

# Governing the COVID-19 Pandemic in Malaysia: Shifting Capacity under a Fragmented Political Leadership

Por Heong Hong

## ABSTRACT

Drawing on a variety of material—mass and social media texts, government reports, and everyday observations—this article examines two interrelated dynamics in Malaysia in 2020–2021: the COVID-19 pandemic’s unfolding local trajectory and the short-lived Perikatan Nasional (PN) coalition’s governance capacity. Despite political instability resulting from this government’s rise to power following internal political manoeuvrings, it managed to effectively control a major wave of cases with the help of a centralized healthcare system manned by permanent professional staff and the imposition of coercive measures. Thus, Malaysia’s success in “governing” the early phase of the pandemic is arguably attributable to its strong state infrastructure, notwithstanding the untimely unfolding of this political coup. However, an ideal type approach—that is, concern with state capacity—is inadequate in making sense of subsequent failures to control the pandemic after a state election took place several months later. Using Migdal’s “state-in-society” approach, this article focuses on the political process of pandemic governance to shed light on Malaysia’s shifting state capabilities. Arguably, the resulting shifting responses were mainly shaped by: (1) continuous partisanship; (2) PN’s internal fragmentation; (3) PN’s complacency in initially “flattening the curve”; and (4) poor governance during the state election.

**Keywords:** state capacity, political legitimacy, state-in-society, democratic backsliding, pandemic governance

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**POR HEONG HONG** is a lecturer in the School of Social Sciences, Universiti Sains Malaysia. Email: porheonghong@usm.my

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## Introduction

### *Theorizing Pandemic Governance*

Over the last two years, researchers across various disciplines have attempted to theorize the respective capabilities of different countries in handling the COVID-19 pandemic, including the significance of their regime types. Given the several waves of COVID-19 outbreaks and the pandemic's volatility, governance was further complicated; new challenges and dilemmas saw some countries which initially performed well lose control over subsequent waves. In general, regimes premised upon the maintenance of procedural legitimacy are associated with riskier but less coercive measures (e.g., South Korea, the United Kingdom, the United States), while those built upon performance legitimacy are more likely to adopt less risky but more coercive measures (e.g., China).<sup>1</sup> But by focusing on the early phases of the pandemic, these studies offer no straightforward answers because of the variations in outcome across similar regime types.<sup>2</sup> Other studies have inconclusively investigated how central-local political dynamics weaken or fortify state capacity and pandemic governance. How the interplay of central authority and local autonomy brings about positive outcomes depends on various factors, including political leaders' perceptions of the situation, leadership quality, priority setting, transparency, and popular trust in public institutions.<sup>3</sup>

However, researchers have largely focused on particular phases or measures, while neglecting changing situations and capacities over time. Such was the case in Malaysia. Widely recognized as a competitive authoritarian regime or an illiberal democracy, Malaysia's federal government has a firm command over strong state infrastructure, including expanded public healthcare provisions.<sup>4</sup> Despite being a federation of 13 states, its highly centralized administrative system presents advantages in such contexts

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<sup>1</sup> Sun Yan-fei, "Guojia nengli yu hefaxing: xinguan yiqing fangkong de bijiao shehuixue yanjiu" [State capability and legitimacy: Comparative sociological studies of COVID-19 prevention], *Ershiji shiji shuangyuekan* no. 185 (June 2021): 51–71.

<sup>2</sup> Matthew M. Kavanagh and Renu Singh, "Democracy, Capacity, and Coercion in Pandemic Response: COVID-19 in Comparative Political Perspective," *Journal of Health Politics, Policy and Law* 45, no. 6 (December 2020): 997–1012; Sun, "Guojia nengli yu hefaxing."

<sup>3</sup> Aofei Lv, Luo Ting, and Jane Duckett, "Centralization vs. Decentralization in COVID-19 Responses: Lessons from China," *Journal of Health Politics, Policy and Law* 47, no. 3 (June 2022): 411–427; Meredith L. Weiss et al., "One War, Many Battles: Covid-19 in Urban Southeast Asia," *Contemporary Southeast Asia* 43, no. 1 (2021): 1–7; Philip Rocco et al., "Who Counts Where? COVID-19 Surveillance in Federal Countries," *Journal of Health Politics, Policy and Law* 46, no. 6 (December 2021): 959–987.

<sup>4</sup> Dan Slater, *Ordering Power: Contentious Politics and Authoritarian Leviathans in Southeast Asia* (Cambridge: Cambridge University Press, 2010); Harold Crouch, *Government and Society in Malaysia* (Singapore: Talisman Publishing Pte Ltd, 1996); Michael Mann, "Infrastructural Power Revisited," *Studies in Comparative International Development* 43 (2008): 355–365; Thomas B. Pepinsky, "The 2008 Malaysian Elections: An End to Ethnic Politics?" *Journal of East Asian Studies* 9 (2009): 87–120.

by preventing fragmented responses and facilitating swift, top-down mobilization to contain outbreaks—actions that were especially decisive during the initial stages of the pandemic. Even though such measures were criticized as authoritarian and coercive, Malaysia's initially effective responses gained the World Health Organization's (WHO) praise in 2020,<sup>5</sup> only for the authorities to seemingly lose control in the final quarter of 2020. Consider how the number of new confirmed cases rose drastically, from two digits daily in June-September to four in October-December 2020, before subsequently worsening. It was not until November 2021 that the authorities managed to bring case numbers under control, a situation attributable to a high vaccination rate.

These shifting capacities call for explanations. If Malaysia's centralized system had initially worked so well, why did it subsequently fail, especially in the first three quarters of 2021? Why did coercive measures that worked in 2020 no longer apply in 2021? What was responsible for the poor governance in the later phase? Drawing on various materials gathered from mass and social media as well as government reports, this study contextualizes and analyzes Malaysia's governance of COVID-19 from the beginning of the pandemic (early 2020) to the resignation of Prime Minister Muhyiddin Yassin (August 2021). Its central concern is explaining why despite strong state infrastructure, a well-functioning, centralized healthcare system, and an impressive initial performance, the Malaysian government lost control in its governance of the pandemic in these later stages. As seen from its second to fifth waves of cases, pandemic governance was overshadowed by political instability, whereby the competence of leaders, priority-setting, the politics of survival, partisanship, federal-state tussles, inter-ministerial tensions, and state-society dynamics collectively played a complex role in shaping state responses. Notably, the community was not a passive recipient of top-down rules and regulations. On the contrary, civil society took proactive efforts to monitor and check the government's power, as well as its actions and inactions, hence constituting an active part of COVID-19 governance in its own right.

### ***Contextualizing Malaysia's "Strong" State Capacity***

Located at the "strong" end of the scale of state capabilities, Malaysia's powerful and centralized administrative system is a product of both warfare (its formation was catalyzed by the Malayan Emergency of 1948–1960) and the oligarchic responses of the ruling United Malays National Organization (UMNO) elites towards perceived threats from non-Malay communal groups

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<sup>5</sup> "Malaysia Continues to Receive Praise in Handling of Pandemic," *New Straits Times*, 13 July 2020, <https://www.nst.com.my/news/nation/2020/07/608231/malaysia-continues-receive-praise-handling-pandemic>.

after the 1969 general election, the aftermath of which was marked by riots.<sup>6</sup> With respect to healthcare, the crucial Ministry of Health (MOH), led by elected officials but administered by permanent professional staff, is charged with infectious disease prevention and management. Indeed, local governments only play a limited role in the governance of infectious diseases, except regarding matters related to sanitization (e.g., clearing blockages to prevent mosquito-borne diseases). According to the 2019 Global Health Security Index, a composite measure designed to “assess a country’s capability to prevent and mitigate epidemics and pandemics,” Malaysia scored 62.2 points and ranked eighteenth globally.<sup>7</sup> This high score closely aligned with political scientists’ pre-pandemic observations of Malaysia’s strong state capacity. However, this index has been criticized for overlooking political leadership and local contexts.<sup>8</sup> After all, state capacity, as will be shown below, may be easily undermined by political leaders who lack legitimacy or competence—generally, they only operate on a short time scale, being too preoccupied with their party and personal survival. This is especially so when checks on their exercise of power are reduced.

