

## **ABANDONMENT OF OLDER PERSONS IN MALAYSIA: EXAMINING THE NEED FOR LEGAL CAREGIVING OBLIGATIONS**

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### **ABSTRACT**

The abandonment of older persons in Malaysia is an emerging social and legal concern, particularly in hospitals and care institutions. This article examines whether there is a need to introduce legal caregiving obligations since the current family law for both Muslims and non-Muslims does not sufficiently address family caregiving responsibilities towards older persons, which leads to neglect and abandonment. Using a qualitative doctrinal approach, the study analyses Malaysian social and legal provisions together with legal obligations in selected ASEAN jurisdictions. The findings show that while filial responsibility is socially expected, Malaysian law lacks clear and enforceable caregiving obligations for adult children or family members. This legal gap limits accountability and weakens protection for older persons. The article argues for the need to introduce explicit caregiving duties for older persons by their adult children to strengthen legal safeguards and better protect them against abuse, neglect, and abandonment.

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## **PENGABAIAAN WARGA EMAS DI MALAYSIA: MENGKAJI KEPERLUAN KEWAJIPAN PENJAGAAN DARI SUDUT UNDANG-UNDANG**

### **ABSTRAK**

Warga emas yang terdampar di Malaysia merupakan satu isu sosial dan perundangan yang semakin membimbangkan, khususnya di hospital dan institusi penjagaan. Artikel ini mengkaji sama ada terdapat keperluan untuk memperkenalkan kewajipan penjagaan dari sudut undang-undang, memandangkan undang-undang keluarga sedia ada bagi orang Islam dan bukan Islam tidak mencukupi dalam menangani tanggungjawab penjagaan keluarga terhadap warga emas, yang seterusnya membawa kepada pengabaian dan terdampar. Dengan menggunakan pendekatan doktrinal kualitatif, kajian ini menganalisis peruntukan sosial, budaya, agama dan perundangan di Malaysia, serta membandingkannya dengan kewajipan undang-undang di beberapa negara ASEAN terpilih. Dapatan kajian menunjukkan bahawa walaupun tanggungjawab terhadap ibu bapa atau warga emas diharapkan dari segi sosial, namun undang-undang di Malaysia masih kekurangan peruntukan yang jelas dan boleh dikuatkuasakan berkaitan kewajipan penjagaan oleh anak dewasa atau ahli keluarga. Kelompangan undang-undang ini mengehadkan akauntabiliti dan melemahkan perlindungan terhadap warga emas. Artikel ini menghujahkan terdapat keperluan untuk memperkenalkan kewajipan penjagaan yang jelas terhadap warga emas oleh anak dewasa bagi memperkukuh perlindungan undang-undang serta melindungi mereka daripada penderaan, pengabaian, dan terdampar.

**Kata Kunci:** Warga Emas, Tanggungjawab Penjagaan, Pengabaian, Perundangan.

## INTRODUCTION

Many older persons in Malaysia face significant challenges related to inadequate care, emotional support,<sup>1</sup> and financial insecurity.<sup>2</sup> As a result, they often depend on scarce personal resources or institutional care services to meet their daily needs.<sup>3</sup> This growing issue highlights the need for enhanced community awareness, improved legal protections, and more robust social welfare programmes to ensure that they are treated with dignity and respect.<sup>4</sup> The abandonment of older persons in Malaysia is an issue that needs more attention due to its silent increase. Reports indicate a rise in cases where older persons are abandoned by their families in hospitals, on the streets, or in care institutions. Between 2018 and June 2022, a total of 2,144 older persons were abandoned in hospitals across the country.<sup>5</sup> For instance, Hospital Kuala Lumpur recorded a 50% increase in such cases over three years, rising from 239 in 2020 to 358 in 2023.<sup>6</sup> This increase is

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<sup>1</sup>Mohd Aznan Md Aris, "Loneliness Among the Elderly in Malaysia: A Burgeoning Problem," *IJUM Medical Journal* 23, no. 4 (2024): 1-2.

<sup>2</sup>Zumilah Zainalaluddin, "Are Elderly Malaysians Poor? Solutions from a Socioeconomic Perspective," *AKPK/FEWRC*, (2024). <https://www.akpk.org.my/research-report>.

<sup>3</sup>Aniawanis Makhtar et al., "Social support and associated factors among family caregivers of older people in North-East Peninsular Malaysia," *Belitung Nursing Journal* 9, no. 1 (2023): 69–78, <https://doi.org/10.33546/bnj.2334>.

<sup>4</sup>Siti Munirah Mohd Faizal Lim, Siti Hajar Abu Bakar Ah, and Haris Abdul Wahab, "Challenges in Social Advocacy Strategies to Safeguard the Well-Being of Older Adults," *The Malaysian Journal of Social Administration* 16, no.1 (2022):19.

<sup>5</sup>Mohamad Ezri b Abdul Wahab, "One Story is Far Too Many-Law Reforms for Senior Citizen Rights," *Malaysian Bar*, April 17, 2024, <https://www.malaysianbar.org.my/article/about-us/president-s-corner/pressstatements/press-release-one-story-is-far-too-many-law-reforms-for-senior-citizen-rights>.

<sup>6</sup>Zunaira Saieed, "They did not want to deal with me': Rise in elderly in Malaysia abandoned by families", *The Straits Times*, Singapore, July 30, 2024, <https://www.straitstimes.com/asia/se-asia/they-did-not-want-to-deal-with-me-rise-in-elderly-in-malaysia-abandoned-by-their-families>; Saba Kash, "Elderly Abandonment is on the rise in Malaysia," *Media Channel Asia*, August 2, 2024 at <https://medicalchannelasia.com/elderly-abandonment-on-the-rise-in-malaysia/>.

rampant during festival celebrations.<sup>7</sup> Since abandonment is done in secrecy, there is no comprehensive data available; the realisation that older persons were abandoned arose long after the acts of abandonment were committed.<sup>8</sup> When this happened, the focus was primarily on providing immediate aid and support to the victims, often overlooking the need to identify and address the root causes that drive families to abandon their loved ones.

The issue of abandonment, often manifested as neglect, is not limited to Malaysia. It also happens in countries within the Association of Southeast Asian Nations (ASEAN), which experience an increase in the ageing population as well.<sup>9</sup> Regional policy frameworks, such as the Kuala Lumpur Declaration on Ageing: Empowering Older Persons in ASEAN, and the ASEAN Regional Plan of Action on Ageing, acknowledge that this rapid increase in older persons is placing growing pressure on traditional family-based care systems, which have long served as the foundation of elder support across ASEAN.

Unfortunately, similar to Malaysia, the ASEAN countries also lack comprehensive data on the abandonment of older persons. Nevertheless, various fragmented sources from selected ASEAN countries suggest that the issue is on the rise. For example, in Vietnam, a 2020 survey involving 600 seniors in Phu Yen, Quang Tri, and Dak Lak revealed that 15% of respondents reported being abandoned by their children, while 8.3% reported being threatened with confinement.<sup>10</sup> In Indonesia, in 2013, 4.6 million out of 18 million older

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<sup>7</sup>Hadi Azmi, "Malaysia's Lunar Year dirty secret? Abandoning elderly relatives in hospital," *MyNews*, January 29, 2025, accessed July 12, 2025, <https://www.scmp.com/week-asia/health-environment/article/3296664/malysias-lunar-new-year-dirty-secret-abandoning-elderly-relatives-hospitals>.

<sup>8</sup>Michelle Ferng, "Silent Crimes" *Hopkins Bloomberg Public Health magazine*, February 1, 2015, <https://magazine.publichealth.jhu.edu/2015/silent-crimes>; Saieed, "Rise in Elderly.," "Opinion: Raising awareness of elderly care," *The Sun*, April 6, 2026, <https://thesun.my/opinion/raising-awareness-of-elderly-care-db12755464/>.

<sup>9</sup>"Old Age Poverty and Active Ageing in ASEAN: Trends and Opportunities", (Jakarta: ASEAN Secretariat, 2023), accessed April 8, 2026, <https://asean.org/book/old-age-poverty-and-active-ageing-in-asean-trends-and-opportunities/>.)

<sup>10</sup>TRẦN ĐÌNH HOÀNH, "Vietnam sees alarming rise in elderly abuse, abandonment," *CVD*, 6 July 2020.

persons were considered at risk of neglect due to economic challenges, lifestyle changes, and shifting cultural norms.<sup>11</sup> Since then, no national data has been available for Indonesia. However, regional studies conducted in Yogyakarta and Pekanbaru City in 2022 reported notable levels of neglect among older persons. In Yogyakarta, neglect rates varied across districts, with Gunungkidul recording the highest prevalence at 39.78 % and Yogyakarta City the lowest at 3.8%.<sup>12</sup> In Pekanbaru City, 49.74% of the respondents were found to experience a high level of neglect.<sup>13</sup> Unfortunately, these figures did not mention abandonment.

In Indonesia, older persons' abandonment is particularly acute in urban areas, where changing socio-economic conditions, such as greater female workforce participation and increased family mobility, have heightened the risk of social isolation and neglect among older persons.<sup>14</sup> Previous studies have shown cases in which elderly parents were abandoned by their children in welfare institutions and were neither visited nor cared for by them.<sup>15</sup> Reports from the Indonesian Ministry of Social Affairs also indicate an increase in the number of elderly persons being placed in welfare institutions due to a lack of family support.<sup>16</sup> Similarly, since 2022, Thailand has seen 1,500 older

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<sup>11</sup>Desi Purnamawati, "Some 4.6 million elderly in Indonesia prone to be neglected," *ANTARA*, 28 May 2013 at <https://en.antaranews.com/news/89064/some-46-million-elderly-in-indonesia-prone-to-be-neglected>.

