs, the same amount that Pakatan, during its own tenure, had issued to opposition parliamentarians.

³³ Kenneth Tee, "Pakatan MPs Urge Accountability in Covid-19 Food Basket Aid Amid Claims of Mismanagement," *Malay Mail* (April 20, 2020), <https://www.malaymail.com/news/malaysia/2020/04/28/pakatan-mps-urge-accountability-in-covid-19-food-basket-aid-amid-claims-of-1860827> (accessed August 20, 2020).

³⁴ Tashny Sukumaran, "In Malaysia, Confusion Reigns over Licenses for TikTok, Facebook Videos," *South China Morning Post* (July 23, 2020), <https://www.scmp.com/week-asia/politics/article/3094418/malaysia-you-now-need-licence-tiktok-or-facebook-videos> (accessed July 24, 2020).

Rule of Law

The rule of law is perhaps more vaunted in Malaysia than in other countries in Southeast Asia.³⁵ This may be traced to historical legacies, made manifest in what Myron Weiner once delineated as a British “tutelary model.”³⁶ In the Straits Settlements crown colony and the Malay state protectorates that comprised “British Malaya,” this involved an introduction of judicial structures, but also orderly bureaucratic systems for decision making and career advancement. In institutional forms and procedures, much of this apparatus persists in Malaysia today, even if disrupted by Mahathir’s interventions during his first term as prime minister and in tension with Shariah courts and agencies today. However, just as Perikatan skewed the distribution of resources between itself and Pakatan, so did it unbalance rule of law.

Skewed Judicial Decisions

During Pakatan’s brief tenure, charges over abuses involving IMDB, its affiliates, and other enterprises and charities had been brought against several UMNO leaders, including Najib Razak and the current party president, Zahid Hamidi. But after Perikatan took power, Tommy Thomas, the assertive attorney general who had built these cases, abruptly resigned. His replacement, Idrus Harun, then dropped charges against Najib’s stepson over usage of IMDB money to fund a Hollywood film company, issuing a vacuous decision of “dismissal without acquittal.”³⁷

Shortly afterward, Idrus also dismissed some forty-six charges against the former UMNO chief minister of Sabah, Musa Aman, over his involvement in corrupt timber dealings. Idrus explained that his decision was due to missing bank records and the deaths of witnesses. In this context, an influential former finance minister, Daim Zainuddin, rancorously observed that “in Malaysia, when you steal Milo, you go to jail; but when you steal billions of ringgit, you walk away smiling.”

Even so, on July 28, Najib himself was found guilty in his first High Court trial on all charges, then sentenced to twelve years in prison, thus cheering advocates of rule of law. However, as his lawyers initiated a lengthy appeals process, Idrus filed charges over corruption against Pakatan’s former finance minister and DAP secretary-general, Lim Guan Eng. At the time of writing, the veracity of these charges was unclear. But they were attributed by a lead DAP

³⁵ See regional rankings in World Justice Project, *Rule of Law Index 2020* (2020), https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2020-Online_0.pdf (accessed October 21, 2020).

³⁶ Myron Weiner, “Empirical Democratic Theory and the Transition from Authoritarianism to Democracy,” *PS: Political Science and Politics* 20, no. 4 (1987): 861-866.

³⁷ Esther Landau, “PM Not Involved in Deal Involving DNAA of Najib’s Step-son,” *New Straits Times* (May 18, 2020), <https://www.nst.com.my/news/nation/2020/05/593610/pm-not-involved-deal-involving-dnaa-najibs-step-son> (accessed August 19, 2020).

strategist, Liew Chin Tong, to Perikatan's perceived need to show that if its leaders and subalterns were demonstrably corrupt, so, too, were Pakatan's.³⁸

Partisan Corruption Investigations

As Perikatan sought to assert the influence over the courts that the UMNO-led Barisan had once possessed, it seemed also to reorient the Malaysian Anti-Corruption Agency (MACC). The agency's chief commissioner, Lateefa Koya, appointed during Pakatan's tenure, had zealously investigated UMNO officials. She resigned, however, when Perikatan came to power, close on the heels of Tommy Thomas. Her successor, Azam Baki, then seemed to turn the agency against Pakatan in partisan fashion.

