

# Prevention over Punishment: Restoring Hope through Malaysian Child Act 2001

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## ABSTRACT

Juvenile delinquency remains a persistent issue in Malaysia, where the conventional punitive approach has been criticized for failing to deter crimes and reduce recidivism among child offenders. Recognizing the limitations of purely punitive justice, Malaysia through Child Act 2001 has incorporated the element of restorative justice to facilitate the shift from punishment to rehabilitation and early prevention of juvenile crimes. By employing a doctrinal legal method, this study scrutinizes the relevant provisions of the Child Act 2001 and case laws to evaluate the application of restorative justice. The findings support the gradual yet significant move from punitive approach to a prioritization of community-based intervention. This article concludes that the implementation of restorative justice should be more formalized to effect long term prevention of juvenile offending in Malaysia.

**Keywords:** juvenile delinquency, restorative justice, Child Act 2001, rehabilitation, prevention

## INTRODUCTION

The issue of juvenile delinquency remains a significant global concern, prompting ongoing debates about the most appropriate ways to address and deal with the problem (Young et al., 2017). Although traditionally punitive method is utilized in response to juvenile delinquency, in recent decades, there is a gradual shift towards a justice system that prioritises prevention, rehabilitation, and reintegration over retribution (Nellis, 2015). The punitive approach, which focuses on sanctions and deterrence, has been criticized for failing to address the root causes of delinquency and reducing recidivism (Bishop & Decker, 2006). Over-reliance on custodial sentences may not adequately support the principles of rehabilitation and reintegration, instead it would contribute to long-term negative psychological effects towards young offenders (Lambie & Randell, 2013).

Restorative justice approaches, which emphasizes in restoring both victims and offenders and repairing the harms associated with the crimes, have gained worldwide attention since 1970s (Bergseth & Bouffard, 2007). This paradigm shift is reflected in statutory recognition such as in New Zealand where restorative justice is formally mandated through statutes including the Sentencing Act 2002, the Victims' Rights Act 2002, the Parole Act 2002, and the Corrections Act 2004 (Pfander, 2019). In Australia, restorative justice programmes are specially mandated through States' legislation. For instance, youth justice conferences are provided under Young Offenders Act 1997 (New South Wales) and Children, Youth and Families Act 2005 (Victoria) and Youth Justice Act 2005 (Northern Territory) (Larsen, 2014). More recently, in Indonesia, Law No. 1 of 2023 concerning the Criminal Code integrates the element of restorative justice although the absence of clear guidelines remains a challenge for the newly introduced law (Riyadi, 2024).

In Malaysia, restorative justice approach is yet to be formally recognized through Child Act 2001 (Act 611) (Ab Aziz et al., 2022). This is despite the recognition of the role and responsibility of family and the society in providing care, support, and rehabilitation of children in the Preamble of the Act. However, it can be argued that the principle of restorative justice is indirectly foreshadowed through orders that the Court for Children may

impose upon proof of offence by children (Pan, 2023). The options range from admonition and discharge, bond of good behaviour, order for a child to be cared by a relative or a fit person, fines, compensations or costs, to community service order (Randawar et al., 2022). The wide range of options given to the Court reflect a move away from retributive punishment towards a more rehabilitative and preventative approach to juvenile offenders.

This study explores the increasing prominence of restorative justice principles in Malaysia through Child Act 2001 and courts' interpretation in applying those laws to real situations. This study argues that while formal acknowledgment of restorative justice is absent from the Act, the existing provisions offers a pathway towards promoting restorative justice. This study also highlights the potential of restorative justice in addressing the underlying needs of child offenders and helping them to reintegrate into society as beneficial members.

## METHODOLOGY

This study employs doctrinal research methodology, by analysing the relevant provisions of Child Act 2001 to examine the scope and application of restorative justice in those sections. Besides, to understand how the law is interpreted and applied in practice, this study also conducts analysis of relevant judicial decisions, sourced from legal databases such as Lexis Nexis and CLJ Prime. In addition to the above primary legal sources, this study also examines secondary sources through scholarly articles and academic publications to understand critical perspectives and theoretical underpinnings on the subject. The primary and secondary sources are triangulated to provide a comprehensive understanding on the topic of the study.

