The 2014 Bukit Gelugor By-Elections in The State of Penang, Malaysia: Electoral Pressurized?

ARIFF AIZUDDIN AZLAN  
Ph.D. Research Candidate  
and  
ZULKANAIN ABDUL RAHMAN  
Associate Professor  
Department of History  
Faculty of Arts and Social Sciences  
University of Malaya  
Malaysia

Introduction

The beauty of having by-elections, particularly in a Commonwealth country like Malaysia, slowly leads to a nascent of patterns, trends and issues that are well shaped politically, sociologically and economically. The adjacent of ethnics and politics are far from being removed as the country is well-embedded with the system that has been put into motion from time to time under the shade of colonial construct. Given the imperative of unstable political milieu, people start to generate theoretical initiatives by participating in a defined yet unstable framework. Not only that, the current conduct of the said electoral, to a certain extent, has pointed towards mass participation in figuring out the future direction of the country’s political system. Tracing its roots back to the 2008 Malaysian general elections and the post-2008, the outcome tremendously reflected the phenomenon. For the second time in the Malaysian electoral history, the ruling Barisan Nasional (BN) government has failed to retain its two-thirds of majority at the parliamentary level. The opposition¹, on the other hand, for the first time has ceremoniously recaptured four states (Selangor, Perak, Penang and Kedah) from the ruling BN government at the state level. The state of Kelantan is excluded as it has been under the total grasp of Pan-Malaysian Islamic Party (PAS)-led

¹. In the post-2008 general elections, the opposition coalitions came to some sort of concerted efforts and have their selves rebranded with a new name of “Pakatan Rakyat (PR)”. PR consists of three major opposition parties which are: Parti Keadilan Rakyat (PKR), Pan-Islamic Malaysian Party (PAS) and Democratic Action Party (DAP).
government since 1990. The result of 2008 was indeed devastating for the ruling BN government. At the parliamentary level, BN contested 222 seats but lost 82 seats and thus was left with only 140 seats. The BN’s case then was a bit different compared to the 2004 general elections where it won 199 seats. As for the opposition Pakatan Rakyat (PR), Democratic Action Party (DAP) contested 47 parliamentary seats and won 28 seats. DAP recorded the highest among its PR coalitions where Parti KeADILan Rakyat (PKR) obtained 31 seats out of 97 parliamentary seats contested and PAS marked the lowest among the three where it garnered 23 out of 67 parliamentary seats contested. At the state level, Penang was totally swept by the opposition coalition: DAP won 19 seats, PKR won 9 seats and PAS won 1 seat.

The victory led to a formation of a PR state government, headed by DAP. In Perak, the opposition PR experience the same occurrence. DAP recorded the highest win by obtaining 18 seats, PKR was the second by obtaining 7 seats and PAS managed to secure 6 seats. In Kedah, PAS made a remarkable victory by sweeping 16 seats and left DAP with 1 seat and PKR with 4 seats. Thus, it made Kedah the second PAS state government after Kelantan. Last but not least, in Selangor, PKR recorded the highest in terms of state seats where it garnered 15 seats, DAP obtained 13 seats and PAS secured 8 seats only.3 Post-2008, many things seemed to have been misplaced, especially accounts on BN’s continuity as the unchallengeable dominant party and also the representation of the opposition PR at the parliamentary as well as the state level, particularly its political strength. One scholar has noted that the post-2008 general elections came up with several questions and this led to two issues to stand out.2 First, the BN coalition has lost its two-thirds majority in parliament and consequently, its ability to amend the constitution unimpeded, a critical indicator of political legitimacy in Malaysia. Second, on April 1, 2008, PKR, PAS and DAP came to some sort of formation named as Pakatan Rakyat, yet PR did not officially have the numbers in parliament to gain control of the government. However, it was further contended that the post-2008 had indeed served a new platform for good governance and a serious transition could also be seen where the constitution of a national identity was clearly reflected in the 2008 results, which point to a pluralization of the political system and a popular desire for a more inclusive, ethnically-neutral political discourse.4 In supporting the view, the result was indeed categorized as Malaysia’s turning point.5 Besides that, the opposition had finally gained an “optimum multiethnic consensus” and denied the incumbent of its unbroken two-thirds majority win.6

The ongoing discourse particularly on these marked transitions not only occurred at the macro level but the reflection was felt at the micro level also. From 2008 until 2013, there were several by-elections held either at the parliamentary level or at the state level. These by-elections were taken seriously by parties, be it BN or PR respectively. While waiting for the next general elections to be held, by-elections are used to measure and also to indicate the extent of parties in securing certain seats contested and the parties’ identification in the respective voters. Be it theoretically or practically, the conduct of by-elections has somehow benefitted the parties contested if they win. The logical argument here is simple, the need to fill the parliament or the state legislature is deemed significant as it contributes much towards the transparency in the respected “Hall”. In April 2014, Malaysian was untimely struck with the death of the most well-known criminal lawyer,

---

4. Ibid, pp. 89.
Karpal Singh, in a car accident. The sudden death of Karpal led to a new chapter in the course of Malaysia’s political setting and it paved a way for the Bukit Gelugor by-elections to be held. Unlike previous by-elections held, this Bukit Gelugor by-elections appeared to be different in terms of parties involvement as it was a fight between the DAP and independent candidates. This paper thus analyses political change in the state of Penang by using the Bukit Gelugor by-elections as the electoral framework and also the extent of its pressurization towards the opposition PR-DAP.

