

**REGULATING CHILD ENTICEMENT IN MALAYSIA: A
COMPARATIVE STUDY WITH UNITED STATES OF
AMERICA**

By

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ABSTRACT

For the last two semesters, we have been conducting a research on the law of enticement towards children in Malaysia with comparison to the criminal child enticement offences in the United States of America, in specific laws in states of California and Ohio. Instead of looking into the law, we also try to find the significance of the child enticement laws in the California and Ohio and try to adopt it with current situations happening in Malaysia as to whether its regulation suits to conditions in Malaysia. We also look on the weakness of the established laws in Malaysia with regards to child protection provisions in the Penal Code and the Child Act 2001 and try to propose a better provision of child enticement offences by including improvisation of the current provisions available in the new proposed provision in the Penal Code.

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CHAPTER ONE

INTRODUCTION

1.0 Background

The offence of enticement in Malaysia is being highlighted in the newspaper, but is hardly highlighted in the court itself. According to the statistics from the Royal Malaysian Police until last June 2012, there were 4097 children, aged from 13 to 17 years old, who ran away from home. About 1309 cases involved the children being lured away by the man that they knew and were said to be in love with, and from that there were 1278 cases involving 17 years old girls. There is an uprising number of cases as the statistics that is in 2010, only 493 cases were reported, while until June 2012, there are 549 cases were reported. Actually in Malaysia there are many cases involving the enticement of children, but the enforcement of law, is a questionable issue. As far as it concerned, this offence has been brought to the court for only seven times only in Malaysia. The last case was invoked in the year 2009 and it involved marital enticement.

The word enticement which rooted from the word entice as according to the Merriam-Webster's Online Dictionary is defined as to attract artfully or adroitly or by arousing hope or desire. There is much difference between the offence of enticement and inciting; as enticement is to lure someone away but inciting is merely to induce someone in order to act as being told¹.

In certain countries such as in the United States, the crime of enticement not only cover the scope of marital offence, but it also govern offences relating to children such as the crime of luring a child into a vehicle, a secluded place, or a building for the purpose of committing some sexual act against the child. Enticement of a child in the United States can result in both federal and state penalties². In most current research made in the United States about child enticement, it can be concluded that kids nowadays are easily being enticed through the internet via online social network

¹ Turnbull, Joanna. Lea, Diana. Parkinson, Dilys. (2010). Oxford Advanced Learner's Dictionary, International Student's Edition. 8th ed. Oxford University, Oxford University Press.

² US Code