From Criminal Protection to Preventive Safeguarding: Rethinking the Protection of Female Students in Malaysian Schools

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ABSTRACT

The protection of female students within educational institutions has become an increasingly significant legal and social concern in Malaysia, in light of reported incidents of sexual harassment, bullying, abuse, cyber exploitation, and gender-based violence in schools. Although child protection laws generally apply to all children, female students remain disproportionately vulnerable to gender-related risks that may adversely affect their safety, emotional well-being, educational participation, and access to justice. This study examines the adequacy of the Malaysian legal framework governing the protection and rights of female students under Malaysian child-protection, criminal and educational law. The analysis focuses on key legislation including the Child Act 2001, Penal Code, Sexual Offences Against Children Act 2017, Anti-Sexual Harassment Act 2022, and Education Act 1996 in addressing issues relating to safeguarding, institutional accountability, and legal protection within educational settings. This study adopts doctrinal legal research methodology involving analysis of statutory provisions, judicial decisions, policy documents, and academic literature, supported by a comparative examination of school safeguarding arrangements in England. The analysis finds that statutory protection and Ministry of Education safeguarding policies coexist with questions about the enforceability of school-level obligations, consistent implementation, escalation of complaints and inter-agency accountability. It recommends strengthening implementation and enforceable accountability within a gender-responsive safeguarding framework, while evaluating surveillance proposals against student privacy and proportionality. This research contributes to legal scholarship by proposing reforms aimed at enhancing protection and access to justice for female students while strengthening child safeguarding and safer educational environments in Malaysia.

Keywords: Female Students, Child Protection, Juvenile Law, Criminal Law, Safeguarding,Gender-Based Violence, Access to Justice, Educational Institutions, Malaysia.

INTRODUCTION

Education is universally recognised as a fundamental human right and an essential mechanism for social mobility, equality, and personal development. Educational institutions are therefore expected to provide safe and supportive environments in which children can develop academically, emotionally, and socially without fear of violence, intimidation, discrimination, or exploitation. Nevertheless, recent developments across various jurisdictions have demonstrated increasing concerns regarding the prevalence of school-related violence, sexual harassment, bullying, and gender-based misconduct involving female students within educational settings. These incidents have generated growing legal and policy debates concerning the adequacy of child protection laws, safeguarding obligations, institutional accountability, and access to justice mechanisms for vulnerable students (UNESCO, 2023; UNICEF, 2022).

In Malaysia, reports of sexual harassment, bullying and online exploitation underscore the need to examine whether schools can identify risks, respond to disclosures and coordinate timely intervention. Harm within educational settings may undermine students' well-being and educational participation (WHO, 2022; UN Women, 2022). The legal inquiry therefore extends beyond the disciplinary treatment of individual incidents to the responsibilities of educational institutions.

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The concept of justice remains central in examining the legal protection afforded to female students within schools. Contemporary legal discourse increasingly recognises that justice within educational institutions encompasses not only equality before the law but also procedural fairness, institutional responsiveness, recognition of vulnerability, and meaningful access to protective remedies. In the context of educational safeguarding, justice requires schools and public authorities to establish systems capable of preventing foreseeable harm while ensuring that victims are treated fairly and respectfully throughout reporting and investigative processes.

The growing emphasis on safeguarding obligations reflects the understanding that educational institutions possess responsibilities extending beyond academic instruction and include the duty to preserve student dignity, bodily integrity, and personal security (Ofsted, 2022). School climate influences disclosure, reporting and the ability of staff to intervene when concerns first arise (UNESCO, 2023). Gendered power relations can make these institutional conditions particularly significant for girls (UN Women, 2022).

Female students occupy a uniquely vulnerable position because of the intersection between childhood dependency and gender-based discrimination. As minors, children require enhanced legal protection owing to their developmental status and limited capacity to safeguard themselves against exploitation or abuse. Simultaneously, female students are disproportionately exposed to sexual harassment, coercion, intimidation, cyberbullying, exploitation, and other forms of gender-based violence. Recent global findings published by the World Health Organization indicate that violence against girls and young women remains a widespread concern affecting educational participation, mental health, emotional stability, and long-term personal development (WHO, 2022). Similarly, UNICEF (2022) reported that school-related violence and harassment continue to impede equal educational access and undermine safe learning environments for children worldwide.

Within the Malaysian legal framework, the protection of female students is governed through a combination of juvenile law, criminal law, educational legislation, and institutional safeguarding measures. The Child Act 2001 (Act 611) establishes the primary legal framework relating to child welfare and protection, while the Penal Code (Act 574) criminalises conduct involving assault, intimidation, harassment, and sexual offences. The Sexual Offences Against Children Act 2017 (Act 792) further strengthens legal protection by specifically addressing grooming, child pornography, sexual communication with minors, and exploitation involving children. More recently, the Anti-Sexual Harassment Act 2022 (Act 840) introduced additional legal mechanisms relating to sexual harassment and established the Tribunal for Anti-Sexual Harassment as a specialised avenue for redress. In addition, the Education Act 1996 (Act 550) governs educational administration and indirectly reflects institutional responsibilities concerning student welfare and discipline.

The Ministry of Education has also issued administrative safeguarding instruments, notably Ministry of Education Professional Circular ('Professional Circular') No. 13 Year 2023 on managing sexual misconduct in educational institutions and Professional Circular No. 4 Year 2026 implementing the School Pupil Protection Policy. The latter articulates protective responsibilities, complaint pathways, referrals and respect for pupil privacy. Accordingly, the concern addressed in this article is not the complete absence of safeguarding guidance, but the relationship between administrative requirements, consistent practice, independent oversight and enforceable duties (Ministry of Education Malaysia, 2023; 2026).

Despite the existence of these legal protections, significant concerns remain regarding the coherence and practical implementation of the Malaysian safeguarding framework. Existing laws operate across separate legal and institutional domains involving educational administration, criminal enforcement, juvenile protection, and welfare regulation. Although recent Ministry policies clarify several operational responsibilities, the coexistence of different legal and administrative regimes may still create uncertainty about compliance, review and remedies. Recent Malaysian studies have highlighted that weak institutional coordination, procedural delays, inadequate safeguarding procedures, and inconsistent enforcement continue to hinder effective protection and access to justice for child victims (Ahmad, 2022; UNICEF Malaysia, 2022). Consequently, the mere existence of statutory provisions may not necessarily guarantee effective safeguarding if institutional responses remain insufficiently coordinated.

Another significant issue concerns the legal responsibilities and accountability of educational institutions themselves. Schools owe students a duty to provide reasonably safe learning environments and to take appropriate measures to prevent foreseeable harm. However, practical concerns continue to arise regarding the adequacy of reporting procedures, safeguarding mechanisms, staff training, and institutional responses to allegations involving abuse or harassment. In certain situations, educational institutions may prioritise institutional reputation over transparency, thereby discouraging reporting and limiting accountability. Recent safeguarding discussions further indicate that inadequate institutional responses may contribute to secondary victimisation, emotional distress, and reduced confidence in legal protection mechanisms (Ofsted, 2022). These shortcomings demonstrate that safeguarding responsibilities cannot be satisfied solely through legislative enactments but require effective institutional implementation and accountability.

