NOT A PERFORMANCE - A CRY FOR HELP: THE REALITY OF BEGGING BEHIND THE MASK

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ABSTRACT

The growing trend of costumed begging in Malaysia, particularly involving children wearing full-body costumes such as frog suits, has become increasingly visible due to social media. Although begging itself is not new, this practice is often disguised as street performance, with children and accompanying adults using donation boxes or QR codes to solicit money. While similar costumes originated in China for legitimate street vending, in Malaysia they are primarily used to elicit donations. The paper argues that costumed begging is not just harmless entertainment but a form of child exploitation driven by poverty, unemployment, and lack of marketable skills. The use of costumes provides anonymity, reducing stigma for those involved while simultaneously hindering identification, public reporting, and law enforcement. Children are frequently coerced by adults, including parents or organised syndicates, and the mobility and anonymity of these activities make them attractive to groups potentially linked to trafficking networks and vulnerable populations such as undocumented migrants and refugees. Under Malaysia's Child Act 2001 and the Convention on the Rights of the Child, the use of children for begging constitutes exploitation. Section 17(1)(k) of the Child Act 2001 classifies such children as in need of care and protection, while Section 32 criminalises forcing a child to beg. Despite these clear legal provisions, there have been no reported prosecutions under Section 32(1), revealing a critical enforcement gap. The paper calls for stronger enforcement, noting the critical enforcement gap evidenced by the complete absence of reported prosecutions under Section 32(1) of the Child Act 2001 to date, despite the visibility of costumed child begging across Malaysian streets and social media platforms. The absence of prosecutorial action, juxtaposed against statistics by Jabatan Kebajikan Masyarakat in 2018 that reported

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355 children were reported to be begging and the rescue of 67 trafficked children by the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Council (MAPO) over a five-year period, a portion of whom were exploited specifically as beggars underscores the urgent need for more proactive enforcement by the relevant authorities. The paper further calls for clearer differentiation between poverty-driven cases and syndicate-controlled begging, and advocates for the treatment of organized child-begging syndicates as trafficking under the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 (ATIPSOM). This is justified on the basis that syndicate-controlled costumed begging mirrors the core elements of trafficking as defined under ATIPSOM, namely the recruitment, harbouring, and exploitation of persons particularly where accompanying adults share no familial relationship with the child. It further advocates rehabilitative and preventive measures to protect children without criminalizing poverty.

Keywords: Child begging, exploitation, anonymity, Child Act 2001, poverty

ABSTRAK

Pengemisan berkostum semakin ketara di Malaysia, khususnya apabila kanak-kanak yang memakai kostum penuh seperti kostum katak mendapat perhatian di media sosial. Walaupun pengemisan bukan fenomena baharu, kegiatan ini sering disamarkan sebagai persembahan jalanan, dengan kanak-kanak dan orang dewasa yang mengiringi mereka meminta sumbangan melalui kotak derma atau kod QR. Kostum sedemikian pada asalnya digunakan di China bagi kegiatan penjajaan jalanan yang sah, tetapi di Malaysia penggunaannya lebih tertumpu kepada usaha meraih sumbangan. Artikel ini berhujah bahawa pengemisan berkostum bukan sekadar hiburan yang tidak sahaja memudaratkan, sebaliknya suatu bentuk eksploitasi kanak-kanak yang didorong oleh kemiskinan, pengangguran dan kekurangan kemahiran yang boleh menjana pendapatan. Kostum membolehkan pihak yang terlibat menyembunyikan identiti dan mengurangkan stigma, tetapi pada masa yang sama menyukarkan pengecaman, pelaporan oleh orang awam dan penguatkuasaan undang-undang. Kanak-kanak juga sering dipaksa oleh orang dewasa, termasuk ibu bapa atau sindiket terancang. Mobiliti dan penyamaran identiti dalam kegiatan ini menjadikannya mudah dimanfaatkan oleh kumpulan yang mungkin berkait dengan rangkaian pemerdagangan orang, di samping melibatkan golongan rentan seperti migran tanpa dokumen dan pelarian. Di bawah Akta Kanak-Kanak 2001 dan Konvensyen Mengenai Hak Kanak-Kanak, penggunaan kanak-kanak untuk mengemis merupakan suatu bentuk eksploitasi. Perenggan