<sup>12</sup>Sukamdi Sukamdi, Sumini Sumini, and Titik Munawaroh, "Community-Based Care for Older People in Indonesia: Case Study of Special Region of Yogyakarta," in *Social Determinants of Active Ageing-Building Resilience and Empowerment*, ed. A. Klimczuk (IntechOpen, 2025), 118.

<sup>13</sup>Ezalina Ezalina and Alfianur Alfianur, "Factors associated with older adults' neglect among relatives in urban areas of Indonesia: a cross-sectional study," *Jurnal Ners* 20, no. 2 (2025): 117-126.

<sup>14</sup>Junaiti Sahar, Ni Made Riasmini, and Dwi Nurviyandari, "Reducing neglect and improving social support for older people following a self-help group in the poor urban community of Jakarta, Indonesia," *Enfermeria clinica* 28, (2018): 66-69.

<sup>15</sup>Nurul Afifah Salsabila Lubis and Syafruddin Syam, "Neglect of Parents at UPTD Social Services for the Elderly Binjai in Review of Islamic Law and UU No. 1 of 1974 Concerning Marriage," *Indonesian Interdisciplinary Journal of Sharia Economics (IIJSE)* 7, no. 1 (2024): 1066-1074.

<sup>16</sup>Mohammed Daniel Iskandar et al., "Comparative Analysis of Filial Responsibility, Elder Neglect, and State Intervention in Indonesia,

persons reported missing each year.<sup>17</sup> This figure may be linked to the broader issue of older persons' abandonment and neglect in the country. Previous studies have indicated evidence showing that there are elderly persons who have been abandoned by their children.<sup>18</sup> On the other hand, the Philippines' government has recognised a growing trend of abandonment in the increasing number of older persons being admitted into care institutions.<sup>19</sup> Data from the Department of Social Welfare and Development<sup>20</sup> show that a large share of older persons admitted to residential care facilities are categorised as abandoned, neglected, or unattached. Existing Philippine research shows that elder abandonment is often tied to family neglect and strained relationships.<sup>21</sup> Other research focused on the lived experiences and coping mechanisms of abandoned older persons in care institutions because they are in the system, while those who were responsible cannot be traced.<sup>22</sup>

In Singapore, there is no specific data on older persons abandonment; nevertheless, available data on abuse (including neglect and abandonment) suggest that between 8.3% individuals are affected.<sup>23</sup> Reflecting this concern, the number of new elder abuse cases handled by the Protection Specialist Centres and Family Service

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Malaysia and Singapore," *Journal of Humanities and Social Sciences (JHASS)* 7, no. 2 (2025): 43-53.

<sup>17</sup>Thai PBS World, "Dementia and disappearance: Thailand faces new crisis of missing elderly," 2022, <https://today.line.me/th/v3/article/oq3MzNo>.

<sup>18</sup>Bussarawan Teerawichitchainan, "Older persons in Thailand: an update from a recent national survey," *Asian Population Studies* 16, no. 3 (2020): 243-247.

<sup>19</sup>Ador Vincent Mayol, "Number of abandoned elderly rising," *Inquirer.net*, March 9, 2020. <https://newsinfo.inquirer.net/1238586/number-of-abandoned-elderly-rising>.

<sup>20</sup>2024 Compendium of DSWD & Selected Social Welfare and Development Statistics 2020 to 2024.

<sup>21</sup>Christian Dave Francisco et al., "The Ones We Once Loved: A Qualitative Study on the Experiences of Abandoned Senior Citizens in Home for the Aged," *Psych Educ* 7, (2023): 253-260, doi:10.5281/zenodo.7659052.

<sup>22</sup>Allan B. de Guzman et al., "Who says there is no life after abandonment? A grounded theory on the coping of abandoned Filipino elderly in nursing homes," *Educational Gerontology* 38, no. 12 (2012): 890-901.

<sup>23</sup>Srinivasan Chokkanathan, "Prevalence and correlates of elder mistreatment in Singapore," *Journal of Elder Abuse & Neglect* 30, no. 4 (2018): 271-283.

Centres rose from 283 in 2021 to 359 in 2024.<sup>24</sup> Likewise, Brunei lacks comprehensive public data on older persons being abandoned; however, some reports have highlighted related issues such as older person abuse, neglect, and the broader challenges of an ageing population.<sup>25</sup> In 2020, 26 cases of elderly abuse and neglect were reported, rising to 84 cases in 2021, dropping to 32 in 2022, increasing to 44 cases in 2023, 57 cases in 2024, and from January to June 2025, 56 elderly individuals had received intervention from the government.<sup>26</sup> Like Malaysia, Brunei has also seen cases of older patients being abandoned in hospitals.<sup>27</sup> In Malaysia, similar cases have increased from 239 in 2020 to 358 in 2023.<sup>28</sup> Brunei, however, did not provide specific numbers; instead, the Minister of Health described the situation as a 'growing concern'. Myanmar too lacks official statistics on the abandonment of older persons, but news reports indicate that abandonment of both older persons and hospital patients is an ongoing concern.<sup>29</sup> As in other countries, there have also been reports indicating cases of elderly persons who have been abandoned in Myanmar.<sup>30</sup>

Overall, while data across ASEAN countries is fragmented and limited, it focuses more on abuse and neglect. Abandonment is touched on as part of the broader meaning of abuse and neglect. These data do

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<sup>24</sup>Ministry of Social and Family Development. (2026) Tier 1 Elder Abuse Data (Domestic Violence Trends Report 2025).

<sup>25</sup>Muhammad Furqan Firdaus and Cecep Soleh Kurniawan, "Reinforcing Elderly Management in Brunei Darussalam: An Islamic Approach to Aging," *Al-Qanun: Jurnal Pemikiran dan Pembaharuan Hukum Islam* 27, no. 2 (2024): 141-156.

<sup>26</sup>Menteri Kebudayaan, Belia dan Sukan Brunei, Answer to Written Question PTO45, (2025) % hansard.queeniecy.com/en/docs/hansard/2025/sesi-2/pertanyaan-tulis/2025-08-04-PT045.

<sup>27</sup>Brunei Minister addresses elderly patient abandonment, hospital capacity, *The Star*, March 14, 2025, <https://www.thestar.com.my/aseanplus/aseanplus-news/2025/03/14/brunei-minister-addresses-elderly-patient-abandonment-hospital-capacity>.

<sup>28</sup>Kash, "Elderly Abandonment."

<sup>29</sup>"Vietnam sees alarming rise in elderly abuse, abandonment," *New Straits Times*, July 5, 2020, <https://www.nst.com.my/world/region/2020/07/606069/vietnam-sees-alarming-rise-elderly-abuse-abandonment>.

<sup>30</sup>"Abandoned old people find home, Myanmar," *Khmer Times*, May 25, 2025, <https://www.khmertimeskh.com/76074/abandoned-old-people-find-home-myanmar/>.

not reflect the growing concern about the abandonment of older persons within the region. This issue is more noticeable in urban settings where social and economic transformations have changed the family's structure and their responsibilities to care for older persons, leading to a shift in traditional caregiving roles and a potential increase in neglect or abandonment cases.<sup>31</sup>

Abandonment typically occurs when older persons are left in hospitals after receiving treatment,<sup>32</sup> placed in care institutions without any intention to bring them home,<sup>33</sup> or left in public places, mosques, or at the gates of care homes.<sup>34</sup> While hospitals and institutions often attempted to contact family members to arrange for discharge, they failed because the given contact information was false. When no next of kin can be identified or located, the older persons are handed over to the government or charitable care institutions. Older persons' abandonment is an emerging concern shaped by longer life expectancy, smaller family sizes, women's increasing workforce participation, and migration, all of which weaken traditional caregiving structures and make elder abandonment a pressing social issue requiring stronger intervention.<sup>35</sup>

Currently, there is no clear legal definition of abandonment or provisions on abandonment. There is also no formal mechanism to record and monitor such cases nationwide. The absence of legal obligations for adult children to care for their elderly parents enables abandonment to take place. Adult children cannot be held legally liable merely for failing to do so. This article aims to explore the issue of older person abandonment in Malaysia by analysing its existence within the social, religious, legal, and cultural expectations surrounding filial responsibility. It is hoped to forward a convincing argument for the need to introduce an explicit duty of adult children to care for elderly parents, to minimise, if not eradicate, abandonment of older persons in Malaysia.

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<sup>31</sup>Iskandar et al., "Comparative Analysis of Filial Responsibility," 43.

<sup>32</sup>Sheila Sri Priya, "Patient abandonment on the rise," *The Star*, July 12, 2024, <https://www.thestar.com.my/metro/metro-news/2024/07/12/patient-abandonment-on-the-rise>.

<sup>33</sup>Kash, "Elderly Abandonment."

<sup>34</sup>Wahab, "One Story is Far Too Many."

<sup>35</sup>Iskandar et al., "Comparative Analysis of Filial Responsibility," 43.

## LITERATURE REVIEW

The issue of abandonment of older persons remains relatively silent in Malaysian academic and policy discourse. Most of the literature focuses broadly on elder abuse, neglect, financial insecurity, and caregiver burden. Scholars such as Noor, Md Isa, and Nik Muhammad<sup>36</sup> examined the experiences of older persons residing in care institutions, while Sheau-Ting Low et al.<sup>37</sup> touched on the concept and value of retirement villages in Malaysia. Shareen Nadia Zulkipli et al.,<sup>38</sup> examined the legal status of the elderly in Malaysia and highlighted their vulnerability due to social, economic, and health-related challenges. It finds that existing legal protections are fragmented and insufficient, as they rely on general laws rather than a dedicated legal framework. The authors' main argument is that comprehensive legal reform is needed, particularly through the introduction of a specific Elderly Act, to better safeguard the protection and welfare of Malaysia's ageing population. While Muhammad Nor Abdurrahim et al.,<sup>39</sup> affirmed that Islamic jurisprudence firmly establishes the duty of children to support their parents, the lack of a comprehensive statutory framework limits its practical effectiveness. Hasiah Mat Salleh et al.,<sup>40</sup> showed that elderly care in Malaysia is best understood through a *maqasid al-shariah* framework, which combines religious duties with broader social welfare principles. Although institutions such as Pusat Aktiviti Warga Emas, which is an elderly

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<sup>36</sup>Shaista Noor, Filzah Md Isa, and Nik Maheran Nik Muhammad, "Silent scream of Malaysian elderly: A case study in Noble care ageing centres," *Research on Ageing and Social Policy* 9, no. 2 (2021): 133-153.

