

Talking About Child Abuse under The Child Act 2001

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ABSTRACT

The world was stunned when it received a tragic and shocking news concerning maltreatment of child. Child abuse and neglect are prevalent forms of child maltreatment and these issues are worsening. This problem has been rooted and encompassed in one's life. Physical, emotional or sexual abuse normally occur when the abuser feels he is stronger, more energetic and powerful in terms of mental and psychological aspects compared to the child's. Not surprisingly, children are often the victims of abuse. In fact even in Malaysia there are worryingly rising cases pertaining this matter. Since the issue of child abuse is a social problem and not a personal one, it occurs everywhere in the world and furthermore it has been heated discussed and debated through the electronic and printed media. Therefore the writer wishes to discuss this matter in respect of Child Act 2001 with three goals, firstly; by explaining the scenario of child abuse as well as the protections provided under the Act, secondly; to expose or to increase the public awareness and understanding as regards to this issue and thirdly; to give some recommendations and suggestions in improving services and safeguarding the interests and welfare of innocent children.

INTRODUCTION

Child abuse has existed and flourished throughout history, in all cultures and ethnic backgrounds. It is a universal problem and a form of human transgression. Globally, approximately 40 million children are subjected to child abuse each year (WHO, 2001). Every time when child abuse or violence against children are reported, some people might think or raise up

a question why an innocence child are normally being victimized by their care taker or by any inhuman abusers? How many children are abused every year? Do parents physically assault their child because he is mentally retarded or spanking or beating him up purposely to educate him to be a well discipline child? Whether this kind of corporal punishment is an acceptable means of discipline? Though some parents might think that they are morally justified to punish their child for his transgression or misbehavior, hopefully this punishment will not end up with horror and serious injury inflicting on a child. We also facing a question like why a parent should leave a three year child near the police headquarters in Johor with his birth certificate and RM2, 000? Why a child aged between eight or nine was raped by her father or brother at home? Definitely, the perpetrators have destroyed the life of a young innocent little girl just for the sake of satisfying their lust.

SCENARIO OF CHILD ABUSE

Surprising news have been reported as regards to child abuse who has been treated inhumanely; like children worldwide are sold into slavery and the sex trade. Each year approximately one million more children all over the world are introduced into commercial sexual exploitation (Casa Alianza, 2001). We also come across a case of physical battering of children, torturing a child, molestation, sodomy, rape, incest, child abduction and kidnapping, child beggar, street children, keeping a child out of school and a child who has been engaged as bonded labourers in Kathmandu, China, Bangladesh and other places. For example in Kathmandu, the police have rescued 14 children between the ages of 14 to 17 who were forced to work as bonded labourers. They were working as wool spinners in a secretly run factory. They have not been paid for their work and were being treated like slaves. An estimation made by the International Labour Organization states that 250 million children in developing countries who are between 5 and 14 years of age work. At least 120 million of them work full time. It is estimated that 15 million children in India are bonded labourers when they obliged to pay off their family debts. In such a situation they work in servitude (Human Rights Watch, 2001). According to a research done by the International Labour Organization, it was revealed that two million children were employed as maids in South Africa, 559,000 in Brazil, whereas 265,000 in Pakistan. At the same time it was found that 700,000 children have been

employed in Jakarta, 300,000 in Dhaka and Bangladesh and in Lima; Peru which involved 150,000 children.

Recently we were shocked by the disappointing news when one baby was found abandoned in Machang, Kelantan. The abandonment of children was a worrying trend on the rise. We also come across a case where some people might involve in selling and buying a babies illegally. A baby broker might offer to a childless couple amounting to RM20,000 including the biological mother's medical bills and other expenses. It is amusing because it sounds like selling an animal. According to Unicef Report, it was revealed that every year approximately 1,000 to 1,500 babies from Guatemala are sold illegally as adopted child. They were brought to North America and Europe. It was found that the female children are more commercialized compared to male children. In fact it is surprising and it never occurs to our mind that there was an advertisement over the internet offering a female child as "mail order brides".

