



DEALING WITH JUVENILE DELINQUENCY: THE RELEVANCE OF ICELANDIC PREVENTION MODEL TO MALAYSIA

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Abstract:

Juvenile delinquency is a growing concern in Malaysia. Previous studies indicate that reactive and punitive approach to address the issue has proven insufficient in addressing the root causes of child offending. This study explores the potential relevance of the Icelandic Prevention Model (IPM); an internationally acclaimed community-based approach to deal with juvenile delinquency. This study analyses the gaps in Malaysia's current legislative approach to at-risk children and assesses the feasibility of adapting key components of the IPM into the Malaysian legal framework. This study employs a doctrinal research methodology by analysing statutory provisions and judicial interpretations as well as scholarly works written on the subject. It is supported by comparative analysis of the Icelandic and Malaysian laws on juvenile delinquency. Findings reveal that the success of IPM does not stem merely from imposing child's curfews, but from incorporating them within a broader legal and social ecosystem, featuring youth activity regulations, parental accountability, school involvement, and municipal coordination. The study concludes that while cultural and systemic differences exist, adapting key aspects of the IPM could provide a viable pathway for Malaysia to improve its juvenile justice system and reduce delinquency rates.

Keywords:

Juvenile Delinquency, Icelandic Prevention Model, Child Act 2001, Restorative Justice

Introduction

The juvenile delinquency rates in Malaysia shows a worrying trend. The Children Statistics 2024 indicates that between 2021 and 2023, while Malaysia experienced a gradual decline in the number of children involved in criminal activities, dropping from 3,457 cases in 2021 to 2,743 cases in 2023, the total numbers remain significantly high, indicating that juvenile delinquency continues to be a serious issue. Male children consistently made up the vast majority of offenders, accounting for over 90% of cases each year. While drug-related crimes and traffic offenses saw notable reductions by 2023, crimes against persons such as assault and physical violence, increased sharply from 486 cases in 2021 to 773 cases in 2023, making it the most prevalent category by the end of the period. This increase suggests a growing trend in interpersonal violence among youth, which is particularly concerning (Children Statistics, 2024). Besides, according to the Royal Malaysian Police (RMP), the number of sexual offences involving children increased by 26.5% in 2023, rising from 1,239 cases in 2022 to 1,567 cases. The majority of the cases were physical sexual assault cases which rose by 21.1% from 1,147 cases in 2022 to 1,389 cases in 2023 (Ibrahim, 2024). These statistics underscore a growing concern over juvenile delinquency and the urgent need for a stronger and more comprehensive preventive strategy to address the issue.

Malaysia's juvenile justice system is primarily governed by the Child Act 2001 (Act 611) and other statutes such as the Penal Code (Act 574) and the Criminal Procedure Code (Act 593) (Abd Razak, 2017). Under Child Act 2001, section 46 specifically covers "children beyond control" provision which allows parents or guardians to apply to the Court for Children to detain a child who is uncontrollable, unmanageable, and falls into bad association (Syed Nong et al., 2020). As far as children in conflict with the law is concerned, the Child Act 2001 also contains provisions regarding arrest, investigation, and criminal proceedings against children (Sidhu & Kamarudin, 2020). The current juvenile justice approach in Malaysia still largely relies on formal adjudication through the Court for Children (Mohd Mazlan & Mustaffa, 2023). These measures, while largely functional, often intervene only after delinquent behaviour has been manifested, offering limited space for early prevention (Greenwood, 2008). The punitive approach was also criticised for failing to address the root causes of delinquency and for not reducing the rates of recidivism among juvenile offenders (Bishop & Decker, 2006). While restorative justice has gained more popularity worldwide and in Malaysia, it has yet to be formally recognised under the Child Act 2001, making its implementation inconsistent and challenging (Randawar et al., 2025).

In contrast, the Icelandic Prevention Model (IPM) has acclaimed international recognition for its success in significantly eradicating youth substance abuse and juvenile delinquency (Koning et al., 2021a). The IPM is a brainchild of the Icelandic government, the Reykjavik City Council, a coalition of policymakers, administrators, elected representatives, and social scientists who convened to introduce innovative and collaborative strategy for reducing substance abuse and juvenile delinquency (Sigfusdottir et al., 2009). The IPM focuses on enhancing protective factors and diminishing risk factors within four key environments at local level: family, peer group, school, and extracurricular activities during leisure time (Kristjansson et al., 2020). Among the strategies implemented in Iceland include adolescent nighttime curfew, investment in structured leisure activities and increased parental engagement, which amplified the general trends in the decline of substance consumption among youths (Koning et al., 2021b). Since its implementation in the late 1990s, the percentage of 15- and 16-year-olds who reported being drunk dropped from 42% percent in 1998 to just 5% in 2016. Similarly, cannabis usage among

the same age group declined from 17% to 7% and daily cigarette smoking fell from 23% to 3% over the same period (Kristjansson et al., 2020). In 2019, the Malaysian government was reported to be seriously considering imposing children's curfew and adopting the IPM, in efforts to curb drug abuse and juvenile delinquency (Bernama, 2019). The Malaysian government also took note that the Iceland government had placed long term financial investment in implementing the IPM including developing recreational infrastructure, with the poor entitled to leisure cards with US\$330 (RM1,350) for each child annually to fund sports, music and drama classes. The curfew is mainly done by the parents and the society, with minimal involvement from the government (Chow, 2019).

This article explores the potential relevance and adaptability of the IPM within the Malaysian context. Through doctrinal and comparative legal analysis, it examines the gaps in Malaysia's current juvenile justice framework and evaluates how key elements of the IPM, such as structured youth engagement, parental accountability, and inter-agency collaboration, could be incorporated to foster a more preventive and rehabilitative juvenile justice system. This article also highlights the possible challenges to implement curfew laws and the IPM in Malaysia.