The effectiveness of safeguarding mechanisms is also influenced by broader socio-cultural barriers affecting disclosure and reporting. Female students frequently encounter fear of victim-blaming, stigma, retaliation, and institutional inaction when considering whether to report abuse or harassment. Existing literature therefore suggests that legal reform alone is insufficient unless accompanied by supportive institutional cultures, victim-sensitive procedures, safeguarding awareness, and accessible reporting mechanisms capable of encouraging disclosure and strengthening access to justice.

Malaysia's obligations concerning child protection and gender equality must also be understood within the broader framework of international human rights commitments. Malaysia is a State Party to the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), both of which require States to establish effective legal and institutional measures protecting children and women from violence, abuse, exploitation, and discrimination. International safeguarding standards increasingly emphasise the importance of safe educational environments, accessible reporting mechanisms, early intervention measures, and victim-centred approaches to child protection. Nevertheless, concerns remain regarding the extent to which international safeguarding principles have been effectively translated into domestic implementation within Malaysian educational institutions.

A comparative examination with England provides valuable insight into the operation of more structured safeguarding systems within educational settings. England has developed a comprehensive safeguarding framework characterised by clearly defined statutory duties, coordinated institutional responsibilities, standardised reporting mechanisms, and multi-agency cooperation. Guidance issued by the Department for Education in England, particularly Keeping Children Safe in Education (2023), imposes explicit safeguarding obligations upon schools and educational personnel. Similarly, Working Together to Safeguard Children (2023) emphasises inter-agency collaboration, early intervention, accountability, and victim support in responding to safeguarding concerns. Recent safeguarding reforms in England have also strengthened institutional responsibilities relating to sexual harassment, peer abuse, online exploitation, and student welfare within educational environments (Department for Education, 2023).

Problem Statement

Despite the existence of various Malaysian legal frameworks relating to child protection, criminal liability, and the prevention of sexual offences, significant legal and institutional gaps remain in safeguarding female students within educational institutions. Although Malaysia has developed statutory protections through instruments such as the Child Act 2001, the Penal Code, and the Sexual Offences Against Children Act 2017, criminal offences principally address individual wrongdoing, while the extent to which complementary school policies generate enforceable preventive duties remains open to scrutiny (Ahmad, 2022; Noor Aziah Mohd Awal, 2019).

Existing legal mechanisms also do not sufficiently address the specific vulnerabilities experienced by female students, particularly in relation to sexual harassment, gender-based violence, cyber exploitation, peer abuse, and misconduct involving individuals in positions of authority. Research has shown that female students may face unique forms of harm shaped by the intersection of age, gender, institutional dependency, and social power relationships, requiring a more gender-responsive approach rather than relying solely on general legal protection (Fredman, 2016; UNESCO, 2023).

Furthermore, Malaysia's protection arrangements span child-protection law, criminal law, educational regulations and Ministry safeguarding policies. The doctrinal question is how the different duties, escalation pathways and accountability mechanisms interact, rather than whether any school-level guidance exists. Existing literature indicates that Malaysian schools often lack consistent safeguarding structures, specialised reporting systems, and clearly defined institutional obligations compared with more developed safeguarding models adopted in other jurisdictions (UNICEF Malaysia, 2022; Kamaruddin & Ismail, 2020).

Beyond legal and institutional weaknesses, socio-cultural factors continue to affect access to justice for female students. Fear of victim-blaming, social stigma, reputational concerns, and concerns regarding institutional responses may discourage victims from reporting incidents of abuse or harassment. Studies on gender-based violence have demonstrated that young female victims frequently experience barriers to disclosure, particularly when reporting systems are perceived as unsafe or when authority figures are involved (Human Rights Watch, 2021; Coy, Kelly & Foord, 2020).

Although previous scholarship has examined child protection, criminal responsibility, and safeguarding issues generally, limited legal research has specifically analysed female students as a distinct vulnerable group requiring gender-responsive protection within educational settings. Existing studies also remain fragmented in examining the relationship between juvenile law, criminal law, educational responsibilities, institutional accountability, and access to justice for female students (UNICEF, 2022; UN Women, 2022).

In addition, comparative legal analysis between Malaysia and jurisdictions with more structured safeguarding frameworks, particularly England, remains insufficiently explored. The English safeguarding model demonstrates a stronger emphasis on preventive institutional duties through mechanisms such as designated safeguarding responsibilities, mandatory reporting structures, and coordinated multi-agency protection systems (Department for Education, 2023; HM Government, 2023). Such comparative analysis provides valuable insight into possible reforms that may strengthen Malaysia's existing framework.

Accordingly, this study seeks to critically evaluate the adequacy of Malaysian juvenile and criminal law in protecting female students within educational institutions. The research examines existing legal protections, institutional safeguarding responsibilities, barriers affecting access to justice, and comparative safeguarding practices from England. Through this analysis, the study aims to identify potential legal and policy reforms that can strengthen preventive mechanisms, institutional accountability, and the overall protection of female students in Malaysia.

LITERATURE REVIEW AND CONCEPTUAL FRAMEWORK

Conceptual Framework

This study adopts a safeguarding and access-to-justice framework in analysing the protection of female students within educational institutions. The framework examines the interaction between juvenile law, criminal law, educational safeguarding obligations, institutional accountability, and access to justice mechanisms in ensuring safe educational environments for female students. The study further evaluates how weaknesses in institutional safeguarding procedures, reporting systems, and legal implementation may affect the practical effectiveness of protection available to female students within Malaysian schools.

Concept of Justice and Access to Justice

The concept of justice serves as one of the most important foundations in evaluating the legal protection available to female students within educational institutions. In contemporary legal scholarship, justice is no longer confined to the traditional understanding of equality before the law. Instead, it encompasses broader dimensions such as procedural fairness, institutional accountability, recognition of vulnerability, and meaningful access to legal remedies. Within the context of educational safeguarding, justice requires institutions not only to respond to misconduct after harm has occurred but also to establish preventive mechanisms capable of protecting vulnerable students from foreseeable risks. Existing literature increasingly emphasizes that access to justice for

children and female students depends heavily on the responsiveness of institutions, the availability of child-sensitive reporting procedures, and the accessibility of remedies following incidents of abuse or harassment (UN Women, 2022).

Recent safeguarding scholarship further highlights that justice within educational settings is closely connected to institutional legitimacy and public trust. Victims are generally more willing to disclose incidents of harassment or abuse when schools demonstrate transparency, confidentiality, procedural fairness, and supportive safeguarding practices. Conversely, institutional failures may discourage reporting and contribute to secondary victimisation. UNESCO (2023) observed that many students remain reluctant to report violence or harassment because of fear of retaliation, victim-blaming, humiliation, or institutional inaction. Similarly, UNICEF (2022) reported that weak complaint mechanisms and ineffective institutional responses significantly undermine access to justice for child victims. The implication for female students is that safe disclosure requires confidentiality, protection against retaliation and procedures that account for unequal power relationships. A legally adequate model must also preserve fairness to respondents while avoiding repeated or insensitive questioning of child complainants.

