

# Reforming the Law on Online Child Sexual Abuse in Malaysia: Lessons from the United Kingdom

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## ABSTRACT

Prior to 2017, Malaysia lacked specific legislation addressing online or offline child sexual abuse, child pornography, and child sexual grooming. The turning point came after the horrific Richard Huckle case, where nearly two hundred children were groomed and sexually exploited from 2006 to 2014. This situation led to the enactment of the Sexual Offences Against Children Act (SOACA) 2017. Despite this significant step forward, the legal framework remained insufficient, and incidents of child sexual abuse continued to escalate alarmingly. However, in late March 2023, the Act underwent crucial amendments, introducing two new sexual offences and establishing a compensation order for child victims. Given the recent nature and lack of academic scrutiny on the revised 2023 Act, this paper critically analyses its reforms and overarching implications for victims of child sexual abuse. The paper employs a qualitative research methodology and utilises a doctrinal approach bolstered by a comparative and content analysis of the primary source: the amended 2023 Act with its counterpart in the United Kingdom. The authors assert that these amendments are a timely response to evolving societal challenges and technological advancements, offering essential protections for children against sexual exploitation and abuse. However, legislation alone is not enough. Robust resources must be allocated to ensure its effective implementation. Additionally, complementary initiatives in investigation, prosecution, legal aid, and judicial processes are vital to safeguarding children from sexual predators, both online and offline.

**Keywords:** Child Victim, Child Sexual Abuse, Child Sexual Performance, Child Sexual Extortion, Compensation Order

## INTRODUCTION

Of late, sexual offences against children have received much attention from the press and the public at large. This increased focus can be attributed to several high-profile cases and various organisations' advocacy efforts to raise awareness about the severity and prevalence of such crimes. The media's extensive coverage has led to heightened public outrage and calls for stricter laws and more effective protective measures for children. For instance, a recently reported case of child sexual abuse in May this year involved a Singaporean male who set up a religious school (tahfiz) in Melaka. He was charged with sexual assault under the SOACA 2017, unnatural sex against a male student, and three counts of sexually assaulting the same student under the Penal Code (The New Straits Times, 2023, 2023). In another case, on May 15, 2023, a male swimming instructor was sentenced to 263 years in prison and 20 lashes after pleading guilty at Melaka Sessions Court to 32 charges of committing sexual crimes under the 2017 Act and the Penal Code, against his now 16-year-old stepdaughter over the past three years (The Star, 2023). In a more bizarre case in May last year, a 33-year-old mother in Puncak Alam, Selangor, was charged with four counts of sexual physical abuse against two of her male children, aged 12 and 14, under sections 14 and 16 of the 2017 Act. She was also charged with making and producing child pornography involving her 14-year-old son at a hotel in Sungai Buloh, Selangor (The New Straits Times, 2023).

Moreover, social media platforms have played a significant role in amplifying voices against child online sexual abuse, allowing survivors to share their stories and advocate for change. Hence, when more children are connected to the Internet and social media platforms in the current IT scenario, they are inevitably vulnerable to new forms of abuse and threats (UNICEF, 2017). As a result, one in three children in Malaysia under 18 also became victims of online sexual predators (Utusan Malaysia, 2023). The Malaysian Police statistics also show that in 2022, 1,464 online sexual harassment cases involving minors were reported, compared to 1,272 cases in 2021. A total of 5,519 cases were charged under the Sexual Offences Against Children Act 2017 from 2018 to January this year. It was reported that from the said amount, 4,713 cases (85.4 per cent) had been resolved, while 3,060 (55.4 per cent) were going through the courts (The Star, 2023). In May 2023, in Selangor alone, the police figures indicate that sexual crime cases involving underage children had alarmingly increased in the last four months. The Selangor Police Report indicates that 155 cases were investigated, out of which 33 suspects were schoolchildren (The Star, 2023). As a result, there is a growing recognition of the need for better resources for prevention, reporting mechanisms, and support systems for victims.

