

ARTICLE 19

Malaysia: Criminalisation of Blasphemy

2022 – 2025 update

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Introduction

From 2022 to August 2025, ARTICLE 19 documented several key concerning cases in which individuals were prosecuted for allegedly blasphemous speech. Malaysian authorities have continued investigating and charging individuals under blasphemy provisions, particularly Section 298 of the Penal Code¹, Section 233 of the Communications and Multimedia Act 1998 (CMA)², and Section 7(1) of the Printing Presses and Publications Act 1984 (PPPA). These cases are a part of a long-standing practice of successive Malaysian governments in silencing expression deemed blasphemous, particularly expression that relates to Islam, the majority religion in the country.

In January 2021, ARTICLE 19 published a briefing paper³ in which it highlighted the legal framework used to target allegedly blasphemous expression. The briefing paper also sets out international standards relating to the crime of blasphemy and made several recommendations to the government of Malaysia, including explicit calls to repeal legislation out of step with international law and standards. In 2022, ARTICLE 19 issued an update⁴ with its findings focused on several criminal charges brought against two comedians in July.

This document is the second update to the 2021 briefing paper, aimed at setting out recent cases of concern, trends, and reiterating the international standards to which Malaysia is bound. In particular, ARTICLE 19 found that artistic expressions continue to be restricted, with artists or filmmakers who were initially investigated often having their cases escalated to trial or sentenced by the relevant authority. At least three books related to Islam were banned and objects featuring designs of the “*Kabaa*” or the word “*Allah*” were deemed offensive to the Muslim religion. Most of the cases identified either stemmed from photos, videos, or comments posted online. Several cases, including the ones involving *Mentega Terbang*, KK Mart and Vern’s Holdings, involved threats or attacks from vigilantes or public figures that further fuelled hatred and hostility in Malaysia.⁵

ARTICLE 19 reiterates that blasphemy laws promote intolerance and it is imperative that the Government commits to reforming its legal framework and immediately cease investigation and prosecution of those exercising their right to freedom of expression.

¹ **Uttering words, etc., with deliberate intent to wound the religious feelings of any person:** Whoever, with deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

² Section 233 has been amended in December 2024. The charges and investigation that documented in this update covering pre amended or ongoing cases.

³ ARTICLE 19, [Briefing Paper: Blasphemy Provisions in Malaysian Law](#), 20 January 2021.

⁴ ARTICLE 19, [Malaysia: Criminalisation of blasphemy – 2022 update](#), 11 August 2022.

⁵ ARTICLE 19, [Blog: Polarisation, violence and harm in Malaysia – and a need to end this dangerous political game](#), 5 April 2024

Applicable international human rights law and standards on the right to freedom of expression

The protection of freedom of expression under international law

Freedom of expression is enshrined in Article 19 of the Universal Declaration of Human Rights (UDHR)⁶ and given legal force through Article 19 of the International Covenant on Civil and Political Rights (ICCPR).⁷

Article 19 of the Universal Declaration of Human Rights states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Similar language is included in Article 19 of the International Covenant on Civil and Political Rights (ICCPR):

(1) Everyone shall have the right to freedom of opinion.

(2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice.

The right to freedom of expression is universal, meaning it is enjoyed by **everyone** regardless of race, colour, nationality, sex, language, social origin, or property. It should not be limited on the basis of any of the above criteria or any other distinction “of any kind”.⁸

The right includes robust protection of information and ideas of *all kinds*, including those that might shock, offend or disturb. Freedom of expression encompasses any form of artistic expression in all its mediums: books, movies, paintings, and songs, among other creative outputs.

Freedom of expression can only be limited on the basis of what is known as the three-part test under Article 19(3) of the ICCPR, which requires that any restrictions comply with the principles of legality, legitimacy, necessity and proportionality.

Echoing the approach of the UN Human Rights Committee – the monitoring body of the ICCPR – the UN Special Rapporteur in the field of cultural rights has stated that the right to freedom of artistic expression includes the rights to freely contribute to and disseminate artistic expression and creation and also to freely experience, access and enjoy artistic expression.⁹

⁶ UN General Assembly Resolution 217A(III), adopted 10 December 1948.

[https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_217\(III\).pdf](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_217(III).pdf)

⁷ ICCPR: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

⁸ See Article 2(1) of the ICCPR.

⁹ Farida Shaheed, Human Rights Council Twenty-third Session, Report of the Special Rapporteur in the Field of Cultural Rights: The right to freedom of artistic expression and creativity, A/ HRC/23/34 (OHCHR, March 14, 2013), para. 85, <https://docs.un.org/en/A/HRC/23/34/>

Consequently, any restriction on artistic expression must also meet the same three-part test established in Article 19(3) of the ICCPR.¹⁰ It must be noted that freedom of expression is not an absolute right. It may be legitimately restricted by the State in certain circumstances. Under the three-part test any restrictions:

- **Must be provided for by law.** Any restriction must have a basis in law, which is publicly available and accessible, and formulated with sufficient precision to enable citizens to regulate their conduct accordingly;¹¹
- **Must pursue a legitimate aim,** exhaustively enumerated in Article 19(3) of the ICCPR. Although protection of the reputation or rights of others is one of the legitimate grounds, the protection is only provided to individual persons and, in some instances, to groups of persons, but never to abstract entities such as religions, beliefs, ideas or symbols;
- **Must be necessary in a democratic society.** Any restriction must be necessary and proportionate; this first aspect entails an assessment of whether the proposed limitation satisfied a “pressing social need” and whether the measure is the least restrictive to achieve the aim. Second, the proportionality lens should be used to assess the nature and severity of the penalties imposed.¹² A measure cannot be regarded as necessary where a less restrictive means could be employed to achieve the same end.