<sup>37</sup>Sheau-Ting Low et al., "Am I being abandoned? The value of retirement homes in Malaysian society," *International Journal of Housing Markets and Analysis* 18, no. 2 (2025): 478-502.

<sup>38</sup>Shareen Nadia Zulkipli et al., "Elderly as a Vulnerable Group: A Legal Review in Malaysia," *Akademika* 95, no. 1 (2025): 373-390/ DOI: 10.17576/akad-2025-9501-21.

<sup>39</sup>Muhammad Nor Abdurrahim, Amilia Saidin, and Mohamed Ishak Abdul Hamid, "Rights of Parents to Maintenance under Shariah Law in Malaysia," *Shariah Reports*, no.1 (2015): ccxcviii-cdxvii.

<sup>40</sup>Hasiah Mat Salleh et al., "Muslim Elderly Care based on Maqasid Shariah: A Case Study of Pahang State, Malaysia," *International Journal of Academic Research in Business and Social Sciences* 12, no.11 (2024): 2101-2109. DOI: 10.6007/IJARBS/v12-i11/15034.

activities centre that plays an important role in supporting the elderly, the findings confirm that the family, especially children, remains the main source of care. However, ongoing socio-economic and relational challenges highlight the need for a more coordinated, multi-level approach that brings together religious values, social policy, and community support to better protect the welfare of older people.

Globally, the issue of the abandonment of older persons is often discussed within broader topics such as filial responsibility, intergenerational conflict, and the erosion of traditional family structures. Keating et al.,<sup>41</sup> and Aman et al.,<sup>42</sup> focused on the emotional and psychological dimensions of caregiving. Both scholars recognised that familial care is deeply rooted in cultural and spiritual values, but the modern economic and social pressures have undermined these values. Gitlin,<sup>43</sup> on the other hand, proposed an integrated approach to caring for older persons through shared responsibilities between families and governments. Aside from this, the international studies by Francisco et al.,<sup>44</sup> and Can<sup>45</sup> have discussed the experiences of older persons in care institutions.

Family Systems Theory is particularly relevant to the discussion of abandonment. According to Brown and Errington,<sup>46</sup> a family unit is interconnected, where each member's experiences and perspectives shape the overall dynamics within the unit. This interconnectedness can either support or pose as an obstacle in caring for older parents or relatives. Taking care of older parents should not be the sole responsibility of the member in the family, but it has to be shared

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<sup>41</sup>Norah Keating et al., "Life course trajectories of family care," *International Journal of Care and Caring* 3, no. 2 (2019): 147-163.

<sup>42</sup>Zuzana Aman et al., "The impact of caregiving on caregivers of older persons and its associated factors: a cross-sectional study," *Singapore medical journal* 61, no. 5 (2020): 238.

<sup>43</sup>Laura N Gitlin, "Whose responsibility is it? balancing individual, family, and societal needs for supporting seriously ill older adults," *Journal of the American Geriatrics Society* 67, no. Suppl. 2 (2019): S457.

<sup>44</sup>Francisco et al., "The ones we once loved," 253.

<sup>45</sup>Ali Rıza Can, "An ethnographic study of abandoned and destitute older people living in a specialized centre in city of Gaziantep, Turkey," *Eurasian Journal of Anthropology* 6, no. 1 (2015): 24-38.

<sup>46</sup>Jenny Brown and Lauren Errington, "Bowen family systems theory and practice: Illustration and critique revisited," *Australian and New Zealand Journal of Family Therapy* 45, no. 2 (2024): 135-155.

equally by all members. It is a collective effort and responsibility. Literature further acknowledges the common stressors, such as financial constraints, caregiver burnout, lack of preparedness, and family disputes, as common triggers for abandonment. Ab Ghani et al.,<sup>47</sup> and Liem et al.,<sup>48</sup> highlighted how insufficient support for caregivers often results in adverse outcomes for both caregivers and older persons, which leads to abandonment.

Legal discussions reveal that countries like Indonesia, the Philippines, and Vietnam have enacted legislation codifying filial obligations. In Indonesia, Article 46 of Law No. 1 of 1974 on Marriage mandates adult children to care for their parents. Nadia Nurhardanti examined parental obligations for abandoned elderly parents,<sup>49</sup> while Larasati et al.,<sup>50</sup> discussed the complexity of adult children's obligation to care for their parents due to the inter-relationship involving law, custom, and religion. The authors touched on the challenges faced by adult children in fulfilling this duty, suggesting that a holistic approach by the government is needed to support the care of older persons through an increase in resources. Muh Ulil Absor et al.,<sup>51</sup> observed that care providers in rural Indonesia follow the family-based 'habitual care' norms where family, particularly women, are the primary caregivers. This led to gender inequality, with older women disproportionately both needing to be cared for and, at the same time, needing to provide care.

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<sup>47</sup>Nor Nadiya Ab Ghani et al., "Knowledge, practice and needs of caregiver in the care of older people: a review," *International Journal of Care Scholars* 5, no. 3 (2022): 70-78.

<sup>48</sup>Andrian Liem et al., "A long overdue recognition: domestic workers as caregivers for older people in Asia," *The Lancet Healthy Longevity* 4, no. 4 (2023): e129-e130.

<sup>49</sup>Nadia Nurhardanti, "Hak Alimentasi Bagi Orang Tua Lansia Terlantar (Studi Kasus di Panti Werdha Majapahit Kecamatan Sooko, Kabupaten Mojokerto)," (PhD diss., Brawijaya University, 2015), 3-15.

<sup>50</sup>Herwinda Larasati et al., "Legal Responsibilities of Children and the Role of Families toward Parents in the Perspective of Civil Law and Government Regulation No. 28 of 2024 as Implementation of Law No. 17 of 2023 on Health," *Proceeding ICHBS* 1, no. 1 (2024): 219-231.

<sup>51</sup>Muh Ulil Absor et al., "Care arrangements of older persons in rural Indonesia: a study of six villages," *Asian Population Studies* 20, no. 3 (2024): 245-267.

Similarly, the Philippines enshrines the legal duty to care for older persons in both its Constitution and the National Commission of Seniors Act. The National Commission of Senior Citizens (NCSC) oversees the implementation of policies that prioritise the welfare of older persons. Felipe-Dimog<sup>52</sup> noted that these legal measures contribute to a culture of voluntary care within Filipino families. Uy<sup>53</sup> explored how the shared experiences between members in the family created lifelong bonds, mutual trust, emotional vulnerability, and support in the care of ageing parents.

In Vietnam, Dang Thanh Nhan<sup>54</sup> were of the view that the family is the main caregiver for older persons. These obligations are created through legal provisions and supported by cultural practices like filial piety. However, changes to the family structure and migration have affected the ability of the family as a caregiver for older persons. Additionally, Thailand has also legislated reciprocal obligations between adult children and their parents, recognising the family as the primary caregiver<sup>55</sup> with demographic and social challenges.

Conversely, Singapore and Brunei opted to mandate financial maintenance. In Singapore, the Maintenance of Parents Act 1995 imposes a legal obligation on adult children to provide for their elderly parents. Shaohua and Lingli<sup>56</sup> pointed out that Singapore has a tripartite eldercare model, combining regulatory, support, and complementary. The regulatory provisions required families to support older persons, while the government provides support through financial incentives, housing, and healthcare. The complementary aspect can be seen from indirect government support if the families cannot provide sufficient

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<sup>52</sup>Eva Belington Felipe-Dimog et al., "Caring behavior of Filipinos toward their elderly family members," *Acta Medica Philippina* 58, no. 15 (2024): 6.

<sup>53</sup>Huemer O. Uy, "A cross-case analysis on filial care assumption among Filipino adults," *Medical Research Archives* 11, no. 11 (2023).

<sup>54</sup>Dang Thanh Nhan, "The role of the Family in Daily care for the Elderly in Changing rural Vietnam," *Wies i Rolnictwo* 3, (2019): 97-122.

<sup>55</sup>Nongnuch Wongsawang et al., "Family caregiving for dependent older adults in Thai families," *Journal of Nursing Scholarship* 45, no. 4 (2013): 336-343.

<sup>56</sup>Shaohua Zhan and Lingli Huang, "State familism in action: Aging policy and intergenerational support in Singapore," *China Population and Development Studies* 7, no. 2 (2023): 111-129.

care. This approach is known as state familism, which allows the government to play dual roles as regulator and supporter of family care. Jeremy et al.,<sup>57</sup> noted that caring for older persons in Singapore involves family members and domestic helpers. Nevertheless, those who are providing care independently need greater assistance due to increased stress and limited support.

From the discussion of the literature, most ASEAN countries have introduced statutory provisions to impose legal duties on adult children to care for their elderly parents. Unfortunately, Malaysia has yet to do so, opting to rely on the cultural norms and religious values in caring for elderly parents. This approach does not obligate the adult children to do so, thus creating a gap in the legal provisions that needs to be addressed urgently. This reliance exposes a critical gap in Malaysia's legal provisions and highlights the urgent need for a comprehensive, statutory mechanism to address elder abandonment and support caregiving families.