The 2017 Act was a significant step in protecting children but required amendments to address new forms of abuse and provide better victim protection. The 2023 amendments aim to align with international frameworks and practices and improve child victims' legal remedies. The principal Act, the Sexual Offences Against Children Act 2017, was tabled in Parliament by the then Prime Minister's Department Minister, Datuk Seri Azalina Othman Said. It was passed in the House of Representatives in April 2017 and enforced on July 10, 2017. During the current Anwar Ibrahim Administration, the same Minister announced in January 2023 that SOACA 2017 would be amended to strengthen the protection of child victims of sexual crimes. She tabled the bill for a second and third reading, and on March 29, 2023, Dewan Rakyat passed the bill to amend several provisions of the 2017 Act via voice vote after ten lawmakers debated it.

The first part of the paper explains the literature review of child sexual abuse. The second part outlines the principal Act (SOACA 2017), and the third part, which is the crux of the paper, examines the crucial reforms brought by the Amendment Act 2023. The fourth part highlights the legal, social, and technological implications of the 2023 Act. The last part concludes by suggesting not only the importance of the national registry of sexual offenders and the expansion of the mandatory reporting protocols to include school teachers but also an effective strategy that includes mental health support, robust laws, and community education.

## LITERATURE REVIEW

### What is Child Sexual Abuse?

The existing literature on child sexual abuse indicates that there is no single definition of the issue. Adnan Ali Hyder (2007) notes that children around the world face various forms of violence or abuse, including physical, sexual, neglect, emotional, and psychological abuse, at different stages of their development—whether individually, within households, institutions, or society as a whole. The World Health Organization (WHO) defines sexual violence as any sexual act, attempted sexual act, unwanted sexual comments or advances, or acts of trafficking that are directed against a person's sexuality. This definition applies to any individual, regardless of their relationship to the victim, and can occur in various settings, including homes and workplaces (WHO, 2006). Thompson et al. (2024) define child sexual abuse as any act that exploits a child for sexual gratification, irrespective of the child's awareness of the situation. This exploitation can involve perpetrators who may be adults, children, or adolescents (Hutasoit et al., 2024). Sexual abuse can involve children participating in sexual activities that they do not understand or cannot consent to, which underscores the necessity of comprehending the nature, timing, and frequency of such abuse (Rimer, 2024).

From the legal perspective, "child abuse" is defined as when the child has been or is at substantial risk of being physically or emotionally injured or sexually abused or neglected in terms of adequate care, food, shelter, clothing, medical attention, supervision and safety, or abandonment or others such as being on the street or used for begging by the parents or persons in charge of the child at any one time (section 17, Child Act 2001). However, from the health aspect, child abuse constitutes all forms of physical abuse and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual

or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power (WHO, 1999).

Child sexual abuse is a deeply troubling issue that manifests in various forms, ranging from direct physical contact - such as fondling or penetration—to non-contact offences, including exposure to sexual acts or pornographic materials ((Kolko & Stauffer, 2019). It also encompasses exploitative practices like child pornography and grooming behaviour that coerce a child into sexual activities (Polat & Memisoglu, 2024). Additionally, child sexual exploitation (CSE) takes on many shapes, including child sexual exploitation material (CSEM), live streaming, online sexual solicitation, sextortion, commercial sexual exploitation, child sexual tourism, human trafficking, and forced marriage (Rimer, 2024). These heinous acts often involve grooming and manipulation, integrating both online and offline elements that demand urgent attention (Rimer, 2024). Child abuse encompasses harmful actions or failures to act that can significantly impact a child's physical and emotional well-being. This abuse manifests in various forms, including physical abuse, sexual abuse, neglect, emotional or psychological maltreatment, exposure to domestic violence, as well as sexual and labour trafficking (Anderson, 2022). A key study highlighted four distinct categories of child sexual abuse: the intercourse group, high-verbal/low-contact group, high-sexual-contact group, and sexual-touch group, each defined by unique experiences and frequencies of abuse encountered by survivors (Shevlin et al., 2017).

The literature on online sexual abuse indicates that the rapid advancements in information and communication technology (ICT) have transformed the landscape of child safety in alarming ways. With unprecedented ease, offenders can now photograph and record videos of children and young people being sexually abused with minimal cost and effort (Shah, 2020; Broughton, 2009). This heinous material is not only created but is also widely shared and distributed online among other perpetrators, creating a disturbing network of exploitation. The literature indicates the various types of online sexual exploitation and abuse and offenders (Shah, 2020; Quadara et al., 2015). The literature on child sexual crime shows that such abuse is not mutually exclusive and may overlap with other forms of abuse and neglect (Shah, 2020; Price-Robertson et al., 2013). For instance, White et al. (2015) show that neglect is a powerful indicator of other types of abuse. Several commentators suggest a high overlap rate between intimate partner violence and child physical and sexual abuse (Shah, 2020; Goddard & Bedi, 2010; Vachon et al., 2015).

