DOMESTIC VIOLENCE IN MALAYSIA: A STUDY ON CAUSES AND THE ROLE OF THE SOCIAL WELFARE DEPARTMENT

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Abstract - The whole world is now dealing with the increase in cases of domestic violence. To determine domestic violence, usually each family will be the target of either the perpetrator or the victim. This is an issue that requires special attention from the authorities to identify the causes and the best solution. Thus, this study will discuss issues related to domestic violence in Malaysia and the legal actions based on the provisions as provided by the Domestic Violence Act 1994 in handling such cases. Several factors have been identified for the occurrence of domestic violence and the form of legal action that can protect the victims. This article was written based on qualitative method by looking at official documents and cases that occurred in Malaysia. It can be concluded that domestic violence can happen to family members, spouses, children, and the elderly. In addition, this article also explains the role of the Social Welfare Department in helping victims of domestic violence based on the protections enshrined in the Penal Code, the Domestic Violence Act 1994 and the Child Act 2001.

Keywords: domestic violence; victims; perpetrator

INTRODUCTION

Since the COVID-19 pandemic has been widespread in the country since 2020, the government has implemented a Movement Control Order (MCO) on the entire community to control the spread of the virus. Therefore, the impact of the MCO implementation has created various social crises, especially the issue of domestic violence.

Although a family that achieves *sakinah* (peace), *mawaddah* (love) and *rahmah* (kindness) is the dream of every individual, not all families succeed in achieving such happiness. Recently, Malaysia is often shocked by various worrying news related to domestic violence, violence against married couples, children and even the elderly.

Domestic violence is a form of violence or abuse of power by one person against another person in a domestic setting. It can include violence against spouses, children, the elderly, disabled adults, or other family members. There are various forms of violence that occur in a family, such as physical violence, sexual harassment, emotional abuse, verbal, or psychological abuse. Thus, domestic violence needs to be taken seriously. If not handled well, this situation will become a problem in society, not only in Malaysia, but in the whole world.

On January 30, 2020, the World Health Organization (WHO) declared COVID-19 as a public health emergency of international concern and on March 11, 2020, it was declared a global pandemic because it continues to spread rapidly throughout the world. Most countries were affected by the COVID-19 pandemic, including Malaysia, which recorded its first case in January 2020 and the number of infections increased in the following months in most states. This had indirectly put pressure on the government to implement several strategies to curb the spread of the virus in the country. The closure of many sectors in the country, especially the economy, has resulted in psychosocial implications among individuals. Losing jobs and financial resources during a pandemic is a situation can affect a large number of people in most countries, which could lead to a social crisis in the community.

Following the COVID-19 pandemic that had hit the world, most countries that implemented curfews, quarantines or restrictions on their entry and exit (lockdown) have faced various major challenges such as the increase in the problem of domestic violence. Malaysia is no exception in experiencing the issue of domestic violence when the pandemic showed statistical increase in cases when the MCO was implemented. The curfew had caused a drastic change in the daily lifestyle of individuals. The curfew also had worsened the situation of vulnerable groups, especially women, who were already troubled by cases of violence and economic pressure while facing the pandemic crisis.

In Malaysia, domestic violence is a crime under the Domestic Violence Act 1994. According to this Act, domestic violence covers the following:

- Willfully or knowingly puts, or attempts to put, the victim in a state of fear of physical injury;
- b. Causing physical injury to the victim;
- c. Forcing the victim by coercion or threat to do any behavior or act, sexual or otherwise, that the victim has the right not to do;
- d. Confine or detain the victim without the victim's consent; or
- e. Committing treachery or destruction or damage to property with the intention of causing or knowing that it is likely to cause grief or annoyance to the victim.

Victims protected by this act are the wife or husband, ex-wife or husband, children under 18 living as a family member, disabled adults, or any other family member living together. Thus, this study aims to examine the impact of the MCO on the issue of domestic violence in Malaysia from the aspect of the contributing factors and the role of stakeholders in dealing with this issue.

