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Shooting of Indonesian Migrants by Malaysian Authorities in the Perspective of International Human Rights Law

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Abstract: The incident of the shooting of five Indonesian migrant workers (PMI) by the Malaysian Maritime Enforcement Agency (APMM) in the waters of Tanjung Rhu, Selangor, on January 24, 2025, which resulted in two deaths and three injuries, highlights violations of human rights (HAM) and international legal norms. This research examines the actions of the Malaysian Maritime Enforcement Agency (APMM) that allegedly used excessive force and committed extrajudicial killings, violating Article 3 of the UDHR, Article 6 of the ICCPR, and Article 104 of Law No. 39/1999. The driving factors of illegal migration, such as the lack of job opportunities in Indonesia and the allure of high wages in Malaysia, are exacerbated by labor trafficking syndicates. The Indonesian government has sent diplomatic notes and provided legal assistance, but the weakness of bilateral agreements poses a challenge. This normative legal research recommends a systematic approach to law enforcement, eradication of labor trafficking, and protection of Indonesian Migrant Workers (PMI) to prevent the recurrence of tragedy.

Keyword: Shooting, Indonesian migrant workers, human rights, illegal migration.

INTRODUCTION

Indonesia and Malaysia are two countries often referred to as fraternal nations and neighboring countries. Geographically, Malaysia and Indonesia are separated by maritime and land borders. Land borders include areas on Kalimantan Island, while maritime borders include the Strait of Malacca, Celebes Sea, and South China Sea. Due to their proximity, Indonesia and Malaysia officially established diplomatic relations on August 31, 1957, when Malaysia declared its independence (Pratiwi & Yusriana, 2018).

On the night of Friday, January 24, 2025, four Indonesian Migrant Workers (PMI) attempted to leave Malaysia illegally through the waters of Tanjung Rhu, Selangor, heading to Dumai, Riau. They paid approximately 1,300-1,400 Malaysian ringgit to an agent named Nur Saleh, also an Indonesian citizen, to arrange the journey using the agent's boat. However,

shortly after departure, they were intercepted by the Malaysian Maritime Enforcement Agency (APMM), which allegedly had been tracking their movements. The APMM vessel initially warned the Indonesian boat with lights. However, the boat carrying the Indonesian nationals fled from APMM. The Indonesian boat had three engines, making it difficult for the APMM vessel to pursue. Unable to catch up, APMM personnel shot at the boat carrying the Indonesian nationals. As a result of the shooting, one Indonesian citizen died and four others were injured. The deceased was the boat's captain, not an immigrant (Ikhsanudin, 2025). The migrant workers were also reported to have attempted to attack APMM using machetes. This account differs from the testimony of two Indonesian citizens, HA and MZ, who claimed they did not resist with sharp weapons.

The Indonesian Ministry of Foreign Affairs has sent a diplomatic note to the Malaysian government urging further investigation into the case. The Indonesian Foreign Minister pushed for a thorough investigation into the shooting incident by APMM, including allegations of excessive use of force. Separately, the Indonesian Ministry of Foreign Affairs stated that based on information from the Royal Malaysia Police (PDRM), the Indonesian migrant workers were "attempting to leave Malaysia through illegal channels." The Indonesian Ministry of Foreign Affairs also conducted consular access on Tuesday (28/01) to meet with four Indonesian victims being treated at Serdang Hospital and Klang Hospital, Malaysia (BBC, 2025).

Migrant Care NGO recorded that at least 75 Indonesian migrant workers (PMI) have died over the past 20 years, allegedly due to extrajudicial killing by authorities in Malaysia. Migrant Care Director Wahyu Susilo noted that similar cases recur and disappear without resolution. "If we look at these incidents, they happen almost every year and are never resolved completely," said Wahyu.

The formulation of this research problem focuses on three main questions: 1. Do the actions of Malaysian authorities violate international legal norms regarding human rights? 2. What steps have been taken by the government in accordance with international human rights protection mechanisms? 3. What are the driving factors causing illegal migration of Indonesian workers?

METHOD

This research employs a normative juridical research method. As cited from the USM (University of Semarang) Repository website, normative juridical research is an approach conducted by examining theories, concepts, and studying legislation relevant to the research.

In applying the normative juridical research method, researchers need to conduct a scientific approach. This methodology includes five types of approaches that can be chosen individually or in combination by researchers: statutory approach, case approach, historical approach, comparative approach, and conceptual approach.

