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When 'Volunteerism' turns Ugly: Old Age Ordinances for New Age Problems

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On 30 July 1960, the Emergency Regulations Ordinance 1948 was repealed, and the war declared twelve years earlier against communist guerrillas officially ended. To this day, this remains the only time when an emergency legislation in Malaysia was actually revoked. Four others remain in effect.

But even in that one special instance, a new Bill was immediately passed as a replacement, the infamous Internal Security Act (ISA) of 1960. Since this controversial piece of legislature is still effective, one may indeed claim that no real repeal took place at all.

Of the other four ordinances, two are limited to specific states – Sarawak in 1966 and Kelantan in 1977. The two remaining ones cover the whole country. The first – Emergency (Essential Powers) Act – was adopted on 3 September 1964 for confronting the hostilities initiated by Indonesia's President Sukarno in opposition to the formation of the Federation of Malaysia. The other is the Emergency (Public Order and Prevention of Crime) Ordinance, which came into being on 15 May 1969 following racial riots in Kuala Lumpur.

A pattern appears in Malaysian governance, which is appropriately called "Crisis Conservationism". Simply defined, this means that any solution adopted by the state to enhance its power will remain long after the crisis is over. When overdone, these solutions create their own crises.

Topical evidence of this phenomenon is found in the existence of the controversial RELA, the people's volunteer corps. These forces were brought into being through the Essential (Ikatan Relawan Rakyat) Regulations of 1966, which sorts under the 1964 Emergency Act. Its original enemies were communist guerrillas and Indonesian paratroopers. Today, their main function is to arrest illegal immigrants, which are estimated to number anywhere between half a million and one million. RELA itself comprises 450,000 volunteers, each of whom is paid slightly over US\$1 an hour during an operation.

Unfortunately, refugees and asylum seekers are understandably among those who run the risk of being lassoed along with the illegal migrants and workers during RELA operations. But sadly, anyone who looks like he or she came from some neighbouring country seems to risk running afoul of the volunteers.

The latest mishap where RELA's reputation and authority are concerned occurred in Kuala Lumpur when the wife of the Indonesian Embassy's cultural attaché was detained on 6 October. The volunteers reportedly refused to recognize her diplomatic identity card and detained her among the group of suspected illegal immigrants they had roped in. She was later released, and immediately launched a report, leading to an international diplomatic incident.

Her ordeal took place a few days after RELA volunteers broke down the door of an Indonesian student during an operation. He happened to have valid documents. Given the sensitive issues that have recently been souring Malaysia-Indonesia ties, such as a quarrel over Malaysia's right to use the traditional song "Rasa Sayang" in a tourist advertisement, pressure for reform or curbs on RELA authority is mounting.

As a sign of how relations are worsening, the Indonesian mass media played up rumours that customs officers at Jakarta's Soekarno-Hatta Airport had recently seized surveillance equipment bound for the Malaysian Embassy. They thus accused Malaysia of spying intentions.

Internal pressure for RELA to disband had been mounting ever since 1 February 2005, when the volunteer corps' powers were extended to include the right to bear firearms (at least for the higher ranks), the right to stop, search and demand documents, the right to arrest without a warrant, and the right to enter premises without a warrant. Human rights groups, including the Malaysian Bar Council, have been calling for what they equate with vigilantism to be dismantled totally.

Given that the volunteers are not professionally trained, arbitrariness in the exercise of their authority becomes a common occurrence. Institutionally, RELA does exist in the grey area of law enforcement, where there is no mechanism to rein in the individual biases of the volunteers.

Cases of robbery by RELA volunteers have been reported, brutality is frequently used, and there have been cases where foreign workers have died during rounding-up operations.

Nevertheless, RELA supporters claim that the volunteer corps is very much needed, especially when both petty and serious crime is on the rise. Foreign workers tend to be considered guilty without proof.

The crisis of labour shortage, the crisis of porous borders, and the crisis of low income on the part of RELA volunteers mirror the larger crisis in law enforcement. When the police fail, law enforcement volunteers become relevant. But when the volunteer corps becomes enormous and permanent, and begins to affect international relations, then the problem seeps much deeper.

Historically, Malaysia seems to move from one crisis to the next, and so the institutions created to handle these crises tend towards permanence. No history of reform evolves, and old solutions are not allowed to die a dignified death.

Instead, they overstay and have come to constitute a crisis of governance in their turn.

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