Additionally, Article 20 para 2 of the ICCPR stipulates that States must prohibit “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence”. While States are obliged to prohibit this type of expression under the law, restrictions must still be limited to ensure broad restrictions on expression are avoided. At the international level, the Rabat Plan of Action (Rabat Plan) – adopted by experts following a series of consultations convened by the UN Office of the High Commissioner for Human Rights (OHCHR) – provides guidance on what constitutes incitement under Article 20(2) of the ICCPR.¹³

International standards on blasphemy and religious ‘insult’

International and regional human rights bodies have repeatedly confirmed that protection of religions or religious beliefs is not a legitimate basis for restrictions of freedom of expression and called for the abolition of blasphemy laws or laws that prohibit defamation of religion. For example:

¹⁰ General Comment, 34, 11, 12: Paragraph 2 requires States parties to guarantee the right to freedom of expression, including the right to seek, receive and impart information and ideas of all kinds regardless of frontiers. This right includes the expression and receipt of communications of every form of idea and opinion capable of transmission to others, subject to the provisions in article 19, paragraph 3, and article 20. It includes political discourse, commentary on one’s own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse. It may also include commercial advertising. The scope of paragraph 2 embraces even expression that may be regarded as deeply offensive, although such expression may be restricted in accordance with the provisions of article 19, paragraph 3 and article 20.

¹¹ HR Committee, General Comment No. 34, para. 25. For development of this principle in international jurisprudence, see the European Court of Human Rights (the European Court), *Medžlis Islamske Zajednice Brčko and Others v. Bosnia and Herzegovina*, App. No. 17224/11, 27 June 2017; *Satakunnan Markkinapörssi Oy and Satamedia Oy v Finland*, App. No. 931/13, 27 June 2017; *De Tommaso v Italy*, App. No. 43395/09, 23 February 2017; *Fernández Martínez v Spain*, App. No.56030/07, 12 June 2014, para. 117.

¹² HR Committee, General Comment No. 34, para 34. See also the European Court, *Fressoz and Roire v France*, App. No. 29183/95, 21 January 1999; or *Yarar v Turkey*, App. No. 57258/00, 19 December 2006.

¹³ The Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, 5 October 2012, [Annual report of the United Nations High Commissioner for Human Rights, A/HRC/22/17/Add.4](#), 11 January 2013.

- **The Human Rights Committee** (HR Committee) unequivocally stated in its **General Comment No 34**, that any prohibitions on or lack of respect for a religion or other belief system are incompatible with the ICCPR, except in the narrow circumstances addressed under Article 20, paragraph 2 of the Covenant (religious hatred that constitutes incitement of violence, discrimination or hostility).¹⁴ The prohibitions that genuinely fall under Article 20(2) of the ICCPR must also comply with the strict requirements of legality, adherence to a legitimate aim, and necessity and proportionality. General Comment 34 has also emphasised that the use of blasphemy provisions — which can restrain publications or criminalise expression — to privilege one set of beliefs over another violates a number of human rights, noting, "it would be impermissible for any such laws to discriminate in favour of or against one or certain religions or belief systems, or their adherents over another, or religious believers over non-believers. Nor would it be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of "faith".¹⁵ The right to freedom of expression cannot be limited for the purpose of protecting religions or associated ideas or symbols from criticism or to shield the feelings of believers from offence or criticism.
- In **General Comment 25** (The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service), the protection afforded to expression precludes censorship of content that does meet the three-part test. Concerning participation in public affairs, the Human Rights Committee wrote, "[t]he free communication of information and ideas about public and political issues between citizens, candidates, and elected representatives is essential. This implies a free press and other media able to comment on public issues and to inform public opinion without censorship or restraint".¹⁶ Several courts have rejected pre-publication limitations on content deemed offensive to religion.¹⁷
- **Neither Article 19 nor Article 18** of the ICCPR protect ideas or beliefs from ridicule, abuse, criticism or other "attacks" seen as offensive.¹⁸ Courts in the Asia Pacific region, including in India and Korea, have also concluded that the right to freedom of expression includes the right to criticise religions.¹⁹
- In **UN Resolution 16/18**, the **Human Rights Council** called on states to prioritise measures that would promote an "open, constructive and respectful debate of ideas, as well as interfaith and intercultural dialogue" and limit adopting criminal measures to "incitement to imminent violence based on religion or belief".²⁰

¹⁴ HR Committee, General Comment No. 34, Article 19: Freedoms of opinion and expression, 29 July 2011, para 48.