On the offenders, the literature suggests that the perpetrator may be an adult offender outside the family relationship, such as a friend of the child victim's parents (Shah, 2020; Quadara, 2015). In addition, child sexual abuse may occur when any sexual behaviour or relationship is forced on a child by an adult in a position of power or authority over the child, for example, a teacher (Shah, 2020; Qudara et al., 2015). However, the literature notes that the most prevalent type of child sexual abuse is intra-familial (Shah, 2020; Quadara et al., 2015), where the perpetrators may include fathers, mothers, stepfathers, stepbrothers, uncles, cousins and grandparents. Child sexual abuse may also be committed by children and young people (Shah, 2020; El-Murr, 2017). The perpetrators can also include parents/caregivers, known adults, unknown adults, known adolescents (current/former romantic partners), institutional caregivers, siblings, and unknown adolescents, with specific prevalence rates for each category (Mathews et al., 2024).

### **Factors Contributing to Child Sexual Abuse**

Understanding the causes of child sexual abuse (CSA) is crucial for developing effective legal frameworks and policies to combat this pervasive issue (Mukund & Dehuri, 2018). Research indicates that poverty, inadequate policies, and harmful cultural perceptions significantly contribute to CSA (Ohayi et al., 2022). Furthermore, the use of gifts and promises to manipulate children, alongside exposure to pornography, are alarming methods that facilitate this abuse (Ohayi et al., 2022). Betrayal by trusted adults, feelings of powerlessness, and adverse environmental influences can exacerbate the likelihood and impact of such abuse (Kolko & Stauffer, 2019). Interestingly, some studies, like that of Amini et al. (2023), reveal no substantial link between a child's living conditions or family financial status and the risk of abuse.

Additionally, psychological factors, such as depression among aggressors and their distorted views on sexual needs, play a critical role in fostering abusive behaviour (Jabali, 2015; Fauziah, 2016; Behanan & Bhadkamkar, 2018). A multitude of psycho-social and environmental influences have been documented as causes of CSA

(Behanan & Bhadkamkar, 2018). These factors range from family dynamics, such as leaving children in the care of housemaids, to social and religious pressures and media exploitation, all of which exhibit significant variations based on gender and age (Jabali, 2015).

Online child sexual exploitation and abuse (OCSEA) is a complex issue that various interrelated factors can drive. Understanding these causes is essential for developing effective prevention strategies. The main contributor is the vulnerability of children, involving their age and emotional stability. Young children are more susceptible to being abused online due to their limited understanding of online risks and lack of emotional maturity (Novianti, 2024). Inadequate knowledge of safe Internet usage and practices also increases the risk of exploitation, particularly sexual abuse of children (Islam, 2023). Lack of parental supervision can also increase exposure to harmful online interactions (Novianti, 2024).

The evolving online environment is another key factor, as the rise of smartphones and social media platforms has changed how children interact online, often leading to harmful actions (Shiau et al., 2024). The perpetrators exploit these online platforms to generate relationships and manipulate children into sexually abusive situations (Anggraeny, 2023). Neglect and risk behaviours can also play a part, as neglected children are more likely to engage in risky online behaviours, thereby increasing their vulnerability to sexual exploitation (Emery et al., 2023).

### **Impacts of Child Sexual Abuse**

Child sexual abuse is an urgent and devastating issue that demands our immediate attention. Far too often, these heinous acts remain concealed from public awareness, as many victims struggle to come forward and share their experiences due to fear, shame, or a lack of support (Jamhirah, 2017). The psychological scars inflicted by such abuse are profound, affecting victims not only in their daily lives but also in the digital realm. It is crucial to acknowledge that these individuals endure severe psychological trauma that can last a lifetime (Nasimah & Hanifah, 2021; Shah, 2020).