In brief, members of the Bersatu party faction that remained with Pakatan, particularly those associated with its youth organization, were targeted for investigations over corruption. They included Syed Saddiq, Pakatan's former Youth and Sports minister and leader of Bersatu Youth.³⁹ Saddiq was called in for questioning by MACC officers over missing party funds, and his home was repeatedly raided. His elderly parents, with whom he resided, were likewise summoned iteratively for questioning. The MACC denied any partisan motive. But it proceeded to arrest "Bersatu Youth leaders...one by one" across several states.⁴⁰

Unequal Penalties for MCO Violations

Stark inequalities grew evident also in the penalties that the courts meted out for breaching the government's sundry MCOs and SOPs. These disparities were reflected in the treatment given to elites and ordinary citizens, as well as between activists who supported Pakatan or Perikatan.

For example, a Perikatan minister and the daughter of UMNO's president were fined nominal sums for respectively lunching with officials at a religious school and strolling about in the administrative capital, Putrajaya. Another Perikatan minister was "exempted" from mandatory quarantining after making an official trip to Turkey. By contrast, ordinary citizens who ran afoul of orders, only to exercise out of doors or to meet friends, were sometimes incarcerated for significant periods.⁴¹ Meanwhile, activists who gathered in large numbers

³⁸ "Charge against Guan Eng to Counteract Najib's Conviction—Chin Tong," *Malaysiakini* (August 9, 2020), <https://www.malaysiakini.com/news/537982> (accessed August 19, 2020).

³⁹ Alyaa Alhadjri, "MACC Quizzes Bersatu Youth Info Chief in Syed Saddiq's Missing Money Probe," *Malaysiakini* (June 9, 2020), <https://www.malaysiakini.com/news/529490> (accessed August 20, 2020).

⁴⁰ Anabelle Lee, "Report: MACC Says 'No Political Motive' Behind Bersatu Youth Member's Arrest," *Malaysiakini* (June 3, 2020), <https://www.malaysiakini.com/news/528549> (accessed August 19, 2020).

⁴¹ See "Student Jailed 7 Days, Fined RM800 for Leaving Home to Present Cake to Boyfriend," *New Straits Times* (April 23, 2020), <https://www.nst.com.my/news/crime-courts/2020/04/586952/student-jailed-7-days-fined-rm800-leaving-home-present-cake> (accessed August 19, 2020).

at the high court complex to protest Najib's conviction were left undisturbed by police, despite their refusal to wear masks or to maintain social distancing. Yet other activists, seeking to protest over the Perikatan government's mounting abuses, were denied necessary permits or arrested by police, ostensibly for fear of virus transmission.

Civil Liberties

Civil liberties grew more constrained under the Perikatan government, with the Sedition Act, the Penal Code, and the Communications and Multimedia Act vigorously imposed. As one indicator, while 78 investigative papers had been mounted over media postings deemed seditious in 2019, some 262 were launched during the first half of 2020, targeting social media comments on the "royal institution" and ethnic "sovereignty rights," in particular.

In addition, journalists complained of the growing difficulties of obtaining press passes from ministries. The contributors to a book on the 2019 election, by which Pakatan had come to power, were investigated by police. The volume was then banned by the Home Ministry under the Printing Presses and Publication Act for its "insulting" cover art.⁴² Other government actions over civil liberties associated with the pandemic are recorded more fully below.

Press and Internet Freedoms

Malaysiakini, a well-known news portal, and its editor, Steven Gan, were charged in July with contempt of court under the country's Evidence Act. *Malaysiakini* had run an article the previous month over the easing of the MCO and the reopening of the country's courts. Critical comments posted by readers were then found by Idrus Harun, the Attorney General, to be "aimed at tarnishing the administration of justice by the judiciary."⁴³ If convicted, *Malaysiakini* faced closure and Gan substantial jail time.

Staff members working for *Al Jazeera* in Malaysia also were summoned by police for questioning in July. The broadcaster had produced a documentary program revealing the harsh treatment that migrant workers often received during the lockdown period at the hands of police and immigration officials. *Al Jazeera* then declared its concerns over "journalists being treated as

⁴² Chan Wai Kit, "Home Ministry Bans Book with 'Insulting' Cover of Modified Malaysian Coat-of-Arms," *Malay Mail* (July 1, 2020), https://malaysia.news.yahoo.com/home-ministry-bans-book-insulting-153822495.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLnNvbS8&gucereferer_sig=AQAAAHluGq22G09Z1ar5oPKIUs3qaRppqOcgqMG6twlztLfxvJEDfpBGHgRmBTbWwnUIq9yG0v-XfzazG10_E2vziis_u1PRM2qLkuIflyktr31IFBny a1DAAdJnGWA3uGaV6C0thHoxGpYXHAYB8z1OKjgPdSpKcVl5FSec0x2t1EW-fv (accessed August 20, 2020).