¹⁵ *Ibid.*

¹⁶ [Human Rights Committee General Comment No. 25](#), UN Doc. CCPR/C/21/Rev.1/Add/7, (July 12, 1996).

¹⁷ Case of 'The Last Temptation of Christ' ([Olmedo Bustos et al.](#)) v Chile, IACHR Series C No 73, [2001] IACHR 3, IHRL 1456 para. 71 (IACtHR 5 February 2001); [Unifaun Theatre Productions Ltd. and Others v. Malta](#), 37326/13, European Court of Human Rights, 15 May 2018.

¹⁸ UNGA, [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression](#), UN Doc A/74/486, 9 October 2019.

¹⁹ See for example, Supreme Court of Korea, decision of 29 August 1997, 97da19755 (unofficial translation); CR P C Sections 95 and 92 Criminal Application No 1421 of 2007, judgment of 6 January 2010.

²⁰ Human Rights Council, Resolution 16/18 [Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief](#), 12 April 2011,

- **The UN Special Rapporteur on the promotion and protection of the right to freedom of expression and opinion** has stated that limitations on the right to freedom of expression were “designed in order to protect individuals against direct violations of their rights” and “are not designed to protect belief systems from external or internal criticism”.²¹
- Similarly, **the UN Special Rapporteur on freedom of religion and belief** stated in his 2017 report that blasphemy laws, “which prohibit or criminalize the alleged ‘defamation’ of religious beliefs and principles, or those which allegedly insult religious figures, have a disproportionate impact on members of minority religious communities and ‘non-believers’”.²² The Special Rapporteur added that blasphemy is “generally framed as a strict liability offence and based on vague and overly broad criminal statutes” and “is increasingly used against political opponents for their opposition to the Government”.²³
- **The UN Rabat Plan of Action**, endorsed by the Office of the UN High Commissioner for Human Rights, explicitly recommended to States to repeal blasphemy laws, “as such laws have a stifling impact on the enjoyment of freedom of religion or belief, and healthy dialogue and debate about religion”.²⁴ It also pointed out that blasphemy laws result in a de facto censure and impede debate and criticism, which are necessary elements of democratic societies.²⁵
- **The Camden Principles on Freedom of Expression and Equality**, developed by ARTICLE 19 in consultation with UN officials, academics, civil society and other experts, conclude that “states should not prohibit criticism directed at, or debate about, particular ideas, belief or ideologies, or religions or religious institutions,” unless such expression constitutes incitement to discrimination, hostility or violence.²⁶

A/HRC/RES/16/18, para 5 (f) and (h). See also ARTICLE 19 Briefing, [Implementing UN HRC Res 16/18. A framework for inclusivity, pluralism and diversity](#), 2016.

²¹ Human Rights Council, [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression](#), Ambeyi Ligabo, to the Human Rights Council, 28 February 2008 A/HRC/7/14, para 85.

²² Human Rights Council, [Report of the Special Rapporteur on freedom of religion and belief, Heiner Bielefeldt, to the Human Rights Council](#), 17 January 2017. A/HRC/34/50, para 40.

²³ *Ibid.*

²⁴ Rabat Plan of Action, *op.cit.*, para 25.

²⁵ European Court, *Aydın Tatlav v. Turkey*, App. No. 50692/99, 2 May 2006, paras 28 and 19.

²⁶ ARTICLE 19, [Camden Principles on Freedom of Expression and Equality](#), May 2009.

Key cases of concern

The government that came into power in November 2022 has continued to use these provisions to punish those accused of blasphemy. The enforcement of these provisions has had a disproportionate impact on minority communities, filmmakers, artists, political dissidents, atheists, religious scholars, and others who express opinions that challenge dominant religious views.

We have highlighted some of the prominent cases that we documented between 2022 and 2025.

Artistic freedom

Mentega Terbang (Butter Fly)

On 17 January 2024, film director Mohd Khairianwar Jailani and producer Tan Meng Kheng were charged under Section 298 of the Penal Code in the Magistrate's Court. They were charged with "wounding the religious feelings of any person" for their involvement in *Mentega Terbang*, an independent film, first released in 2021, that tells the story of a 15-year-old girl who struggles with questions about life after death when faced with her mother's terminal illness.²⁷

Khairianwar and Meng Kheng have since been released after posting bail at RM 6,000 (approximately USD 1,270) and RM 6,500 (approximately USD 1,380) respectively, and were ordered not to comment publicly about the charges pending disposal of their cases.²⁸ Khairianwar was additionally required to report to Kajang's police station once a month until the case was settled.²⁹ While the gag order for Meng Kheng was set aside by a High Court on 29 January,³⁰ this remains in force for Khairianwar as the Court of Appeal refused his leave application to appeal against a High Court ruling that set aside the order to report to the police station but maintained the gag order.³¹

On 11 March 2024, the filmmakers sought leave to refer constitutional questions related to Section 298 of the Penal Code to the High Court – to which the Magistrate's Court granted on 14 June 2024 and adjourned the case, pending the High Court's resolution of two questions: whether Section 298 violates freedom of speech under Article 10(1)(a) of the Federal Constitution and whether the element of "wounding the religious feelings of any person" violates the rights to a fair trial as provided under Article 5 and 8 of the Constitution.³² On 6 March 2025, the High Court dismissed the application, finding that it lacked basis and raised did not pertain to a constitutional issue.³³ On 1 July, the Court of

²⁷ ARTICLE 19, [Malaysia: Drop charges against Mentega Terbang filmmakers](#), 17 January 2024.