Research reveals that the repercussions of child sexual abuse extend well beyond the initial Act, causing escalating harm to children and adolescents (Shah, 2020; Quayle, 2013). Alahakoon (2019) highlights the widespread and deep-rooted nature of this abuse, which leads to a variety of psychological and emotional challenges for survivors. We must recognise that child sexual abuse is not just a personal tragedy; it is a societal issue that requires collective action. Furthermore, this insidious form of trauma can trigger debilitating conditions such as post-traumatic stress disorder (PTSD), profoundly impacting the lives of its victims. Child sexual victims often experience PTSD and anxiety disorders (Ali et al., 2024), low self-esteem and feelings of powerlessness (Noviana, 2015) or increased risk of re-victimisation and disrupted relationships (Ali et al., 2024). The signs and symptoms associated with child sexual abuse fall into four critical categories: physical, behavioural, emotional, and sexual (Alahakoon, 2019).

### **Legal Response to Child Sexual Abuse**

Legal literature prior to 2017 indicates significant concerns and demands for a specific law to protect children from sexual abuse. Mohamed (2008) emphatically highlights the absence of legal protections against sexual crimes targeting children, as well as the vulnerabilities faced by child witnesses in Court. Similarly, Abidah (2011) voices intense apprehension regarding the lack of legal safeguards for child sexual abuse victims during trials. Tengku Fatimah Engku Ahmad Zaki also critically evaluates the protections and care outlined in the Child Act 2001, emphasising its role in ensuring the safety of children within Malaysia's social justice system.

Following 2017, legal literature has shifted its focus toward investigating the relationship between legal literacy and the reporting of child sexual abuse to the authorities (Mazlifah et al., 2022). Mooi & Nor Aziah (2017) scrutinise the impact of the 2017 Act on police investigations and the prosecution of child sexual offences. In contrast, Abu Bakar Munir et al. (2018) criticise the 2017 Act for introducing a divergent evidentiary framework concerning child witnesses in criminal trials, diverging from traditional evidence standards.

Given this gap in the local literature, which fails to examine the detailed provisions of the 2017 Act and the subsequent 2023 Act from a criminological perspective, this paper will assertively evaluate the reforms introduced in the 2023 Act in comparison with the English law and their implications for child sexual abuse victims.

### **The Sexual Offences Against Child Abuse Act 2017**

The original 2017 Act aims to address the seriousness of sexual crimes committed against children in Malaysia. Furthermore, it addresses various forms of sexual offences against minors to enhance protection for children against sexual offences and to safeguard their interests and well-being, apart from providing effective deterrence. It has been considered an essential improvement over previous laws, such as the Child Act 2001. It has filled in the lacuna of crimes, including sexual grooming, child sexual exploitation and abuse (Tajudin et al., 2003).

Under the Child Act 2001, a child is any person under eighteen. This definition aligns with Article 1 of the Convention of the Rights of Child 1991. While section 2(1) of SOACA 2017 defines a child as a person who is 18 and below, section 2(2) provides that a child can be the person the accused believes to be under 18 years old. In contrast, in England and Wales, the definition of 'child' varies between offences in the Sexual Offences Act 2003. Generally, a child is defined as anyone under the age of 16. However, there are some offences designed to provide further protection to those under the age of 13 and others where the definition of 'child' extends to anyone under 18.

### **Crucial Reforms Under The Soac (Amendment) Act 2023**

#### **Replacing Child Pornography with Child Sexual Abuse**

The new amendment paves the way to replace child pornography offences with broader child sexual abuse material and sexual extortion. Such substitution of "child pornography" for the phrase "child sexual abuse material" applies to sections 4 to 13 of the 2017 Act, which would allow a broader range of offences to be covered. The word 'material' refers to the materials used to mistreat a child.

#### **New Offence of Sexual Performance by a Child**

The new 2023 Act creates a new offence of sexual performance by a child, which includes live stream sex acts by child victims. Under section 15A, it is a crime to do these acts below:

- (a) Offer, procure or make available a child for a sexual performance.
- (b) Make or cause a child to engage in a sexual performance.
- (c) Take part, whether as a participant or a viewer, in a sexual performance by a child.
- (d) Advertise, promote or facilitate a sexual performance by a child.
- (e) Receive any benefit, including monetary benefit, from a sexual performance by a child.