Within the Malaysian context, discussions relating to justice and safeguarding remain closely linked to broader concerns regarding institutional fragmentation and inconsistent implementation. Existing legal protections involving child welfare, criminal enforcement, educational administration, and sexual harassment regulation operate through separate legal and administrative structures. Ahmad (2022) argues that this fragmented framework may weaken effective access to justice because victims often face uncertainty regarding reporting channels, institutional responsibilities, and available remedies. As a result, the literature suggests that legal protection alone is insufficient unless supported by integrated safeguarding systems capable of ensuring coherent institutional accountability and accessible protection for female students.

The concept of survivor-centred justice has also become increasingly significant within modern safeguarding discourse. Contemporary studies emphasise that victims of abuse require not only legal recognition, but also emotional support, confidentiality, psychosocial assistance, and educational accommodations designed to minimise further trauma (UN Women, 2022). Survivor-centred approaches therefore recognise that safeguarding frameworks should prioritise the dignity, welfare, and autonomy of victims throughout legal and institutional processes. In this regard, recent literature strongly supports integrated safeguarding systems that combine criminal accountability with administrative remedies, counselling services, trauma-informed interventions, and institutional support measures.

School Climate and Safe Educational Environment

The school environment represents one of the most influential institutional spaces affecting children's development, emotional well-being, and sense of security. Contemporary educational scholarship increasingly recognises that safe learning environments are essential not only for academic achievement but also for psychological stability, social participation, and healthy personal growth. Existing literature consistently demonstrates that hostile educational environments characterised by bullying, harassment, intimidation, or violence significantly undermine students' confidence, emotional security, and educational engagement (UNESCO, 2023).

International organisations have repeatedly identified school-related violence and gender-based misconduct as major barriers to educational equality. UNESCO's findings demonstrate that school violence and safeguarding failures continue to expose female students to heightened risks of harassment, intimidation, and educational exclusion, thereby reinforcing the need for stronger institutional accountability and gender-responsive safeguarding mechanisms within educational institutions. Female students are particularly vulnerable to sexual harassment, cyberbullying, peer abuse, and psychological intimidation, all of which contribute to emotional trauma and educational disengagement. UNICEF's analysis further illustrates that unsafe educational environments substantially undermine the emotional well-being, educational participation, and long-term academic development of female students, particularly where institutional safeguarding systems remain ineffective or inconsistently implemented. These findings reinforce the understanding that educational

institutions possess responsibilities extending beyond academic instruction and must also ensure student welfare and safeguarding protection.

While UNESCO (2023) emphasises the widespread nature of school violence generally, UN Women (2022) specifically identifies female students as disproportionately affected by sexual harassment, coercion, cyberbullying, and gender-based intimidation within educational institutions. Female students often face heightened emotional and psychological risks arising from unsafe school environments, particularly where institutions lack effective safeguarding cultures and victim-sensitive reporting procedures. These concerns demonstrate that safe educational environments cannot be evaluated solely through general disciplinary standards but must also incorporate gender-responsive safeguarding measures aimed at protecting female students from both physical and non-physical forms of abuse.

The literature further demonstrates that positive school climates are closely associated with effective safeguarding systems and institutional accountability. Educational institutions that implement clear behavioural policies, transparent complaint procedures, trained safeguarding personnel, and supportive reporting mechanisms are more likely to foster trust among students and encourage disclosure of safeguarding concerns. In contrast, schools lacking institutional preparedness or safeguarding awareness may unintentionally create environments where abuse and harassment remain hidden or inadequately addressed. Human Rights Watch (2021) highlighted that institutional reluctance to acknowledge safeguarding failures frequently contributes to underreporting and discourages victims from seeking assistance.

Within Malaysia, concerns regarding school safety have become increasingly visible in discussions involving bullying, sexual harassment, online exploitation, and peer abuse among students. Existing scholarship indicates that safeguarding practices across educational institutions remain inconsistent due to varying administrative approaches, limited institutional guidance, and insufficient training among educational personnel (UNICEF Malaysia, 2022). The challenge is to assess the application and accountability of school safeguarding policies, including the guidelines introduced in 2023 and 2026, across different settings. Consequently, recent literature increasingly supports the development of standardised safeguarding procedures capable of strengthening institutional accountability and ensuring safer educational environments.

Gender-Based Violence Against Female Students

Gender-based violence against female students remains one of the most serious safeguarding concerns within educational settings. Existing literature demonstrates that female students experience disproportionate exposure to sexual harassment, bullying, intimidation, coercion, online exploitation, and peer abuse. Such conduct may occur physically, verbally, psychologically, or digitally, reflecting the increasingly complex nature of safeguarding challenges in modern educational environments.

International evidence indicates that school-related gender-based violence significantly affects the educational experiences and psychological well-being of girls. UNESCO (2023) reported that female students frequently encounter harassment and intimidation within schools, including unwanted sexual comments, coercive behaviour, peer abuse, and online exploitation. Similarly, the World Health Organization (2021) recognised that violence against girls contributes to long-term emotional trauma, anxiety, depression, social withdrawal, and educational disengagement. The WHO global evidence review on harmful sexual behaviour among adolescents further identified the increasing prevalence of online misconduct, peer-on-peer abuse, and cyber-enabled exploitation involving children and young people within educational contexts (WHO, 2022).

Existing literature also demonstrates that digital technology has intensified safeguarding risks affecting female students. Cyberbullying, non-consensual sharing of images, online grooming, and social media harassment have emerged as significant forms of abuse capable of extending victimisation beyond physical school environments. The rapid expansion of digital communication platforms has therefore complicated traditional safeguarding responses and exposed weaknesses within existing institutional procedures. Recent studies indicate that many schools continue to lack specialised digital safeguarding policies, technological expertise, and evidence preservation mechanisms necessary for responding effectively to online abuse (UNESCO, 2023).

Within Malaysia, gender-based violence involving students remains closely connected to broader socio-cultural attitudes concerning gender, shame, and disclosure. Existing scholarship suggests that victims frequently experience fear of victim-blaming, reputational damage, social embarrassment, and institutional indifference when considering whether to report harassment or abuse (Human Rights Watch, 2021). These barriers contribute significantly to underreporting and weaken access to justice for female students. UN Women (2022) further observed that societal normalisation of certain forms of harassment may discourage recognition of abusive conduct and reduce institutional responsiveness.

The literature additionally highlights that peer-on-peer abuse constitutes a growing safeguarding concern within schools. Contemporary safeguarding frameworks increasingly recognise that abuse involving students may occur not only between adults and children but also among students themselves. Ofsted (2021) reported that harmful sexual behaviour among students often becomes normalised within educational environments lacking strong safeguarding cultures and effective intervention procedures. These findings reinforce the importance of proactive educational safeguarding strategies capable of addressing behavioural risks before escalation occurs.

