

JUVENILE AND YOUTH CRIME IN MALAYSIA

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ABSTRACT

Juvenile and youth crime has increasingly become troubling in society. The rising trend in youth crimes, as well as, the gruesome nature of some of them is alarming and tragic. In Malaysia the problem of juvenile and youth crime cannot be overemphasized as hard evidence from the Royal Malaysia Police and Department of Social Welfare, Malaysia show: one, rising number of juvenile and youth crimes, two, increasing intensity in the seriousness of crimes committed. Violent crimes as share of juvenile and youth crimes rose from 15% to over 30% over the period 2004-13. The need to check such crime among the Malays and males is particularly pertinent as they account for 75-77% and 97% of the juvenile and youth crimes committed by ethnicity and gender respectively. These developments have taken place despite high severity of punishments meted out on offenders by the authorities.

Keywords: *crime, juveniles, youths, justice system, security, Malaysia*

Introduction

From time immemorial, crime has been one of the greatest threats posed to human kind and a constant social menace that has continued to plague nations in huge proportions (Pellegrini et al., 2000). Nations have persistently strategized with sophisticated strategies to arrest and curb criminal acts in society. However, as social life evolves, crime has become more complex and elusive, thus, making it very difficult to completely arrest and prevent its grave consequences. Crime is multifaceted and encompasses various levels. It starts from the predisposition of a child or teenager to delinquent activities, and subsequently transcends to the youth before maturing into organized crime among the adults. Chronic crime is often an integral component of a vicious cycle that is part and parcel of human existence, but because its consequences are repugnant to society, nations have been relentless in their fight to check and reduce the level of criminal activities.

Over the years, juvenile crime has received a lot of attention from the Malaysian public due to the rising incidence of student crime, which has resulted in a rising number of juveniles arrested daily (see New Straits Times, 1 August, 2005) and

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the staggering reports of cases that show the conviction of juveniles for gruesome crimes like murder (New Straits Times, 12 September, 2005). For example, a survey on crime perception in 2004 showed that the public perceived crime as the most feared and helpless problem affecting their lives (Nanyang Siang Pau, 6 July, 2004). On 29 Mac 2014 The honourable Dato' Seri Dr. Ahmad Zahid Hamidi, Minister of Home Affairs, Malaysia reported that school dropouts involved in crime grew by 137% between 2012 and 2013 (Berita Harian, 29 March 2014). It is indeed an alarming and dangerous trend.

Given the overlapping meanings of the concepts, in this article juvenile delinquency, childhood delinquency and youth crime as used interchangeably, which refers to young individuals who exhibit behavior that violate societal values and norms, which concurrently contravenes the country's constitutional rules and regulations that govern society. In other words, they are morally degenerative behavior carried out by individuals who are too young to be classified as adults. The categorization of these individuals is dependent on the social, cultural and political organization of countries, which influences the stipulation of age categorization by legislation. For example, it starts from 10 in England, 12 in Canada and Turkey, 14 in Japan, 15 in Scandinavian countries, 16 in Spain and 18 in Belgium and Malaysia (Runter, Giller and Hagel, 1998; Child Act, 2001). Owing to the universal nature of crime, many studies (see Siegel and Williams, 2003; Bacon, Child and Barry, 1963) have revealed that childhood delinquency is persistently on the rise not only in the developed countries, but also in many developing countries.

The problem of juvenile delinquency in Malaysia has reached the state of social emergency due to the dramatic rise of serious cases pertaining to juvenile delinquencies, albeit the sharp jump in 2013 is a consequence of superior police efforts following the launching of *Op. Cantas* rather than an actual rise in crime. Government efforts to intensify crime prevention took on a new dimension in 2013 following public complaints over the social menace. It is common knowledge that the seeds of adult crime are sowed during the youth. As such, it is paramount that juvenile behavior be critically examined in order to understand the inherent dynamics, which is essential to design a policy framework to address the problem adequately.

Therefore, this paper uses evidence of the prevalence and intensity of juvenile and youth crime in Malaysia to argue the case for reviewing existing punishment measures on youth offenders in the context of their effectiveness to combat such crime. The rest of the paper is organized as follows. The next section introduces juvenile and youth crime in Malaysia with a focus on prevalence and trends, and socioeconomic background of those committing crime. The subsequent section

discusses the nature of crimes committed by juveniles in Malaysia followed by a discussion of the juvenile justice system in the country. The last section presents the conclusions.