In short, while a strong state capacity is crucial, it is hardly sufficient for effective pandemic governance, which requires coordination and mobilization at multiple levels, including in clinical and socioeconomic matters. As an analytical construct that measures real states against ideal types, the “strong-weak state” dichotomy has limited usefulness in this analysis. Instead, in order to govern effectively during a pandemic, “[t]he state, in all its capacity, must be mobilized through political processes.”<sup>9</sup> In this regard, Joel Migdal’s “state-in-society” approach, which emphasizes that state is “a field of power” formed by the dynamics of a *mélange* of organizations, groupings, and actors, is a more useful framework for analyzing the political processes of state responses to COVID-19.<sup>10</sup> Migdal stresses that the mixed results or even failures of many state policies are not simply the result of incompetent officials or poor designs, but rather outcomes of

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<sup>6</sup> Erik Martinez Kuhonta, “Studying States in Southeast Asia,” in *Southeast Asia in Political Science: Theory, Region and Qualitative Analysis*, eds. Erik Martinez Kuhonta, Dan Slater, and Tuong Vu (Stanford: Stanford University Press, 2008), 30–54; N. J. Funston, *Malay Politics in Malaysia: A Study of the United Malays National Organization and Party Islam* (Kuala Lumpur: Heinemann Educational Books, 1980); Syed Farid Alatas, *Democracy and Authoritarianism in Indonesia and Malaysia: The Rise of the Post-colonial State* (London: MacMillan Press, 1997).

<sup>7</sup> Elizabeth E. Cameron, Jennifer B. Nuzzo, and Jessica A. Bell, *Global Health Security Index: Building Collective Action and Accountability* (October 2019), <https://www.ghsindex.org/wp-content/uploads/2020/04/2019-Global-Health-Security-Index.pdf>.

<sup>8</sup> Fran Baum et al., “Explaining Covid-19 Performance: What Factors Might Predict National Responses?” *British Medical Journal* (28 January 2021), <https://doi.org/10.1136/bmj.n91>; John Harriss and Hy V. Luong, “Covid-19 in Asia: Governance and the Politics of the Pandemic,” *Pacific Affairs* 95, no. 4 (December 2022): 685–706.

<sup>9</sup> Kavanagh and Singh, “Democracy,” 1001.

<sup>10</sup> Joel S. Migdal, *State in Society: Studying How States and Societies Transform and Constitute One Another* (Cambridge: Cambridge University Press, 2001), 22.

contending groupings and contradictory elements within the state, as well as its embeddedness in society. It is thus essential to examine the political process and dynamics of various actors to make sense of pandemic governance, instead of investigating the static concept of state capacity.

In short, this study's overarching thesis is that the advantages posed by centralized systems and strong state capacity were undermined by intra- and inter-party rivalry as well as the ruling government's politics of survival. Thematically divided into four sections, the first part analyzes the promulgation of the first nationwide lockdown against the backdrop of the political coup, which toppled the democratically elected Pakatan Harapan (PH) government.<sup>11</sup> The second analyzes the subsequent Perikatan Nasional (PN) government's strategies of establishing its performance legitimacy through aid distribution, as well as the impact of PN–PH tussles over the Sabah state election on pandemic governance, which led to the erosion of PN's legitimacy. The third section suggests why PN declared a state of emergency, although this declaration failed to improve pandemic conditions despite consolidated executive power. Finally, the fourth section investigates the rollout of vaccines, federal-state rivalries over vaccine purchases, and the advantages enabled by centralized coordination.

### **A Political Coup and the Unfolding COVID-19 Pandemic**

When the first domestic COVID-19 cases involving three Chinese nationals were detected on January 25, 2020, Malaysia's central government responded swiftly with precautionary measures, most visibly by installing thermal scanners at major international airports. Despite calls for a blanket ban on all travellers from China, the then-ruling PH government decided to only close its border to visitors from affected provinces, rather than targeting the whole country—this was done out of economic pragmatism.<sup>12</sup> By the end of February, a total of 1,619 individuals had been tested, with only 25 cumulative confirmed cases, of which 23 cases (80 percent) were imported, while daily confirmed cases never exceeded single digits.

Attention was briefly diverted away towards the political coup, popularly dubbed the “Sheraton Move,” on February 23. It was a continuation of intra-ethnic rivalry for power among the Malay elites, particularly former UMNO stalwarts who had defected prior to the UMNO-led Barisan Nasional (BN) coalition's electoral defeat after more than six decades in power. After seven

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<sup>11</sup> PH initially consisted of the Mahathir Mohamad- and Muhyiddin Yassin-helmed Parti Pribumi Bersatu Malaysia (Bersatu, a primarily Malay-based party), the multiethnic Parti Keadilan Rakyat, and some other multiethnic parties.

<sup>12</sup> “Over 100,000 People Petition To Block Chinese Nationals From Entering Malaysia, Following Coronavirus Outbreak,” *Malay Mail*, 26 January 2020, <https://www.malaymail.com/news/malaysia/2020/01/26/over-100000-people-petition-to-block-chinese-nationals-from-entering-malays/1831531>.

days of turmoil, the democratically elected PH government collapsed when a component party, Bersatu, and a small faction of its lawmakers defected to form PN, a new Malay-dominated coalition, together with BN, Parti Islam Se-Malaysia, and several smaller parties. On March 1, with the king's approval, Bersatu's president, Muhyiddin Yassin, was sworn in as the eighth prime minister. Because it bypassed the need for elections or parliamentary motions-of-confidence, PN's legitimacy was constantly questioned, subsequently bringing about political upheavals. Consequently, the governance of COVID-19 would span three rival governments: PH (May 2018–February 2020), PN (March 2020–August 2021), and BN (August 22, 2021–October 10, 2022).<sup>13</sup>

As the coup unfolded over the course of a week, a three-day mass religious gathering involving over 16,000 local and foreign attendees of Tablighi Jama'at, a global Islamic missionary movement, took place in Sri Petaling, a township on the outskirts of Kuala Lumpur, from February 27 to March 1.<sup>14</sup> The leadership vacuum meant that this mass assembly effectively went unnoticed, until several positive cases traceable to the event were confirmed in Brunei on March 11.<sup>15</sup> What followed was a drastic spike in cases, reaching three digits daily, which the MOH identified as a second wave of cases.

Two weeks after the coup, the PN government invoked the Prevention and Control of Infectious Diseases Act 1988 and the Penal Code to swiftly promulgate a lockdown known as the Movement Control Order (MCO), effective from March 18.<sup>16</sup> Eventually extended until May 12, the MCO aimed to curb transmissions by imposing curfews and new standard operating procedures (SOPs),<sup>17</sup> with implications for everyday mobility, general activities, and business operations.<sup>18</sup> This decision was passed in a meeting convened by the Majlis Keselamatan Negara (MKN, National Security Council), which was under the Prime Minister's Department. While the chief

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<sup>13</sup> BN, an UMNO-dominated coalition, consists of several communal parties, including the Malaysian Chinese Association, the Malaysian Indian Congress, and other smaller parties. Its six-decade rule was briefly interrupted by PH's 2018 victory in the fourteenth general election.

<sup>14</sup> "How Sri Petaling Tablighi Became Southeast Asia's Covid-19 Hotspot," *New Straits Times*, 17 March 2020, <https://www.nst.com.my/news/nation/2020/03/575560/how-sri-petaling-tablighi-became-southeast-asias-covid-19-hotspot>.

<sup>15</sup> "Covid-19 Cases in Brunei Rise to 11," *Star*, 12 March 2020, <https://www.thestar.com.my/news/regional/2020/03/12/covid-19-cases-in-brunei-rise-to-11>.

<sup>16</sup> Note that variations of the MCO, such as the Recovery MCO and Enhanced MCO, were exercised over the many months of the pandemic, and hence the MCO was never completely lifted during the period studied. However, for convenience, the terms "MCO," "MCO2.0," and "MCO3.0" refer to the three major lockdowns.

<sup>17</sup> SOPs included wearing masks, social distancing, and improving indoor ventilation, for example. From time to time, these were tightened or relaxed according to case numbers. Enforcement was carried out by the police force, local council officers, and Ministry of Domestic Trade and Consumer Affairs officials.

<sup>18</sup> Azmil Tayeb and Por Heong Hong, "Malaysia: Improvised Pandemic Policies and Democratic Regression," in *Covid-19 in Asia: Law and Policy Contexts*, ed. Victor V. Ramraj (Oxford: Oxford University Press, 2021), 321–334.

ministers of eight PN-ruled states were invited to the MKN meeting, those of PH-ruled states were left out, much to their chagrin.<sup>19</sup> Tense federal-state relationships, which were overshadowed by a generalized PN-PH rivalry, would repeatedly play out, forming a veritable subtext to pandemic governance.