17(1)(k) Akta Kanak-Kanak 2001 menggolongkan kanak-kanak tersebut sebagai kanak-kanak yang memerlukan pemeliharaan dan perlindungan, manakala seksyen 32 menjadikan perbuatan menyebabkan atau memaksa seseorang kanak-kanak mengemis sebagai suatu kesalahan. Namun, walaupun pengemisan kanak-kanak berkostum semakin jelas di jalanan dan media sosial, tiada pendakwaan yang dilaporkan di bawah subseksyen 32(1) Akta Kanak-Kanak 2001. Ketiadaan tindakan pendakwaan ini menunjukkan jurang penguatkuasaan yang serius. Keadaan tersebut perlu dilihat bersama statistik Jabatan Kebajikan Masyarakat pada tahun 2018 yang merekodkan 355 orang kanak-kanak terlibat dalam pengemisan, serta penyelamatan 67 orang kanak-kanak mangsa pemerdagangan oleh Majlis Antipemerdagangan Orang dan Antipenyeludupan Migran dalam tempoh lima tahun, sebahagian daripadanya dieksploitasi sebagai pengemis. Artikel ini menggesa penguatkuasaan yang lebih proaktif, pembezaan yang jelas antara pengemisan akibat kemiskinan dengan pengemisan yang dikawal oleh sindiket, serta pengiktirafan sindiket pengemisan kanak-kanak terancang sebagai suatu bentuk pemerdagangan orang di bawah Akta Antipemerdagangan Orang dan Antipenyeludupan Migran. Pendekatan ini wajar kerana pengemisan berkostum yang dikawal oleh sindiket memenuhi unsur utama pemerdagangan di bawah Akta tersebut, termasuk perekrutan, penempatan dan eksploitasi, khususnya apabila orang dewasa yang mengiringi kanak-kanak tidak mempunyai hubungan kekeluargaan dengan mereka. Langkah pemulihan dan pencegahan juga diperlukan bagi melindungi kanak-kanak tanpa menjenayahkan kemiskinan.

Kata kunci: pengemisan kanak-kanak, eksploitasi, penyembunyian identiti, Akta Kanak-Kanak 2001, kemiskinan

INTRODUCTION

Recently, there have been media reporting[1] and videos posted on social media platforms involving children begging on the streets often accompanied by adults, wearing costumes to attract passers-by and coercing the latter to donate money. These costumes which come in the form of a full body frog costume are said to have originated in China where the said individuals sell smaller inflatable dolls of frogs as a form of street vending. The creator of the said costume who hails from Nanjing City in the province of Jiangsu stated that the inspiration for the costume came from a 1980s children animation show called Calabash Brothers.

Unlike in China, the same phenomenon is observed in Malaysia albeit without the sale of any form of merchandise and as stated in the opening paragraph above, the primary aim of the said phenomenon is eliciting donations either in cash or via QR codes that are provided.

It is clear that the said act is a form of begging and many factors lead to the prevalence of the phenomenon such as poverty, loss of jobs and the lack of skills. As such the act of begging is seen as a solution for their needs to be met. Accordingly, when the primary objective is to solicit alms, reference can be made to the Destitute Persons Act 1977 where, the act in question amounts to begging with or without any form of performance, sale or otherwise.

At this juncture it is important to note that the phenomenon observed does possess differences from begging in a traditional sense as one cannot identify the person begging in a full body costume and whether the person is a child. Studies have shown that by using a full body costume that hides the identity of the individual, it provides a barrier to shame and/or exposure of the individuals involved in these activities.[2] By hiding their identity, it allows the individuals to continue their activity with anonymity especially in a highly digital world where these acts are often viewed on social media.

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1 May Vin Ang, June 5, 2025, "Netizens Voice Concern after Alleged Child in a Frog Costume Seen Asking for Donations," REV Media Group, accessed June 4, 2026, https://says.com/my/news/netizens-voice-concern-child-in-frog-suit-asking-donations.

2 Colin Wintz, "Costumes of Subversion: A Study of Mardi Gras and the Cajun Identity" (PhD diss., Idaho State University, 2016).

Law enforcement and/or reporting by members of public are hindered by the anonymity and also the nature of the activity being highly mobile.

It is without a doubt that the colourful costumes are able to capture the attention of many, which in turn, would provide incentive to continue with this type of begging activities.

DEFINITION OF BEGGING

The definition of "child" provided under the Child Act 2001 ("CA 2001")[3] is a person under the age of eighteen years and, in relation to criminal proceedings, a person who has attained the age of criminal responsibility as prescribed in section 82 of the Penal Code.[4]

The exploitation of children for begging activities is against the best interests of the child,[5] and is in obvious conflict with Article 36 of the Convention on the Rights of the Child ("CRC"), which provides that States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare[6]. It should be noted that Malaysia is one of the States that has ratified the CRC since 17 February 1995[7] and as a result, the three different acts that governed children respectively were repealed to amalgamate those laws into one statute, being CA 2001.[8] It should be further noted that a child beggar is not a child offender, however due to their naivety they are abused by adults who take advantage of them and coerce them to beg in the streets.