⁴³ "AG Files Application to Cite Mkini for Contempt Over Reader's Comments," *Malaysiakini* (June 16, 2020), <https://www.malaysiakini.com/news/530477> (accessed August 20, 2020).

criminals in Malaysia.”⁴⁴ And citing the travails of *Malaysiakini*, it disabled its comments section.

The Minister of Media and Communications, Saifuddin Abdullah, followed up by announcing that all “mainstream and personal media” involving video production were required to meet company registration and capital ownership requirements, then obtain certification letters and licenses from National Film Development Corporation (FINAS). The International Press Institute, based in Vienna, characterized these exacting licensing requirements as “bizarre” and a “blatant violation of press freedom and the right to information.”⁴⁵

At the same time, ordinary citizens seemed to worsen the plight of media outlets. In particular, they often misused social media during the pandemic, their postings seething with the enmity described above toward migrant workers and refugees. Thus, when the Immigration Department announced the personal details of the Bangladesh worker who had been featured in the *Al Jazeera* documentary, it “sparked a fresh round of xenophobic and anti-migrant sentiment on the department’s Facebook page.”⁴⁶

Assembly Freedoms

NGOs also came under pressure during the pandemic period, especially those that target corruption. Most notably, Cynthia Gabriel, director of the Center to Combat Corruption and Cronyism (C4), was questioned in June by police under the Sedition Act. C4 had published a letter, demanding that the MACC investigate the “horse-trading” of positions by party and faction leaders in the “unelected Perikatan Nasional [government].” This letter had been written after an audio recording had been leaked in which Bersatu president, Muhyiddin Yassin, appeared to “lure Umno MPs to defect” to his party.⁴⁷

In addition, R. Sri Sanjeeva, the chairperson of MyWatch, an NGO focused on crime prevention, was charged in June with spreading “false communication” about the police.⁴⁸ Several trade union leaders were also investigated by police

⁴⁴ Alyaa Alhadjri, “‘101 East’ Team Facing Unprecedented Level of Attack, Says Al Jazeera,” *Malaysiakini* (July 24, 2020), <https://www.malaysiakini.com/news/535998> (accessed July 24, 2020).

⁴⁵ “Malaysia Imposes License Requirement for Filming,” *International Press Institute* (July 24, 2020), <https://ipi.media/malaysia-imposes-licence-requirement-for-filming/> (accessed August 15, 2020).

⁴⁶ Kenneth Tee, “IGP: Work Permit of Bangladeshi Man Seen in Al Jazeera Documentary Yanked,” *Malay Mail* (July 12, 2020), <https://www.malaymail.com/news/malaysia/2020/07/12/igp-work-permit-of-bangladeshi-man-seen-in-al-jazeera-documentary-yanked-by/1883692> (accessed August 18, 2020).

⁴⁷ Susan Loone, “C4 Founder to Be Quizzed by Police, Activists Flay Use of Oppressive Laws,” *Malaysiakini* (June 5, 2020), <https://www.malaysiakini.com/news/528923> (accessed August 15, 2020).

⁴⁸ “Mywatch Chairperson Charged with Transmitting False Communication on PDRM,” *Malaysiakini* (June 5, 2020), <https://www.malaysiakini.com/news/528856> (accessed August 15, 2020).

after protesting over worsening labor conditions during the pandemic. And as noted above, protesters critical of the Perikatan government were detained by police for violating the MCO. More generally, human rights grew frailer, with Perikatan's new religious affairs minister, Zulkifli Mohamad, now giving "full license" to the government's Islamic agencies to arrest and "reeducate" transgender people, therein restoring them "back to the right path."⁴⁹ This was regarded by analysts as a common stratagem, long ago adopted by UMNO, to reenergize support across the socially conservative Malay-Muslim hinterland.