We should bear in mind that involving in this kind of transaction will actually contribute to human trafficking. In Malaysia, there is a proper channel how to adopt a baby or child through the Welfare Department. But it should be noted that as their adoptive parents, the interest of the children must always be safeguarded as well as their welfare will never be neglected. For example; as pointed out by Women, Family and Community Development Ministry Parliamentary Secretary; Datin Paduka Chew Mei Fun, that there was a case where the couple were actually mentally unstable and they have adopted a child for the purpose of abusing and torturing the child. In fact, some couples adopted children especially the older ones to force them to work. In such a situation the Welfare Department has to be careful and implement a stringent screening process to ensure that the innocent children will be given to a right person.

Other cases like sexual crimes often accompanying violence, also appear to be rife in parts of the country. What we are afraid is that we are facing with child rapists who are sadistic offenders, where they use sexuality as tool of sadistic suppression instead of sexual satisfaction. For example in Malaysia, the brutal rape and murder case of Nurul Hanis Kamil, Audrey Melissa Batinathan and a poor child Nurul Huda Gani; a young girl aged ten who was killed and had been raped in a guardhouse of Tenaga Nasional Bhd substation. At a post mortem examination, it was found out that

internally there were soft tissue bleedings in the neck structures, the vagina and the anal were also injured. We also cannot imagine the horror and pain suffered by Ho Ping a seven year old boy who has been kidnapped and murdered. Through the police investigations, it was revealed that he was frothing at the mouth and he was unconscious because a plastic bag was put on his head in order to suffocate him. His body was found in a suitcase in a mangrove swamp.

CHILD ACT 2001

Despite of having statutes like Penal Code, Domestic Violence Act 1994, Child Protection Act 1991, Juvenile Courts Act 1947, Women and Girls Protection Act 1973, Children and Young Persons Act (Employment) Act 1966, Childrencare Center Act 1984 and Care Centers Act 1993 to protect a child from being abused or violence, the Child Act 2001 (Act 611) was implemented to emphasize on the importance and the right of a child namely his or her welfare and the need for care, protection and rehabilitation for the child. Undoubtedly the provisions of this Act is to safeguard their interests. This Act also stresses the role and responsibilities of parents and family. Hence the implementation of the Act is in line with the aims and objectives of the United Nation Convention on the Right of the Child. It should be noted that in order to avoid any duplications and confusion of the existing statutes, by virtue of section 130 of the Child Act 2001, three statutes are repealed such as the Juvenile Courts Act 1947, the Women and Girls Act 1973 and the Child Protection Act 1991. The Act also has consolidated the laws pertaining to care, protection and rehabilitation of children.

Definition of Child

The definition of child as stated in section 2 (1) of the Child Act 2001 as a person under the age of 18 years. The age of child is consistent with the Age of Majority Act 1971. Whereas under the same provision, in relation to criminal proceedings, a person is said to be a child if he has attained the age of criminal responsibility that is 10 years of age as provided under section 82 of the Penal Code. In such a situation, in cases other than criminal proceedings, the Act applies to children below the age of 18. Therefore he or she is protected under the Child Act 2001.

Bearing in mind, the following child are in need for protection.

They are:

- A child who needs for care and protection (Section 17)
- A child who needs for protection and rehabilitation (Section 38)
- A child who has been sold and abducted (Section 48)
- A child who commits a criminal offence (Section 83)
- A child beyond control (Section 46)

Care and Protection

Pursuant to section 17(1) of the Act, the following child is said to be needed for care and protection if

- (a) there is substantial risk that they will be physically or emotionally injured or sexually abused by his parent or guardian or member of extended family.
- (b) his parent or guardian when knowing of such injury or abuse, they have not taken any actions for protecting a child.
- (c) the parent or guardian is unfit or has neglected or unable to exercise proper supervision and control over the child.
- (d) the parent or guardian has neglected or unwilling to provide adequate care, food clothing and shelter.
- (e) the child has no parent or guardian or he has been abandoned by his parent or guardian.
- (f) his parent or guardian neglects or refuses to let a child to get a medical examination or treatment.
- (g) failure on the part of his parent or guardian to take actions in remedying a situation where the child behaves in a manner which is harmful to him or other person.

