

**ICEMC 2021**  
**International Conference on Emerging Media & Communication****INDIRA'S LEGAL BATTLE IN MALAYSIA: A COMPARATIVE  
STUDY ON MALAYSIAN NEWSPAPERS REPORTING**

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**Abstract**

In 2009, a Hindu mother of three children named Indira Gandhi turned to courts when she divorced her husband, Mohd Riduan Abdullah who forcibly took their youngest child, Prasana Diksa away from her. Riduan, who was formerly known as K. Pathmanathan, had converted to Islam and converted all three of their children without the consent of his wife. He had then obtained custody right for the children from the Sharia court. Indira Gandhi petitioned the civil courts to quash the unilateral conversions of her children's religion and to obtain custody for them. In January 2018, the Malaysian Federal Court issued a unanimous decision in favor of Indira Gandhi, voiding the children's certificates of conversion. Hence, it is deemed very important to study the news that has been reported by the media to the populace, especially in the Malaysian context that is widely known to consist of multiple ethnics and religions. This study will look at how this issue was being reported by three different newspapers in terms of ownership and ideology. This study also applied the textual analysis in analysing the discourses by the newspapers. Based on the findings, it is possible to conclude that there are significant differences in the reporting of this issue in the newspapers.

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## 1. Introduction

Jha (2009) and Neo (2006) explained that Malaysia has been practicing a form of Islamic tolerance and racial harmony, but they are still affected by the impact of Islamic revival in Iran, Afghanistan, and Sudan in the 1970s. On top of that, the resurgent seeds were first manifested through the influence of the struggle of Ikhwanul Muslimin group in the Middle East as well as the widespread dissemination of writings of Islamic thinkers such as Hassan Al-Banna, Sayyid Qutb, and Sayyid Abul A'la Mawdudi (Zaki, 2010). From this situation, Islamic organizations in Malaysia such as the Malaysian Islamic Youth Movement (ABIM) and the Malaysian Islamic Students' National Organization (PKPIM) were supported by young people and formerly led by the former Deputy Prime Minister during the reign of Tun Mahathir Mohamad and the former Opposition Leader, Datuk Seri Anwar Ibrahim (ibid).

Following these developments, Islam has become increasingly prominent in the public sphere of Malaysia (Neo, 2006). Moreover, Islamic discourse is gradually turning to be salient due to the factor of clashes in the previous federal government between leadership of UMNO (the United Malays National Organization) and PAS (Parti Se-Islam Malaysia) whose aim was to uphold Islam (Neo, 2006). In return, UMNO responded by introducing Islamic policies and rules against the version of the Islamic struggle brought about by PAS for the purpose of maintaining the support of the Malays and pointing out the role of UMNO as a Malay fighter (Neo, 2006). Hence, the Islamization process was observed as nothing more than UMNO's efforts to curb the influence of PAS among Malay Muslims communities in Malaysia (ibid). As a result of the competition regarding 'who is more Islamic' between UMNO and PAS, various polemics and religious policies have been highlighted without considering the views and reactions of non-Muslim societies in Malaysia (Neo, 2006; Zaki, 2010).

Tun Mahathir Mohamad (the fourth and sixth Prime Minister of Malaysia) often used religion during his reign to enhance his position in the government as well to empower the executive and religious wing as the ultimate weapon for the continuity of the political parties based on the Islamic and Malay struggles (Jha, 2009). The policies of Islam developed by Malaysia are said to be overly controlled by the government for the purpose of bringing trouble to the practice of democracy in Malaysia (ibid). Religion regulated by the government acts as a powerful weapon in the hands of certain religious groups. It is also believed to be able to impose pressure on several groups (ibid).

These measures concern the non-Malay/Muslim groups in Malaysia because they are considered as the impetus in the process of Islamization. The commitment to adopt policies of cultural and ethnic diversity as part of the constitution has been broken at the government level (Neo, 2006). This phenomenon of Islamization tends to cause the Christians, Buddhists, Hindus, and other religious groups in Malaysia to feel threatened and ambiguous regarding the future of their religions and cultures.