Juvenile and Youth Crime

There have been voices of concern about the situation of juvenile and youth crime as Malaysia progresses into a developed nation (Lee, 2008). This is line with the argument presented by Siegel and Williams (2003), who note that childhood delinquency data provide a good indication of future crime trends in a country. Hence, efforts to examine trends in juvenile and youth crime, including enforcement and rehabilitation initiatives is important to check crime in Malaysia. There are two Government departments tasked with responsibilities of overseeing cases of juvenile and youth criminal offenders in Malaysia, namely, the Royal Malaysia Police (RMP³) and the Department of Social Welfare (DSW⁴). There is an obvious difference between these two bodies in terms of functions. The RMP attends and compiles statistics on cases lodged by complainants after which investigations are carried out to weigh the severity of the crime committed before arraigning the juvenile or youth offender in a designated court where punishment will be imposed. While the DSW works closely with the police through a welfare officer who investigates juvenile delinquents and youth offenders specifically to apply the best correctional approach to their deviant behaviors.

The most notable crime statistics are the arrest-based uniform crime reports compiled by the Criminal Investigation Department (CID)⁵ of the RMP. The statistics are recorded based on the official reports lodged at police stations throughout the country. This includes criminal offences committed by juveniles whose ages are between 7 to 18 years old. The crime data is sorted out according to incidence of crime, age of juveniles when crime was committed, ethnicity and gender of the offender and the number of successful arrests of juveniles involved in crime.

Incidence of Cases and Arrests

Criminal cases and arrests are routine in the juvenile criminal justice system owing to the rising crime rates that law enforcement agents and welfare officers have to deal with daily through investigation and arrests before punishments

3 Royal Malaysia Police (RMP) also known as Polis DiRaja Malaysia compiles juvenile crime data or statistics on juvenile criminal offences. The Child Act 2001 stipulates less than 18years as the age of criminal responsibility for juveniles.

4 Department of Social Welfare (DSW) compiles youth data or statistics on both criminal and status offences as well as, data on punishments. The minimum age for youth offender is below 21.

5 Criminal Investigation Department (CID) is one of eight Departments in the set up of RMP. The function and role of CID is to investigate offences that are criminal in nature.

are imposed on offenders. In order to have a clear picture of the magnitude of criminal cases and arrest among the juvenile, time-series data (2001-2013) is tabulated in Table 1. The number of arrests is always higher than the incidence of cases because offenders often commit more than one offence. Examples of such offences include gang robbery, rape and drug trafficking.

Table 1: Juvenile Criminal Cases and Arrests, Malaysia, 2001-13

Year	Cases	Age Group			No. of Arrests
		7-12	13-15	16-18	
2001	3735	165	1474	3108	4747
2002	2955	113	1265	2822	4200
2003	3647	151	1593	3711	5455
2004	3641	161	1501	3899	5561
2005	3936	161	1472	4363	5996
2006	5007	135	1661	6331	8127
2007	5102	170	2080	5725	7975
2008	5125	123	1813	5232	7168
2009	5232	157	1861	5409	7427
2010	5125	153	1607	4167	5927
2011	3561	124	1410	3905	5439
2012	3609	31	900	2200	3131
2013	7816	45	2188	6082	8315

Source: Royal Malaysia Police or Polis DiRaja Malaysia (2001 – 2013)

Figure 1 illustrates the magnitude of cases (indicated by blue color) and the number of arrests (indicated by red color) of juveniles over a period of 2001-2013. It shows that both the number of cases and arrests rose from 2002 to 2006, remained constant in 2007-10, fell in 2011-2012 before escalating to a record high of 7813 cases and 8315 arrest respectively in 2013. According to RMP (2013), the reason behind the big increase in the number of cases and arrests of juveniles in 2013 was the successful mounting of special operations by the police code named *Op. Cantas Khas*, which was targeted at wiping out secret society members involved in violent crime, including the youth. Hence the leap in juvenile and youth crime in 2013 is largely a consequence of the strong focus the police gave to weed out crimes.