The impact on the population was significant. On the eve of the MCO's implementation, panic buying erupted, although this was by no means a unique local phenomenon. But more significantly, panic erupted around the closure of the Malaysia–Singapore border, with severe impacts on thousands who commuted to Singapore for work on a daily or weekly basis. Even though the lockdown triggered unpleasant memories of previous states of emergency, especially among older members of the population who had lived through the 1969 riots, the general population was largely compliant despite the inconveniences. Given that religious assemblies of various kinds are a common feature of Malaysian life, the National Council for Malaysian Islamic Affairs worked closely with the MKN and the MOH, and after gaining royal assent, it issued a ten-day suspension of all activities, including Friday and congregational prayers, while simplifying funeral rituals based on public health guidelines. However, the council's directives were only legally applicable in the three federal territories of Kuala Lumpur, Putrajaya, and Labuan, and only served as a reference for other states—authority over Islamic affairs and jurisdictions lie with their respective Islamic councils. Their respective *mufti* (religious jurists) took extra efforts to placate pious Muslims, explaining that missing Friday prayers in mosques would not constitute a sin, since these could be substituted with prayers at home. Even when the suspension was extended to eight weeks, no major disputes or federal-state discord emerged.<sup>20</sup> Non-Muslim houses of worship were also closed without controversy, and some had independently suspended their religious activities even before the MCO's promulgation.<sup>21</sup> Significant resentment only set in when the government imposed a nation-wide ban on Ramadhan bazaars during the fasting month (which occurred in April-May that year) and prohibited interstate travel and large family gatherings during Idulfitri (mid-May), although no major resistance was registered.

Spanning over eight weeks, the MCO's implementation was characterized

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<sup>19</sup> "Oversight Led to Opposition State CMs, MBs Being Left Out of Covid-19 Meeting," *New Straits Times*, 17 March 2020, <https://www.nst.com.my/news/nation/2020/03/575542/oversight-led-opposition-state-cms-mbs-being-left-out-covid-19-meeting>. PN ended PH's rule in Kedah in May by terminating Chief Minister Mukhriz Mahathir's Bersatu membership. His replacement, Muhammad Sanusi, belonged to the PN coalition.

<sup>20</sup> Consider how this case was very different from Pakistan's experience. See Ayaz Qureshi, "The Politics of Pakistan's COVID-19 Response: A State-in-Society Approach," *Pacific Affairs* 95, no. 4 (December 2022): 731–756.

<sup>21</sup> "Three More Churches Suspend Services," *Free Malaysia Today*, 13 March 2020, <https://www.freemalaysiatoday.com/category/nation/2020/03/13/three-more-churches-suspend-services/>.

by contradictory approaches and haphazard coordination from the beginning, despite its eventual effective outcome. For instance, there were conflicting directives regarding an interstate travel ban because of a lack of communication between the police department and the MKN, thus causing overcrowding in both police stations (where people sought travel permits) and bus terminals, increasing the risk of infection.<sup>22</sup> The lockdown also revealed the federal government's lack of emergency planning while exposing the vulnerability of the vegetable, poultry, and aquafarming industries. Roadblocks, restrictions on market operating hours, and labour shortages (the industries heavily exploit migrant workers, many of whom went into hiding during the lockdown because of their fear of arrest) disrupted the vegetable supply chain.<sup>23</sup> The behaviour of migrant workers is particularly suggestive of how, at times, the MCO's implementation was militarized, draconian, and dehumanizing. Armed military personnel were deployed to enforce and maintain order in areas that were severely affected by COVID-19—very often, these were also underprivileged neighbourhoods—imposing hefty fines on people who could barely make ends meet and rounding up undocumented migrant workers in detention camps, measures which caused outbreaks among this vulnerable community.

With regard to face mask mandates, the MOH conveyed an unambiguous message that the masks were crucial for disease prevention. The collective memory of past pandemics such as SARS and the avian flu, coupled with recurring transborder haze problems, proved crucial in engendering strong popular compliance. But no centralized efforts were taken to ration surgical mask supplies to prevent panic-buying, resulting in a shortage of personal protective equipment for healthcare frontliners.<sup>24</sup> The government's lack of action ran in contrast with an initiative by the Malaysian Pharmaceutical Society, whose members jointly developed an interactive digital map to help the public locate available stocks of masks and hand sanitizers in local community pharmacies. However, this community-driven effort unintentionally exacerbated panic-buying.<sup>25</sup> To ensure a sufficient supply for health frontliners, Noor Hisham Abdullah, the director-general of health,

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<sup>22</sup> "Hundreds Throng Police Stations for Interstate Travel Permits," *The Star*, 17 March 2020, <https://www.thestar.com.my/news/nation/2020/03/17/hundreds-throng-police-stations-for-interstate-travel-permits>; "Students Returning to Hometowns May Spread Infection, Warns Ex-Deputy Health Minister," *Free Malaysia Today*, 17 March 2020, <https://www.freemalaysiatoday.com/category/nation/2020/03/17/students-returning-to-hometowns-may-spread-infection-warns-ex-deputy-health-minister/>.

<sup>23</sup> Ahmad Ashraf Shaharudin, *Protecting the Agriculture Sector During the Covid-19 Crisis* (Kuala Lumpur: Khazanah Research Institute, 2020).

<sup>24</sup> "Urgent Need to Address Shortage of Face Masks for Health Personnel," *New Straits Times*, 21 March 2020, <https://www.nst.com.my/news/nation/2020/03/576797/urgent-need-address-shortage-face-masks-health-personnel>.

<sup>25</sup> Rachel Soon, "COVID-19: Volunteer-Driven Map Helps Track Nationwide Sanitizer, Face Mask Retail Stocks," accessed 10 March 2020, <https://specialty.mims.com/topic/covid-19-volunteer-map-mps-community-pharmacy>.



reversed earlier instructions and advised the public, not unreasonably, *not* to use masks unless one showed symptoms of infection. The professionalization shown at this stage was in stark contrast to PN's minister of health, Adham Baba, who spread false information by suggesting that drinking warm water would prevent infections.<sup>26</sup> This immediately drew strong popular criticism, including calls for the government to replace him, and thus prevent him from giving any more related statements on COVID-19. He was later relegated to a back seat while Noor Hisham moved into the public spotlight. Despite these failings, the MOH, with its permanent professional staff, managed to keep the pandemic under control and began reducing daily increases in cases to the double-digits, beginning mid-April onwards. Indeed, a strong institutional memory existed: the MOH also owed its current preparedness to successful control of past outbreaks, including the Nipah Virus in 1998–1999 and SARS in 2003.

Despite concerns about inadequate laboratory capacity, sufficient testing was performed to trace infections. The proportion of tests per thousand people (0.12 as of February 29) conducted during the first wave rose to 21.21 (as of May 31) during the second wave, the highest in Asia.<sup>27</sup> This level of performance was, at this early phase, in line with the expectations of the 2019 Global Health Security Index rankings.<sup>28</sup> The 926 existing ventilators in government hospitals were more than enough to treat COVID-19 patients during the first and second waves, while an additional 800 units were being acquired.<sup>29</sup> As of May 12, the last day of the MCO, only 16 new cases were detected, while the cumulative positive cases and death toll stood at 6,742 and 109 individuals, respectively.<sup>30</sup> On June 10, the interstate travel ban was lifted.

Despite lacking procedural legitimacy, Muhyiddin's government, with the help of a strong healthcare system manned by professional health staff, boosted its performance legitimacy through effective pandemic control. This early success was attributable not only to the leadership of professional MOH staff, effective contact tracing measures, and adequate mass testing capacity, but also very significantly, the largely compliant population's obedience. Nevertheless, the COVID-19 pandemic posed challenges beyond health care alone.

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<sup>26</sup> "Health Minister Gets Roasted for Misinformation Over Warm Water Tip," *Malaysiakini*, 21 March 2020, <https://www.malaysiakini.com/news/515839>.

<sup>27</sup> Derived from interactive data from the following site: <https://ourworldindata.org/>.

<sup>28</sup> Cameron, Nuzzo, Bell, *Global Health Security Index*.

<sup>29</sup> "Health Ministry Places Order for 800 New Ventilators for Covid-19 Treatment," *Edge*, 16 March 2020, <https://www.theedgemarkets.com/article/health-ministry-places-order-800-new-ventilators-covid19-treatment>.

<sup>30</sup> Health Director General, "Kenyataan Akhbar KPK 12 Mei 2020 – Situasi Semasa Jangkitan Penyakit Coronavirus 2019 (COVID-19) di Malaysia" [Health Director General's press release of 12 May 2020- situation update of COVID-19 infection in Malaysia], accessed 30 May 2021, <https://kpkkesihatan.com/2020/05/12/kenyataan-akhbar-kpk-12-mei-2020-situasi-semasa-jangkitan-penyakit-coronavirus-2019-covid-19-di-malaysia/>.