The penalty for this offence is severe, with a maximum imprisonment of 20 years and liable for a maximum fine of RM50,000 (section 15A). Section 15A (2) further explains the meaning of sexual performance as any sexually explicit conduct performed before one or more viewers, including one which is recorded or transmitted wholly or partly by any means, including electronic, mechanical, digital, optical, magnetic or any combination of these.

In the UK, Section 176 of the Policing and Crime Act 2017 revised the definition of Child Sexual Exploitation set out in Section 51 of the Sexual Offences Act 2003 to include situations where indecent images of a child are "streamed or otherwise transmitted" as well as where they are recorded, making the offences more robust in the light of technological changes and ensuring that those who exploit children in this way can be effectively prosecuted for the appropriate offence.

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## New Offence of Sexual Extortion of a Child

The SOACA Amendment Act 2023 introduces important measures to tackle the increasing problem of online sextortion among children. These reforms were implemented in response to the concerning rise in sextortion cases, which went from 30 in 2022 to 191 in 2023. This sharp increase highlights the shortcomings of the original SOACA 2017 in addressing this type of crime (Muhammad et al., 2024).

The 2023 Act explicitly defines sextortion, clarifying the legal framework surrounding the offence. Under Section 15B(a) of the 2023 Act, it is a crime to threaten a child to engage in any sexual activities. Section 15B(b) elaborates on this by establishing criminal liability for anyone who threatens a child to share any representation of their body, whether wholly or partially, in any form - such as visual, audio, written, or a combination thereof - by any means, including electronic, mechanical, digital, optical, magnetic, manual, or a combination of these methods. This Act includes representations that expose a child's genitalia, buttocks, breasts, pubic areas, or anus or show a child engaged in sexual activity.

In a recent case in January 2025, a 17-year-old schoolboy was charged with sixty-two counts of section 15A (b) of the 2023 Act for committing non-physical sexual assault on seven students (aged between 13 and 17) by asking the victims to show their bodies to him and to perform an indecent act while recording it, with the accused as the "director". Some students were asked to perform the Act up to 12 times. After completing the Act, all the victims were asked to hand over the video recordings to him. If the victim refused to follow the accused instructions, the victim was allegedly threatened with extortion or to have the video circulated. The Act was committed at locations including the *surau* or prayer room, school toilets and the victims' homes. All the incidents occurred between 10 am and 11 pm from December last year until the end of February 2025. However, despite the evidence of sextortion, he was not charged with section 15B of the 2023 Act (The New Straits Time, 2025).

Additionally, Section 15B(c) addresses the threats to use or distribute any representation of a child's body, wholly or partly, in any form or by any means, or of a child engaged in sexual activity. Explanation of Section 15B provides that the threats under this section may involve the use of inducement, coercion or force. The enhanced penalties for offenders who employ coercive tactics to obtain explicit sexual images from minors are firmly established, serving as a strong deterrent against potential perpetrators (Muhammad et al., 2024). Section 15B clearly states that this offence carries a maximum imprisonment penalty of ten years.

In the UK, sextortion is a serious crime that continues to plague society, particularly among young people. However, it remains alarmingly overlooked in the UK's legal framework. Although the Sexual Offences Act 2003 does not explicitly define sextortion, it falls under the category of coercive sexual offences. This heinous Act involves manipulating victims into providing explicit images and then threatening to expose them if their demands are not met. The impact of sextortion on individuals, especially minors, is profound. Research indicates that the emotional and psychological effects on victims can be profound and long-lasting (Hong et al., 2020). The shame and fear associated with being targeted can lead to significant mental health issues, ultimately derailing futures and damaging lives.

## New Compensation Order

Under the new Section 26A, a crucial new remedy has been introduced that empowers the Court to order convicted perpetrators of child sexual abuse to provide compensation to their victims. This groundbreaking shift in approach allows the Court to determine what is just and reasonable compensation, rather than relying on prosecutors to suggest an amount.

In deciding the compensation, the Court takes into account the nature and seriousness of the offence, along with the physical and emotional injuries suffered by the child victim. It recognises the long-lasting effects of these violations, including the costs associated with treatment, rehabilitation, and counselling that victims often require for their recovery. Additionally, it acknowledges the financial burdens of any damage to or loss of property experienced by the child victim. Most importantly, the Court evaluates the convicted individual's ability to pay, ensuring that the compensation is fair and attainable.