²⁸ Ibid.

²⁹ Benjamin Lee, ['Mentega Terbang' director, producer claim trial to charge of hurting religious feelings](#), *The Star*, 17 January 2024.

³⁰ Rahmat Khairulrijal, [High Court quashes gag order on Mentega Terbang producer](#), *New Straits Times*, 29 January 2024.

³¹ V Anbalagan, [Gag order on 'Mentega Terbang' director remains in force](#), *FMT*, 19 April 2024; and [High Court upholds gag order on 'Mentega Terbang' director](#), *FMT*, 24 January 2024.

³² [Mentega Terbang filmmakers get leave to refer constitutional questions to High Court](#), *The Star*, 14 June 2024.

³³ [High Court dismisses Mentega Terbang filmmakers' bid to refer constitutional questions](#), *The Star*, 6 March 2025.

Appeal dismissed the filmmakers' appeal of the High Court decision.³⁴ The case has been scheduled at the Magistrate's court for trial from 28 to 29 January 2026.³⁵

Challenge on the banning of the movie

The film was banned on 21 August 2023, after it debuted on the streaming website VIU in January 2023 and two years after its first release in 2021 (included screenings at several international film festivals), under Section 26 of the Film Censorship Act of 2002 for reasons of being "contrary to public interest throughout Malaysia". Soon after the debut in 2023, filmmakers and actors involved in the film were subject to severe intimidation, including death threats;³⁶ and cars belonging to Khairianwar and scriptwriter Arjun Thanaraju were vandalised with chemicals, with placards threatening them and their families left on the scene.³⁷

On 6 January 2025, the High Court dismissed Khairianwar's and Meng Kheng's application to review the minister's decision to ban the film.³⁸ The filmmakers appealed the decision on 21 January 2025.³⁹ The appeal will be heard before the Court of Appeal on 16 July 2026.⁴⁰

Harith Iskandar and Cecelia Yap

On 5 March 2025, prominent Malaysian comedian Harith Iskandar and retired nurse Cecelia Yap were fined RM 10,000 (approximately USD 2,367) each for posting on Facebook comments allegedly offensive to Islam.⁴¹ The case stems from a post Harith had posted on 18 January 2025 where he had joked that his faith was shaken after seeing a menu advertising "*Ham Sap Kopi*" or "perverted" coffee, and making reference to ham.⁴² Cecelia left a remark on the same Facebook post, noting a common Muslim name while linking it to the ham joke.⁴³ They were initially investigated by the police under Sections 298 and 505 (statements conducing public mischief) of the Penal Code, as well as Section 233 of the CMA.⁴⁴ In March 2025, the Malaysian Communications and Multimedia Commission (MCMC) announced that it had received approval from the Attorney General's Chambers (AGC) to issue the fine under Section 233 of the CMA.⁴⁵ MCMC had also requested Meta to take down the relevant content, which it has complied with, and to suspend both Facebook accounts. Upon review, Harith's account remains active on Facebook.

³⁴ Alyaa Alhadjri, [Court of Appeal bins 'Mentega Terbang' filmmakers' legal challenge](#), *Malaysiakini*, 1 July 2025

³⁵ Information from lawyers, 16 January 2026.

³⁶ [The Case of Mentega Terbang: Understanding the incitement of hate and harm](#), *Freedom Film Network*

³⁷ Arif Zikri, ['Mentega Terbang' director and scriptwriter receive death threats, cars splashed with paint, corrosive substance](#), *Malay Mail*, 16 March 2023.

³⁸ [High Court dismisses judicial review bid over 'Mentega Terbang' ban, upholds govt decision on screening and publicity](#), *Malay Mail*, 6 January 2025.

³⁹ Information from lawyers, 27 August 2025.

⁴⁰ Information from Mohd Kharianwar Bin Jailani, 16 January 2026.

⁴¹ Sadho Ram, [Harith Iskandar Fined RM10K Over 'Ham' Joke, MCMC Requests Facebook Suspension](#), *Says*, 6 March 2025.

⁴² Yap Wan Xiang, [Malaysians Find Comedian Harith Iskander's 'Ham Sap' & 'Ham' Joke Insensitive And Unfunny](#), *Says*, 21 January 2025.

⁴³ FMT Reporters, [Cecelia Yap apologises for 'insensitive remark on ham sandwich uproar](#), *FMT*, 27 January 2025.

⁴⁴ [Police have recorded Harith Iskander's statement over coffee joke, says IGP](#), *The Star*, 24 January 2025; [Cops record statement from Facebook user who commented on Harith Iskander's post, says IGP](#), *The Star*, 27 January 2025.