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3 Act 611

4 The Child Act 2001, s. 2(1).

5 Zuhair Rosli, "Child Beggars in Malaysia and the Mechanisms of Law as Provided Under the Child Act 2001," *Malayan Law Journal* 1 (2021): 103.

6 Convention on the Rights of the Child ("CRC"), Article 36.

7 United Nations, November 20, 1989, "Convention on the Rights of the Child," United Nations, accessed June 15, 2025, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4#EndDec.

8 Juvenile Courts Act 1947; Women and Girls Protection Act 1973; Child Protection Act 1991

The Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 ('ATIPSOM'), under section 2 defines a child as a person below the age of eighteen but importantly defines exploitation as all forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, any illegal activity or the removal of human organs. Further, section 14 of the same act makes it an offence to traffic a child for the purposes of exploitation and upon conviction carries imprisonment for a term not less than three years but not exceeding twenty years and shall also be liable to fine.

Reference is also made to Destitute Persons Act 1977 where, "begging" means any conduct calculated to induce the giving of alms, whether or not there is any pretence of singing, playing, performing, offering anything for sale or otherwise.

It would not be unrealistic to say that children, and adults alike, resort to begging when there are no other means of survival in their place of residence, and it would not be unsurprising to say that those who resort to begging are usually those from the most vulnerable communities, which are, among others, the illegal immigrants who have been unfairly trafficked into Malaysia. According to the division secretary of the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Council (MAPO), Syuhaida Abdul Wahab Zen, the Council had saved 67 children below the age of 18 who have been trafficked to Malaysia in the last five years,[9] and a portion of them were to be exploited to work as beggars, whilst babies among them were poised to be sold to new families[10]. This is compounded by data from the Jabatan Kebajikan Masyarakat, which reveals that 355 children were reported to be begging in 2018.[11]

The phenomenon with the element of anonymity could potentially be a preferred modus operandi for syndicates who "employ"

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9 Iylia Marsya Iskandar, November 18, 2023, "67 Kids Rescued from Traffickers in Past 5 Years," New Straits Times, accessed August 26, 2025, https://www.nst.com.my/news/nation/2023/11/979576/67-kids-rescued-traffickers-past-5-years.

10 Ibid.

11 Jabatan Kebajikan Masyarakat, 2018, "Laporan Statistik 2018," Kementerian Pembangunan Wanita Keluarga dan Masyarakat, accessed December 7, 2024, https://www.jkm.gov.my/uploads/content-downloads/file_20241025161713.pdf.

adults accompanied by a child with whom they may not share any form of relationship to collect ill-gained funds. Having regard to the high number of illegal migrants in Malaysia, coupled with the presence of refugees who have no opportunities to obtain lawful employment, conditions are created in which such illicit activities may flourish.[12]

Unfortunately, this phenomenon is common in our country and more needs to be done to curb this. As an example, traffickers exploit Malaysian orphans and children from refugee communities in forced begging and forced labour, wherein stateless children in Sabah are particularly at risk of forced labour in palm oil production, service industries, and in forced begging.[13] UNICEF case studies in Sabah have revealed that stateless and semi-documented children are more susceptible to labour exploitation due to poverty, invisibility and lack of services of which syndicates may easily take advantage or manipulate.[14] Children should not be forced to beg on the streets and to be made as puppets for entertainment just so that the adults allegedly supervising them can line their pockets with ill-gotten gains.

Nevertheless, there is a safeguard found under Section 17(1) of the CA 2001, where Section 17(1)(k) CA 2001[15] reads as follows:-

> A child is in need of care and protection if […] the child is allowed to be on any street, premises or place for the purposes of —
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> (i) begging or receiving alms, whether or not there is any pretence of singing, playing, performing or offering anything for sale;

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12 Nasnurul Hakimah Bt Nasir, "The Exploitation of Refugees in Malaysia from 2017 until 2022," *Conflict and Peace Studies Journal* 1, no. 1 (2022): 125–44.

13 U.S. Department of State, n.d., "2025 Trafficking in Persons Report: Malaysia," U.S. Department of State, accessed July 16, 2026, https://www.state.gov/reports/2025-trafficking-in-persons-report/malaysia/.

14 Kirtinee Ramesh, December 8, 2025, "Hidden Networks behind Child Begging," The Sun, accessed June 3, 2026, https://thesun.my/news/malaysia-news/people-issues/hidden-networks-behind-child-begging/.

15 Child Act ("CA") 2001, s 17(1)(k).

(ii) carrying out illegal hawking, illegal lotteries, gambling or other illegal activities detrimental to the health and welfare of the child; or

(iii) carrying out any other illegal activities."