- (h) the child has suffered emotional injury due to family relationships are seriously disrupted because there is a conflict between the child and his parent or guardian.
- (i) his parent or guardian has not protected the child from the offence committed by the child as specified in the first Schedule or any offence stated in sections 31, 32 and 33.
- (j) his parent or guardian is unable to protect the child who is a member of the same household as the child referred to paragraph (i) or the person who has been convicted of the offence referred paragraph (i).
- (k) allowing them to be on any street, premises or place for begging or receiving alms, carrying out illegal hawking, illegal gambling or involving in any illegal activities

Therefore a child who is substantial risk of physically or emotionally injured, sexually abused, neglected, abandoned and ill treated are governed under the Child Act 2001. When talking about child begging, we can see almost every nook and corner of the country, they are on the streets to beg for alms. They are not only begging for money but also for food. Parents or adults used to force a child or even early infancy to beg on a street. When they involved in that kind of activities, definitely this will deprive their right to education as well as they are exposed to unsafe and inconvenience situations like street hazards, bad weather, diseases which will then affect their health, physical, emotional and psychological. By having the aforesaid provision, children are protected and they can get a better living. Though the problem of child begging will never eradicate fully but this phenomenon can at least be reduced tremendously perhaps by addressing the cause for the problem and the solution will come.

Protection and Rehabilitation

Section 38 states the definition of child who needs for protection and rehabilitation. A child is in need of protection and rehabilitation if

- (a) they being induced to perform any sexual act, or is in any physical or social environment which may lead to the performance of such act;

- (b) they live in or frequents any brothel or place assignation;
- (c) they habitually in the company or under the control of brothel-keepers or procurers or persons employed or involved directly in the business in brothels or in connection with prostitution

Definition of Child Abuse

Child abuse simply stated as a bad treatment receive by a child under the age of 18 by a parent, caretaker, someone living in their home or someone who works with or around children. Abuse of a child is anything that causes injury or puts the child in danger of physical injury. Child abuse can be physical, sexual or emotional, and neglect. All forms of abuse it is undoubted it is harmful to them.

According to section 17(2), a child is said to be abused if:

- (a) he is physically injured if there is substantial and observable injury to any part of his body as a result of the non-accidental application of force or an agent to the child's body that is evidenced by amongst other things, a laceration, a contusion, an abrasion, a scar, a fracture, or other bone injury, a dislocation, a sprain, haemorrhaging, the rupture of a viscus, a burn, scald, the loss or alteration of consciousness or physiological functioning or the loss of hair or teeth;
- (b) he is emotionally injured if there is substantial and observable impairment of the child's mental or emotional functioning that is evidenced by, amongst other things, a mental or behavioural disorder, including anxiety, depression, withdrawal, aggression or delayed development;
- (c) he is sexually abused if he has taken part, whether as a participant or an observer, in any activity which is sexual nature for the purposes of
 - (i) any pornographic, obscene or indecent material, photograph, recording, film, videotape or performance; or
 - (ii) sexual exploitation by any person for that's person or another person's sexual gratification

It should be noted that, if the act of sexual abuse does not include in the above section, hence it is not considered as sexual abuse within the definition provided by the Act. The provision does not cover the act of sexual abuse solely. However the Penal Code used to include rape, indecency and incest.

