

**FINANCIAL EXPLOITATION PERPETRATED BY FAMILY MEMBERS IN
MALAYSIA: A SOCIO-LEGAL ANALYSIS**

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ABSTRACT

In the absence of specific legislation addressing elder abuse or exploitation, the prevalence of financial exploitation incidents among older people in Malaysia is the second highest after psychological abuse. This qualitative study aimed to examine the legal protection for financial exploitation and explore the perception of older people about their experience of financial exploitation perpetrated by family members; the barriers they faced in disclosing and seeking help, and the ways they dealt with financial exploitation. Thorough thematic analysis, six major themes were identified to describe the experience of participants with financial exploitation by family members. The first theme elucidates the concept of ‘harm, which implies violation of rights, financial insufficiency and indirect harm. The second theme is ‘exploit, which discusses attachment bond, vulnerability and family expectation. The study also discovered how participants felt ‘family comes first’ and ‘helplessness’ as main barriers that hinders them from disclosing the incidents to others. This study also explored various ways on how participants responded to their financial exploitation experiences by ‘seeking assistance’ and ‘non-seeking assistance. Participants in the study chose spiritual healing as a means of coping with the situation and wished for solutions that did not involve authorities in resolving this issue. The participants expressed a clear desire for action to be taken to prevent older Malaysians becoming victims of such acts and empower them. The findings demonstrate the critical nature of understanding the realities and barriers faced by victims of elder financial exploitation in Malaysia and how these experiences impact their quality of life. This finding also highlights the critical need to revisit existing policies

and laws relating to financial exploitation of older people, to close the gap of underreporting and promote help-seeking behaviour among victims and society at large.

Keywords: *Financial Exploitation, Experiences, Older People, Policy and Law, Quality of Life*

EKSPLOITASI KEWANGAN YANG DILAKUKAN OLEH AHLI KELUARGA DI MALAYSIA: ANALISIS SOSIO-PERUNDANGAN

ABSTRAK

Dengan ketiadaan undang-undang khusus yang menangani penderaan atau eksploitasi terhadap warga emas, kelaziman insiden eksploitasi kewangan dalam kalangan warga emas di Malaysia merupakan yang kedua tertinggi selepas penderaan psikologi. Kajian kualitatif ini bertujuan untuk mengkaji perlindungan undang-undang bagi eksploitasi kewangan dan meneroka persepsi warga emas mengenai pengalaman mereka terhadap eksploitasi kewangan yang dilakukan oleh ahli keluarga; halangan yang dihadapi untuk mendedahkan insiden dan mendapatkan bantuan, serta cara mereka menangani eksploitasi kewangan. Berdasarkan analisis tematik yang menyeluruh, enam tema utama telah dikenal pasti untuk menggambarkan pengalaman informan berkaitan eksploitasi kewangan oleh ahli keluarga. Para informan melihat pengalaman eksploitasi kewangan mereka sebagai 'toleransi' dan 'penderitaan senyap' terutamanya apabila ia melibatkan ahli keluarga. Kajian itu juga mendapati bagaimana peserta merasakan bahawa 'keluarga didahulukan' dan 'ketidakberdayaan' sebagai halangan utama yang menghalang mereka daripada mendedahkan insiden itu kepada orang lain. Kajian ini juga meneroka pelbagai cara bagaimana peserta bertindak balas terhadap pengalaman eksploitasi kewangan mereka dengan 'mencari bantuan' dan 'tidak mencari bantuan'. Peserta dalam kajian memilih penyembuhan rohani sebagai cara untuk menghadapi situasi dan mengharapkan penyelesaian yang tidak melibatkan pihak berkuasa dalam menyelesaikan isu ini. Para peserta menyatakan hasrat yang jelas agar tindakan perlu diambil bagi mengelakkan warga emas di Malaysia menjadi mangsa perbuatan tersebut dan perlu memperkasakan mereka. Penemuan ini dianggap kritikal untuk memahami realiti dan halangan yang dihadapi oleh mangsa eksploitasi kewangan dalam kalangan warga emas di Malaysia dan bagaimana pengalaman ini memberi kesan kepada kualiti hidup mereka. Penemuan ini juga menyerlahkan keperluan kritikal untuk menyemak semula dasar dan undang-undang sedia ada yang berkaitan dengan eksploitasi kewangan ke atas warga emas, merapatkan jurang pelaporan yang kurang, serta menggalakkan tingkah laku mencari bantuan dalam kalangan mangsa dan masyarakat secara amnya.

