

**AMENDMENT TO SECTION 376 OF PENAL CODE: A
LESSER PUNISHMENT FOR STATUTORY RAPE WITH
CONSENT**

By

Nur Zafirah binti Mohamad Nor (2011413402)

Aqmar Farzana binti Nor Azizan (2011421406)

Noor Fatin Amanina binti Lily Suhairi (2011428048)

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ABSTRACT

This research paper is mainly discussing the issue regarding statutory rape as govern under section 375 and 376 of the Penal Code respectively. The primary aim is to provide a lesser punishment for statutory rape offender when the offense was accompanied by the consent from the victim who in this case, is below the age of 16. In addition, the sexual relation must between young teenagers.

The law provides the punishment of imprisonment and whipping to the offender who violated this provision. However, a lesser punishment will only be granted by the court if they exercise the inherent power provided under section 294 of the Criminal Procedure Code (Act 593) & Rules after taking into consideration few matters based on the facts of the case.

This research took United States as a guideline in order to create a medium for the offender to motion or petition for a lesser punishment for statutory rape offence. United States adopted this type of regulation called as "Romeo and Juliet' law, when the sexual intercourse is between both young victim and offender.

This research finally found an appropriate mechanism as a guideline for the offender to reduce their punishment. The age gap principle must be adopted in order to avoid injustice to the victim and to ensure the existence of consent on the art of the victim herself.

In conclusion, in order to provide a lesser punishment for the offender itself, the validity and capability of the victim in giving consent shall be looked upon.

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