



The Operation of the Anti-Stalking Law in Malaysia

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Abstract. After the Government of Malaysia amended the Penal Code, the Anti-Stalking Law came into effect on May 31st, 2023. The provision allows the victim to seek protection from the stalker, including having them charged in Court. This applies to online and physical stalking. Although Malaysians embrace the new law, there are still tests to be done on how well it is understood and implemented. Under the heading of "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable, and inclusive institutions at all levels," this new law may also advance the 16th Sustainable Development Goal of the UN. The purpose of this essay is to analyse the outcome of the recently enacted legislation. As a result, the researchers will compare the decided case laws with the existing laws from neighbouring countries. Public awareness of the recently enacted law, particularly on the victim, is also included in the discussion. Ultimately, the research acknowledges the law and advocates for policies and guidelines to enhance the robustness of the newly enacted law.

Keywords: Law, Reform, Stalking, Operation.

1 Introduction

The Law of Anti-Stalking in Malaysia was long-awaited. When the implementation was announced to the public, Malaysians and many NGOs were cheering at the news, which we view as a guaranteed right to the protection of privacy and life. Stalking is generally defined as an intentional pattern of repeated intrusive and intimidating behaviours toward a specific person that causes the target to feel harassed, threatened, and fearful, or that a reasonable person would regard as being so [1]. Stalking is not defined by the perpetrators' intentions but rather based on the perceptions and responses of the victims [2]. Hence, the victim must come forward and report on the victim's response from the perpetrator's action towards the victim, and this must be proven by the victim. Victims are often required to identify stalking behaviours, recognise their victimisation, and even take responsibility for collecting evidence of the harassment behaviours [3]. Stalking can generally be divided into two types: physical stalking and online stalking. Stalking can also include phone calls, unnecessary messages through WhatsApp or SMS, or receiving unknown presents. For all the years, Malaysia has been condemned for being slow in taking stalking as a crime. Stalking was first classified as a crime in Europe in the United Kingdom, under the 1997 Protection from Harassment Act [4]. It was subsequently criminalised by other countries, such as Austria in 2006, Germany in 2007 and Italy in 2009 [4].

Women's Aid Organisation (WAO) has continuously repeated and urged the Government of Malaysia to commit to taking stalking as a crime and that serious action must be taken against the perpetrators. According to a survey conducted by WAO involving 1,008 Malaysians, one-third had been ambushed and caused fear; 17% had been ambushed and resulted in injury, and 12% had been ambushed and threatened and resulted in injury [5]. Finally, on May 31, 2023, Malaysia took a huge step to protect its citizens by making stalking a crime to which a new Section in the Penal Code (Act 574) has now included Section 507A to make stalking an offence. The passing of the new amendments to the Penal Code and Criminal Procedure is seen as a great relief to the victims of stalking, who now can seek protection from enforcement. This article critically examines the evolution of anti-stalking law in Malaysia, its current implementation, and draws on comparative models from the UK, New Zealand, Singapore, and Japan to propose actionable improvements.

2 Pre-Legislative Legal Framework In Malaysia

Prior to 2023, stalking was not a specific criminal offence in Malaysia. Victims had to rely on general provisions such as Section 503–506 of the Penal Code (criminal intimidation), Section 233 of the Communications and Multimedia Act 1998 (harassment using communication networks), and the Domestic Violence Act 1994 (for intimate partner-related cases). These provisions were limited in their law to be applied, particularly in situations where conduct was persistent but non-violent or digital in nature. In January 2019, it was reported that Malaysia had begun its early discussions on introducing an anti-stalking law in Malaysia. The government acknowledged such absence in the legislation and recognised the need to protect its citizens, particularly women, from threats and intimidation [6].

A year before that, in 2018, Devi Sudarsani experienced a terrifying stalking incident when two strangers followed her for nearly three hours around Kuala Lumpur [7]. Despite her attempts to seek help, the police informed her that without physical contact, they could not pursue the case. In 2013, Canadian teacher David Clayworth became a victim of cyberstalking by his former girlfriend, Lee Chiang Yan. After their breakup in 2010, Lee relentlessly cyberstalked David, leading him to file a defamation suit. However, the case was settled out of court, and no legal precedent was set for cyberstalking in Malaysia at that time [8].

