

**CHILD BEGGARS SYNDICATE IN MALAYSIA: A REVIEW OF SECTION 32 OF
CHILD ACT 2001**

By

Muhammad Firdaus Bin Arshad (2007144127)

Nurul Izzati Binti Armain (2007143953)

Raja Farahdatul Husna Binti Raja Amiruddin (2007143963)

Raja Nurhayati Binti Raja Anuar (2007143967)

Raja Sarah Syahira Binti Raja Shahrudin (2007143969)

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

Universiti Teknologi MARA
Faculty of Law

APRIL 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

Assalamualaikum W.B.T. First and foremost, we are thankful to Allah S.W.T for giving us strength to complete this project paper in time. We would like to express the deepest appreciation to our supervisor, Puan Norita binti Azmi, whose has guided us to complete this research paper project. She continually and convincingly support and encouraged us in regard to this paper project. Without her supervision and persistent help, this research project paper would not have been possible.

In addition, we would like to show our grateful gratitude to En. Ahmad Razif bin Mohd Sidek, Head of Human Rights and International Organization of Attorney's General Chambers who has helped us and gave lots of information regarding our topic. His knowledge and suggestion provides us with a better understanding and clear view concerning this matter.

Besides that, we also like to thank En. Abdul Rahman Bin Abdullah from Human Right Commissions of Malaysia (SUHAKAM) for giving us guidance and advice from the early stage of this research. Not to forget, Pn. Norfini Binti Saad and Pn. Rosnah Binti Abdul Mutalib from Rumah Aman for their co-operation with regards of our topic to complete this project paper.

Furthermore, we owe our deepest gratitude to the Ministry of Women, Family and Community Development for allowing us to use their library to gather information.

We also want to thanks our collegemates and our family who has always support us in completing this research from the beginning.

This research has been carried out by a team which has included Muhammad Firdaus Bin Arshad, Nurul Izzati Binti Armain, Raja Farahdatul Husna Binti Raja Amiruddin, Raja Nurhayati Binti Raja Anuar and Raja Sarah Syahira Binti Raja Shahrudin. This project has been contributed equally and fairly between us.

ABSTRACT

This research paper has been conducted in relation of the issue of the Child Beggars Syndicate in pursuant of Section 32 of the Child Act 2001 [Art 611]. In the said Act, everyone is forbidden to cause a child in any circumstances to beg, whoever who causes so would be liable under the offence of the provision. In our finding, it was found out that the two main limitations in section 32 are due to the vagueness of some of the terms in the provision and as to the punishment provided which is too lenient to be imposed on the syndicate. Punishment under this provision has been compared with other countries such as United Kingdom, Japan and Brunei, the purpose is to look at the effectiveness and the relevancy of the higher punishment. In Malaysia, the maximum punishment is only five thousand ringgit and two years imprisonment meanwhile the other three countries includes whipping and also strict fine. In the three former countries, there are only few cases in relation to child beggars compared to number of cases in our country. In order to decrease the number of child beggars behind the irresponsible syndicate, we have gathered some recommendations and suggestions from people who are expert in relation to this matter. In conclusion, the provision of Section 32 of Child Act 2001 needs to be refined and adding a new clauses to provision which specifically deals with child beggar syndicate with appropriate level of punishment need to be enacted to fill in the lacunae in the existing sections.

TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iii
Contents	iv

CHAPTER ONE: INTRODUCTION

1.0	Introduction	1
	1.0.1 Definition of Child Beggar	3
	1.0.2 The Syndicates	4
	1.0.3 International Convention	5
1.1	Background	6
1.2	Literature Review	8
1.3	Research Question	11
1.4	Objectives of the Research	12
1.5	Significance of the Research	13
1.6	Scope and Limitation of the Research	13
1.7	Research Methodology	14
1.8	Conclusion	15

CHAPTER TWO: THE LIMITATION OF SECTION 32 OF CHILD ACT 2001

2.0	Introduction	16
2.1	Vagueness as to the Definition of:	
	2.1.1 'Any Person'	17
	2.1.2 'Begging'	19
2.2	Obligation of the Child Protector	20
2.3	Ineffectiveness of the Punishment	21
2.4	Findings	22
	2.4.1 Human Rights Commissions of Malaysia (SUHAKAM)	22
	2.4.2 Attorney General's Chamber	24
	2.4.3 Rumah Aman (Orphanage and Welfare)	26
	2.4.4 Respondents	27
2.5	Conclusion	29

CHAPTER ONE: INTRODUCTION

1.0 Introduction

Pamela Glenconner has beautifully written a quote on a child as follows:

*“Bitter are the tears of a child: Sweeten them.
Deep are the thoughts of a child: Quiet them.
Sharp is the grief of a child: Take it from him.
Soft is the heart of a child: Do not harden it.”*¹

Child is a precious gift of all given by God to human being. For someone that is really special and precious, hundred percent of proper care and protection must be given to a child. However, in today’s era, many children are been exploited by irresponsible peoples and syndicates who solicit funds for their personal benefits. This common situation is increasing day to day as more and more children are lured into the business of begging. The children’s basic rights such as right to education, right to leisure, right to health, nutrition and shelter and most important the rights for protection from being abused, neglected and exploitation.² The beggar syndicate could be the mastermind of the exploitation of a child.³ And in some cases of child beggar syndicate, they also suffered detrimental experiences in which they might be beaten, assaulted, tortured whenever they do not able to bring in their daily quota of earnings.⁴ Basically their right for protection had been violated by irresponsible people who use them for private benefits.

From our own experience when being approached by the child beggars, when enquired why they solicit from the public, they basically tend to avoid from answering our questions. Basically their ages are between 9 to 12 years old and they have not received formal education at school. Their unhappy face tells us how in distress they are. For

¹ “Child-beggars: Battering Experiences, Bitter Future”, <http://www.merineews.com/article/child-beggars-battering-experiences-bitter-future/130553.shtm> , accessed on 23 February 2010.

² Ibid.

³ Ibid.

⁴ Ibid.