

A Socio-Legal Study on Issues and Factors of Child Labour in Malaysia

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ABSTRACT

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This research paper critically examines the multifaceted issue of child labour, shedding light on its complexities, evaluating existing legal frameworks, and proposing comprehensive solutions. Focusing primarily on Malaysia, the study navigates through international standards, notably the United Nations Convention on the Rights of the Child 1989 (CRC), which unequivocally prohibits economic exploitation and hazardous work for children, emphasizing their holistic development and protection. The analysis encompasses a thorough review of Malaysia's legislative landscape, including key statutes such as the Children and Young Persons (Employment) Act 1966, Sabah Labour Ordinance (Cap 67), and Sarawak Labour Ordinance (Cap 76). This research highlights the gaps in Malaysian laws, particularly the absence of explicit guidelines on work allowed to be done by children. Furthermore, the research situates child labour within the broader human rights discourse, drawing on international instruments like the International Covenant on Economic, Social, and Cultural Rights (ICESCR) and the 1989 United Nations Convention on the Rights of the Child (CRC). The findings underscore the urgent need for holistic solutions that extend beyond legal reforms, such as refining definitions within existing legislation, aligning Malaysian laws with international standards, enhancing enforcement mechanisms, and incorporating explicit provisions on employer responsibilities. The paper advocates for a nuanced understanding of child labour's interconnectedness with broader rights, emphasizing the importance of a comprehensive approach to eradicating this pervasive

issue, which calls for collective action to create a world where every child is afforded the right to a childhood free from exploitation, ensuring their well-being, dignity, and the realization of their full potential.

Contribution/Originality: This paper contributes to existing literature by discussing the extent and impact of child labour in Malaysia, identifying gaps in the Children and Young Persons (Employment) Act 1966, Sabah and Sarawak Labour Ordinances, and advocate for stronger enforcement and alignment with international standards to enhance legal protections and eradicate child labour in Malaysia.

1. Introduction

Children are the cornerstone of a country's future, embodying hope, potential, and progress. The well-being and development of children are paramount, not only for their individual growth but also for the prosperity and sustainability of a nation. Ensuring children's rights is a fundamental aspect that resonates across various domains, from health and education to social welfare and protection. Children's rights are a moral imperative and a legal obligation enshrined in international conventions like the UN Convention on the Rights of the Child 1989. Thus, upholding children's rights is crucial for fostering a society that values equity, justice, and inclusivity. By prioritizing children's rights, countries can create environments that nurture their physical, emotional, and cognitive development, laying a solid foundation for a thriving future generation (Millah & Pujiyono, 2020; Wyness, 2016).

Child labour is defined by the International Labour Organization (ILO) as work that is mentally, physically, socially, or morally harmful to children, interfering with their schooling and development (Nayak & Manning, 2021). Research has shown that child labour can impede educational attainment, depriving children of time for study, play, and rest (Nepal & Nepal, 2012). Additionally, the relationship between child labour and household wealth is complex, with some studies indicating that greater land wealth can lead to higher child labour rates, challenging the idea that child labour is solely driven by poverty (Basu et al., 2010). The Global Estimates of Child Labour 2017 by the ILO has estimated that there are 218 million child labourers with an age range between 5 and 17 years old, indicating a significant number of children employed as workers (ILO, 2017). Though Malaysia has lacked data specifying children involved in labour, UNICEF's global estimate in 2020 that there were approximately 24 million children forced to work in East Asia and Southeast Asia 2020 (Hartarto, 2023).

The consequences of child labour go beyond economic concerns, affecting children's physical and psychological well-being. Child labour not only violates children's rights but also exposes them to harmful activities, endangering their health and safety (Kechagia, 2021). Moreover, the prevalence of child labour can perpetuate a cycle of low human capital development, high fertility rates, and limited economic growth in the early stages of development (Hazan & Berdugo, 2002). Addressing the issue of child labour necessitates that the regulator develops a comprehensive approach that considers social, economic, and legal contexts. Policies to eradicate child labour must tackle underlying factors such as poverty, lack of access to education, and market imperfections (Fors, 2010). By understanding the complexities of child labour and its implications, stakeholders can develop targeted interventions to protect children's rights, promote their education, and pave the way for a brighter future.