Additionally, this process of Islamization had caused several reports on inter-religious conflicts especially among those involving Muslims to gain the attention of the Malaysian press (Sofian & Azman, 2021). These types of news are often influenced by the ownership of that media organization. Media is used by the government as a hegemonic tool to control the mind of the citizens (Wan Norshira, 2019). One thing that needs to be understood is that the media are not operating in a vacuum and they are viewed as a medium to assemble the processes of creating meaning in a society. Apart from making profits, government-

controlled media have certain ideologies that they need to subtly delineate to the masses for them to be able to maintain the existing order established by the government (Juliana & Mahyuddin, 2009).

However, when the media and the Islamic religion have been manipulated for a long period of time to maintain the status quo of the ruling class, a hegemonic crisis can occur as the public increasingly rejects forms of leadership that are deemed irrelevant in the local socio-political leadership discourse (Noor Sulastry & Nor Azila, 2013). Counter-hegemonic actions are reflected in the actions of the masses that have grown emboldened to publicly voice their opinions and this scenario has expanded with the emergence of online news portals (Sofian & Qasem, 2020).

Therefore, this study will examine two mainstream newspapers owned by the government and one alternative newspaper that is not controlled by any political party. The majority of scholars in the critical study stated that newspaper ownership has a significant impact on a newspaper's discourse on certain issues.

## **2. Problem Statement**

Mustafa (2010) stated that it is very difficult to report religious and ethnic issues in a multi-racial and multi-religious country, particularly in Malaysian context. Moreover, more issues on religion and ethnicity can occur when the news on religion and ethnicity is erroneously flagged and biased by the media, thus causing the audience to come up with the wrong judgment. Other than that, the media have been acting as a source of conflict between race and religion instead of playing its role as the agent of change. As per discussed by various scholars, it is important to study the ways of reporting conflict issues involving Islam because positive or negative reporting can create good or bad perceptions among news readers. In the context of Malaysia, public perspective on Islam - especially among the non-Muslim community - is influenced by articles and newspaper reports, either international or local media (Briandana et al., 2020; Mohd Azhar et al., 2013).

When discussing news media representation, the news source referred to by a newspaper and the slant of news reporting are closely related to ownership. News media such as newspapers have certain discourses that they want to highlight based on the interests of their owners (Said, 1997). The discourses discussed contain implicit meanings that the owners wish to be conveyed to the audience in order to control their mind in a subtle way.

On another note, it is crucial to understand that the discourses presented in the news are considered as a form of cultural products which do not operate in vacuum. Instead, most of them are subtly loaded with certain ideologies with the purpose of structuring the ideas of the dominant groups to the society, thus maintaining the existing hegemony (Juliana & Mahyuddin, 2009). Said (1997) described that the media actually reflects the subject matter of those with a particular interest, especially those in power instead of reflecting on the real issue that is happening. However, it is also very important to understand how the discourse in the form of counter-hegemony occurs in Malaysia through online news portals that are supposedly more independent of any ownership from any interested parties.

Therefore, the purpose of this study is to see how newspapers in Malaysia with various ideological orientations and target audiences report on this issue. The news sources studied, the slant of the newspaper reporting, and the themes discussed on the selected issue were the reporting patterns studied.

### **3. Research Questions**

In general, this study has several research questions. The research questions are as follows: In reporting this issue, what are the main sources used by the newspapers being studied? What are the slants of the newspapers in reporting this issue? Additionally, what are the main themes used in reporting this issue

### **4. Purpose of the Study**

In general, this study aims to identify how the issue of Indira Gandhi's children is reported by the newspapers studied. Reporting on this issue is studied from three angles namely the sources used, the reporting tendencies and the main themes of reporting by each newspaper. As mentioned earlier, Indira's ex-husband, a Muslim convert, Muhammad Riduan Abdullah converted their three children to Islam without Indira's knowledge or consent in 2009, before he went to the Shariah courts to obtain custody over them (Lim, 2018). Indira successfully challenged the unilateral conversion in the High Court, but the Court of Appeal ruled against her. However, in January 2018, the Malaysian Federal Court issued a unanimous decision in favour of Indira Gandhi, voiding the children's certificates of conversion.

### **5. Research Methods**

This research employed quantitative and qualitative content analysis approach to examine the nature of coverage of this issue. The process involved looking at the news texts in the newspapers to gain a deeper understanding on how a controversial religious issue is reported.