The Women's Aid Organisation (WAO) is one of the Malaysian NGOs that has been persistently pushing the government to enact its own legislation on the crime. In 2020, WAO launched an online petition urging the Malaysian government to criminalise stalking [9]. During the launch, WAO reported that among 34 domestic violence cases reported to them, 26% of these cases involved stalking. From this figure, around 250,000 domestic violence survivors in Malaysia may have been stalked by their abusers, of which 26% to 33% victims from these stalking cases were a total of 900,000 women.

In August 2022, the Malaysian government took significant steps toward criminalising stalking. Deputy Minister in the Prime Minister's Department (Parliament and Law), Datuk Mas Ermieyati Samsudin, tabled a Bill to amend Section 507(A) of the Penal Code, seeking to make stalking a criminal offence [10]. The proposed amendment defined stalking as repeated acts of harassment intended to cause distress, fear, or alarm, with penalties including imprisonment for up to three years or a fine.

3 Legislative Reform: Section 507A Of The Penal Code

The introduction of Section 507A via the Penal Code (Amendment) Act A1663 in 2023 marked a landmark shift in Malaysia's legal treatment of stalking. This section defines stalking as repeated conduct that causes distress, fear, or alarm to a person. It includes both physical and online acts. Under this new provision, offenders may be punished with imprisonment for up to three years, a fine, or both. Importantly, the amendment also introduced procedural changes allowing for protective mechanisms, including interim protection and restraining orders in appropriate cases.

3.1 Genesis of the Reform

The need for an anti-stalking law had been raised for years by civil society groups, particularly women's rights organisations such as Women's Aid Organisation (WAO), who highlighted how stalking often precedes more serious acts of violence. Their campaigns emphasised the psychological trauma suffered by victims, especially in domestic and intimate partner contexts. In 2022, following public consultation and parliamentary engagement, the government introduced a Bill to insert Section 507A into the Penal Code.

3.2 Text and Scope of Section 507A

The scope of Section 507A of the Penal Code (Amendment) Act A1663 is set out as follows: -

507A. Stalking: Act 574 Penal Code Chapter XXII Criminal Intimidation, Insult and Annoyance

Whoever repeatedly, by any act of harassment, intending to cause, or knowing or ought to know that the act is likely to cause, distress, fear or alarm to any person of the person's safety, commits an offence of stalking.

For subsection (1), the act of harassment may include the following: 1) following or tracking a person in any manner or by any means, 2) communicating or attempting to communicate with a person in any manner or by any means, 3) loitering at the place of residence or

business of a person and 4) giving or sending anything to a person in any manner or by any means.

Whoever commits the offence of stalking shall be punished with imprisonment for a term which may extend to three years or with a fine or with both.

In this section, “repeatedly” shall refer to at least two occasions.

The scope of Section 507A criminalises any repeated act of harassment with the intent to cause distress or fear. The elements of the offence include: 1) repeated communication or contact with a person, 2) conduct that causes harassment, distress, or alarm, and 3) the perpetrator’s knowledge or intent that such conduct would cause fear or distress

The provision carries a punishment of imprisonment for a term which may extend to three years, or with a fine, or both. It also applies regardless of whether the conduct occurs physically or via electronic means — thereby covering cyberstalking, a growing concern in Malaysia.

3.3 Text Differences from the Previous Legal Framework

Before this reform, victims often had to rely on vague provisions such as Section 509 (insulting the modesty of a person) or Section 506 (criminal intimidation), which were inadequate in cases of non-violent but persistent harassment. The insertion of Section 507A fills a long-standing legal gap, acknowledging stalking as a standalone offence.

