



ISSN Print: 2541-5298
ISSN Online: 2541-6464

SRIWIJAYA

Law Review

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Website: <http://journal.fh.unsri.ac.id/index.php/sriwijayalawreview>

Addressing School Bullying in Malaysia: Doctrinal Gaps, Legal Accountability, and Reform Imperatives

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Article	Abstract
Keywords: Bullying; Injury; Malaysian School System; Psychological Effects; Torture.	Education plays a central role in Malaysia's aspiration to attain developed nation status, with schools functioning not only as institutions of learning but also as environments responsible for students' physical, emotional, and psychological safety. In recent years, bullying has emerged as a serious and growing concern within Malaysian schools, reflecting a global trend. National statistics show an increase in reported bullying cases between 2021 and 2023, underscoring the urgency of effective legal and institutional responses. While not all incidents result in physical harm or death, bullying often causes significant psychological trauma, adversely affecting students' mental health, academic performance, and long-term well-being. Perpetrators, in turn, may face disciplinary and legal consequences. From a legal standpoint, school bullying in Malaysia is addressed indirectly through a fragmented framework comprising criminal law, tort principles, child protection legislation, and internal school disciplinary mechanisms. This lack of a dedicated legal framework has created uncertainty regarding the respective duties and liabilities of schools, teachers, parents, and students, resulting in inconsistent enforcement and remedies. This article employs qualitative legal research methods, drawing on library research and content analysis of statutes, reported cases, academic literature, and parliamentary debates. It evaluates the effectiveness of the existing legal approach and doctrinally synthesises relevant pre-2025 case law. The study also adopts a comparative perspective by examining legal approaches in the United Kingdom, India, and Singapore. The findings reveal significant legal gaps and inconsistencies that undermine victim protection and effective intervention. Accordingly, the article advocates a more holistic and coherent legal framework to address school bullying within Malaysia's education system.
Article History Received: Jan 16, 2025; Reviewed: Jul 25, 2025; Accepted: Jan 22, 2026; Published: Jan 31, 2026.	
DOI: 10.28946/slrev.v10i1.4604	

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INTRODUCTION

Parents are often excited when their children reach school age, as it marks the next stage in their development. Additionally, they hope that their children's school experiences will be

memorable, offering opportunities to make friends and participate in various activities. Unfortunately, not all children will have the opportunity to experience school positively, as some become victims of bullying. It is painful to acknowledge that bullying occurs in schools, places meant to promote noble values through structured learning and various activities. Bullying can also occur anywhere, including in classes or online. For example, according to the United Nations Educational, Scientific and Cultural Organisation (UNESCO), through a report titled School Violence and Bullying: Global Status Report, globally, 1 in every 3 students experienced bullying. It was also reported that 30.3 % of school children in Asia experience being bullied.¹ In Singapore, for instance, based on responses from the Ministry of Education, there were approximately 2 incidents per 1,000 primary students and 5 incidents per 1,000 secondary students in the past 5 years.² Meanwhile, in Thailand, Sokantat highlighted that the statistics of bullying among students are ranked second in the world, with around 600,000 students reported being bullied.³ In Malaysia, the Student Discipline System data showed that a total of 5,319 bullying cases were recorded.

Generally, bullying can occur in various forms, from verbal to physical contact. Incidents involving schoolchildren are frequently reported in the news. However, what is visible to the public represents only the tip of the iceberg. Many cases go unreported, leaving victims to suffer in silence. Often, authorities only become aware of bullying when a victim is seriously injured. In fortunate cases, the victim may be rescued in time, but many instances show that intervention comes too late. Tragically, a life may be lost, and the perpetrators face legal consequences. Ironically, there were also cases where the victim retaliated when he could not cope with the continuing bullying. Almost 20 years ago, a boy was charged with the offence of murdering his tuition teacher's daughter. He was found guilty of committing the offence. The punishment for the offence is a mandatory death sentence. However, since he was a child (12 years and 9 months) at the time of the commission of the offence, the High Court in Kuala Lumpur invoked the provisions of section 97 of the Child Act 2001 (Act 2001) for him to be detained in prison at the pleasure of His Majesty Yang di-Pertuan Agong. The circumstances of this case are deeply tragic. On the fateful day, the child offender went to the victim's house, who was the daughter of his tuition teacher. The child offender had been under the tutelage of the victim's mother since he was 7 years old. The victim had repeatedly called the child offender "fatty" and "stupid." Although this was not the first time, on that day, the child offender could no longer tolerate it and attacked her with a kitchen knife, causing her death. Thus, bullying impacted both the victims and the perpetrators.

Thus, this study aims to examine the nature and legal consequences of school bullying in Malaysia by analysing the case law. It seeks to evaluate the effectiveness of the legal framework in addressing this issue, identify gaps and limitations in the legislation, and, lastly, advocate for the development of a holistic legal framework to tackle it.

¹ UNICEF, "Behind the Numbers: Ending School Violence and Bullying," *New York: UNICEF*, 2019, <https://www.unicef.org/media/66496/file/Behind-the-Numbers.pdf>.

² Singapore Ministry of Education, "Bullying Cases in Schools," *Ministry of Education, Singapore, September 12, 2022*, n.d., <https://www.moe.gov.sg/news/parliamentary-replies/20220912-bullying-cases-in-schools>.

³ Natthapon Sokantat et Al, "Thai Culture: The Foundation of School Bullying," *International Journal of Criminal Justice Science* 16, no. 2 (2021): 369–84.

RESEARCH METHODS

This study utilises a qualitative doctrinal legal research methodology to analyse laws and government policies regarding school bullying in Malaysia. A systematic library research approach emphasising statutes, policies, and court cases, alongside secondary sources, is adopted for data collection. For in-depth analysis, five decided cases were chosen, including the most recent case decided by the Malaysian apex court, i.e., the case of *Ahmad Ikhwan bin Ahmad Fauzi v Mohd Fahimi bin Endut (father and next of kin to Ahmad Safwan Hanim bin Mohd Fahimi) & Ors, and another appeal*.⁴ These cases were chosen for their relevance to incidents of bullying in schools and for their importance in clarifying the legal duties, liability, and accountability of the parties involved. The data were analysed using these comprehensive methods, which involved a close examination of statutory provisions, judicial reasoning, and policy documents to identify recurring legal themes, principles, and gaps. These methods assisted in evaluating the adequacy of the legal framework for addressing school bullying and in understanding the judicial approach to these cases. The ability to link the legal rules and judicial decisions with the research objectives highlights the severity and widespread impact of school bullying on the victims. Therefore, there is an urgent need for a more holistic and comprehensive legal framework to be adopted, involving all stakeholders, such as policymakers, teachers, parents, and communities, in the effort to create a safe and supportive environment for students within the schools.

ANALYSIS AND DISCUSSION

This study analyses various aspects of school bullying, including its definition, the legal framework on the issue in Malaysia, the adequacy and effectiveness of the law, the judicial interpretation of the law through decided cases, victim protection, aggressor accountability, and the need for a more holistic legal framework. The discussion is based on two important theoretical frameworks: child rights and the principle of the best interests of the child, reflected in Articles 5 and 8 of the Federal Constitution of Malaysia and supported by the Child Act 2001. These principles, as well as judicial interpretation in child-related cases, serve as a general benchmark for the legal response to school bullying, particularly in terms of prevention, protection, accountability, and rehabilitation. The judicial interpretations of relevant cases offer a deeper understanding of factual context, legal nuances, and factors that the courts deemed important in their judgments. However, it is important to note that the reported cases are limited, largely due to several factors. Bullying cases are heard in the subordinate courts, and law reports primarily feature cases from higher courts. Aside from that, not all victims choose to pursue legal action, and some schools may resolve these matters internally as disciplinary issues, expelling perpetrators or allowing victims to transfer out of the school. The following discussion will focus more on these variables and provide a comparative perspective on how school bullying is addressed in the United Kingdom, India, and Singapore.