For quantitative content analysis, it is basically carried out to determine the percentage of sources used and the slant of the news. The present study utilized a census sample method that examines all the units of analysis. The units of analysis for this study include regular news, editorials, columns, public opinions, and letters from readers. It should be noted that many scholars affirmed that the census sample method is very useful to be applied on a particular event or series of events (Yang & Md Sidin, 2012).

To measure the reliability of this quantitative content analysis, the researcher prepared 20 news items randomly selected from the study samples. The researcher prepared a complete coding form containing category divisions. The results of the two coders were then compared. The number of news items agreed upon by the coders in the same category was 15 out of the 20 used. The total coefficient of reliability is 0.75, and this study should be continued in accordance with Holsti (1969), who stated that 0.7 and above is the accuracy for reliability tests between multiple coders.

For qualitative content analysis, it is carried out to determine the major themes used by the newspapers. Only opinion-shaped articles were selected for this study. Articles in the form of views such as feature articles, editorials and letters from readers were selected for this study because the words used in providing views by the writers/ journalists will be more prominent. A total of three-month samples were collected from the month of January 2018 to March 2018 which represented the highlight of the issue, just before the Court issued a final decision on the issue.

This research focused on two mainstream newspapers namely Utusan Malaysia and The Star, and one alternative news portal, MalaysiaKini to answer the research questions. Each newspaper represents different targeted readership. Before the Malaysian General Election in 2018, United Malays National Organization (UMNO) (the prominent party in the Barisan Nasional coalition) previously owned controlling shares in the Utusan Group that have been publishing Utusan Malaysia which targeted mostly the Malay readers (widely known as a mouthpiece for the party), Kosmo, and several weeklies in Malay (Lansner, 2014).

Lansner (2014) further reported that the Malaysian Chinese Association (MCA) also owned a newspaper company, known as Star Publications, with two major English newspapers namely The Star and the Sunday Star. From 2013 to 2015, circulation figures showed that these government-controlled newspapers were the leading daily newspapers in Malaysia. Previous research showed that most BN-controlled newspapers are used as an extension of BN more than as a news vehicle. Utusan Group has gone bankrupt following the General Election in 2018, while UMNO lost control of the Media Prima soon after they lost the election to Pakatan Harapan (Murugiah, 2019).

MalaysiaKini is the best example of an alternative Malaysian online news portal, which has managed to gain popularity by playing a watchdog role on the government (Kenyon & Marjoribanks, 2007). On top of that, MalaysiaKini is an online newspaper that is considered as one of the major contributors to the failure of Barisan Nasional to get the mandate of 2/3 majority in the 12th General Election in 2008 (Kenyon & Marjoribanks, 2007). MalaysiaKini started operating online on November 20, 1999 before the 1999 general elections with the purpose of offering an alternative coverage that strongly competed the performance of traditional outlets (Mohd Azizuddin & Zengeni, 2010).

The dominant features of MalaysiaKini's coverage are deemed to be accurate, updated, diverse, and independent (Mohd Nizam et al., 2013). Apart from that, the letters section of MalaysiaKini is available and active without excluding any race or group that represents various ideological perspectives. Conspicuously, restricted taboos are raised for debates which include religions, racial quota, migrant workers, and AIDS. Furthermore, the editorial board is considerably inclined towards human rights issues, democracy, and freedom of expression. Most importantly, MalaysiaKini is not connected to any political party or commercial interests unlike its mainstream counterparts.

## **6. Findings**

The study's findings for the data collection period from January 1, 2018 to March 1, 2018, immediately after the court issued its decision on the issue, collected a total of 106 news articles from the three newspaper samples. Out of the 106 news articles, The Star newspaper published 47 news articles (44.3%), Utusan Malaysia 16 news articles (15.1%), and MalaysiaKini 43 news articles (40.6%).

In terms of source, The Star used "various sources" in its coverage of this issue the most. These various sources indicate that The Star newspaper does not only refer to one party in its reporting on this issue, but to several parties in an article on the subject. According to the researcher's analysis, the majority of the articles published using this category of various sources do not show the debate that occurred between the various parties; instead, they all take the same stance in commenting on this issue. In an article, for example, some parties, including NGO representatives, lawyers, and activists like Siti Kassim and former

Minister Datuk Zaid Ibrahim, praised the court for being brave to make decisions that are said to be accurate and in accordance with the Malaysian Constitution.