## **A Changing Performance and Regime (II) Legitimacy**

### *Constructing Performance Legitimacy*

Restrictive public health measures are indeed vital for prevention, but they are not “a silver bullet” in and of themselves.<sup>31</sup> Non-pharmaceutical interventions, such as the prohibition of movement and prolonged closures of non-essential businesses, are also necessary, but they have serious socioeconomic repercussions. Hence, managing non-clinical aspects is equally important, especially since even before the MCO’s promulgation, the economic impact of COVID-19 was already being felt, particularly in its effects on the tourism sector. International travel drastically declined following the WHO announcement of the COVID-19 outbreak on January 5, 2020, and on February 27, interim prime minister, Mahathir Mohamad, had already announced a RM20 billion (US\$4.9 billion) stimulus package to assist the ailing tourism sector.<sup>32</sup>

As already noted elsewhere, performance legitimacy is crucial for offsetting deficits in procedural legitimacy.<sup>33</sup> When a government’s policy outputs are regarded as being competent, such success discourages citizens, especially those living under illiberal regimes, from closely scrutinizing how these institutions actually work. Now, this study turns to how Muhyiddin handled the pandemic-induced socioeconomic crisis and turned it into an opportunity to construct PN’s legitimacy via social provisions. During the MCO, PN proposed three additional packages on top of Mahathir’s initial action. The first concerned the Employees Provident Fund (EPF). With the aim of boosting private consumption, Muhyiddin announced the i-Lestari Withdrawal Scheme on March 23, through which EPF contributor members aged below 55 were allowed to withdraw their savings prematurely: up to RM500 (US\$120) each month, for twelve consecutive months beginning April 1.<sup>34</sup> Three additional premature EPF withdrawal schemes were approved later (two in 2021 and one in 2022). Even though these drew criticism for depleting workers’ retirement funds, they were welcomed by those urgently in need of cash. To further mitigate detrimental impacts, Muhyiddin introduced a RM250 billion (US\$60 billion) Prihatin Economic Stimulus Package, which handed out cash payments to affected individual wage

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<sup>31</sup> Nina Haug et al., “Ranking the Effectiveness of Worldwide COVID-19 Government Interventions,” *Nature Human Behavior* 4 (December 2020): 1303–1312.

<sup>32</sup> “2020 Economic Stimulus Package: PM’s Full Speech,” *Edge*, 27 February 2020, <https://www.theedgemarkets.com/article/bolstering-confidence-stimulating-growth-protecting-jobs>.

<sup>33</sup> John Kane et al., “Introduction to the Special Issue: The Search for Legitimacy in Asia,” *Politics & Policy* 38, no. 3 (2010): 381–394; William Case, “Political Legitimacy in Malaysia: Historical Roots and Contemporary Deficits,” *Politics & Policy* 38, no. 3 (2010): 497–522.

<sup>34</sup> The EPF is a federal statutory body that manages the mandatory saving scheme and retirement fund of Malaysian workers in the private sector. See “Covid-19: Applications for EPF Withdrawal Open From April 1 Onwards,” *The Star*, 23 March 2020, <https://www.thestar.com.my/news/nation/2020/03/23/epf-withdrawal-through-i-lestari-account-2-from-april-1-says-epf-chief>.

labourers and their households. This was followed by a RM10 billion (US\$2.4 billion) stimulus package targeting small- and medium-sized industries.<sup>35</sup> The federal authorities also initiated a multi-million ringgit food aid program, which was again overshadowed by PN-PH rivalry and federal-state tussles. In several states, PH politicians were excluded from distributing food in their own constituencies, while PN's members used these resources to build performance legitimacy and cultivate patron-client relationships.<sup>36</sup> Given that PN's legitimacy remained shaky in the post-coup period, its inadequacies could be offset by performance legitimacy, as exercised through social provisions.

However desirable, these packages were implemented in an authoritarian manner, that is to say, without parliamentary debate or approval. Indeed, regular democratic institutions had been largely curtailed—the first parliamentary session under PN was a mere one-day sitting on May 18.<sup>37</sup> Using the pandemic as an excuse, PN managed to limit the number of parliamentary sessions and avoid motions of no-confidence, despite being urged by members of civil society to convene virtual parliamentary sittings as an alternative. Yet Muhyiddin was still skilfully able to present PN as a caring and benevolent government by describing its relief package as *prihatin* (caring or attentive) and likening himself to an *abah* (father), all the while incorporating what were effectively self-financing schemes (e.g., the premature EPF withdrawals and postponements of loan repayments) into its “aid packages” to avoid spending more money. Regardless, the effects were widely felt on the ground. In a Department of Statistics Malaysia survey, 96.8 percent of 41,386 respondents said that they had benefitted from the government's stimulus packages and 68.2 percent had received three forms of assistance.<sup>38</sup> In another survey completed on August 10 by the Merdeka Centre for Opinion Research, 69 percent of 3,415 people surveyed rated Muhyiddin's performance as “satisfactory,” and 58 percent were happy with his government's performance.<sup>39</sup> As far as these polls are concerned, PN had successfully turned the crisis into an opportunity to salvage its negative image of being associated with the coup by shoring up its performance legitimacy.

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<sup>35</sup> “Malaysia Is Set for Bigger-Than-Usual Rate Cut,” *Edge*, 5 May 2020, <https://www.theedgemarkets.com/article/malaysia-set-biggerthanusual-rate-cut>.

<sup>36</sup> Ngu Ik Tien, “The Politics of Food Aid in Sarawak, Malaysia,” *Contemporary Southeast Asia* 43, no. 1 (2021): 83–89; “Will Food Aid in Johor be Distributed via Perikatan Leaders, JB MP Asks,” *Malaysiakini*, 23 April 2020, <https://www.malaysiakini.com/news/522183>.

<sup>37</sup> “High Court Rules One-Day Parliament Sitting Valid Due to COVID-19,” *Astro Awani*, 3 September 2020, <https://www.astroawani.com/berita-malaysia/high-court-rules-oneday-parliament-sitting-valid-due-covid19-257866>.

<sup>38</sup> “Most Malaysians Received Three Types of Stimulus Funding-DOSM,” *Edge*, 6 May 2020, <https://www.theedgemarkets.com/article/most-malaysians-received-three-types-stimulus-funding-%E2%80%94DOSM>.

<sup>39</sup> “Majority of Malaysians Polled in Survey Happy with PM,” *New Straits Times*, 2 September 2020, <https://www.nst.com.my/news/nation/2020/09/621358/majority-malaysians-polled-survey-happy-pm>.

*Diminishing Performance Legitimacy*

However, PN's good days were numbered. The continuous PN-PH rivalry saw the PH-aligned Sabah state government's dissolution on July 31. The pandemic was still under control in August, and national daily confirmed cases fluctuated between one and two digits. But when several community-level outbreaks emerged across Sabah from early September onwards, health experts urged the authorities to take stricter precautionary measures but their calls went unheeded.<sup>40</sup> Swept up with its rising popularity and too complacent over its earlier healthcare triumph, the PN government was reluctant to impose mandatory screenings and quarantines on travellers between East and West Malaysia during the 14-day campaigning period from September 12–25. Despite these outbreaks, the defence minister, Ismail Sabri Yaakob, insisted that "Sabah is a green [i.e., safe] zone."<sup>41</sup> Hence, no mitigating actions were taken until polling day. It was only on September 26 that Noor Hisham finally issued new instructions mandating travellers from Sabah to undergo health screenings upon their arrival in West Malaysia's major airports, and to observe 14-day home quarantines.<sup>42</sup>

But by then, healthcare professionals' earlier concerns over possible bigger outbreaks were unfortunately validated, and a drastic uptick in new daily cases emerged immediately after polling day. On October 6, Muhyiddin argued that the election was completely "lawful" and "unavoidable," even while acknowledging that "the election campaign in Sabah was among the factors which contributed to the rise in COVID-19 cases." Yet he placed the blame on people for not observing SOPs during the campaigning period, instead of reflecting upon PN's governance in increasing health risks.<sup>43</sup> Thus, in just a month, daily cases finally hit four digits—1,228 cases—on October 24.

This anxious month also saw the looming possibility of a second lockdown. On October 1, Noor Hisham tweet's ("How about [we] all stay at home for a while again?") immediately invited speculation that a second lockdown was being planned. The Ministry of Communications and Multimedia later clarified that this message was merely a reminder to reduce non-essential activities and *not* an indication that a nationwide MCO would be re-imposed.<sup>44</sup> Pertinently, popular opinion no longer viewed such actions as feasible because

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<sup>40</sup> "Alarm Over Virus Spread in Sabah," *New Straits Times*, 20 September 2020, <https://www.nst.com.my/news/nation/2020/09/625865/alarm-over-virus-spread-sabah>.