1. LITERATURE OF THE STUDY

Domestic violence can be explained by an act of abuse whether physical, sexual, psychological, or social towards the partner and family members. This often happens to wives who are unlucky to have a husband who abuses his power as the head of the family and does not carry out the responsibility and trust given to educate his family members. According to this study, there was an increase in the number of domestic violence cases that occurred during the implementation of the MCO. This is because, on average, individuals experienced problems such as work pressure or financial problems due to the COVID-19 pandemic. Domestic violence can happen to anyone regardless of race, age, religion, gender, and background. Through this study, it was found that domestic violence cases during the COVID-19 pandemic season were the highest cases ever recorded by the Royal Malaysian Police (Luqman Arif, 2021).

According to Bahrin (2019) during MCO, the movement of victims of domestic violence was quite limited making it difficult for them to make a report and the number of cases increased sharply. Victims who were forced to be confined together with the abuser had caused the risk of abuse or violence against the victim to be higher. This was because, the abuser experienced boredom or had a higher chance to commit violence against the victim

without being noticed by the people around them. According to the Women's Aid Organization (WAO) there were some confusion among the first responders when responding to cases of domestic violence during the MCO. The first responders, such as police officers, social welfare officers and crisis hotline operators, acted as liaisons to the victims to obtain legal protection and support due to the absence of a clear Standard Operating Procedure (SOP) related to the investigation of domestic violence cases, protection order applications from the court and operating shelters throughout the MCO period.

According to Abdul Manan (2020), applications for protection orders, such as temporary protection orders and protection orders, could not be implemented as the courts were temporarily closed in order to curb the spread of the Covid-19 pandemic. At the same time, NGOs and shelters were experiencing the problem of lack of financial allocations to help victims at aid and shelter centers due to the lack of external aid resources.

2. DOMESTIC VIOLENCE FACTORS

Based on research done by Firdaus Abdul Gani (2020), there are many factors that can be linked to the issue of domestic violence. There are two influencing factors, namely, environmental and individual factors (Firdaus, 2020). Environmental factors are the circumstances in which they are raised, whether they are victims of abuse or witnesses of abuse. These people tend to be taught to disrespect women and consider women to have a low status. Meanwhile, individuals with personality disorders, drug addicts and alcoholics also have the potential to commit violence.

In 2019, statistics showed that the causes of domestic violence are hot-tempered, misunderstandings and under the influence of drugs. Based on a study, the issue of domestic violence increases during the pandemic. This is because, during the pandemic or the MCO, individual's movement is limited and restricted, therefore, abusers and victims spend a lot of time together and have a high chance of conflict. Next, social distancing also causes limited socializing and communication opportunities. This can also cause the individuals to have no place to express and release the pressure that they are experiencing. Additionally, unstable economic problems is the main factor in the occurrence of domestic violence, especially during the pandemic. In addition, a disorganized home environment can also contribute to the occurrence of anxiety when at home. In addition, the difficulty of moving and obtaining drug supplies among addicts encourages this issue to occur. As such, this issue is very worrying because during the MCO, victims cannot run away from the situation, do not get support from the people around them and have no place to complain because many services are not operating (Firdaus, 2020).

Domestic violence can also be divided into several types such as physical injury to the victim, locking or holding the victim by force, causing psychological abuse and emotional injury, and threatening the victim with the intention of scaring the victim. According to Norasikin (2002), there are three dominant types of domestic violence, namely physical, psychological, and sexual abuse. The study found that physical injuries are the highest reported type of domestic violence. Domestic violence which involves physical violence can occur in the forms of pinching, hitting, and biting. Next is sexual violence such as forcing to have intimate relations by beating, psychological violence which is creating fear in the victim and keeping the victim away from the people in the surrounding. Emotional violence is criticizing or humiliating the victim in front of the family or children (Hanani Arief & Rohani Rahim, 2015).