Furthermore, in commenting on the issue, The Star also made numerous references to the general public. According to the researchers' observations, there are two sides to the public's perspective on the issue. Some praised and supported the court's decision, while others sympathized with Indira's husband, Ridhuan Abdullah.

Other than that, The Star newspaper frequently referred to authorities such as the police when commenting on the whereabouts of Ridhuan Abdullah, who has yet to be found after disappearing with their youngest child. Tan Sri Fuzi Harun, the Chief of Police at the time, was frequently referred to in giving his views on the police action to be taken against Ridhuan Abdullah and the efforts they had made to track him and his youngest daughter into the arms of Indira Ghandi.

Aside from that, The Star newspaper issued a statement on this issue using sources from M. Indira Ghandi herself. Indira is often referred to in expressing her grief over not being able to meet her youngest child, who is still missing with her ex-husband, Ridhuan Abdullah. There is even an article that goes into detail about Indira and her family's Deepavali celebration without her youngest child, despite the fact that the court has ruled in her favour.

Meanwhile, the Utusan Malaysia newspaper sample mostly referred to Islamic NGOs that disagreed with the court's decision on the matter. The Shariah Lawyers Association of Malaysia (PGSM), Gerakan Pembela Ummah (Ummah), and the Center for Human Rights Research and Advocacy (CENTHRA) are among the Islamic NGOs mentioned. All of the Islamic NGOs referred to, either asked for the court's decision to be reviewed or demanded that the syariah court be strengthened so that the same decision would not be repeated when it comes to children fighting when their parents change their religion.

Apart from that, the Utusan Malaysia newspaper relied heavily on sources from the authorities, such as the police, who issued a statement outlining the steps taken to determine Ridhuan Abdullah's current location. In fact, Tan Sri Fuzi Harun, the Chief of Police at the time, was frequently cited in expressing his thoughts on the matter and assuring that the police would always try to find Ridhuan Abdullah.

Moreover, the Utusan Malaysia newspaper also referred to academics, Muslim clerics, PAS members, and lawyers who tend to question the court's decision on the issue and urged the government to strengthen its powers in the syariah court. Among the sources were Tan Sri Harussani Zakaria, the Mufti of Perak, Datuk Salleh Buang, a former Visiting Professor of Universiti Teknologi Malaysia (UTM) Skudai, Johor, a legal practitioner, Muhammad Faris Zaidi, and the then PAS Deputy Youth Chief, Ir. Khairil Nizam Khiruddin. All of these sources urged the government to take appropriate measures to protect Muslims' interests in the future.

Meanwhile, the Malaysiakini newspaper used sources from the "public" category the most to provide their perspectives on this issue, as well as being the most frequently used source of news in its publications. It is likely that the user-friendliness of the MalaysiaKini portal made it easier for the public to comment on the issue. In fact, MalaysiaKini published a number of reader letters in response to this issue. MalaysiaKini has also a special news column called "Yoursay" that publishes and collects reader comments that are then used as news material in discussing this issue. The majority of public comments supported and praised the

court's courage in issuing such an unexpected decision and not bowing to the government at the time, which was said to be biased in favor of the Muslim community only.

Aside from that, MalaysiaKini used M. Indira Ghandi herself as a news source in providing her comments on the issue. M. Indira Ghandi is frequently cited in expressing her joy at getting custody of her children, as well as her sadness at not being able to meet her youngest child, who is still with her ex-husband, who has disappeared. M. Indira Ghandi was also referred to in her request to the police to detain her ex-husband and return her youngest child as soon as possible, and not to forbid her daughter from continuing to practice Islam, a religion also practiced by her ex-husband.

In addition, representatives from other NGOs were used as sources in commenting on this issue. Other NGOs in this context refer to non-Islamic non-governmental organisations. Malaysian Bar, Suara Rakyat Malaysia (SUARAM), The Joint Action Group for Gender Equality (JAG), and Perak Liberation Organisation are among the NGOs cited as sources. These NGOs expressed their support for and praised the court's decision to grant Indira Ghandi her due rights. According to these NGOs, the court made the correct decision in accordance with the Constitution.

