



INTERNATIONAL JOURNAL
OF LAW, GOVERNMENT
AND COMMUNICATION
(IJLGC)

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**THE ROLE OF AGENCIES WITHIN THE FRAMEWORK
OF SPECIAL GUIDELINES FOR HANDLING CASES OF
SEXUAL OFFENCES AGAINST CHILDREN IN MALAYSIA:
A PROCEDURAL PERSPECTIVE**

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Article Info:

Abstract:

Article history:

Received date: 22.12.2025

Revised date: 06.01.2026

Accepted date: 26.01.2026

Published date: 02.03.2026

To cite this document:

Azhar, A., & Abdul Wahab, H. (2026). The Role of Agencies Within the Framework of Special Guidelines for Handling Cases of Sexual Offences Against Children in Malaysia: A Procedural Perspective. *International Journal of Law, Government and Communication*, 11(43), 29-40.

Cases of sexual crimes against children show a pattern that is increasing year by year. However, the reported cases are somewhat reduced as many people still use the excuse of shame to come forward and complain. The principle of protecting children must be prioritized for their future as the future generation of the country's leadership. The study is socio-legal in nature, that is, a research method that combines two main fields of research: social science and law. The study used content analysis using inductive and deductive. The Sexual Offences Against Child Act 2017 is an act clearly intended to protect children from sexual offences, in line with the Child Act 2001. The Special Guidelines for Handling Cases of Sexual Offences Against Children in Malaysia are designed to ensure that the aims and objectives of Act 792 can be achieved more effectively. The collective efforts of all agencies are based on the Special Guidelines, which serve as a support measure for the handling of victims of child sexual offences. Cooperation between Ministries and government agencies such as the Ministry of Women, Family and Community Development, Division of Legal Affairs, Prime Minister's Department, Royal Malaysian Police (PDRM), Ministry of Health, Courts, and Department of Social Welfare (JKM) with one goal, to ensure the protection and welfare of children are guaranteed within the legal and social framework in Malaysia.

DOI:10.35631/IJLGC.1143003 **Keyword:**

Child Protection, Child Act 2001, Sexual Offences Against Children Act 2017, Special Guidelines for Handling Cases of Sexual Offences against Children in Malaysia



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Introduction

Children are important human capital for the country. This human capital can be developed to an optimal level through the provision of a safe and conducive environment. In this regard, the protection of children from neglect, abuse, violence and exploitation is an important aspect and should be given priority (A. Azhar, et.al., 2017).

According to records from the Ministry of Home Affairs (KDN), statistics on sexual crimes against children in Malaysia continue to show an alarming increase. In a three-year period (2022-2024), a total of 7,677 cases were reported, with 3,400 cases resulting in convictions (Saifuddin, 2025). In fact, according to the Chairman of the non-governmental organization Children's Protection Society Kuala Lumpur (CPS KL), Tengku Asra Jehan Tengku Azlan, in January 2025 there were 1,000 cases of sexual crimes against children (Astro Awani.com, 2025).

The Sexual Offences against Children Act 2017 (Act 792) which came into effect on 10 July 2017 is an Act to deal with sexual offences committed against Children. The main purpose of the enactment of Act 792 is to provide better protection, safeguard the interests and welfare of Children, and provide effective prevention of sexual offences against Children.

The enforcement of Act 792 is supported by the formulation of Special Guidelines in the handling of cases of sexual offences against Children. The Guidelines define Children as follows:

1. For the purposes of these Special Guidelines, reference should be made to section 2 of the Child Act 2001 (Act 611). A child is defined as a person under the age of eighteen (18) years.
2. According to the Child Witness Evidence Act 2007 (Act 676), the age of a witness who is given protection under Act 676 is 16 years and below.

Meanwhile, the meaning of sexual abuse of Children according to the Guidelines is: Paragraph 17(2)(c) of Act 611 provides that a person involved in a case of sexual abuse of Children is when he participates either as a participant or observer in any activity of a sexual nature for the purpose of any pornographic material, recording, film, tape, video or performance of a

pornographic, obscene or sexually exploitative nature by any person to satisfy the sexual desires of that person or another person.

Protection means a Child who needs protection under section 17 of Act 611 in relation to the Sexual Offences against Children Act 2017 (Act 792), the Penal Code (Act 574) and the Domestic Violence Act 1994 (Act 521).

