

# A hit or losing its touch?

**DIVIDED VIEWS:** While some quarters advocate saying 'no' to physical punishment, others feel it is a form of deterrent, not abuse

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GLOBALLY, Malaysia is one of 24 countries which does not have laws in full force that prohibit corporal punishment in any setting.

The 2013 report under the Global Initiative, supported by UNICEF, UNESCO and many international and national organisations, to end corporal punishment of children also revealed that 34 nations including Austria, Denmark, Germany, Sweden and Venezuela have achieved prohibition of corporal punishment in all settings.

In Malaysia, corporal punishment or caning goes back to the earliest days of formal education. Acceptable in homes as well as schools, it was an act of punishment to discipline children so that learning can take place, particularly at the latter.

To certain quarters in society, caning is an old-school form of disciplinary measure which has lost its touch, but some believe it is still relevant as per the saying "spare the rod and spoil the child".

Of late, "to cane or not to cane children" was a hot topic among parents and teachers, following last year's case of a Malaysian husband and wife who were jailed by a Swedish court for smacking and caning their children.

It has certainly raised much attention among the public as it is tied to the culture of bringing up children well. Much thought has been voiced out as to the extent of caning allowed in Malaysia.

Under section 31 (1) of the Child Act 2001, hitting and caning is an offence, which incurs a maximum fine of RM20,000 or a jail term of up to 10 years, or both, upon conviction.



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However, the best mechanism is through an effective two-way interaction between parents and children.

"Parents need to understand their children so that through the partnership they can know their feelings," said Zulia.

She added that caning should not be the first method of educating children, for fear of a psychological impact such as low self-esteem in the future. Even so, she did not rule out that caning is a tool to educate children in their early years, as suggested in Islamic teachings.

Other panellists at the forum included legal aid organisation SukaGuan chairman Dato Khairul Anwar Rahmat and Kompleks Darul Thibban Nabawi founder Ustaz Ahmad Danuki Abd Rani.

Khairul Anwar said the use of the cane should be maintained to discipline children during their education.

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"Caning of children does not need to be discussed in the context of human rights as in some countries because what is important is that parents have to know when it is appropriate to use it.

"Do not use the cane when you are angry. The cane should only act as a tool to educate, but if it does not help, parents can no longer be constantly whipping the children until they cause injury because it is against the law and religion," he said.

Ahmad Danuki said the effective use of the cane depends on who is holding it. If he or she is an educator, then the device is used correctly, but if he or she is the abuser, then it has been misused.

During a recent Bicara Persada forum, titled *Risau: Menuntut atau Menafikan?* held at Universiti Kebangsaan Malaysia, its head of Education Department and Welfare Community, Faculty of Education, Professe Dr Zulia Mahmud, said that in the context of the family, there is nothing wrong in using the cane with a purpose to educate children in order to prevent them from making mistakes.

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"In fact, the first 12 years of a child's education are influenced by good example and the right education at home because in that age group, the child will follow the parents' behaviour.

"So, if the parents are on the right path, the children are not wont to behave badly and there will be no reason to use the cane."

Zulia suggested that the case should only be used after a phase of discussions with the child to avoid any misunderstanding.

"If necessary, parents should explain to their children the reason why they should be caned. Caning or any other punishment must be objective and meted out without discrimination."

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One of the caning cases at a school hostel last year.

when they were children but they turned out fine. But we must break the cycle. Otherwise we teach our children that violence is acceptable. So they will grow up and be ignorant, and they perpetuate the cycle with their children as well.

"Be bold enough to say 'no' to violence or any physical punishment but offer alternatives before doing so.

"The loudest voice naturally belongs to those who believe that caning is inherently part and parcel of disciplining children and for Muslims, particularly, this perceived 'right' to cane children originates from one of Prophet Muhammad's hadith — parents or guardians are to teach their children to pray and

fast at the age of 7 and to discipline them if they disobey at the age of 10."

The book, *Tarbiyatul Awwal Fil Islam* (Bringing Up Children in Islam) by Abdullah Nasih Ulwan, outlines five measures in educating and disciplining children. These measures are backed by the sunnah of the Prophet.