3. DOMESTIC VIOLENCE STATISTICS AND DOMESTIC VIOLENCE ACT 1994 [ACT 521]

Based on statistics released by the Royal Malaysian Police on the issue of domestic violence, in 2020, a total of 5,260 cases were recorded while in 2021, within eight months, 4,905 cases were reported. According to the Minister of Women, Family and Community Development, Datuk Seri Rina Harun, a total of 9,015 cases were recorded during the MCO

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period. According to her, a total of 2,285 cases of domestic violence were reported through the 'Talian Nur' (a careline which offers assistance and services to domestic violence victims) from March to December last year (Hasimi Muhamad, 2023).

In Malaysia, the Domestic Violence Act 1994 [Act 521] was introduced to protect the victims of domestic violence. In this act, Section 2 defines the acts of domestic violence as follows:

- a. Intentionally or unintentionally putting the victim in a state of fear and physical injury.
- b. Causing physical injury to the victim with inappropriate actions and resulting in physical injury to the victim.
- c. Confining or detaining the victim without consent.
- d. Committing psychological abuse that can hurt the victim's emotions.
- e. Threatening the victim with the intention of scaring the victim.

These domestic violence acts also apply to acts of domestic violence committed against victims by perpetrators as listed in the definition section:

- a. Wife or husband
- b. Ex-wife or husband
- c. Children
- d. Adults are not capable; or any other family member

If domestic violence occurs, individuals who are victims or witnesses to domestic violence and those who know about the incident should report to the authorities such as making a police report immediately. This is because the police can investigate and take further action. The police will contact and help the victims of abuse to contact the Social Welfare Officer for assistance and further action.

Victims also have protection rights as provided under the Domestic Violence Act such as emergency protection orders under Section 3A, interim protection orders under Section 4, and protection orders under Section 5. Emergency protection orders under section 3A order to: prevent the perpetrator from committing domestic violence, prevent the perpetrator from inciting third parties to commit domestic violence against the victim and prevent the perpetrator from entering the shelter where the victim is placed.

Next, an interim protection order under section 4 provides a protection order that is in effect throughout the period of police investigation on the victim. A protection order includes giving exclusive rights to a place of residence or residence for the purpose of protection, giving the victim the right to enter the premises where the suspected perpetrator is to take the victim's belongings, preventing the suspected perpetrator from contacting the victim, preventing the suspected perpetrator from using the victim's vehicle or any order that suits and feels appropriate. Finally, the protection order under section 5 is an application by the victim/victim's lawyer/Social Welfare Officer to obtain an interim protection order with validity and a time limit set by the appropriate court for the purpose of protecting the victim.

Furthermore, apart from the application for protection under Section 10 of this Act, the victim is also entitled to claim other rights such as compensation for emotional or physical pain and suffering, treatment costs, loss of income due to domestic violence issues, reasonable costs incurred by the victim as a result of the protection order (Fahmi, 2021).

4. CAUSES OF DOMESTIC VIOLENCE **ENVIRONMENTAL SPACE CONSTRAINTS**

During the Covid-19 pandemic period, environmental space constraints have been cited as one of the causes of domestic violence cases. This can easily happen to those who live in small unit houses such as apartments. This has caused limited movement of individuals in the house, especially those with a large number of households. This situation indirectly creates stress because there is no privacy living in the house.

Privacy related to family life can be a dangerous place for women and children because the division of labour creates inequality in the home and family (Rauhaus et al., 2020). A home environment that does not allow or is cramped during MCO results in uncomfortable feeling at home (Maza et al., 2020). Although domestic violence can happen to anyone, those who live in cramped conditions and unloved families can cause discomfort (Ismail & Sulaiman, 2020). Those who stay at home for a long time during the MCO will feel a little tense with each other, especially those who have a small house where parents will do their own thing while the children tend to make noise and fight when being stuck indoors all day long.

4.2 DEPENDENCE ON A PARTNER

As reported in the New Straits Times newspaper during the MCO, there were also cases of couples who were unable to go out to earn a living due to job loss and had to stay at home, causing them to become too dependent on the abusers in terms of finances and protection (Arumugam, 2020). A crisis like this affects victims who face financial and psychological pressures and this contributes to the increase in cases of domestic violence. The loss of income among women also makes them more vulnerable to threats by their more powerful spouses. This is because the abuser may control their every action because they are stuck at home all day making it difficult to ask for help. Women who were unable to work during the MCO may also become financially dependent on their abusive partners. This is supported by the study of Arthur and Clark (2009) who found that economic dependence is the cause of domestic violence. Women become dependent on men for economic stability and this situation gives more power and control to men in the household (Rauhaus et al., 2020).

