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**SUHAKAM WELCOMES MOVE TO ABOLISH AUKU, URGES RIGHTS-BASED REFORM
OF HIGHER EDUCATION**

KUALA LUMPUR (18 AUGUST 2026) - The Human Rights Commission of Malaysia (SUHAKAM) welcomes the announcement by Prime Minister Datuk Seri Anwar Ibrahim of the Government's intention to abolish the Universities and University Colleges Act 1971 (AUKU). This marks an important step towards a higher education environment that upholds academic freedom, institutional autonomy, freedom of expression and association, and meaningful student participation.

SUHAKAM recalls that concerns over restrictions imposed by AUKU are longstanding. In *Muhammad Hilman Idham & Ors v Kerajaan Malaysia & Ors*, the Court of Appeal, by majority, held that the then section 15(5)(a) of AUKU, which restricted students from expressing support for or opposition to political parties, was unconstitutional. The Court affirmed that restrictions on freedom of speech must be reasonable and justifiable under Article 10(2)(a) of the Federal Constitution, finding no sufficient nexus between a university student's expression of political support or opposition and the protection of public order or morality.

The decision carries significance beyond the provision challenged. It affirms that students do not cease to enjoy their constitutional rights upon entering university and that restrictions on those rights must not be arbitrary or disproportionate. Universities should foster critical inquiry, independent thought and responsible participation in public life. In the words of Justice Hishamudin Yunus, delivering the judgment of the Court of Appeal, "Universities should be the breeding ground of reformers and thinkers and not institutions to produce students trained as robots".

SUHAKAM therefore views the proposed abolition of AUKU as more than the repeal of a statute. It provides an opportunity to reshape the relationship between the State, universities, academics and students by strengthening institutional independence while ensuring transparency and accountability. Given AUKU's role in the establishment, constitutions and governance structures of public universities, its repeal should be accompanied by clear transitional arrangements to ensure continuity in university administration without reproducing provisions that unnecessarily restrict fundamental freedoms.

SUHAKAM notes the Prime Minister's assurance that any future arrangement should not reintroduce restrictions on student freedom. Any new or revised higher education framework should be grounded in human rights principles and developed through meaningful consultation with students, academics, university leadership, civil society and other relevant stakeholders. It should also extend beyond student political participation by safeguarding the ability of academics and researchers to teach, research, publish, exchange ideas and participate in public discourse without undue interference or fear of retaliation, while protecting students' rights to express their views, associate and assemble peacefully, subject only to restrictions that are lawful, necessary and proportionate.

Institutional autonomy must also be meaningful in practice, balancing accountability for public resources with safeguards against undue interference in academic affairs. After more than five decades of AUKU, its proposed abolition should bring substantive change to Malaysia's higher education landscape. Ultimately, universities should be places where ideas can be freely challenged and debated, and where students are empowered to think critically and contribute meaningfully to society.

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**Human Rights Commission of Malaysia (SUHAKAM)
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