MALAYSIA HUMAN RIGHTS REPORT 2025

CIVIL AND POLITICAL RIGHTS

suara rakyat malaysia
SUARAM
working for human rights

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FOREWORD

For many years, SUARAM has been among the most reliable member organisations of my organisation, the International Federation for Human Rights (FIDH), in Asia.

Despite funding cuts and amid regional and global political turmoil, SUARAM's work represents a certainty, and its annual human rights report reflects the organisation's steadfast resolve to protect and advance human rights for all.

Kudos to the small group of colleagues who have worked tirelessly to produce this year's fact-based and exceptionally written report. They deserve praise and support.

For many years, SUARAM's annual report has provided a comprehensive overview of the human rights situation in the country.

This year's report is an invaluable resource not only for local activists and decision-makers but also for international stakeholders – like me – to be informed in a concise manner of the key human rights issues of concern for civil society in the country – and beyond.

In addition to SUARAM's traditional areas of focus, such as the weaponization of problematic legislation, the right to a fair trial, the right to freedom of freedom of expression, and the right to freedom of peaceful assembly - the report touches upon other important and difficult issues, such as the violations of the rights of LGBTIQ individuals, to which a substantive chapter of the report is devoted.

This year's report also looks at Malaysia's ongoing challenges in addressing climate change and upholding the right to a healthy environment, with a particular emphasis on insular Malaysia, a geographic area which has been too often overlooked in national, regional, and international perspectives.

FIDH has frequently relied on the annual report for the implementation of some its activities related to Malaysia and I look forward to supporting not only the consolidation of SUARAM's work but also its expansion to new areas of focus, which will inevitably result in even richer annual reports in the future.

I hope you will enjoy the reading and benefit from this material as much as I did.

Long live SUARAM, long live its annual Human Rights Report!

Andrea Giorgetta
Asia Desk Director
International Federation for Human Rights (FIDH)

EXECUTIVE SUMMARY

Malaysia's human rights landscape in 2025 was defined by a profound disconnect between the government's reformist rhetoric and an entrenched state apparatus that continues to prioritise securitised control and institutional preservation over constitutional safeguards and accountability.

Whilst the government swiftly responded to the hunger strike and memorandum submission by family members of detainees under the Security Offences (Special Measures) Act 2012 (SOSMA) with commitments to amending the procedural law, progress remained at the level of review, mirroring amendment pledges made in 2018 and 2023. Since its inception in 2012, SOSMA has seen 6892 arrests. Nevertheless, the finding that between 20% and 28% of detainees are ultimately released without charge underscores the systemic lack of investigative rigour especially enabled by the 28-day detention period without judicial oversight. Simultaneously, the Home Ministry offered no updates on long-overdue amendments to the Prevention of Crime Act 1959 (POCA), even as the police and the Ministry of Natural Resources and Environmental Sustainability advocated for its expansion into combating organised and environmental crimes.

Transparency and accountability remained profoundly deficient in 2025 regarding state-perpetrated violations and the treatment of individuals deprived of liberty. Gaps in independent investigations and the state's failure to communicate transparently with grieving families persist. The human rights landscape was particularly marred by a mass assault of 107 detainees at Taiping Prison, with families' efforts to seek justice obstructed by the state's institutional defensiveness during the public inquiry and incommensurate legal charges for the resulting death of Gan Chin Eng. Furthermore, the Durian Tunggal police shooting, which raised grave concerns of extrajudicial killing, saw slow progress in investigations, despite the Attorney-General's Chambers directive to reclassify the case as murder. Finally, while the High Court delivered a landmark ruling in November 2025 affirming state liability for the enforced disappearances of Pastor Raymond Koh and Amri Che Mat, the Attorney General's Chambers' (AGC) swift appeal of the decision signals a retreat from the state's constitutional obligation to ensure a right to an effective remedy and the equal protection of the law for victims of enforced disappearance.

Civic space remains restricted despite significant judicial gains. Whilst the Federal Court decision striking down Section 9(5) of the Peaceful Assembly Act affirms the state's positive duty to facilitate peaceful assemblies, this duty continues to fall short in practice, in light of incidents of police manhandling at protests and arrests over symbolic acts of civil disobedience and political expression. The Court of Appeal's ruling in Heidy Quah invalidating "annoy" and "offensive" in Section 233 of the Communications and Multimedia Act was swiftly met with a government move to appeal. Meanwhile, even as the government points to the Malaysian Media Council as evidence of its commitment to media self-regulation, enforcement bodies have continued to pursue punitive action against the press: investigative outlets face criminal probes and defamation suits, while promptly corrected editorial errors by at least four newspapers have drawn criminal and regulatory investigations, including heavy fines.

On institutional oversight and governance, implementation of reforms is uneven. Amendments to the Whistleblower Protection Act and the reintroduction of the Parliamentary Service Act signal responsiveness to long-standing demands, yet they sit alongside a procurement law that centralises wide discretionary powers in the Finance Minister. Meanwhile, patronage politics remain integral in Malaysian politics, diluting the government's

rhetorical commitment to combating corruption. From the judiciary's side, controversies around tenure extensions and delays in judicial appointments underscore interference from within and without, threatening judiciary independence.

Religion, and sexual orientation, gender identity, and gender expression remain key terrains of control. State Islamic institutions deepen efforts to expand Syariah-based authority, increasingly targeting alternative spiritual and wellness practices while rebranding theological non-conformity as a matter of national security surveillance. LGBTQ+ persons face increased arrests, censorship and targets of misinformation, hateful and discriminatory speech. The 2025 Otot2 raid in Kuala Lumpur exemplified the state's utter disregard for due process and human dignity, with detainees subjected to sexual harassment, denial of adequate basic needs including water and medical treatment, and state-sanctioned public shaming.

Malaysia's management of migrant and refugee populations remained anchored in a securitised approach, characterised by the continued normalisation of mass immigration raids and the detention of over 21,000 individuals in overcrowded facilities. Despite international commitments to eradicate forced labour, systemic exploitation persisted through predatory "job scam" recruitment and the exclusion of domestic workers from essential labour protections, leaving thousands in situations of debt bondage and precarious legality.

While the resentencing process following the 2023 abolition of the mandatory death penalty continued in 2025, it was increasingly characterised by a lack of transparency and judicial consistency, with the Federal Court providing no written grounds for its decisions and the AGC persistently challenging the commutation of sentences despite the legislative intent for reform. This systemic rigidity extended to the treatment of vulnerable groups, particularly juvenile offenders and individuals with mental health conditions, for whom legal avenues for proportionality remain severely limited.

Climate and environmental policy advances without a coherent rights-based foundation. Climate frameworks lack enforcement mechanisms, while carbon-offset schemes and energy-transition projects move ahead with limited guarantees of free, prior and informed consent, and inadequate protection for Indigenous and local communities. At the same time, environmental human rights defenders remain exposed to Strategic Lawsuits Against Public Participation (SLAPP) and intimidation in the absence of anti-SLAPP protections, despite recognition of the need for these mechanisms in policies such as the National Action Plan on Business and Human Rights.

1

RIGHT TO FAIR TRIAL

RIGHT TO FAIR TRIAL

SUARAM

SUARAM-Documented Case Numbers Over Five Years

	SOSMA	POCA	POTA	DD(SPM)A	Total
2021	146	245	0	1186	1577
2022	116	133	0	1261	1510
2023	66	0	0	1012	1078
2024	176	0	0	1111	1287
2025	97	0	0	811	908
	1331	**1045**	**0**	**5381**	**6360**

Over the five-year period, documented cases under security laws saw a notable decline. For the Dangerous Drugs (Special Preventive Measures) Act 1987 (DD(SPM)A), cases dropped by approximately 35% (from 1399 in 2021 to 908 in 2025), a figure likely to be accurate as it is based on official police announcements. Conversely, the Security Offences (Special Measures) Act 2012 (SOSMA) saw a 40% decrease in media-monitored cases over the same period; however, SUARAM notes that because these figures are based on media reports, they likely underrepresent the total volume compared to official parliamentary disclosures. Meanwhile, cases under the Prevention of Crime Act 1959 (POCA) and the Prevention of Terrorism Act 2015 (POTA) have remained at zero since 2024 and 2023 respectively - and in POCA's case, consistent with the suspension of its use following the Federal Court ruling[1].

Enforcement of SOSMA

While SUARAM's media monitoring captures a fraction of security-related arrests, a 2026 Parliamentary reply[2] by Home Minister Saifuddin Nasution Ismail revealed that 6892 individuals have been arrested under the Act since its inception in 2012.

	Human Trafficking	Organised Crime	Terrorism	Offences Against the State
Charged	3628	972	291	1
Released	988	402	132	1
Still investigated	123	-	-	-
Detained under POTA	130	36	48	-
Referred to other agencies	-	-	38	-
TOTAL	**4869**	**1410**	**611**	**2**

[1] Parliament Hansard, 20 November 2024, pages 26-27

[2] Written Question in the Senate, Question No. 57, 4 March 2026

	Human Trafficking	Organised Crime	Terrorism	Offences Against the State
Convicted	3018	655	249	-
Trial Ongoing	549	105	18	-
DNAA*	40	191	12	-
AND**	21	21	12	1
TOTAL	**3628**	**972**	**291**	**1**

**DNAA: Discharge Not Amounting to Acquittal*
***AND: Acquittal and Discharge*

Key observations from the government data include:

- 70% of arrests are linked to human trafficking.
- Re-arrests are used, as evidenced in the subsequent detention of 252 individuals under POCA or POTA.
- The DNAA rate for organised crime is nearly five times higher than that for terrorism. It suggests that SOSMA is used to 'warehouse' suspected gang members or organised crime figures when the evidence is weak. The prosecution charges them under SOSMA to keep them detained without bail, only to eventually settle for a DNAA when they cannot prove the case. In addition, in organised crime cases, a defendant is nine times more likely to receive a DNAA than a full acquittal.
- As of 2025, approximately 15% of those charged with human trafficking and 11% of those charged with organised crime remain "still in trial" (*masih dalam bicara*). Under SOSMA, these 654 individuals currently endure prolonged incarceration without the possibility of bail, effectively transforming the trial process into a form of pre-emptive punishment.
- Across all categories, between 20% and 28% of individuals arrested under SOSMA are eventually released without being charged.

SUARAM-Documented SOSMA Arrests/Detention Over Five Years

Year	Terrorism	Trafficking / Immigration	Organised Crime	Unidentified	Total
2021	1	63	81	1	**146**
2022	0	73	43	0	**116**
2023	0	3209	11	0	**3220**
2024	27	22	126	0	**175**
2025	36	15	34	13	**98**

Comparing documented SOSMA arrests between 2024 and 2025 reveals a 44% overall decline in media-monitored cases (from 176 to 98). While arrests for organised crime saw the most significant drop—decreasing by nearly 73% (from 126 to 34)—arrests related to terrorism saw a slight increase from 27 to 36 cases.

Beyond these figures, the specific circumstances surrounding the *Sindiket Mulia* and GMRB arrests highlight the procedural complexities and fair trial concerns that arise when SOSMA is invoked.

Sindiket Mulia Cable Theft. In May 2025, Selangor police arrested[3] 16 individuals, including five active-duty police personnel (two sergeants and three corporals), suspected of involvement in a cable theft syndicate known as *Sindiket Mulia*. While the investigation initially commenced under Section 379 of the Penal Code (theft), the authorities subsequently invoked SOSMA on 30 May 2025. This allowed for the 28-day detention of 13 suspects under Section 124K of the Penal Code, which pertains to the sabotage of critical infrastructure.

Police claimed that the syndicate was involved in at least 23 cases of cable theft across Kuala Lumpur and Selangor, resulting in losses estimated at over RM680,000. The operation was notable for its use of insiders, including technicians and security guards, as well as the five police officers who allegedly provided information on patrol patterns to help the syndicate avoid detection.

While Section 124K is technically listed under the First Schedule of SOSMA, its invocation in the *Sindiket Mulia* cable theft case represents a significant procedural overreach. The police justified the move by classifying the theft of copper cables as a threat to "essential services" and national security, a definition historically reserved for acts of terrorism or subversion. By stretching the definition of sabotage to include property theft, the state effectively 'engineers' a security offense to secure 28 days of detention, even when the underlying act lacks any genuine intent to subvert national security or the sovereignty of the state.

The GMRB Network. Between April and June 2025, the police conducted a three-phase operation to dismantle the Bangladeshi Radical Militant Group (GMRB), which was allegedly using Malaysia as a hub to recruit and fundraise for IS activities in Syria and Bangladesh.

The first phase of the raid in April resulted in six arrests in Selangor, identifying a network structure based in Johor. The second phase in May led to 14 arrests in Johor, including the alleged leader of the group. The final phase in June saw 16 additional arrests, bringing the total number of detainees to 36. While announcing the operation's success, Inspector-General of Police Tan Sri Mohd Khalid Ismail characterised the GMRB as a group of 100–150 members—primarily labourers in factories and construction—who used social media and messaging apps (WhatsApp/Telegram) to spread ideology and collect an annual membership fee of RM500. Of the 36 arrested, five were charged under terrorism-related offences in the Penal Code, while 16 remained held under SOSMA for further investigation.

By July, 15 individuals from the group had been issued deportation orders[4]. Three others were immediately arrested by the Bangladeshi Anti-Terrorism Unit upon being deported to their home country. Among the five charged in Malaysia were Mohammad Afsar Bhuiyan

[3] Bernama, 'Police nab 13 under SOSMA over alleged communication cable theft' (*Malaysiakini*, 30 May 2025) <https://www.malaysiakini.com/news/744835> accessed 1 April 2026

[4] Wartawan BH, ''3 militan Bangladesh dihantar pulang ditahan unit antikeganasan di Dhaka (Berita Harian, 6 July 2025) <https://www.bharian.com.my/berita/kes/2025/07/1416273/3-militan-bangladesh-dihantar-pulang-ditahan-unit-antikeganasan-di-dhaka> accessed 1 April

and Md Rafiqul Islam, whose proceedings at the Johor Bahru Sessions Court highlighted significant procedural barriers[5]. The first attempt to read their charges was postponed to allow the court to find an interpreter. During the second attempt on 8 August, charges could still not be read due to the absence of a Bangladeshi interpreter. Both accused remained unrepresented by counsel during these proceedings. The court was forced to set a third date for 12 September—nearly three months after their initial arrest—simply to have the charges formally read.

Other Court Cases

1. *Khairuddin Abu Hassan* [6]

On 12 March 2025, the Court of Appeal upheld a High Court decision awarding RM300,000 in damages to Khairuddin for his unlawful detention under SOSMA. A three-member bench, chaired by Justice See Mee Chun, unanimously dismissed the government's appeal against the 2022 High Court ruling, which had found the authorities liable for false imprisonment. The court also dismissed Khairuddin's cross-appeal for a higher compensation amount and his claim for malicious prosecution, concurring with the lower court that while the detention was unlawful, malicious intent in the subsequent prosecution had not been proven. Both parties were ordered to bear their own legal costs. The 2025 appellate ruling marks a final judicial affirmation that SOSMA was improperly applied in his arrest, establishing that his detention for "attempted sabotage" of the financial system did not fall within the legal scope of security offences intended by the Act.

2. *N Nithiyan and S Hemanathan*[7] *(Geng TR)*

On 3 July 2025, the Federal Court, in a 2-1 majority, allowed bail for two businessmen, N. Nithiyan (40) and S. Hemanathan (32). Both were facing charges under Section 130v(1) of the Penal Code for alleged involvement in an organised criminal group, Geng TR. Justice Nallini Pathmanathan, leading the majority bench, ruled that the appellants had successfully made out a case for bail under the sick or infirm exception in Section 13(2) of SOSMA and Section 388 of the Criminal Procedure Code (CPC). The majority decision was grounded in two factors:

- Severe Health Conditions: Nithiyan suffers from unstable angina following an angioplasty, while Hemanathan is a diabetic with heart ailments and high blood pressure, and is currently wheelchair-bound.
- Systemic Failure in Prison Care: The Court took judicial notice of the severe overcrowding at the Sungai Buloh Prison, which was reported to be housing 6000 inmates despite a capacity of only 2500. Justice Nallini noted that the prison system

[5] Izz Laily Hussein, 'Tiada jurubahasa, pertuduhan kes IS babitkan 2 warga Bangladesh ditangguh' (*Berita Harian*, 14 August 2025) <https://www.bharian.com.my/berita/kes/2025/08/1430636/tiada-jurubahasa-pertuduhan-kes-babitkan-2-warga-bangladesh-ditangguh> accessed 1 April 2026

[6] Bernama, 'Penahanan salah: Mahkamah Rayuan kekal ganti rugi RM300,000 kepada Khairuddin' (*Berita Harian*, 11 March 2025) <https://www.bharian.com.my/berita/kes/2025/03/1371341/penahanan-salah-mahkamah-rayuan-kekal-ganti-rugi-rm300000-kepada> accessed 1 April 2026

[7] V Anbalagan, 'Apex court allows Sosma detainees bail' (*Free Malaysia Today*, 3 July 2025) <https://www.freemalaysiatoday.com/category/nation/2025/07/03/apex-court-allows-sosma-detainees-bail> accessed 1 April 2026

was incapable of providing the level of specialised medical monitoring required for seriously ill prisoners.

The Federal Court set bail at RM50,000 each with two sureties, along with several stringent conditions comprising use of an electronic monitoring device, house arrest, reporting to a police station once every two weeks and prohibition from travelling outside their residential area without police consent, except for hospital treatment.

3. *Ulu Tiram Case*

On 20 January 2025, the Kuala Lumpur High Court dismissed[8] a bid by the prosecution to hold a joint trial for the five family members of Radin Rumai Rambo Salleh, the man responsible for the May 2024 attack on the Ulu Tiram police station. Justice Datuk Azhar Abdul Hamid ruled that a joint trial was not appropriate as the charges against the individuals were distinct and varied in nature. Following this decision, on 14 March 2025, the High Court scheduled the trials for the five family members to begin on 22 October 2025. The trial is expected to run[9] through 2026, with 15 witnesses currently listed to testify for the prosecution.

4. *GISBH*

On 7 November 2025, at the Shah Alam High Court (convened at the Kajang Prison Court Complex), all 22 accused—including CEO Nasiruddin Mohd Ali and his wife Azura Md Yusof—pleaded guilty[10] to an alternative charge under Section 43 of the Societies Act 1966 for being members of an illegal organisation. CEO Nasiruddin Mohd Ali and 12 other men were sentenced to 15 months in prison., while Nasiruddin's wife and eight other women were fined RM4500 each. Prior to the sentencing, the case saw a major ruling[11] on bail on 24 March 2025. The court allowed bail (set at RM40,000) for Nasiruddin's wife and seven other women, citing their status as female defendants. Bail was denied for 13 male detainees. The court rejected Nasiruddin's health-based application, ruling that his chronic conditions (hypertension and diabetes) were stable and manageable within the prison's medical facilities. The court further noted that the applicants failed to prove they would lack access to medication while in custody.

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[8] The Star, Court dismisses prosecution's bid for joint trial of five family members of man who attacked Ulu Tiram police station' (*The Star,* 20 January 2025) <https://www.thestar.com.my/news/nation/2025/01/20/court-dismisses-prosecution039s-bid-for-joint-trial-of-five-family-members-of-man-who-attacked-ulu-tiram-police-station> accessed 1 April 2026

[9] 'Family of Ulu Tiram attacker to face trial from Oct 22' (*The Star*, 14 March 2025) https://www.thestar.com.my/news/nation/2025/03/14/family-of-ulu-tiram-attack-suspect-to-face-trial-from-oct-22> accessed 1 April 2026

[10] Nurul Hidayah Bahaudin, '22 pemimpin tertinggi GISBH mengaku salah' (*Berita Harian*, 7 November 2025) <https://www.bharian.com.my/berita/nasional/2025/11/1468640/22-pemimpin-tertinggi-gisbh-mengaku-salah> accessed 1 April 2026

[11] Dawn Chan, 'Mahkamah tolak permohonan ikat jamin CEO GISBH, 12 lain' (*Berita Harian,* 24 March 2025) <https://www.bharian.com.my/berita/kes/2025/03/1376347/mahkamah-tolak-permohonan-ikat-jamin-ceo-gisbh-12-lain> accessed 1 April 2026

Government Commitment to Amending SOSMA

From 8 to 9 February 2025, families of 32 detainees held under the Security Offences (Special Measures) Act (SOSMA) went[12] on a two-day hunger strike outside Sungai Buloh Prison, after prison officials rejected their visitation requests on the grounds that the prison office would be closed for five days due to Thaipusam. The action, also undertaken in solidarity with detainees on hunger strike inside the prison, sought to demand a meeting with the Home Minister over issues[13] of inadequate medical care, prolonged pre-trial detention and delayed trial dates faced by the detainees. Family members pressed for amendments to Section 4(5) of SOSMA, which permits 28-day detention without judicial oversight, and Section 13, which effectively denies bail except for narrow categories such as women, children and the sick and infirm, as well as priority scheduling to bring forward trial dates in SOSMA cases. Over the two days, multiple rounds of negotiation took place, with prison officials restricting the number of family members allowed into the prison to see detainees. Although one lawyer and three family members were eventually allowed in, they were told that detainees would not see them until they had met Home Ministry representatives on the issues raised and on SOSMA reforms. The hunger strike ended only after a Prisons Department representative informed families that a 12pm appointment on 10 February had been secured at the Home Ministry for submission of their memorandum. Notably, the police investigated[14] the hunger strike under Section 9(5) of the Peaceful Assembly Act.

On 10 February, when families and SUARAM staff arrived[15] at the Home Ministry for the promised 12pm appointment, they were repeatedly refused entry passes and left waiting outside the complex for more than two hours. Entry was effectively secured only after the group walked through the main gate, at one point passing police attempts to get RELA officers to form a human chain to block them. A small delegation was then allowed to meet the Home Minister's press secretary, who received the memorandum but offered no concrete commitments beyond saying that the ministry would "seek updates" from the Prisons Department. Two days later, instead of engaging with the substance of the memorandum, police arrested[16] SUARAM's then Executive Director Sevan Doraisamy, as well as investigated[17] then Programme Manager Azura Nasron and a family member under Section 7 of the Protected Areas and Protected Places Act for "unauthorised entry" into the Home Ministry compound in connection with the 10 February incident.

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[12] Based on SUARAM's documentation, as SUARAM was on-site assisting the family members and also monitoring the hunger strike.

[13] From the memorandum that SUARAM assisted in drafting.

[14] The Vibes, "Police investigate hunger strike by families of Malaysian anti-terrorism detainees", (*The Vibes*, 9 February 2025), <https://www.thevibes.com/articles/news/104818/police-investigate-hunger-strike-by-families-of-malaysian-anti-terrorism-detainees> accessed 1 April 2026

[15] Based on SUARAM's documentation, as SUARAM was on-site assisting the family members in accessing the Home Ministry and also monitoring the memorandum submission.

[16] Malaysiakini, "Cops nab Suaram officer briefly, probed for alleged trespass of govt premises" (*Malaysiakini*, 12 February 2025), <https://www.malaysiakini.com/news/734307> accessed 1 April 2026

[17] International Federation for Human Rights (FIDH), "Malaysia: Judicial harassment against SUARAM members Sevan Doraisamy and Azura Nasron", (*FIDH*, 7 March 2025), <https://www.fidh.org/en/issues/human-rights-defenders/malaysia-judicial-harassment-against-suaram-members-sevan-doraisamy> accessed 1 April 2026

Sevan's arrest arguably played a significant role in catalysing strategic engagement with policymakers to foreground the plight of detainees held under SOSMA. This culminated in a directive[18] by Prime Minister Anwar Ibrahim on 14 February to "review and reassess" SOSMA. Five days later, in a ministerial statement[19] in Parliament on 19 February, Home Minister Saifuddin Nasution announced the set-up of a special committee that will review three key areas:

- the list of currently unbailable and non-bailable offences;
- the creation of a special court for SOSMA cases to reduce trial delays, and;
- Section 30 of SOSMA (detention pending exhaustion of legal processes, even if the individual is acquitted of a security offence by the court), in line with any changes to Section 13 on bail. Saifuddin also signalled that the structure of the 28-day pre-charge detention period under Section 4(5) would be reconsidered.

These developments in 2025 are best understood against the recent history of SOSMA-related protests and stalled reforms. In 2018[20] and again in 2023, detainees and family members staged coordinated hunger strikes inside and outside Sungai Buloh Prison over similar issues, prompting meetings with successive Deputy Ministers in charge of Law and Institutional Reform[21,22]. In 2023, a series of engagements with stakeholders were undertaken, including with SOSMA detainees and their families[23], and Sections 13 and 30 were already under review. The recurrence of hunger strikes and consultations on the same provisions, with limited visible change to detainees' situation on the ground, underscores the gap between repeated pledges of reform and the slow pace of concrete legislative safeguards for the right to fair trial.

Whilst Saifuddin stopped short of committing to a timeline to table the amendments, he pointed[24] to the remaining parliamentary sittings this year and the February sitting in 2026 as potential windows. On 24 July 2025, he announced[25] that a policy paper on SOSMA reforms

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[18] Syed Jaymal Zahiid, "PM Anwar orders review, improvement of Sosma, says Fahmi", (*Malay Mail,* 14 February 2025), <https://www.malaymail.com/news/malaysia/2025/02/14/pm-anwar-orders-review-improvement-of-sosma-says-fahmi/166689> accessed 1 April 2026

[19] Parliament Hansard, 19 February 2025, pages 31-40

[20] Ho Kit Yen, "Hundreds protest outside prison as Sosma detainees continue hunger strike" (*Free Malaysia Today*, 25 August 2018), <https://www.freemalaysiatoday.com/category/nation/2018/08/25/hundreds-protest-outside-prison-as-sosma-detainees-continue-hunger-strike/> accessed 1 April 2026

[21] Mohamad Fadli, "Hanipa runding dengan tahanan Sosma henti mogok lapar" (*Free Malaysia Today*, 26 August 2018), <https://www.freemalaysiatoday.com/category/bahasa/2018/08/26/hanipa-runding-dengan-tahanan-sosma-henti-mogok-lapar/> accessed 1 April 2026

[22] Teh Athira Yusof, "Sosma families urged to be patient, end hunger strike" (*The Star*, 2 August 2023), <https://www.thestar.com.my/news/nation/2023/08/02/sosma-families-urged-to-be-patient-end-hunger-strike> accessed 1 April 2026

[23] Rahimy Rahim, Gerard Gimino and Teh Athira Yusof, "Proposed improvements to Sosma to be announced soon, says Ramkarpal" (*The Star*, 22 May 2023), available at <https://www.thestar.com.my/news/nation/2023/05/22/proposed-improvements-to-sosma-to-be-announced-soon-says-ramkarpal> accessed 1 April 2026

[24] Parliament Hansard, 19 February 2025, page 39

[25] Anis Zalani, "Home Ministry to table Sosma amendments in August, 13 offences to be removed, says Saifuddin Nasution", (*Malay Mail*, 24 July 2025),

would be brought to Cabinet in August, indicating that proposed changes would include revisiting Section 13 and removing 13 offences from the SOSMA First Schedule identified through engagement sessions. However, progress was protracted. It was only on 27 January 2026 that Saifuddin confirmed[26] the review had reached its final stage involving the Home Ministry, Attorney-General's Chambers (AGC) and the police —a closed-loop process that notably excluded independent civil society voices. By 9 February 2026, the Cabinet finally granted[27] "approval in principle" for the drafting of SOSMA amendments, with tabling of these amendments scheduled to take place by the June/July parliamentary sitting. According to Saifuddin, the proposed reforms include a new classification system for the 73 offences under SOSMA. Under this matrix, the government intends to maintain the non-bailable status for crimes carrying heavy custodial sentences of 20 to 30 years, while allowing judicial discretion for bail in lesser offences. The mooted special SOSMA court was framed as a direct response to "harsh criticism" of lengthy trial delays —during which detainees are already denied bail— effectively serving as a form of punishment for detainees.

Taken at face value, the review areas identified by the government respond to some of the most longstanding concerns raised by detainees and their families, as well as civil society. However, the focus remains on incremental adjustments to SOSMA's architecture rather than asking whether a security-law framework built on 28-day pre-charge detention, special evidentiary rules and presumptively unbailable offences is compatible with fair trial guarantees. Notably, the announced review does not touch SOSMA's special evidentiary regime – including covert interception and secret reliance on intercepted material (Sections 6 and 24) and the use of protected witnesses and agent provocateurs (Section 26) – which already tilt the balance heavily in favour of the prosecution and constrain the accused's ability to test the reliability and completeness of the evidence against them. Moreover, the current pace of reform is protracted. 'Policy approval' to begin the amendment process was delayed by close to six months, only moving forward in February 2026 despite the Minister's July 2025 commitment. While Saifuddin claimed to have held early discussions with the Parliamentary Special Select Committee on Human Rights, Election and Institutional Reform, the extent of his engagements with the Committee's recommendations and the value of these engagements in shaping the SOSMA amendments remain opaque. Until concrete amendments are tabled and enacted, detainees and their families remain effectively trapped in a cycle of "engagement" and review with little immediate relief.

Prevention of Crime Act 1959 (POCA)

In early 2025, the police publicly advocated[28] for a comprehensive review of "outdated" criminal laws, among which POCA was mentioned. Bukit Aman's Criminal Investigation Department (JSJ) Director, Mohd Shuhaily Mohd Zain, argued that current legislation has failed to keep pace with modern criminal *modi operandi*, among which included prostitution,

<https://www.malaymail.com/news/malaysia/2025/07/24/home-ministry-to-table-sosma-amendments-in-august-13-offences-to-be-removed-says-saifuddin-nasution/185084> accessed 1 April 2026

[26] Written Question in Parliament, 27 January 2026, Question 46

[27] Parliament Hansard, 9 February 2026, pages 142 to 143

[28] Bernama, 'Bukit Aman cadang beberapa undang-undang jenayah lapuk diteliti semula' (*Berita Harian*, 27 January 2025) <https://www.bharian.com.my/berita/nasional/2025/01/1354474/bukit-aman-cadang-beberapa-undang-undang-jenayah-lapuk-diteliti> accessed 1 April 2026

gambling and vehicle theft. He explicitly called for the passage of POCA amendments within the year, framing them as essential to curbing increasingly complex crime that currently evades prosecution.

In March 2025, Minister of Natural Resources and Environmental Sustainability (NRES), Nik Nazmi Nik Ahmad, proposed[29] empowering the PDRM to lead investigations into environmental crimes. Minister Nik Nazmi Nik Ahmad indicated that the government is considering the use of POCA and SOSMA against "environmental saboteurs" involved in large-scale pollution and illegal land clearing. This proposal aims to treat organised environmental destruction as a national security and organised crime threat, allowing for the use of preventive detention against syndicate masterminds who traditionally evade prosecution under the Environmental Quality Act 1974.

Home Minister Datuk Seri Saifuddin Nasution Ismail has provided no substantive updates regarding the status of any legislative amendments aimed at bringing the Act in line with recent judicial precedents. POCA's relevance in tackling scams, gangsterism and organised crime remains the predominant narrative[30]. This rationale, however, dilutes efforts to address the Act's denial of due process and fair trial standards.

R. Sri Sanjeevan's Legal Challenge

On 7 April 2025, the Federal Court unanimously dismissed[31] an appeal by former Malaysian Crime Watch Task Force (MyWatch) chairperson R. Sri Sanjeevan, who was seeking to restore a High Court award of damages for his 16-day unlawful detention under POCA in 2016. The three-member bench, chaired by Justice Datuk Harmindar Singh Dhaliwal, affirmed the Court of Appeal's earlier decision that a successful *habeas corpus* application does not automatically entitle a detainee to damages for false imprisonment.

The case originated from Sanjeevan's arrest on 10 July 2016, where he was remanded for 21 days under POCA. Although a High Court subsequently granted a *habeas corpus* order for his release on 26 July 2016—ruling his detention was "defective" because the remand order directed him to a non-gazetted location—the Federal Court has now ruled that this procedural flaw did not render the police or the government liable for civil damages.

The Federal Court ruling centred on several points critical to the standards of fair trial and state accountability:

- The Court held that because the police were acting upon a remand order issued by a Magistrate, the detention was technically "authorised by law" at the time. Errors in the warrant were attributed to judicial oversight rather than police misconduct, thereby shielding the Executive from liability.

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[29] Bernama, 'NRES cadang serah kuasa kepada PDRM perkasa usaha tangani jenayah alam sekitar - Nik Nazmi' (*Berita Harian*, 6 March 2025) <https://www.bharian.com.my/berita/nasional/2025/03/1369202/nres-cadang-serah-kuasa-kepada-pdrm-perkasa-usaha-tangani-jenayah> accessed 1 April 2026

[30] See Footnote No. 26

[31] Bernama, 'Mahkamah Persekutuan tolak rayuan Sri Sanjeevan saman kerajaan, PDRM' (*Berita Harian*, 7 April 2025) <https://www.bharian.com.my/berita/kes/2025/04/1381372/mahkamah-persekutuan-tolak-rayuan-sri-sanjeevan-saman-kerajaan-pdrm>accessed 1 April 2026

- The appellant argued that the detention should be deemed unlawful following a 2022 landmark ruling for Nivesh Nair (which declared Section 4 of POCA unconstitutional) that declared parts of POCA unconstitutional. However, the Federal Court rejected this, maintaining that the 2022 ruling could not be applied retrospectively to a detention that occurred in 2016.
- The judgment clarified that the purpose of *habeas corpus* is solely to secure immediate liberty (Article 5(2) of the Federal Constitution), whereas a claim for damages requires an independent proof of "lack of lawful authority" or "malice," which the Court found was not established here.

This decision significantly weakens the right to an effective remedy for victims of preventive detention. By applying the doctrine of prospective overruling, the Court has effectively immunized the state against claims arising from years of POCA detentions that were carried out under procedures now recognised as unconstitutional. Furthermore, by shielding the police from liability for "defective" judicial warrants, the ruling lowers the threshold of due diligence required by investigative authorities, potentially leaving victims of procedural injustice without any form of financial or legal redress.

Prevention of Terrorism Act 2015 (POTA)

In 2025, there were no reported cases or legislative amendments under POTA. However, the government continued to frame POTA as a cornerstone of Malaysia's counter-terrorism strategy, alongside SOSMA and other laws, in combating radicalisation and extremist ideologies[32]. The Home Ministry has consistently justified POTA's relevance within this framework, despite longstanding criticisms of its procedural shortcomings, including provisions for indefinite detention without trial, which circumvent standard judicial safeguards. This mirrors the broader "relevance" narrative employed to defend the continued use of SOSMA, highlighting the government's reliance on extraordinary legal measures to address security threats.

Recommendation

(Home Ministry) Table amendments to SOSMA by the February 2026 parliamentary sitting at the latest. At a minimum, these amendments should:

- Repeal Section 4(5), so that pre-charge detention is governed by the Criminal Procedure Code and is subject to prompt and regular judicial approval and oversight. This is also essential as a safeguard against torture and ill-treatment in custody.
- Amend Section 13(1) to restore the right of all persons charged under SOSMA-listed offences to apply for bail, with decisions made at the discretion of the courts based on ordinary bail principles.
- Repeal Section 30(1) so that individuals acquitted of security offences are not kept in detention solely because the prosecution has filed an appeal.

[32] Oral Question in Parliament, Question 64, 15 July 2024

- In parallel, the government should also commit to revising SOSMA's special evidentiary regime to restore the Evidence Act as the default framework for admissibility and disclosure of evidence in security cases.

APPENDIX

Comparative Analysis of Laws that Provide for Administrative Detention Without Charge or Trial

Security Offences (Special Measures) Act 2012 (SOSMA)

SOSMA is a procedural law that operates in lieu of the Criminal Procedure Code (CPC) when individuals are detained under suspicion of offences under Chapter VI, VI A, and VI B of the Penal Code; the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 (ATIPSOM); and the Special Measures Against Terrorism in Foreign Countries Act 2015. Unlike the CPC, which requires magistrate oversight for remand periods beyond 24 hours, SOSMA permits police to detain individuals for up to 28 days without producing them before a magistrate.

Bail is by default not granted when the individual is charged in court, unless they are below 18 years old, a woman, sick or infirm. The Public Prosecutor is thus granted absolute power to determine whether a person should be granted bail. This is a significant departure from CPC's provisions, which allow judicial discretion in granting bail. Other fair trial violations under SOSMA include denial of access to legal counsel and family members for up to 48 hours post-arrest, admissibility of evidence obtained under duress or coercion, and use of protected witnesses whose testimony may be given without the accused or their counsel present.

CPC		**SOSMA**
24 hours	**Arrest**	24 hours
7 or 14 (depends on severity of offence)	**Remand/Detention Period**	28
None	**Pre-trial detention**	Yes
Depends on offence	**Bail**	None (unless woman, child or deemed sick/infirm)
Depends on offence	**Sentence**	Depends on offence

Preventive Detention Laws: Prevention of Crime Act 1959 (POCA), Prevention of Terrorism Act (POTA) & the Dangerous Drugs (Special Preventive Measures) Act 1987

POCA, POTA, and DD(SPM)A share a common structure of preventive detention, bypassing conventional judicial processes. Upon arrest, individuals may face administrative detention of up to 60 days without charge under DD(SPM)A or up to 59 days under POCA and POTA. This period is followed by the issuance of detention or restriction orders that are renewable every two years. Whilst these orders are issued by specialised boards (POCA or POTA Board) for POCA and POTA, DD(SPM)A mirrors the repealed Internal Security Act (ISA) by centralising detention authority with the Home Minister.

Detention orders entail confinement, while restriction orders impose conditions such as restricted residence, curfews, attachment to an electronic monitoring device, restricted access and use of communication devices, restrictions on Internet access and periodic police reporting. None of these laws permit bail, effectively allowing indefinite detention or restriction. Similar to SOSMA, persons detained under DD(SPM)A are not brought before a magistrate at any time after arrest. Although POCA and POTA provide for a detainee to be brought before a magistrate within 24 hours of arrest, the magistrate can only verify procedural compliance with the respective legislations. While detainees formally retain the right under Article 5(2) of the Federal Constitution to apply to the High Court for a review of the lawfulness of detention, POCA, POTA, and DD(SPM)A contain ouster clauses that limit judicial review to procedural compliance with their respective legislations. This severely restricts detainees' ability to challenge the substantive grounds of their detention, further entrenching fair trial violations.

The laws also differ in operational contexts: POCA applies to organised crime, habitual offenders, and cases of local terrorism, while POTA targets cross-border terrorism and foreign-linked radicalisation. DD(SPM)A focuses on counter-narcotics, specifically targeting drug trafficking operations that threaten national security.

	POCA	**POTA**	**DD(SPM)A**
Arrest	24 hours	24 hours	24 hours
Remand/Detention Period	60 days (21 + 38)	60 days (21 + 38)	60 days
Authority to Issue Remand Order	Magistrate	Magistrate	None. Upon arrest, detained in police custody
Authority to Issue Detention Order	POCA Board	POTA Board	Home Minister
Bail	None	None	None
Duration of Detention Order	Not exceeding 2 years Renewable	Not exceeding 2 years	Not exceeding 2 years Renewable, but not more than 2 years at a time

RIGHT TO JUSTICE

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Context

Developments in 2025 reveal a landscape where the rhetoric of accountability is still undermined by a state apparatus that continues to prioritise institutional preservation over the right to an effective remedy. While the courts and the Human Rights Commission of Malaysia (SUHAKAM) play a crucial role as a safeguard against state-perpetrated violence, the executive frequently responded with procedural obstruction, shielding state actors from the very transparency required for genuine reform.

Deaths in Custody (DIC)

SUARAM's monitoring recorded a total of nine custodial deaths in 2025, comprising three by the police, five by the Prisons Department, and one by the Immigration Department. While the total number of recorded deaths remains unchanged from 2024, the distribution across the three enforcement agencies shifted. Media-reported deaths in police custody decreased from five to three, while deaths in the prison system increased from three to five.

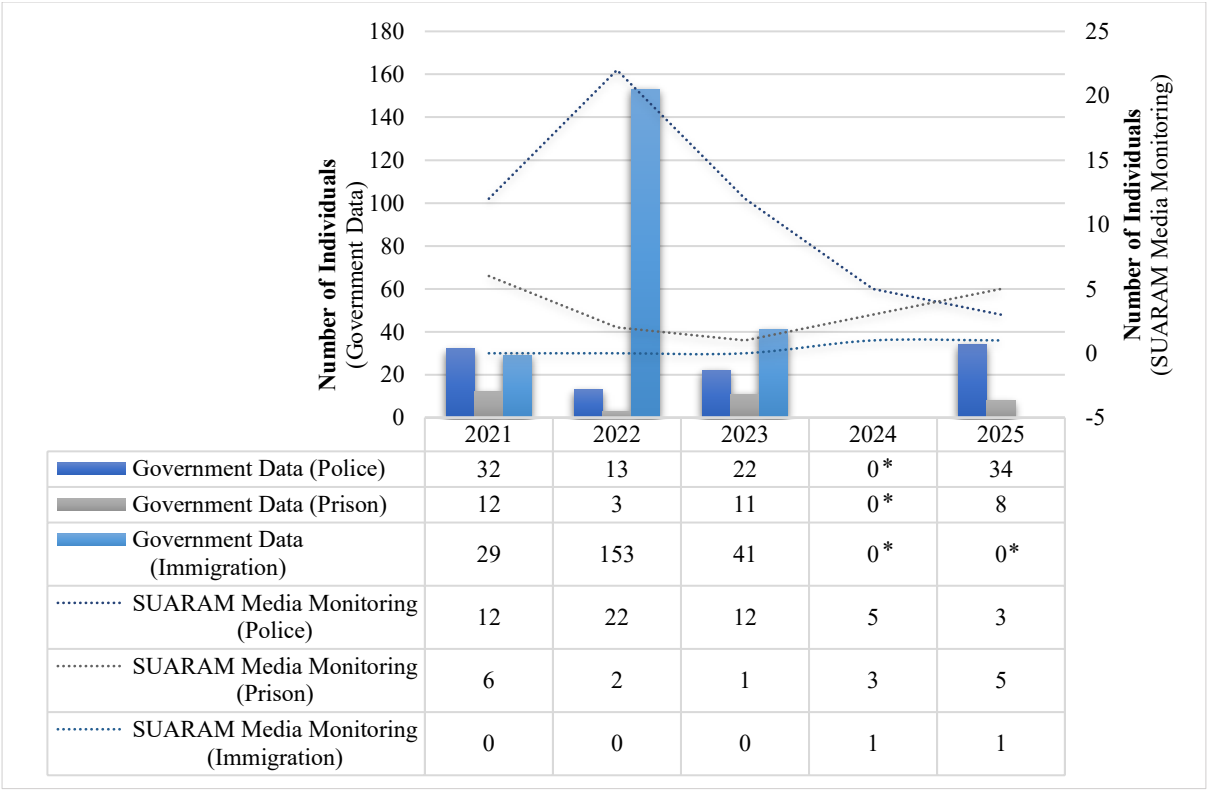
Media-Reported DIC Cases in 2025

No.	Name *Nationality, Age, Gender*	Date of Death	Detention Location (*Custody Authorities)*	(Alleged) Cause of Death
1.	Gan Chin Eng, *Malaysian, 62, Male*	17 January 2025	Taiping Prison (*Prison*)	Blunt force trauma
2.	M.Vijian, *Malaysian, 30, Male*	15 February 2025	Taiping Prison *(Prison)*	Health reasons
3.	M Manisegaran *Malaysian, Unknown, Male*	February 2025	Bandar Sunway Police Station (*Police*)	Unreported
4.	Undisclosed, *Malaysian, 23, Male*	8 March 2025	Tuanku Fauziah Hospital Kangar *(Prison)*	Fall in bathroom
5.	Mohamad Nizarman Hassim *Malaysian, 28, Male*	26 May 2025	Tuanku Fauziah Hospital Kangar *(Prison)*	Sudden death
6.	Undisclosed *Undisclosed, 46, Male*	29 August 2025	Seremban Lockup (*Police*)	Unreported
7.	Richard Robat *Malaysian, Undisclosed, Male*	20 September 2025	Sungai Buloh Prison *(Prison)*	Blunt force trauma

8.	Ben Za Min *Burmese, 32, Male*	End of September 2025	Undisclosed *(Immigration)*	Health reasons
9.	Undisclosed *Malaysian, 26, Male*	7 October 2025	During arrest (*Police*)	Unreported

The disparity between official statistics and media-monitored cases—characterised by significant underreporting where government-recorded figures consistently exceed public accounts—remains a longstanding issue. This is most acute for immigration custody, which historically records the highest death tolls yet rarely sees more than one media-reported case annually. Relying on parliamentary replies for statistics remains a systemic hurdle for oversight, as evidenced by the total absence of 2024 data and the non-disclosure of figures for the Immigration Department. Notably, 2025 marked the first time in five years that media-reported cases in police custody (3) were fewer than those in the prison system (5), despite government records showing that police deaths (34) are actually four times more prevalent than prison deaths (8).

A Comparison of DIC Case Numbers by Source



	2021	2022	2023	2024	2025
Government Data (Police)	32	13	22	0*	34
Government Data (Prison)	12	3	11	0*	8
Government Data (Immigration)	29	153	41	0*	0*
SUARAM Media Monitoring (Police)	12	22	12	5	3
SUARAM Media Monitoring (Prison)	6	2	1	3	5
SUARAM Media Monitoring (Immigration)	0	0	0	1	1

**Data not released by the government.*

Four of the documented DIC cases in 2025 exemplify systemic shortcomings in ensuring transparent, timely and thorough investigations.

Gan Chin Eng. Gan was one of 107 detainees brutally assaulted by approximately 50 to 60 armed and masked prison officers on 17 January 2025, after detainees resisted moving to a dilapidated prison block. Gan was "brought in dead" at Taiping Hospital that evening, yet authorities initially informed his son, Gan Wei Hao, that the death might have been due to heart disease. It was only after a post-mortem confirmed the cause of death as "abdominal injury caused by blunt trauma" and an eyewitness account from another detainee surfaced that the family lodged[33] a second police report for an unnatural death and filed a complaint with the Human Rights Commission of Malaysia (SUHAKAM). The subsequent pursuit of justice highlighted systemic delays and institutional resistance; the Investigating Officer only recorded Wei Hao's statement nearly a month after the first report was lodged, by which time the case was being investigated as murder under Section 302 of the Penal Code. While the Prisons Department publicly signalled[34] a "zero tolerance" policy for misconduct, they simultaneously framed the incident as a response to "provocation."

SUHAKAM's preliminary investigation also faced obstruction when prison authorities denied them access to witnesses in February, prompting a public statement[35] from the Commission. In response, Home Minister Saifuddin Nasution Ismail dismissed[36] the allegations of obstruction, insisting that independent oversight must defer to the "orderly" pace of police investigations. These hurdles necessitated a 28-day public inquiry[37] held from June to September 2025, involving testimonies from 50 witnesses—including detainees, Taiping Prison warders, officers and staff, the forensic pathologist, relevant police officers, personnel from the Prisons Department headquarters including the Commissioner-General of Prison, the state deputy public prosecutor's office as well as personnel from the Home Ministry and National Heritage Department. The inquiry ultimately uncovered wide-ranging systemic violations and significant attempts by state actors to obstruct justice, the details of which are further analysed in the Torture in Custody section.

On 19 December 2025—eleven months after the fatal assault—a 25-year-old warden,

[33] Pear Lee, 'One month on, family of Taiping Prison detainee still in the dark over cause of father's death' (*Twentytwo13*, 18 February 2025) <https://twentytwo13.my/one-month-on-family-of-taiping-prison-detainee-still-in-the-dark-over-cause-of-fathers-death/> accessed 1 April 2026

[34] Kalbana Perimbanayagam, 'Prison Department confirms incident at Taiping Prison' (*New Strait Times*, 27 January 2025) <https://www.nst.com.my/news/crime-courts/2025/01/1166959/prison-department-confirms-incident-taiping-prison> accessed 1 April 2026

[35] The Human Rights Commission of Malaysia (SUHAKAM), 'Media Statement No. 11-2025_SUHAKAM Strongly Condemns the Obstruction of Its Investigation Into Human Rights Violations at Taiping Prison' (*The Human Rights Commission of Malaysia (SUHAKAM)*, 13 February 2025) <https://suhakam.org.my/2025/02/media-statement-no-11-2025_suhakam-strongly-condemns-the-obstruction-of-its-investigation-into-human-rights-violations-at-taiping-prison/> accessed 1 April 2026

[36] Noorazura Abdul Rahman, 'Taiping prisoner death probe: Date set for Suhakam to visit, says Saifuddin' (*New Strait Times*, 15 February 2025) <https://www.nst.com.my/news/crime-courts/2025/02/1175463/taiping-prisoner-death-probe-date-set-suhakam-visit-says-saifuddin?utm_source=nst&utm_medium=relatedarticles> accessed 1 April 2026

[37] The Human Rights Commission of Malaysia (SUHAKAM), 'Media Statement No. 22-2025_SUHAKAM to Conduct Public Inquiry into Alleged Human Rights Violations at Taiping Prison' (*The Human Rights Commission of Malaysia (SUHAKAM)*, 23 May 2025) <https://suhakam.org.my/2025/05/media-statement-no-22-2025_suhakam-to-conduct-public-inquiry-into-alleged-human-rights-violations-at-taiping-prison/> accessed 1 April 2026

Ryndee O'Nel Victor, was finally charged[38] in the Taiping Magistrate's Court. However, the charge was framed under Section 304(b) of the Penal Code for culpable homicide not amounting to murder, which carries a maximum of only 10 years' imprisonment. This charge is incommensurate with the gravity of the harm inflicted, when four of the seven blunt force injuries Gan sustained were severe enough to rupture his liver and cause 37% internal blood loss. Furthermore, despite the scale of the violence involving dozens of masked officers and the availability of CCTV footage, the Attorney-General's Chambers (AGC) has yet to pursue charges against any other implicated personnel for the fatal and non-fatal injuries inflicted on the over 100 other detainees, leaving the systemic nature of the assault unaddressed.

M. Vijian. Vijian died on 15 February 2025, less than a month after being transferred to Taiping Prison from the Batu Gajah Correctional Centre. On 24 January, his mother was informed[39] by Taiping Hospital that Vijian was in critical condition due to tuberculosis, a diagnosis the family met with scepticism as he was in good health prior to his arrest on 7 January. The family was also met with conflicting accounts from prison wardens, whereby one claimed Vijian was 'active' but had breathing difficulties, while another stated he had fainted and vomited during breakfast. Despite being told by Taiping Hospital that many X-rays had been taken during his three-week hospitalisation, it was only after his death—and at the family's insistence on a post-mortem at Raja Permaisuri Bainun Hospital—that a forensic pathologist revealed Vijian had suffered two broken ribs. The forensic pathologist noted the injuries were three to four weeks old and consistent with being beaten, a critical observation not disclosed by prison authorities or Taiping Hospital. The family filed a police report on 20 February and submitted[40] a memorandum to SUHAKAM on 28 February, demanding an investigation into Vijian's death.

M Manisegaran, a 41-year-old lorry driver, died[41] in unclear circumstances in February 2025, within hours of being detained by police in Bandar Sunway. While at the police station, Rajeswari (Manisegaran's widow) witnessed her husband being carried into an ambulance. However, her request to accompany him to the hospital was denied. He was pronounced dead on arrival at Universiti Malaya Medical Centre (UMMC). Upon identifying the body, Rajeswari observed visible injuries on his face and body, including broken teeth and bleeding in the eyes, and immediately requested a post-mortem. When she queried the forensic doctor about these injuries, he suggested they resulted from emergency CPR. This was directly contradicted by both the ambulance crew and UMMC emergency staff, who confirmed Manisegaran was "brought in dead" and that no resuscitation had been performed. The

[38] Zahratulhayat Mat Arif, 'Warden charged with culpable homicide following inmate's death at Taiping prison' (*New Strait Times* , 19 December 2025) <https://www.nst.com.my/news/regional/2025/12/1340521/warden-charged-culpable-homicide-following-inmates-death-taiping> accessed 1 April 2026

[39] Pear Lee, 'Second custodial death in Taiping Prison in less than a month, family wants answers' (*Twentytwo13*, 21 February 2025) <https://twentytwo13.my/second-custodial-death-in-taiping-prison-in-less-than-a-month-family-wants-answers/> accessed 1 April 2026

[40] Haspaizi Zain, 'Suhakam finally enters Taiping Prison to probe alleged assault on inmates' (*Malaysiakini*, 28 February 2025) <https://www.malaysiakini.com/news/735964> accessed 1 April 2026

[41] B Nantha Kumar, 'After nine months, man's death in police custody still unresolved' (*Malaysiakini*, 3 December 2025) <https://www.malaysiakini.com/news/762442> accessed 1 April 2026

family was forced to wait four months for the full post-mortem report. During a meeting in June 2025, the forensic doctor allegedly provided a series of shifting and improbable causes of death—first suggesting *panau* (a common fungal skin infection), then claiming drug use, and finally "fluid in the lungs" after the family rejected the prior assertions. Dissatisfied, Rajeswari sought new legal counsel and was recently informed she must wait several more months for the newly requested post-mortem report. Beyond the investigation deadlock, the family faced significant bureaucratic hurdles. The police remained unresponsive[42] to requests for a letter confirming the death—a requirement for insurance claims—initially promising the document by August before ignoring all follow-up calls by December. The severity of this nine-month silence eventually triggered a rare public intervention from Digital Minister Gobind Singh Deo, who termed[43] the delay "unacceptable" and called on the Attorney-General's Chambers (AGC) to explain the lack of action. Following this political pressure, the AGC instructed[44] Bukit Aman to complete the inquiry "without delay" for referral to the Coroner's Court. It was only on 13 December 2025—nearly ten months after the death—that officers from the Integrity and Standards Compliance Department (JIPS) finally recorded[45] Rajeswari's statement.

Richard Robat, a man with a psychosocial disability (schizophrenia), died[46] in Sungai Buloh Prison on 20 September 2025. Richard had been arrested the previous month for allegedly damaging property at a spa in Sabak Bernam, yet his family was not notified of his arrest or detention. They only learned of his incarceration on 21 September—the day after his death—when they were informed that he had already passed away. The pursuit of justice in Richard's case has been marked by a lack of transparency. Although a post-mortem examination reportedly found signs of blunt force trauma on his body, his sister received no updates from the authorities for nearly a month after lodging a police report on 23 September. Represented by counsel, the family has formally demanded an inquest under Section 334 of the Criminal Procedure Code to determine the cause and circumstances of his death.

[42] B Nantha Kumar, 'Dead inmate's wife frustrated at cops' delay despite AGC order' (*Malaysiakini*, 13 December 2025) <https://www.malaysiakini.com/news/763312> accessed 1 April 2026

[43] B Nantha Kumar, 'Gobind presses AGC on inmate's uninvestigated custodial death' (*Malaysiakini*, 4 December 2025) <https://www.malaysiakini.com/news/762656> accessed 1 April 2026

[44] Scoop Reporters, 'AGC orders police to expedite completion of investigation report on death in custody' (*Scoop*, 6 December 2025) <https://www.scoop.my/news/276389/agc-orders-police-to-expedite-completion-of-investigation-report-on-death-in-custody/> accessed 1 April 2026

[45] B Nantha Kumar, 'Death in custody: Cops finally question Manisegaran's widow' (*Publisher*, 15 December 2025) <https://www.malaysiakini.com/news/763390> accessed 1 April 2026

[46] Chan Kenn Jin, 'Family of disabled man who died in jail demands inquest' (*Free Malaysia Today*, 14 October 2025) <https://www.freemalaysiatoday.com/category/nation/2025/10/14/family-of-disabled-man-who-died-in-jail-demands-inquest> accessed 1 April 2026

Case Update: S. Thanabalan (2018 death in police custody)

On 8 December 2025, the Shah Alam High Court ordered[47] the police and the government to pay RM1.1 million in compensation to the family of businessman S. Thanabalan, who died in police custody seven years prior. Thanabalan, who was detained under the Security Offences (Special Measures) Act (SOSMA) in 2018, died after collapsing in IPD Shah Alam. On 30 October 2023, the Court of Appeal found the police and government liable for negligence, specifically citing the failure of police officers to provide him with prompt medical attention despite his deteriorating condition.

The court held[48] that the police have a non-delegable duty of care to ensure the safety of detainees, and that the failure to act when Thanabalan collapsed constituted a clear breach of that duty. This legal victory was cemented in March 2024, when the Federal Court dismissed[49] the government's application for leave to appeal, effectively ending the state's attempt to evade liability and affirming the Court of Appeal's findings on institutional negligence. Following this finality, Judge Noor Hayati Mat awarded the family—including his widow V. Shanti and father P. Vathian—damages encompassing negligence (RM500,000), aggravated damages (RM200,000), dependency claims (RM414,000), and loss of life, alongside 5% annual interest retroactive to April 2018. While this award marks a significant victory for accountability, the seven-year legal battle—marked by an initial High Court dismissal[50] and persistent appeals by the government—underscores the exhaustive hurdles families must overcome to secure justice for custodial deaths in Malaysia.

Case Update: G Jestus Kevin (2020 death in police custody)

The five-year pursuit of accountability for the death of G. Jestus Kevin saw a significant breakthrough in 2025. In April 2025, the Kuantan High Court overturned[51] a previous coroner's refusal and ordered the police to hand over lockup CCTV footage for the family's legal counsel within 14 days. Justice Radzi Harun ruled that the disclosure was necessary "in the interest of justice," effectively dismissing the state's long-standing argument that such recordings were too "sensitive" for public scrutiny. This access to evidence proved pivotal, as the footage reportedly provided a clear record of events leading to Jestus' death on 5 April 2020 at IPD Bentong, including violence by the two inmates "on the orders and/or encouragement of the police officers on duty".

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[47] Bernama, 'Court awards RM1.1mil to family of businessman who died in police custody' (*Publisher*, 8 December 2025) <https://www.nst.com.my/news/nation/2025/12/1332780/court-awards-rm11mil-family-businessman-who-died-police-custody> accessed 1 April 2026

[48] V Anbalagan, 'Police liable for death of detainee in lockup, court rules' (*Free Malaysia Today*, 30 October 2023) <https://www.freemalaysiatoday.com/category/nation/2023/10/30/police-liable-for-death-of-detainee-in-lockup-court-rules> accessed 1 April 2026

[49] Bernama, 'Negligence suit: Federal Court dismisses police, govt's bid for leave to appeal' (*New Strait Times*, 12 March 2024) <https://www.nst.com.my/news/crime-courts/2024/03/1024740/negligence-suit-federal-court-dismisses-police-govts-bid-leave> accessed 1 April 2026

[50] V Anbalagan, 'Widow fails in suit over husband's death in custody' (*Free Malaysia Today*, 4 April 2022) <https://www.freemalaysiatoday.com/category/nation/2022/04/04/widow-fails-in-suit-over-husbands-death-in-custody> accessed 1 April 2026

[51] V Anbalagan, 'Court orders lockup's CCTV recordings to be given to lawyers' (*Free Malaysia Today*, 15 April 2025) <https://www.freemalaysiatoday.com/category/nation/2025/04/15/court-orders-lockups-cctv-recordings-to-be-given-to-lawyers> accessed 1 April 2026

On 31 July 2025, the Kuantan Sessions Court ruled[52] that Jestus' death was caused by "the actions of others" and was preventable. The coroner found the cause of death to be consistent with meningoencephalitis (brain inflammation) alongside multiple blunt force trauma, cardiomyopathy, and liver steatosis. While the latter conditions were pre-existing, the court noted that the brain inflammation—which likely caused Jestus' delirious and abnormal behaviour—went untreated by authorities. The coroner highlighted that the police failed in their duty by neglecting to provide proper supervision and failing to hospitalise Jestus despite being aware of his unstable emotional state. Instead, he was placed in a cell with two other detainees where he was subjected to physical violence under police supervision. The court held that had proper attention been given, both his meningitis and these physical injuries could have been detected and treated.

Despite the Coroner's finding of institutional negligence and third-party involvement, by August 2025, the AGC had yet to initiate criminal proceedings against the cellmates or the officers involved. Represented by Eliminating Deaths and Abuse In Custody Together (EDICT), the family has demanded[53] that those responsible be charged under Section 302 (murder) or 304 (culpable homicide) of the Penal Code. A civil lawsuit filed by the family in 2023 remains pending[54] at the Kuantan High Court.

Torture in Custody

In 2025, SUARAM documented two cases of torture in custody. The first involves detainees held under the Security Offences (Special Measures) Act 2012 (SOSMA), allegedly linked to the "Geng TR" organised crime group.

Between 11 and 12 February 2025, at least 24 detainees in Sungai Buloh Prison were subjected to a coordinated physical assault by prison officers. This violence followed the two-day hunger strike by the detainees' families outside the prison (8-9 February) and the subsequent memorandum submission by the same families to the Home Ministry (10 February). Crucially, the detainees themselves also went on hunger strike, refusing food until the Home Ministry addressed their demands. According to the detainees, they were forcefully moved to a treatment room where they were beaten, dragged, and stomped upon by upwards of 60 officers equipped with canes and shields. Despite the severity of the assault, many of the victims were not initially taken to the hospital for treatment, only receiving medical attention after a High Court Registrar intervened during a case management hearing on 20 February.

Upon receiving a complaint by the detainees' families, SUHAKAM launched an investigation. The Commission experienced challenges in reconciling the conflicting testimonies between detainees and prison officers. This difficulty was largely due to an absence of verifiable evidence. Netted windows in the treatment room obscured the primary CCTV view when the incident took place, and recordings from the assault were not stored. Despite these gaps, SUHAKAM established that the force used during the forced removal of sick detainees was

[52] Alyaa Alhadjri, 'Kuantan court rules inmate's death in custody caused by others' (*Malaysiakini*, 31 July 2025) <https://www.malaysiakini.com/news/750766> accessed 1 April 2026

[53] Malaysiakini, 'Why no prosecutions in Bentong custodial death, lawyer asks AGC' (*Malaysiakini*, 19 August 2025) <https://www.malaysiakini.com/news/752682> accessed 1 April 2026

[54] V Anbalagan, 'Father sues govt for son's death in lockup' (*Publisher*, 13 April 2023) <https://www.freemalaysiatoday.com/category/nation/2023/04/13/father-sues-govt-for-sons-death-in-lockup> accessed 1 April 2026

excessive, resulting in numerous injuries that required treatment at the prison clinic and/or Sungai Buloh Hospital. The majority of prison officers were also found to have failed to record their daily activities in their mandatory pocket diaries, in direct violation of the Commissioner-General of Prison's Standing Orders. Critically, these diaries were reportedly never checked by superior officers. This systemic failure to maintain a contemporaneous record severely compromises the integrity of investigations and subsequent efforts to hold perpetrators accountable.

Based on SUHAKAM's investigations, prison officers frequently receive threats from SOSMA detainees—often in response to cell reassignments intended to disrupt organised groups. Officers expressed persistent fears for their safety and the safety of their families, noting that even when police reports were lodged, they felt an absence of adequate protection. While acknowledging the high-pressure environment in which these officers operate, SUARAM maintains that professional stress or perceived threats can never serve as a legal or moral justification for violence. To prevent its recurrence, prioritising long-term measures such as dynamic security and trauma-informed detainee management, alongside the provision of robust psychosocial services for officers and the implementation of effective, transparent complaint mechanisms for all parties, would be essential.

Case Study: The Taiping Prison Assault and Public Inquiry

Case Facts. On 17 January, 107 detainees were brutally assaulted by 50-60 armed and masked prison officers at Taiping Prison. The majority of detainees (i.e., 89) involved were held in Dewan B at the time, having been transferred from Batu Gajah Correctional Centre the day before, whilst the remaining 18 were from Block B in Taiping Prison. 62-year-old detainee, Gan Chin Eng, died on the day of the assault. He was "brought in dead" upon arrival at Taiping Hospital at 6.40pm, and pronounced dead at 7.00pm after CPR was administered in an attempt to resuscitate him. A post-mortem conducted two days later confirmed his cause of death as "an abdominal injury caused by blunt trauma". Family members of detainees and Gan lodged police reports after learning of the assault and post-mortem result respectively. This triggered police investigations under Section 302 of the Penal Code (murder), as well as investigations in February and a 28-day public inquiry by the Human Rights Commission of Malaysia (SUHAKAM) from 9 June to 22 September.

The violence followed four failed "negotiation" rounds on the morning of 17 January, when Dewan B detainees resisted moving to Block E due to its known dilapidated condition and concerns about the bucket system. Officers repeatedly told detainees they would escalate these concerns to prison management, but no resolution was offered. In the afternoon, prison officers from both morning and evening shifts assembled at the prison's main entrance, were briefed by Deputy Director Shahrul Izzat bin Hamid, and issued batons, shields, body armour and pepper spray before proceeding to Dewan B. CCTV footage and witness testimony show that within less than a minute of an order to vacate the hall, officers stormed in. Although detainees complied with orders to assume surrender positions (*tunduk*), officers beat, kicked, dragged and threw them from the hall. Simultaneously, detainees in Block B were pulled from their cells and forced to the front of the block, whilst being continuously assaulted. Once outside Block B, all detainees were handcuffed, then beaten, kicked, stepped on and pepper sprayed. Officers also hurled profanities at detainees, forced detainees to apologise, and made them duck-walk while handcuffed to Blocks C and E.

SUARAM's Findings. Based on SUARAM's documentation, key factors that enable the assault include:

1. *A permissive use-of-force culture, in which emotional volatility and perceived disrespect are normalised as thresholds for use of force.*

Despite acknowledging in principle that the 17 January incident violated the Prison Regulations 2000 and the Commissioner-General of Prison's Standing Orders (CGP-SO), most officers denied or downplayed their use of force. They described their actions as "*kekuatan fizikal*", "*minimum force*", or mere "*sentuhan*". More troublingly, prison officer Mohd Hairie Jumri claimed that minimum force meant any action short of killing, and Sergeant Saiful Azman bin Mohd Ibrahim's mischaracterised SOP thresholds by citing detainees' "*kedegilan*" as justification for violence. Emotional triggers—verbal insults and alleged rape and murder threats against officers' family members— were repeatedly invoked to excuse these actions, with at least nine officer witnesses claiming to have "*lost it*" or have been triggered beyond self-control.

The inquiry also established that pepper spray was systematically misused, having violated E126 4(1)(2) of the CGP-SO, which explicitly prohibited use of this equipment for acts that contain elements of abuse or maltreatment ("*penderaan, penganiayaan atau tanpa alasan yang benar, munasabah dan mewajarkan semburan yang dilakukan*"). Contrary to mandatory measures stipulated to prevent abuse, the equipment was also deployed by untrained officers without prior briefing, and against already handcuffed detainees.

The gravity of this conduct—ranging from physical assault and verbal profanities to forced "duckwalking"—constitutes torture and other cruel, inhuman, or degrading treatment (CIDT) under international standards. While the Malaysian government has yet to ratify the UN Convention Against Torture (UNCAT), the 17 January incident satisfies the criteria for torture as defined in Article 1. Following the framework posited by former UN Special Rapporteur Manfred Nowak, the decisive criteria here are the purpose of the conduct and the powerlessness of the victims. In a custodial setting where detainees are under the direct and total control of the state, any use of physical or mental force intended to humiliate constitutes degrading treatment, while the intentional infliction of severe pain for punishment constitutes torture.

Officers identified from CCTV as committing serious brutalities against detainees lacked the interpersonal competence needed for respectful, trauma-informed negotiations. Prison officer Ahmad Rizal bin Razali exemplified this pattern. During the intake briefing upon detainees' arrival in Taiping Prison on 16 January, he engaged in a verbal altercation when detainees, who only had coloured clothing with them, questioned the rigid enforcement of the white-clothing rule. The verbal altercation intensified as Rizal showed detainees his middle fingers and spat in front of them—conduct captured on CCTV—before colleagues had to remove him. Rizal was also among the nine officers who claimed to have "lost it" when confronted with the verbal profanities and alleged threats on 17 January.

Training on detainee management, emotional regulation and stress management appears infrequent and inadequate, raising serious concerns about officers' preparedness to manage detainees humanely and uphold institutional discipline in volatile situations. Officers receive instruction on prison regulations and emotional regulation only during the initial general course at the Prisons Department's training institute upon entry into service. Subsequent training—where it occurs—tends to focus on role-specific duties and often omits detainee management and emotional regulation. Refresher courses are rare and unevenly delivered.

2. *Failures in leadership by the Taiping Prison management to prevent and stop the assault.*

Deputy director Shahrul instructed armed Control and Prevention Unit (UKP) officers to be on standby based on reports that some detainees had acted aggressively and broken bowls and dippers earlier in the day—reports later shown to be inaccurate. He delegated operational control to UKP head Shafril Azmar bin Mohd Shafie without prior planning or coordination on how the transfer would be conducted. When violence began, Shafril did not take command from the front or intervene to stop subordinates from assaulting detainees.

The highest-ranked officers present did not effectively intervene to stop the assault. Although Shahrul and his deputy TPPs claimed they shouted at officers to desist, CCTV footage shows no clear attempt to physically halt the violence or signal a cease-order.

Prison director Nazri bin Mohamad, meanwhile, distanced himself from responsibility, claiming he was away on other engagements and uninformed of what took place, despite being in the prison complex by the time the assault unfolded. His failure to seek information or respond proactively, and his efforts to shift blame solely onto his deputies, highlight a serious abdication of institutional accountability at the top.

3. *Systemic mismanagement and degrading detention conditions as catalysts for conflict.*

Dewan B detainees' concerns about Block E were well-founded. A 2022 Public Works Department (JKR) technical report documented serious structural degradation rendering Block E unfit for habitation. Although Taiping Prison's Development Unit had written to Prisons Department headquarters seeking funds for repairs, no allocation had been received. Given both the deteriorating infrastructure and the heritage status that complicates major works, prison officials themselves acknowledged that decommissioning Taiping Prison and relocating to a new facility—possibly within the Kamunting Correctional Centre compound—had been proposed to the Home Ministry since 2021, without approval to date. Yet, not all officers were aware of Block E's condition. Some claimed it was not structurally damaged but merely unused due to space availability in other blocks. A few officers testified that they were unaware of the JKR report. Two officers who admitted knowledge of the block's unsafe condition nevertheless maintained that compliance with instructions took precedence, highlighting a culture of internal deference over detainee safety. These attitudes normalise degrading conditions and infrastructural neglect, making it easier for officers to recast detainees' refusal to move as insubordination warranting discipline rather than as legitimate complaints about rights-violating conditions.

Systemic mismanagement and degrading detention conditions as catalysts for conflict. The bucket system remains in use across most blocks, and Block E's proximity to an open night-soil dumping area compounds severe stench and sanitation concerns. Furthermore, bathing water is rationed, preventing detainees from maintaining basic hygiene. These conditions directly contravene Rules 15, 16 and 18 of the Nelson Mandela Rules and violate the right to a clean and healthy environment—a principle of human dignity also acknowledged in SUHAKAM's 2017 "Right to Health in Prisons" report.

The environment of conflict was facilitated by a centralised transfer process that overlooked Taiping Prison's capacity constraints. To address the overcrowding problem in Batu Gajah Correctional Centre, the Perak State Prisons Department decided to transfer 300 detainees in three batches to Taiping Prison, with the 16 January transfer constituting the second batch.

Taiping Prison management's role in the process was limited to coordinating the intakes, and no input on capacity constraints was sought from Taiping despite its status as the recipient facility. The transfer process also reflected breakdowns in communications and adherence to basic conditions set by the Perak State Prisons Department. Batu Gajah Correctional Centre proceeded with the transfer without prior discussions with Taiping Prison on the transfer date and ignored inquiries from Taiping's Registration Office regarding high-risk detainees. Critically, Taiping Prison was equipped neither in infrastructure nor staffing to absorb an intake of this scale. With the facility already at overcapacity and existing cells left unrepaired, the January 16 arrivals were systematically funnelled into the decrepit Block E. Evidence from the public inquiry revealed that this placement was a deliberate management decision made on 9 January by the prison's top directorate and unit heads. The strain on resources was immediate: only one doctor and one medical assistant were on-site, rendering health screenings upon admission impossible, while morning-shift officers were forced to work double shifts to maintain control.

Other Findings. Prior to the 17 January assault, access to healthcare was already untimely and inadequate, with the handling of detainees' requests at the discretion of block officers and health conditions indiscriminately treated with basic painkillers. This issue is perpetuated post-assault.

- Detainees exposed to pepper spray were not given immediate access to emergency assistance (i.e., washing facilities equipped with clean water, or access to immediate treatment at a clinic or hospital), as stipulated in CGP-SO E126 4(2)(10). In fact, they could not shower for two days, and had to endure the burning sensation from exposure to the pepper spray. Detainees also did not have access to change of clothes for two weeks after the assault, violating Regulation 58(1) of the Prison Regulations 2000 and corresponding right to regular change of clean clothing enshrined in Rule 19(2) of the Nelson Mandela Rules.
- On the night of 17 January, many injured detainees received painkillers or gauze from the block officers, and were left to dress their own wounds.
- Out of the 16 detainees who testified, only at least two were sent to hospital on the same day for treatment. For some detainees, hospital treatment was delayed by at least one or two weeks, and it was facilitated after complaints were made.
- Two detainees who testified recounted how their health concerns were repeatedly dismissed or downplayed by prison staff, leading to delayed diagnoses and inadequate care despite clear signs of injury. X who could not stand, sit or lie down due to rib injuries, was initially told the pain was short-term and was dismissed. He was only brought to a clinic outside for an X-ray after repeated complaints. Despite being diagnosed with a rib fracture, he was given painkillers and denied follow-up during the two-week quarantine. H1, who suffered from chest pain after being kicked and hit by prison officers, was only taken to an external facility after police investigators intervened. He also developed an eye infection linked to exposure to pepper spray. Although he eventually received surgery, he was denied regular access to the prescribed medication even after his transfer back to Batu Gajah Correctional Centre. It was only after H1 raised the matter with the inquiry panel that the Prisons Department committed to arranging for the medication to be sent from Taiping Prison.

Gan's case illustrates negligence by prison staff and prison doctor Dr. Navin Esavik.

Although no CCTV footage captured his assault, detainees testified that Gan was visibly in distress—struggling to duck-walk, short of breath and lying weakly outside Block B. By the time he entered Block E, he was leaning heavily against the walls and showing clear signs of laboured breathing. Yet, six officers in his vicinity, including the most senior officer on duty, Zaiful Mashadi bin Zainal Abidin, neither enquired after his condition nor arranged immediate medical attention. Around 20 minutes elapsed before Gan was ordered out for treatment, and even then he was carried by two detainees by his limbs "*ke depan*" on Zaiful's instructions, in clear breach of SOPs. Detainees—not officers—located a stretcher at Block D and brought him to the entrance, where prison medical staff finally became involved.

Gan then waited at least 30 minutes for transport to Taiping Hospital, located a five-minute drive away. During this time, Dr. Navin did not conduct a full physical examination to assess the severity of Gan's injuries, did not retrieve emergency equipment from the clinic despite SpO_2 readings fluctuating between 90 and 96, and left Gan unattended at one point to purportedly brief the prison director, while detainees resorted to mouth-to-mouth resuscitation. Although Dr. Navin testified that he shouted for an ambulance to be called, Gan was ultimately sent to hospital in a prison van with no medical equipment because it "*came earlier*". There is no indication that Navin tasked any officer on scene to ensure an ambulance was actually dispatched or followed up on this, despite Gan's critical condition and his prolonged wait at the prison entrance. Yet Dr. Navin had, by his own account, called Taiping Hospital shortly after the assault to warn of a potential "*mass casualty incident*", underscoring that he anticipated serious injuries but still failed to swiftly secure appropriate emergency transport for Gan. These actions sit uneasily with the differential diagnosis of haemothorax documented in Navin's referral letter and with post-mortem findings of liver rupture and massive internal bleeding, which clearly required urgent intervention. Taken together, the inadequate assessment and care given to Gan, as well as the delay in access to medical treatment amount to a grave failure of Taiping Prison's duty to safeguard Gan's right to life while in custody.

SUARAM also notes other **breaches of medical professionalism by Dr. Navin Esavik**.

- ***Inaccurate medical documentation.***

At least two letters misattributed the cause of detainees' injuries to a "riot started by hostile inmates" and an "alleged fight among inmates"—the latter alleging that the detainee was kicked in the chest by a fellow inmate. In Gan's case, an exhibit claimed his chest injuries were due to a fall in the toilet. Deference to the institution's narrative without including the detainees' account of events violates the duty to accurately document (and report) suspected torture and ill-treatment, as enshrined in Rule 34 of the Nelson Mandela Rules. The Istanbul Protocol (Para 161) also recognises that effective documentation of torture and ill-treatment can uphold the best interest of the victim. A statement by the World Medical Assembly's statement of responsibility of physicians in the documentation and denunciation of acts of torture or cruel, inhuman or degrading treatment, recognised in the Istanbul Protocol, also establishes this duty and provides that failure to do so constitutes complicity in such abuse. Careful and consistent documentation and denunciation of torture or cruel, inhuman or degrading treatment by doctors contributes to the human rights of the victims and to the protection of their physical and mental integrity. It can also undermine effective torture investigations, which require medical evidence.

- ***Lack of due diligence in ensuring that all blocks were well-equipped in basic medical equipment.***

Dr. Navin could not be sure whether the first aid kit at Block E was well-stocked. No stretcher was available in Block E, hence Adam and Hew had to get a stretcher for Gan along the way at Block D. Dr. Navin admitted that he did not consistently perform the biweekly block inspections of medical equipment, but cited competing responsibilities such as attending courses and meetings. He further justified that medical orderlies (MOs) and, occasionally, medical assistants (MAs) would visit blocks daily to administer medication to detainees and were expected to report issues related to medical equipment to him. Yet there was no indication that these visits were systematically documented or supervised.

Gaps in Accountability. Independent, impartial and prompt and effective investigations are integral to advancing justice, accountability and the right to a remedy in cases of torture and ill-treatment, as enshrined in the Istanbul Protocol, the Minnesota Protocol and Rule 71(1) of the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules). A parallel and mutually-reinforcing system of criminal investigations, external investigations by oversight bodies and internal inquiries is compatible with this principle. In the Taiping Prison case, these tracks have been compromised in ways that protect the Prisons Department instead of upholding the right to justice of victims and their families.

Significant gaps in internal accountability by the **Prisons Department** include:

1. ***Compromised evidentiary integrity, due to unreliable record-keeping culture, as well as attempts by prison staff to conceal or manipulate facts, or erase evidence.***

Prison officers' poor compliance with the pocket diary requirement. The Commissioner-General of Prisons' Standing Order (CGP-SO) E104 requires officers to record daily on-duty occurrences in their pocket diaries. Similar to the case of the SOSMA detainees, most officer witnesses failed to record the 17 January assault at all. Officers who testified in the fourth inquiry session admitted that their entries for 17 January were written only after they were called to give statements to SUHAKAM in March or April. This was compounded by conflicting views on the diary's function. UKP officer Karmegam a/l Kamachi Pillay described it as a log for unusual incidents such as fights or investigations, whereas others downplayed its importance or treated it as redundant on the basis that details would be captured in other logs such as PPT4. CGP-SO E104 also requires pocket diaries to be checked monthly by supervisors, but enforcement is weak, with diaries reviewed as infrequently as once or twice a year. Taken together, these practices render a key contemporaneous record incomplete or reconstructed after the fact, undermining its evidential value in any subsequent investigation or prosecution.

Inaccurate medical record-keeping. Several inconsistencies emerged between detainees' testimonies and medical records maintained by Taiping Prison's healthcare personnel. While some detainees stated they were not given medical treatment following the 17 January assault, their medical cards tendered as inquiry exhibits suggested otherwise. More troubling were instances of demonstrably false entries in official medical reports. At least two letters authored by prison doctor Dr. Navin misattributed the cause of detainees' injuries to a "riot started by hostile inmates" and an "alleged fight among inmates"—the latter alleging that the detainee was kicked in the chest by a fellow inmate. In Gan's case, an exhibit claimed his chest injuries were due to a fall in the toilet. This version of events was directly contradicted by the two

detainees who had been with Gan throughout and affirmed that no such fall occurred. Such discrepancies raise serious concerns about the credibility of medical documentation and the role of healthcare staff in obfuscating custodial violence.

False and misleading police reports. On the night of 17 January, Deputy Superintendent Khairul Esmail bin Mohd Zawawi filed a police report that misrepresented the assault. Detainees were portrayed as attacking officers who were defending themselves, refusing to obey UKP orders and cooperate in negotiations led by rehabilitation officer Muhamad Mustakhim bin Abdul Rahim, as well as damaging bowls and dippers in one of those negotiations—claims which were clearly contradicted by CCTV footage and witness testimonies. A second report filed by prison officer Rizal that same night echoed this narrative, with Rizal admitting that Khairul's chronology formed the basis for his report. Notably, three senior officers, including deputy director Shahrul, reviewed and effectively approved the report draft prepared by Khairul. These misleading reports risk undermining investigation effectiveness, by distorting what evidence is sought, how it is interpreted, and whose accounts are treated as credible.

Erasure of critical video evidence of the assault. Prison officer Raja Masrul Azam bin Raja Mansor used a gazetted phone to record the assault, as instructed by UKP head Shafril. An inspection of the device was done by Shahrul on 9 July following SUHAKAM's formal request to the Prisons Department and found that all images or videos had been erased. Shahrul testified that Masrul had deleted the recordings. This directly compromises evidentiary hence investigative integrity. Destruction of evidence violates Rule 71(1) of the Nelson Mandela Rules, which stipulates the prison's administration duty to ensure that all evidence is preserved.

2. *Denial of detainees' right to complain.*

Detainees were not allowed any form of contact with families and lawyers for two weeks following the assault. Families and lawyers were told that the quarantine was part of routine proceedings involving prison transfers. During inquiry proceedings, Deputy Director Shahrul claimed this was to facilitate police investigations. Cutting detainees off at precisely the point when they were injured and most vulnerable obstructed their ability to complain, in clear tension with Article 13 of the UN Convention against Torture and the Istanbul Protocol's guidance which enshrine the right to complain as an integral part of victims' rights. Immediate access to family and counsel creates external visibility, reducing detainees' risk of reprisals. It can also help preserve integrity of evidence collection, especially when families are often the first external witnesses to evidence of torture and ill-treatment.

3. *Inadequate protective measures.*

Not all detainees had been transferred out of Taiping Prison by the time the inquiry began. During the first session (week) of the inquiry, two detainees told the panel they were afraid to remain in Taiping Prison and asked to be transferred, one noting that an earlier application through his lawyer had gone unanswered. Only after these fears were raised publicly did the Prisons Department move swiftly, informing the panel in the second session that both transfers had been approved. While the eventual transfers were welcome, the fact that the detainees had to air their safety concerns in open proceedings before receiving protection shows that victim-centred considerations are reactive and exceptional rather than embedded in routine custodial practice. More fundamentally, this contravenes the state's duty in ensuring the victims' rights to security and physical and mental integrity and in taking measures to minimise the risk of

traumatisation throughout the course of investigations and other relevant legal proceedings, as enshrined in Paras 195 and 197 of the Istanbul Protocol.

Whilst detainees were isolated from their families and lawyers for two weeks after the assault, officers implicated in the violence continued to have direct contact with them. A significant example is rehabilitation officer Mustakhim —subsequently identified during the inquiry as having committed particularly serious assaults—who supervised urine drug screening for detainees the next day after the assault. Continued proximity is a predictable risk factor that can jeopardise victim safety (i.e., risk of reprisals) and investigative integrity. This contravenes Rule 71(3) of the Nelson Mandela Rules, which stipulates immediate "no contact" measures when acts of torture and other CIDT have been committed in prison, irrespective of whether a complaint was received.

According to Perak Prisons Director Fayroud bin Ahmad Zawawi, five officers had been transferred out of Taiping Prison in connection with the incident. But he was unable to identify them by name during the inquiry, nor could he shed light on when these transfers occurred, or the criteria used to select them from among the 50–60 officers involved.

In the absence of clear safeguards—such as promptly removing alleged perpetrators from positions of authority over complainants, transparently documenting the basis for transfers or suspensions, and communicating these steps to affected detainees—such measures risk appearing largely cosmetic. They fall short of the protection-focused approach envisaged in the Istanbul and Minnesota Protocols, in which safeguarding victims and witnesses from further ill-treatment and interference is treated as a core component of an effective investigation, not an afterthought.

4. No disciplinary action due to "double jeopardy".

No disciplinary proceedings had been initiated against any implicated officer at the time of testimony. Commissioner-General of Prisons Abdul Aziz bin Abdul Razak justified this inaction by invoking "double jeopardy" and insisting that disciplinary steps should await the outcome of criminal investigations. Even after the inquiry panel clarified that internal disciplinary processes are separate from criminal proceedings and operate on a lower standard of proof, he maintained that immediate action was taken only in certain categories of cases (e.g. drugs, *khalwat*), but not in assaults such as those documented at Taiping Prison. Internal disciplinary measures serve a different purpose from criminal prosecutions—upholding professional standards, institutional integrity and detainee safety—and can proceed in parallel, provided they are coordinated so as not to prejudice the criminal case. In the case of Taiping Prison—where prison authorities have already taken active steps to compromise evidentiary integrity and credibility of external investigations (such as SUHAKAM)—the dormant disciplinary track risks entrenching institutional impunity. It signals to officers that torture and ill-treatment may not carry consequences, and to victims and families that internal safeguards cannot be relied on to deliver justice.

5. Cosmetic Institutional Response by Prison Leadership.

At the institutional level, Taiping Prison leadership did not take immediate, visible corrective steps. Deputy director Shahrul admitted that he did not reprimand subordinates in the immediate aftermath, citing his focus on police investigations into Gan's death; officers were later given a general reminder in an assembly that such incidents should not happen again, but no concrete remedial measures were detailed. Perak Prisons Director Fayrouz, who assumed

his post on 1 July, conducted only a general visit and did not inspect the specific sites of the assault or speak directly with affected detainees. The Commissioner-General of Prisons Abdul Aziz highlighted two visits to Taiping Prison and long meetings with management but declined to specify what was decided beyond general references to training, sharing "lessons" with other prisons and emphasising existing procedures, even suggesting that prison directors should resign if they failed to "remind" their staff. This pattern of superficial engagement, without transparent disciplinary outcomes, structural review or direct engagement with victims, reflects a leadership culture more focused on managing optics than driving the structural changes needed to prevent torture and deaths in custody.

The **police** investigation into Gan's death and the mass assault displayed serious gaps inconsistent with the principle of prompt, thorough and effective case investigations.

1. Gaps in thoroughness during investigations.

Investigating officer (IO) ASP Siti Nor Rasyidah requested CCTV footage from Taiping Prison only for the window between 10.00am and 6.00pm, omitting the period during which Gan, on a stretcher, was taken to Taiping Hospital in a prison van at the main gate. She accepted at face value a prison CCTV officer's assertion that the cameras had no audio capability, undertaking no independent verification of the model or settings despite indications that the system might support audio recording. Although she acknowledged seeing footage of an officer using a phone to record the assault, she did not identify the officer (later established by SUHAKAM as Raja Masrul), did not seize the device, did not secure any copies of the recordings, and did not take a targeted statement regarding the handset—despite recognising that such footage would constitute crucial evidence. These omissions show that critical lines of inquiry are not pursued, undermining the credibility of the investigation.

2. Incomplete investigation paper (IP).

When the IP was first submitted to the Perak Deputy Public Prosecutor in April, it did not include the CCTV files themselves—only screenshots—because the footage was said to be pending forensic analysis in Cheras. Key documents such as the autopsy report and medical reports of injured detainees were also missing then. Most importantly, Rasyidah did not follow up with Ipoh Hospital to receive the autopsy report, nor did she contact the forensic pathologist to obtain it despite having his contact details. In the meantime, the incomplete IP circled between the Perak Deputy Public Prosecutor's Office and the Attorney-General's Chambers between May and August, with the prosecution only contacting the police in August to request the missing CCTV recordings and autopsy report. Director of Prosecutions from the Perak DPP office Muhammad Zaki bin Abdul Kudus suggested that such timelines were "normal" for cases involving many individuals. However, Zaki's characterisation fails to account for the prosecution's oversight role in ensuring that investigations are thorough and timely, which is essential to upholding the victims' right to justice.

3. Four-month vacuum on the IO.

Rasyidah was transferred to the Traffic Enforcement and Investigation Division at IPK Perak on 5 May, effectively leaving the case without an active, clearly responsible IO. Nevertheless, she remained nominally assigned as the IO and continued as the point of contact with the AGC in August over the missing CCTV recordings and autopsy report. Leaving a torture and death-in-custody investigation in this limbo for months undermines continuity and effectiveness,

whilst signalling to victims' families that accountability is not being treated as an institutional priority.

The Public Inquiry Under Pressure: Structural and Procedural Barriers to Truth

While the public inquiry into the torture and death in custody at Taiping Prison was a landmark exercise in oversight, its effectiveness was compromised by procedural lapses and significant attempts by the state to obstruct justice. These barriers limited the exercise of the right of victims and their families to be fully informed of the circumstances surrounding the assaults and death—a right protected under the Istanbul and Minnesota Protocols.

