

UNIVERSITI TEKNOLOGI MARA

**GILLICK COMPETENCE MODEL
FOR MALAYSIAN CHILDREN**

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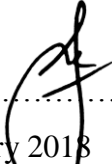
MSc

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AUTHOR'S DECLARATION

I declare that the work in this dissertation was carried out in accordance with the regulations of Universiti Teknologi MARA. It is original and is the results of my own work, unless otherwise indicated or acknowledged as referenced work. This thesis has not been submitted to any other academic institution or non-academic institution for any degree or qualification.

I, hereby, acknowledge that I have been supplied with the Academic Rules and Regulations for Post Graduate, Universiti Teknologi MARA, regulating the conduct of my study and research.

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ABSTRACT

This research is classified as legal research since the research problem stems from lack of statutory rights for children aged between 14 and 18 years old to give or refuse to medical, dental and surgical treatments. The legal research is also fundamental in nature as it aims to develop a legal framework on the right of children in medical, surgical or dental treatments by introducing Gillick Competence model. Being a fundamental legal research, it adopts grounded theory approach which attempts to develop an understanding of the theories, laws and policies underpinning Gillick Competency, so as to enable Gillick Competence model for Malaysian children to be developed. To answer the three-tier research questions, this research employs qualitative research method for the purpose of data collection and data analysis. The research undertakes comparative analysis of the laws and policies of Scotland, Australia, Canada, and New Zealand that underpinned the right of the children to give consent or refuse the treatments. The proposed Gillick Competence model comprised of both substantive law and procedural law components. The proposed model covers both the right of the children to give consent and to refuse to consent, in three areas of healthcare practice i.e. medical, dental and surgical treatments. By developing such model, this research fills in the gaps of the existing law. This research also significantly contributes to the existing body of knowledge as it explores four major theories i.e. Will theory, *Laissez-faire* theory, Cognitive Development theory and Our Three Conditions theory of autonomy, underlying the right of the children aged between 14 to 18 years old in giving consent or refusing the treatments.

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