Political Struggle of the Ardent Hero: A Tribute to Karpal Singh

The section in this article reviews Karpal Singh’s political struggle within the terrain of Malaysian politics. The name itself is not alien especially to those who are well-read in Malaysian politics. Born at the Penang Maternity Hospital, Macalister Road on June 28, 1940, he began his education in 1948 at St. Xavier’s Institution in Penang. Based on the account by Tim Donoghue, a writer who has written the biography of Karpal, “in school, Karpal did well academically, particularly in English and History, but his performance on the sports field was mediocre. Looking back, his former teachers observed there was nothing to suggest that the quiet, conscientious, outwardly diligent student would develop into anything out of the ordinary”. Despite the given account, Karpal was successful in every aspect that he decided to participate in. In 1961, Karpal enrolled as a resident of Duncan Road Hostel and a law student at the University of Singapore. Another account made by Donoghue states that “in 1962, a significant change occurred in Karpal’s approach to his studies. His hostel friends were the first to recognize the young Sikh’s leadership, advocacy and political skills by electing him President of the Duncan Road Hostel and as a member of the university’s student union. The young student leader clearly enjoyed the political opportunities provided by his newfound freedom and the confidence his peers had placed in him”. In one way, Karpal had indeed developed the political struggle in his inner life that was difficult to be avoided. The proclivity that Karpal had, in turn, changed him to be more resilient towards the politicization of ambience around him. In one case, this was proven to be true. In 1963, when the People’s Action Party’s (PAP) leader in Singapore, Lee Kuan Yew, sought to expand his party and thus lead Singapore into the Federation of Malaya, Lee’s hard-line political style resulted in problems of academic freedom and university autonomy for students and staff at the University of Singapore. In response to this, the university authorities introduced a vetting system whereby students had to prove their suitability to embark upon courses. In response to the unwanted action, Karpal organized a series of demonstrations opposing the vetting processes but the policy failed to halt and Karpal ended up in suspension for two weeks.

After getting through some political hurdles and difficulties in searching for the knowledge within the realm of the academics, Karpal finally graduated from the university with an LLB Hons in 1968 and waited to be called to the bar to complete nine months in “reading in chambers” in a law firm. The young man was adequately equipped with legal training and waited to be utilized for the sake of justice. In 1965, two dramatic events had occurred in local history where Malaysia witnessed the withdrawal of Singapore from it and the PAP’s deregistration in Malaysia led Devan

10. Ibid., p. 15.
11. Ibid., p. 21.
12. Ibid., pp. 22-23.
13. Ibid., p. 28.
Nair to become the DAP’s first Secretary-General. After the bloody race riots that occurred in 1969, Karpal was interested in party affiliation, especially that of DAP and Karpal, indeed, saw a future role for himself in the DAP as he believed it was essential for Malaysia’s three major racial groups to work together as equals.14

Discourse on race, for Karpal, was significant especially for a developing country like Malaysia to achieve a state of maturity within a political parameter but when it came to the discourse of “Islam” as a way of life, or to be precise an Islamic law of hudud, as championed by PAS from time to time, may have reflected an oppositional embedded relationship. Karpal had always been a strong opponent of those who advocate Malaysia of becoming an Islamic state and for that particular reason, Karpal had a personal problem with the opposition Islamic-dominated party PAS.15 In 1974, Karpal surprisingly made his first electoral debut by representing the DAP where he won the 1974 Bandar constituency in Alor Setar. In the 1978 elections, Karpal was elected as an assemblyman for Bukit Gelugor state constituency and Jelutong parliamentary constituency. Even though at that time Karpal was pretty much politically inexperienced and young, he was elevated to a position of the leader of the Opposition in the Penang State Assembly.16 Until the time of his death, Karpal had been regarded as one of those who carried out the people’s dissenting voices.

Political Change in Penang in The Post-2008: An Overview

The outcome of the 2008 general elections was not only felt at the national level but it also affected the state level. For the first time in Penang’s electoral history, the opposition’s colossal victory put an end to the dominant BN ruling government. Chinese-majority Penang — the former prime minister’s Abdullah Ahmad Badawi home state — led by Parti Gerakan Rakyat Malaysia (Gerakan) for the past 36 years is now headed by DAP.17 Due to the landslide victory, the opposition consisting of DAP, PKR and PAS together formed a state government based on the composition: DAP-19 state seats, PKR-9 state seats and PAS-1 seat. PR’s colossal victory had indeed denied the two-thirds access for the BN government and this gave the opposition tremendous advantages in terms of passing state laws in the legislature. As the highest state seats were won by DAP, it was chosen to head the state government by the appointment of Lim Guan Eng as the Penang Chief Minister (CM). Post-2008 marked a major transition in the state of Penang.

Soon after the opposition or PR became the party-led government, they had the tendency to embark on landmark decisions to break from BN traditions and included non-government organizations (NGOs) and professionals among its appointments in 2008 and beyond.18 The intended action initiated by the newly formed PR-led government escalated the people’s proclivity towards the comprehension of the current political setting and at the same time, encourage greater participation and lead to a definite democratization at the state level. Based on accounts that the DAP has the longest history of advocating the reintroduction of local elections, motivation and opportunity to implement local government reform seemed strong in Penang,19 in other words, the changes that occurred in Penang pretty much involved those at the grassroots level. Opportunities were openly given to NGOs to engage, either directly or indirectly, with PR in the same platform.