SUARAM documented multiple attempts by the Prisons Department to obstruct justice. One key example concerns the early investigation phase in February 2025 when SUHAKAM officers, despite having prior written approval from the Prisons Department ("Department"), were blocked from interviewing a key witness at the Batu Gajah Correctional Centre. SUHAKAM officers were also informed that planned visits to Taiping Prison within the same month for investigations were prohibited pending ongoing police investigations. When the Commission issued a press statement on this obstruction, the Home Minister publicly denied that access had been blocked and criticised SUHAKAM for making the matter public rather than awaiting a private meeting. While SUHAKAM's public condemnation of the obstruction was a commendable exercise of functional independence, the state actors' contravention of Section 4(3)—which explicitly prohibits refusing access when procedures are met—highlights that the current legal framework still allows for the weaponisation of administrative procedures to delay or dictate the terms of oversight for human rights violations, in this case, torture and death in custody.

Another significant example is the Department's refusal to provide SUHAKAM with copies of CCTV recordings, despite the Commission's mandate under Section 14(1)(a) to procure evidence. Citing potential prejudice to police investigations, the Department would only release the recordings on the condition that they were screened while the public, including victims' families, were excluded. For the first two weeks of the inquiry at the Kamunting Correctional Centre, the public was forced to leave the room entirely, preventing them from not just seeing the primary evidence but also hearing the corresponding lines of questioning. As the inquiry was moved to SUHAKAM's headquarters, the Commission mitigated this situation by seating the public in a separate room, allowing them to at least aurally follow proceedings when CCTV recordings were screened. Notably, these restrictions also significantly affected the victims' legal representatives, who were denied prior access to the footage and were forced to rely on fast-forwarded segments played during the proceedings. To prepare their cases, the lawyers were eventually compelled to request separate viewing sessions at SUHAKAM's office under highly restrictive conditions—where all electronic devices were prohibited and only manual notetaking was allowed. Overall, this sustained obstruction undermined the fundamental nature of a "public" inquiry. It also effectively violated the families' right to be fully informed of the circumstances surrounding the assaults and death - a right recognised by the CAT as well as the Istanbul and Minnesota Protocols.

Critical stakeholders, namely specialised civil society organisations (CSOs) such as SUARAM and members of the media, were excluded from the site visit to Taiping Prison. Although SUARAM requested to be included in the delegation, the Prisons Department summarily declined the application on the basis that the visit was confined to official observers. SUARAM was not an observer in this public inquiry. While echoing the

Department's resistance to public scrutiny, this situation also highlighted SUHAKAM's inadequate inclusion of civil society within the inquiry's formal structure. There is currently no formal mechanism or consultative process for specialised CSOs to be recognized as "interested parties" with the standing to question witnesses and submit recommendations. Notably, SUHAKAM previously included CSOs as observers in certain public inquiries, namely SUARAM in the 2008 Bandar Mahkota Cheras (BMC) inquiry and Indonesian CSO KontraS in the 2022 inquiry into the disappearances of Joshua and Ruth Sitepu. Inadequate efforts to institutionalise active CSO participation in the inquiry mechanism can result in inconsistent access to the specialised human rights expertise and constrains the depth of independent scrutiny necessary to ensure institutional accountability.

A series of procedural lapses also took place, constituting significant shortcomings by SUHAKAM in upholding the principles of a fair and transparent inquiry:

- For the first two weeks, victims' legal representatives and observers from the Malaysian Bar were denied prior access to exhibits, leaving them unable to prepare meaningfully or conduct effective questioning, particularly when multiple exhibits were tendered in rapid succession. Having had multiple private requests for access declined by SUHAKAM officers, the victims' legal representatives were forced to utilize the inquiry as a public platform to raise these concerns at the end of the second week. The Commission only rectified this issue following this public intervention. This delay severely undermined the principle of "equality of arms," as legal observers were effectively blindsided during the most critical early phase of the inquiry.

- Contrary to practices adopted during past inquiries into the enforced disappearances of Pastor Raymond Koh and Amri Che Mat as well as the disappearances of Joshua and Ruth Sitepu, SUHAKAM conducting officers did not provide witnesses with copies of their initial investigative statements to verify or amend before testifying.

- Inadequate translation services were not provided to detainees. In one instance involving a Tamil-speaking witness, it was revealed only during the proceedings that his initial statement had been recorded in Malay, suggesting a lack of informed consent. When a SUHAKAM officer acted as an impromptu translator, the oath was not re-administered in Tamil due to a lack of available scripts. In a separate instance involving a Mandarin-speaking witness, the assigned interpreter's lack of experience, forced one of the victims' legal representatives to intervene and correct translations to ensure the integrity of the testimony. Collectively, the lapses in statement verification and interpretation represent shortcomings in safeguarding evidentiary integrity of the proceedings, which can risk compromising the quasi-judicial rigor essential for the Commission's findings to serve as an authoritative basis for redress.

The (arguably) most egregious obstacle to the endeavour of truth-seeking faced by this inquiry was the truthfulness of prison officer witnesses, many of whom provided uncooperative or demonstrably dishonest testimonies. Despite material discrepancies between the prison officers' earlier sworn statements and their testimony during the public inquiry—with several appearing to have been coached——SUHAKAM did not file police reports, notwithstanding repeated warnings from the inquiry panel regarding the consequences of perjury. When questioned by victims' legal representatives on this lack of enforcement, the conducting officer acknowledged the gravity of the untruthful testimonies but stated that a report would only be considered if such discrepancies formed a "consistent trend" across witnesses. The SUHAKAM Chairperson echoed this deferral, expressing

concern that such actions might create an "investigation within an investigation" and suggesting that all such matters wait until the inquiry's conclusion. Civil society views this refusal to take a firm, immediate stance against clear obstruction of justice as an unacceptable tolerance for institutional impunity. This caution represents an abdication of SUHAKAM's role as a robust, independent oversight body. By failing to hold witnesses accountable for lying under oath, SUHAKAM missed a vital opportunity to assert its authority and fulfill its mandate as the ultimate safeguard for truth and accountability.

Finally, the inquiry suffered from a lack of transparency and geographic accessibility. Following the press statement in late May 2025 announcing the public inquiry, subsequent dates were not formally publicised, effectively creating an informational barrier that excluded the general public from monitoring the proceedings. Civil society stakeholders had to rely on informal networks and personal follow-ups to track the inquiry's progress. Whilst acknowledging concerns of witness privacy, the requirement for physical attendance of inquiry proceedings—without the option of live-streaming or digital access—created a significant geographic barrier. This was particularly evident during the first two weeks of the inquiry held in Kamunting Correctional Centre in Taiping, where the distance from major media hubs in Kuala Lumpur—combined with newsroom manpower constraints—resulted in a total absence of media coverage. While SUHAKAM extended invitations to the media, the lack of digital access or live-streaming options meant that the inquiry's progress was largely determined by the selective interests of the few outlets able to attend. Furthermore, while transcripts are slated for release alongside the final report, the absence of real-time or interim access to the proceedings' record prevents the public and civil society from engaging in contemporaneous oversight. Collectively, these structural and procedural barriers ensure that the inquiry's findings have a restricted reach during the most critical phase of the investigation. While sparse media coverage and civil society advocacy generated some public discourse, inadequately broad real-time accessibility diminishes the inquiry's potential to catalyse immediate, systemic institutional reform and negates its pedagogical value in sensitising the public and state actors to critical human rights standards.

To ensure that public inquiries serve as an effective and credible avenue for redress, SUHAKAM must codify standardised inquiry guidelines. By developing these guidelines through active consultation with key stakeholders—including civil society—and grounding them in the PANEL principles (Participation, Accountability, Non-discrimination, Empowerment, and Legality), the Commission can significantly strengthen the role of future public inquiries in delivering truth, restorative justice, and catalysing systemic institutional reform.

Police Shootings

SUARAM monitors reported incidents of officers of the Royal Malaysian Police discharging their firearms while on duty. Our documentation noted 15 police shooting incidents in 2025, involving 25 individuals, out of which 1 were injured and 23 died. Compared to 2024, which saw a spike of 75 documented incidents and 36 fatalities, 2025 recorded a decrease in these parameters. Nevertheless, the death rate of encounters significantly increased, with 92% of individuals involved in police shootings killed, compared to 48% in 2024 and 30% in 2023.

Police shootings in 2025 occurred across eight states. Selangor remained the state with the highest number of shootings incidents (5).

Monthly distribution of fatalities in 2025 also reflected distinct spikes, with March, July, and November recording the highest number of deaths.

Police Shooting Incidents Documented by SUARAM in 2025

No.	Date	Location & State	No. of People Involved	Injured	Dead	Total Deaths (Month)
1.	18 January	Persiaran Emerald, Rawang, Selangor	3	0	3	3
2.	8 March	Taman Molek, Johor	1	0	1	6
3.	11 March	Machang Bubok, Penang	1	0	1	
4.	14 March	Desa Vista, Sepang, Selangor	3	0	3	
5.	16 March	Besut, Terengganu	1	0	1	
6.	14 April	Jalan Bayu Tinggi, Klang, Selangor	2	1	1	1
7.	15 May	Lintang Bayu Tinggi, Klang, Selangor	1	0	1	3
8.	16 May	Nilai, Negeri Sembilan	2	0	2	
9.	5 July	North-South Express Way Entrance Rampin Jitra, Kedah	2	0	2	5
10.	5 July	Bandar Puteri Jaya, Sungai Petani, Kedah	1	0	1	
11.	25 July	Jalan Semerah Padi, Cheras, KL	2	0	2	
12.	6 August	Jalan Bukit Tunku, Kuala Lumpur	1	0	1	1
13.	21 September	Behrang R&R on the North-South Expressway (PLUS), Perak	1	0	0	0
14.	24 November	Durian Tunggal, Melaka	3	0	3	4
15.	25 November	Jalan Banting-Dengkil, Sepang, Selangor	1	0	1	
Total			**25**	**1**	**23**	

In a parliamentary reply in February 2026, Home Minister Saifuddin Nasution Ismail revealed[55] that between 2015 and 2025, there were 193 fatal shooting cases that resulted in 327 deaths of suspects. Of the 172 Malaysians killed during this period, ethnic Indians accounted for the highest number of fatalities (78), despite making up less than 7% of the total population. This is followed by Malays (43), Chinese (40), and other Bumiputera (11).

[55] Zaf Seraj, Luqman Hakim, 'Saifuddin: 193 fatal shootings, no police charged' (*New Straits Time*, 10 February 2026) <https://www.nst.com.my/news/nation/2026/02/1375514/saifuddin-193-fatal-shootings-no-police-charged> accessed 1 April 2026

The data also reveals a significant toll on foreign nationals, with 68 Indonesians, 24 Vietnamese, and 23 Filipinos among the deceased. Geographically, the 11-year statistics mirror SUARAM's 2025 documentation of Selangor having the highest number of cases (47 cases). Sabah (33) and Penang (21) are also primary hubs for fatal police encounters. While disclosing that not a single police officer faced legal action following the fatal shooting over the last 10 years, Saifuddin also framed these fatalities as necessary neutralisations of dangerous criminals that occur only when suspects behave aggressively or refuse to surrender. This narrative is problematic, as it gives immense weight to the officers' subjective threat assessment, even effectively treating it as infallible. This approach can fundamentally undermine institutional ability to objectively verify whether the standards of necessity and proportionality were met during such encounters.

In two police shooting cases that took place in 2025, the state's response was characterised by a persistent pattern of institutional defensiveness and a failure to conduct transparent, prompt investigations into the conduct of officers involved.

Gong Badak Shooting

On 16 March 2025, 33-year-old was shot dead by police in Gong Badak, Terengganu. According to Terengganu Police Chief Datuk Mohd Khairi Khairudin, a police team attempted to stop Wey Han's vehicle at 2.20 am near the Gong Kedak Air Force Base due to "suspicious" behaviour. Police alleged that Wey Han opened fire on them, forcing officers to return fire in self-defence. Following the shootout, police claimed to have recovered a pistol, ammunition, and drugs from the vehicle, further labelling Wey Han as a "wanted criminal"[56] with a record of seven offences, including armed robbery and housebreaking.

However, Wey Han's family and legal counsel have firmly rejected[57] this portrayal, presenting evidence that directly contradicts the police narrative. The family claimed that while Wey Han had an ongoing court case, he had never been convicted or sentenced for any crime. Most significantly, Wey Han's brother, Wey Chuan, revealed[58] that the deceased had been reporting to the Jerteh police station every month as part of his bail conditions—with his last check-in occurring on 12 March, just four days before he was killed. Further discrepancies emerged regarding the vehicle and personal effects. While police suggested the car was linked to criminal activity, the family stated that the owner had never reported it stolen and that it had been parked at Wey Han's girlfriend's house until the night of the incident. Additionally, the family reported that a gold chain and ring, which Wey Han wore daily, were missing and not returned by the police—an omission that remains unexplained.

Despite a formal request to the Attorney-General's Chambers (AGC) on 15 April 2025 for an inquest to clarify these inconsistencies, the family has received no substantive updates beyond a generic acknowledgment.

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[56] Sharifah Mahsinah Abdullah, '[UPDATED] Suspect dies in Terengganu police shootout' (*New Straits Times*, 16 March 2025) <https://www.nst.com.my/news/crime-courts/2025/03/1189117/updated-suspect-dies-terengganu-police-shootout> accessed 1 April 2026

[57] 'Family rejects police profiling, demands inquest after fatal shooting' (*Malaysiakini*, 10 June 2025) <https://www.malaysiakini.com/news/745716> accessed 1 April 2026

[58] Qistina Nadia Dzulqarnain, 'Fatal police shooting: Cops paid by rakyat, but oppressing us - victim's family' (*Malaysiakini*, 11 June 2025) <https://www.malaysiakini.com/news/745775> accessed 1 April 2026

Durian Tunggal Shooting

On 24 November 2025, three men—M. Puspanathan (21), T. Poovaneswaran (24), and G. Logeswaran (29)—were shot dead by police in an oil palm plantation in Durian Tunggal, Melaka. Melaka Police Chief Datuk Dzulkhairi Mukhtar reported[59] that the trio, allegedly members of the "Geng Durian Tunggal," were intercepted while en route to a robbery. According to the police, the suspects ambushed the team from the Special Investigation Division (D9), with one suspect "viciously hacking" a police corporal's left hand, leaving him in critical condition. Claiming they had "no choice" but to return fire in self-defence, police killed all three suspects at the scene. To reinforce the necessity of lethal force, the authorities labelled the gang as one of the state's "most wanted" syndicates, allegedly responsible for 20 burglaries amassing RM1.35 million, and highlighted the extensive criminal records of the deceased—one of whom reportedly had 39 prior offences.

However, the official version was immediately and systematically challenged[60] by a 13-minute and 53-second audio recording captured by G. Logeswaran's wife, Jayashree, who remained on a live phone call with her husband during the incident. Contrary to the police's "ambush" narrative, the recording indicates that the trio—who were purportedly travelling to Kuala Lumpur for religious prayers—were being followed by a suspicious vehicle on the highway before their car stalled. The three men could be heard cooperating with the police, with Logeswaran heard responding to officers, "*Yes, I am sitting*" when instructed to sit. One of the men was heard pleading, "*Jangan, saya ada anak!*" (Don't, I have a kid!) immediately before gunshots were heard. Forensic scientist G. Venodthan noted[61] that the recording contains no audible sounds of a struggle, the handling of weapons, or a machete attack. The recording and post-mortem reports showing downward bullet trajectories strongly suggest that the victims were restrained when they were killed. Consequently, the families submitted six formal demands to the government, including the opening of a murder investigation, the immediate suspension of all involved officers, intervention by the Cabinet and the convening of a Royal Commission of Inquiry (RCI) to investigate the incident.

Following the public release of the audio recording, Prime Minister Anwar Ibrahim[62] and the Inspector-General of Police[63] (IGP) Khalid Ismail publicly committed to a transparent investigation—leading to the formation of a Bukit Aman Special Task Force. The Melaka State Police Chief, Datuk Dzulkhairi Mukhtar, on the other hand, drew intense criticism for

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[59] Meor Riduwan Meor Ahmad, '[UPDATED] Three robbers shot dead after almost slashing cop's hand off [WATCH]' (*News Straits Times,* 24 November 2025) <https://www.nst.com.my/news/nation/2025/11/1321780/updated-three-robbers-shot-dead-after-almost-slashing-cops-hand-watch> accessed 1 April 2026

[60] Haspaizi Zain, 'Families reject police narrative of fatal shooting, reveal audio recording' (*Malaysiakini*, 3 December 2025) <https://www.malaysiakini.com/news/762482> accessed 1 April 2026

[61] Kalbana Perimbanayagam, 'Families of 3 shot dead want PM's intervention, royal commission of inquiry [WATCH]' (*New Straits Times*, 3 December 2025) <https://www.nst.com.my/news/nation/2025/12/1329242/families-3-shot-dead-want-pms-intervention-royal-commission-inquiry> accessed 1 April 2026

[62] Mohd Nasaruddin Parzi, 'Anwar orders transparent investigation into Melaka shooting, custodial deaths [WATCH]' (*New Straits Times*, 5 December 2025) <https://www.nst.com.my/news/nation/2025/12/1330445/anwar-orders-transparent-investigation-melaka-shooting-custodial-deaths> accessed 1 April 2026

[63] '[UPDATED] IGP confirms receiving Durian Tunggal shooting audio clip, vows professional probe' (News Straits Times, 7 December 2025) <https://www.nst.com.my/news/nation/2025/12/1331798/updated-igp-confirms-receiving-durian-tunggal-shooting-audio-clip-vows> accessed 1 April 2026

attempting to discredit the victims' families. On 13 December, Dzulkhairi publicly detailed[64] the alleged criminal records and marital status of Jayashree, a move condemned as a "malicious diversion" and "character assassination"[65] intended to shift focus away from the officers' conduct and the legality of the lethal force used that day.

The police narrative was further challenged on 15 December when a whistleblower[66]—a tow truck driver who arrived at the scene hours before the time claimed by police—alleged he witnessed officers assaulting the suspects as they were being pulled from their stalled vehicle. This testimony, supported by dated photographs showing the victims' car on the highway emergency lane as early as 1.25 am, directly contradicted the police's claim that the incident occurred at 4.30 am in a plantation.

Transparency and accountability to the victims' families remain lacklustre. Despite the AGC ordering[67] a reclassification of the case to murder on 16 December, no officers had been arrested or remanded by March 2026—a departure from standard homicide protocols that lawyers labelled a "double standard."[68] The identities of the officers involved remained shielded from the families, and no updates had been provided despite multiple attempts to contact the investigating officer[69]. Notably, Home Minister Saifuddin Nasution Ismail stated in February 2026 that his ministry will "leave it entirely"[70] to the Independent Police Conduct Commission "as an independent and impartial body, to take appropriate action in accordance with the provisions of the law". Saifuddin's claims of independence and impartiality are already, however, illusory, when the primary criminal investigation remains relegated to an entity composed of the police's own hierarchy. This arrangement effectively treats the police's internal probe as the primary arbiter of fact, reducing independent bodies like the IPCC to a secondary, observational role. In cases of torture and ill-treatment and unlawful killings by state actors, independent investigations should have been primary and immediate to ensure rigour and integrity in evidentiary thresholds and fact-finding processes for accountability.

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[64] 'Cops reveal woman linked to Durian Tunggal shooting not legally married to suspect' (*The Star*, 13 December 2025) <https://www.thestar.com.my/news/nation/2025/12/13/cops-reveal-woman-linked-to-durian-tunggal-shooting-not-legally-married-to-suspect> accessed 1 April 2026

[65] 'Lawyers say scrutiny of woman's background clouds questions over Durian Tunggal police shooting' (*Malay Mail*, 13 December 2025) <https://www.malaymail.com/news/malaysia/2025/12/13/lawyers-say-scrutiny-of-womans-background-clouds-questions-over-durian-tunggal-police-shooting/201811> accessed 1 April 2026

[66] Alyaa Alhadjri & Dania Kamal Aryf, 'Activist cites 'new evidence' disputing police account of deaths' (*Malaysiakini*, 15 December 2025) <https://www.malaysiakini.com/news/763427> accessed 1 April 2026

[67] 'A-GC orders Durian Tunggal shooting probe to be classified as murder [WATCH]' (*New Straits Times*, 16 December 2025) <https://www.nst.com.my/news/nation/2025/12/1338556/gc-orders-durian-tunggal-shooting-probe-be-classified-murder-watch> accessed 1 April 2026

[68] Kalbana Perimbanayagam, 'Lawyer rejects forensic delay argument in Durian Tunggal shooting probe' (*New Straits Times*, 28 January 2026) <https://www.nst.com.my/news/nation/2026/01/1366531/lawyer-rejects-forensic-delay-argument-durian-tunggal-shooting-probe> accessed 1 April 2026

[69] Noel Achariam, 'Lawyers: No answers yet in Durian Tunggal shooting case' (*New Straits Times*, 11 March 2026) <https://www.nst.com.my/news/nation/2026/03/1394328/lawyers-no-answers-yet-durian-tunggal-shooting-case> accessed 1 April 2026

[70] Amalia Azmi, Iylia Marsya Iskandar, 'Home Ministry leaves misconduct probe in Durian Tunggal shooting to IPCC' (*New Straits Times*, 23 February 2026) https://www.nst.com.my/news/nation/2026/02/1383889/home-ministry-leaves-misconduct-probe-durian-tunggal-shooting-ipcc> accessed 1 April 2026

Enforced Disappearances

In a landmark ruling on 5 November 2025, the Kuala Lumpur High Court found[71] the government and police liable for negligence, misfeasance in public office, and the infringement of fundamental liberties. Judge Datuk Su Tiang Joo scathingly noted that the abductions were "not random violence" but characterised by a precision and coordination that demonstrated the involvement of trained state personnel. In an unprecedented move to reflect the gravity of state-sponsored crime, the court ordered the government to pay Pastor Koh's family RM10,000 for every day he remains missing—amounting to over RM31 million—to be held in trust until his whereabouts are disclosed. Additionally, the court awarded RM6 million in exemplary and aggravated damages to the family. Similarly, in Amri Che Mat's case, the court awarded RM3 million, citing the state's breach of statutory duty and infringement of the right to life under the Federal Constitution for failing to investigate Amri's disappearance. In both cases, the court ordered police to reopen investigations and report to the AGC every two months.

The state's subsequent reaction, however, exposed a deep-seated institutional resistance to genuine accountability. Within 48 hours of the judgments, the AGC filed notices of appeal, with Attorney-General Tan Sri Mohd Dusuki Mokhtar remarkably claiming[72] the High Court had "erred in assessing the facts" and that the decision was "not grounded on sound judicial principles." Home Minister Saifuddin Nasution Ismail later clarified that the appeal was driven primarily by its "significant financial implications". In light of clear findings highlighting the state's role in these disappearances, as well as the state's fundamental duty to diligently, promptly, and thoroughly investigate cases of this nature, the AGC's premature reaction following the landmark judgements signals defiance of the state's constitutional obligation to ensure a right to an effective remedy and the equal protection of the law in the face of state-perpetrated violence. On 26 January 2026, when the High Court granted[73] a stay on the RM37 million payment to the Koh family, effectively freezing the victims' path to reparations pending the appeal.

While the government publicly signalled a commitment to the High Court's directive to restart investigations, the actual implementation was marked by a lack of transparency and deep rhetorical contradictions. On 10 November 2025, Saifuddin announced that police would reopen[74] the investigation into Pastor Raymond Koh's disappearance. However, by 2 December, he reversed this narrative, claiming the investigation "was never halted and has

[71] Rahmat Khairulrijal, '[UPDATED] High Court grants govt stay on RM37mil payment to pastor Koh's family [WATCH]' (*New Straits Times*, 26 January 2026) <https://www.nst.com.my/news/nation/2026/01/1364654/updated-high-court-grants-govt-stay-rm37mil-payment-pastor-kohs-family> accessed 1 April 2026

[72] Farah Solhi, 'AG: High Court erred in rulings on Koh and Amri, appeals to be filed' (*Malaysiakini*, 6 November 2025) <https://www.malaysiakini.com/news/759999> accessed 1 April 2026

[73] Rahmat Khairulrijal, '[UPDATED] High Court grants govt stay on RM37mil payment to pastor Koh's family [WATCH]' (*New Straits Times*, 26 January 2026) <https://www.nst.com.my/news/nation/2026/01/1364654/updated-high-court-grants-govt-stay-rm37mil-payment-pastor-kohs-family> accessed 1 April 2026

[74] [UPDATED] Police to reopen Pastor Raymond Koh's case' (*New Straits Times*, 10 November 2025) <https://www.nst.com.my/news/nation/2025/11/1312192/updated-police-reopen-pastor-raymond-kohs-case> accessed 1 April 2026

continued throughout."[75] This assertion creates a damning irony, in light of the severe lapses in investigation in both cases that were meticulously exposed through the court proceedings.

Furthermore, the impact from the formation[76] of a special investigation team to look into Pastor Raymond and Amri's cases remains to be seen. Without the full declassification of the Special Task Force's report, this latest investigative iteration risks becoming less as a pursuit of the truth and more as a procedural facade.

[75] Luqman Hakim, 'Police investigation into Amri, Pastor Koh never stopped, says Saifuddin' (*New Straits Times*, 2 December 2025) <https://www.nst.com.my/news/nation/2025/12/1328673/police-investigation-amri-pastor-koh-never-stopped-says-saifuddin> accessed 1 April 2026

[76] Qistina Sallehuddin, Iylia Marsya Iskandar, 'Govt establishes special investigation team to relook Amri Che Mat, Pastor Koh disappearances' (*New Straits Times*, 13 November 2025) <https://www.nst.com.my/news/nation/2025/11/1314129/govt-establishes-special-investigation-team-relook-amri-che-mat-pastor> accessed 1 April 2026

3

FREEDOM OF EXPRESSION

FREEDOM OF EXPRESSION

Co-Authors: SUARAM and Prishanth A/L Linggaraj

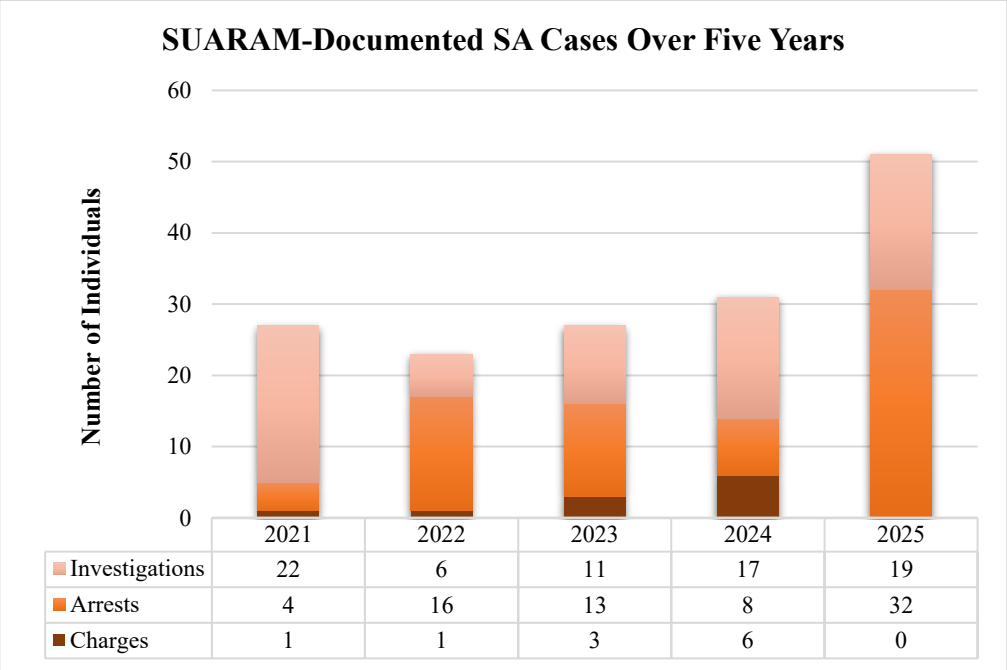
Context

Article 10(1)(a) of the Federal Constitution guarantees Malaysians the right to freedom of speech and expression but allows Parliament to impose restrictions it deems necessary or expedient in the interests of, among others, national security, public order and morality. Successive governments have leaned heavily on this caveat, frequently asserting that this freedom does not extend to alleged defamation, slander, or insults against the monarchy, religion, or content deemed racial. This narrative effectively recasts freedom of expression as a conditional privilege, particularly in relation to the so-called "3R" (race, religion, royalty).

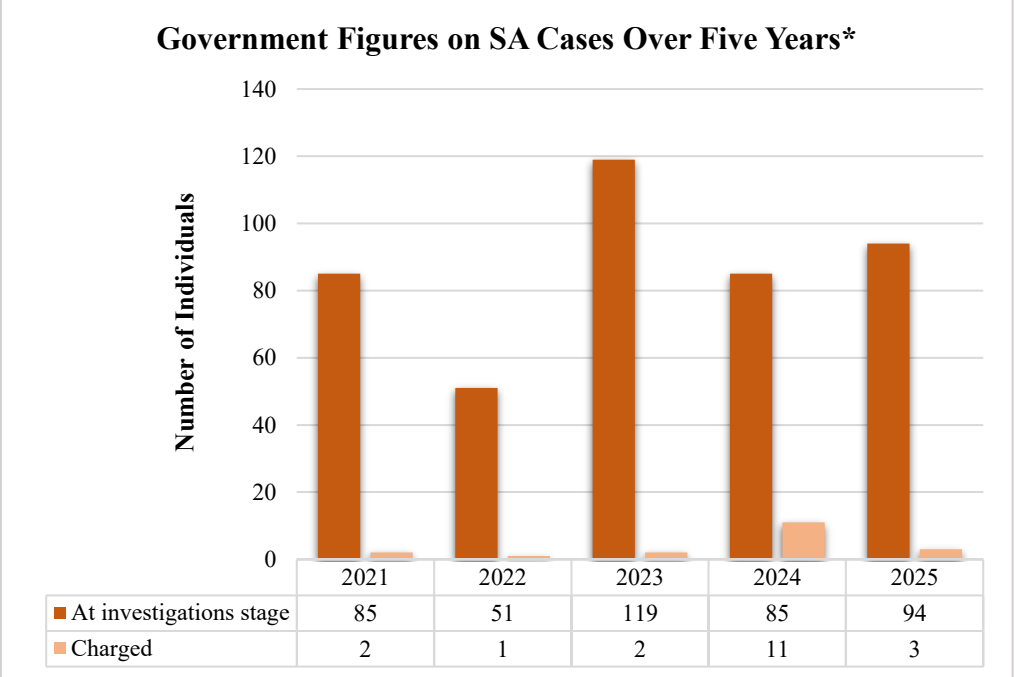
In practice, the legal landscape remains crowded with provisions used to police political criticism and 3R speech both offline and online. The Sedition Act 1948 (SA) continues to be invoked against critics of political and state actors. Section 233 of the Communications and Multimedia Act (CMA), together with Penal Code provisions and legacy instruments such as the Printing Presses and Publications Act (PPPA), are routinely deployed to investigate and prosecute speech deemed offensive, harmful or destabilising. While there has been limited movement on media reform and self-regulation, political will to meaningfully roll back these speech-restricting laws remains weak.

At the same time, the state is seeking to expand its capacity to monitor and control digital expression in the name of public order, online safety and information integrity. The 2024 amendments to the CMA and related regulatory initiatives signal a shift towards more proactive content control by the Malaysian Communications and Multimedia Commission (MCMC), including pressures on platforms and intermediaries. The result is a contradictory environment: formal guarantees of free speech co-exist with a dense web of criminal, regulatory and administrative tools that enable selective enforcement, particularly against dissenting voices, youth activists, journalists and whistleblowers.

SA and Section 233 Cases At A Glance



	2021	2022	2023	2024	2025
Investigations	22	6	11	17	19
Arrests	4	16	13	8	32
Charges	1	1	3	6	0



	2021	2022	2023	2024	2025
At investigations stage	85	51	119	85	94
Charged	2	1	2	11	3

** Data for the years of 2021 to 2023 are extracted from Written Question 264 in Parliament, February 2024. Years 2024 to 2025 are extracted from Parliament Hansard, 26 February 2026.*

Note: Investigations include statement-taking without arrests and with arrests.

Govt Data: Custodial vs. Non-Custodial Handling of Cases at the Investigation Stage

	2024	2025
Without Arrests	53	36
Arrests	32	58
Charged	11	3

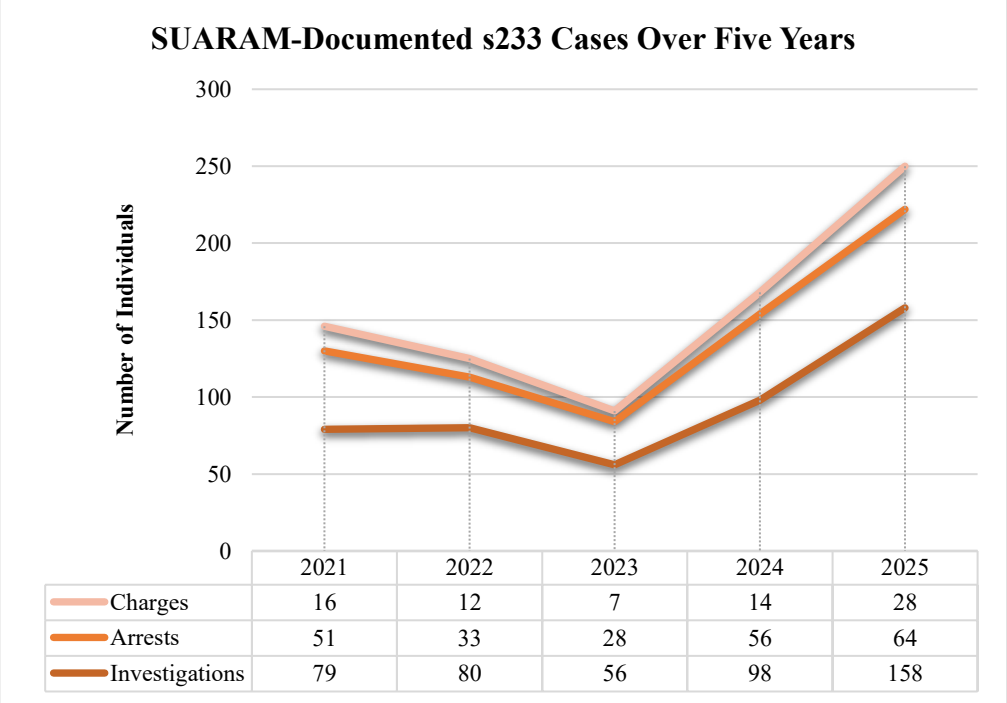
While government statistics show a fluctuating but elevated number of investigations, SUARAM's media-monitored cases reflect a steady increase in enforcement actions, likely driven by both more frequent reporting and intensified monitoring efforts. Crucially, both datasets show a sharp spike in the use of arrests between 2024 and 2025: government figures indicate an 81.25% increase (from 32 to 58 arrests), while SUARAM's data shows a 300% surge (from 8 to 32 arrests).

The government justifies[77] this trend as "swift action" necessitated by 3R (race, religion, and royalty) sensitivities, with Home Minister Saifuddin Nasution Ismail maintaining[78] that any legislative reform requires "thorough and careful consideration" to balance expression against the "need to preserve harmony." However, this rhetoric of "careful improvement" is undermined by the reality of enforcement. The consistently low rate of charges—with only 3 charges brought in 2025 despite nearly 100 investigations—points to the SA being primarily as a tool for pre-emptive intimidation and the short-term neutralisation of dissent.

For charges, SUARAM's 2025 figure is at nil because this dataset specifically captures charges arising from incidents that took place within the current year. SUARAM documented two new charges in early 2025 involving incidents from December 2024, with both individuals pleading guilty in January and February to charges involving online content related to the royal institution.

[77] Gerard Gimino & Ragananthini Vethasalam, '90 arrests made under Sedition Act since 2024, says Deputy Home Minister' (*The Star*, 26 February 2025) <https://www.thestar.com.my/news/nation/2026/02/26/90-arrests-made-under-sedition-act-since-2024-says-deputy-home-minister> accessed 1 April 2026

[78] Rahimy Rahim & Ragananthini Vethasalam, 'Proposal to amend, repeal Sedition Act needs careful consideration, says Saifuddin' (*The Star*, 6 November 2025) <https://www.thestar.com.my/news/nation/2025/11/06/proposal-to-amend-repeal-sedition-act-needs-careful-consideration-says-saifuddin> accessed 1 April 2026



Based on SUARAM's media monitoring, the use of Section 233 of the CMA as a primary tool for policing online expression reached an all-time high in 2025 within the five-year period. There is a significant overall increase in cases, rising by nearly 50% between 2024 and 2025. Specifically, the number of investigations surged by 61% (from 98 to 158 cases), while the number of charges doubled from 14 to 28. Although the increase in arrests was marginal (from 56 to 64), the severity of enforcement remains high; notably, over one-third of these arrests (34.3%) also invoked the Sedition Act, highlighting the frequent use of multiple restrictive laws against a single individual for online content.

This trend is mirrored in official government data, which reflects a volatile digital environment and a heightened culture of public complaints. The Malaysian Communications and Multimedia Commission (MCMC) reported[79] a staggering increase in complaints received, jumping from 315 in the full year of 2024 to 545 in just the first ten months of 2025. Whether driven by more intensive monitoring or a rise in "3R-related" public reporting, the cumulative effect is a widening net of digital policing. With Section 233 serving as a main mechanism for state intervention, the process of investigation itself—involving device seizures and statement-taking from the police and/or MCMC—has become a pervasive tool for managing online discourse and facilitating state-led censorship.

[79] Ragananthini Vethasalam, 'Over 1,400 Section 233 complaints investigated in four years, says MCMC' (*The Star*, 8 November 2025) <https://www.thestar.com.my/news/nation/2025/11/08/over-1400-section-233-complaints-investigated-in-four-years-says-mcmc#:~:text=Over%201%2C400%20Section%20233%20complaints,in%20four%20years%2C%20says%20MCMC> accessed 1 April 2026

Enforcement Trends of the SA and Section 233 of the CMA

A notable shift in the application of the Sedition Act was observed in 2025. Unlike in 2024, where content related to the royal institution accounted for the highest proportion of cases, criticisms against political leaders became the primary trigger for enforcement, comprising 52.9% of all media-monitored sedition cases. Ironically, the most frequently criticised figures were the Prime Minister Anwar Ibrahim, followed closely by the Sabah Governor Tun Musa Aman. Where Anwar is concerned, this trend directly contradicts the assurance that he gave in July 2023, where he asserted[80] that while the SA was unavoidable for protecting the dignity of the Rulers, it would not be used against those who criticise him in his role.

Section 233 of the CMA remains the most frequently invoked provision in SA cases, appearing in 47 out of 51 monitored cases. Within these SA-CMA pairings, the authorities also frequently stack additional provisions under the Penal Code—namely Section 504 and/or Section 505—which were present in 38 out of the 47 combined SA-CMA cases. As highlighted by the Centre for Independent Journalism (CIJ), these overlapping, often multi-agency investigations expand state discretion in pursuing individuals even when the threshold of any single law is not met, creating a significant chilling effect on freedom of expression.

Criminalisation of student activists under the SA in Sabah. Between June and September, at least six student activists were arrested under the SA in Sabah, all in connection with their criticism of Sabah Governor Tun Musa Aman. These young persons were arrested at their homes, workplaces or the police station.

- Student leaders from the Gempur Rasuah Sabah 2.0 protest: On 24 June, Muhamad Fadhil Muhamad Kasim and Aliff Danial Badrul Akmal Hisham were arrested[81] under the SA and Section 509 of the Penal Code over the burning of a banner bearing a caricature of Anwar—an act that is a classic form of symbolic political speech. Another student, Sabir, was investigated under the same provisions despite not having taken part in the burning itself, reflecting a guilt-by-association approach to criminal liability. In early October, police renewed sedition investigations arising from the same protest by summoning[82] Fadhil. At the same time, another student activist Sudirman Arshad was investigated for the same incident—he was arrested[83] on 29 October, despite the arrangement made with the investigating officer to present himself two days later for questioning.

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[80] Bernama, 'Unity gov't will not tolerate acts to incite the people - PM Anwar', (*Bernama*, 3 September 2023) <https://www.bernama.com/en/news.php?id=2222141#:~:text=POLITICS-,Unity%20Gov't%20Will%20Not%20Tolerate%20Acts%20To%20Incite%20The,Pulai%20parliamentary%20seat%2C%20Suhaizan%20Kaiat> accessed 1 April 2026

[81] Hariz Mohd, 'Cops release student activists arrested over Sabah anti-graft rally' (*Malaysiakini*, 24 June 2025) <https://www.malaysiakini.com/news/747120> accessed 1 April 2026

[82] Muhamad Fadhil Muhamad Kasim, 'Surat dikirim melalui whatsapp pagi ini sekitar jam 9 pagi, 30 minit sebelum bercakap pada forum Pleno Penutup Progres25 di Melaka' (*Facebook*, 5 October 2025) <https://www.facebook.com/fk.gov.my/posts/pfbid02sfXxxDRNXsLxzrUBJxaMsiamhbZA8ihouUbwyUyXzEA2T3VW6hefm4CTFPtjRRRLl> accessed 1 April 2026

[83] Suara Mahasiswa UMS, 'Kenyataan Media untuk Siaran Segera - Intimidasi Terhadap Presiden Suara Mahasiswa, Sudirman Arshad Ditahan Polis Sekarang' (*Facebook*, 29 October 2025) <https://www.facebook.com/fk.gov.my/posts/pfbid0K9FxcxYBAWkgi8AZ5BtCQWWqjwRDM9DXSgbtemWoB6VVeNvQiQjck92JPcZtK9zpl> accessed 1 April 2026

- #JusticeforZara protest in Tawau: On 2 September, Aliefah Bobby was arrested[84] under the SA for her speech that criticised Musa Aman. She was among four student activists—again including Fadhil—investigated in connection with the protest.

- Sabah student activist Abdul Qayyum, who was arrested[85] at home in the evening on 21 August over a Facebook comment on Musa Aman's page criticising his perceived inaction in the Zara Qairina case. He was detained for almost five hours at IPD Kota Kinabalu and released on police bail.

Criminalisation of dissent by influencers critical of the current administration. Significant examples include:

- Aidil Qayyum from the Bersatu Youth new media section, who was arrested[86] at his home at 1.00am on 30 September over a TikTok video sharply criticising the RON95 subsidy cap and accusing the Madani government of failing ordinary Malaysians. He was also investigated under Section 233 of the CMA and Section 505(b) of the Penal Code. TikToker Muhammad Kamil Puteh was arrested at 3.30am at his home on the same day, in connection with his cynical response to the MACC's statement clearing the Prime Minister of alleged foreign bank accounts in Israel. Both men were brought to IPD Dang Wangi. The magistrate rejected the police's four-day remand application and ordered their release within 24 hours.

- Aliff Ahmad, founder of Scrut Analytica, was first investigated in April 2025 for offering to conduct a background search on Nurul Izzah Anwar—daughter of Prime Minister Anwar Ibrahim—to scrutinise her political funding. The MCMC summoned[87] Aliff for questioning less than 12 hours after the post was made. Nurul Izzah denied[88] that neither she nor her officers had lodged any report, stating that individuals should not be investigated for such statements. MCMC's move functions as a form of intimidation against those attempting to subject political figures to public scrutiny; such background checks, when applied to those in public office, serve as a vital tool for transparency and are essential for maintaining public trust in a democratic system. On 9 May 2025, Aliff was targeted in a separate investigation involving four posts allegedly containing "grossly offensive" 3R elements. A joint team of police and

[84] Ikatan Anak Muda Tawau', 'Kenyataan Rasmi' (*Facebook*, 3 September 2025) <https://www.facebook.com/tawau.ikat/posts/pfbid02MWyHS4iiZq1GjBriFq1KtWQ9C9mDQ3j4Nwt3np89B2PSLbGsqhnfCXoJJW17QFFsl> accessed 1 April 2026

[85] Suara Mahasiswa UMS, 'Rumah Qayyum (Mahasiswa Tahun 1 & Suara Mahasiswa UMS) didatangi ramai anggota Polis menggunakan 2 kereta dan 1 motor' (*Facebook*, 3 September 2025) <https://www.facebook.com/SuaraMahasiswaUMS/posts/pfbid0zBZjgwZLoBpxmJZtMvFgifipevBuWcqHdariRPAs22xNs3NUip2C9NbVbxbMYopBl> accessed 1 April 2026

[86] MalaysiaNow, '2 nabbed from their homes in wee hours in latest clampdown on free speech' (*MalaysiaNow*, 3 September 2025) <https://www.malaysianow.com/news/2025/09/30/2-nabbed-from-their-homes-in-wee-hours-in-latest-clampdown-on-free-speech> accessed 1 April 2026

[87] Malaysiakini, 'MCMC summons influencer over offer to 'scrut' Nurul Izzah' (*Malaysiakini*, 24 April2025) <https://www.malaysiakini.com/news/741380 > accessed 1 April 2026

[88] Alyaa Alhadjri, 'Nurul Izzah denies reporting influencer over background check offer' (*Malaysiakini*, 25 April 2025) <https://www.malaysiakini.com/news/741423> accessed 1 April 2026

MCMC officers executed[89] a search warrant at Aliff's workplace in Kuala Lumpur in an operation lasting over five hours. His mobile phone was seized, and he was subsequently taken to IPD Pudu, where he was detained until nearly 1.00am the following day. The session only concluded after officers successfully gained access to and took over his Facebook account.

Criminalisation of constructive criticism by political actors and civil society. The state's use of criminal investigations to answer policy-based critiques signifies a restrictive space for civil society and political actors to exercise oversight. By treating factual analysis and recommendations as offensive or threatening, the authorities reinforce longstanding taboos and discourage public discourse on systemic national issues.

- Tang Yi Ze, President of the University of Malaya Association of New Youth (UMANY), was investigated[90] in September 2025 following a memorandum[91] submitted to the Higher Education Ministry advocating for the abolition of the matriculation system. Tang argued that the Malaysian Higher School Certificate (STPM) should serve as the sole benchmark for public university admissions to rectify "structural injustice," citing the case of a top-scoring STPM student who was rejected by multiple universities. Despite the proposal being a matter of educational policy, Tang faced intense backlash from university vice-chancellors[92] and various political actors[93]. Student representatives from 20 universities also held a peaceful assembly to protest[94] the suggestion. In response to the outcry, UMANY issued a clarification a day later, apologising[95] for using the term "abolish" and explaining their intent was to propose an "integrated examination system" rooted in fairness rather than racial issues. Despite this clarification, five police reports were lodged, triggering an investigation[96] under Section 233 of the CMA and Section 505(b) of the Penal Code. As part of the probe, the police also recorded a statement from a Malaysiakini journalist who reported on Tang's remarks. This punitive response to a legitimate policy critique reinforces the taboo around navigating the intersection of race and meritocracy, effectively chilling the ability of broader civil society to address these systemic issues.

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[89] Alyaa Alhadjri, 'Cops, MCMC spend over 5 hours at Scrut Auto, take over influencer's FB' (*Malaysiakini*, 10 May 2025) <https://www.malaysiakini.com/news/742840> accessed 1 April 2026

[90] Muhammad Afham Ramli, 'Matriculation abolition issue: UMANY president's statement recorded' (*Sinar Harian*, 23 September 2025) <https://www.sinarharian.com.my/article/749190/berita/semasa/isu-mansuh-matrikulasi-presiden-umany-direkod-keterangan> accessed 1 April 2026

[91] Shakira Buang, 'Scrap matriculation, use only STPM as benchmark for varsity entry' (*Malaysiakini*, 12 September 2025) <https://www.malaysiakini.com/news/754980> accessed 1 April 2026

[92] The Vibes, 'Calls to abolish matriculation programme reignite debate over university admissions' (*The Vibes*, 14 September 2025) <https://www.thevibes.com/articles/news/112742/calls-to-abolish-matriculation-programme-reignite-debate-over-university> accessed 1 April 2026

[93] Malaysiakini, 'Umno slams Umany's call to end matriculation while UM distances itself' (*Malaysiakini*, 12 September 2025) <https://www.malaysiakini.com/news/755059> accessed 1 April 2026

[94] Nurul Hidayah Hamid, 'Peaceful assembly to protest demands to abolish matriculation' (*Sinah Harian*, 13 September 2025) <https://www.sinarharian.com.my/article/747850/berita/nasional/perhimpunan-aman-bantah-tuntutan-mansuh-matrikulasi> accessed 1 April 2026

[95] Malaysiakini, 'Umany clarifies 'abolish' call, moots matriculation-STPM merger' (*Malaysiakini*, 13 September 2025) <https://www.malaysiakini.com/news/755106 > accessed 1 April 2026

[96] Malaysiakini, 'Police probing Umany over call to abolish matriculation' (*Malaysiakini*, 16 September 2025) <https://www.malaysiakini.com/news/755286> accessed 1 April 2026

- Wong Siew Mun, Pahang MCA Youth Chief, was subjected to two rounds of investigation by the MCMC in 2025 following her social media commentary on government policy. The first probe[97], initiated in June, concerned a TikTok video where she questioned the motives behind an MCMC directive requiring telecommunications companies to submit user data for a "Mobile Phone Data" project. Unexpectedly, the MCMC served[98] Wong with a legal letter via a private law firm, demanding a public apology within 24 hours and the removal of her video. The letter further included an overreaching demand that she refrains from commenting on the issue—and more broadly on social media—in the future. The second probe[99] took place on 30 August 2025, when Wong was summoned at short notice on her video on the Urban Renewal Bill. Despite her commentary being based on a Bill already tabled in Parliament and including constructive recommendations for improvement, the MCMC proceeded with the investigation.

Criminalising Civic Education and Rights Work. The harassment of activists and educators through criminal investigations reveals a systematic attempt to restrict the public's fundamental right to seek, receive, and impart information, thereby eroding the foundations of informed civic participation.

- Fahmi Reza, political artist and activist, was summoned[100] to Bukit Aman on 24 November 2025 for questioning over his *Kelas Demokrasi* (Democracy Class) initiative. The probe under the SA, Section 233 of the CMA and Section 504 of the Penal Code focused on a TikTok live session regarding the Sabah state elections, where Fahmi discussed the constitutional process of removing a Sabah Governor to empower voters' understanding of the system. The session featured a satirical caricature of the current Governor, Tun Musa Aman—a prop that had previously led to his arrest[101] under the same provisions in December 2024. Despite the educational intent of the livestream, the content drew scathing criticism from political observers who labelled the satire as "uncivilised" and an insult to "the state's symbolic symbols and the dignity of respected figures"[102]. During the two-hour questioning session, police asked Fahmi 45 questions and seized his mobile phone. Following the investigation, Fahmi's TikTok livestreams were flagged[103] for "hate speech," effectively de-platforming his efforts to

[97] FMT Reporters, 'Cops quiz Pahang MCA Youth chief over video on mobile data sharing' (*Free Malaysia Today*, 18 June 2025) <https://www.freemalaysiatoday.com/category/nation/2025/06/18/cops-quiz-pahang-mca-youth-chief-over-video-on-mobile-data-sharing> accessed 1 April 2026

[98] Malaysiakini, 'MCA hires Bon to defend rep facing MCMC legal threat' (*Malaysiakini*, 4 July 2025) <https://www.malaysiakini.com/news/748132> accessed 1 April 2026

[99] Malaysiakini, 'MCMC probing MCA Youth leader over URA video' (*Malaysiakini*, August 2025) <https://www.malaysiakini.com/news/753865> accessed 1 April 2026

[100] Malaysiakini, 'Cops summon Fahmi Reza again - this time over Kelas Demokrasi' (*Malaysiakini*, 23 November 2025) <https://www.malaysiakini.com/news/761508> accessed 1 April 2026

[101] Malay Mail, 'Sabah cops nab Fahmi Reza over alleged sedition after over 30 reports lodged against activist' (*Malay Mail*, 31 December 2025) <https://www.malaymail.com/news/malaysia/2024/12/31/sabah-cops-nab-fahmi-reza-over-alleged-sedition-after-over-30-reports-lodged-against-activist/161592> accessed 1 April 2026

[102] Fahmi Reza, 'Kemarin aku share video Kelas Demokrasi bertajuk "Bolehkah TYT Musa Aman dipecat?". Hari ni keluar tajuk berita ni dalam suratkhabar Utusan Borneo...' (*Facebook*, 22 November 2025) <https://www.facebook.com/kuasasiswa/posts/pfbid02UKPnseJCXUzPAsXDe6xBuJYe3E1zYqbxhihGtRPpoaim8Dt7Snh127FV6T7aAyo6l > accessed 1 April 2026

[103] Fahmi Reza, 'Mula-mula mereka report video Kelas Demokrasi pada polis atas alasan 'menimbulkan kebencian terhadap TYT' (*Facebook*, 25 November 2025)

provide accessible political education to the youth. This case highlights the state's use of criminal law to enforce 'decorum' at the expense of civic awareness, treating critical inquiry into state institutions as a form of "visual slander" rather than a legitimate exercise of freedom of expression.

- Amanda Shweeta Louis and Huei Ting, Chairperson and Secretary of PSM Youth respectively, were summoned to Bukit Aman on 4 June 2025 regarding a planned workshop titled 'Pride Care: Queer Stories & Sexual Health Awareness'. Within five days of the announcement, PSM Youth was forced to postpone[104] the event due to participant safety concerns following a surge in online death threats and public condemnation[105] from Minister in the Prime Minister's Department (Religious Affairs) Na'im Mokhtar. The workshop, though a closed-door health initiative, was met with an overwhelming 188 police reports[106] nationwide by 3 June. The Selangor State Police Chief publicly warned that participation in the event could constitute offences under Sections 298A and 505(c) of the Penal Code, as well as Section 233 of the CMA, on the grounds that it "offended public sensitivities." During the interrogation at Bukit Aman, police seized[107] Huei Ting's mobile phone and SIM card. This case highlights a repressive environment where the state's use of "public sensitivity" serves to justify the targeting of marginalised groups, effectively stripping the LGBTQI+ community of their right to assembly and their right to access essential, stigma-free healthcare information.

Criminalising Satire. The state continues to treat satire as a criminal offence by targeting perceived insults against public figures, despite the inclusion of explanatory notes to Section 233 of the Communications and Multimedia (Amendment) Act 2024 that stipulate otherwise.

- Fahmi Reza was summoned[108] for questioning at IPD Klang Utara on 4 December 2025 regarding a satirical sticker used during a *Kelas Demokrasi* TikTok livestream. The sticker depicted a brown mouse wearing a tie and coat with the letters "PM" featured on the graphic's clothing. This investigation followed a police report lodged[109] by a member of the People's Justice Party (PKR), who characterised the satire as a "blatant

<https://www.facebook.com/kuasasiswa/posts/pfbid0aszWrQ63AT8g1qPxXgLdh8rabShfQMc4fjLBxwtPTVfacKASTHkXvXnrtFgEf7QPl > accessed 1 April 2026

[104] Malaysiakini, 'PSM Youth postpones LGBTQ+ event over safety concerns' (*Malaysiakini*, 31 May 2025) <https://www.malaysiakini.com/news/744891> accessed 1 April 2026

[105] Bernama, 'Govt firmly opposes normalising LGBTQ+ culture: Na'im' (*Malaysiakini*, 21 May 2025) <https://www.malaysiakini.com/news/744631> accessed 1 April 2026

[106] Nor Azizah Moktar, 'Police receive 188 reports over alleged LGBT event in PJ' (*New Strait Times*, 3 June 2025) <https://www.nst.com.my/news/crime-courts/2025/06/1225349/police-receive-188-reports-over-alleged-lgbt-event-pj> accessed 1 April 2026

[107] Qistina Nadia Dzulqarnain, 'Police seize PSM Youth leader's phone in LGBTQ+ event probe' (*Publisher*, 4 June 2025) <https://www.malaysiakini.com/news/745226> accessed 1 April 2026

[108] Malaysiakini, 'Fahmi gets romantic on 20th date with cops, DAP Youth disapproves' (*Malaysiakini*, 4 December 2025) <https://www.malaysiakini.com/news/762594> accessed 1 April 2026

[109] Fahmi Reza, 'Aku dah dapat screenshot isi kandungan repot polis yang menyebabkan aku disoal siasat dan dipanggil ke balai' (*Facebook*, 8 December 2025) <https://www.facebook.com/kuasasiswa/posts/pfbid02PKLC9MinmunWzNBaixJ9xWuwERhqpGW4buNEUw2EXMcyTGw2xysMpXZeyYhgubdKl> accessed 1 April 2026

attempt to demean the dignity" of the Prime Minister and an act of "insolence" toward government institutions.

- Woo Kah Leong, DAP Youth Chief and Perak State Executive Councillor, was questioned[110] by police on 2 June 2025 following a report lodged regarding a social media post from April. The investigation centred on a satirical caricature[111] depicting PAS leader Razman Zakaria as a clown on a unicycle with the caption "*Raja Fitnah*" (King of Slander)—a reference to Razman's history of public apologies for making unsubstantiated allegations against political opponents. Although Razman had initially demanded a public apology and threatened legal action[112] under Section 211 of the CMA, the matter escalated into a criminal probe under Section 233 of the CMA and Section 500 of the Penal Code. Two investigating officers from IPD Gerik recorded Woo's statement at his office in a 30-minute session. During the investigation, police seized Woo's phone and SIM card.

MCMC's Use of the Courts to Police Online Speech and Platforms

Landmark Court of Appeal Ruling on Section 233 of the CMA

On 19 August 2025, the Court of Appeal in *Heidy Quah Gaik Li v Government of Malaysia* struck down[113] the words "offensive" and "annoy" in Section 233(1)(a) of the CMA as unconstitutional, finding them inconsistent with Articles 10(1)(a) and 10(2)(a) of the Federal Constitution read with Article 8. The case arose from refugee rights activist Heidy's 2020 Facebook post[114] criticising unsanitary and overcrowded conditions in an immigration detention centre during the COVID-19 pandemic, for which she was charged[115] in 2021 under Section 233(1)(a).

The Court held that "offensive" and "annoy" are overly broad and vague terms with no objective standard or defined link to public order. Criminalising "offensive" speech with penalties of up to RM50,000 and/or imprisonment, even where the expression is true, simply because someone claims to feel offended, was found to be disproportionate. The Court found that such vague thresholds would render free expression illusory by forcing speakers to sanitise the truth to avoid prosecution and enabling authorities to censor speech based on subjective

[110] Muhammad Zulsyamini Sufian Suri, 'Karikatur hina Razman, polis ambil keterangan Woo Kah Leong, rampas telefon' (*Harian Metro*, 2 June 2025) <https://www.hmetro.com.my/mutakhir/2025/06/1225686/karikatur-hina-razman-polis-ambil-keterangan-woo-kah-leong-rampas-telefon> accessed 1 April 2026

[111] Pradeep Nambiar, 'Cops seize Perak exco man's phone over caricature of PAS leader' (*Free Malaysia Today*, 2 June 2025) <https://www.freemalaysiatoday.com/category/nation/2025/06/02/cops-seize-perak-exco-mans-phone-over-caricature-of-pas-man> accessed 1 April 2026

[112] Malaysiakini, 'Razman threatens legal action against DAP Youth chief over caricature' (*Malaysiakini*, 21 April 2025) <https://www.malaysiakini.com/news/740925> accessed 1 April 2026

[113] Malaysiakini, 'Razman threatens legal action against DAP Youth chief over caricature' (*Malaysiakini*, 21 April 2025) <https://www.malaysiakini.com/news/752793> accessed 1 April 2026

[114] Heidy Quah, 'COMMENT | Of RM12 Maggi, rags for diapers and cramped cells' (*Malaysiakini*, 5 June 2025) <https://www.malaysiakini.com/columns/528930> accessed 1 April 2026

[115] Hidir Reduan Abdul Rashid, 'NGO founder charged over posting regarding immigration detention' (*Malaysiakini*, 27 July 2021) <https://www.malaysiakini.com/news/584700> accessed 1 April 2026

sensitivities. In a democratic society, the Court affirmed, the right to speak uncomfortable truths is essential to public debate, social change and the protection of other fundamental rights.

Importantly, the Court clarified that the 2025 amendment to Section 233(1)(a)—which replaced "offensive" with "grossly offensive"—did not render the constitutional challenge academic, given the number of ongoing prosecutions under the pre-amendment provision. This was immediately demonstrated on 21 August 2025, when the Sepang Sessions Court granted[116] celebrity entrepreneur Aliff Syukri Kamarzaman a full discharge and acquittal on four charges related to a 2022 music video. Bound by the principle of *stare decisis*, the judge ruled that because the charges were built upon the very words declared null in the Heidy Quah case, they were fundamentally defective.

The ruling therefore has prospective effect and reiterates proportionality, necessity and legal certainty as binding constitutional standards. It also sits alongside the Federal Court's July 2025 decision[117] in *Amir Hariri Abd Hadi v Public Prosecutor*, which struck down Section 9(5) of the Peaceful Assembly Act for imposing criminal liability on organisers of peaceful assemblies. Both appellate decisions underscore that restrictions on fundamental freedoms must have a clear, rational nexus to a legitimate aim and be narrowly tailored, rather than functioning as disguised prohibitions on dissent.

The judgment also confirms what civil society has long argued: Section 233 has been used to criminalise criticism, satire and dissent through vague, subjective thresholds that enable selective enforcement against artists, activists and ordinary users. At the same time, the Court's reasoning highlights ongoing risks in the amended Section 233, which now targets "grossly offensive" content. While this phrase sets a higher bar than "offensive", it remains undefined and potentially vague in the absence of clear statutory safeguards and enforcement guidelines, leaving its constitutionality open to future challenge.

However, the government has since moved to contain the impact of the ruling. On 20 August, Communications Minister Fahmi Fadzil announced[118] in August that the Attorney-General's Chambers would appeal to the Federal Court, framing the amended provision—criminalising only "grossly offensive" content and exempting certain categories of speech—as an improvement on previous proposals. Anwar later defended the decision, arguing that reforms must be approached "holistically" and not driven solely by court rulings. The government filed its application for leave to appeal in October[119], with leave granted[120] on 13 November. The decision to appeal, coupled with continued reliance on Section 233 in high-profile enforcement actions, signals that executive and prosecutorial practice has yet to fully align with the more speech-protective standards articulated by the courts.

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[116] Zaf Seraj, 'Aliff Syukri acquitted in Raya video case' (*New Straits Times*, 27 August 2025) <https://www.nst.com.my/news/crime-courts/2025/08/1266306/aliff-syukri-acquitted-raya-video-case> accessed 1 April 2026

[117] eLaw, 'Judgement Express: *Amir Hariri Abd Hadi v. PP* [2025] 5 MLRA' (10 July 2025) <https://www.elaw.my/JE/01/JE_2025_28.pdf> accessed 1 April 2026

[118] Malaysiakini Team, 'Govt to take 'offensive', 'annoys' ruling to Federal Court' (*Malaysiakini*, 20 August 2025) <https://www.malaysiakini.com/news/752921> accessed 1 April 2026

[119] Malay Mail, 'Fahmi: Govt appeals court ruling on Section 233 of Communications Act, challenges decision on 'offensive' and 'annoy' terms' (*Malay Mail*, 28 October) <https://www.malaymail.com/news/malaysia/2025/10/28/fahmi-govt-appeals-court-ruling-on-section-233-of-communications-act-challenges-decision-on-offensive-and-annoy-terms/196314> accessed 1 April 2026

[120] Bernama, 'Government gets leave to appeal ruling on Section 233 of CMA' (*Bernama*, 13 November 2025) <https://www.bernama.com/en/news.php/general/crime_courts/news.php?id=2490282> accessed 1 April 2026

Civil Action Against Two Telegram Channels and Telegram Messenger Inc.

On 21 May, the Malaysian Communications and Multimedia Commission (MCMC) filed[121] a civil suit against the anonymous administrators of the *Edisi Siasat* and *Edisi Khas Telegram* channels, and Telegram Messenger Inc., alleging that the channels had been used to disseminate "harmful" and defamatory material targeting individuals and institutions, and that Telegram had breached Sections 73(1)(a) and 263(2) of the CMA by failing to remove the channels after being directed to do so.

On 19 June, MCMC stated[122] that it had obtained an interim injunction from the Kuala Lumpur High Court, halting dissemination and republication of 33 posts deemed harmful. On 11 September, the High Court issued[123] a prohibitory injunction ordering removal of the 33 posts but dismissed MCMC's bid to compel Telegram for a mandatory injunction to proactively block future accounts sharing similar content. On 30 October, the High Court then granted[124] an Erinford injunction pending appeal, stressing that the risk of "substantial and severe" damage to national institutions, public confidence and societal harmony that can result from continued dissemination of the harmful content outweighed any prejudice to Telegram or the anonymous administrators, and criticising Telegram's failure to comply with the September court order. On 14 November, the High Court entered[125] a Judgment in Default of Defence against the unidentified channel administrators, issuing declarations that both channel administrators had facilitated harmful and defamatory content, mandatory injunction compelling them to immediately and permanently remove all such material from the channels, prohibitory injunctions restraining them from republishing, disseminating or posting any similar false or harmful content in the future, and awards of general and exemplary damages and costs.

This case marks the first time a social media platform has been sued in Malaysia under the CMA for failing to comply with takedown directions, signalling an emergent model of platform liability enforced through injunctions. While the impugned channels are anonymous and some content may be defamatory, the court's reasoning frames "harm" almost entirely through institutional reputation, national security and public order, with no parallel analysis of freedom of expression, whistleblowing or the public's right to receive information about public institutions and enforcement agencies. Combined with Section 233's history of targeting criticism, satire and dissent, the Telegram case illustrates how, even as courts begin to constrain vague criminal provisions like the old Section 233(1)(a), state practice is shifting towards compelling platforms—via Sections 73 and 263 and broad "harmful content" narratives—to

[121] Bernama, 'High Court grants MCMC injunction against Telegram over harmful content' (*Scoop*, 30 October 2025) <https://www.scoop.my/news/272913/high-court-grants-mcmc-injunction-against-telegram-over-harmful-content/> accessed 1 April 2026

[122] FMT Reporters, 'MCMC takes Telegram to court over harmful content' (*Free Malaysia Today*, 19 June 2025) <https://www.freemalaysiatoday.com/category/nation/2025/06/19/mcmc-sues-telegram-over-harmful-content> accessed 1 April 2026,

[123] Rahmat Khairulrijal, 'Judge orders removal of 33 articles from Telegram channels – Edisi Siasat and Edisi Khas' (*New Straits Times,* 11 September 2025) <https://www.nst.com.my/news/crime-courts/2025/09/1273478/court-orders-telegram-remove-33-articles-edisi-siasat-and-edisi> accessed 1 April 2026

[124] Malay Mail, 'MCMC wins injunction to block 33 harmful Telegram posts, two channels linked to national security' (*Malay Mail*, 30 October 2025) <https://www.malaymail.com/news/malaysia/2025/10/30/mcmc-wins-injunction-to-block-33-harmful-telegram-posts-two-channels-linked-to-national-security/196658> accessed 1 April 2026

[125] T. Vignesh, 'MCMC wins court order against anonymous 'Edisi Siasat', 'Edisi Khas' Telegram admins' (*Scoop*, 14 November 2025) <https://www.scoop.my/news/274375/mcmc-wins-court-order-against-anonymous-edisi-siasat-edisi-khas-telegram-admins/> accessed 1 April 2026

police and shut down anonymous, whistleblower-style channels. This creates a chilling effect on investigative online speech and anonymity, in the absence of clear safeguards, due-process standards or rights-based limitations on state takedown powers.

Transnational Strategic Lawsuit Against Public Participation (SLAPP) against Murray Hunter

On 29 September this year, Australian-born journalist and political commentator Murray Hunter was arrested[126] at Bangkok's Suvarnabhumi Airport, as he prepared to board a flight to Hong Kong. He was detained for 48 hours before being released on bail. On 17 November, Hunter was indicted[127] on criminal defamation charges under Section 328 of Thailand's Criminal Code by Bangkok's Criminal Court, and faces trial on 22 December 2025. The charges stem from four Substack posts between 13 and 29 April 2024, in which he accused MCMC of abuse of power, blocking websites that are critical of the government, and a conflict of interest with its chairperson. MCMC lodged police reports in Malaysia and Thailand in relation to these publications, claiming that they misled the public and damaged the Commission's reputation. Notably, on 16 October 2025, Shah Alam High Court also found[128] Hunter liable for defamation in MCMC's civil suit over the same articles, with MCMC publicly framing the judgment as a precedent that, while opinions are permitted, they must not cross into "false, malicious or defamatory" attacks that damage the regulator's institutional reputation and public confidence in the digital ecosystem.

Taken together with the civil suit against the two Telegram channels and Telegram Messenger Inc., the Hunter case illustrates that, beyond its regulatory role, MCMC now also actively acts as a plaintiff. Public bodies are expected to tolerate robust, even harsh criticism, especially where allegations concern abuse of power, censorship or conflicts of interest. When the same institution that oversees content blocking sues a major platform in Malaysia and pursues cross-border criminal proceedings against a foreign-based journalist, it blurs the line between legitimate protection of institutional reputation and the use of legal processes to insulate regulators from scrutiny. This sets a worrying precedent in which governments and regulators collaborate across borders to manage reputational risk through the courts rather than open debate, with a disproportionate chilling effect on journalists, researchers and activists who investigate censorship and digital governance practices.

Punitive State Action Against the Media

In 2025, investigative and critical reporting on high-stakes political and governance issues continued to attract criminal investigations:

[126] Ian McIntyre, 'Murray Hunter freed on bail, considering charges against MCMC' (*The Vibes*, 1 October 2025) <https://www.thevibes.com/articles/news/113504/murray-hunter-freed-on-bail-considering-charges-against-mcmc> accessed 1 April 2026

[127] International Federation of Journalists (IFJ), 'Thailand: Australian journalist indicted for alleged Malaysian government defamation' (*IFJ*, 25 November 2025) <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/thailand-australian-journalist-indicted-for-alleged-malaysian-government-defamation> accessed 1 April 2026

[128] FMT Reporters, 'High Court finds Murray Hunter liable for defamation' (*Free Malaysia Today*, 16 October 2025) <https://www.freemalaysiatoday.com/category/nation/2025/10/16/high-court-finds-murray-hunter-liable-for-defamation> accessed 1 April 2026

- In January, Malaysiakini came under investigation over a 10 January article[129] quoting former UMNO Youth Chief Khairy Jamaluddin podcast remarks on the Najib "royal addendum" saga, in which he appeared to implicate Minister in the Prime Minister's Department (Law and Institutional Reform) Azalina Othman Said in concealing the addendum. Bukit Aman's Special Investigation Unit recorded a statement from Malaysiakini's executive editor, RK Anand. This was followed by the police seizing[130] a newsroom laptop on 27 January, and pressing for access to Malaysiakini's backend content management system. Only after negotiation was the data-preservation exercise shifted[131] to MCMC's headquarters on 28 January, with RK Anand present.

- After MalaysiaNow published its investigative series in July on Sabah Mineral Management (SMM), Chief Minister Hajiji Noor and companies linked to former PKR politician Farhash Wafa Salvador, MalaysiaNow editor Abdar Rahman Koya was investigated under Section 203A of the Penal Code (disclosure of information obtained in the course of duty) and Section 233 of the CMA. He was summoned twice for questioning in August[132] during which he was pressed to reveal his sources, and a third time in November during which his phone was confiscated[133]. MalaysiaNow is also currently facing parallel defamation suits from SMM and Farhash.

- Malaysiakini investigative journalist B. Nantha Kumar claimed trial[134] under Section 16(a)(A) of the Malaysian Anti-Corruption Commission (MACC) Act, in the context of his work on migrant-worker syndicates at KLIA. While MACC alleges that Nantha solicited and accepted a bribe to suppress reporting, Nantha's account[135] is that he was assisting an immigration director to secure evidence and was caught in a sting when an agent handed him an envelope he intended to pass on as proof. Malaysiakini has since reinstated[136] him following an internal inquiry into his compliance with editorial protocols.

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[129] Malaysiakini, 'Ministers hid Najib addendum, led to Umno's crisis of trust - KJ"' (*Malaysiakini*, 10 January 2025) <https://www.malaysiakini.com/news/731250> accessed 1 April 2026

[130] Malaysiakini, 'Police seize laptop from Mkini over probe against KJ' (*Malaysiakini*, 27 January 2025) <https://www.malaysiakini.com/news/732899> accessed 1 April 2026

[131] Malaysiakini, 'Probe on KJ: MCMC conducts 'data preservation' on Mkini article' (*Malaysiakini*, 28 January 2025) <https://www.malaysiakini.com/news/732995> accessed 1 April 2026

[132] Farah Solhi, 'Editor probed over criminal information disclosure, defamation' (*Malaysiakini*, 21 August 2025) <https://m.malaysiakini.com/news/753008> accessed 1 April 2026

[133] MalaysiaNow, 'Cops confiscate editor's phone in MalaysiaNow probe linked to Farhash-Sabah exposé' (*Malaysia Now*, 5 November 2025) <https://www.malaysianow.com/news/2025/11/05/cops-confiscate-editors-phone-in-malaysianow-probe-linked-to-farhash-sabah-expose> accessed 1 April 2026

[134] Hidir Reduan Abdul Rashid, 'Malaysiakini reporter arrested' (*Malaysiakini*, 1 March 2025) <https://www.malaysiakini.com/news/737267> accessed 1 April 2026

[135] B Nantha Kumar, 'Bribe allegation: This is my story', (*Malaysiakini*, 7 March 2025), <https://www.malaysiakini.com/news/736590> accessed 1 April 2026

[136] Malaysiakini, 'Malaysiakini journalist Nantha reinstated', (*Malaysiakini*, 22 April 2025), <https://www.malaysiakini.com/news/741031>accessed 1 April 2026

Editorial mistakes — as seen in the four cases below — have been met with criminal and regulatory action, predominantly through the invocation of the PPPA and/or Section 233 of the CMA alongside any other relevant laws.

- In April, two Chinese-language outlets came under intense scrutiny over incomplete depictions of the Jalur Gemilang. Sin Chew Daily was investigated after publishing an illustration of a jong carrying the Malaysian and Chinese flags in conjunction with Xi Jinping's state visit, where the crescent on the Jalur Gemilang was omitted. Although Sin Chew promptly apologised[137], corrected the illustration in print and digital editions, conducted internal investigations and suspended[138] the two editors concerned, it faced investigations by multiple agencies. The Home Ministry[139] summoned the paper under the Emblems and Names (Prevention of Improper Use) Act 1963 and the Printing Presses and Publications Act (PPPA) and issued a show-cause letter. The police detained[140] chief editor Chan Aun Kuang and deputy chief sub-editor Tsai Shwu San for three hours for questioning and brought them to the office to retrieve computers and other items related to the case for further investigation. MCMC also investigated[141] Sin Chew under Section 233(1)(a) of the CMA, which led to a fine[142] of RM100,000 in September. Kwong Wah Yit Poh similarly faced[143] investigations from the Home Ministry, police and MCMC after a Facebook post showed a front page where the crescent was obscured by headline text, though no fine was ultimately imposed.

- Sinar Harian was fined RM100,000 by MCMC in September over its Instagram graphic that incorrectly described the Inspector-General of Police as a PKR member due to the use of an outdated template. The fine was meted out, despite immediate steps taken[144] by the outlet to apologise, conduct an internal investigation and suspend the staff involved, as well as lodge a police report.

- On 12 August, Sarawak Tribune erroneously ran a headline describing slain Al Jazeera journalist Anas Al-Sharif as a militant. Despite issuing a public apology[145], rejecting

[137] Malaysiakini, 'Sin Chew probes Jalur Gemilang error, to take action against staff' (*Malaysiakini*, 16 April 2025) <https://www.malaysiakini.com/news/740453> accessed 1 April 2026

[138] Malaysiakini, 'Sin Chew suspends two editors over flag blunder' (*Malaysiakini*, 17 April 2025) <https://www.malaysiakini.com/news/740564> accessed 1 April 2026

[139] Malaysiakini, 'Home Ministry issues show-cause letter to Sin Chew over flag error' (*Malaysiakini*, 16 April 2025) <https://www.malaysiakini.com/news/740412> accessed 1 April 2026

[140] Bernama, 'Sin Chew editors detained over flag gaffe, freed hours later - IGP' (*Malaysiakini*, 17 April 2025) <https://www.malaysiakini.com/news/740591> accessed 1 April 2026

[141] Bernama, 'MCMC completes probe into Jalur Gemilang gaffes' (*Malaysiakini*, 18 April 2025) <https://www.malaysiakini.com/news/740716 > accessed 1 April 2026

[142] New Straits Times, 'MCMC: Sin Chew, Sinar Harian fined RM100k over flag, false posts' (*New Straits Times*, 19 September 2025) <https://www.nst.com.my/news/nation/2025/09/1277366/mcmc-sin-chew-sinar-harian-fined-rm100k-over-flag-false-posts> accessed 1 April 2026

[143] Malaysiakini, 'Flag gaffe: After Sin Chew, Kwong Wah under investigation too' (*Malaysiakini*, 16 April 2025) <https://www.malaysiakini.com/news/740451> accessed 1 April 2026

[144] FMT Reporters, 'Sinar Harian apologises, suspends staff over blunder on IGP graphic' (*Free Malaysia Today*, 22 June 2025) <https://www.freemalaysiatoday.com/category/nation/2025/06/22/sinar-harian-apologises-suspends-staff-over-blunder-on-igp-graphic> accessed 1 April 2026

[145] Malaysiakini, 'S'wak media apologises over snafu on slain Al Jazeera reporter' (*Malaysiakini*, 13 August 2025) <https://www.malaysiakini.com/news/752143> accessed 1 April 2026

accusations of promoting Zionist narratives and committing to corrective measures—including multi-source verification, additional fact-checking and further training on reporting in high-risk, sensitive contexts—three staff were called up[146] by the Home Ministry and investigated under the PPPA for potential breaches of licensing terms and for publishing content said to cause public unease.

Taken together, these cases reflect a regulatory reflex that treats even acknowledged, corrected editorial errors as grounds for punitive state intervention. This approach aligns with neither proportionality nor the government's stated commitment to media self-regulation, and it cannot be cured simply by pointing to the nascent Malaysian Media Council while leaving legacy laws and enforcement practices unchanged. Instead, it risks reinforcing a climate of fear and self-censorship, weakening the media's capacity to inform the public and hold power to account.

Criminalising Literature and Cultural Expression

The Home Ministry's banning of 24 books in 2025—exceeding the total number of bans from the previous six years combined—signals an aggressive use of the PPPA to enforce state-sanctioned morality over artistic and intellectual freedom.

In 2025, the Home Ministry (KDN) gazetted[147] 24 publications as "undesirable" under Section 7(1) of the PPPA, citing grounds of public morality, national security, and conflict with the local socio-cultural fabric. The bans primarily targeted LGBTQ+ narratives, popular fiction, and romance novels, including internationally acclaimed titles such as *Call Me by Your Name*, *Love*, *Theoretically*, and *What If It's Us*, alongside local works like *Koleksi Puisi Masturbasi* and *Kougar 2*. KDN characterised these bans as "preventive measures"[148] to stop the spread of ideologies that supposedly conflict with Malaysia's multicultural values, effectively treating the consumption of diverse literature as a threat to public order.

Access to Information and Government Transparency: Progress Hampered by Pervading Culture of Secrecy

The introduction of the greatly anticipated Freedom of Information (FOI) Bill continued to be delayed through 2025. The initial period set for the tabling of the FOI Bill in the Dewan Rakyat, according to the Legal Affairs Division of the Prime Minister's Department (BHEUU), was October to November 2024[149]. However, in December 2024, Minister in the Prime Minister's Department Azalina Othman stated that the FOI Bill would be tabled in Parliament by the middle of 2025. Subsequently in July 2025, Prime Minister Anwar Ibrahim announced that the FOI Bill would be tabled by the end of the year. According to Anwar, the law is intended to

[146] Malaysiakini, 'Home Ministry questions 3 over Sarawak Tribune report' (*Malaysiakini*, 22 August 2025) <https://www.malaysiakini.com/news/753110> accessed 1 April 2026

[147]Ministry of Home Affairs of Malaysia, 'Senarai Perintah Larangan', (*Ministry of Home Affairs of Malaysia*, 27 August 2025) <https://epq.kdn.gov.my/e-pq/index.php?mod=public> accessed 1 April 2026

[148] Mohd Haris Fadli Mohd Fadzil, 'Tujuh buku kena Perintah Larangan KDN' (*Harian Metro*, 27 May 2025) <hmetro.com.my/mutakhir/2025/05/1223364/tujuh-buku-kena-perintah-larangan-kdn> accessed 1 April 2026

[149] Legal Affairs Division of the Prime Minister's Department, 'Pembentangan Perancangan, Garis Masa & Hala Tuju Gubalan Akta Kebebasan Maklumat (FOI) di Malaysia' <https://strapi.bheuu.gov.my/uploads/BHEUU_JPM_bcc72b614c.pdf> accessed 1 April 2026

strengthen government transparency and enable the public to hold the government accountable, thereby building public trust and encouraging information participation in our democracy[150]. Most recently, BHEUU Director General Zamri Misman announced that Cabinet had agreed to defer the tabling of the FOI Bill (along with the Ombudsman Bill), to early 2026 for further refinement and review by the Attorney General's Chambers[151].

Although introducing an FOI Act and a corollary right to access information held by the government is a good thing, there remains a lot to be done in order to break the longstanding culture of secrecy which has pervaded Malaysian governance. The Madani government has previously affirmed that the Official Secrets Act (OSA) 1972 would be amended in alignment with the FOI Act, yet to date there have been no details released on the nature of these amendments. In fact, the OSA 1972 continued to be weaponized this year to stifle discussion and debate on topics of public interest

- An alleged leak of the minutes from a meeting of the Judicial Appointments Commission was investigated under Section 8 of the OSA 1972 for the offence of wrongful communication, retention, receipt, and possession of official secrets[152].

- Parking management contact documents relating to the Selangor Intelligent Parking System issue were not disclosed[153] to an applicant supposedly because they were classified under the OSA 1972 and such disclosure could seriously endanger national security or defence.

Although there still is no federal FOI legislation, Penang and Selangor have had state-level FOI enactments since 2010 and 2011 respectively. The effectiveness of these enactments has been criticised as well, indicating a need for legal amendments and policy implementation changes. In February 2025, the Penang FOI appeals board strongly criticised the Penang Island City Council for its "complete disregard" in failing to respond to an information request within the statutory 14 working day timeframe[154]. The Selangor Intelligent Parking System case mentioned above also involved a rejection of an FOI request by the Selangor state government, despite there being no reasonable justification for denying disclosure. These cases illustrate how even after the federal FOI Bill is tabled and passed in Parliament, the implementation process may not necessarily be smooth sailing moving forward.

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[150] Muhammad Yusry, 'Anwar: Freedom of Information Act to be tabled by year end to boost transparency' (*Malay Mail*, 15 July 2025) <https://www.malaymail.com/news/malaysia/2025/07/15/anwar-freedom-of-information-act-to-be-tabled-by-year-end-to-boost-transparency/184026> accessed 1 April 2026

[151] The Star, 'Two Bills to be tabled next year instead' (*The Star*, 15 November 2025) <https://www.thestar.com.my/news/nation/2025/11/15/two-bills-to-be-tabled-next-year-instead> accessed 1 April 2026

[152] FMT Reporters, 'Cops probing alleged leak of JAC meeting minutes' (*Free Malaysia Today*, 13 July 2025) <https://www.freemalaysiatoday.com/category/nation/2025/07/13/police-probing-alleged-leak-of-jac-meeting-minutes> accessed 1 April 2026

[153] FMT Reporters, 'Why are documents linked to parking deal classified under OSA, asks MP' (*Free Malaysia Today*, 24 October 2025) <https://www.freemalaysiatoday.com/category/nation/2025/10/24/why-are-documents-linked-to-parking-deal-classified-under-osa-asks-mp> accessed 1 April 2026

[154] Predeep Nambiar, 'Appeals board slams Penang council for not meeting FOI request deadline' (*Free Malaysia Today*, 3 February 2025) <https://www.freemalaysiatoday.com/category/nation/2025/02/03/appeals-board-slams-penang-council-for-not-meeting-foi-request-deadline> accessed 1 April 2026

Recommendations

- Repeal the Sedition Act in its entirety. Also, immediately halt the cases involving non-violent political speech, and review ongoing investigations and prosecutions with a view to discontinuance.

- Withdraw the Federal Court appeal in *Heidy Quah v Government of Malaysia* and comprehensively amend Section 233 and related CMA provisions to remove vague terms such as "grossly offensive", ensure precise and narrowly-tailored offences, and codify necessity, proportionality and a clear link to a legitimate aim as statutory thresholds for any restriction on online expression.

- Fast-track the full operationalisation and statutory underpinning of the Malaysian Media Council, with a mandate over ethics, corrections and complaints. Commit, as a matter of policy, that errors and professional-standards issues will, as a rule, be referred first to the Council rather than investigated under the PPPA, CMA or general criminal law.

- Before the Freedom of Information Bill is tabled for first reading in Parliament, publish it for public viewing to ensure any gaps or inadequacies are identified and addressed.

- Ensure that laws which create restrictions on access to government-held information (such as the Official Secrets Act 1972 and Section 203A of the Penal Code) are reviewed and amended/repealed in alignment with the push for greater public transparency.