In this regard, the existing law needs to be detailed not only to look at the aspect of the offense, but also the aspect of the investigation, the admissibility of evidence and the entire criminal justice system itself. The basic principle used in sentencing; it must be commensurate with the offense committed. This means that the punishment does not differentiate between the perpetrators, even including offenders who have a great obligation or responsibility towards the victim are also sentenced based on the principle of commensurate with the offense committed. For a serious offense, the punishment that will be determined will use the same considerations as other laws.

For children or the victims' relatives and families involved, they need support. The guidelines state that support is behavior that helps children's relationships with other individuals and the surrounding community.

Research Methodology

This study is socio-legal, which is a research method that unites two main fields of research, namely social science and law, specifically policy and regulation. Law is formed as a mechanism to manage affairs and conflicts that arise in social society; law has a close and inseparable relationship with society (Rohani Abdul Rahim, 2002). This study also involved systematic research on new and current legal issues using high originality and creativity through traditional or conventional legal methods involving the process of stating, interpreting and clarifying the existing law in a particular field of law (Mahdi Zahraa, 1998).

The study that was conducted was based on a qualitative approach (Azizah Hamzah, 2010). To examine the legal framework for child protection in Malaysia, the content analysis method was chosen. This method requires the determination of a specific theme so that the analysis process of the text does not deviate. In this study, the theme is related to the role of the agency within the framework of the Special Guidelines for Handling Cases of Sexual Offences against Children in Malaysia. The authors had analysed the document to find out the content and meaning contained in the document (Nazir, 1985; Ratna, 2004; and Muhadjir, 2003). Including online publications on the websites of the relevant agencies.

Content analysis is carried out by selecting appropriate texts based on the objectives of the study. The inductive method is a method of analysing data through the process of drawing conclusions from specific matters to a general statement (Peter A. Angeles, 1981; Henry L. et.al, 1977). Here the authors had presented the specific data and then made general conclusions. The authors had referred specifically to the Special Guidelines for Handling Cases of Sexual Offences against Children in Malaysia.

Next, make conclusions regarding the roles and procedures of agencies involved in handling sexual offences involving children. Next, the authors had analysed the data using the deductive method, which is a way of analysing and conducting research based on a 'thinking pattern' that

seeks evidence based on general propositions for specific matters (Abdul Halim, 1987). The authors looked at the general role contained in the Special Guidelines and then made specific conclusions about the related roles and procedures.

Special Guidelines for Handling Cases of Sexual Offences against Children in Malaysia

A strategic initiative of the Legal Affairs Division (BHEUU), Prime Minister's Department by implementing efforts to refine the content of the Special Guidelines for Handling Cases of Sexual Offences Against Children (petari.bheuu.gov.my, 2025).

These Special Guidelines are divided into the following 4 main headings:

Title 1: Receiving Reports and Investigations This heading explains and provides guidance to agencies involved in cases of sexual offences against children at the initial stage, namely making and receiving reports and conducting investigations.

Title 2: Trial This title is about the procedure for handling cases in the Court for Sexual Crimes Against Children which covers the entire process from the case being registered in Court until the case is completed including special features in the handling of Child witnesses for sexual offense cases in Court during the trial.

Title 3: Handling Child Victims/Witnesses This topic discusses the handling of Child victims/witnesses in Court. Since Child victims/witnesses will face various parties such as the Court, Royal Malaysian Police (PDRM), Deputy Public Prosecutors, Lawyers, Legal Aid Department, Social Welfare Department, Non-Governmental Bodies and so on in addition to the perpetrators themselves, this topic will discuss in detail how these parties handle Child victims/witnesses from the pre-trial stage until the trial day according to their respective roles/responsibilities.

Title 4: Protection and Support Services This section discusses the protection and support services that can be provided by agencies involved in assisting child victims/witnesses. These services will be provided immediately after the complaint is received until the completion of the trial.

Guidelines for Receiving Reports and Investigations

These Guidelines for Receiving Reports and Investigations are to provide guidance to agencies involved in reporting and investigating cases of sexual offences against Children.

Receipt of Report

Police Report

- (a) A police report on a case of sexual offences against Children can be made at any police station/police station/hospital. (b) The police report can be written by the complainant himself on the form or written by the police. (c) The police report must be read back to the complainant by the police officer who receives the complaint and confirmed as correct by the complainant before being signed by the complainant. The complainant must be informed regarding the complaint number. (d) The Investigating Officer (IO) or Assistant Investigating Officer (AIO) will be informed by the police officer who receives the complaint.