15. Ibid.
Besides that, there was an attempt made by a coalition of more than 40 Penang-based NGOs to engage the PR government in attempts to foster principles of popular political participation, transparency, accountability, sustainability and social justice.\textsuperscript{20}

Apart from that, the post-2008 also witnessed a drastic change in a by-election. In 2008, Anwar Ibrahim, the de facto leader of PKR and PR and also the consensus candidate for Prime Minister (PM), re-entered the Malaysian political scene by contesting in Permatang Pauh by-elections seat in the month of August, the seat was held by Anwar before his sacking and incarceration in 1998.\textsuperscript{21} For some, this was not merely a by-election. Permatang Pauh stood as a critical indicator, particularly voters' perception at the state level and how the perception was translated at the national level. Anwar not only acted as the de facto leader in PR but his role went beyond. Anwar decisively acted as a mediator between PAS and DAP during his comeback to parliament.\textsuperscript{22} At this critical juncture, the state of Penang had indirectly paved ways for Anwar to resume his long-standing parliamentary seat in Permatang Pauh and that was possible when Wan Azizah Wan Ismail, PKR's president as well as Anwar's wife, opted to withdraw from her current seat and this allowed Anwar to enter the political arena.

On August 26 2008, Anwar defeated his opponent and did it by substantially widening the already impressive margin of victory achieved by his wife in the general elections held about six months earlier.\textsuperscript{23} As observed by Ooi Kee Beng, the nature of Anwar's by-election success is significant in a number of ways: Firstly, it showed that although voters – at least in Permatang Pauh -- may have been surprised by their forcefully action against the government in the earlier election, half a year later they were apparently not regretting having made that stand.\textsuperscript{24} Secondly, the by-elections was also the first one to be lost, and badly at that, by the formidable electoral machine of the ruling BN government since Abdullah Ahmad Badawi became premier in 2003 and the fall in support for the government seemed to be continuing.\textsuperscript{25} Thirdly, Permatang Pauh is a constituency where almost 70 percent of its constituents are Malays, the rest are mainly Chinese, with the Indians, the community most disenchanted with BN at the moment, making up a mere 5.7 percent of the voting population. At the same time, BN utilized racial arguments in the campaign and despite the fact that Anwar's party, the PKR, continued to propound a multiracial line, Anwar won almost 70 percent of the votes.\textsuperscript{26} Fourth, Anwar's candidacy ended Wan Azizah's ten-year held over the seat. She had expressly been keeping it in trust for her husband, almost losing it in 2004 when she hung on to it by a slim 590-vote majority.\textsuperscript{27} Last but not least, with Anwar's ascendance to a position of power, the Malay ground may be said to have split into three distinct fragments: UMNO continues to stand for a Malay-first policy, while PAS propounds a religious basis for the country's nation building. PKR, in turn, relies on support from educated urban Malays to exemplify its Malay-led brand of multiculturalism.\textsuperscript{28}

As has been argued above, it has now been set straight to a more comprehensive understanding. Anwar is not simply a factor but indeed a critical factor at the right time and the right place. Political change in Penang may be part of the framework to analyze the whole dimension but with the inclusion of Anwar as the factor that generates the outcome, it transcends beyond. The decisive

\textsuperscript{20} Ibid. p. 833.
\textsuperscript{22} Ibid. p. 143.
\textsuperscript{24} Ibid. p. 123.
\textsuperscript{25} Ibid.
\textsuperscript{26} Ibid.
\textsuperscript{27} Ibid.
\textsuperscript{28} Ibid.
victory in Permatang Pauh meant that Anwar has started to penetrate the national or federal level. To say that the nomenclature of "change" occurred in Penang is not well-served but in a reality the change has crossed beyond the purview of the state. In more persuasive ways, Penangites have finally started to regain consciousness in deciding the exact course of the state's politics. This phenomenon did not come in a single package and unnoticed. The emerging trend is indeed in tandem together with the other states under the PR-led government.

Parliamentary Constituencies in Penang

Altogether there are 13 parliamentary seats in the state of Penang. Bukit Gelugor (P51) is one of Penang's parliamentary seats. At the state legislative level or Dewan Undangan Negeri (DUN), there are 40 state seats in total. Three state seats are under the Bukit Gelugor constituencies which are: N32 Seri Delima, N33 Air Itam and N34 Paya Terubong. In the 2008 general elections, the opposition PR managed to retake at least 11 parliamentary seats in Penang and left the ruling BN government with two parliamentary seats which are P41 Kepala Batas and P42 Tasek Gelugor. Among the PR components, DAP made the highest inroad by capturing 7 parliamentary seats and those are P43 Bagan, P45 Bukit Mertajam, P46 Batu Kawan, P48 Bukit Bendera, P49 Tanjung, P50 Jelutong and P51 Bukit Gelugor. PKR, on the other hand, came in second in terms of 4 seats obtained: P44 Permatang Pauh, P47 Nibong Tebal, P52 Bayan Baru and P53 Balik Pulau. Unfortunately PAS did not make any inroad except at the state level. In the 2013 general elections, Penang's parliamentary pattern slightly changed. For instance, PKR failed to maintain its Balik Pulau parliamentary constituency after being defeated by BN with a margin of 1,539. The failure had indeed added to BN's advantage as for now BN could secure 3 seats. As for the rest, the status quo was steadily maintained.

Note: P51 is a codename for Bukit Gelugor parliamentary constituency. Source: http://undi.info/#!penang

Figure 1. Parliamentary Constituencies In Penang
Whither Candidates?

