



STATEMENT - 14 April 2026

Death Penalty is Not the Answer to Ensuring Road Safety in Malaysia

Malaysia was recently shaken with two driving under the influence (DUI) related accidents that took place in Klang¹ and Segamat,² resulting in the deaths of four people: a father and three members of a family. The former was caused by a driver who was reportedly under the influence of drugs and alcohol, while the latter by a driver who tested positive for methamphetamine. Both have since been charged with murder under Section 302 of the Penal Code, which carries the death penalty or imprisonment.³

While ADPAN strongly condemns the irresponsible act of driving under the influence as it has the foreseeable risk of death, we reiterate that the death penalty cannot be imposed for drunk driving or driving under the influence as it violates international human rights standards. In addition, the imposition of the death penalty is not a uniquely effective deterrent to crime. Evidence-based safety reforms must be prioritised over reactionary capital punishment sentencing. The charges for fatal DUI accidents must also proportionately reflect their nature as reckless and negligent acts rather than intentional.

Not an Offence Punishable by Capital Punishment under International Human Rights Standards

Without intentional killing, positioning the cases as capital offenses violates Article 6(2) of the International Covenant on Civil and Political Rights⁴ which limits the death penalty to the 'most serious crimes', which means crimes involving intentional killings.

Malaysia already has existing strict penalties for driving under the influence under the Road Transport Act 1987, with first-time offenders facing up to RM30,000 in fines and imprisonment

¹ Driver in fatal Klang crash charged with murder

<https://www.freemalaysiatoday.com/category/nation/2026/04/01/driver-in-fatal-klang-crash-charged-with-murder>

² Fatal Segamat crash: Suspect to be charged with murder on April 7

<https://www.thestar.com.my/news/nation/2026/04/06/fatal-segamat-crash-suspect-to-be-charged-with-murder-on-april-7>

³ Penal Code (Act 574) (Malaysia) s 302.

⁴ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, art 6(2).

up to two years⁵. For cases resulting in death, Section 44 provides for imprisonment of between 10 and 15 years and fines of up to RM100,000, with significantly higher penalties of up to 20 years' imprisonment and RM150,000 in fines for repeat offenders.⁶

An approach that considers mitigating circumstances and explores severe alternative punishments such as permanent license revocation and intensive rehabilitation may offer a more proportionate and effective deterrent. The public outrage that is surrounding these cases must not only lead to temporary, reactive consequences like the death penalty. True accountability requires a focus on prevention and systemic reform.

A Regressive Step in Malaysia's Death Penalty Reform

Malaysia's 2023 reforms marked a significant step towards narrowing capital punishment, including abolishing the mandatory death penalty and expanding judicial discretion. While 27 offences remain punishable by death⁷, the overall direction has clearly been towards restriction and reform.

Malaysia has also maintained a de facto moratorium on executions since 2018 and has expressed support for the UN General Assembly moratorium on the death penalty.

Any step backwards from this progress would undermine Malaysia's ongoing reform efforts, and place Malaysia to be in contradiction with its international stance and commitment.

Continuing Our Call for Road Safety Reform

Road safety reform should remain a priority in Malaysia. The Malaysian government has introduced measures to reduce road accidents, including mandatory defensive driving courses for traffic offenders or drivers with suspended licenses⁸, speed-limit enforcement, and Automated Awareness Safety Systems, guided by MIROS⁹ holistic approach to road safety. While these initiatives alone are not enough, road safety must go beyond government mandates and become a shared social responsibility, fostering a culture where every driver understands the consequences of reckless behaviour.

However, the death penalty is not the answer. The following global examples show that accountability, prevention, and proportionate sanctions, not extreme, reactionary measures, are what truly save lives.

- **Japan** reduced fatal DUI accidents from 1,276 to 216 per year between 2000 and 2016¹⁰ through strict but proportionate penalties, proactive prevention, lowered BAC limits (0.03%),¹¹ and holding passengers, businesses, and vehicle lenders accountable.

⁵Road Transport Act 1987 (Act 333), S 45A, as amended by the Road Transport (Amendment) Act 2020 (Act A1618)

⁶ Road Transport Act 1987 (Act 333) s 44, as amended by Road Transport (Amendment) Act 2020 (Act A1618).

⁷ Amnesty International Malaysia, 'Abolish Death Penalty' <https://www.amnesty.my/abolish-death-penalty/>

⁸ Transport Ministry mulls mandatory defensive driving courses for offenders <https://thesun.my/news/malaysia-news/people-issues/transport-ministry-mulls-defensive-driving-courses/>

⁹ Malaysian Institute of Road Safety Research (MIROS), 'Introduction to the Three Pillars of Road Safety' <https://www.miros.gov.my/xs/page.php?s=pengenalan-tiga-teras-keselamatan>

¹⁰ Japanese Traffic Bureau of National Police Agency: the number of traffic accidents in 2016

¹¹ WHO: Legal BAC limits Data by country. Public Relations Office of Minister's Secretariat for Cabinet Office: Let's protect everyone three promises for "Do not drunk-driving!" and "Do not let drunk-driving!"

Immediate license revocation, heavy fines, and social consequences serve as a visible deterrent.¹²

- **Sweden** limits BAC to 0.2 g/l and uses graduated sanctions, mandatory driver rehabilitation (SMADIT), and voluntary alcohol interlock programs.¹³ In 2025, Sweden reported just 208 road traffic deaths, one of the lowest annual totals in recent years, reflecting the impact of sustained road safety reforms and a culture of responsibility.¹⁴
- **Canada** has reduced alcohol-impaired driving incidents by over 15,000 between 2015 and 2022 through strict laws, mandatory screening, graduated sanctions, and interlock programs.¹⁵

ADPAN stands in solidarity with the grieving families. We urge authorities in Malaysia to hold the offenders accountable with proportionate punishment, while calling for victim-centered justice through timely compensation, immediate support and accessible processes. Drunk driving kills, but the death penalty does not save lives. When we rely solely on harsh punishments like the death penalty, we are treating the symptom rather than the cause.

True justice honours the victims by preventing further tragedies, holding offenders accountable in proportionate ways, and strengthening the systems that protect us all.

For Office Use:

Contact:

Anti-Death Penalty Asia Network (ADPAN)

communications@adpan.org

¹² Dōro Kōtsū-hō [Road Traffic Act], Law No. 105 of 1960, art. 117-2, item 1 (Japan)

¹³ European Transport Safety Council, 'Drink-Driving in Sweden'<https://etsc.eu/issues/drink-driving/sweden/>

¹⁴ 'Fewer road traffic deaths last year' Sweden Herald (13 January 2026)
<https://swedenherald.com/article/fewer-road-traffic-deaths-last-year>

¹⁵ Canadian Centre on Substance Use and Addiction, [Impaired Driving in Canada: Policy Brief](#) (August 2024), p6