Despite ongoing efforts to combat child labour, it continues to exist in various forms, impacting children's rights and opportunities for growth, child labour remains a significant challenge that requires collective efforts to safeguard children's well-being and rights. By addressing the root causes of child labour, promoting access to education, and enforcing protective measures, societies can strive to eliminate this harmful practice and ensure a better future for all children. This paper aims to critically examine the multifaceted issue of child labour in Malaysia, evaluating existing legal frameworks and proposing comprehensive solutions. The study aims to shed light on the complexities of child labour, review Malaysia's legislative landscape, identify gaps in the current laws, and situate the issue within the broader human rights discourse. By aligning Malaysian laws with international standards and enhancing enforcement mechanisms, the paper advocates for a holistic approach to eradicate child labour, ensuring every child's right to a childhood free from exploitation and promoting their well-being and development.

2. Literature Review

The definition of a child is a crucial aspect that is intertwined with various legal, social, and protective considerations. The legal framework in Malaysia plays a significant role in defining a child and safeguarding their rights. The Child Act 2001 and the Age of Majority Act 1971 define a child as a person below the age of eighteen years old. Similarly, the Sexual Offences Against Children Act 2017, which is the law that provides for certain sexual offenses against children and their punishment, and the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007, the law enacted to prevent and combat trafficking in persons and smuggling of migrants, provides for the same definition. This definition is in line with the definition of children provided under Article 1 of the Convention on the Rights of the Child 1989 (CRC).

In the context of employment, the definition of a child varies. While the Employment Act 1955 does not contain the definitional provision of a child, the Children and Young Persons (Employment) Act 1966 is to be referred. In this legislation, a child is categorized into two classes, namely, (a) child - persons below the age of fifteen years old, and (b) young persons - persons between the ages of fifteen and eighteen years old. Meanwhile, the Sabah Labour Ordinance 1950 (Cap. 67) defines a child as someone who is below fifteen years old and a young person as someone who 'who has ceased to be a child but has not attained the age of eighteen years'. A similar provision can be seen in the Sarawak Labour Ordinance 1958 (Cap 76).

The issue of children in employment is interconnected with broader concerns, such as human trafficking and the right to nationality, making it crucial to establish clarity and consistency in defining the concept of a child across all laws (Yusoff et al., 2019; Ko, 2024). Furthermore, cultural views influence the process of child parenting and protection, as indicated by Malaysian teachers' demand for better awareness of child sexual abuse issues (Choo et al., 2012; Nik Mahmod et.al., 2016). Though the welfare of children in Malaysia is a primary concern, with efforts undertaken to ensure education for all Malaysian citizens' children aged 6 to 12 (Saleh et al., 2023), the marginalized groups, such as stateless children face educational problems due to the inaccessibility to educational system in Malaysia (Farzana et al. 2020).

According to UNICEF (n.d.a), child labour emerges in the face of financial hardships or uncertainties within families, whether it be driven by poverty, the sudden illness of a

caregiver, the loss of a primary wage earner's job, or traditionally ingrained in the family and society. The strain of engaging in physical labour significantly influences the psychological development of young individuals, leading to potential enduring psychological harm. In a research survey involving 454 employed children across four states in Malaysia, it was discovered that more than 50 percent of the respondents of working children experienced emotional abuse, poor treatment from employers, and sexual abuse (Nik Mahmood et al., 2016). The consequences of this unfortunate reality are profound and far-reaching. Child labour can lead to severe physical and emotional harm, and tragically, it can even result in loss of life. It opens the door to situations resembling slavery and exposes children to the risks of sexual and economic exploitation (UNICEF, n.d.a). In nearly every circumstance, it also denies children their basic rights, cutting them off from access to education and healthcare.