<sup>41</sup> "No Quarantine for Those Returning from Sabah, Says Ismail Sabri," *Free Malaysia Today*, 13 September 2020, <https://www.freemalaysiatoday.com/category/nation/2020/09/13/no-quarantine-for-those-returning-from-sabah-says-ismail-sabri/>.

<sup>42</sup> "Dr Noor Hisham: Those Arriving from Sabah Must Undergo Screening, Quarantine," *New Straits Times*, 26 September 2020, <https://www.nst.com.my/news/government-public-policy/2020/09/627491/dr-noor-hisham-those-arriving-sabah-must-undergo>.

<sup>43</sup> "PM: Sabah Election Was Unavoidable," *New Straits Times*, 6 October 2020, <https://www.nst.com.my/news/nation/2020/10/630119/pm-sabah-election-was-unavoidable>.

<sup>44</sup> "The State of the Nation: Gauging the Impact of a Second Round of Lockdown," *Edge*, 12 October 2020, <https://www.theedgemarkets.com/article/state-nation-gauging-impact-second-round-lockdown>.

of the severe socioeconomic impact entailed during the first MCO, when the unemployment rate had increased from 3.3 percent to 5.3 percent from February to May. Many economists and think-tanks opined that a second lockdown would have a devastating impact on the economy, which had only slowly started to pick up again in July.<sup>45</sup>

In view of popular sentiment against a second lockdown, the PN government decided to implement targeted lockdowns *only* in areas severely hit by community-level transmissions. Yet in complete contradiction, Muhyiddin sought to declare a state of emergency, considering that his government was due to seek parliamentary approval for the 2021 budget in November, the rejection of which would lead to its collapse. Viewing his move as a strategy to avoid parliamentary sittings and the risk of no-confidence motions, politicians from both sides of the political divide and members of civil society strongly opposed the proposal. On October 25, the king rejected the request and urged all parties to stop politicking. On December 15, Muhyiddin's budget was passed with a razor-thin majority, gaining 111 out of 220 votes in parliament: an obvious indication of PN's fragility.

It would not take long to see that the Sabah-related outbreak had spilled over onto the peninsula. Despite multiple rounds of tightened controls, including the re-imposition of an interstate travel ban and the raising of fines pertaining to MCO violations (up from RM1,000 to RM10,000), Selangor soon re-surpassed Sabah as the state with the highest number of cumulative cases.<sup>46</sup> Public hospitals and morgues overflowed with bodies, especially in Selangor, beginning early 2021. On April 14, Malaysia recorded 11,161 cumulative cases per million people, the highest in Southeast Asia. By June 14, 1,322 intensive care unit beds (90 percent of national capacity) and 2,185 ventilators, in both government and private hospitals, were occupied by COVID-19 patients.<sup>47</sup>

On June 21, Noor Hisham revealed that out of the 578,105 cases registered from January 1–June 19, 69 percent (398,846 cases) were classified as sporadic infections with unlinked causes (see figure 1).<sup>48</sup> Their prevalence suggests

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<sup>45</sup> "Malaysia Can't Afford Another Lockdown," *Malaysian Reserve*, 5 October 2020, <https://themalaysianreserve.com/2020/10/05/malaysia-cant-afford-another-lockdown/>.

<sup>46</sup> The 2019 census indicated that the median household income was RM5,873. Therefore, a fine of RM10,000 is nearly twice this amount. See "Income Inequality in Malaysia Widened Even While Median Household Income Rose to RM5,873 in 2019, According to Latest Statistics," *Malay Mail*, 10 July 2020, <https://www.malaymail.com/news/malaysia/2020/07/10/income-inequality-in-malaysia-widened-even-while-median-household-income-ro/1883232>.

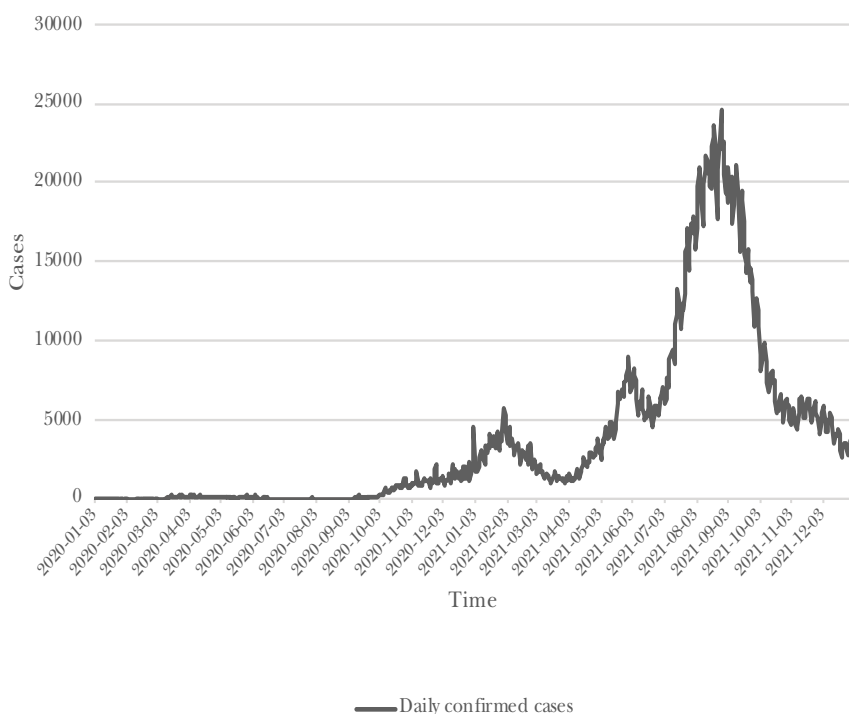
<sup>47</sup> Ministry of Health, "Peningkatan Bilangan Pesakit Covid-19 Yang Kritikal dan Status Keperluan Katil ICU Serta Ventilator Di Malaysia" [Increased number of critical Covid-19 patients and the status of the need for ICU beds and ventilators in Malaysia], accessed 15 August 2021, <https://covid-19.moh.gov.my/semasa-kkm/2021/06/peningkatan-pesakit-kritikal-dan-keperluan-katil-icu-dan-ventilator>.

<sup>48</sup> "Noor Hisham: Sporadic and Asymptomatic Cases Increasing in the Klang Valley," *New Straits Times*, 21 June 2021, <https://www.nst.com.my/news/nation/2021/06/700945/noor-hisham-sporadic-and-asymptomatic-cases-increasing-klang-valley>.

the breakdown of the contact tracing system, the decline of SOP compliance, or both. On August 26, following another change of government (this time to BN), Malaysia registered another new high in terms of daily confirmed cases (24,599), and its COVID-19-related deaths peaked at 592 cases per day on September 11. The cumulative number of cases nationwide rose past two million on September 14, a 200-fold increase in comparison with the figure recorded on the same day a year earlier, marking a striking 61,368 cases per million people (see figure 2). As of December 30, Malaysia's cumulative COVID-19 cases (84,058 cases per million) and death rate (960 cases per million) far surpassed its Southeast Asian counterparts and the world average.

**Figure 1**

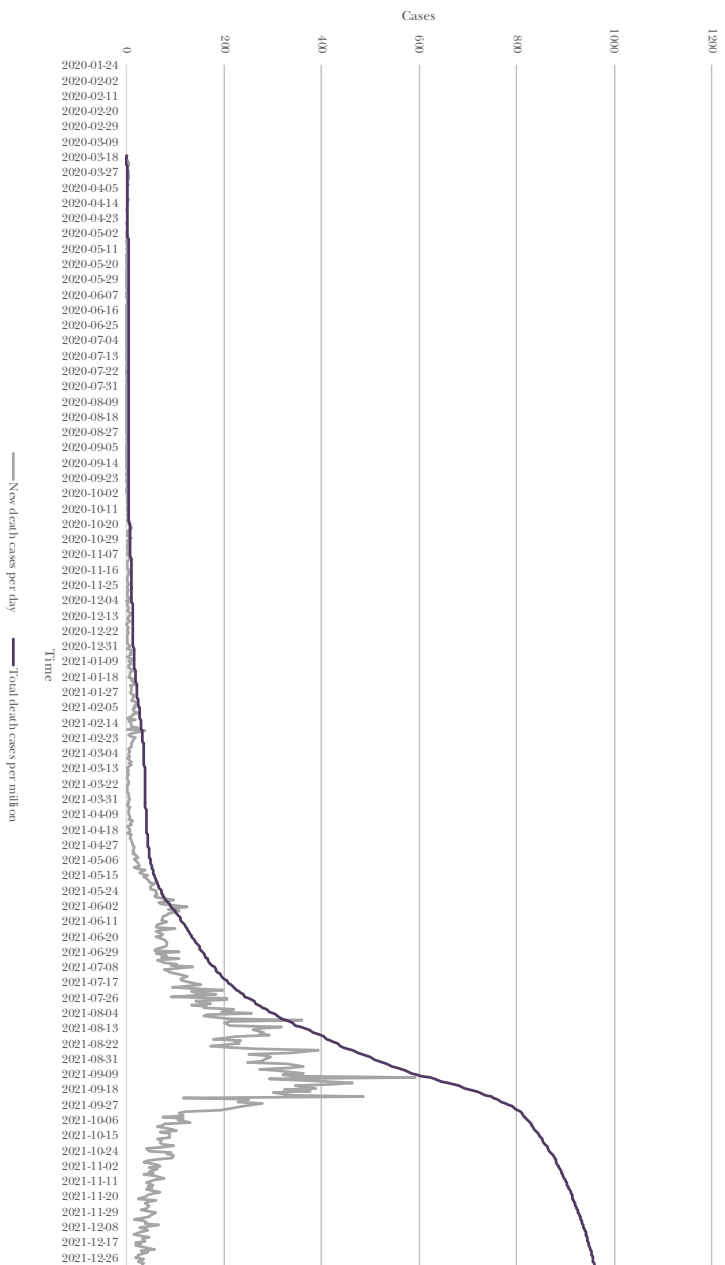
*Trendline of daily new confirmed cases (January 24, 2020–December 30, 2021)*