## METHODOLOGY

This article adopts a qualitative doctrinal legal research methodology to analyse issues on the abandonment of older persons in Malaysia. The doctrinal approach focuses on the study of primary and secondary sources in Malaysia and selected ASEAN countries. For Malaysia, the primary sources are the Law Reform (Marriage and Divorce) Act 1976,<sup>58</sup> the Married Women and Children (Maintenance) Act 1950,<sup>59</sup> and Islamic Family Law Enactments, particularly the Islamic Family Law (State of Selangor) Enactment 2003 and the Islamic Family Law Enactment of Kelantan 2025. These statutes are analysed to determine the existence of any legal obligations to care for older persons by adult children. Secondary sources include academic literature, government reports, Non-Governmental Organisations (NGOs) publications, and media reports on older persons' care and abandonment. Additionally,

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<sup>57</sup>Jeremy Lim-Soh et al., "Sharing in caring: family caregiving task-sharing patterns for older adults in Singapore," *The Journals of Gerontology, Series B: Psychological Sciences and Social Sciences* 80, no. 1 (2025): gbae186.

<sup>58</sup>(Act 164).

<sup>59</sup>(Act 263).

a comparative analysis of selected ASEAN jurisdictions, including Singapore, Thailand, Indonesia, the Philippines, and Vietnam, was undertaken to understand their approaches to addressing this issue. This comparative perspective will enable Malaysia to decide the suitable approaches to be adopted to minimise, if not eradicate, this issue. Aside from this comparative approach, the study also explores the factors influencing caregivers to provide the services and the constraints they face, which resulted in abandonment.

## **THE CONCEPT OF ABANDONMENT**

According to the Cambridge English Dictionary, ‘abandonment’ is defined as the intention of a neglectful act of leaving someone or something behind, usually permanently or for a long period. This can apply to places, people, projects, or activities. It also refers to the act of giving up a right, claim, or property with no intention of reclaiming it.

There are three types of abandonment: physical, emotional, and legal abandonment.<sup>60</sup> Physical abandonment refers to the act of physically leaving or deserting someone, typically a dependent such as a child, without providing necessary care, supervision, or protection, which involves the act of withdrawing physical presence and support. This can happen when the other party is being sent elsewhere, or the doer has stopped any physical contact with the person being abandoned.

Emotional abandonment, on the other hand, is reflected in the lack of emotional support or presence. This is not limited to the distance between the parties but can happen even if they are staying together. This situation can lead to neglect, isolation, and insecurity. Conversely, legal abandonment refers to the renouncing of rights or claims over someone or something that one has a legal obligation to fulfil. In the context of older persons, the abandonment here involves physical abandonment outside the family setting.

There are various reasons why older persons are being abandoned by their children, including, but not limited to, financial

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<sup>60</sup>Marius Marici et al., “Is rejection, parental abandonment or neglect a trigger for higher perceived shame and guilt in adolescents?” *Healthcare (Basel)* 11, no. 12 (2023): 1724.

constraint, family dispute, neglect, or inability to take care of them.<sup>61</sup> Caring for older parents, especially those who are financially dependent and suffering from illness, is not easy. Balancing the roles as a caregiver, head of the family, and worker can sometimes be too much, forcing them to send their parents away. Aside from this, family conflicts between older parents and their children may also force the parents to be abandoned.<sup>62</sup> These conflicts can include disagreements regarding the relationship, way of living, behaviour, or distribution of property. The stories like that of Zainab and her husband, who became homeless due to familial betrayal, and Mr. Kumar, a stroke patient abandoned by his family, highlight the human cost of this issue.<sup>63</sup> Perhaps not knowing how to deal with these conflicts, the easiest way was to abandon each other, with the children opting to send their parents away to the charity homes operated by the non-governmental organisations. If this is not an option, the older parents are left at public places where the Welfare Department will have to find a suitable shelter for them. This was what happened to the 10 elderly parents who were abandoned every year at *Pondok Al-Jaafar*, a religious education centre in Gopeng, Perak.<sup>64</sup>

## THE FAMILY SYSTEMS THEORY

Caring for older persons is a collective responsibility of the family members. As such, the issue of older persons' abandonment in Malaysia should not be viewed in isolation and limited to just the individual. It should be viewed within a broader perspective of family relationships. The Family Systems Theory views the family as a system of interconnected, interdependent individuals whose behaviours and

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<sup>61</sup>Chew Siew Hoe, Wirawani Bt Kamarulzaman, and Lee Teck Heang, "Elderly people in old age homes: Engaging factors leading to institutionalization," *International Academic Research Journal of Social Science* 4, no. 1 (2018): 28-41.

<sup>62</sup>Charles Ramendran, "Elder Abuse in Malaysia is a ticking time bomb," *The Star*, February 6, 2025, <https://asianews.network/elder-abuse-in-malaysia-is-a-ticking-time-bomb/>.

<sup>63</sup>Saieed, "Rise in Elderly."

<sup>64</sup>Charles Ramendran, C. Aruno, and R. Aravithan, "They never come back," *The Star*, Jan 27, 2025.

emotions deeply influence one another.<sup>65</sup> This theory further insists that each member's conduct, feelings, and progress are understood within the family system. This theory's fundamental concepts comprise family as an emotional unit, which is dependent on each other, in maintaining a stable environment in the light of challenges, forming alliances or groups, with beliefs, behaviours, or values that are passed from generation to generation, and the ability to keep the individuality and autonomy. Thus, balancing interdependence and independence is crucial for healthy family dynamics. It ensures that older persons receive care with respect and dignity, rather than facing isolation or abandonment.

Elder abandonment occurs when a caregiver deliberately abandons an older person by leaving him in a public place and intentionally giving up his responsibility to care for the older person.<sup>66</sup> Ideally, the care of elderly parents should be shared among the adult children. This includes meeting their physical, health, emotional, and financial needs. Unfortunately, there are times when this responsibility falls on one of the adult children. This can lead to disagreement, especially when others question the quality of care or refuse to contribute to caregiving or financial support.<sup>67</sup> In addition, the financial, physical, and emotional tolls related to caring for older persons may lead to internal conflict, which adds more strain to the family relationship as a unit.<sup>68</sup> This cycle is harmful to the family. The resentment and unhappiness within the family are reflected through the formation of groups, especially among siblings, which breaks down the family further; nevertheless, the relationships may heal with the involvement of a third party to cool off the tensions.<sup>69</sup> The care is being

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<sup>65</sup>Brown and Errington, "Bowen family system," 136.

<sup>66</sup>Stephanie M. Rzeszut, "The Need for A Stronger Definition: Recognizing Abandonment as A Form of Elder Abuse Across the United States," *Family Court Review* 55, no.3 (2017): 444, 457.

<sup>67</sup>Nurul Hidayah Anuar, Zuria Mahmud, and Dharatun Nissa Fuad Mohd Karim, "Informal Caregiving of Senior Parents in Malaysia: Issues & Counselling Needs," *International Journal of Innovation, Creativity and Change* 5, no. 6 (2019): 408-420.

<sup>68</sup>Suhana Jawahir et al., "The Impacts of caregiving intensity on informal caregivers in Malaysia: findings from a national survey," *BMC Health Services Research* 21, no. 1 (2021): 391. DOI: 10.1186/s12913-021-06412-5.

<sup>69</sup>Brown and Errington, "Bowen family systems," 136.

done based on the cultural, opinions, and values that the family shared from one generation to the next. Each member has a different journey and experience, thus adding another dimension to care given to older persons. This will influence each child's commitment to care for or to walk away from the responsibility of caring for their older parents. This theory clearly emphasises that the responsibility of care involves the family as a unit, not just the individual who decided to take on the responsibility, or the older person who was abandoned. Since the family is responsible, any interventions must involve the whole family. Effective solutions should prioritise enhancing family communication, restoring balance, and promoting shared responsibility in the care of older persons.

The Family Systems Theory offers a useful framework for understanding the abandonment of older parents in Malaysia. It should be seen from the family and not an individual perspective. The action or inaction of other members will have an impact on the one who is caring for the elderly parents. The failure to enquire how the caregiver is coping, does she have a plan to go for a vacation, and expecting her to formulate plan A, B, or C on her own in the event she has a plan to do so, creates resentment. Complaining about caring for elderly parents to others may sound ungrateful and full of guilt; therefore, the family continues in a dysfunctional relationship.<sup>70</sup> If these issues persist without intervention, the caregiver's stress and emotional fatigue can escalate, leading to abuse, neglect, or abandonment of the elderly parent.<sup>71</sup> Growing up, siblings went through different stages of closeness. Once they are married and have children, the nature of the relationship changes. Thus, in case of conflicts, it is normal for siblings to form groups, which may widen the rifts between the groups. The failure to balance between individual autonomy and emotional connection with other members may cause the caregiver to respond with emotion, feeling overwhelmed, resulting in abandonment of

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<sup>70</sup>Nur Atikah Mohamed Hussin and Nursahira Sahiba Mohd Sabri, "A qualitative exploration of the dynamics of guilt experience in family cancer caregivers," *Support Care Cancer* 32, no. 11(2023): 559. DOI: 10.1007/s—520.023-08060.sabri.

<sup>71</sup>Jennifer E. Storey, "Risk Factors for Elder Abuse and Neglect: A Review of the Literature," *Journal of Aggression and Violent Behaviour* 50, (2020): 101339. DOI: 10.1016/j.avb.2019.101339.

responsibility to care.<sup>72</sup> Ultimately, effective intervention must equip the family to take on the role of caregiver through communication, discussion, and shared responsibilities. Hopefully, it will result in a decrease in the number of older persons being abandoned.