Literature Review

The Prevalence of Juvenile Delinquency in Malaysia

Juvenile delinquency remains a critical area of concern within Malaysia's social and legal landscape, drawing increasing attention from policymakers, researchers, and child welfare advocates. This section discusses literature written on juvenile delinquency in Malaysia, focusing on its prevalence, contributing factors, and the effectiveness of current legal and social interventions. The prevalence of juvenile delinquency, while showing signs of decline in recent years, remains a significant issue for lawmakers and law enforcement agencies. Mohideen et al. (2016) note that in recent years, children are not only involved in petty crimes, but also serious offences such as gangsterism, robberies, and recruiting new members of criminal groups. The rising trend of child involvement in property crimes such as theft, house breaking, and snatch theft and offences affecting human body such as causing hurt, rape, weapon possession, and robbery discloses the seriousness of juvenile delinquency problem in Malaysia (Hussin, 2007). Musa and Rais (2023) highlight that apart from the gradual increase of juvenile delinquency cases, police arrest statistics among adolescent and the number of young inmates in prisons and Henry Gurney schools are also worrying. While in certain years, the statistics show decline, Ahmad et al. (2024) cautioned of relying on data reported by law enforcement agencies such as the Royal Malaysian Police (RMP) as they may not account for crimes that go unreported or underreported.

Risk Factors for Delinquency

The risk factors for juvenile delinquency in Malaysia were addressed by various scholars. In Idris et al. (2022), the study among 28 students of juvenile institutions in Henry Gurney schools and Wira Bakti schools identified family breakdown, peer influence, school environment, technological influence, and societal environment as risk factors which lead them to engage in criminal behaviour. Abdul Aziz et al. (2023) in a study involving two probation officers identified family environment, poor academic performance, peer pressure and individual attributes as primary risk factors that contribute to juvenile delinquency. The informants state that most child offenders come from low-income household and where good parenting and discipline are lacking. As for academic achievement, a large majority of the child offenders did

not complete secondary education and disinterested in studies. Peer influence was also attributed to juvenile delinquency as these children felt the sense of belonging, perceived respect and status by engaging in group criminal activities. As for individual factors, the probation offenders found that majority of the child offenders have low consciousness on the consequences of their delinquent behaviour and tend to follow their emotion. On religious factor, Ramzy et al. (2021) in a study involving 107 secondary school students in Malaysia found an inverse relationship between religiosity and juvenile delinquency. The study highlighted the importance of religion in adjusting children's behaviour in ethics and social relationship. The study found that moderate level of religiosity contributed to the low level of delinquency among the respondents.

Current Approaches in Dealing with Delinquency and the Need for Diversion

From legal standpoint, previous literature also touches on the approaches in the Malaysian juvenile justice system in dealing with delinquency. Hussin (2011) observed that the formal justice system in Malaysia is still dominated by punitive justice approach is offender-centric and emphasises retribution against the offender. As far as children are concerned, Randawar et al. (2025) highlight that the Child Act 2001, especially through section 91, incorporates the element of restorative justice through several orders such as admonition and discharge, bond of good behaviour, community service order, and payment of compensation to the victim. However, there are critical issues in implementing restorative justice in Malaysia due to the predominantly retributive system, the lack of understanding among law enforcement officers on restorative justice, and the lack of involvement among community members. Yunus and Yajid (2014) highlight that the pre-trial processes including arrest, detention, and production of the children before the Court do not incorporate the element of restorative justice as the procedures are similar with adult offenders. The authors recommend statutory amendments to provide for diversion for delinquent children. Mohd Mazlan and Mustaffa (2023) underscore the compelling need to implement diversion to deal with juvenile delinquency issue in Malaysia by adopting the models in the United Kingdom and New Zealand. For minor offences, the authors recommend for dismissal by way of reprimand or warning. If the offence is repeated, the child may be referred to formal diversion measures such as minor fines, victim-offender mediation, counselling and vocational training programs, community service, and youth conferencing. Only in severe and serious cases, formal adjudication should be initiated. However, the study admits that extensive legislative changes are necessary especially in term of the procedural aspects to implement diversion in Malaysia.

Prevention of Juvenile Delinquency

As regards prevention of juvenile delinquency in Malaysia, there are several studies written on this subject. Ismail and Rahman (2012) recommends for religion and faith education programs in preventing aggressive behaviour amongst children. The authors submitted that incorporating religious elements in counselling, parenting, and school programs have the potential to prevent juvenile delinquency. Tai (2017) recommends for school-based after-school programs and extracurricular activities as the most cost-effective and easily accessible prevention approach. While these programs are already in place, their implementation manner can still be improved. Hassan and Abdullah (2019) explore the idea of children's curfew law as a delinquency prevention strategy. The authors referred to curfew models in the United States, Iceland, and Canada and acknowledged the reduction in juvenile cases in those jurisdictions after the curfew implementation. However, the authors also admitted the concern regarding the suitability of introducing children's curfew law in Malaysia, particularly on its compatibility with

fundamental liberties under the Federal Constitution and international human rights standards. Some modifications may be necessary to ensure effective implementation of the law in Malaysia. In Abdul Azis et al. (2014), the study on the views of legal practitioners, parents, and students found that majority of the informants agreed with the introduction of children's curfew law in Malaysia as a tool to deter juvenile delinquency problem. However, the law must be carefully drafted in response for a necessity, based on narrowly tailored elements, and contain provisions for exceptions. Concerns regarding infringement of fundamental liberties and evidential issues were also raised. More recently, Ikhsan et al. (2025) discusses the successes of children's curfew law in some jurisdictions in the US. As regards to freedom of movement of children, while the curfew law is seen as confining that right, the study argued that the legitimate exceptions that accompany the law such as being accompanied by a parent or legal guardian, traveling to or from work, participating in school, religious, or recreational activities, responding to emergencies, or engaging in street protests of public rallies aim to balance the needs and the rights of children. The article also highlighted that the constitutionality of children's curfew law was upheld by the American courts in numerous occasions.

Research Gaps from the Literature

While the above literature discusses on the prevalence of juvenile delinquency in Malaysia, the root causes of the problem, the current legislative response to juvenile delinquency in the form of punitive and restorative justice as well as the prevention strategies, the literature does not explore the adaptability of the IPM in Malaysia. Therefore, it is the primary objective of this paper to benchmark the current juvenile justice system with the preventive approach practiced in Iceland. This article highlights the components of the IPM which can be adopted in the Malaysian juvenile justice system, including curfew law, youth activity regulations, extracurricular programs, school-based activities, local council's coordination, and community engagement.