Duty to Inform

Do you realise that you are among the millions of child abuse observers? Do you know that your neighbour's sister at the aged of 16 was raped for four years by his brother in law? Though she has told her sister about this tragic incidence but as usual she did nothing. In fact have you seen your next door neighbour have treated their three years old child violently by hitting him regularly. Hence it is unbelievable that a cute and chubby child was found with sizeable bruises on his face, chest and legs. Actually when you are confronting with this kind of situations, what shall you do? How long you have to remain silent? Just let it be because you are not intending to interfere because you might think that this is family matters or probably you have burning some desire to make a move by reporting to any authorities regarding this horrifying incidence? It should be borne in mind that by keeping silence in our mind as if we tolerate and let it happens without any interference. In fact many people do not believe that parents are able to act violently against their child. They only realize what really happen unless and until a media exposed a photograph of abandon baby or battered child then they believe that how could parents intentionally can do a cruel thing to his innocent child.

One should consider that the issue of a child abuse is not a personal matter. It is not because this issue is more serious than other problems but it seems that everybody should take part and responsibility in resolving these matters. We should concern about family and child development. The Child Act 2001 mandates a medical officer, member of the family and child care provider to inform the authorities if they believe on a reasonable ground that a child is being abused. Medical officer; under section 2 of the Act is defined as a registered medical practitioner in any teaching hospital of a University. As mentioned by the same section and Act, member of the family includes a parent or guardian, or a member of extended family, who is a household member. Extended family refers to a person related by

consanguinity, affinity or adoption to that person. Whereas child care provider is defined as a person who looks after one or more children for valuable consideration for any period of time.

Section 27(1) imposes an obligation on a medical officer or registered medical practitioner to inform a Protector if they suspect that a child is physically or emotionally injured as a result of being ill-treated, neglected, abandoned or exposed, or sexually abused. Failure to do so, under subsection (2) he shall be liable to a fine not exceeding two years or both. Section 2 of the Act defines protector as Director General; the Deputy Director General; a Divisional Director of Social Welfare, Department of Social Welfare; the State Director of Social Welfare and any Social Welfare Officer appointed under section 8. Section 28(1) stresses that any member of the family shall immediately inform a protector if they suspect that a child is being abused. Failure to comply with this section, by subsection (2), they shall commit an offence and be released on a bond on conditions to be determined by the Court. Under subsection (3), if they fail to comply with any conditions of a bond, they shall be liable to a fine not exceeding five thousand ringgit or imprisonment for not exceeding two years or both. Section 29(1) imposes the same duty to a child care provider. By subsection (2), if they fail to comply, they shall be liable to a fine not exceeding five thousand ringgit or imprisonment for not exceeding two years or both.

As regards to the information given, the informers should not worry if the information is not accurate. The Child Act 2001 by section 116(1), protects the informers in giving their information. They incur no liability for defamation. In fact under subsection (2), the identity of the informers also will not be disclosed.

Temporary Custody and Medical Examination and Treatment

Any Protector or police officer if they satisfied on a reasonable ground that a child is in need of care and protection, they may take the child into temporary custody. This is stated under section 18. According to section 19(1), subject to section 20, every child who is taken into temporary custody under section 18, shall be brought before a Court For Children within twenty four hours. Pursuant to subsection (2), if it is possible to bring a child

within that time, they shall be brought before a Magistrate to put them in a place of safety or to get the care of a fit and proper person. By virtue of section 20, if a protector or police officer, opined that the child is in need of medical examination or treatment, they may bring them to see medical officer.

Notification of Taking a Child Into Care, Custody or Control

Section 35(1) states that if a person takes a child into his care, custody or control, he must notify the Protector of such taking within one week. Subsection (2) provides that on receiving any notification, the Protector shall make such inquiry as he thinks fit as to the circumstances and reasons for taking. He also may consider the suitability for that purpose. Under subsection (3), after the inquiry was held, for the best interests of the child, the Protector may order that the child to be returned to his parent, guardian or the person in whose care he was at the time of such taking or allowing the taking of child subject to terms and conditions required by him.

Removal of a Child to a Place of Refuge

By virtue of section 39(1), any protector or police officer who suspects that a child is in need of protection and rehabilitation may order the child to be removed to a place of refuge and they shall be temporarily detained in such place. According to subsection (2), they shall be brought before a Court For Children within twenty hours. By subsection (3), if it is impossible to bring them before a Court For Children, the child may be brought before a Magistrate who may order a child to be placed in a place of refuge.