## FINDINGS AND DISCUSSION

### Restorative justice and Child Act 2001

In Malaysia, Child Act 2001 (Act 611) was introduced with the overreaching aim of protecting children's rights in compliance with international standards. However, reliance on formal adjudication via Court for Children still dominates the juvenile justice system, where children in conflict with the law undergo police investigation and are subjected to criminal litigation processes (Che Ramli, 2021). The provision on diversion programmes is still lacking from the Child Act 2001 (Abdullah & Ferdousi, 2024). Nonetheless, the Child Act 2001 contains provisions on noncustodial sentences that support the rehabilitative aim of sentencing such as admonition and discharge, bond of good behaviour, order for a child to be cared by a relative or a fit person, fines, compensations or costs, to community service order (Akram, 2007).

In numerous occasions, the Malaysian courts highlight the importance of restorative justice principles in determining the appropriate orders to be imposed on child offenders. In *Pendakwa Raya v Wan Syahrul Fahmi bin Wan Mohd Zin & Anor* [2021] CLJU 515, the High Court underscored that there are three key elements of restorative justice, namely:

1. Restoration and restitution where restorative justice demands the recovery of the victims and the improvement on any destruction or injured as a result of the criminal act.
2. Face-to-face meeting between victim and offender to seek the best resolution for recovery and restoration.
3. Transformation where there is a need for clear changes in the offender to correct his ways or the injury(s) he caused through real attitude and behavioural change.

In *A Child v Public Prosecutor (and Another Appeal)* [2020] CLJU 2113, the High Court observed that public interest is well served if a child, repentant of his criminal ways, decided to turn over a new leaf, seek a path of reform and come back to society, a useful citizen of the country and a good member of his family. The Court, being the agent of the society, must afford the child such opportunity by imposing order that would facilitate his rehabilitation and reintegration.

### Admonition and discharge

Section 91(1)(a) of the Child Act 2001 empowers the Court for Children to admonish and discharge a child upon

proof of offence. Admonition and discharge refer to caution or stern warning against the offender and are commonly imposed for minor infractions (Singh, 2005). It is a verbal sanction that acts as a reprimand against committing the same offence in the future (Ab Rahim et al., 2013). The judge typically administers admonition by referencing the child's criminal liability and the wrongfulness of his act, but at the same time, the reduced culpability of the child due to his age. This type of order is often used in cases where the child came from a problematic background and had a very difficult life due to parental abuse or neglect (Kupchik, 2019).

Admonition shows that the court sympathizes with the child's circumstances, but at the same time, a stern tone is used by the judge to rebuke the child against committing the same offence, denounce his behaviour, and warn him of possible harsher punishment in the future. Admonition is also usually given to first time offenders as the courts would not normally deal with first time offenders harshly (Devanda, 2022). This type of punishment allows the offenders to return to the society and try to discipline and better themselves without having a criminal conviction recorded against them. Besides, another factor commonly considered by the court in imposing admonition and discharge is when there is no proof that the child intended to commit the offence (Abdul Rahim, 2014).

In *PP v Mohmad Daud Karim* [2025] 1 SMC 149, the accused was charged for failure to attend scheduled rehabilitation programme at rehabilitation centre. In discharging the accused from the charge without recording a conviction, the Magistrate also issued admonition and caution to the accused. The Magistrate acknowledged that the failure of the accused to attend the programme was because he suffered from strokes two to three months after his release from the rehabilitation center. Legislature had very clearly enumerated that the character, antecedents, age, health or mental condition of the person charged, or to the trivial nature of the offence, or to the extenuating circumstances under which the offence was committed should be taken into consideration while exercising the discretion. The court further observed that there was a valid reason to temper justice with mercy.

In *PP v Wong Too Sang* [2024] 1 SMC 658, the accused was charged for causing mischief by damaging the complainant's car after verbal altercations. The Magistrate released the accused by dismissing the charge and administering admonition and caution. The Magistrate acknowledged that he accused was not a hardened criminal, and his guilty plea should be considered as a mitigating factor as it saved the country from incurring significant costs and inconvenience, especially for the witnesses, given the fact that it involved family disputes between the accused and the complainant. The matter could be resolved through civil suit by the complainant against the accused to claim damages from the losses he suffered. When an admonition or caution order is granted, it does not reduce the severity of the situation for the accused. The accused was cautioned to exercise patience when confronting such situation and to seek peaceful means of resolution, rather than resorting to destruct the property of his family member.