⁴⁵ Sadho Ram, [Harith Iskandar Fined RM10K Over 'Ham' Joke, MCMC Requests Facebook Suspension](#), *Says*, 6 March 2025.

Designs with ‘Kabaa’ or the word ‘Allah’

KK Mart

On 15 July 2024, two business entities – KK Supermart and Superstore Sdn Bhd (KK Mart) and supplier Xin Jian Chang Sdn Bhd – were fined RM 60,000 (approximately USD 14,194) each by Shah Alam Sessions Court after pleading guilty to an offence under Section 298 of the Penal Code for “wounding religious feelings” over the sale of socks with the word “Allah” printed on them.⁴⁶ KK Mart’s founder and his wife, and the three directors of Xin Jian Chang were granted an acquittal after the prosecution withdrew their charges.⁴⁷ KK Mart’s founder and his wife were originally charged under Section 298 of the Penal Code, while the three directors of Xin Jian Chang were charged under Section 109 of the Penal Code for alleged abetment.⁴⁸

The case first made headlines in March 2024 when photos of the socks were shared on social media,⁴⁹ sparking calls for boycott and violence: several KK Mart branches were attacked and their staff harassed, Xin Jian Chang received arson threats, and those who called for de-escalation faced backlash.⁵⁰ Furthermore, at least two individuals were given sentences of six months’ imprisonment and a fine between RM 12,000 and RM 15,000 (approximately USD 2,838 to 3,547) under Section 233 of the CMA for their posts on social media related to the topic, which were deemed offensive to Islam.⁵¹ They both faced harassment from vigilantes who tracked them down in person, to which human rights groups raised concerns about the rule of law.⁵²

The head of the youth wing of the United Malays National Organisation (UMNO) political party, Muhammad Akmal Saleh, was one of the politicians responsible for contributing to the escalation of the matter – with his repeated calls for a boycott and asking others to file police reports to teach KK Mart a lesson.⁵³ ARTICLE 19 had previously noted with concern that UMNO, as part of the Government coalition, should have denounced the violence and hatred, rather than stoke division in an already polarised society.⁵⁴

⁴⁶ Hafiz Yatim, [KK Mart, supplier company fined RM60,000 each for ‘Allah’ socks matter; founder, wife, supplier’s directors granted acquittal](#), *The Edge*, 15 July 2024.

⁴⁷ [‘Allah’ socks charge dropped against KK Super Mart founder, his wife](#), *The Vibes*, 15 July 2024.

⁴⁸ *Ibid.*

⁴⁹ RD Minion, [KK Super Mart Faces Backlash for Selling Socks With Word ‘Allah’ Printed on Them](#), *Gempak*, 18 March 2024.

⁵⁰ Aizat Shamsuddin, [KK Mart Debacle: Blasphemy, Boycott and Violence](#), *Initiate*, 3 April 2024; and Hafidzul Hilmi Mohd Noor, [‘Allah’ socks issue: Distributor receives threat factory will be burnt down \[NSTTV\]](#), *New Straits Times*, 19 March 2024.

⁵¹ FMT Reporters, [Failure to act against vigilante groups encourages mob justice, says LFL](#), *FMT*, 23 March 2024; and [Sock-gate: Sabahan jailed 6 months, fined RM15K for anti-Islam comment](#), *Malaysiakini*, 21 March 2024.

⁵² ARTICLE 19, [Blog: Polarisation, violence and harm in Malaysia – and a need to end this dangerous political game](#), 5 April 2024; Sisters in Islam, [Combatting Vigilantism: Protecting Malaysia’s Cultural Harmony Against Distorted Ideologies](#), 28 March 2024; Lawyers for Liberty, [Failure of police & govt to act against vigilante groups and top politicians who instigated & fanned the flames in “Allah” socks controversy is repugnant to the rule of law & encourages mob justice](#), 23 March 2024.

⁵³ [Socks with ‘Allah’: Umno Youth to lodge police report, KK Mart apologises](#), *Malaysiakini*, 19 March 2024; Azril Annuar, [Umno Youth chief released from police detention after statement recorded over ‘Allah’ socks issue](#), *Straits Times*, 4 April 2024.

⁵⁴ ARTICLE 19, [Blog: Polarisation, violence and harm in Malaysia – and a need to end this dangerous political game](#), 5 April 2024.

Vern's Holdings Sdn Bhd

On 8 April 2024, police seized 1,145 Vern's brand shoes as part of investigations under Section 298 of the Penal Code and 233 of the CMA after a video on social media claimed that the company's logo resembled the word "Allah".⁵⁵ The case included investigations by the Malaysian Islamic Development Department (JAKIM) following instructions from Mohd Na'im Mokhtar, Minister in the Prime Minister's Department (Religious Affairs) to do so.⁵⁶ On 7 April, Vern's issued a public apology, clarifying that the logo was inspired by the outlines of the straps of the high heel shoe.⁵⁷ The company added that they had stopped selling the shoe and would issue refunds to customers who had purchased them.⁵⁸ The apology came shortly after UMNO youth chief, Muhammad Akmal Saleh, said he would call for the brand to be boycotted unless Vern's provided an explanation on the matter.⁵⁹ No arrests have since been reportedly made against Vern's personnel.