## THE CONCEPT OF CARING

Caring for older persons involves taking care of their physical and medical needs, emotional and, in some cases, financial well-being. The Oxford Dictionary defines ‘maintain’ as ‘to support somebody/ something over a long period by giving money, paying for food etc.’<sup>73</sup> As a caregiver for an older person, one must understand the ageing process and the changes it brings, including the physical, emotional, and health-related symptoms and limitations that may affect the older person in their care. As a caregiver, she needs to assess perceived and objective needs, providing personalised, tailored, or customised care and supportive approaches, and addressing differential access to care and support services.<sup>74</sup>

Providing care for older adults can be challenging due to declines in physical capabilities, health issues, reduced social engagement, and limited financial resources.<sup>75</sup> Common conditions in older age include hearing loss, cataracts and refractive errors, back and neck pain, osteoarthritis, chronic obstructive pulmonary disease, diabetes, depression, and dementia.<sup>76</sup> While for insufficient income, older persons are retired, therefore may not have sufficient income to cater for their needs, especially if they were employed in the private sector and the informal sector, which do not provide social security

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<sup>72</sup>Anna Józefczyk, “Multigenerational transmission of differentiation of self— Toward a more in-depth understanding of Bowen's theory concept,” *Journal of Marital and Family Therapy* 49, no. 3 (2023): 634–653.

<sup>73</sup>Oxford Learners Dictionaries, accessed April 5, 2026, <https://www.oxfordlearnersdictionaries.com/definition/english/maintain>.

<sup>74</sup>Gitlin, “Whose Responsibility Is It?” 457.

<sup>75</sup>Bronson Flint and Prasanna Tadi, *Physiology, Aging* (StatPearls, 2023), 27.

<sup>76</sup>World Health Organisation, “Ageing and health,” October 1, 2025, at <https://www.who.int/news-room/fact-sheets/detail/ageing-and-health>.

protection.<sup>77</sup> For some, caregiving is seen as burdensome; for others, it is a source of joy and honour, based on the cultural beliefs and values.<sup>78</sup> In many cultures, caregiving is viewed as a noble duty, undertaken with pride, self-sacrifice, and filial piety.<sup>79</sup> A caregiver's willingness to provide support is often determined by the mobility of the older person, financial resources, or chronic illness, which requires more intensive care. The need to care for an older person may arise unexpectedly, taking the caregiver by surprise, due to illness, accident, or the death of a spouse. The caregiver had to shoulder the responsibility of caring without sufficient time to prepare, causing additional stress.<sup>80</sup> In some cases, caregiving begins suddenly after an unexpected event, such as when the elderly parent suffers a stroke, and the caregiver may have little time to prepare or obtain the necessary training before taking on the responsibility.<sup>81</sup>

Preparedness, information, and training are important to ensure that the caregiver can give the best care to the one being cared for. This not only improves the quality of caregiving but also helps prevent situations in which abuse, neglect, or abandonment may occur. The legal reform on caregiving must move beyond punishments and towards prevention, by providing minimum training standards, providing access to caregiver education and resources, and establishing systems of monitoring and support.<sup>82</sup> Unfortunately, without this, caregivers face challenges in managing the complexities of caring for an older person, especially if he/she is suffering from chronic illness.<sup>83</sup>

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<sup>77</sup>Nur Diyana Yusoff et al., "Retirement Preparedness among Malaysia's Low-Income Private Sector Employees: A Conceptual Model," *Information Management and Business Review* 16, no. 3(2024): 613-627.

<sup>78</sup>Aman et al., "The impact of caregiving," 238.

<sup>79</sup>Aman et al., "The impact of caregiving," 238.

<sup>80</sup>Ab Ghani et al., "Knowledge, Practice and Needs," 72.

<sup>81</sup>Eeeseung Byun et al., "Caregiving Immediately after Stroke: A Study of Uncertainty in Caregivers of Older Adults," *The Journal of Neuroscience Nursing* 48, no.6 (2016):343-351, DOI: 10.1097/JNN/0000000000000238.

<sup>82</sup>Nur Fazira Abdul Rahman, Jal Zabdi Mohd Yusoff, and Zulazhar Tahir, "Charting the Course: Assessing Malaysia Preparedness for Implementing Dedicated Legal Safeguards for Older Persons Care," *The Malaysian Journal of Social Administration* 20, no. 1(2025):1-27.

<sup>83</sup>Santos Bukarak and Masarah Mohamad Yusoff, "Understanding Challenges Faced by Caregivers of Chronically Ill Older Adults in Determining

In this situation, the relationship between both parties may be affected due to fatigue, stress, and frustration, leading to abuse, neglect, or abandonment.<sup>84</sup>

### The Responsibility to Care

The act of caring for older persons by family members and friends is based on the closeness and intimacy of the relationship, shared experiences, respect, mutual love, or filial piety.<sup>85</sup> Filial piety is entrenched in Malaysian culture; therefore, families are expected to provide care for older persons.<sup>86</sup> Traditionally, the living arrangements for older persons in Malaysia were typically constrained to either living with their children or ageing in their own house.<sup>87</sup> Therefore, living elsewhere, be it the old folks home, assisted living, nursing homes, or retirement village, remains an uncommon choice of living for older adults in Malaysia.<sup>88</sup> Families who send their older parents or relatives to care homes are scorned.<sup>89</sup> This negative stigma further reaffirmed the expectation that families are the primary caregivers for older persons. The fact that places are limited in care homes and institutions cemented the understanding that caring for older persons lies with the family. Up to 2024, Malaysia has 393 registered care centres and 26

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Interventions for their Wellbeing: A Qualitative Analysis,” *International Journal of Social Policy and Society* 20, (2024): 8-25; Ab Ghani et al., “Knowledge, Practice and Needs,” 72.

<sup>84</sup>Aman et al., “The Impact of caregiving on caregivers,” 238.

<sup>85</sup>Keating et al., “Life course trajectories,” 148.

<sup>86</sup>Aniawanis Makhtar and Nor Hafizah Samsudin, “Filial piety expectations and loneliness among older people in Kuantan, Pahang,” *Makara Journal of Health Research* 24, no. 3(2020): 203-207; Chee-Seng Tan et al., “Psychometric evaluation of the Malay filial piety scale (FPS-M) for adolescents in Malaysia,” *Journal of Pacific Rim Psychology* 13, (2019): 29. doi:10.1017/prp.2018.29.

<sup>87</sup>Tengku Aizan Hamid et al., “Do living arrangements and social network influence the mental health status of older adults in Malaysia?” *Frontiers in Public Health* 9, (2021): 624394, Doi: 10.3389/fpubh.2021.624394.

<sup>88</sup>Low et al., “Am I being abandoned?” 478.

<sup>89</sup>Ab Ghani et al., “Knowledge, Practice, and Needs”, 72; Nur Khairah Alegria Sunar, “Time to break the stigma on old folks’ homes,” *Free Malaysia Today*, July 29, 2017, <https://www.freemalaysiatoday.com/category/nation/2017/06/29/time-to-break-the-stigma-on-old-folks-homes>.

nursing homes, while estimates suggest there are between 700 and over 1,000 unregistered facilities.<sup>90</sup>

As families are recognised as the primary caregivers for older individuals, the question emerges of who within the family holds this responsibility. Since the definition of “family” can differ from one household to another, it is essential to identify who is legally, morally, or socially accountable for caring for older persons. A spouse has a legal duty to care for the other under the marriage contract, which includes providing physical, emotional, and financial support. This duty is typically manageable when both partners are healthy and capable of maintaining mutual independence. However, when one spouse becomes unwell or dependent, the responsibility often shifts to the adult children. Unfortunately, this expectation is based on religious and spiritual beliefs without any legal binding force, especially in Malaysia. If the older person remains unmarried and without children, the said duty is transferred to the siblings and the relatives.<sup>91</sup> Consequently, the caregiving role may be unevenly distributed among relatives, resulting in confusion, neglect, or even abandonment when no one takes clear responsibility.

The law imposed a legal duty on the parents to care for their children through various family law and guardianship statutes. Unfortunately, generally, there is no such legal duty on the children to provide care for their ageing parents. The daughters are expected to provide the care, while the son is said to have done his part by providing financial assistance.<sup>92</sup> This model of caregiving is under threat when more women participate in the workforce.<sup>93</sup> The situation

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<sup>90</sup>UNDP: Malaysia, Singapore and Brunei Darussalam, “Navigating the future of care for older persons in Malaysia by 2040,” *From Community support to technological integration*, June 15, 2024 at <https://www.undp.org/malaysia/blog/navigating-future-care-older-persons-malaysia-2040-community-support-technological-integration#:~:text=There%20are%20currently>.

<sup>91</sup>Rebecca R. Gebert, “The others: Siblings are caregivers, too,” *Palliative and Supportive Care* 21, no. 4 (2023): 567–569. doi:10.1017/S1478951523000470.

<sup>92</sup>Pataporn Sukontamarn et al., “Happiness in old age: the daughter connection,” *Journal of Happiness Studies* 24, no. 5 (2023): 1729–1757.

<sup>93</sup>Adam Manaf Mohamed Firouz, “Time to Care: Valuing Women’s Labour and Care Work,” *Khazanah Research Institute*, March 7, 2025.

becomes more challenging for those who are living in cities. The cost of living is significantly higher, and the necessity for dual incomes often makes it impossible for women to fulfil these duties. According to official benchmarks from Bank Negara Malaysia, the estimated living wages in Kuala Lumpur for 2024 are RM2,700 for a single adult, RM 4,500 for a childless couple, and RM6,500 for a couple with 2 children.<sup>94</sup> Managing various roles and demands causes additional stress to children who are caring for their elderly parents.<sup>95</sup>

Siblings of older parents do not have any legal obligation to care for one another. While they may share a close bond in childhood, this relationship often changes as they grow older, have their own families, and live apart. Providing care for a sibling is a matter of personal choice rather than a legal or moral duty. In some cases, unmarried siblings choose to live together and share caregiving responsibilities, reflecting a voluntary commitment rather than an obligation. The possibility of family members, e.g., aunts, uncles, cousins, or in-laws, becoming primary caretakers is low. Although these people are part of the extended family setup, they do not often assume long-term caregiving responsibilities, as illustrated in Figure 1. Extended family members tend to provide care based on compassion or convenience, as opposed to providing a long-term or formal course of support.