Kata kunci : *Eksploitasi Kewangan, Pengalaman, Warga Emas, Dasar dan Undang-Undang, Kualiti Hidup*

INTRODUCTION

Throughout the literature, elder financial abuse or financial exploitation is a complicated social issue that is widespread in society due to many factors (Jackson & Hafemeister, 2012). Adding to the complexity of the relationship between victim and perpetrators—which may include family

members, professional caregivers, friends, neighbours and strangers (Jackson & Hafemeister, 2015; Petrusic, 2015), financial abuse occurs primarily behind closed doors (Jackson, 2016) with no visible physical signs or symptoms. Only around 1 in every 24 occurrences of elder abuse is reported (Yon et al., 2017). The complexity of financial exploitation of elders is also evident in the diverse understandings and conceptualisations among victims, perpetrators, community members and multidisciplinary professionals of what constitutes abuse (Conrad et al., 2011; Gibson & Greene, 2013; Gilhooly et al., 2013; Golding et al., 2013; Lee & Eaton, 2009; Lee et al., 2014; Manthorpe et al., 2012; Sanchez, 1997).

To date, there is no single definition of financial abuse or exploitation in the literature. The World Health Organisation (WHO) defined financial abuse as the illegal or improper use of an older person's cash or other resources (WHO, 2002). A variety of definitions on financial exploitation found in the literature created complexity and definitional disparity. Although Islam does not provide a specific definition for the meaning of elder abuse but an analysis of the verses of the Qur'an and the Hadiths of the Prophet (PBUH) shows that the term abuse and neglect of the elderly in Islam is like ill-treatment towards parents (Asiah et al., 2017). Thus, any form of harm, whether physical injuries or utterance of words or any emotional abuse to the parents or elderly is strictly prohibited. Evidence shows that abused victims and non-abused may not share similar views as to what constitutes abuse. Majority of older people believed that financial exploitation is influenced by traditional practice and belief system in the family (Chane Adamek, 2015). The perception of older people may also depend on the situational factors and level of knowledge of abuse (Knight et al., 2016).

ELDER FINANCIAL EXPLOITATION IN MALAYSIA

Elder abuse, which involves the financial exploitation of elderly people, is a relatively isolated and hidden problem in Malaysia. To date, the prevalence of financial abuse or exploitation incidents among older people in Malaysia is the second highest after psychological abuse (Tan et al., 2020; Sooryanarayana et al., 2017). Although numerous instances of financial exploitation have been reported in the media, the issue of elder abuse, including financial exploitation of older people, continues to garner little public interest. Earlier empirical studies have been conducted in Malaysia to determine the prevalence of financial exploitation. According to a longitudinal study conducted among community dwellers in rural Kuala Pilah in the year 2016, financial abuse is the second most prevalent form of abuse after psychological abuse. Based on this study elder mistreatment is prevalent in the community-dwelling population, with 13% experiencing financial exploitation (Sooryanarayana et al., 2017). Following from that, in 2018, a community-based survey which includes 3977 respondents aged 60 years and more from both urban and rural localities across 13 states in Malaysia, found total of 301 respondents experienced overall abuse (psychological, financial, neglect, physical and sexual) and 37 respondents experienced financial abuse as shown in Table 1 (Sooryanarayana et al. 2020). Malaysian's overall lifetime prevalence of financial abuse was 1 in 20, doubling up 1 in 10 when strangers were included as perpetrators (Yunus et al., 2017).

Table 1: *Prevalence of All Types of Abuse in the year 2018 in Malaysia*

Type of abuse	Male	Percentage	Female	Percentage	n	Total%
Overall abuse	159	9.9	142	8.1	301	9.0
Neglect	145	8.7	109	6.2	254	7.5
Financial	10	6.2	15	0.9	37	0.8
Psychological	15	0.7	22	1.0	25	0.7
Physical	4	0.1	8	0.3	12	0.2
Sexual	0	0.1	3	0.1	3	0.1

Note. Source:(Sooryanarayana et. al., 2020)