RESULTS AND DISCUSSION

1. Indications of Human Rights Violations and International Legal Norms

In this case, the Malaysian Maritime Enforcement Agency (APMM) allegedly committed excessive use of force. "Excessive force refers to force in excess of what a police officer reasonably believes is necessary. A police officer may be held liable for using excessive force in an arrest, an investigatory stop, or other seizures. A police officer may also be liable for not preventing another police officer from using excessive force (Nation, 1991)." This definition establishes that "excessive force encompasses any level of force that exceeds what law enforcement officers reasonably deem necessary under the circumstances. Officers may face legal liability not only for their own use of disproportionate force during arrests,

investigatory stops, or other seizures, but also for failing to intervene when witnessing colleagues employ excessive force.”

This is due to the arbitrary actions of Malaysian authorities in intercepting the Indonesian immigrant boat with shooting actions that allegedly targeted the boat's engine, causing one Indonesian immigrant to die and four others to be injured, constituting a human rights violation.

Additionally, there are indications of human rights violations such as extrajudicial killing by authorities without judicial process in Malaysia. According to the Director of Migrant Care, at least 75 people have died due to extrajudicial killing by them, but there has been no punishment. This action is categorized as a serious human rights violation, explicitly regulated in Article 104 of Law Number 39 of 1999 on Human Rights for arbitrarily taking someone's life outside of court decisions (*Undang-Undang (UU) Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia*, 1999). Extrajudicial killing is strictly prohibited by International Human Rights and the constitution applicable in Indonesia as this action violates the human right to life, which is a non-derogable right (Munir et al., 2022).

The scope of extrajudicial killing as contained in The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, or better known as the Minnesota Protocol on the Investigation of Potentially Unlawful Death, includes: (a) political killings; (b) deaths resulting from torture or mistreatment in prison or detention; (c) deaths caused by enforced disappearances; (d) deaths caused by excessive use of force by law enforcement officials; (e) executions without legal process; and (f) acts of genocide.

The treatment by Malaysian authorities also constitutes discriminatory action against Indonesian migrant workers, suspected of smuggling and criminal stereotypes attached to migrant workers working without legal documents. Being a migrant worker carries considerable risks and generates many potential risks in their activities. Considering various risks that may occur, this is closely related to juridical regulations both nationally and internationally (Fikri, 2022). Such actions violate Article 5 of the Universal Declaration of Human Rights of 1948, stating that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment (Nation, 1984)."

International legal norms governing the right to life are stipulated in Article 3 of the Universal Declaration of Human Rights of 1948, stating that "Everyone has the right to life, liberty and security of person," and Article 6 of the International Covenant on Civil and Political Rights (ICCPR) of 1966, which guarantees the right to life and prohibits arbitrary deprivation of life (Nation, 1966). Since shooting without real immediate threat can be categorized as a violation of the right to life, and there is no strong evidence that migrants were armed or endangering authorities. Malaysia must also be held responsible for APMM's actions as a state organ based on the Articles on Responsibility of States for Internationally Wrongful Acts (Nation, 2021).

2. Steps Taken by the Government in Accordance with Human Rights Protection Mechanisms

The Indonesian government continues to seek and investigate the truth regarding this case. The Minister for the Protection of Indonesian Migrant Workers has asked the Indonesian National Police to gather as much information as possible about the case. They also requested the KBRI retainer lawyer to review and prepare legal steps. With the chronology provided by Malaysia, Indonesia must believe the chronology compiled by the Malaysian government or APMM.

KBRI Kuala Lumpur responded to the incident by taking steps to ensure protection for affected Indonesian citizens. The Indonesian Ministry of Foreign Affairs has also sent a

diplomatic note to Malaysia to encourage thorough investigation, including highlighting the possibility of excessive use of force. The Ministry of Foreign Affairs and KBRI Kuala Lumpur will continue monitoring the case's development and provide consular and legal assistance to ensure the fulfillment of Indonesian citizens' rights within Malaysia's legal system (Fajriadi, 2025).

The Indonesian Ministry of Foreign Affairs and KBRI Kuala Lumpur are also handling the repatriation process of one deceased Indonesian citizen with initials B from Riau Province to be returned to the homeland. Repatriation of the body was conducted on Wednesday, January 29, 2025, through a Kuala Lumpur-Pekanbaru flight followed by land travel to the deceased's hometown in Rupat Island, Riau Province.