Child labour is a significant global issue involving the employment of underage children. ILO defines the term child labour as work that is mentally, physically, socially, or morally precarious and harmful to children or work that interferes with their education by depriving them of the opportunity to attend school, or obliging them to leave school prematurely, or requiring them to attempt to combine school attendance with excessively long and heavy work (ILO, n.d.a). The ILO also addresses this through the International Programme on the Elimination of Child Labour (IPEC) where it defines child labour as the regular employment of children, often due to socio-economic reasons, leading to social and educational disadvantages (ILO, n.d.b).

Malaysia adheres to international conventions to combat child labour, such as the Convention on the Rights of the Child (CRC) and ILO Convention No. 182 concerning the Worst Forms of Child Labour. CRC specifically addresses child labour, emphasizing the child's right to be protected from economic exploitation. Article 13 of the Convention specify the worst form of child labour comprises on slavery, sale and trafficking of children, debt bondage, force or compulsory labour and recruitment of children for the use of armed conflict, child prostitution or pornography, production or trafficking of drugs involving children and any other work which is by nature, or the circumstances is likely to harm the health, safety or morals of the children. In addition, The Minimum Age Convention, 1973 (No. 138) by the ILO establishes the minimum age for admission to employment or work, which is a minimum age of 15 years old for light work and the minimum age for hazardous work at 18 years old.

Hence, tackling child labour in Malaysia requires a comprehensive approach involving both domestic and international legal frameworks. Collaborative efforts are essential for sustainable solutions that prioritize all children's rights, education, and well-being. The Ministry of Economy adopted the 2030 Agenda for Sustainable Development at the United States General Assembly in New York in 2015. The Sustainable Development Goal (SDG) represents a comprehensive and universal framework consisting of 17 goals, 169 targets, and over 200 indicators. UN member states are encouraged to incorporate these goals into their political agendas and policies for the period spanning from 2016 to 2030. Addressing five key dimensions—People, Planet, Prosperity, Peace, and Partnership—the SDGs aim to inspire concerted efforts and initiatives in crucial areas to benefit humanity and the planet over the next fifteen years.

3. Methodology

The research methodology employed in this study is designed as a descriptive and exploratory investigation with a qualitative, active, and doctrinal approach, aimed at instigating reform in addressing child labour issues in Malaysia. The data collection methods include observation to gather on-the-ground insights, and archival research involving online searches through databases like Westlaw, Google Scholar, and library catalogues to retrieve full-text articles, journals, legal documents, and reports dating back to 1966. Legal statutes such as the Act of Majority Act 1971, the Child Act 2001, and the Children and Young Persons (Employment) Act 1966 are scrutinised for loopholes contributing to the persistence of child labour. The research focuses on Malaysia's legislative framework on child labour and the international law perspectives, ensuring a comprehensive analysis of the subject. This research also delved into the socio-economic factors that contribute to child labour in Malaysia and ways to overcome it in order to ensure that the best interest of the child is protected and guaranteed, with the ultimate goal of proposing effective legal reforms and contributing substantially to the eradication of child labour in Malaysia.

4. Discussion

4.1. The Socio-Economic Factors and Effect of Child Labour

Despite legal protections, challenges such as child labour persist in Malaysia. Research has been conducted to measure child labour in specific industries like oil palm production in Sabah, Malaysia, focusing on various aspects such as children's involvement, time spent, types of activities, and opportunities for education and recreation (Wahab & Dollah, 2023). Understanding and addressing issues like child labour are essential in shaping policies and interventions to protect the rights and well-being of children in Malaysia. There are several factors that contribute to child labour in Malaysia.

4.1.1. Poverty

Poverty, particularly child poverty, remains a challenge in Malaysia. According to UNICEF (n.d.b), 5.6% of Malaysian families lived in absolute poverty prior to the COVID-19 pandemic, and the percentage rose to 8.4% for household with children. Furthermore, it should be noted that children of B40 household are 47% at high risk of becoming impoverished. The following table presents a statistical analysis of Malaysia's incidence from the 1970s to 2022. This suggests that poverty exists in every state in Malaysia. In terms of absolute poverty, Sabah leads Malaysia with 19.7%, followed by Sarawak with 10.8% as of 2022. In terms of hardcore poverty, Sabah leads with 1.2% and Sarawak with 0.4% as of the same year. In 2023, it was reported that Bumiputera community leads in the poverty line, as compared to other races (Bernama, 2024).