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<sup>94</sup>Joshua Purushotman, "Living wage exceeds minimum pay set by govt': MEF," *The Sun*, May 12, 2024, at <https://thesun.my/news/malaysia-news/living-wage-exceeds-minimum-pay-set-by-govt-mef-pd12445129/>.

<sup>95</sup>Shaista Noor and Filzah Md Isa, "Malaysian Sandwich Generation Issues and Challenges in Elderly Parents Care," *International and Multidisciplinary Journal of Social Sciences* 9, no. 3 (2020), doi:10.17583/rimcis.2020.5277.



Figure 1: Hierarchy of those responsible for older persons' care

### Legal Provisions on Caring for Older Persons in Malaysia

In Malaysia, family law for Muslims and non-Muslims is governed by different legislation. Malaysia practices a dual legal system for the two groups. The civil law system applies to non-Muslims, while Shariah law applies to Muslims, under the State administration.<sup>96</sup> The Law Reform (Marriage and Divorce) Act 1976 is the primary family law legislation for non-Muslims. It regulates civil marriages and divorces, including matters incidental to them, such as maintenance,<sup>97</sup> custody,<sup>98</sup> and division of matrimonial properties.<sup>99</sup> The Act stipulates the legal obligations of parents towards their children, including to pay maintenance; nevertheless, it is silent on the reciprocal obligations of the children towards their parents. The court in the case of *Yeo Teng Ying (P) v Gan Cheng Gee*<sup>100</sup> decided that the term 'maintenance' in

<sup>96</sup>Schedule Ninth, List II of the Federal Constitution of Malaysia.

<sup>97</sup>Section 83-86 of the Law Reform (Marriage and Divorce) Act 1976.

<sup>98</sup>Section 87-97 of the Law Reform (Marriage and Divorce) Act 1976.

<sup>99</sup>Section 76 of the Law Reform (Marriage and Divorce) Act 1976.

<sup>100</sup>[2014] 1 LNS 868.

sections 77 and 92 of the Act should be construed widely as it signifies any form of material provision that will enable the wife and children to be placed in a position to enjoy the same standard of living as they did during the existence of the marriage. The Act limits its application to children until they are 18 years or upon completion of their first degree for the payment of maintenance. The Guardianship of Infants Act 1961 (Revised 1988),<sup>101</sup> provides the legal duties of guardians towards their children or wards, focusing on their welfare and best interests. While the Married Women and Children (Maintenance) Act 1950 regulates the right to maintenance of wives and children against their husbands or fathers of their children who are neglectful in fulfilling such obligation.

Family matters for Muslims in Malaysia are within the state's jurisdiction. Each State is permitted to enact its own Islamic Family Law Enactments. The fundamental principles are the same in all the Family Law Enactments, with slight variations to cater to the needs of the individual State. Similar to the non-Muslims, the Enactments cover marriage, divorce, maintenance,<sup>102</sup> custody, and matters incidental to it.<sup>103</sup> For discussion, reference is made to the Islamic Family Law (State of Selangor) Enactment 2003, which governs marriage, divorce, and inheritance, and matters incidental to them. Similar to its civil counterpart, this Enactment focuses on the duties between husbands and wives and their children. However, the Enactment also touches on inheritance, a matter which is not covered in the Law Reform (Marriage and Divorce) Act 1976. Section 61 of the Enactment recognises the right of parents to claim maintenance from their adult children if the parents are incapacitated and unable to earn a livelihood.<sup>104</sup> This

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<sup>101</sup>(Act 351).

<sup>102</sup>Mansur Isa Yelwa, "Protection of Wife's Right to Maintenance in Islamic Law and Its Implementation in The Malaysian Islamic Family Law," *IIUM Law Journal* 21, no.2 (2013): 209-231; Azizah Mohd and Badruddin Hj Ibrahim, "Muslim Wife's Rights to Maintenance: Husband's Duty to Maintain a Working Wife in Islamic Law and The Law in Malaysia," *IIUM Law Journal* 18, no.1 (2010): 103-121.

<sup>103</sup>Azizah Mohd and Normi Abd Malek, "Muslim Women's Rights to Mut'ah After Dissolution of Marriage Under Islamic Law: An Absolute or Limited Right," *IIUM Law Journal* 17, no.1 (2009): 33-55.

<sup>104</sup>Section 61 of the Islam Islamic Family Enactment of Perlis, Kedah, Perak, Melaka, Negeri Sembilan, Johor, Pahang, Terengganu and Sabah, while

section imposes limitations; as such, the obligation is applicable in some circumstances, such as incapacity to earn a livelihood, partially or fully due to mental or physical injuries or illness. Sarawak requires the illness to be a prolonged illness, while the other States are silent on the length of the illness. The court will make such an order after considering the child's capability, and it is reasonable for the order to be made. It is not an absolute right; nevertheless, it provides an avenue for parents to bring this matter to be adjudicated.<sup>105</sup> The new Kelantan Islamic Family Law 2025 provides a clear provision requiring children to pay maintenance to their parents, and if there are no children, the responsibility falls to the grandchildren.<sup>106</sup>

The discussion shows that the family law for non-Muslims does not provide any obligation on adult children to care for or pay maintenance to their parents. Conversely, the Enactment allows a conditional application for maintenance by the parents against their adult children; however, it is silent on care. This creates a legal gap within the existing legal provisions that needs to be addressed as the core issue of older persons' abandonment. Thus, the existing legal provisions should be reformed to ensure that adult children take greater responsibility for caring for and maintaining their parents. Such a shift would provide more security for the elderly and create legal recognition of family caregiving.

### **Legal Provisions on Caring for Older Parents in Selected ASEAN Countries**

Before recommending a suitable approach for Malaysia, we need to study the existing legal framework in selected ASEAN countries on the duty of care of adult children towards their parents. This comparative analysis enables Malaysia to examine the various approaches adopted

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the said provision is mentioned in section 60 for Sarawak and Wilayah Persekutuan.

<sup>105</sup>*Kassim Othman & Satu Lagi v Raja Suzana Raja Kasim & Satu Lagi* (2010) 3 LNS 8; *Kassim bin Othman & Fatimah binti Salleh v Raja Suzanna binti Raja Kassim & Zul Azli bin Hashim* (2010) 30 JH 299.

<sup>106</sup>Nor Fazlina Abdul Rahim, "Mahkamah Syariah Kelantan boleh perintah anak bayar nafkah kepada ibu bapa," *Harian Metro*, November 27, 2025 at <https://www.hmetro.com.my/mutakhir/2025/11/1292990/mahkamah-syariah-kelantan-boleh-perintah-anak-bayar-nafkah-ibu-bapa>.

by neighbouring countries on this issue. The approach taken by the ASEAN countries can be divided into 3, which are:

### ***No Legal Obligation to Care for or Support***

Myanmar law does not mandate adult children to support or maintain their parents. Its family law is based on Burmese customary law on marriages, divorce, inheritance, and adoption.<sup>107</sup> The legal framework focuses on the responsibilities between spouses and parents towards their children. Therefore, there is no legal obligation on the children to care for or financially support their parents. Nevertheless, children are expected to observe filial piety, which is ingrained as part of Buddhist traditional beliefs.<sup>108</sup> The filial piety in Buddhism is based on the principles of repaying the debts to parents, respect and reverence to parents; the conduct of unfilial piety is a grave crime, filial piety is the general social order and law, and God responds to filial piety.<sup>109</sup>

### ***Legal Obligation to Pay Maintenance***

Singapore and Brunei opt to mandate the obligation to pay maintenance to parents if the parents are unable to provide for themselves. This provision is not stated in the family law legislation for Singapore, but in a specific statute. The Women's Charter of Singapore deals with marriage, divorce, and spousal and child maintenance. The Maintenance of Parents Act, on the other hand, requires adult children to support their elderly parents. To be eligible to claim under the Act, the elderly parents must be 60 years old and above, residents of Singapore, and unable to provide for themselves. The claim can be against one child, with the right for the child to include other siblings at the Tribunal For The Maintenance of Parents.<sup>110</sup> The Tribunal will conduct a conciliation process to help resolve the issue and reach an

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<sup>107</sup>Khin Khin Oo, "Myanmar Marriage under Myanmar Customary Law," in MM. Brinig (ed.) *International Survey of Family Law 2018*, ed. Margaret Brinig (Intersentia, 2018): 357-372.

<sup>108</sup>Wai Wai Lwin, "The Practice of Filial Piety in Myanmar Society," *Journal of the Myanmar Academy of Arts and Science* 11, no. 9 (2013): 1-10.

<sup>109</sup>Guang Xing, "Early buddhist and confucian concepts of filial piety: a comparative study," *Journal of the Oxford Centre for Buddhist Studies* 4, (2013): 8-46.

