

CHILD ABUSE IN NEGERI SEMBILAN: REHABILITATION OF VICTIMS
AND PERPETRATORS

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**CHILD ABUSE IN NEGERI SEMBILAN: REHABILITATION OF VICTIMS
AND PERPETRATORS**

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Academic project report submitted in partial fulfillment for the
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AUTHOR DECLARATION

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

I hereby declare that the work in this academic project is my own except for quotations and summaries which have been duly acknowledged.

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ABSTRAK

Kajian ilmiah ini bertujuan mengenalpasti kes penderaan kanak-kanak dan program pemulihan kepada mangsa dan pendera di Negeri Sembilan. Kajian ini juga meneliti jenis-jenis kes penderaan kanak-kanak serta faktor-faktor yang mendorong kepada terjadinya masalah penderaan. Penulis juga melihat bentuk-bentuk pemulihan yang dijalankan keatas mangsa dera dan juga pendera. Untuk memperoleh data, teknik kajian digunakan iaitu temubual, membaca jurnal-jurnal, dan pamplet. Melalui kajian ini, penulis mendapati pelbagai faktor yang menyumbang kepada kes penderaan. Penulis juga mendapati kebanyakan program pemulihan lebih menumpukan kepada mangsa dera dan kurang penumpuan kepada pendera dan tiada modul yang khusus untuk program pemulihan pada mangsa dera dan pendera.

ABSTRACT

The purpose of this research is to identify cases of child abuse and the rehabilitation program for victims and perpetrators in Negeri Sembilan. The research is to find out regarding the types of child abuses cases and factors that contribute to the problems. Beside that, the researcher also tried to see the rehabilitation program that was executed for the victims and perpetrators. Interviews, reading journals and pamphlets are the tools employed for data gathering. The findings indicate that there are many factors contribute to the child abuse cases and the rehabilitation program that execute focus on more to victims rather than perpetrators and there are no specific module of the rehabilitation for victims and perpetrators.

ملخص البحث

يهدف هذا البحث الى معرفة قضية التعذيب عند للأطفال والسبل لعلاجها في ولاية نجرى سميلن. والبحث يدرس بالتفصيل عن أنواع تعذيب الأطفال والعوامل التي تؤدي إلى ظهور هذه المشاكل. كما أشارت الباحثة الى البرامج المعدة لعلاج هؤلاء الأطفال وآبائهم. وللحصول على المعلومات ذات الصلة بموضوع البحث قامت الباحثة بالإطلاع على المصادر والمراجع كما قامت الباحثة بالمقابلات الشخصية مع المسؤولين في الجهات المعنية بهذه القضية وتبين للباحثة أن هناك عوامل عديدة تؤدي الى ظهور هذه المشكلة, كما أن هناك قصر في البرامج المعدة لعلاج المترطين في هذه القضية لأنها تقتصر على الأطفال فحسب دون أبويهم وفضلا على ذلك, ليس هناك منهج موحد أو وسيلة موحدة ومنظمة تؤخذ لعلاج هؤلاء الأطفال وأبويهم والتي تؤدي الى ضعف التنفيذ هذه البرامج الإصلاحية.

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Child Act 2001 (Act 611)	9-12,14-18, 21-23, 25-27, 39-40, 54, 57, 66
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ABBREVIATIONS

n.a.	No Author
n.d.	No Date
n.pb.	No Publisher
n.pl.	No Place
NGO	Non Government Organization
p.	Page
SWD	Social Welfare Department
Vol	Volume

CHAPTER ONE

INTRODUCTION

1.0 Background of Research

Abuse and rape are two words that have been repeatedly appear as recent news headlines. Almost everyday we read about child abuse reports which made us feel angry, sad and afraid. This should not happen because we believe that children are precious and very special. They are gifts from God who should be treated with great care and abundance of love.

Cases of physically, mentally and sexually abused children are increasing at an alarming rate.¹ It is manifested in various forms; physical and sexual abuse as the most commonly reported abuse to the medical profession. Unfortunately, the emotional abuse has not received the same amount of attention even though this form of abuse is the most rampant in childhood occurring either singly or together with all of the other forms of abuse.²

For many years we have seen and heard cases of child abuse being reported in our society strangely. However, our society seemed unmoved by the bulk of the reported cases. It seems to have fallen on deaf ears. This apathy probably stems from the assumption of non-interference in other people's affair.

This kind of perception has changed since the death of S. Balasundram in 1990; and since then, dead battered children have continued to haunt the authorities and the public. A telephone hotline, called "Teledera" was established to encourage the public to refer any cases of suspected abuse. One heart rending tragedy again shocked the

¹2005. "Statistic of Child Abuse Cases in Negeri Sembilan". *Social Welfare Department Negeri Sembilan Report*. 1 November.

²Ibid.

nation in 1994.³ Two year old Mohamed Afiq died on July 30 after being brutally abused by his own father who admitted to using pliers to pinch the boy's body and thighs, slapping him and pressing the child's chin against a plate until he bled. Again, in 1994 child abuse was brought into the public awareness and TV3, a private broadcasting company, launched "Jejak Afiq" campaign to encourage the public to come forward and inform the station or the authorities of any suspicions of abuse. Sadly, this campaign only lasted for less than two years.⁴ Now, in 2006 the problem reappears since February 2006, there have been cases related to child abuse. There are cases where fathers abused their handicapped children causing death.⁵ Then there were similar cases of mentally unstable baby sitters who abused the children leading to death.⁶ In early April 2006 a senseless mother left her children in a room without a food and water where the victims eventually die.⁷ These are among the child abuse cases recorded in 2006. This shows that child abuse is now a phenomenon and such cases are increasing from time to time. As such we believe that there have been doubts as to questions whether a special programme exists to address the social menace.

According to the statistic of child abuse cases in Negeri Sembilan from 2001 to 2005, such problems or cases are on the increase. If small state like Negeri Sembilan indicates high number of child abuse, maybe more cases happened in the big city. Therefore steps should be taken by the authority to overcome these problems.

This research discusses the child abuse cases and the rehabilitation program for perpetrators and victims as one of the ways to decrease the number of child abuse. It means the writer has to find and explore the ongoing rehabilitation programme conducted by the Government or NGOs. It also needs to discuss whether the rehabilitation which has been implemented sufficient or needed some adjustment for improvement. In order to ensure the current programmes are successful, the

³Dr Farah Nini Dusuki. 2004. "Child Abuse in Malaysia: Recognition, Incidence And Strategies". (Paper). *Simposium Kebangsaan Kebajikan Kanak-Kanak 2004*. Gurney Resort Hotel & Residence, Pulau Pinang. 21-22 Julai. P. 4.

⁴Ibid.

⁵Nurul Huda Hassan. 2006. "*Budak Sindrom Down Mati Disyaki Didera*". Utusan Malaysia. Selangor. 21 Februari. p. 4.

⁶n.a. 2006. "*Penjaga Dera Budak*". Utusan Malaysia.. Ampang, Malaysia. 5 March. p.5.

⁷n.a. 2006. "*Ibu Dera Anak Lelaki*". Utusan Malaysia. Selangor. Malaysia. 2 April. p.5.

Government and NGOs should sit together and think of a better way to improve the situation and to make sure that future rehabilitation programme is successful.

2.0 Aim of Research

The aim of this research is to identify the rehabilitation programme implement in Negeri Sembilan and its effectiveness to give suggestions and recommendation.

3.0 Objectives of the Research

1. To identify and elaborate the legal provision relating to protection of abuse in Child Act 2001, Domestic Violence Act 1994, and the Penal Code.
2. To identify and examine child abuse cases in Negeri Sembilan.
3. To identify and observes whether the rehabilitation programmes conducted in cases of child abuse in Negeri Sembilan are enough.

4.0 Scope of Research

From this topic, the researcher will identify and analyze the child abuse cases and the rehabilitation programmes in Negeri Sembilan. The observation and research will be focused on whether the rehabilitation programmes are successful or not and whether amendment and changes by the government and NGO's are needed. The researcher will also include victims and perpetrators as sample in this research. Additionally, the researcher will collect all the data, facts and evidences from the social welfare department, and NGO's. From these data, fact and evidences, the researcher will propose solutions and ways to prevent the cases from occurring.

5.0 Research Methodology

The writer had applied various techniques to collect and identify problems and the proposed solutions:

1) Documentation research: Reading the reports, journal, magazines and brochures. This method is important to make conclusion and research because all documents will become data and facts.

2) Field research includes observation by reference to the Social Welfare Department files. The writer interviews the relevant welfare officers, police officer and counsel relating to the issues.

Some sample questions are as follows:

1. How many child abuse cases in Negeri Sembilan?
2. What type of programmes has been implemented?
3. What are the procedures to assist the victims?

3) Library research means the writer gets information from the library. The purpose is to gain information and gather related articles on child abuse from relevant books.

6.0 Literature Review

As explained by Elaine K. Mc Ewan (2005) in handling child abuse cases we need to know how to deal with parents who are angry, troubled, afraid or just plain crazy. The book also suggests that we need to identify the main causes which trigger anger, trouble and fear.

Gill Eliana M.A (2003:220) in the article "Abused children in the institution" sets the goals of rehabilitation. The institution should increase public awareness of the problem, provided a home care facility, and prevent abuse through training and also provide remedial action in facilities.

David H Olson and John Defrair (2003:446) opine that parents should learn how to deal more positively and effectively with their children. Education is the key to prevent abuse. Education and therapy are needed to help abused families. Treating the problem involved three interrelated strategies.

1. Increasing the parent's self-esteem
2. Increasing the parent's knowledge of children and positive child rearing technique
3. Devising community support networks for family under stress. They are many programme like a group of parents facilitated by a professional, share stories, and support each other as well as providing a hotline and counseling session.

The article "A review of treatment in sexual assault survivors" by Jennifer A Bennice and Patricia A Resick (2002:69-70) stated that the treatment or rehabilitation come from the psychosocial and pharmacological. The treatment to the victims and perpetrators should include crisis intervention, hypnotherapy, psychodynamic therapies, stress inoculation training and systematic desensitization, eye movement, reprocessing therapy and pharmacotherapy. A strict regime of the rehabilitation and treatment with the necessary strategies will ensure the success of the programme.

The Dictionary of Psychology (2001: 121) mentioned that the definition of Child abuse is generally any form of physical or psychological mistreatment of a child by parents or guardians. The most common form involves severe and repeated physical injury although many will also consider as abuse other form of mistreatment such as locking the child in attics or closets, burning with cigarettes or hot object, sexual and emotional abuse.

Edward F .Zigler, Nancy W Hall (Child Development and Social Policy (2000:191) found that in many cases the problem is that there is no services provided for families even when the state finds support for allegations of maltreatment. The investigation over treatment are complex, but they might be related to the historical value, supported by law and social attitudes to intervene in family matters and to allocate significant public fund for this purpose. The need for treatment at least for abuse victims as documented by numerous studies showed a variety of behavioral and clinical that can result from child abuse.

Tian Dayton Phd (2000) in her book "Trauma and Addiction: Ending the Cycle of Pain through Emotional Literacy" stated that we should know the personality and

characteristic of admitted child abuser. By knowing the character we can define the cause of the child abuse.

According to Aphrodite Matsakis (1998) in his book "Trust after Trauma: A Guide to Relationships for Survivors and Those Who Love Them" the term trust after trauma refers to general therapy to victims. Telling victims about abuse can be a therapy to them, because they will feel safe to tell and share with us and when it's not. The therapy and rehabilitation session usually starts by story telling and sharing.

As explained by Puan Vijaya Kumari Pillar (1995:11) in her article Intra familiar sexual abuse the scope of the sexual abuse problem in Malaysia focused stated that child sexual abuse cases are carried out in secret. This secrecy is deep seated. Children may be subjected to a variety of pressure, including threats of violence and death to prevent them from exposing the abuser. Perpetrators frequently deny having abused the children. They maybe prepared to commit rather than accept responsibility for their victims. Children on the contrary normally lie about being sexually abused to maintain a family secret. Sexual perpetrators are usually well known to the victims. They could be father, step father, uncle, babysitter, neighbour or close friend of the family.

According to the child abuse and neglect study by Social Welfare Department (1993:11) categories of sexual abuser are as follows: natural father, step father, close relative (grandfather, cousin and uncle), adoptive father, elder brother, neighbour, employer, brother-in-law and unknown offender. Family is an important motivation for the successful implementation of the rehabilitation programme.

Danison Jayasoria in Childcare Today (1989:1) mentioned that child abuse need an alternative help programmes. The traditional approach in assisting children in need is to withdraw them from their problem context and provide an alternative institution. The best criteria for determining what sort of assistance to provide must be on the principle of what is best in the interest of the child.

As a conclusion, the writer agrees with some opinion in the literature review, where child abuse is a mistreatment by parents and guardians to the child. The perpetrators and victim's like need treatment or rehabilitation programmes to ensure the problem can be nipped in the bud. The treatment should been given to the abuser as well as the abused. At the same time, the rehabilitation programmes should come with information that can be used as reference to ensure that future programmes are successful.

CHAPTER TWO

CHILD ABUSE FROM LEGAL PERSPECTIVE

2.0 Introduction.

In the early days, children were regarded as an entity in a society who does not possess any rights under the law.⁸ They were the absolute possession of their parents or their guardian which renders them unable to sue and be sued in their own capacity except by representation of their guardian *ad litem*. They were helpless and unable to employ their own mind in deciding, and any decision made by them will be annulled by the law on the ground of 'inability' to do so.⁹

Child abuse happens in so many ways. It is a scenario that attracts the attention of the society every time it is mentioned in the mass media or when there is a child victim. The society's outrage will continue for some time until they are convinced that the law has done something to the abuser or the news die of its natural death in the mass media.