This new provision is vital as it seeks to hold perpetrators accountable and strives to provide meaningful restitution to sexual victims in their darkest hours. Furthermore, it is important to note that this compensation order does not preclude the child victim or their representative from pursuing civil remedies for additional damages, thus reinforcing the victim's rights and options for justice. By enacting Section 26A, the Malaysian Government is taking a significant step toward ensuring that child sexual abuse victims receive the recognition and support they deserve. It is a vital initiative that aims to restore a sense of justice and aid in the healing process for survivors of child sexual abuse.

However, in the UK, a significant reform set to take effect in 2025 aims to support victims of child sexual abuse profoundly. This pivotal change proposes removing the three-year time limit for victims to file personal injury claims in civil courts (Ministry of Justice, 2025). By doing so, the law acknowledges the immense trauma these survivors endure and recognises that healing takes time- the truth that too often goes unrecognised in traditional legal frameworks.

Furthermore, a vital shift in the burden of proof will empower victims rather than place the onus on them to prove their case. Under the proposed reform, defendants must demonstrate that a fair trial cannot proceed, for example, due to a lack of evidence (Ministry of Justice, 2025). This change is not merely procedural; it sends a powerful message that the rights and voices of survivors, particularly child victims, are paramount in the pursuit of justice.

Additionally, the amendment to the law concerning apologies is a crucial step in fostering a culture of accountability and compassion. Encouraging employers of convicted individuals to apologise to the victims wronged by their employees breaks down barriers of reluctance that often prevent meaningful reparations (Ministry of Justice, 2025). Employers have historically shied away from apologies due to fears of admitting fault; this reform dismantles that barrier and promotes a path toward acknowledgement and healing.

These reforms are not just legal adjustments but essential strides toward creating a safer, more just society for all. By removing obstacles to justice and fostering a culture of empathy, survivors of child sexual abuse can receive the recognition, support, and justice they truly deserve. These vital changes would promote healing for survivors of sexual abuse and child victims and accountability for the employers of the offenders.

### **New Compensation Payment**

To support Section 26A, Section 26B provides a powerful tool for the Malaysian courts. This provision not only allows the Court to mandate compensation to the victim but also gives it the authority to establish a payment schedule that suits the circumstances. Currently, convicted persons can make payments in manageable instalments, alleviating their financial strain. Moreover, in cases where payment is not forthcoming, the Court can issue warrants to collect the owed amount through the seizure and sale of the offender's property. This comprehensive approach ensures that victims can receive the compensation they rightfully deserve.

In contrast, the Criminal Injury Compensation Scheme (CICS) in England, Wales, and Scotland extends critical support to survivors of child abuse, emphasising that justice is not contingent upon the availability of the perpetrator. The Scheme empowers victims to seek compensation, regardless of whether the abuser has been apprehended. Survivors must know that they have a voice and a method to claim what is rightfully theirs.

The timeline for filing claims might seem like a hurdle - two years after the crime - but it is also a call to action for victims to come forward and seek the recognition of their suffering. Compensation covers a wide range of damages, from physical injuries to the emotional toll of disabling mental injuries resulting from such horrific experiences. Acknowledging that a psychiatrist or clinical psychologist must diagnose these injuries lends credibility and ensures that the harms are taken seriously.

### **The Implications Of The 2023 Act**

The Sexual Offences Against Children Act 2023 in Malaysia represents a significant legislative effort to address the growing issue of sexual crimes against minors, particularly in the digital age. This Act builds upon the

framework established by the Sexual Offences Against Children Act 2017, aiming to close existing legal gaps and enhance protections for children. The implications of this Act are multifaceted, impacting legal, social, and technological domains in Malaysia. These implications are as follows:

### **Legal Implications**

The 2023 Act aims to address the inadequacies of previous legislation, such as the Penal Code and the 2017 Act, which did not specifically cover sexual extortion against children. This legal response is crucial given the rise in cases from 30 in 2022 to 191 in 2023 (Muhammad et al., 2024). Moreover, the 2013 Act expands the scope of sexual offences to include online crimes and introduces specific provisions for online child sexual exploitation. The 2023 Amendment Act strengthens the penalties for offenders, leading to more effective prosecution (Muhammad et al., 2024).