<sup>110</sup>Section 4 of the Maintenance of Parents Act, 1995 (Singapore).

out-of-court settlement.<sup>111</sup> The claim will be dismissed, or the quantum of maintenance is reduced if the child can prove that he was abandoned, abused, or neglected by the parents.<sup>112</sup> Any person who fails to comply with the order shall be liable on conviction to a fine not exceeding S\$5000.00 or to imprisonment for a term not exceeding six months.<sup>113</sup> The payment of maintenance can be paid monthly or as a lump sum. Conversely, Brunei's Islamic Family Law Act<sup>114</sup> is silent on obligations toward parents. However, section 160 of the Religious Council and Kadis Act<sup>115</sup> acknowledges that elderly parents who are unable to earn a livelihood due to illness fall within the meaning of those who are eligible to claim financial support as dependents. This provision created an exception to the general rule, which does not mandate adult children to care for or pay maintenance to their elderly parents.

### ***Legal Obligation to Care for and Pay Maintenance***

Caring for older people in Thailand is shaped by the social norm, which prescribes that care is the primary responsibility of family members.<sup>116</sup> Unfortunately, the decline of the extended family has impacted the care of older persons.<sup>117</sup> Articles 1563 and 1564 of the Thailand Civil and Commercial Code provide for mutual obligations between parents and their adult children to care for each other. Article 1563 stipulates that children must support and care for their parents. An adult child is defined as someone who is 20 years old or who has entered a marriage. These duties include the obligation to care for their parents physically and financially, especially if the parents are unable to support themselves.

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<sup>111</sup>Ministry of Social and Family Development: Maintenance of Parents Act, accessed April 7, 2026, <https://www.msf.gov.sg>

<sup>112</sup>Maintenance of Parents Act, 1995, section 5(4).

<sup>113</sup>Maintenance of Parents Act, 1995, section 5(11).

<sup>114</sup>(Chapter 217).

<sup>115</sup>(Chapter 77).

<sup>116</sup>John Knodel, Bussarawan Teerawichitchainan, and Wiraporn Pothisiri, "Caring for Thai Older Persons with Long-term Care Needs," *Journal of Aging and Health* 30, no. 10 (2018): 1516-1535.

<sup>117</sup>Ruttana Phetsitong and Patama Vapattanawong, "Household Need and Unmet Need for Caregivers of Older Persons in Thailand," *Journal of Aging & Social Policy* 35, no. 6 (2023): 824-841.

Like Thailand, Indonesia also imposes a legal duty on children to care for their parents under the Indonesian Civil Code (KUHPer). Article 321 of the said Code states that the children are obligated to support their parents and blood relatives in the ascending line, in the event that they become destitute. It provides that children must support their parents and ascendants if they are poor or in need, subject to the capability of the children as well. This includes the provision of food, shelter, and medical care, based on the child's financial capacity.<sup>118</sup> These obligations signify the deeply embedded values of mutual respect and maintaining intergenerational relationships within the family. The children are expected to provide attention and assistance to the best of their ability, to ensure the well-being of their parents, and to promote social responsibility within the family. Additionally, Government Regulation Number 28 of 2024 emphasises that the primary responsibility for the care of elderly parents lies with the family, including the children, with support from the State when the family is unable to provide care.<sup>119</sup> While Law No. 17 of 2023 on Health provides that the health of elderly parents is a shared responsibility, adult children play an essential role in ensuring they receive adequate care.<sup>120</sup>

The same obligation can also be found in the Family Code of the Philippines, specifically Article 195. The Article obliges both parties, the parents and children, to mutually support each other. While the Parents' Welfare Act 2025 requires adult children to support their parents if they are incapacitated, ill, or old. The support includes financial assistance and caregiving. In deciding whether an adult child must provide support to his parents, the court will consider his financial capability and the nature of the relationship between the parties. To ensure compliance with this obligation, the government is debating jailing adult children for parental neglect.<sup>121</sup> In addition, the

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<sup>118</sup>Sekar Indriani and Hasbullah Ja'far, "The Obligations of Children toward Parents According to Law No. 1 of 1974," *Law Development Journal* 5, no. 4 (2023): 443-457.

<sup>119</sup>Larasati et al., "Legal Responsibilities of Children," 220.

<sup>120</sup>Larasati et al., "Legal Responsibilities of Children," 220.

<sup>121</sup>Sam Beltran, "Philippines debates jailing adult children for parental neglect," *South China Morning Post*, July 26, 2025 <https://www.scmp.com/week-asia/people/article/3319640/philippines-debates-jailing-adult-children-parental-neglect>.

implementing rules and regulations of Republic Act No. 11350 or the National Commission of Senior Citizens Act, encouraged the family to reaffirm the valued caring behaviour of Filipinos for older persons (section 2 item b) and noted that the family has to care for their elderly family member (section 4).

Article 37(3) of the 2013 Constitution of the Socialist Republic of Vietnam states: "Older people are respected, cared for, and supported by the State, family, and society in the cause of the country's development and defence." The provision in the Constitution signifies the importance of caring for older parents among the Vietnamese. Additionally, the Law on Marriage and Family 2014 outlines specific obligations regarding the care of older persons. Article 70(2) provides for the children to love, respect, show gratitude and dutifulness to and support their parents, to preserve the honour and good traditions of their family. Article 71(2) states that children have the obligation and right to care for and support their parents, especially when their parents lose their civil capacity, are sick, become old and weak, or have disabilities. For a family with several children, these children shall together care for and support their parents. Article 104(2), on the other hand, provides that the grandchildren have the obligation to respect, care for, and support their paternal grandparents and maternal grandparents; for paternal grandparents or maternal grandparents who have no children to raise them, their adult grandchildren have the obligation to raise them. Article 111 clearly mentions that adult children who do not live with their parents have the obligation to support their parents who have no working capacity and no property to support themselves. Lastly, Article 113 (2) of the Act provides that adult grandchildren who do not live with their paternal grandparents and maternal grandparents have the obligation to support their paternal grandparents and maternal grandparents who have no working capacity, no property to support themselves, and have no one else to support them as prescribed by this Law. All these provisions emphasise the need to care for their parents who are old, disabled, or ill. This obligation is extended to grandchildren towards their grandparents. Adult children who live separately from their parents are expected to support them financially or provide property to ensure their well-being if the parents are unable to work or support themselves. The same obligation is also extended between the grandchildren and their grandparents. These provisions illustrate the strong cultural and legal foundation for filial responsibility, which is translated into legal obligations.

Even though Malaysia shares identical values of filial piety, eastern cultural and religious beliefs with its neighbouring ASEAN countries, Malaysia does not have a specific legal provision mandating a general duty on adult children to care for their elderly parents. In the case of Muslims, section 61 of the Islamic Family Law Enactments (e.g., Selangor) only provides a right for elderly parents to claim maintenance if they are incapacitated and unable to support themselves, rather than mandating the children to maintain their parents. In this situation, if the parents do not submit a claim for maintenance, no action can be taken against the children for neglecting to maintain them. As for non-Muslims, there is no statutory obligation under the Law Reform (Marriage and Divorce) Act 1976 or other relevant maintenance statutes that require children to maintain their ageing parents.

This discussion reveals that mandating the obligation on adult children to maintain or care for their elderly parents is not a new idea. Singapore, Thailand, Indonesia, the Philippines, and Vietnam have enacted such legal obligations to ensure that elderly parents are being taken care of. Perhaps the time has come for Malaysia to seriously consider this option in light of the increase in population ageing and longevity. The existing approach is neither here nor there, enabling adult children to deny their obligations towards their elderly parents. Even though it is indeed good to give elderly Muslim parents the autonomy to bring the claim to court, the stigma associated with a court proceeding may be the main obstacle stopping them from pursuing this avenue. Therefore, Malaysia needs to take a proactive approach to address these gaps as part of its preparation to be an ageing nation in 2030.

## **RECOMMENDATIONS**

The issue of abandonment of older persons cannot be solved by focusing solely on the adult children's duty to care for and maintain their elderly parents, since it is not the only factor contributing to this issue.<sup>122</sup> Nevertheless, addressing the need to mandate adult children to care for and support their elderly parents is the first, and a very

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<sup>122</sup>Rahimah Abdul Aziz, "Grandparenting: Issues and challenges," *Akademika* 70, no.1(2007): 103-115.

important, step. Unfortunately, the law cannot force mutual respect or love between parents and their children since these relationships are built on shared memories, which strengthen the bond between them. As such, the recommendations should not be limited to the law per se; they should also include other social, cultural, and religious measures.

### **Social Perspective**

Filial piety is a shared value among all the religions and cultures of Malaysian society. This can be easily illustrated by the practice of “*Balik Kampung*,” or going back to one’s hometown to visit parents, families, and relatives during religious or cultural festivals.<sup>123</sup> This results in traffic crawls on all the major highways, a phenomenon synonymous with any religious or cultural festival, such as Eid for Muslims, the Chinese New Year for Chinese, Deepavali for Hindus, and Christmas for Christians. With such a strong influence within society, religious authorities should take a more active role by issuing guidelines for adult children to care for and maintain their aged parents. These guidelines can be reaffirmed within the structured education system by introducing civic, civil society, and volunteerism programmes to expose the young generations to the importance of caring for older persons in general and elderly parents specifically. The exposure to noble values of kindness, empathy, and respect can easily be practiced since all of them have grandparents, uncles, or aunts at home.

At the community level, workshops and awareness programs on how to be caregivers and the kind of support available will further assist those who find themselves assigned the duty of caregivers. These programmes ensure that they are not alone, with a clear message that everyone can learn to be a caregiver, not be born as a caregiver. The training should expose them to the medical needs of the recipients, effective communication, and listening skills to enable them to be effective caregivers. The training can be conducted by medical professionals together with social workers and communication experts. Hopefully, this training will also reduce the incidence of conflicts within families.

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<sup>123</sup>Kadir H. Din, “Returning home: A reflection on the Malaysian practice of balik kampung,” *Asian Journal of Tourism Research* 2, no. 1(2017): 36-49.