APPENDIX 1

Investigations and Arrests under the SA in 2025

No.	Name of Individual(s)	Allegation/ Cause for Investigation	Status	Laws Investigated
1.	Badrul Hisham Shaharin (Chegubard)	Post claiming that the Yang di-Pertuan Agong faced health issues (9 Feb 2025)	Investigated (12 Feb 2025)	s4(1) of the SA 1948, s233 of the CMA 1998, and s500 and s505(b) of the Penal Code
2.	Political party member	Comment insulting the Perak Menteri Besar as a traitor infidel leader (1 Feb 2025)	Investigated (27 Feb 2025)	s4(1) of the SA 1948, s233 of the CMA 1998 and s505(b) of the Penal Code
3.	Abdul Aziz Musa	Racist sign displayed at his roasted corn stall (15 Feb 2025)	Arrested (17 Feb 2025); released on police bail (18 Feb 2025)	s4 of the SA 1948, s233 of the CMA 1998 and s505(b) of the Penal Code
4.	Abdul Aziz Musa's wife		Arrested *Subsequently remanded*	s4 of the SA 1948, s233 of the CMA 1998 and s505(b) of the Penal Code *Then remanded under the Immigration Act*
5.	Tiktok account @strangewizard 999	Video urging Malaysians to attack police and act aggressively towards law enforcement officers (25 Feb 2025)	Investigated (26 Feb 2025)	s4(1) of the SA 1948, s233 of the CMA 1998 and s505(b) of the Penal Code
6.	Khalit Hassan	Claims that the Friday sermon text provided by the Perak Islamic Religious Department (JAIPk) had been influenced by the DAP	Investigated (26 Feb 2025)	s4(1) of the SA 1948, s233 of the CMA 1998 and s505(b) of the Penal Code

7.	Arun Dorasamy	Video calling on a Hindu religious association to organise a street protest if no action was taken against independent preacher Zamri Vinoth over a controversial video involving three local radio presenters accused of mocking a religious festival	Investigated (13 Mar 2025)	s4(1) of the SA 1948, s233 of the CMA 1998 and s505(c) of the Penal Code
8.	Zamri Vinoth	Posts regarding the relocation of the Dewi Sri Pathrakaliamman temple in Kuala Lumpur, claiming that the temple committee stole land for the use of the temple	Arrested (27 Mar 2025) 2-day remand order issued on 28 Mar 2025, but released within hours on the same day	s4(1) of the SA 1948, s233 of the CMA 1998, and s298A of the Penal Code
9.	Syarul Ema Rena Abu Samah (Ratu Naga)	Video falsely claiming that students at a Chinese school in Perak were singing the national anthem in Mandarin, hence a violation of s2 of the National Emblems Act	Summoned by MCMC for questioning (7 Apr 2025) Arrested (10 Apr 2025); released on police bail (11 Apr 2025)	s4(1) of the SA 1948 and s233 of the CMA 1998
10.	Facebook account that used social media influencer Cayson Goh's picture and name	Post derogating the Yang di-Pertuan Agong as a "wild dog" in the presence of President of the People's Republic of China Xi Jinping (16/17 Apr 2025)	Investigated (17 Apr 2025)	s4(1) of the SA 1948 and s233 of the CMA 1998
11.	Fadhil Kasim	Act of torching a banner with a caricature of Prime Minister Anwar Ibrahim at Gempur	Arrested and released on police bail (24 June 2025)	s4 of the SA 1948 and s509 of the Penal Code
12.	Aliff Danial Badrul Akmal Hisham			

13.	Sabir Syarafuddin	Rasuah Sabah 2.0 protest (21 June 2025) *Note: Sabir was arrested despite having not participated in the act*	*Fadhil was called in again for questioning (12 Oct 2025)	
14.	Sudirman Arshad	Involvement in the Gempur Rasuah Sabah 2.0 protest (21 June 2025)	Arrested and released (29 Oct 2025)	
15.	Undisclosed	False claim that the Kelantan Ruler had passed away	Investigated (13 July 2025)	s4 of the SA 1948
16.	Badrul Hisham Shaharin (Chegubard)	Act of whipping an effigy resembling the Prime Minister during the Turun Anwar protest (26 July 2025)	Arrested (28 July 2025) and released (29 July 2025)	s4(1) of the SA 1948, s233 of the CMA 1998, s504 of the Penal Code and s14 of the Minor Offences Act 1955
17.	Ikhwan Syaffiq			(presumably) s4(1) of the SA 1948 and s233 of the CMA 1998
18.	Furqan Hakimi		Arrested (29 July 2025) and released (30 July 2025)	
19.	Syafiq Aziz			
20.	Siti Hajar Aflah Sharuddin	Video claiming that deceased student Zara Qairina was forced into a washing machine (6 Aug 2025)	Arrested (within the 6 Aug 2025 week)	s4 of the SA 1948 and s233 of the CMA 1998
21.	Akmal Saleh	Statement regarding an upside-down national flag, threatening to 'teach' the shop owner a lesson (11 Aug 2025)	Investigated (15 Aug 2025)	s4(1) of the SA 1948, s233 of the CMA 1998 and s506 of the Penal Code
22.	51-year-old man	Video claiming that student Zara Qairina's death was	Arrested (18 Aug 2025)	s4(1) of the SA 1948, s233 of the CMA 1998 and

		premeditated (15 Aug 2025)	Remanded (19-21 Aug 2025)	s505(b) of the Penal Code
23.	TikTok user @Dato' Prof Dr. Tunku Iskandar	Livestream claiming to be a forensic pathologist present at student Zara Qairina's post-mortem (16 Aug 2025)	Investigated (18 Aug 2025) *Note: by both the police and MCMC*	s4(1) of the SA 1948, s233 of the CMA 1998 and s505(b) of the Penal Code
24.	Abdul Qayyum	Comment criticising the Sabah Governor's inaction in the Zara Qairina case	Arrested and released on police bail (21 Aug 2025)	s4(1) of the SA 1948
25.	Andrew Chong	Comments criticising the penalties imposed on Muslim men in Terengganu who fail to attend Friday prayers without valid reasons (21 Aug 2025)	Arrested (24 Aug 2025) Remanded (25-26 Aug 2025)	s4(1) of the SA 1948, s233 of the CMA 1998 and s505(b) of the Penal Code
26.	Aliefah Bobby	Remarks against Sabah Governor in the Justice for Zara solidarity rally (31 Aug 2025)	Arrested and released without charge (2 Sept 2025)	s4(1) of the SA 1948, s233 of the CMA 1998, s505(b) of the Penal Code and s506 of the Penal Code
27.	3 other civilians	Participation in the Justice for Zara solidarity rally (31 Aug 2025)	Investigated	
28.	TikTok account Muham mad Zamis Shah@zamis88_ shah98_sikacau	False allegations regarding Zara Qairina's case	Investigated (2 Sept 2025)	s4(1) of the SA 1948, s233 of the CMA 1998 and s505(b) of the Penal Code
29.	TikTok account 'Monkey Dnaga'	Allegations linking the Prime Minister to Israel		
30.	Badrul Hisham Shaharin (Chegubard)	Video of speech about Malay rulers and an alleged attempt by certain	Arrested and released (5 Sept 2025)	s4(1) of the SA 1948, s233 of the CMA 1998 and

		quarters to make the Malays lose respect for the royalty at a ceramah in Perak (4 Sept 2025)		s505(b) of the Penal Code
31.	TikTok account under the name Mohd Soie (@mohd.soie3)	Statement against the government	Arrested (7 Sept 2025)	s4(1) of the SA 1948, s233 of the CMA 1998 and s505(b) of the Penal Code
32.	Facebook account 'Mdjohan Ngadin'	Threatening comment about burning down the Prime Minister's residence		s4(1) of the SA 1948, s233 of the CMA 1998, s506 and s505(b) of the Penal Code
33.	Facebook account 'Jibbie Sahaq'	Comments capable of undermining public order, and criminal threats against national leaders	Arrested (8 Sept 2025)	s4(1) of the SA 1948, s233 of the CMA 1998 and s507 of the Penal Code
34.	69-year-old man	Speech during the Kampung Sungai Baru protest	Arrested (11 Sept 2025)	s4(1) of the SA 1948, s233 of the CMA 1998 and s506 of the Penal Code
35.	TikTok account @muhammad.bin.abdu969	Video insulting the Yang di-Pertuan Agong and other Malay rulers (12 Sept 2025)	Arrested (12 Sept 2025)	s4(1) of the SA 1948, s233 of the CMA 1998 and s504 of the Penal Code
36.	TikTok account @zamanharris82	Comments insulting the government and its leaders	Investigated (16 Sept 2025)	s4(1) of the SA 1948, s233 of the CMA 1998, s505(b) of the Penal Code
37.	TikTok account @no.wad	Post questioning the government's handling of the Kampung Sungai Baru eviction		s4(1) of the SA 1948, s233 of the CMA 1998, s505(c) of the Penal Code
38.	TikTok account @zollpatv	Inflammatory comments against the government and national leaders	Arrested (between 17 Sept and 5 Oct 2025)	s4(1) of the SA 1948, s233 of the CMA 1998 and

			Remanded between 1 and 3 days	s505(b) of the Penal Code
39.	TikTok account @saya_alif5	Insulting posts against national leaders with humiliating statements		s4(1) of the SA 1948, s233 of the CMA 1998 and s504 of the Penal Code
40.	TikTok account @HonaKia53			
41.	Facebook account Vincent Naidu	Posts that are seditious and insulting for certain parties		
42.	Aidil Qayyum	Video criticising the RON95 petrol subsidy scheme	Arrested and remanded (30 Sept 2025)	s4(1) of the SA 1948, s233 of the CMA 1998 and s505(b) of the Penal Code
43.	Muhammad Kamil Puteh	Video commenting on the Malaysian Anti-Corruption Commission denying allegations of bank account ownership by the Prime Minister in Israel	Arrested and remanded (30 Sept 2025)	s4(1) of the SA 1948, s233 of the CMA 1998 and s504 of the Penal Code
44.	Rafidah Ibrahim	Claims that Surau al-Karamah in Pasir Puteh will be demolished by a housing developer to make way for a road	Investigated (14 Oct 2025)	s4 of the SA 1948, s233 of the CMA 1998 and s505(b) of the Penal Code
45.	M Mythreyar			
46.	Wan Muhammad Azri Wan Deris (Papagomo)	Not disclosed by Papagomo's lawyer	Arrested (26 October 2025)	The SA 1948
47.	Ashraf Khan Hayup Khan	Video critical of the US-Malaysia trade agreement	Arrested (31 Oct 2025)	s4 of the SA 1948, s233 of the CMA 1998, and s505(c) of the Penal Code
48.	Fahmi Reza	'Kelas Demokrasi' TikTok livestream that explained how voters could theoretically vote out	Investigated (24 Nov 2025)	s4(1) of the SA 1948, s233 of the CMA 1998 and s504 of the Penal Code

		the current Sabah Governor (20 Nov 2025)		
49.	Fahmi Reza	Posts critical of the Johor Regent and royal institution (early - mid Dec 2025)	Arrested (19 Dec 2025)	s4(1) of the SA 1948 and s233 of the CMA 1998

Charges under the Sedition Act 1948 in 2025

No.	Name of Individual(s)	Allegation/Cause for Investigation	Status	Law(s) Charged or Convicted
Follow-Up Cases				
1.	Norli Mohamed Yusof	Comment to Facebook post featuring the Regent of Johor and Prime Minister having lunch at a popular asam pedas restaurant in Johor Bahru (11 Dec 2024)	Pleaded guilty - fined RM4000 (4 Feb 2025)	s4(1)(c) of the SA 1948
2.	Zaidi Mat Sah	A post that insulted the Yang di-Pertuan Agong and tarnished the image of the royal institution	Pleaded guilty - fined RM3000 (8 Jan 2025)	s4(1)(c) of the SA 1948

APPENDIX 2

Investigations and Arrests under Section 233 of the CMA in 2025

No.	Name of Individual(s)	Allegation/Cause for Investigation	Status	Laws Investigated
		New Cases		
1.	Mel Maxpherson Munded	Threatening comment against local singer (30 Dec 2024)	Arrested (2 Jan 2025)	s233 of the CMA 1998 and s507 of the Penal Code
2.	40 individuals	Video in which individuals attending an event were seen to wear official attire that closely resembled ceremonial uniforms (3 Jan 2025)	Investigated (4 Jan 2025)	s233 of the CMA 1998, s140 of the Penal Code and s50(3) of the Societies Act 1966
3.	Khairy Jamaluddin	Remarks on a document regarding Najib's purported house arrest (10 Jan 2025)	Investigated (13 Jan 2025)	s233 of the CMA 1998 and s500 of the Penal Code
4.	A 42-year-old mechanic	Video of him abusing his dog with an iron rod (18 Jan 2025)	Arrested (20 Jan 2025)	s233 of the CMA 1998 and s44 of the Animals Act 1953
5.	A 39-year-old male influencer	Threats regarding the assault of a disabled man (24 Jan 2025)	Arrested (26 Jan 2025) and remanded (26-27 Jan 2025)	s233 of the CMA 1998 and s506 of the Penal Code
6.	Badrul Hisham Shaharin (Chegubard)	Allegations that the Home Minister's son had "raped" a woman	Investigated (31 Jan 2025)	s233 of the CMA 1998
7.	Dr Mohd Zamri Mohd Zainuldin	Post claiming that the Prime Minister supported Iswardy Morni	Investigated (7 Jan 2025)	s233 of the CMA 1998
8.	Social media account 'Aiman Zaki'		Investigated	
9.	8 individuals in Kuala Lumpur, Kedah, Kelantan, Perak, Terengganu, Perlis and Pahang	False and offensive content regarding the Yang di-Pertuan Agong and the Conference of Rulers	Investigated (Feb 2025)	s233(1)(a) of the CMA 1998

10.	Political party member	Comment insulting the Perak Menteri Besar as a traitor infidel leader (1 Feb 2025)	Investigated (27 Feb 2025)	s233 of the CMA 1998, s4(1) of the SA 1948 and s505(b) of the Penal Code
11.	A blog owner	Content defaming the former Vice-Chancellor of Universiti Kebangsaan Malaysia	Investigated (3 Feb 2025)	s233 of the CMA 1998 and s500 of the Penal Code
12.	Badrul Hisham Shaharin (Chegubard)	Post claiming that the Yang di-Pertuan Agong faced health issues (9 Feb 2025)	Investigated (12 Feb 2025)	s233 of the CMA 1998, s4(1) of the SA 1948 and s500 and s505(b) of the Penal Code
13.	Abdul Aziz Musa	Racist sign displayed at his roasted corn stall (15 Feb 2025)	Arrested (17 Feb 2025); released on police bail (18 Feb 2025)	s233 of the CMA 1998, s4(1) of the SA 1948 and s505(b) of the Penal Code
14.	Abdul Aziz Musa's wife		Arrested *Subsequently remanded*	s233 of the CMA 1998, s4(1) of the SA 1948 and s505(b) of the Penal Code *Then remanded under the Immigration Act*
15.	Undisclosed	Video discussing a Communist stone carving and poem at a memorial (16 Feb 2025)	Investigated (18 Feb 2025)	s233 of the CMA 1998 and s505(b) of the Penal Code
16.	Three men between 18 and 23 years old, and one 17-year-old boy	Video showing three men and a police officer in a heated argument, with the officer being reprimanded in front of a police station (18 Feb 2025)	Arrested (18 Feb 2025) One individual was remanded for one day (19 Feb 2025), whilst three others for three	s233 of the CMA 1998, s90 of the Police Act and s14 of the Minor Offences Act 1955

			days (19-21 Feb 2025)	
17.	Tiktok user @strangewizard999	Video urging Malaysians to attack police and act aggressively towards law enforcement officers (25 Feb 2025)	Investigated (26 Feb 2025)	s233 of the CMA 1998, s4(1) of the SA 1948 and s505(b) of the Penal Code
18.	Khalit Hassan	Claims that the Friday sermon text provided by the Perak Islamic Religious Department (JAIPk) had been influenced by the DAP	Investigated (26 Feb 2025)	s233 of the CMA 1998, s4(1) of the SA 1948 and s505(b) of the Penal Code
19.	Nabil Ahmad	Video mocking the Kavadi ritual during Thaipusam (4 Mar 2025)	Investigated (5 Mar 2025)	s233 of the CMA 1998 and s298 of the Penal Code
20.	Azad Jasmin			
21.	Radin Amir Effendi Ahmad Aruani			
22.	Astro audio director			
23.	TikTok administrator for the era.je account			
24.	Era FM station manager			
25.	Facebook account 'Vijayan Savarinathan'	Video containing insults against followers of Islam (5 Mar 2025)	Investigated (5 Mar 2025)	s233 of the CMA 1998 and s298 of the Penal Code
26.	A 47-year-old man	Claims that the azan at a mosque was no longer permitted (9 Mar 2025)	Investigated (12 Mar 2025)	s233(1)(a) of the CMA 1998
27.	Undisclosed	Recording of two individuals in a verbal altercation on a highway	Investigated (12 Mar 2025)	s233 of the CMA 1998 and s506 of the Penal Code
28.	Arun Dorasamy	Video calling on a Hindu religious	Investigated (13 Mar 2025)	s233 of the CMA 1998, s4(1) of the

		association to organise a street protest if no action was taken against independent preacher Zamri Vinoth over a controversial video involving three local radio presenters accused of mocking a religious festival		SA 1948 and s505(c) of the Penal Code
29.	Ainon Mohd	Post linking Prophet Muhammad to nepotism and cronyism	Investigated (16/17 Mar 2025)	s233 of the CMA 1998 and s298 of the Penal Code
30.	A 57-year-old man	Insults against Prophet Muhammad and Islam	Investigated (20 Mar 2025)	s233 of the CMA 1998 and s298A of the Penal Code
31.	A 29-year-old pharmacist	Insults against Prophet Muhammad, reacting to Malaysia's condemnation eight humanitarian workers from a Malaysian NGO who were killed in an airstrike in Gaza	Arrested (20 Mar 2025) and remanded (20-21 Mar 2025)	s233 of the CMA 1998 and s298A of the Penal Code
32.	Zamri Vinoth	Posts regarding the relocation of the Dewi Sri Pathrakaliamman temple in Kuala Lumpur, claiming that the temple committee stole land for the use of the temple	Arrested (27 Mar 2025) 2-day remand order issued on 28 Mar 2025, but released within hours on the same day	s233 of the CMA 1998, s4(1) of the SA 1948 and s298A of the Penal Code
33.	A male Facebook user	Death threats against an independent preacher (21 Mar 2025)	Arrested (22 Mar 2025) and remanded (22-24 Mar 2025)	s233 of the CMA 1998 and s507 of the Penal Code
34.	2 administrators of the Facebook group "Rumah Ibadat	Incitement of racial and religious tensions	Investigated (27 Mar 2025)	s233 of the CMA 1998

	Haram Dibina Dimana Hari Ini?" (Where are illegal houses of worship being built today?)	over Hindu temples (21 Mar onwards)		
35.	Undisclosed	Video clip promoting communist ideology and practices in Malaysia (24 Mar 2025)	Investigated (26 Mar 2025)	s233 of the CMA 1998, s505(b) of the Penal Code and s41/43 of the Societies Act 1966
36.	Undisclosed	CCTV recording of verbal abuse and threats by a customer against a female worker in a shop (25 Mar 2025)	Investigated (26 Mar 2025)	s233 of the CMA 1998
37.	Facebook account 'Muhamad Harun'	Post alleging that police officers failed to take action against two Chinese motorcyclists without helmets (29 Mar 2025)	Investigated (3 Apr 2025)	s233 of the CMA 1998 and s500 of the Penal Code
38.	Syarul Ema Rena Abu Samah (Ratu Naga)	Video falsely claiming that students at a Chinese school in Perak were singing the national anthem in Mandarin, hence a violation of s2 of the National Emblems Act	Investigated (7 Apr 2025) Arrested (10 Apr 2025); released on police bail (11 Apr 2025)	s233 of the CMA 1998 s233 of the CMA 1998, s4(1) of the SA 1948
39.		Video on the stand-off at Menara Kuala Lumpur over concession rights	Investigated (7 Apr 2025)	s233 of the CMA 1998
40.		Video on the economic dominance of Malays through the breaking of monopolies like PETRONAS and Gas Malaysia Bhd	Investigated (7 Apr 2025)	s233 of the CMA 1998

41.	X account 'Amir Ridhwaan'	Calls for a repeat of the May 13 riots, alongside insults against the Indian community (2 Apr 2025)	Investigated (3 Apr 2025)	s233 of the CMA 1998
42.	Muhammad Zaimuddin Azlan (Abang Belon)	Screenshot involving threats and incitement against DBKL officers (Apr 2025)	Arrested (8 Apr 2025) and remanded (8-9 Apr 2025)	s233 of the CMA 1998, and s505(b) and s506 of the Penal Code
43.	A man		Arrested (8 Apr 2025)	s233 of the CMA 1998 and s505(b) of the Penal Code
44.	Undisclosed	Allegations regarding a death resulting from the gas pipeline fire in Putra Heights	Investigated (10 Apr 2025)	s233 of the CMA 1998 and s500 of the Penal Code
45.	A 25-year-old gas station attendant	Videos insulted the Prime Minister	Arrested (11 Apr 2025)	s233 of the CMA 1998, s504 of the Penal Code and s14 of the Minor Offences Act 1952
46.	Woo Kah Leong	Caricature of Razman Zakaria (10 Apr 2025)	Investigated (2 June 2025)	s233 of the CMA 1998
47.	A 16-year-old boy	Created deepfake obscene images using photos of current and former students of a private school	Arrested (8 Apr 2025) and remanded (9-12 Apr 2025) Extended remand (16-20 Apr 2025)	s233 of the CMA 1998 and s292 of the Penal Code s233 of the CMA 1998 and s7 of the Sexual Offences Against Children Act 2017
48.	A 19-year-old man	Distributed edited obscene photos involving current and former students of a private school	Arrested (16 Apr 2025) and remanded (16-21 Apr 2025)	s233 of the CMA 1998 and s7 of the Sexual Offences Against Children Act 2017
49.	Undisclosed	Post by a woman claiming that her twin babies were treated and abducted from a	Investigated (12 Apr 2025)	s233 of the CMA 1998 and s500 of the Penal Code

		public hospital (12 Apr 2025)		
50.	Kwong Wah Yit Poh	Incomplete illustration of the national flag on its online issue (16 Apr 2025)	Investigated (16 Apr 2025)	s233 of the CMA 1998, Emblems and Names (Prevention of Improper Use) Act 1963 and the Printing Presses and Publications Act 1984
51.	Facebook account that used social media influencer Cayson Goh's picture and name	Post derogating the Yang di-Pertuan Agong as a "wild dog" in the presence of President of the People's Republic of China Xi Jinping (16/17 Apr 2025)	Investigated (17 Apr 2025)	s233 of the CMA 1998, s4(1) of the SA 1948
52.	A male Facebook user	False information about the Pahang state government that created speculation over alleged illegal farming activities in Raub (19 Apr 2025)	Investigated (21 Aug 2025)	s233 of the CMA 1998
53.	A female food delivery rider	Racist message to a customer via company's internal chat feature (20 Apr 2025)	Investigated (23 Apr 2025)	s233 of the CMA 1998 and s298 of the Penal Code
54.	A 63-year-old man	Insults against Prophet Muhammad and Islam	Investigated (20 Apr 2025)	s233 of the CMA 1998
55.	Aliff Ahmad	Post with claims of doing an in-depth background check on Nurul Izzah Anwar if it gets 20,000 shares (Apr 2025)	Investigated (25 Apr 2025)	s233 of the CMA 1998
56.	Undisclosed	Offensive post directed at the Chief Minister of Perak	Investigated (8 May 2025)	s233 of the CMA 1998 and s500 of the Penal Code

57.	6 men	Assault of a band vocalist at a live music event (10 May 2025)	Arrested (12-13 May 2025) and remanded for 4 days	s233 of the CMA 1998, s148 of the Penal Code and s15(1)(a) of the Dangerous Drugs Act 1952
58.	2 women	Caught by a civilian while committing parcel theft from homes (9 May 2025)	Investigated (12 May 2025)	s233 of the CMA 1998 and s379 of the Penal Code
59.	A Terengganu PAS member	Event poster featuring an incomplete national flag (early May 2025)	Investigated (15 May 2025)	s233 of the CMA 1998, s4(1) of the Printing Presses and Publications Act and s3(1)(c) of the Emblems and Names (Prevention of Improper Use) Act 1963
60.	2 men between 18 and 21 years old	Roadside altercation with a lorry driver (11 May 2025)	Arrested (12 May 2025) and remanded (12-16 May 2025)	s233 of the CMA 1998 and s506 of the Penal Code
61.	A 70-year-old man	Abuse of a cat (13 May 2025)	Arrested (14 May 2025)	s233 of the CMA 1998, s428 of the Penal Code and s29(1) of the Animal Welfare Act 2015
62.	A Facebook user	Racist content touching on the sensitivities of the ethnic communities in Sarawak	Investigated (15 May 2025)	s233 of the CMA 1998
63.	Undisclosed	Scam that misuses the names of Bukit Aman and a social media influencer	Investigated (16 May 2025)	s233 of the CMA 1998
64.	An online news portal	News report claiming that Pamela Ling's body was found and statements were taken from her three children	Investigated (20 May 2025)	s233 of the CMA 1998 and s504 of the Penal Code

65.	Undisclosed	Video of a primary school student being publicly scolded by her teacher in April (26 May 2025)	Investigated (27 May 2025)	s233 of the CMA 1998, s500 of the Penal Code and s31(1) of the Child Act 2001
66.	Undisclosed	Video of attempted sexual conduct between a woman and a married man	Investigated (31 May 2025)	s233 of the CMA 1998 and s509 of the Penal Code
67.	Amanda Shweeta Louis	Post on a planned sexual health information workshop in conjunction with Pride Month (26 May 2025)	Investigated (4 June 2025)	s233 of the CMA 1998, s505(c) of the Penal Code and s298A of the Penal Code
68.	Huei Ting			
69.	2 women in early 40s	Dissemination of false information and threats, as well as extortion of a family (31 May 2025)	Investigated (2 June 2025)	s233 of the CMA 1998 and s384 of the Penal Code
70.	Wong Siew Mun	Video questioning the motive behind MCMC's request to mobile network operators to submit user data (June 2025)	Investigated (18 June 2025)	s233 of the CMA 1998 and s505(b) of the Penal Code
71.	A secondary school teacher	Post alleging that victims of the Gerik bus crash died in disgrace and were not among the faithful due to debt owed to the National Higher Education Fund Corporation (10 June 2025)	Investigated (13 June 2025)	s233 of the CMA 1998 and s504 of the Penal Code
72.	An independent male preacher in 30s	Distribution of sex videos of two spouses and several other women (16 June 2025)	Arrested (1 July 2025) and remanded (2-5 July 2025)	s233 of the CMA 1998, s509 of the Penal Code and s14 of the Minor Offences Act 1955
73.	A police officer	Video of verbal sexual harassment (13 June 2025)	Investigated (15 June 2025)	s233 of the CMA 1998 and s509 of the Penal Code

74.	Undisclosed	Video involving the Johor Police Chief receiving aid from "Datok Abdul Malik"	Investigated (14 June 2025)	s233 of the CMA 1998, and s419 and s420/511 of the Penal Code
75.	Undisclosed	Video showing an individual resembling the former Inspector-General of Police receiving financial aid from an individual with the 'Datuk' title (20 June 2025)	Investigated (22 June 2025)	s233 of the CMA 1998 and s419 of the Penal Code
76.	Zaharudin Muhammad	Post linking the historical appointment of the first Malaysian-Chinese Lieutenant-General to a speculative 'Chinese Prime Minister' narrative (24 June 2025)	Investigated (28 June 2025)	s233 of the CMA 1998
77.	A 34-year-old man	Prostitution and distribution of pornographic videos on social media	Arrested (2 July 2025)	s233 of the CMA 1998, and s372(1), 372B and 372A of the Penal Code
78.	A 34-year-old woman			
79.	Undisclosed	Fake AI-generated videos featuring the image of the Sultan of Pahang	Investigated (6 July 2025)	s233 of the CMA 1998
80.	TikTok account @SAIFUDDIN_NASUTION1	AI-generated video using the likeliness of Home Minister Datuk Seri Saifuddin Nasution Ismail touting supposed financial aid	Investigated (12 July 2025)	s233 of the CMA 1998 and s504 of the Penal Code
81.	Hishamuddin Rais	Speech and conduct during Himpunan Rakyat Benci Rasuah (28 June 2025)	Investigated (4 July 2025)	s233 of the CMA 1998, s505(b) of the Penal Code and s14 of the Minor Offences Act 1955

82.	Abdar Rahman Koya	Investigative series on Sabah Mineral Management, the Sabah Chief Minister and a former PKR politician (July 2025)	Investigated (Aug and Nov 2025)	s233 of the CMA 1998 and s203A of the Penal Code
83.	Undisclosed	Circulated a viral video of two men in a brawl who by then have settled amicably (July 2025)	Investigated (16 July 2025)	s233 of the CMA 1998
84.	Undisclosed	Leak of Judicial Appointments Commission meeting minutes (12 July 2025)	Investigated (13 July 2025)	s233 of the CMA 1998, s203A of the Penal Code and s8 of the Official Secrets Act 1972
85.	Undisclosed	False claims related to the appointment of the Chief Justice	Investigated (18 July 2025)	s233 of the CMA 1998
86.	Undisclosed	Post containing slanderous and provocative elements against a local male actor and singer (18 July 2025)	Investigated (21 July 2025)	s233 of the CMA 1998 and s500 of the Penal Code
87.	Lawrence Teo	Comment that Israel should attack the Prime Minister's residence (18 July 2025)	Arrested (24 Aug 2025) Remanded (25-28 Aug 2025)	s233 of the CMA 1998, s4(1) of the SA 1948 and s505(b) of the Penal Code
88.	TikTok user @DATUKZULKARNAIN77	Video containing false information regarding financial aid offers, using the Yang di-Pertuan Agong's image	Investigated (21 July 2025)	s233 of the CMA 1998 and s419 of the Penal Code
89.	Undisclosed	Comments related to the royal institution on the appointment of the Chief Justice	Investigated (21 July 2025)	s233 of the CMA 1998
90.	A male TikTok user	A post about public backlash over a controversial	Investigated (21 July 2025)	s233 of the CMA 1998

		"immoral" party, and the Prime Minister's recent announcement on incentive handouts A post with false and offensive claims on the Prime Minister's official trip abroad		
91.	TikTok account "The King Xtra The Star"	A video containing fake news of cash handouts at a coronation ceremony (24 July 2025)	Investigated (1 Aug 2025)	s233 of the CMA 1998 and s500 of the Penal Code
92.	Badrul Hisham Shaharin (Chegubard)	Act of whipping an effigy resembling the Prime Minister during the Turun Anwar protest (26 July 2025)	Arrested (28 July 2025) and released (29 July 2025)	s233 of the CMA 1998, s4(1) of the SA 1948, s504 of the Penal Code and s14 of the Minor Offences Act 1955
93.	Ikhwan Syaffiq			(presumably) s233 of the CMA 1998 and s4(1) of the SA 1948
94.	Furqan Hakimi		Arrested (29 July 2025) and released (30 July 2025)	
95.	Syafiq Aziz			
96.	Hilman Idham	Statement alleging that the arrest of two Bersatu leaders were unnecessary and ordered by the Home Minister (29 July 2025)	Investigated (11 Aug 2025)	s233 of the CMA 1998, s506 of the Penal Code
97.	Former personal assistant to a member of Parliament	Uploaded a video without authorisation on social media (30 July 2025)	Arrested (8 Aug 2025) and remanded (9-12 Aug 2025)	s233 of the CMA 1998, s507 of the Penal Code and s14 of the Minor Offences Act 1955
98.	A 30-year-old disabled man	Video of upside-down national flag at a Chinese vernacular school (1 Aug 2025)	Investigated (4 Aug 2025)	s233 of the CMA 1998, S504 of the Penal Code, s14 of the Minor Offences Act and s5 of the Emblems

				and Names (Prevention of Improper Use) Act 1963 and s14 of the Minor Offences Act 1955
99.	Tang Sie Luk	A video showing three boys giving rice mixed with chicken bones to a homeless man on a sidewalk (4 Aug 2025)	Remanded (5 Aug 2025) and released on police bail (6 Aug 2025)	s233 of the CMA 1998, s504 of the Penal Code and s14 of the Minor Offences Act 1955
100.	Instagram account "@olympiccc_555"			
101.	Instagram account "@kaijie_666"			
102.	Siti Hajar Aflah Sharuddin	TikTok video claiming that deceased student Zara Qairina was forced into a washing machine (6 Aug 2025)	Arrested (within the 6 Aug 2025 week)	s233 of the CMA 1998 and s4 of the SA 1948
103.	A social media page administrator	Dissemination of false content related to Zara Qairina's case (Aug 2025)	Investigated (9 Aug 2025)	s233 of the CMA 1998
104.	Undisclosed	Cyberbullying and sexual harassment of an actress following an awards ceremony (8 Aug 2025)	Investigated (9 Aug 2025)	s233 of the CMA 1998 and s509 of the Penal Code
105.	Feng Jin Zhen	Video of upside-down national flag in front of the store (9 Aug 2025)	Arrested (10 Aug 2025) and released on police bail (11 Aug 2025)	s233 of the CMA 1998, s5 of the Emblems and Names (Prevention of Improper Use) Act 1963 and s14 of the Minor Offences Act 1955
106.	2 influencers	A video of an influencer recording his friends when the national anthem was played in a public event (Aug 2025)	Investigated (12 Aug 2025)	s233 of the CMA 1998

107.	Akmal Saleh	Statement regarding an upside-down national flag, threatening to 'teach' the shop owner a lesson (11 Aug 2025)	Investigated (15 Aug 2025)	s233 of the CMA 1998, s4(1) of the SA 1948 and s506 of the Penal Code
108.	51-year-old man	Video claiming that student Zara Qairina's death was premeditated (15 Aug 2025)	Arrested (18 Aug 2025) Remanded (19-21 Aug 2025)	s233 of the CMA 1998, s4(1) of the SA 1948 and s505b of the Penal Code
109.	TikTok user @Dato' Prof Dr. Tunku Iskandar	Livestream claiming to be a forensic pathologist present at student Zara Qairina's post-mortem (16 Aug 2025)	Investigated (18 Aug 2025)	s233 of the CMA 1998, s4(1) of the SA 1948 and s505b of the Penal Code
110.	2 hotel employees	Upside-down Johor flag at a hotel building (17 Aug 2025)	Investigated (18 Aug 2025)	s233 of the CMA 1998, s504 of the Penal Code and s14 of the Minor Offences Act
111.	Ariz Ramli	Comments containing hate messages, accusations and attacks (Aug 2025)	Investigated (21 Aug 2025)	s233 of the CMA 1998 and s500 of the Penal Code
112.	Andrew Chong	Comments criticising the penalties imposed on Muslim men in Terengganu who fail to attend Friday prayers without valid reasons (21 Aug 2025)	Arrested (24 Aug 2025) Remanded (25-26 Aug 2025)	s233 of the CMA 1998, s4(1) of the SA 1948 and s505(b) of the Penal Code
113.	Undisclosed	Video of a child running after a car driven his mother in front of a school (22 Aug 2025)	Investigated (22 Aug 2025)	s233 of the CMA 1998 and s505(b) of the Penal Code
114.	Undisclosed	Videos with false claims on Tabung Haji's rebranding initiative and	Investigated (23 Aug 2025)	s233 of the CMA 1998

		governance (22 Aug 2025)		
115.	Wong Siew Mun	Video containing comments and recommendations on the proposed Urban Renewal Bill	Investigated (31 Aug 2025)	s233 of the CMA 1998
116.	Aliefah Bobby	Remarks against Sabah Governor in the Justice for Zara solidarity rally (31 Aug 2025)	Arrested and released on police bail (2 Sept 2025)	s233 of the CMA 1998, s4(1) of the SA 1948, and s505(b) and s506 of the Penal Code
117.	3 other civilians	Participation in the Justice for Zara solidarity rally (31 Aug 2025)	Investigated	
118.	Mohd Hafez Sabri	Post falsely claiming that a Chinese woman attacked Perak ruler Sultan Nazrin Shah (31 Aug 2025)	Investigated (2 Sept 2025)	s233 of the CMA 1998 and s505(b) of the Penal Code
119.	TikTok account Muhammad Zamis Shah@zamis88_shah98_sikacau	False allegations regarding Zara Qairina's case	Investigated (2 Sept 2025)	s233 of the CMA 1998, s4(1) of the SA 1948 and s505(b) of the Penal Code
120.	TikTok account ‘Monkey Dnaga'	Allegations linking the Prime Minister to Israel		
121.	Three civilians	Post falsely claiming that a Chinese woman attacked Perak ruler Sultan Nazrin Shah	Investigated (3 Sept 2025)	s233 of the CMA 1998
122.	Badrul Hisham Shaharin (Chegubard)	Video of speech about Malay rulers and an alleged attempt by certain quarters to make the Malays lose respect for the royalty at a ceramah in Perak (4 Sept 2025)	Arrested and released (5 Sept 2025)	s233 of the CMA 1998, s4(1) of the SA 1948 and s505(b) of the Penal Code

123.	TikTok account under the name Mohd Soie (@mohd.soie3)	Statement against the government	Arrested (7 Sep 2025)	s233 of the CMA 1998, s4(1) of the SA 1948 and s505(b) of the Penal Code
124.	Facebook account 'Mdjohan Ngadin'	Threatening comment about burning down the Prime Minister's residence		s233 of the CMA 1998, s4(1) of the SA 1948, and s506 and s505(b) of the Penal Code
125.	Facebook account Jibbie Sahaq	Comments capable of undermining public order, and criminal threats against national leaders	Arrested (8 Sep 2025)	s233 of the CMA 1998, s4(1) of the SA 1948 and s507 of the Penal Code
126.	69-year-old man	Speech during the Kampung Sungai Baru protest	Arrested (11 Sep 2025)	s233 of the CMA 1998, s4(1) of the SA 1948 and s506 of the Penal Code
127.	Facebook account Ayien Rose	Comments containing criminal threats against national leaders, as well as statements likely to cause public alarm		s233 of the CMA 1998 and s506 of the Penal Code
128.	TikTok account @muhammad.bin.abdu969	Video insulting the Yang di-Pertuan Agong and other Malay rulers (12 Sept 2025)	Arrested (12 Sep 2025)	s233 of the CMA 1998, s4(1) of the SA 1948 and s504 of the Penal Code
129.	Undisclosed	AI-generated deepfake extortion emails by at least 14 MPs, ADUNs and Senators (12-15 Sep 2025)	Investigated (13 Sep onwards)	s233 of the CMA 1998 and s385 of the Penal Code
130.	Tang Yi Ze	Calls to abolish matriculation (12 Sep 2025)	Investigated (23 Sep 2025)	s233 of the CMA 1998 and s505(b) of the Penal Code
131.	A 36-year-old man	A defamatory video regarding the death of student Zara Qairina (13 Sep 2025)	Arrested (16 Sep 2025)	s233 of the CMA 1998, s15 of the Child Act 2001, and s203A and

				s500 of the Penal Code
132.	TikTok account @zamanharris82	Comments insulting the government and its leaders	Investigated (16 Sept 2025)	s233 of the CMA 1998, s4(1) of the SA 1948 and s505(b) of the Penal Code
133.	TikTok account @no.wad	Post questioning the government's handling of the Kampung Sungai Baru eviction		s233 of the CMA 1998, s4(1) of the SA 1948 and s505(c) of the Penal Code
134.	Unspecified	Video of an influencer dressed in yellow with traditional headgear resembling royal family traditional attire during an *akikah* ceremony		s233 of the CMA 1998, s505(b) of the Penal Code and s3(1) of the Emblems and Names (Prevention of Improper Use) Act 1963
135.	Undisclosed	Leaked information regarding child witnesses for the Zara Qairina inquest (19 Sep 2025)	Investigated (19 Sep 2025)	s233 of the CMA 1998, s203A of the Penal Code and s15 of the Child Act 2001
136.	Undisclosed	Impersonation of Johor Housing and Local Government Exco over state affordable housing scheme applications	Investigated (20 Sep 2025)	s233 of the CMA 1998 and s420/511 of the Penal Code
137.	A 29-year-old man of Chinese nationality	Email on fake bomb threat (20 Sep 2025)	Arrested (22 Sep 2025)	s233 of the CMA 1998, and s505(b) and s506 of the Penal Code
138.	A 28-year-old woman of Chinese nationality			
139.	Instagram page @himpunanbahanlawak	Video of police officers chasing a vehicle to conduct an inspection (21 Sep 2025)	Investigated (23 Sep 2025)	s233 of the CMA 1998j

140.	TikTok account @zollpatv	Inflammatory comments against the government and national leaders	Arrested (between 17 Sept and 5 Oct 2025) Remanded between 1 and 3 days	s233 of the CMA 1998, s4(1) of the SA 1948 and s505(b) of the Penal Code
141.	TikTok account @tokgompo	Threats against national leaders		s233 of the CMA 1998 and s506 of the Penal Code
142.	TikTok account @saya_alif5	Insulting posts against national leaders with humiliating statements		s233 of the CMA 1998, s4(1) of the SA 1948 and s504 of the Penal Code
143.	TikTok account @HonaKia53			
144.	Facebook account Vincent Naidu	Posts that are seditious and insulting for certain parties		
145.	TikTok account "Qall"	Video on a fight between two groups on a road (27 Sep 2025)	Investigated (27 Sep 2025)	s233 of the CMA 1998
146.	A 39-year-old female volunteer police officer	Insulting comment to a question that asked what comes to mind when MADANI is mentioned (28 Sep 2025)	Arrested (28 Sep 2025)	s233 of the CMA 1998, s504 of the Penal Code and s14 of the Minor Offences Act 1955
147.	Aidil Qayyum	Video criticising the RON95 petrol subsidy scheme	Arrested and remanded (30 Sept 2025)	s233 of the CMA 1998, s4(1) of the SA 1948 and s505(b) of the Penal Code
148.	Muhammad Kamil Puteh	Video commenting on the Malaysian Anti-Corruption Commission denying allegations of bank account ownership by the Prime Minister in Israel	Arrested and remanded (30 Sept 2025)	s233 of the CMA 1998, s4(1) of the SA 1948 and s504 of the Penal Code
149.	Rafidah Ibrahim	Claims that Surau al-Karamah in Pasir Puteh will be	Investigated (14 Oct 2025)	s233 of the CMA 1998, s4 of the SA
150.	M Mythreyar			

		demolished by a housing developer to make way for a road (late Sep/early Oct 2025)		1948 and s505(b) of the Penal Code
151.	A 59-year-old retired civil servant	Video featuring a sticker with Hebrew words 'Malaysia is our home' on the rear of his Isuzu four-wheel-drive vehicle (7 Oct 2025)	Investigated (9 Oct 2025)	s233 of the CMA 1998 and s505(b) of the Penal Code
152.	A 17-year-old boy	Circulated sexually explicit clip of rape victim online	Arrested (12 Oct 2025)	s233 of the CMA 1998 and s376(1) of the Penal Code
153.	Pertubuhan Anak Muda Bangkit Malaysia	Use of Israeli flags in the reenactment of the the detention of a vessel involving Global Sumud Flotilla (GSF) volunteers while en route to Gaza - during the "500 Kelantan Solidarity Sails for Gaza" programme (10 Oct 2025)	Investigated (13 Oct 2025)	s233 of the CMA 1998, s505(b) of the Penal Code and s3 of the National Emblems (Control of Display) Act 1949
154.	Undisclosed	Fake news regarding unregistered pondok schools in Kelantan and Kedah (Oct 2025)	Investigated (24 Oct 2025)	s233 of the CMA 1998
155.	A 40-year-old man	Circulation of obscene photos of a 17-year-old minor on WhatsApp (Oct 2025)	Arrested (26 Oct 2025) and remanded (27-29 Oct 2025)	s233 of the CMA 1998 and s509 of the Penal Code
156.	Ashraf Khan Hayup Khan	Video critical of the US-Malaysia trade agreement (Oct 2025)	Arrested (31 Oct 2025)	s233 of the CMA 1998, s4 of the SA 1948, and s505(c) of the Penal Code
157.	Muhammad Khairul Aziman Shamsudin	Recorded cousin's abuse of a male macaque (1 Nov 2025)	Arrested (14 Nov 2025)	s233 of the CMA 1998

158.	A male influencer	Lewd remarks against a Russian model at a restaurant (early Nov 2025)	Investigated (8 Nov 2025)	s233 of the CMA 1998 and s509 of the Penal Code
159.	A man	A post featuring a doctored Utusan Malaysia news image, alongside claims of the Prime Minister admitting to making mistakes in US agreements (early Nov 2025)	Investigated (6 Nov 2025)	s233 of the CMA 1998
160.	Male Indonesian football player	Video disparaging police officers who conducted an inspection of his vehicle (early Nov 2025)	Investigated (10 Nov 2025)	s233 of the CMA 1998 and s504 of the Penal Code
161.	Undisclosed	Threats, insults and doxxing against a MalaysiaGazette reporter and his family (16 Nov 2025)	Investigated (17 Nov 2025)	s233 of the CMA 1998 and s507B of the Penal Code
162.	Undisclosed	Video linking sexual acts between two men in a car to a mosque imam in Seremban (19 Nov 2025)	Investigated (19 Nov 2025)	s233 of the CMA 1998 and s500 of the Penal Code
163.	Fahmi Reza	'Kelas Demokrasi' TikTok livestream that explained how voters could theoretically vote out the current Sabah Governor (20 Nov 2025)	Investigated (24 Nov 2025)	s233 of the CMA 1998, s4(1) of the SA 1948 and s504 of the Penal Code
164.	Facebook account "Pejuang Tun Dr Mahathir"	Video containing allegations against the Chief Commissioner of Malaysian Anti-Corruption Commission (Nov 2025)	Investigated (27 Nov 2025)	s233 of the CMA 1998 and s500 of the Penal Code

165.	Fahmi Reza	'PM mouse' sticker used during Kelas Demokrasi livestreams (28 Nov 2025)	Investigated (4 Dec 2025)	s233 of the CMA 1998, s504 and s505(c) of the Penal Code
166.	Undisclosed	Threats against the lawyer representing the families of victims in the Durian Tunggal police shooting (5 Dec 2025)	Investigated (6 Dec 2025)	s233 of the CMA 1998, s507 of the Penal Code
167.	Undisclosed	Video of traffic officer allegedly stopping vehicles, including an ambulance, to allow a VIP convoy to pass (11 Dec 2025)	Investigated (13 Dec 2025)	s233 of the CMA 1998
168.	Fahmi Reza	Posts critical of the Johor Regent and royal institution (early - mid Dec 2025)	Arrested (19 Dec 2025)	s233 of the CMA 1998 and s4(1) of the SA 1948
169.	A 22-year-old man and a 24-year-old woman	Video depicting a man wearing a headscarf drinking alcohol	Arrested (24 Dec 2025)	s233 of the CMA 1998 and s298A of the Penal Code
Follow-Up Cases				
170.	Faridah Daud	Claims of getting married with the Crown Prince of Pahang in 2025 (Sep 2024)	Investigated (4 Feb 2025)	s233 of the CMA 1998 and s500 of the Penal Code
171.	Mukmin Nantang	Post in solidarity with a Bajau Laut community member (Dec 2024)	Investigated (11 Feb 2025)	s233 of the CMA 1998 and s500 of the Penal Code

Charges and Fines under Section 233 of the CMA in 2025

No.	Name of Individual(s)	Allegation/Cause for Investigation	Status	Laws Charged or Convicted
New Cases				
1.	Suhaila Abd Halim	Remarks against the Yang di-Pertuan Agong (4 Jan 2025)	Pleaded not guilty (7 July 2025)	s233(1)(a) of the CMA 1998
2.	Harith Iskander	Satirical post about 'ham sap kopi' and how it could 'threaten' his faith (18 Jan 2025)	Fined RM10,000 (5 Mar 2025)	s233 of the CMA 1998
3.	Cecelia Yap Song	Comment referencing Prophet Muhammad in response to Harith Iskander's joke (18 Jan 2025)	Fined RM10,000 (5 Mar 2025)	s233 of the CMA 1998
4.	Ruslan Mat Ali	Obscene comments targeting Nurul Izzah Anwar using Facebook account "Ruslan Mat Ali" (21 Jan to 25 Feb 2025)	Pleaded not guilty (20 June 2025)	s233(1)(a) of the CMA 1998
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				

15.	Ariff Zulkarnain Ameer Mohd Imam	Offensive comment regarding a decree by Perak's ruler (25 Feb 2025)	Pleaded guilty (17 June 2025) - sentencing set for another date	s233(1)(a) of the CMA 1998
16.	61-year-old man	Remarks against the Yang di-Pertuan Agong (Feb 2025)	Charges not read out, psychiatric assessment ordered (4 July 2025)	s233(1)(a) of the CMA 1998
17.	Johari Ismail	Remarks that the Conference of Rulers voted to take action against the government for failing to implement an additional document related to former Prime Minister Najib Tun Razak's case (8 Feb 2025)	Pleaded guilty - sentenced to six-month imprisonment after failure to pay RM30,000 fine (25 Feb 2025)	s233(1)(a) of the CMA 1998
18.	Mohammad Faisal Mohd Yusof	3R remarks via Facebook account "Mohd Faisal Yusop" (9 Feb 2025)	Pleaded guilty - fined RM15,000 (8 Aug 2025)	s233(1)(a) of the CMA 1998
19.	Persana Avril Sollunda	A video containing a doctored image of a fake marriage certificate on social media involving the Johor royal family (25 Feb 2025)	Pleaded guilty - sentenced to one year in prison (31 Oct 2025)	s233(1)(a) of the CMA 1998
20.	Maesat Broadcast Sdn Bhd	Video mocking the Kavadi ritual during Thaipusam (4 Mar 2025)	Fined RM250,000 (11 Mar 2025)	s233 of the CMA 1998
21.	Mohamad Shafiq Abdul Halim	Video containing racial and religious sentiments related to the Kuala Lumpur Tower concession issue (31 Mar 2025)	Fined RM10,000 compound (8 May 2025)	s233 of the CMA 1998
22.	Sin Chew Daily	Incomplete illustration of national flag on front cover (15 Apr 2025)	Fined RM10,000 compound (19 Sep 2025)	s233(1)(a) of the CMA 1998
23.	Wan Muhammad Azri Wan Deri (Papagomo)	Post alleging that 11 PKR members of Parliament had withdrawn their support for the Prime Minister (May 2025)	Charged (1 Dec 2025)	s233(1)(a) of the CMA 1998

24.	K Dachaini	False post against a university student using the student affairs email network of a private tertiary institution (6 June 2025)	Pleaded not guilty (24 Sep 2025)	s233(1)(a) of the CMA 1998
25.	Sinar Harian	Erroneous statement on infographic that the newly appointed IGP was a PKR member (20 June 2025)	Fined RM10,000 (19 Sep 2025)	s233(1)(a) of the CMA 1998
26.	Muhamad Akmal Helmi Mat Sirat	Offensive content intended to annoy and harass his former spouse (30 June, 3 July and 4 July 2025)	Pleaded not guilty (30 July 2025)	s233(1)(a) of the CMA 1998
27.	Asmaziah Sedek	Post claiming that the Sabah Governor's family was involved in Zara Qairina's death (29 July 2025)	Pleaded guilty - fined RM10,000 (11 Sept 2025)	s233(1)(a) of the CMA 1998
28.	Kamul Kamarudin	Threat against the pathologist testifying in Zara Qairina's inquest (4 Sept 2025)	Pleaded guilty - fined RM10,000 (12 Dec 2025)	s233(1)(a) of the CMA 1998
Follow-Up Cases				
29.	Dr. Roland Victor	Videos about the COVID-19 vaccine (7 Feb 2021)	Discharge & acquittal (7 Apr 2025)	s233(1)(a) of the CMA 1998
30.	Tan Yong Hua	Offensive posts against the royal family (6-7 Nov 2021)	Pleaded guilty - fined RM10,000 (3 Jan 2025)	s233(1)(a) of the CMA 1998
31.	Aliff Syukri Kamarzaman	'Kelepok Raya' music video (13, 15, 17 and 21 Apr 2022)	Discharge & acquittal (27 Aug 2025)	s233(1)(a) of the CMA 1998
32.	Ahmad Nasir Kadiri	Obscene comments against a doctor's infant daughter (15 Dec 2022)	Pleaded guilty - RM3000 (23 May 2025)	s233(1)(a) of the CMA 1998
33.	Mohd Nasir Kadir	Obscene comment on Facebook (15 Dec 2022)	Pleaded not guilty (29 Apr 2025)	s233(1)(a) of the CMA 1998
34.	Siti Amiza Baharuddin	Shared obscene videos via X account '@MizaNegro' (18 Dec 2022)	Pleaded guilty - fined RM14,000 (25 Aug 2025)	s233(1)(a) of the CMA 1998

35.	Mohd Shahrulamin Abdullah	Obscene comments against a doctor's infant daughter (20 Dec 2022)	Pleaded guilty - fined RM3000 (29 Apr 2025)	s233(1)(a) of the CMA 1998
36.	Mohd Rasul Abd Razak	Obscene comments against a doctor's infant daughter (29 Dec 2022)	Pleaded guilty - fined RM3000 (29 Apr 2025)	s233(1)(a) of the CMA 1998
37.	Yeo Li Yin	Remarks that insulted Islam via X account 'Liyin Yeo' (19 June 2023)	Pleaded not guilty (18 July 2025)	s233(1)(a) of the CMA 1998
38.	Adi Ariff Ahmad	Post related to the state FAMA via X account 'Senatorrr Antonio Samad' (11 Oct 2023)	Pleaded guilty - fined RM10,000 (11 June 2025)	s233(1)(a) of the CMA 1998
39.	Ahmad Ali Madali	Distributed obscene and sexually explicit videos for commercial purposes via Telegram (10 Feb 2024)	Pleaded guilty - fined RM20,000 (12 June 2025)	s233(1)(a) of the CMA 1998
40.	Muhammad Aidil Akmal Azhar	Disseminated obscene videos via X account '@sanimanji89' (1 Mar 2024)	Pleaded guilty - fined RM10,000 (25 Sep 2025)	s233(1)(a) of the CMA 1998
41.		Used Telegram account '@cocomelon87' to provide obscene videos for commercial purposes (1 July 2024)	Pleaded guilty - fined RM10,000 (9 Oct 2025)	s233(2)(a) of the CMA 1998
42.	Attad Alamin	Post related to the GRS and PH cabinet via TikTok account 'bentalamin25' (5 Apr 2024)	Pleaded guilty - fined RM10,000 and 30-day jail sentence (3 Oct 2025)	s233(1)(a) of the CMA 1998
43.	Norizan Yahya	Offensive content about the authorities' investigation into GISBH via YouTube account 'Zam Yahaya Official' (15 Sep 2024)	Pleaded not guilty (13 June 2025)	s233(1)(a) of the CMA 1998
44.	Chandrasegaran Subramaniam	False statement about the Prime Minister (30 Dec 2024)	Pleaded not guilty (20 Aug 2025)	s233(1)(a) of the CMA 1998

FREEDOM OF ASSEMBLY

FREEDOM OF ASSEMBLY

SUARAM

Context

Article 10(1)(b) of the Federal Constitution guarantees the right of Malaysians to assemble peacefully and without arms. The Peaceful Assembly Act 2012 (PAA), which replaced Section 27 of the Police Act 1967, was introduced to shift Malaysia from a police-permit regime towards a notification-based framework. The PAA was amended in 2019 to reduce the notification period from 10 to five days and remove the blanket offence related to street protests. However, key structural gaps remain. The Act still lacks an explicit exception to the notice requirement for urgent or spontaneous assemblies, continues to exclude non-citizens from organising and participating in assemblies, and maintains restrictions on children's participation that deter youth-led mobilisation.

In practice, the freedom of assembly environment has remained restrictive. Notification is still treated as a de facto permission requirement. Assemblies that address "sensitive" issues or are organised by groups highly critical of the government face heightened scrutiny, with organisers and speakers at risk of criminalisation under the PAA and other laws that restrict freedom of expression, such as the Sedition Act, Section 233 of the Communications and Multimedia Act and relevant Penal Code provisions. The PAA's "prohibited places" regime and overlapping local by-laws also allow authorities to limit access to symbolic public spaces such as Parliament and Dataran Merdeka. Against this backdrop, the 2025 developments examined in this chapter suggest an enabling environment that is shifting on paper but remains deeply contested in practice.

Rights-Affirming Court Decisions and Reactive Executive Commitments to Reform Assembly Law

In 2025, Malaysia recorded significant rights-affirming developments on freedom of assembly, driven by pressure from protests and strategic litigation.

On 13 February, Prime Minister Anwar Ibrahim announced[155] in Parliament that the government would amend Section 11 of the Peaceful Assembly Act (PAA), which requires protest organisers to obtain permission from venue owners, and that a moratorium would apply to ongoing investigations under this provision. This announcement came after investigations against the university student-led anti-corruption protest[156] held on 25 January, and the hunger strike[157] by family members of detainees under the Security Offences (Special Measures) Act (SOSMA) outside Sungai Buloh Prison on 10 February.

[155] Alyaa Alhadjri, Ili Aqilah & N Faizal Ghazali, 'Govt to amend Peaceful Assembly Act, recent probes halted - PM' (*Malaysiakini*, 13 February 2025) <https://www.malaysiakini.com/news/734379> accessed 1 April 2026

[156] Ili Aqilah, 'Police summon 13 students over Jan 25 anti-graft rally' (*Malaysiakini*, 31 January 2025) <https://www.malaysiakini.com/news/733216> accessed 1 April 2026

[157] Nor Azizah Mokhtar, 'Cops investigating hunger strike in front of Sg Buloh Prison' (*New Straits Times*, 9 February 2025) <https://www.nst.com.my/news/crime-courts/2025/02/1172557/cops-investigating-hunger-strike-front-sg-buloh-prison> accessed 1 April 2026

Following the Federal Court's decision on the unconstitutionality of Section 9(5), Home Minister Saifuddin Nasution pledged a broader review of all provisions of the PAA to ensure alignment with "democratic principles, human rights, and the nation's current needs"[158], with a moratorium also extended to prosecutions under this provision[159]. The government indicated in early July that amendments to Section 11 would be tabled during the July parliamentary sitting, but the session concluded without any bill being introduced. Subsequent updates in August reframed the changes as part of a broader review of the PAA, with no revised timeline announced for tabling the amendments. In September, civil society organisations, including SUARAM, met Saifuddin to present detailed proposals for amending the PAA, but the government has yet to clarify how these inputs will be reflected in the draft bill, or whether further consultations with civil society will be undertaken before the amendments are tabled.

Landmark Federal Court Ruling that Strengthens the Constitutional Right to Assemble

The Federal Court's July 2025 ruling[160] striking down Section 9(5) of the PAA as unconstitutional, further clarified the legal limits of state power over assemblies. Human rights defender Amir Hariri was charged[161] under this provision for allegedly failing to give five days' notice before organising the #ManaKapalLCS protest in August 2022. Two years later, the Kuala Lumpur High Court allowed[162] his application to refer questions on the constitutionality of that provision to the Federal Court. In striking down Section 9(5), the Court held that peaceful assemblies are by default lawful and that a mere failure to give notice cannot, by itself, render them unlawful. It found the provision to be disproportionate, discriminatory, and tantamount to a prohibition rather than a restriction. The Court held that Section 9(5) imposed an onerous duty on organisers, exposing them to criminal liability even if an assembly was conducted and concluded peacefully, while attendees faced no offence. This distinction created a chilling effect that deterred the organisation of assemblies—particularly urgent ones—and undermined the right in Article 10(1)(b) of the Federal Constitution. The bench also found no rational nexus between criminalising a peaceful organiser and preserving public order, noting that less intrusive measures already exist under the PAA (such as Section 21(1)) and Chapter VIII of the Penal Code. Following the

[158] Amalia Azmi & Hakim Mahari, 'Peaceful Assembly Act under review after clause ruled unlawful' (*New Straits Times*, 8 August 2025) <https://www.nst.com.my/news/nation/2025/08/1257154/peaceful-assembly-act-under-review-after-clause-ruled-unlawful> accessed 1 April 2026

[159] Junaid Ibrahim & Martin Carvalho, 'Over 1,800 cases investigated under Peaceful Assembly Act since 2012, says Home Minister' (*The Star*, 24 July 2025) <https://www.thestar.com.my/news/nation/2025/07/24/over-1800-cases-investigated-under-peaceful-assembly-act-since-2012-says-home-minister> accessed 1 April 2026

[160] eLaw, 'Judgement Express: *Amir Hariri Abd Hadi v. PP* [2025] 5 MLRA' (10 July 2025) <https://www.elaw.my/JE/01/JE_2025_28.pdf> accessed 1 April 2026

[161] Malaysiakini, 'Muda sec-gen charged over LCS protest' (*Malaysiakini*, 26 August 2022) <https://www.malaysiakini.com/news/633523> accessed 1 April 2026

[162] Nurbaiti Hamdan, 'Muda sec-gen wins bid to refer constitutional question to Federal Court' (*The Star*, 8 August 2024) <https://www.thestar.com.my/news/nation/2024/08/08/muda-sec-gen-wins-bid-to-refer-constitutional-question-to-federal-court> accessed 1 April 2026

judgment, Amir's case was remitted[163] and the prosecution withdrew the charge, leading to his acquittal.

Photo 1:

Amir Hadi (in black and white shirt) stands with members of civil society organisations and lawyers at the Palace of Justice following the judgement, capturing a moment of solidarity and advocacy.

The Malaysian Bar's civil suit over the 2022 Walk for Judicial Independence produced a complementary clarification of police powers under the PAA. In March 2025, the Kuala Lumpur High Court held[164] that the police had acted *ultra vires* to impose a condition that prohibited the lawyers' march from Padang Merbok to Parliament from taking place. It awarded nominal damages of RM1, as proposed by the Bar, and made no order as to costs, recognising the public interest nature of the suit. The walk had been organised to protest perceived interference with judicial independence after the Malaysian Anti-Corruption Commission publicly announced an investigation into Court of Appeal judge Datuk Mohd Nazlan Mohd Ghazali. Around 500 lawyers gathered[165] at the Padang Merbok parking lot, but police erected a blockade, first citing COVID-19 restrictions that had already been relaxed for open-air gatherings and then insisting on a "permit" requirement that does not exist under the PAA. The court found that the Dang Wangi district police chief could impose conditions to

[163] Chia Wan Rou, 'Federal Court strikes down part of peaceful assembly law' (*Free Malaysia Today*, 1 July 2025), <https://www.freemalaysiatoday.com/category/nation/2025/07/01/federal-court-strikes-down-part-of-peaceful-assembly-law> accessed 1 April 2026

[164] MalayMail, 'High Court rules police overstepped authority when blocking Bar Council's 2022 judicial independence march' (*MalayMail*, 20 March 2025), <https://www.malaymail.com/news/malaysia/2025/03/20/high-court-rules-police-overstepped-authority-when-blocking-bar-councils-2022-judicial-independence-march/170255> accessed 1 April 2026

[165] Syed Jaymal Zahiid, "Shouting 'free the judiciary', hundreds of lawyers gather near Parliament to protest attack on judge" (*MalayMail*, 17 June 2022) <https://www.malaymail.com/news/malaysia/2022/06/17/shouting-free-the-judiciary-hundreds-of-lawyers-gather-near-parliament-to-protest-attack-on-judge/12791> accessed 1 April 2026

safeguard participant safety and manage traffic but had no legal authority to prohibit the march from taking place.

2025 also saw a quiet correction of how pandemic-era public order powers had been disproportionately used to restrict legitimate civic action. On 7 May, the government dropped[166] its appeal against the 2023 acquittal of Nalina Nair and Sujatra Jayaraj, who had been charged[167] under Section 90 of the Police Act following an August 2021 candlelight vigil for COVID-19 victims. Both women were among 31 participants transported in two Black Marias to the Dang Wangi police station for 'documentation purposes'[168], then arrested and issued[169] RM2,000 compounds each—totalling RM62,000—for allegedly breaching COVID-19 regulations prohibiting demonstrations. Separately, proceedings in the 2021 civil suit filed by 13 vigil participants, including Nalina, against the Government, Home Ministry and the police remain ongoing[170].

Taken together, these policy commitments and court developments affirmed what civil society has long argued – that the right to peaceful assembly is a right and not a privilege granted at the discretion of authorities. Yet, these gains remain hard-won, reactive and incomplete, and have not yet translated into a comprehensive overhaul of assembly policing practices.

Key Trends and Violations

While the overall proportion of assemblies subjected to police investigations stood at 12.9% (18 out of 139 documented assemblies) - a decrease from 2024, this is eclipsed by a significant spike in arrests. **Arrest numbers reached a five-year high of 128, more than five times the number recorded in 2025. For the first time under the Madani administration, charges were brought against organisers and participants of assemblies.**

Among the six charges recorded this year, one stemmed from a protest held in 2024 *(see details on next page)*.

[166] Malaysiakini, 'Covid-19 vigil: Prosecution drops appeal against acquittal' (*Malaysiakini*, 7 May 2025), <https://www.malaysiakini.com/news/742496> accessed 1 April 2026

[167] Alyaa Alhadjri, 'Two vigil participants claim trial to charge under Police Act' (*Malaysiakini*, 26 August 2021) <https://www.malaysiakini.com/news/588751> accessed 1 April 2026

[168] Alyaa Alhadjri, 'Cops haul up 31 participants at vigil for Covid-19 deaths' (*Malaysiakini*, 19 August 2021), <https://www.malaysiakini.com/news/587859> accessed 1 April 2026

[169] Malaysiakini, 'Activists detained at vigil for Covid-19 deaths released at 1am, fined RM62,000' (*Malaysiakini*, 20 August 2021) <https://www.malaysiakini.com/news/587882> accessed 1 April 2026

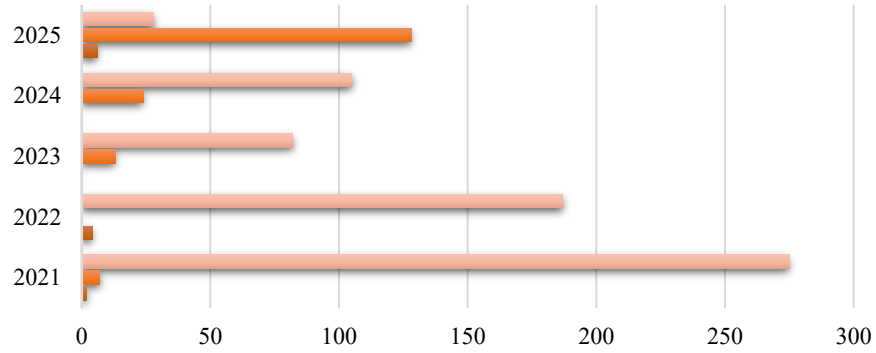
[170] Faisal Asyraf, 'Cops manhandled candlelight vigil participants 4 years ago, court told" (*Free Malaysia Today*, 25 March 2025) <https://www.freemalaysiatoday.com/category/nation/2025/03/24/cops-manhandled-candlelight-vigil-participants-4-years-ago-court-told> accessed 1 April 2026

In Sabah, on 21 February, student activist Fadhil Kasim received notice[171] that he would be charged under Section 9(5) of the PAA and Section 509 of the Penal Code in connection with the Gempur Rasuah Sabah 1.0 protest held on 31 December 2024.

This came less than ten days after Anwar's 13 February announcement in Parliament on amending Section 11 of the PAA and applying an immediate moratorium to ongoing cases. Fadhil later disclosed[172] that police had referred the case back to the Sabah Attorney-General's Chambers (AGC) following Anwar's moratorium announcement, but that the Sabah AGC instructed that prosecution proceed.

Following criticism from civil society, the Sabah AGC, on 25 February, decided not to pursue charges[173] against those involved in Gempur Rasuah Sabah 1.0 and counter-protest Himpunan Bangkit Sabahan outside Menara Kinabalu. The episode illustrates how, despite government pledges to reform the PAA, the authorities still reflexively criminalise protest organisers using the Act, leaving protections dependent on ad-hoc reversals rather than a systematic, rights-based shift in enforcement practice.

SUARAM-Documented Investigations, Arrests and Charges During Peaceful Assemblies Over Five Years



	2021	2022	2023	2024	2025
Investigations	275	187	82	105	28
Arrests	7	0	13	24	128
Charges	2	4	0	0	6

Prior to Anwar's commitment to amending Section 11 of the PAA on 13 February, investigations against assemblies—excluding the memorandum submission by family members of SOSMA detainees at the Home Ministry—continued to invoke Section 9(5) of the

[171] Suara Mahasiswa Universiti Malaysia Sabah, 'Solidariti Terhadap Pendakwaan Fadhil Kasim Ke Makamah' (*Kenyataan Media*, 22 February 2025) <https://www.facebook.com/SuaraMahasiswaUMS/posts/pfbid02d9VHY1Kv37MUsGwhysdYsmetgeasRYETNJ6Z7Cj9S2AbtFdZRDaTY2mFm4dM2k87l> accessed 1 April 2026

[172] Muhamad Fadhil Muhamad Kasim, 'Gempur Rasuah Sabah - Saya akan bertempur di mahkamah' (*Facebook*, 22 February 2025) <https://www.facebook.com/fk.gov.my/posts/pfbid034EUvvsk4erqJ4hrHAx8bDZMFXQ8HDEwxV6B3uRPZxXwUUKKVwJTfJoeoPx3YGucl> accessed 1 April 2026

[173] Austin Camoens, '[UPDATED] IGP: We will comply with decision not to prosecute Sabah gathering participant' (*New Straits Times*, 25 February 2025) <https://www.nst.com.my/news/crime-courts/2025/02/1180444/updated-igp-we-will-comply-decision-not-prosecute-sabah-gathering> accessed 1 April 2026

Act. The longstanding trend of Section 9(5) as the most prevalent tool of intimidation against organisers and participants of assemblies was thus discontinued, which was then formalised via the moratorium implemented following the landmark Federal Court ruling.

Laws Used in Investigations and Arrests for Assemblies in 2025

No.	Laws Used	Provisions	Number of times
1.	Peaceful Assembly Act (PAA)	Section 9(5)	3
2.	Penal Code	Section 186	103
		Section 323	1
		Section 324	9
		Section 353	10
		Section 427	2
		Section 447	12
		Section 504	3
		Section 505(b)	3
		Section 506	1
		Section 509	6
3.	Criminal Procedure Code	Section 105	4
4.	Protected Areas and Protected Places Act	Section 5 / 7	3
5.	Sedition Act	Section 4(1)	7
6.	Communications and Multimedia Act	Section 233	5
7.	Minor Offences Act	Section 14	2
8.	National Emblems (Control of Display) Act	Section 3(1)	1

With Section 9(5) no longer in use, the state pivoted towards a broader array of laws to police the conduct and speech of organisers and participants. Most notably, Section 186 of the Penal Code saw a drastic increase in application, emerging as the most frequently invoked provision in 2025 and accounting for 65.2% of all cases. Equally concerning was the unprecedented deployment of provisions related to the use of force, committing mischief and trespass—namely Sections 323, 324, 353, 427 and 447 of the Penal Code.

These were weaponised to criminalise acts of civil disobedience, specifically those aimed at maintaining assemblies within sight and sound of their targets or, in the context of forced evictions, acts of physical solidarity to defend homes and livelihoods. Beyond the continued use of the Sedition Act 1948, Section 233 of the Communications and Multimedia Act 1998, Sections 504 and 505 of the Penal Code, and Section 14 of the Minor Offences Act, authorities also deployed Sections 506 (criminal intimidation) and 509 (insulting modesty) for the first time under the Madani administration to police speech during protests.

Use of Arrests

Arrests were used against HRDs and opposition figures as a first-line response, when voluntary cooperation was either available or already offered by the individual concerned.

Arrests linked to police station attendance

- In Sabah, student activists Fadhil Kasim, Aliff Danial Badrul Akmal Hisham and Sabir Syarafuddin were arrested[174] at IPD Kota Kinabalu on 24 June when they went in to assist investigations into an acid attack that damaged vehicles during the Gempur Rasuah Sabah 2.0 protest. They were surrounded by police and detained in connection with torching a banner with a caricature of Prime Minister Anwar Ibrahim during the protest. Notably, Sabir was arrested despite not having participated in the symbolic act. Four months later, Sudirman Arshad was similarly arrested whilst giving a statement on an unrelated accident case at the police station's traffic department. The arrest took place despite Sudirman's prior arrangement with the investigating officer to present himself for questioning on 1 November.

- Arutchelvan's case is an example of how voluntary cooperation does not shield HRDs from later arrest. On 14 August, he presented[175] himself at IPD Dang Wangi for investigation in connection with the police manhandling incident outside Parliament the day before, after receiving a phone call warning that failure to present himself for questioning could lead to an arrest. Despite this cooperation, on 19 August, his lawyer was informed that he would be arrested. Arutchelvan was arrested the next day upon returning to IPD Dang Wangi with his two lawyers[176].

Arrests at the individual's home or workplace

Three notable arrests include:

- Former SUARAM Executive Director, Sevan Doraisamy[177] at the SUARAM office on 12 February, by a group of officers from IPD Putrajaya, over his role in accompanying the SOSMA detainees' families who attempted to enter the Home Ministry compound to deliver a memorandum. The police informed Sevan before arrival that they would serve a 111 notice, but they ambushed him with an arrest instead.

[174] Hariz Mohd, 'Cops release student activists arrested over Sabah anti-graft rally' (*Malaysiakini*, 24 June 2025), <https://www.malaysiakini.com/news/747120> accessed 1 April 2026

[175] Pan Eu Joe, 'PSM No 2 claims he, others 'roughed up' by cops during Parliament scuffle' (*Free Malaysia Today*, 14 August 2025) <https://www.freemalaysiatoday.com/category/nation/2025/08/14/psm-no-2-claims-he-others-roughed-up-by-cops-during-parliament-scuffle> accessed 1 April 2026

[176] Sosialis, 'Arul "serah diri" selepas polis diarahkan untuk tangkapnya' (*Sosialis*, 20 August 2025) <https://sosialis.net/2025/08/20/arul-serah-diri-selepas-polis-diarahkan-untuk-tangkapnya/> accessed 1 April 2026

[177] Malaysiakini, 'Cops nab Suaram officer briefly, probed for alleged trespass of govt premises' (*Malaysiakini*, 12 February 2025) <https://www.malaysiakini.com/news/734307> accessed 1 April 2026

- Bersatu leader Badrul Hisham Shaharin[178] at his home on 28 July over a mock flogging of an effigy resembling Anwar at the Turun Anwar protest, despite a prior arrangement to present himself for questioning at Bukit Aman the next day.

- Student activist Aliefah Bobby at her industrial placement on 2 September for her speech during the #JusticeforZara protest.

In Sevan's[179] and Sudirman's[180] cases, police subsequently denied that an arrest had even taken place, portraying hours-long detention as being merely "called in" for questioning.

Abuse of power and breaches of due process were also evident in how police questioned and handled those arrested.

- In Sabah, Special Branch officers sought to record additional "intelligent statements" from Fadhil, Aliff, Sabir and Aliefah, after they had already given formal statements under Section 112 of the Criminal Procedure Code. While Fadhil, Aliff and Sabir were able to refuse this after receiving advice from their lawyer, Aliefah[181] was denied access to counsel and subjected to the "intelligent statement" process alone in a closed room. Forcing an intelligent statement outside of the routine 112 statement process is an unlawful and coercive tactic that undermines the basic protections the CPC is meant to provide, including the right to be questioned lawfully, clearly and fairly.

- From the 2 October pro-Palestine protest, Kamal Aarif Kamaruddin and Isa Azmi Zulkifli were not informed, at the point of arrest, of their grounds for arrest or where they would be taken and were initially denied timely access to legal counsel. For four hours after the arrests, the authorities did not disclose to fellow protesters which station the two HRDs would be held at, despite repeated questions on site.

Police conduct towards Kamal and Isa while they were in custody also raises concerns about professionalism and respect for detainees' rights. The Kuala Lumpur police chief, Fadil Marsus, posted a video clip on his official social media showing a police officer "advising" both HRDs whose faces were clearly visible, lecturing them on protest conduct. Fadil defended[182] his post as harmless, "polite advice", which is concerning. The release of such a video while an investigation is ongoing is fundamentally unethical: police are expected to remain impartial and avoid presuming guilt before a court has ruled. Recording and public dissemination of the video on official channels also fail basic tests of necessity and proportionality for the collection and use of personal data. No prior consent was sought from

[178] FMT Reporters, 'Cops arrest Chegubard at his home following Turun Anwar rally' (*Free Malaysia Today*, 28 July 2025) <https://www.freemalaysiatoday.com/category/nation/2025/07/28/cops-arrest-chegubard-at-his-home-following-turun-anwar-rally> accessed 1 April 2026

[179] Justin Zack, 'Suaram executive director had statement taken, not arrested, says cops' (*The Star*, 12 February 2025) <https://www.thestar.com.my/news/nation/2025/02/12/suaram-executive-director-had-statement-taken-not-arrested-says-cops> accessed 1 April 2026

[180] FMT Reporters, 'Cops deny arresting UMS student activist' (*Free Malaysia Today*, 29 October 2025), <https://www.freemalaysiatoday.com/category/nation/2025/10/29/cops-deny-arresting-ums-student-activist> accessed 1 April 2026

[181] Azura Nasron, 'Special Branch Interrogation After 112 Statements An Abuse of Police Powers' (*SUARAM*, 2 September 2025) <https://www.suaram.net/post/special-branch-interrogation-after-112-statements-an-abuse-of-police-powers> accessed 1 April 2026

[182] Yiswaree Palansamy, 'KL police chief defends IG post on protesters, lawyers call it unethical' (*Malaysiakini*, 4 October 2025) <https://www.malaysiakini.com/news/756991> accessed 1 April 2026

the two HRDs[183], thus the video's release violated their privacy, security and dignity, with foreseeable risks of reinforcing negative public perceptions and prejudice against them.

Authorities' reliance on arrests as a first-line response is pronounced in cases involving communities and others in solidarity with them to defend their homes and livelihoods.

Pre-emptive Arrest of Kampung Sungai Baru Defenders

On 30 November 2025, local singer and activist Rafidah Ibrahim, as well as three other individuals, were detained by the police for protesting outside the groundbreaking ceremony of the Kampung Sungai Baru redevelopment project. The arrests were conducted under Section 105 of the Criminal Procedure Code, which allows for arrest without a warrant and orders from a Magistrate if the officer knows of a design to commit a seizable offence and that it is the only way to prevent it.

Kuala Lumpur Police Chief Fadil Marsus justified the detention as a "preventive measure,[184]" citing a social media post by Rafidah two days prior that urged the public to protest at the ceremony. While all four individuals were released the same day after having their statements recorded, the use of Section 105 in this context was entirely unjustified. None of the individuals were suspected of having committed an actual offence; rather, they were detained simply for expressing an intention to exercise their constitutional right to peaceful assembly.

The heavy-handed nature of the police response was further compounded by the effective detention of two children under the age of 12. Because their mothers were among those arrested and had no immediate childcare alternatives, the children were forced to remain at the police station for the duration of the mothers' detention.

Arrests Following the Raub Durian Farm Enforcement Operation

On 14 April 2025, Raub MP Chow Yu Hui and Save Musang King Alliance (SAMKA) Chairperson Wilson Chang were arrested[185] under Section 186 of the Penal Code. The arrests occurred at IPD Raub, where both individuals had voluntarily presented themselves to have their statements recorded regarding an enforcement operation at a durian farm.

The enforcement action on 10 April occurred without prior notification, involving the Pahang State Enforcement Unit, the Forestry Department, and the police abruptly felling at least 200 Musang King trees that were 30- to 40 years old. At the time, Chow and the durian

[183] SUARAM, '[Joint Media Statement]: Police Conduct Against Palestine Solidarity Protesters Raises Serious Concerns Over Police Professionalism' (*SUARAM*, 3 October 2025) <https://www.suaram.net/post/joint-media-statement-police-conduct-against-palestine-solidarity-protesters-raises-serious-conce> accessed 1 April 2026

[184] Malay Mail, 'Cops nab vocal Malaysian entertainer Rafidah Ibrahim after shouting protest against Kampung Sungai Baru urban renewal' (*Malay Mail*, 30 November 2025) <https://www.malaymail.com/news/malaysia/2025/11/30/cops-nab-vocal-malaysian-entertainer-rafidah-ibrahim-after-shouting-protest-against-kampung-sungai-baru-urban-renewal/200250> accessed 1 April 2026

[185] 'Raub MP, Samka chairperson arrested for 'obstructing public servants' (*Malaysiakini*, 14 April 2025) <https://www.malaysiakini.com/news/740134> accessed 1 April 2026

farmers attempted[186] to halt the felling of the trees, with Chow and Wilson leading the negotiations. Felling works continued despite the negotiations.

Chow asserted[187] that the operation violated a Court of Appeal stay order issued on 28 May 2024, which prohibited the destruction of structures or the felling of durian trees on lands involved in the dispute except with court permission, pending judicial review resolution. Conversely, the Pahang state government argued[188] that the trees were on illegally occupied land and thus not protected under the court order. It also claimed that the Kuantan High Court had already dismissed[189] the farmers' judicial review application regarding the eviction order in July 2024, due to lack of compliance with legal procedure.

Since 2020, the Pahang state government introduced a "legalisation scheme"[190] requiring these farmers to lease the occupied land from a private consortium, Royal Pahang Durian Resources-PKPP Sdn Bhd (RPDR-PKPP). This scheme targets land that was originally promised[191] to the farmers in the 1970s under the Security Relocation Scheme for their role in combating the communist insurgency; yet, despite decades of efforts, many of these farmers' applications for land titles and licenses have been consistently ignored or rejected by the relevant authorities. The farmers have resisted this scheme, asserting that the proposed contracts are exploitative[192] and would leave them vulnerable to unfair institutional demands, particularly in the event of fluctuating market prices. While the farmers have expressed a willingness to pay fair land taxes and support environmental conservation, they maintain that the current enforcement actions and forced consortium contracts disregard their historical contributions and threaten their long-term livelihoods.

Arrests During Kg Papan Forced Evictions

Between 10 and 14 November 2025, the residents of Kampung Papan in Pandamaran, Klang, were subjected to a forced eviction and demolition operation involving more than 100 enforcement personnel. This included uniformed and plainclothes police officers, members of the Light Strike Force (LSF), staff from Tenaga Nasional Berhad and Air Selangor, and court bailiffs. Also present were youth contractors – some allegedly students from polytechnic institutions – tasked with forcibly removing residents' belongings, alongside staff from Melati Ehsan Consolidated Sdn Bhd (Melati Ehsan), who oversaw and, at times,

[186] ''It's okay if we die, but don't cut down durian trees,' Raub farmer laments' (*Malaysiakini*, 10 April 2025) <https://www.malaysiakini.com/news/739745> accessed 1 April 2026

[187] '200 durian trees destroyed: Pahang accused of violating court order' (*Malaysiakini*, 8 April 2025) <https://www.malaysiakini.com/news/739525> accessed 1 April 2026

[188] 'Pahang denies violating court order in durian tree felling operation' (*Malaysiakini*, 9 April 2025) <https://www.malaysiakini.com/news/739637> accessed 1 April 2026

[189] 'No locus standi: Court dismisses Raub durian farmers' judicial review bid' (*Malaysiakini*, 23 December 2020) <https://www.malaysiakini.com/news/556267> accessed 1 April 2026

[190] 'Pahang govt firm on legalisation scheme for illegally occupied durian farmland' (*Malaysiakini*, 20 August 2020) <https://www.malaysiakini.com/news/539423> accessed 1 April 2026

[191] 'Deadlock over durians - a brief history of Kg Sg Chalit in Raub' (*Malaysiakini*, 27 August 2020) <https://www.malaysiakini.com/news/540324> accessed 1 April 2026

[192] 'Raub Farmers Seek Justice from PM over Stolen Durian and Unfair Contract' (*Malaysiakini*, 9 September 2024) <https://www.malaysiakini.com/announcement/718614> accessed 1 April 2026

instructed the operation. The operation was executed daily in at least two teams, targeting the respective sections of the village that contained homes without interim injunctions.

Despite a clear directive from the Selangor state government via the official statement titled "Kerajaan Negeri Cakna Isu Penempatan Peneroka Jalan Papan" from the executive councillor on housing and culture, Borhan Aman Shah, that only vacant units and structures would be demolished[193], indiscriminate forced eviction and demolition efforts from 12 November 2025 onwards began targeting occupied homes. Even the genuine efforts undertaken by the residents and activists to negotiate with the court bailiffs to exclude inhabited houses from the demolition effort were unsuccessful. Instead, residents and their belongings were forcibly removed, and homes were immediately demolished by the developer using the bulldozers. A particularly egregious incident documented by SUARAM occurred on 12 November involving a bedridden man with an amputated leg. Following negotiations facilitated by activists, the man agreed to be wheeled out on his bed on the condition that his home would be spared. However, almost immediately after he was moved, a bulldozer demolished the structure, rendering him and his family homeless —breaking the terms of the negotiated understanding and eroding the credibility of the police as impartial enforcers of the law.

On 11 November 2025, a 57-year-old resident was arrested and remanded under allegations of obstructing public servants and criminal intimidation—despite eyewitness reports that he had merely expressed frustration and broken glass bottles on the ground.

Police action intensified as forced eviction efforts continued, marked by excessive use of force and riot-style tactics that escalated tensions rather than ensuring safety. 12 November saw the manhandling of residents that included elderly persons and women, who were attempting to defend their neighbours' homes. Eyewitness accounts describe residents being dragged, pushed, and kicked. A 55-year-old female resident sustained bruising to her arms after being forcefully pulled and pushed onto the muddy ground. Two activists—M Mythreyar and PSM's S Arutchelvan—and one resident were also arrested and remanded after appealing to Ketua Polis Daerah (KPD) Klang Selatan, ACP Ramli Kasa, to stop the demolition. These men merely respectively referred him to the Selangor Chief Minister's 23 October statement assuring that only vacant homes would be demolished, commented on Ramli's handling of residents defending occupied homes, and appealed for an additional two days for the affected family to relocate.

On 13 and 14 November, LSF pre-emptively blocked access routes to occupied homes, limiting residents' and activists' ability to defend homes or document the demolitions. A total of 19 arrests were made—10 HRDs including SUARAM's Documentation & Monitoring Coordinator Jernell Tan, and nine residents—for peacefully resisting the destruction of inhabited homes and documenting the forced evictions. These arrests appeared to be selectively targeted in an effort to suppress resistance and facilitate the forced evictions. Meanwhile, the Selangor Police Chief, Datuk Shazeli Kahar, inaccurately claimed[194] on 14 November that none of the detained individuals were Kampung Papan residents. While the

[193] FMT Reporters, 'Only vacant houses, business premises in Kg Jalan Papan will be demolished' (*Free Malaysia Today*, 23 October 2025) <https://www.freemalaysiatoday.com/category/nation/2025/10/23/only-vacant-houses-business-premises-in-kg-jalan-papan-will-be-demolished> accessed 1 April 2026

[194] Chia Wan Rou, '14 detained for protesting Kg Jalan Papan demolition' (*Free Malaysia Today*, 14 November 2025) <https://www.freemalaysiatoday.com/category/nation/2025/11/14/14-detained-for-protesting-kg-jalan-papan-demolition> accessed 1 April 2026

10 arrested on 13 November were released after the magistrate rejected the remand application, the remaining nine arrested on 14 November were released on police bail the same day. All arrests between 12 and 14 November were under Section 186 of the Penal Code for alleged obstruction of public servants during discharge of their duties.

Over the course of five days, 29 occupied homes were demolished. In the aftermath, Borhan maintained[195] that only unoccupied homes were demolished. He announced that Melati Ehsan would surrender[196] seven acres of land and several additional lots on Jalan Papan and Jalan Kerayong, and that demolitions would be postponed pending confirmation of the handover—framing this as a "win-win" resolution to the "dispute." Borhan also claimed that the state government was prepared to offer[197] the residents temporary resettlement via its Smart Sewa scheme at reasonable rental rates, as part of its commitment to ensuring that "no settlers will be left without temporary housing while a permanent solution is being drawn up". Chief Minister of Selangor Amirudin Shari, on the other hand, blamed[198] residents who exercised their right to remedy via interim injunctions for derailing the state government's settlement attempts, asserting that protracted court proceedings prolonged the conflict and ultimately benefited no one. He reiterated that the land belonged to the developer and maintained that the state government had done its part by offering rental homes and attempting to mediate.

Kampung Papan is a pre-independence settlement dating back to 1939, where families have lived for generations—initially as part of the New Village programme by the British and later as Temporary Occupation Licence (TOL) holders under the Selangor state government. In 1992, the state government surveyed the land and collected fees from residents with the assurance of granting land titles; instead, the land was transferred to TPPT Sdn Bhd (a state-linked agency) and eventually to the private developer Melati Ehsan. Despite a 2018 Selangor Economic Action Council (MTES) meeting in which an agreement between the Selangor state government, Kampung Papan residents and Melati Ehsan on double-storey terrace houses for 181 original settler families at a subsidised price of RM99,000, these homes were never built.

Arrests also formed the authorities' approach to symbolic acts that fall within the bounds of civil disobedience and political expression. This is seen in the aforementioned arrests of Fadhil and Aliff linked to the burning of a banner bearing a caricature of Anwar at the Gempur Rasuah Sabah 2.0 protest, as well as Chegubard and Sijangkang PAS Youth chief Ikhwan Syaffiq in connection with the mock flogging of an effigy resembling Anwar during the Turun Anwar rally - under the Sedition Act, Section 14 of the Minor Offences Act 1955, Section 504 of the Penal Code and/or Section 509 of the Penal Code. Another significant example concerns the arrest of Egyptian university student Marwan Mohamed Magdi Osman Ahmed, who wrote protest slogans on the outer walls of the Egyptian embassy in Kuala Lumpur on 3 August,

[195] 'S'gor claims only vacant Kg Papan homes targeted for demolition' (*Malaysiakini*, 14 November 2025) <https://www.malaysiakini.com/news/760764> accessed 1 April 2026

[196] 'Developer ready to give 2.8ha to house Kg Jalan Papan residents, says exco' (*Free Malaysia Today*, 14 November 2025) <https://www.freemalaysiatoday.com/category/nation/2025/11/14/developer-ready-to-give-2-8ha-to-house-kg-jalan-papan-residents-says-exco> accessed 1 April 2026

[197] 'Residents of Jalan Papan, Pandamaran To Get Affordable Housing - MB Selangor' (*Bernama*, 14 November 2025) <https://www.bernama.com/en/news.php/?id=2490968> accessed 1 April 2026

[198] Alyaa Alhadjri & Yiswaree Palansamy, 'MB: Prolonged court battles stalled Kg Papan settlement efforts' (*Malaysiakini*, 14 November 2025) <https://www.malaysiakini.com/news/760810> accessed 1 April 2026

calling for the opening of the Rafah border crossing and expressing solidarity with civilians in Gaza. The arrest under Section 427 of the Penal Code followed the Egyptian embassy's complaint, describing his action as a "threat to national security" and accusing him of "high treason"[199]. Amidst rapid pressure from international NGOs urging Malaysia to uphold non-refoulement, Marwan was released on 5 August[200] and no deportation took place. As these non-violent symbolic acts are protected forms of expression under international human rights law, any restrictions imposed must satisfy the three-part test of legality, legitimate aim, and necessity and proportionality. Resorting to arrest and criminal investigation in these cases fails that standard and entrenches the view that disruptive or unsettling dissent is inherently unlawful rather than a legitimate part of democratic debate.

Criminalisation of these acts through arrests is underpinned by a pervasive socio-political discourse that frames symbolic dissent as a failure of civility.