Based on the findings above, it is possible to conclude that the three newspapers prioritize different news sources when reporting on this issue. In its coverage of this issue, The Star newspaper mostly refers to the category of "various sources." Various sources are referenced in an article in discussing this issue. Nevertheless, the sources cited in an article generally take the same stance, which is to praise and support the court's decision in favour of M. Indira Ghandi on the issue. In contrast to The Star, Utusan Malaysia primarily relies on NGO to report on the issue. Most people disagreed with the court's decision and urged the government to empower syariah courts to protect Muslims' interests. The MalaysiaKini newspaper, on the other hand, makes the most reference to the general public in its coverage of this issue. The average member of the public who commented praised the court judges, who were said to be wise in making decisions and providing justice to M. Indira Ghandi.

In terms of the direction of news articles, the study's findings revealed that the three newspapers published the most neutral articles in their coverage of this issue. Aside from neutral news, the findings of the above study show that the Utusan Malaysia newspaper published more articles supporting Ridhuan Abdullah's conversion of Indira Ghandi's children without Indira Ghandi's consent. MalaysiaKini and The Star, on the other hand, published more articles opposing Indira Ghandi's children's conversion.

In terms of qualitative content analysis, The Star newspaper praised the Federal Court's decision, which denied the previous court's decision that allowed the conversion of children to Indira Ghandi, in editorial articles, articles, and letters to its readers. The authors used the words like 'courageous', 'excellent', 'milestone', 'landmark decision', 'accorded justice to Indira', reaffirmed the constitutional law principles', 'probably the most important judgment', 'restore our Federal Constitution to the pedestal', 'great verdict', 'brought much needed clarity to the power of judicial review', 'shines light on the way forward', 'reset the path of constitutionalism', 'far-reaching and scintillating decision' dan 'wise and impactful ruling' to express their gratitude for the court's decision. In Malaysia, judges are described as 'courageous' and 'making the right decisions in the fight for the rule of law'.

Furthermore, The Star newspaper was seen criticizing Islamic religious authorities who had allowed Indira Ghandi's children to convert to Islam prior to the Court's decision. Among the phrases used to

describe these religious authorities are ‘too many of those in authority have abdicated their responsibility and given free rein to the extremist’, ‘supremacist voices and their tactics to turn every dispute into a religious matter to bolster their grand project to turn Malaysia into a theocratic state’. Registrars of Muallafs are described as ‘failed in the exercise of his statutory powers’. Religious authorities are also considered to be ‘arbitrary and unconstitutional in nature, restrict freedom of expression’.

Apart from that, The Star newspaper also discussed the limited jurisdiction of Malaysia's Syariah Court in comparison to the Civil Court, as the leading court jurisdiction in Malaysia when it comes to making decisions involving interfaith. The Syariah Court is viewed to as ‘go against the spirit and intent of the Constitution’, ‘the jurisdiction of the Syariah Court is limited’, ‘may not exercise the inherent judicial powers of the Civil Courts’, ‘jurisdiction is confined to the persons and subject matters listed in the State List’, ‘must be provided for under the relevant State legislation’, ‘has no inherent judicial powers’ and ‘Syariah Court are not superior courts, is not inherent or automatic and must be conferred’.

Meanwhile, because there were few articles published on this topic, only two main themes were discussed in the Utusan Malaysia newspaper. When it is seen that the Utusan newspaper does not criticize the decision made by the Federal Court, it appears to be taking a prudent approach in publishing the writer's views in its newspaper.

The main topic of discussion was whether the Malaysian government should elevate the Syariah Court to the level of the Civil Court. Among the statements used to illustrate this theme are ‘The judicial system of Syariah courts is still young, unlike civil courts, matters related to Islam are under the power and rights of the state, so there is little difference in each state and no uniformity compared to civil law, which is under the jurisdiction of the Federal government’, ‘Syariah courts should be given equal rights as civil courts’, ‘Syariah courts should be defended and guarded’, ‘Syariah courts are looked down upon’, and ‘civil courts and Syariah courts are in different positions.’

The following topic of discussion was requesting that the court's decision be reviewed. The author expressed his acceptance of the court's decision by using the words ‘respect the decision of the court’. However, the court's decision was also deemed to ‘deviate from a previous Federal Court decision that took a more harmonious approach, in which the court stated that the consent of either mother OR father was sufficient (and not necessarily the consent of both) to register a child's conversion when one of them converted to Islam’ and ‘The Federal Court has infringed on the country's principle of separation of powers by taking over the legislature's jurisdiction over the power to amend laws’.