*Note:* There is a notably sharp rise beginning in October 2020, or after the Sabah election, the start of what was dubbed as the third wave of infections. The fourth wave, which was associated with the considerable movement of people during the Ramadhan month and in the lead-up to the Idulfitri festival, started in April 2021, while the fifth was triggered by the Delta variant and lasted for more than three months from July to September 2021.

*Source:* <https://ourworldindata.org/coronavirus/country/malaysia>

Figure 2  
Trendline of daily COVID-19 deaths and death rate (January 24, 2020–December 30, 2021)



Source: <https://ourworldindata.org/coronavirus/country/malaysia>

## **The Politics of Survival and a Fragmented Response**

This section examines major events in 2021 and suggests why there was no recovery after the Sabah election. Notably, Muhyiddin, who was facing multiple challenges and diminishing legitimacy, deliberated on the declaration of a state of emergency—in short, an engagement in the politics of survival, a major factor that would compromise pandemic governance. As noted earlier, a prolonged pandemic placed both the government and its people in a dilemma, between maintaining livelihoods and containing outbreaks. In the meantime, PN's performance legitimacy was declining as a result of its poor governance and rising cases associated with the Sabah election. Because of its weakened legitimacy and continuing challenges from rivals, the coalition was even more deeply preoccupied with political survival instead of handling the pandemic. Pertinently, popular trust in public institutions eroded and the public's willingness to comply with top-down instructions diminished.

Such volatility placed the PN government under tremendous stress, as former prime minister Mahathir,<sup>49</sup> PH, and an anti-Muhyiddin faction within UMNO continuously proposed a no-confidence motion, thus pushing him further to the margins of survival politics.<sup>50</sup> On the grounds that the government needed more authority to curb COVID-19 transmissions, Muhyiddin made a second attempt to proclaim a nationwide emergency on January 12, and with the king's approval, placed Malaysia under a state of emergency from January 13 to August 1. This proclamation was polarizing. On one hand, it was well received for being timely, by preventing continuous politicking and focusing instead on facilitating recovery.<sup>51</sup> But many others viewed the situation as not being dire enough to justify this declaration, and felt that existing laws had already provided the government with adequate powers. More importantly, they questioned the legitimacy of the proclamation, suggesting that it set a dangerous precedent by bypassing parliament entirely.<sup>52</sup>

Ironically, there was no sign that the federal authority was proactively engaging the private health sector or encouraging private hospitals to play

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<sup>49</sup> After leaving Bersatu, Mahathir formed the independent Parti Pejuang Tanah Air (Homeland Fighters' Party) in August 2020.

<sup>50</sup> "All Eyes on Motion of No Confidence," *New Straits Times*, 13 July 2020, <https://www.nst.com.my/news/nation/2020/07/608058/all-eyes-motion-no-confidence>; "Issue of No Confidence Motion to be Raised in Parliament Today," *New Straits Times*, 10 December 2020, <https://www.nst.com.my/news/politics/2020/12/648272/issue-no-confidence-motion-be-raised-parliament-today>.

<sup>51</sup> "Don't Make Emergency an Issue, Free Malaysia from Virus First," *New Straits Times*, 28 January 2021, <https://www.nst.com.my/news/nation/2021/01/661102/dont-make-emergency-issue-free-malaysia-virus-first>.

<sup>52</sup> "Ten Former Bar Presidents: Perikatan Govt's Emergency Laws 'Dangerous Precedent', Table in Parliament First Now," *Malay Mail*, 17 January 2021, <https://www.malaymail.com/news/malaysia/2021/01/17/ten-former-bar-presidents-perikatan-govts-emergency-laws-dangerous-preceden/1941294>.



a bigger part in the healthcare crisis, despite such involvement being cited as a justification for the proclamation of emergency.<sup>53</sup> The coercion of private healthcare providers is not desirable, but their participation had previously remained voluntary and minimal, while their counterparts in the public health sector were overworked for over a year—indeed, strikes by healthcare workers later in 2021 drew mass sympathy. COVID-19 patients who had been admitted to private hospitals were charged exorbitant fees<sup>54</sup>; profit-making remained the ultimate goal of the private healthcare sector. Thus, nationalizing private healthcare services at this time was indeed in line with the WHO's suggestions.<sup>55</sup> Yet, a lack of planning in this respect suggests that the emergency proclamation had little to do with improving anti-pandemic capacity; rather, it was a strategy for PN's political survival.

These assertions can be interpreted from the seemingly half-hearted measures imposed despite the supposed state of emergency. In comparison to what was now popularly known as MCO1.0 (the first MCO), the enforcement of MCO2.0 was sloppy, despite the imposition of heftier fines. Implemented on January 13 with no clear end date, MCO2.0 was only partially enforced in several of the worst-hit states out of economic pragmatism. Most commercial businesses and the manufacturing sector were still allowed to operate, meaning that people were still working in close contact, especially in factories.<sup>56</sup> Even though this move allowed both industries and workers to begin recovering economically, there were serious consequences in terms of rapid transmission.<sup>57</sup> On occasion, the authorities grappled with tensions, between being mindful of ethnic sensitivities and enforcing public health measures. This tension resonates with Migdal's notion that the state must necessarily negotiate with society.<sup>58</sup> Just as importantly, seasonal festivals tend to be when small traders make more money. To avoid triggering ethnic sentiments and having a negative impact on livelihoods, the government allowed people to operate and visit night markets during the Lunar New Year in mid-February despite simultaneously implementing MCO2.0.<sup>59</sup> A similar situation took place during Ramadhan (around mid-April), the

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<sup>53</sup> "Emergency Necessary as Act 342 Has Become Inadequate," *New Straits Times*, 17 January 2021, <https://www.nst.com.my/news/nation/2021/01/658149/emergency-necessary-act-342-has-become-inadequate>.

<sup>54</sup> "Association Defends Charges for Covid-19 Patients in Private Hospitals," *Free Malaysia Today*, 24 July 2021, <https://www.freemalaysiatoday.com/category/nation/2021/07/24/association-defends-charges-for-covid-19-patients-in-private-hospitals/>.

<sup>55</sup> World Health Organization, *Strategy Report: Engaging the Private Health Service Delivery Sector through Governance in Mixed Health Systems* (Geneva: WHO, 2020).

<sup>56</sup> "MCO 2.0 May End Soon," *Star*, 26 January 2021, <https://www.thestar.com.my/news/nation/2021/01/26/mco-20-may-end-soon>.

<sup>57</sup> "Workplaces Remain Riskiest Places in Malaysia to Catch Covid-19 as Clusters Spread Across Four States," *Malay Mail*, 9 February 2021, <https://www.malaymail.com/news/malaysia/2021/02/09/workplaces-remain-riskiest-places-in-malaysia-to-catch-covid-19-as-clusters/1948452>.

<sup>58</sup> Migdal, *State in Society*, passim.