Based on section 17(1)(k) CA 2001, a child found begging on any street, premises or place is classified as a child in need of care and protection, thereby triggering the intervention mechanisms provided under section 18 CA 2001. Section 18 CA 2001 empowers the Director General of Social Welfare, State Directors, and any officer appointed as a Protector to act upon such findings. Crucially, Section 18 CA 2001 also extends this power to any police officer, who may without a warrant take a child believed to be in need of care and protection to a place of refuge or to a Protector. This means that in the context of costumed child begging, both the Royal Malaysia Police (PDRM) and the Social Welfare Department (Jabatan Kebajikan Masyarakat ["JKM"]) possess concurrent powers of intervention.

However, the practical workings of section 18 CA 2001 reveal significant gaps between the law on paper and its enforcement on the ground. Despite the clear conferment of powers under section 18, the absence of any reported prosecutions under section 32(1) CA 2001 to date suggests that these intervention powers are seldom, if ever, exercised in the context of child begging. This points to a systemic issue which may be attributable to a lack of awareness of the law among enforcement officers, inadequate inter-agency coordination between PDRM and JKM, or the operational challenges posed by the mobile and anonymous nature of costumed begging. Although the children may be accompanied and supervised by adults when the begging activities take place, this does not diminish the obligation of the relevant authorities to intervene and on the contrary, Section 18 CA 2001 empowers them to act immediately and without a warrant. The children must therefore be rescued urgently, and the full force of the law must be brought to bear.

SYNDICATE-ORGANIZED CHILD BEGGING: A TRAFFICKING-IN-PERSONS ANALYSIS

The United Nations Convention against Transnational Organised Crime (UNTOC), also known as the Palermo Convention which was signed in Palermo, Italy in December 2000, is supplemented by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the "Palermo Protocol"), which is the specific instrument defining trafficking in persons.[16] The Convention explicitly mentions trafficking in human beings in particular women and children as one of its global issues of concern and establishes Trafficking in Persons as a serious crime that is a transnational crime.[17]

Transnational crime is a pervasive[18] issue that when discussed in the context of Human Trafficking, it forms the third most profitable form of organised crime globally after narcotics and weapons.[19] Further, Human Trafficking is inherently transnational[20] and in the past two decades there has been an increase in Human Trafficking cases worldwide[21] and from the perspective of Malaysia, the global black

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16 The Office of the High Commissioner for Human Rights (OHCHR), November 15, 2000, "Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime," The Office of the High Commissioner for Human Rights (OHCHR), accessed December 30, 2024, https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons.

17 Iveta Cherneva, "Human Trafficking for Begging," *Buffalo Human Rights Law Review* 17, no. 1 (2011): 25.

18 Beth A Simmons, Paulette Lloyd, and Brandon M Stewart, "The Global Diffusion of Law: Transnational Crime and the Case of Human Trafficking," *International Organization* 72, no. 2 (2018): 249–81.

19 Pooja Theresa Stanslas, "Transborder Human Trafficking in Malaysian Waters: Addressing the Root Causes," *Journal of Maritime Laws and Commerce* 41, no. 4 (2010): 595–606.

20 Ganesh Ji, "Human Trafficking and Global Law Enforcement," *INROADS-An International Journal of Jaipur National University* 11, no. 1and2 (2025): 61–72.

21 US Department of State, n.d, "Trafficking in Persons Report 2014," US Department of State, accessed December 7, 2024, https://2009-2017.state.gov/j/tip/rls/tiprpt/2014/.

market for human trafficking is enormous as it is estimated to generate between US$13-US$32 billion a year.[22]

The same has largely flourished in the Malaysia due to various factors such as poverty,[23] porous borders,[24] corruption[25], regional conflicts[26] and economic opportunities.[27] Cases such as the Wang Kelian Death Camps[28] remain a reminder of the impact of transnational human trafficking to Malaysia which involved the movement of Refugees fleeing the conflict in Myanmar.[29] The operations involved individuals from Myanmar, Bangladesh,[30] Thailand and Malaysia[31] operating in the jungles of Perlis where mass graves were found containing the remains of suspected Rohingya refugees.[32]

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22 Stanslas.

23 Ibid.

24 Sheila Devi Michael, "An Analysis Of The Post-Covid-19 Efforts In Combating Human Trafficking And The Smuggling Of Migrants In Malaysia," *Journal of International Studies* 22, no. 1 (2026): 17–36.

25 Zander Lim Wai Keong, "The Role of the Malaysian Anti-Corruption Commission in Combating Modern Slavery," in *Combatting Modern Slavery: A Global Perspective*, ed. Priya Sharma, Adnan Trakic, and Hanifah Haydar Ali Tajuddin (Singapore: Springer, 2026), 215–30.

26 Andika Wahab, "The Colours of Exploitation: Smuggling of Rohingyas from Myanmar to Malaysia," *Akademika* 88, no. 1 (2018): 5–16.