Definition of Bullying

When dealing with bullying in school, it is important to understand what bullying is and how it affects students. According to Dan Olweus, bullying is “A student is being bullied or

⁴ “No Title,” *MLJ* 3 (2024): 192.

victimised when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more other students".⁵ Dan also highlighted that one important element of bullying is an imbalance of strength between the two parties involved in the fighting or quarrelling. If they are of equal strength, then it does not fall under the definition of bullying. According to Peter K Smith and Sonia Sharp, bullying is a systematic abuse of power in which it will be associated with strength or size or ability, a force of personality, sheer numbers or recognised hierarchy.⁶ At the same time, it also involves aggressive behaviour or intentional harm and repetitive acts.⁷ The New South Wales Department of Education in Australia defines bullying as an "ongoing and deliberate misuse of power in relationships through repeated verbal, physical or social behaviour that intends to cause physical, social, or psychological harm".⁸ Bullying can involve only one aggressor or a group of them, and the victim can either be only one student or a group of students. However, bullying in school normally involves only one student.⁹ Bullying can take on various forms such as physical assault, teasing, making threats, name-calling and also cyberbullying.¹⁰ The Malaysian Ministry of Education has also classified the act of ostracising, nonverbal (such as the act of sticking out the tongue, to stare fiercely at others), and extortion (such as demanding items forcefully, hiding the victim's belongings) as types of bullying, besides other types such as physical and verbal, as discussed by many other researchers and authors.¹¹ Based on the above discussion, several common elements emerge when discussing bullying: an intention to cause harm, whether physical or emotional, a power imbalance, and repetition. At the same time, although there is no legal definition of bullying, the actions described in the definitions above can fall under various legal categories, potentially leading to legal repercussions.

Effect of Bullying in School

Bullying, ranging from physical to cyberbullying and affecting individuals mentally, can have severe consequences, whether it is active or passive. Previous research shows that victims of bullying in school develop psychological issues such as depression, anxiety, agoraphobia,

⁵ Dan Olweus, "Bullying at School: Basic Facts and Effects of a School-Based Intervention Program," *Journal of Child Psychology and Psychiatry* 35 (1994): 1171–1190.

⁶ Eds Peter K. Smith and Sonia Sharp, "School Bullying: Insights and Perspectives," *New York: Routledge*, 1994 2 (n.d.).

⁷ Olweus, "Bullying at School: Basic Facts and Effects of a School-Based Intervention Program." Vikneswaran Sabramani et al., "Bullying and Its Associated Individual, Peer, Family, and School Factors: Evidence from Malaysian National Secondary School Students," *International Journal of Environmental Research and Public Health* 18, no. 13 (2021): 7208, <https://doi.org/10.3390/ijerph18137208> and also General Purpose Standing Committee No. 2, *Inquiry into Bullying of Children and Young People: Report*, Report No. 31 (Sydney, N.S.W.: The Committee, 2009)

⁸ - NSW Department of Education. (2025). Understanding bullying. <https://education.nsw.gov.au/schooling/schooling-initiatives/anti-bullying/educators/understanding-bullying>

⁹ Dan Olweus, "Bullying at School," *In Aggressive Behaviour*, Ed. L. Rowell Huesmann, *The Plenum Series in Social/Clinical Psychology*, 1994, 101–21, https://doi.org/10.1007/978-1-4757-9116-7_5.

¹⁰ UK Government, "Bullying at School: Bullying - A Definition," 2024, <https://www.gov.uk/bullying-at-school/bullying-a-definition>.

¹¹ Bahagian Pengurusan Sekolah Harian, "Kementerian Pendidikan Malaysia, Panduan Pengurusan Menangani Buli Di Sekolah," *Translated Title: Guidelines for Managing Bullying in Schools*, 2014.

panic disorders and low self-esteem.¹² Furthermore, there have been cases of bullying that led to fatalities, highlighting the severe consequences and underscoring the need for effective measures to prevent such outcomes.¹³ However, research conducted by Copeland shows that the long-term impact of childhood bullying extends well into adulthood.¹⁴ There is a causal link between being bullied during childhood or adolescence and the later development of mental health conditions, such as depression, anxiety, and suicidal tendencies. This situation requires comprehensive strategies to address and reduce bullying, ensuring the safety and well-being of all students.

Bullying in the Malaysian School – An Overview

A recent study conducted by Vikneswaran Sabramani is eye-opening, as it revealed that 79.1% of the respondents had experienced bullying in some capacity, either as bullies, victims, or bully victims.¹⁵ However, the research recorded that the percentage of victims of bullying was 16.3%. This study also found that verbal bullying was identified as the most prevalent type, affecting 50.9% of respondents, followed by physical bullying at 33.6%, relational bullying at 10.6%, and cyberbullying at 4.9%. Various factors contribute to the issue of bullying in schools. According to data from the Malaysian Ministry of Education, the number of bullying cases has increased significantly over the past 3 years. In 2021, there were 326 reported incidents. However, this figure rose to 3,887 in 2022, indicating a notable increase. The trend has continued in 2023, with a surge in reported cases. As of October 2023, there were 4,994 incidents.¹⁶ As bullying continues to escalate, it is evident that immediate and sustained efforts are necessary to tackle this issue. This escalating trend raises concerns about bullying in schools and emphasises the need for effective intervention and prevention strategies. The data indicate an urgent need for collaboration among educational authorities, schools, and communities to develop comprehensive strategies to address bullying. Ensuring student safety and a supportive school environment is vital, as it protects students, enhances their learning, and promotes healthy relationships. A comprehensive approach reduces the risk of bullying and creates a community where all students can reach their full potential.

The case of a Form Two student from a boarding school in Selangor who decided to escape from his boarding school at 3 a.m. due to bullying issues illustrates the desperation of

¹² Maria M. Ttofi et Al, “Do the Victims of School Bullies Tend to Become Depressed Later in Life? A Systematic Review and Meta-Analysis of Longitudinal Studies,” *Journal of Aggression, Conflict and Peace Research* 3, no. 1 (2011): 63–73, <https://doi.org/https://psycnet.apa.org/doi/10.1108/17596591111132873>.

¹³ Juwan Riduan, “Pelajar Kolej Vokasional Maut Dibelasah Dalam Asrama (Vocational College Student Dies After Being Beaten in the Dormitory),” *Berita Harian*, 2024.

¹⁴ William E. Copeland, Dieter Wolke, Adrian Angold, and E. Jane Costello, “Adult Psychiatric Outcomes of Bullying and Being Bullied by Peers in Childhood and Adolescence,” *JAMA Psychiatry* 70, no. 4 (2013): 419–26, <https://doi.org/10.1001/jamapsychiatry.2013.504>.

¹⁵ Vikneswaran Sabramani et Al., “Bullying and Its Associated Individual, Peer, Family, and School Factors: Evidence from Malaysian National Secondary School Students,” *International Journal of Environmental Research and Public Health* 18, no. 13 (2021): 7208, <https://doi.org/10.3390/ijerph18137208>.