Although in Malaysia, very little attention has been directed to the implication of COVID 19 pandemic to older population, older adult may be more vulnerable to elder financial abuse in the domestic setting during the COVID 19 health crisis (Yunus, Abdullah & Firdaus, 2021). Jayamanogaran (2020) reported that there has been an increased number of incidents of domestic violence that involves elder parents' victimization compared to the typical husband and wife victimization during the MCO period from March 2020 until June 2020. The Royal Police Department of Malaysia reported a 20% increase in domestic violence cases involving older parents in the year 2020 compared to the previous year. This increase was attributed to adult children being severely impacted financially during this period because of restrictions to movement and unstable income, or lack thereof (Abd. Halim 2020). Additionally, it was reported that most cases involved adult children demanding money from their elderly parents because of sudden unemployment or being physically or socially unable to earn a living Abd. Halim 2020; Jayamanogaran, 2020). Although the prevalence of financial exploitation of older adults in Malaysia has been highlighted in the media and empirical studies, the number of reported cases remains surprisingly low (Yunus, Abdullah & Firdaus, 2021). Meanwhile, research in Malaysia was more focusing on the perspectives of professionals and not the victims (Tan et.al., 2020).

LEGAL PROTECTION FOR ELDERLY IN MALAYSIA

Elderly are given a high status in Islam. Through teachings found in the Quran and Hadith, Muslims are encouraged to treat their elderly with respect, compassion, and kindness, reflecting the values of filial piety and societal cohesion (Amran et.al, 2024). Islamic teachings stress the provision of physical, emotional, and spiritual support for the elderly, promoting a sense of dignity and fulfillment in their later years. By upholding these traditions, individuals and communities can foster environments that prioritize the well-being and inclusion of older generations, enriching society.

According to Zaharah (2015), Malaysia lacks specific legislation that protects senior citizens, unlike children and women. The Child Act 2001 represents specific legislation protecting children's interests, and the Married Women (Maintenance) Act 1950 protects women's interests. The Domestic Violence Act 1994, the Penal Code, Persons with Disabilities Act 2008, Islamic Family Law Act 1984, Powers of Attorney Act 1949, and Banking and Financial Institutions Act 1989 all provide legal redress for financial exploitation. Other than the Penal Code, which is

criminal in nature, these statutes are of a private law nature. Efforts are being made to draught legislations specifically dedicated to protecting the interests of Malaysia's elderly, following strong calls from academics and social activists (Abd.Mutalib, 2021). It has been contended that a dedicated law for senior citizens may help to address the issue of elder abuse and neglect (Zaharah et.al., 2015). However, even if generic legal provisions are available, there may not be sufficient to provide comprehensive protection (Tey et.al., 2016). Nonetheless, until a specific law takes effect, older Malaysians may rely on other laws scattered throughout the Malaysian legal framework.

To date, elder abuse and neglect are covered by the Domestic Violence Act 1994. Its purpose is to provide legal protection in instances of family institution violence. Domestic violence is defined as intentionally inflicting injury on spouses, ex-spouses, children, incapacitated adults or any other family member (s. 2). This injury can take the form of physical, emotional or financial abuse, as well as any injury resulting from property damage. However, the definition of an incapacitated adult includes, among other things, a person with a physical or mental disability, illness or advanced age who lives in the same household as the abuser. A disabled elderly adult may be entitled to the same remedies as women and children under this act. The act provides special protection for victims of domestic abuse and authorises officers to issue protection orders in any situation involving abuse in the domestic setting. Though the act is intended to protect women and families, it may provide legal protection for older people (Mohd Yusoff, 2009). However, one of its limitations is that it explicitly states in its preamble that any offence involving domestic violence shall be read in conjunction with the Penal Code.

Academic critics have noted how the current legal framework is ineffective at providing the best possible legal protection in cases of elder abuse (Mohd Yusoff, 2009) The remedies provided by the Domestic Violence Act 1994 may be insufficient to meet the needs of an elderly person. The necessity for it to be read in conjunction with the Malaysian Penal Code demonstrates that domestic violence in Malaysia is considered a criminal offence against the state. The Act provides remedies for victims of domestic abuse to apply for protection orders (s. 5). Ironically, except for enforcement officers, any incapacitated adult who is unable to file an application on their own behalf may have a guardian or other person responsible for their care file on their behalf (s. 15). Unfortunately, any elderly person who has been abused and rendered incapable may be unable to seek legal protection if the act of abuse was committed in isolation by one of their family members, most frequently the caregiver. Another criticism levelled at the current legal framework is Malaysia's lack of mandatory reporting for elder abuse, unlike child abuse (Yunus, 2021).