### **Bond of good behaviour**

Section 91(1)(b) of the Child Act 2001 stipulates that the Court for Children may discharge a child upon his executing a bond to be of good behaviour and to comply with such conditions as may be imposed by the Court. Additionally, section 93 of the Act imposes the duty to execute the bond on the parent or guardian. Section 93 also requires the parent or guardian to:

1. accompany the child to report to the welfare department or police station;
2. attend interactive workshops;
3. consult with headmaster or principal once a month;
4. visit the child on regular intervals
5. comply with any conditions the Court thinks fit.

This study submits that bond of good behaviour order reflects the fundamental role of parents and guardians in children's rehabilitation and reintegration process. A good behaviour bond essentially allows the child to be in the care of his parent or guardian while serving the bond period. It serves a family rehabilitative function as it aims to improve the familial relationship and impose responsibility on the parents or guardians to ensure that the child obey the order of the court. It also seeks to reintegrate the children into society rather than just punishing them (Azam & Razak, 2020).

This type of sentence is usually imposed for youthful offenders who had committed less serious offences. In *Public Prosecutor v Hassan Ali, a/l Abdul Razak* [2016] 12 MLJU 283, where it was held that bond of good behaviour would be more suitable to be applied to teenagers or who did not intend to cause injury to others, rather than a cognitive adult who was also caught to commit theft. In *Public Prosecutor v Christian Berry ak Douglas* [2021] MLJU 766, the prosecution appealed against the Magistrate's decision that sentenced the child to bond of good behaviour for a period of 2 years from the day of conviction with an un-deposited bond of RM2,500 with his parents as his surety. The child, 13 years 8 months, had committed an offence of incest with his sister, aged 12 years 5 months, which caused the pregnancy of the latter. On appeal, the High Court upheld the decision of the Magistrate and opined that learned Magistrate had properly addressed his mind before sentencing the child offender and that his Order is consistent with the provisions of the Child Act 2001. The learned Magistrate could appreciate the sincerity of the respondent's grandparents to see to the future upbringing of the Respondent and this is a finding of fact the court was not inclined to disturb.

### **Order to be cared by a relative or fit person**

Another type of order that the Court for Children is empowered to make is under section 91(1)(c) of the Child Act 2001 to order the child to be placed in the care of a relative or other fit and proper person, for a period specified by the court and with conditions that the court may impose. Section 2 of the Child Act 2001 defines "relative" as "a person who is related through full-blood, or half-blood, or through marriage or adoption, including a de facto adoption". Reference must be made to s 105 that applies when there is an order made by the court that places a child in the care of a fit and proper person. The order may be varied on the application of the parent or guardian of the child, the child protector, or the probation officer. If the child escapes or is removed from the care without lawful authority, he may be arrested without a warrant by a protector, probation officer or a police officer. He shall then be brought to the Court for Children or the Supervising Court, where the court shall inquire into the matter and consider the recommendation of the protector or probation officer. The court may order the child to be brought back to the care of the fit and proper person, if he is willing to receive the child. Otherwise, the court may also make an appropriate order as if the child has no parent or guardian.

In *Public Prosecutor v Velory AK Libong* [2005] 1 MLJU 407, the High Court exercised its revisionary jurisdiction over the decision of a Magistrate's Court that sentenced a child to be sent to Henry Gurney School for three years and in addition the offender was to be whipped three times with a light rotan in the Court premises and in the execution of the whipping he made the order that if the parents decide to be present, they could do so. The High Court observed that the power of the court has been explicitly specified under section 91 of the Child Act 2001. For instance, a Magistrate can order the child to be placed in the care of a relative or other fit and proper person for a period to be specified by the Court and subject to conditions imposed by the Court. In addition to this exercise of power under section 91(1)(c), the Magistrate can exercise the power under section 105 of the Act wherein he can vary or revoke the order upon an application made by the parent or guardian of the child, the protector or the probation officer as the case maybe. The High Court held that limbs (a) to (h) are to be read disjunctively and set aside the order of whipping made by the learned Magistrate.