Caring for older parents is challenging. Life happens, and life is a distraction due to multiple roles that the individual must embrace. In these circumstances, even though children genuinely love their parents and wish to care for them, caregiving can become overwhelming. Burnout,<sup>124</sup> stress and financial constraints are common reasons why caregivers may abandon older parents. As such, measures must be introduced to offer them assistance by ensuring adequate resources and support systems are in place, including establishing elder care hotlines, community assistance programs, and respite care. These services can alleviate the burden on families and caregivers by not expecting them to be superwomen and men in caring for their older parents. These support systems will assure children that they are not alone in providing care for older persons; the community and the government are behind them, too. Perhaps it is time to expand the proverb of “It takes a village to raise a child” to caring for older parents, too.<sup>125</sup>

Family disputes are another factor frequently associated with elder abandonment. Living in the same household with adult children offers a range of benefits, including economic advantages, enhanced support networks, shared responsibilities, social and emotional well-being, cultural preservation, and inter-generational learning.<sup>126</sup> Unfortunately, it could also lead to family conflicts due to differences between the parties on certain issues. Asians are not confrontational due to the perception that confrontation is bad, against religious teaching, and contrary to cultural norms. Therefore, it is important to have in place a family conflict resolution mechanism that does not involve litigation. Informal community-based or court-linked mediation centres will enable families to resolve disagreements related to elder care.<sup>127</sup> The purpose of the meeting is to resolve the conflicts

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<sup>124</sup>Pierre Gérardin and Emmanuelle Zech, “Informal caregiver burnout? Development of a theoretical framework to understand the impact of caregiving,” *Frontiers in Psychology* 10, (2019): 466359.

<sup>125</sup>Andrea Reupert et al., “It takes a village to raise a child: Understanding and expanding the concept of the “village”,” *Frontiers in Public Health* 10, (2022): 756066.

<sup>126</sup>Wan Nur Rukiah Mohd Arshard et al., “Satisfaction with Elderly Satisfaction in Multi-generational Family Living in Kuala Lumpur,” *e-Jurnal Penyelidikan dan Inovasi* 11, no. 1 (2024): 103-114.

<sup>127</sup>Siti Zaharah Jamaluddin, Mohammad Abu Taher, and Wong Hua Siong, “Application of Mediation in Resolving Elderly Family Issues in

with minimal damage to the family relationship. The mediators only facilitate, allowing the parties to reach their settlements, which are acceptable to them, including fair distribution of caregiving responsibilities between the adult children. Shared responsibility among siblings will reduce caregiver fatigue and minimise the risk of abandonment.

The care industry for older persons is rapidly expanding in Malaysia. The government needs to allocate more resources to have more public elderly care facilities and establish community-based daycare centres, nursing homes, and residential homes, ensuring their affordability. The negative perception about sending elderly parents to these facilities must be addressed to give adult children choices, rather than abandoning them as the only option.<sup>128</sup> This can be done through public campaigns emphasising filial duty and respect for the elderly. Even if their parents are residing in a residential home, if they continue to spend quality time with their parents, this arrangement will benefit both parties. Frequent visits and contacts ensure the continuity of emotional closeness and strengthen the bonds between the parties. In the case of adult children, the arrangement gives them the peace of mind that their parents are in a secure setting where their physical and emotional needs are satisfied. The balance between professional care and family involvement will decrease the caregiver fatigue and guilt and support the mental and emotional well-being of the older generation. With time, such interactions can change the notion that placing older persons in residential care is not abandonment but a sound decision towards their comfort, safety, and dignity. Malaysia can promote a more human and pragmatic attitude towards caring for the elderly that is in line with its social and cultural principles through the promotion of further family engagement and emotional support.

### Legal Perspective

Law has been used to regulate the behaviour of society and differentiate between moral and legal obligations. In Malaysia, the responsibility to care for and maintain older parents is treated as a moral or religious obligation, free from any worldly sanction. As such, for a long-term

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Malaysia: Lessons from Canada and Australia," *Kajian Malaysia* 41, no. 1(2023): 62–84.

<sup>128</sup>Ab Ghani et al., "Knowledge, Practice and Needs," 72.

solution, Malaysia's existing family law framework for both Muslims and non-Muslims should be amended to include explicit provisions requiring adult children to maintain and care for their elderly parents, regardless of the parents' physical condition. This duty includes the duty to care for and provide financial support to their elderly parents. These amendments will create a legal obligation that attracts legal sanctions. The introduction of this duty will be applauded since it is not something new and is further solidified with the changes introduced through education, civic engagement, civil society, and religious teachings. Imposing this duty of care can be supported by several theoretical foundations. One of the theories is the theory of honour and gratitude,<sup>129</sup> which is grounded in religious and spiritual values. It states that the obligation to care for elderly parents is a way for adult children to honour and express gratitude for the sacrifices their parents made in raising them. A complementary perspective is offered by the theory of indebtedness and reciprocity,<sup>130</sup> which is rooted in social and familial norms. This theory asserts that reciprocity, the act of giving back, is a fundamental social value that sustains cooperation and strengthens social structures. These theories emphasise that caring for older parents goes beyond moral and social responsibilities. By legalising this duty, it will also ease the government's financial responsibility to provide elder care for older persons, aligning with the national stance that places the family as the primary caregiver, supported by the government. The government needs to provide care for elderly individuals without caregivers; thus, it is unbecoming to expect the government to do the same for older parents who have adult children to care for them.

To materialise these changes, the most suitable legal instruments would be the Law Reform (Marriage and Divorce) Act 1976 for non-Muslims and the state-level Islamic Family Law Enactments for Muslims. For non-Muslims, the Law Reform (Marriage and Divorce) Act 1976 needs to include several amendments, such as expanding the preamble to recognise the duty of adult children to care for their elderly

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<sup>129</sup>Katie Wise, "Caring for our parents in an aging world: Sharing public and private responsibility for the elderly," *Journal of Legislation & Public Policy* 5, no. 2(2002): 56-598.

<sup>130</sup>Airi Lampinen, "Reciprocity and Indebtedness," in *The Trouble with Sharing: Interpersonal Challenges in Peer-to-Peer Exchange* (Springer International Publishing, 2022): 33-46.

parents. The new preamble can include the phrase 'and duty of adult children to their parents.' The Act needs to introduce provisions establishing reciprocal caregiving obligations, similar to the existing obligations of parents toward children, and to include exceptions to such obligations in cases of past abuse, neglect, or abandonment by the parents. These disputes would be resolved through mediation, whenever possible, before being adjudicated by the court, following the approach in Singapore, to maintain the sanctity of the relationship between the adult children and their parents. Since the Muslim Family Enactments include provisions on maintenance for parents, these provisions should be expanded to include holistic caregiving obligations, encompassing emotional and physical support, not just financial aid. This broader obligation aligns with Islamic inheritance law, where children are the direct heirs to their parents' estates and, therefore, compensated upon their parents' passing. As these amendments create new legal obligations, enforcement should not focus on punitive penalties. Rather, it should aim to uncover the underlying reasons for non-compliance and provide appropriate support or interventions. The goal is to preserve and strengthen familial ties, not to undermine them through legal sanctions.

Although the ideal solution might be to introduce a dedicated Older Persons Act, its development has progressed slowly. This may obstruct the development of a comprehensive protective framework for older persons. The government acknowledged the need for such a law in 2018, but its status remains unclear. When there is no visible improvement, it might be better to amend the existing law, as they are more direct and effective. The reinforcement of the existing law to contain the clauses on the care, protection, and maintenance of older persons would also serve the purpose of closing the immediate gaps and paving the way for a wide-ranging fulfilment of the legal hierarchy in the future. Given that the abandonment of older persons often occurs quietly and over time, resulting in a lack of comprehensive data, Malaysia should also establish a centralised reporting system to monitor such cases, especially those occurring in hospitals, public areas, and care institutions. This system should involve coordinated data-sharing and response mechanisms among hospitals, the Department of Social Welfare, the police, and NGOs. The information collected can help to shape responsive policies and facilitate early interventions. Moreover, it reinforces the message that families in distress are not alone; community support and resources are available

to help them meet their caregiving responsibilities. To achieve this, a legal obligation to report must be included in the statutes that govern care centres, nursing homes, and residential homes. Once again, enforcement must not be punitive in nature but rather aimed at encouraging cooperation from the parties. At the end of the day, it is important to focus on the victims, ensuring timely assistance is given when they need it the most.

## CONCLUSION

In Malaysia, the issue of older persons' abandonment is frequently overlooked, as greater attention is often directed toward more visible concerns such as abuse, neglect, and financial insecurity. Nevertheless, it is a growing and deeply concerning social challenge. As the country moves towards becoming an ageing nation by 2030, the lack of structured legal obligations and social safety nets leaves many older persons vulnerable to abandonment. While filial piety remains a strong cultural and religious value in Malaysia, changes in the family structure, economic migration, dual-income households, rising living costs, and caregiver burnout further complicate the ability of adult children to observe their traditional duty of elder care.

This article has shown that the existing legal framework, both for Muslims and non-Muslims, is insufficient to provide clear, enforceable protections for ageing parents. Malaysia lags compared to its neighbours, especially the countries that have opted to mandate this obligation to care for and provide financial support for older parents by their adult children. To prevent the issue of abandonment of older persons from becoming an endemic issue, a comprehensive approach is crucial. First and foremost, legal reforms must be implemented to safeguard the rights and welfare of older individuals. However, these reforms should be complemented by profound cultural shifts that embody respect and dignity for older persons in Malaysian society. This requires a change of mindset that values intergenerational relationships and emphasises shared caregiving responsibilities among families and communities. With a combination of moral, civic, and religious education, community support, legal clarity, and institutional resources, Malaysia can create a more compassionate and sustainable model of elder care. Addressing this issue now will prevent greater social and economic costs in the future and reaffirm the nation's commitment to the well-being of its ageing population.

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