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**SUHAKAM WELCOMES FEDERAL COURT DECISION AFFIRMING ORANG ASLI
CUSTOMARY, CULTURAL AND SPIRITUAL RIGHTS**

KUALA LUMPUR (11 SEPTEMBER 2026)– The Human Rights Commission of Malaysia (SUHAKAM) welcomes the Federal Court’s decision in favour of seven Orang Asli villagers from Kampung Batu 20, Pekan, Pahang, concerning the destruction of their ancestral graves during development activities.

The unanimous decision reinstated the High Court’s ruling in favour of the villagers, including the award of RM20,000 in general damages to each of the seven plaintiffs. Significantly, the Federal Court affirmed that Orang Asli communities possess communal and proprietary rights over customary lands on which they have traditionally lived, foraged, farmed and fished, notwithstanding the absence of formal land titles.

SUHAKAM particularly welcomes the Court’s recognition that Orang Asli customary rights extend beyond the physical occupation or economic use of land to encompass their cultural and spiritual relationship with their ancestors and traditional territories, including access to ancestral burial grounds. The Court’s finding that the desecration of ancestral graves strikes at the core of Orang Asli dignity affirms the deep connection between land, culture, spirituality and identity. The judgment further reinforces that the issuance of land titles or development rights to third parties does not, by itself, extinguish pre-existing customary rights.

This decision underscores the need to protect customary rights before development takes place, rather than leaving affected communities to seek redress only after harm has occurred. SUHAKAM reiterates that Government authorities, State agencies and businesses have a responsibility to identify and respect customary land rights before land is alienated or development projects are approved or commenced. This requires meaningful engagement with affected communities and respect for the principle of free, prior and informed consent (FPIC), particularly where development may affect customary lands, burial grounds, sacred sites, livelihoods or cultural heritage.

The decision is also consistent with the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which Malaysia supported. UNDRIP recognises Indigenous Peoples’ rights to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied lands and territories, and to practise and revitalise their cultural traditions and customs.

SUHAKAM therefore calls on the Federal and State Governments to strengthen the legal and administrative recognition and protection of Orang Asli customary land rights. Clear safeguards are needed to ensure that customary territories, burial grounds and culturally significant sites are properly identified and protected before land is alienated, leased or approved for development. Businesses operating on or near customary territories must likewise undertake effective human rights due diligence to prevent adverse impacts on the rights, dignity, culture and heritage of Orang Asli communities and ensure access to effective remedies where harm occurs.

This judgment is an important reminder that development cannot be pursued at the expense of human dignity, cultural identity and the rights of Indigenous Peoples. Protecting Orang Asli customary lands is not merely a matter of land administration, but one of equality, dignity, cultural survival and justice.

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**Human Rights Commission of Malaysia (SUHAKAM)
11 September 2026**