### **Fines, compensation or costs**

Section 91(1)(d) of the Child Act 2001 empowers the court to order the child to pay a fine, compensation, or costs. According to section 94(1), the parent or guardian of the child shall be responsible to pay the fine, compensation, or costs on behalf of the child. However, the order shall not be made if the parent is not available or cannot be found within a reasonable time or has not conducted to the commission of the offence by neglecting to exercise due care of the child. Under section 94(2), if the court thinks that a charge against a child is proved and he admits the facts constituting the offence, the court may make an order requiring the parent or guardian to pay the compensation or costs or to give security for a good behaviour of the child, without recording a finding of guilt. Section 94(5) requires the court to accord the parent or guardian an opportunity to be heard before ordering them to pay fine, compensation or costs. However, if the parent or guardian fails to attend or cannot be found within reasonable time, if the court is satisfied with the information furnished by the probation officer, an order to pay fine, compensation, or costs may be made.

Usually, this type of punishment is imposed when the victim suffered monetary loss or damage because of the



offence committed by the child. For instance, in the case of motorcycle theft where the vehicle can no longer be found, the court will order the child to pay compensation to the owner of the motorcycle. The Child Act 2001 does not define “fine, compensation or costs”. According to section 2(1) of the Criminal Procedure Code, a “fine” includes “any fine, pecuniary penalty, or forfeiture, or compensation adjudged upon any conviction of crime or offence or for the breach of any law”. Meanwhile, compensation usually refers to the compensation that needs to be paid to the victim while costs refer to costs of the prosecution (Sidhu, 2014).

In *KN (a child) v PP* [2022] 8 MLJ 191, the applicants, KN and UA, who were respectively 17 and 16 at the time of the offence, were ordered by the Magistrate's Court to each pay a fine of RM5,000, in default six months in jail, after they pleaded guilty to a charge under section 323 of the Penal Code of intentionally inflicting harm on another person. On appeal, the High Court substituted the sentence to a fine of RM1,000, in default one month's jail, for each of the applicants. The court highlighted that section 91(d) of the Child Act 2001 did not specify the maximum fine to be imposed against child offenders. Nevertheless, the court considered that an adult convicted under section 323 of the Penal Code is punishable with a maximum one year's jail term or a maximum fine of RM2,000 or both, Parliament could not have intended a child offender to pay a much bigger fine than an adult for the same offence. Although the Child Act 2001 is the specific statute that deals with the applicants and took precedence over the more general Penal Code, the latter could not stand alone when it came to the applicants' punishment. Because section 91(1)(d) of the Child Act 2001 provided for fines for all offences and did not include a maximum or limit on the fine, it was necessary to construe s 323 of the Penal Code in a way that was consistent with the provision of the Child Act 2001.

### Community service order

Community service order (CSO) was added to section 91(1)(da) of the Child Act 2001 through the Child (Amendment) Act 2016. The amendment was intended to protect children who commit minor offences from being sent to prisons or another institutional placement. The CSO is a rehabilitative programme under the supervision of the Social Welfare Department. The amendment also aimed to encourage the children not to repeat the offence and prevent them from living in an unhealthy environment in prisons or other detention centers where they might be exposed to commit more serious offences. The idea to introduce CSO in the Child Act 2001 was mooted from a similar provision available for youthful offenders, aged between 18 to 21 under section 293(1)(e) of the CPC that was introduced in 2007 (The Star, 2011).

By virtue of the Child Act (Amendment) 2016, a new Chapter 3A has been introduced to cover matters pertaining to CSO. According to section 97A (1) of the Child Act 2001, if a child is found guilty of a crime and the court thinks it is appropriate to impose CSO, the court may make an order requiring him to perform community service not exceeding 120 hours in total within a period not exceeding six months, at such time or place as may be specified by the court. The typical activities carried out during the community service include collecting rubbish, road works, mural and painting, restoring signboards, sweeping and mopping floors and cleaning. There are also activities that involve community service in hospital, old folk homes and homes for disabled children.

There are several conditions that a child must comply with during the period of the CSO, such as:

1. to submit to the supervision of a social welfare officer;
2. to perform the community service according to the hours and period imposed by the court;
3. to not commit any offence;
4. to comply with other requirements such as attending alternative workshops organized at designated centers, to attend an education institution or to attend counselling sessions.