Child Protection and Juvenile Rights in Malaysia

The protection of children in Malaysia is principally governed through a combination of juvenile law, criminal law, welfare legislation, and institutional child protection mechanisms. The Child Act 2001 (Act 611) represents the primary legislative framework governing child welfare, protection, care, rehabilitation, and intervention measures involving children. The Act adopts a welfare-oriented approach aimed at prioritising the best interests of the child while empowering authorities to intervene where children face neglect, abuse, exploitation, or harmful treatment.

The literature indicates that Malaysia has undertaken significant legal reforms aimed at strengthening child protection and safeguarding mechanisms over recent decades. The enactment of the Sexual Offences Against Children Act 2017 (Act 792) introduced specialised criminal offences addressing child grooming, sexual communication, child pornography, exploitation, and online abuse involving minors. Similarly, the Anti-Sexual Harassment Act 2022 (Act 840) established additional legal recognition of sexual harassment and introduced tribunal-based remedies capable of providing alternative avenues for complaints and compensation.

Although these statutory protections apply generally to all children, female students remain disproportionately exposed to gender-specific harms including sexual harassment, coercion, online exploitation, peer sexual abuse, and cyber-enabled misconduct within educational environments. The doctrinal difficulty is that offence provisions alone cannot resolve questions of school-level prevention and institutional responsibility. Ministry guidelines provide operational standards, but the legal consequences of inadequate compliance and the availability of independent review require separate consideration.

Despite these legislative developments, existing scholarship consistently identifies weaknesses in implementation and institutional coordination. Ahmad (2022) argues that the Malaysian child protection framework remains fragmented due to overlapping institutional responsibilities involving schools, welfare departments, law enforcement agencies, and judicial authorities. UNICEF Malaysia (2022) similarly observed that safeguarding procedures often vary significantly between institutions and that schools may lack clear operational guidelines for responding to safeguarding concerns involving female students.

Another recurring concern within the literature involves the absence of specialised safeguarding obligations imposed directly upon educational institutions. Although schools possess general responsibilities relating to student welfare and discipline under the Education Act 1996 (Act 550), the Professional Circular 2023 on sexual-misconduct guidelines and the Professional Circular 2026 on School Pupil Protection Policy now provide school-specific guidance, though they are not identical to a comprehensive statutory safeguarding code with clearly specified enforcement and remedies. Existing scholarship therefore suggests that institutional safeguarding responsibilities often remain unclear, inconsistent, and dependent upon administrative discretion (UNICEF Malaysia, 2022).

Comparison with England helps identify the different legal bases of school safeguarding duties and the role of designated safeguarding leads. Existing analyses demonstrate that multi-agency coordination, mandatory safeguarding duties, standardised reporting pathways, and designated safeguarding personnel remain comparatively underdeveloped within Malaysian schools. Consequently, current scholarship increasingly supports legal reforms aimed at establishing integrated safeguarding structures capable of improving institutional accountability and strengthening protection mechanisms for female students.

Research Gap and Conceptual Contribution

Existing literature has contributed significantly to discussions involving child protection, gender-basedviolence, juvenile justice, educational safeguarding, and institutional accountability. International studies have extensively examined school violence, bullying, harmful sexual behaviour, and safeguarding obligations affecting children and female students (UNESCO, 2023; UNICEF, 2022; WHO, 2021). Similarly, Malaysian scholarship has explored child welfare legislation, criminal law protections, sexual offences involving children, and institutional challenges affecting safeguarding implementation (Ahmad, 2022; Noor Aziah Mohd Awal, 2019).

Nevertheless, several important gaps remain within the existing body of scholarship. First, much of the current literature examines child protection, criminal law, educational discipline, or safeguarding separately rather than analysing the interaction between these legal and institutional frameworks. Most existing Malaysian literature approaches child protection from a general welfare perspective without critically analysing how juvenile law, criminal law, and educational safeguarding frameworks specifically address the distinct vulnerabilities experienced by female students within school environments.

Second, limited Malaysian legal scholarship specifically focuses on female students as a distinct vulnerable category requiring gender-responsive legal protection within educational institutions. Existing studies therefore remain fragmented and insufficiently integrated in addressing the relationship between gender-based violence, institutional accountability, school safeguarding obligations, and access to justice for female students.

Third, comparative safeguarding analysis between Malaysia and the United Kingdom remains relatively underdeveloped within current legal scholarship. Although the United Kingdom is internationally recognised for its structured safeguarding framework involving mandatory institutional duties, coordinated reporting systems, and multi-agency child protection mechanisms, limited doctrinal analysis has examined how these safeguarding principles may inform legal reforms within Malaysia.

Fourth, insufficient scholarly attention has been given to emerging safeguarding risks involving cyberbullying, online grooming, peer-on-peer abuse, digital exploitation, and social media harassment affecting female students within educational settings. Existing Malaysian legal scholarship remains comparatively limited regarding digital safeguarding obligations and institutional responses to technology-related abuse involving female students.

Accordingly, this study seeks to address these gaps by undertaking a comprehensive doctrinal and comparative analysis of the protection and rights of female students under Malaysian juvenile and criminal law. The study integrates safeguarding theory, institutional accountability, educational protection, and comparative safeguarding practices from the United Kingdom within a unified analytical framework. In doing so, the research contributes original scholarly analysis concerning the adequacy of Malaysian safeguarding protections and proposes legal and policy reforms aimed at strengthening access to justice and safeguarding mechanisms for female students within educational institutions.

METHODOLOGY

This study adopts a doctrinal legal research methodology, which is widely recognised as the most appropriate approach for examining the scope, coherence, and adequacy of legal frameworks governing specific social and institutional issues. Doctrinal legal research focuses on the systematic analysis of legal rules, statutory

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provisions, judicial decisions, and regulatory instruments in order to identify the principles, obligations, and legal structures that regulate a particular area of law. Unlike empirical research, doctrinal research does not primarily seek to generate statistical findings or examine personal experiences through fieldwork. Instead, it provides a detailed legal evaluation of how laws are formulated, interpreted, implemented, and applied within a particular legal system (Hutchinson, 2013). This method is particularly suitable for the present study because the research aims to critically examine the adequacy of Malaysian juvenile and criminal law in safeguarding and protecting female students within educational institutions.

The primary legal materials examined in this study include the Child Act 2001 (Act 611), the Penal Code (Act 574), the Sexual Offences Against Children Act 2017 (Act 792), the Education Act 1996 (Act 550), and the Anti-Sexual Harassment Act 2022 (Act 840). These statutes form the principal legal framework governing child protection, criminal liability, educational responsibilities, and safeguarding obligations in Malaysia. In addition, the study refers to relevant Ministry of Education circulars, safeguarding guidelines, and child protection policies issued by government authorities where applicable. Judicial decisions from the Malaysian High Court and Court of Appeal are also analysed in order to evaluate how courts have interpreted issues relating to institutional duty of care, child protection responsibilities, sexual offences involving minors, and access to legal remedies for victims. The study distinguishes reported judicial decisions, which establish legal principles, from press accounts of charges or allegations, which are used only to illustrate possible safeguarding risks and are not treated as findings of wrongdoing or institutional negligence.

