

## Ensuring Child Safety in Malaysia: Addressing Gaps in Parental Voices, Law Enforcement, and Economic Constraints

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### Abstract

Childcare services remain a major concern due to the ongoing incidents of abuse and neglect. This has a significant impact on the safety and well-being of children, especially when it comes to unregistered childcare centres that continue to operate independently in Malaysia. Parents who encounter and are caught up in such situations often find that their concerns are not adequately addressed due to a lack of evidence and weaknesses in the formal complaint channels associated with unregistered childcare providers. Worryingly, gaps in law enforcement and policy also allow unregistered childcare operators to continue to operate without adequate oversight and escape their legal obligations as childcare providers. This paper will look at the inadequacies in the current monitoring system that highlight the relevance or absence of parental voice, legal and policy enforcement challenges, and economic constraints that result in limited choices for parents in the decision-making process of available childcare services. This issue is still fresh and new, requiring a proposed qualitative approach to investigate parents' experiences when choosing childcare centres in Malaysia and provide solutions to this critical issue that still exists.

**Keywords:** Child Safety, Unregistered Childcare Centres, Parental Concerns, Law Enforcement, Economic Constraints

### Introduction

In Malaysia, childcare services play a crucial role in supporting working parents by providing a safe and secure environment for their children. Parents certainly want the best for their children and place great trust in the childcare they choose to care for their children while they have to go to work. However, ensuring the safety and well-being of children in childcare is

still an important issue. This is because incidents of abuse and neglect often receive public attention, but parents' voices regarding these concerns are rarely prioritized and heard (Abdullah et al., 2023).

The rising cost of living has forced many parents to choose unregistered childcare centres because they are cheaper and more accessible. However, these unregistered childcare centres often fail to comply with the regulations and standards required as childcare centres, putting children at risk (Rashid and Zainuddin, 2022). To cope with this high cost of living, the situation forces both parents to work and leave their children in the childcare centre of their choice, where the options they can afford are limited, forcing them to choose unregistered and much cheaper childcare centres despite the risks to the safety of their children.

Child abuse and neglect in childcare centres, especially unregistered childcare centres, has become a major concern in Malaysia that cannot be taken lightly. Despite restrictions under the Children Act 2001, unregistered childcare centres are still found to operate freely and without supervision. The lack of proper care and requirements that would qualify and allow these unregistered childcare centres to operate raises questions about their eligibility as childcare centres that offer appropriate and safe services, like registered childcare centres that have undergone proper monitoring before offering their services. The situation is made worse when the welfare and well-being of children attending these unlicensed childcare centres are often involved in several issues involving abuse and neglect. Low-quality care and increases in caregiver abuse are often linked to a lack of oversight and regulation of unregistered childcare centres (Chin et al., 2021).

Furthermore, parents often express concerns about allegations of abuse or neglect in childcare centres, especially in unregistered childcare centres, which are often dismissed due to insufficient and unverified evidence. As a result, parents feel that their concerns are not being heard or defended. In other words, this shows a gap where the voice of parents is not heard when seeking advocacy for their children. Conversely, there are also some parents who register their children in unregistered childcare centres, fearing legal punishment under the Children Act 2001, which could lead to conviction. This concern clearly shows the weaknesses in the current system to protect the voice of parents in ensuring the safety and well-being of children.

Unregistered childcare centres are different from registered childcare centres, although both provide the same childcare services. This is because unregistered childcare institutions are difficult to take legal action against in the event of an incident as they do not have the same legal controls and policies as licensed childcare centres, which are closely monitored by the Department of Social Welfare (DSW). Inadequate enforcement and the lack of an effective monitoring system further compound the problem, putting parents and children at risk. As a result, the purpose of this article is to delve deeper into this topic, including issues of parental voicelessness in advocating for their children, gaps in existing legal and policy enforcement, and economic constraints that also influence and limit the choice of childcare centres that influence parents' decision-making in selecting childcare services in Malaysia. These emerging issues are also highlighted to highlight the need to take a qualitative approach to better understand the experiences and issues faced by parents, operators, and policymakers.

## **Literature Review**

### *The Absence of Parents' Voices in the Complaint System*

In this era of globalization, parents play an important role in prioritizing the safety and well-being of their children while in childcare centres. However, parents often face challenges in speaking out and seeking justice for incidents involving their children, especially when involving unregistered childcare centres. Most parents who are affected by incidents that befell their children can only express their experiences on social media platforms, where they receive little attention and stop there without any defence. The lack of effective official channels to express their bitter experiences and concerns has resulted in issues related to safety in these centres receiving less attention (Department of Social Welfare, 2018).