'Kabaa' mats

On 7 October 2024, the police arrested two men under Section 298 of the Penal Code and Section 14 of the Minor Offences Act for selling mats with the designs of a mosque and the "Kabaa" – one of the holiest places for Muslims.⁶⁰ The mats reportedly feature similar images to the mats seized in a separate case in April by the Johor Islamic Religious Department from the hypermarket AEON Big, which has since clarified that the confusion was due to their mislabelling of prayer rugs as floor mats.⁶¹

Book bans

Authorities have also continued to rely on Section 7(1) of the PPPA to ban books or publications that relate to religion. Since 2022, authorities banned at least 12 books related to Islam, as they were considered a threat to public order. Prior to the announcement of the ban, the National Council for Islamic Religious Affairs (MKI) Muzakarah Committee said that these books were contrary to the beliefs of *Ahl Sunnah Wal Jamaah*, Sharia laws and morals that might confuse Muslims.⁶²

Online users

In addition to the cases above, ARTICLE 19 noted that most of the cases identified between 2022 and August 2025 involved comments or videos posted on various social media platforms for allegedly insulting Islam.

⁵⁵ Qistina Sallehuddin, [Police seize 1,145 Vern's shoes amid alleged 'Allah' logo controversy](#), *New Straits Times*, 8 April 2024.

⁵⁶ [Mohd Na'im Instructs Jakim to Obtain Explanation on Alleged Allah logo Shoes](#), *Bernama*, 7 April 2024.

⁵⁷ ['Allah' shoes logo issue: Vern's issues public apology, stops sales of offending shoes](#), *Malay Mail*, 7 April 2024.

⁵⁸ *Ibid.*

⁵⁹ Scoop Reporters, [Explain alleged 'Allah' script on shoes or face boycott, Akmal tells local brand](#), *Scoop*, 7 April 2024.

⁶⁰ [Cops nab 2 over sale of mats depicting mosque, Kaaba](#), *Malaysiakini*, 7 October 2024.

⁶¹ [Seized Kaaba 'floor mats' are mini prayer rugs – Aeon Big](#), *Malaysiakini*, 13 April 2024.

⁶² [Fatwa committee endorses Home Ministry's ban of 12 books for detriment to Islam](#), *Malay Mail*, 21 March 2025.

In July 2022, two other individuals were either charged or sentenced for allegedly insulting Islam for videos posted online: Mohd Nor'muzil Mohd Razalli and Syaidinar Abu Bakar.

On 21 July 2022, Mohd Nor'muzil, a food delivery driver, was charged under Section 233(1)(a) of the CMA and pleaded guilty at the Sepang Sessions Court. He was fined RM 50,000 (approximately USD 11,800), but he was jailed for six months for failing to pay the fine. Prior to Mohd Nor'muzil's arrest and charge, he was assaulted by several individuals believed to have tracked him at his home after the video he uploaded went viral on social media.⁶³

On 25 July 2021, Syaidinar, who was unemployed at the time of the incident, was charged under Section 233(1)(a) of the CMA and pleaded guilty.⁶⁴ He was fined RM 10,000 (approximately USD 2,366) at Kota Bharu Sessions Court. However, he was jailed for one year after he failed to pay the fine.

In February 2025, a 70-year-old E-hailing driver, Lim Kim Teng,⁶⁵ was charged under Section 298 of the Penal Code and was granted bail at RM 6,000 (approximately USD 1,418). He pleaded not guilty.

Apart from videos, individuals have also been prosecuted under Section 233(1)(a) of the CMA for posting comments deemed offensive to Islam on social media. These cases include Lim Yu Hui, who was sentenced to six months' imprisonment on three charges on 23 May 2024;⁶⁶ Engkiai Suwai, who was fined RM 10,000 (approximately USD 2,365) on 27 August 2024;⁶⁷ and Hong Jia Ming, who was fined RM 8,000 (approximately USD 1,892) on 12 August 2022.⁶⁸ All three cases stemmed from comments posted on Facebook.

⁶³ Ikhwan Zulkaflee, [Court Fines Food Delivery Rider RM50,000 for Insulting Islam. Faces Six Months in Jail if he Fails to Pay](#), *The Rakyat Post*, 21 July 2022.

⁶⁴ Nor Fazlina Abdul Rahim, [Penganggur hina Islam dipenjara setahun](#), *Berita Harian*, 25 July 2022.

⁶⁵ Malaysian Gazette, [Pemandu Mengaku Tidak Bersalah Hina Islam #MGFlash Seorang pemandu e-hailing yang tular di media social atas dakwaan memburukkan Islam kepada pelancong asing tahun lalu dituduh di Mahkamah Majistret Selayang hari ini](#) [Facebook post] (17 February 2025).

⁶⁶ [In KL, jobless man jailed six months for insulting prophet Muhammad](#), *Malay Mail*, 23 May 2024.