Methodology

This study employs a doctrinal legal research methodology to examine the problem concerning juvenile delinquency in Malaysia and the potentials of adopting the Icelandic Prevention Model (IPM) in the existing juvenile justice system. Analysis of statutory provisions (e.g. Federal Constitution, Child Act 2001, Child Protection Act 2002), case laws (Malaysia and Iceland), and international legal instruments (UN CRC and the Beijing Rules) are conducted in addition to international instruments (e.g. UN Convention on the Rights of Child 1989 and the UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)), and foreign model (specifically the IPM). The study reviewed relevant literature to support interpretation and analysis of the subject including books and academic journal articles, reports on the IPM and its success, published government data, commentaries, expert opinions, and law reform proposals. Based on the doctrinal analysis, the study provided structured legal and policy recommendations to strengthen the juvenile justice system in Malaysia and promote preventive strategies inspired by the IPM.

Findings and Discussion

Juvenile Delinquency Trend in Malaysia

Juvenile delinquency in Malaysia has been a persistent concern, with statistics showing a troubling trend. The Children Statistics 2024 indicated a general decline in numbers of children involved in crime:

Type of Offence	Year	Total	Male	Female
Total	2021	3457	3171	286
	2022	3013	2838	175
	2023	2743	2587	156
Crime relating to property	2021	418	402	16
	2022	320	303	17
	2023	491	462	29
Crime relating to human	2021	486	463	23
	2022	667	648	19
	2023	773	747	26
Minor Offences Act	2021	72	54	18
	2022	57	51	6
	2023	30	22	8
Violation of supervision terms	2021	3	3	0
	2022	1	1	0
	2023	4	4	0
Drug	2021	1052	916	136
	2022	772	704	68
	2023	497	457	40
Gambling	2021	144	118	26
	2022	118	95	23
	2023	121	92	29
Weapon/Firearms	2021	17	15	2
	2022	10	10	0
	2023	13	13	0
Traffic Offences	2021	799	790	9
	2022	829	817	12
	2023	682	678	4
Escape from approved school	2021	8	8	0
	2022	0	0	0
	2023	0	0	0
Others	2021	458	402	56
	2022	239	209	30
	2023	132	112	20

Table 1: Number Of Children Involved in Crimes 2021-2023 (Social Welfare Department, 2024)

Generally, there is a gradual decline in the total number of juvenile offences over the three years. Male offenders dominate across all years, amounting to 90% of the cases. As for property crimes, while they dropped in 2022, it then increased in 2023. Crime against persons show a

sharp increase every year. Drug offences show a significant drop while traffic offences record a high volume in all three years. Sexual offences involving children indicate a troubling trend. In 2023, the Royal Malaysia Police recorded a 26.5% rise in reported child sexual crime cases, increasing from 1,239 cases in 2022 to 1,567 cases. Among these, child pornography saw the most significant surge, with a 139.3% increase. This was followed by a 100% rise in child grooming cases and a 97.8% increase in non-physical sexual assaults involving children (Department of Statistics, 2024).

Recent media reports also point to prevalence of juvenile delinquency cases in Malaysia. According to the data from Selangor Royal Malaysian Police, in 2023, a total of 577 children aged 13 to 18 were involved in various criminal offences in Selangor. The most common offence was rioting, with 138 cases, followed by other thefts (109 cases) and causing injury (86 cases). Other reported crimes included rape (85), motorcycle theft (73), housebreaking (28), and even one case of murder (Tahir, 2024). In Perak, a total of 343 criminal cases involving children were reported from 2022 until June 19, 2024. 85 cases were related to drug offences, 84 cases of crimes against bodies, property crimes (76), traffic violations (56) and others (29). There were eight gambling cases, weapons or firearms (one), and Child Act's offenses (one). These cases include both children as victims and as perpetrators (Bernama, 2024). In Sabah, in 2022, the State recorded a total of 139 criminal cases involving children. Out of these, 104 cases were linked to indigenous children, with 100 involving boys and 4 involving girls. Drug-related offences were a major concern, with 772 cases reported: 704 involving boys and 68 involving girls. These figures were highlighted by the Sabah Women's Advisory Council as part of a broader concern over rising social issues among youth (Aziz, 2024).

The above figures collectively highlight that juvenile delinquency is not only widespread across states but also increasingly diverse in nature, ranging from physical violence to cyber-related crimes. Despite a general decline of reported cases of juvenile delinquency, there is growing evidence that the actual number is likely to be higher due to underreporting. There is a persistent issue concerning societal norms, cultural taboos, and fear of stigma for reporting cases to the authority. Many cases go unreported due to the belief that family matters should remain private, discouraging victims and witnesses from seeking help. Besides, lack of awareness about what constitutes abuse contributes to the problem, as some behaviours are normalised within communities. Institutional barriers, such as limited access to child protection services and mistrust in authorities, further hinder reporting (Abdullah et al., 2017). The discrepancy in reporting and actual cases may also be contributed by victims who felt they are too insignificant, parental dismissal, or offenses that happened behind closed doors (Solhi, 2024). For crimes that occurred in schools, police emphasised that minor infractions involving students often remain unreported and resolved internally by school authorities. Only when they escalated into serious crimes, they were reported to the police. This points to a culture of silence within educational institutions that allows juvenile crime to grow unchecked (The Star, 2024).

Root Causes of Juvenile Delinquency in Malaysia

The worrying trend of juvenile offenses in Malaysia has prompted scholars and policymakers to investigate the underlying causes contributing to this phenomenon. While the legal framework exists to address juvenile crime, understanding its root causes is essential for effective prevention and rehabilitation strategies (Howell, 2003). Without addressing the underlying factors of juvenile delinquency, legal interventions risk being reactive rather than

proactive, emphasizing on punishment instead of long-term behavioural change (Tarolla et al., 2002).