When we are discussing the problem of child abuse, it is important to know the laws that protect the children from falling victim of abuse and the laws which protect the children that have been abused.

There are laws that have been enacted to ensure the protection of this helplessness people. The main purpose of having laws for children is to give them protection and help if necessary. However, the question which arose is to what extent the present laws may protect and appreciate the children and finally see them as the generation of the future.

The purpose of having laws relating to children is to ensure the safety of the child from being the victim of violence, either within their family or its surrounding.¹⁰ Since the topic is about child abuse from the perspective of the law, this chapter will discuss

⁸Bernama. 2006. "Hari Kanak-Kanak". Berita Harian. Melaka. 16 March. p.2.

⁹Anisah Che Ngah. 2002. *Penganiyaan kanak-kanak Satu Kajian Perundangan*. Kuala Lumpur: Dewan Bahasa dan Pustaka. Cetakan Pertama. P. 21.

¹⁰Ibid. p. 22.

on laws that protect the children namely the Child Act 2001 (Act 611) and it shall also discuss some provisions in the Penal Code pertaining to the protection of an abused child.

After discussing the topic of abuse, it is also pertinent to look at the role of the court in dealing with the problem of child abuse and also what are the steps to be taken to stop this problem from being prolonged. It is noted that court decisions may be seen as a means to stop child abuse and it is also a way to ensure that children are born to be loved and not otherwise. Knowing the effects of child abuse is also a method to stop the problem from persisting. It is our fervent hope that the problem of child abuse may be reduced and eventually ceases to exist in the future.

2.1 The Definition of Child, Abuse, Victims and Perpetrators

2.1.1 The Definition of Child

Pursuant to Section 2 of Child Act 2001 defines “*child as a person under the age of eighteen years old*”¹¹ and in relation to criminal proceeding means “*a person who has attained the age of criminal responsibility*” as prescribed in section 82 of Penal Code¹². While, the United Nations Convention on the Right of the Child on 1989 agreed that a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier¹³. The definition in the Child Act 2001 is used until now, and this is our prime focus in this research.

2.1.2 The Definition of Victim (Child Abuse In Need Of Care and Protection)

After discussing the definition of child, we move on to discuss the meaning of child as a victim Section 17(1) of Child Act 2001 provides that a victim is a child who needs care and protection in either of the following situations:

¹¹Malaysia. 2001. *Child Act 2001 (Act 611)*. Section 2.

¹²Malaysia. 2003. *Penal Code*. Section 82.

¹³Jabatan Kebajikan Masyarakat. 2005. *The Convention on the Right of the Child*. p. 4.

b) *“The child has been or there is substantial risk that the child will be physically injured or emotionally injured or sexually abused and his parent or guardian, knowing such injury or abuse or risk, has not protected the child from such injury or abuse.”*¹⁴

It means, if a protector is of the view that a child needs care and protection from potential physical or emotional injury or sexual abuse; he has to make a decision to take that child into custody and give proper protection.

c) *“The parent or guardian of child is unfit or has neglected, or is unable to exercise a proper supervision and control over the child falling into a bad association”.*¹⁵

That means the parent unable to control their child until child moving into a bad habit. This is another kind of abuse whereby a child is neglected and not supervised by a parent or guardian until falling into bad habit like social problem and without proper guidance.

d) *“The parent or guardian of the child has neglected or is unwilling to provide for him adequate care, food, clothing and shelter;”*¹⁶

e) *“The child-*

i) *has no parent or guardian; or*

ii) *has been abandoned by his parent or guardian and after reasonable inquiries the parent or guardian cannot be found, and no other suitable person is willing and able to care for the child;”*¹⁷

If the protector finds that the child is parentless or guardian less or they are not able to provide proper care, food, clothing and other welfare, he can take the necessary action to protect and care for the child.

f) *“the child need to be examined, investigated or treated-*

i) *for the purpose of restoring or preserving his health; and*

ii) *his parent or guardian neglects or refuses to have him so examined, investigated or treated”.*¹⁸

¹⁴Malaysia. 2001. *Child Act 2001 (Act 611)*. Section 17(1) (b).

¹⁵Ibid. Section 17 (1) (c).

¹⁶Ibid. Section 17 (1) (d).

¹⁷Ibid. Section 17 (1) (e).

¹⁸Ibid. Section 17 (1) (f).

This subsection states that if a child is suffering from health problems, and his parent or guardian fails to ensure his well being, he can be placed in a welfare institution until he reaches the age of 18 years old.

g) *“the child behaves in a manner that is, or likely to be, harmful to himself or to any other person and his parent or guardian is unable or unwilling to take necessary measures to remedy the situation or the remedial measures taken by the parent or guardian fail”*.¹⁹

After receiving a report, a protector needs to study and investigate it. If he thinks that the child needs to be examined, he will be sent to a medical officer at the government hospitals for the purpose of restoring or preserving his health. If a child is neglected by their parent or guardian, the child also needs to be examined and investigation should be conducted for follow-up action.

h) *“there is such a conflict between the child and his parent or guardian, or between his parents or guardians, that family relationships are seriously disrupted, thereby causing him emotional injury”*;²⁰

i) *“the child is a person in respect of whom any of the offences specified in the First Schedule or any offence of the nature described in sections 31, 32 and 33 has been suspected to have committed and his parent or guardian*

(i) is the person who committed such offence or is suspected to have committed such offence; or

(ii) has not protected or is unlikely to protect him from such offence”;²¹

Should there be conflict between the child and his parents or guardians or between his parents or guardians which disrupts or breaks the family relationship, the child's emotion is inevitably injured. Therefore, taking the child for the purpose of care, protection and rehabilitation under this Act is in order.

j) *“the child is-*

(i) a member of the same household as the child referred to in paragraph (i); or

(ii) a member of the same household as the person who has been convicted of the offence referred to in paragraph (i)

and appears to be in danger of the commission upon or in respect of him of a similar offence and his parent or guardian”

¹⁹Ibid. Section 17 (1) (g).

²⁰Ibid. Section 17 (1) (h).

²¹Ibid. Section 17 (1) (i).

aa) *“is the person who committed or is suspected to have committed the offence*
 bb) *is the person who is convicted of such offence; or*
 cc) *is unable or unwilling to protect him from such offence”*;²²

k) *“the child is allowed to be on any street; premises or place for the purposes of-*
 (i) *begging or receiving alms, whether or not there is any pretence of singing, playing, performing or offering anything for sale; or*
 (ii) *carrying out illegal hawking, illegal lotteries, gambling or other illegal activities detrimental to the health and welfare of the child”*²³

When a child fell under one of the categories mentioned above, he is said to be in need of care and protection. Therefore, there are authorities to protect them from further abuse. To make sure that child is under protection, the Child Act 2001 establishes Child Protection Teams. Pursuant to Section 7(1) of the Act, the council shall establish throughout Malaysia groups of persons, each group to be known as a Child Protection Team, for the purpose of co-ordinating locally-based services to families and children if children are or are suspected of being in need of protection.²⁴ These protector teams have an authority to protect child and give advices to parent or guardian and have a power to take a child from their parent or guardian to save and protect them from abuse. This team acts as protector to a child in need of care and protection.

2.1.3 The Meaning of Abuse

Abuse is a general term for the use of treatment of something (person, thing and idea) that cause some causes of harm (to the abused person or thing, to the abusers themselves or to someone else) or is unlawful or wrongful.²⁵

The terms abuse does not refer to one specific type of act, but covers a wide spectrum of behavior. There can be little argument that acts such as severe physical beatings and rapes are clearly abusive. Yet careful examination of this act shows that it is very difficult to differentiate between acceptable behaviour and behaviour which may be regarded as abusive of a child. For example, where is the line to be drawn between

²²Ibid. Section 17 (1) (j).

²³Ibid. Section 17 (1) (k).

²⁴Ibid. Section 7(1).

²⁵n.a. 12 May 2006. “Abuse”. *Wikipedia, The Free Encyclopedia*. <http://en.wikipedia.org/wiki/Abuse>. p. 1.

acceptable corporal punishment used to discipline a child and an assault? What standard should be set, below which a child is said to be neglected or emotionally abused? How should appropriate displays of affection be differentiated from behavior which amounts to the sexual abuse of a child? If a broad definition of child abuse is adopted this will dramatically increase the number of children who are classified as abused.²⁶

This in turn may lead to difficulties in identifying the effects of the more serious forms of abuse on the victim and, in practice may overwhelm the state apparatus established to respond to cases of child abuse. If the term is narrowly defined this will have the effect the limiting the number of potential victims. Any definition adopted should ensure that state intervention is kept to a minimum. Yet narrow definition may leave children unprotected and at risk of further, perhaps more, serious abuse.²⁷

The literature also reveals a variety of definition of child abuse such as when any avoidable act, or avoidable failure to act, adversely affects the physical, mental or emotional well-being of a child. Such a broad definition has the benefit of being simple and easily understood yet adopting such a definition surely means that the vast majority of children in our society are at least neglected or emotionally abused at some point during their childhood. Society must think carefully about the practical and psychological implications of this before labeling so many children as abused.²⁸ More specific definition of various forms of abuse can be found later in this chapter later.

2.1.4 The Meaning of Perpetrator

According to Oxford Advanced Learner's Dictionary, 'perpetrator' can be defined as a person who commits a crime or does that is wrong or evil.²⁹

²⁶Cobley.C. 1995. *Child Abuse and the Law*. Great Britain: Cavendish Publishing Limited. p.2.

²⁷Ibid.

²⁸Ibid. p. 3.

²⁹Sally Wehmeier. 2000. *Oxford Advanced Learner's Dictionary*. New York: Oxford University Press. Sixth Edition. p 867.

2.2 Child Abuse under Legal Provision

2.2.1 Child Act 2001 (Act 611)

The Child Act 2001 was gazette on 1st March 2002 and came into force officially on 1st August 2002 together amendments to Chapter 45 of the Penal Code. The Child Act 2001 is a merger of three existing Acts namely Juvenile Act 1997, Child Protection Act 1991 and The Women and Girls Protection Act 1973. With that, the three Acts were repealed by Section 130 of Child Act 2001. This Act was drafted to consolidate and to amend the laws pertaining to the care, protection and rehabilitation of the child and to provide for matters connected therewith and incidental thereto.³⁰

The Child Act 2001 was drafted because there were so many specific laws that only deals with one particular issue only, the present laws are less relevant to the current situation, the lack of emphasis to the aspect of child and family development absence of the support service for the victims and their parents, lack of emphasis on the responsibility of the parents and not focusing on surrounding aspects or environment for the development and upbringing of the child.³¹

The drafting of this Act is important as it is in conformity with the well development of the country, economy, industrialization process, urbanization and the movement from the rural area to the city. The changes have led to the emergence of various social problems and it also creates a new dimension to the ever existed social problems. The problems of child abuse, teen pregnancy and loitering which are related to children and teenagers should be treated in a comprehensive way in accordance with the present time and vision 2020.³²

The preamble of the 2001 Act recognized that a child is not only a crucial component of such a society but also the key to its survival, development and prosperity. It is acknowledges that a child, by reason of his physical, mental and emotional

³⁰Jabatan Kebajikan Masyarakat. 2005. *Panduan Pelanggan: Undang-Undang Dan Jabatan Kebajikan Masyarakat*. n.pl.: n.pb. p. 15.

³¹Jabatan Kebajikan Masyarakat. n.d. *Panduan Ringkas Akta Kanak-Kanak*. n.pl: n.pb. p. 1-2

³²*Ibid.* p. 3.

immaturity, is in need of special safeguards, care and assistance, after birth, to enable him to participate in and contribute positively towards the attainment of the ideals of a civil Malaysian society. It recognizes that every child is entitled to protection and assistance in all circumstances without regard to distinction of any kind, such as race, colour, sex, language, religion, social origin or physical, mental or emotional disabilities or any other status.³³

The provisions in this Act are divided into 15 Parts. Part I is the preliminary. Among the sections in this Part which relates to child abuse is section 2 which defines the meaning of child, courts for children and child protection team.

Part II is regarding the coordinating council for the protection of children. Section 3 in this part discusses the establishment of the coordinating council for the protection of child while section 7 in this part relates to the establishment of child protection teams that consist of members as protectors to be named by council, a medical officer and senior police officer.³⁴

Part III is about the appointment of the protectors that is the Social Welfare Officer. Section 8(1) in this part relates to the appointment and powers of protectors. The ministry by notification in the gazette may appoint such number of Social Welfare Officers to exercise the powers and perform the duties of a Protector.³⁵

Part IV is about the court for children which were formerly known as Juvenile Court. Section 11(1) provides for the constitution and jurisdiction of court for children.³⁶

Part V relates to children in need of protection, including temporary custody, medical and examination and treatment for them, offences relating to the health and welfare of the children and obligation to tell when taking a child into care, custody and control. Section 17(1) in this part provides the situation of the child that is the

³³Malaysia. 2001. *Child Act 2001 (Act 611)*.

