Fighting Domestic Violence - Malaysia

1. Legal provisions

| Contents |
| --- |
| To generate table of contents, right-click here and select **Update Field.** |

# 1.1 What are the relevant statutes and codes?

The relevant legislation on domestic violence in Malaysia includes the following:

[Domestic Violence Act 1994](http://www.agc.gov.my/agcportal/uploads/files/Act%20521%20-%20kelulusan%20TP.pdf)

[Penal Code](http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/EN/Penal%20Code%20ACT%20574%20-%20TP%20LULUS%2021_2_2018.pdf)

[Sexual Offences Against Children Act 2017](http://www.federalgazette.agc.gov.my/outputaktap/aktaBI_20170707_WJW008739BI.pdf)

[Child Act 2001](http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/EN/Act%20611%20-%2027%202%202018.pdf)

[Married Women Act 1957](http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/EN/Act%20450.pdf)

# 1.2 What is the controlling case law?

There is no specific controlling case law for domestic violence in Malaysia. The appellate cases on domestic violence include the following:

***Mangaleswary a/p Ponnampalam v Giritharan a/l E Rajaratnam***

This is a court of appeal decision that clarifies that the court has discretion to set aside an interim protection order issued pursuant to the Domestic Violence Act 1994, notwithstanding that the police investigation has not been completed and criminal proceedings have not been instituted.[1]

***Mohamed Habibullah bin Mahmood v Faridah bte Dato Talib***

This is a Supreme Court (now known as the Federal Court of Malaysia) decision that clarifies that civil allegations of assault and battery that occurred during marriage between a Muslim couple is a matter for Islamic family law and falls within the exclusive jurisdiction of the Syariah court.[2]

# 1.3 What are the specific parts of the court system that address domestic violence?

There are no specific parts of the court system in Malaysia that address domestic violence. Generally, an action may be commenced in a magistrates' court, a session court or a high court, depending on the subject matter and the amount of claims.

# 1.4 What are potential causes of action?

The potential causes of action include tortious actions such as battery and assault. In fact, it is expressly recognized under the Married Women Act 1957 that a husband or a wife is entitled to sue each other in tort for damages in respect of injuries to his/her person and for the protection or security of his/her property.

Apart from civil actions, there are various offenses under the Penal Code that are relevant for domestic violence, which include the following:

causing hurt[3]

causing hurt in order to have sexual intercourse with wife[4]

using criminal force and/or committing assault[5]

©Copyright © 2025 Baker & McKenzie. All rights reserved. **Ownership**: This documentation and content (Content) is a proprietary resource owned exclusively by Baker McKenzie (meaning Baker & McKenzie International and its member firms). The Content is protected under international copyright conventions. Use of this Content does not of itself create a contractual relationship, nor any attorney/client relationship, between Baker McKenzie and any person. **Non-reliance and exclusion**: All Content is for informational purposes only and may not reflect the most current legal and regulatory developments. All summaries of the laws, regulations and practice are subject to change. The Content is not offered as legal or professional advice for any specific matter. It is not intended to be a substitute for reference to (and compliance with) the detailed provisions of applicable laws, rules, regulations or forms. Legal advice should always be sought before taking any action or refraining from taking any action based on any Content. Baker McKenzie and the editors and the contributing authors do not guarantee the accuracy of the Content and expressly disclaim any and all liability to any person in respect of the consequences of anything done or permitted to be done or omitted to be done wholly or partly in reliance upon the whole or any part of the Content. The Content may contain links to external websites and external websites may link to the Content. Baker McKenzie is not responsible for the content or operation of any such external sites and disclaims all liability, howsoever occurring, in respect of the content or operation of any such external websites. **Attorney Advertising**: This Content may qualify as “Attorney Advertising” requiring notice in some jurisdictions. To the extent that this Content may qualify as Attorney Advertising, PRIOR RESULTS DO NOT GUARANTEE A SIMILAR OUTCOME. **Reproduction**: Reproduction or copying of the Content on this Site without express written authorization is strictly prohibited.