THE IMPACT OF FINANCIAL EXPLOITATION ON ELDERLY

As life expectancy is increasing, World Health Organization predicted increase in global prevalence of elder abuse and countries such as Southeast Asia and Africa to have higher rates of elder abuse (Yon et. al. 2017). It is important to highlight that financial exploitation is a complex issue where it can happen remotely from the victims and there are many grey matters concerning identifying financial exploitation especially in determining what can be constituted as normal expenditure, issue of consent combined with family expectation and cultural norms (Jackson & Hafemeister, 2011).

Elder financial exploitation leaves no physical marks on the victims. Therefore, it may be taken less seriously by the authorities and communities compared to other subtype of abuse. Evidence from research shows impact of elder financial exploitation on victims in terms of economic, emotional, sociological aspects and declining overall quality of life (Bagshaw et al., 2013; Chane & Adamek, 2015; Jackson & Hafemeister, 2015). The effect of financial exploitation on an elderly victim has a broader influence along a continuum. It may begin with an innocent financial misappropriation and progress to increased deprivation of the money or property of older adults (Jackson & Hafemeister, 2011), self-neglect and emotional abuse (Mardan et al., 2014), all of which can result in embarrassment, stigma and psychological trauma (Rabiner et al., 2006). Elderly victims of financial exploitation may be unable to live freely or afford long-term care (Rabiner et al., 2006). As Yunus et al. (2017) note, the consequences of elder financial exploitation include mortality in some extreme cases. It is proven that financial exploitation will have a negative impact on all aspects of an older person's life. Elderly victims of financial exploitation may be unable to live freely or afford long-term care (Rabiner et al., 2006). Overall, elder financial exploitation not only results in financial losses but also has emotional consequences such as depression, social withdrawal, declining health status and a decrease in general wellbeing and livelihood (Chokkanathan et al., 2014; Fraga et al., 2014; Jackson & Hafemeister, 2015; Sooryanarayana et al., 2017). The emotional impact may manifest as embarrassment, stigma or psychological trauma (Rabiner et al., 2006; Dessin, 2003). The impact on an older person's living arrangements can also be detrimental if financial exploitation incidents are not reported.

The impact of financial exploitation on older adults can be seen from both policy and legal standpoints. Considering the numerous risk factors identified in the literature, preventive measures must be holistic in nature. Policy on elder law must devote significant time to determining the most appropriate solution for resolving the issue. Complicated reporting procedures, complex victims-perpetrators relationship and insufficient legal remedies have been identified as factors that should be reviewed by the appropriate authorities (Jackson & Hafemeister, 2015, Chokkanathan, Natarajan, & Mohanty (2014). In addition, lack of legal literacy and knowledge on the part of older adults and professionals in general, increase the possibility to detect such incidents (Doron & Mor, 2021; Ahmed et. al., 2016; Segal, Doron & Apter, 2010). As a result, alternatives to the criminal justice system are required to address the needs of older adults. Reporting procedures, uniform assessment tools, intervention mechanisms, protocols and appropriate responses are just a few of the critical strategies that must be developed with older adults' needs in mind.

To address this issue at the macro level, it is critical to train relevant professionals (in health and banking industry) involved in detection, investigation and reporting of such incidents. Most such professionals, including physicians (Patel et. al, 2021, Davies et al., 2013; financial institutions (Gilhooly et al., 2013) and social workers (Phelan, McCarthy & McKee, 2018; Bagshaw et al, 2013) continue to lack knowledge about detecting financial abuse and exploitation. Lack of education and training regarding methods for identifying and reporting suspected or known financial exploitation is a significant challenge, as identifying such abuse requires knowledge about the financial situation of older adults. Thus, to impart information to professionals, it is critical to explore the experience of older people on elder financial exploitation by family members in Malaysia.

METHODOLOGY

This study employed Moustakas's transcendental phenomenology to investigate the meaning and lived experience of older adults who have encountered financial exploitation in family settings. Consistent with the study's research questions, the study's primary objective was to determine how older adults perceive their experience of financial exploitation committed by family members, the barriers older adults face in disclosing and seeking help, and how older adults respond to acts of financial exploitation committed by family members. It is not possible to obtain such information through population sampling or generalization. Thus, purposive and snowball sampling were chosen as the method for selecting key informants to gather rich and detailed information about the research questions and to accomplish the research objectives. Participants were recruited through selected local agencies serving older adults including senior centers, care facilities and religious institutions or through joining events at community engagements in four states in Malaysia: Kuala Lumpur, Selangor, Negeri Sembilan and Terengganu.