The death of the former incumbent Bukit Gelugor parliamentary seat holder, Karpal Singh was indeed a great loss for Penang at state level and national levels. Consequently, the advent of this by-elections was indeed a great test for the PR-led state government especially DAP in making sure that the present status quo was tightly preserved and did not give not even a single opportunity to its political opponents. Bukit Gelugor was not only a by-election that sought to be filled but the nature that shaped the surrounding was indeed more than just a discourse. In this regard, PR had to reduce the expected electoral pressure that was placed upon it by their expected opponents. At the onset, voices had started to be heard in terms of filling in the suitable candidate in the said by-elections. Bukit Gelugor by-elections came with an imperative question that demanded a robust answer. Many pointed out to whether BN they had the inclination to put forth a candidate.

However, based on assumptions from several thinkers, BN should reconsider the idea to contest the seat because winning the seat has never been easy. According to Ivanpal S. Grewal, a think-thank from Gerakan party, BN may meet difficulties in winning seats especially when it has to face sympathy votes. Grewal further states that anyone who contests under the DAP’s ticket would surely win the Bukit Gelugor seat and the feelings of sympathy were strengthened when Karpal’s son was listed as the candidate.29 Dr. Sivamurugar Pandian, a political analyst from Universiti Sains Malaysia (USM), states that based on the previous election results in Bukit Gelugor constituency, it clearly indicates that the majority of votes have steadily increased, more than 100 percent. Even though Bukit Gelugor’s by-elections could be used as an indicator for BN to measure its level of support, it does not indicate many change and BN will have more time to prepare in facing the challenges in future elections.30

Besides that, leading up to the by-elections also triggered attention. This time, former PM Mahathir Mohamad, offered his own perspective by claiming that BN should contest the by-elections even though the chances of winning it is slim.31 Malaysian Chinese Association (MCA), one of the ruling BN coalitions, made an initial appeal. United Malay National Organization’s (UMNO) secretary-general, Datuk Seri Tengku Adnan Mansor had spoken to MCA president, Datuk Seri Liow Tiong Lai regarding the seat and stated that the MCA president would decide on who would run in the by-elections. Tengku Adnan further claimed that as far as BN was concerned, they would honor the existing agreement they had with the MCA because the seat consisted of voters who were 74 percent Chinese.32 In the midst of the conundrum, MCA vice president, Chua Tee Yong suddenly confirmed contesting the seat but had not decided on the suitable candidate against DAP.33 MCA’s confirmation was marked as the second electoral battle after Kajang by-elections where the latter witnessed the defeat of its candidate, Datin Paduka Chew Mei Fun to PKR’s president, Wan Azizah. Bukit Gelugor by-elections was indeed a critical seat that needed re-thinking, at least for the ruling BN, either to contest or not based on previous elections which witnessed their repeated loss. PR, on the other hand, made a clear statement. Datuk Mahfuz Omar, on behalf of PAS, maintained that based on PR’s mutual understanding, any vacant seat which the previous party had contested will be filled by the candidate from the same party and Mahfuz added that PAS has a very close relationship with the others in PR.34 In this case, PAS statement had helped to reduce a speculation that could have impacted the mutual comprehension among the PR components. Added to this, Penang PAS commissioner, Mohamad Sabu formed a by-election committee in order to help DAP

30. Ibid.
in defending the seat. On top of that, PAS central committee, Dr. Mujahid Yusof headed the state committee for the by-elections purpose.

While the naming of candidates was yet to be decided, another state political party was formed with the idea of undermining the DAP in the by-elections run up. Penang Front Party (PFP), a group of 44 Chinese non-governmental organizations, was formed to put a political barrier towards the DAP-led state government. PFP even declared that they are “Barisan Nasional friendly” and has even shortlisted three candidates for the Bukit Gelugor by-elections. Not only that, they maintained that they would like to see the response of Bukit Gelugor voters towards their newly formed party and if the response is positive, they would proceed to fill in 15 to 17 candidates in state seats held by the DAP in the next elections. As the candidates were being chosen, the heat was on. The contest had been dubbed into a bigger picture where a party like Penang Front Party (PFP) began to take hold of the situation. PFP sponsor chairman, Datuk Go Chui Tiomg in his statement claimed that the decision that was made was part of the alternatives for the Chinese living in the state after the failure of DAP in tackling issues concerning people’s welfare. According to political analyst, Datuk Cheah See Kian, the newly formed PFP will not pose any threat to the DAP in the upcoming by-elections and he further claimed that PFP as a party which had yet to be registered was still new to the people and without a clear stand had no way of shaking DAP in the by-elections. As PFP was closely associated with BN, its chairman, Teng Chang Yeow put forth a statement in refuting the serious allegations. He contended that PFP had nothing to do with Penang’s BN and it was normal to see organizations being set up whenever an election or a by-election was to be held. Surely the PR-DAP led government did not take this matter lightly when it involved the ruling BN as part of the rumours.