Significantly, the 2023 (Amendment) Act aims to strengthen the rights of child victims to receive restitution, a critical aspect of their recovery and justice (Hapsari & Fitriono, 2024). Every step taken towards claiming compensation is a step taken towards healing and empowerment. However, challenges remain in implementing these rights, including the lack of coercive measures to ensure restitution payments and the administrative burdens placed on victims (Hapsari & Fitriono, 2024). These legal changes align with international standards like those in the US and UK, which have robust laws against online child exploitation (Muhammad et al.; Wahab & Nor, 2018; Jalil, 2015).

### **Social Implications**

The Act emphasises the need for better law enforcement and international cooperation, which could lead to increased public awareness and reporting of sexual crimes against children (Muhammad et al., 2024). It also highlights the importance of preventive measures and education to protect children from online predators, addressing the root causes of these crimes (Wahab & Nor, 2018). In a broader aspect, the 2023 Act promotes community education and support systems for child victims (Azman et al., 2024). The Act promotes awareness of child sexual abuse, encouraging communities to report incidents. It emphasises the importance of protecting the identities of child victims to prevent further trauma (Rahmawati et al., 2022).

### **Technological Implications**

The Act recognises the role of Information Communication Technology (ICT) in facilitating online child exploitation and aims to strengthen legal mechanisms to combat these digital threats (Jalil, 2015). By criminalising the creation, dissemination, and possession of child abuse images, the Act aligns with international conventions like the Cybercrime Convention (Jalil, 2015).

## **CONCLUSION**

The principal 2017 Act represents an essential landmark in protecting children from sexual predators, which received the unequivocal support of Malaysians from all sectors. However, the said Act required amendment to keep up with changing times and current technological developments while providing the necessary protection for children against all forms of sexual exploitation and abuse. In addition, the 2017 Act and its amended 2023 Act have brought Malaysia closer to alignment with existing international legal frameworks such as the United Nations Convention on the Rights of the Child. As discussed earlier, child sexual victims, whether from online or offline exploitation, often experience PTSD and anxiety disorders, low self-esteem, feelings of powerlessness or increased risk of re-victimisation and disrupted relationships. Hence, child sexual abuse must be curtailed, awareness of such crimes must be raised, and the necessary resources and support for victims must be enhanced. Such efforts would align with Goal 3 of the global Sustainable Development Goals (SDGs), emphasising the value of good health and well-being for all. It would also align with Malaysia's MADANI concept, emphasising protecting and promoting Malaysians' human rights.

While the amended 2023 Act marks a significant step forward, challenges remain in its implementation, and the ongoing challenges in ensuring justice for child victims remain significant. Effective enforcement requires legal

reforms and societal changes, including education and awareness campaigns. Additionally, the Act must adapt to evolving digital threats to protect children effectively. However, despite this new 2023 Act, legislation alone would not protect children. Therefore, it is crucial to ensure that resources are available to support its implementation and that other measures are in place to ensure that children remain safe online and offline. Apart from the law, a primary modality in managing sexual offenders is via the national registry of offenders. In Malaysia, the Sexual Crime Registry System (eDKK) was created by the Ministry of Women, Family and Community Development on April 1, 2019, to enhance the surveillance and prevention of sex offenders from participating in the employment sector that enables them to interact with or approach minors (House of Representatives Debate, 2016). However, as opposed to the registry in the USA or the United Kingdom, the list is not made public and can only be accessed by applying to the Director General of the Social Welfare Department, a government agency under the said Ministry. The Government should urgently address various problems affecting the fairness, effectiveness, access and disclosure of the eDKK (Sulaiman & Mat Isa, 2025).

Another strategy is the mandatory reporting protocols established in Section 27-29 of the Child Act 2001. These protocols require medical doctors, family members, and childcare providers to report a child who is physically or emotionally injured as a result of being ill-treated, neglected, abandoned or exposed, or who is sexually abused to the social welfare officers or police. These provisions unquestionably protect abused children, punish and rehabilitate many abusive adults, and reconstruct dysfunctional families. Finally, an effective strategy that includes mental health support, robust laws, and community education should be implemented to assist child sexual victims to live healthier and more successful lives. The effectiveness of these amendments will ultimately depend on their implementation and the commitment of legal authorities to uphold the rights of these vulnerable children.

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