One of the most frequently cited risk factors is the breakdown of family structure and relationship. Poor parent-child relationship is viewed as an important predictor of juvenile delinquency. Lack of parental supervision, poor child-parent communication, low family attachment, commitment, and involvement seriously influence a child's behaviour (Tan et al., 2017). The inability of the family institution to function effectively is often linked to a range of challenges, including substance abuse among family members, incarceration, parental separation or divorce, mental and physical health issues, domestic violence, poverty, limited educational attainment, religious neglect, and inadequate parenting practices. These adverse conditions collectively hinder the creation of a stable and nurturing environment necessary for the healthy development of children, thereby increasing their vulnerability to delinquent behaviour (Zakaria et al., 2022). In *Public Prosecutor v SAK (The Child)* [2021] MLJU 1707, the child pleaded guilty to a charge of rape under section 375(g) of the Penal Code. The Court for Children considered the probation report which revealed that the child attended school only up to Form 2 and he started working to help his family as a security guard and selling metal scrap in which he earned RM1,400 a month. The Court emphasised that in this case, the child was left without the necessary control, guidance and proper discipline by the family. The neglect permitted him to decide what is best for himself before it is due for him to do so. The Court ultimately decided to send him to Henry Gurney School until he attains the age of 21 and the parents to visit him once a month. This case demonstrates that family factor is considered by the Court for Children in determining the appropriate order to make against a child in conflict with the law.

Another significant factor of juvenile delinquency is the influence of peer groups. Involvement with delinquent friends increase the risk of juvenile offending especially when the children lack strong familial relationship and supervision (Mallow, 2015). In a study involving five male delinquents, Yeng and Mohamad (2023) observed that peer influence affected children's decision to commit delinquency. Social activities the children engaged in with their peers such as loitering at night, driving motorcycles and joining in illegal street racings, taking drugs together, are indicators of how peer influence may contribute to delinquency. The peer circle that also commits the same delinquency also drives the children to emulate their peers' behaviour. In a study of 413 teenage students aged 13 to 17 in Selangor, Malaysia, Pung et al. (2015) found a significant correlation between peer delinquency with aggression among adolescents. Teenage is considered a transition period between childhood and adulthood where adolescent often seek social and emotional support from their peers instead of family members. Hence, close association with delinquent friends encouraged children to engage in criminal behaviour as they internalise the negative belief system and attitudes of their delinquent peers. In *Pendakwa Raya v Muhamad Amin Arif bin Muhamad Rizal* [2022] MLJU 907, the child pleaded guilty for rape of a victim aged 12 years and 11 months at the time of the offence. Based on the totality of the probation report, the Magistrate's Court concluded that the child was easily influenced by peers and improper social mingling between males and females which led to the immoral conduct. The child had stopped schooling in February 2021 and only re-registered in February 2022 on his mother's initiative, not due to his own willingness. To better discipline him, the Court ordered him to be sent to Sekolah Tunas Bakti for three years. This case displays court's consideration of peer influence factor which may lead to juvenile delinquency.

Besides, educational disengagement also plays a critical factor in juvenile delinquency in Malaysia. In a study among 101 juvenile offenders, 86 at-risk students and 92 low-risk students by Tan et al. (2019) discovered that negative school experiences such as alienation, low commitment to studies, and poor relationship with teachers and peers are strongly linked with behavioural, emotional and cognitive problems in adolescents and increase the likelihood of delinquent behaviour. Besides, poor academic performance was described as a factor that not only linked to lack of knowledge, but also to broader life outcomes. Adolescents with low academic performance are more likely to engage in delinquency, as it may affect their self-esteem and future prospects. Additionally, the study also noted a strong correlation between school dropout and delinquency. Teenagers who disengage from school are more likely to become involved in criminal activities. In PP lwn LAS (Kanak-kanak) & Yang Lain [2023] CLJU 2835, the child with two adults were charged under section 302 of the Penal Code for the murder of an Indian national. The court found all three of them guilty of murder but due to the minor's status, the court applied the Child Act 2001 in sentencing him. In paragraph 53 of the judgement, the High Court noted that the child had dropped out of school at the age of fifteen. This early school dropout was linked to a lack of parental supervision and exposure to negative influences such as alcohol and drugs. The court considered this background in determining a rehabilitative rather than purely punitive sentence, emphasizing the importance of early intervention and structured support for at-risk youth. Ultimately, by employing section 90(1)(h) and 91(1)(g) of the Child Act 2001 and taking into account the child's age (17 years and 16 months at the time of the offense), his background, and the seriousness of murder under section 302 of the Penal Code, he was sentenced to 20 years of imprisonment and seven strokes of the cane.

Socio-economic factors such as unemployment, illiteracy, population growth, poverty and economic instability are also linked to the prevalence of crimes (Paul et al., 2025). A study by Tai et al. (2018) on six young offenders between the age of 13 and 17 at Sekolah Tunas Bakti found that poverty was strongly related to children's delinquent character and behavioural development. All informants admitted that they came from low-income family, and they resorted to deviant behaviour such as extorting money from their schoolmates, stealing items from their friends, and beating up others to get money. Some of them came from single-mother's household which were jobless or did manual work for their survival. The informants also showed sad expression when they talked about their family's financial situation. Courts also considered socioeconomic factors before passing an appropriate order towards children in conflict with the law. In PP lwn. Mohamad Isqandar Marhaz Muhamad Zulkipli [2024] SMCU 239, the child pleaded guilty of the offense of rape under section 376(1) of the Penal Code. The child was ordered to be sent to Sekolah Tunas Bakti for three years and the parents to visit him once a month. The prosecution appealed against the sentence. The court considered the probation report which stated that the child was aggressive and unable to be controlled by the family. He was a school dropout and often leaves the house despite being prohibited and associates with peers who have a negative influence, including those involved in drug abuse and who frequently go in and out of prison. The environment and community where the child reside are also, in the Court's view, not conducive, making it easy for the child to be drawn into and influenced by negative elements. The court noted that the child's family lives in poverty. His mother is visually impaired and relies on Social Welfare Department's assistance of RM400 per month and social security benefits of RM645 per month. His stepsister, who works in a factory, contributes RM200 per month to the household. The child was not working and did not contribute to the family's income. His younger brother had dropped out of school at

Form 1 and was working as a cleaner to help support the family. The court considered the financial burden of requiring the family to travel monthly to Melaka if the child were placed in Henry Gurney school. Instead, he was placed in Sekolah Tunas Bakti, Taiping, which is closer to home, to maintain family ties and reduce travel costs.