¹⁶ Latifah Ariffin, “Kes Buli Di Sekolah Meningkat - Timbalan Menteri Pendidikan,” *HMetro*, 2023, <https://www.hmetro.com.my/mutakhir/2023/11/1025806/kes-buli-di-sekolah-meningkat-timbalan-menteri-pendidikan>.

the victim to save himself.¹⁷ A similar instance was reported in 2019, where a Form Three student ran away from home after refusing to return to his boarding school due to bullying.¹⁸ Furthermore, there have been cases of bullying that have led to the death of a Form Five student at a technical school way back in 1988, where the seniors assaulted him. Another case involving a Form One student from a religious school in Seremban ended with the victim dying, and the perpetrators were detained in prison at the pleasure of the Yang di-Pertuan Besar of Negeri Sembilan. In early 2024, it was reported that a Form Four student at a school in Sabah was found dead on the floor of a vocational college dormitory in Lahad Datu, Sabah. There were signs of injuries and bruises on several parts of the victim's body.¹⁹ Thirteen students from the same school were charged with murder under section 302 of the Penal Code and read together with section 34 of the Penal Code. All of them pleaded not guilty to the charge.²⁰ These incidents underscore the serious consequences of bullying and the urgent need for effective prevention measures. If left unaddressed, bullying can harm students' mental health, academic performance, and overall well-being. Therefore, schools must implement comprehensive programmes and create an environment where bullying is not tolerated, ensuring that all students feel safe and supported.

Selected Decided Cases Related to School Bullying in Malaysia

In Malaysia, the most recent case that was reported is the case of *Ahmad Ikhwan bin Ahmad Fauzi (mendakwa melalui bapa dan sahabat wakilnya Ahmad Fauzi bin Abdullah) lwn Ahmad Safwan Hanim bin Mohd Fahimi dan lain-lain*.²¹ This case has reached the Federal Court, where several issues have been raised for the court to decide. In this case, the victim, who is a form two student, was injured in the right ear, face, and body because of the bullying incident. The first to fifth defendants were charged at the magistrate's court under section 323 of the Penal Code and read together with section 34 of the same Code. They had pleaded guilty to the charge and were sentenced to a two-year good behaviour bond. Because of the attack and bullying, the plaintiff reported suffering from severe injuries, shock, emotional stress, trauma, and a significant loss of concentration. This fear ultimately forced the plaintiff to transfer to a different school to continue his studies. Ironically, the incident occurred in the dormitory room of the head prefect and the assistant head prefect. Meanwhile, in the case of *Rajim bin Jaafar & Anor v Irdawadi Salawadi, Ketua Warden (Head of Warden, Sekolah Menengah Kebangsaan Agama Kota Kinabalu) & Ors*,²² the victim in this case was a student aged 13 years old. As a result of the two bullying incidents, the minor sustained soft tissue injuries and was diagnosed with an acute stress reaction. During both bullying incidents, the

¹⁷ Hafidzul Hilmi Mohd Noor, "14-Year-Old Reported Missing Found; Ran Away from Boarding School to Escape Bullies," *New Straits Times*, 2023, <https://www.nst.com.my/news/nation/2023/12/988277/14-year-old-reported-missing-found-ran-away-boarding-school-escape>.

¹⁸ Iwan Shu-Aswad Shuaib, "Mangsa Buli Lari Dari Rumah Balas Duka Ibu Bapa Dengan Keputusan 7A - 'Teringat Betapa Bimbangnya Mereka Masa Saya Lari Dulu,'" *MStar*, 2019.

¹⁹ New Straits Times, "Vocational," 2024, <https://www.nst.com.my/news/crime-courts/2024/03/1029223/vocational>.

²⁰ Bernama, "Lahad Datu Student Murder: 13 Teenagers Pleaded Not Guilty," 2023, <https://www.bernama.com/en/news.php?id=2328643>.

²¹ "No Title," *MLJ 7* (2021): 1.

²² "No Title," *MLJ 7* (2023): 336.

minor was assaulted, kicked, and punched by the students named by the plaintiffs in their Statement of Claim. The victim later moved to another school. However, in the case of *Public Prosecutor v Muhammad Rohimie bin Ab Llah Zawawi*²³ the accused was acquitted and discharged by the court for the offence of culpable homicide not amounting to murder under section 304(b) of the Penal Code. Though the child offender was acquitted and discharged, the fact remains that a young life has been lost, and it affirms the fact that there was an existence of extreme forms of ragging and bullying by seniors in authority at the Royal Military College (RMC).

In the case of *PP lwn. Pesalah Kanak-Kanak 1 & Satu Lagi (PP v Child Offender 1 & Another)*,²⁴ a child aged 6 years old who was attending a tahfiz school in Pahang has died due to blunt force trauma to the torso caused by two child offenders in the dorm. Based on the autopsy, it was revealed that there were injuries on the chest and abdomen consistent with blunt force trauma, along with internal bleeding, ribcage fractures, and organ damage. Injuries were also found on the face, head, neck, and both upper and lower limbs, all consistent with blunt force trauma. Based on the facts of the case, the court was of the view that the prosecution failed to prove an offence under section 302 of the Penal Code, i.e., murder, but the evidence presented successfully established an offence under section 304(b) of the Penal Code. Both child offenders pleaded guilty to the amended charge under section 304(b) of the Penal Code.

In the case of *Mohd Haikal bin Mohd Khatib Saddaly & Ors v Public Prosecutor*,²⁵ eight school-going children were charged with the offence of murder of their fellow schoolmate. After a full trial, the learned High Court Judge found all eight appellants guilty as per the charge and ordered them to be detained in prison during the pleasure of the Yang di-Pertuan Besar of Negeri Sembilan pursuant to section 97(2)(b) of the Child Act 2001. Based on the facts of the case, the reason for the incident was very trivial, i.e., due to a kettle belonging to the victim, who the seniors later assaulted. According to the court, "The merciless attack on the victim by the eight (8) appellants, practically killed the victim on the spot. The victim did not even retaliate. He was outnumbered, and he had no chance at all". The child offenders in this case were detained in prison at the pleasure of the Yang di-Pertuan Besar of Negeri Sembilan pursuant to section 97(2)(b) of the Child Act 2001.

Based on the above cases, we can conclude that the acts of bullying were intended to harm the victims. In all cases above, the intention is to cause physical harm. The harm can be inflicted in a single act or through the repetition of acts, by a perpetrator or by a few perpetrators acting collectively. All the above cases involved a few perpetrators working together towards the common goal of harming the victim. Working as a team validates the anger and justification of harming the victims. Aside from that, the harms inflicted were serious and sometimes resulted in death due to the combination of their collective actions. A single perpetrator may not be able to inflict the same degree of harm as a group of perpetrators. For the victims in the above cases, the victims in 2 cases suffered injuries

²³ "No Title," *MLJ* 8 (2015): 682.

²⁴ "No Title," *CLJ* 4 (2023): 969.

²⁵ "No Title," *MLJU*, 2009, 263.

beyond physical harm, including significant emotional effects. Unfortunately, the victims in the rest of the cases lost their lives.

All the cases occurred at boarding schools, where the students are housed together. The senior students expected a certain respect from their juniors. The same applies to those who hold positions within the school system. Respect is shown by obeying their instructions or requests. This creates a power imbalance between the victim and the aggressors. Power imbalance is measured by physical strength, popularity, and academic ability.²⁶ For example, in the case of *Ahmad Ikhwan bin Ahmad Fauzi*, the incident occurred in the Head Prefect and Deputy Head Prefect's room, with both present. The victims will be asked not to report the incident, or else they will be subjected to more abuse. A similar situation can be seen in the case of *Muhammad Rohimie bin Ab Llah Zawawi*, where the victim and his friends were subjected to various forms of abuse by their seniors in the Royal Military College, including the last incident. Meanwhile, in the case of *Pesalah Kanak-Kanak 1 & Satu Lagi (PP v Child Offender 1 & Another)*, the victim was 6 years old, and both child offenders were 13 years old at the time of the incident. They were all students of a tahfiz²⁷ school in Pahang.