³⁴*Ibid.*

³⁵*Ibid.*

³⁶*Ibid.*

meaning of child in need of care and protection while Section 17(2) explains about the type of abuses.³⁷

Part VI is about children in need of protection and rehabilitation and related offences. Section 18 in this part says an action to take the children in temporary custody after satisfying the reasons that the child is in need of protection and rehabilitation. Section 19(1-5) requires the protection officer to bring a child in need of protection before a magistrate of court for children within 24 hours. A child should be placed in a safe place in the care of a qualified and appropriate person. Additionally, the protecting officer or the police should inform the guardian of the child if they intend to take away the child.³⁸ Section 20(1-4) in this part relates to children in need of medical examination and treatment. The protector has the power to bring the child to see a medical officer if he thinks necessary before producing him before the court. Besides that, if the protector does not take the child for temporary custody but based on reasonable grounds thinks it is necessary to bring the child to see a medical officer, he has the right to ask the child to be brought for a medical examination and treatment.³⁹

Part VII is about children beyond control. Part VIII relates to trafficking in and abduction of children and Part IX listed the institutions, relating to children. They are places of safety and places of refuge, places of detention, probation hostels, approved schools and Henry Gurney schools.⁴⁰

2.2.2 The Advancement and New Element in Child Act 2001

In year 2002, parliament has merged 3 different statutes into an Act of Parliament named Child Act 2001 (Act 611). The three acts are Juvenile Act 1997, Child Protection Act 1991 and The Women and Girls protection Act 1973.⁴¹

³⁷Ibid.

³⁸Ibid.

³⁹Ibid.

⁴⁰Ibid.

⁴¹Jabatan Kebajikan Masyarakat. 2005. *Panduan Pelanggan: Undang-Undang Dan Jabatan Kebajikan Masyarakat*. n.pl.: n.pb. p. 15.

Juvenile act 1997 (Act 90) provided for rehabilitation and protection of child and the establishment of Juvenile Court. The Child Protection Act 1991 was established for the purpose of rehabilitation, care and protection of child and other related things.⁴²

The women and Girls Protection Act 1973 was enacted for the purpose of amending and uniting the laws related to women and girls protection. The difference between these 3 Acts is the definition of a child. Juvenile act has stated that “a *child is in aged under 14 years old and juvena under 18 years old*”. So, Act 611 defines a child as those aged less than 18 years old.⁴³

Case involving children will now be referred to court for children.

2.2.2.1 Section 131 References to Juvenile Court

(1) *“All references to the Juvenile Court in any written law, or in any judgment, sentence, order, ruling or decision made under the repealed Acts and subsisting immediately before the appointed date shall, on the appointed date, be construed as references to the Court For Children established under this Act”*.⁴⁴

It means, all references for cases related to Juvenile Court whether in any written law, or judgments, sentence or order or decision made under this 3 repealed act (The Juvenile Courts Act 1947, the Women and Girls Protection Act 1973 and the Child Protection Act 1991) should be construed as a decision by the Court for Children. It is because all 3 past acts have been repealed and the Court for Children was established.

(2) *“The judgment, sentence, order, ruling or decision of the Juvenile Court, Supervising Court, High Court, Sessions Court or Magistrate’s Court under the repealed Acts shall on the appointed date be deemed to have been made under this Act and continue to be in force and have effect”*.⁴⁵

When the 3 acts have been repealed, it means any judgments, sentence, order, ruling or decision made by Juvenile Court, Supervising Court, High Court, Sessions Court or Magistrate’s Court considered have been made under Child Act 2001. So, any decision had been made by all the court should be granted with this new act.

⁴²Ibid. p. 2.

⁴³Ibid. p. 5.

⁴⁴Malaysia. 2001. *Child Act 2001 (Act 611)*. Section 131(1).

⁴⁵Ibid. Section 131(2).

(3) *“Any inquiry, trial or proceedings done, taken or commenced in or before the Courts referred to in subsection (2) before the appointed date in so far as it relates to a person under the age of eighteen years shall be deemed to have been done, taken or commenced in or before the Court For Children, Supervising Court, High Court, Sessions Court or Magistrate’s Court under this Act and may accordingly be continued and concluded on and after the appointed date”*.⁴⁶

Any proceedings or inquiry had been made by the Juvenile Court, Supervising Court, High Court, Sessions Court or Magistrate’s Court that related to person under aged 18 years shall be deemed have been done in the Court For Children, Juvenile Court, Supervising Court, High Court, Sessions Court or Magistrate’s Court under this act may continued or concluded anytime.

(4) *“Any inquiry, trial or proceedings done, taken on commenced under the Women and Girls Protection Act 1973 before the appointed date and are still pending shall, in so far as it relates to a female person aged eighteen years and above and any offence under the same Act and for the purpose it shall be treated as if that Act had not been repealed”*.⁴⁷

Any proceedings or inquiry under Women and Girls Act 1973 relating to a female 18 years who have committed the offences under this act shall be continued or concluded under the same Act and for this purpose it should be treated as if that Act had not been repealed.

2.2.3 Penal Code

The law of Malaysia with regard to criminal offences is called the Penal Code (Act 574). It consists of 511 sections which are divided into 23 chapters. The offences cited in the Penal Code which are related to child abuse cases are as follows:

Section 83- *“Nothing is an offence which is done by a child above ten years of age and under twelve who has attained not sufficient maturity of understanding to judge of the nature and consequence of his conduct on that occasion”*.⁴⁸

⁴⁶Ibid. Section 131(3).

⁴⁷Ibid. Section 131 (4).

⁴⁸Malaysia. 2003. *Penal Code*. Section 83.

This section has underlined the fact that a child between ten years old and twelve years old who is unable to understand the nature and consequences of his action cannot be made criminally liable.

Section 317- *“Whoever being the father or mother of a child under the age of twelve years, or having the care of such child, exposes or leaves such child in any place with the intention of wholly abandoning such child, shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both”*.⁴⁹

If a parent or guardian of a child exposes or leaving a child in any place with the intention of abandoning him, he may be punished with seven years imprisonments or with fine or both.

Section 354- *“Whoever assaults or uses criminal force to any person, intending to outrage or knowing it to be likely that he will thereby outrage the modesty of that person, shall be punished with imprisonment for a term which may extend to ten years, or with fine, or with whipping, or with any two of such punishments”*.⁵⁰

Section 355- *“Whoever assaults or uses criminal force to any person, intending thereby to dishonor that person, otherwise than on grave sudden provocation given by that person, shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both”*.⁵¹

Section 376- *“whoever commits rape shall be punished with imprisonment for a term of not less than five years and not more than twenty years, and shall also be liable to whipping”*.⁵²

This section deals an appropriate sentence on convicted rapists.

Section 376B- *“whoever commit incest shall be punished with imprisonment for a term not less than six years and not more than twenty years and shall also be liable to whipping”*.⁵³

Punishment for incest is as severe as rape because the law regards very seriously on any breach of parental or guardian’s duty to care for their child or wards.

⁴⁹Ibid. Section 317.

⁵⁰Ibid. Section 354.

⁵¹Ibid. Section 355.

⁵²Ibid. Section 376.

⁵³Ibid. Section 376 B.

Section 377E- *“any person who incites a child under the age of fourteen years to any act of gross indecency with him or another person shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to whipping”*.⁵⁴

Any person who incites a child under the age of fourteen to commit gross indecency such as sexual intercourse with him or another person shall be punished with five years imprisonment and whipping.

Section 373- (1) *“Whoever*

a) *keeps, manages or assists in the management of a brothel*⁵⁵

b) *being the owner of any place or the agent of such owner, or being the occupier of any place, lets the place or any part thereof with the knowledge that such place or part is to be used as a brothel or is willfully a party to the continued use of such place or part brothel shall be punished with imprisonment which may extend to fifteen years, and shall also be liable to fine”*.⁵⁶

Section 377A- *“Any person who has sexual connection with another person by the introduction of the penis into the anus or mouth of the other person is said to commit carnal intercourse against the order of nature”*.⁵⁷

Section 377B- *“Whoever voluntarily commits carnal intercourse against the order of nature shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to whipping”*.⁵⁸

Section 509- *“Whoever intending to insult the modesty of any person, utters any word, makes any sound or gesture or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen by such person, or intrudes upon the privacy of such person shall be punished with imprisonment for a term which may extend to five years or with fine or with both”*.⁵⁹

2.3 The Role of the Court in Child Abuse Cases

There are two courts related to child abuse. The civil court and the courts for children. They have different role and jurisdictions. Court action in cases of child abuse takes place only as a last resort when parents abandon their children, severely

⁵⁴Ibid. Section 377 E..

⁵⁵Ibid. Section 373 (1) (a).

⁵⁶Ibid. Section 373 (1) (b).

⁵⁷Ibid. Section 377A.

⁵⁸Ibid. Section 377B.

⁵⁹Ibid. Section 509.

injure or kill them, place them in imminent danger and sexually abuse them. Making use of a court is a critical decision; court action should not be initiated until all other attempts to help a family have been exhausted. Those who involved in the area of child welfare know well the trauma of separation and the risks of placement. When this course of action is necessary, however, we cannot back away from the responsibility of using the courts by viewing this action as a tool in treatment and hope that this avenue will be therapeutic for the family. Moving into court must be seen as a helpful to the victim and his parent. We should use the court whenever we need to guarantee the protection of a child.⁶⁰ They are two courts related to child abuse, the civil court and the courts for children.

2.3.1 Court for Children.

The Child Act 2001 establishes the Court for Children as an institution with purpose of *“hearing, determining, or disposing of any charge against a child⁶¹ or exercising any other jurisdiction conferred or to be conferred on Courts for Children by or under this act or by any other written law”*.⁶² This is to make sure that children are always protected. Subject to section 20 *“Child need of medical examination or treatment), every child who is taken into temporary custody under section 18 shall be brought before a Court For Children within twenty-four hours exclusive of the time necessary for the journey from the place the child was taken in to custody to the Court For Children”⁶³*, and *“if it is not possible to bring a child before a Court For Children within the time specified in subsection (1), the child shall be brought before a magistrate who may direct that the place in a place of safety or the care of a fit and proper person, until such time as the child can be brought before a Court For Children”*.⁶⁴

The Courts for Children shall consist of a Magistrate who can independently decide by referring to the relevant available evidence. However, in certain cases a Magistrate

⁶⁰Nancy B.Ebelling & Deborah A.Hill. 1975. *Child Abuse: Intervention and Treatment*. United States: Publishing Science Group.INC Acton, Massachusetts a subsidiary of CHC Corporation. P. 123-127.

⁶¹Malaysia. *Child Act 2001 (Act 611)*.Section 11 (1) (a).

⁶²Ibid. Section 11 (1) (b).

⁶³Ibid. Section 19 (1).

⁶⁴Ibid. Section 19 (2).

shall need two advisers to assist him. These advisers are appointed by the Minister from a panel of persons resident in the state. Section 39(4) explains about placing a child in a place for a certain time when the Court for Children is satisfied that a child is in need of protection and rehabilitation.⁶⁵ The child will be taken into custody for a certain time until a report on his case is completed and submitted to a Magistrate. So, the Protector plays a very important role in assisting the Magistrate to decide cases promptly so as to ensure that the child is always within the court's jurisdiction and protection.

The court plays a very important role in determining issues to care and protection in child abuse cases. It has the power to determine whether the child is a child in need of care and protection or not as stated in section 17 of Child Act 2001.⁶⁶ If it is satisfied that a child is a child in need of care and protection, the court *“may order a parent or guardian to execute a bond to exercise proper care and guardianship for a satisfactory period. The court may also make an order placing the child in the custody of a fit person or under the supervision of a protector or some other person appointed by the court”* as mentioned in Section 30 (1) of Child Act 2001.⁶⁷

2.3.2 Civil Court

An abuse or neglect case may be handled in one of several courts. Civil court usually deals with child abuse and neglect. When a child die as a result of abuse or neglect or is severely harmed, parents are also prosecuted. Legal action can help create a state of awareness in the society and admonish the perpetrators. It provides a useful mechanism through which society can prevent abuse and neglect from happening. The Child Act 2001 provides some penalties if the court is satisfied that a child is abused. Pursuant to Section 31 if a person *“abuses, neglect, abandons and expose a child in a manner which will cause the child to suffer physical or emotional injury, that person will be liable to a fine not exceeding RM 20,000 or to imprisonment for a term not exceeding ten years or both”*.⁶⁸ If a child is used for

⁶⁵Ibid. Section 39 (4).

⁶⁶Ibid. Section 17.

⁶⁷Ibid. Section 30(1).

⁶⁸Ibid. Section 31.

“beggary, the perpetrators will be liable to a fine not exceeding RM 5000, or imprisonment not exceeding 2 years or both” in Section 32.⁶⁹ Section 33 states a person who leaves a child without reasonable supervision will be *“liable to a fine not exceeding RM 5000 or imprisonment not exceeding 2 years or both”*.⁷⁰

Under the Penal Code, the perpetrators *“may be liable to be punished with imprisonment for a term of not less than five years and not more than twenty years, and shall also be liable to whipping”*.⁷¹ If a person incites a child under the age of fourteen years to commit any act of gross indecency with him or another person, he shall be punished with imprisonment for a term which may extend to five years and shall also be liable to whipping.

Section 317 of the Penal Code states that *“if any person being the father or mother of a child under the age of twelve years, or having the care of such child, exposes or leaves such child in any place with the intention of wholly abandoning such child, he or she shall be punished with imprisonment for a term which may extend to seven years or with fine or with both”*.⁷²

Legal recourse is decided as part of the treatment process. Judges are as well despite occupying in positions of power; ordinary people, with their own personalities and bases of knowledge. Some have more experience in child development; they know the physical and emotional needs of children and, in turn, know what happens to children who do not receive proper stimulation and good care. Some may tend to be subjective, using their own life experiences to determine what a child needs. There are also some judges who simply feel that a child belongs to his parents; they refuse to make any decisions that would mean separation.