The Existing Juvenile Justice System in Malaysia

The juvenile justice system in Malaysia is primarily governed by the Child Act 2001 (Act 611), which consolidated earlier laws to provide a more comprehensive legal framework for children in conflict with the law (Shariff, 2018). The Act established a Court for Children (previously Juvenile Court) to hear cases involving children apart from cases involving death penalty. Several safeguards are accorded under Child Act 2001 in term of arrest, bail, and detention of children in conflict with the law. For instance, section 83A(1) stipulates that a child shall not be handcuffed unless a child is arrested for a grave crime or when he forcibly resists arrest or attempts to evade arrest. Section 83A(2) requires the arresting officer to inform the grounds of arrest as soon as maybe. Before commencing any questioning from the child, the police officer must communicate with the child's parent, guardian, or relative of his whereabouts, the grounds of arrest, and his right to legal representation. Although not mandatory, section 83A(3) gives the discretion to the police officer to allow the probation officer and the child's parent or guardian to be present at the place where he is detained to ensure his welfare. As regards to bail, section 84(1) obligates the child to be brought before a Court for Children to request for remand order. Under section 84(3), unless the charge is murder or other grave crime, it is for the best interests of the child to be detained to remove him from association with any undesirable person, or the Court has reason to believe his release would defeat justice, the Court shall release the child on a bond, with or without sureties. Another safeguard is provided under section 85 where child detainees must be separated from adults in police lockups, places of detention and the courts.

While the Child Act 2001 stipulates several safeguards in the pre-trial process for children, concerns remain regarding ill-treatment, oppression, or the use of force by police officers during investigations to obtain confessions. Similar interrogation techniques are often used on children as those used on adult detainees, despite children's diminished developmental capacities and psychological maturity. This has, in many cases, led to trauma and emotional harm to the children involved (Ahmad et al., 2018). Seong (2015) highlighted that despite Malaysia's accession to the UN Convention on the Rights of the Child (CRC) and expression provisions enshrined under the Child Act 2001, children still face arbitrary arrest, torture, and ill-treatment during police investigation. The findings from the research show that the non-compliance with the UN CRC's standards and the Child Act 2001 are contributed by several factors such as improperly trained police personnel, shortage of manpower, logistics problems, and lack of clarity in the Inspector General of Police's Administrative Directives in dealing with children. In term of facilities, in certain police stations, they are still lacking as there is no separate child lockup established. The lockup sizes are small and up to 25 people are held in one cell, where basic sleeping accommodation are not provided. In term of contacting probation officers, police officers admitted that they found it difficult to locate probation officers after hours. Notification to probation officers is sometimes delayed and does not happen immediately at the time of arrest and that there are sometimes difficulties with the timely transmission of charge sheets and investigation papers. The issue of lack of knowledge and awareness of some police officers with the provisions of the Child Act 2001 is also worrying. Many of the parents and children who participated in the group discussions raised

concerns about the lack of timely notice to parents when a child is arrested (Ministry of Women, Family and Community Development & UNICEF Malaysia, 2013).

As regards the trial processes in the Court for Children, there are several safeguards placed under the Child Act 2001. Under section 88, the parent or guardian of the child in conflict with the law is required to attend the trial. Failure to do so is an offence punishable with fines up to RM5,000, imprisonment up to two years or both. The procedures in the Court for Children are stipulated under section 90. In summary, the Court has a duty to explain the charge to the child in simple language suitable to his age, maturity, and understanding. The child will then be asked to make a plea, admitting the facts constituting the offence or claim trial. If the child is not legally represented, the guardian or relative shall be allowed to assist him in conducting his defence. The element of probation report is also critical in cases involving children. Section 90(12) makes it mandatory for the Court for Children to direct a probation officer to prepare a probation report before it passes a decision. It must be prepared within 30 days and shall contain information such as the child's general conduct, home surroundings, school record and medical history. Pending the preparation of the report, the child may be released on bail or remanded in a place of detention. Section 90(17) also requires the Court to consider the opinions of the two advisers before imposing orders to the child. While the above provisions aim to protect the welfare of children during trial process, their implementation still leaves much to be desired. First of all, the Child Act 2001 does not expressly require the court to appoint legal representation if a child is unrepresented. There is no statutory duty under Act 611 to provide a lawyer for every child at trial in Court for Children. This omission is particularly concerning given Malaysia's obligations under Article 40 of the CRC, which guarantees the right of every child accused of a crime to have legal or other appropriate assistance in the preparation and presentation of their defence. Secondly, there is no special provision to expedite probation report for a child who is under remand detention. In a study by the Ministry of Women, Family and Community Development and UNICEF Malaysia (2013), it was found that many Magistrates and probation officers took their own initiatives to expedite proceedings for children on remand. Other challenges as regards probation reports include insufficient time to prepare reports especially in areas with high juvenile caseloads, staff shortage, difficulties in contacting parents and delays caused when parents miss appointments or are not at home during the designated time for a home visit.

If the Court for Children is satisfied that an offence has been proved against the child, section 91 of the Child Act 2001 enumerates the orders that the Court may make. In passing the appropriate sentence against children, the Court needs to balance the aims of sentencing for deterrence and the rehabilitation of the child offenders (Samuri & Awal, 2009). The orders include admonition and discharge; bond of good behaviour; order to be cared by a relative or fit person; fines, compensation or costs; community service order; probation order; order for the child to be sent to an approved school or Henry Gurney school; or imprisonment for a child aged fourteen years and above. The orders under section 91 reflect both sentencing aims for deterrence and rehabilitation. While orders such as fines, bond of good behaviour, detention in Henry Gurney school, and imprisonment may be described as preventive and deterrent in nature; admonition, the community service order, probation order, and placement at approved school, may be described as rehabilitative in nature (Samuri & Awal, 2015). It must be highlighted that restorative justice has yet to be formally recognised under the Child Act 2001 and there is no provision on diversion programs under the Act (Abdullah & Ferdousi, 2024). Besides, there is also judicial tendency to apply punitive justice in cases involving serious and

rampant crimes. For instance, in *Veerian a/l T. Latchmanen v PP* [2001] MLJU 499, the High Court of Taiping observed that most crimes committed by juvenile offenders in the 1950s to 1970s were petty offences out of mischief or poverty. However, juvenile crimes have worsened, and some young persons were involved in drug trafficking and crimes of violence. The Court observed that the “authorities should not fall into this trap or hoodwinked. The Court must show its abhorrence, and this could only be shown by reflecting on the sentence imposed by the Court.” The Court affirmed the custodial sentence against the accused, who was found guilty of robbery and causing hurt. Other issues to implement restorative justice in Malaysia include victim’s unwillingness to participate in the process, the offender-centric justice system, social stigma against child offenders, as well as the caution by law enforcement officers to implement diversion programs (Randawar et al., 2025).

