

**A LEGAL STUDY ON THE PROTECTION OF CHILD ABUSE IN
MALAYSIA**

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The students/authors conform that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

ABSTRACT

The focus of this legal study is to examine the current legal provisions conferred under the Child Act 2001 (Act 611), Law Reform (Marriage and Divorce) Act 1976 (Act 164) and Domestic Violence Act 1994 (Act 521) regarding the protection of child abuse in Malaysia. This is done with the purpose to identify the weaknesses and problems of protection of child abuse prior to the current legal provisions under these three statutes mentioned above.

To enable this legal study to be more precise, the comparison has been made between Malaysia and Australia regarding the law on the protection of child abuse. Since each province in Australia has different significance law, the province of Northern Territory had been selected to be referred to because it has expansive legislation of the entire jurisdiction compared to other provinces. The law on the protection of child abuse in Northern Territory is the Care and Protection of Children Act 2007 (NT).

The outcome obtained from the legal study is that the current legislations on the protection of child abuse in Malaysia had shown some weaknesses which must be covered in providing a maximum protection for the children from being maltreated. Therefore, several reforms is recommended in this legal study to improvise the current legislations governing the child abuse in Malaysia.

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CHAPTER ONE: INTRODUCTION

1.1 Introduction

“The best way to keep children at home is to make the home atmosphere pleasant, and let the air out of the tires”- Dorothy Parker¹. Children should feel comfortable and happy to be at home. But, when the parents does not treat the children in the way they should, like abuse them, the survival, safety , self-esteem, growth and development of the children will be endangered².

Child abuse can be define as any form of physical, psychological, social, emotional or sexual maltreatment of a child³. Neglect, sexual abuse and physical abuse are the type of child abuse⁴. In Malaysia, child abuse cases are not rare cases⁵. For example, the latest cases is a mother beat and abuses the child of age five years old and the child was admitted to intensive care unit (ICU) at Hospital Raja Permaisuri Bainun because of the injury suffered⁶. Another case is a six-month-old baby girl is in critical condition at Tengku Ampuan Rahimah Hospital after sustaining multiple injuries on her

¹ Quotation was made from a United States’ author, humorist, poet & wit (1893-1967) at www.quotationspage.com/quote/23521.html, retrieved at 8th October 2013

² “What is Child Abuse?” Royal Canadian Mounted Police, <http://www.remp-gre.gc.ca/pubs/ccaps-spcca/chi-enf-eng.htm> , retrieved at 14th October 2013

³ “Child Maltreatment”, Health Organization, http://www.who.int/topics/child_abuse/en/ , retrieved at 14th October 2013

⁴ Mr. Colin St. Hill, “Child Abuse”, United Nations Children’s Fund http://www.unicef.org/Barbados/Child_Protection.pdf , retrieved at 14th October 2013

⁵ Bernama, “Rise in Child Abuse Cases”, <http://www.freemalaysiatoday.com/category/nation/2013/08/12/rise-in-child-abuse-cases/> retrieved at 24th November 2013

⁶ Jaspal Singh, “5-years old child abuse victim dies at hospital in Ipoh”, <http://www.nst.com.my/nation/general/5-year-old-child-abuse-victim-dies-at-hospital-in-ipoh-1.343607>, retrieved at 24th November 2013