⁶⁷ [Unemployed Man Fined RM10,000 For Insulting Islam On Facebook](#), *Bernama*, 27 August 2024.

⁶⁸ Nurul Hidayah Bahaudin, [Ibu tunggal dedenda RM8,000, mengaku bersalah hina Islam](#), *Harian Metro*, 12 August 2022.

Application of the relevant human rights standards to section 298 of Penal Code

In Malaysia, several legal provisions criminalise or otherwise restrict blasphemy or alleged insult of religion or religious figures, beliefs or principles. The enforcement of these provisions has had a disproportionate impact on minorities, political dissidents, atheists, religious scholars and others who express opinions that challenge dominant religious views. In Malaysia, blasphemy provisions have essentially established a hierarchy of beliefs.²⁶ Provisions found in the Penal Code, Sedition Act, CMA, and PPPA have been used to enforce this hierarchy of beliefs.

For the 2025 update, we analyse and provide further legal context regarding the application of Section 298 of the Penal Code. This section has been used in some of the cases mentioned above, and we aim to assess whether it is compatible with human rights standards.

Does section 298 of the Penal Code meet the requirements of the three-part test?

The restrictions do not meet the requirement of legality

1. Section 298 of the Penal Code prohibits the deliberate “wounding the religious feelings of any person”. This does not satisfy the requirement of legality, which mandates that the law in question must be precisely formulated and foreseeable.
2. The vagueness and subjectivity of the term “wounding the religious feelings” raises a multitude of interpretations, which creates a risk of overbroad and arbitrary application of the criminal provision at hand. It thus creates a wide base for prosecution that can be used for law enforcement to regularly initiate proceedings, which may discourage the legitimate exercise of free speech, particularly on issues of public interest. There is indeed a well-documented trend of relying on this provision, often in conjunction with various censorship regulations, to target expressions deemed “offensive” to Islam.⁶⁹
3. Expressions that “offend”, “shock”, or “disturb” the public or a segment thereof firmly fall within the scope of the right to freedom of expression. These are the demands of pluralism, tolerance and broadmindedness without which there is no “democratic society”.⁷⁰ Moreover, the prohibition of speech that might subjectively be perceived as wounding one’s feelings constitutes an interference with the right to freedom of opinion, which is recognised under international human rights law as an absolute right that does not allow any restrictions.⁷¹ The criminalisation of blasphemy is construed in defiance of these fundamental principles that define the scope of the rights to freedoms of opinion and expression.

⁶⁹ ARTICLE 19, [Briefing Paper: Blasphemy Provisions in Malaysian Law](#), 2021.

⁷⁰ European Court of Human Rights, *Handyside v. the UK*, *op.cit.*

⁷¹ General Comment No. 34, *op.cit.*, para 9.

The restrictions do not pursue a legitimate aim

4. The legal construction of Section 298 of the Penal Code seems to purport that prosecutions under this provision are necessary for the protection of the religious rights of others. However, as noted above, the protection of the rights of others under international human rights standards only applies to the rights of individual persons and, in some instances, of groups of persons. It does not extend to abstract entities such as religions, beliefs, ideas, or symbols.
5. Furthermore, the right to freedom of religion does not grant protection from being subjected to expressions that might be deemed blasphemous or offensive.⁷² It is not a legitimate aim to impose limitations on the right to freedom of expression to protect individuals' feelings from offence, including in relation to ideas or opinions that offend their religion or belief. Section 298 comes into sharp conflict with the fundamental feature of both the rights to freedom of religion or belief and freedom of expression, which requires the State to protect conflicting and contrary viewpoints, even if they are offensive or insulting from the subjective point of view of one's most deeply held conviction. As the UN Working Group on Arbitrary Detention has stated, while religious insult "may offend people and hurt their feelings [they do] not directly result in a violation of ... rights to freedom of religion".⁷³

Criminal prosecution is not necessary and proportionate

6. ARTICLE 19 finds that prohibitions – such as those in Section 298 of the Penal Code – do not contribute to a climate of religious openness, tolerance, non-discrimination and respect. On the contrary, they often fuel stereotyping, stigmatisation, discrimination and incitement to hostility or violence. An open and robust debate, even between representatives of conflicting views, is an antidote to hostility and the most effective path to achieving mutual understanding and intra-societal dialogue.
7. In any event, the sanctions prescribed under the provision at hand – criminal fines and deprivation of liberty for up to one year – are impermissible from the point of view of the proportionality test. Criminal prosecution as such – and especially the risk of imprisonment – is not proportionate to the alleged legitimate aims.

As a matter of principle, ARTICLE 19 notes that Section 298 of the Penal Code should be repealed entirely. Only instances of religious hatred that constitute incitement to violence, discrimination or hostility against individuals should be prohibited. Criminal laws should be reserved for the most extreme cases of incitement to imminent violence.