The above problems in the pre-trial process, trial procedures, and sentences against children in conflict with the law highlight the weaknesses of the current approach in dealing with juvenile delinquency in Malaysia. These include the lack of mandatory legal representation, the use of adult-style interrogation techniques, and the inconsistent application of diversion and rehabilitation measures. Together, these issues reflect a justice system that, while legally structured to protect children, often fails to do so in practice. To address these challenges, Malaysia could benefit from adapting elements of the Icelandic Prevention Model (IPM) which focuses on early intervention of crimes and community-based measures.

Key Features of Icelandic Prevention Model and Its Adaptability in Malaysia

The Icelandic Prevention Model (IPM) was introduced as a response of a noticeable rise in adolescent substance misuse between the 1900s to early 2000s. Despite its relatively small population of just over 300,000 people, Iceland experienced a gradual increase in youth substance abuse (Sigfúsdóttir et al., 2009). With collaboration and financial support from the Icelandic government and the Reykjavik City Council, a coalition of policymakers, administrators, elected representatives, and social scientists convened to brainstorm innovative strategies for instigating a novel, grassroots collaborative strategy for preventing substance abuse, which introduced the IPM (Sigfúsdóttir et al., 2009). The model emphasises on preventing youth delinquency and substance abuse by strengthening protective factors and reducing risk factors in the environment. It focuses on early intervention, structured leisure time, strong family and school engagement, and community collaboration (Kristjánsson et al., 2020).

The IPM is deeply rooted in developmental and ecological theories that emphasise the interaction between individual, family, school, peer, and community environments. The ecological systems theory emphasises that child development is influenced by nested systems from the microsystem of family and school to the macrosystem of policy and culture (Bronfenbrenner, 1979). Early intervention of juvenile delinquency requires a focus on identification and detection of risk factors such as weak parental supervision, academic failure, and delinquent peer association, while enhancing protective factors like school engagement, supportive parenting, and pro-social peer networks (Farrington & Welsh, 2007). The IPM represents a practical embodiment of prevention theory and ecological theory by incorporating community engagement, parental involvement, structured leisure activities, and data-driven policy design (Kristjánsson et al., 2020).

The main feature of the IPM is “community-based collaboration”. It places a strong emphasis on collaborative partnership between schools, families, local government, and local organizations. Rather than treating juvenile delinquency and substance abuse as an individual issue, the IPM mobilises the entire community to develop and implement early intervention strategies. These multi-level collaborations create a unified front that reinforces consistent norms and behaviours across all environments the child interacts with. In addition to traditional activities such as attending meetings and participating in teacher-parents’ consultations, new activities were introduced such as “parental prowling” in the neighbourhood. It is a community-based initiative where parents walk around their neighbourhoods together on Friday and Saturday evenings. This activity helps strengthen social bonds among parents, enhances their awareness of local youth behaviour, and fosters a sense of shared responsibility. It also builds neighbourhood social capital, making adolescents more aware of the supportive adult presence around them and reinforcing mutual commitment to family and community values (Sigfúsdóttir et al., 2009). In Malaysia, despite the existence of Rukun Tetangga (neighbourhood watch), the scope of its programs focuses on gotong royong (e.g. cleaning neighbourhood and repairing public facilities), festival celebration, educational programs, sporting events, and communal aids (Ahmad Sabri, 2017). Lack of involvement among the youths has led to 934 Rukun Tetangga in Malaysia are flagged by the Ministry of National Unity as inactive (Bernama, 2022). Therefore, a multi-level collaboration as practiced in Iceland is needed to empower Rukun Tetangga’s functions in Malaysia particularly in assisting the authority to conduct neighbourhood patrols.

Children’s curfew law is another fundamental component of the IPM. Article 92 of the Iceland’s Child Protection Act No. 80/2002 provides that children aged twelve and below are not allowed to be outdoors after 8.00 p.m. unless accompanied by adults. For children aged between thirteen and sixteen, they must be indoors by 10.00 p.m. unless they are on their way home from a recognised event organised by a school, sports organisation or youth club. During the period 1 May to 1 September, children may be out of doors for two hours longer. Article 94 stipulates that it is duty of the parents and guardians to monitor children’s compliance with the curfews. In Iceland, curfew violation is not regarded as a criminal offense, but rather it is regarded as a child protection issue. If a child is found violating curfew, police may escort him home or notify the parents. Repeated violations may lead to intervention by child protection committees, which could involve counselling for the child and family, monitoring or support services or in rare cases, more formal protective measures such as supervised visitation or living arrangement, sending the child to foster care or institutional placement (Wilson et al., 2016). The primary goal is to safeguard children’s well-being, reduce exposure to risky behaviours like substance use, and promote family and community involvement. In cases of multiple instances of violations of the curfew, social services may intervene and provide support or counselling to help parents improve their ability to supervise their children. In more serious cases, parents could face legal action [Articles 24 and 25 of the Child Protection Act]. If a child repeatedly violates curfew, it may indicate neglect or lack of supervision. Under Article 12 of the Act, child protection committees are required to investigate situations where a child’s health or development may be at risk due to inadequate parental care (Enviroliteracy team, 2025). Curfew law in Iceland is enforced at national level and has been attributed to the reduction of exposure of children to risky environment at night (Koning et al., 2021a). In Malaysia, to date, there is no general children’s curfew law in place (Ikhsan et al., 2025). Curfew mechanism is only provided as a condition for probation order under section

98(4)(c)(iii) of the Child Act 2001 which is applicable only to children in conflict of the law upon proof of an offence.