The Legal Framework

The legal framework concerning school bullying can be divided into two stages. The first stage requires the school administration to address bullying cases in accordance with directives issued by the Ministry of Education. The second stage involves the criminal justice system when the case is reported to the police.

Administrative

Administratively, the Ministry of Education Malaysia is responsible for managing bullying cases in schools. The Ministry prioritises addressing and resolving bullying incidents within the school environment. To effectively tackle these issues, comprehensive guidelines have been developed. These guidelines are detailed in the document Implementation of the Guideline for Managing Bullying Misconduct in Educational Institutions under the Ministry of Education Malaysia 1.1 (Pelaksanaan Garis Panduan Pengurusan Salah Laku Buli di Institusi Pendidikan bawah Kementerian Pendidikan Malaysia 1.1) (SPI KPM Bil. 12 Year 2023). This document provides schools with a structured approach to handling bullying, ensuring a clear, consistent method for addressing and managing these issues in educational settings.

This guideline is issued to achieve the following objectives: Firstly, it provides guidance and reference for managing bullying misconduct in educational institutions. Secondly, it offers a detailed explanation of the definitions, types, factors, and implications of bullying misconduct in these institutions.²⁸ Thirdly, it describes the roles and functions of committees

²⁶ Helen J Nelson Et.al, "Preadolescent Children's Perception of Power Imbalance in Bullying: A Thematic Analysis," *PLoS* 14, no. 3 (2019), <https://doi.org/https://doi.org/10.1371/journal.pone.0211124>.

²⁷ "An Islamic School or Madrasa Primarily Focused on Qur'an Memorization," n.d.

²⁸ "Article 1.3 Circular of the Ministry of Education Malaysia No. 12 of 2023: Implementation of the Guidelines for Managing Bullying Misconduct in Educational Institutions under the Ministry of Education Malaysia," n.d. ("Artikel 1.3 Surat Pekeliling Ikhtisas Kementerian Pendidikan Malaysia Bil. 12 Tahun 2023: Pelaksanaan Garis Panduan Pengurusan Salah Laku Buli di Institusi Pendidikan bawah Kementerian Pendidikan Malaysia"), 2023.

involved in managing bullying misconduct. Lastly, it explains the procedures for managing bullying misconduct cases, implementing disciplinary actions,²⁹ and interventions in educational institutions. This applies to government schools, government-aided schools, and vocational colleges.³⁰ This guideline defines bullying as any action taken by one or more individuals that involves the use of power or violence to intimidate, disturb, insult, or harm others. This harm can be inflicted through physical, mental, or emotional means, ultimately leading to physical injury or emotional distress for the victim.³¹

The principal at the school level is responsible for maintaining student discipline and has the power to ensure adherence to this guideline to align discipline management with legal provisions, implementing appropriate and fair disciplinary actions according to the applicable regulations, appointing teachers to investigate student discipline violations, establishing a Disciplinary Committee, and undertaking any other necessary actions to carry out their responsibilities effectively.³² The principal also must ensure that training is provided for handling investigations of bullying misconduct. In addressing bullying cases that occur in these schools, parties such as the police and the Department of Social Welfare will be involved.³³ If bullying cases involve criminal elements, they will be reported to the police for further action. If the parents or guardians of the victim choose not to file a police report regarding the bullying incident, or if they do file a report but the police investigation concludes that no criminal offence has been committed according to the relevant laws, and the principal is informed of this, then the principal will determine whether the misconduct falls under disciplinary violations. If it is determined to be a disciplinary violation, appropriate disciplinary procedures will be followed. A student who engages in bullying may face disciplinary actions as outlined in the relevant discipline regulations under the Education Act 1996.³⁴ However, this guideline also states that parents or guardians of the student (offender) who disagree with the principal's decision to impose a school suspension or expulsion may submit a written appeal to the Registrar within 3 days of notification of the disciplinary action.³⁵

Criminal Justice System

At the outset, it is important to note that previously bullying is not an offence under any statute in Malaysia, except in cases where it involves criminal offences, such as assault, causing injury, or murder, as specified in the Penal Code. The definition of bullying discussed earlier is generally broad and encompasses aspects that school administrators believe best capture what constitutes bullying. This definition is crucial for school administrators, as it enables them to intervene at an early stage, provided they are aware of the issue. Researchers also have their views on what constitutes a bully. However, from a legal standpoint, for an act

²⁹ “Article 1.3 Circular of the Ministry of Education Malaysia No. 12 of 2023: Implementation of the Guidelines for Managing Bullying Misconduct in Educational Institutions under the Ministry of Education Malaysia.”

³⁰ “Article 1.4 Circular of the Ministry of Education Malaysia No. 12 of 2023,” n.d.

³¹ “Article 2.1 Circular of the Ministry of Education Malaysia No. 12 of 2023,” n.d.

³² “Article 3.1 Circular of the Ministry of Education Malaysia No. 12 of 2023,” n.d.

³³ “Article 4.1 Circular of the Ministry of Education Malaysia No. 12 of 2023,” n.d.

³⁴ “Article 4.6 (a) Circular of the Ministry of Education Malaysia No. 12 of 2023,” n.d.

³⁵ “Article 4.7 Circular of the Ministry of Education Malaysia No. 12 of 2023.,” n.d.

to be considered an offence, it must be prohibited by a statute that specifically defines the offence, such as in the Penal Code. Although bullying is not explicitly classified as a criminal offence in any specific law, it is important to recognise that the actions commonly associated with bullying can lead to other criminal offences. For example, behaviours like physical assault, causing harm, or psychological harassment that result from bullying incidents can be considered different offences according to the Penal Code. While bullying may not be directly categorised as a crime, its consequences and associated behaviours can result in serious legal repercussions. This highlights the necessity of addressing and preventing bullying to safeguard individuals from harm and mitigate potential legal complications.

As to the child offender, so long as they are under the age of 18, the Child Act 2001 applies, i.e., in terms of court procedures and orders to be made against the child offender upon a finding of guilt by the Court for Children. Under section 91 of the Child Act 2001, various orders can be made against children, ranging from a lenient warning to the most severe, which is imprisonment. Based on the cases discussed above, the court imposed various orders depending on the nature of the offence. For example, in the case of *Ahmad Ikhwan bin Ahmad Fauzi*, the child offenders were charged under section 323, read together with section 34 of the Penal Code. All of them pleaded guilty and were ordered to a Bond of Good Behaviour for 2 years. Meanwhile, in the case of *Pesalah Kanak-Kanak 1 & Satu Lagi (PP v Child Offender 1 & Another)*, the child offenders were ordered to be sent to Henry Gurney School for a period of 3 years under section 91(1)(f) of the Child Act 2001 in connection with a case involving the death of the victim. Meanwhile in the case of *Mohd Haikal bin Mohd Khatib Saddaly & Ors*, the High Court found all the eight appellants guilty as per the charge and ordered them to be detained in a prison during the pleasure of His Royal Highness, the Yang DiPertuan Besar of Negeri Sembilan pursuant to section 97(2)(b) of the Child Act 2001 and affirmed by the Court of Appeal.