Interviewing the Complainant

The Investigating Officer or Assistant Investigating Officer interviews the complainant to obtain additional information other than that stated in the police report. (b) PDRM informs the Social Welfare Department (JKM) if the complainant and/or victim requires protection. (c) JKM must take action to apply for an interim protection order (IPO) in Court (if necessary). (d) PDRM also provides counselling services to the complainant/victim/witness before the interview session and during the investigation process (if necessary). Victim Support Services and counselling are provided by a psychological officer and an assistant psychological officer or a registered counsellor from the Victim Support Unit, Sexual, Women and Children Investigation Division (D11). (e) PDRM informs the complainant/victim about the Legal Companion service. Legal Companion services are provided by the JBG to victims who are under 18 years of age at the time of trial.

Classification of Offences

The classification of police reports is according to the offence sections provided under the laws currently in force in Malaysia.

Recording of Complainant/Victim/Witness Conversations via Video at the Child Interview Centre (CIC)

The complainant/victim/witness must be interviewed and their conversation recorded to obtain the facts about the incident. (b) The conversation of the complainant/victim/witness will be recorded in accordance with the provisions of the law. If necessary, PDRM will obtain the services of an interpreter or sign language interpreter. (c) The recorded statement of the complainant/victim/witness must be read again before being confirmed and signed by the complainant/victim/witness. The fingerprints of the complainant/victim/witness may also be taken if they are unable to sign. (d) If the complainant/victim/witness is 16 years of age and below, their interview statement will be recorded via video recording at the CIC (if necessary).

Health Checkup

- (1) PDRM will take the victim to a government hospital for examination and treatment by medical officers (if necessary).
- (2) In certain circumstances, the victim will continue to attend the hospital together with the parent/guardian/teacher/member of the public.
- (3) Screening at the Hospital Emergency Department
 - (a) Medical officers/staff handling cases of child sexual abuse must attend a course/seminar or have been given exposure to the handling and management of Suspected Child Abuse and Neglect (SCAN). (i) Non-critical the child is placed at the One Stop Crisis Centre (OSCC) for an interview and examination by the SCAN Team. Medical officers/staff must make a report to JKM and the police (if a police report has not been made). (ii) Critical/semi-critical the victim is admitted to the critical zone for emergency treatment. The victim is also referred to the SCAN Team. (b) The victim will be admitted to the ward. Follow-up treatment by the SCAN Team and a case conference will be conducted. After discharge, the victim is given a follow-up appointment.

Preparation of Medical Reports

- (a) The Investigating Officer or Assistant Investigating Officer requests an initial medical report from the government hospital on the same day the victim is referred to the hospital.
- (b) The hospital must provide an initial medical report of the health examination on the same day the victim is referred after completing the examination of the victim.
- (c) The Investigating Officer or Assistant Investigating Officer shall request in writing a full (complete) medical report as soon as possible. (d) The hospital shall provide a full (complete) medical report as soon as possible. (e) The Investigating Officer or Assistant Investigating Officer shall promptly obtain a full (complete) medical report from the hospital. (f) For certain cases, PDRM will request in writing an extended medical report. For example, a psychological report and a psychiatric report.

Investigation

- (1) On-Scene Investigation
 - (a) The Investigating Officer or Assistant Investigating Officer shall attend the scene of the incident to take photographs of the scene and collect evidence. (b) The Investigating Officer or Assistant Investigating Officer shall send the samples/evidence found to the Malaysian Chemistry Department for analysis. (c) The Investigating Officer or Assistant Investigating Officer shall apply in writing for a chemical report as soon as possible after the samples/evidence have been sent to the Malaysian Chemistry Department. (d) The Malaysian Chemistry Department shall prepare a chemical report as soon as possible after the samples/evidence have been received from the Investigating Officer or Assistant Investigating Officer.
- (2) Arrest of Suspect (OYDS)
 - (a) PDRM identifies the profile of OYDS and makes an arrest. The reasons for the arrest will be explained to OYDS as per the procedure under the Criminal Procedure Code (Act 593) and a search of OYDS's body will be made. If the arrest is made on premises, the search must also be carried out on the premises in question. (b) PDRM must make a police report on the arrest made.
- (3) Recording the statement of a suspect under section 112 of the Criminal Procedure Code PDRM must record the statement of the OYDS. The recording of the statement must comply with the procedure under the Criminal Procedure Code (Act 593).
- (4) Remand application under section 117 of the Criminal Procedure Code (Act 593)
 - (a) A remand application must be made if the investigation cannot be completed within 24 hours. (b) If the remand application is granted, OYDS will be detained for further investigation by the police. (c) If the remand application is rejected, OYDS will be released on police bail.
- (5) Identity parade (a) identity parade is conducted if necessary. The victim will be taken to the Police Station for ID parade. (b) Further conversation recordings will be taken after the ID parade.