The symbolic act of burning a caricature of Anwar during the Gempur Rasuah Sabah 2.0 protest was labelled by politicians and other actors as "rude"[201], "extreme" and "uncivilised"[202]. Professor Tajuddin Rasdi[203] went as far as shaming the student protesters for "not knowing the adab of Malay and Malaysian politics". This sentiment was taken a step further by Beaufort GRS Youth Chief Mohd Shahril Osin[204] and G57 leader Zulkarnain Mahdar[205], who conflated such symbolic dissent with a violation of the state's identity and values of "politeness, mutual respect and moderation". The symbolic act of whipping an effigy of Anwar during the Turun Anwar rally garnered even stronger condemnation, with Professor Tajuddin[206] denouncing it as "the lowest act of human dignity that anyone should tolerate". Amanah Johor chairperson Aminolhuda Hassan[207] further recast the dissent as a religious transgression, characterising it as a "gross violation of Islamic values". He argued that within Islam, the creation of human effigies—and their subsequent use for public humiliation—is discouraged, thereby framing a

[199] Alkarama, 'Egypt/Malaysia: Warning against extraditing an Egyptian student in solidarity with Gaza to his country - Joint Statement' (*Alkarama*, 2 August 2025) <https://www.alkarama.org/en/articles/egyptmalaysia-warning-against-extraditing-egyptian-student-solidarity-gaza-his-country> accessed 1 April 2026

[200] Raphael Lee, 'Cops confirm arrest of varsity student over protest at Egyptian embassy' (*Free Malaysia Today*, 5 August 2025) <https://www.freemalaysiatoday.com/category/nation/2025/08/05/cops-confirm-arrest-of-varsity-student-over-protest-at-egyptian-embassy> accessed 1 April 2026

[201] 'PM's image burned because attention seekers had no valid arguments: Kamil' (*Malaysiakini*, 22 June 2025) <https://www.malaysiakini.com/news/746906> accessed 1 April 2026

[202] 'PKR Youth leader moots dialogue after students burned PM caricature' (*Malaysiakini*, 23 June 2025) <https://www.malaysiakini.com/news/746987> accessed 1 April 2026

[203] 'COMMENT | I'm ashamed over young activists' banner burning' (*Malaysiakini*, 23 June 2025) <https://www.malaysiakini.com/columns/746931> accessed 1 April 2026

[204] Nabula News, 'UMS Student Protest 'Inappropriate and Disrespectful' (*Nabula News,* 23 June 2025) <https://www.nabalunews.com/post/ums-student-protest-inappropriate-and-disrespectful> accessed 1 April 2026

[205] 'Political groups, NGOs criticise burning of protest props by student activists' (*The Vibes*, 23 June 2025) < https://www.thevibes.com/articles/news/109649/political-groups-ngos-criticise-burning-of-protest-props-by-student-activists> accessed 1 April 2026

[206] Prof Dr. Mohd Tajuddin Mohd Rasdi, 'Flogging and burning effigies, a new low in politics of nation and of Islam' (*MY Sin Chew*, 4 August 2025) <https://mysinchew.sinchew.com.my/news/20250804/mysinchew/6745075> accessed 1 April 2026

[207] 'Political row over Anwar effigy whipping draws condemnation from Amanah Johor' (*The Vibes*, 29 July 2025) <https://www.thevibes.com/articles/news/111040/political-row-over-anwar-effigy-whipping-draws-condemnation-from-amanah-johor> accessed 1 April 2026

secular act of political theatre as a "cruel form of symbolic degradation" intended to sow hatred."

The mandate for civility further functioned to prescribe the 'right' way to achieve political change, often by mischaracterising symbolic acts as counterproductive to democratic progress. PKR representatives and former MACC chief Dzulkifli Ahmad[208], for instance, argued that such acts risk undermining institutional progress, asserting instead that real change is contingent on "wisdom"[209] and "principled strength". This rhetoric constructs a false binary of efficacy, where 'intellectual' advocacy is framed as the only viable driver of reform, while the visceral, symbolic language of the streets is dismissed as a futile distraction. However, such a view ignores the synergistic nature of democratic movements, where symbolic acts often possess the unique capacity to capture and amplify public sentiments when formal channels are ineffective. In a healthy democracy, formal engagement and symbolic acts of political expression are not mutually exclusive - rather, the pressure generated from the latter is often what checks and balances the state, ensuring that institutional mechanisms are held accountable to the people's grievances.

Some reactions towards effigy whipping demonstrated a tendency to conflate symbolic provocation with the propagation of a "hate-driven political culture"[210]. Critics, including both political actors and civilians[211], argued that such insulting and degrading acts violate fundamental freedoms of expression and assembly, and that such "hooliganism" do not represent a "mature democracy" that purportedly thrives on "debate, respect and responsible activism". Such a perspective, however, runs counter to established international human rights standards surrounding freedoms of expression and assembly, which dictate the limits to be narrowly defined by the actual incitement of violence or discrimination - not by the subjective threshold of insults or offensive content. In a healthy democracy, public figures —especially the Prime Minister—are rightfully exposed to heightened scrutiny and even harsh, unsettling criticism. By framing respect as a prerequisite for democratic participation, these actors effectively use the guise of maturity to pathologise political anger, ignoring that the right to dissent exists precisely to protect speech that may be offensive, shocking or disturbing to those in power.

Political actors have also delegitimised these two symbolic acts by predicating the legitimacy of dissent on the perceived "virtue" or performance of the leader. Tuaran PKR Chief Razeef Rakimin[212], for example, argued that Anwar's policy contributions—such as a RM3 million allocation for Universiti Malaysia Sabah (UMS) water issues—should shield him from such harsh insults. Similarly, Amanah Johor Chairperson Aminolhuda Hassan questioned what "sin"

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[208] ''Don't torch the cause': Ex-MACC chief slams burning of PM's image' (*Malaysiakini*, 23 June 2025) <https://www.malaysiakini.com/news/746992> accessed 1 April 2026

[209] 'Dissent civilly, PKR leader says after caricature burning at rally' (Free Malaysia Today, 23 June 2025) <https://www.freemalaysiatoday.com/category/nation/2025/06/23/dissent-civilly-pkr-leader-says-after-caricature-burning-at-rally> accessed 1 April 2026

[210] 'Political row over Anwar effigy whipping draws condemnation from Amanah Johor' (*The Vibes*, 29 July 2025) <https://www.thevibes.com/articles/news/111040/political-row-over-anwar-effigy-whipping-draws-condemnation-from-amanah-johor> accessed 1 April 2026

[211] YourSay, 'YOURSAY | Freedom not licence to hooliganism' (*Malaysiakini*, 31 July 2025) <https://www.malaysiakini.com/news/750667> accessed 1 April 2026

[212] Rebecca Chong, 'Burning of PM caricature 'desperate stunt' due to lacklustre turnout, says PKR division chief' (*The Star*, 23 June 2025) <https://www.thestar.com.my/news/nation/2025/06/23/burning-of-pm-caricature-039desperate-stunt039-due-to-lacklustre-turnout-says-pkr-division-chief> accessed 1 April 2026

Anwar had committed to warrant such treatment, comparing his record against the Memali tragedy or the multi-billion Ringgit BMF scandal. By anchoring the legitimacy of symbolic acts of political expression to such extreme historical benchmarks, these actors promoted a narrative that such forms of dissent is a 'last resort' reserved only for grave systemic failures, effectively insulating the current administration from robust public scrutiny over grievances.

The student protesters' dissent was invalidated through narratives of immaturity. One such narrative focused on attention-seeking behaviour. PKR Youth Chief Kamil Abdul Munim characterised the caricature burning as a "hollow act" intended merely to "steal public attention". This was echoed by Tuaran PKR Chief Razeef Rakimin, who drilled further into the technical failures of the act—namely the banner failing to burn properly within the first two attempts — effectively turning a constitutional exercise of right to assemble into a subject of ridicule. Furthermore, by labelling the students as "misguided, impatient and inexperienced," actors such as Professor Tajuddin Rasdi sought to infantilise the protesters, suggesting that their lack of "wisdom" renders their political grievances inherently naive. On top of this, by political actors such as PKR Youth Education and Student Bureau Chief Fadzli Roslan and Beaufort GRS Youth Chief Mohd Shahril Osin, the students were also chastised for lacking "intellectual maturity" and urged to return to "principles of intellectual discourse" and "rational debate". In a context where symbolic acts of dissent are already dismissed as 'uncivilised', this framing suggests that the more educated a student becomes, the less they should resort to symbolic expression that is confrontational. Collectively, these narratives undermine the political agency of students and restrict meaningful democratic participation, as they reinforce the pervading societal norm that civic engagement is a privilege conditional upon a respect for authority, rather than an inherent right to challenge injustice and state overreach.

Such delegitimisation continued in the form of institutional intimidation and subsequent acts of executive paternalism. In less than two days after the Gempur Rasuah Sabah 2.0 protest, aside from lodging a police report against the symbolic act, UMS Vice-Chancellor Professor Kasim Mansur[213] also expressed the university's intention of initiating disciplinary proceedings against 13 students under the Universities and University Colleges Act 1971 (UUCA), with the possibility of suspension or expulsion. This was swiftly followed by an intervention from Higher Education Minister Zambry Abd Kadir[214], who conveyed Anwar's stance that the said students who "might have made a mistake" should not be expelled. Professor Kasim then withdrew[215] the warning of disciplinary action, he maintained the university would continue to "advise" students on the "responsibilities that come with freedom of expression."

While framed as an act of benevolence to protect the students' "future and education," this executive intervention reinforces the narrative that the students' rightful exercise of their right to dissent were indeed a "mistake" that required the Prime Minister's personal leniency to rectify.

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[213] Hayati Dzulkifli, 'Rally: 13 UMS students may be suspended or expelled under Auku' (*Daily Express*, 23 June 2025) <https://www.dailyexpress.com.my/news/261005/rally-13-ums-students-may-be-suspended-or-expelled-under-auku/> accessed 1 April 2026

[214] 'Zambry says Anwar against expelling UMS students over image-burning' (M*alaysiakini*, 24 June 2025) <https://www.malaysiakini.com/news/747059> accessed 1 April 2026

[215] Olivia Miwil, 'No action, but UMS will advise students on responsibilities of freedom' (*New Straits Times*, 29 June 2025) <https://www.nst.com.my/news/nation/2025/06/1237519/no-action-ums-will-advise-students-responsibilities-freedom> accessed 1 April 2026

Policing of Symbolic Expression: The 500 Kelantan Solidarity Sails for Gaza Programme

Summary of the Incident and Stakeholder Reactions. The "500 Kelantan Solidarity Sails for Gaza" programme on 10 October 2025 served as a significant public demonstration of solidarity for the Palestinian cause. Organised by Pertubuhan Anak Muda Bangkit Malaysia in collaboration with the Sri Tanjung Floating Market Community, the event drew an estimated 10,000-20,000 participants[216]. The centrepiece of the assembly involved a maritime parade featuring nearly 10,000 participants in a flotilla travelling eight kilometres from Kampung Pulau Pisang to Lembah Sireh. During the parade, volunteers performed a symbolic reenactment depicting the interception of a vessel carrying Global Sumud Flotilla (GSF) volunteers to Gaza. Israeli flags were used in this reenactment.

The incident gained national attention after a 3.22-minute TikTok video of the reenactment went viral, garnering over 123,000 views and 600 comments, many of which characterised the display of the Israeli flag as an affront to national sensitivities. In response to the backlash, the programme director of Pertubuhan Anak Muda Bangkit Malaysia, Mohd Khairul Hafiz Hassan, issued a formal apology[217] two days later, clarifying the purpose of the flags, while emphasising that the full skit depicted the eventual defeat of the Israeli soldiers and ended with the Israeli flag being torn down and trampled upon[218]. He urged the public not to judge the event based on decontextualised video clips. This sentiment was echoed by the Deputy Chief Minister of Kelantan, Dr. Mohamed Fadzli Hassan, who defended[219] the reenactment as a commendable attempt by organisers to draw public attention to the Palestinian struggle. Jelutong MP RS Rayer, on the other hand, called[220] for immediate police action, demanding that authorities avoid "double standards" or "favouritism" in handling the incident.

The Kelantan police initiated[221] an investigation two days after the solidarity programme. State Police Chief advised the public against displaying the Israeli flag even with the intention of condemning the Isreali regime, citing the need to prevent "misunderstandings that could trigger

[216] Adila Sharinni Wahid, 'Laungan 'hidup, hidup Palestin, hancur, hancur, Israel' bergema di Sungai Kelantan' (*Sinar Harian*, 10 October 2025) <https://www.sinarharian.com.my/article/751892/edisi/kelantan/laungan-hidup-hidup-palestin-hancur-hancur-israel-bergema-di-sungai-kelantan> accessed 1 April 2026

[217] Hazelen Liana Kamarudin, 'Kibar bendera Israel: Penganjur mohon maaf, sedia bekerjasama untuk disiasat' (*Sinar Harian*, 13 October 2025) <https://www.sinarharian.com.my/article/752245/berita/semasa/kibar-bendera-israel-penganjur-mohon-maaf-sedia-bekerjasama-untuk-disiasat> accessed 1 April 2026

[218] Hazelen Liana Kamarudin, 'Kibar bendera Israel hanya gimik, lakon semula insiden dihadapi sukarelawan GSF – Pengarah program' (*Sinar Harian*, 12 October 2025) <https://www.sinarharian.com.my/article/752128/berita/semasa/kibar-bendera-israel-hanya-gimik-lakon-semula-insiden-digadapi-sukarelawan-gsf---pengarah-program> accessed 1 April 2026

[219] Hazelen Liana Kamarudin, 'Kerajaan Kelantan jelaskan isu bot kibar bendera Israel hanya lakonan semula' (*Sinar Harian*, 12 October 2025) <https://www.sinarharian.com.my/article/752185/edisi/kelantan/kerajaan-kelantan-jelaskan-isu-bot-kibar-bendera-israel-hanya-lakonan-semula> accessed 1 April 2026

[220] Sinar Harian, 'Rayer desak tindakan segera insiden kibar bendera Israel' (*Sinar Harian*, 12 October 2025) <https://www.sinarharian.com.my/article/752161/berita/nasional/rayer-desak-tindakan-segera-insiden-kibar-bendera-israel> accessed 1 April 2026

[221] Hazelen Liana Kamarudin, 'Kibar bendera Israel, polis Kelantan buka kertas siasatan' (*Sinar Harian*, 12 October 2025) <https://www.sinarharian.com.my/article/752182/berita/semasa/kibar-bendera-israel-polis-kelantan-buka-kertas-siasatan> accessed 1 April 2026

public concern or alarm". Between 13 and 14 October 2025, authorities summoned[222] the programme organisers and actors involved in the reenactment to record their statements. By the evening of 14 October, the police submitted the investigation paper to the State Deputy Public Prosecutor. The provisions invoked for investigation against the symbolic display were Section 3 of the National Emblems (Control of Display) Act 1949, Section 233 of the Communications and Multimedia Act and Section 505(b) of the Penal Code.

Two other key actors validated the criminalisation of the symbolic display. Prime Minister Anwar Ibrahim characterised[223] the display of Israeli symbols as a form of betrayal that contradicts national policy. He explicitly endorsed police action to ensure the incident served as a "lesson for all", while comparing the act to flying the flag of a coloniser. Federal Territories Mufti Ahmad Fauwaz Fadzil issued[224] a religious ruling prohibiting the public display of the Israeli flag. The Mufti argued that while contradicting Malaysia's foreign policy, such acts also exceed the limits of Syariah because they "contain elements of acknowledgement or recognition of Israel and even appears to condone the atrocities and killings of Muslims in Gaza and Palestine" — regardless of the organiser's intent.

Analysis. The state's reaction to the symbolic display represents a significant departure from international human rights standards concerning freedom of assembly and expression. Under Paragraph 60 of General Comment No. 37 (2020) on the Right of Peaceful Assembly[225], the use of flags, signs and symbols is a protected form of expression, even when such symbols evoke a "painful past". International law stipulates that restrictions are only justified if a symbol is "intrinsically and exclusively" associated with the incitement of violence or hostility. As the Israeli flag was used as a theatrical prop within a broader message of Palestinian solidarity, it is a legitimate form of expression that should not be restricted. The invocation of three laws to investigate organisers and others involved in the reenactment thus constitutes a disproportionate and arbitrary application of legislation to police the exercise of the freedom of assembly. Moreover, by prioritising subjective sensitivities and the potential for public alarm as the threshold for criminal investigation — instead of assessing whether actual harm or incitement was caused — state actors have effectively disregarded the context and intent of the symbolic expression. The respective framings by Prime Minister Anwar Ibrahim and Federal Territories Mufti Ahmad Fauwaz Fadzil of the symbolic display as an act of "betrayal" and a religious transgression are instrumental in perpetuating the climate of intolerance that bypasses the rigorous requirements of the three-part test, where restrictions must be based on objective necessity rather than state-sanctioned indignation.

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[222] Hazelen Liana Kamarudin, 'Kibar bendera Israel: Kertas siasatan hampir siap, pendakwaan masa terdekat' (*Sinar Harian*, 12 October 2025) <https://www.sinarharian.com.my/article/752445/berita/kibar-bendera-israel-kertas-siasatan-hampir-siap-pendakwaan-masa-terdekat> accessed 1 April 2026

[223] Sinar Harian, 'Perbuatan kibar bendera Israel, letak tulisan Hebrew tidak boleh diterima – PM' (*Sinar Harian*, 14 October 2025) <https://www.sinarharian.com.my/article/752449/berita/nasional/perbuatan-kibar-bendera-israel-letak-tulisan-hebrew-tidak-boleh-diterima---pm> accessed 1 April 2026

[224] Sinar Harian, 'Kibar bendera Israel termasuk perbuatan melampaui batas syarak – Mufti Wilayah Persekutuan' (*Sinar Harian*, 16 October 2025) <https://www.sinarharian.com.my/article/752837/berita/nasional/kibar-bendera-israel-termasuk-perbuatan-melampaui-batas-syarak---mufti-wilayah-persekutuan> accessed 1 April 2026

[225] Christof Heyns, 'General comment No. 37 – Article 21: Right of peaceful assembly' (*OHCHR*, 27 July 2020) <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-37-article-21-right-peaceful> accessed 1 April 2026

Increase in Police Manhandling

2025 saw *an increase in clear incidents of police manhandling,* namely in three protests. Among all four human rights defenders (HRDs) affected, three of them were youths.

- On 28 June, at the Himpunan Rakyat Benci Rasuah rally that had marched from Sogo Shopping Complex to Dataran Merdeka, student activist Ahsanul Akmal Sulam was seen being pulled away[226] by the collar by officer Zulfekar while police intervened to seize a flare lit after a speech, tearing his shirt in the process. Protesters had to press repeatedly for the officer's name and identification number in order to lodge a police report.
- On 13 August, during a peaceful march from Taman Tugu to Parliament to submit the draft Plantation Workers' Housing Scheme Bill, police blocked around 500 plantation workers and activists from approaching the Parliament gates. Video footage[227] captured protesters shouting "*Jangan tolak*" ("Don't push"), "*Henti*" ("Stop") and "So aggressive" as officers pushed against the crowd, moments before PSM deputy chairperson S. Arutchelvan fell. After he got back up, the police continued to prevent him and others from moving forward. Nevertheless, the protesters eventually managed to move past the police and reach the Parliament gates.
- On 2 October, during a spontaneous pro-Palestine protest outside the US embassy responding to Israel's interception of the Global Sumud Flotilla, officers blocked[228] access to the pedestrian walkway and displaced protesters onto the roadway instead of facilitating safe use of the pavement. A plainclothes Special Branch officer was filmed feigning being pushed by one protester while blocking him from rejoining the crowd, while HRD Kamal — who was seen trying to de-escalate the situation — was arrested nonetheless. Both men were dragged and restrained by multiple officers, held by both arms and around the neck before being handcuffed, and other protesters attempting to defuse the situation were shoved, pushed and forcibly restrained.

Notably, in all three protests, the police followed their disproportionate use of force with statements[229] centring alleged injuries to officers, de facto positioning the HRDs as the source of "provocation"[230]. Penal Code investigations were also swiftly opened against all HRDs except for Ahsanul, reinforcing a self-exonerating narrative of restoring order rather than acknowledging misuse of force. Arutchelvan was investigated and later arrested[231] for alleged

[226] Shakira Buang, 'Anti-graft rally 'flares' up, student claims manhandled' (*Malaysiakini*, 28 June 2025) <https://www.malaysiakini.com/news/747488> accessed 1 April 2026

[227] MalaysiaPost, 'Video of commotion when PSM representatives and farm workers broke through police barricade' (*MalaysiaPost*, 13 August 2025) <https://www.tiktok.com/@jernehmedia/video/7537912110643301639?_r=1&_t=ZS-8yrOcypg7nk> accessed 1 April 2026

[228] SUARAM, '[Joint Media Statement]: Police Abuse of Power at Pro-Palestine Undermines MADANI Peaceful Assembly Reforms' (*SUARAM*, 2 October 2025) <https://www.suaram.net/post/joint-media-statement-police-abuse-of-power-at-pro-palestine-undermines-madani-peaceful-assembly> accessed 1 April 2026

[229] Mohd Zaini Samsu Hadi, 'Anggota polis cedera ketika cuba kawal Himpunan Rakyat Benci Rasuah 2.0;' (*MalaysiaGazette*, 29 June 2025) <https://malaysiagazette.com/2025/06/29/anggota-polis-cedera-ketika-cuba-kawal-himpunan-rakyat-benci-rasuah-2-0/> accessed 1 April 2026

[230] Malaysiakini, 'Police officer injured in scuffle outside Parliament' (*Malaysiakini*, 13 August 2025) <https://www.malaysiakini.com/news/752201> accessed 1 April 2026

[231] Dania Kamal Aryf, 'Scuffle outside Parliament: Cops summon PSM leader to be arrested' (*Malaysiakini*, 20 August 2025) <https://www.malaysiakini.com/news/752889> accessed 1 April 2026

use of force against the officer that prevented him from discharging his duties (Section 353) and for committing mischief (Section 427). Kamal and Isa were arrested[232] for alleged obstruction of police officers from discharging their duties (Section 186). Isa was eventually charged for voluntarily causing hurt (Section 323) on 31 December 2025.

Persistent Ring-Fencing of Key Public Spaces for Assemblies

Even as the government signalled a more enabling approach to assemblies under the PAA, *access to key public spaces remains constrained by unnecessary and disproportionate restrictions* through the "prohibited places" category and local government by-laws.

"Prohibited places" category. At Parliament, since the COVID-19 pandemic, police have relied on the concept of "prohibited places" to justify keeping protesters from the main gates. During the 22 July memorandum submission[233] by Sekretariat Himpun, this was used to hold participants at least fifty metres from the Parliament gates. By contrast, during the 13 August memorandum submission by plantation workers and activists, sustained pressure and negotiation enabled roughly 500 protesters to move past the police line to assemble directly in front of the gates, restoring pre-pandemic practice and setting a precedent for later actions such as the Sekretariat Sekolah Selamat march. Holding an assembly within sight and sound of the intended audience is integral to the right to freedom of assembly. Nevertheless, this principle is made discretionary by Section 4(1)(b) of the PAA that denies the right to assemble to "prohibited places" or within 50 metres of its boundary, and Section 4(2)(b) that criminalises those who assemble there.

The Home Ministry compound is another such "prohibited place". On 10 February, family members of detainees held under the Security Offences (Special Measures) Act (SOSMA) were denied entry into the ministry complex despite assurances from a Prisons Department representative that they had a 12 pm appointment to deliver a memorandum following their hunger strike outside Sungai Buloh Prison. When they pushed past security officers into the compound, they were only granted an audience with the Home Minister's press secretary three hours after the scheduled time. Two days later, then SUARAM Executive Director Sevan Doraisamy was arrested at the SUARAM office under Section 7 of the Protected Areas and Protected Places Act (PAPPA) for "unauthorised entry" into the Home Ministry compound in connection with the 10 February incident, with then SUARAM Programme Manager Azura Nasron and a family member of a SOSMA detainee also investigated under the same provision. On 23 February, all three individuals were informed that they would be charged[234] under Section 5 of PAPPA at the Putrajaya Magistrate's Court two days later, but it was then postponed with no new date given[235]. As the Home Ministry compound is designated as a

[232] Malay Mail, 'Two men arrested for obstructing police at pro-GSF rally outside US embassy in KL' (*Malay Mail*, 2 October 2025) <https://www.malaymail.com/news/malaysia/2025/10/02/two-men-arrested-for-obstructing-police-at-pro-gsf-rally-outside-us-embassy-in-kl/193191> accessed 1 April 2026

[233] Austin Camoens, 'Police block march by students, activists to Parliament [WATCH]' (*New Straits Times*, 22 July 2025) <https://www.nst.com.my/news/nation/2025/07/1248591/police-block-march-students-activists-parliament-watch> accessed 1 April 2026

[234] Hakim Mahari, 'Two Suaram leaders to be charged with trespassing at Home Ministry', (*New Straits Times*, 23 February 2025) <https://www.nst.com.my/news/nation/2025/02/1179322/two-suaram-leaders-be-charged-trespassing-home-ministry> accessed 1 April 2026

[235] Update given by SUARAM on its X account <https://x.com/SUARAMtweets/status/1893936915801375181?t=wS-s36xflWBlAVGZkWjlgQ&s=19> accessed 1 April 2026

protected area under PAPPA—and such protected areas fall within the PAA's category of "prohibited places"—PAPPA operates as a legal backdoor that can be used to criminalise peaceful presence and memorandum delivery at government offices, even as federal authorities claim to be easing PAA enforcement.

These developments expose how a restrictive "prohibited place" framework, applied through ad-hoc policing and security designations, unjustifiably shifts the burden onto protesters to effectively exercise their constitutional right to assemble, while also turning access to core democratic institutions into a negotiable privilege rather than a guaranteed right.

Local Government By-Laws. On 10 May, youth groups Liga Mahasiswa Malaysia and the Federation of Malaysian Youth held a book-reading and discussion at Dataran Merdeka. They were approached by eight to ten enforcement officers[236], including plainclothes police and Kuala Lumpur City Hall (DBKL) personnel, who questioned the organisers and instructed them to end the event in an hour without clearly stating the legal basis. DBKL defended[237] its actions by invoking By-Law 8 of the Local Government (Dataran Merdeka) (Federal Territory of Kuala Lumpur) By-Laws 1992—which prohibits any activity of a political or social nature without the mayor's permit—and citing Section 63 of the Local Government Act 1976 to claim that public assemblies at Dataran Merdeka require prior police approval. Yet, Section 63 merely grants DBKL "general control and care" over public places and does not itself impose a police-approval requirement.

By contradicting the federal moratorium on Section 11 of the PAA, DBKL's assertion of approval authority raises constitutional concerns under Article 75 of the Federal Constitution, which provides that federal law overrides inconsistent state or local law. It also entrenches the longstanding approval-centred regime for assemblies and reinforces the perception that even small, low-risk civic activities in public spaces require prior permission, thereby undermining the enabling environment for youth-led and rights-based assemblies and civic action.

Recommendations

- Amend all sections of the Peaceful Assembly Act (PAA) that impose unnecessary and disproportionate restrictions on assemblies. Before any amendments are tabled in Parliament, conduct multiple, inclusive and meaningful consultations with all relevant stakeholders, including civil society, and ensure draft texts are shared with sufficient time for review and substantive feedback.
- Undertake a comprehensive review of federal and local laws that contradict the spirit and letter of the PAA—including municipal and city council by-laws, overlapping restrictions under the Protected Areas and Protected Places Act (PAPPA), and Sections 141 to 143 and 145 of the Penal Code—and amend or repeal them to ensure consistency with a rights-based framework for peaceful assembly.

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[236] FMT Reporters, 'Kumpulan dakwa majlis baca buku di Dataran Merdeka diganggu polis, DBKL' (*Free Malaysia Today*, 12 May 2025) <https://www.freemalaysiatoday.com/category/bahasa/tempatan/2025/05/12/kumpulan-dakwa-majlis-baca-buku-di-dataran-merdeka-diganggu-polis-dbkl> accessed 1 April 2026

[237] FMT Reporters, 'Activities at Dataran Merdeka need mayor's approval, says DBKL' (*Free Malaysia Today*, 13 May 2025) <https://www.freemalaysiatoday.com/category/nation/2025/05/13/activities-at-dataran-merdeka-need-mayors-approval-says-dbkl> accessed 1 April 2026

- Strengthen police training and standard operating procedures on the management of peaceful assemblies in a facilitative, rights-based manner in line with international standards. This includes improving the collaborative human rights module with the Human Rights Commission of Malaysia (SUHAKAM).

APPENDIX 1

List of Individuals/Groups Investigated/Arrested/Charged in 2025

No.	Name of Individual/Group(s)	Event (Date)	Status	Laws Used
1.	Fadhil Muhamad Kasim	**"**Gempur Rasuah Sabah" Rally (31 Dec 2024)	Investigated (4 Jan) Charged (21 Feb) Withdrawn (25 Feb)	s9(5) of the PAA and s509 of the Penal Code
2.	Aimnar		Investigated (4 Jan)	
3.	Aliff Badrul		Investigated (8 Jan)	
4.	Persatuan Kebajikan Haiwan Terbiar	Protest outside Sg Buloh school over alleged killing of 7 dogs (3 Jan)	Investigated (3 Jan)	s9(5) of the PAA
5.	Himpunan solidariti Najib	Himpunan solidariti Najib (6 Jan)	Investigated (6 Jan)	s9(5) of the PAA
6.	Alyaah Hani Anuar	Himpunan Rakyat Benci Rasuah (25 Jan)	Investigated (2 Feb)	s9(5) of the PAA
7.	Abishek			
8.	Qistina			
9.	Nadzmi			
10.	Brendon Gan			
11.	Mukhlis			
12.	Fadhil			
13.	Zaim			
14.	Zuren			
15.	Tobey			
16.	Hamdin Nordin			
17.	Azura Nasron			
18.	Ali			
19.	Organisers SOSMA detainees hunger strike	SOSMA detainees hunger strike	Investigated (9 Feb)	s9(5) of the PAA

	outside Sungai Buloh Prison	outside Sungai Buloh Prison (8 Feb)		
20.	Sevan Doraisamy	Memorandum Submission by family members of SOSMA detainees accompanied by SUARAM staff at the Home Ministry (10 Feb)	Arrested (12 Feb) Released (12 Feb) Charged (25 Feb) (Informed of Charge but Postponed)	s7 of the Protected Areas and Protected Places Act s5 of the Protected Areas and Protected Places Act
21.	Azura Nasron		Investigated (13 Feb)	s7 of the Protected Areas and Protected Places Act s5 of the Protected Areas and Protected Places Act
22.	A family member of a SOSMA detainee		Charged (25 Feb) (Informed of Charge but Postponed)	
23.	Chow Yu Hui	Protest against felling of durian trees in illegal farms in Raub (10 Apr)	Arrested (14 Apr) and released on police bail (15 Apr)	s186 of the Penal Code
24.	Wilson Chang			
25.	3 members of Save Musang King Alliance (SAMKA)		Investigated (14 Apr)	
26.	Fadhil Muhamad Kasim	"Gempur Rasuah Sabah 2.0" Rally (21 June)	Arrested (24 June) Released (24 June)	s4 of the Sedition Act, s509 of the Penal Code
27.	Aliff Danial Badrul Akmal Hisham			
28.	Sabir Syarifuddin			
29.	Sudirman Arshad		Arrested (29 Oct) Released (29 Oct)	s4 of Sedition Act and s509 of Penal Code
30.	Alyaah Hani Anuar		Investigated (17 July)	s509 of the Penal Code

31.	Hishamuddin Rais	Rakayt Benci Rasuah 2.0 (anti graft rally) (28 June)	Investigated (2 July)	s14 of the Minor Offences Act, s505(b) of the Penal Code and s233 Communicatio n and Multimedia Act
32.	Badrul Hisham Shaharin (Chegubard)	Turun Anwar Rally (26 July)	Arrested (28 July) Released (29 July)	s14 of the Minor Offences Act, s504 of the Penal Code, s233 of the Communicatio ns and Multimedia Act and s4(1) of the Sedition Act
33.	Ikhwan Syaffiq			
34.	Furqan Hakimi		Arrested (29 July) Released (30 July)	s4(1) of the Sedition Act 1948, s504 of the Penal Code, and s233 of the Communicatio ns and Multimedia Act
35.	Syafiq Aziz			
36.	Marwan Mohamed Magdi Osman Ahmed	Pro Palestine rally in front of Egyptian Embassy (1 Aug)	Arrested (1 Aug) Released (5 Aug)	s427 of the Penal Code
37.	S Arutchelvan	Submission of draft Plantation Workers Housing Scheme Act (13 Aug)	Investigated (14 Aug) Arrested (20 Aug) Released (21 Aug)	s353 and 427 of the Penal Code
38.	Aliefah Bobby	Himpunan Solidariti Zara 2.0 (31 Aug)	Arrested (2 Sep) Released (2 Sep)	s4(1) of the Sedition Act, s506 of the Penal Code,

				s505(b) of the Penal Code and s233 of the Communications and Multimedia Act
39.	An individual, aged 26	Protest against Kampung Sungai Baru demolition (11 Sep)	Arrested (11 Sep) Charged (13 Sep) Fined RM1,500	s186, 324, 353 of the Penal Code Undisclosed
40.	A 16-year-old boy		Arrested (11 Sep)	s145, s186, s353, s324 of the Penal Code
41.	Ariffin Abu Bakar		Arrested (11 Sep onwards)	s145, s186, s353 and s324 of the Penal Code
42.	A 17-year-old boy		Arrested (11 Sep onwards)	s186, s353 and s324 of the Penal Code s145 of the Penal Code
43.	Azhar Salleh			
44.	Fallah Islahudden Shah Abdul Fattah			
45.	Redzuan Kamal Abdul Rahman			
46.	Sopirman Yunus			
47.	Zaharudin Muhammad		Arrested (15 Sep)	s186, s353 and s324 of the Penal Code
48.	Tang Yi Ze	Memorandum Submission To the Ministry of Higher Education on Admission Quotas (12 Sep)	Investigated (23 Sep)	s233 of the Communications and Multimedia Act and s505(b) of the Penal Code
49.	Kamal Aarif Kamaruddin	Solidarity with GSF (2 Oct)	Arrested (2 Oct) Released (3 Oct)	s186 of the Penal Code

50.	Isa Azmi Zulkifli (Nama)		Arrested (2 Oct) Released (3 Oct) Charged (31 Dec)	s186 of the Penal Code s323 of the Penal Code
51.	Anak Muda Bangkit Malaysia	Kelantan Bangkit Bersama GSF Gaza (10 Oct)	Investigated (10 Oct)	s3(1) of the National Emblems (Control of Display) Act
52.	64 people	Anti-Trump protest (bike convoy) (25 Oct)	Arrested (25 Oct) Released (26 Oct)	s186 of the Penal Code
53.	A 57-year-old man	(Day 2) Protest against demolition of Kampung Jalan Papan (11 Nov)	Arrested (11 Nov) Released (13 Nov)	s186 of the Penal Code
54.	S Arutchelvan	(Day 3) Protest against demolition of Kampung Jalan Papan (12 Nov)	Arrested (12 Nov) Released (13 Nov)	s186 of the Penal Code
55.	M Mythreyar			
56.	M Logesvaran			
57.	Sivaranjani Manickam	(Day 4) Protest against demolition of Kampung Jalan Papan (13 Nov)	Arrested (13 Nov) Released (14 Nov)	s186 of the Penal Code
58.	Soh Sook Hwa			
59.	Wong KuKui			
60.	Fakrurrazzi Khairur Rijal (Peko)			
61.	Tan Ka Wei			
62.	Aein Aneera Anuar			
63.	Ramasamy Karupan			
64.	Hridhay Praveen			
65.	Tang Bing Ai			
66.	Sharvin			
67.	Chong Yee Shan	(Day 5) Protest against demolition of Kampung Jalan	Arrested (14 Nov) Released (14 Nov)	s186 of the Penal Code
68.	Jernell Tan			

69.	Seven residents of Kampung Papan	Papan (14 Nov)		
70.	Rafidah Ibrahim	Bantahan Majlis Pecah Tanah Kampung Sungai Baru (30 Nov)	Arrested (30 Nov) Released (30 Nov)	s105 of the Criminal Procedure Code
71.	Two men and one woman aged between 39 and 47			
72.	12 men, aged between 20 and 44	Orang Asli Protest over land dispute (23 Dec)	Arrested (23 Dec)	s447 of the Penal Code

APPENDIX 2

SUARAM-Documented Assemblies in 2025

No.	Assembly Name/Description (Organiser)	Assembly Date	Location	Approx. No of Participants
1.	Rally against Nga and Yeoh (PAS Youth, Bersatu and several NGOs)	3 Jan	Masjid Jamek, Kampung Baru, Kuala Lumpur	200
2.	Protest outside of Sungai Buloh school over alleged killing of 7 dogs (Persatuan Kebajikan Haiwan Terbiar)	3 Jan	SMK Bandar Baru Sungai Buloh, Selangor	50
3.	Himpunan solidariti Najib (PAS)	6 Jan	Palace of Justice, Putrajaya	900
4.	Vigil outside Bukit Aman, demand justice for stray dogs (Persatuan Haiwan Terbiar Malaysia - SAFM)	24 Jan	Bukit Aman police headquarters	100
5.	Himpunan Rakyat Benci Rasuah (The People Hate Corruption Secretariat)	25 Jan	From SOGO shopping mall, Kuala Lumpur to Dataran Merdeka to Sultan Abdul Samad Building	200
6.	Farmers Protest in Putrajaya (Malaysian Padi Farmers Brotherhood Organisation)	27 Jan	Agriculture and Food Security Ministry, Putrajaya	200
7.	Solidariti SOGO 13 (Coalition of Youth NGOs)	2 Feb	IPD, Dang Wangi	30
8.	Solidarity with Hani (HARAM)	6 Feb	Wangsa Maju police district headquarters	20

9.	SOSMA Detainees Hunger strike (Family of SOSMA Detainees)	8 Feb, 9 Feb	In front of the Sungai Buloh Prison Complex, Selangor	50
10.	SOSMA Detainees Day 3 (memo submission) (Family of SOSMA detainees)	10 Feb	Outside the Home Ministry, Putrajaya	40
11.	Pannir Selvam Protest (Members of the Anti-Death Penalty Asia Network (ADPAN), Suara Rakyat Malaysia (SUARAM), Amnesty International Malaysia)	19 Feb	Singapore High Commission	50
12.	Coalition of Animal Rights	24 Feb	Outside the Parliament	100
13.	Solidariti Komrad Liga (Liga Mahasiswa UNISZA and Liga Mahasiswa UM)	25 Feb	Taman Tugu to Parliament	30
14.	Women's March (Women's March Secretariat)	8 Mar		
15.	Carbon Capture, Utilisation, and Storage (CCUS) Bill protest (Gabungan Darurat Iklim Malaysia, Climate Emergency Coalition of Malaysia)	19 Mar	Outside the Parliament	30
16.	Memorandum to Universiti Malaya on abolishing the Zero Balance Policy (Suara Siswa Universiti Malaya together with Universiti Malaya Students' Union)	20 Mar	Universiti Malaya	20
17.	World Al-Quds Day 2025 (Secretariat of Palestine Malaysia)	28 Mar	U.S. Embassy, in front of the Menara See	Thousands

			Hoy Chan, Jalan Tun Razak, Kuala Lumpur	
18.	Protest against felling of durian trees in illegal farms (Save Musang King Alliance)	10 Apr	Durian farms in Sungai Klau, Raub	50
19.	Memorandum Submission of Bidor Orang Asli protesting quarry company (The Orang Asli community of Kampung Chang Lama in Bidor, Perak)	11 Apr	Kampung Chang Lama, Bidor, Perak	15
20.	Solidarity for the action to strengthen control over the illegal Musang King plantation carried out by the Pahang Kingdom	14 Apr	Raub Regional Police Headquarters (IPD), Sungai Chalit, Raub, Pahang	50
21.	Solidarity Amir Hadi (MANDIRI)	16 Apr	Federal Court	20
22.	Sin Chew protest on Jalur Gemilang incident (PERKASA)	18 Apr	Chinese Daily headquarters in Petaling Jaya, Selangor	10
23.	Demonstration at Taman Seri Muda (Residents of Taman Seri Muda)	20 Apr	Taman Seri Muda, Section 25, Shah Alam, Selangor	More than 500
24.	Labour Day protest (PSM)	1 May	From Pasar Seni, Kuala Lumpur to Dataran Merdeka, Kuala Lumpur	More than 1,500
25.	Doctors Betrayed: The Long Walk to Putrajaya (Malaysian Medical association)	6 May	Laman Perdana near the Prime Minister's office at Putrajaya	Over 700

26.	Negeri Sembilan Culling Stray Dog Protest (Persatuan Haiwan Terbiar Malaysia)	9 May	Outside the Negeri Sembilan state government's administrative building in Seremban	More than 300
27.	Protest rally against animal cruelty (Persatuan Haiwan Terbiar Malaysia)	10 May	Dataran Merdeka, Kuala Lumpur	Over 100
28.	Aktiviti bacaan dan diskusi Mahasiswa (Liga Mahasiswa UM)	10 May	Dataran Merdeka, Kuala Lumpur	15
29.	Stray Animal Culling Protest (Global Human Rights Federation)	16 May	Outside of the Agriculture and Food Security Ministry as well as Housing and Local Government ministries at Putrajaya	Over 100
30.	Nakba 77 rally (Boycott, Divestment and Sanctions Malaysia)	16 May	From the Tabung Haji Tower on Jalan Tun Razak to the United States Embassy	More than 1,000
31.	Himpunan Melayu Berdaulat	24 May	Various venues -Masjid Jamek Kuala Lumpur -Masjid Jamek Kampung Baru -Jalan Raja Laut -Kelab Sultan Sulaiman in Kampung Baru	700-800
32.	Pensioner's protest (RETIRED personnel from civil services led by Rafique Ahmad Nordin)	31 May	Dataran Merdeka, Kuala Lumpur	About 10,000
33.	Counter Rally to Gempur	21 June	Taman Chong	60

	Rasuah Sabah 2.0 (Gerakan Anak Muda dan Mahasiswa Anak Sabah)		Tien Vun, Kota Kinabalu	
34.	Second “Gempur Rasuah Sabah” Rally (Suara Mahasiswa UMS)	21 June	From Suria Sabah to Lintasan Deasoka	40
35.	Rakyat Benci Rasuah 2.0 (Anti Graft Rally) (Sekretariat Rakyat Benci Rasuah)	28 June	Outside SOGO shopping complex to Dataran Merdeka, Kuala Lumpur	100
36.	Solidarity Amir Hadi (MANDIRI)	1 July	Istana Kehakiman, Putrajaya	20
37.	Turun Anwar Rally (Turun Anwar Rally Secretariat)	6 July	At the parking lot of Concorde Hotel, Section 9 at Shah Alam	100
38.	Kampung Sungai Baru Residents Protest of their July 16 Eviction (Kampung Sungai Baru Residents’ Rights’ Committee)	11 July	From Masjid Jamek to SUHAKAM	Almost 50
39.	“Turun Anwar" Counter Protest at childhood home (Sekretariat Bara Juang Negara)	11 July	Jalan Kulim, Cherok Tokkun	30
40.	"Turun Anwar" protest at childhood home (Local PAS leaders)	11 July	Cherok Tokkun, Penang	150
41.	Walk to Safeguard Judicial Independence (Malaysian Bar)	14 July	From the Palace of Justice to the Prime Minister’s Office Complex	1,600
42.	Protest Against Trump's Pick Nick Adams as US Ambassador to Malaysia (Youth branches of PH)	18 July	Outside the US Embassy, Kuala Lumpur	100

43.	Reject Nick Adams (PKR Youth)	18 July	Outside the US Embassy, Kuala Lumpur	More than 70
44.	Lawan Akta Drakonian (Numerous CSOs, NGOs, and student groups)	22 July	From Taman Tugu, Kuala Lumpur to the Parliament complex	50
45.	'Turun Anwar' Rally (Turun Anwar Sekretariat)	26 July	Kuala Lumpur	Thousands
46.	Solidarity with 'Tolak Akta Hasutan' arrests (Most likely Bersatu)	29 July	Outside IPD, Dang Wangi	Around 100
47.	Protest Outside US Embassy for Palestine (Gegar Amerika)	30 July	Outside the US Embassy, Kuala Lumpur	30-50
48.	Pro-Palestine rally in front of the Egyptian Embassy (Egyptian citizens in Malaysia)	1 Aug	Outside the Egyptian Embassy, Kuala Lumpur	-
49.	Solidarity Justice for Zara Gaya Street (Suara Siswa UMS / Gempur Sabah)	3 Aug	Lintasan Deasoka, Gaya Street	More than 300
50.	"Selling Out" Negeri Sembilan People (The Negeri Sembilan DAP Veterans Club)	3 Aug	Negeri Sembilan	More than 50
51.	Aksi Vigil Sandakan #justice for Zara (Sekretariat Solidariti Zara)	8 Aug	Perkarangan Harbour Mall, Sandakan, Sabah	Thousands
52.	Vigil Justice for Zara (Tawau) (Ikatan Anak Muda Tawau Ikat)	8 Aug	Bulatan Chester Tawau, Sabah	Thousands
53.	Himpunan Aman Solidariti Zara Qairina (Komuniti Anak Muda	9 Aug	Benoni Commercial Centre, Papar,	5,000

	Papar)		Sabah	
54.	Re-Excavating the Grave of Zara Qairina	9 Aug	Tanjung Ubi Islamic Cemetery, Kampung Mesapol, Sabah	50-100
55.	Solidarity Rally for Zara in Sipitang (Sipitang Bersatu Srikandi Chief Dayang Nor Syafiqah Abdul Hamid)	10 Aug	Sipitang Esplanade, Sabah	5,000
56.	'Justice for Zara' Rally (Labuan) (Kelab Wanita Sejahtera)	10 Aug	Labuan Food Court, Labuan	More than 3,000
57.	Demand Justice for 13-year-old Zara Qairina (Kundasang)	10 Aug	Pentas Budaya, Kundasang, Sabah	More than 1,000
58.	Zara Qairina Mahathir Autopsy (Members of the public)	10 Aug	Queen Elizabeth Hospital, Kota Kinabalu	More than 50
59.	Submission of memorandum to Parliament of educational reforms post Zara Qairina (Sekretariat Sekolah Selamat)	12 Aug	From Tugu Negara, Kuala Lumpur to Parliament, Kuala Lumpur	50
60.	Submission of draft Plantation Workers Housing Scheme Act (Plantation Community Support Committee)	13 Aug	Outside of the Parliament, Kuala Lumpur	More than 500
61.	Justice for Zara Qairina (Kota Belud) (Nurul Fadzilah Noordin)	14 Aug	Kota Belud, Sabah	20,000
62.	Himpunan Maruah Tanah Airku (UMNO Youth)	14 Aug	Kepala Batas, Seberang Perai, Penang	300
63.	Justice for Zara (Kota Kinabalu, Padang	15 Aug	Padang Merdeka, Kota	5,000

	Merdeka) (Coalition of NGOs)		Kinabalu, Sabah	
64.	Solidarity for Zara (Putatan) (Suara Siswa UMS)	15 Aug	Putatan, Sabah	Hundreds
65.	Solidarity for Zara (Penang) (Suara Siswa UMS / Nalar Siswa)	15 Aug	Sunshine Bertam, Kepala Batas, Penang	Thousands
66.	Justice for Zara Qairina Mahathir (SOGO) (NGO)	16 Aug	SOGO shopping complex, Kuala Lumpur	Hundreds
67.	#justiceforzara Rally (Kota Kinabalu) (Jaya Kumar, from the Indian Civil Servant Retirees Organisation)	16 Aug	Lintasan Deasoka	500
68.	Justice for Zara Rally (Jalan Hang Tuah, Melaka)	16 Aug	Jalan Hang Tuah, Melaka	More than 10,000
69.	Solidarity Rally for the late Zara Qairina Mahathir (Intan Bay) (NGOs)	16 Aug	Dataran Menara Condong, Teluk Intan, Perak	More than 6,000
70.	Justice for Zara Rally (Keningau)	16 Aug	Keningau Sports Complex, Sabah	More than 6,000
71.	Solidarity for Zara (Penampang) (Suara Siswa UMS / Sabah Youth Movement)	17 Aug	Penampang, Sabah	400
72.	"Justice For Zara" Solidarity Rally (Kuantan Pahang)	20 Aug	Padang Awam Cenderawasih, Kuantan, Pahang	5,000
73.	Solidaridariti for Arul (30 PSM members and NGO representatives)	20 Aug	IPD Dang Wangi, Kuala Lumpur	30
74.	Himpunan Mogok #undurFadlina	21 Aug	Outside of the Education	Almost 20

	(HARAM & GAMIS)		Ministry of Malaysia, Putrajaya	
75.	'Justice For Zara Qairina' Peaceful Rally (Sekretariat Solidariti Zara Qairina)	21 Aug	Dataran Medan Bandar, Alor Setar, Kedah	Thousands
76.	Malam Himpunan dan Selawat - Malaysiaku Bersama Gaza (Malaysian Consultative Council of Islamic Organisations and Cinta Gaza Malaysia)	24 Aug	Dataran Merdeka, Kuala Lumpur	Tens of thousands
77.	Bantahan POV 91 dan RUU (MANDIRI & Kuasa Sahabat Alam)	25 Aug	Parliament, Kuala Lumpur	30
78.	Solidarity with Indonesian activists demanding the release of 400 activists (MANDIRI)	26 Aug	Outside of the Indonesian Embassy, Kuala Lumpur	400
79.	Parliament protest on the delayment of the URA (Pro-Perikatan Nasional groups and Federal Territories residents' associations)	26 Aug	Outside Parliament, Kuala Lumpur	Hundreds
80.	Support for the Urban Renewal Act (Residents from flats in Taman Desa Bakti in Selayang, Taman Maluri in Cheras and Taman Seri Indah in Petaling Jaya)	27 Aug	Outside Parliament, Kuala Lumpur	Over 50
81.	Gig Workers Bill (The Land Public Transport Transformation Association)	27 Aug	Outside Parliament, Kuala Lumpur	Nearly 100
82.	Himpunan Solidariti 2.0 (Coalitions of 28 NGOs)	31 Aug	Padang Merdeka, Kota Kinabalu	50,000

83.	Himpunan Solidariti 2.0” (SOGO)	31 Aug	SOGO shopping complex, Kuala Lumpur	More than 200
84.	Solidarity with riots in Indonesia (MANDIRI)	2 Sep	Outside of the Indonesian Embassy, Kuala Lumpur	50
85.	Mass police report against demolition efforts Kampung Jalan Papan (Residents of Kampung Jalan Papan)	5 Sep	IPD Klang, Selangor	80
86.	Silent Demo in solidarity with Palestine / "Trump Don’t Come " Rally (Boycott, Divestment and Sanctions Malaysia)	6 Sep	From Jalan Bukit Bintang to the KLCC Twin Towers	300
87.	Kampung Sungai Baru Protest of Demolition (Residents of Kampung Sungai Baru)	11 Sep	Kampung Sungai Baru, Kuala Lumpur	Nearly 100
88.	Memorandum Submission To the ministry of higher education (University of Malaya New Youth Association)	12 Sep	Ministry of Higher Education, Putrajaya	5
89.	Perhimpunan Aman Bantah Tuntutan Mansuh Matrikulasi (Majlis Perundingan Pelajar Kebangsaan)	13 Sep	KPT compound, Putrajaya	200
90.	Global Weekend of Action (Boycott, Divestment and Sanctions Malaysia)	18 Sep	United Nations Office, Jalan Tun Abdul Razak, Putrajaya	20
91.	Penyerahan Memorandum KBRI berhubung kebebasan berhimpun dan hak demokrasi di Indonesia (Sekretariat Berhimpun)	11 Sep	Indonesian Embassy, Kuala Lumpur	15

92.	Apple Store in The Exchange Congo protest (A group of activists)	19 Sep	Outside the Apple Store in Tun Razak Exchange, Kuala Lumpur	10
93.	Pro-Palestine & Anti-Trump march (Malaysian protest for Palestine)	26 Sep	Intercontinental Hotel to US Embassy, Kuala Lumpur	20
94.	Memorandum submission (third time) (Gabungan Persatuan Isu Pampasan dan Perumahan Jinjang Selatan Tambahan)	26 Sep	Outside Menara DBKL, Kuala Lumpur	20
95.	Solidarity with GSF (MAPIM)	2 Oct	From the outside of Tabung Haji to the US Embassy, Kuala Lumpur	Nearly 3,000
96.	Solidarity with GSF (Gegar Amerika)	2 Oct	From the outside of LINC shopping mall to the US Embassy, Kuala Lumpur	Nearly 3,000
97.	Solidarity with GSF (The Ultras Malaya)	2 Oct	Outside the US Embassy, Kuala Lumpur	Nearly 500
98.	Solidarity with GSF (MAPIM)	3 Oct	Outside the US Embassy, Kuala Lumpur	Thousands
99.	Kelantan Bangkit Bersama GSF Gaza (Kelantan People's Action Council)	3 Oct	Lembah Sireh, Kota Bharu	Nearly 5,000
100.	HIMPUNAN SUMUD FLOTILLA: ZAHIRKAN SOLIDARITI TANPA HENTI (Muslim Youth Movement of Malaysia)	3 Oct	From Menara Tabung Haji to the US Embassy, Kuala Lumpur	hundreds

101.	Save Bukit Damansara: No to Skyscrapers (Bukit Damansara House Owners' Association)	4 Oct	Jalan Semantan 2, Bukit Damansara, Kuala Lumpur	100-300
102.	Solidarity with the Global Sumud Flotilla and object to the Urban Renewal Bill (PAS)	4 Oct	From Masjid Jamek to SOGO shopping complex, Kuala Lumpur	5,000
103.	Solidarity campaign for Palestinians and the Global Sumud Flotilla (GSF) activists (Liga Mahasiswa UM)	6 Oct	Universiti Malaya, Kuala Lumpur	30
104.	Solidarity for Pannir Selvam (Amnesty)	7 Oct	Outside the Singapore High Commission, Kuala Lumpur	20
105.	Submission of Memorandum to the Prime Minister, Protest against Trump's Arrival to Malaysia! (Sekretariat Bantah Trump)	7 Oct	Pejabat Perdana Menteri, Putrajaya	30-50
106.	Himpunan Solidariti Bersama Gaza: Gelombang Malaysia, Palestine Merdeka (Anwar Ibrahim)	8 Oct	Axiata Arena, Bukit Jalil, Kuala Lumpur	Thousands
107.	Solidarity with Kamal and Nama (Gegar Amerika)	9 Oct	KL Court Complex, Jalan Duta	10-20
108.	Kelantan Bangkit Bersama GSF Gaza (Kelantan People's Action Council)	10 Oct	Lembah Sireh, Kota Bharu	Nearly 5,000
109.	Global Sumud Flotilla protest at UMS (Suara Mahasiswa UMS)	12 Oct	Universiti Malaysia Sabah, Kota Kinabalu	10
110.	Justice for the Dogs - Stop the Shooting at	12 Oct	Gate 13, Universiti Putra	100

	UPM (Pertubuhan Pelindung Khazanah Alam & Global Human Rights Federation)		Malaysia	
111.	Convoy Anti-Trump (Sekretariat Bantah Trump)	12 Oct	From Zoo Negara to US Embassy, to KLCC, to Bukit Bintang, to Dataran Merdeka, Kuala Lumpur	More than 1,000
112.	Protest against UPOV 1991 Sabah (Indigenous and small-scale farmers and planters in Sabah)	17 Oct	Penampang, Sabah	20
113.	Wangsa Maju Kindergarten Project (Wangsa Maju Residents' Association)	19 Oct	Wangsa Maju, Kuala Lumpur	15
114.	Demonstrasi #MakeSchoolASaferPlace (Sekretariat Sekolah Selamat)	22 Oct	Outside of the Parliament, Kuala Lumpur	hundreds
115.	Memorandum submission to Menteri Besar Selangor (Residents of Kampung Jalan Papan & PSM)	23 Oct	Outside of the Menteri Besar Selangor's Office, Shah Alam	100
116.	Demonstrasi Bantah Trump (PAS Youth)	24 Oct	From Jalan Tun Razak to the US Embassy, Kuala Lumpur	700
117.	Solidarity and Vigil 'Free Our Friends!' (MANDIRI)	24 Oct	Outside the Indonesia's Embassy, Kuala Lumpur	20
118.	Anti-Trump Protest (Bike convoy) (Sekretariat Bantah	25 Oct	Outside the US Embassy, Kuala Lumpur	700

	Trump)			
119.	Trump You're Not Welcome in Malaysia protest / Himpunan Bantah Trump (BDS Malaysia, SSP, PEJUANG and MUDA)	26 Oct	Dataran Merdeka, Kuala Lumpur	100
120.	Himpunan Rakyat Tolak Trump / People's Assembly Dump Trump (Sekretariat Bantah Trump, GEGAR, SAGM, and MP4P)	26 Oct	Outside the Ampang Park LRT station, Kuala Lumpur	200
121.	BNM protest on Kampung Jalan Papan (Residents of Kampung Jalan Papan & PSM)	5 Nov	Outside Bank Negara Malaysia headquarters, Kuala Lumpur	80
122.	Protest against demolition of Kampung Jalan Papan (Residents of Kampung Jalan Papan & PSM)	10 Nov-14 Nov	Kampung Jalan Papan, Klang	50-70
123.	Solidarity vigil on Kg Papan arrests (first round) (Residents of Kampung Jalan Papan & PSM)	12 Nov	Outside South Klang IPD	40
124.	Memorandum on union busting (Six unions are the National Union of Transport Equipment and Allied Industries Workers; Paper and Paper Products Manufacturing Employees' Union; three branches of the Electronics Industry Employees Union; and the National Union of Textile, Garment, Leather, Fibre and Plastics)	13 Nov	Outside the Parliament, Kuala Lumpur	Over 100
125.	'Tangkap Jerung' rally (Whistleblower Albert	14 Nov	Outside the MACC	100

	Tei fronted the rally of some 100 people, comprising mostly activists and influencers)		headquarters, Putrajaya	
126.	Anti-incinerator march (A coalition of residents & civil society groups)	17 Nov	Outside the Selangor State Secretariat building, Shah Alam	Nearly 100
127.	Demonstration on fair resettlements for Kg Jalan Papan residents (Residents of Kampung Jalan residents & PSM)	21 Nov	Outside Melati Ehsan Holdings Berhad's office, Kuala Lumpur	More than 30
128.	March for justice on Indira Gandhi (Indira Gandhi)	22 Nov	From SOGO shopping complex, Kuala Lumpur to Bukit Aman, Kuala Lumpur	100
129.	Puchong residents rally against proposed development next to Ayer Hitam Forest Reserve (Puchong Residents)	22 Nov	Taman Tasik Wawasan, Puchong	Over 700
130.	Memorandum submission on Kg Jalan Papan to SLA (Residents of Kampung Jalan residents & PSM)	24 Nov	Outside of the Menteri Besar Selangor's Office, Shah Alam	80
131.	Bantahan Majlis Pecah Tanah Kampung Sungai Baru (Malaysian entertainer Rafidah Ibrahim)	30 Nov	IPK Kuala Lumpur	5-10
132.	Reject Caterpillar Protest! (PNB & Sime Darby)	7 Dec	Jalan Hang Tuah, Kuala Lumpur	20
133.	Protest for Filton 24	11 Dec	British High Commission, Kuala Lumpur	10
134.	Memorandum submission	12 Dec	From PSM	50

	to the Malaysian Health Tourism Council (MHTC) on medical tourism (PSM)		headquarters to MHTC headquarters, Kuala Lumpur	
135.	Solidarity with the 8 activists detained in the UK (BDS Malaysia)	19 Dec	British High Commission, Kuala Lumpur	20
136.	Road project in Shah Alam Community Forest (Residents of Arundina Setia Eco Park)	21 Dec	Arundina Setia Eco Park, Setia Alam	100
137.	'Celebration' for DAP MP (A delegation of Selangor UMNO Youth leaders)	23 Dec	Outside Puchong MP Yeo Bee Yin's service centre	100
138.	Flash mob action #betulkanjalankami (Gerakan Mahasiswa & Suara Mahasiswa)	23 Dec	Universiti Malaysia Sabah	5
139.	Orang Asli Protest over land dispute (Pahang Jakun Tribal Association)	23 Dec	Rompin, Pahang	less than 20

CORRUPTION & GOVERNANCE

CORRUPTION AND GOVERNANCE

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Context

It has been 3 years since Anwar Ibrahim's Madani administration came to power, with a consistent message of prioritising the eradication of corruption and improving public governance. Over the past few years, the government has announced the development of various laws and amendments to improve the Malaysian legal framework to achieve these stated goals. In 2025, some of these laws have finally been passed – with mixed reception. The extent to which these reforms will realistically achieve effective systemic change is questionable, and several decisions may prove detrimental in the long run. Overall, the inadequacies in content and implementation of some of these reforms are troubling, as the momentum for change is lost with little to show for it.

This Chapter shall set out a brief overview of some of the reforms implemented by the Madani government related to corruption and government, within the context of important incidents and scandals which illustrate how much further we must go in fully eliminating corruption in Malaysia.

Key Issues in 2025

Whistleblower Protection: Improvements on Paper, Uncertainty in Implementation[238]

In late 2024, a series of viral video recordings were disseminated online which implicated several Sabahan political figures in the receipt of bribes paid to secure mineral prospecting licences.[239] This scandal continued to develop throughout 2025, with the whistleblower who had come forward with the allegations being refused whistleblower protection and facing threats of reprisal.[240] The Malaysian Anti-Corruption Commission (MACC) initially responded to the allegations with scepticism, with Chief Commissioner Azam Baki stating that the videos had been heavily edited, lacked credibility, and would be inadmissible in court.[241] However after more video evidence was submitted, the MACC announced it had initiated a comprehensive investigation on the matter – culminating with criminal charges against the

[238] See C4 Center, "Briefing Note: Amendments to Whistleblower Protection Act 2010" (July 2025), available at https://c4center.org/briefing-notes-amendments-to-whistleblower-protection-act-2010/.

[239] Lauren Lopez, "The alleged Sabah mining scandal: the story so far" (*Free Malaysia Today*, 8 July 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/07/08/the-alleged-sabah-mining-scandal-the-story-so-far.

[240] Alyaa Alhadjri, "Someone high up told Sabah whistleblower to walk away: Latheefa" (*Malaysiakini*, 11 March 2025), available at https://www.malaysiakini.com/news/736934.

[241] FMT Reporters, "Leaked Sabah mining videos were heavily edited, says MACC" (*Free Malaysia Today*, 16 February 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/02/16/leaked-sabah-mining-videos-were-heavily-edited-macc-says.

whistleblower himself as well as two assemblypersons.[242] Most recently, Anwar Ibrahim explained in Parliament on 18 November 2025 that investigations into the case are still ongoing against the other persons implicated and have not been closed.[243]

This scandal illustrated the inadequacies in the Malaysian whistleblower protection framework, where an individual who was involved in criminal activity was offered no protection in exchange for information. The Anwar administration has taken a hardline stance on this issue, with Prime Minister Anwar Ibrahim insisting that protection may only be afforded to those who are "clean"[244] and Law and Institutional Reform Minister Azalina Othman stressing that compliance with procedure is necessary to receive protection.[245] In response, experts and civil society organisations have pushed back against the government's restrictive approach: President of the Malaysian Institute of Integrity Ahmad Ramdzan Daud stated that legalities should not discourage the very people needed to expose wrongdoing,[246] while the Center to Combat Corruption and Cronyism (C4 Center) noted that only seeking to protect those with completely "clean hands" is unrealistic.[247]

Against this backdrop, the government finally heeded longstanding calls for improvements to the whistleblower protection framework with the tabling of much-needed amendments to the Whistleblower Protection Act 2010. The Dewan Rakyat passed the Whistleblower Protection (Amendment) Bill 2025 on 22 July 2025, which introduced several important changes:[248]

- A new Whistleblower Protection Committee shall be set up temporarily to oversee the implementation of the Act and to collect statistics,[249] which shall eventually be replaced with the soon-to-be established Ombudsman Malaysia;[250]

[242] FMT Reporters, "2 Sabah reps, businessman charged over mining scandal" (*Free Malaysia Today*, 30 June 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/06/30/2-sabah-reps-businessman-charged-over-mining-scandal.

[243] *Penyata Rasmi Dewan Rakyat* (Official Hansard of the House of Representatives) DR.18.11.2025 (18 November 2025), pp. 3 – 4, available at https://www.parlimen.gov.my/files/hindex/pdf/DR-18112025.pdf.

[244] FMT Reporters, "No protection for whistleblowers involved in graft, says PM" (*Free Malaysia Today*, 12 November 2024), available at https://www.freemalaysiatoday.com/category/nation/2024/11/12/no-protection-for-whistleblowers-involved-in-graft-says-pm.

[245] Elill Easwaran, "Whistleblowers must report to MACC first for protection, says Azalina" (*Free Malaysia Today*, 13 November 2024), available at https://www.freemalaysiatoday.com/category/nation/2024/11/13/whistleblowers-must-report-to-macc-first-for-protection-says-azalina.

[246] Amalina Kamal, "Legal framework for whistleblowers too rigid, says integrity institute chief" (*The New Straits Times*, 3 August 2025), available at https://www.nst.com.my/news/nation/2025/08/1254535/legal-framework-whistleblowers-too-rigid-says-integrity-institute-chief.

[247] FMT Reporters, "Protect whistleblowers who are also involved in improper conduct, says group" (*Free Malaysia Today*, 7 February 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/02/07/protect-whistleblowers-who-are-also-involved-in-improper-conduct-says-group.

[248] See C4 Center, "Briefing Note: Amendments to Whistleblower Protection Act 2010" (July 2025), available at https://c4center.org/briefing-notes-amendments-to-whistleblower-protection-act-2010/.

[249] Section 3 of the Whistleblower Protection (Amendment) Bill 2025.

[250] Minderjeet Kaur, "Ombudsman Malaysia to replace whistleblower committee" (*Free Malaysia Today*, 22 July 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/07/22/ombudsman-malaysia-to-replace-whistleblower-committee.

- Individuals who make disclosures of improper conduct in violation other laws (such as secrecy provisions under the Official Secrets Act 1972 or Section 203A of the Penal Code) will no longer be prohibited from receiving whistleblower protection;[251] and
- A degree of discretion is now afforded to enforcement agencies in determining whether protection should be conferred to an individual where they have participated in the improper conduct themselves.[252]

Although these reforms are welcomed, it remains to be seen whether they will effectively strengthen Malaysia's whistleblower protection mechanism moving forward. The continued existence of laws such as the Official Secrets Act 1972 and Section 203A of the Penal Code still create a chilling effect on potential whistleblowers within the public service. Further, on 19 June 2025 the Public Service Department issued a circular reminding public servants of a ban on making public statements that, among others, could embarrass the government or expound on the weaknesses of any government policy or decision.[253] These examples demonstrate the persistence of a culture of secrecy with the Malaysian government, which will continue to hinder any effective whistleblower protection mechanism.

Introduction of the Parliamentary Service Act 2025

On 5 March 2025, the Dewan Rakyat passed two Bills aimed at ensuring Parliamentary independence from the Executive and elevating its status as a check and balance mechanism – the Parliamentary Service Bill 2025 and the Constitution (Amendment) Bill 2025.[254] With the introduction of these laws, the government sought to emulate the previous Parliamentary Services Act 1963, which established a Parliamentary Service separate from the general public service of the Federation and allowed Parliament a degree of autonomy in managing its own staffing. This Act was repealed in 1992 and since then, Parliament was effectively placed under the administrative control of the Executive.

The Parliamentary Service Act 2025 reintroduces a Parliamentary Service that is separate from the public service and establishes a Parliamentary Service Council to manage all matters relating to the Parliamentary Service. This affords the legislative branch significant autonomy on financial matters and staffing, but the Act stops short of granting Parliament the power to set its own budget.[255] According to Azalina Othman the Act is expected to take effect in May 2027, with ongoing efforts to develop regulations necessary for the implementation of the Act.[256]

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[251] Section 4 of the Whistleblower Protection (Amendment) Bill 2025.

[252] Section 6 of the Whistleblower Protection (Amendment) Bill 2025.

[253] Public Service Department, *Surat Edaran Larangan Membuat Pernyataan Awam di bawah Subperaturan 19(1) dan 19(2) Peraturan-Peraturan Pegawai Awam (Kelakuan dan Tatatertib) P.U. (A) 395/1993* (19 June 2025), available at https://www.jpa.gov.my/perkhidmatan/surat-edaran/surat-edaran-larangan-membuat-pernyataan-awam-di-bawah-subperaturan-19-1-dan-19-2-peraturan-peraturan-pegawai-awam-kelakuan-dan-tatatertib-p-u-a-395-1993.

[254] Syed Jaymal Zahiid, "How the 'mother of all reforms' Parliamentary Services Bill aims to restore Parliament's independence" (*Malay Mail*, 5 March 2025), available at https://www.malaymail.com/news/malaysia/2025/03/05/how-the-mother-of-all-reforms-parliamentary-services-bill-aims-to-restore-parliaments-independence/168698.

[255] Ibid.

[256] Teh Athira Yusof, Martin Carvalho and Gerard Gimino, "Parliamentary Services Act 2025 to take effect in May 2027" (*The Star*, 10 October 2025), available at https://www.thestar.com.my/news/nation/2025/10/10/parliamentary-services-act-2025-to-take-effect-in-may-2027-says-azalina.

Following the passing of these laws, on 12 August 2025 the Dewan Rakyat also passed several amendments to its Standing Orders. These amendments included the establishment of permanent Select Committees related to Ministries which are responsible for scrutinising Bills and other matters within the relevant subject matter[257] (see below on the failure of this mechanism in addressing the flawed Government Procurement Bill).

The Act has been widely criticised as being inadequate to truly grant Parliament the independence and autonomy needed to effectively check on the Executive. Constitutional law expert Shad Saleem Faruqi noted that the Act fails to fully uphold the safeguards under the former system, such as the removal of security of tenure for the Clerks of the Houses of Parliament.[258] Civil society organisations have called for the introduction of a Standing Committee to serve as an oversight mechanism for the Parliamentary Service Council and provisions imposing a duty of impartiality on Parliamentary service staff.[259]

Government Procurement Act: A Harmful Attempt at Reforming Public Financial Management

Government procurement in Malaysia has long been plagued by corruption and wastage of public funds, due in part to the lack of binding legislation to govern the conduct of procurements: one prominent example involving the Royal Malaysian Armed Forces near the end of 2025, where the MACC reportedly had commenced investigations into several army procurement projects.[260] Laws such as the Financial Procedure Act 1957 and Government Contracts Act 1949 vest a significant amount of power and discretion in the hands of Ministers, but do not establish detailed procedures or checks and balances to ensure procurements are conducted efficiently. To address this, civil society organisations have repeatedly called for the introduction of a Government Procurement Act to regulate this area.[261]

On 25 August 2025, the Government Procurement Bill was tabled for its first reading in the Dewan Rakyat and faced immediate criticism for the contents of the Bill. The Bill included provisions which vested broad discretionary powers in the hands of the Minister of Finance to unilaterally approve procurements in the highest value category (above RM100 million for works and above RM50 million for goods and services), to sidestep recommendations of procurement boards that are ostensibly set up to independently evaluate the merits of any

[257] Standing Order 80B of the Standing Orders of the Dewan Rakyat.

[258] Minderjeet Kaur, "Parliamentary Services Bill falls short of standards, says constitutional law expert" (*Free Malaysia Today*, 10 March 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/03/10/parliamentary-services-bill-falls-short-of-standards-says-constitutional-expert.

[259] "Joint Statement: Assurance on More Improvements in the PSA 2025 Bill Needed" (5 March 2025), available at https://www.ideas.org.my/joint-statement-assurance-on-more-improvements-in-the-psa-2025-bill-needed/.

[260] "Malaysia raids several firms as part of anti-graft probe into army procurement" (*Channel News Asia*, 29 December 2025), available at https://www.channelnewsasia.com/asia/malaysia-raids-several-firms-anti-graft-probe-army-procurement-5753151.

[261] See Bryan Cheah, "Policy Proposal to the Malaysian Government: The Procurement Act" (C4 Center, February 2025), available at https://c4center.org/policy-proposal-to-the-malaysian-government-the-procurement-act/; and Sri Murniati Yusuf, "Procurement Legislation, Compliance, Transparency and Accountability in Malaysia: A Final Report of IDEAS Procurement Research and Roundtable Series 2020" (IDEAS, 2020), available at https://www.ideas.org.my/publications-item/procurement-legislation-compliance-transparency-and-accountability-in-malaysia-a-final-report-of-ideas-procurement-research-and-roundtable-series-2020/.

procurement, and to impose exemptions of statutory registration requirements and the application of the Act itself.[262]

The Bill faced strong criticism from civil society organisations[263] and Members of Parliament[264] (including government backbenchers like Pasir Gudang MP Hassan Karim and Sandakan MP Vivian Wong), who pointed out the numerous flaws in the Bill and sought more time for the Bill to be considered by the Parliamentary Special Select Committee on Finance. Nevertheless, the Bill was bulldozed through and passed by the Dewan Rakyat just 3 days later. Subsequently, the Bill was passed by the Dewan Negara on 8 September 2025 and currently awaits gazetting before becoming law.

Beyond the inherent flaws of the law which create great risks of abuse, the way in which the Bill was bulldozed through is highly concerning – particularly in light of the efforts undertaken to ostensibly empower parliamentary select committees as effective checks in the legislative process. Prior to the tabling of this Bill, amendments had been made to the Standing Orders of the Dewan Rakyat – including the introduction of Standing Order 80B which establishes "Select Committees related to Ministries" that have the duty to "scrutinize Bills related to the relevant Ministries that have been read the first time".[265] Yet even though Members of Parliament opposing the Bill repeatedly pointed out the mandatory nature of the phrasing here – that "it shall be the duty of the Committees" – Speaker Johari Abdul ruled that any such referral would require a written request from the committee to the relevant ministry.[266] This wording does not appear anywhere in the Standing Order and further, given that the Bill was scheduled for its second reading only 3 days after it was read for the first time, it is questionable how much leeway was available to MPs to be able to scrutinize the Bill adequately. Indeed, this entire sequence of events calls into question how committed the Anwar administration is to truly empower Parliament as an effective check and balance.

Protecting The Integrity of The Criminal Justice System Remains a Challenge

The integrity of the criminal justice system has been questioned over the past few years, with numerous high-profile corruption prosecutions either being discontinued by prosecutors or

[262] For more, see C4 Center, *Briefing Note: Government Procurement Act* (November 2025), available at https://c4center.org/briefing-note-government-procurement-act/.

[263] Hazween Hassan, "New procurement bill gives ministers unchecked powers, warns watchdog" (*New Straits Times*, 26 August 2025), available at https://www.nst.com.my/news/nation/2025/08/1265790/new-procurement-bill-gives-ministers-unchecked-powers-warns-watchdog; FMT Reporters, "Think tank, CSO urge proper scrutiny of Government Procurement Bill" (*Free Malaysia Today*, 27 August 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/08/27/think-tank-cso-urge-proper-scrutiny-of-government-procurement-bill; "JOINT PRESS STATEMENT: Government Procurement Bill: A sorely needed law with institutionally dangerous flaws" (9 September 2025), available at https://c4center.org/joint-press-statement-government-procurement-bill-a-sorely-needed-law-with-institutionally-dangerous-flaws/.

[264] Soo Wern Jun, "Dewan Rakyat passes Government Procurement Bill as Opposition's bid to block it falls short" (*Malay Mail*, 28 August 2025), available at https://www.malaymail.com/news/malaysia/2025/08/28/dewan-rakyat-passes-government-procurement-bill-as-oppositions-bid-to-block-it-falls-short/189202; Nor Ain Mohamed Radhi & Luqman Hakim, "Radzi calls for delay on Procurement Bill over public concerns" (*New Straits Times*, 27 August 2025), available at https://www.nst.com.my/news/nation/2025/08/1266324/radzi-calls-delay-procurement-bill-over-public-concerns.

[265] Standing Order 80B(3)(a) of the Standing Orders of the Dewan Rakyat.

[266] "Dewan Rakyat Passes Government Procurement Bill 2025" (*Bernama*, 28 August 2025), available at https://bernama.com/en/news.php?id=2461577.

dismissed by the courts for procedural errors.[267] This pattern of questionable decisions by the Attorney General's Chambers (AGC) has continued in 2025 as well:

- On 20 June 2025, former Prime Minister Najib Razak was granted a discharge not amounting to an acquittal (DNAA) by the High Court for three money laundering charges involving RM27 million from SRC International Sdn Bhd. The decision was made because the case had been pending in the court's schedule for too long, and the prosecution could not specify when they would be able to prepare the evidence necessary for the trial despite having had 6 years to do so.[268]

- On 20 August 2025, Parti Pribumi Bersatu Malaysia's Segambut deputy chief Adam Radlan was acquitted of 12 corruption charges relating to the Jana Wibawa project – 5 charges of accepting or soliciting bribes under the MACC Act 2009 and 7 charges of money laundering under the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act (AMLA) 2001. This acquittal was granted after the prosecution accepted his offer to pay a compound of RM4.1 million under Section 92 of the AMLA 2001 and sought to withdraw the charges laid against him.[269] Although the AMLA 2001 does allow offences to be compounded (settled out of court), there is no equivalent provision under the MACC Act 2009 – which makes the legality of the decision to compound all the charges against Adam Radlan doubtful.[270]

- On 1 October 2025, a Sessions Court ordered the forfeiture of more than RM169 million worth of cash linked to former Prime Minister Ismail Sabri. The order was made pursuant to an application by the MACC under Section 41(1) of the MACC 2009,[271] which sets out the procedure for forfeiting property where there is no prosecution for an offence. The section notes that in order for any property to be forfeited, the applicant must be satisfied that the property was obtained in connection with a corruption offence – which demonstrates that the government is satisfied that Ismail Sabri was indeed involved with a corruption offence. Yet prior to the court order being made, the AGC released a press statement emphasising that forfeiture and criminal prosecution are two separate processes, and although the MACC had proceeded with the forfeiture of these monies, the AGC would continue to consider the investigation report to decide on next steps.[272] To date, no charges have been laid against Ismail Sabri.

Once again, serious questions arise regarding the AGC's competence in conducting corruption prosecutions against political figures. This only serves to compound the trust deficit within the

[267] For more examples, see SUARAM, *Malaysia Human Rights Report 2023* (2024), pp. 128-129 and SUARAM, *Malaysia Human Rights Report 2024* (2025), pp. 105-107.

[268] Tarani Palani, "Court grants Najib temporary discharge in second case linked to SRC" (*The Edge Malaysia*, 20 June 2025), available at https://theedgemalaysia.com/node/759744.

[269] "Adam Radlan Freed of Graft, Money Laundering Charges After Paying RM4.1 Mln Compound" (*Bernama*, 20 August 2025), available at https://www.bernama.com/en/news.php?id=2458612.

[270] C4 Center, "Adam Radlan's acquittal: Prosecution must answer for withdrawal of corruption charges" (22 August 2025), available at https://c4center.org/adam-radlans-acquittal-prosecution-must-answer-for-withdrawal-of-corruption-charges/.

[271] Nurbaiti Hamdan, "Court orders forfeiture of RM169mil linked to Ismail Sabri" (*The Star*, 1 October 2025), available at https://www.thestar.com.my/news/nation/2025/10/01/court-orders-forfeiture-of-rm169mil-linked-to-ismail-sabri.

[272] Attorney General's Chambers, "Kes Melibatkan Datuk Seri Ismail Sabri bin Yaakob dan Datuk Anuar bin Mohd Yunus" PN.PRO.100-3/6/4 Jld.2 (69) (14 September 2025), available at https://www.agc.gov.my/uploads/content-downloads/file_20250930205533.pdf.

public against the criminal justice system, with a pervading perception of certain parties being insulated from accountability. This stems from the fact that the Attorney General (who is appointed on the binding discretion of the Prime Minister[273]) holds the power of prosecution as well. The role of the Attorney General is quasi-ministerial, as it is their duty to advise the Government on legal matters. According to Article 145(3) of the Federal Constitution and Section 376 of the Criminal Procedure Code, the Attorney General is also the Public Prosecutor *ex officio*, and shall have the power, exercisable at their discretion, to institute, conduct, discontinue, control and direct all criminal proceedings (other than proceedings before a Syariah court, a native court, or a court-martial). This overlap in function gives rise to an inherent risk of political interference or influence upon the conduct of criminal prosecutions, which must not exist to uphold public faith in the criminal justice system.

Calls for the separation of the Attorney General and Public Prosecutor roles have continued this year, with the government finally indicating that this reform shall soon be implemented. On 14 August 2025, Prime Minister Anwar Ibrahim announced to Parliament that the proposal shall be presented to Cabinet at the end of the month.[274] This came after the establishment of two task forces (one for comparative studies and another for technical implementation) charged with studying and providing proposals to the government.[275] The Legal Affairs Division of the Prime Minister's Department (BHEUU) released a press statement on 10 September 2025 stating that the Madani government had agreed in principle to fully separate the roles of the Attorney General and Public Prosecutor, with both roles being established as constitutional offices of equal stature.[276] A month later, Law and Institutional Reform Minister Azalina Othman affirmed in Parliament that the government has set a clear timeline for the exercise, with the proposed constitutional amendments slated to be tabled next year.[277]

Malaysian Anti-Corruption Commission (MACC) Plagued by Continued Lack of Reform

The 2024 edition of this report explained the issues inherent in the current system of appointing the Chief Commissioner of the MACC: where the Prime Minister has the unilateral discretion to appoint and remove the Chief Commissioner, there is an inherent risk of the office being beholden to the Prime Minister's interests. Despite widespread criticism and disapproval of Azam Baki's previous reappointments as the Chief Commissioner, the government once again

[273] Article 145 read with Article 40(1A) of the Federal Constitution.

[274] Choy Nyen Yiau, "Anwar: Attorney general-public prosecutor role-split to be presented to Cabinet end of this month" (*The Edge Malaysia*, 14 August 2025), available at https://theedgemalaysia.com/node/766552.

[275] Muhammad Yusry, "Report on AG-public prosecutor separation to be sent to Cabinet this month, says law minister" (*Malay Mail*, 22 July 2025), available at https://www.malaymail.com/news/malaysia/2025/07/22/report-on-ag-public-prosecutor-separation-to-be-sent-to-cabinet-this-month-says-law-minister/184741.

[276] Legal Affairs Division of the Prime Minister's Department, "Keputusan Jemaah Menteri Berhubung Cadangan Pengasingan Peranan Peguam Negara dan Pendakwa Raya di Malaysia" (10 September 2025), available at https://strapi.bheuu.gov.my/uploads/KENYATAAN_MEDIA_BHEUU_JPM_BERKAITAN_KEPUTUSAN_JEMAAH_MENTERI_BERHUBUNG_AGPP_5b460bd5ed.pdf.

[277] Alyaa Alhadjri & Hariz Mohd, "Amendments to separate AG and PP roles next year, says minister" (*Malaysiakini*, 6 October 2025), available at https://www.malaysiakini.com/news/757114.

opted to extend his tenure for another one-year term in May 2025, after two previous one-year extensions since he took office in March 2020.[278]

Azam Baki's tenure as MACC Chief Commissioner has been marred by allegations of financial impropriety and abuse of power. One noteworthy example was revealed in a Bloomberg report in September 2024, which alleged that Azam had been instructed by Anwar Ibrahim to target his political rivals by using the machinery of the MACC to conduct investigations, as well as to not examine share purchases by Anwar's former political aide Farhash Wafa Salvador.[279] The Government erupted in outrage upon the report's publication, with Anwar stating in Parliament that Bloomberg had made dangerous accusations and that the police were investigating the matter,[280] and the MACC itself denouncing the claims as being "wild and irresponsible".[281]

On 4 November 2025, Minister Azalina Othman gave a written parliamentary response to an MP's question regarding the latest updates on the government's response to the Bloomberg report. In her response, she noted that the police had completed their investigations and submitted the matter to the Attorney General's Chambers, who had decided to classify the case as requiring "No Further Action" due to inadequate evidence.[282] The government seems content to allow the matter to rest with no one taking accountability for the allegations raised in the report: that a sitting Prime Minister may have unduly interfered in the operations of an enforcement agency for his own gain.[283]

The government's continued reluctance to democratise the appointment process for the MACC Chief Commissioner serves to erode public trust in the integrity of the institution further. It also goes against Malaysia's commitment to establish "permanent independent bodies, such as parliamentary select committees, to oversee appointments to anti-corruption and all oversight institutions" made at the Fourth Universal Periodic Review before the UN Human Rights Council in January 2024.[284] This commitment has since been incorporated into the National Action Plan on Business and Human Rights (NAPBHR) 2025 – 2030[285] as Strategy G1.7 under

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[278] FMT Reporters, "Azma's contract extended by a year" (*Free Malaysia Today*, 9 May 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/05/09/azams-contract-extended-by-a-year.

[279] Niluksi Koswanage and Tom Redmond, "Anwar's Feud with 99-Year-Old Rival Looms over Malaysia's Revival" (*Bloomberg*, 26 September 2024), available at https://www.bloomberg.com/news/features/2024-09-25/malaysia-pm-anwar-s-feud-with-mahathir-looms-over-country-s-revival.

[280] *Penyata Rasmi Dewan Rakyat* (Official Hansard of the House of Representatives) DR.15.10.2024 (15 October 2024), pp. 5 – 9, available at https://www.parlimen.gov.my/files/hindex/pdf/DR-04112025.pdf.

[281] Malaysian Anti-Corruption Commission, "SPRM Nafi Tohmahan Berita Wujud Arahan Pihak Tertentu Untuk Tutup Siasatan Terhadap Individu Tertentu" (27 September 2024), available at https://www.sprm.gov.my/index.php?id=21&page_id=105&contentid=3411.

[282] *Jawapan-jawapan bagi Pertanyaan-pertanyaan Jawab Lisan yang Tidak Dijawab di dalam Dewan (Soalan No. 9 hingga No. 49)* [Answers to Oral Questions that were Unanswered in the House (Questions No. 9 to No. 49)], Question 30, available at https://www.parlimen.gov.my/files/jindex/pdf/JDR04112025.pdf.

[283] C4 Center, "No Further Action on Bloomberg report: Will Anwar deny interference allegations now?" (8 November 2025), available at https://c4center.org/no-further-action-on-bloomberg-report-will-anwar-deny-interference-allegations-now.

[284] UN Human Rights Council, 'Report of the Working Group on the Universal Periodic Review: Malaysia – Addendum, A/HRC/56/11/Add.1' (11 June 2024), https://docs.un.org/en/A/HRC/56/11/Add.1, accessed 15 March 2026.

[285] Legal Affairs Division, Prime Minister's Department (BHEUU JPM), 'National Action Plan on Business and Human Rights 2025 – 2030' (2025), available at https://strapi.bheuu.gov.my/uploads/Malaysia_s_National_Action_Plan_on_Business_and_Human_Rights_2025_2030_a37b95279e.pdf.

the governance thematic priority. Therefore, it is hoped that this reform shall soon be developed by the government in line with their stated commitments.

Patronage politics remains a central element of Malaysian politics

During his winding-up address at the Parti Keadilan Rakyat national congress on 24 May 2025, Prime Minister Anwar Ibrahim stated that political appointments made by the government should be allowed for qualified individuals. His justification was that such appointments are a "reward" for those who contribute to the success of a political party that comes to power, and that this does not constitute abuse of power.[286] This sentiment aligns with the Prime Minister's Directive Series 1 No.1/2024 issued last year on "Governance of Government Interest Companies and Companies Limited by Guarantee", which expressly allows for the appointment of politicians as chairpersons or directors of such companies if they have sufficient qualifications or expertise.[287] In response, civil society organisations have severely criticised Anwar Ibrahim's comments.[288]

The Prime Minister's statement here illustrated a fundamental problem in Malaysian politics that allows for the perpetuation of cronyism, nepotism, and patronage. Decisions on who should lead government bodies and companies should ideally be based wholly on merit, instead of being seen as a reward for loyalty to the ruling administration. The National Anti-Corruption Strategy 2024-2028 itself notes that "governance within statutory bodies, state-owned enterprises (SOEs), and companies limited by guarantee (CLBGs) in Malaysia is marred by favouritism and nepotism, with top appointments often influenced by political and personal connections."[289] The Institute for Democracy and Economic Affairs (IDEAS) found that from an analysis of 135 federal statutory bodies, 78% lacked defined qualification standards for chairperson roles — clearly demonstrating how widespread this issue is.[290]

It is disappointing to see that despite his government being responsible for this strategy, Anwar Ibrahim himself sees no issue in this approach to governance. By making this public announcement, he is clearly advertising the potential benefits of maintaining loyalty to his government and showing that he is open to engage in transactional politics.

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[286] Ben Tan, "Political appointments are a fair reward for service, says PM Anwar" (*Malay Mail*, 24 May 2025), available at https://www.malaymail.com/news/malaysia/2025/05/24/political-appointments-are-a-fair-reward-for-service-says-pm-anwar/178045.