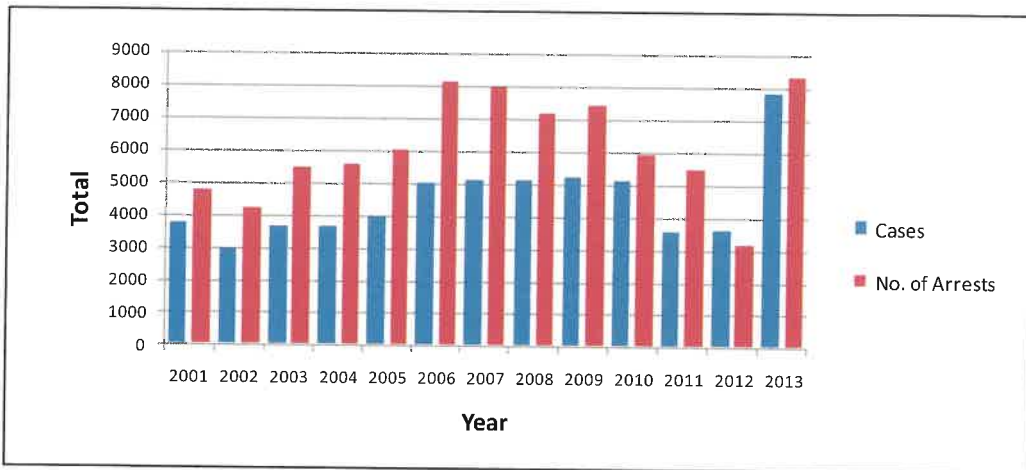


Figure 1: Juvenile Criminal Cases and Arrests, Malaysia, 2001-2013

The gravity of these juvenile criminal cases is even more pronounced when the statistics are computed on a yearly, monthly and daily basis. In this sequence, simplifying 58,491 accumulated cases of various crimes committed by juveniles over the 13 year period, the figures can be broken down to an average number of 4,499 cases per year; 374 cases per month and 12 cases per day. In the same vein, the record of 79,468 juvenile arrests that were made will produce an average of 6,113 cases per year, 509 per month and 17 per day. An average of 12 juvenile criminal cases and 17 arrests a day has undoubtedly made the problem of juvenile crime in Malaysia a critical issue.

Age Group

The crime data compiled by RMP on juvenile offenders range from 7 to below 18 years old. The RMP categorized the age range into three groups⁶ starting with group (i) 7-12 years, group (ii) 13-15 years, and group (iii) 16-18 years (see third column (age groupings) in Table 1(a) and Table 1(b). Juvenile crime cases for age group (i) 7-12 and (ii) 13-15 are quite constant except for group (iii) 16-18, which rises sharply over the year. It is pertinent that juveniles of age group (iii) 16-18 years old have the highest cases of crime involvement. They comprised of students in Form four or Form five (if they are still schooling) who are said to be the most vulnerable and rebellious. This is the most crucial group parents ought to seriously monitor through profound guidance and counseling.

⁶ Authors found out that the rationale behind RMP's categorization is based on (i) 7-12 years as for Standard 1-6 (primary school), (ii) 13-15 years as Form 1-3 (lower secondary school) and group (iii) 16-18 (Form 4 -5).

Ethnicity

Owing to the multi-racial nature of the country, it is significant to examine the diverse ethnic relations with regards to their involvement in crime. This section presents a comparative analysis of juvenile crimes by ethnicity and ethnic composition with a view to gauge the intensity of the problem. Table 2 shows the breakdown of crimes committed in Malaysia over the period 2001-2013 by the three main ethnic groups - Malays, Chinese and Indians. It is evident that while crimes committed by the Chinese has been remarkably low and only having a record high of 11.23% in 2002, crimes committed by the Malays and Indians has been on a steady rise and of huge proportions. From 67.45% in 2001, the Malays reported a record high of 77.58% in 2012. In spite of their very small ethnic composition, the Indians have steadily maintained a high record of juvenile crime cases, with them accounting for 12.27% of such crimes in 2013. Between 2007 and 2013, Malays accounted for 75-77% of the juveniles, which is higher than their composition of the national population.