27 Mohd Na'eim Ajis, Kamarulzaman Askandar, and Saadon Awang, "International Migration and Human Trafficking in Malaysia: A Study on Illegal Immigrants," *Asian Social Science* 11, no. 25 (2015): 124.

28 Arulldas Sinnappan, *Mass Graves: Uncovering the Killing Fields of Wang Kelian* (Gerakbudaya Enterprise, 2024).

29 Intan Suria Hamzah, Sity Daud, and Nor Azizan Idris, "Rohingya's Discrimination and Immigration to Malaysia," *International Journal of Research in Social Sciences* 6, no. 5 (2016): 271–88.

30 Antje Missbach, "Ruling out Rescue at Sea?: Rohingya, Maritime Escapes, and the Criminalization of Smugglers-Cum-Rescuers in Indonesia," *Focaal* 2024, no. 99 (2024): 28–40.

31 Audrey Dermawan, February 19, 2024, "Duck Farms behind River Pollution in Kedah," New Straits Times, accessed December 30, 2024, https://www.nst.com.my/news/nation/2024/02/1015073/duck-farms-behind-river-pollution-kedah.

32 Gerhard Hoffstaedter and Antje Missbach, "Facilitating Irregular Migration into Malaysia and from Indonesia: Illicit Markets, Endemic Corruption and Symbolic Attempts to Overcome Impunity," *Public Anthropologist* 3, no. 1 (2021): 8–31.

Clarification on Nexus between Costumed Begging and Transnational Organized Crime

It should be stated clearly at the outset that no evidence establishes an inherent or necessary connection between the phenomenon of costumed begging and organised crime; the majority of costumed beggars are, in all likelihood, poverty-driven individuals or families with no syndicate's involvement at all. The argument advanced in this section is narrower and more precise on costumed begging possessing certain structural features, principally anonymity, but also mobility and a veneer of plausible deniability as "performance" rather than begging. This happens to lower the operational risk and cost of exploitation for any organised group that chooses to make use of them as how organised crime exploit the anonymity in cybercrime.[33] Organised crime does not create costumed begging; it opportunistically[34] colonises a subset of it, in the same way that legitimate cash-based businesses are opportunistically colonised for money laundering without every such business being complicit.[35]

This distinction matters because it reframes the enforcement problem correctly. The object of concern is not the costume, nor the act of begging itself, but the fact that anonymity, an incidental feature adopted for reasons of shame-avoidance and social media appeal, doubles as a ready-made shield for syndicates that would otherwise be more exposed operating through visible, unmasked adults and children. A full-body costume removes the two things that ordinarily make begging syndicates easier to detect; a recognisable face and a traceable, repeated presence at a fixed location. It is this operational utility, not any intrinsic criminality in the practice, that draws organised exploitation toward costumed begging specifically, and which explains

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33 Helen L Armstrong and Patrick J Forde, "Internet Anonymity Practices in Computer Crime," *Information Management & Computer Security* 11, no. 5 (2003): 209–215.

34 Martin Bouchard and Carlo Morselli, "Opportunistic Structures of Organized Crime," in *The Oxford Handbook of Organized Crime*, ed. Letizia Paoli, vol. 1 (Oxford University Press, 2014), 288–302.

35 Michele Riccardi and Michael Levi, "Cash, Crime and Anti-Money Laundering," in *The palgrave handbook of criminal and terrorism financing law*, ed. Colin King, Clive Walker, and Jimmy Gurulé (Cham: Springer International Publishing, 2018), 135–63.

why the phenomenon merits closer legal scrutiny than an assumption of universal syndicate control ever could.

Doctrinal Framework

There are two instruments that provide the analytical architecture for the subject matter, the first being the Palermo Protocol (the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children)[36] which supplements UNTOC and defines trafficking around three cumulative elements under Article 3; an act (recruitment, transportation, transfer, harbouring, or receipt of a person), a means (threat, coercion, deception, or abuse of a position of vulnerability), and a purpose (exploitation). Where the victim is a child, the Protocol dispenses with the means element entirely and the act and the exploitative purpose would suffice to establish trafficking, regardless of whether coercion can be proven. This is doctrinally significant because it removes the evidentiary burden that has stalled enforcement where authorities need not prove that a child was forced, only that they were moved and exploited.

