A SOCIO-LEGAL STUDY ON BULLY AMONG YOUTHS IN MALAYSIA

By

Ashraf Azmi (2008408904)

Nik Azila Shuhada Nik Abdullah (2008408946)

Nawal Nadia Azimuddin (2008408944)

Nik Wan Nurul Ain Mahamah Poyi (2008408952)

Syazwani Rozlan (2008408874)

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

Universiti Teknologi MARA

Faculty of Law

October 2010

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.

ACKNOWLEDGEMENT

In the name of Allah, The most Merciful and the most Forgiving

Alhamdulillah, thanks to Allah SWT with His guidance and blessing, we have finally completed our research.

We accord our greatest appreciation to Puan Hamsiah Omar for the valuable guidance and endless advice. She has inspired us greatly to work in this research paper. Her willingness to motivate us contributed tremendously to our project.

Also, we extend our deepest appreciation to the staffs and officials especially to Tuan Razrin Hamidi Bin Abdul Razak, Inspector of Prison in Henry Gurney School in Malacca. Besides that, we would like to thank Tuan Ahmad Nasir Bin Md Ali, Chief Inspector of Prison (KIP) from Kajang Prison's Integrity School. On top of that, we also thank Puan Sharina Bt. Ali Pitchay, the Assistant Registrar (Administration) of Shah Alam High Court. In addition, we are also highly indebted to Puan Hjh. Misliah Bt. Hj. Mohd Aris, Senior Registrar and Tuan Mohd Aphis Bin Zainal Abidin, Registrar of Session Court Shah Alam. Also, our sincerest thanks to the staffs and officials in Jabatan Pelajaran Selangor. They have given us a lot of opportunities to learn more about our research topic. Their kind assistance and cooperation are highly appreciated.

Finally, an honorable mention goes to our parents, for their understanding, continuos financial and moral support throughout the time spent in completing this research.

Last but not least, we extend our thanks to all our dear friends who had together contributed ideas and knowledge throughout this research. Only Allah SWT can repay for all the kindness and good deeds done unto us. Thank you.

ABSTRACT

Stories on bully are becoming a norm in our daily lives. Almost every day, these stories on bully make up the pages of our newspapers. It has been around for as long as we can remember. These days, media has also provided extensive coverage to raise the awareness amongst the public. However, this problem still persists. This will only stagnant their growth, thus not making them capable of achieving their ultimate potential whether in schools or in their adult years.

This project paper is conducted with aims to study the existing national schools' policies and its' application, to highlight any law available that governs specifically on the offence of bully and to analyze the application of the various forms of protection provided for children as included in the Child Act 2001 and the Penal Code.

This research is based on qualitative methodology where besides referring to books, articles, journals as well as internet. Interviews were also conducted with several officers from various government institutions to gather all the relevant information. Questionnaires were also handed out throughout the course of our research.

It is hoped that this project paper will provide a comprehensive discussion on the lacuna and loopholes in the Malaysian Legal System pertaining the issue of bully. Finally, the project paper was ended by conclusions and recommendations that could possibly be taken as effective measures to combat the rampant problem.

TABLE OF CONTENTS

Ackr	nowledgement	ï	
Abst	ract	īii	
Cont	Contents		
List of Cases		vii	
СНА	PTER ONE: INTRODUCTION		
1.0	Introduction	1	
1.1	Problem Statement	4	
1.2	Objectives of Study	5	
1.3	Literature Review	5	
1.4	Methodology	13	
1.5	Scope and Limitation	14	
1.6	Significance of Study	15	
СНА	PTER TWO: GENERAL OVERVIEW OF BULLY		
2.0	Introduction	16	
2.1	Types of bully	17	
2.2	Places Where Bully Occur	18	
	2.2.1 Bully in school	19	
	2.2.2 Cyber bullying	19	
	2.2.3 Bully in workplace	20	
2.3	The Effects of Bullying	22	
2.4	Bully and Statistics	22	
2.5	Factors of Bully	23	
2.6	Prevention of Bully	25	
2.7	Conclusion	28	

CHAPTER THREE: NATIONAL SCHOOLS' POLICIES AND ITS APPLICATION

3.0	Introduction	29
3.1	The Education Ordinance 1957 or	32
	better known as "Ordinan Pelajaran	
	1957, Peraturan-Peraturan Pelajaran	
	(Disiplin Sekolah) 1959"	
3.2	Professional Circulars or	34
	also known as "Surat Pekeliling Ikhtisas"	
3.3		36
3.4	Conclusion	42
	•	
СНА	PTER FOUR: THE APPLICATION OF VARIOUS FORMS	
	PROTECTION PROVIDED FOR CHILDREN UNDER EXISTING LAWS	ļ
	UNDER EXISTING LAWS	
4.0	Introduction	43
4.1	No Specific Laws on Bully	43
4.2	Penal Code	43
4.3	Child Act 2001	48
	4.3.1 Purposes for the formation of	
	Child Act 2001	52
	4.3.2 Child Act as a Form of Protection	
	To the Children	56
	4.3.3 Example of Malaysian Cases	
	On Juvenile Deliquency	58
4.4	Doli Incapax	
	4.4.1 Introduction to Doli Incapax	61
	4.4.2 The Rebuttable Presumption	61
	of Doli Incapax	
	4.4.3 Criticisms of Doli Incapax Presumption	63
	4.4.3.1 The Doli Incapax Doctrine	64
	Is Outdated	
	4.4.3.2 Doli Incapax was Unfair in Practice	70
4.5	The Case of James Bulger	72