Table 2: Breakdown of Juvenile Arrests among Ethnic Groups, Malaysia, 2001-2013

Year	Total Arrest	Malays		Chinese		Indians		Others	
		No.	%	No.	%	No.	%	No.	%
2001	4747	3202	67.45	504	10.62	586	12.34	455	9.58
2002	4200	2839	67.60	472	11.23	520	12.38	369	8.79
2003	5455	3766	69.04	566	10.37	507	9.30	616	11.29
2004	5561	3792	68.19	542	9.75	547	9.84	680	12.22
2005	5996	4146	69.57	508	8.59	634	10.5	690	11.5
2006	8127	5556	68.36	898	11.05	788	9.70	885	10.89
2007	7975	5847	73.32	575	7.2	830	10.40	723	9.06
2008	7168	5430	75.75	338	4.72	628	8.76	770	10.74
2009	7427	5681	76.49	296	3.99	664	8.94	786	10.58
2010	5927	4596	77.54	220	3.71	531	8.96	583	9.84
2011	5439	4087	75.14	295	5.42	552	10.15	505	9.28
2012	3131	2429	77.58	134	4.28	293	9.36	32	1.02
2013	8315	6305	75.83	373	4.49	1020	12.27	617	7.42

Source: Royal Malaysia Police or Polis DiRaja Malaysia (2001 – 2013)

Gender

Gender is undoubtedly one of the main determinants of crime. As such, an analysis of gender with reference to its disposition to juvenile crime is carried out. RMP report shows juvenile crime cases by gender for the period 2001-2013 and the facts reported cannot be overemphasized. First, males dominate juvenile crime cases. Secondly, there is no obvious downward trend in crimes reported. Overall, the males accounted for 97% of the recorded juvenile crime cases, while the females only accounted for a mere 3%. The difference is more obvious when these percentages are compared with the gender breakdown of the national population where male and female accounted for 50.9% and 49.1% respectively (Jabatan Kebajikan Masyarakat, 2005 and 2006).

Criminal Offences and Status Offences

Having established that juvenile delinquencies involve offences by juveniles below the age of eighteen years, such offences may vary depending on the intensity of crime and the stipulated legislations of countries. In Malaysia, juvenile delinquencies are divided into two categories with the first relating to acts or omissions which are prohibited and punishable by law under the legal system. Crimes in this category are commonly known as 'criminal offences', while the second refers to acts which are generally referred to as 'status offences'. There are basically two types of 'status offences'- the first happens outside the control of parents, while the second happens through exposure to moral danger.

Furthermore, RMP has categorized crimes committed by juveniles into index crime and non-index crime.⁷ Index Crime⁸ is defined as crimes that are reported with sufficient regularity and with sufficient significance to be meaningful as an index to the crime situation. Non-index crimes on the hand are crimes reported with less regularity as they are not usual recorded cases like the index crimes. Non-index crime involves the use of criminal force or assault in the form or extortion, cheating, arson, trespass and so on.

As part of its administrative functions, the RMP further divided the Index Crime into two categories (Amar, 2009) namely; 'property crime' and 'violent crime'. 'Property crime' includes those offences that involve loss of property and the like. There are seven types of crimes in this category and they are; housebreaking and

7 These are terms used to quantify the incidences of crime reported by police bodies who are members of the international police community of which Malaysia is a member.

8 Inspector General's Standing Order (IGSO) on Chapter D203 which outlines the guidelines and procedures on criminal investigations.

theft by day, housebreaking and theft by night, theft of lorry and van, theft of motor car, theft of motorcycles and scooters, theft of bicycles and other forms of theft.

Violent crime generally involves crimes that are violent in nature and are sufficiently regular and significant in occurrence. Crimes that fall in this category are eight and they are; murder, attempted murder, gang robbery without firearm, robbery with firearm, rape and voluntarily causing hurt.

Violent Crime and Property Crime

Crimes committed by juveniles can be categorized into violent crime and property crime. Table 3A shows that during the period between 2000-2005 violent juvenile crimes ranged between 13-21% of the crime index compared to juvenile property crimes, which ranged between 80-86%. Nevertheless, Table 3B shows from 2008 until 2013, there has been obvious changes in the structure of crimes committed, with violent crimes rising to 32.33%. This upward trend if not addressed soon will threaten the very fabric of our society. Thus, it is discernible that both the incidence and intensity of juvenile and youth crimes in Malaysia has been on a rise.