[287] Government of Malaysia, "Arahan YAB Perdana Menteri No. 1 Tahun 2023, Siri 1 No. 1 Tahun 2024, Tatakelola Syarikat Berkepentingan Kerajaan (SBK) dan Syarikat Berhad Menurut Jaminan (CLBG)", accessed at https://www.sprm.gov.my/admin/uploads_publication/arahan-yab-perdana-menteri-no-1-tahun-2023--gerakan-pemantapan-tatakelola-nasional--tatakelola-syarikat-berkepentingan-kerajaan-sbk-dan-syarikat-berhad-menurut-jaminan-clbg--my-04072024.pdf on 11 March 2025.

[288] See C4 Center, "Anwar betrays reform by endorsing appointments for political loyalty" (27 May 2025), available at https://c4center.org/anwar-betrays-reform-by-endorsing-appointments-for-political-loyalty-2/; and IDEAS, "Appointments to Public Bodies Must Not Be Normalised as Political Rewards" (27 May 2025), available at https://www.ideas.org.my/ideas-appointments-to-public-bodies-must-not-be-normalised-as-political-rewards/.

[289] Prime Minister's Department, *National Anti-Corruption Strategy 2024-2028* (2024), p. 13, available at https://bpgn.sprm.gov.my/wp-content/uploads/2024/05/NACS-2024-2028-ENGLISH.pdf.

[290] Priya Kaur Sachdev, Alissa Marianne Rode, *Who Sits at the Table? From Political to Public Appointees in Malaysia's Federal Statutory Bodies (FSBs)* (Policy Ideas No.88) (*Institute for Democracy and Economic Affairs*, March 2026), available at https://www.ideas.org.my/publications/policy-ideas-no-88-who-sits-at-the-table-from-political-to-public-appointees-in-malaysias-federal-statutory-bodies-fsbs/.

Recommendations

- In order to improve the Malaysian whistleblower protection framework and encourage potential whistleblowers to come forward, more needs to be done by the government, such as:
    - Expanding disclosure channels beyond enforcement agencies alone;
    - Facilitating whistleblowing by providing access to legal, psychological and social support services; and
    - Amending or repealing laws that inhibit freedom of speech and expression, such as the Official Secrets Act 1972 and Section 203A of the Penal Code.

- Although the passing of the Parliamentary Service Act 2025 is a promising first step, there remains a lot to be done before Parliament can truly act as an effective check on the government.[291] These include:
    - Granting Parliament a greater degree of consultative input in proposing the budgetary allocations it should receive annually, instead of placing the matter under the discretion of the Ministry of Finance;
    - Expressly imposing a duty of impartiality on Parliamentary Service staff to ensure all officers act in a non-partisan manner, including by revising the role of the new Chief Administrator position who shall be appointed from the general public service of the Federation;
    - Ensuring provision of comprehensive resources and research materials to Members of Parliament and Senators through a dedicated department within Parliament;
    - Amending the Standing Orders of the Dewan Rakyat to mandate referral of Bills to the specialised select committees before proceeding with the legislative process; and
    - Assigning key public institutions such as the Malaysian Anti-Corruption Commission and the Enforcement Agency Integrity Commission to the oversight of the specialised select committees.

- To address the flaws of the Government Procurement Act, the government must:
    - Commit to resolving the gaps and loopholes in the Act through drafting amendments, subsidiary legislation and implementation guidelines in an open, transparent manner and in consultation with all relevant stakeholders; and
    - Ensure that transparency and meaningful public participation form an integral part of the government procurement process.

- Fixing public mistrust in the criminal justice system will not be an easy process, and this government should prioritise efforts to conclude the separation of the Attorney General and Public Prosecutor. Moving forward, the government should:
    - Table the constitutional amendments and other legal amendments necessary to separate the Attorney General and Public Prosecutor offices, with clear demarcation of the Attorney General's responsibility as the government's legal advisor with control over civil matters and the Public Prosecutor's responsibility for criminal prosecutions. Clarity must be set out with regard to other ancillary responsibilities such as cases before the Special Court (for civil and criminal

[291] See also "The Proposal to Create a Permanent Committee System: A Positive Step That Requires Improvements to be Effective" (8 August 2025), available at https://bersih.org/2025/08/08/the-proposal-to-create-a-permanent-committee-system-a-positive-step-that-requires-improvements-to-be-effective/.

cases against the Yang di-Pertuan Agong or State Rulers) and defence of charitable trusts under Section 9 of the Government Proceedings Act 1956. Further, there must be constitutional safeguards for the independence of the Public Prosecutor – perhaps akin to those afforded to judges such as security of tenure and restricted grounds for removal.

- Clear and binding prosecutorial guidelines should be issued (similar to the UK Code for Crown Prosecutors) to guide the proper conduct of criminal trials in the interest of justice.

- In line with commitments made at the national and international levels, the government must legislate a procedure for appointment and removal of leaders of oversight bodies such as the MACC which is transparent and more democratic (such as a parliamentary confirmation process), with clear statutory criteria based on merit and experience. Unilateral discretion of the Prime Minister can no longer be allowed for this purpose.

- Political appointments to government-linked entities create an inherent risk of conflicts of interest and contravene principles of good governance and equality of opportunity. Therefore, appointments to these positions of power must be made fairer and more transparent through the institutionalisation of open calls, to ensure the most qualified candidates are selected.

6

THE JUDICIARY

THE JUDICIARY

Author: Andrew Khoo

Context

2025 began with an extraordinary speech by the then Chief Justice of the Federal Court of Malaysia[292]. At her Opening of the Legal Year 2025 speech on 8 January 2025, the Right Honourable Tun Tengku Maimun Tuan Mat revealed her concerns about the independence of the judiciary.

Judicial Independence – The Threat from Without

The Chief Justice recounted how judges were appointed in the past, and how they are now. In 2007, in the aftermath of the revelation of the so-called "Lingam" scandal[293], and the ensuing report and recommendations of a Royal Commission of Inquiry[294], a law was passed to create a Judicial Appointments Commission. As the long title of the Judicial Appointments Commission Act 2008 states, this was:

> "An Act to provide for the establishment of the Judicial Appointments Commission in relation to the appointment of judges of the superior courts, to set out the powers and functions of such Commission, to uphold the continued independence of the judiciary, and to provide for matters connected therewith or incidental thereto."[295]

While the creation of the Judicial Appointments Commission was a welcomed development, one of its features was the fact that it was not intended to replace the constitutionally provided process for the appointment of judges of the superior courts that was provided for in Article 122B of the Federal Constitution. Instead, it was intended to supplement and strengthen that process.

It is not wholly clear why the Prime Minister of the day did not seek to amend the constitutional process at that time. Perhaps it was due to the fact that the Barisan Nasional government that had governed Malaysia since independence which he led had recently suffered its worst electoral defeat and had lost its two-thirds majority in Parliament for the first time ever in the general elections of 2008. He may have felt that he would not have had the requisite political support in Parliament to push through any constitutional amendment.

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[292] Tun Tengku Maimun Binti Tuan Mat, "The Opening of The Legal Year 2025" (8 January 2025), available at https://www.kehakiman.gov.my/sites/default/files/2025-01/OLY-Speech-2025-Chief-Justice-of-Malaysia%5D.pdf

[293] Malaysiakini, "Special Report: The Lingam tape" (*Malaysiakini*, 24 September 2007), available at https://www.malaysiakini.com/news/72772

[294] Royal Commissions of Enquiry, "Commission of Enquiry on The Video Clip Recording of Images of a Person Purported to be an Advocate and Solicitor Speaking on The Telephone on Matters Regarding the Appointment of Judges: *The Report*" (9 May 2008), available at https://www.scribd.com/document/60920700/Lingam-Tape-Report

[295] Judicial Appointments Commission Malaysia, "Related Laws Judicial Appointments Commission Act Year 2009" (Feburary 2009), available at https://www.jac.gov.my/en/doc/related-laws-judicial-appointments-commission-act-year-2009

Be that as it may, Tun Tengku Maimun noted in her speech that legislative provisions in the Judicial Appointments Commission Act 2008 meant that the Prime Minister could still reject the recommendations of the Judicial Appointments Commission, and that he appoints five out of the nine members of the Judicial Appointments Commission. She took pains to remind her audience of the statements of the current Prime Minister Anwar Ibrahim when he was the Leader of the Opposition that the Judicial Appointments Commission Act 2009 was not sufficient to restore the independence of the judiciary. More needs to be done. She expressed the hope that, now that Anwar is the Prime Minister, he would not forget the sentiments he had previously expressed.

Tun Tengku Maimun expanded on this theme in a subsequent speech delivered at the 24th Commonwealth Law Conference in Malta on 8 April 2025[296]. In this speech, she referred to proposals calling for the removal of the role of the Prime Minister in the judicial appointment process altogether, and expressed support for them:

> "Of late, there have been proposals to amend the Judicial Appointments Commission Act 2009 and the Federal Constitution to remove the role of the Prime Minister in the appointment of judges. Such changes in my view, would reinforce the impartiality of the selection process, ensuring that judicial appointments remain firmly grounded on merit and free from any perception of political influence."[297]

Judicial Independence – The Threat from Within

Another threat to judicial independence can arise from within the judiciary itself. The (by then former) Chief Justice stated this during an event where she delivered a speech at the Allianz Centre for Governance Distinguished Speaker Series entitled "The Sanctity of Malaysia's Federal Constitution: Threats, Solutions and Impact on National Governance", which was held on 19 August 2025, soon after her retirement[298]. While she did not mention the name of the judge, Tun Tengku Maimun did reveal during the question-and-answer session that followed that a judge had approached her to discuss a particular case, which she felt was irregular. This, in turn, was linked to a leaked report about the alleged inappropriate conduct of a particular judge which had been discussed at a meeting of the Judicial Appointments Commission.[299] The matter does not appear to have been resolved, at least not publicly.

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[296] Tun Tengku Maimun Binti Tuan Mat, "The 24th Commonwealth Law Conference: *Judicial Independence and Parliamentary Sovereignty – A Colossi of Roads?"* (8 April 2025), available at https://www.malaysianbar.org.my/cms/upload_files/document/Commonwealth%20Law%20Conference%202025.pdf

[297] Ibid, at para. 37.

[298] Timothy Achariam and Regina Chow, "Tengku Maimun: There was a semblance of attempted judicial interference during the end of my tenure as CJ" (*The Edge*, 19 August 2025), available at https://www.klsescreener.com/v2/news/view/1575371/Tengku_Maimun_There_was_a_semblance_of_attempted_judicial_interference_during_the_end_of_my_tenure_as_CJ

[299] FMT Reporters, "Mechanisms to probe judges exist under constitution, says Azalina" (*Free Malaysia Today*, 15 July 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/07/15/mechanisms-to-probe-judges-exist-under-constitution-says-azalina

Tenure Extension Denied

The Federal Constitution provides that a judge of the superior courts shall retire upon attaining the age of 66, "or such later time, not being later than six months after he attains that age, as the Yang di-Pertuan Agong may approve."[300]

The rationale to enable up to a six-month extension to the tenure of a superior court judge is essentially to allow for a soon-to-retire judge to complete any on-going hearings, and/or to finish writing any yet-to-be-completed judgments, and/or to facilitate the smooth transfer and transition of judicial responsibilities. As such, it is clear that, in law, the extension is not automatic. This was reiterated by none other than Anwar himself.[301]

That this is so is not, in itself, in contention. The issue in relation to this up-to-a-six-month extension lies more in the lack of clarity of how this rationale applied (or not, in this case) with respect to her. There was also the issue of selectivity: why were some justices who were also due to retire granted an extension, but not others. In the period surrounding her impending retirement and shortly thereafter, two other senior judges had been granted a six-month extension, but not her and one other.

The controversy surrounding the decision not to grant the soon-to-retire Tun Tengku Maimun may have stemmed from the perception that she repeatedly ruled against the government or against the interests of the government during her six-year tenure as Chief Justice. She herself has noted some landmark decisions concerning the rule of law in her Opening of Legal Year 2025 speech. However, given her speech at the Commonwealth Law Conference in Malta referred to earlier, one former Cabinet minister who previously held the law portfolio has publicly stated that the reason for her non-extension was the perceived inference by her of political interference in the appointment of judges.[302]

Oddly, if this is true, this, in itself, represents an admission of political interference in the appointment/extension of the tenure of judges and a transgression of the principle of the independence of the judiciary.

Delays in Appointment to Judicial Positions

Another feature of 2025 has been the inordinate delay in announcing or appointing replacements to holders of high judicial office who have retired.

At the time of writing, the position of Chief Judge of the High Court of Malaya has become vacant, following the retirement (after a six-month extension) of the previous holder of the position. The current President of the Court of Appeal has been appointed as acting Chief Judge of the High Court of Malaya.

The Malaysian Bar has once again on 18 November 2025 had to remind the government of the inappropriateness of making ad hoc and temporary appointments, and how this is injurious to

[300] Federal Constitution, Article 125(1), available at https://lom.agc.gov.my/federal-constitution.php

[301] Lynelle Tham, "No automatic extensions for judges, civil servants, says PM" (*Free Malaysia Today*, 30 June 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/06/30/no-automatic-extensions-for-judges-civil-servants-says-pm

[302] FMT Reporters, "Ex-CJ's tenure not extended because of Malta speech, claims ex-law minister" (*Free Malaysia Today*, 10 July 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/07/10/ex-cjs-tenure-not-extended-because-of-malta-speech-claims-ex-law-minister

the proper administration of justice.[303] This follows an earlier statement issued by the Malaysian Bar on 19 September 2024 when a similar vacancy existed.[304]

When Tun Tengku Maimun retired on 2 July 2025, the then Chief Judge of the High Court of Malaya, who was herself the recipient of a six-month extension, was named acting Chief Justice. She ceased holding that acting position when a new Chief Justice was appointed on 28 July 2025. It is she that has now retired.

The fact of the matter is that all these retirements are well-known in advance. Between the office of the Prime Minister and the Judicial Appointments Commission, more coordination needs to be undertaken to avoid prolonged periods of temporary or acting appointments. It was this delay and ensuing uncertainty in judicial appointments, together with the issue of alleged interference in the judiciary, both from without and within, that led the members of the Malaysian Bar to stage a peaceful assembly and protest walk in Putrajaya on 14 July 2025.[305]

Required Reforms

It is clear from a review of 2025 that there are two lines of reforms that are required in the process of judicial appointments in order to preserve and protect the principle of judicial independence.

The first is to remove any participation by the Prime Minister in the appointment process. This will require constitutional amendments as well as legislative reforms. As part of the constitutional amendments, the Judicial Appointments Commission should be made a constitutionally mandated body. Currently, it is a "sub-constitutional" body, supporting the constitutional process but not mentioned in the constitution. Such a recommendation was made by the Malaysian Bar in a submission to government in 2023.[306]

Removal of the role of the Prime Minister would include removing his role in appointing members of the Judicial Appointments Commission. As a reminder, under the current provisions, the Prime Minister appoints five out of the nine members of the Judicial Appointments Commission. The latest appointment of the former Attorney General of Malaysia, who was subsequently elevated to the Federal Court as a judge, is bound to cause controversy about political partisanship and reinforce the necessity of this recommendation.[307]

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[303] Mohamad Ezri b Abdul Wahab, "Press Release | Continuity in the Judiciary and Judicial Appointments" (18 November 2025), available at https://www.malaysianbar.org.my/article/news/press-statements/press-statements/press-release-continuity-in-the-judiciary-and-judicial-appointments

[304] Mohamad Ezri b Abdul Wahab, "Press Release | There is an Urgent Need to Appoint a New Chief Judge of Malaya" (19 September 2024), available at https://www."She should take a leaf from her own speech."malaysianbar.org.my/article/news/press-statements/press-statements/press-release-there-is-an-urgent-need-to-appoint-a-new-chief-judge-of-malaya

[305] Timothy Achariam, "Hundreds of lawyers brave scorching heat to march to PMO for judicial independence" (*The Edge Malaysia*, 14 July 2025), available at https://theedgemalaysia.com/node/762563

[306] Bar Council Malaysia, "Kertas-Kertas Cadangan Reformasi Institusi Dan Undang-Undang" (22 February 2023), available at https://www.malaysianbar.org.my/cms/upload_files/document/C.%20Judiciary%20and%20Judicial%20Appointments%20Commission%20-%20ILRC%20Submission.pdf

[307] Malaysiakini, "Terrirudin now on Judicial Appointments Commission" (*Malaysiakini*, 19 November 2025), available at https://www.malaysiakini.com/news/761122#google_vignette

The second would be to amend the composition of the Judicial Appointments Commission. There are various recommendations within this category. These include increasing the members and changing the methods of appointment/authority to appoint. There are also suggestions regarding whether office bearers of the judiciary or sitting judges should be members, whether it should be chaired by a lay person, etc. These are all canvassed in the Malaysian Bar submission mentioned above.

The government has admitted and accepted as much.[308] What is clear from them is that a thorough study needs to be undertaken in order to assess comprehensively the areas and rationale for reform, in order to ensure that the judiciary in Malaysia remains impartial and independent, and serves with integrity, despite the many challenges that it faced in 2025.

[308] Mohd Iskandar Ibrahim, "Government mulls amending JAC Act to prevent confusion over judges' appointments" (*New Straits Times*, 15 July 2025), available at https://www.nst.com.my/news/nation/2025/07/1245219/government-mulls-amending-jac-act-prevent-confusion-over-judges#google_vignette

7

FREEDOM OF RELIGION OR BELIEF

FREEDOM OF RELIGION OR BELIEF

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Peer Reviewer: Rozana Isa

Context

Malaysia guarantees freedom of religion or belief (FoRB) under Article 11 of the Federal Constitution. However, developments in 2025 demonstrate that this right operates within a layered legal and institutional framework that simultaneously protects and constrains its exercise. The dual legal system comprising civil and Syariah courts remains central to the implementation of FoRB. While their jurisdictions are formally distinct, overlapping authority in areas such aps conversion, custody, and religious status continues to generate legal uncertainty. Civil courts have at times acted as constitutional safeguards, most notably in the June 2025 Federal Court ruling involving Sisters in Islam, which reaffirmed that religious decrees cannot bind corporate entities. Yet such interventions remain selective rather than systemic.

At the same time, Syariah courts and state religious authorities continue to exercise robust authority over personal conduct and doctrinal conformity. The High Court's refusal to invalidate Section 298 of the Penal Code in the *Mentega Terbang* (Flying Butter) case preserved overlapping civil provisions regulating religious expression. Concurrently, discussions in Terengganu about expanding public caning beyond court compounds signal a shift toward public enforcement to send a stronger message about compliance with religious rules. Together, these developments reflect a legal environment in which constitutional safeguards coexist with an expansive enforcement architecture grounded in religious administration.

Although no major regulatory reforms were formally enacted in 2025, ongoing discourse surrounding the expansion of Syariah institutional authority continues to exert significant influence. This is evident not only in legislative initiatives, such as pending proposed amendments to the Syariah Courts (Criminal Jurisdiction) Act 1965 (RUU355) and the Mufti (Federal Territories) Bill 2024, but also through administrative measures. These include the Department of Islamic Development Malaysia (JAKIM)'s proposed interfaith participation guidelines, intensified monitoring of "deviant" teachings and commercial fronts for religious proselytisation, and increased oversight of endowment land (*tanah Wakaf*) and alleged illegal places of worship (POW). Public discourse has been marked by uncertainty regarding enforcement, while instances of local and digital vigilantism highlighted tensions between regulatory intent and practical implementation.

Politically, religion continues to function as both an instrument of governance and a source of legitimacy, particularly through narratives centred on the protection of race, religion, and royalty (3R). Regulatory and enforcement measures are frequently framed as necessary to preserve harmony and doctrinal integrity. However, developments in 2025 also demonstrate that religious governance is not monolithic; rather, it is negotiated across royal institutions, federal ministries, state religious authorities, enforcement agencies, and the judiciary. These interactions tend to produce episodic recalibrations rather than structural reform.

Socially, the cumulative effects of legal ambiguity, reactive enforcement, and administrative discretion contribute to a climate of precautionary behaviour. Individuals, artists, educators, and civil society actors operate under the perceived and actual risk of investigation and censorship, Digital platforms further amplify reputational scrutiny by highlighting religious- and ethnic-based economic activism and public compliance campaigns. These dynamics create an ecosystem where cultural practices, interfaith engagement, corporate governance and the management of POW are shaped by expectations of potential religious oversight. This configuration reflects a system of rights that exist but are closely controlled, where formal guarantees persist, but their realisation is mediated through institutional discretion and socio-political constraints.

Key Issues in 2025

Issue 1: Intensified Scrutiny of New Age Movements and Alternative Practices

- ***The New Frontier: Regulation of New Age Spirituality***

In 2025, state Islamic authorities intensified doctrinal and administrative scrutiny of New Age and alternative spiritual practices, particularly where these were embedded within wellness, healing, and motivational programmes. This took the form of targeted warnings, investigations, and public campaigns, creating heightened uncertainty for individuals and organisations whose approaches to spirituality fall outside state-sanctioned norms. This trend reflects an expansion of regulatory focus from clearly defined religious movements to more diffuse forms of spirituality.

These interventions also reflect deeper anxieties about potential religious conversions, cultural, and epistemic colonialism. State religious institutions frame globalised New Age practices as foreign imports that threaten local religious authority, undermine cultural sovereignty, and introduce market-driven spiritual frameworks that displace community-rooted traditions. The scrutiny of New Age spirituality is thus situated within broader postcolonial dynamics in which external spiritual currents are cast as ideological incursions requiring containment and correction.

As of September 2025, a total of 25 deviant teachings remain officially gazetted and active in Malaysia, according to the Minister in the Prime Minister's Department (Religious Affairs) Datuk Dr Mohd Na'im Mokhtar, based on the Royal Malaysia Police (PDRM) records[309]. He added that 35 arrests related to cults and suspicious religious groups have been recorded so far this year in response to parliamentary inquiries. The government continues to take proactive measures to curb the spread of deviant teachings, coordinating closely with agencies under the Prime Minister's Department, the police, and the Malaysian Communications and Multimedia Commission (MCMC).

The Johor Islamic Religious Department has identified 22 religious groups and teachings banned in the state for deviating from mainstream Sunni Islamic doctrine[310]. Among the groups

[309] Qistina Sallehuddin & Iylia Marsya Iskandar, "25 deviant teachings remain active in Malaysia, 35 arrests this year" (*New Straits Times*, 21 November 2025), available at https://www.nst.com.my/news/nation/2025/11/1312313/25-deviant-teachings-remain-active-malaysia-35-arrests-year

[310] Jassmine Shadiqe, "Here are 22 banned religious groups and deviant teachings in Johor" (*New Straits Times*, 13 February 2025), available at https://www.nst.com.my/news/nation/2025/02/1174590/here-are-22-banned-religious-groups-and-deviant-teachings-johor

listed are movements historically controversial in Malaysia, such as Al-Arqam, which was banned for its unorthodox teachings and messianic claims, as well as several smaller sects accused of promoting alternative interpretations of Islam or syncretic beliefs. The list serves as a public advisory to prevent the spread of deviant teachings and to guide enforcement actions by religious authorities. Officials emphasised that these groups were prohibited because their doctrines were deemed incompatible with the Ahl Sunnah Wal Jamaah framework recognised by Malaysian Islamic institutions. The publication of the list reflects continuing efforts by state authorities to maintain doctrinal orthodoxy and to monitor the emergence of new movements that could challenge established religious authority.

i. Ahmadi Religion of Peace and Light (AROPL)

A significant focal point of 2025 enforcement has been the AROPL, which authorities have flagged as "deviant" and incompatible with Sunni Islam.[311] Unlike traditional movements, AROPL relies heavily on digital proselytisation, specifically targeting younger demographics via TikTok[312].

The table below organises the regulatory milestones and enforcement operations in 2025:[313]

Month in 2025	Details of Action
January	The Muzakarah Committee of the National Council for Islamic Religious Affairs Malaysia (MKI) formally reaffirmed the 2024 decree declaring AROPL "deviant and misleading."
June	4 June: Pahang Islamic Religious Department (JAIP) raided the home of Mohd Tarmizi bin Mond Ariffin in Kuantan at around 8:00 AM. He was arrested and detained for 24 hours at the Kuantan District Police Headquarters. During detention, he was denied legal representation, not allowed to make phone calls, and received no official documentation on his arrest or charges.
	5 June: He was released on RM3,300 bail, paid by his sister. Only bail bond receipts were issued, with no detailed paperwork on the two charges.
	11 June: Scheduled appearance at the Syariah High Court to face the charge of spreading false doctrines.
July	11 July: Scheduled appearance at the Syariah Lower Court for possession of banned religious materials.

[311] Bernama, "Malaysia brands Ahmadi Religion of Peace movement as deviant" (*Malay Mail*, 1 January 2025), available at https://www.malaymail.com/news/malaysia/2025/01/01/malaysia-brands-ahmadi-religion-of-peace-movement-as-deviant/161695

[312] Nur Syafiqah Mohd Jemmi, "The Ahmadi Religion of Peace and Light ajaran sesat, bercanggah dengan Islam – IKIM" (*Malaysia Gazette*, 14 March 2024), available at https://malaysiagazette.com/2024/03/14/the-ahmadi-religion-of-peace-and-light-ajaran-sesat-bercanggah-dengan-islam-ikim/23985

[313] EU Reporter Correspondent, "Malaysian believer put on trial for believing in Abdullah Hashem" (*EU Reporter*, 12 June 2025), available at https://www.eureporter.co/lifestyle/religion/2025/06/12/malaysian-believer-put-on-trial-for-believing-in-abdullah-hashem

ii. Perceived New Age Threats

The recent developments in Pahang and Selangor illustrate an intensifying enforcement focus on "New Age" wellness and motivational programs, as seen in the transition of the eHati case from social media allegations to high-level criminal investigations involving both Syariah and civil authorities. This shift highlights a growing tendency to view alternative wellness through the lens of "theological threat," driven by a perceived doctrinal incompatibility with the established faith. In response, religious authorities are increasingly advocating for a return to traditional Sufi devotional practices grounded in the Quran, Sunnah, and classical scholarly traditions as a direct replacement for contemporary spiritualism. This move stems from deep-seated concerns regarding theological erosion, where "New Age" concepts, such as chakra healing and metaphysical therapy, are viewed as promoting self-deification and blurring the strict boundaries of Sunni Islamic doctrine.

Furthermore, these developments reflect a broader ideological alignment in which New Age beliefs are formally categorised alongside liberalism, pluralism, LGBTQ+ discourses, agnosticism, and atheism as collective threats to Islamic values. This transition marks an evolution from passive doctrinal guidance toward organised, community-level responses designed to defend religious identity against what are perceived as corrosive global spiritual currents. Consequently, this has accelerated legal and moral regulation, exemplified by the scrutiny of programs like eHati for potential violations of laws involving obscene acts, modesty, and public decency. Ultimately, these investigations signal a significant tightening of state capacity to regulate personal autonomy, suggesting that participation in wellness and motivational programs is now subject to rigorous doctrinal scrutiny and legal risk whenever such practices diverge from officially sanctioned norms.

Timeline in 2025	Key Actors	Key Developments
14 July	Pahang State Mufti Professor Dato' Dr. Asmadi bin Mohamed Naim[314]	He warned via issuance of *fatwa* against New Age healing (chakra, metaphysics, Law of Attraction) as incompatible with Sunni doctrine. Commentators and researchers, including Associate Professor Dr Zaizul Ab Rahman[315] and Dr Mohamad Razif Mohamad Fuad[316], amplified these concerns by arguing that ideas such as the Law of Attraction, life-force healing, and spiritual manifestation risk promoting self-deification and eroding theological boundaries.
14-15 July	The Minister in the Prime Minister's Department (Religious Affairs) Datuk Dr. Mohd Na'im Mokhtar and PDRM[317] [318]	Authorities summoned 280+ witnesses for eHati, Viral allegations on Facebook claimed that eHati teaches tantric practices, promotes self-pleasure and incorporates "un-Islamic" elements. Founders Diyana Tahir and Rahim Shukor rejected these claims as false and defamatory, stating that their programmes focus on trauma recovery, emotional regulation, and confidence building, and that the massage techniques cited in the allegations derive from modified pelvic floor and Thai traditions rather than tantra. The Minister urged witnesses to overcome hesitancy to testify.
15–16 July	PDRM, Diyana Tahir and Rahim Shukor (Founders of eHati)[319]	The two eHati Founders were arrested, with police confirming nudity during the "Queens Night" segment, which was investigated for "obscene acts."

[314] Mufti Pahang, "Ancaman ideologi New Age Movement dalam program-program motivasi" (*Pahang State Mufti Department*, 14 July 2025), available at https://mufti.pahang.gov.my/en/sumber/media/ancaman-ideologi-new-age-movement-dalam-program-program-motivasi

[315] Muhamad Tarmize Mohd Nor, "'New Age Movement' ancam akidah, psikospiritual" (*Sinar Harian*, 25 July 2025), available at https://www.sinarharian.com.my/article/740328/sinar-islam/aqidah/new-age-movement-ancam-akidah-psikospiritual

[316] Amir Abd Hamid, "'New Age Movement' jejas akidah, hakis jati diri Muslim" (*Harian Metro*, 16 July 2025), available at https://www.hmetro.com.my/mutakhir/2025/07/1241406/new-age-movement-jejas-akidah-hakis-jati-diri-muslim

[317] Bernama, "Police to summon all eHati programme attendees amid probe" (*Bernama*, 14 July 2025), available at https://bernama.com/en/news.php?id=2445231

[318] FMT Reporters, "Love programme organisers deny promoting obscene acts, insulting behaviour" (*Free Malaysia Today*, 15 July 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/07/15/love-programme-organisers-deny-promoting-obscene-acts-insulting-behaviour

[319] Sinar Daily. 2025. Police confirm nudity part of eHati event segment. (*Sinar Daily*, 16 July 2025), available at https://www.sinardaily.my/article/728874/focus/national/police-confirm-nudity-part-of-ehati-event-segment

18 July	Selangor Islamic Religious Department (JAIS) and eHati leadership[320]	A total of six individuals were detained with JAIS seizing books and Video Compact Discs (VCDs) to review for "un-Islamic" elements and Syariah compliance.
19 July	Pertubuhan Ikram Malaysia (IKRAM) & Allied Coordinating Committee of Islamic NGOs (ACCIN)[321], academic researchers, and activists	At a national seminar, New Age beliefs were formally grouped together with liberalism, pluralism, and LGBTQ+ advocacy as examples of "contemporary threats."
18 August	Selangor State Executive Council (EXCO) Dr. Mohammad Fahmi Ngah[322]	Investigation papers on Global Ikhwan Services and Business Holdings (GISBH) regarding fatwa violations were refined for prosecution.
30 August	JAIS and eHati participants[323]	Statement recording expanded to include 40 individuals. Investigations surfaced claims of a similar program organised in Bali.
30 October	Attorney-General's Chambers (AGC), PDRM and GISBH members[324]	AGC accepted representations for 22 top leaders, offering "alternative charges" under the Societies Act 1966 instead of organised crime.

[320] Hazelen Liana Kamarudin**,** "JAIS detains six over eHati materials, reviews books and VCDs for un-Islamic content*"* (*Sinar Harian*, 20 July 2025), available at https://www.sinarharian.com.my/article/735612/selangor/jaisehati-investigation-books-vcds-un-islamic-elements

[321] ACCIN, "Seminar: Ancaman Pemikiran Kontemporari Barat – New Age, Liberalisme, Pluralisme, LGBTIQ, Agnostisisme dan Ateisme" (*ACCIN*, 17 July 2025), available at https://www.accin.org/seminar-ancaman-pemikiran-kontemporari-barat-new-age-liberalisme-pluralisme-lgbtiq-agnostisisme-dan-ateisme

[322] Malay Mail, "Refined GISBH investigation papers now with prosecution, says Selangor exco" (*Malay Mail*, 18 August 2025), available at https://www.malaymail.com/news/malaysia/2025/08/18/refined-gisbh-investigation-papers-now-with-prosecution-says-selangor-exco/188086

[323] Syajaratulhuda Mohd Rosli, "JAIS records statements from 40 eHati participants, Bali programme under scrutiny" (*Sinar Harian*, 25 July 2025), available at https://www.sinarharian.com.my/article/736214/selangor/jaisehati-records-statements-40-participants-bali-programme-under-scrutiny

[324] The Star, "AGC offers alternative charges to GISBH CEO, 21 others" (*The Star*, 30 October 2025), available at https://www.malaymail.com/news/malaysia/2025/09/12/agc-offers-alternative-charges-for-22-gisbh-leaders-under-societies-act/188945

7 November	Shah Alam High Court and Nasiruddin Mohd Ali (CEO of GISBH)[325]	Nasiruddin Mohd Ali and 12 men were jailed 15 months for "unlawful group membership" while Nasiruddin's wife and 8 women were fined RM4,500.00 each.
9 November	Civil society activists[326]	Activists demanded answers from the AGC regarding why top GISBH leaders were released or given lighter sentences.
26 November	Selangor Syariah High Court and eHati founders[327]	Founders faced four charges, including Section 7 (False Doctrine) of the Syariah Criminal Offences (Selangor) Enactment 1995.

[325] FMT Reporters, "GISBH CEO, 21 others plead guilty to involvement in unlawful society" (*Free Malaysia Today*, 7 November 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/11/07/gisbh-ceo-and-members-sentenced-for-unlawful-group-membership

[326] FMT Reporters, "Activists demand AGC explain lighter sentences for GISBH leaders" (*Free Malaysia Today*, 9 November 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/11/09/activist-demands-answers-from-agc-after-gisbh-leaders-released

[327] Khairil Anwar Mohd Amin**,** "eHati founders face formal Syariah charges under Section 7 of Selangor Enactment" (*Sinar Harian*, 26 November 2025), available at https://www.sinarharian.com.my/article/741205/selangor/ehati-founders-face-formal-syariah-charges-under-section-7-of-selangor-enactment

iii. External Influences and the Politicisation of Religious Movements

In April 2025, just days before President Xi Jinping visited Malaysia, PDRM in Kuala Lumpur arrested more than 70 followers of the Falun Gong spiritual movement during a regular study session at an office previously used by the now defunct Malaysian Falun Gong Association[328]. Police charged them with involvement in an illegal organisation under laws that ban unlawful societies. They questioned many members for several days and released the Malaysian nationals after President Xi Jinping's visit concluded. Some Chinese nationals remained detained longer amid accusations that they might protest or display materials critical of the Chinese government. Kuala Lumpur Police Chief Datuk Rusdi Mohd Isa said the arrests followed Malaysian law under the Societies Act and denied that they aimed to suppress dissent ahead of the state visit. The arrests were made according to existing legal provisions governing unregistered societies.

In August 2025, near the National Monument (*Tugu Negara*) in Kuala Lumpur, individuals identifying themselves as "China police" allegedly seized exhibits associated with Falun Gong that had been placed in a public space, prompting a local practitioner to lodge a police report alleging the act violated her rights to free speech and expression[329]. These incidents involving the Falun Gong movement in Malaysia illustrate large scale detentions and seizure of materials that practitioners and rights groups claim violated civil liberties. They raised concerns among human rights advocates regarding transnational repression and the policing of dissent, particularly in the context of high-level diplomatic engagements.

By late 2025, public discourse increasingly reframed certain religious movements from purely *akidah* (theological) concerns to matters of political accountability and institutional legitimacy. Central to this shift was the research and public intervention of an independent researcher, Ahmad Iqram Mohamad Noor.

Ahmad Iqram Mohamad Noor's body of work reframed the debate in three important ways:

1. His book "Moon's Shadows on the Land of Malaysia (*Bayang Moon di Bumi Malaysia*)" traced the historical trajectory and organisational expansion of the Unification Church in Malaysia. The book documented how the movement adapted its public profile through rebranding efforts, most notably via the Universal Peace Federation (UPF), presenting itself under the language of peacebuilding, inter-parliamentary cooperation, and global harmony.

2. His other book "Cult Economy: How Do Cult Movements Build Wealth? (*Ekonomi Kultus: Bagaimana Gerakan Kultus Membina Kekayaan?*)" examined the financial and institutional mechanics of such movements. It analysed how "peace" and "unity" platforms can function as soft-entry mechanisms into political networks, enabling proximity to power, reputational capital, and institutional legitimacy. Rather than limiting analysis to theology, the work interrogated organisational strategy, patronage structures, and economic sustainability, probing the strategic decisions that shape their growth, the patronage networks that sustain their influence, and the economic models

[328] Sam Ellefson, "Ahead of Xi Jinping's state visit to Malaysia, police arrested dozens of Falun Gong followers" (*International Consortium of Investigative Journalists*, 15 May 2025), available at https://www.icij.org/investigations/china-targets/ahead-of-xi-jinpings-state-visit-to-malaysia-police-arrested-dozens-of-falun-gong-followers

[329] FMT Reporters, "Falun Gong exhibits allegedly seized by China police near Tugu Negara" (*Free Malaysia Today*, 23 August 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/08/23/falun-gong-exhibits-allegedly-seized-by-china-police-near-tugu-negara

that allow them to remain financially viable. It highlights how these groups deliberately construct structures of authority, secure funding streams, and build alliances with external actors, demonstrating that their longevity depends as much on organisational engineering and resource management as on doctrinal appeal.

3. Ahmad Iqram Mohamad Noor's public Facebook posts circulated photographic documentation and event records of Malaysian lawmakers and parliamentary figures attending UPF-sponsored summits and conferences. These posts linked academic research to real-time political scrutiny, intensifying public debate over the boundaries between interfaith diplomacy and inadvertent legitimisation.

As of late 2025, the Malaysian government's stance shifted from viewing these groups merely as "religious deviations" to "national surveillance subjects".

Month in 2025	Actor	Context
January	UPF Delegation and Malaysian Leaders[330]	The UPF delegation met with the Speaker of the Dewan Rakyat Tan Sri Dato' Dr. Johari bin Abdul and Hon. Senator Datuk Wira Dr. Mohd Hatta bin Md Ramli to discuss the Asia Pacific Union Parliamentary Speakers' Conference (APUPSC) with support expressed for this peace initiative.
October	Ahmad Iqram Mohamad Noor[331]	He announced the upcoming publication of "Cult Economy: How Do Cult Movements Build Wealth? (*Ekonomi Kultus: Bagaimana Gerakan Kultus Membina Kekayaan?*)", outlining how cult movements build wealth and influence.
November	Ahmad Iqram Mohamad Noor[332]	He began a series of detailed posts on his official Facebook page exposing UPF links to local political figures based on his research for his book "Moon's Shadows on the Land of Malaysia (*Bayang Moon di Bumi Malaysia*)".
December	Datuk Dr Mohd Asri Zainul Abidin (Perlis Mufti)[333]	He raised concerns about a Korean-linked deviant movement under the guise of promoting peace and harmony and using the name of Jesus and involving prominent Malaysian figures. He described this movement as having teachings that mainstream Christian organisations do not recognise and that deviate from orthodox beliefs.

[330] UPF-Asia Pacific Secretariat, "Malaysian Speaker to Join UPF Speakers' Assembly and Support APUPSC" (*Universal Peace Federation*), 13 January 2025, available at https://www.upf.org/post/malaysian-speaker-to-join-upf-speakers-assembly

[331] Ahmad Iqram Mohamad Noor, "BARU TERBIT, BUKU "EKONOMI KULTUS"" (*Facebook*, 11 October 2025), available at https://www.facebook.com/share/p/188UmoAh4Y

[332] Ahmad Iqram Mohamad Noor**,** "Pra-Tempah Buku Pendedahan Eksklusif: "Bayang Moon di Bumi Malaysia"" (*Facebook*, 11 November 2025), available at https://www.facebook.com/ahmad.iqram/posts/101601987654321

[333] Ushar Daniele, "Malaysian religious leaders urged to provide evidence of South Korean 'cult'" (*South China Morning Post*, 12 December 2025), available at https://www.scmp.com/week-asia/politics/article/3336190/malaysian-religious-leaders-urged-provide-evidence-south-korean-cult

	Datuk Seri Saifuddin Nasution Ismail (Minister of Home Affairs)[334]	He stated that no formal report had been received yet and urged the Perlis Mufti to provide complete details to the police so the Special Branch could investigate.
	PDRM[335]	He confirmed that the Special Branch is continuously monitoring the group, though it was not classified as a national security threat at that stage.

These episodes illustrate the broader challenges that accompany scholarly engagement with religion in a plural society. Researchers who examine the relationship between religion and politics must navigate constitutional protections of religious freedom while contributing to public understanding of ideological influence. At the same time, policymakers who respond to transnational religious networks must balance regulatory oversight with social cohesion, ensuring that legitimate security concerns do not inflame sectarian anxiety.

The developments of 2025 confirm that debates over religious movements in Malaysia extend beyond theological disagreement. They engage questions of governance, political legitimacy, constitutional safeguards, and national security oversight. The national discourse has therefore moved toward a stronger emphasis on institutional accountability. This evolution reflects Malaysia's ongoing effort to manage external ideological influence within a multi-religious and politically plural framework, while preserving constitutional order and intercommunal stability.

Issue 2: Sustained Institutional Interest in Expanding Syariah-Based Authority

In 2025, Malaysia continued to witness sustained institutional and political interest in expanding the scope and authority of the Syariah legal system. This was reflected not only in ongoing legislative proposals but also in high-profile legal disputes concerning conversion, religious status, and jurisdictional boundaries. Cases involving minors, Indigenous communities, and interfaith families increasingly moved from administrative processes into the courts, highlighting persistent ambiguities in how religious identity is determined and contested within Malaysia's dual legal framework.

These developments underscore a broader structural tension: while the Federal Constitution provides guarantees for freedom of religion, the operationalisation of these rights remains mediated by overlapping institutional mandates and competing legal interpretations. As a result, questions of jurisdiction, particularly between civil and Syariah courts, continue to generate legal uncertainty and uneven access to remedies.

- ***The Mufti (Federal Territories) Bill 2024: Centralisation and Contestation***

The Mufti (Federal Territories) Bill 2024 is a proposed law in Malaysia that aims to strengthen and clarify the powers and responsibilities of the Mufti in the Federal Territories, namely Kuala

[334] Malay Mail, "Home Ministry calls on Perlis mufti to share information on Korean-origin cult alleged to be active in Malaysia" (*Malay Mail*, 11 December 2025), available at https://www.malaymail.com/news/malaysia/2025/12/11/home-ministry-calls-on-perlis-mufti-to-share-information-on-korean-origin-cult-alleged-to-be-active-in-malaysia/201514

[335] Ahmad Mukhsein Mukhtar, "Saifuddin says Korean-origin Christian group under police surveillance" (*New Straits Times*, 12 December 2025), available at https://www.nst.com.my/news/regional/2025/12/1336090/saifuddin-korean-origin-christian-group-under-police-surveillance

Lumpur, Putrajaya, and Labuan. The Bill provides a clearer legal framework for the administration of Islamic affairs, particularly in relation to the issuance of fatwas and the role of the Mufti as a religious authority. It also outlines the process and qualifications for appointing the Mufti and Deputy Mufti to ensure that those holding these positions have proper expertise in Islamic law. In addition, the Bill establishes the role of a Federal Territories Fatwa Committee to assist the Mufti in discussing and deciding religious issues before issuing a fatwa. It also explains the procedures for researching, approving, and officially declaring fatwas so that the process becomes more organised and transparent. Overall, the Bill aims to strengthen the role of the Mufti as the main advisor on Islamic law and improve the governance of Islamic religious administration in the Federal Territories.

It remains under active consideration in 2025. Parliament has postponed its second reading several times, most recently in late 2025, when Minister in the Prime Minister's Department (Religious Affairs) Datuk Dr Mohd Na'im Mokhtar announced that the bill would be brought forward in the next parliamentary session[336]. The bill sets out to formalise the role and legal powers of the Federal Territories mufti. It gives the mufti clearer statutory authority to issue fatwas that carry legal effect and establishes a more centralised structure for the administration of Islamic legal matters in the Federal Territories. Support for the bill continues.

The Mufti (Federal Territories) Bill 2024 has faced strong criticism from civil society groups, legal experts, and representatives of religious minorities. Critics argue that the Bill grants extensive, unelected authority to the Mufti, potentially upsetting the constitutional hierarchy and balance of power in Islamic governance[337]. Concerns have been raised that fatwas issued by the Mufti could become legally binding without parliamentary oversight, granting legislative-like power to religious officials and limiting democratic accountability. Groups in Sabah and Sarawak also warn that the Bill may threaten the secular foundations of the Federation and the spirit of the Malaysia Agreement 1963[338].

Legal scholars and CSOs have highlighted issues of checks, balances, and accountability[339]. Broad immunity provisions for the Mufti and the Fatwa Committee could reduce responsibility for decisions with social or legal impact[340]. Critics also caution that prioritising certain theological interpretations, such as Ashʿari or Maturidi schools, could limit intellectual diversity, freedom of conscience, and scholarly debate within the Muslim community[341]. The

[336] Malay Mail, "Second reading of FT Mufti Bill to be tabled in next Parliament session, says minister" (*Malay Mail*, 3 November 2025), available at https://www.malaymail.com/news/malaysia/2025/11/03/second-reading-of-ft-mufti-bill-to-be-tabled-in-next-parliament-session-says-minister/197084

[337] MalaysiaNow, "New mufti bill unconstitutional, undermines Agong and harms Muslims through government control, says Latheefa" (*MalaysiaNow*, 10 October 2024), available at https://www.malaysianow.com/news/2024/10/10/new-mufti-bill-unconstitutional-undermines-agong-and-harms-muslims-through-government-control-says-latheefa

[338] Borneo Herald, "Sabah, Sarawak NGOs opposed to the Mufti Bill 2024" (*Borneo Herald*, 11 October 2024), available at https://www.borneoherald.com/2024/10/sabah-sarawak-ngos-opposed-to-mufti.html

[339] Chan Quin Er. "The constitutional dilemmas of Malaysia's new Mufti Bill" (*chanquiner.com*, 22 October 2024). Available at: https://chanquiner.com/2024/10/22/the-constitutional-dilemmas-of-malaysias-new-mufti-bill

[340] Hizb ut Tahrir Malaysia. "Democracy grants man, including non-Muslims, the power to define and determine our beliefs and sects!" (*Hizb ut Tahrir Malaysia*, 1 November 2024). Available at: https://hizb-ut-tahrir.info/en/index.php/press-releases/malaysia/download/14987_b23ae960da7d34f6ae9f33aff0b4f664.html

[341] Muhammad Azril Mikhail bin Khairul. "From Guidance To Command: Unpacking The Federal Territories Mufti Bill 2024." Available at: https://static1.squarespace.com/static/63ef0fbd760862458df92e6d/t/67a5c988c7957c5adca91232/1738918284845/From+Guidance+To+Command+Unpacking+The+Federal+Territories+Mufti+Bill+2024.pdf

lack of institutional safeguards for issuing and enforcing fatwas further amplifies these concerns.

Observers have also noted potential social and interreligious consequences. While the Bill applies only to Muslims in the Federal Territories, legally binding religious rulings may indirectly influence public policy[342] and relations with non-Muslims[343]. Critics suggest that privileging certain Islamic interpretations could polarise the Muslim community, marginalise minority viewpoints, and create tensions among different groups, ultimately undermining social cohesion and religious pluralism in Malaysia.

The Mufti (Federal Territories) Bill 2024 has undergone several stages of discussion within Malaysia's legislative process, particularly in the Dewan Rakyat. As of the developments between 2024 and 2026, the Bill has been introduced in Parliament, but it has not yet been fully passed into law. While it has received attention from lawmakers and the public, the legislative process has not been completed, and the Bill remains subject to further deliberation.

The progress of the Bill has also experienced delays at various points in 2025. Parliamentary scheduling, competing legislative priorities, and ongoing debates about constitutional implications have contributed to the postponement of its advancement. Discussions surrounding the Bill have been extensive, particularly because it involves questions about the role of religious authorities, constitutional principles, and the governance of Islamic affairs in the Federal Territories.

The broader parliamentary context has also played a role in shaping the pace of the Bill's progress. During the same period, several other constitutional proposals have faced strong scrutiny in Parliament. For example, debates surrounding reforms related to limiting the tenure of the Prime Minister have encountered opposition and delays. These developments reflect a wider trend in which Members of Parliament are exercising heightened caution and scrutiny when considering legislative changes that may have constitutional implications.

- ***Syariah Court (Criminal Jurisdictions) Act 1965 (RUU 355) Amendment***

During the winding up speech on the debate of the Royal Address, Senator Dr. Zulkifli bin Hasan, who at that time served as the Deputy Minister in the Prime Minister's Department (Religious Affairs) informed Parliament that the Special Committee to Study Issues Related to the Legislative Competence of State Legislative Assemblies had presented the findings of its study on matters relating to Islamic affairs to the 72nd Meeting of the National Council for Islamic Religious Affairs Malaysia (*Majlis Kebangsaan Bagi Hal Ehwal Islam Malaysia; MKI*) held on 23 August 2024.

The Special Committee had conducted a series of engagement sessions with relevant stakeholders. These included the Chief Justice of Malaysia, Chief Syariah Judges of the states, state muftis, State Islamic Religious Councils, representatives from Islamic institutions, former judges, as well as other individuals and parties as deemed necessary and appropriate. These engagements were carried out to obtain input, views and recommendations from various stakeholders in relation to the issues under examination by the committee. Among others, the

[342] Daily Express Malaysia. "Concerns over the Mufti Bill." (*Daily Express Malaysia*, 24 November 2024. Available at: https://www.dailyexpress.com.my/read/5850/

[343] Mong Palatino, "Malaysia's Mufti Bill sparks debate on religious plurality and accountability" (*Global Voice*s, 24 December 2024), available at https://globalvoices.org/2024/12/24/malaysias-mufti-bill-sparks-debate-on-religious-plurality-and-accountability

report examines key constitutional questions including the legislative competence of State Legislative Assemblies to enact Islamic laws, the jurisdiction of the Syariah courts and the need to harmonise the relationship between civil and Syariah legal frameworks.

The study also addresses the proposed amendments to the Syariah Courts (Criminal Jurisdiction) Act 1965 which are expected to be reviewed by the Government and it also needs to be presented to the Cabinet[344] first and subsequently tabled in Parliament together with a new proposed legislation namely the Syariah Courts (Federal Territories) Bill with the objective of strengthening and enhancing the institutional capacity of the Syariah Courts[345].

Later in the end of 2025, during the winding up Budget Debate 2026, Datuk Dr. Mohd Na'im Mokhtar, Minister in the Prime Minister Department (Religious Affairs) reiterated that the Special Committee already completed the report and as of now, the government is still study the proposed amendments before tabling any bill in Parliament to ensure that the amendments are consistent with the Federal Constitution and the principles of Syariah law[346].

The government consistently expressed its commitment to strengthening and improving the Syariah court system. In several statements delivered by the Minister as well as in a series of written parliamentary replies, the Government indicated that the Special Committee Studying Issues Related to the Competence of the State Legislative Assemblies to Enact Islamic Laws has put forward several recommendations and the Government is carefully examining them to ensure that they can be properly implemented including on Act 355, the bill that seeks to expand the jurisdiction of Syariah Courts beyond the current limits of RM5,000 fines, three years' imprisonment, or six strokes of the cane, aligning it more closely with Syariah law, excluding the death penalty[347].

However, throughout 2025, there is no new bill or proposed amendments relating to Act 355 were tabled by the Government in Parliament. This may reflect the Government's cautious approach in reviewing amendments to ensure that they are consistent with the Federal Constitution and other relevant legislation.

- ***Recent Development of Syariah Legal Issues in Malaysia***

In December 2025, the Prime Minister announced a Cabinet reshuffle which resulted in a change to the several positions of the Cabinet Ministers. This includes the changing of the Minister in the Prime Minister's Department (Religious Affairs)[348]. Senator Dr. Zulkifli bin Hasan was appointed as the new Minister in the Prime Minister's Department (Religious Affairs) on 17 December 2025[349].

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[344] Parliamentary Question (Written) made by Datuk Haji Idris bin Haji Ahmad [Bagan Serai] to the Prime Minister during 2nd Meeting, Fourth Session, Fifteen Parliament (2025)

[345] Parliamentary Hansard, Dewan Rakyat, 25 February 2025, page 137.

[346] Parliamentary Hansard, Dewan Rakyat, 29 October 2025, page 72.

[347] Parliamentary Hansard, Dewan Rakyat, 10 February 2026, page 108.

[348] Bernama, "Details Finalised for New Federal Syariah Prosecution Department" (*Bernama*, 26 January 2026), available at https://www.bernama.com/en/news.php?id=2503448

[349] Zulkifli Hasan, "Pledges Inclusive, Moderate Leadership in Religious Affairs" (*New Straits Times*, 13 December 2025), available at https://www.nst.com.my/news/nation/2025/12/1339118/zulkifli-hasan-pledges-inclusive-moderate-leadership-religious-affairs#google_vignette

With the new leadership and development throughout 2025, Malaysia's approach to strengthening the Syariah institutional framework is increasingly characterised by a multi-layered strategy combining legislative reform, institutional restructuring, professional training and inter-agency coordination with an emerging emphasis on ensuring that all these reforms remain aligned with the constitutional structure of the Malaysian legal system.

Following the Federal Court's landmark decision in the Nik Elin case in December 2024, the Government can be seen not only establish the Special Committee but also has enhanced the coordination of Syariah laws through the National Islamic Legal Committee *(Jawatankuasa Perundangan Islam Kebangsaan*; JPIK) under the MKI. These measures reflect the Government's position that efforts to modernise the Syariah Courts, harmonise Islamic laws and strengthen the Islamic judicial institutions must be pursued within the framework of the Federal Constitution as part of a broader aspiration to uphold justice and dignity of Islam in Malaysia[350].

Several important structural reforms are currently being undertaken by the Government to strengthen Syariah Departments and courts in Malaysia within the existing framework of the Federal Constitution. Other efforts can be observed through a number of initiatives including the proposed establishment of the Department of Syariah Prosecution Malaysia, the operationalisation of the Malaysian Syariah Judiciary Academy (AKSM), an introduction several new syariah legislations related with syariah judiciary commission, the digitalisation of court processes through the e-Syariah system as well as the expansion of training programmes and collaborative engagements between the Syariah and civil courts.

i. Establishment of the Malaysian Syariah Prosecution Department

Among others, recently, the Government proposed the establishment of the Malaysian Syariah Prosecution Department (JPSM) to improve coordination and consistency in Syariah prosecutions across the country. The department is intended to serve as a federal-level reference and coordination body to ensure that Syariah prosecution practices are implemented in a more uniform manner nationwide, while preserving the autonomy and authority of the states as provided under the Federal Constitution.

The proposal is currently being finalised and is expected to be submitted to the Cabinet for policy approval. Once approved it will be brought to MKI and subsequently presented to the Conference of Rulers for royal assent. The Government is also considering the introduction of A Federal Syariah Prosecution Department Act which aims to strengthen and institutionalise the Islamic prosecution function in a manner comparable to the AGC[351]. At present, 13 states and the Federal Territories have already separated the Syariah prosecution function from their respective State Islamic Religious Departments while Sabah is currently in the final stage of establishing a similar structure[352].

In addition, the National Islamic Legal Committee has been engaged to support the review and coordination of relevant legal frameworks. These institutional mechanisms aim to ensure that any proposed expansion of the jurisdiction of the Syariah courts including discussions related

[350] Berita RTM, "Kerajaan perkukuh reformasi syariah, rangka Baharu Mahkamah Syariah negeri dipacu" (*Berita RTM*, 9 December 2025), available at https://berita.rtm.gov.my/nasional/senarai-berita-nasional/senarai-artikel/kerajaan-perkukuh-reformasi-syariah-rangka-baharu-mahkamah-syariah-negeri-dipacu

[351] Parliamentary Hansard, Dewan Rakyat, 26 January 2026, page 5.

[352] Bernama, "Details Finalised for New Federal Syariah Prosecution Department" (*Bernama*, 26 January 2026) available at https://thesun.my/news/malaysia-news/details-finalised-for-new-federal-syariah-prosecution-department

to Syariah Courts (Criminal Jurisdiction) Act 1965 (commonly referred to as Act355) is carried out in a manner that remains consistent with the Federal Constitution of Malaysia. The government has indicated that these steps form part of a gradual and coordinated approach to harmonise state Islamic legislation while ensuring constitutional compliance and maintaining the balance of legislative powers between the Federation and the states[353].

From an implementation perspective, the Government emphasises that matters relating to Syariah law fall within the jurisdiction of the state authorities. Accordingly, the states are currently able to undertake reviews and introduce specific legislation relating to the Syariah courts with the aim of strengthening jurisdiction and improving governance. These initiatives include proposals for the establishment of a Syariah Court of Appeal, the expansion of jurisdiction in matters relating to the adoption of Muslim children and improvements to legal provisions concerning *nafkah qarabah* (maintenance obligations among relatives) as well as broader family welfare matters. These measures are intended to enhance the institutional capacity of the Syariah courts while remaining within the constitutional framework governing the division of powers between the Federation and the states under the Federal Constitution of Malaysia.

ii. Introduction of Several New Syariah Judiciary Legislations

To support the independence of the Syariah judiciary, several studies are currently underway to facilitate the introduction of key legal frameworks. These include proposals for a Syariah Courts Bill, a Syariah Judicial Appointments Commission Act and a Syariah Judges Remuneration Act which would collectively form the legal foundation for the establishment of the proposed Syariah Judicial Commission[354]. These discussions also extend to the possibility of introducing a dedicated retirement scheme and legislation governing the retirement of Syariah judges. At present, detailed studies are still being undertaken at the drafting committee level with the participation of relevant agencies to ensure that any implementation remains consistent with state jurisdiction and the existing constitutional and legal structure.

iii. Capacity-building and Training for Syariah Judges and Officers

The strengthening of the Syariah institutional framework is being pursued not only through legislative initiatives but also through capacity-building and institutional development. JKSM in 2025 highlighted a continued emphasis on training, operational planning and professional development, signalling an effort to improve governance and administrative capability within the Syariah judiciary.

The Minister in the Prime Minister's Department (Religious Affairs), Senator Dr. Zulkifli bin Hasan stated in the Dewan Rakyat that the government has allocated dedicated resources to strengthen Syariah courts through both physical and non-physical development initiatives. These include the interim establishment of the AKSM as an integrated training centre for Syariah judges, prosecutors and judicial officers. Plans are also underway to establish a permanent academy in Bandar Enstek which is envisioned as a long-term institutional investment in strengthening the professional capacity of Syariah judicial personnel. In addition, the Government has facilitated international training and exposure programmes for Syariah

[353] Parliamentary Hansard, Dewan Rakyat dated 10.02.2026 at page 106.

[354] Zaf Seraj, "Government Studying New Law to Govern Syariah Judges' Remuneration" (*New Straits Times*, 29 October 2025), available at https://www.nst.com.my/news/nation/2025/10/1304491/govt-studying-new-law-govern-syariah-judges-remuneration

officers and as of 2025 more than 1,745 personnel have undergone training through the academy.[355]

These initiatives illustrate the government's broader strategy of professionalising the Syariah judicial system while simultaneously pursuing legislative reform. Notably, the inclusion of legal practitioners and officers from Mufti Departments in these training programmes suggests an emerging recognition that individuals involved in the formulation of Islamic legal instruments including fatwas, must also be familiar with constitutional limitations particularly the requirements of the Federal Constitution. This reflects a growing emphasis on ensuring constitutional compatibility in the development and administration of the Syariah legal framework.

While these initiatives demonstrate a commitment to professionalising the Syariah judicial system, they also reflect a broader governance strategy in which institutional strengthening is pursued alongside legislative reform. Importantly, the inclusion of legal practitioners and officers from Mufti Departments in these training programmes suggests an emerging recognition that actors involved in the formulation of Islamic legal instruments such as fatwas must also be sensitised to constitutional constraints, particularly the requirements of the Federal Constitution of Malaysia, thereby reinforcing the growing emphasis on constitutional compatibility within the development of the Syariah legal framework.

The government has also organised a number of training programmes including the Syariah Enforcement and Prosecution convention. This convention provides a platform for discussions on strengthening religious enforcement and Syariah prosecution through enhanced knowledge-sharing and inter-agency collaboration with institutions such as the PRDM, AGC and the civil courts. Academic experts have also contributed to these discussions by presenting proposals aimed at improving the professional capacity and technical expertise of officers involved in Syariah enforcement and prosecution.

The Malaysian government has adopted a multi-pronged approach to strengthening the Syariah institutional framework and its personnel throughout 2025. This multi-layered strategy goes beyond legislative reform to include institutional restructuring, professional training and enhanced inter-agency coordination. At the same time, there is an increasingly clear emphasis on ensuring that these reforms are implemented in a manner that remains consistent with the constitutional framework of Malaysia. Within this context, various institutional mechanisms are being developed to ensure that any proposed expansion of the jurisdiction of the Syariah courts including discussions relating to the Act 355 is carried out in a manner consistent with the Federal Constitution of Malaysia. The government has also emphasised that these initiatives form part of a gradual and coordinated approach aimed at harmonising Islamic legislation across the states while ensuring constitutional compliance and maintaining the balance of legislative powers between the Federation and the States.

- ***SIS Forum (Malaysia) & Anor vs Jawatankuasa Fatwa Selangor & Ors: A Constitutional Legal Challenge***

One of the most significant cases highlighted throughout 2025 involved the SIS Forum (Malaysia) vs Selangor Fatwa Committee[356]. The case concerns about the legality and

[355] Parliamentary Hansard, Dewan Rakyat, 10 February 2026, page 106.

[356] SIS Forum (Malaysia) & Anor v. *Jawatankuasa Fatwa Selangor* & Ors [2025] 5 MLRA 92. (*Federal Court Judgment,* 19 June 2025), available at: https://www.elaw.my/JE/01/JE_2025_26.pdf

constitutionality of a *fatwa* issued by the Selangor State Fatwa Committee in 2014, Gazetted on 31 July 2014, the *fatwa* was issued under Section 47 of the Administration of the Religion of Islam (State of Selangor) Enactment 2003. The SIS Fatwa case arose from an appeal against the dismissal of the High Court of SIS's judicial review application challenging the validity of the Selangor fatwa on "Liberalism and Religious Pluralism[357]." SIS Forum (Malaysia), which is registered as a company limited by guarantee under the Companies Act 1965, filed a judicial review application in October 2014 at the Kuala Lumpur High Court. SIS was joined in the application by Zainah Anwar, a co-founder of SIS.

In June 2025, the Federal Court of Malaysia partially overturned the Selangor fatwa issued against Sisters in Islam, now known as SIS Forum (Malaysia) in 2014[358]. The Court clarified that a corporate entity does not constitute a "person professing Islam" within the meaning of state religious enactments and therefore cannot be subjected to religious decrees in the same manner as individual Muslims. This ruling significantly limited the authority of state religious bodies to impose blanket prohibitions on organisations, including banning publications or directing the MCMC to block digital platforms operated by corporate entities. While the theological determinations within the fatwa concerning liberalism and religious pluralism continue to apply to individuals, the judgment reinforced constitutional distinctions between religious administration and corporate legal personality. This decision strengthens constitutional protections, including freedom of expression and organisational autonomy, by affirming that legal entities like SIS cannot be subjected to religious decrees. It also restores public confidence in SIS's work, enabling the organisation to continue its advocacy on Muslim women's rights and Islamic family law reform without the "deviant" label undermining its legitimacy[359].

This case has since evolved into a constitutional battle between state religious authority and civil liberties, as well as the jurisdiction of civil and Syariah courts. Among the core legal issues were whether state Islamic authorities apply *fatwas* to entities such as companies and does the *fatwa* infringe fundamental liberties under the Federal Constitution particularly Article 8 (Equality), Article 10 (Freedom of Expression) and Article 11 (Freedom of Religion) in the Federal Constitution.

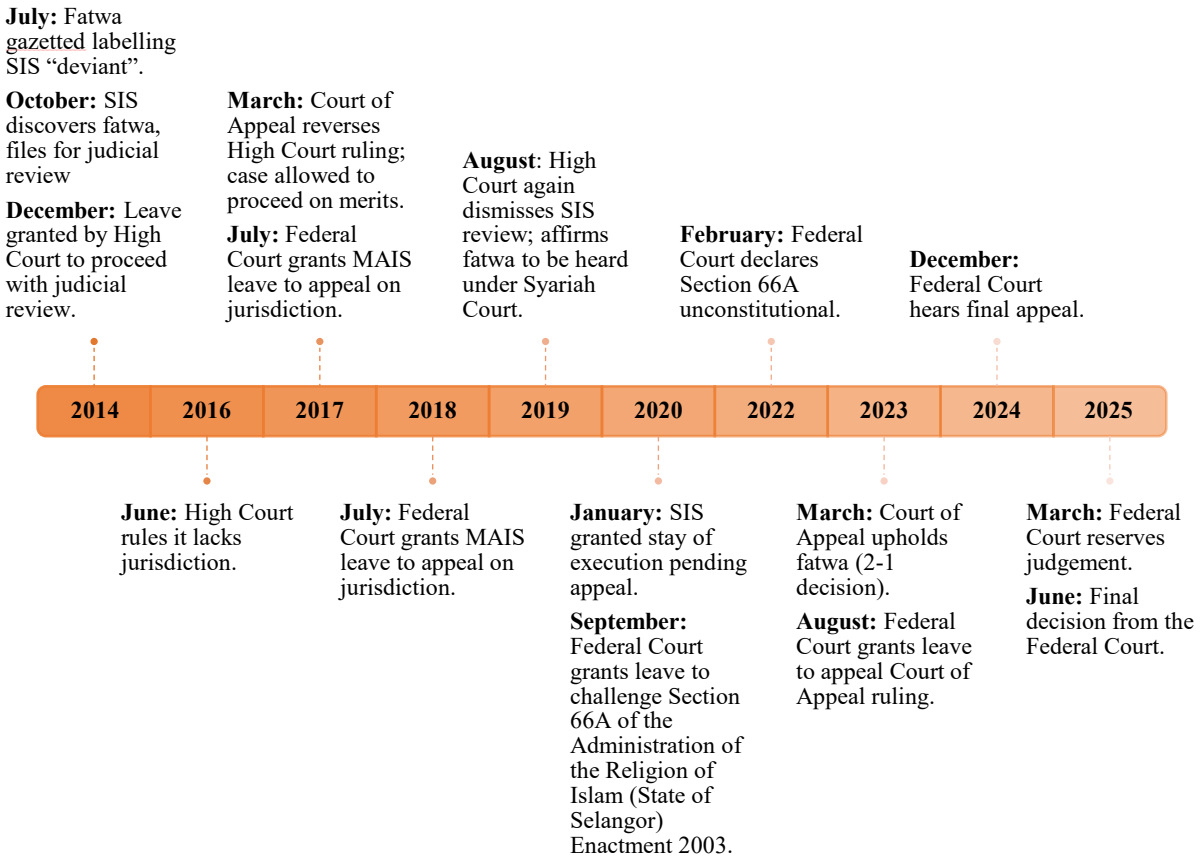
This *fatwa* marked the first time in Malaysia that a state Islamic authority issued a religious ruling against a civil society, legally registered as a company without affording the organisation an opportunity to make representations prior to the issuance of the fatwa which declared Sisters in Islam (SIS) and others who subscribe to "liberalism and religious pluralism" as deviant from Islamic teachings. The *fatwa* also instructed relevant authorities to block SIS's online content and seize related materials.

The table below shows the timeline of the key events from 2014 to 2025:

[357] Bernama. "In Sisters in Islam case, High Court says fatwa is Syariah Court's jurisdiction" (*New Straits Times*, 27 August 2019), available at: https://www.nst.com.my/news/crime-courts/2019/08/516547/sisters-islam-case-high-court-says-fatwa-syariah-courts#google_vignette

[358] Ida Lim, "Federal Court declares Selangor fatwa partially invalid, no more 'sesat' or deviant label for SIS" (*Malay Mail*, 19 June 2025), available at https://www.malaymail.com/news/malaysia/2025/06/19/federal-court-declares-selangor-fatwa-partially-invalid-no-more-sesat-or-deviant-label-for-sis/180862

[359] Hafiz Yatim, "Sisters in Islam hails big victory following apex court decision on fatwa" (*The Edge Malaysia*, 19 June 2025), available at https://theedgemalaysia.com/node/759610



Although the Court of Appeal dismissed the appeal by majority at first place, the Federal Court in its decision delivered on 19 June 2025 held that the fatwa could not be applied to SIS as an organisation, clarifying that such fatwas are legally valid and enforceable only against natural persons[360]. This ruling established an important judicial precedent among others limiting the scope of similar fatwas to individuals rather than corporate or registered entities.

SIS rebranded as SIS Forum (Malaysia) in July 2025 adopting its new identity and updating its original policies to reflect the revised legal context[361]. The organisation's renaming, undertaken following a request by the ruler of Selangor Sultan Sharafuddin Idris Shah ibni Almarhum Sultan Salahuddin Abdul Aziz Shah[362], reduced SIS's immediate legal vulnerability as an organisation, safeguarded staff welfare and potentially strengthened its long term credibility as a rights-based organisation operating within Malaysia's constitutional and legal framework. It also highlights how judicial institutions assert constitutional and legal protections, while stakeholders simultaneously accommodate symbolic and moral authority associated with the Malay Rulers. This episode illustrates how Malaysia manages tensions between civil law principles and religious oversight through a combination of legal clarification and negotiated adjustment.

[360] Ida Lim, 'Deviant' or not? Sisters in Islam awaits Federal Court verdict today on Selangor fatwa (*Malay Mail*, 19 June 2025), available at https://www.malaymail.com/news/malaysia/2025/06/19/deviant-or-not-sisters-in-islam-awaits-federal-court-verdict-today-on-selangor-fatwa/180799

[361] FMT Reporters, SIS drops 'Islam' from name on Selangor sultan's advice (*Free Malaysia Today*, 31 July 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/07/31/sis-drops-islam-from-name-on-selangor-sultans-advice

[362] Zurairi A.R., "Muslim women's rights group changes name to SIS Forum after Selangor Sultan's remark forbidding use of 'Islam'" (*Malay Mail*, 31 July 2025), available at https://www.malaymail.com/news/malaysia/2025/07/31/muslim-womens-rights-group-changes-name-to-sis-forum-after-selangor-sultans-remark-forbidding-use-of-islam/185872

- ***Legal Disputes on Conversions***

Developments in 2025 show that courts strengthen constitutional safeguards in conversion related disputes by consistently affirming that unilateral or coercive conversions, especially those involving minors, violate constitutional protections and the principles of FoRB. Courts firmly establish the requirement of both parents' consent as a constitutional baseline and actively assert their authority to interpret constitutional rights, including in cases involving religious institutions. At the same time, courts expand scrutiny beyond formal procedures by examining digital content, administrative practices, and historical registrations, which reflects a broader effort to assess how conversion operates in practice. Despite these advances, structural tensions between civil and Syariah jurisdictions continue to affect enforcement and legal consistency, while ongoing litigation highlights unresolved conflicts between federal constitutional rights and state religious laws. Courts also place increasing emphasis on individual agency by recognising personal belief and lived experience in determining religious identity, rather than relying solely on administrative classification.

The table below lists developments of major conversion-related disputes in Malaysia, some of which began before 2025:

Incident or Case	Key Development in 2025	Outcomes or Implications
Loh Siew Hong Case	The Federal Court dismissed the Perlis state government's final bid to reinstate the Muslim status of Loh Siew Hong's children in April 2025[363], followed by the passing away of her divorced husband in June 2025[364].	Effectively ended the years-long legal battle; reinforced the Indira Gandhi precedent that the consent of both parents is required for a minor's conversion.
Unilateral Conversion of Clerk	The Kuala Lumpur High Court ruled a clerk's unilateral conversion to Islam as unlawful, declaring her a Hindu in May 2025[365]. The case involved the Federal Territories Islamic Religious Council (MAIWP), which had overseen the conversion process.	Reasserted that unilateral administrative conversions without proper procedure or consent are invalid under civil law.
Abuse and renunciation viral case	The Kuala Lumpur High Court ordered MAIWP to locate a convert who went viral for intending to leave Islam after	Highlighted the state's responsibility in managing convert welfare and the complexities of renunciation requests linked to social neglect.

[363] Kenneth Tee, "Loh Siew Hong's children remain Hindus as Federal Court shuts down Perlis govt's last attempt to validate conversion" (*Malay Mail*, 8 April 2025), available at https://www.malaymail.com/news/malaysia/2025/04/08/loh-siew-hongs-children-remain-hindus-as-federal-court-shuts-down-perlis-govts-last-attempt-to-validate-conversion/172323

[364] Audrey Dermawan, "Custody battle ends: Loh Siew Hong's ex-husband dies amid ongoing legal saga" (*New Straits Times*, 11 June 2025), available at https://www.nst.com.my/news/crime-courts/2025/06/1228934/custody-battle-ends-loh-siew-hongs-ex-husband-dies-amid-ongoing

[365] V Anbalagan, "Court rules clerk a Hindu, says her unilateral conversion unlawful" (*Free Malaysia Today*, 22 May 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/05/22/court-rules-clerk-a-hindu-says-her-unilateral-conversion-unlawful

	alleging abuse and a lack of support in May 2024[366].	
Firdaus Wong Wai Hung Case	The Kuala Lumpur High Court declared a video encouraging secret underage conversions as unconstitutional and ordered its removal[367]. The video in question was originally posted in June 2023 and went viral across social media, especially on TikTok. In it, Firdaus was seen advising another individual on how to handle situations where non-Muslim children express interest in converting to Islam without their parents' knowledge, including suggesting that such conversions be kept secret and unregistered to avoid parental opposition.	Reaffirmed Article 12(4) of the Constitution; established that digital platforms cannot be used to circumvent mandatory parental consent for minor conversions.
Shehzad Malik Muhammad's conversion case	In October 2025, the Kuala Lumpur High Court dismissed applications by the government and MAIWP to strike out a lawsuit filed by Shehzad Malik Muhammad Sarwar Malik[368]. He was seeking a civil court declaration that he is a practicing Sikh and has never been a Muslim, despite being born to a Muslim father.	The decision reinforces the civil court's role in determining "ab initio" cases (claims that an individual was never a Muslim from the beginning) rather than automatically deferring to the Syariah Court as a matter of renunciation.
Legal challenge filed by Indira Gandhi and 13 others against state laws that allow unilateral religious conversion of minors in Malaysia	The High Court has scheduled the case brought by Indira Gandhi and 13 others challenging state conversion laws to be heard on 3 February 2026, after rejecting an application by MAIWP to stay the proceedings. The plaintiffs seek to invalidate various state enactments that allow conversion without mutual parental consent, arguing that they conflict with the Federal Constitution. The defendants include the state governments of Johor, Perlis, Melaka, Kedah, Negeri	If the plaintiffs succeed, the ruling could invalidate state provisions that allow unilateral religious conversion of minors, reinforcing constitutional rights on parental consent in such matters. The case highlights ongoing tension between federal constitutional rights and state religious laws, with potential broader effects on religious and civil law in Malaysia.

[366] Bernama, "MAIWP ordered to find Muslim convert after viral plea over abuse, lack of support" (*New Straits Times*, 12 May 2025), available at https://www.nst.com.my/news/nation/2025/05/1220104/maiwp-ordered-find-muslim-convert-after-viral-plea-over-abuse-lack

[367] AsiaNews, "Islamic preacher gives directives to secretly convert non-Muslim minors" (*AsiaNews*, 26 June 2024), available at https://www.asianews.it/news-en/Islamic-preacher-gives-directives-to-secretly-convert-non-Muslim-minors-61024.html

[368] New Straits Times, "Man's bid to be recognised as Sikh to proceed to trial" *(New Straits Times*, 24 October 2025), available at https://www.nst.com.my/news/nation/2025/10/1301176/mans-bid-be-recognised-sikh-proceed-trial

	Sembilan, Perak, and the Federal Territories, with Pahang initially included but later removed after amending its laws[369].	
Indira Gandhi Recovery Order	The Ipoh High Court ordered PDRM to conduct a fresh, nationwide search for Indira's ex-husband to recover her daughter in November 2025[370].	Demonstrated the persistent challenge of enforcing civil recovery orders when they conflict with religious-administrative hideouts.
Orang Asli Conversion Challenge	The Federal Court granted leave to a 32-year-old Jakun Orang Asli woman from Pahang to challenge her registered Muslim status involving the Pahang Islamic Religious and Malay Customs Council (MUIP). She alleged she was registered as a Muslim at age two without her or her parents' informed consent, never practiced the faith, and never recited the *kalimah syahadah* (declaration of faith)[371] [372]. December 2025 court testimony revealed the plaintiff's mother never agreed to her daughter's conversion at age two[373].	Strengthened the case against historical administrative conversions by proving a lack of parental consent at the time of registration.

Issue 3: Continued Religious and Social Policing

In 2025, Malaysia continued to rely on religious and social policing as a governance tool to regulate religious practice, cultural expression, business identity, and the use of digital and physical spaces. Developments throughout the year reflected persistent tensions between royal institutions, federal institutions, state religious authorities, CSOs, businesses, and individual citizens. These tensions were particularly visible in three interconnected areas: interfaith participation guidelines, institutional control over Islamic discourse, and heightened scrutiny of economic activities, "illegal" POW and endowed religious land (*tanah Wakaf*).

[369] Tarani Palani, "Legal challenge to unilateral conversion laws to be heard next February" (*The Edge Malaysia*, 19 November 2025), available at https://theedgemalaysia.com/node/774393

[370] V Anbalagan, "High Court orders nationwide search for Indira's ex-husband" (*Free Malaysia Today*, 21 November 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/11/21/high-court-orders-nationwide-search-for-indiras-ex-husband.

[371] FMT Reporters, "137 Orang Asli to get hearing on alleged mass conversion" (*Free Malaysia Today*, 21 March 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/03/21/137-orang-asli-to-get-hearing-on-alleged-mass-conversion.

[372] Malay Mail, "Federal Court agrees to hear landmark appeal on Orang Asli woman's Muslim status" (*Malay Mail*, 10 April 2025), available at https://www.malaymail.com/news/malaysia/2025/04/10/federal-court-agrees-to-hear-landmark-appeal-on-orang-asli-womans-muslim-status/172581.

[373] The Sun, "Federal Court seeks Hansard in Orang Asli woman's conversion appeal" (*The Sun*, 19 November 2025), available at https://thesun.my/news/malaysia-news/courts/federal-court-seeks-hansard-in-orang-asli-womans-conversion-appeal/.

- ***Perceived Threats of Christianisation***

In February 2025, the Minister in the Prime Minister's Department (Religious Affairs), Mohd Na'im Mokhtar, stated in a written parliamentary reply that the Malaysian government would strengthen Muslims' understanding of "challenges to their faith[374]." The response was submitted in Parliament following a question from Member of Parliament (MP) for Pokok Sena YB Dato' Haji Ahmad bin Saad @ Yahaya Ahmad Saad from PAS regarding the extent of the perceived "threat of Christianisation" in Malaysia. In his reply, the minister indicated that JAKIM and other Islamic agencies would enhance education and awareness programmes aimed at reinforcing Islamic teachings and addressing what officials described as growing religious challenges faced by Muslim communities.

In May 2025, Youth and Sports Minister Hannah Yeoh Tseow Suan won a defamation lawsuit against Dr. Kamarul Zaman Yusoff, a Universiti Teknologi MARA (UiTM) academic and columnist, who had accused her of promoting a "Christian agenda" and attempting to turn Malaysia into a Christian nation through her political role and memoir "Becoming Hannah: A Personal Journey[375]." The Kuala Lumpur High Court ruled that the accusations were defamatory and could portray Yeoh as a threat to Islam in Malaysia's religiously sensitive environment, awarding RM400,000 in damages and issuing an injunction prohibiting the repetition of the allegations. The case illustrates how accusations of Christian proselytisation continue to feature prominently in public and political discourse in Malaysia, even when directed at elected officials.

These developments reflect a continuing trend in Malaysia in which anxieties about religious influence, particularly allegations of Christianisation, continue to shape public debate and policy responses. While courts may occasionally push back against inflammatory accusations, government and societal actors still frame religious pluralism through a lens of protecting Islam, reinforcing a climate in which religious sensitivities remain highly politicised.

- ***Interfaith Participation and Expanding Administrative Oversight***

The proposed guidelines by the JAKIM, announced in Parliament by Minister in the Prime Minister's Department (Religious Affairs) Datuk Dr. Mohd Na'im Mokhtar in response to the query in Parliament by MP for Pokok Sena Ahmad bin Saad @ Yahaya and MP for Permatang Pauh Muhammad Fawwaz Mohamad Jan, represented an attempt to formalise state oversight over Muslims' participation in non-Muslim events[376]. Although framed as clarifying religious boundaries, the proposed conditions, requiring organiser approval, restricting religious symbols and speech, and limiting proximity to mosques, cemeteries or religious lands, would have extended state authority into everyday social interaction. JAKIM initiated the development of the guidelines to provide a "fundamental framework" and "clarity on limitations" during religious celebrations.

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[374] FMT Reporters, "Govt to strengthen Muslims' knowledge about challenges to their faith" (*Free Malaysia Today*, 19 February 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/02/19/govt-to-strengthen-muslims-knowledge-about-challenges-to-their-faith

[375] Rahmat Khairulrijal, "Hannah Yeoh wins defamation suit against UUM lecturer, awarded damages" (*New Straits Times*, 15 May 2025), available at https://www.nst.com.my/news/crime-courts/2025/05/1223605/hannah-yeoh-wins-defamation-suit-against-uum-lecturer-awarded

[376] Muhammad Yusry, "Malaysia to outline new protocols for Muslims in interfaith events" (*Malay Mail*, 5 February 2025), available at https://www.malaymail.com/news/malaysia/2025/02/05/malaysia-to-outline-new-protocols-for-muslims-in-interfaith-events/165539

The backlash from stakeholders, including the ruler of Selangor Sultan Sharafuddin Idris Shah ibni Almarhum Sultan Salahuddin Abdul Aziz Shah[377]; CSOs such as The Malaysian Hindu Temples and Religious Associations Council (Mahima)[378], G25[379], MCCBCHST[380], Young Buddhist Association of Malaysia (YBAM)[381], Federation of Chinese Associations Malaysia (Huazong)[382], Initiative to Promote Tolerance and Violence (INITIATE.MY)[383], and Borneo-based Groups led by organisations such as the BOPIMAFO (Borneo's Plight in Malaysia Foundation) and SSRANZ (Sabah Sarawak Rights Australia New Zealand)[384]; and political parties and personnel including the Democratic Action Party (DAP)[48] and members of the Gabungan Parti Sarawak (GPS)[385] coalition joined the chorus of opposition, emphasising that such restrictions contradict the spirit of the "MADANI" framework and the pluralistic reality of the nation. Datuk Mohd Na'im Mokhtar argued that the rules would provide clarity and ensure Muslim participation in non-Muslim events would not infringe on religious sensitivities[386]. Eventually, on 7 February 2025, the Prime Minister Anwar Ibrahim ultimately rejected the need for formalised guidelines, signalling federal-level sensitivity to political and interfaith optics[387]. The Youth Chief of PAS Afnan Hamimi Taib Azamudden questioned the

[377] FMT Reporters, "Selangor Sultan against guidelines for non-Muslim events" (*Free Malaysia Today*, 8 February 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/02/08/selangor-sultan-against-guidelines-for-non-muslim-events

[378] CNA Reporters, "Malaysia's proposed guidelines for Muslims attending non-Muslim events spark debate" (*Channel News Asia*, 4 February 2025), available at https://www.channelnewsasia.com/asia/malaysia-religious-affairs-muslim-guidelines-jakim-debate-4921431

[379] New Straits Times, "Continue safeguard diversity, G25 says after guidelines plan scrapped" (*New Straits Times*, 6 February 2025), available at https://www.nst.com.my/news/nation/2025/02/1172184/continue-safeguard-diversity-g25-says-after-guidelines-plan-scrapped

[380] FMT Reporters, "Interfaith group seeks clarity on PM's directive on places of worship" (*Free Malaysia Today*, 11 February 2026), available at https://www.freemalaysiatoday.com/category/nation/2026/02/11/interfaith-group-seeks-clarity-on-pms-directive-on-places-of-worship

[381] Young Buddhist Association of Malaysia, "马佛青要求首相介入 阻止嫉妒社会和谐的非穆斯林迫害" (*YBAM*, 5 February 2025), available at https://ybam.org.my/en/%E9%A9%AC%E4%BD%9B%E9%9D%92%E8%A6%81%E6%B1%82%E9%A6%96%E7%9B%B8%E4%BB%8B%E5%85%A5%E9%98%BB%E6%AD%A2%E5%A6%A8%E7%A2%8D%E7%A4%BE%E4%BC%9A%E5%92%8C%E8%B0%90%E7%9A%84%E9%9D%9E%E7%A9%86%E6%96%AF%E6%9E%97-2/

[382] The Star Reporters, "Cabinet's move to reverse JAKIM guidelines lauded by Huazong" (*The Star*, 8 February 2025), available at https://www.thestar.com.my/news/nation/2025/02/08/cabinet039s-move-reverse-jakim-guidelines-lauded-by-huazong

[383] INITIATE.MY, "Proposed interfaith restrictions undermine unity and counter-extremism efforts" (*INITIATE.MY,* 12 February 2025), available at https://initiate.my/proposed-interfaith-restrictions-undermine-unity-and-counter-extremism-efforts/

[384] Borneo Herald, "Stop extreme religious policies, as if we are not here, say Borneo activists" (*Borneo Herald*, 6 February 2025), available at https://www.borneoherald.com/2025/02/stop-extreme-religious-policies-as-if.html

[385] FMT Reporters, "Sarawak doesn't need unnecessary religious guidelines, says GPS man" (*Free Malaysia Today*, 7 February 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/02/07/sarawak-doesnt-need-unnecessary-religious-guidelines-says-gps-man

[386] Channel News Asia Reporters, "Malaysia's proposed guidelines for Muslims attending non-Muslim events spark debate" (*Channel News Asia*, 4 February 2025), available at https://www.channelnewsasia.com/asia/malaysia-religious-affairs-muslim-guidelines-jakim-debate-4921431

[387] Bernama, "No need to create guidelines for Muslims attending Non-Muslim events - PM Anwar" (*Bernama*, 7 February 2025), available at https://www.bernama.com/en/news.php?id=2390329

government's subsequent decision to scrap the guidelines, citing concerns over the commitment to upholding Islam's position and previous fatwa decisions[388].

This episode demonstrated that while regulatory impulses remain strong within religious bureaucracies, executive political leadership in 2025 showed greater caution in endorsing measures that might heighten interfaith tension and hinder interfaith harmony.

- ***The Criminalisation of Artistic Expression***

In March 2025, the High Court dismissed the *Mentega Terbang* (Flying Butter) filmmakers' application to refer two constitutional questions, including whether Section 298 of the Penal Code violates freedom of speech, and affirmed that Section 298 remains valid and constitutional, ordering the case to proceed to trial[389]. By upholding the statute, the Court reinforced a legal framework that criminalises artistic and cultural works exploring religious themes, signalling to artists that creative expression involving religion may attract criminal liability. This decision likely has a chilling effect on cultural production and discourages engagement with religious commentary in film and the arts, especially for works perceived as challenging religious or interfaith norms.

The ruling signalled that while organisational autonomy may receive judicial protection (as in SIS Forum Case), artistic expression that directly engages theological themes remains vulnerable to prosecution. This duality suggests that the state differentiates between structured institutional actors and individual or creative challenges to religious orthodoxy.

Malaysian stand-up comedian Harith Iskander faced significant backlash in January 2025 after he posted a joke on Facebook about a coffee drink called ham sap kopi and suggested humorously that the word "ham" challenged his Muslim faith[390]. JAKIM filed a police report, and MCMC considered measures including suspending his social media accounts over alleged offensive content involving religion, prompting a wider debate on free speech and sensitivities in Malaysia's multicultural society. Multiple police reports targeted Harith, and his planned show at Dewan Filharmonik Petronas was cancelled amid the controversy. As a result, the MCMC fined Harith Iskander RM 10,000 for comments deemed offensive under Malaysia's communications laws[391].

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[388] Malaysiakini, "Free religious authorities from political interference, PAS Youth tells govt" (*Malaysiakini*, 8 February 2025), available at https://www.malaysiakini.com/news/733920

[389] Malay Mail, "High Court rejects 'Mentega Terbang' filmmakers' bid to question law on wounding religious feelings" (*Malay Mail*, 6 March 2025), available at https://www.malaymail.com/news/malaysia/2025/03/06/high-court-rejects-mentega-terbang-filmmakers-bid-to-question-law-on-wounding-religious-feelings/168791

[390] Soo Wern Jun, "Facebook user Cecilia Yap apologises over comments on Harith Iskander's ham joke" (*Malay Mail*, 27 January 2025), available at https://www.malaymail.com/news/malaysia/2025/01/27/facebook-user-cecilia-yap-apologises-over-comments-on-harith-iskandars-ham-joke/164722

[391] Bernama, "MCMC to fine comedian Harith Iskander, Facebook user Cecelia Yap RM10,000 each for 'insulting' Islam" (*The Borneo Post*, 5 March 2025), available at https://www.theborneopost.com/2025/03/05/mcmc-to-fine-comedian-harith-iskander-facebook-user-cecelia-yap-rm10000-each-for-insulting-islam/

- ***Public Caning and Expanded Moral Enforcement***

The December 2024 public caning in Terengganu influenced 2025 enforcement discussions[392]. Reports in November 2025 indicated that Terengganu authorities were considering extending public caning to open spaces such as parks and markets[393]. This potential expansion reflects a shift from discreet enforcement to visible moral signalling.

