

Experts, legal fraternity back Azalina's call for corporate liability law

KUALA LUMPUR: Road safety experts, public transport advocates and legal figures support the call for a corporate liability law, following the bus crash in Gerik that saw 15 university students killed and others injured.

They say such a law would raise safety standards on Malaysian roads.

Transport consultant Wan Agyl Wan Hassan said preventable road deaths must no longer be treated as "unavoidable misfortunes".

"When an operator hires a driver with a long record of violations, skips critical maintenance, or allows a bus to operate with known mechanical risks, we are no longer talking about bad luck.

"We're talking about foreseeable harm, enabled by systemic neglect.

"Accountability often stops at the driver, not the boardroom."

Wan Agyl was responding to a suggestion by Minister in the Prime Minister's Department (Law and Institutional Reform) Datuk Seri Azalina Othman Said that a corporate liability law be introduced.

Azalina had said the government should either amend the Penal Code or introduce a new law similar to the United Kingdom's Corporate Manslaughter

and Corporate Homicide Act 2007.

She had said the UK law allows a company to be prosecuted for serious failures in the way it manages the safety of its workers or the public, and for negligence that results in death.

Universiti Putra Malaysia Road Safety Research Centre head Associate Professor Dr Law Teik Hua said the existing framework provides companies too much room to escape liability.

"Malaysia needs a law that makes companies criminally responsible for negligence that causes death.

"Until today, we allow only individual prosecution under Section 304A of the Penal Code for causing death by negligence, which provides a leeway for corporations to escape liability."

He added that RM50,000 fines under the Land Public Transport Act 2010 were not a deterrent for large operators, and rent-a-licence schemes have allowed high-risk firms to operate through compliant fronts.

Ajit Johl, president of the

Malaysian Public Transport Users Association (4PAM), said systemic change was needed.

"The industry needs to be recalibrated from the ground up, every aspect of it — driver quality, management quality, vehicle quality, legislation, training and retraining," he said.

He said 4PAM supported Azalina's proposal and had long urged the government to establish a Public Transport Commission.

Universiti Teknologi Malaysia's Dr Mohd Azman Abas said many commercial vehicle crashes stem from internal management failures.

"In many commercial vehicle accidents, the root cause is not just driver error, but systemic failures in

the company, such as poor vehicle maintenance, inadequate driver training, excessive productivity pressure and neglect of safety protocols.

"This law would ensure accountability is shared not just by drivers and crew, but also by company management and owners," he said.

He added that enforcement remains overly administrative and

lacks the reach to address systemic flaws.

"Without strong enforcement, even the best law will have little impact because the 'paper compliance' culture will persist.

"We need trained investigators, coordinated audits, and political commitment.

"The technology is there — what's missing is structured implementation."

Lawyer Datuk Sankara Nair described such a move, if taken, as a critical and progressive step in strengthening corporate responsibility.

"(It) would mark a significant legal reform by enabling companies to be held criminally liable for fatal consequences arising from serious management or operational failures," he said.

"It would shift the focus of accountability to the corporate level, reinforcing the need for strong leadership, rigorous oversight and a culture of safety in organisations."

By addressing systemic failings rather than assigning blame to individuals, Sankara said the proposed law could raise safety standards across all sectors.

He added that the law would be a landmark step in protecting lives, delivering justice to victims and restoring public trust in corporate governance.

Another lawyer, Datuk Geethan Ram Vincent, said Malaysia already holds companies accountable for corrupt acts under Section 17A of the Malaysian Anti-Corruption Commission Act, and

a similar principle could be applied to serious safety violations.

He said the move to introduce a new law would send a strong signal that safety is a corporate responsibility, not just an operational one.

However, he said, the effectiveness of such a law depends on its structure and implementation.

"We must ensure it targets genuine negligence and doesn't criminalise unavoidable accidents.

"In many cases, the core issue is not the absence of law but the lack of enforcement.

"If safety regulations aren't monitored, then new legislation alone won't solve the problem," he said. **By Ameen Hazizi and Ilyia Marsya Iskandar**



Associate Professor
Dr Law Teik Hua



Ajit Johl