Table 3A: Violent and Property Crime, Juveniles, Malaysia, 2000-2005

YEAR	VIOLENT CRIME	%	PROPERTY CRIME	%	INDEX CRIME	%
2000	488	16.76	2503	85.98	2911	100
2001	487	16.39	2484	83.61	2971	100
2002	489	21.31	1806	78.69	2295	100
2003	420	15.35	2216	80.99	2736	100
2004	442	16.52	2234	83.48	2676	100
2005	425	13.76	2663	86.24	3088	100
A: 2000 – 2005						

Source: Polis DiRaja Malaysia or RMP, 2000-2005

Table 3B: Violent and Property Crime, Juveniles, Malaysia, 2008-2013

YEAR	VIOLENT CRIME	%	PROPERTY CRIME	%	INDEX CRIME	%
2008	1427	27.84	3698	72.16	5125	100
2009	1578	30.16	3654	69.84	5232	100
2010	1427	27.84	3698	72.16	5125	100
2011	763	21.43	2798	78.57	3561	100
2012	1126	31.20	2483	68.80	3609	100
2013	2553	32.66	5263	67.34	7816	100
B: 2008 – 2013						

Source: Polis DiRaja Malaysia or RMP, 2008-2013

The Juvenile Justice System

Juveniles represent a unique and separate population within the criminal justice system. Like many countries in the world, Malaysia has a criminal justice system for juveniles established shortly after the Second World War. The Juvenile Courts Act was enacted in 1947 in order to prevent children and adolescents from indulging in anti-social activities. Simultaneously, the Children and Young persons Act was also enacted in 1947 which provided stringent measures designed to protect children and young persons from abuse and exploitation. These acts were followed by Adoption Ordinance and Registration of Adoptions Act 1952 which were designed to safeguard the rights and status of children who, for various reasons, could not remain with their families.

The law dealing with juvenile offenders in Malaysia is contained in the Juvenile Courts Act 1947 (Revised 1972), which is based on three basic assumptions. First, it is much easier to reform the transgressor when he or she is still young. Secondly, to put a young person in prison in the company of adult offenders may leave a stigma, and the trauma may affect his or her emotional state of mind permanently. Thirdly, the primary aim of the juvenile court should be to protect and safeguard children from pursuing a criminal career and not specifically in pursuit for prosecution and punishment.

A more comprehensive children’s legislation came into effect when the Child Act 2001 was enacted and passed into law on 1 August 2002. The new act consolidated three acts that were in place before, namely the Juvenile Courts Act 1947, the Women and Girls Protection Act 1973 and the Child Protection Act 1991, which cover laws relating to the care, protection and rehabilitation of children.

A juvenile can only be tried in the court for children,⁹ which is very different in composition and procedures from other courts. The court for children is presided over by a magistrate who is assisted by two advisors, one of whom is usually a woman. It is not an open court,¹⁰ and only court officials, parties to the case, parents or guardians, lawyers, witnesses and newspaper reporters are allowed to be present. But the media cannot reveal the name, address or school or any other particulars which, may lead to the identification of the juvenile.

If an offence is proven, the court will obtain a probation report to enable it make a decision in the best interest of the welfare and the future of the young person. The welfare officers in the Department of Social Welfare, who are gazetted as probation officers, are the ones who will investigate the background of the young person and submit probation reports to the court for children. The court has several alternative punishments for the juvenile if the offence is proven. The court will decide on the following: (i) admonish and discharge the offender; or (ii) discharge on a bond of good behavior; or (iii) order his parent or guardian to execute a bond to exercise proper care and guardianship; or (iv) if the home environment is found to be unsuitable, make an order to place the juvenile with a relative or some other appropriate person who is deemed to be fit enough to take care of his welfare; or (v) make a probation order; or (vi) send the offender to an approved school i.e. Henry Gurney School (HGS); or (vii) order him to pay a fine, compensation or costs; or (viii) if the offender is a young person (between 14 and 18 years) and the offence committed is punishable with imprisonment, impose a jail sentence.

Punishments Imposed on Youth Offenders

As earlier mentioned, only designated courts can decide and dispose of any case involving juveniles, be it a criminal offence or status offence once it is brought to court. This section highlights some examples of punishments or court orders imposed on the youth offenders. Aside courts, DSW keeps records of juvenile punishments. Unlike RMP, the DSW compiles statistics on offences committed by underage and young individuals whose age range is between 10 to below 21. The offences committed by them include criminal and status offences like running away from home, incorrigible conduct and so on.