The second instrument is UNTOC itself, which supplies the organisational threshold. Article 2(a) defines an "organized criminal group" as a structured group of three or more persons, existing for a period of time, acting in concert to commit a serious crime for financial or material benefit. Article 2(c) clarifies that a "structured group" need not have a formal hierarchy, defined roles, or continuity of membership and a mere loosely coordinated network suffices. Article 2(b) defines "serious crime" as any offence punishable by a maximum of at least four years' imprisonment; ATIPSOM's penalty range of three to twenty years under Section 14 comfortably clears this threshold. Finally, Article 3(2) sets out when an offence is transnational in nature, it need not cross a border at all if it is committed by an organised criminal

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36 United Nations Office on Drugs and Crime, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, *United Nations* (Vienna: United Nations, 2020), https://www.unodc.org/documents/treaties/Review_Mechanism/Review_Mechanism_2020/Website/Legislative_Guide_on_TiP/TiP_Legislativ Guide_Final.pdf.

group that engages in criminal activities in more than one State, or if it has substantial effects in another State[37].

This last point being that costumed child begging, as it plays out on Malaysian streets, looks like a wholly domestic, low-level phenomenon. But applying Article 3(2), a syndicate that recruits from cross-border migrant, refugee, or stateless populations, moves children into position, and extracts proceeds satisfies the transnationality requirement even though the exploitation itself is street-level and local. In other words, the visible act of begging is the retail end of a transnational supply chain, not an isolated domestic nuisance, and it is only from that vantage point that the seriousness of the conduct becomes visible.

Why This Flourishes: Criminogenic Asymmetries

Scholars and the research conducted on the subject matter have provided a wealth of knowledge with regards to Criminogenic Asymmetries, in particular Nikos Passas' article "Globalization, Criminogenic Asymmetries and Economic Crime".[38] This article explores the structural discrepancies, mismatches, and inequalities in law, economy, and enforcement capacity between and within jurisdictions, helps explain why costumed begging syndicates find fertile ground in Malaysia specifically. Undocumented migrants and stateless children cannot access legal employment; enforcement agencies possess concurrent but uncoordinated powers under the Child Act 2001; and the absence of any reported Section 32(1) prosecution signals a permissive enforcement asymmetry that syndicates are, in effect, free to exploit. These are precisely the conditions Passas identifies as fueling demand for illicit arrangements, generating material incentive to participate in them, and weakening the state's practical capacity to intervene. The costume itself is simply the operational innovation that lets the syndicate exploit those asymmetries

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37 United Nations Convention against Transnational Organized Crime and the Protocols Thereto (2004), Art. 2(a)&(c), Art. 3(2) [UNTOC]; Trafficking Protocol Art. 3(a)&(c).

38 Nikos Passas, "Globalization, Criminogenic Asymmetries and Economic Crime," in *International Crimes*, ed. Nikos Passas (Routledge, 2017), 17–42.

more efficiently, by defeating identification and prolonging the activity's economic life.

Comparative Precedent

Britain's Operation Golf, a joint investigation with Romanian authorities, led to roughly 100 convictions of individuals who trafficked Romanian Roma[39] children into forced begging and street crime under conditions of debt bondage. A related Eurojust-coordinated operation across Romania, Hungary, Germany, and Austria dismantled a comparable network that recruited people from vulnerable backgrounds and forced them into street begging under complete dependency on their traffickers.[40] Further, Operation Global Chain ran from 8 to 12 June and united law enforcement from 59 countries spanning Africa, the Americas, Asia, and Europe in a coordinated push against trafficking networks tied to sexual exploitation, forced labour, criminal exploitation, and coerced begging. Austrian and Romanian authorities led the effort, with INTERPOL, Europol, Frontex, and Ameripol jointly coordinating; the operation produced 334 arrests on trafficking charges and a further 690 for related offences. Both confirm that organised begging rings, where a controlling party profits from the movement and exploitation of vulnerable persons, sit within the accepted international understanding of trafficking rather than at its margins. The coordinated international crackdown on human trafficking has led to the identification of 2,070 victims, the arrest of 1,024 suspects and the launch of 465 investigations.[41]

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39 Ani Sandu, December 11, 2019, "Blind Justice for Romania's Trafficked Roma Children," Fellowship For Journalistic Execellence, accessed September 27, 2026, https://balkaninsight.com/2019/12/11/blind-justice-for-romanias-trafficked-roma-children/fellowship/.

40 Eurojust, April 07, 2022, "Dismantling of Criminal Network That Forced Victims into Street Begging in Germany and Austria," Eurojust, accessed September 27, 2026, https://www.eurojust.europa.eu/news/dismantling-criminal-network-forced-victims-street-begging-germany-and-austria.

41 INTERPOL, July 6, 2026, "Over 1,000 Arrested in Global Crackdown on Human Trafficking Networks," INTERPOL, accessed July 10, 2026, https://www.interpol.int/en/News-and-Events/News/2026/Over-1-000-arrested-in-global-crackdown-on-human-trafficking-networks.