The lack of solid evidence, as well as the shame associated with parents placing their children in unregistered childcare, is a barrier for parents to seek redress for their children. Many complaints or reports from parents are ignored due to a lack of evidence and a belief that they are responsible for placing their children in unlicensed childcare (Pacheco-Applegate et al., 2020). According to the Department of Social Welfare (2018), unregistered childcare centres will face enforcement actions such as compounding, relocation of property, and legal action. However, to obtain this justice, parents must file a legal complaint. This is often hindered by a lack of supporting documents or potential legal implications for the parents.

Parents play a role in helping to limit the operation of illegal or unregistered childcare facilities so that abuse can also be reduced (Free Malaysia Today, 2023). However, it is difficult for parents to voice their concerns when there is no efficient complaint channel and sufficient supporting evidence. Furthermore, a total of 581 cases of child abuse occurring in childcare centres were reported between 2015 and 2017 (Ramalingam and Alavi, 2020). This points to the need for more inclusive and responsive complaints procedures to ensure that parents' concerns are taken seriously.

Due to the lack of formal complaints procedures available for parents to speak up and advocate for their children who are involved in child abuse or neglect in using unregistered childcare services, this issue clearly demonstrates that the voices of parents are not being effectively represented. This has raised several important issues, including the lack of formal channels for parents to file complaints, particularly in cases involving unregistered childcare providers. In addition, parents may not be encouraged to make reports due to the view that blames the parents themselves for sending their children to unlicensed childcare centres. In fact, when parents are not given the necessary assistance and guidance during the complaints process, they feel more isolated and powerless to speak up and protect the rights of their children. As a result, the complaints system must be strengthened to defend the voices of parents who try to defend the fate of their children while ensuring the safety and well-being of children. (Department of Social Welfare, 2018; Free Malaysia Today, 2023; Ramalingam & Alavi, 2020).

### *Challenges in Enforcing Existing Laws and Policies*

The Childcare Centres Act 1984 in Malaysia exists to ensure that all childcare facilities in the country are registered and meet the standards set by the authorities. This is to ensure that childcare facilities that provide childcare services are safe and of good quality. The Department of Social Welfare (DSW), which is supposed to be responsible for supervising and

enforcing these facilities, is currently facing difficulties due to a lack of adequate staff and resources. Enforcement has certainly been affected by this shortage, which has also allowed unlicensed childcare providers to continue without supervision (Mutalib et al., 2020).

The lack of funding and staffing in the Department of Social Welfare further complicates the implementation of the Child Care Centres Act 1984 (Mutalib et al., 2020). The Act, which emphasizes the need for child care centres to be registered under the Department of Social Welfare, is clearly not achievable. This is due to these constraints. In fact, there are also registered child care facilities that also take advantage of the opportunity to violate the rules but often escape enforcement. This clearly shows how ineffective the enforcement of laws and policies protected under this act is. Therefore, the extent to which law enforcement is able to uphold children's rights well and effectively continues to be a question.

Unlicensed childcare facilities still operate freely with inadequate supervision (Department of Social Welfare, 2022). These centres also exploited weaknesses in existing policies to evade monitoring and enforcement that further increased the risk to the safety and welfare of children. This is because if childcare centre operators operate illegally without compiling with anything, they can get away with any untoward incident that threatens the safety and well-being of children in their childcare centres. For example, if out of 4 children under their care and one dies due to abuse or neglect, the unregistered childcare centre cannot be convicted of any act that allows them to escape any charges. In addition, Ibrahim and Yusuf (2021) also highlighted that registered childcare centre operators also sometimes fail to comply with regulations due to a lack of consistent monitoring. This certainly raises concerns about the ability of the authorities to ensure that these centres operate according to the standards set as safe childcare centres.

Therefore, gaps in the childcare centre monitoring system exist due to inconsistent implementation of laws and policies as well as insufficient human resources faced by the Department of Social Welfare. As a result, it can be seen that there are more unregistered childcare facilities that continue to operate illegally, putting the safety of children at risk. In addition, unlicensed childcare centre owners are free to continue their business without fear of legal repercussions due to lax law enforcement. Therefore, it is important to improve the effectiveness of law enforcement by overcoming the lack of human and financial resources and conducting stricter supervision of childcare facilities in operation (Mutalib et al., 2020; Ibrahim & Yusuf, 2021).