Days before the nomination was set to be held, Parti Cinta Malaysia’s (PCM) vice president Datuk Huan Cheng Guan proclaimed that he would contest in the by-elections. Huan, on behalf of PCM, stated that he would utilize his experience as former Gerakan vice president and Batu Kawan Member of Parliament (MP) from 2004 until 2008, to provide services to voters in Bukit Gelugor. In 2004 general elections in a battle for the parliamentary seat of Batu Kawan, Huan defeated PKR and DAP candidates in a three-cornered fight with a handsome majority of votes. But for the by-elections, he made a debut under the banner of PCM. Adding to this circumstance, another homestay operator known as Mohd Yaacob Mohd Noor boldly announced his candidacy for the by-elections. Yaacob declared himself as an Independent candidate. He also maintained that although 75 percent of the voters were Chinese, he was confident that he would get their votes as well as the support of other communities. Making an electoral appearance in the upcoming by-elections was not something new for Yaacob as he contested in the 2013 general elections for Sungai Pinang state seat but unfortunately he was defeated by DAP’s candidate and managed to obtain only 141 votes. Things seemed to be more serious as candidates slowly emerged and self-proclamation to the public became very rampant, expressing their willingness to contest. Despite this exposure, DAP remained calm but still the expectation for Karpal’s son was resounding. All the self-proclaimed candidates except for DAP had to a certain extent be resilient towards the internal counter of PFP, where it directly or indirectly posed some electoral threats. And yet, the conundrum remained unbroken.

37. Ibid.
43. Ibid.
Political analysts offered some perspectives that were deemed beneficial towards the unbroken conundrum. Dr. Shaharuddin Badaruddin, from Universiti Insitut Teknologi Mara (UITM) Shah Alam, opined that, putting Mohamad Sabu or Mat Sabu from PAS would impact BN more than putting a DAP candidate.\(^{44}\) Dr. Shaharuddin justified his remarks by stating the need for Mat Sabu to contest due to a great polemic such as the implementation of Islamic hudud law proposed by PAS. The justification in this was to pacify the tense milieu. PAS and DAP had for quite some time, been in a state of pugnaciously debating the issue of Islamic state as well as the implementation of Islamic hudud law. Pointing to previous inter-party experience, especially DAP and PAS, hudud has become much more a source of conflict that to a certain extent has opened up a gap for the opponents to attack these two opposition parties. To end the speculation, Mat Sabu, on behalf of PAS, maintained that PAS considered the DAP candidate as PAS’s candidate and would give their undivided support to DAP’s candidate.\(^{45}\) In making his stand, Mat Sabu commented on the issue of Mohamed Nabi Bux Mohd Nabi Abdul Sather who proclaimed to be representing PAS in the by-elections. Nabi Bux was said to be a Gombak PAS member and would like to fight for the cause of hudud and its implementation by 2020, provided that he wins.\(^ {46}\) Another conundrum was set to path. Nabi Bux’s identity as a PAS member was really a major question that demanded a robust answer. As contended by Mat Sabu, he was not sure if Nabi Bux was a PAS member or not and that PAS had decided not to stand in the by-elections and the party would not hesitate to sack members for disobeying the order. Datuk Mahfuz Omar, in a public statement, claimed that an investigation conducted revealed that Nabi Bux was an UMNO member and Nabi Bux’s registration number (2700360) was registered with UMNO’s branch of Banjar.\(^ {47}\)

The question of candidates representing the parties led to a continuing debate. BN component party, MCA, caught an imperative public attention. Its secretary-general, Datuk Seri Ong Ka Chuan, announced that MCA would not be contesting the by-elections as it wanted to focus on the hudud issue.\(^ {48}\) Indeed, this put DAP at an advantage where its opponents in the by-elections were reduced and out of competitive framework. In that regard, Chew Mei Fun added that MCA needed to give full attention to the issue arising from PAS’s proposal on hudud law implementation and they considered the hudud law proposed by PAS would trigger a constitutional crisis.\(^ {49}\) Using logic to assist the party’s perusal, hudud issue was not only between PAS and DAP but in reality, it went beyond the opposition’s circulation. The irony was when it came to hudud, MCA could have had, to a certain extent, some sort of understanding with DAP and this would go against the opposition’s norms. Besides MCA which withdrew from contesting on the by-elections, Gerakan, one of BN’s coalition parties, also made the same move. Penang Gerakan had no interest in contesting despite moves from grassroots level to do so after MCA had backed out and moreover after the party’s chairman concluded that the party would abide by BN’s decision to stay out of the contest this time.\(^ {50}\) In Penang, Gerakan has a long standing political history but in the aftermath of the 2008 general elections, the long standing history became to a more open electoral enmity especially when DAP could retake the state from its grasp. For consecutively two terms, Gerakan still could not retake the state once DAP had fully assumed total control. As the by-elections came to a near, Gerakan was thought of making a wise decision not to contest and led to a strong possibility of making a comeback in the general elections that was scheduled to be held. Surely without any doubt, Gerakan’s backing out gave another advantage for the DAP after the MCA did so.

\(^{49}\) Ibid.
\(^{50}\) The Sun Daily. 2014. “Gerakan to abide by BN decision against contesting in Bukit Gelugor.” May 11.
On the day of nomination, May 12, 2014, the question was finally answered. It was officially “a four-way fight, fifth aspirant rejected”, as titled by a daily mainstream. DAP, as rumours predicted, put forth their candidate Ramkarpal Singh, son of the late Karpal Singh and also a prominent lawyer. PCM with its vice president, Datuk Huan Cheng Guan was set to be a candidate too. As for others, a retiree who claimed to be a PAS member, Nabi Bux and a profession-based lawyer Abu Backer Sidek Mohamad Zan, both as Independent candidates. PFP, on the other hand, failed to make a bid on nomination day as the party’s supposed candidate, Lim Chee Koon was said to be 15 minutes late in handing in his candidature form at the nomination centre. Lim also did not submit the deposit, which caused his nomination papers to be rejected as it did not fulfill the requirements. BN, including MCA and Gerakan, opted not to contest the by-elections which left DAP to go against contesters from PCM and as well as the Independents.