However, many other judges carefully consider all of the information available to them and make difficult decisions after honest appraisals of all facts presented.⁷³

⁶⁹Ibid. Section 32.

⁷⁰Ibid. Section 33.

⁷¹Malaysia. 2003. *Penal Code*. Section 377E.

⁷²Ibid. Section 317.

⁷³Nancy B. Ebell & Deborah A. Hill. 1975. *Child Abuse: Intervention and Treatment*. P. 126-127.

2.4 Types of Child Abuse

2.4.1 Sexual Abuse

Sexual abuse is one area where the criminal law specifies as to the behavior it prohibits. Children who can communicate may confide in their parents, teacher, family members about inappropriate sexual acts. Children who are verbal and not yet verbal always thinking whether this acting is some kind of love or it is abuse?

Child sexual abuse is defined as “An act involving genital contact between an adult and a child or between a child and a more powerful child, unless that contact is for appropriate medical or hygienic purposes”.⁷⁴ The child is sexually abused, according to Child Act 2001, “*if he has taken part whether as a participant or as an observer in any activity which is sexual in nature for the purpose of any pornographic, obscene or indecent material, photograph, recording, film, videotape or performance; or sexual exploitation by any person for that person’s or another person’s sexual gratification*”.⁷⁵

The phrase “sexual in nature” means any activities which have an element of sex such as pornographic, videotape or exploitation of the child. Sexual abuse of children may include, but not limited to the following acts of indecency:

- Any penetration however slight of the vagina or anal opening of one person by penis of another person whether or not there is the emission of semen.
- Any sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.
- The intentional touching of the genitals or intimate parts (including the breast, genital areas, groin inner thighs) or the clothing covering them for purposes of sexual abuse and gratification.
- The intentional masturbation of the perpetrators genitals in the presence of a child.⁷⁶

⁷⁴Gloria Wade. 2001. *Hurting And Healing: How To Overcome The Trauma Of Sexual Abuse And Rape*. London: Vega. p. 19.

⁷⁵Malaysia. 2001. *Child Act 2001. (Act 611)*. Section 17 (2).

⁷⁶Andy L. Miller. 1999. *Child Maltreatment an Introduction*. United State: Sage Publications. p. 17.

With regard to the punishment sexual abuse perpetrators are subjected to various punishments. For instance under the Child Act 2001, “*a convicted perpetrator who having care of the child may be liable to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding ten years or both*”.⁷⁷ Under the Penal Code, “*whoever commits rape shall be punished with imprisonment for a term of not less than five years and not more than twenty years, and shall also be liable to whipping*”.⁷⁸ “*Offender of incest shall be punished with imprisonment for a term of not less than six years and not more than twenty years, and shall also be liable to whipping*”.⁷⁹ “*If a person incites a child under the age of fourteen years to any act of gross indecency with him or another person, he shall be punished with imprisonment for a term which may extend to five years and shall also be liable to whipping*”.⁸⁰

2.4.2 Physical Abuse

The law relating to offences against a person applies equally to children as it does to adult, subject to the right of a parent to discipline and punish a child. Such discipline must be moderate and reasonable, considered in the light of all the circumstances. Therefore in cases of physical abuse, dependent upon the degree of harm caused, abusers may incur liability for assault, aggravated assault or, in extreme cases, murder or manslaughter, however the definition of these crimes are of little help in defining child abuse. A physical injury is defined as an actual or likely physical injury to a child or the failure to prevent physical injury or suffering to a child including deliberate poisoning, suffocation and syndrome by proxy.⁸¹

For the purpose of defining physical abuse, Child Act 2001 has define “*a child is physically injured if there is substantial and observable injury to any part of the child’s 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,*

⁷⁷Malaysia. 2001. *Child Act 2001. (Act611)*. Section 31(1).

⁷⁸Malaysia. 2003. *Penal Code*. Section 376

⁷⁹Ibid. Section 376B.

⁸⁰Ibid. Section 377E.

⁸¹Conley,C. 1995. *Child Abuse and the Law*. Great Britain: Cavendish Publishing Limit. p.5.

*hemorrhaging, a rupture of a viscous, a burn, a scald, the loss or alteration of consciousness or physiological functioning or the loss of hair or teeth”.*⁸²

The punishment for physical abuse under the Child Act 2001, the perpetrator who having the care of a child is “*liable to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding ten years or both*”.⁸³

2.4.3 Child Neglect

Child neglect may be defined as a condition in which a caretaker responsible for the child either deliberately or by extraordinary inattentiveness permits the child to experience available present suffering or fails to provide one or more of the ingredients generally deemed essential for developing a person’s physical, intellectual and emotional capacities.⁸⁴

Neglect is also the persistence or severe neglect of a child or the failure to protect a child from exposure to any kind of danger, including cold or starvation or extremely failure to carry out important aspects of care, resulting in the significant impairment of the child health or development including failure to thrive.⁸⁵

The Child Act 2001 stated that “*the parent committed neglect abuse when the parent or guardian of the child is unfit or has neglected, or is unable, to exercise proper supervision and control over the child and the child is falling into bad association*”⁸⁶ and “*the parent or guardian of the child has neglected or is unwilling to provide for him educate care, food, clothing and shelter*”.⁸⁷ Other than that according to section 31(4) stated that “*a parent or guardian or other person legally liable to maintain a child shall be deemed to have neglected him a manner likely to cause him physical or*

⁸²Malaysia. 2001. *Child Act 2001. (Act611)*. Section 17(2) (a).

⁸³Ibid. Section 31(1).

⁸⁴Cynthia Crosson Tower. 1999. *Understanding Child Abuse And Neglect*. United States: A Viacom Com. p. 64.

⁸⁵Cobley. C. 1995. *Child Abuse And The Law*. p. 3.

⁸⁶Malaysia. 2001. *Child Act 2001. (Act 611)*. Section 17 (1) (c).

⁸⁷Ibid. Section 17 (1) (d).

emotional injury if, being able to provide from his own resources, he failed to provide educate food, clothing, medical or dental treatment, lodging or care for the child".⁸⁸

Nevertheless there is a section which touches about offences if parents neglect their child. Section 31(1) stated that "*any person who being a person having the care of a child, abuses, neglects or abandons the child in a manner likely to cause him physical or emotional injury or causes or permits him to be so abused, neglected, abandoned or exposed or sexually abused shall on conviction be liable to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding ten years or to both*".⁸⁹

Another punishment for neglect abuse is stated in Section 33(a) of the Act which states that "*any person who being a parent or a guardian of the child, leaves that child without making reasonable provision for the supervision and care of the child for unreasonable period and unreasonable condition, commits an offence and shall be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding two years or to both*".⁹⁰

Section 317 of the Penal Code stated that "*any person being the father or mother of a child under the age of twelve years, or having the care of such child, exposes or leaves their child in any place with the intention of wholly abandoning such child shall be punished with imprisonment for a term which may extend to seven years or with fine or with both*".⁹¹

In many instances of physical and sexual abuse, the perpetrators or someone else work together with the surroundings. This accounts for about half of all child abuse deaths such as drowning motor vehicle crashes (children were not properly restrained) of burns. Perhaps the greatest harm resulting from neglect is the failure of the caregiver

⁸⁸Ibid. Section 31 (4).

⁸⁹Ibid. Section 31(1).

⁹⁰Ibid. Section 33(a).

⁹¹Malaysia. 2003. *Penal Code. (Act 574)*. Section 317.

and the care giving environment to naturally support and stimulate the developing brain and by emotionally crushing the spirit and potential of the child.⁹²

Whereas the perpetrators of physical and sexual abuses know they have committed a crime and frequently lie or try to hide evidence of the abuse, perpetrator of neglect commonly believe that they are good parent and do not perceive any wrong doing or possible injury to the child. Remediation is very difficult in view of this often profound resistance. Failure to thrive is one of the common forms of neglect in the infant and young child. It refers to the child entire development process. For example one of the potential long time dangers of failure to thrive is a lack of stimulation in early childhood, impairing the development of language skills. If not identified early such language impairment may present as problem later in childhood or even into adulthood, long after physical growth has ceased to be a problem.⁹³

Other forms of neglect maybe identified by child care providers or health care professionals include supervisory neglect, denial of medical care, dental neglect, and failure to obtain necessary vision and hearing care.

Supervisory Neglect

- Leaving children alone
- Failure to safe-guard from injury within the environment and other persons
- Inappropriate confinement
- Use of drugs to inappropriately sedate or confine the child⁹⁴

Dental Neglect

- Failure to seek treatment for visually untreated cavities, oral infection or oral pain or a failure to follow through with treatment after one is informed that the condition exists.⁹⁵

⁹²Jody R. Murph. 2005. *Health in Child Care: A Manual For Health Professionals*. United States: American Academy of Pediatrics. Vol.IV. p. 193.

⁹³Ibid. p. 194.

⁹⁴Ibid. p. 194.

⁹⁵Ibid.

Medical Neglect

- Failure to follow medical advices
- Failure to provide a needed eyeglass⁹⁶

Emotional Neglect

- Substantial emotional abuse or neglectful behaviours (eg: punishment of bedwetting)

General Neglect

- Inadequate food, clothing or shelter.⁹⁷

2.4.4 Emotional Abuse

Emotional abuse broadly refers to actions or inactions by caregiver that may lead to a mental injury or are potentially traumatizing to the child. In many cases emotionally destructive actions or inactions by the child care provider would be considered neglect, and separate category of “mental injury” is reserved for those children within demonstrable mental health problem caused by the child care provider. Such mental health problems include behavioral disorders, adjustment disorder, or depression.⁹⁸

Child Act 2001 Section 17(2) (b) defines that a child is emotionally injured “*if there is substantial and observable impairment of the child mental or emotional functioning that is evidenced by, amongst other things, a mental or behavioral disorder, including anxiety, depression, withdrawal, aggression or delayed development*”.⁹⁹

Just as the punishment of physical and sexual abuse, “*the person who having care of the child commits an emotional abuse of children will be liable to a fine not exceeding*

⁹⁶Ibid.

⁹⁷Ibid.

⁹⁸Ibid. p. 195.

⁹⁹Malaysia. 2001. *Child Act 2001. (Act 611)*. Section 17 (2) (b).

twenty thousand ringgit or to imprisonment for a term not exceeding ten years or both” according to the Child Act 2001.¹⁰⁰

2.5 The Effect of Child Abuse

The environment can have a huge impact on our upbringing from birth to growing up. If we are brought up in a loving environment where loves was unconditional and have respect for others, then our chances of leading a happy and healthy life is very high. On the other hand, imagine if one or both parents are abusive towards each other, or maybe alcoholics. This is where the volatile upbringing can have a deep negative impact on a child going through life. The child grows up in an environment where there is lack of love. Chances are that child will not know what love, let alone to be loved is. This can bring major problems especially relationship later on the child’s life.¹⁰¹

2.5.1 The Long Term Effect

Child sexual abuse effects for the rest of life. It causes long term harm. The effects of child sexual abuse do not cease when the abuse stop, but continue into adulthood. The long term negative effects of abuse are lessened if the abuse is detected and stopped during childhood and the child receives assistance and support. Lasting emotional distress is most likely when disclosure is met with disbelief or where the abuse remains undetected.¹⁰²

All types of child maltreatment leave scars. Often these scars are similar, but the symptoms related to neglect, abuse or sexual abuse are somewhat different in the degree of expression. Individuals who are neglected as children generally have difficulty trusting other people. These survivors feel anger over their parents lack of care, anger may lead to depression, delinquency or aggressive behaviour. Their low self esteem, combined with poor social skills, can promote difficulty in

¹⁰⁰Ibid. Section 31(1).

¹⁰¹Bryan J.Grapes. 2001. *Child Abuse*. San Diego. Greehaven Press, Inc. p. 75-77.

¹⁰²n.a. 13 May 2006. “The Long Term Effects of Abuse”. *South Eastern Centre Against Sexual Assault*. <http://www.Secasa.com.au/index.php/survivors/5/266/9>. p. 1.

communication in everyday life. Physical problems result from early malnutrition and poor emotional health. Individuals who are physically abused leave scars that hamper ability to trust, express and maintain relationships. Low esteem in these victims interferes with their coping skills and inability to show to their parents.¹⁰³

Sexual abused victims experience wounds from feeling betrayed, traumatic sexualization, powerlessness and stigmatization. They have difficulty trusting and often feel powerless to control their own lives. This powerlessness often results in sexual problems. Because of their need to repeat the past, survivors may reconstruct the patterns of their childhood if they do not seek help. Some victims repress memories that are too difficult to handle. Former victims can be given treatments or therapies individually or in groups. With therapy, survivors can be helped to take control of their lives and live more effectively despite the traumas of abnormal childhood.¹⁰⁴

The ill effects of child sexual abuse are wide ranging. There is no one set of symptoms or outcomes that victims experience. Some children even report little or psychological distress from the abuse, but this children may be either afraid to express their true emotion or maybe denying their feelings as a coping mechanism. Other children may have what is called “sleeper effects”. They may experience no harm in the short run, but suffer serious problems later in life.¹⁰⁵

2.5.2 The Short Term Effect

The initial or short term effects of abuse usually occur within 2 years of the termination of the abuse. These effects vary depending upon the circumstances of the abuse and the child’s developmental stage but may include regressive behaviors (such as return to thumb sucking or bet wetting) sleep disturbances, eating problems,

¹⁰³Cynthia Crosson Tower. 1999. *Understanding Child Abuse And Neglect*. p. 394.