The Court for Children is obliged to consider the recommendations of the probation officer as to the suitability of the community service to be performed by the child. The court must also explain to the child in simple language that he understands as regards the effect of the order and non-compliance of the order is an offence. A copy of the CSO shall then be given to the child, his parent or guardian, the probation officer, or additionally the Supervising Court. If the child fails to comply with the CSO, the Supervising Court may issue a summons requiring him to appear at the place and time specified in the summons or a warrant of arrest. The Supervising Court may impose the following for non-compliance with the CSO:

1. a fine not exceeding RM5,000;
2. punishment for the offence he committed in contravention with the CSO;
3. order that the child complete the hours that he has not performed under the CSO;

If the Supervising Court found that the child has been found guilty of any offence during the period of CSO and he has been dealt with for that offence, the court may issue summons or warrant of arrest too. The CSO may be amended upon application by the probation officer, if the child changes his place of residence. On an application by the probation officer or the child, the court also has the power to revoke or insert any requirements in the CSO. However, the court shall not make an order to reduce the period of the CSO or extend it to more than six months.

In *Public Prosecutor v Muhammad Haziq bin Ramli* [2022] MLJU 534, the accused was convicted under section 42 of the Road Transport Act 1987 for reckless and dangerous driving. The probation officer recommended a CSO not exceeding 120 hours in aggregate. In mitigation, the accused apologized for his conduct. He admitted his mistake and made a promise not to commit the same again. He sought a lenient fine, and he pleaded to perform community service. In reply, the prosecution disagreed with the CSO, citing that the accused was able to discern between good and bad. His conduct was not only exposing himself to danger but also to other road users. He was ordered to perform community services 120 hours in aggregate and, with a bond of RM5000 to be executed by one surety with additional conditions:

1. that the accused is required to report to the police station on the first day of each month throughout the duration of the order, and;
2. the accused is restricted from leaving his house from 11.00 PM to 6.00 AM the next day unless he is accompanied by his parents or guardian.

On appeal against the sentence by the prosecution, the court held that the factors such as young offender, first offence, and plea of guilt was in tandem with the recommendation of CSO by the probation officer. The court applied the principle of sentencing that young offender, wherever possible and depending on the nature of the offences committed, should be kept out of prison, especially when there are other adequate means of dealing with them.

### **Effectiveness And Problems In Implementing Restorative Justice In Malaysia**

While Malaysian juvenile justice system is rooted on colonial origin which prioritises retribution, in recent years, there is a move towards reconsideration of restorative justice. By 2011, the Malaysian government had already voiced its readiness to implement restorative justice but has yet to achieved full implementation to date (Mohammad et al., 2020). The shift came by in light of significant evidence in other jurisdictions on the effectiveness of restorative justice approaches in reducing recidivism rates among juvenile offenders (Mohammad et al., 2019). The incorporation of community service order (CSO) into the Criminal Procedure Code (Amendment) Act 2006 is considered a formal recognition of restorative justice through statutory instrument. The CSO was then incorporated in Child Act 2001 through the Amendment Act 2016 (Agam, 2016). To that end, the Ministry of Women, Family and Community Development has also established a special unit for CSO with three main objectives: (Rahim et al., 2013)

1. Punishment – to impose responsibility on child offenders to be discharged based on their needs.
2. Rehabilitation – to stimulate social responsibility and to make community service programmes beneficial to the child offenders.
3. Reparation – to give opportunities to be reformed and to do something that benefit the society.

The Chief Justice (as he then was), in his speech at the Opening of the Legal Year 2019 urged the judicial officers to impose CSO in appropriate cases instead of imprisonment, as it may not only better to rehabilitate the offenders, but it also saves costs for the Prisons Department (Malanjum, 2019). This view is in line with the overall intent of the statutory incorporation of the CSO to reduce the numbers of youthful offenders in prisons. According to the statistics from the Social Welfare Department, in its 16 years of implementation, from 2008 to 2023, a total of 9,680 cases were imposed with CSOs, where 7,748 cases involve youthful offenders (18 – 21

years old), 1,736 cases (children below 18) and 196 cases (adult offenders above 21) (Shamsuri, 2024). The cost involved in implementing CSO per participant is remarkably low, amounting to only RM7.30, compared to the significantly higher cost of RM50 per inmate per day if they were to be imprisoned (Hasan, 2023). This stark contrast highlights the economic advantage of adopting restorative justice measures like CSO over traditional incarceration.

Another indirect facilitation of restorative justice in Malaysia is through victim's impact statement (VIS) provided under Criminal Procedure Code (Amendment) Act 2016. Since Child Act 2001 is silent on this subject, the general procedure under the CPC shall apply. This process enables the victim or the family to explain to the court the effects of the crime on their physical, emotional, psychological wellbeing or how they have suffered due to the offenders' action either to their bodies, money, or properties (Ab Aziz et al., 2022). The introduction of VIS acknowledges the extent of the victim's suffering because of the crime. This gives more weightage to the prosecutor who provides the aggravating factor, as the victims could voice their own personal views directly to the court (Sukumaran & Tariq, 2012).