3.4 Procedural Aspects and Challenges

While the provision seems to be a positive move, there are still concerns to scrutinise certain areas. The provision lacks a clear definition of “repeated”, which creates ambiguity. Unlike jurisdictions such as Singapore and the United Kingdom, stalking is defined as requiring at least two or more acts. Malaysian law, however, provides no numerical threshold (Protection from Harassment Act 2014 (Singapore), s. 7, Protection from Harassment Act 1997 (UK), s. 2A) [11],[13],[14]. This vagueness may result in inconsistent enforcement and difficulty in framing charges during prosecution. Meanwhile, “Distress”, “Fear” or “Alarm” in the provision allows more indefinite meaning; the provision is criminal in nature and does not include civil protection orders or restraining mechanisms that could provide immediate safety to victims. In countries like the United Kingdom, protection orders can be granted even before prosecution concludes (Domestic Violence, Crime and Victims Act 2004 (UK), s. 1) [15]. Malaysia’s current framework offers no similarity, leaving victims vulnerable during the investigation stage. The emotional impact on the victim, such as

distress or fear, is inherently subjective. Without expert medical testimony or psychological evidence, proving that the victim suffered genuine fear or mental distress can be challenging [16]. This raises concern over whether the victim's lived experience is sufficiently protected under a high criminal threshold.

Section 507A may overlap with other existing offences such as Section 506 (criminal intimidation), Section 509 (insulting modesty), and Section 233 of the Communications and Multimedia Act 1998. The lack of guidance on when to apply Section 507A specifically may result in prosecutorial discretion being exercised unevenly.

Still, although the provision is broad enough to include online stalking, it makes no explicit reference to cyberstalking, leaving room for uncertainty in enforcement. Modern stalking often includes repeated messages, tagging on social media, use of fake accounts, or tracking via digital tools [17]. A lack of cyber-specific language may result in enforcement gaps. Like all criminal charges, stalking under Section 507A requires proof beyond a reasonable doubt [18]. However, stalking typically involves patterns of behaviour that may appear trivial in isolation but form a threatening context when viewed as a whole. Many victims also do not lodge multiple police reports, leaving insufficient documentation to build a strong case.

Despite the promising nature of this reform, the practical application of Section 507A remains uncertain. As of now, there are no reported cases where Section 507A has been successfully invoked and interpreted by the Malaysian courts. This absence reflects the recentness of the provision and the time needed for prosecutorial processes and judicial interpretation to develop. The lack of case law leads to ambiguity around the scope of the offence, particularly in defining what constitutes "repeated acts" and the threshold for "harassment, alarm, or distress."

A notable case related to stalking, although not prosecuted under Section 507A, is *Mohamad Safiq Rosli vs Acacia Mardiana Daud* (2024). In this case, the court considered issues of harassment and persistent unwanted communication, which typify stalking behaviour [19]. However, the charges were pursued under other provisions of the Penal Code, highlighting the prior gap in legislation before Section 507A was enacted. The case reflects the judiciary's growing awareness of stalking issues and signals potential future reliance on the new section once it becomes actively enforced.

As of the time of writing, there are no reported judicial decisions interpreting or applying Section 507A of the Penal Code. The provision remains untested in Malaysian courts, which creates uncertainty regarding how key terms such as "repeated acts," "harassment," and "distress" will be interpreted. Until a body of case law develops, law enforcement and legal practitioners must navigate the provision without authoritative judicial guidance, potentially leading to inconsistent application.

Prior to the enactment of Section 507A, stalking-related behaviour was typically prosecuted under other legal provisions. For example, in *Public Prosecutor v Loo Choon Fatt* (2021), the accused was charged under Section 233 of the Communications and Multimedia Act 1998 for repeatedly sending disturbing messages to his ex-girlfriend [20]. Similarly, in *Public Prosecutor v Mohd Nor Yusof* (2021), the accused faced charges under Section 506 of the Penal Code for criminal intimidation following persistent contact [21]. These cases illustrate the limitations of earlier laws in effectively addressing stalking behaviour. This legislative gap highlights the need for judicial interpretation and possibly guidance from prosecutorial authorities such as the Attorney General's Chambers or Bar Council, to ensure consistent enforcement and protection of victims under this relatively new offence.

3.5 Evidentiary Issues

Stalking often involves covert or subtle actions such as unwanted messages, following or surveillance, which can be difficult to prove. When stalking occurs online, perpetrators may use anonymous accounts, making identification challenging. Additionally, the collection and preservation of digital evidence requires technical expertise, which is not yet widespread among enforcement agencies. Thus, proving "repeated conduct" with intent to cause distress can be complex. Victims must gather screenshots, call logs, CCTV footage or witness testimony — which may not always be available or accepted as conclusive. As with any criminal offence, the burden of proof lies with the prosecution — beyond a reasonable doubt. In stalking cases, where the conduct may seem trivial in isolation, investigators must establish a pattern. Without digital forensics or multiple reports, it becomes difficult to frame the full context of stalking. And, in many cases, victims also do not lodge multiple police reports, leaving insufficient documentation to build a strong case. Some victims fear retaliation or social stigma, especially in cases involving intimate partners or family members. This causes another issue with the victim's reluctance and social stigma in lodging reports to the Enforcement. This leads to failure in reporting.