Figure 1 depicts the incidence of absolute poverty by ethnic group, strata and state, with Bumiputera at 7.9% in 2022, India with 5.4%, Chinese 1.9% and others at with 6.5% (Ministry of Economy, n.d). The people in the rural areas are reportedly experience poverty of 12.0% as compared to those in urban areas with 4.5%. The factor of poverty that could lead to child labour is evidenced when most children in poor households tend to be neglected by parents and receive lack of access to education, health and basic protection (Yob et. Al., 2022). Poverty is a significant factor that leads to child labour in

various countries, including Malaysia. Studies have consistently shown that poverty compels families to rely on child labour as a means to supplement household income and meet basic needs (Abdu et al., 2020; Nisa, 2021; Chaudhary & Khan, 2002). The economic hardships faced by families often force children to forego education and engage in labour-intensive activities to contribute to the family's financial stability (Munene & Ruto, 2010; Dinku, 2019).

Figure 1: Incidence of absolute poverty by ethnic group, strata and state, Malaysia, 1970-2022

	(%)								
MALAYSIA	2002	2004	2007	2009	2012	2014	2016	2019 ^[4]	2022
KUMPULAN ETNIK/ ETHNIC GROUP	5.1	5.7	3.6	3.8	1.7	0.6	0.4	5.6	6.2
Bumiputera									
Cina/ Chinese	7.3	8.3	5.3	5.3	2.2	0.8	0.5	7.2	7.9
India/ Indians	1.5	0.6	0.6	0.6	0.3	0.1	0.1	1.4	1.9
Lain-lain/ Others	1.9	2.9	2.6	2.5	1.8	0.6	0.1	4.8	5.4
	14.3	6.9	10.1	6.7	1.5	0.9	1.5	13.5	6.5
STRATA									
Bandar/ Urban	2.0	2.5	1.9	1.7	1.0	0.3	0.2	3.8	4.5
Luar bandar/ Rural	11.4	11.9	7.1	8.4	3.4	1.6	1.0	12.4	12.0
NEGERI/ STATE									
Johor	1.8	2.0	1.5	1.3	0.9	0.0	0.0	3.9	4.6
Kedah	10.7	7.0	3.1	5.3	1.7	0.3	0.2	8.8	9.0
Kelantan	12.4	10.6	7.2	4.8	2.7	0.9	0.4	12.4	13.2
Melaka	2.7	1.8	1.8	0.5	0.1	0.1	0.0	3.9	4.2
Negeri Sembilan	2.2	1.4	1.3	0.7	0.5	0.4	0.2	4.3	4.4
Pahang	3.8	4.0	1.7	2.1	1.3	0.7	0.2	4.3	6.3
Pulau Pinang	1.4	0.3	1.4	1.2	0.6	0.3	0.1	1.9	2.0
Perak	7.9	4.9	3.4	3.5	1.5	0.7	0.2	7.3	7.5
Perlis	10.1	6.3	6.8	6.0	1.9	0.2	0.1	3.9	4.0
Selangor	1.1	1.0	0.7	0.7	0.4	0.2	0.0	1.2	1.5
Terengganu	10.7	15.4	6.4	4.0	1.7	0.6	0.4	6.1	6.2
Sabah	16.0	24.2	16.4	19.7	8.1	4.0	2.9	19.5	19.7
Sarawak	5.8	7.5	4.2	5.3	2.4	0.9	0.6	9.0	10.8
W.P. Kuala Lumpur ^[5]	0.5	1.5	1.5	0.7	0.8	0.1	0.0	0.2	1.4
W.P. Labuan ^[6]	n.a	2.7	4.2	4.3	1.1	1.1	0.0	3.1	2.5
W.P. Putrajaya ^[7]	n.a	n.a	0.0	0.0	0.0	0.0	0.0	0.4	0.1

Note: The data is from the ‘Time Series of Household Income, Poverty and Household Expenditure Statistics 1970-2022’ published by the Ministry of Economy (n.d.)