Nonetheless, implementing restorative justice in Malaysia faces several challenges. First of all, the Malaysian criminal justice system is deeply rooted by the British colonial structures that remains predominantly retributive and prioritises punishment over rehabilitation and victim restoration (Mohammad et al., 2020). Secondly, the legal system is perpetrator-centric where formal justice system from arrest, investigation, and court trial focuses on the accused, instead of the victims. The justice system focuses on punishing and reforming the offenders, which often makes the victims feel ignored or abandoned by the system (Mohamed et al., 2019). Thirdly, victims' unwillingness to participate in the restorative justice process also significantly diminishes its positive impact (Pan, 2023). Fourthly, the societal norms that regard restorative justice approach as "too soft" and the belief that "light touch" punishment would not deter crimes but instead result in higher recidivism rates also challenges the successful implementation of restorative justice (Mohammad et al., 2019).

In term of implementation, the cautious view taken by police officers is also seen as a barrier in implementing restorative justice programmes. The popular view among police officers is that their sole existence is to serve and maintain the law, and it is the court's duty to make the decision and determine the outcome of a case. They also hold the view that the role of the victims is to lodge a police report, the police will investigate the case, and the court will ultimately punish the offenders (Mohammad & Gearhart, 2021). The lack of understanding on restorative justice among subordinate officers is also alarming. As frontline officers who directly deal with child offenders, they see restorative justice as workload relief due to fewer court cases, but they are also suspicious as to its success as they perceive it as a "soft" approach on crime (Stockdale, 2015). The lack of police understanding also has led to instances where parents or guardians were not contacted after arrest of children, probation or social welfare officers were not involved until children are brought to the court, and coercion during arrest and interrogation (Zainol et al., 2024).

Besides, the lack of involvement among community members is another barrier towards restorative justice in Malaysia. The current system favours formal police intervention instead of community engagement (Zainol et al., 2024). The Royal Malaysian Police has established the Crime Prevention and Community Safety Department in 2014 with key functions include crime prevention, elimination of criminal opportunities, and community empowerment through awareness and education (Bernama, 2022). Despite that, community engagement still leaves much to be desired. For instance, in a previous study, it was found that younger groups are less interested to engage in community policing programmes. Besides, financial constraints and inadequate human resources also contribute to the lack of success of community engagement initiatives (Mamat, 2023).

Many legal scholars have highlighted a close relationship between restorative justice and recidivism. One research indicates that restorative justice is not efficient in reducing recidivism rate for violent and serious offences (Fulham, 2023). For offences such as child abuse, sexual violence, and child pornography, sentencing these offenders with punishment that is inline with restorative justice would only results in setting the path of potential serial offenders free. Besides, restorative justice has failed to take effect in instances where both parties, the perpetrators and the victim, are unwilling to meet with each other and cooperate to start the healing process (Lin, 2023).

## CONCLUSION

While formal recognition of restorative justice and diversion programmes is still absent from the Child Act 2001, certain provisions under the Act manifest the idea of rehabilitation and reintegration of child offenders. The judicial inclination towards imposing noncustodial sentences such as admonition and discharge, bond of good behaviour, compensation, fines or costs, order to be cared by a relative or fit person, and community service order signifies court's commitment to uphold restorative justice. To further strengthen the support towards restorative justice, it is recommended that Child Act 2001 to be amended to formally incorporate restorative justice initiatives. Training and awareness programmes should also be conducted to provide stakeholders including community with sufficient knowledge in implementing effective restorative justice principles. Over-reliance to the formal adjudication by the Court for Children can slowly be phased out with more focus on community based rehabilitative programmes.

The implementation issues such as victim's unwillingness, societal norms that do not support restorative justice, police cautious view, lack of community involvement, and the perceived ineffectiveness of restorative in reducing recidivism must be addressed to have a meaningful restorative justice framework in Malaysia. Future studies should explore on evidence-based effectiveness of the implementation of orders under section 91 of the Child Act 2001 by engaging key stakeholders in the juvenile justice system such as police officers, policy makers, judges, community leaders, schools, and social welfare officers. Empirical data to support the success of the noncustodial orders under section 91 is also suggested for future studies.

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