Mittal and Singh (2020) stated that during the curfew, more women who were in informal jobs were laid off and this has caused them to experience a greater impact when they have to depend on the economy of their male partners. This economic dependence not only increases the risk of gender-based violence but also makes it difficult for them to leave the abuser where during the curfew, the individual woman is close to the male partner, has no freedom to go out, lack of financial resources, loss of social contact and is locked up with the abuser 24 hours and 7 days a week. All these have caused an increase in domestic violence (Mittal & Singh, 2020).

4.3 INFLUENCE OF DRUGS AND ALCOHOL

The effects of drugs and alcohol have also been identified as contributing factors in cases of domestic violence during the MCO. According to Isaacs et al. (2019), evidence shows that drug users are more likely to practice KRT. In addition, myMetro newspaper reported that during the MCO, only a few were beaten not because of lingering issues such as drinking together, but when they were drunk and out of control. This is because everyone was out of control (Nawawi, 2020). Likewise, Abbey et al. (2014) and Leonard and Quigley (2017) stated that, the influence of drugs and alcohol is often associated with domestic violence abusers. During the curfew, Vora et al. (2020) stated that the abuser may act violently against the partner to satisfy the need for alcohol consumption, or may drink in front of family members at home because the liquor store is closed. Both situations make domestic violence worse.

4.4 INTERNAL CONFLICT OF THE INDIVIDUAL

BERNAMA news agency reported a tragic case during the MCO involving a 40-year-old woman who was severely beaten by her husband. After the victim reported the incident to the police, the unemployed husband promised to reconcile with his wife and resolve the matter

amicably. However, when he returned home, the husband stabbed his wife and father before hanging himself (Baharin, 2020). In addition, myMetro newspaper also reported incidents of domestic violence stemming from various reasons such as disputes between husband and wife, disagreements over trivial matters, child custody disputes, and most of them involve issues of domestic violence (Nawawi, 2020). Conflicts that had existed long before the pandemic and continued during the MCO will have a more severe impact on families involved in domestic violence.

4.5 LACK OF A STRONG SOCIAL SUPPORT SYSTEM

Limited social support has been a factor that leads to the occurrence of domestic violence during the MCO. In addition to the symptoms of drug and alcohol abuse, the lack of a social support system is a factor in domestic violence. As a result, many women become victims of domestic violence at home. BERNAMA news source reported that during the MCO, the lack of public transport services caused victims to be unable to use transportations and they were unable to leave their homes to report to the police (Baharin, 2020). Restrictions on the operation of the public transport system and the closure of offices indirectly prevent victims from getting any help. Victims who are at home with their abusers have the potential to create higher levels of conflict. According to Bradbury-Jones and Isham (2020), curfews imposed in response to the COVID-19 pandemic have given great freedom to abusers by blocking phone, internet, and other personal contact with victims. The victims are easier to control.

5. RECOMMENDATIONS TO SOLVE THE PROBLEM OF DOMESTIC VIOLENCE

The issue of domestic violence can be classified as a criminal offense that is dealt with through legislative provisions under the Domestic Violence Act 1994 [Act 521] under the Ministry to protect the rights and safety of domestic violence victims whether women, men, the elderly, the disabled or children. As the department that is responsible for providing services, the Social Welfare Department plays an important role in helping victims of domestic violence. The various roles of Social Welfare Department have allowed them to take important initiatives to gather information, provide guidance and raise awareness about domestic violence cases that occur during the pandemic (Kumar, 2020).