¹⁰⁴Ibid. p. 395.

¹⁰⁵n.a. 13 May 2006. “Understanding Child Sexual Abuse”. *American Psychological Association*. <http://www.apa.org/release/sexabuse/effects.html>. p. 1.

behavior and or other performances problems at school, and nonparticipation in school and social activities.¹⁰⁶

Neglected children appear to be more generally passive and socially withdrawn in their interactions with peers, whereas abused children are more aggressive and active. Social learning theory suggests that neglected children's behaviors are learned from the less active, socially withdrawn behavior that they observe modeled by their parent. Similarly, the abused children learn to imitate the more aggressive behavior of their parents.¹⁰⁷

¹⁰⁶Ibid.

¹⁰⁷n.a. 13 May 2006. "Short and Long Term Consequences of Neglect". *Administration for Children and Families*. <http://nccanch.acf.hhs.gov/pubs/usermanuals/neglect/neglected.cfm>. p. 1.

CHAPTER THREE

CAUSES OF CHILD ABUSE AND CASES OF CHILD ABUSE IN NEGERI SEMBILAN

3.0 Introduction

Almost everyday we read about child abuse reports. Upon reading them, we feel angry, sad and afraid. Then we ask, what has happened to our society today? We want to help; we want to do something but unfortunately we do not know how.

Parents and society have an important role to play in order to prevent child abuse. They must make concerted efforts to prevent it. As parents and members of a caring society, they must give full support to the programmes organized by government agencies or non-governmental organizations in dealing with this problem.¹⁰⁸

Every problem has a solution. It is up to us to find the solution and to prevent the problem from cropping up. It is also applied in child abuse problem which is the subject of this paper. The question that we always ask: How to prevent child abuse? The answer to this problem may be found in the factor which contributes to child abuse.

This chapter is divided into three parts; first to briefly examine the factor which contributes to child abuse in Malaysia and especially in Negeri Sembilan. Finally, this chapter will also give an overview of incidence of the problem in Negeri Sembilan by examining the management as well as the statistic of child abuse cases in Negeri Sembilan.

¹⁰⁸Azrina Bt Sobian. 10 May 2006. "Values Guard Against Social Ills". *Institut Kefahaman Islam Malaysia*. <http://www.ikim.gov.my/bm/paparmedia>. p. 2-3.

3.1 Causes Of Child Abuse Generally.

The surge in child abuse cases within the last two decades of the twentieth century is closely tied to the increase in divorced, single-parent households, teenage pregnancy, youth violence and general decay of fundamental moral values. The day in which the norm was a loving mother and father rearing children in stable household are long gone, along with the basic human truth that children need and deserve emotional, mental and physical security. The absence of common sense and modern society's deviation from the standards of decency contribute to the plague of child abuse.¹⁰⁹

3.1.1 Faith

The problem is caused by the lack of Islamic religious knowledge which eventually leads to the weakening of Muslim faith. Without faith, the human's soul will be weak and empty and having no relation with its creator. When human lives without faith and religious education, there will be a lot of harm and damage caused in this world.¹¹⁰ Issues such as child abuse are escalating because people become more self-centered. This is due to the weakness in religious education. Human beings no longer feel guilty about abusing other God's creation. To address this problem people need to equip themselves with Islamic religious knowledge that may shape them to be a better person. Hence, the importance of knowledge and faith to ensure a peaceful mind.¹¹¹ Neither Islam nor other faiths allows the abuse of a group of people by another. This is achieved through strengthening of the faiths of their followers.

¹⁰⁹Henry H.Kim. 2000. *Child Abuse*. San Diego: Greehaven Press. P 46.

¹¹⁰Atikah Ghazali & Fauziah Mohamad. 1998. *Peganiyaan Kanak-Kanak Penyelesaian Menurut Islam*. Selangor. Pustaka Ilmi. P. 58-59.

¹¹¹Ibid. p. 59.

3.1.2 Surrounding Problems

The disintegration of the family system is one of the factors that contribute to the case of abuse. In this modern era, people migrate from the rural area to start their own family in other places.¹¹²

According to statistics from Department of Social Welfare Negeri Sembilan, starting from 2001 – 2005 it shows that most of the abusers are those who are supposed to care and protect the children.¹¹³ Parents who are always with their children will be facing their children's behavior. If in the village, the children may be able to spend their free time outside the house but it is different if they are in the city.

Besides that, in the village there are relatives that may help control the children's behaviour compared to the city where the children will only be controlled by one of the parents when the other goes to work. If the father is not conversant with this situation, a lot of unwanted consequences may occur.¹¹⁴ This situation is worsening should there be conflict in the family. Hence the children become the victims of circumstances or parental abuse. Despite an increase in the society's awareness in this particular matter not much can be done due to the difficulties to probe into the privacy of other household. The society's attitude in urban area is also different compared to the rural area. The environment in the latter usually encourages stronger bounding among families.¹¹⁵

Factors contributing to child abuse in Negeri Sembilan:-

3.1.3 Family Problems

Fight or conflict in the family is the main problem that contributes to child abuse cases in Negeri Sembilan. It results from the strained relations between husband and wife.

¹¹²Anisah Che Ngah. 2002. *Penganiyaan Kanak-Kanak Satu Kajian SosioPerundangan*. Kuala Lumpur. Dewan Bahasa dan Pustaka. P. 91

¹¹³Jabatan Kebajikan Masyarakat. n.d. *Buku Panduan Jabatan Kebajikan Masyarakat: Statistik Penganiyaan Kanak-Kanak 2001-2005*. n.pl: n.pb.

¹¹⁴Anisah Che Ngah. 2002. *Penganiyaan Kanak-Kanak Satu Kajian SosioPerundangan*. P. 92.

¹¹⁵Ibid.

Unhealthy relationship between husband and wife is the underlying reason for child abuse cases. This is due to the emotional distress of the parents which is manifested in the form of child abuse. Parents from boisterous marriages are more likely to abuse their children than are parents who are happily unmarried.¹¹⁶

Another factor that contributes to the fight or conflict in the family the existence of a third person in the husband and wife relationship. The wife will be devastated with the husband's infidelity and the children will suffer the consequences. The innocent children become the victims of the parent's anger. Furthermore, the feeling of resentment experienced by the husband or wife will generate the unpleasant feeling which leads to unhealthy relationship. As a result, they let it out on the children by abusing them.

The last factor is the involvement of extended family in the matrimonial life of the husband and wife. This is really unhelpful because any problem between them should be solved themselves. Other members of the family should be there on an advisory capacity and not to get too involved. This is to avoid stress to the couple so that they will not let out their anger and stress on their children.

3.1.4 Abuser with Mental Health Problem

The abuser's mental health problem may cause the abuser to act beyond his control. According to Mr. Firdaus bin Sulaiman (Social Welfare Officer of Kuala Pilah) in Negeri Sembilan, a mentally unstable abuser is usually under medical prescription in order to ease the stress they encounter. Sometimes the abusers do not believe that they have mental health problems and therefore, refused to take such medications prescribed by their doctors at the suggested time.¹¹⁷ Consequently, when the sickness strikes, the children become the victim due their nature which are helpless and unable to defend themselves.

¹¹⁶David H.Olson & John DeFrain. 2000. *Marriages and Families (Intimacy, Diversity and Strengths)*. United States: McGraw-Hill. Fourth Edition. P. 445.

¹¹⁷ Mohd Firdaus Bin Sulaiman. 2006. "Child Abuse Cases". *Interview*. 4 February.

3.1.5 Stepchildren or Adopted children

Step parents or adopted parents tend to abuse the children more compared to the biological parents because of favoritism. More attention will be given to their own child and the attitude of blaming the stepchildren or adopted children when the biological child do something wrong.¹¹⁸ So the children will feel that they have been left behind without attention from the stepparents or adopted parents and this situation will cause the children to be the victim of abuse by them. Besides, problems may occur if the children are raised by others such as their grandfather, grandmother or even their relatives. In certain cases involving relatives the same situation arises because of the close relation between the children with them.

3.1.6 Drug Addicts and Drinkers

According to Marcia Lasswell and Thomas Lasswell in their book “Marriage and the Family”, a family with drinking problem is always a family in trouble.¹¹⁹ Abusive parents are often highly stressful and unable to deal with the stress in a proactive and rational manner. Many turn to alcohol and other drugs to overcome their troubles.¹²⁰ In Negeri Sembilan, drug addictions and alcoholic’s are the causes contributing to child abuse cases.

The problem of family breakdown such as when parents are involved with drugs, gambling or drinking may lead to child abuse. Most of them who are involved in such problems have marital problems. The effects of drugs and alcohol taken by the abuser will cause their mind to be unstable and unable to control their actions. This will eventually break the marriage itself. Drug addicts will beat their own child or their spouse when the request for money to buy drugs or alcohol is refused.

¹¹⁸Anisah Che Ngah. 2002. *Penganiayaan Kanak-Kanak Satu Kajian SosioPerundangan*. P. 90.

¹¹⁹Marcia Laswell & Thomas Laswell. 1991. *Marriage and the Family*. Belmont, CA: Wadsworth. Third Edition. P. 256.

¹²⁰David H.Olson & John DeFrain. 2000. *Marriages and Families (Intimacy, Diversity and Strengths)*. P. 445.

3.1.7 Hyperactive Children.

Children with a chronic illness, emotionally disturbed, hyperactive, mentally retarded or physically handicapped are at a higher risk of being abused. Children who are unplanned and are unwanted are also more likely to be abused, as are children whose birth was difficult.¹²¹

A child in his early development years may be hyperactive. They love to explore a new thing which is quite a handful to handle. Some parents cannot take this positively use and this as an excuse to abuse their children emotionally or physically.

3.1.8 The Problem of Emotional Distress

The usual child abuser is the biological father. Whenever there is a conflict between parents, the father expresses his resentment on his own offerings. Children are easy prey from angry father who is unable to control his anger. Some fathers who are either impatient or bad tempered find it difficult to cope with their children's antics.

A lot of abuse cases happened when the father has to take care of his children when the mother goes to work. The father's act in dealing with his own child is different from the mother. For example, if the child cries, the mother will handle him with compassion but this is not the case with a father. Surprisingly, although mothers tend to be caring and loving, study shows that most abusers are mothers.¹²²

3.1.9 Other Problems

There are of course other problems which lead to child abuse. Among the problems includes economic problems, which only exist in the year 2005 in Negeri Sembilan and superstition and custom. These are not the main problems because they came into picture in recent years and its percentage is so small as compared to other main factors.

¹²¹ Ibid.

¹²² Anisah Che Ngah. 2002. *Penganyaan Kanak-Kanak Satu Kajian SosioPerundangan*. P. 89.

3.2 Cases of Child Abuse in Negeri Sembilan

3.2.1 Management of Cases of Child Abuse Cases

The Child Act 2001 contains excellent provisions for affording the best possible protection for children. At the policy making and advisory level, the 2001 Act established a Coordinating Council for the Protection of Children, which is represented by the multi disciplinary Ministry that are involved with child protection matters.¹²³ The member of this council includes several ministries. They are the Director General and Deputy Director General of Social Welfare Department, a representative from the Ministry responsible for child protection, a representative from the ministry responsible for health, a representative from the ministry responsible for education, a representative from the ministry responsible for human resources, a representative from the ministry responsible for information, a representative of the Attorney General, a representative of the Inspector General of Police, a representative from the Prison Department and two representative from the Department of Social Welfare.¹²⁴

For the purpose of co-ordinating locally based services to families and children in need of protection, the Act also established Child Protection Teams as stated in section 7 of Child Act 2001. This team consists of at least a social welfare officer, a medical officer, a senior police officer and other persons that may be appointed from time to time.¹²⁵

The Act has also empowered the Social Welfare Officers of Social Welfare Department with the powers and duties of a protector by notification in the Gazette as mentioned in section 8(1).¹²⁶

¹²³Malaysia. 2005. *Child Act 2001 (Act 611)*. Section 3.

¹²⁴Ibid. Section 4.

¹²⁵Ibid. Section 7.

¹²⁶Ibid. Section 8(1).

Once a case is discovered, investigation ought to commence immediately and both the police and social services can conduct this, depending on the seriousness of the injury to the child. “*If the protector or police is satisfied on reasonable grounds that a child is in need of care and protection*” by reference to the category specified in section 17 of Child Act 2001, “*he may take the child into temporary custody unless it is not in the best interest of the child or some other person is about to take the child*”.¹²⁷ The “*child, who is taken into temporary custody, shall be brought before the Court for Children within 24 hours*”.¹²⁸ If a protector or police officer is of the opinion that the child is in need of medical examination or treatment, they can bring the child to a medical practitioner.¹²⁹

A medical officer is responsible to conduct an examination, administering tests and provide such treatment as he considers necessary as a result of the diagnosis.¹³⁰ The protector and police may authorize such treatment if the medical officer opines that the child requires treatment for minor illness or injury.¹³¹

If the medical officer detect that the child have a serious illness and in need of an operation, the protector and police should inform the parent or guardian of the child before a surgery or psychiatric treatment can be done.¹³² If the act amounts to an offence then police should initiate necessary measures. In the meantime, the social services need to work closely with both police and medical practitioners depending on the situation of the child. Next, the authorities must decided whether the child ought to be put in the custody of a fit and proper person, or placing the child under the supervision of a protector, placing the child in a safety place such as protection home, or order the parent and guardian to execute a bond to exercise a proper care and guardianship.¹³³

¹²⁷Ibid. Section 18.