In March 2025, a confrontation at a FamilyMart outlet in Angsana Mall, Johor Bahru, sparked nationwide debate after an elderly man in religious attire confronted a Chinese youth who was eating during Ramadan[394]. The man allegedly demanded to see the youth's MyKad identity card to verify whether he was Muslim and therefore required to fast. When the youth refused, the situation reportedly turned physical and the man slapped him. The victim, identified as Elijah, filed a police report at the Tampoi Police Station. PDRM opened an investigation under Section 323 of the Penal Code for causing hurt. Minister of National Unity Datuk Aaron Ago Dagang publicly condemned the incident and stated that such harassment did not reflect Malaysia's multiracial harmony.

The incident gained widespread attention on social media after videos circulated online showing the confrontation and the demand for identification. Public reactions criticised the elderly man for attempting to enforce religious observance on a non Muslim and for overstepping his authority. The case raised broader concerns about civilian religious policing and tensions that sometimes arise during the Ramadan fasting month in Malaysia's multicultural public spaces.

Following the viral incident, Radio Televisyen Malaysia (RTM) Mandarin news anchor Rasyidah Abu Johan publicly criticised the assault and called the behaviour absurd[395]. In a Facebook post, she emphasised that fasting is a personal act of faith and stated that non-Muslims should not feel uncomfortable eating in front of Muslims during Ramadan. Her comments received strong public support and contributed to calls for greater tolerance and respect for religious diversity. The discussion surrounding the incident highlighted how individual acts of vigilantism and public reactions can influence broader debates about religious sensitivity and coexistence in Malaysia.

The move raises FoRB concerns not only because of corporal punishment itself but also because public implementation transforms private moral transgressions into communal spectacles, blurring the boundary between personal religious conduct and state-imposed moral theatre.

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[392] Malay Mail, "Repeat khalwat offender in Terengganu undergoes two-minute public caning" (*Malay Mail*, 27 December 2024), available at https://www.malaymail.com/news/malaysia/2024/12/27/repeat-khalwat-offender-in-terengganu-undergoes-two-minute-public-caning/161256.

[393] Malay Mail, "Terengganu approves nine mosques for shariah caning, plans expansion to public areas" (*Malay Mail*, 13 November 2025), available at https://www.malaymail.com/news/malaysia/2025/11/13/terengganu-approves-nine-mosques-for-shariah-caning-plans-expansion-to-public-areas/198262.

[394] CNA Reporters, "Malaysia Johor Bahru Ramadan eating clash: non-Muslim man slapped at Angsana Mall" (*Channel News Asia*, 19 March 2025), available at https://www.channelnewsasia.com/asia/malaysia-johor-bahru-angsana-mall-fasting-ramadan-slapped-non-muslim-5007296.

[395] Fernando Fong, "RTM news anchor says slapping incident is absurd, feel free to eat in front of me during Ramadan" (*The Rakyat Post*, 18 March 2025), available at https://www.therakyatpost.com/news/malaysia/2025/03/18/rtm-news-anchor-says-slapping-incident-is-absurd-feel-free-to-eat-in-front-of-me-during-ramadan/

- ***Business and Eatery Religious Scrutiny: Atomy Malaysia and Digital Halal Vigilantism***

In 2025, scrutiny of Atomy Malaysia intensified through both legal proceedings and digital activism. These developments cast doubt over the boundaries between secular economic activity and religious inspection in a marketplace where religious sentiment significantly shapes consumer behaviour.

In June 2025, Atomy Malaysia hosted a major Success Academy event in Kuala Lumpur that attracted thousands of members[396]. The event reflected the company's extensive community and business network, with many participants identifying as Malay Muslim entrepreneurs and direct sellers who sought income and career opportunities through the company's distribution model. The strong Malay Muslim participation complicated public narratives that framed the company within external religious agendas, as many local stakeholders viewed the platform primarily as a commercial livelihood ecosystem.

In December 2025, the Kuala Lumpur High Court dismissed Atomy Malaysia's defamation suit against independent preacher Firdaus Wong Wai Hung[397] and educator Mohd Fadli Salleh[398] lifted a prior injunction that had limited public discussion of allegations linking the South Korean parent company to Christian missionary frameworks such as Business as a Mission. The company stressed that the court did not make a factual finding that Atomy engaged in Christianisation. While Atomy Malaysia disputed certain interpretations of the ruling and filed an appeal, the episode demonstrated how digital religious activism can escalate into formal litigation and compel corporate reputational responses within Malaysia's sensitive religious environment.

To reinforce legitimacy and reassure Muslim consumers, Atomy Malaysia highlighted its Syariah compliance framework and adherence to MS 1900:2014 standards. The company emphasised oversight by its appointed Shariah advisor, Dr Mohd Azhar Mohd Yusof, signalling conformity with Islamic quality management principles[399]. This strategy illustrated how corporations operating in Muslim majority markets increasingly integrate religious governance frameworks into brand positioning and risk management.

Parallel to the Atomy controversy, digital platforms such as Halal Inquiry gained traction as informal consumer verification spaces[400]. These platforms aim to help Muslim consumers confirm halal status and ensure compliance with religious obligations. However, comment sections under certain posts became sites of racialised rhetoric and misinterpretation of brand

[396] Atomy Malaysia, "Atomy Success Academy June 2025" (*Atomy Malaysia,* 28 June 2025), available at https://ch.atomy.com/my/2313

[397] Norlizah Abas, "Atomy Malaysia nafi dikaitkan dengan aktiviti Kristianisasi, rayu keputusan mahkamah" (*Malaysia Gazette*, 15 December 2025), available at https://malaysiagazette.com/2025/12/15/atomy-malaysia-nafi-dikaitkan-dengan-aktiviti-kristianisasi-rayu-keputusan-mahkamah/

[398] Khadijah Mohamad Nor, "Cikgu Fadli wins defamation suit, court orders Atomy Malaysia to pay RM25,000 costs" (*Malaysia Tribune*, 19 December 2025), available at https://malaysiatribune.news/cikgu-fadli-menang-kes-saman-fitnah-mahkamah-arah-atomy-malaysia-bayar-kos-rm25000/

[399] Nurul Hidayah Hamid, "Tiada dapatan fakta syarikat terlibat kegiatan keagamaan — Atomy Malaysia" (*Sinar Harian*, 2025), available at https://www.sinarharian.com.my/article/760914/berita/semasa/tiada-dapatan-fakta-syarikat-terlibat-kegiatan-keagamaan---atomy-malaysia

[400] Focus Malaysia, "Muslim foodies berate no halal cert Chinese-owned Botak Nasi Lemak for deceptive name" (*Focus Malaysia*, 9 October 2025), available at https://focusmalaysia.my/muslim-foodies-berate-no-halal-cert-chinese-owned-botak-nasi-lemak-for-deceptive-name

identity. Public scrutiny of halal status often revealed the identity of business owners, and some commentators alleged that Malay or Muslim sounding brand names were used strategically to attract Muslim consumers. This dynamic revealed tensions between religious verification, consumer protection, and reputational harm.

The climate of scrutiny did not emerge in isolation. It formed part of a longer trajectory of Muslim consumer mobilisation, including the "Buy Muslim First (BMF)" campaign that encouraged support for Muslim owned businesses and halal certified products[401]. Earlier initiatives such as Mara Digital Mall established under Majlis Amanah Rakyat and Malaikat Mall similarly aimed to strengthen Bumiputera participation in retail and technology sectors. Proposals for digital marketplace platforms focused on Muslim entrepreneurs are not new in public discourse, reflecting sustained efforts to consolidate economic solidarity through religious and ethnic identity.

In November 2025, the non-governmental organisation Muslim Friendly Watch (MFW) announced its official dissolution under the Societies Act 1966 after controversy erupted over its "Muslim Choice" initiative, which many consumers had mistaken for an official halal certification[402]. Datuk Dr Mohd Na'im Mokhtar, Minister in the Prime Minister's Department (Religious Affairs), directed MFW to withdraw all promotion and recognition of the label, and JAKIM clarified that "Muslim Choice" is not a halal certification recognised by Malaysian Islamic authorities, warning that its use could mislead the public about the halal status of products or premises. MFW apologised to the public and pledged to cooperate with ROS to cease operations, acknowledging the need to safeguard religious interests and social harmony following criticism from consumer groups urging investigation into the misleading label.

Supporters of these initiatives argue that they promote economic resilience, strengthen halal compliance, and empower Muslim entrepreneurs within competitive markets. Critics, however, caution that such campaigns may unintentionally amplify sectarian pressure, stigmatise non-Muslim business owners, and create uncertainties for individuals working in multi religious commercial spaces. Employees and distributors affiliated with companies such as Atomy Malaysia may face reputational scrutiny despite engaging in lawful economic activity.

These controversies therefore underscore a broader structural challenge. Policymakers and regulators must protect secular economic freedoms while upholding legitimate religious compliance standards. Digital activism and consumer advocacy play an influential role in shaping public perception, yet they can also generate disproportionate social pressure that affects workers, investors, and entrepreneurs. The central question remains how Malaysia can maintain religiously informed consumer protection without allowing informal digital enforcement or boycott narratives to constrain lawful commercial participation or individual livelihood within a plural society.

[401] R.Bala, "Malakat Mall closure signals failure of BMF movement and of businesses built on racial sentiments" (*Focus Malaysia*, 2025), available at https://focusmalaysia.my/malakat-mall-closure-signals-failure-of-bmf-movement-and-of-businesses-built-on-racial-sentiments

[402] Malay Mail, "NGO Muslim Friendly Watch disbands after JAKIM says 'Muslim Choice' label not recognised halal mark" (Malay Mail, 5 November 2025), available at https://www.malaymail.com/news/malaysia/2025/11/05/ngo-muslim-friendly-watch-disbands-after-jakim-says-muslim-choice-label-not-recognised-halal-mark/197301

- ***Scrutiny over "Illegal" Places of Worship and Endowed Land in 2025***

In 2025, Malaysian authorities and online platforms intensified scrutiny over alleged illegal or unregistered POW. Websites such as "*Tanah Malaya* (Malaya Land)"[403] and the Facebook page "*Rumah Ibadat Haram Dibina Di Mana Hari Ini* ("Where Has an Illegal Place of Worship Been Built Today?")[404] circulated reports widely. An infographic hosted on the Tanah Malaya website presented district-level data in Selangor on worship sites allegedly violating the law. The graphic listed figures across districts including Gombak, Petaling, Klang, Hulu Langat, Kuala Langat, Sepang, Kuala Selangor, Hulu Selangor, and Sabak Bernam, categorising sites as *kuil* haram (temples), *tokong* haram (Chinese temples), *gereja* haram (churches), and *gurudwara* haram. The totals displayed 390 temples, 205 *tokong*, 35 churches, and 9 *gurdwaras*. Although the dataset did not clarify methodology, timeframe, or verification sources, its circulation drew public attention toward land compliance and religious site regularisation in Selangor.

Throughout the year, local enforcement agencies actively monitored religious practices perceived to fall outside statutory compliance. Authorities inspected surau constructed on residential lots without local council approval, informal Hindu and Chinese folk belief shrines erected on government or private land without land-use clearance and converted shop lots functioning as religious venues without proper zoning permission. Officials framed enforcement as adherence to land-use, planning, and development regulations. Critics argued that selective enforcement disproportionately affected minority communities and informal religious practices.

Authorities issued demolition notices, negotiated relocations, and conducted highly publicised enforcement operations, creating anxiety among affected communities, many of whom lacked financial resources or legal expertise to regularise land status. Religious organisations argued that bureaucratic complexity surrounding land titles, rather than malicious intent, often explains the irregular status of long-standing worship sites. Enforcement data in several states reflected sustained regulatory pressure. By mid-2025, municipal authorities in Penang recorded over 100 unapproved non-Islamic worship sites, though figures showed gradual decline following continuous monitoring efforts[405].

The religious and land-related incidents of 2025 demonstrate an intensifying intersection of urban development, ancestral rights, and interfaith sensitivities. The table below integrates additional reported cases from the year, focusing on the legal outcomes and the involvement of state authorities.

[403] Tanah Malaya**,** "*Pangkalan Data Tanah & Rizab*", available at https://tanahmalaya.com

[404] The Vibes Reporters, "MCMC records statement from administrator of FB group to identify temples allegedly built illegally" (*The Vibes*, 2025), available at https://www.thevibes.com/articles/news/106598/mcmc-records-statement-from-administrator-of-fb-group-to-identify-temples-allegedly-built-illegally

[405] Audrey Dermawan**,** "Penang sees decline in illegal worship sites following state monitoring" (*New Straits Times*, 28 May 2025), available at https://www.nst.com.my/news/nation/2025/05/1218683/penang-sees-decline-illegal-worship-sites-following-state-monitoring

Month in 2025	Location	Key Actors	Core Incident & Development	Outcome / Current Status
January	Alor Pongsu, Perak[406]	Perak Islamic Council (MAIPk)	Allegations surfaced that a Hindu temple was built on *Wakaf* (Islamic endowment) land.	MAIPk clarified the site was Baitulmal property (inheritance without heirs), not *Wakaf*; advised local authorities to handle legal approvals.
March	Bidor, Perak[407]	Aziz Bah Meruang, Siong Emas Sdn. Bhd.	Indigenous People (*Orang Asli*) Land Dispute: Contractors destroyed crops to build a temple on ancestral land without consent.	A memorandum was submitted to the First Minister of Perak, Datuk Seri Saarani Mohamad; the state maintained that the land was legally leased to a private firm until 2066.
	Jalan Masjid India, Kuala Lumpur[408]	Prime Minister YAB Datuk Seri Anwar Ibrahim, Jakel Trading, and Mayor of Kuala Lumpur City Hall (DBKL) Datuk Seri Dr. Maimunah Mohd Sharif	Dewi Sri Pathrakaliamman: A 131-year-old temple was ordered to move for a mosque. Initially labelled "illegal" by DBKL	Amicable Resolution: Temple agreed to move 50m away. DBKL approved plans in Sept 2025; new site gazetted as a non-Muslim house of worship on 5 Dec.
April	Dengkil, Selangor[409]	Ruler of Selangor Sultan Sharafuddin Idris Shah ibni Almarhum Sultan Salahuddin Abdul Aziz Shahr,	Mosque Reserve Encroachment: A private temple and goat farm were found on land gazetted for a mosque since 2011.	Following a Royal Decree, the state rejected compensation claims. The illegal structure was demolished on 8 May under Section 425 of the National Land Code.

[406] Malay Mail, "Perak MB says all mosque, surau, waqf land must be registered under MAIPK to avoid future disputes" (*Malay Mail*, 5 May 2025), available at https://www.malaymail.com/news/malaysia/2025/05/05/perak-mb-all-mosque-surau-waqf-land-must-be-registered-under-maipk-to-avoid-future-disputes/175673

[407] FMT Reporters, "Speak to Orang Asli in Bidor yourself, Perak MB urged" (*Free Malaysia Today*, 24 April 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/04/24/speak-to-orang-asli-in-bidor-yourself-perak-mb-urged

[408] Ushar Daniele, "Hindu temples in Malaysia meet over land issues as relocation saga simmers" (*South China Morning Post*, 12 March 2025), available at https://www.scmp.com/week-asia/politics/article/3304709/hindu-temples-malaysia-meet-over-land-issues-relocation-saga-simmers

[409] FMT Reporters, "Selangor to demolish private temple on proposed Dengkil mosque site" (*Free Malaysia Today*, 13 April 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/04/13/selangor-to-demolish-private-temple-on-proposed-dengkil-mosque-site

		JAIS, and Sepang District Office		
August	Pos Simpor, Kelantan[410]	Indigenous People communities and Kelantan Forestry Department	Ancestral Land Encroachment: Communities protested a 2,000-hectare resort-agriculture development on Gunung Chamah.	A memorandum was submitted; however, anti-logging blockades were subsequently torn down by authorities in early 2026.
November	Kulim, Kedah[411]	Kedah state government and temple committee	A 71-year-old temple faced demolition to make way for a new Industrial Park expansion.	The state government maintained the land was occupied illegally; an agreement was reached for the temple to be relocated to a new site.
December	Puchong Prima, Selangor[412]	Sri Maha Sakthi Devi Temple Committee, landowners, and authorities	Engaged in a longstanding land dispute over the Puchong Prima temple site. Negotiated with landowners and authorities to resolve ownership and usage rights.	Dispute resolved successfully; spiritual activities will continue without interruption during the relocation process.

The discourse surrounding religious land and temple status in Malaysia evolved into a sharp divide between "rule of law" enforcement and "historical recognition" for minority POW. The following table highlights the stances of key political figures, government representatives, and activists involved in this debate:

[410]Adila Sharinni Wahid, "Projek pembangunan Gunung Chamah lulus EIA" (*Sinar Harian*, 10 September 2025), available at https://www.sinarharian.com.my/article/747394/edisi/kelantan/projek-pembangunan-gunung-chamah-lulus-ei

[411] Predeep Nambiar, "71-year-old temple in Kulim facing demolition" (*Free Malaysia Today*, 16 May 2024), available at https://www.freemalaysiatoday.com/category/nation/2024/05/16/71-year-old-temple-in-kulim-facing-demolition

[412] Kavitha, "Longstanding land dispute resolved for Sri Maha Sakthi Devi Temple in Puchong Prima" (*Varnam Malaysia*, 2025), available at https://varnam.my/112771/longstanding-land-dispute-resolved-for-sri-maha-sakthi-devi-temple-in-puchong-prima/

Month in 2025	Actor	Context
March	Zamri Vinoth Kalimuthu (independent preacher)[413]	Arrested by PDRM under the Sedition Act and Section 233 of the Communications and Multimedia Act over social media posts regarding the relocation of the Dewi Sri Pathrakaliamman temple. Remanded for 2 days.
	Prime Minister Datuk Seri Anwar Ibrahim[414]	Intervened via a call for adherence to regulations to clarify the temple's status and urged a peaceful resolution to avoid racial escalations.
	Perak State Executive Committee (EXCO) Sivanesan a/l Achalingam[415]	Defended the state ban on new temple construction on government land as a necessary land-management guideline.
May	Ahmad Awang (Co-chair, Malaysia Mosque for Al-Aqsa and Palestine [MM4AP])[416]	Issued a public warning against equating local land disputes with the Gaza conflict to prevent the dangerous exploitation of religious feelings.
April	MIC Deputy President Datuk Seri Dr. M. Saravanan[417] and Vice President Datuk T. Muru-giah[418]	Called for issuance of a directive to government departments to refrain from using the term "illegal temple"; argued that current land-use restrictions unfairly target and impact long-standing religious sites that pre-date modern gazettement.
June	RS Thanenthiran (President, Makkal Sakthi)[419]	Reaffirmed criticism against policies in Perak that restrict temple construction, viewing them as a barrier to religious freedom.

[413] Bernama, "Police have received 894 reports against Zamri Vinoth - IGP" (*Bernama*, 18 March 2025), available at https://www.bernama.com/en/news.php?id=2401639

[414] Qistina Sallehuddin & Austin Camoens, "PM: Rule of law must guide handling of worship site issues" (*New Straits Times*, 18 March 2025), available at https://www.nst.com.my/news/nation/2025/03/1192847/updated-pm-rule-law-must-guide-handling-worship-site-issues

[415] Noor Ainon Mohamed, "Perak henti kelulusan kuil baharu atas tanah kerajaan" (*Sinar Harian*, 5 June 2025), available at https://www.sinarharian.com.my/article/732363/edisi/perak/perak-henti-kelulusan-kuil-baharu-atas-tanah-kerajaan

[416] Alyaa Alhadjri, "Minister Saravanan says Penang temple relocation offers must be fair and humane" (*Malaysiakini*, 3 June 2025), available at https://www.malaysiakini.com/news/738280

[417] Faiz Zainudin, "Just issue the order, Saravanan urges PM on illegal temple term" (*Free Malaysia Today*, 24 April 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/04/24/just-issue-the-order-saravanan-urges-pm-on-illegal-temple-term

[418] Arfa Yunus & R. Aravinthan, "Temple at MIC headquarters not illegally built, says its veep" (*The Star*, 14 April 2025), available at https://www.thestar.com.my/news/nation/2025/04/14/temple-at-mic-headquarters-not-illegally-built-says-its-veep

[419] B Nantha Kumar, "Larangan kuil baru di Perak: Diskriminasi terselindung?" (*Malaysiakini*, 6 June 2025), available at https://www.malaysiakini.com/news/745431.

July	MIC President Tan Sri SA Vigneswaran[420]	Labelled the AGC's decision not to prosecute Zamri Vinoth and Firdaus Wong as "selective enforcement," stating it sends the wrong message to the multi-religious community.
November	Tamim Dahri (land rights activist)[421]	Publicly demanded stricter action against non-Islamic structures found to be encroaching on mosque reserves.

In late March 2025, public debate over "illegal temples" spilled onto digital platforms and into political discourse, prompting renewed calls for structural reform. On 29 March 2025, Thiban Subramaniam, a former People's Justice Party (PKR) divisional leader, urged the federal government to establish a Non-Muslim Affairs Department that would register places of worship and help resolve land title issues affecting temples and other minority religious sites[422]. He argued that a dedicated department could provide consistent oversight, reduce administrative disputes, and ensure that all worship sites follow clear legal procedures rather than ad-hoc local enforcement. Advocates of the proposal said it could help bridge gaps in religious governance and reduce tensions related to land use and compliance, though critics cautioned that such a department would require careful constitutional design to respect the role of existing institutions and Malaysian legal frameworks.

Meanwhile, MCMC took action against online campaigns that risked inflaming public tensions around religious land issues. On 27 March 2025, MCMC recorded statements from two administrators of a widely followed Facebook group called "*Rumah Ibadat Haram Dibina Di Mana Hari Ini* ("Where Has an Illegal Place of Worship Been Built Today?"), following public complaints that the group's content could incite racial and religious discord[423]. Investigators seized mobile phones and SIM cards for evidence and submitted 110 content removal requests to Meta, of which 106 posts were found to violate community standards and were removed. The regulator cautioned the public against misusing digital platforms to spread content that could undermine Malaysia's multicultural harmony and reminded users that posting racially or religiously charged material may attract fines or imprisonment under Section 233(1)(a) of the Communications and Multimedia Act 1998.

These controversies attracted greater attention than previous years due to dissatisfaction over disparities in enforcement over 3R issues, unresolved land ownership, illegal occupation of public space, potential disruption to public facilities, and perceived bias involving negotiations or compensation for illegal land use. Social media platforms amplified these tensions, while statements from senior government officials, involvement of property developers, and public criticism of enforcement agencies intensified scrutiny.

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[420] FMT Reporters, "Explain 'insufficient evidence' against Zamri and Firdaus, AGC told" (*Free Malaysia Today*, 22 July 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/07/22/explain-insufficient-evidence-against-zamri-and-firdaus-agc-told.

[421] Muzamir Ismail, "Isu lencongan kuil dan jalan di Meru dalam perhatian MBDK" (*Malaysia Tribune*, 5 Mac 2026), available at https://malaysiatribune.news/isu-lencongan-kuil-dan-jalan-di-meru-dalam-perhatian-mbdk/.

[422] FMT Reporters, "After temple row, PKR man calls for non-Muslim affairs dept" (*Free Malaysia Today*, 29 March 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/03/29/after-temple-row-pkr-man-calls-for-non-muslim-affairs-dept

[423] Bernama, "MCMC Panggil Pentadbir Kumpulan FB Sebar Komentar Berunsur Perkauman" (*Astro AWANI*, 2 April 2025), available a thttps://www.astroawani.com/berita-malaysia/mcmc-panggil-pentadbir-kumpulan-fb-sebar-komentar-berunsur-perkauman-514954

Taken together, land enforcement actions, oversight of Wakaf properties, activist advocacy, and digital regulation shaped and reinforced zones of moral and regulatory authority within Malaysia's plural legal and social framework. These developments illustrate a broader process of religious territorialisation, in which state institutions, community actors, and digital intermediaries actively define the boundaries of lawful religious presence and practice within shared civic space.

Other Issues

- ***Insensitivities on 3R Issues***

In February 2025, JAKIM summoned several social media influencers for creating content that allegedly deviated from Islamic teachings[424]. The move aimed to curb the spread of misleading religious content and to uphold doctrinal integrity among Muslim audiences. These actions highlight an intensified regulatory environment in Malaysia, where both state agencies and religious authorities actively monitor and enforce compliance among digital content creators, extending the sensitivity management seen in traditional media to online platforms.

In March 2025, three radio presenters at Era FM, Nabil Ahmad, Radin Amir Affendy bin Ahmad Aruani, and Azad Jasmin, sparked public outrage for a social media video that was widely viewed as mocking a sacred Hindu *kavadi* ritual[425]. The Malaysian government is represented by key leadership including Prime Minister Anwar Ibrahim, National Unity Minister Aaron Ago Dagang, Communications Minister Fahmi Fadzil, and Digital Minister Gobind Singh Deo. These leaders are supported by federal agencies such as the MCMC, PDRM, and JAKIM, which collectively monitor, investigate, and enforce legal actions against those who provoke racial or religious sensitivities after the call from MIC for enforcement actions[426], while MHS accepted the presenters' public apologies and called for sensitivity[427]. The PDRM opened investigations under Section 298 of the Penal Code and Section 233 of the Communications and Multimedia Act for insulting religious sentiments, and Astro Audio (the radio's operator) suspended the hosts from on-air duties pending internal review.

In April 2025, MCMC opened four investigation papers against two individuals, including a political influencer, for uploading content containing offensive 3R elements on Facebook and TikTok[428]. The MCMC reported that one of the suspects stirred racial sentiments through posts referencing the Perak state anthem, Malay economic dominance, and the Kuala Lumpur Tower. Authorities seized mobile devices for forensic analysis and reminded the public to exercise responsibility on social media to avoid content that could threaten national harmony.

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[424] Haslinda Amin, "Jakim calls up influencers creating deviant content" *(The Star*, 28 February 2025), available at https://www.thestar.com.my/news/nation/2025/02/28/jakim-calls-up-influencers-creating-deviant-content

[425] CNA, "Malaysia police to question 3 radio hosts for allegedly insulting Hindu religion" (*Channel News Asia*, 20 February 2025), available at https://www.channelnewsasia.com/asia/malaysia-radio-hosts-era-fm-police-hindu-religion-4977926

[426] Malaysiakini, "Isu hina agama Hindu: Penyampai Era FM mohon maaf kepada MHS" (*Malaysiakini*, 6 March 2025), available at https://www.malaysiakini.com/news/736218

[427] Jason Thomas, "Malaysia Hindu Sangam accepts apology from Era FM hosts" (*Free Malaysia Today*, 6 March 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/03/06/malaysia-hindu-sangam-accepts-apology-from-era-fm-hosts

[428] Bernama, "MCMC opens four probes into offensive 3R content, influencer questioned over Perak anthem, KL Tower" (*Media Selangor*, 8 April 2025), available at https://mediaselangor.com/en/2025/04/259783

- ***Public Concern Over Songkran Festival Concern***

A separate public debate emerged after viral videos from a Songkran-themed music event in Batu Ferringhi. Several reports documented community discomfort over a participant's attire and dancing, which mosque committee representatives described as inappropriate[429,430]. The Penang Mufti Datuk Dr Mohd Sukki Othman urged firm action, stating the behaviour risked offending cultural and religious sensitivities[431]. PDRM later clarified that no permit had been issued for the event and no police reports had been received at that time[432,433]. The United Malays National Organisation (UMNO) Kedah also requested the state government to clarify its stance on such celebrations[434]. In addition, the Penang Mufti's Office reiterated that Muslims were advised not to participate in Songkran festivities due to religious considerations[435].

These incidents collectively illustrate the widening scope of 3R-related scrutiny, extending from political content to cultural events and social media behaviour, and involving coordinated action by federal agencies, state religious authorities, law enforcement, and community groups.

[429] Syajaratulhuda Mohd Rosli, "Tular video wanita berpakaian mencolok mata menari di pesta muzik Songkran" (*Sinar Harian*, 2025), available at https://www.sinarharian.com.my/article/723176/edisi/utara/tular-video-wanita-berpakaian-mencolok-mata-menari-di-pesta-muzik-songkran

[430] Syajaratulhuda Mohd Rosli, "Wanita menari 'mencolok mata' cemar imej Batu Ferringhi — kariah masjid" (*Sinar Harian*, 2025), available at https://www.sinarharian.com.my/article/723199/berita/semasa/wanita-menari-colok-mata-cemar-imej-batu-ferringhi---kariah-masjid

[431] Syajaratulhuda Mohd Rosli, "Mufti gesa tindakan tegas isu wanita menari mencolok mata" (*Sinar Harian*, 2025), available at https://www.sinarharian.com.my/article/723191/berita/semasa/mufti-gesa-tindakan-tegas-isu-wanita-menari-mencolok-mata

[432] Syajaratulhuda Mohd Rosli, "Tiada laporan polis diterima berhubung pesta Songkran di Batu Feringghi" (*Sinar Harian*, 2025), available at https://www.sinarharian.com.my/article/723246/berita/semasa/tiada-laporan-polis-diterima-berhubung-pesta-songkran-di-batu-feringghi

[433] Syajaratulhuda Mohd Rosli, "Pesta Songkran di Batu Feringghi tiada permit — polis" *(Sinar Harian*, 2025), available at https://www.sinarharian.com.my/article/723206/berita/semasa/pesta-songkran-di-batu-feringghi-tiada-permit---polis

[434] Wan Mohd Noor Hafiz Wan Mansor, "UMNO Kedah desak kerajaan negeri nyata pendirian penganjuran pesta Songkran" (*Sinar Harian*, 2025), available at https://www.sinarharian.com.my/article/722028/edisi/utara/umno-kedah-desak-kerajaan-negeri-nyata-pendirian-penganjuran-pesta-songkran

[435] Mohd Iskandar Othman, "Umat Islam dilarang sertai festival Songkran — Mufti Pulau Pinang" (*Sinar Harian*, 2025), available at https://www.sinarharian.com.my/article/722024/berita/umat-islam-dilarang-sertai-festival-songkran---mufti-pulau-pinang

Recommendations

1. Evaluate and Oversee Comprehensively New Age and Alternative Practices

Objective:	Ensure federal and/or state intervention is grounded in demonstrable misconduct rather than doctrinal deviation.
Key Actions:	• Develop a standardised national monitoring framework combining: • Consultations between religious authorities and mainstream religious organisations, and alternative service providers to understand the context and nuances. • Cultural, psychological, and anthropological assessment to differentiate between religious belief, cultural expression, and exploitative conduct. • Evidence-based legal evaluation focused on fraud, coercion, abuse, trafficking, or financial exploitation. • Avoid ad-hoc enforcement, moral panic-driven investigations, and punitive action based solely on doctrinal divergence. • Prioritise criminal wrongdoing and consumer protection rather than regulating belief systems per se.
Expected Outcomes:	• Consistent enforcement across states. • Improved public trust in regulatory institutions. • Focus on well-being and rehabilitation of individuals involved.
Key Stakeholders:	JAKIM, State Islamic Religious Departments, Ministry of Home Affairs, PDRM, CSOs, and wellness service providers.

2. Reform Laws Restricting FoRB and Artistic Expression

Objective:	Reduce arbitrary enforcement and chilling effects in interfaith, artistic, and academic spaces.
Key Actions:	• Amend Section 298 of the Penal Code so that criminal liability applies only to intentional incitement of violence, discrimination, or public disorder, rather than legitimate religious critique, academic discussion, or artistic expression. Although Section 298 was introduced to preserve harmony, its vague wording has enabled broad and inconsistent enforcement that can suppress constitutionally protected freedoms. This concern is reflected in cases such as Mentega Terbang, where artistic expression raised wider questions about the limits of state intervention and the protection of liberties under the Federal Constitution.

	• Clarify and review overlapping Syariah offences in state enactments that criminalise vague concepts such as "deviation," "insult," or "deriding religious authorities." These provisions create legal uncertainty, overlapping jurisdictions, and additional restrictions on freedom of expression and belief. • Ensure reforms are guided by: - Legality: clear definitions of offences. - Proportionality: penalties aligned with actual harm. - Constitutional guarantees: freedom of expression and association. • The courts have already underscored the importance of constitutional supremacy. In Heidy Quah, the judiciary reaffirmed that although Parliament may restrict speech under Article 10(2)(a), such restrictions must remain within constitutionally permitted grounds, such as public order, and remain subject to judicial review. This principle should guide both legislative reform and judicial interpretation so that Section 298 and related offences are not used in ways that undermine fundamental liberties.
Key Stakeholders:	Minister in the Prime Minister's Department (Law and Institutional Reform), Legal Affairs Division of the Prime Minister's Department (BHEUU), AGC, Parliament, JAKIM, state legislative assemblies, SUHAKAM, legal scholars, CSOs, academicians, artists, and religious authorities.

3. Establish Boundaries on Freedom of Conversion and Protection of Minors

Objective:	Reduce conflicts between civil and Syariah jurisdictions, particularly in interfaith families, and strengthen the protection of minors.
Key Actions:	• Harmonise procedural safeguards for religious conversion across states, particularly where minors are concerned. Existing inconsistencies between civil law and Syariah procedures continue to expose families to prolonged disputes and conflicting decisions. Under civil law, including the Guardianship of Infants Act 1961 and Federal Court jurisprudence, the position is clear that the consent of both parents is required before a minor may be converted. However, some Syariah procedures have permitted unilateral parental consent, creating legal uncertainty and undermining child welfare. • Clarify jurisdictional boundaries between civil courts and Syariah courts. In Indira Gandhi, the Federal Court affirmed that conversion is a profound act affecting a child's legal status and personal identity and held that unilateral conversion is inconsistent with the requirement of parental consent and the child's best interests. In

	Dahlia Dhaima, judicial reasoning further highlighted the need to distinguish between cases involving renunciation and cases where a person may never have validly entered Islam in the first place. These cases reinforce the principle that constitutional questions, especially those affecting minors and legal status, fall within the jurisdiction of the civil courts. • Ensure that minors are protected through consent standards and child welfare principles. Any conversion involving minors should be subject not only to strict consent requirements but also to welfare assessments grounded in the best interests of the child. This requires stronger coordination between legal authorities and child protection institutions. • Develop model federal-state consultative guidelines involving civil and Syariah legal experts to reduce jurisdictional conflict and promote legal consistency nationwide. Over time, the federal government should lead efforts toward a more uniform framework, including possible amendments to civil legislation to codify dual parental consent and explicit safeguards for minors, while state authorities review Syariah procedures to align with constitutional requirements.
Key Stakeholders:	Ministry of Home Affairs, Ministry of Women, Family and Community Development, JAKIM, State Islamic Religious Departments, Parliament, state legislative assemblies, civil courts, Syariah courts, child protection agencies, religious councils, and CSOs.

4. Enact the National Harmony Act and Strengthen Interfaith Safeguards

Objective:	Codify legal protections against religious discrimination while maintaining proportionality.
Key Actions:	• Enact the National Harmony Act to: - Prohibit discrimination in employment, education, and public services on religious grounds. - Protect peaceful interfaith engagement. - Provide civil remedies rather than primarily criminal sanctions. - Include independent oversight and judicial review mechanisms. • Ensure parity in resource allocation including land allocation at the state levels for all religions and beliefs. • Strengthen interfaith governance structures, including frequent consultations and updates on issuance of the supporting letter for the Professional Visit Pass applications between the Professional Visit Pass Division, Immigration Department of Malaysia, Ministry of Home Affairs, PDRM, and religious organisations.

	• Empower national-level committees and civil society such as HARMONI, MPPN, and MCCBHST to exchange intel on potential threats and risks. • Oversee potential misuse of social visit pass, travel visa, work visa, Workforce Recalibration Programme, and Malaysia My Second Home (MM2H) as means of staying in Malaysia for deviant religious activities and organised crime. • Ensure all interfaith gatherings and newly constructed worship sites comply with municipal land-use, zoning regulations, and *Wakaf* law.
Key Stakeholders:	Minister in the Prime Minister's Department (Law and Institutional Reform), BHEUU, Ministry of Home Affairs, Ministry of National Unity, Ministry of Communications, Parliament, judiciary, Unity Issue Management Committee (JPIP), HARMONI, MPPN, MCCBHST, CSOs, and religious organisations entrusted with issuing supporting letter for professional visit pass.

5. Adopt a Proportionality-Based Enforcement and Digital Literacy Approach

Objective:	Focus enforcement on demonstrable criminal harm and mitigate reputational or economic harm from unverified claims.
Key Actions:	• Target enforcement at fraud, abuse, coercion, trafficking, or public safety violations, rather than doctrinal deviation. • Protect livelihoods during enforcement by providing safe exit strategies, financial counselling, job placement assistance, and social welfare support for affected individuals and communities. • Strengthen digital literacy and responsible online discourse to counter moral panic and vigilante campaigns, including: • Critical thinking on viral allegations. • Clear distinction between regulatory findings and unverified claims. • Accessible consumer protection and secular wellness education.
Key Stakeholders:	Ministry of Home Affairs, PDRM, AGC, Ministry of Human Resources, Ministry of Digital, Ministry of Communications, Ministry of Finance, social welfare agencies, MCMC, Ministry of Education, and CSOs.

APPENDIX 1

Religious Enforcement and Preservation of Orthodoxy

Malaysia's approach to religious governance continues to reflect a model of managed pluralism that prioritises Sunni orthodoxy as a foundation of national stability. This orientation derives from the constitutional status of Islam as the religion of the Federation, which in turn empowers state and federal religious authorities to define and regulate doctrinal boundaries. Within this framework, heterodox or alternative belief systems are frequently framed not merely as theological deviations, but as potential threats to public order and social cohesion.

To operationalise this regulatory approach, authorities employ a structured, multi-layered enforcement strategy. This typically begins with the issuance of a fatwa declaring a movement deviant, followed by administrative measures such as deregistration by the Registrar of Societies (ROS), thereby removing its legal standing. Subsequent steps may include prosecution under Syariah enactments or federal laws, often accompanied by mandatory rehabilitation programmes. These measures are reinforced by public awareness campaigns through media and religious channels, aimed at discouraging participation and reinforcing doctrinal conformity. Collectively, this apparatus ensures that movements operating outside state-sanctioned norms are contained through both legal and social mechanisms.

While such enforcement is most visible in the regulation of Islam, similar concerns extend to non-Muslim communities, albeit with less centralised oversight. The absence of a unified regulatory mechanism for non-Muslim religious practices creates uneven governance, particularly in relation to informal places of worship and unconventional belief systems. The national-level committees such as the Inter-Faith Harmony Committee (HARMONI) and the National Unity Advisory Council (MPPN), and civil society organisations (CSOs) such as the Malaysian Consultative Council of Buddhism, Christianity, Hinduism, Sikhism, and Taoism (MCCBCHST) play an intra- and inter-faith consultative role in managing these issues, but their scope remains limited in addressing emerging regulatory challenges.

Malaysia currently lacks a domestic equivalent to Singapore's Foreign Interference (Countermeasures) Act (FICA), which targets foreign influence or politically motivated distortions, to address the existing regulatory void in this delicate challenge. Proponents argue such measures are necessary to curb radicalisation and protect national sovereignty; however, within Malaysia's pluralistic landscape, any such development requires rigorous calibration. To avoid further state overreach, any new security-based interventions must be strictly subordinated to constitutional protections, ensuring that the pursuit of national stability does not come at the expense of fundamental FoRB principles.

The following table outlines major "cult" or alternative movement reports and the key development and responses in Malaysia:

Year	Group or Movement	Key Development or Response
1994	Al Arqam[436]	The state dismantled a parallel socio-economic empire to protect royal and religious authority.
2005	Sky Kingdom[1]	Authorities demolished the "Teapot" commune to suppress overt syncretism.
2013	Tuhan Harun[1]	Triggered by violence against a state officer, followers underwent criminal prosecution and were sentenced in 2024.
	Millah Abraham[1]	Long-term monitoring of transnational syncretic teachings was conducted across state borders.
2018	Guan Yin Citta Dharma Door (GYCDD) led by Lu Jun Hong[437]	Major Buddhist organisations united to label the movement as "pseudo-Buddhism."
2024	Global Ikhwan Service and Business Holdings (GISB Holdings)[438]	Mass arrests for human trafficking and child exploitation under the Security Offences (Special Measures) Act 2012 (SOSMA) and the Anti Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 (AMLA). Over 2,400 ex-GISBH members, including children, undergo Feb-Aug MAIS religious rehabilitation.
	Ahmadi Religion of Peace and Light (AROPL)[439]	Flagged as a "modern deviant threat" after rapid proselytisation on social media.
2025	eHati programme[440]	Ideological border control: Investigation into "obscene" rituals and New Age doctrines in marriage programmes; founders and counsellors prosecuted.
	South Korean Christian "cult movement"[441]	Political integrity inquiry: Special Branch monitoring of political figures linked to external "peace" titles.

[436] Wan Ahmad Atarmizi, "Explainer: A look back at Malaysia's deviant teachings" (*Sinar Daily*, 12 September 2024), available at https://www.sinardaily.my/article/221354/focus/national/explainer-a-look-back-at-malaysias-deviant-teachings

[437] The Star, "Visit of Aussie-based 'Buddhist Master' draws controversy" (*The Star*, 29 December 2018), available at https://www.thestar.com.my/news/nation/2018/12/29/visit-of-aussie-based-buddhist-master-draws-controversy

[438] Malay Mail, "From cult to conviction: Over 2,400 ex-GISBH members, including children, undergo Feb–Aug MAIS religious rehabilitation" (*Malay Mail*, 4 May 2025), available at https://www.malaymail.com/news/malaysia/2025/05/04/from-cult-to-conviction-over-2400-ex-gisbh-members-including-children-undergo-feb-aug-mais-religious-rehabilitation/175571

[439] Qistina Sallehuddin, "TikTok account of individual spreading Ahmadi teachings no longer accessible, says Fahmi" (*New Straits Times*, 9 March 2024), available at https://revamp.nst.com.my/amp/news/nation/2024/03/1023314/tiktok-account-individual-spreading-ahmadi-teachings-no-longer

[440] Malay Mail, "JAIS probes e-Hati marriage course over 'obscene elements', organisers summoned" (*Malay Mail*, 23 July 2025), available at https://www.malaymail.com/news/malaysia/2025/07/23/jais-probes-e-hati-marriage-course-over-obscene-elements-organisers-summoned/184865

[441] Ushar Daniele, "Malaysian religious leaders urged to provide evidence of South Korean 'cult'" (*South China Morning Post*, 12 December 2025), available at https://www.scmp.com/week-asia/politics/article/3336190/malaysian-religious-leaders-urged-provide-evidence-south-korean-cult

8

HUMAN RIGHTS VIOLATIONS AGAINST LBGTQ+ PERSONS

HUMAN RIGHTS VIOLATIONS AGAINST LGBTQ+ PERSONS

Author: thilaga sulathireh

Overview

The state of human rights of LGBTIQ and gender-diverse people continued to decline in 2025. This regression can be attributed to the strengthening of institutional discrimination at both the Federal and state levels, coupled with the intensification of discrimination by non-state actors. Combined, they create a climate of high impunity against LGBTIQ discrimination and violence.

Overall, Justice for Sisters (JFS) observed the following trends:

- Increased arrest and detention, coupled with restriction of freedom of assembly and expression due to public complaints or surveillance by the police and other state agencies.
- Increased anti-LGBT campaigns at the state level, which weaponise HIV, religion and public morality
- Increased censorship of publications and television series
- Increased state and public panic over LGBTIQ expression or non-cisgender heterosexual expressions. Gender expression, including clothing, mannerisms, and self-expression, especially of artists, performers and attendees of public events, has come under increased scrutiny.
- Increased misinformation, hateful and discriminatory speech, and the weaponisation of religion against LGBTQ people by the state and non-state actors

These trends will be unpacked in the Key Issues in 2025 section.

Strengthening of Institutional LGBTIQ Discrimination at the Federal and State Levels

Institutional discrimination against LGBTQ people by the Federal and state governments has increased over the last decade, and can be broadly classified into the following three categories:

1. Proactive anti-LGBT efforts at the Federal and state levels

This includes state investment into the establishment and promotion of conversion practices and SOGIE change efforts support services, shaping of language, narratives and discourse, introduction of new guidelines, anti-LGBT campaigns and action plans.

While a majority of the proactive anti-LGBT efforts are coordinated by the Prime Minister's Department (Religious Affairs) and implemented through Federal and state Islamic agencies and other Ministries, other Federal and state agencies also, and increasingly so, independently and collaboratively contribute to the increasing institutional discrimination. In August 2025, the Terengganu state government launched an anti-LBGT,

substance and vape campaign targeting students[442], in addition to anti-LBGT signboards all over the state.

2. *Reactive responses to LGBT visibility*

Both Federal and state governments respond to LGBT visibility, content, advocacy, and activities, often triggered by public complaints or viral incidents. These responses typically further intensify LGBTQ panic, placing LGBTQ people in high-risk situations with limited or no protection.

Similar to the Federal government's response, which is often led by the Prime Minister's Department (Religious Affairs), the state government's response is driven by EXCO members or committees overseeing religious affairs. This pattern is reflected in responses to LGBTQ-related incidents by the State Education, Higher Education and Religious Affairs Committee in Melaka and the Islamic Development, Dakwah, Information, and Regional Relations in Kelantan.

The state reactions often expose lack of understanding and appreciation of the Federal Constitution and human rights in general.

3. *Enforcement of laws and regulations*

Various Federal and state agencies enforce laws and regulations that directly criminalise LGBTQ people or other broad laws, independently or collaboratively through joint operations.

Incidents in 2025 and early 2026 suggest efficient coordination among Federal and state agencies in implementing anti-LGBTQ measures. In many instances, government apparatus at multiple levels—including state agencies and public resources such as mosques—are wielded against LGBTQ people to suppress LGBTQ visibility and advocacy while promoting and enforcing anti-LGBTQ measures. Interventions by the Sultan,[443] who is regarded as the head of religion in Malaysia, against the backdrop of blanket prohibition of comments and criticisms against the royalty,[444] further contribute to an already intensified climate of impunity against LGBTQ discrimination and violence.

Both Federal and state actors alike continue to describe and brand LGBTQ people as "deviants" or "immoral", reinforcing stigma, hypersexualisation, and demonisation of LGBTQ people. This branding drives raids and arrests targeting LGBTQ people, events, and spaces. For example, the Otot2 and Penang spa raids were framed as operations against vice and "immoral activities." The Minister of Home Affairs defended the raid as an effort to curb vice and "immoral activities" that "cannot be defended from any religious point of view".[445]

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[442] Adli Mohamad, "Selamatkan Generasi Muda Daripada Terjebak LGBT, Dadah, Vape" (*TRDI*, 14 August 2025), available at https://www.trdi.my/selamatkan-generasi-muda-daripada-terjebak-lgbt-dadahigh-riskh-vape.

[443] New Straits Times, 'Sultan of Selangor warns against LGBT practices', (*New Straits Times*, 13 December 2025), available at https://www.nst.com.my/news/nation/2025/12/1335977/sultan-selangor-warns-against-lgbt-practices

[444] 'Final Warning To Those Playing Up 3r Issues – Anwar', (*Official Portal Ministry of Communications*, 11 July 2025), available at https://www.komunikasi.gov.my/en/public/news/24381-final-warning-to-those-playing-up-3r-issues-anwar

[445] Straits Times, 'Malaysia reviews sodomy law enforcement amid Islamist pressure' (*Straits Times*, 3 December 2025), available at https://www.straitstimes.com/asia/se-asia/malaysia-reviews-sodomy-law-enforcement-amid-islamist-pressure

The state's anti-LGBT measures are also justified as efforts to curb HIV transmission. Such framing spreads misinformation, fuels stigma against people living with HIV, and undermines global and national public health messaging, including Undetectable = Untransmissible (U=U). Evidence demonstrates that these raids deter people from seeking services and erode trust in public institutions.

The level of understanding of the Federal Constitution and human rights standards among legislative and state actors—including federal ministers, state EXCO members, Members of Parliament, and state assembly members—remains limited and requires urgent improvement. This gap is reflected in legislative positions and public statements that are inconsistent with established constitutional and human rights principles.

For example, the Kelantan state government has been persistent in its efforts to reintroduce the 16 nullified provisions because the enactment of the laws are beyond the state's legislative competence. The 16 provisions include *liwat*. Similarly, the Minister of Home Affairs dismissed concerns raised by human rights groups regarding privacy violations in the Otot2 raid, asserting that privacy protections apply only to private physical spaces such as the home.[446]

Privacy, as defined under the international human rights law, refers to the ability to be free from *arbitrary or unlawful interference* with a person's privacy, family, home or correspondence, nor to unlawful attacks on their honour and reputation. In a landmark court case on privacy in India, this definition was further expanded to include the "preservation of personal intimacies, the sanctity of family life, marriage, procreation, the home and sexual orientation," as privacy core to human dignity.

For example, the Kelantan state government has continued to advocate for the reintroduction of 16 provisions that were previously struck down by the courts on the basis that they exceeded the state's legislative competence, including provisions criminalising *liwat*. Similarly, the Minister of Home Affairs dismissed concerns raised by human rights groups regarding privacy violations in the Otot2 raid, asserting that privacy protections apply only to private physical spaces such as the home.

This interpretation is inconsistent with international human rights law, where the right to privacy encompasses protection against arbitrary or unlawful interference with a person's privacy, family, home, or correspondence, as well as protection against attacks on their honour and reputation.

In a landmark judgment, the Supreme Court of India further expanded this understanding by affirming that privacy includes the preservation of personal intimacies, the sanctity of family life, marriage, procreation, and sexual orientation, recognising privacy as intrinsic to human dignity. The Court emphasised that privacy extends beyond physical spaces and includes decisional autonomy and personal identity.

> "The guarantee of equality is a guarantee against arbitrary state action. It prevents the state from discriminating between individuals. The destruction by the state of a sanctified personal space whether of the body or of the mind is violative of the guarantee against arbitrary state action. Privacy of the body entitles an individual to the integrity of the physical aspects of personhood."

[446] Ibid.

> "… minorities face grave dangers of discrimination for the simple reason that their views, beliefs or way of life does not accord with the 'mainstream'. Yet in a democratic Constitution founded on the rule of law, their rights are as sacred as those conferred on other citizens to protect their freedoms and liberties. Sexual orientation is an essential attribute of privacy. Discrimination against an individual on the basis of sexual orientation is deeply offensive to the dignity and self-worth of the individual. Equality demands that the sexual orientation of each individual in society must be protected on an even platform. The right to privacy and the protection of sexual orientation lie at the core of the fundamental rights guaranteed by Articles 14 [equality], 15 [non-discrimination] and 21 [right to life] the Constitution.[447] [448]

Criminalisation of LGBTQ and Gender-Diverse People in Malaysia

LGBTIQ and gender-diverse people in Malaysia already face criminalisation at the Federal and state levels. The overall climate of criminalisation in Malaysia has resulted in systemic impacts, creating a self-reinforcing system of oppression. Particularly, it has:

- created and reinforced stereotypes as well as a negative perception of LGBTQ people
- increased discrimination, prejudiced complaints, and crimes against LGBTIQ people with impunity. Public complaints take shape in the form of individual or mass reports to authorities, such as police, Islamic Departments, Home Ministry, among others, against LGBTIQ-related events or expressions. These complaints are typically lodged via physical or online reports or by simply tagging such agencies on social media. In these cases, state agencies, which already have a discriminatory attitude towards LGBTIQ people, feel "compelled" by the public to act. This results in censorship, trumped-up charges, and other forms of victimisation of LGBTIQ people.
- increased trust deficit among LGBTIQ people in public institutions
- allowed other forms of discrimination and exclusion of LGBTQ people through legal and other means. This includes state-sponsored conversion practices, censorship, and a lack of legal gender recognition, among others.

Allowed trumped-up charges against LGBTQ people under other overtly wide, vague or problematic laws, such as Section 292 under the Penal Code that criminalises obscene materials or "Encouraging Vice" under state Syariah laws.

- ***Federal level***

At the Federal level, LGBTQ people face criminalisation under Sections 377A & B, gender-neutral provisions that criminalise consensual "carnal intercourse against the order of nature," including anal and oral sex, regardless of their gender identity.

Contrary to public perception that these provisions are rarely enforced, JFS's media monitoring found that both provisions are used interchangeably with Section 377C, which criminalises

[447] Supreme Court of India, *Justice K.S.Puttaswamy (Retd) And Anr. vs Union Of India And Ors. on 24 August, 2017* available at https://indiankanoon.org/doc/91938676/

[448] 'India's Supreme Court Upholds Right to Privacy' (*Human Dignity Trust,* 27 August 2017), available at https://www.humandignitytrust.org/news/indias-supreme-court-upholds-right-to-privacy/

non-consensual carnal intercourse, mostly in sexual violence cases. For example, in 2025, Section 377B was used alongside Section 375 in a sexual assault case.[449]

JFS's findings further suggest that courts often interpret Sections 377 A&B as being silent on consent, and therefore apply them in cases of sexual violence, despite the existence of Section 377C, which explicitly prohibits non-consensual sex. This results in the overlapping and arbitrary applications of Sections 377 A&B and Section 377C in cases of sexual violence, breaching the principles of the rule of law.

Laws criminalising consensual carnal intercourse have been repealed in many countries because they violate the right to non-discrimination and equality, dignity, privacy and freedom of expression. These issues underscore the need to repeal Sections 377 A&B.

In addition, Section 377D criminalises any form of "gross indecency" in both public and private spaces. Similar to Section 377A, this provision does not explicitly address consent. JFS's media monitoring found that Section 377D is used in a wide-ranging context, including in sex scandals involving political figures,[450] [451] raising concerns about violations of the right to privacy and political homophobia. At the same time, it is also used in cases of non-penetrative sexual violence, including flashing or public masturbation,[452] [453] sexual violence against children, and non-consensual filming.[454] In line with global protection trends to provide better legal certainty and avoid misuse of the law, the language of "gross indecency" should be replaced with non-penetrative sexual acts without consent.

In line with international standards promoting legal clarity and consent-based frameworks, the vague term "gross indecency" should be replaced with clearly defined concepts that criminalise non-consensual sexual acts.

Sections 377 A & B and D of the Penal Code

377A. Carnal intercourse against the order of nature

Any person who has sexual connection with another person by the introduction of the penis into the anus or mouth of the other person is said to commit carnal intercourse against the order of nature.

Explanation—*Penetration is sufficient to constitute the sexual connection necessary to the offence described in this section.*

[449] Bernama, 'Two teens charged in Melaka school rape case, one pleads guilty, one claims trial' (*Malay Mail*, 16 October 2025), available at https://www.malaymail.com/news/malaysia/2025/10/16/two-teens-charged-in-melaka-school-rape-case-one-pleads-guilty-one-claims-trial/194802

[450] Admin, 'Viral video was edited: Agus' (*The Sun*, 18 November 2023), available at https://thesun.my/news/malaysia-news/viral-video-was-edited-agus-jb11761686/

[451] FMT Reporters, 'Political interference 'to save Azmin' despite charge sheets over gay sex videos, says Lokman' (*Free Malaysia Today*, 31 December 2019), available at https://www.freemalaysiatoday.com/category/nation/2019/12/31/political-interference-to-save-azmin-despite-charge-sheets-over-gay-sex-videos-says-lokman

[452] Mohamed Farid Noh, "Aksi tak senonoh depan pasar raya, lelaki ditahan polis" (*Berita Harian*, 18 Julai 2025), available at https://www.bharian.com.my/berita/kes/2025/07/1421398/aksi-tak-senonoh-depan-pasar-raya-lelaki-ditahan-polis

[453] Adnan Ibrahim, "Duda dijel 6 bulan, buat kelucahan melampau depan wanita" (*Kosmo!*, 22 Julai 2025), available at https://www.kosmo.com.my/2025/07/22/duda-dijel-6-bulan-buat-kelucahan-melampau-depan-wanita/

[454] Farahwahida Ahmad, "Pemuda intai, rakam gambar wanita dalam tandas ditahan" (*Utusan Malaysia*, 13 Mei 2025), available at https://www.utusan.com.my/nasional/2025/05/pemuda-intai-rakam-gambar-wanita-dalam-tandas-ditahan/

377B. Punishment for committing carnal intercourse against the order of nature
Whoever voluntarily commits carnal intercourse against the order of nature shall be punished with imprisonment for a term which may extend to twenty years, and whipping.

337D. Outrages on decency
Any person who, in public or private, commits, or abets the commission of, or procures or attempts to procure the commission by any person of, any act of gross indecency with another person, shall be punished with imprisonment for a term which may extend to two years.

Streamlining Sections 375 to 377 to Meet International Standards Relating to Protection Against Sexual Violence

International human rights standards relating to protection against sexual violence call for states to provide adequate protection against sexual violence for all persons regardless of their relationship with the perpetrators, and only criminalise non-consensual sexual acts. The Special Rapporteur (SR) on Violence against Women (VAW), its Causes and Consequences stressed that **"States should abolish any provisions that criminalize consenting sexual relations between adults, such as adultery, *zina* (illicit sexual relations) and same-sex relations, and those that criminalize abortion in cases of rape."**[455]

The SR on VAW[456], the CEDAW Committee, and the Istanbul Convention, a human rights treaty by the Council of Europe, on preventing and combating violence against women and domestic violence, outlined the following as key elements in legislation on sexual violence:

- Criminalisation of intentional conduct of non-consensual sexual acts, including
- non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object.
- other non-consensual acts of a sexual nature with a person.
- causing another person to engage in non-consensual acts of a sexual nature with a third person.
- Gender neutral provisions to ensure protection for all person regardless of their SOGIESC
- A consent-based definition of sexual violence, where consent is understood as voluntary and given freely, and assessed within the context of the surrounding circumstances.
- Criminalisation of marital rape, including acts committed against former or current spouses or partners.[457]

A joint civil society submission[458] to the Criminal Law Reform Committee (CLRC) to enhance protection against sexual violence by streamlining Sections 375 to 377 of the Penal Code

[455] Rape as a grave, systematic and widespread human rights violation, a crime and a manifestation of gender-based violence against women and girls, and its prevention (A/HRC/47/26), 2021 https://docs.un.org/en/A/HRC/47/26

[456] Ibid

[457] Council of Europe Convention on preventing and combating violence against women and domestic violence Istanbul, 11.V.2011 (Istanbul Convention) https://rm.coe.int/168008482e

[458] Justice for Sisters, Kemban Kolektif, Sisters in Islam, Women Aid Organisation (WAO), Jejaka, PLUHO, and Queer Lapis.

identified eight issues to be addressed to align the sexual violence-related protection with international human rights standards. They include:

1. Exclusive provisions. The current laws are gendered, resulting in protection against sexual violence being limited to women and girls
2. Inadequate Definition of Rape. The definition of rape focuses on penetration or force instead of lack of free and informed consent. Report of the Special Rapporteur on violence against women, its causes and consequences stresses "Force or threat of force provides clear evidence of non-consent, but force is not a constitutive element of rape."
3. Age of consent
4. Exemption of marital rape
5. The use of outdated and vague language and concepts results in a lack of legal certainty and comprehensive protection. This includes "gross indecency" in Section 377D of the Penal Code. In 2003, the UK removed 'gross indecency' from its Sexual Crimes Act 2003, as it was too wide, stigmatising and discriminatory. By and large, countries now criminalise the following non-consensual sexual acts regardless of the relationship of the victim/survivor with the perpetrators: a) non-consensual vaginal, anal, and oral intercourse b) non-consensual penetrative and non-penetrative sexual acts.
6. Criminalisation of consensual sexual acts under Sections 377A and B & overlaps with Section 377C.
7. Breach of the rule of law due to the interchangeable use of Sections 377A & B and 377C in cases of sexual violence and the overlap between Section 377E (inciting a child to an act of gross indecency) and Sexual offences against children.
8. The use of whipping as a punishment is inconsistent with international human rights that prohibit corporal punishment.

- ***State Syariah laws***

In addition, 52 state Syariah laws criminalise LGBTQ and gender-diverse people based on sexual orientation, gender identity, gender expression and consensual sexual acts. Two major legal challenges - the judicial review of Section 66 of the Negeri Sembilan Syariah Criminal Offences Enactment, which criminalises trans women based on their gender identity and expression and the constitutional review of Section 28 of the Selangor Syariah Criminal Offences Enactment, which criminalised sex against the order of nature - have had significant impact on the state of criminalisation, arrest and detention of LGBTQ people under state Syariah laws.

Despite the nullification of laws criminalising sex against the order of nature, *liwat* and the like, these laws continue to be enforced at the state level. In October 2025, three people were convicted of *liwat* and attempted *liwat*. Meanwhile, Kelantan and Terengganu have shown increased cases of arrests of trans women following the harsher and more restrictive amendments to existing laws criminalising trans women based on their gender identity and expression *(see next page)*.

Key Issues in 2025

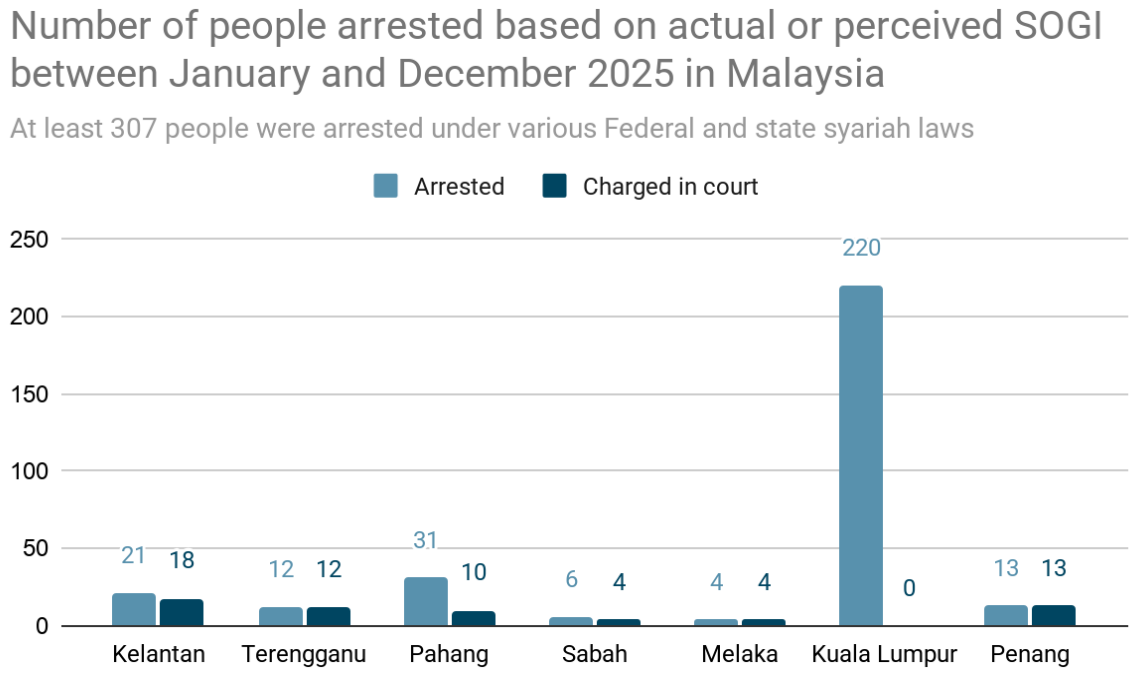
Increased Arrest and Detention

JFS recorded at least 307 arrests under various federal and state Syariah laws across six states—Pahang, Kelantan, Terengganu, Melaka, Sabah, Kuala Lumpur,[459] and Penang—between January and December 2025 through media monitoring and community reporting. As such, these data may not fully capture all cases of arrests based on actual or perceived SOGIE.

For example, according to the Kelantan state government, as of November 2025, at least 17 LGBT people have been investigated under various state Syariah laws.[460] However, Justice for Sisters only documented 16 cases in the state during the same period.

Despite these limitations, the 2025 data represent a significant increase compared to 2024, during which fewer such arrests were documented.

Of these cases, some Muslim persons faced multiple charges under both Federal and state Syariah laws because of their religious identity and moral policing through the Syariah Criminal Offences Enactments. In total, 236 were arrested under various Federal laws and 170 under various state Syariah laws, indicating increased vulnerability faced Muslim persons to arbitrary and trumped-up charges.



Source: Justice for Sisters et al

61 of them have been charged in various courts or are awaiting charges. It is important to note that a significant number of those who have been charged in court pleaded guilty and were

[459] Mohd Haris Fadli Mohd Fadzil, "JIM tahan 18 lelaki asing terbabit seks songsang" (*Harian Metro*, 18 November 2025), available at https://api.hmetro.com.my/mutakhir/2025/11/1289265/jim-tahan-18-lelaki-asing-terbabit-seks-songsang.

[460] Harakahdaily, "Kelantan bendung gejala sosial termasuk LGBT" (*Harakahdaily*, 14 November 2025), available at https://harakahdaily.net/2025/11/kelantan-bendung-gejala-sosial-termasuk-lgbt/.

unrepresented by a lawyer during their trial. Among those arrested were also migrants, stateless persons, refugees, and foreigners.

Notes:

- The number of people who have been charged in Kuala Lumpur is not available.
- 16 others were charged in the civil court under Section 292 of the Penal Code. While at least 48 were investigated under Sections 6(3) and 15(4) of the Immigration Act and Regulation 39(b) of the Malaysian Immigration Regulations 1963.

The laws used in the cases of arrests are as follows:

Syariah Laws	Federal Laws
• Posing as a woman *(Kelantan, Terengganu, Pahang and Sabah)* • Dressing Inappropriately in Public *(Pahang)* • Indecent acts in public place *(Pahang, Kuala Lumpur)* • Encouraging vice *(Pahang, Terengganu)* • Applying tattoos or undergoing cosmetic surgery/treatment without a valid Syariah purpose *(Kelantan)* • *Liwat* or sexual relations between men *(Melaka)* • Attempt of *liwat (Melaka)* • Sex against the order of nature *(Melaka)*	• Penal Code - Section 292 - obscene materials - Section 377B - carnal intercourse - Section 377D - gross indecency - Section 373 - suppression of brothels • Section 12(1) of the Prevention and Control of Infectious Diseases Act 1988 (Act 342) • Sections 6(3) [illegal entry] and 15(4) [overstaying] of the Immigration Act and Regulation 39(b) of the Malaysian Immigration Regulations 1963

These cases of arrests show several trends:

The Reemergence of Arrests of LGBTQ People Post-Legal Challenges

Cases of arrests and prosecution of trans women significantly reduced nationwide following the judicial review of Section 66 of the Negeri Sembilan Syariah Criminal Offences Enactment, although some incidents of harassment and arrests were still being reported.

However, this changed following amendments to the Kelantan and Terengganu provisions relating to "male person posing as a woman" that prohibit expression of non-cisgender expressions and identities across private and public spaces *(see box on next page)*. In Terengganu, trans women have reported cases of arrests in their homes and private spaces.

Overall, in 2025, 32 trans women were arrested or faced charges under the "male person posing a woman" provision in Pahang, Kelantan, Terengganu and Sabah. Some of these arrests

occurred in their homes and include elements of entrapment, especially in relation to arrests related to alleged sex work. Some cases involve mass arrests based on alleged sex work or for organising events attended by LGBT people. At least two of the incidents involve raids of birthday parties and a product launch.

In the context of severe criminalisation of LGBTQ people, the use of similar provisions in the Penal Code - Sections 377 A & B and D following the nullification of Section 28 of the Selangor Syariah Criminal Offences Enactment, which criminalised sex against the order of nature, emerged as a concern.

In 2025, the two spas were raided in Kuala Lumpur and Penang on multiple grounds, including Section 377A and B. The raid in Kuala Lumpur saw a mass arrests of over 200 patrons of the spa. Meanwhile, in Penang 13 people were arrested.[461] Both cases have resulted in charges of some of those arrested under various charges:

- Sections 377A & B for committing carnal intercourse
- Section 377 D for gross indecency
- Section 292 for possession of obscene materials.

In the Kuala Lumpur raid, human rights groups categorised the violations into 11 broad areas. Similarly, the Penang raid revealed comparable violations. These violations demonstrate that police bias against LGBTQ people is pronounced, and these experiences can be compounded by detainees' religious background.[462] *(Refer Appendix 1 for the full documentation)*

1. Violation of right to due process and detainees' rights
2. Biased and intimidating statement-taking questions and process
3. Poor management of the detainees
4. Poor condition of the detention area, sleep deprivation and access to toilets
5. Lack of adequate food or water for detainees while in police custody.
6. Lack of access to medical attention and medicine, as well as forcible disclosure of HIV status
7. Unnecessary physical force and other forms of aggression
8. Verbal and psychological abuse.
9. Sexual harassment and degrading treatment of the detainees
10. Unnecessary inspection of phones
11. Corruption

Newly Amended State Syariah Laws on "Male Person Posing as a Woman" in Kelantan & Terengganu

Kelantan

19. (1) Any man who wears woman attire or poses or acts like a woman in any public place or in any private place publicly visible or accessible commits an offence and upon conviction

[461] Audrey Dermawan, 'Senior citizen among 13 nabbed in Penang sauna raid' (*New Straits Times*, 30 November 2025), available at https://www.nst.com.my/news/regional/2025/11/1326944/senior-citizen-among-13-nabbed-penang-sauna-raid

[462] Justice For Sisters, 'Call for independent investigation into human rights violations and public health impact of health' centre raid' (*Justice for Sisters*, 9 December 2025), available at https://justiceforsisters.org/resources/call-for-independent-investigation-into-human-rights-violations-and-public-health-impact-of-health-centre-raid/

shall be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or to both.

(2) If the court has convicted any person of the offence, the court, if it is satisfied, in lieu of a punishment or in addition to any punishment prescribed for the offence may;

(a) upon bond completion, make an order requiring the offender to carry out community service, not exceeding 240 hours in aggregate, in the form and time and place and subject to the conditions as set out by the Court; or

(b) order any person to undergo any counselling or be detained in an rehabilitation centre, Islamic counselling centre, charitable home, mosque, institution or centre for rehabilitation during any period not exceeding six months as specified in the order for the purpose of education and the person shall repent in accordance with *hukum syarak*.

(3) For the purposes of paragraph (2)(b) Officer in Charge shall submit a progress report to the court every month.

Terengganu

33. Any man person who wears a woman's attire and poses as a woman shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding two year or to both and for the second or subsequent offense, shall be liable to whipping not more than six strokes or to imprisonment for a term not exceeding three years or to both and shall be liable to a fine not exceeding five thousand ringgit.

The Use of Vague and Broad Laws

Under state Syariah laws, provisions prohibiting immodest behaviour in public places have been used in arrests in Pahang and Kuala Lumpur. In Pahang, at least two people were charged under this provision as an alternative to "male person posing as a woman." Meanwhile, the provision on encouraging vice has been widely used nationwide against event organisers whose events include trans women.

Section 292 (Sale, etc., of obscene books, etc.) has also been increasingly applied, as seen during raids in Kelantan and Penang. In the Kelantan raid, three people were charged under Section 292; two were fined RM 4,000, and one was fined RM 3,000. In the Penang raid, seven people were charged under the same section, with some pleading guilty and others not pleading guilty.

Section 292(a) sets a low threshold for prosecution, as anyone who "has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever" commits an offence. Based on JFS's documentation, police frequently examine detainees' phones during arrests and raids, violating privacy. These searches are often driven solely by suspicion of the detainees' actual or perceived SOGIE, and may involve reviewing personal messages, photo galleries, apps, and other digital content. In many instances, detainees possess personal or forwarded sexual content.

In the digital age, technology is widely used to seek, develop, and maintain long-distance or online sexual relationships, and to access sexual content. Against this backdrop, Section 292 allows unnecessary and excessive state intrusion into people's private lives. As such, the

provision should be amended to provide safeguards for possession of personal, consensual, and other types of sexual content that does not violate human rights of others, for example, child sexual abuse materials (CSAM), which, are already criminalised under the Sexual Offences Against Children Act 2017 (SOAC).[463]

The Use of Nullified Laws Against LGBTQ People Resulting in Their Further Victimisation

In August 2025, three people were arrested for *liwat* and attempted *liwat*.[464] As discussed above, laws related to *liwat*, attempted *liwat*, sex against the order of nature, and the like have been nullified in the Federal Court decisions in the Section 28 and Nik Elin constitutional reviews. Despite this and the court taking several months to make a decision, the three were convicted to fines and imprisonment, which was converted to a parole order. The three were the first in the state of Melaka to have their prison Syariah sentence converted and subjected to parole. In addition, one of three was imprisoned between August and October 2025, as they were unable to pay the court bond.

High State Reprisals Against Those Who Plead Not Guilty

State officials have, publicly in the media and privately to LGBTQ people, expressed their disapproval of those facing charges opting to plead not guilty and exercise their right to due process and access to justice. In February 2026, the Kelantan Islamic Development, Da'wah, Information and Public Relations Committee chairperson Mohd Asri Mat Daud characterised those who pleaded not guilty as "stubborn" and their actions of seeking legal representation as "regretful".[465]

In some cases monitored by JFS, additional charges have been levelled against those who plead not guilty. In cases of mass arrests, the act of one person pleading not guilty has resulted in those who were initially spared by prosecution being summoned to court to face charges.

Access to justice among LGBTQ people is very low, despite the high levels of discrimination. LGBTQ people are already inclined to plead guilty due to a lack of support, familial pressure, discriminatory attitudes by the legal systems and actors, the time and costs involved in seeking justice, among others. As such, these reprisals not only further discourage people from challenging discrimination against them but also create tensions among marginalised communities for putting them at risk.

All of these raids very clearly show negative impacts on LGBTQ people's ability to freely move, socialise, seek services, and be themselves.

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[463] Women's Centre for Change (WCC), 'Laws Related To Child Sexual Abuse' available at https://www.wccpenang.org/child-sexual-abuse-laws-in-malaysia/

[464] Meor Riduwan Meor Ahmad, "JAIM tahan tiga lelaki disyaki laku hubungan sejenis" (*Harian Metro*, 1 August 2025), available at https://www.hmetro.com.my/mutakhir/2025/08/1247380/jaim-tahan-tiga-lelaki-disyaki-laku-hubungan-sejenis.

[465] Nor Fazlina Abdul Rahim, "'Mak nyah' individu pertama didakwa kesalahan tukar jantina di Kelantan"(*Berita Harian*, 4 February 2026) available at https://www.bharian.com.my/berita/kes/2026/02/1505290/mak-nyah-individu-pertama-didakwa-kesalahan-tukar-jantina-di-kelantan?source=widget

Harassment Against LGBTQ Events

In June 2025 alone, Justice for Sisters documented at least six events in Selangor, Sabah and Kelantan that were disrupted because of public complaints and police inquiries. Half of them were health-related events, aiming to raise awareness about healthier sexual health practices and services. One of such events by PSM Youth was investigated by the police, while another event in Kelantan faced a raid, which was later reported as a 'sex party' by the police to the public, raising panic among local communities. The raid also resulted in the conviction of three people under Section 292 of the Penal Code for sale, etc., of obscene books, etc.[466]

The Kelantan raid and the subsequent reporting had a nationwide impact on LGBTIQ people and non-LGBTIQ people. 83% of the respondents noted that their perception and trust in the police has reduced.

70% of the 143 respondents noted that they are concerned about their own or LGBTIQ people's safety. As a result, at least one person of the 28 LGBTIQ respondents in Kelantan moved to their hometown in another state for their personal safety.

Meanwhile, 61% or 86 respondents nationwide reported that they feel unsafe in attending NGO or government-organised events, including health-related events. Of which, 20% are from Kelantan.[467] This could have a broader and severe impact on the trust in the public healthcare system and access to life-saving healthcare services for an already marginalised population.[468]

Among LGBTIQ respondents from Kelantan, 10 out of the 28 (36%) experienced microaggressions by people in their communities. Similarly, 36% LGBTIQ respondents in Kelantan noted that they experienced more pressure from their family, while 9 (32%) friends and others to change their SOGIE.[469]

The Role of Media

The media play a significant role in amplifying discriminatory narratives against LGBTIQ and gender-diverse people in Malaysia. Their participation in raids has contributed to violations of privacy, sensationalism, and further discrimination of those affected.

Some media demonstrate a lack of critical analysis of the state-sponsored discrimination against LGBTIQ people and legal developments in Malaysia. This manifests in the lack of fact checking and complete adoption of state narratives in relation to LGBTQ people, poor privacy safeguards resulting in outing or questions over LGBTQ people's SOGI, misgendering and deadnaming of trans people, among others.

Court reporting practices also need improvement. Some outlets adopt tabloid-style practices, including attempts to photograph those accused in court, further compounding harm.

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[466] Penal Code (Act 574) as at 1 January 2015, available at https://www.rcrc-resilience-southeastasia.org/wp-content/uploads/2017/12/Penal-Code-Act-574.pdf.

[467] 17 of 28 respondents from Kelantan (61%) expressed that they feel unsafe attending NGO or government events

[468] Justice for Sisters, "Brief survey findings: Impacts of the Kelantan health event raid on LGBTIQ and non-LGBTIQ people in Malaysia" (*Justice for Sisters*, 5 August 2025), available at https://justiceforsisters.org/resources/brief-survey-findings-analysis-the-police-raid-of-the-health-event-in-kelantan-significantly-increased-concerns-about-personal-safety-among-lgbtiq-people-nationwide/#9-perception-and-trust-in-the-police-following-the-incident-.

[469] Ibid

Anti-LGBT Campaigns at the State Level

State-level anti-LGBT interventions and campaigns can have a national-level impact. This can be attributed to its promotion on social media, media coverage of the events and activities, position and influence wielded by state agencies and actors implementing such measures, among others. Consequently, LGBTIQ and gender-diverse people nationwide experience the ripple effects of such measures. This was apparent in the case of the police raid on the health event in Kelantan, where LGBTIQ people in Kelantan and other states have reported direct and indirect impacts.

Anti-LGBT campaigns at the Federal and state levels focus on the weaponisation of several intertwined themes - HIV, religion, culture and public morality. These campaigns, often based on misinformation and bias against LGBTIQ people, severely impacts LGBTQ people's mental health and well-being, sense of self and belonging, as well as the ability to live and access opportunities and services freely without fear of discrimination.

Such campaigns are built on the assumption that LGBTQ people have moral and spiritual deficiencies that need to be "treated" through psycho-social religious means. This has given rise to many private LGBT rehabilitation programmes, widely rejected due to their lack of scientific basis, fraudulent practices, and exploitative nature. These programmes are grounded in the harmful assumption that LGBTQ people's sexual orientation, gender identity, and gender expression (SOGIE) are inconsistent with nature and religion, an assumption that has been consistently debunked. Overwhelming evidence shows that LGBTIQ people's sexual orientation, gender identity, gender expression and sex characteristics are a normal part of human diversity.

UN experts have stressed that religion and public morality are often weaponised against LGBTI people, women and minorities. In a 2020 report, the Special Rapporteur on freedom of religion or belief "rejecte(d) any claim that religious beliefs can be invoked as a legitimate 'justification' for violence or discrimination against women and girls or against people on the basis of their sexual orientation or gender identity."[470]

The Independent Expert on SOGI in his report highlighted, "religion or belief systems are often deliberately placed in antagonistic positions against the human rights of LGBT persons in social and political discourse, feeding the contention that there is an inherent conflict between them."[471] It is important to recognise the growing shift from patriarchal interpretations of theology and the inclusion of LGBTIQ people across religious institutions globally.

The Beirut Declaration on "Faith for Rights" affirm that "religious or belief convictions are one of the fundamental sources of protection for human dignity and freedoms of all individuals and communities with no distinction on any ground whatsoever."[472]

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[470] United Nations Human Rights Council, "Gender-based violence and discrimination in the name of religion or belief: Report of the Special Rapporteur on freedom of religion or belief" (*United Nations General Assembly*, 24 August 2020), available at https://docs.un.org/en/A/HRC/43/48.

[471] Office of the United Nations High Commissioner for Human Rights (OHCHR), "Freedom of religion or belief not incompatible with equality for LGBT persons: UN expert" (*United Nations*, 21 June 2023), available at https://www.ohchr.org/en/press-releases/2023/06/freedom-religion-or-belief-not-incompatible-equality-lgbt-persons-un-expert.

[472] OHCHR, "Beirut Declaration on "Faith for Rights" (*United Nations*, 28 March 2017), available at https://www.ohchr.org/sites/default/files/BeirutDeclarationonFaithforRights.pdf.

Based on international human rights standards relating to hate speech, the state-sponsored anti-LGBTQ activities at all levels of governments amount to "advocacy of discriminatory hatred that constitutes incitement to violence, hostility or discrimination" that should be prohibited. Meanwhile, hate speech that severely harms the reputation of others, should be restricted.[473]

The Rabat Plan of Action offers a six-part threshold test to assess the severity of the harm and the necessary actions - (1) the social and political context, (2) status of the speaker, (3) intent to incite the audience against a target group, (4) content and form of the speech, (5) extent of its dissemination, and (6) likelihood of harm, including imminence.[474]

Applying this framework, anti-LGBT advocacy, speech, and other measures clearly meet the threshold for prohibition.

Terengganu

In May 2025, the Terengganu state government placed anti-LGBT signboards in so-called strategic places, including near hospitals and universities. Amid pushback, the state EXCO defended the signboard as an effort for "the public to hate homosexual acts. We want them to see it as filthy, wrong, and something to be avoided"[475,476] in line with Terengganu's campaign "*Indahnya Hidup Bersyariat*".[477,478] The move was lauded by academics, PAS party divisions and members, conservative actors, and the Kelantan state government.[479] Some misguidedly defended it as a good public health strategy in addressing the prevalence of HIV among LGBT people.[480,481] Similar signboards have been observed in public areas in Kelantan.

In August 2025, the Terengganu state government launched an anti-LGBT, substance and vape campaign targeting students[482].

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[473] Article 19, 'Hate speech' explained: A summary (*Article 19*, 7 December 2020), available at https://www.article19.org/resources/hate-speech-explained-a-summary/

[474] Office of the United Nations High Commissioner for Human Rights (OHCHR), 'OHCHR and Freedom of Expression vs Incitement to Hatred: the Rabat Plan of Action' available at https://www.ohchr.org/en/freedom-of-expression

[475] BFM, "Terengganu government defends anti-LGBTQ+ sign, says it aims to instil public hatred towards homosexual acts" (*BFM Radio*, 10 May 2025), available at https://www.facebook.com/BFMradio/posts/-terengganu-government-defends-anti-lgbtq-sign-says-it-aims-to-instil-public-hat/1247578340073142/.

[476] Malaysiakini, "'Mahu rakyat benci'- Terengganu pertahan papan tanda larang homoseksual" (*Malaysiakini*, 10 May 2025), available at https://www.malaysiakini.com/news/742849.

[477] Nurfardlina Izzati Moktar, "Terengganu perhebat kempen 'Indahnya Hidup Bersyariat'" (*Sinar Harian*, 1 January 2025), available at https://www.sinarharian.com.my/article/704925/edisi/terengganu/terengganu-perhebat-kempen-indahnya-hidup-bersyariat.

[478] Berita Pas, "Terengganu Rancakkan Program Indahnya Hidup Bersyariat di Setiap DUN" (*PAS Pusat*, 12 January 2025), available at https://berita.pas.org.my/terengganu-rancakkan-program-indahnya-hidup-bersyariat-di-setiap-dun/.

[479] Hazelen Liana Kamarudin, "Kelantan sedia ikut jejak langkah Terengganu naikkan papan tanda LGBT" (*Sinar Harian*, 20 May 2025), available at https://www.sinarharian.com.my/article/729527/edisi/kelantan/kelantan-sedia-ikut-jejak-langkah-terengganu-naikkan-papan-tanda-lgbt.

[480] Hidayah Sani, "Papan tanda larangan homoseksual: LGBT kini isu kesihatan awam yang serius" (*The Merdeka Times*, 15 May 2025), available at https://themerdekatimes.com/news/2025/05/papan-tanda-larangan-homoseksual-lgbt-kini-isu-kesihatan-awam-yang-serius/.

[481] Team Media, "Kes Baharu HIV Libat Golongan Muda, Pakar Sokong Usaha Pencegahan" (*Malaysia Bangkit*, 16 May 2025), available at https://malaysiabangkit.com/kes-baharu-hiv-libat-golongan-muda-pakar-sokong-usaha-pencegahan/.

[482] Adli Mohamad, "Selamatkan Generasi Muda Daripada Terjebak LGBT, Dadah, Vape" (*TRDI*, 14 August 2025), available at https://www.trdi.my/selamatkan-generasi-muda-daripada-terjebak-lgbt-dadah-vape.

Kelantan

The same month, PAS launched its Get to Zero 2030 Comprehensive Action Plan (GTZ 2030) based on Islamic values, complementing the government's strategic plan to end AIDS by 2030. Among its key efforts are early prevention of HIV infections among youths and at-risk populations, such as LGBT people, using the A-B-C-D approach - "abstinence", "being faithful", "condoms" and "drugs", referring to Pre-Exposure Prophylaxis (PrEP).[483] The approach also includes spiritual and psychosocial recovery programmes through the Hijrah Module (read as SOGIE change efforts) and CITY GTZ towards abstinence, 3C (Comprehensive, Compassionate, Care) integrated treatment services at the HIV/PrEP Clinic.[484]

The use of SOGIE change efforts as an HIV prevention strategy is severely misguided and dangerous, given its harmful impacts. SOGIE change efforts or conversion practices have been widely rejected due to their long-term harmful impacts and lack of scientific basis. Equally concerning is the fact that Islamic non-governmental organisations also support these non-evidence and rights-based methods in the name of HIV prevention.[485]

The failure of this approach is reflected in Malaysia's HIV prevalence statistics and projections that GBQ and other men who have sex with men (MSM) will be the key population most affected by HIV/AIDS by 2030.[486] Malaysia's AIDS monitoring reports also note that gay men are "most hard-to-reach and difficult to identify due to stigma and discrimination."[487] Further, studies by KAMI and CERiA both establish a causal link between LGBTQ people's low health-seeking behaviour and their fear of discrimination, legal repercussions, and personal safety, as well as a trust deficit in healthcare providers.[488,489] Seeing this, human rights defenders working in the HIV sector are not optimistic about Malaysia ending AIDS by 2030.

The provision of PrEP to LGBTIQ people has been widely debated since its introduction in 2022. The National Fatwa Committee in 2023 discussed the issues and released the outcome of their discussion. However, no official *fatwas* have been gazetted.

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[483] FMT Reporters, "PAS launches 'Islamic agenda' to eradicate HIV" (*Free Malaysia Today*, 11 May 2025), available at https://www.freemalaysiatoday.com/category/nation/2025/05/11/pas-launches-islamic-agenda-to-eradicate-hiv.

[484] Harakahdaily, "Pendekatan baharu PAS perangi HIV/AIDS di Malaysia" (*Harakahdaily*, 11 May 2025), available at https://harakahdaily.net/2025/05/pendekatan-baharu-pas-perangi-hiv-aids-di-malaysia/.

[485] Norhaspida Yatim, "Gejala seks songsang lelaki sesama lelaki makin meningkat - Papisma" (*Sinar Harian*, 12 May 2025), available at https://www.sinarharian.com.my/article/727979/edisi/terengganu/gejala-seks-songsang-lelaki-sesama-lelaki-makin-meningkat---papisma.

[486] Ministry of Health Malaysia Disease Control Division, "2024 Global AIDS Monitoring: Country Progress Report – Malaysia" (*Ministry of Health Malaysia*, 11 October 2025), available at https://www.moh.gov.my/moh/resources/Penerbitan/Laporan/Umum/GAM_Report_2024-Malaysia.pdf.

[487] HIV/AIDS/Hepatitis C Sector DCD, "Global Aids Monitoring 2020: Malaysia HIV/AIDS Progress Report" (*MOH*, December 2021), available at https://www.moh.gov.my/moh/resources/Penerbitan/Laporan/Umum/Laporan_Global_AIDS_Monitoring_2020_new.pdf.

[488] Sheau Huey Ho, Amirul Hakim Shamsudin, Jun Wei Liow, Johan Ariff Juhari , Sai Ang Ling, & Kyle Tan, "Mental Healthcare Needs and Experiences of LGBT+ Individuals in Malaysia: Utility, Enablers, and Barriers" (13 May 2024), *Healthcare*, *12*(10), 998, available at https://doi.org/10.3390/healthcare12100998.

[489] Zhao Ni, Roman Shrestha, Valerie A. Earnshaw, Ying Chew Tee, Frederick L. Altice, Iskandar Azwa, Adeeba Kamarulzaman, Xin Zhou & Jeffrey A. Wickersham, "Exploring Malaysian Physicians' Intention to Discriminate Against Gay, Bisexual, and Other Men Who Have Sex with Men Patients" (2 March 2023), *LGBT Health*, 10(2), 169–175, available at https://doi.org/10.1089/lgbt.2021.0452.