Table 4 shows statistics of offences committed by youths based on gender over the period 2001-2007 compiled by DSW. The statistical records from both authorities show that youth offenders are steadily on the rise. Nonetheless, the figures for

9 Following the enactment of Child Act of 2001, juvenile court as it used to be known was renamed as court for children.

10 Open court refers to court where the trial is open to the public.

both male and female are higher in DSW than in RMP. The reason behind this disparity is due to the criminal and status offence cases involved and the rise of the age group from 18 to 21. Obviously, female offenders are very much higher and it is due to the fact that females tend to get involved in status offences than in criminal offences particularly, running away from home and incorrigible conduct.

Table 4: Juveniles involved in Crime by Gender, Malaysia, 2001-2007

Year	Male	Female	Total
2001	5041	141	5182
2002	5181	138	5319
2003	4819	179	4998
2004	5676	380	6056
2005	6687	514	7201
2006	5432	523	5955
2007	5726	554	6280

Source: Jabatan Kebajikan Masyarakat or Department of Social Welfare, Malaysia 2001 – 2007

Having thrown light to juvenile and youth involvement in criminal and status offences, this study will also examine the types of punishments imposed on youth offenders. Table 5 provides the different types of court orders¹¹ or punishment imposed on juvenile delinquents for the period 2006-2007. A juvenile or youth can be charged in (i) court for children and (ii) open court. If a juvenile or youth is arraigned for trial in an open court, he or she must have committed a serious criminal offence like; rape, drug trafficking and murder.

Court for children could impose different court orders on youth offenders from a simple one like admonish or discharge to a severe one like imprisonment. While in an open court, court orders could be in the form of bond on good behavior, fine imposition or confined in Henry Gurney School (HGS)¹² or imprisonment. In 2006, the most common court order imposed by the court for children is the execution of bond on good behavior, which registered 2,228 court orders for youth offenders. Subsequently followed by admonish and discharge with record of 583; issuance of fine accounted for 480 cases, send to Tunas Bakti School (TBS)¹³

11 Court order denotes judgment pronounced by the court on juveniles and youth offenders.

12 Henry Gurney School (HGS) is a rehabilitative school for male youth offenders only. The institution is administered by DP.

13 Tunas Bakti School (TBS) is a rehabilitative centre for both male and female youth offenders. This institution is administered by DSW.

reported 349 cases and imprisonment registered 121 cases. For the same year, court orders from open courts to youth offenders' shows 606 cases adjudicated with fines, 455 cases with imprisonment and 423 cases through execution of bond on good behavior.

Likewise in 2007, in the court for children, the execution of bond for good behavior recorded the highest among the 2,564 cases, followed by admonish and discharge with 571 cases, fines with 445 cases, TBS with 362, imprisonment involving 119 cases, and another 113 cases designated for HGS. For the same year, open court orders show 660 cases of youth resolved through execution of bond for good behavior, 550 fined, 420 adjudicated for imprisonment and 75 sent for rehabilitation at HGS. It is evident from the foregoing analysis that youth offenders are not spared from severe punishments imposed either by the court for children or open court as punishments are imposed commensurate on the offence, which takes the form of fines, whipping or/and imprisonment.

Table 5: Court Orders Imposed on Juvenile Delinquents, Malaysia, 2006-2007

Court Orders	2006			2007		
	Male	Female	Total	Male	Female	Total
Court for Children						
Admonish and discharge	517	66	583	534	37	571
Execution of bond on good behavior	2092	136	2228	2370	194	2564
A fit person order	34	1	35	20	16	36
Issuance of fine	438	42	480	415	30	445
Probation order	114	55	169	118	24	142
Sending the child to a approved school						
	278	71	349	287	75	362
-Tunas Bakti School (TBS)	91	5	96	106	7	113
-Henry Gurney School (HGS)						
Whipping	31	0	31	2	1	3
Imprisonment	112	9	121	100	19	119
Open Court						
Issuance of fine	573	33	606	520	30	550

Court Orders	2006			2007		
	Male	Female	Total	Male	Female	Total
Court for Children						
Imprisonment	446	9	455	392	28	420
Henry Gurney School (HGS)	31	2	33	72	3	75
Execution of bond on good behavior	386	37	423	621	39	660
Execution of bond on good behavior	386	37	423	621	39	660
Others	289	57	346	169	51	220
Total	5432	523	5955	5726	554	6280

