

**“CHILD PORNOGRAPHY IN MALAYSIA: IS A LAW NEEDED?”**

By

Azura bt Masri (2002375658)  
Azreen bt Osman (2002375640)  
Fa'erah Nurul Ainni bt Izany (2003642613)

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

**Universiti Teknologi MARA  
Faculty of Law**

October 2005

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

## ACKNOWLEDGEMENT

First and foremost we would like to thank Allah s.w.t for giving us strength and courage in helping us to successfully complete this research.

This research project has been carried out by a team, which has included Azura Binti Masri, Azreen Binti Osman and Fa'erah Nurul Aini Binti Izani. My contribution to the project has been collecting all the relevant information regarding child pornography, pornography and also on obscenity. While my teammate, Fa'erah is responsible to gather all the relevant Statutes regulating on child, pornography and child pornography. Meanwhile my other group member, Azura, is responsible in selecting the relevant bodies that need to be interview in order to get their opinion on child pornography. All the works then are divided equally among all of us in completing this research. Each members of the group will handle certain interviews and Statute to avoid conflict of work and complication while completing the research.

We would like to thank all the interviewee who agreed to be interviewed and sharing their opinion and expertise relating to child pornography. The researcher believes that without cooperation by all the interviewee, this research will not be completed successfully.

The researcher would also like to thank Miss Mazlifah Mansoor for her guidance, opinion and support while supervising us. Without her excellent opinion and consideration none of this would be possible.

Other than that we also would like to thank our family and friends who have been giving us moral support and contributed some idea for this research.

**ABSTRACT**

The issue of child pornography has been a highlight with the exploitation of child in Malaysia. The purpose for conducting this research is to look at whether there is a necessity in creating a specific new law regarding the issue of child pornography since there is no specific law related to this matter contrasting the other countries such as the United States and United Kingdom. There is no specific law in Malaysia on child pornography and no definition of child pornography. Besides that, there is also no uniformity of the punishment and offence against child pornography provided in the present laws. Therefore, the researcher is recommended the definition of child pornography to be inserted to the Statutes. Furthermore, this research also proposes to implement sufficient sanctions such as whipping for serious offences and to standardize the imprisonment period.

In order to produce this research, various sources will be referred to. These sources include legal materials such as Statutes and case law. Interviews have also been conducted with the representative from the non-governmental organization and the other two from the enforcement officers. It is hoped that the research will enlightened the importance of the protection of child pornography.

We would like to propose that there is no necessity to create any specific law on child pornography but proposing to make some amendment of the existing laws and some implementation to standardize the punishment for all offences under child pornography.

## TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iii
Contents	iv
List of Cases	vii

### CHAPTER ONE: INTRODUCTION

1.0 Introduction	1
1.1 Problem Statement	1
1.2 Objective and Scope	2
1.3 Significance of the Research	2
1.4 Limitations of the Research	3
1.5 Research Methodology	4
1.6 Outline	5
1.7 Conclusion	6

### CHAPTER TWO: DEFINITION ON CHILD, PORNOGRAPHY, CHILD PORNOGRAPHY AND AGE OF CONSENT

2.0 Introduction	7
2.1 Definition of Child	7
2.1.1 Literal Definition	7
2.1.2 Statutory Definition	7
2.1.2.1 Malaysia	7
2.1.2.2 United State	8
2.1.2.3 Australian States and Territories	8
2.1.3 Legal Definition of Child under International Bodies	9
2.2 Definition of Pornography	9
2.2.1 Literal Definition	10
2.2.2 Statutory Definition	10
2.2.2.1 United State	10
2.2.3 Social Perspective	11
2.2.4 Political Perspective	12
2.3 Definition of Child Pornography	13
2.3.1 Statutory Definition	13
2.3.1.1 United State	13
2.3.1.2 Australian States and Territories	14
2.3.1.3 United Kingdom	14

2.3.2	Legal Definition of Child under International Bodies	15
2.3.3	Social Perspective	16
2.4	Age of Consent	16
2.5	Types of Pornography	17
2.5.1	Visual Form	17
2.5.2	Audio Form	17
2.5.3	Graphical Form	18
2.5.4	Other Form	18
	2.5.4.1 Cyber-porn	18
	2.5.4.2 Video Cassettes	19
	2.5.4.3 Motion Pictures	19
	2.5.4.4 Television	19
2.5.5	Legal Form	20
2.6	Social Perspective	20
2.7	Conclusion	24

### **CHAPTER THREE: LEGISLATIONS**

3.0	Introduction	26
3.1	Child Act 2001	26
3.2	Penal Code (Act 574)	28
3.3	Film Censorship Act 2002 (Act 620)	31
3.4	Communications and Multimedia Act 1998 (Act 588)	32
3.5	Computer Crimes Act 1997 (Act 563)	34
3.6	The Convention on the Rights of the Child	35
3.7	Conclusion	36

### **CHAPTER FOUR: RESEARCH METHODOLOGY**

4.0	Introduction	38
4.1	Malaysian Protection of the Children Association	38
4.2	Polis DiRaja Malaysia	39
4.3	Communications and Multimedia Commission	40
4.4	Conclusion	41