

**A STUDY ON THE RIGHTS OF PAEDIATRIC PATIENT
IN MEDICAL NEGLIGENCE CASES
IN MALAYSIA**

By

ZAIRUDIN BIN HASHIM (2006 14 6299)

NUR 'ALIAA BINTI AHMAD MAZUVIL (2006 14 6335)

NORASHIKIN BINTI ABD. HALIM (2006 14 6329)

Submitted in Partial Fulfillment of the Requirements
For Bachelor of Legal Studies (Hons)

**Universiti Teknologi MARA
Faculty of Law**

APRIL 2009

The students/authors confirm 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 cases pertaining to medical negligence towards paediatric patients in Malaysia are showing a growing trend with regards to the number. The aim of this research is to study whether the laws have provided sufficient protection to these paediatric patients. Also, the study will look on the principles and provisions which the court used in deciding cases regarding medical negligence.

The literature review (Chapter 2) will provide information on the rights of the paediatric patients in the case of medical negligence in Malaysia. This is based by reviewing several sources such as law reference books, newspaper reports, articles and journals. The legal chapter (Chapter 3) will try to determine whether paediatric patients are given the same rights as that of normal (adult) patient. In relation to that, defects of the law as connected to this issue will be explored. On the finding chapter (Chapter 4) of the report, the field works deal with a respondent and some investigation and deductions derived from his perceptions on the matters relating to the rights of the paediatric patients.

The central argument of this study will discuss on whether the laws have provided sufficient protection to these paediatric patients.

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CHAPTER ONE

INTRODUCTION

1.0 Introduction

The main purpose of this chapter is to provide a brief introduction of what this research is all about. Therefore, this chapter comprises of the background of the study, research question and research objectives. Furthermore, the structure of the report is outlined and the methodology of the research will be explained. Besides, this chapter consists of the scope of the research, research limitation, significance of the research and plan of the research. Finally, it will provide the conclusion of this chapter.

1.1 Background of the Study

Traditionally, the medical practitioner has been held in high esteem by society¹. Even in ancient times when there was really no cure for almost all diseases, the doctor as a healer was expected to do much².

In fact, Aryans (member of the group of people that went to South Asia in around 1500 B.C.) embodied the rule that, '*vidyo narayano harihi*' (which means doctors are equivalent to Lord Vishnu).³ Thus, the services which medical professionals render to us are the noblest.

¹ Dato' Dr. Mahmud Mohd Nor, "Medical Negligence- Liabilities and Protection", available at http://www.cljlaw.com/membersentry/articlesdisplayformat.asp?A_1994_21;negligence, accessed on 6 August 2008

² Ibid

³ Ibid