Further, although the section is broad enough to include online stalking, it makes no explicit reference to cyberstalking, leaving room for uncertainty in enforcement. Modern stalking, which often includes repeated messages, tagging on social media, the use of fake accounts or tracking via digital tools, makes the case more complex to investigate, especially when the officers were not fully trained in digital forensics. What's more, a lack of cyber-specific language may result in enforcement gaps and legal errors. This can be one of the possible grey areas in the reformed law to be looked at.

4 Strengthening The Law

To enhance the effectiveness of Section 507A and better protect stalking victims, several recommendations can be considered:

4.1 Development of Clear Guidelines and SOPs

The Royal Malaysia Police (PDRM) should develop and disseminate detailed Standard Operating Procedures (SOPs) specifically for handling stalking complaints. These guidelines must outline precise steps for receiving reports, collecting and preserving evidence (including digital evidence), interviewing victims with sensitivity, and assessing risk levels to prevent escalation. Such SOPs will ensure consistency in the enforcement of the law and build victim confidence in the justice system.

For instance, Singapore's Police Force has established clear procedures for handling harassment and stalking complaints, including victim-centred interview techniques and guidelines on evidence preservation, especially digital traces such as social media messages or phone records [22]. Similarly, Indonesia's National Police have developed SOPs that integrate trauma-informed approaches when dealing with stalking victims and emphasise collaboration with social services and legal aid organisations [23].

Adopting and tailoring these models to Malaysia's context can enhance the capacity of law enforcement agencies to respond effectively and sensitively to stalking cases, ensuring victims receive timely protection and justice.

4.2 Training and Capacity Building

Police officers, prosecutors, and judges should be included in regular training programs to deepen their understanding of stalking behaviours, victim psychology, trauma-informed approaches, and the relevant legal provisions under Section 507A and related laws. Enhanced training will enable more informed investigations, prosecutions, and judicial decisions, reducing victim re-traumatisation.

In Malaysia, there have been reports and concerns raised by NGOs and victim advocacy groups about insufficient training among law enforcement and judicial officers on handling stalking and harassment cases effectively. For instance, AWAM (All Women's Action Society) has highlighted cases where a lack of sensitivity and proper knowledge led to victim complaints being dismissed or not taken seriously, discouraging victims from pursuing justice [24].

Furthermore, research by Sisters in Islam and other civil society organisations points to recurring issues such as inadequate evidence collection and poor understanding of trauma responses among police officers, which contribute to low prosecution rates and case dismissals [25]. This underscores the urgent need for

continuous capacity building and specialised training tailored to stalking and related offences.

Local reports and victim advocacy surveys have highlighted significant capacity gaps in Malaysia's implementation of anti-stalking protections. According to Bukit Aman's D11 division, while nine cases have been investigated under Section 507A since it came into force in May 2023, only two have been resolved, and police admit "weaknesses in handling stalking cases ... because this Act is still new," citing the need for ongoing training of investigating officers [26]. In the landmark Acacia Mardiana Daud case, the victim had to lodge four separate police reports across multiple jurisdictions (Shah Alam, Dang Wangi and Damansara) before her case was formally taken to court, indicating structural delays in response [27].

A survey by Women's Aid Organisation (WAO) and Vase.ai found that 69% of stalking survivors did not report to the police, largely because they believed law enforcement would be ineffective; among those who did report, nearly half expressed dissatisfaction with the police response [28]. These findings reinforce calls for greater investment in training, victim-centred practices, and improvements in early response mechanisms.

4.3 Introduction of Civil Protection Orders

Incorporating civil protection mechanisms, such as restraining orders or stalking injunctions, would provide immediate and accessible protection for victims. These orders could limit or prohibit the stalker's contact with the victim without necessitating a criminal conviction, thereby filling a critical gap in victim safety.