This research also incorporates a comparative legal analysis involving the safeguarding framework in England. The comparative component examines key legislative and policy instruments including the Children Act 1989, the Children Act 2004, Keeping Children Safe in Education issued by the Department for Education (2023), and Working Together to Safeguard Children issued by HM Government (2023). England was selected as the comparative jurisdiction due to their shared common law heritage with Malaysia and their similar international obligations under the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). More importantly, England has developed a structured safeguarding framework involving mandatory safeguarding duties, designated safeguarding officers, standardised reporting mechanisms, and coordinated multi-agency protection systems. The comparative analysis therefore provides a useful framework for evaluating potential legal and institutional reforms that may strengthen safeguarding practices in Malaysia.

Secondary sources are utilised to support and contextualise the doctrinal analysis undertaken in this study. These include peer-reviewed journal articles published in Scopus-indexed law and social science journals, academic books, legal commentaries, institutional reports, and publications issued by international organisations such as UNESCO, UNICEF, UN Women, the World Health Organization, and Human Rights Watch. The secondary materials are critically analysed alongside primary legal sources in order to assess the effectiveness of existing safeguarding mechanisms, identify weaknesses within current legal structures, and situate Malaysia's experience within broader international safeguarding discourse. Rather than accepting secondary opinions uncritically, the study evaluates scholarly arguments against statutory provisions, judicial interpretations, and institutional practices relevant to the protection of female students.

Although doctrinal legal research provides a comprehensive legal analysis of the safeguarding framework, several limitations must be acknowledged. The study does not involve empirical fieldwork, interviews, surveys, or direct engagement with victims, educators, or enforcement agencies. As such, the research does not claim to provide a complete empirical account of the lived experiences of female students or the day-to-day realities of safeguarding implementation within schools. Instead, the findings of this study are presented as a legal and institutional assessment of the legal adequacy, coherence and institutional design of the existing framework governing the protection and rights of female students under Malaysian juvenile and criminal law.

DISCUSSION OF RESEARCH FINDINGS

i) Integrated Analysis of the Malaysian Legal Framework on the Protection of Female Students: Towards a Gender-Responsive Safeguarding Model

The protection of female students within Malaysian educational institutions remains an increasingly important legal issue, particularly in light of growing reports of sexual misconduct, abuse of authority, and gender-based harm occurring within school environments. Although Malaysia has established an extensive statutory framework to protect children generally, questions remain as to whether these laws sufficiently address the particular vulnerabilities faced by female students. This study finds that while the current legal framework provides a strong foundation for criminal accountability, it remains inadequate in recognising female students as a distinct category of vulnerability requiring a gender-responsive safeguarding framework.

Malaysia's legal structure concerning child protection is primarily governed by the Child Act 2001 (Act 611), particularly Sections 17 and 31, which establish protection for children exposed to abuse and neglect, the Penal Code (Act 574), especially Sections 354, 375, 376 and 509, which criminalise sexual assault, rape and acts outraging modesty, the Sexual Offences Against Children Act 2017 (Act 792), including Sections 11 to 15, which address sexual communication, grooming and sexual assault involving children, the Anti-Sexual Harassment Act 2022 (Act 840), which provides civil redress mechanisms for victims of sexual harassment and the Education Act 1996 (Act 550), which regulates school administration and institutional governance. However, despite these legislative advancements, the findings suggest that the framework remains predominantly offence-centred rather than prevention-centred.

This distinction is significant. Criminal law, by its nature, operates retrospectively. It intervenes only after harm has occurred and focuses primarily on determining liability and punishment. Safeguarding, on the other hand, is preventive. It requires institutions to identify risks, intervene early, and create protective environments before abuse escalates. Munro (2011) argues that modern child protection systems must move beyond reactive enforcement and embrace early intervention models, particularly in institutional settings where children remain under continuous supervision. This principle is particularly relevant in schools, where relationships between students and authority figures are built on trust, dependency, and power imbalance.

The findings of this study indicate that Malaysia's general child-protection model does not adequately account for the gender-specific risks experienced by female students. While the law treats all children equally, substantive protection cannot always be achieved through formal equality alone. Fredman (2016) notes that equal legal treatment may overlook structural disadvantages where particular groups face unique patterns of harm. Female students are vulnerable not only because they are minors, but because their vulnerability is shaped by the intersection of age, gender, institutional dependency, and social power relations.

This intersectional vulnerability is evident in educational settings. Research on school-related gender-based violence consistently shows that girls are disproportionately exposed to sexual harassment, intimidation, coercion, cyber exploitation, and abuse of authority (UNESCO, 2023; UN Women, 2022). Unlike ordinary criminal conduct, these forms of harm often develop gradually through grooming behaviour. Craven, Brown and Gilchrist (2006) explain that grooming typically begins with minor boundary violations, emotional manipulation, and trust-building before escalating into abuse. This process makes early detection especially important.

The Sexual Offences Against Children Act 2017 identifies offences and penalties, while education-sector policies set out school responses to safeguarding concerns. The Professional Circular 2023 and the Professional Circular 2026 are material developments which this analysis must acknowledge. The remaining legal issue is whether these administrative arrangements supply sufficiently consistent, enforceable and independently reviewable responses to early warning signs, including misconduct falling short of a chargeable offence (Ministry of Education Malaysia, 2023; 2026).

A reported prosecution in Sabak Bernam illustrates the distinction between allegation and adjudicated fact. On 8 June 2026, a teacher pleaded not guilty to charges under section 14(a), read with section 16(1), of the Sexual

Offences Against Children Act 2017, concerning six female students. The reported charges involved alleged conduct in school and other locations; they are not findings of guilt or proof that school administrators knew of, or negligently ignored, earlier warnings (The Star, 2026). Nevertheless, the report raises a legitimate legal-policy question: could a sufficiently accessible reporting and escalation system have identified safeguarding concerns earlier? That question requires evidence of prior complaints and institutional knowledge before fault can properly be attributed.

A separate report from Johor concerned a teacher who pleaded not guilty in June 2026 to charges of physical sexual assault involving a pupil, including allegations relating to his position of trust (New Straits Times, 2026). This report likewise cannot establish either criminal guilt or institutional breach. Its narrower relevance is to demonstrate why school complaint pathways must remain independent and accessible where an allegation concerns a member of staff.

The significance of early intervention is strongly supported by empirical literature. Finkelhor (2008) found that abuse occurring within trusted relationships often remains undisclosed because victims may experience fear, confusion, emotional attachment, or dependency on the perpetrator.

This is especially relevant in schools, where teachers hold significant authority over students. Female students may face additional barriers such as shame, stigma, fear of retaliation, or concern that their complaints will not be taken seriously. Human Rights Watch (2021) and UN Women (2022) both identify institutional mistrust and social pressure as major reasons for delayed reporting among young female victims.