<sup>59</sup> "Business Can Stay Open," *Star*, 3 February 2021, <https://www.thestar.com.my/news/nation/2021/02/03/businesses-can-stay-open>.

second year during which the fasting month coincided with the pandemic. Ramadhan bazaars are the most lucrative season of the year for many Muslim traders,<sup>60</sup> who had already been deprived of business in 2020. Taking into account religious sentiments and presumably also economic concerns, the government allowed these bazaars to operate on the condition that they observed SOPs accordingly, only to shut many down when outbreaks related to these bazaars were registered.<sup>61</sup>

Such policy reversals and their sloppy implementation were indeed counterproductive, coupled with growing fatigue over everyday restrictions that crushed socialization, connection, and intimacy. On May 11, just two days before Idulfitri, Noor Hisham revealed that over 80 percent of newly confirmed cases were sporadic with unknown links, and accordingly, he defended the PN government's decision to impose a third nationwide lockdown, MCO3.0, which would last from May 12–June 7, coinciding with Idulfitri for the second time.<sup>62</sup> Despite the ban on interstate travel and house-to-house visits, traffic surged as people tried to pass roadblocks in rushing back to their hometowns for the festival, in a sign of growing public defiance.<sup>63</sup> Based on social media observations, many were angry at the ban, but rational voices urged people to stay home for the sake of curbing transmission. Yet two weeks after the festival, a new daily high—9,020 confirmed cases—was recorded on May 29.

In view of the grave situation, the authorities retightened and extended MCO3.0 in successive two-week phases from June 1–28. Yet the PN government remained divided over many issues, including whether or not to allow commercial businesses to operate (and by extension which sector should be allowed), and so on and so forth. The tension between the MOH and the Ministry of International Trade and Industry suggests competing priorities between combatting transmissions and resuscitating the economy,<sup>64</sup> thus affirming that the state is “an alliance of disparate parts” consisting of “contradictory practices.”<sup>65</sup>

In barely a year, a manageable national health crisis had devolved into a state of emergency. PN suspended parliament and expanded its executive

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<sup>60</sup> “There’s Big Money To Be Made in Ramadan Bazaars,” *Star*, 2 July 2017, <https://www.thestar.com.my/lifestyle/living/2017/07/02/big-money-ramadan-bazaars>.

<sup>61</sup> “22 Ramadan Bazaars Nationwide to Shut Down,” *New Straits Times*, 30 April 2021, <https://www.nst.com.my/news/nation/2021/04/686725/22-ramadan-bazaars-nationwide-shut-down>.

<sup>62</sup> “Health DG: MCO 3.0 Needed Amid Jump in Sporadic Infections, Presence of Worrying Covid-19 Variants,” *Edge*, 11 May 2021, <https://www.theedgemarkets.com/article/health-dg-mco-30-needed-amid-jump-sporadic-infections-presence-worrying-covid19-variants>.

<sup>63</sup> “200,000 Defied Travel Ban to ‘Balik Kampung’ for Hari Raya,” *New Straits Times*, 30 May 2021, <https://www.nst.com.my/news/nation/2021/05/694428/200000-defied-travel-ban-balik-kampung-hari-raya>.

<sup>64</sup> “We Have to Bite the Bullet, Says Azmin,” *Star*, 30 May 2021, <https://www.thestar.com.my/news/nation/2021/05/30/we-have-to-bite-the-bullet-says-azmin>.

<sup>65</sup> Migdal, *State*, 22.

powers beyond legislative oversight. Taken together, the entire sequence of political events—i.e., the coup, the suspension of parliamentary sessions, and the declaration of emergency—constituted “democratic backsliding,” or “state-led debilitation or elimination of any of the political institutions that sustain an existing democracy.”<sup>66</sup> Yet such power does not translate into good leadership or efficient governance. It became increasingly difficult to hold Muhyiddin’s government accountable for its (in)actions, thus affirming the general observation that illiberal rulers tend to take advantage of national crises to tighten their grip on power.<sup>67</sup>

The impact on public opinion is clear here. In a poll conducted in April–May 2021 by the Australian National University, only 53 percent of Malaysian respondents said that they were satisfied with the government’s responses to COVID-19. When answering a different set of questions, 51 percent agreed that the prime minister should have done a better job in handling the pandemic, and only 47 percent were satisfied with what the government had done to support the economy and reduce infections.<sup>68</sup> Compared to the above-mentioned Department of Statistics survey, the popularity of Muhyiddin’s government was declining, suggesting that its diminishing legitimacy was a result of failing to manage both the pandemic and the economy. Judging from social media observations, anger mounted, popular compliance diminished, and public trust in the government declined. Trending hashtags (such as #MuhyiddinOut and #KerajaanGagal [the government has failed]), sightings of “*kerajaan gagal*” graffiti and banners in various spots around the country (including in a spontaneous street protest where motorists carried banners with this hashtag printed out during the Idulfitri festival) were signs of growing wrath and disillusionment.<sup>69</sup> This outcome is hardly surprising given that PN leaders were too preoccupied with their politics of survival and made little effort in terms of actual planning and governance, despite strong state infrastructure and expanded executive power on hand. Notwithstanding increasing popular discontent, Muhyiddin remained in power until he lost the last pillar of political legitimacy—royal support—which coincided with vaccination rollouts in the third quarter of 2021.

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<sup>66</sup> Nancy Borneo, “On Democracy Backsliding,” *Journal of Democracy* 27, no.1 (2016): 5–19.

<sup>67</sup> Stephan Haggard and Robert R. Kaufman, *Backsliding* (Cambridge: Cambridge University Press, 2021), 83; Victor Ramraj and Arun K. Thiruvengadam, “Pandemic and Emergency Powers in Asia,” in *Covid-19 in Asia: Law and Policy Contexts*, ed. Victor V. Ramraj (Oxford: Oxford University Press, 2021), 133–146; James Gomez and Robin Ramcharan, “Coronavirus and Democracy in Southeast Asia,” *Bangkok Post*, 1 April 2020, <https://www.bangkokpost.com/opinion/opinion/1890655/coronavirus-and-democracy-in-southeast-asia>.

<sup>68</sup> Edward Aspinall et al., “Covid-19 in Southeast Asia: Public Health, Social Impacts and Political Attitudes,” *New Mandala*, 13 August 2021, <https://www.newmandala.org/covid-19-in-southeast-asia-public-health-social-impacts-and-political-attitudes/>.

<sup>69</sup> “Don’t Downplay #KerajaanGagal, Use It to Improve Governance,” *Focus Malaysia*, 23 April 2021, <https://focusmalaysia.my/mainstream/dont-downplay-kerajaangagal-use-it-to-improve-governance/>; “Parit Raja ‘Gathering’ an Annual Affair, ‘Kerajaan Gagal’ Banner a Surprise,” *Malaysiakini*, 17 May 2021, <https://www.malaysiakini.com/news/574916>.

## **Vaccination Rollouts and End of Emergency**

To its credit, the PN government's performance in rolling out vaccinations was far better than the debacle above. From early on, the government promised to vaccinate at least 70 percent of the population for free. A popular tagline "*Lindung Diri, Lindung Semua*" (protect yourself, protect everyone) was used to promote vaccinations. The vaccination program was, however, contested and challenged at multiple levels.

First, several NGOs questioned the vaccine procurement for lacking transparency.<sup>70</sup> Back in 2020, the PN government had allocated a total of RM3 billion (US\$721 million) for vaccinations in the 2021 budget. When Muhyiddin revealed the government's deal with Pfizer for 12.8 million doses of BioNTech vaccine, but withheld information about its price supposedly because of a non-disclosure agreement and complicated global pricing practices, the plan immediately drew criticism. To gain popular trust, Khairy Jamaluddin, as head of a special task force, the Jawatankuasa Khas Jaminan Akses Vaksin COVID-19 (JKJAV, the special task force on ensuring access to COVID-19 vaccine supply), proposed disclosing this price to the Parliamentary Public Accounts Committee.<sup>71</sup> The increasing cost of vaccines added an additional RM2 billion to the cost, drawn from the petroleum-backed National Trust Fund. Thus, the total allocation for vaccinations reached RM5 billion (US\$1.2 billion), of which RM3.5 billion was spent on the procurement of vaccines alone and RM700 million for the implementation of the program.<sup>72</sup> Under normal circumstances, the use of the trust fund requires parliamentary approval, but now empowered by the Emergency Ordinance 2021, the PN government was able to make an amendment to the National Trust Fund Act 1988 to withdraw funds without parliamentary approval.

Second, fears over vaccine safety, whether founded or not, raised popular concern. To mitigate risks, the JKJAV purchased five different vaccines: Pfizer (BioNTech), Oxford (AstraZeneca), Sinovac (Coronavac), Cansino (Convidecia), and a Russian vaccine (Sputnik V). Yet widespread news about blood-clotting related to AstraZeneca worried many, and vaccine hesitancy was further deepened when disinformation produced by "anti-vaxxers" and propaganda released by vaccine producers to discredit their rivals circulated through informal channels such as WhatsApp and WeChat. Local media was also to blame for sensationalizing vaccine side effects. Thus, when the vaccines

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<sup>70</sup> "A call for transparency in registration and purchasing of Covid-19 vaccines—Citizens' Health Initiative," *Malay Mail*, 2 January 2021, <https://www.malaymail.com/news/what-you-think/2021/01/02/a-call-for-transparency-in-registration-and-purchasing-of-covid-19-vaccines/1936637>.