Offences and Penalties

As regards to offences relating to the health and welfare of children which concern ill treatment, neglect, abandonment or exposure of children, children used for begging and leaving a child without reasonable supervision; section 31, 32 and 33 imposes a penalty for those who fails to comply with the provisions. Section 31(1) says that any person who abuses, neglects, abandons, or exposes the child which likely to cause him physical or emotional injury or allows him to be abused, neglected, abandoned or exposed or sexually abuses the child or causes him to be abused, he shall be

liable to a fine not exceeding twenty thousand ringgit or imprisonment for not exceeding ten years or both. As provided under subsection (2), the court in addition to the above punishment shall order the person convicted of an offence, to execute a bond with sureties to be good behaviour. Under subsection (3), if he fails to comply with any of the conditions of such bond, he shall be liable to a further fine not exceeding ten thousand ringgit or to a further imprisonment for not exceeding five years or both. Section 31(4) provides that a parent, guardian or person legally liable to maintain a child; if he is able to provide from his own resources but fails to provide adequate food, clothing, medical or dental treatment, lodging or care for the child, he shall be considered have neglected a child which likely causing him physical or emotional injury. For begging and other illegal activities, section 32 states that any person who causes or allowing a child to beg, receiving alms, carrying out illegal activities, he shall be liable to a fine not exceeding five thousand ringgit or imprisonment for not exceeding two years or both. Bearing in mind, for parent or guardian leaves the child without making reasonable supervision and care of the child for a period and conditions which are unreasonable, he shall be liable to a fine not exceeding five thousand ringgit or imprisonment for not exceeding two years or both. This is stated under section 33.

According to section 43(1), any person who:

- (a) sells, lets for hire, disposes or buys or hires or obtains possession of a child with intent that the child is to be employed or used for the purpose of prostitution or knowing or believing that the child will be employed or used;
- (b) procures a child for purposes of prostitution or having sexual intercourse;
- (c) by or under any false pretence, false representation, or fraudulent or deceitful means made or used, brings or assists in bringing into, or takes out or assists in taking out a child with the intention that the child to be employed or used for prostitution or suspects that the child will be employed or used;

- (d) brings into Malaysia, receives or harbours a child knowing or suspects that a child has been procured for prostitution or having sexual intercourse with any person and with intention to aid such purpose;
- (e) knowing or suspects a child has been brought into Malaysia in the circumstances stated in paragraph (c) or has been sold, let for hire, or hired or purchased in the circumstances provided in paragraph (a), or against any written law receives or harbours the child with the intention he is to be employed or used for prostitution;
- (f) detains a child in a brothel against the child's will;
- (g) detains a child in any place against his will with the intention he is to be employed or used for prostitution or immoral purpose;
- (h) by displaying an advertisement or notice which offers a child for prostitution;
- (i) acts as an intermediary on behalf of a child or exercises control or influence over the movements of a child in such manner as to show that he is aiding or abetting or controlling the prostitution of a child;
- (j) engages or hires a child in order to provide services for sexual gratification;
- (k) attempts to do any act which contravenes this section, shall commit an offence. For offences stated under paragraphs (a) to (h), he shall be liable to a fine not exceeding fifty thousand ringgit or imprisonment for not exceeding fifteen years or both. As an offence provided under paragraph, (i) or (j), he shall be liable to a fine not exceeding fifty thousand ringgit and imprisonment for not not less than three years but not more than fifteen years shall also be punished with whipping not more than six strokes.

In pursuant to subsection (2), any person who is convicted of a second or subsequent offence, under paragraphs (1) (a) to (g) or paragraph (1) (k), he shall be liable to whipping not more than ten strokes and under paragraphs

(1) (i) or (j), he shall be punished with whipping not less than six strokes but not more than ten strokes.