The doctrinal assessment must therefore distinguish criminal liability from institutional negligence. In Government of Malaysia & Ors v Jumat bin Mahmud & Anor [1977] 2 MLJ 103, the Federal Court addressed a teacher's duty to take reasonable care to protect pupils against foreseeable injury, but the appeal succeeded because negligence could not be established merely from the fact that an injury had occurred. The case is important here precisely because it rejects automatic liability: a claimant must address foreseeability, reasonable precautions, breach and causation. Thus, a school should not be labelled institutionally culpable solely because abuse is alleged; the pertinent inquiry is what warning signs existed, who knew or ought reasonably to have known of them, and what steps could have been taken.

A further distinction arises between recognising the wrongfulness of harassment and proving a school's responsibility for it. In Mohd Ridzwan bin Abdul Razak v Asmah bt Hj Mohd Nor [2016] 4 MLJ 282, the Federal Court affirmed damages for the tort of sexual harassment in an employment relationship. Although the judgment did not concern a school or determine duties owed to pupils, it demonstrates the availability of civil accountability for proved harassment, while leaving questions of a school's own duty, breach and causation to be separately established. Read alongside Jumat, the decisions support an inquiry grounded in legal elements rather than an inference of fault from newspaper reporting.

Therefore, this study argues that Malaysia should reinforce the existing child-protection and education framework with effective, gender-responsive safeguarding accountability. Such a framework should not replace existing criminal laws but complement them by introducing preventive legal duties at institutional level. These reforms may include independently reviewable duties to act on warning signs, designated responsible officers, accessible complaint channels, gender-sensitive responses and meaningful remedies for non-compliance.

ii) Evaluating the Legal Adequacy of Safeguarding Mechanisms and Institutional Accountability within Malaysian Educational Institutions

The finding evaluates the legal adequacy and institutional design of safeguarding within Malaysian schools. Because the method is doctrinal rather than empirical, it cannot establish the actual rate of incidents prevented or measure the success of particular reporting systems. Instead, the relevant questions are whether duties are clearly assigned, whether complaints can be escalated outside ordinary school hierarchies, and whether children have access to appropriate support and review of institutional decisions.

Press reports of bullying and peer violence may alert policymakers to risks in residential and school settings, but cannot alone establish that a particular school had prior knowledge or breached a legal duty. Hostel supervision nevertheless raises identifiable legal questions concerning foreseeable harm, staff responsibilities, recording of complaints and reasonable protective measures. As Jumat [1977] 2 MLJ 103 illustrates, the appropriate analysis turns on the duty of care and the specific evidence of breach and causation, rather than assuming that a serious injury necessarily proves negligence.

Peer-on-peer violence requires schools to distinguish isolated conflicts from patterns of intimidation that warrant escalation. The relevant safeguarding inquiry is whether staff received complaints or observed warning signs, how those concerns were recorded and assessed, and whether appropriate protection was arranged. Without verified investigation records, an inference that school administrators knowingly tolerated abuse would be premature.

Digital exploitation adds a different safeguarding challenge. The non-consensual circulation of intimate recordings may continue to harm a pupil long after the initial disclosure or transmission. Livingstone and Smith (2014) explain how online victimisation can become persistent and difficult to contain. School procedures should therefore address preservation of evidence, confidential referrals, prompt requests to remove harmful material and the avoidance of unnecessary reproduction or sharing of intimate images.

These cases show that schools today must think about safeguarding in broader terms. Protecting students is no longer limited to physical spaces such as classrooms, dormitories, or school compounds. It now includes digital spaces where harassment, exploitation, and bullying may continue beyond school hours. This means schools must develop stronger digital safety policies and educate students about consent, privacy, and online responsibility.

At the same time, one of the biggest concerns revealed by these cases is the inconsistency of institutional response. Public disclosure may bring attention to an incident, but media coverage by itself cannot show whether earlier action was or was not taken. A sound accountability system must instead document the timing of complaints, protective steps, referrals and reasons for decisions, so that institutional conduct can be assessed without reliance on publicity.

This issue directly affects trust. Students are less likely to report if they believe their concerns will be ignored, minimised, or delayed. Human Rights Watch (2021) found that victims often remain silent when they lack confidence in institutional support or fear social consequences. For female students, this hesitation can be even stronger due to concerns about blame, shame, or damage to personal reputation.

For this reason, institutional accountability must be treated as an essential part of safeguarding. Schools cannot simply react to harm after it occurs. They must actively work to reduce foreseeable risks. This includes having clear reporting systems, trained safeguarding officers, confidential complaint mechanisms, counselling support, and proper procedures for protecting victims during investigations. Without these systems, student safety becomes too dependent on chance, individual courage, or public pressure.

The legal adequacy of the framework cannot be inferred from conviction counts alone. Evaluating students' actual perceptions of safety or the impact of reforms would require empirical research beyond the scope of this article. For female students especially, effective safeguarding means more than legal protection. It means knowing that the institution itself is prepared, responsive, and committed to protecting them at every stage. Without that trust, even the strongest legal framework may fail in practice.

iii) Comparative Analysis between Malaysia and the United Kingdom Safeguarding Framework

The study also examines Malaysia's legal and institutional framework in comparison with England in order to identify possible improvements for the protection of female students within educational institutions. The comparison shows that the key difference between both jurisdictions is not whether children require protection, but how safeguarding responsibilities are structured, allocated, and enforced in practice. While both Malaysia

and the United Kingdom recognise child protection as a legal priority, England has developed a more integrated safeguarding model where schools carry direct and continuing responsibilities to protect students, particularly those exposed to gender-based harm.

This institutional model reflects broader safeguarding scholarship, where child protection is increasingly understood as a continuous organisational duty rather than an isolated legal response. As Bunting et al. (2018) argue, effective safeguarding systems depend on institutional cultures capable of recognising vulnerability early and responding consistently.

In both jurisdictions, children are legally recognised as vulnerable persons requiring special protection. Malaysia addresses this protection mainly through criminal and child welfare legislation such as the Child Act 2001, the Penal Code, and the Sexual Offences Against Children Act 2017. These laws provide important legal remedies after harm occurs. However, the United Kingdom adopts a broader institutional safeguarding approach, where child protection is treated not only as a criminal matter but as an ongoing professional and institutional obligation.

In England, section 47 of the Children Act 1989 requires local-authority enquiries where there is reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm. The Children Act 2004 supports multi-agency arrangements; importantly, the principal school-specific statutory basis for maintained-school safeguarding arrangements is section 175 of the Education Act 2002 (with section 157 addressing relevant duties for independent schools). These provisions must be distinguished from the operational guidance in Keeping Children Safe in Education, which applies to England rather than every education system within the United Kingdom.