There are concerns over implementing children's curfew law in Malaysia such as a potential constitutional challenge due to restriction of freedom of movement (Ikhsan et al., 2025); potential breach of Article 31 of the UN CRC which guarantees children's right to rest and leisure, and to participate fully in cultural and artistic life (Hassan & Abdullah, 2019); and the concern over indiscriminately criminalising "status offences" as crimes do not only occur at night and may also occur at home (Pillai, 2018). Apart from that, there is also concern due to lack of parental supervision for parents who hold multiple jobs and are not at home to monitor children. Besides, some children may also engage in beneficial activities at night such as religious programs, tuition classes or sporting events (Annuar, 2019). While nationwide implementation may be unsuitable as a start, this study supports pilot project for curfew implementation in certain "hotspot" areas where juvenile cases are rampant before it is expanded to other areas in the future. This targeted approach allows for a controlled evaluation of the curfew's effectiveness in reducing youth-related incidents such as delinquency, substance abuse, and victimisation. By focusing on high-risk zones, policymakers can gather localised data, assess community response, and refine enforcement strategies without overextending resources. Moreover, a pilot program enables collaboration with local stakeholders such as schools, parents, law enforcement, and child protection services, to ensure the curfew is implemented in a way that respects children's rights, particularly those outlined in Articles 31 and 32 of the UN CRC. These include the right to leisure and protection from harmful labour, which must be balanced with public safety concerns. If successful, the pilot can serve as a model for broader implementation, supported by evidence-based adjustments and community feedback. This phased strategy aligns with international best practices, such as those seen in Iceland's child protection framework, where curfews are part of a holistic prevention model rather than a punitive measure.

"Provision of leisure facilities and "structured leisure time" are also key elements of the IPM. Structured leisure activities such as sports, music, arts and youth clubs provide a positive, supervised setting for adolescents, reducing the time spent in unsupervised or high-risk environments. The IPM strategically increases access to such activities through municipal support and public investment. One of the standout policies is the leisure card system, in which municipalities like Reykjavík provide every child aged 6–18 with an annual allowance (equivalent to approximately €400/ RM1,989) to participate in extracurricular programs of their choice (WHO, 2022). According to Kristjánsson et al. (2020), youth who frequently engage in organised leisure activities are less likely to report substance use, truancy, or behavioural problems. These findings support the view that meaningful and engaging activities can serve as protective factors in adolescent development. Iceland's government allocates a notably high share of national resources to culture, sports, and recreation, about 3.2 percent of GDP, far surpassing the European average of approximately 1 percent. This broad investment underpins public leisure infrastructure, youth clubs, and cultural activities that promote inclusion and health across socioeconomic lines. Spending on culture, recreation, and after-school activities is credited as a key factor in Iceland's sharp decline in teen substance abuse. As of 2016, only 5% of 15–16-year-olds reported being drunk in the past month, 7% had tried cannabis, and just 3% smoked, making Iceland's teens among the cleanest-living in Europe. (Iceland Insider, 2023). To ensure year-round access, especially in a cold climate, Iceland built thirteen indoor "football houses", allowing children to train year-round despite the cold

climate. These full-sized facilities enabled increased participation in organised sports at all levels. Besides, local councils, Icelandic sports clubs, and the Football Federation (KSÍ) invested in approximately 150–200 artificial turf pitches, many with heating systems, adjacent to schools and community areas. These pitches are used constantly by youths during and after school hours (Walker, 2017). In Malaysia, lack of recreational activities is seen as the key challenge to implement the IPM. According to the Department of Statistics, Malaysia, as of 2018, there were over 10 million Malaysians who were under 18 but there are only 188 public parks in the whole country. The rest 6,024 are mere playgrounds (New Straits Times, 2019). It has been admitted by the Women, Family and Community Development Ministry that overcrowded housing areas led teenagers to go out for recreation but there is a lack of recreational areas. The government's ability to provide sufficient recreational facilities is also debatable (Chow, 2019). Therefore, a solid support system in term of provision and maintenance of recreational facilities is vital to support children's engagement in positive activities and divert them from juvenile delinquency.

The “data-driven” approach is also one of the core pillars of the IPM. This ensures that youth substance use prevention is not based on assumptions or general trends but instead grounded in locally specific, regularly collected, and systematically analysed data (Halsall et al., 2025). Annual Youth Surveys are conducted where the local municipalities assess substance use (e.g. alcohol, tobacco, cannabis etc.), risk factors (e.g. peer influence, parental monitoring, leisure time, school engagement), protective factors (e.g., time with parents, organised activities, support systems), and health, mental well-being, and social behaviour (Kristjansson et al., 2016). The data are analysed locally and shared with schools, parents, youth workers and municipal councils to enable immediate identification of emerging trends, tailoring of prevention strategies to local needs, and adjustment of policy or resource allocation (e.g., increasing youth programs in areas with high-risk indicators) (Kristjansson et al., 2016). In Malaysia, child welfare statistics are primarily collected by the Department of Social Welfare (JKM) while juvenile crime statistics are reported by the Royal Malaysian Police (RMP). While the data according to States and districts are available, it is made for the purpose of reporting, not for structured and targeted community-level prevention planning. Understanding patterns of juvenile offending in Malaysia is challenging due to incomplete data collection and inconsistencies among the various reporting agencies. Moreover, fluctuations in child crime statistics may not accurately represent actual changes in offending behaviour but rather reflect variations in law enforcement practices or data recording methods (Ministry of Women, Family and Community Development & UNICEF Malaysia, 2013). In the absence of comprehensive official statistics, national media coverage partially fills the gap; however, such reports are often anecdotal and offer only a limited picture of the prevalence of children in conflict with the law (Andrews, 2018). In Malaysia, policies are often developed centrally, and their implementation is largely through federal agencies. There is limited provision for diversion or locally tailored programs (Zainudin, 2020). Therefore, it is suggested that data compilation as regards juvenile delinquency are conducted at local levels and the results are shared among local communities and local level authorities to enable them to tailor suitable strategies to curb juvenile delinquency that are sensitive to local needs and environments.