¹²⁸Ibid. Section 19.

¹²⁹Ibid. Section 20.

¹³⁰Ibid. Section 21.

¹³¹Ibid. Section 24(1).

¹³²Ibid. Section 24(2).

¹³³Ibid. Section 30(1)

The Social Welfare Department's primary role is to save, protect, care and help rehabilitate the child and the child's family. Every social welfare officer authorized as a protector is expected to adhere to strict guidelines on child protection procedures. A Child Protection Team will follow this procedure if there is any report about child abuse:-

When the department receives a report of a Child Abuse case or a suspected case, the social welfare officer will visit the home of suspected abuse victims. The social welfare officer interviews the child and the parents or guardian to gather information about the child's background, for a Child Protection Report.¹³⁴ This will include details such as:-

- The child's name as stated in the birth certificate or identification card and the child's current home address.
- The offender's name and relationship with the child.
- Names of the child's parents/guardian and their I.C numbers.¹³⁵

Once the level of abuse has been established, the social welfare officer will then take appropriate action depending on the severity of the abuse or the suspected abuse. The social welfare officer will determine the kind of abuse and decide whether the abuse is a serious case or not.

3.2.1. Less Serious Cases

A less serious case is when there is no need for immediate rescue of the child, and the child is supervised with regular visits to home. The social welfare officer will decide is to be removed or not based on the officer's discretion about the case. If there is a reasonable suspicion, the parents or guardian will be advised to take the child for treatment and medical examination within 72 hours of the incident. The social welfare

¹³⁴Jabatan Kebajikan Masyarakat. 2005. *Child Sexual Abuse What You Need To Know To Intervene And Stop The Abuse*. Selangor. Malaysian Coalition for the Prevention of Child Sexual Abuse. P. 30.

¹³⁵Ibid. p. 31.

officer's have the authority to take the child for a medical examination after the child's parents are informed.¹³⁶

However, parental consent is not necessary for the social welfare officer to take the child away for medical examination. They can be accompanied by the social welfare officer if support is needed. The objective of the examination is to certify whether or not the child has been abused.

Counseling will be provided to the child and the parents or guardian by the counselor. Counseling will be held at a place where the child feels comfortable, either at the welfare office, the child's home or on neutral ground. All action taken by the social welfare officers will be discussed with the parents or guardian and recorded in a case file. Home visits will be conducted once or twice a week to ensure the child's well being. The department of social welfare is responsible for counseling and supporting family.¹³⁷

3.2.1.2 Serious Cases

A serious case is when immediate rescue of the child from the home and transfer to a place of safety is necessary. Firstly, the social welfare officer will visit the place of abuse immediately. The purpose of this visit will be explained to the parents or guardian of the child. If the parent or guardian refuses to allow the social welfare officer into the home to see the child, the social welfare officer can seek police help.

If the offender is the parent or guardian, the child will be rescued and placed in a safe home, such as relative's home or children's home. The social welfare officer will take the child to the hospital for a medical examination and treatment. This examination is to ascertain whether or not the child has been abused.

¹³⁶Ibid.

¹³⁷Ibid.

The social welfare officer can exercise his or her discretion as to whether to take the child to be examined by a medical officer. However, all children who are placed in children's home must first be examined by a medical officer.¹³⁸ Once the social welfare officer suspects a case of abuse, a police report will be made. The safety of the child always comes first. If necessary, the social welfare officer will need to obtain a temporary protection order from the magistrate of the court of children (within 24 hours of the report of the abuse) to enable the child to be placed in a safe environment or under the care of a qualified person.

The duty of a social welfare officer is to investigate the welfare of the child and to compile a social report of the child. A social report will be prepared and presented to the Court for Children to enable the magistrate to provide any order if necessary. The court makes all decisions regarding necessary actions to be taken to protect the child¹³⁹ and they will continue to support the child and the child's family. This includes home visits, counseling, and other necessary help such as financial assistance. Wherever possible, counseling and supervision of the child will be carried out to reconcile the child with his or her family. If the situation of the family improves, a revocation order can be used to allow the child to be returned to the parents or guardian. The child will then be supervised for a certain period as stated in the order.¹⁴⁰

¹³⁸Ibid. p. 32.

¹³⁹Ibid. p. 33.

¹⁴⁰Ibid. p. 34.

3.2.2 Statistic of Child Abuse in Negeri Sembilan.

Table 3.2.2.1: Breakdown of Types of Child Abuse.

Types Of Cases Year	Year 2001		Year 2002		Year 2003		Year 2004		Year 2005		Total
	M	F	M	F	M	F	M	F	M	F	
Abandonment	2	1	2	2	2		10	14			33
Neglect	3		2	11	4	9	12	11	26	22	100
Physical	9	6	8	3	6	14	1	14	7	7	75
Sexual	1	1	0	9	3	12	2	2	1	9	40
Emotional			1		2	3			2	1	9
Others											
Sold	1										1
Infant Abandonment								1	1	1	3
Adultery										4	4
Total (Gender)	16	8	15	25	17	38	25	42	37	44	267
Total	24		40		55		67		81		267

F - Female

M - Male

Table 1 indicates various types of abuse that happen in Negeri Sembilan from Year 2001 until 2005. The cases can be divided into eight categories namely abandonment, neglect, physical, sexual, emotional, infant abandonment, and adultery. Out of these, there are five types both regular cases namely abandonment, neglect, physical, sexual and emotional cases. For cases of abandonment, total cases for the 3 years from 2001 until 2003 does not indicate an increase. The average for these three years is three cases. These may be due to the campaign of “loving your child and family”.¹⁴¹ However in 2004 it increased over 100% with an average of 12 cases. No cases of abandonment are reported in 2005 because of abandonment case has been classified into neglect cases. In addition, Social Welfare Department (SWD) has also initiated a programme name “interactive programme” which aim is to reduce the number of abuses.¹⁴²

¹⁴¹Siti Hasiah. 2005. “Child Abuse and Counseling”. *Interview*. 26 Disember

¹⁴²Ibid.

The second case abuse is abuse by neglect. From year 2001 until 2005, this type of case is shown as the most frequently happened in Negeri Sembilan. The statistics are increasing from 3 cases in 2001 to 13 cases in year 2002. This is approximately a 76% increase. The trend continues to happen in year 2003 because the working parents leave their child unattended or leaving their child in the care of relatives.¹⁴³ This may prompt an abuse. In year 2004 and 2005, it keeps on increasing with the highest case recorded 25 of cases. This is a serious social pandemic.

The third type of case is physical abuse. In 2001 15 cases were recorded followed by 11 cases in 2002. This is a reduction. The number increased to 20 cases in year 2003. There is a reduction to 15 cases in year 2004 and cases in year 2005. Despite the downtrend, this is still considered huge. It appears that stressful parents abuse their children physically.

For cases on sexual abuse, there is a steady 78% increase from 2 cases in year 2001 to 9 cases in year 2002. The statistic climbs to 15 cases in year 2003. The high number of cases reported may be due to the society's concern with sexual abuse. Since all cases are reported, this contributes to a climbing trend. Generally speaking, child abuse cases in Negeri Sembilan are increasing with no sign of easing of.

¹⁴³Ibid.

Table 3.2.2.2: Child Abuse Cases According To Age and Ethnic

Age	2001		2002		2003		2004		2005		Total(Age)				
	M	C	I	M	O	M	C	I	M	C		I	Ab	O	
Below 4	5	6	1	5	3	3	7	2	8	3	7	10	3	4	66
4 To 6		1		5	3		15	2	4	1	4	6	3	2	46
7 To 14	8	1		9	2	1	23	2	18	0	9	28	7	1	108
15 To 18		2		4	4		4		8	4	2	8	7	2	45
Total (Ethnic)	13	10	1	23	1	12	4	6	38	8	22	52	20	2	7
Total	24		40		55		68		81		265				

M - Malay
C - Chinese
I - Indian
Ab - Aborigines
O - Others

The second table shown is based on the victim's age and race from year 2001 until 2005. It is displayed there that most victims are aged around 7 to 15 years old. This may be caused by the fact that at these age group victims are more active and are inquisitive. Failure to control them on the part of the parents results in abuse.

For victims aged under 4 years old, it recorded an increase of 50%. Perhaps this is caused by the fact that at this age they are sent by their working parents to a nursery or other relative to take care. Stressful situation may have ignited abuse. Another factor is that more mothers are at work as compared to the fathers whose quality of care giving is generally inferior.

Parents in their rightful frame of mind never intend to harm their own flesh and blood. This is not applicable, however to parents with mental incapacity. The causes of child abuse have been discussed previously. For the child aged between 15 and 18 years old, the reported number of cases are small because normally the child able to think of what is good and bad. Due to their maturity, they are able tolerate and follow instructions. The more adventurous ones will simply run away from home when they can no longer tolerate the heat. Generally speaking, children of this age group should be given more attention so as to avoid being abused.

The second issue is the ethnic origin of the abused child. Malay recorded the highest number of reported cases from 2001 until 2005. Starting with 13 cases in 2001, it increases by 92% in year 2002 with 23 cases. In year 2003 it increases about 102% with an overall total of 49 cases. However this number was reduced in 2004 to 11 cases with total 38 cases as compared to 2003. In year 2005 the amount directly increased to 52 cases with an increase of 32 cases. The second ethnic is Indian. It is lesser than Malays maybe because the Indians prefer not to interfere in the affairs of their neighbour. Malays are different in the sense that they are always concern about their neighbourhood and their sensitivity towards their environment.¹⁴⁴ Chinese also did not record a high number of victims. According to Social Welfare Department officer En. Firdaus Sulaiman, this situation occurs because many of them did not

¹⁴⁴Anisah Che Ngah. 2002. *Penganiyaan kanak-kanak Satu Kajian Perundangan*. P. 97-99.

report the cases to the authority in order to avoid embarrassment.¹⁴⁵ In year 2004 and 2005 the aborigines ethnic are also reported as having child abused problems. This is may be due to their level of awareness on how to prevent abuse cases. They had clever to report if abuse by reporting it to the authorities.

Based on the statistic, it is clear that child abuse among Malay is the highest reported. The Malay is always in the limelight because they form the majority. They are also a concerned lot and always care about people around them. They are always prepared to report every abuse reported to the authority.¹⁴⁶ To conclude, it is unfair to say that Malays commit child abuse more than other ethnics.

¹⁴⁵ Mohd Firdaus Bin Sulaiman. 2006. "Child Abuse Cases". *Interview*. 4 February.

¹⁴⁶ Anisah Che Ngah. 2002. *Penganiyaan kanak-kanak Satu Kajian Perundangan*. P. 99.

Table 3.2.2.3: Child Abuse Cases According To Category of Perpetrators

List Of Perpetrators	Year					Total
	2001	2002	2003	2004	2005	
Mother	6	11	7	12	87	123
Father	13	10	7	21	12	63
Step Mother	4	1	3	4	2	14
Step Father			3	6	1	10
Step Siblings					2	2
Siblings		5			4	9
Relatives	1	6	8	11	11	37
Nursery			3	2	1	6
Neighbor				4	4	8
Employer			1	1	6	8
Parent Lover			3	1	2	6
Family Relative		1	2	1		4
Child Lover		1		2	2	5
Friend				1	1	2
Others		5	18	1	5	29
Total	24	40	55	68	81	265

The next table is related to 14 categories of perpetrators in Negeri Sembilan. Being the closest individuals to the victims, there are five types of perpetrators. Based on this statistic from year 2001 until 2005 mothers log the highest number as perpetrators. It starts with 6 cases in 2001, increased to 11 in 2002 but the decrease in 2003 to 7 cases. During these years the Social Welfare Department conducted a campaign to increase the society's awareness on the need on the need to love children. However in year 2004 they are increased by 80% with 12 cases and continue to increase in year 2005 by over 100%. People take heed only when the awareness programme is taking place. It is likely that in 2004 and 2005 no campaign was conducted.

The second highest perpetrators are fathers. Statistic indicates a different number for every year. It starts with total case of 13 cases in year 2001. It then decreased by 23% to 10 cases in 2002. It then further decreased to cases in 2003.

These three years of downward trend are due to the fact that fathers are working and the responsibility for the children fall on mother. Hence, the decrease in the number of abuses. But these cases increased to 21 cases in year 2004. SWD thereafter launched a programme named "say yes for children".¹⁴⁷ This program is to create awareness on the need to love children. It resulted in the decrease in 2005 by 42 % with 12 cases. We hope this program will be continued in the future.

The third highest reported perpetrators are relatives. Starting with only one case in year 2001 it increased to 6 cases in year 2002. In 2003 it increased by 33% to 8 cases. The cases steadily increased in 2004 and 2005 with 11 cases in every year. Perhaps this is due to the increasing number working who entrusted their children in relatives' care. The failure on the part of relative to cope would lead to child abuse cases. Therefore, relatives also become perpetrators. Although other perpetrators also show and increase in reported cases, the number are quite insignificant. Nevertheless, the SWD should be more proactive in creating awareness to them on the need to love children.