Malaysia's own capacity to dismantle sophisticated cross-border networks is likewise not in doubt: the Wang Kelian case, involving Rohingya refugees moved through a network spanning Myanmar, Bangladesh, Thailand, and Malaysia, demonstrated the state's ability to investigate and prosecute organised trafficking once the political will exists. The deficit in the case of costumed child begging, then, does not lie in institutional capacity but classification and prioritisation.

The Missing Link: Official Acknowledgment Without Designation

In its reply to a Parliamentary question, the Home Ministry acknowledged a nexus between begging activities involving foreigners, children, and organised crime, and confirmed ongoing investigations against locals suspected of acting as protectors, organisers, or financial beneficiaries.[42] Measured against the frameworks above, this reply already describes an organised criminal group under UNTOC Article 2(a): a structured network, sustained over time, acting for financial benefit, whose "protectors" and "organisers" map onto ATIPSOM's own criminalisation of trafficking at every operational level under Part III (Sections 26A–26K). Tellingly, the reply makes no mention of ATIPSOM at all and that gap between accurate description and formal designation is precisely what allows syndicate-controlled child begging to persist in a regulatory grey zone, addressed, if at all, under lesser provisions that fail to reflect either its organised structure or its transnational character.

RECOMMENDATIONS

Recommendations in Relation to Applicable Laws

A foundational step in enforcing the law against child begging is the clear differentiation between two distinct categories of offenders; those driven by poverty, typically parents who resort to using their children to beg out of desperation, and those operating as part of organised

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[42] Bernama, Jul 03, 2026, "Home Ministry: Foreign Begging Cases May Involve Syndicates, 42 Detained in KL Operations," MalayMail, accessed July 10, 2026, https://www.malaymail.com/news/malaysia/2026/07/03/home-ministry-foreign-begging-cases-may-involve-syndicates-42-detained-in-kl-operations/226239.

syndicates who exploit children, including trafficked children, for financial gain. This distinction is not merely academic; it is operationally critical, as the appropriate enforcement response differs significantly between the two.

In cases where begging is poverty-driven, the primary offender is the parent or guardian, who may be liable under Section 32(1) CA 2001 for forcing a child to beg. However, a rigid punitive approach such as fines or imprisonment risks exacerbating the very poverty that gave rise to the begging in the first place, and carries the risk of criminalising poverty rather than addressing its root cause. In such cases, enforcement ought to be tempered with rehabilitative intervention. A Social Welfare Officer from JKM is empowered to intervene and safeguard the welfare of the child, as demonstrated in the Penang case where the Social Welfare Department acted swiftly upon a viral Facebook post alerting authorities to a one-year-old child accompanying an elderly man begging on the street. It is therefore proposed that in poverty-driven cases, section 32(1) CA 2001 be complemented by mandatory parenting courses, community service, and supervised probation as alternatives to fines or imprisonment, alongside referral to financial assistance programmes such as Bantuan Kanak-Kanak and Program Kasih Ibu Keluarga Malaysia.

In cases where begging is syndicate-controlled, the enforcement response must be markedly more severe. Where trafficked children are exploited by organised syndicates for begging, the conduct falls squarely within the ambit of exploitation as contemplated under the ATIPSOM. It ought to be noted that the 2025 Trafficking in Persons Report: Malaysia by the U.S. Department of State[43] reported that officials did not consistently understand the definition of trafficking and continued to coalesce human trafficking and migrant smuggling, which hindered anti-trafficking law enforcement and victim identification efforts.

Section 14 of ATIPSOM, which addresses organised trafficking of children, provides for imprisonment of not less than three years and not more than twenty years, together with a fine. However, as currently drafted, Section 14 references exploitation broadly without expressly identifying begging as a specific form of organised criminal

43 U.S. Department of State.

exploitation. It is therefore proposed that ATIPSOM be amended to expressly include syndicate-controlled child begging as a form of trafficking and organised crime, thereby closing this legislative gap and providing enforcement agencies with an unambiguous legal basis to prosecute syndicate operators with the full force of the law.

This two-tiered enforcement framework, rehabilitative for poverty-driven cases, punitive for syndicate-controlled cases ensures that the law responds proportionately to the nature of the offence, protects the best interests of the child in both instances, and avoids the pitfall of criminalising poverty while simultaneously deterring organised exploitation.

Recommendations for Law Enforcement Agencies & Public

Aside from the above proposals, a more robust approach should be taken by the authorities in order to further curb child-begging activities, which will be discussed in turn below.

