

**THE ADEQUACY OF MALAYSIAN ANTI TRAFFICKING IN  
PERSON AND ANTI SMUGGLING OF MIGRANTS ACT 2007 IN  
PROTECTING TRAFFICKED VICTIMS IN MALAYSIA**

By

Nurul Waheda Abd Rahman (2010616962)  
Noor Farhana Zakaria (2010626242)  
Siti Amera Razali (2010654752)

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

**Universiti Teknologi MARA**

**Faculty of Law**

December 2012

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

## **ACKNOWLEDGEMENT**

We would like to acknowledge and extend our heartfelt gratitude to the following persons who have made the completion of this research paper possible;

Our supervisor, Madam Norlaily Binti Osman, whose time, guidance and supervision were highly valuable in assisting us to complete this paper. This research paper would not have been possible without your continuous assistance. Our sincere gratitude also goes to Dr. Hartini Saripan for her vital encouragement and much needed motivation. A million thanks to our respondent, Mrs. Norazrin Bt. Mohamat Janis from the Welfare Department. Our heartfelt thanks to our friends and fellow classmates for the sharing of knowledge and information and our very special gratitude to our most beloved parents whose unconditional love throughout our live can never be repaid. Sincerely, we will not be able to go this far without your support and encouragements which keep us motivated all the way. And most importantly, we are very thankful to Allah S.W.T who made all things possible.

## ABSTRACT

The purpose of this research is to address and discuss on the implementation of the Malaysia's Anti- Trafficking in Person and Anti-Smuggling of Migrants Act 2007 pertaining to the victim protection provided under Part V of the Act. A comparative study will be made with the legislation from the other country and in our case, to the United States' Trafficking Victim Protection Act 2000 in reference to the Trafficking Victim Protection Reauthorization Act 2003, 2005 and 2008.

Throughout this research several objectives will be pursued and achieved, which are, to critically analyse the adequacy of the Anti- Trafficking in Person Act (2007) in providing protections for the trafficking victims in Malaysia, to make a comparison between the Anti- Trafficking in Person Act (2007) and the United States' Trafficking Victim Protection Act 2000 in relating to the trafficking victims' protection and to suggest some recommendations in order to improve the Anti- Trafficking in Person Act (2007) in providing the ample protection for the trafficking victims in Malaysia.

So as to provide reliable data and sources, this research will adopt a qualitative research which involved a collection of data and it will involve a complete, thick and detailed description of the analysis of the research. In addition, we will be using both the doctrinal research and empirical research. We will mainly conduct our research through library research that includes the internet research and primary data. Firstly, on library research we will be using primary and secondary sources. We will review the recent legislated law, books, journals, and newspaper that are related with our research. Then, on the internet research we will use internet journals, e-books and any related internet sources that focus on the trafficking victim protection that we can find such as in LexisNexis and Sage Journals.

Secondly, we will be conducting the empirical research which involved field work in order for us to get our primary data to the research. We will be conducting a semi-structure interview where we will be choose a suitable person such as legal practitioner, law lecturer and also from statutory body such as an immigration officer. This

interview will be conducted either through face to face, emails, or telephone calls' interview. The aim of this interview is to gather more information and clarification in the research of trafficking victim protection. When the literature and sources has been obtained, we will analyse it using the data analysis software.

## TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iii
Table of Contents	iv
List of Statute	v

### CHAPTER ONE: THE PROPOSAL

1.1	Background of Study	1
1.2	Research Question	3
1.3	Research Objective	4
1.4	Research Methodology	4
1.5	Delimitation/Scope	5
1.6	Limitation	6
1.7	Significance of the Study	6
1.8	Literature Review	
	1.8.1. Conceptual Framework	7
	1.8.2. Legal Framework	8
	1.8.3. Theoretical Framework	11
1.9	Provisional Plan of Research	13

### CHAPTER TWO: GENERAL VIEW ON THE TRAFFICKING VICTIM

2.1	An overview of human trafficking in Malaysia	14
2.2	Factors that contribute to human trafficking	20
2.3	Reasons for the need to protect the trafficked victims.	24

### CHAPTER THREE: EXISTING LAW AND ENFORCEMENT

3.1	United States' Trafficking Victim Protection Act 2000	27
3.2	Malaysia's Anti Trafficking in-Person and Anti-Smuggling of Migrants Act (ATIP) 2007	31
3.3	Governmental Bodies	39
3.4	Non-Governmental Bodies	44