

A LEGAL STUDY ON ELDER ABUSE IN MALAYSIA

By

Nini Sabarina Ismail (2009862972)
Noor Farhah Mustaffa (2009621326)
Nurulartiah Haris (2009258648)

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

Universiti Teknologi MARA

Faculty of Law

December 2011

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 works of others.

ACKNOWLEDGEMENT

Alhamdulillah, we thank Allah as we finally managed to complete our Honest Project Paper. This project is in conjunction with three members which are Nini Sabarina Bt. Ismail, Nurulartiah Bt. Haris and Noor Farhah Bt. Mustaffa.

First and foremost we offer our sincerest gratitude to our supervisor, Madam Jasphal Kaur A/P Kulwant Singh, who has supported us throughout our project paper with her patience and knowledge whilst allowing us the room to work in our own way. Without her encouragement and effort, this project paper, too, would not have been completed or written. One simply could not wish for a better or friendlier supervisor.

Special thanks to all our graduate friends, especially group members C for sharing the literature and invaluable assistance. We also wish to express our love and gratitude to our beloved families; for their understanding, endless love and providing financial support, through the duration of our project.

Lastly, we offer our regards and blessings to all of those who supported us in any respect during the completion of the project.

ABSTRACT

This research paper describes the nature and legal perspective of elder abuse. This paper with a view of establishing the meaning of elder abuse in United States of America, Japan, Singapore and in Malaysia as well. This particular paper also focus on the nature of elder abuse with regards to its types and the sources of the abuse itself. Besides that, this paper includes the laws that deals with elder abuse issue in each country and to what extent the respective laws are efficient in curbing that particular issue. A comparative analysis is drawn between the three countries including Malaysia in determining whether elder abuse is categorized as crime in each country. In addition, when it is recognized as crime in each country, the responsible authorities have several approaches in tackling with this problem. The recommendations need to be disseminated as to improve the effect of elder abuse. Thus, greater awareness would be the crucial and essential aspect about elder abuse and ways to prevent circumstances resulted from the abuse.

TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iii
Table of Content	iv

CHAPTER ONE: A LEGAL STUDY ON ELDER ABUSE IN MALAYSIA

1.0: Background of Study	1
1.1: Problem Statement	2
1.2: Objectives of Study	4
1.3: Literature Review	4
1.4: Research Methodology	8
1.5: Scope and Limitation	9
1.6: Significance of the Study	9

CHAPTER TWO: INTRODUCTION TO THE ISSUE OF ELDER ABUSE IN MALAYSIA AND OTHER COUNTRIES

2.0: Introduction	10
-------------------	----

CHAPTER THREE: TYPES AND SOURCES OF ELDER ABUSE

3.0: Introduction	14
3.1: Types of elder abuse	14
3.1.1: Physical abuse	14
3.1.2: Psychological abuse	15
3.1.3: Financial or exploitative abuse	15
3.2: Sources of elder abuse	16
3.2.1: Physical abuse	16
3.2.2: Emotional abuse	18
3.2.3: Financial abuse	19

CHAPTER FOUR: A COMPARATIVE ANALYSIS

4.0: Introduction	21
4.1: Definition of elder abuse	21
4.1.1: United States of America (USA)	21
4.1.2: Japan	22
4.1.3: Singapore	22
4.1.4: Malaysia	22
4.2: Specific laws dealing with elder abuse	23
4.2.1: United States of America (USA)	23
4.2.1.1: Federal level legislations	23
4.2.1.2: State level legislations	27
4.2.2: Japan	30
4.2.2.1 Elder Abuse Prevention Act	30
4.2.2.2 Long-term Care Insurance Law	32
4.2.3: Singapore	32
4.2.3.1: Singapore Penal Code	32
4.2.3.2: Women's Charter	34
4.2.3.3: Maintenance of Parents Act of 1996	35
4.2.4: Malaysia	35
4.2.4.1: Penal Code	35
4.2.4.2: Domestic Violence Act 1994	36
4.3: Conclusion	37

CHAPTER FIVE: RESEARCH FINDINGS

5.0: Introduction	38
5.1: Is elder abuse a crime?	38
5.2: Is elder abuse only treated as a family issue and who are the abusers?	39
5.2.1: United States of America (USA)	39
5.2.2: Japan	39
5.2.3: Singapore	39
5.2.4: Malaysia	40
5.3: Approaches in dealing with or addressing elder abuse	40