Based on the cases analysed in this article, the victims' families filed actions against the school administrators and the Government. In the case of *Ahmad Ikhwan bin Ahmad Fauzi*, the appellant sued his assailants for damages for the assault and battery and cited the school's senior assistant in charge of student affairs, the school's principal, the Director-General of Education, and the Malaysian Government. It is interesting to note that the Federal Court in this case started its judgment with a strong remark that schools, residential or otherwise, must be safe and conducive for the purpose(s) intended. Further, the Federal Court has established that both school administrators and the Government have a duty to ensure the safety, welfare, and well-being of all students while on school premises.

The case of *Rajim bin Jaafar & Anor v Irdawadi Salawadi, Ketua Warden (Head of Warden, Sekolah Menengah Kebangsaan Agama Kota Kinabalu) & Ors* is an example of school authorities taking reasonable steps to address bullying in the school. According to the court, the school authorities had discharged their duties by organising programmes related to safety and discipline, assigning and supervising wardens to be on duty every day, including the day of the incidents i.e., 17 June 2017 and 10 July 2017, to supervise all pupils at the said dormitories/school and to ensure the safety of all pupils including the minor.

Recently, Malaysia introduced the new Anti-Bullying Bill 2025, which the House of Representatives passed on 2 December 2025³⁶ and by the Senate on 16 December 2025.³⁷ The main purpose of this Bill is to establish a comprehensive legal framework to prevent, manage, and provide remedies for all forms of bullying involving individuals under the age of 18. The Bill establishes a tribunal empowered to award compensation of up to RM250,000 and rehabilitative measures, including counselling, as well as provisions imposing partial responsibility for their children's actions. The introduction of the Anti-Bullying Bill 2025 is an important and proactive step to provide comprehensive protection for children who are victims of bullying. Furthermore, amendments have also been made to the Penal Code by introducing Sections 507B to 507G, which provide for offences relating to harassment, threats, acts of bullying, insults, and the misuse of identity information, including situations that lead to attempted suicide and where the provoked person attempts suicide or commits suicide as a result of such provocation.³⁸ These amendments were gazetted on 7 March 2025. With these amendments, incidents of bullying may constitute a criminal offence, with conviction resulting in imprisonment for up to 10 years, a fine, or both.

The Legal Framework on Bullying in the United Kingdom, India, and Singapore

Since school bullying is not limited to Malaysia but a global issue, it is beneficial for Malaysia to compare the legal frameworks of the United Kingdom, India, and Singapore for dealing with this issue. India and Singapore share similar provisions for criminal offences. At the same time, the United Kingdom has established comprehensive policies and laws to address bullying, such as the Children Act 2004, the Education and Inspections Act 2006, and the Equality Act 2010, among others. This regulatory framework provides a thorough approach to ensuring student safety.

The United Kingdom

In the United Kingdom, various measures are in place to address bullying in schools. One important measure is section 175 of the Education Act 2002, which imposes a legal duty on schools and Local Authorities to safeguard and promote the welfare of children, including protecting them from bullying. To support this, the Government has issued mandatory guidance, "Keeping Children Safe in Education," under section 175 of the Education Act 2002. This guidance ensures that school children are safe and free from bullying. It is worth noting that the Education Act 2002 defines a child as anyone under the age of eighteen.³⁹ Additionally, the Education and Inspections Act 2006 is used to tackle bullying issues in schools. Section 89 of this act states that school governing bodies must have measures in place to promote good behaviour and prevent all forms of bullying among students. This section also grants headteachers the authority to discipline students for off-site bullying

³⁶ "Malaysia Passes Historic Anti-Bullying Bill 2025 to Protect Children, Set up Tribunal," *Malaymail*, n.d., <https://www.malaymail.com/news/malaysia/2025/12/03/malaysia-passes-historic-anti-bullying-bill-2025-to-protect-children-set-up-tribunal/200638>.

³⁷ "Dewan Negara Passes Landmark Anti-Bullying Bill and Two Others," n.d., <https://www.nst.com.my/news/nation/2025/12/1338680/dewan-negara-passes-landmark-anti-bullying-bill-and-two-others>.

³⁸ "Penal Code (Amendment) Act 2025 (Act A1750)," n.d.

³⁹ "Education Act 2002, s. 175(5) (U.K.)," n.d.

incidents, using the principle of reasonableness.⁴⁰ This is especially important for addressing cyberbullying, which often happens outside of school premises, facilitated by technologies like social networking services and smartphones. These technologies are typically banned at school. However, it is important to recognise that the effects of cyberbullying can significantly impact a teenager's life and school experience, so what happens off-site can directly affect their well-being at school.⁴¹ Furthermore, schools in the United Kingdom can search and confiscate students' belongings under specific circumstances.⁴² This power is crucial to ensuring that students do not bring dangerous items onto school grounds or use prohibited items to bully others. Overall, the United Kingdom has established a comprehensive framework to address bullying in schools. This framework includes legal duties, guidance, disciplinary measures, and the power to search and seize property. These measures are designed to create a safe and supportive environment for all students.

India

The Supreme Court of India in the case of *Vishwa Jagriti Mission Through President ... Petitioner v. Central Govt. Through Cabinet Secy. & Ors*⁴³ acknowledges the seriousness of the case of bullying in which some of the cases have crossed the limits of decency, morality and humanity. The states of Tamil Nadu and Maharashtra have implemented legislation to combat this problem. Tamil Nadu has enacted the Tamil Nadu Prohibition of Ragging Act, 1997, which prohibits ragging within or outside of educational institutions.⁴⁴ This legislation outlines measures to prevent ragging, support victims, and enforce penalties⁴⁵ against those involved in or facilitating ragging activities. Tamil Nadu has also implemented regulations requiring educational institutions to establish anti-ragging committees and conduct awareness programmes for students.⁴⁶ Maharashtra has introduced the Maharashtra Prohibition of Ragging Act, 1999, specifically designed to prevent ragging in educational institutions across the state. This Act provides a comprehensive definition of ragging, including any act that causes physical or mental harm to a student.⁴⁷ It covers harassment, intimidation, violence, and coercion that negatively affect student well-being. The Act explicitly prohibits ragging in all educational institutions and outlines institutions' responsibilities to prevent such activities.⁴⁸ Students engaging in ragging can face severe consequences under the law, including suspension, expulsion from college, and even imprisonment along with hefty fines.⁴⁹ The introduction of these laws demonstrates a commitment to creating safer educational environments and to addressing ragging through serious legal and institutional measures. Both Tamil Nadu and Maharashtra recognise the harmful impact of ragging on

⁴⁰ "Education and Inspections Act, 2006, s. 89(5), (U.K.)," n.d.

⁴¹ "Education Act, 2012, s. 2 (U.K.)," n.d.

⁴² "Education Act, 2012, s. 2 (U.K.)."

⁴³ "JT2001(6) SC151," n.d.

⁴⁴ "Tamil Nadu Prohibition of Ragging Act, 1997, s. 3," n.d.

⁴⁵ "Tamil Nadu Prohibition of Ragging Act, 1997, S4, 5 and 6," n.d.

⁴⁶ "Tamil Nadu Prohibition of Ragging Act, 1997, S8," n.d.

⁴⁷ "Maharashtra Prohibition of Ragging Act, 1999, s. 2," n.d.

⁴⁸ "Maharashtra Prohibition of Ragging Act, 1999, S3," n.d.

