



اَوْنَهَوْرَسِيْتِي تِي كَوْنُو لُو كِي مَارَا
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MARA

SEXTING: A COMPARATIVE STUDY OF CHILD SEXUAL CRIMINALOLOGY
BETWEEN AUSTRALIA AND MALAYSIA

Submitted in partial fulfillment of:
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To Associate Professor Siti Hajar bt Mohd Yasin
Law Faculty UITM

Prepared By:
Nur Liyana Binti Rosli - 2008412352
Nur Shafiqah Binti Nor Azelan - 2008408976
Fatimah Zubaidah Binti Mohd Zabidi - 2008403388

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Abstract

There are quite a similarity between laws in Malaysia and Australia. However, in Australia the laws regarding sexting are clearer and such offence has its own specific provisions which make it a crime upon practicing it as criminal law affects sexting in several ways. Out of the areas of criminal law that affect sexting, child pornography has, by far, gained the most attention in the media and academic debate. The reason is obvious – child pornography laws, put in place to protect children from one of the world’s most universally condemned criminal activities, are being used to charge teenagers who voluntarily capture and communicate images or videos of themselves. For the teenager who commits sexting, they are at risk of being prosecuted under child pornography charges because of discrepancies in state and federal laws. This is because the for example, the age of consent in NSW is 16 – and the legal definition of a child in NSW is the same – under the Commonwealth Criminal Code, a child is defined as anyone under the age of 18. If a child is charged with a crime like this, he or she could be placed on the child-sex register which could in turn, could affect his or her employment and travel prospects. Hence to avoid such consequences which will ruin the child later on, the authority should take account of sexting as a common practice among young people, in order to avoid criminalizing or stigmatizing young people as child sex offenders. The key task in relation to the ways would be to find some sort of exception, defense or something along those lines excluding sexting from child pornography offences while at the same time avoiding creating some sort of a loophole that can be used by serious child pornography offenders.

In Malaysia, state and local officials are expected to propose new laws to deal with the passing of sexual or nude photos between teenagers, known as "sexting." Reference to the current positions of such activity can be made by setting up a research body to do some comparisons of positions of laws from other countries

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