After receiving approval from the University Putra Malaysia's Ethics Committee for Research Involving Human Subjects, contacts were made to obtain permission with identified local agencies serving older adults including senior centers, care facilities and religious institutions or through joining events at community engagements in four states in Malaysia via phone, email and social media. Twenty older people met the criteria. However, only nine older people expressed an interest in participating in the study. Individual, face-to-face interviews were conducted in this study at a time and location convenient to each participant, to ensure they felt as comfortable as possible. Eight of these completed the interview but the ninth potential participant withdrew at the last minute because she felt that her involvement was comparable to 'washing her dirty linen' in public. Finally, five females and three males had participated in this study and ranged in age from 61 to 86 years.

RESULTS

Six themes emerged as responses to the three primary research questions. Two themes emerged from older people's stories and shared experiences in response to the first research question: How do older people view their experience of financial exploitation by family members? The first theme elucidates the concept of 'harm, which implies violation of rights, financial insufficiency and indirect harm. The second theme is 'exploit, which discusses attachment bond, vulnerability and family expectation. Harm was a recurring theme throughout the older peoples' interviews. Participants description of financial exploitation by family members were mainly describing the form of financial exploitation that they have experiences which could be direct or indirect harm. When asked what the participants considered as a case of financial exploitation by family members, most participants described their experiences by showing examples of wrongful conduct or violation of rights. Some defined it as an act of theft, misappropriation, deception to use money or property for their own benefit and one participant described it as deceived for repayment of borrowings.

"For me, when your family take your money without asking, then something is definitely not right...there is no mistake there..it was done intentionally"
(Male, 77 years old, Malay)

“It is very clear ...I still remember how I trusted my son with my ATM card. I told him to make a withdrawal for my own purpose. But he later has used the card to pay for own personal stuff without telling me”.

(Male, 61 years old, Chinese)

Other subthemes are financial insufficiency and indirect harm. Financial insufficiency represents the experiences of all participants who stated that they encountered financial difficulties during and after their family members or person they trusted, committed the incidents. One participant described her experience by acknowledging that if she continued to give money to her adult children, she would have no retirement savings.

“I have a lot of things to buy, but for the time being, hmmm (sigh) I am not able to do so...But all my things (money and assets) have been treated like their own and they (children) spend until there is nothing left to enjoy. They (children) should find their own money instead of spending all my money; find hard-earned money for themselves”

(Female, 61 years old, Malay).

Meanwhile, all participants expressed some form of suffering and negative effects when discussing their experiences of financial exploitation by family members. This includes of emotional repression, limited social interactions and declining physical health. Repression of emotion entails concealing emotional status by masking facial and bodily expressions. Most participants demonstrated emotional repression because of their experience on financial exploitation by family members, whether for a brief or extended period. Examples of the experiences:

“I feel frustrated, angry. I blamed myself for what had happened, I should not have given my bank account PIN to other people. When they had everything, they left me like I was not worth anything anymore”

(Male, 61 years old, Chinese).

“I cried and I was sad. That’s why even today, when you asked me this question, I started to cry. I don’t want to recall my memories of what happened. I don’t want to remember. It was painful for me. Painful...I was always crying after the incident. Because I could not take the pain. It hurt:”

(Female, 68 years old, Indian)

Financial exploitation appeared to be viewed by most of participants as the experiences of intentional violation of rights that resulted in financial loss and other harms includes emotional, social and physical harm. In line with the literature, there is no common agreement to a definition of elder financial exploitation. However, the various definition developed by the organization and professionals do include common elements, such as elements of breached of trust relationship, circumstances that lead to improper situations and elements of harms (WHO, 2002; Conrad et.al., 2022; Rabiner et.al., 2005). Participants in this study expressed an understanding that financial exploitation had similar common elements with the current definitions. Participants mentioned

example of wrongful conduct that legally constitute criminal offences under the Malaysian legislation as well as in the Domestic Violence Act 1994.