I. Protect & Rehabilitate

Immediate child rescue: Children who are found begging with their parents should be placed under temporary JKM protection while the authorities perform the necessary assessment of the respective children's family situations. The Court for Children constituted under CA 2001 should enable the granting of a mandate to remove a child from the parents who have forced them to beg. Reference is once again made to the 2025 Trafficking in Persons Report: Malaysia by the U.S. Department of State[44], which revealed that the Ministry of Women, Family, and Community Development (MWFCD) operated eight shelters specifically reserved for victims of human trafficking – five for women, one for men, one for girls, and one for boys – and allocated RM846,160 ($189,382) for the funding of two NGO-run shelters for women and children in 2025, compared with RM845,000 ($189,123) allocated in 2023. Nevertheless, the lack of shelters in other parts of the country, notably in East Malaysia, purportedly discouraged investigative officers from filing trafficking cases in those localities[45]. It is imperative that children are placed in safe shelters, not immigration

44 U.S. Department of State.
45 Ibid.

depots, and there ought to be coordination with JKM, UNHCR (United Nation High Commissioner for Refugees), and the qualified NGOs[46].

II. Public Awareness & Cultural Shift

Discourage giving to child beggars: It is important to highlight to the public that giving money to a child (even with their parents around) clearly perpetuates exploitation, rather more ought to be done to encourage the public to promote donations to official zakat institutions, NGOs, and shelters instead.

Community education campaigns: Media, schools, and religious platforms ought to be utilised to frame child begging as harmful, and not charitable in any way.

Religious bodies' involvement: Relevant authorities may work together with mosques, temples, and churches to emphasize that involving children in begging is against Islamic teachings (via Friday sermons and fatwas'), and are contrary to religious charity ethics.

III. Multi-Agency Approach & Collaboration

Hotspot monitoring: Joint operations by the police, JKM, immigration, and city councils ought to be conducted regularly to identify and address begging hotspots throughout the country, especially in capital cities.

School engagement: Teachers and school counsellors are highly encouraged to report absenteeism linked to child begging, or signs that a child was made to do so after school hours.

Community vigilance: Rukun Tetangga, local NGOs and members of the public are highly encouraged to assist in early detection of children forced to beg by families.

IV. Long-Term Preventive Measures

Preventive measures to combat human trafficking: When addressing this issue in relation to children who are forced to beg, most of them are from the refugees or undocumented minors and are involved in organised crime[47] if not caused by poverty and as such a

[46] Ramesh.
[47] Ramesh.

victim first presumption should be taken into law and law enforcement training. If a child is found begging it should trigger a response via ATIPSOM and not an arrest as we know it.

Further, it is to be noted the same article shows that the said operation is highly sophisticated cross border operation and as such a multi-agency approach should be adopted with agencies such as the Malaysian Anti-Corruption Agency (MACC) and the Malaysian Border Control and Protection Agency (MBCPA). It is also crucial to follow the money trail and seize funds related to the syndicate locally and/or with regional and/or international cooperation.

CONCLUSION

The phenomenon of costumed child begging in Malaysia cannot be dismissed as street performance or harmless novelty; it is, at its core, a form of child exploitation enabled by anonymity and sustained by enforcement inertia. This paper has shown that the law is not silent on the issue and Section 17(1)(k) and Section 32 of the Child Act 2001 plainly capture children exploited for begging, and ATIPSOM's provisions on trafficking and exploitation extend, on their own terms, to syndicate-controlled operations. What is missing is not legal coverage but legal will: the complete absence of reported prosecutions under Section 32(1), set against JKM's own figures on begging children and MAPO's rescue of trafficked minors, is not evidence that the problem does not exist, but evidence that it is not being pursued.

The central argument advanced here is that poverty-driven and syndicate-controlled begging are not like offences and must not be met with the same response. Where a parent makes a child beg out of desperation, punitive sanction risks compounding the very poverty that produced the conduct; rehabilitation, financial assistance, and supervised alternatives serve the child's best interests far better than prosecution. But where a child is recruited, harbored, and deployed by adults with no familial connection, the pattern that recurs across the accounts examined in this paper is that the conduct meets the constitutive elements of trafficking as understood under the Palermo Protocol and mirrored in ATIPSOM's own framework. To treat this as ordinary begging, or to leave it unprosecuted for want of an express

statutory hook, is to allow organised exploitation to shelter behind a legal gap which should not exist.

Accordingly, this paper recommends that ATIPSOM be amended to expressly recognise syndicate-controlled child begging as a form of trafficking, that a victim-first presumption be adopted so that a begging child triggers protection rather than removal or arrest, and that enforcement proceeds on a two-tiered basis; rehabilitative where poverty is the driver, punitive where organised exploitation is at work. None of this is achievable through legislative reform alone; it requires PDRM, JKM, Immigration Department, and MACC to coordinate rather than operate in silos, and it requires the public to stop mistaking a costume for consent. A child in a frog suit on the roadside is not performing. Until enforcement catches up to the existing laws, the aforesaid distinction will be missed and the child behind the mask will keep paying the price.