Evaluation of Evidence and Referral to Deputy Public Prosecutor to Evaluate Evidence

- (1) The Investigating Officer or Assistant Investigating Officer collects and evaluates all evidence before referring the Investigation Paper (IP) to the Deputy Public Prosecutor.

- (2) The completed IP is referred to the Deputy Public Prosecutor for advice and opinion on whether charges can be laid.
- (3) If the Deputy Public Prosecutor orders further investigation, the Investigating Officer or Assistant Investigating Officer shall continue the investigation. After that, the IP shall be referred back to the Deputy Public Prosecutor.
- (4) If there is sufficient evidence, charges will be laid in the relevant Court by the Deputy Public Prosecutor.

Procedures in the Special Sessions Court Trying Sexual Offences Against Children

1. Case Registration
 - 1.1 The court accepted the Charge Sheet and filed the case.
2. Case Hearing
 - 2.1 The charge was read to the Accused (OKT) in a language he understood.
 - 2.2 The court recorded OKT's confession, whether he pleaded guilty/requested a trial.
3. If OKT admits fault:
 - 3.1 The court will ensure that OKT understands the nature and consequences of his confession.
 - 3.2 The facts of the case are read and explained to the OKT and case items are presented and marked as exhibits.
 - 3.3 The court will receive the Young Offender Social Report (if the OKT is under 21 years of age), the Victim Impact Statement, hear the mitigation of the OKT, hear the sentencing aggravation argument from the prosecution and receive records of past convictions (if any).
 - 3.4 The court shall sentence the OKT in accordance with the relevant Law and make any appropriate orders on the exhibits and case materials.
4. If OKT does not admit fault:
 - 4.1 The court will either grant or deny bail to OKT depending on the type of offence. If bail is not granted, then OKT will be remanded in prison until the case is resolved, while if bail is granted, OKT will be released on bail.
5. Full Trial
 - 5.1 Other prosecution witnesses: Witnesses are brought into Open Court to give evidence in the witness box.
 - 5.2 Child prosecution witnesses: Child witness testimony may be given in any one or a combination of the following ways:-
 - i. establish a barrier between the child and the OKT (Screen Barrier);
 - ii. live network (Video Link Network); and or video recording
6. Results
 - 6.1 If the Court finds OKT not guilty, the Court will release and acquit OKT.
 - 6.2 If the Court finds OKT guilty, the Court will sentence OKT in accordance with the relevant law and make any appropriate orders on the exhibits and case materials.

Guidelines for Handling Victims/Witnesses and Protection and Support Services

Agencies responsible for children who are victims of sexual offences. Procedures for handling Victims/Witnesses and Protection and Support Services involve the collaboration of the following three agencies.

Royal Malaysian Police (PDRM)

PDRM will apply to the court to issue an Interim Protection Order (IPO) meaning an order issued by the Court while waiting for the police to complete their investigation into domestic violence cases. If anyone needs an IPO and other services at the Social Welfare Department (JKM), they can also refer the victim to a JKM officer by attaching documents such as a copy of the police report, a letter confirming the case under investigation and a medical officer's report (if any).

The PDRM also provides a Child Interview Centre (CIC) to assist Investigating Officers in obtaining clear and quality evidence from children and children with disabilities. The evidence taken is in the form of video recordings.

Among other assistance provided by the PDRM during the investigation process is providing emotional support and counseling sessions to the victim and family or referring to other Departments/Agencies that can provide support services to the victim and family. The PDRM will conduct the investigation, track down and arrest the suspect and charge the suspect in Court if they have strong evidence after receiving advice and instructions from the Attorney General's Chambers.

Court for Children (MBKK)

MBKK is a Court established under Section 11 of the Child Act 2001 [Act 611] consisting of a magistrate and assisted by two advisors appointed by the Minister (selangor.kehakiman.gov., 2025). Temporary Order refers to the temporary placement of a child sexual abuse victim for a period of one month and placed in a safe place or under the care of a qualified person.