More importantly, England has developed detailed policy frameworks that operate alongside legislation. One of the most significant is Keeping Children Safe in Education (KCSIE), which applies to all schools in England. KCSIE requires every school to appoint a Designated Safeguarding Lead (DSL), maintain child protection policies, conduct safer recruitment checks, and ensure staff are trained to identify risks such as sexual abuse, grooming, peer-on-peer abuse, and online exploitation. This policy is particularly relevant for female students because it expressly recognises risks such as sexual violence, sexual harassment, upskirting, sexting, and image-based abuse. Research by Firmin (2020) highlights that designated safeguarding structures improve institutional accountability because they centralise responsibility and reduce uncertainty in responding to child protection concerns, particularly in cases involving peer abuse and gender-based violence. For example, Part Five of KCSIE specifically addresses child-on-child sexual violence and sexual harassment. It acknowledges that girls are statistically more likely to be victims and emphasises that schools must never dismiss harmful behaviour as "banter" or ordinary student behaviour. This is consistent with research by Ringrose et al. (2021), which found that sexual harassment in schools often reflects wider gender inequalities and normalised patterns of harmful behaviour, making early institutional intervention particularly important for female students. This is an important distinction because many forms of sexual misconduct among students begin with verbal harassment, inappropriate touching, or coercive behaviour before escalating into serious abuse.

This approach can be seen in the aftermath of the Everyone's Invited movement in 2021, where thousands of female students across the UK disclosed experiences of sexual harassment, coercion, and abuse within schools. Following these disclosures, Ofsted conducted a rapid review and found that sexual harassment had become so normalised in some schools that students often did not report it. The reluctance to report is supported by empirical findings showing that young female victims frequently remain silent due to fear of disbelief, victim-blaming, and reputational harm (Coy, Kelly & Foord, 2020). In response, schools were required to strengthen safeguarding policies, improve reporting mechanisms, and provide better staff training on sexual misconduct. This demonstrates how UK safeguarding systems are capable of responding institutionally even where conduct may not yet amount to a criminal offence.

Similarly, the case of Child sexual exploitation in Rotherham revealed major failures in institutional safeguarding, where authorities failed to act despite repeated warnings involving vulnerable girls. Although the case exposed serious weaknesses, it also resulted in major reforms, including stronger multi-agency cooperation

under the Working Together to Safeguard Children framework. Jay (2014) observed that one of the most significant failures in Rotherham was institutional reluctance to act on early warning signs, reinforcing the importance of multi-agency safeguarding frameworks. This policy requires schools, police, healthcare providers, and social services to share information and coordinate intervention where children are at risk.

This multi-agency model is one of the strongest differences between the UK and Malaysia. In Malaysia, the Professional Circular 2023 on sexual-misconduct guidelines and the Professional Circular 2026 on School Pupil Protection Policy establish administrative referral pathways and protective responsibilities, including references to welfare authorities and the police. The comparative question is how consistently these directions are implemented and what mechanisms independently secure compliance. By contrast, the UK system creates clearer accountability because safeguarding concerns can be escalated immediately across agencies without waiting for formal criminal proceedings.

Another important UK mechanism is the requirement for schools to implement gender-sensitive policies under the Equality Act 2010. Although the Act applies generally, it imposes duties on schools to prevent discrimination, harassment, and victimisation on the basis of sex. This is particularly relevant for female students because it recognises gender-related harms within educational environments and requires schools to respond appropriately.

The comparative analysis shows that one of the UK's strongest features is its emphasis on prevention. Under the UK model, a safeguarding concern does not need to reach the level of a criminal offence before intervention occurs. If a teacher notices behavioural changes, inappropriate interactions, or signs of emotional distress, the matter may be referred internally or externally for immediate assessment. This early intervention model significantly reduces the risk of prolonged harm.

By comparison, Malaysia's current framework remains more reactive. This reflects what Gilbert et al. (2011) describe as a reactive child protection model, where intervention is triggered mainly after harm is visible rather than through preventive safeguarding structures. Malaysia has introduced national guidance through the 2023 and 2026 Professional Circulars, but it does not replicate England's particular statutory and designated-lead arrangements in the same form. The key comparison therefore concerns legal force, professional training, consistency and routes for independent review. This means responses may differ depending on the school, the administrators involved, and available resources. This creates inequality in protection. A student's access to safety should not depend on which school she attends or whether a particular administrator understands safeguarding principles. Female students, in particular, may be disproportionately affected by this inconsistency because they often face gender-specific risks requiring sensitive and immediate responses.

The purpose of this comparison is not to suggest that the UK system is without flaws. Cases such as Rotherham and the Everyone's Invited movement show that institutional failures can still occur even under strong legal frameworks. However, the difference lies in how the system responds to those failures. The UK model demonstrates a greater capacity for reform, clearer institutional accountability, and stronger preventive structures.

For Malaysia, this comparative analysis provides an important lesson. Strengthening the existing legal framework does not necessarily require creating entirely new criminal offences. Instead, Malaysia may improve protection for female students by strengthening compliance with existing Ministry policies, assigning accountable safeguarding personnel, clarifying referral duties, providing independent review and strengthening gender-sensitive responses. These reforms would strengthen prevention and reduce reliance on criminal law as the primary form of protection.

Ultimately, the comparison demonstrates that effective safeguarding depends not only on the existence of legal protection, but on whether institutions are given clear responsibility to act before harm occurs. In this respect, the United Kingdom offers an important model for Malaysia in developing a more preventive, accountable, and gender-responsive safeguarding framework for female students.

iv) Proposed Legal and Policy Reforms to Strengthen Protection and Access to Justice for Female Students

The foregoing analysis supports reforms that build on existing child-protection statutes and Ministry safeguarding policies rather than assuming that no school protection scheme exists. The priority is to improve the clarity of legal responsibilities, the consistency of institutional decisions, the availability of independent review and the protection of pupils who make disclosures. Preventive reform should be assessed against these concrete criteria, not merely described as a general shift away from criminal enforcement (Munro, 2011).

For this reason, one of the most important reforms Malaysia should consider is consideration of a clearer statutory basis for school safeguarding responsibilities, complementary to existing Ministry policies. Any proposal should identify the responsible office-holder, threshold for escalation, time limits, record-keeping duties, external referral routes and the consequences of non-compliance. This duty should include identifying safeguarding concerns, maintaining internal reporting systems, and responding promptly to allegations of abuse, harassment, bullying, or exploitation. Comparative analysis with the United Kingdom shows that clearer statutory duties improve accountability because institutional responsibilities become legally enforceable rather than merely administrative (Bunting et al., 2018).

Second, Malaysia should establish designated safeguarding officers in schools as a formal institutional requirement. One of the strongest aspects of the UK safeguarding framework is the Designated Safeguarding Lead system under Keeping Children Safe in Education, where child protection concerns are coordinated by trained individuals. Firmin (2020) observes that designated safeguarding roles improve consistency in institutional decision-making and reduce uncertainty when handling disclosures. In Malaysia, this reform would be particularly valuable because existing welfare and disciplinary systems are often too general and may not adequately address gender-based harm involving female students.

In addition to designated safeguarding officers, narrowly targeted closed-circuit television (CCTV) may be considered in particular school locations where a documented risk assessment demonstrates a safeguarding need. The article does not recommend blanket or mandatory surveillance of every classroom or corridor. Cameras should not be placed in toilets, changing facilities, counselling rooms or other locations in which pupils have a heightened expectation of privacy. Where surveillance is shown to be necessary, its potential evidential value must be weighed against less intrusive measures, including visible staff supervision, accessible complaint channels and trained safeguarding personnel.