The National Muzakarah Committee, in its non-gazetted view, opined that PrEP should only be given to married couples, and stressed that "the giving and taking of PrEP for immoral purposes is prohibited and forbidden." While the Committee did not outrightly answer the question of whether it should be provided to LGBT, they note that "This country should clearly and openly speak out against perverted sex, especially homosexuality. Therefore, providing PrEP in an atmosphere of opposition to perversion does not show the country compromising and promoting wrong activities."[490] This position has been reproduced by Muftis and Fatwa Committees at the state level[491], with Johor adopting a similar clarification in 2025.[492] The *fatwa* was also not gazetted.

It is important to note that these *fatwas* and opinions have broad sociocultural and religious influence over Muslim people. The opinion by the National Muzakarah Committee has been reproduced and used by conservative actors to support their advocacy to prevent PrEP, a life-saving medication for LGBTQ people.[493] The disregard for the right to life of LGBTQ people is an alarming indicator of the state of LGBTQ people in Malaysia.

Selangor

Following the Otot2 raid, the Selangor state government issued a state-wide sermon titled "LGBT: Beckons Calamity, Removes Blessings." The sermon rejected the framing of LGBTQ issues as matters of "rights," "freedom," and "identity," instead described LGBTQ people as "vile," "transgressing," and "deviating from fitrah." It also stigmatised LGBT people as contributors to HIV due to their "perverted sexual habits".

By drawing on the narrative of Prophet Lot, the sermon reinforced moral panic by warning that failure to address LGBTQ issues could result in widespread calamity. It also explicitly called on parents and family members to "strengthen family relationships" and guide children to abstain from what it described as "perverted ideologies and disobedience." Additionally, the sermon promoted "treatment" for LGBTQ people, encouraging them to return to a prescribed path. This is consistent with the government's promotion of conversion practices.[494]

The sermon was also posted on the Selangor Sultan's official social media platforms,[495] further amplifying its messages and reinforcing their authority, given his role as the head of religion in the state.

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[490] Muzakarah Majlis Kebangsaan bagi Hal Ehwal Agama Islam Malaysia, "Pelaksanaan Pemberian Ubat Pre-Exposure Prophylaxis (PrEP) Bagi Tujuan Pencegahan HIV" (*Jabatan Kemajuan Islam Malaysia*, 18 October 2023), available at https://ciri.islam.gov.my/index.php?p=UE9SVEFMO1BhbmRhbmdhbiBIdWt1bTt2aWV3L3BhbmRhbmdhbkh1a3VtOzs=&table_search=&PageNo=3.

[491] Pahang State Mufti Department, "Cadangan Hukum Berkenaan Penggunaan Ubat Pre-Expose Prohylaxis (PrEP) Sebagai Pencegahan HIV Bagi Golongan Berisiko Tinggi Di Negeri Pahang" (26 November 2024), available at https://mufti.pahang.gov.my/en/fatwa/2024/cadangan-hukum-berkenaan-penggunaan-ubat-pre-expose-prohylaxis-prep-sebagai-pencegahan-hiv-bagi-golongan-berisiko-tinggi-di-negeri-pahang.

[492] Johor Mufti Position, "Pelaksanaan Pemberian Pre-Exposure Prophylaxis (PrEP) Bagi Tujuan Pencegahan HIV" (25 March 2025), available at https://said.johor.gov.my/perkhidmatan/paparan_detail_fatwa.php?id=1717.

[493] Hidayah Sani, "Haram beri dan ambil PrEP untuk maksiat – MKI" (*The Merdeka Times*, 28 April 2025), available at https://themerdekatimes.com/news/2025/04/haram-beri-dan-ambil-prep-untuk-maksiat-mki/.

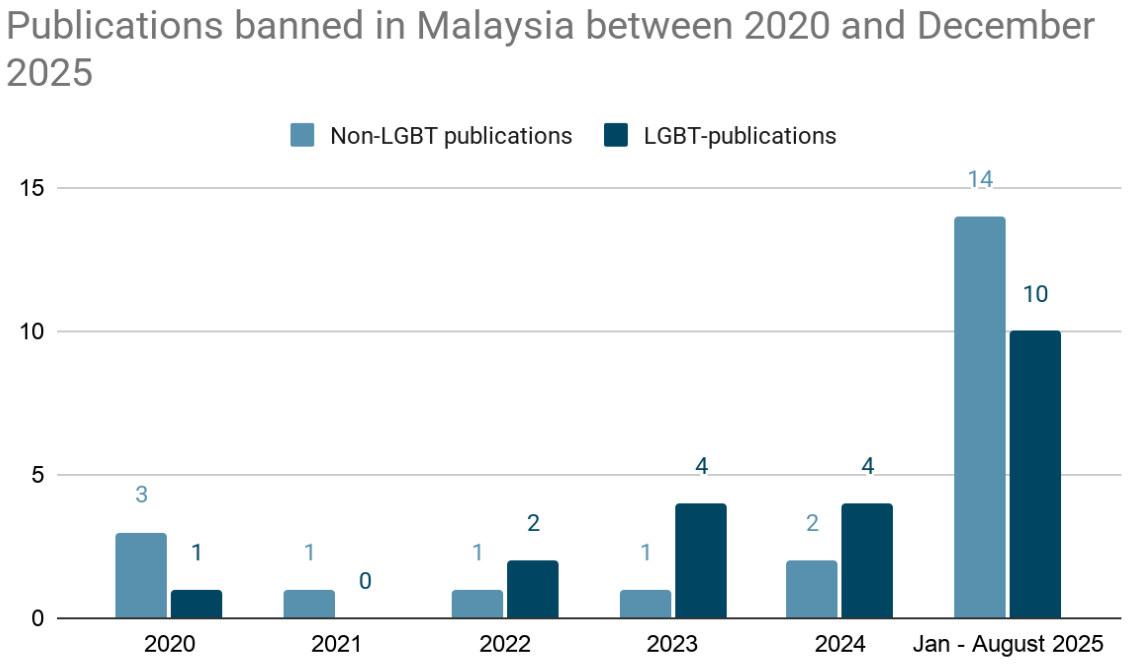
[494] Friday Sermon, "LGBT: Beckons Calamity, Removes Blessings", (*Unit Khutbah Bahagian Pengurusan Masjid Jabatan Agama Islam Selangor*, 12 December 2025) available at *https://e-khutbah.jais.gov.my/wp-content/uploads/2025/12/LGBT-Mengundang-Bala-12.12.2025-english.pdf*

[495] New Straits Times, 'Sultan of Selangor warns against LGBT practices' (*New Straits Times*, 13 December 2025), available at https://www.nst.com.my/news/nation/2025/12/1335977/sultan-selangor-warns-against-lgbt-practices

Increased Censorship of Publications and Television Series

The state censorship of the LGBTIQ expression is often aided by public complaints. Such censorship often takes place under the Printing Presses and Publication Act (PPPA) and the Communication and Multimedia Act (CMA).

Between January and December 2025, at least 24 publications have been banned under the PPPA. Of which, 10 are LGBTIQ-related publications under the grounds of morality and to prevent "the spread of ideologies or movements that are contrary to the culture and values of the diverse Malaysian society."[496]



Source: Justice for Sisters[497]

In November 2025, Radio Televisyen Malaysia (RTM) temporarily suspended the broadcast of *Santiago of the Seas,* an animated series targeting children, following public complaints due to its LGBT characters. 21 episodes of the series were aired on TV2 without complaints. The complaint emerged after the airing of episode 22, which featured a scene of a male mermaid character giving another male mermaid character, his partner, a kiss on the cheek.[498]

The Court of Appeal, in August 2025, struck down the words "offensive" and "annoy" in Section 233(1)(a) of the CMA in a judicial review mounted by Heidy Quah, a human rights

[496] FMT Reporters, "KDN haram 3 buku mudarat moral masyarakat" (*Free Malaysia Today*, 8 February 2025), available at https://www.freemalaysiatoday.com/category/bahasa/tempatan/2025/02/08/kdn-haram-3-buku-mudarat-moral-masyarakat.

[497] Justice for Sisters, "Publications banned in Malaysia between 2020 and May 2025" (*Flourish*, 16 July 2025), available at https://public.flourish.studio/visualisation/23339993/.

[498] Malay Mail, "RTM halts cartoon series 'Santiago of the Seas' pending review after complaint of alleged LGBT content" (*Malay Mail*, 17 November 2025), available at https://www.malaymail.com/news/malaysia/2025/11/17/rtm-halts-cartoon-series-santiago-of-the-seas-pending-review-after-complaint-of-alleged-lgbt-content/198751.

defender.[499] This had a positive effect on Aliff Syukri's ongoing trial under the same section for uploading his Kelopak Raya music video featuring gender-diverse performers.[500] Following the Court of Appeal decision, Aliff Syukri was acquitted.[501]

Increased Panic Over LGBTIQ Expression or Non-Cisgender Heterosexual Expressions

The LGBTQ panic has an overarching impact on gender stereotypes and roles, affecting LGBTIQ and non-LGBTIQ people. This panic often manifests in the regulation of gender expression, including clothing, mannerisms, and self-expression and gender segregation enforced by both state and non-state actors. Consequently, gender expression and gendered behaviour, along with cultural adherence of artists, performers, as well as concert goers or attendees of performances, especially have come under increased scrutiny.[502]

In September 2025, a representative of the Communications Ministry shared that the Unit for Application for Foreign Filming and Performance by Foreign Artistes (PUSPAL) has updated its guidelines for the performances of foreign artistes. According to reports, the guidelines cover the duties of organisers and performers. The organisers' duties extend to regulating and managing the audience's behaviour and expressions, who are "expected to dress appropriately and behave respectfully". Disruptive acts, such as shouting offensive slogans, instigating religious sentiments or throwing objects, could lead to removal from the venue.

The annual *Anugerah Juara Lagu* (AJL) has also adopted similar guidelines. This year, the award show included its binary dress code advisory at the back of the ticket.[503]

The state representative also noted that the "kill switch" introduced following the 1975 band incident, which included the infamous kiss between two of their members, has been used once during a concert in May 2025. The kill switch will be activated when a performer is deemed to be breaching Malaysia's cultural or legal guidelines during their performance.[504]

Leading up to the SUKMA Malaysia, biannual Malaysian games, Selangor, the host of the 2026 games, guaranteed that "there will be no promotion or normalisation of perverse culture

[499] Amnesty Malaysia, "Heidy Quah's Court Victory A Win For All Malaysians Speaking Truth To Power" (*Amnesty International Malaysia*, 19 August 2025), available at https://www.amnesty.my/2025/08/19/court-victory-for-heidy-quah/.

[500] Nurul Hidayah Bahaudin, "Kes video 'Kelepok Raya': Aliff Syukri minta maaf dan janji buat lagu lebih baik" (*Harian Metro*, 27 August 2025), available at https://www.hmetro.com.my/utama/2025/08/1257279/kes-video-kelepok-raya-aliff-syukri-minta-maaf-dan-janji-buat-lagu-lebih-baik.

[501] Mas Zharif Zhafri Aziz Desa, "Aliff Syukri dilepas, dibebaskan berhubung kes muat naik video sumbang" (*BluetintV3*, 27 August 2025), available at https://www.buletintv3.my/mahkamah/aliff-syukri-dilepas-dibebaskan-berhubung-kes-muat-naik-video-sumbang/.

[502] Naeem Raffi, "EXCO kecam stesen televisyen tempatan papar aksi lelaki gayakan pakaian wanita" (*Media Selangor*, 17 February 2025), available at https://mediaselangor.com/ms/2025/02/253007.

[503] MStar, "Kod pakaian dah ditetapkan belakang tiket AJL39… Tetamu lelaki berangan nak jadi perempuan saja langgar syarat" (*MStar*, 19 February 2025), available at https://www.mstar.com.my/spotlight/sensasi/2025/02/19/kod-pakaian-dah-ditetapkan-belakang-tiket-ajl39-tetamu-lelaki-berangan-nak-jadi-perempuan-saja-langgar-syarat.

[504] Khoo Gek San, "New directive sets dress, conduct rules for concerts" (*The Star*, 21 September 2025), available at https://www.thestar.com.my/news/nation/2025/09/21/new-directive-sets-dress-conduct-rules-for-concerts.

such as lesbian, gay, bisexual and transgender (LGBT) groups throughout the organisation of the 2026 Malaysian Games (SUKMA)."[505]

Conclusion & Recommendations

The lack of appreciation of the principle of non-discrimination, coupled with the increased institutional discrimination, is resulting in an overall increase in the lack of protection, marginalisation and victimisation of LGBTIQ and gender-diverse people at all levels. The increased prejudicial public complaints are a manifestation of impunity resulting from the institutional discrimination against LGBTIQ people. The institutional discrimination has effectively created a self-reinforcing system of oppression, where impunity has not only legitimised but also normalised discriminatory practice and restrictions against LGBTIQ and gender-diverse people.

This is further compounded by the Federal-state legal and political dynamics.

There is an urgent need to end discrimination against LGBTIQ people by implementing the LBTI-related CEDAW concluding observations, including:

- Develop a comprehensive strategy to eliminate stereotypes concerning LBTI women, including addressing discriminatory narratives targeting LBTI women, imposing fines for homophobic speech and raising awareness about the equal rights of LBTI women.
- Collect data on discrimination against women based on LBTI status, to inform the formulation of anti-discrimination legislation and policies.
- Amend laws that discriminate against and criminalise LBTI women and put in place protection measures to ensure the dignity and physical integrity of LBTI women and girls.
- Immediately discontinue all policies and programmes aimed at "correcting" or "rehabilitating" LBTI women.

[505] Nur Aishah Mohd Amin, "EXCO: Negeri jamin tiada budaya songsang dalam penganjuran SUKMA 2026" (*Media Selangor*, 20 February 2025), available at https://mediaselangor.com/ms/2025/02/253408.

ANNEXURE – Documentation: The Otot2 Raid in Kuala Lumpur

Key Issues and Human Rights Violations

1. Violation of right to due process and detainees' rights

The detainees noted that the raid was extensively filmed using professional cameras and phones with spotlights. The officers yelled at the detainees for covering their face and forced detainees who were wearing face masks to take them off, as the police and the media recorded the raid - *"jangan tutup muka, sekarang baru tahu malu" "buat apa nak malu" "nanti kitorg blur la" ("don't cover you face, now you feel ashamed." "there is no reason for you to feel ashamed?" "we will blur it later").* However, uncensored videos emerged on YouTube and social media platforms. This resulted in trauma and stress as they were publicly outed. Some were identified by colleagues, family members and friends. Some were even sent the videos and images.

The detainees shared that they were not informed of the reason for their arrests, their legal rights, access to counsel, or the status of the remand request. The detainees were told to fill up a detainee registration form at the IPK KL. During which, the police told them to leave the important columns in a detainee registration form blank. This includes their charge, declaration of health issues, appointment of lawyers and next of kin. Many felt forced to sign the documents. Two people who refused to sign, and the police screamed at them and threatened to charge them with obstruction of police duty. This was experienced by multiple people.

The police officers disregarded many basic questions about their arrests, raising questions about their professionalism and access to information to the detainees. One of the detainees reported that when they asked the police what they were arrested and charged under, they replied "*kami pun tak tahu lagi, nanti kami akan fikir tengok" "kalau you rasa tak bersalah, then tak yah mengaku bersalah.*" *(even we don't know the charges yet we will think about it and let's see" "if you don't think you are guilty, then plead not guilty)*

A detainee shared that they were denied their right to call their family members and inform them of their whereabouts for almost 8 hours. The person kept begging to make a call, however, their request was denied. They were only able to finally make a phone call to their family members at 4am after meeting a sympathetic police officer. Prior to the raid, the detainee received a message from his mother that she was unwell and he needed to leave immediately to see his mother. However, his plea was denied. The officers told him, "pandai pandai la nanti mak kau cari kau" (your mother will eventually look for you). He later learned that his mother fainted several times and almost had a heart attack because she thought that he was missing.

The rest of the detainees were only allowed to call their family members between 9 to 11 am on Saturday. Some were only allowed to use their phone for 60 seconds only to contact their loved ones. While others were allowed to use their phones for 5 minutes. As they were making the calls, the officers warned the detainees about using their phones to take photos or videos of their detention "*jangan pandai pandai ambik gambar/video*" *(don't try being smart by taking photos or videos)*

Several family members and friends shared with volunteers at the police station that they were worried about their loved ones, as they were unable to contact them. One of them learned about their family member's detention as they were lodging a police report for a missing person.

Police flatly refused to contact embassies in order to arrange translators and legal representation. A detainee formally requested access to an embassy representative 3 times and

was ignored. Detainees were never told of the charges against them and were only informed by lawyers "just minutes before the magistrate hearing".

The detainees reported that their photos were taken multiple times without adequate information:

- At Otot2 their individual photos only in towel was taken
- At Dang Wangi, their photos were taken before the remand hearing and after the statement-taking process.

2. *Biased and intimidating statement-taking process and questions*

During the statement-taking process, which took place at the Dang Wangi police station, the police officers had already assumed that the detainees were at the venue to have sex. The detainees also felt that the questions were leading and presumed guilt. They found the process intimidating. The police asked:

- Do you have sex with men,
- Are you gay?
- do you wear a condom,
- duration of the sexual intercourse and other activities like kissing - is it 10 minutes of more,
- sexual positions - top or bottom
- How did you know about otot2
- How many times have you gone to the place
- Do you know the boss,
- Do you know the staff
- how much you pay,
- Do you know that this place has "*seks songsang*" (deviant or immoral sex) activities?
- Do you do "*seks songsang*" at the location?
- Did you see any sexual activity?
- What did you do there?
- Does the place provide condoms and other things
- HIV status
- Do you use gay apps
- Were you clothed when you entered the place

The detainees felt that the questions were beyond what happened in the venue, and they felt that their sexual orientation and sexual practices were being probed. They were concerned about incriminating themselves by answering those questions. Lawyers were not present during the process.

Multiple people recounted the officers banging on the table in frustration and anger when the detainees chose not to answer questions.

Officers took liberties with choices of words and framing of the statement. When people tried to change words in their statement, the officers would bang the table and scold them. For example, an officer wanted to write '*menawarkan service seks songsang di otot2*' *(offering sex services at otot2).* The detainee wanted to change it. This resulted in the officer getting angry and banging the table. It was then changed to *"menawarkan lokasi untuk golongan gay untuk*

aktiviti seks songsang" (offers a venue for gay men to have deviant or immoral sex). The officer then refused to make further changes. At least two people experienced this.

3. *Poor management of the detainees*

30 to 40 detainees were squeezed into the trucks with the capacity of 20 to 25 people, to be transported from Otot2 to IPK KL and later from the IPK KL to Dang Wangi.

The detainees described the trip from IPK to Dang Wangi as "horrible". They shared that the truck was dirty and smelly. Their hands were black from touching the truck. There were no handrail or straps. They were forced to squat in extremely uncomfortable conditions. The stuffy condition was intensified by the morning heat. Another detainee noted that it was difficult to breathe. The truck accelerated and had multiple sudden breaks, resulting in the detainees being further cramped.

While they were told that they will be transported to Dang Wangi in the morning at 8am, the transfer only happened in the afternoon.

The detainees were forced to sit, stand, and re-queue repeatedly sometimes for no purpose during detention. The detainees felt that the process was redundant as the police had already given each person a body number. The process took hours, almost the whole day, leading to fatigue and waste of time. At 2am, the detainees were asked to line up according to their religion (Muslim and non-Muslim) so that JAWI could issue their statement-taking notice.

Multiple detainees noted that the police were seen smoking, laughing and not performing their duties with ethics and professionalism.

4. *Poor condition of the detention area, sleep deprivation and access to toilets*

The detainees were restricted from using toilets at both police stations. At IPK KL, the detainees were denied permission to use the toilets (partly due to the lack of officers to accompany them to the toilet) and were scolded for asking to use the toilet. They reported that a woman police officer threw bottles at them to urinate in them. One of the detainees was hit by a bottle. Many of them had to hold their pee for prolonged hours. Additionally, the police officers told the detainees to tie their genitals with rubber bands in response to their request to use the restroom. Another person was denied from using the toilet to vomit.

Some detainees managed to use the toilets at about 6pm at the Dang Wangi police station, but they were told not to lock the door if they were only urinating. Some detainees reported that they were unable to urinate as they were being watched by the police. Some reported that the police pushed the door open aggressively when they tried to close it for privacy as they were urinating. Some were yelled at for not being able to pee, while others faced other forms of aggression and violence. The police also made comments about their genitalia - its size and how it's a shame that they are not heterosexual.

At the Dang Wangi police station, all detainees were placed in a room with poor ventilation. The room had two toilets. However, there was no water supply or toilet papers. There was a wash basin area with water supply. Volunteers managing bailors also witnessed police disallowing at least two to three detainees from using the toilets, instead they were asked to use the overflowing toilets in the room.

Detainees noted that severe overcrowding amplified the heat stress, dehydration, panic, and risk of suffocation among the detainees.

They were prohibited from sleeping; forced to sit upright or "massage" the person in front to stay awake. Detainees were forced to sit (or sleep in sitting position) on hard floors without proper bedding or rest facilities. Many reported spine pains after release. *[Note: One detainee has shared pictures of the bruising caused by this]*

The foreigners were handcuffed and were forced to sleep on the floor with their handcuffs. Volunteers saw one foreigner who was brought in for release in handcuffs and in lockup attire.

5. *Lack of adequate food or water for detainees while in police custody*

The detainees had very limited access to water and food while the detainees were in police custody for two days. As a result, many had to drink tap water from the toilets at both IPK KL and the Dang Wangi police station to avoid dehydration. Some detainees recalled being given unfinished mineral water when they requested water. Many experienced dehydration, throat irritation, and prolonged coughs. They were reportedly given 500ml of water, a piece of bread and some biscuits per day. This intensified existing gastric issues for some.

The detainees were only given food at 11 am the following morning (29 November 2025, Saturday) at IPK KL after a detainee had fainted. Some police officers laughed at the person and medical care only arrived 20 - 30 minutes later. No emergency kits were available on site. However, following the incident, the police turned on the fans and handed out food and water to the detainees. They were given a piece of bread to be shared with three to five people. Some, especially those further back in the line, did not receive the food as the food ran out. They had to take a sip of water and then pass on the bottle to others due to shortage.

The police officers as they handed out the food and water told them not to eat and drink a lot, as otherwise they would want to go to the toilet. They told them that the detainees should be grateful as they bought the bread and water with their own money. However, some detainees confirmed that the owner was asked to pay for the food, as he caused the raid.

In total, two people reportedly fainted while they were in police custody due to a lack of food, exhaustion and stress. Some reported that they experienced prolonged coughs and nausea. A person reported that they were not allowed to use the restroom to vomit *(same as above)*. He had to wait several hours before finally being able to throw up.

A person shared that their friend requested the police to give the detainee food, and only that detainee was given food. The friend also transferred money to the police to get everyone food but is unsure if that happened. The detainees reported that they were exhausted, hungry and sleep deprived.

6. *Lack of access to medical attention and medicine as well as forcible disclosure of HIV status*

Three medical emergencies occurred during the raid and while they were in police custody. However, the police were ill-equipped to respond to medical emergencies. No emergency medical kits were present.

The first incident occurred at the otot2, where a detainee had a panic attack. The detainees noted clear emotional and psychological distress among the detainees. The person's hands and legs were visibly shaking. Some reported that the person was yelled and laughed at by police officers, while other detainees tried to calm him.

At the IPK KL, two medical incidents occurred. A person experienced a panic attack resulting in near cardiac arrest due to the lack of food and water as well as exhaustion. The police officer asked him if he was okay and gave him the option to go to the hospital with the caveat that he will be remanded for 4 days and handcuffed. Or he can complete all of the processes.

Another person reportedly had a seizure at IPK KL. There were no medical professionals on site to provide him support. The medical professionals among the detainees instead provided immediate support. An ambulance was called, but it only arrived 30 minutes later. The person was taken to the hospital and later returned to the Dang Wangi station. Witnesses reported that they were concerned of serious consequences, including fatal outcomes.

The officers asked all detainees to publicly disclose if they have HIV at least 3 times - at the IPK KL, Dang Wangi after the magistrate's decision, when giving statements in IO's office they were forced to disclose their HIV status and personal information in front of others.

No one came forward to disclose their HIV status. The police's questions were prompted by a person's private request to the police for their HIV medication. Upon learning that, the police disclosed their status to everyone. Other officers made comments like "should not visit my family and just die" in an aggressive tone.

Among the detainees, there were some with pre-existing health conditions, some of which required daily medications. Detainees with heart and other conditions were not allowed to take their medicine.

7. Unnecessary physical force, aggression and violence

The detainees reported that the police officers used unnecessary physical force and other forms of aggression if they didn't move or react quickly. At IPK KL, a person was physically hit in the face by an officer with papers.

Some detainees were subjected to urine tests at IPK KL. Some were unable to urinate. As a result, the detainees were forced to drink tap water. When that did not work, some detainees reported that they were asked to strip and take a shower.

During the statement-taking process at the Dang Wangi police station, multiple people recounted the officers banging on the table in frustration and anger when the detainees chose not to answer questions.

During the raid, the police reportedly kicked down the doors at otot2. Some detainees also reported witnessing physical violence against other detainees at otot2 and IPK KL.

8. Verbal and psychological abuse as well as shaming

The detainees noted that verbal violence, shaming and name-calling began during the raid and continued throughout the 3 days. The police officers made assumptions about the detainees' sexual orientation, and made discriminatory comments based on their actual or perceived sexual orientation.

Some heard the police making sexually explicit and demeaning remarks during the raid at otot2, such as:

- *"apa bodoh la korang ni sume main jubo, puki lagi sedap la, jubo juga korang cari" (you people are stupid for having anal sex, vaginal sex is better, but you still want to look for anal sex)*

- *"asal korang ni jadi camni" (why are you like this?)*
- *"korang ni top ke bottom" (are you top or bottom)*
- *"memandai jela korang datang nak main gym" (don't tell me you just came to the gym?)*
- *"takkan la korang tak tau ni tempat apa" (don't tell me you don't know what this place is all about)*.

The Muslim detainees particularly faced religious condemnation. The officers reportedly suggested that the detainees' actions were haram.

Despite cooperating and not resisting, they were yelled at constantly. Demeaning words like *bangang, bangsat, barua, beruk, bodoh, lancau, pekak (idiot, monkey or ape, stupid, deaf and other pejorative terms)* were used. Some detainees noted they became immune to such foul language after a while. A detainee recalled being called demeaning names for no reason. They could not talk back given the situation.

The police officers also yelled at one person, "*kau pekak ke?*" "*kau duduk sekarang! Kat lantai! Duduk betul betul*" *(Are you deaf? Sit now! On the floor! Sit properly)*. There were multiple accounts of being yelled at over simple things, for example, for not being able to urinate during the urine test.

The police officers also shamed and yelled at the detainees for not having or being able to contact their bailors. Some of the detainees were concerned about facing stigma and discrimination, and even outing themselves to their family members, friends and others simply by calling them to seek support.

The detainees noted that several detainees were picked on by the police.

The police showed clear bias and prejudice against the detainees and bailors. A bailor was asked "*kau bangga ke backup kaum kaum macam ni*" *(are you proud of supporting people like this)* and laughed.

9. Sexual harassment & degrading treatment of the detainees

There were several incidents of sexual harassment, including explicit comments about genitals and being forced to strip. A detainee reported that a police officer repeatedly asked them if they have oral sex while laughing *("kau isap pelir?")* during the raid at the venue.

The officers pointed their flashlights at a detainee's crotch and asked others if they thought the size of the detainee's genitalia was big. At IPK KL, the detainees reported that they were asked to strip his clothes in front of the police officer and take a shower at the IPK KL.

A detainee also witnessed a police officer remove his shoes and hold his bare feet just inches away from the face of a Malaysian detainee. He removed the person's hat and mocked him; from all appearances it seemed like he was threatening the person unless he would lick or suck his feet/toes.

Some detainees reported that the police asked them to reenact sexual acts for their recording and for the media at Otot2.

10. Unnecessary inspection of phones

The detainees noted that their phones were examined without their consent. One detainee was asked to unlock their phones. The JAWI officers and police held the phone in front of the

detainees face to unlock it. When he protested as it was a breach of his privacy, the officers scolded him back.

Volunteers also observed the police checking the detainees' phone as they were being released.

11. Corruption

Investigation officers solicited bribes. During the statement-taking process, several detainees were asked by the police officers *"what can you give me since I have helped you?"* Some of the detainees agreed to give them RM 300. The police officer said that they could take their money back after three days.

Post-Raid Impact

The detainees are still facing multiple forms of discrimination as a result of the raid. An internal police report with the names of all 202 people was leaked online on 29 November 2025. Prior to that, videos and photos from the raid were also published in the media, creating further hatred towards LGBTQ people and raising concerns about the police's compliance with human rights standards in relation to raids. The media was also present during the raid.

1. Employment discrimination

Several people working in the government sector faced several actions.

Others reported that the raid was widely discussed by their colleagues at work; some of whom were not aware of the identities of those detained. Despite maintaining anonymity, negative comments by their colleagues made the detainees feel threatened and panicked. The detainees reported feeling anxious about going to work and meeting people.

Many shared feeling helpless and wanting escape or run away.

2. Mental health impact

Many detainees reported trouble sleeping as they are worried about their parents and friends finding out the incident and their identity. An overwhelming number of the detainees experienced anxiety, stress, trauma due to their experiences in detention as well as the subsequent data leakage, media sensationalism, anti-LGBT comments on social media. Additionally, human rights groups, through our media monitoring have noted that this issue has been used to spread misinformation and to target vulnerable key populations affected by HIV, which has been seen to discourage health-seeking behaviour. For example, some detainees expressed anxiety about accessing healthcare services as they are worried about data leakage and stigma at healthcare facilities. [506]

An alarmingly high number of individuals reported debilitating symptoms of severe psychological distress such as insomnia, heart palpitations, hyper-vigilance, and suicidal ideation. Furthermore, some have entirely lost their ability to work, socialize, or leave home. Some of these individuals have sought urgent psychological support for their trauma, however, a few are too traumatised to even access the support provided.

[506] It is important to note the impact of Antiretroviral (ARV) treatment, which enables individuals living with HIV to achieve an Undetectable viral load and thereby making HIV Untransmittable (U=U) to other people.

3. **Physical health in the aftermath of the raid**

Following the raid, the detainees shared the following health impacts:

- Swollen palms, chafing and abrasion on my lower body from prolonged sitting
- Sciatic nerve was in pain due to prolonged sitting, can barely walk
- Severe dehydration leading to painful urination and renal stone.
- Bloating
- Diarrhoea
- Gastric discomfort
- Continuous burping
- Feeling weak and dizziness
- Lower back pain due to existing slipped disc
- Loss of significant weight
- Severe headaches

Several people reported that they had to seek medical attention post detention for the above health issues that developed from their time in detention.

9

MIGRANTS & REFUGEES

MIGRANTS AND REFUGEES

Co-Authors: Asha Rathina Pandi and Adrian Pereira
Contributors: Indonesian Migrant Domestic Workers Association in Malaysia (PERTIMIG), Young Lives Malaysia, Myanmar Ethnic Organisation, Bangladesh Solidarity Network, North South Initiative mobilisers and volunteers

Background

Malaysia hosts about 3.38 million non-citizens, accounting for 9.8% of the total population.[507] Of this figure, about 2.4 million migrant workers primarily from countries such as Bangladesh, Indonesia and Nepal, employed in key sectors including plantations, construction, manufacturing and services. Meanwhile, the number of undocumented migrants is estimated to range between 1.2 to 3.5 million.[508] As of October 2025, there are also 211,360 refugees and asylum seekers registered with the United Nations High Commissioner for Refugees (UNHCR) in Malaysia. During the 2025 reporting period, no significant policy changes were observed regarding migrant workers and refugees in Malaysia. *(Note: A comparison of the benefits available to citizens, migrant workers and refugees is provided in Appendix 1.)*

Migration policies and international conventions underpin the management of migrant labour. Malaysia has ratified several international labour standards, including the ILO Forced Labour Convention, 1930 (No. 29) and its 2014 Protocol. In line with these commitments, the first National Action Plan on Forced Labour (NAPFL) was established to eradicate forced labour by 2030 and promote safe migration practices. Notably, the US State Department's 2025 Trafficking in Persons (TIP) Report ranked Malaysia in Tier 2. While this reflects a symbolic governmental commitment to combating forced labour, systemic challenges persist. The second phase of the NAPFL (2026–2030) is currently being finalised, with a focus on clarifying institutional roles, harmonising data systems, and reinforcing evidence-based frameworks and interventions.

Malaysia's first National Action Plan on Business and Human Rights (NAPBHR) was launched in August 2025, aligning with the United Nations Guiding Principles on Business and Human Rights (UNGPs). The plan prioritises key labour issues, including the elimination of forced labour, non-discrimination, unpaid wages, and the promotion of freedom of association, collective bargaining, and social dialogue.[509] Furthermore, the NAPBHR establishes a strategic framework to protect human rights within business operations and enhance corporate accountability. It leverages international standards for due diligence, specifically the OECD

[507] Department of Statistics Malaysia.2025. International Migration Statistics. https://www.dosm.gov.my/portal-main/release-content/international-migration-statistics-malaysia-2025

[508] International Labour Organisation (2023, June, 15). Study highlights forced labour amongst migrant domestic workers in Southeast Asia. https://www.ilo.org/resource/news/study-highlights-forced-labour-amongst-migrant-domestic-workers-southeast

[509] International Labour Organisation (2025, August 19). ILO welcomes Malaysia's first National Action Plan on Business and Human Rights and the country's commitment to promote decent work. https://www.ilo.org/resource/news/ilo-welcomes-malaysias-first-national-action-plan-business-and-human-rights

Guidelines for Multinational Enterprises on Responsible Business Conduct and the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration).

The 18th ASEAN Forum on Migrant Labour (AFML), themed "Accelerating Action Towards Sustainable Development Goals (SDGs) on Safe Migration and Decent Work for Migrant Workers in ASEAN", convened on 9-10 September 2025 in Kuala Lumpur. Aligning with the 2030 Agenda for Sustainable Development, the forum's subthemes focused on "Safe and Secure Environments Free from Forced Labour" and "Reduced Recruitment and Remittance Costs." A critical issue highlighted during the discussions was the impact of high recruitment fees. A prominent example in 2025 involved 74 Bangladeshi workers who successfully won RM1.5 million in claims over unpaid wages, illegal recruitment fees, and contract breaches.[510] While existing legislation is largely adequate to protect the rights of migrants, a significant gap in enforcement persists.[511] This weak enforcement is most evident in the management of recruitment quotas—an ongoing controversy characterised by syndicate involvement, fraudulent practices, and systemic mismanagement.[512]

1. Enforcement Trends: Raids and Political Shifts

According to Malaysia's Immigration Department, there were approximately 13,910 raids nationwide in 2025.[513] From these raids, a total of 92,360 undocumented migrants were arrested for various offences —the highest number recorded in the last 10 years (as shown in the Table below). The surge in arrests in 2025 is concerning. The enforcement landscape remains defined by a tension between political messaging and operational reality. Despite changes in leadership, the machinery of government often persists in archaic practices that have intensified regardless of promises of reform. While the current administration's approach is ostensibly built on reform-oriented rhetoric and "specific policy commitments" to human rights, coordinated operations between enforcement agencies have undermined these promises. The increase in arrests has significantly limited immediate avenues for legal intervention while heightening state-sanctioned intimidation.[514] Furthermore, post-arrest treatment reveals a

[510]Business and Human Rights Centre (2025, June 19). Malaysia: Bangladeshi workers win labour office claim against recruitment agency Meranti Binamas for unpaid wages, illegal recruitment fees, and contract breaches. https://www.business-humanrights.org/en/latest-news/malaysia-bangladeshi-workers-win-labour-office-claim-against-recruitment-agency-meranti-binamas-for-unpaid-wages-illegal-recruitment-fees-and-contract-breaches/

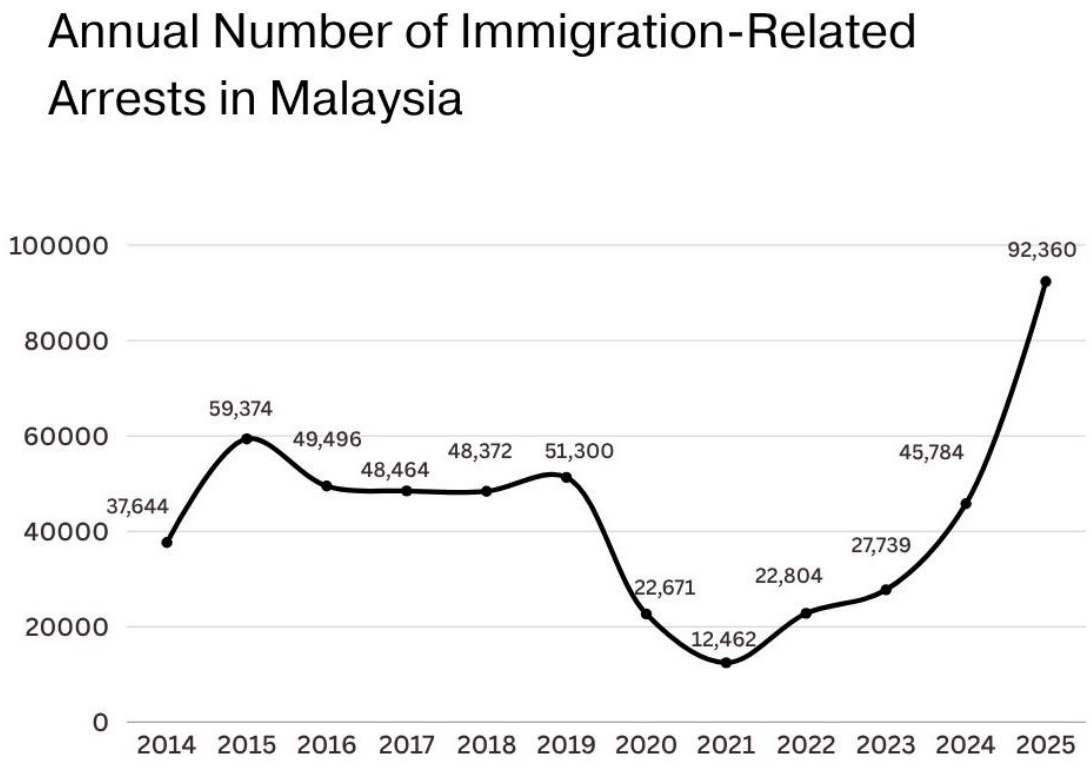
[511] Lee, H.A. & Pereira, A. (2023). Can Malaysia eliminate forced labour by 2030? ISEAS-Yusof Ishak Institute. https://www.iseas.edu.sg/wp-content/uploads/2022/11/TRS2_23.pdf

[512] International Labour Organisation (2025). Labour Migration in Asia: Trends in labour migration in Asia. https://www.ilo.org/sites/default/files/2025-09/Labor%20migration%20trends%20in%20Asia%20-%20recruitment%2C%20training%2C%20and%20development.pdf

[513] Latif, Y. A. (2026, January 17). Over 90,000 illegals detained last year, says Immigration Dept. The Star. https://www.thestar.com.my/news/nation/2026/01/17/over-90000-illegals-detained-last-year-says-immigration-dept

[514] Aliran. (2024, October 4). Rights group slams Malaysia's 'un-Madani' deportation. https://m.aliran.com/civil-society-voices/rights-group-slams-malaysias-un-madani-deportation#:~:text=Suara%20Rakyat%20Malaysia%20(Suaram)%20strongly,and%20respect%20freedom%20of%20expression

systemic disregard for the rights of migrants and refugees during detention.[515] For many, the initial arrest serves as an entry point into a "black box" of detention, where their physical safety is entirely dependent on authorities' discretion rather than documented policies. The following accounts illustrate these dehumanizing conditions.



Source: Fortify Rights, 2026

Sayd's Story: Raids and Arrests *(pseudonym used for protection)*

"Most people are detained by authorities when they are undocumented or when their permits are misused—meaning they are working for 'Company B' even though their permit is registered to 'Company A.' This is often due to quota fraud and deception by agents and employers. If an employer does not act within 40 days of an arrest, the worker effectively becomes undocumented. Recent raids have also involved authorities searching mobile phones for lottery-based gambling or 'indecent materials.'"

It happened to one of my community members. He was at KLIA when authorities stopped him and demanded his phone. In another incident, I was working at a company where I was responsible for 24 workers. One day, an enforcement agency raided us. They caught everyone—both undocumented and documented workers—and treated us like 'animals.'

The authorities chased us like criminals, grabbing us by our collars. When people resisted, officers kicked them in the back; some were beaten so badly they bled profusely. One of my

[515] Fortify Rights. (2025, June 18). Malaysia: End Torture, Arbitrary Arrest and Detention of Refugees - Fortify Rights. Fortify Rights. https://www.fortifyrights.org/mly-inv-2025-06-18/

colleagues suffered a swollen lip. Those who tried to hide were treated inhumanely, forced to squat on the floor. When it was my turn, a female officer pushed me from behind, demanding to know if I was from [Country X]. Even though I held a legal work permit, the entire situation was intimidating and caused deep fear and anxiety.

Social media bears witness to these raids, but can you imagine the impact if my family back home saw a picture of me being treated this way? Enforcement raids have escalated, and the treatment remains inhumane... [Sayd shows a picture of a migrant in a detention centre with bruises all over his body, having been abused for six months]. That worker was only released after his mother sold her jewellery to afford the money to bring her son home..."

The lived experience of migrants and refugees is most precarious in the hours and days immediately following an arrest. Evidence reveals a harsh reality: once a migrant worker or refugee is held in a detention centre, the practice of "reform" often vanishes, replaced by neglect and lack of accountability by employers, agents and authorities, as evidenced by Sayd's testimony. There is a severe disconnect between policy commitments made at the ministerial level and the actual treatment of detainees during and after raids. This gap signals a systemic lack of oversight, where substandard care and the use of harsh disciplinary measures continue to persist despite official claims of improved treatment.[516]

Current trends indicate a move toward "saturation enforcement" in urban areas, where raids are conducted with little regard for the valid documentation held by refugees or registered workers. While official policy claims these actions target "undocumented" individuals, the reality on the ground is an indiscriminate hunt that causes psychological trauma and physical displacement, serving as a catalyst for subsequent economic exploitation. This trauma of enforcement directly erodes individual agency, rendering victims uniquely susceptible to further violations within the labour market.

Raz's Story: Detention Conditions *(pseudonym used for protection)*

"... one worker was arrested during an enforcement raid at a mall. Even though he held a valid work permit, his passport was with his employer for renewal purposes. As a result, he was held in the detention center for a month. The primary issue was the food—no human should be expected to eat the portions or the type of food served. Servings consisted of less than 100 grams of boiled fish.

When someone falls sick, the officers refuse to touch them directly; instead, they use their keys to poke or interact with them. In rooms with a maximum capacity of 8 to 10 people, they cram in 20 to 30. There is no space for people to lie down or even sit properly. Authorities remove detainees' undergarments, claiming they could be used to commit suicide. This means that when workers are detained for 14 days, they must live in a single piece of clothing. When they shower, they have to remove that one garment and put it back on afterward. Imagine the state of personal hygiene and sanitation when you have no way to keep your only piece of clothing dry. It's worrisome. And toilets are shared and completely open. Furthermore, there is collective punishment: if one person makes noise or causes trouble, everyone is beaten.

[516] Fortify Rights. (2026, March 12). Malaysia: Rohingya Refugees Held Indefinitely in Inhumane and Degrading Condtions.https://www.fortifyrights.org/mly-inv-2026-03-12/

I know of a similar experience involving restaurant workers. Their employer tried to speak to the authorities on their behalf. As soon as she left the office, the officers beat the workers. The next day, when she returned to bring them food, they were beaten again after she left. The authorities simply do not want anyone visiting or checking on the workers.

Technological Applications in Raids

Over the last two years, Malaysia has increasingly integrated advanced drone technology into its immigration enforcement operations.[517] The first documented urban drone raid occurred in Taman Sri Andalas, Klang, in 2024, where a drone equipped with camera and thermal sensors was used to "catch' undocumented migrants and refugees in an urban setting.[518] In September 2025, these operations were scaled up to lock down an entire industrial area through coordinated aerial and ground forces. This multi-agency operation prevented individuals from escaping, as air surveillance effectively secured the perimeter. Drones provided persistent surveillance, identifying escape routes and directing ground units to intercept fleeing individuals. From the 1132 individuals screened, 662 workers were detained for immigration violations. [519]

While these operations are framed as enforcement success, reports focus solely on arrest statistics rather than the broader implications of aerial surveillance in shoplots, industrial areas, and urban neighbourhoods. To date, no parliamentary inquiry has examined the legal framework governing drone use in immigration enforcement. Critical questions remain unanswered: What legal authorization governs drone surveillance over residential areas? What oversight mechanisms ensure that thermal imaging is not misused? Furthermore, what protections exist for the privacy of citizens and documented migrants captured in these sweeping aerial surveillance operations?

Documentation of Protection for Refugee Populations

Since 2023, North South Initiative (NSI) has issued "acknowledgment letters" as part of its commitment to supporting asylum seekers awaiting formal refugee registration.[520] These individuals often lack any government-recognised identification. In 2025 alone, NSI issued 452 such letters (NSI Casefile 2025), providing practical support to refugees and asylum seekers as they navigate encounters with authorities with greater confidence and stability.

Currently, while eligible refugees may receive a UNHCR card, there is no other formal documentation available to them in Malaysia. Recognizing this legal vacuum, NSI stepped in to provide acknowledgment letters. The goal is straightforward: to mitigate exploitation and

[517] The Vibes. (2024, February, 2). Roadblocks, aerial fly-bys jolt Perak as authorities hunt for 130 escaped migrants. https://www.thevibes.com/articles/news/100877/roadblocks-aerial-fly-bys-rock-perak-as-authorities-hunt-for-130-escaped-migrants

[518] Ramli, M. A. (2024, February 2). Dron "kantoikan" PATI menyorok atas bumbung | Sinar Harian. Sinar Harian. https://www.sinarharian.com.my/article/647653/berita/semasa/

[519] BERNAMA. (2025). 662 Foreigners Detained In Immigration Raid At Pulau Indah, Klang. BERNAMA. https://www.bernama.com/en/news.php?id=2471201

[520] First, an asylum seeker must register with UNHCR and wait for an interview. If the interview goes well, they receive a letter saying their case is under review. If the review is successful, they are finally issued a UNHCR card for refugees. This card puts them in the queue for resettlement, but it does not guarantee they will be resettled.

provide individuals with a document that affirms their identity and existence in the absence of state-issued identification.

Before the introduction of these letters, refugees were frequently left defenceless during police or immigration stops. While the NSI letter is not a legally binding document, it facilitates clearer communication during such encounters. It signals to authorities that the individual is known to a registered organisation, which often encourages a more measured response. This simple act of verification serves to de-escalate tense situations and reduces the likelihood of arbitrary detention or unlawful demands.

For stateless refugees, the letter represents something deeper: proof of existence and a signal that an organisation is willing to stand with them. This sense of being "seen" carries significant weight, restoring a measure of dignity and self-worth. Furthermore, these letters allow NSI to maintain proper records, enabling more targeted assistance, robust research, and strengthened advocacy. To prevent abuse, the latest iterations of the letters contain unique serial numbers and explicitly state that they are not for sale and are not UNHCR-issued documents.

Ali's Story: The Plight of Refugees *(pseudonym used for protection)*

During one enforcement raid, many workers were caught and sent to the detention center, including two young women. Tragedies followed: one man died of a heart attack inside the facility, and another who was deported died during his flight back home. The two young women had come to Malaysia seeking asylum; their father had arrived before them and successfully obtained refugee status. While they were in detention, UNHCR issued them cards, but for reasons that remain unclear, these were rejected by the enforcement authorities. They remained in detention for nearly two years. Throughout this period, they waited for support from UNHCR, the authorities, and civil society, but unfortunately, no significant assistance reached them. This should have been a habeas corpus case, but the community lacked the funds to fight it. Legal fees are prohibitively expensive, and a robust culture of pro-bono legal aid is still missing in Malaysia.

We tried to help, but due to the lack of funds, no lawyer took up the case. The community is paralyzed by two kinds of fear: the fear of clashing with the government and the reality of having no money. Inside the detention center, the women faced severe hardships, including physical abuse and mistreatment.

Abuse by authorities on the streets is also a normalised occurrence. The authorities monitor areas with high concentrations of migrants; they know who the refugees and new arrivals are. They stop almost any South Asian person they see. Naturally, those who are caught want to avoid trouble at all costs, so they often hand over whatever they have—their money or their mobile phones—just to be let go..."

The field reports and testimonies detailed above indicate that the conduct of enforcement officers frequently violates international standards for the treatment of prisoners, as mandated by the Mandela Rules.[521] During raids, migrants are subjected to dehumanising processing methods, including derogatory language and the denial of basic hygiene or medical attention

[521] McCall-Smith, K. (2016). United Nations standard minimum rules for the treatment of prisoners (Nelson Mandela Rules). International Legal Materials, 55(6), 1180–1205. https://doi.org/10.1017/s0020782900030898

within the critical initial 24-hour window. The detention atmosphere is intentionally curated to intimidate, utilizing extreme overcrowding and restricted communication to discourage individuals from asserting their fundamental legal rights.

2. Exploitation Pathways: Job Scam and Recruitment Failures

In 2025, job scams targeting migrant worker and refugees in Malaysia remain a critical issue. Despite a temporary freeze on hiring quotas mong migrant workers, recruitment scams involving exorbitant fees for non-existent jobs continue to exist.[522] Recruitment syndicates have revived and continue to be involved in the recruitment of especially Bangladesh migrant workers, causing debt bondages and forced labour situations. The Foreign Worker Central Management System (FWCMS) operated by Bestinet remains shrouded in controversy.[523] Workers continue to arrive in Malaysia to find they have no jobs, having paid excessive fees to agents, often in collusion with corrupt official and employers. These workers often end up in undocumented labour market.

Ben's Story: Job Scams *(pseudonym used for protection)*

"(Zero) recruitment fees is a myth; only a few companies practise it. In 2025, a group of 81 workers from Bangladesh arrived in Malaysia for construction work. They were given regular tasks for the first two months, but whenever it rained, work would stop and they would not be paid. This is a clear breach of contract and non-compliance with collective agreements.

I can tell you countless stories of workers being scammed—arriving in Malaysia only to find that the jobs they were promised do not exist. Now, syndicates are even using AI to generate fake content that shows 'successful' workers in real jobs. These AI-generated videos and testimonials look incredibly convincing. Potential workers fall for these scams, pay the fees, and the vicious cycle of debt and deception continues..."

Exploitation Mechanism

Mechanism	Impact on the Victim	Institutional Failure
Legal Precarity	Victim remains silent to avoid deportation/detention.	Absence of a "firewall" between labour protection and immigration enforcement.
Unchecked Intermediaries	Total loss of life savings and entry into debt bondage.	Negligent oversight of third-party digital recruitment platforms.

[522] Business and Human Rights Centre. (2025, August 12). Malaysia: Hiring from Bangladesh resumes despite job-scam concerns; rights groups warn of trafficking, recruitment-fee exploitation & worker abuse linked to corruption. https://www.business-humanrights.org/en/latest-news/malaysia-hiring-from-bangladesh-resumes-despite-job-scam-concerns-rights-groups-warn-of-trafficking-recruitment-fee-exploitation-worker-abuse/

[523] Yiau, C.N. (2026, February 10). Govt paid Bestinet RM381 mil for foreign worker permit management since February 2025. The Edge Malaysia. https://theedgemalaysia.com/node/792493

Institutional Isolation	Inability to access community support or legal counsel.	Lack of specialized reporting mechanisms for scammed non-citizens.

The socio-economic impact of these scams is devastating, extending far beyond financial loss to a total erosion of fundamental human rights. By the time a scam is realised, the victim is often already trapped in debt bondage, further marginalised by the very recruitment and social security systems intended to protect them. These repercussions extend into the private sphere, severely straining family relationships and social ties.

Structural Failures in Recruitment and Social Protections

The integrity of the labour migration cycle is compromised by a systemic lack of transparency in recruitment and the deliberate obfuscation of social safety nets. The recruitment process remains a primary driver of modern slavery through:

1. Exorbitant Upfront Fees**:** Recruitment costs often exceed several months' wages, forcing workers to take out high-interest loans in their home countries before even arriving in Malaysia.
2. Debt Bondage**:** These financial burdens create a "debt trap," where workers are legally and financially unable to leave abusive employment without facing total financial ruin for themselves and their families.
3. Lack of Itemized Transparency**:** Fees are frequently presented as opaque "lump sums," a practice that masks illegal commissions and kickbacks paid to both local and foreign intermediaries.

This foundational financial exploitation ensures that even if a worker wishes to seek justice, they lack the resources to do so. This leads to the final and most significant barrier: the systemic failure of the legal and social protection frameworks to provide a viable path to justice.

Access to Justice: Institutional Professionalism and Legal Barriers

Access to justice serves as the ultimate litmus test of a country's human rights standing. In Malaysia, law enforcement professionalism is consistently undermined by the deployment of "dissuasion tactics." When migrants or refugees attempt to report crimes—ranging from recruitment scams to physical abuse—authorities frequently utilise verbal threats regarding the victim's immigration status or employ legal obfuscation to prevent a formal report from being filed. This strategic intimidation represents a systemic failure of the state's duty to protect and serve all residents, regardless of their nationality or legal standing.

The Fractured Process to Justice

The journey from victimisation to redress is obstructed at every critical juncture:

- Step 1: Filing the Police Report**:** This is the primary hurdle, where victims frequently encounter skepticism and threats of detention rather than assistance. Consequently, migrants are often coerced into silence, choosing to endure exploitation rather than risk further detention.
- Step 2: Labour Department Intervention**:** Access to labour protections is often predicated on the victim being "documented." Since many scammed workers have

already been pushed into undocumented status by the scam itself, they face the immediate dismissal of their claims or a refusal to even open a case file.

- Step 3: Formal Legal Recourse**:** Even if a case proceeds, the lack of legal aid and the threat of "Special Pass" expiration—which forces the worker to remain in the country without the right to work—acts as a financial guillotine, effectively decapitating any ongoing pursuit of justice.

The documented lack of institutional professionalism in these encounters highlights a systemic failure where the institutions of the law act as the gatekeepers of impunity for exploiters.

3. Gender Experiences of Migration: Vulnerability and Invisible Labour

The migration landscape in Malaysia is profoundly gendered. While women migrant workers contribute significantly to the economy —particularly in caregiving, domestic work, and manufacturing—their experiences are distinct from those of their male counterparts. These experiences are characterised by heightened vulnerabilities arising from the intersection of gender, migration status, and the "informal" nature of their work. This section focuses on two critical dimensions: (i) the opaque legal pathways for specific groups, such as Bangladeshi women, and (ii) the systemic forced labour faced by migrant domestic workers.

While official immigration guidelines[524] suggest that women are permitted to work in specific sectors, the actual pathways for migration remain unclear. According to community mobiliser, Nuri (pseudonym), most women migrants arrive in Malaysia on student or tourist visas. After securing an employer, they attempt to obtain a work permit by paying exorbitant fees, provided they are not first deceived by an agent or employer. The total number of women migrant workers in Malaysia remains unknown, partly due to these irregular pathways, which render them "invisible" and leave them highly susceptible to exploitation.

Official government figures record approximately 107,000 registered domestic workers. However, civil society estimates suggest the actual number to be as high as 400,000. These workers are largely excluded from the basic protections of the Employment Act 1955.[525] [526] [527] Recent studies painted a stark picture of the abuse and exploitation experienced by migrant domestic workers in Malaysia. International Labour Organisation (ILO) revealed that nearly one in three migrant domestic workers works an average of 65 hours per week [528]. Furthermore,

[524] Immigration Department of Malaysia. Foreign Worker. https://www.imi.gov.my/index.php/en/main-services/foreign-worker/

[525] International Labour Organisation (2025. November, 12). Protecting the rights of women migrant workers and migrant children in South-East Asia. https://www.ilo.org/resource/other/malaysia-latest-news

[526] Spitzer, D.L et al (2023, December 1). Globalization and the health and well-being of migrant domestic workers in Malaysia. https://www.springermedizin.de/de/globalization-and-the-health-and-well-being-of-migrant-domestic-/25276330

[527] Pandi, A.R. (2023). Indonesian Domestic Workers in Malaysia During the COVID-19 Pandemic. In: Kaur-Gill, S., Dutta, M.J. (eds) Migrants and the COVID-19 Pandemic . Palgrave Macmillan, Singapore. https://doi.org/10.1007/978-981-19-7384-0_7

[528] International Labour Organisation (2023, June, 15). Study highlights forced labour amongst migrant domestic workers in Southeast Asia. https://www.ilo.org/resource/news/study-highlights-forced-labour-amongst-migrant-domestic-workers-southeast

a 2025 survey by the International Domestic Workers Federation (IDWF) found that a staggering 96% of the 400 respondents were deprived of their mandatory day off.[529]

Beyond economic exploitation, physical, psychological and verbal abuse is rampant. Following the brutal murder of a domestic worker in Sabah, a joint statement by rights groups linked the killing to a "disturbing and persistent pattern of violence" that has claimed numerous lives.[530] The lack of labour protections, combined with the isolated, private nature of domestic work, leaves these women uniquely vulnerable to physical and sexual violence.[531]

The path to employment is frequently fraught with exploitation. Many Indonesian domestic workers incur recruitment debts totalling up to three months of salary, with family properties often held as collateral. This debt, compounded by the common practice of employers withholding passports and restricting movement, creates conditions of debt bondage and forced labour. The story of Aini, shared below, illustrates this reality.

Aini's Story: From Recruitment Deception to Domestic Abuse *(pseudonym used for protection)*

I first came to Malaysia when I was 19 years old, having only a primary school education. My uncle introduced me to an agent who prepared my passport and visa. I waited seven months for my documents before finally flying to Malaysia. Upon arrival at the airport, I was picked up by a Malaysian agent. I stayed at his house for only four days, but in that short time, I was already being abused. I had my clothes, toiletries and money taken from me on the pretext that I should not appear "to look good", if I were work as a domestic worker in Malaysia. I was never told this in Indonesia; I only found out once I arrived.

At the agent's house, we were woken up at 3:00 am and forced to bathe with just a single pail of water. We began working immediately—cleaning windows and performing other chores. For breakfast at 8:00 am, I was given only 'teh tarik' and three cream crackers. Lunch and dinner were always the same: a small portion of rice, some vegetables, and half a 'kembung' fish. It was never enough to fill my stomach. We were not allowed to rest, just kept standing and working even through the windows were cleaned and the floors were clean. There were about 25 of us crammed into that house. There was even a child there—an employer had sent her back to the agent, and she had been forcefully confined in that house for two years, prevented from returning to Indonesia.

After four days, I was told I was being sent to East Malaysia where my employer lived. The agent simply dropped me at the entrance of KLIA and told me to find my own way. I had nothing but my ticket; I didn't know where to go. I sat down and cried until a kind couple helped me process my ticket. The belongings and money taken from me in Indonesia were

[529] Vietnam News (2025, June 15). Malaysian rights groups want a mandatory day off for foreign domestic workers. https://vietnamnews.vn/world/1719610/malaysian-rights-groups-want-a-mandatory-day-off-for-foreign-domestic-workers.html

[530] Zahid, S. J. (2025, June 27). Citing 'systemic neglect', rights groups demand Domestic Workers Bill after murder of Sabah housekeeper by MasterChef finalist. Yahoo News. https://malaysia.news.yahoo.com/citing-systemic-neglect-rights-groups-022304578.html

[531] Spitzer, D.L et al (2023, December 1). Globalization and the health and well-being of migrant domestic workers in Malaysia. https://www.springermedizin.de/de/globalization-and-the-health-and-well-being-of-migrant-domestic-/25276330

never returned. When I reached the airport, I was picked up by my employer and his mother-in-law. I was trained to cook and clean. I worked in East Malaysia about 18 months. Initially, they took care of me. My agent in Indonesia had told me the work was simple cleaning and that no training was needed because we spoke the same language. I believed him, but my employers mostly spoke English. While the female boss spoke Malay, the male boss only spoke English, which had to be translated for me. I learnt to cook Malaysian food. But they were not happy with my work.

I woke up each morning at 6am and finished my work by 7:30pm. I cooked and cleaned the house. My employer was a 'clean freak' who used harsh words and scolded me everyday. Her expectations were high. If I failed to meet them, she would punish me by making me clean the big garden/yard twice a day. I thought about running away many times during those 18 months. But I also feared that if I tried to leave, I might be killed before I could ever make it back to Indonesia. So, I continued to work under those abusive conditions.

For the first 4 to 6 months, I did not get a salary. Then they said they will deposit my money into a bank account. After 18 months, my employers moved overseas. I was given a choice to go back to Indonesia. But I did not have enough savings, so I decided to follow them overseas. Also, I felt like I was becoming comfortable with the family. I went back to Indonesia to renew my visa so that I can go overseas. But my employer only purchased my ticket. They did not give me my salary.

I left to X country from Indonesia. We were there for one year, then moved back to Malaysia. But throughout my years of service, I never saw my salary. My employer manipulated me into thinking that if I carry cash, it will be lost. There were no days off during the week. When I was in X country, they gave a me a day off. I came out of my room about 11am and tidied the house and played with their young children. After moving back to Malaysia, my female employer told me that it is a taboo for woman to wake up late, and insisted I come out of my room before 8am on my day off.

I was prevented from owning a joint account with my dad by my boss, who said that my family would spend all of my hard-earned money. I just followed their advice. I never sent money back to my family because I did not know how to use Western Union. In 2013, my employer opened an account for me in Maybank. The last I went to Indonesia is in 2009. I only went back to Indonesia after leaving my employer in 2018. For 10 years, I was not allowed to go back to Indonesia. They would give reasons like there are problems between Malaysia and Indonesia, and that if I went back during this period, I might not be able to return to Malaysia. They made me believe that my salary is here, and that I will not get back my money if I could not return. So, I had no choice but to stay back.

My female employer slapped me several times and called me names. In 2018, I went back to Indonesia for 3 weeks. After returning, I told my employer that I wanted to return home for good the following year when my visa ended. But my employers were not happy. They took away my things including my handphone without my knowledge. They confiscated my passport. For the next one year, I went through depression…every day I was shouted at and called names. I was mentally exhausted. I was also not given sufficient food.

I was never taken out. I did not have friends and I did not know anyone outside of the family circle. And I did not even have a phone. For the last 18 years, I worked for that family. From 2019, they always found fault in my work. They scolded me with harsh words. My male

employer got harsher with me. I had renewed my passport in 2020; but due to Covid, I had to stay back in Malaysia as the pandemic was really bad in Indonesia. This time, they told me to get my own permit, which cost around RM13,500 due to change of visa from the male to the female employer. They used my money to get the new permit. I had no access to my account, even the PIN code and email were with my employers.

I did not know my bank balance. I was only given bread, coffee, rice and Maggi noodles for meals. I would cook for them, but I was not allowed to eat. I would eat rice with black soy sauce. They would threaten me not to talk to my agent about the situation at home. They would tell me to tell the agent that everything is fine. They also told me that if I confided in the agent, the agent would tell them. I was in a vulnerable position. From 2023, they did not allow me to do medical check-ups. I weighed 55kg previously, but now I am anaemic and always feel light-headed. I cook everyday for the family but not allowed to eat. I have asked for food leftovers, but am told to keep it for next day. One day, I was eating an apple while with their dog. They accused me of stealing food. Since then, I never took any food unless told to do so. Since 2024, I was told to spend my own money to buy food. They will buy using my money but they never provided receipts for what they bought with my money. They did not care anymore. They buy food from the restaurant ,but I was only given the rice if there is leftover.

In June 2024, the female boss' elder sister came to stay with us for a month. I was serving food and I was called "bloody stupid idiot woman" just because I had put out more utensils than usual. The sister confronted me and I told her everything that was happening. She advised me to leave once my permit ended. She said she will talk to the couple to let me go. My female boss gave me an option to leave after they moved overseas for 2 months. I was left alone to take care of the dog for 2 months. I also helped them to move homes because I had to pack up all the things in their house. I was exhausted and slept late most days. The family was overseas when the move happened. I helped to move the things. I also confided in the female boss' brother who came to check on me. That is when he decided that I leave the house as soon as my permit ended. My employer accused me that I confided in their family members. But I did not talk about their family issues. I also told them my intention to leave for Indonesia. My employer did not allow me to leave immediately but ask to extend until the following year. I was persistent on leaving. I was confined to my room and kitchen only, not allowed to leave. I was constantly monitored for 3 months. I was not allowed to talk to anyone. They did not care about my food…(crying). The worst part is when I found out that my account balance was only RM85,000 after working for 19 years. But I kept quiet because I want to go back safely. They gave me my ATM card and passbook. They still kept my passport. After 2 days, I was called to the living room, they asked if I was unhappy with the money in my bank. I asked them about my monthly salary. They shut me down by saying it was not important to know how much I was paid, but appreciate the fact that I had employers like them. They also threatened me that if anyone asked about my salary, they would report me and my family to their police friends in Indonesia and Malaysia. I had no choice because I knew no one. She also threatened to report to immigration that I originally entered on a fake passport, which is not true. Eventually, she gave me back my passport. The next day I woke up early, but my employer gave me only 30mins to pack up my clothes. She offered her luggage, which I had to pay for. She watched me pack my clothes then she told me to be in the kitchen as she locked my room. About 30 mins before leaving the home, she retuned my phone, which I did not know how to use anymore. I asked her to teach me, but she refused.

Before leaving, she accused me of being a liar. They followed me to the airport and I booked their Grab ride two-way. I got to the airport but I did not take the flight. I was met at the airport by their family member who helped me to pursue a case against my employers for the abuse and unpaid wages. At the shelter, I got the necessary help from the NGOs and I am going for counselling now…I am back to my normal self and socialising with people. My employer's family members keep in touch with me because they are nice people who took care of my welfare. They have 3 houses, land in Malaysia, several high-end cars like pink diamond, birkins, cars like Aston martin, Lamborghini, Porsche and others. But no one will believe my story because they portray themselves as good people. I would like to tell my friends that they should learn housework, know their employers and learn English language. They used to compare me with the Filipino domestic workers…

Aini's story resonates with countless other survivors who have endured abuse due to the chronic lack of regulation and protection for domestic workers in Malaysia. Recently, the Minister of Human Resources R. Ramanan stated that no new law was needed to ensure domestic workers are formally recognised as employees.[532] Instead, he suggested that the current Employees Provident Fund Act 1991 (ACT 452) provided sufficient mandatory protection—a claim that ignores the lived reality of workers like Aini.

The year 2025 demonstrated that without structural legal reform, such as a Domestic Workers Act,[533] domestic workers in Malaysia remain trapped in a system that inherently enables exploitation. The contrast between the government's willingness to extend EPF and SOCSO to other foreign workers while explicitly excluding domestic workers reveals a deliberate policy choice rather than an administrative oversight. Furthermore, the government's continued refusal to ratify ILO Convention C189 (Domestic Workers Convention) signals that domestic workers—who are overwhelmingly women—remain invisible to a system that profits from their labour while refusing to recognise their humanity. Domestic work continues to be feminized, undervalued, and confined to the private sphere, where issues such as mandatory pregnancy testing remain entrenched, as illustrated in the table below.

[532] Aziz, I.H., (2025, December 23). Ramanan: No new law needed, existing Acts can safeguard foreign domestic workers.New Straits Times. https://www.nst.com.my/news/nation/2025/12/1342956/ramanan-no-new-law-needed-existing-acts-can-safeguard-foreign-domestic

[533] Ibrahim. J. (2025). Take action to protect domestic workers in Malaysia, urges Tenaganita. The Star. https://www.thestar.com.my/news/nation/2025/06/12/take-action-to-protect-domestic-workers-in-malaysia-urges-tenaganita

Key Issues on Domestic Workers in Malaysia

1. Legal recognition • Exclusion from Employment Act 1955 • MOUs that have no legal enforcement	**8. Social protection and healthcare** • Migrant domestic workers are excluded from SOCSO • Amendments to the EPF Act 1991 explicitly excluded domestic workers • Insufficient hospitalization coverage
2. Minimum wage • Excluded from Minimum Wages Order 2024 • Wages are determined by employer	**9. Recruitment practices** • Complex and vague recruitment systems involving multiple intermediaries • Excessive recruitment fees • Inconsistent and non-transparent MOUs
3. Working hours, overtime, and rest • Excluded from Section 60A of the Employment Act 1955 • No guaranteed working hours, rest days, overtime pay	**10. Access to justice and enforcement** • Labour inspections constrained by private household setting • High evidentiary thresholds • Language barrier • Fear of retaliation • Limited institutional capacity
4. Leave entitlement • Excluded from Section 60D, 60E and 60F of the Employment Act 1955 • Access to leave depends on MOUs or employer discretion	**11. Human trafficking and victim protection** • Access to the Protection Order (PO) remains difficult • Delays in shelter placement • Limited enforcement capacity • Low penalties under ATIPSOM 2007
5. Reproductive rights • To undergo mandatory pregnancy testing; pregnancy often resulting in termination and deportation at their own cost	**12. Mental health and wellbeing** • Work long and irregular hours without guaranteed rest • Results in chronic physical exhaustion, emotional distress, social isolation, and deteriorating mental health • Restrictive access to preventive healthcare, psychosocial support, and occupational health safeguards
6. Freedom of association • Prohibited from forming their unions • Trade Union Act 1959 prohibits migrant workers from holding leadership positions without approval from MOHR	**13. Non-recognition/stigma/discriminatory framing** • Frequently referred to as ‘maids,’ ‘servant’ • Change from ‘domestic servants’ with ‘domestic employees’ has not been accompanied by substantive legal inclusion
7. Labour mobility and dependency • Work permits tie domestic workers to specific employers • Restricts their ability to leave abusive conditions and discourages reporting due to fear of reporting	**14. Gendered nature of harm** • Feminised, undervalued and confined to the private sphere, normalizing exploitative conditions and exposure to gender-based violence

Recommendations

1. Develop a comprehensive national policy on migrant workers, as proposed by the Migrant Workers Right to Redress Coalition, the Bar Council, and other stakeholders. This policy must be evidence-based, transparent, and formulated through inclusive consultations with all relevant stakeholders.
2. Establish a Parliamentary Special Select Committee on Migrants and Refugees. This body should work alongside the PSC on Human Rights and Labour to create comprehensive policies that safeguard the welfare and rights of these communities.
3. Urgently enact a Domestic Workers Act to provide equal protection under the law. The government should ratify ILO Convention C189 (Domestic Workers) and C190 (Violence and Harassment) to align local laws with international standards.
4. Swiftly implement the fully accepted fourth Universal Periodic Review recommendations to establish a legal and policy framework for the recognition and protection of all refugees, asylum seekers and undocumented migrants. The said framework should include rights to education, health services, work and freedom from forced labour, as well as uphold the principle of non-refoulement.
5. Encourage and expand ongoing efforts to decriminalise immigration-related offences through Alternatives to Detention (ATD) programmes, such as community hosting and sponsorship systems. In the interim, the government should allow independent human rights agencies to inspect all detention and deportation centres that hold migrants and refugees, ensuring transparency and accountability.
6. End the arbitrary arrest and detention of migrant workers and refugees.
7. Immediately release all children from detention centres to safely unite them with their families.
8. Amend Section 334 of the Criminal Procedure Code to to mandate that all deaths in immigration detention be reported to a Magistrate for an inquiry.
9. Make the National Security Council's Directive No. 23 publicly available. Transparency regarding this directive is essential for CSOs to monitor compliance and safeguard refugee rights.
10. Ensure equal access to justice for all non-citizens, including by providing publicly funded legal aid and "Special Visas" for non-citizens pursuing legal cases. These visas must grant the right to work, mobility, freedom of expression and healthcare during the legal process.
11. Strengthen enforcement through stricter laws and improve training for enforcement and judicial personnel handling trafficking cases in order to more effectively combat job scams and human trafficking. Hold company directors legally and financially liable for exploitation, utilising asset recovery to compensate victims.
12. Establish a single lead agency to oversee the recruitment and management of migrant workers entering Malaysia. This agency should be placed under the Prime Minister's Department or the Ministry of Human Resources (MOHR), overseen by an independent ombudsman to prevent corruption, collusion, and cronyism in systems governing migrant workers.

13. Refrain from criminalising migrants for exercising fundamental liberties, including the rights to expression and peaceful assembly, via relevant legislative amendments.
14. Safeguard migrant workers' rights in unionised workplaces. Labour inspectors should actively monitor and enforce compliance with Collective Agreements.
15. Create pathways to move undocumented migrant workers into sectors facing labour shortages, utilising their skills productively while regularising their status.
16. Eliminate exorbitant compounds and fees for amnesty and rehiring programmes to allow workers to rejoin the workforce or return home without financial ruin.
17. Grant migrant workers and refugees access to public healthcare at the same rates as citizens, in accordance with the principle of non-discrimination.
18. Establish a clear legal and procedural framework to protect individuals facing transnational repression (TNR) from their home countries, with basic safeguards in place such as informing the detained person of their rights and being given immediate access to a lawyer to challenge the deportation order.
19. Combat hate speech and xenophobia. Leaders and civil servants must refrain from using racially charged language, profiling or spreading fake news about migrants on social media.
20. Promote responsible media coverage. Government-linked outlets must avoid negative portrayals of migrants. Coverage of raids should objectively highlight the role of exploitative employers, agents and traffickers.

APPENDIX

Comparison of Benefits Between Malaysian Workers, Migrants and Refugees

Rights by Law/ Regulation	Malaysian Workers (Contract of Service)	Migrant Workers (Temporary Pass Work Holders)	Refugees (UNHCR Card Holders)
Social Protections via SOCSO/ PERKESO	Full protection, during and after work-related accidents	As of July 2024, migrant workers are included in both employment injury & invalidity benefits under PERKESO As of Dec 2025, migrant workers are also included in Lindung 24/7 amendment covering non-work-related accident schemes	Optional coverage by the private insurance scheme, i.e. REMEDI
EPF (KWSP) Contribution	Compulsory	The Employees Provident Fund (Amendment) Bill was passed in March 2025, which mandates EPF contributions of 2% each from migrant workers and employers	Not permitted
HRDF Trainings and Upgrading Schemes	Eligible under the Human Resource Development Fund (HRDF) for upskilling	Not entitled, unless the employer registers voluntarily	Not permitted
Minimum Wage	Entitled – (RM 1,500/month as of 2024); RM 1,700 from 1 February 2025	Entitled (RM1700 from August 1, 2025, excluding domestic workers)	Awaiting directives from amended National Security Council Directive Number 23
Employment Insurance Scheme (EIS)	Entitled – Eligible for benefits under SOSCO's EIS	Not entitled	Not permitted
Years of Work	Till retirement age	10 (+ 3 Extension) (Excluding the RTK workers, allowed to work only 3 years after recalibration	Government stated that its considering access to work since Feb 2025 (pending directive and rules)
Periodic Medical Checkups (FOMEMA)	Not applicable	Compulsory, with possibility of facing termination and deportation if found to have	Not applicable

		certain communicable or non-communicable diseases	
Pregnancy	Maternity and paternity leave provided for under labour law	Migrant workers who are found to be pregnant will face termination and deportation	Not permitted – at high risk of losing informal work if pregnant
Collective Agreement Benefits Entitlement	Accessible for both union and non-union members	Accessible for both union and non-union members (To be contested in the Industrial Relations court if a non-union member)	Not permitted
Union Membership	Has access	No restriction for directly hired workers	Not permitted
Union Leadership/ Exco	Allowed	Possible but with permission from MOHR (Section 28(2) of the Trade Unions Act 1959	Not permitted
Public Healthcare Access	Access to RM1/RM5 government hospitals	Have access but at unsubsidised rates	50% "discount" on unsubsidised rates
YBGK/ Public Legal Aid Fund	Has access	No access	Not permitted
Remand Period	Max 14 days	Max 28 Days	Max 28 days
Peaceful Assembly	Yes	Excluded and denied except for union members joining legal pickets and strikes	Excluded and denied

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DEATH PENALTY

DEATH PENALTY

Author: HAYAT, Josophine Harikrishnan, Dobby Chew, Tham Jia Vern

The death penalty as a state policy underwent significant changes over the past two decades. From a tentative willingness towards reviewing minor reform in 2014, where the government imposed a moratorium on execution for drug trafficking offences, leading to the introduction of a minor exemption to the mandatory death penalty for drug offences.

The policy agenda towards the total abolition of the death penalty gained momentum when the government announced its intent in 2018. The new announcement came with a moratorium imposed on all executions, stopping further executions until today. The impetus towards total abolition was blunted as a result of significant public pushback driven by political parties opposing the abolition of the death penalty.

Curiously, despite strong pushback from selected groups between 2018 and 2019, successive administrations, including those who initially opposed in 2018, seemingly accepted the abolitionist agenda. The agenda towards the abolition of the death penalty continued at an even pace until the abolition of the mandatory death penalty was introduced and passed in April of 2023.

As part of this abolition, Parliament established a resentencing process that allowed all death-row inmates to have a hearing. Through this process, a significant portion of those on death row were resentenced to life imprisonment. 936 persons were eligible for a review, with 50 ultimately having their death sentence maintained.[534]

With the resentencing process concluded, 976 individuals were reported to have been released. Of the 967, 568 were Malaysians, and 408 were foreign nationals. Among them, 889 were men, and 87 were women. The significant majority of those released were for drug offences. It should also be noted that of those released, 9 were reported to be over 70.[535]

Since the abolition of the mandatory death penalty, the number of death row inmates hovers around 100 individuals, and the majority of these individuals are sentenced to death for murder. Those sentenced for drug trafficking have declined significantly from more than 800 individuals pre-abolition to less than 30 individuals. As of 30 September 2025, there are 98 people on death row in the country, with 21 of them convicted of drug trafficking.[536]

[534] HAYAT, 'Post-Abolition Trends on Death Row in Malaysia' (HAYAT, 2025) <https://www.hayat-life.org/observatory> accessed 20 January 2026.

[535] 15th Parliament, 4th Session, 3rd Meeting, Written Replies, 4 December 2025, Question 593

[536] 6 October to 4 December 2025, Parliament of Malaysia, Third Meeting, Fourth Term of the 15th Parliament, Written response to question no. 592.

It should also be noted that at least 7 individuals who were sentenced to death under Section 121 of the Penal Code were in relation to the Lahad Datu Incursion[537]. Their final appeal was rejected in October 2024[538]. Among them, at least two are over 70.

Crime and Nationality

	Malaysian	Foreign National	Total
Murder	60	7	**67**
Drug	17	4	**21**
Section 121 (Wage War)	0	8	**8**[539]
Section 396 (Gang Robbery + Murder)	2	0	**2**
Total	**79**	**19**	**98**

Age by Nationality

	Foreign National	Malaysian
20 - 30	1	5
31 - 40	3	29
41 - 50	4	27
51 - 60	5	15
61 - 70	4	3
71 - 80	2	0
Total	19	79

Despite the broader government intent towards the eventual abolition of the death penalty, this position is not necessarily adopted or practised by public prosecutors or the judiciary. For the most part, the Federal Court and the Court of Appeal have largely dispensed with the death penalty for all cases except for those involving sexual offences or those involving victims who are minors.

[537] Legal Affairs Division, 'About Page' (Malaysia Sulu Case Website) <https://www.malaysia-sulucase.gov.my/about> accessed 23 February 2026

[538] 'Sulu seven's death penalties stay' (The Star, 3 October 2024) <https://www.thestar.com.my/news/nation/2024/10/03/sulu-sevens-death-penalties-stay> accessed 23 February 2026

[539] The data provided by Parliament differs from media reporting of the Lahad Datu case

This position is not reflected in the lower courts during trial stages. Malaysian courts have continued to impose sentences of death despite now having the discretion to impose an alternative sentence.

Mandatory Whipping - An Alternative to the Death Penalty

As part of the alternative to the death penalty, anyone who is sentenced to life imprisonment shall also be sentenced to 12 strokes of the cane.

The implementation of caning is highly secretive and not usually disclosed to lawyers or next of kin before its execution. In contrast, the methodology of caning and its implementation are often showcased publicly through mock canings of a mannequin at prison museums and in public schools. It is unclear what the key factors are that determine when caning is carried out, and there have been instances where the caning was conducted before the conclusion of all legal appeals.[540]

Under the Criminal Procedure Code, caning is exempted only if the prisoner meets the criteria set out in Section 289. This includes a blanket exemption from women being subjected to caning; men sentenced to death; and men above the age of 50 if the offence they were punished for was not exempted.

If the person fails to meet any of these criteria, an exemption to caning shall only be granted if a medical officer certifies that the person is unfit for caning[541]. The report notes that the exemption is largely subjective and within the control of the medical officer in charge. There has been gross negligence and abuse of power by medical officers[542], allowing whipping to be carried out against unfit individuals.

In practice, HAYAT has documented instances where prisoners suffering from diabetes, high blood pressure and other chronic illnesses were subjected to whipping without any consideration for their medical conditions. There were also social media postings by alleged doctors serving within the prison approving whipping despite overt and known medical conditions based on their own whims and fancy.[543]

Post-caning care is routinely described by prisoners as non-existent. Various testimonies indicate that prisoners who were whipped were only given minimal wound cleaning and a round of iodine solution before being sent back to their respective cells. This is a significant point of concern, as individuals who undergo caning require multiple doctor visits for wound cleaning and antibiotics post-caning.

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[540] S Vinothaa, 'Wrongly Jailed, Caned Migrant Worker Sues Govt, Sept 30 Verdict' *Malaysiakini* (18 September 2024) https://www.malaysiakini.com/news/719631 accessed 20 January 2026.

[541] Section 290(2) Criminal Procedure Code

[542] HAYAT 'Corporal Punishment - Alleged Doctor Confession Exposes Endangerment of Prisoner Due to SOP Flaws' (HAYAT, 20 February 2025) <https://www.hayat-life.org/media-room/corporal-punishment-alleged-doctor-confession-exposes-endangerment-of-prisoner-due-to-sop-flaws> accessed 26 February 2026

[543] HAYAT, 'Corporal Punishment - Alleged Doctor Confession Exposes Endangerment of Prisoner Due to SOP Flaws' (HAYAT, 20 February 2025) <https://www.hayat-life.org/media-room/corporal-punishment-alleged-doctor-confession-exposes-endangerment-of-prisoner-due-to-sop-flaws> accessed 27 January 2026

On 7 October 2025, Zaidi Abd Hamid, a former death row inmate, died after his wounds inflicted by caning got infected. The preliminary report of his death indicated that his cause of death was infected wounds from caning *(septic sequelae to blunt force trauma to the gluteal region)* [544]. This was refuted by the prison department, which insinuated that the death was not related to the caning[545]. An independent investigation by the Human Rights Commission of Malaysia (SUHAKAM) later affirmed that the cause of death was due to failure to provide medical treatment for Zaidi's wound post-caning.[546]

The Forgotten Juveniles

In lieu of the death penalty, juvenile offenders are sentenced to detention under His Majesty's Pleasure through mechanisms under Section 97 of the Child Act 2001. The failure to apply the process for an annual review under Section 97(4) of the same act has resulted in prolonged detention of 27 juvenile offenders, with at least 2 detained for more than 2 decades and 23 for more than 10 years.[547]

Adherence to the provisions of the Child Act 2001 on media publication in cases involving deathworthy offences is also often disregarded. As a case point, a 14-year-old student was prosecuted for the murder of a schoolmate. The sensationalization of the case led to broad reporting and circulation of their personal notes by media and government agencies.[548]

The Mental Health Gap

This chapter would also like to highlight the sentencing of individuals with severe mental health illnesses. Mental health is often treated as a mitigating factor rather than a disqualifier for the death penalty.

In 2021, a man was sentenced to death at the High Court for murdering his girlfriend. It was established that the defendant had undergone psychiatric treatments and was diagnosed with schizophrenia. However, the judge held that the "Schizophrenia did not interfere with and was not the cause of the accused's behaviour during the incident. The act of murder was committed by the accused in a state of full consciousness."[549]

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[544] Ili Aqilah 'Pokok Sena inmate dies after caning, NGO demands probe' (MalaysiaKini, 9 October 2024) <https://www.malaysiakini.com/news/722068> accessed 26 February 2026

[545] 'Prison Dept probing death of inmate after caning' (MalaysiaKini, 10 October 2024) <https://www.malaysiakini.com/news/722198> accessed 26 February 2026

[546] Qistina Nadia Dzulqarnain 'Banduan Pokok Sena mati akibat luka sebat tak dirawat - Suhakam' (MalaysiaKini, 7 May 2025) <https://www.malaysiakini.com/news/742534> accessed 23 February 2026

[547] HAYAT, 'Indefinite Detention of 'Juvenile' Offenders' (HAYAT, 10 March 2025) <https://www.hayat-life.org/media-room/indefinite-detention-of-juvenile-sensationalisedoffendersoffenders> accessed 23 February 2026

[548] 'Malaysia School Stabbing: Handwritten Note Found on Suspect Alludes to Love, Revenge, Anger' (*The Straits Times,* 16 October 2025) <https://www.straitstimes.com/asia/se-asia/malaysia-school-stabbing-handwritten-note-found-on-suspect-alludes-to-love-revenge-anger> accessed 24 February 2026.

[549] Mohd Yunus Yakkub and Mohd Yunus Yakkub, 'Bekas Pengurus Dihukum Gantung Bunuh Kekasih' (Kosmo Digital 31 December 2021) <https://www.kosmo.com.my/2021/12/31/bekas-pengurus-dihukum-gantung-bunuh-kekasih/> accessed 24 March 2026

To dismiss criminal liability, an accused must prove they were “incapable of knowing the nature of the act” or that it was “wrong or contrary to law.”[550] As a result, courts can impose the death penalty on individuals who are medically unwell because they do not fit the definition of “unsoundness of mind”. The court focused on the "method" of the killing (28 stabs) as evidence of deliberate intent. The idea that if an accused person appears to act with logic, such as getting a knife, hiding a body, they must be "legally sane," regardless of the hallucinations or delusions caused by their Schizophrenia.

Similarly, in the Tanjung Sepat murder case, the defendant was said to have danced after slashing the victims and went on to set the house on fire. The defendant had also complained of voices in his head and suffered from serious hallucinations.[551] Before this, his family reported that he had also attempted suicide by jumping off a building. He underwent a psychiatric evaluation as requested by his lawyer, but was still found to be legally sane. He was then sentenced to death for killing the family of four at the High Court.[552]

Life Post-Death Row

Following the resentencing of death row inmates, many of them have since been moved to the general population, bringing respite to many of the inhumane detention conditions imposed on them before 2024.

Counterintuitively, death row inmates are less likely to be exposed to general prison violence and abuses due to heightened security and scrutiny around them. Moving to the general population means a removal of these ‘protections’ and exposing them to all the issues and challenges faced by other prisoners.

As some prisons do not have distinct cells based on duration of prison sentence or offences, some former death row inmates are kept with rowdy prisoners of shorter sentences, resulting in harassment and other challenges. One former death row inmate also reported having been subjected to punishment cells as part of collective punishment after drugs were found in the shared cell he was placed in.

Some reported that due to their ‘seniority’ in prison, they were also saddled with the responsibility to keep younger or newer prisoners in check, a responsibility that they are ill placed to do due to their long history of solitary confinement.

[550] Penal Code (Malaysia) ss 84–85.

[551] FMT Reporters, ‘Murder Case: Lawyer Requests Psychiatric Evaluation for Deaf-Mute’ (*Free Malaysia Today | FMT* 25 January 2018) <https://www.freemalaysiatoday.com/category/nation/2018/01/25/murder-case-lawyer-requests-psychiatric-evaluation-for-deaf-mute> accessed 24 February 2026.

[552] ‘Hearing-Impaired Man Sentenced to Death for 2017 Tanjung Sepat Family Fire Murder’ (*NST Online,* 25 November 2025) <https://www.nst.com.my/news/nation/2025/11/1322719/hearing-impaired-man-sentenced-death-2017-tanjung-sepat-family-fire> accessed 24 February 2026.

Life Outside of Prison (Reintegration into Society)

Resentenced former death row inmates are in a unique and peculiar space. Most, if not all, have served at least twenty years in prison and hover around 45 years of age at the lower end. Upon completing their sentences, including caning if they were under 50.

Upon their release, many of them return to their families, with some having nowhere else to go due to social isolation, abandonment, or having no next-of-kin after spending decades in prison. Regardless, their return is never an easy journey.

After twenty years apart, any familial bonds or friendships are often frayed. Families have moved on, and new lives have been built, leaving little room for a returning relative who is essentially a stranger. More often than not, families simply do not know how to relate to someone who has been institutionalised for so long, leading to friction and misunderstanding.