Issues and Strategies

The May 2014 Bukit Gelugor by-elections appeared to be a four-cornered fight. But what difference does Bukit Gelugor by-elections make compared to other by-elections? As simple as it was, the by-elections proved to be an unusual contest. The justification being is that, the Bukit Gelugor by-elections were conducted without BN’s participation. Be it UMNO, MCA or Gerakan, BN’s components were predicted to have had no chance at all to Retake the seat from the incumbent DAP. By taking all possible accounts, BN may have its own justifications as to why they withdrew their mutual decision not to place a candidate. Some would possibly suggest that BN would secretly send a candidate respectively as part of their party’s adumbration but this was not the case as it had to be justified thoroughly. This was not merely a by-election but the question is to what extent DAP was going to maintain its present status quo. BN’s involvement was out of the question. Still there were others who sought to pose some considerable challenges to DAP’s status quo. This was evident in the candidates who contested under the banner of PCM and Independents.

At the onset and soon after the campaign officially started, the Independent candidate Abu Backer made his move. He was believed to have hired 10 taxis to assist his electoral machinery and besides that, Abu Backer said that he was keen to solve the issue of metered taxis because he found taxi drivers in the state do not use the meter not because they wanted to flout the law, but because there were many constraints which could not be overcome until today, such was the serious admonition made towards the state government. PCM, on the other hand, in their public statement defended the party over the accusation of “parti cari makan” brought up by PKR’s vice president Azmin Ali. Azmin was believed to have issued that particular statement during the launch of PKR’s electoral machinery room for Bukit Gelugor soon after the nomination process took place. PCM was also slammed by PKR when it was said to be a BN proxy in the by-elections. Even without BN’s direct involvement, DAP was still without any obstacles. DAP’s candidate, Ramkarpal, speaking on his first ceramah (political speech) made his stand over the accusations of nepotism that was thrown to him. Ramkarpal defended by stating that nepotism was not an issue in this by-elections, he had been his father’s electoral campaign manager since the 1999 general elections.

54. ‘Parti cari makan’ in Malay language literally means seeking something to eat.
56. Ibid.
and has had direct involvement with the veteran lawyer’s political career. Since the nomination took place, Ramkarpal and DAP had been hitting out at the practice of nepotism especially with Ramkarpal’s two brothers who were actively involved in politics Jagdeep Singh is Datuk Keramat assemblyman and also heads the Penang state government housing committee and Gobind Singh is the MP for Puchong constituency.

Initially, less attempts were made by the PCM and the Independent candidates to put up some fight against DAP. MCA brought up once again the issue of hudud and pointed it strongly to DAP. As claimed by MCA, PAS has postponed the tabling of the Private Member’s Bill at the Dewan Rakyat (Lower House) to allow DAP to have a successful outing in the by-elections. Chew stated that the announcement made by PAS was an attempt to deceive voters and not due to an internal decision by PAS to ditch its plan. In each of every elections held where it involved PAS, debate of hudud had never been silenced. Other than the party’s internal misunderstanding, it could occur to be external, be it among the BN’s coalitions or otherwise. In this case, hudud was not only the issue but the way it was played out triggered the whole dimension. Indirectly, DAP had to take the blame as it is partly mobilized under the PR, together with PKR and PAS.

Dealing with the Independents amounted to a considerable measure. During the campaign session, the Independent candidate Abu Backer had a verbal argument with the political secretary to Penang’s CM, Wang Hon Hai at the state government’s office located in Komtar when his request to meet with Lim Guan Eng was not entertained. The reason behind this was Abu Backer intended to forward complaints from residents in the constituency. Huan of PCM, on the other hand, had his manifesto launched with a theme of “Love Penang”. On top of that, he pledged to initiate an audit of state lands if he won the by-elections. At the same time, an allegation was made by Huan that the ruling PR government had sold off state land to private developers when the land should have been used to develop or low medium-cost housing.

Quite a number of reasons were raised to convince the voters to vote against the state government. Huan also vowed to visit the constituency daily if he won the by-elections and voters should give PCM an opportunity to show what the party can do, pointing out the DAP already had 36 seats in the Parliament. Such a case was rarely seen concerning the extent the Independents took in offering or making an appeal to the voters. Without the ruling BN as the sole traditional opponent, this was likely to have cut some path in terms of mobilizing the electoral machinery. Breaking up the embedded norms, Nabi Bux who boldly claimed that he is a PAS member went out campaigning for the implementation of hudud law. Before this, Nabi Bux proclaimed that he is a PAS member from Gombak branch but Mahfuz Omar refuted Nabi Bux’s claim as his name was not in PAS’s record. Later on Mahfuz advised him and told him to support Ramkarpal but Nabi Bux became an Independent candidate as PAS members abide by the party’s stand on not to contest the by-elections. Claiming to be the party’s member but at the same time going against the party’s stand, Nabi Bux time and time again claimed that PAS leadership was reluctant to recognize him as party member for fear that PAS supporters in the area would give him their support. In the meantime, Nabi Bux said that he read in the local newspapers how PAS secretary-general, Datuk Mustafa Ali still denies his membership. Besides Mustafa, Ali, former Selangor PAS commissioner,