4.1.2. Single household income

Single parenthood can indeed be a contributing factor to child labour in Malaysia. Research has shown that single parenthood is associated with various challenges that can impact children's well-being, including their likelihood of engaging in labour activities (Pettit et al., 1997; Dunifon & Kowaleski - Jones, 2002; Copeland & Harbaugh, 2005). Single parenthood often correlates with socioeconomic disadvantage, family stress, and reduced well-being among children (Pettit et al., 1997). The stressors unique to single-parent households, such as financial strain and limited support systems, can create an environment where children may be more vulnerable to engaging in labour to help support the family (Copeland & Harbaugh, 2005).

Studies have indicated that single parenthood can lead to lower household income, which, in turn, can affect children's educational outcomes and increase the risk of child labour (Park, 2008; Doi et al., 2022). The economic risks associated with single parenthood, coupled with potential parenting stressors, may create conditions where children are more likely to enter the labour force at a young age (Copeland & Harbaugh, 2005). Additionally, single parenthood has been linked to reduced well-being among

children, which may influence their engagement in labour activities as a means of coping with challenging circumstances (Dunifon & Kowaleski - Jones, 2002). This may be contributed by the high number of divorce cases in Malaysia as specify in Figure 2 (Ministry of Women, Family and Community Development, 2022).

Figure 2: Statistics on Marital Status between 2020-2021

Negeri State	Taraf Perkahwinan/ Marital Status		
	Balu Widowed	Bercerai/ Berpisah Tetap Divorced/permanently separated	JUMLAH Total
Selangor	71,874	53,403	125,277
Perak	89,730	21,048	110,778
Johor	81,367	28,730	110,097
Sarawak	61,970	24,234	86,204
Sabah	52,024	21,565	73,589
Kedah	59,893	13,262	73,155
Kelantan	58,148	12,884	71,032
Pulau Pinang	42,981	15,884	58,865
Pahang	38,424	10,625	49,049
Wp Kuala Lumpur	30,487	16,864	47,351
Terengganu	36,140	7,331	43,471
Negeri Sembilan	30,965	9,105	40,070
Melaka	25,910	7,049	32,959
Pertlis	11,280	2,514	13,794
Wp Labuan	1,709	982	2,691
Wp Putrajaya	1,047	1,306	2,353
Malaysia	693,949	246,786	940,735

Note: The data is from the Statistic on Women, Family and Community 2020-2021, by the Ministry of Women, Family and Community Development (2022)

Figure 2 show a high number of divorce and single parenthood cases in every states of Malaysia, with the highest in Selangor (125,277), followed by Perak (110,778) and Johor (110,097). The impact of single parenthood on children's material deprivation and educational aspirations has been studied in various contexts, highlighting the potential negative consequences of single parenthood on children's overall development (Pérez-Corral & Mínguez, 2022; Park, 2007). The combination of economic challenges reduced parental support, and potential stressors unique to single-parent households can create conditions where children may be at a higher risk of engaging in labour activities to support themselves or their families (Copeland & Harbaugh, 2005).

4.1.3. Dropping out of school

Children dropping out of school can indeed lead to an increased likelihood of engaging in child labour. Research has highlighted the interconnectedness between dropping out of school and the prevalence of child labour, particularly in low- and middle-income countries (Putnick & Bornstein, 2015; Kitambazi & Lyamuya, 2022). Studies have shown that children who drop out of school are more vulnerable to entering the labour force, often as a means to contribute to household income or support themselves (Rahmani & Groot, 2023; Abdu et al., 2020; Xayavong & Pholphirul, 2018).