A CCTV proposal also requires constitutional and statutory scrutiny. Articles 5 and 8 of the Federal Constitution inform questions of personal liberty, equality and the proportionality of intrusive state measures; in Sivarasa Rasiah v Badan Peguam Malaysia & Anor [2010] 2 MLJ 333, the Federal Court discussed proportionality in the interpretation of fundamental liberties. That decision is not, however, a ruling that school CCTV is unconstitutional or that Article 5 creates an unrestricted right to informational privacy. Separately, the Personal Data Protection Act 2010 (Act 709), principally regulating personal data processed in commercial transactions, expressly excludes the Federal and State Governments under section 3. It would therefore be inaccurate to assert that all government-school CCTV operations are directly governed by that Act, although private operators may be subject to its requirements where the statutory tests are met.

Even where the PDPA is inapplicable, surveillance should be subject to safeguards reflecting necessity, proportionality, purpose limitation, transparency, limited retention, secure storage, restricted access, audit logs and clear deletion procedures. Schools should consult pupils, parents and staff about the purpose and coverage of any cameras, prohibit covert or disciplinary repurposing without proper authority, and establish safeguards for access to footage involving children. Continuous observation may chill ordinary classroom participation, candid counselling and teachers' professional judgement; these potential effects require assessment rather than an unsupported assumption that cameras invariably increase safety. The 2026 School Pupil Protection Policy's express attention to pupil privacy and dignity reinforces the need for such scrutiny (Ministry of Education Malaysia, 2026).

CCTV should therefore be treated only as a possible supplementary tool, and not a substitute for effective reporting, safeguarding training or early intervention. Its utility is limited where grooming, intimidation or online exploitation occurs outside camera coverage. Before adopting any scheme, decision-makers should identify the particular risk, explain why less intrusive safeguards would be insufficient, assess impact on students and staff, and provide periodic independent review. This qualified proposal avoids treating surveillance as an automatic or universal answer to school abuse.

Third, reporting mechanisms within schools must be strengthened and made more accessible to female students. One of the recurring issues identified throughout this study is that access to justice often depends on whether victims feel safe enough to disclose harm. However, female students may hesitate to report because of fear of blame, embarrassment, retaliation, or wider social consequences. Coy, Kelly and Foord (2020) found that young female victims frequently remain silent where reporting systems are perceived as unsafe or unsupportive. This demonstrates that legal rights alone remain ineffective if reporting pathways are inaccessible. Schools should therefore establish confidential and student-friendly reporting channels that allow complaints to be made safely, including alternative pathways where allegations involve teachers or school staff. This is particularly important because reliance on ordinary reporting structures may discourage disclosure where authority figures themselves are implicated.

Fourth, safeguarding training must become a mandatory part of professional development for teachers and school administrators. Teachers are often the first individuals to observe behavioural changes, emotional distress, or signs of victimisation. However, without proper training, these warning signs may be misunderstood as disciplinary issues rather than safeguarding concerns. Training should therefore include recognising grooming patterns, responding to disclosures, understanding legal duties, protecting confidentiality, and managing cases involving peer-to-peer sexual violence. Ringrose et al. (2021) emphasise that school staff play an important role in identifying gender-based harm at early stages, especially where harmful conduct has become normalised among students.

Fifth, Malaysia should strengthen cooperation between schools, law enforcement agencies, welfare authorities, and healthcare providers. One of the strongest lessons from the UK safeguarding model is that child protection works best when institutions operate collectively rather than separately. The Working Together to Safeguard Children framework demonstrates that information-sharing and coordinated intervention significantly improve child protection outcomes. Jay (2014), in examining the Rotherham failures, highlighted that institutional isolation and poor communication were among the major reasons abuse continued over prolonged periods. For Malaysia, stronger inter-agency cooperation would ensure that female students receive not only legal protection, but also emotional, medical, and welfare support during investigations.

Finally, reforms must recognise that justice for female students extends beyond criminal punishment. This is perhaps the most important lesson emerging from all four objectives. A female student who experiences abuse, violence, or exploitation requires more than seeing an offender punished. She requires protection, emotional support, dignity, and assurance that the institution itself values her safety. Fredman (2016) argues that substantive equality requires legal systems to respond to the specific realities and vulnerabilities experienced by different groups. In educational settings, this means recognising that female students often face gender-specific barriers which affect their willingness and ability to seek help.

Taken together, the reforms prioritise enforceable duties, documented response pathways, trained personnel, independent review and proportionate use of surveillance. They supplement criminal enforcement without presuming that every safeguarding failure is also a criminal offence. The reforms proposed in this study are therefore not merely administrative improvements, but necessary structural changes to ensure that access to justice for female students becomes meaningful, effective, and genuinely protective in practice.

CONCLUSION

Malaysia's statutory child-protection and criminal laws provide important remedies for harm affecting school pupils. The doctrinal analysis nevertheless identifies unresolved questions concerning the legal force of school

safeguarding responsibilities, external escalation and the availability of review when institutions fail to respond appropriately. The Professional Circular 2023 on sexual-misconduct guidance and the Professional Circular 2026 on School Pupil Protection Policy mark significant developments; their existence makes the central question one of enforceability and institutional implementation rather than an absence of policy.

The study further highlights that female students require a more gender-responsive safeguarding framework due to their increased exposure to gender-based violence, sexual harassment, grooming, peer abuse, and digital exploitation. Although existing criminal laws provide important protection, formal legal equality alone may not sufficiently address the structural vulnerabilities faced by female students arising from the intersection of age, gender, institutional dependency, and power imbalance (Fredman, 2016). International research has similarly recognised that school-related gender-based violence requires comprehensive institutional responses that extend beyond criminal punishment and include prevention, reporting mechanisms, and supportive safeguarding structures (UNESCO, 2023; UN Women, 2022).

The findings also demonstrate that institutional accountability remains a critical weakness within the Malaysian safeguarding framework. A legal response to school harm should distinguish the personal liability of an alleged offender from any separate school duty established by foreseeability, reasonable precautions, breach and causation. The Federal Court's decision in Jumat [1977] 2 MLJ 103 illustrates why institutional fault cannot be inferred merely from harm. Research on child safeguarding emphasises that effective protection depends on organisations having clear responsibilities, trained personnel, and systems capable of responding to risks before harm escalates (Bunting et al., 2018; Firmin, 2020).

The comparison with England highlights the importance of express school safeguarding arrangements, designated personnel and multi-agency cooperation, but does not establish that the English model is failure-free. Its relevance for Malaysia lies in testing which elements could be made accountable within the country's existing statutory, administrative and educational structure.

The recommended reforms are therefore targeted: clarify duties under the current policies, strengthen independent referral and review, train designated staff, preserve child-sensitive complaint mechanisms and address online harms. Any CCTV provision must remain risk-based, supported by evidence and proportionate to privacy and dignity concerns. Further empirical research is required to assess whether these measures improve disclosure, reduce harm or increase student trust.

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