MBKK Order (Standing Orders) relating to a child who needs care and protection through the four (4) provisions of the powers of the Court for Children as follows (Children Act, 2001):

1. Section 30(1)(a) The parent or guardian of the child executes a bond to carry out proper care and custody for a period specified by the MBKK.
2. Section 30(8) Interactive workshops is a provision in the Child Act 2001 which requires parents/guardians and children to undergo prescribed intervention programs such as counseling, parenting workshops and so on;
3. Section 30(1)(b) Makes an order placing a child in the care of a fit and Suitable Person Custody Order (OYLS) for a period specified by the MBKK;
4. Section 30(1)(c) Making an order placing a child under supervision-
 - (i) A Protector; or
 - (ii) Another person appointed for that purpose by the Court for Children, For a period specified by the Court for Children;
5. Section 30(1)(d) The child is placed in a Centre for a period of three (3) years from the date of the order or until the child reaches the age of 18 years, whichever is shorter; or
6. Section 30(1)(e)

For children without parents, the child is placed in the care, custody and control of a foster parent or guardian found suitable by the Director General of the Social Welfare Department (JKM) for a period of two (2) years from the date of placement or until the child reaches the

age of 18, whichever is shorter. While a suitable foster parent or guardian is being sought, the child will be placed in a safe place.

Ministry of Health Malaysia

The role of the Ministry of Health is that any victims sent to hospital will be referred to the One Stop Crisis Centre (OSCC) and further examinations will be carried out by medical officers.

The One Stop Crisis Centre (OSCC) is a special unit in the Emergency Department of a hospital that provides comprehensive services to victims of child abuse. It is also specifically set up to provide privacy for victims during the interview and physical examination process.

The Suspected Child Abuse & Neglect (SCAN) Team is a professional team consisting of doctors and experts from various disciplines who function to conduct examinations and assessments on child victims of abuse.

The SCAN Team is also responsible for ensuring coordination between hospitals and other government and non-government agencies to ensure that child victims receive protection and justice. The SCAN Team is led by a Child Specialist (Pediatrician) and other members consist of specialists and doctors from the Emergency Department, Pediatrics Department, Obstetrics and Gynecology Department, Surgery Department, Psychiatry Department and Forensic Department. Other SCAN team members also consist of counseling officers, psychologists and officers from the Medical Social Work Department, child protection officers and police officers.

Conclusion

Malaysia has created a conducive environment in the realization of child protection efforts. Collaborative efforts between government agencies, non-governmental organizations and public institutions to raise public awareness on various issues. Children's awareness and understanding of any behavior that leads to sexual crimes is very important to ensure that they do not become victims of such indecent behavior. Various efforts have been implemented to educate and make children aware of behavior that can be defined as sexual crimes, since they are not only vulnerable to becoming victims but also do not know what the immoral behavior or action is.

The Special Guidelines were formulated to ensure that the goals and objectives of Act 792 can be achieved more effectively. It is hoped that these Special Guidelines will assist Child victims/witnesses and their families in particular as well as the public in general, starting from the complaint stage until the case is heard. These Special Guidelines also discuss the forms of protection and support that can be obtained from the various agencies involved.

The problem of convictions that cannot be imposed on child sexual offenders. The lack of conviction aspects actually depends on several factors including insufficient evidence. Therefore, the results of the investigation carried out cannot satisfy the court to convict the accused. In general, the problem of the procedure for convicting the accused does not actually depend on the law alone but on the entire criminal justice administration system.

Child protection efforts are urgently needed at this time to encourage every agency, organization and member of society to prioritize child protection as a collective responsibility. The role of agencies such as the Royal Malaysian Police (PDRM), the Court, the Ministry of Health (hospitals), the Ministry of Women, Family and Community Development and Department of Social Welfare (JKM) also work together to play an active role in ensuring the protection and well-being of children based on specific, systematic procedures.

Acknowledgements: The authors would like to express their sincere gratitude to the Ministry of Higher Education Malaysia (KPT) for providing the necessary resources and support throughout the course of this research. Special appreciation is extended to colleagues and peers who contributed valuable insights and constructive feedback, which greatly enhanced the quality of this paper.

Funding Statement: This research received financial support from the Fundamental Research Grant Scheme (FRGS/1/2016/SSI10/UUM/03/2). The funding body had no role in the design of the study, data collection, analysis, interpretation of results, or the decision to publish this manuscript.

Conflict of Interest Statement: The authors declare that there is no conflict of interest regarding the publication of this paper. All authors have contributed to this work and approved the final version of the manuscript for submission to the International Journal of Law, Government and Communication (IJLGC).

Ethics Statement: This study did not involve any human participants, animals, or sensitive data requiring ethical approval. The authors confirm that the research was conducted in accordance with accepted academic integrity and ethical publishing standards.

Author Contribution Statement: All authors contributed significantly to the development of this manuscript. First author was responsible for the conceptualization, methodology, literature review, drafting, and critical revision of the manuscript and overall supervision of the study. Second author handled data collection, analysis, and interpretation of results. All authors read and approved the final version of the manuscript prior to submission.

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