Note: Data in blue columns complements analysis in table 6

Source: Department of Social Welfare or Jabatan Kebajikan Masyarakat, Malaysia 2006 – 2007.
 Available at: <http://www.jkm.gov.my/>

The following subsection analyzes the punishments imposed on youth offenders with regards to fine, whipping and imprisonment and that has been a basic principle where people who commit crime are sanctioned with punishments that are commensurate to their crimes. In Malaysia, juvenile or youth offenders are also subjected to punishments which are as severe as those of adult criminals. It could take several forms as offenders’ freedom may be curtailed through imprisonment in jails or sending them to TBS or HGS to undergo rehabilitation. In addition, whipping and fine are other alternatives. With regard to offences such as murder, drug trafficking and possession of firearms, all of which are of very high crime intensity and in such cases, offenders are punishable with capital punishments like death sentence¹⁴ and life imprisonment for youths above 18 years old.

Table 6 shows the types of punishments imposed on youth offenders over the period 2006-2007. On the one hand, the court for children imposed a total of 1,077 court orders on youth offenders, which ranged from the issuance of fines, and sending to TBS and HBS for whipping and imprisonment. On the other hand, the open court imposed 1,094 court orders of punishments like fines, rehabilitation stint at HGS and imprisonment. These figures show that 36.5% of the youth offenders were subjected to severe punishment (2,171 of 5,955) in 2006 with the share falling only slightly to 33.2% in 2007. On average, about one third of youth offenders were ‘punished’ by courts through fine, whipping, jail sentences and rehabilitation at TBS and HGS every year.

¹⁴ Under Malaysia child Act of 2001, a juvenile who is below 18years, cannot be imposed with a death sentence even if he or she commits an offence punishable with death sentence. Instead, he or she will serve a maximum sentence of life imprisonment subject to the pleasure of King.

Table 6: Punishment Types Imposed on Youth Offenders, Malaysia, 2006-2007

Court Orders	2006			2007			
	(I) Court for Children	Male	Female	Total	Male	Female	Total
Issuance of fine		438	42	480	415	30	445
Sending the child to an approved school							
-Tunas Bakti School (TBS)		278	71	349	287	75	362
-Henry Gurney School (HGS)		91	5	96	106	7	113
Whipping		31	0	31	2	1	3
Imprisonment		112	9	121	100	19	119
Total of (I)		950	127	1077	910	132	1042
(II) Open Court							
Issuance of fine		573	33	606	520	30	550
Imprisonment		446	9	455	392	28	420
Henry Gurney School (HGS)		31	2	33	72	3	75
Total of (II)		1050	44	1094	984	61	1045
Total of (I) + (II)				2171			2087
% of Total Court Orders				36.46%			33.23%

Source: Department of Social Welfare, Malaysia, or Jabatan Kebajikan Masyarakat 2006 – 2007

Conclusion

Juvenile or youth crime in Malaysia has gone unnoticed until the turn of millennium, which has become a critical issue. The time series data analysis on crimes committed by juveniles and youths shows a trend rise over the period 2002-09, a slight drop in 2011-2012 only for it to rise sharply in 2013. It is also alarming that youths in Malaysia are increasingly involving in violent crimes, such as murder, robbery, rape and secret society activities, particular over the period 2004-2013. Indeed, the share of violent crimes in total crimes rose from around 15% to around 30% in this period.

The gender breakdown of youth crime shows a strong skew towards males (97%) compared to females (3%). Particularly, youth crimes committed by Malays and Indians have continued to rise with the former accounting for 75-77% of the overall

crime index. Hence, while *Op. Cantas* has gone a long way to combat crime as the role of secret societies in crime have been derailed by police operations in the country, the alarming rise in violent crime in 2012-13 (albeit strong surveillance by the police explains the dramatic rise in 2013) suggests that more need to be done to protect the social fabric of Malaysian society. These developments suggest that efforts to ameliorate the problem may require a profound understanding of the socioeconomic causes of crime, especially when the punishments meted out to juveniles and youths have become as severe as those imposed on adults. The evidence also flies in the face of arguments that claim that certainty and severity of punishments will have adequate deterrent effects on crime. Further research is necessary to examine the severity of punishment contained in the Criminal Justice System (CJS) for youths and to delve further to find out if there are other mechanisms to combat crime among the youths.

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