

**DEVELOPING SCHOOL ANTI-BULLYING
LEGISLATION IN MALAYSIA: WITH REFERENCE TO
NEW JERSEY AND NEW YORK STATE LEGISLATION**

By

Athirah binti Azizan (2011344231)
Nuraila Ilia binti Amir (2011522139)
Nur Amalina binti Harun (2011500097)
Siti Norafiqah binti Hassanor (2011188115)

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

**Universiti Teknologi MARA
Faculty of Law**

June 2014

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

This research paper is carried out to examine the problem of school bullying in Malaysia and the effectiveness of a School Anti-Bullying Legislation in reducing this problem with reference to New Jersey and New York State Legislation.

School bullying is a serious matter that affects everyone and occurs everywhere around the world including Malaysia. It can give negative effects to students either physically, psychologically or emotionally depending on the types of bullying whether physical or verbal bullying. Nevertheless, despite the continuance existence of the school bullying problem, Malaysia has no specific legislation to deal with this problem. The existence of the Penal Code (Act 574) and Child Act 2001 (Act 611) are inadequate to curb with the problem of school bullying. Both these legislations contain no specific provision on school bullying. As a result, this problem continues to rise. Besides, the school policies like School Safety policy is still ineffective in reducing bullying activities in school due to lack of enforcement and uniformity between each school.

Accordingly, this research paper demonstrates the capability of New Jersey and New York to deal with the problem of school bullying. The availability of a School Anti-Bullying Legislation in these states has shown a decrease in the rate of school bullying. This shows the effectiveness of this legislation to curb with this problem. Due to this fact, this research paper proposes a specific legislation on school bullying to be enacted in Malaysia namely, School Anti-Bullying Legislation.

TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iii
Contents	iv
List of Cases	vii
List of Statutes	viii

CHAPTER ONE: INTRODUCTION

1.0	Introduction	1
1.1	Research Background	1
1.2	Research Problem	4
1.3	Research Objectives	5
1.4	Research Questions	5
1.5	Significance of Research	6
1.6	Scope and Limitations of Research	7
1.7	Research Methodology	11
1.8	Outline of the Structure of the Paper	13
1.9	Conclusion	13

CHAPTER TWO: AN OVERVIEW OF THE MALAYSIAN CHILD ACT 2001 (Act 611), PENAL CODE (ACT 574) AND SURAT PEKELILING IKHTISAS

2.0	Introduction	14
2.1	Child Act 2001 (Act 611)	14
2.1.1	Criticism against Child Act 2001 (Act 611)	16
2.2	Penal Code (Act 574)	19
2.3	Application of Child Act 2001 (Act 611) and Penal Code (Act 574)	20
2.4	Regulations Regarding Bullying in School	22
2.5	<i>Surat Pekeliling Ikhtisas Bilangan 8 Tahun 2010</i>	22
2.6	Conclusion	24

CHAPTER THREE: AN OVERVIEW OF SCHOOL ANTI-BULLYING LEGISLATION IN NEW JERSEY AND NEW YORK

3.0	Introduction	25
3.1	School Bullying in New Jersey	26
3.1.1	Historical Background of School Anti-Bullying Legislation in New Jersey	26
3.1.2	School Anti-Bullying Legislation in New Jersey	27
3.2	School Bullying in New York	31
3.2.1	Historical Background of School Anti-Bullying Legislation in New York	31
3.2.2	School Anti-Bullying Legislation in New York	32
3.3	Conclusion	35

CHAPTER FOUR: FINDINGS

4.0	Introduction	36
4.1	Research Findings	36

CHAPTER 5: RECOMMENDATIONS AND CONCLUSION

5.0	Recommendations	46
5.1	Conclusion	49

	Bibliography	50
--	--------------	----

Appendices

	Appendix 1: Interview Questions	57
	Interview with Miss Jamaliah bt. Sajali (First Respondent)	
	Interview with Mr. Hassanor bin Othman (Second Respondent)	
	Interview with Mr. Lee Chong Fook (Third Respondent)	
	Interview with Mr. Rosmani b. Talib (Fourth Respondent)	
	Interview with Mrs. Lee Gaik Wat (Fifth Respondent)	

CHAPTER ONE

INTRODUCTION

1.0 Introduction

Article 12 of the Malaysian Federal Constitution provides for every citizen the right to education irrespective of their religion, race or place of birth.¹ Article 28 of The Convention on the Rights of the Child (CRC) also recognizes the child's right to education.² Accordingly, school plays an important role as a place to learn and become educated. Unfortunately, there are some who view school to be their worst nightmare because they are the victims of bullying. According to the 2007 Kandersteg Declaration against Bullying in Children and Youth, almost 200 million children and youth around the world have been bullied by their peers.³

1.1 Research Background

All of us are responsible to ensure the students' right to education is protected.⁴ School should be a safe place for children to reach their fullest potential. That is why we choose school bullying as our research topic because the problem of school bullying is continuing to rise, but until now Malaysia does not have specific legislation to solve it. An urgent action should be taken to put an end to this problem because school bullying can affect the students' ability to progress academically and socially.⁵

Bullying can falls under the subject of criminal law. According to the 8th Edition of Oxford Advanced Learner's Dictionary⁶, bully (noun) means a person who uses their strength or power to frighten or hurt weaker people. Whereas, bullying (verb) means to frighten or hurt a weaker person, to use your strength or power to make somebody to do something.

¹ ("Federal Constitution," 2014)

² ("Convention on the Rights of the Child," 2014)

³ ("Kandersteg Declaration Against Bullying in Children and Youth," 2007)

⁴ (Baron, 2013)

⁵ (Yahaya)

⁶ (Hornby, 2010)