Among the initiatives and actions related to the enforcement carried out by the Social Welfare Department are to coordinate issues, initiatives and implementation actions related to domestic violence between government agencies and non-governmental organizations. These initiatives and actions are carried out through the Domestic Violence Committee in dealing with domestic violence cases to ensure the effectiveness of the work and the handling of the cases, especially during the implementation of the MCO and National Recovery Plan. The Social Welfare Department can play a role by referring to other related agencies such as National Population and Family Development Board, *zakat* agency, Local Authorities, and State Islamic Religious Department to ask for any help. The Social Welfare Department can also seek the cooperation of the Royal Malaysian Police to facilitate the movement of victims during roadblocks to make a report or complaint.

In addition, the Social Welfare Department can also provide safe places and shelters that can be accessed by victims of domestic violence. In order to apply for protection in a safe place, the Social Welfare Department needs to check the status of the case in the Index Book & Register Book of Domestic Violence Cases. Then, the Departments needs to contact the officer who is responsible in taking care of the safe place and inform the victims by proposing an admission to seek temporary protection. Next, prepare a letter of authorization for temporary protection in a safe place signed by the Social Welfare Officer. After that, the Department needs to prepare or arrange transport and accompany the victim to the safe place. Next, supervise the condition of the victims after they are placed at the safe place. Finally, the Departments needs to take follow-up actions based on the feedback received from the victims.

Next, issuing an emergency protection order - Emergency Protection Order (EPO) by the Social Welfare Department to the victims of domestic violence to prevent perpetrators from continuing to commit physical violence or threats of harm. The Social Welfare Department must organize or arrange transport for the victims to the hospital for examination and treatment as soon as possible. Meanwhile, for cases with serious lifethreatening injuries, the victims must be taken to any nearby medical treatment centre as soon as possible. Authorities must accompany the victims to their residence or previous residence to collect their belongings.

Further, the issuance of an Interim Protection Order (IPO) and a Protection Order (PO) by the court. Authorities should assist the victims of domestic violence to file an application for IPO in court. On behalf of the victims, an application for a Protection Order (PO) under Section 5 of Act 521 can be implemented by a Community Welfare Officer by helping the victims to go to the court to obtain the Order by bringing along a letter from the Social Welfare Department to apply for a PO to the Magistrate. In addition, the restriction conditions need to be done in the PO. Authorities should explain to the victims about the right to seek protection against domestic violence.

Social Welfare Officers play numerous roles in domestic violence cases. The first is to refer child victims to the Protector under the Child Act 2001 for cases of children in need of protection. Additionally, Social Welfare Officers need to seek financial assistance if the victims need money. Next, data on cases of domestic violence must be recorded for the purpose of conducting studies by stakeholders in the future. Then, they need to ensure that counselling services are provided to the victims who have mental problems by completing the Social Welfare Department service application form. Not only that, the Social Welfare Department also provides advice and guidance to those in need. Further, the Social Welfare Officers are expected to help the victims prepare the necessary documents to file an application for an IPO in accordance with Section 14 of Act 521 by filling in the Complaint Filing Form and ensure that the conditions of restriction as required in the IPO are in existence. Therefore, the authority should ensure that the victims get an IPO from the court and a copy for filing purposes. Finally, the court's decision must be recorded in the file and Case Register Book.

It is hoped that this integrated implementation action can help reduce the issue of domestic violence and ensure the safety of the victims. In addition, it can also indirectly improve the services offered to the victims and prompt actions can be taken by government agencies.

CONCLUSION

From the explanation above, the impact of the MCO on domestic violence is great. The role of the Social Welfare Department in dealing with the issue of domestic violence during the Covid-19 pandemic is important so that this problem can be overcome from the root. The community also needs to be concerned about the surrounding situation in order to help the victims to get out of the oppression that they are facing. Domestic violence is a major issue that can affect the mental health of victims and their children and can also affect their future. If this continues it can affect the future of the country which will be led by the next generation.

The Department of Social Welfare can also provide counselling services that can provide free advice and guidance to the victims. In addition, the Department needs to provide a safe place or shelter for victims so that they are not harmed or threatened by the perpetrators. Shelters also need to have good security such as being monitored by security guards. The Department of Social Welfare should also monitor the victims' movements so that the perpetrators can no longer disturb the victims. In relation to that, the Department also needs to look after and monitor the victims so that they can work and lead a normal life.



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