The impact of child labour on education is profound, with fatigue, constrained enrollment, inability to recall learned experiences, and disrupted school attendance being major effects observed among children engaged in labour activities (Abdu et al., 2020). Furthermore, dropping out of school is often associated with engaging in long hours of work, which further increases the likelihood of children transitioning into child labour (Xayavong & Pholphirul, 2018). Household shocks, such as illness, death, or asset loss, have also been identified as factors that significantly increase the probability of children dropping out of school (Glick et al., 2016; Emerson & Llewellyn, 2020).

Moreover, the decision to drop out of school and engage in child labour can be influenced by various factors, including parental education levels, household shocks, and economic considerations (Ananga, 2013; Wani et al., 2018; Khan, 2008). While some children may drop out of school due to the need to work and contribute to household income, others may do so because of dissatisfaction with the quality of education provided (Mukherjee & Das, 2008). The consequences of dropping out of school can be far-reaching, affecting children's educational achievement, physical and mental well-being, and their long-term potential as adults (Glick et al., 2011). Therefore, the relationship between children dropping out of school and engaging in child labour is complex and multifaceted. Addressing the root causes of school dropout, such as poverty, household shocks, and inadequate educational opportunities, is crucial in preventing children from entering the labour force prematurely. By promoting access to quality education, providing social support, and implementing policies that protect children's right to education, societies can work towards reducing the incidence of child labour and ensuring the well-being of children.

5. Legal Framework on Child Labour in Malaysia

Malaysia's commitment to upholding children's rights, as enshrined in the United Nations Convention on the Rights of the Child 1989 (CRC), is a significant step towards safeguarding the well-being of its young population. Article 32 of the CRC specifically emphasizes the imperative to shield children from economic exploitation and hazardous work, ensuring their holistic development and protection across various dimensions. Additionally, the CRC delineates four overarching areas of children's rights: survival, development, protection, and participation, encompassing aspects ranging from adequate living standards to the freedom to express opinions and participate in decisions affecting their lives. While Malaysia has ratified the UNCRC, it is essential to recognize that effective implementation rests on the government's shoulders. The government bears the responsibility to guarantee children's rights in alignment with the convention, with only limited exceptions permitted by existing policies and statutes.

Children and Young Persons (Employment) Act 1966, an essential legal framework for protecting the rights and well-being of children and young people in employment is Malaysia's Children and Young Persons (Employment) Act 1966. The laws, which were passed in order to impose age limitations, specify acceptable working hours, environments, and jobs that are appropriate for young people. Section 1A of the Act defines a child as any person who has not completed his fifteenth year of age, while a young person is defined as a person not being a child, who has not completed his eighteenth year of age. Section 2 further specifies that a child or young person shall not be permitted to be engaged in hazardous work other than those specified in the provision. Section 2 (6) defines hazardous work as work that has been classified as

hazardous work based on the risk assessment conducted by a competent authority on safety and health determined by the Minister. In addition to this, Article 3 (d) of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour 1999, provides hazardous work as work which, by 'its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.' This may include work a wide range of sectors, such as in agriculture, mining, construction, manufacturing, as well as in hotels, bars, restaurants, markets, and domestic service.

Following this, section 2 of the Act specifies that a child may be engaged in the following types of employment, namely (a) employment involving light work suitable to his capacity in any undertaking carried on by his family; (b) employment in any public entertainment; (c) employment requiring him to perform work approved or sponsored by the Federal Government or the Government of any State and carried on in any school, training institution or training vessel; and (d) employment as an apprentice under a written apprenticeship contract approved by the Director General with whom a copy of such contract has been filed. For young persons, they are allowed to be engaged in any employment allowed for a child as mentioned, with additional type of work, namely (a) any employment suitable to his ; (b) employment as a domestic servant; (c) employment in any office, shop (including hotels, bars, restaurants and stalls), godown, factory, workshop, store, boarding house, theatre, cinema, club or association; (d) employment in an industrial undertaking suitable to his capacity; and (e) employment on any vessel under the personal charge of his parent or guardian. However, for employment in hotels, bars, restaurants, boarding houses, or clubs, female young persons are not allowed to be engaged in those places unless such establishments are under the management or control of her parent or guardian, and if it is not, the engagement such be with the approval of the Director General.