58. Ibid.
62. Ibid.
63. The Sun Daily, 2014. “Huan vows to visit the constituency daily if he wins.” May 16.
65. Ibid.
Datuk Hasan Ali could not confirm Nabi Bux's membership in the party when contacted. Going by simple logic, if Nabi Bux was a party member, then he was part of PAS, be it theoretical or practical. In an event involving Ramkarpal, he told voters not to take literally of what was found. Banners found with the writing of “Saya Karpal Singh” or “I am Karpal Singh”, were not supposed to be taken literally in terms of its meaning. Making up the point, Ramkarpal referred to a complaint made by Nabi Bux when the latter accused local councils for “double-standard” when his banners with a writing of “Hudud di Pulau Pinang 2020” or “Hudud in Penang 2020” were seized. Majlis Perbandaran Pulau Pinang, Pulau Pinang Local Council (MPPP) justified its action upon the seizure of the banners due to its display of Penang state’s symbol and it was against the law as Nabi Bux did not have any permission in utilizing it. Added to this, Huan of PCM also posed a question whether it is appropriate for the DAP to use banners which displayed of Karpal Singh's picture. Ramkarpal further stated that DAP could use the banners because the Elections Commission (EC) had not yet informed whether it was a wrongful act. Nabi Bux had indeed entered a phase where it involved something within the PR party's circulation. In untimely surrounding, Nabi Bux further claimed that the CM, Lim Guan Eng never rejected the implementation of Hudud in Malaysia and added that Lim tacitly supported the PAS leadership in the implementation of Islamic penal code in Kelantan. While stating that Lim supported the implementation, Nabi Bux slammed Ramkarpal as his stand on hudud was not important and that he had no right to talk about it as he was still new in the political arena. Nabi Bux clearly misinterpreted that DAP's stand on hudud implementation was indeed a firm one. As recorded by many, the implementation of Islamic hudud of law had been a source of conflict between DAP and PAS for some time. In refuting the statement, Lim's political secretary Wong Hon Wai contended that Lim has never supported PAS's Private Members Bill to implement its brand of hudud in his capacity as DAP secretary-general and so hudud will never be implemented in Penang.

Speaking on material development, not much was heard during the by-elections held this time. In fact, less attention was given to developmental discourses. If the by-elections were contested by the ruling BN, different chapters on development may have unfolded but for Bukit Gelugor, anything related to development seemed hypothetical. In the run up to the by-elections, PCM disclosed a promise to raise an amount of RM5 million for the Chinese vernacular school (SJKC) Chiao Nan’s expansion project if its candidate Huan wins the by-elections but in order to raise the fund, Huan must be elected as the MP to have the authority. The project was not restricted to Chinese schools only but it includes also Malay and Indian schools which are in need of funds in order to develop a better environment for students.

The campaign had entered a new phase. Issues were become more sensitive than before. The candidates’ personality was severely questioned. The question on Ramkarpal’s sexual orientation was one of the issues brought up. Huan of PCM vocalized his “need-to-know” feelings on why Ramkarpal uploaded pictures of muscled men onto his Facebook. Huan said that Ramkarpal was already 38 years-old yet unmarried. Responding to the situation, Ramkarpal asked the candidates to take the by-elections seriously and warned them not to resort to such personal attacks. Another attack involved the duplicity of manifesto. Huan asserted that his PCM manifesto was duplicated by the DAP. Five out of six matters in the manifesto identified by DAP were indeed included in PCM's manifesto with a theme "Bersama Kita Majukan Pulau Pinang ke Hadapan" (Together We Develop

67. Ibid.
71. The Rakyat Foot, 2014, “Huan vows to raise RM5m for school if wins polls.” May 19.
Penang Forward). Huan also disputed the action of DAP which did not clarify its stand on *hudud* in the manifesto.\(^{74}\)

A day before the election was to be held on May 25, 2014, the EC predicted that voter turnout would be around 78 percent. The prediction was based on the previous 2013 elections and EC further opined that the total number of voters who were going to cast their votes this time may not be a multitude compared to general elections held previously and therefore, the EC in their prognostication stated that the voters who were going to vote may be around 76 to 78 percent.\(^{75}\)

The situation predicted by the EC may have its own truth. For some, they did not really take the by-elections seriously and that could have led to a decrease in the majority. Besides the EC’s remarks on voter turnout, an Independent candidate Abu Backer had self-proclaimed to have “won” the by-elections. He was said to have withdrawn and would not contest due to some sort of disappointment in the country’s electoral systems.\(^{76}\)

The Results

The 2014 Bukit Gelugor parliamentary by-elections were carried out as scheduled on May 25. Without any further prognostications, the results were declared and as expected, status quo was substantially maintained but this time with a different count that led to DAP’s victory. Ramkarpal managed to obtain 41,242 total votes or 89.95 percent, while Huan from PCM secured only 3,583 total votes or 7.81 percent and for Independent candidates, Nabi Bux and Abu Backer were electorally sided as each of them obtained 799 and 225 votes or 1.74 percent and 0.49 percent respectively.

<table>
<thead>
<tr>
<th>Party</th>
<th>Candidate</th>
<th>Votes</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>PR- DAP*</td>
<td>Ramkarpal Singh</td>
<td>41,242</td>
<td>89.95</td>
</tr>
<tr>
<td>Parti Cinta Malaysia (PCM)</td>
<td>Huan Cheng Guan</td>
<td>3,583</td>
<td>7.81</td>
</tr>
<tr>
<td>Independent</td>
<td>Mohd Nabi Bux</td>
<td>799</td>
<td>1.74</td>
</tr>
<tr>
<td>Independent</td>
<td>Abu Backer</td>
<td>225</td>
<td>0.49</td>
</tr>
</tbody>
</table>

Rejected Ballot  539  1.16
Majority  37,659  82.14
Turnout  46,388  56.27

Table 1
The Results of 2014 Bukit Gelugor By-Elections

Note: *PR-DAP refers to Pakatan Rakyat (PR) and Democratic Action Party (DAP).