First, teach by being a marabbi (good example); second, teach by giving good advice and drawing

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## GOVERNMENT GUIDELINES

The rules on caning in school are as follows:

- Only boys are caned.
- In most circumstances, caning can only be done by the headmaster.
- Teachers can only cane when the headmaster delegates this power in writing, and the teacher must be a permanent staff of the school.
- The student can only be caned on the buttocks (over clothing) or the palm. He cannot be caned on the bare buttocks.
- Caning must be conducted in a confined area.
- The student's parents will be informed and invited to witness the punishment.
- Caning is only for repeat or very serious offences.

Public caning was banned in schools after the Education Regulations (Student Discipline) 2005 came into force. The Malaysian government does not encourage caning primary school pupils, but caning is allowed in secondary schools, and may only be administered by the principal or a person to whom he delegates the power to.

## Discipline with purpose

HARIS Abdullah (not his real name), a senior teacher at a secondary school in Johor Baru, said caning is conducted as a last resort except for certain cases when it is allowed such as when students are caught smoking in school.

Prior to caning, students should have been given verbal and written warning taken note of in students' discipline records or counselling.

"When caning doesn't work, there are more extreme measures — such as being suspended or expelled from school," he added.

Students are caned to educate them that they have done wrong in the hope that they will change, and will not be suspended or expelled from school.

"We call the parents to the school to discuss their child's discipline in school. I ask students whether they know the reason why they are to be caned and they usually admit to the offences they have committed.

"If the correct procedures are followed, there is nothing to be scared of. Cases involving the police are usually caused by misunderstanding and/or miscommunication except for serious ones where the teachers had gone over the limit."

Haris agreed that caning should be implemented (or retained) in schools.

"Some students refuse to listen and they are only scared of discipline teachers and the cane.

"There is also a need to warn other students of the consequences of breaking school regulations, especially when serious offences have been committed.

"Caning is a practice in our culture in bringing up children and when parents cane their children that doesn't mean they do not love them. We are trying to emulate the

conduct occurs, remind the child gently; fourth, when the misconduct is repeated, remind the child firmly; fifth, if such misconduct persists, then silent treatment is warranted; and, finally, when all the above have been resorted to and the child is still disobedient, hitting becomes permissible.

Even then, such an act must satisfy certain conditions such as the hitting is meant to educate and not to punish; hitting must never be

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**Zalfza Alias**

West when we do not cane children but are we sure that the 'West is the best? Certain practices should be preserved and one of them is caning."

Haris said there are parents who do not know their children's behaviour in school. They could be angelic at home but when they are out of the house, they are totally different.

"These days, caning is no longer practised in schools as we have to comply with the 'caring school' concept which prohibits teachers from carrying out punishment, including caning, on students.

"We are expected to give students lots of advice or send them to counsellor teachers. We have very limited power to take action against problematic students, and then the situation may get worse.

"Where are we heading? I am afraid teachers will no longer care to scold students anymore, what more punish them.

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"If you are in a good school — boarding, premier cluster or high performance — where student intake is controlled and filtered based on excellent academic achievement, it will be totally different from an ordinary school with high student population located in the outskirts of a city where gang fights and vandalism occur."

Founder of Islamic kindergarten chain Genus Aulad and Idrissi Primary School, Datin Zalfza Alias, said she is more comfortable using the word "reprimand" instead of "punishment" which implies a withdrawal of rewards.

For example, she said, instead of playing football during recess, students are required to attend a long talk.

"At the school, we discuss a problem or situation as a family and ask everyone to voice a solution and a reprimand if someone does not follow rules. We do not have any particular method — just a meeting with the students or the class.

"Only parents — and not teachers or the school — cane as a reprimand. It is the last resort for parents after taking the many steps of giving advice and reminders.

"In Islam, there are rules to abide by when hitting such as not on the face, and most importantly, not to do it out of anger or when we are angry."

Should they need to punish students, Zalfza's advice to her fellow teachers is to "have their emotions under control while instructing children".

"Don't discipline your student because you are angry with him, but because you want to teach him. Motive is important. As a teacher, your motive should be to help your student.

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