For the hours of work, a child or young person shall not be permitted to work for seven consecutive days or more than six days. And if the child or young person is attending school, his or her work hours shall not exceed seven hours [section 5 (1)(b)] or eight hours [section 6 (1)(c)]. However, for a child or young person involved in public entertainment, his or her employment shall not be restricted with the working hours specified under the provisions (for example; child, section 5 (1)(a)- restriction to work between 8 o'clock in the evening and 7 o'clock in the morning; young person, section 6 (1)(d) - restriction to work between 8 o'clock in the evening and 6 o'clock in the morning). Despite the loose working hours for child in public entertainment, child entertainers are exposed to physical harm, psychological issues, and sexual abuse because of their working conditions and environment. Additionally, they may be exposed to unhealthy activities like smoking, dating, or even drug abuse due to constant pressure, fatigue, depression and which may likely suggest that working in public entertainment may become hazardous to the children, especially when the interest of the child is not being considered by the entertainment industry and managers ([Ab. Kadir et al., 2021](#); [Musa et.al., 2018](#)).

In Sabah, the Sabah Labour Ordinance (Cap 67) is a legislative framework in the Malaysian state of Sabah that governs various aspects of labour and employment. Enacted to regulate employment conditions, the ordinance addresses matter such as wages, working hours, leave entitlements, and the rights of both employers and employees. It outlines the legal requirements for employment contracts, emphasising fair and just practices in the employer-employee relationship. The ordinance also likely

covers issues related to occupational safety and health, providing guidelines to ensure a secure working environment for employees. Given that labour laws are subject to amendments, the Sabah Labour Ordinance is periodically reviewed and updated to align with evolving labour standards and societal needs, reflecting the commitment to fostering a balanced and equitable labour landscape in Sabah. Sabah Labour Ordinance is unlike the Children and Young Person (Employment) Act 1966, where Sabah Labour Ordinance is a labour act for both adults and children, hence the employment of children and young person is provided in a chapter under the heading of special provision in the Sabah Labour Ordinance., which are similar with Children and Young Person (Employment) Act 1966. This position is similar with Sarawak, under the Sarawak Labour Ordinance (Cap 76) that provides is a legislative framework in the state of Sarawak, that governs both adult and child employment providing guidelines on aspects like wages, working hours, prohibition, offences, rights of the employers and employees and leave entitlements.

However, one noticeable difference between the Children and Young Persons (Employment) Act 1966 and the Sabah and Sarawak Labour Ordinance is the absence of the work hazardous work in the provisions allowing for child labor. Thus, aligning the Sabah Labour Ordinance and Sarawak Labour Ordinance with the Act and international standards, such as those set by the International Labour Organization (ILO), is crucial for ensuring the legislation reflects globally accepted principles for safeguarding children and young persons in the workforce. Therefore, there is a need to incorporate specific prohibitions against children and young person's engaging in work that involves exposure to biological and chemical hazards, construction activities, or other potentially dangerous tasks is paramount.

While Malaysia has made significant strides in economic development, instances of child labour persist, revealing potential loopholes in the legal apparatus designed to safeguard children's rights. The current legal framework, consisting of various statutes and regulations, needs a critical assessment to identify gaps that may inadvertently permit the exploitation of children. Factors such as inconsistent enforcement, inadequate penalties, and challenges in monitoring supply chains contribute to the persistence of child labour in certain sectors. The understanding and addressing these loopholes is crucial for ensuring that the legal framework in Malaysia aligns with international human rights standards, effectively protecting the rights and well-being of children and fostering a comprehensive strategy to eradicate child labour.

6. Government of Malaysia's Initiative to Prevent Child Labour

In addressing child labour, the Malaysian Department of Social Welfare, or *Jabatan Kebajikan Masyarakat* (JKM), takes proactive measures, including conducting raids to identify and rescue children engaged in exploitative labour. These raids are typically carried out in collaboration with law enforcement agencies and other relevant stakeholders. The inclusion of raids in their strategies demonstrates a commitment to enforcing existing laws and regulations related to child labour.