Such civil remedies are well-established in jurisdictions like the United Kingdom, where Non-Molestation Orders and Occupation Orders under the Family Law Act 1996 (1996, ss 42,33) provide swift protection for victims of stalking and harassment without requiring criminal proceedings [29].

In Australia, civil protection orders, such as Apprehended Violence Orders (AVOs), are widely used to protect victims and can be issued quickly by courts to prevent contact or harassment by stalkers [30],[31],[32].

Closer to Malaysia, Singapore offers Protection Orders under the Protection from Harassment Act 2014, which enable victims to seek court orders to restrain stalkers or harassers and offer legal recourse without criminal conviction (2014) [33].

Similarly, Hong Kong has implemented Injunctions Against Harassment under its Protection from Harassment Ordinance (Cap. 424), which serve as civil remedies to prevent stalking behaviour [34].

Introducing comparable civil protection orders in Malaysia could provide faster, more flexible avenues for victims to seek safety and legal redress, especially in cases where criminal prosecution might be prolonged or difficult to pursue.

4.4 Enhancing Public Awareness and Education

Nationwide awareness campaigns are essential to educate the public about the nature of stalking, its psychological and physical harms, and the legal protections available. Strategic collaborations with NGOs, educational institutions, healthcare providers, and media outlets can amplify outreach efforts, encourage timely reporting, and help reduce the social stigma often associated with victimisation.

Several countries have successfully launched public education initiatives targeting stalking. In Australia, the Australian eSafety Commission runs nationwide campaigns addressing tech-facilitated abuse, including stalking and online harassment, with resources specifically tailored for young people, women, and vulnerable groups [35].

In the United Kingdom, the National Stalking Awareness Week, coordinated annually by the Suzy Lamplugh Trust, raises awareness through media campaigns, survivor stories, training sessions, and partnerships with law enforcement and mental health organisations [36]. The initiative has contributed to a significant increase in reporting rates and early intervention in stalking cases [37].

Singapore's Ministry of Social and Family Development (MSF) and NGOs such as Aware.sg have also conducted awareness drives, including public forums, social media campaigns, and educational materials distributed to schools and workplaces, focusing on harassment and stalking under the Protection from Harassment Act [38].

Incorporating such models in Malaysia could significantly enhance public understanding, empower victims to come forward, and foster a societal shift in attitudes towards stalking and harassment.

4.5 Improving Digital Forensic Capabilities

With the rise of cyberstalking and tech-enabled harassment, investing in digital forensic infrastructure and specialised human capital is no longer optional—it is essential. Malaysia should consider establishing or expanding dedicated cybercrime units within the Royal Malaysia Police (PDRM), with personnel trained in tracing anonymous digital footprints, recovering deleted communications, and collecting evidence in a forensically sound manner that is admissible in court.

Several Asian countries have demonstrated successful integration of digital forensics in stalking-related prosecutions. In Singapore, the Cyber Crime Command under the Singapore Police Force uses advanced digital tools to investigate online harassment and stalking under the Protection from Harassment Act 2014 [39]. In one

case, digital forensics enabled the identification and conviction of an online stalker who used anonymous emails and social media to harass a former partner [40].

In South Korea, the government established the Cyber Investigation Division under the National Police Agency, which investigates cases of digital stalking, including through mobile apps and spyware. A widely reported case in 2021 involved a perpetrator who installed surveillance software on a victim's device; digital forensics enabled the retrieval of key evidence, leading to a conviction under Korea's Stalking Punishment Act 2021 [41].

Similarly, Japan amended its Anti-Stalking Law in 2017 to include online harassment and enabled police to trace IP addresses and online communications as part of investigation procedures. Digital forensics played a critical role in a case where a pop idol was stalked using data extracted from her selfies; police used metadata to trace the perpetrator [42].

Malaysia can benefit from these models by enhancing investment in cyber forensic labs, collaborating with telecommunication providers, and ensuring that existing electronic evidence laws are updated to reflect the digital realities of stalking.

4.6 Review and Clarify Legal Provisions

To ensure consistent enforcement and judicial interpretation, Section 507A of the Penal Code should be reviewed to clarify ambiguous terms such as "repeated conduct" and "distress." These terms are not currently defined within the provision, which may lead to varying thresholds being applied by police officers, prosecutors, and judges. Introducing statutory definitions or issuing supplementary prosecutorial guidelines would provide much-needed clarity and promote uniform application across jurisdictions.

