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# Criminal Liability Against Sexual Harasser at The Malaysian Workplace

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## ***Abstract***

This study is a legal analysis of criminal liability against sexual harasser in the Malaysian workplace. Malaysia faces this sexual harassment issue where the environments for this violence occur, like educational institutions and the public and non-public sectors. Firstly, the problems that surfaced were that the number of reported sexual harassment cases increased gradually. Secondly, there is no specific legislation in Malaysia to govern workplace sexual harassment. The victim only has a limited platform to report or take action against the harasser, namely under the Malaysian Penal Code and Employment Act 1955. Thirdly, the current complaint and redress mechanism does not spell out how exactly the perpetrators of sexual harassment will be punished under criminal law. This study examined the available criminal liability under Malaysian and Indian legislation. It determined the effectiveness of the current law to curb sexual harassment in both countries. Sexual harassment-related statutes and reported cases were highlighted and analyzed. All relevant legislation, subsidiary legislation, code of practice regulations, and guidelines have endured comprehensive scrutiny. Various organizations' findings were examined, and appropriate results were outlined. It was found that the current Malaysian legal protection on criminal liability is insufficient to curtail workplace sexual harassment as compared to the Indian legal mechanism. It has been recommended that the Malaysian government implements various types of reforms to curb sexual harassment in the workplace. Such recommendations include enacting a new all-inclusive sexual harassment bill. It is the best solution to sexual harassment and amending the Malaysian Penal Code to include new provisions that primarily deal with the offense of sexual harassment.

*Keywords: Sexual Harassment; Workplace; Legal Protection; Criminal Liability; Sexual Harasser*

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