Challenges in Adapting IPM in Malaysia

The main hurdle in adopting the IPM in Malaysia lies in the cultural and religious considerations. Iceland, where the IPM originated, is largely homogenous and secular with lesser religious constraints when it comes to policymaking (Gunnarson, 2017). Meanwhile,

Malaysia is a multi-religious State with predominantly Muslim population and Islam is recognised under Article 3 of the Federal Constitution as the official religion of the State (Harding, 2012). Strong religious and moral norms are embedded in social life and public policy in Malaysia. While there are Malay-Muslim norms, other religious communities also have different sets of beliefs (Min & Jianjun, 2024). Thus, policies that may be perceived to conflict with religious or moral standards may be resisted by the society. For instance, the Ministry of Health admitted that the government cannot openly promote condom use to prevent the spread of sexually transmitted diseases as it may be misinterpreted as advocating promiscuity and free sex (KFF Health News, 2007). Besides, resistance among religious groups is also seen as a barrier for the implementation of sexuality education in Malaysia (Khalaf et al., 2014). The religious and cultural attitudes towards alcohol and drug use as well as sexual behaviour among teenagers may be seen as sensitive therefore collecting those data through school surveys may be challenging.

The second challenge to implement the IPM in Malaysia is in terms of family structure and community relations. There is generally a strong community participation in Iceland, but with relatively high levels of trust in institutions and lower levels of extended family control (Landemore, 2020). As for Malaysia, it has more extended family influence, hierarchical respect towards elders, and more collectivist social norms (Sumari et al., 2020). Thus, children might be less willing to self-report risk behaviours in surveys due to fear of bringing shame to family, pre-judgment, punishment or negative consequences, and lack of trust in the confidentiality (Langhinrichsen-Rohling et al., 2006). Apart from that, Iceland is largely ethnically homogenous with shared faith, language and culture. This makes it easier to apply national policy uniformly (Cole, 2011). In comparison, Malaysia is ethnically diverse in nature with Malay, Chinese, Indian, native, and indigenous groups co-exist but subscribe to different norms and ways of life (Cheu, 2020). The regional development disparity between West and East Malaysia is also an essential factor to consider ensuring that data collection instruments must be tailored to different groups in the Malaysian society.

Institutional capacity and governance are other barriers to a successful implementation of IPM in Malaysia. Iceland has a strong welfare State culture, well-funded local government, long-term commitment, and less bureaucratic complexity (Hansdottir, 2025). In contrast, Malaysia has varied institutional capacity across regions and district, which may directly impact the implementation of IPM. Rural and remote areas face persistent constraints in terms of limited infrastructure, shortage of trained personnel and weaker enforcement mechanism compared to metropolitan areas (Zainul Ekhwan et al., 2025). Imbalance in funding allocation between Federal and State governments also lead to fragmented implementation and inconsistent delivery of social and legal safeguards across different jurisdictions (Oswald, 2017). This unevenness poses a significant challenge to replicate a nationwide and comprehensive model like IPM that relies heavily on local government's efforts. As regards to legal constraints, while pilot diversion program has started since 2019 and shows success with 18 cases handled under the project, the ecosystem needs to be improved before it can be widened nationwide (Aziz, 2024). The formal juvenile justice system still very much involves the court process instead of out of court diversion program (Mustaffa, 2016). The inclination toward formal adjudication especially for children who commit serious offences is also commonplace (Randawar et al., 2025). Therefore, in adopting IPM, special consideration needs to be directed on the mismatch between preventive approach and public expectations and the challenges aligning law

enforcement, judiciary, and community expectations to support restorative justice rather than the long tradition of punitive measures.

Conclusion and Recommendations

The persistent challenge of juvenile delinquency in Malaysia calls for a shift from formal adjudication which is punitive in nature to more holistic preventive strategies. Issues faced by the current juvenile justice system during pre-trial and trial processes as well as sentences against child offenders require a move towards a child-centric system that is rehabilitative in nature. The element of restorative justice, while implicitly embedded in the system, lacks formal recognition via legislative amendment. The IPM which places a strong emphasis on emphasis on community engagement, youth empowerment, curfew law, recreational facilities, and evidence-based interventions, offers a compelling framework for reform in Malaysia. While Malaysia's centralised policy structure and reliance on federal agencies may limit local innovation, adapting key elements of the IPM, such as strengthening family bonds, promoting extracurricular participation, and fostering school-community collaboration, could significantly enhance youth well-being and reduce delinquency. For meaningful change, Malaysia must consider decentralising certain aspects of youth policy implementation, enabling localised, culturally sensitive adaptations of successful international models like the IPM.

Besides, allocating dedicated funding streams for local governments, schools, and NGOs to implement tailored interventions is also necessary. Without adequate financial backing, even the most well-designed policies risk falling short. Integrating the IPM into Malaysia's juvenile justice strategy must be accompanied by a robust funding mechanism to ensure its effectiveness and sustainability. For instance, schools should be empowered to expand extracurricular activities, sports, and arts programmes which require sufficient investment from the government. Furthermore, this study also proposes for pilot programmes that incorporate IPM elements to be conducted in selected municipalities, both in urban and rural areas, to test localised adaptations of the IPM. These pilot programmes must engage with school authorities, community, religious and cultural leaders, to ensure preventive strategies are culturally resonant and to reduce stigma associated with discussing risk behaviours. Besides, since data-driven approach is an essential component in the IPM, this study suggests that investment in data infrastructure is critical to collect and analyse localised youth surveys. Cooperation with universities and NGOs is needed to spearhead this data-driven approach.

Legal reform is also pertinent to adopt the element of IPM. Diversion programs need to be formally mandated in the Child Act 2001. Sentencing guidelines for cases involving children in conflict with the law needs to prioritise community-based order instead of institutionalisation of children. Policies need to be adjusted to allow flexibility in interventions, guarantee the confidentiality in youth surveys, and protect rights of children involved. In addition to that, public education campaigns can support IPM implementation. Through these awareness programs, the preventive approaches can be explained to the public. Success stories, media, and data can be used to shift public perceptions from punitive to preventive frameworks. Furthermore, professionals who handle children such as social workers, police, teachers, probation officers, prosecutors, and judges need to be trained on IPM principles, preventive and restorative justice, as well as trauma-informed care. Clear professional roles and responsibilities need to be developed so that each actor knows what to do in data collection, intervention delivery, and evaluation of juvenile delinquency cases.

In conclusion, while the IPM has the potential to improve Malaysia's child protection system, its success depends on sensitive adaptation to local cultural, religious, and systemic realities. By grounding interventions in ecological and restorative justice frameworks, engaging diverse stakeholders, and strengthening policy infrastructure, Malaysia can gradually develop a prevention-oriented juvenile justice system that balances cultural sensitivities with evidence-based practice.

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