Furthermore, the Indonesian Ministry of Foreign Affairs and KBRI Kuala Lumpur will provide legal assistance to Indonesian citizens to ensure their rights are fulfilled and will cover their hospital treatment costs until recovery.

The Indonesian Ministry of Foreign Affairs stated on Monday, February 10, 2025, that investigation into this incident continues to be conducted by PDRM, including examining six APMM officers involved in the incident under charges of violating the Firearms Act 1960. Referring to Malaysian Prime Minister Anwar Ibrahim's statement, investigation results will be submitted to KBRI Kuala Lumpur.

Coordinating Minister for Legal Affairs, Human Rights, Immigration and Corrections Yusril Ihza Mahendra stated that the Malaysian government has taken legal steps in the case of shooting Indonesian citizens by their security apparatus. The shooting that occurred on January 24, 2025, by Malaysian Maritime Enforcement Agency (APMM) personnel ultimately resulted in the death of two migrant workers. "This case has been resolved and handled by the Malaysian government," said Yusril at the Coordinating Ministry office on Tuesday, February 25, 2025. Yusril said the Malaysian government has fulfilled requests from many parties, including taking legal steps regarding victims and perpetrators. He stated that security officers involved in the shooting incident have been examined according to their standard operating procedures. "So there is nothing left to doubt." He also requested respect for legal steps taken by Malaysian authorities. The shooting in Tanjung Rhu waters, Malaysia, killed two people. Indonesian citizen with initials B died at the scene, and the body has been returned to Riau Province. Then, victim Viktor Maruli Tua Simaremare died after receiving treatment at Idris Shah Serdang Hospital. Viktor's body was brought home to his hometown in Pollung Village, Pollung District, Humbang Hasundutan Regency, North Sumatra (Sukanto, 2025).

3. Driving Factors for Illegal Migration

The presence of illegal migrant workers entering Malaysia is not solely due to Malaysian policies but results from a combination of factors: push factors from the home country and pull factors from the destination country. One main factor is the Indonesian government's failure to provide adequate employment opportunities. If decent-paying jobs were available domestically, people would not take great risks working illegally abroad.

Meanwhile, migrant workers choose Malaysia because it offers jobs with higher salaries compared to Indonesia. Additionally, the role of brokers and labor trafficking syndicates worsens the situation as an intermediary factor or third factor in the illegal migration chain. This is a crime that has long been known, but there are indications of tolerance or ignorance from the state. These non-procedural migrant workers often fall into illegal recruitment schemes. They are promised decent work but must pay money to brokers in Indonesia and Malaysia. This business chain is very long, with many parties profiting from this situation. Unfortunately, Indonesia has not shown firmness in cracking down on this brokerage network (Yanuar H, 2025).

International Human Rights observer from Fisipol UGM, Prof. Dafri Agussalim, requested the government to revise and enforce bilateral agreements regarding protection of Indonesian workers in Malaysia. He explained that protocols exist governing migrant worker protection at the ASEAN level, although implementation remains far from expectations. "Many regulations already exist, but in practice, they are not effectively implemented. This problem should be introspection for the Indonesian government to be more serious in handling illegal migration flows," he said.

He urged that the case of Malaysia shooting Indonesian migrants should not be resolved partially but must use a systematic approach covering legal, economic, and social aspects. According to him, Indonesia faces a major task: demanding justice for victims, improving employment policies, and strengthening protection for migrant workers so similar tragedies do not continue recurring. "This is not merely a shooting case, but a major problem reflecting systemic failure in managing Indonesian labor. Eradicate this crime to its roots and form clear bilateral relations capable of protecting citizens," he explained (Grehenson, 2025).

CONCLUSION

The shooting of five Indonesian migrant workers (PMI) by APMM in Tanjung Rhu waters, Selangor, on January 24, 2025, which killed two Indonesian citizens and injured three others, indicates violations of human rights and international legal norms. The excessive use of force and alleged extrajudicial killing by APMM violates Article 104 of Law No. 39/1999, Article 3 of UDHR, Article 6 of ICCPR, and the Minnesota Protocol. Discrimination against PMI, weak legal protection, and the role of broker syndicates worsen the situation. The Indonesian government has sent diplomatic notes, repatriated bodies, and urged investigation, but systemic problems such as limited employment opportunities and weak bilateral agreements need addressing. A comprehensive approach, including law enforcement, eradication of brokerage, and strengthening PMI protection, is necessary for justice to be achieved and similar tragedies to be prevented.

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