Comparative jurisdictions have recognised the importance of clear definitions. For instance, under the UK Protection from Harassment Act 1997, section 7(3), "course of conduct" is defined as behaviour occurring on at least two occasions, while "harassment" includes actions that cause alarm or distress, with detailed judicial interpretation developed over time [43]. The clarity in such provisions assists courts in determining culpability and supports early intervention.

Furthermore, Malaysia should consider lowering the evidentiary threshold required for protective measures such as interim protection orders, particularly at the investigation stage. In Australia, victims may apply for Apprehended Personal Violence Orders (APVOs) without the need for criminal prosecution, based on the likelihood of future harm [31]. Adopting a similar model could enable proactive safeguarding of victims while still preserving the accused's right to due process.

Other jurisdictions have enacted more structured legal frameworks to address stalking, offering models Malaysia may consider in clarifying and strengthening its

law. In Singapore, stalking is criminalised under the Protection from Harassment Act 2014, sections 7-8, which provides clear definitions for terms such as “unlawful stalking” and specifies that behaviour must be “likely to cause harassment, alarm or distress” to the victim. The Act also allows for Protection Orders and Expedited Protection Orders, available even before a charge is made [12].

In Canada, the offence of criminal harassment under Section 264 of the Criminal Code includes conduct such as repeatedly following, communicating, or watching the victim, and criminalises such acts when they cause the victim to reasonably fear for their safety [44]. Canadian courts have developed robust jurisprudence interpreting the threshold of fear and repetition [45].

Malaysia can draw from these examples by embedding minimum thresholds for conduct frequency, clarifying what constitutes distress, and explicitly outlining both physical and digital stalking behaviours. These improvements would empower victims, streamline prosecution, and ensure the law evolves with emerging patterns of harassment.

4.7 Victim Protection Measures

To strengthen the effectiveness of Section 507A, the incorporation of specific victim protection mechanisms is crucial. One such mechanism is the introduction of restraining orders or protection orders specifically designed for stalking cases. These orders can provide victims with immediate legal recourse, prevent further contact or harassment by the perpetrator, and reinforce the seriousness of stalking as a criminal act.

Currently in Malaysia, stalking victims must rely on general laws or civil injunctions, which may be slow or insufficient—especially when the perpetrator is persistent or aggressive. A survey conducted by Vase.ai and the Women’s Aid Organisation (WAO) revealed that 69% of stalking victims did not report to the police, citing fear, social stigma, and a belief that authorities would not act. The same survey found that 36% of Malaysians had experienced stalking that made them feel afraid [46].

A good sample to highlight is a landmark case under Section 507A involving Acacia Diana, a woman who endured eight years of stalking by an ex-schoolmate [47]. The court issued an interim protection order during proceedings, but the case highlighted how long victims may suffer before meaningful legal protection is granted [27].

Several jurisdictions offer useful models. In the United Kingdom, the Protection from Harassment Act 1997, sections 2-5A, provides for civil injunctions and restraining orders, even without a criminal conviction, to protect victims from further contact. In Australia, states like New South Wales allow victims to apply for Apprehended Violence Orders (AVOs), which can prohibit the stalker from

approaching, contacting, or even being near the victim [32]. In the United States, victims can seek protective orders through both civil and criminal courts, often immediately upon filing a stalking complaint [48].

By adopting similar legal mechanisms in Malaysia, the law would better align with international best practices and offer victims a more robust safety net. This would also encourage more victims to come forward, knowing there are effective protective remedies available.

5 Conclusion

The enactment of Section 507A in the Penal Code constitutes a pivotal development in the recognition of stalking as a criminal offence in Malaysia. Nonetheless, the efficacy of this legislative reform is contingent not only upon the statutory provisions but also upon their effective implementation. In the absence of rigorous enforcement, heightened public awareness, and comprehensive victim support mechanisms, the provision risks being rendered symbolic rather than substantive. Given the evolving nature of stalking behaviours, particularly within digital environments, Malaysia must adopt a flexible, victim-centric, and proactive stance to ensure that the law achieves its fundamental objective: the protection and empowerment of victims.

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