Parliamentary Accountability

More than weakening rule of law and civil liberties, Perikatan shrank and distorted parliamentary functioning. This was aimed at avoiding legislative accountability and any testing of its slender majority, though justified as necessary for containing the pandemic. To this end, Perikatan postponed, then shortened the parliament's first session in May to a mere half-day. Only the King's opening address was featured. No debate or question time were permitted.

In July, parliament began the year's second session. It started with Perikatan MPs narrowly approving by a vote of 111 to 109 the replacement of the parliamentary speaker by the chair of the Election Commission. This action, with no reason given, was "unprecedented" in Malaysia's parliamentary record. It was suspected, however, that the new speaker, once regarded as an electoral reformer, had been effectively co-opted, permitting Perikatan more easily to resume manipulations in the next parliamentary election. Meanwhile, with the government now overseeing parliamentary procedures, it was able to control agendas. Accordingly, motions made by Pakatan, languishing in opposition, were pushed to the bottom of the lower house's order papers. A no-confidence motion, proposed by Mahathir, seemed unlikely, then, ever to be heard.

In sum, after Perikatan had been motivated and enabled by its hybrid regime to produce consistent and effective pandemic policy outputs, it used the standing derived from its performance to harden the regime. Its aim was to avoid accountability over its patronage pursuits and any testing of its fragile coalition. Thus, it skewed rule of law, truncated civil liberties, and distorted parliamentary functioning. In this context, the Asia director of Human Rights Watch, Phil Roberts, assessed that the new Perikatan government was "return[ing] to the rights-abusing practices of the past."⁵⁰

⁴⁹ Tashny Sukumaran, "Outcry as Malaysian Minister Calls to Arrest and 'Educate' Transgender People," *South China Morning Post* (July 17, 2020), <https://www.scmp.com/week-asia/politics/article/3093482/outcry-malaysian-minister-calls-arrest-and-educate-transgender> (accessed August 10, 2020).

⁵⁰ "Anti-graft Activist Critical of Muhyiddin Govt Taken in for Police Questioning," quoted in *Malay Mail* (June 10, 2020), <https://www.malaymail.com/news/malaysia/2020/06/10/anti-graft-activist-critical-of-muhyiddin-govt-taken-in-for-police-question/1874261> (accessed August 15, 2020).

Conclusions

Varied explanations have been posited over why some governments have better managed the COVID-19 pandemic than others. Within this discussion, the aim of this essay has been to reexamine a once headlining claim, now seemingly backbenched, that political regime types matter. To be sure, the records of democratic and authoritarian regimes are rife with ambiguity, inclining us to shift attention to developmental levels, cultural outlooks, and sundry other forces. However, an explicit new focus on hybrid systems discloses a more consistent record, at least so far, of marked policy effectiveness in the Southeast Asia setting.

In their institutional make-up, hybrid regimes are designated by limited, but not extinguished, civil liberties and manipulated, yet meaningful, elections. In addition, the policy directives that wend their way through these institutions seem to be driven by prior socio-political dynamics. To discover these forces in the Malaysian case, we revisited Crouch's rendition of hybrid politics as responsive and repressive systems. Alongside institutions, leadership preferences, societal compliance, residual enforcement powers, and comparative state strength hove into view. In addition, these forces were shaped profoundly by Malaysia's developmental track record and its divided and ranked social order. In this way, a particular amalgam of institutions and their socio-political foundations may have aided successive governments in producing more consistent and effective pandemic policy than in comparator countries.

However, before closing, it bears noting that in Malaysia, at the time of writing, a third and more virulent wave of COVID-19 had set in. In late 2020, infection and death rates surged to startling new levels, ranging across Peninsular and East Malaysia. In the midst of this, a political challenge was mounted by elements of Pakatan Harapan, with leaders trying to lure parliamentary defectors in hopes of replicating Perikatan Nasional's "back door" ascension to power. At the same time, jockeying within the Perikatan coalition over by-elections and state positions quickened, exposing severe factional tensions. In these conditions, fears arose in Malaysia over the government's imposing a tight new lockdown and even emergency rule. Any additional hardening like this would shake this essay's core hypothesis. Indeed, it would drive us to abandon hybrid regimes as even a partial explanation for effective pandemic policy. New directions for research would involve our returning to more orthodox factors by which now to account for an unexpected transience of hybrid politics and the government's sudden policy failings.