⁴⁹ "Maharashtra Prohibition of Ragging Act, 1999, S4," n.d.

students and have enacted legislation to ensure a safer, more supportive educational environment.

Singapore

Singapore does not have a specific statute for bullying. Instead, two provisions address the issue: the Penal Code and the Protection from Harassment Act 2014. Physical bullying falls under sections 340 and 321 of the Penal Code, which cover wrongful confinement and acts causing injury to the victim, respectively. Based on this, Malaysia's Penal Code aligns with specific provisions of Singapore's Penal Code. As a result, bullying can be regarded as an offence in Malaysia, particularly if the offender intentionally wrongfully confines the victim or inflicts harm during the act.

Non-physical bullying, which can have psychological effects, is addressed by the Protection from Harassment Act 2014. Section 3 of this Act states that anyone who threatens, abuses, or insults another person with the intention to cause harassment, alarm, or distress can be charged. The penalty for this offence, as outlined in section 3, can be a fine of up to \$5,000, imprisonment for up to 6 months, or both. Section 4 of the Protection from Harassment Act 2014 covers threatening, abusive, or insulting acts likely to cause a victim to feel harassed, alarmed, or distressed. A conviction under this section can result in a fine of up to \$5,000. In summary, while Singapore may not have a specific anti-bullying law, it effectively utilises existing legal frameworks to address various aspects of bullying. Cases involving physical harm are dealt with under the Penal Code, which provides legal recourse for victims who suffer physical injury because of bullying. Furthermore, the Protection from Harassment Act focuses on addressing psychological and emotional distress caused by harassment, offering protection and remedies to victims facing psychological trauma from threats, abuse, or insults. This two-pronged approach ensures that both physical and non-physical forms of bullying are covered by Singaporean law. According to the case of *Public Prosecutor v Chong Chee Boon Kenneth and other appeals*,⁵⁰ this comprehensive legal strategy highlights Singapore's commitment to combating and managing bullying in different contexts.

Bullying Under the Legal Contexts

The definition of bullying varies across legal contexts, leading to inconsistent recognition in different situations. Establishing a clear, universally accepted definition is essential for effectively addressing bullying. A precise definition allows for consistent application of legal and policy measures, enabling appropriate actions to protect victims. Without a well-defined understanding, enforcement may be inconsistent or ineffective, leaving victims without the necessary support. Thus, an accurate and legally enforceable definition of bullying allows for timely and appropriate interventions, such as school programmes or legal protections. These measures create a safer environment and ensure that all instances of bullying are handled in accordance with established legal standards.

Considering this, the Ministry of Education Malaysia has been working to create a conducive and safe teaching environment in schools. To address bullying, the Ministry has issued a Guideline for Managing Bullying Misconduct in Educational Institutions (*Garis*

⁵⁰ “[2021] SGHC 182,” n.d.

Panduan Pengurusan Salah Laku Buli di Institusi Pendidikan). This guideline serves as a reference for teachers and educational institutions, aiming to eliminate bullying incidents and create a safe, harmonious school environment. This guideline is undoubtedly beneficial, but it currently lacks the backing of more comprehensive legal processes that could enhance its effectiveness. Furthermore, the guideline also has a limited scope of application, as it does not apply to private schools. As a result, its implementation is inconsistent between private and public schools. It should also be emphasised that bullying incidents also occur in private schools.⁵¹ Thus, to effectively address student bullying, specific provisions are essential. This approach ensures that initiatives and programmes are well organised and effective in creating a safe and supportive environment in both private and public schools. Clear provisions will also help to establish a framework for schools, educators, and parents, promoting collaboration and accountability in the fight against bullying.

Impact on Students (victims)

Bullying profoundly impacts both the bully and the victim, affecting their lives in various ways. The bully derives a sense of power and control from their behaviour, feeling satisfaction when they observe the victim's fear and submission. This satisfaction is further heightened by witnessing the victim's distress and discomfort.⁵² In some extreme cases, the bully may even take pleasure in seeing the victim suffer physical injuries or face life-threatening situations.⁵³ On the other hand, the effects on bullying victims are highly damaging and complex. They often experience chronic stress, pervasive fear, and constant anxiety that impact their daily lives. This state of unease can lead to severe mental health issues, including depression, post-traumatic stress disorder, and a decline in emotional well-being.⁵⁴ The trauma caused by bullying can result in long-lasting psychological scars that hinder personal development, social relationships, and overall quality of life.⁵⁵ Additionally, victims of bullying may suffer from physical injuries and long-term disabilities, which can exacerbate their pain. These physical and psychological effects can lead to lasting consequences, significantly affecting the victim's future and creating substantial challenges. All the impacts discussed above can also be seen in the reported cases covered in this article, for example, the cases of *Ahmad Ikhwan bin Ahmad Fauzi and Rajim bin Jaafar & Anor*.

Parental Responsibilities

Parents play a crucial role in addressing bullying, whether their child is a victim or a perpetrator. It is essential for parents to actively collaborate with the school to address

⁵¹ Abnor Hamizam Abd Manap, “8 Pelajar Sekolah Agama Swasta Didakwa Cedera 3 Pelajar,” *Berita Harian*, n.d., <https://www.bharian.com.my/berita/kes/2024/11/1322500/8-pelajar-sekolah-agama-swasta-didakwa-cedera-3-pelajar>.

⁵² Ngo Yew Yung et al., “Gejala Buli Secara Fizikal Yang Semakin Berleluasa Di Sekolah (Physical Bullying Are Increasingly Prevalent in Schools),” *International Journal of Humanities, Management and Social Science* 2, no. 1 (2019): 65–75.

⁵³ Al.

⁵⁴ Mustapa Kamal, Siti Fadhlina, Siti Khadijah Mohd Nasrah, and Syed Mohamad Syed Abdullah, “Persepsi Kaunselor Terhadap Gangguan Stres Pasca Trauma (Post-Traumatic Stress Disorder) Mangsa Buli Di Malaysia: Counsellor Perception of Post-Traumatic Stress Disorder Among Bullying Victim in Malaysia,” *Sains Insani* 6, no. 1 (2021): 217–26, <https://doi.org/10.33102/sainsinsani.vol6no1.277>.

⁵⁵ *Ibid*

bullying, rather than solely relying on the school to handle it. Unfortunately, some parents quickly criticise the school and assign blame without taking responsibility for their own actions or grasping the full scope of the issue. Instead of collaborating with the school to find solutions, these parents focus on apportioning blame, which hinders efforts to address bullying. Evidence also indicates that children in boarding schools experience bullying, as their behaviour can differ significantly between home and school environments. Parents whose children are enrolled in a boarding school may not fully understand their children's personalities, as their children spend most of their time with their teachers and dormitory wardens.⁵⁶ On the other hand, parents only have limited interactions with their children during weekends and school holidays.⁵⁷ Parents need to understand this dynamic and avoid reacting with anger when disciplinary action is taken against their child. Instead, they should collaborate with school authorities to ensure that any bullying incident is properly addressed.