¹⁴⁷Mohd Firdaus Sulaiman. 2006. "Child Abuse Cases". *Interview*. 4 February.

Table 3.2.2.4: Breakdown of Actions Taken as Ordered by the Court

Action Taken	Year				
	2001	2002	2003	2004	2005
Placing In A Place Of Safety	6	21	8	5	11
Supervise By Swd	1	5	14		
No Action Taken	6		9		
Others					
- Placing With Their Parent	2	3	1		
- In The Hospital	1	2	4		
Order Parent To Execute A Bond To Exercise Proper Care And Guardianship For A Period Of Specified By The Court				6	14
Placing A Child In A Custody Of A Fit And Proper Person For A Period Of Specified By The Court	8	8	19	21	29
Placing A Child Under The Supervision Of					
- Protector				33	16
- Other Person Appointed By Court				0	3
Incorrect Report				3	1
Total	24	40	55	68	74

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Table 4 is about the solution for child abuse problems in Negeri Sembilan which were based on court orders.

From year 2001 until 2005 there is an increase in the number of solutions offered. One popular solution is “placing a child in custody of a fit and proper person for a period specified by the court”. There are 8 cases with this solution in 2001 and followed by the same number in 2002. In year 2003, however it increased by 58% to 19 cases. This is because the court considers a better place for victim. Placing them in an institution was not viewed as well as alternative because children need love from people who are close to them. Thus in year 2004 they are increased 14% to 21 cases and further increased in year 2005 to 29 cases. The trend changes, however when in 2004 the court ordered a perpetrator to execute a bond to exercise proper care and guardianship for a period specified by court.

With the advent of affluence, the court has a choice to order parent to issue a monetary guarantee. The monetary guarantee ensures that the child is safe with their parents. This has increased 58% to 14 increases in 2005. However if the court finds that the child is not safe with their family, it has the power to place a child under the supervision of protector or other person appointed by the court. As life becomes busier with work demands, abandonment of the children becomes common. Hence, the child abuse case on the rise.

Another solution taken by the court is by placing them in a place of safety such as the government institution. It has increased in year 2002 with 21 cases from 6 cases in 2001. In 2003 witnessed the downward trend of this option in favor of placing a child in custody of a fit and proper person for a period specified by the court. The impact was obvious in year 2005. The other solutions are less favored by the courts because of factors that we have discussed earlier.

3.2.3 Conclusion

Generally speaking, each category of reported cases recorded an increase. There are four major cases which recorded an increase between 2001 until 2005, namely, abandonment, and neglect, physical and sexual abuse. On average, the trend continues to increase to about 80% every year. Although cases such abandonment shows a reduction due to the awareness campaign, the other cases are no sign of easing off. SWD needs to place a high priority on finding a system to identify cases and to solve the problem.

Another platform of discussion is the age level and ethnic origin of the victims. The table recorded that victims aged around 7 to 14 years old form the highest number of victims. It is because at this level, children are hyperactive. Every of their character and behaviour will cause stress to their parents. In order to stop them from being hyperactive, parents always taking wrong action by abusing them. However parents should understand and know the way to brought up their child to have a kind behaviour.

Another finding is that mothers form the highest number of perpetrators. This is highly undesirable as mothers are supposed to take care and protect their children. The court's decision of placing a child in custody of a fit and proper person for a period specified by the court is applauded by SWD because it is in the best interest of the child to live with their family or relatives.

As conclusion, child abuse cases in Negeri Sembilan are increasing and dictate the needs for hard work on the part of the relevant authorities to curb and address the problem before it becomes a catastrophe.

CHAPTER FOUR

THE REHABILITATION PROGRAMME OF CHILD ABUSE IN NEGERI SEMBILAN.

4.0 Introduction

Rehabilitation is a very important process to help the abused children, their families and perpetrators to function normally. Without proper rehabilitation, the consequence of abuse is costly not only to the individuals and their family but also to society in general in terms of lost production and possible further abuse of children and other members of society.

In this chapter we will try to look at some of the rehabilitation programmes which have been planned and conducted in Negeri Sembilan for victims and perpetrators. Have these programmed succeeded in their target and objectives to overcome the problems of child abuse? With reference to Child Act 2001 (Act 611), section 38 Part 4 stated about the types of child in need of care and protection¹⁴⁸. This means that the abused children need to be given the best protection and rehabilitation.

There are 4 kinds of rehabilitation programmes being implemented. They are:

1. Rehabilitation of the abuser by the counselor or protector before any action is taken to protect the abused child.
2. Rehabilitation of the perpetrator by the counselor or protector after intervention has been taken by Social Welfare Department and the Police.
3. Rehabilitation of the abuse children by the counselor or protector after intervention has been taken by Social Welfare Department and the Police.
4. Rehabilitation of the abused child in a special institution.

¹⁴⁸ Malaysia. 2005. *Child Act 2001 (Act 611)*. Section 38.

4.1 The Rehabilitation of the Perpetrator

4.1.1 Rehabilitation of the Perpetrator by the Counselor or Protector before Any Action Is Taken To Protect the Abused Child

Every case reported is accepted unconditionally by the Social Welfare Department. Once the report is recorded the officer concerned will conduct an investigation to confirm its authenticity. However in the cause of investigation the officer will handle the case alone provided there is no violence from the abuser.¹⁴⁹

If the child abuse happens at the early stage unintentionally, then the abuser will be given counseling by the protector. This is so that the abuser is aware of his improper action and it should not be repeated in the future. However the legal authority should be present if the abuser shows signs of violence during the first approach. This is to ensure that the procedure works smoothly. In more serious cases, the abused child will be taken into custody by protector. Meanwhile, the abuser will be detained by the police for further investigation. The step taken by the protector should be timely. This is because in 2005 there was a case whereby the abused child what due to the protector's wrong decision and careless. Due to this, the protector was transferred to another department.¹⁵⁰

4.1.2 Rehabilitation of the Perpetrator by the Counselor or Protector after Intervention Has Been Taken By Social Welfare Department and the Police

Actions taken by the police to detain the abusers are also part of the rehabilitation programme. It aims to make the abuser aware of the violence he has committed.¹⁵¹

¹⁴⁹Sabaruni bt Hassan. 2006. "Rehabilitation Program of Victims and Perpetrators". *Interview*. 2 February

¹⁵⁰ n.a. 2003. "Bayi Mangsa Dera". *Utusan Malaysia*. Kuala Lumpur. February 2003.

¹⁵¹Mahani bt Abdul Wahab. 2005. "Child Abuse Cases". *Interview*. 4 December.

This can be considered as a form of indirect rehabilitation to the parties concerned. If the abuse cases are serious, the police have power to detain the perpetrators for a certain period until the investigation is finished.

When the perpetrators are detained by the police, there is no special rehabilitation session conducted. After trial and conviction the perpetrators will be transferred to prison in accordance with the court order. In the prison there are rehabilitation programmes such as speech, counseling and physical session inclusive of exercises and sports. But these programmes are for all prisoners and not limited to perpetrators of child abuse. So, for that reason, the authority needs to establish a special rehabilitation programme for child abuse perpetrators in order to help them realize their mistakes.

4.2 The Rehabilitation of Abuse Children

4.2.1 Rehabilitation of the Abuse Children by the Counselor or Protector after Intervention Has Been Taken By the Court, Social Welfare Department and the Police

The court order to place a child in the custody of a fit person for a period specified by the court is part of the rehabilitation. This order is usually issued to relatives or their grandfather or grandmother of the child. It is because according to the research by SWD, a child feels happy when they live with their family. Therefore placing a child in an institution is the last priority when the child is not safe to be with his family or there is no able relative to care and protect him.

If it has been confirmed that the abused child should be protected then the protector will obtain court order to take the child into custody. This should be done within 24 hours so that the magistrate can issue an order to ensure the safety of the child in the hand of a qualified party.

As stated in Child Act 2001 Section 19 Production before Court for Children- (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 24 hours exclusive of the time necessary from the journey from the place he was so taken into custody to the Court For Children. (2) and if it is not possible to bring a child before a Court For Children within the time specified in subsection (1) the child shall be brought before a magistrate who may direct that the child be placed in a place of safety or the care of a fit and proper person until such time as the child can be brought before a Court For Children”*¹⁵². Within the duration of this period the protector and counselor of Social Welfare Department will conduct the periodic counseling meant for the abuser.

4.2.2 Rehabilitation of the Abused Child in a Special Institution

Once child abuse is reported, the protector needs to identify whether the abused child should be taken into custody or not.¹⁵³ The idea is to ensure that where possible the child should be together with his beloved family. However if it is discovered that the child is not safe to be with his family, then the protector has to decide to place the child in a social welfare institution.

As for cases of child abuse in Negeri Sembilan, the victims will be placed temporarily under safe protection while the investigation and court case proceed. The abused children here are placed in Rumah Kanak-Kanak Tunku Ampuan Najihah in Temiang Seremban Negeri Sembilan. Until January 2006 just 16 children of child abuse cases have been place for temporally¹⁵⁴ custody in this institution.

Once the case has been decided and there is no qualified or legal next of kin, then according to Child Act 2001 Section 30(1)(d) and 30(1)(e) *“the Court For Children may make an order placing the child in the place of safety for a period of three years from the date of the order or until he attains the age of eighteen years, whichever is shorter or in the case of a child who has no parent or guardian or who has been*

¹⁵²Malaysia. 2005. *Child Act 2001 (Act 611)*. Section 19(1) (2).

¹⁵³Sabaruni binti Hassan. 2006. “Rehabilitation Program of Victims and Perpetrators”. *Interview*. 2 February

¹⁵⁴Mahani Abd Wahab. 2005. “Child Abuse Cases in Negeri Sembilan”. *Interview*. 25 Disember.

abandoned as described in paragraph 17(1)(e) make an order placing the child in care, custody and control of a foster parent found to be suitable by the director general for a period of two years or until he attains the age of eighteen years, whichever is shorter and pending placement of the child in a place of safety”¹⁵⁵.

The main institution which serves to protect and rehabilitate abused children is Rumah Kanak-Kanak Tunku Budriah at Cheras Kuala Lumpur. The inmates are a mixture of children who are impoverished, sexually and physically abused, emotionally and physiologically abused and totally neglected. Apart from that the children of convicts, patients with serious diseases and orphans are also placed here. This institution has been gazetted as a safe place which offers protection and rehabilitation. It is stated in Child Act 2001 Section 54 (1)-“*The Minister may by notification in the gazette, establish or appoint any place of safety for the care and protection of children*”.¹⁵⁶

The Social Welfare Department has planned for some rehabilitation and prevention programmes to help victims cope with their problems. The aims of the programmes are to rehabilitate, cure and give prevention welfare of the victims. The main programmes are:

4.2.2.1 Academic programme

The Social welfare Department views education as an important tool for the victims. Young victims are provided with co-education to help with their development.

They usually suffer from emotional and physical or deal and need help, help, love and entertainment. Other than that a nursery for victims are also provided by Social Welfare Department as well as a kindergarten. The victims are trained with activities such as talking, singing, and others. Activities such as exercise and sports are also

¹⁵⁵Ibid. Section 30(1)(d)(e).

¹⁵⁶Ibid. Section 54(1).

given priority. These activities are supervised by staff and specially trained teachers.¹⁵⁷

After the victim reaches the age of 7 years, they will be enrolled in schools closest to institution. They will be given daily pocket money of RM 1.00, and the process is repeated when they reach secondary school age. The Social Welfare Department also provides tuition classes which are handled by invited teachers from outside. There are cases where trustworthy students are sent to tuition classes outside the institution. The SWD's efforts of providing extra education to the victims deserve to be complimented.¹⁵⁸

Teachers play an important role in the rehabilitation process. They can help the victims to adapt with the environment and to think that they not different from other children.

4.2.2.2 Religious Programme

Social Welfare Department views and places the victim's welfare in the priority list together with the religious aspect of their lives. This is to ensure that their religious needs are met. Different religious needs are met with easy. For Muslim victims they will follow religious classes at mosque and attend a compulsory jamaah prayer. Due to its lack of religiously trained staff Social Welfare Department invite part time teachers to train victim to understand Islam.¹⁵⁹

Victims of other faith will be sent to the respective temple or church to learn about their religion. This is important to ensure victim join the society later in their lives. As far as the shortage of staff with religious background in concerned, the SWD should recruit more relevant staff to help with the rehabilitation process.¹⁶⁰

¹⁵⁷Sabaruni binti Hassan. 2006. "Rehabilitation Program of Victims and Perpetrators". *Interview*. 2 February

¹⁵⁸Ibid.

¹⁵⁹Ibid.

¹⁶⁰Ibid.

4.2.2.3 Counseling Programme

This is the leading programme to help victims cope with their problems. All counselors come from Social Welfare Department main office in Kuala Lumpur. Counseling also involves other government departments responsible for the welfare of the victim. Currently there are counselors from Malaysia Defense Department conducting counseling sessions at Social Welfare Department institution. The counseling sessions are provided for individuals, groups, or family. By handling the groups on separate sessions, the counseling will find it easier to concentrate and manage a particular problem. A counselor can also help to motivate the victim to regain their self esteem and self help as they are not always comfortable with their environment.¹⁶¹

They are helped to regain self confidence to go through life. In addition, a counselor consults a non abusive parent and the family members to get a background on how to provide a relevant support therapy.

4.2.2.4 Sport Programme

Sports are as important as entertainment or amusement to the victim. Therefore, the Social Welfare Department provides and plans for sports programmes such as carom, football, netball, and badminton. An external coach is provided by the Social Welfare Department.