Independents were tremendously beaten and so was PCM. But DAP, on the other hand, noted a slight difference in terms of its electoral counts. In the 2008 general elections, the late Karpal Singh defended the seat against the MCA candidate with a majority of 21,015. Karpal Singh obtained 35,140 total votes and Koay Har Huah secured only 14,125 total votes. But in the 2013 general elections, the pattern of votes obtained had positively changed. In 2013 Karpal Singh marked a robust increase where he secured the seat and defeated the MCA candidate with a majority of 41,778 votes. Karpal Singh obtained 55,839 total votes while MCA got only 14,061 votes. In 2013, MCA jumped into the contest with a different candidate, Teh Beng Yeam. But in the 2014 Bukit Gelugor by-elections, Ramkarpal achieved less than what his father did.

The figure above shows that Ramkarpal had a slight decrease in terms of votes obtained. Compared to the previous total achieved in 2013, votes gained by Karpal Singh and Ramkarpal in Bukit Gelugor by-elections showed a difference of about 14,597 votes out of 82,283 total of registered voters. Such a huge number must be taken into serious consideration due to the slight decrease. Not only that, the contest this time saw a major gap caused by traditional electoral opponents the BN-MCA due to their firm stand not to take part in the by-elections. The major gaps created by them were filled in by PCM and two Independents but unfortunately, those three candidates were defeated and they had lost their RM15,000 deposits due to a failure in obtaining one-eighth of the total votes. According to the EC, Bukit Gelugor by-elections had seen one of the lowest in voter turnout in recent history of by-elections in Malaysia and further claimed that there was a 56.04 percent of voter turnout in the Bukit Gelugor constituency, which is made up of three state seats namely Paya Terubong, Air Itam and Seri Delima. As maintained by the EC, there are two possible reasons that contributed to the lower voter turnout: First, the low turnout could possibly be due to the fact that a big party such as Barisan Nasional (BN) did not contest. Second, due to outstationed voters, many could have taken for granted that DAP had already won. The latter seemed to be less likely compared to the first reason. BN’s reluctance to put forth their candidate attracted one to speculate. According to Abdul Kadir Jasim, former editor of New Straits Times (NSTP), BN’s action of not putting a candidate has proven them not to be recognized anymore as a national party and BN had in fact given advantage to the opposition PR coalition to win a series of by-elections.

Conclusions

When the results were finally disclosed and DAP’s victory was finally secured with the current status quo finally maintained, unfortunately some disturbances occurred in terms of votes achieved. After all, the 2014 Bukit Gelugor by-elections created its own patterns. As had been circulating widely when the ruling BN components decided not to contest, it led to some sort of hypothesis suggesting that BN’s presence in the by-elections could have triggered a tremendous electoral milieu but its absence in the by-elections could have calmed the pressurization imposed onto the opposition PR. By-elections held are usually marked and identified by something that is associated with the dominance of the ruling BN government in securing the agenda and also the discourse of development that is one of BN’s sources but Bukit Gelugor by-elections seemed to have been misplaced from the usual discourse of elections in Malaysia. In Bukit Gelugor by-elections,

79. Ibid.
the elements of pressurization was still "noticeable" but less serious to be taken under a robust consideration compared to other by-elections where the ruling BN had contested, which they either win or lose. Besides that, Bukit Gelugor by-elections also witnessed several things which could be summarized as "newly" invented and to a certain extent, not making any sense at all.

Participation of parties, for instance PFP and PCM, in the by-elections have moved things from usual to unusual from the moment it was initiated. Even though PFP did not stand long enough until the nomination of candidates took place, they could have created circumstances in which there was hope where voters could listen to their voices. Things had gone awry. The PR-DAP led government for two terms after the (2008 and 2013 elections) earned the mandate from the respective voters but was imposed with a newly formed party with the aim of replacing the current led-government. If using the nomenclature of BN to replace the equation of PFP, the situation might be different but if PFP stayed as PFP and the ruling BN was out of the competitive, the situation might indeed "reverse" and same applied to PCM. The Independents were only seeking to impose the impossible. If one argues that the Independents posed a threat, especially in terms of votes involving the DAP, one should need to have a strong review of the situation. In this case, the Independents created things which were deemed unrelated to the current socio-political embedded in Bukit Gelugor constituency and Penang in the greater picture. Issues that were played out posed less critical values compared to what had been played out by BN in previous by-elections. To some extent, the Independents had the proclivity to create some sort of misplaced party attachment which was confusing. For instance, when Zaid Ibrahim ostensibly championed the implementation of Islamic hudud law during his campaign, it pretty much incurred the onset of provocation towards PR's established relationships. To conclude, nothing much could be derived from the 2014 Bukit Gelugor by-elections as it possessed little critical discourse. The victory was anticipated, issues were unreconciled and the exposure of developmental issues at the critical time remain static and in fact singular. But the discussion may be a bit different and in fact changes the whole paradigm if BN pointed out to be the case.

Acknowledgement

The author, Ariff Aizuddin Azlan, would like to acknowledge and thank the University of Malaya (UM) for granting the doctoral scholarship scheme (SBUM) and making the completion of this article possible.

References

Democratization, Vol. 21, No. 5, pp. 824-845.