

**AN ANALYSIS OF DOMESTIC VIOLENCE ACT AND ITS CURRENT
ENFORCEMENT IN MALAYSIA**

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ABSTRACT

The main concern of this study is to provide brief and comprehensive legal awareness on the latest scope of injury of a domestic violence offense protected by law, application process through enforcement officer that the victim has to follow in order to get protection and remedies available in the domestic violence act. The discussion includes the brief history of legislation of domestic violence in Malaysia, the case law that had been decided in domestic violence cases, types of remedies such as interim protection order, counselling and compensation which aim to facilitate the victim of domestic violence to seek protection and claim remuneration for suffering and loss occurred. Other than that, criticism on the implementation of the act by enforcement officer is also discussed in one special chapter. The aim of this study is to provide most effective and appropriate approach in giving legal awareness to the society on their rights regarding domestic violence problems. This task is accomplished by evaluating the root problem of domestic violence in the society in Malaysia and legal measure to tackle this problem. On this basis, a number of statutes and case law are widely examined to analyse the domestic violence provisions. The most significant statute of this study is Domestic Violence (Amendment) Act 2012. Apart from that, throughout the discussion, many comparisons of legislation with other jurisdiction is made to give a clear view on the loopholes that are not covered by Malaysia's jurisdiction. The most practical approach to from other countries such as Australia, United Kingdom and India is also discussed and evaluated to cover the loopholes in jurisdiction in Malaysia. This study concludes that most of the time society has sufficient awareness of the domestic violence problem, but they prefer to not get the involvement of legal enforcement due to cultural belief that family matter should remain personal and exposing domestic violence act by their own family member would embarrass and humiliating the family member itself. In addition, the legal enforcement officer also has such belief in refusing report involving domestic violence which is not considered physically severe to the victim. Thus, it is our contention to bring out the society's stigma on domestic violence and help them to know the extent of protection of domestic violence under the law.

TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iii
Table of Contents	v
CHAPTER ONE : INTRODUCTION TO THE STUDY OF DOMESTIC VIOLENCE	
1.1 BackgroundOf Study	1-2
1.2 Problem Statement	3
1.3 Research Question	3
1.4 Research Objectives	4
1.5 Literature Review	4-15
1.6Research Methodology	15-16
1.7 Scope and Limitation	16
1.7.1 Scope	16-17
1.7.2 Limitation	17
1.8 Research Contribution	18

CHAPTER TWO : THE LAW OF DOMESTIC VIOLENCE IN MALAYSIA

2.0 Comparison Of Legislation Before And After The Amendment	19
2.0.1 Interpretation Section (Section 2)	19
2.0.1.1 Definition Of Domestic Violence	19
2.0.1.2 Addition of Paragraph (e)	19-20
2.0.1.3 Inclusion of Third Party	20-21
2.0.1.4 Substitution Of Incapacitated Adult	21
2.0.1.5 Definition of Shared Residence	21
2.0.1.6 Definition of Safe Place	22
2.0.1.7 Definition Of Protection Order	22
2.0.2 Substitution Of Section 3	22-23
2.0.3 Amendment Of Part II	23
2.0.4 Amendment Of Section 4	23
2.0.4.1 Substitution Of Subsection (2)	23
2.0.4.2 Insertion Of New Subsections	23
2.0.4.3 Conditions Where IPO Will Ceased	24
2.0.5 Amendment Of Section 5	24
2.0.6 Amendment of Section 6	25
2.0.6.1 Substitution Of Paragraph (B)	25