#### *Economic Constraints and Limited Options for Parents*

The significant difference in service costs between registered and unregistered childcare centres makes parents prefer to send their children to unregistered childcare facilities. Registered childcare facilities charge higher fees for their services than unregistered childcare facilities. Cost-effectiveness is an important factor, as unregistered childcare centres may charge lower prices than registered ones (Lau et al., 2019). Parents, especially those with a middle income, will certainly feel burdened by the high cost of childcare services. As a result, despite the risks, parents are forced and stuck to choose a much cheaper option. According to Davidson et al. (2022), economic factors force parents to choose cheaper unregistered childcare centres despite being aware of the risks involved.

The Department of Social Welfare states that the registration fee for a registered Child Care Centre (TASKA) is RM250.00 for institutional, workplace, and community TASKA and RM50.00 for home-based TASKA (Department of Social Welfare, 2024). Financial pressure on parents increases due to these high operating costs, which often result in higher care prices. Unregistered care facilities that continue to operate illegally, on the other hand, charge lower fees because they are exempt from the set rules and guidelines. However, this option often does not guarantee the safety and calibre of service received by parents (Buletin TV3, 2021).

According to a previous UNICEF Malaysia (2020) study, the rising cost of living has put the greatest financial pressure on low-income families living in urban areas. Both parents are forced to work to support the family and survive due to the high cost of living. Most households in this group have turned to unregistered childcare centres because they cannot afford the high costs of childcare. In the meantime, there is no clear control over the fees of registered TASKA in Malaysia, making this care very different and burdensome for parents (Buletin TV3, 2021).

This circumstance clearly demonstrates the urgent need to explore more inclusive policies and financial support, such as subsidies, to ease the burden on parents and provide affordable and safe registered childcare centres for children. Tax breaks, financial incentives, and subsidies are estimated to help parents cover the cost of childcare services (International Journal of Child, Well-being and Educational Development, 2022). Adequate assistance would certainly encourage parents to make better choices for the safety and well-being of their children without feeling burdened by financial concerns or limited by financial interests.

### **Conclusion**

The issue of child safety and well-being in childcare centres, especially unregistered ones, continues to be a very complex challenge and deserves more attention so as not to continue to put children's lives at high risk. This study aims to explore critical issues surrounding the safety and well-being of children in unregistered childcare centres in Malaysia. The research identifies key that the absence of parental voice in the formal complaints system, challenges in law and policy enforcement, and economic constraints that limit parental choice were among the main issues raised and continued to be debated till today. This study shows that there are still several gaps that require continued collaboration despite efforts being made by the authorities to improve this situation. As an issue that is considered very new and needs to be explored in more depth, a qualitative research approach is needed to better understand the challenges related to these emerging issues that continue without a break. This involves the experiences and voices of parents themselves, the effectiveness of existing laws and policies, and the economic implications that limit parents' options. This study is seen to have great potential, especially to provide a comprehensive picture and more effective and inclusive solutions. It is hoped that the child protection system in Malaysia can be improved to ensure that the safety and well-being of children in childcare centres are always guaranteed and protected with continuous efforts to address these issues.

However, this study has the limitation of lacking a systematic literature review, which means that some relevant sources may not have been identified or included. Unlike systematic reviews, which use predefined keywords and structured methodologies to ensure more complete coverage. This study relies heavily on a general literature review. As a result, specific

articles or studies that could provide additional insights may not have been and are under-considered. This limitation suggests that future research could benefit from a more structured literature review process to ensure a more comprehensive exploration of the topic and further strengthen the research foundation.

This study contributes to the literature by identifying and categorizing the key challenges in monitoring childcare, what with monitoring unlicensed childcare, which has not been systematically structured before. By reviewing global research and focusing specifically on the Malaysian context, it highlights monitoring gaps in existing policies and governance. Furthermore, this study provides insights into Malaysian childcare policy, an area that is still undeveloped, and offers valuable input for future policy development. This contribution helps to establish a clearer framework for childcare monitoring that will certainly have an impact in assisting policymakers in ensuring better protection and well-being for children in Malaysia.

### **Recommendation**

Future studies could focus on validating the findings of this study through empirical investigations to confirm the presence and impact of the identified challenges, namely the absence of parental voice, law enforcement gaps, and economic constraints in the Malaysian childcare system. Additionally, in-depth qualitative research is recommended to explore the lived experiences of parents, childcare providers, and policymakers to gain a more comprehensive understanding of this issue. Besides, to strengthen the theoretical contribution, future studies should also use quantitative approaches to examine the relationship between these factors and child safety in childcare centres. This will enable the development of a more structured framework that can guide policy improvements and ensure a safer and more regulated childcare environment in Malaysia.

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