School Responsibilities

The school plays a critical and multifaceted role in addressing and managing bullying. The school must actively enforce these rules and ensure all students adhere to them.⁵⁸ This requires establishing a safe and supportive environment in which students are aware of the consequences of bullying and feel confident reporting incidents. The school must effectively implement the Ministry of Education's anti-bullying policies, ensuring adherence to guidelines while adapting them to meet the specific needs of the school community. This involves collaborating with teachers, counsellors, and parents to develop and implement strategies for prevention, intervention, and support for both victims and perpetrators. It is also important for school authorities to consistently educate students that bullying is a crime. If students have any problems, they should approach a teacher or warden, especially in boarding schools. Most of the reported cases discussed in this article occurred in dormitories. In the case of *Ahmad Ikhwan bin Ahmad Fauzi v Mohd Fahimi bin Endut & Ors and another appeal*,⁵⁹ the Federal Court emphasised that the presence of anti-bullying posters, provided by the Ministry of Education and displayed around the residential school, supports the view that bullying was reasonably foreseeable by the authorities. Therefore, the court concluded that those responsible for supervising the school cannot credibly argue that foreseeability was lacking. Meanwhile, another Federal Court case, *Mohamed Raihan Bin Ibrahim & Anor v. Government of Malaysia & Ors*,⁶⁰ Salleh Abas FJJ held that a schoolteacher is under a duty to supervise his pupils on the school premises.

In the case of *Government of Malaysia & Ors v Jumat bin Mahmud & Anor*⁶¹ the Federal Court highlighted that it is accepted that by reason of the special relationship of teacher and pupil, a schoolteacher owes a duty to the pupil to take reasonable care, for the safety of the

⁵⁶ Abdul Patah, F. M., & Aziz, I. H., "Pelajar 'Usia Emas' Belum Sesuai Ke Sekolah Berasrama Penuh," *Berita Harian*, n.d., <https://www.bharian.com.my/berita/nasional/2023/12/1190984/pelajar-usia-emas-belum-sesuai-ke-sekolah-berasrama-penuh>.

⁵⁷ Abdul Patah, et al.

⁵⁸ N. I. Mat Isa, "Bullying Problems Among School Students," *Journal of Humanities and Social Sciences* 9, no. 2 (2020): 22–33.

⁵⁹ "[2024] MLJU 684," n.d.

⁶⁰ "[1981] 2 MLJ 27," n.d.

⁶¹ "[1977] 2 MLJ 103," n.d.

pupil. It is also crucial to have regular training and awareness programmes for staff and students to foster a culture of respect and empathy. It is important to expand school counsellors' responsibilities to enhance students' psychological education and promote the development of positive values. Alongside their role in educating students, counsellors also have a vital role in guiding and supporting those who have experienced bullying.⁶² They are essential in providing emotional support, helping students cope with the effects of bullying, and offering strategies to foster resilience and self-esteem.⁶³ By prioritising both preventive education and direct intervention, school counsellors can create a more supportive and empathetic school environment. In summary, the school needs to be proactive in enforcing its own rules and complying with broader educational policies to comprehensively and sensitively address and resolve incidents of bullying.

Recommendation

While some may view bullying and ragging as minor issues, they can have profound and devastating consequences, including psychological trauma and even death in severe cases. The rise of cyberbullying, alongside physical bullying, highlights the need for targeted legal intervention, especially in the digital age.⁶⁴ Unlike the past, when these issues were less visible, today's digital platforms amplify the reach and impact of bullying, allowing individuals to harm others anonymously and persistently. Tragically, cyberbullying has led to the deaths of victims, underscoring the urgent need for comprehensive legal measures to address this modern form of harassment. Realising the seriousness of the problem, the authors are of the view that the better option is to include specific provisions in the existing statutes rather than introducing a new specific statute on bullying. Specific provisions would promote a proactive approach to prevention and education, fostering a culture of respect and safety online and offline. We must acknowledge that the Ministry of Education has taken various steps to address bullying. However, it is also important to recognise that incidents of bullying remain high. Facts and data indicate that serious incidents occur in dormitories, which is understandable given that they happen behind closed doors. Therefore, empowering all parties within the system is crucial. We need to send a clear message to students that bullying is an offence that will lead them to the last place they want to be as students. The police officer appointed as the School Liaison Officer (SLO) for each school plays a vital role, especially in boarding schools. Their presence and attention to related issues will help convey this message to the students. The Ministry of Education's initiative to develop more comprehensive and detailed guidelines on the appointment and responsibilities of boarding school wardens is commendable.⁶⁵ This initiative recognises the vital role wardens play in ensuring the safety

⁶² Emilia Man Et.al, "Pembangunan Modul Kaunseling Intervensi Dalam Menangani Isu Tingkahlaku Langsung Dalam Kalangan Murid Sekolah Menengah (Development of an Intervention Counselling Module in Addressing the Issue of Violent Be-Haviour Among Secondary School Students)," *Jurnal Pendidikan Bitara UPSI* 16 (2023): 24–41, [https://doi.org/https://doi.org/10.37134/bitara.vol16.sp2.3.2023](https://doi.org/10.37134/bitara.vol16.sp2.3.2023).

⁶³ Emilia Man et.al.

⁶⁴ Ahmad Shamsul Abd Aziz Et.al., "Buli Siber: Analisis Undang-Undang Di Malaysia," *International Journal of Law, Government and Communication* 7, no. 29 (2022): 276–284.

⁶⁵ Ministry of Education Malaysia, "Circular and Guidelines for the Appointment and Portfolio of Boarding School Wardens under the Ministry of Education Malaysia (KPM)," *Ministry of Education Malaysia*, n.d.,

and well-being of students in boarding schools. The guidelines will enhance the quality of care and support for students, leading to a more organised and nurturing environment. However, enforcing the established guidelines is essential to their effectiveness. Even the best-crafted guidelines require rigorous implementation and enforcement to succeed. This highlights the need to establish systems for monitoring compliance and addressing violations. Stakeholders must be held accountable, and resources should be allocated to support enforcement. Additionally, ongoing evaluation and feedback are vital to adapting the guidelines as needed, ensuring they remain relevant and effective over time.

Countries such as the United Kingdom and Singapore have acknowledged the importance of addressing bullying by incorporating it into their educational frameworks. In these nations, bullying is explicitly addressed in the Education Acts and other laws, creating a legal obligation for schools to combat bullying and support those affected. These provisions typically include preventing bullying, responding to incidents, and fostering a safe and inclusive learning environment. In contrast, some countries, such as India, have introduced standalone statutes that directly address bullying, providing targeted legal measures to address the issue in schools. Both approaches reflect the growing global recognition of bullying as a significant social issue requiring legal intervention to protect the well-being and rights of individuals, particularly students.

In the context of Malaysia, the authors believe that a combination of specific provisions on school bullying and the policies introduced by the Ministry will complement each other to eradicate school bullying. Currently, several relevant statutes, including the Education Act 1996, the Child Act 2001, the Penal Code, and the new Anti-bully Act 2025,⁶⁶ can be utilised to address issues affecting schoolchildren. The nature, objectives, and focus of the Education Act 1996 are to establish a national education system in Malaysia. It is administrative in nature. Nevertheless, the preamble inserted in 1996 is broad enough to include the obligation of the school administrator to ensure the school is free of bullying. Incorporating this obligation into the Act rather than the guideline will underscore the urgency of curbing this issue in schools. As bullying can lead to various other offences depending on the consequences of the act or omission, a specific provision on bullying would serve as a framework. Other aspects related to bullying, such as the criminal nature of the act, will be addressed by the Penal Code and the Child Act 2001, respectively. The Penal Code can be amended to include a specific provision on school bullying, involving children as the victim and the perpetrator, which causes the victim to suffer mental health issues. This new provision will help prevent bullying from escalating into a physical altercation. Another option is to include new provisions on bullying among children in the Child Act 2001. These provisions are different since the offences in the Act focus on the child being a victim, not including children as perpetrators. Nevertheless, this new approach will still be within the preamble of

<https://www.moe.gov.my/index.php/surat-edaran-dan-garis-panduan-pelantikan-dan-portfolio-warden-asrama-sekolah-berasrama-di-bawah-kpm#>.