Exploit is another theme emerged from this study. When asked what they think of financial exploitation, some participants described it as being taken advantage of their situation due to various circumstances. Exploiting behaviour includes inappropriate act or conduct by family members, in a trust relationship that indirectly had imposed a sense of guilt should the participants refused to help them with their wishes or being taking advantage of the situation or in trust relationship that the participants had with their family members. Based on the data, these exploitative circumstances between victims and perpetrators were present due to the attachment bond, vulnerability and family expectations. Examples are as follow:

“I don’t have the heart. Whenever I have money with me, I will always give it to my children. Sometimes, my other children will disagree with me...No matter how good or bad their (siblings) attitude, I cannot bear not to give them money:

(Female, 61 years old, Malay)

Meanwhile, most of the participants were in a state of poor health, unable to care for themselves and dependent on others because of frailty or disability. One participant expressed her dissatisfaction with her daughter in law and how she viewed her own experience of financial exploitation by family members. The participant described how the daughter in law took advantage of the family obligation and intentionally left the house, with the responsibility to support the grandchildren.

The second research question—What are the barriers faced by older people that prevent them disclosing and seeking help for financial exploitation? —was addressed through the theme of ‘family comes first’, which encompasses close relationships and family preservation. The theme of ‘helplessness’ brought to light issues of dependency, guilt and a lack of knowledge and support. Most participants stories revealed that they shared a common experience. The theme of family comes first introduced two sub-themes:1) close relationships and 2) family preservation.

“I am unable to disclose it to the authorities because I adore my son.”

(Female, 74 years old, Malay)

Meanwhile family preservation was identified as a reason for older adults choosing to remain silent about their experiences of financial exploitation.

“What is the use of reporting and degrading your own self. For me, blood is thicker than water”

(Male, Indian, 75 years old)

When the participants were asked why they had not disclosed their experience to others, the second theme that emerged was helplessness and encompassed three subthemes:1) dependency, 2) guilt and 3) lack of knowledge and support. A woman at age 86 mentioned that after the death of her husband, she was left alone. Her niece assisted with household chores and

finally her niece compelled to enter a legal transaction without being informed of the legal ramifications. She initially chose not to disclose the action because she believed that she still need assistance from her niece. Furthermore, several participants expressed conflicted feelings about informing other people outside the family and a sense of guilt of doing so.

“I am a mother. For whatever reason that my son did to me, I will still love them....He is my own flesh and blood, I can never do that to him”

(Female, Malay, 74 years old)

Lack of knowledge was also seen in instances where participants failed to recognise the occurrence of actual financial exploitation. Finally, the third research question—How do older people deal with financial exploitation by family members?—relates to two themes. The findings identified participants’ help- seeking behaviour as ‘seeking help’ or ‘not seeking help’. Assistance was sought through formal or informal channels, whereas not seeking assistance was an alternative method of dealing with financial exploitation incidents that relied on neither formal nor informal channels.

DISCUSSION

The current findings demonstrate how older adults refuse to report incidents to higher authorities when it involves family members. Embarrassment, fear of being judged and familial ties were among the reasons study participants withheld information about such incidents from authorities. From a criminal justice perspective, legal protections need to be reconsidered to strike a balance between justice for older people who are victims of financial exploitation, and family principles. A family is an emotionally connected unit. Individuals cannot be understood in isolation from one another; rather, they must be understood as members of their family. Thus, families are interconnected and interdependent systems of individuals, none of whom can be understood in isolation from the system (Hall, 1981).

Thus, the researcher recommends revising existing legal provisions governing domestic violence. According to the participants’ experiences, sending a loved one to jail as punishment is not an option because it undermines the family system’s purpose. The present study identified subthemes such as ‘attachment bond’, ‘family preservation’, ‘distress’ and ‘sense of guilt’ as rationales for older Malaysians’ reluctance to report incidents to the authorities. This can be explained by examining the available legal protection against elder abuse and financial exploitation. From a legal standpoint, Malaysia currently lacks specific legislation addressing elder abuse. The Domestic Violence Act 1994 will apply to all forms of elder abuse, and any incident involving the financial exploitation of a family member must be read in conjunction with the Penal Code, which may result in criminal charges. When an offence is criminal in nature, it constitutes an act against the state, and the burden of proof is higher than when trying a civil offence. Additionally, the punishment is intended to punish the offender rather than compensate the victim. The standard penalty under the law is imprisonment, a fine or both.