MalaysiaKini, on the other hand, discussed a theme that praised the decision made by the Federal Court Judges. Among the words and statements used by the writers are ‘justice has been served’, ‘wise decision’, ‘corrected the wrong done’, ‘cleared the misconceptions and misrepresentations by vested parties’, ‘reiterates the limitations of syariah laws and their courts’, ‘job well done’, ‘brave and responsible judges’, ‘rebalances the essential dynamics of a family’, ‘giving weight to the rights of the mother and child’, ‘makes complete sense, ‘clear and correct judgment’, ‘consistent with the principle of justice’, ‘upholding of the basic structure of our Federal Constitution’ and ‘important milestone in putting an end to the suffering and anguish of those families who have suffered the effects of unilateral conversions’.

Aside from that, the majority of the articles criticized the government and the police for failing to fight for the fate of a woman (Indira) and for failing to apprehend Indira's ex-husband, Ridhuan Abdullah,

who had kidnapped the couple's youngest child. Among them, the government is described as 'government not act quickly and decisively', 'failed her (Indira) and her family countless times', 'snubbing the rule of law and upholding justice for the marginalized', 'failed to uphold the rule of law', 'failed all women in Malaysia to ensure that our rights', 'executive has failed', 'coward', 'has not acted decisively to use the legislative process to resolve this controversy', 'create a mess and subsequently cause a miscarriage of justice' and 'failed to address issues that require imagination and boldness'. The police were also criticized when asked whether they would take the same action if the parties involved in this issue are Malay and Muslim. The police are said to apply 'selective efficiency'. The police were also criticized because they were assumed that they 'seem to be superefficient at apprehending alleged "international terrorists"', at other times their ignorance of the disappearance of innocent Malaysians is mind-boggling'.

MalaysiaKini also criticized various parties, particularly Islamic NGO groups and PAS political party, who questioned the court's decision. These groups are described as those who want to lead Malaysia to a country that practices 'extremism' and 'tries to incite conflict among Malaysians'. This group is also labelled as 'right-wing groups', 'extremists', 'discredit their religion', 'religious bigots' and 'ethno-nationalist'.

## 7. Conclusion

Based on the findings, it can be concluded that every newspaper in the study has its own style and preference in reporting on conflict issues involving Islam. Most of the newspapers tend to report news according to their owners' personal interests. The findings indicate that Utusan Malaysia, a mainstream newspaper owned by UMNO, is still attempting to use traditional narratives to maintain the status quo and defend Malay supremacy and Islamic hegemony. It is clear from the press reports and sources that no criticism was levelled at the government at the time. Furthermore, it could be seen that The Star, which was also owned by the government's component party at the time, the MCA, took a moderate approach in their reporting on this issue. Unlike MalaysiaKini, The Star focuses on court decisions and discusses the lower status of Syariah courts in civil courts. The Star does not appear to criticize any coalition party in the Barisan Nasional or the police in their handling of this matter. However, MalaysiaKini is seen as being brave to criticize Barisan Nasional, including ministers who were accused of failing to defend Malaysian women's and religious rights. The police were also questioned on their effectiveness in prosecuting Indira's husband, Ridhuan Abdullah. Finally, MalaysiaKini is seen as being courageous in criticizing Islamic NGO groups and PAS party who objected to the court's decision. The study's findings, in particular, show that when discussing this issue, Utusan continues to use a discourse that defends the status quo, especially regarding the status of Islam in Malaysia. For example, the sanctity of Islam must be protected, and Shariah law must be upheld in Malaysia. While The Star even though is seen in this issue trying to show a representation that is contrary to Utusan, but it is still seen taking a "safe path" by not criticizing the government, particularly the Ministers or any relevant government institutions that are responsible for dealing with Indira and her children's plight. Meanwhile, MalaysiaKini is seen as an alternative media that mobilizes civil society in voicing their views that disagree with some of the government's actions in dealing with this issue. This demonstrates that the public views MalaysiaKini as an alternative medium for providing alternative perspectives in its reporting.

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