Section 48 dealing with trafficking and abduction of children. Section 48 provides that any person who involves in child abduction or sold him for money, he shall be liable to fine not exceeding ten thousand ringgit or imprisonment for not exceeding five years or both. Whereas section 49 mentions about the importation of child by false pretences. This provision says that any person who makes any false pretence or representation or uses any fraudulent or deceitful means, by bringing or assisting in bringing a child into Malaysia, he shall convict an offence and shall be liable to fine not exceeding five years or both.

RECOMMENDATIONS AND SUGGESTIONS

The act of abusing a child is unforgivable and terrible things that a brutal person can do. It touches everyone's feelings. People are wondering why a cute, small and innocence being treated inhumanely and why they do not receive proper care, love and protection? No doubt we cannot eliminate the incidence but nevertheless we must try to curb the pervasiveness of this problem by identifying the roots of it. Therefore, certain efforts and strategies must be implemented and taken into account.

1. The provision of the Child Act 2001 as regards to duty to inform the incidence of child abuse must be widened. For instance such duty must not only imposed on the family, care taker or medical officer; but it must be extended to everybody which includes teachers and society.
2. The provision of the Penal Code which relates incest and rape must be amended. It is suggested that a stiff penalty must be imposed for the perpetrators for example for incest and rape, jail sentence must be increased. Perhaps life sentence is more appropriate for inhumane perpetrators. In fact who is the age of more than 50, they are also subject to whipping. This punishment must be done in public so that it will lighten the awareness among the society that this inhumane act is the most serious, cruel, horrendous and despicable sexual crimes

committed against children. In order to improve for reporting incest case, I would suggest that certain provision must be created like having a penalty for those who fail to report. They will be sentenced for imprisonment for not more than 4 months. For the Child Act, the provisions regarding offences like selling or letting a child for prostitution, selling, kidnapping or importation of a child must also be amended. For these kind of offences, the jail sentence and fine must be increased.

3. Since the years of middle childhood is considered as a period of latency, children of this age group are very curious about sex. In order to avoid our kids from receiving any incorrect information about sex, despite of having and introducing sex education from school, parents also must play an important role in having casual discussions with children about sexual matters. They have to know about sexual violation. They have to be informed what is right and wrong. For example, they may trust any strangers or perpetrators which he could not think that they might do some acts which is wrong. In fact he or she may afraid to tell someone about it or she may fear that nobody will believe her. It is not surprising it comes to the extend that she is pregnant. In such a case, parents must educate their children about the life threatening disease like AIDS, menstruation, masturbation, intercourse, pregnancy and sexual violation. Be frank and honest with our kids about the sexual acts as well as the seriousness of the illness. Parents also must ensure that their kids are able to understand and differentiate between good and bad touch which they feel uncomfortable and painful. Perhaps we can explain to them do not obey every order of an adult. In fact we must warn them not to accept any offers made by a stranger. Always encourage them to come and see us immediately and reassure them whatever they tell us we believe about it and of course whatever happens she or he will not be blamed. This is important because they put a trust on us. In having discussions with them, we can instill positive values like religious beliefs, social and moral values. I was really grateful when our Deputy Education: Datuk Noh Omar said that sex education in schools has been reviewed which include issues of pregnancy out of wedlock, incest, HIV, AIDS and "the bohsia syndrome". Hopefully by having and exposing a child

to sex education and discussions about sexual matters will help children to develop their mind to a meaningful life.