⁶⁶ "Please Note That the Malaysian Parliament passed the Anti-Bully Act 2025 on 3 December 2025 and Subsequently Received Royal Assent from His Majesty the Yang Di-Pertuan Agong on 10 King Signs Anti-Bullying Act 2026 into Law January 2026," *Offering New Protections for Victims*, n.d., https://www.malaymail.com/news/malaysia/2026/01/10/king-signs-antibullying-act-2026-into-law-offering-new-protections-for-victims/204907#google_vignette.

the Act. As a new offence, suitable punishment can be introduced, focusing more on rehabilitation and restorative justice.

As mentioned above, there are several important aspects that the new provisions should focus on, such as:

Definition of Bully in School

Specific and comprehensive provisions on school bullying offer several advantages, including providing clear definitions and guidelines for what constitutes bullying in schools.⁶⁷ This clarity would assist law enforcement agencies in effectively identifying, prosecuting, and penalising offenders.⁶⁸ At the same time, it will assist the school administrator in taking further action in the event of an incident at the school. Based on the discussion in this article, several common elements will need to be present in the definition of bullying in school, including intention, repetition, and power imbalance⁶⁹ in the school compound, or during, or under the care and control of the school authorities, outside the school. Bullying is different from playful teasing or disagreements among peers because there is no issue of power imbalance.⁷⁰

The nature of bullying is not limited to physical conduct but includes any omission.⁷¹ At the same time, the definition must consider the victim's age and the circumstances surrounding the aggressor. Thus, given this consideration, it will be best for the specific provisions on bullying in schools to be incorporated into the relevant statutes that deal with children or schools. This will ensure that the legal framework addressing bullying is tailored to the dynamics of the educational environment, considers the specific needs of students at various ages, and integrates seamlessly with existing child protection guidelines.

Role of the School Administrators

It is important to highlight the roles and responsibilities of school authorities in addressing bullying on school grounds. The power of authority granted to school administrators should be clarified in the proposed provisions. As discussed earlier, the Malaysian apex court in the case of *Ahmad Ikhwan bin Ahmad Fauzi* clearly stated that school administrators have an obligation to ensure the safety, welfare, and well-being of all students within their premises. Thus, a more dynamic approach is required to ensure that school administrators fulfil their duties in a reasonable manner. This includes providing training to schoolteachers, enabling

⁶⁷ "Section 3(1) of the New Anti-Bully Act 2025 Provides a Relatively Clear Definition of Bullying. However, It Would Be Beneficial to Include 'Omission' as Part of the Definition of Bullying. For Example, When Someone Is Intentionally Left out of a group activity," n.d.

⁶⁸ Suraya Roslan, "Buli Siber Esha: Wanita Didenda RM100, Pemandu Lori Minta Bicara," *Harian Metro*, n.d., <https://www.hmetro.com.my/mutakhir/2024/07/1111832/buli-siber-esha-wanita-didenda-rm100-pemandu-lori-minta-bicara>.

⁶⁹ Ersilia Menesini and Christina Salmivalli, "Bullying in Schools: The State of Knowledge and Effective Interventions," *Psychology, Health & Medicine* 22, no. 1 (2017): 240–53, <https://doi.org/https://doi.org/10.1080/13548506.2017.1279740>.

⁷⁰ Gladden, R. Matthew, Alana M. Vivolo-Kantor, Merle E. Hamburger, and Corey D. Lumpkin., "Bullying Surveillance among Youths: Uniform Definitions for Public Health and Recommended Data Elements" 1 (2014), <https://stacks.cdc.gov/view/cdc/21596#tabs-2>.

⁷¹ Nur Azilah Ismail, Norliza Abdul Majid, and Parvathy Rajan Naidu, "Cyberbullying and Emotional Implications Among Secondary School Students: Buli Siber Dan Implikasi Emosi Dalam Kalangan Murid Sekolah Menengah," *Jurnal Pendidikan Bitara UPSI* 14, no. 1 (2021): 62–69, <https://doi.org/https://doi.org/10.37134/bitara.vol14.1.7.2021>.

them to not only focus on teaching but also to effectively handle bullying incidents that may occur within the school compound.

Remedies for the Victims

As discussed above, one of the key characteristics of bullying in schools is its repetitive nature. Therefore, dedicated provisions on bullying in the statute would help establish support systems and resources for victims.⁷² For example, to avoid repetitive acts by the bully, a mechanism can be developed that includes reporting.⁷³ These dedicated provisions on bullying would also ensure that students who experience bullying have access to essential support services, including counselling, peer support programmes, and legal protection.⁷⁴ By incorporating these mechanisms into the law, we reinforce our commitment to safeguarding students' well-being and create a school environment where every child is protected.

CONCLUSION

Bullying among schoolchildren is a complex issue that requires a comprehensive approach, particularly following the Federal Court's decision in the case of *Ahmad Ikhwan bin Ahmad Fauzi*. While the Ministry of Education's policies are beneficial, specific legal provisions are necessary for more effective action. Such provisions would offer a structured, consistent approach to addressing bullying in education and the workplace. This legal framework would establish clear guidelines and enforcement mechanisms, ensuring that bullying is effectively addressed in all contexts. By implementing dedicated provisions, we can take appropriate measures to prevent, identify, and respond to bullying, thereby creating a safer and more supportive environment for individuals throughout their education and professional lives. This legislative framework enables a coordinated approach, allowing school administrators, law enforcement, and community organisations to work together effectively. This organised response helps implement comprehensive strategies to address and reduce bullying in schools. This study contributed to Malaysian legal scholarship by exploring in depth the issue of school bullying through a comprehensive doctrinal analysis of case law, statutory provisions, and policies. While much of the existing discussion on this issue comes from the education or psychological perspectives, this study systematically examines judicial reasoning, legal obligations, and accountability within and outside the school system. The originality of this study lies in its detailed analysis of Malaysian cases, grounded in a child-centred legal framework. By highlighting the legal gaps, inconsistencies, and limitations of the legal framework, this study provides valuable insights for both academic understanding and practical legal issues in Malaysia.

⁷² Ercy Gracella Ajos, “Mangsa Buli Siber Bunuh Diri Bila Tiada Sokongan Sosial, Desakan Emosi—Pakar [Cyberbullying Victims May Resort to Suicide When Lacking Social Support and Facing Emotional Pressure – Expert],” *Berita Harian*, n.d., <https://www.bharian.com.my/berita/nasional/2024/07/1273886/mangsa-buli-siber-bunuh-diri-bila-tiada-sokongan-sosial-desakan>.

⁷³ Dewey Cornell and Susan P. Limber, “Law and Policy on the Concept of Bullying at School,” *The American Psychologist* 70, no. 4 (2015): 333–43, [https://doi.org/https://doi.org/10.1037/a0038558](https://doi.org/10.1037/a0038558).

⁷⁴ Mohd Razimi bin Husin et Al, “Pelajar Introvert Di Sekolah,” *Journal of Humanities and Social Sciences* 2, no. 1 (2020): 22–33, [https://doi.org/https://doi.org/10.36079/lamintang.jhass-0201.100](https://doi.org/10.36079/lamintang.jhass-0201.100).

NOTE

After the submission of this article, the Malaysian Parliament passed the Anti-bully Act 2025 in December 2025 and received Royal Assent in January 2026. As this legislative development occurred during the review process, the Act is not analysed in detail in this article.

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