The time spent on death row also leaves many former death row inmates psychologically scarred, with a number of them relating to the experience of insomnia, anxiety attacks, and depression. In more severe cases, microsleep occurs during the day due to a combination of these factors. Socially, the isolation in solitary confinement leads to difficulty transitioning to living and being in a space with other people. Some are unreactive to people calling out to them, phone ringing, or are easily startled when addressed.

Beyond social and psychological challenges, they also experience significant barriers in terms of paperwork and legal documents. Many long-term prisoners have outdated Identity Cards (IC) or have lost them in prison's custody. To renew an IC, Jabatan Pendaftaran Negara (JPN) often requires a permanent address and a fee, which some are unable to afford. Without access to IC, other documents and life necessities become more complex and difficult to obtain.

Beyond IC, many of them also have a lapsed driving license, requiring them to attend driving schools at relatively exorbitant costs. Some also complained of difficulty securing or reopening a bank account due to their criminal records or a lack of clarity about how banks ought to serve customers with such histories.

Many, if not all, returning inmates suffer from digital illiteracy. For most of them, mobile phones were barely a common item when they were first incarcerated. Society's reliance on mobile phones is unimaginable, as they have only heard about them from family or smuggled devices in prison. They find themselves unable to perform basic tasks in the digital world and require substantial support to learn their way around. Furthermore, the proliferation of online scams, frauds, and deceptions that are 'common' for most are unheard of to them, leaving many vulnerable to crimes.

Employment opportunities and stability are also significant barriers to their reintegration. Many workplaces conduct routine background checks, and their criminal records would exclude them from those jobs. One former inmate reported that he was hired for a week before his criminal record was discovered, and he was promptly terminated. Many others resort to working odd jobs or with family members, which is not sustainable, as many of them do not hail from business-owning families.

When they can seek more permanent employment, they are often in industries that are not conducive or sustainable for people who are in their late 40s.

These individuals also face ongoing police intimidation and profiling. Some former prisoners complained of police surveillance, abuse of power and harassment of their family members - forcing the former inmate to relocate to protect themselves and their family. There was a reported instance of intimidation where the police officer 'took' a family member allegedly to help with an investigation, only to be abandoned at a petrol station once the message of fear had been delivered.

Malaysians on Death Row Abroad

As of August 2025, 69 Malaysians are known to be on death row abroad. Of the 69, 55 are men, 14 are women.

Country	Number of Malaysians
China	26
Indonesia	23
Singapore	9
Brunei	5
Vietnam	3
Thailand	2
Laos	1
Total	**69**

Information about these individuals is relatively rare. Most reported cases arise from Singapore due to proximity, news coverage, and the relative ability of those on death row to access intervention and assistance from Malaysia.

The Ministry of Foreign Affairs indicates that they closely monitor Malaysian on death row abroad and routinely conduct watching brief and prison visits. This is questionable, as many of those on death row report limited visitation and assistance. In terms of assistance, the Ministry of Foreign Affairs also indicates that they provide a list of lawyers and assist with any clemency process legally entitled to those affected.

Notably, in 2025, Singapore executed Pannirselvam a/l Pranthaman. Pannirselvam was rescheduled for execution around February 2025 before a stay of execution was granted by the court on the eve of his execution. This was later revealed to have followed an intervention by the Malaysian government seeking additional time for law enforcement to investigate the cross-border drug trafficking syndicate highlighted by him.

In the weeks leading up to his execution in October 2025, he reported to his lawyer that he was visited by a detachment of police officers from Bukit Aman who inquired about syndicate members who recruited him, and provided photos of alleged syndicate members for

identification.[553] Despite this, the police, through the Deputy Minister of Home Affairs, later reported to Parliament that these informations were not actionable[554].

Pannirselvam was executed on 8 October 2025. The status of the investigation into the drug syndicate that recruited him and many others remains unresolved, with no arrest or prosecution reported by the police since.

For Malaysian on death row in Indonesia, there is a momentary respite with the changes in Indonesian criminal law that introduced a 'probationary' death penalty, where well behaving inmates are potentially exempted from the death penalty after serving a 10-year probationary period.[555] For now, there is no indication how this will affect Malaysians convicted prior to the introduction of this mechanism.

[553] Suraya Ali 'Bukti baharu, peguam Pannir Selvam desak Menteri Dalam Negeri buat pengesahan status siasatan' (Harian Metro, 6 October 2025) <https://www.hmetro.com.my/mutakhir/2025/10/1272141/bukti-baharu-peguam-pannir-selvam-desak-menteri-dalam-negeri-buat> accessed 17 March 2026

[554] 'Kes Pannir: Timb menteri KDN buat kenyataan 'palsu' - Muda' (MalaysiaKini, 7 October 2025) <https://www.malaysiakini.com/news/757319> accessed 17 March 2026

[555] Aryo Putranto Saptohutomo 'Pidana Mati dengan Masa Percobaan di KUHP Baru Disebut Jadi Jalan Tengah' (Kompas, 18 December 2022) <https://nasional.kompas.com/read/2022/12/18/22242901/pidana-mati-dengan-masa-percobaan-di-kuhp-baru-disebut-jadi-jalan-tengah> accessed 17 March 2026

11

THE HOUSE IS STILL ON FIRE: CARBON COLONIALISM, JUST TRANSITION, AND THE FIGHT FOR RIGHTS-BASED CLIMATE ACTION

THE HOUSE IS STILL ON FIRE: CARBON COLONIALISM, JUST TRANSITION, AND THE FIGHT FOR RIGHTS-BASED CLIMATE ACTION

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Overview

This chapter examines Malaysia's climate governance from January 2024 to March 2026, building on issues documented in the SUARAM Malaysia Human Rights Reports for the years of 2022 and 2023. The analysis centres affected communities, Indigenous peoples, women, and urban residents, and examines systemic accountability gaps across legislative, market-based, and planning frameworks. Where long-standing issues remain unresolved, this chapter provides updates and refers readers to previous reports for baseline context.

The period under review has seen Malaysia submit its most ambitious climate pledge to date (NDC 3.0), assume ASEAN chairmanship with climate as a centrepiece, and advance carbon market legislation. Yet at the domestic level, the Climate Change Bill remains untabled after years of delay, Indigenous communities continue to face displacement and dispossession from energy and carbon projects without meaningful consent, and women remain structurally excluded from climate decision-making. Two new pieces of legislation, the Urban Renewal Act and the Government Procurement Act, were developed with minimal consideration of their climate implications, revealing a persistent pattern of climate-blind governance.

This chapter dissects not only whether Malaysia is meeting its international obligations, but whether the communities most affected by climate change and the energy transition are being protected, heard, and empowered.

Long-Standing and New Issues: A Reader's Guide

The table below maps issues tracked across SUARAM's Malaysia Human Rights Reports (HRR) from 2022 to 2025. It is designed as a guide for readers, showing which issues are continuations of earlier documentation and which are new to this reporting period, and directing readers to where each issue is addressed in this chapter.

Table 1: Issues from Previous SUARAM's Malaysia HRR

Issue	HRR 2022	HRR 2023	2024–2026 status	This chapter
Just energy transition	No comprehensive JET framework; NETR launched August 2023 but gender-	NETR implementation concerns; lack of gender integration; absence of worker	NETR implementation ongoing; coal phase-out date confirmed (2044); Malaysia	Section 1: examines NETR implementation, fossil gas lock-in, CCUS Act 2025, gender gaps, worker impacts,

	blind; coal phase-out delayed to 2044–2050	protection mechanisms	confirmed not a JETP member; KAMY JET-BHR report published February 2025; continued gender and labour gaps	and community impacts across hydropower, mining, and carbon projects
Climate Change Bill (RUUPIN)	Bill delayed; advocacy for rights-based approach	Bill still delayed; concerns about corporate accountability gaps	Consultation paper released October 2024; 13 engagement sessions with state governments; expected first reading March 2026 (delayed from initial 2025 timeline); KAMY formal submission raised concerns about non-binding targets, absent rights provisions, and ouster clauses	Section 5.2: update on consultation timeline, civil society critiques, and consequences of continued delay
Sabah Nature Conservation Agreement	2 million hectares; deemed legally void by AG; insufficient due diligence; no FPIC; judicial review filed by Adrian Lasimbang	NCA judicial review ongoing; regulatory gaps exposed; Kitingan confirmed NCA still active	NCA remains in de facto suspension; Hoch Standard failed all AG conditions; July 2025: Sabah Climate Change and Carbon Governance Enactment passed, mandating FPIC with criminal penalties; CSS coalition remains active	Section 2.2: NCA as catalyst for Sabah's landmark legislation; used as benchmark for federal standards

FPIC violations	Nenggiri Dam: FPIC violations, forced displacement of Temiar Orang Asli; 5,834 hectares customary forest to be submerged	FPIC violations continue across hydro, forest carbon, and development projects; no binding FPIC legislation	Nenggiri Dam 41% complete (December 2024); 1,200 Temiar scheduled for relocation mid-2026; PACOS Trust reported FPIC failures to UN (July 2024); Pahang Peatland Project (96,569 ha) affecting Jakun communities, COAC opposition June 2025; September 2024 Ulu Geruntum ruling sets legal precedent	Section 1.3: Nenggiri update. Section 2.2: Enggang PPRP case study. Section 2.3: Akta 134 delays enabling the legal vacuum
REE mining	Ulu Jelai (Pos Lanai) Pahang and Kenering Perak concerns documented	Projects proceeding; environmental concerns raised	16,000 tonnes mined illegally (March 2024); Perak River contamination (October 2025); Lynas 10-year renewal (March 2026); Kampung Kelaik: 15-year pollution, chromium contamination in Temiar residents' blood, stop-work orders December 2024	Section 1.4: full examination of illegal mining scale, Kampung Kelaik case study, and connection to just energy transition
Gender in climate action	NETR gender-blind; women excluded from	Women's groups excluded from climate panels; NRES	NAPBHR launched August 2025 with gender	Section 3: dedicated section on gender-blind climate

	national climate consultations	took minimal action to integrate gender	provisions; KAMY WGCGP report October 2025 provides first comprehensive gender analysis of climate policies; DWN 2025–2030 launched February 2025; CEDAW concluding observations June 2024; NGCCFP still not appointed	governance, NAPBHR gender analysis, GRPB, and CEDAW recommendations
Carbon market safeguards	Sabah NCA (2M ha); Kuamut project (83,391 ha); no national regulatory framework; inadequate FPIC	Civil society requested Sarawak stakeholder engagement; lack of safeguards continues	National Carbon Market Policy finalised; carbon tax announced Budget 2026 (rate not finalised); Bursa Carbon Exchange operational; Pahang Peatland Project is first Peninsular Verra project, raising Indigenous rights concerns; Sarawak Marudi opposition to Sara Carbon project	Section 2.1: national carbon market policy and carbon tax. Section 2.2: Enggang PPRP and Sabah NCA as case studies. Section 2.4: greenwashing analysis
Corporate environmental crime	Weak legal framework; penalties less than damages; minimal punishment	Inadequate enforcement continues	Systemic issue persists; legal framework remains weak	Brief references throughout; readers referred to HRR 2022 Section 8.3 for baseline analysis

Table 2: New Issues (not in SUARAM's Malaysia HRR 2022 or 2023)

Issue	What Happened in 2024–2026	This Chapter
NAPBHR 2025–2030	Launched 12 August 2025; first comprehensive framework translating UNGPs into policy. Strengths: gender-responsive budget tagging, FPIC standards, gender-sensitive grievance mechanisms. Gaps: voluntary (no binding enforcement), no structural leadership pathways for women, does not integrate DWN 2025–2030, finance provisions lack climate application. KAMY assessment: "Gender Responsive" not "Transformative"	Section 5.3: first civil society analysis through gender lens using KAMY's 6-parameter framework
Urban Renewal Act 2024	Tabled August 2025; withdrawn January 2026 after broad-based opposition over consent thresholds and displacement risks. Contains zero provisions on climate, environmental sustainability, or green building standards despite NDC 3.0 commitments on climate-resilient infrastructure	Section 4.1: analysis of climate governance blind spot, stakeholder reactions, and missed opportunity
Government Procurement Act 2025	Passed August–September 2025. Section 29 enables but does not mandate green procurement. No definition of green procurement, no mandatory environmental criteria, no measurable targets. Rushed through Parliament in three days; civil society denied access to text	Section 4.2: analysis of discretionary green provision, ministerial overreach, and disconnect from Climate Change Bill
Akta 134 amendment process	Draft in final stages; government targets March 2026 tabling. January 2026: coalition of 15 Orang Asli organisations formally rejected proposed amendments, citing absent customary land recognition, non-FPIC-compliant consultation, and withheld draft Bill	Section 2.3: how amendment delays maintain the legal vacuum enabling extractive and carbon projects on Indigenous lands
ASEAN chairmanship 2025	Malaysia held ASEAN chairmanship with climate as central priority. Presented ASEAN Joint Statement on Climate Change at COP30; advanced ASEAN Common Carbon Framework at COP29; promoted regional carbon market cooperation	Section 5.1: opens accountability section, contrasting regional leadership with domestic implementation gaps
Pahang Peatland Restoration Project	First nature-based carbon offset project in Peninsular Malaysia submitted for Verra registration. 96,569 hectares affecting Orang	Section 2.2: detailed case study on consent,

	Asli Jakun communities. Documented FPIC violations. COAC formal opposition June 2025. 39-CSO joint media statement August 2025. 21 Orang Asli arrested February 2026 in related land dispute	corporate governance, and carbon colonialism
NDC 3.0 and MyNAP	NDC 3.0 submitted October 2025 with historic shift to absolute emissions reduction targets. MyNAP development ongoing under EUR 2.8 million GCF grant, expected completion late 2026	Section 5.4: analysis of planning framework coherence and coordination gaps
NCCP 2.0	Released September 2024, replacing 15-year-old NCCP 1.0	Section 5.4: noted as part of planning framework analysis
CCUS Act 2025	Enacted March 2025; covers Peninsular Malaysia and Labuan only (Sabah and Sarawak excluded due to state jurisdiction); federal-Sarawak alignment ongoing	Section 1.2: examined as potential fossil fuel lock-in mechanism

1. Just Energy Transition: Are We Heading in the Right Direction?

Malaysia's pursuit of net-zero emissions by 2050 requires not just an energy transition, but a just transition, one that upholds principles of equity, community consent, and fair distribution of costs and benefits. This section examines whether current energy policies meet that standard, or whether they reproduce historical patterns of extraction and displacement.

HRR 2022 noted the absence of a comprehensive just energy transition (JET) framework. The National Energy Transition Roadmap (NETR) was launched in August 2023 but remained gender-blind, with coal phase-out delayed to 2044–2050.

HRR 2023 documented NETR implementation concerns, lack of gender integration, and absence of worker protection mechanisms. This section examines 2024–2025 developments: *has Malaysia's energy transition become more just, or do familiar patterns persist?*

1.1 What does "Just" mean? Defining JET in the Malaysian context

The concept of a "just transition" first entered the formal climate architecture at COP16 in Cancún in 2010, subsequently integrated into the Paris Agreement through sustained trade union advocacy. The International Labour Organisation (ILO) operationalised the concept through its 2015 Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies for All, which frames just transition as a pathway encompassing macroeconomic and growth policies, industrial and sectoral policies, enterprise strategies, skills development, occupational safety and health, social protection, and social dialogue through tripartism.[556]

[556] ILO, *Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies for All*, November 2015. https://www.ilo.org/wcmsp5/groups/public/@ed_emp/@emp_ent/documents/publication/wcms_432859.pdf

In February 2025, KAMY published its landmark report, *JET-BHR in Peninsular Malaysia: Towards a Just Energy Transition with Business and Human Rights Principles*, which provides the most comprehensive assessment of Malaysia's energy transition through a human rights lens to date.[557] The report, developed through interviews and focus group discussions with 32 stakeholders across government, private sector, civil society, and academia between March and October 2024, establishes a critical framework: a just energy transition must ensure affordable, reliable, and accessible clean energy for everyone, but the journey towards clean energy must not infringe upon the rights of the people, particularly vulnerable and marginalised communities.[558]

The JET-BHR framework integrates the ILO's Just Transition Guidelines with the United Nations Guiding Principles on Business and Human Rights (UNGPs), examining Malaysia's energy transition across five interconnected dimensions: economic and growth policies, labour rights, rights of vulnerable groups, environmental rights, and climate justice. The framework is anchored in the three UNGPs pillars, the state duty to protect human rights, the corporate responsibility to respect human rights, and access to remedy, applied specifically to the energy sector.[559]

This framing is significant. It moves the discourse beyond the technocratic question of *how* to decarbonise toward the rights-based question of *for whom* and *at whose cost*. As the report concludes, Malaysia's energy transition "presents an opportunity to address historical injustices and promote climate justice by prioritising the rights of vulnerable groups and recognising the right to a clean and healthy environment."[560]

1.2 NETR Implementation: Green or Just?

The NETR, launched in 2023, outlines Malaysia's pathway to achieving 70% renewable energy capacity by 2050, with intermediate targets of 31% by 2025 and 40% by 2035.[561] It identifies six energy transition levers, energy efficiency, renewable energy, hydrogen, bioenergy, green mobility, and carbon capture, utilisation and storage (CCUS), and projects an investment requirement of RM1.2 to RM1.3 trillion by 2050.[562]

On paper, the numbers are encouraging. By September 2025, Malaysia was at approximately 30% renewable energy, close to its 2025 target.[563] At the Powering Past Coal Alliance High Level Dialogue during London Climate Action Week in June 2024, Deputy Prime Minister

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[557] Klima Action Malaysia, *JET-BHR in Peninsular Malaysia: Towards a Just Energy Transition with Business and Human Rights Principles*, February 2025. https://www.klimaactionmalaysia.org/jetbhr

[558] Ibid., Executive Summary.

[559] Ibid., Report Roadmap, pp. 11–12.

[560] Ibid., Executive Summary, p. 7.

[561] National Energy Transition Roadmap (NETR), Government of Malaysia, 2023. <https://ekonomi.gov.my/sites/default/files/2023-09/National%20Energy%20Transition%20Roadmap_0.pdf>accessed on 26th March 2026

[562] NETR Phase 2; cited in KAMY JET-BHR report, p. 22.

[563] "Malaysia to hit 31pc renewable energy target by year-end," (Malay Mail, 26 September 2025.)<*https://www.malaymail.com/news/malaysia/2025/09/26/malaysia-to-hit-31pc-renewable-energy-target-by-year-end-says-dpm-fadillah/192497#:~:text=%E2%80%8ESHAH%20ALAM%2C%20Sept%2026,Minister%20Datuk%20Seri%20Fadillah%20Yusof.*>accessed on 26th March 2026

Fadillah Yusof announced that Malaysia will phase out all coal-fired power plants by 2044, with coal's share of power reduced to 50% by 2035, the first time a clear coal phase-out date had been set.[564] A May 2025 TransitionZero analysis found that phasing out Malaysia's six youngest coal units by 2040 would cost approximately USD 1.43 billion to renegotiate power purchase agreements, but would avoid 80 million tonnes of CO_2.[565]

However, the NETR's architecture reveals structural tensions with justice principles. Natural gas is positioned as the "low-carbon transition fuel" replacing coal and serving as the dominant baseload power source, a framing that the JET-BHR report identifies as a potential carbon lock-in that extends fossil fuel dependency rather than dismantling it.[566] Peninsular Malaysia's installed electricity capacity remains 83.8% dependent on fossil fuels, with natural gas constituting 42.2% and coal 41.4% as of 2021.[567]

The NETR's CCUS ambitions are particularly contested. Plans to establish three CCUS hubs by 2030 with combined storage capacity of up to 15 million tonnes per annum have been criticised by financial institutions and energy analysts alike. A representative from a leading banking group told KAMY researchers that "CCUS is viewed as high risk, and the technology is not included in the financial institution's current net-zero pathway unless, in the future, it is proven to be effective."[568] The Institute for Energy Economics and Financial Analysis (IEEFA) has similarly raised doubts about CCS feasibility.[569] In March 2025, Malaysia enacted the Carbon Capture, Utilisation and Storage Act 2025, its first statutory framework for carbon capture and storage, a move that Economy Minister Rafizi Ramli described as a potential "significant economic driver" but that civil society views with concern as a mechanism to prolong the life of fossil fuel infrastructure.[570]

It should be noted, as HRR 2023 clarified, that Malaysia is not a member of the Just Energy Transition Partnership (JETP). The JETP framework, often referenced in energy transition discourse, has been criticised for its narrow focus on coal plant retirements while neglecting the socioeconomic protections required for citizens in recipient countries.[571]

At the regional level, Malaysia's 2025 ASEAN chairmanship placed energy cooperation at the forefront. Prime Minister Anwar Ibrahim called on Asia Zero Emission Community (AZEC) partners to strengthen collaboration on the ASEAN Power Grid, a cross-border electricity trading mechanism that, while potentially beneficial for renewable energy integration, raises questions about whose energy needs are prioritised and how revenue is distributed.[572] At COP29 in Baku (November 2024), Malaysia advanced the ASEAN Common Carbon

[564] "Fadillah: Malaysia aims for complete retirement of coal-fired power plants by 2044," (The Edge, June 2024).< https://theedgemalaysia.com/node/716752> accessed on 26th March 2026

[565] TransitionZero, "From tenaga to tindakan: sparking Malaysia's coal-to-clean transition," (May 2025.)<https://www.transitionzero.org/insights/tz-cat-malaysias-coal-to-clean-transition>accessed on 26th March 2026

[566] KAMY JET-BHR report, pp. 21–22.

[567] Ibid., p. 20.

[568] Ibid., p. 29.

[569] IEEFA analysis cited in KAMY JET-BHR report, p. 29.

[570] "CCUS Bill 2025 Balances Economy & Climate," InCorp Malaysia; Rafizi Ramli remarks cited in COP29/COP30 report.

[571] KAMY JET-BHR report, p. 28; JET-BHR recommendations on JETP critique.

[572] "Anwar Calls On AZEC Partners To Strengthen Collaboration On ASEAN Power Grid," (Bernama, 2025). <https://www.bernama.com/en/news.php?id=2483555> accessed on 26th March 2026

Framework, and at COP30 in Belém (November 2025), it presented the ASEAN Joint Statement on Climate Change emphasising regional cooperation.[573] The question that civil society continues to raise is whether Malaysia's regional climate leadership translates into domestic protection of the communities bearing the costs of transition.

1.3 Hydropower's Human Cost

The Nenggiri Hydroelectric Dam in Gua Musang, Kelantan, a RM5 billion project built by TNB Power Generation, has reached 41% completion as of December 2024, with a scheduled Commercial Operation Date in Q2 2027.[574] The project will generate 300 MW of renewable energy, create a 53.84 square kilometre main reservoir, and is expected to reduce Kelantan flooding by up to 40%.[575] TNB is also piloting a hybrid hydro floating solar system on the reservoir, with potential capacity of up to 1 GW of floating solar power on top of the 300 MW hydro capacity.[576]

HRR 2022 documented the initial Free, Prior and Informed Consent (FPIC) violations and forced displacement concerns surrounding the project. HRR 2023 provided further analysis of community opposition. The 2024–2025 period has seen the project advance while the fundamental rights concerns remain unresolved.

1,200 Orang Asli from 245 households, predominantly Temiar, across three settlements (Pos Pulat, Pos Tohoi, and Kampung Kuala Wias) are scheduled for relocation starting mid-2026, before their lands are submerged.[577] Each household is to receive a 750 square foot house, 0.2 hectares of orchard, and 2.2 hectares of rubber plantation at two new settlement sites spanning 832 hectares.[578] A broader RM216 million total compensation package was allocated by the government, with RM10 million for crop and plantation damage disbursed starting August 2024.[579]

The most vocal opposition comes from JKOAK (Jaringan Kampung Orang Asli Kelantan), representing over 3,000 Orang Asli from 17 districts. Their core positions are that the dam will submerge 5,834 hectares of ancestral forest, their cultural territory, and erase the historical trace of Orang Asli Temiar in Peninsular Malaysia. JKOAK collected over 3,000 signatures opposing the project and contested the government's claim that 80% of residents endorsed it, noting that two villages will be directly submerged but at least seven additional villages along

[573] COP29 and COP30 outcomes; see Section 5.1 for detailed analysis.

[574] Bernama, 27 December 2024; TNB AGM Presentation 2025.

[575] SMEC Project Page, Nenggiri Hydropower Project. https://www.smec.com/project/nenggiri-hydropower-project/

[576] TNB ESG/HHFS Page.

[577] Bernama, 21 August 2024; Free Malaysia Today, 21 August 2024.

[578] *Nenggiri hydroelectric project: Nearly 1,200 Orang Asli to get new homes by 2026, says Gua Musang district chief*, *Malay Mail* (Malay Mail , August 2024) https://www.malaymail.com/news/malaysia/2024/08/01/nenggiri-hydroelectric-project-nearly-1200-orang-asli-to-get-new-homes-by-2026-says-gua-musang-district-chief/145652 Accessed on 26th March 2026

[579] The Vibes, 1 August 2022 (RM216 million allocation); BusinessToday, 21 August 2024 (RM10 million disbursement).

the Nenggiri River face indirect impacts.[580] JKOAK proposed an alternative: multiple smaller dams instead of one mega-dam, to address flooding without mass displacement.[581]

FPIC failures have been flagged by multiple actors at the international level. PACOS Trust formally informed the UN Human Rights Council (OHCHR) in July 2024 that FPIC "was not fully applied" when the Nenggiri dam began construction, and the "protest and objections of the 3,000 affected Temiar are being ignored."[582] JKOAK claims TNB only consulted two villages for the Environmental Impact Assessment and Social Impact Assessment, while indirect impacts fall on many more communities. The EIA report was allegedly published two to three days before the public feedback closing date, and local leaders were told it was a "secret document."[583]

The destruction extends beyond displacement. UKM archaeologists conducting rescue excavations in 14 caves across the Nenggiri Valley (2022–2023) uncovered 71,289 prehistoric artefacts and 16 human skeletons dating back up to 14,000–16,000 years, older than the famous Perak Man.[584] Key sites like Gua Cha, Gua Chawan, and Gua Keledung Kecil will be permanently submerged. For the Temiar community, these are not merely archaeological sites but sacred burial grounds tied to living traditions like *bersewang* (traditional healing dance).[585]

A significant legal precedent emerged in September 2024, when a Malaysian court halted the Ulu Geruntum mini-hydro dam in Perak for failing to secure FPIC, awarding compensation for destruction of ancestral grave sites, a ruling seen as a potential model for the Nenggiri case.[586] However, no comparable legal challenge has stopped the Nenggiri project, which continues to advance on schedule.

The Nenggiri Dam illustrates a fundamental contradiction: a project marketed as renewable energy and flood mitigation that simultaneously displaces an Indigenous community, destroys irreplaceable cultural heritage, and proceeds despite documented FPIC violations, precisely the pattern that a *just* energy transition is supposed to prevent.

1.4 Mining for the energy transition: Who pays?

The technologies of the energy transition, wind turbines, electric vehicles, solar panels, require exponentially more critical minerals, including rare earth elements (REE). The IEA projects that clean energy technologies will drive over 40% of copper and REE demand, 60–70% of nickel and cobalt demand, and nearly 90% of lithium demand by 2040.[587] Malaysia has positioned itself as a potential player in this supply chain, but the human and environmental

[580] Malay Mail/Yahoo News, 22 July 2022; The Edge Malaysia, 20 June 2024.

[581] Kosmo, 22 March 2021.

[582] PACOS Trust submission to OHCHR, July 2024.

[583] Malay Mail/Yahoo News, 22 July 2022.

[584] *Unearthing Nenggiri's prehistoric settlers, older than perak man?*, *bextra*. (Bernama, June 2023)<https://www.bernama.com/en/bfokus/news.php?id=2197628> accessed on 26th March 2026

[585] The Vibes, 24 July 2023.

[586] IWGIA Indigenous World 2025: Malaysia.

[587] IEA, cited in KAMY JET-BHR report, p. 30.

costs of mineral extraction are already being borne by the country's most vulnerable communities.

HRR 2022 documented initial concerns at Ulu Jelai (Pos Lanai) in Pahang and Kenering in Perak. The 2024–2025 period has seen a dramatic escalation: in March 2024, approximately 16,000 tonnes of rare earth oxides were reported illegally mined across five Malaysian states and exported to China, with operations primarily located in forest reserves in Kedah, Pahang, Perak, and Negeri Sembilan.[588] In October 2025, the Perak River turned blue, with radiation reported at 13 times the permitted limit. In March 2026, Lynas, the world's only major rare earth processor outside China, was granted a 10-year licence renewal for its operations in Pahang.[589]

Kampung Kelaik: A Warning from the Future

The case of Kampung Kelaik, a Temiar Orang Asli village in Pos Blau, Gua Musang, Kelantan, provides the starkest illustration of what happens when mining governance fails. For years, villagers relied on Sungai Kelaik as their primary source of drinking, cooking, and bathing water, as well as for fishing. Residents recall that the river was once clear but gradually turned reddish and murky after large-scale iron ore mining started upstream around 2009.[590]

It was only after a series of independent investigations in 2024, including Malaysiakini's "Red Rivers" investigation supported by the Pulitzer Center, that the full scale of contamination emerged. Blood samples from Temiar residents found chromium detected at levels raising concern about long-term exposure. Water samples at one mine discharge point measured chromium concentrations at approximately 2.6 mg/L, far exceeding typical background levels.[591] Villagers reported skin lesions, chronic itching, respiratory problems, and possible neurological symptoms associated with long-term exposure to the polluted river.[592]

The investigative reporting prompted stop-work orders against two mining companies in December 2024, Aqua Orion Sdn Bhd and Gua Musang Mining Sdn Bhd, for all mining activities in the Sungai Kelaik area pending investigations.[593] The National Security Council (MKN) framed the stop to mining as effectively ending "15 years of suffering" for the Temiar residents.[594] A coalition of NGOs formed the Kampung Kelaik Support Group, calling for a transparent and independent investigation, comprehensive health screening, and meaningful participation of residents in decisions about land use and remediation.[595]

Crucially, the mines above Kampung Kelaik are iron ore operations, not rare earth projects. However, the case mirrors the same structural failures that threaten to accompany Malaysia's expanding rare earth ambitions: mining inside or adjacent to forest reserves and upstream of

[588] KAMY JET-BHR report, Case Study 1, p. 50.

[589] Compiled from media reporting, 2024–2026.

[590] "Heavy metals found in Kelantan Orang Asli blood," Pulitzer Center/Malaysiakini, 2024.

[591] Malaysiakini, "Red Rivers" investigation, Newslab, 2024.

[592] Ibid.

[593] Malay Mail, 18 December 2024; The Sun, 18 December 2024.

[594] MKN, 26 December 2024; Berita Harian, December 2024.

[595] Malaysiakini, 29 December 2024.

Orang Asli villages with weak oversight; health harms detected only after independent investigations rather than proactive state monitoring; and stop-work orders coming only after media exposure despite a decade of community complaints.[596] Kelantan is actively positioning itself as a future rare earth producer, with officials speaking openly about potential worth over RM100 billion, many of these deposits lying in forest reserves and headwater catchments similar to the terrain around Kampung Kelaik.[597]

From a just energy transition perspective, Kampung Kelaik is a warning from the future. Without enforceable FPIC, meaningful participation, and rigorous monitoring, the shift from iron ore to rare earth mining risks simply changing the mineral type while maintaining the same pattern of sacrifice zones.

1.5 East Malaysia Energy Projects: A Just Transition for Whom?

While the preceding sections focus on Peninsular Malaysia, East Malaysia's experiences with carbon and energy projects offer critical lessons and, in some cases, more progressive governance responses.

Sabah's experience with the Nature Conservation Agreement (NCA), detailed in Section 2.2, prompted landmark legislative reform. In July 2025, Sabah passed the Climate Change and Carbon Governance Enactment 2025, which vests all carbon rights in the state government, mandates FPIC for carbon activities on native customary land (with failure constituting a criminal offence), and requires mandatory licensing for all carbon activities with penalties of up to RM5 million and five years' imprisonment.[598] This enactment, born directly from the NCA controversy, represents the most rights-protective carbon governance framework in Malaysia and provides a benchmark against which federal legislation, including the forthcoming Climate Change Bill, should be measured.

In Sarawak, communities in Marudi have mounted sustained opposition to the Samling-linked Sara Carbon project since late 2024, filing five complaint letters, four police reports, and two peaceful demonstrations. SUHAKAM received a formal complaint about the Marudi project in July 2025.[599] These developments suggest that the pattern of carbon projects advancing without adequate community consent is not isolated but systemic across both Peninsular and East Malaysia.

1.6 The Missing Pieces of JET

Three critical gaps persist across Malaysia's energy transition framework.

1. Gender integration remains absent. The NETR contains no gender analysis. The National Energy Transition Facility Fund (NETFF), allocating RM305.9 million for

[596] Analysis synthesised from Kampung Kelaik reporting and KAMY JET-BHR report findings.

[597] South China Morning Post; Malay Mail, 9 July 2024.

[598] "Sabah passes climate change Bill," The Star, 8 July 2025; Mongabay reporting on Sabah enactment provisions. <*https://www.thestar.com.my/news/nation/2025/07/08/sabah-passes-climate-change-bill-after-blowing-past-paris-agreement-targets*>

[599] Mongabay, "Marudi Indigenous communities oppose Samling's carbon project in Sarawak," 2025.

renewable energy initiatives, lacks gender analysis in its allocation criteria.[600] KAMY's JET-BHR report found that women face significant barriers to economic participation in the energy transition, only 20.6% of MSMEs are women-owned, women's labour force participation remains at 56.5% compared to 83% for men, and women hold just 17.7% of board positions in Malaysia's top 100 public listed companies.[601] Women's unpaid care work, four times that of men, cuts into the time available for education and formal employment, yet this dimension is invisible in energy transition planning.[602] The intersection of gender and energy justice is examined in detail in Section 3.

2. Worker protections and labour transitions remain undeveloped. The NETR estimates approximately 310,000 green jobs by 2050, but there is no baseline assessment of how the energy transition will impact all workers across the economy. Green jobs in sectors like rooftop solar installation are labour-intensive, primarily conducted outdoors in extreme heat, and may not provide equivalent income to fossil fuel industries. As one solar industry representative told KAMY researchers: "Income-wise, working in the solar energy industry will not be equal to the income of those who work in the oil and gas industry, even though it is a so-called 'sunset industry.'"[603] Trade union awareness of the just energy transition remains minimal, with unionisation rates very low and migrant workers, approximately 2 million people, grossly underrepresented in transition discourses.[604]

3. FPIC implementation fails across energy projects. The NETR does not require FPIC for renewable energy projects. Financial initiatives such as the RM600 million Low Carbon Transition Facility and the RM500 million from Bank Pembangunan Malaysia for energy transition projects do not specify the inclusion of FPIC. Malaysia's major financial institutions demonstrate limited adoption of FPIC policies, the CIMB Human Rights Charter does not explicitly recognise FPIC under UNDRIP, and TNB does not disclose FPIC policies despite the community conflicts documented in this section.[605] Without FPIC, Malaysia's energy transition risks excluding Indigenous peoples from meaningful participation while perpetuating the displacement and marginalisation it claims to address.

2. Indigenous Lands, Carbon Profits: The Consent Gap

As Malaysia develops its carbon market infrastructure, Indigenous communities face new threats to land rights and self-determination. Carbon commodification, the process of assigning monetary value to forests' carbon storage capacity and selling that value on global markets, has created a new frontier of dispossession, one that operates under the language of conservation and sustainability.

[600] KAMY JET-BHR report, p. 63.

[601] Ibid., pp. 62–63.

[602] ILO estimate cited in KAMY JET-BHR report, p. 61.

[603] Hakim Albasrawy, formerly of Sols Energy, cited in KAMY JET-BHR report, p. 46.

[604] Adrian Pereira, North-South Initiative, cited in KAMY JET-BHR report, p. 45.

[605] KAMY JET-BHR report, p. 71.

HRR 2022 documented the legally void Sabah NCA covering 2 million hectares, highlighting insufficient due diligence and inadequate FPIC. HRR 2023 noted civil society requests for Sarawak stakeholder engagement and the lack of national regulatory safeguards. The 2024–2025 period has seen the finalisation of the National Carbon Market Policy, a carbon tax announcement in Budget 2026, and the operationalisation of the Bursa Carbon Exchange, but the fundamental question persists: do these new mechanisms include the safeguards civil society called for?

2.1 National Carbon Market Policy: Missing Safeguards

Malaysia has been building its carbon market architecture at a rapid pace. The Bursa Carbon Exchange (BCX), launched in December 2022 as the world's first Shariah-compliant carbon exchange, held its first auction in March 2023.[606] In October 2025, Malaysia submitted its NDC 3.0, which explicitly signals readiness to engage in Article 6 carbon markets under the Paris Agreement.[607] At COP29 in Baku, Article 6 rules were finalised, a development the World Bank described as "a pivotal moment" but that watchdog Carbon Market Watch warned risked "facilitating cowboy carbon markets" with no real penalties for non-compliance.[608]

The Dasar Pasaran Karbon Kebangsaan (DPKK), the National Carbon Market Policy, was positioned by Deputy Prime Minister Fadillah Yusof as "a transformative framework to achieve net-zero emissions by 2050."[609] Budget 2026 announced the introduction of a carbon tax starting in 2026, initially targeting the energy, iron, and steel sectors, at an estimated initial rate of approximately RM15 per tonne of CO_2 equivalent.[610] As of early 2026, the government had yet to finalise the carbon tax rate, with Second Finance Minister Amir Hamzah acknowledging that consultations with industries were ongoing.[611]

From a human rights perspective, the critical question is not whether Malaysia has a carbon market, it is whether the safeguards necessary to prevent the market from becoming a vehicle for land dispossession and greenwashing are in place. On this count, the evidence is troubling.

The carbon credit market faces significant global integrity challenges. A 2023 joint investigation by The Guardian, Die Zeit, and SourceMaterial found that approximately 94% of rainforest carbon offsets certified by Verra, the standard used by the BCX, were essentially worthless, with only 6% representing actual emissions reductions.[612] The United Nations

[606] "Bursa Malaysia launches first Shariah-compliant carbon exchange," (Bursa Malaysia, December 2022)<https://www.bursamalaysia.com/bm/about_bursa/media_centre/bursa-malaysia-launches-a-voluntary-carbon-market-exchange> accessed on 26th March 2026

[607] Malaysia NDC 3.0, submitted to UNFCCC, 24 October 2025.

[608] Carbon Market Watch, "COP29: Complex Article 6 rules pave way to unruly carbon markets," November 2024.

[609] "DPKK A Transformative Framework To Achieve Net-Zero Emissions By 2050 - Fadillah," (Bernama, 2025) <https://www.bernama.com/en/general/news.php?id=2494416> accessed on 26th March 2026

[610] "*Budget 2026: Carbon Tax To Be Introduced Next Year - PM Anwar,*" (Bernama, October 2025)<*https://bernama.com/en/news.php?id=2477122*> accessed on 26th March 2026

[611] *"Government Yet To Finalise Carbon Tax Rate - Amir Hamzah,*"(BernamaBiz, 2025)<*.https://www.bernama.com/lite/news.php?id=2487725*> accessed on 26th MArch 2026

[612] The Guardian/Die Zeit/SourceMaterial joint investigation, January 2023.

Environment Programme (UNEP) has stressed that carbon offsets should serve only as a temporary measure to accelerate climate action before 2030.[613]

Malaysia's carbon market governance, while evolving, lacks several critical safeguards: there is no mandatory FPIC requirement for carbon offset projects affecting Indigenous lands; the BCX relies on Verra certification, which has itself been subject to sustained integrity concerns; and the regulatory architecture does not include binding community benefit-sharing mechanisms.

2.2 Carbon offset projects on Indigenous lands

The Pahang Peatland Restoration Project: Peninsular Malaysia's First, and a Warning

The Pahang Peatland Restoration Project (PPRP) is the first nature-based carbon offset project in Peninsular Malaysia to be registered with Verra's Verified Carbon Standard, and its emergence has brought the carbon offset industry, and all its attendant problems, directly into the homeland of Orang Asli Jakun communities in Pekan and Rompin, Pahang.[614]

The PPRP is led by Enggang (Pekan) Sdn Bhd (EPSB), a company incorporated on 7 November 2022. The Pahang State Government granted Enggang authority to restore and manage peatland forests spanning approximately 96,569 hectares, an area larger than the island of Singapore, encompassing 11 Permanent Reserved Forests. The project is expected to generate an average of 2.4 million Verified Carbon Units per year over a 59-year duration, to be sold in international voluntary carbon markets.[615]

Enggang's institutional backing is significant. The company was established following a conservation roadmap jointly authored by Yayasan Makhota (the royal Crown Foundation of Pahang) and The Habitat Foundation, attributed in spirit to the Regent of Pahang. The Regent has been directly associated with Enggang's activities at multiple international forums, including COP28 in Dubai and Abu Dhabi Sustainability Week.[616] This royal patronage and state backing has given the project significant institutional legitimacy, allowing it to attract international grants and high-level endorsements. What it has not translated into is meaningful engagement with the communities whose land the project encroaches upon.

The evidence of FPIC violations is extensive and documented. EPSB began operations in late 2022, but it was only on 10 July 2024, over a year later, that the company first briefed select Orang Asli committees and NGOs. At that meeting, a critical fact was revealed for the first time: this was a for-profit private venture, not a government project, as communities had assumed.[617] This alone constitutes a categorical violation of FPIC, the "Prior" in FPIC requires complete information *before* a project commences.

[613] KAMY JET-BHR report, p. 30, citing UNEP position on carbon offsets.

[614] Carbon Colonialism report (KAMY), March 2026, Executive Summary.

[615] Ibid.; Verra Registry, Project ID 5474.

[616] Enggang Holdings website; COP28 and Abu Dhabi Sustainability Week documentation.

[617] COAC formal opposition statement, signed by Colin Nicholas, 24 June 2025.

The violations go further. Community testimonies gathered by Apa Kata Wanita Orang Asli (AKWOA), a platform for young Orang Asli women led by Eliana Tan Beng Hui, then 24, and her sister Diana, revealed that community members across multiple villages could not explain what the Enggang project was. Many believed it to be a state government-led environmental restoration initiative, not a 59-year carbon offset scheme. Some had signed documents without understanding their implications.[618]

The project documentation submitted to Verra's certifier, AENOR, contained several deeply concerning elements: it stated that none of the approximately 2,000 identified stakeholders were deemed to require FPIC at the outset;[619] it listed COAC (Centre for Orang Asli Concerns) and JOAS (Jaringan Orang Asli SeMalaysia) among engaged stakeholders without their knowledge or consent, JOAS confirmed they were never approached by the report's authors;[620] and its consent clause stated that if community members refuse to consent, the solution is to "revise the agreement and repeat the process until agreement is reached", which COAC characterised as systematically eliminating the possibility of sustained refusal.[621]

On 24 June 2025, COAC formally published an unequivocal opposition statement. In August 2025, a joint media statement endorsed by 39 civil society organisations (CSOs) expressed concern about the project. At a Carbon Project Seminar held at DITEC UMPSA in Pekan on 25 August 2025, affected community members broke through the institutional atmosphere: Eliana from AKWOA stated "komuniti langsung tak faham" (the community completely does not understand); a representative from Kampung A said "kami tak tahu apa itu syarikat" (we do not know what this company is); and an anonymous individual from Kampung B called for official land titles, "wartakan tanah", as the real solution to Orang Asli security, not carbon projects managed by outside companies.[622]

The February 2026 arrests of 21 Orang Asli from Kampung Jemeri in Rompin, Pahang, detained for dismantling a barricade on land they described as their customary territory, the title of which bears the Sultan's name, underscore the power asymmetry within which these communities operate.[623] Though involving a plantation development rather than the PPRP directly, the incident reflects the same governance pattern operating in the same geographic area, affecting the same Jakun communities.

The Sabah NCA: From Scandal to Safeguard

The Sabah Nature Conservation Agreement remains in a state of de facto suspension as of March 2026. Hoch Standard Pte Ltd, the Singapore-based shell company with US$1,000 in paid-up capital, has failed to meet any of the conditions set by the Sabah Attorney General in February 2022, including providing due diligence documentation, obtaining FPIC, or

[618] Field documentation by Aroe Ajoeni (KAMY) with Eliana and Diana Tan Beng Hui.

[619] Enggang documentation submitted to AENOR, March 2025, cited in COAC statement.

[620] COAC statement; JOAS confirmation of non-engagement.

[621] CCB VCS PD 5474 document, pp. 68–69, cited in COAC statement.

[622] KAMY Seminar Summary Report, Carbon Project Seminar, 25 August 2025, DITEC UMPSA, Pekan.

[623] Malaysiakini, 10 February 2026; Free Malaysia Today, 10 February 2026.

identifying the designated area.[624] The company has not demonstrated any capacity or track record in carbon market operations.

However, the NCA saga produced a transformative outcome. The sustained pressure of investigative journalism (Mongabay), legal action (Adrian Lasimbang and 13 CSOs), international scrutiny (UN Special Rapporteurs), and civil society advocacy (Carbon Sovereign Sabah coalition) effectively stalled the deal and catalysed legislative reform. The passage of Sabah's Climate Change and Carbon Governance Enactment 2025 in July 2025 now provides a legal framework that makes such secretive, unaccountable deals far more difficult to replicate.[625]

2.3 Akta 134 Delays: The Legal Vacuum

The Aboriginal Peoples Act 1954, Akta 134, was enacted during the Malayan Emergency as a security measure, not a rights instrument. It has not been substantively amended since 1967 and was last reviewed in 1974. The Act classifies Orang Asli as tenants at will on state-owned land, with land ownership of gazetted Aboriginal areas and reserves under the control of state authorities, a framework that has enabled the state government and private sector to clear Orang Asli lands for logging, agriculture, and energy projects without obtaining consent.[626]

The Madani government under Prime Minister Anwar Ibrahim announced a comprehensive review, with Deputy Prime Minister Ahmad Zahid Hamidi targeting the March 2026 parliamentary session for tabling the amendment Bill. The stated reform areas expanded to seven key areas: land and customary territories, education, health, economy and entrepreneurship, leadership and governance, infrastructure, and culture.[627] The government referenced New Zealand's Maori empowerment model and sent JAKOA officials on a benchmarking visit in March 2025.[628]

As of January 2026, a coalition of 15 Orang Asli organisations and civil society groups formally rejected the proposed amendments as currently framed. Following a government consultation session on 22 January 2026 in Bangi, the coalition issued a joint statement declaring the session had "failed to be a meaningful, transparent, and rights-based engagement", more of a question-and-answer session with decisions made in advance, not FPIC-compliant under UNDRIP Article 19.[629]

The coalition's most consequential objection: the proposed amendments contained no provisions for the formal recognition of Orang Asli customary land and territories, the fundamental issue that prompted calls for amendment in the first place. The coalition also noted

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[624] Compiled from Mongabay reporting and Sabah AG statements, 2022–2026.

[625] "Sabah passes climate change Bill," The Star, (8 July 2025) <*https://www.thestar.com.my/news/nation/2025/07/08/sabah-passes-climate-change-bill-after-blowing-past-paris-agreement-targets*> accessed on 26th March 2026

[626] KAMY JET-BHR report, Section 7.2; COAC, "Orang Asli: Rights, Problems & Solutions."

[627] "Malaysia To Amend 70-Year-Old Orang Asli Act," Bernama, July 2025.

[628] "Govt Considers Adapting Maori Empowerment Model,"(Bernama, 2025)<*https://www.bernama.com/en/news.php?id=2445736*> accessed on 26th March 2026

[629] "Orang Asli groups say Act amendment talks fell short,"(Malay Mail, 24 January 2026.) <https://www.malaymail.com/news/malaysia/2026/01/24/orang-asli-groups-say-act-amendment-talks-fell-short-call-for-draft-bill-to-be-disclosed/206602> accessed on 26th March 2026

that communities were denied access to the actual legal text of the proposed Bill, with the government citing the Official Secrets Act. "There cannot be any FPIC when affected communities are barred from accessing the legal text that will shape their future," the statement read.[630]

The Malaysian Bar, in formal statements since 2023, has placed its institutional authority behind these concerns, noting that the organisations' demands "go to the heart of participatory governance, the rule of law and respect for the rights of indigenous peoples."[631] SUHAKAM's 2013 National Inquiry into the Land Rights of Indigenous Peoples produced 18 recommendations, over a decade later, these remain largely unimplemented.[632]

The ongoing delay in meaningful Akta 134 reform creates the legal vacuum within which carbon projects, hydropower developments, and mining operations proceed on Indigenous customary territories without clear land rights protections. Each year that passes without reform is another year in which projects like the Nenggiri Dam, the Enggang PPRP, and rare earth mining operations can advance on Orang Asli land without facing the legal obstacles that a rights-based statutory framework would create.

2.4 Greenwashing or genuine conservation?

The cases documented in this section reveal a pattern that extends beyond individual projects. What connects the Nenggiri Dam, the Kampung Kelaik mining pollution, the Enggang PPRP, and the Sabah NCA is not merely the absence of FPIC in each case, it is the structural architecture that enables the pattern to repeat.

The NAPBHR, launched in August 2025 as Malaysia's first comprehensive framework translating the UNGPs into national policy, contains provisions that address some of these gaps, including FPIC standards for Indigenous peoples and gender-disaggregated data collection requirements. However, as detailed in Section 5.3, the NAPBHR remains voluntary and lacks binding enforcement mechanisms. A framework that acknowledges gender and Indigenous rights but does not redistribute power or compel accountability remains, in KAMY's assessment, "Gender Responsive" rather than "Transformative", it acknowledges the problem without dismantling the structures that produce it.[633]

The global carbon market is not receding. As ASEAN's carbon market infrastructure develops, the November 2024 COP29 advanced Article 6 frameworks, and one analysis estimated that upscaling regional carbon markets in ASEAN could unlock US$65.7 billion in revenue by 2030, the pressure to create more projects like the PPRP across the remaining forest landscapes

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[630] Ibid.

[631] Press release: Malaysian Bar receives memorandum from Orang Asli organisations and calls for meaningful consultation on proposed amendments to the Orang Asli Act 1954 - the malaysian bar (no date) Press Release | Malaysian Bar Receives Memorandum from Orang Asli Organisations and Calls for Meaningful Consultation on Proposed Amendments to the Orang Asli Act 1954 - The Malaysian Bar. <*https://www.malaysianbar.org.my/article/news/press-statements/press-statements/press-release-malaysian-bar-receives-memorandum-from-orang-asli-organisations-and-calls-for-meaningful-consultation-on-proposed-amendments-to-the-orang-asli-act-1954*> accessed on 26th March 2026

[632] "Upholding Indigenous Land Rights: A Nation's Test of Justice," (SUHAKAM,August 2025.)<*https://suhakam.org.my/2025/10/upholding-indigenous-land-rights-a-nations-test-of-justice/*> accessed on 26th March 2026

[633] KAMY WGCGP policy paper, NAPBHR gender analysis section. See Section 5.3.

of Peninsular Malaysia will intensify.[634] Whether Malaysia's governance architecture can protect the communities living in those forests will determine whether its carbon market represents genuine climate action or a new form of displacement dressed in the language of sustainability.

3. Where Are Women in Malaysia's Climate Response?

HRR 2022 and 2023 documented the NETR's gender-blind approach, women's exclusion from national climate consultations, and COP delegation composition concerns. The Ministry of Natural Resources and Environmental Sustainability (NRES) took minimal action to integrate gender considerations. The 2024–2025 period brought new frameworks, the National Action Plan on Business and Human Rights (NAPBHR) and the Dasar Wanita Negara (DWN) 2025–2030, but the structural question remains: have these commitments translated to meaningful inclusion?

3.1 International Commitments vs. Domestic Action

In June 2024, the CEDAW Committee issued its Concluding Observations on Malaysia's sixth periodic report. While commending initiatives aimed at green growth, the Committee noted with concern: reports of river water contamination in Indigenous areas disproportionately affecting Indigenous women and girls; challenges Indigenous women face in maintaining traditional lifestyles due to climate change and territorial loss; and the lack of a gender perspective in policies and programmes on climate change, disaster risk reduction, and transition to renewable energy.[635]

The Committee recommended that Malaysia review its climate change and disaster response strategies, taking into account the negative effects on women's livelihoods, especially rural and Indigenous women, and ensure women's meaningful involvement in the development, adoption, and implementation of legislation, policies, and programmes. Specifically, the Committee called for collecting disaggregated data on the impact of climate change on women and girls, incorporating a gender perspective in climate strategies and renewable energy financing, and taking measures to address the specific impact of climate change on women's economic empowerment in the transition to a green economy.[636]

The Dasar Wanita Negara (DWN) 2025–2030, launched in February 2025, represents Malaysia's third iteration of its national women's policy. The framework focuses on four priority areas: economy, leadership, security, and well-being. It introduces four enabling mechanisms, gender-disaggregated data, gender-responsive budgeting, gender impact assessments, and gender audits, and sets targets including increasing women's labour force participation to 60% and achieving at least 30% women in decision-making roles in lagging sectors.[637]

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[634] COP29 Article 6 outcomes; ASEAN carbon market revenue estimate from 2024 analysis.

[635] CEDAW Committee, Concluding Observations on the Sixth Periodic Report of Malaysia, June 2024, paragraphs 52–53.

[636] Ibid., paragraph 53(a)–(c).

[637] Dasar Wanita Negara dan Pelan Tindakan Pembangunan Wanita 2025–2030, KPWKM, (February 2025,) <https://www.kpwkm.gov.my/uploads/content-downloads/file_20250312083327.pdf> accessed on 26th March 2026 .

On climate, the DWN includes commitments to ensure gender considerations in disaster preparedness (including floods and heatwaves) and to increase women's participation in climate change policy implementation.[638] However, these provisions appear under the well-being pillar rather than as cross-cutting principles, and the DWN does not integrate with or reference the NETR, the NCCP 2.0, or the NDC 3.0, the very instruments that will determine the substance of Malaysia's climate response. As KAMY's WGCGP report concludes, the DWN's commitments to women's leadership "do not embed NCCP 2.0 or NETR, so they are not realised in climate or energy governance."[639]

3.2 Gender-Blind Climate Governance

KAMY's *Women, Gender and Climate Governance in Peninsular Malaysia* (WGCGP) policy paper, published in October 2025, provides the most comprehensive assessment of gender integration across Malaysia's climate-related policies to date. The report analyses four key policy instruments, DWN 2025–2030, NCCP 2.0, NETR, and NAPBHR, using a six-parameter framework: participation and leadership, institutional and policy coherence, capacity building, finance, implementation, and accountability.[640]

The findings are stark. None of the four policies reached the "Transformative" level, the standard at which policies redistribute power, resources, and accountability. Most policies cluster at the "Gender Sensitive" level, with isolated steps toward "Gender Responsive." The analysis reveals a clear pattern: gender is acknowledged in principle but rarely institutionalised in ways that shift power or resources.[641]

The most entrenched weakness is institutional fragmentation. Gender is assigned to KPWKM, climate to NRES, and finance to MOF, with no central mechanism to coordinate. This compartmentalisation produces policies that cite CEDAW, the Paris Agreement, or the SDGs, but without enforcement mechanisms, these references remain aspirational. The NAPBHR references human rights frameworks but does not connect to DWN 2025–2030. Each policy is designed in isolation, leaving the overall picture incomplete.[642]

Finance emerges as the most structurally absent parameter. NCCP 2.0 and NETR are entirely gender-blind in their treatment of finance. The DWN introduces gender-responsive budgeting in principle, and the NAPBHR makes a step forward with gender budget tagging, but neither embeds these tools into climate or energy finance. Without gender criteria, climate finance instruments, green bonds, blended finance, adaptation funds, flow primarily to corporate and state actors, bypassing women, Indigenous peoples, and marginalised groups most affected by the climate crisis.[643]

Malaysia still has not appointed a National Gender and Climate Change Focal Point (NGCCFP), a mechanism required under the UNFCCC's Enhanced Lima Work Programme

[638] Ibid., Bidang Keutamaan Kesejahteraan, pp. 22–24.

[639] KAMY WGCGP report, Synthesis: Cross-Policy Insights.

[640] Klima Action Malaysia, *Women, Gender and Climate Governance in Peninsular Malaysia*, October 2025.

[641] Ibid., Synthesis section.

[642] Ibid.

[643] Ibid., Finance section.

on Gender (Decision 3/CP.25).[644] At COP29, parties extended the Enhanced LWPG for 10 years and agreed to develop a new Gender Action Plan. At COP30 in Belém, a new nine-year Belém Gender Action Plan was adopted. Yet Malaysia's own institutional infrastructure for implementing these commitments remains undeveloped.

3.3 JET Without Gender: Incomplete by Design

The energy transition's exclusion of gender considerations is not incidental, it is structural. The NETR was developed through consultations with 14 ministries, four governmental bodies, and two government-linked companies, but KPWKM, the Ministry responsible for women's affairs, is not among them.[645] The result is a RM1.2 trillion transition pathway that treats social impacts as an afterthought rather than a design principle.

KAMY's JET-BHR report documented that women's workforce participation in Malaysia remains at 56.5% compared to 83% for men, yet the NETR's green jobs projections do not disaggregate by gender.[646] Women in STEM fields face particular barriers, while women constituted 53.2% of STEM graduates in 2021, only 69.0% were employed, compared to 72.0% of male STEM graduates (who constituted only 46.8% of graduates).[647] As Dr. Norasikin from the Solar Energy Research Institute at UKM noted, "women with degrees in STEM are high, but the portion of these women entering the workforce is low."[648]

Energy transition infrastructure projects disproportionately impact women. Large-scale projects such as hydroelectric dams and biofuel plantations frequently displace communities, with women losing access to land critical for subsistence farming and bearing increased care burdens as local ecosystems are disrupted.[649] The absence of gender-specific requirements in Social Impact Assessments exacerbates these inequities.

3.4 Following the money: Why Malaysia needs gender-responsive climate budgeting

Gender-Responsive Participatory Budgeting (GRPB) offers a practical mechanism for addressing the finance blind spot documented across Malaysia's climate policies. Penang's pioneering GRPB work since 2012, evolving through the Penang Women's Development Corporation (PWDC) in collaboration with KAMY and other partners, provides proof of concept for what national-scale implementation could look like.[650]

The Penang model demonstrates that gender-responsive budgeting is not merely a theoretical exercise but a practical governance tool that can be applied at the local level to ensure public spending reflects the needs of both women and men. The approach combines gender analysis

[644] UNFCCC Decision 3/CP.25 on Enhanced LWPG; KAMY WGCGP report analysis of Malaysia's non-appointment.

[645] KAMY JET-BHR report, Section 5.4, p. 41.

[646] KAMY JET-BHR report, Section 6.1, p. 46; workforce statistics from DOSM 2023.

[647] KAMY JET-BHR report, Section 7.1, p. 63.

[648] Dr. Norasikin Ludin, Solar Energy Research Institute (SERI), UKM, cited in KAMY JET-BHR report.

[649] KAMY JET-BHR report, Section 7.1, p. 63.

[650] KAMY-PWDC GRPB Training Documentation, Penang, 2024.

with participatory processes, enabling communities to influence how budgets are allocated and creating accountability mechanisms for tracking gender impacts of public expenditure.[651]

The climate finance relevance is direct: Budget 2025 and 2026 climate allocations lack gender analysis; carbon tax revenue allocation mechanisms (when implemented) will require gender-responsive frameworks to avoid reproducing existing inequalities; NETR financing is not tracked by gender; and climate adaptation spending through MyNAP, when finalised, will need GRPB frameworks to ensure equitable distribution.[652]

The institutional gap is significant. The MOF-KPWKM split means gender budgeting remains voluntary, not systematic. DWN 2025–2030 introduces gender-responsive budgeting as an enabling mechanism, and the NAPBHR's Action G1.25 introduces gender-responsive budget tagging, but neither embeds these tools into climate or environmental financing specifically. As KAMY's WGCGP report notes, "finance determines whose priorities are resourced and whose initiatives are scaled. Without gender criteria, climate finance instruments flow primarily to corporate and state actors, bypassing women and marginalised groups."[653]

Scaling GRPB to national climate finance with mandatory implementation across all climate-related spending, from NETR allocations to carbon tax revenue distribution to MyNAP adaptation funds, would close the most significant structural gap in Malaysia's climate governance architecture.

4. Beyond Climate Policy: Urban Renewal and Green Procurement

Not all climate-relevant governance happens within climate policy. Two major legislative developments in 2024–2025, the Urban Renewal Act and the Government Procurement Act, will shape Malaysia's climate adaptation and mitigation pathways for decades, yet both were developed with minimal consideration of climate justice principles. These are new issues not covered in HRR 2022 or 2023.

4.1 The urban renewal act: Adaptation or Displacement?

Malaysia's Urban Renewal Bill (URA) was designed to address the country's ageing urban housing stock by streamlining redevelopment processes. Under existing law, the Strata Titles Act 1985 requires unanimous consent from all property owners before any redevelopment can proceed, a threshold that has effectively frozen the renewal of hundreds of buildings.[654] The Housing and Local Government Ministry (KPKT), led by Minister Nga Kor Ming, made the URA its top legislative priority for 2025.

The Bill's trajectory was marked by sustained controversy. Tabled for first reading in the Dewan Rakyat on 21 August 2025, it introduced majority-based consent thresholds replacing unanimity, 80% for buildings aged 30 years or less, 75% for older buildings, and 51% for

[651] Ibid.

[652] Analysis based on Budget 2025/2026 documents and KAMY WGCGP report findings.

[653] KAMY WGCGP report, Finance section.

[654] Strata Titles Act 1985; "Legal Update: Urban Renewal Bill 2025," (Y Kong, Wong & Partners), <https://www.ykwong.com.my/legal-update-urban-renewal-bill-2025/> accessed on 26th March 2026

abandoned or structurally unsafe buildings.[655] Opposition was swift and broad-based: the Kuala Lumpur Residents Action for Sustainable Development (KLRA+SD), representing 75 residents' associations, warned of a "lack of genuine consultation"; the Malaysian Bar expressed concern that consent thresholds were "set too low"; government MPs themselves warned that "the gentrification exercise under this bill will likely displace urban underprivileged tenants from the city centres"; and even ruling coalition partners expressed reservations. On 23 January 2026, the Cabinet formally withdrew the Bill for "comprehensive enhancements."[656]

The national debate centred overwhelmingly on property rights, displacement, and consent thresholds. A critical dimension has been almost entirely absent from public discourse: the URA's relationship to climate change, climate adaptation, and climate governance.

A close reading of both the 2024 draft and the 2025 Bill reveals a striking omission: there are no provisions whatsoever addressing environmental sustainability, climate change, green building standards, carbon emissions, energy efficiency, flood resilience, or ecological impact.[657] Section 17 (requirements for urban renewal projects) mandates structural inspections and consent, but not environmental assessments. The Federal Executive Committee includes representatives from police, treasury, and land, but no representative from the Department of Environment or the climate ministry.[658]

This omission is a structural failure. The built environment contributes approximately 37–40% of global greenhouse gas emissions. In Malaysia, residential and commercial buildings consume about 43% of total energy and 49% of total electricity.[659] Flooding accounts for 98% of average annual loss from natural disasters in Malaysia, affecting approximately 4.82 million people annually.[660] The communities most likely to be affected by the URA are among the most flood-vulnerable, PPR Beringin, a public housing estate housing 8,364 residents in Kuala Lumpur, was identified in 2025 as one of the city's most vulnerable areas to climate change.[661]

Malaysia's own NDC 3.0 explicitly commits to "increasing resilience for infrastructure and cities" through applying "climate-risk standards to all major projects" and integrating "sponge city concepts." The URA should logically be the primary vehicle for delivering these commitments in urban areas. Instead, it operates in a separate policy universe.[662]

The January 2026 withdrawal offers a rare window. CSOs, housing rights advocates, and climate groups should jointly demand that the revised Bill embed climate governance as a core pillar, including mandatory environmental impact assessments, green building standards, climate-resilient design requirements, and climate vulnerability screening for affected communities before displacement or relocation.

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[655] "Urban Renewal Bill 2025 tabled with consent thresholds," The Star, August 2025.

[656] "Urban Renewal Bill Withdrawn For Comprehensive Enhancements,"(Bernama, 23 January 2026).< *https://www.bernama.com/en/news.php?id=2516036> accessed on 26th March 2026*

[657] Analysis of Urban Renewal Bill 2025 text (CLJLaw); KAMY/Claude analytical report on URA.

[658] URA Bill 2025, Section 6 (Federal Executive Committee composition).

[659] KAMY analytical report on URA, citing global and Malaysian building energy data.

[660] Flood statistics from Malaysian research cited in URA analysis.

[661] "Adaptation: Preparing KL's most vulnerable neighbourhoods for climate change," Think City, 2025.

[662] Malaysia NDC 3.0, adaptation section on infrastructure and cities.

4.2 Government Procurement Act: Green Potential, Accountability Gaps

On 28 August 2025, Malaysia's Dewan Rakyat passed the Government Procurement Act 2025, the country's first unified procurement law. The Dewan Negara followed on 8 September. Malaysia spends more than RM150 billion annually on procurement, equivalent to roughly one-fifth of its nominal GDP, making public procurement one of the single largest levers the government possesses to influence market behaviour, including on climate.[663]

Section 29 of the Act enables, but does not mandate, the Minister to "implement any policy or measures in any Government procurement to encourage, promote, stimulate or facilitate social, economic and environmental development in Malaysia." The Explanatory Statement explicitly references green procurement as an example.[664] This is the only provision in the entire 93-clause Act that addresses environmental considerations.

Section 29 is an enabling provision, it grants discretionary power ("may") rather than imposing a mandatory obligation ("shall"). It does not define what constitutes green procurement; it does not require environmental criteria in tender evaluation; it does not mandate carbon footprint assessments; and it sets no measurable targets or timelines.[665]

Civil society scrutiny was sharp but focused overwhelmingly on corruption risks and ministerial overreach. Transparency International Malaysia disclosed that CSOs "were not given access to the Bill's text prior to its tabling" and called the consultation process "box-ticking."[666] The C4 Center identified structural independence concerns in the Procurement Appeal Tribunal. Aliran warned that ministerial powers to approve contracts above RM50 million with no upper limit "recreate the very conditions that enabled 1MDB-type abuses."[667]

These governance concerns have direct climate implications. The Minister's exemption powers (Section 2(2)) mean that major infrastructure projects, precisely the contracts with the highest carbon footprints, could be excluded from any green procurement standards that are eventually set. Public Interest Certificates (Section 32) can override objections. And the construction and works sector, one of the most emissions-intensive procurement categories, remains outside the effective coverage of existing Government Green Procurement (GGP) standards.[668]

The climate-procurement disconnect extends further. The Climate Change Bill and the Government Procurement Act are developing in parallel silos, with no mechanism to ensure alignment. If the Climate Change Bill governs emissions targets while the Procurement Act governs spending decisions, and neither references the other, the gap between Malaysia's climate commitments and its actual spending patterns will persist.[669]

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[663] Senate Passes Government Procurement Bill 2025," Bernama, September 2025<https://bernama.com/en/news.php?id=2465190> . accessed on 26th March 2026

[664] Government Procurement Act 2025, Section 29; Explanatory Statement.

[665] KAMY analytical report on Government Procurement Act 2025.

[666] Transparency international Malaysia decries rushed procurement Bill 2025 (no date)(Transparency International Malaysia Decries Rushed Procurement Bill 2025. August 2025)<*https://www.transparency.org.my/pages/news-and-events/press-releases/transparency-international-malaysia-decries-rushed-procurement-bill-2025*> accessed on 26th March 2026

[667] Aliran press statement, August 2025; C4 Center press statement, August 2025.

[668] SWITCH-Asia assessment of Malaysian GGP, 2024.

[669] Analysis based on parallel development of Climate Change Bill and Procurement Act.

4.3 The Pattern: Climate-Blind "Development"

Both the URA and the Government Procurement Act affect climate outcomes without incorporating climate justice safeguards. Both were developed through processes that excluded affected communities, residents' groups in the case of the URA, and CSOs denied access to the Procurement Bill's text. Both reveal the same governance pattern: climate-relevant policies developed outside the climate policy domain, operating without environmental assessment requirements, and designed primarily around economic efficiency rather than rights-based principles.

This pattern is not accidental. It reflects a structural failure of policy coherence, the tendency for housing, land, planning, and procurement policy to operate independently from environmental and climate policy. As documented throughout this chapter, the same fragmentation undermines gender integration (Section 3), Indigenous rights protection (Section 2), and energy transition governance (Section 1).

5. The Accountability Deficit: Laws, Policies, and Corporate Responsibility

2025 saw Malaysia assume ASEAN chairmanship, promoting regional climate cooperation with the theme "Inclusivity and Sustainability." Yet at home, climate legislation stalls, corporate accountability remains weak, and planning frameworks fail to coordinate. This section examines the gap between Malaysia's international and regional commitments and domestic implementation.

5.1 Malaysia's ASEAN Chairmanship: Regional Commitments, Domestic Gaps

As ASEAN Chair in 2025, Malaysia made climate change a central regional priority. At COP30 in Belém, Malaysia presented the ASEAN Joint Statement on Climate Change, emphasising regional cooperation, financial support, and sustainable development pathways. The Government aimed to advance the Southeast Asia Alliance (Group SEA) negotiation bloc within the UNFCCC to strengthen ASEAN's collective voice in global climate negotiations.[670]

Malaysia's regional climate positioning was substantive. At COP29, Minister Nik Nazmi Nik Ahmad delivered a keynote framing Malaysia's participation around advancing the NCQG negotiations, operationalising the Loss and Damage Fund, implementing Article 6 carbon markets, and strengthening ASEAN leadership. Five major carbon market associations from Malaysia, Indonesia, Singapore, Thailand, and ASEAN signed a Memorandum of Collaboration on the ASEAN Common Carbon Framework.[671] In August 2025, the finance minister announced a Federal partnership with Sabah to develop a blue carbon platform and policies.[672]

The KAMY JET-BHR report foreword explicitly connects Malaysia's chairmanship to its energy transition obligations: "As Malaysia assumes its 2025 ASEAN chairmanship under the

[670] COP30 Malaysia Pavilion documentation; ASEAN Joint Statement on Climate Change, 2025.

[671] COP29 outcomes; MoC on ASEAN Common Carbon Framework.

[672] ,(Bernama (no date a) *Federal Govt to develop policy, guidelines, and explore creation of Blue Carbon Credit Trading Platform*, *BERNAMA*. (Bernama , August 2025.) <https://www.bernama.com/en/news.php?id=2461108> accessed on 26th March 2026

theme 'Inclusivity and Sustainability,' I believe we have a unique chance to lead by example and drive a just, equitable, and inclusive energy transition that truly leaves no one behind."[673]

The accountability question is this: who tracks whether regional commitments translate to domestic action? The sections preceding this one have documented the answer, they largely do not. Malaysia promotes regional carbon market cooperation while the Enggang PPRP advances without FPIC. Malaysia champions ASEAN energy transition while the NETR remains gender-blind. Malaysia positions itself as a climate leader while the Climate Change Bill remains untabled. The gap between Malaysia's international posture and its domestic practice is not a matter of delayed implementation, it is a structural feature of a governance architecture that lacks the feedback mechanisms to compel alignment.

5.2 The Climate Change Bill (RUUPIN): Still Waiting

The National Climate Change Bill, Rang Undang-undang Perubahan Iklim Negara (RUUPIN), has been one of the most anticipated and most delayed pieces of legislation in Malaysia's climate governance landscape. HRR 2022 first documented the delays. Three years later, the Bill remains untabled.

A consultation paper was released in October 2024, over two years after HRR 2022 flagged the absence of comprehensive climate legislation. NRES conducted 13 engagement sessions with state governments and a public consultation period between October and December 2025.[674] As of early 2026, the Bill is expected to receive its first reading in the March 2026 Parliamentary session, alongside a companion National Climate Change Authority Bill.[675]

KAMY's formal feedback submission on RUUPIN articulated concerns shared across civil society. The submission called for the law to explicitly recognise and protect the fundamental right to a safe, clean, healthy, and sustainable environment; to establish an independent Climate Change Commission as a non-judicial body with comprehensive oversight powers and Ombudsman principles; to remove provisions on legal protection and immunity that create barriers to accountability; and to establish direct pathways for the public to seek redress.[676]

The submission raised particular concern about the consultation paper's format: "The absence of the actual draft bill, lack of clearly articulated guiding principles, and technical language create barriers for the public to provide substantive input."[677] KAMY also called for comprehensive FPIC mechanisms for all carbon projects and transition initiatives; for gender mainstreaming including the appointment of a National Gender and Climate Change Focal Point and systematic collection of gender-disaggregated data; for climate budget tagging across

[673] Ili Nadiah Dzulfakar, Foreword, KAMY JET-BHR report, p. 4.

[674] "Climate Change Bill Expected To Be Tabled This Parliamentary Session - Syed Ibrahim," (Bernama, 2025).<*https://bernama.com/en/news.php?id=2514717*>

[675] "Climate Change Bill set to be tabled in Parliament in March," (The Star, January 2026)<*https://www.thestar.com.my/news/nation/2026/01/16/climate-change-bill-set-to-be-tabled-in-parliament-in-march*> accessed on 26th March 2026

[676] KAMY RUUPIN Feedback Submission, institutional arrangement section.

[677] Ibid., introductory notes.

all government ministries with mandatory public reporting; and for legally binding targets with clear enforcement mechanisms.[678]

The delay carries consequences. Without the Climate Change Bill, the carbon tax implementation, announced in Budget 2026, lacks the measurement, reporting, and verification (MRV) infrastructure that the Bill is designed to enable. The NDC 3.0 commitments lack a domestic enforcement mechanism. And Malaysia's carbon market development proceeds without the comprehensive governance framework that the Bill is supposed to provide.[679]

A 2025 academic study on Malaysia's climate governance describes a structural tension: Malaysia's "climate capitalism appears to operate without needing broad civil society consent." This framing resonates with concerns raised by ISIS Malaysia and Third World Network in their COP29 masterclass report, which called for CSO participation to be codified in law, recognising that consultation processes are often inadequate, tokenistic, or excluded from key decision points.[680]

5.3 NAPBHR: Significance, Strengths, and Remaining Gaps

The National Action Plan on Business and Human Rights (NAPBHR), launched in August 2025, marks Malaysia's first comprehensive framework translating the UN Guiding Principles on Business and Human Rights (UNGPs) into national policy. This is a significant milestone that warrants both recognition and critical assessment.

KAMY's WGCGP policy paper provides the first civil society documentation analysing the NAPBHR through a gender lens, using a six-parameter framework that assesses the plan's provisions against CEDAW obligations and UNFCCC gender commitments.[681]

Strengths and progress. The NAPBHR contains several notable provisions: gender-responsive budget tagging (Action G1.25), with MOF and KPWKM as leads, establishing an indicator to track the percentage of the national budget allocated for gender responsiveness; child-sensitive and gender-responsive environmental policies (Action E1.4); FPIC standards through the development of national standards of conduct and voluntary community-designed engagement plans (Actions E1.22, E1.23); Indigenous participation in UNDRIP implementation at federal and state levels (E1.20); gender-disaggregated data collection (L3.4); and gender-sensitive grievance mechanisms with anti-discrimination training for officers (L3.7).[682]

These provisions represent meaningful advances. The NAPBHR's commitment to operationalising FPIC standards, its attention to gender-disaggregated accountability mechanisms, and its recognition that environmental degradation poses specific risks to women and Indigenous communities represent a qualitative step forward in Malaysia's policy landscape.

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[678] Ibid., thematic sections on FPIC, gender mainstreaming, climate finance.

[679] "Malaysia's Climate Change Bill to pave way for carbon tax," (Malay Mail, 2025).<*https://www.malaymail.com/news/malaysia/2026/03/13/malaysias-climate-change-bill-to-pave-way-for-carbon-tax-from-2026-says-ministry/212564*>accessed on 1st April 2026

[680] "Civil society and the closure of climate discourse in Malaysia," academic study, 2025; ISIS Malaysia/TWN COP29 Masterclass report.

[681] KAMY WGCGP report, Section 3.22, NAPBHR analysis.

[682] Ibid., detailed parameter analysis of NAPBHR.

Gaps and limitations. KAMY's assessment concludes that the NAPBHR reaches the "Gender Responsive" level, it acknowledges gender and includes procedural measures, but does not reach the "Transformative" level at which policies redistribute power and compel accountability. The plan contains no binding enforcement mechanisms (it remains voluntary guidelines); no quotas or structural leadership pathways for women in climate decision-making; no integration with DWN 2025–2030; and its finance provisions lack climate-specific application.[683]

The NAPBHR does not establish structural requirements such as quotas, reserved seats, or leadership pathways that would guarantee women's substantive influence in climate and environmental governance, creating a risk that women's participation is "recognised in principle but limited in practice."[684] On finance, the plan does not establish mechanisms to apply gender-responsive budgeting to climate or environmental financing, nor does it clarify whether dedicated budgets will be allocated to implement its gender-related actions.[685]

The environmental and climate accountability dimension is particularly critical for the issues documented in this chapter. How does the NAPBHR apply to energy transition projects displacing Indigenous communities (Section 1)? To carbon offset projects operating on customary lands without FPIC (Section 2)? To rare earth mining operations contaminating Indigenous water sources? The plan's voluntary character means that companies and state actors can acknowledge the framework without being compelled to change behaviour.

5.4 Planning Frameworks: Do They Talk to Each Other?

Malaysia's climate governance architecture comprises multiple overlapping frameworks, none of which are fully coordinated.

NDC 3.0, submitted to the UNFCCC on 24 October 2025, represents Malaysia's most ambitious climate commitment, the historic shift from carbon intensity targets to absolute emissions reductions. It commits to peaking emissions between 2029 and 2034 and reducing absolute emissions by 15–30 million tonnes of CO_2 equivalent by 2035, with an unconditional commitment of up to 20 $MtCO_2eq$ and a conditional additional 10 $MtCO_2eq$ subject to international support.[686]

MyNAP (National Adaptation Plan) development is ongoing, supported by a EUR 2.8 million Green Climate Fund readiness grant approved in August 2024. Completion is expected by end of 2026, separate from NDC 3.0, which covers both mitigation and adaptation. The formal kickoff took place in January 2025, convening 100 representatives across government, private sector, civil society, and academia. Minister Nik Nazmi confirmed that completing MyNAP is a national priority.[687] However, as of March 2026, the plan remains under development. MyNAP's design includes explicit principles on gender-responsive measures, intersectional

[683] Ibid., Synthesis section.

[684] Ibid., NAPBHR Participation and Leadership analysis.

[685] Ibid., NAPBHR Finance analysis.

[686] Malaysia NDC 3.0, submitted to UNFCCC, 24 October 2025.

[687] "MyNAP To Be Completed Next Year - Nik Nazmi," (Bernama, 2025.)<https://bernama.com/en/general/news.php?id=2413395.> accessed on 26th March 2026

vulnerability, and women-led initiatives, standards that civil society should hold the government accountable to during implementation.[688]

RMK13 (the Thirteenth Malaysia Plan) was tabled in July 2025 for the 2026–2030 period, providing the overarching national development blueprint into which climate commitments must be embedded.[689]

NCCP 2.0 (National Climate Change Policy 2.0) was released in September 2024, updating Malaysia's climate policy framework.[690]

The critical question is whether these frameworks reflect the commitments made under ASEAN chairmanship (Section 5.1), integrate gender-responsive budgeting (Section 3.4), and coordinate across ministries. KAMY's WGCGP report identifies the answer: "The most entrenched weakness in Malaysia's climate and gender governance is the absence of institutional and policy coherence. On paper, frameworks such as DWN 2025–2030, NCCP 2.0, NETR, and NAPBHR all reference gender or equity. In practice, they operate in silos that rarely intersect."[691]

This institutional fragmentation has material consequences. It means that NDC 3.0's adaptation commitments are not yet backed by an operational MyNAP. It means that the carbon tax announced in Budget 2026 depends on MRV infrastructure embedded in the Climate Change Bill, which remains untabled. It means that gender-responsive budgeting commitments in DWN 2025–2030 are not integrated into the NETR's RM1.2 trillion investment framework. And it means that the government's regional leadership on climate at ASEAN and COP is disconnected from the domestic governance mechanisms that would translate those commitments into lived reality for the communities documented throughout this chapter.

6. Policy Recommendations

The following recommendations arise directly from the evidence and analysis presented in this chapter. They draw on KAMY's existing policy positions, as articulated in the *JET-BHR in Peninsular Malaysia* report (February 2025) and the *Women, Gender and Climate Governance in Peninsular Malaysia* policy paper (October 2025), and are contextualised to the specific developments documented in the 2024–2026 reporting period. The recommendations are organised by thematic area and directed primarily at the Malaysian government, with specific recommendations for corporate actors where relevant. Timelines reflect realistic implementation horizons within the 2026–2030 period.

On the Climate Change Bill (RUUPIN)

The Climate Change Bill must explicitly recognise and protect the fundamental right to a safe, clean, healthy, and sustainable environment, and establish an independent Climate Change

[688] NAP Global Network, "Key Pillars Guiding Malaysia's NAP Process," January 2025.

[689] "13MP Focuses On Balanced Development Across Regions Including Sabah, Sarawak," Bernama, 2025. <https://www.bernama.com/en/general/news.php?id=2451864> accessed on 26th March 2026

[690] NCCP 2.0, released September 2024.

[691] KAMY WGCGP report, Synthesis: Cross-Policy Insights.

Commission with comprehensive oversight powers, public accessibility, and Ombudsman principles, as recommended in KAMY's formal RUUPIN feedback submission. The Bill must embed binding emissions reduction targets aligned with NDC 3.0 commitments, mandatory climate budget tagging across all ministries, gender-responsive provisions including the formal appointment of a National Gender and Climate Change Focal Point (NGCCFP), and enforceable FPIC requirements for all projects affecting Indigenous lands. Ouster clauses that limit judicial review and litigation on climate matters should be removed to ensure meaningful access to remedy. *(Sections 3.2, 5.2, 5.4)*

On Indigenous Peoples' Rights and FPIC

1. Legally mandate Free, Prior and Informed Consent for all projects with environmental or climate impacts, including energy transition infrastructure, carbon offset projects, and extractive industries. FPIC must be obtained without coercion, conducted in a transparent and accessible manner in relevant languages, and must involve the participation of all affected Indigenous community members, not only village heads. The right to refuse must be absolute and not treated as an obstacle to be overcome through repeated consultations. *(Sections 1.3, 1.4, 2.2, 2.3)*

2. Expedite the amendment of the Aboriginal Peoples Act 1954 (Akta 134) with explicit statutory recognition of Orang Asli customary land and territories, incorporating the 18 recommendations from SUHAKAM's 2013 National Inquiry into Indigenous Land Rights. The draft Bill must be disclosed to affected communities before any parliamentary tabling, and the consultation process must meet UNDRIP Article 19 standards. *(Section 2.3)*

On Carbon Markets and Corporate Accountability

1. Establish robust regulations for the voluntary carbon market grounded in independent scientific evidence, with mandatory FPIC requirements, binding community benefit-sharing mechanisms, and enforceable anti-greenwashing standards. Carbon offset projects on Indigenous customary territories, such as the Pahang Peatland Restoration Project, must not proceed to Verra registration or credit issuance while documented FPIC violations remain unresolved. Sabah's Climate Change and Carbon Governance Enactment 2025, which mandates FPIC for carbon projects on customary lands with criminal penalties for non-compliance, should serve as the benchmark for federal carbon governance. *(Sections 2.1, 2.2)*

2. Require all companies involved in government-led energy transition projects, carbon offset schemes, and critical mineral extraction to conduct mandatory Human Rights and Environmental Due Diligence (mHREDD), with findings made publicly accessible. This should include independent social and environmental impact assessments with gender-responsive indicators and recognition of Indigenous customary rights, and must be phased in starting with large fossil fuel-dependent businesses and GLCs. *(Sections 1.4, 2.2, 5.3)*

On Gender and Climate Governance

1. Appoint and adequately resource a National Gender and Climate Change Focal Point (NGCCFP), as required under the UNFCCC's Enhanced Lima Work Programme on Gender (Decision 3/CP.25), with a clear mandate, cross-ministry coordination mechanisms, and institutionalised participation in all COP delegations. The NGCCFP should be supported by a Technical Working Group under the Malaysian Climate Action Council on gender-climate issues. *(Section 3.2)*

2. Mandate gender-responsive budgeting across all climate-related financing, from NETR allocations and carbon tax revenue distribution to MyNAP adaptation funds. This requires extending Penang's Gender-Responsive Participatory Budgeting model to the national level, embedding gender criteria in the Government Procurement Act's green procurement provisions (Section 29), and establishing public reporting mechanisms that track the gender impact of climate expenditure. The NAPBHR's gender-responsive budget tagging commitment (Action G1.25) should be operationalised with dedicated climate finance applications. *(Sections 3.4, 4.2, 5.3)*

3. Integrate gender analysis into all energy transition planning and implementation. The NETR must be revised to include gender-disaggregated employment projections, gender-sensitive social impact assessments for energy infrastructure projects, and targeted measures to address women's unpaid care work burdens that are intensified by climate change and displacement. DWN 2025–2030 climate commitments must be cross-referenced with NETR, NCCP 2.0, and NDC 3.0 to end the institutional fragmentation documented in this chapter. *(Sections 1.6, 3.3)*

On Energy Transition and Extractive Industries

1. Establish no-mining zones to prohibit rare earth element (REE) mining in environmentally sensitive areas and upstream of Indigenous settlements. Amend the Environmental Quality Act 1974 to require Environmental Impact Assessments and Social Impact Assessments for all REE mining projects regardless of size, with mandatory public availability of reports, prohibition on project proponents selecting their own EIA consultants, and meaningful consultation with affected communities. The Kampung Kelaik case demands immediate comprehensive health screening and long-term medical follow-up for all Temiar residents exposed to heavy metals. *(Section 1.4)*

2. Apply the Precautionary Principle to CCUS deployment and hydrogen co-firing, with independent cost-benefit analyses conducted by impartial bodies with transparent disclosure of research funding. These analyses must incorporate human rights assessments. CCS and CCUS should not be used as justification for extending fossil fuel infrastructure or delaying the coal phase-out timeline. *(Section 1.2)*

On Climate-Relevant Legislation

1. The revised Urban Renewal Act must integrate mandatory climate impact assessments, green building standards, climate-resilient design requirements, and climate vulnerability screening for affected communities before displacement or relocation.

The Federal Executive Committee must include representation from NRES and the Department of Environment. These provisions should align with NDC 3.0 commitments on climate-risk standards for infrastructure and cities. *(Section 4.1)*

2. Strengthen the Government Procurement Act 2025 by converting Section 29's discretionary green procurement provision into a mandatory obligation, with defined environmental criteria, measurable targets, and application to the construction and works sector. Climate budget tagging should be introduced into the procurement framework, and the Act must be explicitly cross-referenced with the forthcoming Climate Change Bill to ensure alignment between spending decisions and emissions reduction commitments. *(Section 4.2)*

On Policy Coherence and Accountability

1. Establish a formal inter-ministerial coordination mechanism linking NRES, KPWKM, MOF, PETRA, and JAKOA to end the policy fragmentation documented across this chapter. NDC 3.0, MyNAP, NETR, NCCP 2.0, DWN 2025–2030, and NAPBHR must be aligned through shared indicators, coordinated reporting, and joint implementation frameworks. Malaysia's ASEAN climate leadership commitments must be tracked against domestic implementation through annual public reporting. *(Sections 5.1, 5.4)*

2. Enact anti-SLAPP legislation to protect Environmental Human Rights Defenders, with fast-track judicial procedures to dismiss strategic lawsuits and explicit safeguards for women, Indigenous leaders, and young defenders. Enact the Freedom of Information Act to guarantee public access to environmental information. Strengthen the Whistleblower Protection Act 2010 and establish a specialised tribunal for environmental litigation. *(Sections 2.2, 2.4)*

MALAYSIA HUMAN RIGHTS REPORT 2025

Malaysia's human rights landscape in 2025 saw constrained and uneven progress in human rights and governance. Commitments to amending the Security Offences (Special Measures) Act 2012 remain stalled at the review stage, echoing unfulfilled pledges from 2018 and 2023. Civic space remains restricted despite significant judicial gains in freedom of expression and assembly. Torture and death in custody at Taiping Prison and the Durian Tunggal police shooting exposed an entrenched defensiveness and a slow, lacking commitment to state accountability. On institutional oversight, amendments to the Whistleblower Protection Act and the reintroduced Parliamentary Services Act sit alongside the Government Procurement Act that centralises discretionary powers in the Finance Minister and deeply entrenched patronage politics. Meanwhile, controversies around tenure extensions and delays in judicial appointments underscore interference from within and without, threatening judiciary independence. Religion, and sexual orientation, gender identity, and gender expression remain key terrains of control, with enforcement authorities deepening efforts to expand moral policing and LGBTIQ+ persons facing increased risk of arrests. Climate and environmental policy advances without a coherent rights-based foundation, leaving Indigenous communities and environmental defenders vulnerable to reprisals in the absence of robust anti-SLAPP protections.

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