4. Apart from having sexual education, special programs must be implemented for parents. They must be exposed to parenting class education for instance something about parenting skills and methods. This program is beneficial to young or old people because they will be taught about the development of a child, the nature of child abuse, disciplinary techniques, abusive behaviors, parental obligations and responsibilities regarding care and protection. For example, they have to understand the children's need, the unacceptability of using a child to beg, they must know how to treat children with kindness, courtesy and respect, as well as the rights of children. On the other hand, we also can have extensive child care programs to relieve mother from physical and emotional stress of taking care of their child. By providing effective education for parents hopefully this will eliminate some individual abuse cases.
5. Since child abuse has captured the attention of everybody, all agencies either government agencies, non-governmental Organizations, academicians and researchers must always cooperate in designing programs and policies in reducing this incidence. All matters like prevention, treatment and identifying problems on how, what, why and when this incidence happen must be taken into consideration seriously. Continuous supervision and research must always be done and not a seasonal one.
6. Instead of doing research, local authorities must also give serious attention and coordinate with other countries to combat against the human activities syndicate of trafficking a child especially for the purpose of sexual gratification and exploitation.
7. Personal social services must be improved. For example, special attention must be given as in case of support facilities in terms of rehabilitation. These facilities are really important for victims because they might go through unforgettable incidence. Their self esteem are very low probably they have being abused for several months or years. In dealing this problem, they need more counselors, clinical

psychologists, speech therapists and occupational therapists in helping them to develop their mind.

8. Every time when a case of child abuse or violence against innocence child are reported, spontaneous anger syndrome and moral panics come from Malaysian society. Bearing in mind, the awareness of how serious is a human moral problem is useless if everybody fails to take any pro-active move to prevent the abuse. Too much reporting and complaining but less protection and action. We cannot simply make a complain about the high index of violence but do nothing about it. Everybody must take part in helping government and police in curbing these issues. Perhaps a society can involve as Rakan Cop member in assisting investigation and suppressing crimes.
9. In increasing public knowledge pertaining these matters, a public campaign must be done in all over places in Malaysia. The campaign must reeducate people to be a loving and caring society. They must be exposed about the non violent behavior and mistreatment of children.
10. Even though the child begging problem cannot be free 100%, it is disappointing to see a child begging at a very young age. The relevant agencies, non government organizations and society must be serious in solving this matter. Some stringent actions must be taken like continuous supervision on certain premises where it becomes a centre for begging either by local people or emigrants. In fact the society should come forward jointly to stop this kind of phenomena. They have to work together to enforce a total ban on begging. Perhaps the society should stop in giving money to a child. This is because it won't help the authorities to address the long terms reasons why they are on street for begging. Bearing in mind, by letting this scenario happen, it is very unpleasing to our eyes and tourists. Further there to by allowing a child to beg on a street, this will put them at risk and neglect their rights to receive a better and proper education from school. At this age they should be in school to get a basic primary education, be at home and enjoy their childhood. In such a situation; definitely, this act must be forbidden because it is against the convention of the right of a child and article 8(1) of the Federal Constitution where it

provides that all persons are equal before the law and entitled to the same protection of the law.

11. Since pornographics VCD are selling like hot cakes in Felda and night market, stringent actions like stiff punishments must be taken against the distributor, seller and buyer. Furthermore the relevant agencies must always coordinate and monitoring this illegal activities because the distributors as well as the sellers are using different tactics and strategies in selling their VCDs.
12. The relevant agencies must ensure that the lines of TELEDERA (I-800-88-3040), Shelter (03-77814885), Malaysian Association for the protection of children (03-26989966) and Womenís Aid Organization (03-79563488) are always open for 24 hours. Hopefully it is not only available when the problem is arising and heated.

CONCLUSION

It is undeniable that the problem of child abuse is not a new scenario. Nevertheless this issue must be addressed quickly. At least by having the Child Act 2001, we can reduce this incidence tremendously. Bearing in mind, we cannot see our innocent child as a vague entity. They play an important role in society due to their energies and aspirations. In conjunction with the preamble of the Child Act 2001 and in achieving the millennium development goals that is from halving extreme poverty to halting the spread of HIV/AIDS; as a Malaysian loving society, it is our obligations to give them our love, care and protection without prejudice. It should be noted that this can be maintained and achieved if everybody thinks about their future and development, be united and gives full support in all aspects. Hence an innocent child is entitled and deserved to live in peaceful, progressive, just and humane without any discrimination regardless their race, colour, sex, language, religion, social origin or physical, mental or emotional disabilities or any status.

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