In the current study, participants’ refusal to disclose the financial exploitation to the authorities was interpreted as a desire to avoid incarcerating their family members. This explains

the familial bond, as well as the guilt and fear of judgment from others. Further, one of the participants mentioned that reporting the incident to the authorities would not result in the recovery of the money lost. The state bears all costs associated with establishing an offence has occurred, but because this is a criminal offence, the burden of proof must be established beyond reasonable doubt. The victim must be able to present compelling evidence in court for the offender to be convicted. According to one participant, it was difficult to prove or provide evidence for financial exploitation incidents involving family members because they occurred in a private setting, and who would believe an elderly man's words given the circumstances.

Alternatively, in Malaysia, financial exploitation may be prosecuted as a civil offence, such as a violation of tort law or breach of law in land matters. Unlike in criminal cases, the objective is to compensate the victim. The cost of establishing the offence would be borne by the aggrieved party—the elderly victim. The burden of proof is less onerous for victims than in criminal cases, where the burden of proof is only on the balance of probabilities. However, the cost of filing the case in court will impose an additional burden on the elderly victim. Similarly, the taxing process of a legal suit and the time required will prolong the issue and increase the victim's emotional and financial burden. This study concludes that a lack of legal realism in cases involving family or domestic violence, particularly financial exploitation of older adults, defeats the purpose of legal protection in the first place. Legal realism is defined by its emphasis on the law as it exists in practice rather than on how it exists in theory. It is critical for legislators and judges to have a working knowledge of social sciences to comprehend the policy implications of legal remedies as well as the human behaviour and relationships affected by the legal outcome. It is recommended that legislators or judges develop legal remedies that are family friendly in relation to any decision involving family violence.

The findings of this study may assist judges in considering the numerous influences of family dynamics and family life, thereby assisting them in providing more effective solutions in cases involving financial exploitation by family members. For instance, the law must consider the parent-child attachment and feelings of a parent who reports on their own adult child. It is critical to consider how a judge's decision may affect other aspects of older people's lives—such as when the adult child is the sole caregiver—in a taxing, lengthy and highly public court process. One legal remedy available might be seen in section 10 of the Domestic Violence Act 1994, where a victim of domestic violence may claim for any expenses incurred as a result of the perpetrator's domestic violence against the victim (e.g. the cost of medical treatment for injury, the amount or value of property taken, damaged or destroyed, or expenses required to establish a separate household, such as loan or rental payments). The court may award compensation to the victim after considering the victim's and defendant's financial circumstances, the nature of their relationship and the reasonableness of requiring the defendant to make or contribute to such payments. While this provision has typically aided married couples in domestic violence cases, its suitability for claims of elder abuse requires investigation.

Additionally, a multidisciplinary approach involving representatives from the health and financial sectors may help improve the statistics on financial exploitation incidents. Primary health care professionals are often the first to identify victims of financial exploitation. If a mandatory reporting mechanism were instituted, victims would be brought directly into the system for intervention. Statistical data may be improved to address the issue of underreporting. Having a

mandatory reporting law would also help protect those obligated to report, from any subsequent liability under the law. This is critical because it establishes a sense of guarantee and imposes a sense of legal obligation to demonstrate the gravity of the offence. Financial institutions can educate older adults about the importance of financial literacy and self-management. Additionally, a public awareness campaign might be conducted regarding the school education system. Its purpose would be to educate the younger generation about the importance of family values and elder respect. Additionally, financial institutions could take the initiative to provide adequate training for their banking staff to enable them to detect suspicious banking fraud or unusual transaction behaviour by older clients.

Recognising the difficulties inherent in investigating and proving exploitation incidents that frequently occur in private settings, the most effective way to address the issue is through prevention strategies. In terms of education, the study participants recognised the critical role of advocacy in the field of elder abuse. Almost every participant's reflection included a section on empowering older adults. This was expressed by a few participants who expressed a desire for other older adults to be financially self-sufficient. It is critical for families and older adults to be fully informed of the consequences of reporting any financial exploitation experiences. Seniors should be encouraged to report and should not be subjected to social stigma. Finally, an ongoing public awareness campaigns emphasising the nature, extent and impact of elder financial abuse must be conducted. It is critical to have prevention programmes that emphasise information dissemination, outreach, education, and training, as well as the importance of money management.

CONCLUSION

This study revealed that older people's view their elder financial exploitation experience as like the definition given by the WHO. The participants were able to describes forms of financial exploitation and the negative impact resulting from the abuse. The participants expressed a clear desire for action to be taken to prevent older Malaysians becoming victims of such acts. This study contributed to existing knowledge on elder financial abuse or exploitation in Malaysia.

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