In this regard, it is key to recall **the 2017 report on Malaysia of the Special Rapporteur in the field of cultural rights**. The Rapporteur noted, "[...] there is an urgent need to review and clarify the criteria for censorship of books and films and to make the decision-making process more transparent so as to guarantee freedom of artistic expression." She also stressed that "the government of Malaysia needs to develop concrete plans to guarantee freedom of artistic expression and encourages the government to support a diversity of spaces and platforms for people to engage meaningfully with one another about culture, including in relation to issues upon which they do not agree".⁷⁴

⁷² See, for example, European Court, *Aydın Tatlav v. Turkey*, App. No. 50692/99, 2 May 2006, para 28.

⁷³ UN Working Group on Arbitrary Detention, Opinion No. 35/2008 (Egypt), 6 December 2008, para 38.

⁷⁴ [Preliminary Observations by the United Nations Special Rapporteur in the field of cultural rights Karima Bennouna at the end of her visit to Malaysia | OHCHR](#), 21 September 2017.

Positive measures to combat 'hate speech'

Blasphemy is often associated with the concept of "hate speech". Indeed, governments often justify the enforcement of blasphemy provisions by referencing the need to combat "hate speech" – most frequently in defence of the majority religion. However, "hate speech" is itself not defined in international human rights law and most "hate speech" does not merit restriction.⁷⁵ In fact, much expression that is commonly labelled as "hate speech" is protected by the right to freedom of expression and therefore may not be restricted.

Under Article 20(2) of the ICCPR, "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law". Such prohibitions do not necessarily require criminalisation, and custodial sentences should be reserved for the most severe cases. Moreover, any restrictions must nevertheless meet the criteria of Article 19(3) of the ICCPR, described above.

While the most extreme form of expression should be prohibited, most so-called "hate speech" – including much speech that is intolerant or offensive – fails to meet this threshold. International human rights law and standards provide several resources setting out best practices to combat "hate speech" that, although concerning, does not require restriction.

In 2011, the UN Human Rights Council (HRC), adopted Resolution 16/18 on "combating intolerance, negative stereotyping and stigmatisation of and discrimination, incitement to violence, and violence, against persons based on religion or belief". HRC Resolution 16/18 provides guidance and encouragement to States to prohibit discrimination on the basis of religion or belief, to promote inclusion, and to implement measures to guarantee the equal and effective protection of law while respecting the right to freedom of expression.⁷⁶

Furthermore, the Rabat Plan of Action, which was adopted in 2012, details international human rights standards on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.⁷⁷ The Rabat Plan of Action also notes the negative consequences of blasphemy laws and indicates that such laws are incompatible with international human rights obligations. The Rabat Plan of Action specifically calls upon states to eliminate blasphemy laws.⁷⁸

Both HRC Resolution 16/18 and the Rabat Plan of Action recommend specific actions that States can take to combat "hate speech" and promote tolerance. These include:

- Creating collaborative networks to build mutual understanding, promote dialogue, and inspire constructive action;
- Creating mechanisms within governments to identify and address potential areas of tension between members of different religious communities and assist with conflict prevention and mediation;

⁷⁵ ARTICLE 19, Hate Speech Explained: A Toolkit, available at: <https://www.article19.org/resources/hate-speech-explained-a-toolkit/>.

⁷⁶ UN HRC Resolution 16/18 on combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief, UN Doc. A/HRC/Res/16/18, 24 March 2011, available at: https://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A.HRC.RES.16.18_en.pdf.

⁷⁷ Rabat Plan of action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility of violence, UN Doc. A/HRC/22/17/Add.4, 5 October 2012, available at: <https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/RabatPlanOfAction.aspx>.

⁷⁸ *Ibid.*

- Training government officials – including military officers, police officers, justice sector officials and teachers – on effective strategies to promote tolerance and address incitement;
- Encouraging leaders to discuss within their communities the causes of discrimination and develop strategies to counter them;
- Speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence;
- Combating denigration and negative religious stereotyping of persons, as well as incitement to religious hatred, including through education and awareness-building;
- Passing legislation protecting the right to equality on all grounds recognised under international human rights law; and
- Establishing a public policy and regulatory framework that promotes pluralism and diversity of the media.

Recommendations

Malaysian government should work to reform its laws to eliminate legal sanctions for blasphemy.

The government of Malaysia should:

- Cease the prosecution of individuals targeted for expression protected under international laws;
- Protect all those within its borders from vigilante attacks, including those whose expression may be considered offensive;
- Repeal Section 298 of the Penal Code;
- Repeal the Sedition Act 1948;
- Reform or review the newly amended Section 233 of the Communications and Multimedia Act 1998;
- Repeal the Printing Presses and Publications Act 1984;
- Adopt a comprehensive and evidence-based national implementation plan on Human Rights Council Resolution 16/18 and the Rabat Plan of Action and related resolutions on freedom of religion or belief, with the full and effective participation of diverse stakeholders;
- Ratify the ICCPR;
- Ensure prohibitions on the advocacy of discriminatory hatred constituting incitement to hostility, discrimination or violence are in compliance with Articles 19(3) and 20(2) of the ICCPR and the guidance of the Rabat Plan of Action; and
- Ensure an environment for open, robust debate and dialogue, including through a free and open internet.