<sup>71</sup> "Covid-19 Vaccine Prices Revealed to PAC for Transparency, Says Khairy," *Star*, 5 January 2021, <https://www.thestar.com.my/news/nation/2021/01/05/covid-19-vaccine-prices-revealed-to-pac-for-transparency-says-khairy>.

<sup>72</sup> "Malaysia Taps Oil-Backed Trust Fund to Pay for Vaccines," *Edge*, 22 April 2021, <https://www.theedgemarkets.com/article/malaysia-taps-oilbacked-trust-fund-pay-vaccines>.

were rolled out in March, less than 25 percent of the adult population signed up for their shots, and many who actually did failed to turn up for their appointments. To manage fears of side effects, especially in relation to AstraZeneca, the JKJAV called for voluntary (and not mandatory) registrations for AstraZeneca shots in Selangor. All doses were snapped up within four hours when registration opened on May 2.<sup>73</sup> The voluntary registration paradoxically turned into a spectacle that boosted confidence in vaccine safety. When the second batch of 300,000 doses was opened for voluntary registration on May 26, these too were snapped up in less than one hour. Subsequently, many people complained about being left out. This creative and influential policy experiment addressed several issues at the same time. By recognizing fears of side effects while effectively administering AstraZeneca vaccinations without forcing doubters to take the dose, the authorities avoided wastage while generally boosting public trust in vaccination.<sup>74</sup>

Regardless, the overall vaccination rollout was rather slow before July because of global vaccine shortages caused by hoarding in richer countries and manufacturers' reluctance to waive their patents. Vaccine inequality existed not just at the global level, but also domestically, where some politicians were prioritized over ordinary citizens and even health frontliners, causing citizens to protest by deploying the hashtag #AntaraDuaDarjat (between two classes). Dissatisfied with slow inoculation rates, the PH-ruled states of Selangor and Penang tussled with the federal government over vaccine stocks, only to find themselves in a disadvantaged position—after all, vaccines were a federally regulated product and all deals were monopolized by the PN government. But such centralization was necessary given vaccine shortages, a vital step in preventing the diversion of doses away from health frontliners and high-risk groups.

Further, vaccination appointments were centrally made by registering through the MySejahtera smartphone application, where senior citizens were prioritized over younger demographics. This was unlike the practice in Taiwan and the United States, where walk-in vaccinations were allowed. Malaysia's centralized healthcare system led to a positive outcome, and more broadly, federal-state tussles over vaccine stocks had no impact on the overall vaccination program. Starting in July 2021, vaccine supplies stabilized and vaccinations ramped up across the country, peaking at over 560,000 doses per day as of July 29. And by December 30, 2021, 78 percent of the population had been fully vaccinated, while 18.6 percent had already received their

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<sup>73</sup> "All AstraZeneca Covid-19 Doses Snapped Up in Less Than 4 Hours," *Malaysiakini*, 2 May 2021, <https://www.malaysiakini.com/news/573041>.

<sup>74</sup> This is in contrast to the situation in Hong Kong, where a lack of public trust likely caused massive vaccine wastage. See "Covid: Hong Kong Could End Up Throwing Away Unused Jabs," *BBC*, 25 May 2021, <https://www.bbc.com/news/world-asia-china-57247327>.

booster shot. The high vaccination rate successfully brought the daily confirmed cases down from five digits per day in September 2021 to below 5,000 per day by December 2021.

As vaccinations ramped up, the political crisis continued to unfold. With the Emergency about to end, on June 16, 2021, the king urged the PN government to reconvene parliament sittings and table an Emergency Ordinance for debate as soon as possible.<sup>75</sup> On July 26, parliament finally reconvened, during which Law Minister Takiyuddin Hassan revealed that the Emergency Ordinance had actually already been revoked during a cabinet meeting on July 21—the implication was that the PN government saw no need for the king’s approval to do so. On July 29, the king issued a statement expressing his disappointment and disagreement with PN for doing so, i.e., without tabling and debating the matter in parliament or obtaining his consent.<sup>76</sup> The palace’s response suggests PN’s loss of its last pillar of legitimacy—the support of the Malay ruler.<sup>77</sup>

In response to this new challenge, PN adjourned parliament on the grounds that there were two infections among parliament staff, and mandated that all members of parliament undergo swab tests.<sup>78</sup> This re-suspension of parliament gained the support of Noor Hisham. Three weeks later, on August 16, Muhyiddin and members of his cabinet finally tendered their resignations, which the king accepted while also ruling out a general election because of the pandemic. On August 22, UMNO’s Ismail Sabri Yaakob was sworn in as the ninth prime minister, thus ending 18 months of chaos and instability with BN’s return to power. Nonetheless, intra-ethnic rivalry, as seen from elite fragmentation among ethnic Malay politicians, is unlikely to end. The extent to which such rifts will consolidate or weaken democratic institutions and how they will affect overall governance beyond the pandemic, remains to be observed.

## Conclusion

Malaysia’s impressive performance in both containing infection rates and keeping people economically afloat through social provisions in the early phase of the pandemic can be attributed to its strong “state capacity,” notwithstanding the untimely reversal of a post-BN democratic transition and the ensuing political chaos. The notion of a “strong-weak state” capacity

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<sup>75</sup> “Agong: Parliament Should Reconvene as Soon as Possible,” *Malaysiakini*, 16 June 2021, <https://www.malaysiakini.com/news/579270>.

<sup>76</sup> “King Disappointed Emergency Ordinances Revoked Without His Consent,” *Star*, 29 July 2021, <https://www.thestar.com.my/news/nation/2021/07/29/king-disappointed-emergency-ordinances-revoked-without-his-consent>.

<sup>77</sup> Bridget Welsh, “Comment: An Evolving Legitimacy Crisis?” *Malaysiakini*, 20 June 2021, <https://www.malaysiakini.com/columns/579680>.

<sup>78</sup> “4 Tested Positive for Covid-19 in Parliament, Sitting Postponed to Monday,” *Malaysiakini*, 29 July 2021, <https://www.malaysiakini.com/news/585081>.

is, however, inadequate if we are to make sense of why the country, despite its strong state infrastructure and early success rates, failed to control the pandemic after the Sabah state election. By adopting Migdal's state-in-society approach, this article focuses on the political processes underlying pandemic governance and illustrates that the shifting capacities in response to the pandemic were driven by four factors: (1) continuous partisan rivalry; (2) PN's internal fragmentation; (3) PN's complacency with its own initial success; (4) and poor governance during the Sabah election. Consequently, the public health system was overwhelmed by rising cases.

As a result of poor pandemic governance during the Sabah election, PN's performance legitimacy, which had been constructed through effective governance and a series of social provisions, began slipping. Both diminishing legitimacy and continuous challenges from internal and external rivals pushed PN further towards survival politics and weakened its efforts at actual planning and governance, which in turn worsened both the national health and socioeconomic crises. The simultaneous crises placed both the government and the people in a dilemma—i.e., having to strike a balance between sustaining livelihoods and containing outbreaks. Inter-ministerial tensions and competing priorities between the MOH and the Ministry of International Trade and Industry were at once the cause and result of this dilemma.

As Migdal emphasizes, the state is “a field of power” shaped by the dynamics of a *mélange* of groupings and actors. Importantly, the community is by no means voiceless or passive in this equation. Civil society actively monitored the government's actions and inactions by (perhaps inappropriately) developing an interactive map for locating available personal protective equipment stocks, pushing the government to reconvene parliamentary sittings, calling for Adham Baba's sidelining, taking precautionary measures during the Sabah election, taking care of livelihoods during and beyond Ramadhan, and being more transparent in using public funds for vaccinations, for example. The contributions of civil society constituted a significant part of pandemic governance, even though they may not be officially recognized by the authorities. On many occasions, pandemic governance was overshadowed by federal-state politics, primarily driven by PN-PH rivalry, although this in fact had little impact, as a result of highly centralized administrative power. Malaysia thus presents a very different case from central-local politics in Pakistan and China.<sup>79</sup> Finally, Malay elite fragmentation was paradoxically the force that caused the coup and ended the emergency. To what extent rifts amongst Malay elites will become a source of democratization and improve participatory mechanisms beyond pandemic governance remains to be seen.

*Universiti Sains Malaysia, Penang, Malaysia, March 2023*

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<sup>79</sup> Lv et al., “Centralization”; Qureshi, “The Politics.”