

**EDITOR, NEWS DESK**

**FOR IMMEDIATE RELEASE**

**CLARIFICATION ON STATUTORY RAPE LAWS: PROTECTING CHILDREN  
FROM EXPLOITATION**

**KUALA LUMPUR (24 September 2025)** - The Office of the Children's Commissioner (OCC), SUHAKAM wishes to provide clarification to the public regarding the legal principles of statutory rape under Section 375(g) of the Penal Code, particularly on the issue of consent and the protection of children.

This law is based on the principle that girls under the age of 16 do not have the legal capacity to give consent to any form of sexual activity. This means that even if a situation appears to be "mutual," the law still regards the girl as a victim. The rationale is that girls at this age are not yet mature physically, mentally, or emotionally, and are easily exposed to manipulation, persuasion, or exploitation by others. Therefore, the law ensures that girls who are victims are protected from double trauma and are not blamed or punished. Punishment in these cases applies only to the male perpetrator, whether he is an adult or a child under the age of 18.

For male child perpetrators, the law allows them to be charged, but subject to the special principles of juvenile justice. According to Section 91 of the Child Act 2001 [Act 611], the court has the authority to issue orders for children, including placement in approved institutions (Sekolah Tunas Bakti) or Henry Gurney Schools. This approach strikes a balance between accountability and rehabilitation, providing young offenders with a second chance. They are not punished like adult criminals, but are still held responsible and undergo rehabilitation.

The OCC emphasises that statutory rape laws are not intended to punish girl victims, but to protect them from any form of exploitation and discrimination. These laws reflect Malaysia's commitment to the best interests of the child as outlined in the Convention on the Rights of the Child (CRC) and the Child Act 2001.

The OCC calls on all parties, particularly enforcement agencies, educators, and society at large, to understand and uphold this principle. Protecting children is a collective responsibility, and every child deserves full protection from exploitation and the opportunity to grow up safely and healthily.

**-END-**

**The Office of the Children's Commissioner (OCC)  
Human Rights Commission of Malaysia (SUHAKAM)  
Date: 24 September 2025**