During these raids, authorities, including social welfare officers and law enforcement personnel, visit workplaces suspected of employing underage children. The primary objective is to identify instances of child labour, ensure the immediate removal of children from hazardous or inappropriate working conditions, and initiate rehabilitation and support services for the rescued children.

Raids are a critical component of the department's efforts to combat child labour as they allow for the direct intervention and protection of children at risk. Following the rescue operations, the department works on providing the necessary assistance, such as counselling, education, and rehabilitation services, to reintegrate the rescued children into a more conducive and protective environment.

Moreover, raids contribute to sending a strong message about the illegality and consequences of employing children, acting as a deterrent for employers engaging in exploitative labour practices. Through these coordinated actions, the JKM aims to create a safer and more secure environment for children, safeguarding their rights and promoting their overall well-being. In 2023, the JKM has handled more than 5,000 cases of abuse and neglect involving children, such as in cases of 1,240 cases of physical abuse, 1,603 cases of sexual abuse, 73 cases of emotional abuse, 1,530 neglect cases, 156 cases of abandonment or parentless children, and 614 cases of various factors (Harun, 2023). The Ministry also emphasized the need to strengthen the authority involving workers who deal with child protection, such as mandatory screening for childcare workers and daycare operators to ensure their capability in effectively managing children

In addition, the Human Rights Commission of Malaysia (SUHAKAM) has urged the government to amend the Children and Young Persons (Employment) Act 1966 (Act 350) to safeguard children from exploitation and abuse when necessary employment is involved (Bernama, 2020). Additionally, SUHAKAM also urge the government to provide continued financial assistance to underprivileged families to mitigate the risk of child labour.

7. Conclusion

The prevalence of child labour, exacerbated by economic hardships, highlights the urgent need for clear and consistent legal definitions and protections across all sectors. Research indicates that child labour in Malaysia often leads to severe physical, emotional, and psychological harm, depriving children of their basic rights to education and healthcare. Malaysia's commitment to upholding children's rights, as articulated in the CRC, represents a significant advancement in safeguarding the well-being of its young population. The CRC emphasizes protecting children from economic exploitation and hazardous work, ensuring their holistic development across various dimensions. Despite Malaysia's ratification of the CRC, the effective implementation of these rights largely depends on the government's ability to enforce relevant policies and statutes.

The Children and Young Persons (Employment) Act 1966 is a crucial legal framework that aims to protect the rights and well-being of children and young persons in employment. It sets out age restrictions, permissible working hours, environments, and job types suitable for young individuals. However, the Act permits certain types of employment for children and young persons under specified conditions, with limitations on hazardous work as defined by risk assessments and safety standards. In Sabah and Sarawak, the respective Labour Ordinances provide the legislative frameworks governing employment conditions for both adults and children in the respective states. These ordinances address various aspects such as wages, working hours, and occupational safety, but they lack specific provisions against hazardous work for children and young persons. Aligning these ordinances with international standards and

the Children and Young Persons (Employment) Act 1966 is essential to ensure comprehensive protection for children in the workforce.

The persistence of child labour in Malaysia highlights potential gaps in the legal framework, including inconsistent enforcement, inadequate penalties, and difficulties in monitoring supply chains. Addressing these issues is critical to effectively protecting children's rights and eradicating child labour. Enhancing the regulation of hazardous work, particularly in sectors like agriculture, mining, and entertainment, is paramount. Incorporating explicit prohibitions against children and young person's engaging in dangerous tasks and aligning machinery regulations with the Factories and Machinery Act 1967 can further strengthen legal protections.

In conclusion, while Malaysia has made significant strides in protecting children's rights, addressing child labour requires a comprehensive approach. This includes robust legal frameworks, effective enforcement, and alignment with international standards. Collaborative efforts among stakeholders are vital to ensure that all children's rights, education, and well-being are prioritized, creating a safe and nurturing environment for their development.

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Conflict of Interest

The authors reported no conflicts of interest for this work and declare that there is no potential conflict of interest with respect to the research, authorship, or publication of this article.

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