The SWD also gives the victims the opportunity to demonstrate their talents by taking part in competitions between charity institutions under Social Welfare Department. All these are to assist the victims to overcome the trauma they once faced.¹⁶²

¹⁶¹Ibid.

¹⁶²Ibid.

4.3 Conclusion

The rehabilitation programme has been divided into several situations, firstly, “rehabilitation of the perpetrator by the counselor or protector before any action taken to protect the abused child”. This research has identified the success of the programme in reducing child abuse cases. The rehabilitations of perpetrators by the counselor or protector before any action taken to protect the abused child are the first step. The report on abuse cases must be identified and confirmed on its authenticity. While this is the first step, it poses some problems. If the reports come from the family of the abused child, it is usually dependable. The problem is the case is reported by a third party. Secondly, “rehabilitation of perpetrator by the counselor or protector after intervention has beentaken by Court, SWD and the Police”. The decision to place a child in a place of safety is a good decision by the court. Nevertheless, research has shown that a child is always happy in their family surrounding. If it is not safe to place a child with their family and there is no relatives who are able to care and give protection, the court may order the child to be placed in an institution such as Rumah Kanak-Kanak Tunku Budriah Cheras, Kuala Lumpur.

However, the success rate of this programme is rather low due to the congested condition of the place. There are other additional programmes such as academic, religious, counseling and sport to make it more successful, additional able and qualified staff needed to handle the programme. Lastly, all of the organized programmes are working well and requires some adjustments here and there to make them more successful.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATION

5.1 Conclusion

The first thing that we must know is the purpose of marriage. Allah created men and women so that they can provide company to one another, love one another, procreate and live in peace. Children are Allah gift. So, we as protector should protect our child from being abused.

Most of child abuse cases are committed by parents. This is simply beyond our expectations because we believe that the responsibility of parent is to take care of their own child. Lack of compassion and love among family members are also the root cause. The writer thinks that in order to prevent and reduce the number of child abuse, the authority should also strengthen the rehabilitation programmes.

We have discussed rehabilitation programmes in Negeri Sembilan. We have also examined the role and function of the relevant authorities involved child abuse issues. How successful are the country and society in handling this problem? After identifying the factors which contributes for child abuse we have to examine and consider whether the step taken in the reported cases are sufficient. We have established that our society is highly aware of this social menace. However, the awareness level is still insufficient to curb the increased of reported cases from happening. Government agencies such as Social Welfare Department, Police, Hospital, Court and other NGO's must work in tandem to eradicate this problem in its entirety.

Various parties have organizes seminars, lecture, campaign and conference to help us find a better solution for saving children from abuse and to lead a better life. The society also has a big role to play. They can help the government by supporting all campaigns which aims to inculcate love for the children. In Negeri Sembilan there are

many charitable organizations which are handled privately to assist the government to eradicate child abuse.

The infrastructure such as nursery for child in every office or organization is another way to reduce child abuses cases. This can help enlighten the burden of families without maids. Additionally, it is good if a counselor be place in each organization. He can help to provide counseling session for those facing problems. Social Welfare Department must also identify an area with frequent occurrences of child abuse and provide a child care centre there.

Our aim here is to identify rehabilitation programme used to help the victims and perpetrators in Negeri Sembilan. The problem here is that there is no specially constructed module to address the child abuse problem. Everything is based on personal skill. A counselor is supposed to plan for a programme which can help to rehabilitate them. Their effort in manage a rehabilitation program is commendable but the lack of guidelines are hampering their work.

One important thing to highlight here is that there is only one female counselor at the head office of Social Welfare Department in Negeri Sembilan. The Social Welfare Department of Negeri Sembilan should provide for more trained counselors for every district in Negeri Sembilan.

5.2 Prevention of Child Abuse

Child abuse prevention means taking steps to ensure abuse never happens in the first place. Prevention means setting up laws, policies and declarations that deal with the rights of children and youth.¹⁶³ Parent has an important role to play in order to prevent child abuse. But, the responsibility to report abuse to the authorities is not entrusted upon family members and doctors only. All members of society have the same responsibility, particularly those who are aware of the existence of such abuse.

¹⁶³n.a. 10 May 2006. "Prevention Must Be Proactive". *Americam Family Physician* <http://www.aafp.org/afp/990315ap/1577.html>. p. 1.

All states have child abuse prevention programs. Prevention is considered to be primary when it is directed at entire populations. Secondary prevention exists when at risk populations are identified for intervention. Once child abuse actually occurred, further prevention efforts are said to be tertiary.¹⁶⁴

There are several things that we can do to prevent child abuse:-

5.2.1 Help and Support the Parents

It is clear that many of the causes of child abuse revolve around the needs and problems of the parents. Therefore in order to prevent child abuse, we must first help and support the parents.

Parents can learn how to deal more positively and effectively with their children. Education is the key to preventing abuse; education and therapy are needed to help abusive children. Professionals see child abuse as a family and societal problem. Treating the problem involves three interrelated strategies.

Firstly, increasing the parent's self esteem, secondly, increasing the parent's knowledge of children and positive child rearing techniques and lastly devising community support networks for families under stress.¹⁶⁵

The concept of supporting parents in their role of parenting should be established. Until parents' basic needs are met, they may find it difficult to meet the needs of their children. The first thing parents need is assistance in meeting their basic requirements for food, shelter, clothing, safety and medical care. It is also the role of social welfare to recognize the parents which needs these basic requirements. Next, identify and treat parents who abuse alcohol and drug, and identify and counsel parents who suffer from spousal abuse. Identifying and treating parents with psychological problems is also

¹⁶⁴Jody Murphy et al. 2005. *Health in Child Care*. United States. American Academy of Pediatrics. Fourth Edition. p. 200.

¹⁶⁵David H. Olson & John DeFrain. 2000. *Marriages and Families (Intimacy, Diversity, and strengths)* p.446

important. Other issues that need attention include financial concerns, and employment and legal problems.¹⁶⁶

5.2.2 Programme Troubled Parents

Besides that, many programmes for troubled parents may include a parent discussion and support group. A group of parents often facilitated by a professional gets together to share stories about life's ups and down and to offer advice and support to each other. Child abuse hotlines are also available to parents around the clock for help and dealing with difficult child rearing situations.¹⁶⁷

5.2.3 Educate Parents Regarding Abusing

The parents themselves should take appropriate action in order to prevent this problem. They should teach their children the difference between acceptable and unacceptable touching, and to trust their instinct about people. Parents should educate themselves about the signs of abuse, so they will be able to detect it.¹⁶⁸

Look for bruises, burns, bloody or missing underwear, difficulty with bowel movements or urination, problems with walking or sitting, behaviour problems, inappropriate sexual behaviour, sore genitals or anything that just makes you feel there is something amiss. Explain to the children that no one has the right to hurt them or touch them or their private areas or touch them in any way that makes them feel uncomfortable. Other than that, show the children how to make a collect call to home and how to call 999.¹⁶⁹

¹⁶⁶ n.a. 10 May 2006. "Primary Prevention Strategies". *American Family Physician*
<http://www.aafp.org/afp/990315ap/1577.html>. p. 2.

¹⁶⁷ David H. Olson & John DeFrain. 2000. *Marriages and Families (Intimacy, Diversity, and strength)*
 p. 446

¹⁶⁸ n.a. 10 May 2006. "What Can Physicians Do". *American Family Physician*
<http://www.aafp.org/afp/990315ap/1577.html>. p. 3.

¹⁶⁹ n.a. 10 May 2006. "Steps To Prevent Child Abuse". *eHow*.
http://www.ehow.com/how_10872_prevent-child-abuse.html. p. 1.

5.2.4 Educate the Society

Society can do a number of things to prevent the abuse of children. Each society member must be aware that all children have the right to live and cannot be abused. This must be understood and accepted by every one of us. We must teach our children, students and youngsters that they have this right. With this knowledge, we hope the young ones will know they have the right to receive proper attention from adults.

In addition, all members of society must be informed of their obligation and responsibility to report abuse cases that they are aware of. The report can be made directly to the police or they may call the child abuse hotline that is open 24 hours a day.¹⁷⁰

Every member of society must be aware that his ignorance or concealment of any known abuse cases may subject him to the punishment as mentioned in section 31 (1) of Child Act 2001.

*This section stated that any person who abuse, neglect, abandons or expose the child in any manner that will cause the child physical or emotional abuse or any person who sexually abuse the child or causes him to be abuse, will be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding two years or both".*¹⁷¹

Other than that, society members must act as social workers to help abuse victims. As we know, in every abuse case, the role of social workers is important. They are empowered to take certain action to ensure abused children receive proper support and treatment. Although members of society do not have any legal power like social workers do, they have the strength to rescue children from mistreatment and offer their help and support to them.

¹⁷⁰Azrina Bt Sobian. 20 May 2005. *Values Guard Against Social Ills*. <http://www.ikim.gov.my/bm/paparmedia>. p. 2-3.

¹⁷¹Malaysia. 2005. *Child Act 2001 (Act 611)*. Section 31(1).

As a caring society, we must be alert to any possible case of child abuse. If we want to be known as a caring society, then we must prove it. By being alert, we can take immediate action to prevent or stop abuse. However, any preventive action cannot materialize if proper avenues are not available.

5.2.5 Update Reporting System

The creation of an easy reporting system is essential. The child abuse hotline must always be in good condition and well-maintained. The existence of this line must also be made known to public.¹⁷² If you suspect it, you must report it. It is better to make a mistake of suspecting and reporting a suspected abuse than to allow a child to be harmed or even killed. Programmes to encourage the public to be proactive in this issue must be conducted.

As a conclusion, parents and society play a very important role in preventing child abuse. Thus, everyone must play his role as an alert and caring member society. Islam encourages its followers to help other people especially children because they are defenseless and vulnerable.¹⁷³

5.3 Recommendation

5.3.1 Follow Ups

Following through the family which have child abuse cases is very important and make sure they come for follow up. The victim will feel being given attention and care and if the perpetrator has already returned home after serving his sentence or punishment it could also act as deterrent. If possible, make compulsory the provision for follow ups.¹⁷⁴

¹⁷² Azrina Bt Sobian. 20 May 2005. *Values Guard Against Social Ills*. <http://www.ikim.gov.my/bm/paparmedia>. p. 2-3.

¹⁷³ Ibid. p. 2.

¹⁷⁴ Mohd Amin Hj Ahmad Shariff. n.d. *The Treatment Of The Sexually Abused Victim And The Family*. Dept of Psychiatry, Faculty of Medicine, University Malaysia Sarawak. P.38.

5.3.2 Counseling Programme

The researcher likes to suggest that a counseling programme should be conducted especially to victims and the perpetrators. This is important to ensure that both parties are able to cope with similar problems in the future.

The authority must plan a program that combines the victim and perpetrator. Train and send them to get training especially in counseling. Organize training courses like what we are doing now such as “interactive programme” organize by Social welfare Department of Negeri Sembilan in 2004, people who are interested in rehabilitation should be roped in to join the team. It is important to get motivated and committed individuals but make sure they are not the emotional types.¹⁷⁵

5.3.3 Upgrade Facilities

According to the Assistant Principal of Rumah Kanak-Kanak Tunku Budriah Cheras the authority should upgrade the facilities and building of the institution in order to help the child adjust to the new environment.

My suggestion is that the government should establish a special institution just for child abuse cases. The victims should no be placed together with other types of inmates. This is important because their trauma from the abuse should be treated by counseling sessions and they need special attention so as to help them to get back on their feet. A good environment specially catering for this need is very much needed to expedite the process of healing.

5.3.4 Counseling after Release

The lack of referral for rehabilitation for perpetrators by the police should be highlighted. The imprisoned abuser usually does not get counseling for rehabilitation in prison or after being released. As we have discussed, the rehabilitation for the perpetrators is important to help them to function normally. Rehabilitation in prison

¹⁷⁵Ibid.

should begin upon imprisonment and proceed throughout the internment and after.¹⁷⁶ Close Supervision by the police department and SWD is also a good way to counsel them to love their family. It is highly imperative that the perpetrators are properly trained to help them realize on the gravity of their actions, and to ensure that the problem does not recur. Cruelty against the children is a crime. Therefore, a rehabilitation programme in prison or after being released has to work early to prevent this problem.

5.3.5 Rehabilitation for Victims

In order to successfully battling the problem of child abuse, the Social Welfare Department should coordinate the specific rehabilitation program for child and his family once the child is discharge from hospital. The officer from Social Welfare Department should make the observation and follow up with the child and the family from time to time until the officer is satisfied that the child and his family are free from the trauma.

5.3.6 Awareness and Prevention Programme

We should work hard to emphasize on the concept of “prevention is better than cure”. Another initiative is to organize campaigns such as “happy family” “happy family start from home” and “say yes to children”. All programmes which were planned and executed in the previous year should be continued in the future. With reference to the aforementioned statistic, there was a noted reduction in cases during the awareness programme campaign, with the exception of one particular year. For example, an “interactive programme” in year 2004 and “say yes to children” in year 2005 has shown a positive effect. It is our responsibility to make it a success. A child should be isolated from the negative environment of crimes, AIDS and HIV because these may greatly affect the children.

¹⁷⁶ n.a. 1995. “*Child Abuse And Neglect*”. (Paper). Third National Conference on Child Abuse and Neglect”. Hospital Kuala Lumpur. 24-25 June. P. 64.

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